



#37-19

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

Ruthanne Fuller
Mayor

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: February 5, 2019
Land Use Action Date: April 9, 2019
City Council Action Date: April 15, 2019
90-Day Expiration Date: May 6, 2019

DATE: February 1, 2019

TO: City Council

FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Neil Cronin, Senior Planner

SUBJECT: **Petition #37-19**, for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a hotel use at **1170-1176 Walnut Street**, Ward 6, Newton Highlands, on land known as SBL 52, 38, 16 containing approximately 4,624 sq. ft. of land in a district zoned Business Use 2. Ref. §4.4.1 and §7.3.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. 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 City Council will want to consider in its discussion at a subsequent Working Session.



1170-1176 Walnut Street

EXECUTIVE SUMMARY

The subject property located at 1170-1176 Walnut Street consists of a 4,624 square foot lot in the Business Use 2 (BU-2) zone in Newton Highlands. The lot is improved with a 2.5-story commercial structure constructed circa 1915 that previously contained ground floor retail space with office space in the above stories. The petitioner is proposing to convert the retail and the office space into a hotel with eight sleeping rooms and a ground floor café. Hotel uses are only allowed via special permit; therefore, the petitioner requires a special permit to establish the use on site.

The Planning Department believes the hotel use is an appropriate use for the Newton Highlands Village Center. The petition will further diversify the uses in the Village and reuses a historic resource thereby preserving the Village's scale. Staff believes the petitioner's efforts will reduce the likelihood of hotel guests parking a car on site. Nevertheless, staff suggests additional measures to ensure the use will not adversely affect the neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the City Council should consider whether:

- The site is an appropriate location for the proposed hotel use (§7.3.3.1).
- The proposed hotel use as developed and operated will not adversely affect the neighborhood (§7.3.3.2).
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.3).
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.4).

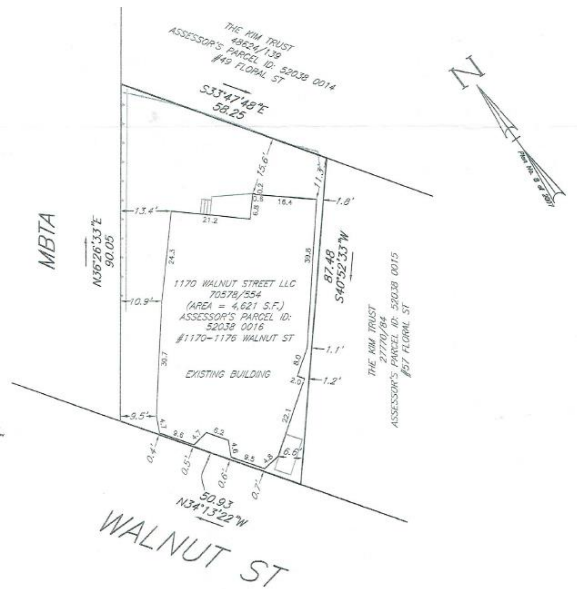
II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Walnut Street in the BU-2 zone in Newton Highlands. The properties on the eastern and the western side of Walnut Street are located within the BU-2 and the Business Use 1 zones, respectively. A Multi Residence 1 zone exists to the east, and a Multi Residence 2 zone exists to the west. The properties lining Walnut Street contain commercial and mixed use parcels that comprise the Newton Highlands Village Center (**Attachments A & B**). Beyond these parcels, exist single as well as multi-family uses.

B. Site

The site totals 4,624 square feet of land and is improved with a 2.5-story Colonial Revival commercial structure constructed circa 1915. There is an approximate ten-foot wide curb cut at the northwest corner of the site providing access to a driveway and a rear parking facility. As a result, much of the lot is consumed by the structure's footprint and asphalt. The property's western boundary abuts the tracks of the D branch of the MBTA's Green Line. This boundary as well as the northern boundary is enclosed with fencing. The grade of the lot slopes down from the front of the lot to the rear.



