

# City of Newton Planning and Development

Petition: #561-22

**Special Permit/Site Plan Approval** to allow the conversion of an existing spa to a commercial prep kitchen

*January 10, 2023*



**624-628 Commonwealth Avenue**

# Zoning Relief

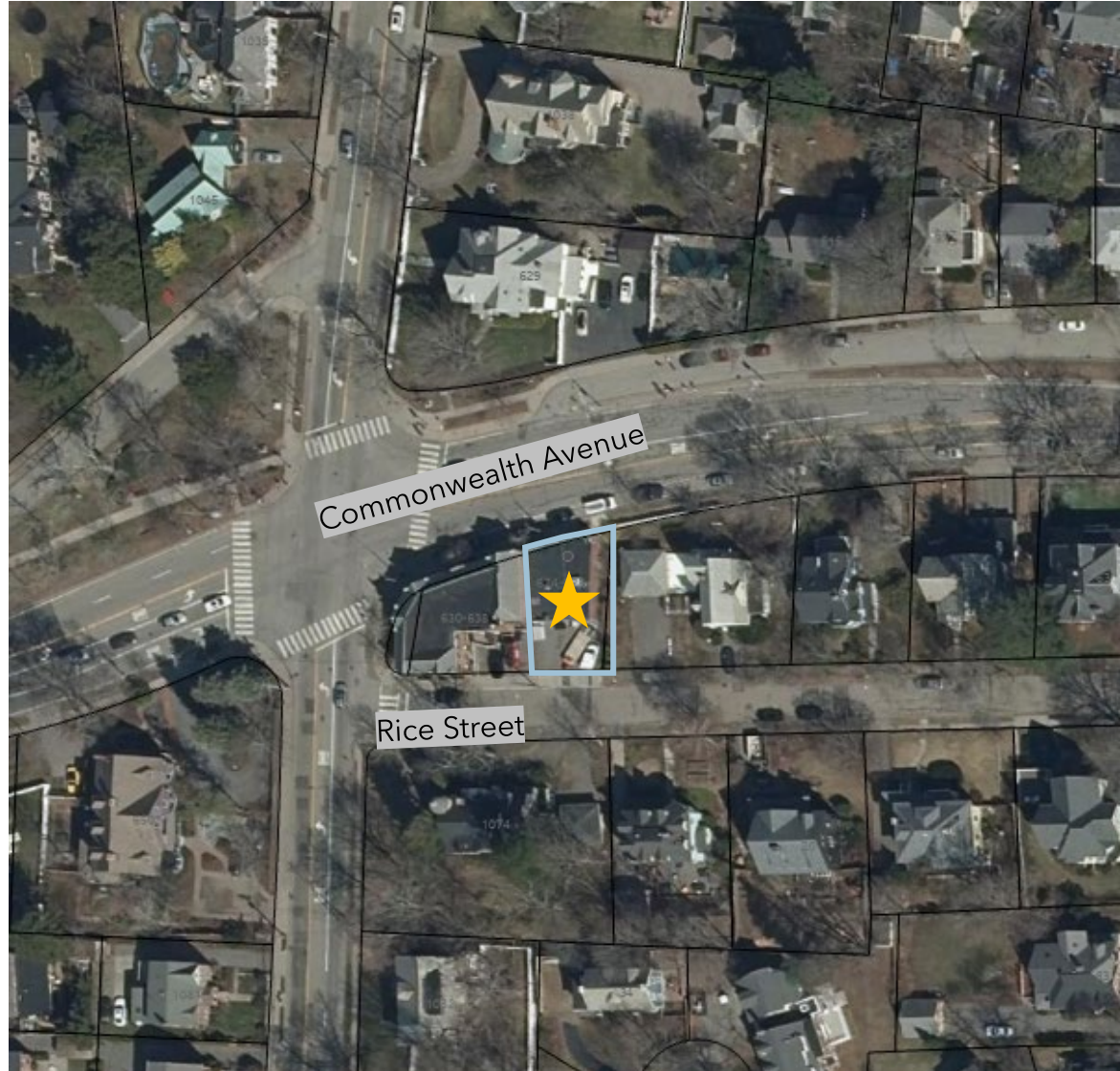
Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.1 §7.8.2.C.2	Request to allow the conversion from one nonconforming personal service use to a different nonconforming personal service use	S.P. per §7.3.3

