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Barney Heath
Director

M E M O R A N D U M

Public Hearing Date:	October 3, 2019
Land Use Action Date:	December 10, 2019
City Council Action Date:	December 17, 2019
90-Day Expiration Date:	January 1, 2020

DATE: September 27, 2019

TO: City Council

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

SUBJECT: Petition 620-18 (2) for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Orders #213-12(1), #213-12(2) and #620-18 to permit a for profit education use as well as other uses which could include animal services, dry cleaners and ground floor health clubs at 55-71 Needham Street, Ward 5, Newton Highlands, on land known as Section 51 Block 28 Lot 20, containing approximately 58,875 sq. ft. of land in a district zoned MIXED USE 1. Ref: Sec. 7.3, 7.4, 4.4.1, 6.3.14.B.2 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 Working Session.



55-71 Needham Street

EXECUTIVE SUMMARY

55-71 Needham Street consists of 58,875 square feet improved with two newly constructed single-story commercial buildings and accessory parking allowed by Special Permit #213-12 (1) and (2). Previous Special Permits have granted retail and/or service uses, a restaurant with up to 110 seats, a bank use, and waived 14 parking stalls. The petitioner is now seeking a special permit to allow several uses that would allow flexibility in leasing the existing tenant space. The uses proposed to be permitted include a for profit educational use, dry cleaner, and a health club on the ground floor. The aforementioned uses require a special permit for the Mixed-Use 1 (MU-1) zone.

The Planning Department believes the site is a suitable location for the proposed uses. The proposed uses are a mix of uses that would fit without adversely impacting the area. The petitioner is not seeking any additional parking waivers, so any new uses proposed would still need to be evaluated as to parking requirements and must comply with the allotted parking on site or seek an additional waiver prior to locating. The Planning Department recommends a condition that any future gym maintain transparency along Needham Street and that the proposed tenants that fall under the allowed uses locate their front door to Needham Street, which would activate the streetscape and create a more vibrant area.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this petition, the City Council shall consider whether:

- The specific site in a MU-1 zone is an appropriate location for the proposed uses. (§7.3.3.C.1)
- The proposed uses will adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed uses 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 subject property is located on Needham Street in the MU-1 zone. The adjacent properties on the eastern side of Needham Street are zoned MU-1 as well. The properties on the western side of Needham Street are located in the Mixed Use 2 (MU-2) zone, and to the west is an Open Space/Recreation zone (**Attachment A**). The properties fronting Needham Street are mostly commercial while the properties beyond the commercial uses on both sides of the street are single and multi-family residential uses (**Attachment B**).

B. Site

The site consists of 58,875 square feet improved with two newly constructed single-story commercial buildings and accessory parking allowed by Special Permits #213-12 (1) and (2). In the front of the building, there are parallel concrete sidewalks, separated by a vegetated strip. The site is served by two curb cuts along Needham Street with entrance access at the middle of the site and a driveway to the right of the site which serves the site as well as the Avalon Bay apartment complex, located directly behind the site. The left access is an exit driveway onto Needham St. There are 64 stalls on the property, located to the rear of the commercial buildings.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principle land use of the site is and will remain commercial. Current uses onsite include: retail establishments, a bank use, and a restaurant use. The request includes an identified for-profit educational use. The petitioner is also seeking the flexibility to allow a dry cleaner or health club on the ground floor (all of which require a Special Permit) to allow future flexibility; there are no identified gym or dry cleaner tenants at this time. The proposed for-profit educational use will occupy 1,510 square feet of vacant commercial space.

Code Ninjas, the for-profit educational use, is a learning facility that teaches kids 7-14 how to code. The program is designed so that students can drop in as their schedule permits and take computer-based lessons in hour-long segments. Due to the specific program of allowing students to come in as their schedule permits, there is no peak period for drop-offs or arrivals at the site.

