



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

177-16
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: June 14, 2016
Land Use Action Date: August 23, 2016
Board of Aldermen Action Date: September 5, 2016
90-Day Expiration Date: September 12, 2016

DATE: June 10, 2016

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Neil Cronin, Senior Planner

SUBJECT: **Petition #177-16**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive thirteen (13) parking stalls associated with a proposed seat expansion at **1375-1379 Washington Street**, Ward 3, West Newton, on land known as SBL 33 15 32, containing approximately 4,393 sq. ft. of land in a district zoned BUSINESS 1. Ref: 5.4.1, 7.3.3.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



1375-1379 Washington St.

EXECUTIVE SUMMARY

The property located at 1375-1379 Washington Street consists of a 4,393 square foot lot improved with a 3,230 commercial building with three tenant spaces. The property is located in the Business 1 zoning district, in the West Newton commercial business district. The petitioners already lease 961 square feet of space in the building for a restaurant use with twelve (12) seats. The petitioners are seeking to expand into the 996 square feet space next door to allow for thirty-seven (37) additional seats for a total of forty-nine (49) seats. The petitioner has stated that there will be no accompanying increase in employees on the largest shift with the proposed expansion because the restaurant is counter-service style. Customers place and receive their order at the counter and have the option to either dine-in or eat off the premises. However, the increase in seats requires thirteen (13) additional parking stalls which cannot be accommodated on-site.

The Planning Department is not concerned with the proposed parking waiver. The site is served by two (2) parking lots in the immediate area containing over one hundred and fourteen (114) metered stalls. In addition, there are one hundred and sixty-three (163) on-street metered parking stalls within a five (5) minute walk of the restaurant bringing the total number of metered stalls to two hundred and seventy-seven (277). The petitioner's parking study suggests the on and off-street parking in the area will be sufficient to support the thirteen (13) required stalls associated with the expansion (**Attachment A**). Finally, the expanded restaurant use is consistent with the 2007 Newton Comprehensive Plan, which supports strengthening viable businesses that contribute to the vitality of Newton's village centers.

SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
- The use as developed and operated will not adversely affect the neighborhood (§7.3.3.C.3);
- Whether literal compliance of the number of parking stalls are impractical due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot such that these exceptions will be in the public interest, or the interest of safety, or protection of environmental features (§5.1.13).

I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Washington Street in a Business 1 zoning district in the heart of the West Newton commercial business district. The site is developed with a one-story commercial building. The immediate area is comprised of

commercial uses such as restaurants, a bank, and a gym. These commercial uses continue to the east and west parallel to Interstate 90. To the north, past the commercial center, is a Multi-Residence 1 zoning district consisting of single and multi-family residences. To the south, past Interstate 90, are single and multi-family zoning districts made up of single and multi-family residences (**Attachments B & C**).

B. Site

The site is a corner lot with frontage on Washington and Elm Streets. The property consists of 4,393 square feet of land, containing a 3,230 commercial building with three tenant spaces. The lot is undersized compared to other commercial lots in the immediate area.

There is a parking lot to the rear of the building. However, the lot is private and prohibits customers and employees. Blue Ribbon employees either utilize public transportation or park in metered stalls.

II. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The expanded restaurant will replace an office use; therefore the entire site will remain commercial.

B. Building and Site Design

The petitioner is proposing to lease an additional 996 square feet of space to allow for thirty-seven (37) additional seats for a total of forty-nine (49) seats. There are no proposed changes to the footprint of the building.

C. Traffic and Parking

There is no off-street parking on-site. However, the site is served by a municipal lot behind the neighboring gym at 1357 Washington Street with access from Elm and Cherry Streets. Also, there is an MBTA lot across the street from the site; these two lots combine for over one hundred and fourteen (114) metered stalls. When adding these stalls with the on-street metered stalls within a five minute walk of the site, the total number of metered stalls is two hundred and seventy-seven (277).

The petitioner conducted a five (5) day parking study, counting the number of open stalls within a five (5) minute walk of the site during lunch and dinner hours. The study found an average of fifty-five (55) stalls were open during lunch hours and an average of thirty-seven (37) open stalls during dinner hours.

Although the study contains a limited sample size, the Planning Department agrees that the combination of off-street and on-street stalls in the area will be able to accommodate the thirteen (13) stall waiver associated with the expansion. Since the restaurant has operated at the site for a number of years, many patrons are already

familiar with area and know where best to find parking.

D. Landscape, Lighting, and Signage

A landscaping plan is not required for this petition.

III. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment D**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- §5.4.1 to waive thirteen (13) parking stalls as stipulated in the NZO;

B. Engineering Review

As no changes are currently proposed to the site, this petition has not been routed to the Engineering Division to date.

IV. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Parking Study
- Attachment B:** Zoning Map
- Attachment C:** Land-Use Map
- Attachment D:** Zoning Review Memorandum, dated March 28, 2016
- Attachment E:** Draft Board Order



1375 Washington Street
West Newton MA 02465

Parking Study

For Seating Increase Special Permit

May 25, 2016

Ron Stoloff, Owner
(617) 244-2200 ext 114
ron@blueribbonbbq.com

Scott Gubitose, General Manager
(617) 244-2200 ext 312
scott@blueribbonbbq.com

Ken Ward, Director of Operations
(617) 244-2200 ext 119
ken@blueribbonbbq.com

May 25, 2016
 Blue Ribbon Barbecue, Inc.
 45 Kenneth Street
 Newton Highlands MA 02461

Dear City of Newton Board of Aldermen,

Blue Ribbon Barbecue, Inc., performed a parking study within a 5-minute walk of our West Newton restaurant location at 1375 Washington Street, over the course of a week from Monday, May 2, 2016, through Sunday, May 8, 2016. The streets included are Washington Street, Elm Street, Waltham Street, Webster Street, Border Street, Watertown Street, Highland Street, Davis Street, and Chestnut Street. Also included are the public parking lot located behind Washington Street and between Elm and Cherry Streets, as well as the MBTA lot on Washington Street. In total, there are 265 non-handicapped and non-permitted/reserved parking spaces. This number increases to 277 after 5 PM when 7 reserved spaces become available for public use on Davis Street near the intersection with Chestnut Street, and 5 spaces become available on Chestnut Street between Washington and Davis Streets.

The following is a summary of the study:

<u>Day</u>	<u>Time</u>	<u>Empty Spaces</u>
Monday, May 2, 2016	Lunch 12:00 PM	70 / 265
Wednesday, May 4, 2016	Lunch 12:00 PM	31 / 265
Friday, May 6, 2016	Lunch 1:00 PM	39 / 265
Friday, May 6, 2016	Dinner 6:00 PM	24 / 277
Saturday, May 7, 2016	Lunch 12:00 PM	59 / 265
Saturday, May 7, 2016	Dinner 7:00 PM	15 / 277
Sunday, May 8, 2016	Lunch 12:30 PM	76 / 265
Sunday, May 8, 2016	Dinner 6:30 PM	74 / 277

Blue Ribbon Barbecue, Inc., is asking for a special permit to waive the addition of up to thirteen (13) parking stalls associated with a forty-nine (49) seat restaurant. As the parking study shows, there are a greater number of empty parking spaces than the additional amount required during Blue Ribbon's peak operating hours in West Newton.

Please see the attached site plan showing streets studied and parking count charts for further information.

