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PUBLIC HEARING/WORKING SESSION II MEMORANDUM

DATE: January 4, 2019
MEETING DATE: January 8, 2019
TO: Land Use Committee of the City Council
FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Michael Gleba, Senior Planner
CC: Petitioner

In response to questions raised at the previous City Council public hearings, the Planning Department is providing the following information for the upcoming public hearing/working session. This information is supplemental to staff analysis previously provided at the Land Use Committee public hearing.

PETITION #482-18

2330 Washington St.

Petition #482-18 for SPECIAL PERMIT/SITE PLAN APPROVAL to allow an increase in the number of teachers and children in the program by waiving 17 parking stalls at 2330 Washington Street, Ward 4, Newton Lower Falls, on land known as Section 42 Block 31 Lot 18, containing approximately 27,277 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3, 7.4, 5.1.4, 6.3.4.B.3.c of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

The Land Use Committee (the "Committee") held public hearings on October 27, 2018 and November 27, 2018, on this petition. This memo reflects additional information addressed to the Planning Department as of January 2, 2019.

Background

The subject property is currently occupied by the Artisan Day Care Center. There are 24 parking stalls on the property. The petitioner commenced operations at the site in 2014 following an Administrative Site Plan Review by the Planning Department. As the NZO requires one parking stall for every five children and one for each employee at a day care center, the Planning Department recommended that center be restricted to an enrollment to 60 children and 11 staff members in accordance with the 24 existing parking stalls provided on site. The petitioner is presently seeking to increase the center's enrollment above those levels to 106 children and staff to 20. As this would increase the number of required stalls to 41 (21 for the children and 20 for the staff) and the petitioner is not proposing to

increase the number of stalls on-site, a waiver of 17 parking stalls is required.

The petitioner proposes to address the shortfall in the number of provided parking stalls by instituting a Parking Management Plan (PMP) which, in addition to modifying site operations to allow controlled access to the facility via a new rear entrance, would involve diverting staff from using on-site parking stalls by encouraging them to park at, or take public transit to, the Woodland MBTA station located at 1940 Washington Street. Staff would be incentivized to do so with the provision of pre-paid monthly parking passes for that location or a transit subsidy for the public transportation costs of their commute. The petitioner has indicated that it would obtain and operate a van, to be driven by an employee of the center, that would bring employees to and from the Woodland MBTA station during the morning and afternoon commute periods. The petitioner has further indicated that use of the shuttle would be made mandatory for a certain number of employees (as a term of their employment) based on staffing levels and that it would maintain, subject to inspection by City staff, daily logs of shuttle operation and ridership.

As indicated by the petitioner in the absence of such measures, were enrollment increased as proposed to 106 students, on-site parking demand would routinely exceed the existing 24 spaces.

Update

Subsequent to the November 27th hearing the Planning Department, Law Department and the petitioner coordinated on the attached draft council order. Its provisions attempt to provide mechanisms that ensure that the proposed shuttle operation adequately supports the requested waiver of the requirement to provide 17 additional parking stalls mandated for the proposed enrollment level. The order requires the implementation of the proposed Parking Management Plan, a phased approach to studying the impacts of increased enrollment and a two-phase process for the issuance of certificate of occupancies (one for up to 85 children, another for up to 106).

Nevertheless, the Planning Department continues to have some of the concerns discussed in more detail in its working session memorandum dated November 23, 2018. These primarily pertain to the practicality, durability and enforceability of the proposed Parking Management Plan given the relative complexity of the proposed system, the level and intensity of oversight and monitoring it would require of the petitioner and City personnel, and questions related to responses if the system did not operate fully as proposed. Also, the leveraging of the existence of non-exclusive use public parking stalls (with unclear availability of accessible stalls) that is located approximately one mile from the subject site and is owned and operated by another entity in the absence of any long-term agreement (such as a lease, etc.) raises certain concerns as to the ongoing viability and appropriateness of the proposed approach.

Lastly, the Planning Department also notes that per discussions with Inspectional Services Department staff, it appears that use of the third floor for child care purposes will likely require the provision of a second means of egress from that level. To the extent the creation of such would necessitate exterior modifications to the structure, such changes would likely require review by the Newton Historical Commission and possibly additional zoning relief. The Planning Department recommends that the petitioner be prepared to address this issue at the upcoming hearing.

ATTACHMENTS

Attachment A DRAFT Council Order

ATTACHMENT A

DRAFT- #482-18
2330 Washington Street

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, 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 APPROVAL to grant exceptions to the requirement to provide seventeen (17) parking stalls as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. Granting the requested exceptions to literal compliance with the requirement to provide seventeen (17) parking stalls is in the public interest as it would protect existing environmental features and maintain the existing character of the property and neighborhood and the reconfiguration of the parking area and addition of a second entrance is in the interest of safety as it would enhance the pick up/dropoff on site (§5.1.13)

PETITION NUMBER: #482-18

PETITIONER: Artisan Child Care/Curtis House, LLC

LOCATION: 2330 Washington Street, on land known as Section 42, Block 31, Lot 18, containing approximately 27,277 square feet of land

OWNER: Curtis House, LLC

ADDRESS OF OWNER: 2330 Washington Street
Newton, MA 024262

TO BE USED FOR: Day Care Center

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special permit per §7.3.3:
➤ to waive seventeen (17) parking stalls (§5.1.4, §6.3.4.B.3.c)

