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Setti D. Warren
Mayor

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Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: January 14, 2014
Land Use Action Date: January 28, 2014
Board of Aldermen Action Date: February 3, 2014
Action Expiration Date: April 14, 2014

DATE: January 10, 2014

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Daniel Sexton, Senior Planner

SUBJECT: **Petition #412-13**, LOUIS FRANCHI, TRUSTEE, for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE for waivers from the parking stall requirement for up to 15 parking stalls including stall dimensions, maneuvering aisle widths, end-stall maneuvering space, minimum entrance and exit driveway widths; tandem parking; perimeter and interior landscaping requirements; lighting, curbing, surfacing, and maintenance requirements; and, parking within the setbacks for an existing commercial/warehouse/storage building at 425-433 WATERTOWN STREET, Ward 1, on land known as SBL 14, 8, 6, containing approximately 18,470 sf of land in a district zoned BUSINESS 2. Ref: Sec 30-24, 30-23, 39-19(c), (d), (h)(1),(2)a), (2)b), (2)e), (3)a), (3)b), (4)a), (5)a), (i)(1), (i)(2), (j), (m), 30-21(a)(2)a) of the City of Newton Rev Zoning Ord., 2012.

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 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.



425-433 Watertown Street

EXECUTIVE SUMMARY

The property located at 425-433 Watertown Street consists of an 18,470 square foot lot, which was improved in the 1970s with an office building at the street and a warehouse building at rear of the property. At this time, the site contained professional office, service, storage, and warehouse type uses, and the required number of parking spaces for these uses was accommodated on the site. Since then the types of uses and configuration and number of parking spaces, many of which are now dimensionally noncompliant, have changed. In the fall of 2013 a building permit was issued for the development of 2,500 square feet of medical office space. This change of use from office to medical office increased the parking requirement for the site, resulting in the petitioner not being able to rent the remaining vacant space in the office building without seeking a special permit. Therefore, the petitioner is now seeking a special permit to waive 15 parking spaces in order to rent the current vacant tenant space as well as waivers to legalize the existing noncompliant parking conditions. The requested relief may eliminate the need for future tenants to seek a waiver of parking and will allow the landlord to better market the building. The subject property does not appear to have any space to provide additional parking on the site.

Per the Zoning Review Memorandum (**ATTACHMENT A**), the property is at capacity for actual and grandfathered parking stalls with the current mix of uses on the site, and the parking facility configuration is technically deficient in terms of substandard aisle, access driveway width, parking stall dimensions and setbacks, and parking facility designs requirements. According to the petitioner, the existing parking configuration and 58 parking stalls have been adequate for the uses on the property. While there are two municipal parking lots nearby (Adams Street Lot with 29 three-hour parking spaces and Chapel Street Lot with 25 three-hour parking spaces) and on-street parking stalls, which appear to be underutilized; the zoning ordinance does not allow these spaces to be used to meet the parking requirement for any use.

The Department of Planning and Development has reservations that in the event of high parking occupancy, the existing and future uses may lead to increased traffic congestion on and from the site as customers search for parking spaces. The Department has asked the petitioner to consider ways in which to mitigate these potential off-site impacts of the requested waivers in the surrounding area. The Department also encouraged the petitioner to consider eliminating the 11 back out parking stalls along Watertown Street; however, this would require the petitioner to withdraw and refile the petition for a larger parking waiver.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this petition, the Board should consider whether:

- A waiver of 15 parking spaces will adversely affect the neighborhood.
- The requested waivers with regards to the design and dimensional controls for parking facility will result in the creation of a nuisance or hazard to vehicles or pedestrians in the surrounding neighborhood.
- The requested waivers parking dimensional controls are appropriate because literal compliance with the parking requirements is impracticable due to the existing uses and development patterns present on the subject property and in the surrounding neighborhood.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject site is located in the village of Nonantum. The property is in a Business 2 zoning district (**ATTACHMENT B**), which extends along both sides of Watertown Street. To the northwest of the subject property, the zoning transitions to Manufacturing.

