



Ruthanne Fuller
Mayor

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#357-22 & #358-22

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Barney S. Heath
Director

PUBLIC HEARING/WORKING SESSION II MEMORANDUM

DATE: November 18, 2022
MEETING DATE: November 22, 2022
TO: Land Use Committee of the City Council
FROM: Barney S. Heath, Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Michael Gleba, Senior Planner
CC: Petitioner

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

PETITIONS #357-22 & #358-22

1314 Washington St., 31 Davis St. and 33 Davis St.

Petition #357-22 for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone 3 parcels as follows: **1314 Washington Street** (Section 33 Block 10 Lot 01), **31 Davis Street** (Section 33 Block 10 Lot 11) and **33 Davis Street** (Section 33 Block 10 Lot 12) from BUSINESS 1 TO MIXED USE 4.

Petition #358-22 for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a building in excess of 20,000 sq. ft., to allow a mixed-use residential building with five stories and 60 feet in height, to allow reduced lot area per unit, to exceed the maximum front setback, to allow a FAR of 2.45 in a five-story building, to waive the setback requirement for the portions of the building exceeding 40 ft. in height, to waive entrance and façade transparency requirements, to allow a restaurant with more than 50 seats with extended hours of operation, to allow ground floor residential use, to waive the requirement of using the A+B+C parking formula, to waive 97 parking stalls, to allow assigned parking, to allow reduced parking stall width and depth, to allow reduced accessible stall depth, to waive end stall maneuvering space requirements, to allow reduced aisle width at **1314 Washington Street** and **31, 33 Davis Street**, Ward 3, Newton, on land known as Section 33 Block 10 Lots 01, 11, 12 containing approximately 30,031 sq. ft. of land in a district zoned BUSINESS USE 1 (rezone to MIXED USE 4 proposed). Ref: Sec. 7.3.3, 7.4, 4.2.2.A.2, 4.2.5.A.3, 4.2.2.B.1, 4.2.3, 4.2.5.A.4, 4.2.2.B.3, 4.2.5.A.2, 4.2.5.A.4.c, 4.2.5.A.6.a, 4.2.5.A.6.b, 4.4.1, 6.4.29.B.1, 6.4.29.C.6, 6.2.4, 5.1.3.B, 5.1.13, 5.1.4, 5.1.3.E, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.B.6, 5.1.8.C.1, 5.1.8.C.2 of the City of Newton Rev Zoning Ord, 2017.

The Land Use Committee (the “Committee”) held public hearings on July 19, 2022 and October 8, 2022, on this petition. This memo reflects additional information addressed to the Planning Department as of November 16, 2022.

BACKGROUND

The subject property is comprised of three lots, 1314 Washington Street, 31 Davis Street, and 33 Davis Street, totaling 30,031 square feet in a Business 1 (BU1) zoning district currently improved with a bank building constructed circa 1915 and a surface parking lot with 60 stalls and many dimensional parking nonconformities. The petitioner proposes to construct a five-story rear addition containing 50 residential units to the south side of the existing building and convert the existing bank space into a restaurant and lobby area.

The petitioner is seeking to have the three parcels’ zoning designation changed from BU1 to Mixed Use (MU4) and this memo assumes the parcels are zoned as such. As proposed the project also requires relief from several aspects of the Zoning Ordinance. The required relief pertains to certain dimensional and design standards, proposed uses, and required parking and parking stall and facilities dimensions.

The proposed 50-unit multi-family dwelling would be subject to the inclusionary zoning provisions of the Newton Zoning Ordinance (NZO) the petitioner would be required to provide eight (15%) of the dwelling units to households earning 50%-80% of the Area Median Income (AMI) and one (2.5%) of the units to households earning up to 110% of the AMI for a total of nine required inclusionary units. The petitioner would also be required to provide a fractional cash payment equivalent to 0.3 units.

As the proposed development would include construction or substantial reconstruction of one or more buildings totaling 20,000 square feet or more of gross floor area and also requires a special permit, it would be subject to the sustainable development requirements provided Sec. 5.13.3.A.

Due to the size of the project, plans can be found here by searching the project address at <https://newtonma.viewpointcloud.com/records/745458>.

UPDATES

Fiscal Impact Analysis

In response to a question with respect to the project’s fiscal impact from the previous public hearing, the Planning Department worked with the Assessors office to estimate the proposed development’s fiscal impact on the City (**Attachment A**). The memo estimates that property taxes collected for the site could increase annually by approximately \$137,000, from \$73,000 to \$210,000.

Transportation Issues

Transportation Demand Management (TDM)

The petitioner has offered to implement a Transportation Demand Management (TDM) plan for the project. The plan was developed in consultation with City staff and guided by a TDM guidance worksheet developed by City staff (**Attachment B_**). The Planning Department is still developing the worksheet to standardize TDM plans amongst projects based on the size of the project and number of parking stalls. The Planning Department has sent this to approximately five projects before the Land

Use Committee and the Zoning Board of Appeals. City staff are also meeting with petitioners and their representatives to garner feedback on what works well in this worksheet and what are some of the challenges with some of the commitments set forth. The Planning Department looks forward to providing an update at a future working session with the Committee around standardized conditions.

The proposed TDM plan includes a \$70,000 contribution before the issuance of any building permit for vertical construction towards City initiated TDM measures. These measures could include the installation of a bus shelter; contributions to the City's NewMo service; and transit, infrastructure, biking improvements; and/or other measures intended to reduce vehicle trips in the immediate area. The petitioner would also provide an additional \$5,000 for transit subsidies. Also, upon occupancy of the project the petitioner would display all transit schedules in a visible location; provide on-site secure indoor and outdoor secure bicycle storage areas; and either designate/hire a TDM coordinator or become a member of a transportation management association (TMA).

The Petitioner shall be obligated to continue to implement the TDM Plan for the life of the Project and bear any and all costs associated with it.

Transportation peer reviewer and responses

On November 10, 2022, the Planning Department's transportation consultant, Green International, issued a review (**Attachment C**) of the updated parking analysis that the petitioner issued October 26, 2022 (**Attachment D**) in response to comments from the October 6 public hearing, especially as related to adequacy of the petitioner's previous parking study. On November 14 the petitioner in turn submitted a response to the peer reviewer's November 10 (**Attachment E**). Staff will provide the peer review response at the upcoming public hearing.

Infiltration and Inflow (I&I) fee

As calculated by the City Engineer, the total sewer infiltration and inflow (I&I) fee for the project would be \$385,471. That office has recommended that 75% of that sum can be abated, leaving 25%, or \$96,435, to be used for the design and construction of upcoming sewer improvements.

The remaining 75% of the I&I fee, \$289,306, can be directed to "benefit the health and well-being of the public and is reasonably in the best interest of the city" toward other mitigation purposes. Various consultations have indicated a preference for this amount to be put toward the design and construction of improvements to the nearby Captain Ryan Park. It is proposed that this work be done consistent with that described in an October 25, 2022, memorandum submitted by the petitioner (**Attachment F**) as reviewed and approved by the Director of Planning and the Director of Parks, Recreation and Culture. The Petitioner would be required to complete this work at its sole cost and expense prior to the issuance of a certificate of occupancy (temporary or final) for the development's final dwelling unit.

Rezoning Petition

Attached is the Planning Board's determination and recommendation supporting the rezoning request (**Attachment G**). Additionally, the Planning Board found that this rezoning request requires a simple majority vote under the recent Housing Choice amendments to Chapter 40A.

Voting Threshold

Based on review and consultation by the Law Department, the special permit requires a simple majority vote under the recent Housing Choice amendments to Chapter 40A.

ATTACHMENT(S)

- Attachment A** 1314 Washington Street redevelopment proposal: fiscal analysis, dated November 4, 2022
- Attachment B** Planning Department's TDM guidance worksheet
- Attachment C** Green International Transportation peer review letter, dated November 10, 2022
- Attachment D** Petitioner's updated parking analysis, dated October 26, 2022
- Attachment E** Petitioner's response to peer reviewer's November 10, 2022, comments, dated November 14, 2022
- Attachment F** Petitioner's memo re proposed scope/costs for Improvements to Captain Ryan's Park, dated October 25, 2022
- Attachment G** Planning and Development Board Zoning/Majority Vote Recommendation
- Attachment H** DRAFT Council Order
- Attachment I** DRAFT Zoning Change Council Order

ATTACHMENT A

City of Newton



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

MEMORANDUM

Date: November 4, 2022
From: John Sisson, Economic Development Director
To: Barney Heath, Director, Planning and Development
Katie Whewell, Chief Planner
Michael Gleba, Senior Planner
CC: James Shaughnessy, Director of Assessment Administration
Allan Cohen, Commercial Appraiser/Assessor
Economic Development Commission
RE: **1314 Washington Street redevelopment proposal: fiscal analysis**

In response to the request from Councilor Lucas for a fiscal analysis, I am providing this baseline study of how the proposed 1314 Washington Street redevelopment would affect the amount of municipal property tax generated by the West Newton site. Comprised of three parcels, the land area totals 30,130 square feet (0.69 acres). Existing improvements on the site include one commercial building and a paved parking area.

Using FY22 figures for the combined assessed value of the parcels, \$3,612,400, the 0.01995 commercial tax rate, and the 1% fee for the Community Preservation Act (CPA) fund, we estimate annual property tax revenue would total \$72,788.05.

For the proposed redevelopment, staff estimates show the assessed value may total \$18.9 million. Using the same FY22 rates, property tax and CPA revenue would increase to \$209,816.74 in the first year of complete occupancy. As such, the completed development should generate an additional \$137,028.69 of net new municipal revenue.

As the following table shows, the existing property is taxed solely at the higher commercial rate. The proposed development will be primarily residential and would be taxed mostly at the lower residential rate. This explains why, although the total property value increases by a factor of approximately 5¼, the tax revenue more or less triples. Nonetheless, the net gain is appreciable and would be recurring.

	EXISTING	PROPOSED	CHANGE
Total Value	\$ 3,612,400.00	\$ 18,900,000.00	\$ 15,287,600.00
Commercial			
% of property	100%	5%	
Value	\$ 3,612,400.00	\$ 945,000.00	\$ (2,667,400.00)
Rate	\$ 19.95	\$ 19.95	
Property tax	\$ 72,067.38	\$ 18,852.75	\$ (53,214.63)
Residential			
% of property	0%	95%	
Value		\$ 17,955,000.00	\$ 17,955,000.00
Rate		\$ 10.52	
Property tax		\$ 188,886.60	\$ 188,886.60
Totals			
Property tax	\$ 72,067.38	\$ 207,739.35	\$ 135,671.97
CPA (1%)	\$ 720.67	\$ 2,077.39	\$ 1,356.72
Total	\$ 72,788.05	\$ 209,816.74	\$ 137,028.69

As land in Newton is a both finite and the primary source of municipal revenue, it is worth considering these figures at a smaller and more familiar scale. In FY22 dollars, the site currently generates \$2.42 per square foot of land. The redeveloped site would generate \$6.96 per square foot—\$4.55 more per square foot on the same amount of land.

This analysis is limited to property tax and CPA revenue. It does not address potential changes to the net costs of providing municipal services to the site. Nor does it estimate additional benefits that would be created by redevelopment. These revenue sources are meaningful, but we hesitate to advance estimates that may be speculative. Such benefits would include:

- one-time building permit fees,
- annual accrual of personal property tax on restaurant equipment and furnishings,
- annual accrual of the meals tax in the 160-seat restaurant,
- temporary jobs created for the duration of the construction project,
- permanent jobs created by the restaurant operation,
- ancillary functions outsourced to local and regional service and supply vendors for the operation of the building and restaurant, and
- the addition residents in 50 apartments, adding consumers with disposable income within walking distance of village center stores.

Other benefits which could be calculated include the net addition to the City’s permanent affordable housing stock, as well as a variety of infrastructure investments.

ATTACHMENT B

Last update: 2022.09.22	Project	Small (Baseline commitments + 3 points)	Medium (Baseline commitments + 6 pts)	Large (Baseline commitments + 9 pts)	Development Proposal
Proposal	Parking Spaces (Proposed)	20-34 parking spaces	35-99 parking spaces	100+ parking spaces	
Baseline Commitments	NewMo Service* (Contribution) or other shuttle, as per City	\$500/parking space one-time contribution	\$1500/parking space one-time payment	\$5000/parking space one-time payment	
	Bike Share* (sponsorship + membership subsidy)	\$5,000 one-time contribution	\$10,000 one-time contribution	\$80,000 + station on-site by request	
	Parking (Market rate, unbundled)	Yes	Yes	Yes	
TDM Options	Bus Shelters, as approved by City	As per City - 3 pts	As per City - 3 pts	As per City - 3 pts	
	Bike Parking (30% above zoning)	1 pt	1 pt	1 pt	
	Bike Shower/Locker (non-residential)	2 pts	2 pts	2 pts	
	Car Share (aka Zipcar) on site - to be verified with contract	1 pt per confirmed vehicle	1 pt per confirmed vehicle	1 pt per confirmed vehicle	
	EV Charging (100% EV ready. 50% residential with charger, 25% commercial with charger)	3 pts	3 pts	3 pts	
	Parking (Daily charge to driver, instead of monthly, annually)	3 pts	3 pts	3 pts	
	Transit Subsidy (> 50%) [includes mbta, car share, bike share, newmo...]	2 pts (3 years)	2 pts (3 years)	2 pts (3 years)	
	Car/vanpool spaces	1 pt	1 pt	1pt	
	TDM coord./TMA memb. * Incentives for walk/bike * GRH * Car/vanpool matching * Prioritized/Discounted HOV parking * Transportation Info (Contact info required) Other	1 pt tbd	1 pt tbd	1 pt tbd	
TDM Additional (for Large)	SOV Mode Share Commitment	NA	NA	As requested by City	
	Annual Monitoring and reporting * Annual survey * Counts of cars, bike parking occupancy and driveway in/out * Annual status update of TDM measures	NA	As requested by City, annual peak time parking count, up to 3 years post occupancy	As requested by City	
	* Payment upon issuance of 1st building permit, which may include demo or foundation				

ATTACHMENT C



GREEN INTERNATIONAL AFFILIATES, INC.

100 AMES POND DRIVE, SUITE 200 TEWKSBURY, MA 01876

T: (978) 923-0400 | WWW.GREENINTL.COM

November 10, 2022

Mr. Michael Gleba
Senior Planner
Planning and Development Department
Newton City Hall
1000 Commonwealth Ave
Newton, MA 02459

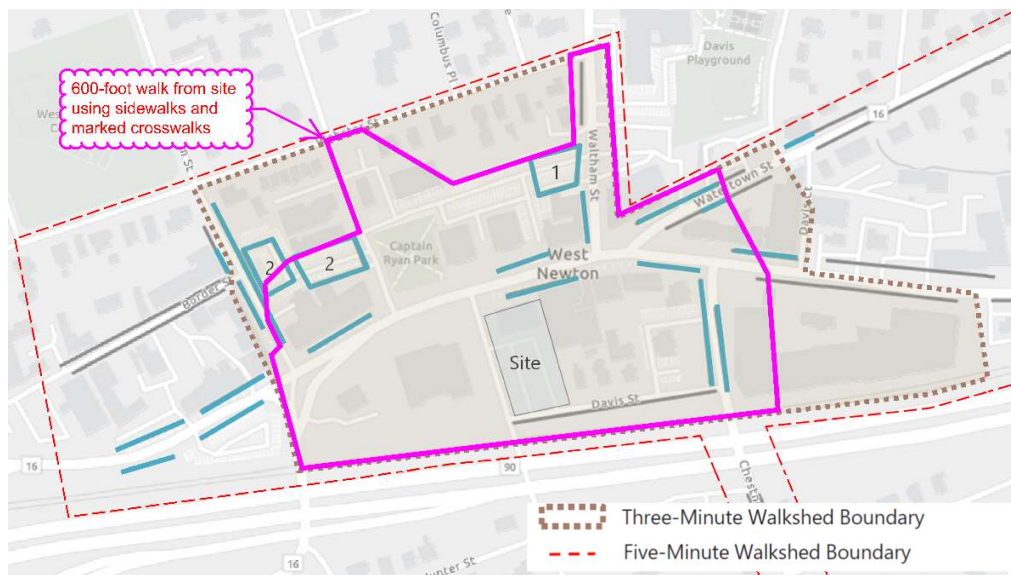
**Subject: Traffic Engineering Parking Peer Review –
1314 Washington Street Redevelopment
Newton, Massachusetts**

Dear Mr. Gleba:

On behalf of the City of Newton (the City), Green International Affiliates, Inc. (Green) is submitting this letter report of the findings from our engineering peer review of the updated parking analysis that the Applicant of the proposed development at 1314 Washington Street had submitted dated October 26, 2022 in response to comments received during the October 6 City Council Land Use Committee hearing. During that hearing, there was concern from the Council members and residents that the parking area reviewed an area that are considered too far (5 minutes walking from site) to be considered realistic for site users to be willing to walk to/from.

