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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: August 9, 2012

To: John Lojek, Commissioner of Inspectional Services

From: Seth Zeren, Chief Zoning Code Official
Eve Tapper, Chief Planner for Current Planning

ET

Cc: Alan Schlesinger, attorney representing applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to permit the construction of two commercial buildings

Applicant: Needham Street Village Shops LLC	
Site: 49, 55, and 71 Needham Street	SBL: 51028 lots 0023, 0022, 0020
Zoning: MU1	Lot Area: 58,875 square feet (combined)
Current use: Retail store and restaurant	Proposed use: Retail stores, service establishments, and restaurants

BACKGROUND:

The property at 71 Needham Street consists of a 27,475-square foot lot improved with a commercial building currently occupied by International Bicycle. The properties at 49 and 55 Needham Street consist of two lots of 11,775 square feet and 19,625 square feet, respectively, improved with a commercial building currently occupied by Skipjack's restaurant and associated parking. In 1984, the Board of Aldermen granted a special permit (B.O. #55-84) to 55 Needham Street permitting the restaurant use to be open until 1:00 am and allowing additional seating once off-site customer parking was secured. In 1999, the Board of Aldermen granted another special permit (B.O. #362-99) to 55 Needham Street permitting the restaurant use by special permit and allowing an increase in seating to 149 seats and parking on 41 Needham Street. In 2001, the Board of Aldermen granted a final special permit (B.O. #221-01), increasing the total number of seats to 176 and amending the site plan to allow parking on 49 Needham Street accessed by a public driveway on 41 Needham Street constructed as part of the Avalon Newton Highlands development at 109 Needham Street. The applicant proposes to demolish the existing structures, combine the lots, and construct two new commercial buildings to be occupied by various retail, personal service, and restaurant uses.

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

- Architectural plans, signed and stamped by David Chilinski, Architect, dated 6/29/12
 - Building 1 Floor Plan
 - Building 2 Floor Plan
 - Elevations
- Site plans and landscaping plan, signed and stamped by Gregg Mixolaities, Engineer, dated 6/28/12
- Copies of B.O. #55-84, B.O. #362-99, and B.O. #221-01

ADMINISTRATIVE DETERMINATIONS:

1. The property is in the MU1 zone and must comply with the dimensional standards of Section 30-15, Table 1 and Table 3 (see chart below).

MU1 Zone	Required/Allowed	Existing	Proposed
Lot Size	40,000 square feet	58,875 square feet (combined)	No change
Frontage	80 feet	377 feet +/- (combined)	No change
Setbacks			
• Front	15 feet	N/A*	15 feet
• Side	7.5 feet	N/A*	17.3 feet
• Rear	7.5 feet	N/A*	69 feet
FAR	1.5 by right, up to 2.0 by special permit	N/A*	0.33
Building Height	36 feet by right, up to 48 feet by special permit	N/A*	32.8 feet
Maximum Stories	3 by right, up to 4 by special permit	N/A*	1

*As the applicant proposes to demolish the existing structures and construct the new buildings within the required dimensional standards, the applicant did not provide these measurements.

2. The applicant's site plan shows the total gross floor area of the proposed structures as 19,200 square feet. Section 30-13(h)(1) requires site plan approval for projects containing an aggregate of between 10,000 and 19,999 square feet of gross floor area. To construct the structures as proposed, the applicant must obtain site plan approval from the Board of Aldermen.
3. The applicant proposes to include retail uses in the proposed development. Per Section 30-13(b)(1), retail stores are permitted in the MU1 zone by special permit. To permit retail stores to locate in the proposed development, the applicant must obtain a special permit from the Board of Aldermen.

Alternatively, as the existing retail use at 71 Needham Street is legally nonconforming, the Board of Aldermen may instead grant a special permit per Section 30-21(b) to extend a preexisting nonconforming use into the larger development.

4. Per Section 30-13(b)(5), restaurants are permitted in the MU1 zone by special permit. In 1999, Board Order #362-99 made the then nonconforming restaurant use conforming. To permit restaurants to locate in the proposed development, the applicant must obtain a special permit from the Board of Aldermen per Section 30-13(b) continuing the prior approval of B.O. #362-99.

