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ZONING REVIEW MEMORANDUM

Date: July 13, 2023

To: Anthony Ciccariello, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
        Katie Whewell, Chief Planner for Long Range Planning

Cc: Laurance Lee, Attorney
        The Second Church in Newton
        Barney S. Heath, Director of Planning and Development
        Jonah Temple, Deputy City Solicitor

RE: **Request to allow a for-profit educational use and to waive 19 parking stalls**

Applicant: The Second Church in Newton	
Site: 60 Highland Street	**SBL:** 32004 0001
Zoning: MR1	**Lot Area:** 108,768 square feet
Current use: Religious use and preschool	**Proposed use:** Religious use, preschool and for-profit education

BACKGROUND:

The property at 60 Highland Street consists of a 108,768 square foot lot in a M1 zone improved with a church constructed in 1915. A large addition of an "education wing" was constructed in 1938 and has been used continuously for a preschool since then. The petitioner seeks to allow other for-profit and non-profit educational tenants in a section of the Church building known as the "Annex," requiring a special permit for the proposed use and to waive required parking stalls.

The following review is based on plans and materials submitted to date as noted below.
- Zoning Review Application, prepared by Laurance Lee, attorney, dated 6/2/2023
- Parking Calculations, prepared by Laurance Lee, attorney, submitted 6/2/2023
- Floor plans, signed and stamped by Richard T. Hardaway, architect, dated 5/27/2021

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner seeks to allow for the flexibility for-profit and non-profit educational uses within existing unused classrooms. The petitioner is currently leasing space to Play2Learn, a for-profit educational use providing pediatric occupational therapy supplemental to that which is provided in academic settings. Additionally, the Church seeks to generally allow educational uses within four unused classroom spaces on site (without tenants specified at this time). Per sections 3.4.1, 6.3.14.B.1.b and 6.3.14.B.2, a special permit is required to allow non-profit educational uses requiring a parking waiver and for-profit educational use in the MR1 zoning district.

2. There are two separate sanctuary spaces within the Church, occupied by the Second Church congregation and the Congregation Dorshei Tzedek. The Second Church Nursery School is housed in the Annex. The Church seeks to allow non-profit educational uses into the vacant classroom spaces of the Church. There are 62 parking stalls available on site for use by all of the existing uses which require a total of 601 stalls, per section 5.4.1. These uses predate the parking requirement. The petitioner seeks to introduce educational uses into vacant space within the building. The Church has secured Play2Learn as a tenant, but seeks to allow other educational uses within four additional classrooms, with one instructor expected per each room. Per the chart below, a waiver of 19 stalls is required to accommodate the proposed educational uses per section 5.1.13.

Existing Uses		Parking	Total
Second Church	685 seats	1 per 3 seats	
	6 employees	1 per 3 employees	490 stalls
Second Church Nursery School	13 employees	1 per each employee	13 stalls
Congregation Dorshei Tzedek	278 seats	1 per 3 seats	
	14 employees	1 per 3 employees	98 stalls
Subtotal			*601 stalls*
Proposed Uses			
Play2Learn	15 employees	1 per each employee	15 stalls
TBD Education	4 employees	1 per each employee	4 stalls
Subtotal			*19 stalls*
TOTAL			**620 STALLS**

Zoning Relief Required		
Ordinance	*Required Relief*	*Action Required*
§4.4.1 §6.3.14.B.1.b §6.3.14.B.2	Request to allow non-profit educational uses requiring a parking waiver and for-profit educational uses	S.P. per §7.3.3
§5.1.4 §5.1.13	Request to waive 19 required parking stalls	S.P. per §7.3.3