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#68-18

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Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: February 13, 2018
Land Use Action Date: April 24, 2018
City Council Action Date: May 7, 2018
90-Day Expiration Date: May 14, 2018

DATE: February 9, 2018

TO: City Council

FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Neil Cronin, Senior Planner

SUBJECT: **Petition #68-18**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit school at **227 Washington Street**, Ward 1, Newton Corner, on land known as SBL 71, 07, 01 containing approximately 5, 514 sq. ft. of land in a district zoned Business Use 2. Ref: §7.4.5, §4.4.1, and §7.3.3.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



227 Washington Street

EXECUTIVE SUMMARY

The subject property located at 227 Washington Street consists of a 5, 514 square foot lot improved with a two-story mixed-use structure. The site is located in the Business Use 2 (BU-2) zone in Newton Corner. The first floor of the structure was last occupied by a day care center, while the second floor consists of two residential units. The petitioner is seeking to establish a for-profit educational use in the first floor, requiring a special permit

The petitioner is seeking to operate the educational use with as many as 30 students and eleven staff members on site at any one time. The Planning Department is concerned the site will not be able to accommodate the intensity of use due to the limitations of the surface parking facility and the site's location along Washington Street. Staff has asked the petitioner to determine how to best manage pickup and drop-off within the site, as well as reduce the number and frequency of trips. The Planning Department expects the petitioner to provide an update at the public hearing or prior to being scheduled for a working session.

SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the City Council should consider whether:

- The site is an appropriate location for the for-profit educational use. (§7.3.3.C.1)
- The for-profit educational use will not adversely affect the neighborhood. (§7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Washington Street in the BU-2 zone in Newton Corner near the Watertown town line. The immediate area contains a mix of zoning districts and land uses which comprise the Newton Corner village center. **(Attachments A & B)** The property is one of a small group of commercial parcels on the northern boundary of the village before transitioning to the residential properties to the north.

B. Site

The site consists of 5, 514 square feet of land, and is improved with a two-story, mixed-use structure. The structure's footprint consumes much of the lot; the remaining area is a paved to accommodate a surface parking facility. The surface

parking facility is striped, contains seven stalls, and is served by three curb cuts.

II. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The site will remain a mixed-use parcel. The entire structure had been used as office space for many years, until a day care was approved in the first floor via Administrative Site Plan Review in August of 2015. In October of 2015, the second floor was converted into two residential units as of right.

B. Building and Site Design

The petitioner is not proposing any exterior alterations to the existing structure or site.

C. Intensity of Use

The petitioner seeks to establish a for-profit educational use in the first floor of the structure. The petitioner intends to offer small group or classroom tutoring to as many as thirty students with eleven staff members at any time; the sessions are expected to last approximately 1 to 1.5 hours. The educational use will operate after school until 7:30 p.m. on the weekdays and from noon to 5:00 p.m. on weekends. The petitioner intends to direct the employees to park off site, allowing the seven parking stalls on site to be utilized for pick-up and drop-off. A staff member will also be dedicated to assist with pick-up and drop-off.

D. Parking and Traffic

The subject property has accommodated commercial uses since the 1920s, and office uses since the 1960s. As such, the property carries a credit of eight stalls in addition to the seven stalls on site. The parking demand of the proposed for-profit educational use is accommodated in part by this credit, satisfying the parking requirement per the Newton Zoning Ordinance. For a complete analysis of the parking credit, please see the Zoning Review Memorandum. **(Attachment C)**

Staff is concerned the existing parking facility will not be able to accommodate the intensity of the for-profit educational use. As proposed, students may be enrolled in one or all the sessions offered, which may affect the number of vehicles traveling to and from the site. Staff believes the facility does not have adequate space for vehicles to maneuver before exiting onto Washington Street, and any maneuvering within the site may result in encroachments onto the sidewalk. There are seven metered parking stalls close to the site along Charlesbank Road, but Charlesbank Road is a one-way street which cannot be legally accessed from Nonantum Place. Intensity of use was not a concern when the day care was established because transportation was

provided to and from the site for enrolled children.



