



Ruthanne Fuller
Mayor

City of Newton, Massachusetts

Department of Planning and Development

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#259-22

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Barney S. Heath

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: August 5, 2022
MEETING DATE: August 9, 2022
TO: Land Use Committee of the City Council
FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Deputy Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
CC: Petitioner

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

PETITION #259-22, #260-22

34-50 Crafts Street, 19, 21 Court Street

Petition #259-22 to rezone 7 parcels as follows: 34 Crafts Street (Section 23 Block 16 Lot 11), 36 Crafts Street (Section 23 Block 16 Lot 10), 38 Crafts Street Section 23 Block 16 Lot 09), 48 Crafts Street (Section 23 Block 16 Lot 08), and 50 Crafts Street (Section 23 Block 16 Lot 07) from MANUFACTURING TO BUSINESS 4; and 19 Court Street (Section 23 Block 16 Lot 12) and 21 Court Street (Section 23 Block 16 Lot 13) from MULTIRESIDENCE 1 TO BUSINESS 4.

Petition #260-22 to allow an Elder Housing with Services facility, to allow a development in excess of 20,000 sq. ft., to allow a ~~seven~~ six-story building, to allow a building ~~84~~ 72 feet in height, to allow parking within the side setback, to reduce the required parking stall width, to reduce the required parking stall depth, to reduce the required parking stall depth for accessible stalls, to allow a reduced drive aisle width for two-way traffic and to waive the lighting requirements at 34, 36, 38, 48, 50 Crafts Street, 19 Court Street and 21 Court Street, Ward 2, Newton, on land known as Section 23 Block 16 Lots 7, 8, 9, 10, 11, 12 and 13, containing approximately 115,818 sq. ft. of land in districts zoned MAN and MR1 (to be rezoned to BU4). 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, 5.1.8.A.1, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.C, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

The Land Use Committee (The "Committee") last held public hearings on this petition on Tuesday, May 17, 2022, and Tuesday, June 28, 2022. The public hearing was held open, for the petitioner to respond to questions and concerns raised as part of the public hearing. Due to the scope of the project, this memorandum will focus on the following: Sustainability, Construction Management, and address outstanding questions on housing and transportation which were covered in prior sessions.

At the June 28 hearing, members of the Committee expressed concerns with the following aspects of the project or requested further clarification: the overall design of the project, the inclusionary zoning requirement, and traffic. Subsequently, the Petitioner submitted the attached Response to Comments (**Attachment A**). In their response, the petitioner answered questions raised at the June 28th hearing, and submitted expanded visuals. This memorandum reflects materials submitted by the petitioner as of August 3, 2022.

Background

The subject property consists of seven parcels located along Crafts Street (five parcels) and Court Street (two parcels) between Washington Street and McGuire Court and opposite Lincoln Road. Together, the parcels total approximately 115,818 square feet. The Crafts Street parcels consist of commercial uses each with their own associated parking areas and the Court Street parcels consists of two, two-family residential uses.

The five parcels on Crafts Street are within the Manufacturing zone (“MAN”) and the two parcels on Court Street are within the Multi Residence 1 zone (“MR1”). The petitioner is seeking to rezone all the parcels to Business 4 (“BU-4”) zone and construct a six-story structure with 72 feet in height for elderly housing and services. The petitioner requires relief for the height, number of stories, and gross square footage of the project, as well as parking dimensional waivers and a waiver of the lighting requirements for parking facilities over five stalls.

Site and Building Design

Planning staff and members of the Committee requested additional detail on the edge of the building that runs along the rear property line to better understand the varying stories and transition to the adjacent Court Street neighborhood and adjacent parcels. The petitioner submitted additional visuals and renderings with greater detail that was requested at the prior hearing. The petitioner submitted a roof plan that better illustrates the varying building heights. Planning Staff and members of the Committee expressed a desire to better understand the rear building edge along the Court Street properties. While maintaining a 42-foot setback, the story heights vary from two to six stories, with most of the edge consisting of a height of five stories.

Proposed Roof Plan



With the proposed six story design, the petitioner stated that the building height is 72 feet tall and consists of a floor area ratio (“FAR”) of 1.85, and submitted documentation certifying the revised FAR. The Planning Department believes the proposed six story structure is in line with the Washington Street Vision Plan in terms of the number of stories contemplated for the area as well as the design of the structure in keeping with the setbacks and improving upon those prescribed for the BU-4 zone. The Urban Design Commission (“UDC”) previously stated the configuration of the building was well done and commended the design for stepping back the higher stories of the building.

Sustainability

Excluding the basement, the project consists of approximately 215,000 square feet, subject to the sustainability provisions of the Zoning Ordinance. The Climate and Sustainability Team prepared a memorandum responding to the climate and sustainability materials filed with their application (**Attachment B**). Upon review, Climate and Sustainability Team stated that the project complies with the standards set forth in the Ordinance. The petitioner is designing the building to be LEED Gold certifiable and designated 10% of the parking for electric vehicle charging stations and an additional 10% as EV charging ready, meaning, installing the infrastructure to accommodate a future expansion of electric vehicle charging stations. The Climate and Sustainability Team encouraged the petitioner to increase the number of charger-ready parking spots. The Climate and Sustainability Team also provide comments on the Passive House feasibility study, making the building solar-ready, and embodied carbon.

Traffic, Parking, and Transportation

One of the topics covered at the June 28th hearing was traffic, parking, and transportation, where the City's on call consultant, Beta Group, Inc. ("BETA") presented their analysis of the petitioner's traffic memorandum. Aside from issues raised below regarding the pick-up and drop off area on Crafts Street, Beta indicated their review is complete and are satisfied with the petitioner's responses to issues raised in their memorandum (**Attachment C**).

