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Candace Havens  
Director

**ZONING REVIEW MEMORANDUM**

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CITY CLERK  
NEWTON, MA 02459

Date: August 10, 2011

To: John Lojek, Commissioner of Inspectional Services

Fr: Seth Zeren, Chief Zoning Code Official  
Eve Tapper, Chief Planner for Current Planning ET

Cc: Robert Allen, Attorney representing applicant  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: Request to waive nine required parking stalls

Applicant: Kouzina, Inc.	
Site: 1649 Beacon Street (2-12 Windsor Road)	SBL: 53029 0002A
Zoning: BU1	Lot Area: 54,198 square feet
Current use: Restaurant with 20 seats	Proposed use: Restaurant with 46 seats

**Background:**

The property at 2-12 Windsor Road (which includes the subject retail space at the address 1649 Beacon Street) consists of a 54,198 square foot lot improved with structures containing a mixture of commercial uses. The applicant currently operates a restaurant with 20 seats at 1649 Beacon Street and proposes to increase the number of seats to 46. A previous Special Permit (B.O. #301-01) allowed the sale of wine and malt liquor without having a separate bar/lounge area.

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

- Architectural plans showing existing basement floor plan and proposed first floor layout, signed and stamped by Donald Lang, Architect, dated 5-19-11
- Foodservice Equipment Plan showing existing layout, by TriMark United East, drawn by J.R. Desrochers, unsigned and unstamped, dated 4/21/06
- Plot plan, by Stephen P. Desroche, Surveyor, unsigned and unstamped, dated 5/25/11
- Letter from Robert Allen, Jr. Attorney, clarifying the number of dedicated off-street parking stalls and employees, dated 8/9/11
- Board Order #301-01

**ADMINISTRATIVE DETERMINATIONS:**

1. The applicant proposes to add 26 seats to their existing 20 seat restaurant (for a total of 46 seats). A restaurant is an allowed use in the BU1 zone, per Section 30-11(a).
2. The applicant proposes a restaurant with 46 seats and five employees on the largest shift. The proposed restaurant must satisfy the requirement for off-street parking in Sections 30-19(c) and 30-19(d)(13), as summarized in the table below. The applicant must obtain a special permit from the Board of Aldermen, per Section 30-19(m), to waive nine required parking stalls.

Proposed	Parking Formula	Required Parking
Restaurant with 46 seats and 5 employees	1 stall per 3 seats and 1 stall per 3 employees	18 (A)
Existing	Parking Formula	Parking Credits
Restaurant with 20 seats and 5 employees	1 stall per 3 seats and 1 stall per 3 employees	9 (B)
Off-street parking stalls		3 (C)
<b>Required Parking stalls*</b>		<b>12</b>
<b>Additional Stalls Required:</b>		<b>9</b>

\*Calculation per §30-19(c)(2): A (18) – B (9) + C(3) = Required number of parking stalls (12)

3. See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Parking</i>	<i>Action Required</i>
§30-19(d)(13), §30-19(m)	Waive nine required parking stalls	S.P. per §30-24