



Land Use Committee Report

City of Newton

In City Council

Tuesday, June 14, 2022

Present: Councilors Lipof (Chair), Kelley, Bowman, Downs, Greenberg, Markiewicz, Laredo and Lucas

Also Present: Councilors Albright and Wright

City Staff Present: Senior Planner Michael Gleba, Chief Planner Katie Whewell Assistant City Solicitor Jonah Temple, Transportation Planning Director Nicole Freedman

All Special Permit Plans, Plan Memoranda and Application Materials can be found at the following link <https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-1058>.

Presentations for each project can be found at the end of this report.

The Committee reviewed the request for a consistency ruling relative to the Special Permit Council Order #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.

Note: Nicole Freedman, Director of Transportation Planning, presented the request for a consistency ruling relative to Special Permit #96-17 for a Mixed Use Development at Washington Place (TRIO). Ms. Freedman was joined by Mr. Damian Chaviano of Mark Development in responses to councilor questioning.

Ms. Freedman noted that Condition #8 of the Special Permit required the petitioner to implement a Transportation Demand Management plan. One element of the TDM plan was a \$300,000 transit subsidy program, shown in the attached presentation. Under this subsidy program, TRIO residents would be reimbursed for transit subsidies, including MBTA, commuter rail, subway, buses, rideshare and bikeshare programs.

Ms. Freedman noted that currently only \$3898 of the \$300K subsidy fund has been used for 24 transit passes.

In keeping with the spirit of the subsidy program, the petitioner proposes to repurpose some of the funding to be utilized as follows:

- +/- \$75K for transit reimbursements to be expanded to include employees of TRIO commercial tenants

- +/- \$75K to reimburse TRIO residents and employees for usage of the NewMo rideshare program
- Remaining funds +/- \$150K repurposed to promote further NewMo usage as well as bike sharing.

Ms. Freedman indicated the Planning Department is supportive of the proposal. Reasoning: (1) TDM funds will continue to be used for public transit as required by Condition #8, (2) the funds will help subsidize employee retention on the property, and (3) Newtonville residents are significant beneficiaries of NewMo rides.

The NewMo service has the additional benefits of being provided in low-emissions vehicles and help reduce single-occupancy vehicle trips.

Ms. Freedman emphasized that other elements of the TDM plan are not changing and have been successful elements (charging market rates for parking and decoupling parking for residents from the unit costs, spaces for carshare, EV chargers, bike storage, etc...).

Ms. Freedman noted that the goal is to spend the \$300K funds, which are currently not being utilized.

Councilor Questions and Comments

Q: Has a TDM coordinator been hired by the developer? Are they full time or do they have other responsibilities as well?

A: A TRIO assistant general manager serves as the TDM coordinator. It is not a full-time position.

Q: Has there been a meeting annually with the City? Was a survey done, as set forth in the order?

A: Yes, the coordinator has met with the City. The survey is in process. We are required to have a bi annual meeting every 2 years along with a survey of the residents and employees. The survey is a work in progress now and can be improved upon.

Q: So did you do a survey of the residents or not?

A: We did not complete the residential component yet.

Q: This was to be done every two years. When did Mark Development start occupying building one?

A: October of 2020. So we have until October of this year to complete that.

Q: Are you on track to complete the survey by October?

A: Yes, we are.

Q: What was the marketing program that you used to get residents to use commuter rail and bus because that's really the only two public transit options there.

A: We have a prepared packaged that is part of every lease application that is executed. We walk residents the offering as part of their rental opportunity. We've done marketing throughout the building, including posting signage. We have also done direct mailers. As new transit modes/concepts have become available, such as NewMo, we directly email our residency base, so they're aware of what the offerings are.

Q: The whole idea of the transit sub transit subsidies was to limit cars going to the site. Wouldn't the use of NewMo involve having a car come to the site to pick you up and drive you to your destination?

A: NewMo does use vehicles, but they're shared trips. In addition, almost just about a third of the trips for our non-seniors are to and from public transit. So NewMo helps with that first mile / last mile.

Q: Can you explain the last bullet in the memo? It says remaining funds +/- \$150K would be repurposed to promote further NewMo usage. Is that advertising?

A: No would be used to support the operations.

Q: If this is not passed tonight, and doesn't pass the city council, what happens to the \$300K funds that are just sitting there for the transit passes?

A: We would continue to work under the previously approved plan of the Council Order and continue to try to use those funds as laid out. I do believe there's a sunset provision after a period of time but I think it's a ways out.

Q: Do you happen to know how many retirees you have in in the project? Or downsizers?

A: I know that roughly 55% are empty nesters, I don't know how many of those are retired; I can try to find that dataset.

Q: If somebody wanted to use the green line, to take NewMo to Newton Centre, for example, to go somewhere on the Green Line, would that be an acceptable use of the transit pass?

A: Yes, they can use transit passes for the Green Line. They can use transit passes for rideshare in NewMo; it is public transit.

Q: What percentage of NewMo rides are single occupancy?

A: I don't have that number. Because oftentimes, you'll be on a ride, someone will come into the vehicle, someone will leave the vehicle.

Q: If the money isn't used, when does it just disappear/go away if it's not used?

A: I thought it was five years, Mr. Chair, but I can confirm that as you continue deliberations.

Some Councilors expressed disappointment that the \$300K subsidy did not work out as planned. Can we find a way to look at this money and not rule out the availability of transit passes in the future?

The understanding is that a significant portion of the residents would use public transit. That has clearly not been borne out. It has implications collectively for the Council for future projects.

It was noted that the Committee has voted on multiple projects where developers have been asked to put some of their TDM money towards toward Blue Bikes and NewMo and haven't had to tie it to being specifically adjacent to their product, but in support of the entire system. Supporting this system means the whole system benefits.

If the \$300K is not being used to reimburse the residents, then utilizing it to subsidize employees of the commercial businesses at the property, which also helps the businesses, is repurposing it the best way possible. The funds should be used; we don't want them to sit there.

A Committee member reminded councilors that the Committee doesn't want the money to go away if we if it is not used. To find ways to spread it around is a more active way to put it to use right now. It should be recognized transportation is connected throughout the whole city.

It was noted that perhaps some residents are receiving subsidized transit passes from their employers. That's one possibility why they're not seeking transit reimbursement from the TRIO subsidy

Other Councilors were supportive of repurposing of these funds to optimize the TDM. We can learn from this experience and next time we have a big project that we can optimize their TPM when it comes before us.

This alternative repurposing of the \$300K subsidy is a great opportunity to support people continuing to live without a car, making it a little easier and a little cheaper for them to take NewMo, and keeping that transit substitute for the people that we know would actually drive or need to drive there, which would be the employees.

A Committee member noted that the Council/Committee there is a large mix of residents at TRIO that are living without a car to begin with. That is a plus.

Since this program started, a large portion of the population has been working from home. There's a lot of extraneous facts here; we have more to learn, and more to study.

Councilors expressed concern about monies being used potentially used outside of the Newtonville area. Perhaps some of the monies can be preserved for who might want transit passes, six months or a year from now.

Mr. Chaviano noted that the petitioner was proposing to continue to hold \$75,000 for that exact purpose.

I think this idea about like making it really clear that NewMo could be a great piece of that last mile and could take people to the Green Line is an excellent idea.

Councilors were supportive of the modifications. It was noted that changing the angle of the addition allows better access to light during the day, and the possibility of adding recreation space on the roof is appealing. The Committee took a straw poll unanimously in favor of granting the consistency ruling.

The Committee expressed no concerns relative to the request. The Committee took a straw poll unanimously in favor of granting the consistency ruling.

The Committee took a straw poll 6-1-1 (Councilor Laredo Opposed; Councilor Lucas Abstaining) in favor of granting the consistency ruling.

#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.

Action: Land Use Approved 8-0; Public Hearing Closed 6/14/22

Note: Design Consultant Stacy Oliva of SO Design Collective presented the request to reconstruct the roof and add front and rear dormers to the existing dwelling. The proposed design will increase the number of bedrooms from three to four, and will create better work-from-home space.

Ms. Oliva confirmed this is a two unit condo association.

Chief Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation.

Ms. Whewell noted that when reviewing the plans submitted for the special permit, the planning staff discovered inconsistencies between the architectural plans and site plan. The petitioners have since submitted a revised site plan showing the increase in height now matches the architectural plan.

The Public Hearing was Opened.

Paul Loiselle, 52 Ripley Street, expressed support for the petition. The proposed design fits in well with the character of the other houses in the neighborhood; this is a good alternative for aging in place.

A Committee member echoed Mr. Loiselle's support for the proposed design.

Councilor Bowman motioned to close the Public Hearing and approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation. The Committee voted unanimously in favor of approval 8-0.

#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: 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.

Action: Land Use Held 8-0; Public Hearing Continued

Note: The Public Hearing was Opened. The Chair noted the petitioner submitted updated plans requiring additional relief and the item will be held until after it is re-noticed.

