City of Quincy

Massachusetts

OFFICE OF THE CITY COUNCIL
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QUINCY, MA 02169

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City Council Meeting
Special Meeting
Thursday, November 10, 2016 - 7:30 PM
The Great Hall – 1305 Hancock Street

1. 2016 – 247 – Order – Home-Rule Petition – Adoption of corrective language to Chapter 3 of the Acts of 2011, an Act Facilitating Urban Redevelopment in the City of Quincy — Mayor Koch

2. 2016 – 248 – Order – Authorizing the MBTA to Lease Air Rights Over its North Quincy Transportation Facility — Mayor Koch

3. 2016 – 249 – Ordinance – Amending Title 17 to add a New Section, Section 8.5 entitled "Transit Oriented Districts" — Mayor Koch

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It is anticipated that one or more matters contained within the City Council Calendar, including any or all listed items pending in Committee, may be discussed and acted upon at this meeting. For a full Council Calendar, go to www.quincyma.gov

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INTRODUCED BY: **MAYOR THOMAS P. KOCH**

CITY OF QUINCY
IN COUNCIL

ORDER NO. 2016-247

ORDERED: October 17, 2016

Proposed Amendments to Chapter 32 of the Acts & Resolves of 2011

AN ACT FACILITATING URBAN REDEVELOPMENT IN THE CITY OF QUINCY

Voted, to petition the General Court to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the Mayor approves amendments to the bill before enactment by the General Court. The Mayor is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

SECTION 1. Section 1 of chapter 32 of the acts of 2011 is hereby amended by striking the definitions of "City parcels" and "Land disposition agreement" and inserting in place thereof the following 3 definitions:-

"City parcels", the 2 parcels of land currently owned by the city of Quincy in the urban renewal district which are known as the Ross Garage and Hancock Parking Lot and more particularly defined in a land disposition agreement, that the city will transfer in whole or in part to one or more designated redevelopers who will redevelop such city parcels and other privately owned land.

"Designated redeveloper", the individual, corporation, organization, trust, partnership or other non- profit or business entity designated by the city of Quincy pursuant to this act for the purpose of redeveloping the city parcels or portions thereof and other privately owned parcels within the urban renewal district and as defined in this act either under Chapter 121B of the General Laws or under the terms of a land disposition agreement.

"Land disposition agreement", an agreement between the city of Quincy and a designated redeveloper, including any amendments thereto, pursuant to which the city of Quincy shall transfer the city parcels or portions thereof to a designated redeveloper; provided, however, that any such land disposition agreement shall be subject to the approval of the department of housing and community development under chapter 121B of the General Laws.

SECTION 2. Section 2 of said chapter 32 of the acts of 2011, is hereby amended by striking out, after the word "under", the following word "the" and inserting in place thereof, the following word:- "a".

SECTION 3. Section 3 of said chapter 32 of the acts of 2011, is hereby amended by striking out, after the words "contrary," the following word "the" and inserting in place thereof, the following word:-"a".

SECTION 4. Subsection (a) of section 12A of chapter 898 of the acts of 1973, as inserted by section 4 of chapter 32 of the acts of 2011, is hereby amended by striking out, after the words "pursuant to", the word "the" and inserting in place thereof, the following word:-"a".

Subsection (b) of section 12B of said chapter 898 of the acts of 1973, as inserted by said section 4 of said chapter 32 of the acts of 2011, is hereby amended by striking the words "the land disposition agreement dated January 25, 2011, between the city of Quincy and Hancock Adams Associates, LLC, the redeveloper" and inserting in place thereof the words:-"a land disposition agreement between the city of Quincy and a designated redeveloper".

The last sentence of said subsection (b) of said section 12B of said chapter 898 of the acts of 1973, as inserted by said section 4 of said chapter 32 of the acts of 2011, is hereby amended by striking out, after the words "in conflict with", the word "the" and inserting in place thereof, the following word: "any".

The last sentence of subsection (c) of said section 12B of said chapter 898 of the acts of 1973, as inserted by said section 4 of said chapter 32 of the acts of 2011, is hereby amended by striking out, after the words "major one under", the word "the" and inserting in place thereof, the following word:- "any".

