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December 1, 2022

**BY ELECTRONIC MAIL**

Land Use Committee  
Newton City Council  
1000 Commonwealth Avenue  
Newton, MA 02459-1449

Re: Request for Zone Change (RZ-22-2) and Special Permit (SP-22-111)  
1314 Washington Street and 31 and 33 Davis Street

Dear Chair Lipof, Vice-Chair Kelley, and Councilors Greenberg, Lucas, Markiewicz, Downs, Bowman, and Laredo:

I am writing to share the Petitioner's thoughts as we prepare to return to the Land Use Committee on December 13th. The Petitioner is anxious to have the requested zone change and special permit approved prior to the close of 2022. There are several reasons why this is important to the Petitioner, including commitments with investors and lenders.

With the foregoing in mind, our first choice for the approximately 3,800 square feet of commercial space in the project would be a restaurant. We believe that would be the optimal use of the historic bank building, and that it would bring needed vitality to a prominent location in West Newton Square. Based on our discussions at Land Use to date, we believe that a restaurant use is also the preference for most of you.

While we are willing to commit to a good faith effort to pursue off-site parking for the restaurant use, we cannot guarantee that we will be able to secure the same, nor is it likely that we would have any final arrangement in place prior to the time that we return to the Land Use Committee. You should also recognize that even if the Petitioner is successful in lining up some offsite parking, the other party is unlikely to enter into a contractual long term arrangement, as the other party will want the flexibility to make improvements to its own property, or to sell the same, at a future date.

If you do not feel comfortable approving this project based upon a good faith commitment to pursue off-site parking for a restaurant use, then we would ask you to approve the project with a retail, rather than restaurant, use. That action, of course, would not prevent us from returning to the City Council sometime in the future to seek an amendment to allow the restaurant use with the provision of offsite parking.

**SCHLESINGER AND BUCHBINDER, LLP**

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We look forward to continuing our dialogue at Land Use.

Sincerely,



Stephen J. Buchbinder

Distribution

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Andrea W. Kelley, Vice Chair  
Maria Scibelli Greenberg  
Tarik J. Lucas  
Christopher J. Markiewicz  
Andreae Downs  
Alicia G. Bowman  
Marc C. Laredo

cc: Dominic Warren, Clerk, Land Use Committee  
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