The City and Beta raised concerns about the three proposed parking stalls on Crafts Street, located outside the entrance to the Independent Living wing of the building. The petitioner revised the three parking stalls to be dedicated to pick up and drop off. After reviewing with the Transportation Division of Public Works, the petitioner redesigned the area so they are not borrowing or shifting area from the existing roadway to accommodate the proposed pick up and drop off area. The petitioner submitted dimensioned graphics of the roadway design following a meeting with the Transportation Division of Public Works. The Transportation Division were initially concerned about a roadway design that would preclude the City from any future roadway modifications, however after the petitioner submitted the dimensioned roadway plans, the Transportation Division indicated they are satisfied with the design of the roadway. However, City Staff continue to recommend that all pick up, drop off, and potential loading needs be accommodated on site. As designed, the pickup and drop off area along Crafts Street would need approval from Traffic Council to allow parking on the western side of Crafts Street, where parking is currently prohibited. Additionally, the petitioner is proposing to locate the public sidewalk on their property, which would require an easement to the City for the public sidewalk. The City would also be interested in the petitioner's plans for maintenance of the sidewalk as well as plans for the furnishing zone.

In response to comments, the petitioner submitted a revised graphic of the garage plan. The garage plan shows the parking stalls widened to nine feet per the Committee's request. The garage plan maintains 137 parking stalls with relocated bicycle parking at the rear of the garage and widening of parking stalls. An additional four covered bicycle racks are shown at surface level, outside the Crafts Street entrance and within the Courtyard.

The petitioner also responded to Councilors' comments about the parking demand with a parking demand analysis. The petitioner should provide the basis of this analysis and specify the data the parking analysis draws from.

Transportation Demand Management (TDM)

The Planning Department has been working on a standardized TDM condition, anticipating a discussion with the Land Use Committee later this year. The standard TDM condition is currently being used to maintain consistency between projects and to standardize contributions based off the size of the project and number of parking stalls. Previously, projects were reviewed on an ad hoc basis, and while a discussion of the condition is anticipated, in the meantime it will serve as a useful tool to determine an appropriate TDM package for projects.

The Elderly Housing with Services is a unique use in that a high trip generation is not anticipated, however the petitioner is providing 144 parking stalls sitewide, which at the time of filing was above

the 102 stalls required at the time of filing. The petitioner stated that are providing their own shuttle system to their residents, which can take them around Newton as well as other local trips such as the airport. Additionally, they are providing 30% more bicycle parking on site than is required by zoning and \$50,000 towards transit subsidies for employees. The petitioner also stated they will make best efforts with Zipcar to locate a car on site. However, the Director of Transportation Planning stated Zipcar has been resistant to locating within Newton and often looks for subsidization of the car in Newton. Due to this, the petitioner should have a backup, and the City would look to incorporate a condition requiring best efforts and documentation to locating a Zipcar in Newton.

Based on the specificity of the use and the amount of parking the petitioner is providing in excess of what is required by the Zoning Ordinance, the Planning Department recommended a \$60,000 contribution to City initiated TDM measures as recommended by the Department of Planning and Development, which may include a bus shelter, transit, infrastructure, biking or other measures. Any TDM contribution would need to be appropriated by the City Council to the appropriate account depending on the measure being funded.

Inclusionary Housing

The petitioner submitted updated information that the project will now consist of 105 independent living units, and 52 assisted living and 28 memory care beds. Based on information provided by the petitioner, this is the equivalent to 233 beds total. The petitioner is electing to utilize the cash payment provision which allows them to contribute a cash payment instead of providing inclusionary units or beds for the project. Per the Ordinance, the cash payment is based off the TDC (Total Development Cost). The contribution for the Elderly Housing with Services use accounts for the TDC and average cost of providing long-term care for an elderly individual. The Ordinance requires the TDC be recalculated every three years as well as adjusted annually by the amount of the Consumer Price Index (CPI-U). The TDC was last calculated in 2019, as such was recalculated in Summer 2022 resulting in an increase from \$578,239.20 to \$650,000 per unit (**Attachment D**). Based on the 233 beds being provided and the revised TDC calculation, the anticipated contribution is \$11,800,766.25. Housing Staff provided supplemental information specific to this petition and the Inclusionary Zoning component (**Attachment E**).

$$\begin{aligned} & \$650,00 \text{ (new TDC)} + \$358,612.50 \text{ (care cost for 10 years)} = \$1,008.612.50 \\ & 233 \text{ (new revised bed count after removal of 7th floor)} \times 5\% \text{ (IZ \% for assisted living)} = 11.65 \\ & 11.7 \text{ (11.65 is rounded up)} \times \$1,008.612.50 = \mathbf{\$11,800,766.25}. \end{aligned}$$

Housing Staff will attend the August 9th working session to answer any questions about the housing components of this project as well as the Inclusionary Zoning Ordinance.

Construction Management

Should this project be approved, there will be conditions relating to Construction Management that the petitioner must adhere to throughout the construction process. The Land Use Committee and Planning Staff have been working on standardizing construction related conditions and anticipate continuing the discussion later this year. The following conditions reflect the direction of the most recent discussion on May 24th.

The standard construction management condition will be incorporated. The construction management plan will be required at any building permit, and Inspectional Services reviews the components of the plan. Should the project be approved, Planning anticipates the following condition:

1. Prior to the issuance of any Building Permit, the Petitioner shall submit a Construction Management Plan (the "CMP") for review and approval to the Commissioner of Inspectional Services, the Director of Planning and Development, the City Engineer, and the Chief of the Fire Department. The CMP shall be in compliance with all applicable policies and ordinances in effect at the time of submission. The Petitioner shall comply in all material respects with the Construction Management Plan, which shall be consistent with and not in conflict with relevant conditions of this Order and shall include, but not be limited to, the following provisions:
 - a. 24-hour contact information for the general contractor.
 - b. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.
 - c. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for construction materials and delivery vehicles and equipment, and location of any security fencing and erosion control.
 - d. A plan showing temporary pedestrian access within work zones in accordance with DPW Policy
 - e. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - f. Proposed methods of noise control, in accordance with the Revised Ordinances, §20-13. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
 - g. Tree preservation plan to define the proposed method(s) for protection of any existing trees to remain on site.
 - h. The CMP shall also address the following: safety precautions; anticipated dewatering during construction; site safety and stability; and impacts on abutting properties.

The pest control condition was further tailored at the May 17 meeting of the Land Use Committee. It was determined that based on the size of the project, certain subsections (a-e) of the condition are to be incorporated. Planning Staff anticipates the following condition to be incorporated based on the size of the project.

2. The Petitioner shall do the following to remediate pest and rodent activity:
 - a. Prior to issuance of any demolition or building permit, the Petitioner, at its sole cost and expense, shall hire a licensed Pest Control Operator to assess the property for pest and rodent activity and develop and implement a pest remediation action plan to eliminate the activity and prevent off-site migration. The plan shall include the target pest, the methods

for eliminating activity, and plan for preventing pest migration off-site during demolition and construction.

