



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459
617-796-1120

Petition: #421-24
Public Hearing: 11/19/24

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: November 14, 2024

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Cat Kemmett, Senior Planner

SUBJECT: **Petition #421-24**, for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a restaurant with more than 50 seats and to waive 11 parking stalls

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



30-34 Langley Road

I. Project Description

Current Use: Restaurant
Zoning: Business Use 1 (BU-1)
Lot size: 18,994 square feet

Proposal: A restaurant tenant at 34 Langley Road, Tango Mango, seeks to increase its seating to 75 seats. This petition requires a special permit to allow a restaurant with more than 50 seats and to waive 11 parking stalls. [The project materials can be found here.](#)

Analysis:

The Planning Department is not concerned with the requested parking waivers and increase in restaurant seats. The building has supported commercial and restaurant uses without the required amount of parking stalls for many years. The site is located close to public transit, and parking stalls are available on nearby streets and in several municipal lots in Newton Centre. The Planning Department believes there are sufficient options to meet the transportation needs of visitors and employees without constructing the 11 stalls required by the zoning ordinance.

II. Zoning Relief Requested:

For more details around the zoning analysis please refer to **Attachment A.**

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§4.4.1 §6.4.31	Request to allow a restaurant with more than 50 seats	S.P. per §7.3.3
§5.1.4 §5.1.13	Request to waive 11 parking stalls	S.P. per §7.3.3

III. Criteria for Consideration per §7.3.3. and/or §7.8.2.C.2:

- The site in BU-1 is an appropriate location for the requested parking waivers and restaurant with more than 50 seats (§7.3.3.C.1)
- The requested parking waivers and restaurant with more than 50 seats will not adversely affect the neighborhood (§7.3.3.C.2)
- The requested parking waivers and restaurant with more than 50 seats will not 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)

- Literal compliance with the required amount of parking 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 (§5.1.13)

IV. Project Proposal and Site Characteristics

The property is located on a 18,994 square foot lot which is improved with a multi-tenanted single-story commercial building. The site is located on Langley Road in Newton Centre. This is one of the City's most active village centers, with a mix of commercial and residential land uses and easy access to the MBTA Green Line and the #52 bus. Current tenants include restaurants, retail, and a bank use. Although there is a small amount of shared parking located at the rear of the block of buildings this site is located on, the plans provided by the petitioner indicate that there is no dedicated parking for employees or customers for the site. The site is relatively flat, and there is no additional space on the site to expand the existing parking lot.

Tango Mango took over as a tenant at 34 Langley Road in 2023, the space furthest to the right in the building when viewed from the street, which previously had a retail use. The site is currently limited to 45 seats and no more than six employees on site during the busiest shift, as that was the limit of the 17-stall parking credit carried forward from the previous retail use. The petitioner now proposes to add 30 seats and up to three additional employees, for a total of 75 restaurant seats and up to nine employees during the busiest shift. Relief is required to increase the number of restaurant seats over 50, and to waive 11 parking stalls. The petitioner proposes minor layout changes on the interior of the space only, with no changes to the exterior. The petitioner does not anticipate that on a day-to-day basis the increase in seats will result in a constant influx of additional customers but will allow for Tango Mango to have a room on site to host occasional special events and small gatherings.

Because of its location in a commercial core, the site lies within the Village Center 3 (VC-3) overlay district. Existing business owners in Village Center Overlay Districts can in some circumstances take advantage of VCOD regulations (like reduced parking requirements) by opting-in to the overlay through a building permit. However, this property does not qualify for this option because it includes a ground floor bank use, which is not an allowed use in VC-3 by right.

Like many older buildings in Newton Centre, this parcel has supported retail and restaurant uses without the amount of on-site parking required by the zoning ordinance for many years. The site has easy access to public transit, and parking stalls are available on nearby streets and municipal parking lots in Newton Centre. The restaurant is located in a vibrant

village center with a complementary mix of retail, offices, and restaurants in the immediate vicinity of property which supports pedestrian traffic. The Planning Department believes there are sufficient options to meet the transportation needs of visitors and employees without constructing the 11 stalls required by the zoning ordinance.

