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PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: November 12, 2021
MEETING DATE: November 16, 2021
TO: Land Use Committee of the City Council
FROM: Barney Heath, Director of Planning and Development
Neil Cronin, Chief Planner for Current Planning
CC: Petitioner

PETITION #301-21

386-394 Watertown Street

The Land Use Committee (the "Committee") opened and continued the public hearing without discussion on September 28, 2021. The petitioner is seeking an amendment to Council #134-18 to utilize the most recent inclusionary zoning provisions to gain another market-rate unit, increasing the number of dwelling units from nine to ten, to create a basement for underground parking, and to reduce the ground-floor commercial space. In addition, the petitioner requires special permit to waive certain requirements of parking facilities containing more than five stalls. The Public Hearing Memorandum dated September 24, 2021 provides more information and preliminary analysis (**Attachment A**). Please note the attachments to the Public Hearing Memorandum are not included. The initial Public Hearing Memorandum including the attachments can be found on the website.

Parking and Circulation

The petitioner clarified the first-floor commercial space would either consist of a personal service or retail use. Given the square footage (757 square feet) and the projected number of employees (three), the parking requirement for this space is four stalls. This clarification also reduces the parking requirement for the project to 12 stalls, where 16 are proposed, resulting in four excess stalls (**Attachment B**). As expressed in the Public Hearing Memorandum and as detailed below, the Planning Department suggests the petitioner reduce parking on site.

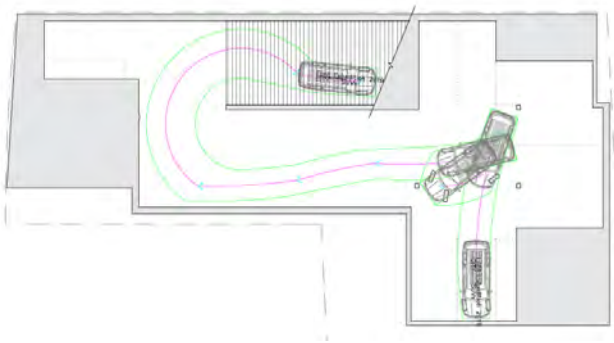
The petitioner is proposing two separate parking areas: the "At-grade facility" beneath the structure, would contain eight parking stalls; and the "Below-grade facility" in a proposed basement would contain eight stalls. The stalls would be allocated as follows:

- One stall per dwelling unit, totaling ten stalls;

- Two stalls for employee parking; and
- Four guest stalls.

Both parking areas contain end-parking stalls that are restricted on one or both sides. As a result, the Planning Department asked the petitioner for templates demonstrating how vehicles would maneuver into and out of the stalls. The petitioner provided the below templates indicating a vehicle would require an additional maneuver to exit stall #14, while an additional maneuver would be necessary to enter stall #15.

Graphic I: Vehicle Exiting Stall #14

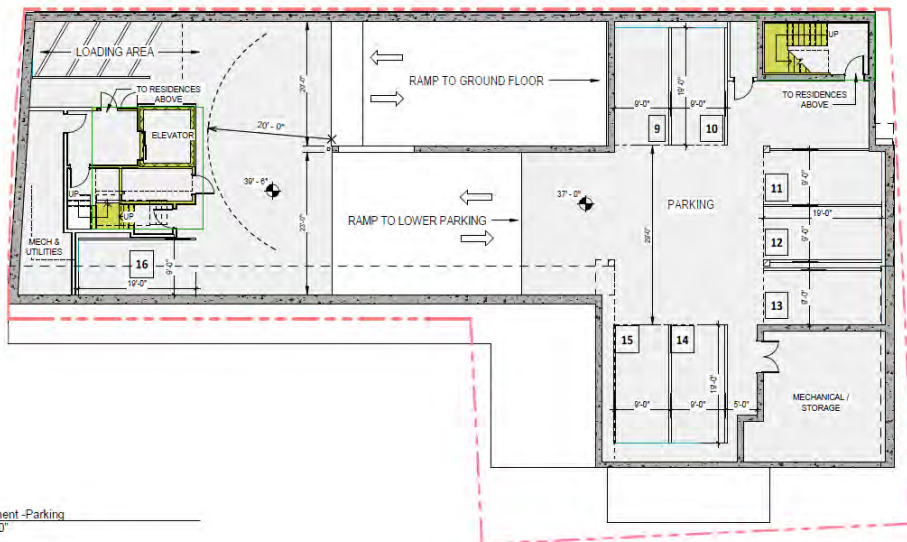


Graphic II: Vehicle Entering Stall #15



There are other end-parking stalls proposed, #s 5 and 6 (in the At-grade facility), and #s 9, 10, 11, 12, 13, and 16 (Below-grade facility) and staff has asked for those templates. Given the additional maneuvers likely necessary for these other end-parking stalls, the Planning Department suggests the petitioner consider removing parking stalls in exchange for some other strategy or improvement such as shared parking, weather-proof, secure bicycle parking or similar tenant amenity, or additional landscaping.

