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#415-22

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	September 20, 2022
Land Use Action Date:	December 13, 2022
City Council Action Date:	December 19, 2022
90-Day Expiration Date:	December 19, 2022

DATE: September 16, 2022

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Michael Gleba, Senior Planner

SUBJECT: **Petition #415-22** for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit education use at **1221-1227 Centre Street**, Ward 6, Newton, on land known as Section 64 Block 28 lot 22, containing approximately 2,829 sq. ft. in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4, 4.4.1, 6.3.14.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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.



1221-1227 Centre Street

EXECUTIVE SUMMARY

The subject property at 1221-1227 Centre Street consists of a 2,829 square foot lot at the corner of Centre and Pelham Streets. Located in a Business 1 (BU1) zoning district, the site is improved with a one-story commercial building.

The petitioner proposes to occupy a currently vacant 1,697 square foot storefront previously occupied by a bank with a for-profit coding school on site focusing on instructional classes for children. The petitioner has indicated that it expects to have up to three classes scheduled at any one time, with each class having two to six students and one teacher. No changes to the building or site are proposed.

As it is considered a “for-profit school,” per Sec. 6.3.14 of the Newton Zoning Ordinance (NZO), the proposed business requires a special permit to allow a for-profit educational use in the BU1 zoning district.

The previous bank use required eight parking stalls per Sec. 5.1.4.A. As the proposed use will have up to four employees working at a time (three teachers and one administrator), resulting in a requirement of four parking stalls, no waiver of parking stalls is required as the “credit” from the previous use satisfies the proposed parking requirement.

Planning Department is generally not concerned about the proposed use given its location and sufficiency of the existing parking facilities.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The site located in a Business 1 (BU1) zoning district is an appropriate location for the proposed for-profit school (§7.3.3.C.1)
- The proposed for-profit school will adversely affect the neighborhood (§7.3.3.C.2)
- The proposed for-profit school will create a 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)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on the southern corner of Centre Street and Pelham streets.

The site is developed with a commercial structure similar to those located throughout the surrounding Newton Centre commercial area; public parkland is located across Centre Street to the east and the area to the west is largely occupied by single- and multi- family dwellings, as well as religious uses and a municipal parking area directly to the rear of the subject property (**Attachment A**). The site and other properties along the west side of Centre Street are zoned Business 1 (BU1) as are those to the east beyond Public Use (PU)

zoned properties along the east side of the street; the public parking to the rear is zoned PU; and the area west of Centre Street is largely zoned Single Residence 2 (SR2) (**Attachment B**).

B. Site

The subject property consists of a currently vacant 1,697 square foot storefront within a level 2,829 square foot lot at the corner of Centre and Pelham Streets.

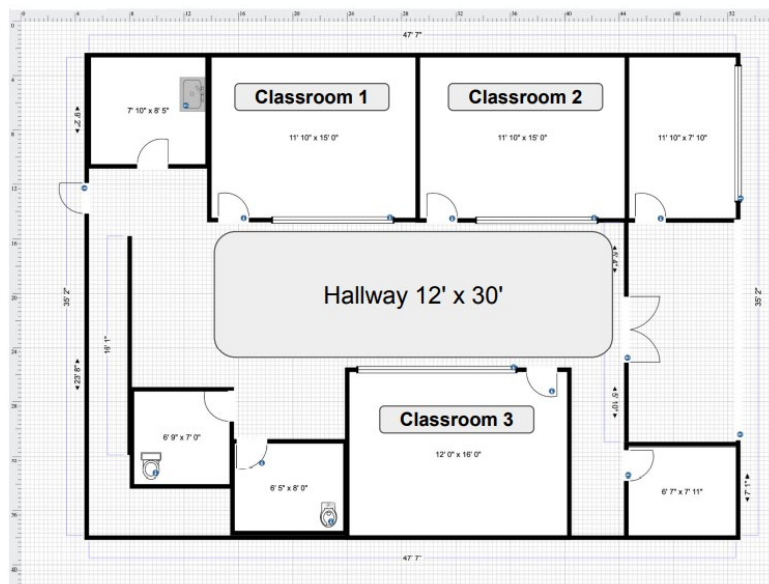
III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioner proposes to operate a for-profit “coding” school in one of the subject property’s storefronts. As described by the petitioner, the proposed operation would include up to three classes, each with up to six students, and three employees on-site at any one time. As proposed, the school would operate 4:00 pm to 7:00 pm weekdays and 10:00 am to 6:00 pm on weekends.

