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Candace Havens
Director

MEMORANDUM

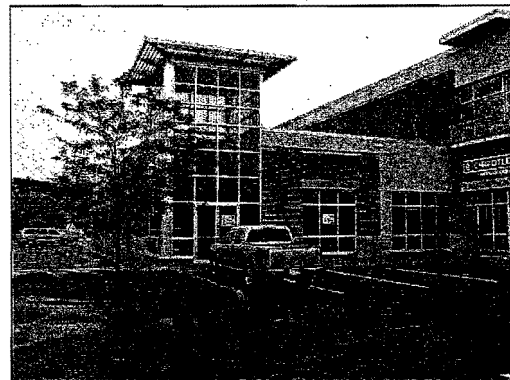
Public Hearing Date: February 12, 2013
Land Use Action Date: April 16, 2013
Board of Aldermen Action Date: May 6, 2013
90-Day Expiration Date: May 13, 2013

DATE: February 8, 2013
TO: Board of Aldermen
FROM: Candace Havens, Director of Planning and Development
Eve Tapper, Chief Planner for Current Planning
Alexandra Ananth, Senior Planner

Subject: **Petition #149-03(5)**, Bertucci's Corporation/The Nolan Brothers petition to amend the site plan approved in special permit #149-03(4), granted on October 15, 2012, that allowed a restaurant use of up to 100 seats and attendant waiver of 25 parking spaces at **300 Needham Street**, Ward 8. The petitioners are now seeking 20 outdoor seats that require an additional waiver of 12 parking spaces on land known as SBL 83, 30, 11, containing 205,211 sq. ft. of land in a Mixed Use 1 District. Ref: Sec 30-24, 30-23, 30-19(c), (d)(13), and (m), 30-13(b)(5) of the City of Newton Zoning Ord 2012 and Special Permit #149-03 and #149-03(2).

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



300 Needham St.

EXECUTIVE SUMMARY

The 205,211 square foot lot at 300 Needham Street is improved with a mixed-use retail and personal storage building approved by special permit in 2003 under Board Order #149-03. In 2012, the Board of Aldermen approved an amendment to the special permit (BO# 149-03(4)) to allow a 100-seat restaurant at the site as well as a waiver of up to 25 parking stalls associated with the more intense use of the property. The petitioner has now returned with plans for a 20-seat outdoor seasonal patio and is requesting that this new site plan be approved including that up to 12 additional required parking spaces be waived to accommodate the proposed patio seating.

If the Board chooses to approve this petition, the total number of parking waivers for the site as a whole will be 37. As the majority of the building is occupied by a personal storage facility which has a very low parking demand, the requested waiver appears appropriate given the number of existing parking spaces and the mixed use nature of this site.

The proposed restaurant use is consistent with the City's goals of enlivening the Needham Street corridor throughout the day. This goal is consistent with the Comprehensive Plan and is also a tenet of ongoing planning and design studies for the Needham Street Corridor.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When considering the special permits requested in this application, the Board should decide whether the following findings apply:

- 1) Outdoor dining at this location will not be detrimental to the neighborhood nor present a nuisance or hazard to vehicles or pedestrians.
- 2) A waiver of an additional 12 parking stalls (bringing the total waived on site to 37 stalls) is appropriate based on the mixed-use nature of the site and neighborhood, the availability of alternative modes of travel, and the amount of parking already located at the site.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The project site is on the east side of Needham Street, at the intersection with Christina and Oak Streets. The south end of Needham Street is characterized by larger lots with a mix of single-story commercial buildings with retail, service, and restaurant uses. There is also some office and light industrial/research and development space. The area is predominantly zoned Mixed Use 1.

B. Site

The 205,211 square foot site is improved with an approximately 200,000 square foot building approved under special permit #149-03. The building has a modern glass and brick curtain wall façade and is three stories. The majority of the building (~170,000 square feet) is used as a personal storage facility with the remainder (~30,000 square feet) devoted to small ground floor retail tenants including Chipotle, Pearle Vision, Weight Watchers, and Eastern Mountain Sports. Two Ovens, the petitioner, is currently renovating the interior of one tenant space for a 100-seat restaurant which is set to open this spring. Currently there is one remaining vacant retail space.

