



#259-22 and #260-22

City of Newton, Massachusetts
Department of Planning and Development
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Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: May 17, 2022
Land Use Action Date: August 9, 2022
City Council Action Date: August 15, 2022
90-Day Expiration Date: August 15, 2022

DATE: May 13, 2022

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Deputy Director of Planning and Development
Katie Whewell, Senior Planner

SUBJECT: **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-story building, to allow a building 84 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.

CC: Planning Board

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing that the Land Use Committee of the City Council can consider at a subsequent working session.



EXECUTIVE SUMMARY

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 Multiresidence 1 zone (“MR1”). The petitioner is seeking to rezone all the parcels to Business 4 (“BU-4”) zone and construct a seven-story structure with 84 feet in height for elderly housing and services. The facility will have both assisted living, independent living, and memory care consisting of 209 units and 257 beds total. 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.

The Planning Department has engaged an on-call consultant to conduct a review of the petitioner’s traffic memorandum, staff anticipates discussing the transportation aspects of the petition at a future public hearing. The petitioner should be prepared to respond to all comments contained in this memorandum and at the public hearing at a subsequent public hearing.

Due to the size of the project, images will not be featured in this memorandum and can be found here:

<https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-2376>

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing these requests, the City Council should consider whether:

- The site is an appropriate location for the proposed elderly housing with services facility as designed with more than 20,000 square feet in gross floor area, seven stories, and 84 feet in height (§7.3.3.1).
- The proposed elderly housing with services facility as designed with more than 20,000 square feet in gross floor area, seven stories, and 84 feet in height as developed will adversely affect the neighborhood (§7.3.3.2).
- There will be a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.3).
- Access to the site is appropriate for the types and numbers of vehicles involved (§7.3.3.4).
- The site and buildings as designed, constructed, and operated will contribute significantly to the efficient use and conservation of natural resources and energy, including through some or all of the following: (a) minimizing operating energy; (b) minimizing the use of fossil fuels; (c) implementing a transportation plan that will minimize carbon footprint. (§7.3.3.C.5)
- Literal compliance with the dimensional parking requirements is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§5.1.13)
- Literal compliance with the lighting requirements for parking facilities over five stalls is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§5.1.13)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject parcels are located on the western side of Crafts Street and northern side of Court Street, between Newtonville and Nonantum. The subject Crafts Street and Court Street parcels are within the MAN and MR1 zones. The area is comprised of a range of zones, including manufacturing, Business, Public Use, and Multi Residence zones along Crafts Street. (**Attachment A**). This diversity of zones consists of retail uses abutting the Crafts Street parcels on Washington Street, multifamily residential uses directly abutting the site to the west, and commercial uses directly to the north.

Along the eastern side of Crafts Street are multi residential uses and commercial uses **(Attachment B)**.

B. Site

The site consists of seven parcels: 34, 36, 38, 48, 50 Crafts Street (the “Crafts Street parcels”) and 19 and 21 Court Street (the “Court Street Parcels”). The Crafts Street parcels consist of commercial uses each with their own associated parking areas. 36 Crafts Street features surface parking and parking below the second story of the commercial building. 38 Crafts Street consists of a commercial building with a nonconforming front setback of less than one foot and parking. The Crafts Street parcels have large areas dedicated to school bus parking between the commercial buildings and up to the Court Street parcels to the west. The Court Street parcels consists of two, two family residential dwellings. The Crafts Street parcels are largely hardscaped, and the areas not covered by buildings consist of broken pavement and gravel, and feature little if any landscaping. Together, the parcels contain 115,818 square feet of area and four existing buildings, two commercial and two residential.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The current uses of the site are commercial and two-family residential uses. If approved, the use would be elderly housing with services residential use.

B. Site Design

The petitioner is proposing to combine the seven parcels on Crafts Street and Court Street and rezone the property to BU-4 **(Attachment C)** to construct the elderly housing facility and associated parking. The site will have three points of access, two driveways from Crafts Street and one driveway on Court Street, which is intended for emergency vehicles and loading. Primary vehicular access to the building will occur from Crafts Street. Pick up and drop off would take place in the circular front driveway at the front of the building.

In the BU-4 zoning district, the required front yard setback is the lesser of half of the building height or the average front setback from abutting properties. The petitioner elected to use the averaging provision, which requires a front setback of ten feet, where 12 feet is proposed. The required side setbacks are the equivalent of half of the building height or equal to the abutting side yard setback. The petitioner is utilizing the abutting side yard setbacks to determine the required side setbacks. As proposed, the side setbacks are 32 feet from the side (northern) property line, where

15 feet is required and 30 feet from the side (southern) property line, where 27.5 feet is required. The rear setback abuts a residential zone, as such, the greater of half the building height or 15 feet is required, the petitioner is proposing 42 feet which is half of the building height.

The project's lot area per unit is based off the number of independent living units. At 129 independent living units, the property's lot area per unit is 898 square feet per unit. Not included in the lot area per unit calculation are the assisted living beds and memory care beds.

Pedestrians would be able to access the building from the Crafts Street frontage, as well as internally within the site from the two building entrances along the pickup and drop off area. There is a walkway canopy separating the pickup and drop off area from the courtyard. The Planning Department would like further detail on the canopy and what type of separation and/or access is permitted between the two spaces. Also proposed is a five-foot-wide sidewalk providing a path from the Crafts Street frontage to Court Street along the side (eastern) property line.

C. Building Design

The petitioner is proposing to demolish the existing structures and construct a seven-story elderly housing with services facility consisting of 224,000 square feet and 84 feet in height. There are two entrances on opposite sides (north and south) of the pickup/drop off loop that provide access to two lobbies for either assisted living or independent living and their dedicated wings. There is a secondary entry for independent living that can also be accessed directly from the Crafts Street sidewalk.

