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Candace Havens
Director

MEMORANDUM

Public Hearing Date:	January 10, 2012
Land Use Action Date:	March 20, 2012
Board of Aldermen Action Date:	April 2, 2012
90-Day Expiration Date:	April 9, 2012

DATE: January 6, 2012

TO: Board of Aldermen

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

SUBJECT: **Petition #388-11**, Kouzina, Inc./DTS Trust, for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive nine parking stalls in order to increase the number of seats from 20 to 46 in an existing restaurant at **1649 Beacon Street**, Ward 5, Waban, on land known as SBL 53, 29, 2A, containing approx. 54,198 sq. ft. of land, 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.

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.



EXECUTIVE SUMMARY

The subject property is located at 1649 Beacon Street, a mixed-use building that contains a restaurant, retail, service, and office uses. The site, which includes the property at 2-12 Windsor Road, consists of a 54,198 square foot lot improved with multiple structures containing a mix of commercial uses and a large parking lot in the rear of the building with access off of Windsor and Kinmonth Roads. According to site plans submitted to the City, the parking lot presently has 76 stalls.

The petitioner, Kouzina, currently operates a restaurant with 20 seats at the site and is proposing to increase the number of seats to 46. It should be noted that in 2001, the petitioner received a special permit through Board Order #301-01, allowing the sale of wine and malt liquor without having a separate bar/lounge area. Although the restaurant use is allowed in the Business 1 zone, the petitioner must obtain a special permit to waive nine required parking stalls in order to expand the number of seats. The petitioner currently shares parking in the rear parking lot with other commercial tenants on the property.

The expansion 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. The site is located close to public transportation, a parking lot behind the restaurant, as well as spaces on Beacon Street. A parking study submitted by the petitioner appears to show an abundance of available parking at least during evening hours when the restaurant is in use. The Planning Department notes that the rear parking lot is not currently striped and may therefore lead to less than efficient use of available space. The Planning Department recommends the petitioner and/or property owner stripe the rear parking lot and consider adding a bike rack as mitigation for the requested parking waiver if there are no bike racks in the immediate area already.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

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

- The granting of a waiver for nine parking stalls will not have adverse effects on parking, traffic, and circulation in the Waban commercial district or adjacent residential streets.
- Literal compliance with the parking requirement is impracticable due to the wide variety of uses in the parking lot on site at different times of day.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located on the north side of Beacon Street, near the intersection with Windsor Road. The site is located in a Business 1 District. The site is

surrounded by commercial uses and the Waban Green Line MBTA Station is located across Beacon Street. The closest residential neighborhood is located on Windsor Road behind the subject property and across Kinmonth Road.

B. Site

The 54,528 sq. ft. site is located on the north side of Beacon Street between Windsor Road and the MBTA tracks. The lot is improved with a multi-tenant two-story building with a full basement and approximately 25,965 sq. ft. of retail space on the ground floor. Kouzina operates on the ground floor level with 20 restaurant seats. The subject property has a 76 stall parking lot located at the rear of the site which is shared among all the tenants.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioners are proposing to increase the intensity of the existing use by adding additional seats to increase the capacity from 20 to 46 restaurant seats within the existing space.

B. Building and Site Design

The petitioners are not proposing any changes to the exterior of the restaurant at this time. The petitioners submitted a proposed floor plan showing the additional seats located in the restaurant. The existing basement will be maintained as a storage area.

C. Parking and Circulation

The subject property shares access to an existing 76 stall parking lot located at the rear of the site. The proposed expanded number of seats requires a waiver of nine parking stalls to accommodate the additional seats and proposed staff of five employees on the largest shift.

The petitioner submitted a parking survey that was completed during the early part of November 2011. The survey included available parking stalls on both sides of Beacon Street, Windsor Road, and the rear parking lot during the evening dining hours when many of the other uses are closed. There appears to consistently be adequate parking (over 80 available spaces on average) to ensure that the proposed waiver will not negatively impact abutting properties and streets. *At the public hearing the petitioner should clarify their hours of operation and submit additional parking counts taken during the daytime prior to a working session if they are open for lunch.*

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. 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. Possible suggestions include sidewalk bump-outs at Beacon Street and Windsor Road or the installation of a bike rack in the immediate vicinity if there is not one already. Finally, the Planning Department notes that the rear parking lot is not currently striped and may therefore lead to less than efficient use of available space. The Planning Department recommends the petitioner and/or property owner stripe the rear parking lot.

