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ZONING REVIEW MEMORANDUM

Date: April 11, 2017

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Alan Schlesinger, Attorney representing applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to amend Board Order #2-15, to reduce required parking/parking waiver, to waive certain provisions relative to parking, and to approve a comprehensive sign package

Applicant: Atrium Wellness Center, LLC	
Site: 300 Boylston Street	SBL: 82002 0001
Zoning: BU1	Lot Area: 125,771 square feet
Current use: Approved for mixed use	Proposed use: No change

Background:

The subject property consists of 125,771 square feet and is currently improved with a structure formerly known as The Atrium Mall, a mixed use shopping center with underground parking. The property was developed by right in 1986 for retail purposes. A 1988 amendment to the Zoning Ordinance changed the dimensional requirements for the district and rendered the structure nonconforming due to height and setbacks. The building has approximately 280,000 square feet of commercial tenant space, with common areas and several levels of underground parking.

The applicant received a special permit in 2015 to repurpose the building into a mixed-use facility. The primary tenant of the building will be Life Time Fitness, a comprehensive fitness, medical office and wellness use including a restaurant, retail and spa spaces now under construction (tenant fit out) on existing levels one and two and occupying approximately 111,650 square feet. Fertility Lab Sciences is

a medical office use now under construction (tenant fit out) and occupying approximately 18,000 square feet on the third floor. A proposed medical orthopedic center and outpatient/ambulatory care facility is expected to occupy approximately 78,000 square feet on the fourth floor, and a financial investment firm is expected to occupy approximately 12,000 square feet on the third floor. Approximately 61,500 square feet on the third floor remain available for lease, and approximately 16,000 square feet remain available on the second floor in the space formerly occupied by the Cheesecake Factory. There are currently 1,045 parking stalls on site.

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

- Zoning Review Application, prepared by Alan Schlesinger, attorney, dated 3/7/2017
- Parking Analysis, prepared by Alan Schlesinger, attorney, dated 3/7/2017
- Letter from Eve Tapper, Chief Zoning Code Official, dated 3/22/2010
- Letter from Howard A. Levine, attorney, dated 3/25/2010
- Board Order #2-15, dated 4/6/2015
- Comprehensive Signage and Parking Summary, prepared by Stantec, dated 3/7/2017
 - Lease Plan – Level 1
 - Lease Plan – Level 2
 - Lease Plan – Level 3
 - Lease Plan – Level 4
 - Parking Plans
 - Building Signage – Boylston Street
 - Building Signage – Boylston Street Rendering
 - Previous Existing Conditions – Boylston Street Image

ADMINISTRATIVE DETERMINATIONS:

1. Board Order #2-15 was approved in April 2015, authorizing the repurposing of the existing vacant building into a mixed use commercial facility containing general office, medical office, lab, retail and restaurants. This application does not seek any changes to these uses or to the structure. However, as there are likely to be conditions imposed on a new special permit, the applicant seeks to amend the existing board order to consolidate all of the conditions.
2. The building consists of approximately 281,196 square feet of interior space, with the primary tenant, Life Time Fitness, occupying approximately 111,650 square feet on two levels. Life Time Fitness will be a comprehensive fitness, medical office and wellness use including a restaurant, retail and spa uses. As Life Time Fitness is an aggregate of several uses in a single leased space, the parking is calculated based on those individual uses, rather than under the general “health club” category. The parking requirements for the various uses are as follows:

Life Time Fitness	Square Footage	Parking Ratio	Parking Requirement
Health Club/Fitness	73,000 square feet 15 employees	1/150 1/3	487 5
Medical Office	9,250 square feet	1/200	47
Office	4,100 square feet	1/333*	13
Child Care	6,600 square feet 8 employees	For employees only** 1/1	8
Restaurant	7,900 square feet 66 seats 9 employees	1/3 1/3	22 3
Salon (service/retail)	5,000 square feet 6 employees	1/300 1/3	17 2
Storage/mechanical	5,800 square feet	1/2500	3
TOTAL	111,650		607***

*Section 5.1.4 allows for a reduction in the parking requirement to 1 stall per every 333 square feet in a building with more than 20,000 square feet of office space.

** The child care available on the premises is intended for use by employees of the business and those attending the gym. As such, the child care will not be open to those not already intending to be in the building, and it is unreasonable to require additional stalls based on the number of children.

*** If the entire occupancy of Life Time Fitness was calculated as a health club, as opposed to breaking down the individual uses, the parking requirement would be 745 stalls.

