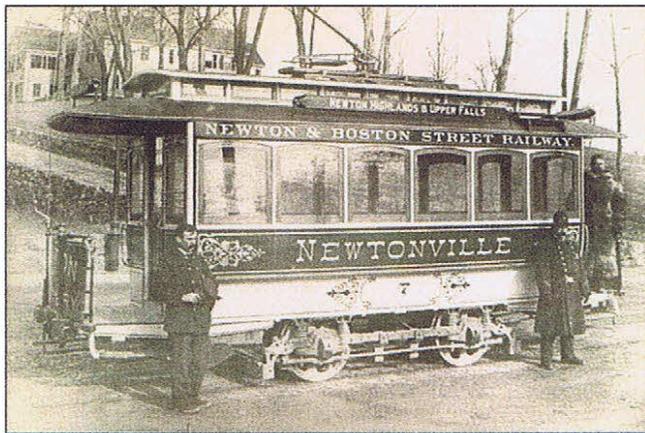


2011

## The JAPG Report Austin Street Parking Lot



THE ORIGINAL TRANSIT ORIENTED DEVELOPMENT

June 20, 2011

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**June 20, 2011**

**I wish to thank all of the members of the JAPG for their work over the last 90 days. The values that are contained in this report reflect the values of the people of Newton who come together for the common good. This report and the work it represents would not be possible without people who love Newton and its environs.**

**Looking to Newton's future, we must make sound choices that will provide for the prosperity of all.**

**Jack M Leader**

## **INTRODUCTION**

The Austin Street parking lot Joint Advisory Planning Group (JAPG) was tasked to provide a vision of how reuse of this site might be catalytic in improving the future of Newtonville Village. Our group, comprised of 14 very thoughtful citizens of Newton, of which 7 were appointed by the Mayor and 7 by the Aldermen, including several direct abutters of the Austin St Parking Lot. The JAPG sifted through numerous preliminary reports and studies and engaged in wide ranging discussions regarding the Austin Street parcel. The point of this exercise was to make thoughtful recommendations to the Mayor and the Board of Aldermen regarding the future use of this valuable city resource.

After looking at such issues as commercial space, housing, infrastructure, open space, parking, physical design and zoning the JAPG has concluded that more than any other single criterion the capacity for this project to serve as the spark that lights the fire of rejuvenation in the Newtonville Village is paramount to all other issues influencing this project.

What should be built there?

The site can and should accommodate an exemplary mixed use development. The reuse would be dominantly housing, but importantly would also include one or more non-residential uses that would attract people to and enliven the vicinity. Parking to serve both new and existing demands would be a major part of the complex, likely divided between some surface and more structured parking. In essence, development would rebuild an urban environment within the confines of a village square that is already a transportation center. The building should reflect these strongly supported desires, among others (see page 7):

- An outcome that succeeds in attracting people to and enlivening the area
- Affordable housing that well serves the City's objectives
- An architectural design that would be both
  - Appealing and
  - Compatible in Scale
- A development that is likely to be physically, financially and politically feasible.

A portion of the residential piece of this project will be allocated to serve the low and moderate income base and at the same time attract the growing population of retirees that do not want to leave Newton, but rather need to downsize from their current dwellings. The City of Newton has expressed and devoted considerable time and money in making low and moderate income housing a high priority and this spot, the Austin Street parking lot, is just about perfect. This development will bring Newton a step towards the density that existed in Newtonville Square before it was destroyed by the Mass Pike extension 50 years ago. (see Appendix A)

We believe that Newton has a sense of obligation to utilize assets and tax dollars to create economic development and prosperity. The Austin St development can be an extension of those values. This development can be a transition; an opportunity to create an urban environment in a suburban setting. Public transportation is readily available. New citizens who commute to Boston and retirees who do not want to drive can easily live in Newtonville without owning a car. Grocery stores, drug stores, banks and places to meet other daily needs can be found within easy walking distance. Urban areas often have diverse social and cultural environments as well. Those beneficial conditions can be re-established in Newtonville.

