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Mayor

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#465-18 & #426-18

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Barney S. Heath  
Director

## PUBLIC HEARING MEMORANDUM

Public Hearing Date:	September 25, 2018
Land Use Action Date	December 11, 2018
City Council Action Date:	December 17, 2018
90-Day Expiration Date:	December 24, 2018

DATE: September 21, 2018

TO: City Council

FROM: Barney Heath, Director of Planning and Development  
Jennifer Caira, Chief Planner  
Michael Gleba, Senior Planner

SUBJECT: **Petition #425-18** for a change of zone to BUSINESS USE 4 for land located at 156 Oak Street (Section 51 Block 28 Lot 5A), 275-281 Needham Street (Section 51, Block 28, Lot 6) and 55 Tower Road (Section 51 Block 28 Lot 5), currently zoned MU1.

**Petition #426-18** for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a mixed-use development greater than 20,000 sq. ft. with building heights of up to 96' consisting of 822 residential units, with ground floor residential units, with restaurants with more than 50 seats, for-profit schools and educational uses, stand-alone ATMs drive-in businesses, open air businesses, hotels, accessory multi-level parking facilities, non-accessory single-level parking facilities, non-accessory multi-level parking facilities, places of amusement, radio or TV broadcasting studios, and lab and research facilities, to allow a waiver of 1,600 parking stalls, to allow a reduction in the overall parking requirement to not less than 1900 stalls, to waive dimensional requirements for parking stalls, to waive end stall maneuvering requirements, to allow driveway entrances and exits in excess of 25', to waive perimeter landscaping requirements, to waive interior landscaping requirements, to waive lighting requirements for parking lots, to waive general lighting, surfacing and maintenance requirements, to waive off-street loading facilities requirements, to waive sign requirements relative to number, size, location or design, to waive the number of signs allowed at **156 Oak Street** (Section 51 Block 28 Lot 5A), **275-281 Needham Street** (Section 51, Block 28, Lot 6) and **55 Tower Road** (Section 51 Block 28 Lot 5), Newton Upper Falls, Ward 5, on 22.6 acres of land in a proposed BU4 district. Ref: Sec. 7.3.3, 7.4, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 7.8.2.C, 5.4.2, 4.4.1, 5.1.4, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.D.2, 5.1.9.A, 5.1.9.B, 5.1.10.A.1, 5.1.10, 5.1.12, 5.1.13, 5.2, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

CC: Planning Board

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



**156 Oak St., 275-281 Needham St., &  
55 Tower Rd.  
(clockwise from upper left)**

## EXECUTIVE SUMMARY

The subject property, the so-called “Northland Site,” is located at the northwest corner of the intersection of Needham and Oak streets in a Mixed Use 1 (MU1) zoning district. The site consists of three parcels that, taken together, measure approximately 22.6 acres: 156 Oak Street (referred to herein as Parcel 1), 55 Tower Road (Parcel 2), 275-281 Needham Street (Parcel 3).

The property is bounded by Needham Street to the east, Oak Street to the south and the Upper Falls Greenway to the west; the northern tip of the property has frontage on Tower Road. It is currently improved with various commercial and industrial buildings as well as accessory parking. The existing building at 156 Oak Street was constructed circa 1900 and is proposed for preservation and incorporation into the proposed development. The remaining buildings on the project site, including a 1979 strip mall, would be razed.

The Petitioners are proposing to construct a multi-building mixed use development incorporating 822 residential units, 430,297 gross square feet (365,200 useable) of retail, personal service, restaurants and office space, and 4,000 square feet of community space. The proposal includes 1,408 on-site parking stalls within garages and surface parking, as well as accommodations for 1,106 bicycles. In anticipation of the proposed comprehensive mixed use redevelopment project, the petitioner is seeking to rezone all three parcels to Business 4 (BU4).

### I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

#### A. Neighborhood and Zoning

The “Northland Site” consists of three parcels located at the northwest corner of Needham and Oak streets. All three parcels are currently zoned Mixed Use 1 (MU1), as are the other parcels in the immediate area along the Needham Street corridor, with exceptions being a Business 2 (BU2) zoned parcel district at the southwest corner of Needham and Oak streets and a Mixed Use 2 (MU2) district on the east side of Needham Street several hundred feet to the north. The neighborhoods to the east and west of the Needham Street corridor exhibit a diverse mix of zoning designations, including Single Residence 2 and 3 (SR2 and SR3), Multi Residence 1 and 2 (MR1 and MR2), Business 1 and 2 (BU1 and BU2), Manufacturing (MAN) , as well as Public Use (PUB). Specifically, districts immediately adjacent to the Northland Site include the BU2 parcel referenced above, as well as MU1 and BU1 districts, to the south (across Oak Street), MAN, MU1 and MU2 to the west, and a SR3 district to the east (**Attachment A**).

