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#105-19

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	April 2, 2019
Land Use Action Date:	June 11, 2019
City Council Action Date:	June 17, 2019
90-Day Expiration Date:	July 1, 2019

DATE: March 29, 2019

TO: City Council

FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Katie Whewell, Planning Associate

SUBJECT: **Petition #105-19, SPECIAL PERMIT/SITE PLAN APPROVAL** to amend Special Permit Order #385-08 to allow restructuring of the parking layout, eliminating 14 parking stalls and requiring a waiver of 11 stalls at 2345 Commonwealth Avenue, Ward 4, Auburndale, on land known as Section 02 Block 30 Lot 18, containing approximately 11.4 acres of land in a district zoned BUSINESS USE 5. Ref. Sec. 7.3.3, 7.4, 5.1.4.A 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 Commonwealth Ave

EXECUTIVE SUMMARY

The property at 2345 Commonwealth Ave consists of an 11.4 acre site in a Business 5 (BU-5) zone in Auburndale. The site, which is improved with the Marriott Hotel building, is situated between Norumbega Park to the west and the Charles River to the east.

The petitioners propose to reconfigure the surface parking facility to install parking gates and automated ticket booths that will prevent unpermitted parking as well as restructuring the existing parking lot to allow for updated traffic flow. The proposed reconfigured parking will eliminate 14 parking stalls. Eleven of the parking stalls are required to meet the 676 stalls required by Special Permit #385-08. Special Permit #385-08 granted additional function space, a seasonal tent, waiver of 53 parking stalls, stacked valet parking on site, waivers to lighting requirements, and several other conditions related to the features and agreements between the hotel and the City. The requested relief requires an amendment to Special Permit #385-08 and a parking waiver of 11 stalls.

The Planning Department is unconcerned with the petition to amend Special Permit #385-08 and the waiver of 11 parking stalls. The proposed amendment to Special Permit #385-08 improves the flow of traffic and prevents unpermitted parkers from parking in the Marriott's lot, dedicating those spaces to authorized parkers. The proposed waiver of 11 spaces to make room for the installation of gates and automated ticket booths is in the interest of safety of the business by preventing unauthorized parkers and is unlikely to negatively impact the parking for guests of the Marriott as it would eliminate the problem of unauthorized parkers taking up parking spaces. Planning Staff observed numerous vacant spaces per aisle towards the rear of the site and therefore is unconcerned with the parking waiver of 11 spaces.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- Literal compliance with the parking requirements of the Newton Zoning Ordinance (Ordinance) 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 and §5.1.13).
- The specific site is an appropriate location for the amendment to Special Permit #385-08 that reconfigures the parking lot.
- The proposed amendment to Special Permit #385-08 that reconfigures the parking lot will not adversely affect the neighborhood.
- There will be no nuisance or serious hazard to vehicles or pedestrians by the proposed amendment to Special Permit #385-08.

- Access to the site over streets is appropriate for the types and numbers of vehicles involved.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on the north side of Commonwealth Ave, in the Auburndale neighborhood. The property is located in between Norumbega park, to the east and the Charles River, immediately to the west. The immediate neighborhood is zoned mostly residential (Single Residence 3, Multi Residence 1 and Multi Residence 2) as well as Public Use zones adjacent to the site (**Attachment A**). The immediate neighborhood is comprised of a mix of land uses including single and multi-family dwellings, and open space. (**Attachment B**).

B. Site

The property consists of an 11.4 acre lot on the north side of Commonwealth Ave in the Auburndale neighborhood. The site is improved with the Newton Marriott Hotel, which has 430 guest rooms, as well as restaurants, shops, function rooms, and 649 parking stalls on site. The site slopes upward towards the midpoint of the site aligning with the entrance to the hotel and slopes down gradually to the rear of the site.

Vehicular access to the site is provided via Commonwealth Ave, with a lane through the center of the site that provides access to the surface parking facility via several entrances off that main lane. There is a second access point that leads to a surface parking facility at the front of the site but at a lower grade. The parking is well screened and landscaped with mature landscaping on the aisles separating the rows of parking spaces.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will remain commercial and a hotel use.

B. Building Design

The petitioner is not proposing any alterations to the existing structure.

