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## ZONING REVIEW MEMORANDUM

Date: May 25, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Katie Whewell, Chief Planner for Current Planning

Cc: Stephen J. Buchbinder, Attorney  
HQ, LLC, Applicant  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Associate City Solicitor

**RE: Request to rezone to Mixed Use 4, to allow a building with more than 20,000 square feet, a restaurant with more than 50 seats, to extend a nonconforming structure, to allow five stories and various waivers for parking**

Applicant: HQ, LLC	
<b>Site:</b> 1314 Washington St, 31 Davis St & 33 Davis St	<b>SBL:</b> 33 10 01, 33 10 11 & 33 10 12
<b>Zoning:</b> BU1 (rezone to MU4 proposed)	<b>Lot Area:</b> 30,031 square feet
<b>Current use:</b> Bank	<b>Proposed use:</b> Residential and restaurant

### BACKGROUND:

The property 1314 Washington Street is comprised of three lots totaling 30,031 square feet in the Business 1 zoning district currently improved with a bank constructed in 1915 and a surface parking lot with 60 stalls and many dimensional parking nonconformities. The property is bound by Washington Street to the north, Highland Street to the west and Davis Street to the south. There has been a bank in the existing building since original construction in 1920. The petitioner proposes to consolidate and rezone the parcels to Mixed Use 4 and construct a five-story rear addition to the existing building. The petitioner intends to convert the bank space into a restaurant. The addition will accommodate 50 residential units. As proposed, there will be 69 parking stalls available for the two uses in two separate surface and below-grade facilities.

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

- Zoning Review Application, prepared by Stephen J Buchbinder, attorney, dated 3/31/2022, revised 5/11/2022
- Parking Calculation, submitted 3/31/2022, revised 5/4/2022
- Existing Conditions Plan, prepared by Gerry L. Holdright, surveyor, dated 8/1/2017
- Average Grade Plane, prepared by Bohler Engineering, dated 3/22/2022

- Proposed Site Plan, signed and stamped by Joshua Swerling, Engineer, dated 5/2/2022
- Floor Plans and Elevations, signed and stamped by David M. Schwarz, architect, submitted 5/4/2022

### **ADMINISTRATIVE DETERMINATIONS:**

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1. The existing project site is compromised of three parcels containing 30,031 square feet in the BU1 zoning district. The petitioner proposes to combine the three parcels into one and requests to rezone to MU4.

The administrative determinations and relief requested by this memo assume that the entire project site is zoned MU4.

2. Per section 4.2.2.A.2, the minimum lot area per unit in the MU4 district is 1,000 square feet. The petitioner proposes to construct 50 residential units in the rear addition, resulting in a lot area per unit of 601 square feet. Per section 4.2.5.A.3, the lot area per unit may be waived by special permit as the City Council finds appropriate.
3. The petitioner proposes to construct a five-story addition to the rear of the existing building, resulting in a total of 73,333 square feet of gross floor area. Per section 4.2.2.B.1, a special permit is required for any development in the MU4 district of 20,000 square feet or more gross floor area.
4. The property has frontage on three streets; Washington, Highland and Davis streets. The existing structure has a 10.9 foot front setback from Washington Street. The proposed addition is set back between 6.6 and 25.6 feet from Highland Street and between 6.1 and 19.2 feet from Davis Street. Per section 4.2.3, the maximum by-right front setback allowed in the MU4 district is ten feet. Section 4.2.5.A.4 allows the Council to waive the front setback requirement if found to be beneficial for pedestrian vitality, protection from shadows and encouraging the goals of the district.
5. Section 4.2.5.A.2 allows for the City Council to grant a special permit to allow up to five stories and 60 feet in height for buildings that meet the definition of mixed-use residential. As the proposal is to include a restaurant and a 50-unit multi-family dwelling, the petitioner seeks a special permit from the height and story limitations of sections 4.2.2.B.3 and 4.2.3 to allow the proposed five-story building with 60 feet in height.
6. Section 4.2.3 allows for an FAR of 2.50 for five-story buildings. To the extent that a special permit is required to allow for five stories per section 4.2.2.B.3, a special permit is required to allow an FAR of 2.44.
7. Section 4.2.5.A.4.c requires that any portion of a building greater than 40 feet in height must be set back one foot from the adjacent lot line for each additional foot of height. The proposed 59.9 foot addition would require a 20-foot setback on those portions exceeding 40 feet. The building is proposed with as little as a 5-foot setback, requiring a special permit.
8. Section 4.2.5.A.6.a requires that there is at least one entrance for every 50 feet of building frontage facing a public way. The petitioner seeks a special permit to waive this requirement.

9. Section 4.2.5.A.6.b requires a minimum of 60 percent of the street-facing building façade between 2 feet and 8 feet in height above the street-level floor must consist of clear windows that allow views of the indoor space. The petitioner seeks a special permit to waive this requirement.
10. Sections 4.4.1, 6.4.29.B.1 require a special permit for a restaurant with more than 50 seats. Additionally, section 6.4.29.C.6 requires special permit relief for a restaurant specifically in the MU4 district with more than 50 seats and extended hours of operation. The petitioner proposes a first floor restaurant with up to 225 seats and extended hours of operation, requiring a special permit.
11. Per sections 4.4.1 and 6.2.4, ground floor residential uses require a special permit in the MU4 zoning district. While no dwelling units are proposed on the ground floor, the leasing office and amenities for the dwelling units are proposed. A special permit is required to allow the residential leasing office and amenities on the ground floor.
12. The petitioner is proposing 50 residential dwelling units in the rear addition and a 225-seat restaurant in the existing bank space.

