



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Setti D. Warren
Mayor

James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: January 13, 2015
Land Use Action Date: January 27, 2015
Board of Aldermen Action Date: March 16, 2015
90-Day Expiration Date: April 6, 2015

DATE: January 9, 2015

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Daniel Sexton, Senior Planner

SUBJECT: Petition **#474-14**, THE MALL AT CHESTNUT HILL, LLC, to AMEND special permit #307-12(2) in order to renovate the mall's exterior façade to incorporate newly-expanded vestibules at the north and south entrances, enhancing ADA accessibility, and to add six additional secondary signs not exceeding 250 square-foot each at 199 BOYLSTON STREET, Ward 7, Chestnut Hill, on land known as SBL 65-8-1, containing approximately 324,691 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-11(k), 30-20(f)(2) and (l) of the City of Newton Rev Zoning Ord., 2012 and special permit nos. 307-12 and (2), 162-86.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision-making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other



The Mall at Chestnut Hill

information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.

EXECUTIVE SUMMARY

The property at 199 Boylston Street consists of a 324,691 square foot lot, and is used in conjunction with the abutting parcels at 175, 225, and 175R Boylston Street for “The Mall at Chestnut Hill” (the Mall). The Mall is an enclosed shopping mall that was constructed in 1972. The structure is considered a nonconforming structure because the subject property is available for use in common or in connection with the adjacent parcels. The property has been the subject of several special permits since the 1980s, which have focused on tenant reconfigurations, parking waivers, and signage. The petitioner is proposing to modify the previously approved façade renovation designs to enhance and expand the north and south entry vestibules, and to allow six additional signs attached to the exterior of the building to improve wayfinding for commercial tenants within the Mall. In order to erect the façade improvements, which would change the façade materials and expand the north and south entry vestibules, the petitioner is seeking to amend the previously approved special permit via Board Order #307-12. The petitioner is also requesting to amend the sign package for the Mall that was previously approved via Board Order #307-12(2) to allow additional secondary wall mounted signs exceeding 50 square feet each (**ATTACHMENT A**).

The proposed façade and sign designs were reviewed by the Urban Design Commission (UDC) on August 20, 2014, and recommended approval as proposed. In rendering their recommendation, the UDC asked the petitioner to consider: pursuing a comprehensive improvement plan that would update and unify the other facades on the building, even if this requires a phased implementation schedule; how the proposed signs, which won't be located above establishment entrances, will impact way-finding for customers; and how signage maintenance and the prevention of “blank” areas will be ensured (**ATTACHMENT B**).

The Planning Department does not believe the new vestibules, which do not increase the square footage for any of the Mall's commercial tenants, will significantly impact the overall site or the surrounding neighborhood, and should not change the Mall's current parking requirement or waiver. The Planning Department considers the proposed façade enhancements, which modernize the building's façade, to be a substantive and visual improvement to the building. The Planning Department does, however, concur with the UDC's recommendation that the proposed façade improvements should be approached comprehensively, and be echoed to other portions of the structure. A comprehensive approach to façade updates would help to unify and strengthen the visual continuity of the building's façade on all sides.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Board should consider whether:

- The proposed additions to the nonconforming structure, which will modestly enlarge two existing vestibules and will modernize the buildings southern facing façade, will not be substantially more detrimental to the neighborhood than the existing building. (§30-11(k) and §30-21(b))

- The proposed signage, which consists of six secondary wall mounted signs exceeding 50 square feet each, is necessary due to the nature of the use of the premises, the architecture of the building or its location with reference to the street is such that exceptions should be permitted in the public interest. (§30-20(f)(2) and §30-20(l))
- The use as developed and operated, with the expanded vestibules, will not adversely affect the neighborhood. (§30-24(d)(2))
- The proposed improvements will create a nuisance or serious hazard to vehicles or pedestrians on the site and in the immediate neighborhood. (§30-24(d)(3))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located along Boylston Street/Route 9 and Hammond Pond Parkway. The site's land use is commercial, and is proximate to other parcels with commercial, single- and multi-family residential, open space, vacant land uses (**ATTACHMENT C**). Several of the larger parcels in the immediate neighborhood contain shopping centers and large apartment buildings. The subject property is zoned Business 1, but is proximate to other parcels that are zoned Single Residence 3, Multi-Residence 3 and 4, Business 1 and 4, and Public Use (**ATTACHMENT D**).

