



Newton Highlands Neighborhood Area Council

Memorandum

Land Use Committee
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

July 9, 2012

Re Petition 162-12: Special Permit/Site Plan approval to extend a non-conforming structure, to increased the number of seats, and to waive required parking stalls (O'Hara's Restaurant, Newton Highlands)

Dear Aldermen Hess-Mahan and respected members of the Land Use Committee:

The Newton Highlands Neighborhood Area Council strongly supports and endorses the petition of G and B Realty Trust, John M. O'Hara and Karl J. O'Hara to expand O'Hara's Restaurant in Newton Highlands. At our recent meeting on July 5, 2012, the NHNAC voted unanimously (7 members present with two absent) to support the petitioner in the three relevant conditions for special permit/site plan approval:

- 1) Extending a non-conforming structure (the newly expanded restaurant) along Floral Street
- 2) Increasing the number of seats from the current 90 to 120
- 3) Waiving the requirement for 7 on-site parking stalls

The NHNAC has as one of its primary concerns preserving and enhancing the vitality and economic success of the village of Newton Highlands. We and many other members of our community are proud of having a village center that thrives due to the mix of retail and commercial establishments that are integrated within walking distance of our residential streets and that are accessible by public transportation. Lately, however, due to the recent closure of several of our established businesses, there has been concern that our pedestrian traffic has diminished and that this may be having an adverse effect on our village center.

O'Hara's has long been a destination restaurant not only for our community but also for employees who work in Newton Highlands and for residents of our neighboring towns and cities. Whereas many of the other businesses close after about 6 pm, O'Hara's creates a pedestrian presence on many evenings that keeps our community lively. Often, there are friends congregating in front of or near the restaurant exchanging conversations while waiting for a table, meeting for a rendezvous, or walking through the village after a meal. The NHNAC believes it is vital that we allow establishments like O'Hara's to thrive and prosper so that our village can remain an attractive and vital place.

In terms of the conditions for the special permit, the NHNAC has come to the following conclusions and would like to offer these recommendations:

- 1) The petitioner proposes expanding into the vacant commercial space at 1181 Walnut Street, which is at the southwest corner of Walnut and Floral Streets. There are no proposed changes to the setbacks of the existing buildings which appropriately abut the public sidewalk along Walnut Street.

On a traditional "main street" in a commercial or mixed-use zone, it is desirable to have businesses abut the pedestrian way with minimal to no front setbacks so as to enhance the transparency of the commercial use and to promote interest from pedestrians. Buildings like these promote a streetscape interest and vibrancy that we wish to maintain.

Extending the restaurant along Floral Street with a small addition that will improve internal circulation will preserve the configuration of the front setback for the existing building along Floral Street. The ten-foot front setback required by zoning Section 30-21(b) would be potentially undesirable in this environment as it would create an uneven frontage and disrupt the continuity of the building and of the streetscape.

Recommendation: The Land Use Committee and Board of Aldermen should approve the waiver of the front setback requirement for the expansion of O'Hara's restaurant along Floral Street, as requested by the petitioner. However, it is hoped that the restaurant as it fronts Floral Street will have windows or other openings that promote streetscape vitality.

- 2) The petitioner proposes expansion of O'Hara's from its current 90 seats to 120 seats. The NHNAC believes that an expanded restaurant at this site will increase foot traffic and the vitality of our village. When busy, the current restaurant space is inadequate and often results in waits for tables. A larger restaurant will be welcome by its patrons and our community. There are no foreseeable adverse effects of expanding O'Hara's. Specifically the petitioner's site plan will not degrade the pedestrian environment or traffic conditions. Adding a new handicap accessible bathroom in the remodeled space will provide further benefit to restaurant patrons.

Recommendation: The NHNAC recommends that the petitioner's request to increase O'Hara's from 90 to 120 seats is approved by the Land Use Committee and the Board of Aldermen.

- 3) The petitioner requests a waiver of the requirement to provide seven on-site parking stalls. In this location, as is true with many traditional "main streets" or town centers that were planned and developed before the widespread use of the automobile, there has historically been no on-site parking. Indeed, it is the absence of requirements to provide for on-site parking and the curb cut(s) that invariably accompany the parking that actually enhances the pedestrian environment and allows for a safe and vibrant streetscape. In this location, with the buildings occupying most or all of the land associated with the property, there is simply no ability to realistically provide for on-site, off-street parking. And in terms of urban design, there should be no desire to do so anyway.

The zoning provisions that attempt to assess parking requirements are outdated and do not adequately take into account the context of properties such as this one. Businesses in village centers like Newton Highlands rely on pedestrian access, patrons who use public transportation, and ever more so people who bicycle. As a matter of policy, there has been a significant effort to enhance the use and desirability of non-auto modes to access locations such as our village centers. In addition, there is a significant amount of municipal parking available in Newton Highlands,

including on-street parking immediately adjacent and within a short walk of O'Hara's, or in the municipal lot a short distance away, or along nearby residential side streets where there are variable regulations concerning parking.

In this case, there are at least two other factors that should be considered regarding parking that are favorable to the petitioner's waiver request. First, there is significantly less parking demand during the evening dinner hours which are a key time of activity for this restaurant and others. Second, there are opportunities for shared parking arrangements that should be promoted between this business and other businesses which have parking supply that is not used during peak hours.

Many progressive towns that support access by walking, bicycling, and public transportation have revised their zoning codes to eliminate minimum parking environments in places such as our village centers. Instead, to decrease the perceived benefits of driving, municipalities have established maximum limits on the amount of parking that may be provided, especially when there is an abundance of nearby municipal parking and/or good access to public transportation. In fact, the Board of Aldermen was presented a proposal (by Sean Roche and Srdjan Nedeljkovic) to establish parking maximums and to waive any minimum parking requirements for businesses under 1000 square feet in our village centers when the PMBD proposal was being discussed in 2007. The applicant's proposal to renovate an existing 663 square foot space would fall under this provision. Going forward, it is hoped that Newton will work to revise its zoning requirements related to parking in our village centers as this will be a good step to stimulate more economic activity, growth, and vibrancy.

Recommendation: The Land Use Committee and Board of Aldermen should waive the current zoning requirement for seven parking stalls related to Petition 162-12.

Furthermore, although this may not be within the purview of the Land Use Committee, the NHNAC supports the petitioner's expansion plans as we find that the design of the planned remodeling will not degrade the streetscape of our village. We appreciate the efforts of the petitioner to enliven and enhance our village's streetscape with attractive window displays, plantings, awnings, and other features that make it pleasant and attractive to walk along this section of Walnut Street. Similar to the existing restaurant, we hope that the petitioner will extend those features onto the newly expanded space at the corner of Walnut and Floral Streets.

In summary, the NHNAC supports Petition 162-12 to expand O'Hara's restaurant. We encourage the Board of Aldermen to grant the petitioner's request and to waive the requirements related to the front setback on Floral Street and for the provision of any additional on-site parking.

Sincerely,

Srdjan S. Nedeljkovic, M.D.

Srdjan S. Nedeljkovic, President

On behalf of the Newton Highlands Neighborhood Area Council