



November 19, 2019

Tabitha Harkin
Director of City Planning
City of New Bedford
133 Williams Street
New Bedford, MA 02740

RE: 117, 121, 127-129 UNION STREET, 7 NORTH SECOND STREET

Dear Ms. Harkin:

Thank you for your thoughtful comments on our Site Plan Review submission. Attached are a revised set of plans, application and Impact Report that have been modified in response to your November 18 email. Our responses are as follows:

1. The Site Plan Review application and Impact Report have been revised to clarify that there will be 42 units in the 5-story building at 117 Union Street, 1 unit in the work/live annex and 8 units in the Moby Dick building.
2. Line weights have been adjusted on sheets C-4 and C-5 for better clarity.
3. Although a Market Analysis Report is not listed in the regulations as a submission requirement, we have a market assessment report for your review enclosed as Attachment 1. A full market assessment is currently being undertaken and is projected to be completed by mid-December and will be submitted to the Planning Board for review prior to the issuance of a Building Permit. A traffic analysis has already been provided in the Impact Report.
4. There will be a diesel fuel oil tank located in the basement for the generator as shown on sheet A-100. Both the generator and uninterruptible fuel source are required by the building code for this building. The fuel tank will be in a one-hour fire resistant rated enclosure.
5. Infiltration units are shown on sheet C-5 and detailed on sheet C-6. A note has been added regarding the need to test the soil prior to construction.
6. The capacity of the Eversource infrastructure to supply the electrical design load without a transformer is still being evaluated. Documentation is forthcoming and will be submitted as soon as it is available.

7. A. There will be easements provided to allow emergency egress from the basement and first floor of the Moby Dick building through the 117 Union Street passageway. This has no legal implications on any aspect of the ANR plan.
B. A note has been added on sheet C-4 to clarify the storm drainage. The civil and architectural plans have been coordinated. The trench drain will flow through the basement of the 117 Union Street building and into the Union Street storm drain.
8. A basement plan for 117 Union Street has been added (refer to sheet A-100).
9. The Geotechnical Report calls for the footing for the 117 Union Street western wall to be at the same elevation as the current Moby Dick footing as shown on sheets S-100 and S-310.
10. Sheet A-101 has been revised and coordinated with the civil plans.
11. Refer to revised plans (sheets A-101 and C-4) which have been coordinated.
12. The rear north door is for emergency egress. This fully complies with emergency egress requirements.
13. The door has now been eliminated and the plans have been coordinated.
14. The door has been eliminated (see sheets A-101, A-201 and A-202).
15. No response necessary.
16. Sleeve and cap noted on sheet C-6.
17. Those are appropriate conditions of approval and will be added to the construction documents.
18. Application will be made to the Traffic Commission as soon as Planning Board approval has been obtained.
19. A. The correction has been made.
B. Attachment 2 presents the locations of 113 unmetered parking spaces within 800 feet of the proposed building.
C. The proposed 3,900 square feet of café and restaurant space will be on a much smaller scale than the Cisco entertainment complex but the application has been revised presenting a greater number of employees and customers.
D. Changed as requested.
E. The fuel oil tank for the generator will be in the basement of the 117 Union Street building as shown in the revised plans.
F. Section 6.1 of the Impact Report has been revised.

Conditions of Approval - We agree with all of your proposed conditions of approval.

We believe we have addressed all of your comments. If you have other comments or questions, please do not hesitate to call.

We look forward to continuing our relationship with you and your staff and the eventual approval of our application.

Sincerely,

PRIME ENGINEERING, INC.

A handwritten signature in dark ink, appearing to read "Richard J. Rheume". The signature is fluid and cursive, with a large initial "R".

Richard J. Rheume, P.E., LSP
Chief Engineer

Attachments:

Attachment 1 - Market Analysis Report - Kirk & Company letter

Attachment 2 - Unmetered Parking Plan

Site Plan Review application - pages 4 and 5

Development Impact Report - revised November 19, 2019

Plan set

cc: Michael Galasso
Kit Wise
Dan Perry
Brendan Powers

ATTACHMENT 1
MARKET ANALYSIS REPORT

KIRK&COMPANY

April 29, 2019

Via Email: (mbgalasso@baronegalasso.com)

Michael Galasso
200 Palmer Avenue
Falmouth, MA 02540

RE: 117 Union Street; New Bedford, MA

Dear Mr. Galasso:

At your request, we have reviewed and analyzed the proposed mixed-use development and its market for the purpose of commenting on the general demand for the proposed units within the market. The subject is a proposed 43-unit mixed use (residential/retail) development at the corner of North Second and Union Street (115-127 Union Street) in New Bedford. The property will likely consist of 22 furnished studio/micro units of approximately 400 square feet, 14 one-bedroom units of approximately 600 square feet, 7 two-bedroom units of approximately 800 square feet and 2,100 square feet of ground level retail space. According to preliminary plans, the redevelopment project will include the construction of a five-story building on the existing site to include a mix of affordable and market rate rental units and ground floor office and retail space, along with various amenity spaces. The memorandum has been prepared for your use to assist you in due diligence assistance and decision making as a high-level market demand exercise for the proposed units at the property.

