



RUTHANNE FULLER
MAYOR

City of Newton, Massachusetts

Office of the Mayor

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November 28, 2022

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Councilors:

I respectfully submit a docket item to the Honorable Council to approve the use of \$225,000 in transportation mitigation funds from the Trio transportation demand management plan consistent with Special Permit #96-17 and the approved Consistency Ruling dated 8/31/22. The money will be invested in NewMo and bike share operations.

As stated in the Request for a Consistency Ruling letter by Mark Development:

- “For the remaining funds +/- \$150,000, we would be amenable to allowing the City to repurpose the money in order to promote further NewMo usage as well as bike sharing (i.e Bluebike system).”
- “+/- \$75,000 to reimburse Trio residents and employees of the retail and restaurant components for usage of the NewMo Program.” This reimbursement program will be implemented by the City in conjunction with operating partner Via.

See the attached memo from Barney Heath, Director of Planning & Development requesting the docketing of the item. Also attached are Commissioner Lojek’s 8/31/22 consistency ruling, a 6/10/22 memo from Planning to the Land Use Committee on the topic, and Mark Development’s original request for the consistency ruling.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller
Mayor



Ruthanne Fuller
Mayor

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

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www.newtonma.gov

Barney S. Heath
Director

MEMORANDUM

Date: November 11, 2022
To: Maureen Lemieux, Chief Financial Officer
Jonathan Yeo, Chief of Operations
From: Barney Heath, Director – Planning & Development
Cc: Nicole Freedman, Director of Transportation Planning
Subject: Request to Docket Item to Expend \$225,000 from Trio Funds for NewMo
consistent with Comprehensive Special Permit #96-17

We request approval to spend \$225,000 in transportation mitigation funds from the Trio transportation demand management plan consistent with Special Permit #96-17 and the approved Consistency Ruling dated 8/31/22. The money will be spent on NewMo and bike share operations.

As stated in the Request for a Consistency Ruling letter by Mark Development:

- “For the remaining funds +/- \$150,000, we would be amenable to allowing the City to repurpose the money in order to promote further NewMo usage as well as bike sharing (i.e Bluebike system).”
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City of Newton



Ruthanne Fuller
Mayor

Inspectional Services Department

John D. Lojek, Commissioner
1000 Commonwealth Avenue
Newton, MA 02459
www.newtonma.gov

Telephone
(617) 796-1060
Fax
(617) 796-1086
Email
ISD@newtonma.gov

August 31, 2022

Damien Chaviano, Principal
Mark Development
275 Grove Street, Suite 2-150
Newton, MA 02466

Re: Trio TDM Plan, Newton, MA consistency ruling

Dear Mr. Chaviano:

I am in receipt of your letter requesting a consistency ruling for the changes to the TDM plan under Special Permit #96-17. The Planning Dept. has been consulted on the new arrangements and they find them to be acceptable. I find that the changes proposed are consistent with the meaning and intent of Special Permit #96-17.

I hope this letter serves your purposes. Please contact this office if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Lojek", written over the word "Sincerely,".

John D. Lojek

cc: Anthony Ciccariello, Deputy Commissioner ISD
Jennifer Caira, Deputy Director Planning and Development



Ruthanne Fuller
Mayor

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Department of Planning and Development
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Barney S. Heath
Director

MEMORANDUM

Date: June 10, 2022

To: Land Use Committee

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

Subject: Consistency Request from Mark Development

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

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

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

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

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

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

We look forward to the discussion of this request.

Attachments:

Attachment A: Consistency Request

MARK
DEVELOPMENT

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

Newton Planning Department
1000 Commonwealth Avenue
Newton Centre, MA 02459

Re: Trio TDM Plan

Commissioner Lojek:

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

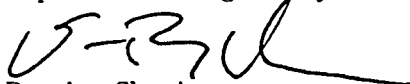
In October of 2020, we completed the construction of Trio, and since that time the amount of subsidy used by the residents at the property has been de minimis. Considering the time that has passed, we feel it is appropriate to revisit how best to maximize these funds going forward in an effort to achieve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

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

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

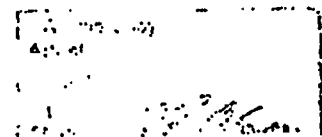
For the remaining funds +/- \$150,000, we would be amenable to allowing the City to repurpose the money in order to promote further NewMo usage as well as bike sharing (i.e. Blue Bike system). Our expectation is that these funds would cover operational costs as the Director of Transportation / Planning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

