

December 10, 2018

via email

Councilors Gregory Schwartz, Richard Lipof, Maria Greenberg, Jacob Auchincloss, Andrea Kelly, Christopher Markiewicz, Deborah Crossley, and Marc Laredo

Land Use Committee
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Re: December 11, 2018 Land Use Committee Meeting; petitions #425-18 & 426-18; Housing and Economic Impacts

Dear Councilors Schwartz, Lipof, Greenberg, Auchincloss, Kelly, Markiewicz, Crossley, and Laredo,

I write to you on behalf of the 100+ members of rightsizenewton.org and other Newton residents concerned about the scale of the proposed Northland development on Needham Street. As the meeting scheduled for December 11th is to review the proposed residential and commercial program, analyze the number and affordability of the housing units, review the commercial mix, and the overall fiscal and economic impacts of the proposed project, this letter is limited to those topics. Understanding the volume of information you must review in connection with this project, we tried to be as brief as possible below, but we are happy to provide any additional information or answer any questions you may have and can be reached at rightsizenewton@gmail.com.

Retail use analysis

RKG Associates' review of Northland's proposed development found that only about 61% of the total retail space proposed by Northland is supportable by residents living within a 5-minute drive of the development site. RKG further states that "the first floor retail space could remain vacant at Northland if sales are not high enough to support the quantity of retail proposed." In its response dated December 5, 2018 Northland argued that Needham street "is not a typical village center" and that it has become a "niche market – [for] the home furnishings/home supply industries" for which "the customer radius is more than a 5 minute drive." However, this is inconsistent with Northland's previous descriptions of their proposed development as a walkable and bicycle-friendly "new village" which would encourage residents and neighbors alike not to drive to the site. It is likewise inconsistent with Northland's request to waive 1,600 of the 3,400 parking spaces required by Newton's zoning ordinance.

If RKG's estimates are correct, developing retail space that cannot be economically supported by the area will result in empty storefronts and loss of tax revenue; if Northland's estimates are correct, the retail portion of the development will attract shoppers from outside the 5-minute drive radius, creating more traffic than their own studies purport to show, and will require more parking than is currently proposed.

Residential mix

The current proposal calls for 365,200 sq. ft. of commercial/retail development as part of the nearly 2 million square feet of total development proposed. This amounts to a mix that is more than 80% residential, whereas, as Northland has often stated, the primary use of Needham street over the last 30 years has been retail. Since real estate tax rates on commercial real estate are nearly double those of residential rates, Newton stands to lose a significant amount of revenue by allowing such a residential-heavy development on such a large parcel of land along Needham street; one of the few places in Newton where office space and retail are sustainable.

Further, the Camoin Associates' November 26, 2018 draft Economic Development Action Plan for the City of Newton acknowledges the limited potential for new Class A office space within Newton, but specifically identifies the Northland site as an opportunity for office space development due to the site's proximity to I-95/128.

Financial impact on schools

Northland estimates that the proposed development will add only 108 students to the Newton Public Schools (NPS). The estimate is based on outdated methodology that has been in use since before many of Newton's existing larger developments were built and is currently being revised and updated by the NPS to more correctly predict Student Generation Ratios (SGRs).

The NPS draft 2018 Enrollment Analysis Report states that 102 students are currently enrolled in the NPS from the Avalon development on Needham Street, which contains 528 fewer rental units than Northland proposes. While the NPS does not make projections for development projects until they are fully permitted, the report provides a "conservative" SGR of .236 for the proposed Northland development; this would result in 194 new students, almost double the number estimated by Northland. Further, accounting only for size of the proposed development as compared to the nearby Avalon, Northland's proposed development can be expected to produce as many 285 students.

This would be consistent with the trend that is highlighted in the report: between FY2004 and FY2018, Newton has experienced a 47% increase in the number of condominiums. At the same time, the number of students originating from condominiums and apartments has increased by 204% and 130%, respectively. From this data, it is clear that the cost of housing has created a demand for condominiums and apartments, and that families increasingly choose to live in condominiums and apartments; these are, by far, the fastest-growing segments of Newton's school population.

Northland uses a cost-per-student approach (\$1,725,960) and a marginal cost approach (\$1,209,000) to estimate the financial impact of its development on the schools' budget, but these approaches are incomplete if used separately from each other. The cost-per-student approach fails to account for the costs of additional faculty, and additional resources while the marginal cost approach fails to account for the actual expenditure per student.

More importantly, both methods fail to account for the cost of additional infrastructure which will be needed to accommodate students from the proposed Northland development; there is simply not enough spare capacity in the current schools to accommodate a large influx of new students. New schools will have to be built, and these costs have to be considered as part of the financial analysis. A property tax override was needed to rebuild Angier, Zervas, and Newton North High School as well as to

renovate Cabot. As the council is well aware, the elementary school projects cost between \$37.5 million and \$49 million each, while the high school cost \$197 million (\$230 million in today's dollars).

Affordability

While Northland will comply with the bare minimum affordable housing requirements, more than 80% of the proposed housing will be market-rate. Newton's median rates for 1- and 2-bedroom apartments are \$2,700 and \$3,500, respectively; this is considered "affordable" for households making at least \$108,000 and \$140,000, respectively. There is no doubt that Northland's self-described "exciting new mixed use development" will command higher rents.

Newton's 2016 Housing Needs Analysis showed a strong demand for smaller, more affordable, rental units to support seniors looking to downsize. The same report indicated a demand for 5,000 housing units priced at or below 80% of area median income (AMI), but also identified an oversupply of 6,400 units priced at or above 100 percent of AMI. According to the HUD, the AMI for Newton is \$107,800; this means that more than 80% of the housing proposed by Northland will only add to the already-existing oversupply of such housing.

Additionally, according to the Newton Area Council's recent public opinion survey, almost 60% of surveyed residents over the age of 60 indicated that they would prefer to stay in their current houses as they age. This is made increasingly difficult by rising real estate taxes and tax overrides that are required to fund new school projects and other infrastructure made necessary by projects such as the one proposed by Northland. Further, only 5% of respondents would prefer to move to a high-rise building with elevators, which is precisely the type of buildings planned by Northland for Needham street.

Financial comparisons

Northland compares the financial impact of the proposed development to the site as-is, but this is not the correct approach. A more correct approach would be to evaluate the financial impacts of the proposed development against a more appropriately-sized mixed use development on the site which could contribute more in tax revenue while using fewer of Newton's resources. For example, a scaled-down development that maintains all the currently proposed retail, parking and infrastructure, while reducing the number of residential units from 822 to 400 and doubling the office space square footage would result in a development that is nearly 300,000 sq. ft. smaller and would produce \$200,000 more real estate tax revenue per year (using Northland's own estimates), all while reducing the impact of the proposed development on parking, schools, and traffic.

Conclusion

Northland continues to present the facts in ways that are beneficial to the developer. For example, when discussing the overall size of the project, Northland claims that convenient access to route 95/128, combined with nearby public transportation options make this site ideal for a dense development; however, Northland states that the site does not have convenient access to route 95/128 when arguing that the site cannot support additional office space. Looking at individual aspects of the proposed development in a vacuum, one is led to believe that it may present a viable option for Needham street; however, looking at all the factors together, it is clear that the development is too large, too residential, and will have too many adverse effects on the immediate area and on Newton as a whole.

We thank you for your continued diligence in respect of this proposed development and are hopeful that at the end of this process we can have a development on Needham street that benefits the city as well as the developer, is a model for future mixed-use developments in Newton and surrounding areas, and is a huge success for all involved.

Sincerely,



Leon Schwartz
39 Carl Street
Newton Highlands
rightsizenewton.org

cc: Nadia Khan

January 10, 2019

via email

Councilors Gregory Schwartz, Richard Lipof, Maria Greenberg, Jacob Auchincloss, Andrea Kelly, Christopher Markiewicz, Deborah Crossley, and Marc Laredo

Land Use Committee
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Re: January 15, 2019 Land Use Committee Meeting; petitions #425-18 & 426-18; Housing and Economic Impacts

Dear Councilors Schwartz, Lipof, Greenberg, Auchincloss, Kelly, Markiewicz, Crossley, and Laredo,

I once again write to you on behalf of rightsizenewton.org regarding the oversized scale of the proposed Northland development on Needham Street. As the meeting scheduled for January 15th is to review the parking and traffic impacts and Northland's transportation plans, we will limit our comments to this topic.

Councilor Auchincloss' recent newsletter argued that traffic is best seen as a gas, which expands to fill available capacity. To further the analogy: when a gas expands too rapidly for its container, it creates an explosion. Similarly, if Northland is allowed to build its proposed oversized project, the amount of traffic and cars it will add to Needham street will overwhelm the roadway and narrow residential neighborhood streets will become inundated with parked cars and commuters attempting to cut around the traffic on Needham street. This remains true even if Northland reduces the number of parking spaces in its proposal without meaningfully reducing the overall scale of the project – the “gas” will simply find another place to go: neighboring streets.

We all want Northland's project to succeed, but at its current size, it is too big and will result in empty storefronts, traffic nightmares, and a parking dilemma (especially during the winter street parking ban).

Parking

Northland's special permit request and its own studies show that 824 parking spaces will be available for 822 residential units, 545 parking spaces for 1,471 employees, and 586 spaces will be available for retail shoppers. Northland's own studies show how inadequate the number of parking spaces is:

- Northland anticipates 35% of office traffic to approach the site from route 95 (which will have no public transportation option), which would occupy 515 parking spaces, leaving the remaining 950+ employees to share 30 parking spaces.

- Northland’s survey (conducted by The 128 Business Council) indicated that 95% of Newton commuters own a car (regardless of the mode of transportation they take to work); even assuming only 1 car per each of the 822 apartments, this leaves no room for visitors to park.
- Northland indicated (during the December Land Use Committee meeting) that it anticipates the customer radius for its retail establishments to be more than a 5-minute drive, but has earmarked only 586 spots for customers of such establishments. For comparison, the Newton Nexus (located at 141 – 165 Needham Street) has 518 parking spaces available (and a GLA of 131,000 square feet)
- Northland anticipates that the surrounding area residents will use its shuttle bus system, but has not allocated any parking spaces to such use.

There are only two possible outcomes if Northland does not meaningfully scale down the proposed project: either residents, shoppers, and workers will park on nearby narrow residential streets (creating unsafe conditions for emergency vehicles) or shoppers and workers will stay away from the area, causing the development to fail.

Transportation Plan

Northland (through its consultant, The 128 Business Council) admits that it is “extremely difficult to project ridership for a population [such as Newton] that is not already using public transportation.” The proposed shuttle bus routes run infrequently (30-45 minute waits during rush-hour) and the primary route duplicates portions of an existing (and mostly unused) MBTA bus route (route #59). Further, the consultant admits that its projections are based on “the limited data available,” reflect the potential capacity, and “are not a projection of actual ridership.” As described in more detail in the attached slides, the formula the consultant uses does not take into account that some of the proposed stops are already connected by the MBTA’s green line, which results in dramatically overstated potential ridership numbers.

The truth is that Newton has tried this before, with the Nexus bus system. There are also many shuttle buses currently operating in Newton for various commercial tenants, some that run along Needham street and are operated by Northland’s consultant, but ridership numbers for these shuttle buses were not made available in the report. It is clear, however, given the traffic situation on Needham Street, that these existing shuttle buses have not helped. What is not clear is why Northland’s consultant believes these new shuttle buses will be any different.

There are also many details of the proposed plan that have not been made public: what will the service cost? Is Northland obligated to continue to provide some minimum level of service, regardless of how successful it is, or can Northland choose to abandon the service if it is not cost effective? What is the contingency plan if the project is built, but the shuttle service does not alleviate traffic congestion? How will the shuttle buses be maintained (what happens if a bus breaks down and is unable to operate on a given day)?

Traffic

Northland’s traffic study (performed by VHB) shows that daily (weekday) unadjusted total vehicle trips to the site will nearly triple if the development is built (from 6,249 to 17,176). Similarly, the Metropolitan Area Planning Council’s September 2017 review of Northland’s proposal indicated that

4,521 additional daily trips should be expected from a project this size. These numbers speak for themselves – adding this much traffic to Needham Street and the surrounding area is untenable.

Northland's study also fails to examine traffic at nearby intersections that are heavily impacted by back-ups along Needham Street (such as Goddard St / Rachel Rd and Winchester Street). The study does not collect data for the weekday "lunch-time rush hour" along Needham Street, one of the busiest times of the day for the roadway. No average speed data is provided for weekdays (only weekend data is provided); such data can be used to show the pace of traffic. Finally, the study does not take into account Northland's as-yet-unannounced plans for its 14+ acre property across the street from the current proposed development.

According to multiple MAPC studies, traffic on Needham street is "regional" in nature, with 75% of it passing through without stopping. MAPC believes that improvements to the roadway (such as the ones scheduled to be performed by the Mass DOT) are unlikely to impact traffic. In MAPC's view, a key factor in the increase in traffic on Needham street is future development. Balancing growth needs with traffic concerns, MAPC's buildout analysis calls for 653,850 square feet of development on the project site, 1.3million square feet smaller than Northland's proposal!

Conclusion

As with previous presentations, Northland continues to present the facts in ways that are beneficial to their current narrative. However, when viewed as a whole, it is not difficult to see that the proposed project is simply too large for the area and is doomed to fail if allowed to proceed.

We again thank you for your continued diligence in respect of this proposed development and continue to hope that Northland scales the project down to a manageable size, building what will become a model for future mixed-use developments in Newton and surrounding areas.

Sincerely,



Leon Schwartz
39 Carl Street
Newton Highlands
rightsizenewton.org

cc: Nadia Khan

NORTHLAND: TRAFFIC AND PARKING

The impact of additional traffic and inadequate parking from the proposed Northland project on Needham street

CONCERNS

- Proposed development is too big for the area
 - The Needham Street Vision Plan encourages “human-scale building design,” not 8-story towers
- Insufficient parking
- Shuttle bus projections are inaccurate
- Transportation plan is incomplete and inadequate to mitigate traffic concerns
- Traffic study is incomplete and inaccurate
- Conclusion

INSUFFICIENT PARKING

- Northland proposes having only 1,900 total parking spaces (for a 1.9 million square foot development)
- This is simply **not enough parking** for the proposed development
 - There are **822 proposed apartments** (half of them 2-3 bedroom) (Northland proposes only **824 parking spaces** for this use)
 - Northland estimates **1,471 employees** in retail/office portions of the project (Northland proposes only **545 parking spaces** for this use)
 - Northland stated that its **retail space will require shoppers to drive**, stating that “the customer radius is more than a 5 minute drive,” which requires adequate parking (Northland proposes only **586 parking spaces** for this use)
 - For comparison, the much smaller Newton Nexus (141-165 Needham Street) has 518 parking spaces (and has a GLA of 131,000 square feet)
 - Northland has stated that its proposed shuttle bus service will be open to the community, but has not addressed where the riders will park their cars while using the service
- Newton zoning requires **3,400 parking spaces** for a project this size
 - There is no doubt that adding 3,400 parking spaces (and associated traffic) to the area **would overwhelm the area and adversely affect already poor traffic conditions**
 - Northland’s proposal to decrease the number of spaces without decreasing the scale of the project is insufficient
 - This does not solve the parking (and traffic) dilemma, it simply moves the parking to adjacent streets
 - These streets are simply not wide enough to accommodate two-sided 24/7 parking and emergency vehicle access
 - The **only solution** is to **scale down** the project so that it would require fewer parking spaces, **not** to artificially reduce the number of parking spaces actually needed

SHUTTLE BUS PROJECTIONS ARE INACCURATE

- Northland’s own consultant (The I28 Business Council) admits that it is “**extremely difficult to project ridership** for a population that is not already using public transportation”
 - According to their survey, **only 13% of Newton residents** and 7% of people who work in Newton use public transportation to get to work
- The projections provided by the consultant, “from the **limited data available** and reflecting upon past service metrics” reflect the **capacity** of the proposed service, and “**are not a projection of actual ridership**”
- The consultant also states: “If someone owns a car, they will use it—even when other transportation modes are available”
 - Northland’s own survey results confirm that **95% of Newton commuters own a personal vehicle** (note that this means that **only 5% of Newton residents use public transportation to get to work and do not own a car**)
- We have tried this before
 - MBTA bus #59 along Needham street runs a similar route to the proposed “Newton Circulator” route at the same schedule and is largely unused and has not reduced traffic
 - The Newton Nexus bus service failed due to lack of ridership

SHUTTLE BUS PROJECTIONS ARE INACCURATE

- The ridership numbers are incorrect
 - The formula used is faulty: it anticipates travel in both directions during rush hour and that 1/4 of the riders at each stop will disembark and be replaced with new riders, but this would be accurate only if there were no existing service between the stops
 - In the current case, this is unrealistic, since the shuttle service is travelling between an area unserved by public transit (Needham Street) and transportation hubs (the shuttles would essentially run empty in one direction during rush hour)
 - 2 of the 4 proposed shuttle stops on the “Newton Circulator” route are already connected by public transportation (why would anyone take the proposed shuttle from the Newton Highlands MBTA stop to the Newton Centre MBTA stop?)
 - The consultant **believes** that a ridership of 75% of total capacity for on-peak travel on the “Newton Circulator” route can be attained, resulting in 1,033.5 passengers during rush-hour
 - Assuming that all other estimates and assumptions are correct, and that morning rush-hour lasts from 5:15am to 9:45am and afternoon rush-hour lasts from 3:15pm to 7:45pm, using a more realistic formula, the projection drops to: **360 total potential passengers** during rush hour

TRANSPORTATION PLAN IS INADEQUATE

- The proposed service is too infrequent to be effective
 - Northland's consultant states that infrequency of service is often cited as a barrier to use of public transportation
 - Wait times of **30-45 minutes** during rush hour (e.g. the "Newton Circulator" route, stopping at Newton Highlands, Newton Centre, and sometimes at Newtonville)
 - This is the same frequency as the **under-used Route 59 bus** (which stops at Newton Highlands, Needham Highlands, Needham Center, Needham Junction, and Newtonville)
 - **No commuter will risk a 30-45 minute delay** of getting to work due to missing a bus or due to the bus being full!
- The shuttle plan does not sufficiently account for traffic
 - **12-minute** trip is anticipated from Newton Highlands MBTA stop to the project site at 1:15pm on a weekday (when traffic is often heaviest)
 - **10-minute** trip is anticipated at 12:43am on a weekday (when traffic is often non-existent)
 - No one who has driven west-bound on Needham street (towards route 95) at 1:15pm will agree that they spent only 2 extra minutes in traffic compared to travelling at midnight

TRANSPORTATION PLAN IS INCOMPLETE

- The I28 Business Council currently provides shuttle service along Needham Street for its various members, but no ridership information was provided in the report
- Will Northland be obligated to continue to operate the buses for a certain period of time at the level of service that is described in the report?
- How will Northland finance the service? What will the cost to ride the shuttle buses be to Northland residents? To the general public?
- What happens if the project is built, but the transportation plan fails (like the Newton Nexus)? What is the contingency plan?
- What is the environmental impact of idling buses (especially if ridership does not materialize)?
- How many parking spaces will there be for waiting Uber/Lyft cars? For shuttle buses? How will Northland manage idling buses and Uber/Lyft pick-ups at the same physical location?
- How will the buses be maintained? What happens if a bus breaks down?
- Where will the shuttle bus users park?