The three primary outer facing edges of the building mirrors the north, west, and south property lines as the building meanders through the property. The design takes care to step back the additional story heights above five stories from the Crafts Street front elevation and the rear elevation. Most of the building along the northwestern property line, which borders properties on McGuire Court, is set further back from the property line with the portion of the building that is closest to the boundary located 32 feet away. The building's longest edge is located along the rear (southwestern) property line and maintains a distance of 42 feet from the rear property line. The story heights along this edge vary from two to seven, where most of the building height proposed above five stories is stepped back from the lower stories. While renderings were submitted for most facades, there was no rendering submitted for the rear façade, the Planning Department would like more information to better visualize this building edge.

For the proposed seven-story building with 84 feet in height, the maximum allowed floor area ratio "the FAR" is 2.75. The petitioner is proposing an FAR of 1.94, with

approximately 224,000 square feet of floor area. Floors 1-5 each contain 35,000 - 40,378 square feet of floor area, and floors 6 and 7 contain 16,582-17,361 square feet of floor area. At a March 9, 2022 meeting of the Urban Design Commission (“UDC”), the UDC expressed concerns with the height of the building at seven stories (**Attachment D**). While the petitioner made thoughtful efforts to step back the higher stories, the UDC’s sentiment was that the proposed seven-story building seemed too tall. The UDC commended the applicant that the configuration of the building was well done and requested further details on the roof. The UDC also requested more detail of the building’s façade along Craft’s Street.

The petitioner submitted a shadow study to demonstrate potential shadows cast by the structure. The largest impact from shadows is anticipated during the Winter Solstice, where shadows would be cast primarily to the north and west of the site. At 9 AM, the building would cast shadows to the west, across Crafts Street and further west beyond Clinton Street and Lincoln Road. Midday during the winter solstice, the shadow’s impact is mainly to the north, extending beyond Lincoln Road. At 3:00 PM, much of the area to the east is cast in shadow from the proposed structure, and other surrounding structures. During other times of the year, the proposed structure is anticipated to cast shadows, but is not anticipated to cast on other structures and largely upon open space.

D. Parking and Circulation

Overall, the proposed project will consolidate the number of curb cuts on Crafts Street from five to two, allowing for three street parking spaces. The southernmost driveway measures 22 feet wide and will provide access to a pickup and drop off loop and an underground parking garage. The petitioner is proposing 144 parking stalls for the site, where 102 stalls are required. There are seven surface parking stalls along the eastern driveway providing access to the garage, where there are 137 parking stalls proposed. The surface parking consists of parallel stalls and vary from 21 feet long to 24 feet long for the accessible stall. The garage stalls are 90-degree parking with all the stalls requiring waivers for the dimensional parking requirements at 8.5 feet x 18 feet.

The northern driveway off Crafts Street provides access to the loading facility and will be designated for loading and emergency vehicles only. The petitioner should clarify any measures that will ensure the access is limited to the appropriate vehicles. The petitioner should clarify the trash operations and schedule. The driveway off Court Street is intended for emergency access and loading only and will consist of stamped asphalt. The Court Street driveway and northern driveway appear to connect at the rear of the site and the petitioner should provide information on this connection and whether non-emergency vehicles will be prevented from looping around the site. The

petitioner stated that smaller delivery vehicles would be allowed to use visitor parking near the pick-up drop off loop as well as on street parking.

All but one of the drive aisles within the garage comply with the 24 feet required by the Ordinance. The rear of the garage has a drive aisle width of 22 feet, requiring relief.

E. Transportation Demand Management Plan

The petitioner provided a Transportation Demand Management (TDM) plan within the Traffic Study. As part of the TDM plan they propose to display public transit schedules, provide detailed maps to public transportation, provide a secure bicycle storage onsite, and implement an onsite car-pool rideshare program with guaranteed ride home. The petitioner should clarify additional bicycle parking locations beyond the location within the garage. The petitioner should also provide further details around the guaranteed ride home.

The petitioner also proposes multiple vehicles ranging from shuttles, vans and passenger vehicles that will be available to residents to schedule rides. The petitioner should clarify where these vehicles will be stored and more information on this program.

The plans indicate a bike parking area in the garage; however, the space is located between the garage wall and the parking stalls. The Planning Department questions whether this location is accessible to bicycle users, poses any obstacles to bicycle users and whether additional, secure, covered bicycle racks could be provided at surface level for visitors to the site. The petitioner stated that the site will provide 50 secure bicycle parking spaces, the petitioner should clarify the location(s) of those spaces and whether they are limited to the garage, as well as the type of bicycle rack(s) envisioned for the property.

The Planning Department suggests additional measures to bolster the proposed TDM plan such as subsidized transit passes for employees. The Planning Department also suggests the petitioner consider electric vehicles where feasible as part of the multi modal transportation plan for residents.

F. Landscaping and Lighting

The seven surface parking stalls along the eastern driveway are subject to provisions for parking facilities over five stalls, which requires these parking facilities be screened with at least five feet of landscaping and/or fencing. The submitted landscape plan does not demonstrate the required screening, however the petitioner stated they will comply with the requirement. The petitioner should provide a landscape plan demonstrating compliance to the Chief Zoning Code Official.

