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Setti D. Warren
Mayor

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: June 13, 2017
Land Use Action Date: August 15, 2017
City Council Action Date: August 28, 2017
90-Day Expiration Date: September 11, 2017

DATE: June 9, 2017

TO: City Council
Planning and Development Board

FROM: Barney Heath, Director of Planning and Development
James Freas, Deputy Director of Planning and Development
Michael Gleba, Senior Planner

SUBJECT: **Petition #133-17**, NORTHLAND OAK STREET, LLC/NORTHLAND TOWER ROAD INVESTORS, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone five parcels at: 156 Oak Street (Parcel 1), 55 Tower Road (Parcel 2), 275-281 Needham Street (Parcel 3), 260 Needham Street (Parcel 4), 160 Charlemont Street (Parcel 5) to BU4 from MU1.

Petition #134-17, NORTHLAND OAK STREET, LLC/NORTHLAND TOWER ROAD INVESTORS, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to develop off-site, non-accessory, single-level parking on the parcel at 55 Tower Road (Parcel 2) to serve the existing office building at 156 Oak Street (Parcel 1), requiring a waiver of 84 parking stalls, a waiver to allow non-accessory parking on a lot separate from the principal use, waivers to allow parking within setbacks, waivers to dimensional requirements for parking stalls, waivers to the maximum width for entrance and exit drives, waivers for perimeter screening requirements for parking facilities, a waiver to interior landscaping requirements for parking facilities, waivers to lighting requirements for parking facilities, and waivers to the requirement for curbing, wheel stops, guard rails, and bollards at 156 Oak Street and 55 Tower Road, Ward 5, on land known as Section 5 Block 51 Lot 0005 containing approximately 237,832 sq. ft. and Section 5 Block 28 and Lot 0005A containing approximately 483,583 sq. ft. of land in a district zoned MU1. Ref: 7.3.3, 7.4, 5.1.4, 5.1.13, 5.1.6.A, 5.1.6.B, 4.4.1, 5.1.8.A.1, 5.1.8.B, 5.1.8.D.2, 5.1.9.A, 5.1.9.B, 5.1.10.A.1, 5.1.10.B.5 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 which may be useful in the special permit decision making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. Additional information may be presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at subsequent public hearings or working sessions



**156 Oak St., 55 Tower Rd.,
275-281 Needham St., 280 Needham St., and
160 Charlemont St.**

EXECUTIVE SUMMARY

The subject property, the so-called “Northland Site,” consists of five parcels located at or near the intersection of Needham, Oak and Christina streets. Taken together, the five parcels measure approximately 28.7 acres (1,248,927 square feet) and include 156 Oak Street (referred to herein as Parcel 1), 55 Tower Road (Parcel 2), 275-281 Needham Street (Parcel 3), 260 Needham Street (Parcel 4) and 160 Charlemont Street (Parcel 5). The parcels, all of which are currently zoned Mixed Use 1 (MU1), are currently improved with various commercial and industrial buildings as well as accessory parking. In anticipation of a comprehensive redevelopment project that would encompass all five parcels, the petitioner is seeking to rezone all five parcels to Business 4 (BU4).

In relation to the present special permit petition, the petitioner is seeking to provide non-accessory parking stalls on Parcel 2 that would serve an existing 172,00 square foot office building located on Parcel 1. To do so, the petitioner intends to demolish two buildings and a concrete slab located on Parcel 2. The administrative determinations and requested relief described herein related to the special permit petition are premised on the above-referenced rezoning of the site to BU4.

The following provides a technical analysis of the project and recommendations for consideration in the special permit application and rezoning review process.

I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The “Northland Site” consists of five parcels located at or near the intersection of Needham, Oak and Christina streets. All five parcels are currently zoned Mixed Use 1 (MU1), as are the other parcels in the immediate area along the Needham Street corridor, with exceptions being a Business 2 (BU2) zoned parcel district at the southwest corner of Needham and Oak streets and a Mixed Use 2 (MU2) district on the east side of Needham Street several hundred feet to the north. The neighborhoods to the east and west of the Needham Street corridor exhibit a diverse mix of zoning designations, including Single Residence 2 and 3 (SR2 and SR3), Multi Residence 1 and 2 (MR1 and MR2), Business 1 and 2 (BU1 and BU2), Manufacturing (MAN) , as well as Public Use (PUB). Specifically, districts immediately adjacent to the Northland Site include the BU2 parcel referenced above, as well as MU1 and BU1 districts, to the south (across Oak Street), MAN, MU1 and MU2 to the west, and a SR3 district to the east (**Attachment A**).

