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James Freas
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ZONING REVIEW MEMORANDUM

Date: December 15, 2014

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Stephen J. Buchbinder, Attorney
Canton Circle, LLC
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to waive six parking stalls and to legalize a nonconforming parking lot

Applicant: Canton Circle, LLC	
Site: 714 Beacon Street	SBL: 61 038 0008
Zoning: BU2	Lot Area: 37,941square feet
Current use: Post Office, bank, retail	Proposed use: Post office, bank, medical office

BACKGROUND:

The property at 714 Beacon Street consists of a 37,941 square foot lot improved with an existing one-story commercial building with three tenant spaces, constructed in 1920. A bank and a United States post office occupy two of the tenant spaces. A third space was most recently occupied by a retail use, but is now vacant. A 45-stall parking lot extends along the side and rear of the property.

The site has been the subject of several special permits, though only three appear to have been exercised. The permits allowed for a portion of the site to be used as accessory parking for an auto dealership, and then to allow retail uses. The site was zoned MR2 at the time.

The applicant is proposing to lease the 4,433 square foot vacant space as a medical office. Office uses are allowed by right in the BU2 zoning district.

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

- Zoning Review Application, prepared by Stephen J. Buchbinder, attorney, dated 11/14/2014
- Board Order #503-66

- Board Order #520-74
- Board Order #131-96
- Parking calculation
- List of specific waivers
- Existing Conditions Plan, prepared by VTP Associates, dated 9/26/2014
- Proposed Conditions Plan, prepared by VTP Associates, dated 11/11/2014

ADMINISTRATIVE DETERMINATIONS:

1. The property is located in a BU2 zoning district. The proposed office use is allowed by right per Section 30-11(a)(1).
2. The use of the vacant space for a 4,433 square foot medical office requires 23 parking stalls, pursuant to Section 30-19(d)(12), which requires one parking stall for every 200 square feet in a medical office. The previous retail use required 17 stalls, per Section 30-19(d)(10).

The post office and bank spaces each require one parking stall per each 300 square feet of floor area, and one stall per each three employees at the busiest shift. Per Section 30-19(d)(10), 46 parking stalls are required for the two spaces. The previous use of the site required in total 63 parking stalls. The proposed uses will require 69 parking stalls, where 45 exist on the site.

Utilizing the equation found in Section 30-19(c)(2)a) to calculate required parking for a change in use, $A(69) - B(63) + C(45) = 51$ stalls required.

The applicant requires a waiver of 6 parking stalls pursuant to Section 30-19(m) for the three uses as proposed.

3. The existing parking lot has been in its present condition since the most recent special permit was issued in 1997. The parking lot has many preexisting nonconforming elements.
4. The existing parking is located within the side setback. Pursuant to Section 30-19(h)(1), no parking may be located within a setback. A special permit is required.
5. Section 30-19(h)(2)a) and b) require that stalls be at least 9 feet wide and 19 feet deep. Stalls range from 8.7 to 10 feet wide, and 17.2 to 18 feet deep. A special permit is required to waive the minimum dimensions of the stalls.
6. Pursuant to 521 CMR 23, four handicapped parking stalls are required for this lot. The applicant proposes to create four handicapped stalls as required.
7. Section 30-19(h)(2)e) requires end stalls restricted on one or both sides by curbs, walls, fences etc shall have a maneuvering space at the aisle end of at least five feet in depth and nine feet in width. There are walls along an end space requiring a special permit to waive these provisions.
8. The minimum aisle width required for 90 degree parking is 24 feet. The aisle narrows to 22.4 feet at the southeast corner. Pursuant to the aisle width provisions of Section 30-19(h)(3)b), a special permit is necessary to waive this requirement.

9. Section 30-19(i)(1) require a parking facility with more than five stalls provide landscape screening from streets and abutting properties. The applicant requests a waiver from these provisions to maintain the existing landscaping as is.
10. The Ordinance requires interior landscaping for parking lots with greater than 20 stalls, pursuant to Section 30-19(i)(2). There is no existing landscaping within the parking lot. The applicant requires a special permit to waive these requirements and maintain the parking lot as it exists.
11. Section 30-19(j)(1) requires that parking facilities have security lighting with a minimum intensity of one foot candle, and that it is arranged so as to not spill over to adjacent streets and properties. The applicant requires a special permit from these provisions to maintain the existing lighting conditions on site.
12. Curbing is required to protect landscaping per Section 30-19(j)(2)e). The applicant requests a waiver from this provision to maintain existing conditions.
13. Section 30-19(k) requires bicycle parking facilities. The applicant seeks to waive the bicycle parking provisions in their entirety.
14. The application notes that waivers are required for the dimensions of the handicapped parking stalls and for the minimum width of curbs required for handicapped access per 521 CMR 23. The applicant should seek approval from the Architectural Access Board for these waivers.
15. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§30-19(d)(12), §30-19(m)	Parking waiver for 6 required parking stalls	S.P. per §30-24
§30-19(h)(1), 30-19(m)	To allow parking in the side setback	S.P. per §30-24
§30-19(h)(2)a), §30-19(m)	To waive minimum stall width requirement	S.P. per §30-24
§30-19(h)(2)b), §30-19(m)	To waive minimum stall depth requirement	S.P. per §30-24
§30-19(h)(2)e), §30-19(m)	To waive end stall maneuvering space requirements	S.P. per §30-24
§30-19(h)(3)(b), 30-19(m)	To waive minimum aisle width for two-way traffic	S.P. per §30-24
§30-19(i)(1), 30-19(m)	To waive requirements for landscape screening	S.P. per §30-24
§30-19(i)(2),	To waive interior landscaping requirements	S.P. per §30-24

30-19(m)		
§30-19(j)(1), 30-19(m)	To waive lighting requirements	S.P. per §30-24
§30-19(k), 30-19(m)	To waive the requirement for bicycle parking facilities	S.P. per §30-24