The structure is legal nonconforming regarding several dimensional standards of the BU-2 zone such as side and rear setbacks. The petitioner is currently renovating the structure's interior and exterior. Because the petitioner is not proposing to alter the structure's footprint, the renovations are as of right.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will change from a commercial use to a hotel use.

B. Building and Site Design

The petitioner is neither proposing to expand the footprint of the structure nor alter the site. However, the petitioner should indicate whether a dumpster will be stored on site. If so, staff suggests a condition requiring that it be screened. The interior will be reconfigured to contain a 24-seat café on the western side of the first floor, while the eastern side will contain two sleeping rooms and a kitchen. The petitioner is still

finalizing the layout of the café, so a revised floorplan showing 24 seats will be required, should this petition be approved. The second floor will contain three sleeping rooms and two kitchens along with a roof deck on the eastern side of the structure. The third floor will contain the remaining three sleeping rooms and a roof deck at the western side of the structure. On the exterior the petitioner is proposing to install new siding and new windows.



C. Parking and Circulation

The hotel use and the café use require 18 parking stalls per the Ordinance, while the site has a credit of 18 stalls due to the prior uses; therefore, the site complies with the requirements of the Ordinance. For a complete analysis of the parking calculation, please see the Zoning Review Memorandum, dated November 8, 2018 (**Attachment C**). Additionally, the site's parking facility is legal nonconforming concerning the dimensional requirements. For example, it appears the site can only accommodate two dimensionally compliant stalls side by side at the rear of the site. Furthermore, the site's narrow driveway is insufficient to accommodate two-way travel and results in a tandem parking situation requiring a vehicle parked in the driveway to be moved to allow for a vehicle at the rear of the site to exit.

The site's location adjacent to the bridge over the MBTA tracks and the signalized intersection makes it a difficult location regarding access. There are two northbound travel lanes on Walnut Street, one of which is a "Left Turn Only Lane"; therefore, all northbound traffic utilizes the right lane. At a red light, three to four vehicles queued

may block the site's driveway. Staff believes that given the location of the driveway, and the transient guests who may stay at the hotel, limiting the ability to have a car on site will decrease maneuvers into and out of the site, and therefore will decrease the likelihood of the use impacting traffic in the area.



The site has very limited parking, similar to many other parcels in village centers which were developed prior to the parking regulations. As a result, employees and customers utilize on-street parking or off-street parking in the form of municipal lots for short periods of time. Because there is limited parking on site, the petitioner provided a memorandum outlining how the hotel will operate (**Attachment D**). In summary, the petitioner intends to market the hotel to persons in need of medical assistance at the area's hospitals. Due to this market, the petitioner expects the hotel guests to utilize public transportation to and from appointments rather than utilize a car. As such, hotel guests will be provided with a weekly transit pass for the duration of their stay. To disincentivize parking on site, parking will be limited to four stalls, at a rate of \$10 per day, per vehicle; staff has asked the petitioner to provide a plan indicating the locations of the four stalls. Lastly, if guests require more than four stalls, the petitioner will arrange for a third-party valet service, at the cost to the guest. The petitioner is not proposing an accessible stall, but the given the intended market, the petitioner shall be prepared to make a reasonable accommodation for parking for disabled persons on site.

The Planning Department believes the hotel use is an appropriate use for the Newton Highlands Village Center given its proximity to the MBTA station and that is it reusing a historic structure. Staff believes the petitioner's efforts will reduce the likelihood of

hotel guests parking a car on site. However, in addition to the transit pass, the Planning Department suggests the petitioner agree to reimburse hotel guests the cost of ridesharing vendors, such as Uber and Lyft. Staff suggests the petitioner maintain records of guests parking on site, the number of transit passes provided, and the number as of trips provided by ridesharing vendors. Such records could be made available to the Planning Department and the Transportation Planning Staff of the Department of Public Works at six months and at 12 months after receipt of a certificate of occupancy. After such period, the petitioner shall be required to file an affidavit attesting to compliance with this condition during the hotel's annual inspection by the Inspectional Services Department.

