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Barney S. Heath  
Director

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### PUBLIC HEARING MEMORANDUM

Public Hearing Date: June 12, 2018  
Land Use Action Date: August 14, 2018  
City Council Action Date: August 20, 2018  
90- Day Expiration Date: September 10, 2018

DATE: June 8, 2018

TO: City Council

FROM: Barney Heath, Director of Planning and Development  
Jennifer Caira, Chief Planner  
Michael Gleba, Senior Planner

SUBJECT: **Petition #294-18** for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a three-story addition in the BU1 district to be used for mixed uses, to allow a building in excess of 20,000 sq. ft., to extend the existing non-conforming structure with regard to height, to extend the existing non-conforming structure with regard to side setback, to allow a restaurant with more than 50 seats, to waive the requirement of using the A-B+C parking formula, to allow a reduction in the overall parking required by 1/3, to waive 27 parking stalls, to allow parking in the front and side setback, to allow reduced parking stall dimensions, to waive end stall maneuvering space requirements, to allow reduced aisle width, to waive perimeter screening requirements, to waive interior landscaping requirements, to waive requirements for interior planting area, tree planting, and bumper overhang area landscaping, to waive lighting requirements, to waive off-street loading facility requirements in Ward 3, West Newton, at **1314 Washington Street, 31 Davis Street and 33 Davis Street** (Section 33 Block 10 Lots 01, 11, 12), containing approximately 30,031 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 7.8.2.C.1, 7.8.2.C.2, 4.4.1, 6.4.29.C.1, 5.1.3.B, 5.1.13, 5.1.4, 5.1.4.C, 5.1.8.A.1, 5.1.8.A.2, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.C.1, 5.1.8.C.2, 5.1.9.A, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1, 5.1.12 of the City of Newton Rev Zoning Ord, 2015.

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The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



**1314 Washington Street, 31  
Davis Street and 33 Davis Street**

### EXECUTIVE SUMMARY

The subject property is comprised of three lots, 1314 Washington Street, 31 Davis Street and 33 Davis Street, totaling 30,031 square feet in a Business 1 (BU1) zoning district. Currently improved with a bank constructed in 1915 and a surface parking lot with 60 stalls and many nonconformities, the property is bordered by Washington Street to the north, Highland Street to the west and Davis Street to the south. There has been a bank in the existing building since its original construction. The petitioner proposes to construct a three-story addition to the rear of the existing building to allow for multiple uses, including a bank, restaurant/retail, and office space, and to reconfigure the existing surface parking lot into a 49-stall parking facility.

To develop the project as proposed, the petitioner is seeking a special permit granting relief related to several aspects of the proposed structure, including size and height and allowing a restaurant with more than 50 seats, the extension of various dimensional nonconformities, the number and dimensions of parking stalls and the design, landscaping and lighting of the proposed parking facility.

The Planning Department's concerns about the project are generally related to the design and adequateness of the proposed parking facility; it is anticipating additional parking utilization information from the petitioner that is expected to assist in further assessing the proposed development's impact on the surrounding neighborhood.

#### I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- the site is an appropriate location for the proposed three-story building in excess of 20,000 square feet in the Business 1 (BU1) (§7.3.3.C.1);
- the proposed three-story building in excess of 20,000 square feet will adversely affect the neighborhood (§7.3.3.C.2);
- the proposed three-story building in excess of 20,000 square feet will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
- the site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy (§7.3.3.C.5);
- the site in a Business 1 (BU1) is an appropriate location for a restaurant with more than 50 seats (§7.3.3.C.1);
- the proposed restaurant with more than 50 seats will adversely affect the neighborhood (§7.3.3.C.2);
- the proposed restaurant with more than 50 seats 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);
- the proposed extension of the existing structure's nonconformities with regard to height and side setback would be substantially more detrimental than the existing

nonconforming use to the neighborhood (§7.8.2.C.2);

- literal compliance with the parking facility requirements of §5.1 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 three adjacent lots located in West Newton Square at the eastern corner of Washington Street and Highland Street; it also has frontage along Davis Street. The neighborhood has a mix of commercial, municipal and institutional uses as well as residential uses, which are mostly to the north and south (the latter being beyond the Massachusetts Turnpike which it directly to the south), but also includes a single-family dwelling that is directly abuts the property to the east along Davis Street (**Attachment A**). The site and immediately surrounding area are generally zoned Business 1 (BU1) or Public Use (PUB), with an exception being a Multi-Residence 2 (MR2) property directly across Highland Street occupied by a church. There are also various Single- and Multi- Residence districts located several hundred feet to the north and south, including along Webster Street and south of the Turnpike (**Attachment B**).

### B. Site

The subject property is comprised of three lots, 1314 Washington Street, 31 Davis Street and 33 Davis Street, totaling 30,031 square feet in a Business 1 (BU1) zoning district. Bordered by Washington Street to the north, Highland Street to the west and Davis Street to the south and generally level, it is currently improved with a bank constructed in 1915 along Washington Street and a 60 stall surface parking area with and many nonconformities that is accessed via several curb cuts along Highland and Davis streets. The only vegetation on the site is some shrubbery along the bank's Washington Street and Highland Street facades.

## III. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

If approved, principal use of the site will be a mix of bank, retail and/or restaurant and office uses. While these uses are generally allowed by right in a Business 1 zoning district, the petitioner is currently proposing a first floor restaurant with up to 150 seats which, as it would exceed 50 seats, requires a special permit per §§4.4.1 and 6.4.29.C.1.

### B. Building and Site Design

The petitioner proposes to construct a three-story addition to the rear of the existing two-story building, with the resulting expanded structure containing a total of 29,952 square feet of gross floor area. The existing 60 stall surface parking lot would be reconfigured to create 49 parking stalls that would be more conforming in certain aspects than the current 60 stalls.