TRAFFIC STUDY IS INACCURATE

- Study based on assumptions that conflict with previously provided information
 - Northland's consultant (VHB) expects "many residents, patrons, employees and some local residents ... will take advantage of the shuttle system," but provides **no basis for this claim**; this claim conflicts with The 128 Council's own admission that it is "**extremely difficult to project ridership** for a population that is not already using public transportation"
 - VHB's list of potential retail uses includes only "small eating establishment, coffee shops, pharmacies, or gallery uses," but these uses are **inconsistent** with Northland's assertion that "the customer radius [for its proposed retail establishments] is more than a 5 minute drive" and is **inconsistent with the permit request**, which also includes "drive-in businesses," "hotels," "places of amusement," "radio or TV broadcasting studios," and "restaurants of over 50 seats"
- VHB's estimate of a 0.5% traffic growth rate is too low
- VHB estimates that 47% of residential traffic and 35% of office traffic will approach the site from Route 95
 - VHB claims that with a **robust** shuttle service, 30% of residential and office traffic will use public transit; but since **the transportation plan does not include any public transit options to/from Route 95**, this is 30% of 53% and 65%, respectively, meaning **at most 16%** of residential traffic and **20%** of office traffic **might use public transportation**, with a **robust** shuttle service

TRAFFIC STUDY IS INACCURATE

- VHB identified the “land use along Needham Street [as] primarily commercial”
 - This ignores the 294 residential apartments at Avalon Newton Highlands
 - These apartments have not resulted in a meaningful increase in the utilization of the MBTA bus service along Needham street
- Comparing the proposed development to no development or to a commercial-only development is misleading
 - Northland is unlikely to leave the property undeveloped and is also unlikely to develop it as a 100% commercial property; a better comparison would be to a project that is more appropriately scaled for the area
 - VHB’s own report states that “[n]o operational analyses have been conducted using the as-of-right trip generation volumes”
- VHB indicated that “Traffic flow along Needham Street is heavier in the northbound direction during all peak periods,” but this observation contradicts decades of observed traffic patterns

TRAFFIC STUDY IS INCOMPLETE

- No average speed data for Needham street is provided for weekdays (only weekend data is provided)
- Intersections in the area that are heavily impacted by back-ups on Needham street (especially through use of GPS navigation) were not examined, for example:
 - No data is provided for the intersection of Goddard St / Rachel Rd and Winchester St
 - No data is provided for the intersections of Charlemont Rd and Winchester St and Charlemont Rd and Roland St
- Concentrating on Peak-Hour Person Trips (and avoiding overall Weekday Daily and Saturday Daily numbers) and failing to collect data for the weekday “lunch-time rush hour” along Needham St misses one of the busiest times of the day for the roadway
- The future use of Northland’s property east of Needham St (14+ acres across the street from current proposed development) has not been described and has not been included in the study

TRAFFIC STUDY NUMBERS

- According to the Metropolitan Area Planning Council's (MAPC) September 2017 review of the Northland proposal, the project will generate an **additional 4,521 daily vehicle trips**
- According to VHB's study, daily (weekday) unadjusted total vehicle trips nearly triple from **6,249** to **17,176** with the proposed development
- According to an earlier (2013) MAPC study, traffic on Needham Street is **regional** (not local) in character
 - MAPC observed license plates registered to 100 Massachusetts communities
 - 70% of traffic on Needham Street is **pass-by/pass-through** traffic
- MAPC Buildout Analysis is **653,850 square feet, 1.3 million fewer square feet than the proposed development!**
 - 304,850 total square feet of new or repurposed development
 - 200,000 square feet of additional office space development
 - 500,000 square feet of residential development (512 units)
 - -51,000 of retail development
 - -300,000 square feet of industrial space

CONCLUSION

- The dense, over-sized development proposed by Northland will overwhelm local area roads with traffic and will make narrow neighborhood streets unsafe
- Northland's traffic and transportation studies are incomplete, inaccurate, and conflict with some of Northland's previously provided documents and presentations
- The bottom line is that while a properly-sized mixed-use development on Needham street is both welcome and appropriate, the proposed development is simply too large

April 4, 2019

via email

Councilors Gregory Schwartz, Richard Lipof, Maria Greenberg, Jacob Auchincloss, Andrea Kelly, Christopher Markiewicz, Deborah Crossley, and Marc Laredo

Land Use Committee
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Re: Density of Proposed Northland Development on Needham Street

Dear Councilors Schwartz, Lipof, Greenberg, Auchincloss, Kelly, Markiewicz, Crossley, and Laredo,

I once again write to you on behalf of rightsizenewton.org regarding the oversized scale of the proposed Northland development on Needham Street.

Much has been said about the density of the proposed project; it will make Newton's Upper Falls village twice as dense (population per square mile) as the rest of Newton and will make it denser than much more urban locations in the state, such as Brookline and Watertown, and almost as dense as Revere, sometimes words are hard to visualize.

Attached please find a chart that shows both the current density of Upper Falls, what the density will become after the development, and the density of the development itself (in respect of its 22.6 acres).

Newton Upper Falls is a small, historic village. A development of the size proposed by Northland will destroy it. We urge you to make it clear to Northland that the proposed development **must be scaled down** in order to be approved.

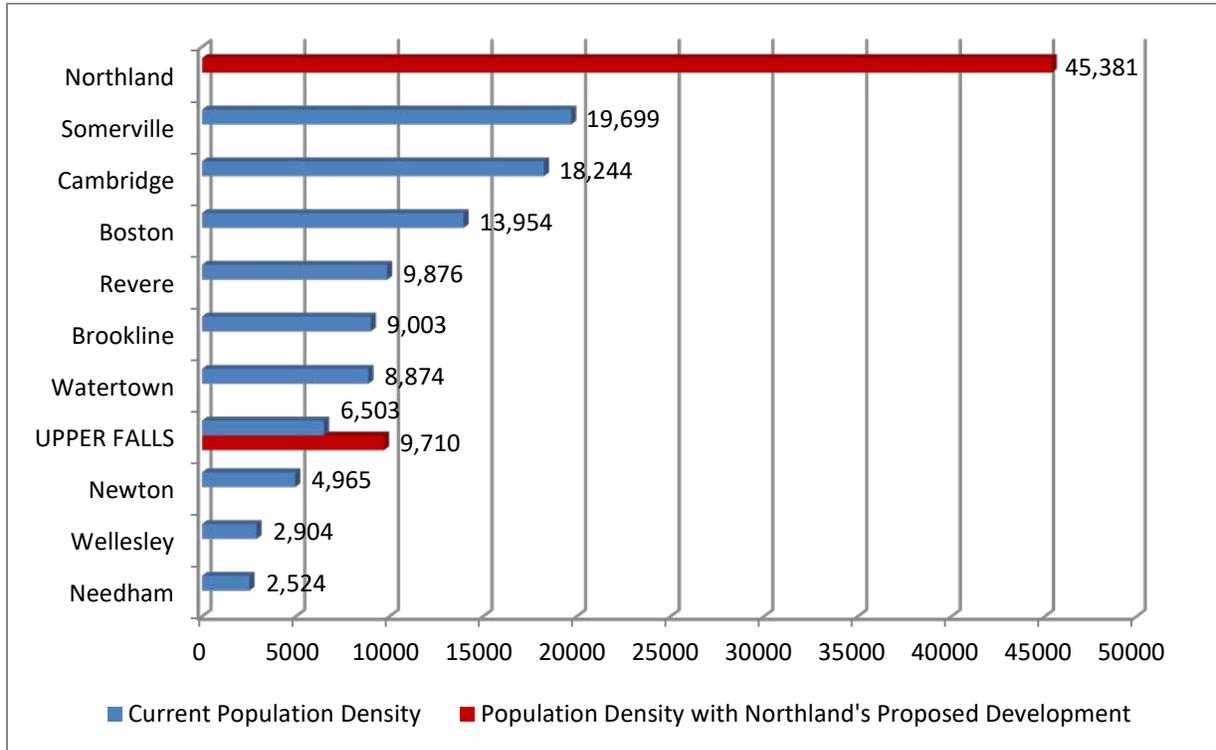
Sincerely,



Leon Schwartz
39 Carl Street
Newton Highlands
rightsizenewton.org

cc: Nadia Khan

Northland's Proposed Needham Street Development: Density (population / square mile)



Sources:

Population and existing density numbers from the 2018 Census and the Massachusetts Census Data Comparison Tool available at <https://massachusetts.hometownlocator.com/census/sorted-demographics.cfm>.

Estimates for population added by Northland's proposed development based on preliminary plans submitted by Northland ahead of March 12, 2019 meeting (total of 800 units): 80 studio units, 360 1-bedroom units, 320 2-bedroom units, and 40 3-bedroom units.

Estimating conservatively, Northland's proposed project would add 1,560 people:

- studio units would be occupied by 1 resident, for a total of 80
- one half of the 1-bedroom units would be occupied by 1 resident, one half would be occupied by 2 residents, for a total of 540
- one half of the 2-bedroom units would be occupied by 2 residents, one half would be occupied by 3 residents, for a total of 800
- one half of the 3-bedroom units would be occupied by 3 residents, one half would be occupied by 4 residents, for a total of 140

April 8, 2019

via email

Councilors Gregory Schwartz, Richard Lipof, Maria Greenberg, Jacob Auchincloss, Andrea Kelly, Christopher Markiewicz, Deborah Crossley, and Marc Laredo

Land Use Committee
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Re: Petitions #425-18 & 426-18

TRAFFIC IMPACT

Dear Councilors Schwartz, Lipof, Greenberg, Auchincloss, Kelly, Markiewicz, Crossley, and Laredo,

Northland's consultants have presented a deeply flawed and incomplete traffic study as the basis of their entire transportation plan. Due to deficiencies with the tools, methodology and coverage area, the study is incomplete and, most importantly, does not reflect the true impact of Northland's proposed development on traffic on Needham Street and the surrounding area.

Some of the material deficiencies with Northland's Transportation Impact and Access Study, leading to flawed projections, are:

1. It is based on a methodology that is unable to model traffic along the entire Needham Street corridor, instead evaluating each intersection individually, rather than using a corridor-wide traffic simulation analysis which would "accurately represent the actual traffic delays and lack of vehicular progression through the Needham Street corridor."¹
2. Many of Northland's traffic projections are based on the number of vehicles under its "Robust Shuttle Model" mode-split². However, Northland admits, in its response to BETA's peer review,³

¹ BETA's full quote is: "The proposed project will have significant impacts on study intersection operations as identified above with degradations in LOS and increases in delay, even after the completion of the planned MassDOT improvements along the Needham Street and Winchester Street corridors. **It is important to note that the LOS and delay analysis results do not accurately represent the actual traffic delays and lack of vehicular progression through the Needham Street corridor.** This difference is because the Traffic Impact and Access Study evaluated the study intersections individually, rather than using a corridor-wide traffic simulation analysis. A corridor traffic simulation would more realistically represent traffic delays and long vehicle queues between intersections along the Needham Street corridor that results in congested conditions and slower travel speeds." (emphasis in the original). BETA's Transportation Engineering Peer Review of Northland's Transportation Impact and Access Study, January, 2019 (available at <http://www.newtonma.gov/civicax/filebank/documents/94582>), at p. 5, hereinafter "BETA's Transportation Review."

² Available at: <http://www.newtonma.gov/civicax/filebank/documents/92313>

“there is not good data that we are aware of that fully support the percentages outlined” and that even under best conditions, “the reality is that the actual is likely to be something in-between the existing and that represented under the Robust Shuttle scenario.”⁴ Further, Northland makes it clear that “no data exists regarding projected percentage [public transportation] ridership gain.”⁵

3. Northland’s review of affected intersections⁶ does not include key neighborhood intersections that serve as traffic-avoidance conduits when Needham Street is, in Northland’s own words “saturated” with traffic.⁷ Please see the attached Figures 1 - 4 for additional detail.
4. Northland’s adjustments to the projected vehicle trip generation are unfounded and not logical
 - a. The “internal capture” adjustments⁸ are unsupported by evidence.
 - b. Northland’s assertion that 25-34% of the retail traffic will come from existing drivers along Needham Street⁹ does not take into account local conditions¹⁰.
5. Northland’s previous presentation before this committee on January 15, 2019 focused on the degradation of service only at signalized intersections. However, traffic at unsignalized intersections is often more likely to be affected by development, because it is more prone to gridlock.
6. The analysis of alternatives to an Oak Street exit¹¹ fails to distribute anticipated traffic to/from this exit among all other entrances/exits to the site (it omits the Tower Road entrance) and is

³ VHB Memorandum, dated February 12, 2019, available at:

<http://www.newtonma.gov/civicax/filebank/documents/95502>

⁴ VHB Memo February 12, 2019, Response to comment #2.21

⁵ VHB Memo February 12, 2019, Response to comment #7.18

⁶ See page 12 of Northland’s Transportation Impact and Access Study, dated October 2018, available at:

<http://www.newtonma.gov/civicax/filebank/documents/92313>

⁷ See VHB’s Memorandum to Jennifer Caira, dated January 4, 2019, excerpted in relevant part in response to comment #2.24, available at: <http://www.newtonma.gov/civicax/filebank/documents/95502>

⁸ See page 5 of VHB’s Memorandum, dated March 28, 2019, available at:

<http://www.newtonma.gov/civicax/filebank/documents/96175> which uses industry-average data instead of modeling the specific scenario for the proposed project where the major tenant of the new office space will be Northland itself (and Northland should be able to accurately project how many of its employees will live in the development).

⁹ See page 7 of VHB’s Memorandum, dated March 28, 2019, available at:

<http://www.newtonma.gov/civicax/filebank/documents/96175>

¹⁰ See the Metropolitan Area Planning Council’s Additional Development and Associated Traffic Impacts Study, available at <http://www.mapc.org/wp-content/uploads/2017/10/Needham-Street-Market-Analysis-December-2013.pdf>, which found that 70% of current Needham Street traffic is pass-by/pass-through traffic (that does not stop along Needham street) and comment #2.16 of BETA’s Transportation Review, which found that traffic along Needham Street moves at 4-5 miles per hour during peak periods (a speed not conducive to enticing drivers to stop at local retail establishments).

¹¹ See BETA Memorandum, dated March 13, 2019, available at:

www.newtonma.gov/civicax/filebank/documents/96178

therefore incomplete and fails to take into account a likely potential traffic-avoidance maneuver. Please see attached Figure 5.

7. Northland's traffic growth data does not include any additional anticipated developments along Needham Street / Highland Avenue or additional traffic from existing, but currently unleased properties.¹²
8. Northland wholly fails to consider additional traffic congestion that would be caused by insufficient parking spaces at peak periods. At such times, as vehicles entering the site are unable to find parking spaces, the site will suffer from immediate and severe spillover onto Needham Street.

An example of Northland's illogical reductions to the raw projected vehicle trip generation data is its projection that there will be 219 residential net person trips exiting the site on weekdays during the AM Peak Hour¹³. However, Northland estimates the project will house 1,776¹⁴ residents and, according to Newton's demographics¹⁵, 852 of these residents can be expected to work. Thus, in order for its "internal capture" estimates to be correct, Northland would need 633 of the residents to work on-site, which constitutes an astonishing 74% of the working population of the development's residents and almost 50% of the entire estimated workforce of 1,346 people¹⁶. There is no data provided by Northland that suggests these ratios are achievable.

A transportation plan based on flawed data cannot succeed. Before review of this project continues, Northland should be required to correct the errors in its traffic study and provide an accurate estimate of the traffic impact from its proposed development. Specifically, the Committee should require Northland to:

1. Perform a traffic study using SimTraffic, which is a program recommended by BETA to model how individual vehicles travel through a roadway network.¹⁷

¹² See <http://www.newtonma.gov/civicax/filebank/documents/94582>

¹³ See page 160 of VHB's Memorandum dated February 22, 2019, available at:

www.newtonma.gov/civicax/filebank/documents/95502. This projection covers all modes of transportation.

¹⁴ See page 21 of Northland's Fiscal Impact Analysis, dated August 31, 2018, available at:

<http://www.newtonma.gov/civicax/filebank/documents/92240><http://www.newtonma.gov/civicax/filebank/documents/92240>; please note that the U.S. Census formula of 2.22 persons per renter-occupied apartment was used to adjust the number provided by Northland (1,824) for 822 apartments to reflect the latest proposal's 800 units.

¹⁵ The American Community Survey, results of which are available at:

<http://www.newtonma.gov/gov/planning/demog/workforce.aspx><http://www.newtonma.gov/gov/planning/demog/workforce.aspx>, estimates that 40,924 Newton residents worked in 2010 when Newton's population was 85,334 residents, which means that 48% of residents can be expected to work.

¹⁶ Northland's latest Summary of Economic Impact Analysis, dated February 8, 2019¹⁶, available at

<http://www.newtonma.gov/civicax/filebank/documents/95496>, anticipates 1,346 employees: 977 office employees, 345 retail employees, 24 residential-related employees. Due to expected "market" rents, it is unlikely that many retail employees will be able to afford to live at the development, but we have conservatively included those employees in the percentage above.

¹⁷ See comment #2.16 in BETA's Transportation Review, which states: "The average vehicle travel speed through much of the corridor during the Weekday Midday and Weekday PM peak period was found to be approximately 4-5 miles per hour. The travel times confirm that the Needham Street corridor experiences significant congestion

2. Recalculate and rely only on traffic studies that reflect the current mode-split between private vehicles and public transit or a mode-split for which Northland can provide concrete data evidencing the likelihood of achieving such a split.
3. Provide a traffic study for the following key intersections that serve as traffic-avoidance conduits:
 - a. Winchester Street at Goddard Street and Rachel Road
 - b. Winchester Street at Charlemont Street
 - c. Dedham Street at Walnut Street
 - d. Dedham Street at Rachel Road
 - e. Dedham Street at Parker Street
 - f. Parker Street at Route 9
 - g. Oak Street at Elliott Street
 - h. Elliott Street at Route 9
 - i. Chestnut Street at Ellis Street
 - j. Ellis Street at Route 9
4. Require Northland to provide accurate adjustments to its raw trip generation numbers or use the raw trip generation numbers as the basis for traffic calculations, without unfounded and illogical adjustments.
5. Provide results of increased delays at all relevant intersections, not just signalized intersections.
6. Provide an updated analysis of alternatives to the Oak Street exit that includes distributing traffic to all other proposed entrances and exits and takes into account the likely traffic-avoidance maneuver described in Figure 5.
7. Since Northland anticipates this project to drive interest along the entire corridor, it can be anticipated that many of the currently empty storefronts will become occupied once this development is completed. Additional development is also expected at the Northland site across Needham Street and at other locations along the corridor (e.g. Muzi site in Needham). Therefore, traffic studies should include estimates of traffic impacts from these developments, in order to provide accurate and complete projections.

during the Weekday Midday peak period. Due to these oversaturated conditions along the corridor, a software program (e.g., SimTraffic) should be used that evaluates operations along a corridor instead of at individual intersections (Synchro) as was presented in the traffic study (see Comment 2.24).”

The site involved in the Petitions provides a generational opportunity to build a development that will benefit the Needham Street corridor and the city as a whole. However, if the project is sized incorrectly, it will provide no benefit, will cause great harm, and will ultimately be doomed to fail.

We therefore urge the City Council to require Northland to provide accurate and complete traffic generation estimates so that the true impact of its current proposal can be determined and the project is sized appropriately for its environment.

Thank you,

A handwritten signature in blue ink, appearing to read 'L Schwartz', with a stylized flourish at the end.

