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Mayor

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Barney Heath  
Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date: September 7, 2017  
Land Use Action Date: November 28, 2017  
City Council Action Date: December 4, 2017  
Expiration Date: December 6, 2017

DATE: September 1, 2017

TO: City Council

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

SUBJECT: **Petition #229-17**, for SPECIAL PERMIT/SITE PLAN APPROVAL to expand the existing auto service business to allow the sale and service of up to ten used cars and waivers to requirements for parking facilities at **454-458 WATERTOWN STREET**, Ward 1, Newtonville, on land known as Section 14, Block 16, Lot 35, containing approximately 14,277 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3, 7.4, 4.4.1, 5.1.4, 5.1.13 of the City of Newton Rev Zoning Ord, 2015.

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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.



**454-458 Watertown Street**

### EXECUTIVE SUMMARY

The subject property at 454-458 Watertown Street consists of a 14,277 square foot lot located in a Business 2 (BU2) zoning district and improved with a four-unit multi-family dwelling constructed circa 1895 and an auto service station constructed in 1930. The auto service use has been in continuous operation, and the two uses have co-existed on the property, since that time. The service station consists of a two-bay garage currently used for auto detailing and service as well as an office for the business.

The applicant proposes to convert the use of the auto service portion of the property to outdoor vehicle sales and service. To do so, the petitioner requests a special permit, per Section 4.4.1, to allow such use in a Business 2 (BU2) zoning district. As described by the applicant (who leases the auto service station), the proposed use would have up to ten used cars for sale, up to seven of which will be stored on site; any additional vehicles would be stored off-site in the basement of the adjacent Clay Auto Body. The current auto detailing services would also move to that location.

There is parking in the paved area in front of the commercial use; the rear portion of the lot is used for parking for the residential units as well as overflow for the commercial use. As the applicant does not intend to change physically modify any of the existing parking areas, relief from the requirements of Section 5.1.4 is sought to the extent the change in use requires that the nonconforming parking areas be improved or legitimized.

The Planning Department is generally not concerned with the proposed outdoor vehicle sales and service business as the property is an appropriate location for the use and said use is not expected to adversely affect the surrounding neighborhood.

#### I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- the site in an BU2 district is an appropriate location for outdoor vehicle sales and service (§7.3.3.C.1);
- the proposed outdoor vehicle sales and service use will adversely affect the neighborhood (§7.3.3.C.2);
- the proposed outdoor vehicle sales and service use will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
- access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4);
- literal compliance the provisions of Sec. 5.1 establishing dimensional requirements for parking facilities of more than five stalls 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 (§5.1.13).

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

The subject property is located on the south side of Watertown Street between Hawthorn and Nevada streets. The parcels directly across Watertown Street and on that street to the northeast are predominantly commercial, and the site's current and proposed auto-focused uses are largely consistent with several auto repair and outdoor auto sales, etc. uses located nearby along that street. That said, aside from those properties, the neighborhood is predominantly a mix of single- and multi-family dwellings, including the four-unit dwelling which is also located on the subject property as well as most of Watertown Street to the southwest; a notable exception is Pellegrini Park which directly abuts the site to the east (**Attachment A**).

The neighborhood features a mix of zoning. The site and both sides of Watertown Street to the northeast of the property are zoned BU2, as are the two parcels directly to the southwest. A BU2 zoning district is also located along Adams Street to the northeast while the adjacent Pellegrini Park property is zoned Public Use (PUB). There are several large Manufacturing (MAN) zoned parcels to the north across Watertown Street; the balance of the neighborhood is zoned Multi-Residence 1 (MR1) or Multi-Residence 2 (MR2) (with the latter especially along Hawthorn Street. (**Attachment B**).

### B. Site

The site consists of a 14,277 square foot lot improved with an auto service station and a four-unit multi-family dwelling. The auto service structure is setback approximately 28 feet and 30 feet from the front and rear property lines; it is built directly on the left side property line. While the site slopes downward approximately 6 feet from front to rear, the area around the front of the auto service structure is generally at-grade with the abutting sidewalk, supported by an existing retaining wall. The rear of the lot is paved and used for both for parking for the dwelling and, apparently, for the storage of vehicles related to the auto service use.