Additionally, the subject property is located on a one-way section of Washington Street traveling east to west. As such, access is limited to Nonantum Place via Jefferson Street or Charlesbank Road which are densely developed residential streets. Staff believes these streets will be affected, given the potential for high turnover at the site. Staff believes the petitioner should investigate measures which may reduce the number and frequency of vehicles traveling to the site, including but not limited to reducing the amount of sessions offered, staggering session start times, and encouraging carpooling amongst parents.

E. Landscaping

A landscape plan is not required for this petition.

III. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal regarding zoning. Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- §4.4.1 and §7.3.3 of Section 30, to allow a for-profit educational use

B. Engineering Review

The petition does not require review from the Engineering Division.

IV. PETITIONER'S RESPONSIBILITIES

At the Land Use Committee's Public Hearing or prior to being scheduled for a continued public hearing, the petitioner should be expected to provide an update on implementing initiatives to reduce the number and frequency of trips to the site.










ATTACHMENTS:

- Attachment A:** Zoning Map
Attachment B: Land-Use Map
Attachment C: Zoning Review Memorandum

Attachment A Zoning Map Washington St., 227

*City of Newton,
Massachusetts*

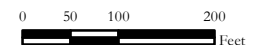
Legend

-  Multi-Residence 1
-  Multi-Residence 2
-  Business 1
-  Business 2
-  Business 4
-  Public Use
-  Building Outlines
-  Surface Water
-  Property Boundaries



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 - Ruthanne Fuller



Map Date: February 07, 2018












Attachment B Land Use Map Washington St., 227

*City of Newton,
Massachusetts*

Legend

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Mixed Use
-  Open Space
-  Nonprofit Organizations
-  Vacant Land
-  Building Outlines
-  Surface Water
-  Property Boundaries

