



#238-19

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City of Newton, Massachusetts

Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

| | |
|---------------------------|------------------|
| Public Hearing Date: | August 6, 2019 |
| Land Use Action Date: | October 8, 2019 |
| City Council Action Date: | October 21, 2019 |
| 90- Day Expiration Date: | November 4, 2019 |

DATE: August 2, 2019

TO: City Council

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

SUBJECT: **Petition #238-19**, for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Council Order #306-12 to waive 14 parking stalls and to allow assigned at **35-41 Lincoln Street**, Ward 6, Newton Highlands, on land known as SBL 52, 08, 18, containing approximately 15,000 sq. ft. of land in a district zoned Business Use 1. Ref. §5.1.3.E, §5.1.4, §5.1.13, §7.3.3, and §7.4 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.



35-41 Lincoln Street

EXECUTIVE SUMMARY

The subject property at 35-41 Lincoln Street consists of a 15,000 square foot lot located in the Business Use 1 (the “BU-1”) zone in Newton Highlands. The lot is improved with a one-story, commercial building constructed circa 1910 and an accessory 18-stall surface parking facility. The petitioner obtained a special permit in 2012 (Council Order #306-12) to legalize the then noncompliant parking facility in conjunction with a change of uses among the building’s tenant spaces (**Attachment A**). The petitioner is proposing to combine tenant spaces within the building, and introduce new uses, which increase the parking demand beyond that which can be accommodated on site; therefore, the petitioner requires special permits to amend Council Order #306-12 to waive fourteen parking stalls and to allow assigned parking.

The Planning Department is supportive of the petitioner’s efforts to re-tenant the building located in the heart of Newton Highlands. The proposed fitness use is expected to operate in the morning and in the late afternoon, outside of peak hours adding vitality to the Newton Highlands. The petitioner submitted a parking study which indicates that the area has enough public parking available to accommodate the twelve-stall waiver. As a result, staff is supportive of the waiver, but suggests that conditions be incorporated into the Council Order regarding the fitness use’s operations.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

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

- The specific site is an appropriate location for the amendment to Council Order #306-12. (§7.3.3.C.1.)
- The site, due to the amendment to Council Order #306-12, as developed and operated will adversely affect the neighborhood. (§7.3.3.C.2.)
- There will be no nuisance or serious hazard to vehicles or pedestrians because of the amendment to Council Order #306-12. (§7.3.3.C.3.)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- Literal compliance with the parking requirements is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features (§5.1.3.E, §5.1.4 and §5.1.13).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

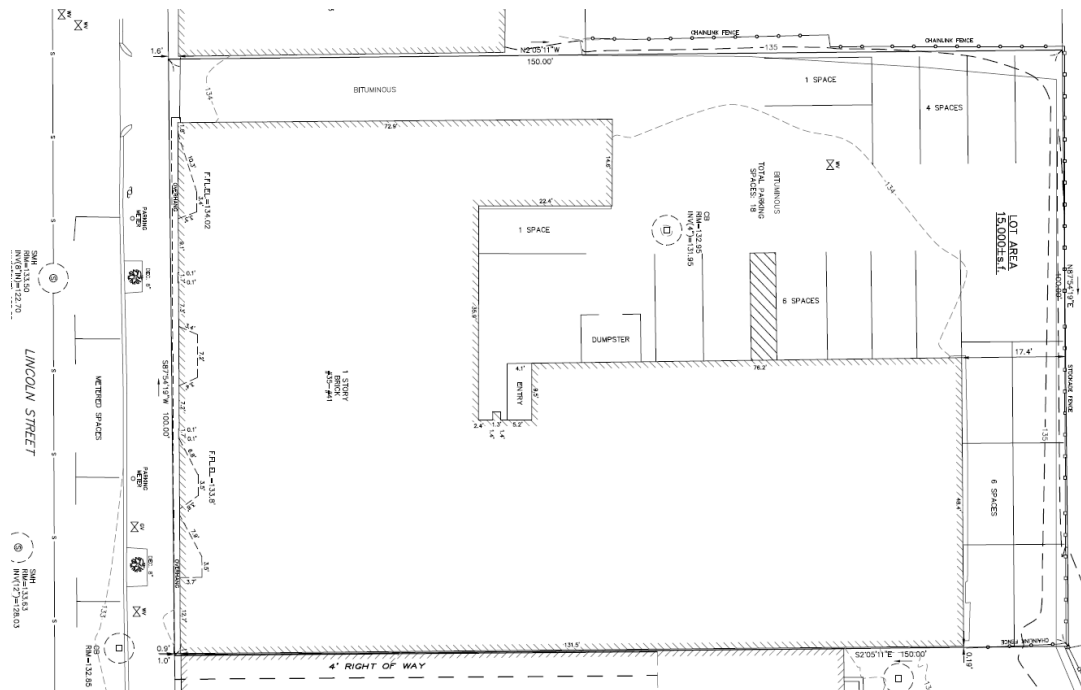
A. Neighborhood and Zoning

The subject property is located on Lincoln Street within the BU-1 zone in Newton Highlands. The BU-1 zone encompasses the immediate area, along both sides of Lincoln Street, while residence zones such as the Single Residence 2 and the Multi Residence 1 zones exist farther north and south (**Attachment B**). These zones contain a variety of uses, from commercial to single- and multi-family uses, to nonprofit organizations that comprise the Newton Highlands Village Center (the "Village") (**Attachment C**).