And as gasoline hovers around \$4 a gallon, we believe there is growing desire to live in an urban environment without living in a major city. The Mayor and the Aldermen have an opportunity on this project, right here, right now to incrementally change the process of land development and how Newton does business by being proactive and deciding up front what should go on this site, rather than being reactive. To this end, what follows is our groups' agreed upon vision, discussion points and suggestions for the property.

## **FINDINGS AND RECOMMENDATIONS**

The City's determination to provide for the re-use of the Austin Street Parking Lot is principally focused on its potential contribution towards transforming Newtonville's village center into much better place. Achieving "Excellence in Place-Making" is essential to a successful project (see Chapter 2 of that name in the 2007 *Newton Comprehensive Plan*). These are important means by which that outcome might be achieved.

### **PHYSICAL DESIGN**

- The development, including building design and siting, must be compatible with its context, importantly including but not limited to compatibility in visual scale. Since buildings of four or more stories may be essential to achieve all programmatic requirements, meeting the compatibility requirement will require skill and sensitivity in both programming and physical design.
- The required street setback line should be considered as the build-to line for at least a portion of any building's length, with a substantial share of the first floor façade providing visibility from the sidewalk or paths into building interiors, and providing no fewer than three doorways or other pedestrian entrances into buildings or other public areas from Austin Street.
- The development must robustly serve the City's intent expressed at Zoning Section 30-24(d)(5) that, "the site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy."
- Similarly, site planning, building design and landscaping must be shaped with sensitivity to privacy on adjoining properties.

### **HOUSING**

- No fewer than 18 housing units shall be included. More units would be welcomed. No maximum number of housing units has been identified, other than as dictated by the site, zoning requirements, and other spatial demands.
- No fewer than 25% of the dwelling units shall restrict resident income eligibility at or below 80% of the Area Median Income, assuring that those units will be eligible for "counting" in the State's Subsidized Housing Inventory that is the basis for determination of community status re Chapter 40B. The City would welcome additional income-restricted units, some of which might be targeted to those households having incomes up to 120% of the Area Median Income provided that the proposal is consistent with the provisions of Newton's Inclusionary Zoning, particularly the definition of "inclusionary units" at Chapter 30-24(f)(1). The City will facilitate developer's efforts to secure financial assistance to provide the affordability shares.

- No fewer than one unit or, if larger, 5% of the total number of housing units shall be constructed to be adaptable for full accessibility for a person having a mobility disability. All units in the development shall be “visitable” by such a person, assuring wheelchair access into the dwelling and to essentials within it such as a bathroom.
- No set mix of units (i.e. one-, two- and/or three- bedrooms) or tenure (rental or sale) or type (e.g. elderly) is mandated. The Developer must indicate the contemplated tenure and mix of dwelling unit sizes and be prepared to demonstrate the market need for them.

## ENLIVENING USES

- A key City intention for the development of this site is that it should bring enlivenment and added vitality to the Newtonville village center, benefitting not only those who occupy the site but others, as well, including nearby businesses and residents. As one element in meeting that intention, the development must be designed to include at least 5,000 square feet of flexible floor area for uses that would draw non-residents to the vicinity over a range of hours that include the evening. Any of many potential types of use might meet that intention, ranging from retail sales and services to community arts activity. The design should reflect the likely changes in such uses over time.

## OPEN SPACE

- At least 5% of the development parcel area shall be open space benefitting either or both occupants of the site and the broader vicinity. The creation of a public outdoor gathering space, such as that in Newton Highlands at Lincoln and Hartford Streets, is an admirable local example. In applying for selection, potential developers should provide a plan illustrating how they would address this intention, including enhanced connections with offsite places and amenities, and illustrating how the open space can complement the uses described above in adding to the vibrancy of the village center.

## PARKING

- The development must provide at least 85 public parking spaces, a rule that was a condition of the space being made available for sale or lease.

This requirement, coupled with others below, means that accommodating all of the functionally needed and required parking will necessitate some amount of structured parking below and/or above grade, which in turn means that more development than otherwise will be needed to support the cost of structured parking.