# Criteria to Consider

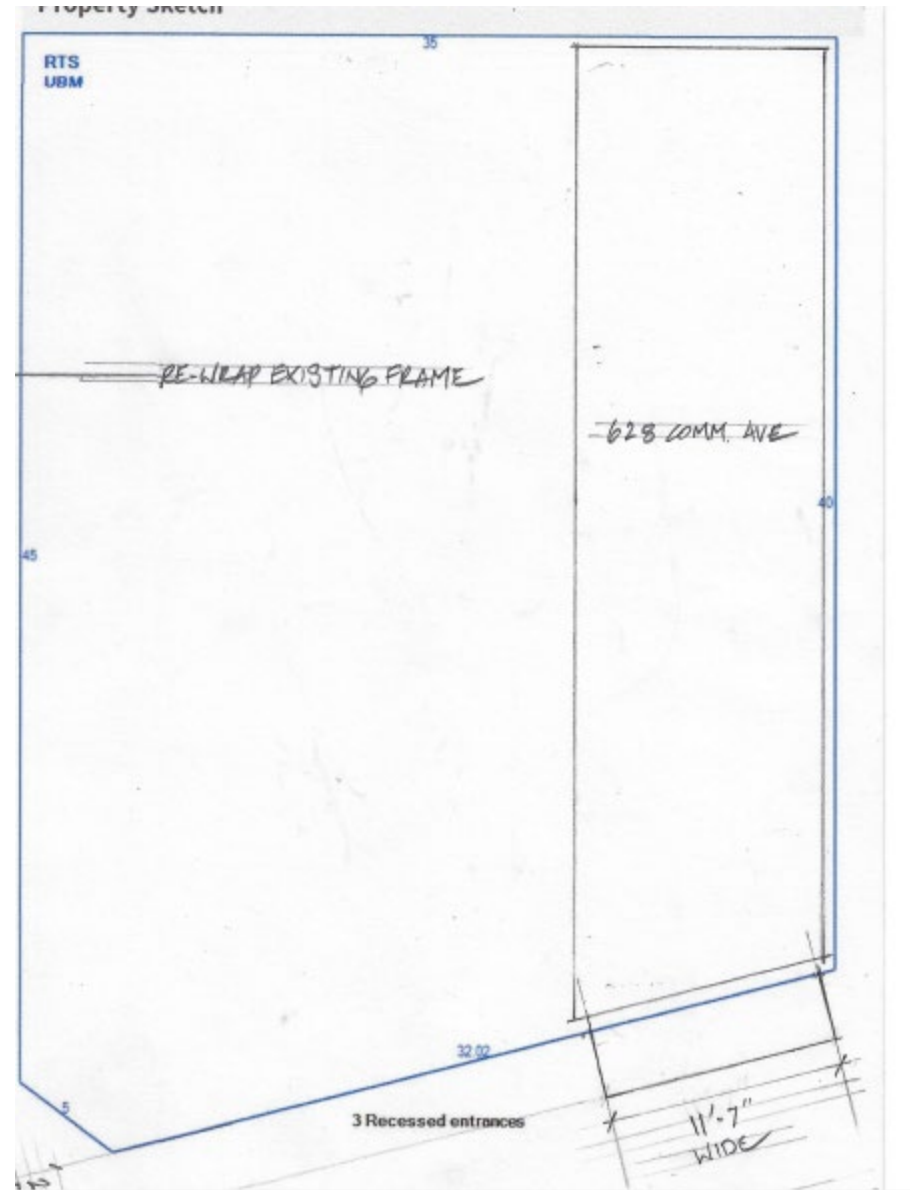
When reviewing this request, the Council should consider:

- The site located in a Single Residence 2 (SR-2) zoning district is an appropriate location for the proposed commercial prep kitchen (§7.3.3. C.1.)
- The proposed commercial prep kitchen will adversely affect the neighborhood. (§7.3.3. C.2)
- The proposed commercial prep kitchen will create a nuisance or serious hazard to vehicles or pedestrians. (§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)
- The proposed conversion to a commercial kitchen would not be substantially more detrimental than the existing nonconforming spa use in the SR-2 zone. (§7.8.2. C.2)

# Aerial Map



# Site Plan



# Operations

- The proposed use is a commercial prep kitchen
- Bubbles & Brews is a mobile bar company that serves food and drink at local parties and events
- No food or drinks will be sold on-site at 624-628 Commonwealth Avenue
- Up to 2 employees anticipated on site at one time
- Typical hours will be 9:00 am-2:30 pm

# Parking and Circulation

- Dedicated parking stalls located behind the commercial on Rice Street
- No waiver is required, as the credit from the previous use satisfies the parking requirement for this petition.



# Proposed Findings

1. The specific site in a Single Residence 2 zone is an appropriate location for the proposed commercial prep kitchen use due to the fact that the building already features existing nonconforming commercial uses and the site's proximity to Newton Centre (§7.3.3.C.1)
2. The proposed commercial prep kitchen use as developed and operated will not adversely affect the neighborhood because the proposed use complies with the parking requirement due to having fewer staff members than the prior use (§7.3.3.C.2)
3. The proposed commercial prep kitchen use will not create a nuisance or serious hazard to vehicles or pedestrians because only staff members will be using the space, so the impact on traffic and parking will be minimal (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)
5. The change from the nonconforming spa use to the nonconforming commercial prep kitchen shall not be substantially more detrimental than the existing nonconforming spa use to the neighborhood because members of the general public will not be parking to visit the site (§7.8.2.A.1. D)



# Proposed Conditions

1. The petitioner shall operate the commercial prep kitchen use in accordance with the project narrative submitted with the special permit petition and on file with the City Clerk and the Department of Planning and Development.
2. There shall be no more than two employees on site at any one time.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
  - a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.
  - b. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
  - a. Filed the building permit record a statement by a registered architect which shall include certification of the size of the tenant space.