



#16-20

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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

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### PUBLIC HEARING MEMORANDUM

Public Hearing Date:	January 14, 2020
Land Use Action Date:	March 24, 2020
City Council Action Date:	April 6, 2020
90- Day Expiration Date:	April 13, 2020

DATE: January 10, 2020

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development  
Jennifer Caira, Chief Planner for Current Planning  
Katie Whewell, Planning Associate

SUBJECT: **Petition #16-20**, for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a restaurant with more than 50 seats and a parking waiver of 478 parking stalls in Ward 6, Newton Centre, at 93-105 Union Street, (containing approximately 31455 sq. ft. of land) on land known as Section 61 Block 36 Lot 09, 1280 Centre Street (containing approximately 27,560 sq. ft. of land) on land known as Section 61 Block 36 Lot 05, 47-61 Langley Road (containing approximately 10,037 sq. ft. of land) on land known as Section 61 Block 36 Lot 06, 49-63 Union Street (containing approximately 8,735 sq. ft. of land) on land known as Section 61 Block 36 Lot 07 and 790-794 Beacon Street (containing approximately 7,400 sq. ft. of land) on land known as Section 61 Block 36 Lot 03, all zoned BUSINESS USE 1. Ref: 7.3.3, 7.4, 5.1.4.A, 5.1.13, 4.4.1, 6.4.29 of the City of Newton Rev Zoning Ord, 2017

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.



### **EXECUTIVE SUMMARY**

The subject properties are located in the heart of Newton Centre in the historic shopping district, “Piccadilly Square”. Due to the limited number of parking stalls available to the Piccadilly businesses, the petitioner is seeking a comprehensive parking waiver of 478 stalls for these properties within Piccadilly Square to accommodate future tenant changes and allow flexibility in leasing the space. The comprehensive waiver is also intended to replace prior parking waivers and parking credits that are either carried over or given up when a tenant space changes use. Currently, leasing space is challenging as most properties require a special permit for a parking waiver, which can take approximately four months. If sought during the City’s blackout period for special permit filings, it can take even longer. Additionally, an anticipated use included with the comprehensive parking waiver that requires a special permit is to allow a restaurant with more than 50 seats, which the Planning Department is supportive of as it will increase the mix of uses and add vitality to the commercial center.

The Zoning Review Memorandum (**Attachment A**) further outlines existing and anticipated uses as well as parking requirements for each use and the corresponding stall requirements. The 478 parking stalls assumes the uses with the highest zoning requirements for parking wherever that use seems feasible given the location and size of the tenant space, and are not intended to exist all at once, but intended rather to cover a variety of uses to allow for maximum flexibility and enable faster turnover in leasing tenant space.

The Planning Department is supportive of the petitioner’s efforts to streamline parking waiver requests for these properties. The waiver would administratively clean up existing parking credits for each of the 109 tenant spaces, and prior parking waivers for the subject properties. The Planning Department also believes that the request for the parking waiver and restaurant use are consistent with the City’s Comprehensive Plan.