3. There are several other uses proposed within the building, including 78,000 square feet of medical office for an orthopedic outpatient ambulatory care facility, a fertility lab, and a financial planning office. If the most intensive use of the still-vacant spaces is presumed (medical office), the **total** required parking for all of the proposed uses of the building include:

Tenant	Use	Gross Floor Area of Use	Parking per Section 5.1	# of stalls required
Life Time Fitness	Health Club, retail, office, service, restaurant	111,650	See Note 2	607
Fertility Lab Sciences	Medical office	18,000	1/200	90
Arctaris	General office	12,000	1/333	36
Medical Orthopedic Outpatient/Ambulatory Care	Medical office	78,000	1/200	390
Sub-total (4 tenants)				1,123
Balance of Building	Medical Office	61,546	1/200	308
TOTAL		281,196		1,431

4. The property received a special permit in 1991 waiving 72 parking stalls to allow for The Cheesecake Factory restaurant. Another restaurant sought relief from parking in 1998, and the Board of Aldermen granted a special permit that allowed a parking demand for any mix of uses not to exceed 1205 stalls. At the time these permits were issued, the existing parking count was 1,063 stalls, where there now exist 1,045. The cap of 1,205 required stalls created a credit of $(1,205 - 1,063 =)$ 142 more stalls than exist. At the last count in 2010, the uses on site required 1,133 stalls. Using this credit with current conditions, the property would be allowed to be tenanted to $(1,045 + 142 =)$ 1,187 stalls.

The currently tenanted uses at the property will require 1,123 parking stalls. As there is a credit of 1,187 stalls, these uses are currently allowed under the existing parking credit. This credit may also be determined using the formula of $A - B + C = \text{the parking requirement}$ found in Section 5.1.3.B where:

- A = 1,123 (the current parking demand)
- B = 1,133 (the 2010 parking demand)
- C = 1,045 (actual number of stalls available)

$$1,123 - 1,133 + 1,045 = 1,035 \text{ stalls required}$$

Utilizing the formula found in Section 5.1.3.B, 1,035 stalls would be required for the currently tenanted uses, where 1,045 physically exist. No waiver is required for what has been tenanted to date.

5. However, for the property to be fully tenanted, a parking demand of 1,431 stalls is presumed. While a parking credit may apply, the simplest method of calculating a waiver for parking should be used. Section 5.1.13 provides that the Council may waive the parking requirement if literal compliance with the number of stalls required by the Ordinance is impractical. Per Section 5.1.4.A, 1,431 stalls are required for the total tenancy of the building, where 1,045 exist. A waiver of 386 parking stalls is required.

In the alternative, Section 5.1.4.C allows the Council to grant a special permit for a one-third reduction in the required parking for a single development with three or more uses. Utilizing this provision, a one-third reduction in the required 1,431 stalls produces a parking requirement of 954 stalls, which is less than the 1,045 on site.

In either case, a special permit to waive 386 stalls, or reduce the parking demand by one-third to 954 stalls is required.

6. The applicant is not proposing any physical modifications to the existing nonconforming underground parking facility. The stalls are nonconforming with regard to minimum dimensions, with most measuring 7.9 feet wide by 18 feet deep, as well as to the requirements for end stalls. Other nonconformities may exist but are not documented on submitted plans. To the extent that the Council feels it is necessary to legitimize any aspect of the existing parking which does not meet the requirements of Section 5.1, the applicant seeks a waiver through Section 5.1.13.

7. The applicant is submitting a comprehensive sign package for the entire building permitting signs for each of the separate tenants. Per Condition #10 of Board Order #2-15, the applicant must have the sign package reviewed by the Urban Design Commission.

Section 5.2.8 allows for two principal signs on corner lots, such as this, with a maximum of 100 square feet per each sign. Two secondary signs are allowed per each frontage as well, with a maximum of 50 square feet each. The applicant is proposing three principal signs and six secondary signs, one per each tenant as well as one identifying the building. One exterior pylon sign is proposed. To the extent that the proposed signs exceed the number or dimensions allowed, or do not meet any other standard required by Section 5.2, the applicant seeks an exception to these standards through Section 5.2.13.

Proposed Signage	Quantity	Sign Area SF	Sign Message
Principal Sign	1	100	Life Time Athletic
Principal Sign	1	50	Medical Orthopedic Center
Principal Sign	1	50	Tenant TBD
Secondary Sign – Building Identity	1	63	Life Time Center *
Secondary Sign	1	25	Tenant Retail TBD
Secondary Sign	1	25	Tenant Retail TBD
Secondary Sign	1	37.5	LT Medical
Secondary Sign	1	37.5	LifeSPA
Secondary Sign	1	40	LifeCafe
Pylon Sign (existing nonconforming)	1	23	Life Time Center (Illuminated)

*Two-sided perpendicular wall sign

8. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Zoning</i>	<i>Action Required</i>
§5.1.4.A, §5.1.13 -or- §5.1.4.C	To waive 386 parking stalls -or- To allow a 1/3 reduction in the required stalls	S.P. per §7.3.3
§5.1.13	To waive any requirements for parking facilities with more than five stalls as necessary	S.P. per §7.3.3
§5.2.13	To waive regulations relative to signs as necessary	S.P. per §7.3.3