As presently indicated by the petitioner, the existing one-story bank space will be divided into two spaces- a 2,456 square foot bank and a 5,270 square foot, 150-seat restaurant. The second and third floors will contain, in the aggregate, 11,949 square feet of office space. The office space would be accessed via an entrance along the Highland Street side of the structure.

The existing, ca. 1915 building is listed on the National Register and was found by the Newton Historic Committee to also be importantly associated with historic person(s), events, or architectural or social history; and historically or architecturally important for period, style, architect, builder, or context. The proposed project will retain the front approximately two-thirds of the existing building and demolish the rear portion of the building for a new three-story addition. The proposed three-story rear addition would expand the building's footprint and increase the building's already nonconforming height of 29.5 feet to 40 feet which exceeds the maximum 24 feet allowed by right per § 4.1.3. A special permit is required to further extend the existing nonconforming height (§7.8.2.C.2) as well as to allow a three-story building in a Business 1 zoning district (§§ 4.1.2.B.3 and 4.1.3). The proposed addition will be stepped back from the front of the building, retaining the existing height along the front façade and maintaining views of other nearby important buildings.

Per §4.1.2.B.1, a special permit is required for any development of 20,000 square feet or more of new gross floor area in a Business district.

As discussed in more detail in the attached Zoning Memorandum, the petitioner proposes to construct the rear addition by continuing the existing structure's existing nonconforming side setback of 0 feet. As the addition's proposed height is 40 feet, the east side setback requirement would therefore increase to 20 feet per §4.1.3 and the project requires a special permit to further extend the existing nonconforming side setback per §7.8.2.C.2. The Planning Department notes that the immediate abutter to the proposed addition is a windowless brick wall approximately 9.5 feet from the subject property that is taller than the addition.

C. Parking and Circulation

The subject site currently contains 60 surface parking stalls which are largely nonconforming with regard to setback, dimensional, and landscaping requirements. As detailed in the attached Zoning Review Memorandum, per §5.1.4, the proposed mix of bank, retail and/or restaurant and office uses requires 115 parking stalls (12 for the bank use, 55 for the restaurant, and 48 for the office space).

To use the above approach to determine the parking requirement (i.e., based on the current uses' requirements and the proposed number of parking stalls) the petitioner is seeking a waiver from § 5.1.3.B which provides that when an enlargement or extension of the gross floor area of a building or a change in use increases the parking requirements the so-called "A-B+C" formula should be used, where "A" is the number of stalls required per §5.1 and "B" is the number of stalls that would have been required under §5.1 prior to the date of enlargement or change of use and "C" is the number of off-street parking stalls located on the premises prior to the date of enlargement or change of use. This formula is being waived since the number represented by "C" (the number of off-street parking stalls that

exist prior to the enlargement, extension or change in the formula) is “decreasing” from 60 to 49.

As the project has been characterized as a “single integrated development, of three or more uses” the petitioner is requesting, per §5.1.4.C, a reduction of the required parking of up to one-third to 76 stalls. The petitioner intends to reconfigure the existing surface parking area to contain a total of 49 stalls (many of which would be dimensionally non-conforming). As such, the project requires a further waiver of an additional 27 stalls per §5.1.13.

The petitioner is also requesting an exception from the requirement under §5.1.12 to provide an off-street loading bay. As the petitioner has indicated the intent to introduce a restaurant use into the building the Planning Department requests that the petitioner provide information as to how deliveries would be made to the property, especially if it expected that they would be made curbside via either Washington or Highland streets.

The petitioner submitted a Shared Parking Analysis Memo from Stantec dated May 16, 2018 (**Attachment C**). The analysis found that the peak demand between 8am and 6pm, not accounting for any sharing of parking, would be 59 cars. However, recognizing that the peak times for the office, bank, and restaurant uses would be staggered, the memo shows the peak hour would be noon when the demand would be for 48 cars. Therefore the proposed 49 stalls would be adequate for the on-site uses. While the submitted memo shows the proposed facility would be sufficient for the proposed uses between the hours of 8am and 6pm, given the location of the site in West Newton and the requested waivers to the number of stalls, the intent to establish a 150-seat restaurant, and the request to waive loading area requirements, the Planning Department and Transportation Division have requested the petitioner doing a larger study of parking utilization in the surrounding area. The petitioner has indicated that they will provide this study subsequent to the June 12 public hearing. The Planning Department shall review such information in conjunction with other relevant departments upon its submission and be prepared to discuss it in a working session memorandum.

The proposed parking area as proposed would also require various dimensional exceptions. As referenced above, the existing parking stalls are largely nonconforming with regard to stall width and or depth dimensions per §§5.1.8.B.1-2 which require a stall width of nine feet and depth of 19 feet. Whereas all of the proposed 49 stalls would be nine feet in width, their depths would vary from 16 to 18 feet, requiring an exception to §5.1.8.B.2. Stalls are proposed within the front setbacks along both Highland and Davis streets as well as the side setback along the eastern property line shared with 23 Davis Street, requiring exceptions to §5.1.8.A.1.

Also, regarding maneuverability issues, the proposed parking facility’s 22-foot-wide parking aisle would be nonconforming per §§5.1.8.C.1-2 which require that two-way traffic aisles serving 90-degree parking stalls have a minimum 24 feet aisle width. It would also be nonconforming under § 5.1.8.B.6 as there are end stalls restricted on one or both sides that are not provided with required end-of -aisle maneuvering space of at least five feet in depth and nine feet in width. The Planning Department suggests the petitioner consider

alternative configurations for the parking area, perhaps including one-way flow around the facility, that would allow it to better comply with applicable requirements.