B. Building and Site Design

The space would include three classrooms and office space. The petitioner is not proposing any modifications to the exterior of the building or the site plan. Access to the storefront space would be via an existing entry on Centre Street (the space also has access to an alleyway to the rear of the building).



Proposed floor plan (Centre Street to the right)

C. Parking

The petitioner has indicated that student drop-off and pick-up will occur inside the building. The previous bank use required eight parking stalls per Sec. 5.1.4.A. As the proposed use will

have up to only four employees working at a time (three teachers and one administrator), resulting in a requirement of four parking stalls, no waiver of parking stalls is required as the “credit” from the previous use satisfies the proposed parking requirement.

Further, while recognizing the demand for parking in Newton Centre, the Planning Department is generally not concerned given the location and availability of public transportation and parking, both on-street and in nearby public parking areas.

D. Landscape, Lighting and Signage

No changes to any landscaping or lighting are proposed. It is expected that new tenant signage would be installed.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- Special Permit per §7.3.3 to allow a for-profit educational use (§6.3.14.B.2)

B. Engineering Review

Review by the Engineering Division is not required.

C. Historic Review

Review by the New Historic Commission is not required at this time.

V. PETITIONER’S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

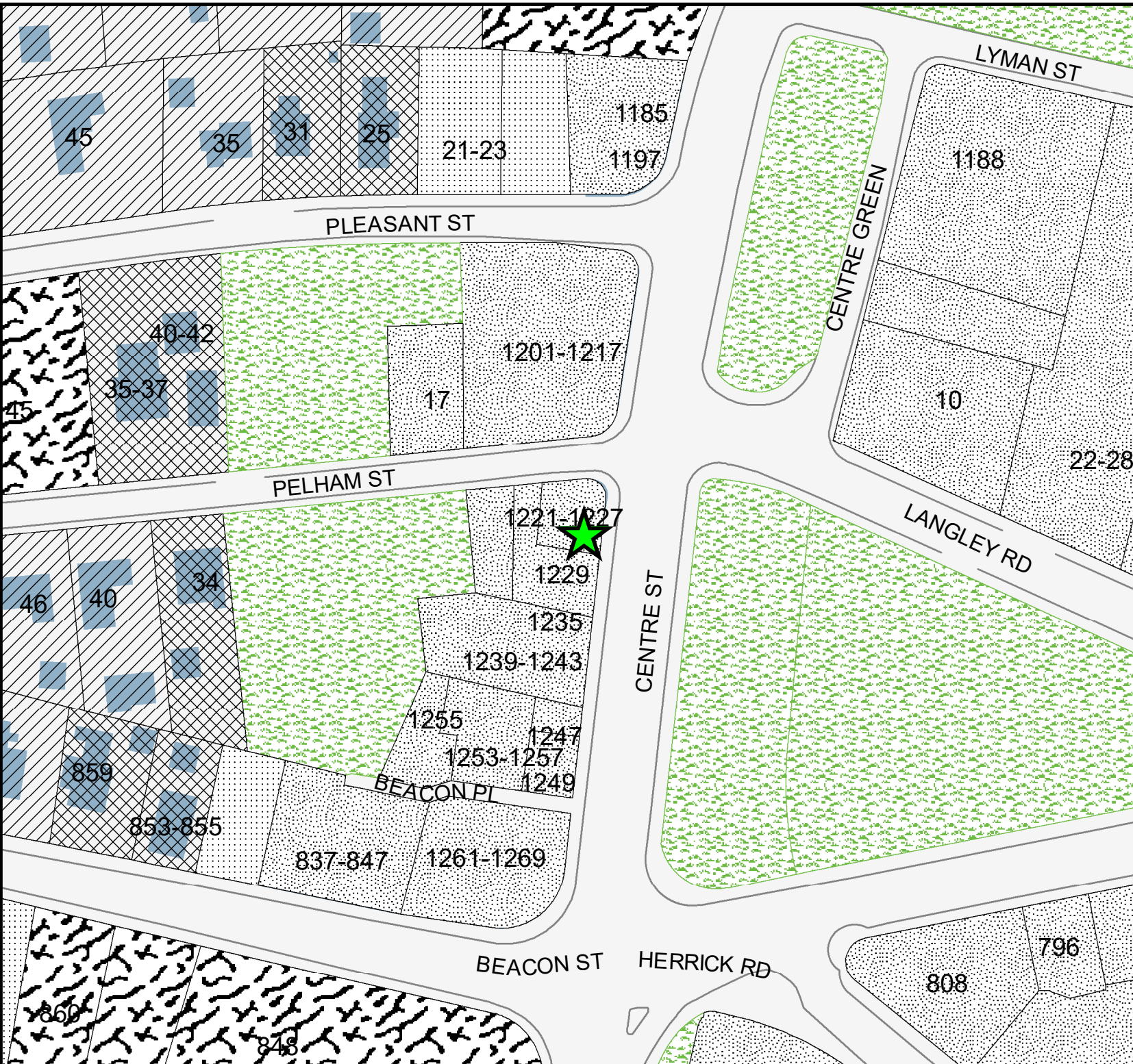
- Attachment A:** Land Use Map
- Attachment B:** Zoning Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** DRAFT Council Order

