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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: January 13, 2014

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Stephen J Buchbinder, Attorney
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request for a restaurant with more than 50 seats, a waiver from parking requirements and to allow for two secondary signs

Applicant: Village Cafe	
Site: 719 Washington Street	SBL: 23 019 0004A
Zoning: BU2	Lot Area: 4,189 square feet
Current use: Restaurant and laundromat	Proposed use: 50+ seat restaurant and laundromat

BACKGROUND:

The property at 719 Washington Street consists of a 4,189 square foot lot improved with a 21-seat restaurant and a laundromat. Originally developed as a two-family dwelling at the turn of the last century, the site has been used commercially since at least 1940. The multi-tenant property has been used in its current configuration of restaurant in one side of the building and Laundromat on the other since the 1970s.

The restaurant currently operates with 21 seats. The applicant is proposing to expand his business by increasing the indoor seating from 21 to 54 seats, and to formalize 6 outdoor seats, for a total of 60 seats. This expansion triggers a requirement for 14 additional parking stalls. Since there is no on-site parking, the applicant is seeking a waiver for these 14 stalls. The applicant is also seeking a special permit to operate a restaurant with greater than 50 seats in a BU2 zone.

The petitioner has three existing signs which have been approved by special permit and/or building permit over the lifetime of the property. A 1960 building permit approved a free-standing sign (prior to the enactment of the sign ordinance and requirement for a special permit for a free-standing sign). A building permit was issued in 1949 allowing a front wall sign. A replacement sign was approved by

the UDC in 2006. There is no permit on file for the side wall sign, though the applicant states that it appears that the 1949 metal sign carried around the side of the building. The petitioner discovered this sign underneath a temporary banner after he took over the business in 2010. As the owner of the Village Café took over and replaced all of the signs on the property, he inadvertently converted the freestanding sign into a principal sign, and thereby converted the front wall sign into a secondary sign. While the front wall sign was not altered in any way, in its present state it exceeds the allowable size for a secondary sign. The applicant is seeking a special permit per Section 30-20(l) to allow him to maintain both his front and side wall signs as secondary signs, despite the fact that they do not meet the dimensional and frontage criteria for secondary signs as specified in Section 30-20(f)(2). The applicant wishes to maintain the legally nonconforming freestanding sign as the principal sign.

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 10/24/13
- Area Plan of Newton, signed and stamped by Joseph Porter, dated 9/24/13
- Topographic Site Plan - Existing Conditions, signed and stamped by Joseph Porter, dated 9/23/13
- Topographic Site Plan - Proposed Conditions, signed and stamped by Joseph Porter, dated 10/23/13
- Architectural Plans – Existing Conditions, signed and stamped by Donald Lang, dated 10/23/13
- Architectural Plans – Proposed Conditions, signed and stamped by Donald Lang, dated 10/23/13
- Building Permit No. 1958, dated 9/29/1948
- Building Permit No. 903, dated 4/13/1977
- Building Permit No. 050404, dated 4/8/2005

ADMINISTRATIVE DETERMINATIONS:

1. The restaurant has a current capacity of 21 seats. The applicant is proposing an increase to 60 seats total, six of them seasonal. To operate a restaurant with more than 50 seats in the BU2 district, the applicant will require a special permit from the Board of Aldermen per section 30-11(d)(9).
2. The additional 29 seats and employees associated with the increase creates a parking requirement of 14 additional stalls. The applicant has no on-site parking and therefore requires a waiver from the parking requirements per section 30-19(d)(13) from the Board of Aldermen.
3. As all of the signs on the property were replaced and reflect only the Village Café, the property now has two secondary signs, which do not meet the dimensional and frontage criteria set out in 30-20(f)(2). A special permit is required per Section 30-20(l) to allow for two secondary for a single business, and to allow for the front wall secondary sign to remain 96 square feet, which is in excess of the 50 square foot maximum allowed by the Ordinance.

4. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§30-19(d)(13)	Parking waiver for 14 parking stalls	S.P. per §30-24
§30-11(d)(9)	To operate a restaurant with more than 50 seats	S.P. per §30-24
§30-20(f)(2) 30-20(l)	To allow for two secondary signs	S.P. per §30-24
§30-20(f)(2) 30-20(l)	To allow a secondary sign of 96 square feet	S.P. per §30-24