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



Damien Chaviano
Principal
Mark Development

- the Project categorized as: (a) streetscape and street beautification Initiatives in the vicinity of the Project including the bridge over the Massachusetts Turnpike and MBTA railroad line, and (b) transportation enhancements for all travel modes, including, but not limited to, pedestrian, bicycle, and elements related to the Newtonville MBTA commuter rail station. Within ninety (90) days after the issuance of a building permit for vertical construction, the City Council shall identify the specific improvements to be made under the foregoing categories and the City Council shall either direct the Petitioner to construct the improvements identified by the City Council, at Petitioner's expense, for an amount not to exceed \$700,000.00, or it shall direct the Petitioner to pay the sum of \$700,000.00 to the City, which the City shall use to construct the off-site improvements. In the event that the City Council elects to accept payment of \$700,000.00 for the off-site improvements, funds from the account in which the \$700,000.00 will be held shall be appropriated to construct the off-site improvements in accordance with municipal finance law. In the event that the City Council directs the Petitioner to construct the improvements and the final cost of the improvements is less than \$700,000.00, the Petitioner shall pay the balance to the City and the City shall use the funds for additional off-site improvements accordance with the provisions of this condition. In the event that the City Council fails to identify the improvements to be made within ninety (90) days after the issuance of a building permit for vertical construction, in accordance with this condition, then the Petitioner shall pay the sum of \$700,000.00 to the City and the Petitioner shall have no further obligation with respect to this General Condition #6.
7. Prior to the issuance of any certificates of occupancy, temporary or final, for the residential portion of the site, the Petitioner, if it elects to pursue development of the Project with 160 residential units, shall pay an amount of \$782,880 to the City, which sum represents an 8:1 ratio for municipal sewer Inflow and Infiltration improvements in accordance with a memorandum from Associate City Engineer John Daghlian dated November 29, 2016, a copy of which is on file in the office of the City Clerk. In the event the Petitioner elects to pursue the Project with 140 residential units, Petitioner shall pay an amount to the City for municipal sewer Inflow and Infiltration improvements based on an 8:1 ratio calculated in a similar fashion to the calculations used in said memorandum, but in no event shall the amount due exceed \$782,880.
8. The Petitioner shall institute a Transportation Demand Management Subsidy Program (the "TDM Subsidy Program") in the amount of \$300,000 and shall commence implementation of the TDM Subsidy Program and the Transportation Demand Management Plan (the "TDM Plan") when the first residential tenant moves into the Project. The details of the TDM Subsidy Program are set forth in Schedule C. The TDM Plan is attached as Schedule D. The Petitioner shall have no obligation to continue the TDM Subsidy Program once the \$300,000 funding is fully expended. Ongoing costs associated with the TDM Plan are not included in the \$300,000 amount, and the Petitioner shall be obligated to continue such Plan for the life of the Project.



SCHEDULE C

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

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

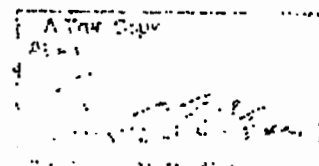
- 1) Commuter Rail Passes (\$200 / month)
- 2) Subway – T Passes (\$85/month)
- 3) Bus Passes (\$130 - \$170/month)
- 4) Bike Share Passes (TBD)
- 5) Ride Sharing (TBD)

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

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

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

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



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DEVELOPMENT

SCHEDULE D

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

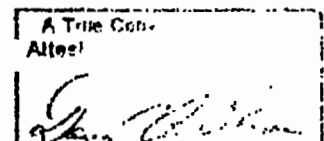
The Petitioner shall implement a Transportation Demand Management Plan ("TDM") at Washington Place in order to minimize traffic, reduce dependency on cars, and promote a healthier environment. To achieve these goals, Washington Place shall include various incentives and programs aimed at encouraging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

I. Informational Services:

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

II. Bicycle Accommodations

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



#96-17

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

III. Pedestrian Links

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

IV. Sustainable Transportation Initiatives:

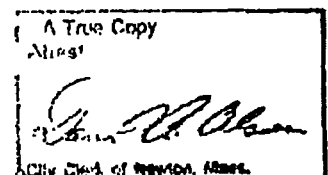
- The Petitioner shall commit to decouple the cost of parking from the rent of the residential units to further discourage car usage.
- Car sharing: Washington Place shall include no less than 2 dedicated parking spaces for a car sharing service provider(s). The Petitioner shall also explore ride sharing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

V. Marketing Programs:

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

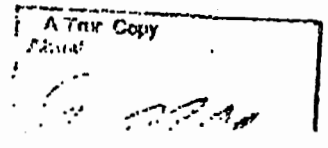
VI. Monitoring and Reporting Plan

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



#96-17

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



MARK DEVELOPMENT

275 Grove Street, Suite 2-150
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Newton Planning Department
1000 Commonwealth Avenue
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Re: Trio TDM Plan

Commissioner Lojek:

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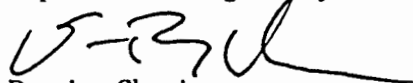
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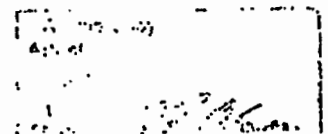
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Damien Chaviano
Principal
Mark Development

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#96-17

Petition #96-17

SCHEDULE C

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

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

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

A True Copy
 [Signature]

#96-17

DEVELOPMENT

SCHEDULE D

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

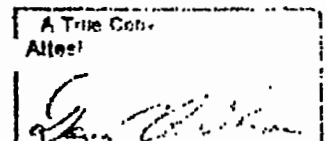
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II. Bicycle Accommodations

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



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

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- Washington Place shall provide significant improvements to the streetscape, which are intended to promote walkability along Washington Street and Walnut Street. Examples include:
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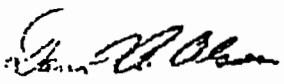
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VI. Monitoring and Reporting Plan

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

A True Copy
Attest



City Clerk of Newton, Mass.

#96-17

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