D. Landscape Screening, Lighting, and Signage

The petitioners are not making any changes to exterior lighting and signage and no landscape plan was required.

IV. COMPREHENSIVE PLAN

The 2007 *Newton Comprehensive Plan* encourages an economic development program that strengthens business in Newton's village centers. 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 Waban, successful track record, and unique dining experience, the petitioner's restaurant is consistent with the aims of the Comprehensive Plan.

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 the proposed petition.

V. TECHNICAL REVIEW

A. Technical Considerations (Section 30-15 & 30-19). The Zoning Review Memorandum dated August 10, 2011 (**SEE ATTACHMENT "B"**), provides an analysis of the proposal with regard to zoning. The petitioners must seek a special permit to allow for a waiver of nine required parking spaces the petitioners are not able to provide on-site.

VI. ZONING RELIEFS SOUGHT

As stated above, based on the completed Zoning Review Memorandum the petitioners are seeking approval through or relief from:

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

VII. PETITIONERS' RESPONSIBILITIES

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

ATTACHMENTS

- ATTACHMENT A:** PARKING SURVEY FROM PETITIONER
ATTACHMENT B: ZONING REVIEW MEMORANDUM DATED AUGUST 10, 2011
ATTACHMENT C: ZONING MAP
ATTACHMENT D: LAND USE MAP

PARKING SURVEY

KOUZINA INC.

1649 Beacon St, Waban Massachusetts

Attachment "A"

Date	Time	Spaces Available	Location of Available Spaces
<u>Nov. 9</u>	5:00 PM	6	Beacon St.
		3	Windsor
		60	Rear Parking Lot
	6:00 PM	4	Beacon St. (eastbound)
		5	Beacon St. (front)
		4	Windsor
		65	Rear Parking Lot
		5	Beacon St. (eastbound)
	7:00 PM	5	Beacon St. (front)
		4	Windsor
		65	Rear Parking Lot
		4	Beacon St. (eastbound)
	8:00 PM	8	Beacon St. (front)
		6	Windsor
		65	Rear Parking Lot
9:00 PM	8	Beacon St. (eastbound)	
	10	Beacon St. (front)	
	10	Windsor	
	70	Rear Parking Lot	
		8	Beacon St. (eastbound)

Average Spaces Available per Hour = 83

<u>Nov. 10</u>	5:00 PM	5	Beacon St. (front)
		4	Windsor
		60	Rear Parking Lot
	6:00 PM	4	Beacon St. (eastbound)
		4	Beacon St. (front)
		5	Windsor
	7:00 PM	65	Rear Parking Lot
		4	Beacon St. (eastbound)
		3	Beacon St. (front)
	8:00 PM	6	Windsor
		65	Rear Parking Lot
		6	Beacon St. (eastbound)
		4	Beacon St. (front)
	9:00 PM	10	Windsor
		65	Rear Parking Lot
8		Beacon St. (eastbound)	
10		Beacon St. (front)	
10		Windsor	
		70	Rear Parking Lot
		8	Beacon St. (eastbound)

Average Spaces Available per Hour = 83.2

PARKING SURVEY

KOUZINA INC.

388-11

1649 Beacon St, Waban Massachusetts

Date	Time	Spaces Available	Location of Available Spaces
<u>Nov. 11</u>	5:00 PM	6	Beacon St. (front)
		4	Windsor
		60	Rear Parking Lot
	6:00 PM	4	Beacon St. (eastbound)
		4	Beacon St. (front)
		4	Windsor
	7:00 PM	65	Rear Parking Lot
		6	Beacon St. (eastbound)
		4	Beacon St. (front)
	8:00 PM	3	Windsor
		65	Rear Parking Lot
		6	Beacon St. (eastbound)
	9:00 PM	8	Beacon St. (front)
		10	Windsor
		65	Rear Parking Lot
	8	Beacon St. (eastbound)	
	10	Beacon St. (front)	
	10	Windsor	
	70	Rear Parking Lot	
	8	Beacon St. (eastbound)	

