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ZONING REVIEW MEMORANDUM

Date: February 25, 2020

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Neil Cronin, Chief Planner for Current Planning

Cc: KRE-BSL Husky Cabot Park LLC, Applicant
Alan Schlesinger, Attorney
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: **Request to amend Special Permit #105-95 to construct an additional 18 dwelling units and accessory use space in an existing congregate living facility**

Applicant: KRE-BSL Husky Cabot Park LLC	
Site: 280 Newtonville Avenue	SBL: 22007 0048
Zoning: MR3	Lot Area: 146,435 square feet
Current use: Elderly congregate living facility with 100 units	Proposed use: Elderly congregate living facility with 118 units

BACKGROUND:

The property located at 280 Newtonville Avenue consists of a 146,435 square foot lot improved with a 100-unit congregate living facility constructed in 1995. The parcel is located in the MR3 zoning district abutting Cabot Park to the east, and single- and two-family dwellings making up the remaining abutting uses. The petitioner proposes to construct a five-story addition to the existing structure adding 18 dwelling units and common accessory use space. To construct the project as proposed, the petitioner requires an amendment to the existing special permit.

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

- Zoning Review Application, prepared by Alan Schlesinger, attorney, submitted 1/17/2020
- Proposed Plot Plan, signed and stamped by Gerry L. Holdright, surveyor, dated 1/17/2020

- Schematic Site Plan, prepared by Udelsman Associates, architects, dated 9/16/2019
- Floor Plans, prepared by Udelsman Associates, architects, dated 9/16/2019
- Board Order #420-91, dated 12/16/1991
- Board Order 105-95, dated 5/15/1995

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner received Special Permit #105-95 in 1995 to construct and operate a 100-unit elderly congregate living facility. The petitioner proposes to construct an addition to the existing facility with 18 additional dwelling units and 2,800 square feet of accessory use space containing a concierge, office and workspace, and a food service room for a total additional square footage of 16,800 square feet. The addition is proposed in the existing front courtyard, which will create a covered drop-off area. To construct the addition and modify the approved site plan as proposed requires an amendment to Special Permit #105-95.
2. The property is located in the MR3 zoning district, which allows single- and two-family dwellings by right, and single-family attached and multi-family dwellings and residential care facilities by special permit. While congregate living facilities are a use allowed by special permit, no dimensional and density controls are specified for it in section 3.2. Section 3.2.2.A.3 states that in the instance where a dimensional or density control is not set forth for a use granted by special permit, then the most restrictive density or dimensional control applicable to such use in any district where the use is allowed by right would apply, unless otherwise required in the special permit. Congregate living facilities are not allowed by right in any district, and thus the City Council determines the dimensional and density requirements for this use.

The structure has an existing side setback of 33.1 feet from the line shared with the residences on Norwood Avenue. The proposed addition creates a new side setback from that lot line of 22.2 feet. No other setbacks are being decreased.

The existing lot coverage for the site is 15.8%. The proposed construction increases the lot coverage to 19.2%.

The existing lot area per unit is 1,464 square feet. The proposed construction of the additional 18 dwelling units decreases the lot area per unit to 1,241 square feet.

The site has an existing open space of 49.8%. The proposed construction reduces the open space to 49.1%.

The existing FAR is .73. The proposed construction adds 16,890 square feet to the existing 106,565 square foot structure for a total 122,590 square feet, producing an FAR of .84.

The existing 100 units produce a lot area per unit of 1,464 square feet. The proposed additional 18 units reduce the lot area per unit to 1,241 square feet.

The existing structure is 60 feet in height with five stories. The proposed five-story addition will maintain these dimensions and does not increase the height or number of stories.

Per section 3.2.2.A.3, the City Council must determine if the proposed density and dimensions are appropriate.

3. There are 100 parking stalls on the property. Twenty of those stalls are used by Cabot School employees on school days per a condition of the 1995 special permit. Per section 5.1.4, an elderly congregate living facility requires one parking stall per every two dwelling units, plus one stall per every three employees and one stall per every four nursing beds (there are no nursing beds). The petitioner proposes to add 18 units to the building, for a total of 118 units. There are 20 employees at the busiest shift. Per the requirements of section 5.1.4, 66 parking stalls are required for the elderly congregate living facility, and an additional 20 are used for Cabot School for a total of 86. The existing stalls on site satisfy the parking requirement for the uses on site.

4. The 1995 special permit required six low income units for a period of twenty years from the date of first occupancy. After the twenty years, the project was required to either comply with the then-current inclusionary provisions, or in their absence continue to provide six units. Alternatively, they could have also secured MHFA financing and provide 20 units for low income residents. Currently, all 100 existing units on site are included in the Subsidized Housing Inventory (SHI), which means that at least 25% of the units (25 units) are restricted as affordable at 80% AMI, or that 20% of the units are restricted at 50% AMI, until 2026.

Section 5.11.3 states that the inclusionary zoning provisions apply to any residential development where more than seven units are constructed. Per the Ordinance, a rental project with more than 21 units is required to provide 15% of the total units at 50-80% Area Median Income (AMI), and 2.5% at 110% AMI. The proposed 118 units require 18 units at 50-80% AMI and 3 units at 110% AMI for a total of 21 income restricted units.

With the expiration of the current income restricted units in 2026, the affordability of the required 21 units needs to be formalized via input from the Law Department and the Housing Division.

MR3 Zone	Required*	Existing	Proposed
Lot Size	SP	146,435 square feet	No change
Setbacks			
• Front (Munroe St)	SP	13.9 feet	No change
• Side		33.1 feet	22.2 feet
• Rear		19.6 feet	No change
Building Height	SP	60 feet	No change
Stories	SP	5 stories	No change
Lot Area Per Unit	SP	1,464 square feet	1,241 square feet
FAR	SP	0.73	.84
Open Space	SP	49.8%	49.1%
Lot Coverage	SP	15.8%	19.2%

*per section 3.2.2.A.3, where a density or dimensional control is not set forth for a use granted by special permit, the most restrictive controls applicable to such use where it is allowed by right are applicable, unless otherwise required in the special permit.

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
	Amend Special Permit #105-95	S.P. per §7.3.3
§3.2.2.A.3	To determine the density and dimensional controls	S.P. per §7.3.3