The current land uses on the Northland Site and other parcels in the area reflect this diverse zoning. Four of the Northland Site’s parcels are currently considered commercial properties, with the exception being the industrial 55 Tower Road, a mix that generally characterizes the uses along the Needham Street corridor. The area to the south includes single- and multi- residential uses, as well as some commercial and open spaces. The neighborhood to the west also includes single- and multi- residential and commercial uses, as well as some industrial, and non-profit uses. To the east the uses are predominantly single- and multi- residential

with some interspersed vacant and open space parcels (**Attachment B**) with Winchester Swamp located to the north across Charlemont Street.

B. Site

Taken together, the total area of the five Northland Site parcels is 1,248,927 square feet (28.7 acres). The two parcels that are the subject of the present special permit petition, 156 Oak Street (Parcel 1) and 55 Tower Road (Parcel 2), measure 237,832 and 483,583 square feet, respectively.

156 Oak Street (Parcel 1) is improved with a with a 172,000 square foot office building that is currently largely vacant; 55 Tower Road (Parcel 2) is the site of two buildings to be demolished and a large exposed concrete slab.

One of the remaining three parcels, one, 275-281 Needham Street (Parcel 3), is, like the two above-referenced parcels, located on the west side of Needham Street; it is a 265,232 square foot lot with an approximately 72,000 square foot one story commercial building built in 1979.

Two parcels are located to the east side of Needham Street- 260 Needham Street (Parcel 4), a 112,270 square foot lot improved with an approximately 35,000 square foot, one-story retail structure built in 1998, and 160 Charlemont Street (Parcel 5), a 151,552 square foot lot improved with an approximately 102,000 square foot, one-story brick building built about 1950.

The grade of the three properties west of Needham Street varies by about 20 feet from a low point near the intersection of that street with Oak Street upward toward those properties' boundary with the Upper Falls Greenway. There are also some fairly steep (approximately 18-20 foot) downward grades near the northern boundary of the site at the existing Tower Road cul-de-sac associated with an exposed portion of the South Meadow Brook that is culverted for much of its route southward across the property. The grades of the properties to the east of Needham Street exhibit a range of about 10 feet across their expanse.

II. REZONING REQUEST (Petition # 133-16)

The petitioner has requested that a large parcel (almost 30 acres) be rezoned from its current MU1 designation to BU4. The Planning Department recognizes that, given its size and location, the site lends itself to redevelopment as a mixed use development and generally agrees that the current MU1 zoning, although it allows for limited residential and commercial uses, is dated and inappropriate for the site.

Section 3A of Newton's Comprehensive Plan, the "Mixed-Use Centers Amendment" adopted by the Board of Aldermen in 2011, recognizes the potentially positive role and effect the creation of mixed use districts could have for the City. It recommends that when proposing a mixed use development, a developer collaborate with the City as well community members to identify "potential impacts early in the development process," including identifying so-called "yellow flags," namely, "levels of impact that deserve special attention" (Newton Comprehensive Plan, page 3A-6).

Accordingly, the Planning Department recommends that a process consistent with the intent of Section 3A be established in this instance. Toward that end, it recommends that a working group, inclusive of City staff and a range of interested and affected stakeholders, be convened to assist the Department in its assessment of the proposed rezoning. The Planning Department intends to, in consultation with Ward Councilors, develop and present the structure and make-up of such a working group to the Land Use Committee in September.

The Planning Department proposes that the working group's efforts be focused on five general areas: (1) transportation, (2) fiscal impacts, (3) housing, (4) environmental issues, and (5) urban design, and seeking to identify possible "yellow flags" in these areas. The charge of the working group would initially be to examine the substantive issues related to the proposed BU4 zoning designation and make recommendations regarding its appropriateness for the site.

It is proposed that working group be supported by an outside independent consultant, the cost of which would be borne by the petitioner, selected through a public procurement process.

The Department anticipates that this process would take several months and involve several public hearings. A possible schedule would include an initial introduction of a selected consultant and the proposed working group in September of this year, a progress update the following month, and the submission of final recommendations to the Land Use Committee by the Planning Department, as informed by the working group, in November.