Leon Schwartz
Carl Street
Newton Highlands
rightsizenewton.org

cc: Nadia Khan

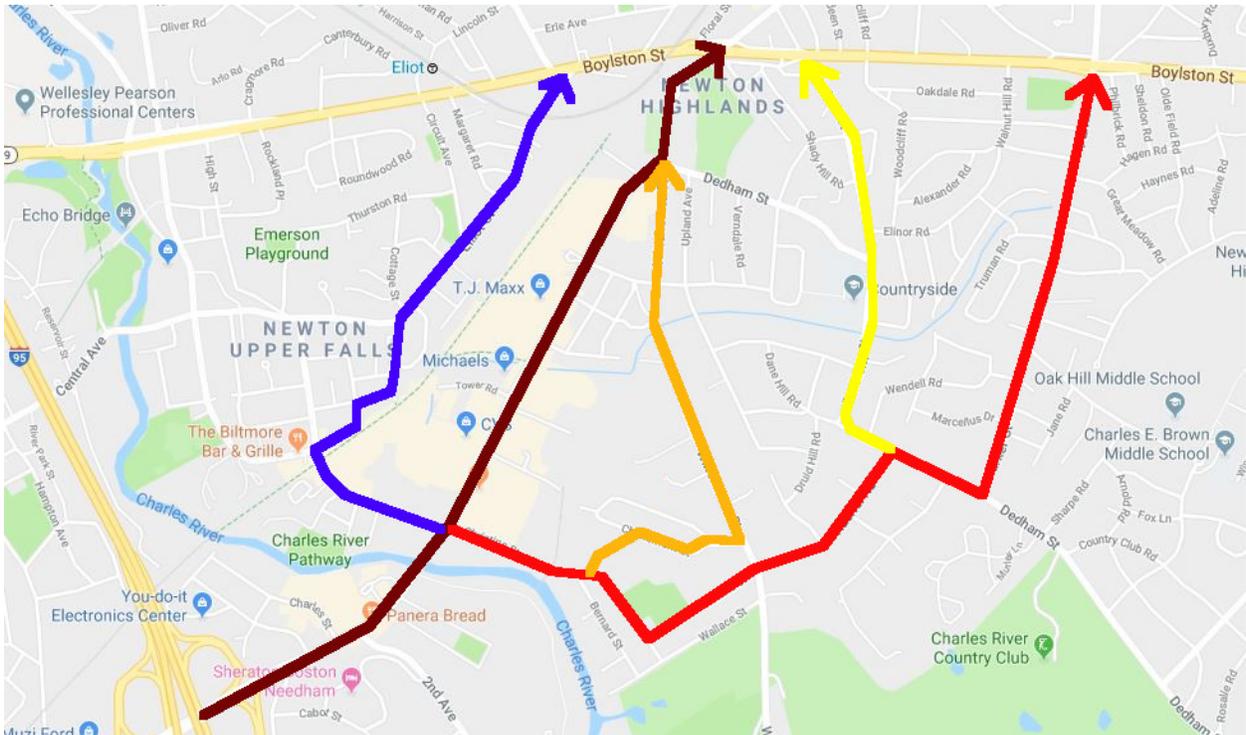


Figure 1: This map shows traffic-avoidance conduits for vehicles travelling from Route 95 to Route 9

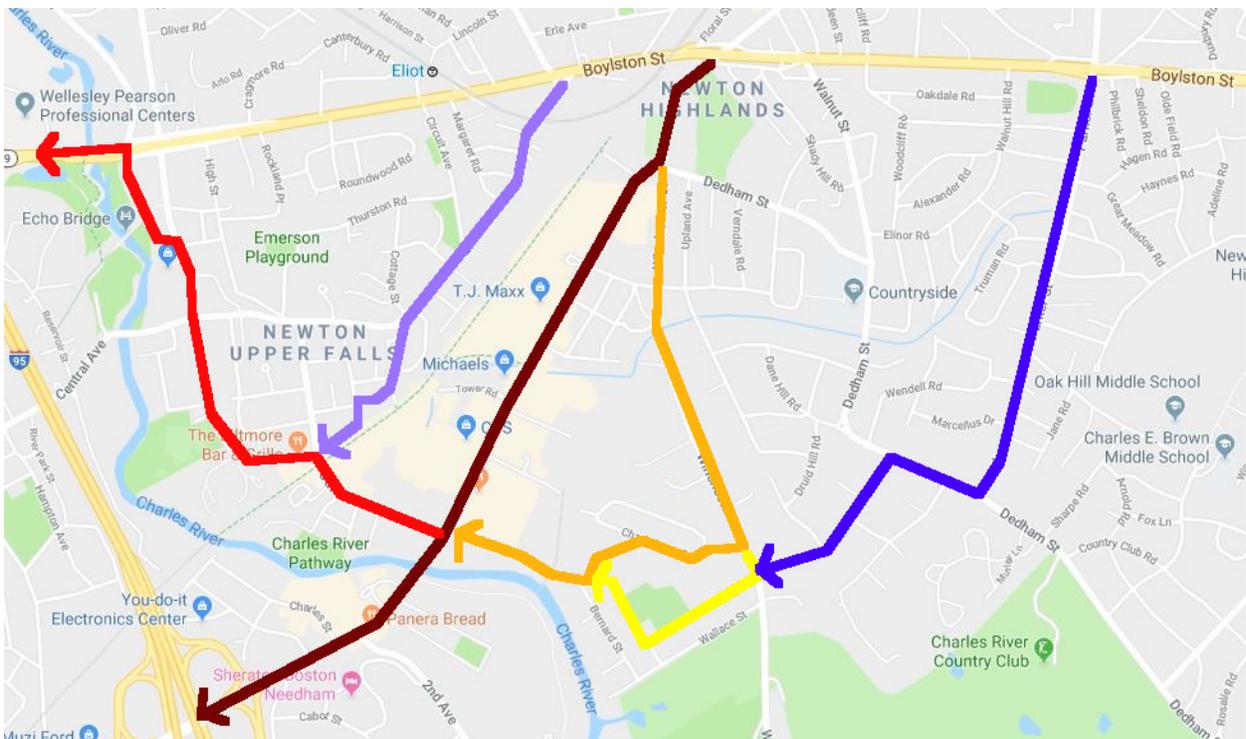


Figure 2: This map shows traffic-avoidance routes for vehicles travelling from Route 9 to Route 95

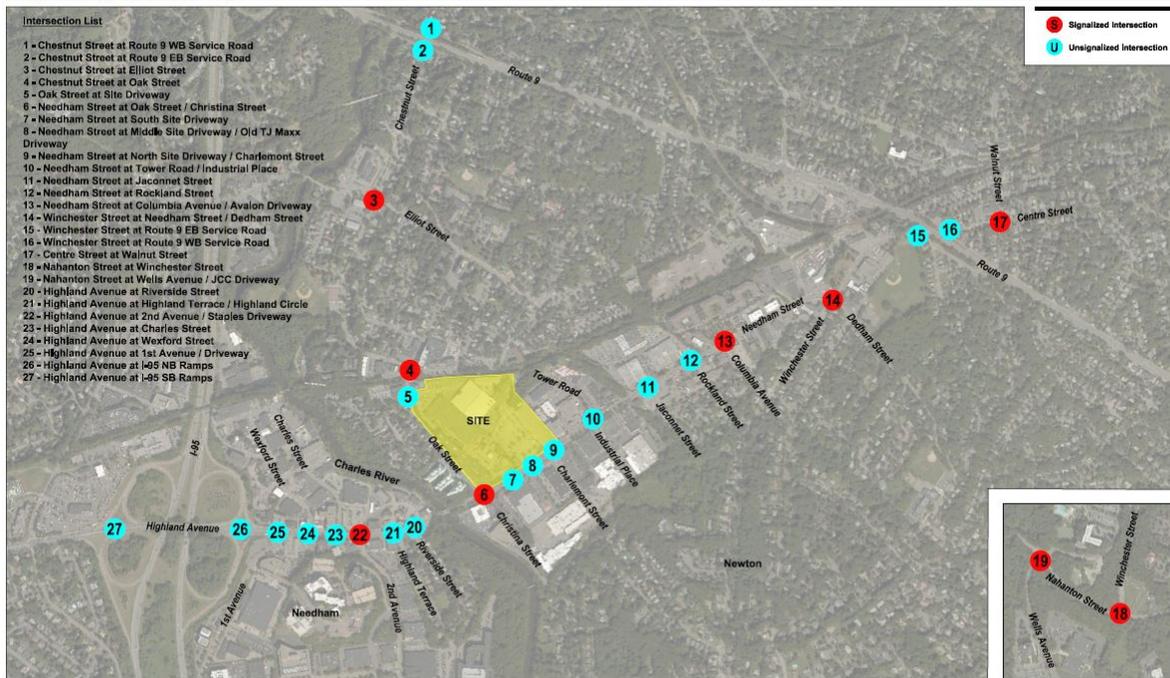


Figure 3: This map shows the intersections included in Northland’s traffic study

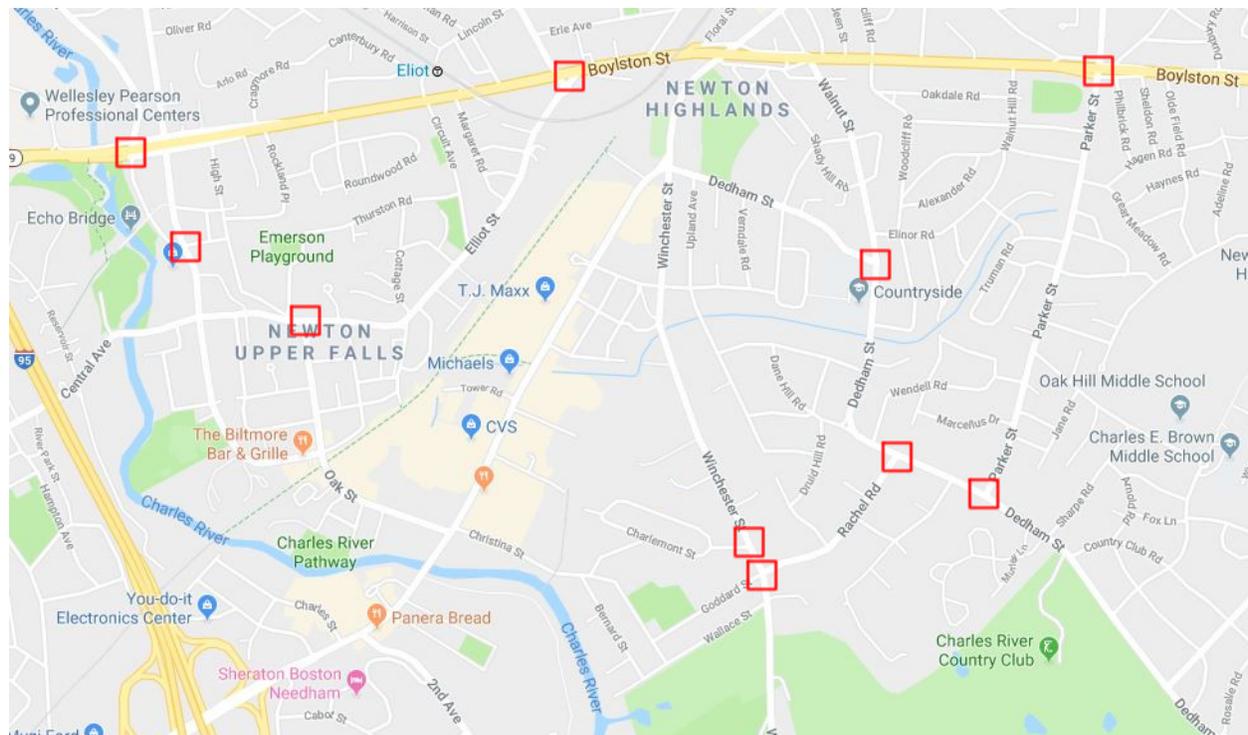


Figure 4: This map shows the key intersections missing from Northland’s traffic study

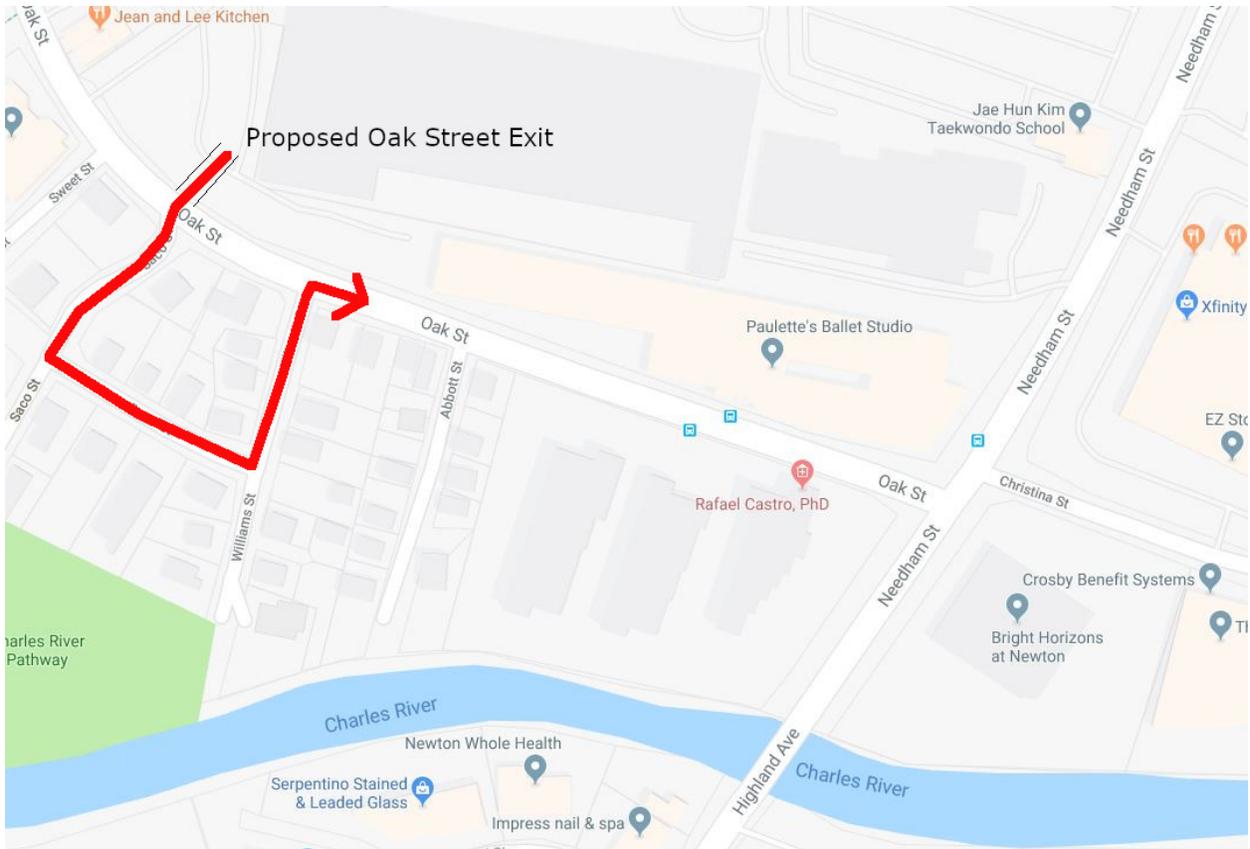


Figure 5: This map shows a likely traffic-avoidance maneuver for cars exiting via the Oak Street exit and heading toward Route 95 (avoiding at least a traffic light and traffic along Needham Street).

April 8, 2019

via email

Councilors Gregory Schwartz, Richard Lipof, Maria Greenberg, Jacob Auchincloss, Andrea Kelly, Christopher Markiewicz, Deborah Crossley, and Marc Laredo

Land Use Committee
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Re: Petitions #425-18 & 426-18

SHUTTLE BUSES

Dear Councilors Schwartz, Lipof, Greenberg, Auchincloss, Kelly, Markiewicz, Crossley, and Laredo,

As detailed in the other letters from RightsizeNewton to this committee, Northland's proposed development will result in a dramatic increase in vehicular traffic and fails to provide an adequate amount of parking for the size of the development. Northland attempts to mitigate these concerns by proposing a "Robust Shuttle Service" that aims to dramatically shift the mode of transportation split ("mode-split"), so that it can claim fewer vehicle trips will be generated by the site than the actual data suggests. At present, 82% of Newton residents and 88% of employees working in Newton use their own private cars; Northland claims it can magically reduce those numbers so that instead only 60% of residents, and 60% of office employees, would use their own vehicles.¹

Northland's own traffic study projects that the proposed development will more than double the number of vehicle trips currently generated by the project site.² So, Northland relies primarily on its ambitious shuttle proposal because it has no other way to convince the City that the number of vehicle trips will not increase so dramatically.³

Neither Northland, nor its transportation partner the 128 Business Council, can show that they have successfully implemented such a shuttle bus program elsewhere that achieved the results they are projecting. Northland cannot, and has not, pointed to such a successful system elsewhere in a location with similar demographics and has not provided any data to support its estimates. Indeed, in its

¹ Vehicle use by "Retail" employees, approximately one-third of the total (134/396) would nevertheless not be reduced. See Tables 4 and 8, VHB Memorandum dated March 28, 2019, available at: <http://www.newtonma.gov/civicax/filebank/documents/96175> ("VHB Memo Mar 28, 2019").

² See Table 1 and Table 2 on pages 3 and 4 of VHB Memo Mar 28, 2019. The number of unadjusted vehicle trips increases from 6,249 to 12,846 (weekday daily), 379 to 668 (weekday morning), 583 to 1,128 (weekday evening), 7,064 to 12,966 (Saturday daily), and 523 to 1,129 (Saturday midday).

³ Id; see Table 8 on page 10.

response to BETA's peer review of its transportation proposal,⁴ Northland states that "there is not good data that we are aware of that fully support the percentages outlined" and that even under best conditions, "the reality is that the actual [mode-split] is likely to be something in-between the existing and that represented under the Robust Shuttle scenario."⁵ Further, Northland makes it clear that "no data exists regarding projected percentage [public transportation] ridership gain."⁶

Newton's Planning Department, in its memo dated April 5, 2019, states that "staff still has concerns regarding the effectiveness of the proposed shuttle system," citing in particular the long headways for many of the routes and that "[t]o be successful, walking, biking, or taking transit will need to be a more attractive option than driving or relying on Uber or Lyft."⁷

In fact, Northland's proposed 60-minute headways for the "Cambridge Express" and "Boston Express" routes and 30-45 minute headways on the "Newton Circulator" route⁸ make them unattractive options for commuters (the penalty of being an hour late for work when missing a bus is too much). The 128 Business Council's own survey regarding public transportation use showed respondents expressing "dissatisfaction with the frequency of service" as one of the main concerns.⁹ Limiting the operating hours of the shuttles to "provide service primarily during commuting hours"¹⁰ further limits the effectiveness of the service. And, Northland's newly-proposed "Newton Highlands" route, which is scheduled to run on a 20-minute schedule during peak hours¹¹ cannot possibly achieve this level of service without utilizing multiple buses.¹²

However, the biggest problem with Northland's proposed shuttle bus system is that it would have to compete with far more convenient offerings from Transportation Network Companies (TNCs) such as Uber and Lyft. As can be seen in the attached Figures 1 – 4, TNCs can be used as on-demand transportation mimicking the proposed shuttle routes for between \$4.89 and \$25.43 per trip, depending on level of service and distance travelled. While shuttle buses could certainly be priced lower than these amounts, the inherent uncertainty due to limited space and long headways of the shuttle buses and the inherent on-demand convenience of TNCs make the TNCs a more attractive alternative for many.

⁴ VHB Memorandum, dated February 12, 2019, available at:

<http://www.newtonma.gov/civicax/filebank/documents/95502>

⁵ Id; response to comment #2.21

⁶ Id; response to comment #7.18

⁷ Id; page 5.

⁸ Id; page 6.

⁹ See page 55 of Northland's Transportation Implementation Plan, dated October 16, 2018, available at:

<http://www.newtonma.gov/civicax/filebank/documents/92315>

¹⁰ See page 3 of Summary of TDM Provisions, dated March 28, 2019, available at:

<http://www.newtonma.gov/civicax/filebank/documents/96176>

¹¹ Ibid.

¹² The distance between Northland's proposed Mobility Hub and the Newton Highlands MBTA station is approximately 1.2 miles. As can be seen in comment #2.16 of BETA's Transportation Engineering Peer Review of Northland's transportation plan, available at: <http://www.newtonma.gov/civicax/filebank/documents/94582>, traffic along Needham Street moves at 4-5 miles per hour during peak periods, meaning that a bus would require 36 minutes of driving to complete the loop, not counting time needed to park and load/unload passengers.

The Planning Department recommends holding this project “to a higher standard,” and proposes that the project, if approved, be conditioned “so that [Northland] is required to meet a certain performance standard.”¹³ However, as noted above, none of the parties are able to articulate how Northland is to meet that standard and what actions could be taken if the residents and employees of the proposed development maintain the trend of using primarily their personal vehicles (or TNCs) as their preferred mode of transportation, regardless of any shuttle bus routes. As the 128 Business Council cogently recognized, “[i]f someone owns a car, they will use it – even when other transportation modes are available.”¹⁴

Moreover, previous attempts have been unsuccessful. Newton has tried this before with the Newton Nexus bus service, which failed. The MBTA runs bus service connecting Needham Street to the Newton Highlands MBTA station, but this service has not produced the dramatic shift that Northland hopes to produce with its shuttle bus service.

What Northland is proposing is an experiment to determine whether shuttle buses can reduce suburban society’s reliance on the automobile in a way that has failed in the past. If this project is approved and Northland’s experiment fails, there will be no way to mitigate the traffic nightmare that most certainly will result. Northland, like others, simply cannot find an alternate way to mitigate “the first/last mile problem that arises when potential transit riders are located more than a comfortable walking distance from transit.”¹⁵

In light of the past failures to shift the mode-splits towards public transportation, and in light of the many shortcomings of Northland’s proposed shuttle bus service, it would be wholly irresponsible to approve this large project based on nothing but a hope that the shuttle service will be able to achieve results that no data or other experience support.

