



#424-18

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Ruthanne Fuller
Mayor

Barney S. Heath
Director

Public Hearing Date: September 25, 2018
Land Use Action Date December 11, 2018
City Council Action Date: December 17, 2018
90-Day Expiration Date: December 24, 2018

DATE: September 21, 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 #424-18**, for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Council Order #114-17 to amend the comprehensive sign package at **300 Boylston Street**, Ward 7, Chestnut Hill, on land known as Section 82, Block 002, Lot 01, containing approximately 125,771 sq. ft. of land in a district zoned Business Use 1. Ref: 7.3, 7.4, and 5.2.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

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.



300 Boylston Street

EXECUTIVE SUMMARY

The subject property located at 300 Boylston Street contains a 125,771 square foot lot in the Business Use 1 (BU-1) zone in Chestnut Hill. The lot is improved with a mixed use commercial building known as the "Lifetime Center" containing approximately 280,000 square feet of commercial space and several levels of underground parking. The structure was initially constructed as of right in 1986 but has been subject to several special permits since due to changes in the Newton Zoning Ordinance (Ordinance). The most recent special permit (Council Order #114-17), authorized a reduction in the number of parking stalls required and allowed waivers to the number, size, location, and height of signs in the form of a comprehensive sign package (**Attachment A**). The petitioner seeks to adjust the size of certain approved signs; therefore, the petitioner requires an amendment to Council Order #114-17.

The petitioner is seeking changes to four signs approved by Council Order #114-17. The Planning Department is unconcerned with three of the four signs due to the minor scope of the changes. The fourth sign, labeled as sign "C" on the submitted plans was approved in the initial sign package, but was not installed. Sign "C" was later denied by the Urban Design Commission (UDC) because of changes to the building's signage in the interim. The Planning Department believes the Sign "C" is a de minimis change from the approved sign package and is therefore unconcerned with the request to install it. However, staff suggests the petitioner install the sign closer to signs "A" and "B" to create a more streamlined upper band.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed modifications to Council Order #114-17. (§7.3.3.C.1.)
- The proposed modifications to Council Order #114-17 will adversely affect the neighborhood. (§7.3.3.C.2.)
- The proposed modifications to Council Order #114-17 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.)

I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is a corner lot with frontages on Boylston Street/Route 9 and Florence Street, in the BU-1 zone in Chestnut Hill. The immediate area is comprised of several different business and residential zones ranging from BU-1 and Business Use 4 to the

south and the Single Residence 3 and Multi Residence 4 zones that exist on either side of Boylston Street/Route 9 (**Attachment B**). These zones contain predominantly commercial, and single and well as high density, multi-family uses that also exist on both sides of Boylston Street/Route 9 (**Attachment C**).

B. Site

The site consists of 125,771 square feet of land and is improved with a three-story commercial structure with a five-level underground parking garage. The structure was previously used as a mixed use shopping center but has been redeveloped into a medical office building. The parcel is largely level, but gradually descends along Florence Street to the southeast corner of the site.

II. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

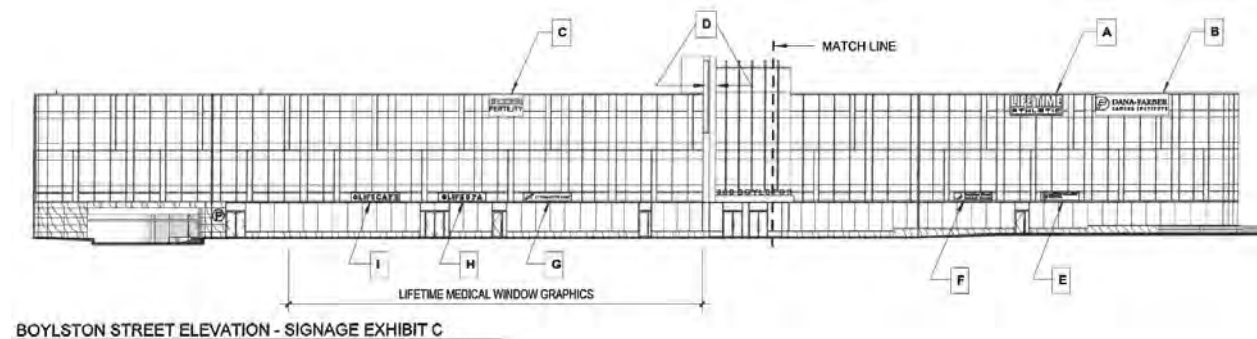
The petitioner is not proposing any changes to the use of the site.