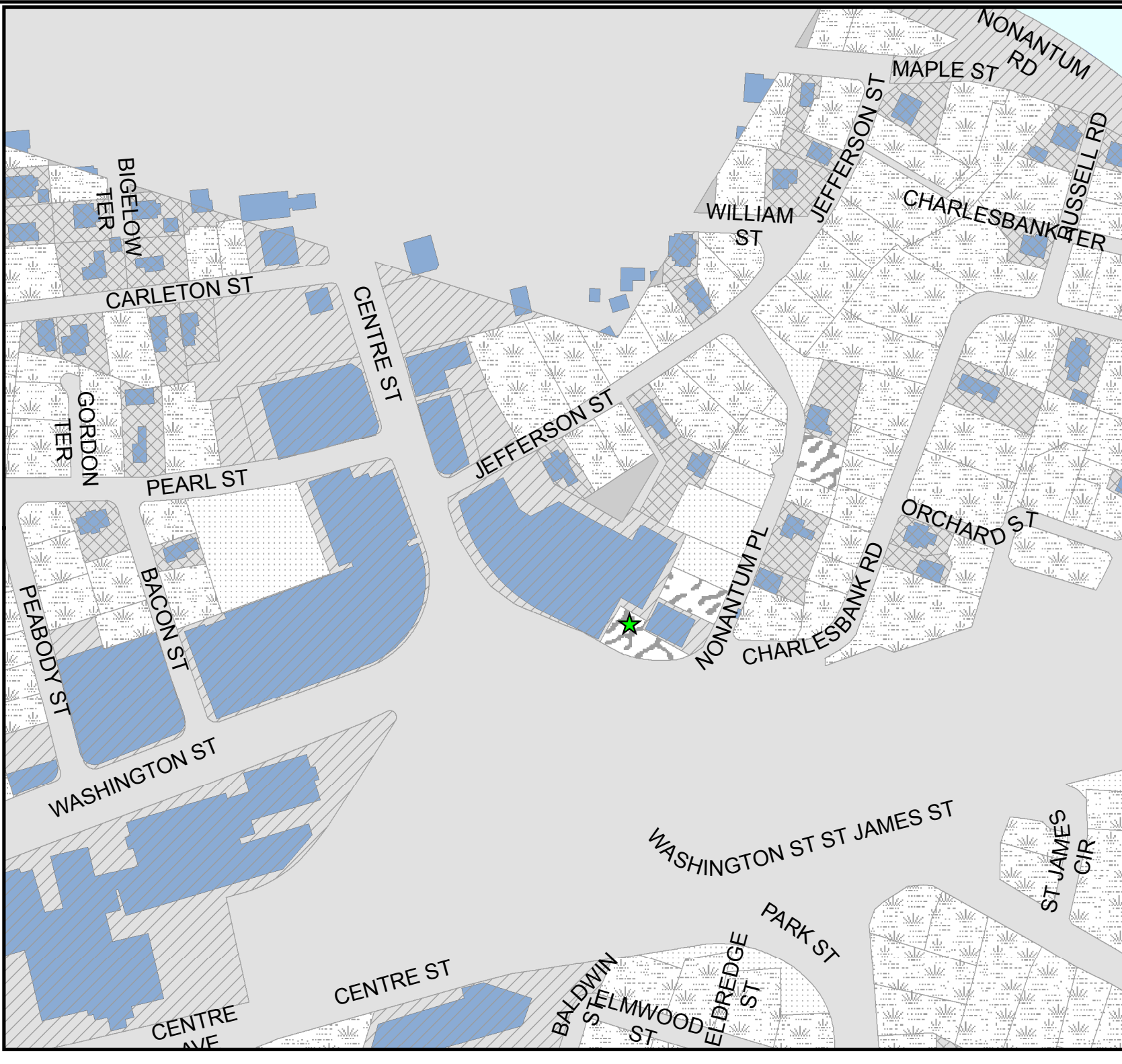


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CITY OF NEWTON, MASSACHUSETTS
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Map Date: February 07, 2018





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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: December 11, 2017

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Eui Choi, applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Special Permit to locate a for-profit educational use**

Applicant: 227 Washington Street	
Site: 227 Washington Street	SBL: 71007 0001
Zoning: Business 2	Lot Area: 5,553 square feet
Current use: Day care	Proposed use: For-profit learning center

BACKGROUND:

The petitioner is proposing to locate a for-profit learning center at 227 Washington Street, a 5,553 square foot parcel located within the Business 2 district. The property is located at the intersection of Charlesbank Road and Washington Street, where the I-90 ramp meets Washington Street. The petitioner proposes a maximum of ten teachers and thirty students on weekday afternoons until 7:30 PM and weekends from noon to 5:00 PM. There are no exterior alterations to the building proposed.

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

- Zoning Review Application, prepared by Eui Choi, dated 10/30/2017
- Existing Conditions Plan of Land, prepared by A.S. Elliot Associates, surveyor, dated 7/6/2015

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to operate a for-profit learning center for individual, small group and classroom tutoring lasting one to two hours per session. Section 6.3.14 defines a for-profit educational use as any building or part of a building used a public or private educational institution containing one or more rooms, with provisions for two or more pupils. The proposed for-profit learning center meets the definition of a for-profit educational use and requires a special permit per section 4.4.1.
2. There have been various uses on the property which have resulted in a parking credit, per section 5.1.3.B, as only seven parking stalls exist on the property. As the uses have changed over time, so have the parking requirements and credit:

USE	PARKING STALLS REQUIRED	CREDIT
2014		
Dentist Office	1/200 square feet = 11	
General Office	1/250 square feet = 9	
TOTAL	20	7 existing, 13 credit
2015		
Day Care (6 employees, 26 children)	1/employee + 1/5 children = 11	
General Office	1/250 square feet = 9	
TOTAL	20	7 existing, 13 credit
2016		
Day Care (6 employees, 30 children)	1/employee + 1/5 children = 11	
Residential (2 units)	2/dwelling unit = 4	
TOTAL	15	7 existing, 8 credit
2018 (proposed)		
For-profit school (11 employees)	1/employee = 11	
Residential (2 units)	2/dwelling unit = 4	
TOTAL	15	7 existing, 8 credit

The petitioner proposes a maximum of ten teachers and one director working at any time, for a total of 11 employees maximum. Section 5.1.4 requires that a school serving children under age 14 provide one on-site parking stall per each employee. There are eleven parking stalls credited to the site from the previous day care use. The petitioner is required to provide eleven stalls to meet the parking requirement of section 5.1.4 for the use, thus the credit satisfies the parking requirement. The two residential units are not changing and are still satisfied by the previous parking credit on the property.

Zoning Relief Required

Ordinance		Action Required
§4.4.1	Request to allow a for-profit learning center	§7.3.3