- b. A copy of the Pest Control inspection report and the remediation action plan shall be submitted to the Inspectional Services Department for review and approval prior to issuance of any demolition or building permit. A copy of such approval shall be provided to the Department of Planning and Development.
- c. The Pest Control Operator shall implement the approved remediation action plan, monitor the site for the duration of the project, and take whatever action the Operator deems necessary to control pest infestation and migration. The Pest Control Operator shall maintain a written record of all pest control measures performed within the subject property and shall provide progress reports to Inspectional Services Department and the Health and Human Services Department upon request.
- d. Prior to issuance of the certificate of occupancy, the Pest Control Operator shall file a final report with the Department of Planning and Development and Inspectional Services Department summarizing the methods used, whether off-site migration occurred, the frequency and dates of service, and a post-construction site assessment and neighborhood.
- e. In the event any demolition or construction activity causes off-site pest migration, prior to the issuance of any certificates of occupancy (temporary or final), the petitioner shall offer and provide, at its sole cost and expense, rodent abatement services on an as needed basis for all direct abutters and abutters to direct abutters, subject to owner authorization of such properties and a waiver of liability.

Due to the size of the project, the vibration control condition would also be applicable. Planning anticipates the following condition, should the project be approved.

3. The Petitioner shall implement the following measures to mitigate and reduce significant vibration impacts caused by construction equipment:
 - a. Prior to the issuance of any demolition, foundation or building permit, the Petitioner shall conduct a pre-construction survey of all buildings and structures within 250 feet of the Project, with owner approval and at no charge to the owners. Subject to owner approval, photos must be taken both inside and outside prior to construction to set a baseline of existing conditions.
 - b. Prior to the issuance of any demolition, foundation or building permit, the Petitioner shall establish a \$100,000 vibration mitigation fund (or other security in a form satisfactory to the City Solicitor) so that the funds are available for payment of valid claims for damage caused by vibration impacts to private property within 250 feet of the project. Claims shall be administered in conjunction with a responsible third party hired and paid for by the Petitioner, subject to review and approval by the City Solicitor. Notice shall be provided to such private property owners on how to make a claim for damages. This condition is not intended to limit any claims for damages for any amount through private action.
 - c. The Petitioner shall engage a qualified professional to develop and prepare a vibration control plan demonstrating the following:
 - i. Measurements of static ground vibration prior to construction.
 - ii. Vibration level limits for demolition and construction activities based on building conditions and soil conditions. The limit should be determined using industry

- standards, provided that vibration level limits shall not exceed .50 peak particle velocity (PPV).
- iii. Planned demolition and construction methods to ensure vibration levels will not exceed the identified limit.
 - iv. Specific measures to be taken during construction to ensure the specified vibration level limits are not exceeded.
 - v. A monitoring plan to be implemented during demolition and construction that must include installation of vibration measuring devices and alarms.
- d. The Petitioner shall submit the vibration control plan to the Commissioner of Inspectional Services for review and approval prior to the issuance of any demolition, foundation or building permit.
 - e. The Petitioner shall implement the approved vibration control plan. Vibration levels shall be regularly monitored during demolition and construction. The Petitioner shall keep a record of all monitoring and shall provide copies to the Commissioner of Inspectional Services upon request.
 - f. All work shall be performed within the vibration level limits established by the vibration control plan. If the vibration limit is exceeded, the construction activity causing the vibration shall cease and not resume until mitigation measures are implemented and notice is provided to the Commissioner of Inspectional Services.
 - g. The Petitioner shall provide written notice to all property owners within 250 feet of the Project 48 hours prior to vibration-related activity that includes an explanation of the proposed activity, address of the site, date and time of the work, and contact information of the contractor overseeing the work.
 - h. Following construction, the Petitioner shall re-inspect all homes, with approval of the owners, subject to the pre-construction survey to determine any damages caused by vibration. The Petitioner shall maintain records of all complaints it receives for vibration-related damages. All claims submitted to the mitigation fund shall be fully administered prior to the issuance of the final certificate of occupancy for the Project. Any monies remaining in the fund upon issuance of the final certificate of occupancy shall be retained by the Petitioner.

ATTACHMENTS:

Attachment A: Petitioner's response to comments, dated July 15, 2022

Attachment B: Climate and Sustainability Memorandum

Attachment C: Beta Response

Attachment D: TDC Housing Calculation

Attachment E: Housing Updates on Crafts Street Inclusionary Zoning Requirement



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 ALAN J. SCHLESINGER
 LEONARD M. DAVIDSON
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July 15, 2022

BY ELECTRONIC MAIL

Richard A. Lipof, Chair
 Land Use Committee
 Newton City Council
 1000 Commonwealth Avenue
 Newton, MA 02459-1449

Re: Petition #260-22/Crafts Development, LLC and SRG HoldCo Investments, LLC
34, 36, 38, 48, and 50 Crafts Street/19 and 21 Court Street

Dear Chairman Lipof,

As of today's date, the applicants are submitting the following documents in response to issues raised at the June 28, 2022 public hearing.

- 1) A 16-page response package prepared by Elkus Manfredi Architects and Halvorson Design and dated July 15, 2022 ("the Elkus response package). The Elkus response package contains responses to the following requests for additional information.
 - What are the locations and sources of potential noise generation from exterior building equipment?
 - o See page 2.
 - May we please see an aerial rendering which accurately depicts the existing neighborhood tree cover and the Garden Remedies parking lot?
 - o See page 3.
 - May we see what the plan is for rooftop mechanical equipment?
 - o See page 4.
 - May we have renderings of all sides of the proposed building which account for rooftop mechanicals?
 - o See pages 5-11.
 - Please provide an update as to proposed interior bike parking and potential for additional bike parking.
 - o See page 12.
 - Please adjust the garage parking so that all parking stalls are 9 feet wide.
 - o See page 12.
 - Please endeavor to design a pedestrian loop around the entire building.
 - o See page 13.
 - Please show location of covered exterior bike racks.