The petitioner submitted a landscaping plan which shows generous screening around the perimeter of the site. The existing conditions of the Crafts Street parcels are largely hardscaped and impervious surfaces. The proposed landscaping would be a vast improvement and will help mitigate any heat island effect from the existing paved areas. Portions of the site are included on a “Hot Spot” Map within the Climate Action Plan of areas in the city where surface temperatures can reach 140 degrees. Portions of the site not designated as a Hot Spot are within zones nearest the red zone at 140 degrees. The petitioner proposes deciduous and ornamental trees around the perimeter and interior of the site, as well as lawn areas. The landscape plan does not indicate any fencing around the site, only landscape screening in the form of deciduous and ornamental trees.

The petitioner submitted a lighting plan which shows lighting levels less than the one foot-candle minimum required by the Ordinance.

G. Housing

The petitioner elected to utilize the inclusionary zoning cash payment option under §5.11.11.I. This section of the Ordinance governs the inclusionary component of the elderly housing with services use and allows the petitioner to comply with the Inclusionary Zoning via a cash equivalent payment to the City. The petitioner’s proposed Inclusionary Housing Contribution was reviewed by City Staff in the Housing Division and they have issued a memorandum (**Attachment E**). Based on current amounts of \$578,239.20 for A (average total development cost) and \$358,612.50 for B (average cost of providing long term care for an elderly individual for three hours a day over a ten-year period), Housing Division staff calculates the total cash payment from the petitioner for this 257-bed project to be \$12,085,386.93. The payment would be split equally between the City and the Newton Housing Authority, as such, the Housing Division supports the infusion and timing of this payment as it aligns with the formation of the City’s new Affordable Housing Trust (AHT). The allocation of this payment to the AHT will greatly serve to spur and support the development of affordable housing projects and units in the City.

H. Sustainability

The petitioner submitted a sustainability plan indicating a commitment to making the building achieve the LEED Green Building Rating Program. The City’s Climate and Sustainability Team issued a memo (**Attachment F**) stating that the project is on track to meet the requirements of the Ordinance under §5.13.4 with LEED Gold Certifiable standards, and the designation for electric vehicle charging stations and 10% electric vehicle charging ready. The Climate and Sustainability Team implores the petitioner to consider a greater number of electric vehicle charging stations.

I. Signage

The petitioner has not submitted a sign plan. Should this project be approved, any signage installed shall be as of right, or if requires a zoning relief, require an amendment to an approved special permit.

J. Washington Street Vision Plan

While the site does not front Washington Street, it is approximately 500 feet away from Washington Street and if approved, will have a noticeable presence from Washington Street over the single and two-story buildings fronting Washington Street. The Vision Plan envisages medium heights of three to six stories along the frontage of Washington Street between Crafts Street and Central Avenue. The Vision Plan also encourages a variety in building size and shape with multiple buildings with varying heights, materials, and other design distinctiveness.

The housing diversity section of the Vision Plan aims to offer housing for all ages, all people, to promote diverse building and unit sizes and allow communal living models, including age restricted senior housing. The plan identifies Washington Street as a location to consider these more complex forms of multi-family housing. The City's Comprehensive Plan also sets forth housing goals to achieve affordability and a diversity of housing types. The Comprehensive Plan seeks to address the needs of special populations, including elderly populations, those with disabilities, and those who need supportive services.

The Vision Plan contemplates transportation demand management to create parity between incentives to drive and incentives to walk, bike, or take transit. The petitioner submitted a TDM plan that includes displaying transit schedules, providing bicycle parking, and rideshare program with guaranteed ride home. The addition of subsidized transit passes as a TDM measure would serve as an impactful way to discourage driving and single occupancy trips.

The Global Climate and Local Environment section of the Vision Plan encourages low-carbon living, smaller units, and reduce greenhouse gas emissions. The redevelopment of this site provides a unique opportunity to meet and exceed the City's climate goals. The applicant is proposing to meet the standards of the Ordinance at the LEED Gold certifiable standard which is required for projects with greater than 50,000 square feet. The increase in landscaping and removal of existing paving, broken pavement and gravel reduces the heat island effect, also outlined in the Vision Plan's Global Climate and Local Environment section.

IV. NEXT STEPS

The Planning Department will coordinate the various reviews required with City staff and City peer reviewers to be provided at upcoming meetings. The petitioner should respond to the following issues and requests for more information raised in this memo:

- Parking stall dimensions within the garage
- Non-emergency vehicle access around the loop
- Bicycle parking
- EV charging
- Loading and Trash
- Landscape Plan and parking buffer
- Crafts Street façade – further detail
- Additional TDM measures

V. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance)

The Zoning Review Memorandum (**Attachment G**) provides an analysis of the proposal regarding zoning.

B. Newton Historical Commission Review

Should this petition be approved, the petitioner will be required to obtain review and approval from the Newton Historical Commission to demolish the existing structures at 38 Crafts Street, 19 Court Street, and 21 Court Street, as they are over 50 years old.

The building at 36 Crafts Street was constructed in 1988, thus is not subject to Historic review.

C. Engineering Review

The projects site plans and stormwater/drainage reports are currently under review with Engineering.

The Engineering issued the Infiltration and Inflow (I&I) (**Attachment H**) memo which calculates the I&I fee. The petitioner's I&I fee is estimated to be \$1,338,995.

D. Fire Department Review

The plans will be reviewed prior to the issuance of any building permits, should this project be approved.