ZONING: Business 1 (BU1) zoning district

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. A site plan entitled “As-Built Plan, 2330 Washington St., Newton, MA 02458,” prepared by Chess Engineering LLC, signed and stamped by Paul S. Campbell, Registered Professional Engineer and Professional Land Surveyor, dated July 30, 2014, as modified by the Site Plan attached to the Parking Management Plan attached as Exhibit A.
 - b. Architectural plans entitled “Artisan Child Care Center, 2330 Washington Street, Newton Lower Fall (*sic*), Massachusetts, prepared by Hresko Associates, Inc., signed and stamped by Philip Hresko, Registered Architect:
 - i. Basement Plan (A 1.00), dated January 27, 2014, as revised through January 29, 2014;
 - ii. 1st Floor Plan (A 1.01), dated January 27, 2014;
 - iii. 2nd Floor Plan (A 1.02), dated January 27, 2014, as revised through February 3, 2014
 - iv. 3rd Floor Plan (A 1.03), dated January 24, 2014, as revised through February 3, 2014.
2. The day care use pursuant to this special permit/site plan approval shall be limited to 106 children and 21 employees on-site at any one time. The increase in student enrollment shall be in two phases: enrollment may be increased up to a maximum of 85 students within six months from issuance of this special permit. After six months, enrollment may be increased up to maximum of 106 students, subject to the conditions set forth herein. Any further increase in the number of children and/or employees shall require an amendment to this special permit.
3. The petitioner shall institute and implement the Parking Management Plan (“PM Plan”) attached hereto as **APPENDIX A** and on file with the Planning and Development Department, the Inspectional Services Department and the City Clerk. The petitioner shall be obligated to continue such PM Plan for the life of the project and bear any and all costs associated with said plan.
4. At its sole expense, the petitioner shall conduct the following parking and shuttle utilization studies as provided for in the PM Plan:

- a. At 6 months after issuance of a final certificate of occupancy allowing 60-85 students;
- b. At 6 months after issuance of a final certificate of occupancy allowing 86-106 students.

The scope of the study, which shall be consistent with the PM Plan and approved by the Director of Planning and Development in consultation with the Director of Transportation and the petitioner, shall include but not be limited to the following:

- **Parking Monitoring:** Monitoring shall include video-based accumulation data for rear/lower lot and front/upper lot parking over a 5-day weekday period under normal Site operations and specified enrollment level between the hours of 7 AM and 7 PM. Parking demand for the property shall be reported for each hour of the 5-day monitoring period with summary histograms/tabulations that indicate parking vacancy level within the property throughout the daily monitoring period of 7AM to 7 PM. Reported parking occupancy data shall be correlated to staffing/employment and enrollment levels at the property that existed at the time the monitoring was conducted.
- **Shuttle Monitoring:** The petitioner shall maintain a log of daily shuttle use from inception of the service and average daily ridership shall be tabulated and reported as part of the monitoring reports to the City. Such logs will identify participating staff by means of a unique employee number and shall identify in daily logs employee use for each scheduled shuttle run to/from the Woodland Station lot.

The Director of Planning and Development shall have the sole discretion to delay these post-occupancy studies if the petitioner has not reached a level of enrollment sufficient in the opinion of the Director to provide accurate information for the on-site parking study.

If the results of either of the studies suggest the PM Plan is insufficient and/or elements of the PM Plan should be modified or expanded in order to provide additional on-site parking stalls dedicated to 'pick up/drop off' during peak hours (7:30 AM to 9:00 AM and 5:00 PM to 6:00 PM), the Director of Planning and Development shall, in consultation with the Director of Transportation and the petitioner, identify revisions to the PM Plan and/or reasonable additional measures to be implemented in a timely fashion by the petitioner to the satisfaction of the Director of Planning and Development and the Director of Transportation, including but not limited to dedicating additional on site parking stalls to 'pick up/drop off' and/or increasing the number of full time staff required to use the dedicated Woodland Station shuttle described in the PM Plan.

In the event the petitioner is ever required to revise the PM Plan and/or implement additional measures, the petitioner shall be required to meet with the Director of Planning and Development and the Director of Transportation (or their designee) 12 months after the implementation of such revisions and/or additional measures to assess the effectiveness of such changes and identify, if necessary, any further PM Plan revisions or

additional measures to be undertaken by the petitioner, including but not limited to including, but not limited to, identification of additional off-street parking options, additional staggering of class schedules, and possible adjustments to the intensity of the site use at certain times of day to the extent any such measures are reasonable.

5. The petitioner shall maintain daily records of the operation and ridership of the “private shuttle” to be operated as a part of the approved Parking Management Plan. Such records shall include the times of operation and the number of riders for each trip. Such records shall be made available to the Planning Department and Inspectional Services Department staff upon request.
6. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
7. 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 written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
8. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval allowing 60 to 85 children 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 statements by a registered land surveyor and/or registered architect, as appropriate, certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a professional land surveyor.
 - c. Submitted to the Director of Planning and Development evidence of current valid licensure by the Office for Child Care Services.
 - d. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Director of Planning and Development certifying that the petitioner is adequately implementing the PM Plan.
9. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval allowing 86 to 106 children shall be issued until the petitioner has:
 - a. Submitted to the Director of Planning and Development evidence of current valid licensure by the Office for Child Care Services.

- b. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Director of Planning and Development certifying that the petitioner is adequately implementing the PM Plan.

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