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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: January 26, 2017
Land Use Action Date: April 11, 2017
City Council Action Date: April 17, 2017
90-Day Expiration Date: May 3, 2017

DATE: January 20, 2017

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Michael Gleba, Senior Planner

SUBJECT: **Petition #428-16**, petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow two parking stalls within five feet of the street and waive minimum stall depth at **113 Edinboro Street**, Ward 2, Newtonville, on land known as SBL 21023 0004, containing approximately 3,250 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 5.1.7.A, 5.1.8.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

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.



113 Edinboro Street

EXECUTIVE SUMMARY

The property at 113 Edinboro Street is a 3,250 square foot lot with 25 feet of frontage located in a Multi-Residence 1 (MR1) district. It is improved with a single-family dwelling constructed circa 1870 set back only 16 feet from the street. The applicant is seeking to construct two parking stalls directly in front of the dwelling at the front lot line. To do so, the petitioner is seeking a special permit to allow the parking stalls to be constructed within five feet of the street and to reduce the allowed depth of the stalls to 15 feet where 19 feet is required.

While recognizing there appears to be few options in providing off-street parking on this property, the Planning Department nevertheless has concerns with the creation of the two proposed parking spaces given their substandard dimensions and proximity to the street.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- The site is an appropriate location for two parking stalls in a MR1 district. (§7.3.3.C.1)
- The two proposed parking stalls will not adversely affect the neighborhood. (§7.3.3.C.2)
- The two proposed parking stalls will not 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)
- Whether literal compliance with the requirement that no parking stalls be located within five feet of a street (§5.1.7.A) 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)
- Whether literal compliance with the requirement that parking stalls measure at least 19 feet in depth (§5.1.7.B.2) 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 property is located along the east side of Edinboro Street, north of Watertown Street. The properties in the surrounding immediate area are generally a mix of single-, two- and multi- family dwellings. Exceptions include a mixed use building and a Boys & Girls Club approximately 200 feet to the south, a Newton Housing

Authority development across Watertown Street, and the Horace Mann School and Albemarle Field approximately 150 feet to the west (**Attachment A**).

While the subject property and most of the immediately surrounding neighborhood is zoned MR1, several properties to the south, as well as several large parcels about a block to the east are zoned Multi-Residence 2 (MR2). To the west the Horace Mann School and Albemarle Field are zoned Public Use (PU) and a Single Residence 1 (SR1) district is located directly to the west of those properties (**Attachment B**).

B. Site

The site is a generally level, 3,250 square foot lot improved with a single-family dwelling set back only 16 feet from the street.

The lot has 25 feet of frontage and widens toward the back to 40 feet. As the existing single family dwelling is approximately 17 feet wide, the left and right side setbacks are only 3.4 feet and 5.4 feet, respectively. Neither side setback is wide enough for the installation of a driveway that would allow for the passage of a vehicle to a potential parking area in the wider rear of the lot.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will remain a single-family residence.

B. Site Design, Parking, Circulation and Landscaping

The petitioners are proposing to install two parking spaces in the front of the property within five feet of the street. Located on an approximately 270 square foot, 18 foot wide by 15 foot deep paver-surfaced driveway directly in front of the dwelling, the spaces would be accessed via a new 18 foot wide curb cut off Edinboro Street.

While the proposed stalls' width meet applicable standards, their 15 foot depth would be four feet shorter than the 19 feet required. Furthermore, given the shallowness of the property's front setback, these spaces would be located right on the back of the sidewalk and not have the five foot buffer required by the NZO.

Given the proposed stalls' substandard lengths, their close proximity to the adjacent sidewalk, and that they would occupy approximately 72% of the width of the lot's frontage, the Planning Department is unable to recommend approval of the petition. Recognizing the lack of options for off-street parking for the dwelling's residents, the Department can only recommend possibly mitigating concerns with the proposal by reducing the number of spaces to one and installing appropriate landscaping, consistent with the provision of adequate sightlines for drivers and pedestrians, along either side of the proposed parking area.

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 C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- Special permit per §7.3.3 to allow parking within five feet of a street (§5.1.7.A)
- Special permit per §7.3.3 to waive minimum stall depth (§5.1.7.B.2)

B. Engineering Review:

No engineering review is required at this time. The Engineering Division of Public Works will review this project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit for the proposed work in the event this petition is approved.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time. However, the Planning Department does suggest that the petitioner consider the possibility of locating only one parking stall on the property.

ATTACHMENTS:

- Attachment A:** Land Use Map
Attachment B: Zoning Map
Attachment C: Zoning Review Memorandum

ATTACHMENT A







Existing Land Use 113 Edinboro St.