B. Site

The site consists of 15,000 square feet of land improved with a one-story, commercial building constructed circa 1910. The site also contains an 18-stall surface parking facility at the rear, accessed by an approximately twelve-foot wide driveway from Lincoln Street. The rear boundary is enclosed with a six-foot tall stockade fence, while the western boundary is improved with mature plantings. The structure has a zero setback from Lincoln Street which is typical in a village center.

Site Plan



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site is and will remain commercial.

B. Building and Site Design

The building currently contains five tenant spaces and an automated teller machine. The tenant spaces consist of a hair salon, a dry cleaner, and three retail uses. The petitioner is proposing to combine the two easternmost tenant spaces, both of which are retail, into one tenant space to allow for a fitness use. The petitioner is also looking to find a new tenant for the space occupied by the dry cleaner. Because the petitioner is not proposing to expand the structure's footprint most of the work is on the interior; the only exterior work will involve replacing a door with a typical shopfront window. The Planning Department suggests that a condition be included in the Council Order that allows the Director of Planning and Development to review and approve the final façade elevations to ensure the storefront transparency is maintained. Lastly, the petitioner is not proposing any changes to the site design.

C. Intensity of Use

The petitioner is seeking to establish a fitness use in a tenant space formerly occupied by two, separate retail uses. The fitness use will staff four employees on the largest shift and is seeking to hold group classes in accordance with the below schedule:

- Monday through Friday from 5:00 a.m. to 10:45 and from 4:30 p.m. to 6:45 p.m.
- Saturday from 7:00 a.m. to 10:15 a.m.

* The Planning Department modified the proposed schedule to include a 15-minute window for illustration.

In short, the fitness use expects to hold twelve (12) classes per week, Monday through Saturday with a maximum expected class size of twenty-five (25) customers. The largest classes are expected to occur in the morning (before 10:00 a.m.). It is expected that the fitness use will be of greater intensity than that of the previous retail stores from a use perspective and from a reliance upon public parking. The fitness use can be expected to draw more customers, in a shorter period, to the Village during the morning hours, while not affecting afternoon parking. With respect to parking, the number of customers in a short period of time could constrain parking. As such, staff suggests that the schedule be modified to include a 15-minute window between classes to allow customers to leave before others arrive. Staff also suggests that the petitioner be required to notify customers of the location and the price of metered parking in the area.

D. Parking and Circulation

The surface parking facility at the rear of the site contains eighteen (18) stalls that were legalized by the then Board of Alderman in 2012. This area is currently dedicated to employees only, and this arrangement will continue. The petitioner is seeking to assign all eighteen (18) stalls among the tenants within the building which is practical given that some stalls are tandem stalls; the fitness use will be assigned four stalls to accommodate their employees. The Planning Department is unconcerned with the request to allow assigned parking because some stalls are tandem stalls that require coordination and, given the narrow access aisle from Lincoln Street, it is practical to reserve this area to employees only, thereby reducing the frequency of vehicles traveling through the site.

Given the size of the proposed fitness use and the number of expected employees, the fitness use requires twenty-eight (28) parking stalls. In addition to the fitness use, the petitioner is proposing to re-tenant the space occupied by the dry cleaner and the petitioner would like to increase the demand of that space by one parking stall for flexibility. Utilizing the formula found in the Newton Zoning Ordinance when a change of use occurs, these two uses require a waiver of fourteen (14) parking stalls. For more information on the parking requirement formula and a complete analysis of the petition concerning zoning, please see the Zoning Review Memorandum dated May 14, 2018 (**Attachment D**).