General Demand Conclusions

The National Council of Housing Market Analysts (NCHMA) defines market demand as the total number of households in a defined market area that would potentially move into any new or renovated housing units. Market demand is not project specific and covers all renter households and income levels. Components of demand vary and can include household growth; turnover, substandard dwelling units, rent over-burdened households, and demolished housing units. Project specific demand is the total number of households in a defined market area that would potentially move into the proposed new or renovated housing units. These households must be of the appropriate age, income, tenure and size for the specific proposed development. The components used to estimate the demand for a specific project are similar to those used to estimate overall market-area demand. An analysis of a proposed rental project evaluates both overall market demand and project-specific demand. It evaluates the demographic; employment, construction and absorption trends, as well as projected changes in supply and demand to determine the number of units are needed to achieve market equilibrium. A project-specific demand analysis estimates the

REAL ESTATE COUNSELORS

31 MILK STREET, SUITE 820 BOSTON, MA 02109

TEL: 617-261-7100

EMAIL: dsk@kirkco.com • bpelletier@kirkco.com

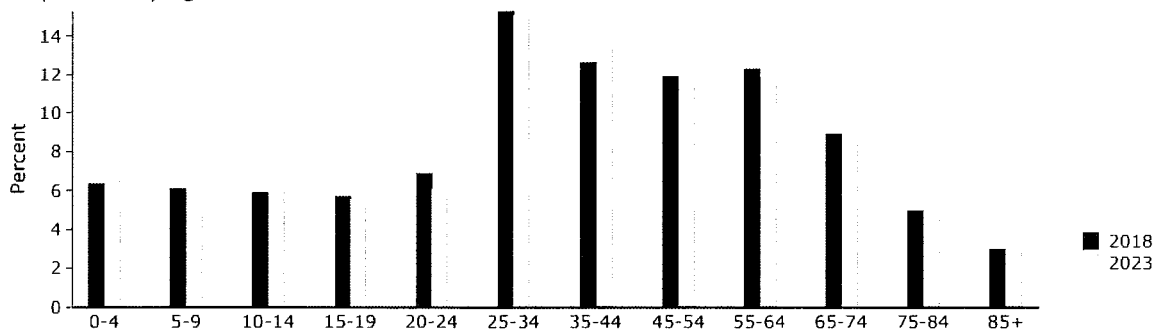
number of income-qualified renter households within the planned development's income range. The project-specific demand conclusion indicates whether a market area has a sufficient number of income-qualified households to fill the proposed units. The analysis has been prepared for your use to assist you in due diligence assistance and decision making as a high-level market demand exercise for the proposed units at the property.

Generally, there are a number of factors to consider in analyzing demand for multifamily rental housing units within a particular market. We look at population and household growth trends, employment trends and income trends, current supply and occupancy and future pipeline. These trends give a snapshot of supply and demand factors that impact new additions to supply within the market and the ultimate success of a multifamily project. We have provided selected data and analysis below for your use in planning the project and analyzing demand for the proposed development.

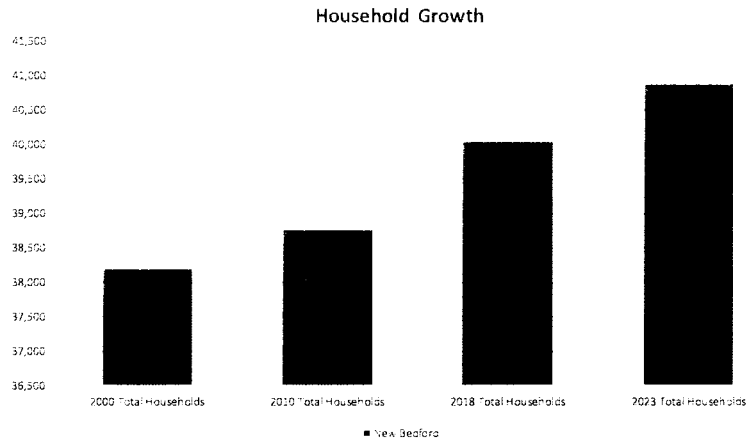
Population and Household Growth: Sufficient housing units should be available within the market to accommodate existing households, newly forming households and in-migrating households. If the market area's existing housing stock does not have an adequate supply of units, or the supply is declining, construction of new units is necessary to accommodate population and household growth.

- Population growth in New Bedford has been sustained and is expected to grow at an annual rate of 0.42% between 2018-2023. Generally, population and growth are most significant in the cohorts between age 25 and 44. Younger populations and households are more likely to be renters in small (1-3 person/household) blocks. Studio, micro, and one-bedroom households are typically measured as one- and two-person households within the market, while two-bedroom households are typically measured as one-, two-, and three-person households. This substantial population cohort and growth projection is consistent with demand for small units including studios, micro units, and one- and two-bedroom units within the market. This population cohort represents a large population of renters in the market and have experienced positive response to amenitized, smaller, urban-core units.

Population by Age



- Household growth has been on par with the population growth of the selected geographies with New Bedford households growing at an annual rate of 0.41% between 2010 and 2018 and with an expected annual growth rate of 0.42% between 2018 and 2023.



- The chart below indicates a trend in growth of renter housing units since 2010. Owner occupied units are expected to grow by about 6.25% between 2018-2023. This contrast to that of renter occupied units which are expected to decline by about 1.08% between 2018-2023 with a total reduction in renter occupied housing units of 257 over the five year term. According to the data set, the reduction of renter occupied units are partially the result of conversion to owner occupied units and the transfer to vacant status. Vacant housing units are projected to increase by 131 units, while owner occupied units are expected to increase by 1,091 units, as indicated by the chart below. The low number of additions to supply and decrease of overall rental units in the existing supply, coupled with increased household formation indicate a need for additional rental housing units within the market.

Housing Units by Occupancy Status and Tenure	Census 2010		2018		2023	
	Number	Percent	Number	Percent	Number	Percent
Total Housing Units	42,933	100.0%	44,513	100.0%	45,477	100.0%
Occupied	38,761	90.3%	40,039	89.9%	40,872	89.9%
Owner	16,311	38.0%	16,351	36.7%	17,441	38.4%
Renter	22,450	52.3%	23,688	53.2%	23,431	51.5%
Vacant	4,172	9.7%	4,474	10.1%	4,605	10.1%

- Traditionally, younger, lower-income, and minority households are most likely to rent and thus make up large shares of renter populations. According to Census projections, within New Bedford, 1-person, 2-person, and 3-person households are heavily weighted towards renter households and occupy rental units within the city. 79.1% of all households within New Bedford are 1-3-person households and 58.9% of all of those households are renters. The demographic trends in supply and demand show a strong correlation of household demand for smaller rental units for renter households of 1-3 persons.