Green offers the following comments resulting from our review of the revised parking analysis document:

1. The study uses the September 2022 parking data as had the previous evaluation, but provides an additional section reviewing parking availability within a three-minute-walk (approximately 600 feet) from the site. This distance essentially represents the original report's intersection study area.
2. The area identified as being within a three-minute walk (approximately 600 feet) from the site appears to be based on aerial feet rather than walking distance along sidewalk or marked crosswalks. As such, some of the parking identified along Elm Street, Watertown Street, and Washington Street is outside of this area and so the number of spaces within the three-minute walk area appears to be closer to 150 spaces than the 183 spaces identified in the report. The Applicant should describe how the walking perimeter was established (walkway versus straight-line path) and update any analyses that may be affected. Please refer to the figure below depicting the parking study's perimeters versus the three-minute walking path perimeter that we have identified.



3. Within the three-minute study area identified in the report, the September parking analysis identified that during the Wednesday peak time (7:00 pm) that there were 26 available parking spaces but during this time on Friday only 8 parking spaces were available; at peak time (12:00 pm) on Saturday 31 parking spaces were identified as available. A waiver is being sought for providing 13 on-site parking stalls for the proposed restaurant/commercial use as this is less than the number of parking stalls required for a land use of this size/seating. The Applicant should identify if this available off-site supply is sufficient to account for the deficit in parking spaces required versus proposed to be provided for the proposed restaurant/commercial use.
4. It was noted the meeting held with the Applicant and Town on September 27, 2022 that it will be difficult for staff to be able to or remember to re-pay on-street parking fees throughout their shifts. It is recommended that the Applicant should provide or secure sufficient parking availability for at least the typical number of restaurant/commercial employees anticipated to be working during the peak periods, acknowledging that tenant details are not yet known.
5. As had the previous evaluation, the current study assumes that "Davis Street includes six spaces reserved for Newton Police Department, Mon-Fri, 7AM-5PM and are included in the supply and marked as "occupied" on weekdays before 5PM." One resident commented that the police department may expand its on-street parking use; the Applicant should confirm if the number of spaces identified in the parking study for police use will change by the time the site is occupied.

Sincerely,
Green International Affiliates, Inc.

Sergio Musto, P.E., PTOE
Project Engineer, Transportation Planning Group

cc: C. Tobias, Green
SM/sm

ATTACHMENT D



Memorandum

Ref: 15486.00
October 26, 2022
Page 1

To: Mr. Robert Korff
Mark Development, CEO
275 Grove Street, Suite 2-150
Newton, Massachusetts, 02466

Date: October 26, 2022

Project #: 15636.00

From: Randall C. Hart, Principal
Matthew Duranleau, PE

Re: West Newton Neighborhood Parking Assessment
October 2022 UPDATE
1314 Washington Street
Newton, Massachusetts

Introduction

On behalf of Mark Development, LLC, VHB has conducted an assessment of existing on-street and public parking facilities and the parking demand in the West Newton commercial village of Newton, Massachusetts. The purpose of this parking occupancy study was to determine the availability of on-street parking and public parking within an approximately five-minute walking distance of 1314 Washington Street (the "Project Site"). Based on feedback from the City of Newton, this memorandum also evaluates the availability of on-street parking and public parking within a smaller three-minute walking distance of the Project Site for reference.

The counts were conducted hourly during the afternoon and evening on a typical weekday, a typical Friday, and a typical Saturday in September 2022 when local schools were in session. These days and time periods were chosen to capture the most popular times for patrons to visit the commercial establishments within West Newton village. Parking counts were also conducted in August 2022 and compared against the September 2022 data to see if there is a notable difference in parking trends in the summer versus fall.

VHB first conducted a parking inventory to determine the existing parking facilities within the study area, followed by an occupancy study conducted over three days. Each unique time period was observed to account for variations in peak parking demand on different days and to adequately determine availability during the busiest periods. This memorandum summarizes the assessment conducted and general findings from the on-street and public parking study.

Study Area

The parking assessment included all on-street parking spaces provided within about a quarter mile radius (an approximately five-minute walk) from the Project Site. The assessment also included the two municipal parking lots operated by the City of Newton in West Newton Village on Cherry Street and Waltham Street. The study area for on-street parking is roughly bounded by Webster Street to the north, Dunstan Street and Kempton Place to the east, Austin Street and I-90 to the south, and Oak Avenue and the Washington Street westbound bridge over I-90 to the west. The study area is limited south of I-90 to only looking at one small section of Chestnut Street and not extending into the small residential streets south of Austin Street. The study area does not include any of the privately-owned parking lots within the study area.

A map of the parking study area is outlined in Figure 1 included at the end of this memorandum.

Data Collection

Parking Inventory

VHB established a parking inventory via data collection in the field and supplemented by a desktop review of Google Maps Street View and NearMap aerial imagery. The data collection process enabled VHB to establish the number and type of existing parking facilities within the study area. All spaces were clearly demarked with appropriate signage.

Based on these findings, there are a total of **308 on-street and public parking spaces** in West Newton village within an approximate five-minute walk of 1314 Washington Street. The available public parking consists of metered, short-term (non-metered), accessible, and no restriction spaces. The short-term (non-metered) spaces include a variety of signage including, but not limited to, two-hour parking, loading zones, and drop-off/pick-up areas.

To provide a conservative assessment of the overall parking supply, the accessible spaces are not included in the overall parking supply of 308 spaces. While the accessible parking spaces are important to ensure that all patrons can access the businesses in West Newton, these spaces are only available for people with accessible license plates or placards and therefore are not part of the overall parking supply for the majority of drivers who do not require accessible parking spaces.

It should be noted that the western curb of Highland Avenue north of I-90 is signed as "No Parking Except Saturdays, Sundays, and Holidays." While the signage permits parking on the weekends, there is not room for vehicles to park on-street without blocking the southbound travel lane. Similarly, the eastern curb of Highland Avenue south of I-90 is not signed as parking being restricted, but there is not room for vehicles to park without blocking the northbound travel lane. Therefore, all potential parking spaces on Highland Avenue were not included in the total parking supply.

Similarly, while on-street parking is allowed on the southern curb of Webster Street based on signage, there is not room for vehicles to park on-street without blocking the eastbound travel lane. When vehicles are parked on Webster Street, vehicles traveling in the eastbound direction must shift over the center line into the westbound lane to pass the parked vehicle. While this is generally acceptable when only a few vehicles are parked on Webster Street, operations for through vehicles in each direction would be impacted if the entire curb was occupied by parked vehicles. Therefore, these spaces along Webster Street were also not included in the total parking supply.

In addition, there are approximately six on-street parking spaces along the south side of Davis Street that are reserved for Newton Police Department vehicles only Monday-through-Friday between 7:00 AM and 5:00 PM. These spaces were included in the overall parking inventory and considered to be "occupied" on weekdays before 5:00 PM, regardless of the actual number of police vehicles parked there.

September 2022 Parking Occupancy Counts

To assess existing parking utilization, parking counts were conducted hourly on a typical weekday, a typical Friday, and a typical Saturday. These days and time periods were chosen to capture the most popular times for patrons to visit the commercial establishments within West Newton village. Specifically, the observations were conducted each hour during the following three time periods:

- Wednesday, September 21, 2022, between 11:00 AM and 9:00 PM
- Friday, September 16, 2022, between 11:00 AM and 9:00 PM
- Saturday, September 24, 2022, between 11:00 AM and 9:00 PM

The parking occupancy counts were conducted on a non-holiday week during the fall when local schools were in session. Additional data was collected in August 2022 and is included in the Attachments to this memorandum.

The parking occupancy counts were conducted by two engineers in the field. The number of vehicles parked on each street within the study area was recorded electronically every hour between 11:00 AM and 9:00 PM for the three days on which the counts were conducted. The parking occupancy was documented by block and by sides of the street. The parking occupancy data is summarized in the following section and the raw data is included in the Attachments.

Parking Observations

The number of vehicles parked on-street or in the two public lots for each time period has been compared to the total number of on-street and public parking spaces to determine the percent of spaces that are occupied and the total number of available spaces. Table 1 and Exhibit 1 below illustrate the existing parking occupancy for each hour during the days of the parking counts.

Table 1 West Newton Village Public Parking Occupancy – Five-Minute Walkshed

Total Capacity	Weekday (Wednesday)			Friday			Saturday		
	Total Occupied Spaces ^b	Percent Occupied	Total Available Spaces	Total Occupied Spaces ^b	Percent Occupied	Total Available Spaces	Total Occupied Spaces	Percent Occupied	Total Available Spaces
	308 spaces								
Total Demand ^a									
11:00 AM	196	64%	112	192	62%	116	207	67%	101
12:00 PM	200	65%	108	207	67%	101	224	73%	84
1:00 PM	198	64%	110	202	66%	106	213	69%	95
2:00 PM	173	56%	135	168	55%	140	195	63%	113
3:00 PM	184	60%	124	158	51%	150	148	48%	160
4:00 PM	185	60%	123	164	53%	144	161	52%	147
5:00 PM	183	59%	125	184	60%	124	149	48%	159
6:00 PM	193	63%	115	192	62%	116	144	47%	164
7:00 PM	210	68%	98	226	73%	82	162	53%	146
8:00 PM	191	62%	117	191	62%	117	176	57%	132
<i>Average</i>	<i>191</i>	<i>62%</i>	<i>117</i>	<i>188</i>	<i>61%</i>	<i>120</i>	<i>178</i>	<i>58%</i>	<i>130</i>

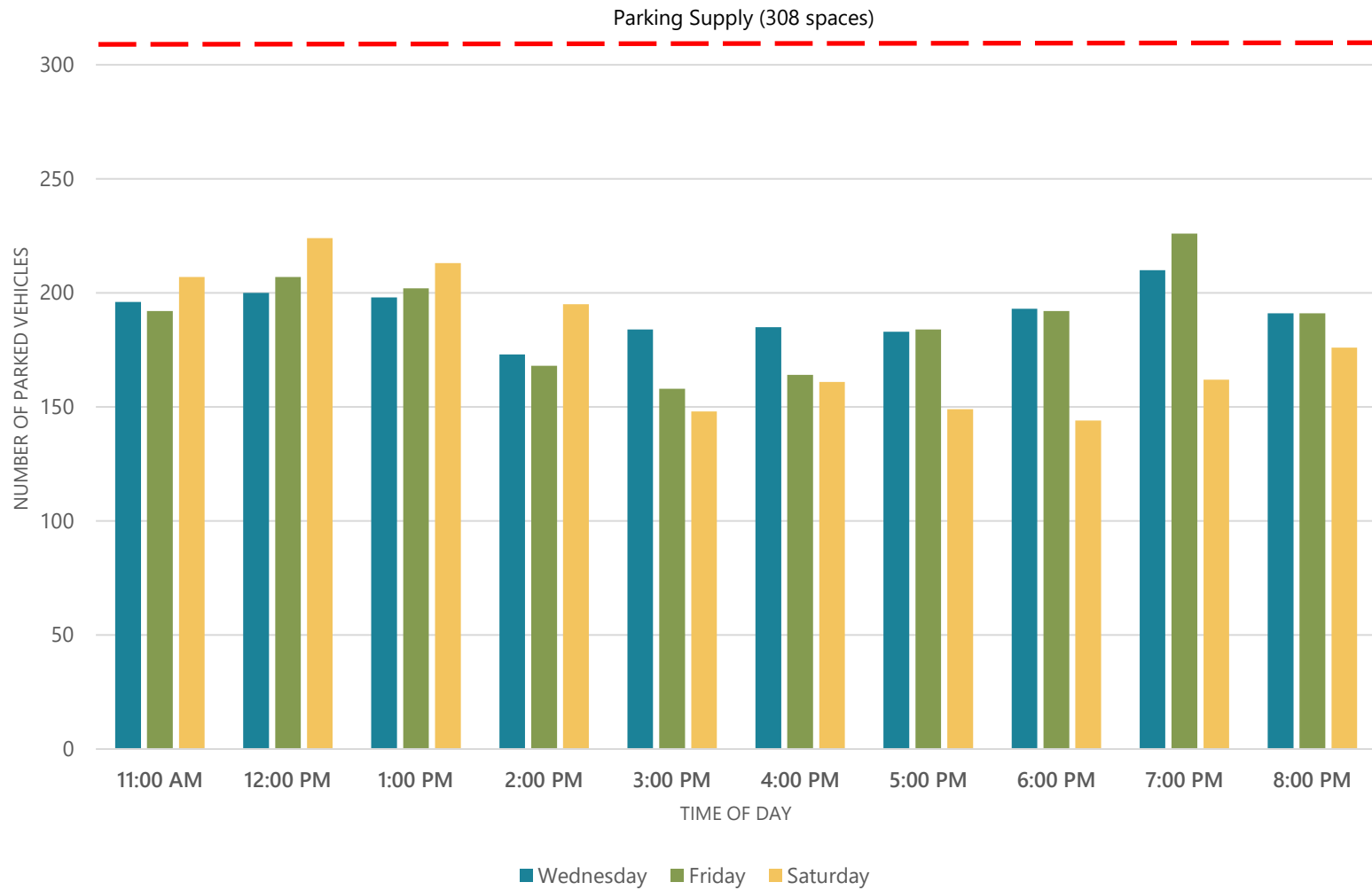
Source: Parking counts conducted by VHB in September 2022.

Note: Includes on-street and municipal parking lot spaces within an approximately five-minute walk of 1314 Washington Street. Does not include Accessible parking spaces.

a Approximately three on-street parking spaces on Waltham Street permanently occupied by construction at the Post Office counted as "occupied" during all time periods.

b Six on-street parking spaces on Davis Street reserved for Newton Police Department vehicles only Monday-through-Friday between 7:00 AM and 5:00 PM considered to be fully "occupied" prior to 5:00 PM on weekdays regardless of the actual number of parked police vehicles.

Exhibit 1 West Newton Village Public Parking Occupancy (September 2022) – Five Minute Walkshed



As shown in Table 1 and Exhibit 1 above, the on-street and public parking demand in West Newton village is relatively consistent throughout the course of the afternoon and evening on a typical weekday (Wednesday), Friday, and Saturday. On average throughout each day, the on-street and public parking spaces were approximately 58-62 percent occupied with 117-130 parking spaces available. Parking demand is slightly lower on Saturday on average than on a typical weekday (Wednesday) or Friday.

The peak parking occupancy based on all three count days was on Friday evening between 7:00 PM and 8:00 PM when 226 parked vehicles were counted occupying approximately 73 percent of all on-street and public parking spaces. This indicates that the study area is at its peak occupancy during the dinner period on a Friday evening when people are likely to park their vehicles to visit the different restaurants in West Newton village. During peak period occupancy, there are still approximately 82 spaces available out of 308 spaces surveyed within a five-minute walk of the Project Site. The peak parking occupancy on typical weekday (Wednesday) was also between 7:00 PM and 8:00 PM when 210 parked vehicles were counted occupying approximately 68 percent of all on-street and public parking spaces, and the peak parking occupancy on Saturday was during the lunch hour between 12:00 PM and 1:00 PM when 224 parked vehicles were counted occupying approximately 73 percent of all on-street and public parking spaces.

Figures 2 through 4 included at the end of this memorandum illustrate the percent of occupied parking by street for the peak hours on a typical weekday (Wednesday), Friday, and Saturday, respectively.

Highland Street

While Highland Street was not included in the study area since when cars are parked along the curb they block the travel lane, occupancy of the roadway was noted for reference purposes:

- North of I-90 along the western curb of Highland Street that is signed as "No Parking Except Saturdays, Sundays, and Holidays" there were no parked vehicles along the roadway during any of the time periods collected (including on Saturday).
- South of I-90 along the eastern curb of Highland Street where there is no signage restricting parking, up to two vehicles were parked along the roadway during a typical weekday (Wednesday) and no vehicles were parked along the roadway on Friday or Saturday.

Parking Trends

As shown in Figures 2 through 4, the distribution of parking within the study area is not consistent and varies day by day. While certain blocks may have less available spaces than others within the study area, there were over 80 available parking spaces recorded within the study area during all time periods.

Weekday (Wednesday)

On a Wednesday evening when the parking demand is at its highest (between 7:00 PM and 8:00 PM), the parking spaces closest to the village center (including the two municipal parking lots) generally experienced occupancy of 75 percent or greater, while the on-street spaces a block or two from the center of the village generally were less than 50 percent occupied. This may indicate that the parking is primarily used by patrons and customers who try to park as close as possible to the restaurants they are trying to visit. In addition, while some patrons may not be able to park directly in front of the business they are going to when parking demand is at its peak, parking is still available for these patrons within a five-minute walk from the center of West Newton village in locations such as Davis Street, Watertown Street east of Eden Avenue, and Washington Street east of Davis Court or west of Elm Street.

