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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

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