Councilor Bowman motioned to hold and keep the public hearing open, which carried 7-0.

Chair's Note: *Docket items #314-22 and #314-22(2) were discussed together:*

#314-22 Petition to amend special permits and 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 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.

Action: Land Use Approved 8-0; Public Hearing Closed 6/14/22

#314-22(2) 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 the Restrictive Covenant recorded at Middlesex South Registry of Deeds at Book 30627, page 331 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.

Action: Land Use Approved 8-0; Public Hearing Closed 6/14/22

Note: The Chair entertained a motion to separate docket item #314-22 into two docket items so that the Restrictive Covenant could be voted on separately. The motion carried unanimously 8-0.

Attorney Frank Stearns of Holland & Knight, with law offices at 10 St. James Avenue, Boston, presented the request to eliminate 11 parking stalls to create an outdoor common area for building tenants and visitors, as shown in the attached presentation.

Atty. Stearns was joined by the Jess Carroll of KF Realty Associates, representing the petitioner.

Atty. Stearns noted the proposed project is a voluntary one by the petitioner to improve a portion of the property for the benefit of tenants and visitors. The petitioner proposes to eliminate parking stalls to make room for outdoor seating and greenscape improvements.

In response to a Councilor's concerns, Atty. Stearns noted that improvements would be made to shield dumpsters so they are not as visible as they are presently. There will also be some consolidation of dumpsters.

Atty Stearns noted that the petitioner is also seeking to amend a Restrictive Covenant that exists on the property to reduce the site-wide parking supply. The covenant grants the City of Newton certain rights if there is proposed development of the site in Watertown.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation. Mr. Gleba noted the petitioner has submitted a consultant-prepared parking study. The parking study estimates a lower number of parking spaces than asserted in the petitioners parking calculations. Notwithstanding the parking study's base number of parking spaces, the observed demand would represent about 1/3 of the available supply during typical peak periods. There is a copious amount of parking in the larger front parking area.

Atty. Stearns noted that he has worked with the petitioners for many decades and there has never been a parking utilization deficit.

The Public Hearing was Opened.

A committee member thanked the petitioners for volunteering to improve the parking area. It's quite rundown. The proposed landscaping will be a wonderful addition to the neighborhood.

Councilors were supportive of the petition. This is a good project.

Councilor Greenberg motioned to close the Public Hearing and approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation relating to both the special permit and the Restrictive Covenant.

With respect to Docket item 314-22 relating to the Special Permit, the Committee voted unanimously in favor of approval 8-0.

With respect to Docket item 314-22(2) relating to the Restrictive Covenant, the Committee voted unanimously in favor of approval 8-0.

#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.

Action: Land Use Approved 7-0; Public Hearing Closed 3/22/22

Note: Mr. Jim Mandeville, Mandeville Company presented the request on behalf of the petitioner to add a freestanding sign and secondary signs on the building's entrance, side and rear facades.

Chief Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation.

Ms. Whewell noted Urban Design Commission recommended denial of the signs facing the Massachusetts Turnpike. The UDC found that the signs did not comply with the Ordinance governing signs on street fronts. There is no direct access from the Mass Pike to the businesses located on the property.

The Public Hearing was Opened.

Committee members were supportive of the petition and unconcerned with the relief requested. It was noted that if there is an existing Pike-facing sign allowed for one tenant, there should be no objection in adding an additional sign for another tenant.

A Committee member noted the proposed Pike-facing sign would arguably be useful for wayfinding for travelers on the Pike looking to locate the businesses.

Committee members echoed these sentiments, additionally noting that the sign was acceptable and tasteful.

Councilor Kelley motioned to close the Public Hearing and approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation. The Committee voted unanimously in favor of approval 8-0.

The Committee adjourned at 8:33 p.m.

Respectfully Submitted,

Richard Lipof, Chair



Ruthanne Fuller
Mayor

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

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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".

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**

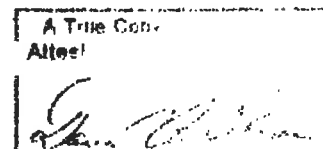
The Petitioner shall implement a Transportation Demand Management Plan ("TDM") at Washington Place in order to minimize traffic, reduce dependency on cars, and promote a healthier environment. To achieve these goals, Washington Place shall include various incentives and programs aimed at encouraging 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:

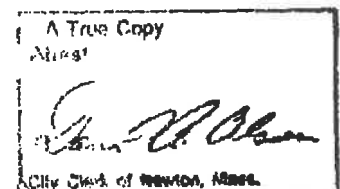
- The Petitioner shall commit to decouple the cost of parking from the rent of the residential units to further discourage car usage.
- Car sharing: Washington Place shall include no less than 2 dedicated parking spaces for a car sharing service provider(s). The Petitioner shall also explore ride sharing 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

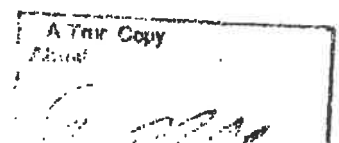
VI. Monitoring and Reporting Plan

- 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.



City of Newton Planning and Development

Petition: #312-22

Special Permit/Site Plan Approval

to further increase the
nonconforming floor area ratio

June 14, 2022



73-75 Ripley Street

Zoning Relief

Zoning Relief Required

<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9 §7.8.2.C.2	Request to further extend nonconforming FAR	S.P. per §7.3.3

Criteria to Consider

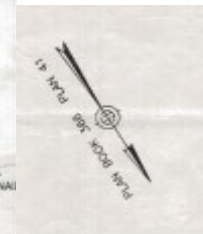
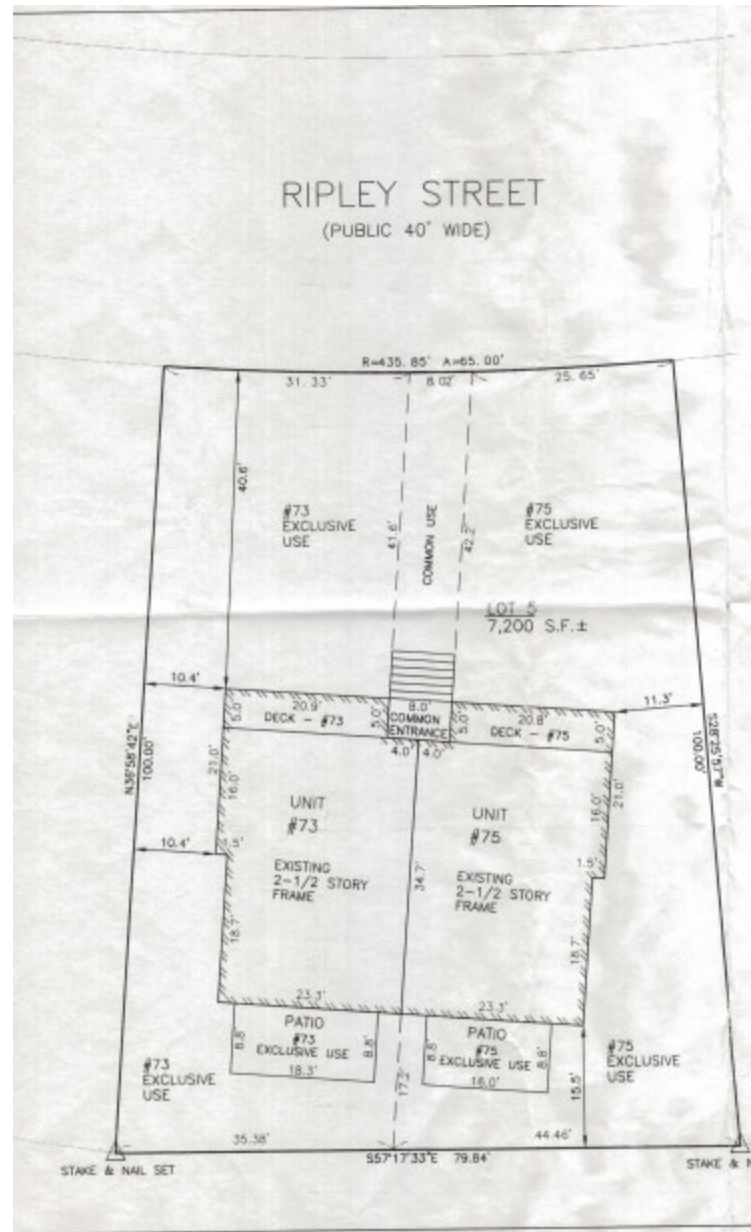
When reviewing this request, the Council should consider whether:

- The proposed increase in the nonconforming FAR from .56 to .71 where .53 is the maximum allowed by right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.3, §3.1.9, and §7.8.2.C.2).
- The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood (§3.1.3, §3.1.9, and §7.8.2.C.2).

