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#564-22

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

| | |
|---------------------------|------------------|
| Public Hearing Date: | January 10, 2023 |
| Land Use Action Date: | March 28, 2023 |
| City Council Action Date: | April 3, 2023 |
| 90-Day Expiration Date: | April 10, 2023 |

DATE: January 6, 2023

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Michael Gleba, Senior Planner

SUBJECT: **Petition #564-22** for SPECIAL PERMIT/SITE PLAN APPROVAL to replace an existing sign with a 26 square foot free-standing sign at **2345 Washington Street**, Newton, Ward 4, on land known as Section 42 Block 30 Lot 08, containing approximately 12,017 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4, 5.2.13.A, 5.2.13.B of Chapter 30 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 conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



2345 Washington Street

EXECUTIVE SUMMARY

The subject property at 2345 Washington Street consists of a 12,017 square foot lot at the corner of Washington and Concord streets located in a Business 1 (BU1) zoning district and improved with a multi-tenanted office building.

The parcel has an existing free-standing sign for which no historical building permits are available in the Inspectional Services files and apparently was never granted a special permit.

The petitioner seeks to replace the existing sign with a 26 square foot, two-sided free-standing tenant directory sign. It would be located perpendicular to Washington Street, approximately three feet in from the existing retaining wall along the frontage. A special permit is required per Section 5.2.13 of the Newton Zoning Ordinance (NZO) for the proposed free-standing sign.

The Urban Design Commission (UDC) has reviewed and approved of the sign with the condition that its height match that of the existing sign. The Planning Department is generally not concerned with this petition.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- Given its size, location and height, the nature of the use of the premises, the architecture of the building, or its location with reference to the street, permitting the proposed free-standing sign would be in the public interest.
- The site in a Business 1 (BU1) district is an appropriate location for the proposed 26 square foot free-standing sign (§7.3.3.C.1)
- The proposed 26 square foot free-standing sign will adversely affect the neighborhood (§7.3.3.C.2)
- The proposed 26 square foot free-standing sign 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)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located at the northeast corner of the intersection of Washington and Concord streets. The neighborhood features a mix of uses with the subject property bordered by residential uses to the east along the north side of Washington Street, commercial and institutional uses along the south side of Washington Street, as well as institutional and parkland to the north and west (**Attachment A**). The surrounding area similarly features a wide mix of zoning designations, with Single and Multi- Residence (including SR2, SR3, MR1 and MR2 areas to the north), Business 1 (BU1) parcels (including the subject site) along

Washington Street, and various Business (BU2 and BU5) as well Manufacturing (M), Open Space and Public Use (PU) properties interspersed throughout (**Attachment B**).

B. Site

The site consists of a 12,017 square foot corner lot improved with a three story multi-tenanted office building. While the site is generally level, its grade is several feet above that of adjoining public ways with a retaining wall located along most of its two frontages.

Vehicular access for the approx. 12 parking stalls is provided via a curb cut and associated driveway located near, and parallel to, its northern property line. The remaining portions of the site include lawn area and some mature trees and shrubs, mostly along the property's boundary lines.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site would remain a multi-tenanted office building.

B. Building and Site Design

No changes to the existing building or site design are contemplated by this petition.

C. Parking and Circulation

No changes to the existing garage and/or driveway are contemplated by this petition.

D. Landscape, Lighting and Signage

No changes to the existing landscaping and/or lighting are contemplated by this petition.

Regarding the tenant directory sign that is the object of this petition, it would be two-sided and located near the corner of the property's frontages. Placed perpendicular to Washington Street, it would measure 4.25 feet by 6 feet wide, with its total height matching that of the existing sign.