Household Income and Employment: Demand for new units comes from household growth as well as from pent-up demand due to a lack of available and affordable housing and/or substandard housing. Pent-up demand is often illustrated by very low vacancy rates. Rent overburden indicates that households do not have sufficient income to afford private rental housing. Rent over-burdened households are often concentrated at the lowest income ranges, however, can be observed in private, market rate housing as well. Household income levels and employment trends are strong indicators of the potential for increasing demand within a market.

- A review of households, within New Bedford, based on their estimated income levels suggested that there is a concentration of households earning an annual income of between \$35,000-\$74,999. HUD defines cost-burdened families as those “who pay more than 30% of their income for housing” and “may have difficulty affording necessities such as food, clothing, transportation, and medical care.” Severe rent burden is defined as paying more than 50% of one's income on rent. The projected achievable market rents for the proposed project represent annual household income within the \$35,000-\$74,999 cohort without being cost-burdened or severely cost-burdened. The cohort of household incomes within the above range represent 11,901 households within New Bedford as of 2018 with projected 2023 counts of 12,139. This represents a substantial cohort within the population of New Bedford.
- Data provided by the Department of Unemployment Assistance, Economic Research Department records the unemployment rate for New Bedford at 5.6% in March 2019, this is compared to the Massachusetts rate of 3.1% in March 2019. Data shows a decline in the unemployment rate of approximately 1.04% between March 2018 and March 2019. Additionally, growth in the labor force has been on pace with the region and when coupled with higher increases in the number of employed within the labor force, signs of increasing economic and labor conditions put upward pressure on housing markets as economic mobility increases and households can afford to decouple. This decline in unemployment suggests the strengthening of the overall employment situation within New Bedford and an opportunity for rental units within the city.

Units in Pipeline: Projects that are planned or under construction will increase the existing supply and may affect market equilibrium. The units in the pipeline include the off-line units that will be renovated and returned to the market, unstabilized projects that are in lease-up, projects that are under construction, and planned projects that will enter the market before the proposed development is completed and fully occupied.

- According to a review of the records from the City of New Bedford, MA Planning Department, there are a limited number of multifamily residential units in the pipeline. Recent proposed projects include 224 A&B Court Street, formerly known as 475 Union Street, a proposed 6-unit multifamily development under the current ownership of Preferred Realty Services LLC. 224 A&B Court Street filed for site plan approval in connection to a site modification with the New Bedford Planning Board at their April 10, 2019 meeting. Pipeline analysis is an iterative process and additional units added to the

pipeline should be analyzed to further refine the conclusions of this memorandum going forward.

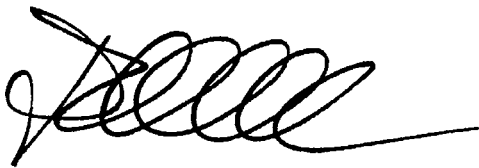
Vacancy Rates: Rental markets with high vacancy rates may reflect an oversupply of available housing. The overall health of the rental market may impact the ability of a proposed development to reach stabilization, despite favorable capture rates and properly positioned rents.

- Surveyed comparable properties in the New Bedford market indicate occupancy rates within the range of 99%-100% for comparable units and properties. The market for rental housing is stable in similar neighborhoods in the region and the surrounding area with occupancy reported at very nearly 100% range for comparable market-rate properties and occupancy reported upwards of 100% for affordable properties in the market and extensive wait lists for units that can be years long.

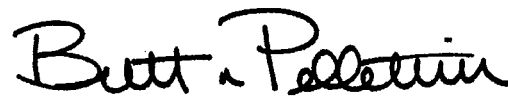
Given the expected population and household growth factors within New Bedford, the limited number of pipeline units, coupled with the current occupancy level of existing residential product, it is reasonable to assume there will be strong demand for additional rental units for 1-3 person households within the market.

These conclusions are considered as part of an iterative analysis and may be subject to refinement and additional consideration with input from you and modifications to the proposed terms of the various arrangements. We will continue to refine our analysis and conclusions and welcome your feedback and comment. This letter summarizes our conclusions and analysis completed for your use in due diligence assistance and decision making. The estimates and opinions in this report are subject to the data provided for review and conclusions may change with the modification of the assignment parameters. We are delighted to be of service to you or the City of New Bedford; if there are any questions regarding the content of this memorandum, please feel free to contact us.

Sincerely,



David S. Kirk, MAI, CRE®
Kirk&Company
31 Milk Street, Suite 820
Boston, MA 02109
617-261-7100
DSK@kirkco.com



Brett N. Pelletier
Kirk&Company
31 Milk Street, Suite 820
Boston, MA 02109
617-261-7100
Bpelletier@kirkco.com

ATTACHMENT 2
UNMETERED PARKING PLAN

BETHEL ST. - 8 SPACES
WATER ST. - 42 SPACES
JOHNNY CAKE HILL - 30 SPACES
SOUTH SECOND ST. - 22 SPACES
WILLIAM ST. - 5 SPACES
FRONT ST. - 6 SPACES