D. Landscape, Lighting and Signage

As proposed the project is also deficient regarding landscaping and lighting requirements.

Section 5.1.9.A.1 requires outdoor parking facilities with more than five stalls to be screened from abutting streets and properties with a strip at least five feet in width and 3.5 feet in height of densely planted shrubs or trees and fencing. While the submitted landscape plan shows some landscaping along the perimeter, including two trees along Davis Street, the petitioner is seeking exceptions to the extent it does not meet the requirements of §5.1.9.A.1. The Planning Department notes that whereas the need for perimeter screening might be questioned along Davis Street, given the location of the Massachusetts Turnpike across that public way, it is unclear why vegetative screening could not be provided along Highland Street where there is a landscaping strip where lawn is proposed and, similarly, why some form of screening, perhaps fencing and/or vegetation could not be provided along the property boundary shared with the abutter at 23 Davis Street.

At least five percent of the interior area of an outdoor parking facility with more than 20 stalls is required, per §5.1.9.B, to be landscaped (this is in addition to any required perimeter landscaping). To be counted toward this requirement, an interior planting area must measure at least 25 square feet and have no dimension less than five feet. Also, one three-inch caliper tree is required for every ten parking stalls. The proposed plans do not indicate any interior landscaping. The petitioner requires an exception to the extent that the proposed parking does not meet the interior landscaping requirements of section 5.1.9.B. As stated above, the Planning Department suggests the petitioner consider alternative configurations for the parking area that could perhaps allow it to be in better compliance with applicable requirements.

Lastly, §5.1.10.A requires that parking facilities which are used at night have security lighting with a minimum intensity of one-foot candle on the entire surface of the parking facility. The petitioner has submitted a site lighting/photometric plan that indicates that certain areas, especially along Highland Street and the property's eastern boundary, will fall below the one-foot candle requirement, a condition that the Planning Department notes could be acceptable owing to concerns about light trespass, especially on adjacent residential properties. The petitioner requires an exception to the requirements of §5.1.10.A to the extent that any proposed lighting in the parking facility does not meet them.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment D**). Based on the completed Zoning Review Memorandum, the petitioner is seeking a Special Permit per §7.3.3 to:

- allow a building in excess of 20,000 square feet (§4.1.2.B.1)

- allow a three-story building in the BU1 district (§4.1.2.B.3, §4.1.3)
- extend a nonconforming structure with regard to height (4.1.3, §7.8.2.C.2)
- extend a nonconforming structure with regard to side setback (§4.1.3, §7.8.2.C.2)
- allow a restaurant with more than 50 seats (§4.4.1, §6.4.29.C.1)
- waive the requirement of using the A-B+C parking formula (§5.1.3.B, §5.1.13)
- allow a 1/3 reduction in overall parking (§5.1.4.C)
- waive 27 required parking stalls (§5.1.4, §5.1.13)
- allow parking in the front and side setbacks (§5.1.8.A.1, §5.1.13)
- allow reduced parking stall dimensions (§5.1.8.B.2, §5.1.13)
- waive end stall maneuvering space requirements (§5.1.8.B.6, §5.1.13)
- allow reduced aisle width (§5.1.8.C.1, §5.1.8.C.2, §5.1.13)
- waive perimeter screening requirements (§5.1.9.A, §5.1.13)
- waive interior landscaping requirements (§5.1.9.B, §5.1.13)
- waive lighting requirements (§5.1.10.A, §5.1.13)
- waive the off-street loading facility requirements (§5.1.1, §5.1.13)

B. Engineering Review

To date the Associate City Engineer has indicated that the petitioner should update the site's water and sewer services and add some storm water collection system to improve water quality and infiltrate some run off; also, the curb sidewalk and aprons around the entire perimeter should be updated to current standards.

The Engineering Division 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.

C. Newton Historic Commission

On February 2, 2018, the Newton Historic Commission waived the demolition delay based on approved plans, stating that it "supports the plan to step the roof-top addition back from the façade to maintain viewsheds of other important buildings in the vicinity, and offers its general support for the effort to restore the historic building" (**Attachment E**).

V. PETITIONER'S RESPONSIBILITIES

The petitioner should provide the further information referenced above, including the additional neighborhood parking study and information about delivery operations, as well as proposed approaches to better comply with parking facility landscaping requirements. The petitioner should also continue to work with the Engineering Division regarding that office's concerns.

**ATTACHMENTS:**

- Attachment A:** Land Use Map
- Attachment B:** Zoning Map
- Attachment C:** Shared Parking Analysis
- Attachment D:** Zoning Review Memorandum
- Attachment E:** Newton Historic Commission Record of Action



# ATTACHMENT A








## Land Use

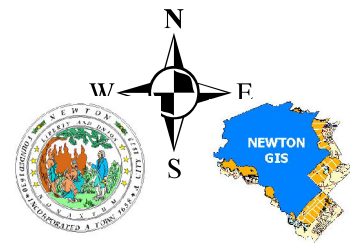
1314 Washington St.