There is a large, mature street located along the curb directly in front of the auto service structure.

## III. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

The applicant proposes to use the existing auto service area of the site for the "outdoor or open-air sales space" for up to ten cars (seven of which would be stored on site). The existing four-unit residential use will remain unchanged.

B. Building and Site Design

The petitioners are not proposing any external changes to the structures or to the site.

C. Parking and Circulation

Access to the site is provided by two curb cuts- one on the left of the property (in front of two garage bays) that serves the area around the front of the auto service use; the other, located between the auto service area and the dwelling, serves a driveway that descends to the rear of the property which is paved and used for parking for the residential units as well as overflow for the commercial space.

Regarding the residential parking, Section 5.1.4 requires two stalls per dwelling unit. The existing eight lined parking spaces in the area directly to the rear of the four-unit dwelling appear to provide adequate parking for those units; the petitioner is not proposing any modifications to these parking spaces.

Section 5.1.4 of the NZO does not explicitly provide a parking requirement for the proposed "Vehicle Sales and Service Facility" use. As such, its required parking has been determined to be that for "Outdoor or open-air sales space...and other similar uses," i.e., one parking stall per each 600 square feet of outdoor display area. Since the applicant has a license for the sales of up to ten vehicles, the relevant outdoor sales space is calculated as 1,710 square feet (ten 9 by 19 foot stalls), thus requiring three parking stalls for customers.

That said, the submitted site plan shows seven stalls at the front of the property, presumably for use by the cars for sale located on the site at any given time. It is expected that these seven spaces, used in combination with additional space located in front of the existing two-bay garage and in the rear of the auto service structure, could accommodate the required customer parking as well as the outdoor sales space occupied by for-sale cars. However, to confirm that the Planning Department recommends that the petitioner submit a revised site plan showing the specific location(s) of three spaces for use by customers as well the area(s) to be used for the storage and display of autos for sale.

The applicant does not intend to change either of the existing nonconforming parking areas. To the extent that the Council determines that the change in use requires that the nonconforming parking areas be improved or legitimized, the applicant seeks relief from the requirements of Section 5.1.4.

D. Landscaping

The petitioner is not proposing any landscaping. Given the location of parking in the front of the property, the Planning Department strongly recommends that appropriate measures to protect the existing sidewalk tree be explored.

IV. 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 C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- S.P. per §7.3.3 to allow for an outdoor vehicle sales and service facility (§4.4.1)
- S.P. per §7.3.3 to waive relevant requirements for parking facilities (§5.1.4, §5.1.13)

V. PETITIONER'S RESPONSIBILITIES

The Planning Department recommends that the petitioner submit a revised site plan showing the specific location(s) of three spaces for use by customers as well the area(s) to be used for the storage and display of autos for sale.

**ATTACHMENTS:**

- Attachment A:** Land Use Map  
**Attachment B:** Zoning Map  
**Attachment C:** Zoning Review Memorandum



# ATTACHMENT B



## Zoning

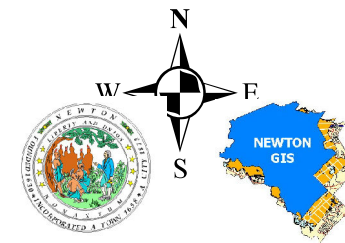
454-458

## Watertown St

*City of Newton,  
Massachusetts*


### Legend

-  Multi-Residence 1
-  Multi-Residence 2
-  Business 1
-  Business 2
-  Manufacturing
-  Public Use

