

Report and Discussion of the Washington Place Items June 5, 2017 City Council Meeting.

Councilor Laredo presented the Land Use Committee's discussion of both the special permit and the zone change for Washington Place. He noted that 16 votes are required for both the zone change and for the special permit. The special permit is in many ways very similar to what had been presented earlier in terms of the way the building looks, the design, the sidewalk improvements and the like. There were several things Councilor Laredo noted:

1. The petitioner committed to \$700,000 in improvements as part of this project. The committee debated about what those improvements would be. There were a wide variety of options, but at the behest of Councilors Auchincloss and Albright, and with the assistance of the Law Department, it was decided to delay where the \$700,000 is spent until after the project is complete, or nearly complete. The rationale being that there will be three million dollars of work in Newtonville in the next year to year and a half. The Austin Street project will also be coming along. We don't know as we sit here today where that money could be best used. Councilor Laredo urged Councilors in the next two weeks to pay particular attention to the language that the Law Department has come up with in terms of the flexibility it allows and noted that he will also will be taking another look at that to make sure he is comfortable and that it provides sufficient flexibility while at the same time the appropriate oversight by this Council as to where the money is spent. As part of this it is important to be aware that the intersection of Washington and Walnut streets, which the petitioner had committed to improving, is not part of that \$700,000. The petitioner has also committed to reconfiguring traffic lights and sidewalks on their side of the street, and doing other types of improvements which are all detailed in the Council Order.

2. One thing that is very significant and should be focused on is that this Council Order provides the petitioner with two options. Specifically, one is to construct a 160-unit building identical to what has been presented to us at numerous meetings. The petitioner has also asked for the option to construct a slightly smaller 140-unit building which would, if constructed, have some changes including: The entrance to the garage would shift from one side of the parcel to the other. There would be a different area for trash storage. There would be additional commercial space on the project if it went from 160-units to 140, but the height in the rear of the project along Walnut Street would be reduced somewhat and there would be fewer units there. The petitioner asked for this option because they are conducting ongoing negotiations with the neighbors and direct abutters. If those negotiations are successful and an agreement is reached, and there is no appeal, the petitioner will reduce the number of units to 140. That is a business decision the petitioner has made. Councilor Laredo noted that it was the consensus of the Land Use Committee that because there are two very clearly defined alternatives, 160-units and 140-units, that this was an appropriate level of discretion to give to the petitioner. The City still keeps complete control over the project, but avoids if they were to go to one forty, because they reached an agreement, having to start the whole process all over again. The Land Use Committee was quite sensitive to the fact that time is money and if the Council is going to vote on the Special Permit, we should vote on it and let it get done. If Councilors have objections to the project at 160 or 140, of course, they are free to vote against it.

Councilor Laredo stated that those were the salient factors and urged his colleagues to take a look at the plans including how the project is laid out. The five story section is primarily concentrated on the Walnut/Washington Street side, then mostly four and then going down to three stories as the project goes further back. There is, of course, the community space and the wider sidewalks and the other things that have been talked about in the past.

Councilor Laredo then made a motion to postpone both items to a date certain of June 19th.

Councilor Sangiolo hoped that Councilor Laredo would give that summary again on the 19th when everyone is present. Councilor Laredo responded that he would be happy to give it again and that his intent tonight was for the Councilors present to have the opportunity to understand where the Land Use Committee made some decisions and to provide some context as you review the Council Order.

Councilor Sangiolo said she had asked questions during Land Use session and did not see any responses and asked if she could expect to see those before June 19th? One of the specific questions was about the flexibility of the Council Order. Councilor Sangiolo asked if this was something that had done before. President Lennon said he believed it was addressed at the Land Use Committee meeting that evening. The City had done something similar with Chestnut Hill Square. Councilor Laredo noted that to the extent that there were additional questions, it was the intent of the staff to get that back to us in the next week or so. Councilor Laredo asked Mr. Olson to speak with Ms. Khan and the appropriate staff people for two things:

1. To be sure we get the answers to Councilor Sangiolo's questions; and
2. To make sure that all members of the Council have the 160- and 140-unit alternates in the plans. He asked that those be provided in advance of the meeting.