Friday

On a Friday evening when the parking demand is at its highest (between 7:00 PM and 8:00 PM), the parking spaces closest to the village center are more occupied than those a block or two away from the village center (similar to the parking trends on a typical weekday evening), which may indicate that the parking is primarily used by patrons and customers. However, the peak parking demand overall is slightly higher on a Friday evening than a typical weekday (Wednesday) evening, as people are more likely to dine out on a Friday than on a Wednesday). While Davis Street is more than 75 percent occupied on a Friday evening unlike on a typical weekday, the outer blocks of Watertown Street and Washington Street are still generally less than 50 percent occupied on a Friday evening.

Saturday

On a Saturday afternoon when the parking demand is at its highest (between 12:00 PM and 1:00 PM), the parking spaces closest to the village center are generally more occupied than those a block or two away from the village center. However, the distribution during this lunchtime peak is slightly more spread out throughout the study area than during the dinner time peaks. This may indicate people are also using the on-street spaces during the daytime hours to visit the shops and services in the area, such as the auto repair shops or salons on Border Street, Watertown Street, and Washington Street east of Chestnut Street.

August 2022 Parking Occupancy Data

Supplemental data was collected in August 2022 for the same time periods on a typical weekday, Friday, and Saturday. Table 2 provides a comparison of the peak daily parking demand in August versus September 2022. A detailed hourly summary of August 2022 parking data is included in the Attachments to this memorandum.

Table 2 August 2022 vs September 2022 Peak Parking Demand

Time Period	Typical Weekday		Friday		Saturday	
	August	September	August	September	August	September
Peak Hour	1:00 PM	7:00 PM	7:00 PM	7:00 PM	8:00 PM	12:00 PM
Total Occupied Spaces	200	210	207	226	168	224
Percent Occupied	65%	68%	67%	73%	55%	73%

Note: Includes on-street and municipal parking lot spaces within an approximately five-minute walk of 1314 Washington Street. Does not include Accessible parking spaces.

As shown in Table 2, parking trends in August 2022 are similar to the patterns experienced in September 2022 but with overall slightly less demand. The peak demand in August is approximately 55-67 percent of the total parking supply while the peak demand in September is approximately 68-73 of the total parking supply. This difference could be due to people more likely to be out of town the summer months when children are out of school and families are on vacation.

Data Dashboard

The parking data collection was done in the field on tablets and the data was transferred electronically to an interactive GIS based parking map that has wide functionality. The interactive map allows users to sort through the data and see block-by-block parking occupancy results for each roadway in the study area. The parking information is readily accessible via a link that can be provided to the City of Newton to access to as it may prove useful beyond the initial task that was conducted.

Future Parking Demand

The on-street and public parking study presents the parking occupancy for existing conditions as of September 2022 and does not reflect any future changes in parking demand within West Newton village. Parking demand may change in the future as new development is constructed within the study area, including the Dunstan East project which will contain approximately 302 residential units and 5,800 square feet of ground floor retail.

A supplemental analysis has been conducted evaluating potential future parking demand. To provide a conservative assessment, the future parking demand was estimated to be five percent higher than the existing occupancy demand during each of the peak hours. Table 3 summarizes the potential future parking demand for each peak hour.

Table 3 Potential Future Parking Demand

September 2022 Peak Periods	Total Capacity	Existing Total Occupied Spaces ^a	Potential Future Total Occupied Spaces ^b	Future Percent Occupied	Future Total Available Spaces
Weekday (Wednesday) Peak Hour (7:00 – 8:00 PM)		210	221	72%	87
Friday Peak Hour (7:00 – 8:00 PM)	308	226	237	77%	71
Saturday Peak Hour (12:00 – 1:00 PM)		224	235	76%	73

Note: Includes on-street and municipal parking lot spaces within an approximately five-minute walk of 1314 Washington Street. Does not include Accessible parking spaces.

a Parking counts conducted by VHB in September 2022.

b Potential future total occupied spaces estimated to be five percent higher than current existing total occupied spaces.

As shown in Table 3, if the future parking demand is estimated to be five percent higher than the current parking occupancy demand in September 2022, the on-street and public parking areas within the study area would be 72-77 percent occupied and there would still be more than 70 available parking spaces during the peak hours. Based on this estimate, there should be an adequate supply of available parking spaces under the future conditions as new development is constructed within the study area.

Three-Minute Walkshed

Based on comments received by the City of Newton, VHB has further evaluated the parking data to determine the parking demand within a three-minute walkshed. A three-minute walkshed was determined to include any on-street or public parking facilities within 600 feet of the Project Site (based on a typical walking speed of 3.5 feet per second). Based on this assessment, there are approximately **183 spaces** on-street or in public lots within a three-minute walk of 1314 Washington Street. Figure 1 illustrates the parking segments that are included in the three-minute walkshed versus the five-minute walkshed.

The number of vehicles parked on-street or in the two public lots within a three-minute walkshed for each time period has been compared to the total number of on-street and public parking spaces to determine the percent of spaces that are occupied and the total number of available spaces. Table 4 and Exhibit 2 below illustrate the existing parking occupancy for each hour during the days of the parking counts. Figures 2 through 4 illustrate the peak period parking demand for the three-minute versus five-minute walksheds.

Exhibit 2 West Newton Village Public Parking Occupancy (September 2022) – Three Minute Walkshed

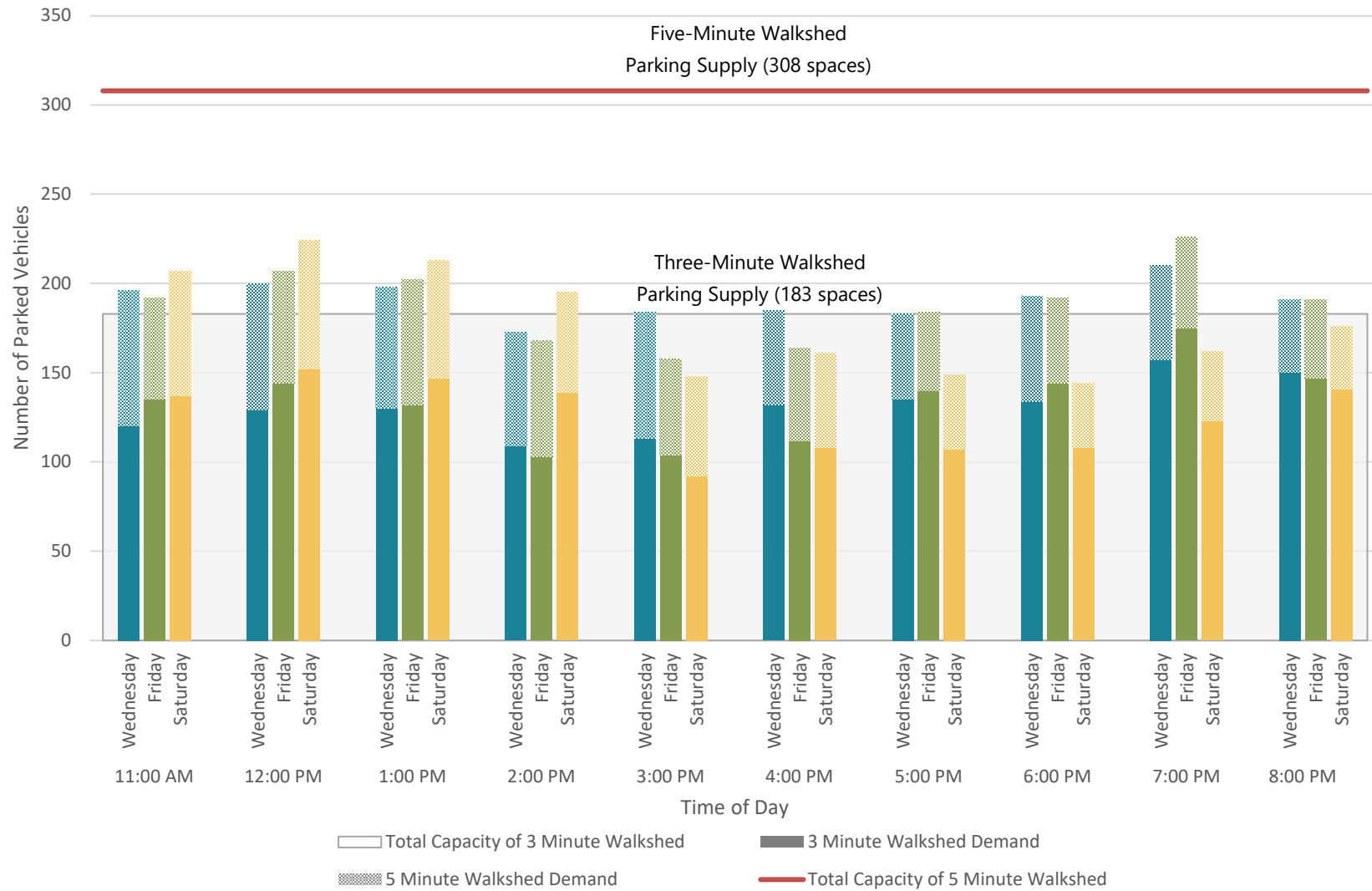


Table 4 West Newton Village Public Parking Occupancy – Three Minute Walkshed

	Weekday (Wednesday)			Friday			Saturday		
Total Capacity	183 spaces								
Total Demand ^a	Total Occupied Spaces ^b	Percent Occupied	Total Available Spaces	Total Occupied Spaces ^b	Percent Occupied	Total Available Spaces	Total Occupied Spaces	Percent Occupied	Total Available Spaces
11:00 AM	120	66%	63	135	74%	48	137	75%	46
12:00 PM	129	70%	54	144	79%	39	152	83%	31
1:00 PM	130	71%	53	132	72%	51	147	80%	36
2:00 PM	109	60%	74	103	56%	80	139	76%	44
3:00 PM	113	62%	70	104	57%	79	92	50%	91
4:00 PM	132	72%	51	112	61%	71	108	59%	75
5:00 PM	135	74%	48	140	77%	43	107	58%	76
6:00 PM	134	73%	49	144	79%	39	108	59%	75
7:00 PM	157	86%	26	175	96%	8	123	67%	60
8:00 PM	150	82%	33	147	80%	36	141	77%	42
<i>Average</i>	<i>131</i>	<i>72%</i>	<i>52</i>	<i>134</i>	<i>73%</i>	<i>49</i>	<i>125</i>	<i>68%</i>	<i>58</i>

Source: Parking counts conducted by VHB in September 2022.

Note: Includes on-street and municipal parking lot spaces within an approximately three-minute walk of 1314 Washington Street. Does not include Accessible parking spaces.

- a Approximately three on-street parking spaces on Waltham Street permanently occupied by construction at the Post Office counted as "occupied" during all time periods.
- b Six on-street parking spaces on Davis Street reserved for Newton Police Department vehicles only Monday-through-Friday between 7:00 AM and 5:00 PM considered to be fully "occupied" prior to 5:00 PM on weekdays regardless of the actual number of parked police vehicles.

As shown in Table 4 and Exhibit 2 above, the following observations can be made of the parking demand within the three-minute walkshed:

- The average parking demand within a three-minute walkshed is 68-to-73 percent with 49-to-58 spaces available
- While the demand during the peak period is 96 percent with only eight open spaces, this peak parking demand only occurs during a single hour of the typical weekday (Friday at 7:00 PM) and there are over 70 additional parking spaces available during that time period within a three-to-five-minute walk of the Project Site
- During all other hours observed, the parking demand within a three-minute walkshed is never more than 86 percent and there are always 25 or more open parking spaces

Based on the parking data collected in September 2022, there is sufficient parking availability within a three-minute walk of 1314 Washington Street. During the single hour of the week when parking demand is greater than 86 percent, patrons may need to walk an extra block to find an available parking space. However, during all other hours of the week patrons are generally able to find a parking space within a three-minute walk.

Types of Parking Spaces

VHB also reviewed which parking spaces are metered versus non-metered within the three-minute and five-minute walksheds, summarized below in Table 5 and illustrated in Figure 1.

Table 5 Metered vs Non-Metered Parking Spaces

	Three-Minute Walkshed	Five-Minute Walkshed
Metered Spaces	140	170
<u>Unmetered Spaces</u>	<u>43</u>	<u>138</u>
Total	183	308

For the parking supply within the three-minute walkshed, the 43 non-metered spaces are provided in the following locations:

- Davis Street (20 spaces)¹
- Washington Street – east of Chestnut Street, south side of roadway (14 spaces)
- Waltham Street – north of public lot (3 spaces)
- Watertown Street – east of Washington Street (6 spaces)

The majority of the additional spaces in the five-minute walkshed (not included in the three-minute walkshed) are non-metered, except for the following additional metered spaces:

- Washington Street – west of Elm Street (25 metered spaces)
- Watertown street – east of Eden Avenue (2 metered spaces)
- Elm Street – north of Border Street (3 metered spaces)

Conclusion

VHB performed a parking inventory and occupancy study within a five-minute walking radius (approximately 0.25 miles) of the proposed Project Site at 1314 Washington Street in West Newton village. The parking occupancy counts were conducted hourly between 11:00 AM and 9:00 PM on a typical weekday (Wednesday), a typical Friday, and a typical Saturday in September 2022 for all on-street and public parking locations. Based on the inventory and occupancy counts conducted the following trends were observed:

- There are approximately 308 public parking spaces located on-street or in public parking lots within a five-minute walking radius of the Project Site and 183 public parking spaces located within a three-minute walking radius
- During the hours observed, the on-street and public parking spaces within the study area were 47-73 percent occupied and there were more than 80 parking spaces available during all time periods within a five-minute walk of the Project Site

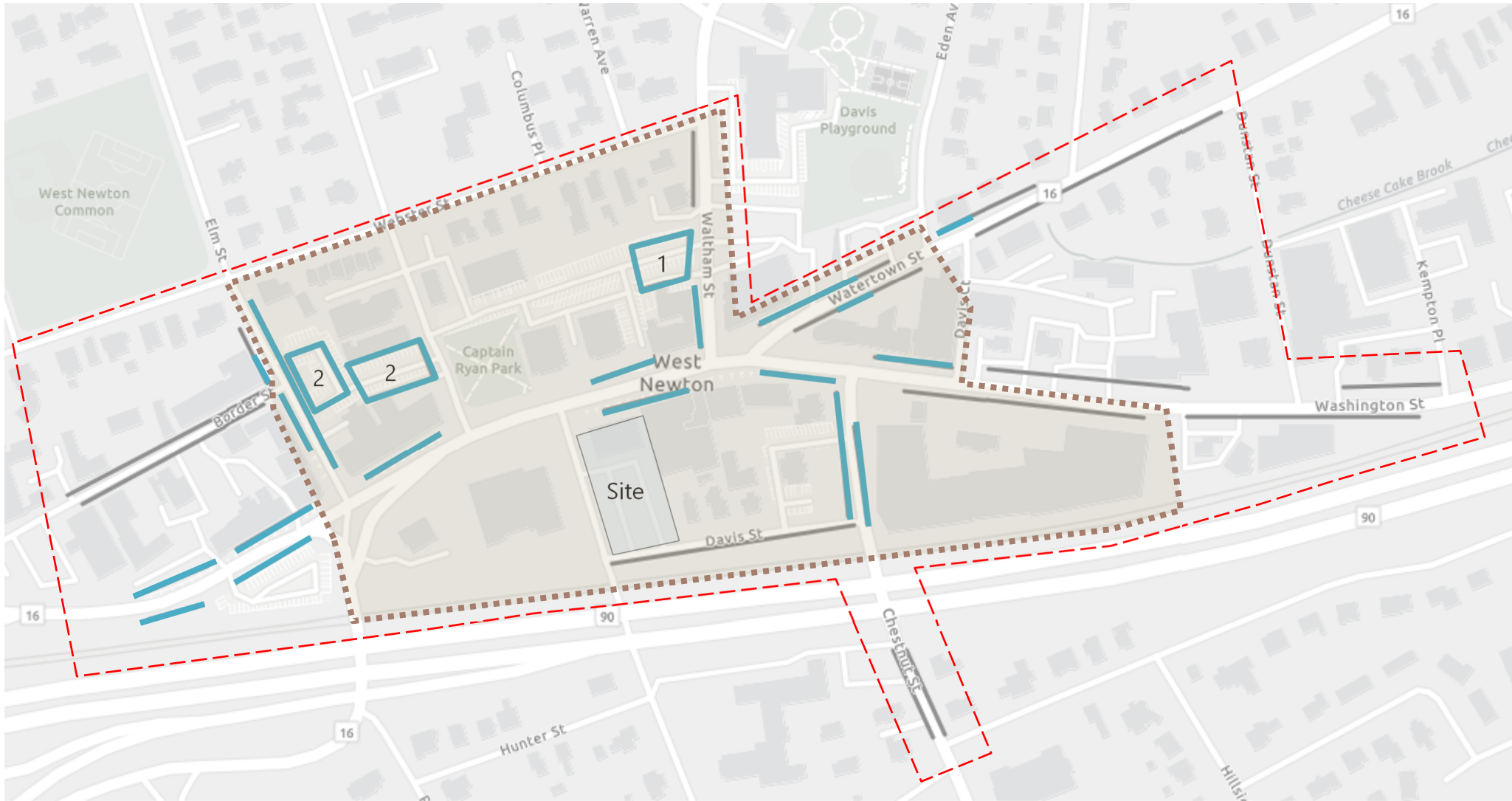
¹ Six of the 20 spaces are reserved for Newton Police Department only Monday-Friday, 7:00 AM – 5:00 PM. These are included in the supply and considered to be fully occupied during those time periods.