The current land uses on the Northland Site and other parcels in the area reflect this diverse zoning. Of the three Northland parcels, 55 Tower Road is industrial, while the other two are currently considered commercial properties, a mix that generally characterizes the uses along the Needham Street corridor. The area to the south includes single- and multi-residential uses, as well as some commercial and open spaces. The neighborhood to the west also includes single- and multi- residential and commercial uses, as well as some industrial, and non-profit uses. Across Needham Street are commercial and industrial uses;

further to the east the uses are predominantly single- and multi- residential with some interspersed vacant and open space parcels (**Attachment B**) with Winchester Swamp located to the north of Charlemont Street.

B. Site

Taken together, the total area of the three Northland Site parcels is approximately 22.6 acres. 156 Oak Street (Parcel 1) measures 237,832 square feet and is improved with a 172,000 square foot office building that is currently largely vacant. 55 Tower Road (Parcel 2), measures 483,583 square feet and is the site of a large exposed concrete slab. 275-281 Needham Street (Parcel 3), is a 265,232 square foot lot with an approximately 72,000 square foot one story commercial building built in 1979.

The grade of the property varies by about 20 feet from a low point near the intersection of that street with Oak Street upward toward those properties' boundary with the Upper Falls Greenway. There are also some fairly steep (approximately 18-20 foot) downward grades near the northern boundary of the site at the existing Tower Road cul-de-sac associated with an exposed portion of the South Meadow Brook that is culverted for much of its route southward across the property.

II. REZONING REQUEST (Petition # 425-18)

The petitioner has requested that the site be rezoned from its current MU1 designation to BU4. The Planning Department recognizes that, given its size and location, the site lends itself to redevelopment as a mixed use development and generally agrees that the current MU1 zoning, although it allows for limited residential and commercial uses, might be considered dated and inappropriate for the site.

The Planning Department's review of the proposed rezoning and development along Needham Street is informed by the "Needham Street Vision Plan 2018," the product of an extensive community based planning effort the Department undertook in collaboration with local residents. The principals and priorities identified by that process are discussed in detail in the document which can be found at [www.newtonma.gov/needhamstreet](http://www.newtonma.gov/needhamstreet).

III. SPECIAL PERMIT PETITION (Petition # 426-18)

A. SIGNIFICANT ISSUES FOR CONSIDERATION

As stated above, the administrative determinations and relief requested by this petition assume that the entire site is zoned BU4. As such, pursuant to the BU4 district regulations and requirements, when reviewing the requested special permits the City Council should consider whether:

1. The site is an appropriate location the proposed development as designed with approximately 1,924,273 square feet of gross floor area within 13 structures with building heights of up to 96 feet and eight stories and including ground-floor residential use,

restaurants with more than 50 seats, for-profit schools and educational uses, stand-alone ATMs, drive-in businesses, open air businesses, hotels, accessory multi-level parking facilities, non-accessory single level parking facilities, non-accessory multi-level parking facilities, places of amusement, radio or TV broadcasting studios and lab and research facilities (§7.3.3.C.1);

2. The proposed development as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2);
3. There will be no nuisance or serious hazard to vehicles or pedestrians created by (§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. The site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy (§7.3.3.C.5);
6. The extension or alteration of a nonconforming front setback shall not be substantially more detrimental than the existing nonconforming use to the neighborhood (§7.8.2.C.2);
7. The proposed alteration of an existing nonconforming retaining wall along Oak Street in excess of 4 feet within the setback is not substantially more detrimental than the existing nonconforming retaining wall is to the neighborhood (§7.8.2.C.2);
5. Granting any or all of the requested exceptions to parking requirements, per §5.1.13, allowing:
  - the reduction of the number of required parking stalls by 1,600 (§5.1.4, §5.1.13), and
  - driveway entrances and exits in excess of 25 feet (§5.1.8.D.2, §5.1.13),

and waiving:

- dimensional requirements for parking stalls (§5.1.8.B.1, §5.1.8.B.2, §5.1.13),
- end stall maneuvering space requirements (§5.1.8.B.6, §5.1.13),
- perimeter landscaping requirements (§5.1.9.A, §5.1.13),
- interior landscaping requirements (§5.1.9.B, §5.1.13),
- lighting requirements for parking lots (§5.1.10.A.1, §5.1.13),
- general lighting, surfacing and maintenance requirements (§5.1.10, §5.1.13), and
- off-street loading facilities requirements (§5.1.12, §5.1.13),

is appropriate because literal compliance with such requirement is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features.

#### IV. PROJECT DESCRIPTION AND ANALYSIS

As indicated in the attached proposed schedule of public hearings for the review of the proposed development (**Attachment C**), different aspects of the proposal will be reviewed at specific, subsequent meetings of the Land Use Committee. As this schedule might change over time, the Planning Department will post updates at <http://www.newtonma.gov/northland>.

The Planning Department will submit detailed memoranda on specific topics in advance of those. In recognition of the upcoming extensive public review process, an initial, introductory description of the project follows:

##### A. Land Use

The principal use of the site would be, pursuant to a zoning change to BU4, a multi-building mixed use development including 822 dwelling units and 430,297 gross square feet of retail, personal service, restaurants and office space, and 4,000 square feet of community space. Proposed commercial tenants and the space each tenant would occupy has not been established yet.

