



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

416-11
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: July 26, 2011

To: John Lojek, Commissioner of Inspectional Services

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

Cc: G. Michael Peirce, attorney representing applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RECEIVED
Newton City Clerk
2011 DEC 12 PM 4:37
David A. Olson, CMC
Newton, MA 02459

RE: Request to allow an increase in FAR

Applicant: K. J. R., Inc. Jessica B Roche, President	
Site: 7 West Street	SBL: 14014 0041
Zoning: MR2	Lot Area: 2,850 square feet
Current use: Restaurant with 53 seats	Proposed use: Restaurant with 68 seats

Background:

The property at 7 West Street consists of a 2,850 square foot lot located in the MR2 zone currently occupied by a single-story commercial building. A succession of restaurants has occupied the building for decades predating the residential zoning of the site. The current tenant, West Street Tavern and Restaurant has proposed to construct a covered, seasonal patio in the rear lot with 15 additional seats.

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

- Site plan, signed and stamped by Joseph R. Porter, Surveyor, dated 6/22/11
- Area plan, signed and stamped by Joseph R. Porter, Surveyor, dated 6/22/11
- Sample photographs of a structure similar to the one proposed, undated, no location given
- A signed letter from G. Michael Peirce, dated 7/21/11, attesting that the property is a legally nonconforming 53-seat restaurant, including a floor plan and abutters notice from the current tenant's 2008 opening, showing 53 seats at that time

4. The applicant proposes to increase their number of seats from 53 to 68 total seats with a commensurate increase to maximum employees from six to nine. Per the following table, the applicant would require six additional off-street parking stalls. The applicant's site plan proposes no additional off-street parking stalls. Therefore, the applicant must obtain a special permit from the Board of Aldermen to waive six required parking stalls per Section 30-19(m).

Proposed	Parking Formula	Required Parking
68 seat restaurant with no more than 9 employees on the largest shift	1 stall per 3 seats and 1 stall per 3 employees	26 (A)
Existing	Parking Formula	Parking Credits
53 seat restaurant with no more than 6 employees on the largest shift	1 stall per 3 seats and 1 stall per 3 employees	20 (B)
Off-street parking spaces		0 (C)
Additional Spaces Required:		6

Calculation per §30-19(c)(2): A (26) – B (20) + C(0) = Required number of parking stalls (6)

5. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Use</i>	<i>Action Required</i>
§30-9, §30-21(b)	Allow an extension of a nonconforming use	S.P. per §30-24
<i>Ordinance</i>	<i>Structure</i>	<i>Action Required</i>
§30-15(m), §30-21(b)	Allow the replacement of two nonconforming accessory structures with a less nonconforming accessory structure	S.P. per §30-24
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
§30-15 Table 1, §30-21(b)	Allow an extension of a nonconformity with regard to lot coverage	S.P. per §30-24
<i>Ordinance</i>	<i>Parking</i>	<i>Action Required</i>
§30-19(d)(13), §30-19(m)	Waive six required parking stalls	S.P. per §30-24