#### **I. SIGNIFICANT ISSUES FOR CONSIDERATION:**

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

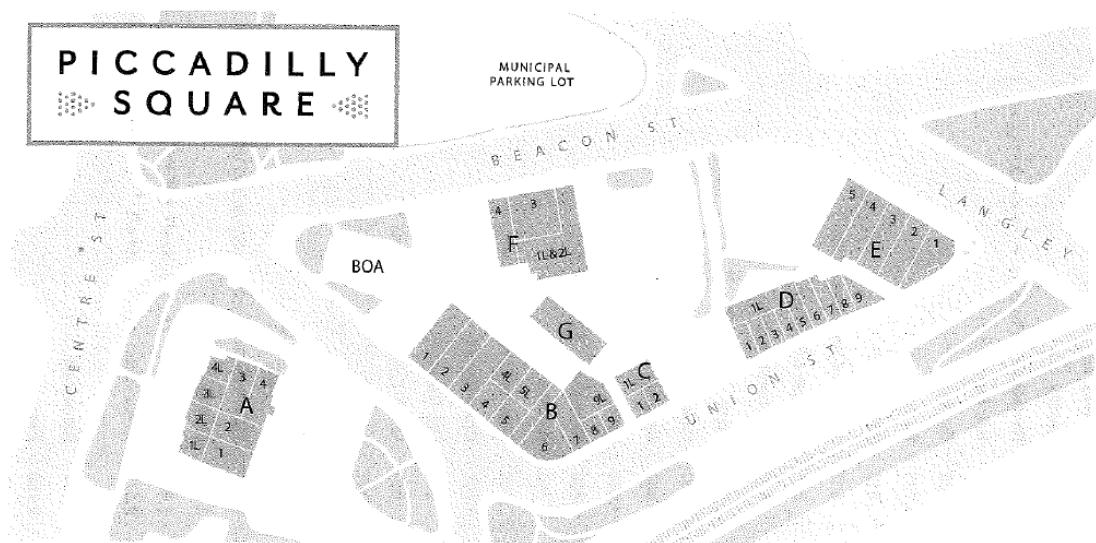
- The specific site is an appropriate location for a restaurant with more than 50 seats and the proposed parking waiver of 478 parking stalls. (§7.3.3.C.1.)
- A restaurant with more than 50 seats, and the parking waiver of 478 stalls as developed and operated will adversely affect the neighborhood. (§7.3.3.C.2.)
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§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 properties are located on various streets in the Piccadilly Square shopping district of Newton Centre. The five properties are in the BU-1 zone and there are a mix of zones in the immediate area including Business 2, Public Use, Multi-Residence 1, and Multi-Residence 2 (**Attachments A & B**). The area consists of the intersections of Centre Street, Herrick Road, Beacon Street, Langley Road and Union Street



The subject properties are in the core of the Newton Centre business district, and in close proximity to the Newton Centre Green Line station that runs from Boston to Newton (Riverside).

### B. Sites

This petition encompasses five sites with 109 commercial spaces.

1280 Centre Street was constructed circa 1930 and has 32 parking stalls. The site consists of approximately 27,560 square feet.

49-63 Union Street was built around 1900 and the site consists of approximately 8,735 square feet.

47-61 Langley Road was constructed circa 1915 and the site consists of approximately 10,307 square feet.

790-794 Beacon Street was constructed around 1930 and the site consists of approximately 7,400 square feet.

93-105 Union Street was constructed around 1920 and the site consists of approximately 31,455 square feet.

In total, the petitioner's properties consist of approximately 86,000 square feet of land at the core of Newton Centre.

### III. PROJECT DESCRIPTION AND ANALYSIS

#### A. Land Use

The principal use of the site is and will remain commercial. No new commercial space will be created. The properties would be allowed to have a restaurant with more than 50 seats, which currently requires a special permit. However, the spaces in question are relatively small and are unlikely to see a large restaurant in one of the tenant spaces within these properties.

#### B. Building and Site Design

No changes to the buildings or sites are proposed.

#### C. Parking and Circulation

The petitioner currently has 32 off-street stalls available within Piccadilly Square at 1280 Centre Street. Given that the petitioners buildings were largely constructed at different times between 1900-1930, these buildings were likely constructed without taking the automobile into consideration, with street rail lines emerging around this time. Ridership on street railways declined after World War I, with 1930 being the end of the streetcar rail lines in the area. The Newton and Boston Street Railway Company ran a streetcar line between Newtonville and Newton Centre, from Walnut Street up Homer Street to Centre Street.

As the site has never had adequate parking for the uses, those who travel to the site via automobile have utilized public parking. Public parking consists of street parking on the various Newton Centre streets, and nearby public parking lots at Cypress Street, Beacon Street and the Newton Centre Triangle lot. The Pleasant Street lot features 31 3-hour spaces and 43 12-hour spaces, Pelham Street lot features 63 3-hour spaces and 21 12-hour spaces, Centre Triangle lot features 152 2-hour spaces,

and Cypress Street features 19 3-hour spaces, and 38 12-hour spaces. The total number of spaces for all the public parking lots is 367 spaces.

