

City of New Bedford



Housing Development Incentive Program



City of New Bedford
HDIP Zone and Plan Application
December 2012

Cover Sheet

Applicant Municipality

City of New Bedford

Contact Person for Application and HD Zone Plan

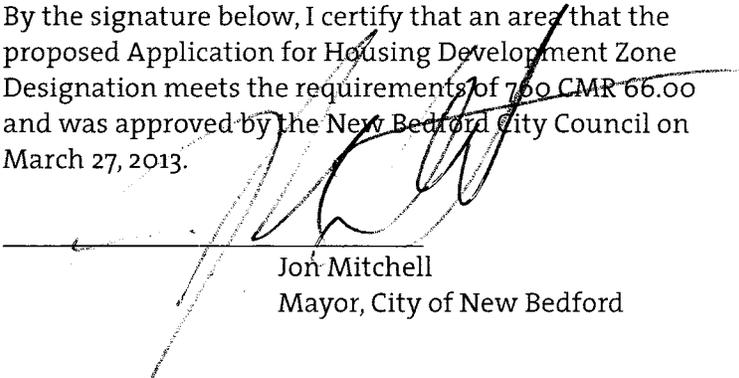
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**Authorized Officers Designated to Execute HD Tax
Increment Exemption Agreements**

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By the signature below, I certify that an area that the proposed Application for Housing Development Zone Designation meets the requirements of 780 CMR 66.00 and was approved by the New Bedford City Council on March 27, 2013.



Jon Mitchell
Mayor, City of New Bedford



Prepared for

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Part I Evidence of Public Hearing

I. A.

Public Hearing on December 12, 2012

Section 66.03(2)

The proposed Housing Development Zone (HD Zone) and Housing Development Zone Plan (HD Zone Plan) was put forth before the New Bedford City Council, consistent with the regulations of the Housing Development Incentive program (HDIP), at its January 10, 2013 meeting. The City Council referred the agenda item to a joint meeting of the council's Committee on Community and Economic Development and the Finance Committee in order to hold the required public hearing.

The public hearing was held on December 12, 2012.

I. B.

Public Notice of Hearing

Section 66.03(2)

Attached are copies of the required newspaper notices which were published in the *New Bedford Standard Times* in each of two successive weeks, the last publication being at least three days prior to the public hearing.

**CITY OF NEW BEDFORD
MASSACHUSETTS
Planning Board**

The New Bedford Planning Board will hold an Advertised Public Hearing on Wednesday, December 12, 2012 at 6:00 PM in Room 314, Third Floor Conference Room, 133 William Street, (City Hall), New Bedford, MA to discuss the following cases:

#19-12 A Proposed Zoning Change on Plot 105 Lot 80 (64 Tinkham Street) New Bedford, MA. Said lot to be rezoned from Residence "C" to Mixed Use Business in its entirety. This request was referred by the City Council on behalf of Mr. David Macedo, President, Club Medeiros S.S. Sacramento on November 8, 2012.

#20-12 Modification of a previously granted Site Plan Decision pursuant to Chapter 9 §5400; and (ii) an application for a Special Permit for the reduction of parking under Chapter 9 §3120. The Modification of the Site Plan Decision and Special Permit Application concerns the proposed rehabilitation of Cliftex North Mill Building into 126 residential apartments located at ES Riverside Avenue and ES Belleville Avenue, New Bedford, Massachusetts, Assessor's Map 105 and 111, Lots 170 and 155. Applicant is: Acorn Management Co., Inc., 218 Willard Street, Quincy, Massachusetts 02169. Owner: River-Bank Lofts, LLC.

#21-12 A Public meeting to discuss a draft Housing Development Incentive Program Zone(HDIP) being proposed by the Planning Department, Office of Housing & Community Development and the New Bedford Economic Development Council under the requirements of Massachusetts General Law, Chapter 40 V. The proposed zone is located in the downtown overlay district.

#22-12 A Proposed amendment to the New Bedford Planning Board rules and regulations: To strike the existing fee schedule of \$400.00 and insert the following fee schedule in place thereof: That effective December 2012, the filing fee for Site Plan Review Application under Section 5400, and Special Permit Application For the reduction of off-Street parking under Section 3120 of the City's Code of Ordinances shall be \$600.00 (six hundred), \$400.00 filing fee plus \$200.00 to cover the cost to advertise for the public hearing as required under Massachusetts General Laws. The applicant shall be responsible for reimbursing the Planning Board for any additional advertisement cost that exceeds \$200.00.

Plans are available for review at the Planning Board Office, 133 William Street, Room 303, New Bedford, Massachusetts 02740; (508) 979-1488, Mon. - Fri. 8:00 a.m. to 4:00 p.m.
Advertise: Nov. 28, Dec. 5

I. C.

Public Hearing Minutes

Section 66.03(2)

The Council Committee referred the proposed HD Zone and the proposed HD Zone Plan as well as orders authorizing the approval of two tax increment exemption agreements back to the full City Council with a recommendation to approve all orders. Attached is a copy of the minutes of the public hearing and the join committee meeting.

NEW BEDFORD PLANNING BOARD
MEETING MINUTES
December 12, 2012
6:00 P.M., ROOM 314, CITY HALL

Members Present:

Arthur Glassman, Chair

Colleen Dawicki

Janine DaSilva, Vice Chair

Peter Cruz

George Smith, Alternate for the Special Permit

Members Absent:

Kathryn Duff, Clerk

Note: For the purposes of these minutes, a motion that is made and seconded, will be transcribed as shown in the following example-JD/CD, where the first two letters represent the member initials making the motion; and the second set of initials are those of the member seconding the same motion. Tally of the vote appears numerically as 4-0 or the actual vote. This meeting was filmed by New Bedford Cable Access.

Chairman Glassman called the meeting to order at 6:02 P.M., called the Roll, and introduced the Board Members and the City Planner. Next, he asked for a motion to accept minutes for the meeting held on November 14, 2012. The minutes were accepted JD/PC 4-0.

Public Hearings:

Case #19-12 A Proposed Zoning Change-64 Tinkham Street

The Chair asked if anyone was present to speak on behalf of the petition. Mr. David Machado, 8 Andes Court, Acushnet, MA approached the podium and said for the point of clarification he is not the President of Club Medeirense S.S. Sacramento, that Larry Jakes is the President, and that he is the Chairman of the Building Committee for Club S.S. Sacramento. They do have Brian Fernandes, 1st Vice President, acting President of that evening, and David Lucio, 2nd Vice President.

The Chair asked Mr. Machado to present his case. He said that they would like to change the lot that they have on their property to mixed business so they can build new ladies' rooms onto the club's property. Mr. Glassman asked the Board members if they had any questions. Mr. Cruz asked if the lot is big enough for the new facility. Mr. Machado said that the lot is big enough because it is a regular residential lot; it was originally a two Decker. They took down the two Decker and now it is a regular residential lot. He stated that they have always had a problem with the ladies' room that there aren't enough ladies' restrooms and thought that this would be a perfect opportunity to have this property next to their grape vine that they can build a nice ladies' room and also increase handicapped ladies' rooms. He said that he had submitted to the Board a set of shop plans on the building if they had any questions.

Mr. Glassman requested a motion for public hearing. A motion was made by CD/JD to open to public hearing. The Chair asked if anyone would like to speak in favor of this project. Mr. Steve Martins, City Councillor, 273 Shaw Street, N.B., MA., approached and said that he would like to speak in favor and to remind this Board that they and the rest of the feast Committee members have put a lot of work into that area. He mentioned that it wasn't too long ago; that they came in front of this Board when they bought and tore down a rundown three family home to expand the feast grounds. He said that, if there are any concerns that the Board may have as far as if there is any room available in that area for bathrooms; there is plenty of room in that area since they took that under their control and expanded the feast grounds towards the Senhor Da Pedra side. He said that he just wanted to speak in favor and it's always a pleasure working with them. They are also reaching out to the Greater New Bedford Vocational Technical School (GNBVT) to partner with them and also help them build a bathroom. He said that he knows the plan submitted to the Board has a million dollar worth of requirements.

Mr. Glassman asked if anyone else would like to speak in favor or be recorded in favor. Mr. Brian Fernandes, acting President, 73 Jenkins St., N.B., said that if you have been to the feast you'd find the ladies' room to be so clogged. He said that they have tried to find an appropriate place. They thought; with the tearing down of the building near the barbeque pit area along with the meat and bread location; it would be plenty of room there and a great place to put a ladies' bathroom. They are working with the (GNBVT) students to get involved and in turn give those credits.

The Chair asked if anyone else would like to be recorded in favor. Mr. David Lucio, 2nd V.P., 15 Blackmer St., Fairhaven, MA, approached and said it's a plus to help the community and keep people happy. They don't want people to go home because of a bathroom but rather stay and have a good time.

The Chair asked if anyone would like to speak opposed or be recorded as opposed. No oppositions heard. Then, he requested a motion to close the public hearing. A motion was made to close the public hearing by CD/JD. Mr. Glassman asked if there was anything amongst them that they had to discuss. Ms. Dawicki said since this area is already being used as mixed use business this wouldn't be a concern on spot zoning. Mr. Glassman asked and confirmed with Ms. Maclean for the point of clarification that before they take a vote this would be a recommendation to the City Council.

Mr. Glassman requested a motion to recommend the zoning change. A motion was made by JD/PC to recommend the proposed zoning change on Plot 105 Lot 80, 64 Tinkham Street, New Bedford, MA to be rezoned from Residence "C" to Mixed Use Business in its entirety.

Roll Call Vote:

Colleen Dawicki – yes

Peter Cruz – yes

Janine DaSilva – yes

Arthur Glassman – yes

Tally 4-0, motion passed

Case #20-12 Modification of a previously granted Site Plan Decision, a Special Permit

The Chair said that this case is a two part decision, one is for a Special Permit for the reduction of parking and the second is for a Site Plan Decision. Ms. Maclean stated that this application for Cliftex North Mill Building came before the Planning Board already; and they received approval for both the Site Plan and a Special Permit for reduced parking previously. They since filed for Chapter 91 licensing which forced them to alter some of the Site Plan, landscaping and parking, and they've reduced some units. She wanted the Board to note that with a Special Permit it requires a super majority vote; the Site Plan approval only requires a simple majority vote. Since Kathryn Duff wasn't present this evening, George Smith, Associate Member, could vote on the Special Permit for the parking but he cannot vote on the Site Plan approval so two separate votes will be needed for the purpose of this case.

The Chair asked who would be representing the case. Attorney Mark Deshaies approached to represent the applicant Acorn Management as well as River Bank Lofts, LLC who is the owner of Cliftex North Mill Building. He mentioned also present were Quentin Ricciardi of Acorn Management, Allen Colwelt who is the construction manager, as well as Steven Carvalho from Thompson Farland Engineering. He stated that he would answer any technical questions that the Board may have. He said as Ms. Maclean mentioned, this previously came before the Board for Site Plan approval and the reason they were present this evening is because they needed to make modifications to the Site Plan which arose during the period the bank was doing financing on the property; the issue that was raised is that a small portion of the building approximately 5,000 sq. ft. is on filled land. This necessitated Acorn Management to acquire a Chapter 91 Waterways permit from the Commonwealth of MA. which is currently in the process with CLE Engineering, representing the petitioner in Boston.

Attorney Deshaies said that when you look at the project to most people involved, the changes would not be occurring on the front side of the building. The rehabilitated, repointed new windows, everything is on the backside. Mr. Carvalho had highlighted the changes that are in the Site Plan seeking modification. With the Chapter 91 Waterways, they are taking out approximately 20-25 parking spots, introducing a grassed area also called an esplanade area with some benches. There will be public access from Riverside Avenue versus by this walkway but additional green space will tie into another public walkway and ultimately lead down to the proposed river walk to be built on the Westerly side of the Acushnet River. On the previous plans, they were proposing to have a tennis court and public gardens for the tenants. They have departed from the tennis courts. The old Cole bins when used as a mill will be cut to be used as raised bed gardens for the tenants. Three walls will be demolished and there will be a grilling area. They are introducing benches in all of the areas as well as public access to the water front. Other changes that Mr. Carvalho highlighted are that four parking spaces will be dedicated for public use which is a requirement of the state for permitting of the Chapter 91. That is the issues that have risen from the modification of the Site Plan.

Attorney Deshaies continued to say that previously they had 140 units proposed for the development but during the phrase when they were going from the conceptual drawing to the architectural, construction plans; it became apparent to Acorn Management that there would be a liability to have townhouses on the ground level and on the first floor coexist with parking in the

rear. Mr. Ricciardi looked at it and having the back of a town house with parking in the back increased risk of cars hitting the townhouses and also increase the fire rating which made it both a safety issue and economically not feasible to develop the townhouses. In the plan coming before the Zoning Board of Appeals, they are seeking a reduction from 140 units to 126. The town houses have been removed so the ground floor of this building will have 160 parking spaces and 72 outside parking spaces for a total of 232 which leaves them short of the required 252 parking spaces for the rehabilitated structure. They are developing 1.87 parking spaces for each residential unit on the property of the 126. They believe that under (Section 3120) for the reduction in parking for the Special Permit the Board can find that the reduction is not inconsistent with public health and safety. Victoria Riverside is currently at 97% occupancy on 100 units and at any given time there are approximately 40 to 50 vacant parking spaces. They expect the same to be the norm here.

Additionally, Attorney Deshaies mentioned that under the Special Permit (Section 5320) of the bylaw the Board has to find that the Special Permit is not detrimental to the City generally and the granting is not adverse taken into account characteristics of the site and the social and economics, the traffic flow and safety issues, the adequacy of utilities of the neighborhood and impacts on the environment. All parking will be confined on site and it's not going to have any detrimental impact on the neighborhood. He said when you are on Riverside Avenue and looking to the East, it's basically going to be transparent to the world what they're proposing. They would ask the Board to act favorably on their request to modify the Site Plan in accordance with the plans submitted and to affirmatively vote to grant them the Special Permit reducing the parking at the site from 252 to 232.

