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## ZONING REVIEW MEMORANDUM

Date: April 9, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Alan Schlesinger, Attorney  
Kerry McCormack, Crosspoint Associates  
James Freas, Acting Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to allow a restaurant, to allow off-site parking, to waive certain parking requirements, and to amend Board Order #182-09**

Applicant: CP Needham Street LLC	
Site: 180 Needham Street	SBL: 83028 0001
Zoning: MU1	Lot Area: 8,961 square feet
Current use: Retail and office	Proposed use: Restaurant and office

### BACKGROUND:

The property at 180 Needham Street consists of a 8,961 square foot lot improved with a 7,688 square foot commercial building built circa 1955. The building is nonconforming with regard to side and rear setbacks, and lot area. The property currently is used as retail on the first floor and office on the second, and is adjacent to 188-210 Needham Street, which was recently redeveloped and houses several businesses, including Homegoods, Modell's and Papa Gino's.

Prior to 1987 the property was zoned Manufacturing. At that time, retail and offices uses were allowed by right within the district, and there was no minimum lot size. The retail use and the lot size became nonconforming in 1987 when the property was rezoned to Mixed Use 1.

There are 13 existing nonconforming parking stalls on the site. Eight of those stalls are in the front of the building and back out directly on to Needham Street. The remaining five stalls are on the north side of the property.

The applicant proposes to rehab the existing building and to repurpose the first floor for a 105-seat restaurant. The second floor office use will remain.

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

- Zoning Review Application, prepared by Alan Schlesinger, attorney, dated 3/6/2015
- Public Hearing Memo, prepared by Newton Planning and Development, dated 9/18/2009
- Zoning Review Memo, prepared by Eve Tapper, Chief Zoning Code Official, dated 6/11/2009
- Proposed elevation, prepared by Form + Place, architects, undated, submitted 3/6/2015
- Existing conditions plan, signed and stamped by Steven Horsfall, surveyor, dated 3/6/2015
- As-built site plan, prepared by Kelly Engineering Group, Inc, dated 1/10/2014
- Conceptual overall layout plan, prepared by Kelly Engineering Group, Inc, dated 2/3/2015
- Conceptual layout plan, prepared by Kelly Engineering Group, Inc, dated 2/3/2015
- Proposed conditions plan, signed and stamped by David Noel Kelly, civil engineer, and Steven Horsfall, surveyor, dated 3/6/2015
- Board Order #182-09, dated 11/16/2009

#### **ADMINISTRATIVE DETERMINATIONS:**

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1. The applicant proposes a 105-seat (85 indoor, 20 outdoor) restaurant for the first floor of the structure, replacing the existing retail use. Pursuant to Section 30-13(b)(5), a special permit is required for a restaurant use in the Mixed Use 1 district.
2. There are currently 13 parking stalls on site, of which eight are in front backing directly out on to Needham Street. The applicant proposes to reconfigure the space in the front of the building to accommodate 20 seasonal exterior restaurant seats in a patio. The parking on the north side of the property will be reconfigured from five perpendicular stalls to three parallel stalls. After the proposed site changes, there will be three parking stalls on site.
3. The existing retail and office uses require 31 parking stalls, where there are 13 on site. The applicant proposes to convert the retail space to a restaurant use. Per Section 30-19(d)(13), a restaurant requires one parking stall per each three seats, and one stall per each three employees working at the busiest shift. The applicant is proposing a restaurant with 105 seats and 10 employees for the first floor, which will require 39 parking stalls. The applicant intends to maintain the 3,782 square feet of office space on the second floor, which requires one stall for every 250 square feet per Section 30-19(d)(11), or 16 parking stalls for a total of 55 stalls.

Section 30-19(c)(2) allows for a site to have a “parking credit” when there is a change of use.

Utilizing the A-B+C formula, where:

A= Requirement per the Ordinance = 55; and

B= Requirement for existing uses

Retail 3,906 sf/300 = 14 stalls plus 3 employees /3= 1

Total 15

Office 3,782 sf/250 = 16 stalls

TOTAL B = 31 stalls

C = Existing spaces provided = 13 stalls

Formula A-B+C = 55-31+13 = 37 spaces required for the proposed uses.