D. Landscape Screening

The structure and the asphalt consume much of the lot, leaving little room for landscaping. There is existing fencing along the northern and western boundaries in need of updating. The Planning Department suggests the petitioner install new fencing in these locations.

E. Signage

The petitioner has not requested relief from the Ordinance regarding the number, size, or type of signs. As a result, all signs are expected to be as of right and will be reviewed and approved by the Urban Design Commission, should this petition be approved.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal regarding zoning. Based on the Memorandum, the petitioner is seeking the following relief:

- §4.4.1 and §7.3.3 of Section 30, to allow a hotel use.

B. Engineering Review

The petitioner is not seeking to expand the structure's footprint. As such, this petition does not meet the minimum threshold for review from the Engineering Division.

C. Historic Review

The petitioner is not proposing any work to the exterior of the structure. As such, this petition does not meet the minimum threshold for review from the Newton Historical Commission.

V. PETITIONERS' RESPONSIBILITIES

The petitioner should respond to the issues raised in this memorandum and other questions raised at the public hearing as necessary. Written responses to all significant issues should be provided for analysis by the Planning Department prior to being scheduled for additional public hearings.










ATTACHMENTS:

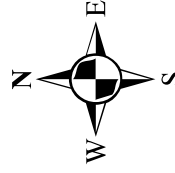
- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Zoning Review Memorandum, dated November 27, 2017
- Attachment D:** Petitioner's Letter Regarding Operations, dated December 6, 2018
- Attachment E:** DRAFT Council Order