Sincerely,

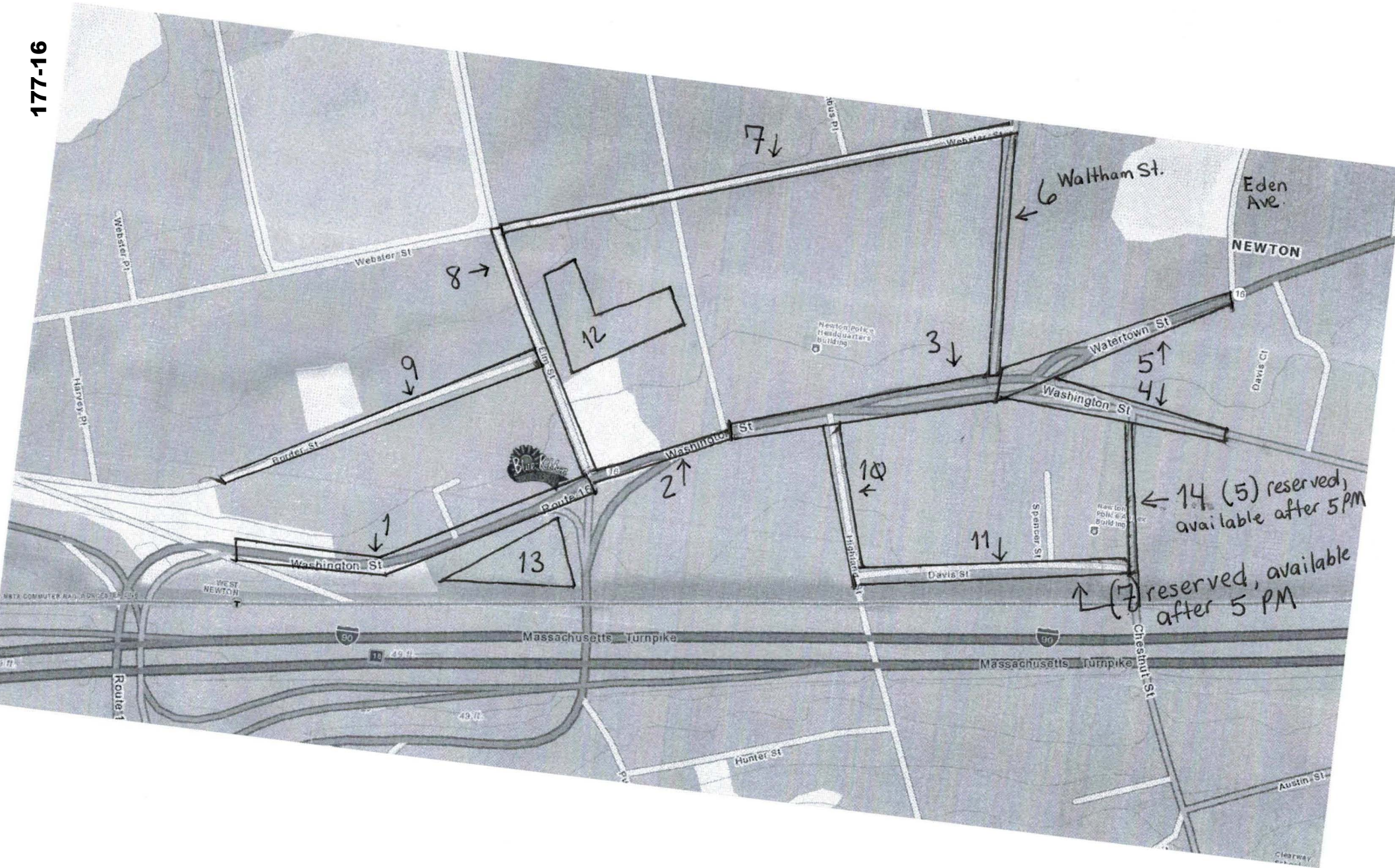


Ron Stoloff, Owner
 Blue Ribbon Barbecue, Inc.

SECTION	TOTAL	MON 5/2/16 12:00 PM	WED 5/4/16 12:00 PM	FRI 5/6/16 1:00 PM	FRI 5/6/16 6:00 PM	SAT 5/7/16 12:00 PM	SAT 5/7/16 7:00 PM	SUN 5/8/16 12:30 PM	SUN 5/8/16 6:30 PM
1	13	1	3	0	2	4	0	6	3
2	7	1	0	0	0	1	1	0	0
3	12	1	1	5	2	4	1	2	2
4	21	15	4	7	4	5	1	4	3
5	9	4	4	5	1	5	3	2	5
6	3	0	1	1	3	0	0	1	1
7	12	5	5	4	3	3	4	2	3
8	19	3	2	5	1	5	0	2	4
9	43	9	8	6	3	9	2	7	13
10	6	3	0	1	3	2	0	5	1
11	13/20*	1	0	1	2	2	0	3	2
12	65	25	2	1	0	19	0	11	17
13	42	2	1	3	0	0	2	31	20
14	0/5*	N/A	N/A	N/A	0	N/A	1	N/A	0
OPEN	265/277	70	31	39	24	59	15	76	74

* Additional spaces available after 5 PM.

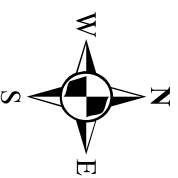
SECTION 1	Washington Street (Mass Pike bridge to Elm Street)
SECTION 2	Washington Street (Elm Street to Cherry Street)
SECTION 3	Washington Street (Cherry Street to Waltham Street)
SECTION 4	Washington Street (Waltham Street to "Dunkin' Donuts")
SECTION 5	Watertown Street (Washington Street to Eden Avenue)
SECTION 6	Waltham Street (Washington Street to Webster Street)
SECTION 7	Webster Street (Waltham Street to Elm Street)
SECTION 8	Elm Street (Webster Street to Washington Street)
SECTION 9	Border Street (Elm Street to "Thanks Mama")
SECTION 10	Highland Street (Washington Street to Davis Street)
SECTION 11	Davis Street (Chestnut Street to Highland Street)
SECTION 12	Public Lot behind "Boston Sports Club"
SECTION 13	MBTA Lot across from "Blue Ribbon Bar-B-Q"
SECTION 14	Chestnut Street (Washington Street to Davis Street)



177-16 Attachment B Zoning Map 1375-1379 Washington St.