*City of Newton,
Massachusetts*

Legend

Land Use

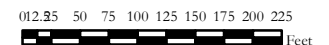
Land Use

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

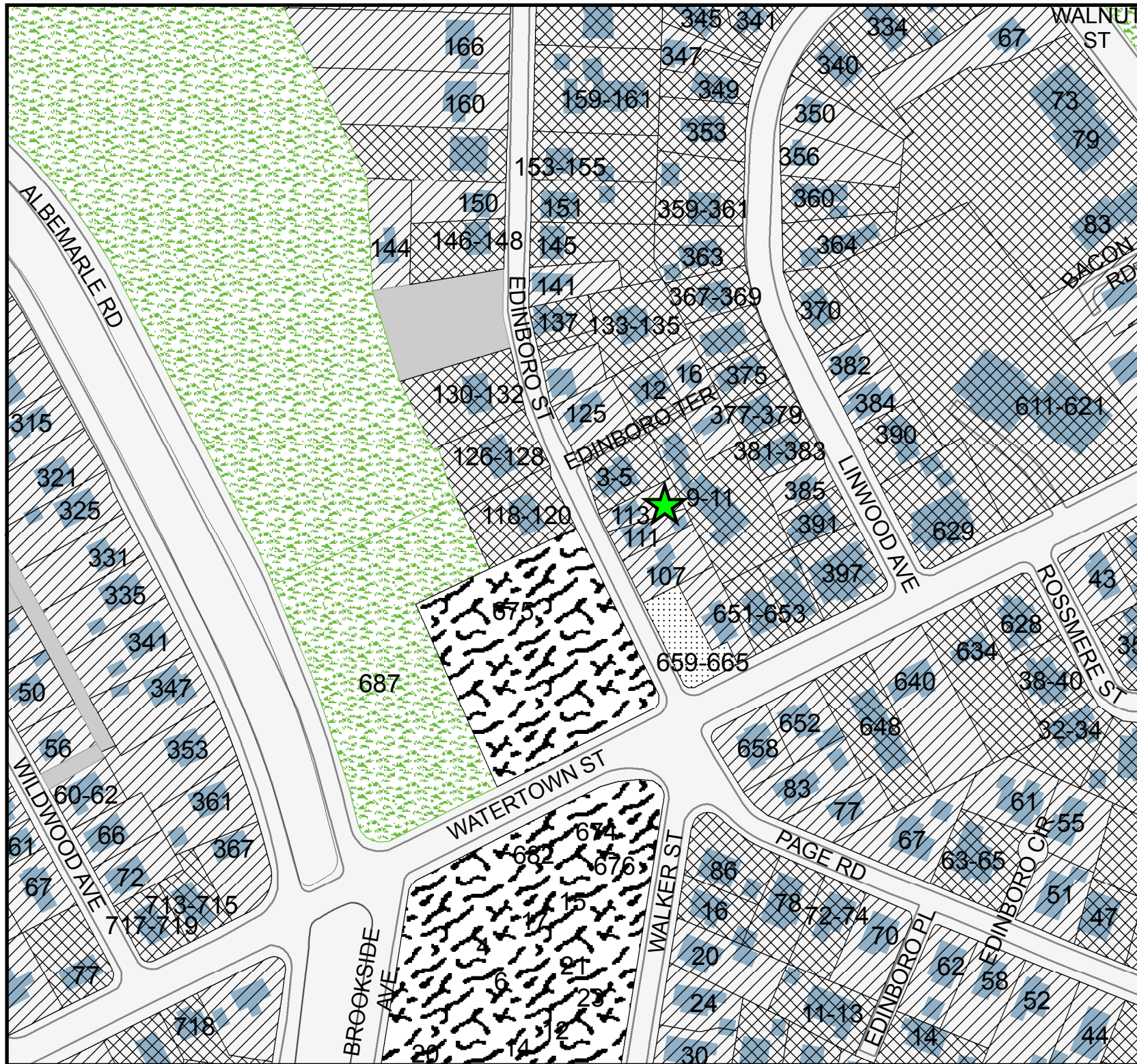


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: January 13, 2017







ATTACHMENT B

Existing Zoning 113 Edinboro St.