Attachment A Zoning Map Walnut St., 1170-1176

City of *Newton*,
Massachusetts

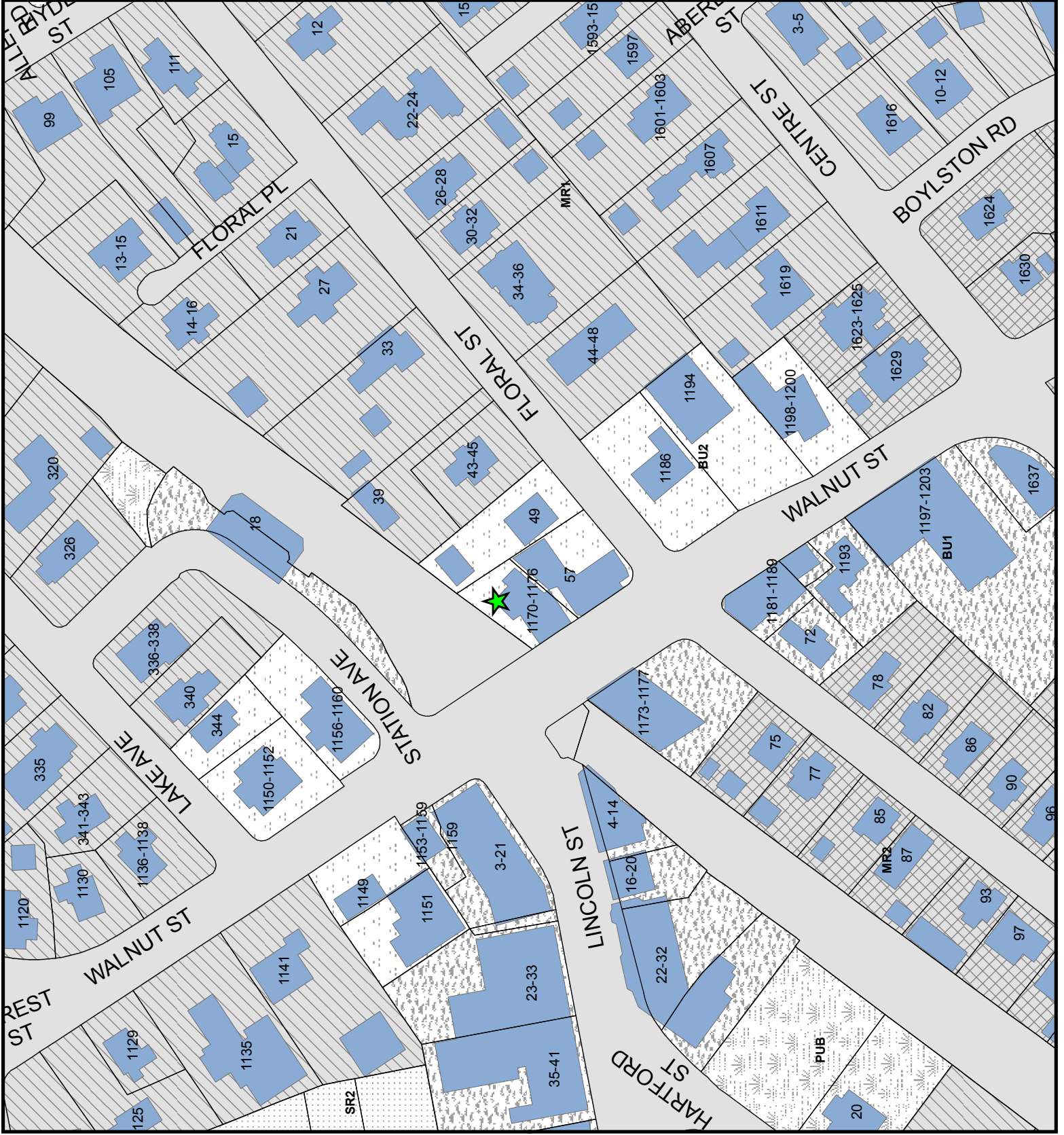
Legend

-  Single Residence 2
-  Multi-Residence 1
-  Multi-Residence 2
-  Business 1
-  Business 2
-  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 - Ruthanne Fuller












