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Director

ZONING REVIEW MEMORANDUM

Date: April 9, 2018

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Alan J. Schlesinger, Attorney
320 Needham DE, LLC, Applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: Request to allow a for-profit educational use and to amend Special Permit #275-14

| Applicant: 320 Needham DE, LLC | |
|--|--|
| Site: 320 Needham Street | SBL: 83 31 26 |
| Zoning: MU1 | Lot Area: 97,600 square feet |
| Current use: Office and day care center | Proposed use: Office, day care and for-profit educational use |

BACKGROUND:

The property at 320 Needham Street consists of a 97,600 square foot lot improved with a multi-tenanted 41,780 square foot office building built in 1961. The property is reached by an access easement over the adjacent parcel at 25-27 Christina Street along the Charles River. There are 143 parking stalls available on the property between two levels of parking. The property received Special Permit #275-14 in 2014 to allow for an (up to) 23-stall parking waiver and nonconforming parking for a day care center.

The petitioner is proposing to locate a for-profit educational use within 10,924 square feet of existing office space. The proposed use requires a special permit, as well as an amendment to the existing special permit.

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

- Zoning Review Application, prepared by Alan Schlesinger, attorney, dated 3/1/2014

- Easement agreement, Middlesex County Reg of Deeds book 14243, page 402, filed 3/18/1981
- As-Built Site Plan, prepared by R.E. Cameron & Associates, Inc, surveyor, dated 11/9/2015, revised 2/27/2018
- Floor Plan, prepared by Acheson Doyle Partners, architect, dated 1/16/2018, revised 1/17/2018
- Parking calculation, dated 3/1/2018

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to repurpose 10,924 square feet of office space to be used by Fusion Academy, a for-profit educational use serving children in grades six through 12. Per section 4.4.1, a special permit is required for a for-profit educational use in the Mixed Use 1 zoning district.
2. When the Bright Horizons Day Care was permitted, 23 stalls were eliminated from the parking lot to create a playground for the children, leaving 143 available stalls. The site received a waiver from dimensional nonconformities within the parking lot, as well as a waiver of up to 23 parking stalls to make up for those stalls eliminated to create the playground.

The petitioner states that Fusion Academy anticipates having 25 teachers and seven full time staff serving approximately 65 students. The most approximate parking requirement for a “for-profit educational use” found in section 5.1.4 is the requirement set forth for a “school serving children under 14 years of age”, which is one stall for each employee, or 32 stalls in this case.

The space intended to be occupied by Fusion Academy was previously occupied by a business office. Per section 5.1.4 the parking requirement for a business office is one stall per every 333 square feet in a building over 20,000 square feet. The space to be used by Fusion Academy is 10,924 square feet, which creates a requirement of 33 stalls for an office use.

The existing uses on site require 163 parking stalls, for which there are 143 existing stalls and a waiver of 23 stalls (for a total of 166 stalls available to the site). The proposed change of use from office to for-profit education decreases the parking demand by one stall, from 163 to 162. The existing parking waiver satisfies the increased parking requirement and no further waiver is required.

3. While the applicant has not indicated any signs, all signs are subject to the permitting requirements established in Section 5.2.
4. See “Zoning Relief Summary” below:

| Zoning Relief Required | | |
|-------------------------------|---|------------------------|
| <i>Ordinance</i> | <i>Required Relief</i> | <i>Action Required</i> |
| | Request to amend Special Permit #275-14 | |
| §4.4.1 §6.3.14 | Request to allow a for-profit educational use | S.P. per §7.3.3 |