Mr. Glassman asked the Board members if they had any questions for Attorney Deshaies. Ms. Dawicki asked if the parking spaces are going to be assigned to the units. Mr. Quentin Ricciardi said they would be one parking space assigned to each unit. Then, she asked if there would be any crosswalks. Attorney Deshaies said that it is not shown on the plan but they would agree that crosswalks be installed at the end of the public access and didn't think it would be a problem. She also asked about a crosswalk being at the northwest corner of the entrance. Mr. Ricciardi said it was an oversight that wasn't included. The other question she had relating to access would be if the public parking spaces be marked is some way to designate. Attorney Deshaies said yes.

Mr. Steven Carvalho approached to further go into detail regarding the crosswalks and said that the plan doesn't really show it but he pointed to the green space on the plan extending upward well off their property and it goes up toward a busier road, Belleville Avenue where it intersects with Riverside Avenue so he wasn't sure if that's where Ms. Dawicki was looking to perhaps put a crosswalk there. She said anytime there's a pedestrian in a cross where there are cars coming in and out would be where you'd want to see a crosswalk. Mr. Cruz said he was thinking that at the entrance of Riverside where some green space would be, if any crosswalk or handicapped accessibility would be included part of this project. Mr. Carvalho said it's completely flat on their side of the street going straight across the access to the parking lot; and they're not showing any proposed development outside of what they're doing now.

Attorney Deshaies there's a lot of parking across the street and they were going to introduce a granite fountain there and The National Park Service indicated that they would not be in favor of that and Mr. Ricciardi wanted to keep everything on the Easterly side. The main entrance of the property is going to be in the rear with emergency access from the front side of the building. He said that Mr. Ricciardi wanted everything contained on the Easterly side.

Mr. George Smith said to the Chair from the previous plan he thought there would be sidewalks all the way around for pedestrians to walk, a fountain and street lighting. It appears to him that they are asking the Board with the modification they are eliminating the whole thing. Attorney Deshaies said that they are eliminating everything that would have been on the Westerly side and modifying it to be on the Easterly side. The plans that have been submitted no longer detail with the Westerly side. Mr. Quentin Ricciardi approached and said this is a separate parcel to the West of Riverside Avenue. He said that they are not saying they are not going to develop it but they are not going to develop it as part of this project. They would like to put a fountain there but they ran into trouble with the National Park Service and didn't want to hold up this project. He pointed out to the plan showing which portion of the land the City owns and pointed out the separate parcel of parking Westerly and said his father wanted to put a fountain there and it would be something he'd be interested in doing as well in the future.

After a brief discussion, the Chair said that they needed to dig up the old plans that they did approve and needed to see what they've changed and what they haven't changed. Some of the Board members were present at the original presentation, some weren't. He continued to say that they had approved an original plan that had a fountain, sidewalks, lighting and all of sudden it's a totally different plan. He also said it doesn't mean they're not going to approve the plan but they need to see the comparison and had asked the Board members if they felt the same. The members of the Board seemed to have agreed with the Chair. Attorney Deshaies mentioned on sheet 5C shows landscaping and street lighting.

Mr. Glassman requested a motion to open to public hearing. A motion was made to open to public hearing by JD/CD. Mr. Glassman asked if anyone would like to speak in favor of this project or be recorded in favor. No favorable testimony heard. Then, Mr. Glassman asked if anyone would like to speak opposed or be recorded opposed. No oppositions heard. A motion was made to close the public hearing by JD/PC.

Mr. Glassman said that there are several options for the Board members to go about. They can put a motion to approve the reduction of parking and continue the Site Plan until they get a little more information. Mr. Smith said that nothing they've shown that evening has changed with what they're asking for with the parking. Mr. Smith asked when they came in before the Board in 2011 if they had asked for relief in parking then. Mr. Glassman didn't believe so and they went into a brief discussion.

A motion was made by GS/JD to grant the special permit to relieve the parking from 252 to 232 which is exactly 20 spots.

Roll Call Vote:

George Smith – yes

Colleen Dawicki – yes

Peter Cruz – yes
Janine DaSilva – yes
Arthur Glassman – yes
Tally 5-0, motion passed

A motion was made by JD/CD to continue the Site Plan Review for Case #20-12 until January 9, 2013.

Roll Call Vote:
Colleen Dawicki – yes
Peter Cruz – yes
Janine DaSilva – yes
Arthur Glassman – yes
Tally 4-0, motion passed

Case #21-12 Housing Development Incentive Program

Mr. Glassman asked who would present. Mr. Patrick Sullivan, Director of Housing & Community Development, for the City approached and said he wanted to present some information to the Board and also to the general public regarding the proposed zone downtown. He said it passed legislation back in 2010 to create some incentives in gateway cities. It's a way to create market rate housing and the Department of Housing & Community Development for the State wrote regulations and released those last summer. It offers opportunities to gateway cities like New Bedford to create a zone which would provide incentives to developers to create market rate housing.

When they learned of this they thought it would be a great opportunity to create such a zone within the City utilizing the downtown business district, which previously had an overlay district created on it, and using the same footprint. That includes Route 18 to the East, County St. to the West, Kempton St. to the North, and School St. to the South. If this zone is created and approved, it requires City Council approval. It would then open up options to developers to get a tax credit through the Department of Housing and Community Development which is similar to the Historic Tax Credit. It raises equity based on the value of improvements to a building so the real estate taxes would provide tax relief somewhat similar to a T.I.F. agreement what a City grants for economic development purposes to create jobs. The City would basically establish the zone and any developers that come forth would then enter a tax relief agreement with the City and then the project would advance to the State requiring substantial approval by the Department of Housing & Community Development for the purposes of the tax credit equity and other components of the project.

The City has flexibility for the percentages of a tax and credit financing. Plans can be modified on a yearly basis; it doesn't set the City cast in stone to keep it whichever way it was initially established. Several other cities that have been approved such as Pittsfield and Lowell had developers that were planning with proposals within the zoning and it was a big component of their application. Currently there are no projects in the pipeline but they are creating this to offer opportunity and incentive. They're hoping this plan will entice developers to create a little more diversity in housing and downtown. They looked at market studies that were conducted recently

within the downtown such as the Regency Towers project and Harborview Towers project both had to undertake comprehensive market studies. The Regency Towers project particularly looked upon as a mixed income project with market rate and affordable units and it really struck a lot of examples for the demand and need for potential market for market rate units. They reviewed that study and analyzed it and believed that a developer would be successful in creating opportunities in the downtown particularly in the market rate. Mr. Sullivan continued to say that he wanted to discuss this with the Planning Department and Economic Development as to what would be the best mechanism to implement something like this to develop it and keep it similar and consistent with past practices. He mentioned that Ms. Maclean had a brief summary that the Board could review and the next step in the process would be to get feedback from the Board members and to receive approval from the City Council.

Ms. Dawicki said she though it was great and asked if this was for new builds and rehabs. Mr. Sullivan said there is some limitations to new construction such as if its part of a demolition to a building that currently exists; you can demolish that within the development as long as the State has already reviewed and approved the plan. You can't have a site this is vacant now and do a new construction. You can do a new construction to an existing building if you're adding some units. The tax relief would be on the value of those approved improvements. Ms. DaSilva asked what made Mr. Sullivan select the boundaries in the manner that he did. He said given everything that has happened in downtown over the last 10 years they felt that any incentives to spirit the development in the downtown to create market rate housing. They also found through the market study that young folks want to live in an urban environment and as a starting point they felt this would be the best area for what they're trying to achieve. Mr. Glassman stated anything that would bring life downtown is an incentive and is great and there's no negative side to this.

The Chair requested an informal vote to use as a referral to the City Council. A motion was made by CD/JD to make a recommendation to the City Council to adopt a Housing Development Incentive Program Zone in the downtown overlay district. All four voted in favor.

Case #22-12 A Proposed Amendment to the N.B. Planning Board Rules & Regulations

Ms. Maclean stated that previously the Planning Board never controlled the legal advertisements for the public hearings and the applicants were allowed to do that. At least three times over the past year, applicants filed their own legal ads without applications being submitted to the Planning Department for review so they had to withdraw and file again. The Zoning Board of Appeals and the Conservation Commission handle their own legal ads and it would give us control of what's on the agenda and it ensures that any cases aren't appealable. We are asking the fee to be increased by \$200.00 to cover the legal ad on average. On rare occasion, the cost goes slightly over and that's why we added one line stating that the applicant shall reimburse the Planning Board for any additional advertisement cost that exceeds \$200.00. It would all be one check in the amount of \$600.00.

Mr. Glassman requested a motion to approve this amendment. A motion was made by JD/PC that the Planning Board approves the proposed amendment to increase the fee schedule from \$400.00 to \$600.00 for Site Plan Review Applications and Special Permit Applications.

Roll Call Vote:
Colleen Dawicki – yes
Peter Cruz – yes
Janine DaSilva – yes
Arthur Glassman – yes
Tally 4-0, motion passed

New Business:

Notification of a Chapter 91 Waterways License Application

Ms. Maclean stated that this is just a notification. It didn't require any Site Plan approval or anything from the Boards.

Request for a 1 Year Extension to the Terms of the Covenant for Gisele's Way Residential Subdivision located at 68 Gisele's Way, N.B., MA Plot 134, Lot 314

Mr. Glassman stated that Ms. Maclean said we already had approved it. They are just looking for an extension. Ms. DaSilva asked how long we can continue giving applicants 1 year extensions for covenants. Ms. Maclean stated that subdivisions are usually good for eight years but it's not in writing and it's not in ordinances. She stated it might be something for the Board to consider moving forward to put in deadlines. Mr. Smith wanted to speak addressing from the floor and said it's a good idea to do what Ms. Maclean said. After a brief discussion, Mr. Glassman requested a motion for a 1 year extension.

A motion was made by JD/PC to approve the request for the 1 year extension for the Covenant for Gisele's Way at 68 Gisele's Way, N.B., MA Plot 134, Lot 314, with the provision that this is the last extension to the subdivision and they need to return before the Board if they want to continue with the subdivision on that plot and lot.

Roll Call Vote:
Colleen Dawicki – yes
Peter Cruz – yes
Janine DaSilva – yes
Arthur Glassman – yes
Tally 4-0, motion passed

A Request for a Partial Release of Cash Surety for Bismark Meadows Subdivision. The Developer Requested the Release of Funds Equivalent to the Work Completed. The Current Cash Surety is \$74,000.

Ms. Maclean stated that they've completed all of the paving which was a good chunk of the money, \$30,000 more or less. Mr. Glassman asked what was left for work to be completed. She gave some examples of the work to be completed such as cement, street lights, and some structures that needed to be cleaned; the drainage, the asphalt plants for the road, and the feed for the City to take over for the detention basin. Mr. Glassman stated that he drove by there and it's a 100% improvement; it almost looks like a completed subdivision. They also did the lane and

the street as promised. Ms. Maclean said that they also installed the sidewalk on the West side of Bismark St. to the end. Although it was discussed, it was not part of the subdivision plan nor was it part of the admitter to the approval but the neighbors had asked for it and they did construct that sidewalk all the way down. The way that is was approved, they only had to bring it to the North side of Bismark Meadow and Bismark St. continues northerly; they didn't have to do that extension and they agreed to do it. Mr. Glassman asked and confirmed with Ms. Maclean according to the request, they're looking for a release in the amount of \$30,000. Mr. Cruz asked if all the lots are sold or if any remain to be sold yet. Mr. Glassman thought that there may be two houses at the end of the cul-de-sac for sale but all the houses are built. Ms. Maclean said that the two houses that Mr. Glassman mentioned are Form A lots, not part of the subdivision. The subdivisions lots may all be sold and we don't owe any covenants out there.

Mr. Glassman said that he knows that residents have concerns as to when the City takes that over as a Street. Ms. Maclean said that they need to do all this work. If there's any money left, we would release the funds to them. Their engineers submit as built plans to the DPI for review. If they're approved, then the engineers would submit the plans and the street approval application to DPI to review again and process then it goes to City Council when it's all set.

Mr. Cruz asked if we had to release all \$30,000. Ms. Maclean said that when the Agenda was put out to the Board, DPI went to get the estimate so what was remaining was \$74,000 and what was put in the Agenda is that we would release the amount that DPI approves so they're saying there's \$44,000 left in work remaining, so they're asking for \$30,000 to be released. She stated that it's up the Board members if they want to lessen the release amount. A brief discussion followed.

A motion was made by JD/CD to approve a partial cash surety release for Bismark Meadows subdivision in the amount of \$24,000 holding an extra \$6,000 based on the DPI estimate.

Roll Call Vote:

Colleen Dawicki – yes

Peter Cruz – yes

Janine DaSilva – yes

Arthur Glassman – yes

Tally 4-0, motion passed

A Notification for a Modification to a Taco Bell Building

Ms. Maclean stated that Taco Bell requested a minor modification to their building. Along the foundation, they had proposed granite block facing which was different from the retail building and existing Market Basket foundation. When they priced everything out, it turned out to be a great deal more to do the granite block so they're putting in the same stone facing that the retail building was approved for and Market Basket. No approval is needed from the Board.

Planning Board Hearing Dates

Ms. Maclean gave the members of the Board calendars for next year's hearing dates. She had asked them to review those dates and approve them at the next Board meeting to be held on January 9, 2013.

Working Session

Mr. Glassman wanted to discuss possibly is having a working session. He knows that Ms. Duff, Ms. Dawicki, and he are interested. He asked if any dates work for Ms. Maclean and if not if she could send maybe Ray or Jane. She said that she would probably look into sending Ray and she would have to ask Solicitor's as well and ask John Markey who he would want to send. Jane is our legal counsel and see what dates would work for them.