Three spaces will be provided on the site after reconfiguration. The applicant requires an additional 34 parking stalls.

4. Section 30-19(f)(2) allows a special permit to be granted for off-site parking if a site cannot accommodate its parking requirements. The applicant also controls the adjacent parcel at 188-210 Needham Street, the site of a larger commercial development, most recently subject to Board Order #182-09. According to the Zoning Memo issued for the 2009 special permit, the proposed uses require 209 stalls (this figure is based on a 120-seat restaurant on site. The current restaurant has only 75 seats). There are 231 parking stalls on the site, which more than satisfies the requirement for the existing uses. The applicant intends to create 34 additional stalls on the 188-210 Needham Street site, satisfying the requirements of 180 Needham without taking any parking away from the existing businesses located at 188-210 Needham. A special permit is required to locate required parking off site. Further, the special permit, Board Order #182-09, must be amended to reflect the changes to the parking layout.
5. The proposed parking at 180 Needham Street is located along the northern property line. Section 30-19(g)(1) requires that no parking be located within any required setback distance. The stalls are located within the front and side setbacks. A special permit is required per Section 30-19(m).
6. The parking area on the north side of 188-210 Needham Street will be enlarged and reconfigured to accommodate an additional 34 parking stalls. The existing configuration has a stall located within the front setback, which is a nonconforming situation recognized by the 2009 Board Order. After reconfiguration, two of the stalls will be located in the front setback, and several will be within the side setback. Section 30-19(h)(1) requires that no parking stalls be located in a setback. A waiver per Sections 30-19(m) and 30-21(b) is required.
7. The existing parking at 188-210 Needham Street has an existing nonconforming aisle width of 21 feet at its narrowest, where 24 feet is required for two-way traffic per Section 30-19(h)(3). The owner intends to increase the number of stalls utilizing this aisle. A special permit is required per Sections 30-19(m) and 30-21(b).
8. The proposed parking along the northern lot line at 180 Needham street will not provide any landscape buffer on the perimeter of the property, as required by of Section 30-19(i). A waiver from this section is required per Section 30-19(m).
9. The proposed parking along the northern lot line at 188 Needham street will not provide any landscape buffer on the perimeter of the property, as required by Section 30-19(i), as the intent is to allow the patrons of 180 Needham Street access to the parking at 188. A waiver from this section is required per Section 30-19(m).
10. To the extent that the proposed lighting for the parking at 180 Needham Street, and the proposed parking at 188-210 Needham Street, does not meet the requirements of Section 30-19(j), a waiver is required per Section 30-19(m).

11. To the extent that the proposed reconfiguration of the parking area does not meet the off-street loading requirements of Section 30-19(l), a special permit is required per Section 30-19(m).

12. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	<b>180 Needham Street</b>	
§30-13(b)(5)	To allow a restaurant in the MU1 district	S.P. per §30-24
§30-19(f)(2)	To allow parking requirements to be met off-site	S.P. per §30-24
§30-19(g)(1), §30-19(m)	To allow parking within a setback in a facility with five or less stalls	S.P. per §30-24
§30-19(i), §30-19(m)	To waive the requirements for vegetative screening	S.P. per §30-24
§30-19(j), §30-19(m)	To waive lighting requirements	S.P. per §30-24
§30-19(l), §30-19(m)	To waive off-street loading requirements	S.P. per §30-24
	<b>188-210 Needham Street</b>	
§30-19(h)(1), §30-19(m), §30-21(b)	To expand parking within a setback in a facility with more than five stalls	S.P. per §30-24
§30-19(h)(3), §30-19(m), §30-21(b)	To increase the number of parking stalls accessed by a nonconforming aisle width	S.P. per §30-24
§30-19(i), §30-19(m)	To waive the requirements for vegetative screening	S.P. per §30-24
§30-19(j), §30-19(m)	To waive lighting requirements	S.P. per §30-24
	To amend Board Order #182-09	S.P. per §30-24