III. SPECIAL PERMIT PETITION (Petition # 134-17)

A. REVIEW CRITERIA

As stated above, the administrative determinations and relief requested by this petition assume that the entire site is zoned BU4. As such, pursuant to the BU4 district regulations and requirements, when reviewing the requested special permits the City Council should consider whether:

1. The specific site is an appropriate location for the proposed non-accessory single-level parking facility ((§4.4.1, §7.3.3.C.1);
2. The proposed non-accessory single-level parking facility as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2);
3. There will be no nuisance or serious hazard to vehicles or pedestrians created by the proposed non-accessory single-level parking facility (§7.3.3.C.3);
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved; (§7.3.3.C.4);

5. Granting any or all of the requested exceptions to parking requirements, per §5.1.13, allowing:

- the reduction of the number of required parking stalls by 84 (§5.1.4),
- parking on a lot separate from the principal use (§5.1.6.A, §5.1.6.B), and
- outside parking within setbacks (§5.1.8.A.1);

and waiving:

- dimensional requirements for parking stalls (§5.1.8.B),
- the maximum width for entrance and exit drives (§5.1.8.D.2),
- perimeter screening requirements for parking facilities (§5.1.9.A),
- interior landscaping requirements for parking facilities (§5.1.9.B),
- lighting requirements for parking facilities (§5.1.10.A.1), and
- requirements for curbing, wheel stops, guard rails and bollards (§5.1.10.B.5)

is appropriate because literal compliance with such requirement 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.

B. PROJECT DESCRIPTION AND ANALYSIS

1) Land Use

To accommodate parking for the existing 172,00 square foot office building on Parcel 1, the applicant intends to construct an outdoor, ground level parking facility that includes a total of 453 parking stalls (including 11 accessible stalls), 224 of which would be located on Parcel 1 with the remaining 229 located on Parcel 2. Those spaces located on Parcel 1 would be allowed by-right as “Accessory Parking” since they are located on the same lot as the office use; as these spaces on Parcel 2 would serve Parcel 1 (and not any primary use located on Parcel 2), they would be considered “Non-Accessory Parking,” thus requiring a special permit.

2) Building Design and Site Design

The applicant intends to renovate the existing building for new office tenants. No additions, new buildings or other enclosed floor space is associated with the present special permit petition.

To build that portion of the proposed parking facility to be located on Parcel 2, the petitioner plans to demolish two buildings and a concrete slab located at 55 Tower Road (Parcel 2), and develop a portion of the parcel with what the petitioner has styled “Temporary Parking.”

3) Parking and Access

Per Section 5.1.4, the parking requirement for a general office use is one stall per

every 250 square feet for the first 20,000 square feet, and one stall per every 333 square feet of additional square footage. As the office building is 172,000 square feet, it requires a total of 537 parking stalls (80 stalls for the first 20,000 square feet, 457 for the remaining 152,000 square feet). As 453 stalls are proposed on Parcels 1 and 2, a waiver of 84 stalls is therefore required. As no new floor area is being proposed pursuant to the present special permit petition, and additional parking is proposed for construction, the Planning Department is generally not concerned with the proposed waiver at this time. However, the Department recommends that the petitioner provide a traffic impact and access study that indicates the projected parking demand for the site and its impact on nearby streets and intersections.

Parcel 1 Stalls:

A total of 224 accessory parking stalls are proposed on Parcel 1. Of those stalls, 85 will be newly constructed in compliance with the NZO's dimensional requirements. The existing 139 stalls, however, are nonconforming in several regards. Several are located within the side setback. As the NZO requires that no parking stall be located within any front or side setback distances, a waiver from Section 5.1.8.A.1 this provision is required. Furthermore, several of the existing stalls measure 8.5 feet by 18 feet (less than the minimum 9 feet wide by 19 feet deep required by the NZO), thus requiring a waiver from the dimensional requirements of Section 5.1.8.B.

These existing nonconforming stalls predate the current requirements and are considered grandfathered, and therefore protected from meeting current dimensional standards. However, to the extent that the changes to the site trigger review and compliance, the applicant requests the above waivers.

Parcel 2 Stalls:

Section 5.1.6.A requires that off-street parking facilities be located on the same lot as the principal use served. The applicant proposes to accommodate the parking for Parcel 1 in part with parking stalls to be located on Parcel 2. The development of Parcel 2 into a non-accessory parking facility for Parcel 1 in the BU4 zoning district requires a special permit per Section 4.4.1, and the location of parking for Parcel 1 to be located on Parcel 2 requires a special permit per Section 5.1.6.B.