CPTC

The other thing Ms. Maclean would suggest is the Citizens Participation Training Collaborative and the courses that they offer. They are usually one day courses and they offer a whole range of Zoning Laws, Site Plan approvals, Special Permits, etc. Ms. DaSilva asked if courses are offered in the Spring. Ms. Maclean stated that they are offered throughout the year and they have a website to review.

NOTE: Ms. Maclean also mentioned that the Board may have to attend an extra meeting in January, second to the last Wed. of the month, before February.

Old Business

Date of Next Meeting: January 9, 2013

Adjourn: A motion to adjourn was made by JD/CD at 7:30 P.M.

Meeting Attendees

Patrick J. Sullivan – OHCD Staff
City Councilor Steve Martins
David Machedo
Brian Fernandes
David Lucio
Attorney Mark Deshaies
Steve Carvahlo
Quentin Ricciardi
Allen Colwelt

Part II Local Municipal Approval

II. A.

Approval by Municipal Legislative Body

Section 66.03(3)

The proposed HD Zone and proposed HD Zone Plan were approved by the full City Council at its meeting held on March 27, 2013. See attached copies of the approved and signed City Council orders.





CITY OF NEW BEDFORD

CITY COUNCIL

December 28, 2013

Ordered, that the City Council of the City of New Bedford hereby approves the Housing Development (HD) Zone Plan for the City of New Bedford and authorizes and forwards said HD Zone Plan for certification to the Massachusetts Department of Housing and Community Development (DHCD) for its approval and endorsement.

IN CITY COUNCIL, January 10, 2013

Referred to the Committee on Ordinances.

Rita D. Arruda, City Clerk

IN CITY COUNCIL, March 27, 2013

Adopted.

Presented to the Mayor for approval March 29, 2013.

Approved March 29, 2013.

Rita D. Arruda, City Clerk

Rita D. Arruda, City Clerk

Jonathan F. Mitchell, Mayor

a true copy, attest:

Rita D. Arruda

City Clerk

Part III Executive Summary



III. A.

Executive Summary

The City of New Bedford is seeking to expand residential development within its downtown business district by creating an incentive zone utilizing the newly developed program offered through the state of Massachusetts Department of Housing and Community Development. The Housing Development Incentive Program (HDIP), established as M.G.L., Chapter 40V, provides Gateway Cities with a development tool to increase residential growth, expand diversity of housing stock, support economic development, and promote neighborhood stabilization in designated geographic target areas. The program provides two tax incentives to developers (Sponsors) to undertake substantial rehabilitation of properties for lease or sale as multi-unit market rate housing:

- A local-option real estate tax exemption on all or part of the increased property value resulting from improvements (the increment); and
- State tax credits for Qualified Substantial Rehabilitation Expenditures (QSREs) that are awarded through a rolling application process.

The goal of this application to the Housing Development Incentive Program is to provide a roadmap for the continued revitalization of downtown New Bedford, strengthening its employment base and generating increased housing demand both in the downtown and in its nearby residential neighborhoods. Downtown New Bedford is an extraordinary asset—an urban jewel whose rediscovery over the past several years has begun to draw redevelopment and refurbishment activity not only to the core of the City, but to the surrounding waterfront and residential neighborhoods.

New Bedford enjoys a healthy downtown and the existing residential developments generate a constant flow of foot traffic to support nearby retailers, services, restaurants, and other businesses. Housing remains an essential element in revitalization of the New Bedford downtown business district. Changing demographics are creating new opportunities for specific residential segments and diverse housing categories. The creation of a Housing

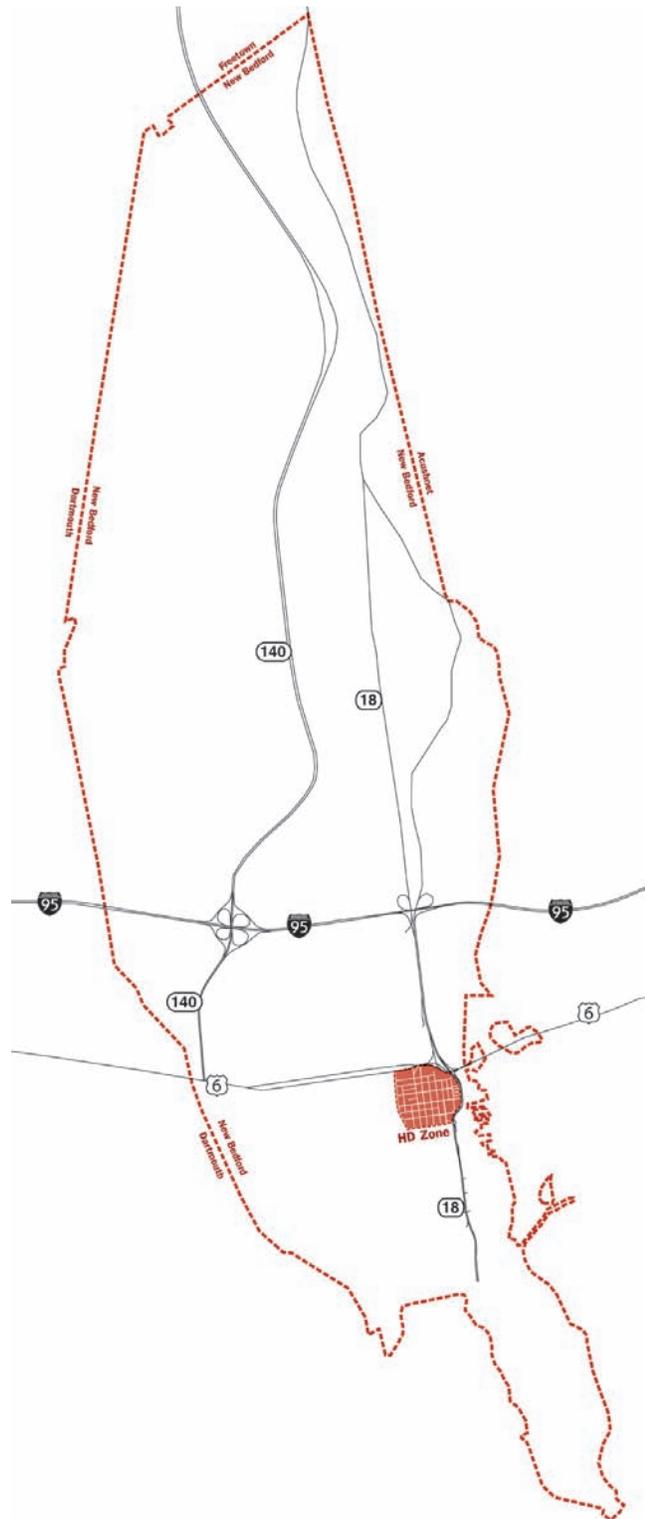
FACING PAGE
The Housing Development Incentive Program zone shown in city-wide context. Source: Bing maps.

Development Incentive Zone, with market rate housing at its focus, will only add residents to the concentrated mix of retail, office, and entertainment. By adding a higher density of residents in the downtown mix, the amount of activity increases exponentially. This in turn creates an even more vibrant and desirable downtown economy.

In 2009, the City completed a *Downtown Revitalization Study*. The study identifies specific opportunities in the downtown that can bolster the type of public and private development that will augment the positive trends already in motion, tapping into the creative cluster economy and the established educational institutions that can support additional residential and retail activity. In order to test the viability of additional development downtown, the City enlisted public input to select targeted underutilized infill sites. Hypothetical development scenarios were designed for these sites, to suggest how both building and public realm improvements on these key sites could benefit the entire study area. In addition, a series of broader public realm improvements are proposed that will enhance the existing character of the downtown, improve pedestrian connections between the National Park district and the commercial/retail district, and will add value to existing properties within the study area. These public improvements, together with the targeted redevelopment scenarios build upon the success of the past dozen years and generate synergies with the existing retail, housing and commercial uses in the downtown. Rather than provide a comprehensive and exhaustive blueprint for redevelopment, the study recommended targeted projects and initiatives as the primary means to create downtown job opportunities in commercial office, retail, cultural, and educational uses. Within this realistic market-driven and visually rich downtown framework, the City may be able to generate the deepest impact given available financial and human resources for the next five to ten years.



Part IV Housing Development Zone



IV. A.

City of New Bedford HD Zone

Section 66.04(2)(a)(b)

The City's proposed HD Zone would be named the "City of New Bedford HD Zone." The specific area chosen for the HD Zone constitutes the core of New Bedford's downtown. It is bounded on the east by Route 18; on the south by Walnut Street; on the west by County Street; and on the north by Kempton Street. The extreme north and south edges of the HD Zone are peppered with surface parking lots and large buildings that sit well back from street edges. Much of this is the legacy of 1960s / '70s Urban Renewal projects.

Within the proposed zone area is the amazing asset of New Bedford Whaling National Historical Park, established in by Congress 1996. This area has a distinct historical character that has positively affected the overall vitality of the downtown. To the east, across Route 18, lies the heart of New Bedford's waterfront—State Pier—which serves freighters, cruise ships, and ferries to Martha's Vineyard and Cuttyhunk. To the west of the National Park is the City's government, office and downtown retail district, characterized by high quality late 19th and early 20th century buildings.

Any new visitor to New Bedford's downtown core will confirm that the first impression of the City is a positive one. The downtown core has a dense, walkable scale, the 19th century architectural character is consistent, and the typical streets and sidewalks of the core are of a width that creates an urbane pedestrian realm. Approximately a third of the study area of this report is within the boundaries of New Bedford Whaling National Historical Park, established by Congress in 1996. Significant capital improvements to the public realm have been undertaken prior to and since the Park's establishment, details of which include cobblestone streetbeds, bluestone/slate sidewalks, lantern-style pedestrian lights, and consistent street tree planting.

FACING PAGE: New Bedford's Downtown HD Zone locus within the larger municipal boundary.

FACING PAGE, TOP: Open spaces and amenities in Downtown New Bedford.

In 2008, the Downtown area had an estimated 626 business establishments, employing 6,214 workers and generating approximately \$500 million in annual sales; 42 of these firms each had more than 20 employees. Public administration businesses account for the largest number of Downtown workers (2,250 employed at 71 establishments), which is consistent with the City's status as the largest municipality in southeastern Massachusetts and the seat of Bristol County government. Other major sectors include legal services (129 firms with 406 employees), health and social services (combined 66 businesses with 692 employees); printing and publishing and allied businesses; engineering, accounting, research, and management related services (31 firms with 259 employees); and management services. There are 75 retail establishments in the Downtown with an estimated 474 employees and annual business sales of approximately \$34 million; 33 of these retailers are eating and drinking establishments with about 310 employees, and annual business sales of almost \$16 million.

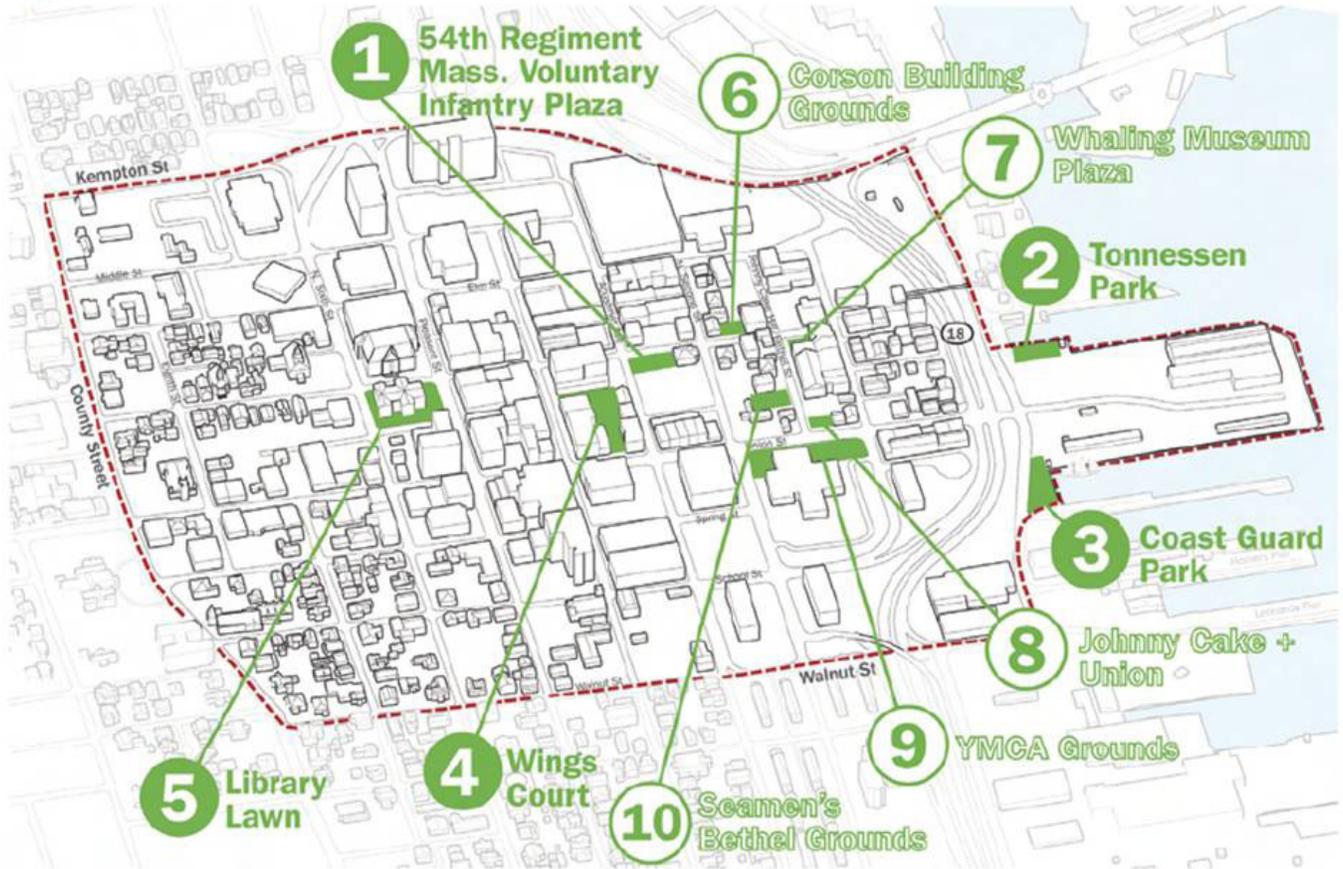
The proposed HD Zone comprises an area in Downtown New Bedford where there is a great opportunity and need for market-rate housing. Census tract 6518 is the primary tract in the proposed HD Zone with three additional census tracts abutting the area:

2010 Census Tract	2006-10 ACS Median Household Income
6518	\$13,071
6517	\$17,453
6519	\$20,085
6520	\$33,261

FACING PAGE, BOTTOM ROW: New or expanded retail establishments throughout the downtown, including Runway Clothing (Union Street); Blush Beauty Bar (Centre Street); and Solstice skate shop (William Street).

