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Mayor

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Candace Havens
Director

MEMORANDUM

Public Hearing Date: July 10, 2012
Land Use Action Date: September 11, 2012
Board of Aldermen Action Date: October 1, 2012
90-Day Expiration Date: October 2, 2012

DATE: July 7, 2012

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Eve Tapper, Chief Planner for Current Planning ET
Derek Valentine, Senior Land Use Planner

SUBJECT: Petition 162-12, G AND B REALTY TRUST, JOHN M. O'HARA & KARL J. O'HARA, TRUSTEES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NON-CONFORMING STRUCTURE in the front setback; to increase the number of seats from 90 to 120; and, to waive the seven additional required parking stalls for an expansion to an existing restaurant at 1181-1189 WALNUT STREET, Ward 6, Newton Highlands, on land known as SBL 52, 36, 1, in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-21(b), 30-19(c) and (d)(13) and 30-19(m), 30-11(d)(9), of the City of Newton Rev Zoning Ord, 2007 and Special permit #188-94).

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY

The petitioner's property consists of 3,618 square feet of land in a Business 1 zone. It is improved with a single-story commercial building with store fronts on Walnut Street. The space is occupied by O'Hara's, a 90-seat restaurant and a vacant 663-square foot retail space. The applicant is proposing an expansion of the restaurant use into this former retail space, adding 30 seats and three employees. A special permit was granted in 1994 expanding the restaurant from 74 seats to the current 90 seats. The applicant must amend this prior special permit to expand their restaurant to 120 seats as proposed. The prior board order required that the petitioner line and designate parking at the rear of the restaurant. The petitioner should clarify whether this was done and if it is still in accordance with that condition.

The petitioner cannot provide off-street parking. Therefore, this expansion will require a parking waiver of seven stalls for 30 additional seats and three employees. The petitioner is proposing a modest expansion in the footprint of the building to provide better circulation from the existing restaurant to the new space. This addition will be 11'9" long by 3'8" wide and will constitute an expansion of a structure which is nonconforming with respect to front setback along Floral Street.

The *2007 Comprehensive Plan* encourages vibrant, attractive village centers with a mix of small businesses that are responsive to resident's needs within these centers. This expansion proposal will enhance a thriving, locally-oriented business within a village center and will bring patrons to Newton Highlands when most other businesses are closed in the evening.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this petition, the Board shall consider whether the following apply:

- A. The site is an appropriate location for a restaurant of 120 seats because it will increase the vitality of a village center in accordance with the recommendations of the *2007 Comprehensive Plan*.
- B. There will be no nuisance or serious hazard to vehicles or pedestrians as a result of the operation of the restaurant, as expanded.
- C. Literal compliance with parking requirements is impracticable because the site was developed prior to the adoption of the parking ordinance and the site cannot accommodate on-site parking.
- D. A waiver for seven required parking stalls is appropriate given the site's proximity to public transportation and the availability of parking within the village at the peak hours of operation for the business.
- E. The extension of the nonconforming structure within the front setback will not be substantially more detrimental to the neighborhood because it is a modest physical expansion of the structure.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject site is located in the Newton Highlands village center at the corner of Floral Street and Walnut Street. There are a variety of commercial store fronts along this portion of Walnut Street, as well as along Lincoln Street just north of the site. The streets off of Walnut Street feature single- and multi-family residences. The Business 1 zoning encompasses the area that is in commercial use west of Walnut Street, that includes the petitioner's site. The area east of Walnut Street is zoned Business 2, with residential zoning on the side streets.

B. Site

The site consists of 3,610 square feet of land improved with a one-story commercial building. There is an alley to the rear of the building with a dumpster enclosed with a stockade fence. There are no conforming parking spaces on the site. The building maintains no setback from the Walnut Street and Floral Street frontages.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The existing restaurant use will be expanded into the adjacent retail space.

B. Building and Site Design

O'Hara's currently occupies roughly 2,100 square feet of space that is comprised of a combination of a kitchen, a dining room, and a bar. There is an entrance on Walnut Street and a delivery entrance accessed via the rear alley. The proposal is to convert the adjacent 663-square foot retail space for additional restaurant use, increasing the overall number of seats from 90 to 120.

A second entrance will be provided at the corner of Walnut Street and Floral Street. The building will be expanded along the alley in the rear to provide a new delivery entrance facing Floral Street. A new handicap bathroom will be provided within the former retail space. No changes are proposed to the Floral Street and Walnut Street facades.

C. Parking and Circulation

Because this site was originally developed prior to the adoption of Newton's parking ordinance, there is no parking provided on site. The site retains a number of grandfathered parking credits, both from the existing 90-seat restaurant use and the retail use in the space that is to be converted. The proposed expanded

120-seat restaurant with three additional employees requires 46 parking stalls. The combined parking credit for the existing retail and restaurant space is 39 stalls. Therefore, the site has a deficit of seven parking stalls, for which the petitioner is seeking a waiver.

The petitioner has submitted a parking study (ATTACHMENT E). The restaurant will rely solely on a combination of public transportation/biking/walking and public parking. The parking study provides an analysis of on-street and municipal lot parking available within a 2.5 minute walk from the site at peak lunch and dinner hours (generally from 12:00 noon to 1:00 p.m. and from 6:30 p.m. to 8:00 p.m.). There are a number of streets in the area with metered parking, as well as the Hartford Street municipal parking lot. The study determined that there are on average 27 available parking spaces in the area during the peak lunch hour and 53 available parking spaces during the peak dinner hour.

The petitioner has indicated that a significant portion of their peak lunchtime traffic arrives by foot from residences and businesses in the neighborhood or by public transportation. The Planning Department suggests that the petitioner consider making a contribution to the Newton Highlands parking mitigation fund for continued pedestrian improvements within the village. This could be used for a pedestrian countdown signal in the future.

D. Landscape Screening

The petitioner is proposing minor exterior changes on a site that is already mostly covered by buildings and hardscape. Therefore, no landscaping is necessary.

IV. COMPREHENSIVE PLAN

The *2007 Comprehensive Plan* encourages vibrant, attractive village centers with a mix of small businesses that are responsive to residents' needs within village centers. This proposal will result in the continued expansion of a thriving, locally-oriented business within a village center and will bring patrons to Newton Highlands when most other businesses are closed in the evening.