ATTACHMENTS:

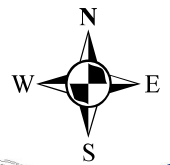
- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Request to Rezone Map
- Attachment D:** Urban Design Commission Memorandum
- Attachment E:** Housing Memorandum
- Attachment F:** Climate and Sustainability Team Memorandum
- Attachment G:** Zoning Review Memorandum
- Attachment H:** I&I Memorandum

Zoning

**34-50 Crafts Street
19, 21 Court Street***

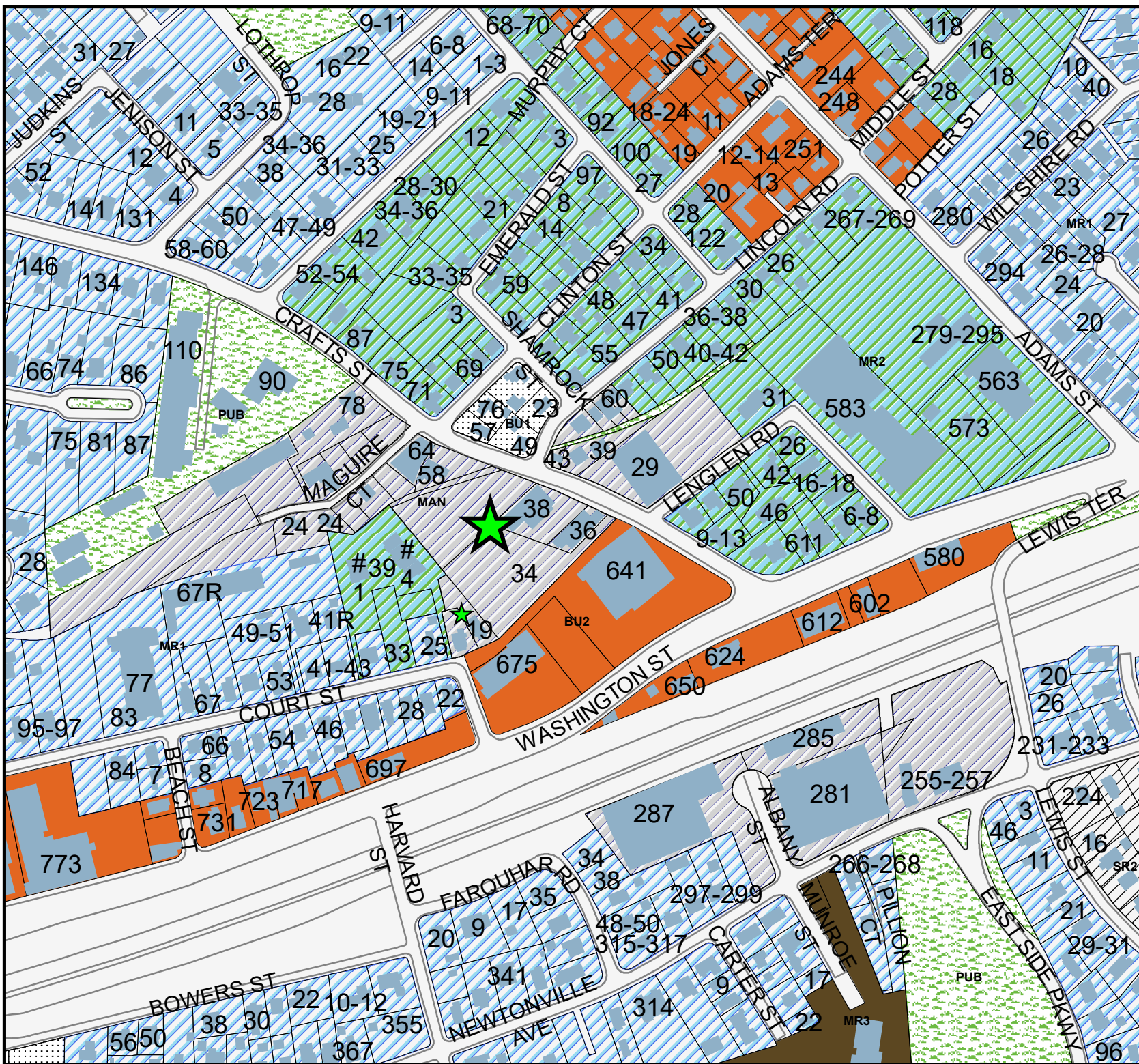
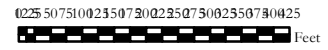
*City of Newton,
Massachusetts*

-  Single Residence 2
-  Multi-Residence 1
-  Multi-Residence 2
-  Multi-Residence 3
-  Business 1
-  Business 2
-  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