- The development must accommodate all of the parking demand from mixed-use development on the site and continue to serve all of the other parking demands currently being served on the site, using contemporary parking management approaches to reduce the necessary number of parking spaces.
- The necessary number of parking spaces per dwelling unit or per 1,000 square feet of floor area in non-residential uses will depend upon the housing types (e.g. senior or not) and sizes (e.g. number of bedrooms) and on parking management approaches as contained in developer proposals, rather than on numerical ratios to be stipulated in the RFP. Approval on that basis will require special permit approval by the Aldermen in the likely event that the number of spaces proposed above the 85 public spaces falls below the specifications of the Newton Zoning Ordinance.

## INFRASTRUCTURE

As a condition of being awarded use of this site, the developer will be expected to contribute to the planning for and financing of improvements to the community infrastructure that supports it. To the extent feasible, the City should perform initial explorations in order to scope what those improvements are likely to entail, and to clarify how the resultant costs are proposed to be shared among the City, the developer, and possible third parties. The types of infrastructure include the following.

- Redesign and reconstruct the Austin Street/Walnut Street/Newtonville Avenue intersection(s) to improve upon the present level of service and safety for motor vehicles, bicyclists and pedestrians.
- Redesign streetscape on the south side of Austin Street, removing unwanted trees and other landscaping materials. All landscape work shall follow the guidelines of the Newton Tree Manual and be approved by the Newton Urban Forester and the Newton Tree Commission. Plant species selected shall tolerate urban pollution and soil compaction, thrive in Austin Street's specific site conditions, and add to the City's species diversity goals. Employ current urban tree planting methods such as continuous tree pits, grouped plantings, and permeable pavements.
- Upgrade water, sewer, gas and electric service such that the present level of service will be maintained after service to new buildings and activities has begun, with a preference for undergrounding of cable utilities along Austin Street across the frontage of this property.
- Stormwater management provisions to meet all City requirements.

## ZONING

- The site should be rezoned to B-4 district, since no other district can accommodate the range of uses and dimensional needs for good usage of this site

without reliance on a PMBD overlay. Foreseeable development is not expected to utilize the whole building envelope which that zoning district allows.

- Rezoning should be acted upon by the City prior to the RFP being sent out in order to provide regulatory certainty to developers.

Members noted that one or more special permits will inevitably be required for the development of the site.

## DEVELOPER SELECTION AND AGREEMENTS

- Developer selection should be based not only on what the developer offers in financial terms but also on other specified considerations. An illustration of how information about that might be gained from applicants is noted below.
- The financial considerations in the selection should include a quantification of each proposal's direct and indirect impacts on municipal costs and revenues over some stated period, perhaps ten years. The fairness of that consideration would be enhanced if the impact estimates for each proposal could be measured using agreed-upon base information about costs and revenues related to development in this City and the use of a common model for making the estimates, such as that currently being developed by the Economic Development Commission.
- The Agreement with the City will set forth the business terms of the relationship between the City and the Developer, including without limitation the terms for the sale or lease of the property, sub-division if needed, estimated project costs, responsibilities of each party, and parking management.
- Rights to the site will expire if construction does not begin within two years from the date the Developer's Agreement with the City is signed.

## MECHANICS OF DEVELOPER SELECTION

Developer selection should not be based upon a single consideration, such as how much the developer is willing to pay for the site, since the City's interest in reuse of this site is motivated by much more than just a one-time revenue gain. However, assessing applicants over an array of considerations is difficult, especially in a case such as this where the potential gain for developers is not large enough to warrant asking them to submit complex applications simply in order to be considered for the project, such as submitting a design and specifications to be weighed in an open competition.

In light of that, the Request for Proposals might ask for the applicants to describe their potential approach to the project in a way allowing comparisons across them but without requiring the depth of information that would be required for a submittal to a design competition. They might be asked to describe the following.

- A. The development team: the developer(s) and any other committed participants, such as architects, landscape architects, attorneys and marketing consultants.