*City of Newton,
Massachusetts*

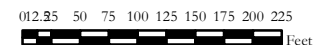
Legend

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

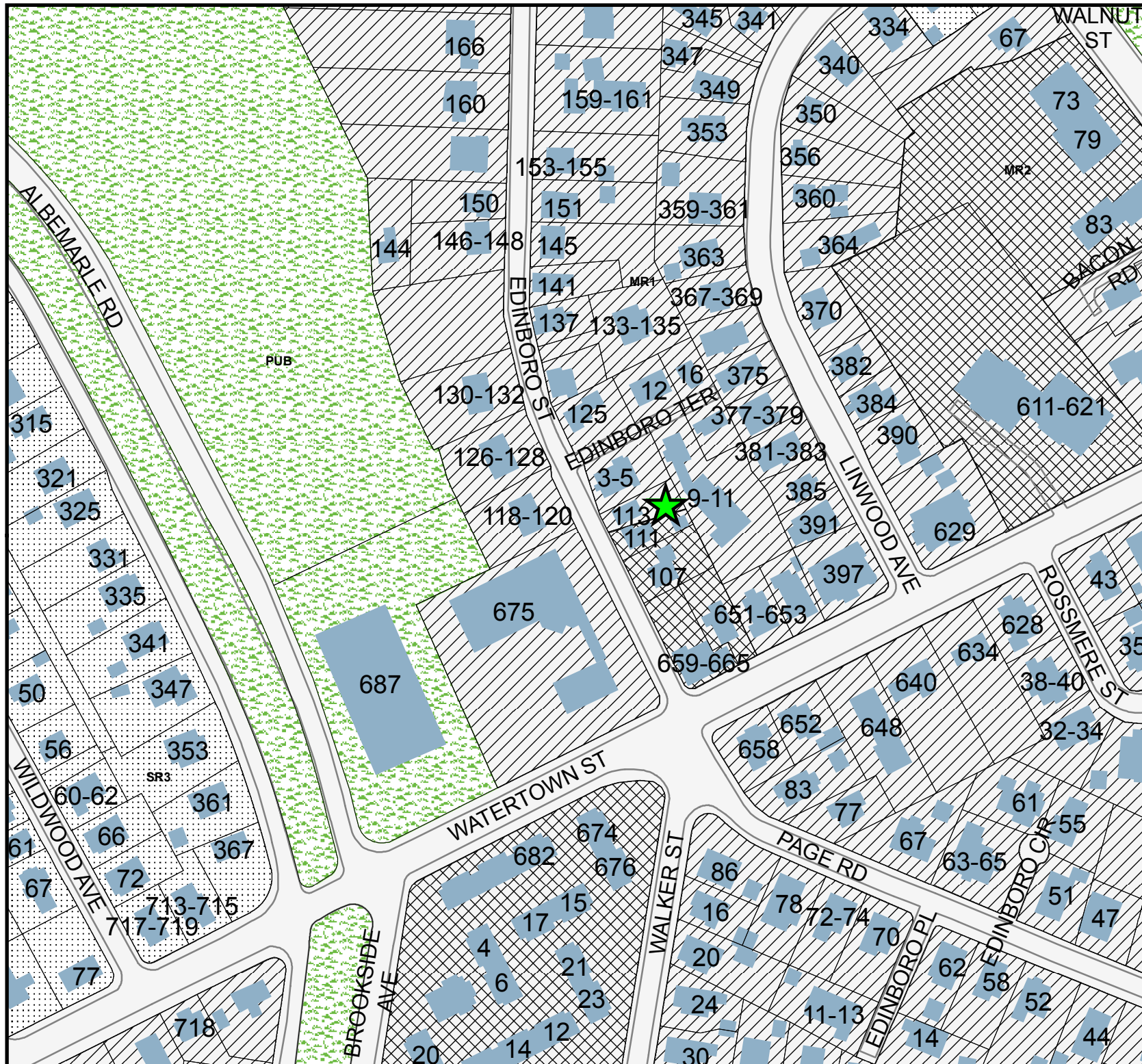


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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: November 21, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Natalia Terekhova, applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to allow two parking stalls within five feet of the street and to waive parking dimensions

Applicant: Natalia Terekhova	
Site: 113 Edinboro Street	SBL: 21023 0004
Zoning: MR1	Lot Area: 3,250 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 113 Edinboro Street is located in the MR1 district and is improved with a single-family dwelling constructed circa 1870. The 3,250 square foot lot has only 25 feet of frontage, widening at the back to 40 feet. The applicant is seeking a special permit to allow for the creation of two parking stalls in front of the dwelling, both within five feet of the street. Pursuant to Section 5.1.7.A, a special permit is required to have parking within five feet of the street.

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

- Zoning Review Application, prepared by Natalia Terekhova, applicant, dated 10/2/2016
- Site Plan, signed and stamped by Bruce Bradford, surveyor, dated 9/28/2016

ADMINISTRATIVE DETERMINATIONS:

- Section 5.7.1.A allows up to two parking stalls within the front and side setbacks, but prohibits parking within five feet of the street without a special permit. The lot has 25 feet of frontage, and widens toward the back to 40 feet. The existing single family dwelling is set back 16 feet from the street and is approximately 17 feet wide, leaving three feet on one side, and approximately five feet on the other side, neither of which is wide enough to allow passage of a vehicle to a potential parking area behind the house. The applicant requests a special permit to allow for two parking stalls in front of the dwelling within five feet of the street, per Section 5.7.1.A.
- The existing front setback for the dwelling is 16 feet. The applicant proposes two parking stalls in the front of the dwelling measuring 9 feet wide by 15 feet deep, where a 19 foot depth is required per Section 5.1.8.B.2. A special permit is required to allow parking stalls with a 15 foot depth.

MR1 Zone	Required/Allowed	Existing	Proposed
Lot Size	8,000 square feet	3,250 square feet	No change
Frontage	70 feet	25 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	16 feet 3 feet 40 feet	No change No change No change
Stories	2.5	2.5	No change
Max Lot Coverage	30%	24.2%	No change
Min Open Space	50%	76%	68%

- See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§5.1.7.A	To allow parking within five feet of a street	S.P. per §7.3.3
§5.1.8.B.2	To waive minimum stall depth	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:

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