B. Site

The site consists of 18,470 square feet of land and is improved with a commercial office building at the street and a building containing warehouse storage and a physical education academy type uses to the rear of the property. The current buildings and uses appear to have been in existence on the site for the past 40 years, but the resulting parking situation is one of dimensional and technical noncompliance. The existing parking scenario is one that is common among many of the older commercial properties in the area. As tenants change or expand, the parking arrangement changes and results in restriping and dimensional noncompliance.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The site currently contains educational, commercial (i.e. office), medical office, service, storage, and warehouse types of land uses (**ATTACHMENT C**). The petitioner has not indicated what uses will occupy the vacant tenant space, but a use allowed by right in this zoning district is expected, the petitioner is not seeking relief for any specific use. In any case, the petitioner has indicated that any future uses will likely exceed the grandfathered parking situation. As such, the proposed waiver of 15 parking stalls should eliminate the need for future tenants to seek a waiver of parking as part of the development process. The petitioner has indicated that future uses will not exceed the aggregate parking demand (i.e. available + waived stalls) established by this special permit.

B. Building and Site Design

The property was developed to its current configuration in the 1970s, which includes a brick office building near the street and a metal warehouse building on the rear lot. The vacant tenant space is located in the office building and consists of approximately 3,537 square feet of commercial space. No physical changes to the buildings are proposed as a result of the requested waivers that would result in any increase in the gross floor area present on the site. The petitioner is proposed to add a second accessible parking space near the rear warehouse building.

C. Parking and Circulation

The proposed waivers will not result in any significant alterations to the current parking configuration for the property. The existing uses on the property will remain, and have 58 grandfathered parking stalls. Of those grandfathered parking stalls 45 stalls have a standard configuration, eight are parallel stalls, and five

stalls are stacked, most of these stalls are dimensionally nonconforming. Additionally, 11 parking stalls back out on to Watertown Street and many of the spaces are accessed by aisles of a substandard width. If the approximately 3,537 square feet of vacant tenant space was developed with a new office or service use, 12 additional parking spaces and one stall per each three employees on the largest shift would be required. Thus the petitioner is requesting a special permit to waive 15 parking spaces, which will allow for increased flexibility in the leasing of the vacant commercial space, and waivers to legalize the existing nonconforming parking facility conditions. The petitioner has indicated that the current parking configuration and existing structures on the site makes the development of additional parking spaces and the creation of a dimensionally compliant parking facility impractical. .

Per a parking inventory and utilization report provided by the petitioner, the site appears to have sufficient parking spaces available within the existing parking facility during peak hours of operation for the existing uses. The report also indicates that the nearby municipal parking lots and on-street parking stalls appear to be underutilized. As a result, the petitioner has indicated that the requested parking waiver and existing parking stalls on the site should be adequate to accommodate additional uses on the property, even though the parking facility is dimensionally deficient.

The Department of Planning and Development is concerned that in the event of high parking occupancy, the existing and proposed uses may lead to increased traffic congestion on and from the site as customers search for parking spaces. The Department has asked the petitioner to consider ways in which to mitigate these potential off-site impacts of the requested waivers in the surrounding area, such as a voluntary contribution of funds to the City. These potential funds could be used to make certain pedestrian and vehicular improvements to mitigate the parking demand in the neighborhood and to improve pedestrian and vehicular mobility and safety in the area. The Department would also encourage the petitioner to consider eliminating the 11 back out parking stalls along Watertown Street in order to improve the streetscape and pedestrian and vehicular safety, even though this would necessitate the withdrawal and refiling of the petition for a larger parking waiver.

D. Landscape Screening

The petitioner has requested a waiver to the landscaping requirements for parking facilities with more than five parking stalls. Therefore, no landscaping plan was required for this petition. Unless the back out parking stalls along Watertown Street were removed, there does not appear to be sufficient space for any new landscaping on the site.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance).

The Zoning Review Memorandum (**ATTACHMENT A**) provides a complete analysis with respect to zoning. The petitioner is seeking a special permit to waive 15

parking spaces to allow the rental of vacant tenant space as well as waivers to legalize the existing nonconforming parking facility conditions.

B. Engineering Review

This project does not require review by the Engineering Division of Public Works.