Thank you,



Leon Schwartz
Carl Street
Newton Highlands
rightsizenewton.org

cc: Nadia Khan

¹³ See page 6 of the Newton Planning Department Memorandum dated April 5, 2019, available at:

<http://www.newtonma.gov/civicax/filebank/documents/96257>

¹⁴ See page 34 of Northland’s Transportation Impact and Access Study, dated October 2018, available at:

<http://www.newtonma.gov/civicax/filebank/documents/92313>

¹⁵ See page 6 of the Newton Planning Department Memorandum dated April 5, 2019, available at:

<http://www.newtonma.gov/civicax/filebank/documents/96257>

Uber price estimator

● 281 Needham St, Newton Upper Falls, MA

■ Newtonville, Newton, MA

Popular rides All rides

Pool	\$7.07	ⓘ
UberX	\$10.64	ⓘ
Taxi	\$17.85	ⓘ

Sample rider prices are estimates only and do not reflect variations due to discounts, traffic delays, or other factors. Flat rates and minimum fees may apply. Actual prices may vary.

[Sign up to ride →](#)

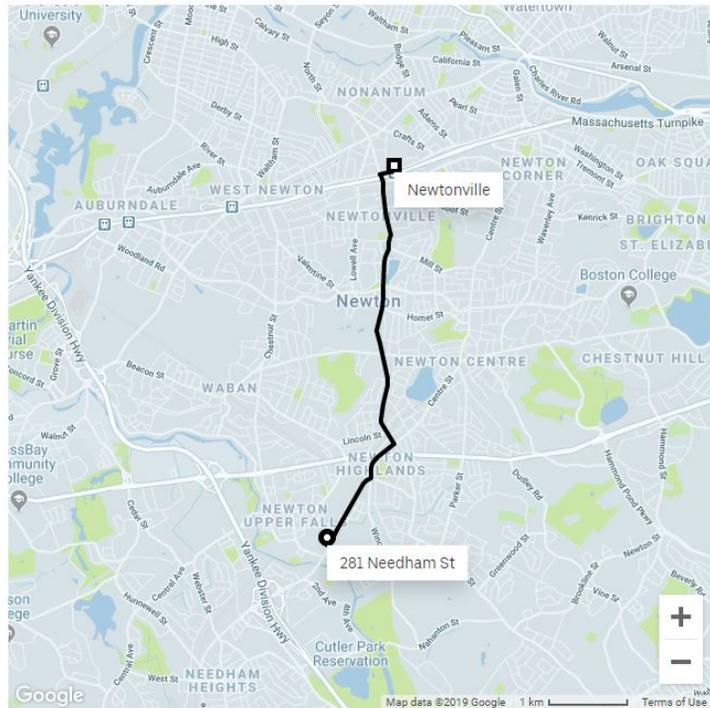


Figure 1: Cost estimate for using Uber to travel the Newton Circulator route

Uber price estimator

● 281 Needham St, Newton Upper Falls, MA

■ Newton Highlands - MBTA Station, Newton Highlands, MA

Popular rides All rides

Pool	\$4.81	ⓘ
UberX	\$6.85	ⓘ
Taxi	\$9.32	ⓘ

Sample rider prices are estimates only and do not reflect variations due to discounts, traffic delays, or other factors. Flat rates and minimum fees may apply. Actual prices may vary.

[Sign up to ride →](#)

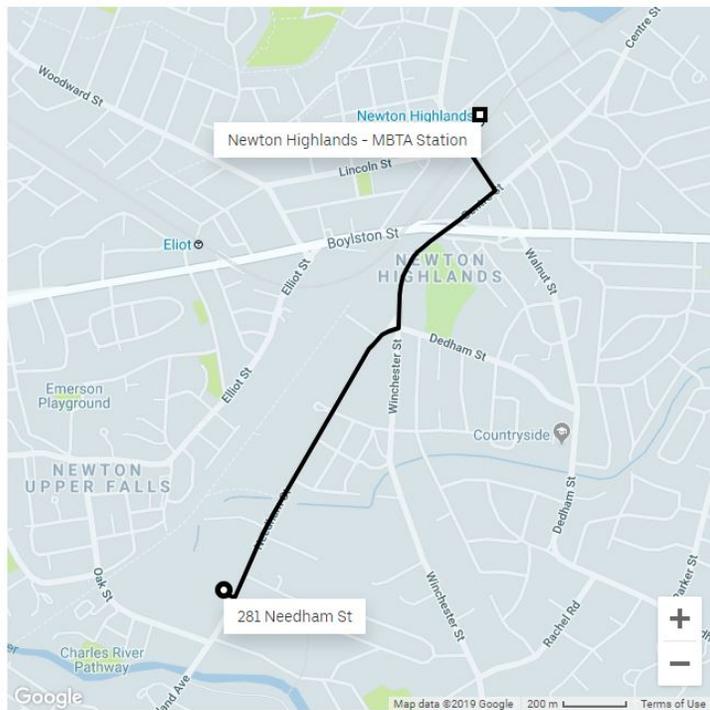


Figure 2: Cost estimate for using Uber to travel the Newton Highlands route

Uber price estimator

● 281 Needham St, Newton Upper Falls, MA ×

■ Kendall Square, Cambridge, MA ×

Popular rides All rides

Pool	\$16.80	ⓘ
UberX	\$24.44	ⓘ
UberXL	\$51.11	ⓘ

Sample rider prices are estimates only and do not reflect variations due to discounts, traffic delays, or other factors. Flat rates and minimum fees may apply. Actual prices may vary.

[Sign up to ride →](#)

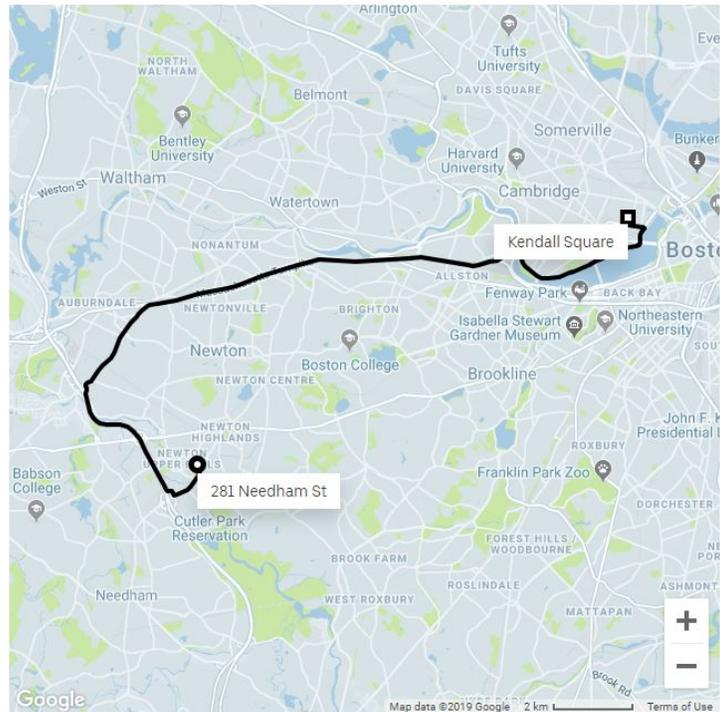


Figure 3: Cost estimate for using Uber to travel the Cambridge Express route

Uber price estimator

● 281 Needham St, Newton Upper Falls, MA ×

■ Seaport District, Boston, MA ×

Popular rides All rides

Pool	\$18.74	ⓘ
UberX	\$25.43	ⓘ
UberXL	\$49.21	ⓘ

Sample rider prices are estimates only and do not reflect variations due to discounts, traffic delays, or other factors. Flat rates and minimum fees may apply. Actual prices may vary.

[Sign up to ride →](#)

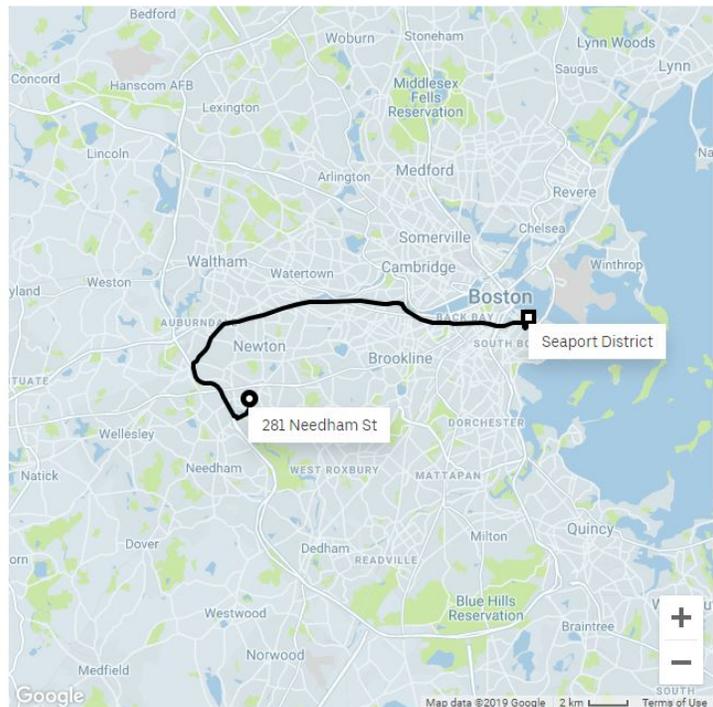


Figure 4: Cost estimate for using Uber to travel the Boston Express route

April 8, 2019

via email

Councilors Gregory Schwartz, Richard Lipof, Maria Greenberg, Jacob Auchincloss, Andrea Kelly, Christopher Markiewicz, Deborah Crossley, and Marc Laredo

Land Use Committee
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Re: Petitions #425-18 & 426-18

PARKING

Dear Councilors Schwartz, Lipof, Greenberg, Auchincloss, Kelly, Markiewicz, Crossley, and Laredo,

Northland's parking analysis is based on faulty data and incorrect assumptions and severely underestimates the number of parking spaces that will be required for the proposed development. If the required parking is not provided on site, vehicles related to the development will overcrowd narrow neighborhood streets, creating safety concerns.

Northland uses the MBTA/MassDOT TOD guidelines¹ for the number of parking spaces required for residential unit and per square foot of commercial and retail space. The guidelines are a statement by the MBTA and MassDOT's "about how they **hope** to see transit-oriented development (TOD) planned and implemented around MBTA rail and bus stations." (emphasis supplied) However, as Newton's Planning Department makes clear in its memo dated April 5, 2019,² "The Northland Newton project suffers from the first/last mile problem that arises when potential transit riders are located more than a comfortable walking distance from transit." In fact, Northland's proposed development is 1.2 miles away from the nearest MBTA stop (Newton Highlands). The guidelines used are, therefore, inappropriate to the proposed development and will underestimate the number of needed parking spaces.

As with its traffic study, Northland bases its estimate of the number of required parking spaces on its "Robust Shuttle" mode split, which assumes that only 60% of trips will be vehicular for office employee use³ and uses this assumption to argue for reduced parking ratios. However, in its response to BETA's

¹ Available at https://www.mass.gov/files/documents/2017/10/17/TOD_Policy.pdf

² Available at: <http://www.newtonma.gov/civicax/filebank/documents/96257>

³ See page 3 of VHB's Memorandum, dated March 27, 2019 available at:
<http://www.newtonma.gov/civicax/filebank/documents/96177>

peer review of its transportation proposal,⁴ that “there is not good data that we are aware of that fully support the percentages outlined” and that even under best conditions, “the reality is that the actual is likely to be something in-between the existing and that represented under the Robust Shuttle scenario.”⁵ Further, Northland makes it clear that “no data exists regarding projected percentage [public transportation] ridership gain.”⁶ It is, therefore, inappropriate to use 60% as the percentage of traffic that will be vehicular and the existing conditions (88%)⁷ should be used instead.

Northland’s parking proposal is highly suspect in other regards, since it is based on inaccurate estimates provided elsewhere in its proposal, incorrect math, and even a lack of common sense. In its memorandum revising the proposed development, dated February 13, 2019,⁸ Northland estimates that 776 total cars⁹ will belong to residents of the proposed development. Northland’s latest Summary of Economic Impact Analysis, dated February 8, 2019,¹⁰ anticipates there will be 1,346 employees at the site.¹¹ Using the current mode-split, 88% of the employees can be expected to drive to the site, requiring 1,185 spaces. Combined with the spaces required for residential use, the minimum number of spaces required is 1,960.

Even using Northland’s unsupported claim that only 60% of the traffic at the site will be vehicular traffic, the minimum number of spaces required for residents and employees would be 1,584. However, Northland’s latest proposal calls for only 1,550 total parking spaces, which is fewer than the number of spaces required based on the number of cars owned by residents and employees that can be expected to commute to the site by car.

Yet, the minimum number of required parking spaces is actually larger. There also will be a need for retail customer parking, which will be substantial,¹² as Northland states in its letter dated December 5, 2018,¹³ that it expects the “customer radius is more than a 5 minute drive.” And, additional parking will also be needed for short and long-term visitors to residents, and users of the community spaces and open space.

⁴ VHB Memorandum, dated February 12, 2019, available at:

<http://www.newtonma.gov/civicax/filebank/documents/95502>

⁵ Id; response to comment #2.21

⁶ Id; response to comment #7.18

⁷ See Table 6 on page 56 of Northland’s Transportation Impact and Access Study, dated October 2018, available at:

<http://www.newtonma.gov/civicax/filebank/documents/92313>

⁸ Available at: <http://www.newtonma.gov/civicax/filebank/documents/95733>

⁹ While we think it is illogical to assume that an 800-unit development, half of which are 2 and 3-bedroom units will average less than 1 car per unit, we nevertheless will use Northland’s low estimate to demonstrate that the parking plan does not work even with this artificially low estimate.

¹⁰ Available at: <http://www.newtonma.gov/civicax/filebank/documents/95496>

¹¹ 977 office employees, 345 retail employees, 24 residential-related employees.

¹² For example, the Newton Nexus, which due to its adjacency to the Avalon Newton Highlands 294-unit residential complex is a good model for a mixed-use development provides 518 parking spaces for 130,000 square feet of retail/commercial space (which is comparable to the 115,000 square feet proposed by Northland).

¹³ Available at: <http://www.newtonma.gov/civicax/filebank/documents/95133>

Northland's proposal simply does not contain enough parking for a development of this size and will lead to overcrowding of narrow nearby residential streets which will adversely affect the neighborhoods¹⁴ and create both a nuisance and serious hazards to vehicles and pedestrians.¹⁵

While some members of the council have proposed that artificially reducing the number of needed parking spaces in combination with resident-only parking zones and permit parking in surrounding areas would change societal reliance on private vehicles and result in fewer cars, such measures have been shown to fail in nearby communities that have attempted them.¹⁶ Recent figures "highlight that more people almost always means more cars."¹⁷

Such mitigation efforts will also require expensive and burdensome enforcement and do not solve the underlying problem of insufficient parking being provided on-site, as required by Newton's Zoning Ordinance.

Thank you,



Leon Schwartz
Carl Street
Newton Highlands
rightsizenewton.org

cc: Nadia Khan

¹⁴ See Sec. 7.3.3.C.2 of Newton's Zoning Ordinance (Chapter 30 of Newton City Ordinances), available at: <http://www.newtonma.gov/civicax/filebank/documents/69436>

¹⁵ Id; sec. 7.3.3.C.3.

¹⁶ See <https://www.bostonglobe.com/metro/2019/02/18/cambridge-wanted-big-drop-car-ownership-that-hasn-exactly-happened/sBu3TbWIBQLi5Nlo00L6AM/story.html>. New York, Chicago, and Seattle have experienced an increase in household car ownership over the last few years and Cambridge, which tried to reduce the ratio of cars owned by residents by 15% from 1990 levels by 2020 will fail to do so, even though "much of the construction in Cambridge and other cities is concentrated near train and bus lines" (which is not the case for the proposed Northland project).

¹⁷ Ibid.



August 5, 2019

via email

Councilors Gregory Schwartz, Richard Lipof, Maria Greenberg, Jacob Auchincloss, Andrea Kelly, Christopher Markiewicz, Deborah Crossley, and Marc Laredo

Land Use Committee
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Re: Petitions #425-18 & 426-18

RIGHT SIZE

Dear Councilors Schwartz, Lipof, Greenberg, Auchincloss, Kelly, Markiewicz, Crossley, and Laredo,

As you know, Right Size Newton is a grassroots organization that grew out of a desire to ensure that Newton's busy residents were aware of, and informed about, the proposed development at the Northland-owned site on Needham Street.

In our many months of informing the community, including through our website at needhamstreet.rightsizenewton.org, our e-mail list, direct-mail, and canvassing thousands of homes, we have met countless residents all over Newton who are concerned with the size of the proposed project; we have met very few who think the current proposal is properly sized. As you know, the main concerns are traffic, parking, impact on schools, impact on city services and impact on city finances. All relate directly to the size of the proposed development.

Right Size Newton has consistently urged that the project is too big as submitted, and many Councilors appear to agree. Indeed, at the last public hearing of the Land Use Committee, many of you even queried "what is the right size?"

We would now suggest that Northland's proposal be reduced from 800 residential units to 400, and building heights reduced from a maximum of 8 stories to 4 or 5. That would dramatically reduce our concerns and be more in keeping with the existing neighborhood while also providing more than enough density for a vibrant mixed-use development and, we believe, still providing the developer with sufficient profit.

The profitability of a project cannot be divorced from its cost. Just by reducing the height of the buildings, the developer's costs would likely decrease substantially; buildings of 4 or 5 stories are much cheaper to build than those that are 8 stories (this has to do with fire, earthquake, and tornado-related requirements for materials used in taller buildings).



In addition, the developer could reduce development costs further by eliminating some of the “nice to have,” but non-crucial, elements of their proposal, such as: the undergrounding of the electrical lines, the daylighting of the brook, the observation decks, the stage at the village green, and the ice-rink/skating park. Further, Northland could bring parking back above ground, which not only would be less expensive to build, but also easier to repurpose in the future when, as councilor Auchincloss predicts, cars likely will be used differently than they are today. All these additional savings could be used to provide a higher percentage of affordable units than the bare minimum that Northland is currently proposing, which would make the project more attractive to many.

There will still be many risks associated with this project, including the lack of certainty that the traffic mitigation plan will work even for the suggested smaller development. However, we believe that if the project’s size is reduced as we propose, the risks would be significantly lower and would be worth taking.

As some of you may have heard, Right Size Newton is prepared to consider pursuit of a referendum petition to allow the voters of Newton to overturn any zoning changes granted to Northland in connection with its proposal in its current form. We truly hope, however, that this will not be necessary. We hope that the size of Northland’s proposed development at the Needham Street site will be meaningfully reduced as proposed above, so that we will not be forced to proceed down the referendum path.

Please let us know if you have any questions.

Thank you,

Leon Schwartz, on behalf of Right Size Newton.

cc: Nadia Khan

October 25, 2019

via email

Councilors Gregory Schwartz, Richard Lipof, Maria Greenberg, Jacob Auchincloss, Andrea Kelly, Christopher Markiewicz, Deborah Crossley, and Marc Laredo

Land Use Committee
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Re: Petitions #425-18 & 426-18

DRAFT BOARD ORDER – CONDITIONS RELATED TO TRAFFIC

Dear Councilors Schwartz, Lipof, Greenberg, Auchincloss, Kelly, Markiewicz, Crossley, and Laredo,

Enclosed herewith are “Conditions Related to Traffic” being proposed by Right Size Newton to be included in the Order. A red-lined version, showing the changes we are suggesting should be made to the draft submitted by the City Law Department on October 11, 2019, is also enclosed.

Our suggested changes are explained in a separate letter being transmitted to you contemporaneously herewith.

Thank you,

Geralyn Coticone
Paula Kelleher
Leon Schwartz
Alan Kovacs

on behalf of rightsizenewton.org

cc: Nadia Khan



CONDITIONS RELATED TO TRAFFIC

59. Petitioner's Trip Reduction Obligations Related To Vehicular Traffic Exiting and Entering the Site

a. Petitioner's Residential and Office Vehicle Trips Obligation.