- The peak parking occupancy period occurs during a typical Friday evening between 7:00 PM and 8:00 PM when approximately 226 parking spaces are occupied and 82 parking spaces still available within a five-minute walk of the Project Site
- The peak parking occupancy period on a typical weekday (Wednesday) occurs between 7:00 PM and 8:00 PM when approximately 210 parking spaces are occupied and 98 parking spaces still available within a five-minute walk of the Project Site
- The peak parking occupancy period on a Saturday occurs between 12:00 PM and 1:00 PM when approximately 224 parking spaces are occupied and 84 parking spaces still available within a five-minute walk of the Project Site
- Parking demand is slightly higher in September than in August
- While the on-street parking spaces directly in front of some businesses may be occupied, there is generally always on-street parking available on streets that are a block or two from the center of the village
- Within a three-minute walkshed of the Project Site, the average parking demand is 68-to-73 percent with 49-to-58 spaces available
- During all but a single hour of the week, the parking demand within a three-minute walk of the Site is at 86 percent or less and there are always 25 or more parking spaces available
- During the single hour of the week when parking within the three-minute walkshed is greater than 90 percent (Friday at 5:00 PM), patrons may need to park one or two blocks away from their destination as opposed to finding parking directly in front of their destination

Based on the findings above, there is adequate available parking supply within a three-minute and five-minute walk of West Newton village for patrons of businesses in the area.

Figure 1: Parking Occupancy Study Area

West Newton Village | Newton, Massachusetts



Not to Scale

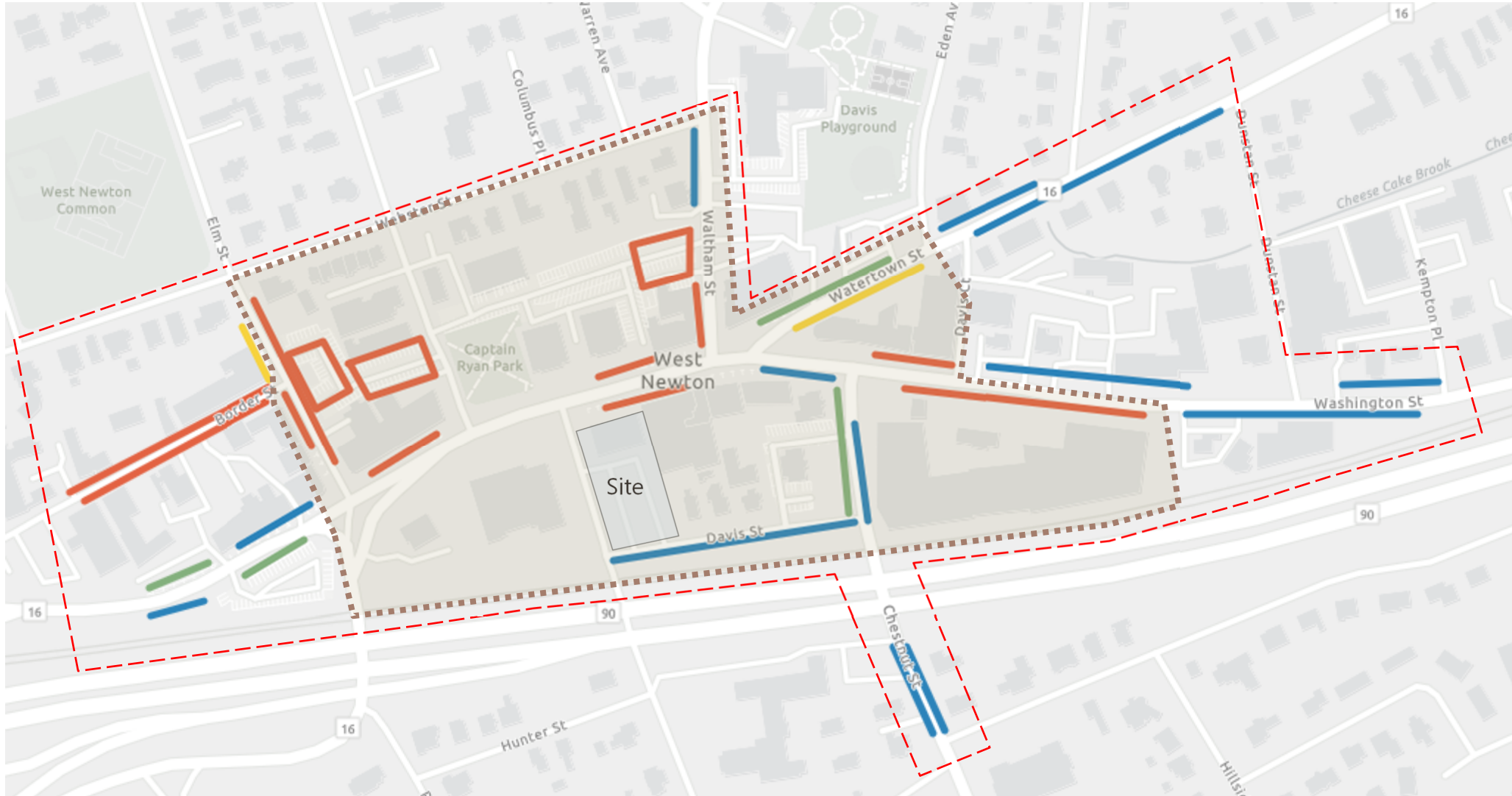
- Three-Minute Walkshed Boundary
- Five-Minute Walkshed Boundary
- Study Area Parking Segments - Unmetered
- Study Area Parking Segments - Metered

- 1 – Waltham Street Municipal Parking Lot
- 2 – Cherry Street Municipal Parking Lot (displayed as eastern area and western area)



Note: Study area includes all on-street parking spaces and municipal parking lots within the study area (does not include privately-owned parking lots).





Figure 2: Weekday (Wednesday) Peak Parking Occupancy (7:00 PM – 8:00 PM)

West Newton Village | Newton, Massachusetts



Not to Scale

-  Three-Minute Walkshed Boundary
-  Five-Minute Walkshed Boundary

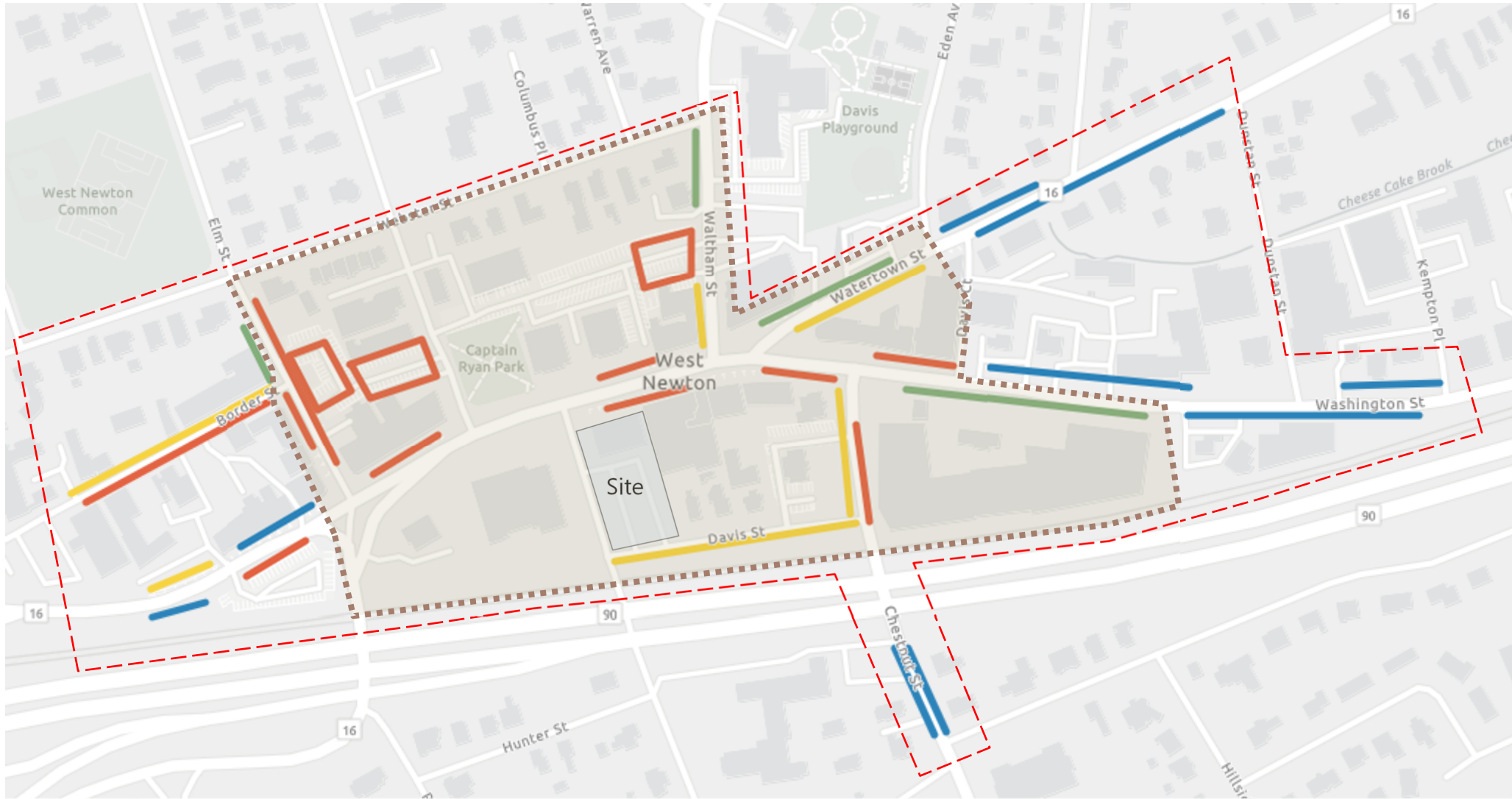
-  0%-50% Occupied
-  50%-75% Occupied
-  75%-90% Occupied
-  >90% Occupied

Note: Occupancy data collected on Wednesday, September 21, 2022



Three-Minute Walkshed	Total Parking Supply = 183 spaces
	Total Occupied = 157 spaces (86%)
Five-Minute Walkshed	Total Parking Supply = 308 spaces
	Total Occupied = 210 spaces (68%)





Figure 3: Friday Peak Parking Occupancy (7:00 PM – 8:00 PM)

West Newton Village | Newton, Massachusetts



Not to Scale

-  Three-Minute Walkshed Boundary
-  Five-Minute Walkshed Boundary

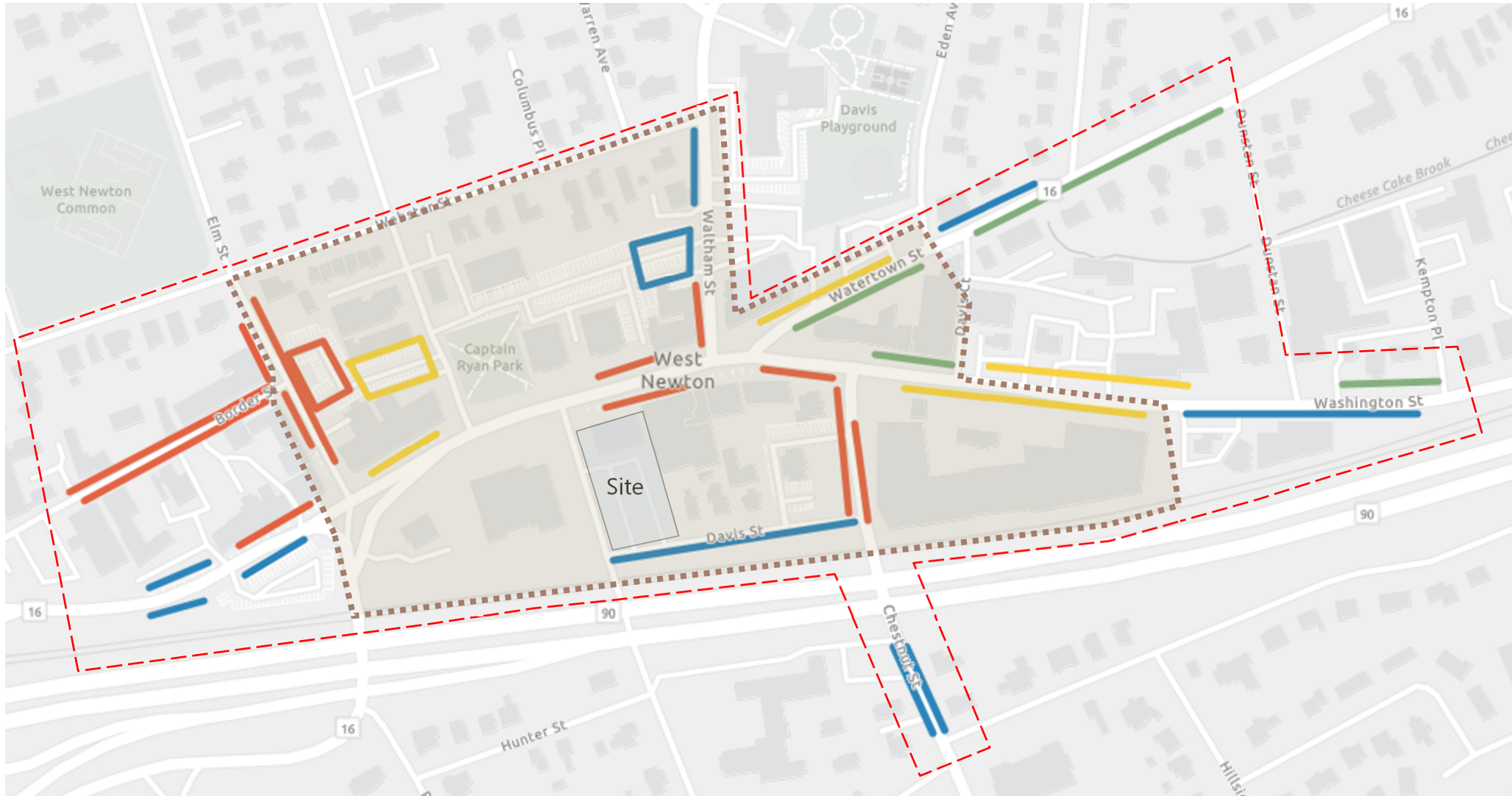
-  0%-50% Occupied
-  50%-75% Occupied
-  75%-90% Occupied
-  >90% Occupied

Note: Occupancy data collected on Friday, September 16, 2022

Three-Minute Walkshed	Total Parking Supply = 183 spaces Total Occupied = 175 spaces (96%)
Five-Minute Walkshed	Total Parking Supply = 308 spaces Total Occupied = 226 spaces (73%)

Figure 4: Saturday Peak Parking Occupancy (12:00 PM – 1:00 PM)

West Newton Village | Newton, Massachusetts



Not to Scale

- Three-Minute Walkshed Boundary
- Five-Minute Walkshed Boundary

- 0%-50% Occupied
- 50%-75% Occupied
- 75%-90% Occupied
- >90% Occupied

Note: Occupancy data collected on Saturday, September 24, 2022

Three-Minute Walkshed	Total Parking Supply = 183 spaces Total Occupied = 152 spaces (83%)
Five-Minute Walkshed	Total Parking Supply = 308 spaces Total Occupied = 224 spaces (73%)

Attachments

- September 2022 Parking Data
- August 2022 Summary and Parking Data

West Newton Village Parking Observations

			FRIDAY - 9/16/2022										
Street Name	From Street	To Street	Number of Parking Spaces	Number of Occupied Spaces									
				11AM	12PM	1PM	2PM	3PM	4PM	5PM	6PM	7PM	8PM
Chestnut St	I-90	Austin St	6	0	2	0	0	0	0	0	0	0	0
Chestnut St	Austin St	I-90	7	2	0	3	2	1	0	0	0	0	0
Chestnut St	Washington St	Davis St	6	5	6	5	2	3	2	2	3	5	5
Chestnut St	Davis St	Washington St	4	1	1	1	0	0	2	2	2	4	3
Davis St ^a	Chestnut St	Highland St	20	17	17	16	13	12	11	9	12	18	13
Washington St	Kempton St	Dunstan St	4	4	4	4	4	3	2	4	1	0	0
Washington St	Dunstan St	Davis Ct	11	10	8	9	12	9	11	5	3	4	3
Washington St	Davis Ct	Chestnut St	7	4	5	6	5	5	2	6	6	7	6
Washington St	Chestnut St	Gas Station	14	11	12	14	10	6	9	5	4	10	9
Washington St	Gas Station	Kempton St	18	5	5	7	9	8	3	2	3	1	2
Washington St	Waltham St	Cherry St	3	0	2	0	1	1	0	2	4	3	3
Washington St	Cherry St	Elm St	5	4	2	5	3	0	4	4	5	5	6
Washington St	Highland St	Waltham St	8	8	7	5	2	2	1	7	8	9	6
Washington St	Watertown St	Chestnut St	2	2	3	1	2	0	1	2	1	2	1
Washington St	Elm St	MBTA Lot	6	0	4	6	1	1	4	2	3	3	2
Washington St	MBTA Lot	Washington St	6	0	0	0	1	0	0	1	0	5	1
Washington St	Washington St	MBTA Lot	6	0	1	1	1	1	1	1	2	2	1
Washington St	MBTA Lot	Elm St	7	2	3	3	3	1	2	1	3	7	5
Watertown St	Davis Ave	Eden Ave	9	1	2	6	4	2	2	2	1	2	2
Watertown St	Eden Ave	Washington St	7	4	4	4	2	4	4	7	3	5	3
Watertown St	Washington St	Davis Ct	6	4	3	2	2	2	3	2	1	5	3
Watertown St	Davis Ct	Dunstan St	17	8	9	6	4	8	5	6	7	4	3
Waltham St	Webster St	Public Lot	3	1	1	1	1	3	1	1	1	2	0
Waltham St	Public Lot	Washington St	5	5	5	4	4	4	4	4	4	4	5
Border St	Lot	Elm St	11	11	11	11	11	8	9	7	9	10	9
Border St	Elm St	Lot	10	10	10	10	10	10	10	8	10	9	10
Elm St	Webster St	Border St	7	4	4	4	3	2	3	5	6	4	6
Elm St	Border St	Washington St	6	5	5	7	3	4	4	5	6	6	5
Elm St	Washington St	Webster St	8	3	8	6	7	6	5	9	9	8	5
Public Lot	Waltham St	Waltham St	13	5	7	5	4	5	14	13	11	13	10
Public Lot	Cherry St	west	38	32	36	33	23	27	23	35	38	40	38
Public Lot	Cherry St	east	28	24	20	17	19	20	22	25	26	29	26
TOTAL			308	192	207	202	168	158	164	184	192	226	191

a - Davis Street includes six spaces reserved for Newton Police Department, Mon-Fri, 7AM-5PM and are included in the supply and marked as "occupied" on weekdays before 5PM.