Attachment B Land Use Map Walnut St., 1170-1176

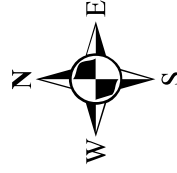
*City of Newton,
Massachusetts*

Legend

Land Use

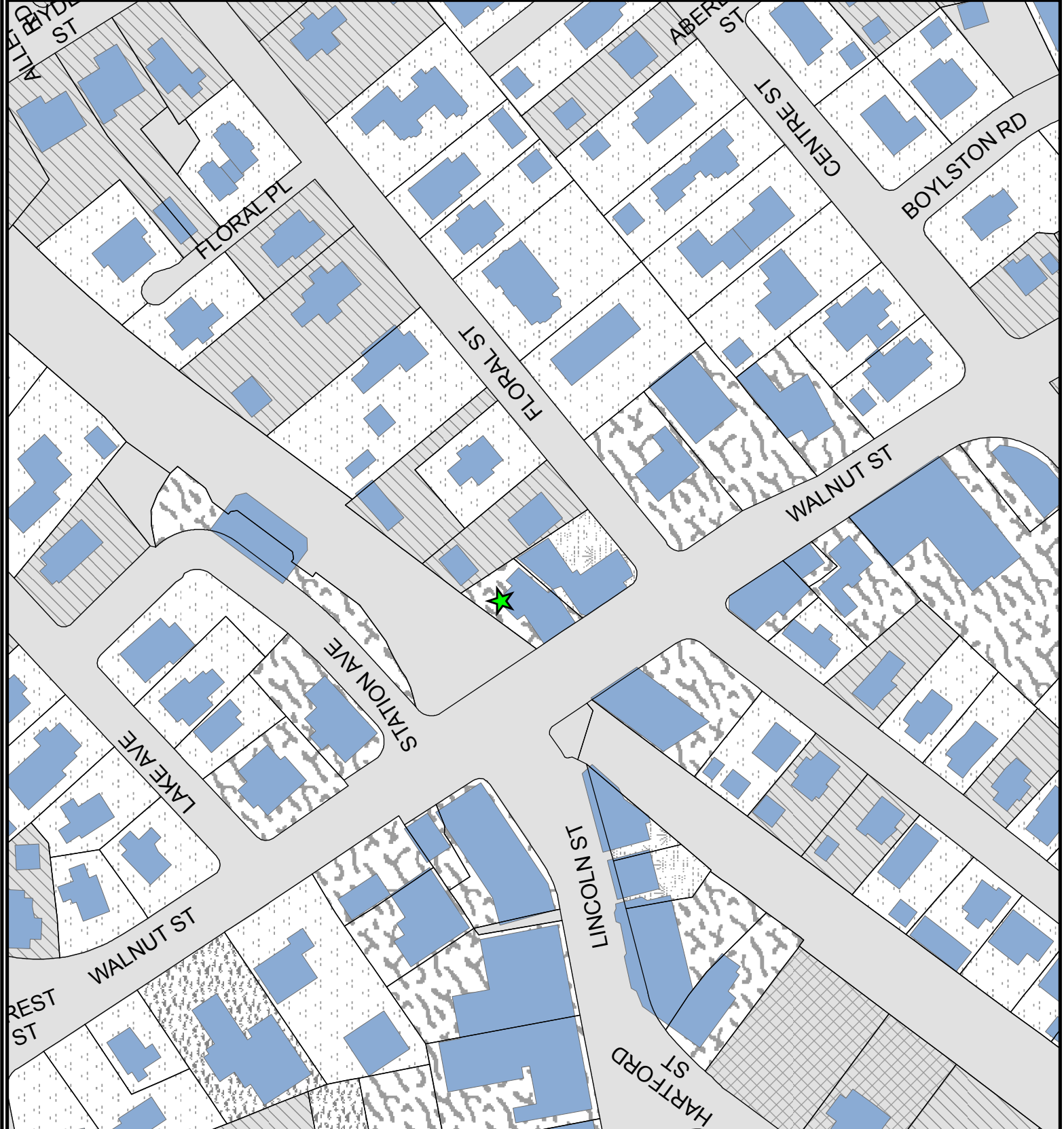
Land Use

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



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller





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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: November 8, 2018

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Stas Gavrovsky, applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: Request to allow a hotel with eight bedrooms

Stas Gavrovsky	
Site: 1170-1176 Walnut Street	SBL: 52038 0016
Zoning: BU2	Lot Area: 4,624 square feet
Current use: Retail and offices	Proposed use: Hotel and coffee shop

BACKGROUND:

The property at 1170-1176 Walnut Street consists of 4,624 square feet and is located adjacent to the MBTA green line and Newton Highlands station in the Business 2 zoning district. The property is improved with a two and one-half story structure constructed circa 1915 currently occupied by first floor retail with offices above. The petitioner seeks to convert half of the first floor to a coffee shop, with the remainder of the building to be used as a hotel with eight bedrooms in three suites.

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

- Zoning Review Application, prepared by Stas Gavrovsky, applicant, dated 10/9/2018
- Floor plans, prepared by C.B. Quinn, dated 10/25/2016

ADMINISTRATIVE DETERMINATIONS:

1. The applicant proposes to convert half of the first floor into a 24-seat coffee shop. Per section 4.4.1, a restaurant with less than 50 seats is a by-right use in the BU2 zoning district.
2. The applicant proposes to convert the remainder of the first floor, and the entirety of the second and third floors into hotel suites. The first floor will consist of a two-bedroom suite with a kitchen

and living area. The second floor will consist of three bedrooms and two kitchens, with one of the kitchens directly accessible to both the second-floor unit and the three bedrooms on the third floor. There will be a total of eight sleeping rooms. Per section 4.4.1, a special permit is required for a hotel use.

