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Candace Havens
Director

MEMORANDUM

Public Hearing Date: June 12, 2012
Land Use Action Date: August 21, 2012
Board of Aldermen Action Date: September 4, 2012
90-Day Expiration Date: September 10, 2012

DATE: June 8, 2012

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Eve Tapper, Chief Planner Current Planning ET
Alexandra Ananth, Senior Planner

SUBJECT: **Petition #134-12**, DAVID PUNCH/B&E BEACON REALTY, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive 11 parking stalls required for a proposed 48-seat restaurant at **753A-755 Beacon Street**, Ward 6, Newton Centre, on land known as SBL 61, 27, 20, in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-19(d)(13) and 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

CC: Mayor Setti D. Warren

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.



753A-755 Beacon St.

EXECUTIVE SUMMARY

The subject property consists of an existing 8,020 square foot single-story masonry building located at 749-759 Beacon Street. The petitioner is proposing to replace a 1,621 square foot retail butcher shop with a 48-seat restaurant. The proposed restaurant use with less than 50 seats is allowed in the Business 1 zone by right and the petitioner is not proposing any changes to the site. The previous use has a nine stall parking credit. The proposed use has a parking requirement of 20 stalls for the 48-seat restaurant including up to 10 employees on the largest shift. As the petitioner cannot provide any additional off-street parking stalls, he must obtain a special permit from the Board to waive the 11 required parking stalls. In order to lessen the potential parking demand during peak hours the petitioner is willing to restrict the number of seats during lunchtime to the by right number of seats allowed through the existing parking credit.

The use of a restaurant in this location is consistent with the 2007 *Newton Comprehensive Plan*, which supports strengthening viable businesses that contribute to the vitality of Newton's village centers, and the 2008 *Newton Centre Task Force Final Report*, which encourages a diverse mix of restaurant and retail uses, particularly during off-peak hours, in infill locations to enliven Newton Centre throughout the day and evening. Although the site is located close to municipal parking lots and recent studies of Newton Centre indicate there is sufficient parking to accommodate the requested waiver, the Planning Department is concerned that the proposed increased intensity of the use will lead to increased traffic congestion in the area and may negatively impact the surrounding residential neighborhood, particularly along Chesley Road and Sumner Street. The Planning Department suggests the petitioners seek ways to reduce parking demand by patrons and employees and minimize any impacts on the surrounding neighborhood. The goals of the *Comprehensive Plan* to maintain a desirable quality of life would be further supported if the proposed business offered incentives for employees and customers to take advantage of alternatives forms of transportation and/or demonstrate how surrounding neighborhoods will benefit from and not be adversely affected by the proposed petition.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When considering this request, the Board should consider if the following findings apply:

- The proposed expanded restaurant use will positively affect Newton Centre by increasing the vitality of the commercial district.
- The granting of a waiver for 11 parking stalls will not have adverse effects on parking, traffic, and circulation in the Newton Centre commercial district or adjacent residential streets.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located on the north side of Beacon Street, east of the Newton Centre

Triangle, close to the intersection with Langley Road. The site is located in a Business 1 District. The neighborhood behind this commercial building consists primarily of single-family houses though there are some two-family residences as well.

B. Site

The 8,007 sq. ft. site is located on the north side of Beacon Street between Sumner Street and Chesley Road. The lot is improved with a multi-tenant, single-story brick commercial building with approximately 6,737 sq. ft. of retail/restaurant space. The lot does not appear to have any parking. The Planning Department notes there is a mid-block passageway behind the building that connects from Beacon Street to Sumner Street. Although it does not appear that this passageway is part of the subject property, the petitioners should describe the ownership and use of this alleyway at the public hearing and note whether this area allows for any employee parking.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioners are proposing a change from a retail use to a restaurant use with 48 seats. The proposed use is allowed by right in the Business 1 zone, assuming the parking can be accommodated or a waiver sought.

B. Building and Site Design

The petitioners are not proposing any structural changes to the exterior of the storefront at this time. The petitioners submitted a proposed floor plan which appears to sufficiently accommodate the proposed seats and required bathroom fixtures in the existing space.