V. TECHNICAL REVIEW

A. Technical Considerations

The Zoning Review Memorandum (ATTACHMENT C) provides a complete analysis with respect to zoning. The petitioner was granted approval to expand the restaurant from 74 seats to 90 seats through Board Order #188-94 in 1994. They now need to amend that special permit to allow operation with 120 seats. In addition, the site provides no off-street parking and the proposed use is a more parking-intensive use than the existing retail space. The petitioner is seeking a waiver for seven parking stalls to support the expansion.

The existing structure is nonconforming with respect to front lot line setback on Floral Street. A small addition is proposed to the rear of the structure which will increase this nonconformity.

B. Newton Historical Commission

The proposed exterior changes are minor and do not require Newton Historical Commission review.

C. Engineering Review

The proposed changes will not result in a substantial increase in the amount of impervious surface on site and therefore do not require review by the Engineering Division of the Department of Public Works.

VI. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum (ATTACHMENT C), the petitioner is seeking the following reliefs:

- Section 30-11(d)(9), to permit a 120-seat restaurant in a Business 1 district
- Section 30-19(c), 30-19(d)(13), to waive seven required parking stalls
- Section 30-21(b), to extend a nonconforming structure in the front setback

VII. PETITIONERS' RESPONSIBILITIES

The petition is currently complete.

ATTACHMENTS:

ATTACHMENT A: VICINITY LAND USE MAP

ATTACHMENT B: VICINITY ZONING MAP

ATTACHMENT C: ZONING REVIEW MEMO

ATTACHMENT D: BOARD ORDER #188-94

ATTACHMENT E: PARKING STUDY

1181¹⁶²⁻¹²-1189 Walnut St. Land Use

*City of Newton,
Massachusetts*

Legend

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Mixed Use
-  Open Space



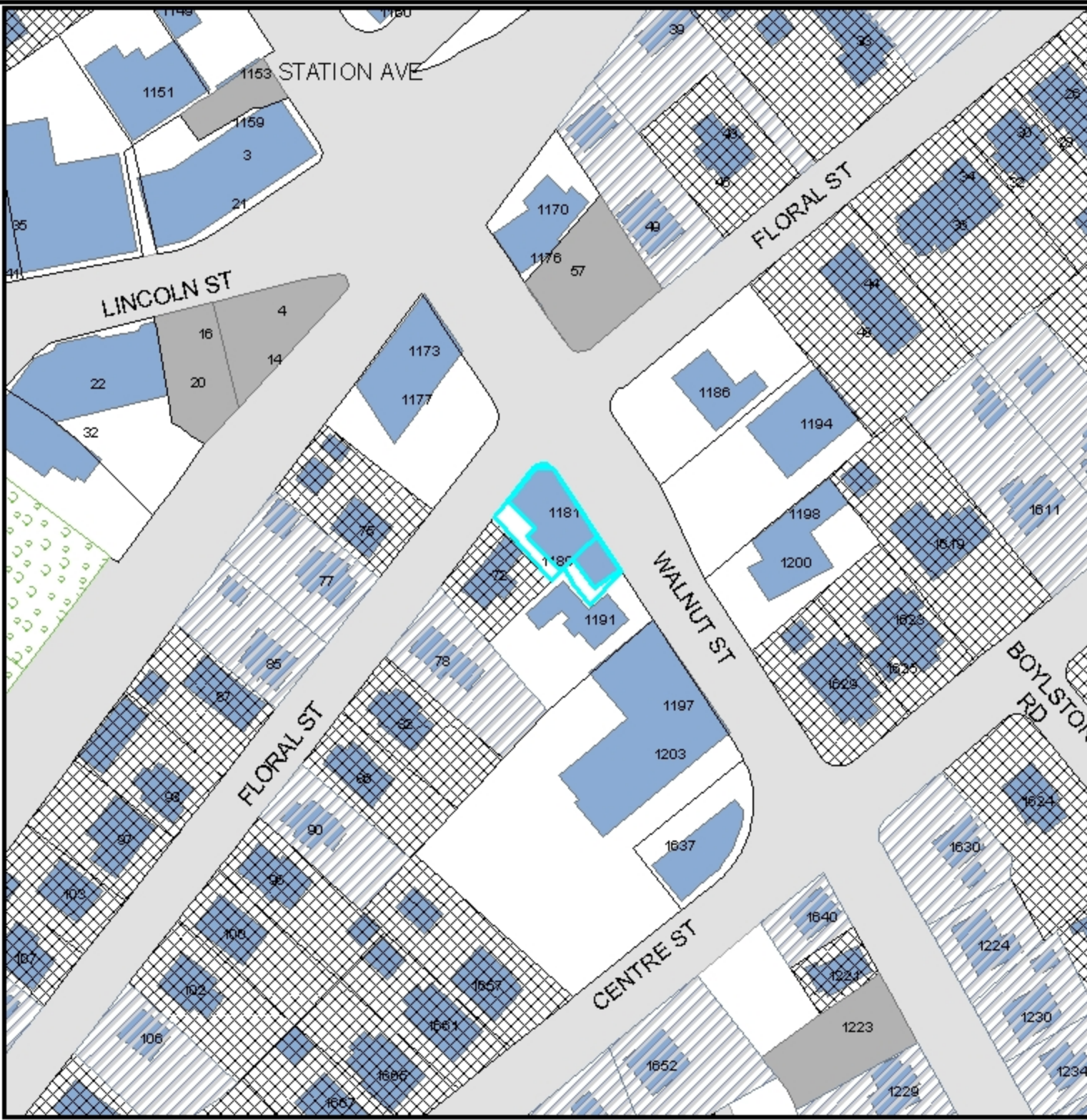
The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
 Mayor - Seth D. Warren
 GIS Administrator - Douglas Greenfield



ATTACHMENT A

Map Date: June 27, 2012



162-12
**1181-1189
 Walnut St.
 Zoning**

*City of Newton,
 Massachusetts*

Legend

-  Multi-Residence 1
-  Multi-Residence 2
-  Business 1
-  Business 2



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
 Mayor - Seth D. Warren
 GIS Administrator - Douglas Greenfield