Per § 5.11.4, the project is subject to the Newton Zoning Ordinance's inclusionary housing provisions that requires no fewer than 15% of the proposed dwelling units be affordable. Toward that end the petitioners are proposing to provide 123 on-site affordable units.

##### B. Building and Site Design

The site is designed as an urban center with active streetscapes, street level retail, public spaces and "on-street" parking. The petitioners are proposing 1,924,273 square feet of gross floor area within 13 proposed structures ranging from three to eight stories in height, with the tallest measuring 95.6 feet high. Proposed buildings include large mixed use structures with commercial, residential and parking uses as well as townhouse type units, and a community center. An existing historic building along Oak Street would be occupied by commercial uses, especially office space.

##### C. Parking and Circulation

The proposal includes 1,408 on-site parking stalls within garages and surface parking, as well as accommodations for 1,106 bicycles. The project site is proposed as one locus accessed by four driveways located off Tower Road (25 feet wide), Needham Street to the proposed "Main Street" (25 feet), Needham Street to a proposed "Charlemont Street" extension on the property (65 feet) and Oak Street to the proposed "Pettee Lane" (45 feet). All internal roadways, including the proposed "Main Street," "Charlemont Street" extension and "Pettee Lane" reference above are considered internal driveways (i.e., not as accepted public or private ways).

##### D. Landscape, Lighting and Signage

As designed, the proposal includes extensive landscaping, especially the provisions of street trees densely lining the proposed sidewalk system. Public spaces are also proposed in the

form of a “village green” along “Main Street” at its intersection with the extension of Tower Road. An existing underground portion of South Meadow Brook would be “daylighted,” i.e., uncovered, near the waterfall at the historic mill building at the south end of the site in an area identified as “Mill Park.” Additional green recreational area would be created at the north end of the site near its Tower Road entrance, close to the proposed community building and an enhanced section of South Meadow Creek.

Consistent with the urban street environment proposed for the site, streetlights would be placed along the sidewalks lining the project’s interior driveways. Regarding signage, the petitioners intend to submit a comprehensive sign package for the entire site.

## V. TECHNICAL REVIEW

### A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment D**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- Rezone parcels to Business 4 (BUS4)
- Special permit per §7.3.3:
  - To allow a building in excess of 20,000 square feet of gross floor area (§4.1.2.B.1)
  - To allow building height of 96 feet and eight stories (§4.1.3, §4.1.2.B.3)
  - To extend or alter a nonconforming front setback (§4.1.3, §7.8.2.C.2)
  - Request to alter an existing nonconforming retaining wall in excess of 4 feet within the setback (§5.4.2, §7.8.2.C.2)
  - To allow ground-floor residential use, restaurants with more than 50 seats, for-profit schools and educational uses, stand-alone ATMs, drive-in businesses, open air businesses, hotels, accessory multi-level parking facilities, non-accessory single level parking facilities, non-accessory multi-level parking facilities, places of amusement, radio or TV broadcasting studios and lab and research facilities (§4.4.1)
  - To allow a waiver of 1,600 parking stalls (§5.1.4, §5.1.13)
  - To waive the dimensional requirements for parking stalls (§5.1.8.B.1, §5.1.8.B.2, §5.1.13)
  - To waive end stall maneuvering space requirements (§5.1.8.B.6, §5.1.13)
  - To allow driveway entrances and exits in excess of 25 feet (§5.1.8.D.2, §5.1.13)
  - To waive the perimeter landscaping requirements (§5.1.9.A, §5.1.13)
  - To waive the interior landscaping requirements (§5.1.9.B, §5.1.13)
  - To waive the lighting requirements for parking lots (§5.1.10.A.1, §5.1.13)

- Waive the general lighting, surfacing and maintenance requirements (§5.1.10, §5.1.13)
- To waive the off-street loading facilities requirements (§5.1.12, §5.1.13)
- To waive sign requirements relative to number, size, location or design (§5.2, §5.2.13)
- Waive the number of signs allowed (§5.2.13)

B. Other Reviews

As discussed above and indicated in Attachment C, more specific reviews of various aspects of the project, including peer reviews of the petitioner's technical studies, will be developed in advance of subsequent, topic-focused meetings.

VI. PETITIONER'S RESPONSIBILITIES

The petitioner is expected to cooperate with the Planning Department to provide all requested materials and information in advance of all subsequent meetings and hearings to assist it in its review of the project.

