



City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

#180-18
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Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: April 10, 2018
Land Use Action Date: June 26, 2018
City Council Action Date: July 2, 2018
90-Day Expiration Date: July 9, 2018

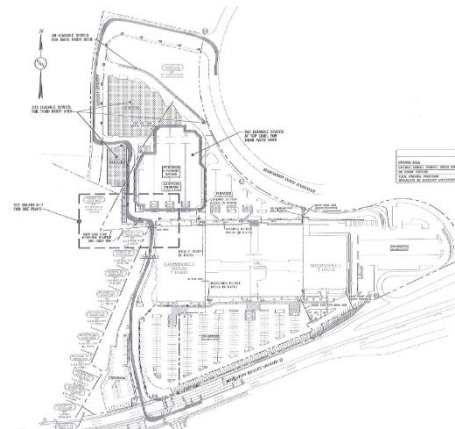
DATE: April 6, 2018

TO: City Council

FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Neil Cronin, Senior Planner

SUBJECT: **Petition #180-18**, for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Orders #43-10 and #370-12(2), to allow non-accessory parking, and to waive 496 parking stalls at **199 Boylston Street**, Ward 7, Chestnut Hill, on land known as Section 65, Block 08, Lot 100, containing approximately 324, 691 sq. ft. of land in a district zoned Business Use 1. Ref: §4.4.1, §5.1.4, §5.1.13, 7.3.3, and §7.4, of Chapter 30 of the Newton Revised Zoning Ordinance, 2015.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. 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 City Council will want to consider in its discussion at a subsequent Public Hearing/Working Session.



199 Boylston Street

EXECUTIVE SUMMARY

The property located at 199 Boylston Street consists of a 324, 691 square foot lot, which along with two other parcels, helps comprise the shopping center known as the Shops at Chestnut Hill (Mall). The properties are located in the Business Use 1 (BU-1) zone, totaling over 650, 000 square feet of land. The properties function as one integrated parcel and are treated as such for the purposes of zoning. The site is governed by several special permits ranging from signage, to use, and to parking waivers. The petitioner is seeking to designate 496 parking stalls to third-party users providing a shuttle to the Longwood Medical Area and a separate shuttle to St. Elizabeth's Medical Center. The Newton Zoning Ordinance (Ordinance) requires parking stalls to serve the principal use(s) on a parcel. Additionally, the Ordinance does not allow for stalls to be designated for separate uses. Therefore, the petitioner is seeking a special permit to allow non-accessory parking and to waive 496 parking stalls from the required parking demand for the Mall.

There are two prior special permits governing the site concerning parking. Board Order #43-10 waived 11 stalls to allow retail space to be converted to a restaurant use, and Board Order #307-12(2) waived 111 parking stalls in conjunction to three additional restaurants in 2012 (**Attachments A & B**). The current request was structured by the Planning Department to amend these prior approvals to treat the parking waivers as one use on site. Therefore, in addition to the relief above, the petitioner will be amending Board Orders #43-10 and #307-12(2).

The petitioner submitted a parking study indicating the site has sufficient capacity to lease the 496 stalls to allow for the shuttles. All stalls will remain available to mall guests during holidays and weekends. The Planning Department supports finding a purpose for underutilized parking stalls, and the creation of a semi-transit hub on site. Yet, the third-party users are expected to generate close to 1, 000 trips per day, mostly during peak hours. Half of these trips already occur in the area, and will not create a significant impact, but the remaining half are new trips which may impact the local road network. Staff believes the petitioner should provide a traffic study to examine the impact these trips may have.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for non-accessory parking (§7.3.3.C.1.).
- The proposed non-accessory parking will not adversely affect the neighborhood (§7.3.3.C.2.).
- The non-accessory parking 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 with the parking requirements of the Newton Zoning Ordinance (Ordinance) 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 a corner lot with frontages on Hammond Pond Parkway and Boylston Street/Route 9 located in the BU-1 zone in Chestnut Hill. The immediate area is comprised of a mixture of zones from BU-1 to Single Residence 3 and Multi-Residence 4 containing a diverse range of uses from single-family homes to multi-family dwellings, and other large shopping centers (**Attachments C & D**). These diverse zones and uses comprise the Boylston Street/Route 9 corridor.

B. Site

The site consists of 324, 691 square feet of land, improved with a multi-structure shopping center, multi-level parking structure, and several surface parking facilities; in total the site has 2, 116 parking stalls. The site has access from Hammond Pond Parkway at the north and from Boylston Street/Route 9 to the south.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site is and will remain commercial.

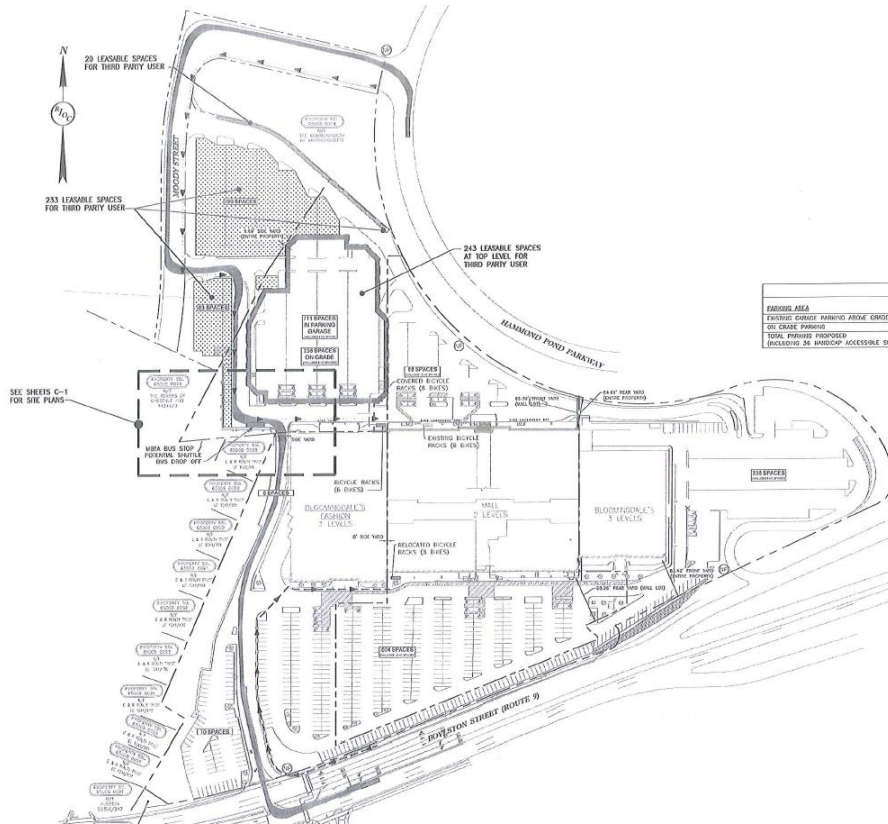
B. Non-Accessory Parking

The petitioner is seeking special permits to allow non-accessory parking and to waive 496 parking stalls to dedicate certain stalls for users of shuttles servicing the Longwood Medical Area and St. Elizabeth's Medical Center. The Ordinance does not define Non-Accessory Parking, but it is generally accepted as parking not dedicated to the principal use of the property.

The petitioner has identified four parking areas on site to dedicate to users of the shuttle. The areas are shown in the below graphic as the Garage Roof, West Rear Lot, North Rear Lot, and the North Road. The 243 parking stalls on the Garage Roof will be dedicated to users of a Medical Academic and Scientific Community Organization (MASCO) shuttle servicing the Longwood Medical Area. MASCO currently leases 240

stalls at 300 Hammond Pond Parkway but will relocate those stalls to the Garage Roof. The shuttle servicing St. Elizabeth's Medical Center will have 253 dedicated parking stalls in the surface lots.