Richard A. Lipof, Chair
July 15, 2022

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- Bike parking has been relocated so all facilities are under building canopies. There are two bike racks at the Crafts Street entrance canopy and two at the Assisted Living entrance canopy. See page 14.
 - Please provide a rendering of the rear of the building from the perspective of the townhouses.
 - See page 15.
 - Please make the pedestrian entrance off Crafts Street more inviting.
 - See page 16.
- 2) Updated FAR certification prepared by VHB and dated June 23, 2022.
- 3) Revised Inclusionary Zoning Memo prepared by Mark Development and dated July 15, 2022.
- 4) Stormwater Management Update prepared by VHB and dated July 1, 2022.
- 5) Updated civil plan set "Elderly Housing with Services at Crafts Street and Court Street" prepared by VHB and dated July 15, 2022 consisting of 17 pages. This plan incorporates the six-story redesign and includes the Halvorson update to L-01 – Landscape Site Plan:

C1.00 – Legend and General Notes

- Added Notes for City of Newton Engineering Requirements

C3.00 – Zoning Assessment Plan

- Revised Zoning Summary Chart to Reflect 6-Story Building
- Revised Building Height Detail to Reflect 6-Story Building
- Revised Average Grade Calculation Based on Grading Updates
- Revised Locus to Show Minor Site Modifications

C4.00 – Layout Plan

- Revised to Include Exterior Trash Enclosure and Modified Loading Area
- Revised extents of emergency access path and loading dock drive
- Revised Streetscape Layout at Crafts Street, converting three (3) parking spaces to drop-off zone, and adjusting curb to maintain existing roadway width
- Relocated emergency generator and transformer, adjusted patio space to accommodate generator and transformer location.

C5.00 – Grading and Drainage Plan

- Revised Routing of 36" Culvert to Avoid Existing Tree at Court Street and Connection to Existing Culvert per Engineering Comment Letter
- Revised Grading per Loading/Trash Area Modifications

Richard A. Lipof, Chair
July 15, 2022

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C6.00 – Erosion and Sedimentation Control Plan

- New sheet added to set per Engineering Department Review

C7.00 – Utility Plan

- Revised Routing of 36” Culvert to Avoid Existing Tree at Court Street and Connection to Existing Culvert per Engineering Comment Letter
- Revised utilities at loading to accommodate added trash enclosure
- Relocated emergency generator and transformer, adjusted patio space to accommodate generator and transformer location.

C8.02 – Details

- Added Dumpster Pad w/ Enclosure Detail
- Added Sloped Granite Edging (SGE) detail for mountable curb at loading/emergency access

L-01 – Landscape Site Plan

- Revised extents of emergency access path and loading dock drive
- Revised Streetscape Layout at Crafts Street, converting three (3) parking spaces to drop-off zone, and adjusted curb to maintain existing roadway width, realigned treeway and sidewalk to accommodate adjusted curb
- Relocated emergency generator and transformer, adjusted patio space to accommodate generator and transformer location.
- Bike parking has been relocated so all facilities are under building canopies. There are two bike racks at the Crafts Street entrance canopy and two adjacent to the Assisted Living entrance canopy.
- Adjusted gate to allow for pedestrian access at the southern end of the emergency access while restricting vehicular access.

Photometric Plan (sheet 17 of 17)

- Pole lighting has been added along emergency access path.

We were asked what materials would be used for the emergency access path. The emergency access path will be a 14-foot wide bituminous concrete paved surface with 3-foot reinforced turf strips along both edges in order to provide a total of 20 feet for the Newton Fire Department.

Richard A. Lipof, Chair
July 15, 2022

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Please feel free to contact me if you have further questions.

Sincerely,



Stephen J. Buchbinder

SJB/kba

Enclosures

cc: (By Electronic Mail, w/enclosures)

Councilor Maria Scibelli Greenberg

Councilor Tarik J. Lucas

Councilor Andrea W. Kelley

Councilor Christopher J. Markiewicz

Councilor Andreae Downs

Councilor Alicia G. Bowman

Councilor Marc C. Laredo

Jennifer Breslouf, Land Use Committee Clerk

Jennifer Caira, Deputy Director, Planning and Development Department

Katie Whewell, Chief Planner

Mr. Robert Korff

Mr. Damien Chaviano

Mr. David Roache

Ms. Stephanie Moresco



City of Newton, Massachusetts Climate and Sustainability Team



Date: May 11, 2022

To: Councilor Richard Lipof, Land Use Committee Chair

CC: Stephen Buchbinder, Attorney; Crafts Development, LLC; SRG HoldCo Investments, LLC; Katie Whewell, Senior Planner

From: Ann Berwick, Co-Director of Climate and Sustainability; Bill Ferguson, Co-Director of Climate and Sustainability; Liora Silkes, Energy Coach

RE: 34-50 Crafts St, 19-21 Court St Special Permit Sustainability Review

The Climate and Sustainability Team has reviewed the materials submitted by the project team and found the plans for 34-50 Crafts St, 19-21 Court St to be in compliance with the Sustainability Requirements as set forth by Zoning Ordinance Chapter 5 Section 13.

By planning to build 34-50 Crafts St, 19-21 Court St to LEED Gold certifiable standards, this project is on track to meet the requirements of Section 5.13.4.A of the Newton Zoning Ordinance. By planning to designate 10% of the parking for electric vehicle charging stations and 10% EV charging ready, the project is on track to meet the requirements of Section 5.13.4.B of the Zoning Ordinance. We would encourage increasing the amount of charger-ready parking spots, as it is much easier to make the parking lot charger ready during construction than to add in charging later.

The City Climate and Sustainability Team is pleased to see this project is working to reduce energy demand and electrify, by conducting a Passive House feasibility study, using PH design principles in the project, as well as study all-electric options for the building including a commitment to ASHPs or VRFs for the residential spaces and all-electric ENERGY STAR appliances. We encourage the project team to consider the likely adoption of a BERDO (Building Emissions Reporting and Disclosure Ordinance) by Newton in 2023 that is modeled after the Boston BERDO when determining how to move forward once completing the feasibility studies. BERDO would require the large buildings such as this one to decrease their emissions to established standards at certain intervals between the passage of the ordinance and reaching net-zero at 2050. We urge the project team to consider the financial implications of creating a building closer to net-zero from initial construction as opposed to retrofitting at a later date.

