



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: July 11, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Katie Whewell, Chief Planner for Current Planning

Cc: 345 Boylston LLC, Applicant
Franklin Schwarzer, Attorney
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to extend a nonconforming parking structure to construct four dwelling units above

Applicant: 345 Boylston LLC	
Site: 1 Jackson Street	SBL: 65010 0019
Zoning: BU1	Lot Area: 12,512 square feet
Current use: Parking facility	Proposed use: Parking facility and four dwelling units

BACKGROUND:

The subject site consists of a 12,512 square foot lot improved with a two-level parking garage built in 1973 to service the abutting office building at 345 Boylston Street. The petitioner proposes to construct four dwelling units atop and maintain the existing two level, 24-car parking facility.

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

- Zoning Review Application, prepared by Franklin J. Schwarzer, attorney, dated 4/28/2022
- Site Plan, signed and stamped by Richard A. Salvo, engineer, dated 6/3/2021, revised 4/11/2022
- Floor Plans and Elevations, signed and stamped Paul R. Lessard, architect, dated 6/16/2022

ADMINISTRATIVE DETERMINATIONS:

1. The existing two-level, 24-stall parking garage was built by right in 1972 to provide parking for the abutting office building at 345 Boylston Street. At the time, the office building required 30 parking stalls. As such, there are ten surface parking stalls located behind the office building on that parcel accessed by a shared driveway. The petitioner proposes to construct two stories with four residential units above the parking garage. The surface parking on the adjacent parcel will remain unchanged, and there will continue to be 34 parking stalls between the two parcels.
2. While there are two levels of parking, the garage structure is one story plus a basement level. The petitioner proposes to construct a four-unit, two-story multi-family dwelling on top of the existing garage structure, maintaining the footprint. Per section 4.1.2.B.3 and 4.1.3, a special permit is required to allow for a three-story structure with 33.8 feet in height.
3. Per section 4.1.3, the maximum by-right FAR for a three-story building is 1.00, up to 1.50 by special permit. The building is proposed construction results in an FAR of 1.48, requiring a special permit.
4. The structure has a nonconforming front setback of 4.9 feet where 10 feet is required. The proposed construction vertically extends the nonconforming front setback with the additional two stories, requiring a special permit per sections 4.1.3 and 7.8.2.C.
5. The petitioner proposes four residential units. Per section 5.1.4 two parking stalls per unit are required in a multi-family dwelling, resulting in a requirement of eight additional stalls. The petitioner does not propose any new parking but intends to provide four parking stalls within the existing garage for use by the dwelling units. The proposed four dwelling units require a waiver of four stalls per section 5.1.13.

Per the 1972 building permit, the office building is required to provide 30 parking stalls. With 34 parking stalls available between the garage and the surface parking, 30 stalls will continue to be available for use by the office building.

6. Per section 5.1.3.E, required parking stalls may not be assigned to specific persons or tenants so as to render them unavailable to the persons whom the facility are designed to serve. Four of the garage stalls will be made available for exclusive use by the tenants of the residential dwelling units, requiring a waiver from this provision per section 5.1.13

BU1 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	12,512 square feet	No change
Setbacks			
• Front	10 feet	4.9 feet	No change*
• Side	2.7 feet	16.2 feet	No change
• Side	16.9 feet	25.4 feet	No change
• Rear	0 feet	2.4 feet	No change
Building Height	24 feet (36 feet by SP)	10.5 feet	33.8 feet
Max Number of Stories	2 (3 by SP)	1	3*
Lot Area Per Unit	1,200 square feet	NA	3,128 square feet
FAR	1.00 (1.50 by SP)	.74	1.48*

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§4.1.2.B.3 §4.1.3	Request to allow a three-story structure with 36 feet in height	S.P. per §7.3.3
§4.1.3	Request to allow an FAR of 1.48	S.P. per §7.3.3
§4.1.3 §7.8.2.C.2	Request to vertically extend a nonconforming front setback	S.P. per §7.3.3
§5.1.4 §5.1.13	Request to waive 4 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