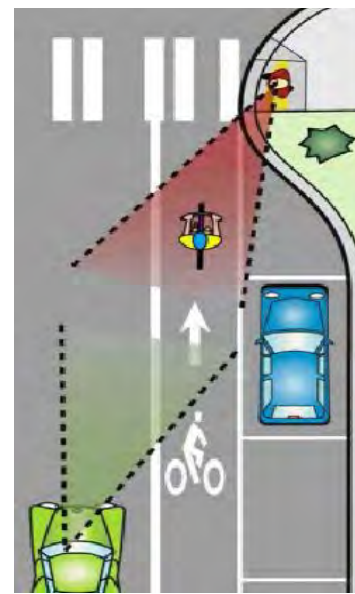
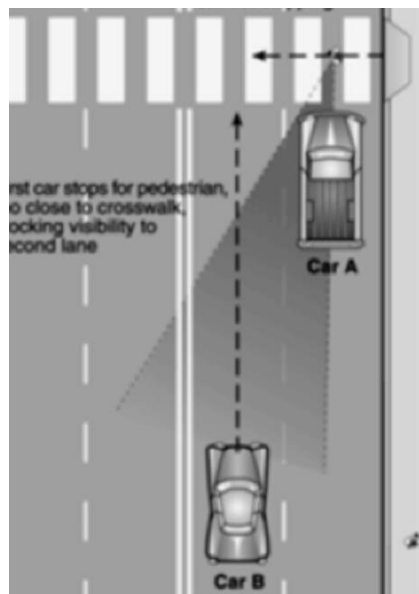
As the fitness use requires more parking than can be accommodated on site, the fitness use will rely on public parking nearby. Such public parking consists of on-street stalls and off-street stalls in the Hartford Street Municipal Parking Lot. The petitioner submitted a parking study which summarizes parking counts conducted over a period of five days to determine whether the public parking in the area could accommodate the demand of the fitness use (**Attachment E**). The study indicates that there is enough parking throughout the study area to accommodate the early morning classes, while parking for the mid-day weekday classes and the early-evening weekday classes will rely heavily on parking within the Hartford Street Municipal Lot.

The Planning Department reviewed the parking study with members of the Transportation Division of Public Works who agreed with the findings of the study and believes that the public parking should be able to accommodate the demand of the fitness use. Staff suggests that the fitness use be required to operate in accordance with the provided schedule. As proposed, the fitness use is not expected to operate at times when demand for parking is high in Newton Highlands and staff believes that additional classes during these times, i.e. weekday and weekend afternoons, could strain the parking supply. As such, staff suggests that additional parking counts be

required for additional class offerings.

The Transportation Division of Public Works also noted that there is a crosswalk directly in front of the subject property that facilitates pedestrian movement across Lincoln Street. There is an on-street parking stall immediately to the east of this crosswalk that obscures the visibility of pedestrians crossing Lincoln Street from drivers traveling west along Lincoln Street. Staff suggests that the petitioner consider constructing a curb extension to bring pedestrians out from behind the parking stall so that they can be seen by drivers. This extension will not only increase the safety of pedestrians crossing Lincoln Street, but will also increase safety for vehicles too. The extension reduces the width of the roadway and may prevent drivers from making an illegal U-turn in Lincoln Street (there is currently a sign prohibiting such a movement, which is frequently knocked over). Staff has asked the petitioner to investigate building the extension, staff expects to provide the Land Use Committee with an update at the public hearing.

The graphics below are meant to illustrate the existing and the proposed condition, with a curb extension, for a pedestrian crossing Lincoln Street from north to south. The graphic on the left, "Graphic A" illustrates how a parked car obscures the pedestrian from the field of view of the driver of "Car B". In the graphic on the right, "Graphic A", the curb extension brings the pedestrian out from behind the parked car to be more easily seen by the driver. These graphics are only for illustration of the condition on Lincoln Street and are not intended to accurately depict Lincoln Street.



E. Newton Highlands Parking District

The Transportation Division of Public Works along with the Traffic Council, the Traffic Bureau of the Newton Police Department, elected officials, residents, and other stakeholders created the Newton Highlands Parking District (the “District”) to better manage parking within Newton Highlands. The District will provide all-day parking permits for employees of local business, but only 25 permits will be granted at this time. As the District progresses, and if other streets join the District, additional permits for employees may be granted. Given that there will be four parking stalls on site for the four employees of the fitness use, staff suggests that a condition prohibiting these employees from applying for a parking permit in the District, should be included in the Council Order, should this petition be approved.

F. Signage

The petitioner has not requested relief from the sign provisions of the Newton Zoning Ordinance. As a result, all signs are expected to be as of right and will be reviewed and approved by the Urban Design Commission.

G. Landscape Screening

A landscape plan is not required with this petition.

IV. TECHNICAL REVIEW

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

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

- Amend Council Order #306-12.
- §5.1.4 and §5.1.13 of Section 30, to waive fourteen parking stalls.
- §5.1.3.E and §5.1.13 of Section 30, to allow assigned parking.

B. Engineering Review

This petition does not meet the minimum threshold for review from the Engineering Division of Public Works.

C. Newton Historical Commission

This petition does not meet the minimum criteria for review from the Newton Historical Commission review.