C. Parking and Circulation

As stated earlier, the petitioners have no off-street parking but have a credit of nine parking stalls based on the previous use. The City's parking regulations require 20 parking stalls for the proposed 48 seats and up to 10 anticipated employees on the largest shift. Using the City's A-B+C parking formula the restaurant is required to provide an additional 11 spaces for the proposed number of seats and staff. As the petitioners are not able to provide any parking, they must seek a special permit to waive the required 11 parking stalls.

The petitioners submitted a Parking Survey (*SEE ATTACHMENT "A"*) report showing the availability of parking for the proposed restaurant use. The petitioners' parking report appears to show sufficient parking capacity within a comfortable five-minute walk from the subject property, relying on the major municipal parking lots and surrounding commercial streets.

Although the proposed restaurant is located close to municipal parking lots, since most of the Newton Center commercial area businesses share the same finite number of parking spaces the Planning Department is concerned that the expanded use may adversely affect the residential neighborhood. The Planning Department recommends the petitioners develop a plan to incentivize employees to utilize alternative forms of transportation to get to work such as public transportation, biking, or carpooling, though it is noted that these incentives are difficult for the City to enforce. In addition, the Department recommends that the petitioner discuss with the City options to improve pedestrian access to the site as mitigation for the requested parking waiver. Alternatively, the Planning Department suggests the petitioners consider a monetary contribution to a Newton Centre Parking and Pedestrian Improvements Fund in order to help mitigate parking impacts on the neighborhood. Once enough contributions are made to such a fund the Public Works Department can use this fund to pay for more impactful parking mitigation and pedestrian improvements in the immediate village center.

D. Landscape Screening, Lighting, and Signage

The petitioners are not making any significant changes to lighting and signage and no landscape plan was required. Any signage must be reviewed by the Urban Design Commission.

IV. COMPREHENSIVE PLAN

The 2007 *Newton Comprehensive Plan* advocates for an economic development program based on three complementary principles: preserving residential amenities, strengthening business in Newton's village centers, and promoting commercial development along Newton's commercial corridors. It supports fostering viable businesses to enhance the commercial real estate tax and employment bases and encouraging such businesses to embrace locations in vibrant, attractive, mixed-use village centers. With its location in Newton Centre and successful track record in other City's, the petitioner's restaurant is consistent with the aims of the *Comprehensive Plan*. The petitioner's restaurant is also consistent with the aims of the 2008 *Newton Centre Task Force Final Report*, which encourages among other things, retail uses other than banks and beauty salons, neighborhood-oriented businesses, and infill development within the bounds of the Newton Centre area.

The goals of the *Comprehensive Plan* to maintain a desirable quality of life would be further supported if the proposed business offered incentives for employees and customers to take advantage of alternatives forms of transportation and/or demonstrate how surrounding neighborhoods will benefit from and not be adversely affected by the proposed petition through pedestrian improvements and parking mitigation.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum (**SEE ATTACHMENT "B"**), the petitioners are seeking approval through or relief from:

- Section 30-19(d)(13) & 30-19(m), to waive 11 required parking spaces.

VI. PETITIONERS' RESPONSIBILITIES

Prior to the public hearing the Planning Department suggests the petitioner consider ways to reduce parking demand by patrons and employees so as to minimize any impacts on the surrounding neighborhood, and consider a contribution to help mitigate additional parking impacts on the neighborhood or to improve pedestrian safety in the area.

ATTACHMENTS

- ATTACHMENT A:** PETITIONER'S PARKING STUDY
ATTACHMENT B: ZONING REVIEW MEMORANDUM
ATTACHMENT C: ZONING MAP
ATTACHMENT D: LAND USE MAP

Parking Survey, Newton Centre

	<i>Wed</i> 5/30/2012	<i>Thurs</i> 5/31/2012	<i>Fri</i> 6/1/2012
5:30			
Beacon E.	5	4	8
Beacon W.	7	6	5
Sumner	6	6	3
Lyman	3	7	4
Center	16	15	19
Center Lot	10	10	7
Panera	0	48	57
6:30			
Beacon E.	5	5	7
Beacon W.	5	3	5
Sumner	3	3	9
Lyman	4	0	3
Center	10	11	18
Center Lot	9	4	9
Panera	61	42	91
7:30			
Beacon E.	4	6	5
Beacon W.	7	4	2
Sumner	7	4	0
Lyman	3	4	3
Center	18	14	16
Center Lot	6	4	1
Panera	68	57	>100
8:30			
Beacon E.	8	6	8
Beacon W.	9	7	7
Sumner	4	5	2
Lyman	3	5	4
Center	15	12	14
Center Lot	6	10	6
Panera	80	65	>100
9:30			
Beacon E.	4	1	6
Beacon W.	9	6	7
Sumner	6	13	5
Lyman	5	6	5
Center	17	21	18
Center Lot	11	30	11
Panera	80	65	>100