ATTACHMENT B

Map Date: June 27, 2012





Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
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ATTACHMENT C
162-12

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ZONING REVIEW MEMORANDUM

Date: April 26, 2012

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Stephen J. Buchbinder, attorney representing applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to waive the required parking for thirty additional seats and three additional employees on the largest shift

Applicant: O'Hara's & Sons, Inc.	
Site: 1181-1189 Walnut Street	SBL: 52036 0001
Zoning: BU1	Lot Area: 3,618 square feet
Current use: Restaurant with 90 seats and retail store	Proposed use: Restaurant with 120 seats

BACKGROUND:

The property at 1181-1189 Walnut Street consists of a 3,618 square foot lot improved with a single story commercial building. The existing uses on the property include a retail jewelry store and a restaurant (O'Hara's). In 1994, the O'Hara's received a special permit (Board Order #188-94) to add an additional 16 seats to the then-existing 74-seat restaurant, creating the current total of 90 seats and permitting a restaurant use with more than 50 seats. The applicant proposes to expand the restaurant use into the space used by the retail store.

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

- Copy of Board Order #188-94
- Parking calculation, unsigned and undated
- Existing floor plan, by Donald Lang Architects, unsigned and unstamped, dated 3/22/12
- Proposed floor plan showing a net increase of 30 seats in the adjacent former retail store, by Donald Lang Architects, unsigned and unstamped, dated 3/22/12
- Existing and proposed site plan, by Verne Porter, Surveyor, unsigned and unstamped, dated 3/6/12
- Area plan, by Verne Porter, Surveyor, unsigned and unstamped, dated 3/6/12

ADMINISTRATIVE DETERMINATIONS:

1. The property is located in a Business 1 District. The proposed use (restaurant with greater than 50 seats) is allowed by special permit in this zone. In 1994, the applicant obtained a special permit permitting this use (B.O. #188-94). Therefore the use is permitted, but the applicant must obtain an amendment to the prior special permit from the Board of Aldermen to increase the number of seats.
2. Per Section 30-19, the applicant is required to provide adequate off-street parking. There is no conforming off-street parking located on the site. As the site was developed prior to the enactment of Newton's parking ordinances, the property retains a number of grandfathered parking credits equal to the parking requirement for the existing uses. Per Section 30-19(d)(13), restaurant uses must provide one off-street parking stall per three seats and one stall per three employees on the largest shift. Per Section 30-19(d)(10), retail uses must provide one off-street parking stall per 300 square feet of floor area and one stall per three employees on the largest shift. The applicant proposes to convert an existing 663 square foot retail space into a new dining room for O'Hara's restaurant, resulting in a net increase of thirty seats and three employees on the largest shift for the restaurant use. The number of additional parking spaces required is determined by the parking calculation in Section 30-19(c) (see the table below). To use the building as proposed, the applicant must obtain a special permit from the Board of Aldermen waiving seven required parking stalls.

Proposed	Parking Formula	Required Parking
Restaurant with 120 seats and 18 employees on the largest shift	1 stall per 3 seats and 3 employees	46 (A)
Existing	Parking Formula	Parking Credits
Restaurant with 90 seats and 15 employees on the largest shift	1 stall per 3 seats and 3 employees	35 (B)
663 square foot retail store with three employees on the largest shift	1 stall per 300 square feet and 3 employees	4 (B)
Off-street parking spaces		0 (C)
Additional Spaces Required:		7

Calculation per §30-19(c)(2): A (46) – B (39) + C(0) = Required number of parking stalls (7)

3. The existing structure is nonconforming with regard to the front setback along Floral Street. The applicant's site plan shows a small addition to the rear of the structure designed to improve circulation between the existing and proposed dining rooms. The addition is located within the required ten-foot front setback and represents an extension of a nonconforming structure. To construct the addition as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-21(b) and an amendment to the site plan approved as part of B.O. #188-94.
4. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Use, Parking, and Site</i>	<i>Action Required</i>
§30-11(d)(9), special permit BO# 188-94	Permit a 120 seat restaurant in a Business 1 District	Amend S.P. BO #188-94
§30-19(c), §30-19(d)(13), §30-19(m)	Waive seven required parking stalls	S.P. per §30-24
§30-21(b)	Extend a nonconforming structure in the front setback	S.P. per §30-24 and amend approved site plan

#188-94

CITY OF NEWTON
IN BOARD OF ALDERMEN

August 8, 1994

123

MSD 08/29/94 10:23:37 138 12.25

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action 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, the following SPECIAL PERMIT/SITE PLAN APPROVAL is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefore, through its Chairman, Alderman Susan M. Basham:

1. The Board finds that it is not possible to supply customer parking on the site and that there is off-site employee parking.
2. The Board finds that there is no detriment to the neighborhood by the additional seating and resulting increase in parking demand.
3. The Board finds that the conditions proposed by the Petitioner address concerns of the neighborhood.

PETITION NUMBER: 188-94

PETITIONER: O'Hara's & Sons, Inc.

LOCATION: 1185 Walnut Street, Ward 6

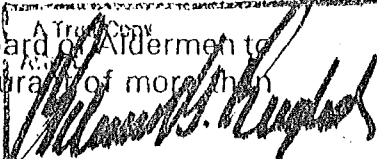
OWNER: G & B Realty Trust, K. & J. O'Hara, Trustees

ADDRESS OF OWNER: 1185 Walnut Street
Newton Highlands, Mass. 02161

TO BE USED FOR: The addition of 16 seats to an existing 74 seat restaurant (total 90 seats).

CONSTRUCTION: Interior

EXPLANATORY NOTE: Section 30-11(d)(9) allows the Board of Aldermen to grant a Special Permit for a restaurant of more than

A True Copy

 City Clerk of Newton, Mass.

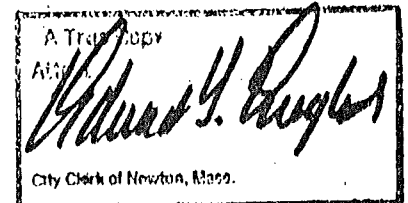
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50 seats. Section 30-19(c) and (m) allow the Board of Aldermen to grant a Special Permit for a waiver of the parking requirements.

