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ZONING REVIEW MEMORANDUM

Date: June 12, 2017

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Terrence P. Morris, Attorney
John L. Mula, Applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to construct a three-story mixed use building, FAR relief and associated parking waivers

Applicant: John L. Mula	
Site: 386-394 Watertown Street	SBL: 14014 0035, 14014 0037, 14014 0038
Zoning: BU1	Lot Area: 9,542 square feet
Current use: Barber and restaurant	Proposed use: Mixed use

BACKGROUND:

The subject site is comprised of three lots with a total area of 9,542 square feet in the BU1 zoning district. The approximately 4,215 square foot front lot at 386 Watertown Street is improved with a one-story commercial building constructed in 1925 housing a barbershop and a small pizza shop. The rear lot contains approximately 2,900 square feet and is improved with a light industrial building constructed in 1958. A third vacant lot is located adjacent to the rear lot containing approximately 2,430 square feet. A right of way runs along the southwesterly property line from Watertown Street to the rear lots.

The applicant proposes to raze the existing buildings and construct a new three-story mixed use building with commercial on the first floor, nine dwelling units above and parking for 16 vehicles in covered parking underneath the second level of the building.

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

- Zoning Review Application, prepared by Terrence P. Morris, attorney, dated 4/25/2017
- Topographic Site Plan, prepared by VTP Associates, dated 5/27/2017
- Ground level plan, signed and stamped by Ronald F. Jarek, architect, dated 3/23/2017
- Elevations, signed and stamped by Ronald F. Jarek, architect, dated 3/23/2017

ADMINISTRATIVE DETERMINATIONS:

1. The applicant proposes to raze the existing buildings and construct a three-story mixed use building. Per Section 4.1.2.B.3, a special permit is required to construct a three-story (up to 36 feet in height) building in the BU1 zoning district.
2. As the project is creating new dwelling units, it is subject to the provisions of Section 5.11, Inclusionary Zoning. It is required that no fewer than 15% of the proposed number of dwelling units be affordable, which in the case of nine new units is one affordable unit. Section 5.11.15.A allows for a density bonus equal to one unit for each additional inclusionary unit where lot area per unit is decreased by up to 25%. Utilizing this provision, the required lot area per unit may be reduced from 1,200 square feet per unit to 900 square feet per unit. The applicant is proposing to increase the number of affordable units from one to two, and to therefore take advantage of the density bonus to allow for a lot area per unit of 1,060 square feet.

The current language of Section 5.11.15.A provides for this density bonus for lot area per unit for those limits set forth in sections 3.1 and 3.2. These two sections provide the dimensional controls for the Single Residence (Section 3.1) and Multi Residence (Section 3.2) zoning districts. Prior to the 2015 changes to the Zoning Ordinance, this provision was found in Section 30-24(f)(16)(a), and referred to the dimensional controls found in Section 30-15 Table 1, which provided the controls for all residential districts and residential uses in non-residential districts, including Business and Mixed Use. The citation of the dimensional controls for residential projects in the Business and Mixed Use zoning districts was not carried over to the current language, though it would seem unintentionally. This zoning review presumes a change to the Zoning Ordinance which returns the Business and Mixed Use district dimensional controls to the density bonus provisions.

3. The proposed three-story building is 14,204 square feet, creating an FAR of 1.49, where 1.0 is the max allowed by right, and 1.5 is the max allowed by special permit for a three-story building per Section 4.1.3. To construct the project with an FAR of 1.49 requires a special permit. In the alternative, the density bonus provisions of Section 5.11.15.A allows also for a 25% increase in FAR, thereby increasing the by-right FAR from 1.0 to 1.25, thus reducing the margin of relief.
4. There are four parking stalls on site. The existing square footage of the commercial space is divided between a barbershop with 543 square feet, and a pizza store with 1,122 square feet and twelve seats maximum. Based on this information, the current parking requirement is:

Barbershop (Service Establishment): 4 stalls

Employees: 4 @ 1 per each 3 = 1.3 or 2 stalls

Square footage: 543 square feet @ 1 per each 300 square feet = 1.81 or 2 stalls

Pizza Store (restaurant): 5 stalls

Employees: 1 @ 1 per each 3 = 1 stall

Seats: 12 @ 1 per each 3 = 4 stalls

The applicant is proposing to add nine dwelling units to the property, while maintaining the two commercial uses with only slight modifications to the sizes of the commercial spaces. Per Section 5.1.4, two parking stalls per each dwelling unit are required. This section allows a reduction to 1.25 stalls per unit by special permit for a multi-family dwelling. The applicant proposes nine dwelling units, which requires 18 parking stalls. Utilizing the special permit reduction, the applicant is required to provide 12 stalls for the residential use.

The proposed parking requirement after construction is as follows:

Barbershop (Service Establishment): 4 stalls

Employees: 4 @ 1 per each 3 = 1.3 or 2 stalls

Square footage: 535 square feet @ 1 per each 300 square feet = 1.78 or 2 stalls

Pizza Store (restaurant): 5 stalls

Employees: 1 @ 1 per each 3 = 1 stall

Seats: 12 @ 1 per each 3 = 4 stalls

Dwelling Units: 12 stalls

9 dwelling units @ 1.25 stalls per dwelling unit by special permit = 12 stalls

A total of **21 stalls** are required after the proposed changes.

Applying the formula set forth in Section 5.1.3.B of $A - B + C =$ Number of stalls required:

A = total number of stalls required for the proposed use (21)

B = number of stalls required for the existing use (9)

C = the number of stalls currently available (4)

The number of stalls required for the proposed expansion is calculated as follows:

A (21) – B(9) + C(4) = 16 stalls

The applicant is proposing a ground level parking area with 16 stalls, and therefore meets the parking requirements per Sections 5.1.3.B and 5.1.4.

BU1 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	9,542 square feet	No change
Frontage	80 feet	50 feet	No change
Setbacks			
• Front	Average (0 feet)	0 feet	No change
• Side (left)	0 feet	+/- 0 feet	0 feet
• Side (right)	4.6 feet	8.2 feet	8.0 feet
• Rear	0 feet	0.3 feet	0 feet
Lot Area Per Unit	1,200 square feet	N/A	1,060 square feet
Building Height	36 feet (by SP)		36 feet
Max Number of Stories	3 (by SP)	1	3
FAR	1.25 (by density bonus) 1.5 (by SP)		1.49

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§4.1.2.B.3 §4.1.3	To allow a building with three stories and 36 feet in height	S.P. per §7.3.3
§4.1.2.B.3 §4.1.3	To allow an FAR of 1.49	S.P. per §7.3.3
§5.1.4	To allow a reduction in parking	S.P. per §7.3.3
§5.11 §5.11.15.A	Inclusionary housing provisions and density bonus	S.P. per §7.3.3