*19 and 21 Court Street are MR 1 zone, error in older version of GIS










ATTACHMENT B

Land Use

**34-50 Crafts Street
19, 21 Court Street**
*City of Newton,
Massachusetts*

Land Use

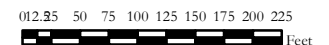
Land Use

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

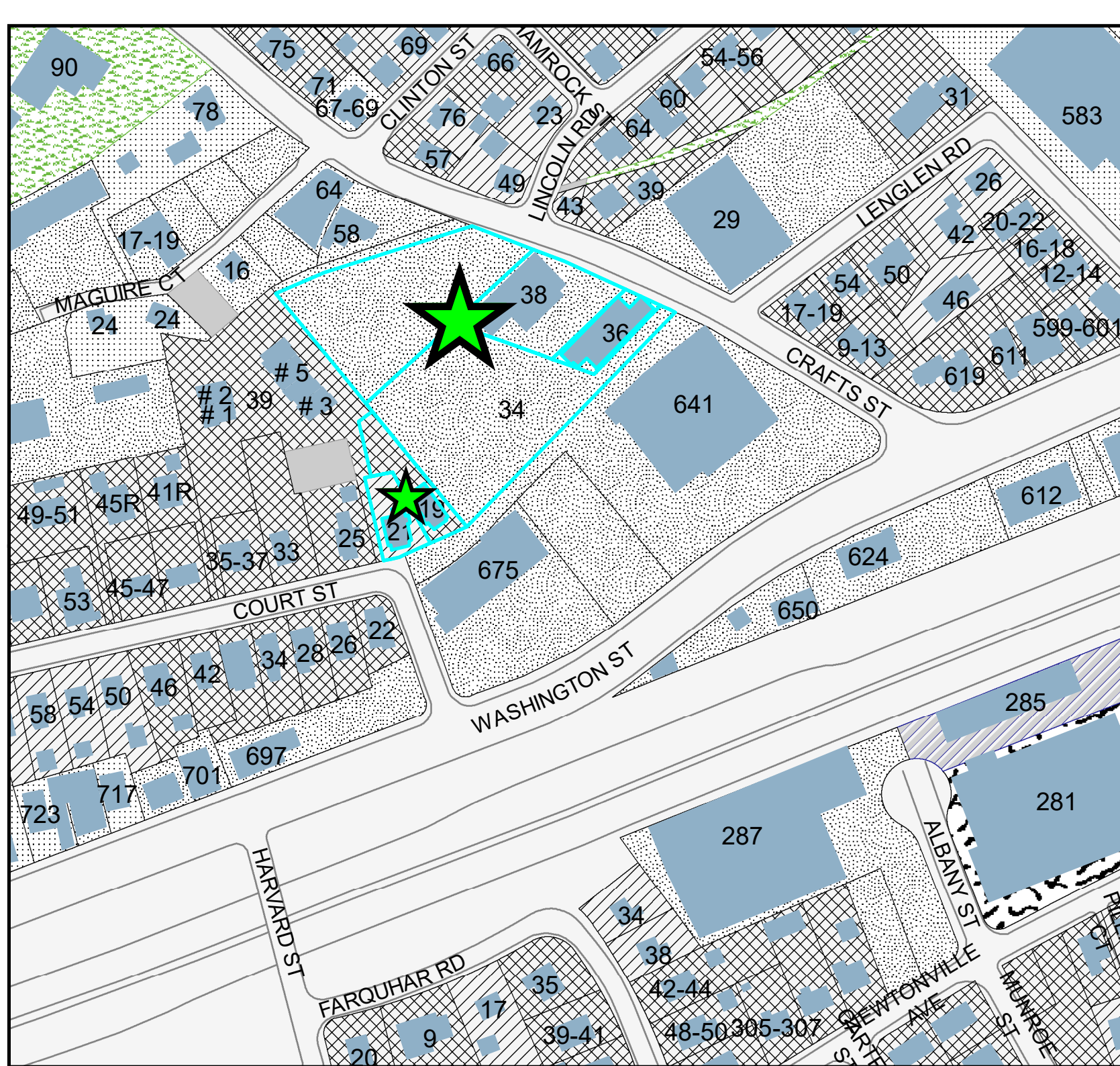


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: May 06, 2022





SURVEYOR'S METES & BOUNDS DESCRIPTION
 MBL'S 23016 0008, 23016 0009 & 23016 0011
 CITY OF NEWTON
 MIDDLESEX COUNTY
 COMMONWEALTH OF MASSACHUSETTS

BEGINNING AT A POINT ON THE NORTHERLY LINE OF CRAFTS STREET (PUBLIC-50' WIDE R.O.W.) THENCE RUNNING:

1. SOUTH 47 DEGREES 53 MINUTES 45 SECONDS WEST, A DISTANCE OF 393.37 FEET TO A POINT, THENCE;
2. SOUTH 65 DEGREES 25 MINUTES 22 SECONDS WEST, A DISTANCE OF 85.60 FEET TO A POINT, THENCE;
3. SOUTH 80 DEGREES 43 MINUTES 46 SECONDS WEST, A DISTANCE OF 30.00 FEET TO A POINT, THENCE;
4. NORTH 09 DEGREES 16 MINUTES 14 SECONDS WEST, A DISTANCE OF 110.00 FEET TO A POINT, THENCE;
5. NORTH 80 DEGREES 43 MINUTES 46 SECONDS EAST, A DISTANCE OF 12.50 FEET TO A POINT, THENCE;
6. NORTH 09 DEGREES 16 MINUTES 14 SECONDS WEST, A DISTANCE OF 72.50 FEET TO A POINT, THENCE;
7. NORTH 57 DEGREES 02 MINUTES 15 SECONDS EAST, A DISTANCE OF 19.49 FEET TO A POINT, THENCE;
8. NORTH 35 DEGREES 22 MINUTES 55 SECONDS WEST, A DISTANCE OF 205.97 FEET TO A POINT, THENCE;
9. ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 383.71 FEET, A CENTRAL ANGLE OF 11 DEGREES 52 MINUTES 06 SECONDS, AN ARC LENGTH OF 79.48 FEET, A CHORD BEARING OF NORTH 70 DEGREES 32 MINUTES 09 SECONDS EAST, AND A CHORD DISTANCE OF 79.34 FEET TO A POINT OF TANGENCY, THENCE;
10. NORTH 76 DEGREES 28 MINUTES 12 SECONDS EAST, A DISTANCE OF 165.40 FEET TO A POINT, THENCE;
11. NORTH 73 DEGREES 12 MINUTES 12 SECONDS EAST, A DISTANCE OF 10.85 FEET TO A POINT, THENCE;
12. SOUTH 67 DEGREES 46 MINUTES 37 SECONDS EAST, A DISTANCE OF 114.80 FEET TO A POINT, THENCE;
13. ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1421.50 FEET, A CENTRAL ANGLE OF 06 DEGREES 52 MINUTES 25 SECONDS, AN ARC LENGTH OF 170.58 FEET, A CHORD BEARING OF NORTH 64 DEGREES 20 MINUTES 24 SECONDS WEST, AND A CHORD DISTANCE OF 170.48 FEET TO A POINT OF TANGENCY, THENCE;
14. ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1425.29 FEET, A CENTRAL ANGLE OF 00 DEGREES 36 MINUTES 54 SECONDS, AN ARC LENGTH OF 15.30 FEET, A CHORD BEARING OF NORTH 60 DEGREES 35 MINUTES 44 SECONDS WEST, AND A CHORD DISTANCE OF 15.30 FEET TO A POINT OF TANGENCY AT THE POINT AND PLACE OF BEGINNING.