*City of Newton,  
Massachusetts*

## Land Use


### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Mixed Use
-  Open Space
-  Nonprofit Organizations
-  Vacant Land

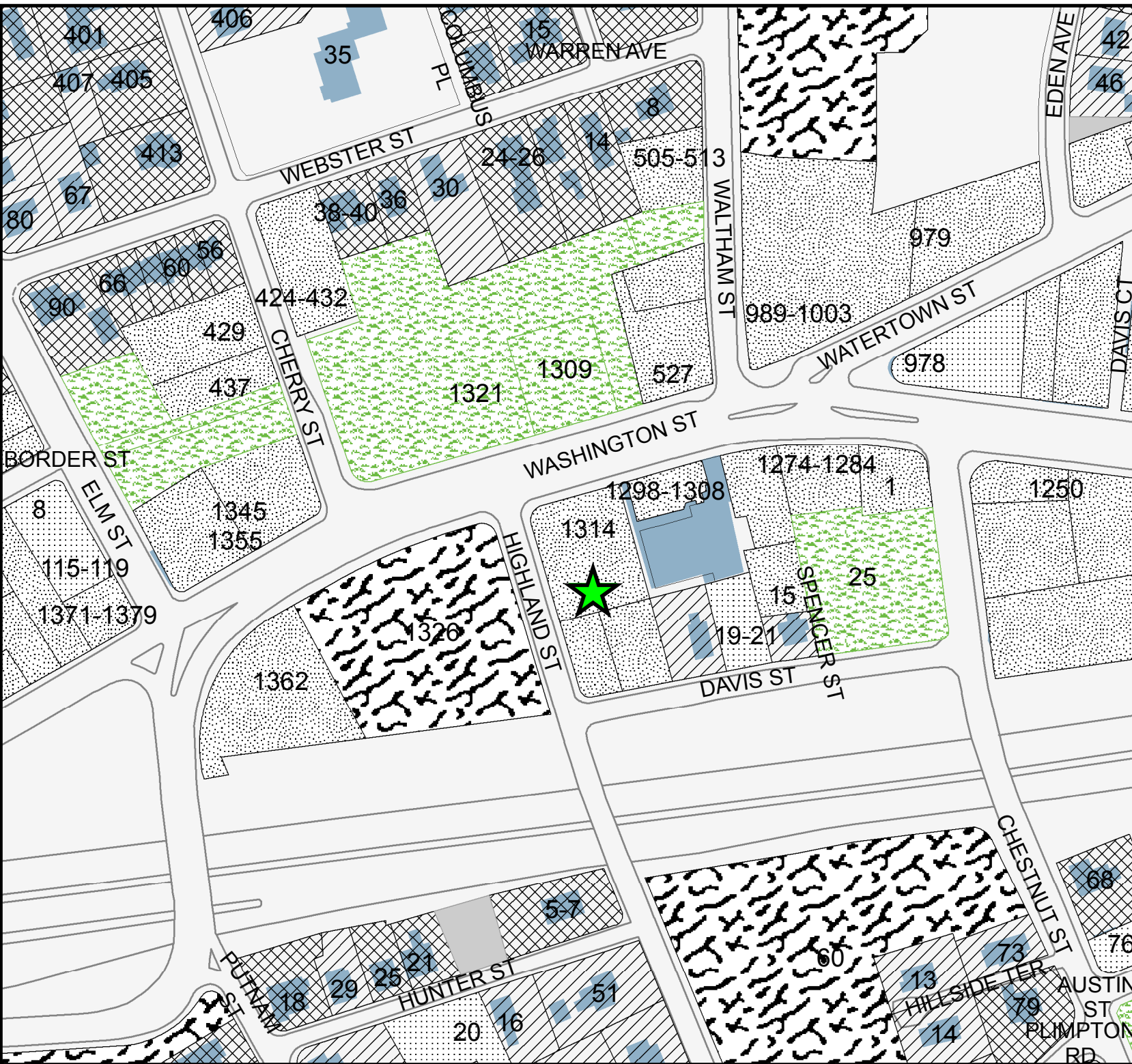


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

0 12.5 50 75 100 125 150 175 200 225  
 Feet

Map Date: June 07, 2018









# ATTACHMENT B

## Zoning

1314 Washington St.

City of Newton,  
Massachusetts

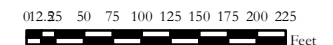
### Legend

-  Single Residence 2
-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 2
-  Multi-Residence 3
-  Business 1
-  Manufacturing
-  Public Use

