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Barney S. Heath  
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## ZONING REVIEW MEMORANDUM

Date: April 2, 2018

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Frank Stearns, Attorney  
CP Needham Street, LLC  
Barney S. Heath, Director of Planning and Development  
Ouida Young, Acting City Solicitor

RE: **Request to allow an educational use and to amend Board Orders #91-15 and 182-09(2)**

<b>Applicant: Needham Chestnut Realty LLC</b>	
<b>Site:</b> 180 Needham Street	<b>SBL:</b> 83028 0001
<b>Zoning:</b> MU1	<b>Lot Area:</b> 8,960 square feet
<b>Current use:</b> Office	<b>Proposed use:</b> For-profit education

### **BACKGROUND:**

The property at 180 Needham Street consists of 8,960 square feet improved with a two-story building with a 105-seat restaurant on the first floor and 3,782 square feet of vacant space on the second floor, formerly used as office space. The petitioner requests a special permit to allow for the second-floor office space to be used for a for-profit educational use. No changes to the site plan are proposed.

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

- Zoning Review Application, prepared by Frank Stearns, attorney, dated 2/27/2018
- Board Orders #91-15, 182-09(2)
- Zoning Review Memo, prepared by Jane Santosuosso, Chief Zoning Code Official, dated 4/9/2015
- As-Built Site Plan, prepared by Kelly Engineering Group, surveyor, dated 6/30/2017
- Second Floor Tenant Fit-Out, signed and stamped by John M. Rufo, architect, dated 1/16/2018

**ADMINISTRATIVE DETERMINATIONS:**

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1. The applicant proposes to introduce a for-profit educational use to the second-floor commercial space on site. Per Section 4.4.1 and 6.3.14.B.2, a special permit is required to allow a for-profit educational use in the Mixed Use 1 zoning district.
2. The petitioner received a special permit (#91-15) in 2015 allowing off-site parking and waiving 17 parking stalls, among other things. According to the Zoning Review Memo, the proposed uses required 55 parking stalls, 39 for the 105-seat restaurant and 16 stalls for the 3,782 square feet of office space. After the parking credit was applied, only 37 stalls were required, with three parking stalls proposed on the site. The special permit allowed a waiver of 17 stalls and for off-site parking of the remaining 17 stalls.

The petitioner proposes to change the office use to a for-profit educational use. Per section 5.1.4, office uses required one stall per every 250 square feet. A 3,782 square foot office requires 16 parking stalls. Per that same section, an educational use requires one stall for each employee. The petitioner proposes ten employees at the busiest shift, thus requiring ten parking stalls. No further parking relief is required for the proposed use, as the proposed use reduces the parking demand by six stalls per the requirements of the Ordinance.

To the extent that the proposed use affects the parking at 188 Needham Street as permitted by Special Permit #182-09(2), an amendment to that order is required.

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Amend board orders #91-15 and 182-09(2)	
§4.4.1 §6.3.14.B.2	Request to allow a for-profit educational use	S.P. per §7.3.3