B. Building and Site Design

The petitioner is not proposing any changes to the building or site.

C. Signage

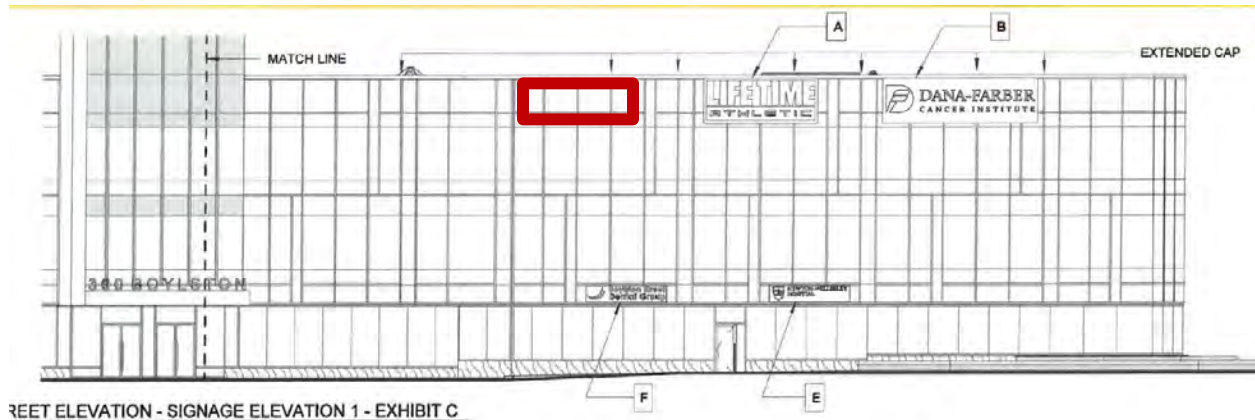
The petitioner is seeking to amend four signs approved by Council Order #114-17 as shown in the graphic below. Signs "E", and "F" were approved at 25 square feet, but the petitioner seeks to enlarge these two signs to 30 square feet. Sign "I" was approved at 40 square feet, but the sign was mistakenly fabricated at 37.5 square feet, so the petitioner seeks to correct the record. The petitioner received approval for signs "E" and "F" at the September 17, 2018 meeting of the UDC. Sign "I" was also reviewed, but a mistake in the application listed the sign as 28 square feet, not 37.5 square feet. The Planning Department has contacted UDC to determine whether this error will require an additional application; staff will provide the Committee with an update at the public hearing. Nevertheless, the Planning Department is unconcerned with the changes proposed to all three signs.



The remaining change the petitioner is seeking is to install sign “C” above. The comprehensive sign package authorized by Council Order #114-17 contained all three signs located at the upper band of the structure. Specifically, Sign “A” was approved at 100 square feet, while signs “B” and “C” were approved at 50 square feet each. However, during tenant fit out, the tenant determined not to pursue sign “C”. The property owner then sought a consistency ruling from the Commissioner of Inspectional Services to enlarge sign “B” to 89 square feet. The Ordinance and the Commissioner of Inspectional Services allow square footage to be split amongst signs. Since a total of 100 square feet was allotted for signs “B” and “C”, the Commissioner allowed a larger sign “B”, provided it did not exceed 100 square feet.

