



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: June 6, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Evelyn P. Greenspan Trust
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to waive 13 parking stalls and to amend Special Permit #306-12 to include the parking waiver**

Applicant: Evelyn P. Greenspan Trust	
Site: 35-41 Lincoln Street	SBL: 52008 0018
Zoning: BU1	Lot Area: 15,000 square feet
Current use: Retail	Proposed use: Health club

BACKGROUND:

The property at 35-41 Lincoln Street consists of a 15,000 square foot lot improved with a multi-tenant commercial building constructed in 1910. A special permit was granted in 2012 waiving dimensional and design requirements for the existing parking area behind the building. The petitioner seeks to combine two spaces previously occupied by retail stores into one space for a health club catering to small group fitness. The proposed health club use increases the parking demand beyond that which was grandfathered by the previous retail uses, requiring a special permit.

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

- Zoning Review Application, prepared by Paul Feinberg, applicant, dated 4/3/2019
- Floor plan, provided by S3 Design, Inc., dated 3/27/2019
- Special Permit #306-12

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner intends to combine the two existing retail spaces at 33 and 37 Lincoln Street to create one 3,898 square foot space intended for a group fitness boutique health club. Per section 5.1.4, a health club requires one stall per 150 square feet, plus one stall per each three employees. With 3,898 square feet and no more than four employees working at one time, the proposed health club requires 28 stalls ("A").

Per section 5.1.4, the previous retail uses required one stall for every 300 square feet, plus one stall for every three employees. The previous retail uses required a total of 15 parking stalls, thus providing a "credit" of 15 stalls ("B") within the particular spaces intended for the health club. The other uses on site are not changing and are therefore not included as part of the determination. There are 18 nonconforming parking stalls on the property which were legalized as part of the 2012 special permit. Of those 18 stalls, four are assigned for the exclusive use of the tenant of this space.

Per section 5.1.3.B, when the change of use increases the parking requirement, the formula $A-B+C$ = the required stalls, is utilized to determine the number of parking stalls the proposed use requires. While there are existing parking stalls on the site, none are intended for the use of the petitioner ("C"). Per this formula:

28 (proposed health club use) – 15 (existing retail uses) + 4 (existing stalls) = 17 stalls required for the proposed use

There are 17 parking stalls required for the proposed health club use. With four existing parking stalls, a waiver of 13 stalls is required per sections 5.1.4 and 5.1.13.

2. The property has 18 nonconforming parking stalls, some or all of which are assigned to specific tenants for their exclusive use. Per section 5.1.3.E, a special permit is required for assigned parking.

See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
	Request to amend Special Permit #306-12	
§5.1.4 §5.1.13	Request to waive 17 parking stalls	S.P. per §7.3.3
§5.1.3.E §5.1.13	Request to allow assigned parking	S.P. per §7.3.3

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

3. Two (2) copies of the completed Special Permit Application (signed by property owner)
4. Filing Fee (see Special Permit Application)
5. Two (2) copies of the Zoning Review Memorandum
6. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
7. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
8. One (1) copy of any previous special permits or variances on the property (as applicable)
9. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
10. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N