ATTACHMENTS:

- Attachment A:** Land Use Map
- Attachment B:** Zoning Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** DRAFT Council Order

ATTACHMENT A

Land Use









2345 Washington St.

*City of Newton,
Massachusetts*

Legend

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Open Space
-  Private Educational
-  Nonprofit Organizations
-  Vacant Land
-  Tax Exempt

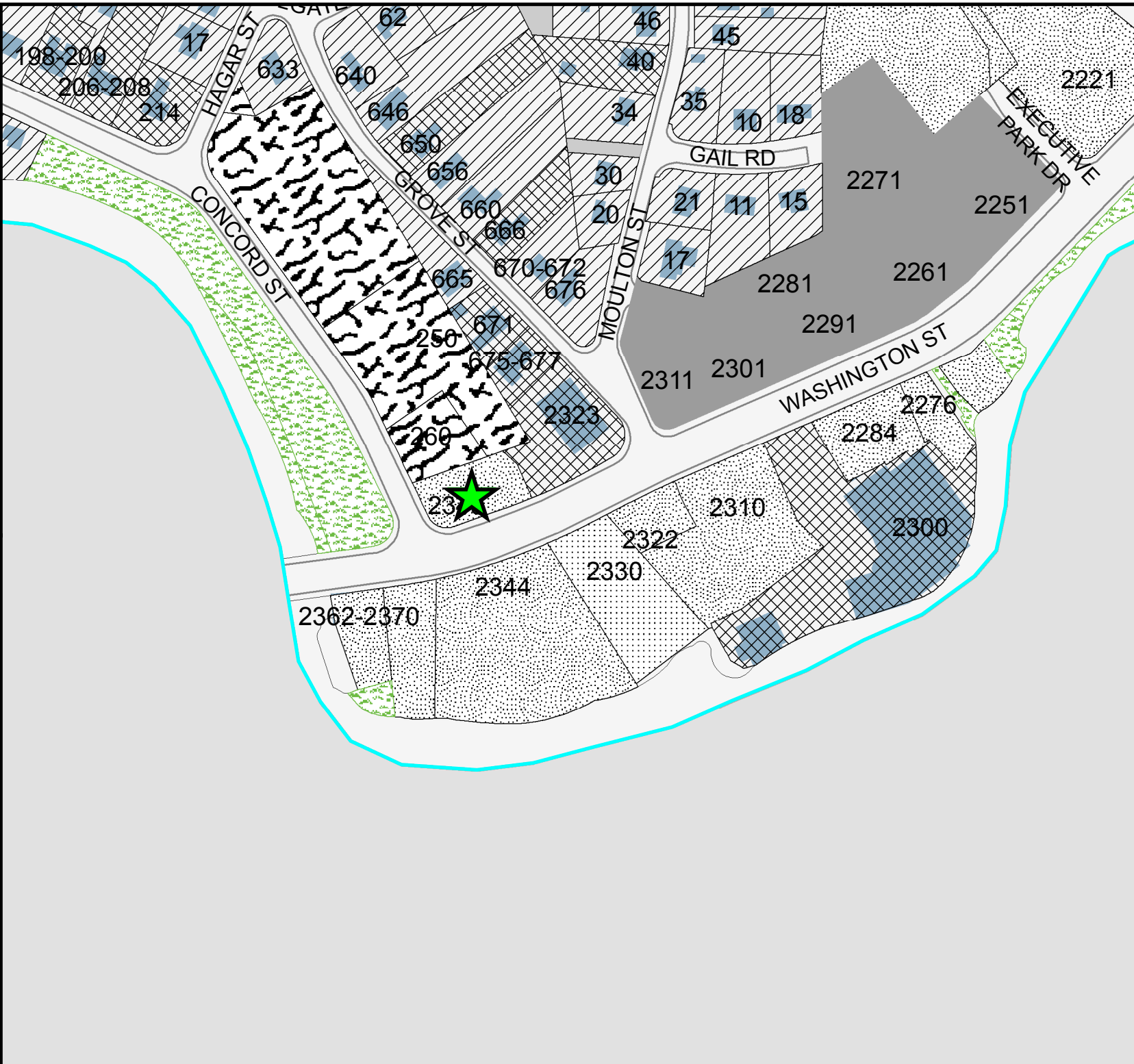


The information on this map is derived from the City of Newton's Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

