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PUBLIC HEARING MEMORANDUM

Public Hearing Date: June 7, 2016
Land Use Action Date: July 26, 2016
City Council Action Date: August 1, 2016
90-Day Expiration Date: September 5, 2016

DATE: June 3, 2016

TO: City Council
Planning and Development Board

FROM: James Freas, Acting Director Planning and Development Department
Alexandra Ananth, Chief Planner for Current Planning

SUBJECT: **Petition #179-16**, MARK NEWTONVILLE, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use, transit oriented development in excess of 20,000 square feet consisting of three interconnected buildings with building heights of sixty feet and five stories, total gross floor area of 238,075 sq. ft., incorporating 171 residential units, approximately 39,745 sq. ft. of commercial space, and approximately 2,030 sq. ft., of office/community space; 346 on-site parking stalls, and to allow an FAR of 1.92; waiver of 97 parking stalls, waive number of signs and allow for free-standing signs and loading bay at **241-261 Walnut Street, 845-875 Washington Street, 0-22 Bailey Place, 6-22 Washington Terrace**, Ward 2, Newtonville, containing approximately 123,956 sq. ft. of land in a district zoned BUSINESS USE 1 and BUSINESS USE 2.

Petition #180-16, MARK NEWTONVILLE, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL for a **change of zone to MIXED USE 4** for a portion of land located at Walnut Street, Washington Street, Washington Terrace, also identified as Lots 10, 11, 12, 13, 14, 16, 19, 20, 21, 22, Block 29, Map 201 currently zoned Business 1 and Business 2.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. Additional information may be presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent public hearings or working sessions.



Washington Place (Proposed)

EXECUTIVE SUMMARY

The petitioner, Mark Newtonville, LLC, is requesting special permits and a zone change in order to redevelop the block situated on the north side of Washington Street between Walnut Street and Washington Terrace in Newtonville. The proposed project consists of approximately 124,000 square feet (or 2.85 acres) of land. The site is comprised of parcels zoned Business 1 and Business 2, and contains a mix of commercial and residential uses. The petitioner is proposing to construct three five-story buildings with approximately 40,000 square feet of commercial space on the ground floor and approximately 170 residential units above.

The petitioner has made efforts to reach out to the community to solicit feedback on the project in advance of the special permit process. The resulting project design reflects that feedback including moving from one large building to a set of three buildings, and the proposed height and number of stories has decreased.

The City Council must consider the project under the special permit criteria, as well as the criteria for the Mixed Use 4 (MU4) district: that the proposed use will encourage an active, pedestrian-oriented streetscape throughout the day and week; that the proposed use fills a demonstrated need for the use within the vicinity; and that the proposed use is not inconsistent with the purposes of the Mixed Use 4 district or the City's *Comprehensive Plan*. When considering the request to rezone the site the Council shall consider if the proposed zone change promotes the public welfare and is consistent with the City's *Comprehensive Plan* and the Council's vision for this area of Newtonville.

The Planning Department is supportive of this project, which will add more amenities and points of interest to the village, help knit Newtonville together with an improved streetscape and gathering place and will add to the diversity of Newton's housing stock including affordable units. Recent housing studies have indicated that while Newton is well served by single-family homes, there is an increasing need for housing that can help retain the existing population as seniors seek accessible single-floor living, younger households seek housing close to jobs and amenities, and smaller households seek housing that is more diverse in size. Further, the proposed development plan will encourage pedestrian activity in the village, encourage use of alternative modes of transportation, and better utilize the existing site.

As submitted, the project is consistent with Newton's adopted *Comprehensive Plan* and the intent of the Mixed Use 4 village zoning district. By locating a project like this in an existing village center close to multiple transit options, the benefits of a walkable, vibrant village center are maximized, and potential impacts are minimized to the greatest extent possible. "Transportation, planning and land use decisions to enable more walking, biking and use of public transportation" was selected as the top transportation goal by community participants in the Newton In Motion Transportation Strategy in 2016. The cost of living, in particular the combined costs of housing and transportation, is one of the most relevant factors in evaluating a community's overall quality of life. Welcoming housing near transportation hubs is a way to reduce the proportion of a household's income that is required for transportation, meanwhile reducing potential environmental costs.

Our concerns with the petition that should be addressed as this project moves forward include

the loss of some of the historic structures that will be demolished to accommodate this development and the proposed waiver to the height setback for the upper stories on Walnut Street and Washington Terrace, which is required for buildings greater than 40 feet in height. Generally the Planning Department encourages the preservation and adaptive reuse of existing structures with architectural history and integrity. However, sometimes the overall benefits of a project outweigh the concerns. Finally, the Planning Department believes that the City should consider strategies to ensure that all of the units in this project are eligible for inclusion on the City's Subsidized Housing Inventory (SHI).

The City is in the process of completing a peer review of the traffic impacts of this project as well as an analysis of the proposed number of parking stalls provided. It is also expected that the petitioner will submit a fiscal impacts report of the proposed project for discussion at a future public hearing.

The following provides a technical analysis of the project and recommendations for consideration in the special permit application and rezoning review process.



I. REVIEW CRITERIA

When reviewing this request, the City Council should consider whether:

- The specific site is an appropriate location for the proposed mix of uses and structures. (§7.3.3.C.1.)
- The proposed project as developed and operated will not adversely affect the neighborhood. (§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 planning building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy. (§7.3.3.C.5.)
- The proposed structures are compatible in visual scale to their surroundings, do not adversely affect its surroundings by creating shadows or blocking views, and advances the purposes of the Mixed Use 4 District. (§4.2.5.A.2.)
- 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. (§4.2.5.A.3.)

- The proposed plan can better protect the surrounding community from shadows and blocked views, support pedestrian vitality, and encourage the purposes of the Mixed Use 4 district than strict compliance with the setback requirements. (§4.2.5.A.4.)
- The design of the buildings and the site plan comply with the Americans with Disabilities Act (ADA) and the rules and regulations of the Massachusetts Architectural Access Board (MAAB). (§4.2.5.A.5.)
- The proposed design better enables appropriate use of the site, supports pedestrian vitality, and achieves the purposes of the Mixed Use 4 district than strict compliance with the standards. (§4.2.5.A.6.)
- The proposed mix of uses will encourage an active, pedestrian-oriented streetscape throughout the day and week, that the proposed mix of uses fulfills a demonstrated need for the uses within the vicinity, and the proposed uses are not inconsistent with the purposes of the Mixed Use 4 district and the City's *Comprehensive Plan*. (§4.2.5.B.)
- Literal compliance with the parking requirements of the Newton Zoning Ordinance (NZO) is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§5.1.13.)
- Literal compliance with the number, size, location, and height of signs where it is determined that the nature of the use of the premises, the architecture of the building or its location with reference to the street is such that free-standing signs or exceptions should be permitted in the public interest. (§5.2.13.)

II. BACKGROUND

The Village of Newtonville owes much of its growth to its favorable location with respect to transportation. Newtonville developed as a suburban village during the second half of the 19th century due to the Boston and Albany Railroad. Daily commuter trains to Boston brought an influx of businessmen, professionals and tradesmen who built houses in the area. In the early 20th Century, Newtonville, like many other village centers in the City, was densely developed, walkable, and included a mix of uses with shops, residences, workplaces and civic amenities in two- to four-story buildings. In the second half of the century, many of these buildings were replaced by single-story structures served by multiple parking lots, which reduced the density and diversity of uses and made the village center less pedestrian-friendly. The village of Newtonville was further divided by the construction of the Mass Turnpike in 1962, which included the demolition of fifteen houses in Newtonville and further divided the north side of the village from the south side. Today, best practices in planning, as well as market forces, are moving back to the

natural advantages of mixed-use developments to restore the variety of housing and services villages once enjoyed.

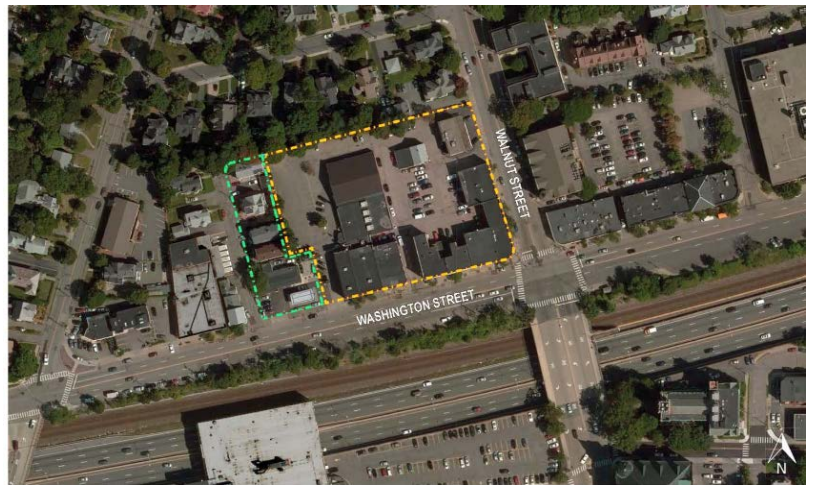
In 2012, an amendment to the *Comprehensive Plan* was approved to include a “Mixed-Use Centers” element to further encourage mixed-use development, particularly in village centers adjacent to transit services. As a result, the Planning Department and the Zoning and Planning Committee crafted the Mixed Use 4 village zoning district adopted by the City Council in October, 2012. The petitioner is seeking to rezone the site to Mixed Use 4.

III. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The project site is located at the northwest intersection of Washington and Walnut Streets in Newtonville. The site is zoned Business 1 and Business 2. Abutting the site to the north are Multi-Residence 1 and 3 zoning districts with single-family and multi-family residences, respectively. To the east and west along Washington Street are districts and uses similar to that of the project site, Business 1 and 2. Lastly, the center of the Newtonville commercial district is to the south on both sides of Walnut Street and is generally zoned Business and improved with commercial uses (**Attachments A & B**).

The area is proximately located to the Massachusetts Turnpike and MBTA Commuter Rail (Newtonville Station) with access into Boston’s South Station. Walnut Street, Lowell Avenue and Washington Street provide good local and regional access including access to multiple bus routes including an express bus into Boston.



Aerial View of Existing Conditions

B. Site

The subject site totals approximately 123,956 square feet (2.85 acres) and has frontage on the north side of Washington Street and on the west side on Walnut Street, as well as on Washington Terrace. The fifteen parcels comprising the site consist of Business 1 and 2 zones with a number of commercial buildings, surface parking lots, an automobile service station, and two- and three-family residential buildings. The site is also bounded by Washington Terrace (a private way) to the west. The site is generally level.

Existing uses on the site include 20 residential units, approximately 45,000 square feet of commercial uses which include retail uses, restaurant uses and the Boston Ballet School, and approximately 13,000 square feet of office uses.

IV. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The applicant is proposing to build a new mixed use development incorporating 171 residential units and approximately 40,000 square feet of retail, personal service, health club, restaurants, office space and/or medical office use. The applicant is seeking a zone change for the site from Business to Mixed Use 4.

The Mixed Use 4 village zoning district is intended to allow the development of buildings and uses appropriate to Newton's village centers and to encourage development that fosters compact and pedestrian-oriented villages with a diverse mix of residences, shops, offices, institutions, and opportunities for entertainment. This district allows for heights of up to 60 feet and 5 stories by special permit in order to allow sufficient density and intensity of uses to promote the use of alternative modes of transportation, to expand the diversity of housing options available in the City, and to offer a variety of businesses that serve the needs of the community. As the Mixed Use 4 district was only adopted in 2012, only one other location currently exists, 28 Austin Street, also in Newtonville just south of the Mass Turnpike.

The only other zone that would accommodate the proposed structures is Business 4 which allows for a height of up to 96 feet and eight stories. Other Business 4 districts include the Chestnut Hill Shopping Center now known as "The Street," and 430 Centre Street, which is improved with an assisted living center. The Planning Department is supportive of the request to rezone the site to Mixed Use 4 as we believe the proposed zone appropriately supports mixed use development at a density that is appropriate for village centers. Locating a project like this in an existing village center close to multiple transit options, maximizes the benefits of a walkable, vibrant village center and minimizes potential impacts to the greatest extent possible. Furthermore, the Mixed Use 4 criteria encourages design that is compatible to the surrounding context, seeks to create a beneficial living environment for the residents, and seeks to minimize traffic on roads in the vicinity. The existing zoning, Business 1 and 2 allows for similar uses as proposed but only allows for height up to 48 feet and four stories. The Planning Department notes that the Business 2 zone allows for a maximum Floor Area Ratio (FAR) of up to 2.0 where the applicant is proposing an FAR of 1.92. An FAR of up to 2.5 is allowed by special permit in a Mixed Use 4 district. For comparison purposes, the FAR of Austin Street was approved by the Council at 1.15. The existing FAR of the site is .65.

At this time the Planning Department does not have any concerns with the proposed mix of uses on this site, as these types of uses are already present in

Newtonville and the introduction of additional housing units is appropriate for this village center. All of the proposed uses are consistent with a mixed-use development and are allowed either by right or by special permit in a Mixed Use 4 zone, including a multi-family building (allowed by right), restaurants with more than 50 seats (allowed by special permit), and street level office uses (allowed by special permit). The proposed mix of uses and activities, including the public plaza, should help create a vibrant multi-function experience that increases neighborhood synergy and encourages pedestrian activity on the site and in the village.

B. Building and Site Design

The petitioner is proposing to redevelop the lot into a mixed-use site with three buildings containing: 171-units of rental housing; approximately 39,745 square feet of commercial/retail space; 346 parking stalls (236 underground stalls for residents and 110 surface stalls for public use); numerous site amenities including a 2,000 square foot community center and over 9,000 square feet of public plaza space; and streetscape improvements including new sidewalks and street trees and pedestrian crossings. Per the proposed development plan, the footprint of the mixed-use buildings, which are arranged in the shape of a “U”, is concentrated on the south and east sides of the parcel (Washington and Walnut Streets), with the remainder of the site being used for at-grade public parking and open space. The placement of the buildings is such that there is no setback from the property line on either Washington or Walnut Street as expected in a Mixed Use 4 district. However, there is a 20 foot setback on the western side of the parcel on Washington Terrace and a 46 foot setback from the rear property line to the north.

The west building with frontage along Washington Terrace and Washington Street is five stories tall and will contain approximately 14,325 square feet of ground floor commercial space with 66 apartments above. The middle building is four stories tall and will contain approximately 8,795 square feet of ground floor commercial space with 29 apartments above. The middle building will also contain two roof decks; one fronting Washington Street at the top floor and the other at the rear of the building on the second floor. The west building is connected to the middle building at the ground level by a two-story glass atrium providing visibility to the back of the project and light into amenity spaces within the building. Between the middle and east building which has corner frontage, is an open air pedestrian way that connects to the larger public plaza. The pedestrian way is 40 feet in width at Washington Street and leads back into the site where it opens to an approximately 6,000 square foot area (approximately 80 x 76 feet) that will include planters, seating and hardscape. It is envisioned that there will be outdoor seating and dining to help activate the pedestrian way. The east building that extends along Walnut Street is five stories tall and will contain approximately 16,625 square feet of ground floor commercial space with 76 apartments above.



Conceptual View Looking West Along Washington Street

The architecture of the mixed-use buildings is best described as “transitional.” The façade of the proposed buildings are treated with a variety of architectural elements such as cornices, canopies, a variety of large window arrangements, and balconies to break the plane of the facade. Per the development plans, the petitioner is proposing to clad the buildings’ façades with a mix of cement fiber board, brick or terra cotta precast elements, and glazing.

A number of proposed site amenities will enhance the visual appearance and appeal of the site. The foremost feature being proposed is the public plaza between the middle and east buildings interior to the site. The plaza would not only provide access to the parking area, but would have outdoor seating and tables, a “green wall”, decorative lighting, and landscaping. The petitioner is planning to program the plaza with local Newton Arts and Civic organizations to increase the pedestrian experience and enliven the site. Proposed sidewalks are a minimum of 12 feet in width on Washington Street and almost 10 feet in width on Walnut Street.



Conceptual View of Pedestrian Way and Plaza

The petitioner is proposing a maximum height of 60 feet and five stories. The Planning Department is generally comfortable with the proposed height and number of stories on Washington Street and notes that the proposed FAR and lot area per unit is appropriate given the massing of the structures towards Washington Street. Six stories is generally considered mid-rise development and appropriate in village centers and particularly on wider streets such as Washington Street which is a four-lane roadway with parking on both sides of the street and the Mass Turnpike across the street. However, we do have some concerns with the height and lack of setbacks or terracing of the fifth story on Washington Terrace and on Walnut Streets, which are narrower roads and include lower structures. The Mixed Use 4 district requires any portion of a building greater than forty feet in height be set back one foot for each additional foot of height. This provision may be waived by special permit and the petitioner is seeking a waiver from this requirement. Pulling the building back a few feet and/or stepping the top floors back as the site transitions up these streets will help reduce the perceived height and mass at these portions of the site and we do not recommend approval of this waiver. The Planning Department would appreciate an elevation showing the proposed setback versus the required setback over 40 feet with some neighborhood context. The Planning Department notes that the pedestrian way is quite wide as proposed and perhaps narrowing this width would allow for more breathing room on Walnut Street which is the core of Newtonville. Because Walnut Street is such a prominent street in this village the Planning Department also encourages a similar pedestrian way connecting Walnut Street to the internal plaza, similar to the small alleyways between shops on Walnut Street, just south of the Mass Turnpike. This would also serve to help break up the mass of the Walnut Street façade.

Submitted plans show eight commercial tenant spaces on the ground floor of the buildings although the number of commercial spaces is conceptual at this time as

tenants are not yet known. The Planning Department is concerned with the request for waivers to the façade transparency requirements given the scale of the proposed structures and their prominent location on Washington Street and does not recommend approval of this waiver. It is believed that this requirement supports pedestrian vitality and contributes to achieving the purposes of the Mixed Use 4 district and strict compliance is encouraged.

