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Candace Havens  
Director

**ZONING REVIEW MEMORANDUM**

Date: October 29, 2012

To: John Lojek, Commissioner of Inspectional Services

From: Seth Zeren, Chief Zoning Code Official  
Eve Tapper, Chief Planner for Current Planning

SZ

Cc: Jason Rosenberg, attorney representing applicant  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: Request to allow a multi-family dwelling

RECEIVED  
Newton City Clerk  
2012 NOV 13 PM 5:45  
David A. Olson, CMC  
Newton, MA 02459

<b>Applicant: Jennie Marie One, LLC</b>	
<b>Site:</b> 152 Adams Street	<b>SBL:</b> 14014 0033
<b>Zoning:</b> BU2 and BU1	<b>Lot Area:</b> 14,585 square feet (existing) 14,835 square feet (proposed)
<b>Current use:</b> Single-family dwelling	<b>Proposed use:</b> Multi-family dwelling

**BACKGROUND:**

The property at 152 Adams Street consists of a 14,532 square foot lot in the BU2 zone containing one single-family house constructed in 1890. The applicant proposes to replace the house with a nine-unit multi-family building with an 18-stall rear parking lot accessed by Cottage Court. The applicant also owns the adjacent 138-142 Adams Street. In order to build the proposed development, the applicant proposes to transfer a strip of property from 138-142 Adams Street to 152 Adams Street to allow for conforming side setbacks. This transfer of land will be done through an Approval Not Required (ANR) subdivision plan with the City's Engineering Division. As a result of the proposed transfer of land between the two parcels, the property at 152 Adams Street will become a split-zoned lot (a majority of BU2 with a sliver of BU1 area). In 2010, the applicant received a special permit (B.O. #277-10) for the site to be redeveloped as a mixed-use development incorporating ground floor retail and second and third floor apartments. That special permit was not exercised and the property owner has since redesigned the site as an all-residential, multi-family dwelling.

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

- Architectural plans, signed and stamped by Charles M. Navratil, Registered Architect, dated 8/10/12
  - Site context/streetscape
  - Site layout
  - Front elevation
  - Side elevations
  - Rear elevations
  - First floor plan
  - Second floor plan
  - Third floor plan
  - Basement plan
  - Roof plan
- Existing site plan, unsigned and unstamped, by VTP Associates, Land Surveyors, dated 8/29/12
- Proposed site plan, unsigned and unstamped, by VTP Associates, Land Surveyors, dated 8/29/12
- Proposed ANR plan, unsigned and unstamped, by VTP Associates, Land Surveyors, dated 5/10/10
- Photometric plan, unsigned and unstamped, by ReflexLighting, dated 9/14/12
- Revised site plan, unsigned and unstamped, by VTP Associates, Land Surveyors, dated 10/16/12 showing setbacks from parking facility
- Determination from the Newton Historical Commission that the existing structure is not historic and not subject to demolition delay
- Copy of B.O.'s #277-10 and #277-10(2)

#### ADMINISTRATIVE DETERMINATIONS:

1. Per Section 30-11(d)(8), the applicant must obtain a special permit from the Board of Aldermen to construct a nine-unit multi-family building.
2. The proposed building is located in the BU2 zone and must comply with the dimensional standards of Section 30-15, Table 1 and Table 3 (see chart below).

BU2 Zone	Required/Allowed	Existing	Proposed
Lot Size	10,000 square feet	14,585 square feet	14,835 square feet
Lot Area per Dwelling	1,200 square feet	14,585 square feet	1,648 square feet
Frontage	80 feet	117.8 feet	122.91 square feet
Setbacks			
• Front	5 feet*	22 feet	5.6 feet
• Side	16.45 feet**	32.1 feet	16.6 feet
• Rear	0 feet	45.1 feet	72.5 feet
FAR	1.0 by right, up to 2.0 by SP	n/a	.815
Building Height	24 feet by right, up to 48 feet by SP	22.26 feet	32.9 feet
Maximum Stories	2 by right, up to 4 by SP	2.5	3

\* Average front setback, per Section 30-15, Table 3, footnote 1:  $[(10' + 0')/2 = 5']$

\*\*  $\frac{1}{2}$  building height, per Section 30-15, Table 3, footnote 2:  $[32.9'/2 = 16.45']$

3. Per Section 30-15, Table 3, buildings in the BU2 zone are limited to two stories and 24 feet in height by right and up to four stories and 48 feet in height by special permit. The applicant's plans show a proposed three-story building that is 32.9 feet in height. Therefore, the applicant must obtain a special permit from the Board of Aldermen, per Section 30-15, Table 3 and Section 30-15(h).