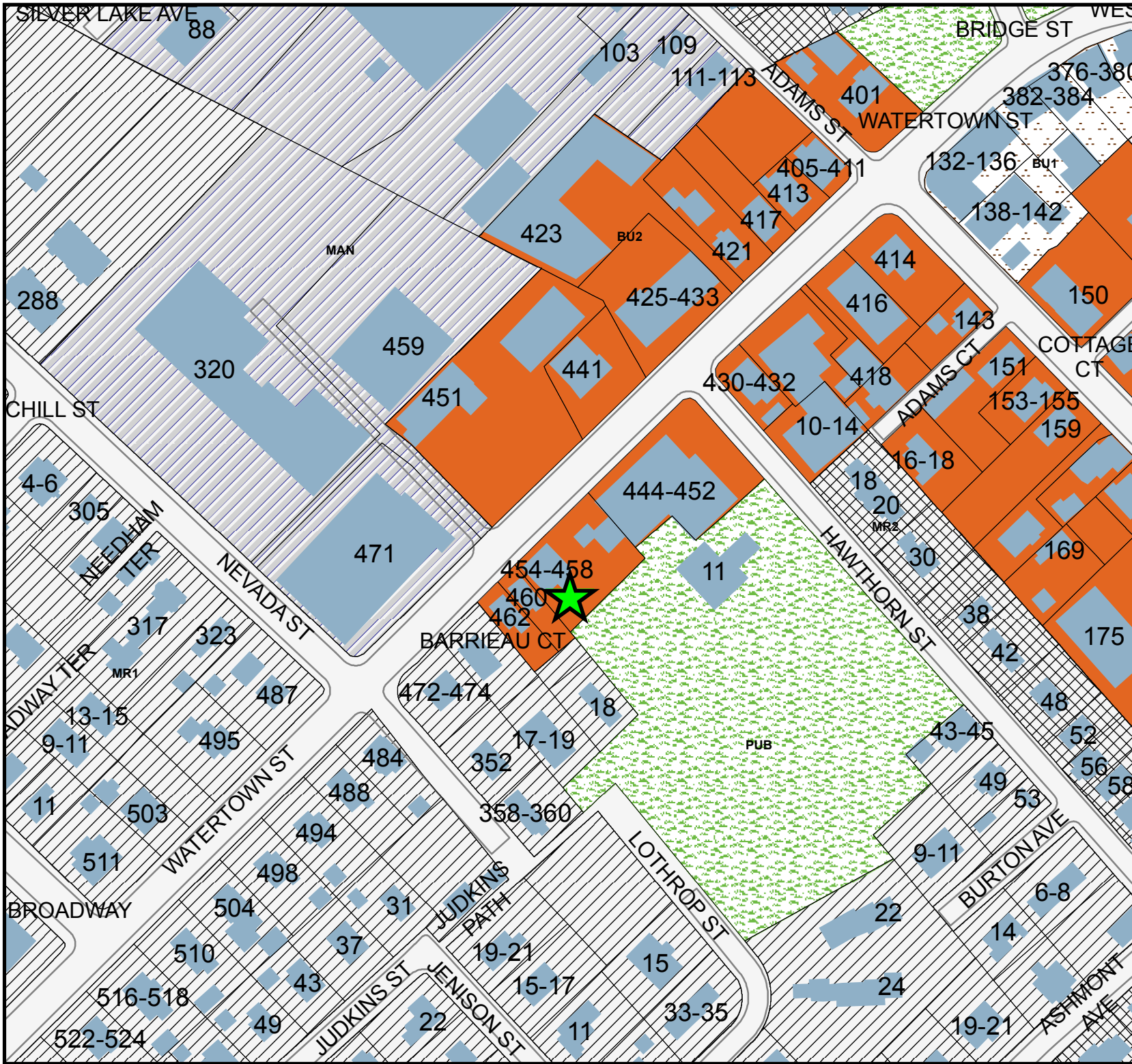


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

0 25 50 75 100 125 150 175 200 225  
 Feet

Map Date: August 21, 2017





Setti D. Warren  
Mayor

# ATTACHMENT C

## City of Newton, Massachusetts Department of Planning and Development

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Barney S. Heath  
Director

### ZONING REVIEW MEMORANDUM

Date: June 22, 2017

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Jose D. Junior, applicant  
Tee Gee LLC, owner  
Barney S. Heath, Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: Request to allow vehicle sales

Applicant: Tee Gee LLC	
Site: 454-458 Watertown Street	SBL: 14016 0035
Zoning: BU2	Lot Area: 14,277 square feet
Current use: Service station and car detailing, and multi-family dwelling	Proposed use: Used car sales and associated service and multi-family dwelling