West Newton Village Parking Observations

			SATURDAY - 9/24/2022										
Street Name	From Street	To Street	Number of Parking Spaces	Number of Occupied Spaces									
				11AM	12PM	1PM	2PM	3PM	4PM	5PM	6PM	7PM	8PM
Chestnut St	I-90	Austin St	6	0	0	0	0	0	1	0	0	0	0
Chestnut St	Austin St	I-90	7	0	0	1	1	1	1	1	0	0	0
Chestnut St	Washington St	Davis St	6	6	6	2	5	3	4	4	4	5	6
Chestnut St	Davis St	Washington St	4	3	4	4	4	1	0	1	0	3	4
Davis St ^a	Chestnut St	Highland St	20	7	10	13	11	9	10	10	9	8	8
Washington St	Kempton St	Dunstan St	4	3	3	3	3	3	3	2	2	2	2
Washington St	Dunstan St	Davis Ct	11	8	9	8	7	8	7	2	4	3	3
Washington St	Davis Ct	Chestnut St	7	7	5	6	7	2	2	2	2	7	6
Washington St	Chestnut St	Gas Station	14	11	12	9	10	4	3	2	1	1	2
Washington St	Gas Station	Kempton St	18	8	8	7	5	4	3	2	1	4	1
Washington St	Waltham St	Cherry St	3	3	4	3	2	1	3	3	1	3	3
Washington St	Cherry St	Elm St	5	3	4	4	3	4	5	2	2	0	2
Washington St	Highland St	Waltham St	8	7	8	6	7	9	6	7	7	8	9
Washington St	Watertown St	Chestnut St	2	2	2	3	2	0	0	1	1	1	0
Washington St	Elm St	MBTA Lot	6	2	7	3	2	1	1	3	2	5	5
Washington St	MBTA Lot	Washington St	6	0	0	0	0	1	0	0	0	0	1
Washington St	Washington St	MBTA Lot	6	0	0	1	0	0	0	0	0	0	0
Washington St	MBTA Lot	Elm St	7	4	2	1	1	1	2	1	1	1	0
Watertown St	Davis Ave	Eden Ave	9	4	3	2	3	4	5	2	2	0	0
Watertown St	Eden Ave	Washington St	7	6	6	7	5	4	4	4	6	4	4
Watertown St	Washington St	Davis Ct	6	4	4	5	6	4	4	4	4	2	3
Watertown St	Davis Ct	Dunstan St	17	12	12	11	11	10	12	11	9	9	8
Waltham St	Webster St	Public Lot	3	0	0	0	0	0	1	2	2	1	1
Waltham St	Public Lot	Washington St	5	4	5	5	4	4	4	4	4	5	4
Border St	Lot	Elm St	11	11	10	11	10	9	6	6	5	5	5
Border St	Elm St	Lot	10	10	10	10	7	6	6	7	4	5	4
Elm St	Webster St	Border St	7	8	8	8	6	8	6	5	6	5	6
Elm St	Border St	Washington St	6	4	7	5	5	3	5	5	4	6	6
Elm St	Washington St	Webster St	8	8	9	9	9	6	5	4	8	9	9
Public Lot	Waltham St	Waltham St	13	4	3	5	1	2	8	10	12	12	13
Public Lot	Cherry St	west	38	32	38	40	37	23	20	20	30	32	38
Public Lot	Cherry St	east	28	26	25	21	21	13	24	22	11	16	23
TOTAL			308	207	224	213	195	148	161	149	144	162	176

a - Davis Street includes six spaces reserved for Newton Police Department, Mon-Fri, 7AM-5PM and are included in the supply and marked as "occupied" on weekdays before 5PM.

West Newton Village Parking Observations

			WEDNESDAY - 9/21/2022										
Street Name	From Street	To Street	Number of Parking Spaces	Number of Occupied Spaces									
				11AM	12PM	1PM	2PM	3PM	4PM	5PM	6PM	7PM	8PM
Chestnut St	I-90	Austin St	6	0	0	0	0	0	0	0	0	0	0
Chestnut St	Austin St	I-90	7	4	4	2	1	1	0	0	0	0	0
Chestnut St	Washington St	Davis St	6	4	4	4	3	4	3	4	4	4	5
Chestnut St	Davis St	Washington St	4	2	1	0	0	0	2	4	1	1	4
Davis St ^a	Chestnut St	Highland St	20	17	17	16	15	15	17	10	9	8	13
Washington St	Kempton St	Dunstan St	4	4	4	3	2	3	3	3	1	0	0
Washington St	Dunstan St	Davis Ct	11	14	13	14	14	13	9	6	4	5	4
Washington St	Davis Ct	Chestnut St	7	4	6	5	4	5	4	4	4	7	4
Washington St	Chestnut St	Gas Station	14	18	15	13	13	11	11	9	5	14	4
Washington St	Gas Station	Kempton St	18	13	11	10	11	10	6	3	3	4	1
Washington St	Waltham St	Cherry St	3	0	2	3	3	2	2	1	3	3	3
Washington St	Cherry St	Elm St	5	0	2	3	3	4	3	3	4	6	5
Washington St	Highland St	Waltham St	8	6	6	5	8	6	8	6	2	8	7
Washington St	Watertown St	Chestnut St	2	1	0	0	0	0	2	1	0	1	2
Washington St	Elm St	MBTA Lot	6	3	4	3	3	2	2	2	3	3	3
Washington St	MBTA Lot	Washington St	6	2	2	0	0	0	0	0	4	4	3
Washington St	Washington St	MBTA Lot	6	0	0	0	0	0	0	0	1	2	1
Washington St	MBTA Lot	Elm St	7	3	1	2	2	1	0	2	7	5	3
Watertown St	Davis Ave	Eden Ave	9	0	2	3	3	6	3	4	4	0	0
Watertown St	Eden Ave	Washington St	7	6	5	5	6	8	5	5	5	5	6
Watertown St	Washington St	Davis Ct	6	3	5	5	4	5	4	4	5	5	4
Watertown St	Davis Ct	Dunstan St	17	10	5	5	5	9	7	6	7	4	4
Waltham St	Webster St	Public Lot	3	1	2	2	1	2	1	1	0	0	0
Waltham St	Public Lot	Washington St	5	4	4	4	4	4	4	4	4	5	4
Border St	Lot	Elm St	11	8	9	9	9	10	9	7	8	10	7
Border St	Elm St	Lot	10	10	10	10	10	10	10	10	10	10	8
Elm St	Webster St	Border St	7	5	6	7	4	6	4	5	7	6	7
Elm St	Border St	Washington St	6	1	3	3	2	1	3	5	6	7	6
Elm St	Washington St	Webster St	8	4	5	7	2	4	6	7	8	8	8
Public Lot	Waltham St	Waltham St	13	8	8	5	9	8	4	10	7	12	13
Public Lot	Cherry St	west	38	21	26	31	17	20	33	33	39	37	34
Public Lot	Cherry St	east	28	20	18	19	15	14	20	24	28	26	28
TOTAL			308	196	200	198	173	184	185	183	193	210	191

a - Davis Street includes six spaces reserved for Newton Police Department, Mon-Fri, 7AM-5PM and are included in the supply and marked as "occupied" on weekdays before 5PM.

August 2022 Parking Observations

Parking occupancy counts in the study area were conducted hourly on the following days in August 2022:

- Friday, August 5, 2022, between 11:00 AM and 9:00 PM
- Saturday, August 6, 2022, between 11:00 AM and 9:00 PM
- Tuesday, August 9, 2022, between 11:00 AM and 9:00 PM

The number of vehicles parked on-street or in the two public lots for each time period in August 2022 has been compared to the total number of on-street and public parking spaces to determine the percent of spaces that are occupied and the total number of available spaces. Table A1 and Exhibit A1 below illustrate the existing parking occupancy for each hour during the days of the parking counts.

Table A1 West Newton Village Public Parking Occupancy (August 2022)

Total Capacity	Weekday (Tuesday)			Friday			Saturday		
	Total Occupied Spaces ^b	Percent Occupied	Total Available Spaces	Total Occupied Spaces ^b	Percent Occupied	Total Available Spaces	Total Occupied Spaces	Percent Occupied	Total Available Spaces
	308 spaces								
Total Demand ^a									
11:00 AM	194	63%	114	146	47%	162	156	51%	152
12:00 PM	191	62%	117	187	61%	121	152	49%	156
1:00 PM	200	65%	108	182	59%	126	165	54%	143
2:00 PM	184	60%	124	193	63%	115	167	54%	141
3:00 PM	198	64%	110	185	60%	123	157	51%	151
4:00 PM	169	55%	139	177	57%	131	154	50%	154
5:00 PM	169	55%	139	185	60%	123	153	50%	155
6:00 PM	193	63%	115	199	65%	109	142	46%	166
7:00 PM	196	64%	112	207	67%	101	160	52%	148
8:00 PM	171	56%	137	186	60%	122	168	55%	140
<i>Average</i>	<i>187</i>	<i>61%</i>	<i>121</i>	<i>185</i>	<i>60%</i>	<i>123</i>	<i>157</i>	<i>51%</i>	<i>151</i>

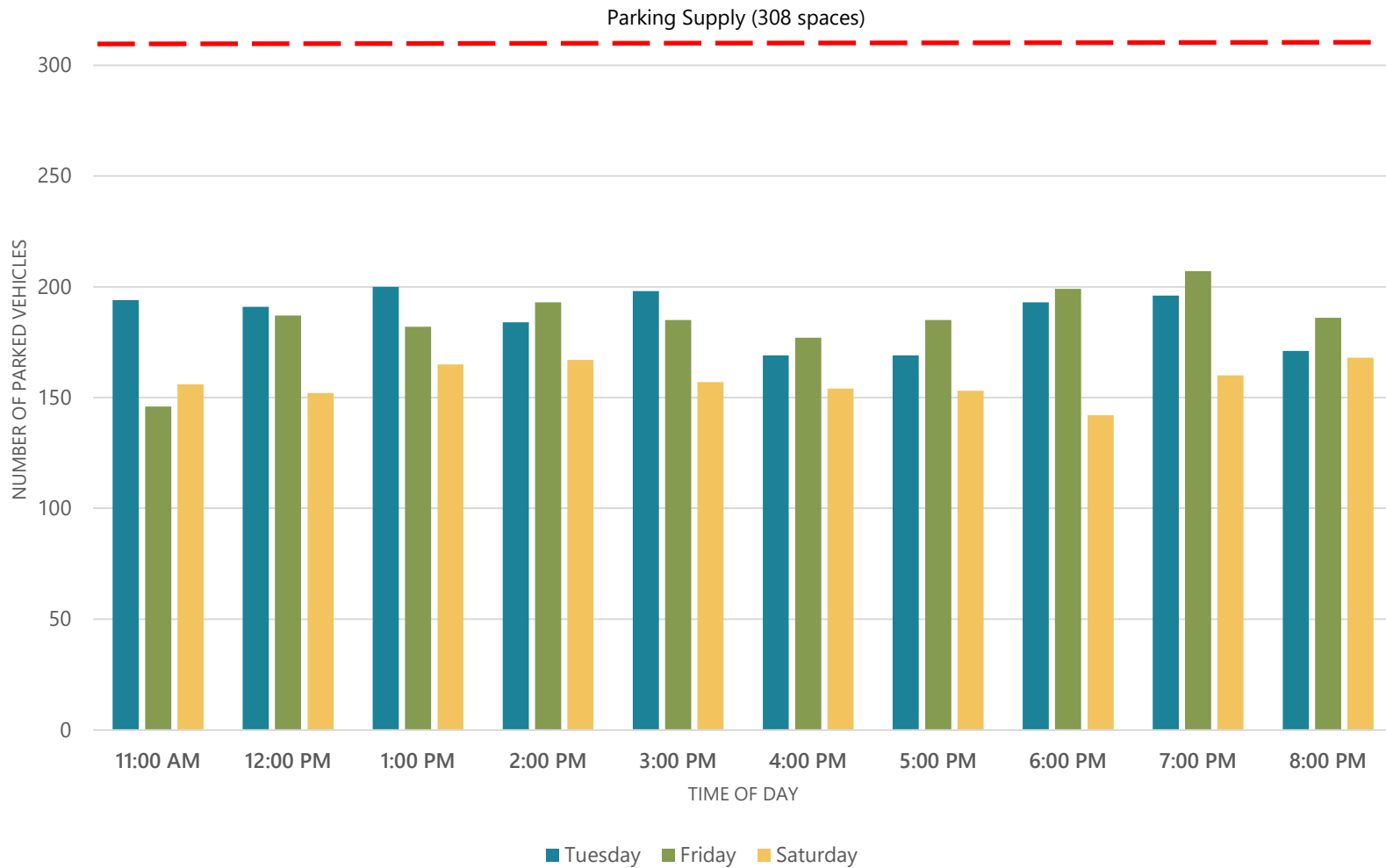
Source: Parking counts conducted by VHB in August 2022.

Note: Includes on-street and municipal parking lot spaces within an approximately five-minute walk of 1314 Washington Street. Does not include Accessible parking spaces.

a Approximately three on-street parking spaces on Waltham Street permanently occupied by construction at the Post Office counted as "occupied" during all time periods.

b Six on-street parking spaces on Davis Street reserved for Newton Police Department vehicles only Monday-through-Friday between 7:00 AM and 5:00 PM considered to be fully "occupied" prior to 5:00 PM on weekdays.

Exhibit A1 West Newton Village Public Parking Occupancy (August 2022)



As shown in Table A1 and Exhibit A1 above, the on-street and public parking demand in West Newton village is relatively consistent throughout the course of the afternoon and evening on a typical weekday, Friday, and Saturday in August 2022.