5. Per Section 30-13(b)(4), service establishments are allowed in the MU1 zone by special permit. To permit service establishments to locate in the proposed development, the applicant must obtain a special permit from the Board of Aldermen.
6. The proposed development must conform to the parking regulations of Section 30-19 (see the table below). Taking into account the parking stalls grandfathered by the calculation in Section 30-19(c), a total of 84 parking stalls are required for the proposed uses. The applicant's proposed site plan shows 64 parking stalls. To construct the development as proposed, the applicant must obtain a special permit from the Board of Aldermen, per Section 30-19(m), to waive 20 required parking stalls.

Proposed	Parking Formula	Required Parking
Up to 150 restaurant seats with a total 15 employees on the largest shift	1 per 3 seats and per 3 employees	55 (A)
1,312 square feet of retail with three employees on the largest shift	1 per 300 square feet and per 3 employees	6 (A)
1,554 square feet of retail with three employees on the largest shift	1 per 300 square feet and per 3 employees	7 (A)
1,313 square feet of retail with three employees on the largest shift	1 per 300 square feet and per 3 employees	6 (A)
2,711 square feet of retail with three employees on the largest shift	1 per 300 square feet and per 3 employees	11 (A)
2,646 square feet of retail with three employees on the largest shift	1 per 300 square feet and per 3 employees	10 (A)
1,274 square feet of retail with three employees on the largest shift	1 per 300 square feet and per 3 employees	6 (A)
1,489 square feet of retail with three employees on the largest shift	1 per 300 square feet and per 3 employees	6 (A)
1,274 square feet of retail with three employees on the largest shift	1 per 300 square feet and per 3 employees	6 (A)
Existing	Parking Formula	Parking Credits
49/55 Needham Street:		
176 seat restaurant with 12 employees on the largest shift	1 per 3 seats and per 3 employees	63 (B)
71 Needham Street:		
6,919 square feet of retail with four employees on the largest shift	1 per 300 square feet and per 3 employees	25 (B)
6,446 square feet of manufacturing with two employees	1 per 1,000 square feet and per 4 employees	8 (B)
6,447 square feet of warehouse with one employee	1 per 2,500 square feet and per 4 employees	4 (B)
Total existing off-street parking stalls		71 (C)
Total Number of Spaces Required:		84
Number of stalls proposed:		64
Waiver required:		20

Calculation per §30-19(c)(2): A (113) – B (100) + C(71) = Required number of parking stalls (84)

7. The applicant proposes to create a 64-stall parking facility and must, therefore, meet the requirements of Section 30-19(h), (i), (j), and (k).
8. Per Section 30-19(h)(2)c), the applicant must provide three handicap parking stalls for a 64-stall parking facility. The applicant's site plan shows four handicap parking stalls. No further zoning relief is required.
9. Per Section 30-19(h)(2)d), parking stalls may be 17 feet in length where stalls head into a curb which bumpers can overhang by two feet. The applicant's site plan shows parking stalls that are 17 feet in length plus two-foot overhangs. Therefore, no further zoning relief is required.
10. Per Section 30-19(h)(3)a), 24-foot maneuvering aisles are required for 90-degree parking stalls. The applicant's plans show 23-foot maneuvering aisles. To construct the parking facility as shown, the applicant must obtain a special permit from the Board of Aldermen per Section 30-19(m).
11. Per Section 30-19(h)(4), entrance and exit drives must be a minimum of 12 feet wide for one-way use and 20 feet wide for two-way use; entrance and exit drives may be a maximum of 25 feet wide. The applicant's plans show three conforming entrance and exit drives. Therefore, no additional zoning relief is required.
12. Section 30-19(i)(1), landscape screening is required for outdoor parking facilities. The applicant proposes to provide a five-foot landscape buffer between the parking facility and the side and rear lot lines, per Section 30-19(i)(1)a)(i). The applicant also proposes that the parking stall bumper overhang will project two feet into this landscaped area. To permit a landscaping buffer that also includes a bumper overhang, the applicant must obtain a special permit from the Board of Aldermen, per Section 30-19(m).
13. The applicant's site plan does not note compliance with the interior landscaping requirement of Section 30-19(i)(2). The applicant must comply with the landscaping requirements of Section 30-19(i)(2) or obtain a special permit from the Board of Aldermen, per Section 30-19(m), to waive all or part of these requirements.
14. Section 30-19(j) requires parking facilities to be property lighted, surfaced, and maintained. The applicant's plans do not note compliance with these requirements. The applicant must either satisfy these requirements or obtain a special permit from the Board of Aldermen, per Section 30-19(m), to waive all or part of these requirements.
15. Per Section 30-19(k), seven bicycle parking stalls are required for a parking facility with 64 stalls. The applicant's site plan shows two proposed bike rack locations. A total of seven stalls must be provided or the applicant must obtain a special permit from the Board of Aldermen, per Section 30-19(m), to waive all or part of this requirement.
16. Section 30-19(l) requires the provision of one off-street loading facility for commercial buildings between 5,000 and 50,000 square feet. The applicant's site plan does not show a conforming loading facility. To waive the loading facility requirement, the applicant must obtain a special permit from the Board of Aldermen, per Section 30-19(m).