V. ZONING RELIEFS SOUGHT

Based on the Zoning Review Memorandum, the petitioner is seeking a Special Permit for the following reliefs:

- Section 30-19(c) and 30-19(d) to waive 15 required parking spaces for an undetermined future use.
- Section 30-19(h)(1) to allow parking within the required setback from the street and sidelines, for those spaces to be closer than five feet from the street.
- Section 30-19(h)(2)(a), (2)(b), and (2)(e) to waive the minimum dimensions of parking stalls.
- Section (h)(3)(a) and (3)(b) to waive the dimensional requirements for maneuvering aisles.
- Section 30-19(h)(4)(a) to waive the minimum requirements for entrance and exit driveways.
- Section 30-19(h)(5)(a) and 30-19(m) to waive the requirement that parking facilities be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
- Section 30-19(i)(1) and 30-19(i)(2) to waive the landscaping requirements for parking facilities containing more than five stalls.
- Section 30-19(j) to waive the lighting, curbing, surfacing and maintenance requirements for parking facilities containing more than five stalls.
- Section 30-19(m) to allow a special permit to be obtained for exceptions to the provisions of Section 30-19.
- Section 30-21(a)(2)(a) to allow a special permit to be obtained for any change or substantial extension of a nonconforming use.

VI. PETITIONERS' RESPONSIBILITIES

Prior to scheduling this petition for a Working Session, the petitioner should consider the Department's recommendations for the site and potential mitigation to improve pedestrian and vehicular safety.

ATTACHMENTS:

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



A

Setti D. Warren
Mayor

Attachment A

City of Newton, Massachusetts

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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: November 21, 2013

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Louis Franchi
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request for a Special Permit to waive 15 parking stalls

Applicant: L&M Trust	
Site: 425-433 Watertown Street	SBL: 14008 0006
Zoning: BU-2	Lot Area: 18,470 square feet
Current use: Mixed use and warehouse	Proposed use: No change

BACKGROUND:

The property at 425-433 Watertown Street consists of an 18,470 square foot lot improved with a commercial office building at the street and a warehouse and storage building to the rear of the property. The property has 58 existing parking stalls, which are comprised of 45 standard stalls, eight parallel stalls, three stacked stalls and one handicapped stall, many of which are nonconforming. The buildings appear to have been in their current configuration since the 1970s, though the number of parking stalls has increased since that time. The site contains office, service, warehouse and storage uses. The applicant intends to continue the mix of uses in the building in such a way as would likely increase the parking requirement for the parcel as the tenants change over. The applicant currently has two vacant tenant spaces, but is at capacity for grandfathered parking stalls. The applicant is seeking a waiver for up to 15 required parking stalls and to legalize existing nonconforming conditions to allow for existing vacancies to be filled and to allow for the turnover of tenants, without the tenants themselves requiring special permits to waive the parking requirements for their individual uses.

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

- Zoning Review Application, prepared by Louis Franchi, L&M Trust, dated 9/17/13
- Site plan, prepared by Louis Franchi, L&M Trust, dated 9/17/13
- Parking analysis, undated
- Existing Parking Plan, signed and stamped by Verne Porter, dated 10/8/13
- Proposed Parking Plan, signed and stamped by Verne Porter, dated 10/31/13

ADMINISTRATIVE DETERMINATIONS:

1. The property has been in use for over a hundred years, evolving from a single family dwelling to its current configuration as a mixed use, multi-building site. While the parking is technically deficient, according to the applicant it has been adequate for the uses located there. The request for the parking waiver is to ensure that potential uses seeking to locate on the property may do so without having to seek individual special permits for parking waivers to meet the technical requirement of the ordinance.
2. Per Sections 30-19(h), (i) and (j), parking facilities of greater than five stalls must meet certain design requirements. Section 30-19(h) spells out the design requirements for parking facilities, of which certain of these requirements are not met by the applicant's plan and require relief.
3. Per Section 30-19(h)(1), parking facilities may not be located within required setback distances and must be set back a minimum of 5 feet from the street. The applicant shows 18 existing parking stalls within the setbacks and 9 existing stalls within 5 feet of the street which will remain in place. The applicant is seeking a waiver from this requirement.
4. Per Section 30-19(h)(2)a) and b), parking stalls must have a minimum dimension of 9' x 19'. There are only two stalls on site that meet the minimum dimensional requirements of the Ordinance, the rest are undersized. The applicant proposes to maintain the existing parking stall dimensions and requests a waiver from this requirement.
5. Section 30-19(h)(2)(c) requires two handicapped parking stalls for facilities offering up to 40 parking stalls. The applicant currently has one handicapped stall in the front of the property and is proposing to add another in the rear of the lot as well, bringing the property up to code.
6. Section 30-19(h)(3)(a) requires a minimum width of 12 feet for maneuvering aisles for parallel parking stalls. The applicant's plan shows an existing width of 11 feet along the access drive. A waiver from this provision is required.
7. The applicant's plans do not show the required maneuvering space for end stalls, per Section 30-19(h)(2)e). The applicant is proposing no changes to this configuration and a waiver from this provision is required.
8. Section 30-19(h)(4)a) requires driveways for two-way traffic to be a minimum of 20 feet wide, the applicant's plans indicate that the driveway narrows to 11 feet adjacent to the parallel parking stalls on the northeast side of the property. A waiver from this provision is required.
9. Section 30-19(h)(5)a) indicates that tandem, or stacked parking is prohibited. There are 7 tandem parking stalls on the site. The applicant proposes no changes to this configuration and a waiver from this provision is required.

