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#425-18 & #426-18

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Barney Heath
Director

MEMORANDUM

DATE: November 14, 2019
MEETING DATE: November 18, 2019
TO: City Council
FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Michael Gleba, Senior Planner
CC: Petitioner

PETITIONS #425-18 & #426-18

156 Oak St., 275-281 Needham St. & 55 Tower Rd.

Petition #425-18- for a change of zone to BUSINESS USE 4 for land located at 156 Oak Street (Section 51 Block 28 Lot 5A), 275-281 Needham Street (Section 51, Block 28, Lot 6) and 55 Tower Road (Section 51 Block 28 Lot 5), currently zoned MU1

Petition #426-18- for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a mixed-use development.

The Council Order for the Northland Newton Development (submitted separately) represents the results of a total of 16 public hearings/working sessions with the Land Use Committee. The Planning memos for each meeting, along with the latest versions of the most important documents (including the plans, additional design elements, Design Guidelines, and Initial TDM Work Plan can be found here: <http://www.newtonma.gov/gov/planning/current/devrev/hip/northland.asp>

The Council Order contains a number of conditions unique to this project. Below is a brief summary of the Design Guidelines, Transportation, Sustainability, and Community Benefits conditions.

Design Guidelines

The Northland project is of a much larger scale than the typical Special Permit project. The Petitioner has submitted a detailed set of civil, architectural, and landscape drawings as well as additional renderings and images (see Exhibit A of the Council Order) which set in place many elements of the site

plan and design. The Design Guidelines (which can be found at the link above to the Planning Department's website for this project) have been refined to be directive and concise and were supported by the Land Use Committee at the last meeting. The project must maintain consistency with these drawings and images throughout permitting and construction. These plans define the locations of buildings, setbacks, number and location of parking stalls, heights of buildings, total floor area, open spaces, street cross sections, and a general level of detail for the building elevations. All of these things are fixed and cannot be changed. The Design Guidelines will be used to guide minor changes to the buildings as the project furthers the design while working towards building permits. The Guidelines will also allow the City to take an active role in reviewing the all-important details of the buildings, streets, wayfinding, and open spaces as the design progresses. While the plans submitted give a good sense of how the buildings will look, many details such as materials, location and treatments for loading and trash areas, areas of high ground floor transparency, the prominence of entry designs, the roof details, planting plans, and wayfinding and signage details, will all be guided by the Design Guidelines.

Conditions 7 – 10 of the Council Order prescribe the process for review of the project per the Project Master Plans and the Design Guidelines. The Petitioner will be required prior to every building permit to submit an evaluation template along with the plans which details how they are meeting the guidelines. Both the Planning Department and the Urban Design Commission will review and make a recommendation to the Commissioner of Inspectional Services regarding a consistency ruling. The Commissioner has the ability to also request the input of the Land Use Committee and the Order dictates when this must happen. The Petitioner may submit for this review at any time, but it must be done prior to a building permit. They are encouraged to undergo this review at an early stage; however, the final building permit plans must remain consistent with the plans which were reviewed. Any proposed changes to conditions of the Order, substantial changes to the design of the project, or increases to the size of the project will be required to seek an amendment to the Special Permit.

Transportation

The transportation aspects of the Project are amongst the most important details of the project and are the result of significant review and discussion by the Land Use Committee, City staff, and the City's peer reviewer, BETA Group. Prior special permits have typically required specific transportation demand management (TDM) measures be implemented and may include look back conditions with a post-occupancy traffic study. This Council Order takes a slightly different approach, in line with TDM best practices across the country, and sets a maximum number of vehicular trips in and out of the site during peak hours. The Petitioner is required to maintain compliance with this number in perpetuity but is given the flexibility in which tools are used to meet this goal. This flexibility allows the Petitioner to focus their efforts on those TDM measures which prove to be most effective and to adjust to changing technologies and behaviors over time. The Petitioner has submitted an Initial TDM Work Plan (which can be found at the link above to the Planning Department's website for this project), which outlines the phase in of TDM measures during construction and the initial TDM measures that will be instituted once half of the residential units have certificates of occupancy. The initial proposal is for a free, electric shuttle running every 10 minutes to the Newton Highlands MBTA station, 16 hours a day, 7 days a week, as well as MBTA subsidies for all residents, office and retail employees, a full time TDM Coordinator onsite, and other measures regarding car share, bike share, etc. A Mobility Hub will also be prominently featured in the project with a presence on Needham Street as well as internal to the

project.