Municipal Ownership

Private Ownership



Creative Economy

The Creative Economy Task Force developed recommendations that will support and advance the City’s creative economy initiative. The task force collected data from eight cities with characteristics similar to New Bedford (“aspirant cities”), including downtown revitalization; National Park Service presence; and collaborative endeavors with art, cultural, educational, and civic sectors. Notably, five of the aspirant cities also have a full-time position dedicated to fostering creative economy economic development. Task force members conducted site visits to all aspirant cities, evaluated the effectiveness of their Creative Economy efforts, and identified approaches that are applicable to New Bedford. Economic development officials were contacted in four of the aspirant cities with public or private business incubators serving artists and other creative enterprises (Pittsfield, Pawtucket, Lowell, and Portsmouth) to gain a better understanding of how vacant and underutilized buildings in Downtown can accommodate Creative Economy entrepreneurs and businesses.

Based on preliminary findings of a citywide economic assessment, the Task Force report contained these highlights of the Creative Economy:

- New Bedford had a relatively high proportion of workers (nearly 3%) employed in the Creative Economy, compared to the national average of 1.6% and the state’s 2.6%; nearly 1,400 workers in New Bedford were Creative Economy employees with annual compensation of \$48 million; and the mean salary for Creative Economy workers was \$38,000 compared to \$26,032 for seafood processors and \$30,350 for textile workers.



ABOVE: Navio Artisans Collective at 65 William Street.



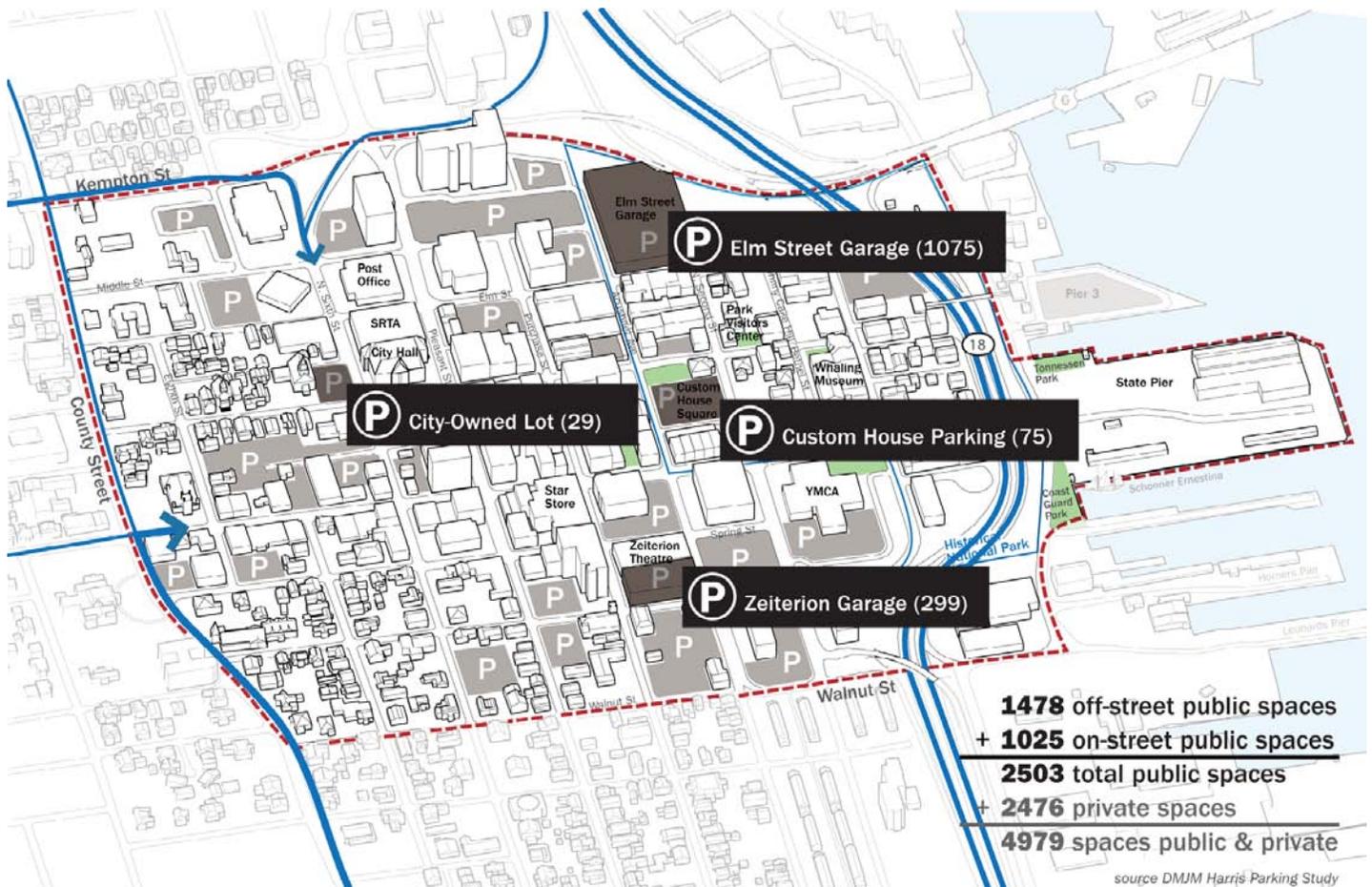
ABOVE: UMass Dartmouth College of Visual and Performing Arts (CVPA) in the Star Store in downtown New Bedford. Source: umassd.edu (top), City of New Bedford Planning Department (above).

Key findings, recommendations, and action items relevant to Downtown redevelopment include:

- New Bedford is the largest city in southeastern Massachusetts and an established center of arts, culture, and education activities. Bring together communities from Westport to Wareham, and become a leader of a regional Creative Economy collaboration.
- The presence of educational institutions and partnerships with the private sector has been a key driver of urban revitalization. Create a strong partnership with UMass/Dartmouth and Bristol Community College, and aggressively pursue keeping graduates in the region.
- Aggressively market New Bedford as an affordable option for Creative Economy businesses and residences, and promote its location between Boston and Providence.
- Recognize the Creative Economy as a leading component of economic development citywide, use the Creative Economy to market the City's resurgence, and view the Creative Economy as a magnet for attracting young professional workers and residents.
- Plan for the gentrification that typically follows successful urban revitalization and formulate a sound plan to combat this potential (predictable) problem when higher property values and rents may "price-out" the artists and indigenous residents.

Parking

Parking within the proposed HD Zone is adequate to meet existing parking demand and the current inventory is also sufficient to meet future demand from additional housing development. There are four primary off-street municipal parking options in the downtown—the Elm Street and Zeiterion Garages, and the Custom House Square and City Hall surface lots—which combine to offer 1,478 off-street spaces. These, in conjunction with over 1,000 on-street spaces, provide ample supply for typical day-to-day downtown parking needs.

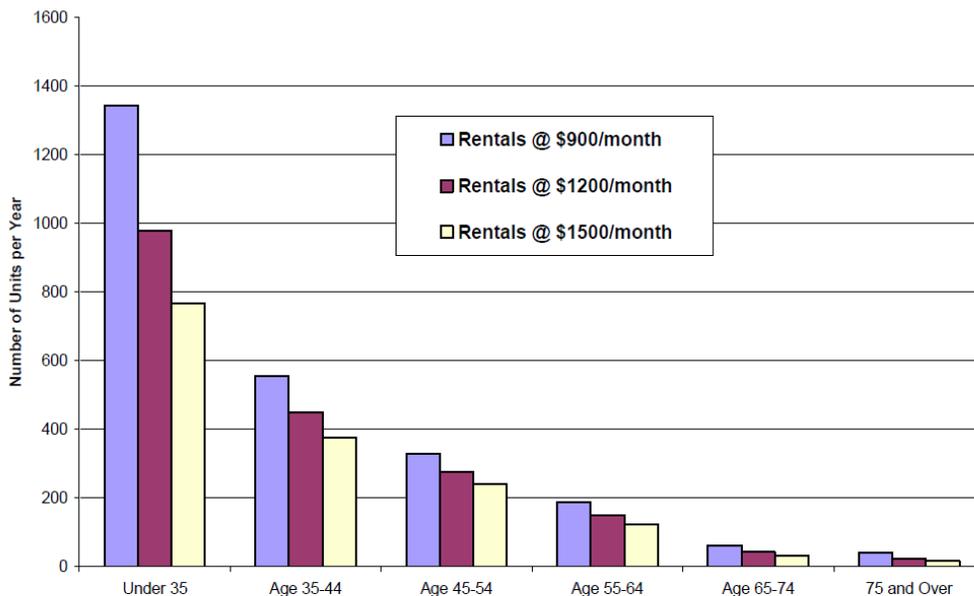


Need and Demand for Market Rate Housing within the Proposed HD Zone

A market study completed in 2009 by FXM Associates in association with Byrne McKinney & Associates, Inc. and E. J. Pontiff Real Estate documented demand for market rate housing within downtown New Bedford.

The market study indicated that potential demand for apartment sales and rentals in downtown New Bedford were derived from income qualified households expected to newly locate or move within a 20-minute drive time market area. The market area is sufficiently large to capture households working within the South Coast region (not only in New Bedford) who could find the unique attributes of downtown New Bedford attractive, but not so large as to assume households unfamiliar with the area could be counted upon to consider moving to downtown New Bedford. Of the 130,000 households within the 20-minute market area, approximately 75,000 or 58%

Estimated Annual Demand for Rental Units by Price and Age of Householder: 2009-2012
Twenty(20) Minute Market Area



met had incomes above the \$35,000 per year minimum annual income qualifications in 2007, 57,000 or 44% had incomes over \$50,000, 46,000 or 35% had incomes over \$60,000, and 33,000 or 25% had incomes over \$75,000 in 2007. The largest numbers of income qualified households are concentrated in the 35 to 44 and the 45 to 54 year age cohorts.

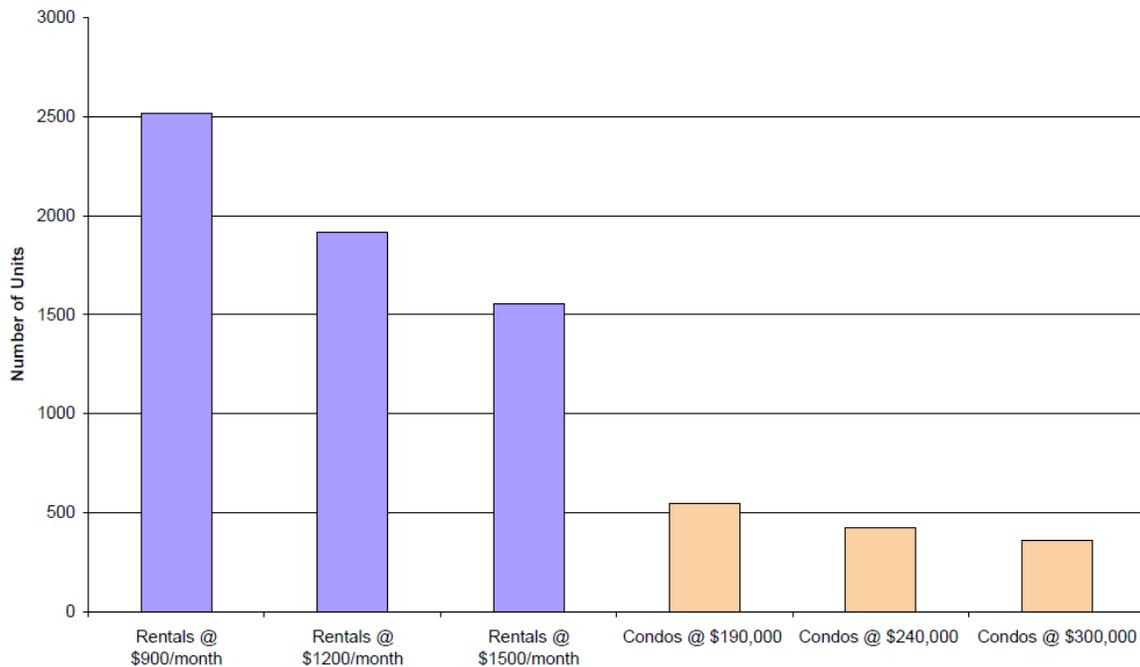
The market study also noted that the average annual demand within the 20-minute market area for rentals and condo sales among households in all age groups with qualifying incomes is promising for rentals. In an average year, market area demand among income qualified households is projected to range from approximately 1,600 households for the higher priced rentals to 2,500 households for the lower priced rentals. Demand for condos in an average year between 2009 and 2012 is projected to range from approximately 360 households for the highest priced condos to 550 households for the lower priced condos.

