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Director

## ZONING REVIEW MEMORANDUM

Date: May 18, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: KF Realty Associates, Applicant  
Frank Stearns, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Associate City Solicitor

RE: Request to amend special permits #162-88, 199-99(2), and 422-18 and to waive required parking stalls

Applicant: KF Realty Associates	
Site: 148 California Street (171 Watertown Street, Watertown, MA)	SBL: 11012 0011
Zoning: MAN	Lot Area: 523,642 square feet (231,486 square feet in Newton)
Current use: Mixed commercial and office	Proposed use: No change

### BACKGROUND:

The property located at 148 California Street consists of a 231,486 square foot lot straddling the border between Newton and Watertown. Approximately 45% of the lot is located in Newton and is zoned Manufacturing (MAN); the remainder is located in Watertown at 171 Watertown Street. The site is currently improved with several buildings with various office, retail, restaurant and personal service uses and surface parking. The petitioner proposes to eliminate 11 parking stalls to create an outdoor common area for building tenants and visitors.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Frank Stearns, attorney, submitted 4/5/2022
- Special Permits #162-88, 199-99(2), 175-12, 422-18(2)

- Schematic Design, signed and stamped by John M. Rufo, architect, dated 3/30/2022
- Restrictive Covenant, dated 9/1/1999
- Sitewide Parking Calculations 2022

**ADMINISTRATIVE DETERMINATIONS:**

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1. There are several prior special permits on the property relative to uses and parking. Special permit #162-88 authorized the expansion of the existing commercial center. A second special permit was issued in 1999, #199-99(2), authorizing the change from a nonconforming retail use to a nonconforming health club and associated parking waivers. Special permit #175-12 authorized the change from a nonconforming retail use to a 92-seat restaurant. Special permits #422-18 and #442-18(2) allowed for a change from one nonconforming use to a salon use. As several of these special permits reference site plans, amendments are required to reflect the proposed changes.
2. The 1999 special permit granted a parking waiver allowing the uses on site to be served by the on-site parking supply of 706 stalls. According to the submitted existing conditions plan, the site contains 701 parking stalls. The petitioner proposes to eliminate 11 parking stalls to create an outdoor common area, resulting in an on-site supply of 690 stalls. Per the “Site Wide Parking Calculations (2022)”, the existing uses on site, including retail, office, restaurant and personal service, require a total of 743 parking stalls per section 5.1.4. With the reduction to 690 parking stalls, the petitioner requires a waiver of 53 stalls per section 5.1.13.
3. There is a Restrictive Covenant that exists on the property, which intended to give the City of Newton rights if there is ever proposed development of the site solely in Watertown which would reduce the parking supply. This agreement is executed in conjunction with Special Permit #162-88. The 1999 special permit sets the overall parking supply at 706 pre-existing nonconforming stalls. The petitioner seeks an amendment to the Restrictive Covenant to reduce the site-wide parking to 690 stalls.

See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
	Request to amend Special Permits #162-88, 199-99(2), and 422-18	
§5.1.4 §5.1.13	Request to waive 53 parking stalls	S.P. per §7.3.3
	Request to amend the Restrictive Covenant to reduce site-wide parking	S.P. per §7.3.3