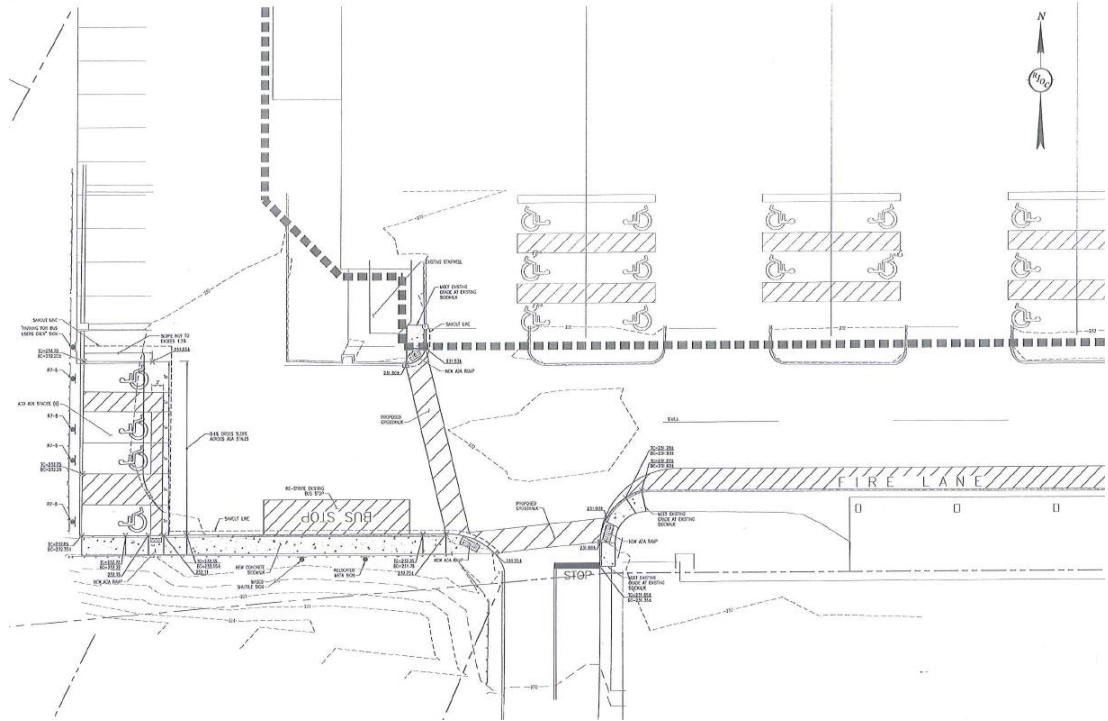
Figure I: Overall Site Plan



C. Building and Site Design

The petitioner is not proposing any changes to the building(s) on site. The only site work is proposed at the existing bus stop for the MBTA Route 60 bus. The existing stalls to the west of the bus stop will be restriped to create four handicap stalls. These stalls will be dedicated to users of the shuttles and will be signed. The petitioner is also proposing to stripe two crosswalks: one providing access from the parking structure to the bus stop; the other to connect an existing sidewalk to the sidewalk at the east. Lastly, the petitioner is proposing to update the concrete sidewalk in the location of the bus shelter. The Planning Department suggests the petitioner consider installing a bus shelter and/or widening the sidewalk to allow for benches and a light to serve as a better amenity for the users of the shuttles and MBTA bus.

Figure II: Site Work



D. Parking

There are 2, 116 parking stalls on site. Board Orders #43-10 and #307-12(2) waived an additional 122 stalls, increasing the parking supply to 2, 238 stalls. The current demand of the site is 2, 192 stalls; therefore, the site has a surplus of 46 stalls.

The petitioner conducted parking counts on Friday, November 24, 2017 (Black Friday) and Wednesday, December 13, 2017 to determine whether the Mall has adequate parking for the users of the shuttles (**Attachment E**). The study finds the peak parking period occurred at 2 p.m. on both days. At this time, 1, 484 stalls (70%) were occupied on Black Friday, while only 1, 162 stalls (55%) were occupied on Wednesday the 13th. This data indicates the Mall has sufficient capacity to lease 496 stalls to users of the shuttles. Furthermore, the study indicates the lots identified by the petitioner are in less demand than stalls located at the southern and eastern portions of the lot. All stalls leased to third-party users will be signed, and will be available to mall guests after hours, during holidays, and during weekends.

Figure III: Parking Counts on November 24, 2017

Map ID	Lot	Capacity	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM
A	Front Lot	573	416	490	513	531	516	492
B	Side Lot	238	117	191	234	239	233	234
C	Rear Lot	88	86	84	86	85	87	83
D	Garage (Levels G-P2)	706	429	487	509	499	490	471
E	Garage (Roof only)	243	0	1	3	2	3	3
F	West Rear Lot	64	5	11	22	24	26	22
G	North Rear	169	28	54	55	76	67	45
H	West Road	5	0	0	1	2	0	0
I	North Road	30	15	19	25	26	25	15
TOTAL		2,116	1,096 52%	1,337 63%	1,448 68%	1,484 70%	1,447 68%	1,365 65%

Figure IV: Parking Counts on December 13, 2017

Map ID	Lot	Capacity	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM
A	Front Lot	573	230	358	457	446	319	311
B	Side Lot	238	77	112	140	133	107	80
C	Rear Lot	88	82	82	85	84	77	76
D	Garage (Levels G-P2)	706	324	386	409	430	411	382
E	Garage (Roof only)	243	0	0	0	0	0	0
F	West Rear Lot	64	0	9	5	11	5	4
G	North Rear	157	29	33	36	39	16	10
H	West Road	5	0	0	0	0	1	0
I	North Road	30	11	18	19	19	19	15
TOTAL		2,104	753 36%	998 47%	1,151 55%	1,162 55%	955 45%	878 42%

*Highlighted lots are to be leased to third-party users

E. Traffic

The petitioner is seeking to lease 496 parking stalls to two different third-party users. MASCO will occupy the 243 stalls on the top level of the parking garage, while a shuttle servicing St. Elizabeth's Medical Center will occupy 253 surface stalls to the north of the garage. The Planning Department is unconcerned with the MASCO shuttle because the shuttle is being relocated from the property to the north at 300 Hammond Pond Parkway. Staff believes the new location will not have a significant new impact on local roadways. However, the shuttle servicing St. Elizabeth's Medical Center represents 476 additional trips to and from the Mall during peak hours, which may impact local roads. The Planning Department has asked the petitioner to produce a traffic study examining the impact these new trips may have on local roads.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal regarding zoning (**Attachment F**). Based on the Memorandum, the petitioner is seeking the following relief:

- §4.4.1 and §7.3.3 of Section 30, to Allow Non-Accessory Parking.
- §5.1.4, §5.1.13, and §7.3.3 of Section 30, to waive 496 parking stalls.
- Amend Board Orders #43-10 and #307-12(2).

B. Engineering Review

Engineering review is not required at this time. The Engineering Division of Public Works will review this project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit, should this petition be approved.

V. PETITIONER'S RESPONSIBILITIES

The petitioner should be required to provide a traffic study examining the trip generation created by the users St. Elizabeth's Medical Center shuttle and what effect those trips may have on the local roadways prior to being scheduled for a working session.

ATTACHMENTS:

- Attachment A:** Board Order #43-10
Attachment B: Board Order #307-12(2)
Attachment C: Zoning Map
Attachment D: Land Use Map
Attachment E: Parking Analysis, dated March 12, 2018
Attachment F: Zoning Review Memorandum, dated March 5, 2018

Walter B. Adams
36 River Ridge
Wellesley, MA 02481

Attachment A

#43-10

10 MAY 20 AM 8:46



Bk: 54617 Pg: 59 Doc: DECIS
Page: 1 of 3 04/30/2010 11:35 AM

CITY OF NEWTON
IN BOARD OF ALDERMEN
CITY CLERK
NEWTON, MA. 02159

April 5, 2010

10 APR - 7 PM 2:53
CITY CLERK
NEWTON, MA. 02159

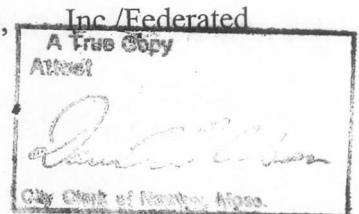
ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow the conversion of 2500 square feet from retail to a 50-seat restaurant, including the waiver of 11 parking stalls, as recommended by the Land Use Committee for the reasons given by the Committee through its chairman, Alderman Ted Hess-Mahan:

1. The Board finds that granting an exception to the parking requirements of §30-19 in order to waive the provision of 11 additional parking stalls is appropriate and is in the public interest for the following reasons:
 - a. Parking counts conducted by the petitioner in December 2009 for the portions of the parking facility adjacent to the restaurant location show that there is sufficient excess parking supply to allow the waiver of 11 additional stalls.
 - b. Available parking supply is likely to be greater in other times of the year in comparison to the December season, indicating that sufficient parking will be available throughout the year.
 - c. Because the mall is a self-contained entity with limited access to other properties, even the unlikely event of parking demand exceeding parking supply would likely cause few, if any, negative spillover effects on neighboring properties.
2. The proposed exterior façade and sign of the restaurant is consistent with the framework established in Board Order #373-94 that approved the current Bloomingdale's façade and signs.
3. The 2007 *Newton Comprehensive Plan* encourages the use of shared parking facilities. Because the proposed restaurant use will be complementary with the preponderance of retail areas in the store, sharing of parking and a reduction in parking requirements are appropriate.

PETITION NUMBER: #43-10

PETITIONER: Feng Hua Chow/Bloomingdale's,
Department Stores, Inc.



Bk 48275
Pg 441

LOCATION: 225 Boylston Street, Section 65, Block 8, Lot 99B
containing approximately 190,368 sq. ft. of land

OWNER: ✓ Bloomingdales, Inc.