B. Site

The property consists of 324,691 square feet of land, and is used in conjunction with the abutting parcels at 175, 225, and 175R Boylston Street for "The Mall at Chestnut Hill." The structure is considered a nonconforming structure because the subject property is available for use in common or in connection with the adjacent parcels. The Mall, which is an enclosed shopping structure, was constructed in 1972, and is anchored on both ends by Bloomingdales. The land that Bloomingdales is located on is owned by the store, and the remainder (or "middle") of the Mall is occupied by smaller stores and restaurants and is in separate ownership. The proposed changes will be made to this middle section. The Mall as a whole currently has 2,121 parking spaces, consisting of surface parking located around the site and a multi-level garage located on the north side of the Mall, which is a separately owned parcel. The property has been the subject of several special permits since the 1980s, which have focused on building expansions and modifications, parking waivers, and signage.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The project will not change the use of the site or the tenant configuration.

B. Building and Site Design

The petitioner is proposing to enlarge the existing north and south entry vestibules, and to renovate a portion of the Mall's southern facing façade. Based on the project plans, the vestibule expansions will enlarge the footprint of the structure by approximately 607 square feet (approximately 110 square feet for the north entry vestibule and approximately 497 square feet for the south entry vestibule). The façade improvements will renovate a portion of the building's southern façade (between Bloomingdales and the Besito restaurant), which was constructed in the Brutalist architectural style. The additions will be constructed with structural steel and clad with a combination of Exterior Insulation and Finish Systems (EIFS) or metal panels, spandrel glass, and tile. The petitioner has indicated that the expanded vestibules will enhance ADA accessibility and increase visibility of the Mall's entrances. Specifically, the southern entry vestibule is designed to resemble a "lantern," which will help to guide customers to the Mall's main entry.



Additionally, the petitioner has indicated that a number of the Mall's tenants are concerned about a lack of visibility from the structure's exterior, especially from Boylston Street/Route 9, and desire signage similar to the Besito and Cheesecake Factory restaurants. To address the issue of visibility, and to a certain extent way-finding, the petitioner is seeking to amend certain special permit approvals to allow six additional wall mounted signs for tenants within the Mall. The proposed signs will be affixed to the EIFS or metal panels that are proposed to be attached to the southern façade.

The Planning Department believes that the proposed vestibules and façade improvements will help to modernize an otherwise outdated exterior and significantly enhance the visual appearance of the structure. The Planning Department does, however, concur with the UDC's recommendation that the proposed façade improvements should be approached comprehensively. A comprehensive approach to façade updates, which echo certain design features to

other portions of the structure, would help to unify and strengthen the visual continuity of the building's façade on all sides. Finally, since the project will not enlarge or alter any of the Mall's tenant spaces and will not result in an increase of the parking requirement or necessitate a waiver of parking stalls, the Planning Department does not believe the proposed structure will be substantially more detrimental than the existing nonconforming structure is to the neighborhood.

C. Traffic, Parking and Circulation

The petitioner is not proposing any significantly changes to parking or circulation patterns at the Mall. As a traffic calming measure and to give greater emphasis to the pedestrian zone, the petitioner is proposing to construct a raised table top platform adjacent to the south facing pedestrian entrance. According to the project plans, the table top will gradually slop away from the entrance towards the adjacent asphalt. Atop the raised pavement, the petitioner has indicated pavement markings to provide increased visibility of this area.