V. PETITIONER'S 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. The Planning Department will prepare an updated memo prior to any future public hearings.

ATTACHMENTS:

- Attachment A:** Council Order #306-12
- Attachment B:** Zoning Map
- Attachment C:** Land Use Map
- Attachment D:** Zoning Review Memorandum, dated June 20, 2019
- Attachment E:** Parking Study, dated July 29, 2019
- Attachment F:** DRAFT Council Order

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#306-12

CITY OF NEWTON

IN BOARD OF ALDERMEN

December 17, 2012

RECEIVED
Newton City Clerk
2012 DEC 20 AM 11:50
David A. Olson, Clerk
Newton, MA 02459

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 APPROVAL to legalize the existing parking area including waivers from the dimensional requirements, lighting, curbing, surface and maintenance requirements as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Ted Hess-Mahan:

1. There will be no nuisance or serious hazard to vehicles or pedestrians as a result of the legalization of the noncompliant parking facility, which has existed and functioned adequately since at least 1985.
2. Literal compliance with parking requirements is impracticable because the site was developed prior to the adoption of the parking ordinance and the site cannot accommodate additional compliant on-site parking.
3. Waivers for lighting, curbing, surfacing and maintenance requirements are in the public interest and will help the petitioner maximize the number of spaces available for employees of the building in this parking area.
4. The petitioner submitted a parking study which shows that there appears to be sufficient parking within a reasonable walk of the site to meet the actual parking demand for the proposed use.

PETITION NUMBER:

#306-12

PETITIONER:

Evelyn P. Greenspan Trust, Paul I Feinberg, Trustee

LOCATION:

35-41 Lincoln St, Ward 6, on land known as Section 52, Block 8, Lot 18, containing approximately 15,000 sq. ft. of land

OWNER:

Evelyn P. Greenspan Trust

City Clerk
David A. Olson
[Signature]
City Clerk of Newton, MA

*cert 176496
BA 1012 P. 146*

ADDRESS OF OWNER: 13 Holly Avenue, Cambridge, MA, 02138

TO BE USED FOR: Multi-tenant retail building including retail uses, salon, and ATM

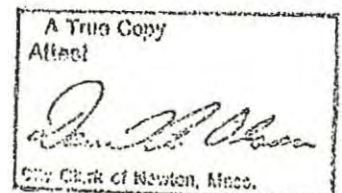
CONSTRUCTION: Brick building, interior fit-out only

EXPLANATORY NOTES: Sections 30-19(h)(2)a), (2)b), (2)c), and (2)e); 30-19(h)(3); 30-19(h)(4); 30-19(h)(5); and 30-19(m), to waive the required stall dimensions, maneuvering aisle widths, end-stall maneuvering space, minimum entrance and exit driveway widths, and number of handicap parking stalls and to allow tandem parking; Section 30-19(j); and 30-19(m), to waive or comply with the lighting, curbing, surfacing and maintenance requirements.

ZONING: Business 1 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. Topographic Site Plan, Newton MA, Showing Existing Conditions at #35-41 Lincoln St. prepared by VTP Associates, Newton MA and stamped and signed by Joseph R. Porter, Professional Land Surveyor, and dated October 8, 2012
2. The petitioner shall comply with the Sign Ordinance.
3. The handicap stall shall be brought up to current standards.
4. The dumpster shall be kept closed and the area free of debris.
5. The petitioner shall turn off the lights in the parking area one-half hour after the last tenant closes.
6. 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. Submitted a plan to the Planning Department showing the handicap stall meets current standards.
7. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
- a. Striped and signed the handicap stall to meet current standards.

Under Suspension of Rules
Readings Waived and Approved
21 yeas 0 nays 2 absent (Aldermen Kalis and Merrill) 1 recused (Alderman Laredo)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on December 20, 2012. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.


ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen

I, David A. Olson, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on 12/28 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



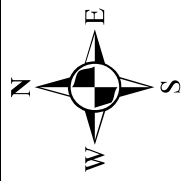
(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen



Attachment B Zoning Map Lincoln St., 35-41 City of Newton, Massachusetts

Legend

- Single Residence 2
- MR3
- 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



Map Date: August 02, 2019

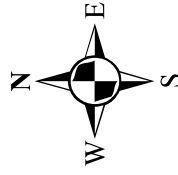


Attachment C Land Use Map Lincoln St., 35-41

*City of Newton,
Massachusetts*

Legend

| | | |
|-----------------|--|---------------------------|
| Land Use | | Single Family Residential |
| Land Use | | 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



Map Date: August 02, 2019





Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: June 20, 2019

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Evelyn P. Greenspan Trust
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to waive 14 parking stalls and to amend Special Permit #306-12 to include the parking waiver

| Applicant: Evelyn P. Greenspan Trust | |
|--------------------------------------|------------------------------|
| Site: 35-41 Lincoln Street | SBL: 52008 0018 |
| Zoning: BU1 | Lot Area: 15,000 square feet |
| Current use: Retail | Proposed use: Health club |