Aerial Map



Plans



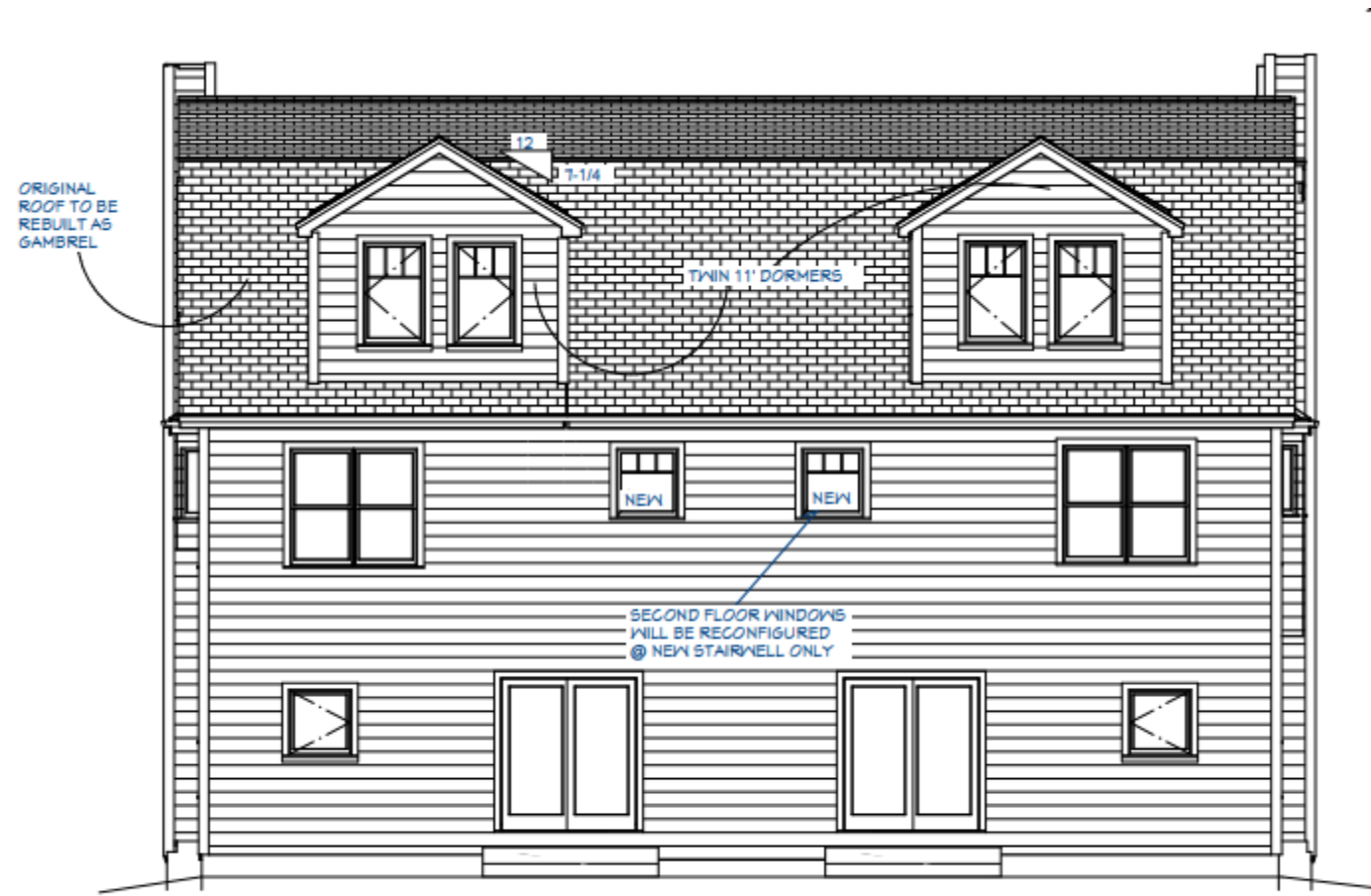
Front Elevation



-front elevation-

Proposed

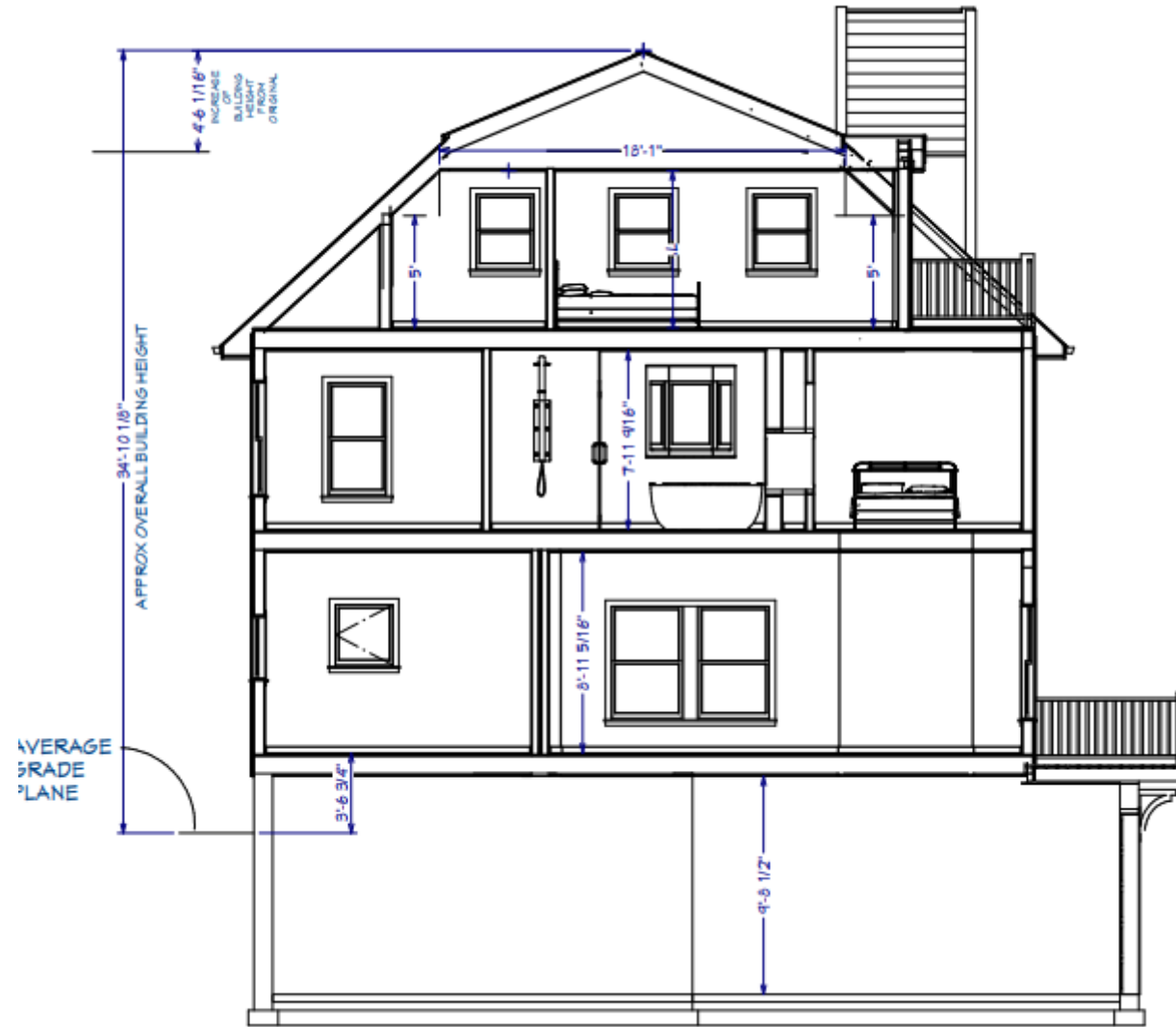
Rear Elevation



-rear elevation-

Proposed

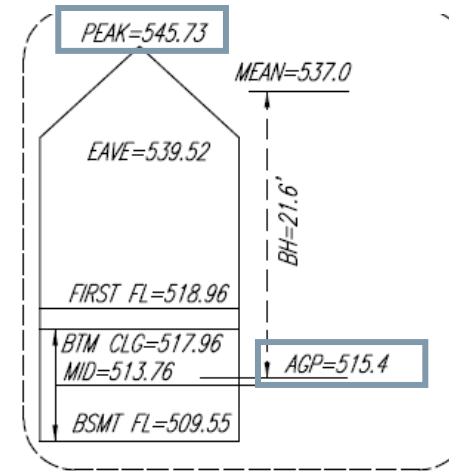
Section



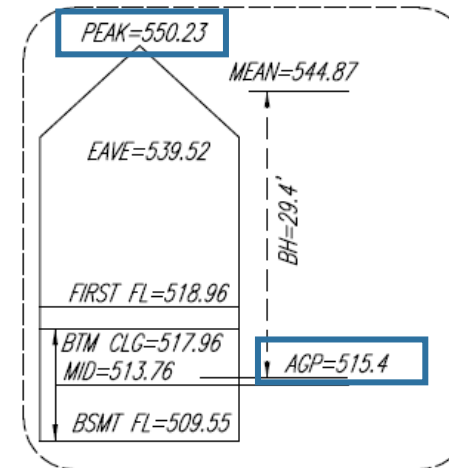
Proposed

Information Received since Planning Memo

- + Planning memo requested revised site plan showing height of dwelling with proposed additions.
- + Height is measured from average grade plane to peak of the roof
- + Site Plan received 6/14
- + Proposed height increase to **34 feet 10 inches** from 30 feet 3¹/₂ inches



existing **BUILDING HEIGHT CALCULATION - NTS**



PROPOSED BUILDING HEIGHT CALCULATION - NTS

Findings

1. The proposed increase in the nonconforming FAR from .56 to .71 where .53 is the maximum allowed by right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood because the additional floor area is within the footprint of the dwelling, meets the dimensional standards for dormers, and remains below the maximum height allowed as of right (§3.1.9, and §7.8.2.C.2).
2. The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the addition is within the existing footprint (§3.1.9, and §7.8.2.C.2).