The Planning Department is supportive of the for-profit school as well as the proposed additional uses of a dry cleaner and gym. Both uses bring regular foot traffic and provide a service for surrounding neighborhoods. The concern regarding

a gym is a potential for reduced storefront transparency when located on the ground floor. The Planning Department recommends a condition that future tenants that fall under the allowed uses locate their front door to Needham Street and any future gym use maintain transparency along Needham Street, which would contribute towards an active, vibrant streetscape.

B. Building and Site Design

The petitioner is not proposing any physical changes to either the building or site.

C. Parking

Special Permits 212-12 (1) and (2) waived 14 parking stalls. There are 64 existing parking stalls on the property. The proposed for-profit school will have four employees at the largest shift; one stall per employee at the largest shift is required and the current configuration of parking allows for that. The proposed for-profit school does not increase the parking requirement allowed by the previous special permits, and no waiver is required at this time. Additional changes of use onsite will be evaluated for parking compliance and may require additional parking waiver requests.

D. Landscape Screening

A landscape plan is not required with this petition.

IV. TECHNICAL REVIEW

A. Technical Considerations

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

- Amend Special Permits 213-12 (1) and (2) and 620-18
- Section §4.4.1, §6.3.14.B.2 to allow a for profit educational use
- Section §4.4.1 to allow animal services, dry cleaners and health club on the ground floor.

B. Newton Historical Commission

This petition does not meet the minimum threshold for review from the Chief

Preservation Planner.

C. Engineering Review

This petition does not meet the minimum threshold for review from the Engineering Division of Public Works.

PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Zoning Review Memorandum, dated July 17, 2019
- Attachment D:** DRAFT Council Order

ATTACHMENT A

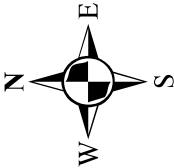
Zoning

55-71 Needham St.