Graphic III: Below-grade Facility



Engineering Review

The Planning Department will review the templates with the Engineering Division once they are provided. Additionally, Associate City Engineer, John Daghlian, will perform his customary review, staff will include that analysis in advance of a future working session.

ATTACHMENTS

- Attachment A:** Public Hearing Memorandum, dated September 24, 2021
Attachment B: Revised Zoning Review Memorandum, dated November 9, 2021



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PUBLIC HEARING MEMORANDUM

Public Hearing Date:	September 28, 2021
Land Use Action Date:	December 14, 2021
City Council Action Date:	December 20, 2021
90-Day Expiration Date:	December 27, 2021

DATE: September 24, 2021

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
 Neil Cronin, Chief Planner for Current Planning

SUBJECT: **Petition #301-21**, for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Order #201-17 to allow the reconfiguration of the parking stalls, to waive one parking stall, to reduce minimum maneuvering aisle width, to allow restricted end parking stalls and to waive lighting requirements at 386-394 Watertown Street, Ward 1, Newton, on land known as Section 14 Block 14 Lots 35, 37 and 38, containing approximately 9,542 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3. 7.4. 5.1.4, 5.1.13, 5.1.8.B.6, 5.1.8.C.1, 5.1.8.C.2, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent Public Hearing/Working Session.



386-394 Watertown Street

EXECUTIVE SUMMARY

The subject property located at 386-394 Watertown Street is comprised of two lots totaling 9,542 square feet in the Business Use 1 (BU-1) zone in Nonantum. The petitioner received a special permit (Council Order #201-17) to demolish a one-story commercial structure to construct a three-story mixed-use building incorporating nine dwelling units and ground-floor commercial space (the "Original Project"). The petitioner later obtained an amendment in 2018 to restructure the conditions pertaining to inclusionary zoning (Council Order #134-18), no other changes were contemplated.

The petitioner is seeking to amend Council #134-18 to utilize the most recent inclusionary zoning provisions to gain another market-rate unit, increasing the number of dwelling units from nine to ten, to create a basement for underground parking, and to reduce the ground-floor commercial space (the "Revised Project"). In addition, the petitioner requires special permit to waive certain requirements of parking facilities containing more than five stalls.

The Planning Department is generally unconcerned with the additional dwelling unit. However, the Revised Project presents some questions as to the resulting circulation of vehicles on site which are addressed below. Additionally, the petitioner should clarify the proposed use of the ground-floor commercial space, which may impact the parking requirement.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed modifications to Council Order #134-18. (§7.3.3.C.1.)
- The Project resulting from the proposed modifications to Council Order #134-18 will adversely affect the neighborhood. (§7.3.3.C.2.)
- The proposed modifications to Council Order #134-18 will create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3.)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4.)
- Literal compliance with the parking requirements, specifically the number of parking stalls, drive aisle width, maneuvering space, and parking facility lighting is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features (§5.1.4, §5.1.8.B.6, §5.1.8.C.1, §5.1.8.C.2, §5.1.10, and §5.1.13).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