ADDRESS OF OWNER: 225 Boylston Street, Chestnut Hill, MA 02167

TO BE USED FOR: 2500 square foot restaurant with 50 seats

CONSTRUCTION: Interior conversion of existing retail space

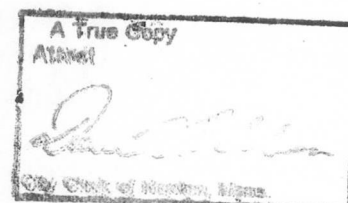
EXPLANATORY NOTES: §30-19(d)(13) and §30-10(m) to waive 11 parking spaces
from the required number of 20 parking spaces; §30-23 for
site plan approval; and §30-24(d) for special permit
approval

ZONING: Business 1 District

Approved subject to the following conditions:

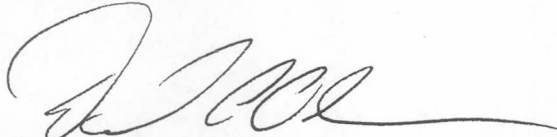
1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with the following plan and elevation:
 - "Site Plan, Bloomingdale's, Mall at Chestnut Hill, 225 Boylston Street, Chestnut Hill, MA," produced by Kevin Kennon Architect, PC, 615 Canal Street, New York, NY 10013 and dated June 1, 2006
 - "PSK 25, Daikanyama at Bloomingdale's, Exterior Elevations," produced by Darlow Christ Architects, 2326 Massachusetts Avenue, Cambridge, MA 02140
2. The proposed restaurant sign shall require the review of the Urban Design Commission and the approval of the Director of Planning and Development.
3. No building permit shall be issued pursuant to this special permit/site plan approval for the proposed restaurant until the petitioner has:
 - a. recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. received approval for the proposed sign from the Director of Planning and Development.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Alderman Sangiolo)



The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on April 7, 2010. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:



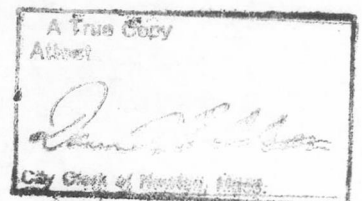
(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen

I, David A. Olson, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on 4/7 and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen



#307-12(2)



Bk: 62609 Pg: 461 Doc: DECIS
Page: 1 of 4 08/23/2013 10:42 AM

CITY OF NEWTON

IN BOARD OF ALDERMEN

June 17, 2013

RECEIVED
Newton City Clerk
2013 JUN 19 AM 11:38
David A. Olson, Clerk
Newton, MA 02459

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to AMEND SPECIAL PERMIT #307-12, granted on 12/20/12, which permitted three restaurants over 50 seats, waived up to 111 parking stalls, and permitted a sign package which includes secondary signs larger than 50 square feet, in order to construct a 131-square foot enclosed vestibule within the previously permitted 1,118 square foot patio area, and to erect two additional secondary signs, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Ted Hess-Mahan:

1. The proposed addition to the nonconforming structure will not be substantially more detrimental to the neighborhood than the existing building.
2. The proposed signs are in the public interest and are appropriate for way-finding at the site.

PETITION NUMBER: #307-12(2)

PETITIONER: WMACH, Inc. (Owner)/The Cheesecake Factory, Inc. (Tenant)

LOCATION: 199 Boylston St, Ward 7, on land known as Section 65, Block 80, Lot 1, containing approximately 324,691 sq. ft. of land

OWNER: WMACH, Inc.

ADDRESS OF OWNER: c/o Simon Properties, William G. Jackson, Esq.
225 West Washington St, Indianapolis, IN 46204

TO BE USED FOR: Restaurant

CONSTRUCTION: 131-square foot enclosed entry vestibule; secondary signage

A True Copy
Attest

City Clerk of Newton, Mass.

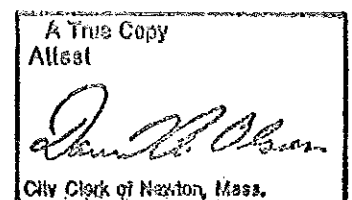
Re: 199 Boylston Street, Newton (Chestnut Hill) MA
For title reference see Book 18, 272/Page 269

EXPLANATORY NOTES: Section 30-11(k) & §30-21(b) to permit the extension of a nonconforming structure; and Section 30-20(f)(2) & §30-20(l), to approve proposed additional signage, including secondary signs in excess of allowable number and size

ZONING: Business 1 District

Approved subject to the following conditions:

1. All exterior buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located, constructed and materially consistent with Plan Set prepared by RJO'Connell, Stoneham, including:
 - a. Cover sheet
 - b. Overall site plan, stamped by John Stoy, Civil Engineer, dated 6/4/13
 - c. Demolition and erosion control plan, stamped by John Stoy, Civil Engineer, dated 4/2/13
 - d. Grading and Drainage Plan, stamped by John Stoy, Civil Engineer, dated 6/4/13
 - e. Utility plan, stamped by John Stoy, Civil Engineer, dated 4/2/13
 - f. Parking and Traffic Control Plan, stamped by John Stoy, Civil Engineer, dated 6/4/13
 - g. Sidewalk Enlargement Plan, stamped by John Stoy, Civil Engineer, dated 6/4/13
 - h. Preliminary Elevations (south and east)/Partial floor plan, dated 3/29/13
 - i. Preliminary Floor Plan, dated 3/29/13
 - j. Enlarged vestibule plan, dated 3/29/13
 - k. Exterior front and side sign elevations, dated 3/29/13
 - l. Sign specs, created by Federal Heath signed company, dated 3/27/13 and 3/29/13
2. In accordance with Board Order #307-12, Mall management has agreed to implement a Transportation Demand Management Plan and will provide on-site circulation and parking management assistance during the peak holiday shopping season as necessary and agrees to contribute towards a shuttle service, subject to condition 6. The Mall has added a drop off area/fire lane to both the north and south sides of the Mall. Mall management will encourage tenants to subsidize the cost of public transportation for employees, and designate convenient parking for carpools, vanpools and alternative fuel vehicles. Bicycle parking and storage is provided on site and the existing sidewalk along the Mall's driveway will serve pedestrians crossing Route 9 between the Mall at Chestnut Hill and Chestnut Hill Square at the new signalized intersection.
3. Any dumpsters shall be kept closed and the area free of debris.
4. The petitioner shall annually clean and inspect all restaurant grease traps.
5. The petitioner agrees to turn off lighted signs one-half hour after closing.



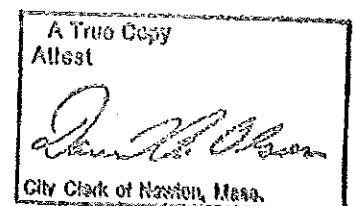
6. The petitioner shall make an equitable contribution to an area shuttle service between the Mall and other major developments along Boylston Street and the Newton Centre MBTA Green Line Station (or an alternative multi-modal hub). The shuttle service shall run throughout the week and weekend for hours to be determined at a later date.
7. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has:
 - a. Recorded a certified copy of this board order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
8. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services, the City Engineer and the Department of Planning and Development a final as-built survey plan in paper and digital format for any portion of the Project.
 - c. As construction of any portion of the Project does not obligate the Petitioner to construct the balance of the Project in the Special Permit Plan Set (or any portion thereof) a Certificate of Occupancy may be issued for any portion of the Project prior to completion of the entire Project as shown in the Special Permit Plan Set.

Under Suspension of Rules

Readings Waived and Approved

22 yeas 0 nays 1 absent (Alderman Lappin) 1 vacancy

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on June 19, 2013. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.



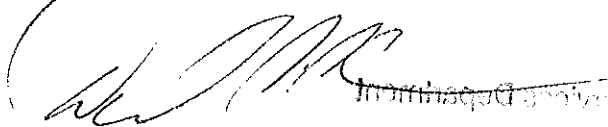
ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen

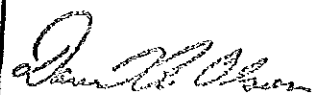
I, David A. Olson, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on 6/14 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen











Special Permit / License
Commissioner
Chief Inspector
SMA
Senior Inspector
Local Inspector
Local Inspector
Local Inspector

A True Copy
Attest

City Clerk of Newton, Mass.