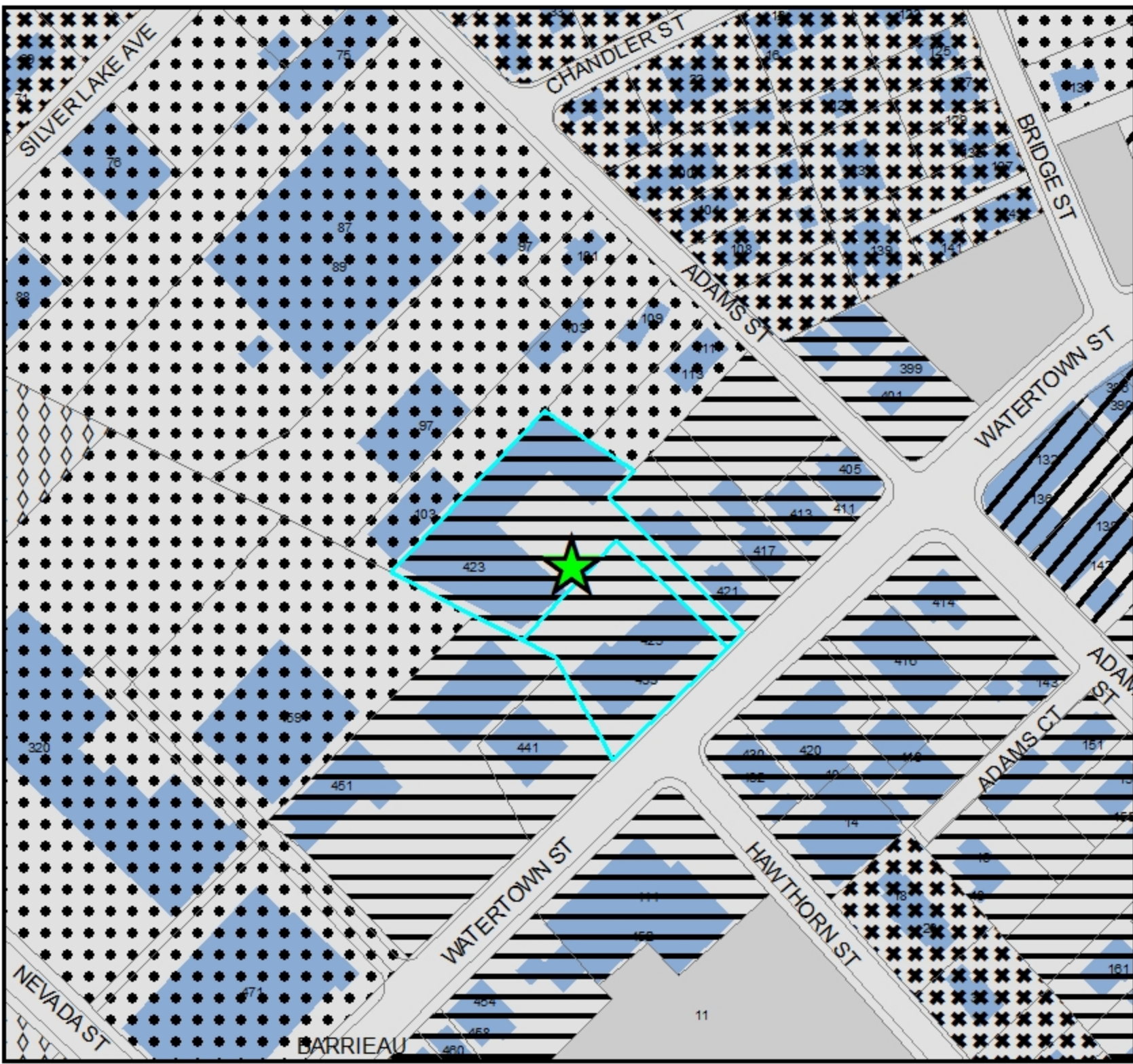
10. Section 30-19(i) sets forth the landscaping requirements for parking facilities greater than five stalls. Section 30-19(i)(1) requires screening along the perimeter of the property consisting of vegetation and/or fencing. Section 30-19(i)(2) requires interior landscaping for facilities greater than 20 stalls. The applicant states that the site has fencing with a combination of a 6 foot chain link and wood stockade fence, and there is a planting strip separating the front and rear parking lots. The applicant is not proposing any changes to the existing conditions and requests a waiver from these provisions.
11. Section 30-19(j) requires that outdoor parking facilities greater than five stalls shall be lighted, surfaced and maintained. The applicant states that the light fixtures around the site have been in place for over 15 years and consist of wall packs on the buildings and down-lighting under the awning façade. No changes to the existing lighting conditions are proposed and a waiver is requested from the requirements of the provision.
12. Section 30-19(k) requires bicycle parking in parking facilities greater than 20 stalls. The applicant is proposing to place a bike rack in the southwest corner.
13. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Parking</i>	<i>Action Required</i>
§30-19(h)(1); §30-19(h)(2)a), (2)b), and (2)e); §30-19(h)(3)a), (3)b); §30-19(h)(4)a); §30-19(h)(5)a), (5)a); §30-19(m); §30-21(a)(2)a)	Waive prohibition on parking within setbacks, the required stall dimensions, maneuvering aisle widths, end-stall maneuvering space, minimum entrance and exit driveway widths, and allow tandem parking	S.P. per §30-24
§30-19(i)(1), (i)(2) §30-19(m); §30-21(a)(2)a)	Waive the perimeter and interior landscaping requirements	S.P. per §30-24
§30-19(j); §30-19(m); §30-21(a)(2)a)	Waive the lighting, curbing, surfacing and maintenance requirements	S.P. per §30-24
§30-19(c); §30-19(d); §30-19(m); §30-21(a)(2)a)	Waive 15 parking stalls for mixed use	S.P. per §30-24

412:13
Zoning Map
 423,425-433
 Watertown St.

*City of Newton,
 Massachusetts*

ATTACHMENT B



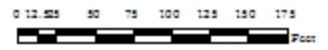
Legend

- Building Outlines
- Streets - Pavement Edge
- Multi-Residence 1
- Multi-Residence 2
- Business 1
- Business 2
- Manufacturing
- Public Use
- Property Boundaries



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 - Seth D. Warren
 GIS Administrator - Douglas Greenfield



412-13
 Land Use Map
 423,425-433
 Watertown St.

*City of Newton,
 Massachusetts*

ATTACHMENT C

Legend

- Building Outlines
- Streets - Pavement Edge

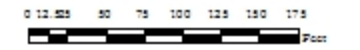
Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Industrial
- Mixed Use
- Open Space
- Vacant Land
- Property Boundaries



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CITY OF NEWTON, MASSACHUSETTS
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Map Date: December 31, 2013