- During the hours observed, the on-street and public parking spaces within the study area were 46-67 percent occupied and there were more than 100 parking spaces available during all time periods
- The peak parking occupancy period occurs during a typical Friday evening between 7:00 PM and 8:00 PM when approximately 207 parking spaces are occupied and 101 parking spaces still available
- The peak parking occupancy period on a Tuesday occurs between 1:00 PM and 2:00 PM when approximately 200 parking spaces are occupied and 108 parking spaces still available
- The peak parking occupancy period on a Saturday occurs between 8:00 PM and 9:00 PM when approximately 168 parking spaces are occupied and 140 parking spaces still available
- Parking demand is slightly lower on Saturday than on a typical weekday (Tuesday) or Friday
- While the on-street parking spaces directly in front of some businesses may be occupied, there is generally always on-street parking available on streets that are a block or two from the center of the village

West Newton Village Parking Observations

			FRIDAY - 8/5/2022										
Street Name	From Street	To Street	Number of Parking Spaces	Number of Occupied Spaces									
				11AM	12PM	1PM	2PM	3PM	4PM	5PM	6PM	7PM	8PM
Chestnut St	I-90	Austin St	6	1	1	1	2	2	1	1	1	1	1
Chestnut St	Austin St	I-90	7	1	3	4	4	3	1	1	0	0	0
Chestnut St	Washington St	Davis St	6	3	4	3	1	1	2	5	4	6	6
Chestnut St	Davis St	Washington St	4	2	1	0	1	1	1	2	0	4	4
Davis St ^a	Chestnut St	Highland St	20	16	16	18	19	17	8	3	5	8	11
Washington St	Kempton St	Dunstan St	4	0	4	2	4	3	1	1	1	1	0
Washington St	Dunstan St	Davis Ct	11	7	7	10	11	11	6	4	2	3	3
Washington St	Davis Ct	Chestnut St	7	7	5	4	4	2	6	3	5	7	7
Washington St	Chestnut St	Gas Station	14	3	12	9	5	6	6	2	4	9	10
Washington St	Gas Station	Kempton St	18	0	5	4	7	8	2	1	1	1	1
Washington St	Waltham St	Cherry St	3	1	4	1	1	2	3	2	4	3	3
Washington St	Cherry St	Elm St	5	3	3	3	4	3	5	4	5	5	5
Washington St	Highland St	Waltham St	8	6	6	6	6	6	1	4	9	11	9
Washington St	Watertown St	Chestnut St	2	1	1	0	0	2	2	2	2	2	2
Washington St	Elm St	MBTA Lot	6	2	5	4	4	2	3	5	5	6	5
Washington St	MBTA Lot	Washington St	6	0	0	0	0	0	0	0	0	1	1
Washington St	Washington St	MBTA Lot	6	0	0	0	0	0	0	0	0	0	0
Washington St	MBTA Lot	Elm St	7	0	3	4	3	3	0	0	1	5	1
Watertown St	Davis Ave	Eden Ave	9	3	6	6	6	5	6	4	5	4	2
Watertown St	Eden Ave	Washington St	7	5	8	6	5	3	7	7	7	6	7
Watertown St	Washington St	Davis Ct	6	3	2	4	4	3	4	5	6	5	4
Watertown St	Davis Ct	Dunstan St	17	3	5	7	8	7	11	10	4	4	5
Waltham St	Webster St	Public Lot	3	1	1	1	1	1	0	0	0	0	0
Waltham St	Public Lot	Washington St	5	4	4	5	5	4	4	4	4	4	5
Border St	Lot	Elm St	11	10	7	8	11	11	10	10	11	10	6
Border St	Elm St	Lot	10	10	10	10	10	10	9	8	11	7	5
Elm St	Webster St	Border St	7	3	4	6	6	6	6	7	7	5	6
Elm St	Border St	Washington St	6	2	5	5	4	2	5	5	7	6	4
Elm St	Washington St	Webster St	8	4	5	6	8	6	8	9	8	9	6
Public Lot	Waltham St	Waltham St	13	0	3	5	7	13	11	10	12	14	13
Public Lot	Cherry St	west	38	29	28	29	31	29	28	38	40	34	32
Public Lot	Cherry St	east	28	16	19	11	11	13	20	28	28	26	22
TOTAL			308	146	187	182	193	185	177	185	199	207	186

a - Davis Street includes six spaces reserved for Newton Police Department, Mon-Fri, 7AM-5PM and are included in the supply and marked as "occupied" on weekdays before 5PM.

West Newton Village Parking Observations

			SATURDAY - 8/6/2022										
Street Name	From Street	To Street	Number of Parking Spaces	Number of Occupied Spaces									
				11AM	12PM	1PM	2PM	3PM	4PM	5PM	6PM	7PM	8PM
Chestnut St	I-90	Austin St	6	1	1	1	1	0	1	1	1	1	1
Chestnut St	Austin St	I-90	7	0	0	0	0	1	0	0	0	0	0
Chestnut St	Washington St	Davis St	6	3	4	6	5	3	6	5	4	6	6
Chestnut St	Davis St	Washington St	4	0	0	3	3	2	0	0	1	4	4
Davis St ^a	Chestnut St	Highland St	20	4	4	8	12	11	11	11	10	13	12
Washington St	Kempton St	Dunstan St	4	0	0	0	0	0	0	0	0	0	0
Washington St	Dunstan St	Davis Ct	11	8	8	6	7	6	1	3	1	1	4
Washington St	Davis Ct	Chestnut St	7	6	6	7	6	5	1	2	3	7	7
Washington St	Chestnut St	Gas Station	14	2	2	3	3	5	3	2	1	7	11
Washington St	Gas Station	Kempton St	18	7	6	6	5	3	3	1	0	0	0
Washington St	Waltham St	Cherry St	3	2	0	1	0	0	1	2	3	3	3
Washington St	Cherry St	Elm St	5	5	5	4	4	5	4	2	2	1	1
Washington St	Highland St	Waltham St	8	6	5	8	6	4	5	7	8	8	6
Washington St	Watertown St	Chestnut St	2	2	2	1	1	2	1	1	1	2	2
Washington St	Elm St	MBTA Lot	6	4	4	1	5	1	2	3	1	2	3
Washington St	MBTA Lot	Washington St	6	0	0	0	0	0	0	0	0	0	0
Washington St	Washington St	MBTA Lot	6	0	0	0	0	0	0	0	0	0	0
Washington St	MBTA Lot	Elm St	7	1	1	2	4	2	2	0	0	0	1
Watertown St	Davis Ave	Eden Ave	9	6	5	4	6	5	4	4	4	5	4
Watertown St	Eden Ave	Washington St	7	7	7	7	8	7	6	6	7	7	8
Watertown St	Washington St	Davis Ct	6	4	3	3	3	3	5	3	4	4	4
Watertown St	Davis Ct	Dunstan St	17	9	10	10	12	11	8	11	6	4	2
Waltham St	Webster St	Public Lot	3	0	0	0	0	0	1	1	1	1	1
Waltham St	Public Lot	Washington St	5	5	5	4	4	4	5	5	4	5	4
Border St	Lot	Elm St	11	9	8	9	11	12	11	10	8	8	8
Border St	Elm St	Lot	10	9	9	9	10	9	9	8	5	5	5
Elm St	Webster St	Border St	7	4	5	7	4	6	6	5	4	6	6
Elm St	Border St	Washington St	6	3	2	4	3	4	5	6	5	3	3
Elm St	Washington St	Webster St	8	3	5	3	3	2	6	7	5	5	7
Public Lot	Waltham St	Waltham St	13	8	11	14	9	9	10	10	11	13	13
Public Lot	Cherry St	west	38	27	23	25	24	24	24	24	27	24	22
Public Lot	Cherry St	east	28	11	11	9	8	11	13	13	15	15	20
TOTAL			308	156	152	165	167	157	154	153	142	160	168

a - Davis Street includes six spaces reserved for Newton Police Department, Mon-Fri, 7AM-5PM and are included in the supply and marked as "occupied" on weekdays before 5PM.

West Newton Village Parking Observations

			TUESDAY - 8/9/2022										
Street Name	From Street	To Street	Number of Parking Spaces	Number of Occupied Spaces									
				11AM	12PM	1PM	2PM	3PM	4PM	5PM	6PM	7PM	8PM
Chestnut St	I-90	Austin St	6	3	2	2	2	2	1	2	1	1	1
Chestnut St	Austin St	I-90	7	1	3	7	8	7	4	3	1	0	0
Chestnut St	Washington St	Davis St	6	3	2	2	3	2	2	2	2	2	2
Chestnut St	Davis St	Washington St	4	1	1	1	1	2	2	2	1	4	4
Davis St ^a	Chestnut St	Highland St	20	20	20	20	18	17	16	10	9	7	6
Washington St	Kempton St	Dunstan St	4	4	3	3	1	3	2	2	1	1	1
Washington St	Dunstan St	Davis Ct	11	10	5	3	10	8	5	3	3	2	3
Washington St	Davis Ct	Chestnut St	7	6	5	5	2	6	6	4	5	7	7
Washington St	Chestnut St	Gas Station	14	14	14	14	14	14	6	2	6	8	9
Washington St	Gas Station	Kempton St	18	10	8	8	5	6	3	2	1	1	1
Washington St	Waltham St	Cherry St	3	2	2	3	2	2	0	0	2	2	1
Washington St	Cherry St	Elm St	5	3	4	4	2	4	4	5	5	5	3
Washington St	Highland St	Waltham St	8	5	5	7	5	7	3	2	7	8	6
Washington St	Watertown St	Chestnut St	2	1	2	2	2	0	1	0	2	2	2
Washington St	Elm St	MBTA Lot	6	2	2	2	4	3	1	2	6	7	5
Washington St	MBTA Lot	Washington St	6	0	0	0	0	0	0	0	3	4	1
Washington St	Washington St	MBTA Lot	6	0	0	0	0	0	0	0	0	0	0
Washington St	MBTA Lot	Elm St	7	0	2	1	0	0	0	0	1	4	3
Watertown St	Davis Ave	Eden Ave	9	2	2	2	2	4	5	4	5	3	3
Watertown St	Eden Ave	Washington St	7	5	5	8	4	4	7	7	6	7	7
Watertown St	Washington St	Davis Ct	6	6	5	5	5	5	5	5	5	4	4
Watertown St	Davis Ct	Dunstan St	17	7	7	8	5	7	6	6	5	4	4
Waltham St	Webster St	Public Lot	3	1	2	1	1	1	0	0	0	0	0
Waltham St	Public Lot	Washington St	5	4	5	5	4	5	5	4	4	5	5
Border St	Lot	Elm St	11	11	11	11	11	11	10	10	9	7	4
Border St	Elm St	Lot	10	10	10	10	10	10	10	10	10	9	6
Elm St	Webster St	Border St	7	4	5	5	7	4	4	0	5	4	5
Elm St	Border St	Washington St	6	2	4	6	4	3	4	5	6	6	4
Elm St	Washington St	Webster St	8	4	7	4	3	7	4	6	8	8	6
Public Lot	Waltham St	Waltham St	13	11	6	4	5	8	8	10	9	7	8
Public Lot	Cherry St	west	38	29	29	27	28	30	32	36	37	39	34
Public Lot	Cherry St	east	28	13	13	20	16	16	13	25	28	28	26
TOTAL			308	194	191	200	184	198	169	169	193	196	171

a - Davis Street includes six spaces reserved for Newton Police Department, Mon-Fri, 7AM-5PM and are included in the supply and marked as "occupied" on weekdays before 5PM.

ATTACHMENT E



To: City of Newton

Date: November 14, 2022

Memorandum

Project #: 15636.00

From: Randall C. Hart, Principal
Matthew Duranleau, PE

Re: Response to Comments
Transportation Engineering Peer Review, Green International 11.10.22
1314 Washington Street Redevelopment Project
Newton, Massachusetts

VHB has received and reviewed the Transportation Engineering Peer Review submitted to the City of Newton by the City's traffic review firm, Green International Affiliates, Inc., dated November 10, 2022, for the proposed 1314 Washington Street Redevelopment Project in Newton, Massachusetts. This memorandum summarizes VHB's responses to the comments. Each comment raised by the reviewer is listed below followed by the response by VHB. The comments follow the format and structure outlined in the Transportation Engineering Peer Review.

Comment 1: The study uses the September 2022 parking data as had the previous evaluation, but provides an additional section reviewing parking availability within a three-minute-walk (approximately 600 feet) from the site. This distance essentially represents the original report's intersection study area.

Response: No response necessary.

Comment 2: The area identified as being within a three-minute walk (approximately 600 feet) from the site appears to be based on aerial feet rather than walking distance along sidewalk or marked crosswalks. As such, some of the parking identified along Elm Street, Watertown Street, and Washington Street is outside of this area and so the number of spaces within the three-minute walk area appears to be closer to 150 spaces than the 183 spaces identified in the report. The Applicant should describe how the walking perimeter was established (walkway versus straight-line path) and update any analyses that may be affected. Please refer to the figure below depicting the parking study's perimeters versus the three-minute walking path perimeter that we have identified.

Response: While the three-minute walkshed identified in the October 26, 2022, West Newton Neighborhood Parking Assessment was approximately measured by identifying all parking facilities within 600 feet of the Site, the actual walking time radius was verified in the field by walking the various routes. A map of the specific walking times between the Site and the end of each parking segment identified in the three-minute walkshed is included in the Attachments to this memorandum.

It should be noted, however, where there were links of parking that would be cut by the exact 3-minute measurement, the entire link was included as walk pace can vary. An example of this can be seen on the graphic along the eastern section on the south side of Washington Street (by the Dunkin Donuts), where to get to the end of the parking link, the walk time required may be slightly more than 3 minutes. The parking occupancy observations were conducted on a block-by-block basis providing occupancy data for block-long segments of the on-street parking spaces, as opposed to collecting data for each individual space.

Comment 3: Within the three-minute study are identified in the report, the September parking analysis identified that during the Wednesday peak time (7:00 pm) that there were 26 parking spaces but during this

time on Friday only 8 parking spaces were available; at peak time (12:00 pm) on Saturday 31 parking spaces were identified as available. A waiver is being sought for providing 13 on-site parking stalls for the proposed restaurant/commercial use as this is less than the number of parking stalls required for a land use of this size/seating. The Applicant should identify if this available off-site supply is sufficient to account for the deficit in parking spaces required versus proposed to be provided for the proposed restaurant/commercial use.

Response: The October 26, 2022, West Newton Neighborhood Parking Assessment clearly demonstrates that there is ample parking within the West Newton Square area to accommodate the project parking needs and still have additional capacity. With the exception of the 7PM hour on Friday night, there is significant parking available in the 3-minute walk shed (at least 26 spaces available) and substantial amount of parking within the 5-minute walk shed (at least 84 spaces available) during the critical hours of parking need. Even during the critical peak hour, 7PM on Friday, there were still 8 parking spaces available in the 3-minute walk shed and 74 additional parking spaces available in the 4 and 5-minute areas. It is reasonable to assume that during the single maximum peak hour of parking demand during the week, patrons will be willing to walk four-to-five minutes to get to their destination. If patrons are unable or unwilling to walk an extra one-to-two minutes to reach their destination, all other hours of the week will have sufficient parking availability within the three-minute walkshed.

It should be noted that the amount of proposed parking on-Site is influenced by the City of Newton's vision for the future of West Newton village, as outlined in the Washington Street Vision Plan¹. As stated in the vision plan, "the city is faced with striking a balance of both ensuring there is adequate parking to serve those driving while also not oversupplying parking to the extent that people are induced to drive". With the Site's location in the heart of West Newton village, it is expected that walking and bicycling will be an attractive mode choice for patrons of the restaurant. The design of the Project with fewer on-Site parking spaces than the number required for a land use of this size/seating is a conscious decision to ensure that the Project matches the City's vision for development within West Newton village and that the Site does not include excess parking spaces that would detract from the vibrancy of the village center.

Comment 4: It was noted that the meeting held with the Applicant and Town on September 27, 2022 that it will be difficult for staff to be able to or remember to re-pay on-street parking fees throughout their shifts. It is recommended that the Applicant should provide or secure sufficient parking availability for at least the number of restaurant/commercial employees anticipated to be working during the peak periods, acknowledging that the tenant details are not yet known.

Response: The Proponent will work with the prospective tenants of the commercial space to encourage the use of alternative transportation access for the tenants work force. For those that have to drive, the expectation is that staff will arrive during non-peak parking periods and therefore likely be able to find parking in the municipal lots where parking time frames are not restricted, or they will look for spaces on-street that are not metered. In addition, the Proponent will encourage employees to park in the public parking spaces that are a four-to-five-minute walk from the Site where there is more availability to ensure that the spaces closest to the Site within the three-minute walkshed are available for patrons.

¹ Washington Street Vision Plan; adopted by the Newton City Council on 12.16.2019.

Comment 5: As had the previous evaluation, the current study assumes that "Davis Street" includes six spaces reserved for Newton Police Department, Mon-Fri 7AM-5PM and are included in the supply and marked as occupied on weekdays before 5PM. One resident commented that the police department may expand its on-street parking use; the Applicant should confirm if the number of spaces identified in the parking study for police use will change by the time the site is occupied.

Response: In each of the parking studies prepared, the six spaces that are reserved for Police were NOT included in the counts of available or occupied spaces during the times when the police reserve the space (7-5PM). The results of the parking studies are accurate based on the current demarcation of on-street parking. If the City changes the period of reserved spaces in the future, the result of the analysis can be adjusted accordingly. However, as noted in the October 26, 2022, West Newton Neighborhood Parking Assessment, there are over 80 public parking spaces available within a five-minute walk of the Site during all hours of the week and over 25 public parking spaces available within a three-minute walk of the Site during all but one hour of the week, so even if the police department does expand it's on-street use, it is expected that there will still be sufficient parking availability within West Newton village.