CONTAINING 115,744 SQUARE FEET OR 2.657 ACRES

THIS PROPERTY MAY BE SUBJECT TO RESTRICTIONS, COVENANTS AND/OR EASEMENTS EITHER WRITTEN OR IMPLIED.

METES & BOUNDS DESCRIPTION PREPARED BY CONTROL POINT ASSOCIATES, INC., DATED MARCH 30, 2022.

Legend

	PARCEL BOUNDARY
	ZONING DISTRICT BOUNDARY
	DEVELOPMENT PARCEL BOUNDARY
	PUB ZONE BOUNDARY
	MAN ZONE BOUNDARY
	MR1 ZONE BOUNDARY
	MR2 ZONE BOUNDARY
	BU1 ZONE BOUNDARY
	BU2 ZONE BOUNDARY

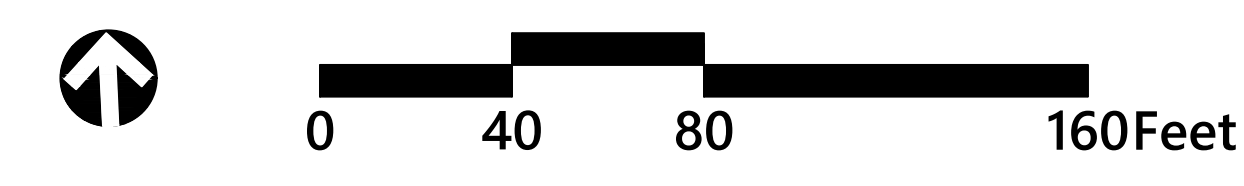
NOTES:
 DEVELOPMENT PARCEL BOUNDARY BEARINGS AND DISTANCES SHOWN ON THIS PLAN ARE BASED ON THE ALTA/NSPS LAND TITLE SURVEY FOR MARK DEVELOPMENT, LLC FOR 34, 36, 38, 48 & 50 CRAFTS STREET, 19 & 21 COURT STREET, PREPARED BY CONTROL POINT ASSOCIATES, INC., DATED OCTOBER 13, 2016 AND REVISED THROUGH JANUARY 31, 2022.



Jeffrey W. Koetteritz

Zone Change Plan
 Elderly Housing with Services
 Crafts Street & Court Street, Newton, MA

Source: VHB
 Prepared for: Zone Change Petition
 Date: March 31, 2022





Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
Urban Design Commission

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www.newtonma.gov

Barney Heath
Director

DATE: May 11, 2022
TO: Katie Whewell, Senior Planner
FROM: Urban Design Commission
RE: 34, 36, 38, and 48 Crafts Street and 19 and 21 Court Street
CC: Barney Heath, Director of Planning and Community Development
Jennifer Caira, Deputy Director
Land Use Committee of the City Council
Petitioner

Section 22-80 of the Newton City Ordinances authorizes the Urban Design Commission to act in an advisory capacity on matters of urban design and beautification. At their regular meeting on March 9, 2022, the Newton Urban Design Commission (UDC) reviewed the proposed project at 34, 36, 38, and 48 Crafts Street and 19 and 21 Court Street for design. The Urban Design Commission had the following comments and recommendations:

The UDC commented it is a very skillful, interesting project, the kinds of facilities that are much needed. It looks like a very thorough study of the plans with all the groups that have been accommodated. The architecture and massing are very good for the site. The landscape looks well thought out, a little more detail (as the project moves along) along Crafts Street would be of interest. One thing of concern is height at seven stories.

Building Massing, Height and Architecture

- UDC commented that there are parts of this design: balconies, base, middle, and top that are working well but the height is an issue. The applicant responded what drives the height is the programmatic requirement of about 200 units for the different use types, the memory care, the assisted living and the senior living, independent living. They all have kind of minimum mass to support the staff, in order to make them cost effective for the services provided and so getting to 200 units, the way BU-4 zoning works, when you abut a residential neighborhood as this project abuts on Court Street, the taller you go the further you have to setback the building. The applicant felt that having a variety of different heights and setting them back further from residential abutters to the west and pushing all the mass to the north created a minimum impact to the community. The Craft Street corridor is particularly wide, the street is wide, the

house in the neighborhood on Lincoln Street are setback and this building is setback from Crafts Street. The applicant also mentioned that they have done shadow studies and were amazed at how little shadow even a seven-story building creates in the neighborhood on Lincoln Street even in winter. It's essentially trading a seven-story building to create more green space on the ground. To take the 16-17 units that are on the seventh story to decrease the massing and decrease the setback which also decrease the setback and push the building closer to the neighbors, so we are coming forward with seven stories now because it makes better architecture, more variety along the street with no negative impact, either to the community or the abutters.