Councilor Sangiolo stated that the on-line version of the Law Department's memo on the buffer strip was only two pages, but assumed it was a lot longer because everyone is talking about a really lengthy memorandum from Ouida Young. Councilor Laredo did not recall the length of the memo but suggested that Councilor Sangiolo email Ms. Young and ask her to send it. President Lennon made a request that the Clerk be sure to get the Law Department's Memo in its entirety to the entire Council.

Councilor Baker stated that part of the challenge of splitting the recommendation is that there may be Councilors who might support one but not the other. He felt that it creates a difficult situation to allow the developer a choice as opposed to saying the committee recommends A or the committee recommends B. He would like to at least have two Council Orders in front of the Council so that one can be substituted for the other. He does not remember ever having given two different options where there are findings that are required by the Board which must meet the standards in our Zoning Ordinance and thinks that as a procedural matter, it is important to have two orders before the Council. If the developer says they want to move ahead with one, then the Council can hear that and make a decision. Councilor Baker is troubled about granting permission in the alternative where there are different qualities of the project and different results that people may be comfortable with.

Councilor Laredo stated that that the petitioner is not going to know for months, or maybe even longer, which option is going to be feasible for them. The Committee thought through this very carefully in the confines of a single Council Order. The differences between 140 and 160 are rather minor; units that go back in size, and a somewhat smaller building. Everything else stays exactly the same and the Committee, in its wisdom, felt it was an appropriate way to proceed in this instance. When this comes to the full Council, Councilor Laredo expects to have a full debate about it, but thinks it would be quite inappropriate to go with two Council Orders. If the Council Order was for just 160-units, and the 140-unit option could be done, all we would be doing is setting the process up to come back to us in 3, 4, 6 or 9 months.

Councilor Baker wanted to clarify that he certainly understands the desire of having something that does not require return to this Council. He stated that he was trying to understand how a Council Order with two different tracks in it would work and thinks it very important that those two tracks, and the impact, not just the plan, be understood exactly what we are asked to vote for in the alternative, and whether in fact it is supportable in the alternative. Councilor Laredo suggested that the Board Order be studied and if not clear, asked that Councilors communicate with him so he can communicate with Ms. Young. If there is not a lot of clarity in our draftsmanship, certainly we want to address it before it comes to the Full Council.

Councilor Baker said people who are not here tonight will be coming back and that there is a lot of public interest, and thinks there is a value in the Board having at least a second version presented in the packet that highlights the actual document; those specific things which are different. President Lennon said it was one of the reasons why he wanted to have some explanation tonight so that as people are looking at this the Council would be able to take a little bit of input to get things ready for the 19th. Councilor Laredo asked the Clerk to ask Ms. Young to highlight the 140-unit changes so that is very clear to colleagues what the differences are.

Councilor Schwartz asked to clarify the Chair's comments regarding the number of stories. He thought Councilor Laredo had inadvertently said it went from four to three stories in the 140-unit version and Councilor Schwartz clarified that it went from five to four stories. Councilor Laredo appreciated the clarification. Councilor Schwartz also noted that the plans that are attached to the draft Council Order do not show a change that was made by the developer in response to concerns about the plaza. There are two handicapped parking spaces that will not cut into the public plaza. Chairman Laredo noted that after a fair amount of discussion in the Land Use Committee, there was concern that the handicapped parking spaces in the 140-unit option were not well configured. The petitioner has agreed to relocate those down into the underground garage so the number of parking spaces stays the same.

Councilor Schwartz stated that in regards to Councilor Baker's comments he wanted to make it clear that the Land Use Committee voted for the 160-unit project, but that it was the sense of the committee that including a 140-unit option would provide direction to the developer that if it did turn out to be a smaller project the Committee wanted to give direction as to how that would look.

The Motion to postpone both items was Approved by Voice Vote.