- The prior uses on the site include 2,100 square feet of retail and 2,420 square feet of office space. Per section 5.1.4.A, the parking requirements for the existing uses are:

Use	Requirement	Parking Credit
Retail - 2,100 square feet < 3 employees	1 stall per 300 square feet 1 stall per three employees	8
Office – 2,420 square feet	1 stall per 250 square feet	10
TOTAL		18

The site has a total parking credit of 18 stalls from the existing retail and office uses. The proposed parking requirements for the hotel and coffee shop are:

Use	Requirement	Parking Credit
Restaurant – 24 seats < 3 employees	1 stall per 3 seats 1 stall per three employees	9
Hotel – 8 sleeping rooms 1 employee	1 stall per sleeping room 1 stall per employee	9
TOTAL		18

The proposed use of a 24-seat coffee shop and a hotel with eight sleeping rooms does not increase the parking requirement from the previous use. No waiver is required.

- The parking area is currently nonconforming with regard to dimensions, striping, landscaping and lighting per section 5.17 through 5.1.12. The petitioner does not intend to make any changes to the nonconforming parking lot.
- See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§4.4.1	To allow a hotel use	S.P. per §7.3.3

December 6, 2018

RECEIVED
Newton City Clerk
2019 JAN -3 PM 2:49
DAVID A. OLSON, CMG
NEWTON, MA 02459

BY HAND

Mr. Neil Cronin
Senior Planner
Department of Planning and Development
1000 Commonwealth Avenue
Newton, MA 02459-1449

Re: 1170-1176 Walnut Street (the "Property")

Dear Mr. Cronin,

I am writing in response to your request that I explain how parking for the proposed hotel and coffee shop uses would work at the Property.

As you know, the proposed hotel and coffee shop do not present a greater parking demand for the Property than the previous uses did. As Chief Zoning Code Official Jane Santosuosso explained in her November 8, 2018 Zoning Review Memorandum, the previous office and retail uses at the Property required 18 parking stalls and the proposed uses would require 18 parking stalls. As such, there is no increase to the parking demand for the proposed uses, and no zoning relief relating to parking is required.

The Property contains a nonconforming parking lot to the rear of the site that accommodates up to four parking stalls. Access to the parking lot is through a long driveway off Walnut Street. As I am not making any changes to the existing parking lot, no zoning relief for the existing lot is required.

My understanding therefore is that you are seeking additional practical information about how I intend to manage parking at the site once operations commence.

First, it is important to understand the business model for both the proposed hotel and the coffee shop. I am marketing the hotel's rooms to people who are coming to the area to receive treatment at local hospitals and who require an extended stay. Most of these patients will arrive to the area by airplane and will not be using their own vehicles. The hotel's location next to the Newton Highlands T-Station provides prospective guests with the transportation they need to easily get to and from their appointments downtown. Based on the demographic that I'm targeting, I do not anticipate that the hotel's guests will want, or will require, an overnight parking space during their stay.

As a further incentive to limit vehicle trips to and from the Property by the hotel's guests, I also intend to provide all guests with free weekly T-passes for every week they stay at the hotel. In the event a hotel guest does need to park onsite, and one of the four parking spaces is available, they will be charged an additional \$10 daily parking fee. I anticipate that the impact of charging for parking while providing free T-passes will further reduce demand for parking at the site. In the very rare event that more than four hotel guests needed overnight parking, I would be willing to arrange for a third-party valet service, the cost for which would be passed on to the guest.

Neil Cronin, Senior Planner

December 6, 2018

Page 2

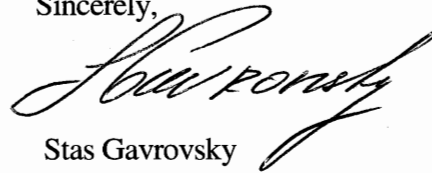
The proposed coffee shop will rely mostly on foot traffic from local residents, commuters, and the hotel's guests. Like most of the other businesses in Newton Highlands, it is not expected to become a destination location that people would drive to. I would note that to the extent that someone were to drive to the business, there are many metered spaces on Walnut, Lincoln, and Floral Streets that are routinely available during the day.

