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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: September 16, 2014
Land Use Action Date: October 14, 2014
Board of Aldermen Action Date: December 1, 2014
Action Expiration Date: December 15, 2014

DATE: September 12, 2014

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Daniel Sexton, Senior Planner 

SUBJECT: **Petition #274-14**, GATEWAY CENTER REALTY TRUST, for a SPECIAL PERMIT/SITE PLAN APPROVAL to replace and legalize an existing freestanding sign at 296-334 WASHINGTON STREET (Gateway Center), Ward 1, Newton Corner, on land known as SBL 12, 11, 1, in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-20(l) of the City of Newton Rev Zoning Ord. and special permit #270-67.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. 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. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



296-334 Washington Street

EXECUTIVE SUMMARY

The property located at 296-334 Washington Street consists of a 213,895 square foot lot improved with a 174,000 square foot mixed use commercial complex (commonly known as “One Gateway Center”) that includes the Crowne Plaza Newton Hotel. The development of the commercial complex and ancillary parking facilities were approved under special permits via Board Order #267-67 and Board Order #270-67, which authorized the rezoning and development of the private property adjacent to and the air space over the Massachusetts Turnpike. Per Condition #2 of Board Order #270-67, all exterior signs require the permission of the Board of Aldermen (Board). In order to replace and legalize an existing free-standing sign, which does not appear to have been previously approved, the petitioner is seeking a special permit to allow a free-standing sign with 26 square feet of sign area along Washington Street.

The Urban Design Commission (UDC) reviewed the sign proposal and recommended approval of the replacement sign as proposed (**ATTACHMENT A**). The Planning Department has no particular concerns with this petition. The existing placement of the sign does not appear to interfere with the movements of pedestrians or vehicles, and its replacement will improve way-finding for customers of the mixed use complex from Washington Street.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The free-standing sign is in the public interest as it will improve way-finding along the Washington Street corridor for customers of the commercial complex. (§30-24(d)(1), §30-20(l))
- The location of the proposed free-standing sign will not create a nuisance or serious hazard to pedestrians or vehicles, since the proposed sign will not significantly impede the movement or visibility for pedestrians or vehicles. (§30-24(d)(3))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located along Washington Street and Centre Street, but is also adjacent to Exit 17 of the Massachusetts Turnpike (Interstate 90). The commercial complex is immediately surrounded by commercial and multi-family residential land uses, and is proximate to other properties containing single-family residential, mixed use, nonprofit organizations, and open space land uses (**ATTACHMENT B**). The subject property is zoned Business 1, but the surrounding neighborhood contains properties zoned Single Residence 3, Multi-Residence 1 and 2, Business 1, 2, and 4, and Public Use (**ATTACHMENT C**).

B. Site

The property consists of 213,895 square feet of land and is improved with a 174,000 square foot, nine-story, mixed use commercial complex that includes the Crowne Plaza Newton Hotel. The commercial complex was constructed in the 1970s under special permits via Board Order #267-67 and Board Order #270-67, which authorized

the rezoning and development of the private property adjacent to and the air space over the Massachusetts Turnpike. Per Condition #2 of Board Order #270-67, all exterior signs require the permission of the Board of Aldermen (Board). Over the past 45 years, the Board has authorized the installation of numerous exterior signs for different establishments on the site. Based on staff's visit to the site, there appears to be only one other free-standing sign authorized for the site.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The property will remain a mixed use commercial building.

B. Building and Site Design

The petitioner is proposing to replace an existing free-standing sign, which will not result in any changes to the structures on the site. The replacement of the sign along the north side of the building, facing Washington Street, will improve visibility of the entrance along Washington Street.

C. Signage

The existing free-standing sign, which this proposal seeks to replace, is located near the main entrance on the north side of the commercial building. To gain more visibility for the entrance, the petitioner is proposing to replace the existing sign housing with a new housing made of brushed stainless steel. As proposed, the sign will have approximately 26 square feet of sign area and will be internally illuminated with LEDs. The petitioner is not looking to modify the location, footprint or size of the existing free-standing sign.



The Planning Department has no particular concern with this petition. The proposed sign location does not appear to create a nuisance or serious hazard to pedestrians or vehicles, and its replacement will improve way-finding for customers of the mixed use complex from Washington Street.

D. Parking and Circulation

There will be no change to the parking or circulation of the site due to the proposed development.