Attachment C Zoning Map Boylston St., 199

*City of Newton,
Massachusetts*

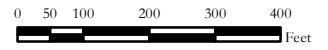
Legend

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

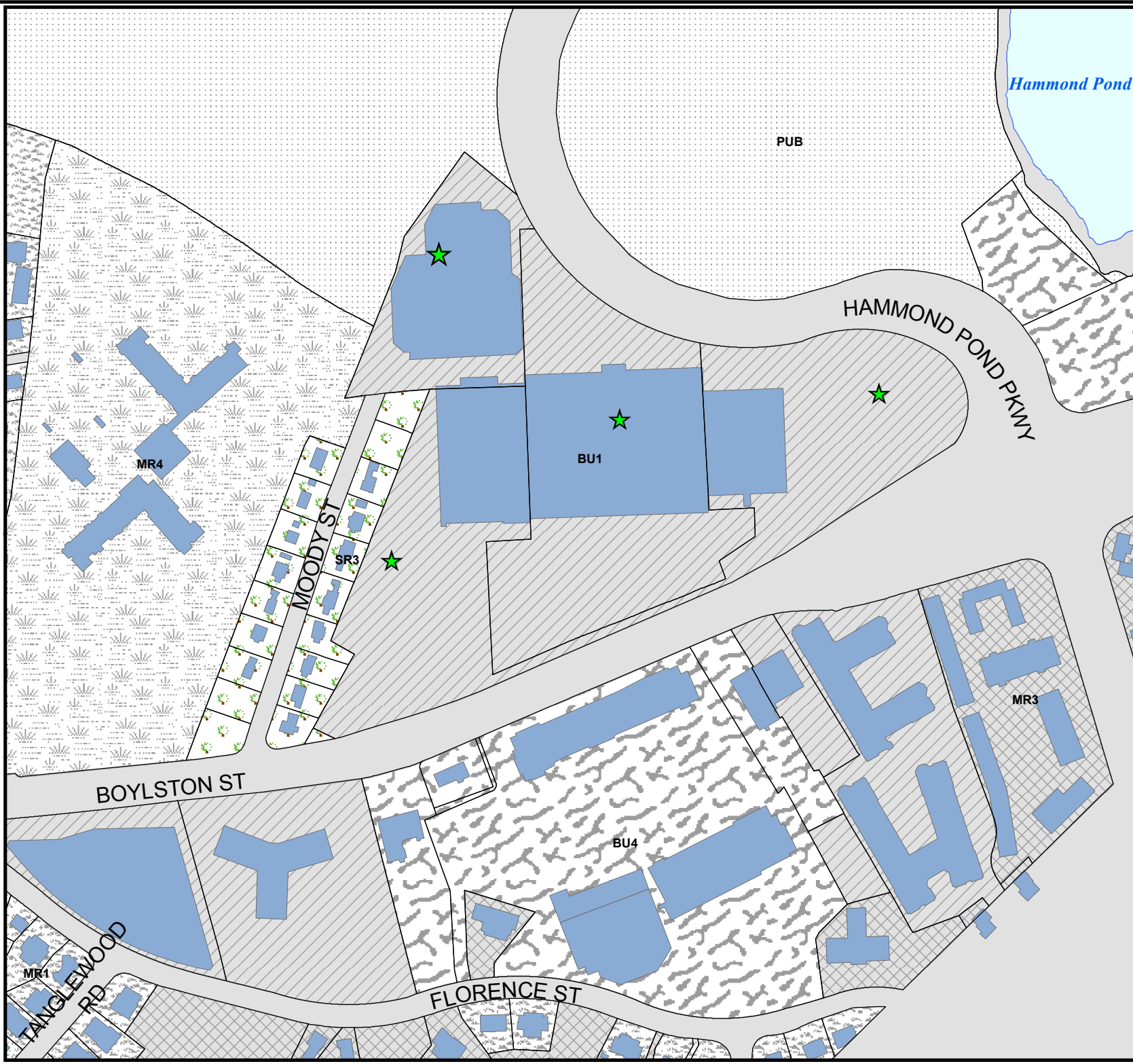


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller



Map Date: April 06, 2018











Attachment D Land Use Map Boylston St., 199

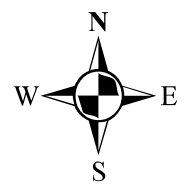
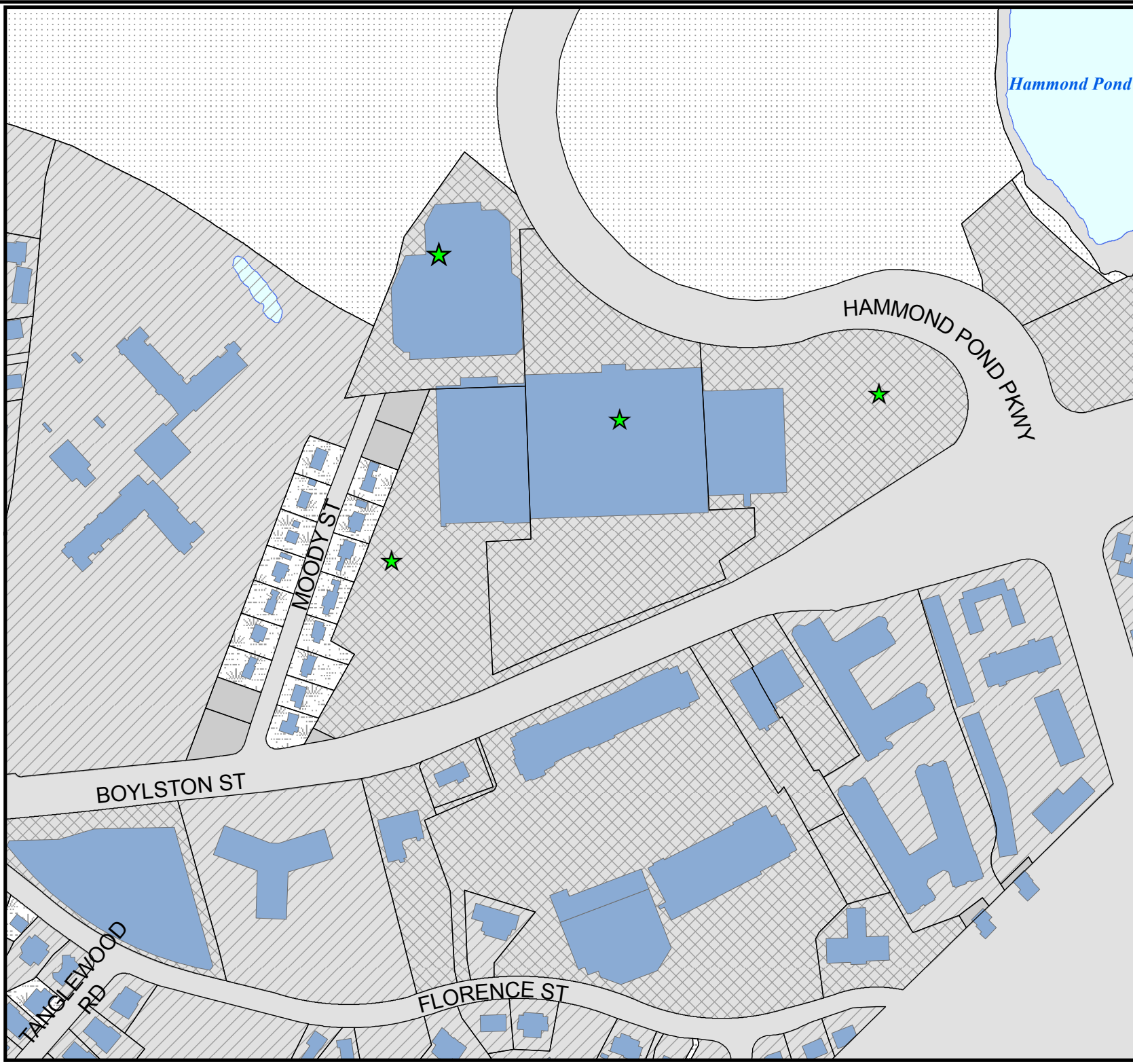
*City of Newton,
Massachusetts*

Legend

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Open Space
-  Vacant Land
-  Building Outlines
-  Surface Water
-  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 - Ruthanne Fuller



Map Date: April 06, 2018



To: City of Newton
Planning Department

Date: March 12, 2018

Project #: 14105.00

From: Sean M. Manning, PE
Chelsea Bouchard

Re: Chestnut Hill Mall Parking Analysis

VHB was retained by The Mall at Chestnut Hill, LLC, to assess and quantify peak parking utilization at the Chestnut Hill Mall in Newton Massachusetts. Over recent years, parking utilization at the mall has been observed to decline. Consequently, they have been approached to lease some existing underutilized parking spaces to third parties.

The Mall at Chestnut Hill, LLC is requesting a special permit, which would allow for up to 496 existing parking spaces to be leased to off-site third-party users. These spaces are anticipated to be used during weekdays only from 5:00 AM until 7:00 PM.

