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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.**

Applicants: Northland Oak Street LLC, Northland Tower Road Investors LLC, Needham Street Associates	
Site: 156 Oak Street, 275-281 Needham Street, 55 Tower Road	SBL: 51028 0005A, 51028 0006, 51028 0005
Zoning: MU1	Lot Area: 22.6 acres
Current use: Office and commercial	Proposed use: 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:

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
TOTAL		3,484

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.

Zoning Relief Required		
<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