~~a. The Petitioner is required to reduce the number of the projected vehicle trips that enter or exit the Project and that are associated with any residential and/or office trips that will be generated by use of the Project, as set forth herein as (the **Maximum Residential and Office Trip Count**, in order to mitigate the traffic impacts of the Project.~~

i. ~~The Petitioner) shall not exceed the **Maximum Trip Count** as follows:~~

~~1. The total Maximum Trip Count for all office and residential uses within the Project is 289 vehicles~~ 262 vehicle trips during the weekday morning peak ~~hour and 220 vehicles~~ hours (7:00 am – 9:00 a.m.);

~~+2. 198 vehicle trips~~ during the weekday evening peak ~~hour~~ hours (4:00 pm – 6:00 pm); and

~~3. 163 vehicle trips~~ during the Saturday midday peak hours (11:00 am – 2:00 pm)

b. Petitioner's Total Vehicle Trip Obligation.

i. The total number of vehicle trips that enter or exit the Project (the **Maximum Total Trip Count**) shall not exceed:

1. 396 vehicle trips during the weekday morning peak hours (7:00 am – 9:00 a.m.);

2. 487 vehicle trips during the weekday evening peak hours (4:00 pm – 6:00 pm); and

3. 558 vehicle trips during the Saturday midday peak hours (11:00 am – 2:00 pm)

~~b.c.~~ The Petitioner shall prepare, submit and implement a **Transportation Demand Management Work Plan** (the "TDM Work Plan"), in accordance ~~with Condition~~ with the Conditions set forth herein, that includes strategies and measures necessary to comply with subsections (a) and (b) hereinabove establishing the Maximum Residential and Office Trip Count and the Maximum Total Trip Count.

~~#64, that includes strategies and measures necessary to comply with the Maximum Trip Count.~~

~~e.d.~~ The Petitioner has the burden to demonstrate that it is in compliance with the Maximum Residential and Office Counts and the Maximum Total Trip Count. In order to demonstrate compliance, the Petitioner shall ~~periodically~~ conduct continuous vehicle trip counts in accordance with the *Trip Count Methodology* ~~set forth in Condition #63~~ and submit *TDM Monitoring Reports* ~~to the City, all~~ in accordance with ~~Condition #62~~ the Conditions set forth herein.

~~b.~~ ~~If the Petitioner fails to achieve the Maximum Trip Count, the Petitioner will be required to revise its TDM Work Plan and invest the *TDM Investment Amount* of \$1,500,000, plus additional funds in accordance with the *Additional Investment Amount* set forth in Condition #65, in implementing its TDM Work Plan.~~

60. Commencement of Petitioner's Trip Reduction Obligation

a. The Petitioner must comply with the Maximum Residential and Office Trip Count and the Maximum Total Trip Count beginning on the date of the issuance of a Certificate of Occupancy (temporary or final) for ~~80~~50% of the residential units or for 25,000 square feet of commercial (office or retail) space, whichever occurs first.

i. The Maximum Residential and Office Trip Count and the Maximum Total Trip Count shall be adjusted in proportion with the percentage of the Project that has been issued a Certificate of Occupancy until all units have been issued a final Certificate of Occupancy.

Example: if the Project is 50% built, the Maximum Residential and Office Trip Count shall be 131, 99, and 82 vehicles for the weekday morning, weekday afternoon, and Saturday peak hours and the Maximum Total Trip Count shall be 198, 244, and 279 for the same periods.

61. Reporting Requirements

a. Initial TDM Monitoring Report and Trip Count

i. The Petitioner shall ~~conduct its first~~ commence continuous vehicle trip count ~~and submit an Initial TDM Monitoring Report within sixty (60) days~~ after counts on the date of the issuance of a Certificate of Occupancy (temporary or final) for 80~~50~~50% of the residential units or for 25,000 square feet of commercial (office or retail) space, whichever occurs first and shall submit an initial TDM Monitoring Report within sixty (60) days of such

date.

- ii. The continuous vehicle trip counts must be conducted in accordance with the Trip Count Methodology set forth in Condition #63 and the Initial TDM Monitoring Report must be prepared and submitted in accordance with Condition #62.

b. Subsequent Periodic Reporting

- i. Following submission of the Initial TDM Monitoring Report, the Petitioner shall thereafter submit TDM Monitoring Reports every ~~six~~three (3) months (the Reporting Period) from the date of submission of the initial report.
- ii. The ~~reporting period~~Reporting Period shall change to ~~once per year~~every six (6) months only after the Petitioner/Project has been fully compliant with the Maximum Residential and Office Trip Count and the Maximum Total Trip Count for ~~two~~four (4) consecutive ~~six~~three-month reporting periods following ~~80~~90% occupancy of ~~the residential units and office building~~all buildings in the Project, provided that:

1. ~~One~~No subsequently submitted TDM Monitoring Report shows vehicle trips exceeding the Maximum Residential and Office Trip Count and/or the Maximum Total Trip Count.

2. Upon any submitted TDM Monitoring Report showing vehicle trips exceeding the Maximum Residential and Office Trip Count and/or the Maximum Total Trip Count, the Reporting Period shall revert to every three (3) months.

- iii. The Reporting Period shall change to every twelve (12) months after the Petitioner/Project has been ~~in full compliance~~fully compliant with the Maximum Residential and Office Trip Count and the Maximum Total Trip Count for five (5) consecutive years, ~~the Petitioner's reporting and monitoring requirements will cease so long as there are no changes to the TDM Work Plan. Any substantial changes to the TDM Work Plan after such full compliance must be approved by the Director~~following 90% occupancy of ~~Planning and Development~~, who may require the submission of trip count ~~prior~~all buildings in the Project, provided that:

1. No subsequently submitted TDM Monitoring Report shows vehicle trips exceeding the Maximum Residential and Office Trip Count

and/or the Maximum Total Trip Count.

4.2. Upon any submitted TDM Monitoring Report showing vehicle trips exceeding the Maximum Residential and Office Trip Count and/or the Maximum Total Trip Count, the Reporting Period shall revert to approval every three (3) months.

62. Submission of TDM Monitoring Reports

- a. The Petitioner shall submit the Initial TDM Monitoring Report as specified in Condition #61.a and shall submit all subsequent TDM Monitoring Reports to the Director of Planning and Development and the Commissioner of Public Works within ~~thirty (30)~~ ten (10) days after the end of each ~~reporting period following submission of the initial TDM Monitoring Report~~ Reporting Period, as specified in Condition #61.b. Submission dates may be adjusted slightly at the discretion of the Director of Planning and Development ~~to accommodate counts and surveys being conducted during a typical week.~~
- b. The TDM Monitoring Reports shall contain the results of the required continuous vehicle trip counts ~~and surveys~~ in accordance with Condition #63, a description of methodology, and the qualifications of the consultant(s) performing the counts and surveys.
- c. The Petitioner shall pay the reasonable fees of any consultants/peer reviews as necessary for the Director of Planning and Development or the Director of the Transportation Division to analyze the reports.
- d. In the event ~~the Petitioner fails to comply with~~ vehicle trips reported in a TDM Monitoring Report exceed the Maximum Residential and Office Trip Count, ~~pursuant to Condition #65 and/or the Maximum Total Trip Count,~~ subsequent TDM Monitoring Reports must include a certified financial accounting of how the TDM Investment Amount ~~and the Additional Investment Amount were~~ was allocated and spent on implementing the approved TDM Work Plan.
- e. In accordance with Condition #64, a TDM Work Plan shall also be submitted with every submission of a TDM Monitoring Report. ~~The TDM Work Plan must include a comprehensive list of the measures proposed for the upcoming reporting period and, if required by Condition #7, proposed expenditures.~~

63. Trip Count Methodology

- a. ~~Trip~~ Continuous vehicle trip counts shall be ~~done~~ performed by a qualified professional firm, to be approved by the Director of Planning and Development.

- b. ~~Trip~~Continuous vehicle trip counts shall separately measure (i) all vehicles entering and exiting the project site and (ii) all residential and office vehicle trips, during the weekday morning and evening peak hours; and the Saturday midday peak hours.
- e. ~~Trip counts shall be made with continuous permanent trip counting stations at every curb cut location and shall include the following:~~
 - i. ~~A count of the resident and office vehicles~~a method to definitively determine whether a vehicle is entering and/or exiting at all the project site for residential and/or office garage entries during use or whether the vehicle is entering or exiting the weekday and evening peak hours project site for any other use.
 - i. ~~Intercept surveys taken at every residential and office building entry/exit point to capture residential and office visitors and pick up and drop off trips.~~
- d. ~~Trip counts shall be conducted over three consecutive weekdays (Tuesday through Thursday) during a typical week with no holidays or school vacations.~~
- e. ~~The time period for all trip counts, the peak hours, methodology and intercept survey questions shall be reviewed and approved by the Director of Planning continuously, in advance.~~
- f. ~~Every two years, beginning with the initial TDM Monitoring Report, trip counts shall also include the total number of vehicular trips during peak hours at each driveway.~~

- c. ~~The Petitioner shall utilize technology to track real time counts of residential and office vehicles entering and exiting at all garage entries. This data shall be made available to the Director of Planning and Development upon request.~~

64. Approval of the TDM Work Plan

- a. Prior to the issuance of the first building permit for any new vertical construction, the Petitioner shall submit an initial TDM Work Plan to the Director of Planning and Development and Commissioner of Public Works for review and approval.
 - i. The ~~initial~~ TDM Work Plan shall include a detailed plan for the phase-in of Transportation Demand Management (TDM) strategies and measures.
 - ii. As feasible, TDM strategies and measures, including potential transit subsidies and options for first/last mile connections, shall begin with initial occupancy permits.
 - iii. ~~Full implementation of the~~The initial TDM Work Plan shall ~~begin no later than~~ be fully implemented before the issuance ~~for of~~ a Certificate of Occupancy (temporary or final) for 40050% of the residential units or for 25,000 square feet of commercial (office or retail) space, whichever occurs first.
 - iv. ~~The~~A full-time TDM Coordinator shall be hired and shall start work no later than the issuance of a Certificate of Occupancy (temporary or final) for 25,000 square feet of commercial (office or retail) space, or 12 months after the issuance of the first residential building permit (whichever comes first), or the issuance of the first Certificate of Occupancy (temporary or final) for any residential unit, whichever occurs first.
- b. The TDM Work Plan shall set forth sufficient ~~Transportation Demand Management (TDM)~~ strategies and measures necessary to comply with such that the Maximum Residential and Office Trip Count and Maximum Total Trip Count are not exceeded, including, but not limited to, last-mile connections to mass transit, subsidies for transit passes for employees and residents, a full-time TDM

eCoordinator, on-site support facilities and information, marketing and awareness programs, financial incentives, and car and bike share programs.

- c. The TDM Work Plan may change over time to respond to changing transportation needs and circumstances, with the objective of meeting the trip reduction goal through compliance with the Maximum Residential and Office Trip Count and the Maximum Total Trip Count. All proposed changes to the TDM Work Plan must be reviewed and approved by the Director of Planning and Development prior to implementation.
- d. A TDM Work Plan shall also be submitted with every submission of a TDM Monitoring Report. The TDM Work Plan must include a comprehensive list of the measures proposed for the upcoming reporting period, and shall be based on best practices, results of prior vehicle counts and surveys, and additional data collected by the Petitioner.

65. Enforcement

a. If a TDM Monitoring Report shows that the ~~Petitioner/Project~~ number of vehicles associated with residential or office use exceeded the Maximum Residential and Office Trip Count and/or the number of total vehicles exceeded the Maximum Total Trip Count for any consecutive three (3) days within the Reporting Period, the Petitioner shall be ~~required to~~ considered in breach of the TDM Work Plan. If the Petitioner is in breach of the TDM Work Plan:

i. Before the completion of construction of all buildings in the Project, then no further building permit or Certificate of Occupancy (temporary or final) shall be issued and any building permits already issued shall be suspended until the Petitioner submits three (3) consecutive TDM Monitoring Reports that show it is in compliance with its obligations under these Conditions.

~~i.~~ ii. After the completion of construction of all buildings in the Project, then ~~Petitioner shall~~ invest funds ~~into~~for implementation of its TDM Work Plan as follows:

1. The Petitioner shall spend \$1,500,000.00 (the *TDM Investment Amount* of \$1,500,000.00 in implementing) to implement its

- TDM Work Plan during the twelve (12) month period following submission of the first TDM Monitoring Report ~~where~~showing that the Maximum Residential and Office Trip Count and/or the Maximum Total Trip Count was/were exceeded.
2. The TDM Investment Amount shall be adjusted annually from the date of commencement of Petitioner's ~~trip reduction obligation~~obligations under Condition #62 based upon the Consumer Price Index: (CPI).
 3. ~~In addition to the~~The TDM Investment Amount, ~~during the same time period the~~ Petitioner shall also ~~expend~~further be increased by adding an ***Additional Investment Amount*** which shall be calculated as a percentage of the equal to the product of (i) the then-current TDM Investment Amount (adjusted per the CPI) equal to the and (ii) the percentage of vehicle trips exceeding the Maximum Residential and Office Trip Count and/or the percentage of vehicle trips reported overexceeding the Maximum Total Trip Count, whichever percentage is greater.

Example: if the number of actual trips was 20% more than the Maximum Trip Count, the Petitioner shall create a TDM Work Plan for the upcoming reporting period that costs at a minimum \$1.5 million + 20% of vehicle trips was only 10% more than the residential and Office Trip Counts, the Additional Investment Amount is \$300,000 and the TDM Investment Amount is to be increased to \$1,800,000 (120% of 1,500,000).

- ~~i.~~—There is no maximum cap on the Petitioner's additional investment.
- ~~iii.~~ The TDM Investment Amount and/or the Additional Investment Amount.
- ~~ii.~~iv. The TDM Investment Amount shall be expended annually until the Petitioner submits a TDM Monitoring Report demonstrating compliance with the Maximum Trip Count Residential and Office Trip Count and the

Maximum Total Trip Count for a period of twelve (12) consecutive months.

- b. If the Maximum Residential and Office Trip Count and/or the Maximum Total Trip Count is/are exceeded, the Petitioner must submit a revised TDM Work Plan for the next ~~Reporting Period~~ twelve (12) month period that shall include a narrative of how the changes to the TDM Work Plan ~~for the upcoming reporting period~~ will reduce the number of vehicular trips ~~during peak hours~~ below the Maximum Residential and Office Trip Count and Maximum Total Trip Count limits and a detailed proposal of how the TDM Investment Amount ~~and the Additional Investment Amount~~ will be spent. The TDM Work Plan and the proposal for TDM expenditures shall be ~~reviewed~~ subject to review and approved ~~ed~~ by the Director of Planning and Development.
- c. The Petitioner agrees to and shall embody these financial commitments in a contractual agreement with the City to be entered into prior to the issuance of the first building permit for a residential building in the Project, which agreement shall allow for the remedy of specific performance.
- d. Failure to comply with the Maximum Residential and Office Trip Count and/or the Maximum Total Trip Count for five (5) consecutive Reporting Periods will constitute a violation of this Special Permit/Site Plan Approval.
- e. So long as the ~~Petitioner complies with~~ vehicle trips do not exceed the Maximum Residential and Office Trip Count and the Maximum Total Trip Count, there is no minimum TDM Investment Amount required.

CONDITIONS RELATED TO TRAFFIC

59. Petitioner's Obligations Related To Vehicular Traffic Exiting and Entering the Site

a. Petitioner's Residential and Office Vehicle Trips Obligation.

i. The number of vehicle trips that enter or exit the Project and that are associated with any residential or office use of the Project (the ***Maximum Residential and Office Trip Count***) shall not exceed:

1. 262¹ vehicle trips during the weekday morning peak hours (7:00 am – 9:00 a.m.²);
2. 198 vehicle trips during the weekday evening peak hours (4:00 pm – 6:00 pm); and
3. 163 vehicle trips during the Saturday midday peak hours (11:00 am – 2:00 pm)

b. Petitioner's Total Vehicle Trip Obligation.

i. The total number of vehicle trips that enter or exit the Project (the ***Maximum Total Trip Count***) shall not exceed:

1. 396³ vehicle trips during the weekday morning peak hours (7:00 am – 9:00 a.m.);
2. 487 vehicle trips during the weekday evening peak hours (4:00 pm – 6:00 pm); and
3. 558 vehicle trips during the Saturday midday peak hours (11:00 am – 2:00 pm)

c. The Petitioner shall prepare, submit and implement a ***Transportation Demand Management Work Plan*** (the “TDM Work Plan”), in accordance with the Conditions set forth herein, that includes strategies and measures necessary to

¹ See Amended Table 8, VHB Memo dated April 16, 2019, pps. 1-2, available as Exhibit D at <http://www.newtonma.gov/civicax/filebank/documents/96743>. This table shows projected vehicle counts with *Robust Shuttle Service* unlike Table 6 from VHB Memo dated March 28, 2019 (available at <http://www.newtonma.gov/civicax/filebank/documents/96175>), which shows projected vehicle trips with *Existing Mode Share* and which was first proposed to be the base for the vehicle traffic counts by Petitioner mid-summer, on July 26, 2019.

² See Northland Transportation Impact and Access Study, October 2018, p. 19, for definition of “Peak-Period”.

³ See Amended Table 8, VHB Memorandum Dated April 16, 2019, id, pps. 1-2. See also J. Caira Statement to Land Use Committee, April 30, 2019 at 10:38 et seq. (“We had a productive meeting with Northland ... to come to consensus on what projected traffic will be and trip generation rates... We are all in agreement ... Our focus is on the total trips.”)

comply with subsections (a) and (b) hereinabove establishing the Maximum Residential and Office Trip Count and the Maximum Total Trip Count.

- d. The Petitioner has the burden to demonstrate that it is in compliance with the Maximum Residential and Office Counts and the Maximum Total Trip Count. In order to demonstrate compliance, the Petitioner shall conduct continuous vehicle trip counts in accordance with the *Trip Count Methodology* and submit *TDM Monitoring Reports*, all in accordance with the Conditions set forth herein.
60. Commencement of Petitioner's Trip Reduction Obligation
- a. The Petitioner must comply with the Maximum Residential and Office Trip Count and the Maximum Total Trip Count beginning on the date of the issuance of a Certificate of Occupancy (temporary or final) for 50% of the residential units or for 25,000 square feet of commercial (office or retail) space, whichever occurs first.
 - i. The Maximum Residential and Office Trip Count and the Maximum Total Trip Count shall be adjusted in proportion with the percentage of the Project that has been issued a Certificate of Occupancy until all units have been issued a final Certificate of Occupancy.

Example: if the Project is 50% built, the Maximum Residential and Office Trip Count shall be 131, 99, and 82 vehicles for the weekday morning, weekday afternoon, and Saturday peak hours and the Maximum Total Trip Count shall be 198, 244, and 279 for the same periods.

61. Reporting Requirements

- a. Initial TDM Monitoring Report and Trip Count
 - i. The Petitioner shall commence continuous vehicle trip counts on the date of the issuance of a Certificate of Occupancy (temporary or final) for 50% of the residential units or for 25,000 square feet of commercial (office or retail) space, whichever occurs first and shall submit an initial TDM Monitoring Report within sixty (60) days of such date.
 - ii. The continuous vehicle trip counts must be conducted in accordance with the Trip Count Methodology set forth in Condition #63 and the initial

TDM Monitoring Report must be prepared and submitted in accordance with Condition #62.

b. Subsequent Periodic Reporting

- i. Following submission of the initial TDM Monitoring Report, the Petitioner shall thereafter submit TDM Monitoring Reports every three (3) months (the *Reporting Period*) from the date of submission of the initial report.
- ii. The Reporting Period shall change to every six (6) months only after the Petitioner/Project has been fully compliant with the Maximum Residential and Office Trip Count and the Maximum Total Trip Count for four (4) consecutive three-month reporting periods following 90% occupancy of all buildings in the Project, provided that:
 1. No subsequently submitted TDM Monitoring Report shows vehicle trips exceeding the Maximum Residential and Office Trip Count and/or the Maximum Total Trip Count.
 2. Upon any submitted TDM Monitoring Report showing vehicle trips exceeding the Maximum Residential and Office Trip Count and/or the Maximum Total Trip Count, the Reporting Period shall revert to every three (3) months.
- iii. The Reporting Period shall change to every twelve (12) months after the Petitioner/Project has been fully compliant with the Maximum Residential and Office Trip Count and the Maximum Total Trip Count for five (5) consecutive years following 90% occupancy of all buildings in the Project, provided that:
 1. No subsequently submitted TDM Monitoring Report shows vehicle trips exceeding the Maximum Residential and Office Trip Count and/or the Maximum Total Trip Count.
 2. Upon any submitted TDM Monitoring Report showing vehicle trips exceeding the Maximum Residential and Office Trip Count and/or the Maximum Total Trip Count, the Reporting Period shall revert to every three (3) months.