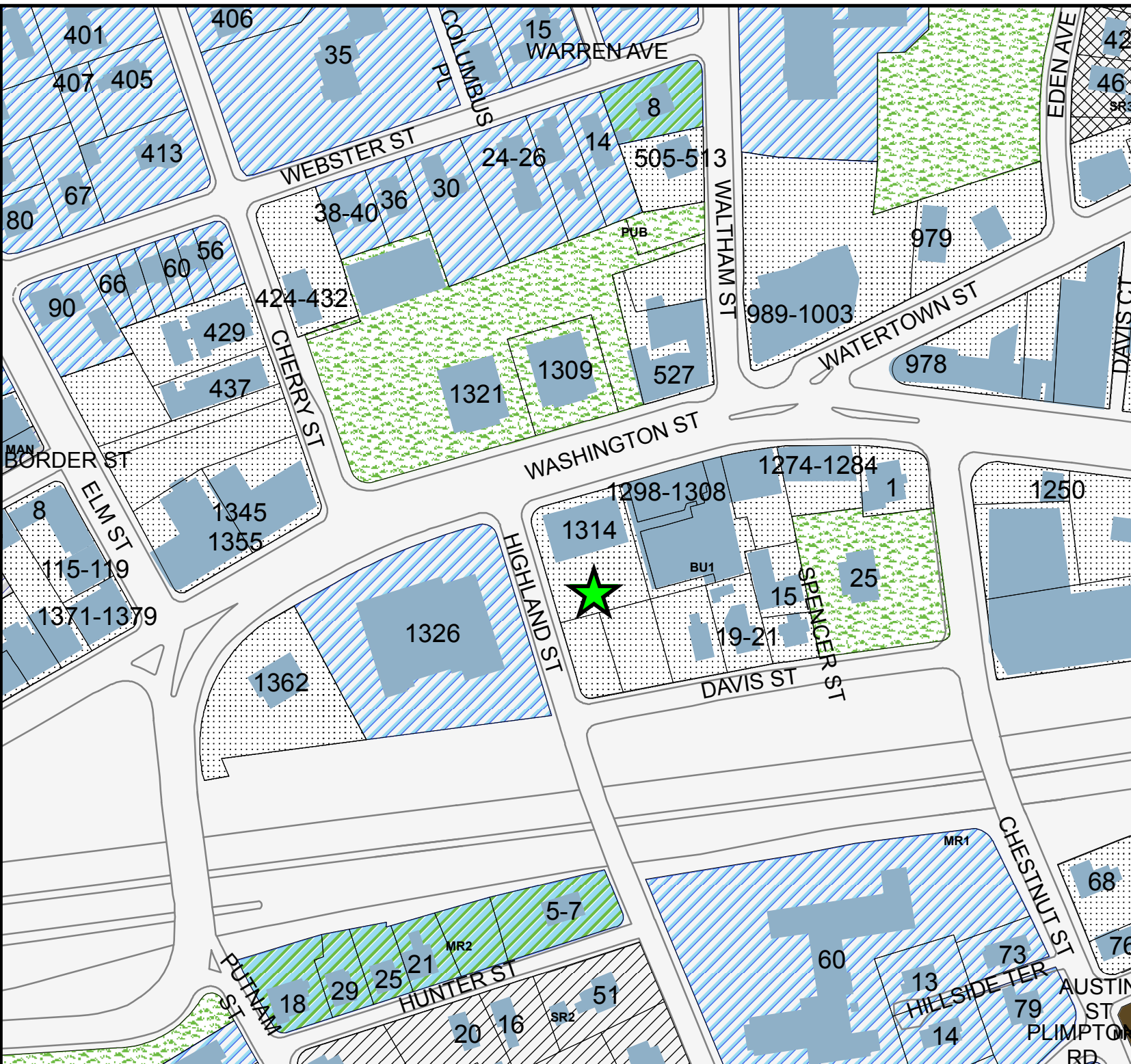


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield



Map Date: June 06, 2018






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To: Damien Chaviano  
Mark Development, LLC

From: Jason Schrieber, AICP  
Stantec, Inc.

File: 1314 Washington Shared Parking Memo

Date: May 16, 2018

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**Reference: 1314 Washington Street Shared Parking Analysis**

Stantec has conducted a shared parking analysis for the proposed redevelopment of 1314 Washington Street in West Newton Center. The program for the site includes the renovation of the existing bank building and the construction of a new three-story addition. The existing rear parking lot will be reconfigured to accommodate 49 cars.

In order to estimate parking demand, Stantec utilized the parking generation rates published by the Institute of Transportation Engineers (ITE) in its Parking Generation Manual, 5<sup>th</sup> Edition. ITE collects data from thousands of sites around the country where actual parking utilization has been reliably observed and recorded. Studies are organized by ITE according to land use type, aggregated, and averaged across a number of dependent variables, such as number of employees, number of residential units, or built floor area. The most common variable is built floor area, because observers need only count parked cars while obtaining floor area from public records or aerial photography. Therefore, gross floor area by land use is the most valuable input to parking demand calculations.

For 1314 Washington, the total floor area by use was obtained from estimated floorplate sizes, which were derived from gross livable area calculations for the property by land use type. In order to calculate the entire building's parking demand, ITE rates or fitted curve equations (derived for non-linear rates) per 1,000 square feet of gross floor area are then applied. The sites land uses, gross floor area, and ITE rates are summarized below.

Use	Size	Units	Parking Rate per unit	Source
Office	17,265	Square Feet	2.47	ITE 701
Bank	2,684	Square Feet	5.67	ITE 912
Restaurant	5,760	Square Feet	10.6	ITE 933

Since most of ITE's data sets come from stand-alone single-use developments in easily-counted suburban locations, their default rates do not reflect any factors that might reduce the need for every building occupant to drive and park. Therefore, ITE recommends adjustments to these rates depending on a project's location based on local data and professional guidance. In the case of 1314 Washington Street, several local context factors impact potential parking demand. These include:

- Proximity to other uses – the site is located in a busy urban square with multiple commercial, governmental and residential properties adjacent or nearby, which attract and generate many trips on foot, rather than by driving. When it is easier or quicker to walk than drive and park, these trips are considered a “captive market” that does not create parking demand. Based on the high density of nearby storefronts, a wide array of uses within a very short distance, and on-site banking and restaurant uses, a captive market reduction of twenty percent (20%) at minimum is recommended<sup>1</sup>.
- Access to other modes of travel – the site is located adjacent to two (2) express bus routes (MBTA routes 553 and 554) and within a short walk of the West Newton commuter rail station. It is also connected to the surrounding

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<sup>1</sup> This estimate is considered conservative. As reported by Bouchner, B., K. Hooper, B. Sperry, and R. Dunphy in NCHRP Report 684, “Enhancing Internal Trip Capture Estimation for Mixed-use Developments,” (Washington, DC: Transportation Research Board, 2011), office to retail internal capture at midday peak is 38% and retail to retail is 31%.

**Reference: 1314 Washington Street Shared Parking Analysis**

neighborhood by a robust sidewalk network, and the City of Newton is rapidly expanding its biking network, with lanes programmed for installation in front of the site next year. Therefore, it is reasonable to assume a twenty percent (20%) reduction in parking demand for site-generated trips by on-site employees<sup>2</sup>. This applies to ten (10%) of restaurant and bank parking demand and eighty percent (80%) of office demand.