City of Newton,
Massachusetts

Legend

- Multi-Residence 1
- Manufacturing
- Mixed Use 1
- Mixed Use 2
- Public Use

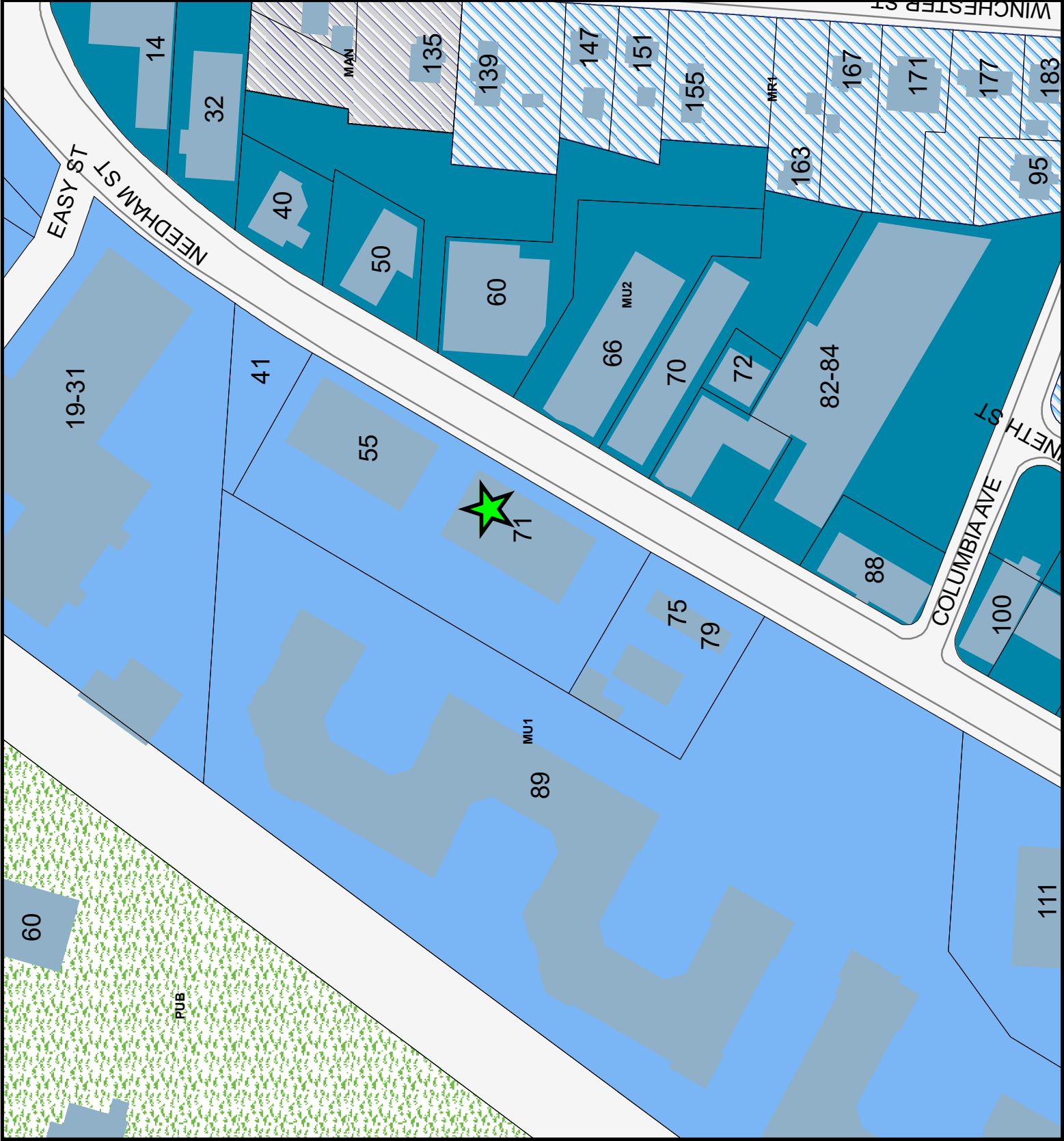


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

0 12.5 25 50 75 100 125 150 175
feet

Map Date: September 25, 2019



ATTACHMENT B

Land Use

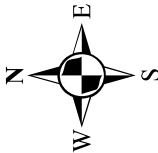
55-71 Needham St.