**ATTACHMENTS:**

- Attachment A:** Land Use Map  
**Attachment B:** Zoning Map  
**Attachment C:** Proposed hearing topic schedule  
**Attachment D:** Zoning Review Memorandum



# ATTACHMENT A









## Land Use

156 Oak St.,  
275-281 Needham St.,  
55 Tower Rd.

*City of Newton,  
Massachusetts*

### Land Use

### Land Use

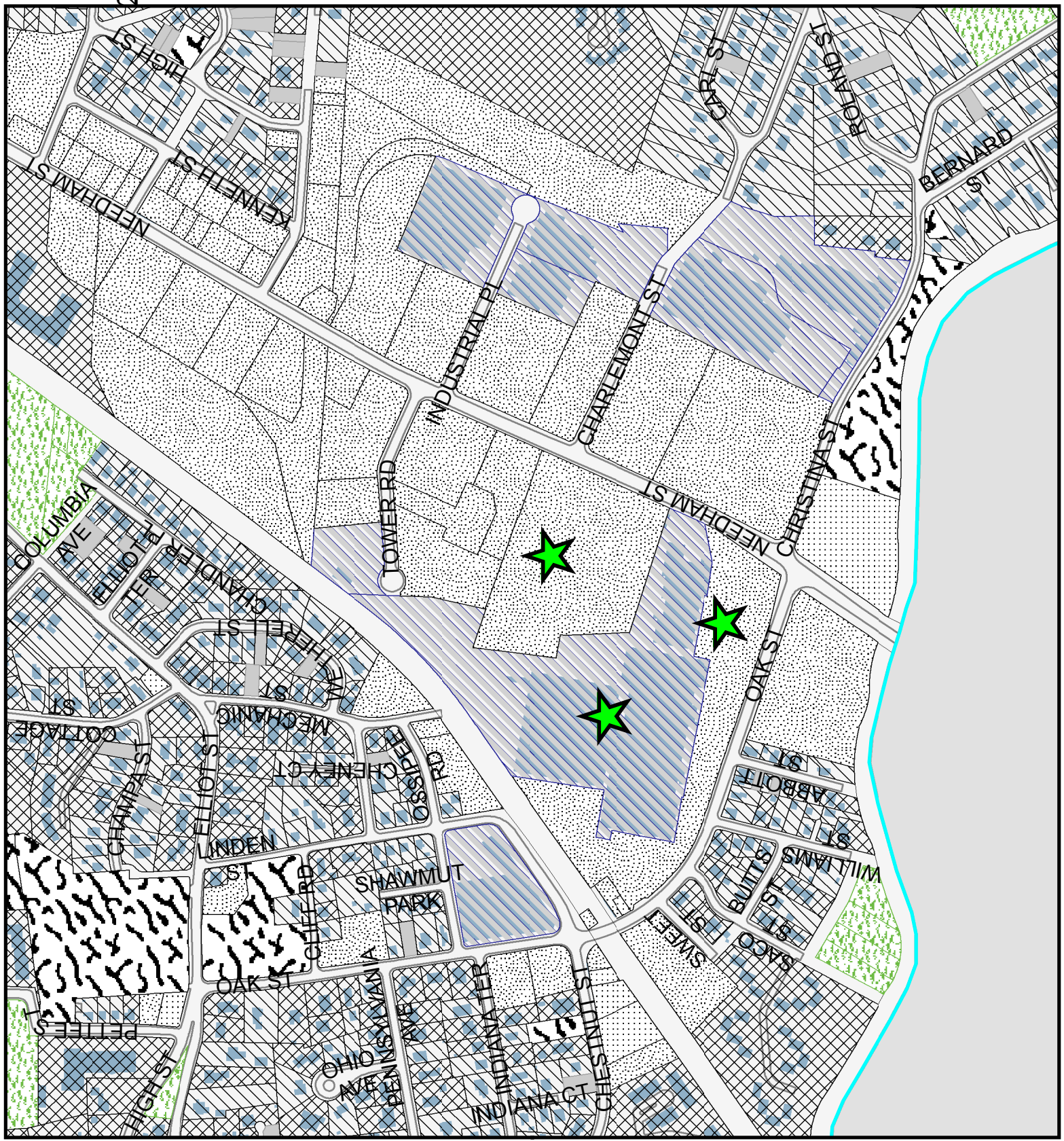
-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Industrial
-  Mixed Use
-  Open Space
-  Nonprofit Organizations
-  Vacant Land



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

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# ATTACHMENT B

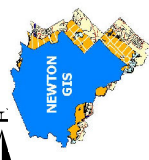
## Zoning

### 156 Oak St., 275-281 Needham St., 55 Tower Rd.

City of Newton,  
Massachusetts

### Legend

-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 2
-  Business 1
-  Business 2
-  Manufacturing
-  Mixed Use 1
-  Mixed Use 2
-  Public Use

