

141-149A California Street, Newton - Deed Ref. 73187/243

141-149A California Street
#285-20

CITY OF NEWTON

IN CITY COUNCIL

October 19, 2020

RECEIVED
CITY OF NEWTON
141-149A CALIFORNIA STREET
2020 OCT 21 PM 3:38

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 amend Special Permit Council Orders #215-08 and #215-08(2) to allow a for profit educational use, to waive 22 parking stalls, and to waive certain requirements of parking facilities containing more than five stalls at 141-149A California Street as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The site is an appropriate location for the for-profit educational use due to its location in the Manufacturing zoning district and the proposed use is already operating on-site. (§4.4.1 and §7.3.3.C.1)
2. The proposed for-profit educational use as developed and operated will not adversely affect the neighborhood because of the proposed site circulation plan and improvements. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because of the proposed shuttle operations, proposed parking management and proposed transportation demand management plans. (§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. Literal compliance with the lighting, landscaping and parking stalls requirements is impracticable due to the, width, depth, and shape of the lot and due to the site's existing conditions plans. (§5.1.13, §5.1.3.B, §5.1.4, §5.1.13, §5.1.8.B.1, §5.1.8.B.2, §5.1.8.B.4, §5.1.8.B.6, §5.1.8.C.1, §5.1.8.D.2, §5.1.9.A, §5.1.9.B, §5.1.10.A, §5.1.11,).

PETITION NUMBER: #285-20

PETITIONER: Zdorovie Senior Services, LLC

LOCATION: 141-149A California Street, Section 11, Block 1, Lot 1A,
containing approximately 65,568 square feet

OWNERS: Mazzi Reality

ADDRESS OF OWNERS: 34 Peregrine Road
Newton, MA 02459

TO BE USED FOR: For Profit Education Use/Adult Daycare

CONSTRUCTION: NA

EXPLANATORY NOTES: To amend Council Orders #215-08 and #215-08(2) which
allowed a nonprofit educational use and a combined 22
parking stall waiver.

ZONING: Manufacturing District

This special permit supersedes, consolidates, and restates provisions of prior special permits to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in this Special Permit #285-20 are null and void.

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:
 - a. Site Plan showing proposed conditions at #141-149A California Street, dated May 16, 2020, most recently revised August 11, 2020, prepared by VTP associates, unsigned and unstamped.
 - b. Site Plan showing proposed conditions at #141-149A California Street, dated May 16, 2020, most recently revised August 11, 2020, prepared by VTP associates, unsigned and unstamped showing site circulation, and directional striping.
2. Architectural/Floor Plans consisting of the following:
 - a. First Floor, Mazzi Realty, proposed plan at 143 California Street, prepared by Dooling and Company Architects, signed and stamped by Mark J. Dooling, dated February 10, 2020, A1
 - b. California Street Catering, Proposed Plan at 141 California Street, prepared by RAV & Assoc., Inc., dated April 20, 2020, A2
 - c. Proposed Floor Plan at 145 California Street, prepared by RAV & Assoc., Inc., dated June 8, 2020, A3

- d. Floor Plan at 149A California Street, prepared by RAV & Assoc., Inc., dated May 1, 2020, A2
 - e. Floor Plan at 149 California Street, prepared by RAV & Assoc., Inc., dated June 8, 2020, A3
3. All signage shall be reviewed and approved by the Urban Design Commission.
 4. The adult day care shall have no more than 258 clients and 46 employees. Any increase to the number of clients or employees shall require an amendment to this special permit/site plan approval.
 5. The petitioner shall maintain the planter boxes, including plantings at the front seating area, installed on the property in good condition with all-season plant material and replace any diseased or dead plant material.
 6. The petitioner shall maintain all signage and directional markings as well as the striped parking stalls as shown on the plan referenced in Condition #1.
 7. The trash and recycling disposal shall be handled by a private entity and collection shall be scheduled at such times to minimize any disruption of the on-site parking and shall comply with the City's Noise Ordinance.
 8. The combined parking waiver of 44 stalls shall only apply to the for-profit educational use, any change in use pertaining to this site shall require an amendment to this Council Order. Any change in ownership shall require the petitioner contact the Planning Department to ensure the site operations still justify the granted relief.
 9. Prior to the issuance of any occupancy permit, the petitioner shall reach out to the Massachusetts Department of Conservation and Recreation ("DCR") and make best efforts to work with DCR to improve the quality of the abutting DCR greenspace through efforts such as litter pick up, erosion control, invasive plant control, and explore the feasibility of sponsoring the installation of benches at the abutting greenspace. The petitioner shall keep the Planning Department updated with its efforts.
 10. The Petitioner shall implement a Transportation Demand Management Plan to reduce vehicle trips to the site. The Plan shall include, but not be limited to:
 - a. Providing subsidized transit passes at 100% subsidy which shall include but not limited to the MBTA services known as Link pass, express bus, and commuter rail.
 - b. Providing a bicycle rack at the location shown on plan referenced in Condition #1.
 - c. Providing shuttles to transport clients to and from the site.
 11. 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 Council Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Council Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Department of Planning and Development that confirms plans submitted with any building permit are consistent with plans approved in Condition #1.


12. No Certificate of Occupancy/Final Inspection for the buildings and uses 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 by a registered architect or surveyor certifying substantial compliance with Condition #1.

Under Suspension of Rules
Readings Waived and Approved
24 Yeas 0 Nays

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 October 21, 2020. 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) DAVID A. OLSON, City Clerk
Clerk of the City Council

I, David A. Olson, 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 October 21, 2020 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the Council

