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CITY OF NEWTON

IN CITY COUNCIL

October 2, 2023

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the Site, as defined below, 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 Council Order #96-17 to increase the parking waiver, and to allow non-accessory parking and assigned parking as recommended by the Land Use Committee and the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The site is an appropriate location for the amendment to Council Order #96-17, given the site is located within a Village Center containing a variety of uses and alternate transportation modes. The parking waiver of up to 172 parking stalls is appropriate because the location of the development allows for the use of alternative transportation methods by residents. (§7.3.3.C.1)
2. The site is an appropriate location to allow non-accessory parking and the assignment of specific parking stalls as the site has underutilized parking within the garage and allowing non-accessory parking will free up parking within the surface lot onsite and allow for the leasing of parking stalls by nearby neighborhood residents, commuters, and businesses in the vicinity of the project. (§7.3.3.C.1)
3. The amendment to Council Order #96-17 allowing assigned parking and a waiver up to 172 parking stalls will not adversely affect the surrounding neighborhood because the parking garage is currently under-utilized and leasing the parking will provide more opportunities for nearby neighborhood residents, commuters, and businesses in the vicinity of the project. (§7.3.3.C.2)
4. The amendment to Council Order #96-17 will not create a nuisance or serious hazard to vehicles or pedestrians. The garage parking is currently underutilized and allowing a waiver of up to 172 parking stalls does result in any changes to the circulation on site (§7.3.3.C.3)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
6. Literal compliance with parking requirements is impracticable because the proposed parking is appropriate for the development with a dense mix of commercial and residential uses and

well-served by public transit. (§5.1.13)

PETITION NUMBER: #287-23(A)

PETITIONER: Washington Place Owner LLC c/o Mark Development LLC

LOCATION: 845-853 Washington Street known as Section 21, Block 29, Lot 10

OWNER: Washington Place Owner LLC

ADDRESS OF OWNER: 275 Grove Street Suite 2-150, Newton, MA 02466

TO BE USED FOR: Amendment to Special Permit #96-17 to waive required parking stalls and allow assigned and non-accessory parking.

RELIEF GRANTED: Special permit per §7.3.3 to amend Council Order #96-17 to waive 172 required parking stalls (§5.1.4; §5.1.13), to allow assigned parking (§5.1.3.E; §5.1.13), and to allow non-accessory parking (§4.4.1)

ZONING: Mixed Use 4 district

Approved subject to the following Conditions.

This Special Permit/Site Plan Approval amends Council Order #96-17 by increasing the parking waiver by 75 stalls up to 172 stalls. All other conditions of Council Orders #96-17, #216-18 and #179-19 remain in full force and effect except as modified below.

1. The parking waiver will increase from 97 stalls to 172 stalls to permit the petitioner to rent up to 75 additional stalls to members of the broader Newton community. The petitioner may provide non accessory parking as well as assign parking pursuant to Section 5.1.3.E.
2. The Petitioner shall record a certified copy of this Council Order with the Registry of Deeds for the Southern District of Middlesex County and file a copy of such recorded Council Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.

Under Suspension of Rules  
Readings Waived and Approved  
21 yeas 0 nays 3 absent (Councilors Krintzman, Markiewicz, and Wright)

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 4, 2023. 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

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 October 4, 2023 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) CAROL MOORE

*Letig* Clerk of the City Council