- The UDC commented that the applicant has done a good job of stepping back the building from 7 to 5 stories, but 7 stories seem too tall. What is the alternative to have a feasible project? There is a way to remass it and lose green space and lose the ability to have variation in the façade. It might be instructive to see what the alternative is. To be convincing, it might be helpful to compare and contrast. On Washington Street, there was another housing project, that originally came in with 4 stories and then went back to the drawing board and came back with 2-3 story building. There was a process that was followed which worked well. Since this is one of the main issues that the applicant is dealing with, it will be helpful to do it. The applicant also responded that UDC's suggestion is to have a comparison and see what the building will look like if it was 6 stories tall instead of 7. UDC commented that it will be helpful to see rearranging of the program, does it get better or worse?
- UDC commented that the setback approach is very well done, the way the building is positioned on the site is extremely well done. Don't have another idea to rearrange but it is worth exploring.
- As the project moves along, UDC would also like to see the roof plans, will there be solar panels? Is it flat roof, solar ready? The applicant responded that they are very committed to the sustainability of this project, air quality for the residents, also building metrics, everything from its embodied carbon to its operational carbon. It will be an all-electric building (at least for all the residents), there will be gas for commercial cooking but other than that heating will be electric, water heating will be electric and by the stretch code, the roof must be solar ready and will be. The applicant commented that they anticipate using a heating pump and a VRF system. Looking at the feasibility of an array of solar panels at the top, right now given the cost and rates of electricity, the preliminary calculations show that the solar rate doesn't make sense. Although the roof will be flat but there isn't a lot of roof area in terms of returning energy to the grid. There are more effective ways to be sustainable other than having solar array.

Landscape, Streetscape and Open Space

- UDC asked about the paving material in the courtyard. Applicant responded the paving material could be brick or unit paver, they are still exploring the options. Once a person leaves the car, all the walking surfaces will be cast in concrete, so it will be all very accessible, it will also reduce bumpiness and ease of mobility is the focus.
- The UDC also asked why are there two outdoor seating spaces, next to each other? The applicant responded that the idea was to create some separation but not feel isolating. There will be secondary, tertiary spaces so everyone can find their places to mingle.



Ruthanne Fuller
Mayor

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Barney Heath
Director

MEMORANDUM

To: Katie Whewell, Senior Planner

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

Date: May 11, 2022

Subject: Inclusionary Housing Review for 34 – 50 Crafts Street

cc: City Council Land Use Committee
Barney Heath, Planning Director

As a designated *Elder Housing with Services* housing development defined in *Section 5.11.11* of the City's Inclusionary Zoning Ordinance, Mark Development's Craft Street project is eligible to meet its Inclusionary Zoning obligation through the alternative method of a cash payment. *Section 5.11.11. I* permits projects requesting this form of alternate compliance to provide a payment to the City in lieu of providing inclusionary units on site.

The following table illustrated in this section of the Ordinance outlines the calculation for this payment:

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

Based on current amounts of \$578,239.20¹ and \$358,612.50² for A and B as defined in the table respectively, Housing Division staff calculates the total cash payment from Mark Development for this 257 bed project to be \$12,085,386.93.

¹ 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.

² 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](#)

With this payment being split equally between the City and the Newton Housing Authority, the Housing Division supports the infusion and timing of this payment as it aligns with the formation of the City's new Affordable Housing Trust (AHT). The allocation of this payment to the AHT will greatly serve to spur and support the development of affordable housing projects and units in the City.



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.



Ruthanne Fuller
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 2, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Stephen J. Buchbinder, attorney
Crafts Development LLC
36 Crafts LLC
Crafts Street
Properties LLC Crafts
Development LLC
Paul and Tina Stevens
Salomeh Sadri
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: Request for a zone change from MAN and MR1 to BU4, and a special permit to construct elderly housing with services and for associated parking waivers

Applicant: Stephen Buchbinder	
Site: 34, 36, 38, 48, 50 Crafts Street, 19, 21 Court Street	SBL: 23016 0011, 23016 0010, 23016 0009, 23016 0008, 23016 0007, 23016 0012, 23016 0013
Zoning: MAN and MR1 (to be rezoned to BU4)	Lot Area: 115,818 square feet
Current use: Residential, office and parking	Proposed use: Elderly housing with services facility

BACKGROUND:

The subject site is comprised of seven lots with a total area of 115,818 square feet. Five of the lots are located in the Manufacturing district and the two Court Street lots are located in the Multi-Residence 1 district.

The applicant proposes to combine the seven lots and rezone the single parcel to Business 4. The intent is to raze the existing structures and construct a new elderly housing with services facility

containing 209 units in a seven-story building of approximately 224,000 square feet with underground garage parking and surface parking. The proposed project will provide a total of 144 parking stalls on site.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Stephen J. Buchbinder, attorney, dated 2/7/2022
- Project Information, submitted 2/7/2022
- Existing Conditions Plan of Land, signed and stamped by George Holbright, surveyor, dated 1/31/2022
- Zoning Assessment Plan, signed and stamped Jeffery W. Koetteritz, engineer, dated 2/1/2022
- Floor Plans and Elevations, signed and stamped by John M. Martin, architect, dated 2/1/2022, revised 4/1/2022

ADMINISTRATIVE DETERMINATIONS:

1. The site is comprised of seven properties. The two Court Street properties are zoned MR1, while the remaining parcels are zoned Manufacturing. The applicant intends to combine all seven lots into one and requests to rezone the new parcel to BU4.

The administrative determinations and relief requested by this application assume that the entire site is zoned BU4.

2. The applicant proposes to construct an elderly housing with services facility. Per section 6.2.10, an elderly housing with services facility is defined as “elderly housing with services, including residential care facilities, assisted living facilities and congregate care facilities.” Section 4.4.1 requires a special permit for elderly housing with services in the BU4 zoning district.
3. The applicant proposes to raze all the existing buildings and construct a seven-story building of approximately 224,000 square feet (excluding the underground parking facility). Section 4.1.2.B.1 requires a special permit for any development in a Business district of 20,000 square feet or more of new gross floor area.
4. Section 4.1.2.B.3 requires a special permit for four stories or more in the Business 4 zoning district. The applicant proposes to construct a seven-story structure, requiring a special permit.
5. Section 4.1.3 requires a special permit for a building greater than 36 feet in height up to a maximum of 96 feet. The applicant proposes a maximum height of 84 feet, requiring a special permit.
6. The facility will contain 209 living units; 129 Independent living units, 56 assisted living beds, and 28 memory care beds. Per Section 5.1.4.A, an elderly housing with services facility requires one parking stall per every two dwelling units, one per every four nursing beds, plus one stall per three employees.

