



Setti D. Warren
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

James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: September 10, 2015
Land Use Action Date: October 6, 2015
Board of Aldermen Action Date: November 16, 2015
90-Day Expiration Date: December 7, 2015

DATE: September 4, 2015

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Stephen Pantalone, Senior Planner 

SUBJECT: **Petition #181-15, AYENG FONG AND BINH NGUYEN, petition for SPECIAL PERMIT/SITE PLAN APPROVAL to add a third unit onto the rear of an existing two-family dwelling at 220-222 California Street, Ward 1, on land known as SBL 11, 10, 16, containing approximately 9,510 square feet of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-11(d)(8), 30-19(h)(1) and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.**

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. 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 Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



220-222 California Street

EXECUTIVE SUMMARY

The property at 220-222 California Street consists of 9,510 square feet of land, improved with a two-family dwelling constructed in 1890. The property currently has two driveways that fit approximately four cars. The petitioner is proposing to construct a 2½-story addition to the rear of the structure to accommodate a third unit. The property is located in a Business 1 (BU1) zoning district, which requires a special permit in order to create a multi-family dwelling. The petitioner is also seeking relief to locate parking stalls within a setback and within five feet of a residential structure. The property was found preferably preserved by the Newton Historical Commission staff and the demolition delay was waived based on the proposed plans.

The property is located in a mix-use neighborhood that includes Multi-Residence 2, Business 1 and Manufacturing zoning districts. The floor area of the proposed third unit will be 2,999 square feet, which when combined with the existing 3,793 square foot dwelling will have a total square footage of 6,792, square feet. The proposed Floor Area Ratio (FAR) of .71 is less than the maximum 1.00 FAR allowed in a BU1 zoning district. The proposed addition meets all requirements for setbacks, building height, and stories. The petitioner is proposing to maintain the sight obscuring fence along the property lines.

The Planning Department believes that the proposed three-unit multi-family dwelling is appropriate for this mixed-use neighborhood and does not have any major concerns with the site plan. Since the addition will be located at the rear of the existing structure the project will preserve the existing streetscape. The Planning Department does not believe that additional landscape screening is necessary due to the location of the dwellings on abutting properties and the existing vegetation to the rear of the property.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- Literal compliance with the parking requirements 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 (§30-19(m))
- The specific site is an appropriate location for the proposed multi-family dwelling. (§30-24(d)(1))
- The proposed multi-family dwelling as developed and operated will not adversely affect the surrounding neighborhood. (§30-24(d)(2))
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§30-24(d)(3))

- Access to site is appropriate for the number and types of vehicles involved. (§30-24(d)(4))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located on California Street between Jasset Street and Allison Street. The property is located in a mix-used neighborhood that includes single-family and multi-family dwellings, industrial, mixed-use and commercial uses (**ATTACHMENT A**). The zoning districts in the surrounding neighborhood consist of Multi Residence 2, Business 1, and Manufacturing districts (**ATTACHMENT B**).

B. Site

The site consists of 9,510 square feet of land, improved with a 2½-story, two-family dwelling constructed in 1890. There are two driveways along the side property lines that can fit approximately four vehicles. There is a yard at the rear of the site with vegetation along portions of the property lines, and an approximately six-foot high sight obscuring fence around the side and rear property lines.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioner is proposing to change the use from a two-family dwelling to a multi-family dwelling with three units.

B. Building and Site Design

The petitioner is proposing to construct a 2½-story, 2,999 square foot (in terms of FAR) addition to the rear of the existing structure to be used as a third unit. To accommodate the additional parking requirement the petitioner will extend the existing driveway on the eastern property line to create two additional parking stalls at the rear property line. The proposed addition will maintain the existing building height and will utilize materials that are consistent with the existing dwelling. The proposed addition will be offset slightly from the existing dwelling, which will help to break up the view of the mass of the new combined structure from the side property line, while still screening most of the addition from California Street. The site plan will maintain a small backyard at the rear of the site.

The petitioner is proposing to maintain the existing driveway and tandem parking along the western property line and to add additional parking along the eastern property line. The petitioner proposes to locate two tandem parking stalls alongside

the existing dwelling, which will allow for an approximately 11 foot drive aisle to the two proposed parking stalls at the rear of the site. The Planning Department notes that the architect's site plan indicates that the tandem parking stalls are 8' x 20', whereas the surveyed site plan shows the stalls are 9' x 19'. The proposed parking stalls at the rear of the site will use a turn around area located in front of the proposed addition to maneuver when exiting the site.

