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Director

## ZONING REVIEW MEMORANDUM

Date: July 2, 2012

To: John Lojek, Commissioner of Inspectional Services

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

ET

Cc: Max Candidus, applicant  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: Request to waive seven required parking stalls

Applicant: Macky Brown Enterprises, LLC	
Site: 323-333 Washington Street	SBL: 71003 0007
Zoning: BU1	Lot Area: 7,635 square feet
Current use: Restaurant with 12 seats	Proposed use: Restaurant with 37 seats

### BACKGROUND:

The property at 323-333 Washington Street consists of a 7,635-square foot lot improved with a commercial building and a small parking lot. One of the building tenants, Max and Leo's Coal Fired Pizza, proposes to expand its space and number of seats from 12 to 37.

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

- Architectural floor plans, by Lennard Roberts Architect, unsigned and unstamped, dated 5.18.12
- Copy of site plan related to approved building permit, dated May 1978
- Copy of site plan showing existing conditions, dated June 3, 1986

### ADMINISTRATIVE DETERMINATIONS:

1. The proposed use, a restaurant with 37 seats, is a permitted use in the Business 1 District.
2. In 1978, a two-story house behind the commercial buildings was demolished to make space for a parking facility. A plan dated May 1978 shows a ten-stall facility that conformed to the parking design standards of the time. At some point following the original 1978 building permit, a different parking configuration was created, as recorded in a plan filed with the Registry of Deeds in 1986

showing fifteen parking stalls that do not conform to the design standards for parking facilities. The property owner has two options for remedying this situation: (1) apply for and obtain a special permit from the Board of Aldermen per Section 30-19(m) to waive the dimensional and design requirements of Sections 30-19(h), 30-19(i), and 30-19(k), legalizing the existing 15-stall parking facility, or (2) renovate the parking facility to bring it into compliance with the required dimensional standards.

- The applicant must comply with the parking regulations of Section 30-19 of the Newton Zoning Ordinance. The proposed use, a 37-seat restaurant, has a parking requirement of one stall per three seats and one stall per three employees on the largest shift per Section 30-19(d)(13). The existing use is a 12-seat restaurant with three employees on the largest shift for a total parking requirement of five stalls ( $12/3 = 4$ ;  $3/3 = 1$ ). The applicant is proposing a 37-seat restaurant with five employees on the largest shift for a total parking requirement of 15 stalls ( $37/3 = 13$ ;  $5/3 = 2$ ), an increase of ten required parking stalls. The expansion will occupy an additional 375 square feet formerly used as a retail paint store. Per section 30-19(d)(10), retail stores have a parking requirement of one stall per 300 square feet and per 3 employees on the largest shift. Therefore, the applicant has a credit of three stalls ( $375/300 = 2$ ;  $1/3 = 1$ ). The applicant's plans do not propose any additional off-street parking on the site. To expand the restaurant use as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-19(m) to waive seven required parking stalls (see the table below).

Proposed	Parking Formula	Required Parking
37-seat restaurant with five employees on the largest shift	1 stall per 3 seats and 3 employees	15 (A)
Existing	Parking Formula	Parking Credits
12-seat restaurant with three employees on the largest shift	1 stall per 3 seats and 3 employees	5 (B)
375 square foot retail store with one employee on the largest shift	1 stall per 300 square feet and 3 employees	3 (B)
Off-street parking spaces*		10 (C)
<b>Additional Spaces Required:</b>		<b>7</b>

\* Number legally approved in 1978 plan. This number could change if dimensional standards are waived by SP. Calculation per §30-19(c)(2): A (15) – B (8) + C(10) = Required number of parking stalls (17)

- See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance	Parking	Action Required
§30-19(c)(3); §30-19(d)(13); §30-19(m)	Waive seven required parking stalls	S.P. per §30-24
§30-19(h); §30-19(i); §30-19(k); §30-19(m)	Waive required design standards for parking facilities with greater than five stalls	S.P. per §30-24 or comply with parking design requirements