

DEPARTMENT OF PLANNING AND DEVELOPMENT

CITY OF NEWTON

Massachusetts

INTER-OFFICE CORRESPONDENCE

DATE: January 31, 2020

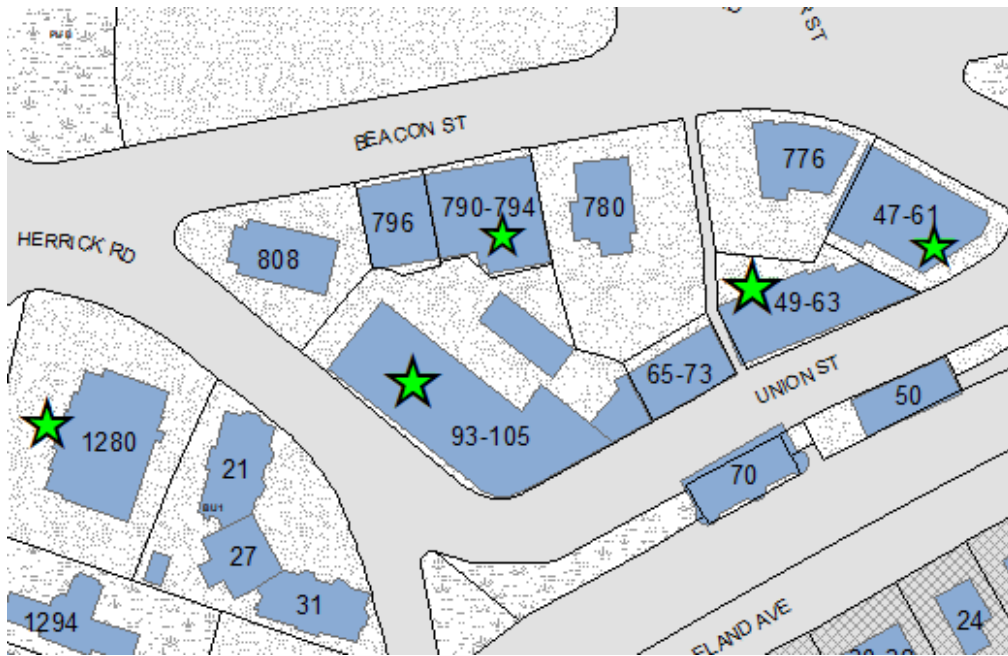
TO: All Members, City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Deputy Director, Planning and Development
Katie Whewell, Planning Associate

SUBJECT: **#16-20, Parking Waiver for 478 stalls** 93-105 Union Street, (containing approximately 31,455 sq. ft. of land), 1280 Centre Street (containing approximately 27,560 sq. ft. of land), 47-61 Langley Road (containing approximately 10,037 sq. ft. of land), 49-63 Union Street (containing approximately 8,735 sq. ft. of land), and 790-794 Beacon Street (containing approximately 7,400 sq. ft. of land), all zoned BUSINESS USE 1

Petition #16-20 involves a special permit request for a waiver of 478 stalls pertaining to five properties within Newton Centre as well as a request to allow restaurants with more than 50 seats. Due to lack of support for the request to allow restaurants with more than 50 seats as a blanket waiver in perpetuity, the petitioner has withdrawn this request and will pursue the special permit once a specific tenant is identified. The remaining relief to be granted is to allow a parking waiver of 478 stalls to allow flexibility in leasing, and faster turnover of tenant spaces in Newton Centre.

The Council has requested additional information on how the 478-parking stall waiver was calculated and what the existing parking credit is. The Planning Department worked closely with the petitioner to gather information that informs the parking requirements, such as the square footage of the tenant spaces, the use, and number of employees in each space. The Planning Department sought information from the petitioner on anticipated uses to fill vacant space, as well as likely turnover of existing spaces. Per the attached zoning calculation (**Attachment A**), the petitioner currently has a parking credit of 412 stalls for their five properties (containing 109 tenant spaces) totaling approximately 86,000 square feet of commercial space. Taking the anticipated uses and their corresponding parking requirements into account, 510 is the number of required stalls per zoning. With 32 spaces existing on the petitioner's properties the number to be waived is 478 parking stalls. This results in an additional 66 stalls to be waived to allow for flexibility, and to allow the petitioner to lease tenant space in a key commercial center without having to pursue a special permit for smaller, repeated parking waivers, which can take several months for each request.