Land referred to is in a Business 1 District.

Approved, subject to the following conditions:

1. That all buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with plans entitled "plan of Land in Newton, Mass.", dated Nov. 25, 1992 by U. M. Schiavone, and "Floor Plan" by Platt Anderson Freeman Associated Architects, dated June 20, 1994, submitted by the petitioner and filed herewith.
2. That the Petitioner line and designate by signage the parking spaces at the rear of the building.
3. That the steps to the rear emergency entryway be reconstructed and the door be properly secured.
4. That the rear facade design and signage be approved by the Director of Planning and Development.
5. That during any deliveries to either the restaurant or any tenant of the site, delivery trucks shall not park on any sidewalks adjacent to the property owned by the Petitioner.
6. That during snow removal operations, the petitioners, tenants of the site or contractors hired on their behalf, shall not deposit snow removed from the site on any sidewalks on Floral Street.
7. That the Petitioners shall apply to the City for curbing along the property line at the corner of Floral Street.
8. That no building permit shall be issued in pursuance of the SPECIAL PERMIT/SITE PLAN APPROVAL until:
 - a. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a Certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL with appropriate reference to the book and page of the recording of the Petitioner's title deed or notice of lease endorsed thereon.



b. A certified copy of such recorded notice shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.

9. That the portion of the building for the additional seating subject to this SPECIAL PERMIT/SITE PLAN APPROVAL shall not be occupied until:

a. The rear parking area has been striped and signed for parking in accordance with Condition #2.

b. The rear steps of the building have been reconstructed in accordance with Condition #3.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 excused (Ald. Concannon)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT and SITE PLAN APPROVAL and is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on August 8, 1994. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the Planning and Development Board and the City Clerk.

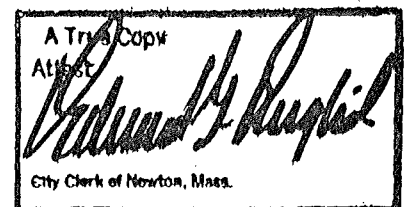
ATTEST:



(SGD) EDWARD G. ENGLISH, City Clerk
Clerk of the Board of Aldermen

I, Edward G. English, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on August 8, 1994 and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

ATTEST 
EDWARD G. ENGLISH, City Clerk



781-373-1375

Planning Horizons
502 South Avenue, Weston, MA 02493

To: Land Use Committee of the City of Newton Board of Aldermen

From: Lou Mercuri, Planning Horizons

Re: 1181-1189 Walnut Street

Date: May 30, 2012

On behalf of the petitioner for this land use petition, I am submitting this report regarding the availability of parking for the proposed increase in seating at O'Hara's restaurant at 1181-1189 Walnut Street in Newton Highlands.

Restaurant Proposal

O'Hara's restaurant is seeking to expand its current location at 1181-1189 Walnut Street in Newton Highlands from its current 90-seat capacity to a total seating capacity of 120. The restaurant would convert an adjacent existing 663 square foot retail space to accommodate the 30 additional seats for dining. Three additional employees for a total of 18 employees on the largest shift would be required under this proposal. A parking analysis conducted by the Inspectional Services Department reveals that the additional seating will require a parking waiver of 7 parking stalls. The restaurant would continue its operation with a peak activity during the lunch and dinner hours. The restaurant operates Monday-Saturday and is closed on Sundays.

Existing Conditions

O'Hara's restaurant would continue to operate at its present location at 1181-1189 Walnut Street but would renovate an adjacent 663 square foot storefront (which currently houses a jewelry store) and this space would be used for an additional 30 seats to reach a total of 120 seats.

The restaurant will continue to need to rely on off-site parking to meet its customer demand for parking. There is no onsite parking available for customers and no private parking available on the lot. Parking for the restaurant needs to be accommodated within a comfortable two- to two-and-a-half-minute walk for patrons.

Planning Horizons conducted extensive surveys of parking usage in the area at lunch and dinner hours in May 2012. The results of these surveys are described throughout this report and includes available parking areas within a two to two and a half minute walk of O'Hara's restaurant.

Part of the submission for this special permit application is a plan entitled "Area Plan, 1181-1189 Walnut Street, located in Newton Massachusetts" dated March 6, 2012 prepared by Verne T. Porter, Jr. Land Surveyors which identifies ten parking locations surveyed for potential use by patrons and employees. The ten areas and surveyed capacities are noted as follows:

1. Walnut Street southbound between Floral Street and Centre Street, 9 one-hour metered spaces directly in front of O'Hara's restaurant and the proposed expansion
2. Walnut Street southbound between Lincoln Street and Floral Street, 4 one-hour metered spaces
3. Walnut Street northbound between Floral Street and Lincoln Street, 4 one-hour metered spaces
4. Floral Street east of Walnut Street, between Walnut Street and #36 Floral Street, 6 two-hour unmetered spaces
5. Floral Street west of Walnut Street, between Walnut Street and #89 Floral Street, 10 two-hour unmetered spaces
6. Station Avenue between Walnut Street and the MBTA station building, 13 one-hour unmetered spaces
7. Lincoln Street westbound between Walnut Street and Hartford Street, 15 one-hour metered spaces
8. Lincoln Street eastbound between Hartford Street and Walnut Street, 11 one-hour metered spaces
9. The Hartford Street municipal lot includes a total of 61 spaces, for this survey the long term (12-hour) parking spaces, handicapped spaces, and spaces reserved for the Brigham House were not included, leaving a net total of 50 three-hour metered spaces
10. The Highland Service Station at 1186 Walnut Street, across from O'Hara's, that is made available for evening open parking for patrons and employees accommodates 17 vehicle spaces. The service station is not available for lunch time parking.

This inventory of parking areas includes a total of 122 available short term parking spaces during the lunch hour and 139 available parking spaces during the evening or dinner hour all within a two-and-a-half minute walk of the restaurant. Our survey was limited to short term parking areas (three hours or less) as most of the patrons of the restaurant will typically need parking for ninety minutes or less. There are five long term parking spaces in the Hartford Street lot and others further away from the restaurant on Walnut Street traveling northbound towards Beacon Street.

