



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

#294-18
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov
Barney S. Heath
Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: August 3, 2018
MEETING DATE: August 7, 2018
TO: Land Use Committee of the City Council
FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Michael Gleba, Senior Planner
CC: Petitioner

In response to questions raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming public hearing/working session. This information is supplemental to staff analysis previously provided at the Land Use Committee public hearing.

PETITION #294-18 **1314 Washington Street, 31 Davis Street and 33 Davis Street**

Request for 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.

The Land Use Committee (the "Committee") opened the public hearing on June 8, 2018 and continued it to August 7, 2018. This memo reflects revised plans and additional information submitted by the petitioner as of August 2, 2018, as addressed to the Planning Department.

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 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. 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.

At the June 12 public hearing the petitioner was asked to respond to several concerns and submit additional information and materials in advance of the working session. As detailed below the petitioner has submitted some of the additional information as of the writing of this memo. As much of it was received on August 1st or 2nd, Planning staff has either given the material an initial review and/or will do so in advance of the August 7 working session. The petitioner should be prepared to discuss the recently submitted material, as well as any additional requested material, at the working session.

Plan Modifications

The petitioner has indicated that it has reduced the capacity of the proposed restaurant from 150 to 120 seats. As indicated in the attached revised zoning review memorandum (**Attachment A**), this change reduces the required parking waiver from 27 to 21 stalls.

Responding to concerns regarding buffering/screening along abutting property lines, the petitioner has also submitted a modified site plan reflecting the placement of a 6-foot-high fence along the property's east property line shared with the Davis Street abutter.

Parking

The petitioner submitted a "parking counts memo" (**Attachment B**) to the Planning staff on Thursday, August 2. It has been sent to the Transportation Division for its review.

The Planning staff intends to review this document and provide additional information on it at the August 7th and or/subsequent working session. Upon initial review it seems to analyze the existing on- and off- street parking in the vicinity of the subject site. While the collected information about existing private and municipal lots in the area is useful in the context of considering the shared parking proposal currently before the City Council, the Planning Department recommends that the study focus on the available capacities of existing public metered lots and on-street parking. We further recommend that the study also include Friday and Saturday evenings when restaurants and the movie theater can be anticipated to be busy.

The Planning Department is also working with Engineering Division staff to ascertain how the parking information provided in the petitioner's memo intersects with future West Newton Square enhancements.

Additional information

Planning staff has not received supplemental information regarding how deliveries to the parcel, especially the proposed restaurant, would be handled (i.e., whether on-street, in the rear of the structure, etc.). Relatedly, the petitioner is also expected to provide information about any Traffic

Demand Management (TDM) plans and approaches it has for the project.

The petitioner is also expected to provide additional information regarding how the proposed development would address issues related to the efficient use and conservation of natural resources and energy.

ATTACHMENTS:

Attachment A: Updated Zoning Review Memorandum (dated July 26, 2018)

Attachment B: Petitioner's "Parking Counts Memo" (dated July 31, 2018)



Ruthanne Fuller
Mayor

ATTACHMENT A

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: July 26, 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:

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 120 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 120-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:

Proposed Use	Zoning Ordinance §5.1.4	Parking Requirement
Bank Use (personal service or retail)	2,456 SF @1 stall/300 SF = 9 stalls 9 Employees @1 stall/3 employees = 3 stalls	12 stalls
Restaurant Use (5,270 SF)	120 seats @ 1 stall /3 seats = 40 stalls 15 Employees @ 1 stall/3 employees = 5 stalls	45 stalls
Office Use (11,949 SF)	11,949 SF @ 1 stall/250 SF = 48 stalls	48 stalls
TOTAL		105 STALLS

The petitioner requires a total of 105 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 105 stalls by one-third, resulting in a new requirement of 70 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 21 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 21 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

To: Damien Chaviano
 Mark Development, LLC
 File: 1314 Washington Parking Counts Memo