62. Submission of TDM Monitoring Reports

- a. The Petitioner shall submit the Initial TDM Monitoring Report as specified in Condition #61.a and shall submit all subsequent TDM Monitoring Reports to the Director of Planning and Development and the Commissioner of Public Works within ten (10) days after the end of each Reporting Period, as specified in Condition #61.b. Submission dates may be adjusted slightly at the discretion of the Director of Planning and Development.
- b. The TDM Monitoring Reports shall contain the results of the required continuous vehicle trip counts in accordance with Condition #63, a description of methodology, and the qualifications of the consultant(s) performing the counts and surveys.
- c. The Petitioner shall pay the reasonable fees of any consultants/peer reviews as necessary for the Director of Planning and Development or the Director of the Transportation Division to analyze the reports.
- d. In the event vehicle trips reported in a TDM Monitoring Report exceed the Maximum Residential and Office Trip Count and/or the Maximum Total Trip Count, subsequent TDM Monitoring Reports must include a certified financial accounting of how the TDM Investment Amount was allocated and spent on implementing the approved TDM Work Plan.
- e. In accordance with Condition #64, a TDM Work Plan shall also be submitted with every submission of a TDM Monitoring Report.

63. Trip Count Methodology

- a. Continuous vehicle trip counts shall be performed by a qualified professional firm, to be approved by the Director of Planning and Development.
- b. Continuous vehicle trip counts shall separately measure (i) all vehicles entering and exiting the project site and (ii) all residential and office vehicle trips, during the weekday morning and evening peak hours and the Saturday midday peak hours.
 - i. Trip counts shall be made with continuous permanent trip counting stations at every curb cut location⁴ and shall include a method to

⁴ See: Planning Department Memorandum to Land Use Committee, dated June 14, 2019, p. 5., available at <http://www.newtonma.gov/civicax/filebank/documents/98144>.

definitively determine whether a vehicle is entering or exiting the project site for residential or office use or whether the vehicle is entering or exiting the project site for any other use.

- c. Trip counts shall be conducted continuously, in real time.

64. Approval of the TDM Work Plan

- a. Prior to the issuance of the first building permit for any new vertical construction, the Petitioner shall submit an initial TDM Work Plan to the Director of Planning and Development and Commissioner of Public Works for review and approval.
 - i. The initial TDM Work Plan shall include a detailed plan for the phase-in of Transportation Demand Management (TDM) strategies and measures.
 - ii. As feasible, TDM strategies and measures, including potential transit subsidies and options for first/last mile connections, shall begin with initial occupancy permits.
 - iii. The initial TDM Work Plan shall be fully implemented before the issuance of a Certificate of Occupancy (temporary or final) for 50% of the residential units or for 25,000 square feet of commercial (office or retail) space, whichever occurs first.
 - iv. A full-time TDM Coordinator shall be hired and shall start work no later than the issuance of a Certificate of Occupancy (temporary or final) for 25,000 square feet of commercial (office or retail) space, 12 months after the issuance of the first residential building permit, or the issuance of the first Certificate of Occupancy (temporary or final) for any residential unit, whichever occurs first.
- b. The TDM Work Plan shall set forth sufficient TDM strategies and measures such that the Maximum Residential and Office Trip Count and Maximum Total Trip Count are not exceeded, including, but not limited to, last-mile connections to mass transit, subsidies for transit passes for employees and residents, a full-time TDM Coordinator, on-site support facilities and information, marketing and awareness programs, financial incentives, and car and bike share programs.
- c. The TDM Work Plan may change over time to respond to changing transportation needs and circumstances, with the objective of meeting the trip reduction goal

through compliance with the Maximum Residential and Office Trip Count and the Maximum Total Trip Count. All proposed changes to the TDM Work Plan must be reviewed and approved by the Director of Planning and Development prior to implementation.

- d. A TDM Work Plan shall also be submitted with every submission of a TDM Monitoring Report. The TDM Work Plan must include a comprehensive list of the measures proposed for the upcoming reporting period, and shall be based on best practices, results of prior vehicle counts and surveys, and additional data collected by the Petitioner.

65. Enforcement

- a. If a TDM Monitoring Report shows that the number of vehicles associated with residential or office use exceeded the Maximum Residential and Office Trip Count and/or the number of total vehicles exceeded the Maximum Total Trip Count for any consecutive three (3) days within the Reporting Period, the Petitioner shall be considered in breach of the TDM Work Plan. If the Petitioner is in breach of the TDM Work Plan:
 - i. Before the completion of construction of all buildings in the Project, then no further building permit or Certificate of Occupancy (temporary or final) shall be issued and any building permits already issued shall be suspended until the Petitioner submits three (3) consecutive TDM Monitoring Reports that show it is in compliance with its obligations under these Conditions.⁵
 - ii. After the completion of construction of all buildings in the Project, then Petitioner shall invest funds for implementation of its TDM Work Plan as follows:
 1. The Petitioner shall spend \$1,500,000.00 (the ***TDM Investment Amount***) to implement its TDM Work Plan during the twelve (12) month period following submission of the first TDM Monitoring Report showing that the Maximum Residential and

⁵ See: Planning Department Memorandum to Land Use Committee, dated June 14, 2019, p. 5., available at <http://www.newtonma.gov/civicax/filebank/documents/98144>.

Office Trip Count and/or the Maximum Total Trip Count was/were exceeded.

2. The TDM Investment Amount shall be adjusted annually from the date of commencement of Petitioner's obligations under Condition #62 based upon the Consumer Price Index (CPI).
3. The TDM Investment Amount shall further be increased by adding an ***Additional Investment Amount*** which shall be equal to the product of (i) the then-current TDM Investment Amount and (ii) the percentage of vehicle trips exceeding the Maximum Residential and Office Trip Count and/or the percentage of vehicle trips exceeding the Maximum Total Trip Count, whichever percentage is greater.

Example: if the TDM Investment Amount is \$1,500,000 and the number of total vehicle trips for the last-submitted TDM Monitoring Report was 20% more than the Maximum Total Trip Counts, and the number of total residential and office-related vehicle trips was only 10% more than the Maximum Residential and Office Trip Counts, the Additional Investment Amount is \$300,000 and the TDM Investment Amount is to be increased to \$1,800,000 (120% of 1,500,000).

- iii. There is no maximum cap on the TDM Investment Amount or the Additional Investment Amount.
 - iv. The TDM Investment Amount shall be expended annually until the Petitioner submits a TDM Monitoring Report demonstrating compliance with the Maximum Residential and Office Trip Count and the Maximum Total Trip Count for a period of twelve (12) consecutive months.
- b. If the Maximum Residential and Office Trip Count and/or the Maximum Total Trip Count is/are exceeded, the Petitioner must submit a revised TDM Work Plan for the next twelve (12) month period that shall include a narrative of how the changes to the TDM Work Plan will reduce the number of vehicular trips below the Maximum Residential and Office Trip Count and Maximum Total Trip Count limits and a detailed proposal of how the TDM Investment Amount will

be spent. The TDM Work Plan and the proposal for TDM expenditures shall be subject to review and approval by the Director of Planning and Development.

- c. The Petitioner agrees to and shall embody these financial commitments in a contractual agreement with the City to be entered into prior to the issuance of the first building permit for a residential building in the Project, which agreement shall allow for the remedy of specific performance.
- d. Failure to comply with the Maximum Residential and Office Trip Count and/or the Maximum Total Trip Count for five (5) consecutive Reporting Periods will constitute a violation of this Special Permit/Site Plan Approval.
- e. So long as the vehicle trips do not exceed the Maximum Residential and Office Trip Count and the Maximum Total Trip Count, there is no minimum TDM Investment Amount required.

October 25, 2019

via email

Councilors Gregory Schwartz, Richard Lipof, Maria Greenberg, Jacob Auchincloss, Andrea Kelly, Christopher Markiewicz, Deborah Crossley, and Marc Laredo

Land Use Committee
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Re: Petitions #425-18 & 426-18

DRAFT BOARD ORDER – CONDITIONS RELATED TO TRAFFIC

Dear Councilors Schwartz, Lipof, Greenberg, Auchincloss, Kelly, Markiewicz, Crossley, and Laredo,

The surrounding neighborhoods continue to have significant concerns about the size of this proposed development and its impact on traffic, parking, schools, and other infrastructure. We respectfully submit the following comments regarding the Conditions Related to the Traffic portion of the draft Board Order provided by Newton’s Legal Department on October 11, 2019¹. Our suggested changes to the draft Board Order, as described in more detail below, are being separately transmitted to you contemporaneously herewith.

Total Traffic

Northland has stated that “Ultimately Northland views the primary metric of success to be trip generation.”² We agree. Therefore, trip generation metrics should measure the total trips generated onto Needham Street by the project once built not, as has been suggested, only residential and office trips. As Ms. Cairra of the City’s planning Department most appropriately explained at the April 30, 2019 Land Use Committee hearing:

We had what I think was a **productive meeting with Northland** and their consultant as well as Beta our peer reviewer last week to talk about this issue to come to a consensus on what the projected traffic will be and trip generation rates. **We are all in agreement** about what numbers those numbers will be and what we need to focus on. ... Our **focus is on total trips coming from the project once it is built**, regardless of what is there today, what was there several years ago, or what could be built there. Our focus is purely on the total number of trips coming from the project because that’s what we can count and measure to insure that they’re in compliance with any conditions that are based around that. So, the actual

¹ See Draft Board Order available at <http://www.newtonma.gov/civicax/filebank/documents/99509>

² See **Metrics/Post Occupancy Review** section of Summary of TDM Provisions dated 3/28/2019, available at: <http://www.newtonma.gov/civicax/filebank/documents/96176>

numbers for that which we've reviewed, Beta has reviewed, and **everyone agrees on the methodology**, and those numbers is 396 total trips in the weekday morning, 487 total trips in the weekday evening, and 558 trips Saturday midday. So those are the numbers we're comfortable with and we've discussed with the Petitioner going forward. (emphasis supplied)³

The Land Use Committee, and the City Council as a whole, should reject Northland's argument that only residential and office traffic should be measured because the TDM measures will be primarily successful at changing the behavior of residents and employees⁴. Too great an increase in traffic along Needham Street, and on streets in adjacent areas, will doom this project and nearby neighborhoods, regardless of whether the traffic results from residential, office, or retail use. Moreover, Northland has even claimed that the multi-use design will result in some retail users coming from the project itself or nearby residents walking or biking to use the retail facilities, which is key to their traffic reduction projections.

The 115,000 square feet of retail included in the project is substantial, and will generate a large portion of the additional traffic coming from, and going to, the site during the peak traffic hours (see Figure #1 below): approximately 33% of the weekday morning total (134/396), 60% of the weekday evening total (289/487) and a whopping 70% of the Saturday midday total (395/558)⁵. Indeed, even Northland acknowledges that "the disproportionate impact [on traffic] which commercial uses have relative to residential uses"⁶. Furthermore, the "total" numbers that the Planning Department originally referred to as an appropriate metric, are adjusted for the projected reduction in residential and office vehicle trips resulting from the TDM measures. As the Planning Department stated in its June 14, 2019 Memorandum to the Land Use Committee:

Based on the ITE generations rates for the proposed project with the 40% vehicular trip reduction the peak hour trips would be 396 in the weekday AM, 487 in the weekday PM, for a total of 883 weekday peak hour trips. The Saturday peak hour trips would be 558. If the actual count on a particular weekday was 400 AM trips and 500 PM trips, for a total of 900 weekday peak hour trips, the project would have exceeded the maximum by 17 trips (900-883=17).

³ This explanation was provided after Northland had already reduced the number of residential units to 800 and reduced the retail space to 115,000 square feet.

⁴ Northland's argument has, somewhat confusingly, been accepted by the Planning Department. Though Planning, throughout the hearing process, continued to speak in terms of "total" vehicles, it then sometimes only referenced vehicle numbers related to residential and office uses. As late as its June 14, 2019 Memorandum, the Planning Department referred to the total vehicle counts that everyone earlier had agreed should be used.

⁵ See Amended Table 8, VHB Memorandum dated April 16, 2019, "Response to Transportation Peer Review Memo Dated April 3, 2019), p. 2, available as Exhibit D at <http://www.newtonma.gov/civicax/filebank/documents/96743>. Interestingly, the numbers in Amended Table 8 are the numbers which were then referenced by Ms. Caira on April 30.

⁶ See September 5, 2019 Letter from Schlesinger and Buchbinder to Land Use Committee, available at <http://www.newtonma.gov/civicax/filebank/documents/98810>.

And, recognizing that the only sure way to capture all trips, in the same Memorandum, the Planning Department states that “continuous permanent trip counting stations” are to be placed “at every curb cut location.”

Moreover, were only “residential and office” vehicle trips used as the metric, traffic generated by ride-share services, delivery trucks, visitors to the residential and office portions of the proposed project, and other visitors to the site, such as shuttle bus patrons that live off-site and users of the splash park, would not be counted. It is therefore imperative to monitor both the total traffic generated by the site overall (to determine whether the site is matching the projected traffic impact) and the traffic generated by the residential and office components of the project (to determine whether the TDM Work Plan is working).

Our suggestion: Revise Condition #59 of the Order so that there is both a limit on the number of residential and office vehicle trips (as adjusted for the robust mode share)(Maximum Residential and Office Trip Count) **and** a separate limit on overall trip generation (Maximum Total Trip Count), not to exceed the sum of the residential, office, retail, and, implicitly, visitor traffic, and include the Saturday midday peak period. See Conditions Related to Traffic as Proposed by Right Size Newton submitted contemporaneously herewith.

Total Trip Reduction Inconsistency

Northland promised⁷ a 22% reduction in residential vehicle use and a 28% reduction in office vehicle use with the implementation of their “robust shuttle” service (see Figure #2 below). Yet Condition #59.b.i, apparently adopted from Northland’s proposed draft dated July 26, 2019, requires Northland to meet only a 20% reduction for these vehicle trips across the board⁸ (see Figure #3). Further, while Amended Table 8 (see Figure #1 below) from VHB’s April 16, 2019 Memorandum shows projected Vehicle Trips by use with *Robust Shuttle Service* (which indeed contained the vehicle trip numbers identified by Ms. Caira as referenced hereinbefore), Northland used numbers from VHB’s Table 6 from its March 28, 2019 Memorandum, which are for projected vehicle counts with “existing mode share”, as the base for acceptable traffic generation prior to applying a 20% reduction, thereby creating the inconsistency between what was promised to what is required by the Board Order.

Our suggestion: Use the proper “Robust Shuttle” projections to adjust the Maximum Residential and Office Trip Count and the Maximum Total Trip Count to reflect the reductions promised by Northland with the Robust Shuttle Service that Northland is relying on as the lynchpin of the TDM Work Plan. See Conditions Related to Traffic as Proposed by Right Size Newton submitted contemporaneously herewith.

Monitoring Issues - Timing

⁷ See Transportation Impact and Access Plan dated October 19, 2018, available at: <http://www.newtonma.gov/civicax/filebank/documents/92313> and VHB Memorandum dated March 28, 2019 (available at: <http://www.newtonma.gov/civicax/filebank/documents/96175>).

⁸ See Exhibit A to Draft Transportation Demand Management Plan, available at: <http://www.newtonma.gov/civicax/filebank/documents/98207>

Condition #59.b defines Maximum Trip Count as applicable only during the morning and evening peak hours and Condition #63.b requires trip counts to only be collected at these times. However, it is undeniable that the true impact of traffic from this proposed development will be felt at all hours of the day and all days of the week, especially the impact from residential and **retail** portions of the proposed development.

Our suggestion: Require Northland to, at a minimum, meet trip generation limits for all “peak hours,” including weekday and weekend times. See Conditions Related to Traffic as Proposed by Right Size Newton submitted contemporaneously herewith.

Monitoring Issues – Frequency

Condition #61.b.ii requires monitoring reports to be submitted every six months and further states that compliance with the Maximum Trip Count for two consecutive six-month reporting periods following 80% occupancy of the residential and office buildings reduces the reporting requirements from every six months to once per year. Further, Condition #61.b.iii contemplates reporting requirements being eliminated at some point in time. At the same time, Condition #63.g requires Northland to collect real-time vehicle data and make it available to the Director of Planning and Development upon request. Six-month reporting periods are too infrequent, especially at the beginning of the project, to adequately monitor and correct any traffic issues that arise. Given the requirement to collect data in real time, there is no reason not to require report submissions more frequently, at least initially. Further, any reduction in reporting requirements should contain a mechanism for reversal if future reports show non-compliance.

Our suggestion: Reduce the Reporting Period to three months initially, increasing to six months after a period of compliance, and increasing further to once a year upon continued compliance. The Reporting Period should be reduced back to the original length if non-compliance re-appears after the period has been extended. The reporting requirements should remain in perpetuity, so that the city can continue to monitor compliance and can collect useful data for other projects of this size. See Conditions Related to Traffic as Proposed by Right Size Newton submitted contemporaneously herewith.

Monitoring Issues – Methodology

Using transponders attached to cars that belong to residents or office users to distinguish them from other users of parking at the site will be inaccurate and overly intrusive. Since Northland has repeatedly stated that its garage spaces will be shared use between retail, office, and residential users, and that it “will not sell any reserved parking spots in the main garage,⁹” it is therefore unlikely that Northland will have limited-access sections of the garage dedicated to one particular use which would *require* a transponder to access. Without a transponder being required to gain access, a resident could therefore simply fail to attach their transponder to their car (which is likely, since no resident likes their movements to be monitored by their landlord) and this car would not be monitored. Similarly, intercept surveys, as contemplated by Condition

⁹ See Letter from Lawrence Gottesdiener to Jennifer Caira, dated April 11, 2019, p.1, available at <http://www.newtonma.gov/civicax/filebank/documents/96765>.

#63.e are an inefficient and inaccurate way to monitor traffic. Frankly, it is inconceivable that users of the site will interrupt their shopping or dining trips to stop to answer questions about their driving and parking patterns.

Additionally, gathering the trip counts over only a three-day period, per Condition #63.e, is insufficient. It is not clear from the draft Board Order whether it is the Planning Department that picks the days to conduct the counts or Northland. It is also not clear whether Northland would be given advance notice of the counts being conducted, but given the use of intercept surveys, it is likely that advance notice would be required. These limitations are inconsistent with Condition #63.g, which states that Northland shall continuously track real-time entry and exit data.

Our suggestion: Simplify data collection by monitoring every vehicle that enters and leaves the site, which will provide a true measure of the traffic impact of this project. The simplest and most accurate way of monitoring traffic is to count the numbers of cars; any other solution is bound to be less accurate and less effective. The trip counts should be collected in real-time, every day, as per Condition #63.g, at every curb cut, and the respective maximum Trip Counts shall be considered exceeded if they are exceeded for **any** three day period during the Reporting Period. See Conditions Related to Traffic as Proposed by Right Size Newton submitted contemporaneously herewith.

Insufficiency of Enforcement Options

As currently drafted, exceeding the Maximum Trip Generation numbers requires nothing more than spending additional money on the TDM plan. Even though Northland's additional investment is uncapped, in practical matters, there is, of course, a limit on how much traffic any project generates, so there is a practical ceiling on Northland's liability. When the penalty for non-compliance is limited to a financial penalty, especially one that Northland would not be required to pay to a third party, the penalty is insufficient.

Our suggestion: Once the TDM Work Plan obligations commence, condition the issuance of any building permit or subsequent Certificate of Occupancy on continued compliance with the Maximum Residential and Office Trip Count and the Maximum Total Trip Count (as adjusted for the lower number of units and square footage) in addition to the financial penalties already outlined in the draft. See attached Conditions Related to Traffic as Proposed by Right Size Newton.

Thank you,

Geralyn Coticone
Paula Kelleher
Leon Schwartz
Alan Kovacs

on behalf of rightsizenewton.org

cc: Nadia Khan



Figure 1: Table 8 Net New Vehicle Trip Generation, from 4-16-2019 VHB Memo

Ref: 12239.00
 April 16, 2019
 Page 2

Table 8 Project-Generated Peak-Hour Vehicle Trips by Use – Build Condition with Robust Shuttle Service

	Residential ^a	Office ^b	Retail ^c	Pass-By ^d	Total Net Vehicle Trips ^e	Existing Vehicle Trips ^f	Total Net New Vehicle Trips
Weekday Morning							
Enter	40	95	89	22	224	221	3
Exit	<u>115</u>	<u>12</u>	<u>45</u>	<u>22</u>	<u>172</u>	<u>56</u>	<u>116</u>
Total	155	107	134	44	396	277	119
Weekday Evening							
Enter	63	10	140	75	213	120	93
Exit	<u>46</u>	<u>79</u>	<u>149</u>	<u>75</u>	<u>274</u>	<u>248</u>	<u>26</u>
Total	109	89	289	150	487	368	119
Saturday Midday							
Enter	55	20	216	70	291	186	105
Exit	<u>67</u>	<u>21</u>	<u>179</u>	<u>70</u>	<u>267</u>	<u>163</u>	<u>104</u>
Total	122	41	395	140	558	349	209

Note: Table 8 only presents the Project-generated vehicle trips. The Project-generated transit trips and walk/bike trips are presented in Table 7.