By 2012, approximately 80,000 or 61% of market area households are projected to meet the minimum \$35,000 annual income threshold, 63,000 or 48% are projected to have incomes over \$50,000, 53,000 or 40% of households over \$60,000 annual incomes, and 40,000 or 30% of market area households are projected to have annual incomes in excess of \$75,000.

The market study noted that a common objective of new residents in the downtown was a desire to take advantage of the extraordinary renaissance driven by the arts and cultural sectors that continues to spawn an increased variety of stores, retail services, restaurants, galleries, and entertainment venues throughout the downtown area. The market study also noted, that new residents were seeking many of the entities are people who are seeking in an urban environment/experience, proximity to activity centers, and lifestyle options that come with living in a professionally managed apartment building or condominium complex located in the center of a city.

Local real estate brokers and property managers report the demand for apartment rentals has remained fairly strong over the past few years as evidenced by high occupancy levels in Downtown multi-family residential buildings, several of which have waiting lists for rent-subsidized units. There are several large-scale, multi-family rent-subsidized apartment buildings in the study area and near Downtown, and these residents have significant influence on the Downtown economy (Melville Towers, Bayview Tower, New Bedford Hotel Senior Housing, Olympia Tower).

Average Annual Demand For Rentals and Condos: 2009-2012
Twenty (20) Minute Drive Market Area



Over the past five years, mixed-use redevelopment of Downtown commercial property has attracted a growing number of young professionals, students, divorced singles, retirees, and empty-nesters to purchase or rent apartments. Local realtors and property managers have identified students from area colleges as a target population for Downtown apartment rentals, which have become more convenient with the Downtown to Dartmouth Loop bus service. Approximately 1,200 graduate students are enrolled at UMass/Dartmouth, and school administrators indicate that there is no on-campus housing for graduate students and the school does not plan to build graduate student housing in the near future. The Southern New England School of Law in Dartmouth has 234 students, no on-campus housing, and provides referral service to off-campus housing as well as an increased number of investor- and owner-occupied houses in neighborhoods abutting the study area.



ABOVE: The Loop bus service that links the downtown (specifically the Star Store) with the UMass Dartmouth main campus.

IV. B.

Housing Development Zone Maps

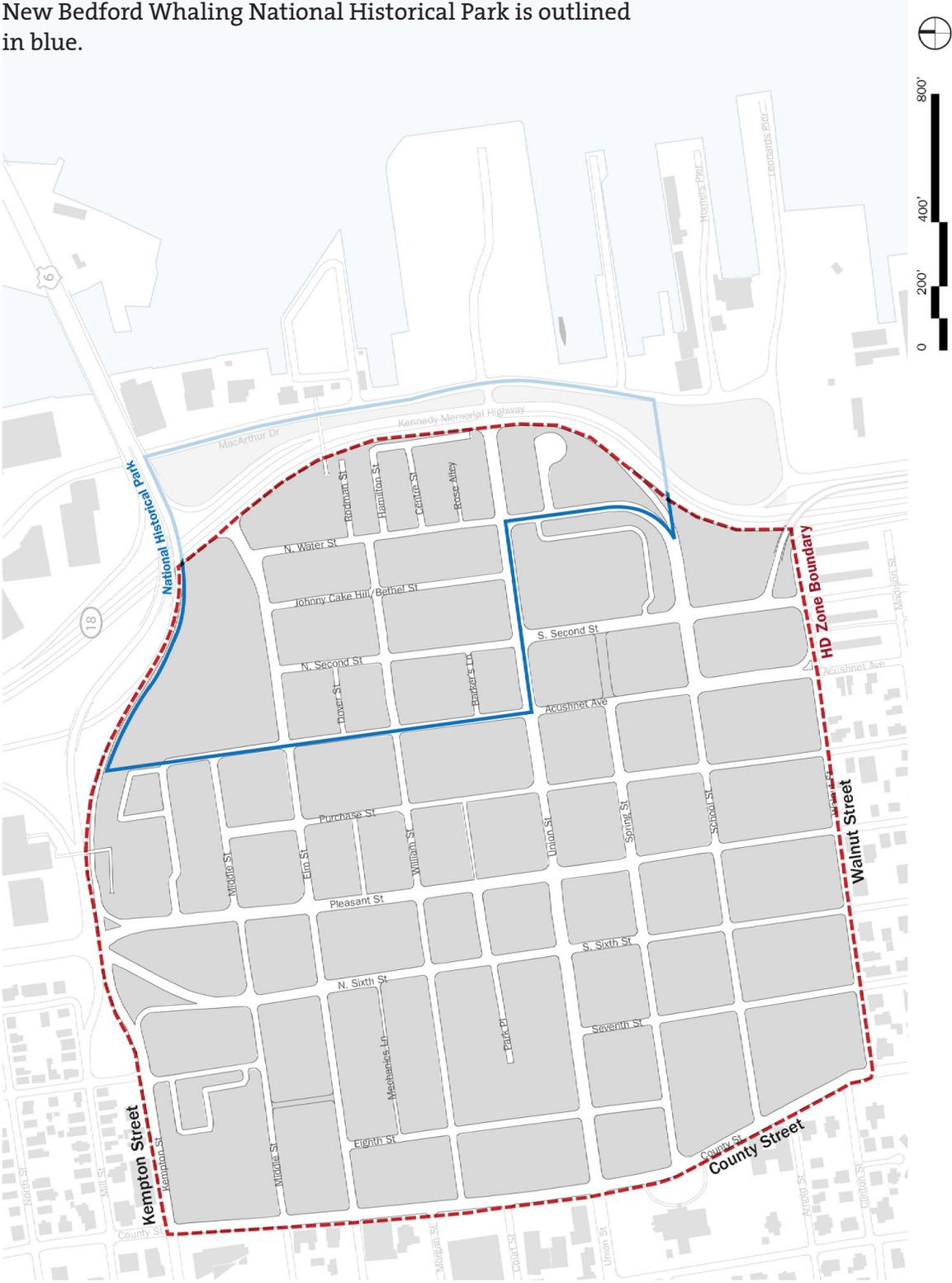
Section 66.04(1)(c)

The specific area chosen for HD Zone constitutes the core of New Bedford's downtown. It is bounded on the east by Route 18; on the south by Walnut Street; on the west by County Street; and on the north by Kempton Street. The extreme north and south edges of the study area are peppered with surface parking lots and large buildings that sit well back from street edges. Much of this is the legacy of 1960's / 70's Urban Renewal projects.

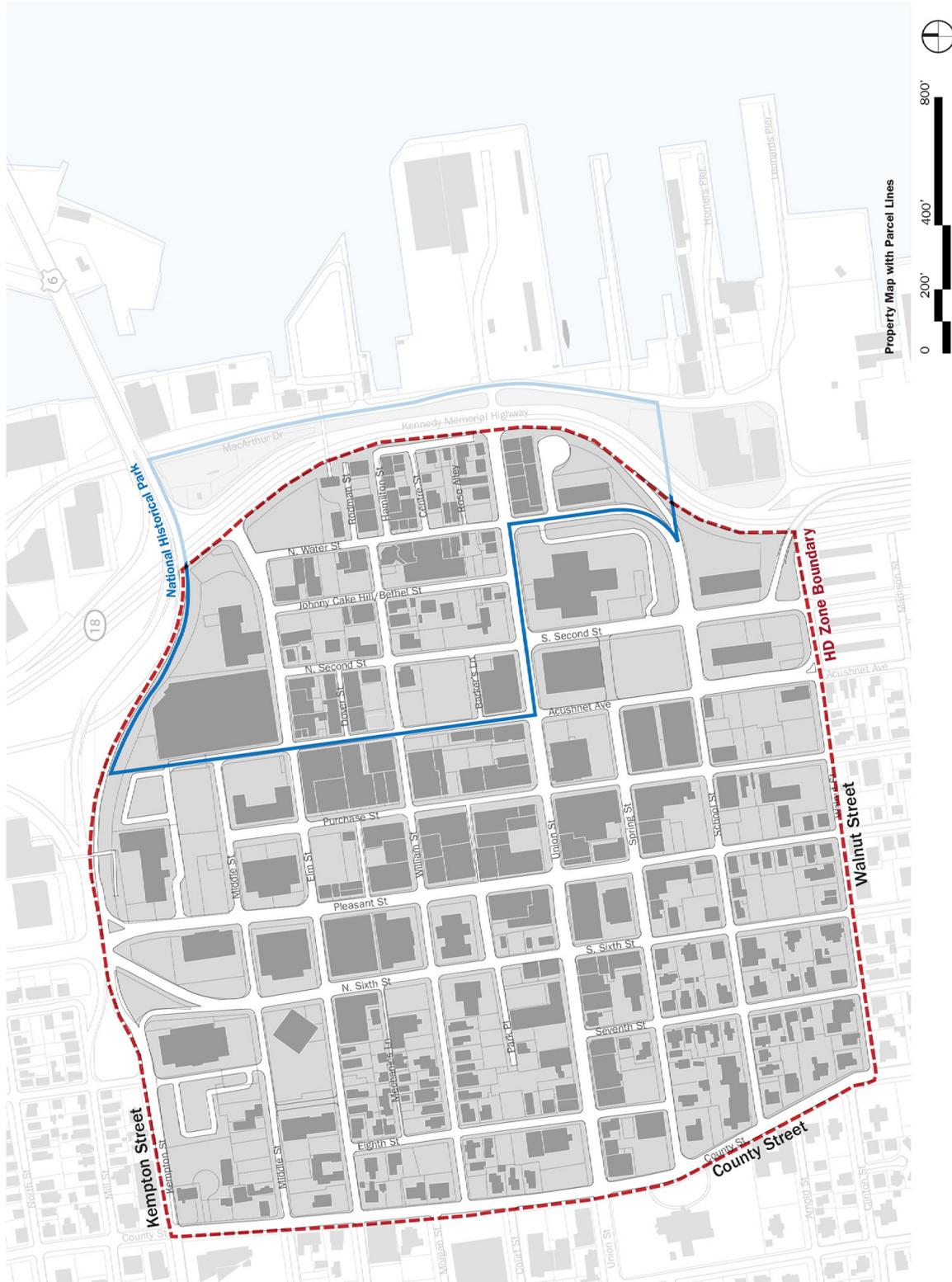
Within the study area is the amazing asset of New Bedford Whaling National Historical Park, established in by Congress 1996 (outlined in blue). This area has a distinct historical character that has positively affected the overall vitality of the downtown. To the east, across Route 18, lies the heart of New Bedford's waterfront—State Pier—which serves freighters, cruise ships and ferries to Martha's Vineyard and Cuttyhunk. To the west of the National Park is the city's government, office and downtown retail district, characterized by high quality late 19th and early 20th century buildings.

HD Zone Boundaries

The HD Zone boundary is shown by the red dashed line.
New Bedford Whaling National Historical Park is outlined in blue.