From: Jason Schrieber, AICP
 Stantec, Inc.
 Date: July 31, 2018

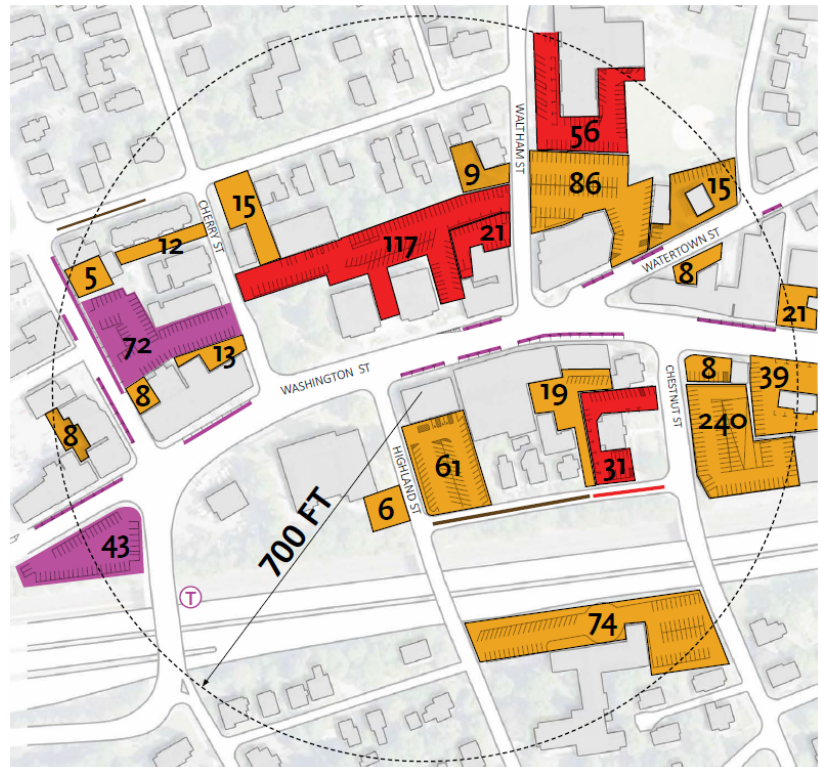
Reference: 1314 Washington Street Parking Counts

In response to requests by City of Newton planning staff, Stantec has conducted a parking occupancy study in West Newton square. The study determines the use of parking within a short walk of 1314 Washington Street throughout an average workday. This analysis also allows a more refined estimate of the future demand for parking from the proposed redevelopment of 1314 Washington Street.

Parking Inventory

An inventory of all public and private, on and off-street parking spaces within a 700-foot radius of the front door of 1314 Washington Street. This distance corresponds to about a 3-minute walk at an average of 3-feet per second, which is an average for most elderly and small children. There are nearly 1,100 spaces within this radius of which over 400 are publicly-controlled and mostly available to the general public. Many of the 600+ private spaces can be used by customers of businesses in the square, similar to the 61 spaces at 1314 Washington itself. A breakdown of spaces by on and off-street categories can be seen in the table and map below.

LEGEND	TOTAL SPACES
 Metered Lot	115
 Municipal	225
 Private	647
 Metered Street Parking	70
 Police Street Parking	8
 Street Parking	26
GRAND TOTAL	1,091



Parking Utilization

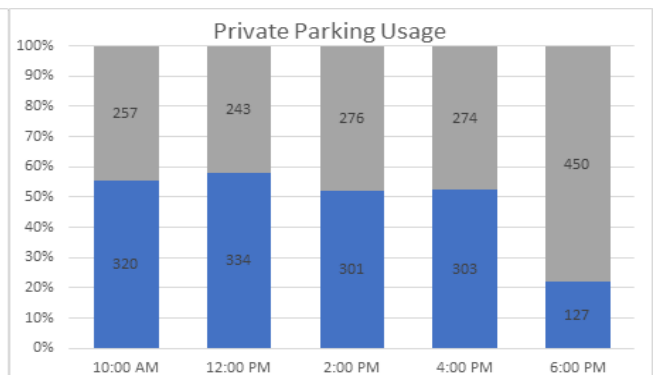
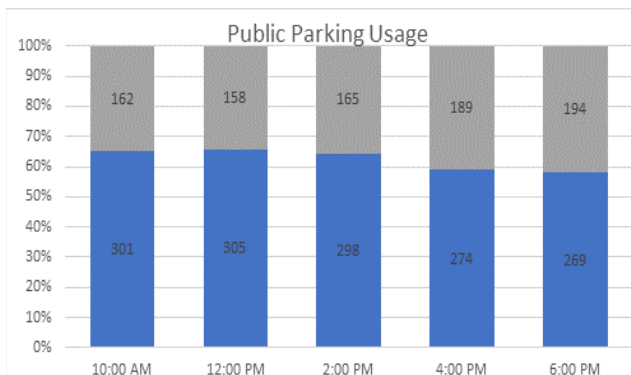
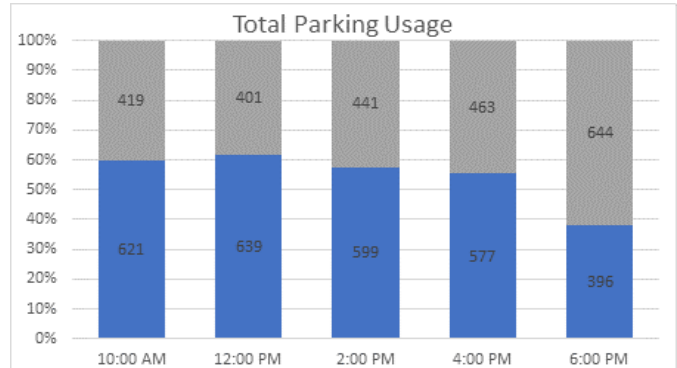
In order to determine the peak parking utilization in the square during an average weekday, parking occupancy counts were conducted on June 21, 2018, a Thursday (generally considered to be the busiest weekday for both office and retail/restaurant uses) when the weather was clear and public schools were still in session.