- a New vehicle trips with internal capture and mode share credits applied.
- b New vehicle trips with internal capture and mode share credits applied.
- c New vehicle trips with internal capture, mode share, and pass-by credits applied.
- d Pass-by Credits of 25%, 34%, and 26% applied to weekday morning, weekday evening, and Saturday midday peak hour retail trip generation, respectively.
- e Sum of columns a through c.
- f Net vehicle trips that can be generated by the Site under existing conditions (from Table 3).

Figure 2: Table 4 Project Mode Share, from VHB 03-28-2019 Memorandum

Use	Vehicle	Transit	Walk/Bike
Build Condition with Robust Shuttle Service ^a			
Residential	60%	30%	10%
Office	60%	30%	10%
Retail	90%	5%	5%
Build Condition with Existing Mode Share ^b			
Residential	82%	13%	5%
Office	88%	7%	5%
Retail	90%	5%	5%

a Peak hour/peak direction mode share estimates developed with the assumption that there will be a strong usage (expected) of the shuttle system

b Peak hour/peak direction mode share estimates based on Journey to Work data from the 2010 US Census data for the City of Newton

Figure 3: Trip Reduction Percentage, from 7-26-2019 Draft TDM Plan proposed by Northland

7/9/2019 EXHIBIT A **425-18/426-18** 9.00

**Northland Needham Street
Trip Reduction Metrics**

NND Office and Residential Trip Generation

Peak Hour	Unadjusted ITE Volumes ^a	Projected Trip	
		Generation Volumes ^b	20% Total Trip Reduction ^c
Weekday Morning	459	361	289
Weekday Evening	525	275	220

a - Raw unadjusted trips for residential and office land uses independent from any external forces - from Table 2 in the 3/28/19 memo by VHB.
 b - Adjusted for trip reduction credits for internal shared trips (mixed-use development) and existing mode share characteristics in the City of Newton (88% vehicle share for office, 79% vehicle share for residential) - from Table 6 in the 3/28/19 memo by VHB.
 c - 20% trip reduction from the projected driveway volumes.

Figure 1: Table 8 Vehicle Trips by Use (with Robust Shuttle Service), from 4-16-2019 VHB Memo (available as Exhibit D to <http://www.newtonma.gov/civicax/filebank/documents/96743>)

Ref: 12239.00
 April 16, 2019
 Page 2

Table 8 Project-Generated Peak-Hour Vehicle Trips by Use – Build Condition with Robust Shuttle Service

	Residential ^a	Office ^b	Retail ^c	Pass-By ^d	Total Net Vehicle Trips ^e	Existing Vehicle Trips ^f	Total Net New Vehicle Trips
Weekday Morning							
Enter	40	95	89	22	224	221	3
Exit	<u>115</u>	<u>12</u>	<u>45</u>	<u>22</u>	<u>172</u>	<u>56</u>	<u>116</u>
Total	155	107	134	44	396	277	119
Weekday Evening							
Enter	63	10	140	75	213	120	93
Exit	<u>46</u>	<u>79</u>	<u>149</u>	<u>75</u>	<u>274</u>	<u>248</u>	<u>26</u>
Total	109	89	289	150	487	368	119
Saturday Midday							
Enter	55	20	216	70	291	186	105
Exit	<u>67</u>	<u>21</u>	<u>179</u>	<u>70</u>	<u>267</u>	<u>163</u>	<u>104</u>
Total	122	41	395	140	558	349	209

Note: Table 8 only presents the Project-generated vehicle trips. The Project-generated transit trips and walk/bike trips are presented in Table 7.

- a New vehicle trips with internal capture and mode share credits applied.
- b New vehicle trips with internal capture and mode share credits applied.
- c New vehicle trips with internal capture, mode share, and pass-by credits applied.
- d Pass-by Credits of 25%, 34%, and 26% applied to weekday morning, weekday evening, and Saturday midday peak hour retail trip generation, respectively.
- e Sum of columns a through c.
- f Net vehicle trips that can be generated by the Site under existing conditions (from Table 3).

Figure 2: Table 4 Project Mode Share, from VHB 03-28-2019 Memo (<http://www.newtonma.gov/civicax/filebank/documents/96175>)

Table 4 Project Mode Share

Use	Vehicle	Transit	Walk/Bike
Build Condition with Robust Shuttle Service ^a			
Residential	60%	30%	10%
Office	60%	30%	10%
Retail	90%	5%	5%
Build Condition with Existing Mode Share ^b			
Residential	82%	13%	5%
Office	88%	7%	5%
Retail	90%	5%	5%

a Peak hour/peak direction mode share estimates developed with the assumption that there will be a strong usage (expected) of the shuttle system

b Peak hour/peak direction mode share estimates based on Journey to Work data from the 2010 US Census data for the City of Newton

Figure 3: Trip Reduction Percentage, from 7-26-2019 Draft TDM Plan proposed by Northland (<http://www.newtonma.gov/civicax/filebank/documents/98207>)

7/9/2019 EXHIBIT A **425-18/426-18**9.00

**Northland Needham Street
Trip Reduction Metrics**

NND Office and Residential Trip Generation

Peak Hour	Unadjusted ITE Volumes ^a	Projected Trip Generation Volumes ^b	20% Total Trip Reduction ^c
Weekday Morning	459	361	289
Weekday Evening	525	275	220

a - Raw unadjusted trips for residential and office land uses independent from any external forces - from Table 2 in the 3/28/19 memo by VHB.

b - Adjusted for trip reduction credits for internal shared trips (mixed-use development) and existing mode share characteristics in the City of Newton (88% vehicle share for office, 79% vehicle share for residential) - from Table 6 in the 3/28/19 memo by VHB.

c - 20% trip reduction from the projected driveway volumes.

Figure 4: Table 6 Vehicle Trips by Use (with Existing Mode Share, meaning no TDM), from 3-28-2019 VHB Memo (<http://www.newtonma.gov/civicax/filebank/documents/96175>)

Ref: 12239.00
 March 28, 2019
 Page 9

Table 6 Project-Generated Peak-Hour Vehicle Trips by Use – Build Condition with Existing Mode Share

	Residential ^a	Office ^b	Retail ^c	Pass-By ^d	Total Net Vehicle Trips ^e	Existing Vehicle Trips ^f	Total Net New Vehicle Trips
Weekday Morning							
Enter	53	140	89	22	282	221	61
Exit	<u>151</u>	<u>17</u>	<u>45</u>	<u>22</u>	<u>213</u>	<u>56</u>	<u>157</u>
Total	204	157	134	44	495	277	218
Weekday Evening							
Enter	83	15	140	75	238	120	118
Exit	<u>61</u>	<u>116</u>	<u>149</u>	<u>75</u>	<u>326</u>	<u>248</u>	<u>78</u>
Total	144	131	289	150	564	368	196
Saturday MIDDAY							
Enter	72	30	216	70	318	186	132
Exit	<u>89</u>	<u>31</u>	<u>179</u>	<u>70</u>	<u>299</u>	<u>163</u>	<u>136</u>
Total	161	61	395	140	617	349	268

Note: Table 8 only presents the Project-generated vehicle trips. The Project-generated transit trips and walk/bike trips are presented in Table 7.

- a New vehicle trips with internal capture and mode share credits applied.
- b New vehicle trips with internal capture and mode share credits applied.
- c New vehicle trips with internal capture, mode share, and pass-by credits applied.
- d Pass-by Credits of 25%, 34%, and 26% applied to weekday morning, weekday evening, and Saturday midday peak hour retail trip generation, respectively.
- e Sum of columns a through c.
- f Net vehicle trips that can be generated by the Site under existing conditions (from Table 3).

October 28, 2019

via email

Councilors Gregory Schwartz, Richard Lipof, Maria Greenberg, Jacob Auchincloss, Andrea Kelly, Christopher Markiewicz, Deborah Crossley, and Marc Laredo

Land Use Committee
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Re: Petitions #425-18 & 426-18

Schlesinger Memorandum Dated October 23, 2019 to City Council President Marc C. Laredo. Re: Northland Newton Development

Dear Councilors Schwartz, Lipof, Greenberg, Auchincloss, Kelly, Markiewicz, Crossley, and Laredo,

Right Size Newton hereby submits the following comments regarding certain misleading claims and arguments made in the October 23 Memorandum submitted by Alan J. Schlesinger on behalf of Northland. To make it easier to follow, particular claims/arguments are followed by our comments (in [blue](#) and *italics*).

A. Memorandum Statement

In contrast to your suggestion, Northland , with the guidance of a nationally recognized TDM expert, has adopted the City's peer reviewer's recommendations that:

1. For the first time ever in Newton, a TDM plan be measured by results and not by input or resources applied; and
2. The TDM plan be focused on program elements which are controllable such as residential and office uses where TDM can be effective and not focused on retail/public uses where (i) it is likely to be ineffective and (ii) it could, in turn, threaten the placemaking objective of the development.

*Right Size Comment: Attorney Schlesinger did not annotate his claim that the City's peer reviewer, BETA, made the recommendation to **monitor** and **enforce** only residential and office related vehicle traffic. To our knowledge, BETA has never made this recommendation (see Beta Memorandum dated February 14, 2019; BETA Memorandum dated March 6, 2019; BETA Memorandum dated March 7, 2019; and BETA Memorandum dated April 3, 2019 (Attachment C*



to Planning Department Memorandum, dated April 5, 2019).

Indeed, the Planning Department's Memorandum of April 5 (available at: <http://www.newtonma.gov/civicax/filebank/documents/96257>) notes that "the **performance standard** that Northland is held to may differ depending on the type of trips: 'One question that remains is whether the performance standard is adjusted to just apply to residential and office trips, as retail trips are difficult to influence.' ...

Northland should be required to stand behind **both** their projected traffic reduction goals (for residential and office uses) and the total projected traffic generated, which includes adjusted residential and office uses and **unadjusted** retail uses....

B. Memorandum Statement

Northland has agreed to a trip reduction program as shown on Exhibit A which shows the "unadjusted" numbers for office and residential and the resulting numbers after TDM. The TDM program includes regular monitoring and reporting including, in Draft Condition 63 (f), biennial counts of total trips. You have asked why Northland should not use a metric of calculating total trips including retail and public trips with a cap on traffic generation. There are several reasons:

1. The total counts are not a reflection of the effect of NND. The pass-by trips from shoppers on Needham Street, the parkers for the splash park or the open spaces, the people who drive in to look around or turn around would all be counted but should not be. It is a core objective of NND to create a lively and active destination with a blend of private and public uses. Efforts or resulting penalties to curtail public (including retail patronage) uses will most certainly hurt the success of the project and not produce the desired benefit for the community as expressed in the Needham Street Vision. Having a good traffic count because of vacant retail space is bad, and at various times a particular use might have a different effect on different days or different times of the day.

*Right Size Comment: Planning, in its memorandum dated June 14, 2019, actually suggested monitoring all traffic entering and exiting the site with "continuous permanent trip counting stations at every curb cut location," (available at: <http://www.newtonma.gov/civicax/filebank/documents/98144>). Such monitoring would **not** count any pass-by trips, as vehicles associated with pass-by trips, by definition, neither enter nor exit the Northland site.*

Suggesting that Northland should not be responsible for traffic generated by the site's amenities (e.g. the splash park or open space), or for "people who drive in to look around or turn around" is unreasonable and illogical – the Northland project will be directly responsible for the additional traffic from these uses.

*Since no reduction in the mode split was projected by Northland’s consultants for retail vehicle trips, no reduction is being suggested by Right Size Newton’s proposed Board Order language. Northland is simply being held to the standard they themselves project based on their “Robust Shuttle Service”: 60% vehicle mode split for residential and office uses (down from 82% for residential and 88% for office use currently) and a 90% vehicle mode split for retail use, which is **exactly the same** as the existing mode split (please see Table 4 of VHB memorandum dated March 28, 2019, available at: <http://www.newtonma.gov/civicax/filebank/documents/96175>).*

If Northland is unwilling to commit to its project not generating more retail-related traffic than its projections, then perhaps Northland itself is not even confident in those projections.

C. Memorandum Statement

2. The gross count metric is not a measure of the effect of the TDM plan which is better measured by the effect on the target audience.

*Right Size Comment: Of course, the TDM purposefully seeks to only impact residential and office vehicle trips. However, the gross count metric is the **only** true measure of the impact of the project as a whole on Needham street and the surrounding area.*

D. Memorandum Statement

3. TDM will be effective as to commercial and residential tenants, but not as to retail users. The owner does not have direct relationships with retail/restaurant customers, and based on the assessments of our consultants and the peer reviewer retail customers are unlikely to participate significantly in TDM measures. Northland does have direct relationships with the office tenants, and their employees and with residential tenants, all of whom will use transponders for garage access. Entry and exit data from the transponders will be available to track office and residential traffic patterns, and Northland can communicate with the office tenants and residents and balance the TDM elements as needs arise. That is not true of either the retail or the public uses.

Right Size Comment: As noted above, since traffic is one of the main neighborhood concerns, Northland should stand behind their total traffic projections. The language proposed by Right Size Newton does not penalize Northland for failing to reduce the percentage of retail users that drive to the site, it penalizes Northland only for exceeding the projected vehicle trips for those users.

E. Memorandum Statement

4. Gross traffic generation is not an appropriate metric where trip generation

for the proposed project is smaller than a project which could be built as a matter of right. Whether the property is in the current MU-1 District or the proposed BU District, in either district about 1,479,000 s.f. of building is allowed on the site. This project is 1,403,000 s.f., so no matter what use is made, the building mass and the resulting generation are less than what is allowed, and no TDM is mandated for an “as right” development.

Right Size Comment: It is our understanding that, per Section 4.2.2.B.1 of Newton’s Zoning Ordinance, any development exceeding 20,000 square feet would require a special permit. As such, a “by right” development would be subject to City Council approval and thus a TDM could be mandated for a “by right” development, as well.

F. Memorandum Statement

5. NND is not the source of the existing Needham Street traffic congestion. Councilor Kalis cited the MAPC study that about 70% of the Needham Street traffic is cut-through traffic to Needham. The site currently holds 193,000 s.f. of vacant office to be occupied and 70,000 s.f. of retail/commercial to be replaced by 115,000 s.f. The 45,000 s.f. of additional retail/commercial space is the equivalent of one more Marshalls store – 40,000 s.f. There are 800 housing units, but we refer to Exhibit B attached from the Planning Department presentation and to the traffic reports and peer review showing that the AvalonBay property driveway is operating at LOS A. NND adds the units, which simply are not a problem, and one store the size of a junior retail box.

Right Size Comment: Even if true that 70% of Needham street traffic is pass-through traffic (and that no amount of road improvements will change this) that traffic, by definition, does not terminate at any retail, office, or residential building along Needham street. This is precisely why a project as large as Northland’s requires careful monitoring and restrictions on the total amount of traffic it generates. Northland’s proposed development will add local traffic that originates or terminates at its site. All that Northland is being asked to do is to ensure that this traffic does not exceed the projections that it provided as part of the review process.

If Northland thinks that adding 40,000 square feet of retail will not materially change the amount of traffic generated by the currently provided retail on the site, then it should have no problem committing not to exceed the ITE-derived projections it provided for such use.

The Avalon Bay property consists of 295, not 800 units and the presence-tripped signal at its entrance should be expected to operate at LOS A. Once again, if Northland is sure that the 800 units will not add significant traffic to Needham street, it should stand behind its projections.

G. Memorandum Statement

6. Northland intends to implement an expensive, targeted and effective TDM program unprecedented in Newton in order to reduce trips with a mandatory target of high effectiveness. Northland is proposing a dual counting system with both transponder and intercept surveys , so they will be able to use each method to determine the accuracy of the information and fine-tune the data over time.

Northland is dramatically addressing off-site issues by agreeing to payment of \$5,000,000 to the City specifically targeting area traffic issues. Working inside the project and outside in the neighborhood is will provide substantial mitigation of existing conditions in addition to mitigating effects of the project.

You asked whether the counts would consider employees or residents who might be using TNC's (UBER). Those people, either residents or workers, would not appear in the transponder count since they do not leave the garage, but they would appear in the intercept data. The intercept survey method has been successfully used in other projects and together with the transponder counts will provide an accurate overall picture.

The Council has pressed Northland to provide the absolute minimum of parking spaces which can serve the community, and we must all recognize that to some extent, on some days in some seasons, that will increase the use of UBER. Maybe on rainy days there are more vehicle trips, and maybe on sunny days there are fewer.

*Right Size Comment: Intercept surveys are a poor tool for collecting vehicle-trip data. Privacy concerns discourage drivers from divulging information about their destination or origin. Additionally, our busy lives tend to encourage us to walk past anyone holding a clipboard and asking questions. As Northland notes in its response, the use of TNCs (Uber and Lyft) is unavoidable and likely to increase due to the limited parking that Northland is providing on-site. TNC use is **predominantly** tied to residential and restaurant use. Very few people would commute to work by TNC and fewer still would use TNCs to access retail. It can be said with absolutely certainty that not very many people getting in or out of a TNC would stop to discuss their destination with a surveyor. These vehicle trips, which have the potential to be quite substantial as Northland concedes, would go uncounted.*

H. Memorandum Statement

Most importantly Northland has taken significant steps and made substantial changes to minimize traffic impacts including:

- (i) Reduce commercial space. We are aware this is not your first choice, but the effects are dramatic. Again, Exhibit B from the Planning Department presentation shows the

comparative effects of residential and commercial uses. 800 units of housing has the same vehicle generation as 350,000 s.f. of office and under 100,000 s.f. of retail. By reducing the retail from 237,000 s.f. in 2018 to the current 115,200, *unadjusted* retail PM traffic was reduced in the VHB reports from 1564 trips to 603 trips. The unadjusted numbers do not account for “internal” generation or “pass-by”, but as raw data the 900 vehicle difference is significant;

Right Size Comment: Northland likely, and realistically, made its own determination that it could not successfully rent 237,000 s.f. of retail space and then here, attempts to make the traffic reduction resulting from the smaller retail size greater than it actually would be. The proposed TDM plan concentrates on the weekday morning and afternoon “peak hours.” Here, however, Attorney Schlesinger uses unadjusted numbers for “PM traffic.” According to Table 2 from VHB’s memorandum dated February 14, 2019 (available at: <http://www.newtonma.gov/civicax/filebank/documents/95497>), the “peak hour” reduction in vehicle trips associated with the reduction in the size of the project is: 50 for the morning peak hour, 251 for the evening peak hour and 333 for the Saturday midday peak hour. These are reductions, as would be expected from a smaller project, but they are not anywhere near as dramatic as Attorney Schlesinger makes them seem.

I. Memorandum Statement

- (ii) Mix the uses. The reduction in traffic generation is achieved by mode share, i.e. the ability for people to connect by bicycle or transit or walking or by not having to leave at all, and by internal capture, residents who can shop at the stores and restaurants, office workers shopping and eating, and pass-by trips – people coming who are already on Needham Street and making NND one stop among others;

Right Size Comment: If Northland is confident in its mode share projections, Northland should stand behind them.

J. Memorandum Statement

- (iii) Reduce the onsite parking. The reduction in onsite parking is intended and expected to encourage a car-free or “car-lite” lifestyle. On balance and in the longer run the limited onsite parking will reduce traffic.

Right Size Comment: As Northland noted earlier, this reduction in parking could have the unintended consequence of increasing the use of TNCs, which actually generate more traffic (a TNC is usually occupied in only one direction; once a passenger is dropped off, the TNC leaves “empty” to go its next pickup). It is also likely that overflow parking from the site will end up on neighboring city streets. Making sure that the hard-fought reduction in parking negotiated by the city council is meaningful requires holding Northland to its traffic projection numbers.

K. Memorandum Statement

- (iv) Aggressive TDM Plan. TDM measures are proven effective for office and residential users, and according to Nicole Friedman, the part that works is paying people in one form or another not to drive. Northland is proposing an enormous allocation of resources to achieve a goal.

Right Size Comment: Northland has been asked, repeatedly, to identify any other development of this size, and in this type of location (i.e. not a TOD), where the vehicle mode share was reduced to the levels Northland is projecting with the use of measures proposed by Northland; Northland has been unable to identify any such development.