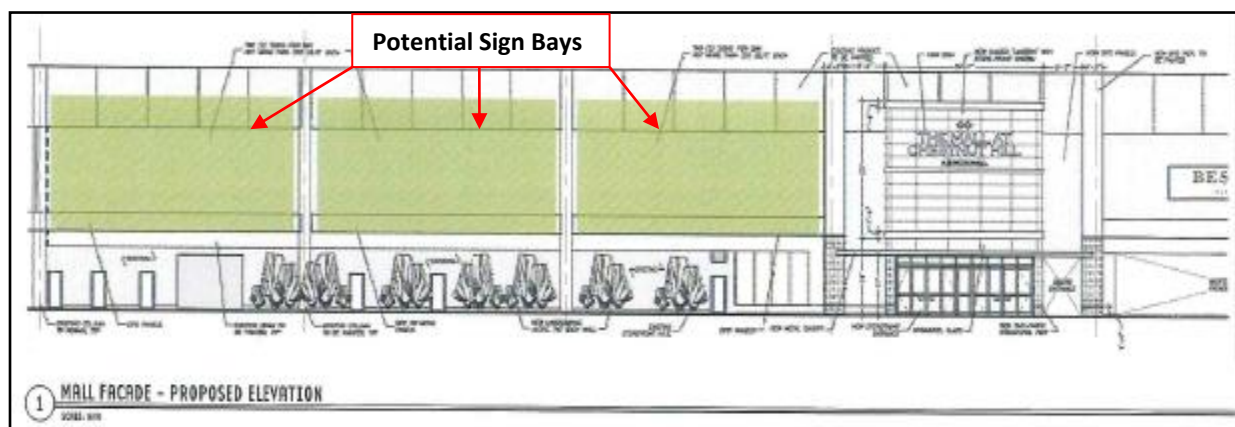
The design of the proposed table top was reviewed by the Newton Fire Department who has no objection to the proposed changes (**ATTACHMENT E**). The Planning Department also has no concern with the development of a raised table top platform. However, the Planning Department recommends the Mall use high quality reflective thermo-plastic paint to stripe the raised table top platform.

D. Landscape Screening and Lighting

No changes to landscaping or lighting are proposed as a result of this petition.

E. Signage

The petitioner is requesting that six additional secondary wall mounted signs be allowed on the south facing façade for tenants within the Mall. As proposed, the signs will be located within three façade bays, each containing no more than two signs not to exceed 250 square feet. The sign locations will not correlate with or be located above any exterior entrances to the tenant spaces for the respective signage. Previous special permit approvals have authorized similar exterior signs; however, those signs have correlated with a tenant with exterior access from the surface parking lot.



The UDC reviewed the proposed signs at their August 20, 2014 meeting and recommended approval. In rendering their recommendation, the UDC asked the petitioner to consider how the proposed signage locations, which were not correlated to a specific tenant's entrance, will impact way-finding for customers. The UDC was also concerned about signage maintenance, and encouraged the petitioner to take steps to ensure that there were no "blank" areas on the façade.

While the Planning Department agrees with the concerns raised by the UDC, it acknowledges that signage maintenance is an issue facing multi-tenant structures across the City. The Planning Department believes that the proposed exterior design is itself visually appealing, and will offset any blank signage bays. For these reasons, the Planning Department is supportive of the proposed signs.

IV. TECHNICAL REVIEW

A. Technical Considerations (Section 30 Newton Zoning Ordinances). The Zoning Review Memorandum (**ATTACHMENT A**) provides an analysis of the proposal with regard to zoning. Based on the completed zoning review, the petitioner is seeking the following approvals and reliefs:

- §30-11(k) and §30-21(b), to permit the extension of a nonconforming structure;
- § 30-20(f)(2) and §30-20(l), to approve the proposed sign package, including secondary signs larger than 50 square feet; and
- To amend Board Orders #307-12(2).

B. Urban Design Commission Review. The UDC reviewed the proposed project at their meeting on August 20, 2014, and recommended approval. In rendering their recommendation, the UDC asked the petitioner to consider: pursuing a comprehensive improvement plan that would update and unify the other facades on the building, even if this requires a phased implementation schedule; how the proposed signs, which won't be located above establishment entrances, will impact way-finding for customers; and how signage maintenance and the prevention of "blank" areas will be ensured (**ATTACHMENT B**).

V. Summary of Petitioner's Responsibilities

The petition is considered complete at this time.