We are also very glad the project is committing to making the building solar-ready. We encourage the site operator to install solar as early in the process as possible, to begin receiving the environmental and financial benefits of the installation as early as possible as well.

Finally, it is great to see mention of embodied carbon in the sustainability narrative. We encourage the project team to conduct a Life Cycle Analysis of the building materials, and to use low-carbon cement mixes for the concrete that must be used.



August 4, 2022

Katie Whewell
Planner
Department of Planning & Development
1000 Commonwealth Avenue
Newton Centre, Massachusetts 02459

Re: Crafts Street Elderly Housing Transportation Peer Review

Dear Ms. Whewell:

BETA Group, Inc. (BETA), has reviewed the latest materials pertaining to transportation issues for the proposed Crafts Street Elderly Housing facility located at 36-48 Crafts Street in Newton, Massachusetts.

BASIS OF REVIEW

The following latest documents were received by BETA and formed the basis of the review:

- ***Site Plans, Elderly Housing with Services, Newton, Massachusetts, dated July 15, 2022, prepared by VHB***
- ***Letter*** from Schlesinger and Buchbinder, LLP to Richard Lipof, Chair of Land Use Committee, July 27, 2022
- ***Letter*** from Schlesinger and Buchbinder, LLP to Richard Lipof, Chair of Land Use Committee, July 15, 2022
- ***Parking Demand Summary***, July 22, 2022, Mark Development and SRG, July 22, 2022
- ***Loading/Drop-Off & Pick-Up Area Concepts and Cross Sections***, Mark Development and SRG, July 26, 2022
- ***Response to Transportation Comments Memorandum***, dated June 22, 2022, prepared by VHB

The Applicant and project team have adequately responded to all of our previous comments and issues, except for the proposed loading/drop-off & pick-up area on Crafts Street fronting the project. We provide the following comments for that area:

- The Applicant should define the use of this area as either a loading/delivery zone or as a passenger drop-off & pick-up area. Conflicts may occur if it is used for both uses concurrently.
- Time restrictions should be identified for users in this area.

- If used as a drop-off & pick-up, will it serve Transportation Network Companies (TNC) such as Lyft and Uber?
- The sidewalk in back of this area will be on the Applicant's property but will also serve the public as pedestrians will continue to walk from the public right of way onto the private portion of the sidewalk. The Applicant may consider measures such as providing a permanent easement to the City or other measures.
- The designation of this area will have to be approved by the Newton Traffic Council.
- The Applicant should be responsible for snow clearing on the sidewalk along their frontage.
- The concept plan does not show any greenspace/landscaped areas immediately before and after the loading/drop-off & pick-up area. If desired by the City, providing greenspace or other pervious material in this area should be considered.
- The proposed loading/drop-off & pick-up area should not preclude and future utilization of Crafts Street.

If we can be of any further assistance regarding this matter, please contact us at our office.

Very truly yours,
BETA Group, Inc.



Jeffrey Maxtutis
Senior Associate

Project No: 10337





Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
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Barney Heath
Director

MEMORANDUM

To: Barney Heath, Director of Planning & Development

From: Amanda Berman, Director of Housing & Community Development
Eamon Bencivengo, Housing Development Planner

Date: July 26, 2022

Subject: Approval of New Inclusionary Zoning Cash Payment Base Amount

Per Section 5.11.5 B of the City's Inclusionary Zoning Ordinance, see Attachment #1, the Newton Housing Partnership (NHP) reviewed the City's current Total Development Cost (TDC) per Unit and discussed updating this amount as the basis for future inclusionary zoning cash payments at their monthly meeting on July 19, 2022. The current TDC per unit basis is \$550,000, which was recommended by the NHP at the inception of the updated Ordinance in 2019 and subsequently approved by the Planning Director. With Section 5.11.5 B requiring the basis to be increased annually by the Consumer Price Index (CPI-U), the current TDC per unit amount is \$578,239.20.

After a presentation made by Eamon Bencivengo, in which he summarized the City's current TDC per unit and included three years' worth of data on the TDC per unit of constructed and rehabilitated affordable housing projects over the last three years, the NHP debated increasing the new basis from its current amount of \$578,239.20 to \$650,000 per unit. A motion was made by NHP Member Marc Caggiano to increase the TDC per unit to \$650,000, which passed unanimously by the NHP. The full discussion and vote are provided in Attachment #2.

Section 5.11.5 B requires that the NHP's recommendation vote to increase the TDC per unit basis for the next three-year period, must be approved by the City's Planning Director. Your signature below confirms your agreement with the calculation of this new TDC per unit amount and its service as the basis for the next three-year period, beginning August 1, 2022 and ending July 31, 2025. Every August 1 of the intervening years, 2023 and 2024, will be increased annually by the amount of the Consumer Price Index (CPI-U).

Barney Heath

Barney Heath, Director of Planning & Development

Attachment #1

- B. Cash Payment Amount.** The cash payment as an alternative to each required Inclusionary Unit, or fraction thereof, is based on a formula that utilizes the average total development costs (TDC) per unit in Newton, calculated by the Newton Housing Partnership and approved by the Director of Planning and Development utilizing final closing budgets and/or certified cost and income statements from new affordable housing developments built in Newton in the previous 3 years that were funded all or in part by public subsidies or approved through M.G.L. Chapter 40B. This basis for the cash payment standard (average TDC/unit in Newton) must be increased annually by the amount of the Consumer Price Index (CPI-U) and take effect on the anniversary date of the effective date in Section 5.11.14. No more than every 3 years, the average TDC/unit in Newton must be recalculated by the Newton Housing Partnership and approved by the Director of Planning and Development based on available data from affordable housing developments as above, completed in Newton during the preceding 3 year period.



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

MEMORANDUM

DATE: August 5, 2022

TO: Katie Whewell

FROM: Amanda Berman, Director of Housing & Community Development
Eamon Bencivengo, Housing Development Planner

RE: Inclusionary Zoning Ordinance: Elder Housing with Services Section – Updates on Crafts Street Project IZ Requirement

MEETING DATE: Land Use Committee Hearing – August 9, 2022

This memo provides additional context related to the Elder Housing with Services section of the Newton Inclusionary Zoning Ordinance – Section 5.11.11 – and is a continuation of the information provided in the memo dated 6/24/22 (attached).