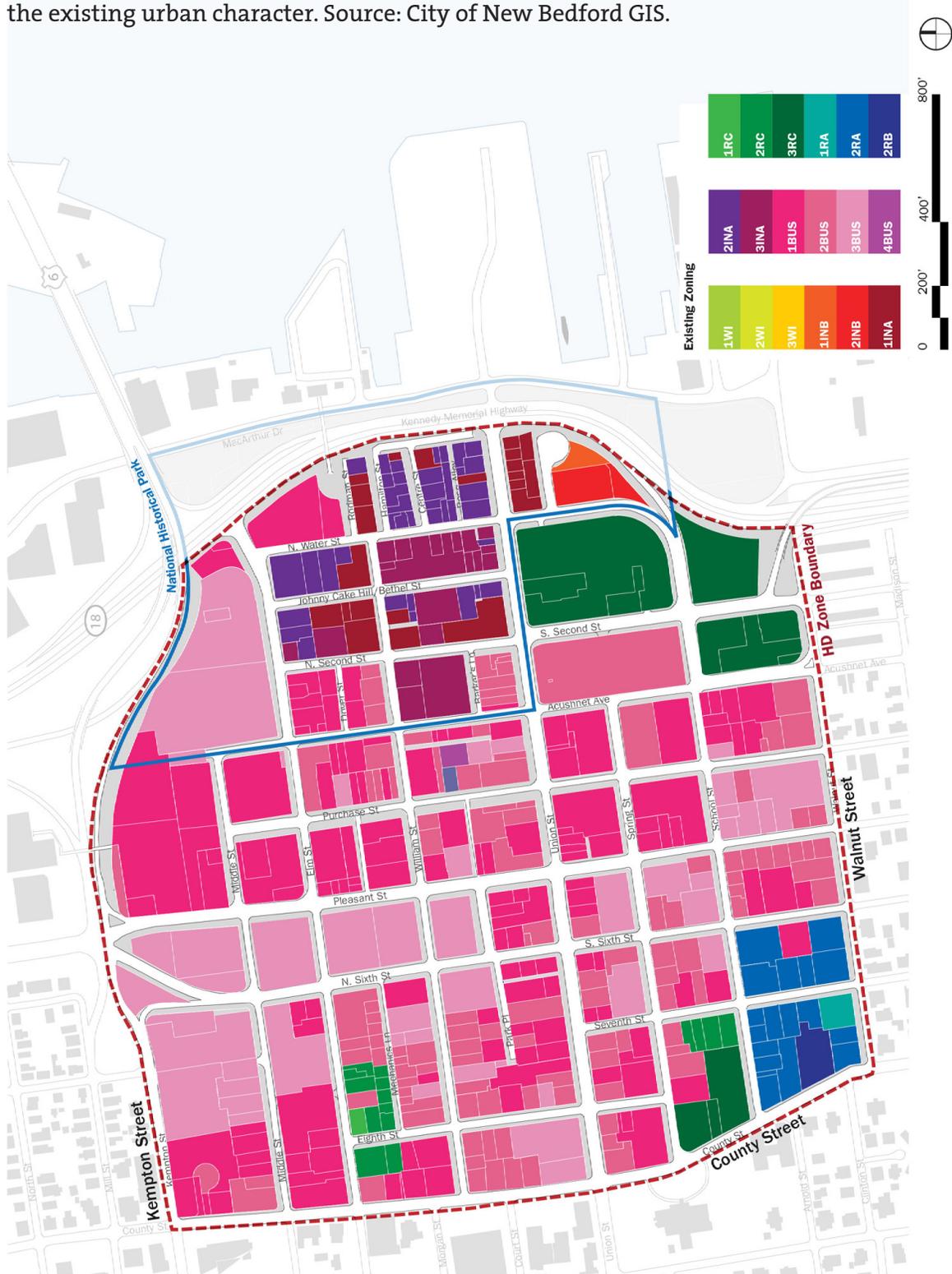


Existing Property Lines and Building Footprints

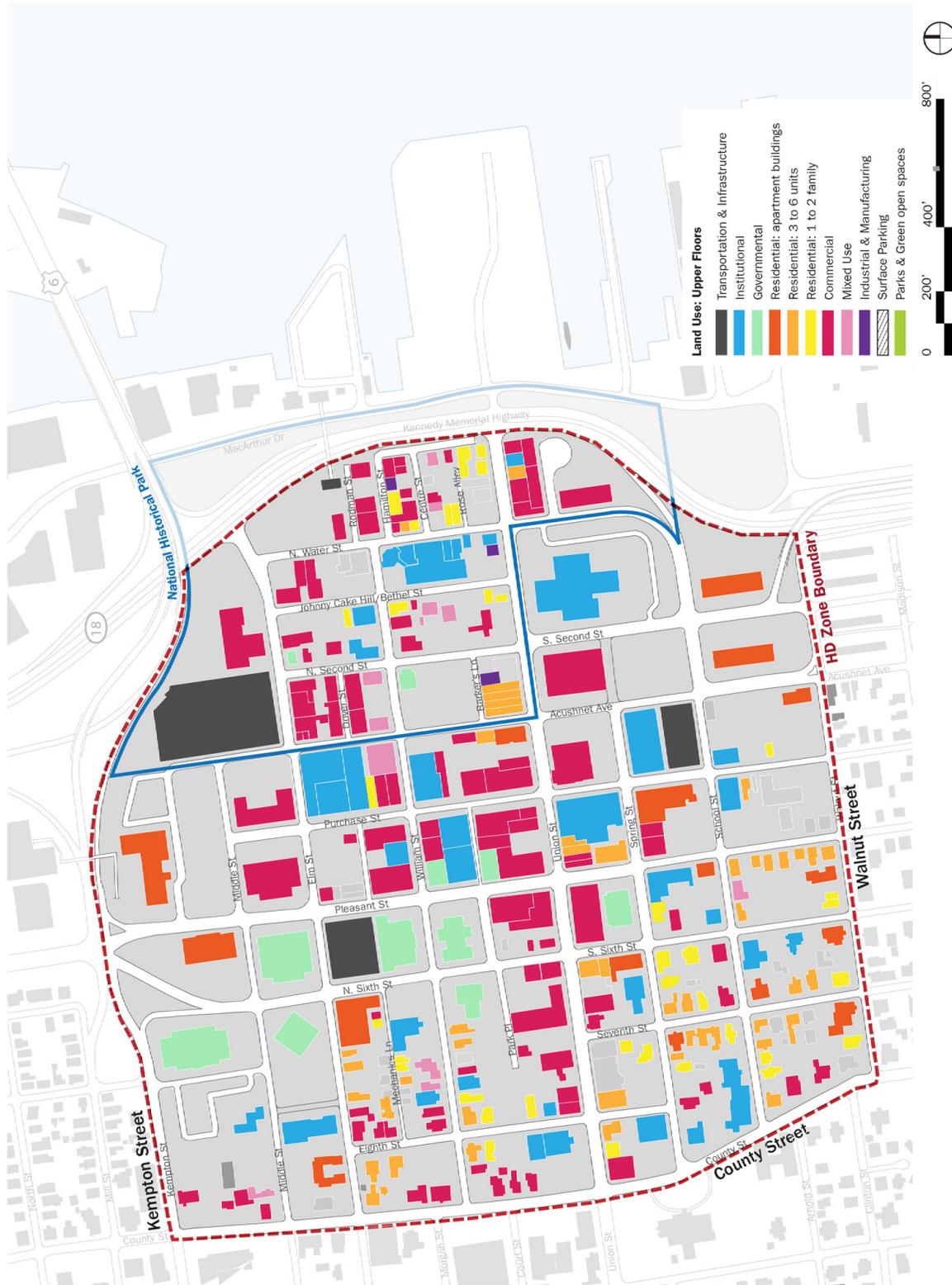


Existing Zoning in HD Zone

Much of the downtown area is in the Downtown Overlay District, which has more lenient parking requirements, and supports higher density development in keeping with the existing urban character. Source: City of New Bedford GIS.



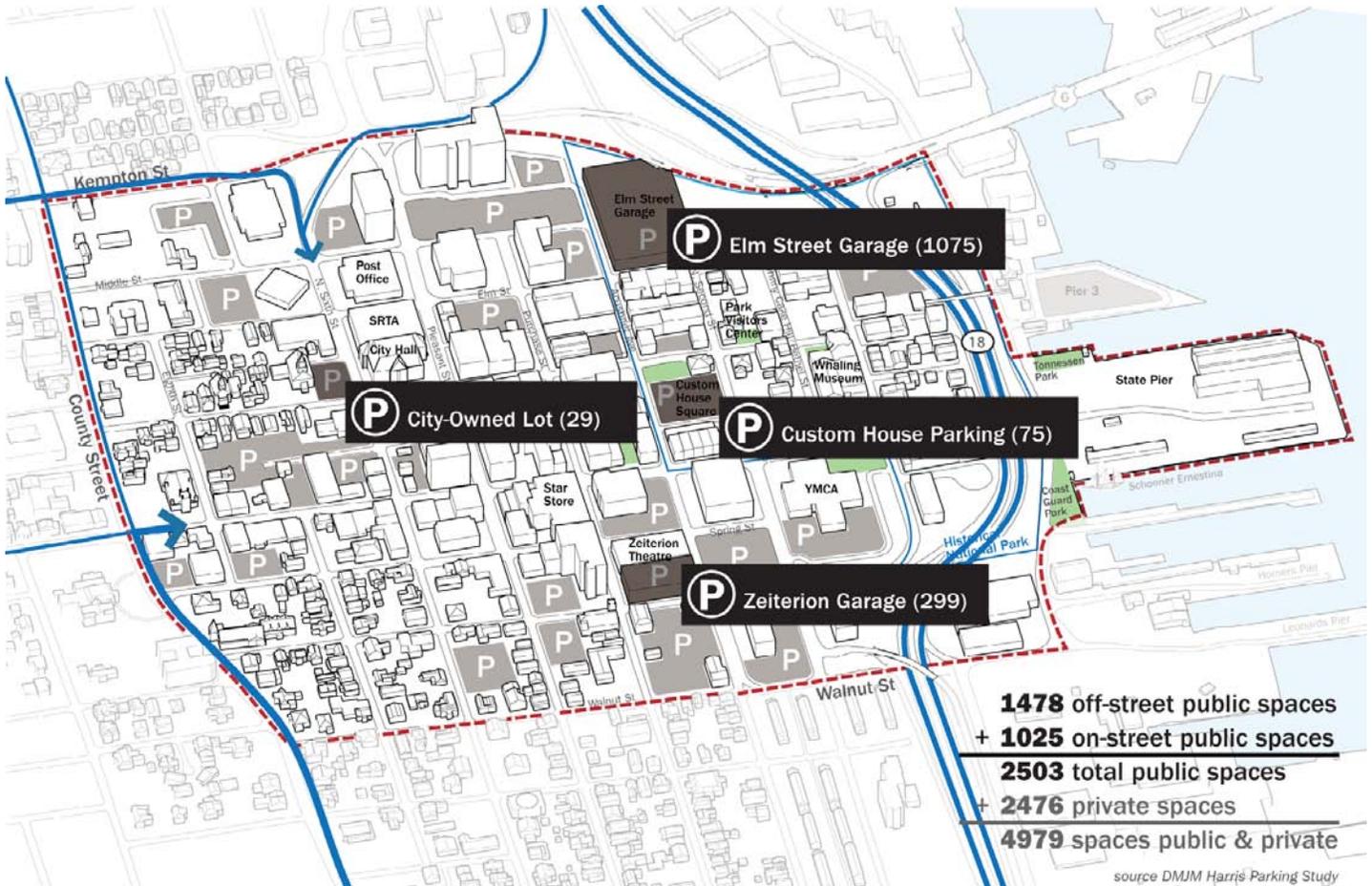
Existing Upper Level Land Use in HD Zone



Parking

Perceptions of parking availability often do not match the actual state of affairs, and this trend proves itself out in New Bedford’s downtown. This study used DMJM/Harris’ 2002 *Central Business District/National Whaling Historical Park Traffic Circulation and Parking Master Plan* as a baseline to understand the historical issues of parking supply and management in the downtown, and found that many of the recommendations made by DMJM/Harris seven years ago had not been put into effect. This study reiterates many of the previous recommendations, and takes the implementation of these recommendations as a pre-condition to unlock both public realm improvement and development potential. New zoning—being studied by the City in conjunction with the Southeastern Regional Planning & Economic Development District (SRPEDD)—may relieve new development within the Downtown Overlay District from specific parking requirements, a permitting condition that could assist in attracting developers to this area.

BELOW: There are four primary off-street municipal parking options in the downtown—the Elm Street Garage, the Custom House Square and City Hall surface lots—that combine to offer 1,478 off-street spaces. These, in conjunction with over 1,000 on-street spaces, provide ample supply for typical day-to-day downtown parking needs. Source: Central Business District/ National Whaling Historical Park Traffic Circulation and Parking Master Plan (DMJM/Harris 2002).



BELOW: Custom House Square municipal surface lot (top), and the City-owned lot on Sixth and William Streets (bottom).



Part V Housing Development Zone Plan

V. A.

Housing Development Zone

Plan Objectives

Section 66.04(2)(a)



TOP: New residential units on the corner of Union Street and Acushnet Avenue have terraces that look over the street, bringing more round-the-clock activity to the downtown core.

ABOVE: Vêtu Boutique, directly below the residential units.

The City envisions that the creation of the Housing Development Zone in the downtown business district will not only strengthen existing economic growth, but will provide a catalyst for the development of market rate housing. By creating an incentive zone, additional market rate residential units will continue to build upon the early successes. The recent residential developments focused in the downtown area emphasizes the attractions of living in a walkable, historic downtown with many cultural amenities, as well as easy access to the highway. New Bedford remains uniquely positioned within the south coast region to market the downtown to people interested in living in an affordable, truly urban environment that can offer cultural amenities and has easy access to the beaches and recreational waterfront. The New Bedford Whaling Museum, UMass College of Visual and Performing Arts, Bristol Community College, the Zeiterion Theatre, and the bimonthly AHA! (Art, History, Architecture) events are selling points for the recent downtown residential developments and emphasize the tight connection between the success of residential development and the success of the creative economy.

Key outcomes and objectives of the zone include the following:

- Provide an incentive through local real estate tax relief and state tax credit equity to potential developers to create market rate housing opportunities in the downtown business district.
- Provide expanded residential opportunities for students and faculty of the University of Massachusetts College of Visual Arts and Bristol Community College.
- Continued expansion of the Creative Economy. The Creative Economy in downtown represents 3% of city employment (compared to 1.62% nationally and 2.58% statewide) with an annual payroll of \$26.75 million.
- Build the tax base through increased property values achieved through redevelopment

- Strengthen contiguous neighborhoods
- Change the physical landscape to continue to attract new development and enhance neighborhoods and public spaces
- Continue expansion of downtown as an arts and education hub
- Promote the adaptive reuse of commercial buildings
- Preserve historic and community fabric in the downtown
- Build/create a sense of community and place
- Promote a diverse mixed income demographic
- Create housing opportunities with access to transportation
- Provide access to jobs/education/advancement

V. B.

Public and Private Construction and Related Activities

Public Improvement Projects

The City of New Bedford has been aggressively moving forward in its planning initiatives which focus on enhancing the existing historic character of Downtown through public realm improvements.

Custom House Square and Wing's Court

New Bedford currently is a city without a downtown “common” or green—a large open space that serves as a center of public life in the urban core. As more residential units have been developed in the downtown, the call for such a common open space has intensified with the desire to see “more green”—additional passive recreational spaces for families, and places for open-air picnicking. These are spaces that could be shared with the office worker lunch crowd during the week and weekend tourists and festival-attendees.

During the 2009 Downtown Revitalization Study prepared by Utile, Inc. and throughout the 2010 City Master Planning Study, the public consistently articulated the desire for a downtown “green space” and the Custom House Square parking lot was identified as the best location. Custom House Square is the former site of a municipal parking garage and includes 54th Regiment Volunteer Infantry Plaza, the former location of the Tobey and Coggeshall Building where in 1863, 46 men of color were recruited to the 54th Regiment, and the United States Custom House, which dates back to 1836.

In 2012, the City received a \$300,000 Gateway Urban Parks Grant to build a park at Custom House Square. Scheduled to be complete in spring 2013, the project will provide the desired green space that has been missing from the downtown core and become a public space for family recreation, farmers markets, and other public events.

In 2010, the City received a \$125,000 Gateway Urban Parks Grant. The purpose of the funding was for preliminary

designs for Custom House Square and the design and reconstruction of Wing's Court. Wing's Court; a small pocket park strategically located between the central business district in the upper downtown and the New Bedford Whaling National Historical Park located in the lower downtown, was reconstructed in 2011 with new pavers, plantings, and a performance stage.