17. The proposed development must meet the requirements of Section 30-20, *Signs and Other Advertising Devices*. Though not shown on the site plan, the applicant includes plans for a proposed free-standing sign to be located between the two buildings. The Board of Aldermen may permit freestanding signs by special permit, per Section 30-20(f)(9). The proposed free standing sign is smaller than 35 square feet in area, 10 feet in any linear direction, and 16 feet in height above the ground, as required by Section 30-20(l). The applicant's plans also show a number of other signs affixed to the buildings. As free-standing signs are considered principal signs per Section 30-20(f)(1), these other signs are secondary signs which are limited to one square foot per foot of storefront or 50 square feet, whichever is less, per Section 30-20(f)(2). Each establishment is allowed up to two secondary signs on separate frontages. The applicant's plans show that the signs facing Needham Street exceed the maximum allowed area, either due to the length of the storefront or because they exceed 50 square feet. The signs facing the parking to the rear of the site conform to the maximum allowed size. The north-most commercial space is also depicted with three secondary signs facing north, east, and west. To locate the signs proposed in their plans, the applicant must obtain a special permit from the Board of Aldermen per Section 30-20(l) to waive compliance with the limitations on size and location of signage and to permit a free-standing sign.
18. As 55 and 49 Needham Street are governed under special permits and approved site plans, the applicant must either demonstrate that they have abandoned these special permits or must consolidate any conditions or approvals that remain relevant from the previous permits into this new approval to create one comprehensive and complete special permit and site plan governing the site.

19. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Use</i>	<i>Action Required</i>
§30-13(b)(1); or §30-21(b)	Permit retail stores on site, or extend nonconforming retail use	S.P. per §30-24
§30-13(b)(5)	Permit restaurants on site	S.P. per §30-24
§30-13(b)(4)	Permit service establishments on site	S.P. per §30-24
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
	Consolidate conditions and approvals of prior special permits into new special permit	S.P. per §30-24
<i>Ordinance</i>	<i>Structure</i>	<i>Action Required</i>
§30-13(h)(1)	Permit two buildings that have in the aggregate a total gross floor area of 19,200 square feet	Site plan approval per §30-23
<i>Ordinance</i>	<i>Parking</i>	<i>Action Required</i>
§30-19(c); §30-19(d)(10) and (d)(13); §30-19(m)	Waive 20 required parking stalls	S.P. per §30-24
§30-19(h)(3)a); §30-19(m)	Allow maneuvering aisles 23 feet in width where 24 feet is required	S.P. per §30-24
§30-19(i)(1)a)(i); §30-19(m)	Permit a landscape buffer that also includes a bumper overhang	S.P. per §30-24
§30-19(i)(2); §30-19(m)	Comply with interior landscaping requirements or obtain a waiver	Comply or S.P. per §30-24
§30-19(j); §30-19(m)	Provide required lighting, surfacing, curbing, and maintenance or obtain a waiver	Comply or S.P. per §30-24
§30-19(k); §30-19(m)	Provide seven required bicycle stalls or obtain a waiver	Comply or S.P. per §30-24
§30-19(l); §30-19(m)	Waive one required loading dock facility	S.P. per §30-24
<i>Ordinance</i>	<i>Signs</i>	<i>Action Required</i>
§30-20(f)(1), (f)(2), and (f)(9); §30-20(l)	Permit a free-standing sign and waiver dimensional standards and number of secondary signs	S.P. per §30-24