

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to waive seven required parking stalls, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the parking waiver given its location in a historic, mixed use village center and its long-standing commercial use. (§7.3.3.1)
2. The use as developed and operated will not adversely affect the neighborhood given the neighborhood's historic pattern of development and the parcel's long-standing commercial use (§7.3.3.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.4)
5. Literal compliance with the requirement to provide seven additional parking stalls is impracticable due to the nature of the use and the size of the lot. The parking waiver of seven stalls is also within the public interest as the site is located in a mixed-use Village Center with public parking and transit nearby. (§5.1.13)

PETITION NUMBER: #229-23

PETITIONER: 12 Austin Group LLC

LOCATION: 12 Austin Street, Ward 2, Newtonville, on land known as Section 24 Block 09 Lot 16, containing approximately 5,695 sq. ft. of land

OWNER: 12 Austin Group LLC

ADDRESS OF OWNER: 20 Austin Group
Newton, MA 02465

TO BE USED FOR: Restaurant

RELIEF GRANTED: Special permit pursuant to §7.3.3 to waive seven parking stalls (§5.1.4; §5.1.13)

ZONING: Business 1 district

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with the following plans:
 - a. A set of plans entitled "Interior Renovation, 10-20 Austin St, Newton, MA 02460," prepared by Rise Architecture, dated May 9, 2023, signed and stamped by Nazeih R. Hammouri, Registered Professional Engineer, consisting of the following sheets:
 - i. Egress Plan (Basement Floor Plan)(A-107)
 - ii. Egress Plan (First Floor Plan)(A-108)
 - iii. Proposed Floor Plans (Basement Floor Plan)(A-109)
 - iv. Proposed Floor Plans (Proposed 1st Floor Plan)(A-110)
2. No building permit (other than a demolition permit) and unless otherwise specified shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
 - a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.
 - b. Obtained a written statement/sign off from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
3. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the petitioner has:
 - a. Filed with the building permit record statements by a registered architect certifying compliance with Condition #1.