ATTACHMENTS:

- ATTACHMENT A:** Zoning Review Memorandum, Dated November 12, 2014
ATTACHMENT B: Urban Design Commission Recommendation, dated August 21, 2014
ATTACHMENT C: Land Use Map
ATTACHMENT D: Zoning Map
ATTACHMENT E: Fire Department Memorandum, dated January 2, 2015



Setti D. Warren
Mayor

Attachment A

City of Newton, Massachusetts

Department of Planning and Development
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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: November 12, 2012

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Justin Feldhouse, Mall Manager
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to amend Special Permit Board Order #307-12(2) to allow for exterior façade renovations, expanded vestibules at the north and south entrances, as well as six additional secondary building signs

| Applicant: The Mall at Chestnut Hill | |
|--------------------------------------|-------------------------------|
| Site: 199 Boylston Street | SBL: 65008 0100 |
| Zoning: BU1 | Lot Area: 324,691 square feet |
| Current use: Shopping center | Proposed use: Shopping center |

BACKGROUND:

The property at 199 Boylston Street consists of a 324,691 square foot lot used in conjunction with land at 175 Boylston Street (SBL 65008 0099), 225 Boylston Street (SBL 65008 0099B) and 175R Boylston Street (SBL 65008 0099A) for the Mall at Chestnut Hill (the Mall), an enclosed shopping mall. A portion of the property at SBL 65008 0004 is also used as surface parking through a long-term agreement with the Massachusetts Department of Conservation and Recreation (DCR). The property at 175 Boylston Street (including both end tenants of the Mall and substantial portions of the surface parking) is owned and operated by Bloomingdales, Inc. The property at 175R Boylston Street contains a parking structure and is owned and operated jointly by Bloomingdales and WMACH, LLC. The property lines between 175 and 199 Boylston Street run through the Mall building but the site functions as a single integrated shopping center and is considered as one for the purposes of zoning. The Mall was constructed as of right in 1972 and the above division of the land into three lots dates from 1971. Since the early 1980's the site has been the subject of several permits addressing signs and parking.

Most recently, the site was issued Special Permit Board Order 307-12(2) allowing three restaurants with more than 50 seats; a waiver of 111 parking stalls; three additional signs, all in excess of 50 square feet for the three restaurants facing Boylston Street and a fourth sign over the mall entrance; The Cheesecake Factory was later granted two additional secondary signs on the building (4.25 sf and 97 sf); a 1,731 square foot outdoor patio for restaurant seating; physical improvements to the Boylston Street façade and parking lot; and a 131 square foot enclosed vestibule as part of the previously permitted outside patio seating at The Cheesecake Factory.

The applicant now proposes to amend Board Order # 307-12(2) to renovate the mall's exterior façade to incorporate newly expanded vestibules at the north and south entrances to enhance ADA accessibility and modern design. They are also requesting six additional secondary signs not exceeding 250 square feet each for the benefit of existing and future tenants.

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

- Zoning Review Application, prepared by Justin Feldhouse, Manager of The Mall at Chestnut Hill
- Board Order #307-12
- Board Order #307-12(2)
- Proposed façade elevations and plans, prepared by McMahon Architects, Inc, dated 9/15/2014
- Site plan – north vestibule, prepared by RJO'Connell & Associates, Inc, dated 8/20/2014
- Site plan – south vestibule, prepared by RJO'Connell & Associates, Inc, dated 8/20/2014
- Site Plan, prepared by RJO'Connell & Associates, Inc, dated 8/15/2014
- Second floor plan at North Entry, existing and proposed, prepared by McMahon Architects, Inc, dated 8/20/2014
- First floor plan at South Entry, existing and proposed, prepared by McMahon Architects, Inc, dated 8/20/2014
- Section at vestibule, prepared by McMahon Architects, Inc, dated 8/20/2014
- Mall façade, existing and proposed, prepared by McMahon Architects, Inc, dated 8/20/2014
- Façade elevations approved in 2012, prepared by McMahon Architects Inc, dated 11/30/2012

ADMINISTRATIVE DETERMINATIONS:

1. Special Permit Board Order # 307-12 permitted restaurants with more than 50 seats, a parking waiver and additional signage.
2. The applicant is proposing to make exterior façade renovations. The proposed façade improvements include expanded vestibules at the north and south entrances to enhance ADA accessibility as well as a more contemporary design. The proposed expanded vestibules were not part of Board Order #307-12, and require an amendment.
3. Board Order #162-86 authorized free standing signs with a logo reading "the Mall Chestnut Hill" identifying the site at the following locations: signs at two entry points from Route 9 (Boylston St.) westbound, and one installation containing two signs at the signalized entry point from Hammond Pond Parkway. As these constitute principal signs per Section 30-20(f)(1), all building mounted signs are secondary signs subject to Section 30-20(f)(2).