The Planning Department would like perspective drawings of the public space as well as of the proposed buildings in the neighborhood context. The petitioner should also provide a shadow study in order to ascertain the impact of the proposed height and waivers to the height setback requirements on abutting properties. Any mechanical equipment should be shown in future drawings.

C. Transportation, Traffic and Parking

The proposed site layout includes two driveways with two-way vehicular travel patterns (one off of Walnut Street and one from Washington Terrace), which will provide access to the site. The interior of the site contains 110 surface parking stalls which are primarily for patrons of the commercial tenants. The proposed 236-stall underground parking facility is accessed via a ramp internal to the site for use by the building's residential tenants. The petitioner should clarify how access will be restricted to this parking area.

To improve the pedestrian, vehicle, and bicycle environment, the petitioner is proposing to install a number of measures at the site. These include updating the existing traffic signalization at the intersection of Washington and Walnut Streets, updating all pedestrian crossings at the intersection of Washington and Walnut Streets to conform to American with Disabilities Act (ADA) requirements, and bicycle accommodations for approximately 30 bikes on site as well as storage for 180 bikes in the garage. The petitioner is also proposing a bump out on the northwest corner of Washington and Walnut Street to help pedestrians cross these streets. The Planning Department believes bump outs on all four corners would help improve pedestrian safety at this intersection which has received the most comments during the public process to date of the City's ongoing Transportation Strategy. Finally the Planning Department notes that bike lanes should be considered along this portion of Washington Street as well as over the Walnut Street Bridge.

The petitioner submitted a Traffic Impact and Access Study prepared by Vanasse Hangen Brustlin, Inc. (VHB). This study will be peer reviewed for the City by an independent transportation engineer and findings will be presented at a later public hearing.

By minimizing the number of curb cuts the proposed project increases the number of public parking stalls on the public streets by two stalls. These additions bring the total on-street parking to 20 stalls when the stalls on Walnut Street are included. Additional parking is available on the south side of Washington Street and the Planning Department recommends improvements to this side of the street as mitigation for the proposed parking waiver, as well as improvements to the pedestrian crossing experience from the south side of Washington Street. We

further encourage the petitioner to commit to paying for the cost of new “smart” meters along the site and on the south side of Washington Street.

In the parking area behind the buildings, there are 110 stalls including five designated as handicap. The petitioner is also adding 236 below-grade parking stalls plus storage for over 180 bicycles for the residential tenants. Thirty bike rack stalls will be located above grade and dispersed throughout the site. Seven handicap stalls are proposed in the garage.

The petitioner is proposing a parking ratio of 1.25 stalls per residential unit, which is consistent with recent utilization studies completed for other large residential projects in Newton. Furthermore, with the site’s location relative to transportation and amenities, it is expected that this project will be attractive to tenants seeking a car-lite lifestyle. The Planning Department encourages the petitioner to agree to decouple the parking from the rent for market rate unit in order to further discourage car ownership at this site. The petitioner should include some stalls in the garage or surface lot for car sharing services.



The petitioner is seeking a special permit to waive the amount of required parking stalls provided. Per the ordinance, the parking requirement for the residential component of the project is 214 stalls utilizing a reduced parking ratio of 1.25 stalls per unit which is allowed by special permit. Given that there are 236 parking stalls in the proposed garage the Planning Department is not concerned with the proposed parking reduction for the residential portion of the project.

The proposed mix of commercial uses on the site is expected to have a maximum parking requirement of 346 stalls. The petitioner is requesting a 1/3 reduction to the commercial parking requirement which is allowed by special permit, for a total commercial parking requirement of 229 stalls. Given the mix of uses proposed on site and the differing peak hours of the uses the petitioner is requesting a further waiver of 97 stalls for the commercial uses. The Planning Department is not terribly concerned about the proposed parking deficit as many patrons may visit more than one tenant and a shared parking model is typical in larger projects and given the proposed mix of uses at this site. Furthermore, the proposed waiver assumes the maximum number of parking stalls that would ever be needed depending on the mix of commercial tenants and affords flexibility to the petitioner as it leases up the

site. It is expected that the City's peer reviewer will also comment on the proposed number of parking spaces for the site.

In order to help alleviate any parking shortage the Planning Department recommends the petitioner investigate the possibility of shared parking in the garage, particularly during the day when some of the spaces can be expected to be vacant.

One loading bay is proposed inside the site and two loading zones are proposed in front of the site, one on Washington Street and one on Walnut Street. The Planning Department does not have any concerns with proposed loading.

The Planning Department is concerned with the lack of interior landscaping and pedestrian amenities in the surface parking lot and encourages the petitioner to try and address this in its designs. We also note that there is no space for snow storage on site and snow will have to be removed which is typical for a project of this size.

D. Lighting and Utilities

The petitioner has submitted a Photometric Plan for this project and the Planning Department has concerns that the site, particularly the parking area, is over-lit and a reduction in lighting levels is encouraged. Additionally, the petitioner should clarify the height of the proposed light poles. Although it appears to be the case, the petitioner should confirm that all utilities on site will be underground, including electric wires.

E. Landscape Screening

A significant increase in the amount of vegetation is proposed for the site. The petitioner is proposing a dense row of evergreen trees as well as fencing along the shared boundary with the residential districts to the north of the site. There are also deciduous trees to be planted along Washington Terrace, Washington Street, and Walnut Street. The public plaza between the middle and east buildings will contain potted plants, shrubs, a "green wall" and Flowering Dogwoods and Sweetbay Magnolias. Lastly, the islands in the surface parking area will contain a mix of trees and shrubs.

The Planning Department notes that it appears that two large dumpsters are located on Washington Terrace. The Planning Department believes the petitioner should orient these dumpsters to be internally accessed and should work with residents on Washington Terrace to increase the screening of the parking area for these abutters. Finally, we note that the amount of landscaping in the surface parking area should be increased.

F. Signage

The petitioner is seeking special permits for one or more free standing signs, as well as waivers as to the number, size, location, and height of the proposed signs. The Planning Department notes that all signage will be reviewed by the Urban Design Commission prior to the issuance of any sign permits and therefore has no concerns with the proposed waivers for signage.

G. Affordable and Fair Housing Policy

The objectives of the City's Consolidated Plan, including fair housing, have been considered in this review. Affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, and fostering and maintaining compliance with civil rights and fair housing laws. Newton has a longstanding commitment to the creation of fair, affordable and equitable housing opportunities in our City and announced a goal to add at least 800 more affordable units by 2021, so that ten percent of our housing stock is affordable. In an effort to meet this goal the City is about to complete a City-wide Housing Strategy.

The petitioner has specified that 15% of the units (26 units) will be affordable to low-and moderate income residents and shall be eligible for inclusion on the City's Subsidized Housing Inventory (SHI), in compliance with the City's Inclusionary Zoning requirements. These units will be permanently deed restricted as affordable to residents earning up to 80% of the Boston Metro Area Median Income (AMI). Specifically, out of the 26 units, 50% will be based on monthly rents that are affordable to families which earn no greater than 50% of the median income for Metropolitan Boston, and the remaining 50% available to those earning no greater than 80% of the median income. The remaining units are proposed as market rate.

Unit Mix	# of Units	% of Total
Studios	17	10%
One Bedroom	80	47%
Two Bedroom	74	43%
Three Bedroom	0	0%
Total	171	100%

The Planning Department would like the Developer to consider using the City's Local Preference Policy in the marketing of the affordable units. The City of Newton's local preference policy for affordable rental housing developments is set at 70%, which includes a minority preference of 20%. One of three categories must be met in order for an applicant to qualify for the local preference pool. They must live or work in Newton or have children in a Newton school.

The petitioner has not submitted many details on the affordable units other than to note that the project will comply with the City Inclusionary Zoning requirements. The petitioner should clarify how many of each unit type will be affordable. Units also must be dispersed throughout the residential portion of the project and the petitioner should note if the units will be fixed or floating. The petitioner should note the size ranges of the units, both market rate and deed restricted.

The Planning Department notes that the City is considering revising its Inclusionary Zoning Ordinance to require that 20% of units in large projects be designated as affordable, as well as other strategies including more flexible income targets as a way to reach a wider range of lower and middle income households. These approaches aim to encourage an overall increase in the number of a project's affordable units. We therefore request that the petitioner dedicate eight additional units as affordable, which would allow all of the units in this project to be counted towards the SHI helping Newton reach its goal of having 10% of its housing stock deemed affordable.

The Department also notes that no three bedroom units are provided in the project where Massachusetts State Housing Agencies (including DHCD, MHP, MassHousing and MassDevelopment) have a bedroom mix policy that at least ten percent of development units have three or more bedrooms in order to improve opportunities for families, including families with children which are a protected class pursuant to fair housing laws. The Planning Department recommends the applicant consider the addition of some three bedroom units, including some deed restricted three bedroom units.

H. Accessibility

The project is required to be compliant with ADA and MAAB regulations. All units are expected to be adaptable to those with disabilities and built to ADA and MAAB requirements. The Planning Department recommends that a minimum of five percent of the units are built accessible in initial construction.