Given that Parcel 2 is adjacent to Parcel 1 and the stalls on both parcels would form a single parking facility uninterrupted by intervening properties and/or streets, the Planning Department is generally not concerned with the proposed establishment of "non-accessory" parking stalls on Parcel 2.

Access:

The proposed parking facility would be accessed via two entrances, one an existing driveway on the north side of Oak Street, the other at the northernmost corner of Parcel 1 which would connect to a driveway that would lead across the northwestern edge of Parcel 2 to its frontage on Tower Road. The existing driveway from Oak Street is 31.4 feet wide, where 25 feet is the maximum

allowed in Section 5.1.8.D.2. To the extent that the existing nonconforming driveway width is not grandfathered, a waiver is required. As that driveway entrance has been in existence and previous operation the Planning Department is not concerned with its nonconforming excessive width.

4) Landscaping, Screening and Lighting

Section 5.1.9.A requires outdoor parking facilities with more than five stalls to be screened from abutting streets and properties with a strip at least five feet high of densely planted shrubs or trees or a wall or fence. The applicant seeks a waiver from this provision. As Parcels 1 and 2 are in common ownership, the Planning Department is not concerned with the lack of screening between those two parcels, especially as they would be part of a functionally unified parking facility.

Interior landscaping for surface parking containing at least twenty stalls is required as per Section 5.1.9.B. The applicant requests a waiver from this section in its entirety pursuant to Section 5.1.13 to allow for a reduction in the interior landscaping requirements, including total percentage of planting area, tree caliper and bumper overhang areas. Relatedly, the petitioner requests a waiver per Section 5.1.13 from provisions of Section 5.1.10.B.5 requires curbing, wheel stops, guard rails or bollards at the edges of surfaced areas to protect landscaping. While the Planning Department is generally not concerned about these requests given the expected temporary nature of the parking facility, it would recommend that some assurance be given that these conditions not become permanent in the absence (or presence) of future development on the site.

All parking facilities utilized at night are required to have security lighting maintaining a minimum intensity of one-foot candle on the entire surface of the parking facility per Section 5.1.10.A.1. The applicant requests a waiver from this provision per Section 5.1.13. As the petitioner has not submitted a Photometric Plan for the proposed parking facility, the Planning Department cannot access the appropriateness of the lighting, if any, that would be provided. The Department recommends that the petitioner be prepared to provide such information at the public hearing.

Lastly, the Planning Department also notes that it is unclear where the location for on-site snow storage is and requests that the petitioner clarify this issue.

C. TECHNICAL REVIEW

1) Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum (**Attachment C**) provides an analysis of the proposal with regard to zoning. Based on the Zoning Review Memorandum, the petitioner is seeking the rezoning of the above-referenced parcels from Mixed Use 1 (MU1) to Business 4 (BU4) and, pursuant to said rezoning, Special Permits per §7.3.3 of the NZO:

- To allow a waiver of 84 parking stalls (§5.1.4, §5.1.13);

- To allow parking on a lot separate from the principal use (§5.1.6.A, §5.1.6.B, §5.1.13);
- To allow a non-accessory single-level parking facility (§4.4.1);
- To allow outside parking within setbacks (§5.1.8.A.1; §5.1.13);
- To waive the dimensional requirements for parking stalls (§5.1.8.B, §5.1.13);
- To waive the maximum width for entrance and exit drives (§5.1.8.D.2, §5.1.13);
- To waive perimeter screening requirements for parking facilities (§5.1.9.A, §5.1.13);
- To waive the interior landscaping requirements for parking facilities (§5.1.9.B, §5.1.13);
- To waive the lighting requirements for parking facilities (§5.1.10.A.1, §5.1.13);
- Waive the requirement for curbing, wheel stops, guard rails and bollards (§5.1.10.B.5, §5.1.13).

2) Newton Historical Commission Review

In 2013 the Newton Historical Commission reviewed demolition requests for several buildings located on Parcel 2 (55 Tower Road) at that time. Four buildings on the site (known as Buildings 10, 16/16A, 18 and 20) were found Not Preferably Preserved. Three others, known as Building 12, 13 and 14, were found Preferably Preserved and subject to demolition delays, all of which expired in April of 2015.