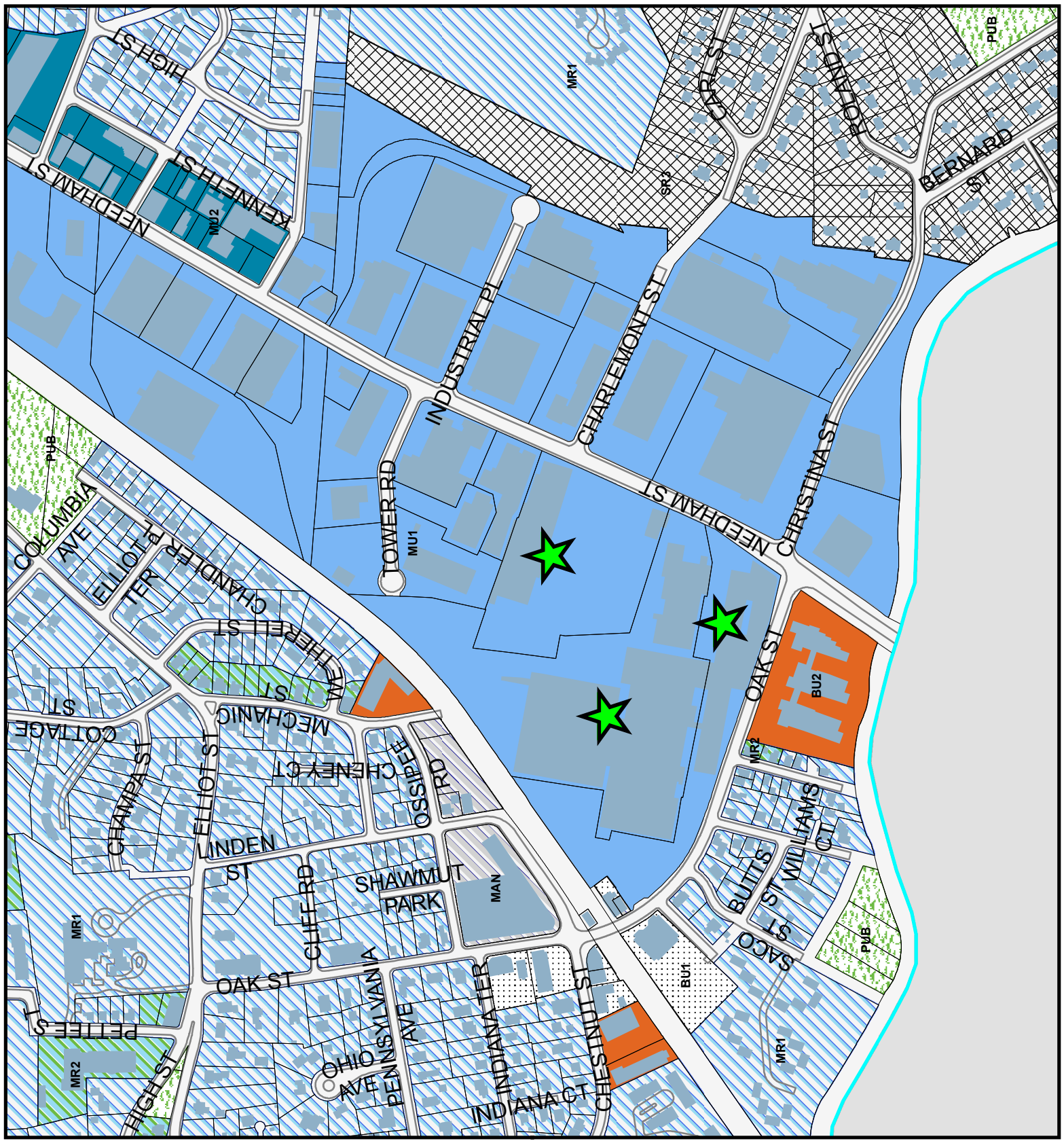


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

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Map Date: September 21, 2018



# ATTACHMENT C

## TENTATIVE LAND USE COMMITTEE SCHEDULE

### NORTHLAND NEEDHAM STREET/OAK STREET

#### Special Permit # 426-18 and Request to Rezone #425-18

<b>Land Use Committee Date</b>	<b>Topic</b>	<b>Description</b>
<b>9/25/2018</b>	Project Overview	Applicant to introduce project and committee to discuss schedule.
<b>11/13/2018</b>	Site Design and Open Space	Review of site plan, including placement of buildings, roads and open space as well as sight lines and shadows.
<b>12/11/2018</b>	Housing and Economic Impacts	Review of proposed residential and commercial program, including: analysis of the number of housing units, including affordability levels; the commercial mix; and the overall fiscal and economic impacts of the proposed project.
<b>1/15/2018</b>	Transportation	Review of the proposed internal street network and circulation including bicycle and pedestrian facilities, and analysis of the traffic impacts, shared parking proposal, and transportation demand management strategy.
<b>1/29/2018</b>	Sustainability and Stormwater	Review of the sustainability report and efforts to reduce impacts to natural resources as well as sustainability and conservation proposals.
<b>2/12/2018</b>	Architecture and Design Guidelines	Review of design guidelines that will regulate future detailed architectural design of the proposed buildings.
<b>3/12/2018</b>	Project Revisions/ Mitigation	Review of any revisions made to the project as well as updated analysis of those revisions and discussion of necessary mitigation measures.



