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James Freas  
Acting Director

## ZONING REVIEW MEMORANDUM

Date: September 24, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Stephen J. Buchbinder, Attorney for the applicant  
James Freas, Acting Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to extend a nonconforming structure, to exceed FAR, building height and number of stories, and for a waiver from the number of parking stalls and the off-street loading requirements.**

Applicant: 112 Needham Street, LLC	
Site: 112 Needham Street	SBL: 83012 0007
Zoning: MU2	Lot Area: 7,500 square feet
Current use: Vacant	Proposed use: Office

### BACKGROUND:

The property at 112 Needham Street consists of a 7,500 square foot lot improved with a single-story commercial building built in 1952 and a surface parking area in front. The applicant proposes to demolish the existing structure and build a new two-story commercial building. The proposed building will have a parking facility with 11 stalls and 1,400 square feet of storage on the first floor, and 5,810 square feet of office space on the second floor.

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

- Zoning Review Application, prepared Stephen J. Buchbinder, Attorney, dated 8/25/2014
- Newton Historical Commission Demolition Review Decision, dated 7/3/2014
- Parking calculation
- FAR worksheet
- Average Grade Plane Calculation Worksheet, prepared by David Andersson, dated 8/15/2014
- Parcel Map, prepared by R.E. Cameron & Associates, Inc, dated 4/29/2014, revised 7/1/2014 and 8/14/2014
- Existing Conditions Plan, prepared by R.E. Cameron & Associates, Inc, dated 8/18/2014

- Proposed Conditions, prepared by R.E. Cameron & Associates, Inc, dated 8/18/2014
- Floor Plans and Elevations, signed and stamped by Jonathan Leavitt, dated 8/20/2014
- Landscape Plan, signed and stamped by Jonathan Leavitt, dated 8/20/2014

## ADMINISTRATIVE DETERMINATIONS:

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1. The existing building is nonconforming due to 2.2 foot and 5.8 foot side setbacks, where 7.5 feet is required. The applicant proposes 2.5 foot setbacks for the proposed building. To build to a 2.5 setback requires a special permit to extend a nonconforming structure, per Section 30-21(b) of the Ordinance.
2. The proposed floor area ratio for the new building is 1.36. An FAR of 1.00 to 1.50 is allowed by special permit per Section 30-15, Table 3.
3. The applicant proposes to replace the existing one-story building with a two and one-half story building. Per Section 30-15, Table 3, a building up to three stories is allowed by special permit.
4. The proposed building has a height of 29 feet. Section 30-15, Table 3 allows for buildings with heights up to 36 feet by special permit.
5. The applicant proposes to build a street-level parking garage with 11 parking stalls. The proposed building will have 5,810 square feet of office space and 1,400 square feet of storage. Section 30-19(d)(11) requires one stall per every 250 square feet of office space. Section 30-19(d)(15) requires one stall for 2,500 square feet of storage space. The parking requirement for the new building and use is 25 stalls. The previous retail use of the site required 18 stalls, where six were physically available in front of the store backing out on to Needham Street. When utilizing the A-B+C equation found in 30-19(c)(2)(a), where:

$A$  (stalls required for proposed use [25]) –  $B$  (stalls required for previous use [18]) +  $C$  (stalls available previously [6]) = the required number of stalls is **13**

The applicant proposes a parking garage with 11 stalls, therefore, a waiver of two stalls is required.

6. The previous building was 4,747 square feet. The applicant proposes to build a new structure with a 5,810 square foot first-floor parking facility and storage, and 5,810 square feet of office space on the second floor. The additional square footage requires the applicant to meet the off-street loading requirements for structures from 5,000 to 50,000 square feet, per Section 30-19, Table of Off-Street Loading Requirements. A special permit is necessary to waive this requirement.
7. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§30-21(b)	To allow for extension and reconstruction of a nonconforming structure	S.P. per §30-24
§30-15, Table 3	To exceed FAR of 1.0 but less than 1.5	S.P. per §30-24
§30-15, Table 3	To allow a 2.5 story building	S.P. per §30-24
§30-15, Table 3	To allow a building height greater than 24 but less than 36 feet	S.P. per §30-24
§30-19(d)(11) §30-19(d)(15) §30-19(m)	To waive the two parking stalls	S.P. per §30-24
§30-19, Table of Off-Street Loading Req's	To waive the off-street loading requirements for structures 5,000 to 50,000 square feet in gross floor area	S.P. per §30-24