A data collector counted every space in the inventory once every two hours between 10am and 8pm, which includes the intervals of 10am-12pm, 12pm-2pm, 2pm-4pm, 4pm-6pm, and 6pm-8pm. This methodology enables a full profile of parking use on every available parking space, helping to identify the point of peak demand and available parking at that time. As can be seen in the bar charts below, peak utilization of all spaces is 62% between 12pm and 2pm, with 639 spaces occupied and 401 vacant (this is also the peak period of anticipated demand for the proposed redevelopment of

Reference: 1314 Washington Street Updated Shared Parking Analysis

1314 Washington Street.) Of these 401 vacant spaces, 158 are publicly-controlled parking (65% utilized) and 243 are private spaces (58% utilized), which include customer parking.

The number of vacant spaces remains relatively constant between the hours of 10am and 6pm, with utilization rising from 59% at 10am to 62% at peak, then declining to 55% by 6pm. Vacancy increases significantly between 6pm and 8pm to 644 spaces. This appears to be due mostly to daytime employees heading home, since private parking utilization drops by nearly 200 cars to 22%. Public parking vacancy increases during this dinnertime period only to 194 spaces, or 58% utilized.

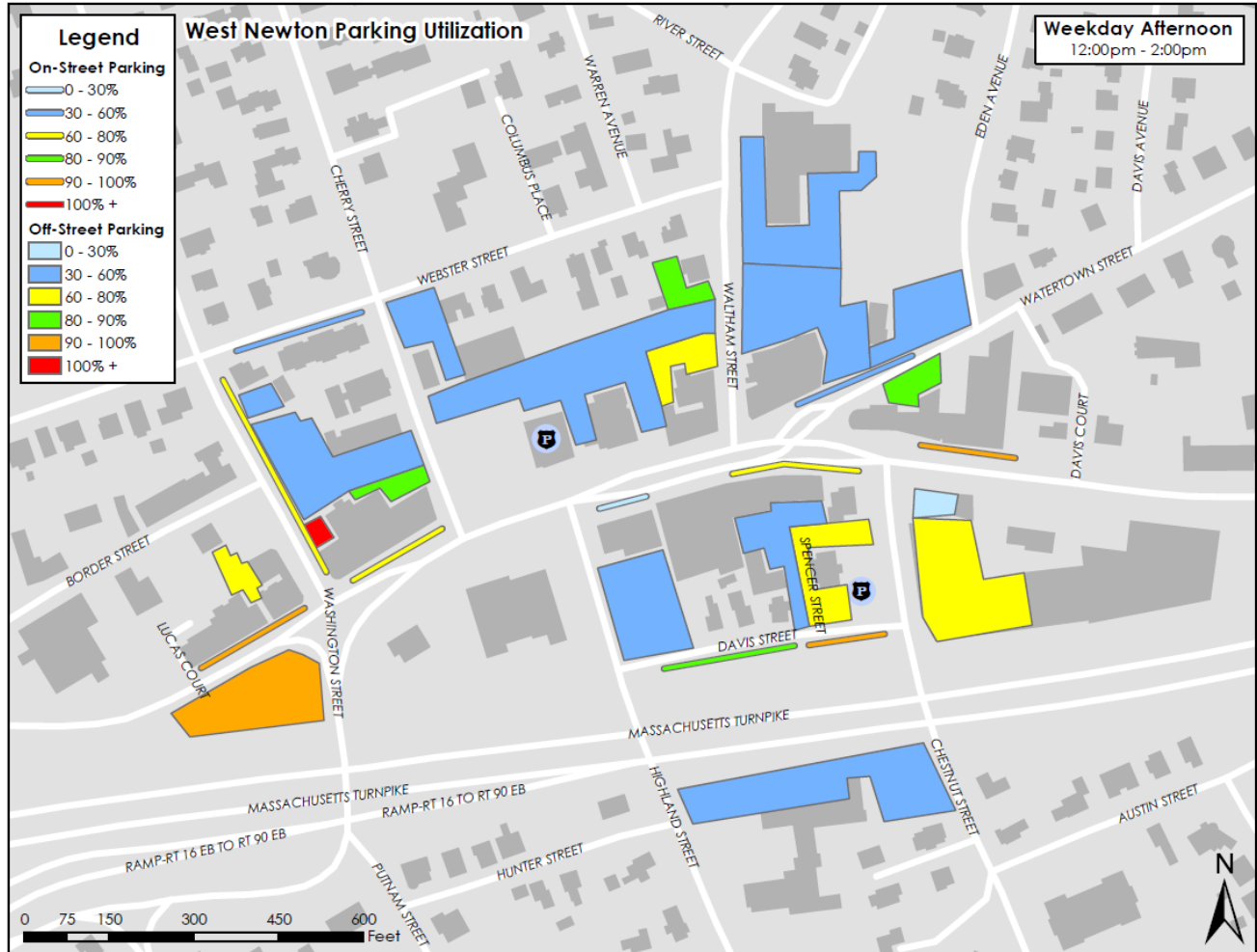


Parking Utilization by Geography

