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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: June 15, 2012

To: John Lojek, Commissioner of Inspectional Services

From: Seth Zeren, Chief Zoning Code Official
Eve Tapper, Chief Planner for Current Planning *ET*

Cc: Paul Louderback, applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to permit a restaurant with greater than 50 seats and waive required parking stalls associated with an increase in seats

2012 JUN 29 PM 2:46
David A. Olson, PMC
Newton, MA 02459

| | |
|--|---|
| Applicant: Rox Diner | |
| Site: 323-335 Walnut Street | SBL: 24009 0020 |
| Zoning: BU1 | Lot Area: 15,855 square feet |
| Current use: Restaurant with 38 Seats | Proposed use: Restaurant with 61 seats |

BACKGROUND:

The property at 323-335 Walnut Street consists of a 15,855-square foot lot improved with a multi-tenant commercial building. The applicant, the Rox Diner, currently operates a 38-seat restaurant at 335 Walnut Street. The applicant proposes to increase the number of seats to 61 without providing additional on-site parking.

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

- Existing floor plan, unsigned, unstamped, dated 5/10/12
- Proposed floor plan, unsigned, unstamped, dated 5/10/12
- Site plan, unsigned, unstamped, dated 5/10/12
- Area plan, unsigned, unstamped, dated 5/10/12

ADMINISTRATIVE DETERMINATIONS:

1. The property is located in a Business 1 district. The existing use, a 38-seat restaurant, is permitted by right. Per Section 30-11(d)(9), restaurants with greater than 50 seats are permitted by special

permit only. To expand the use to 61 seats, the applicant must obtain a special permit from the Board of Aldermen, per Section 30-11(d)(9).

2. The proposed use must also satisfy the parking regulations of Section 30-19. The applicant's site plan shows a pre-existing, nonconforming parking facility containing 20 parking stalls located to the rear of the shops. The applicant does not propose to provide additional off-street parking or to alter the existing parking facility in any way. Per Section 30-19(d)(13), one off-street parking stall is required for every three seats in a restaurant and one stall for every three employees on the largest shift. Therefore, the existing use has a parking requirement of 17 stalls ($38/3 = 13$; and $11/3 = 4$). The proposed use has a parking requirement of 25 stalls ($61/3 = 21$; and $11/3 = 4$), an increase of eight stalls. As the applicant does not propose to provide additional off-street parking, the applicant must obtain a special permit from the Board of Aldermen per Sections 30-19(c)(3), 30-19(d)(13) and 30-19(m) to waive eight stalls.
3. See "Zoning Relief Summary" below:

| Zoning Relief Required | | |
|---|--|------------------------|
| <i>Ordinance</i> | <i>Use</i> | <i>Action Required</i> |
| §30-11(d)(9) | Permit a restaurant with greater than 50 seats | S.P. per §30-24 |
| <i>Ordinance</i> | <i>Parking</i> | <i>Action Required</i> |
| §30-19(c)(3); §30-19(d)(13); §30-19(m); | Waive eight required parking stalls | S.P. per §30-24 |