6 SPACES

20 SPACES

8 SPACES

22 SPACES

30 SPACES

10 SPACES

12 SPACES

SCALE: 1"=500'	DRAWING TITLE UNMETERED PARKING PLAN		
DATE: NOV. 18, 2019	PROJECT 115, 117, 121, 127-129 UNION ST. & 7 N. SECOND ST. NEW BEDFORD, MASSACHUSETTS		
DRAWN BY: SWL	CLIENT		
DESIGNED BY: RJR	NEW BEDFORD DEVELOPMENT CORPORATION		
CHECKED BY: RJR	<div><div><div><div>• CIVIL ENGINEERING</div><div>• LAND SURVEYING</div><div>• ENVIRONMENTAL ASSESSMENT</div></div><div><div>PRIME ENGINEERING INC</div></div></div><div><div>P.O. BOX 1088 350 BEDFORD ST. LAKEVILLE, MA 02347</div><div>TEL: 508.947.0050 FAX: 508.947.2004</div></div></div>		
APPROVED BY: RJR	SHEET NO. 1 OF 3		
	PROJECT NO. 2655-01-01		



SCALE: 1"=500'	DRAWING TITLE UNMETERED PARKING PLAN	
DATE: NOV. 18, 2019	PROJECT 115, 117, 121, 127-129 UNION ST. & 7 N. SECOND ST. NEW BEDFORD, MASSACHUSETTS	
DRAWN BY: SWL	CLIENT NEW BEDFORD DEVELOPMENT CORPORATION	
DESIGNED BY: RJR		
CHECKED BY: RJR	<ul style="list-style-type: none"> • CIVIL ENGINEERING • LAND SURVEYING • ENVIRONMENTAL ASSESSMENT 	
APPROVED BY: RJR		P.O. BOX 1088 350 BEDFORD ST. LAKEVILLE, MA 02347 TEL: 508.947.0050 FAX: 508.947.2004
		SHEET NO. 2 OF 3
		PROJECT NO. 2655-01-01



SCALE: 1"=500'	DRAWING TITLE UNMETERED PARKING PLAN	
DATE: NOV. 18, 2019	PROJECT 115, 117, 121, 127-129 UNION ST. & 7 N. SECOND ST. NEW BEDFORD, MASSACHUSETTS	
DRAWN BY: SWL	CLIENT NEW BEDFORD DEVELOPMENT CORPORATION	
DESIGNED BY: RJR		
CHECKED BY: RJR	<ul style="list-style-type: none"> • CIVIL ENGINEERING • LAND SURVEYING • ENVIRONMENTAL ASSESSMENT 	
APPROVED BY: RJR	 PRIME ENGINEERING <small>INC.</small>	SHEET NO. 3 OF 3 PROJECT NO. 2655-01-01
	P.O. BOX 1088 350 BEDFORD ST. LAKEVILLE, MA 02347 TEL: 508.947.0050 FAX: 508.947.2004	

SITE PLAN REVIEW APPLICATION CHANGES
PAGES 4 AND 5

2. Review Applicability (Check All That Apply to Your Proposal)

Category

- ☒ Residential
☒ Commercial
☐ Industrial
☐ Mixed (Check all categories that apply)

Construction

- ☒ New Construction
☐ Expansion of Existing
☒ Conversion
☒ Rehabilitation

Scale

- ☐ < 2,000 gross sq feet
☒ > 2,000 gross sq feet
☒ 3 or more new residential units
☐ 1 or more new units in existing res. multi-unit
☐ Drive Thru Proposed
☐ Ground Sign Proposed
☐ Residential Driveway With > 1 curbcut

3. Zoning Classifications

Present Use of Premises: Existing three-story vacant building and five, one-story vacant buildings.

Proposed Use of Premises: Commercial 1st floor with two floors above apts. at 127-129 Union Street; Commercial 1st floor with four floors above apts. at 117 Union Street.

Zoning Relief Previously Granted (Variances, Special Permits, with Dates Granted):

Special permit for five-story building at 117 Union Street.

4. Briefly Describe the Proposed Project:

It is proposed to convert the lower floor into a retail/restaurant and the two floors above into eight residential apartments at 127-129 Union Street.
It is proposed to raze the five one-story buildings at 117 Union Street and construct retail/restaurant on 1st floor, and four floors above with 42 residential units. North of the existing three-story building, a single-story studio will be constructed.

5. Please complete the following:

	<u>Existing</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Lot Area (sq ft)	12,479	15,000	*
Lot Width (ft)	117.01	0	**
Number of Dwelling Units	0	No Std.	51 Total***
Total Gross Floor Area (sq ft)	14,665	N/A	47,574
Residential Gross Floor Area (sq ft)	0	N/A	37,116
Non-Residential Gross Floor Area (sq ft)	14,665	N/A	10,458
Building Height (ft)	43	100	60
Front Setback (ft)	0	0	0
Side Setback (ft)	N/A	10	N/A
Side Setback (ft)	N/A	12	N/A

* 2,306 SF for three story Moby Dick building
10,173 SF for five story 117 Union Street building

** 37.00 LF for three story Moby Dick building
117.01 LF for five story 117 Union Street building

*** 117 Union - 42
Annex Building - 1
Moby Dick - 8

Rear Setback (ft)	0	30	0
Lot Coverage by Buildings (% of Lot Area)	81.5	40	91.8
Permeable Open Space (% of Lot Area)	0	0	1.6
Green Space (% of Lot Area)	0	35	1.6
Off-Street Parking Spaces	0	135	1
Long-Term Bicycle Parking Spaces	0	0	21
Short-Term Bicycle Parking Spaces	0	0	6
Loading Bays	0	0	0

6. Please complete the following:

Please complete the following:		Existing	Proposed	
a) Number of customers per day:		<div>0</div>	<div>*</div>	*See appended information
b) Number of employees:		<div>0</div>	<div>*</div>	
c) Hours of operation:		<div>0</div>	<div>7 am to 11 pm</div>	
d) Days of operation:		<div>0</div>	<div>Sun-Sat</div>	
e) Hours of deliveries:		<div>0</div>	<div>8 am to 6 pm</div>	
f) Frequency of deliveries:	<div><input checked="" type="checkbox"/> Daily</div>	<div><input type="checkbox"/> Weekly</div>	<div><input type="checkbox"/> Monthly</div>	

7. Planning Board Special Permits:



The applicant is also requesting a Special Permit from the Planning Board.

