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Candace Havens
Director

WORKING SESSION MEMORANDUM

Date: November 19, 2013

To: Land Use Committee of the Board of Aldermen

From: Candace Havens, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Daniel Sexton, Senior Planner

Cc: Petitioner

In response to questions raised at the Land Use Committee public hearing and/or staff technical reviews, the Department of Planning and Development is providing the following information for the upcoming working session. This information is supplemental to the staff analysis previously provided at the public hearing.

PETITION #260-13

275 Washington/284-291 Centre Streets

Request for a parking waiver of 17 parking spaces for a yoga studio.

The Land Use Committee held a public hearing on October 15, 2013.

Petition Supplements. In response to the items requested by the Land Use Committee at the public hearing, the petitioner submitted the following supplemental information:



- **Building Occupancy:** The petitioner has indicated that the building occupancy was 96.2 percent when the parking study was completed, which includes Pizzeria Uno. With the development of the yoga studio, assuming the pizzeria space is filled by another restaurant, the occupancy of the building should be around 97.7 percent. The remaining leasable space is presently used by the property management company.
- **New Tenant for Pizzeria Uno:** It is unclear at this time what establishment will replace the pizzeria. According to the property management company, a similar restaurant is being sought for the vacant restaurant space.
- **Parking Offset Policies:** According to the petitioner, an incentive program is being considered that would provide a membership discount to all customers who attend the studio via alternative

modes of transportation. The petitioner also expects that most customers of the studio will come from within the building and the surrounding neighborhood.

- *Parking Stall Dimensions:* Per the approved plans for the on-site parking facility, all the self-park parking spaces appear to meet the required dimensional standards of the Newton Zoning Ordinance. Per the approvals granted under Board Order #236-04, which allowed the creation of the “Managed Parking System,” waivers to the minimum dimensions of parking stalls and maneuvering aisles were granted for those spaces included in the Managed Parking System.
- *Managed Parking System:* The petitioner has indicated that a representative from Taurau One Newton Place, LLC, the property owner and manager, will be available at the Working Session to answer questions regarding implementation of the Managed Parking System. As reference, a copy of the Board Order #236-04 is enclosed (**ATTACHMENT A**).

Recommendation. Based on the information provided by the petitioner, the Department of Planning and Development recommends **approval with conditions**.

ATTACHMENTS

Attachment A: Board Order #236-04

Attachment A

#236-04

CITY OF NEWTONIN BOARD OF ALDERMEN

October 18, 2004

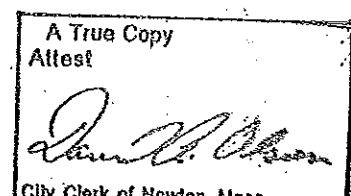
ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, hereby grants the following SPECIAL PERMIT and SITE PLAN APPROVAL for EXCEPTIONS TO THE PARKING REQUIREMENTS to allow for MANAGED PARKING on the roof of the existing parking structure, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman George Mansfield:

1. The Board finds that the exceptions to the dimensional requirements for parking are acceptable to allow for the addition of 45 parking spaces through the use of managed parking on the rooftop level of the existing parking facility because:
 - a. The additional parking spaces will serve the public welfare by providing additional on-site parking for the employees who work at the building served by the parking facility;
 - b. It is impractical to increase the number of parking spaces on this site without a waiver of the dimensional controls for parking facilities;
 - c. The existing parking facility can accommodate the increased number of cars parked in the facility through the use of assisted parking; and
 - d. The addition of 45 parking spaces on this site should help relieve the potential impacts of employees parking in the surrounding neighborhood.
2. The Board finds that the additional trees and benches that the petitioner is proposing to add along Bacon Street will provide a shaded outdoor seating area for both the employees and the general public, and will enhance the appearance of the streetscape.

PETITION NUMBER: #236-04

PETITIONER: Druker Management Corporation / Schroder Newton
Limited Partnership



LOCATION: 283-291 Centre Street (a/k/a One Newton Place), Newton Corner, Ward 1, Section 71, Block 5, Lot 1.

OWNER: Schroder Newton Limited Partnership c/o Thomas Carey – Executive Director, Morgan Stanley/US RE Investing Division

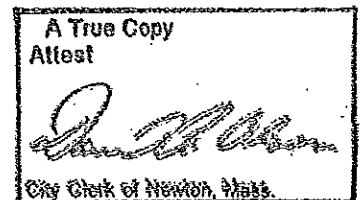
ADDRESS OF OWNER: 1585 Broadway, Floor 37
New York, NY 10036

TO BE USED FOR: To establish a managed parking system and expand the existing parking by 45 spaces on the roof of the existing parking garage for use by designated tenants of the adjoining office space.