Stantec applied these recommended reductions to the base ITE parking generation rates and calculated the straight parking demand by use on-site, as summarized in the table below. While those parking rates reflect an accurate expectation of future parking demand for each use if they had their own parking facility, all three uses will be sharing the same single parking lot. In these situations, a shared parking calculation must be performed to estimate the total parking lot utilization. Stantec applied the standard methodology promulgated by the Urban Land Institute (ULI) in its “Shared Parking” manual, which reports the results of studies from across the country that count hourly parking demand across the hours of the day for various land uses. For office, restaurant and bank uses, both ULI and ITE have robust databases of hourly demand. These are expressed as percentages of the maximum peak observed demand. Stantec applied these percentages to the context-adjusted ITE parking demand results. There are summarized between 8AM and 6PM in the table below for 1314 Washington Street.

Land Use	ITE Unshared Parking Demand	ULI Hourly Shared Parking Demand						ULI Shared Parking Peak Demand (12PM)
		8AM	10AM	12PM	2PM	4PM	6PM	
Office	28 cars	18	27	27	28	25	7	27 cars
Bank	10 cars	2	7	10	10	8	7	10 cars
Restaurant	21 cars	0	0	11	8	6	15	11 cars
<b>Total</b>	<b>59 cars</b>	<b>20</b>	<b>34</b>	<b>48</b>	<b>46</b>	<b>39</b>	<b>29</b>	<b>48 cars</b>

This result reflects the “staggered peaks” of parking demand created by different land uses. As shown above, the office and bank use peak midday (between 12pm and 2pm), while the restaurant doesn’t peak until 6pm. The resulting predicted parking demand for the 1314 Washington Street development is 48 spaces at 12PM, which can be accommodated on-site within the 49-space parking lot.

**STANTEC CONSULTING SERVICES INC.**



**Jason Schrieber, AICP**  
 Senior Principal

Phone: 617-654-6093  
 jason.schrieber@stantec.com

<sup>2</sup> This is a conservative estimate. The latest journey to work data from the American Commute Survey (2016) for the neighborhood of West Newton reports only a 68% drive-alone rate.



Ruthanne Fuller  
Mayor

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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: May 8, 2018

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Stephen J. Buchbinder, Attorney  
HQ, LLC, Applicant  
Barney S. Heath, Director of Planning and Development  
Ouida Young, Acting City Solicitor

RE: **Request to allow a building with more than 20,000 square feet, a restaurant with more than 50 seats, to extend a nonconforming structure, to allow three stories and various waivers for parking**

Applicant: HQ, LLC	
Site: 1314 Washington St, 31 Davis St & 33 Davis St	SBL: 33 10 01, 33 10 11 & 33 10 12
Zoning: BU1	Lot Area: 30,031 square feet
Current use: Bank	Proposed use: Mixed use

### BACKGROUND:

The property 1314 Washington Street is comprised of three lots totaling 30,031 square feet in the Business 1 zoning district currently improved with a bank constructed in 1915 and a surface parking lot with 60 stalls and many nonconformities. The property is bordered by Washington Street to the north, Highland Street to the west and Davis Street to the south. There has been a bank in the existing building since original construction in 1920. The petitioner proposes to construct a three story addition to the rear of the existing building to allow for multiple uses, and to reconfigure the existing surface parking lot to create 49 conforming parking stalls.

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

- Zoning Review Application, prepared by Stephen J Buchbinder, attorney, dated 3/16/2018
- List of Parking Waivers, submitted 3/16/2018
- Parking Calculation, submitted 3/16/2018
- Parking Comparison, submitted 3/16/2018
- Existing Conditions Plan, prepared by Gerry L. Holdright, surveyor, dated 8/1/2017
- Average Grade Plane, prepared by Bohler Engineering, dated 3/5/2018

- Proposed Site Plan, prepared by Bohler Engineering, dated 3/5/2018
- Architectural Plans and Elevations, prepared by Elkus Manfredi, architects, dated 3/19/2018

#### **ADMINISTRATIVE DETERMINATIONS:**

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1. The petitioner proposes to construct a three-story addition to the rear of the existing bank building, resulting in a total of 29,952 square feet of gross floor area. Per section 4.1.2.B.1, a special permit is required for any development in a Business district of 20,000 square feet or more of new gross floor area.
2. The existing building is two stories. The petitioner proposes to construct a three-story rear addition. Per sections 4.1.2.B.3 and 4.1.3, a special permit is required to allow a three-story building in a Business 1 zoning district.
3. The existing building was built in 1915 with a nonconforming height of 29.5 feet, which exceeds the maximum height allowed by right of 24 feet per section 4.1.3. The addition is proposed at 40 feet in height, which exceeds the maximum allowed by right and by special permit. The petitioner requires a special permit to further extend the existing nonconforming height per section 7.8.2.C.2.
4. The existing building is located directly on the side lot line to the east. City records indicate that the directly abutting property to the east is an alleyway and stairs serving the uses at 1286-1308 Washington Street, with the physical building located on the adjacent parcel to the east 9.5 feet from the petitioner's property line. There is no ownership information, lot area, or address available for this small parcel. Section 4.1.3 requires a side setback of half the building height or equal to the abutting side yard setback. As there is no building on the directly abutting property (the alleyway), the required side setback is half the building height of 29.5 feet, or 14.75 feet. The existing building is nonconforming with a setback of 0 feet.