Five of the parking stalls in the surface parking lot are reserved for handicap parking in keeping with state requirements. An additional seven stalls in the garage comply with accessible parking requirements.

I. Fiscal Impact

The petitioner submitted a Fiscal Impact Analysis of the project just before this memorandum went to print. This will be reviewed and discussed by the Planning Department at a subsequent public hearing.

The Newton Public Schools Department prepared an estimate of the number of school children expected to reside in the proposed project. These estimates are made with the same methodology used by the Newton Public Schools for many years. These estimates project an average of 24 students for this project among all grades. Approximately 15% of these students would be expected to attend private school, reducing the impact to approximately 20 or 21 students. If the petitioner were to increase the number of three bedroom units in the project this number would be expected to increase. The Planning Department notes that it is against fair housing laws to discriminate against families and the number of school children that may reside in a project is not a consideration of the special permit process.

J. Project Phasing and Construction Management

The petitioner has not submitted information on the construction timeline for this project and should be expected to prior to further public hearings.

Should this project be approved, a robust Construction Management Plan will be required prior to the issuance of any building permits, and will be reviewed by the Commissioners of Inspectional Services, the Commissioner of Public Works and the Director of Planning and Development.

The petitioner is encouraged to communicate regularly with businesses and the Newtonville Area Council.

K. Sustainability and Conservation of Natural Resources

The petitioner has not submitted any information on how the project meets the special permit criteria for the conservation of natural resources and should be expected to prior to additional public hearings. The Planning Department recommends the building be LEED Certifiable at a minimum.

L. Consistency with Newton's Comprehensive Plan

Newton's *Comprehensive Plan of 2007* places an emphasis on the core idea that

Newton should allow moderate growth consistent with the sense of place and character of the City. Naturally, this central idea leads to the conclusion that new growth should occur in Newton's village centers and commercial corridors; those areas of the City that have historically accommodated the growth of the community over time and, at the same time, offer a mix of amenities (stores and services), jobs and transit all in a walkable environment thus maximizing choice for future residents while limiting potential impacts on the City as a whole. In short, growth in these areas of the City offers the greatest benefit at the lowest cost. At the conceptual level, the proposed project is consistent with the central guiding idea of the *Comprehensive Plan*.

If the project is generally consistent with the *Comprehensive Plan*, is it also consistent in the specifics of the proposal? In other words, does the proposal support Newton's unique sense of place and does it constitute moderate growth?

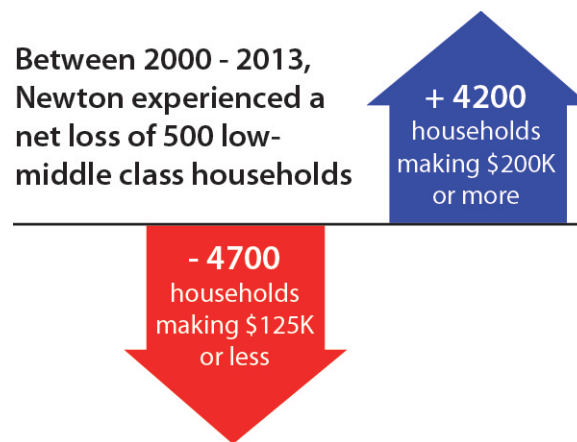
Overall, the design of the proposed project is very good. It is both respectful of historic patterns of development yet also modern. The goal the *Comprehensive Plan* establishes for project design is not to emulate what already exists but to complement the existing while providing a design that is "of this time" and uniquely designed, rather than simply "cookie-cutter" architecture. This project achieves this goal through the differentiation in the different buildings of the project, the attention to detail, and the high quality of the materials, and the Planning Department looks forward to continuing to work with the petitioner to further improve the design and site plan during the special permit process.

The *Comprehensive Plan* recommends moderate growth in order to meet the needs of the existing community. As much as the *Plan* refers to design, buildings, and the physical nature of the City, it recognizes that the community that makes up the City is one of people, and that one of the core values of that community is its diversity. People of different ages, races, and income levels have historically been able to live in the City as a part of this community. The *Plan* also recognizes that maintaining that diversity of people requires a diversity of housing types and affordability and achieving these requires growth in the number of housing units overall. The 2007 *Plan* relies primarily on data from the 2000 US Census and is therefore not reflective of the current state of the community and its change over time since then, but recent data and analysis is available as a result of the forthcoming Housing Strategy and reports provided by the Dukakis Center at Northeastern.

The current data shows a community that is changing, particularly with regard to overall age and household income. A significantly increasing share of Newton's population is projected to be seniors, consistent with trends across the region and state. Many of those seniors are seeking to stay in the community even as they downsize into smaller, single-level homes. A related demographic issue is the anticipated retirement of up to 40% of the regional workforce by 2030. As many of those retirees will continue to occupy housing units there is a significant need to provide options for replacement for where the next generation of the workforce is going to live. In Newton, projections show a declining population of

25 to 44 year olds – a prime demographic that, as we work to expand the innovation economy in Newton, and new office space to house it, it is absolutely necessary that we find housing options for these younger workers. For those companies already here and those considering locating here, nearby housing choices for this workforce are essential and that generation is seeking housing choices in amenity rich locations like Newtonville.

Along with a changing age profile, Newton is experiencing a change in the income diversity of its households as high housing costs and rents lead to a community that is increasingly high-income and exclusive. Between 2000 and 2013 a large number of households earning less than \$125,000 left the City and were replaced in large part by households earning more than \$200,000.



In the face of a changing community with significant housing needs not being met by the current housing supply, what is moderate growth as envisioned by the *Comprehensive Plan*? Given the importance of retaining a diverse and inclusive community, we must define moderate growth as sufficient to at least maintain that diversity while still retaining the character of the different parts of Newton and the overall quality of life of the City. We can also look to the Mixed-Use 4 zoning district, which was adopted to advance the vision of the *Comprehensive Plan* for village locations. Given these factors, and its consistency with the Mixed-Use 4 District standards, the proposed project does a good job of striking the balance between growth and preservation of community character, consistent with the adopted *Comprehensive Plan*.

In 2015 the Acting Director of Planning and Development put together a vision document for Newtonville building on a number of different plans, studies, and community surveys/engagements including *Newton's Comprehensive Plan (Attachment C)*. The proposed project is consistent with this Vision including:

- Supporting more destination businesses north of the Pike to draw more foot-traffic to this portion of the village;
- Providing multi-family housing options in mixed-use buildings with retail

and other commercial uses on the ground floor;

- Focus on enhancing pedestrian safety and comfort as well as improvement in signalization and intersection design.

V. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**Attachment D**) provides a complete analysis of the proposal with regard to zoning including a table of required zoning relief.

B. Newton Historical Commission Review

Six of the structures on the site have been deemed historic and preferably preserved by the Newton Historic Commission and there is a one year delay on their demolition which began in September of 2015. These Classical Revival buildings have architectural integrity and relate to the early 20th century development of the village and were deemed preferably preserved for their contribution to the historic context of the area. Many buildings on this site are included in the Inventory of Historic and Archaeological Assets of the Commonwealth as part of the Newtonville North Village Center Area. The Planning Department has encouraged the petitioner to preserve some of the structures or to at least incorporate elements of the detailing in the more significant structures into their design, particularly the structure located on the corner of Washington and Walnut Street, which is one of the oldest commercial structures in the village. The Planning Department looks forward to continuing to work with the petitioner on this issue during the special permit process.

C. Engineering Review

As the project is still in the conceptual stage minimal civil-construction information is available for review, as is typical in this stage of a larger project. Should this project be approved, prior to the issuance of any building permits detailed plans will be submitted for review to the Engineering Division of Public Works, for compliance with the Division's performance standards. The site is relatively flat and approximately 98% is impervious surfaces (buildings and pavement). If this project is approved all runoff will be contained on site.

The Department of Public Works will assess a mitigation fee for sewer Infiltration and Inflow removal based on the number of bedrooms in the proposed development. In addition, the Engineering Division has stated that the water main on Walnut Street will need to be cleaned and relined.

D. Fire Department Review

The Fire Department has met with the petitioner and reviewed the proposed plans. It is expected that the building will be fully sprinkled and that the Fire Department will submit a written review under separate cover at a later date. Should this project be approved, plans will be reviewed again prior to the issuance

of any building permits.

E. Newtonville Area Council Review

The Newtonville Area Council (NAC) reviewed the development plan at multiple meetings this spring. It is expected that they will provide comments to the Council under separate cover.

F. Urban Design Commission Review

The Urban Design Commission (UDC) reviewed the development plan at their May meeting and provided a number of comments to the petitioner at the meeting. The petitioner is encouraged to consider the UDC's comments and to provide supplemental information to the Commission during the special permit process. The Planning Department will provide an update on any future meetings.