Conditions

1. Plan Referencing
2. Standard Building Permit Condition
3. Standard Occupancy Condition

City of Newton Planning and Development

Petition #314-22:

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 stall

June 14, 2022



148 California St.

Zoning Relief

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
	Request to amend Special Permits #162-88, 199-99(2), and 422-18	
§5.1.4 §5.1.13	Request to waive 53 parking stalls	S.P. per §7.3.3
	Request to amend the Restrictive Covenant to reduce site-wide parking	S.P. per §7.3.3

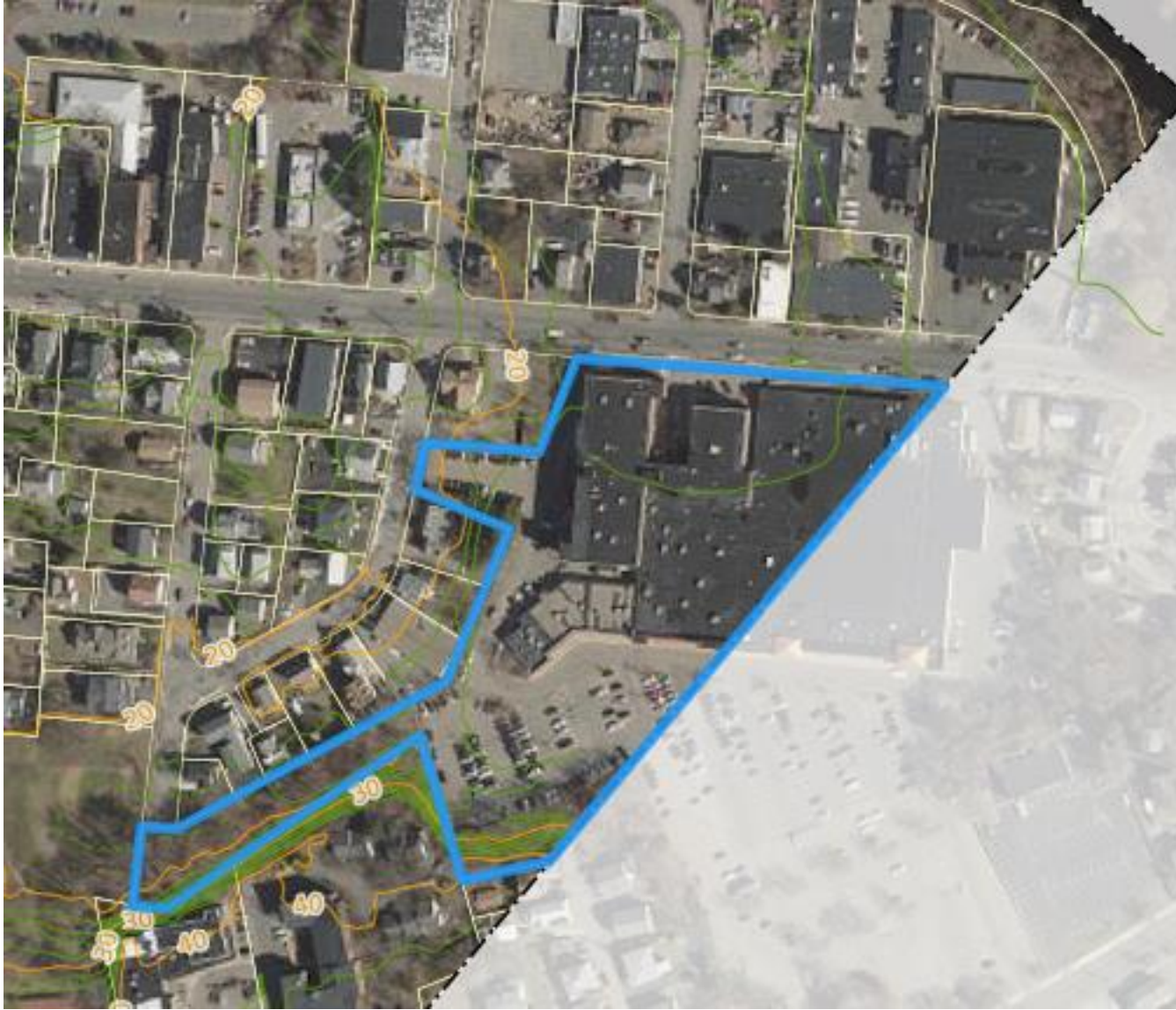
- + Note: request to increase number of waived parking stalls to allow 690 stalls where 701 exist and 743 are required by the NZO

Criteria to Consider

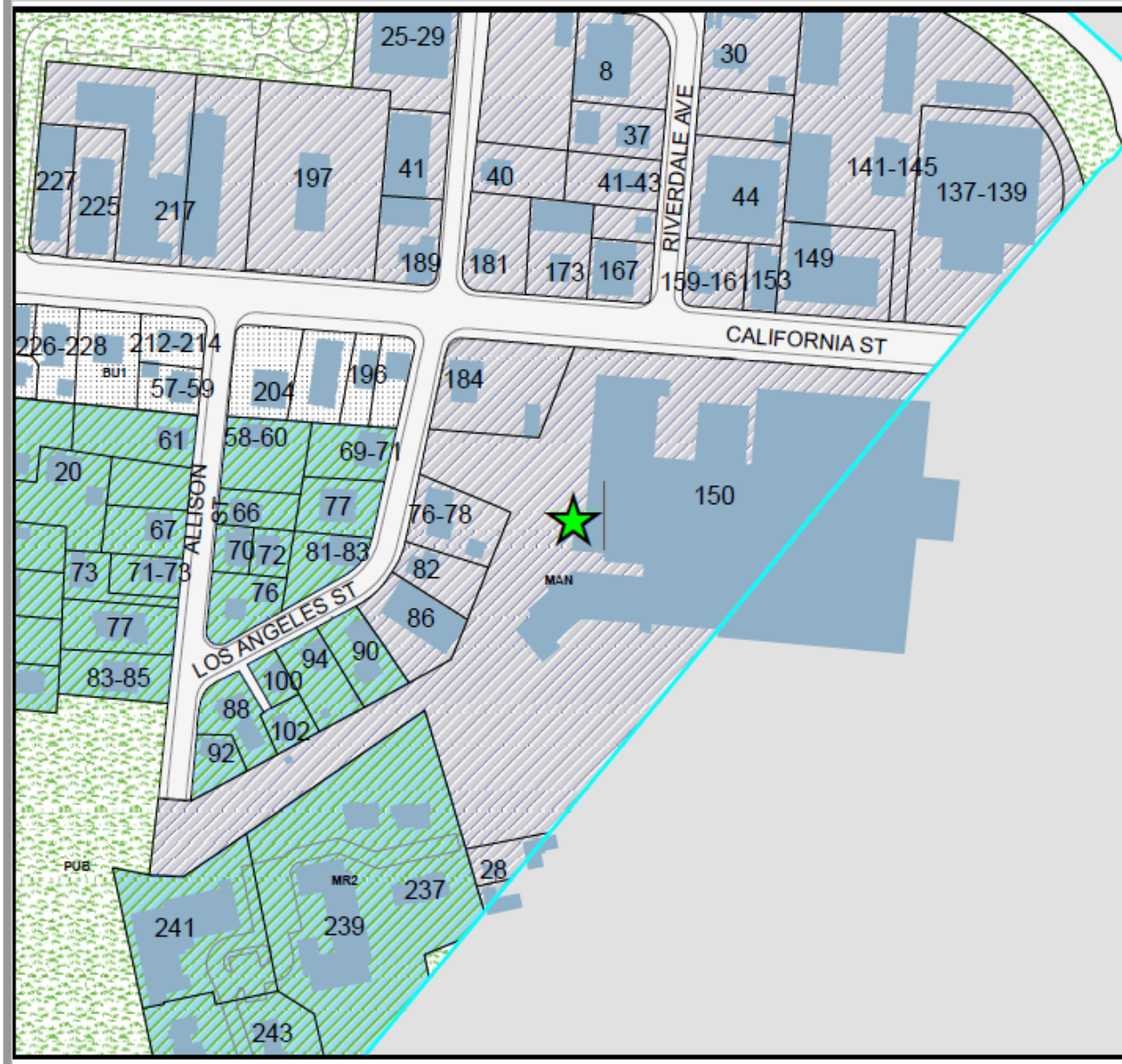
When reviewing this request, the Council should consider:

- The site in a Manufacturing (MAN) zoning district is an appropriate location for the proposed outdoor amenity area that would eliminate 11 existing parking stalls (§7.3.3.C.1)
- The proposed outdoor amenity area that would eliminate 11 existing parking stalls will adversely affect the neighborhood (§7.3.3.C.2)
- The proposed outdoor amenity area that would eliminate 11 existing parking stalls will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)
- Whether an exception to the requirement per Sec. 5.1.4 that 743 parking stalls be provided onsite, resulting in a waiver of 53 parking stalls, is appropriate because literal compliance with that requirement is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot; or that such exception would be in the public interest, or in the interest of safety, or protection of environmental features (§5.1.13)

Aerial Map



Zoning



ATTACHMENT B

Zoning

148 California St.

*City of Newton,
Massachusetts*

Legend

- Multi-Residence 2
- Business 1
- Manufacturing
- Public Use

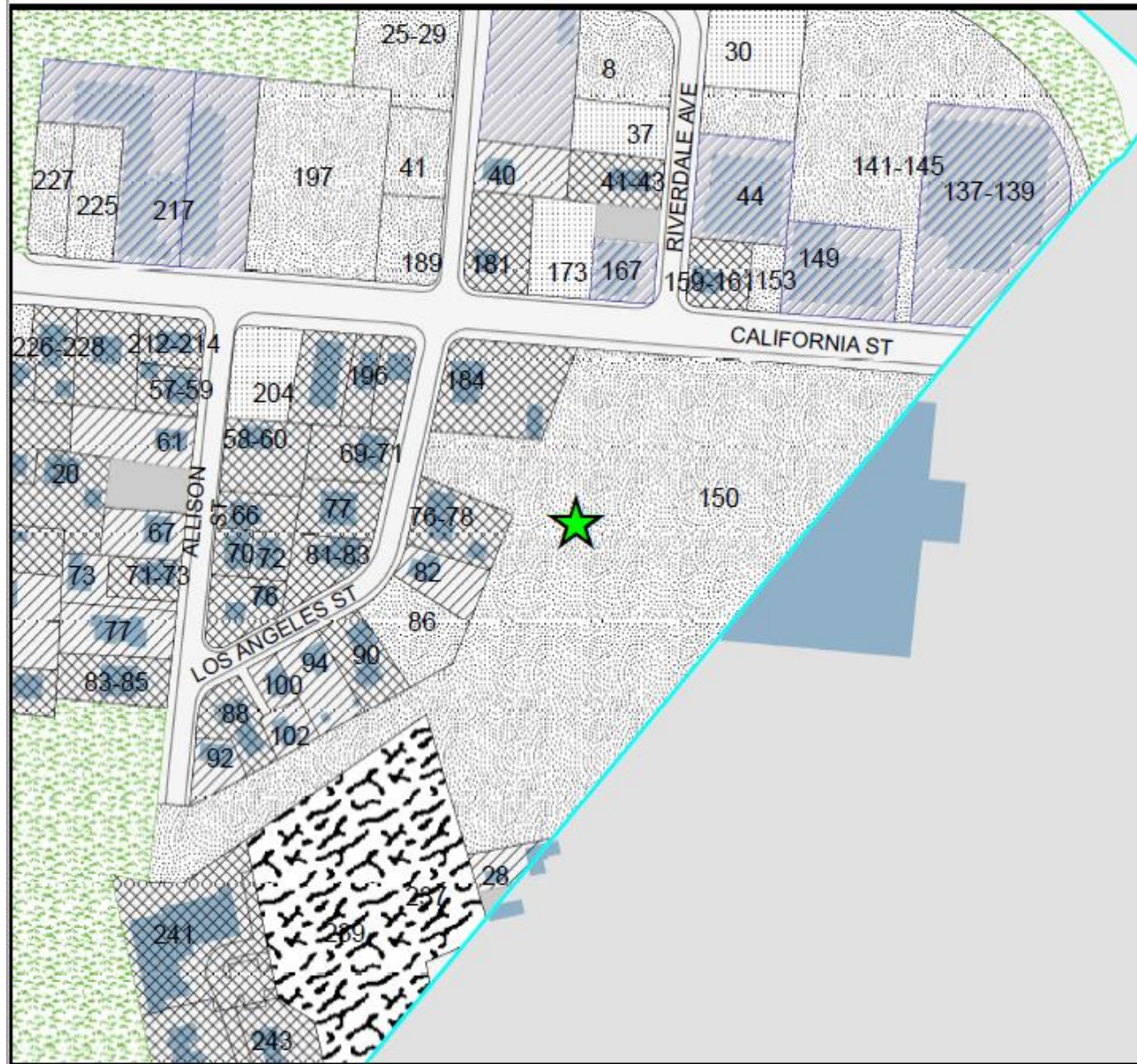


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

0 25 50 75 100 125 150 175 200 225
Feet

Land Use



ATTACHMENT A

Land Use

148 California St.

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Industrial
-  Mixed Use
-  Open Space
-  Nonprofit Organizations
-  Vacant Land



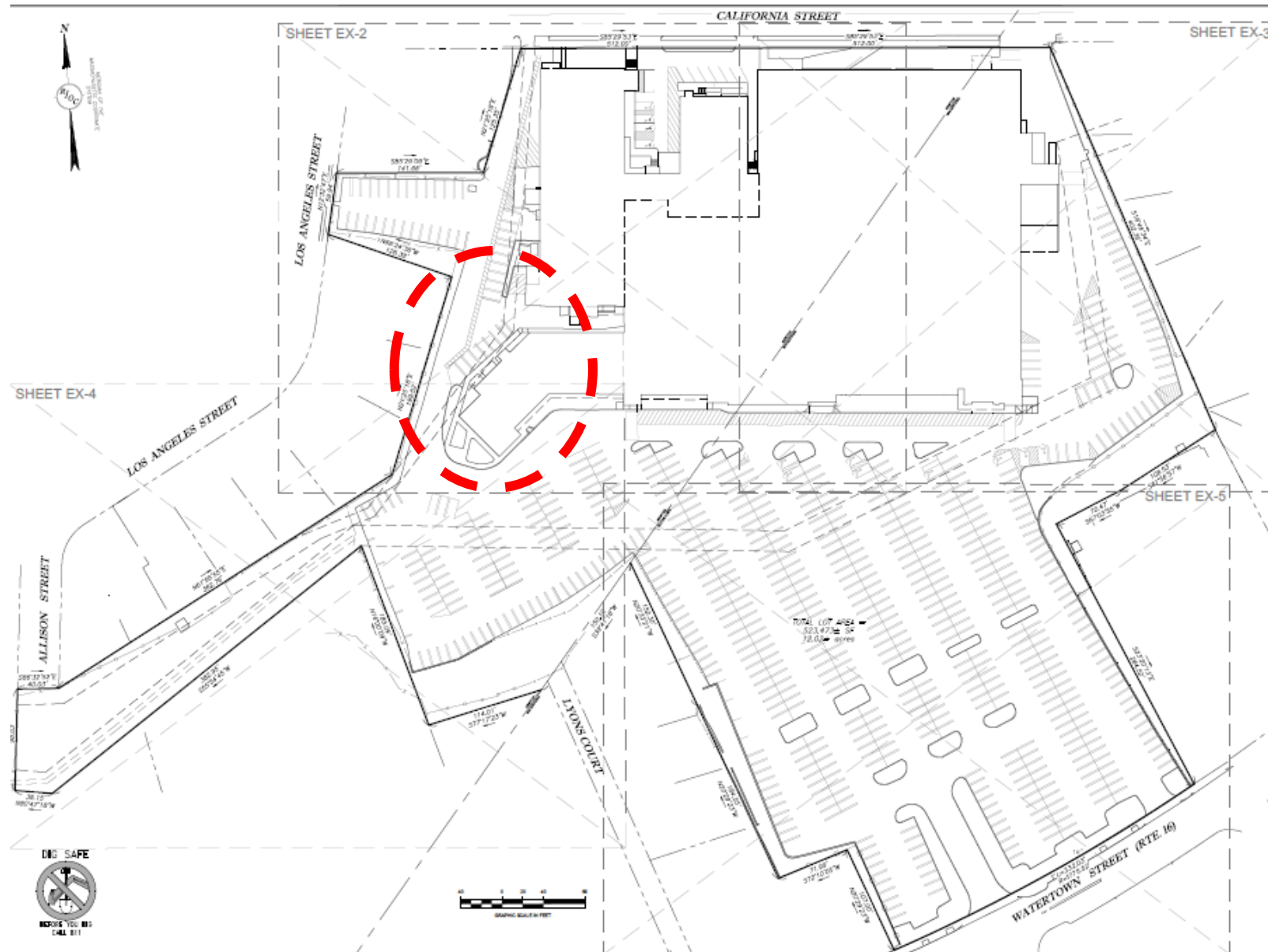
The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

