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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: February 1, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Neil Cronin, Chief Planner for Current Planning

Cc: Stephen J. Buchbinder, Attorney
Joel Kadis, Linear Retail Newton 1 LLC
Brendan Boyle, Tatte Bakery and Café
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to amend Council Order #58-21 and to waive parking stalls**

Applicant: Tatte Bakery and Café	
Site: 1241 Centre Street (1239-1243 Centre St)	SBL: 64028 0024
Zoning: BU1	Lot Area: 9,000 square feet
Current use: Restaurant	Proposed use: No change

BACKGROUND:

The property at 1241 Centre Street consists of a 9,000 square foot lot improved with a multi-tenant commercial building constructed in 1920. Special Permit #242-09 was granted in 2009 to allow a waiver of 23 parking stalls, a restaurant with more than fifty seats and to expand a nonconforming structure. An amendment was granted in 2021 to increase the seating and the parking waiver, and to eliminate certain conditions relative to the use of the site. The petitioner now seeks to amend the special permit to waive seven additional parking stalls.

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

- Zoning Review Application, prepared Stephen J. Buchbinder, attorney, dated 12/22/2021
- Special Permits #58-21 and 242-09
- Floor Plan, signed and stamped by David R. McMahon, architect, submitted 12/22/2021

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner received a special permit in 2021 waiving 24 parking stalls allowing for a maximum of 80 interior seats and 25 exterior seats, and 12 employees at the largest shift. When the certificate of occupancy was sought, the Inspectional Services Department explained that for the purposes of measuring the number of seats, every 18 inches of banquette seating counts as one seat. Based on the floor plan, the seat count was measured at 99 seats, rather than the approved 80. The petitioner seeks to amend the special permit to increase the number of seats and the parking waiver. Per section 5.1.4 one parking stall is required per every three seats for a restaurant. The petitioner seeks an additional waiver of seven stalls to allow for the additional 19 seats per section 5.1.13.

See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
	Request to amend Special Permit #58-21	
§5.1.4 §5.1.13	Request to waive parking stalls	S.P. per §7.3.3

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N