VI. PETITIONER'S RESPONSIBILITIES

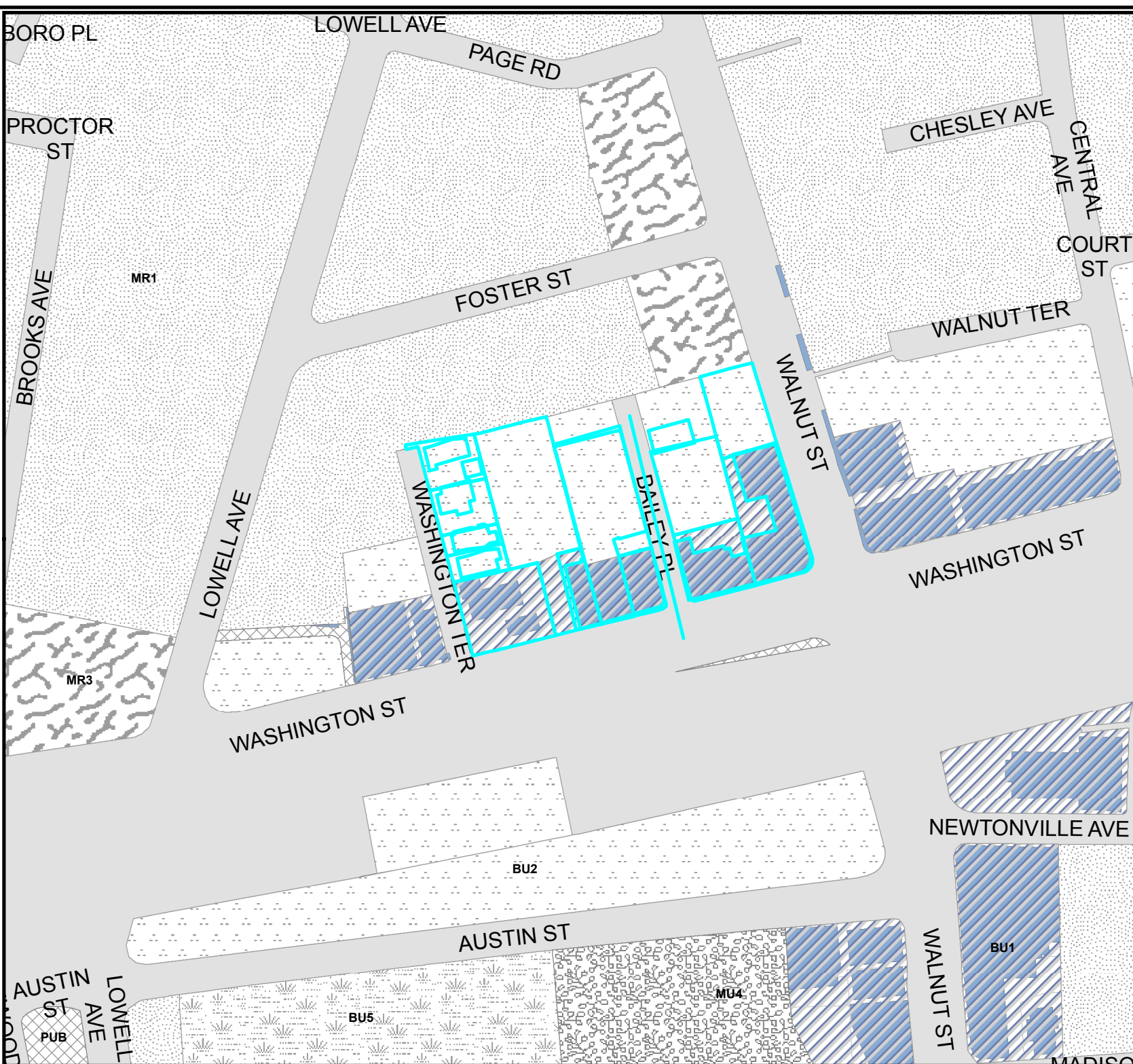
The petitioner should respond to the issues raised in this memorandum and other questions raised at the public hearings as necessary. Written responses to all significant issues should be provided over the summer for analysis by the Planning Department prior to being scheduled for additional public hearings. The Planning Department will prepare an updated memo prior to any future public hearings. Some of the issues the petitioner should consider include the following:

- Consider stepping the portions of the buildings over 40 feet in height back on both Walnut Street and Washington Terrace in order to comply with the MU4 requirements;
- Consider adding a pedestrian connection from Walnut Street to the pedestrian plaza;
- Submit a shadow study;
- Consider eliminating the requested waiver to façade transparency requirements;
- Consider pedestrian bump outs on all four corners of the Washington and Walnut Street intersection;
- Consider installing bike lanes along this portion of Washington Street as well as over the Walnut Street bridge;
- Consider improvements to the south side of Washington Street as mitigation for the proposed parking waiver;
- Consider decoupling the parking from the rent for the market rate units;
- Consider reserving a couple of parking stalls for car sharing services;
- Consider adding more landscaping and pedestrian amenities in the surface parking lot;

- Consider reducing the lighting levels on site;
- Re-orient the dumpsters to be internally accessed and work with residents on Washington Terrace to increase the screening of the parking area for these abutters;
- Submit more information on the housing units, particularly the bedroom mix of the affordable units, whether they will be fixed or floating, and the size ranges of all of the units;
- Consider a local preference policy for the affordable units;
- Consider contributing additional affordable units so that all of the units in this project are eligible to be counted on the SHI;
- Consider the addition of some three bedroom units in the project;
- Submit a detailed project timeline;
- Submit information on how the project meets the criteria for the conservation of natural resources and consider meeting LEED Certifiable criteria at a minimum;
- Continue to work with the Planning Department and the UDC on the design of the proposed structures.

ATTACHMENTS:

Attachment A: Zoning Map
Attachment B: Land Use Map
Attachment C: Newtonville Vision
Attachment D: Zoning Review Memorandum



Washington Place Zoning Map

City of Newton,
Massachusetts

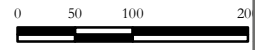
Legend

- Multi-Residence 1
- Multi-Residence 3
- Business 1
- Business 2
- Business 5
- Mixed Use 4
- Public Use
- Building Outlines
- Surface Water
- Property Boundaries



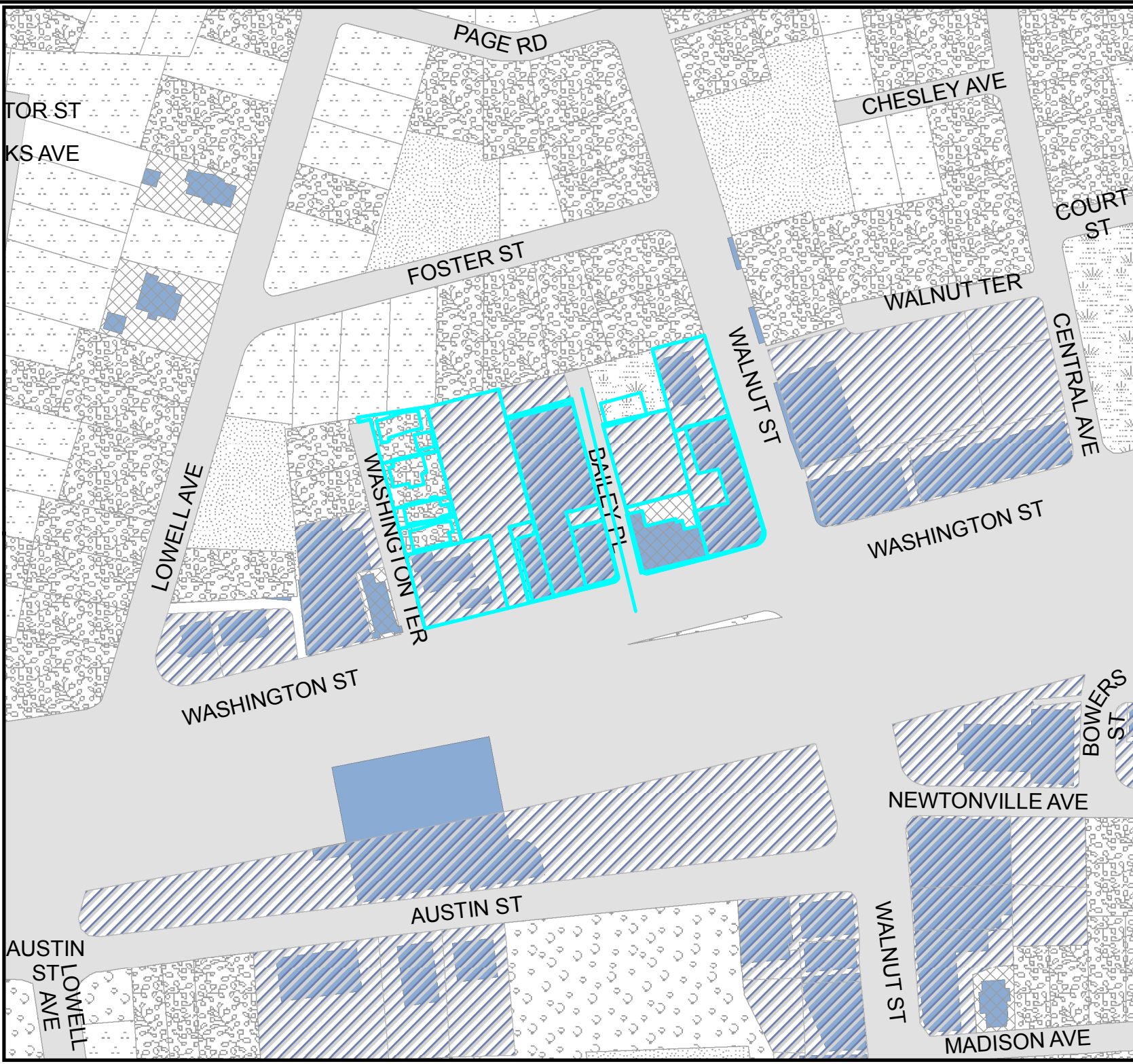
The information on this map is from the Newton Geographic Information System (GIS). Newton cannot guarantee the accuracy of the information. Each user of this map is responsible for determining its suitability for his or her purpose. City departments will not need to approve applications based solely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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Green