City of Newton,
Massachusetts

Legend

Land Use

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

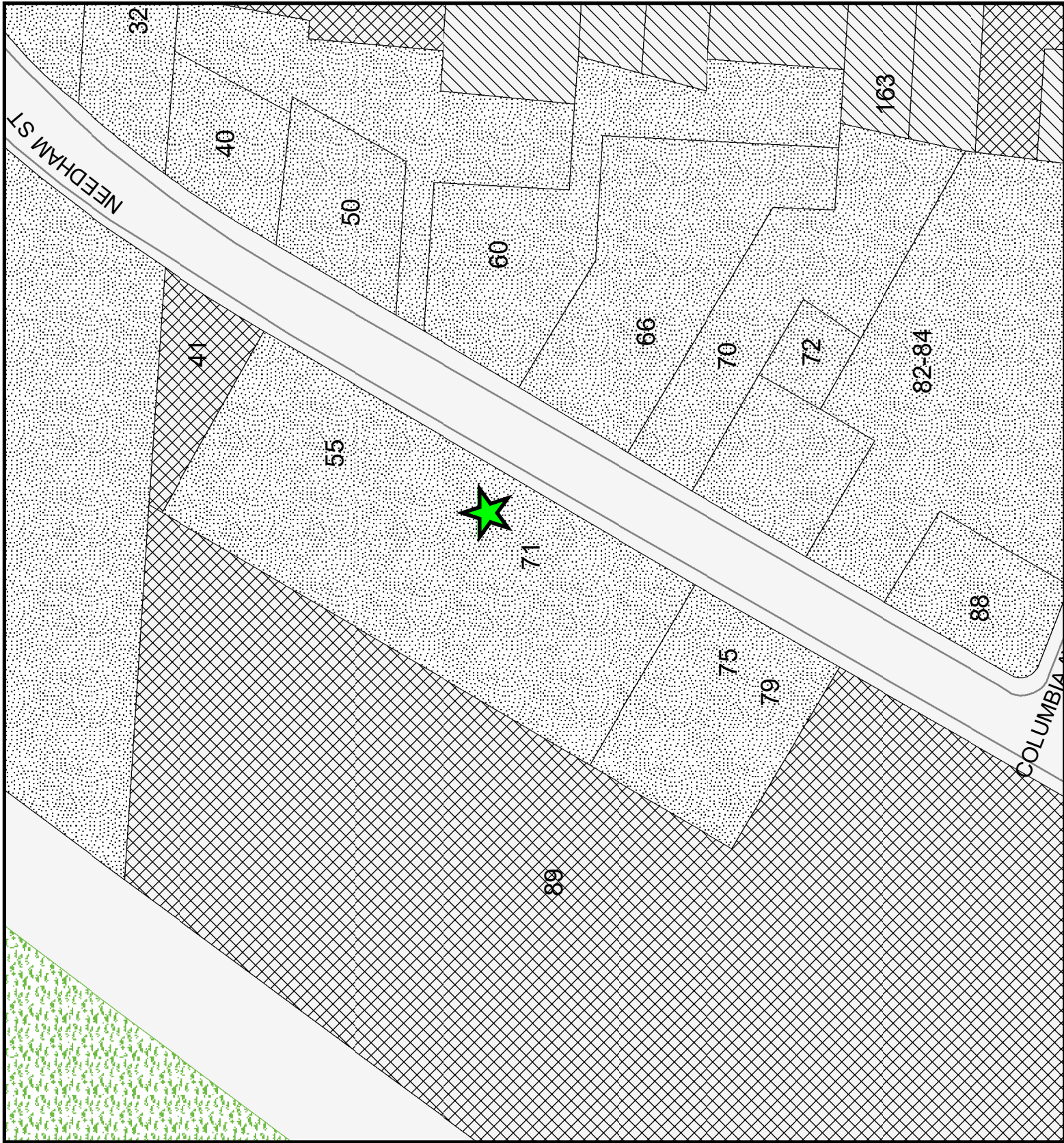


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
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0 12.5 25 50 75 100 125 Feet

Map Date: September 25, 2019





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Director

ZONING REVIEW MEMORANDUM

Date: July 17, 2019

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Alan J. Schlesinger, Attorney
Needham Street Village Shops, LLC
Barney S. Heath, Director of Planning and Development
Jonah temple, Assistant City Solicitor

RE: Request to allow an educational use and to amend Board Order 213-12(2), as well as to allow animal services, dry cleaner and health club uses

Applicant: Needham Street Village Shops	
Site: 55-71 Needham Street	SBL: 51028 0020
Zoning: MU1	Lot Area: 58,857 square feet
Current use: Mixed commercial	Proposed use: No change

BACKGROUND:

The property at 55-71 Needham Street consists of 58,857 square feet improved with two one-story mixed commercial buildings. The property received a special permit in 2012 authorizing several uses on the property including retail, personal service (then referred to as "service establishment"), bank and a restaurant. The petitioner requests a special permit to allow for 1,510 square foot space to be used for a for-profit educational use. In the interest of leasing potential for the property, the petitioner also seeks a special permit to allow for animal services, a dry cleaner and a health club on the ground floor.

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

- Zoning Review Application, prepared by Alan Schlesinger, attorney, dated 6/6/2019
- Board Order #213-12(1) and (2)
- Board Order #620-18
- As-Built Site Plan, signed and stamped by William J. Doucet, surveyor, dated 1/23/2015
- Floor Plan, prepared by f.c. dadson, inc, dated 5/9/2019

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to introduce a for-profit educational use to a vacant 1,510 square foot commercial space on site. Per sections 4.4.1 and 6.3.14.B.2, a special permit is required to allow a for-profit educational use in the Mixed Use 1 zoning district.

In the interest of maximizing the leasing potential of the site, the petitioner also seeks a special permit per section 4.4.1 to allow animal services, dry cleaners and health clubs on the ground floor.