C. Site Design

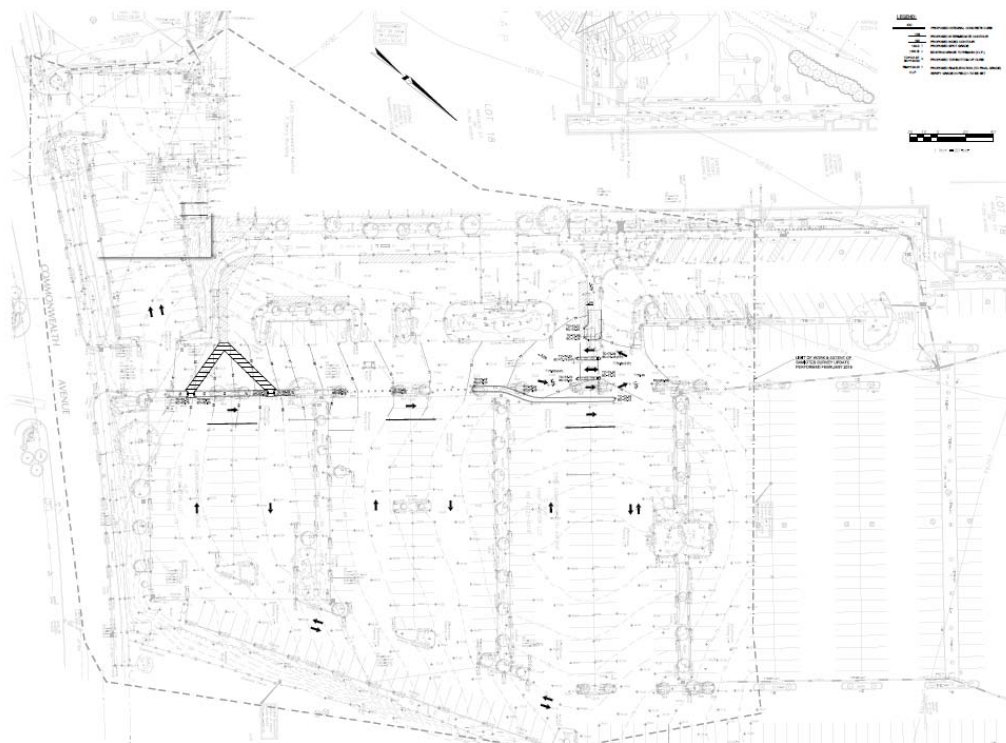
The petitioner proposes to reconfigure the existing parking layout, which requires an amendment to Special Permit #385-08, and a waiver of 11 parking stalls that will allow the petitioner to make the desired changes to the parking configuration, the parking

waiver requires a special permit. Ultimately, the proposed plan will eliminate 14 parking stalls, where 11 are required to meet the parking requirements of Special Permit #385-08.

The petitioner proposes to install parking gates and automated ticket booths. The proposed closure of several entrances to the existing parking facility and streamlining to one entrance to the lot with gates and ticket booths will help prevent unpermitted parking on site. The petitioners propose to close existing entrances with bollards and landscaped islands with breaks for pedestrians. There will also be pedestrian walkway striping from the parking lot to the sidewalk in front of the hotel.

Within the parking lot, the petitioners are proposing to implement one-way aisles to help the flow of traffic on five of the seven aisles of the lot most impacted.

The Planning Department is unconcerned with the changes to the parking layout because the proposed changes will help prevent unpermitted parking and also provide pedestrian improvements with walkway striping as well as landscaping site improvements.



D.

Traffic and Parking

Special Permit #385-08 granted a 53-stall parking waiver, requiring 676 stalls on site. There are currently 679 parking stalls, with the petitioner proposing to eliminate 14

stalls, leaving a total of 665 stalls on site. The proposed reduction of stalls requires a parking waiver of 11 stalls. This requires a special permit.

Planning staff observed several vacant parking spaces per aisle with more being available at the rear of the site, as well as three rows that were completely vacant and therefore are not concerned with the parking waiver of 11 spaces. The proposed redesign has the ability to create additional parking for guests as unauthorized parkers will no longer be able to access the parking facility.

E. Landscaping

A landscape plan is not required with this petition.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking a special permit per §7.3.3:

- to amend Special Permit 385-08 (§7.3.3);
- to waive eight parking stalls (§5.1.4, §5.1.13)

B. Engineering Review

Review by the Engineering Division of Public Works is not required at this time.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

Attachment A:	Zoning Map
Attachment B:	Land Use Map
Attachment C:	Zoning Review Memorandum
Attachment D:	DRAFT Board Order

ATTACHMENT A

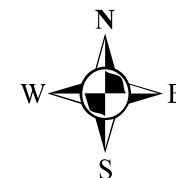
Zoning

2345 Commonwealth Ave.

*City of Newton,
Massachusetts*


Legend

-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 2
-  Business 5
-  Public Use