3) Engineering Review

As of the writing of this memorandum the Planning Department is awaiting an Engineering Division Memorandum on the special permit petition. The Planning Department will include such a memorandum in anticipation of future working sessions on this petition.

D) PETITIONER'S RESPONSIBILITIES

The petitioner should respond to the issues raised in this memorandum and other questions raised at the public hearing as necessary. Written responses to all issues should be provided for analysis by the Planning Department prior to being scheduled for additional public hearings. The Planning Department will prepare an updated memorandum prior to any future public hearings.

ATTACHMENTS:

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

ATTACHMENT A

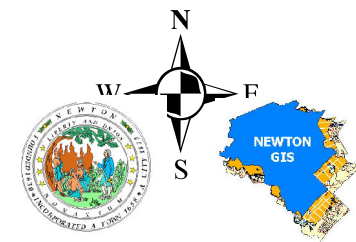
Existing Zoning

156 Oak St,
55 Tower Rd,
275-281 Needham St,
260 Needham St,
& 160 Charlemont St

*City of Newton,
Massachusetts*

Legend

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

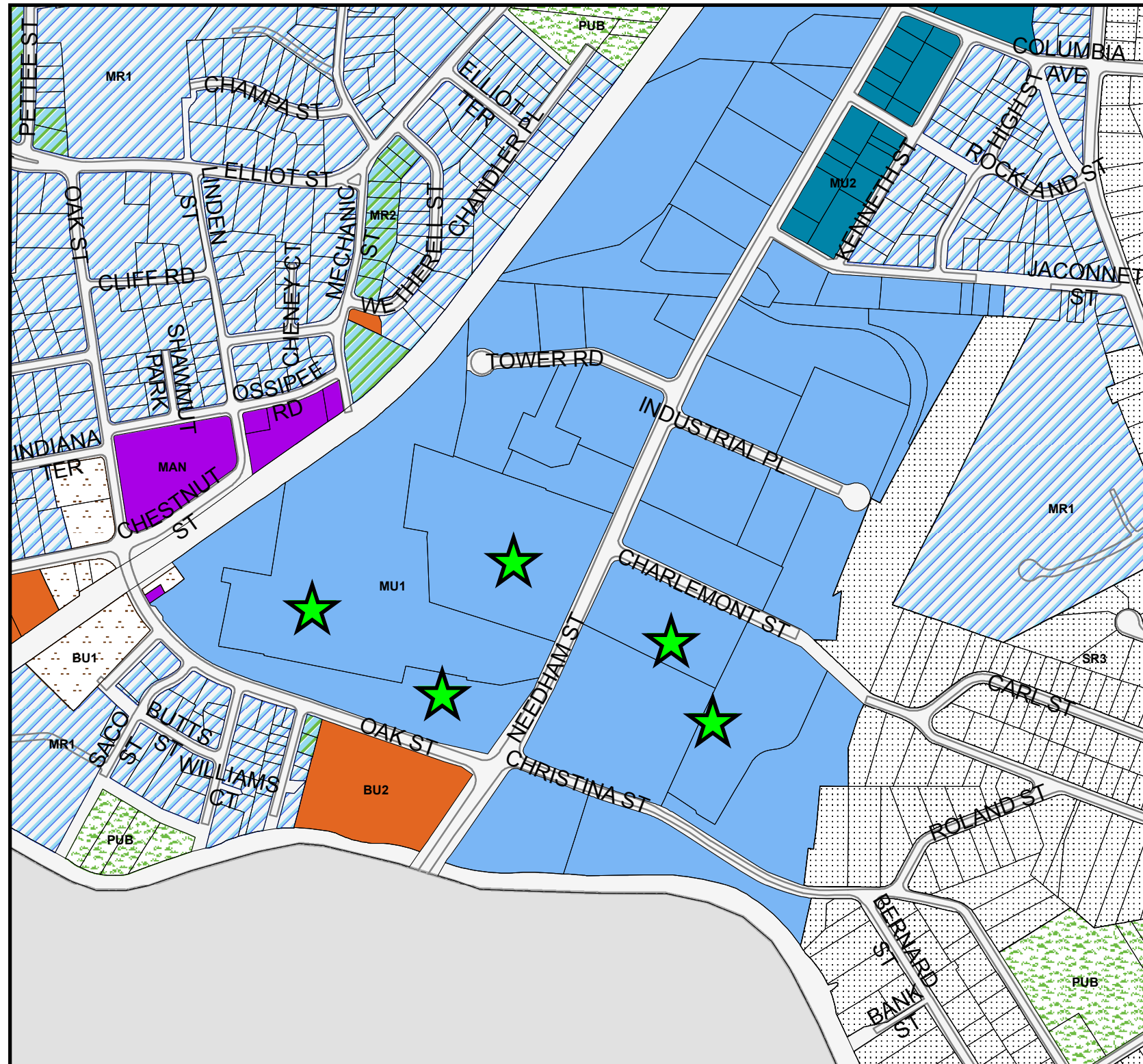


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield

1 2 25 0 7 3 0 1 2 2 5 1 7 3 8 2 2 5 2 7 3 8 2 2 5 3 7 6 4 8 2 5 4 0 5 8 6 2 5 3 7 5
Feet

Map Date: June 09, 2017



ATTACHMENT B

Existing Land Use

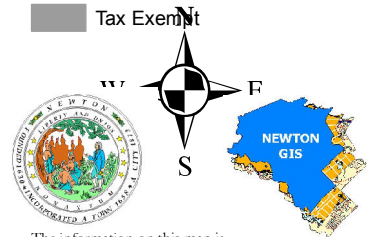
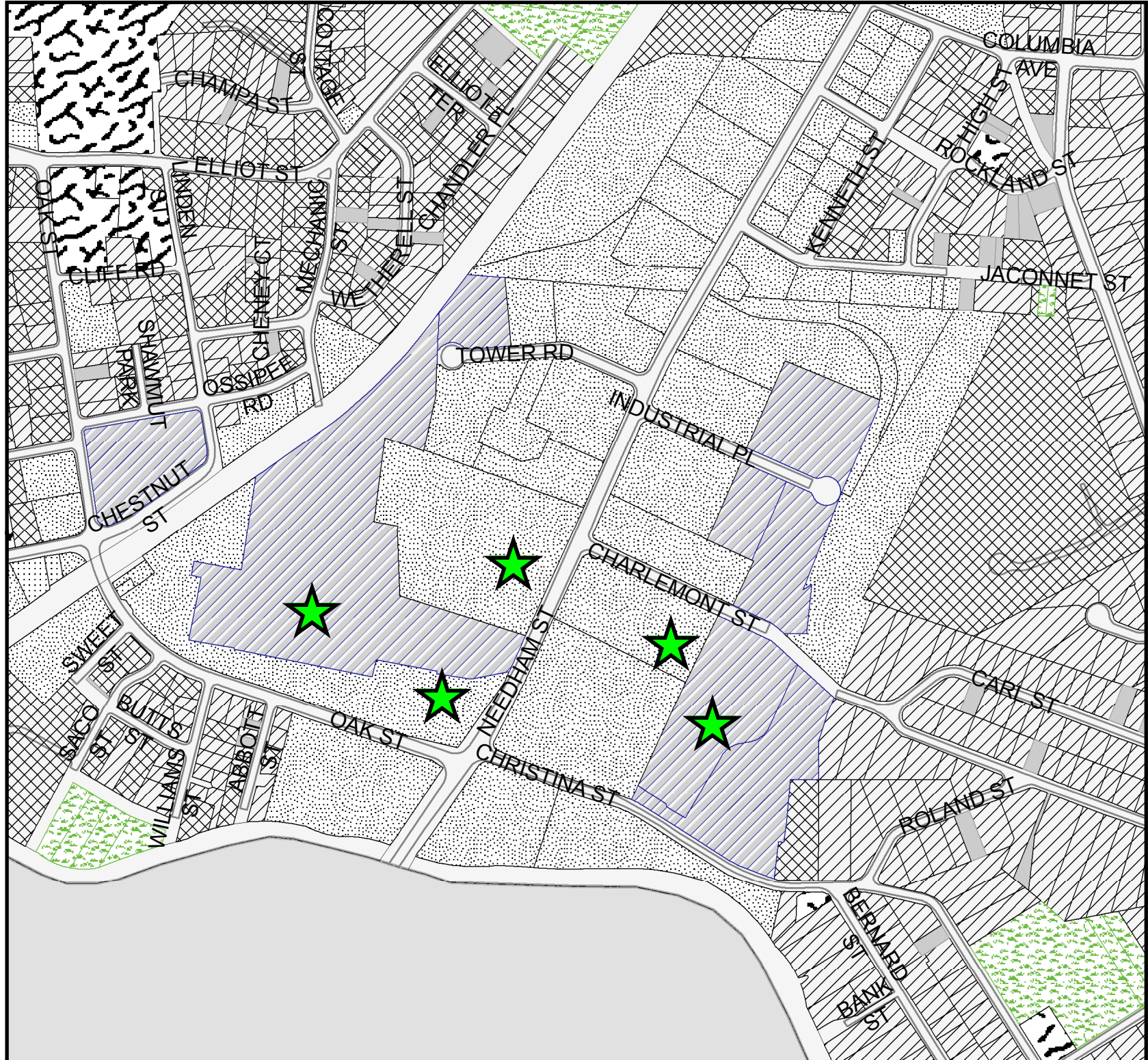
156 Oak St,
55 Tower Rd,
275-281 Needham St,
260 Needham St,
& 160 Charlemont St

