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ZONING REVIEW MEMORANDUM

Date: June 4, 2018

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Joanne Azar, Bloomingdale's
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: Request for a temporary waiver of 153 parking stalls for the annual outdoor Rug Event tent structure and to allow a restaurant with more than 50 seats

Applicant: Bloomingdale's	
Site: 175 Boylston Street	SBL: 65008 0099, 65008 0099A, 65008 0100, 65008 0004
Zoning: BU1	Lot Area: 190,368 square feet (175 Boylston St)
Current use: Shopping center	Proposed use: No change

BACKGROUND:

The property at 175 Boylston Street consists of a 190,368 square foot lot used in conjunction with land at 199 Boylston Street (SBL 65008 0100), 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 Special Permit #307-12 was granted in 2012 waiving 111 parking stalls for the addition of three restaurants.

Special Permit #42-12 was issued in 2012 and authorized a temporary waiver of 153 parking stalls for an annual open air sales event in the two weeks leading up to Labor Day. This special permit was valid for five years, and expired on March 19, 2017. The petitioner requests a new special permit waiving 153 parking stalls to continue this annual event.

Additionally, the petitioner seeks to add four outdoor tables (eight to ten seats) and one employee to the existing 50-seat restaurant 40 Carrots within the Bloomingdale's store.

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

- Zoning Review Application, prepared by Joanne Azar, Bloomingdale's, dated 4/20/2018
- Partial site plan, submitted 1/6/2018
- Special Permit #42-12

ADMINISTRATIVE DETERMINATIONS:

1. 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.
2. The petitioner requests a special permit for the temporary erection of an 82 X 246 foot tent within the existing parking area for Bloomingdale's annual Rug Event. The proposed tent structure eliminates the use of approximately 153 parking stalls. The petitioner did receive permission through Special Permit #42-12 in 2012 to waive 153 stalls for this event for five years. The special permit permissions expired in 2017, and a new special permit is required, per section 5.1.4.A.
3. The petitioner seeks to add four outdoor tables (eight to ten seats) and one employee to the Bloomingdale's restaurant, 40 Carrots. The restaurant is currently permitted to allow 50 seats, and the additional seating will produce 58 to 60 seats total. Sections 4.4.1 and 6.4.29 require a special permit for a restaurant with more than 50 seats. Special Permit #307-12 permitted three restaurants with more than 50 seats, and it is unclear whether 40 Carrots was part of that decision. To the extent that the restaurant requires further relief to have more than 50 seats, a modification to the existing Special Permit #301-12 is required.
4. The additional seating and employee increases the parking demand by five stalls, per section 5.1.4.A. As stated above, the current existing supply of 2,116 stalls added with the parking waivers of 122 stalls, provide a surplus of 46 stalls. No parking waiver is required for the additional seating, however the parking surplus is will be reduced to 41 stalls.

There is currently a special permit request (#180-18) before the City Council for a waiver of 496 parking stalls for the leasing of the 496 parking stalls to off-site third party users who will then shuttle those parking on the property to the Longwood area. A detailed parking study submitted with that application indicated an excess of 635 to 945 physical parking spaces on a typical day. The petitioner seeks to waive all 496 stalls, regardless of the permitted surplus or the physical surplus so as not to affect the permitted uses within the mall.

See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
	Request to amend Special Permits #43-10 and #307-12	
§5.1.4 §5.1.13	Request to (temporarily) waive 153 parking stalls	S.P. per §7.3.3
§4.4.1, §6.4.29	Request to allow a restaurant with more than 50 seats	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:

5. Two (2) copies of the completed Special Permit Application (signed by property owner)
6. Filing Fee (see Special Permit Application)
7. Two (2) copies of the Zoning Review Memorandum
8. 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)
9. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
10. One (1) copy of any previous special permits or variances on the property (as applicable)
11. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
12. 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