The key aspects of the TDM conditions are setting a standard, monitoring compliance, and enforcement. The standard is focused both on the peak hour residential and office trips as well as the total number of trips coming and going from the site. The trip count requirements reflect strong commitments to reduce the residential and office trips. The total site trip count is the total of all trips, including the TDM commitments for office and residential trips. The maximum trip count for office and residential uses represents the raw trip projections for each use with the office and residential trips then reduced to reflect current modes of transportation in Newton (driving vs. transit vs. walking and biking) and then reduced further to account for internal trip capture (trips that never happen due to the mix of uses on site). The Petitioner has then committed to a 20% reduction on top of these reductions. The retail projections remain unadjusted for several reasons. While trip projections are relatively accurate for office and multi-family residential uses, retail trips are harder to predict as much depends on the specific mix of retail uses, which will change over time. TDM measures are also most effective on office and residential trips. It is very difficult to change the behavior of retail guests. Additionally, the City wants to see active, vibrant commercial uses on site, and the site contains a significant amount of public open spaces, which create additional difficulties in accurately projecting the number of vehicular trips. Counting the office/residential trips and the total trips separately allows us to not undermine what is a progressive goal for the office and residential trips, which can be influenced by TDM measures. By also counting the total site trips we can still understand the whole picture and work with the petitioner on additional TDM measures if the retail numbers are higher than predicted.

Monitoring compliance with the maximum trip counts is extremely important and the Planning Department has committed to overseeing the trip counts and surveys. Planning will hire a consultant to do this work, at the Petitioner's expense. Counts will be done several ways. There will be total trip counts done at each driveway, there will be counts of the residents and office workers entering and exiting the parking garage (through the use of transponders) and there will be intercept surveys done to capture the pick up/drop offs (such as lyft and uber), guests, and deliveries coming and going from the residential and office buildings. People will be stationed at every entry and exit in order to quickly stop people and ask how they arrived or how they plan to leave. These surveys are being successfully used in other cities across the country. TDM measures will be implementing with the first occupants. Monitoring will begin six months after issuance of certificates of occupancy for 400 residential units and will initially happen every six months until the project is complete, and the Petitioner has been compliant for two consecutive years, at which point monitoring will happen annually until five consecutive years of compliance.

If the Petitioner has exceeded the maximum trip count, they must submit a TDM Work Plan that demonstrates the changes they will make to come into compliance. In addition, they must show how they will spend a minimum TDM investment of \$1.5 million (the estimated cost of the initial TDM plan, to be adjusted per the consumer price index) plus an additional investment of a percentage equal to the percentage of trips over the maximum trip count. If they exceed the trip count by 20% they must invest \$1.5 million plus 20% of \$1.5 million for the upcoming period. There is no limit on the additional investment. If the Petitioner is out of compliance by more than 10% for four consecutive monitoring periods (a total of two years during construction), no additional certificates of occupancy will be issued. The Petitioner must comply with the maximum trip count in perpetuity, however the requirement to

continue to monitor and submit updated work plans will cease after five consecutive years of compliance, as long as the Petitioner maintains the current TDM measures. Any changes will require additional review and approval.

In addition to the TDM measures, the project represents a significant reduction in the required number of parking stalls to minimize induced demand for vehicular trips. There will be 1,350 lined parking stalls on site with the ability to increase capacity by 250 vehicles through valet parking. Parking will also be shared amongst uses. This reduction in parking sets the expectation from the beginning for residents and commercial uses that alternative modes of transportation must be utilized. Combined with the TDM measures, including first/last mile connections and incentives for transit use, this comprehensive approach will serve to reduce the number of vehicular trips that may otherwise be expected.

Community Benefits

The Petitioner has committed to significant community benefits. The Petitioner will make a payment to the City of \$1.85 million towards inflow and infiltration (I&I) fees, an amount deemed sufficient by the Commissioner of Public Works. They will also submit a payment of \$5 million towards off-site transportation improvements in the vicinity of the project site (see Exhibit B of the Council Order for the categories of projects to be funded), and \$1.5 million towards the construction of the new Countryside School. The Petitioner will also design and construct a public splash park on land near the Greenway and the proposed playground, at a cost of \$1 million, to be leased to the City for \$1. These commitments are in addition to the substantial public open spaces included in the site, the improvements to South Meadow Brook, and the commitment to reserve 10,000 square feet of ground floor space for non-formula retail.

Housing

The proposed project will provide much needed affordable housing units. Fifteen percent of the units, or 120 units, will be made available to households earning up to 80% of area median income (AMI) at an average of 65% of AMI, in perpetuity. An additional 2.5%, or 20 units, will be available to households earning up to 110% of AMI, in perpetuity. The petitioner has also agreed to make half of the fully accessible units also affordable units to address a need for both affordable and accessible housing in Newton.

Sustainability

The project represents commitments to sustainability above and beyond those seen on other large projects in Newton. Conditions 53 – 58 of the Council Order require the project obtain LEED for Neighborhood Development certification for the entire site, LEED Core and Shell certification for the renovation of the Saco-Petee Mill Building, LEED certifiability for the remaining buildings onsite, and Passive House certification for the residential portions of three buildings. The Order also requires commitments to utilizing electric heat pumps for heating and cooling, all electric appliances (aside from domestic hot water), utilizing rooftops for solar panels, 66 electric vehicle charging stations plus an additional 66 EV ready spaces, rainwater harvesting, bicycle parking, and other low impact

development strategies. The Petitioner is also required to analyze and report on the ability to include further commitments to Passive House and LEED certification, assessing embodied carbon, increasing the number of electric vehicle charging stations, and incorporating new technology for electric domestic hot water.