Petitioner's properties marked with a star

The Planning Department is supportive of the petitioner's efforts to streamline parking waiver requests for these properties. The waiver would administratively clean up existing parking credits and prior parking waivers for each of the 109 tenant spaces, and the additional 66 stall waiver, above and beyond existing credits, results in far less than one stall per tenant space. The Planning Department also believes that the request for the parking waiver is consistent with the City's Comprehensive Plan.

Please do not hesitate to contact me if you have any questions regarding this subject.

ATTACHMENT A: Existing and Proposed Parking Calculations

ATTACHMENT B: DRAFT Council Order



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

Piccadilly Parking Waiver

A parking credit of 412 stalls is assumed based on the information provided by the applicant. This figure includes current uses, as well as the last known uses in vacant spaces, and makes assumptions on the number of employees based on industry standards. The figure for the proposed number of required parking stalls is based on predicted changes in tenancy. The applicant has seen a trend of decreasing retail and personal service tenants and increased restaurant tenants. The proposed parking requirement reflects this trend.

There are 32 parking stalls available within Piccadilly Square to be shared by the employees and patrons of the 109 business spaces. With an anticipated parking requirement of 510 stalls, the petitioner requires a waiver of 478 stalls.

Parking Requirement	Existing	Parking Credit	Proposed	Proposed Stalls Required
Restaurant 1/3 seats 1/3 employees	410 seats 60 employees	157	700 seats 125 employees	275
Retail 1/300 sf 1/3 employees	12,386 sf 33 employees	52	6,420 sf 24 employees	29
Personal Service 1/300 sf 1/3 employees	3,780 sf 18 employees	16	2,420 sf 12 employees	12
General Office 1/250 sf	9,493 sf	38	9,250 sf	37
Medical Office 1/200 sf	27,784 sf	139	28,410 sf	142
Health Club 1/150 sf 1/3 employees	1,358 sf 3 employees	10	2,000 sf 6 employees	15
TOTAL		412		510

#16-20

CITY OF NEWTONIN 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 waive 478 parking stalls, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the proposed parking waiver of 478 parking stalls due to its location the BU-1 zone and in a Village Center with access to transit. (§7.3.3.C.1.)
2. The parking waiver of 478 stalls will not adversely affect the neighborhood as the sites are located in a major commercial center of Newton with a mix of uses. (§7.3.3.C.2.)
3. There will be no 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 parking requirements is impracticable as the parking waiver is in the public interest and in the interest of safety as the waiver will maintain the Village Center's status as a walkable commercial area. The parking requirement is also impracticable due to the sites as having been constructed during a time when the automobile was not utilized as the primary mode of transportation. (§5.1.3.E, §5.1.4 and §5.1.13).

PETITION NUMBER: #16-20

PETITIONER: Union Realty Trust

LOCATION(s): 93-105 Union St., on land known as Section 61 Block 36 Lot 09, containing approximately 34,455 square feet of land; 1280 Centre St., on land known as Section 61 Block 36 Lot 05, containing approximately 27,560 square feet of land; 49-

63 Union St., on land known as Section 61 Block 36 Lot 07, containing approximately 8,735 square feet of land; 47-61 Langley Road on land known as Section 61 Block 36 Lot 06, containing approximately 10,037 square feet of land; and 790-794 Beacon Street on land known as Section 61 Block 36 Lot 03, containing approximately 7,400 square feet of land

OWNER: Union Realty Trust

ADDRESS OF OWNER: 93 Union Street
Newton, MA 02467

TO BE USED FOR: Parking waiver of 478 stalls

CONSTRUCTION: None

EXPLANATORY NOTE: §5.1.13 and §5.1.4.A to waive 478 parking stalls

ZONING: Business Use 1

All prior Special Permits for these sites remain in full force and effect, including the conditions set forth in Council Orders #44-14 and #138-18, with the exception of the parking waiver(s), which this order is intended to replace. This special permit shall be considered exercised upon recording of the special permit.

Approved, subject to the following conditions:

1. The Petitioner must provide annual documentation on January 1st of each year to the Planning Department providing all tenants and uses within the subject properties governed by this Council Order in order to allow the Planning Department to ensure the petitioner does not exceed the number of waived stalls.
2. No building 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.
3. Prior to the issuance of any building permit for improvement to a tenant space or change of use for a tenant space, the Petitioner must provide documentation to the Director of Planning for approval to ensure compliance with this waiver.
4. The petitioner shall not lease any of the existing parking stalls on site to those not associated with their tenant spaces for any non-accessory use.