Map Date: June 03, 2016

Attachment A



Washington Place Land-Use Map

*City of Newton,
Massachusetts*

Legend

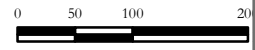
Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Industrial
- Mixed Use
- Open Space
- Nonprofit Organizations
- Building Outlines
- Surface Water
- Property Boundaries



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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Green



Attachment B



Setti D. Warren
Mayor

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

Attachment C

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James Freas
Acting Director

MEMORANDUM

DATE: September 17, 2015
TO: Mayor Setti Warren
FROM: James Freas, Acting Director of Planning and Development
RE: Newtonville Vision
CC: Board of Aldermen
Planning and Development Board

In preparation for the Land Use Committee meeting on September 24, I have put together a vision document for Newtonville to be shared with the Board of Aldermen in relation to their discussion of the Austin Street development proposal. What follows is the Planning Department's Newtonville Vision, drawing from a number of different sources including the *Comprehensive Plan*, Aldermanic discussions prior to the rezoning of the Austin St. parking lot, MAPC projections for metro Boston, and the Economic and Fiscal Impact Analysis performed by RKG for the Austin St. project (which will be included in the Aldermen's packet).

Newtonville is one of Newton's thriving major village centers where neighborhood residents and people from throughout the City come to stroll, shop, dine, and attend village-centered events. A short walk connects residents and visitors to most daily needs, as well as unique shopping and dining experiences. The Village is re-connected; crossing over the Pike is a short, easy, and enticing walk thanks to street design improvements and the commuter rail station is both more prominent and accessible.

Newtonville offers diverse housing choices in a walkable setting close to transit. The residents of newly built apartments above the expanded retail core are welcome members of the community, contributing to the economic strength of the Village's businesses and championing the Village's improvement. Even as the Village has grown and diversified, Newtonville remains true to its heritage as a center of community and economic activity in the City of Newton through an improved pedestrian experience, public plazas, and new buildings that respond, in scale and materials, to its historic landmarks and add to street-level vitality.

The vision integrates several important citywide policy areas including diverse and affordable housing, multi-modal transportation choice, and economic development, and describes their application within the specific geography of Newtonville. The Newtonville Vision is based on Newton's adopted *Comprehensive Plan 2007*, local and regional data, market and fiscal studies, and public comments that have been generated over the course of the several years of planning that have gone into the Austin Street project and other proposals in the Village. Ultimately, this vision recognizes that change is important and unavoidable and that it is the City's responsibility to establish objectives towards addressing change in a way that supports the resiliency and long-term health of the City.

The following sections describe specific policies and actions that support realization of this vision for Newtonville over time.

What is a Vision?

A Vision describes how the City views its future objective for a geographic area or a public policy issue and may include a set of proposed policies or action items. A Vision is used to guide public policy action, from capital improvements to regulatory changes or discretionary permits. A Vision does not limit public action, but is intended to describe objectives so that reasoned decisions can be made.

Inherent to the concept of a Vision is the idea of place-making; the idea of protecting and enhancing the sense of place of a given location, those unique attributes of a place that distinguish it from any other.

A Vision is based in data analysis, public engagement, and wider policy objectives. A Vision is not a Master Plan, which is distinguished by a more detailed description of future conditions and a more closely defined implementation path.

Village Economic Development

- Support the development of one or more "destination" businesses north of the Pike to draw more foot-traffic to this portion of the Village.
- Retain the unique, independent and locally owned stores and restaurants in Newtonville through small business support programs and other actions.
- Explore creation of a merchants association or similar organization to promote Newtonville and its businesses. Coordinate with the Newtonville Area Council.
- Retain and improve the public parking lot at Austin Street for the benefit of Newtonville businesses and convenience of visitors to the village.
- Develop a village area parking strategy to better address management and improve availability.

"It was a thriving place where people would come and do shopping. It's turned into a place where people come to do errands. I want to bring back the Newtonville I remember."

- Alderman Susan Albright, Ward 2, Newton Tab, September 9, 2015.

Housing

- Provide multi-family housing options in mixed-use buildings with retail and/or restaurant uses on the ground floor.
- Promote and encourage affordable housing units.
- Develop the Austin Street parking lot with a mixed-use building containing market and affordable housing units over retail, while retaining a municipal parking lot.

“Newton needs to be a place where my children and yours can afford to settle if they wish. Newton has to be a place that welcomes diversity and a place where those who work here — our teachers, our firefighters, police officers and municipal workers — can also live and raise their families. Newton has to continue to provide pathways to the middle class and beyond for all of our citizens.”
- Mayor Setti Warren, Newton Tab, May 20, 2015.

Transportation

- Focus on enhancing pedestrian safety and comfort. Streetscape design should include wide sidewalks, benches, trees, and trash receptacles. Crosswalks should be highly visible and street crossing distances minimized.
- Create more bike parking locations and bike facilities.
- Work with the MBTA to improve the accessibility and comfort/quality of the commuter rail station. Advocate for more frequent service.
- Improve bus shelters.
- Identify and assess potential improvements in signalization and intersection design, especially at the intersections of Austin St. and Walnut St. for enhanced function and safety for pedestrians, motorists, and bicyclists.

Environment

- Seek environmentally sustainable design in new buildings. New buildings should be LEED certifiable, include alternative energy generation where feasible, and address stormwater quantity and quality.
- Identify opportunities to reduce impervious surfaces, create pocket parks of public greenspace, and creatively integrate stormwater management into public infrastructure.

Place

- Implement the proposed Walnut Street streetscape improvements.
- Develop an active public plaza that is an attractive gathering space and location for public art.
- Promote outdoor dining/sidewalk cafes.
- Encourage businesses to improve their building facades including higher quality signage (less plastic/neon) and creating a more coordinated, cohesive appearance.
- Respect the architectural heritage of Newtonville while still allowing for modern interpretation and creativity in design.
- Invest in high quality design, materials, and maintenance for public infrastructure – roads and sidewalks.



Data / Policy Basis and Source Materials

Newton Comprehensive Plan, 2007

- P. 3-6: “Land use is to be guided with the intention of enhancing village centers, supporting their vitality, with special emphasis on the role of those centers in:
 - providing services to nearby neighborhoods, restoring that function where it may have been eroded, while also
 - reflecting how those centers interrelate to each other in often complementary ways in serving the entire City, and
 - providing a housing alternative - that of living in a mixed-use environment - otherwise largely missing in the City, and
 - providing focal areas around which the sense of place and of community that we seek can be effectively shaped.
- P. 3-25: Newtonville is identified as a Major Center with between 500,000 and 1 million square feet of commercial area.
- P. 3-31: “While each of the village centers is different, certain general policies should be observed. The smaller village centers should be left to their own devices. Their current land use seems appropriate both as to scale and type, and any significant expansion would significantly alter their character. The larger centers are another matter. A strong case can be made for moderate growth in some of them and a change in the balance of uses in others. Providing incentives for the creation of more

multifamily housing in the larger centers deserves serious consideration. So does the application of a more proactive approach to planning. It is appropriate for the City to encourage the uses and design criteria it deems preferable while discouraging those which are not. This is different from a no-growth strategy. On the contrary, many of the larger centers could and should be expanded at a moderate pace.

The City needs to look at each of the larger centers and develop a plan to enhance it. One size does not fit all; but certain facts are clear. Existing parking patterns and locations are not optimal. Parking in those locations should be shared or otherwise consolidated. The elimination of on street parking in selected locations would also do much to improve traffic flow.

One-story buildings are often inefficient and a waste of expensive land so should generally be discouraged in the village centers. Where overriding historic or scale considerations are not present, density incentives might be provided to owners or developers who are willing to develop multi-story buildings. There are vacant second and third floors in buildings in the village centers, but not because of a lack of demand. This space is often physically and economically obsolete. In towns such as Needham, Concord, and Wellesley new buildings are being built and old ones renovated in the town centers, and they are full. The reason it does not happen in Newton is because it is too difficult to develop new space.”

- P. 4-10: Village Center Roads: About twelve or more Village Centers in Newton are intended to be strongly pedestrian-oriented areas, including those listed below. Within them, roadway and other infrastructure improvements and regulations are to be designed to maintain and improve the pedestrian experience.