Special permit #149-03 includes a "Phase II," three-story section of additional personal storage space on the north side of the existing building, approving a final building size of 251,038 square feet. The original project proposed construction in phases as this portion of the site was undergoing remediation overseen by the Massachusetts Department of Environmental Protection. Environmental monitoring is ongoing, and the Phase II portion of the special permit has not been exercised, and a cement pad from the previous building on the site remains. The petitioners have stated that they would like to preserve the right to construct this portion of the building in the future but have not set a date to begin construction. It should be noted that parking requirements are based on the completion of Phase II of the building as personal storage space.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioner is proposing to add outdoor seating to an existing restaurant use on a seasonal basis.

B. Building and Site Design

The restaurant under construction occupies 3,629 square feet of ground floor retail space in the north side of the building with up to 100 seats. The petitioner is now proposing to locate a 20-seat outdoor patio in the existing parking lot adjacent to their restaurant. This patio will displace two existing parking spaces which happen to be handicap spaces. Since the site is required to have these two handicap spaces, the petitioner has proposed to relocate them to a different part of the parking lot close to the entrance to the restaurant. Currently there are three parking spaces in this new location therefore one additional parking space will be displaced as a result of relocating the handicap spaces on the site. Finally, the petitioner has also located a dumpster for the restaurant along the northern property line in the parking lot. This dumpster will further displace two additional parking spaces. As a result of all of these changes to the site plan a total of five parking spaces will be removed.

C. Parking and Circulation

The site contains two vehicular entrances, one from Needham Street and one from Christina Street. There are 145 parking stalls existing on site. As mentioned above, the petitioners are proposing to remove five parking stalls in order to accommodate their proposed patio seating area, to relocate lost handicap parking, and to accommodate a dumpster for the restaurant. The petitioners are also proposing to increase total parking demand by seven stalls (20 seats/3 = 7 required stalls). Therefore, they must obtain a special permit from the Board of Aldermen to waive 12 required parking stalls (seven stalls for the proposed patio plus five that are proposed to be removed) bringing the total waiver for the site to 37 stalls. It should be noted that the other vacant commercial space is accounted for in the total parking requirement as retail requiring nine stalls.

In addition to vehicular access, the proposed site offers transit accessibility for both employees and customers of the businesses. The Route 59 bus, which runs from Watertown to Needham, offers a connection to the Green Line at the Newton Highlands station with a stop within a short walk of the subject parcel.

The petitioners submitted a parking study after taking parking counts in the parking lot over four days in September (**ATTACHMENT A**). Counts were taken between Thursday September 27th and Sunday September 30th, during lunch and dinner hours. At all times there was sufficient parking to support the requested parking waiver.

The Planning Department is supportive of the requested parking stall waivers. The total number of spaces waived on the site (37) relative to the required number of parking spaces (233) is consistent with a development of this nature on a site presenting this degree of multi-modal access and shared uses. The Planning Department believes that there should be no negative impacts on abutters as a result of the number of stalls waived. In addition, it should be noted that when the building was originally under review by the Board of Aldermen in 2003, the Planning Department recommended that even fewer on-site parking spaces would be sufficient to serve a mixed-use development on this site.

D. Landscaping

The petitioners are not proposing any landscaping improvements as part of this petition. All landscaping appears to be in good condition. However, the Planning Department suggests that all dumpsters be screened with fencing.

IV. COMPREHENSIVE PLAN

The *2007 Comprehensive Plan* identifies the Needham Street corridor as one of the City's mixed-use areas where residential, business, and institutional uses are

intermingled as well as a regional business area where significant commercial development serving a regional market is intended to occur. Within that context, new tenants that are consistent with the corridor and contribute to the liveliness of the area without negatively impacting abutters, would be welcome. The proposed development is therefore supported by the *2007 Comprehensive Plan*.

V. TECHNICAL REVIEW

A. Technical Considerations

Based on the Zoning Review Memorandum (**ATTACHMENT B**) the petitioners are requesting special permits to waive required parking stalls, and to amend and consolidate existing special permits and site plans.

B. Engineering Review

No Engineering Division Review was required at this stage of the proposed project as the petitioner is not proposing any changes to impervious surfaces or to the footprint of the building.