The last sentence of subsection (f) of said section 12B of said chapter 898 of the acts of 1973, as inserted by said section 4 of said chapter 32 of the acts of 2011, is hereby amended by striking out, after the words "major change under", the word "the" and inserting in place thereof, the following word:- "any".

The first sentence of subsection (b) of section 12C of said chapter 898 of the acts of 1973, as inserted by said section 4 of said chapter 32 of the acts of 2011, is hereby amended by striking out, after the words "made by" and inserting place thereof "a" and striking out after the word "under", the word "the" and inserting in place thereof, the following word:- "a".

Section 12D of said chapter 898 of the acts of 1973, as inserted by said section 4 of said chapter 32 of the acts of 2011, is hereby amended by striking out, after the word "under", the word "the" and inserting in place thereof, the following word:- "a".

SECTION 5. No Change.

SECTION 6. The first sentence of section 6 of said chapter 32 of the acts of 2011, is hereby amended by striking out after the words "set forth in", the following word "the" and inserting in place thereof, the following word:-"a".

The first sentence of the third paragraph of said section 6 of said chapter 32 of the acts of 2011, is hereby amended by striking out after the words "the terms of", the word "the" and inserting in place thereof, the following word:-"a".

SECTION 7. The first sentence of section 7 of said chapter 32 of the acts of 2011, is hereby amended by striking out after the words "specified in", the word "the" and inserting in place thereof, the following word:-"a".

The second sentence of section 7 of said chapter 32 of the acts of 2011, is hereby amended by striking out after the words "pursuant to", the word "the" and inserting in place thereof, the following word:-"a".

SECTION 8. No Change.

SECTION 9. Said chapter 32 of the acts of 2011 is hereby amended by striking out section 9 and inserting in place thereof, the following section:-

SECTION 9. Notwithstanding any general or special law to the contrary, for the projects in the urban renewal district, a land disposition agreement shall be a contract and all of section 14 of chapter 121A of the General Laws shall apply to that contract. In addition to the specific items set forth in clauses (a) to (c), inclusive, of the first paragraph of said section 14 of said chapter 121A, the contract may obligate the city of Quincy to cause the construction of parking garages and other public improvements by the corporation or a designated redeveloper and to acquire them from the corporation or a designated redeveloper in accordance with the terms of a land disposition agreement. Without limiting the generality of the foregoing to Chapter 121A, such construction under a land disposition agreement shall not be subject to any provision of law relating to publication or advertising for bids, but shall be subject to a land disposition agreement and sections 26 to 27F, inclusive, of chapter 149 of the General Laws.

SECTION 10. Section 10 of said chapter 32 of the acts of 2011, is hereby amended by striking out the words "the land disposition" each time it appears and inserting in place thereof, the following words:- "a land disposition".

SECTION 11. The first sentence of section 11 of said chapter 32 of the acts of 2011, is hereby amended by striking out after the words "project approved under", the following word "the" and inserting in place thereof, the following word:- "a".

SECTION 12.. Section 12 of said chapter 32 of the acts of 2011, is hereby amended by striking out after the words "deliver, pursuant to", the word "the" and inserting in place thereof, the following word:-"a". and striking out after the words "agreement with", the word "the" and inserting in place thereof the words "a designated".

SECTION 12. This act shall take effect upon its passage.

INTRODUCED BY: **MAYOR THOMAS P. KOCH**

CITY OF QUINCY
IN COUNCIL

ORDER NO. 2016-248

ORDERED: October 17, 2016

BE IT ORDAINED by the City Council of the City of Quincy that the council hereby grants its consent to the Massachusetts Bay Transportation Authority to lease for a term or terms not to exceed ninety-nine years, upon such conditions as it deems advisable, air rights and space over the rapid transit and other transportation facilities owned by the authority in North Quincy located off of West Squantum Street between Newport Avenue and Hancock Street - including rights for support, access, utilities, light and air - for such nontransportation purposes as, in the opinion of the authority, will not impair the construction, full use, safety, maintenance or repair of the transportation facilities involved, all as provided under the provisions of Chapter 547 of the Acts of 1967.

