

CITY OF NEWTON  
IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL amend Special Permit Council Orders #258-20 to allow a medical office use, and to waive 17 additional parking stalls at 141-149A California Street as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The site is an appropriate location for the proposed medical use and waiver of 17 parking stalls because the clients do not drive to the site and the medical office use is accessory to the adult day care use. (§4.4.1 and §7.3.3.C.1)
2. The proposed medical use and waiver of 17 parking stalls as developed and operated will not adversely affect the neighborhood because the medical office use is accessory to the adult day care and will not result in an increase of clients. (§7.3.3.C.2)
3. There will be no a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. Literal compliance with the required number of parking stalls is impracticable due to the nature of the use because the proposed medical office use is accessory to the adult day care use and does not result in a significant increase in trips to the site (§5.1.13).

PETITION NUMBER: #352-22

PETITIONER: Zdorovie Senior Services, LLC

LOCATION: 141-149A California Street, Section 11, Block 1, Lot 1A,  
containing approximately 65,568 square feet

OWNERS: Mazzi Reality

ADDRESS OF OWNERS: 34 Peregrine Road  
Newton, MA 02459

TO BE USED FOR: For Profit Education Use/Adult Daycare

CONSTRUCTION: NA

EXPLANATORY NOTES: To amend Council Order 285-20, which allowed the for profit educational use with parking dimensional waivers, lighting waivers, and parking waiver; to allow a medical office use and 61 stall parking waiver (§4.4.1, §5.1.4, §5.1.13, §5.1.8.B.1, §5.1.8.B.2, §5.1.8.B.4, §5.1.8.B.6, §5.1.8.C.1, §5.1.8.D.2, §5.1.9.A, §5.1.9.B, §5.1.10.A, and §7.3.3)

ZONING: Manufacturing District

This special permit supersedes, consolidates, and restates provisions of prior special permits to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in this Special Permit #352-22 are null and void.

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
  - a. Site Plan showing proposed conditions at #141-149A California Street, dated May 16, 2020, most recently revised August 11, 2020, prepared by VTP associates, unsigned and unstamped.
  - b. Site Plan showing proposed conditions at #141-149A California Street, dated May 16, 2020, most recently revised August 11, 2020, prepared by VTP associates, unsigned and unstamped showing site circulation, and directional striping.
2. Architectural/Floor Plans, approved under #285-20, consisting of the following:
  - a. First Floor, Mazzi Realty, proposed plan at 143 California Street, prepared by Dooling and Company Architects, signed and stamped by Mark J. Dooling, dated February 10, 2020, A1
  - b. California Street Catering, Proposed Plan at 141 California Street, prepared by RAV & Assoc., Inc., dated April 20, 2020, A2
  - c. Proposed Floor Plan at 145 California Street, prepared by RAV & Assoc., Inc., dated June 8, 2020, A3

- d. Floor Plan at 149A California Street, prepared by RAV & Assoc., Inc., dated May 1, 2020, A2  
Architectural Floor Plan approved under Special Permit 352-22:
  - e. Proposed First Floor Plan at 149 California Street, prepared by RAV & Assoc., Inc., dated March, 22, 2022, A-1
  - f. Proposed Second Floor Plan at 149 California Street, prepared by RAV & Assoc., Inc., dated March, 22, 2022, A-2
3. All signage shall be reviewed and approved by the Urban Design Commission.
  4. The adult day care shall have no more than 258 clients and 46 employees. Any increase to the number of clients or employees shall require an amendment to this special permit/site plan approval.
  5. The medical office use shall have no more than four employees. Any increase to the number of medical office employees shall require an amendment to this special permit/site plan approval.
  6. The proposed medical office use shall only see clients of the for-profit educational use (adult day care facility). The medical office use shall not accept appointments from patients who are not enrolled in the for-profit educational use (adult day care).
  7. The petitioner shall maintain the planter boxes, including plantings at the front seating area, installed on the property in good condition with all-season plant material and replace any diseased or dead plant material.
  8. The petitioner shall maintain all signage and directional markings as well as the striped parking stalls as shown on the plan referenced in Condition #1.
  9. The trash and recycling disposal shall be handled by a private entity and collection shall be scheduled at such times to minimize any disruption of the on-site parking and shall comply with the City's Noise Ordinance.
  10. The combined parking waiver of 61 stalls shall only apply to the for-profit educational use and medical office use. Any change in use to this site that increases the parking requirement shall require an amendment to this Council Order.
  11. Prior to any occupancy permit, the petitioner shall reach out and make best efforts to work with DCR to determine the possibility of a partnership to improve the quality of the abutting DCR greenspace with modest efforts such as litter pick up, erosion control, invasive plant control. The petitioner shall keep the Planning Department updated with its efforts.
  12. The Petitioner shall implement a Transportation Demand Management Plan to reduce vehicle trips to the site. The Plan shall include, but not be limited to:
    - a. Providing subsidized transit passes at 100% subsidy which shall include but not limited to the MBTA services known as Link pass, express bus, and commuter rail.
    - b. Providing a bicycle rack at the location shown on plan referenced in Condition #1.
    - c. Providing shuttles to transport clients to and from the site.
  13. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:

- a. Recorded a certified copy of this Council Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded Council Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Obtained a written statement from the Department of Planning and Development that confirms plans submitted with any building permit are consistent with plans approved in Condition #1.
14. No Certificate of Occupancy/Final Inspection for the buildings and uses covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or surveyor certifying substantial compliance with Condition #1.