0 12.5 50 75 100 125 150 175 200 225 250 275
Feet

Map Date: October 15, 2018













ATTACHMENT B

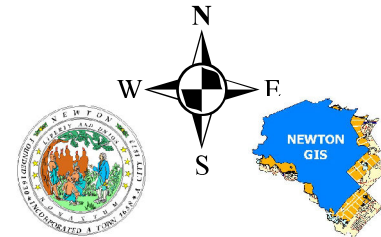
Zoning

2345 Washington St.

*City of Newton,
Massachusetts*

Legend

-  Single Residence 2
-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 2
-  Business 1
-  Business 2
-  Business 5
-  Manufacturing
-  Open Space/Recreation
-  Public Use

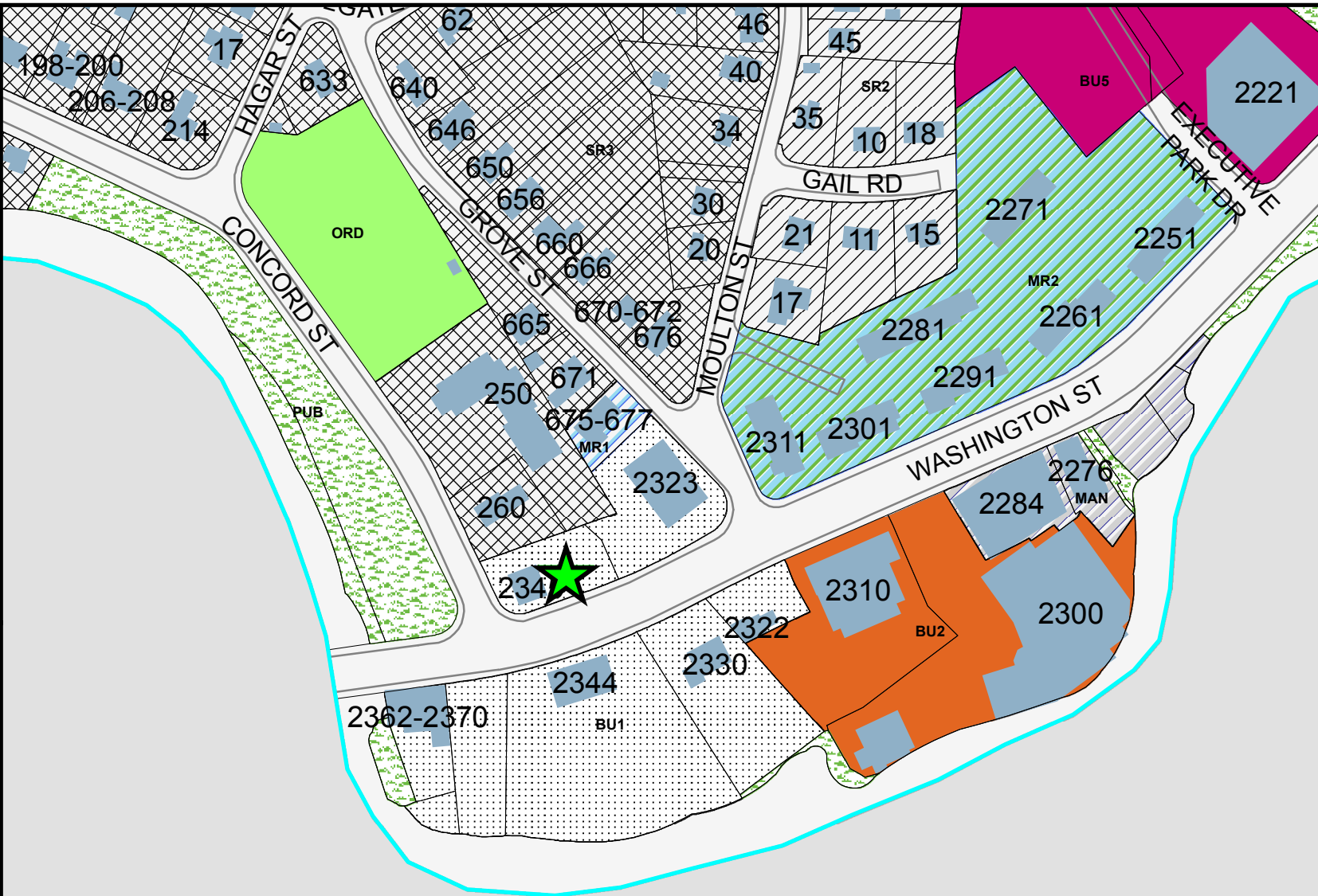


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

0 12.5 50 75 100 125 150 175 200 225 250 275 Feet

Map Date: October 15, 2018



ATTACHMENT C



Ruthanne Fuller
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: November 29, 2022