As it currently stands, any change in use typically triggers a change in the parking requirement. Additionally, the same use locating to a space but with a higher number of employees could trigger a change in the parking required by zoning. The parking credit system allows parking credits to be carried forward or lost due to a change in use. Due to the zoning requirements, certain uses (restaurant use) have a higher zoning requirement than others (such as a nail salon or bank use) and can present a barrier to moving to Newton Centre due to the special permit process and parking requirements. The Planning Department believes that as the current parking in Newton Centre is unlikely to increase or change drastically, the parking waiver is necessary to encourage a greater diversity of uses with faster turnover and more desirable uses. The waiver would also administratively clean up the existing parking credits and prior waivers, totaling 33 stalls.

D. Public Transportation

Newton Centre is an active and vibrant village center with rich transit. According to the MBTA Bluebook, the most recent data from 2014 indicates that typical weekday station entries are 1,891 riders in both directions. Ridership ranges from 545-3,488 riders for a typical weekday station entry along the D branch of the MBTA's green line. Comparatively, Newton Centre ranks 6<sup>th</sup> out of 12 of the D Line stations in terms of ridership. The MBTA 52 bus route also services Newton Centre, originates in Watertown and goes to Dedham Mall.

E. Newton Centre Parking Strategy

In 2017, the *Newton Centre Parking Strategy*, the result of a six-month strategic effort to document current parking strategies was published by Nelson Nygard. The study analyzed parking patterns through the collection of on-the-ground data collection and field observations as well as input gained from a public participation process. These efforts took place from June 2015- December 2015. Key findings from the report identify a variety of parking patterns including how long it took those surveyed to find a parking space. On average, 35% were able to find a spot in less than a minute, 25% were able to find a spot in 1-3 minutes, 27% were able to find a spot in 3-5 minute, 13% said it takes more than five minutes. On the worst day, 59% states it took more than five minutes to find a spot. When posed the question of how often they left the area as a result of not being able to find a space, 48% said it rarely happened that they couldn't find a spot, 16% several times a year, 12% weekly, 11% several days a month.

The study found that demand was highest on the weekends, with most spaces on Union Street being full throughout the day. By midday on Saturdays, the Pleasant St., Centre Triangle, Pelham St., Cypress St., and Pelham St., lots become full around 12 PM on Saturdays. Demand then hits a lull from 4 PM – 6 PM and surges again at 8 PM.

The *Parking Strategy* also references a 2013 study conducted by the City. Key points from the 2013 Parking Study as they relate to parking demand include the underutilization of on-street parking, with the exception of Union Street which is typically at capacity, Short term parking supply was sufficient for the current demand, and more long term parking options were needed for commuters and Newton Centre employees.

F. Consistency with the Comprehensive Plan

The Newton Comprehensive Plan was adopted in November of 2011 and places a high value on Newton's Village Centers. Newton Centre is considered a major commercial center with 780,522 square feet of commercial space. The Business Vision and Goals (p.3-28) aims to *encourage mixed uses in business areas and village commercial centers, particularly where public transportation is available*. The Transportation and Mobility Vision and Goals seeks to strengthen alternative forms of transportation with the belief that attractive alternatives will aid in preserving Newton's quality of life and character (p. 4-13).

As it relates to relevant goals set forth in the Comprehensive Plan, the Planning Department believes the comprehensive parking waiver is consistent with the City's Comprehensive Plan.

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:

- §5.1.4 and §5.1.13 of Section 30, to waive 478 parking stalls.
- §4.4.1 and §6.4.29 of Section 30, to allow restaurants with more than 50 seats.

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 Petition is complete at this time.

