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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: December 4, 2013

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Alan Schlessinger, Attorney for the applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to allow service, retail and warehouse uses in the MU1 zone, and to waive 37 parking stalls.

Applicant: KSKIM UBC Equity Partners LLC	
Site: 19-33 Needham Street	SBL: 51 28 25 25D
Zoning: MU1	Lot Area: 109,396 square feet
Current use: Retail/office	Proposed use: Mixed use

BACKGROUND:

The property at 19-33 Needham Street consists of a 109,396 square foot lot improved with two attached buildings at the street-front, and another smaller building to the rear of the property. Early building permits for the site show the existence of a gasoline service station in the 1920's. By 1941, an office and service station had been erected on the site as well. It is unclear from the permits on file whether these buildings were razed or modified in 1960 to make way for a much larger building for office and warehouse use, which created the present configuration. At that time, the property was zoned "Manufacturing", and retail, office and storage were allowed uses in the district. The property received a special permit in 1991 for retail use as a tire store and an associated parking waiver of fifteen stalls, based on the practice that many of the cars at the tire store would be inside the building being serviced. The waiver allowed the property owner to reconfigure the front of the property with landscaping so vehicles were no longer backing out directly onto Needham Street. The site is currently occupied by the retail use and offices, with a portion of the buildings vacant.

The survey shows that the property has 145 on-site parking stalls. In total, it has access to 185 parking stalls with 40 of the stalls located off the property; 29 parking spaces are available under a License

Agreement with the MBTA adjacent to the MBTA rail right of way, and 11 spaces are located on Easy Street, a private way. Parking for the as-of-right uses of retail and office require 182 stalls, thus creating a deficit of 37 on-site stalls. The applicant seeks to maintain the existing on-site stalls, as well as legitimize the 40 off-site stalls currently used by tenants. The applicant is proposing a mix of uses which will not increase the demand for parking stalls beyond that which is available, already waived by the 1991 special permit, and permitted through the proposed waiver.

The as-of-right zoning for the district allows the office use, and a special permit (BO # 141-91) was issued in 1991 allowing for the retail use of the property for NTW. The applicant is requesting a special permit for the property to allow for a mix of uses, including the as-of-right offices, as well as more retail and service uses under the zoning ordinance section 30-13(b). The exact square footages of the proposed uses and configurations are flexible at this point, but will be capped by the aggregate parking waiver required, and will not exceed the existing number of spaces (145 existing stalls, 29 MBTA property stalls, 11 stalls on Easy Street and 15 waived stalls for a total of 200 stalls).

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

- Zoning Review Application, prepared Alan Schlesinger, Attorney, dated 10/23/13
- Site Plan, prepared by Precision Land Surveying, dated 6/5/13
- Parking Evaluation, prepared by MDM Transportation Consultants, dated 10/15/13
- Floor Plans, prepared by KS Partners, dated 6/19/13
- Special Permit Board Order #1-76, dated 2/18/1976
- Special Permit Board Order #153-81, dated 6/15/1981
- Special Permit Board Order #141-91, dated 12/26/91
- Building Permit #852, dated 11/23/1939
- Building Permit #333, dated 3/31/1941
- Building Permit #530, dated 9/20/1960
- Photos

ADMINISTRATIVE DETERMINATIONS:

1. The applicant is proposing office, retail, service and warehouse use for the property. According to Section 30-13(b), a special permit is required to locate these uses in the Mixed Use 1 District.
2. The property has 145 parking stalls, as well as 29 stalls located off-premises on the adjacent MBTA property, and 11 on a private way, Easy Street for a total of 185 stalls, plus 15 stalls waived by the 1991 special permit. The as-of-right and permitted uses on site require 182 stalls. The applicant proposes a mix of uses which will not increase the parking requirement for the site beyond that which is available on-site and through the proposed waiver of 37 stalls. A special permit per Section 30-19(f)(1) and 30-19(f)(2) is required to utilize parking stalls on a different property (those stalls located on MBTA property and Easy Street). Conversely, the applicant may seek a special permit to waive the number of on-site parking stalls required for the site's uses per Section 30-19(c)(3). The proposed mix of uses should not exceed the parking demand of 200 parking stalls.

3. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§30-13(b)(1)	To allow retail use in the Mixed Use 1 District	S.P. per §30-24
§30-13(b)(3)	To allow warehouse use in the Mixed Use 1 District	S.P. per §30-24
§30-13(b)(4)	To allow service use in the Mixed Use 1 District	S.P. per §30-24
§30-19(f)(1), (2) <u>OR</u> §30-19(c)(3)	To allow for 40 off-site parking stalls <u>OR</u> To waive 37 parking stalls	S.P. per §30-24