INTRODUCED BY: **MAYOR THOMAS P. KOCH**

CITY OF QUINCY
IN COUNCIL

ORDER NO. 2016-249

ORDERED: October 17, 2016

BE IT ORDAINED by the City Council that the Quincy Municipal Code is hereby amended as follows:

In Title 17 **ZONING,** Section 8.0 **SPECIAL DISTRICTS** is hereby amended by adding the following section:

8.5 TRANSIT ORIENTED DISTRICTS

8.5.1 Purpose. The purpose of this Section is:

1. to provide greater opportunity for the construction of quality developments on and adjacent to land used for transit facilities by providing flexible guidelines which allow the integration of a variety of land uses consistent with and taking advantage of such transit uses in one development;
2. to encourage mixed-use development in areas accessible to public transit;
3. to provide a predictable, clear and understandable process for the review of new development within the Transit Oriented Districts;
4. to promote and create jobs, housing inventory and affordable housing in conformance with Section 7.1 of this Ordinance;
5. to enhance the architectural character of the Transit Oriented Districts;
6. to improve traffic access and circulation; and
7. to promote uses within the Transit Oriented Districts which are complimentary with the nearby transit uses.

Transit Oriented Districts shall be overlay districts on the zoning map and, for any land within a Transit Oriented District, a developer may choose to conform either to all the controls which govern the underlying zoning district or to the Transit Oriented District, and if electing the Transit Oriented District, such development shall be subject to the development controls and processes set forth in this Section 8.5.

The following Transit Oriented District overly districts provided for by this Section 8.5 and shown on the maps attached to and adopted with this Article 8.5 are hereby established at the:

- North Quincy Station of the Massachusetts Bay Transportation Authority ("MBTA");
- Wollaston Station of the MBTA; and
- Quincy Adams Station of the MBTA.

This Section 8.5 does NOT establish a Transit Oriented District at the Quincy Center Station of the MBTA.

8.5.2 Uses. Within Transit Oriented Districts, buildings and premises may be used for TOD Permitted Uses subject to compliance with the requirements of Sections 8.5.3

8.5.5. TOD Prohibited Uses shall be prohibited in Transit Oriented Districts. Any other use may be permitted in a Transit Oriented District with a special permit from the Planning Board pursuant to Section 8.5.6.

8.5.3 Dimensional Requirements. Within Transit Oriented Districts, the following dimensional requirements shall apply:

1. Minimum Lot Size (acres): 5 acres.
2. Minimum Lot Area per Dwelling Unit (sf): 325.
3. Maximum Number of Stories: 10.
4. A development parcel may consist of multiple legal parcels which may be owned by different parties and which are not required to be contiguous.
5. There shall be no minimum or maximum dimensional requirements in Transit Oriented Districts other than as set forth in this Section 8.5.3. Upon the issuance of a Certification of Consistency for a proposed development in a Transit Oriented District, the dimensions reflected on the reviewed site plan shall be deemed to be in compliance with the Ordinance.
6. The dimensional requirements in a Transit Oriented District may be reduced or modified as permitted by the Quincy Planning Board in accordance with its consistency review, if the Quincy Planning Board determines that such a reduction or modification is consistent with the purpose of Transit Oriented Districts and this Section 8.5.

8.5.4 Off-Street Parking. For purposes of these requirements, a residential studio unit shall be considered to be a one bedroom dwelling unit. Off-street parking facilities in Transit Oriented Districts shall be provided at the following minimum amounts:

1. Residential: 1 per dwelling unit
2. Retail: 3 per 1,000 square feet of gross floor area.
3. Restaurant: 1 per 10 seats.
4. Assembly: 1 per 10 seats.
5. Institutional: 1 per 2,000 square feet of gross floor area.
6. Office: 1 per 600 square feet of gross floor area; provided, however, that for new construction with a net increase in gross floor area of 10,000 square feet, parking shall be provided at a ratio of one space for every 400 square feet.
7. Shared Parking: Because of the proximity of an MBTA transit station in a Transit Oriented District, where a mix of uses is proposed within a development parcel and, where the uses in question have peak user demands at different times, up to 50% of the required amount of minimum parking set forth in this section 8.5.4 may be provided via a shared parking arrangement.

8.5.5 Consistency Review. All development and redevelopment of all uses and all structures within Transit Oriented Districts (if the owner or developer of the proposed development or redevelopment has elected to permit such development or redevelopment in a Transit Oriented District and Sections 8.5.1 through 8.5.4 rather than the underlying zoning district) shall require a determination by the Quincy

Planning Board of consistency with this Section 8.5. Development or redevelopment in a Transit Oriented District is exempt from the requirements of Section 8.1 of this Ordinance regarding development in the Flood Plain Overlay District, including any requirement for a special permit; the treatment of impacts on the flood plain shall instead be taken into consideration by the Planning Board during its consistency review of the applicable Transit Oriented District development.