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Pamela Jagiello, Signs by J, Inc
2345 Washington Street LLC, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to allow a free-standing sign

| Applicant: 2345 Washington Street LLC | |
|---------------------------------------|------------------------------|
| Site: 2345 Washington Street | SBL: 42030 0008 |
| Zoning: BU1 | Lot Area: 12,017 square feet |
| Current use: Offices | Proposed use: No change |

Background:

The property at 2345 Washington Street is located in the Business 1 district and is improved with a multi-tenanted office building at the corner of Washington and Concord Streets. The petitioner proposes a free-standing sign, requiring a special permit.

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

- Zoning Review Application, prepared by Pamela Jagiello, Signs by J Inc, dated 11/2/2022
- UDC Memo, dated 10/25/2022
- Conceptual Signage, prepared by GenSign, dated 8/25/2022

ADMINISTRATIVE DETERMINATIONS:

1. The property has an existing free-standing sign which never received a special permit and for which no historical building permits are available in the Inspectional Services files. The petitioner seeks to replace the existing sign with a 26 square foot free-standing sign perpendicular to Washington Street approximately three feet in from the existing retaining wall along the frontage. The UDC has approved the sign with the condition that the new sign height matches the existing sign height. Per section 5.2.13, a special permit is required for the proposed free-standing sign.
2. See “Zoning Relief Summary” below:

| Zoning Relief Required | | |
|-------------------------------|--|------------------------|
| Ordinance | | Action Required |
| §5.2.13.A §5.2.13.B | To allow free-standing directory signs | S.P. per §7.3.3 |

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 to allow a free-standing directory sign, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. Given its size, location and height, the nature of the use of the premises, the architecture of the building, or its location with reference to the street, permitting the proposed free-standing sign would be the public interest (§5.2.13.A; §5.2.13.B)
2. The site in a Business 1 (BU1) district. is an appropriate location for the proposed 26 square foot free-standing sign due to the site's commercial nature, multiple tenants, and its location on Washington Street (§7.3.3.C.1)
3. The proposed 26 square foot free-standing sign will not adversely affect the neighborhood as the sign is well placed on the site. (§7.3.3.C.2)
4. The proposed 26 square foot free-standing sign will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

PETITION NUMBER: #564-22

PETITIONER: 2345 Washington Street LLC

LOCATION: 2345 Washington Street, Newton, Ward 4, on land known as Section 42 Block 30 Lot 08, containing approximately 12,017 sq. ft. of land

OWNER: 2345 Washington Street LLC

ADDRESS OF OWNER: 2345 Washington St.
Newton, MA 02462

TO BE USED FOR: Free standing sign

CONSTRUCTION: Wood

EXPLANATORY NOTES: To allow free-standing directory signs (§5.2.13.A; §5.2.13.B)

ZONING: Business 1 (BU1)

Approved subject to the following conditions:

CONDITIONS

1. The sign approved by this special permit shall be located and constructed consistent with the following plans prepared by GenSign, dated August 25, 2022:
 - a. Replacement of Flat Panel (showing two Proposed Elevations (Sheet 1)
 - b. Replacement of D/F Flat Panel (showing sign details) (Sheet 2)
 - c. Replacement of D/F Flat Panel (showing aerial photo and map of sign location) (Sheet 3)
2. The signs shall be designed and installed to comply with applicable building codes.
3. No building/sign permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building/sign permit plans are consistent with plans approved in Condition #1.
4. No Final Inspection for the sign covered by this special permit/site plan approval shall be issued until the petitioners have:

- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a licensed design professional that the sign has been installed to comply with applicable building codes.
- b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by the sign installer.