Parking Methodology and Results

To get a complete picture of the parking demand and supply in the area, it is necessary to understand the proposed restaurant operation and peak periods. It is expected that O'Hara's peak periods will occur at the weekday lunch hour between 12:00 noon and 1:00PM, and in the evening hours between 6:30PM and 8:00PM. It is difficult to determine the potential busiest day and time, but it was believed that Fridays and Saturdays best capture the conditions on the more crowded days.

Planning Horizons surveyed all of the available parking locations on 18 different occasions; 10 counts were conducted during the lunch hour and 8 counts were conducted at the dinner hour. All of the counts were conducted between Tuesdays and Saturdays; no counts were conducted on Mondays as this is generally the lightest day for business and parking is readily available.

The 10 lunch counts were conducted between May 2 and May 19 and all counts were conducted between 12:15PM and 1:00PM. Two counts on each of the five days - Tuesdays through Saturdays - were conducted. Weather conditions were typically cool but there were no extremes during this period. The day by day summary of all the counts follow and are further referenced in Appendix I.

The 8 evening or dinner counts were conducted between May 10 and May 23 and all counts were conducted at 7:00PM with the exception of the May 22 count which was conducted at 8:00PM. One count each for a Tuesday and Wednesday night are presented and there were two separate counts conducted on Thursday, Friday, and Saturday evenings. The day by day summary of all the counts follow and are further referenced in Appendix I.

The results of the data are marked by two factors. First, the overall parking demand in Newton Highlands is greatest between the business hours of 9:00AM and 5:00PM so the peak dinner operations of O'Hara's (6:30PM and later) will have a limited impact on the parking demands during these periods. Related to this is the greater demand and parking usage in the area during the lunch hour, however O'Hara's has a long established reputation of serving the needs of the local businesses and office uses in the area whose customers and employees walk to the establishment thereby limiting further parking demands. The proposed expansion will build on this tradition of local walk-in customers at lunch time.

The second factor relates to where parking is available at both the lunch and dinner hours. Our results show that much of the available parking is located at either the Hartford Street municipal lot or in the unmetered spaces on Station Avenue. Both of these areas are favorable for O'Hara's patrons as the allowed duration of parking is consistent with the typical amount of time a customer would spend at the restaurant.

The data reveals the following summary for lunch time and dinner time periods. The roman numerals indicate the chart numbers in the back of this report.

Lunch Peak Hour Count 12:30PM

Parking Area	Capacity	Average Occupancy	Average Number of Vacant Spaces
Walnut St at O'Hara's, 1 hr metered (I)	9	8	1
Walnut St southbound, 1 hr metered (II)	4	3	1
Walnut St northbound 1-hr metered (III)	4	3	1

Planning Horizons

781-373-1375

502 South Avenue, Weston, MA 02493

Floral St east, 2 hr unmetered (IV)	6	4	2
Floral St west, 2 hr unmetered (V)	10	7	3
Station Ave 1 hr unmetered (VI)	13	8	5
Lincoln St westbound, 1 hr metered (VII)	15	14	1
Lincoln St eastbound, 1 hr metered (VIII)	11	10	1
Hartford St municipal, 3 hr metered (IX)	50	38	12
Highland Service Station (X)	n/a	n/a	n/a
TOTALS	122	95	27

Dinner Peak Hour Count 7:00PM

Parking Area	Capacity	Average Occupancy	Average Number of Vacant Spaces
Walnut St at O'Hara's, 1 hr metered (I)	9	8	1
Walnut St southbound, 1 hr metered (II)	4	4	0
Walnut St northbound 1-hr metered (III)	4	3	1
Floral St east, 2 hr unmetered (IV)	6	4	2
Floral St west, 2 hr unmetered (V)	10	7	3
Station Ave 1 hr unmetered (VI)	13	6	7
Lincoln St westbound, 1 hr metered (VII)	15	13	2
Lincoln St eastbound, 1 hr metered (VIII)	11	7	4
Hartford St municipal, 3 hr metered (IX)	50	22	28
Highland Service Station (X)	17	12	5
TOTALS	139	86	53

The data indicates that there is on average a surplus of available parking in the area to allow the 7-space parking waiver. At present there are 27 available spaces on average in the area at the lunch hour and almost double, or 53 available spaces in the evening at the dinner hour.

The most available parking areas at both lunch and dinner are the Hartford Street lot (12 available at lunch and 28 available at dinner) and along Station Avenue (5 available at lunch and 7 available at dinner). Both of these areas are readily available and together supply a total surplus of well over 7 parking spaces at both times.

It is expected that a considerable number of employees will access the site from the nearby MBTA Green Line public transportation station in Newton Highlands. The use of the Highland Service Station for evening parking has proven to be valuable for both customers and employees and it is expected that this arrangement will continue as the proposed expansion moves forward.

Finally, considering the level of commercial activity in Newton Highlands at lunch, the petitioner will rely on substantial walk-in traffic from nearby offices and businesses at the peak periods, and this will not change with additional seating.

Summary and Conclusion

Based on the observations, O'Hara's and its operation can readily meet the 7 space parking waiver requirement as there are, on average, 27 and 53 available short-term parking spaces respectively at the lunch and dinner hours. Much of the lunchtime traffic will be generated from walk-ins from neighboring businesses without introducing any significant parking demands.

APPENDIX I

Summary by day of week, total of all parking areas

Date	Weather	Time	Spaces Used	Spaces Available
LUNCH COUNTS				
	55°			
1 Tuesday, May 08, 2012	cloudy	12:15PM	92	30
	70°			
2 Tuesday, May 15, 2012	cloudy	12:30PM	82	40
	50°			
3 Wednesday, May 02, 2012	cloudy	12:30PM	94	28
	65°			
4 Wednesday, May 16, 2012	cloudy	12:45PM	92	30
	50°			
5 Thursday, May 03, 2012	cloudy	1:00PM	99	23
	55°			
6 Thursday, May 10, 2012	cloudy	12:15PM	94	28
	55°			
7 Friday, May 04, 2012	cloudy	12:30PM	109	13
	70°			
8 Friday, May 18, 2012	sunny	12:30PM	99	23
	70°			
9 Saturday, May 12, 2012	sunny	12:30PM	98	24
	75°			
10 Saturday, May 19, 2012	sunny	12:45PM	92	30
		Average	95	27
DINNER COUNTS				
	60°			
1 Tuesday, May 22, 2012	cloudy	8:00PM	64	75
2 Wednesday, May 23, 2012	70° clear	7:00PM	102	37
	60°			
3 Thursday, May 10, 2012	cloudy	7:00PM	103	36
4 Thursday, May 17, 2012	70° clear	7:00PM	97	42
5 Friday, May 11, 2012	60° clear	7:00PM	81	58
6 Friday, May 18, 2012	70° clear	7:00PM	101	38
7 Saturday, May 12, 2012	70° clear	7:00PM	75	64
8 Saturday, May 19, 2012	70° clear	7:00PM	67	72
		Average	86	53