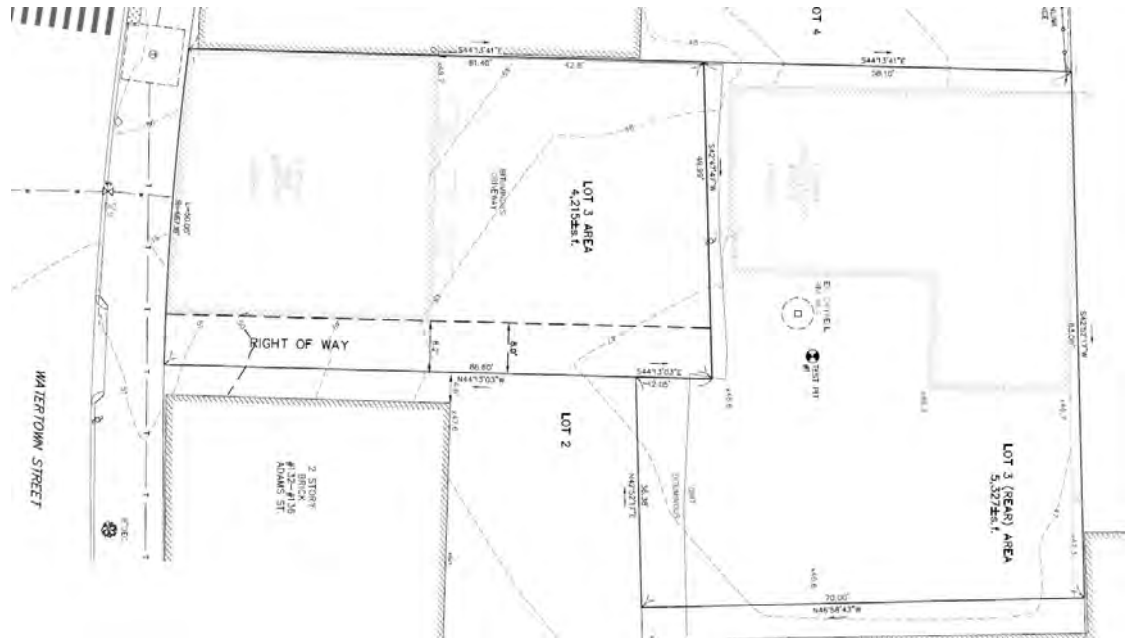
A. Neighborhood and Zoning

The subject property is located on Watertown Street in the BU-1 zone in Nonantum. Watertown Street is lined with commercial buildings located in the Business 1 and 2 zones which contain an array of uses which comprise the village center. To the north and south, is the Multi-Residence 2 zoning district which contains single- as well as multi-family residences (**Attachments A & B**).

B. Site

The subject property consists of two vacant lots in the shape of an “L” totaling 9,542 square feet. As is expected in the BU-1 zone, the structures have minimal setbacks from adjacent properties; however, there is an existing eight-foot side setback at the western boundary. The property has one twelve-foot wide curb cut providing access to a shared Right-of-Way (“ROW”) from Watertown Street. The front portion of the site slopes down from the street, while the rear portion is predominantly flat.

Graphic I: Existing Conditions Plan



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will be mixed use.

B. Site Design

The Revised Project retains the approved site design: vehicular access would be via the existing curb cut and ROW from Watertown Street with surface parking at grade beneath the structure. However, the at-grade parking facility would be altered to allow for a ramp down into a below-grade parking garage, to create an area for a stormwater management system, and to allow for bike storage. The below-grade garage would consist of seven parking stalls and one loading zone; the total number of parking stalls would remain the same at 16, including three electric vehicle charging stations. The building's location and resulting setbacks would also remain the same.

C. Building Design

The Revised Project also retains the approved building design: a three-story mixed use structure with ground-floor commercial space and two stories of dwelling units with a floor area ratio of 1.5. The first story along Watertown Street would consist of a transparent storefront, with brick accents, while the upper stories would feature a brick façade with juliet balconies; the petitioner should confirm the materials for the remaining facades.

Graphic II: Watertown Street Elevation



The Original Project included two commercial spaces on the ground floor consisting of a personal service use and a restaurant; the Revised Project includes one commercial tenant space. The petitioner should clarify the square footage and proposed use of this space as it effects the parking calculation. The Original Project included nine dwelling units, one of which was a two-story townhouse-style unit which has been split into two dwelling units, for a total of ten. The unit mix is as

shown in the below table.

Table I: Unit Mix

Unit Type	Number of Units	Average Square Feet
1-bedroom, 1-bathroom	3	702
2-bedroom, 2-bathroom	7	1,052

D. Inclusionary Zoning

The Original Project utilized the density bonus of the then-inclusionary zoning provisions to allow additional dwelling units at a 1:1 ratio of inclusionary to market rate units. The inclusionary zoning provisions were amended in 2019 to increase the ratio to 1:2 inclusionary to market rate. As a result, the petitioner is seeking an amendment to utilize the revised ratio, increasing the number of dwelling units from nine to ten.