Fortuitously, a public easement exists in the property that separates Wing's Court from Custom House Square, allowing a connection between the two spaces, and the two sections of the downtown. The transformation of these two key spaces will not only improve the overall character of the downtown, but will also increase property values in the surrounding area and encourage the sensitive redevelopment of the edges of Custom House Square into an active architectural frame for the uses envisioned for the park.

The integration of a dedicated park in the downtown is not only good place-making but will go far in strengthening the business and residential community that exists in the downtown and be an amenity to attract further investment in downtown business and housing.

Route 18 Access Improvement Project

As in many East Coast port cities, urban renewal and the introduction of the highway system often physically segregated urban centers from their waterfront. The Route 18/JFK Highway designed in the 1960's disconnected the downtown from the waterfront with a negative effect. The Route 18 Access Improvement Project will recreate the historic link between the downtown area and the New Bedford waterfront and improve truck access to waterfront industries. The project also improves pedestrian access to the waterfront and the New Bedford Whaling National Historical Park.

The three principal objectives of the project are: improve roadway vehicular and pedestrian safety; improve the

visual quality of the roadway within the national park; and improve significantly the safety and visual attractiveness of the pedestrian crossing function between Downtown and the waterfront. Construction related to this project is almost complete.

Public and Private Development

Downtown New Bedford began its renewed renaissance, in early 2000. The following developments and key policy decisions were critical:

- **The redevelopment of the former Star Store into the University of Massachusetts Dartmouth - College of Visual & Performing Arts.** This development involved the total rehabilitation of a 125,000 square foot former department store into a state-of-the-art facility for the University of Massachusetts Dartmouth College of Visual & Performing Arts. Located in the heart of downtown New Bedford, Massachusetts, the College of Visual & Performing Arts transformed a vacant and lighted block into a vibrant university campus.

RIGHT: University of Massachusetts Dartmouth - College of Visual & Performing Arts



→ **Compass Bank**, which was later acquired by Sovereign Bank, completed construction of a 5-story 150,000 square foot office building that served as their headquarters. This premier office space contributes to the renewed vitality of the downtown.



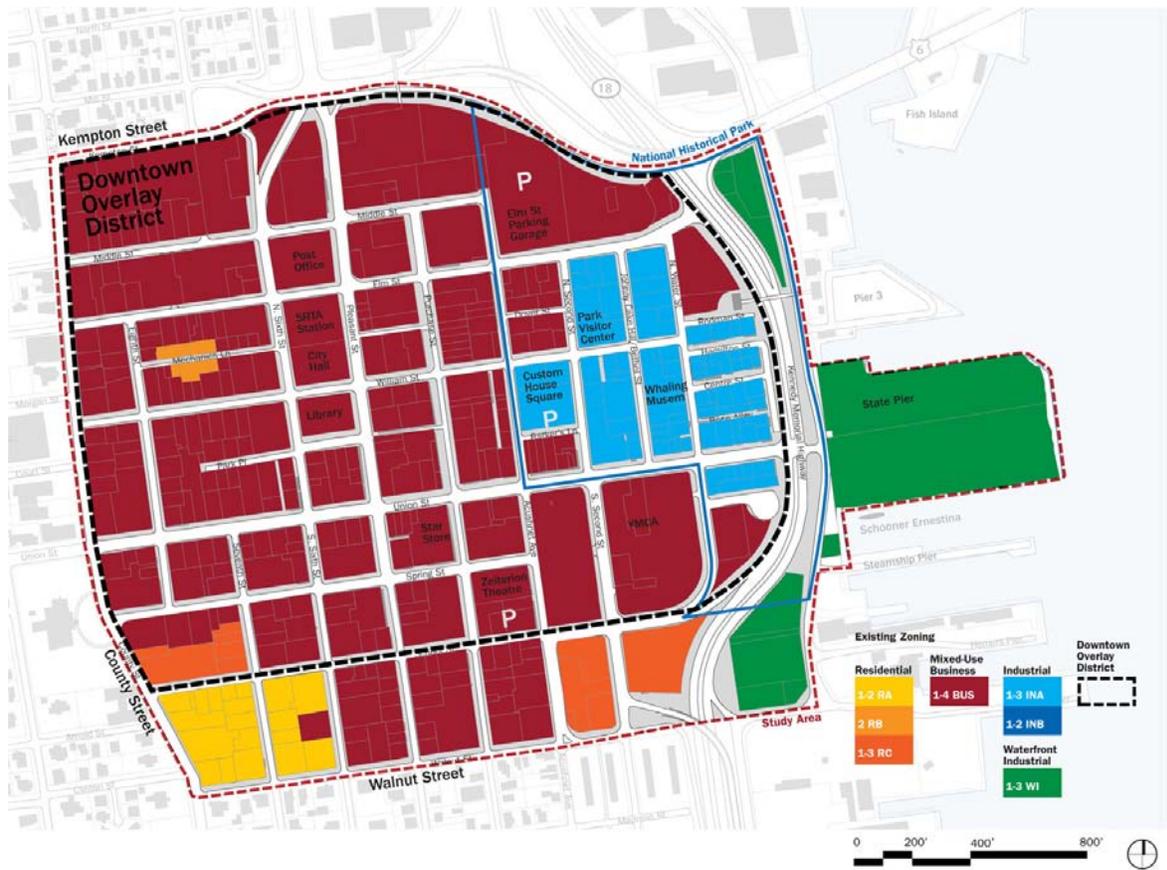
ABOVE: One Sovereign Place

→ **Zeiterion Garage** - The City of New Bedford secured \$6M in funding for the construction of a new parking garage next to the historic Zeiterion Theater that complemented the recent development of the Star Store and Compass Bank buildings. The parking garage addressed the obstacles that impeded full development of the area including lack of safe, accessible parking for customers, employees, and the general public.



ABOVE: Zeiterion Garage

→ **Downtown Business Overlay District** - In 2003, a Downtown Business Overlay District was established that formalized the policy of redeveloping the downtown for mixed use. The overlay ordinance allows developers to propose renovation of buildings within the defined district for business or retail uses on ground and first floor levels and residential on the upper floors. Allowing residential use in the downtown will aid in creating a more vibrant area. In addition, the New Bedford City Planning Department initiated zoning changes in early 2003, to enable both residential and commercial projects to go forward without onerous parking and setback requirements, as well as other restrictions on mixed residential and commercial uses that had previously rendered some projects infeasible. This was a major accomplishment and the first comprehensive re-write of downtown zoning in decades.



ABOVE: Map of Downtown Business Overlay District

BELOW: AHA!



→ **AHA! (Arts, History and Architecture)** - Created in 1999 by the City of New Bedford, the Massachusetts Cultural Council, The Island Foundation and local businesses, sponsorships and donors, AHA! takes place on the second Thursday of each month, promoting the work of local artisans with open studios and gallery shows. A wide range of performers and artists present their work, partnering with downtown museums, galleries, cultural organizations, retailers, and restaurants. The Center for Policy Analysis at UMass–Dartmouth found that roughly two-thirds of event participants patronized a downtown restaurant, and just over half shopped at a retail establishment. This spending has a total economic impact exceeding \$700,000 annually.

Private development in the Downtown and city center that is recently completed or currently underway includes:

- **\$80M in new investment**: from 2000-2006 more than 500,000 sq. ft. of commercial space (one-third of the total 1.5M of inventory) was renovated for business, residential, or institutional use representing a total value of \$55M. Since 2007, an additional \$25M in renovation and new construction projects is underway or in pre-construction.
- **50 new or expanded establishments since 2007**: including 17 eating and drinking places; 10 apparel shops, 7 art galleries, 6 art studio/education places, 3 health and beauty shops, 2 cultural/educational institutions; a gift shop and the waterfront hotel.

Recent Residential Development in the Downtown

- **The Regency Tower Project** by Trinity Financial was completed in 2010. Regency Tower is the most prominent building in downtown New Bedford standing at sixteen stories with commanding harbor views, and just steps from the historic district. The redevelopment of Regency Tower included a total capital investment of \$30 million. The 129 unit Regency Tower was re-developed as a first class residence, offering bamboo floors, granite counters & stainless steel appliances. The Regency offers 24-hour emergency maintenance, concierge, off-street & garage parking available and central air conditioning.



ABOVE: Regency Tower



ABOVE: Union Street Lofts

- **The Union Street Lofts** - The 4-story Lawton Building and 3-story Coffin Building located at 516 Pleasant Street are former commercial buildings located one block apart from each other in downtown New Bedford. Combined they form The Union Street Lofts, with 35 residential units and three commercial or live/work spaces, as well as 16,000 square feet of retail space. The properties were redeveloped in 2004 by HallKeen and a local preservation group in response to an RFP issued by the City. Twenty of the residential units are designated for affordable occupancy. The residences feature high ceilings, hardwood flooring throughout the living areas, kitchens and bedrooms, ceramic tile flooring in the bathrooms, and Corian countertops. Some units on the top two floors have water views of the harbor.



ABOVE: Bristol Building

- **Bristol Building** - This 2-story, 10-unit apartment property is positioned at the corner of Union and Purchase Streets, within the downtown business district. The former downtown commercial property was completed redevelopment in 2006 to house 10 market rate residential units on the second floor with five ground floor retail spaces. The residences' interior finish includes oak flooring in the living areas, kitchens and bedrooms, ceramic tile flooring in the bathrooms, original period oak trim throughout, central air conditioning, and ten-foot ceilings with recessed lighting.



ABOVE: Harborview Towers

- **Harborview Towers** is a 144 unit development. The property consists of two (2) six story elevator buildings that were originally constructed in 1971. The 144 units are comprised of predominately one and two bedroom units that are affordable under a HUD Section 236 contract agreement. Omni Development completed a \$15 million restoration in 2011.

Additional Downtown Development

→ **Downtown Hotel Historic Redevelopment:** The site is located off Homer's Wharf at the former Baker-Robinson Whale Oil Refinery adjacent to Mac Arthur Drive and the JFK Memorial Highway (Route 18). The hotel, whose construction began in 2009, is the first major downtown building project in more than 10 years and was built by Lafrance Hospitality, a Westport-based development company. The \$12.5 million project consists of a five-story, 106 room Fairfield Inn and Suites by Marriott project that incorporates the historic rehabilitation of the original oil works as part of the development. This granite structure is an important and significant resource relative to the city's whaling era heritage. In addition, the City conducted a historical survey of the structure in an effort to document its architectural elements. New Bedford identified the site as a Priority Development Area under Chapter 43D and EOA designation is an option. The hotel development is identified as a key piece of the area's economic revitalization and the improvement of pedestrian linkages to waterfront destinations.



ABOVE: Fairfield Inn

→ **Candleworks Ventures:** The historic Rodman Candleworks building located at 72 North Water Street in the heart of the New Bedford historic national park was acquired by a developer in the fall of 2012. The downtown New Bedford building has a longtime anchor tenant, Candleworks Restaurant, on the first floor, with office tenants on the upper three floors. Built in 1810 by Samuel Rodman to make candles out of whale oil, the Federal-style building was restored in 1976. Candleworks Ventures expects to incorporate a mixed-use development project into this unique national park setting.



ABOVE: Candleworks



ABOVE: Coalition for Buzzards Bay

→ **Coalition for Buzzards Bay:** The Coalition for Buzzards Bay completed a substantial project in the downtown historic district in 2012. The \$2.6 million renovation project preserved the 1832 building’s historic exterior while renovating the 12,000 square-foot interior space according to “green” principles.

Innovative technology, such as air source heat pumps, were used to create an energy-efficient building that uses about 35 percent less energy than a comparable site. In addition, about 10 percent of the energy used is being provided by a solar panel array on the building’s roof, with room to increase the number of solar panels in the future.

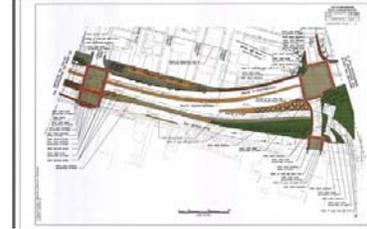
A vegetated “green” roof also contributes to the building’s efficiency, reducing its footprint by absorbing more than 50 percent of rain runoff. The technology can help lessen the impact of storms which can overwhelm city sewer and stormwater systems and pollute the bay, the coalition said in a statement.

The three-year rehabilitation project also included installing low-flow toilets, an energy recovery ventilation system, double- and triple-glazed windows, and carpets made of recycled materials.

The four-level building, located on Front Street in the city’s downtown historic district, has coalition offices on the second and third floors with the first floor serving as an educational center and the fourth floor as a library and meeting space.

Originally built in 1832, the building sits directly across from the city’s working waterfront. It has served several functions over its history including being used as a chandlery. But it was damaged in a 1939 fire and, before the coalition’s renovation, its upper levels had been vacant for several years.

- **Route 18 Project:** The JFK Highway Improvement Project (Route 18) is a planned initiative to link the Whaling City National Park to the working water front with a pedestrian friendly boulevard replacing the current highway system. This project facilitates downtown/waterfront pedestrian access through intersection upgrades especially at Union Street and State Pier. The aesthetic quality of the roadway will be improved through the New Bedford Historic District and the New Bedford Whaling National Historic Park while at the same time improving roadway vehicular and pedestrian safety. The \$10.6 million project began in 2011 and is expected to be completed in 2013.