Attachments

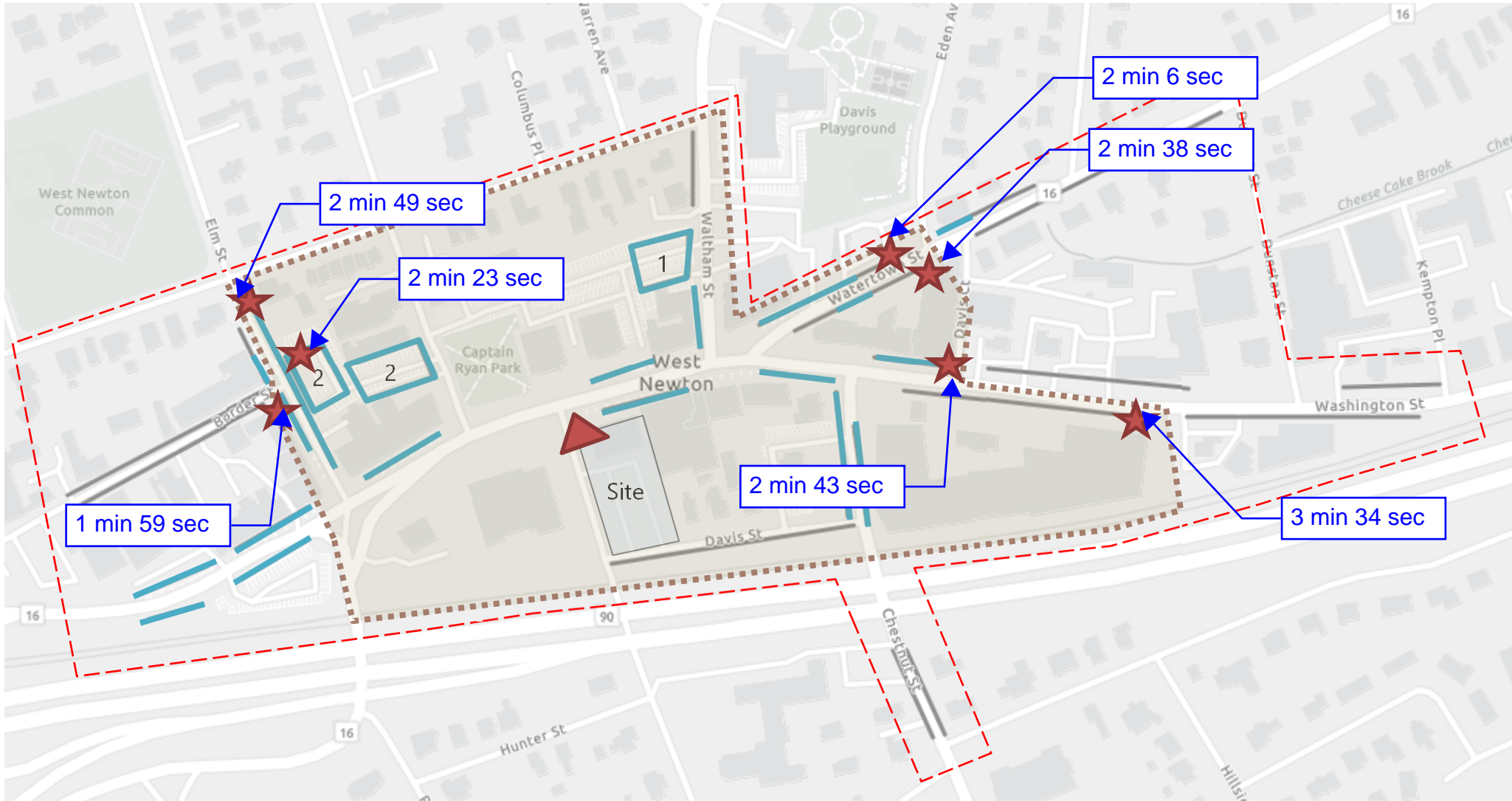
- Walk Time Measurement Figure

Response to Comments
Ref: 15636.00
November 14, 2022







Figure 1: Parking Occupancy Study Area

West Newton Village | Newton, Massachusetts



Not to Scale

-  Three-Minute Walkshed Boundary
-  Five-Minute Walkshed Boundary
-  Study Area Parking Segments - Unmetered
-  Study Area Parking Segments - Metered

- 1 – Waltham Street Municipal Parking Lot
- 2 – Cherry Street Municipal Parking Lot (displayed as eastern area and western area)

ATTACHMENT F



MEMORANDUM

project 1314 Washington Street, Newton, MA
date October 25, 2022
to Mark Development
from Robert Adams, ASLA - Principal Landscape Architect
regarding Proposed scope/costs for Improvements to Captain Ryan's Park

Assuming 75% of the I&I funding could be spent for improvements to Captain Ryan's Park. We recommend the following :

The objective is to provide a series of fundamentally simple yet important improvements which will maintain the overall character and program of Captain Ryan's park while providing:

- better seating and gathering opportunities
- improved circulation corridors and materials
- maintenance and pruning of existing trees and successional tree planting
- additional pedestrian scale lighting for better safety and visibility.
- amending and de-compacting the soil to provide a healthier lawn.

Item	
General Conditions	\$25,500
Demolition/Salvage	\$9,000
Earthwork	\$12,000
Lawn Amendments	\$16,500
New Walkway	\$45,000
Improved Seating Areas (include paving and benches)	\$44,000
Interpretive/Historical Signage	\$9,000
Lighting Upgrades	\$31,000
Tree Pruning	\$10,000
Tree and Understory Planting	\$18,000
Contingency	\$19,000
Contractor Admin/Insurance	\$14,000
Design Costs	\$36,000
Total Budget	\$289,000

CITY OF NEWTON
Planning and Development Board



Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Cat Kemmett, Senior Planner

Members

Peter Doeringer, Chair
Kelley Brown, Vice Chair
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Barney Heath, *ex officio*
Laxmi Rao, Alternate
Amy Dain, Alternate

1000 Commonwealth Ave.
Newton, MA 02459
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October 5, 2022

To: The Honorable City Council President, Susan Albright
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

CC: Honorable Newton City Councilors
Planning & Development Board

SUBJ: Planning & Development Board Recommendation on Petition #357-22
Request to Rezone 3 parcels (1314 Washington Street, 31 & 33 Davis Street) from Business Use 1 to Mixed-Use 4

Dear Honorable Council President Albright:

The Planning and Development Board joined with the City Council Land Use Committee for the July 19th opening public hearing on the above petition. Subsequently, the Planning and Development Board met on August 1st to take additional public testimony, after which it closed the public hearing. On September 12th, the Planning and Development Board met again to consider and vote on this matter, and to submit to the full City Council the following recommendation on the rezoning request.

The Planning and Development Board was persuaded that the change in zoning from Business Use 1 to Mixed-Use 4 requested in Petition #357-22 is appropriate. The Board voted 6-0-1 (Director Heath abstaining) to recommend this change for the following reasons:

The site is particularly well-suited to respond to the purpose and intent of the Mixed-Use 4 zoning district which seeks to:

- Allow the development of buildings and uses appropriate to Newton's village commercial centers and aligned with the vision of the City's Comprehensive Plan.
- Encourage development that fosters compact, pedestrian-oriented villages with a diverse mix of residences, shops, offices, institutions, and opportunities for entertainment.

- Allow sufficient density and intensity of uses to promote a lively pedestrian environment, public transit, and variety of businesses that serve the needs of the community.
- Expand the diversity of housing options available in the City.
- Promote the health and well-being of residents by encouraging physical activity, use of alternative modes of transportation, and creating a sense of place and community.

The Board also finds that the site and Mixed-Use 4 zoning are consistent with the Washington Street Vision Plan in the following respects:

- Unique and Vital Village Centers
 - The villages of Newtonville and West Newton both represent opportunities to strengthen and expand the local economy relying on the unique business mix and the competitive advantages of walkable and transit served mixed-use villages. Growth, focused on serving local needs and building on existing strengths, can support a stronger commercial tax base and reduce the share of residential taxes in the city
- Use buildings and trees to make a more comfortable environment
- Streets and sidewalks with defined edges created by close-by buildings and trees is an essential component of designing comfortable walking environments. The physiology of the human species means that there are some universal principles to creating comfortable environments for people – among them is a near universal preference for spaces with edges.
- Incorporate opportunities for outdoor dining
- Actively manage village parking
 - Develop and implement a public parking management strategy
 - Shape where and how much parking is in private developments
- Housing Diversity
 - Without multi-family housing options, households that would choose to live in an apartment, most frequently down-sizing seniors and young professionals, would not find opportunities in the community
- Ensure availability of accessible units
- Link Housing and Transportation
 - Focus housing where residents have transportation options
 - Pair housing near transit with new commercial and retail space
- Mitigate Mass Pike Effects

- Planning and Design Principles
 - Protect iconic buildings
 - Develop standards and guidelines for human-scale design
 - Encourage variety in building size and shape
 - Limit visible parking
 - Allow form to follow function
 - Encourage traditional New England roof diversity
 - Promote energy-efficient, human-scaled and durable construction

The Board also feels strongly that the Washington Street Vision recommendation to “Develop and implement a public parking management strategy” is essential to support the kind of mixed-use development that is essential to keeping West Newton village an attractive and lively place for everyone.

In addition, the Planning & Development Board concluded that the petition to rezone the property from Business Use 1 to Mixed-Use 4, as referenced in Docket #357-22, qualifies as an eligible location for a simple majority vote under M.G.L Chapter 40A, Section 5 because the zone change requested would increase the residential density of the property, the site is less than 0.5 miles from the West Newton Commuter Rail station, and the property is located in the heart of the West Newton Village center. The Board therefore recommends to the City Council by a vote of 6-0-1 (Director Heath abstaining) that this rezoning petition should be subject to a simple majority vote.

Sincerely,



Peter B. Doeringer, Chair

CITY OF NEWTONIN CITY COUNCIL

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of a SPECIAL PERMIT/SITE PLAN APPROVAL for a mixed use development consisting of 50 residential units and approximately 3,873 square feet of retail/restaurant space, and 63 parking stalls, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof :

Special Permit criteria

- The specific site is an appropriate location for the project as designed with five stories and 60 feet in height, a floor area ratio (FAR) of 2.48, a restaurant with more than 50 seats with extended hours of operation (§4.4.1, §6.4.29.B.1, §6.4.29.C.6), and ground floor residential uses given the adjacent neighborhood's mix of residential and commercial land uses and structures of varying scales and heights (§7.3.3.C.1)
- The use as developed and operated with five stories and 60 feet in height, a floor area ratio (FAR) of 2.48, a restaurant with more than 50 seats with extended hours of operation and ground floor residential uses will not adversely affect the neighborhood given the adjacent neighborhood's mix of residential and commercial land uses and structures of varying scales and heights (§7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4),
- The site and buildings as designed, constructed and operated will contribute significantly to the efficient use and conservation of natural resources and energy, as it would be in compliance with the sustainability requirements established by Sec. 5.13 of the NZO by, among other aspects, being built to LEED Gold certifiable standards, would have all electric HVAC systems for the residential spaces and electric hot water when feasible, and 12 parking stalls that would have electric vehicle (EV) charging stations; the Petitioner will also conduct a Passive House feasibility study.

Additional standards in an MU4 zoning district

- By allowing reduced lot area per unit, the proposed density creates a beneficial living environment for the residents, does not adversely affect the traffic on roads in the vicinity, and better achieves the purposes of this district than strict compliance with these standards (§4.2.2.A.2, §4.2.5.A.3).
- By allowing the development to exceed the maximum front setback, the proposed plan does not create shadows or blocked views that have material and adverse effects on its surroundings, supports pedestrian vitality, and advances the purposes of the MU4 district (§4.2.3, §4.2.5.A.4).
- The proposed building with five stories and 60 feet in height is compatible in visual scale to its surroundings, does not create shadows or blocked views that have material and adverse effects on its surroundings, and advances the purposes of the MU4 district (§4.2.3, §4.2.2.B.3, §4.2.5.A.2).
- With the requested waiver of the setback requirement for the portions of the building exceeding 40 feet in height, the proposed plan does not create shadows or blocked views that have material and adverse effects on its surroundings, supports pedestrian vitality, and advances the purposes of the MU4 district (§4.2.5.A.4.c).
- With the requested waiver of entrance requirements, the proposed design better enables appropriate use of the site, supports pedestrian vitality, and achieves the purposes of this district than strict compliance with that standard (§4.2.5.A.6.a).
- With the requested waiver of façade transparency requirements, the proposed design better enables appropriate use of the site, supports pedestrian vitality, and achieves the purposes of this district than strict compliance with that standard (§4.2.5.A.6.b).

Regarding exceptions to parking requirements:

- Granting exceptions to certain parking facility requirements to waive use of the A-B+C parking formula (§5.1.3.B), waive 97 parking stalls (§5.1.4), allow assigned parking (§5.1.3.E), reduced parking stall width (§5.1.8.B.1), reduced parking stall depth (§5.1.8.B.2), and to allow reduced accessible stall depth (§5.1.8.B.4), is appropriate as literal compliance with said 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).

PETITION NUMBER: #358-22

PETITIONER: HQ, LLC

ADDRESS OF PETITIONER: 275 Grove Street
Suite 2-150

Newton, MA 02466

- LOCATION: 1314 Washington Street, 31 Davis Street, 33 Davis Street, Ward 3, on land known as Section 33, Block 10, Lots 1, 11, and 12, containing approx. 30,301 sq. ft. of land
- OWNER: Madison Queens-Guy Brewer LLC
- ADDRESS OF OWNER: 275 Grove Street
Suite 2-150
Newton, MA 02466
- TO BE USED FOR: Residential and restaurant or retail uses
- EXPLANATORY NOTES: Special permit per §7.3.3 to:
- allow reduced lot area per unit (§4.2.2.A.2, §4.2.5.A.3)
 - allow a building in excess of 20,000 square feet (§4.2.2.B.1)
 - exceed the maximum front setback (§4.2.3, §4.2.5.A.4)
 - allow a mixed-use residential building with five stories and 60 feet in height (§4.2.3, §4.2.2.B.3, §4.2.5.A.2)
 - allow an FAR of 2.48 in a five-story building (§4.2.2.B.3, §4.2.3)
 - waive the setback requirement for the portions of the building exceeding 40 feet in height (§4.2.5.A.4.c)
 - waive entrance requirements (§4.2.5.A.6.a)
 - waive façade transparency requirements (§4.2.5.A.6.b)
 - allow a restaurant with more than 50 seats with extended hours of operation (§4.4.1, §6.4.29.B.1, §6.4.29.C.6)
 - allow ground floor residential use (§4.4.1, §6.2.4)
 - waive the requirement of using the A-B+C parking formula (§5.1.3.B, §5.1.13)
 - waive 97 required parking stalls (§5.1.4, §5.1.13)
 - allow assigned parking (§5.1.3.E, §5.1.13)
 - allow reduced parking stall width (§5.1.8.B.1, §5.1.13)
 - allow reduced parking stall depth (§5.1.8.B.2, §5.1.13)
 - allow reduced accessible stall depth (§5.1.8.B.4, §5.1.13)
 - waive end stall maneuvering space requirements (§5.1.8.B.6, §5.1.13)
 - allow reduced aisle width (§5.1.8.C.1, §5.1.8.C.2, §5.1.13)

ZONING: Mixed Use 4 (MU4)

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping, and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with the following plans (collectively, the “Approved Plans”):
 - a. Site/Civil plans, prepared by Bohler Engineering, dated May 2, 2022, revised September 15, 2022, signed and stamped by Joshua G. Swerling, Professional Engineer, consisting of three (3) sheets:
 - Site layout Plan, C1, revised November 17, 2022
 - Grading and Drainage Plan, C2
 - Average Grade Plane Exhibit C3
 - b. Architectural Plans entitled, “1314 Washington Street” prepared by David M. Schwarz Architects, dated August 19, 2022, signed and stamped by David M. Schwarz, Registered Architect, consisting of eleven (11) sheets:
 - P1 Level – A1
 - Level 1 Plan – A2
 - Level 2 Plan – A3
 - Level 3 Plan – A4
 - Level 4 Plan – A5
 - Level 5 Plan – A6
 - Roof Plan – A7
 - Sections – A8
 - Exterior Elevations, showing (i) Davis and Highland Street Corner, (ii) South Elevation – Davis Street, and (iii) West Elevation – Highland Street – A10
 - Exterior Elevations, showing (i) North Elevation – Residential Entrance, (ii) North Elevation @ Residential Building, (iii) South Elevation – Setback, and (iv) East Elevation – A11
 - Signage Elevations – A12
 - c. Landscape Site Materials Plan, prepared by Halvorson / Tighe & Bond Studio, dated November , 2022, signed and stamped by Rob Adams, Registered Landscape Architect

- d. Lighting Plan, prepared by Reflex Lighting, dated August 23, 2022
2. Prior to the issuance of any building permit for the Project, the Petitioner shall provide an Approval Not Required (“ANR”) plan combining the three lots into one lot to the City Engineer for review and approval. Once approved, and prior to the issuance of a certificate of occupancy, the ANR plan must be recorded at the Middlesex South Registry of Deeds or filed with the Middlesex South Registry District of the Land Court. A recorded copy of the ANR plan shall be submitted to the Engineering Division of Public Works prior to issuance of any Certificate of Occupancy.
3. All residential units shall conform to the Massachusetts Architectural Access Board (MAAB) requirements for “Group 1” units. The design and construction of the site and proposed structure shall comply with MAAB regulations and the Fair Housing Act.
4. The Petitioner shall retain a qualified accessibility consultant to independently review the building permit plans for compliance with MAAB requirements. The Petitioner shall submit the consultant’s qualifications to the Inspectional Services Department. Prior to the issuance of a building permit, the consultant shall submit a report to the Inspectional Services Department detailing compliance with MAAB and identifying any variances needed.
5. Prior to the issuance of a certificate of occupancy, the Petitioner’s accessibility consultant shall submit reports certifying that the construction complies with MAAB requirements and identifying any variances granted.
6. In accordance with the City’s Inclusionary Zoning Ordinance, §5.11, 17.5% of the dwelling units in the Project shall be affordable housing units (the “Inclusionary Units”):
 - a. 15% of the dwelling units in the Project shall be made available to households earning at or below 80% of Area Median Income (AMI), as designated by the U.S. Department of Housing and Urban Development, adjusted for household size for the Boston-Cambridge-Quincy, MA-NH HMFA (“Tier 1 Units”). The AMI used for establishing rent and income limits for the Tier 1 Units must average no more than 65% AMI; alternatively, at least 50% of the Tier 1 Units may be priced for households having incomes at 50% of AMI and the remaining Tier 1 Units priced for households at 80% of AMI.