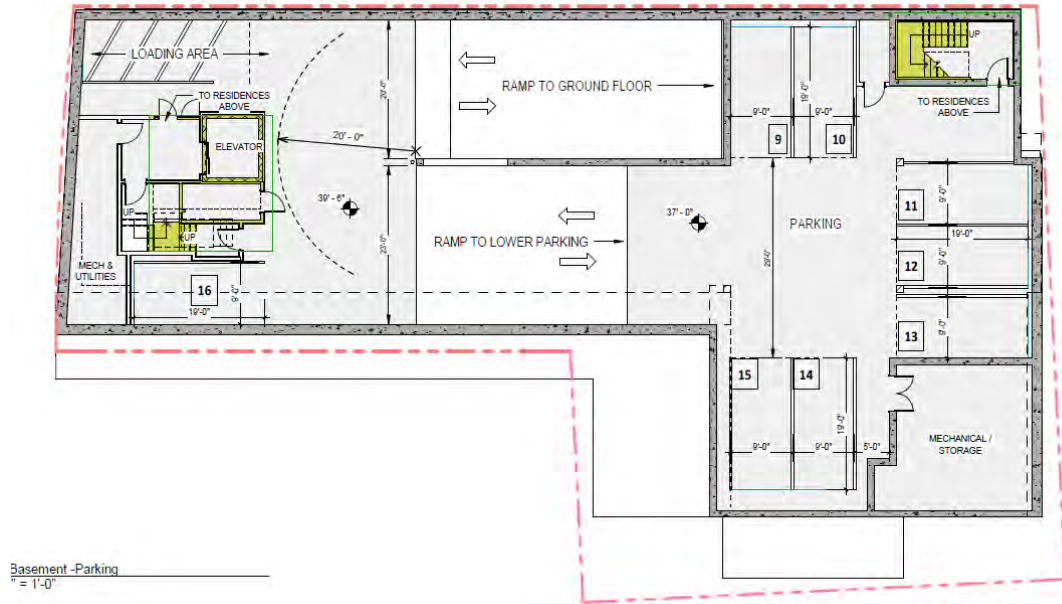
Per the inclusionary provisions, two inclusionary zoning units are required. The petitioner has proposed Unit #4 which is a one-bedroom, one-bathroom unit and Unit #8 which is a two-bedroom, two-bathroom unit as the inclusionary zoning units. The Planning Department has requested additional information from the petitioner regarding accessibility and other details regarding the dwelling units and will provide the Land Use Committee with an update at the public hearing. In addition to the two units, the amended inclusionary zoning provisions requires a cash payment when the percentage of inclusionary units results in a fraction. As such, a cash payment of approximately \$27,000 is required prior to the issuance of any certificate of occupancy, should this petition be approved.

E. Parking

The Original Project contained 16 parking stalls at-grade beneath the structure. The petitioner obtained special permit to reduce the parking requirement from two stalls per dwelling unit to 1.25. When combined with the requirement for the then-proposed restaurant and personal service uses, the parking requirement was satisfied by the 16 parking stalls provided on site.

The Revised Project will maintain 16 parking stalls split between the at-grade facility and the below grade facility. However, the parking requirement may change due to the reduction in commercial space. The petitioner should clarify the use and square footage of the commercial space to finalize the requirement. Staff will provide an update at the public hearing.

Graphic III: Below-Grade Parking Garage



The petitioner intends to allocate the 16 parking stalls as follows:

- One stall per dwelling unit, totaling ten stalls;
- Two stalls for employee parking; and
- Four guest stalls.

Given the presence of metered parking in Nontanum and the effort to reduce the number of vehicles using the ROW, the Planning Department suggests the petitioner consider removing parking stalls dedicated for guests to allow for creating weather-proof, secure bicycle parking or similar tenant amenity, additional landscaping, or other improvement.

Lastly, the petitioner is seeking a special permit to waive the lighting requirements of the at-grade parking facility. The Planning Department is unconcerned with this waiver.

F. Circulation

The Revised Project includes altering the at-grade parking facility to allow for a ramp down into a below-grade garage containing seven parking stalls and one loading area. As designed, the garage requires waivers for drive aisle width and for the maneuvering space of restricted-end stalls which results in tight maneuvers for vehicles (parking stalls in the at-grade facility also require a special permit to waive the maneuvering area). Staff understands these maneuvers would be conducted by residents, yet staff

has asked for additional turning templates, which will be reviewed by the Engineering Division. Additionally, the petitioner should confirm how vehicles exiting the below-grade garage would be alerted to vehicles entering the below-grade garage or circulating above in the at-grade parking facility.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum (the “Memorandum”) provides an analysis of the proposal regarding zoning (**Attachment C**). Based on the Memorandum, the petitioner is seeking the following relief:

- Amend Council Order #201-17;
- §5.1.4 and §5.1.13 of Section 30, to waive one parking stall;
- §5.1.8.B.6 and §5.1.13 of Section 30, to allow restricted end stalls;
- §5.1.8.C.1, §5.1.8.C.2, and §5.1.13 of Section 30, to reduce the maneuvering aisle width; and
- §5.1.10 and §5.1.13 of Section 30 to waive the lighting requirement of parking facilities.