VI. ZONING RELIEFS SOUGHT

Based on the Zoning Review Memorandum, the petitioners are seeking the following reliefs:

- Sections 30-19(c), Section 30-19(d)(13) and Section 30-19 (m) to waive 12 additional required parking stalls (for a total of 37 stalls waived); and
- To amend and consolidate existing special permits and site plans.

VII. PETITIONERS' RESPONSIBILITIES

- The petitioners should submit details for proposed dumpster screening.

ATTACHMENTS:

ATTACHMENT A: PETITIONER'S PARKING STUDY

ATTACHMENT B: ZONING REVIEW MEMO

ATTACHMENT C: ZONING MAP

ATTACHMENT D: LAND USE MAP

ATTACHMENT A

October 2, 2012

Alexandra Ananth
Senior Planner, LEED AP
City of Newton Planning and Development Department
Newton City Hall
1000 Commonwealth Ave.
Newton Center, MA 02459

Dear Ms. Ananth:

Enclosed please find the parking study at 300 Needham Street completed last Thursday through Sunday in support of our Special Permit and Parking Waiver Application under review with the Land Use Committee scheduled to meet October 9, 2012.

I have summarized the peak times in the table below; the full table shows the spaces available in 15 minute increments over four days.

Day	Peak Lunch 12:00 - 1:00 Avg. Spaces Available	Peak Dinner 5:30 - 6:30 Avg. Spaces Available
Thursday, September 27	70	96
Friday, September 28	96	109
Saturday, September 29	102	105
Sunday, September 30	109	125*

* Note that Sunday peak dinner was recorded as 5:00 - 6:00 pm.

It is our understanding that the Committee is looking to see a minimum of 25 spaces available during peak times to consider our application, and, as you can see, the lot far exceeds that capability.

Thank you for reviewing the attached documents and including in your report to the Committee. If you need anything further please call me at the number below or email me at cfrancis-barta@bertuccis.com.

Sincerely,



Christine Francis-Barta

Real Estate and Construction Specialist



155 Otis Street, Northborough, MA 01532 508-351-2564

Peak Traffic Flow Chart

300 Needham Street, Newton, MA

Number of free parking spots observed in the total site lot during each 15 minute time slot.

			11:30 - 11:45	11:45 - 12:00	12:00 - 12:15	12:15 - 12:30	12:30 - 12:45	12:45 - 1:00	1:00 - 1:15	1:15 - 1:30	Break 1:30 - 5:00
Thursday 9/27/12	Name of observer:	Annie Lenaghan	112	97	79	74	61	68	80	84	
Friday 9/28/12	Name of observer:	Annie Lenaghan	118	117	105	109	88	83	84	88	
Saturday 9/29/12	Name of observer:	Annie Lenaghan	99	95	103	109	99	97	100	95	
Sunday 9/30/12	Name of observer:	Annie Lenaghan	118	113	111	110	107	109	107	105	

Number of free parking spots observed in the total site lot during each 15 minute time slot.

			5:00 - 5:15	5:15 - 5:30	5:30 - 5:45	5:45 - 6:00	6:00 - 6:15	6:15 - 6:30	Break 6:30 - 7:15	7:15 - 7:30	7:30 - 7:45	7:45 - 8:00	8:00 - 8:15	8:15 - 8:30	8:30 - 8:45	8:45 - 9:00	9:00 - 9:15
Thursday 9/27/12	Name of observer:	Annie Lenaghan	121	117	105	93	94	93		101	114	115	122	131	130	132	131
Friday 9/28/12	Name of observer:	Annie Lenaghan	116	120	108	111	112	108		109	123	117	118	126	131	134	132
Saturday 9/29/12	Name of observer:	Annie Lenaghan	102	102	95	103	107	116		116	114	109	121	124	131	135	134
Sunday 9/30/12	Name of observer:	Annie Lenaghan	121	122	128	131	No recording of data needed after 6:00 pm Sunday										



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Mayor

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ATTACHMENT B

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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: January 16, 2013

To: John Lojek, Commissioner of Inspectional Services

From: Eve Tapper, Chief Planner for Current Planning

Cc: Christine Francis-Barta, Bertucci's Restaurant Corporation
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to waive twelve parking spaces to allow for outdoor patio seating.