Average Spaces Available per Hour = 84

<u>Nov. 12</u>	5:00 PM	2	Beacon St. (front)
		4	Windsor
		60	Rear Parking Lot
	6:00 PM	2	Beacon St. (eastbound)
		6	Beacon St. (front)
		4	Windsor
	7:00 PM	65	Rear Parking Lot
		4	Beacon St. (eastbound)
		4	Beacon St. (front)
	8:00 PM	4	Windsor
		65	Rear Parking Lot
		6	Beacon St. (eastbound)
	9:00 PM	6	Beacon St. (front)
		8	Windsor
		65	Rear Parking Lot
	8	Beacon St. (eastbound)	
	10	Beacon St. (front)	
	10	Windsor	
	70	Rear Parking Lot	
	8	Beacon St. (eastbound)	

*Average Spaces Available per Hour = 82.2*Survey Period: Wednesday Nov. 9, 2011 - Saturday Nov. 12, 2011



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Attachment "B"

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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: August 10, 2011

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Robert Allen, Attorney representing applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to waive nine required parking stalls

Applicant: Kouzina, Inc.	
Site: 1649 Beacon Street (2-12 Windsor Road)	SBL: 53029 0002A
Zoning: BU1	Lot Area: 54,198 square feet
Current use: Restaurant with 20 seats	Proposed use: Restaurant with 46 seats

Background:

The property at 2-12 Windsor Road (which includes the subject retail space at the address 1649 Beacon Street) consists of a 54,198 square foot lot improved with structures containing a mixture of commercial uses. The applicant currently operates a restaurant with 20 seats at 1649 Beacon Street and proposes to increase the number of seats to 46. A previous Special Permit (B.O. #301-01) allowed the sale of wine and malt liquor without having a separate bar/lounge area.

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

- Architectural plans showing existing basement floor plan and proposed first floor layout, signed and stamped by Donald Lang, Architect, dated 5-19-11
- Foodservice Equipment Plan showing existing layout, by TriMark United East, drawn by J.R. Desrochers, unsigned and unstamped, dated 4/21/06
- Plot plan, by Stephen P. Desroche, Surveyor, unsigned and unstamped, dated 5/25/11
- Letter from Robert Allen, Jr. Attorney, clarifying the number of dedicated off-street parking stalls and employees, dated 8/9/11
- Board Order #301-01

ADMINISTRATIVE DETERMINATIONS:

1. The applicant proposes to add 26 seats to their existing 20 seat restaurant (for a total of 46 seats). A restaurant is an allowed use in the BU1 zone, per Section 30-11(a).
2. The applicant proposes a restaurant with 46 seats and five employees on the largest shift. The proposed restaurant must satisfy the requirement for off-street parking in Sections 30-19(c) and 30-19(d)(13), as summarized in the table below. The applicant must obtain a special permit from the Board of Aldermen, per Section 30-19(m), to waive nine required parking stalls.

Proposed	Parking Formula	Required Parking
Restaurant with 46 seats and 5 employees	1 stall per 3 seats and 1 stall per 3 employees	18 (A)
Existing	Parking Formula	Parking Credits
Restaurant with 20 seats and 5 employees	1 stall per 3 seats and 1 stall per 3 employees	9 (B)
Off-street parking stalls		3 (C)
Required Parking stalls*		12
Additional Stalls Required:		9

*Calculation per §30-19(c)(2): $A (18) - B (9) + C(3) =$ Required number of parking stalls (12)

3. See “Zoning Relief Summary” below:

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

388-11 Zoning Map 1649 Beacon St.

*City of Newton,
Massachusetts*

Legend

Zoning

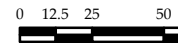
- BU1
- PUB
- SR2
- Building Outlines
- Surface Water
- Property Boundaries



Attachment "C"

The information on this map is derived from a Geographic Information System (GIS) of the City of Newton. The City of Newton cannot guarantee the accuracy of the information. Each user of this map is responsible for determining its suitability for their intended purpose. City departments will only approve applications based solely on the information provided on this map.

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









Map Date: January 04, 2012



388-11 Land Use Map 1649 Beacon St.

*City of Newton,
Massachusetts*

Legend

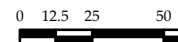
-  Single Family Residential
-  Multifamily Residential
-  Commercial
-  Mixed Use
-  Building Outlines
-  Surface Water



Attachment "D"

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GIS Administrator - Douglas



Map Date: January 04, 2012