Specify the requested Special Permit(s) below, and set forth within attached Development Impact Statement how the request meets approval criteria listed in §5320 of the zoning code.
Reduction of parking specified in Table of Parking and Loading Requirements.

8. ZBA Variances and Special Permits:

NOTICE: Checking below does not constitute application for a special permit or a variance. The applicant must also file the proper application form and fee with the Zoning Board of Appeals.



The applicant is also requesting a special permit from the ZBA:

Specify zoning code section & title

4500-4572	Downtown Business Overlay
5300-5390	Special Permit



The applicant is also requesting a variance from the ZBA:

Specify zoning code section & title

**Projected Employees and Customers for
117 Union Street and 127 Union Street**

- 117 Union Street is proposed as a café/coffee shop (similar to the Green Bean) and is projected to have 8 to 12 employees and 150 – 250 customers per day.
- 127 Union Street is proposed as a sit down restaurant and is projected to have 20 employees. It is anticipated to have a maximum of 100 seats, with four turnovers on the best day resulting in a peak of 400 customers.

DEVELOPMENT IMPACT REPORT
REVISED NOVEMBER 19, 2019

**DEVELOPMENT IMPACT STATEMENT
FOR
TWO PROPOSED COMMERCIAL/RESIDENTIAL BUILDINGS
AT
115, 117, 121, 127-129 UNION STREET, 7 NORTH SECOND STREET
NEW BEDFORD, MA 02740**

PREPARED FOR:

**117 UNION STREET LLC
128 UNION STREET
NEW BEDFORD, MA 02740**

PREPARED BY:

**PRIME ENGINEERING, INC.
P.O. BOX 1088
LAKEVILLE, MA 02347**

**NOVEMBER 4, 2019
REVISED: NOVEMBER 19, 2019**

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APPENDICES

APPENDIX A - GEOTECHNICAL REPORT

APPENDIX B - STRUCTURAL REPORTS

APPENDIX C - PERSPECTIVE BUILDING VIEWS AND PARKING - PHASE I

APPENDIX D - PHOTOGRAPHS OF MOBY DICK CHANDLER - PHASE 2

APPENDIX E - PRODUCT INFORMATION FOR PHASE 2

1.0 INTRODUCTION

This is a Development Impact Statement to accompany applications for renovations to the 3 story Moby Dick building at 127-129 Union Street which is being referred to as Phase 2. This submission includes updated plans for the previously approved 5 story building proposed at 115, 117, 121 Union Street and 7 North Second Street which is now being referred to as 117 Union Street (Phase 1).

It is proposed to raze the five existing one-story attached buildings at the corners of Union Street, North Second Street and Barkers Lane in New Bedford and construct a five-story commercial/residential building and to renovate the three-story building at 127-129 Union Street. That requires Site Plan Review approval from the New Bedford Planning Board. Other than a single handicap space, it is proposed to not provide off street loading or parking. This requires Site Plan Review from the New Bedford Planning Board. There are several dimensional standards from which relief from the Zoning Board of Appeals is being sought. This Report has been prepared in support of those petitions.

The site is in the Mixed Use Business zoning district. It is also in the Downtown Business Overlay District and the New Bedford Landing Waterfront Historic District, also known as the New Bedford National Register Historic District, which is characterized by buildings with shops on the ground floor and living quarters above. The Historic District is focused on preserving buildings constructed in the early 1800s.

2.0 EXISTING CONDITIONS

The locus is a 12,479 square foot parcel bounded by Union Street on the south, North Second Street on the east and Barkers Lane on the north. It contains a three-story and five attached single-story, brick faced retail buildings and a small paved parking lot. Each building is on an separately taxed Assessor's lot and they are referenced as follows:

Address	Assessor's Map	Assessor's Lot	Deed Reference Book	Deed Reference Page	Year Built Circa
115 Union Street	53	41	12830	27	1920
117 Union Street	53	216	12830	27	1930
121 Union Street	53	215	12830	27	1930

7 North Second Street	53	40	12830	27	1910
127-129 Union Street	53	146	12830	27	1916

Each assessor's lot is non compliant with the area requirement of the New Bedford zoning ordinance. They are all owned by 117 Union Street LLC. An Approval Not Required plan has been submitted in order to dissolve the five Assessor's lots and create a one lot for the 3-story Moby Dick building and one lot for the remainder of the site.

There is an existing 42' by 47' paved parking lot at the northeast corner of the site, but its odd dimensions only allow five cars to park in that area and involves a 25 foot curb cut on North Second Street and a 42 foot curb cut on Barkers Lane. Appendix C presents photographs of existing conditions.

There is a full basement with poured concrete foundation walls under the Moby Dick building. There is a slab on grade (no basement) at 121 Union Street. The remaining buildings have stone masonry walls and shallow basements. Appendix D presents photographs of existing conditions at the 3 story Moby Dick building.

3.0 PROPOSED DEVELOPMENT

It is proposed to raze the five, existing one-story buildings and to construct a single five story building with a resident's lobby and public café/eatery on the first floor and forty-two residential apartments on the second through fifth floors. In this five-story building, it is proposed to construct twenty-three studio apartments, twelve 1 bedroom apartments, and seven 2 bedroom apartments for a total of 42 rental units in the 5 story building. Each floor will have a laundry room and be accessed by an elevator and two stairwells. A single story live work studio will also be constructed.