Tables 1 and 2 represent the results of the parking occupancy counts conducted at the Chestnut Hill Mall during the Christmas season on Black Friday and on a typical weekday. Counts of the parking garage and surface lots were conducted on the following two days during peak utilization times (11:00 AM – 4:00 PM):

1. Friday, November 24, 2017 (Black Friday)
2. Wednesday, December 13, 2017 (Typical Shopping Season Weekday)

Parking utilization was continuously monitored, with counts manually recorded and supporting photographs taken at all study area lots and garage levels at the beginning of each observation hour. On Wednesday, December 14, 2017, 12 spaces were leased from the surface lot north west of the garage for snow removal equipment. It should be noted that the snow storage area is located along the perimeter of the study area and not within high occupancy parking lots. These spaces reduced the capacity of the mall parking by 12 spaces. Additionally, on Wednesday, December 14, 2017, a fire department exercise was being conducted on and adjacent to the north side of the garage occupying and preventing parking in portions of these spaces. These areas were not recorded as occupied for the purposes of the counts. For reference, a PowerPoint presentation summarizing our efforts and findings is attached for reference.

The total parking space inventory at Chestnut Hill Mall is 2,116 spaces. As shown in the following tables, Black Friday was observed to be busier than Wednesday with a peak parking availability of 632 parking spaces at 2:00 PM. On Wednesday, the peak parking availability was 942 parking spaces at 2:00 PM.



Table 1: Chestnut Hill Mall Parking Counts

Friday, November 24, 2017

Memorandum

Map		Capacity	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM
ID	Lot							
A	Front Lot	573	416	490	513	531	516	492
B	Side Lot	238	117	191	234	239	233	234
C	Rear Lot	88	86	84	86	85	87	83
D	Garage (Levels G-P2)	706	429	487	509	499	490	471
E	Garage (Roof only)	243	0	1	3	2	3	3
F	West Rear Lot	64	5	11	22	24	26	22
G	North Rear	169	28	54	55	76	67	45
H	West Road	5	0	0	1	2	0	0
I	North Road	30	15	19	25	26	25	15
TOTAL		2,116	1,096 52%	1,337 63%	1,448 68%	1,484 70%	1,447 68%	1,365 65%

Table 2: Chestnut Hill Mall Parking Counts

Wednesday, December 13, 2017

Map ID	Lot	Capacity	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM
A	Front Lot	573	230	358	457	446	319	311
B	Side Lot	238	77	112	140	133	107	80
C	Rear Lot	88	82	82	85	84	77	76
D	Garage (Levels G-P2)	706	324	386	409	430	411	382
E	Garage (Roof only)	243	0	0	0	0	0	0
F	West Rear Lot	64	0	9	5	11	5	4
G	North Rear	157	29	33	36	39	16	10
H	West Road	5	0	0	0	0	1	0
I	North Road	30	11	18	19	19	19	15
TOTAL		2,104	753 36%	998 47%	1,151 55%	1,162 55%	955 45%	878 42%



Memorandum

Note that under peak weekday shopping conditions, the mall has parking availability that far exceeds what would be leased to third party providers. Under the busiest weekday, the mall would still maintain about 150 available parking spaces for customers with this proposed lease in place (Black Friday). During typical weekday conditions, the amount of available parking would be considerably higher.

Note in the special permit application that the third-party lease would include use of available parking spaces on the garage roof, the West Rear lot, the North Rear lot, and the North Road. These parking areas are the least desired retail parking spaces and are generally not ever used. Operation of these spaces would have little overlap with existing retail parking needs and operations.

Please call us if you have any questions.



The Shops at Chestnut Hill Chestnut Hill Parking Study

Friday, November 24, 2017 (Black Friday)
Wednesday, December 13, 2017



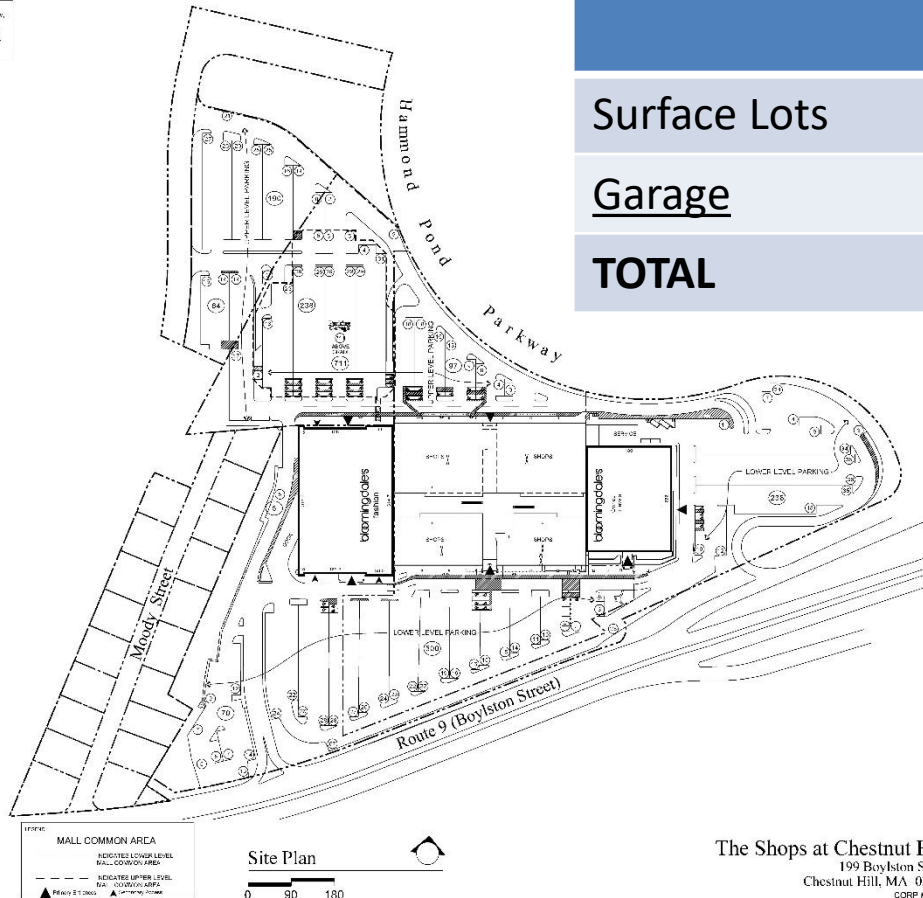
Objective

VHB has been retained by the Shops at Chestnut Hill to quantify parking occupancies during the 2017 holiday shopping season (in November and December)

The Shops at Chestnut Hill Existing Parking Spaces

This exhibit is provided for illustrative purposes only, and shall not be deemed to be a warranty, representation or agreement by Lincoln Properties Center, Chestnut Hill, to address or disclose any or all conditions on this exhibit, or that any tenants which can be developed on this exhibit will at all times be the occupant of the Center. Lincoln Properties Center reserves the right to modify this exhibit without notice and acceptance of the Center at any time.

Space Type	Parking Supply
Surface Lots	1,167 ¹
<u>Garage</u>	<u>949</u>
TOTAL	2,116



Project Data

B. COMMERCIAL F.F.R. 117,720
 D. COMMERCIAL F.F.R. 178,853
 Total Department Store G.L.A. 297,253
 Level 01 65,676
 Level 02 87,270
 Total Street Shops G.L.A. 172,066
 Total G.L.A. 470,201
TOTAL PARKING SPACES: 2,116
SPACE/1000 SF OF G.L.A.: 4.49
 Modified: February 24, 2017

The Shops at Chestnut Hill
 199 Boylston Street
 Chestnut Hill, MA 02467
 CORP # 7001



¹ On Wednesday, December 14, 2017, 12 spaces were leased from the surface lot north west of the garage for snow removal equipment and so the overall capacity on the second study day was reduced by 12 spaces.

Data Collection Methodology

This is an unapproved draft and is provided for informational purposes only. It is not to be used for any other purpose. All information is subject to change without notice. The information is provided for informational purposes only and is not to be used for any other purpose. All information is subject to change without notice. The information is provided for informational purposes only and is not to be used for any other purpose.

