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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: April 20, 2012

To: John Lojek, Commissioner of Inspectional Services

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

ET

Cc: Jason Rosenberg and Laurance Lee, attorneys representing applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to waive 11 required parking stalls

RECEIVED
Newton City Clerk
2012 MAY -4 AM 9:45
David A. Olson, CMC
Newton, MA 02459

Applicant: David Punch	
Site: 753A-755 Beacon Street	SBL: 61027 0020
Zoning: BU1	Lot Area: 8,020 square feet
Current use: Retail Store	Proposed use: Restaurant with 48 seats

BACKGROUND:

The retail space at 753A-755 Beacon Street is part of a commercial building located on an 8,020 square foot lot at 749-759 Beacon Street. The applicant proposes to replace The John Dewar Company, a retail butcher shop formerly located in the retail space at 753A-755 Beacon Street, with a 48-seat restaurant.

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

- Letter describing proposed restaurant use, unsigned and undated, by David Punch, chef/owner
- Affidavit signed by John M. Kinnealey, previous owner of The John Dewar Company, stating the retail use had been continuously operated in the same fashion for over thirty years and had approximately nine employees on the largest shift at peak times
- A parking calculation, unsigned and undated
- Site plan showing existing and proposed conditions, signed and stamped by Joseph R. Porter, Surveyor, dated 3/24/12
- Architectural Plans, unsigned and unstamped by HUTH Architects, dated 3/14/12
 - A0.0 – Location and Views
 - A1.0 – First Floor Plan showing 48 seats
 - A1.1 – Basement Plan

ADMINISTRATIVE DETERMINATIONS:

1. The proposed use, a restaurant with not more than 50 seats which is not open between the hours of 11:30 p.m. and 6:00 a.m., is allowed by right in the Business 1 zone, per Section 30-11(a)(9). The applicant's plans show no changes to the site plan. Therefore, no zoning relief is required for the use, structure, or site.
2. Per Section 30-19(d)(13), restaurants must provide one off-street parking stall per three seats and one stall per three employees. Though the site lacks any conforming off-street parking, the site was built prior to the City's parking requirements and therefore a certain number of grandfathered parking credits are allowed per Section 30-19(c) based on the parking requirement for the previous use. The previous retail use had a parking requirement of one stall per 300 square feet of lot area and three employees on the largest shift. Per the A-B+C calculation in Section 30-19(c)(2), the applicant must provide 11 additional parking stalls (see the table below). As the applicant does not propose to provide additional off-street parking, the applicant must obtain a special permit from the Board of Aldermen waiving the 11 required parking stalls.

Proposed	Parking Formula	Required Parking
48-seat restaurant with ten employees on the largest shift	1 stall per 3 seats and 1 stall per 3 employees	20 (A)
Existing	Parking Formula	Parking Credits
1,621 square feet of retail with nine employees on the largest shift	1 stall per 300 sq. ft. and 1 stall per 3 employees	9 (B)
Off-street parking spaces		0 (C)
Additional Spaces Required:		11

Calculation per §30-19(c)(2): A (20) – B (9) + C(0) = Required number of parking stalls (11)

3. See "Zoning Relief Summary" below:

Zoning Relief Summary		
<i>Ordinance</i>	<i>Parking</i>	<i>Action Required</i>
§30-19(d)(13); §30-19(m)	Waive 11 required parking stalls	S.P. per §30-24