

## City of Newton Planning and Development

Petition: #261-23

**Special Permit/Site Plan Approval** to amend condition 8 of Special Permit 113-23 to allow expanded hours of operation for the patio until 10 P.M.

*August 8, 2023*



**344-346 Elliot St.**

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## Site Details

**Current use:** Restaurant with 109 seats

**Zoning:** Business Use-1, with direct abutters in Multi-Residence 2, Multi-Residence 3, Manufacturing, and Public Use zones

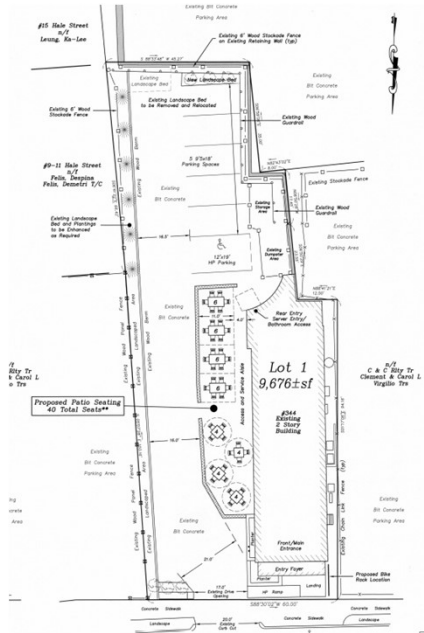
**Structures on site:** 2,023 square foot building and 10-stall surface parking facility

**Lot size:** 9,676 square feet

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# Site Plan



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## Existing special permit & relief requested

- Special Permit #113-23 granted:
  - site plan modifications to remove ten parking stalls to use that space for outdoor dining
  - waiver of 24 parking stalls
- Condition #8 limits operation of outdoor dining area to 9:00 P.M
- This petition requests to extend use of the outdoor area to 10:00 P.M

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## Criteria to Consider

When reviewing this request, the Council should consider:

- The site in BU-1 is an appropriate location for the requested amendment to special permit #113-23. (§7.3.3.C.1)
- The requested amendment to special permit #113-23 will not adversely affect the neighborhood (§7.3.3.C.2)
- The requested amendment to special permit #113-23 will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

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## Economic Development Support

- Outdoor seating promotes active streetscape
- Can serve as a place to build community & socialize
- Impact of the pandemic has been significant on restaurants
- Successful restaurants contribute positively to the economic health of the community

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## Proposed findings

1. The specific site is an appropriate location for the amendment to Council Order #113-23 that extends the hours of operation for the outdoor dining patio to 10:00 P.M. because it is located in the Business Use 1 district, which allows for restaurant operations. (§7.3.3.C.1)
2. The amendment to Council Order #113-23 will not adversely affect the neighborhood because the outdoor patio is already open during evening hours, and an additional hour of service per day is unlikely to have a significant negative impact. (§7.3.3.C.2)
3. The amendment to Council Order #113-23 will not create a nuisance or serious hazard to vehicles or pedestrians because no physical changes are proposed to the site. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because no changes are proposed to the site that would negatively impact access. (§7.3.3.C.4)

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## Proposed conditions

1. Condition #8 shall be deleted and replaced with the following, "The petitioner shall not operate the outdoor dining area past 10:00 PM on the days the outdoor dining is in use."

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