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ATTACHMENT "B"

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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: April 20, 2012

To: John Lojek, Commissioner of Inspectional Services

From: Seth Zeren, Chief Zoning Code Official
Eve Tapper, Chief Planner for Current Planning

ET

Cc: Jason Rosenberg and Laurance Lee, attorneys representing applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to waive 11 required parking stalls

Applicant: David Punch	
Site: 753A-755 Beacon Street	SBL: 61027 0020
Zoning: BU1	Lot Area: 8,020 square feet
Current use: Retail Store	Proposed use: Restaurant with 48 seats

BACKGROUND:

The retail space at 753A-755 Beacon Street is part of a commercial building located on an 8,020 square foot lot at 749-759 Beacon Street. The applicant proposes to replace The John Dewar Company, a retail butcher shop formerly located in the retail space at 753A-755 Beacon Street, with a 48-seat restaurant.

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

- Letter describing proposed restaurant use, unsigned and undated, by David Punch, chef/owner
- Affidavit signed by John M. Kinnealey, previous owner of The John Dewar Company, stating the retail use had been continuously operated in the same fashion for over thirty years and had approximately nine employees on the largest shift at peak times
- A parking calculation, unsigned and undated
- Site plan showing existing and proposed conditions, signed and stamped by Joseph R. Porter, Surveyor, dated 3/24/12
- Architectural Plans, unsigned and unstamped by HUTH Architects, dated 3/14/12
 - A0.0 – Location and Views
 - A1.0 – First Floor Plan showing 48 seats
 - A1.1 – Basement Plan

ADMINISTRATIVE DETERMINATIONS:

1. The proposed use, a restaurant with not more than 50 seats which is not open between the hours of 11:30 p.m. and 6:00 a.m., is allowed by right in the Business 1 zone, per Section 30-11(a)(9). The applicant's plans show no changes to the site plan. Therefore, no zoning relief is required for the use, structure, or site.
2. Per Section 30-19(d)(13), restaurants must provide one off-street parking stall per three seats and one stall per three employees. Though the site lacks any conforming off-street parking, the site was built prior to the City's parking requirements and therefore a certain number of grandfathered parking credits are allowed per Section 30-19(c) based on the parking requirement for the previous use. The previous retail use had a parking requirement of one stall per 300 square feet of lot area and three employees on the largest shift. Per the A-B+C calculation in Section 30-19(c)(2), the applicant must provide 11 additional parking stalls (see the table below). As the applicant does not propose to provide additional off-street parking, the applicant must obtain a special permit from the Board of Aldermen waiving the 11 required parking stalls.

Proposed	Parking Formula	Required Parking
48-seat restaurant with ten employees on the largest shift	1 stall per 3 seats and 1 stall per 3 employees	20 (A)
Existing	Parking Formula	Parking Credits
1,621 square feet of retail with nine employees on the largest shift	1 stall per 300 sq. ft. and 1 stall per 3 employees	9 (B)
Off-street parking spaces		0 (C)
Additional Spaces Required:		11

Calculation per §30-19(c)(2): A (20) – B (9) + C(0) = Required number of parking stalls (11)

