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ZONING REVIEW MEMORANDUM

Date: July 28, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Alan J. Schlesinger, Attorney
Bright Horizons Children's Centers, Applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request for a parking waiver for a Bright Horizons Children's Center to co-locate within an existing office building

Applicant: Bright Horizons Children's Centers	
Site: 320 Needham Street	SBL: 83 31 26
Zoning: MU1	Lot Area: 97,600 square feet
Current use: Office	Proposed use: Office and day care center

BACKGROUND:

The property at 320 Needham Street consists of a 97,600 square foot lot improved with a multi-tenanted 41,780 square foot office building built in 1961. The property is reached by an access easement over the adjacent parcel at 25-27 Christina Street along the Charles River. There are 166 parking stalls available on the property between two levels of parking.

The Applicant is proposing to locate a Bright Horizons Children's Center in a first-floor, 11,060 square foot space. The center will serve up to 122 children with 25 staff members. The Applicant intends to introduce a play area on the site. The play area will be located on the lower parking level and will necessitate removal of 23 existing parking stalls.

The removal of the existing parking stalls will create a parking deficit which will require a special permit.

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

- Zoning Review Application, prepared by Alan Schlesinger, attorney, dated 6/27/14

- Easement agreement, Middlesex County Reg of Deeds book 14243, page 402, filed 3/18/1981
- Schematic Site Plan, prepared by Stantec, Planning and Landscape Architecture, dated 6/18/2014.
- Construction Plan, prepared by Davis Square Architects, architect, dated 6/2/2014
- Playground Plan, prepared by Studio MLA, architects, dated 6/11/2014
- City of Newton Building Permit Number 256, dated 1/18/1961

ADMINISTRATIVE DETERMINATIONS:

1. The proposed Bright Horizons Children's Center is subject to the administrative site plan review procedure per Section 30-5(a)(2) of the Newton Zoning Ordinance pursuant to Section 30-5(a)(3). This procedure governs the review of uses protected under MGL Chapter 40A, section 3, also known as the "Dover Amendment".
2. The subject site is located in the Mixed Use 1 zoning district and must comply with the dimensional standards of Section 30-15, Table 3. As no changes are proposed for the footprint of the building, there are no issues with regard to dimensional controls for the building. The stationary play structures within the proposed play area are within the required setbacks. Should the applicant change their proposed locations to encroach on the setbacks, the applicant must obtain a "Dover waiver" from the Commissioner of Inspectional Services.
3. Section 30-5(a)(3)(d)i) requires a dense year-round vegetative buffer at least four feet wide and six feet high along the perimeter of any outdoor play area. Any fence must be located inside the required vegetative buffer per state regulation. The plans indicate that the applicant meets this requirement. Should the applicant not be able to meet this requirement, a "Dover waiver" or special permit is necessary.
4. The applicant is proposing 122 students and 25 staff members for the day care facility. Section 30-5(a)(3)(d)(iii) of the Ordinance requires that a day care provide one on-site parking stall per each five students for drop-off and per Section 30-19(d)(16) one stall per each employee. Per the Ordinance, the applicant is required to provide 25 stalls for drop-off and 25 stalls for employees, for a total of 50 stalls.

The remaining 30,720 square feet in the building will continue to be used as office space. Per Section 30-19(d)(11), one parking stall is required per each 250 square feet of space in a professional office up to 20,000 square feet, and one per each 333 square feet of gross floor area in excess of 20,000 square feet. Per the Ordinance, 113 stalls are required for 30,720 square feet of office space.

A total of 163 parking stalls are required for the combined uses.

5. The Applicant proposes to remove 23 stalls to introduce a play area for the day care. There are currently parking 166 stalls. The removal of 23 stalls will reduce that to 143 stalls. The existing office use, and the proposed day care will require 163 parking stalls. A parking waiver is required per Section 30-19(m) to reduce the number of parking stalls required on the site by 20 stalls.

6. Section 30-19(h) sets out the design standards of parking facilities containing more than five stalls. The Ordinance states that no stalls shall be located within a setback distance. Several stalls are located within the setback and require a "Dover waiver" or a special permit.
7. Section 30-19(i) sets out the requirements for interior and perimeter landscaping of parking lots. The applicant requires either a "Dover waiver" or special permit to waive the requirements of this section.
8. The parking facility must meet the lighting requirement of Section 30-19(j)(1) of the Ordinance, or request a "Dover waiver" or a special permit per Section 30-19(m). The submitted plans do not show existing or proposed lighting. The applicant should ensure that the lights do not spread onto adjacent properties and streets.
9. The parking facility must meet the surfacing requirement of Section 30-19(j)(2) of the Ordinance, or request a "Dover waiver". The applicant should ensure that the parking facility meets the requirements for approval from the City Engineer.
10. Section 30-19(k) requires parking facilities greater than 20 stalls to provide space exclusively allocated for bicycle parking. It is unclear from the submitted plans whether or not the applicant meets the requirements of this section. Should the applicant not meet these requirements, they must request and obtain a "Dover Waiver" from the Commissioner of Inspectional Services.
11. While the applicant has not indicated any signs, all signs are subject to the permitting requirements established in Section 30-20.
12. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§30-19(d)(13) §30-5(a)(3)(d)	Parking waiver for 20 parking stalls	S.P. per §30-24
§30-19(h), §30-5(a)(3)(d)	To locate parking stalls within a setback	S.P. per §30-24 or "Dover waiver"
§30-19(i), §30-5(a)(3)(d)	To waive landscaping requirements for the parking lot	S.P. per §30-24 or "Dover waiver"
§30-19(j), §30-5(a)(3)(d)	To waive lighting and surfacing requirements for the parking lot	S.P. per §30-24 or "Dover waiver"
§30-19(k), §30-5(a)(3)(d)	To waive bicycle parking facilities requirements	S.P. per §30-24 or "Dover waiver"