APPENDIX II

Summary by parking area, using daily average spaces

	Avg Spaces Used	Avg Spaces Available
LUNCH (122 available spaces)		
1 Walnut St southbound, Floral St to Centre St (O'Hara's)	8	1
2 Walnut St southbound, Lincoln St to Floral St	3	1
3 Walnut St northbound, Floral St to Lincoln St	3	1
4 Floral St, east of Walnut St to #36	4	2
5 Floral St west fo Walnut St to #89	7	3
6 Station Ave	8	5
7 Lincoln St westbound, Walnut St to Hartford St	14	1
8 Lincoln St eastbound, Hartford St to Walnut St	10	1
9 Hartford St Municipal Lot	38	12
TOTAL	95	27
DINNER (139 available spaces)		
1 Walnut St southbound, Floral St to Centre St (O'Hara's)	8	1
2 Walnut St southbound, Lincoln St to Floral St	4	0
3 Walnut St northbound, Floral St to Lincoln St	3	1
4 Floral St, east of Walnut St to #36	4	2
5 Floral St west fo Walnut St to #89	7	3
6 Station Ave	6	7
7 Lincoln St westbound, Walnut St to Hartford St	13	2
8 Lincoln St eastbound, Hartford St to Walnut St	7	4
9 Hartford St Municipal Lot	22	28
10 Highland Service Station, 1186 Walnut St	12	5
TOTAL	86	53

CHART I

Walnut St southbound, Floral St to Centre St (O'Hara's), 1 hr metered

Date	Weather	Time	Spaces Used	Spaces Available
LUNCH COUNTS				
1 Tuesday, May 08, 2012	55° cloudy	12:15PM	8	1
2 Tuesday, May 15, 2012	70° cloudy	12:30PM	8	1
3 Wednesday, May 02, 2012	50° cloudy	12:30PM	8	1
4 Wednesday, May 16, 2012	65° cloudy	12:45PM	8	1
5 Thursday, May 03, 2012	50° cloudy	1:00PM	8	1
6 Thursday, May 10, 2012	55° cloudy	12:15PM	8	1
7 Friday, May 04, 2012	55° cloudy	12:30PM	9	0
8 Friday, May 18, 2012	70° sunny	12:30PM	8	1
9 Saturday, May 12, 2012	70° sunny	12:30PM	6	3
10 Saturday, May 19, 2012	75° sunny	12:45PM	8	1
Average			8	1
DINNER COUNTS				
1 Tuesday, May 22, 2012	60° cloudy	8:00PM	5	4
2 Wednesday, May 23, 2012	70° clear	7:00PM	7	2
3 Thursday, May 10, 2012	60° cloudy	7:00PM	9	0
4 Thursday, May 17, 2012	70° clear	7:00PM	8	1
5 Friday, May 11, 2012	60° clear	7:00PM	9	0
6 Friday, May 18, 2012	70° clear	7:00PM	9	0
7 Saturday, May 12, 2012	70° clear	7:00PM	8	1
8 Saturday, May 19, 2012	70° clear	7:00PM	8	1
Average			8	1

CHART II

Walnut St southbound, Lincoln St to Floral St, 1 hr metered

Date	Weather	Time	Spaces Used	Spaces Available
LUNCH COUNTS				
1 Tuesday, May 08, 2012	55° cloudy	12:15PM	3	1
2 Tuesday, May 15, 2012	70° cloudy	12:30PM	4	0
3 Wednesday, May 02, 2012	50° cloudy	12:30PM	4	0
4 Wednesday, May 16, 2012	65° cloudy	12:45PM	3	1
5 Thursday, May 03, 2012	50° cloudy	1:00PM	3	1
6 Thursday, May 10, 2012	55° cloudy	12:15PM	4	0
7 Friday, May 04, 2012	55° cloudy	12:30PM	4	0
8 Friday, May 18, 2012	70° sunny	12:30PM	4	0
9 Saturday, May 12, 2012	70° sunny	12:30PM	3	1
10 Saturday, May 19, 2012	75° sunny	12:45PM	3	1
Average			3	1
DINNER COUNTS				
1 Tuesday, May 22, 2012	60° cloudy	8:00PM	2	2
2 Wednesday, May 23, 2012	70° clear	7:00PM	4	0
3 Thursday, May 10, 2012	60° cloudy	7:00PM	4	0
4 Thursday, May 17, 2012	70° clear	7:00PM	4	0
5 Friday, May 11, 2012	60° clear	7:00PM	4	0
6 Friday, May 18, 2012	70° clear	7:00PM	3	1
7 Saturday, May 12, 2012	70° clear	7:00PM	4	0
8 Saturday, May 19, 2012	70° clear	7:00PM	4	0
Average			4	0