Population and Housing Demand Projections for Metro Boston, January, 2014

- Housing younger workers and the growing senior population will require between 305,000 and 435,000 additional housing units by 2040. Two-thirds of these units should be multi-family unit types.
- Under current trends, two out of every five workers in Greater Boston will retire by 2030. New housing to accommodate a growing younger workforce is essential for future economic growth in the region.
- A continuing trend of declining household sizes means that, even if the population remains level or drops, there would be a strong demand for additional housing units.
- Demographic trends and preferences amongst seniors and younger adults means the majority of necessary units will need to be in multi-family structures, largely in urban and transit oriented areas. Most of the demand for single-family homes for young families will be met as seniors move out of their existing housing stock.
- <http://www.mapc.org/projections>

Economic and Fiscal Impact Analysis (for 28 Austin Street project)

- The 28 Austin Street project will generate an estimated \$1.56 million annually in local spending on goods and services and \$280,439 on food away from home.
- In total, Newton households spend more than \$1.32 billion in these retail categories each year. In contrast, City retail businesses capture approximately \$693.4 million in sales, indicating there is measurable sales leakage totaling \$628.1 million.
- In terms of retail density, the Newtonville village center is almost 50% below national average for square feet of retail space per person. The average square feet per capita is below 13 for both the 3-minute and the 5-minute drive time areas. The 10-minute drive time area is comparable to the national average, but still well below what the spending potential for the local consumer demand could support.
- Slightly more than three-fourths of the respondents indicated that 40 percent or more of their business was from the immediate Newtonville area. About 50 percent of the respondents stated that 40 percent or more of their remaining business was from elsewhere in Newton. All told, the surveyed businesses garnered most of their sales from proximate and surrounding residents... several [businesses] noting that the proposed additional residential units would in fact offer up “new” customers living right in Newtonville.
- A general pattern of responses indicated the desire for “anchor” type stores or those that bring customers to the area, generate foot traffic and enhance the potential for multi-destination shopping – noting a strong desire for additional dining and drinking.

Other Sources

- Aldermanic discussions and documents relative to the RFI, RFP, and Reuse process, Rezoning process for the Austin Street project.
- Collected comments from Austin Street and Walnut Street Streetscape meetings
- Beautiful Newtonville Survey Results, January 2013



Setti D. Warren
Mayor

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

Attachment D

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www.newtonma.gov

James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: May 12, 2016

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Stephen J. Buchbinder, attorney
Mark Lolich, LLC and Mark Newtonville, LLC
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request for a mixed-use development consisting of 41,895 square feet of commercial space, 171 dwelling units and parking, and to rezone the site to MU4

Applicant: Mark Lolich, LLC and Mark Newtonville, LLC	
Site: 241-261 Walnut Street, 845-875 Washington Street, 0-22 Bailey Place, 6-22 Washington Terrace	SBL: 21029 0010, 21029 0011, 21029 0012, 21029 0017, 21029 0016, 21029 0018, 21029 0019, 21029 0019A, 21029 0013, 21029 0014, 21029 0015, 21029 0020, 21029 0021, 21029 0022, 21029 0023
Zoning: BU1 and BU2	Lot Area: 123,956 square feet
Current use: Commercial, parking and residential	Proposed use: Mixed use with commercial, residential and parking

BACKGROUND:

The project site known as the "Orr Block" is comprised of fifteen separate lots and a private way known as "Bailey Place" totaling 123,956 square feet and is located in the Business 1 and Business 2 zoning districts. The project site is bound by Walnut Street to the east, Washington Street to the south and Washington Terrace to the west. The current uses on the site include restaurant, commercial, automobile service station, surface parking and four two-family dwellings. The bulk of the buildings on the project site were built circa 1900, with two built after 1950.

There have been four special permits issued for the various lots comprising the project site. Board Order #796-61 authorized an addition on a gas station at 241 Walnut Street, which no longer exists. Board Orders #127-79 and #381-84 authorized a free standing sign at 241 Walnut Street. Finally, Board

Order #293-00 authorized the extension of a nonconforming structure at 857-869 Washington Street, as well as a parking waiver and allowing parking on an adjacent lot.

The applicant is proposing to raze the existing buildings and build a new 238,075 square foot five-story mixed use development incorporating 171 residential units and 41,895 square feet of retail, personal service, restaurants, and/or office space. The proposal includes 355 on-site parking stalls within a below-grade garage and surface parking. The applicant intends to achieve this project by seeking a zone change for the site to Mixed Use 4.

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

- Zoning Review Application, prepared by Stephen J. Buchbinder, attorney, dated 2/29/2016, revised 3/23/2016
- Project Information, submitted 2/29/2016
- Parking Calculation, submitted 3/23/2016, revised 5/4/2016
- Existing Conditions Plans, signed and stamped by Gerry L. Holdright, surveyor, dated 2/15/2016
- Preliminary Site Plan, signed and stamped by J.G. Swerling, engineer, dated 3/22/2016
- Preliminary Garage Level Site Plan, signed and stamped by J.G. Swerling, engineer, dated 3/22/2016
- Site Development Plans, prepared by Bohler Engineering, dated 3/22/2016
 - Beneficial Open Space
 - Interior Landscaping
 - Average Grade Plan
- Architectural Plans, prepared PCA, architects, dated 3/22/2016
 - Building Elevations
 - Second Floor Plan
 - Third Floor Plan
 - Fourth Floor Plan
 - Fifth Floor Plan

ADMINISTRATIVE DETERMINATIONS:

1. The current zoning for the parcels included in the project site is Business 1 and Business 2. The applicant proposes a rezoning of the parcels to Mixed Use 4. For the purposes of this memo, the MU4 provisions will be applied.
2. The applicant is proposing 238,075 square feet of gross floor area within the proposed structure. Section 4.2.2.B.1 requires a special permit for proposed buildings which contain 20,000 square feet or more of gross floor area in a mixed use district.
3. Section 4.2.5.A.2 states that the City Council may grant a special permit to allow for up to five stories in an MU4 district, where four stories is the maximum allowed by right.
4. Section 4.2.5.A.2 also allows the City Council to grant a special permit to allow for up to 60 feet of height in an MU4 district by special permit, where 48 feet is the maximum allowed by right.
5. Pursuant to Section 4.2.5.A.2, the required lot area per unit in an MU4 zoning district is 1,000 square feet. Section 4.2.5.A.3 allows for a reduction in the lot area per unit by special permit. The applicant is proposing a 725 square feet of lot area per unit, which requires a special permit.

6. The applicant proposes a floor area ratio of 1.92. Pursuant to Section 4.2.3, the maximum allowable FAR for a five-story building in the MU4 district is 2.50. Where a special permit is required for a five-story building in the MU4 district per Section 4.2.5.A.2, the applicant requests relief to allow for the FAR of 1.92, where 1.50 is the maximum allowed for a by-right three-story building.
7. Section 4.2.5.A.4.c states that a building greater than 40 feet in height must be set back one foot from the adjacent lot line for each additional foot in height. The applicant proposes a building with 60 feet in height, requiring a 20 foot setback for the portion of the building between 40 and 60 feet. Section 4.2.5.A.4 allows the Council to grant a special permit to waive the additional setback requirement of Section 4.2.5.A.4.c.
8. Per Section 4.2.5.A.6.a, there must be at least one entrance every 50 feet of frontage facing a public way. Where the applicant has not determined the tenancy of each commercial space, a special permit waiver from this provision is requested pursuant to Section 4.2.5.A.6.
9. Section 4.2.5.A.6.b requires that a minimum of 60% of the street-facing building façade between two feet and eight feet in height above the street-level floor must consist of clear windows that allow views of indoor space or display areas. Where the applicant has not determined the tenancy of each commercial space, a special permit waiver from this provision is requested pursuant to Section 4.2.5.A.6.
10. Section 4.4.1 requires a special permit to allow for retail sales uses over 5,000 square feet in the MU4 zoning district. The applicant requests this special permit to allow for flexibility for tenants.
11. Section 4.4.1 requires a special permit for restaurants with more than 50 seats in the MU4 zoning district. The applicant requests this special permit to allow for flexibility for tenants.
12. Section 4.4.1 requires a special permit for personal service uses over 5,000 square feet in the MU4 zoning district. The applicant requests this special permit to allow for flexibility for tenants.
13. Section 4.4.1 requires a special permit for a stand-alone ATM in the MU4 zoning district. The applicant requests this special permit to allow for flexibility for tenants.
14. Section 4.4.1 requires a special permit for health clubs on the ground floor in the MU4 zoning district. The applicant requests this special permit to allow for flexibility for tenants.
15. Section 4.4.1 requires a special permit for health clubs above or below the ground floor in the MU4 zoning district. The applicant requests this special permit to allow for flexibility for tenants.
16. Section 4.4.1 requires a special permit for animal services in the MU4 zoning district. The applicant requests this special permit to allow for flexibility for tenants.
17. Pursuant to Section 4.4.1, residential units above the ground floor are allowed by right.