8.5.6 Special Permit Granting Authority. Where the following is otherwise required for a development in a Transit Oriented District (which development or redevelopment is being permitted pursuant to the Transit Oriented Overlay District and Sections 8.5.1 through 8.5.4) the Quincy Planning Board is hereby designated as the special permit granting authority for such matters within Transit Oriented Districts:

1. All applications seeking a finding pursuant to G. L. c. 40A, § 6; and
2. All applications for special permits for use pursuant to Section 8.5.2 above.

8.5.7 Special Permit and Consistency Review Criteria. The Planning Board shall not approve a special permit or make a determination of consistency for a project in a Transit Oriented District proceeding under a Transit Oriented District and this Article 8.5, unless it finds that all of the following criteria have been met:

1. The project conforms with the TOD Design Guidelines.
2. For mixed-use projects, the applicant must establish that the proposed uses are to be located within structure(s) in a manner that promotes ease of use and access.
3. Where appropriate, housing shall be a component of any large scale commercial development.
4. Where appropriate, the common areas of the development, both internal and external shall, shall be accessible to the public. Reasonable restrictions on public access as appropriate can be established by the applicant or its successor in interest. This concept shall not apply to common areas exclusively serving the residents of residential developments.
5. The location of buildings and features, dimensions of the site and the development, traffic impacts and aesthetic features of the proposed development shall not be detrimental to vehicular access and circulation within the site and the area leading to and surrounding the development parcel.
6. There will be no nuisance or serious hazard to vehicles or pedestrians.
7. Adequate and appropriate facilities (including, but not limited to trash, snow storage or removal, parking and loading) will be provided for the proper operation of the proposed use.

Added definitions:

"TOD Design Guidelines" means the guidelines developed by the city of Quincy Planning Department intended to enhance the connectivity between street networks and adjoining uses located at or near transit stations in the city. These guidelines address landscape design, sidewalks and pathways, signage, building façade treatments, parking strategies, and a variety of land uses.

"TOD Permitted Uses" means any of the following: Retail Uses (all); Restaurant Uses (all); Multifamily Dwellings; Mixed Use; Essential Public Services; Municipal Office or

Administrative Facilities; Municipal Parking Lot; Public Market; Miscellaneous Commercial Uses (all except for those uses included in TOD Prohibited Uses); Drive In Uses (all); Laboratory or Research Facility; Public Transportation Terminal and parking facilities related thereto; Swimming pool or tennis court; Nonresidential Accessory Uses (all except for those uses included in TOD Prohibited Uses); and Parking area or garage or structure for the parking of passenger cars of employees, customers or guests of establishments or of residents of a multi-family dwelling.

"TOD Prohibited Uses" means any of the following: Boarding House; municipal waste disposal area operated by the City or under contract to the City; Adult Use Establishments; Body Art Establishment; Marina; Funeral Home or Crematorium; Motor Vehicle Uses; Warehouse, Wholesale and Storage Uses (all); Industrial Uses (all except for those uses included in TOD Permitted Uses); Transportation Related Uses (all except for those uses included in TOD Permitted Uses); Residential Accessory Uses; and Storage or Display or Abandonment of more than one cubic yard of the materials described in Section L of the Table of Use Regulations.

Modified definition—

"Certification of Consistency" means a determination made by the Planning Board with respect to the consistency of the design, parking elements and other components of (i) an Urban Renewal Use with the Urban Renewal Plan in accordance with the procedures set forth in the Urban Renewal Plan, or (ii) a proposed project in a Transit Oriented District with the provisions Section 8.5.

Additional Code Modification—

Section 8.1.9 of the Code is hereby modified by replacing the introductory sentence thereof with the following:

"8.9 Special Permit. In the FOPD, the Board of Appeals (or, in the case of the QCD-10 or QCD-15 Districts, the Planning Board) may grant a special permit for any use or structure allowed in the underlying district, subject to the following; provided, however, that Urban Renewal Uses and TOD Permitted Uses are exempt from this requirement:"