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ZONING REVIEW MEMORANDUM

Date: **May 10, 2021**

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Neil Cronin, Chief Planner for Current Planning

Cc: Katherine Braucher Adams, Attorney
The Russian School of Mathematics, Inc
Barney S. Heath, Director of Planning and Development
Jonah temple, Assistant City Solicitor

RE: **Request to allow a for-profit educational use, to alter a nonconforming non-accessory parking facility use and waivers relative to parking**

Applicant: The Russian School of Mathematics, Inc	
Site: 60 Austin Street, 66-68 Austin Street	SBL: 24009 0009, 24009 0007
Zoning: BU5	Lot Area: 24,155 square feet, 11,250 square feet
Current use: Office building and two-family residence	Proposed use: No change

BACKGROUND:

The property at 60 Austin Street consists of 24,155 square feet improved with an office building constructed in 1970 in the Business 5 zoning district. The adjacent parcel at 66-68 Austin Street consists of 11,250 square feet and is improved with a two-family dwelling and surface parking, also in the BU5 district. The two separate properties are held in common ownership and a portion of the parking for the office building at 60 Austin Street is located at the rear of 66-68 Austin Street. The petitioner proposes to locate a for-profit school in office space and to make modifications to the parking areas on both lots. The proposed for-profit school requires a special permit as well as waivers from the parking requirements.

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

- Zoning Review Application, prepared by Katherine Braucher Adams, attorney, dated 3/18/2021
- Project Information, submitted 3/18/2021
- Parking Calculation, submitted 3/18/2021
- Certified Plot Plan Proposed Conditions, prepared by VTP, surveyor, dated 3/19/2021
- Land Title Survey, signed and stamped by Joseph R. Porter, surveyor, dated 1/18/2021
- Floor Plans, prepared by DLA Architecture, dated 3/3/2021

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to locate a for-profit educational use within the office building. Per sections 4.4.1 and 6.3.14.B.2, a special permit is required to allow a for-profit educational use in the Business 5 zoning district.
2. There are currently 52 parking stalls shared between the two properties; 33 located at 60 Austin Street and 19 stalls located at 66-68 Austin Street. The petitioner intends to make modifications to the two parking lots, reducing the overall number of stalls to 47, with 29 stalls located at 60 Austin Street and 18 stalls located at 66-68 Austin Street.

The petitioner intends to divide 8,703 square feet of office into two spaces, of which 4,687 square feet will remain office use and 4,016 square feet will be used for the for-profit educational use. The 4,141 square foot medical office, as well the two residential units at 66-68 Austin Street will remain.

Existing Use	Requirement	Total
Office 8,703 square feet	1 stall/250 square feet	35 stalls
Medical Office 4,141 square feet	1 stall/200 square feet	21 stalls
Residential 2 units	2 stalls/dwelling unit	4 stalls
TOTAL REQUIRED		60
Proposed Use	Requirement	Total
For-Profit educational use 11 staff	1 stall/staff member	11 stalls
Office 4,687 square feet	1 stall/250 square feet	19 stalls
Medical Office 4,141 square feet	1 stall/200 square feet	21 stalls
Residential 2 units	2 stalls/dwelling unit	4 stalls
TOTAL REQUIRED		55 stalls

The proposed uses on site decrease the parking requirement by five stalls. The petitioner intends to reconfigure the parking areas, reducing the total number of stalls by five. While the “credit” from the previous use is reduced by five to accommodate the reconfiguration, the proposed uses require five fewer stalls. As such, the credit satisfies the requirement and no waiver is necessary.

3. Per section 5.1.16.A, off-street parking required for the principal uses served must be located on the same lot as those uses. The petitioner intends to continue to use the parking on both properties to provide parking for the office building. A special permit per section 5.1.13 is

required to allow for the off-site parking at 66-68 Austin Street for the business uses at 60 Austin Street.

4. Per section 4.4.1, non-accessory parking is not allowed, by right or by special permit in the Business 5 zoning district. The parking for the two subject properties has functioned as one lot since at least the 1980s, prior to the adoption of regulations relative to non-accessory parking facilities, rendering the parking for 60 Austin Street at 66-68 Austin Street nonconforming. The petitioner proposes minor alterations to the parking facility at 66-68 Austin Street, requiring a special permit per sections 4.4.1 and 7.8.2.C.2 to alter the nonconforming non-accessory parking facility use.
5. Per section 5.1.8.A.1 no parking may be located within any required setback distance from a street or side lot line, and may not be within five feet of the street. The petitioner proposes to maintain parking stalls within the rear and side setbacks and within five feet of the street requiring a special permit per section 5.1.13.
6. Section 5.1.8.A.2 requires that no outdoor parking be located within five feet of a building containing dwelling units. The petitioner intends to maintain parking stalls within five feet of the two-family dwelling at 66-68 Austin Street, requiring a special permit per sections 5.1.13.
7. Per section 5.1.8.B.1 the minimum width for a parking stall is 9 feet. The petitioner proposes several stalls with reduced widths, down to 7.8 feet, requiring a special permit per section 5.1.13.
8. Per section 5.1.8.B.2 the minimum depth for parking stalls is 19 feet. The petitioner proposes several stalls with reduced depths, down to 16.5 feet, requiring a special permit per section 5.1.13.
9. The petitioner intends to create a one-way entrance along the western lot line of 66-68 Austin Street and an exit only on the eastern lot line of 60 Austin Street. Per section 5.1.8.D.1, entrance and exit driveways for one-way traffic must be a minimum of 12 feet wide. The petitioner proposes an entrance driveway of 11.1 feet wide, requiring a special permit per section 5.1.13.
10. Per section 5.1.9.A, outdoor parking facilities with more than five stalls must provide perimeter landscaping and screening. No perimeter landscaping or screening is indicated in the plans, requiring a special permit per section 5.1.13.
11. Per section 5.1.9.B, outdoor parking facilities with more than 20 stalls must provide interior landscaping. No interior landscaping is indicated, requiring a special permit per section 5.1.13.
12. Section 5.1.10 requires all outdoor facilities used at night to have security lighting with a minimum intensity of one-foot candle over the entire surface of the facility. The petitioner seeks a waiver from this provision per section 5.1.13.

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§4.4.1 §6.3.14.B.2	Request to allow a for-profit educational use	S.P. per §7.3.3
§4.4.1 §7.8.2.C.2	Request to alter a nonconforming non-accessory parking facility	S.P. per §7.3.3
§5.1.16.A §5.1.13	Request to allow the parking requirements to be met off-site	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	Request to allow parking with the side and rear setback and within five feet of the street	S.P. per §7.3.3
§5.1.8.A.2 §5.1.13	Request to allow parking within five feet of dwelling units	S.P. per §7.3.3
§5.1.8.B.1 §5.1.13	Request to waive the minimum parking stall width requirement	S.P. per §7.3.3
§5.1.8.B.2 §5.1.13	Request to waive the minimum parking stall depth requirement	S.P. per §7.3.3
§5.1.8.D.1 §5.1.13	Request to waive the minimum driveway width for one-way traffic	S.P. per §7.3.3
§5.1.9.A §5.1.13	Request to waive the perimeter screening requirements	S.P. per §7.3.3
§5.1.9.B §5.1.13	Request to waive the interior landscaping requirements	S.P. per §7.3.3
§5.1.10 §5.1.13	Request to waive the lighting requirements	S.P. per §7.3.3