Also included in this document is an updated summary of the Crafts Street project’s inclusionary housing requirement.

Section 5.11.11 - Elder Housing with Services

➤ **By-Right Alternative Compliance: Cash Payment Option**

As detailed in the 6/24/22 memo, Elder Housing with Services projects may choose to meet their Inclusionary Zoning requirement through a payment-in-lieu, without receiving permission from the City Council through the Special Permit process. While all other housing projects with 10 or more dwelling units must seek a special permit from the City Council to provide a cash payment rather than on-site inclusionary units, Elder Housing with Services projects are provided with the opportunity to choose their IZ compliance mechanism.

The cash payment for Elder Housing with Services projects is based on the average cost of providing long-term care for an elderly individual over a 10-year period, as well as the average total development costs (TDC) per unit in Newton, as calculated by the Newton Housing Partnership (NHP) and approved by the Director of Planning & Development.

The average long-term care cost is based on the Boston area average hourly rate of a home health aide providing three hours per day of care per year for ten years as determined by the annual Genworth Cost of Care Survey. The current hourly rate in the Boston area is \$32.75¹. This equates to **\$358,612.50** over a 10-year period.

Elder Housing with Services: Inclusionary Zoning Cash Payment Calculation	
A = average total development costs (TDC) per unit in Newton	FORMULA
B = average cost of providing long-term care for an elderly individual at 3-hours per day over a 10-year period	STEP 1: A + B = Total cost per bed
	STEP 2: C x 0.05 = # of inclusionary beds required (rounded to nearest 10th)
C = # of beds in proposed project	STEP 3: (A+B) x (C x 0.05 rounded) = Total Cash Payment

In May 2019, the Newton Housing Partnership calculated the average TDC/unit in Newton to be \$550,000. This number was used as the TDC/unit basis from August 1, 2019 through July 31, 2020. Section 5.11.5.B. requires this basis to be increased annually by the Consumer Price Index (CPI-U). As of July 2022, the TDC/unit in Newton was calculated to be \$578,239.20.

However, per the ordinance, a new basis for the average TDC/unit in Newton must be recalculated every three years by the Newton Housing Partnership and approved by the Director of Planning and Development. This number is to be based on available data from affordable housing developments completed in Newton during the preceding three-year period.

At its July 19, 2022 meeting, the Newton Housing Partnership discussed the update to the average TDC/unit in Newton to be used as the basis for future inclusionary zoning cash payments, as of August 1, 2022. After reviewing data on the TDC/unit of constructed and rehabilitated affordable housing projects in Newton over the last three years, the NHP voted to increase the TDC/unit from its current amount of \$578,239.20 to **\$650,000** per unit. This recommendation was then approved by Planning & Development Director Barney Heath on July 26, 2022. This new TDC/unit amount will serve as the basis for the next three-year period, beginning August 1, 2022 and ending July 31, 2025. Every August 1 of the intervening years, 2023 and 2024, this number will be increased by the amount of the Consumer Price Index (CPI-U).

As of August 1, 2022:

- The current TDC per Unit in Newton is **\$650,000** (defined as “A” in the calculation above).

¹ [Cost of Long Term Care by State | Cost of Care Report | Genworth](#)

- The current average Care Cost of providing long-term care for an elderly individual over a 10-year period is **\$358,612.50** (defined as “B” in the calculation).
 - \$32.75 per hour X 3 hrs. per day X 365 days per year X 10 yrs.

➤ **Recipients of Inclusionary Zoning Cash Payments**

The cash payment is made to the City’s Inclusionary Zoning Fund, which is used for the restoration, creation, preservation, and associated supportive services of deed-restricted units at or below 80% AMI, as well as costs incurred by the City that are related to the monitoring of these units.

Inclusionary Zoning Funds are distributed equally between the City of Newton and the Newton Housing Authority (NHA). With the inception of the Newton Affordable Housing Trust, it is anticipated that future IZ funds will go directly to the Trust, which will then provide the Housing Authority with its half of each payment. These payments do not accrue interest, nor are they adjusted for inflation.

On July 11 of this year, the City Council voted to approve a request for the balance of the City’s IZ funds, approximately \$890,000, to be used for the redevelopment of the West Newton Armory as 100% affordable housing (for households at or below 60% AMI). The Newton Housing Authority is currently using its Inclusionary Zoning Funds to support the development of its affordable senior housing project, the Haywood House.

➤ **Timing of Inclusionary Zoning Cash Payments**

When is the cash payment amount determined?

The exact amount of the cash payment for Elder Housing with Services projects is determined at the time the project is approved by the City Council. The calculation will utilize the TDC/unit number that is in effect at that time, as well as the current average hourly rate of a home health aide in the Boston area (determined by the annual Genworth Cost of Care Survey).

When is the cash payment due to the City’s Inclusionary Zoning Fund?

The Inclusionary Zoning ordinance requires that such cash payments be paid in full to the City prior to the granting of any Certificate of Occupancy.

➤ **Crafts Street Project – Updated Inclusionary Zoning Requirement**

As discussed above, Elder Housing with Services projects may meet their IZ requirement by providing affordable beds on-site or through a cash payment to the Inclusionary Zoning Fund. The Crafts Street project proposes to satisfy its IZ requirement through a cash payment.

The following details the difference in the cash payment amounts for a 7-story building versus a 6-story building (\$1,210,334.98 differential).