L. Memorandum Statement

In summary – you have asked why Northland does not simply count the drivers going in and out of NND and agree to a cap. Our response is that:

1. It is the wrong thing to measure, providing misleading information on the wrong question.

Right Size Comment: It is not wrong to measure the overall traffic impact of a project on the surrounding area; the fact is that traffic is traffic – no one sitting in gridlock thinks that the traffic is acceptable because it is “retail” traffic and not “residential” traffic.

M. Memorandum Statement

2. The worst case traffic generation scenario for the City is the as-right development.

Right Size Comment: As noted above, this is simply not the case, since a special permit would be required for any development the size of which would dramatically impact traffic.

N. Memorandum Statement

3. The City’s peer reviewer and Planning Department have proposed an innovative, targeted TDM plan with a concrete objective and concrete results, without any cap on the developer’s obligation to perform.

Northland's TDM program includes frequent free shuttle service and offers both significant financial incentives to residents and employees.

Right Size Comment It is incorrect to say that the Planning Department and the peer reviewer recommended this TDM; Northland proposed it; see above. In fact, the Planning Department initially suggested precisely the kind of monitoring that Right Size Newton is calling for: In its June 14, 2019 memo (available at:

<http://www.newtonma.gov/civicax/filebank/documents/98144>), Planning recommends: "holding the project to a maximum number of driving trips rather than conditioning specific shuttle service" and "conditioning the project to a maximum number of trips based on ITE estimates for trip generation of the proposed onsite uses and requiring compliance with this maximum in perpetuity with mitigation payments required when it is exceeded." In the same memo, Planning recommends that TDM Monitoring include: "continuous permanent trip counting stations at every curb cut location with manual counts done for verification at the end of each reporting period."

O. Memorandum Statement

4. Targeting or attempting to control the retail customers and public visitors to the site will be ineffective and counter-productive to the activity which NND wants to generate.

Right Size Comment: As noted above, there is no attempt to control the retail customers or public visitors; only an attempt to count them and make sure that the projections provided by Northland today match the reality of the impact once the project is built.

November 1, 2019

Electronically

Councilors Gregory Schwartz, Richard Lipof, Maria Greenberg, Jacob Auchincloss, Andrea Kelly, Christopher Markiewicz, Deborah Crossley, and Marc Laredo

Land Use Committee
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Re: Petitions #425-18 & 426-18

LAND USE COMMITTEE HEARINGS RE: DRAFT BOARD ORDER CONDITIONS

Dear Councilors Schwartz, Lipof, Greenberg, Auchincloss, Kelly, Markiewicz, Crossley, and Laredo:

We hereby request the following:

1. All hearings in this matter hereafter be conducted in a location that allows for video streaming (so that the public can follow along in real time).

We have been advised that people were unable to watch the full hearing this past Tuesday, October 29, when the hearing was moved out of the City Council Chamber.

2. That, in the event of further submissions by the Petitioner or the Planning Department, the public, including but not limited to Right Size Newton, be given 10 days to file a reply and that any hearing at which the new submissions of Petitioner and/or Planning are to be discussed be scheduled no sooner than the 14 days after the filing of such submissions.

Scheduling meetings within no more than 4 days after submission of documents by the Petitioner and/or Planning department denies the public, including Right Size Newton, the opportunity to meaningfully and substantively respond to the submissions, provide comments and feedback to the Land Use Committee and does not allow enough time for the members of the Committee to substantively review the Petitioner's and the Planning department's submissions or any responses thereto submitted by the public..

3. That, if Northland or its Representative(s) are allowed at a hearing to comment substantively regarding a not insignificant change to the draft Order proposed by Right Size Newton, or another member of the public, Right Size or such other member of the public, as the case may be, shall be given an equal opportunity to respond to the comment(s) of Northland or its Representative(s).

At the hearing this past Tuesday, October 29, both Northland and the Planning Department

commented extensively on their objections to the proposal regarding Traffic Conditions proposed by Right Size. Right Size should have been given, and should be given, an equal opportunity to respond in such case, at the least to the comments of the Petitioner, so that the members of the Committee can consider all the facts prior to making their decisions.

Thank you for your consideration.

Alan Kovacs
Leon Schwartz

on behalf of rightsizenewton.org

cc: Nadia Khan

November 7, 2019

via email

Councilors Gregory Schwartz, Richard Lipof, Maria Greenberg, Jacob Auchincloss, Andrea Kelly, Christopher Markiewicz, Deborah Crossley, and Marc Laredo

Land Use Committee
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Re: Petitions #425-18 & 426-18

DRAFT BOARD ORDER –TRAFFIC FINDINGS

Dear Councilors Schwartz, Lipof, Greenberg, Auchincloss, Kelly, Markiewicz, Crossley, and Laredo,

A further review of the last Draft Board Order, submitted to you by the City’s Law Department on October 25, 2019, indicates that the section entitled “Traffic Findings” may need to be modified. In order to insure that any conditions related to traffic, and specifically designed to reduce traffic impact from the development, are reasonably imposed, that section of the Order should make reference to the fact that the development will have significant impact on traffic, and thus congestion, on Needham Street, and nearby streets as well. Therefore, we propose that the first sentences of Section 17, be changed to read as follows:

The Council notes that transportation planning has played a significant role in the Council’s deliberations of the Project. The mix of uses proposed on the site, facilitated by the rezoning, minimizes the number of parking stalls necessary and **may mitigate some of** the traffic impacts from the project. **The Council notes that, based on the projections of the Petitioner, the project likely will have significant impact on the traffic on Needham Street, and nearby streets.** The Council **also** notes, **however**, that a development built under existing zoning **would could** exacerbate weekday peak hour traffic conditions on Needham Street well beyond what the Project contemplates, and would likely not provide the same level of amenities or open space that are provided with the Project.

Furthermore, given the discussions at the Land Use Committee meeting held on October 29, 2019, it would be incorrect to state that the traffic generation projections provided by the



Petitioner are a fair and reasonable projection for the Site, especially in respect of the retail-related traffic projections, which both the Petitioner and the Planning department described as inaccurate. Therefore, we propose that the Section 19 be changed to read as follows:

The Council finds that the Petitioner has provided a projection of project-generated traffic ~~which is a fair and reasonable projection for the Site~~ and that the Petitioner has further agreed to implement, supplement and/or revise the traffic demand management plan so as to achieve a traffic generation within the projected amounts.

Thank you,

Alan L. Kovacs
Leon Schwartz

on behalf of rightsizenewton.org

cc: Nadia Khan



November 15, 2019

Marc Laredo, President of the City Council
 Members of the City Council

Re: Fiscal Impact Analysis of Northland Development Proposal

Dear President Laredo:

I am concerned that the City Council does not have accurate information regarding the fiscal impact that the Northland development will have on city finances.

In response to a public records request submitted on Oct. 1, 2019, yesterday I received a number of documents including the attached memo from TischlerBise consultants to Barney Heath dated July 24, 2018. TischlerBise was hired by Newton to analyze the costs and benefits of redevelopment along the Washington Street corridor. The content of the attached memo addresses the student generation rates (SGR) associated with multi-family housing and therefore it has direct applicability to the fiscal impact analysis of the Northland development proposal.

Figure 1 in the attached memo presents the recommended student generation rates per unit by unit size. The table below shows the TischlerBise recommended rates as applied to the 800 unit development proposed by Northland.

	Studio	1 Bedroom	2 Bedroom	3 Bedroom	TOTAL
Northland Proposal	80	360	320	40	800
SGR *	.089	.055	.634	.486	
Estimated Enrollment	7	20	203	19	249

* TischlerBise memo, July 24, 2018

Figure 3 in the attached memo documents that Newton’s experience with multi-family units is that they have an SGR of .381 per unit. Excluding the 80 studio units, using this alternative methodology, the Northland proposal would generate a public school enrollment of 274 students (720 units x .381).

Based on the TischlerBise memo, the projected enrollment in the Northland proposal will be 111 to 136 students higher than the 138 student enrollment projection contained in the fiscal impact analysis prepared by Fougere Planning & Development and submitted by Northland Development. Assuming for the moment the average cost per student of \$14,383 used in the Northland fiscal impact analysis, Newton will incur additional educational expenses of between

1.60 million and \$1.96 million. This more than offsets the projected net increase in new revenue of \$1.2 million claimed by Northland.

As is customary in fiscal impact analysis reports, future capital spending necessitated by the increased public school enrollment is not included in the report.

The new projected educational costs associated with the Northland proposal raise serious questions regarding the fiscal impact it will have on the City's finances. Before the City Council votes to approve this 800 unit development, we believe it should make sure that the city's finances will not be undermined. Therefore, we strongly recommend that the Northland proposal be returned by the City Council to the Land Use Committee for further study.

Sincerely,

A handwritten signature in black ink that reads "Randall Block". The signature is written in a cursive style with a large, prominent initial "R".

Randall Block
RightSize Newton

TO: Barney Heath, Director of Planning and Development, City of Newton

FROM: Julie Herlands, Wilson Henry, TischlerBise

DATE: July 24, 2018

RE: Newton Student generation rates

Summary:

In order to project the additional cost incurred by Newton Public Schools due to redevelopment along the Washington Street Corridor, TischlerBise has calculated new student generation rates for the City of Newton. This analysis draws on data from the City of Newton, previous studies in Newton and/or nearby communities, and the US Census's Public-Use Microdata Samples (PUMS) to generate the recommended student generation rates shown below.

Figure 1: ADJUSTED LOCAL SGR BY SCHOOL LEVEL (RECOMMENDED)

	<i>Elementary</i>	<i>Middle</i>	<i>High</i>	<i>Total</i>
MF: Studio	0.041	0.020	0.028	0.089
MF: 1-BR	0.025	0.012	0.017	0.055
MF: 2-BR	0.290	0.143	0.202	0.634
MF: 3+-BR	0.222	0.109	0.155	0.486

Analysis/Findings:

Given the character plans for redevelopment along Washington Street, this analysis is primarily interested in determining student generation rates (SGRs) for multifamily residential developments. According to data from the City of Newton, the student generation rate for two and three family units is 0.613 public school students per unit.

Figure 2: CITY DATA

	<i>Units, FY2018</i>	<i>Newton PS Students, 2017</i>	<i>SGR</i>
Single Family	16,959	8,045	0.474
Condo	5,007	1,513	0.302
Two/Three Family combined	3,029	1,856	0.613
Two Family	2,757	N/A	N/A
Three Family	272	N/A	N/A

Additional data from Newton Public Schools provides the number of multifamily buildings in the city (apartment and mixed use) and public school students generated by these buildings. Using an estimation of multifamily housing units from RKG Associates' housing study and student count from Newton Public Schools, TischlerBise calculated an overall multifamily residential student generation rate of 0.381 public school students per unit.

Figure 3: CITY DATA

	Buildings	Newton PS Students	SGR
Apartment Buildings	153	588	N/A
Mixed Use	238	377	N/A
Total	391	965	N/A
	Units	Newton PS Students	SGR
Multifamily*	2,530	965	0.381

* Estimated from RKG study (all multifamily but 2-3 units and condos)

According to data from Newton Public Schools' Enrollment Report, the average student generation rate from recent multifamily developments in Newton and demographically similar communities is 0.353 public school students per unit. This calculated SGR closely follows the rate calculated with City data and the RKG estimate shown in Figure 3, 0.381. This information, however, does not provide an understanding of the variation between studios, 1 bedroom units, 2 bedroom units, and 3+ bedroom units.¹ To determine how bedroom count might impact multifamily student generation rates, TischlerBise looked to previous studies in nearby communities and PUMS data.

Figure 4: NEWTON PUBLIC SCHOOLS ENROLLMENT REPORT MULTIFAMILY PRECEDENTS

	Units	Newton PS Students	SGR
Avalon at Newton Highlands	294	108	0.367
Avalon at Chestnut Hill	204	80	0.392
Arborpoint at Woodland Station	180	51	0.283
Total/Avg	678	239	0.353

¹ The Enrollment Report does include three SGR ratios by size of unit; however, per discussions with School Department staff, the weightings are from older studies and there is opportunity to further update.

The Brookline study provides residential program mixes by unit type for a number of multifamily developments and the resulting students. Using this data, TischlerBise calculated student generation rates for multifamily units by bedroom count. The overall student generation rate based on these comps is 0.298 public school students per household, slightly lower than the overall student generation rate calculated using Newton Public Schools' data.

Figure 5: BROOKLINE STUDY MULTIFAMILY COMPS

	SGRs					
	Studio	1-BR	2-BR	3-BR	4-BR	SGR Overall
40 Centre St	0.000	0.143	0.500	0.800	0.000	0.275
420 Harvard	0.000	0.000	0.462	0.800	0.000	0.400
111 Cypress	0.000	0.075	0.486	0.900	0.000	0.303
Waldo/Durgin	0.000	0.083	0.489	0.844	1.667	0.306
455 Harvrd	0.000	0.083	0.333	1.000	0.000	0.235
134 Babcock	0.000	0.083	0.500	0.875	0.000	0.161
1200 Beacon (Holiday Inn)	0.000	0.085	0.489	0.000	0.000	0.195
21 Crowninshield	0.000	0.000	0.000	0.875	0.000	0.875
Hancock Village	0.000	0.084	0.495	0.833	0.000	0.338
Total	0.000	0.083	0.490	0.851	1.667	0.298

Using PUMS data, TischlerBise calculated student generation rates by bedroom count for three possible definitions of multifamily housing (depending on the envisioned intensity of development along Washington Street). The average SGR for each definition of multifamily housing, however, fell significantly below the overall student generation rate of recent multifamily residential developments in the area, 0.353, as shown in Figure 4.

Figure 6: PUMS DATA (ADJUSTED)

Units in Building	Studio	1-BR	2-BR	3+-BR	WtAvg
5+	0.034	0.021	0.242	0.185	0.135
10+	0.029	0.021	0.248	0.149	0.129
20+	0.032	0.019	0.223	0.099	0.110

Seeking a middle ground that would include an average multifamily SGR matching that calculated using Newton Public Schools' data, 0.353, as well as different rates by bedroom count, TischlerBise used the PUMS SGR findings to determine how SGR by unit bedroom count compared to its corresponding weighted average.

Figure 7: PUMS SGR AS A % OF WEIGHTED AVG

Units in Building	Studio	1-BR	2-BR	3+-BR	WtAvg
5+	25%	16%	180%	138%	100%
10+	23%	16%	192%	116%	100%
20+	29%	17%	203%	90%	100%

TischlerBise then applied these ratios to the student generation rate of recent multifamily residential development projects in the Newton area, 0.353, displayed in Figure 4.

Figure 8: ADJUSTED LOCAL SGR BY BEDROOM

<i>Units in Building</i>	<i>Studio</i>	<i>1-BR</i>	<i>2-BR</i>	<i>3+-BR</i>	<i>WtAvg</i>
5+	0.089	0.055	0.634	0.486	0.353
10+	0.080	0.058	0.678	0.409	0.353
20+	0.104	0.060	0.715	0.316	0.353

Applying each school level's share of total 2018 Newton Public School enrollment to the 5+-unit student generation rates in Figure 8, TischlerBise calculated multifamily student generation rates by bedroom count at the elementary, middle, and high school levels.

Figure 9: ADJUSTED LOCAL SGR BY SCHOOL LEVEL (RECOMMENDED)

	<i>Elementary</i>	<i>Middle</i>	<i>High</i>	<i>Total</i>
Enrollment	46% (5,824)	22% (2,868)	32% (4,058)	100% (12,750)
	<i>Elementary</i>	<i>Middle</i>	<i>High</i>	<i>Total</i>
MF: Studio	0.041	0.020	0.028	0.089
MF: 1-BR	0.025	0.012	0.017	0.055
MF: 2-BR	0.290	0.143	0.202	0.634
MF: 3+-BR	0.222	0.109	0.155	0.486

While TischlerBise's recommended SGRs satisfy many of model needs, there is no distinction between market and affordable units. For further reference, the Belmont study shows significantly higher student generation rates for affordable units compared to market units. While using student generation rates from nearby multifamily projects to estimate additional students from the University Station development, the average SGR for a market-rate 2-bed unit was 0.110 public school students per unit, compared to 0.400 public school students per unit for affordable multifamily housing.

Figure 10: BELMONT STUDY MARKET/AFFORDABLE COMPS

	<i>SGR</i>		<i>University Station</i>		
	<i>2-BR market</i>	<i>2-BR affordable</i>	<i>Students in 2-BR market</i>	<i>Students in 2-BR affordable</i>	<i>Total</i>
Powder Mill Sq 40B Andover	0.068	0.400	19	20	38
Charles River Landing 40B Needham	0.081	0.400	22	20	42
Avalon Ship Yard 40B Hingham	0.150	0.400	41	20	61
Avalon Newton Highlands 40B Newton	0.140	0.400	39	20	58
Average	0.110	0.400	30	20	50
				University Station Overall SGR	0.154



November 26, 2019

Marc Laredo, President of the City Council
Members of the City Council

Re: Fiscal Impact Analysis of Northland Development Proposal

Dear President Laredo:

The Nov. 22, 2019 memo from the Planning and Development Department to the City Council refers to the school enrollment questions I raised in my Nov. 15, 2019 letter to the City Council.

The Planning and Development Department's memo states incorrectly that application of the TischlerBise Student Generation Rate "would result in a total of 218 students for Northland". My Nov. 15 letter shows that the TischlerBise Student Generation Rate methodology results in a projection of 249 students, not 218 students.

The Planning and Development Department's memo concludes its paragraph on this topic stating "The School Department continues to refine the student generation rates based on new information and data." We understand that the School Department plans to explain changes to the Student Generation rate methodology in the Enrollment Analysis Report for 2019-2020 which is scheduled to be released on Dec. 4, 2019.

The question of how many public school students will eventually live in the proposed 800 unit development is central to a proper evaluation of its fiscal impact on the city. The Planning and Development Department's memo does not refute the TischlerBise recommendation which is the most recent and most sophisticated analysis that the city has received to date. Furthermore, data from the Avalon-Newton Highlands development also on Needham Street casts further doubt on the accuracy of the 138 public school students projected by Northland. The most recent Enrollment Analysis Report from the School Department indicates that the Avalon-Newton Highlands complex with 552 bedrooms generated a five-year average of 103 public school students. Northland's development will have more than double the number of bedrooms at 1,120 but the student enrollment projection is only 34% above the Avalon-Newton Highlands data. This calculation strains credulity and should raise questions about the Northland plan among those who are concerned about Newton's finances.

We believe the fiscal impact analysis of the Northland plan needs a thorough review which will likely benefit from additional information from the School Department in its upcoming Enrollment Analysis Report for 2019-2020. Consequently we renew our recommendation that the Northland proposal be returned by the City Council to the Land Use Committee for further study.

Sincerely,

A handwritten signature in black ink that reads "Randall Block". The signature is written in a cursive, slightly slanted style.

Randall Block
RightSize Newton

The City of Newton will hold a Special Municipal Election on March 3, 2020, the same day as the Massachusetts Presidential Primary Election. Voters will have an opportunity at the Election to vote on a ballot question to either approve or repeal a measure passed by the City Council that changes the zoning district of parcels of land located at 156 Oak Street, 275-281 Needham Street and 55 Tower Road, commonly known as the site of the Northland Project.

The ballot question asks whether voters will approve an amendment to Newton's Official Zoning Map that changes the zoning of the Northland site from the Mixed Use 1 District to the Business 4 District. The zoning change was voted upon and passed by the City Council on December 2, 2019. The zoning change allows for the construction of the Northland Project under a Special Permit and Site Plan Approval approved by the City Council.

The approved Special Permit provides detailed findings by the City Council and imposes conditions upon the Northland Project. Under the Special Permit, the Northland Project will redevelop the existing industrial/commercial parcels of land along Needham Street (referenced above) into a development that has a mix of uses. The Project will include residential units, a percentage of which will be affordable at various income levels; retail and commercial space; office space; and public open spaces and parks. The zoning change is required for the Northland Project to be constructed as approved by the Special Permit.

A **“YES”** vote on this question would allow the zoning change that was passed by the City Council to take effect, and the Northland Project, as approved in the Special Permit, may be constructed.

A **“NO”** vote on this question would stop the zoning change that was passed by the City Council from taking effect, and the Northland Project, as approved in the Special Permit, may not be constructed.

A copy of the Special Permit and other materials related to the Northland Project, including plans, renderings and memoranda, can be found on the City's website. The following link will direct you to the Planning Department's Northland page:

www.newtonma.gov/northlandproject