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Candace Havens
Director

MEMORANDUM

Date: January 20, 2012

To: Land Use Committee of the Board of Aldermen

From: Candace Havens, Director of Planning and Development
Eve Tapper, Chief Planner for Current Planning ET
Alexandra Ananth, Sr. Planner

Re: January 24, 2012 Working Session

CC: Petitioners
John Lojek, Commissioner of Inspectional Services

In response to questions raised at the Land Use Committee public hearings, previous working session meetings and/or staff technical reviews, the Planning Department is providing the following materials. This information is supplemental to staff analysis previously provided for the public hearings on January 10, 2012.

#388-11

1649 Beacon St.

This petition is requesting to waive nine parking stalls in order to increase the number of seats from 20 to 46 in the existing restaurant.

Lunch Time Parking Counts: The petitioner submitted lunchtime parking counts which support the availability of parking in the immediate area (ATTACHMENT "A"). Evening counts were submitted prior to the public hearing and also indicated an abundance of available parking.

Signage: The petitioner has agree to put signage in the restaurant and on its website indicating that parking is available behind the building in the rear shared parking area.



Striping of Rear Parking Lot: The Planning Department encouraged the petitioner to discuss striping the rear shared parking area with their landlord in order to accommodate efficient use of the lot. The landlord has indicated they are not willing to do so at this time.

RECOMMENDATION: Approval with the findings and conditions listed in the attached Draft Board Order.

ATTACHMENT A: Lunchtime Parking Counts Submitted by Petitioner

ATTACHMENT B: Draft Board Order, 1649 Beacon St.

PARKING SURVEY

KOUZINA INC.

1649 Beacon St, Waban Massachusetts

Attachment "A"

Date	Time	Spaces Available	Location of Available Spaces
<u>10-Jan</u>	11:30 AM	5	Beacon St. (Westbound)
		5	Beacon St. (Eastbound)
		4	Windsor
		30	Rear Parking Lot
	12:30 PM	2	Beacon St. (Westbound)
		2	Beacon St. (Eastbound)
		2	Windsor
		28	Rear Parking Lot
	1:30 PM	2	Beacon St. (Westbound)
		1	Beacon St. (Eastbound)
		3	Windsor
		42	Rear Parking Lot
2:30 PM	4	Beacon St. (Westbound)	
	3	Beacon St. (Eastbound)	
	3	Windsor	
	40	Rear Parking Lot	

Average Spaces Available per Hour = 44

<u>11-Jan</u>	11:30 AM	4	Beacon St. (Westbound)
		3	Beacon St. (Eastbound)
		4	Windsor
		25	Rear Parking Lot
	12:30 PM	3	Beacon St. (Westbound)
		2	Beacon St. (Eastbound)
		2	Windsor
		30	Rear Parking Lot
	1:30 PM	2	Beacon St. (Westbound)
		1	Beacon St. (Eastbound)
		3	Windsor
		30	Rear Parking Lot
2:30 PM	3	Beacon St. (Westbound)	
	5	Beacon St. (Eastbound)	
	3	Windsor	
	32	Rear Parking Lot	

Average Spaces Available per Hour = 38

PARKING SURVEY

KOUZINA INC.

388-11

1649 Beacon St, Waban Massachusetts

Date	Time	Spaces Available	Location of Available Spaces
<u>Jan. 12</u>	11:30 AM	5	Beacon St. (Westboud)
		4	Beacon St. (Eastboud)
		5	Windsor
		25	Rear Parking Lot
		3	Beacon St. (Westboud)
	12:30 PM	3	Beacon St. (Eastboud)
		2	Windsor
		28	Rear Parking Lot
		5	Beacon St. (Westboud)
	1:30 PM	2	Beacon St. (Eastboud)
		2	Windsor
		30	Rear Parking Lot
	2:30 PM	4	Beacon St. (Westboud)
		4	Beacon St. (Eastboud)
		5	Windsor
35		Rear Parking Lot	

Average Spaces Available per Hour = 40

<u>Jan. 13</u>	11:30 AM	4	Beacon St. (Westboud)
		4	Beacon St. (Eastboud)
		3	Windsor
		25	Rear Parking Lot
		3	Beacon St. (Westboud)
	12:30 PM	1	Beacon St. (Eastboud)
		3	Windsor
		27	Rear Parking Lot
		1	Beacon St. (Westboud)
	1:30 PM	2	Beacon St. (Eastboud)
		2	Windsor
		30	Rear Parking Lot
	2:30 PM	3	Beacon St. (Westboud)
		4	Beacon St. (Eastboud)
		4	Windsor
32		Rear Parking Lot	

Average Spaces Available per Hour = 37

DRAFT
#388-11CITY OF NEWTONIN BOARD OF ALDERMEN

February 6, 2012

ORDERED:

That the Board, 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 for a parking waiver of up to nine parking stalls as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Ted Hess-Mahan:

1. The waiver of up to nine parking stalls is appropriate for the following reasons:
 - a. Literal compliance is impracticable because parking is a shared resource for multiple uses with no parking spaces dedicated to any one use.
 - b. The site is located around the corner from a shared parking lot where recent counts submitted by the petitioner indicate there appears to be sufficient available parking spaces, particularly during peak evening dining hours.
 - c. The site is located directly across the street from the MBTA Green Line Station.
2. The petitioner has agreed to put signage in the restaurant and on its website indicating that parking is available behind the building in the rear parking lot.
3. The landlord has agreed to stripe the rear parking area in order to encourage efficient use of the lot.
4. The expansion of a restaurant use 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.

PETITION NUMBER: #388-11

PETITIONER: Kouzina, Inc./DTS Trust

LOCATION: 1649 Beacon Street, Section 53, Block 29, Lot 2A containing approximately 54,198 square feet of land

OWNER: DTS Trust

ADDRESS OF OWNER: 251 Harvard Street, Suite 12, Brookline, MA 02446

TO BE USED FOR: Restaurant with up to 46 seats

CONSTRUCTION: Add additional tables and seats only

EXPLANATORY NOTES: §30-19(d)(13) and 30-19(m) to allow for a waiver for up to nine required parking stalls; and §30-24(d) for special permit approval

ZONING: Business 1 District

Approved subject to the following conditions:

1. All site features associated with this special permit/site plan approval shall be located and constructed consistent with the following plans:
 - o “Existing Basement Floor Plan & Proposed First Floor Layout” dated May 19, 2011, not signed or stamped but prepared by DLA Architecture 1643 Beacon Street, Suite 22, Waban, MA
2. The petitioner may operate a restaurant/bar with a maximum of 46 seats and up to five employees on the largest shift.
3. The landlord shall stripe the rear parking area in accordance with submitted plans prior to October 2012.
4. The petitioner shall place signage in the restaurant and on its website indicating that parking is available behind the building in the rear shared parking area.
5. Any dumpsters relating to the subject property will be maintained and kept closed by the petitioner so that they are clean and the area is free of debris and odors.
6. Hours of operation shall not exceed 11 a.m. to midnight, Monday through Friday and 9 a.m. to midnight on Saturday and Sunday.
7. The petitioner shall use best efforts to recycle all materials used in connection with the restaurant.

8. 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 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 statement from the Director of Planning and Development that all plans are consistent with Condition #1.
9. No occupancy permit for the use 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 certifying compliance with Condition #1.