ATTACHMENT A

Land Use

1221-1227 Centre St.

*City of Newton,
Massachusetts*



Land Use

Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Mixed Use
- Open Space
- Nonprofit Organizations



The information on this map is 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
GIS Administrator - Douglas Greenfield

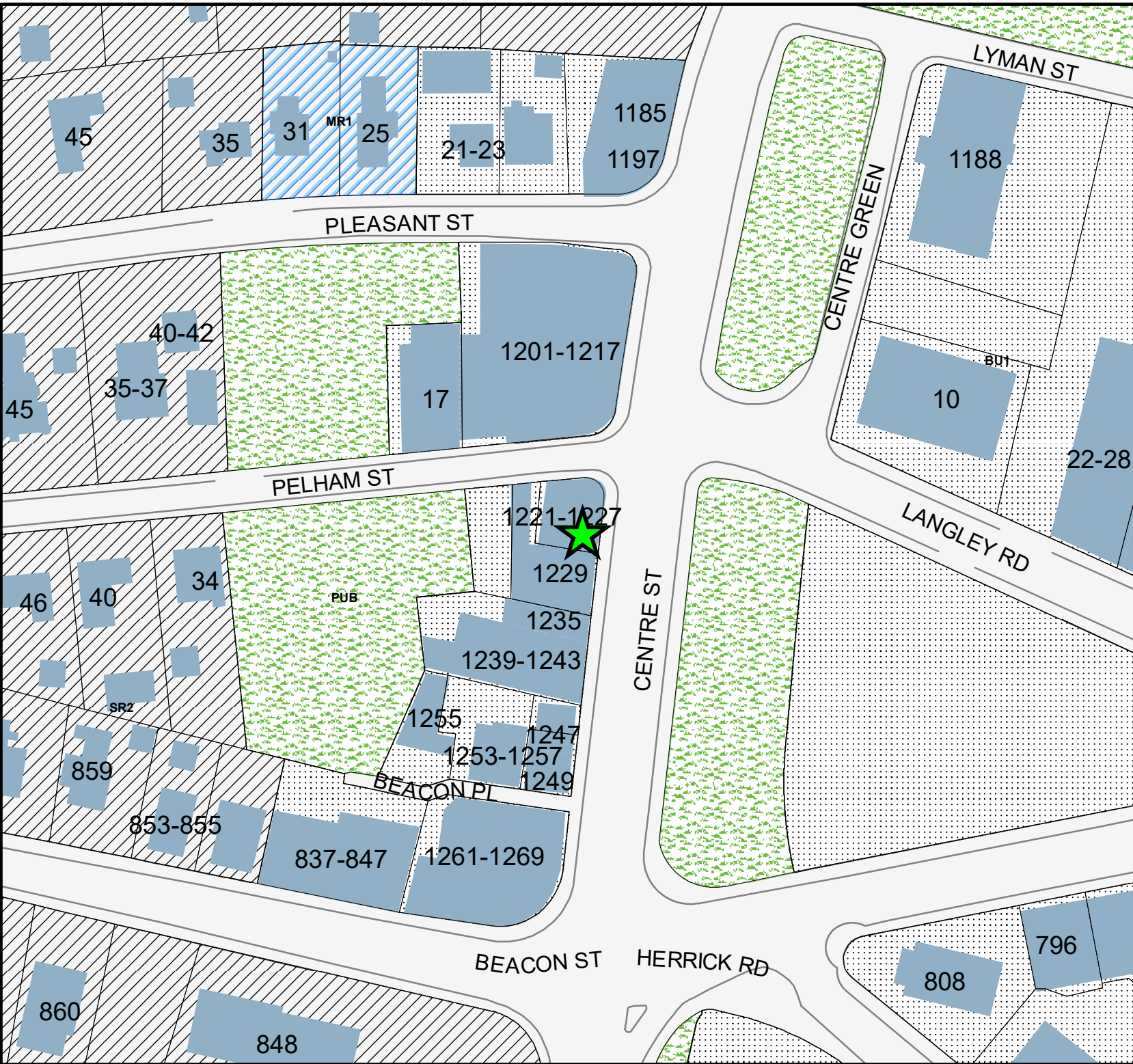





ATTACHMENT B

Zoning

1221-1227 Centre St.

City of Newton,
Massachusetts

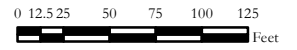


-  Single Residence 2
-  Multi-Residence 1
-  Business 1
-  Public Use



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CITY OF NEWTON, MASSACHUSETTS
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Ruthann Fuller
Mayor

ATTACHMENT C

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Director

ZONING REVIEW MEMORANDUM

Date: July 26, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Yumio Saneyoshi, Penguin Coding School
Scott Bernstein, owner
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: **Request to allow a for-profit educational use**

Applicant: Yumio Saneyoshi	
Site: 1223 Centre Street	SBL: 64028 0022
Zoning: BU1	Lot Area: 2,829 square feet
Current use: Mixed use	Proposed use: Mixed use

BACKGROUND:

The property at 1221-1227 Centre Street consists of a 2,829 square foot lot in the BU1 zone. The site is at the corner of Centre and Pelham Streets and is improved with a one-story building occupied by various commercial uses. The petitioner seeks to locate a for-profit coding school on site, requiring a special permit.

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

- Zoning Review Application, prepared by Yumio Saneyoshi, applicant, dated 7/26/2022

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to introduce a for-profit educational use (Penguin Coding School) to a vacant 1,697 square foot tenant space formerly occupied by a bank. 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 BU1 zoning district.
2. The 1,697 square foot tenant space was previously occupied by a bank. The previous bank use required eight parking stalls per section 5.1.4.A. The proposed for-profit educational use will have up to four employees working at a time, resulting in a requirement of four parking stalls. No waiver is required, as the credit from the previous use satisfies the proposed parking requirement.