The petitioner proposes to construct a rear addition utilizing the existing nonconforming side setback of 0 feet. The side setback requirement for the addition increases, as the proposed height is 40 feet, increasing the side setback requirement to 20 feet. The petitioner requires a special permit to further extend the existing nonconforming side setback per section 7.8.2.C.2. Regardless of whether the small alleyway lot is a separate lot, or improperly designated in the City records, the petitioner's property has a legally nonconforming side setback, and the requested relief would remain the same should the alleyway be part of the larger parcel at 1286-1308 Washington Street.

5. The petitioner is proposing a mix of uses for the building, including maintaining the bank use, a proposed office use and either retail or restaurant with more than 50 seats. All of these uses are allowed by right in the Business 1 zoning district. However, a restaurant with more than 50 seats requires a special permit, per sections 4.4.1 and 6.4.29.C.1. The petitioner proposes a first floor restaurant with up to 150 seats, requiring a special permit.
6. The petitioner is proposing a mix of uses within the expanded building, anticipating bank, retail and/or restaurant and office uses. After construction, the existing one-story bank space will be reconfigured into two spaces. It is anticipated that the bank use will be maintained in a 2,456 square foot space on the first floor and the remaining 5,270 square feet will be occupied by a 150-seat restaurant. The second and third

floors will comprise 11,949 square feet intended to be occupied by an office use. Per section 5.1.4, the proposed uses require the following parking:

<b>Proposed Use</b>	<b>Zoning Ordinance §5.1.4</b>	<b>Parking Requirement</b>
Bank Use (personal service or retail)	2,456 SF @1 stall/300 SF = 9 stalls 9 Employees @1 stall/3 employees = 3 stalls	<b>12 stalls</b>
Restaurant Use (5,270 SF)	150 seats @ 1 stall /3 seats = 50 stalls 15 Employees @ 1 stall/3 employees = 5 stalls	<b>55 stalls</b>
Office Use (11,949 SF)	11,949 SF @ 1 stall/250 SF = 48 stalls	<b>48 stalls</b>
<b>TOTAL</b>		<b>115 STALLS</b>

The petitioner requires a total of 115 parking stalls, per the requirements of section 5.1.4.

7. Per section 5.1.4.C, a single integrated development with three or more uses may request a reduction of the required parking of up to one-third. Per this section, the petitioner requests to reduce the proposed parking requirement of 126 stalls by one-third, resulting in a new requirement of 76 stalls.
8. There are currently 60 surface parking stalls on the site, which are largely nonconforming with regard to dimensions, setbacks and landscaping. The petitioner intends to reconfigure the existing surface parking, resulting in 49 stalls which are more conforming. If the requested reduction in parking per section 5.1.4.C is granted to allow for a requirement of 76 stalls, the petitioner will require a waiver of 27 stalls per section 5.1.13.
9. Section 5.1.3.B states that when an enlargement or extension of the gross floor area of a building, or a change in use increases the parking requirements, the petitioner shall use the A-B+C formula to determine the number of parking stalls required after the change. In this formula, "C" represents the number of off-street parking stalls that exist prior to the enlargement, extension or change. As the number of existing parking stalls is decreasing from 60 to 49, the figure represented by "C" in the formula is not an accurate representation of the final number of parking stalls. As such, the petitioner requests a waiver from the requirements of section 5.1.3.B and requests to determine the parking based on the current uses' requirements and the proposed number of parking stalls.
10. Section 5.1.8.A.1 requires that no parking locate within any required front or side setbacks. The parking is located at the rear of the property fronted by both Highland and Davis Streets. The petitioner is proposing parking within the required 10 foot front setback, and directly on the abutting side lot line with 23 Davis Street. A waiver from this provision is required to allow parking within the required front and side setbacks.
11. The existing parking is largely nonconforming with regard to stall dimensions per section 5.1.8.B.1 and 2, which require a stall width of nine feet, and a depth of 19 feet. The petitioner proposes to reconfigure the

parking and create stalls which all measure nine feet wide, but vary in depth from 16 to 18 feet. A waiver from the provisions of section 5.1.8.B.2 is required to allow for a reduced parking stall depth.

12. Section 5.1.8.B.6 requires that end stalls restricted on one or both sides have maneuvering space at the end of the aisle of at least five feet in depth and nine feet in width. The petitioner is proposing parking with limited maneuvering space at the end of the aisle, requiring a waiver from this provision.
13. Per section 5.1.8.C.1 and 2, parking facilities with 90 degree parking require a minimum aisle width of 24 feet for two-way traffic. The proposed parking aisle is 22 feet wide. A special permit is required for a reduced aisle width.
14. Section 5.1.9.A.1 requires outdoor parking facilities with more than five stalls to be screened from abutting streets and properties with a strip at least five feet in width and 3.5 feet in height of densely planted shrubs or trees and fencing. The plans do not indicate any landscaping or fencing along the perimeter of the parking facility. To the extent that the proposed parking does not meet the perimeter screening requirements of section 5.1.9.A.1, a special permit is required.
15. Section 5.1.9.B requires interior landscaping for outdoor parking facilities with more than 20 stalls. This section requires an area equivalent to at least five percent of the area of the parking facility be landscaped. An interior planting area must consist of at least 25 square feet with no dimension less than five feet. One three-inch caliper tree is required for every ten parking stalls. The proposed plans do not indicate any interior landscaping. To the extent that the proposed parking does not meet the interior landscaping requirements of section 5.1.9.B, a special permit is required.
16. Section 5.1.10.A requires that parking facilities which are used at night have security lighting with a minimum intensity of one foot candle on the entire surface of the parking facility. To the extent that any proposed lighting in the parking facility does not meet the requirements of section 5.1.10.A, a special permit is required.
17. Section 5.1.12 requires one off-street loading bay for buildings from 5,000 to 50,999 square feet. The proposed expansion will result in a building with a total of 29,952 square feet of gross floor area, requiring one off-street loading bay. The petitioner requests a waiver from this provision.



