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CITY CLERK
NEWTON, MA. 02459

#314-22
148 California Street

CITY OF NEWTON

IN CITY COUNCIL

June 21, 2022

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permits #162-88, #199-99(2), #422-18, and #422-18(2) and waive 53 parking stalls as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The site in a Manufacturing zoning district is an appropriate location for the proposed outdoor amenity area that would eliminate 11 existing parking stalls as the site is well contained and the use will not have any impacts on the surrounding neighborhood. (§7.3.3.C.1)
2. The proposed outdoor amenity area that would eliminate 11 existing parking stalls will not adversely affect the neighborhood. (§7.3.3.C.2)
3. The proposed outdoor amenity area that would eliminate 11 existing parking stalls will not create a nuisance or serious hazard to vehicles or pedestrians as there is sufficient parking to accommodate the multiple uses on the site. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. An exception to the requirement per Sec. 5.1.4 that 743 parking stalls be provided onsite is appropriate because such exception would be in the public interest as it would reduce the amount of surplus parking on the site by replacing eleven parking stalls with a landscaped area that includes lawn, trees, and other vegetation as well as seating areas.

PETITION NUMBER: #314-22

PETITIONER: KF Realty Associates, LLC

ADDRESS OF PETITIONER: 1330 Boylston St.
Suite 608
Newton, MA 02467

LOCATION: 148-50 California Street/171 Watertown Street,
Section 11, Block 12, Lot 11 containing approximately
231,486 square feet of land

OWNER: KF Realty Associates, LLC

ADDRESS OF OWNER: 1330 Boylston St.
Suite 608
Newton, MA 02467

TO BE USED FOR: Mixed use development (no change)

CONSTRUCTION: Site and landscaping improvement

EXPLANATORY NOTES: Special Permit pursuant to §7.3.3 to amend Special
Permits #162-88, #199-99(2), #422-18, and #422-18(2) and
to waive 53 parking stalls (§5.1.4, §5.1.13)

ZONING: Manufacturing District

This Special Permit/Site Plan Approval amends Council Orders #162-88, #199-99(2), #422-18, and #422-18(2) by modifying Condition #1 in each of those Council Orders to be consistent with Condition #1 below. All other conditions of said Orders shall remain in full force and effect.

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with the following plans:
 - a) A plan entitled "171 Watertown Street, Watertown / Newton, MA. Existing Conditions Plan (Ex-1)" dated February 11, 2022, as denoted as "Progress Print, March 25, 2022," prepared by RJ O'Connell & Associates, Inc., represented as showing 706 parking stalls, as modified by a plan entitled "Place-making Renovations, 150 Californi (sic) Street, Newton, MA, Schematic Design, Proposed Site Plan," dated March 30, 2022, signed and stamped by John M. Rufo, Registered Architect.

- b) A document entitled "148 California Street/171 Watertown Street, Site Wide Parking Calculations (2022)."
2. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has:
 - a. recorded a certified copy of this Order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County;
 - b. filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development
 - c. recorded at the Registry of Deeds for the Southern District of Middlesex County a certified copy of an executed second amendment, as reviewed and approved by the Law Department ("Second Amendment"), to the Restrictive Covenant which was recorded in the Middlesex South District Registry of Deeds Book 19779, Page 191, as previously amended by the Amendment to Restrictive Covenant recorded at Middlesex South District Registry of Deeds at Book 30627, Page 331.
 - d. filed with the City Clerk, the Department of Inspectional Services, the Law Department, and the Department of Planning and Development a copy of the executed and recorded Second Amendment.
 - e. obtained a statement from the Director of Planning and Development that all plans are consistent with Condition #1.
 3. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
 - a. filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement certifying compliance with Condition #1.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Councilor Ryan)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on June 23, 2022. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:



(SGD) CAROL MOORE, City Clerk
Clerk of the City Council

I, Carol Moore, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on June 23, 2022 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) CAROL MOORE, City Clerk
Clerk of the City Council