Ruthanne Fuller  
Mayor

# ATTACHMENT D

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Department of Planning and Development  
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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: August 2, 2018

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Alan Schlesinger, Attorney  
Northland Oak Street LLC, Northland Tower Road Investors LLC, Needham Street Associates  
Barney S. Heath, Director of Planning and Development  
Ouida Young, Acting City Solicitor

RE: **Request to rezone 22.6 acres to BU4 to construct a mixed-use development consisting of 822 residential units, mixed commercial, parking and public open space.**

<b>Applicants: Northland Oak Street LLC, Northland Tower Road Investors LLC, Needham Street Associates</b>	
<b>Site:</b> 156 Oak Street, 275-281 Needham Street, 55 Tower Road	<b>SBL:</b> 51028 0005A, 51028 0006, 51028 0005
<b>Zoning:</b> MU1	<b>Lot Area:</b> 22.6 acres
<b>Current use:</b> Office and commercial	<b>Proposed use:</b> Mixed use with commercial, residential, parking and public open space

### BACKGROUND:

The project site known as the "Northland" is comprised of three separate lots totaling 22.6 acres located in the Mixed Use 1 zoning district. The project site is bound by Needham Street to the east, Oak Street to the south and the Upper Falls Greenway to the west. The northern tip of the property has frontage on Tower Road. The current uses on the site include restaurant, , retail, office, and commercial. The existing building at 156 Oak Street was constructed circa 1900 and will be preserved and remodeled to be incorporated into the new development. The remaining buildings on the project site, including a 1979 strip mall, will be razed.

The Petitioners are proposing to construct a multi-building mixed use development incorporating 822 residential units and 365,200 square feet (useable, 430,297 gross square feet) of retail, personal service, restaurants and office space, and 4,000 square feet of community space. The proposal includes 1,408 on-site parking stalls within garages and surface parking, as well as accommodations for

1,106 bicycles. The petitioners intends to construct this project by seeking a zone change for the site to Business 4.

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

- Zoning Review Application, prepared by Alan Schlesinger, attorney, dated 6/27/2018
- Project Information, submitted 6/27/2018
- Area Plan, signed and stamped by Curtis R. Quitzau, engineer, dated 6/21/2018
- Zone Change Plan, signed and stamped by Curtis R. Quitzau, engineer, dated 6/21/2018
- Overall Site Plan, signed and stamped by Curtis R. Quitzau, engineer, dated 6/21/2018
- Zoning Assessment Plan (Building 1), signed and stamped by Curtis R. Quitzau, engineer, dated 6/21/2018
- Zoning Assessment Plan (Buildings 2 & 3), signed and stamped by Curtis R. Quitzau, engineer, dated 6/21/2018
- Zoning Assessment Plan (Buildings 4, 12 & 13), signed and stamped by Curtis R. Quitzau, engineer, dated 6/21/2018
- Zoning Assessment Plan (Buildings 5,10 & 11), signed and stamped by Curtis R. Quitzau, engineer, dated 6/21/2018
- Zoning Assessment Plan (Buildings 6 & 7), signed and stamped by Curtis R. Quitzau, engineer, dated 6/21/2018
- Zoning Assessment Plan (Buildings 8 & 9), signed and stamped by Curtis R. Quitzau, engineer, dated 6/21/2018
- Existing Conditions Plan of Land, signed and stamped by Russell J. Bousquet, surveyor, dated 6/4/2018
- Building 3 Parking Plan, prepared by Stantec, dated 6/21/2018
- Building 4 Underground Parking Plan, prepared by Cube 3 Studio, architect, dated 6/21/2018
- Building 5 Underground Parking Plan, prepared by Cube 3 Studio, architect, dated 6/21/2018
- Building 5 First Floor Parking Plan, prepared by Cube 3 Studio, architect, dated 6/21/2018
- Building 6 Parking Plans, prepared by Stantec, dated 6/21/2018
- Building 8 Parking Plan, prepared by Cube 3 Studio, architect, dated 6/21/2018
- Building 10-12 Parking Plan, prepared by Cube 3 Studio, architect, dated 6/21/2018
- Building 13 Parking Plan, prepared by Cube 3 Studio, architect, dated 6/21/2018

#### **ADMINISTRATIVE DETERMINATIONS:**

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1. The current zoning for the parcels included in the project site is Mixed Use 1. The petitioners propose a rezoning of the parcels to Business 4. For the purposes of this memo, the BU4 provisions will be applied.
2. The petitioners are proposing 1,924,273 square feet of gross floor area within the 13 proposed structures. Section 4.1.2.B.1 requires a special permit for proposed buildings which contain 20,000 square feet or more of gross floor area in a business district.
3. Sections 4.1.2.B.3 and 4.1.3 require a special permit to allow for more than four stories in the BU4 district, where three are the maximum allowed by right. The petitioners propose 13 buildings ranging from three to eight stories, requiring a special permit.
4. Section 4.1.3 also requires a special permit to allow for up to 96 feet of height in an BU4, where 36 feet is the maximum allowed by right. Several of the proposed structures exceed the by-right height, with the tallest building proposed at 95.6 feet in height, requiring a special permit.