ABOVE AND BELOW: Route 18 Project



Additional Development includes:

- **Waterfront Grille:** opened for business with indoor, outdoor, and function space in 2008 with off-the-boat quality seafood served ready to eat. New Bedford's only harbor-front restaurant- something missing from the city's working waterfront for nearly 15 years.
- **Redevelopment of the historic Standard Times building:** construction is underway on this \$6M preservation project that will bring a new restaurant and Class-A professional offices to the center downtown.
- **St. Luke's Hospital expansion:** a \$17M expansion that included an expanded emergency services wing and structured parking for nearly 400 cars to relieve neighborhood impact.
- **Temple Landing Redevelopment Project:** this \$28M well-designed plan reconfigures the current 11.5 acre super-block by decreasing a 200 unit dense development through selective demolition, rehabilitation and construction of new attractive townhouse units, and reintroducing the street grid creating a desirable place to live in the center of the city. The new development

has 173 units of housing, open space, a community center and a daycare facility.

Projects and economic development activities that will likely begin by 2013 include:

- **Development of the Keystone site:** a key site on Union Street studied for potential infill in the recently completed downtown plan and land-use study for educational uses including graduate student housing.
- **BCC campus expansion:** BCC is hoping to quadruple its student enrollment in New Bedford next year from 1,200 to 4,400 students with a downtown New Bedford Expansion Campus providing 40,000 additional square feet and located within several blocks of the UMass Dartmouth Star Store Campus. It is expected that a “readiness” school program will develop around this expansion.
- **Custom House Square improvements:** This public space in the center of the National Park was identified in the downtown planning effort for having high potential to impact business development. Planning for physical and programming improvements is currently underway and construction will be complete by 2013.
- **Rose Alley townhouses:** there are 2 infill construction projects that are planned and permitted for Rose Alley that will bring a mix of new residential and retail uses in the historic district.
- **Redevelopment of historic Union Street buildings:** several buildings located on Union Street are in the pre-construction and planning stages for redevelopment in 2010 with new uses including restaurants, new residential and other mixed-uses.

Part VI HD Zone Plan Details

VI. A.

HD Projects

Section 66.04(2)(e)

The following chart lists a number of properties within the HDIP area that could be utilized for market rate housing within the near future. The properties listed below do not represent actual projects but serve as an example for potential redevelopment projects that may include market rate residential units:

Address	Current Status	Future Potential
367 Acushnet Avenue	Vacant	Mixed use development with market rate residential on upper floors
115-141 Union Street	Minimal Occupancy on first level commercial with vacancy on upper levels.	Mixed use development with market rate on upper floors.
193 Union Street	Vacant Lot	Mixed Use development
771 Union Street	Commercial on first floor with upper levels vacant	Mixed use development with market rate on upper floors.
222 Union Street	Vacant 5 story building	Mixed use development with market rate on upper floors.
204-210 Union Street	Vacant	Mixed use development with market rate on upper floors.
545 purchase Street	Commercial	Mixed use development with market rate on upper floors.

The Following property located at 367 Acushnet Avenue is being positioned as a potential first candidate for the HDIP Program. The Developer Stratford Capital is proposing a mixed use building with commercial space on the ground level with market rate housing on the upper floors. The project would include the rehabilitation of an existing historic building and the reconstruction of a building on previously vacant land.

367 Acushnet Avenue:

Information about the developer:

Stratford Capital Group, LLC (“Stratford Capital”) is a recognized leader in the multifamily investment industry with a particular focus on affordable housing and investments benefiting from Low-Income Housing Tax Credits (“Tax Credits”). Since 2007, Stratford Capital Group has successfully underwritten, sponsored and syndicated private equity in 93 multifamily rental apartment properties totaling approximately 11,700 apartment units in 28 states with a capitalized value of approximately \$1.40 billion. Stratford Capital’s multifamily focus centers on Tax Credit syndication and development as well as comprehensive ongoing asset and fund management.

VI. B.

Market Rate Residential Units

Section 66.04(2)(f)

Market Rate Rental Units

The City of New Bedford will utilize the median household income for the entire city as the HDIP Pricing Area. The median household income according to U.S. Department of Housing and Urban Development for the City of New Bedford is \$32,200. The HDIP Pricing Area income of \$32,200 will also be utilized as the HDIP Area Household Median Income (HDIP AMI) for the purposes of this plan.

The Household Median Income (HDIP AMI) of \$32,200 will be the basis to calculate the target for Market Rate Residential Units in HD Projects. The “Target Median Household Income” is the current HDIP AMI of \$32,200 multiplied by 110%, which equals \$35,420. The New Bedford HUD Metro metropolitan area median income for a two person household at 60% of AMI is \$30,960. This income levels ensures compliance with HDIP guidelines requiring that the 110% of the median household income for the HDIP pricing area must be greater than 60% of the HUD area median income limit.

VI. C. Timeline and Duration

Section 66.04(2)(g)

The City of New Bedford anticipates that the Housing Development Incentive Plan will be approved in 2013. The proposed Housing Development Incentive Program shall last for a period of twenty (20) years from the date of DHCD's approval of New Bedford's Housing Development Incentive Program Plan.

VI. D.

Compliance with Fair Housing Obligations

Section 66.04(2)(h)

The City of New Bedford will advance its affirmative fair housing obligations by the creation of the Housing Development Zone. The City of New Bedford's Analysis of Impediments to Fair Housing Choice was completed in 2006 and looks at how both the public and private sectors impact fair housing choices. In the City's Analysis of Impediments to Fair Housing Choice, it was stated that, "Despite the passage of laws, the promulgation of regulations and the conscientious effort of many, barriers to obtaining fair housing remain on the local, state and national levels. These impediments to fair housing choice manifest themselves in both the public and private sectors, oftentimes through the very regulatory mechanisms and supportive apparatus employed to avoid such barriers." The Analysis looks at Municipal Considerations and states that, "Because how land is used--and the extent to which it may be used under land use regulations--is central to the discussion of housing and commercial development, the affordability of housing, transportation, the location of services and similar components relative to the availability of safe, decent, affordable housing, zoning regulations take on a particularly significant role in achieving fair housing choice." The creation of the Housing Development Zone, particularly in the City's downtown addresses and supports this consideration. The HD Zone would provide market rate housing and provide incentives to develop housing in the downtown, something that the City has never been able to offer. This market rate housing in the HD Zone would bring residents closer to transportation, commercial development, as well as services. In a recent market study completed by FXM Associates, it was noted that new residents were seeking an urban environment/ experience, proximity to activity centers, and lifestyle options that come with living in a professionally managed apartment building or complex located in the center of a city.

In addition, the City's Analysis of Impediments to Fair Housing discusses New Bedford's zoning regulations that were reviewed and updated in 2003 and states that "By employing such Smart Growth principals in its zoning ordinance, the City of New Bedford has furthered opportunities that provide cost efficient, environmentally sensitive mechanisms for developing residential properties thereby increasing the City's inventory of safe, decent, and affordable housing—an inventory critical to furthering fair housing opportunities".

In addition to the Analysis to Impediments to Fair Housing, the City has created "Affirmative Marketing Policies and Procedures." These existing procedures are currently for affordable housing, but could be modified to incorporate both affordable and market rate housing units. The goal of these Policies and Procedures is to further the City's commitment to non-discrimination and equal opportunity in housing and to ensure that all persons regardless of their race, color, national origin, age, sex, disability, familial status or English proficiency are aware of the affordable housing opportunities generated by federal funds, including City housing funds and activities. In addition, the City of New Bedford is committed to the goals of increasing the housing opportunities of those with limited English proficiency, low-income residents and under-represented ethnic and racial groups. The implementation of a Housing Development Zone will help the City achieve these goals.

The City of New Bedford will also comply with DHCD's Fair Housing Plan.

VI. E.

Compliance with Local Plans

Section 66.04(2)(i)

A creation of a Housing Development Zone and participation in the Commonwealth's Housing Development Incentive Program conforms to recent City planning efforts. In 2003, the *Downtown Business Overlay District* was established through zoning to promote and encourage economic and cultural development in the downtown. The Downtown Overlay, which shares the same boundaries as the HD Zone, allows for residential units in the upper floors and a reduction in parking requirements. Prior to the Downtown Overlay, only commercial uses were allowed in the downtown resulting in a district that essentially closed down at five o'clock. Since the adoption of the Downtown Overlay District, residential development has produced hundreds of new rental and condominium units. This in turn has increased the number of downtown businesses that serve the demands of a vibrant twenty four hour downtown.

Economic Development Strategy for Downtown New Bedford (2007)

The 2007 *Economic Development Strategy for Downtown New Bedford* examines the real estate inventory and objective record of change in Downtown New Bedford since 2000; to consider whether and to what extent the analytic findings and policy recommendations of the earlier study have been useful; and based on lessons learned over the past six years and current market conditions, to formulate recommendations that can further advance the City's objective that Downtown be an increasingly vibrant center of public and commercial activity for all residents and visitors. Recommendations based on this study were aimed to further advance the City's objective to create a vibrant center for commercial activity and residential housing.

Key strategies of this plan include:

- Target business development (i.e., men's and women's clothing, niche retail, restaurants) and new residential opportunities;
- Recruit additional higher educational institutions;
- Improve parking management; and
- Adopt a Business Improvement District model.

South Coast Rail Economic and Land Use Corridor Plan (2009)

Perhaps the most transformative land use change since the industrial era will be the return of commuter rail service from New Bedford to Boston. The 2009 *South Coast Rail Economic and Land Use Corridor Plan* is the result of a collaborative partnership among the Commonwealth,³¹ corridor communities, and three regional planning agencies working in conjunction with the Southeastern Massachusetts Commuter Rail Task Force. The result is a blueprint for clustering businesses and residences around stations, maximizing the economic benefits of rail investment, minimizing sprawl development, and preserving the farms, fields, and forests of the SouthCoast.

The location and development of two new train stations in New Bedford, including the terminus of the line at the proposed Whale's Tooth Station—a multi-modal facility—is a critical land use issue. The potential for new and redevelopment opportunities within a one-mile radius of the proposed station locations were analyzed. Based upon a number of factors, including the availability of land, the need for parking around the stations, compatibility with existing land uses, experience in similar settings with transit-oriented development, and possible site constraints, the analysis projects that between 2010 and 2030, the total amount of new residential growth can range from 6,500–8,700 new dwelling units and 5.0–5.3 million square feet of new retail, commercial and industrial space.

The Study indicated that between 2010 and 2030, the total amount of new residential growth near the train station may range from 6,500-9,700 new dwelling units and 5 to 5.3 million square feet of new retail, commercial and industrial space.

Downtown Revitalization and Redevelopment Study: Live, Work, Play, Learn (2009)

The goal of the 2009 *Downtown New Bedford Revitalization & Redevelopment Study* was to provide a roadmap for the continued revitalization of Downtown New Bedford, strengthening its employment base and generating increased housing demand both in the downtown area and in its nearby residential neighborhoods. Place-making is a key driver of economic development; the human scale and the positive qualities of the historic urban environment will continue to be one of the New Bedford's chief assets.

Key initiatives of this study have begun to occur; including:

- the redevelopment of the Custom House Square parking lot into an urban green space; and
- improving pedestrian connections between the National Park and the central business district and the surrounding neighborhoods; and
- Enhance the existing historic character of Downtown through public realm improvements

Citywide Master Plan (2010)

In November of 2010, the Planning Board adopted the first city master plan since 1964, *New Bedford 2020*. The master plan, crafted with unprecedented extensive civic engagement, the involvement of business leaders, local institutions, and public officials, provides a unifying vision for the city's future growth as a vibrant seaport community. The City Master Plan allows the City an

opportunity to plan future development and redevelopment projects. Since 2006, strategic planning has been completed for seven citywide initiatives and 12 targeted development districts, positioning the City to advance a progressive agenda that addresses the critical components for achieving sustainable growth and development. These planning efforts have proven successful in the resurgence of downtown, historic mill redevelopment in the Upper Harbor, and establishing New Bedford as a leader in creating a sustainable future.

While New Bedford is currently undergoing more concurrent community-based planning than at any other time in the city's history, New Bedford 2020 is the essential element needed to link these individual plans and initiatives together, providing a unifying vision for the city's future growth as a vibrant seaport community. New Bedford 2020 provides us with a framework of goals and objectives that serve as a policy guide for the physical and cultural growth of our community—a means of translating our community's values into actions. The vision and goals of New Bedford 2020 will guide our agenda for the decade to come.

The planning initiatives described within the master plan align with the goals and objectives of the Housing Development Incentive Program. The community articulated a desire for safe, vibrant, sustainable neighborhoods that offer a multitude of uses, quality housing choices, good schools, walkable streets, proximity to parks and playgrounds, and the opportunity to shop for family needs.

The goals and objectives of the master plan, similar to those of the Housing Development Incentive Program, provide a pathway to strengthen the distinct historic and cultural fabric that creates dynamic neighborhoods where people enjoy each other and the positive experiences that close knit neighborhoods offer.

The master plan addressed the issues of housing choice, affordability, a safe housing stock, and neighborhood revitalization. The housing plan called for the provision incentives that encourage housing developments to include affordable housing units that are integrated throughout the community; encourage and maintain a wide range of housing types throughout the city that reflect the historic and cultural character of each area by supporting development that provides for households of all income levels; and make certain that New Bedford can meet the need for affordable housing for its current and future residents.

Reconnecting Massachusetts Gateway Cities: Lessons Learned and an Agenda for Renewal (2007)

The May 2007 Brookings Institution report, *Reconnecting Massachusetts Gateway Cities: Lessons Learned and an Agenda for Renewal*, concludes that America's central cities are coming back. Data shows that employment is up, populations are growing, and many urban real estate markets are hotter than ever, with increasing numbers of young people, empty-nesters, and others choosing city life over the suburbs.

As a leading Gateway City in the Commonwealth, New Bedford is beginning to re-emerge as the metropolitan center for the south coast. Recently completed innovative land development strategies and progressive community-based planning reflect shared values and goals to protect and strengthen neighborhoods, support the needs of emerging economic development sectors, encourage the adaptive reuse of historic building stock, and require sustainable design standards for all development.

