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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**

RECEIVED
NEWTON CITY CLERK
2013 NOV 26 AM 11:11
David A. Olson, OMC
Newton, MA 02459

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