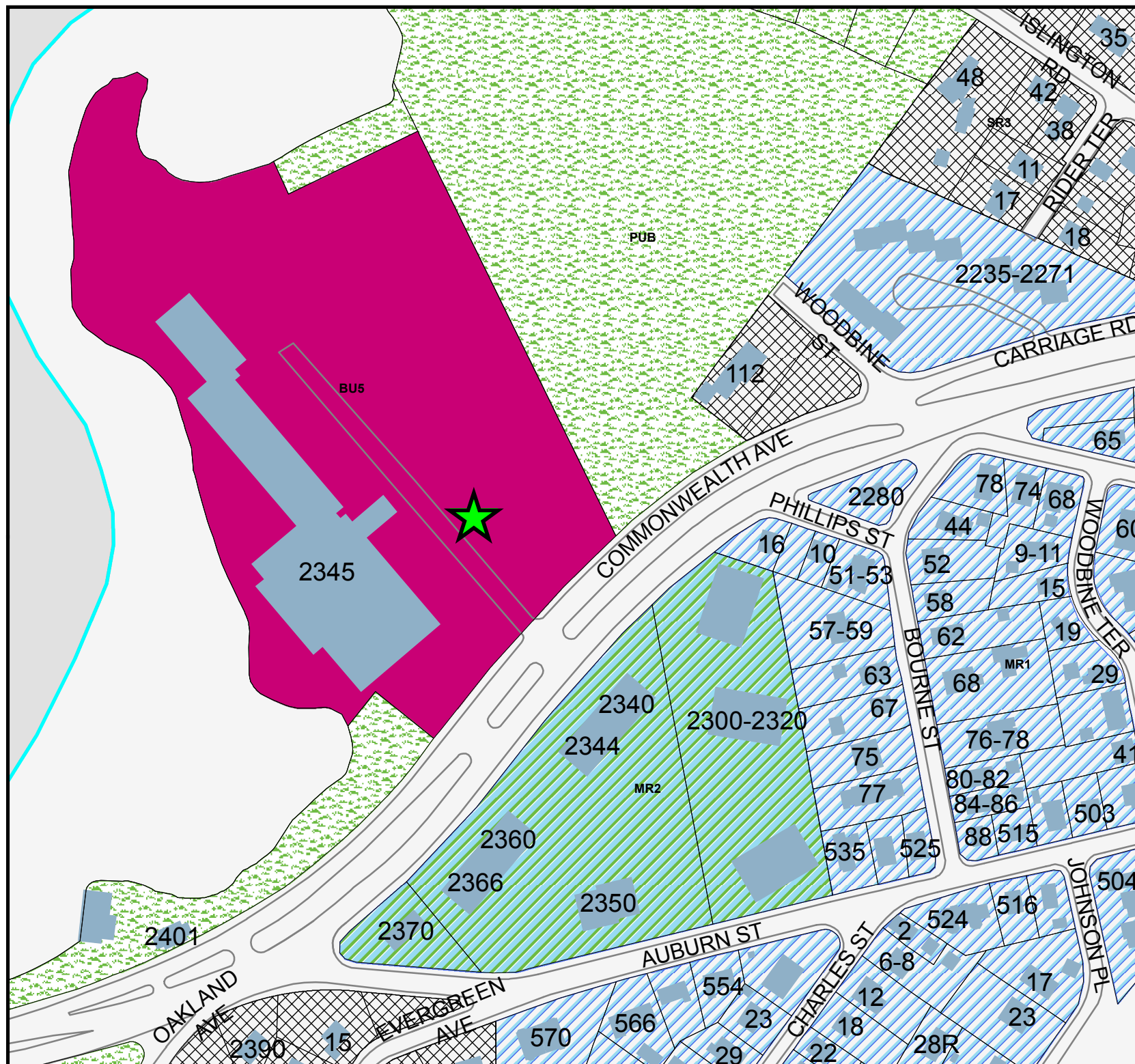


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

02.35 50 75 100 125 150 175 200 225 250 275
 Feet

Map Date: March 26, 2019

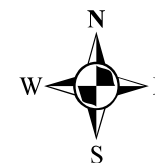


Land Use

*City of Newton,
Massachusetts*

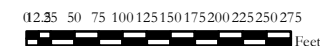
Land Use

-  Single Family Residential
 Multi-Family Residential
 Commercial
 Open Space
 Nonprofit Organizations