Board Order # 307-12 permitted an extensive sign package, which included a sign band along the south façade of the building with secondary signs exceeding 50 square feet. They are now requesting six additional secondary building signs, not to exceed 250 square feet each. The signs

will be located on the building along the mall façade at the main entrance, with two signs on each bay. The concept was approved by the Urban Design Commission.

4. See “Zoning Relief Summary” below:

| Zoning Relief Required | | |
|-------------------------------|---|------------------------|
| <i>Ordinance</i> | <i>Site</i> | <i>Action Required</i> |
| | Amend Board Order #307-12(2) | S.P. per §30-24 |
| §30-11(k); §30-21(b) | Permit the extension of a nonconforming structure | S.P. per §30-24 |
| §30-20(f)(2); §30-20(l) | Approve the proposed sign package, including secondary signs larger than 50 square feet | S.P. per §30-24 |

DEPARTMENT OF PLANNING AND DEVELOPMENT

CITY OF NEWTON

Massachusetts

INTER-OFFICE CORRESPONDENCE

DATE: August 21, 2014

TO: John Lojek, Commissioner of Inspectional Services

FROM: James Freas, Acting Director of Planning and Development
Daniel Sexton, Senior Planner

SUBJECT: 199 Boylston Street – Mall at Chestnut Hill
Review of Façade Improvements, Amend Special Permits #307-12
and #307-12(2)

In response to a request from the Simon Property Group, owners of “The Mall at Chestnut Hill,” the Urban Design Commission (UDC) reviewed a proposal to change the façade treatments approved under Special Permits #307-12 and #307-12(2) for the Mall at Chestnut Hill. Based on their review of the proposal, the UDC recommends approval of the proposed façade treatments and offers the following thoughts for consideration:

- The petitioners should consider pursuing a comprehensive improvement plan that would update and unify the other facades on the building, even if this requires a phased implementation schedule.
- More design specifications for the proposed signage should be provided with the special permit application petition.
- The UDC viewed the proposed signs as non-accessory signs, which will need relief under the special permit petition.
- The proposed establishment signage will not be located above establishment entrances, so the UDC is concerned that this signage may confuse way-finding, and if not maintained it will result in “blank” areas on the façade.
- To illustrate the effectiveness of the proposed signage, the petitioners should provide perspective drawings of the façade from Boylston Street and during the night.

The Planning Department has no objections with the concerns and points raised by the UDC. The petitioner must still seek an amendment of the previously approved special permits from the Board of Aldermen for the proposed improvements. At which time, the Planning Department will review proposed plans in greater detail.

Please contact the Department of Planning and Development if you have any questions. Thanks.

CC:
Urban Design Commission File
City Clerk

Land Use Map 199 Boylston Street

*City of Newton,
Massachusetts*

ATTACHMENT C

Legend

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Open Space
-  Vacant Land
-  Property Boundaries
-  Building Outlines