5. The project site is proposed as one locus, with internal driveways. This review uses the perimeter lot lines of the whole site to determine setback requirements. To the extent that any later division of the site takes place, utilizing the internal drives as accepted or private roadways, the proposed structures will require further review for compliance with all of the dimensional requirements for the district.
6. Per section 4.1.3, the required front setback in the BU4 zoning district for a structure with up to three stories is the average of the abutting structures up to 10 feet. The existing structure at 156 Oak Street, known as "Building 1", has an existing nonconforming front setback of 2.8 feet, which will not be altered. However, to the extent that the change in the underlying zoning district extends or alters the nonconforming nature of the existing nonconforming front setback, a special permit is required per sections 4.1.3 and 7.8.2.C.2.

The required front setback for structures with four or more stories in the BU4 district is the lesser of half the building height or the average, with the average never requiring more than 10 feet per section 4.1.3. All the proposed structures meet or exceed the 10-foot front setback requirement to the current perimeter lot lines.

7. Section 4.1.3 requires a side setback of half the building height or equal to the abutting side yard setback. All the proposed structures meet the side yard setback requirements to the perimeter lot lines.
8. The petitioners propose a floor area ratio of 1.95. Pursuant to Section 4.1.3, the maximum allowable FAR for an eight-story building in the BU4 district is 3.00. The petitioners request that the special permit allow for an FAR of up to 2.00, to allow for flexibility for future uses.
9. The petitioners are proposing to construct 822 residential dwelling units spread over the entire site. Pursuant to Section 4.1.2.A.2, the required lot area per unit in an BU4 zoning district is 1,200 square feet. The petitioners propose 1,200 square feet of lot area per unit, meeting this requirement.
10. Section 5.4.2 requires a special permit for a retaining wall in excess of four feet in height located within a setback. There is an existing nonconforming retaining wall along Oak Street at proposed Building 13 which exceeds four feet and is located within the setback. The building plans show modifications to this retaining wall. To the extent necessary, a special permit pursuant to section 5.4.2 and 7.8.2.C.2 is required to alter or extend the existing nonconforming retaining wall.
11. Section 4.4.1 requires a special permit to allow for several uses that may customarily be found in developments such as that which is proposed by the petitioners. To allow for flexibility for proposed and future tenants, the petitioners seek a special permit to allow the following uses with the understanding that some uses may be permitted in certain buildings and not in others:
  - a. residential use on the ground floor
  - b. restaurant with more than 50 seats
  - c. for-profit school or other for-profit educational purposes
  - d. stand-alone ATM

- e. drive-in business
- f. open air business
- g. hotel
- h. parking facility – accessory multi-level
- i. parking facility – non-accessory single level
- j. parking facility – non-accessory multi-level
- k. place of amusement
- l. radio or TV broadcasting studio
- m. laboratory or research facility

12. The project proposes a mix of uses on the site, including 822 residential units, office, retail, restaurant etc. The exact mix of commercial tenants and the space each tenant will occupy is not yet established. To ensure that an adequate parking demand is established, the parking calculation for the commercial uses at the site is based on a projection of a mix of uses designed to provide the highest intensity use of the site (with regard to parking demand). The petitioners contemplate the following uses and projected square footages of spaces for each:

Proposed Use	Parking Requirement	Stall Required
Residential - 822 units	2 per dwelling unit	1,644
Office - 180,000 sf	1/250 sf for 20,000 sf plus 1/333 sf remaining	560
Retail and Personal Service 105,200 sf 200 employees	1/300 sf 1/3 employees	417
Restaurant – 1,595 seats 148 employees	1/3 seats 1/3 employees	581
Medical Office – 10,000 sf	1/200 sf	50
Health Club – 20,000 sf 24 employees	1/150 sf 1/3 employees	142
Community Space – 4,000 sf	1/45 sf 1/3 employees	90
<b>TOTAL</b>		<b>3,484</b>

The proposed anticipated residential and commercial uses on site require a combined 3,484 parking stalls, with an aggregate Ordinance parking demand not to exceed 3,500 stalls.

While the petitioners propose to construct 1,953 parking stalls within parking garages and some surface parking, the intention is to assume only 1,900 are to be built. With a maximum demand of 3,500 stalls and 1,900 constructed, the petitioners request a waiver of 1,600 parking stalls for the site.

As a mixed-use development with more than three uses listed in Table 5.1.4.A, the project may seek a one-third reduction in parking by special permit per section 5.1.4.C. Applying this provision would reduce the parking requirement to 2,333 stalls, requiring a waiver of 433 stalls. To simplify

the process, the petitioner has opted to seek a waiver from the full amount rather than seek to apply the one-third reduction with a further waiver.