E. Landscape Screening

No landscape plan was required for this petition.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance)

The Zoning Review Memorandum (**ATTACHMENT D**) provides an analysis of the proposal with regard to zoning. Based on this review, the petitioner is seeking a Special Permit/Site Plan Approval for the following reliefs:

➤ §30-20(f)(9) and §30-20(l) to allow the erection of a free-standing sign.

B. Urban Design Commission

The UDC reviewed the proposed free-standing sign on November 20, 2013, and recommended approval of the replacement sign as proposed (**ATTACHMENT A**). The UDC had no particular concerns with the free-standing sign since a free-standing sign has existed in that location without any concerns for many years.

C. Engineering Review

This project does not require review by the Engineering Division of Public Works.

V. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

Attachment A: Urban Design Commission - Recommendation, dated November 22, 2013
Attachment B: Land Use Map
Attachment C: Zoning Map
Attachment D: Zoning Review Memorandum

DEPARTMENT OF PLANNING AND DEVELOPMENT

CITY OF NEWTON
Massachusetts

INTER-OFFICE CORRESPONDENCE – SIGN APPLICATION REVIEW

DATE: November 22, 2013

TO: John Lojek
Commissioner of Inspectional Services

FROM: Candace Havens, Director of Planning and Development
Daniel Sexton, Senior Planner 

LOCATION: 296-334 Washington Street BUSINESS: One Gateway Center

CONTRACTOR: TBD

Sections 30-20(c)(1), as amended, allows the Director of Planning and Development, in consultation with the Urban Design Commission (Commission), to review sign permit applications. The Commission reviewed the proposed sign for compliance with Section 30-20(f)(1) on **November 20, 2013** and has recommended approval of the sign as proposed, contingent upon the petitioner obtaining or providing proof of a special permit authorizing the installation of the proposed free-standing sign.

The Department of Planning and Development concurs with the Commission and recommends approval of the proposed sign described in the application and plans of reference:

- One free-standing sign, internally illuminated, with approximately 28 square feet of sign area each on the north side of the 294-334 Washington Street site.

Prior to issuing the building permit for this sign, the petitioner shall obtain or provide proof of a special permit authorizing the installation of the proposed free-standing sign to the Planning Department.

This memo does not constitute a permit. The applicant must receive a permit from Inspectional Services prior to installing the signs. All decisions of the Urban Design Commission are appealable to the Commissioner of Inspectional Services

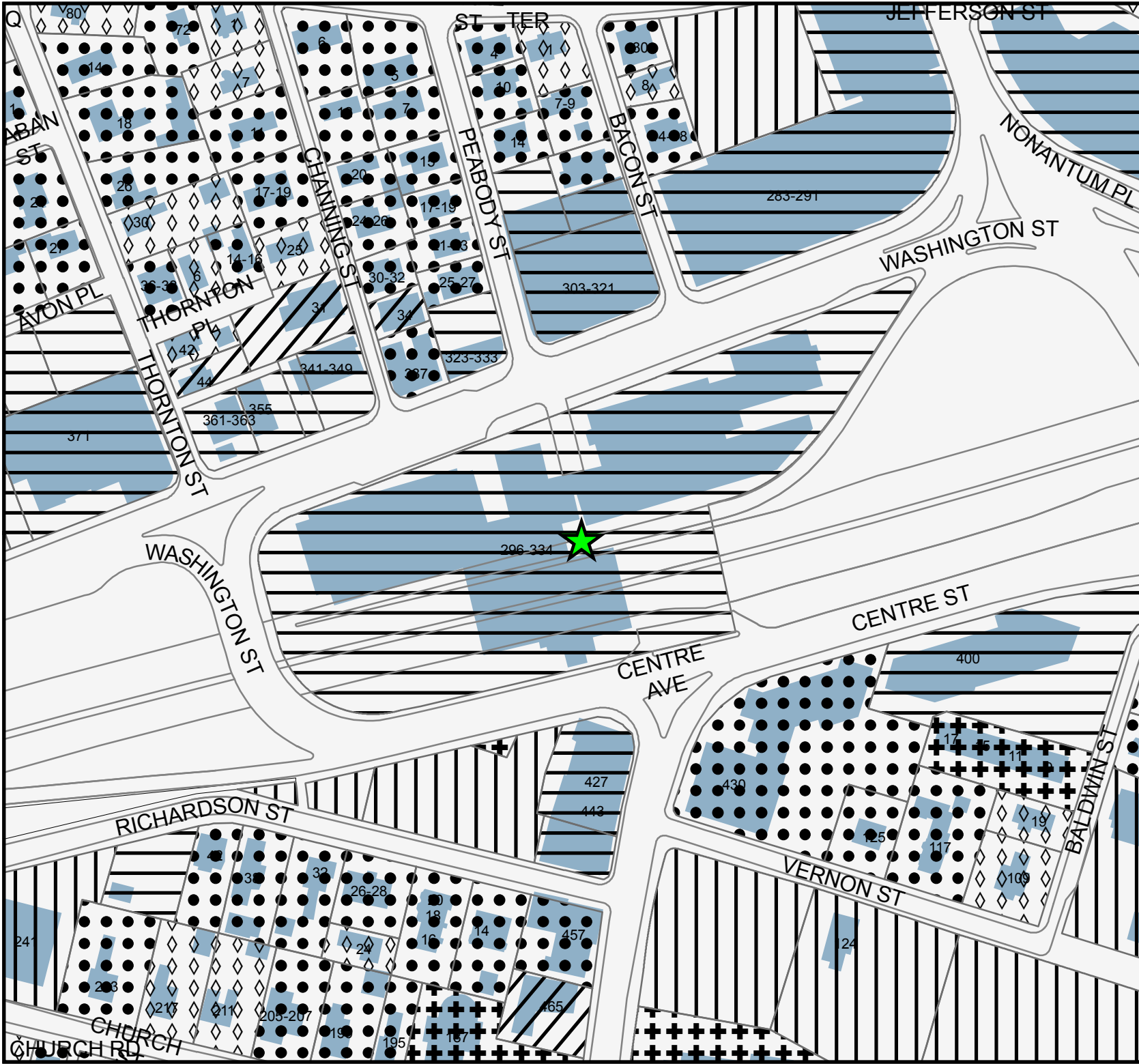
Cc:
David Oliver, 468 Albemarle Rd., Newton, MA 02460
Urban Design Commission file