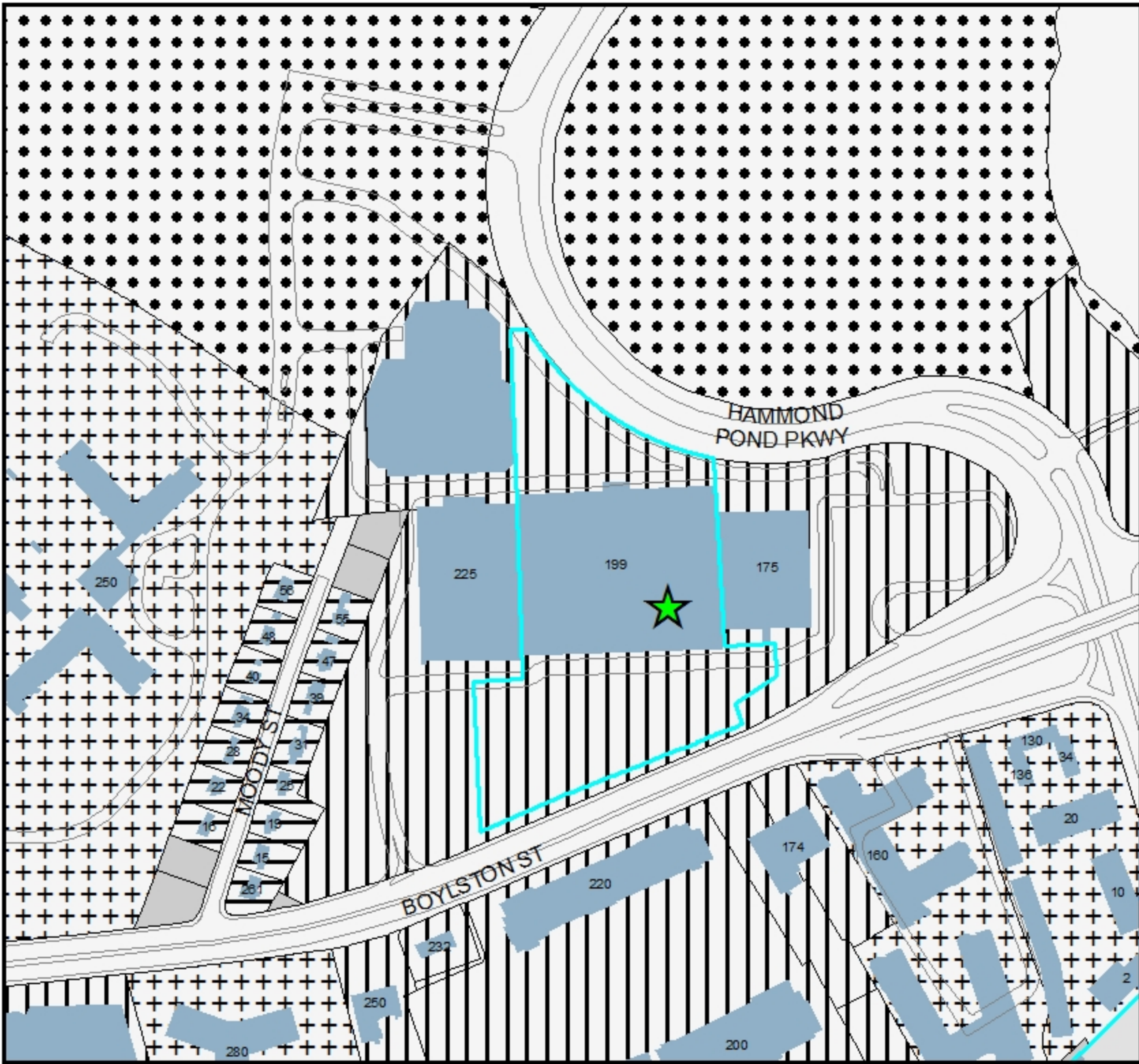


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Seth D. Warren
GIS Administrator - Douglas Greenfield

