

CITY OF NEWTON
LAW DEPARTMENT
INTEROFFICE MEMORANDUM

DATE: May 26, 2017

TO: Marc Laredo, Chairman, Land Use Committee
All Members, Land Use Committee

FROM: Ouida C.M. Young, Deputy City Solicitor

RE: #96-17 Draft Order
Washington Place Project

Attached for your review is the most recent draft Order for the Washington Place Project. I have not prepared a redline copy of this Order given the confusing appearance of a redline copy. However, I will prepare a redline copy and can make the same available to anyone who wants to see it.

The major changes to this draft Order from the last version reviewed by the Land Use Committee comes from the Petitioner's request to allow some flexibility in terms of the number of units proposed. The Petitioner is requesting a Project with 160 residential units. However, based on circumstances which are entirely outside of the Land Use Committee's control, the Petitioner may be willing to voluntarily reduce the number of units from 160 to 140. To be clear, the Project requested by the Petitioner is for the 160 unit Project. Should the Petitioner decide at a later date to build only 140 residential units, there would be a small reduction in the size of the building fronting Walnut Street and the access into the underground parking garage would move from Walnut Street to Washington Terrace. There would also be a pro rata reduction in the number of Inclusionary/Middle Income Units, as well as a reduction in the I&I contribution. All other requirements of the Special Permit would remain unchanged, including the off-site intersection and street improvements identified in Schedule G; the \$700,000 improvements identified in Schedule D; and the \$300,000 for the TDM plan.

I do believe that this degree of flexibility can be included in the draft Order provided that the City Council understands and approves of the smaller 140 unit Project. This is similar to the Chestnut Hill Square Special Permit that approved a shopping center with a residential building containing up to 100 units, but did not require that the residential building be built unless the developer elected to do so within a defined period of time. Accordingly, I have drafted the Order for a 160 unit project, but made provisions for a clearly defined smaller 140 unit Project.

There are other edits to this draft Order, but they are more word-smithing and clarifying than substantive. I also apologize in advance for the many typographical errors I am sure still need to be caught prior to any final action on the draft Order.

Thank you.