CHART III

Walnut St northbound, Floral St to Lincoln St, 1 hr metered

Date	Weather	Time	Spaces Used	Spaces Available
LUNCH COUNTS				
1 Tuesday, May 08, 2012	55° cloudy	12:15PM	4	0
2 Tuesday, May 15, 2012	70° cloudy	12:30PM	1	3
3 Wednesday, May 02, 2012	50° cloudy	12:30PM	3	1
4 Wednesday, May 16, 2012	65° cloudy	12:45PM	3	1
5 Thursday, May 03, 2012	50° cloudy	1:00PM	4	0
6 Thursday, May 10, 2012	55° cloudy	12:15PM	4	0
7 Friday, May 04, 2012	55° cloudy	12:30PM	4	0
8 Friday, May 18, 2012	70° sunny	12:30PM	3	1
9 Saturday, May 12, 2012	70° sunny	12:30PM	2	2
10 Saturday, May 19, 2012	75° sunny	12:45PM	2	2
Average			3	1
DINNER COUNTS				
1 Tuesday, May 22, 2012	60° cloudy	8:00PM	4	0
2 Wednesday, May 23, 2012	70° clear	7:00PM	4	0
3 Thursday, May 10, 2012	60° cloudy	7:00PM	3	1
4 Thursday, May 17, 2012	70° clear	7:00PM	2	1
5 Friday, May 11, 2012	60° clear	7:00PM	2	1
6 Friday, May 18, 2012	70° clear	7:00PM	4	0
7 Saturday, May 12, 2012	70° clear	7:00PM	3	1
8 Saturday, May 19, 2012	70° clear	7:00PM	3	1
Average			3	1

CHART IV

Floral St, east of Walnut St to #36, 2 hr unmetered

Date	Weather	Time	Spaces Used	Spaces Available
LUNCH COUNTS				
1 Tuesday, May 08, 2012	55° cloudy	12:15PM	2	4
2 Tuesday, May 15, 2012	70° cloudy	12:30PM	2	4
3 Wednesday, May 02, 2012	50° cloudy	12:30PM	5	1
4 Wednesday, May 16, 2012	65° cloudy	12:45PM	4	2
5 Thursday, May 03, 2012	50° cloudy	1:00PM	5	1
6 Thursday, May 10, 2012	55° cloudy	12:15PM	3	3
7 Friday, May 04, 2012	55° cloudy	12:30PM	6	0
8 Friday, May 18, 2012	70° sunny	12:30PM	6	0
9 Saturday, May 12, 2012	70° sunny	12:30PM	1	5
10 Saturday, May 19, 2012	75° sunny	12:45PM	4	2
Average			4	2
DINNER COUNTS				
1 Tuesday, May 22, 2012	60° cloudy	8:00PM	3	3
2 Wednesday, May 23, 2012	70° clear	7:00PM	5	1
3 Thursday, May 10, 2012	60° cloudy	7:00PM	6	0
4 Thursday, May 17, 2012	70° clear	7:00PM	5	1
5 Friday, May 11, 2012	60° clear	7:00PM	4	2
6 Friday, May 18, 2012	70° clear	7:00PM	6	0
7 Saturday, May 12, 2012	70° clear	7:00PM	3	3
8 Saturday, May 19, 2012	70° clear	7:00PM	3	3
Average			4	2

CHART V

Floral St west fo Walnut St to #89, 2 hr unmetered

Date	Weather	Time	Spaces Used	Spaces Available
LUNCH COUNTS				
1 Tuesday, May 08, 2012	55° cloudy	12:15PM	6	4
2 Tuesday, May 15, 2012	70° cloudy	12:30PM	7	3
3 Wednesday, May 02, 2012	50° cloudy	12:30PM	7	3
4 Wednesday, May 16, 2012	65° cloudy	12:45PM	9	1
5 Thursday, May 03, 2012	50° cloudy	1:00PM	6	4
6 Thursday, May 10, 2012	55° cloudy	12:15PM	8	2
7 Friday, May 04, 2012	55° cloudy	12:30PM	9	1
8 Friday, May 18, 2012	70° sunny	12:30PM	8	2
9 Saturday, May 12, 2012	70° sunny	12:30PM	4	6
10 Saturday, May 19, 2012	75° sunny	12:45PM	6	4
Average			7	3
DINNER COUNTS				
1 Tuesday, May 22, 2012	60° cloudy	8:00PM	6	4
2 Wednesday, May 23, 2012	70° clear	7:00PM	8	2
3 Thursday, May 10, 2012	60° cloudy	7:00PM	9	1
4 Thursday, May 17, 2012	70° clear	7:00PM	8	2
5 Friday, May 11, 2012	60° clear	7:00PM	4	6
6 Friday, May 18, 2012	70° clear	7:00PM	9	1
7 Saturday, May 12, 2012	70° clear	7:00PM	8	2
8 Saturday, May 19, 2012	70° clear	7:00PM	6	4
Average			7	3

CHART VI

Station Ave, 1 hr unmetered

Date	Weather	Time	Spaces Used	Spaces Available
LUNCH COUNTS				
1 Tuesday, May 08, 2012	55° cloudy	12:15PM	7	6
2 Tuesday, May 15, 2012	70° cloudy	12:30PM	7	6
3 Wednesday, May 02, 2012	50° cloudy	12:30PM	9	4
4 Wednesday, May 16, 2012	65° cloudy	12:45PM	8	5
5 Thursday, May 03, 2012	50° cloudy	1:00PM	10	3
6 Thursday, May 10, 2012	55° cloudy	12:15PM	12	1
7 Friday, May 04, 2012	55° cloudy	12:30PM	7	6
8 Friday, May 18, 2012	70° sunny	12:30PM	9	4
9 Saturday, May 12, 2012	70° sunny	12:30PM	8	5
10 Saturday, May 19, 2012	75° sunny	12:45PM	7	6
Average			8	5
DINNER COUNTS				
1 Tuesday, May 22, 2012	60° cloudy	8:00PM	4	9
2 Wednesday, May 23, 2012	70° clear	7:00PM	9	4
3 Thursday, May 10, 2012	60° cloudy	7:00PM	7	6
4 Thursday, May 17, 2012	70° clear	7:00PM	6	7
5 Friday, May 11, 2012	60° clear	7:00PM	5	8
6 Friday, May 18, 2012	70° clear	7:00PM	5	8
7 Saturday, May 12, 2012	70° clear	7:00PM	3	10
8 Saturday, May 19, 2012	70° clear	7:00PM	6	7
Average			6	7

