



BOARD OF APPEALS  
Enid Starr, Co-Chair  
Jesse Geller, Co-Chair

# *Town of Brookline*

## *Massachusetts*

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Patrick J. Ward, Clerk

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. 2011-0063

Petitioner, Koto Japanese, Inc, d/b/a Osaka Sushi, applied to the Zoning Board of Appeals to modify a special permit issued in case # 2010-0056 to eliminate the restriction relative to valet parking.

On November 17, 2011, the Board met and determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals and fixed December 22, 2011, at 7:00 p.m. in the Selectmen's hearing room as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioner, to their attorney (if any) of record, to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published on December 1 and 8, 2011, in the Brookline Tab, a newspaper published in Brookline. A copy of said notice is as follows:

### NOTICE OF HEARING

**Pursuant to M.G.L. C. 39, sections 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:**

Petitioner: **Koto Japanese, Inc, d/b/a Osaka Sushi**  
Owner: **Koto Japanese, Inc, d/b/a Osaka Sushi**  
Location of Premises: **14 green St**  
Date of Hearing: **December 22, 2011**  
Time of Hearing: **7:00 p.m.**  
Place of Hearing: **Selectmen's Hearing Room, 6<sup>th</sup> Floor**

A public hearing will be held for a **modification of special permit to permit valet parking for restaurant at 14 GREEN ST. Said modification of Case #2010-0056 dated October 4, 2010.**

Said premise located in a **G-1.75 (CC) (general) business district.**

*Hearings, once opened, may be continued by the Chair to a date and time certain. No further notice will be mailed to abutters or advertised in the TAB. Questions regarding whether a hearing has been continued, or the date and time of any hearing may be directed to the Zoning Administrator at 617-734-2134 or check meeting calendar at: <http://calendars.town.brookline.ma.us/MasterTownCalendar/?FormID=158>.*

*The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to the ADA Coordinator, **Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2330; TDD (617) 730-2327.***

**Enid Starr  
Jesse Geller**

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chairman, Mark G. Zuroff and Board Members Jonathan Book and Christopher Hussey. The case was presented by the attorney for the petitioners, Scott C. Gladstone of 1244 Boylston Street, Suite 200, Chestnut Hill, MA 02467. Attorney Gladstone's clients, the owners of the restaurant, were also in attendance.

Mr. Gladstone described the restaurant, Osaka, as hibachi style. He stated that his clients had been open for a couple months. He stated that because of business concerns, his clients would like to eliminate Board of Appeals condition #4 in Case # 2010-0056, which reads:

***There shall not be a valet service for this restaurant without seeking a modification of this decision by the Board of Appeals.***

Mr. Gladstone explained that his client is requesting to be allowed to offer valet parking on Friday and Saturday nights, from 6 pm to 12 am, and on Sunday and Thursday nights, from 6 pm to 11 pm. These are the times when the restaurant is very busy and parking on the street or in the public lots in Coolidge Corner may be difficult. Mr. Gladstone explained that eight parking spaces would be leased from 209 Harvard Street, a medical office building, with an open air parking license for 25 cars. Mr. Gladstone detailed the particulars of drop-off and pick-up space and the route the cars would follow from the restaurant to 209 Harvard Street and back. Mr. Gladstone, referring to a memo to the Transportation Board dated 19 December, 2011, said that the route was chosen to minimize impact to residences in the neighborhood.

The Chairman asked whether anyone in attendance wished to speak in favor of or against the proposal.

Lea Cohen, President of the Brookline Chamber of Commerce stated that the proposed plan would actually provide more parking availability and therefore contribute to the business vitality of Coolidge Corner. She was enthusiastic in her support of the proposal.

A resident of 51 John Street also spoke in support stating that the current owners had made the first major investment in the building in quite some time, they have been a good neighbor and the proposal would enhance their business to the benefit of all.

Polly Selkoe, Assistant Director for Regulatory Planning, said that the Planning Board supported the elimination of the condition prohibiting valet parking for the restaurant. Several other restaurants, including nearby Fugakyu, have valet parking, she said. Ms. Selkoe reported that the Planning Board concluded since a restaurant needs a license from the Transportation

Department for valet parking that it should determine whether or not valet parking at this location is safe, feasible, and won't unduly impact residential neighbors. Therefore, the Planning Board voted (5-1) to recommend the elimination of the prohibition against valet parking and to support the six month trial period suggested by the Transportation Board. Additionally, the Planning Board strongly recommends to the Transportation Department that the two metered parking spaces designated to serve the valet service be the two spaces on the opposite side of the street and west of the driveway running behind 285 Harvard Street, rather than east of the driveway, which would be in front of residential condominiums. The spaces to the west side are located more appropriately in front of a commercial business.

Ms. Selkoe reported that the Transportation Board met on December 15<sup>th</sup>, the same night as the Planning Board, and just previous to it. The Transportation Board voted conditional approval of a valet license for a six month trial period with conditions, so that before the annual valet renewals are made in June, there is an opportunity to evaluate how the program is working and if there are any problems. The Planning Board supports this trial run.

The Chairman then called upon Michael Shepard, Building Commissioner, for the report from the Building Department. Mr. Shepard said that the Building Department had no issue with the requested modification.

The Board, having deliberated on this matter and having considered the foregoing testimony, concluded that since the licensing for valet parking is clearly within the domain of the Transportation Board, the issue is most appropriately before that Board. **Accordingly, the Board voted unanimously to modify the decision in Case # 2010-0056, by striking the condition related to valet parking, condition #4.**

The Board wished to note that it agrees with the Planning Board's strong recommendation to the Transportation Department that the two metered parking spaces designated to serve the valet service be the two spaces on the opposite side of the street and west of the driveway running behind 285 Harvard Street, rather than east of the driveway, which would be in front of residential condominiums because the more westerly spaces are located more appropriately in front of a commercial business.

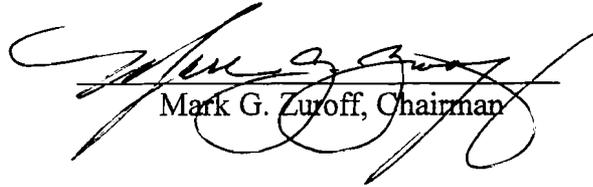
Unanimous Decision of  
The Board of Appeals

Filing Date: December 28, 2011

A True Copy  
ATTEST:



Patrick J. Ward  
Clerk, Board of Appeals



Mark G. Zuroff, Chairman

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