In order to understand where peak parking demand is located within the square, the parking occupancy results were mapped onto the inventory map for the square. The map below shows the result during the peak 12pm-2pm utilization period (see Attachment A for all time periods). Colors represent percent utilization. Parking assets at or above 90% utilized are colored orange or red, since facilities above this threshold are typically considered to be functionally full due to the difficulty of finding an empty space. Green is considered optimal utilization (80-90%), with yellow and blues less utilized. The map series indicates some valuable key findings:

- The 1314 Washington Street lot is under 60% utilized all-day with the exception of 4-6pm when utilization increases to 80-90%. After 6pm it is under 30% utilized.
- On-street parking is moderately utilized overall, not collectively reaching ideal 80-90% occupancy rates at any point, but certain segments do reach and occasionally exceed this threshold at certain times: Elm Street meters are mostly 80-90% utilized, except after 6pm when the meters shut off, and occupancy reaches/exceeds capacity; and Davis Street unregulated spaces exceed 90% utilization in the morning, then slowly decline all day, eventually dropping below 60% after 6pm.
- Off-street parking is less-moderately utilized overall, not collectively exceeding 60% utilization at any point. With the exception of the MBTA and metered lot, other lots occasionally increase into the 60-80% range but decline to 30-60% by 6pm. The MBTA lot is at capacity all day until 6pm. The Elm St. metered lot rises above 80% beginning at 2pm and approaches capacity after 6pm when the meters shut off.