**ATTACHMENTS:**

**Attachment A:** Zoning Review Memorandum, dated October 8, 2019  
**Attachment B:** Zoning Map  
**Attachment C:** Land Use Map



**Ruthanne Fuller**  
Mayor

**City of Newton, Massachusetts**  
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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

**Date:** October 8, 2019

**To:** John Lojek, Commissioner of Inspectional Services

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

**Cc:** First General Realty Group, Petitioner  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

**RE:** Request for a comprehensive parking waiver and to allow restaurants with more than 50 seats

Applicant: First General Realty Group	
<b>Site:</b> 49-63 Union Street, 93-105 Union Street, 1280 Centre Street, 47-61 Langley Road, 790-794 Beacon Street	<b>SBL:</b> 610360007, 610360009, 610350005, 610360006, 610360003
<b>Zoning:</b> BU1	<b>Lot Area:</b> 8,735 square feet, 31,455 square feet, 27,560 square feet, 10,037square feet, 7,400 square feet
<b>Current use:</b> Mixed-Use Commercial	<b>Proposed use:</b> No change

### Background:

The subject properties are located in the historic shopping district known as "Piccadilly Square", at the intersections of Centre Street, Herrick Road, Beacon Street, Langley Road and Union Street in the Business 1 zoning district. There are currently 109 commercial spaces in Piccadilly Square, occupied by a mix of restaurants, retail and personal services, a health club and office space. The Piccadilly Square businesses generally use on-street parking and the City of Newton public parking lots located Cypress Street and Beacon Street, as well as 32 off-street stalls located at 1280 Centre Street. As there are only 32 off-street parking stalls are available to the Piccadilly businesses, the petitioner seeks a comprehensive parking waiver for the properties located within Piccadilly Square to accommodate for future tenant changes.



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

- Zoning Review Application, prepared by Jodie Zussman, First General Realty Group, petitioner, dated 8/31/2019

#### **ADMINISTRATIVE DETERMINATIONS:**

1. The subject property consists of five separate lots with six separate buildings housing a mix of commercial uses including restaurants, retail, personal services, health club and both business and medical offices in 109 individual spaces. As parking is so limited on the private properties that comprise Piccadilly Square, the petitioner has had difficulty renting spaces, as special permits are often required to waive parking. Based on current uses and real estate trends, the petitioner anticipates the following uses and their parking requirements per section 5.1.4.A:

Existing/Anticipated Use	Parking Requirement	Stall Required
Restaurant 700 seats 125 employees	1/3 seats 1/3 employees	275
Retail 6,420 sf 24 employees	1/300 sf 1/3 employees	29
Personal Service 2,420 sf 12 employees	1/300 sf 1/3 employees	12
Business Office 9,250 sf	1/250 sf	37
Medical Office 28,410 sf	1/200 sf	142
Health Club – 2,000 sf 6 employees	1/150 sf 1/3 employees	15
<b>TOTAL</b>		<b>510</b>

There are 32 parking stalls available within Piccadilly Square to be shared by the employees and patrons of the 109 business spaces. With an anticipated parking requirement of 510 stalls, the petitioner requires a waiver of 478 stalls per section 5.1.13.

The Ordinance allows for parking credits when there is a change in a particular tenant space. A waiver granted by the proposed special permit would eliminate any existing credits, and a maximum parking demand would be applied.

A number of special permits have been granted within Piccadilly Square waiving parking requirements for individual tenant spaces. The special permit proposed by this application is intended to supersede all other existing special permits relative to parking.

2. The petitioner anticipates that tenant turnover will likely increase the number of restaurants within the Square. Per sections 4.4.1 and 6.4.29, a restaurant with more than 50 seats requires a special permit. Special permits have been granted for individual tenant spaces to allow for a restaurant with more than 50 seats, however the petitioner seeks a special permit to allow them generally within the parcels subject to this special permit to eliminate the need for further amendments to the proposed parking waiver.

3. See "Zoning Relief Summary" below:

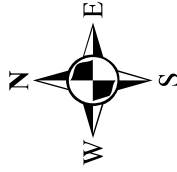
Zoning Relief Required		
Ordinance		Action Required
§5.1.4.A §5.1.13	To waive 478 parking stalls	S.P. per §7.3.3
§4.4.1 §6.4.29	To allow restaurants with more than 50 seats	S.P. per §7.3.3