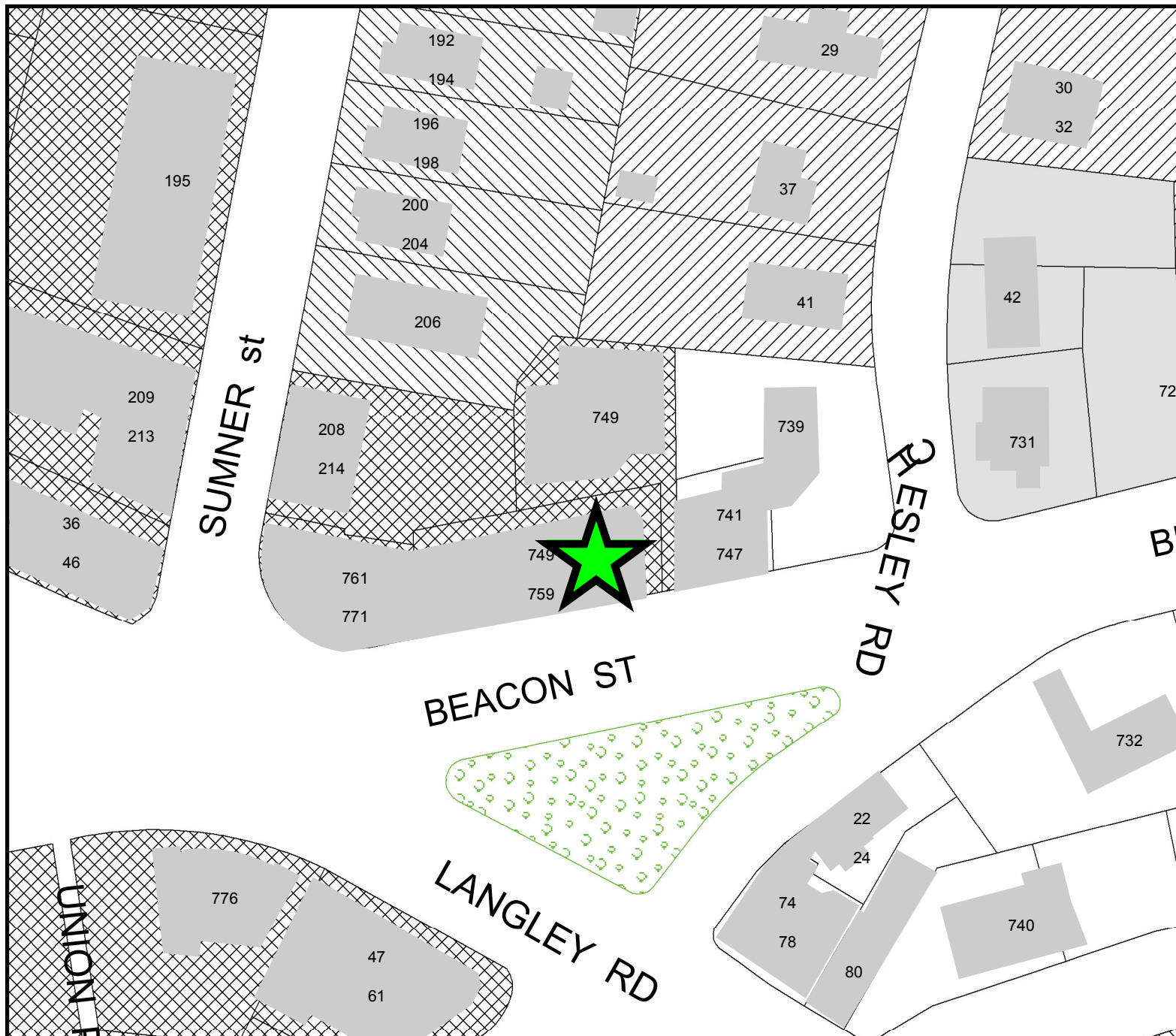
3. See "Zoning Relief Summary" below:

Zoning Relief Summary		
<i>Ordinance</i>	<i>Parking</i>	<i>Action Required</i>
§30-19(d)(13); §30-19(m)	Waive 11 required parking stalls	S.P. per §30-24

Attachment "C"

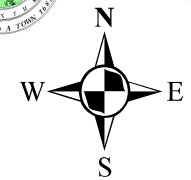
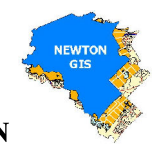
134-12 Zoning Map

753A-755 Beacon Street

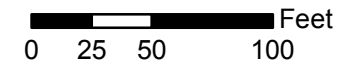


Legend

- project site
- Single Residence 2
- Single Residence 3
- Multi-Residence 1
- Multi-Residence 2
- Business 1
- Business 2
- Public Use
- Building Outlines



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.

