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Candace Havens
Director

MEMORANDUM

Date: February 10, 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: February 14, 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.

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

Striping of Rear Parking Lot: The tenant has agrees and the property owner has consented to let the tenant stripe the parking lot prior to April 15, 2012 in order to accommodate efficient use of the lot.

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



ATTACHMENT A: Draft Board Order #388-11, 1649 Beacon St.

DRAFT
#388-11CITY OF NEWTONIN BOARD OF ALDERMEN

February 21, 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, Alderman Ted Hess-Mahan:

1. The waiver of up to nine parking stalls is appropriate for the following reasons:
 - a. The site includes a shared parking lot where recent counts submitted by the tenant indicate there appears to be sufficient available parking spaces, particularly during peak evening dining hours.
 - b. The site is located directly across the street from the MBTA Green Line Station.
 - c. In addition to the shared parking lot there is on-street parking available on Beacon Street and on Windsor Road in close proximity to the restaurant.
 - d. Literal compliance is impracticable because on-site parking is a shared resource for multiple uses with no parking spaces dedicated to any one use.
2. 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. (tenant)/DTS Trust (property owner)

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 to restaurant use

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:
 - “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 tenant may operate a restaurant/bar with a maximum of 46 seats and up to five employees on the largest shift.
3. With the property owner’s consent, the tenant has agreed to stripe the parking lot prior to April 15, 2012 unless an extension is permitted by the Commissioner of Inspectional Services due to unavoidable circumstances. Prior to the issuance of a permit to stripe the lot, the petitioners shall submit a proposed conditions plan to the Commissioner of Inspectional Services and the Director of Planning and Development for review and approval. The plan shall be reviewed for compliance with handicapped parking regulations and shall optimize the number of dimensionally compliant parking stalls in accordance with the regulations of the City’s Zoning Ordinance Section 30-19(h) in so far as is practicable.
4. The tenant shall place signage in the restaurant and on its website indicating that parking is available behind the building in the rear shared parking lot.
5. Any dumpsters relating to the tenant’s restaurant 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 tenant 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.