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Director

ZONING REVIEW MEMORANDUM

Date: July 5, 2017

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Christine D'Amico, Applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to allow a health club on the ground floor, to waive 13 parking stalls and to amend Board Order #437-03

Applicant: Christine D'Amico	
Site: 60 Needham Street	SBL: 83028 0002
Zoning: MU2	Lot Area: 25,753 square feet
Current use: Bank	Proposed use: Health club

BACKGROUND:

The property located at 60 Needham Street consists of a 25,753 square foot lot improved with a single-story building and parking. Special permit #437-03 was issued in 2003 allowing for the tenants at 60 Needham Street to lease land at the rear of 133 and 135 Winchester Street for parking. There are currently two commercial spaces in the building; one is currently occupied by Big Picture Framing store and another by a real estate office. The applicant proposes to divide the space occupied by Big Picture Framing to create a third commercial space to operate a fitness center.

It is generally City practice that zoning district boundaries fall along lot lines, thus eliminating lots split by zoning districts wherever possible. The previous Official Zoning Map showed this lot as having a small section at the rear located in the Private Residence District. This was most likely due to error, and the lot line between 60 Needham Street and the abutting properties to the rear on Winchester Street should have been the zoning district boundary. There are two previous board orders for this property that mention that the lot was a split lot, with a small rear section located in what is now the Multi-Residence 1 zoning district. The first, Board Order #345-61, issued in 1961, allowed that portion of the lot which at the time was residentially zoned to be used for parking for the commercial building. The second special permit, #437-03, allowed for the parking requirements to be met with some stalls off-site on the adjacent parcel at 135 Winchester Street.

Research into the Inspectional Services files and previous special permits indicate that at some point around 1995, the rear portion of 135 Winchester was carved off as a separate lot to be used for the purposes of parking, while the front lot remained a residential use. The rear lot with the parking is currently referred to as 56 Needham Street on the GIS map, and has historically been known as 135 Rear Winchester Street, as well as 58 Needham Street. Regardless, the parcel's boundaries with the Winchester Street parcels had not been addressed at the time of issuance in 2003, and the explanatory note mentions that what was then Section 30-19(f)(3) allowed for accessory parking for a business to be located in a residential zone with a special permit. In 2015 the official zoning map for the City was clarified for such inconsistencies and has since been updated to assume that 60 Needham Street, the lot known currently as 56 Needham Street, and the adjacent parcel at 66 Needham Street are completely located within the Mixed Use 2 zoning district.

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

- Zoning Review Application, prepared by Christine D'Amico, dated 5/16/2017
- Lay-Out and Materials Plan, prepared by SMMA, surveyor, dated 2003
- Proposed Floor Plan, submitted 5/16/2017

ADMINISTRATIVE DETERMINATIONS:

1. The applicant proposes to introduce a ground floor health club use to the newly partitioned third commercial space on site. Per Section 4.4.1, a special permit is required to allow a ground floor health club use in the Mixed Use 2 zoning district.
2. There are 18 parking stalls on site. The property was granted Special Permit #437-03 in 2003 allowing for the parking requirements to be met by 15 stalls on the adjacent parcel at 135 Winchester Street (the portion with the parking was carved off into a separate lot in the 1990s and is now known as 56 Needham street), bringing the total available stalls for this property to 33. This was seen as an improvement, as the special permit allowed the owners of the property to eliminate some of the required parking stalls from the front of the building to further the goals of the Needham Street Redevelopment Plan. At the time the special permit was granted, the uses on the site required 32 parking stalls, therefore the off-site parking eliminated the need for a parking waiver. The order mentions that the property has a long-term lease until 2024 for the parking on the adjacent parcel (56 Needham Street).

There are currently only two tenant spaces in the building. The applicant intends to divide the 5,700 square foot space occupied by Big Picture Framing into two spaces, with Big Picture Framing retaining 2,136 square feet, and the proposed fitness center occupying 3,564 square feet. The current parking requirement for the two existing is as follows:

Big Picture Framing 5,700 square feet @ 1 stall per 300 square feet = 19 stalls
Up to 3 employees @ 1 stall per each 3 employees = 1 stall
Total: **20 stalls**

Real Estate Office 3,500 square feet @ 1 stall per 250 square feet = 14 stalls
Total: **14 stalls**

TOTAL: 34 stalls

The proposed parking requirement once the third tenant space is created per Section 5.1.4 is as follows:

Big Picture Framing 2,136 square feet @ 1 stall per 300 square feet = 8 stalls
Up to 3 employees @ 1 stall per each 3 employees = 1 stall
Total: **9 stalls**

Real Estate Office 3,500 square feet @ 1 stall per 250 square feet = 14 stalls
Total: **14 stalls**

Health Club 3,564 square feet @ 1 stall per 150 square feet = 25 stalls
Up to 3 employees @ 1 stall per each 3 employees = 1
Total: **26 stalls**

TOTAL: 49 stalls

Per Section 5.1.3, the following formula may be used to determine the parking requirement where there is a change of use:

A (stalls required for proposed use) – B (stalls required for existing use) + C (number of stalls available) = Number of required stalls

Thus;

49 (required for proposed) – **34** (required for previous) + **33** (available) = **48 stalls required**

A total of 48 stalls are required for the proposed uses, where 33 exist between the on-site parking and those available off-site through the 2003 special permit. A special permit to waive 15 parking stalls is required per Section 5.1.13.

3. The 2003 special permit addressed the existing nonconformities of the two parking facilities. No changes are proposed to either property's parking conditions.
4. The 2003 special permit authorized the petitioners to meet their parking requirements off-site with 15 stalls on the adjacent parcel. To the extent that the proposed use and requested parking waiver impact the conditions of the special permit, an amendment to Order #437-03 is required.

Zoning Relief Required

<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Amend Board Order #437-03	
§4.4.1	To allow a ground level health club	S.P. per §7.3.3
§5.1.4 §5.1.13	To waive 15 parking stalls	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:

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

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application. Such information may include but shall not be limited to:

- Historic Review/Sign-off
- Conservation Review/Sign-off
- Engineering Plans including Utilities and Drainage Calculations
- Massing Model or 3D computer model
- Traffic Impact Assessment
- Parking Demand Study
- Parking and Screening Plan
- Transportation Demand Management Plan
- Loading/Trash Location and Screening Plan
- Schedule of Activities
- Hours of Operation
- Photometric Plan
- Inclusionary Housing Plan
- Comprehensive Sign Package
- Street Views
- Site Sections
- Turning Template

- Fire Department Review/sign-off
- Average height of abutting residential buildings
- Area Plan showing distances from proposed buildings
- Construction Management Plan
- Proposed Phasing Schedule
- Shadow Study
- Roof Plan
- Tree Removal Plan
- Sustainability Plan
- Fiscal Impacts Report

Has the proposed project been presented to and discussed with abutting property owners? Y/N