VHB Staff Person A

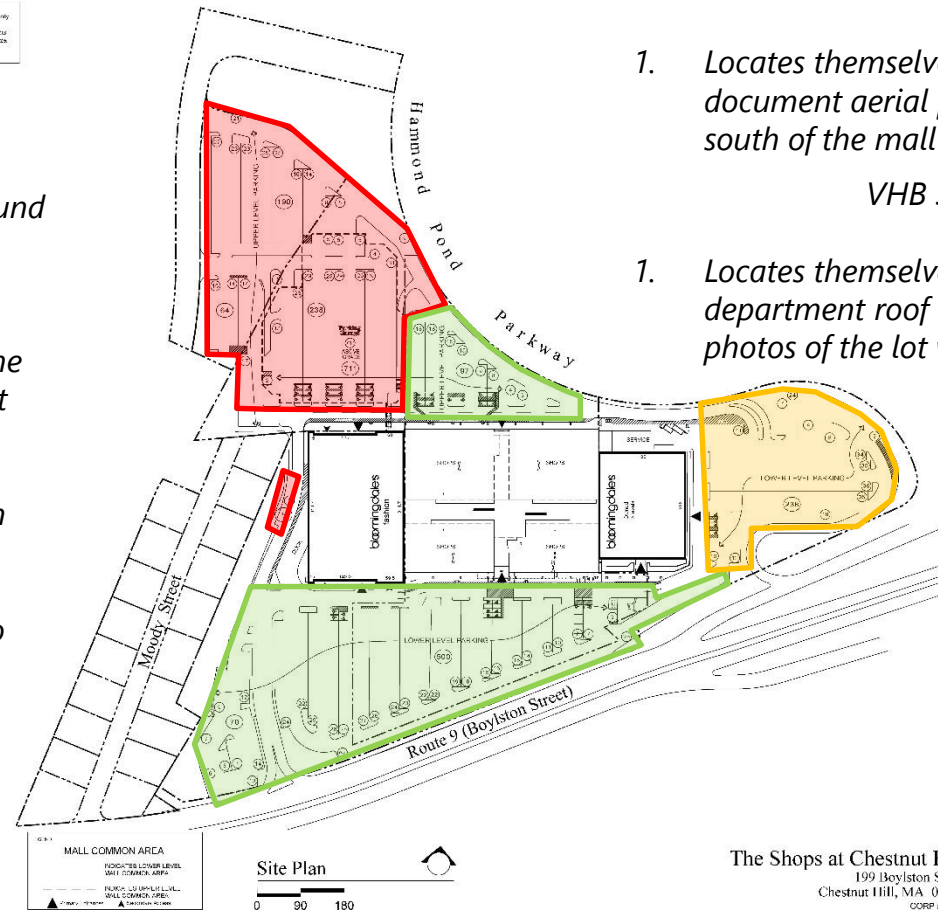
1. Travels between the ground floor, P1, P2, and roof to account for garage occupancies
2. Locates themselves on the garage roof to document aerial photos of the lots north and west
3. Walks to the roads north and south of the garage where parallel parked vehicles are permitted to count occupied spaces.

VHB Staff Person B

1. Locates themselves on the central mall roof to document aerial photos of the lots north and south of the mall

VHB Staff Person C¹

1. Locates themselves on the Bloomingdale Men's department roof (east side) to document aerial photos of the lot west of the mall.



Project Data	
RE DEVELOPMENT	117,730
RE DEVELOPMENT FISH	176,513
TOTAL DEVELOPMENT SQUARE FEET	294,243
Level 01	85,678
Level 02	87,270
Total Small Shops (Sq Ft)	172,948
Total GFA	470,201
TOTAL PARKING SPACES	2,113
SPACES/1,000 SF OF GFA	4.48
MOOREHEAD February 24, 2017	

The Shops at Chestnut Hill
199 Boylston Street
Chestnut Hill, MA 02467
CORP # 7801



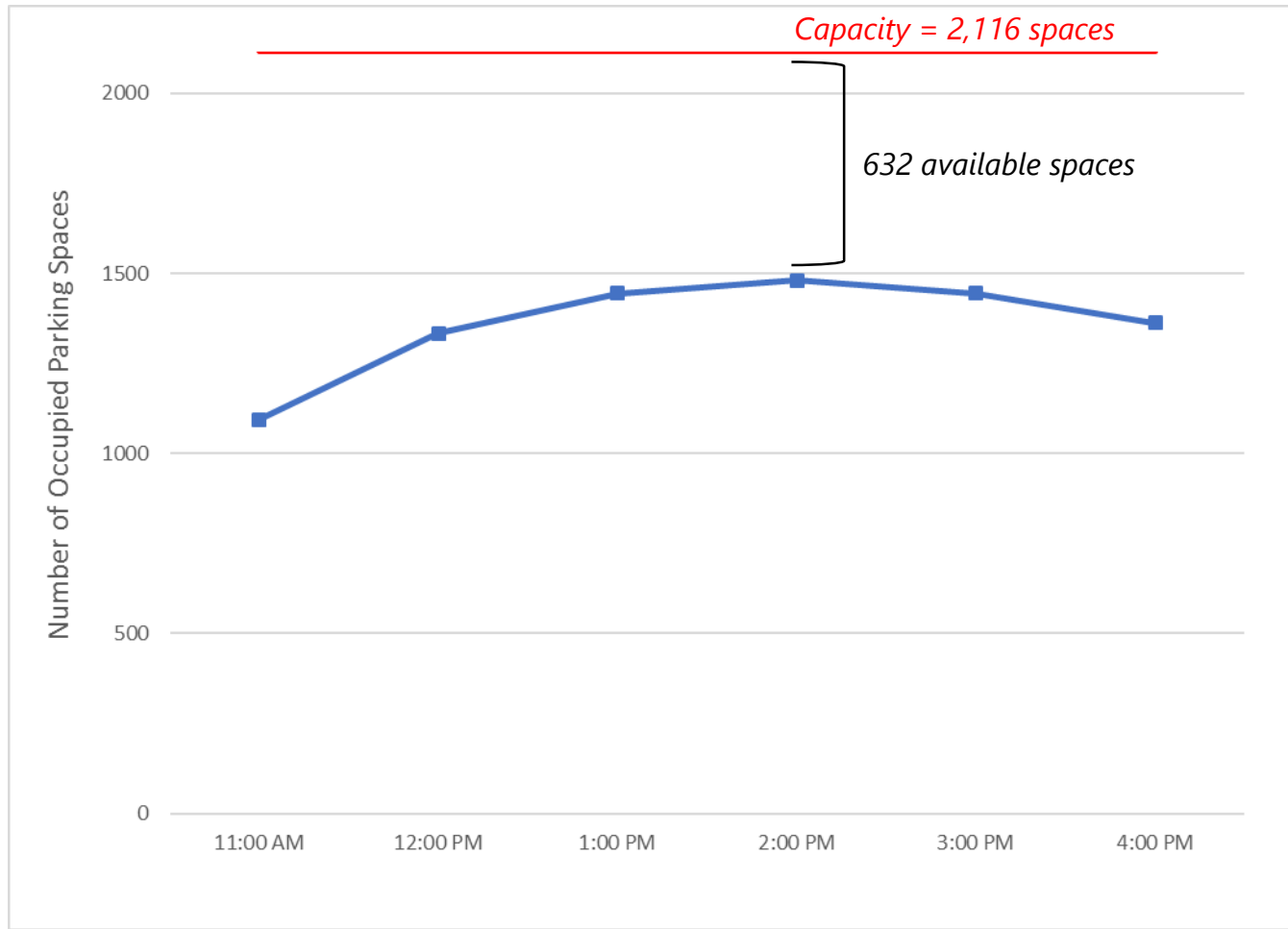
¹ Requires Bloomingdale's security to access Bloomingdales' roof



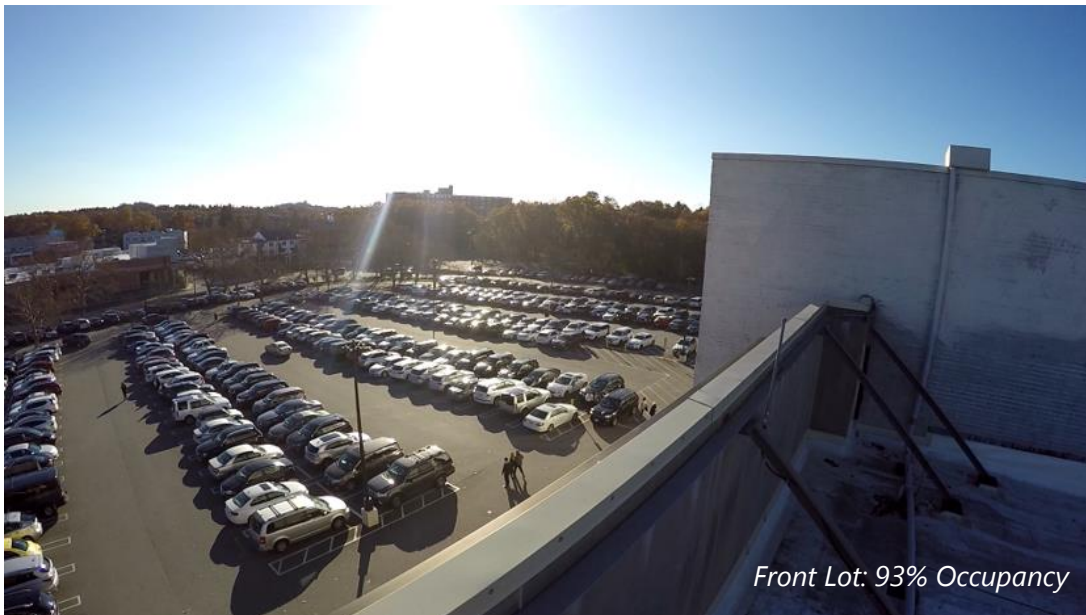
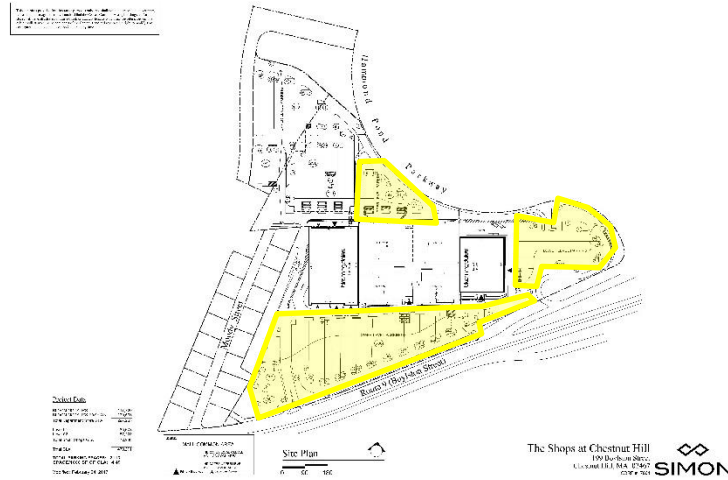
Observation Days