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

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit educational use in a Business 1 (BU1) zoning district (§4.4.1; §6.3.14.B.2), as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the proposed for-profit educational use as it is located in an active commercial area with a mix of retail, service, office and residential uses (§7.3.3.C.1)
2. The proposed for-profit educational use as developed and operated will not adversely affect the neighborhood as the site is located in a mixed-use area with active commercial uses and has adequate off-site parking to meet the projected parking demand for the proposed uses (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians; (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

PETITION NUMBER: #415-22

PETITIONER: Yumio Saneyoshi

LOCATION: 739 Beacon Street, on land known as Section 64, Block 28, Lot 22, containing approximately 2,829 square feet of land

OWNER: Centre-Pelham Realty Trust,
Judith Locke & Scott Bernstein Trustees

ADDRESS OF OWNER: 28 Louis Farley Drive

Framingham, MA 01702

TO BE USED FOR: For-profit educational use

EXPLANATORY NOTES: Special permit per §7.3.3 to allow a for-profit educational use (§4.4.1; §6.3.14.B.2)

ZONING: Business 1 (BU1) district

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. a plan entitled "Interior Floor Plan (Proposed)," as submitted by the petitioner as a sheet in a five page document entitled "1223 Centre St, Newton, Petitioner, Yumio Saneyoshi, Owner, Penguin Coding School, LLC"
2. The educational use staff is limited to **three** employees on the largest shift, and the petitioner shall discourage double-parking by its patrons.
3. Any changes to signage shall be subject to review by the Urban Design Commission and approval of the Commissioner of Inspectional Services.
4. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this Board Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Department of Planning and Development that confirms plans submitted with any building permit are consistent with plans approved in Condition #1.
5. No Certificate of Occupancy for the buildings and uses covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or surveyor certifying substantial compliance with Condition #1.