#### BACKGROUND:

The property at 454-458 Watertown Street consists of a 14,277 square foot lot in the BU2 zoning district improved with an auto service station constructed in 1930 and a four-unit multi-family dwelling constructed circa 1895. The property abuts Pellegrini Park to the rear and Clay Auto Body to the east. The service station consists of a two-bay garage used for auto detailing and service, as well as an office for the business. The auto service use was permitted in 1930, and has been in continuous operation since then. The applicant proposes to expand the auto services to include the sale of up to ten used cars, up to seven of which will be stored on site, with the remaining stored off-site in the basement of the adjacent Clay Auto Body.

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

- Zoning Review Application, prepared by Jose Junior, submitted 5/15/2017
- Site Plan, signed and stamped by Joseph R. Porter, surveyor, dated 5/10/2017
- City of Newton Application for License to Buy, Sell, Exchange or Assemble Motor Vehicles or Parts Thereof 2017, prepared by Jose Junior, applicant



## ADMINISTRATIVE DETERMINATIONS:

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1. The property is located in the BU2 zoning district and is improved with a four-unit multi-family dwelling constructed in the mid-1850s and an auto service station permitted and constructed in 1930. The two uses have co-existed on the property in this current configuration since then. The applicant rents the service station and attached office space for an auto detailing business and intends to expand the auto services to include sales of up to ten used cars. Up to seven of the cars for sale will be stored in the parking area at the front of the property, with the remaining stored in the basement of Clay Auto Body at the adjacent property. The auto detailing services will move to the basement of Clay Auto as well. Per Section 4.4.1, outdoor vehicle sales and service requires a special permit.
2. Per Section 4.4.1 and 6.4.35, the proposed use is classified as a “Vehicle Sales and Service Facility”, which includes the display, sales, storage and service of motor vehicles and the repair of motor vehicles performed in connection with said sales. However, this use is not spelled out explicitly in the parking requirements in Section 5.1.4. The most similar use found in the parking requirements is “Outdoor or open-air sales space...and other similar uses”. The applicant intends to use the existing nonconforming parking in front of the office and garage to store the vehicles intended for sale. There are seven striped stalls out front, with the remaining three vehicles stored in the basement of the adjacent building at Clay Auto. The paved area in front is approximately 3,000 square feet. Section 5.1.4 requires one stall for every 600 square feet of outdoor or open-air sales space, thus five stalls are necessary to meet the Ordinance. The seven stalls in the front of the office and garage meet this parking requirement.

There is also a four-unit multi-family dwelling on the property. Per Section 5.1.4, two stalls are required per dwelling unit, for a total of eight stalls required. The entire rear portion of the lot is paved and used for parking for the residential units. While the parking area is not striped, the portion of the lot used for the residential parking is not changing from its current use or configuration, and appears to provide adequate parking for the dwelling units.

3. There are seven existing parking stalls in the paved area in front of the commercial use. The rear portion of the lot is used for parking for the residential units, as well as overflow for the commercial space. The rear of the lot is almost completely paved, but with no formal striping. The applicant does not intend to change either of the existing nonconforming parking areas. To the extent that the Council determines that the change in use requires that the nonconforming parking areas be improved or legitimized, the applicant seeks relief from the requirements of Section 5.1.4.

See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§4.4.1	Request to allow for an outdoor vehicle sales and service facility	S.P. per §7.3.3
§5.1.4 §5.1.13	Request to waive relevant requirements for parking facilities	S.P. per §7.3.3

### **Next Steps**

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

### **The following must be included when filing a Special Permit Application:**

4. Two (2) copies of the completed Special Permit Application (signed by property owner)
5. Filing Fee (see Special Permit Application)
6. Two (2) copies of the Zoning Review Memorandum
7. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
  - Site Plans showing existing and proposed conditions (including topography as applicable)
  - Architectural plans showing existing and proposed conditions (including façade materials)
  - Landscape plan (as applicable)
8. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
9. One (1) copy of any previous special permits or variances on the property (as applicable)
10. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
11. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

### **Incomplete applications will delay the intake and review of your project.**

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners?      Y/N