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James Freas  
Acting Director

### ZONING REVIEW MEMORANDUM

Date: January 8, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Franklin Sterns, Attorney for the applicant  
Kerry McCormick, Wellford Corp  
James Freas, Acting Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: Request to allow a mix of office, service, retail and restaurant uses in the MU1 zone, and to reduce parking requirements by one-third

RECEIVED  
Newton City Clerk  
2015 JAN 13 PM 2:00  
David A. Olson, CMC  
Newton, MA 02459

Applicant: Wellford Corp.	
Site: <del>141-143, 151-153, 165, 173 &amp; 181</del> Needham Street 131-181	SBL: 51028 0014, 51028 0013, 51028 0012, 51028 0011, 51028 0010 0015 & 9A
Zoning: MU1	Lot Area: 11.06 acres
Current use: Office	Proposed use: Mixed use

#### BACKGROUND:

The subject site is comprised of five lots, totaling 11.06 acres. The four lots fronting on Needham Street have two office buildings currently occupied by Trip Advisor, and the large rear lot is a multi-tenant office/commercial building. Trip Advisor will be vacating the property, and the owner intends to partially demolish the two front buildings to create a wide center courtyard between the buildings, and to make additions to the front of each to bring them closer to the Needham Street landscape. The rear building and its uses will remain as is, aside from some cosmetic improvements to the facade.

The site has been used for manufacturing and office uses in the past. The applicant intends to phase the redevelopment of the site, and proposes retail, service and restaurant uses in the front buildings, as well as significant landscape and parking improvements.

The property has 488 parking stalls between the five parcels, to be shared by all three buildings. The applicant proposes to increase the parking to 518 stalls by reconfiguring the existing parking areas. With the change in use from office to mixed use the parking demand increases from 514 stalls to 657. The applicant intends to seek a special permit to allow for a one-third reduction in the parking requirement for a mixed use project, which would reduce the parking requirement to 441 stalls.

The as-of-right zoning for the district allows office use. The applicant is proposing to expand the uses on the site to also include restaurants, retail and service establishments. Between the two front buildings, approximately 73,290 square feet of retail and service are proposed, as well as up to 517 restaurant seats. The rear building will remain as office space, with 55,056 square feet.

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

- Zoning Review Application, prepared Frank Sterns, Attorney, dated 11/13/2014
- Parking calculation, dated 11/11/2014
- Existing conditions plan, signed and stamped by Steven M. Horsfall, surveyor, dated 11/12/2014
- Proposed conditions plan, signed and stamped by David Noel Kelly, civil engineer, dated 11/12/2014, revised 12/24/2014

#### **ADMINISTRATIVE DETERMINATIONS:**

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1. The applicant is proposing office, retail, service and restaurant uses 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 existing building at the rear, or northern portion of the property, known as Building N1, will remain as is with some façade improvements. The applicant intends to demolish approximately 14,838 square feet on the west side of the building on the eastern portion of the property, known as Building N2, and add approximately 7,525 square feet to the Needham Street side of it. Building N3, located on the southern portion of the property, will have approximately 17,925 square feet demolished and approximately 1,500 square feet added to the Needham Street side.
3. The property currently has 488 parking stalls. The applicant intends to reconfigure the parking lot and expand to 518 stalls to be shared by the three buildings. With 164,398 square feet of office space on the site in total, 514 parking stalls are currently required for the office use per Section 30-19(d)(11), which requires one stall for every 250 square feet for the first 20,000 square feet, and one stall for every 333 square feet in excess of 20,000 square feet.

It is intended that Building N1 will maintain its office uses. With 55,056 square feet, the building requires 80 stalls for the first 20,000 square feet, and 105 stalls for the remaining 35,056 square feet, for a total of 185 stalls.

Building N2 and N3 will be repurposed for retail, service and restaurant uses. After the building alterations, there will be approximately 86,960 square feet devoted to service and retail uses. Pursuant to Section 30-19(d)(13), service and retail uses require one stall per each 300 square feet, and one stall per each three employees working at the highest shift. To estimate the number of anticipated employees, the applicant utilized the Institute of Transportation Engineers (ITE) and Urban Land Institute (ULI) standards for projecting traffic volumes. The estimate of 1 employee per each 1000 sf of retail and the estimate of 1 employee for 10 seats in a restaurant were taken from

ITE/ULI sources for shopping centers. Based on the ITE/ULI standards, the estimated number of employees for the service and retail uses is 76, creating a parking requirement of 26 stalls for employees, and 251 stalls based on the square footage. The total parking requirement for the retail and service uses is estimated at 277 stalls.