	11:00 AM - 4:00 PM Hourly Occupancy Counts
Black Friday	Friday November 24, 2017
Holiday Shopping Season Weekday	Wednesday December 13, 2017

Black Friday (November 24, 2017) Parking Occupancy



Black Friday (November 24, 2017) Peak Occupancy: 2:00 PM – Surface Lots

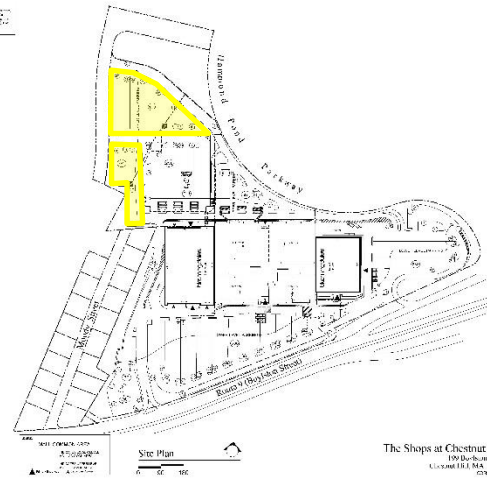


Black Friday (November 24, 2017) Peak Occupancy: 2:00 PM – Surface Lots



West Rear Lot: 37% Occupancy

1. THE SHOPS AT CHESTNUT HILL
2. THE SHOPS AT CHESTNUT HILL
3. THE SHOPS AT CHESTNUT HILL



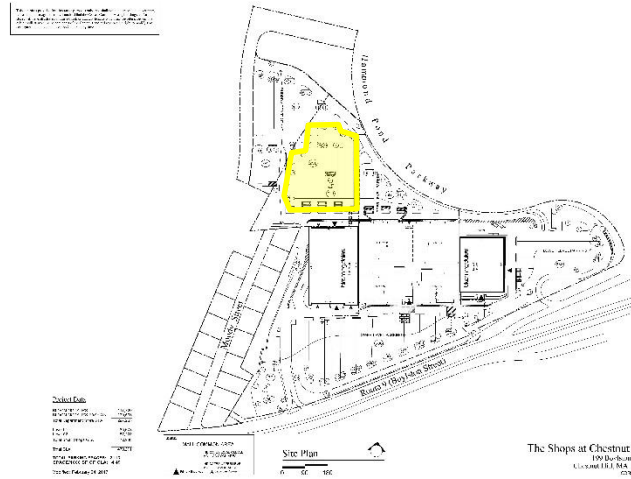
North End
1. THE SHOPS AT CHESTNUT HILL
2. THE SHOPS AT CHESTNUT HILL
3. THE SHOPS AT CHESTNUT HILL
4. THE SHOPS AT CHESTNUT HILL
5. THE SHOPS AT CHESTNUT HILL
6. THE SHOPS AT CHESTNUT HILL
7. THE SHOPS AT CHESTNUT HILL
8. THE SHOPS AT CHESTNUT HILL
9. THE SHOPS AT CHESTNUT HILL
10. THE SHOPS AT CHESTNUT HILL

The Shops at Chestnut Hill
1000 BASSETT STREET
CHESTNUT HILL, MA 01797
SIMON



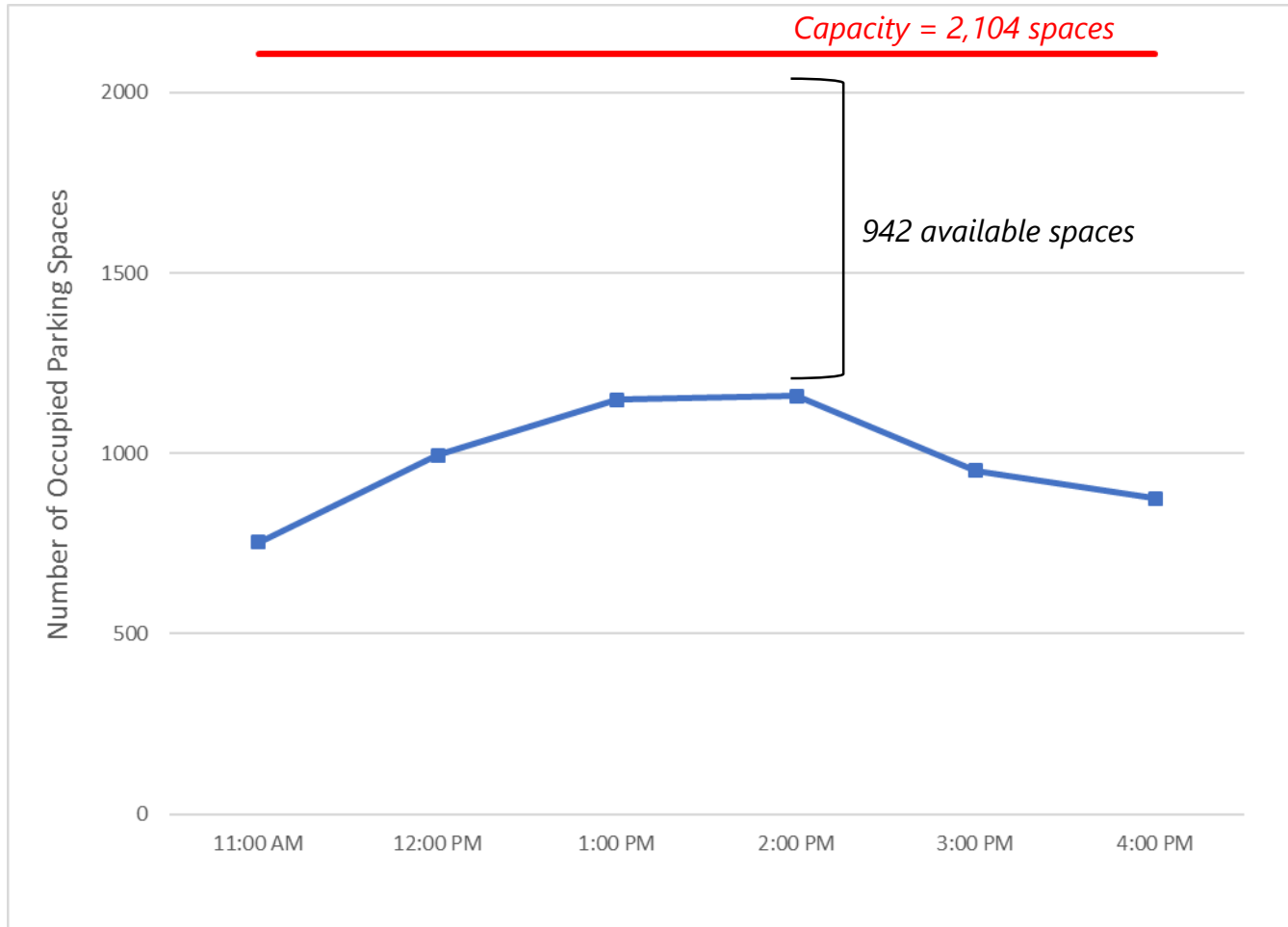
North Rear Lot: 45% Occupancy

Black Friday (November 24, 2017) Peak Occupancy: 2:00 PM – Garage



Wednesday (December 13, 2017)