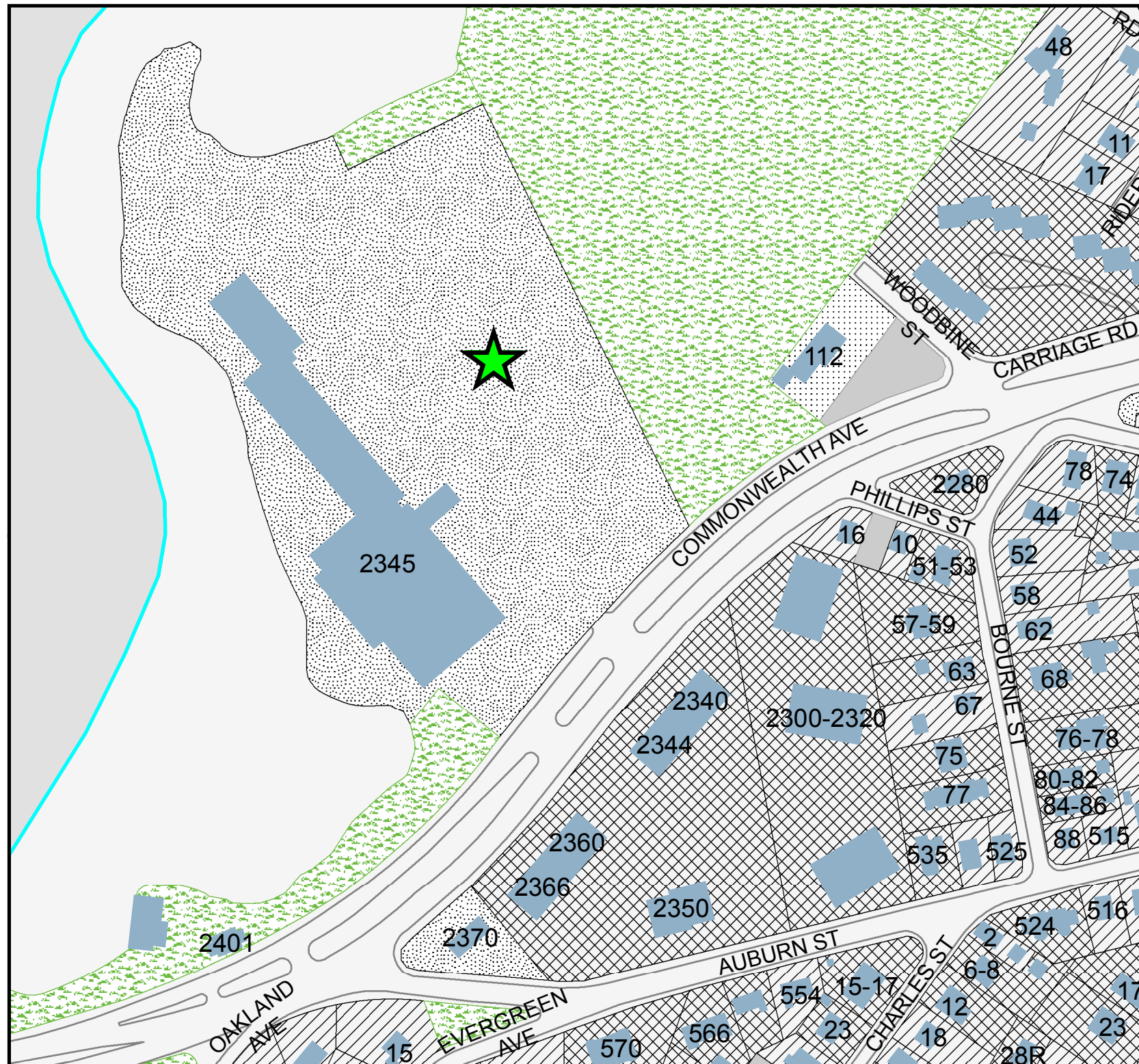


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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: December 13, 2018

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Samiotes Consultants, Inc
CHSP Newton LLC
Barney S. Heath, Director of Planning and Development
Alissa Giuliani, City Solicitor

RE: Request to modify existing approved site plan and Special Permit #385-08 to allow for modifications to the parking layout and to waive an additional 11 parking stalls

Applicant: CHSP Newton LLC	
Site: 2345 Commonwealth Ave	SBL: 41023 0018
Zoning: BU5	Lot Area: 11.4 acres
Current use: Hotel	Proposed use: Hotel

BACKGROUND:

The property at 2345 Commonwealth Avenue consists of a 11.4 acre lot improved with a Marriot Hotel, bordered by the Charles River to the north and west, and Norumbega Park to the east. The hotel was built in 1967 with a Special Permit #595-67. The site contains 430 guest rooms, as well as restaurants, shops, function rooms and 649 parking stalls. Special Permit # 385-08 was issued in 2009 authorizing expansion of the function space on the property, as well as a 53-stall parking waiver. This special permit consolidated the conditions of all of the previous special permits. A 2017 special permit allowed for improvements including the location of a new pad for chiller equipment and the liquid propane gas tank adjacent to the existing service loading dock area, as well as the addition of new rooftop air handling equipment.