0 225 45 75 100 225 450 675 900 1125 1350 1575 1800 Feet

Map Date: January 05, 2015











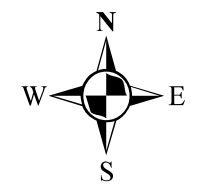
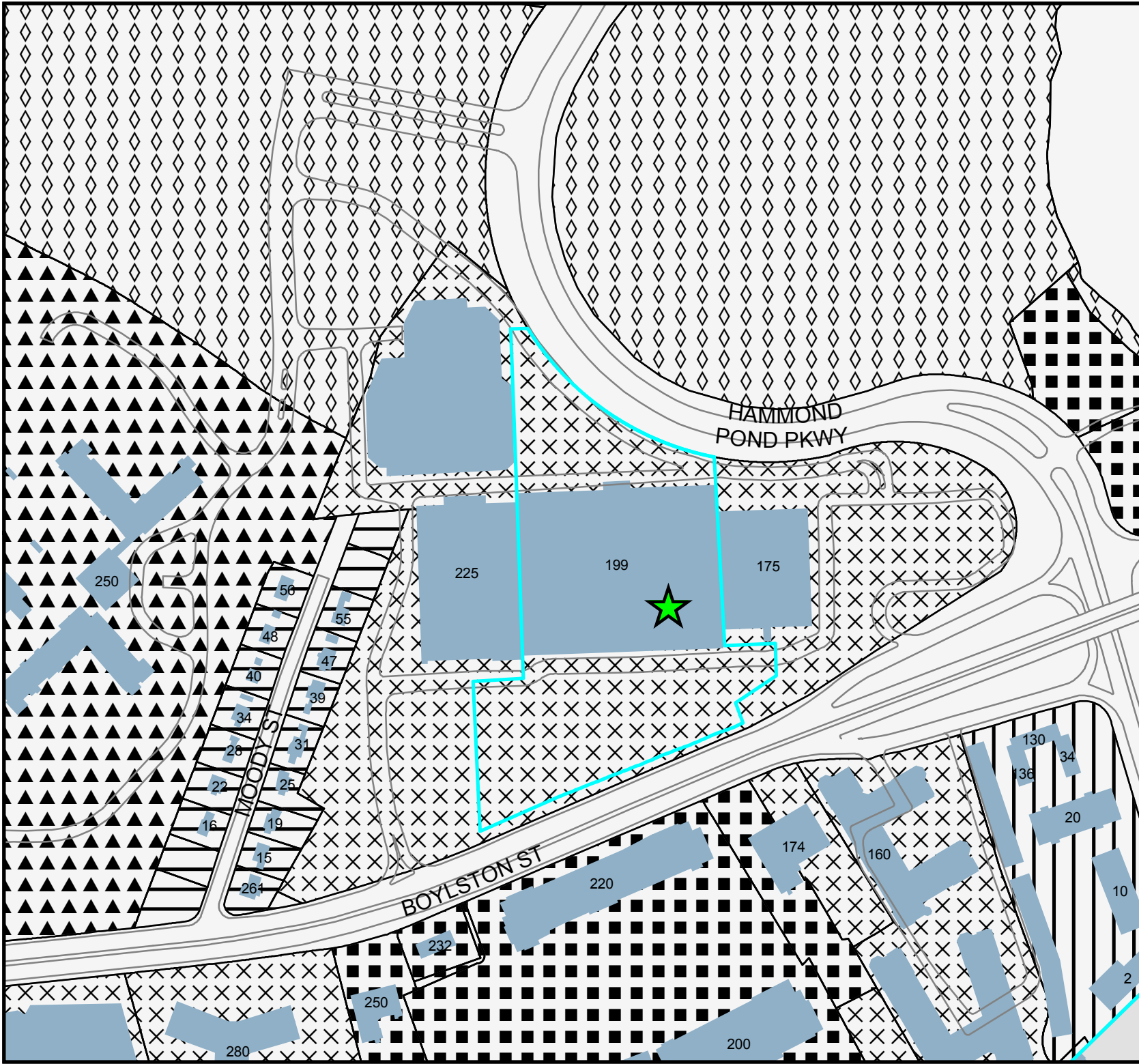
Zoning Map 199 Boylston Street

*City of Newton,
Massachusetts*

ATTACHMENT D

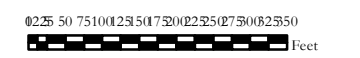
Legend

-  Single Residence 3
-  Multi-Residence 3
-  Multi-Residence 4
-  Business 1
-  Business 4
-  Public Use
-  Property Boundaries
-  Building Outlines



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield





Bruce A. Proia
Chief

CITY OF NEWTON, MASSACHUSETTS

FIRE DEPARTMENT HEADQUARTERS

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Chief: (617) 796-2210 Fire Prevention: (617) 796-2230
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Setti D. Warren
Mayor

January 2, 2015

Justin Feldhouse
Mall Manager
The Mall at Chestnut Hill
199 Boylston Street
Chestnut Hill, MA 02467

Dear Justin:

As discussed, the south pedestrian entrance will have a table top raised platform that will gradually slope to the adjacent asphalt.

The Newton Fire Department has no objection to the proposed changes.

Sincerely,

Deputy Chief M. Castro
Fire Prevention/Code Enforcement Bureau