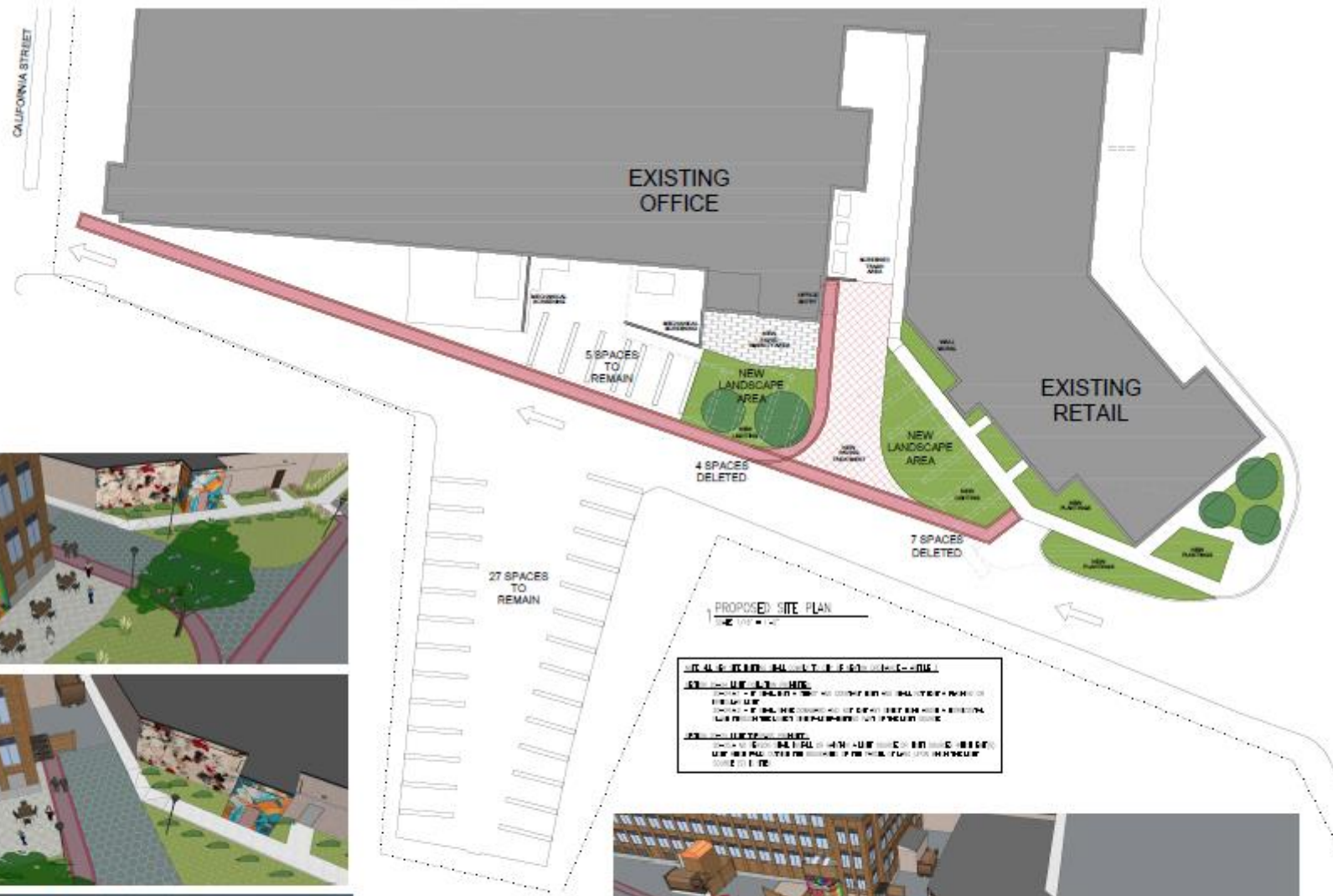
0 25 50 75 100 125 150 175 200 225
Feet

Map Date: May 23, 2022

Site Plan



Plans



PROPOSED SITE PLAN

LEGEND

EXISTING OFFICE

EXISTING RETAIL

NEW LANDSCAPE AREA

NEW BUILDING FOOTPRINT

EXISTING PARKING

NEW PARKING

WALL WALL

MEDICAL PARKING

STREET

Parking Study

Day	Lot	Parking Demand	Parking Supply	Utilization
Weekday	Shopping Center	218	635	34%
	Office Building	28	37	76%
	Combined	246	672	37%
Saturday	Shopping Center	208	635	33%
	Office Building	7	37	19%
	Combined	215	672	32%

Surveys conducted Thursday, April 14, 2022, at 3:15 PM and Saturday, April 16, 2022, at 12:00 PM.

- Conclusions (note: differing space counts)-

“The parking supply at the subject site will be more than adequate to serve parking demands after the implementation of the proposed site improvements. The site improvements will eliminate 11 parking spaces reducing the parking supply to 661 spaces. The maximum parking demand observed was only 246 vehicles. Consequently, with the proposed site improvements, the parking lots will continue to operate at only 37 percent of capacity.”

Photos



Photos



Photos



Restrictive Covenant Amendment- Council Order

“That the restriction adopted by the Board Order #162-88 as conveyed to the City of Newton by Restrictive Covenant recorded with the Middlesex South Registry of Deeds in Book 19779, Page 171, as amended by Board Order No. 199-99(2) and Amendment No. 1 recorded with the Middlesex South Registry of Deeds in Book 30627, Page 331, be further amended by deleting the reference to “Special Permit #162-88” in paragraph 2 therein, and replacing it with “Special Permit #314-22”.

Special Permit Findings

1. The site in a Manufacturing (MAN) zoning district is an appropriate location for the proposed outdoor amenity area that would eliminate 11 existing parking stalls as the site is well contained and the use will not have any impacts on the surrounding neighborhood (§7.3.3.C.1)
2. The proposed outdoor amenity area that would eliminate 11 existing parking stalls will not adversely affect the neighborhood (§7.3.3.C.2)
3. The proposed outdoor amenity area that would eliminate 11 existing parking stalls will not create a nuisance or serious hazard to vehicles or pedestrians as there is sufficient parking to accommodate the multiple use on the site (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)
5. Granting an exception to the requirement per Sec. 5.1.4 that 743 parking stalls be provided onsite, resulting in a waiver of 53 parking stalls, is appropriate because such exception would be in the public interest as it would reduce the amount of surplus parking on the site and allow the replacement of eleven parking stalls with a landscaped area that includes lawn, trees, and other vegetation as well as seating areas

Special Permit Conditions

- *Amendment language*

This Special Permit/Site Plan Approval amends Council Orders #162-88, #199-99(2), and #422-18(2) by modifying Condition #1 in each of those Council Orders to be consistent with Condition #1 below. All other conditions of said Council Orders shall remain in full force and effect.