Finally, should the need arise, between 6:00 AM and 8PM, the hotel's staff would have the ability to park two additional vehicles on site in the driveway through a limited valet-type service. The driveway would remain clear overnight.

I would simply add that the proposed uses have a much lesser practical parking demand than a office which I could do at the site by-right.

I hope this addresses your concerns. Please let me know if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Stas Gavrovsky", written in a cursive style.

Stas Gavrovsky

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a hotel use, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

- 1) The site is an appropriate location for the hotel use given the site's location within the Newton Highlands Village Center and the use will further diversify uses within the Center. (§7.3.3.C.1)
- 2) The hotel use as developed and operated will not adversely affect the neighborhood because the petition renovates an existing historic structure, thereby preserving the Village's scale. (§7.3.3.C.2)
- 3) There will be no nuisance or serious hazard to vehicles or pedestrians because the petitioner will limit access and parking on site by charging for parking separately from the cost of a room and by providing guests with transit passes. (§7.3.3.C.3)
- 4) Access to the site over streets is appropriate for the types and numbers of vehicles involved due to the site's location within the Newton Highlands Village Center. (§7.3.3.C.4)

PETITION NUMBER: #37-19

PETITIONER: 1170 Walnut Street, LLC/Stas Gavronsky

ADDRESS OF PETITIONER: 39 Wayland Hills Road
Wayland, MA 01778

LOCATION: 1170-1176 Walnut Street

OWNER: 1170 Walnut Street, LLC/ Stas Gavronsky

ADDRESS OF OWNER: 39 Wayland Hills Road
Wayland, MA 01778

TO BE USED FOR: A hotel use with eight sleeping rooms

EXPLANATORY NOTES: Special permit per §7.3.3 to allow a hotel use (§4.4.1)

ZONING: Business Use 2

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. Plan of Land, prepared by Hayes Engineering Inc., signed and stamped by Thomas F. WInslow, Professional Land Surveyor, dated December 17, 2018.
 - a. Architectural Plans prepared by C.B. Quinn, consisting of three sheets dated October 25, 2018.
2. The petitioner shall screen any dumpsters with a wooden fence, or similar material as approved by the Director of Planning and Development.
3. The trash and recycling disposal shall be handled by a private entity and collection shall be scheduled at such times to minimize any disruption of the on-site parking and shall comply with the City's Noise Control Ordinance.
4. The petitioner shall limit on site parking to four stalls that shall be available to hotel guests only. The petitioner shall charge for the cost of the stalls separately from the cost of a room.
5. At six and at twelve months after receipt of a certificate of occupancy, the petitioner shall provide the Department of Planning and Development and the Transportation Planning Staff of the Department of Public Works with the records of the number of hotel guests, the number of transit passes issued, and the number of trips taken with ridesharing vendors. After such period has lapsed, the petitioner shall file a statement attesting to compliance with this condition during the annual inspection conducted by the Inspectional Services Department.
6. Prior to the issuance of any building permit for the Project, the petitioner shall provide a Final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, Fire Department, and Inspectional Services.
7. No building permit for the construction of the Project shall be issued pursuant to this Special Permit/Site Plan approval until the Petitioner has:

- a. Recorded a certified copy of this Council order with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
8. No temporary 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.
 - b. Filed with the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that all engineering details for the project site have been constructed to standards of the City of Newton Public Works Department.
 - c. The Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for portions of the buildings, prior to installation of required on-site landscaping/ exterior hardscape improvements required per the approved plans as long as all other conditions of this order have been met. Prior, however, to issuance of any temporary certificate of occupancy pursuant to this condition, the Commissioner of Inspectional Services shall require that the Petitioner first file a bond, letter of credit, cash or other security in the form satisfactory to the Law Department in an amount not less than 135% of the value of the aforementioned remaining improvements.