13. The minimum dimensional requirement for parking stalls is 9 feet wide by 19 feet deep for angle parking and 21 feet long for parallel parking per Sections 5.1.8.B.1 and 5.1.8.B.2. To the extent that any of the proposed parking stalls are deficient in width or depth, a waiver per section 5.1.13 is required.
14. Section 5.1.8.B.6 states that end stalls restricted on one or both sides by curbs, walls, fences or other obstructions require maneuvering space at the aisle end of at least five feet in depth and nine feet in width. The petitioners seek a waiver from this provision per Section 5.1.13.
15. Section 5.1.8.D.2 requires that entrance and exit driveways may have a maximum width of 25 feet, except in conjunction with loading facilities. The ways within the parcel, while named, are not accepted public or private ways, and are thus internal driveways. There are four entrances to the property with width of 25 feet (Tower Road extension and Main Street off of Needham Street), 45 feet (Pettee Lane off of Oak Street) and 65 feet (Charlemont Street off of Needham Street). To allow driveway entrances exceeding 25 feet requires a special permit per section 5.1.8.D.2
16. Section 5.1.9.A requires that surface parking areas with more than five stalls provide adequate perimeter screening from abutting properties. To the extent that the proposed surface parking does not meet the perimeter screening requirements of section 5.1.9.A, a waiver is requested.
17. Section 5.1.9.B requires interior landscaping for surface parking containing at least twenty stalls. To the extent necessary, the petitioners request a waiver from this section in its entirety pursuant to Section 5.1.13.
18. All outdoor parking facilities which are used at night are required to have security lighting maintaining a minimum intensity of one-foot candle on the entire surface of the parking facility per Section 5.1.10.A.1. The petitioners request a waiver from this provision per Section 5.1.13.
19. Section 5.1.10 provides that outdoor parking facilities with more than five stalls must be lighted, surfaced and maintained in accordance with the requirements of that same section. To the extent necessary, the petitioner seeks a waiver from this section in its entirety.
20. Section 5.1.11 requires one bicycle parking space per each ten parking stalls up to 30 bicycle spaces. The petitioners intend to provide 1,106 bicycle parking spaces.
21. Section 5.1.12 provides the requirements for off-street loading facilities. The petitioners have not provided information on off-street loading procedures or number of loading bays. To the extent necessary, a waiver from section 5.1.12 is required.
22. The petitioners have not submitted a sign plan, but intend to submit a comprehensive sign package for the entire site. To the extent that any proposed signage does not meet the by-right requirements of section 5.2 relative to number, size, location or design, a special permit is requested.



23. Section 5.11.4 requires that a project requiring a special permit for residential or mixed use development including residential development beyond that allowable as of right or totaling more than two new additional units be subject to the inclusionary housing provisions. The ordinance requires that the project provide no fewer than 15% of the number of dwelling units proposed to be added by the development. The petitioners are proposing to provide 123 affordable units out of the 822 units, which is 15% of the total, in accordance with the Ordinance.

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Rezone parcels to Business 4	
§4.1.2.B.1	To allow a building in excess of 20,000 square feet of gross floor area	S.P. per §7.3.3
§4.1.2.B.3 §4.1.3	To allow building height of 96 feet and eight stories	S.P. per §7.3.3
§4.1.3 §7.8.2.C.2	To extend or alter a nonconforming front setback	S.P. per §7.3.3
§5.4.2 §7.8.2.C.2	Request to alter an existing nonconforming retaining wall in excess of 4 feet within the setback	S.P. per §7.3.3
§4.4.1	To allow ground-floor residential use, restaurants with more than 50 seats, for-profit schools and educational uses, stand-alone ATMs, drive-in businesses, open air businesses, hotels, accessory multi-level parking facilities, non-accessory single level parking facilities, non-accessory multi-level parking facilities, places of amusement, radio or TV broadcasting studios and lab and research facilities	S.P. per §7.3.3
§5.1.4, §5.1.13	To allow a waiver of 1,600 parking stalls	S.P. per §7.3.3
§5.1.8.B.1, §5.1.8.B.2, §5.1.13	To waive the dimensional requirements for parking stalls	S.P. per §7.3.3
§5.1.8.B.6, §5.1.13	To waive end stall maneuvering space requirements	S.P. per §7.3.3
§5.1.8.D.2 §5.1.13	To allow driveway entrances and exits in excess of 25 feet	S.P. per §7.3.3
§5.1.9.A, §5.1.13	To waive the perimeter landscaping requirements	S.P. per §7.3.3
§5.1.9.B, §5.1.13	To waive the interior landscaping requirements	S.P. per §7.3.3
§5.1.10.A.1, §5.1.13	To waive the lighting requirements for parking lots	S.P. per §7.3.3
§5.1.10 §5.1.13	Waive the general lighting, surfacing and maintenance requirements	S.P. per §7.3.3
§5.1.12 §5.1.13	To waive the off-street loading facilities requirements	S.P. per §7.3.3
§5.2 §5.2.13	To waive sign requirements relative to number, size, location or design	S.P. per §7.3.3
§5.2.13	Waive the number of signs allowed	S.P. per §7.3.3