BACKGROUND:

The property at 35-41 Lincoln Street consists of a 15,000 square foot lot improved with a multi-tenant commercial building constructed in 1910. A special permit was granted in 2012 waiving dimensional and design requirements for the existing parking area behind the building. The petitioner seeks to combine two spaces previously occupied by retail stores into one space for a health club catering to small group fitness. As well, a hair salon is proposed in a space formerly occupied by a dry cleaner. The proposed health club and salon uses increase the parking demand beyond that which was grandfathered by the previous uses, requiring a special permit.

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

- Zoning Review Application, prepared by Paul Feinberg, applicant, dated 4/3/2019
- Floor plan, provided by S3 Design, Inc., dated 3/27/2019
- Special Permit #306-12

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner intends to combine the two existing retail spaces at 33 and 37 Lincoln Street to create one 3,898 square foot space intended for a group fitness boutique health club. Per section 5.1.4, a health club requires one stall per 150 square feet, plus one stall per each three employees. With 3,898 square feet and no more than four employees working at one time, the proposed health club requires 28 stalls. A second space, formerly occupied by a dry cleaner, is proposed to be occupied by a salon within 597 square feet and with four employees. Like a dry cleaner, a salon is a personal service use requiring one stall per 300 square feet plus one stall per each three employees. The proposed salon requires 4 stalls. The two proposed uses require in total 32 parking stalls ("A").

Per section 5.1.4, the previous retail and personal service uses required one stall for every 300 square feet, plus one stall for every three employees. The previous retail uses required a total of 15 parking stalls, thus providing a "credit" of 15 stalls ("B") within the particular spaces intended for the health club. The proposed salon space was formerly occupied by a dry cleaner, which has the same parking requirement. However, the salon requires a fourth employee, which raises the parking requirement up by one stall compared to the dry cleaner. The other uses on site are not changing and are therefore not included as part of the determination. There are 18 nonconforming parking stalls on the property which were legalized as part of the 2012 special permit. Of those 18 stalls, five are assigned for the exclusive use of the tenants of these spaces.

Per section 5.1.3.B, when the change of use increases the parking requirement, the formula $A - B + C =$ the required stalls, is utilized to determine the number of parking stalls the proposed use requires. While there are existing parking stalls on the site, none are intended for the use of the petitioner ("C"). Per this formula:

32 (proposed health club and salon uses) $- 18$ (existing retail uses) $+ 5$ (existing stalls) $= 19$ stalls required for the proposed use

There are 19 parking stalls required for the proposed health club and salon uses. With five existing parking stalls, a waiver of 14 stalls is required per sections 5.1.4 and 5.1.13.

2. The property has 18 nonconforming parking stalls, some or all of which are assigned to specific tenants for their exclusive use. Per section 5.1.3.E, a special permit is required for assigned parking.

See "Zoning Relief Summary" below:

| Zoning Relief Required | | |
|------------------------|---|-----------------|
| Ordinance | | Action Required |
| | Request to amend Special Permit #306-12 | |
| §5.1.4 §5.1.13 | Request to waive 14 parking stalls | S.P. per §7.3.3 |
| §5.1.3.E §5.1.13 | Request to allow assigned parking | S.P. per §7.3.3 |

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

3. Two (2) copies of the completed Special Permit Application (signed by property owner)
4. Filing Fee (see Special Permit Application)
5. Two (2) copies of the Zoning Review Memorandum
6. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
7. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
8. One (1) copy of any previous special permits or variances on the property (as applicable)
9. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
10. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N

To: Land Use Committee of the Newton City Council

From: Lou Mercuri, Planning Horizons

Re: 35-37 Lincoln Street, Best Fitness Proposal

Date: July 29, 2019

On behalf of the petitioner for this land use petition, I am submitting this report regarding the availability of parking for the proposed Best Fitness health club and fitness center at 35-37 Lincoln Street in Newton Highlands.

Best Fitness Proposal

The proposed fitness facility will operate at the renovated space at 35-37 Lincoln Street in Newton Highlands, a location previously occupied by a children's clothing and artificial flower stores. It is expected that four employees will be on site during the largest shift. A zoning and parking analysis conducted by the Inspectional Service department reveals that the proposed use will require a parking waiver of 14 parking stalls. The expected peak hours of operation (classes only) as defined by the number of participants will be in the morning hours. Weekdays between 5 and 6 AM, between 9 and 10 AM as well as Saturdays between 8 and 9 AM are expected to be the busiest hours of operation. One additional weekday class is proposed for the mid-day hour and three additional classes would be held starting between 4:30 and 6:30 PM. Planning Horizons surveyed both the morning peak class period and the early evening periods to help determine parking availability.