The Planning Department believes that the maneuvering will be sufficient for the new parking stalls, though the petitioner should clarify the proposed width of the tandem stalls on the eastern side of the house. Vehicles for the existing units will continue to back out onto California Street. Due to the limited space on the site and the narrow drive aisle to access the rear parking stalls, it will be important for the petitioner to manage snow removal during the winter months so that adequate maneuvering space is maintained.

C. Landscape Screening

The Planning Department does not believe that additional landscape screening is required due to the existing vegetation and the location of structures on the surrounding lots. The petitioner will keep the existing sight obscuring fence that runs along the side and rear property lines.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT C**) provides an analysis of the proposal with regard to zoning. The petitioner is seeking the following reliefs:

- §30-11(d)(8), to allow a 3-unit multi-family dwelling
- §30-19(h)(1) and §30-19(m), to locate parking within a setback and within five feet of a residential structure.

B. Engineering Review

The site plan provided with the special permit application indicates the general location of the infiltration system but indicates that the final location and size of the system will be determined prior to the submission for the building permit, if approved. The site plan also indicates that there will be no changes to the location of the existing water and sewer service.

Staff discussed the project with the Associate City Engineer and he agreed that the petitioner could submit the final calculations and details for the system during the permitting process. The Associate City Engineer noted that the proposed system

will need to be setback farther from the side property line and the engineer will need to do soil testing.

V. PETITIONER'S RESPONSIBILITIES

The petitioner should clarify the size of the proposed tandem parking stalls located on the eastern side of the site.

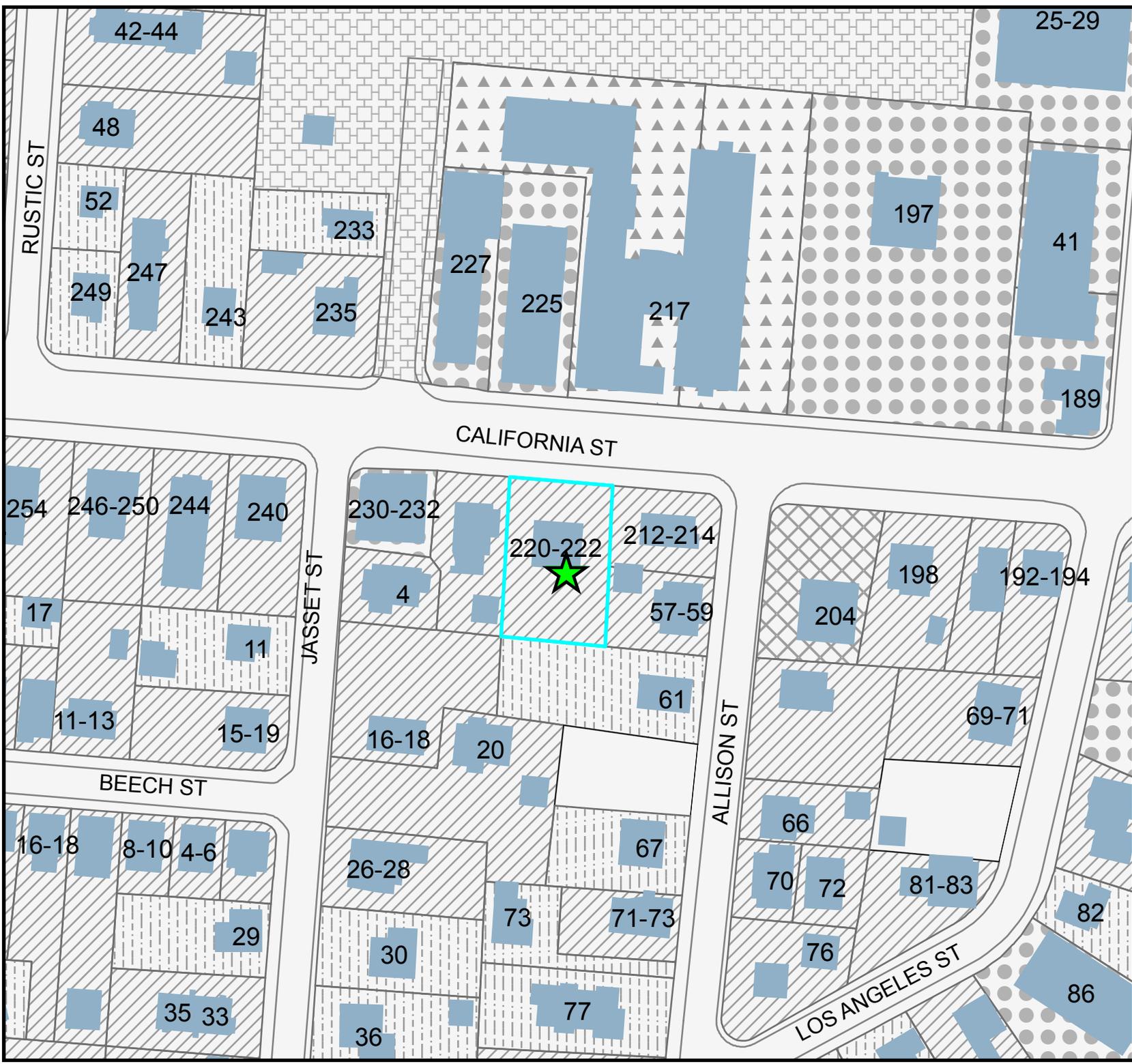
ATTACHMENTS:

- Attachment A:** Land Use Map
Attachment B: Zoning Map
Attachment C: Zoning Review Memorandum

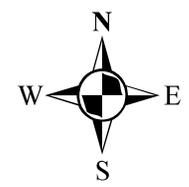
Land Use Map 220-222 California Street *City of Newton, Massachusetts*

Legend

- Land Use**
-  Single Family Residential
 -  Multi-Family Residential
 -  Commercial
 -  Industrial
 -  Mixed Use
 -  Open Space
 -  Vacant Land



ATTACHMENT A



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 - Setti D. Warren
GIS Administrator - Douglas Greenfield



Zoning Map 220-222 California Street

*City of Newton,
Massachusetts*

Legend

Zoning

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

ATTACHMENT B

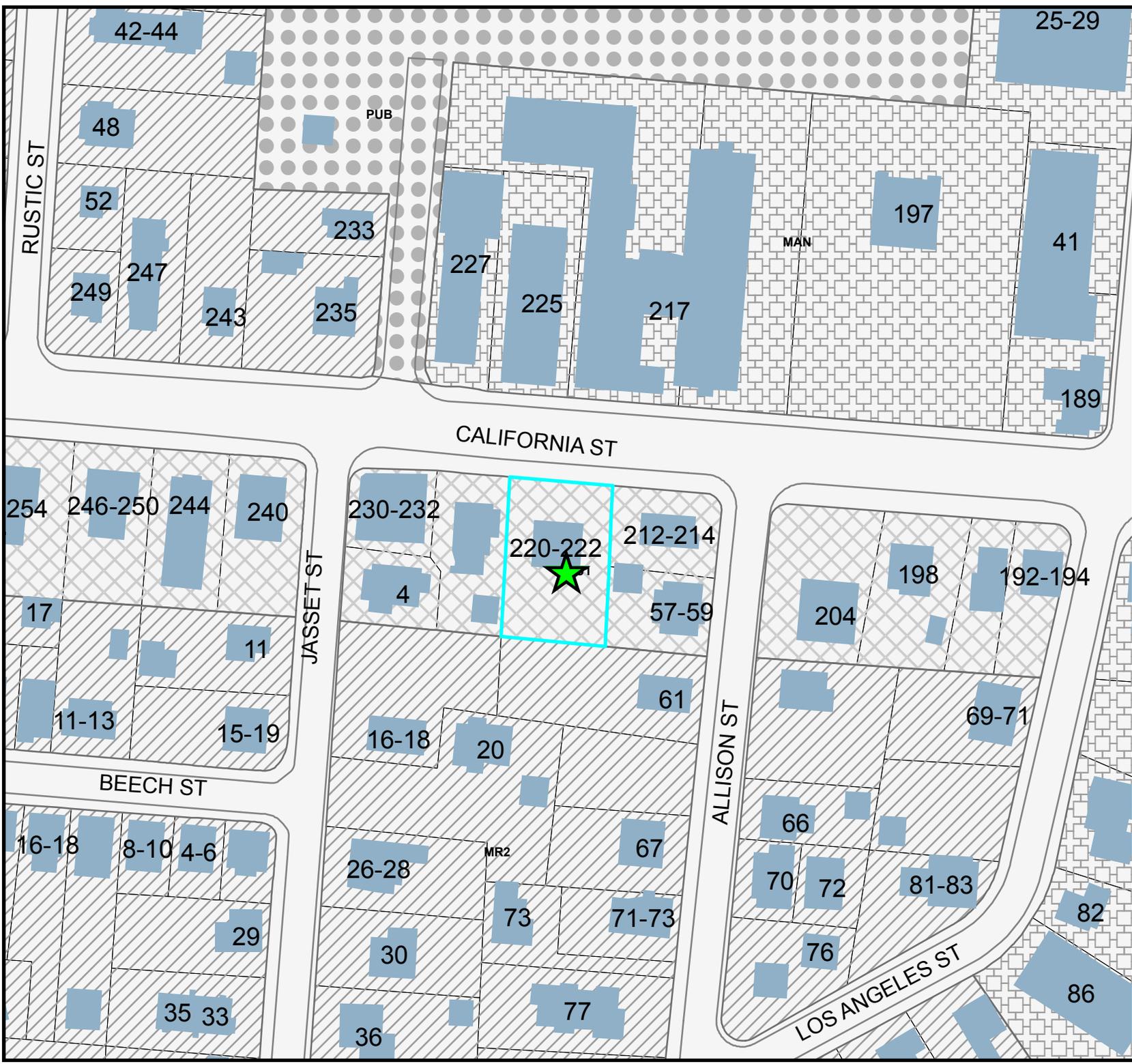


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: August 23, 2015





Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

ATTACHMENT C

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: July 13, 2015

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Ayeng Fong, Applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to add a third unit to an existing nonconforming two-family dwelling; and to locate parking within a setback and within 5 feet of a residential structure

Applicant: Ayeng Fong	
Site: 220-222 California Street	SBL: 11010 0016
Zoning: BU1	Lot Area: 9,510 square feet
Current use: Two-family residence	Proposed use: Multi-family dwelling

BACKGROUND:

The property at 220-222 California Street consists of a 9,510 square foot lot improved with an existing two-family dwelling constructed in 1890. The applicant proposes to add a third unit to the rear of the existing two-family dwelling, to create a multi-family dwelling. The applicant intends to maintain the two existing driveways on either side of the house for parking for the three units. The property is located in the Business 1 district, which requires a special permit for a multi-family dwelling.

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

- Zoning Review Application, prepared by Ayeng Fong, applicant, submitted 6/13/2015
- Proposed Site Plan, signed and stamped by Peter J. Nolan, surveyor, dated 5/12/2015
- Architectural Plans, dated 5/29/2015
 - Site Plan
 - Basement Plan
 - First Floor Plan
 - Second Floor Plan
 - Attic Level Plan
 - Roof Plan
 - Elevations

ADMINISTRATIVE DETERMINATIONS:

1. The subject property is located in the BU1 zoning district. The applicant is proposing to add a third residential unit to the existing nonconforming two-family dwelling, creating a multi-family dwelling. Section 3-11(d)(8) of the Newton Zoning Ordinance allows a multi-family dwelling in the Business 1 district provided that the applicant obtains a special permit from the Board of Aldermen.
2. The applicant is maintaining the two existing driveways on either side of the dwelling. The driveway on the western side of the property will be extended to provide two parking stalls for the rear unit. This configuration has one stall in the front setback, and all six within the side setback, as well as two within five feet of the structure. Section 30-19(h)(1) requires a special permit to locate parking within a setback and within five feet of a residential structure.

Zone BU-1	Required	Existing	Proposed
Lot Size	10,000 square feet	9,510 square feet	No change
Lot area per unit	1,200 square feet	4,755 square feet	3,170 square feet
Frontage	80 feet	80 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	Average 11.9 feet* 20 feet**	25.2 feet 17.9 feet 54.7 feet	No change 12.1 feet 20.9 feet
Building Height (by Special Permit)	36 feet	N/A	29.875 feet
Max number of stories (by Special Permit)	3	2.5	2.5
Max building lot coverage	No requirement		28%
Min amount of open space	No requirement		50.86%
Parking stalls/dwelling units	6 spaces (2 per unit)	4	6
FAR	1	N/A	.71

*Footnote 2 of Section 30-15 Table 3 states that the side setback requirement in the Business 1 district is “one-half the building height or a distance equal to the side yard setback of the abutting property at any given side yard...”

** Footnote 3 of Section 30-15 Table 3 requires a setback of one-half the building height or 15 feet, whichever is greater, when abutting a residential district. Footnote 10 of Table 3 requires a rear setback of one-half the building height or 20 feet, whichever is greater, when abutting a residential district. Due to the conflict between the two footnotes, the more restrictive requirement of Footnote 10 is applied.

3. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§30-11(d)(8)	Allow a 3-unit multi-family dwelling	S.P. per §30-24
§30-19(h)(1) §30-19(m)	To locate parking within a setback and within 5 feet of a residential structure	S.P. per §30-24