V. Interdepartmental Review

No further interdepartmental review is required at this time.

VI. Petitioner's Responsibilities

The petition is considered complete.

ATTACHMENTS:

Attachment A: Zoning Review Memorandum

Attachment B: DRAFT Council Order



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: August 23, 2024

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: Florence Celli, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to allow a restaurant with more than 50 seats and to waive 11 parking stalls

Applicant: Florence Celli	
Site: 34 Langley Road	SBL: 61033 0014
Zoning: BU1	Lot Area: 18,994 square feet
Current use: Restaurant	Proposed use: No change

BACKGROUND:

The property located at 30-34 Langley Road consists of 18,994 square feet in the BU1 district. The site is improved with a multi-tenanted single-story commercial building including restaurant and bank uses. The 45-seat restaurant at 34 Langley Road seeks to increase its seating to 75, requiring a special permit for a restaurant with more than 50 seats and to waive 11 parking stalls.

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

- Zoning Review Application, prepared by Florence Celli, applicant, submitted 7/17/2024
- Tango Mango Seating Plan, submitted 7/17/2024

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner, Tango Mango restaurant, has been in operation on site since 2023 with 45 seats and now seeks to increase the seating to 75 seats. Per sections 4.4.1 and 6.4.31, a special permit is required for a restaurant with more than 50 seats.
2. When initially opened, the seating was limited to 45 and employees to no more than six at the busiest shift, as that was the limit of the 17-stall parking credit provided by the previous retail use. The petitioner proposes an additional 30 seats and up to three additional employees, increasing the parking requirement by 11 stalls. A waiver of 11 stalls is requested per section 5.1.13.

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§4.4.1 §6.4.31	Request to allow a restaurant with more than 50 seats	S.P. per §7.3.3
§5.1.4 §5.1.13	Request to waive 11 parking stalls	S.P. per §7.3.3

#421-24
30-34 Langley Road

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 allow a restaurant with more than 50 seats and waiver of 11 parking stalls as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

FINDINGS:

1. The specific site is an appropriate location for the proposed restaurant with more than 50 seats and parking waivers because is it restaurant use located in a commercial area that features a mix of uses in close proximity to each other and available public parking within walking distance. (§7.3.3.C.1)
2. The requested parking waivers and restaurant with more than 50 seats will not adversely affect the neighborhood because no changes are proposed to the exterior of the building. (§7.3.3.C.2)
3. The requested parking waivers and increase in restaurant seats will not create a nuisance or serious hazard to vehicles or pedestrians because no changes are proposed that will alter vehicular or pedestrian infrastructure. Off-site parking is available in nearby parking lots and metered spaces, and public transit options are available. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the driveway location is being maintained and there are no changes proposed to circulation within the site. (§7.3.3.C.4)
5. Literal compliance with the parking requirements is not in the public interest because constructing 11 additional parking stalls would require an increase in paving on the site which is contrary to goals set forth in the Climate Action Plan. The site is located in a dense village center with diverse uses and on-street parking options, which can accommodate an increase in restaurant seats without constructing new on-site parking.

PETITION NUMBER: #421-24

PETITIONER: Florence Celli

LOCATION: 34 Langley Road, Ward 6, Newton Centre, on land known as Section 61 Block 33 Lot 14, containing approximately 18,994 sq. ft. of land

OWNER: Krasner/Metroboston Assoc LTD PTNR and HKS Properties LLC
1050 Commonwealth Ave STE 206
Boston, MA 02215

TO BE USED FOR: Restaurant with 75 seats and waiver of 11 parking stalls

RELIEF GRANTED: Special Permit per §7.3 to allow a restaurant with more than 50 seats (§4.4.1 and §6.4.31) and a waiver of 11 parking stalls (§5.1.4 and §5.1.13)

ZONING: Business Use 1

CONDITIONS:

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. Tango Mango Seating Plan, unsigned and unstamped, submitted 7/17/2024
2. The petitioner shall not operate the restaurant with more than 75 seats.
3. No Final Inspection/Occupancy Permit for the use covered by this special permit shall be issued until the petitioner has:
 - a. Recorded a certified copy of this council order for the approved Special Permit with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.