CHART VII

Lincoln St westbound, Walnut St to Hartford St, 1 hr metered

Date	Weather	Time	Spaces Used	Spaces Available
LUNCH COUNTS				
1 Tuesday, May 08, 2012	55° cloudy	12:15PM	12	3
2 Tuesday, May 15, 2012	70° cloudy	12:30PM	14	1
3 Wednesday, May 02, 2012	50° cloudy	12:30PM	13	2
4 Wednesday, May 16, 2012	65° cloudy	12:45PM	14	1
5 Thursday, May 03, 2012	50° cloudy	1:00PM	14	1
6 Thursday, May 10, 2012	55° cloudy	12:15PM	15	0
7 Friday, May 04, 2012	55° cloudy	12:30PM	14	1
8 Friday, May 18, 2012	70° sunny	12:30PM	14	1
9 Saturday, May 12, 2012	70° sunny	12:30PM	14	1
10 Saturday, May 19, 2012	75° sunny	12:45PM	13	2
Average			14	1
DINNER COUNTS				
1 Tuesday, May 22, 2012	60° cloudy	8:00PM	10	5
2 Wednesday, May 23, 2012	70° clear	7:00PM	13	2
3 Thursday, May 10, 2012	60° cloudy	7:00PM	13	2
4 Thursday, May 17, 2012	70° clear	7:00PM	14	1
5 Friday, May 11, 2012	60° clear	7:00PM	14	1
6 Friday, May 18, 2012	70° clear	7:00PM	13	2
7 Saturday, May 12, 2012	70° clear	7:00PM	13	2
8 Saturday, May 19, 2012	70° clear	7:00PM	13	2
Average			13	2

CHART VIII

Lincoln St eastbound, Hartford St to Walnut St, 1 hr metered

Date	Weather	Time	Spaces Used	Spaces Available
LUNCH COUNTS				
1 Tuesday, May 08, 2012	55° cloudy	12:15PM	11	0
2 Tuesday, May 15, 2012	70° cloudy	12:30PM	10	1
3 Wednesday, May 02, 2012	50° cloudy	12:30PM	9	2
4 Wednesday, May 16, 2012	65° cloudy	12:45PM	10	1
5 Thursday, May 03, 2012	50° cloudy	1:00PM	9	2
6 Thursday, May 10, 2012	55° cloudy	12:15PM	10	1
7 Friday, May 04, 2012	55° cloudy	12:30PM	10	1
8 Friday, May 18, 2012	70° sunny	12:30PM	7	4
9 Saturday, May 12, 2012	70° sunny	12:30PM	10	1
10 Saturday, May 19, 2012	75° sunny	12:45PM	10	1
Average			10	1
DINNER COUNTS				
1 Tuesday, May 22, 2012	60° cloudy	8:00PM	4	7
2 Wednesday, May 23, 2012	70° clear	7:00PM	1	10
3 Thursday, May 10, 2012	60° cloudy	7:00PM	10	1
4 Thursday, May 17, 2012	70° clear	7:00PM	11	0
5 Friday, May 11, 2012	60° clear	7:00PM	9	2
6 Friday, May 18, 2012	70° clear	7:00PM	9	2
7 Saturday, May 12, 2012	70° clear	7:00PM	4	7
8 Saturday, May 19, 2012	70° clear	7:00PM	9	2
Average			7	4

CHART IX

Hartford St Municipal Lot, 3 hr metered

Date	Weather	Time	Spaces Used	Spaces Available
LUNCH COUNTS				
1 Tuesday, May 08, 2012	55° cloudy	12:15PM	39	11
2 Tuesday, May 15, 2012	70° cloudy	12:30PM	29	21
3 Wednesday, May 02, 2012	50° cloudy	12:30PM	36	14
4 Wednesday, May 16, 2012	65° cloudy	12:45PM	33	17
5 Thursday, May 03, 2012	50° cloudy	1:00PM	40	10
6 Thursday, May 10, 2012	55° cloudy	12:15PM	80	20
7 Friday, May 04, 2012	55° cloudy	12:30PM	46	4
8 Friday, May 18, 2012	70° sunny	12:30PM	40	10
9 Saturday, May 12, 2012	70° sunny	12:30PM	48	2
10 Saturday, May 19, 2012	75° sunny	12:45PM	39	11
Average			38	12
DINNER COUNTS				
1 Tuesday, May 22, 2012	60° cloudy	8:00PM	14	36
2 Wednesday, May 23, 2012	70° clear	7:00PM	36	14
3 Thursday, May 10, 2012	60° cloudy	7:00PM	32	18
4 Thursday, May 17, 2012	70° clear	7:00PM	25	25
5 Friday, May 11, 2012	60° clear	7:00PM	18	32
6 Friday, May 18, 2012	70° clear	7:00PM	31	19
7 Saturday, May 12, 2012	70° clear	7:00PM	14	36
8 Saturday, May 19, 2012	70° clear	7:00PM	2	48
Average			22	28

CHART X

Highland Service Station, 1186 Walnut St (available for dinner use only)

Date	Weather	Time	Spaces Used	Spaces Available
LUNCH COUNTS				
1 Tuesday, May 08, 2012	55° cloudy	12:15PM	n/a	n/a
2 Tuesday, May 15, 2012	70° cloudy	12:30PM	n/a	n/a
3 Wednesday, May 02, 2012	50° cloudy	12:30PM	n/a	n/a
4 Wednesday, May 16, 2012	65° cloudy	12:45PM	n/a	n/a
5 Thursday, May 03, 2012	50° cloudy	1:00PM	n/a	n/a
6 Thursday, May 10, 2012	55° cloudy	12:15PM	n/a	n/a
7 Friday, May 04, 2012	55° cloudy	12:30PM	n/a	n/a
8 Friday, May 18, 2012	70° sunny	12:30PM	n/a	n/a
9 Saturday, May 12, 2012	70° sunny	12:30PM	n/a	n/a
10 Saturday, May 19, 2012	75° sunny	12:45PM	n/a	n/a
	Average		n/a	n/a
DINNER COUNTS				
1 Tuesday, May 22, 2012	60° cloudy	8:00PM	12	5
2 Wednesday, May 23, 2012	70° clear	7:00PM	15	2
3 Thursday, May 10, 2012	60° cloudy	7:00PM	10	7
4 Thursday, May 17, 2012	70° clear	7:00PM	13	4
5 Friday, May 11, 2012	60° clear	7:00PM	11	6
6 Friday, May 18, 2012	70° clear	7:00PM	12	5
7 Saturday, May 12, 2012	70° clear	7:00PM	14	3
8 Saturday, May 19, 2012	70° clear	7:00PM	12	5
	Average		12	5