➤ **7-Stories / 257 Total Beds:**

Based on the current TDC per unit in Newton of \$650,000 and the current average care cost of \$358,612.50, the total cash payment from the project proponent for a 257-bed project would be **\$13,011,101.20.**

Elder Housing with Services Cash Payment Calculation:

A = \$650,000 = Current total development costs (TDC) per unit in Newton

B = \$358,612.50 = Current average cost of providing long-term care for an elderly individual over a 10-year period

C = 257 = # of beds in proposed project

C x .05 = 12.9 total inclusionary beds required

Total Cash Payment = (A+B) x (C x .05)

$(\$650,000 + \$358,612.50) \times (257 \times .05) = \underline{\underline{\$13,011,101.20}}$

➤ **6-Stories / 233 Total Beds:**

The total cash payment from the project proponent for a 233-bed project would be **\$11,800,766.22.**

Elder Housing with Services Cash Payment Calculation:

A = \$650,000 = Current total development costs (TDC) per unit in Newton

B = \$358,612.50 = Current average cost of providing long-term care for an elderly individual over a 10-year period

C = 233 = # of beds in proposed project

C x .05 = 11.7 total inclusionary beds required

Total Cash Payment = (A+B) x (C x .05)

$(\$650,000 + \$358,612.50) \times (233 \times .05) = \underline{\underline{\$11,800,766.22}}$

Attachments:

- June 24, 2022 Memo re: Elder Housing with Services IZ provisions and the Crafts Street Project IZ requirement
- July 26, 2022 “Approval of New Inclusionary Zoning Cash Payment Base Amount”



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

MEMORANDUM

DATE: June 24, 2022

TO: Katie Whewell

FROM: Amanda Berman, Director of Housing & Community Development
Eamon Bencivengo, Housing Development Planner

RE: Inclusionary Zoning Ordinance: Elder Housing with Services Section – Crafts Street Project IZ Requirement

MEETING DATE: Land Use Committee Hearing - June 28, 2022

This memo offers a summary of the Elder Housing with Services section of the Newton Inclusionary Zoning Ordinance – Section 5.11.11 – as well as a summary of the Crafts Street project’s inclusionary housing requirement.

Section 5.11.11. – Elder Housing with Services

While it is rare for municipalities to impose an affordability requirement on senior housing projects, due to their unique and complicated pricing and service-delivery structure, the City of Newton instituted a specific set of inclusionary zoning requirements tailored to the type of elder housing being proposed. The “Elder Housing with Services” provisions differ slightly from the standard requirements of the IZ ordinance to provide for the complex nature of the housing offered and attendant services. Whether through the provision of on-site inclusionary beds or a cash payment to the City’s Inclusionary Zoning Fund, the IZ requirement for Elder Housing with Services projects is a critical tool to create, support, and preserve affordable senior housing and care throughout Newton.

As detailed in the ordinance, “This section applies to all housing with amenities and services designed primarily for elders, such as residential care, continuing care retirement communities (CCRC’s), assisted living, independent living, and congregate care. This provision also applies to Congregate Living Facilities, as defined in Section 6.2.8.,¹ where these facilities are serving elderly households.”

¹ Defined. An association of persons living together in a shared living environment which integrates shelter and service needs of elderly, functionally impaired or functionally isolated persons who are otherwise in good health and can

These requirements do not apply to nursing or dementia care facilities.

In general, the inclusionary housing requirements for projects that are subject to the Elder Housing with Services provisions include:

- 5% of the total number of beds provided as part of an Elder Housing with Services project must be affordable for seniors age 62 or older whose annual gross incomes are at or below 80% AMI.
 - Where the IZ requirement results in a fraction of a unit greater than or equal to 0.5, the developer must provide one inclusionary bed to capture that fraction.
- Housing and base services provided to households occupying the affordable inclusionary beds must be comparable to those offered to the market-rate residents.
 - Such amenities and services may include long term health care, nursing care, home health care, personal care, meals, transportation, convenience services, social, cultural, educational programming, and the like.
- Monthly housing and service costs, inclusive of entrance fees, rent or monthly occupancy fees, amenities, and base services offered to all residents regardless of income status, must not exceed a fixed percentage of the applicable household income limit for that inclusionary bed, based upon the type of elder housing with services facility.
 - **Independent Living:** Monthly housing and service costs must not exceed 15% of the applicable household income limit for that inclusionary bed (which is 80% AMI).
 - **Assisted Living:** Monthly housing and service costs must not exceed 30% of the applicable household income limit for that inclusionary bed (which is 80% AMI).
 - **Continuing Care Retirement Communities (CCRC's):** Due to their unique structure in providing independent living, assisted living, and skilled nursing and related services to elder households in one location, CCRC's may choose to satisfy their IZ requirement through either the Independent Living or Assisted Living provision.
- **100% Deed-Restricted Affordable Facilities:** Elder Housing with Services projects that provide 100% of their units as deed-restricted affordable for seniors whose annual gross incomes are at or below 150% AMI are not required to comply with the prescribed percentage requirements per income level, as detailed in the ordinance (AMI levels must average out at no more than 110%

maintain a semi-independent lifestyle and who do not require constant supervision or intensive health care as provided by an institution. Each resident may have a separate bedroom, living room, kitchen, dining area or bathroom, or may share living, dining, and bathroom facilities with other persons. Such facility shall be deemed an association of persons living together in a single dwelling and not a lodging house.

AMI). However, projects that are 100% deed-restricted affordable are still subject to all other applicable sections of the ordinance.

By-Right Alternative Compliance: Cash Payment Option

Alternatively, Elder Housing with Services projects may choose to meet their Inclusionary Zoning requirement through a payment-in-lieu, without receiving permission from the City Council through the Special Permit process. While all other housing projects with 10 or more dwelling units must seek a special permit from the City Council to provide a cash payment rather than on-site inclusionary units, Elder Housing with Services projects are provided with the opportunity to choose their IZ compliance mechanism.

The cash payment is made to the City’s Inclusionary Zoning Fund, which is used for the restoration, creation, preservation, and associated supportive services of deed-restricted units at or below 80% AMI, as well as costs incurred by the City that are related to the monitoring of these units. Inclusionary Zoning Funds are distributed equally between the City of Newton and the Newton Housing Authority (NHA). With the inception of the Newton Affordable Housing Trust, it is anticipated that future IZ funds will be split between the Trust and the Housing Authority.

The Planning & Development Board and the Mayor recently recommended that the City’s Inclusionary Zoning Funds balance of approximately \$890,000 be allocated to the redevelopment of the West Newton Armory as 100% affordable housing (for households at or below 60% AMI). This funding request is now before the City Council for its approval. The Newton Housing Authority is currently using its Inclusionary Zoning Funds to support the development of its affordable senior housing project, the Haywood House.