18. Although Section 4.4.1 states that office uses are allowed by right in the MU4 zoning district, Section 4.2.5.A.7 requires a special permit for street-level office uses. Given the conflict between the two sections, the more restrictive provision is being used to govern the use. The applicant requests a special permit to allow for office uses on the street level.
19. Section 5.2.13 provides exceptions to the provisions for signs found within the Zoning Ordinance. This section allows the Council to grant special permits for free-standing signs on each street frontage, as well as exceptions to the number of building signs for each tenant. To the extent necessary, the applicant requests a waiver from this section to allow for flexibility in signage for tenants.
20. The project proposes a mix of uses on the site, including 171 upper-level residential units, with street level commercial spaces. The exact mix of commercial tenants and the space each tenant will occupy is not yet established. To ensure that an adequate parking demand is established, the parking calculation for the commercial uses at the site is based on a projection of a mix of uses designed to provide the highest intensity use of the site (with regard to parking demand). The applicant contemplates a mix of four restaurants, a health club in approximately 7,900 square feet, and the remaining approximately 14,000 square feet would be occupied by retail sales or service establishment uses.

Residential Uses:

The 171 proposed residential units require 342 parking stalls per Section 5.1.4.A (two stalls per each residential unit). This section also allows a reduction in the parking requirement for a multi-family dwelling from two stalls per unit to 1.25 stalls per unit by special permit. Utilizing this special permit provision, the total parking requirement for the residential portion of the proposed project may be reduced to **214 stalls**.

Retail Uses:

Section 5.1.4.A requires one parking stall per 300 square feet of retail space, plus one stall per each three employees working at the busiest shift. The applicant anticipates two retail spaces on site.

Retail 1: 13,075 square feet, 26 employees; requiring a total of 53 parking stalls

Retail 2: 1,280 square feet, 3 employees; requiring a total of 6 parking stalls

The combined total retail parking requirement is **59 parking stalls** per Section 5.1.4.A.

Restaurant Uses:

Section 5.1.4.A requires one stall per each three seats in a restaurant, plus one stall per each three employees on the busiest shift. The applicant anticipates four restaurants on site.

Restaurant 1: 1,250 square feet, 50 seats, four employees; requiring a total of 19 stalls

Restaurant 2: 3,890 square feet, 156 seats, 15 employees; requiring a total of 57 stalls

Restaurant 3: 5,095 square feet, 204 seats, 20 employees; requiring a total of 75 stalls

Restaurant 4: 2,415 square feet, 97 seats, 17 employees; requiring a total of 36 stalls

The combined proposed restaurant uses will require **187 parking stalls** per Section 5.1.4.A.

Health Club Use:

The applicant proposes a health club use in the 7,835 square foot commercial space. Pursuant to Section 5.1.4.A, a health club requires one stall per 150 square feet of space, plus one stall for every three employees. The applicant anticipates 27 employees in the 7,835 square foot space, which would require **62 parking stalls** pursuant to Section 5.1.4.A.

Business Office/Community Use:

The applicant proposes an office use/community meeting space on the second floor of the proposed building. It is anticipated that this space will have 2,150 square feet. Section 5.1.4.A requires one parking stall per 250 square feet. The total business office/community use parking requirement is **9 parking stalls**.

Medical Office Use:

Section 5.1.4.A requires one stall per every 200 square feet of medical office space and one stall for every three laboratory employees. The applicant anticipates 4,905 square feet dedicated to medical office and up to six laboratory employees, which requires a total of **27 parking stalls** per Section 5.1.4.A.

The commercial uses on site require a combined 344 parking stalls. Section 5.1.4.C allows for up to a one-third reduction in the parking requirement in the case of a development with three or more uses. With the one-third reduction, the commercial uses require a total of **229 parking stalls**. The residential units on site require 214 stalls. The total combined parking requirement for the residential and commercial uses on the site is **443 stalls**. There are 346 stalls proposed to be built on the property between surface parking and below-grade garage parking. The applicant requests a **waiver of 97 parking stalls** for the site.

21. Section 5.1.8.A.2 states that no outdoor parking shall be located within five feet of a building containing residential units. Three parking stalls are located within five feet of the building on the western side of the property. A waiver from this section is required.
22. The minimum dimensional requirement for parking stalls is 9 feet wide by 19 feet deep per Sections 5.1.8.B.1, 5.1.8.B.2 and 5.1.10.B.3. The applicant proposes several compact stalls in the below-grade parking garage measuring 18 feet long, which require a waiver per Section 5.1.13.
23. Section 5.1.8.B.6 states that end stalls restricted on one or both sides by curbs, walls, fences or other obstructions require maneuvering space at the aisle end of at least five feet in depth and nine feet in width. The applicant seeks a waiver from this provision per Section 5.1.13.
24. Section 5.1.9.B requires interior landscaping for surface parking containing at least twenty stalls. The applicant is proposing 2.1% of the parking area with landscaping and requests a waiver from this section in its entirety pursuant to Section 5.1.13.

25. All parking facilities which are used at night are required to have security lighting maintaining a minimum intensity of one-foot candle on the entire surface of the parking facility per Section 5.1.10.A.1. The applicant requests a waiver from this provision per Section 5.1.13.
26. Section 5.1.10.B.5 requires curbing, wheel stops, guard rails or bollards at the edges of surfaced areas to protect landscaping. The applicant requests a waiver from this provision per Section 5.1.13.
27. Section 5.1.12 provides the requirements for off-street loading facilities. This section requires one loading bay for retail uses from 5,000 to 50,999 square feet, and one bay for offices of the same size range. The applicant intends to provide one loading bay, and requests a waiver from the requirement of the second bay per Section 5.1.12.
28. Section 5.11.4 requires that a project requiring a special permit for residential or mixed use development including residential development beyond that allowable as of right or totaling more than two new additional units be subject to the inclusionary housing provisions. The ordinance requires that the project provide no fewer than 15% of the number of dwelling units proposed to be added by the development. The applicant is proposing to provide 26 affordable units out of the 171 units, which is 15% of the total, in accordance with the Ordinance.

MU4 Zone	Required	Proposed
Lot Size	10,000 square feet	123,956 square feet
Frontage	80 feet	+/- 340 feet
Setbacks • Front • Side • Rear	<10 feet 20 feet 20 feet	0 feet 20.3 feet 46 feet
Lot Area Per Dwelling Unit	1,000 square feet	725 square feet
Total Gross Floor Area		238,075 square feet
Building Height (by Special Permit)	36 feet (60 feet)	60 feet
Max Number of Stories (by Special Permit)	3 (5)	5
FAR (by Special Permit)	1.5 (2.5)	1.92
Beneficial Open Space	5%	10.7%

Zoning Relief Required		
Ordinance	Required Relief	Action Required
	Rezone parcels to Mixed Use 4	
§4.2.2.B.1	To allow a building in excess of 20,000 square feet of gross floor area	S.P. per §7.3.3
§4.2.5.A.2	To allow building height of 60 feet and five stories	S.P. per §7.3.3
§4.2.2.A.2, §4.2.5.A.3	To reduce required lot area per unit to 725 square feet per unit	S.P. per §7.3.3

§4.2.3, §4.2.5.A.2	To allow for an FAR of 1.92	S.P. per §7.3.3
§4.2.5.A.4.c §4.2.5.A.4	Waive the setback requirement for buildings taller than 40 feet	S.P. per §7.3.3
§4.2.5.A.6.a, §4.2.5.A.6	Waive the requirement for at least one entrance every 50 feet of frontage	S.P. per §7.3.3
§4.2.5.A.6.b, §4.2.5.A.6	Waive the façade transparency requirements	S.P. per §7.3.3
§4.4.1	To allow retail sales uses over 5,000 square feet, restaurants with more than 50 seats, personal service uses over 5,000 square feet, stand-alone ATMs, health club on the ground floor, health club above or below the ground floor, animal services, and street-level office uses	S.P. per §7.3.3
§5.1.4.A	To allow a reduction in the residential parking to 1.25 stalls per unit	S.P. per §7.3.3
§5.1.4.C	To allow up to a one-third reduction in parking for more than three uses	S.P. per §7.3.3
§5.1.4, §5.1.13	To allow a waiver of 97 parking stalls	S.P. per §7.3.3
§5.1.8.A.2 §5.1.13	To allow outside parking within five feet of a structure containing residential units	S.P. per §7.3.3
§5.1.8.B.1, §5.1.8.B.2, §5.1.10.B.3, §5.1.13	To waive the dimensional requirements for parking stalls	S.P. per §7.3.3
§5.1.8.B.6, §5.1.13	To waive end stall maneuvering space requirements	S.P. per §7.3.3
§5.1.9.B, §5.1.13	To waive the interior landscaping requirements	S.P. per §7.3.3
§5.1.10.A.1, §5.1.13	To waive the lighting requirements for parking lots	S.P. per §7.3.3
§5.1.10.B.5 §5.1.13	Waive the requirement for curbing, wheel stops, guard rails and bollards	S.P. per §7.3.3
§5.1.12 §5.1.13	Allow for only one loading bay	S.P. per §7.3.3
§5.2.13	Allow for free-standing signs	S.P. per §7.3.3
§5.2.13	Waive the number of signs allowed	S.P. per §7.3.3