Land Use Map

296-334 Washington Street

*City of Newton,
Massachusetts*

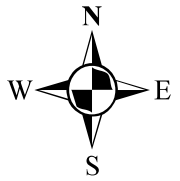
ATTACHMENT B



Legend

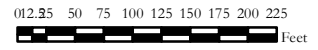
Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Mixed Use
- Open Space
- Nonprofit Organizations
- Property Boundaries
- Building Outlines



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



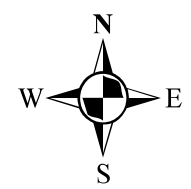
Zoning Map 296-334 Washington Street

*City of Newton,
Massachusetts*

ATTACHMENT C

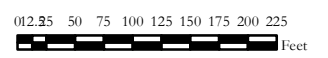
Legend

- Single Residence 3
- Multi-Residence 1
- Multi-Residence 2
- Business 1
- Business 2
- Business 4
- Public Use
- Property Boundaries
- Building Outlines

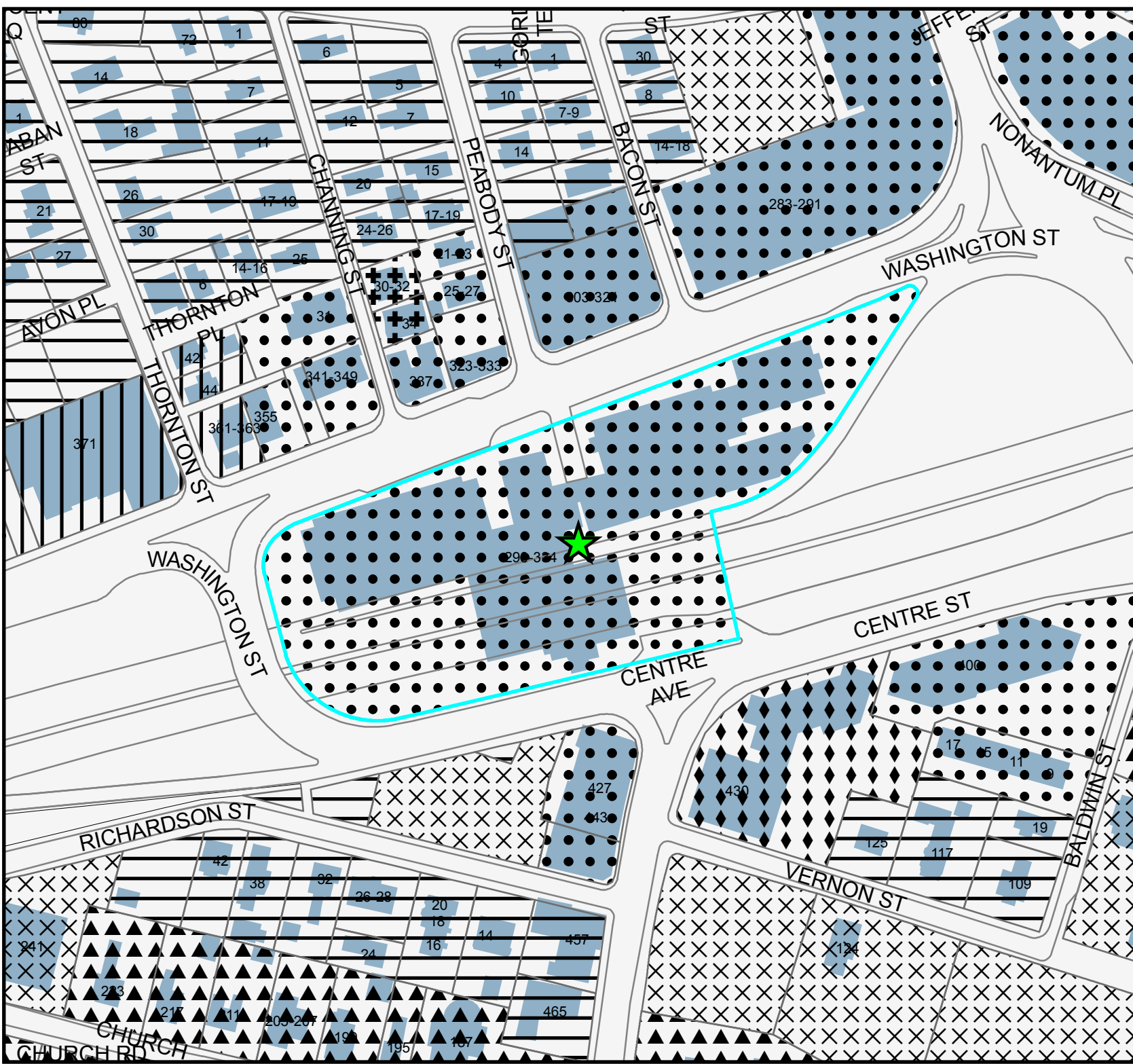


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: August 20, 2014





Setti D. Warren
Mayor

Attachment D

City of Newton, Massachusetts

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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: December 18, 2013

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Dale Savit, sign-maker for the applicant
JF White, Gateway Center Realty Trust
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request for a Special Permit for a free-standing sign

Applicant: Gateway Center Realty Trust	
Site: 296-334 Washington Street	SBL: 12011 0001
Zoning: BU1	Lot Area: 213,895 square feet
Current use: Mixed use building	Proposed use: No change

BACKGROUND:

The property at 296-334 Washington Street consists of a 213,895 square foot lot improved with a nine story, 174,000 square-foot mixed use office complex that includes the Crowne Plaza Newton Hotel. The hotel and some of the parking for the complex is built over the Mass Pike. Petition #267-67, by the Massachusetts Turnpike Authority rezoned the space over the Pike from "Unzoned" to "Business A" (now Business Use 1) to allow for the air space over the highway to be developed. Board Order #270-67 was issued in 1967 permitting the use of the property and air space for the complex. Condition 2 of the Board Order required that all exterior signs required permission of the Board of Aldermen. A program of signs was approved in 1970, however the free-standing sign at the center of this application does not appear to have been part of any of the permitting.

The applicant proposes to replace a 94 3/8" h X 42" w free-standing double-faced sign in front of the building on Washington Street. The dimensions and location will remain the same, the applicant is proposing a change in materials. There is no record of the existing sign as part of any of the special permits issued for this site. As such, a special permit is required to legalize the proposed sign.

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

- Zoning Review Application, prepared by Dale Savit, Savit & Associates, sign-maker, dated 11/22/13
- Sign permit application, prepared by Dale Savit, Savit & Associates, sign-maker, dated 11/5/13
- Front Elevation, dated 10/28/13
- Site Plan, undated
- Photos of location, undated

ADMINISTRATIVE DETERMINATIONS:

1. Section 30-20(f)(9) requires a special permit from the Board of Aldermen for a free-standing sign.

2. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§30-20(f)(9)	Free-standing sign	S.P. per §30-24