Proposed Use	Zoning Ordinance §5.1.4	Parking Requirement
Restaurant Use	225 seats @ 1 stall /3 seats = 75 stalls 27 Employees @ 1 stall/3 employees = 9 stalls	<b>84 stalls</b>
Residential Use	50 units@ 2 stalls/unit	<b>100 stalls</b>
<b>TOTAL</b>		<b>184 STALLS</b>

The petitioner requires a total of 184 parking stalls, per the requirements of section 5.1.4.

There are 69 parking stalls proposed on the site in two separate parking facilities. The 19 parking stalls for the restaurant will be in an at-grade facility covered by the upper floors of the building and accessed from Davis Street. There will be 50 stalls dedicated to the residential uses located in a below-grade garage accessed from Highland Street. The petitioner requires a waiver of 115 stalls per section 5.1.13.

13. Section 5.1.3.B states that when an enlargement or extension of the gross floor area of a building, or a change in use increases the parking requirements, the petitioner shall use the A-B+C formula to determine the number of parking stalls required after the change. In this formula, “C” represents the number of off-street parking stalls that exist prior to the enlargement, extension or change. The petitioner requests a waiver from the requirements of section 5.1.3.B and requests to determine the parking based on the proposed uses’ requirements and the proposed number of parking stalls.
14. The petitioner intends to assign the 50 below grade stalls to the residential units and the 19 at grade stalls will be dedicated to the restaurant use. The petitioner seeks a special permit to waive the prohibition on the assignment of parking stalls to specific tenants per sections 5.1.3.E and 5.1.13.
15. Section 5.1.8.B.1 requires a parking stall width of at least 9 feet. The petitioner proposes parking stalls that are either 8 or 8.5 feet wide, requiring a special permit per section 5.1.13.

16. Section 5.1.8.B.2 requires a parking stall depth of at least 19 feet. The petitioner proposes some parking stalls that are 16 feet deep, requiring a special permit per section 5.1.13.
17. The accessible stalls are all 18 feet deep where section 5.1.8.B.4 requires 19 feet. The petitioner requires a special permit per section 5.1.13 to reduce the required depth of the accessible stalls.
18. Section 5.1.8.B.6 requires that end stalls restricted on one or both sides have maneuvering space at the end of the aisle of at least five feet in depth and nine feet in width. The petitioner is proposing parking with limited maneuvering space at the end of the aisle, requiring a special permit per section 5.1.13.
19. Per section 5.1.8.C.1 and 2, parking facilities with 90 degree parking require a minimum aisle width of 24 feet for two-way traffic. The proposed below grade garage facility has aisle widths between 22.7 and 24 feet wide. A special permit is required for a reduced aisle width per section 5.1.13.
20. Per section 5.11.4.B.4.c a 50-unit multi-family dwelling is required to provide 15% of the dwelling units at 50%-80% AMI and 2.5% at 110% AMI. The petitioner must provide eight units at 50-80% AMI and one unit at 110% AMI, for a total of nine required inclusionary units. The petitioner must also provide a fractional cash payment for 0.3 units.
21. Per section 5.13.3.A the sustainable development requirements apply to any proposed development that includes construction or substantial reconstruction of one or more buildings totaling 20,000 square feet or more of gross floor area that also requires the issuance of a special permit. The proposed development must meet the sustainable development requirements by submitting the materials outlined at the special permit application stage or request a waiver per section 5.13.7.

See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
	Request to rezone to MU4	
§4.2.2.A.2 §4.2.5.A.3	Request to allow reduced lot area per unit	S.P. per §7.3.3
§4.2.2.B.1	Request to allow a building in excess of 20,000 square feet	S.P. per §7.3.3
§4.2.3 §4.2.5.A.4	Request to exceed the maximum front setback	S.P. per §7.3.3
§4.2.3 §4.2.2.B.3 §4.2.5.A.2	Request to allow a mixed-use residential building with five stories and 60 feet in height	S.P. per §7.3.3
§4.2.2.B.3 §4.2.3	Request to allow an FAR of 2.44 in a five-story building	S.P. per §7.3.3
§4.2.5.A.4.c	Request to waive the setback requirement for the portions of the building exceeding 40 feet in height	S.P. per §7.3.3

§4.2.5.A.6.a	Request to waive entrance requirements	S.P. per §7.3.3
§4.2.5.A.6.b	Request to waive façade transparency requirements	S.P. per §7.3.3
§4.4.1 §6.4.29.B.1 §6.4.29.C.6	Request to allow a restaurant with more than 50 seats with extended hours of operation	S.P. per §7.3.3
§4.4.1 §6.2.4	Request to allow ground floor residential use	S.P. per §7.3.3
§5.1.3.B §5.1.13	Request to waive the requirement of using the A-B+C parking formula	S.P. per §7.3.3
§5.1.4 §5.1.13	Request to waive 115 required 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
§5.1.8.B.1 §5.1.13	Request to allow reduced parking stall width	S.P. per §7.3.3
§5.1.8.B.2 §5.1.13	Request to allow reduced parking stall depth	S.P. per §7.3.3
§5.1.8.B.4 §5.1.13	Request to allow reduced accessible stall depth	S.P. per §7.3.3
§5.1.8.B.6 §5.1.13	Request to waive end stall maneuvering space requirements	S.P. per §7.3.3
§5.1.8.C.1 §5.1.8.C.2 §5.1.13	Request to allow reduced aisle width	S.P. per §7.3.3