B. Engineering

At the time of this writing, Associate City Engineer, John Daghlian, is reviewing the Revised Project for conformance with the City of Newton Engineering Design Standards. Staff will provide an update at the public hearing.

V. PETITIONER’S RESPONSIBILITIES

The petitioner should respond to the issues raised in this memorandum and other questions raised at the public hearing as necessary. Written responses to all significant issues should be provided for analysis by the Planning Department prior to being scheduled for additional public hearings. The Planning Department will prepare an updated memo prior to any future public hearings.

ATTACHMENTS:

- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Zoning Review Memorandum, dated June 3, 2021
- Attachment D:** DRAFT Council Order



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ZONING REVIEW MEMORANDUM

Date: November 9, 2021

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Neil Cronin, Chief Planner for Current Planning

Cc: Terrence P. Morris, Attorney
John L. Mula, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to amend Council Order #201-17 and to waive certain requirements of parking facilities containing more than five stalls**

Applicant: John L. Mula	
Site: 386-394 Watertown Street	SBL: 14014 0035, 14014 0037, 14014 0038
Zoning: BU1	Lot Area: 9,542 square feet
Current use: Vacant	Proposed use: Mixed use

BACKGROUND:

The subject site is comprised of 9,542 square feet in the BU1 zoning district. The site is currently vacant. The petitioner received a special permit in 2017 for a three-story mixed-use development with nine dwelling units and parking for 16 vehicles. The petitioner seeks to amend the special permit to utilize updated provisions to the Inclusionary Zoning section to allow for an additional dwelling unit and to reconfigure the parking onto two levels.

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

- Zoning Review Application, prepared by Terrence Morris, attorney, dated 3/9/2021
- Proposed Conditions Plan, signed and stamped by Verne T. Porter, surveyor and Ronald Jarek, architect, dated 3/4/2021 revised 10/29/2021
- Floor Plan and parking schedule, signed and stamped by Ronald Jarek, architect, dated 3/4/2021 revised 10/29/2021

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to increase the number of dwelling units from nine to 10 and to reconfigure the parking into two levels. The proposed changes require an amendment to the Special Permit #201-17.
2. The special permit granted an increase in density by reducing the lot area per unit from 1,200 down to 900 square feet with the provision of an additional affordable unit utilizing then section 5.11.15.A. The petitioner was approved for a lot area per unit of 1,060 square feet, which provided for nine units total, of which two would be affordable. The Inclusionary Zoning section has been revised now provides a different formula for density bonuses. Section 5.11.4.C states that for every additional inclusionary unit the applicant agrees to provide, the development will be awarded two additional market rate units. The petitioner seeks to amend the special permit to increase the number of units from nine to 10, with two inclusionary units provided.
3. The previous uses on site required nine parking stalls, and four stalls were available in a rear parking facility. The existing special permit utilized the A-B+C formula in section 5.1.3.B to determine that 16 parking stalls would be required for the nine residential units and the proposed commercial spaces. The increase to 10 units will increase the residential parking requirement to 13 stalls (1.25 stalls per unit as allowed by the special permit) and the commercial requirement will be reduced to four stalls as the commercial space has been reduced to 757 square feet. The total parking proposed requirement for the residential and commercial uses is now 17 stalls. Utilizing that same A-B+C formula, the new parking requirement is $A(17 \text{ required}) - B(9 \text{ previously required}) + C(4 \text{ available on site}) = 12 \text{ stalls required}$. Where 16 stalls are to be provided on site, the project exceeds the parking requirement of 12 stalls and no waiver is required.
4. Section 5.1.8.B.6 requires that end stalls restricted on one or both sides must have a maneuvering space at the aisle end of at least five feet in depth and nine feet in width. Two of the stalls at the ground level are restricted by another stall and the bike parking, requiring a special permit.
5. Section 5.1.8.C.1 and 2 require that maneuvering aisles providing two-way traffic access to parking stalls at 90 degrees must be a minimum of 24 feet wide. The petitioner is proposing a maneuvering aisle in the basement level with a width of 20 feet, requiring a waiver per section 5.1.13.
6. Section 5.1.10.A requires that outdoor parking used at night be lit by a minimum intensity of one-foot candle over the entire surface. The petitioner seeks a waiver from this provision via a special permit.

7. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	To amend Special Permit #201-17	S.P. per §7.3.3
§5.1.8.B.6 §5.1.13	To allow restricted end parking stalls	S.P. per §7.3.3
§5.1.8.C.1 §5.1.8.C.2 §5.1.13	Request to reduce the maneuvering aisle width requirement	S.P. per §7.3.3
§5.1.10 §5.1.13	To waive the lighting requirements	S.P. per §7.3.3