The MA Architectural Access Board regulations Section 9.4 requires "In multiple dwellings that are for rent, hire, or lease (but not for sale) and contain 20 or more units, at least 5% of the *dwelling units* must be *Group 2A* units. *Group 2A* units must comply with **521 CMR 9.5 Dwelling Unit Interiors; and 521 CMR 44.00: Group 2 bathrooms; and 521 CMR 45.00: Group 2 Kitchens; and 521 CMR 47.00: Group 2 Bedrooms**". Five percent of 43 units equals 2.15, so 3 units must be handicap adaptable. The proponent is voluntarily providing 10 percent of the 43 units to be handicap adaptable.

Five of the rental units will be handicap adaptable and twenty-one of the forty-two units (50%) will be affordable. There will be an additional studio apartment north of the three-story Moby Dick building.

The proposed size, materials and appearance of the building will fit nicely into the existing neighborhood. It is proposed to close the existing curb cut on North Second Street that will allow two additional parking spaces to be added on the street. The curb cut on Barkers Lane will also be closed. Barkers Lane is designated to be no parking on either side.

The Moby Dick building at 127-129 Union Street will be rehabilitated. There is a full basement under the entire building which will be used for storage and potentially for a restaurant kitchen prep area. The first floor will be a restaurant/café. The upper two stories will have four studios on each floor, varying in size from 390 square feet to 466 square feet with the average being 436 square feet.

Borings were advanced in the Union Street sidewalk in front of 121 Union Street, in North Second Street, in Barkers Lane and in the northeast parking lot, in order to determine whether the presence of bedrock would be an obstacle to providing a full depth basement under the proposed 5 story building. Boring 4, which is at the southwest corner of the parking lot, encountered refusal at a depth of 8.2 feet which was possibly bedrock. All other borings were advanced 11.5 to 18.5 feet without encountering bedrock. It has been concluded that a full depth basement can be constructed under the entire five story building. The Geotechnical Report, including Boring Logs, is enclosed as Appendix A.

A structural engineer inspected the 3 story Moby Dick building and the adjacent 1 story building to the east. He determined that the two buildings are independently supported and that the 1 story building can be demolished with no significant impact to the Moby Dick building. His two letter reports are enclosed as Appendix B.

The first floor of the Moby Dick building will be ADA/MAAB compliant. The second and third floors will not be ADA/MAAB compliant, but those floors are exempt from those requirements due to the age of the building. Appendix E presents details on proposed windows, doors and other products.

The new five-story building will be fully ADA/MAAB compliant on the first floor and five of the residential units on the upper floors will be ADA/MAAB adaptable.

3.1 Required Approval from the Planning Board

The Planning Board is being petitioned to issue a Special Permit for this project which grants relief from zoning standards under the provisions of Section 3120 of the Zoning Ordinance as follows:

	Required	Existing	Proposed
Number of Parking Spaces	135	5	1

Number of Loading Spaces	2	0	0
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A minimum of two parking spaces per dwelling unit and five parking spaces per 1,000 square feet of café/retail space is required:

- $(51 \text{ dwelling units})(2 \text{ spaces per unit}) + (6,500 \text{ SF retail}) (5 \text{ SF}/1,000 \text{ SF}) = 135 \text{ spaces}$

Section 3120 of the Zoning Ordinance allows reduction in parking and loading by Special Permit from the Planning Board. Very few downtown businesses provide any off street parking. There are reasonably priced, nearby parking garages. Other than the proposed handicap space, no off street parking spaces are proposed. There are hundreds of metered parking spaces within walking distance to this proposed facility. There are 91 unmetered street parking spaces on Bethel Street, Front Street, William Street, Johnny Cake Hill, and Water Street North and South, which are within 800 feet to the northeast of the proposed building, and 22 unmetered parking spaces on Acushnet Avenue which is within 800 feet to the south. There are also numerous unmetered parking spaces within 500 feet with restricted occupational time during the day, but with unrestricted night time use within a two minute walk to the proposed facility. Visitors can avail themselves to the nearby parking garages that have very reasonable costs for hourly use and for full day use. The Zeiterion parking garage is less than 300 feet away and the Elm Street garage is only 650 feet away. The Elm Street garage has very reasonable monthly lease rates.

One loading space is required for the residents and one loading space is required for the café/retail space at 117 Union Street. There is no regular need for a residence loading area and the café deliveries will be infrequent. Since Barkers Lane is very lightly traveled and parking is prohibited on both sides of the street, short term unloading can occur there with minimal disruption.

3.2 Required Relief from the Zoning Board of Appeals

The Zoning Board is being petitioned to issue a Variance under the provision of Section 5222 for item 1 below (Lot Area) and Special Permit under the provision of Section 4350A of the Zoning Ordinance for Items 2 through 5 below.

	Existing	Required	Proposed
Lot Area (SF)	12,479	15,000	2,306 Moby Dick 10,173 117 Union
Lot Width (LF)	117.01	0	37.00 Moby Dick 117.01 117 Union

Number of Dwelling Units	0	No standard	51 Total 117 Union - 42 Annex Building - 1 Moby Dick - 8
Total Gross Floor Area (SF)	14,665	N/A	47,574
Residential Gross Floor Area (SF)	0	N/A	37,116
Non-Residential Gross Floor Area	14,665	N/A	10,458
Building Height (feet)	43	100	60
Front Setback (feet)	0	0	0
Side Setback (feet)	N/A	10	N/A
Side Setback (feet)	N/A	12	N/A

3.2.1 Minimum Lot Size and Density

The minimum lot area for three or more family units is 15,000 square feet. The allowable density is one unit per 1,000 square feet of land area, so the lot would need to have 51,000 square feet of lot area for the proposed 51 dwelling units. This is clearly not in keeping with the concept of having a suitable population and affordable housing in the downtown district. It would be a travesty to take up over an acre in the heart of downtown in order to provide 51 dwelling units.