Parking Occupancy

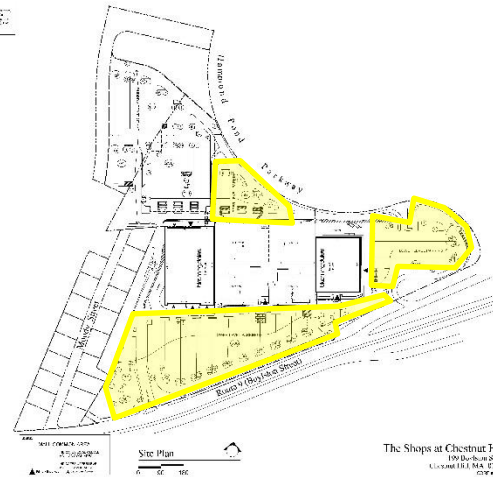


Wednesday (December 13, 2017)

Peak Occupancy: 2:00 PM – Surface Lots



1. THE SHOPS AT CHESTNUT HILL
 2. CHESTNUT HILL
 3. CHESTNUT HILL
 4. CHESTNUT HILL

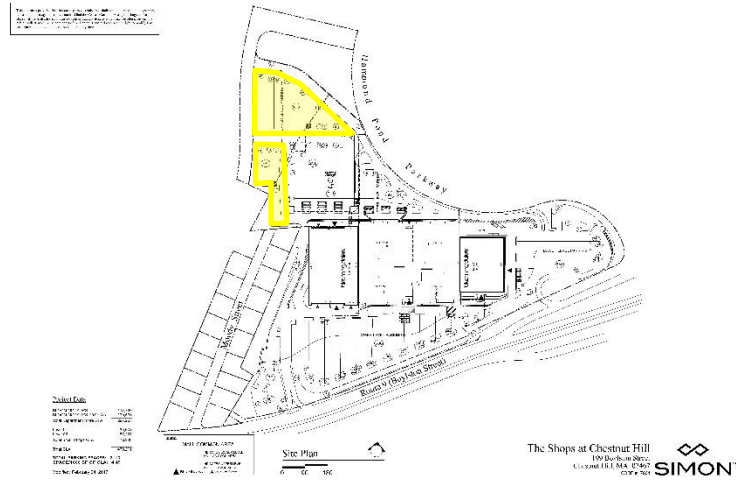


North Arrow
 1" = 50'
 1" = 100'
 1" = 200'
 1" = 400'



Wednesday (December 13, 2017)

Peak Occupancy: 2:00 PM – Surface Lots



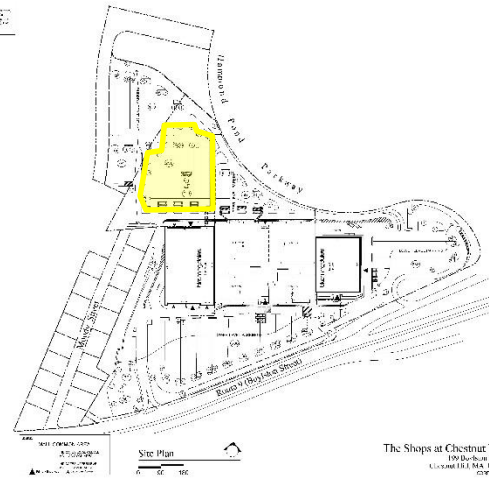
Wednesday (December 13, 2017)

Peak Occupancy: 2:00 PM – Garage



P2: 43% Occupancy

1. THE SHOPS AT CHESTNUT HILL
2. THE SHOPS AT CHESTNUT HILL
3. THE SHOPS AT CHESTNUT HILL



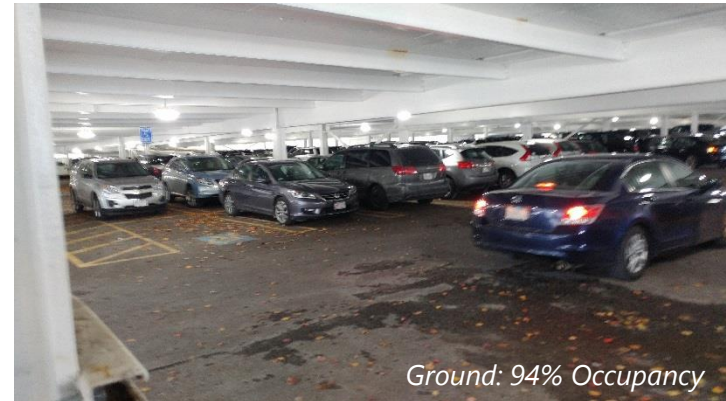
North Arrow
Scale: 1" = 100'
DATE: 12/13/17
PROJECT: THE SHOPS AT CHESTNUT HILL
DRAWN BY: [Name]
CHECKED BY: [Name]

Site Plan
0 50 100

The Shops at Chestnut Hill
100 CHESTNUT HILL
LYNNFIELD, MA 02146
SIMON



P1: 44% Occupancy



Ground: 94% Occupancy

Key Findings

1. Peak parking occupancy was observed at:
 - 2:00 PM on Black Friday (November 24, 2017)
 - 2:00 PM on Wednesday (December 13, 2017)
2. The maximum occupancy was:
 - 70% on Black Friday (November 24, 2017)
 - 55% on Wednesday (December 13, 2017)
3. Drivers park as close as possible to the mall entrances/exits
4. Drivers circulate throughout the front and side surface lots as they approach capacity
5. Spaces located in the rear lots (behind the garage), the roof and P2 levels of the garage, and the lower section of the front lot generally the least popular spots. These were observed to be the last resort for parkers.
6. Few occurrences of vehicles parking in unstriped spaces were observed
7. 3 electric vehicle spaces are provided by the rear mall entrance



Ruthanne Fuller
Mayor

Attachment F

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
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TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: March 5, 2018

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Tim Fox, Development Director
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: **Request for a waiver of 496 parking stalls, to allow non-accessory parking and to amend Special Permits #43-10 and 307-12(2)**

Applicant: Simon Malls	
Site: 199 Boylston Street	SBL: 65008 0100,
Zoning: BU1	Lot Area: 324,691 square feet
Current use: Shopping center	Proposed use: No change

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. There have been a number of special permits on the property relative to signage and parking. An 11-stall parking waiver was granted in 2010 for a proposed restaurant, and another was granted in 2012 to waive 111 parking stalls for the addition of three restaurants.

The petitioner requests a special permit for non-accessory parking to allow for the leasing of 496 parking stalls to off-site third party users. A shuttle bus with accommodations for pick-up and drop-off at the existing on-site bus stop will be provided for the non-accessory parkers. The petitioner intends to make improvements to the site which include the addition of four accessible parking stalls, including two van spaces near the shuttle/bus stop, a crosswalk with accessible ramps connecting the shuttle stop to the parking garage, and minor sidewalk and curb improvements. To allow for the proposed non-accessory parking requires a special permit, as well as amendments to the existing special permits.

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

- Zoning Review Application, prepared by Tim Fox, Simon Malls, dated 1/6/2018
- The Shops at Chestnut Hill Parking Study, prepared by VHB, submitted 1/6/2018

ADMINISTRATIVE DETERMINATIONS:

1. There are two existing special permits for the property, #43-10 and #307-12(2), which both require amending to allow for the proposed non-accessory parking.
2. The property currently is improved with a total of 2,116 parking stalls within several parking areas comprised of 1,167 surface stalls and 949 stalls within a four-level garage. The petitioner proposes to lease 243 stalls on the top level of the parking garage and 253 stalls in the surface parking lots located northwest and southwest of the existing garage. The lease would be with an off-site third party user who would operate a shuttle bus to transport those who park to the Longwood area. Parking for off-site users has been determined to be "non-accessory parking". While a definition of "non-accessory parking" does not exist in the Ordinance, it is generally accepted to mean parking which is not accessory to the uses found on the property. Per section 4.4.1, a special permit is required to allow single- and multi-level non-accessory parking.
3. There are a total of 2,116 parking stalls on the property. Special Permit #43-10 granted an 11-stall waiver in 2010. Special Permit #307-12 granted a 111-stall waiver for three restaurants in 2012. This special permit was amended in 2013, but the amendment (#307-12(2)) did not impact the parking. The most recent parking calculation done for the 2012 waiver indicated a parking demand of 2,192 stalls, which included the three proposed restaurants. The current supply of 2,116 stalls and the parking waivers totaling 122 stalls provide a total of 2,238 stalls, creating a surplus of 46 stalls. While the existing uses of the property create a parking demand of 2,192 stalls, according to the VHB study submitted as part of this application, the actual parking demand is closer to 1,500 on a peak shopping day (Black Friday) and 1,160 on a typical day, showing an excess of 635 to 945 spaces.

In the interest of allowing flexibility to the mall for future tenants, the petitioner requests a waiver for all 496 stalls used in the non-accessory parking per sections 5.14 and 5.1.13.

See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
	Request to amend Special Permits #43-10 and #307-12	
§4.4.1	Request to allow non-accessory parking	S.P. per §7.3.3
§5.1.4 §5.1.13	Request to waive 496 parking stalls	S.P. per §7.3.3