2. The petitioner received special permits #213-12(2) and 620-18 in 2015 waiving a total of 14 parking stalls. This proposed 1,510 square foot commercial space was intended for retail use. As such, the space would have required six parking stalls per section 5.1.4.A, at one stall per 300 square feet plus one stall per each employee at the largest shift. The proposed for-profit educational use will have no more than four employees at the largest shift. Per section 5.1.4.A, a for-profit educational use requires one stall per each employee at the largest shift. No waiver is required.

No parking waiver is determined to be necessary or sought at this time for the uses beyond the proposed for-profit educational use. The parking regulations will be analyzed as changes in use are proposed and waivers will be sought as necessary.

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Amend board orders #213-12(1) and (2) and #620-18	
§4.4.1 §6.3.14.B.2	Request to allow a for-profit educational use	S.P. per §7.3.3
§4.4.1	Request to allow animal services, dry cleaners and health club on the ground floor	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 amend Special Permit Board Orders #213-12(1) and #213-12(2) to allow a for profit educational use, animal services, dry cleaners and ground floor health club at 55-71 Needham Street as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The specific site is an appropriate location for the proposed uses because the site is located in an area containing a mix of uses and the proposed use is compatible with that mix. (§7.3.3.C.1.)
2. The proposed uses will not adversely affect the neighborhood given the mixed use nature of the area. (§7.3.3.C.2.)
3. The proposed uses will not create a nuisance or serious hazard to vehicles or pedestrians because the use does not require any alterations to the site. (§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.)

PETITION NUMBER: #620-18 (2)

PETITIONER: Needham Street Village Shops

LOCATION: 55-71 Needham Street, Section 51, Block 28, Lot 20,
containing approximately 58,875 square feet

OWNERS: Needham Street Village Shops, LLC

ADDRESS OF OWNERS: 420 Bedford Street, Lexington, MA 02420

TO BE USED FOR: For Profit Educational Use

CONSTRUCTION:	One Story, multi-tenant, commercial building
EXPLANATORY NOTES:	To amend Council Orders #213-12 (1) and 213-12 (2) which authorized the redevelopment of the site for a mix of office, restaurant, retail, and service uses and Council Order 620-18 §4.4.1 and §7.3.3 which allowed a bank use.
ZONING:	Mixed Use 1 District

The prior special permits for this property is as follows: Council Order #213-12(1), to construct two single story commercial buildings with an aggregate total gross area of 19,200 sq. ft.; to permit retail and/or service uses, to waive up to 6 parking stalls and certain dimensional requirements and associated landscaping, fencing, and lighting requirements for parking facilities greater than five stalls, to waive one required loading dock facility; and to allow a freestanding sign and the number of secondary signs and dimensional requirements for signs at 49, 55, and 71 Needham Street, Council Order #213-12(2), to permit a restaurant use(s) containing up to 110 seats in the multi-tenant commercial buildings authorized by Board Order #213-12(1); and to waive up to 8 parking stalls at 49, 55, 71 Needham Street and 620-18 that allowed a bank use on site. The conditions set forth in Council Orders #213-12(1), #213-12(2), and 620-18 remain in full force and effect.

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. As-built plan of Needham Street Village Shops dated January 23, 2015, signed and stamped by William J. Doucet, Professional Land Surveyor.
 - b. A set of architectural plans, Code Ninjas Feasibility Plan– dated May 9, 2019 prepared by F.C. Dadson, unsigned and unstamped.
 - i. Title Sheet (A0);
 - ii. Construction Plan (1A.1);
 - iii. Power/Data Plan (1A.3);
 - iv. Elevations (A6.1); and
 - v. Elevations (A6.2)
2. All signage shall be reviewed and approved by the Urban Design Commission.
3. Tenants that fall under the allowed uses shall locate their front door to Needham Street and any future gym use maintain transparency along Needham Street.

4. 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 Approval 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 Department of Planning and Development that confirms plans submitted with any building permit are consistent with plans approved in Condition #1.
5. 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.
6. Any future gym use must maintain transparency along Needham Street.
7. Proposed Tenants that fall under the allowed uses shall locate their front door to Needham Street.