*City of Newton,
Massachusetts*

- Legend**
- Single Residence 2
 - Multi-Residence 1
 - Multi-Residence 2
 - Business 1
 - Business 2
 - Manufacturing
 - Public Use
 - Building Outlines
 - Surface Water
 - Property Boundaries

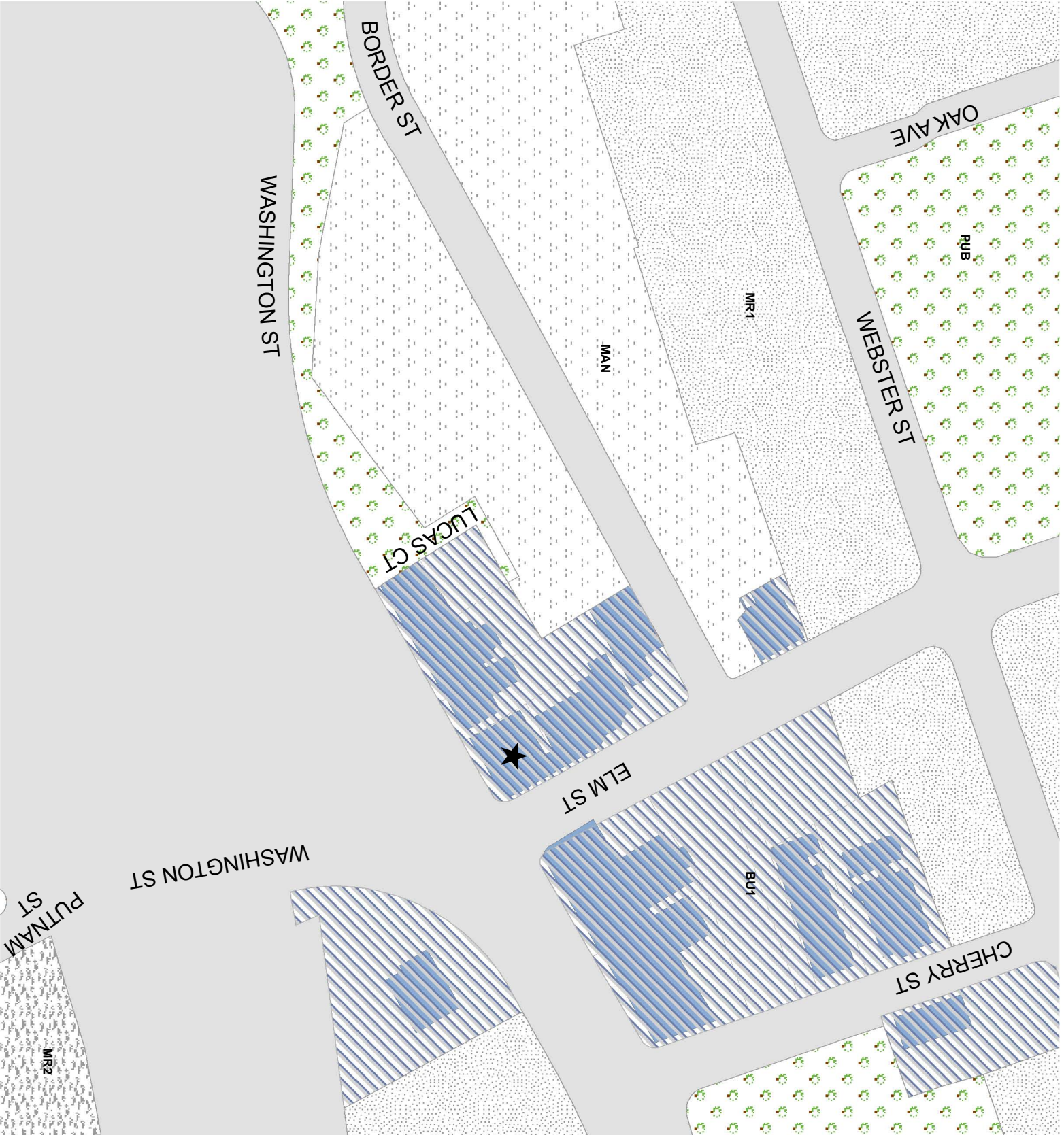


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

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

0 50 100
Feet

Map Date: June 10, 2016



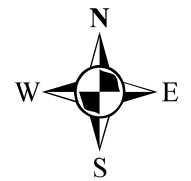
177-16
Attachment C
Land-Use Map
1375-1379
Washington St.