Applicant: Bertucci's Restaurant Corp.	
Site: 300 Needham Street	SBL: 83030 0011
Zoning: MU1	Lot Area: 205,211 square feet
Current use: A mixed-use shopping center with a vacant storefront approved for a 100-seat restaurant	Proposed use: A 120-seat restaurant in the vacant storefront

BACKGROUND:

300 Needham Street consists of a 205,211 square foot lot improved with a mixed-use retail and personal storage building. The existing building and uses were approved by Special Permit in 2003 (B.O. #149-03). In 2012, the Board of Aldermen approved an amendment to the special permit (BO#149-03(4)) to allow a new 120-seat restaurant on the site. The original plan for the restaurant was to have twenty of the 120 seats located on an outdoor patio. However, in order to accommodate the patio, the existing parking lot had to be modified and plans showing these modifications had not been finalized. At the time, the applicant was anxious to begin construction of the restaurant and proceeded with an application for only 100 seats, all located inside. The Board approved the application for a restaurant in the Mixed-Use 1 zoning district as well a waiver of up to 25 parking stalls associated with the more intense use of the property. The applicant has now returned with detailed plans of the 20-seat patio and is now requesting that this new site plan be approved and that additional required parking spaces be waived to make room for the proposed patio seating.

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

- "SP1, Existing and Proposed Site Modifications and Notes," signed and stamped by Gary J. Sadler, architect, dated 12-20-12

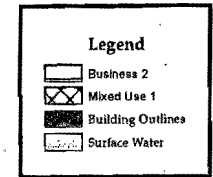
ADMINISTRATIVE DETERMINATIONS:

1. In October 2012, the applicant obtained a special permit (BO# 149-03(4)) for a restaurant with up to 100 seats. The applicant is now proposing an additional 20 seats in an outdoor patio. To make this change the Board of Aldermen must approve an amendment to BO# 149-03(4) to allow for a restaurant with up to 120 seats. Further, the addition of 20 seats triggers an increased parking demand of seven additional parking spaces since the Ordinance requires one space for every three seats (20 seats/3 = 7 required stalls). To add the seats as proposed the applicant must obtain a special permit from the Board of Aldermen to waive seven required parking spaces.
2. The applicant is proposing to locate a 20-seat outdoor patio in the existing parking lot. This patio will displace two existing parking spaces, which happen to be handicap spaces. Since the site is required to have these two handicap spaces, the applicant has proposed to relocate them to a different part of the parking lot close to the entrance to the restaurant. Currently, there are three parking spaces in this new location. Per the Zoning Ordinance and State Building Code, handicap spaces must be wider than traditional parking spaces. Therefore, one additional parking space will be displaced as result of relocating the handicap spaces on the site. Finally, the applicant has also located a dumpster for the restaurant along the northern property line in the parking lot. This dumpster will further displace two additional parking spaces. As a result of all of these changes to the site plan, a total of five parking spaces will be removed. To make these changes as proposed, the applicant must obtain a special permit from the Board of Aldermen to waive five required parking spaces which will be lost. This number is on top of the 25 spaces that were waived for the restaurant in 2012 and the seven required spaces for the additional seats. Therefore the applicant must obtain a special permit from the Board of Aldermen to waive twelve required parking spaces in total (7 for additional seating + 5 stalls to be removed = 12 stalls).
3. The City's current practice is to consolidate special permits on a given parcel. The applicant should work with the City and the property owner to integrate all approvals and conditions into a single special permit to govern the site going forward.
4. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Relief</i>	<i>Action Required</i>
	Alter an approved site plan	Amend and consolidate existing special permits and site plans
§30-19(c), §30-19(d)(13), §30-19(m),	Waive 12 required parking stalls	S.P. per §30-24

Zoning Map 300 Needham S

City of Newton,
Massachusetts



The information on this map is derived from a Geographic Information System. The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for their intended purpose. City departments will not be held responsible for any errors or omissions in any applications based solely on this map.

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

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ATTACHMENT "C"







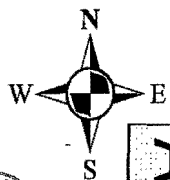
Land Use Map 300 Needham S

*City of Newton,
Massachusetts*

Legend

Land Use

-  Commercial
-  Industrial
-  Building Outlines
-  Surface Water



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

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ATTACHMENT "D"