City of Newton,
Massachusetts

Legend

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Industrial
-  Mixed Use
-  Golf Course
-  Open Space
-  Private Educational
-  Nonprofit Organizations
-  Public Housing
-  Vacant Land
-  Tax Exempt



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
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Setti D. Warren
Mayor

ATTACHMENT C

City of Newton, Massachusetts
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 9, 2017

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Stephen J. Buchbinder, attorney
Northland Oak Street, LLC/Northland Tower Road Investors, LLC
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to allow off-site parking, non-accessory parking, waivers from the parking regulations, and to rezone the site to Business 4

Applicant: Northland Oak Street, LLC/Northland Tower Road Investors, LLC	
Site: 156 Oak Street, 55 Tower Road, 275-281 Needham Street, 260 Needham Street, 160 Charlemont Street	SBL: 51028 0005, 51028 0005A, 51028 0006, 83030 0010, 83030 0012,
Zoning: MU1	Lot Area: 1,248,927 square feet (28.7 acres)
Current use: Commercial (mostly vacant) and parking	Proposed use: Offices, accessory and non-accessory parking

BACKGROUND:

The project site is comprised of five parcels, all located in the Mixed Use 1 zoning district totaling 28.7 acres (1,248,927 square feet). The parcels have historically been used for manufacturing purposes and each contains buildings used for commercial purposes, as well as accessory parking. The five parcels that compose the site are 156 Oak Street (Parcel 1), 55 Tower Road (Parcel 2), 275-281 Needham Street (Parcel 3), 260 Needham Street (Parcel 4) and 160 Charlemont Street (Parcel 5). The applicants seek to rezone all five parcels to Business 4 in anticipation of a comprehensive redevelopment project.

The applicants intend to demolish two buildings and a concrete slab located on Parcel 2, and develop a portion of the parcel with a parking area, serving the existing 172,00 square foot office building on Parcel 1. This building is largely vacant but will be renovated for new office tenants. The applicants are seeking a special permit to locate non-accessory parking on Parcel 2.

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 3/17/2017
- Plans, signed and stamped by Curtis R. Quitzau, engineer, VHB, dated 3/17/2017
 - Area Plan
 - Zone Change Plan
 - Site Plan
 - Demolition Plan
 - Existing Conditions Plan of Land (West)
 - Existing Conditions Plan of Land (East)

ADMINISTRATIVE DETERMINATIONS:

1. The current zoning for the parcels included in the project site is Mixed Use 1. The applicant proposes a rezoning of all five parcels to Business 4. The total area of the five parcels is 1,248,927 square feet, or 28.7 acres. This zoning review memo presumes a zone change and will utilize the use and dimensional requirements for the BU4 zoning district.
2. For the purposes of this memo, 156 Oak Street is referred to as “Parcel 1.” This parcel contains 237,780 square feet and is improved with a 172,000 square foot office building, which is currently largely vacant. The applicant intends to renovate the existing building for new office tenants. To accommodate the parking for Parcel 1, the applicant intends to demolish two buildings and a concrete slab located at 55 Tower Road, known as “Parcel 2”, and develop a portion of the parcel with a parking area. Section 5.1.6.A requires that off-street parking facilities locate on the same lot as the principal use served. The applicant proposes to accommodate the parking for Parcel 1 in part with a parking area located on Parcel 2. To allow for the parking for Parcel 1 to be located on Parcel 2 requires a special permit per Section 5.1.6.B.
3. The redevelopment of Parcel 2 into a non-accessory parking facility for Parcel 1 in the BU4 zoning district requires a special permit per Section 4.4.1.
4. The proposed parking area includes a total of 453 parking stalls with 224 located on Parcel 1 and 229 on Parcel 2. Of those, 442 are standard parking stalls and 11 are accessible stalls. Parcel 1 is designated as “Accessory Parking”, as it is the location of the office use, and Parcel 2 as “Non-Accessory Parking.”

