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James Freas
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ZONING REVIEW MEMORANDUM

Date: April 1, 2015

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Walter Devine and Chis Noble, Applicants
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request for a restaurant with more than 50 seat and an associated waivers from parking requirements

Applicant: Noble & Devine Holding Co, LLC	
Site: 271-283 Auburn Street	SBL: 44025 0002
Zoning: BU1	Lot Area: 17,772 square feet
Current use: Office and service	Proposed use: Office, service and 94 seat restaurant

BACKGROUND:

The property at 271-283 Auburn Street consists of a 17,772 square foot lot improved with a commercial building, originally built in the 1920s. The site is comprised of three lots and abuts the MA Pike to the south. The property has been used most recently as office and service uses. At one time, a 71-seat restaurant, The Auburndale Café, operated on site. The applicants would like to use the space formerly occupied by the café to open a 94-seat restaurant, while maintaining the existing office and services uses. A parking waiver is required to accommodate the restaurant, as well as a special permit to allow a restaurant with more than 50 seats.

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

- Zoning Review Application, prepared by Walter Devine, applicant, dated 3/4/2015
- Topographic Site Plan, signed and stamped by Joseph R. Porter, surveyor, dated 12/17/2014
- Proposed floor plan, signed and stamped by Ronald Bourque, architect, dated 2/11/2015

ADMINISTRATIVE DETERMINATIONS:

1. The applicants would like to open a 94-seat restaurant on the property. To operate a restaurant with more than 50 seats in the BU1 district, the applicant will require a special permit from the Board of Aldermen per section 30-11(d)(9).
2. A private right of way, known as Bennett Street, runs through the lot serving as access to the property at 287-289 Auburn Street. On paper the easement is over the parking stalls serving the building, however the access to the neighboring lot is not impeded by vehicles parked in the striped stalls.
3. There are seven other businesses on the property, including service uses, office and medical office. The total parking requirement for these uses is 34 stalls. A 94-seat restaurant with 9 employees at the busiest shift will require an additional 35 stalls, for a total of 69 stalls required on site per Section 30-19(d). Section 30-19(d)(18) allows for a 1/3 reduction in parking in the case of a combination of three or more uses on a site by special permit. Utilizing this provision creates a parking requirement of 46 stalls.

Use	Square Feet	# of Employees	Seats	PARKING REQUIRED
Dr. Robert Traiger, DDS	1072 sf			6
Auburndale Interiors	1262 sf	2		6
Ward 4 (proposed)		9	94	35
Abraxis Framing	198 sf	1		2
Heather Vaughn Design	640 sf	3		3
Pooch Parlor	519 sf	3		3
Cardio High	1520 sf	2		6
Noble & Devine LLP	1848 sf			8
TOTAL REQUIRED STALLS				69

4. There are 26 parking stalls on site, including three handicap stalls. With the one-third reduction provision of Section 30-19(d)(18) applied, 46 stalls will be required for the various uses on site. The applicant requests a waiver of 20 parking stalls per Section 30-19(m).
5. Section 30-19(h)(1) requires that no parking be located within any required setback. There are several parking stalls located within the side and rear setbacks, requiring a special permit.
6. Pursuant to 521 CMR 23, the applicant requires three handicapped stalls for a lot requiring up to 75 parking spaces. The applicant meets this regulation.
7. The maneuvering aisle for the parking in the rear of the building narrows to 16 feet. Section 30-19(h)(3)a) requires 24 feet for 90 degree parking for a two-way aisle. A special permit is required for an aisle less than 24 feet wide.

8. Section 30-19(i) requires screening for outdoor parking facilities with more than five stalls. Subsection a) requires a five foot wide vegetative buffer along the perimeter of the property, as well as a visual barrier such as a fence. The applicant must comply with these provisions or seek a waiver per Section 30-19(m).
9. Section 30-19(i)(2) also requires interior landscaping for parking lots with an area of at least five percent of the total area of the lot. This section requires one 3-inch caliper tree per each ten parking stalls and a planting area of at least 20 square feet. The applicant must comply with these provisions or seek a waiver per Section 30-19(m).
10. All parking facilities are required to provide security lighting which is not impactful on neighboring properties per Section 30-19(j)(1). To the extent that the existing conditions of the parking lot do not comply, a waiver per Section 30-19(m) is required.
11. All surfaces in the parking lot must be maintained and striped per Section 30-19(j)(2). To the extent that the existing conditions of the parking lot do not comply, a waiver per Section 30-19(m) is required.
12. Section 30-19(k) specifies that parking facilities containing twenty or more stalls must provide one bicycle space per each ten stalls. There is no existing or proposed bicycle parking. A waiver from this provision is required.
13. The applicant should ensure that all building, fire and safety permits and requirements are in conformance and consistent with any approvals granted through zoning.

14. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§30-11(d)(9)	To operate a restaurant with more than 50 seats	S.P. per §30-24
§30-19(d)(18)	To allow a 1/3 reduction in the parking requirement	S.P. per §30-24
§30-19(d)(13), §30-19(m)	To waive 20 parking stalls	S.P. per §30-24
§30-19(h)(1), §30-19(m)	To allow parking in the side and rear setbacks	S.P. per §30-24
§30-19(h)(3)a, §30-19(m)	To allow a maneuvering aisle less than 24 feet wide	S.P. per §30-24
§30-19(i)(1), §30-19(m)	To waive screening requirements	S.P. per §30-24
§30-19(i)(2), §30-19(m)	To waive interior landscaping requirements	S.P. per §30-24
§30-19(j)(1), §30-19(m)	To waive lighting requirements	S.P. per §30-24
§30-19(j)(2), §30-19(m)	To waive surfacing and striping requirements	S.P. per §30-24
§30-19(k), §30-19(m)	To waive the bicycle parking requirements	S.P. per §30-24