CONSTRUCTION: N/A

EXPLANATORY NOTE: Section 30-19(m) allows a special permit for exceptions from the following requirements of Section 30-19 to permit continued use of the existing parking facility:

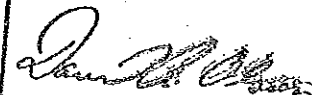
- a) Section 30-19(c)(4), to allow waivers to the requirement that parking stalls shall not be assigned to specific persons or tenants;
- b) Section 30-19(h)(5)(b), to allow waivers for the dimensional and stall layout requirements, where the a portion of the parking facility would be under full-time attendant supervision;
- c) Section 30-19(h)(1), to allow waivers for parking stalls to be located within any required setback distances form the street and sidelines;
- d) Section 30-19(h)(3), to allow waivers for maneuvering aisles widths;
- e) Section 30-19(h)(2)(c), to allow waivers for the inclusion of the required number of handicapped accessible parking stalls;
- f) Section 30-19(i), to allow waivers for the exterior landscape screening requirements and the internal landscape requirements.



Land referred to is located in a Business 2 District.

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, and other site features shall be located and constructed consistent with the following plans:
 - a. "Proposed Layout, Roof Parking Plan," prepared by Joseph G. DeMarco, Registered Architect, dated October 12, 2004.
 - b. *Untitled Landscape Plan*, prepared by Natural Solutions Landscape Design and Construction, *undated*, received at Public Hearing on July 13, 2004.
2. The petitioner shall submit a final landscape plan to the Director of Planning and Development for review and approval prior to the issuance of a building permit.
3. The petitioner shall post the rules and regulations of the managed parking service at the appropriate location near the garage entrance and on the rooftop level. Such rules and regulations shall be consistent with the plan for the managed parking required by Condition 7 below.
4. The petitioner shall submit a sign package to the City Traffic Engineer and the Planning Department for review and approval for all new signage related to the operations of the managed parking, for the designation of the three compact parking spaces, as shown on the site plan, referenced in Condition #1, above, and any additional directional signage that may be necessary to facilitate the revised parking layout and managed parking system.
5. The petitioner shall make every effort to remove and/or store snow in such a way as to maintain sufficient maneuvering aisle widths, pedestrian access to/from elevators and stairways, and to maximize the number of usable parking stalls.
6. Prior to use of the managed parking spaces, the petitioner shall submit a current structural analysis by a licensed structural engineer to the Commissioner of Inspectional Services, which certifies that the structural system of the existing parking facility has been evaluated, in terms of the design of the structural members and the condition of the structural system, related to rust, "settlement," connection points, etc., and can accommodate the weight of 45 additional vehicles plus snow and other live loads.
7. The petitioner shall submit a written plan to the Commissioner of Inspectional Services outlining how the managed parking system will work based on the final tenant or tenants who will utilize the rooftop parking level. This statement shall include, but not be limited to: the anticipated peak hour arrival and departure times for each of the tenants,


 City Clerk

the number of employees of the tenants who will be expected to utilize the rooftop parking level, and the anticipated hours when the managed parking staff will be on-site and available to the tenants. The hours when the managed parking staff will be on-site shall be based upon the anticipated peak hours for arrival and departure. The written plan shall be refined as necessary to facilitate the efficient use of the managed parking spaces and any revisions to the plan shall be filed with the Commissioner of Inspectional Services.

8. The roof top parking level shall not be restriped, nor shall there be any increase in the number of parked vehicles, above and beyond the current approved number of parking stalls, be permitted issued pursuant to the SPECIAL PERMIT and SITE PLAN APPROVAL until:
- a. The petitioner has submitted a final landscape plan, in accordance with Conditions 1. and 2., above.
 - b. The petitioner has submitted a sign package, for review and approval, in accordance with Condition 4., above.
 - c. The petitioner has submitted structural analysis of the existing structural system, by a licensed structural engineer, in accordance with Condition 6., above.
9. The additional 45 managed parking spaces and the managed parking system approved by this SPECIAL PERMIT and SITE PLAN APPROVAL shall NOT commence operation until:
- a. The petitioner has filed with the City Clerk, the Department of Inspectional Services and the Department of Planning and Development, a statement by a registered architect or registered engineer, certifying compliance with Condition #1.
 - b. There shall have been filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of trees, and location and number of benches, as shown on the approved landscape plan, listed in Condition 1.
 - c. The petitioner shall have installed all new signage in accordance with the approved sign package.
 - d. Notwithstanding the provisions of Condition 9.b., the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for the for use of the additional 45 parking spaces and managed parking system prior to installation of final landscaping provided that the petitioner shall first have filed with the Director of Planning and Development a bond.

Attest
 Commissioner of Credit,

James H. Olsen

cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.

Under Suspension of Rules
 Readings Waived and Approved
 21 yeas 0 nays 3 absent (Ald. Johnson, Lipof, and Schnipper)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on October 20, 2004. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

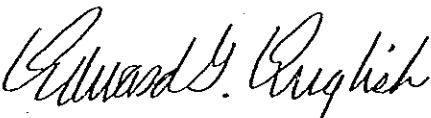
ATTEST:



(SGD) EDWARD G. ENGLISH, City Clerk
 Clerk of the Board of Aldermen

I, Edward G. English, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on 10/20/04 and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

ATTEST:



(SGD) EDWARD G. ENGLISH, City Clerk
 Clerk of the Board of Aldermen