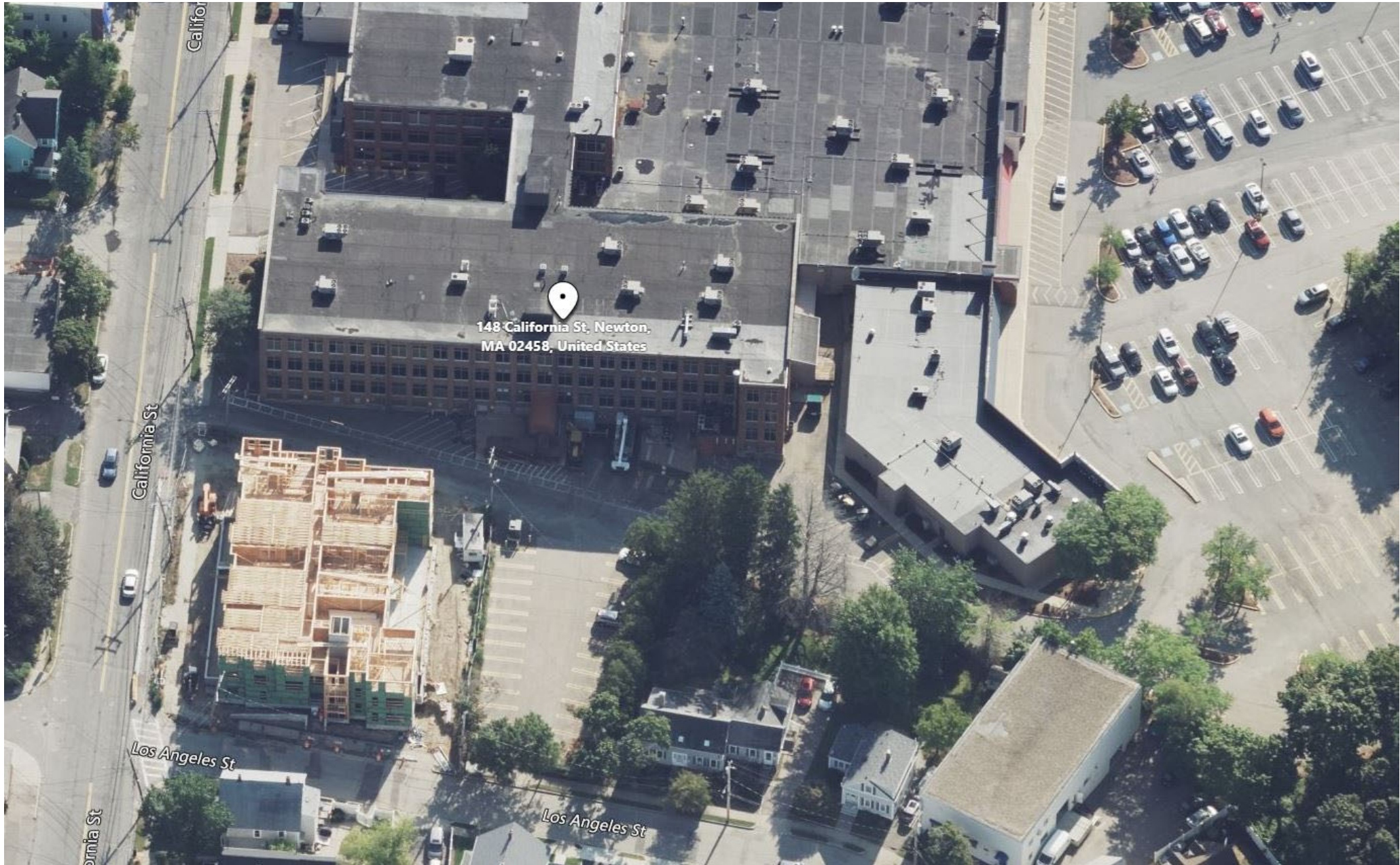
- *Plan Referencing Condition*

a) *A plan entitled "171 Watertown Street, Watertown / Newton, MA. Existing Conditions Plan (Ex-1)" dated February 11, 2022, as denoted as "Progress Print, March 25, 2022," prepared by RJ O'Connell & Associates, Inc., represented as showing 706 parking stalls, as modified by a plan entitled "Place-making Renovations, 150 Californi (sic) Street, Newton, MA, Schematic Design, Proposed Site Plan," dated March 30, 2022, signed and stamped by John M. Rufo, Registered Architect.*

b) *A document entitled "148 California Street/171 Watertown Street, Site Wide Parking Calculations (2022)."*

- *Standard Building Permit Condition.*

- *Standard Final Inspection/Certificate of Occupancy Condition.*





Project No: 2142
Drawn By: JLS
Checked By: JLS
Issue Date: 01/18/2022

Revisions		
No	Date	Description

Drawing Title:
PROPOS-D
SITE PLAN

Drawing Number
A 1.01



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to install a free-standing sign and to allow exceptions
to the number and size of secondary signs

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] rqlqj #Jhohi#

Zoning Relief Required		
Ordinance		Action Required
§5.2.13.A §5.2.13.B	To allow free-standing directory signs	S.P. per §7.3.3
§5.2.13.A §5.2.13.B	To allow exceptions to the number and size of secondary signs	S.P. per §7.3.3

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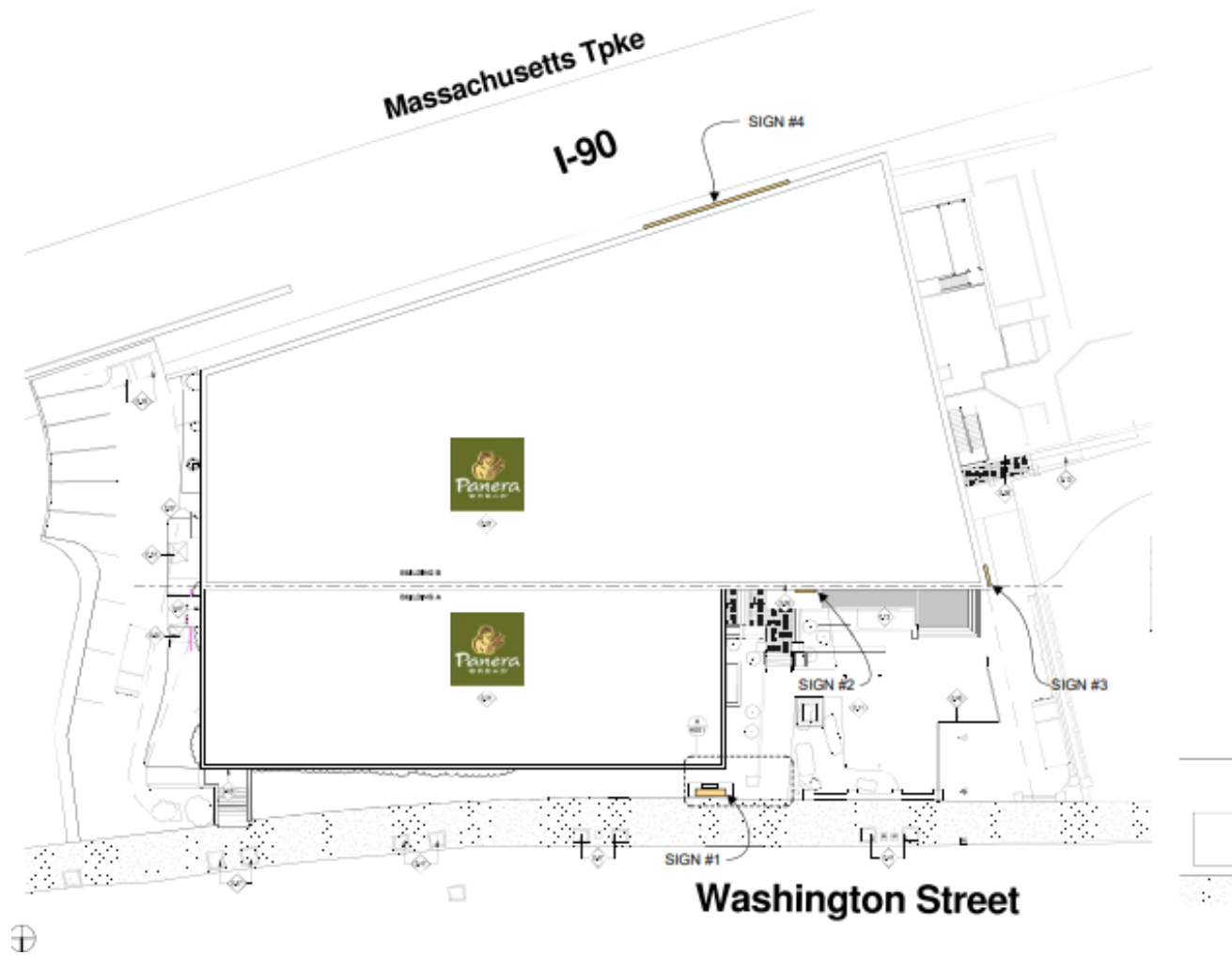
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- The proposed exceptions to the sign ordinance should be permitted and are appropriate due to the nature of the use of the premises, the architecture of the buildings or their location with reference to the street is such that such exceptions are in the public interest. (§5.2.13)
- The specific site is an appropriate location for the proposed signs that require waivers from the Sign Ordinance . (§7.3.3.C.1)
- The proposed signs that require waivers from the Sign Ordinance will adversely affect the neighborhood. (§7.3.3.C.2)
- There will be a nuisance or serious hazard to vehicles or pedestrians; (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