Existing Conditions

The interior of 35-37 Lincoln Street will be renovated to accommodate the new use. It is located on the first floor of retail space in the heart of the Newton Highlands village shopping district. A small parking area in the rear of the lot with 18 spaces (many not in compliance) exists for employees only.

The fitness facility will need to rely on off-site parking to meet its customer demand for parking. Parking for customers needs to be readily available and within a comfortable two-minute walk for patrons. Typical classes will be between 45 minutes and one hour in length.

Planning Horizons conducted surveys of public parking usage in the area when parking demands of the proposed fitness center would be the greatest. The results of these surveys are described in this report and include available public parking areas within a two-minute walk of 35-37 Lincoln Street.

Eight different parking locations were surveyed for potential use by patrons and employees. The eight areas and surveyed capacities are noted as follows:

1. Lincoln Street westbound between Walnut Street and Hartford Street, 12 one-hour metered spaces, including the area in front of 35-37 Lincoln Street
2. Lincoln Street westbound between the Hartford Street crosswalk and the Newton Highlands Post Office, 6 one-hour metered spaces
3. Lincoln Street westbound between the Newton Highlands Post Office and Chester Street, 7 two-hour unmetered spaces
4. Lincoln Street eastbound between the Hyde Community Center playground and the closest parking meters, 10 one-hour unmetered spaces
5. Lincoln Street eastbound from in front of the Hyde Center to the intersection with Hartford Street, 6 one-hour metered spaces
6. Lincoln Street eastbound between Hartford Street and Walnut Street, 11 one-hour metered spaces
7. The Hartford Street municipal lot includes a total of 61 spaces, for this survey the long-term (12-hour) parking spaces, handicapped spaces, and spaces reserved for the Brigham House were not included, leaving a net total of 50 three-hour metered spaces
8. Hartford Street eastbound between Erie Avenue and the Brigham House Community Center, 12 two-hour unmetered spaces

This inventory of parking areas includes a total of 114 available public short-term parking spaces during the regular 8:00 AM - 6:00 PM daytime business hours. Our survey was limited to short-term parking areas (three hours or less) as most or all patrons of 35-37 Lincoln will typically need parking for no more than 60 to 90 minutes. There are five additional long-term parking spaces in the Hartford Street lot (12 hour spaces) and others further away from the site on Walnut Street traveling northbound towards Beacon Street.

Parking Methodology and Results

Planning Horizons surveyed the eight available parking locations on five different occasions, Morning surveys were conducted at 6 AM on Wednesday June 19, one survey was conducted at 9:30 AM on Tuesday June 18, and a final survey was conducted at 8:30 AM on Saturday June 15. Two early evening surveys were conducted at 6:00PM on Thursday July 25 and Friday July 26 respectively. Per Appendix "A" provided by Best Fitness, these morning and early evening times most closely correspond to their expected peak use periods based on other facilities already in operation.

The following five tables depict the results and parking occupancies of the survey:

| Early Morning Weekday Count Wednesday June 19 6:00 AM | | | |
|--|-----------------|--------------------------|--|
| Parking Area | Capacity | Average Occupancy | Average Number of Vacant Spaces |
| Lincoln St westbound, 1 hr metered at site | 12 | 1 | 11 |
| Lincoln St westbound, Post Office, 1 hr metered | 6 | 0 | 6 |
| Lincoln St westbound to Chester St, 2 hr unmetered | 7 | 0 | 7 |
| Lincoln St eastbound, Hyde Center, 1 hr unmetered | 10 | 1 | 9 |
| Lincoln St eastbound Hyde Center, 1 hr metered | 6 | 1 | 5 |
| Lincoln St eastbound, 1 hr metered | 11 | 0 | 11 |
| Hartford St Municipal Lot, 3 hr metered | 50 | 2 | 48 |
| Hartford St, 2 hr unmetered | 12 | 1 | 11 |
| TOTALS | 114 | 6 | 108 |

| Morning Weekday Count Tuesday June 18 9:30 AM | | | |
|--|-----------------|--------------------------|--|
| Parking Area | Capacity | Average Occupancy | Average Number of Vacant Spaces |
| Lincoln St westbound, 1 hr metered at site | 12 | 10 | 2 |
| Lincoln St westbound, Post Office, 1 hr metered | 6 | 1 | 5 |
| Lincoln St westbound to Chester St, 2 hr unmetered | 7 | 4 | 3 |
| Lincoln St eastbound, Hyde Center, 1 hr unmetered | 10 | 1 | 9 |
| Lincoln St eastbound Hyde Center, 1 hr metered | 6 | 0 | 6 |
| Lincoln St eastbound, 1 hr metered | 11 | 7 | 4 |
| Hartford St Municipal Lot, 3 hr metered | 50 | 30 | 20 |
| Hartford St, 2 hr unmetered | 12 | 5 | 7 |
| TOTALS | 114 | 58 | 56 |