	Required	Existing	Proposed
Minimum Lot Area for three story Moby Dick	15,000	12,479	2,306
Minimum Lot Area for five story 117 Union Street	15,000	12,479	10,173

3.2.2 Side Yard

A minimum 10 foot and 12 foot side yards are required for uses allowed in the residential district. Providing a 10 foot and 12 foot side yard would create a wide gap between this building and the abutting buildings which is atypical of the downtown area and would serve no purpose.

3.2.3 Lot Coverage and Green Space

A maximum of 40% lot coverage on a corner lot and 35% lot coverage otherwise and a minimum of 35% green space is required for uses allowed in residential districts. The majority of the buildings in the downtown business district occupy their entire lot. In order to keep with the essential elements of the downtown area, 92.3% and 100% lot coverage is requested.

4.0 CRITERIA FOR VARIANCE

Under the provisions of Mass General Laws Chapter 40A Section 10, the Zoning Board of Appeals can grant a Variance to deviate from the New Bedford Zoning Ordinance if the following criteria are met:

4.1 Unique Hardship Due to Soil, Shape or Topography

The site has a unique topography consisting of a historic three-story Moby Dick building that is worth preserving and four one-story dilapidated buildings which are not worth saving. It is proposed to construct a new five-story building adjacent to the three-story Moby Dick building in order to provide much needed housing in downtown New Bedford. This \$18 million dollar venture will require numerous complex funding sources including different types of grants for the Moby Dick building rehabilitation versus constructing a new five-story building. This necessitates separate lots so separate collateral can be provided for the separate funding sources. Not allowing the subdivision or the other dimensional variances being requested would thwart the project from proceeding. This would represent a true hardship and would result in the dilapidated buildings being an eyesore in the heart of downtown New Bedford for years to come.

4.2 No Detriment to the Public Good

Demolishing unsightly dilapidated buildings and providing high quality housing in downtown New Bedford and the other dimensional variances being requested would be beneficial to the public good and would stimulate further improvements to downtown New Bedford.

4.3 Not Derogating from the Intent of the Ordinance

The intent of requiring 15,000 square foot lots in downtown New Bedford and the other dimensional Variances being requested is to allow for adequate open space where the tenants and the public can enjoy outside areas for active and passive recreation. This project is fortunate to have Union Square Park immediately to the north. This one acre park provides excellent open space, therefore, providing smaller lots for the proposed development will not derogate from the intent of the bylaw with regard to yard setbacks, open space, lot size and density.

5.0 CRITERIA FOR SPECIAL PERMIT

Sections 5321 to 5326 and 5351 to 5355 of the New Bedford Zoning Ordinance present the criteria which must be met for the permit granting authorities to issue a Special Permit. The following subsections present how those criteria are being met by the proposed development.

5.1 Social, Economic and Community Needs

The project will provide new, affordable and market rate apartments in the heart of Downtown New Bedford. The proposed cafe/restaurant and sidewalk dining will provide a meeting place for the neighborhood, while the residences will add customers for the downtown businesses.

5.2 Traffic, Safety, Parking and Loading

The typical development project includes a traffic assessment. This downtown development is projected to have some residents that do not own or operate motor vehicles. They are projected to ambulate the downtown area, use public transportation and cabs. The residential units are projected to be occupied by people who already live and work in the central New Bedford area. As such, the change in downtown traffic is projected to be imperceptible.

The rate of traffic flow in the area is regulated by traffic signals which are located at the corners of Union Street and Purchase Street and at the corner of Union Street and South Second Street. The areas operate at a level of service A, since the traffic signals typically process their entire queues in a single green cycle.

The Institute of Transportation Engineers' Trip Generation Manual was used to project the peak traffic flows from the proposed facility using Land Use Code 223 which is mid rise apartments (3 to 10 floors). The morning week day peak hour (7 to 9 a.m.) is projected to be 16 trip ends with 5 vehicles arriving and 11 vehicles leaving. The evening week day peak hour (4 to 6 p.m.) is projected to be 21 trip ends with 12 vehicles arriving and 9 vehicles leaving. Assuming that the vehicles arrive and leave somewhat evenly to the north, south, east and west, there will be two or three vehicles per hour added to each of the lanes of the neighboring roads. The addition of two or three vehicles per hour to the lanes of the neighboring roads will not change the level of service. The roads will continue to operate at a level of service A.

There are crosswalks with detectable strips at all street corners. There are on demand pedestrian cross cycles in the traffic signals and good sight visibility in all directions. Refer to Sections 3.1 for a discussion of parking and loading.

5.3 Adequacy of Utilities and Other Public Services

There is adequate water supply, municipal sewer, storm drainage, gas, electric and cable services in the street. The services to the building have been replaced in the past month.

5.4 Neighborhood Character and Social Structure

Having the derelict one-story buildings be replaced with modern, energy efficient structures will improve the neighborhood character. Having the long-vacant Moby Dick building rehabilitated into a restaurant and modern living units will add to revitalization of the downtown area and provide additional customers to downtown businesses.

5.5 Impact on the Natural Environment

The site consists of pavement and buildings with no vegetation. The proposed development will be energy

efficient and is projected to have no significant impact to the natural environment.

5.6 Fiscal Impact

The proposed development will provide an increased tax base with little or no children to impact the school system, since 44 of the units will be studio and one-bedroom apartments.

5.7 Physical Environment

The proposed development is situated in the heart of the downtown area and will become an important component of the downtown experience for residents of the facility, to tourists and to the New Bedford population. The lower level of the five-story building will serve as a lobby to the facility residents and will provide a cafe/eatery for the general public. A future petition, to be separately permitted, will incorporate sidewalk seating for the cafe/eatery customers on North Second Street. The existing sidewalks on Union Street and North Second Street contain street trees, Washingtonian street lights and a blend of slate and brick walkways with cobblestone surrounding the street trees. This street scape will be altered in accordance with the approved plans.