The petitioner now seeks an amendment to the approved site plan and special permit to allow for the installation of parking gates and booths, and the restructuring of the existing parking layout to accommodate the updated traffic flow and to prevent unpermitted parking. The reconfigured parking will eliminate fourteen parking stalls, of which 11 are required to meet 676 stalls permitted by Special Permit #385-08.

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

- Zoning Review Application, prepared by Matthew Zirolli, Samiotes Consultants, Inc, dated 10/29/2018
- Demolition and Site Preparation Plan, signed and stamped by Steven R. Garvin, engineer, dated 10/29/2018
- Layout Plan, signed and stamped by signed and stamped by Steven R. Garvin, engineer, dated 10/29/2018
- Special Permit #385-09

ADMINISTRATIVE DETERMINATIONS:

1. The hotel proposes to install parking gates and booths, and restructure the existing parking to prevent unpermitted parking. The proposed plan eliminates 14 parking stalls to accommodate travel lanes required to move through the lot, as the proposed parking gate allows for only one regulated entrance into the parking facility where several entrances exist now.

Special Permit #385-08 granted a 53-stall parking waiver, with 676 stalls required on the site. There currently exists 679 parking stalls, three more than required. The petitioner intends to eliminate 14 stalls, leaving a total of 665 stalls on site. The proposed reduction of stalls requires a further waiver of 11 parking stalls per section 5.1.4.A and Special Permit #385-05.

2. While some nonconformities exist in the parking facility, none of the proposed changes alter or increase those nonconformities (aside from the number of stalls). As the facility has been subject to several special permits, it is assumed that all existing nonconformities relative to the layout, lighting and landscaping of the facility are legally nonconforming or regulated by the existing special permit and may remain so without further relief.
3. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Amend Special Permit #385-08	S.P. per §7.3.3
§5.1.4.A	Request to waive 11 parking stalls	S.P. per §7.3.3

2345 Commonwealth Ave.
#105-19

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 amend Special Permit 358-08 and to waive 11 parking stalls, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. Literal compliance with the parking requirements is not in the interest of safety due to the installation of the ticket booths that will prevent unpermitted and unauthorized parkers. The proposed changes also allow for greater control of access to the site (§5.1.4.A, §5.1.13)
2. The specific site is an appropriate location for the amendment to Special Permit #385-08 because the proposed changes result in a more efficient parking facility.
3. The proposed amendment to Special Permit #385-08 will not adversely affect the neighborhood due to the surrounding mix of uses in the neighborhood and the site is surrounded largely by public use zones on either side.
4. There will be no nuisance or serious hazard to vehicles or pedestrians by amending Special Permit #385-08 to reconfigure the parking lot because the reconfiguration consists of pedestrian improvements and improved traffic flow through the site and ensures all parking spaces are available for authorized guests.
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved.

PETITION NUMBER: #105-19

PETITIONER: CHSP TRS Newton LLC dba Marriott Newton

LOCATION: 2345 Commonwealth Ave, on land known as Section 02
Block 30 Lot 18, containing approximately 11.4 acres of land

OWNER: CHSP Newton LLC

ADDRESS OF OWNER: 4300 Wilson Blvd. Ste 625
Arlington, VA 22207

TO BE USED FOR: Parking Waiver of 11 stalls and amendment to Special Permit
358-08

CONSTRUCTION: Site Work Only

EXPLANATORY NOTE: §5.1.13 and §5.1.4.A to waive 11 required parking stalls,
§7.3.3 to amend special permit #385-08.

ZONING: Business Use 5

All prior Special Permits for this site remain in full force and effect, including the conditions set forth in Council Order #385-08, except as modified below.

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with:
 - a. Demolition and Site Preparation Plan C-1.1, signed and stamped by Stephen Garmin, Registered Professional Engineer, dated March 11, 2019
 - b. Layout Plan C-2.1, signed and stamped by Stephen Garmin, Registered Professional Engineer, dated March 11, 2019
 - c. Grading Plan C-2.2, signed and stamped by Stephen Garmin, Registered Professional Engineer, dated March 11, 2019
 - d. Civil Details C-3.1, signed and stamped by Stephen Garmin, Registered Professional Engineer, dated March 11, 2019
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Director of Planning and Development, City of Newton Fire Department, Department of Planning and Development, Department of Engineering, and Department of Inspectional Services.
3. 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 board 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 board 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 permit plans are consistent with plans approved in Condition #1.

- d. Received approval from the applicable Departments in accordance with Condition #6 above.