| Early Evening Weekday Count Thursday July 25 6:00 PM | | | |
|---|-----------------|--------------------------|--|
| Parking Area | Capacity | Average Occupancy | Average Number of Vacant Spaces |
| Lincoln St westbound, 1 hr metered at site | 12 | 12 | 0 |
| Lincoln St westbound, Post Office, 1 hr metered | 6 | 5 | 1 |
| Lincoln St westbound to Chester St, 2 hr unmetered | 7 | 7 | 0 |
| Lincoln St eastbound, Hyde Center, 1 hr unmetered | 10 | 7 | 3 |
| Lincoln St eastbound Hyde Center, 1 hr metered | 6 | 5 | 1 |
| Lincoln St eastbound, 1 hr metered | 11 | 10 | 1 |
| Hartford St Municipal Lot, 3 hr metered | 50 | 36 | 14 |
| Hartford St, 2 hr unmetered | 12 | 6 | 6 |
| TOTALS | 114 | 88 | 26 |

| Early Evening Weekday Count Friday July 26 6:00 PM | | | |
|--|------------|-------------------|---------------------------------|
| Parking Area | Capacity | Average Occupancy | Average Number of Vacant Spaces |
| Lincoln St westbound, 1 hr metered at site | 12 | 12 | 0 |
| Lincoln St westbound, Post Office, 1 hr metered | 6 | 6 | 0 |
| Lincoln St westbound to Chester St, 2 hr unmetered | 7 | 7 | 0 |
| Lincoln St eastbound, Hyde Center, 1 hr unmetered | 10 | 2 | 8 |
| Lincoln St eastbound Hyde Center, 1 hr metered | 6 | 5 | 1 |
| Lincoln St eastbound, 1 hr metered | 11 | 10 | 1 |
| Hartford St Municipal Lot, 3 hr metered | 50 | 29 | 21 |
| Hartford St, 2 hr unmetered | 12 | 2 | 10 |
| TOTALS | 114 | 73 | 41 |

| Saturday Morning Count June 15 8:30 AM | | | |
|--|------------|-------------------|---------------------------------|
| Parking Area | Capacity | Average Occupancy | Average Number of Vacant Spaces |
| Lincoln St westbound, 1 hr metered at site | 12 | 10 | 2 |
| Lincoln St westbound, Post Office, 1 hr metered | 6 | 4 | 2 |
| Lincoln St westbound to Chester St, 2 hr unmetered | 7 | 7 | 0 |
| Lincoln St eastbound, Hyde Center, 1 hr unmetered | 10 | 1 | 9 |
| Lincoln St eastbound Hyde Center, 1 hr metered | 6 | 0 | 6 |
| Lincoln St eastbound, 1 hr metered | 11 | 5 | 6 |
| Hartford St Municipal Lot, 3 hr metered | 50 | 16 | 34 |
| Hartford St, 2 hr unmetered | 12 | 12 | 0 |
| TOTALS | 114 | 55 | 59 |

The results of the data reveal two important factors. First, the overall parking demand in the Newton Highlands village center is greatest between the business hours of 8:00 AM and 6:00 PM. Our surveys focused on both morning times and in the late afternoon/early evening when demand for on street parking is reduced but when Best Fitness hold its most widely attended classes. As could be expected, there was an almost unlimited supply of available parking at 6 am; the other weekday count at 9:30 showed an overall availability of 56 spaces and finally the 8:30 Saturday count showed an availability of 59 spaces. In terms of the two evening counts, the two counts averaged 34 available parking spaces in the area. It is important to note that the metered parking in the area (especially on Lincoln Street closest to Walnut Street) goes off-line starting at 6:00 PM. Since the MBTA Green Line Station at Newton Highlands is in proximity and there is no on site "T" parking, many public transit users use the nearby on street metered parking for evening events such as Red Sox games which occurred on the dates of both evening counts.

The second common factor relates to the location of the availability of parking. Generally, the metered spaces in front of the businesses are most widely used; however, the Hartford Street municipal lot is

presently an underutilized resource with an average of 41 available spaces at the three weekday counts conducted between the hours of 8:00AM and 6:00PM on weekdays. This lot is particularly valuable for patrons of 35-37 Lincoln as it is such a close walk to the fitness center and offers three-hour parking limits which meets or exceeds an ideal length of time for health club patrons.

The data indicates that there is on average a large surplus of available parking in the area to allow the 14-space parking waiver. The five surveys revealed totals of 108, 56, 26, 41 and 59 available spaces at the peak times for Best Fitness.