Reference: 1314 Washington Street Updated Shared Parking Analysis

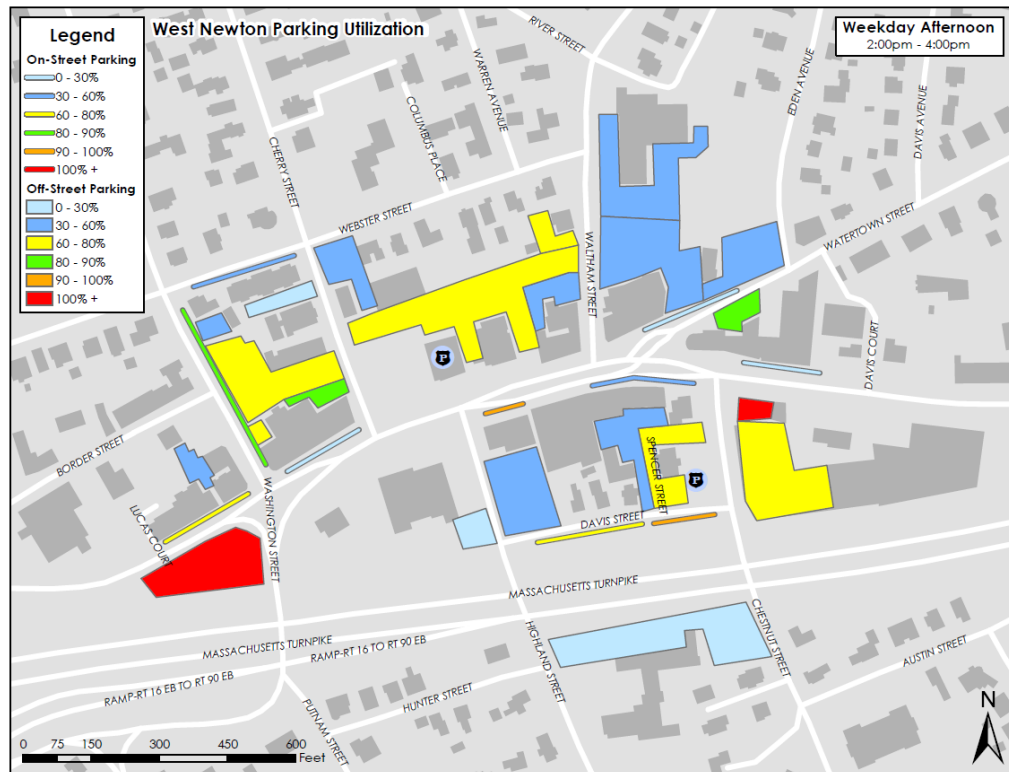
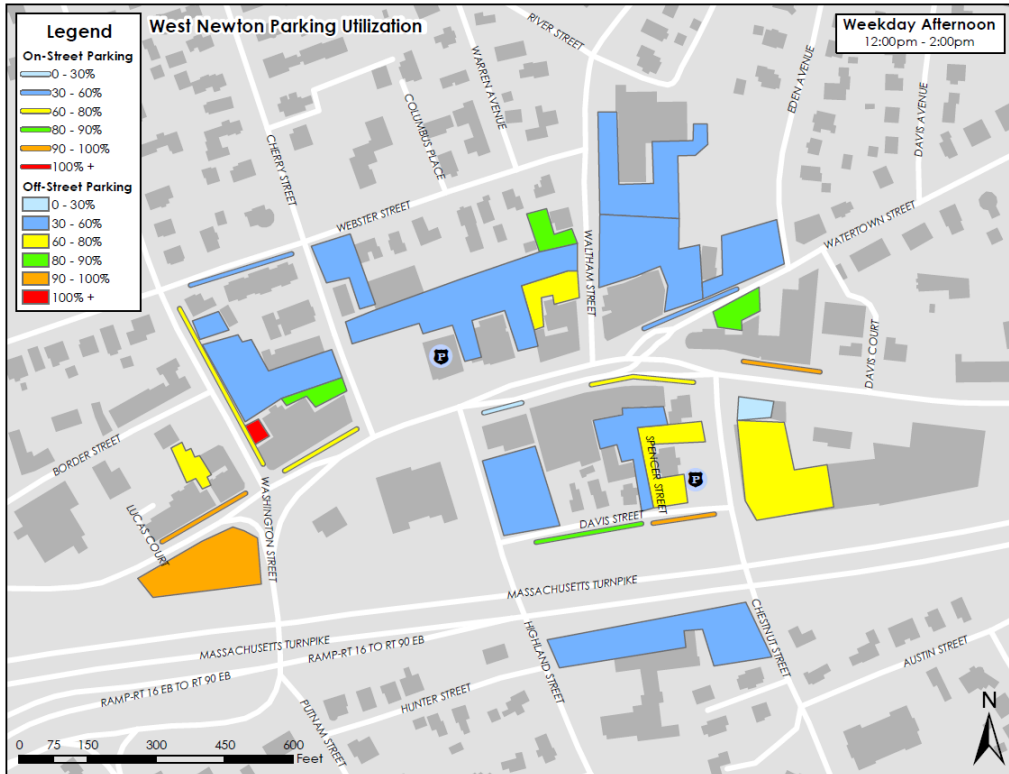


STANTEC CONSULTING SERVICES INC.


Jason Schrieber, AICP
Senior Principal

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

Reference: 1314 Washington Street Updated Shared Parking Analysis



Reference: 1314 Washington Street Updated Shared Parking Analysis