*City of Newton,
 Massachusetts*

Legend

Land Use
Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Industrial
- Mixed Use
- Open Space
- Nonprofit Organizations
- Vacant Land
- Building Outlines
- Surface Water
- Property Boundaries



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.

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

0 50 100
 Feet

Map Date: June 10, 2016





Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

177-16
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: May 5, 2016

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Scott Gubitose, Applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to waive up to 13 parking stalls**

Applicant: Kenmore Realty Corporation	
Site: 1375-1379 Washington Street	SBL: 33015 0032
Zoning: BU1	Lot Area: 4,393 square feet
Current use: Restaurant with 12 seats	Proposed use: Restaurant with 49 seats

BACKGROUND:

The property at 1371-1379 Washington Street consists of a 4,393 square foot lot improved with a commercial building with three tenant spaces. There is no off-street parking on the site. The applicant, the owner of Blue Ribbon Bbq, currently occupies the center space with 961 square feet and 12 restaurant seats. The applicant seeks to take over the adjacent 996 square foot space and add an additional 37 seats to the restaurant. As no parking is available on site, a waiver from the parking requirements is requested.

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

- Zoning Review Application, prepared by Scott Gubitose, applicant, dated 5/5/2016
- Floor plan, signed and stamped by Adam Glassman, architect, dated 5/2/2016

ADMINISTRATIVE DETERMINATIONS:

1. There is no available off-street parking on the site. The applicant is currently operating with 12 seats, and after expansion into the adjacent tenant space, will have up to 49 restaurant seats, but will not increase the number of employees working at the busiest shift. Pursuant to Section 5.1.4, a restaurant requires one stall per each three seats, and one stall for every three employees at the busiest shift. The existing 12 seats and employees are grandfathered by the previous use of the site, this application addresses only the additional 37 seats. To add these seats, the applicant requires a waiver of 13 parking stalls.

2. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§5.4.1	Parking waiver for up to 13 parking stalls	S.P. per §7.3.3

ATTACHMENT E

#177-16
1375-1379 Washington Street

CITY OF NEWTON
IN CITY COUNCIL

June 20, 2016

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/ADMINISTRATIVE SITE PLAN REVIEW to waive the requirement of thirteen (13) parking stalls, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. There will be no nuisance or serious hazard to vehicles or pedestrians;
2. The use as developed and operated will not adversely affect the neighborhood because the site is served by sufficient on-street and off-street metered parking;
3. This special permit will retain an existing use on-site;
4. The waiver of up to thirteen (13) parking stalls is appropriate as literal compliance of the number of parking stalls is impractical due to the size and location of the lot in a densely settled commercial district;
5. The expansion of a restaurant use in this location (Business 1 zone) is consistent with the 2007 Newton Comprehensive Plan, which supports strengthening viable businesses that contribute to the vitality of Newton's village centers without adverse impact on the surrounding neighborhood;

PETITION NUMBER: #177-16

PETITIONER: Ron Stoloff

LOCATION: 1375-1379 Washington Street, on land known as Section 33, Block 15, Lot 32, containing approximately 4,393 square feet of land

OWNER: Kenmore Realty Corporation

ADDRESS OF OWNER: 1355 Washington Street
West Newton, MA 02465

TO BE USED FOR: Restaurant not to exceed forty nine (49) seats and eight (8) employees

CONSTRUCTION: Interior Fit-out Only

EXPLANATORY NOTES: Special Permit §7.3.3 to waive up to thirteen (13) parking stalls associated with a forty-nine (49) seat restaurant of §5.4.1

ZONING: Business 1 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. Floor Plan, signed and stamped by Adam Glassman, architect, dated May 2, 2016
2. The petitioner may operate a restaurant with a maximum of forty-nine (49) seats and up to eight (8) employees on the largest shift.
3. The petitioner shall screen any dumpsters with a wooden fence, or similar material as approved by the Director of Planning and Development.
4. The petitioner shall promote the locations of parking stalls on the restaurant's website.
5. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - 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.
6. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - 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.

- 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 licensed land surveyor.