- B. The development concept: the initial uses to be accommodated, and the approximate allocation of floor and site area among them; sources for financial support, if any, and (if the City is then open on this) preference regarding ownership versus leasing of part of or the entire site, and role regarding ownership and management of parking facilities and open areas.
- C. The number, size, affordability level, and tenure of dwelling units.
- D. Indication of how their team and development concept would address each of the most important qualities which are being sought, as agreed upon by the JAPG members. Shortly before completing this report, members of JPAG identified eight attributes of development on this site that would most importantly contribute to achieving what is sought, and then were surveyed regarding the relative importance of those items to each other. Each member was given five votes, and allowed to put not more than two votes on any one consideration<sup>1</sup>. These were the results, listed in descending order by votes (in parentheses).
- How well the development succeeds in attracting people to and enlivening the area (14).
  - Architectural design that would be appealing (12).
  - Affordable housing that well serves the City's objectives (11).
  - Design that is compatible in scale with its context (10).
  - A project that is likely to be physically, financially, and politically feasible (9).
  - Open space that is appealing (3).
  - Net fiscal benefits for the City (2)
  - Contribution to the efficient use and conservation of natural resources and energy (1).
- E. Background information on the members of the development team, including their successful experience with similar efforts (2).

Submittal of graphic submittals is encouraged but not required as a way of illustrating how applicant's concepts for this site and experience might illustrate successfully addressing the above listed qualities.

With that information, City staff with assistance from the City's various departments and advisory committees should be able to objectively assess in broad terms the relative strengths and weaknesses of the applications regarding each of the considerations being weighed. Following that, those applicants judged by the Aldermen to be most likely to provide a reuse that well meets the City's interests would then be invited for an

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<sup>1</sup> A ninth item (dealing with qualities of the developer's team) was also identified and included in the survey, getting two votes, as noted later at item E..

interview, following which its recommendation to the Mayor regarding a selection of developer would be made by vote.

#### **MATTERS FOR CITY CLARIFICATION PRIOR TO AN RFP**

There are a number of matters that should be resolved or clarified by the City prior to issuance of an RFP. These are among them.

- **Preparation of a property map.** A physical survey of the parking lot was made last year, but it does not show property or easement lines. Such site information is essential for those preparing proposals for its use.
- **Resolution of major regulatory questions, including the status and handling of Philip Bram Way.** Conflicting oral statements have been provided regarding the legal status of that way, which could have a major impact on potential site designs. In addition, some uncertainties regarding applicability of certain zoning provisions have been identified and should be clarified<sup>2</sup>. For example, there is no language in the Newton Zoning Ordinance that specifies how the required lot area is to be determined where both commercial and residential uses are proposed on the same lot.
- **Determination of whether the entire parcel is to be sold or leased to the developer, including Philip Bram Way (which could powerfully affect building setback on the east end of the parcel and, perhaps, the street setback).** The JAPG members, after brief discussion, strongly supported conveyance of the entire parcel, with access over its east end assured through an easement or other permanent restriction.
- **Resolution of the legality and favorability of the various options available regarding sale or lease of the property, in part or in whole, public or private management of the public parking, and public versus private financing for various elements of the development, including availability of and eligibility for state or federal financial support, and limitations upon the use of municipal general revenue bonds.**
- **Determination of how to provide for the function of the Goodwill trailer which for many years has occupied a small part of this site.**
- **Clarification of what the elements of the public/private partnership are to be.** The City should clearly identify its participation: there are a lot of "asks" for the private developer, and some of this work should be provided by the City.

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<sup>2</sup> See memos such as P. Herr to Zeren, Tapper & Leader, "Austin Street Municipal Parking Lot Setbacks," May 27, 2011; and HAPI memos "Mixed-Use Friendly Zoning," October 22, 2009, items 4, 5 and 6; "Zoning Dimensional Regs and Mixed Use Development," August 14, 2009; and "Section 30-15 Table 3 Conflicts and other Technical Issues," October 22, 2009..

## **“OUTSIDE THE BOX” CONSIDERATIONS**

As has been true with others who have examined potentials for this site, JAPG members raised a number of considerations that were beyond the scope of reuse of this site, but which might merit exploration at some later point. These are among them.