Use	Requirement	Stalls Required
129 Independent Living units	1 stall/ 2 dwelling units	65 stalls
56 Assisted Living units	1 stall/ 4 beds	14 stalls
28 Memory Care units	1 stall/ 4 beds	7 stalls
48 employees	1 stall/ 3 employees	16 stalls
TOTAL REQUIRED		102 stalls

Per section 5.1.4.A a total of 102 parking stalls are required. The applicant proposes to construct 144 parking stalls on site, with 137 stalls located in the proposed underground garage and seven surface stalls, exceeding the requirement.

7. The petitioner proposes to construct seven parallel surface parking stalls along the drive at the entrance from Crafts Street. Section 5.1.8.A.1 requires that no parking be located within a front or side setback. The parking stalls are located within the 27.5-foot required side setback, requiring a special permit per section 5.1.13.
8. Per section 5.1.8.B.1 parking stall widths shall be at least 9 feet. The petitioners propose garage parking stalls measuring 8.5 feet wide, requiring a special permit per section 5.1.13.
9. Per section 5.1.8.B.2 parking stall depths shall be at least 19 feet for angle parking. The petitioners propose garage parking stalls measuring 18 feet in depth, requiring a special permit per section 5.1.13.
10. Per section 5.1.8.B.4 the minimum depth for angled accessible parking stalls is 19 feet and 24 feet for parallel stalls. The petitioner proposes 18-foot deep accessible stalls in the parking garage, requiring a special permit per section 5.1.13.
11. Section 5.1.8.C requires a 24-foot-wide drive aisle for two-way traffic. A section of the parking garage at the northern end of the building has a 22-foot-wide drive aisle, requiring a special permit per section 5.1.13. The remaining sections of the garage meet the aisle width of 24 feet.
12. Section 5.1.10 requires that outdoor parking facilities used at night be designed to maintain a minimum intensity of 1-foot candle on the entire surface of the parking facility. The petitioner seeks a special permit to waive this requirement per section 5.1.13.

BU4 Zone	Required	Proposed
Lot Size	35,000 square feet	115,818 square feet
Setbacks		
• Front (average)	5.2 feet	12 feet
• Side north	15 feet	32 feet
• Side south	27.5 feet	30 feet
• Rear	42 feet	42 feet
Lot Area Per Unit	400 square feet	898 square feet
Building Height	96 feet (by SP)	84 feet*
Max Number of Stories	8 (by SP)	7*
FAR	2.75	1.94

*Requires a special permit

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Request to rezone parcel to BU4	
§4.4.1 §6.2.10	To allow an Elder Housing with Services facility	S.P. per §7.3.3
§4.1.2.B.1	Development of 20,000+ square feet of gross floor area	S.P. per §7.3.3
§4.1.2.B.3	To allow a building with seven stories	S.P. per §7.3.3
§4.1.3	To allow a building 84 feet in height	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	To allow parking within the side setback	S.P. per §7.3.3
§5.1.8.B.1 §5.1.13	To reduce the required parking stall width	S.P. per §7.3.3
§5.1.8.B.2 §5.1.13	To reduce the required parking stall depth	S.P. per §7.3.3
§5.1.8.B.4 §5.1.13	To reduce the required parking stall depth for accessible stalls	S.P. per §7.3.3
§5.1.8.C §5.1.13	To allow a reduced drive aisle width for two-way traffic	S.P. per §7.3.3
§5.1.10 §5.1.13	To waive the lighting requirements	S.P. per §7.3.3

City of Newton

Ruthanne Fuller
Mayor

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
 OFFICE OF THE CITY ENGINEER
 1000 Commonwealth Avenue
 Newton Centre, MA 02459-1449

DATE: May 9, 2022
TO: Land Use Committee
FROM: Louis M. Taverna, P.E., City Engineer
RE: **Crafts Street Elder Housing (34-50 Crafts St)**
Sewer Infiltration/Inflow Mitigation
Ordinance No. B-45

The City Engineer has calculated the sewer infiltration/inflow mitigation fee for this project. See calculations attached. The total mitigation fee, based on the proposed usage of low flow fixtures throughout the project, is \$1,338,955. This calculation includes the reduction of the proposed total flow of the proposed development by the estimated existing flow.

Calculation of sewer infiltration/inflow mitigation:

Proposed Sewer Flow:

Assisted Living, 84 beds x 90 gal/bed = 7560 gpd
 Elderly Housing, 44 2-bed units x 90 gal/2 bed = 3960 gpd
 Elderly Housing, 85 1-bed units x 65 gal/1 bed = 5525 gpd
 Total = 17,050 gpd gal/day

Existing Sewer Flow:

36 Crafts St Office, 5134 sf x 0.05 gpd/sf = 257 gpd
 38 Crafts St Office, 13,074 sf x 0.05 gpd/sf = 654 gpd
 19 Court St Residence, 4 bedrooms x 65 gpd/bedroom = 260 gpd
 21 Court St Residence, 2 bedrooms x 65 gpd/bedroom = 130 gpd
 Total existing flow = 1,300 gpd

Net flow = 15,745 gal/day x 4 x \$21.26 (updated 1/1/22) = \$1,338,955