Per Section 5.1.4, the parking requirement for a general office use is one stall per every 250 square feet for the first 20,000 square feet, and one stall per every 333 square feet for the additional square footage. The office building is 172,000 square feet. A total of 537 parking stalls are required for the office use, with 80 stalls required for the first 20,000 square feet, and 457 required for the remaining 152,000 square feet. With 453 stalls located on site (between the two parcels), a waiver of 84 stalls is requested to comply with the requirements of Section 5.1.4.

5. A total of 224 accessory parking stalls are proposed on Parcel 1. Of those stalls, 85 will be newly constructed and will comply with the Zoning Ordinance with respect to dimensional requirements. The remaining 139 accessory parking stalls are existing and nonconforming in several regards. These existing nonconforming stalls predate the current requirements and are considered

grandfathered, and therefore protected from meeting current dimensional standards. To the extent that the changes to the site trigger review and compliance, the applicant requests several waivers.

6. Several of the existing parking stalls on Parcel 1 are located within the side setback. Section 5.1.8.A.1 requires that no parking stall be located within any front or side setback distances. To the extent necessary for the pre-existing nonconforming parking, a waiver from this provision is required.
7. Section 5.1.8.B requires stalls have a minimum dimension of 9 feet wide by 19 feet deep. The existing stalls measure 8.5 feet by 18 feet. To the extent necessary, a waiver from the dimensional requirements of Section 5.1.8.B is required.
8. The existing driveway from Oak Street is 31.4 feet wide, where 25 feet is the maximum allowed in Section 5.1.8.D.2. To the extent that the existing nonconforming driveway width is not grandfathered, a waiver is required from Section 5.1.8.D.2.
9. Section 5.1.9.A requires outdoor parking facilities with more than five stalls to be screened from abutting streets and properties with a strip at least five feet high of densely planted shrubs or trees or a wall or fence. The applicant seeks a waiver from this provision.
10. Section 5.1.9.B requires interior landscaping for surface parking containing at least twenty stalls. The applicant requests a waiver from this section in its entirety pursuant to Section 5.1.13 to allow for a reduction in the interior landscaping requirements, including total percentage of planting area, tree caliper and bumper overhang areas.
11. All parking facilities which are used at night are required to have security lighting maintaining a minimum intensity of one-foot candle on the entire surface of the parking facility per Section 5.1.10.A.1. The applicant requests a waiver from this provision per Section 5.1.13.
12. Section 5.1.10.B.5 requires curbing, wheel stops, guard rails or bollards at the edges of surfaced areas to protect landscaping. The applicant requests a waiver from this provision per Section 5.1.13.

Zoning Relief Required

<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Rezone the parcels to Business 4	
§5.1.4, §5.1.13	To allow a waiver of 84 parking stalls	S.P. per §7.3.3
§5.1.6.A, §5.1.6.B, §5.1.13	To allow parking on a lot separate from the principal use	S.P. per §7.3.3
§4.4.1	To allow a non-accessory single-level parking facility	S.P. per §7.3.3
§5.1.8.A.1, §5.1.13	To allow outside parking within setbacks	S.P. per §7.3.3
§5.1.8.B, §5.1.13	To waive the dimensional requirements for parking stalls	S.P. per §7.3.3
§5.1.8.D.2, §5.1.13	To waive the maximum width for entrance and exit drives	S.P. per §7.3.3
§5.1.9.A, §5.1.13	To waive perimeter screening requirements for parking facilities	S.P. per §7.3.3
§5.1.9.B, §5.1.13	To waive the interior landscaping requirements for parking facilities	S.P. per §7.3.3
§5.1.10.A.1, §5.1.13	To waive the lighting requirements for parking facilities	S.P. per §7.3.3
§5.1.10.B.5 §5.1.13	Waive the requirement for curbing, wheel stops, guard rails and bollards	S.P. per §7.3.3