See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§4.1.2.B.1	Request to allow a building in excess of 20,000 square feet	S.P. per §7.3.3
§4.1.2.B.3 §4.1.3	Request to allow a three-story building in the BU1 district	S.P. per §7.3.3
§4.1.3 §7.8.2.C.2	Request to extend a nonconforming structure with regard to height	S.P. per §7.3.3
§4.1.3 §7.8.2.C.2	Request to extend a nonconforming structure with regard to side setback	S.P. per §7.3.3
§4.4.1 §6.4.29.C.1	Request to allow a restaurant with more than 50 seats	S.P. per §7.3.3
§5.1.3.B §5.1.13	Request to waive the requirement of using the A-B+C parking formula	S.P. per §7.3.3
§5.1.4.C	Request to allow a 1/3 reduction in overall parking	S.P. per §7.3.3
§5.1.4 §5.1.13	Request to waive 27 required parking stalls	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	Request to allow parking in the front and side setbacks	S.P. per §7.3.3
§5.1.8.B.2 §5.1.13	Request to allow reduced parking stall dimensions	S.P. per §7.3.3
§5.1.8.B.6 §5.1.13	Request to waive end stall maneuvering space requirements	S.P. per §7.3.3
§5.1.8.C.1 §5.1.8.C.2 §5.1.13	Request to allow reduced aisle width	S.P. per §7.3.3
§5.1.9.A §5.1.13	Request to waive perimeter screening requirements	S.P. per §7.3.3
§5.1.9.B §5.1.13	Request to waive interior landscaping requirements	S.P. per §7.3.3
§5.1.10.A §5.1.13	Request to waive lighting requirements	S.P. per §7.3.3
§5.1.12 §5.1.13	Waiver of the off-street loading facility requirements	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:**

18. Two (2) copies of the completed Special Permit Application (signed by property owner)
19. Filing Fee (see Special Permit Application)
20. Two (2) copies of the Zoning Review Memorandum
21. 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)
22. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
23. One (1) copy of any previous special permits or variances on the property (as applicable)
24. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
25. 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



Setti D. Warren  
Mayor

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Barney S. Heath  
Director

**Newton Historical Commission Demolition Review Decision**

Date: 2/2/18

Zoning & Dev. Review Project# 18010055

Address of structure: 1314 Washington Street

Type of building : Commercial

If partial demolition, feature to be demolished is \_\_\_\_\_

**The building or structure:**

- is \_\_\_\_\_ is not X in a National Register or local historic district not visible from a public way.
- is X is not \_\_\_\_\_ on the National Register or eligible for listing.
- is X is not \_\_\_\_\_ importantly associated with historic person(s), events, or architectural or social history
- is X is not \_\_\_\_\_ historically or architecturally important for period, style, architect, builder, or context.
- is \_\_\_\_\_ is not X located within 150 feet of a historic district and contextually similar.

is \_\_\_\_\_ **NOT HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance.  
*Demolition is not delayed and no further review is required.*

is X **HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

\_\_\_\_\_ **APPROVES** the proposed project based upon materials submitted see below for conditions (if any).  
*Demolition is not delayed, further staff review may be required.*

X **DOES NOT APPROVE** and the project requires  
Newton Historical Commission review (See below).

The Newton Historical Commission finds the building or structure:

is \_\_\_\_\_ **NOT PREFERABLY PRESERVED**  
*Demolition is not delayed and no further review is required.*

is X **PREFERABLY PRESERVED - (SEE BELOW).**

**Delay of Demolition:**

\_\_\_\_\_ is in effect until \_\_\_\_\_

X has been waived - see attached for conditions

Determination made by:

Please Note: if demolition does not occur within two years of the date of expiration of the demolition delay, the demolition will require a resubmittal to the Historical Commission for review and may result in another demolition delay.



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
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Barney S. Heath  
Director

**RECORD OF ACTION:**

**DATE:** February 2, 2018

**SUBJECT:** 1314 Washington Street

At a scheduled meeting and public hearing on January 25, <sup>2018</sup> ~~2017~~, the Newton Historical Commission, by a vote 6-0, with one recusal:

RESOLVED to find the property at 1314 Washington Street preferably preserved for architectural integrity and historic context, with an 18-month demo delay imposed.

Voting in the Affirmative: \_\_\_\_\_ Voting in the Negative: \_\_\_\_\_ Abstained: \_\_\_\_\_

Nancy Grissom, Chairman  
Jean Fulkerson, Member  
Doug Cornelius, Member  
John Sisson, Member  
Laura Fitzmaurice, Member  
Mark Armstrong, Member

At a scheduled meeting and public hearing on January 25, <sup>2018</sup> ~~2017~~, the Newton Historical Commission, by a vote 6-0:

RESOLVED to waive the demo delay based on approved plans. The Commission supports the plan to step the roof-top addition back from the façade to maintain viewsheds of other important buildings in the vicinity, and offers its general support for the effort to restore the historic building.

Voting in the Affirmative: \_\_\_\_\_ Voting in the Negative: \_\_\_\_\_ Abstained: \_\_\_\_\_

Nancy Grissom, Chairman  
Jean Fulkerson, Member  
Doug Cornelius, Member  
John Sisson, Member  
Laura Fitzmaurice, Member  
Mark Armstrong, Member

Title Reference: \_\_\_\_\_ Owner of Property: \_\_\_\_\_  
Deed recorded at: \_\_\_\_\_ Middlesex (South) Registry of Deeds  
Book \_\_\_\_\_, Page \_\_\_\_\_  
Date \_\_\_\_\_

Katy Hax Holmes, Staff