4. The applicant proposes an overall development of approximately 12,000 square feet of gross floor area. The resulting FAR of .815 is permitted by right, per Section 30-15, Table 3. Section 30-11(j) requires site plan approval in accordance with Section 30-23 for any proposed buildings or structures containing between 10,000 and 19,999 square feet in gross floor area. The applicant must obtain site plan approval from the Board of Aldermen per Section 30-23 to construct the building as approved.
5. Per Section 30-19(d)(2), two parking stalls are required for each dwelling unit. The applicant's plans show nine dwelling units and the required 18 parking stalls.
6. Parking facilities with greater than five parking stalls must meet the design requirements of Sections 30-19(h), (i), and (j).
7. The applicant's plans show 8.5' x 17' and 8.7' x 17' parking stalls where 9' x 19' is required by Section 30-19(h)(2)a) and b). Per section 30-19(h)(2)d), the length of required stalls may be reduced by two feet where stalls head into a curb which bumpers can overhang. The applicant must therefore obtain a special permit from the Board of Aldermen to allow parking stalls narrower than nine feet in width, per Section 30-19(m).
8. The applicant's parking plan complies with the other dimensional and design standards of Section 30-19(h), including aisle width, maneuvering space, entrance and exit drives, and handicapped parking.
9. Per Section 30-19(i), the applicant must provide landscape screening between the parking facility and adjoining lots. The applicant shows the required five feet between the rear of the parking facility and the lot behind (including the two foot bumper overhang) but does not describe whether proposed landscaping will meet the requirements of Section 30-19(i)(1)a)i). Along the left side of the lot, the applicant's plans show a minimal setback and proposed wood plank guardrail, that does not meet the requirements of Section 19-19(i)(1)a)i). The applicant must either comply with the landscaping requirements of Section 30-19(i) or obtain a special permit from the Board of Aldermen to waive these requirements, per Section 30-19(m).
10. The applicant must also comply with the lighting, surfacing, and maintenance requirements of Section 30-19(j). The applicant's plans are not compliant with the lighting requirements as they do not provide a minimum intensity of one foot candle over the entire facility, per Section 30-19(j)(1) and show significant light spillage onto adjacent streets and properties. The applicant must also surface, grade, and curb the site to the satisfaction of the City Engineer, and provide ongoing maintenance per Section 30-19(j)(3). To permit the proposed lighting plan, the applicant must obtain a special permit from the Board of Aldermen, per Section 30-19(m).
11. The applicant has proposed a nine-unit multi-family development that requires a special permit under Section 30-24. Therefore, the applicant must comply with the inclusionary housing requirements of Section 30-24(f). Per Section 30-24(f)(3), the applicant must provide one inclusionary housing unit (15% of the proposed eight additional dwelling units = 1.2, rounded down). The applicant should consult with the Housing and Community Development Division of the

Planning Department to ensure compliance with all requirements of Section 30-24(f) for inclusionary housing.

12. See "Zoning Relief Summary" below:

<b>Zoning Summary</b>		
<i>Ordinance</i>	<i>Use</i>	<i>Action Required</i>
§30-11(d)(8)	Permit a multi-family dwelling in the BU2 zone	S.P. per §30-24
<i>Ordinance</i>	<i>Structure</i>	<i>Action Required</i>
§30-15(h); §30-15, Table 3	Permit a three-story building, 32.9 feet in height	S.P. per §30-24
§30-11(j)	Permit a building with between 10,000 and 19,999 square feet of gross floor area	Site plan review per §30-23
<i>Ordinances</i>	<i>Parking</i>	<i>Action Required</i>
§30-19(h)(2)a, b) and d); §30-19(m)	Permit 8.5'x17' parking stalls where 9'x17' is permitted with a two-foot bumper overhang	S.P. per §30-24
§30-19(i)(1)a)i); §30-19(m)	Provide the required landscape screening or obtain a waiver	S.P. per §30-24
§30-19(j)(1); §30-19(m)	Permit less than one foot candle of lighting over the parking facility and light spillage onto other lots	S.P. per §30-24
<i>Ordinance</i>	<i>Inclusionary Housing</i>	<i>Action Required</i>
§30-24(f)	Provide one inclusionary housing unit	Comply with §30-24(f)