The first floor of the three-story building will be a restaurant that serves the general public.

Barkers Lane has a less well defined sidewalk that lacks granite curbing. Instead, cobblestones slope up from the gutter line to allow vehicle access to the asphalt parking area. It is proposed to install vertical granite curbing with 6 inch reveal along the Barkers Lane frontage. The existing pedestrian crosswalk with handicap ramps will be maintained to allow access to the park that is situated on the north side of Barkers Lane.

5.8 Surface Water and Subsurface Conditions

The site is currently covered by roof and by paved parking lot. The proposed development will be covered entirely by roof, sidewalk and a parking space, therefore, there will be no change in the rate or volume of surface runoff. Since the existing paved parking lot will be converted to roof, the water quality of the runoff from the site will be better than currently exists. There is a small area west of the northwest corner of the site that is slated to contain a handicap space, a small landscaped area and a sidewalk. During construction, the environmental quality of the soil will be evaluated. If the soil is relatively contaminant free, infiltration units will be installed in order to infiltrate runoff to the maximum extent possible. If, on the other hand, the soil is urban fill with significant contaminants, no infiltration units will be provided.

5.9 Circulation System

The typical development project includes a traffic assessment. This downtown development is projected to have some residents that do not own or operate motor vehicles. They are projected to ambulate the downtown area, use public transportation and cabs. The residential units are projected to be occupied by people who already live and work in the central New Bedford area. As such, the change in downtown traffic is projected to be imperceptible.

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a level of service A, since the traffic signals typically process their entire queues in a single green cycle.

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5.10 Support Systems

The fire station is less a third of a mile away and the police station is less than 600 feet away. Therefore, emergency response should not be an issue. The addition of seven 2 bedroom units, twelve 1 bedroom units and twenty-three studio apartments is not projected to have any significant impact on schools or on recreational facilities. There will be a fuel tank in the 117 Union Street basement as shown on the revised plans (sheet H-100) to supply the generator that will be located on the roof of the five story building.

5.11 Phasing

The three-story Moby Dick Building rehabilitation will be funded separately from the new five-story building. It is anticipated that the three-story Moby Dick rehabilitation will be done first, however, this is not certain and construction on both buildings could occur simultaneously.

The funding for the two phases will be complex, involving obtaining grants that will take six to twelve months. It is anticipated that funding for the Moby Dick building could be obtained by summer 2020 with construction following. The phases of the Moby Dick building will involve pouring a new foundation wall under the north face of the 3 story portion of the building. Interior demolition would precede, including removal and off-site disposal of wood frame partitions, finishes down to masonry walls, wood finish floor down to subfloor, ceiling finishes to framing, and all MEP systems, shelves and rubbish. Construction of the improvements as shown on the plans would then occur. The interior demolition plan for the Moby Dick Building will be done separately from the demolition plan for the five-story building. Details of the demolition, dust control, noise control, traffic control and construction will be submitted for Planning Staff review with the demolition permit application. The phasing for the 5 story 117 Union Street building will consist of erecting a 6 foot fence along the curb line of Union Street, North Second Street and Barkers Lane. The trees on North Second Street will be removed in order to provide a staging area for the demolition. The five 1 story buildings will be razed. Excavation will then take place to provide a full depth basement under the building. New footings, foundation walls and piers will be poured and then the building will be constructed. Once the building's exterior construction has been completed, the sidewalk barriers will be removed and the sidewalk areas will be restored as directed by Agents of the Historical Commission.

Project time frames and more detailed phasing elements (noise and dust control) will be submitted for Planning Staff review once a contractor has been hired.

6.0 CRITERIA FOR DOWNTOWN BUSINESS OVERLAY DISTRICT

The Zoning Board of Appeals may grant a Special Permit to reduce setbacks, density and green space and allow residential units on upper floors if specific criteria are met, as detailed in the following subsections.

6.1 No Detrimental Noise

Once constructed, the roof top mounted energy efficient heating, ventilating and air conditioning units are not projected to emit any deleterious noise. There are no other known sources of significant noise once the project is complete. The noise will adhere to the New Bedford noise ordinance from 10 p.m. to 7 a.m.

During construction, there will be noise related to the demolition of the one-story buildings, the excavation of the basements and the construction of the five-story building. The noise generated is unavoidable, but will be minimized to the maximum extent practicable. The noise will not occur before 6 A.M. or after 6 P.M., and will not occur on Sundays.

6.2 Pedestrian and Vehicular Traffic

Refer to Section 4.2 of this Report.

6.3 Environmental Harm

Refer to Section 4.5 of this Report.

6.4 Visual Impact

The character and the scale of the three and five-story buildings are similar to those of nearby structures, as detailed in Appendix C.

6.5 Parking

Sheet C-3 of the plan set demonstrates that there are handicap accessible pathways to the three nearby parking areas that offer long term, affordable parking. Refer to Section 3.1 of this Report for a further discussion of parking.

6.6 Historic Elements

The facades of the three-story Moby Dick building will be preserved. The windows will be replaced with energy efficient windows that preserve the historic look of the building.

7.0 PROJECT COSTS

One of the submission requirements is an Engineer's estimate of site construction costs. Since the building will take up the entire site, the only site construction costs are related to extending new services from the water supply main, the storm drain and the sewer main, and backfilling with flowable fill and a base course of pavement. Except for the gas and water service in Barkers Lane, this work has already been completed.

The remaining utility work is estimated to cost \$10,000. The projected cost of the Moby Dick building is estimated at \$2 million and the projected cost of the new 5 story building is estimated at \$16 million.

8.0 CONCLUSION

The proposed facilities (Phase 1 and Phase 2) meet all of the City's Site Plan Review, Variance and Special Permit criteria. They represent another step in the revitalization of the downtown area by bringing affordable, market rate residential units back into the heart of the City.

PLAN SET