Per Section 30-19(d)(13), a restaurant use requires one stall for every three seats, and one stall for every three employees working at the highest shift. The application estimates 517 seats between the anticipated restaurants on site, requiring 173 parking stalls. Again utilizing the UTE/ULI standards, there would be an estimated 52 employees, therefore requiring 18 parking stalls. In total, the restaurant use will require approximately 191 stalls.

In total, the office, service, retail and restaurant uses on site will require 653 parking stalls, where 518 will be provided. In the case of a mixed use development such as this, a special permit may be granted to reduce the parking by up to one-third pursuant to Section 30-19(d)(18). Utilizing this provision would reduce the parking requirement to 438 stalls.

4. Section 30-19(h)(1) requires that no parking shall be located within any required setback distances from a street or sideline. The existing parking is nonconforming with stalls located within the front and side setbacks, as well as within 5 feet of structures. The applicant proposes to locate stalls within 9 feet of the street, where 15 feet is required, as well as at the side lot line with no setback, where 7.5 feet is required. Also, the applicant intends to maintain parking directly against the buildings, where a 5 foot separation is required. A special permit is required for parking stalls within the front and side setbacks, as well as to locate stalls within 5 feet of buildings.
5. Aisle widths for two-way traffic are required to be 24 feet pursuant to Section 30-19(h)(3)a). In most cases, the applicant proposes conforming widths with the exception of the existing aisle located within the loading area and bollard to the southwest corner of 151-153 Needham Street. A special permit is required to legitimize the existing nonconforming aisle width.
6. The existing driveway off of Needham Street is nonconforming at 53 feet, where 25 feet is the maximum width allowed in Section 30-19(h)(4)b). The applicant proposes to reduce the driveway width to 30 feet, which is still nonconforming. A special permit is required to maintain the nonconforming driveway width.
7. Section 30-19(i)(1) requires perimeter landscape screening for parking lots in excess of five stalls. As there are several stalls located along the perimeter of the property, a waiver from the screening requirements is necessary to maintain the nonconforming perimeter landscaping.
8. Section 30-19(j)(1) specifies the lighting requirements for parking facilities. The applicant did not submit a lighting plan. To the extent that the proposed plan does not meet the requirements of the Ordinance, a waiver is special permit is required.
9. Section 30-15, Table 3 requires that a one-story building in the MU1 district have a 15 foot front setback, and any building over one story must have a front setback equal to the height of the building. The applicant intends to make the buildings fronting on Needham Street part of the "streetscape" by bringing them to the sidewalk. As such, the buildings are limited to one-story to accommodate the 15 foot setback requirement. The applicant conceptualizes 21,500 square feet

of office space above the first floor commercial space in the two front buildings. Should the setback requirements change, and additional office space is added to create a second floor, an additional 86 parking stalls would be required per Section 30-19(d)(11). The 86 stalls required for the additional office space would exceed the number of stalls provided, and a waiver would be required.

MU1 Zone	Required/Allowed	Existing	Proposed
Lot Size	40,000 square feet	11.06 acres	No change
Setbacks			
• Front	15 feet	40.5 feet	15 feet
• Side	7.5 feet	30.6 feet	No change
• Rear	7.5 feet	13.1 feet	No change
Max # of stories	3 (4 by special permit)	2	No change
Building Height	36 feet (48' by special permit)	36 feet (Building N1)	No change
FAR	1.5 (2.0 by special permit)	.34	No change
Parking	653	<b>488</b>	<b>518</b>

10. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance	Required Relief	Action Required
§30-13(b)(1)	To allow retail 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
§30-13(b)(5)	To allow restaurant use in the Mixed Use 1 District	S.P. per §30-24
§30-19(d)(18), §30-19(m)	To allow for a one-third reduction in the required number of parking stalls	S.P. per §30-24
§30-19(h)(1), §30-19(m), §30-21(b)	To allow expanded parking within required front and side setbacks, and to allow parking stalls within 5 feet of a building	S.P. per §30-24
§30-19(h)(3)a), §30-19(m), §30-21(b)	To allow reduced aisle widths to be maintained	S.P. per §30-24
§30-19(h)(4)b), §30-19(m), §30-21(b)	To allow a nonconforming driveway width exceeding allowed maximum	S.P. per §30-24
§30-19(i)(1), §30-19(m), §30-21(b)	To allow nonconforming perimeter landscape screening	S.P. per §30-24
§30-19(j)(1), §30-19(m)	To waive requirements for lighting	S.P. per §30-24

30.13(b)(12)  
D(16)