The breakdown of the Tier 1 Units, based on the Project containing 50 units, will be as follows:

 - i. Two 1-BR units and two 2-BR units will be priced for households having incomes at 50% AMI
 - ii. Two 1-BR units, one 2-BR unit, and one 3-BR-unit will be priced for households having incomes at 80% AMI
 - b. 2.5% of the dwelling units in the Project shall be affordable to households earning greater than 80%, but at or below 110% of AMI, as designated by the U.S. Department

at a cost of less than \$289,000, the Petitioner shall pay the remaining balance of funds to the City to be used for improvements in the immediate vicinity of the Project. Any such funds shall be held by the City in an account and shall be appropriated only with the approval of the City Council and the Mayor in accordance with municipal finance law. To ensure compliance, the Petitioner shall submit a scope of work with associated costs at the building permit stage and submit a final cost affidavit under the pains and penalties of perjury with an initialized accounting of all design and construction costs incurred upon completion of the work.

12. Upon occupancy of the Project, the Petitioner shall institute a Transportation Demand Management Plan ("TDM Plan") to reduce vehicle trips to the site. The TDM Plan shall include, but not be limited to:
 - a. Displaying all transit schedules in a visible location.
 - b. \$70,000 contribution to the City prior to the issuance of a building permit for vertical construction towards City initiated TDM measures such as a bus shelter, transit, infrastructure, biking, or other measures intended to reduce vehicle trips in the immediate vicinity of the Project.
 - c. Provide pre-paid CharlieCard and/or Commuter Rail passes to any employee or resident who can utilize the MBTA system, bikeshare, or similar measure to discourage vehicle trips to the facility, up to a maximum of \$5,000. If the \$5,000 in transit subsidies is not dispensed/expended after a period of five years from any certificate of occupancy, the remainder shall be paid to the City for transportation related improvements or towards funding the City's shuttle system or other public transportation systems. Petitioner/Operator shall provide reports each year, annually on the anniversary of the issuance of the certificate of occupancy, of the number of transit passes issued and funds expended pursuant to this condition.
 - d. Providing indoor and outdoor secure bicycle storage areas on site consistent with the Approved Plans.
 - e. Designating or hiring a TDM coordinator (at the option of the Petitioner, a TDM membership may be substituted for this requirement).

The Petitioner shall be obligated to continue such TDM Plan for the life of the Project and bear any and all costs associated with said plan.

At its sole expense and within twelve months of the issuance of a final certificate of occupancy the Petitioner shall conduct a post-occupancy study of on-site parking at the premises. The scope of the study, which shall be determined by the Director of Planning and Development in consultation with the Director of Transportation and the Petitioner, shall include but not be limited to detailing the commuting modes and methods of all persons employed on-site and the usage of the property's on-site parking stalls on several weekday and weekend days and evenings.

If the results of the study suggest the TDM Plan is insufficient and/or elements of the TDM Plan should be modified or expanded in order to encourage increased use of public transportation and/or other alternatives to single occupancy automobile travel, the Director of Planning and Development shall, in consultation with the Director of Transportation and the Petitioner, identify reasonable additional measures to be implemented in a timely fashion by the Petitioner to the satisfaction of the Director of Planning and Development and the Director of Transportation.

In the event the Petitioner is ever required to revise the TDM Plan and/or implement additional measures, the Petitioner shall be required to meet with the Director of Planning and Development and the Director of Transportation (or their designees) 12 months after the implementation of such revisions and/or additional measures to assess the effectiveness of such changes and identify, if necessary, any further TDM Plan revisions or additional measures to be undertaken by the Petitioner to encourage increased use of public transportation and/or other alternatives to single occupancy automobile travel.

13. The Petitioner shall provide the City with an easement for the public sidewalk on the Petitioner's property along Davis Street as shown on the Approved Plans in a form approved by the Law Department prior to the issuance of any certificate of occupancy.
14. Prior to the issuance of any Building Permit pursuant to this Special Permit/Site Plan Approval, the Petitioner shall provide a final Operations and Maintenance Plan (the "O&M Plan") for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M Plan must be adopted by the Petitioner. A copy of the O&M Plan shall be filed with the Engineering Division of Public Works and submitted with the Building Permit application.
15. 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.
 - 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 assessment.

- 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.
16. All construction activity shall be limited to 7:00AM-5:00PM Monday through Friday and 8:00AM-4:00PM on Saturdays, excluding holidays, unless waived by the Mayor in accordance with Revised Ordinances, §20-13.
 17. 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: watering, 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.
18. The Petitioner shall be responsible for securing and paying police details that may be necessary for traffic control throughout the construction process as required by the Police Chief.
 19. The Petitioner shall be responsible for repairing any damage to public ways and public property caused by construction activities or any construction vehicles traveling to or from the site. All repair work shall be done prior to the issuance of the final certificate of occupancy, unless the Commissioner of Public Works determines either: (a) that the damage to the public way is so extensive that it limits the use of the public way; (b) that the damage interferes with traffic flow; or (c) that the damage poses a threat to public safety. In such cases, the repair work must be initiated within one month of the Commissioner making such determination and shall be conducted consistent with City Construction Standards, and shall be completed within an appropriate time frame, as determined by the Commissioner.
 20. Prior to the issuance of any building permit for the Project, the Petitioner shall provide a Final Site Plan (which shall indicate the location of adequate snow storage area(s) or identify a suitable alternative for snow removal) for review and approval by the Department of Planning and Development, the Engineering Division of Public Works and the Fire Department.
 21. The Petitioner shall underground all lateral utility connections from the right of way to the structure(s).
 22. 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 (as measured from the Project's property lines) for which the owner of the building or structure has granted approval at no charge to the owners. The survey must include photos taken both inside and outside prior to construction to set a baseline of existing conditions. Copies of the survey and photos shall be provided to owners.
 - b. Prior to the issuance of any demolition permit, 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).
 - c. If a property owner has consented to a pre- and post- construction survey as set forth in this condition and the property owner believes its buildings or structures have suffered damage due to vibration impacts from the Project, the property owner may make a claim to the vibration mitigation fund by submitting its claim, along with supporting documentation and photographs, to an independent third party hired and paid for by the Petitioner, subject to review and approval by the City Solicitor, for the independent third party's review. Notice shall be provided to such private property owners on how to

make a claim for damages. Only those property owners who consent to a pre-construction survey as set forth above shall be eligible to make a claim to the vibration mitigation fund. If a claim is approved by the independent third party, property owners receiving payment from the mitigation fund must sign a release of claims as a condition to the receipt of such payment. In lieu of seeking payment from the vibration mitigation fund, a property owner may pursue a claim for damages for any amount through private action.

- d. 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) at the property line of the Project.
- e. Planned demolition and construction methods to ensure vibration levels will not exceed the identified limit.
- f. Specific measures to be taken during construction to ensure the specified vibration level limits are not exceeded.
- g. A monitoring plan to be implemented during demolition and construction that must include installation of vibration measuring devices and alarms.
- h. 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.
- i. 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.
- j. 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.
- k. 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.
- l. 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.

23. The parking facility shall provide a minimum of 12 electric vehicle charging stations. The remaining stalls must be electric vehicle charging station ready, meaning the electrical systems and conduit are prepared to expand the number of charging stations as demand increases.
24. All buildings shall be designed and constructed to achieve LEED v4 Gold Certifiability in accordance with the Sustainable Development Requirements set forth in Section 5.13.4 of the Zoning Ordinance.
25. The Petitioner shall complete Passive House feasibility studies and energy modeling to determine the design and construction approach.
27. Prior to issuance of a building permit, the Petitioner shall submit to the Planning Department the following:
 - a. An updated Rating System Checklist enumerating the criteria set forth in the applicable green building rating system and indicating which technical and design requirements will be met in the green building project design and the resulting rating level of the project.
 - b. An updated Rating System Narrative describing the technical and design elements of the project that will be utilized to achieve compliance with the applicable green building rating system.
 - c. An updated Energy Narrative, describing the energy efficiency, renewable energy, and other technical and design elements of the project that serve to minimize energy use, make use of renewable energy sources, and demonstrate how close the project is to achieving net zero energy use status.
 - d. A document demonstrating the credentials of the project's designated green building professional.
 - e. An affidavit signed by the green building professional stating that he/she/it has reviewed all relevant documents and that to the best of his/her/its knowledge, the documents provided indicate that the project is being designed to achieve LEED v4 Gold Certifiability.
 - f. The credentials of the project's green commissioning agent.
 - g. the credentials of the Passive House rater/verifier who will perform testing and verification and letter of intent stating they have been hired to complete the on-site verification process.
 - h. the credentials of the Certified Passive House Consultant who has provided design, planning, or consulting services.
28. Prior to the issuance of any certificate of occupancy (temporary or final), the Petitioner shall submit to the Planning Department any updates to the above referenced documents along

with the following:

- a. an affidavit certifying that the pre-construction commissioning process requirements of (LEED/Passive Housing/Enterprise Green Communities) have been met and that the post-construction commissioning process requirements of Section 5.13 of the Zoning Ordinance were included in the scope of work and will be met, including a schedule of when each commissioning requirement was or will be met.
 - b. Credentials of the project's accredited Green Building Professional and an affidavit signed by that professional stating that they have reviewed all relevant documents and that to the best of their knowledge, the documents provided indicate that the project was built to achieve the requirements of Section 5.13 of the Zoning Ordinance.
29. The Petitioner shall install all landscaping consistent with this Special Permit/Site Plan approval and shall maintain landscaping in good condition. Any plant material that becomes diseased or dies shall be replaced as soon as feasibly possible with similar material.
30. No building permit (other than a demolition permit) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
- a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds or filed the same with the Middlesex South Registry District of the Land Court and filed proof of such recording or filing with the City Clerk and submitted a copy with the building permit application.
 - b. Submitted an Inclusionary Housing Plan and Affirmative Fair Marketing and Resident Selection Plan for review and approval by the Director of Planning and Development in accordance with this Order, and §5.11.8 of the Zoning Ordinance.
 - c. Submitted a lot consolidation plan to the City Engineer and included a copy with the building permit in accordance with this Order.
 - d. Submitted final engineering, utility, and drainage plans, and a final O&M Plan to the City Engineer in accordance with this Order.
 - e. Submitted a Final CMP for review and approval by the Commissioner of Inspectional Services in consultation with the Director of Planning and Development, the Fire Department, the Commissioner of Public Works, and the City Engineer in accordance with this Order.
 - f. Received approval for the Pest Control inspection report and the remediation action plan and submitted a copy of such approval to the Director of Planning and Development in accordance with this Order.
 - g. Received approval for the vibration control plan and submitted a copy of such approval to the Director of Planning and Development in accordance with this Order.

- a. Filed with the building permit record statements by a registered architect and a professional land surveyor certifying compliance with Condition #1.
 - b. Submitted final as-built survey plans in digital format.
 - c. Filed with the building permit record a statement by a registered landscape architect certifying compliance with the landscape plan referenced with Condition #1.
 - d. Submitted to the Law Department copies of a fully executed Regulatory Agreement and Affordable Housing Restriction in accordance with this Order.
 - e. Provided evidence satisfactory to the Law Department that the Regulatory Agreements have been recorded at the Middlesex South Registry of Deeds or filed with the Middlesex South Registry District of the Land Court.
 - f. Inclusionary Units shall be completed and occupied no later than the completion and occupancy of the market-rate units. If the Inclusionary Units are not completed as required within that time, temporary and final certificates of occupancy may not be granted for the number of market-rate units equal to the number of Inclusionary Units that have not been completed.
 - g. Obtained approval from the City Engineer certifying that all engineering details for the portion of the Project for which a certificate of occupancy is requested have been constructed to standards of the City of Newton Public Works Department.
 - h. Filed with the Department of Inspectional Services and the Department of Planning and Development a certificate from a licensed architect certifying that: (i) all dwelling units in the building for which a certificate of occupancy is requested have been constructed and conform with MAAB requirements for "Group 1" units.
 - i. Filed with the Department of Inspectional Services and the Department of Planning and Development evidence that utilities have been located underground for the portions of the Project for which a certificate of occupancy is requested to the extent required by this Order, or submit evidence that best efforts have been made to underground the utilities.
 - j. Filed with the Department of Inspectional Services and the Department of Planning and Development evidence that the criteria for LEED Gold level of construction of the subject building have been satisfied.
 - k. Submitted the payments required in Conditions **7c and 11b.**
 - l. Submitted a copy of the recorded or filed lot consolidation plan to the City Engineer.
34. The Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the site prior to installation of final landscaping, fencing, and/or benches both onsite and at Captain Ryan Park provided that the Petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash, or

other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining site work to secure installation of such landscaping, fencing, signage, and parking areas.

CITY OF NEWTON

IN CITY COUNCIL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON AS FOLLOWS:

Section 30 of the Revised Ordinances of Newton, as amended, be and is hereby amended by amending sheets of plans entitled "City of Newton, Massachusetts, Amendments to Zoning Plans, adopted July 21, 1951, as amended from time to time," and the City of Newton Official Zoning Map as shown and maintained as part of the City's Geographic Information System (GIS), as amended from time to time, by changing certain boundaries from present zoning district as described below:

Change the following described real estate: all of the land located at 1314 Washington Street, 31 Davis Street, and 33 Davis Street, also identified as Section 33, Block 10, Lots 0001, 0011, and 0012, currently zoned Business 1 to Mixed Use 4, further described as follows:

Beginning at a point on the Southerly Line of Washington Street (AKA Route 16 – public – variable width) and from said point of beginning, running thence;

Along the southerly line of Washington Street, N 74°42'12" E, a distance of Ninety-Nine and Thirty Nine Hundredths feet (99.39 feet) to a point, thence;

S 15°56'48" E, a distance of One Hundred Fifty feet (150.00 feet) to a point, thence;

N 75°15'57" E a distance of Sixty-Four Hundredths feet (0.64 feet) to a point, thence;

Along the dividing line with Map 33, Block 10, Lot 10, S 14°58'47" E, a distance of One Hundred Nine and Fifty-Nine Hundredths feet (109.59 feet) to a point on the northerly line of Davis Street (public - variable width), thence;

Along said northerly line of Davis Street, S 79°20'01" W, a distance of One Hundred Five feet (105.00 feet) to a point, thence;

Along a tangent curve at the intersection of Davis Street and Highland Street (public - variable width) having a radius of 13.42 feet, a central angle of 83°15'14", an arc length of 19.50 feet, a chord bearing of N 57°55'36" W, and a chord distance of 17.83 feet, thence;

Along the easterly line of Highland Street, N 16°17'59" W, a distance of Two Hundred Eighteen and Twenty-Five Hundredths feet (218.25) feet to a point, thence;

Along a tangent curve at the intersection of Highland Street and said Washington Street having a radius of 19.44 feet, a central angle of 90°59'01", an arc length of 30.87 feet, a

chord bearing of N 29°11'31" E, and a chord distance of 27.73 feet to the point and place of beginning.

Containing 30,031 square feet or 0.689 acres, more or less. The zone change area is shown as "PROPOSED MIXED USE (MU4) ZONING DISTRICT" on the plan entitled "Zone Change Plan," dated May 2, 2022, and prepared by Bohler Engineering.

This change of zone Order accompanies Special Permit #358-22. The benefits of this change may only be exercised in accordance with the terms of such Special Permit #358-22, as defined therein.

To the extent any provision of this change of zone Order shall be deemed invalid or unenforceable, all remaining provisions shall remain in full force and effect regardless of such invalidity or unenforceability.