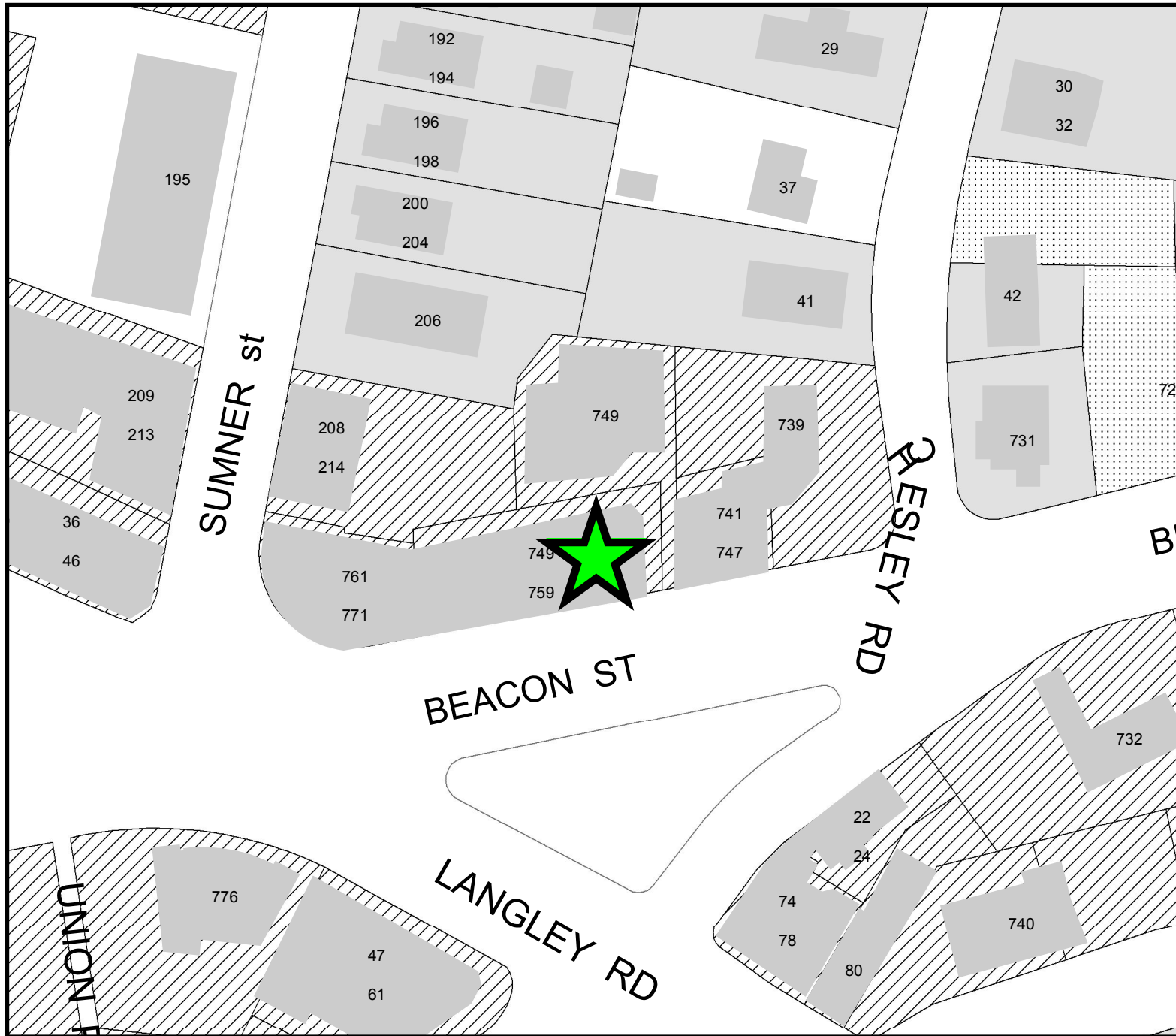


MAP DATE: November 05, 2010

Attachment "D"

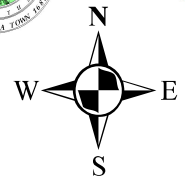
134-12 Land Use Map

753A-757 Beacon Street

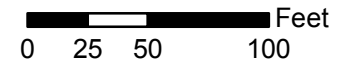


Legend

- project site
- Building Outlines
- Single Family Residential
- Multifamily Residential
- Commercial
- Vacant Land
- Open Space
- Nonprofit Organizations
- Tax Exempt



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MAP DATE: November 05, 2010