The cash payment for Elder Housing with Services projects is based on the average cost of providing long-term care for an elderly individual over a 10-year period, as well as the average total development costs (TDC) per unit in Newton, as calculated by the Newton Housing Partnership and approved by the Director of Planning & Development.² The average long-term care cost is based on the Boston area average hourly rate of a home health aide providing three hours per day of care per year as determined

Elder Housing with Services: Inclusionary Zoning Cash Payment Calculation	
A = average total development costs (TDC) per unit in Newton	FORMULA
B = average cost of providing long-term care for an elderly individual at 3-hours per day over a 10-year period	STEP 1: $A + B = \text{Total cost per bed}$
C = # of beds in proposed project	STEP 2: $C \times 0.05 = \text{\# of inclusionary beds required (rounded to nearest 10th)}$
	STEP 3: $(A+B) \times (C \times 0.05 \text{ rounded}) = \text{Total Cash Payment}$

² Section 5.11.5.B: The cash payment standard (average TDC/unit in Newton) must be increased annually by the amount of the Consumer Price Index (CPI-U) and take effect on the anniversary date of the effective date of August 1, 2019.

by the annual Genworth Cost of Care Survey.³

- The current TDC per Unit in Newton is **\$578,239.20** (defined as “A” in the calculation).
- The current average Care Cost of providing long-term care for an elderly individual over a 10-year period is **\$358,612.50** (defined as “B” in the calculation).
 - \$32.75 per hour X 3 hrs. per day X 365 days per year X 10 yrs.

Crafts Street Project – Inclusionary Zoning Requirement

As discussed above, Elder Housing with Services projects may meet their IZ requirement by providing affordable beds on-site or through a cash payment to the Inclusionary Zoning Fund. The Crafts Street project proposes to satisfy its IZ requirement through a cash payment.

Based on the current TDC per unit in Newton of \$578,239.20 and the current average care cost of \$358,612.50, the total cash payment from the project proponent for this 257-bed project will be **\$12,085,386.93**.

Elder Housing with Services Cash Payment Calculation:

A = \$578,239.20 = Current total development costs (TDC) per unit in Newton

B = \$358,612.50 = Current average cost of providing long-term care for an elderly individual over a 10-year period

C = 257 = # of beds in proposed project

C x .05 = 12.9 total inclusionary beds required

Total Cash Payment = (A+B) x (C x .05)

(\$578,239.20 + \$358,612.50) x (257 x .05) = \$12,085,386.93

The cash payment in-lieu of on-site affordable beds at the Crafts Street project will provide the City with the largest one-time payment of IZ funds that the program has ever seen. Split between the City and the Newton Housing Authority (NHA), these funds will support the creation and preservation of units affordable to individuals, families, and seniors at much deeper income levels than what the IZ ordinance requires for senior housing projects of this type. On-site IZ beds must be priced to be affordable to seniors at or below 80% AMI. For a one-person household, this equals an annual income of \$78,300, which is well above the average annual retirement income in Massachusetts of \$31,838⁴.

While the need for affordable senior housing and services exists at the 80% AMI and above levels, a \$12 million infusion to the City’s Inclusionary Zoning Fund is sure to impact a greater number of very

³ Section 5.11.11.I: The average long-term care cost is based on the Boston area average hourly rate of a home health aide providing three hours per day of care per year for ten years as determined by the annual Genworth Cost of Care Survey. The current hourly rate is \$32.75. See [Cost of Long Term Care by State | Cost of Care Report | Genworth](#)

⁴ <https://www.annuity.org/retirement/planning/average-retirement-income/>

low-income individuals and families, including seniors. These funds could be used to leverage other public state and federal subsidies to create and preserve much-needed affordable senior and family housing and support services. The inclusion of on-site affordable beds in mixed-income senior housing projects is not insignificant, however, in this scenario, a payment-in-lieu will have positive impacts on Newton's affordable housing efforts for years to come.



Ruthanne Fuller
Mayor

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Barney Heath
Director

MEMORANDUM

To: Barney Heath, Director of Planning & Development

From: Amanda Berman, Director of Housing & Community Development
Eamon Bencivengo, Housing Development Planner

Date: July 26, 2022

Subject: Approval of New Inclusionary Zoning Cash Payment Base Amount

Per Section 5.11.5 B of the City's Inclusionary Zoning Ordinance, see Attachment #1, the Newton Housing Partnership (NHP) reviewed the City's current Total Development Cost (TDC) per Unit and discussed updating this amount as the basis for future inclusionary zoning cash payments at their monthly meeting on July 19, 2022. The current TDC per unit basis is \$550,000, which was recommended by the NHP at the inception of the updated Ordinance in 2019 and subsequently approved by the Planning Director. With Section 5.11.5 B requiring the basis to be increased annually by the Consumer Price Index (CPI-U), the current TDC per unit amount is \$578,239.20.

After a presentation made by Eamon Bencivengo, in which he summarized the City's current TDC per unit and included three years' worth of data on the TDC per unit of constructed and rehabilitated affordable housing projects over the last three years, the NHP debated increasing the new basis from its current amount of \$578,239.20 to \$650,000 per unit. A motion was made by NHP Member Marc Caggiano to increase the TDC per unit to \$650,000, which passed unanimously by the NHP. The full discussion and vote are provided in Attachment #2.

Section 5.11.5 B requires that the NHP's recommendation vote to increase the TDC per unit basis for the next three-year period, must be approved by the City's Planning Director. Your signature below confirms your agreement with the calculation of this new TDC per unit amount and its service as the basis for the next three-year period, beginning August 1, 2022 and ending July 31, 2025. Every August 1 of the intervening years, 2023 and 2024, will be increased annually by the amount of the Consumer Price Index (CPI-U).

Barney Heath

Barney Heath, Director of Planning & Development

Attachment #1

- B. Cash Payment Amount.** The cash payment as an alternative to each required Inclusionary Unit, or fraction thereof, is based on a formula that utilizes the average total development costs (TDC) per unit in Newton, calculated by the Newton Housing Partnership and approved by the Director of Planning and Development utilizing final closing budgets and/or certified cost and income statements from new affordable housing developments built in Newton in the previous 3 years that were funded all or in part by public subsidies or approved through M.G.L. Chapter 40B. This basis for the cash payment standard (average TDC/unit in Newton) must be increased annually by the amount of the Consumer Price Index (CPI-U) and take effect on the anniversary date of the effective date in Section 5.11.14. No more than every 3 years, the average TDC/unit in Newton must be recalculated by the Newton Housing Partnership and approved by the Director of Planning and Development based on available data from affordable housing developments as above, completed in Newton during the preceding 3 year period.