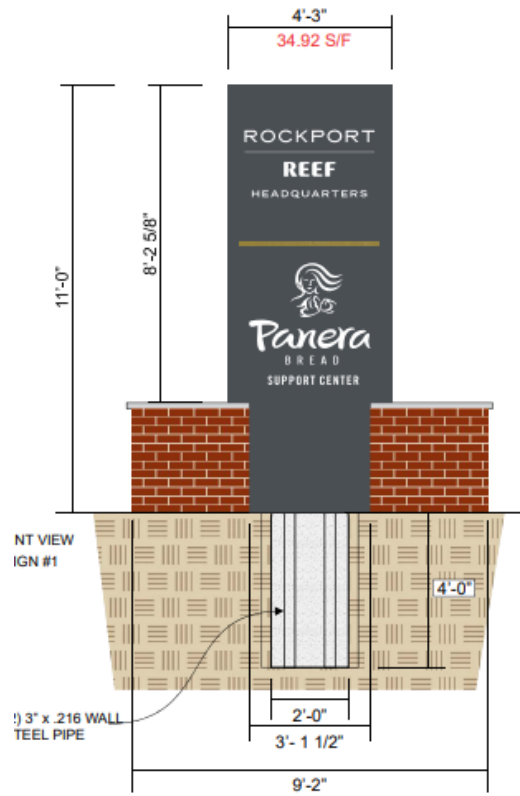
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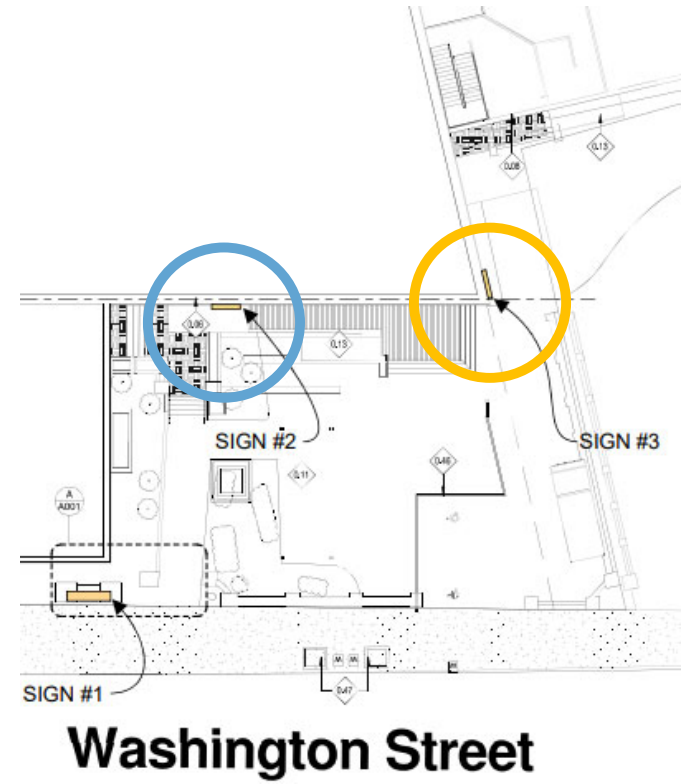
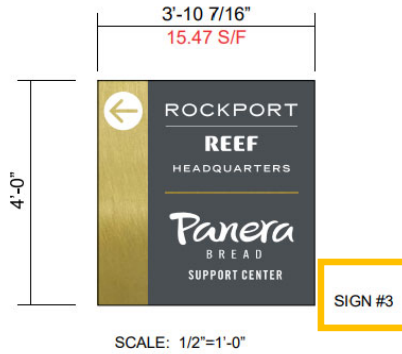
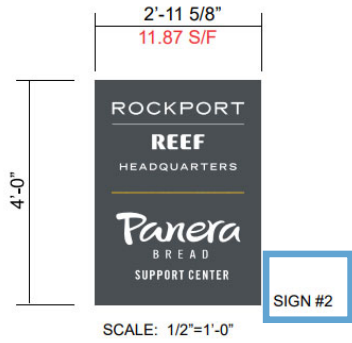
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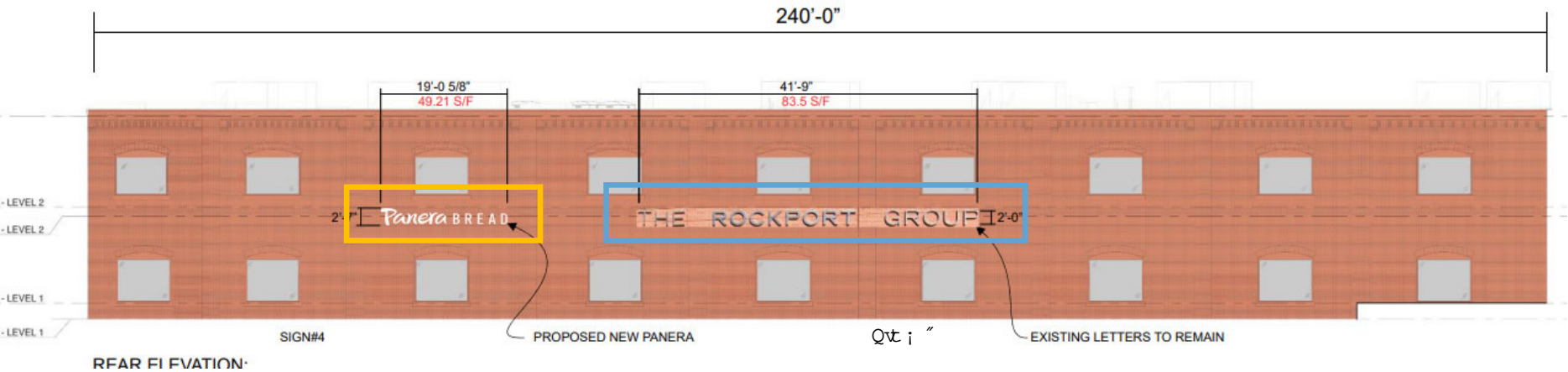
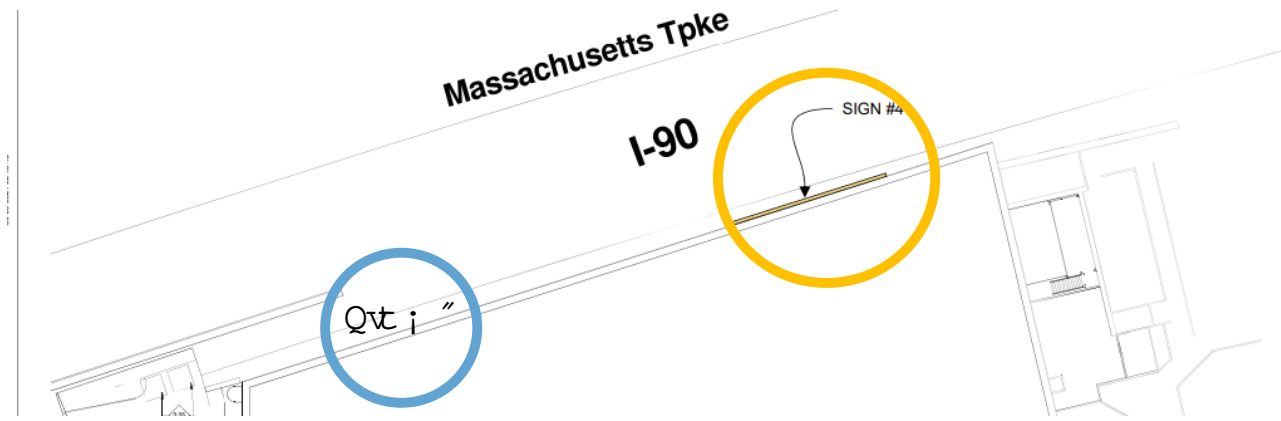
Technical drawing of a sign for Rockport Reef Headquarters, featuring the Panera Bread logo and 'Support Center' text.



Z d o P r x q w h g # V l j q v
 V h f r g g d u | # V l j q v #
 l q w h u g d o w # k h # l h # V l j q v # # d q g #



Z d o P rx q w h g # V l j q v
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RFAR FI EVATION

Signage #1 vlv

- â All signs except for Sign 5 comply with the size limits set forth in the Ordinance for free standing and secondary signs.
- â The property has several tenants and the signs facing Washington Street, where pedestrians and visitors access the site, provide clear wayfinding as to the location of the tenants within the site.
- â The UDC recommended denial of two signs facing the Mass Pike because there is no direct access from the Mass Pike to the businesses. However, when observing other signs from the Mass Pike, there are signs located along Washington Street that are visible from the Mass Pike.

Ilgg lqj v

1. The exceptions to the number, size, location, and type of signs are in the public interest because:
 - a. The approved signs will enhance pedestrian wayfinding given the subject properties front three different public ways, contain pedestrian corridors, create a sense of place within the site and have multiple access points for vehicles and pedestrians; and
 - b. The approved signs are consistent with the unique identity of these commercial properties and will help brand and develop a sense of place, key components of the 2007 Comprehensive Plan.
(§5.2.3, §5.2.8, and §5.2.13)
2. The site is an appropriate location for the proposed sign package due to the site's commercial nature, multiple tenants, and its location on Washington Street. (§7.3.3.C.1)
3. The proposed sign package will not adversely affect the neighborhood as the signs are well placed within the site. (§7.3.3.C.2)
4. There will be no nuisance or serious hazard to vehicles or pedestrians as the signs provide clear wayfinding for both modes of transport (§7.3.3.C.3)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

Frqg ltrqv

1. Plan Referencing
2. Standard Building Permit Condition
3. Standard Occupancy Condition