# Attachment B Zoning Map

City of Newton,  
Massachusetts

**Legend**

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

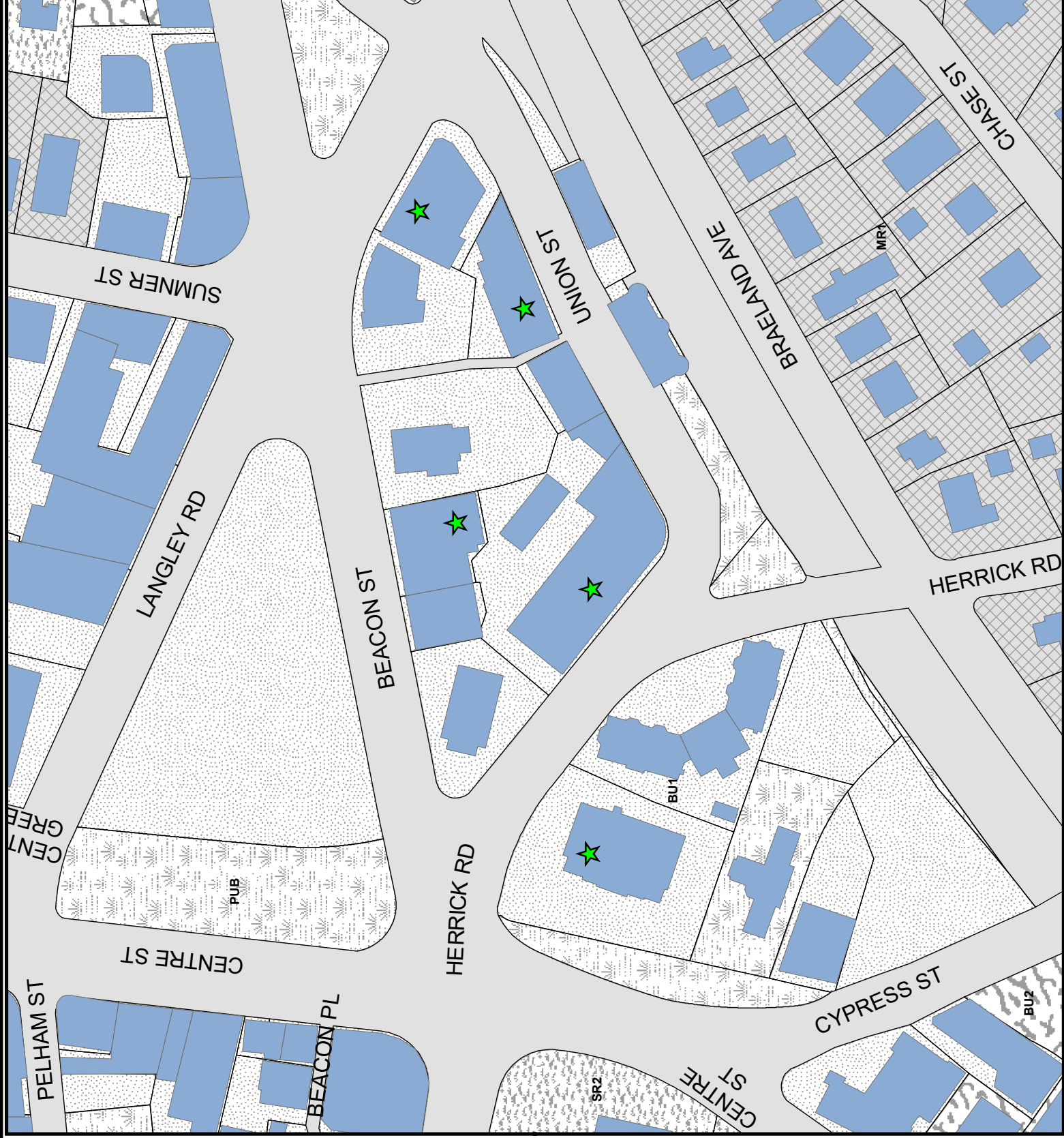


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller



Map Date: January 08, 2020













# Attachment C Land Use Map

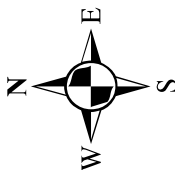
*City of Newton,  
Massachusetts*

## Legend

### Land Use

### Land Use

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



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