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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: August 19, 2019

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Mark F. Donato, Applicant
Stephen J. Buchbinder and Katherine B. Adams, Attorneys
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to allow an alteration to an existing nonconforming commercial structure, to amend Board Order #650-86(2), and to further extend nonconforming lot coverage and nonconforming parking in the front setback

Applicant: Mark F. Donato	
Site: 1400 Centre Street/77 Paul Street	SBL: 62013 0009
Zoning: MR3	Lot Area: 30,023 square feet
Current use: Commercial with parking garage	Proposed use: No change

BACKGROUND:

The property at 1400 Centre Street/77 Paul Street consists of a 30,023 square foot lot improved with a commercial office building constructed in 1987 by special permit. The special permit granted permission for the construction of an office building with an attached enclosed parking garage and surface parking. The petitioner seeks to amend the special permit to reorient one of the entrances to the parking garage and create an additional entrance to the garage via a second curb cut on Paul Street. The petitioner proposes to construct an addition housing an elevator connection to the two levels of the garage and to construct five additional surface parking stalls.

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

- Zoning Review Application, prepared Stephen J. Buchbinder and Katherine B. Adams, attorneys, dated 7/1/2019

- Area Plan, signed and stamped by Joseph R. Porter, surveyor, dated 6/18/2019
- Topographic Site Plan, Existing Conditions, signed and stamped by Joseph R. Porter, dated 4/26/2019
- Topographic Site Plan, Proposed Conditions, signed and stamped by Joseph R. Porter, dated 6/28/2019
- Parking Plan-Level 1, signed and stamped by Joseph R. Porter, dated 6/28/2019
- Parking Plan – Level 2, signed and stamped by Joseph R. Porter, dated 6/28/2019
- Special Permit #650-86

ADMINISTRATIVE DETERMINATIONS:

1. The existing nonconforming commercial office building is located in the Multi-Residence 3 zoning district, which prohibits commercial uses. The petitioner proposes to reorient one of the entrances to the site's parking garage, create five surface parking stalls and construct an addition housing an elevator connecting the two levels of the parking garage. The petitioner requires a special permit to alter or extend the existing nonconforming commercial office use per sections 3.4.1 and 7.8.2.C.2.
2. Board Order #650-86 was granted to allow for the construction of the commercial structure and associated parking. In accordance with Condition #1 of the board order, the special permit must be amended to indicate the proposed changes to the structure and site.
3. The proposed alterations increase the lot coverage and reduce the open space. Section 3.2.2.A.3 states that where a density or dimensional control is not set forth in section 3.2 for a use granted by special permit, the most restrictive density or dimensional control applicable to such use in any district where the use is allowed as of right applies, unless otherwise required in the special permit by the City Council. Office uses are allowed by right in all of the commercial districts, excepting two mixed use districts. Only the Business 5 and Limited Manufacturing districts provide lot coverage requirements for the by right office use, both at 25% per sections 4.1.3 and 4.3.3. The existing lot coverage for the site is 44.3% and will further increase to 44.7%, requiring a special permit per sections 3.2.2.A.3 and 7.8.2.C.2.

There is no open space requirement in any district where office uses are allowed by right.

The alterations to the structure do not impact the existing setbacks, however the requirements for those setbacks are listed in the dimensional table below.

4. Board Order #650-86 required the petitioner to provide no fewer than 82 parking stalls on site. The petitioner currently provides 82 stalls and once the garage ramp is removed and the area is regraded and striped, there will continue to be 82 parking stalls on site.
5. The five new surface parking stalls are located along Centre Street in the area of the existing ramp. The proposed stalls extend an existing parking area, located approximately 15 feet from Centre Street to as close as 10 feet, where section 4.2.3 requires a 20-foot front setback for parking in the MU1 district, which has the most restrictive dimensional requirement for parking setbacks. A special permit per sections 4.2.3 and 7.8.2.C.2 is required to extend the nonconforming parking within the front setback.

MR3 Zone	Required	Existing	Proposed
Lot Size ¹	40,000 square feet	30,023 square feet	No change
Frontage ²	0 feet	190.69 feet	No change
Setbacks <ul style="list-style-type: none"> • Front³ • Side⁴ • Rear⁵ 	37.07 feet 40 feet 20 feet	10.2 feet 45.7 feet N/A	No change No change No change
Max Number of Stories ⁶	2	3	3
Max Height ⁷	24 feet	37.07 feet	No change

1. Per §4.2.3 MU1
2. Per §4.1, §4.2 and §4.3 BU, MU, LM, MAN
3. Per §4.2.3 MU1, MU2
4. Per §4.3.3 LM
5. Per §4.2.3 MU1, MU2
6. Per §4.1.2.B.3, §4.1.3 BU1, BU2, BU3, BU4, BU5
7. Per §4.1.2.B.3, §4.1.3 BU1, BU2

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
	Amend Board Order #650-86	S.P. per §7.3.3
§3.4.1 §7.8.2.C.2	To extend/alter the nonconforming office use	S.P. per §7.3.3
§3.2.2.A.3 §7.8.2.C.2	To further reduce nonconforming lot coverage	S.P. per §7.3.3
§4.2.3 §7.8.2.C.2	To further extend nonconforming parking in the front setback	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 (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)
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