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ZONING REVIEW MEMORANDUM

Date: March 11, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: G. Michael Pierce, attorney
180 Wells Ave, LLC
Barney Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to amend special permit #148-15(2) and (3) to add a fourth story to the approved three-story office building, to revise the design of the parking structure and surface parking, to amend/waive the Wells Avenue Deed Restriction, and a Variance from the height and story limitations.

Applicant: 180 Wells Avenue, LLC	
Site: 180 Wells Avenue	SBL: 84034A0003
Zoning: Limited Manufacturing	Lot Area: 219,980 square feet
Current use: Three-story office	Proposed use: Four-story office with parking deck

BACKGROUND:

The property at 180 Wells Avenue is located off Nahanton Street within the Wells Avenue Office Park in the Limited Manufacturing zoning district, and is approximately 219,980 square feet. It is in the interior loop of the office park, and has two frontages on Wells Avenue, making it a through lot. The site currently contains a single, 55,776 square foot three-story building, used as office space. The larger vicinity of Wells Avenue includes a mix of office, educational, recreational and non-profit uses. The petitioner was granted a special permit in 2015 to allow construction of a three-story, 60,565 square foot office building to be connected to the existing office building, as well as a one-story parking deck, as well as surface parking which has not yet been built.

The petitioner now seeks a variance from the height and story limitations to allow for a fourth story on the proposed building, and an amendment to the special permit to allow revisions to the building design, to redesign the parking deck to include a rear relief ramp.

The properties located on Wells Ave are subject to a Deed Restriction that imposes a number of conditions on the development and use of these properties, in addition to the City's Zoning Ordinance. While the Deed Restriction has been amended several times, the proposed development will require further amendments, or a blanket waiver from the Deed Restriction in its entirety, as well as waivers from the Zoning Ordinance.

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

- Zoning Review Application, submitted by G. Michael Pierce, attorney, dated 1/22/2019
- Deed Restriction and Amendments
- Special Permit #148-15(3)
- Wells Ave Deed Restriction, dated 6/30/1967
- Renderings, prepared by Elkus Manfredi, Architects, dated 1/16/2019
- Elevations, prepared by Elkus Manfredi Architects, dated 1/16/2019

ADMINISTRATIVE DETERMINATIONS:

1. The subject property is located in the Limited Manufacturing zoning district. The petitioner was granted Special Permit #148-15 in 2015 to allow construction of a three-story office building with a connection to the existing office building, as well as a single-level parking structure and surface parking. The petitioner seeks an amendment to the existing special permit to allow for construction of a fourth story with a height of 48 feet and a revised design for the parking structure and surface parking.
2. Section 4.3.3 limits the number of stories in the Limited Manufacturing district to three, and the height to 36 feet. The 1968 Wells Ave Deed Restriction condition 6 states:

“No building on Parcel 1 shall exceed in height a total which equals more than 10 feet of height for every 100 feet of distance from the nearest point of the southerly street line of Nahanton Street..”

At the time the Deed Restriction was put into place in 1968, there were no height or story limitations in the limited manufacturing district, allowing for construction of buildings with more than three stories and 36 feet in height. The current limitations were enacted in 1987 and apply to new construction. Per sections 4.3.2.B.3 and 4.3.3, a variance to allow four stories and a height of 48.5 feet is required.

3. A one-level parking deck was approved in the 2015 special permit. The petitioner proposes a revised design that includes a rear relief ramp upon which parking will be located, and both levels of the deck have been lowered by 3 feet into the existing grade. The revised deck will now accommodate 138 stalls, increased from the approved 120. The additional stalls are on the ramp only. The ground level parking is proposed to increase from the approved 258 to 306 stalls, creating a total of 444 parking stalls on site. No waiver of the number of parking stalls is required per section 5.1.4.

4. Section 5.1.9.B.1 requires that an area equivalent to at least 5% of the area of a parking facility with more than 20 stalls be continuously landscaped. The proposed configuration of the surface parking reduces the interior landscaping from the approved 5.1% to 2.6%, requiring a special permit.
5. Section 5.1.12.D.1 requires loading bays be 10 feet in width, 35 feet in length and 12 feet in height. The petitioner is seeking a special permit to reduce the required length from 35 feet to 28 feet.
6. Paragraph 1 of the Deed Restriction places a minimum open space requirement of 40% on each individual parcel, as well as on the office park as a whole. The proposed project will result in an open space of 34.4% for the parcel. The petitioner requires a waiver from, or an amendment to the Deed Restriction to allow for a reduction in the parcel's opens space requirement, and to the extent necessary, for the park overall.
7. While there is no limitation on floor area ratio (FAR) in the Zoning Ordinance for the Limited Manufacturing district, Paragraph 2 of the Deed Restriction places a limitation on FAR to a maximum of 0.25. The 2015 special permit and amendment to the Deed Restriction approved an FAR of .53. The addition of the fourth story increases the FAR to .64, which requires a waiver from, or an amendment to the Deed Restriction.

Zone Limited Manufacturing	Required/Allowed	Approved	Proposed
Lot Size	N/A	220,097 square feet	No change
Setbacks			
• Front	25 feet	40 feet	32.6 feet
• Side	20 feet	20 feet	No change
• Rear	20 feet	136.1 feet	135.9 feet
Building Height	36 feet	35.8 feet	48.5 feet
Max number of stories	3	3	4
Max building lot coverage	25%	18%	19%
Min open space for Parcel 1*	40%*		34.4%*
Parking stalls	440		444
FAR*	.25*	.53*	.64*

* Required dimensional controls fall under the provisions of the Deed Restriction

8. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
	Amend Special Permit #148-15(2) and (3)	
§4.3.3	Variance to allow four stories and 48.5 feet	§7.6
§5.1.9.B.1 §5.1.13	To reduce interior landscaping requirements	S.P. per §7.3.3
§5.1.12.D.1 §5.1.13	To reduce loading bay length requirement	S.P. per §7.3.3
Deed Restriction, Paragraph 1	Amend/waive Parcel 1 minimum open space requirement	Amend/waive Deed Restriction
Deed Restriction, Paragraph 2	Amend/waive maximum FAR	Amend/waive Deed Restriction