- **Incorporation of additional properties into the development.** There may be engaging opportunities for development on nearby sites potentially made feasible were the parking lot development to include or in some way interconnect with them. With a larger geographic scope, the objectives being pursued through this development might be even better served than is possible when development is confined to just this one site, as is now the case.
- **Linkage with non-contiguous locations off-site for realizing some of the functions sought through development, perhaps akin to the provisions of the City’s inclusionary zoning allowing linkage to off-site affordable units.**
- **Circulation changes.** Among the potential changes that have been suggested is to make Austin Street and Highland Avenue into a one-way pair, such as Austin westward and Highland eastward, or closing Austin Street somewhere west of the parking lot, creating two two-way cul-de-sacs.

## APPENDIX A: WHERE WE ARE COMING FROM

Newtonville Square did not arrive whole as we now find it. It started as a TOD, Transportation Oriented Development. In the beginning there was the railroad:

“A rail line that connected to the Charles River Railroad at Brookline was laid out through Newton Upper Falls in 1852, and with this direct link the village thrived - - and the railroad, rather than the river, became the new magnet for attracting factories and businesses. By 1886 the Boston and Worcester had merged several lines to become the Boston and Albany Railroad, and built a circular line. The main line through Newton Corner, Newtonville and West Newton was connected to the southern line, called the Highland Branch that ran from Brookline to Riverside. New stations were built at Woodland, Eliot, and Waban. The Circuit Railroad started a residential boom in Newton that continued up to World War I.

“As the farm fields were divided into suburban streets lined with homes, horse-drawn trolley lines reached out from the depots to cast a transportation network over the city. Washington Street, Watertown Street, Walnut, Homer, Center, Beacon, and Commonwealth all had trolley lines running over them.”



Newtonville started as a Transportation Oriented Development. The “Hammond Real Estate” of its day touted living in Newton “without your teamster”. You did not need a horse and carriage, and the teamster; you could commute via modern electric transportation or commuter rail into downtown Boston. There was a trolley line that ran the length of what was then Rt. 128 from Lexington Square to Waltham, through Newton on Walnut set, crossing Commonwealth Ave (The B line) Crossing Rt. 9, which had the Boston and Worcester St. Railway along Rt. 9, and all the way to Dedham.

From Newtonville you could get anywhere, and people wanted to live and prosper here. The mixed use development of its time flourished, with retail on the first floor and apartments up above, along with single use apartment buildings and a bevy of two and three family houses. In short, density that was appropriate to a village setting that was dependent on public transportation.

Star Market, Woolworths, Brigham’s, Dangle Music, 5 Drugstores, a Kosher Meat Market, two bakeries, Cottage Donuts, a multitude of small diners and bars all thrived in Newtonville Square. That is, up to:

Effects of the Mass Pike:

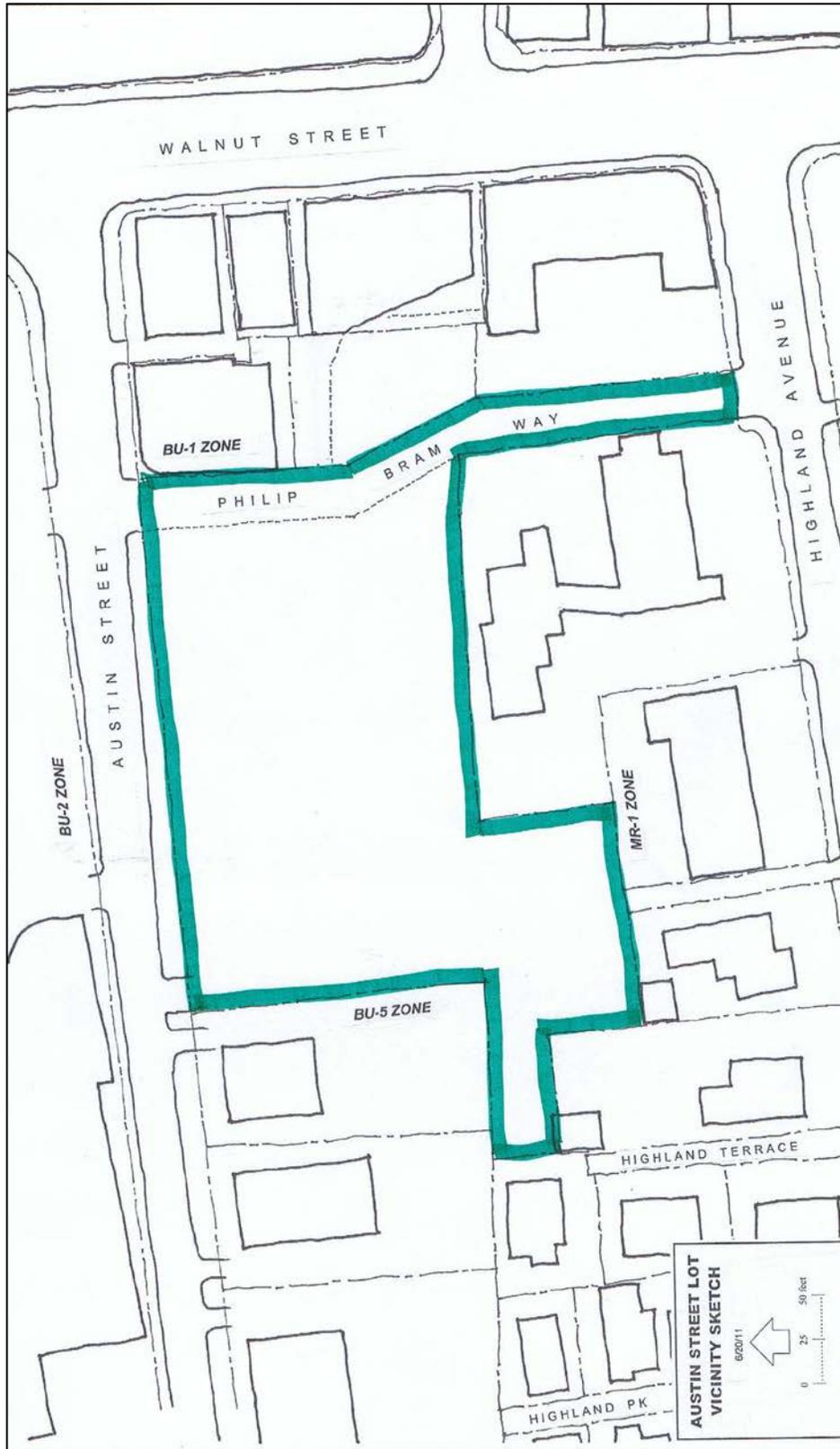
And this is from the History of the Massachusetts Turnpike Authority’s website:

“In the fall of 1958, Commissioner Callahan cleared another major stumbling block. The original charter of the Massachusetts Turnpike Authority required that the MassDPW, an agency that had grown somewhat antagonistic to Callahan's desires, approve any alignment. Fortunately for Callahan, Anthony DiNatale, the new MassDPW commissioner and a close acquaintance of the Turnpike commissioner, was heavily involved in other projects around the state. Seeking an expeditious resolution, DiNatale approved the alignment of the Boston Extension along the Boston and Albany railroad right-of-way to the Central Artery. It appeared that construction of the turnpike would be imminent, and that the worst fears of those who lived along the route in Boston and Newton would be realized.

By January 1961, (Transportation Secretary) Volpe yielded to Callahan, admitting that it "was a choice between the Prudential and the freeway." One month later, Mayor Donald Gibbs, who stood alone in his opposition to the Turnpike through Newton, caved in and entered negotiations with the Massachusetts Turnpike Authority to leverage some concessions, including air rights over the Turnpike and dropping plans for a service area in Newton. The Newton-Boston route was to be constructed as a toll road.”

So, what we have in Newtonville Square was pre-ordained back in 1961. For 50 years, we have endured, or perhaps, grown used to having a square that works for some people, but not for all. And the low and moderate income housing that populated the Square disappeared with the Mass Pike Extension. And many of those people who brought vitality and commerce to Newtonville left, leaving us with a parking lot.

**APPENDIX B: AUSTIN STREET LOT VICINITY SKETCH**



**APPENDIX C: NEWTONVILLE, 1913**