The most available areas from all the surveys were the Hartford Street Municipal lot (48, 20, 14, 21 and 34 spaces available respectively) and along Lincoln Street eastbound in front of the Hyde Center (9, 9, 3, 8, and 9 spaces available respectively) for all five counts. Both areas are readily accessible to 35-37 Lincoln Street and together they supply a total surplus of well over 14 parking spaces.

In addition, it is expected that several employees will access the site from the nearby MBTA Green Line station in Newton Highlands. In addition, Best Fitness will rely on some walk-in traffic from the numerous businesses and offices in the immediate area, which will not alter or increase the parking demand.

Summary and Conclusion

Based on the observations and analysis contained in this report, it appears that the 35-37 Lincoln Street Best Fitness health center can readily meet the 14-space parking waiver requirement. On average, there are 58 available parking spaces within a two-minute walk of the site during the five surveyed periods that correspond to the peak periods for the facility.

Appendix "A", provided by Best Fitness, indicates their expected peak class periods and enrollments based on similar facilities in other communities.

APPENDIX A

Expected Peak Class Periods and Enrollments

Monday through

Friday

| | |
|----------|----|
| 5:00 AM | 25 |
| 6:00 AM | 20 |
| 7:00 AM | 7 |
| 9:30 AM | 20 |
| 12:00 PM | 10 |
| 4:30 PM | 12 |
| 5:30 PM | 10 |
| 6:30 PM | 6 |

Saturdays

| | |
|----------|----|
| 7:00 AM | 18 |
| 8:00 AM | 25 |
| 9:00 AM | 22 |
| 10:00 AM | 10 |

Source: Best Fitness Corporate Office

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 amend Council Order #306-12 to waive fourteen parking stalls and to allow assigned parking, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The specific site is an appropriate location for the amendment to Council Order #306-12 because the site is located within a village center and re-tenanting the building will add vitality to the village. (§7.3.3.C.1).
2. The amendment to Council Order #306-12 as developed and operated will not adversely affect the neighborhood because the fitness use is expected to operate in the morning and later afternoon, outside of peak hours. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because the petition does not include any site work. (§7.3.3.C.3).
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the site is served by sufficient public parking (§7.3.3.C.4).
5. The Council finds that exceptions to the parking requirements, including a waiver of fourteen (14) parking stalls and allowing assigned parking are in the public interest or in the interest of safety or protection of environmental features for the following reasons:
 - a. Literal compliance with the number of parking stalls is impracticable due to the location of the lot within a village center; and
 - b. Assigned parking allows for the most efficient use of the rear parking facility and allows for employee parking to be accommodated on site.(§5.1.3.E, §5.1.4 and §5.1.13).

PETITION NUMBER: #238-19

PETITIONER: Evelyn P. Greenspan Trust, Paul I Feinberg, Trustee

LOCATION: 35-41 Lincoln Street, Ward 6, on land known as Section 52, Block 8, Lot 18, containing approximately 15,000 sq. ft. of land

OWNER: Evelyn P. Greenspan Trust

ADDRESS OF OWNER: 13 Holly Avenue
Cambridge, MA 02138

TO BE USED FOR: Parking Stall Waiver for Re-Tenancing of Building

CONSTRUCTION: Interior Fit-out Only

EXPLANATORY NOTES: §7.3.3 to amend Council Order #306-12; §5.1.4 and §5.1.13, to waive fourteen parking stalls; §5.1.3.E and §5.1.13 to allow assigned parking

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. Topographic Site Plan, Newton MA, Showing Existing Conditions at #35-41 Lincoln St. prepared by VTP Associates, Newton MA, stamped and signed by Joseph R. Porter, Professional Land Surveyor, and dated June 13, 2019 Revised July 22, 2019.
2. The petitioner may establish a fitness use with no more than four employees on site at any one time. The fitness use may offer a maximum of twelve (12) classes per week with a maximum class size of 25 customers.
3. The fitness use shall offer classes in accordance with the below schedule; however, the schedule shall be modified to include a 15-minute window to allow customers to leave before new customers arrive for the next class.
 - a. Monday through Friday from 5:00 a.m. to 10:45 and from 4:30 p.m. to 6:45 p.m.
 - b. Saturday from 7:00 a.m. to 10:15 a.m.
4. Prior to the issuance of a Building Permit, the petitioner shall submit final façade elevations to the Director of Planning and Development for review and approval.
5. The employees of the fitness use shall be prohibited from applying for a parking permit via the Newton Highlands Parking District program.

6. 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 council 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 council 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.
7. Prior to the issuance of a Occupancy Permit, the petitioner shall provide evidence that customers will be notified of the location and cost of metered parking within Newton Highlands.
8. 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.