During initial review of the comprehensive sign package, UDC expressed concern over locating signs on the upper band because the signs do not have a relationship to the tenants’ locations in the building. In contrast, signs “E” through “I” located on the lower band provide guidance to each tenant. As a result, signs on the upper band are more akin to advertising than to wayfinding. The Planning Department agrees with this assessment; however, the initial approval did contain all three signs at the upper band. Moreover, the businesses within the structure are allowed more signage as of right than requested. Specifically, each business is allowed one principal sign of up to 100 square feet, given the length of the building. Businesses are also allowed secondary signs, but these signs must be installed on a different façade from the principal sign. There was discussion during the most recent public hearing prohibiting signage from the Florence Street façade, but a condition was not included in the Order; staff has included such a condition in the attached order.

The total square footage of signage at the upper band is 39 square feet greater than the initial approval. Staff recognizes the concern expressed by UDC, but believes the proposed signage is de minimis from the approved sign package. Staff does suggest that sign “C” be located closer to signs “A” and “B” to provide a more streamlined upper band rather than the proposed location at the western end of the structure. This suggested location shown below was included in the comprehensive sign package and was approved by UDC.



III. TECHNICAL REVIEW

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

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

- To amend Council Order #114-17.
- §5.2.13 of Section 30, to amend the comprehensive sign package.

B. Urban Design Review Commission Review

The petitioner appeared before UDC on August 15, 2018 to present the changes to the comprehensive sign package. UDC denied Sign “C” at the August 15th meeting due to a change in Sign “B” made in the interim (**Attachment E**). UDC later approved Signs “E” and “F” at the September 17, 2018 meeting. Sign “I” was reviewed and approved at that meeting, but at a different size due to an error in the application.

IV. PETITIONER’S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Council Order #114-17
Attachment B: Zoning Map
Attachment C: Land Use Map
Attachment D: Zoning Review Memorandum
Attachment E: Urban Design Commission Memorandum, dated August 21, 2018
Attachment F: DRAFT Council Order

#114-17
300 Boylston Street

CITY OF NEWTON

IN CITY COUNCIL

June 5, 2017

Title Reference
Middlesex South District
Registry of Deeds
Book 59554 Page 505

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 the following a SPECIAL PERMIT/SITE PLAN APPROVAL for a one third reduction in the number of required parking stalls by 477 from 1,431 to 954; exceptions to certain dimensional requirements for parking facilities of more than five stalls, and exceptions to certain exceptions to signage requirements; as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

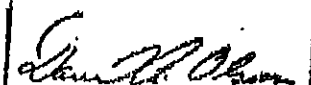
RECEIVED
CITY OF NEWTON
JUN 13 2017
OFFICE OF THE CLERK

In reference to the requested one-third reduction in the number of required parking stalls by 477, from 1,431 to 954:

1. the site, a single integrated development with three or more uses in a Business 1 (BU1) district, is an appropriate location for a one-third reduction in the sum total of required parking stalls, from 1,431 to 954, as the differing parking demand peaks for different uses on the site allows for the sharing of parking stalls (§5.1.4.C, §7.3.3.C.1);
2. a reduction of up to one-third of the sum total of stalls required for each of the uses will not adversely affect the neighborhood as information pertaining to the parking demand generated by the proposed uses at this site indicates that the number of stalls proposed will be sufficient to meet expected demand without spillover onto neighborhood streets (§5.1.4.C, §7.3.3.C.2);
3. a reduction of one-third of the sum total of stalls required for each of the uses will not create a nuisance or serious hazard to vehicles or pedestrians (§5.1.4.C, §7.3.3.C.3);
4. access to the site over streets is appropriate for the types and numbers of vehicles involved (§5.1.4.C, §7.3.3.C.4)

In reference to the exceptions to parking facility dimensional requirements:

5. literal compliance with the dimensional requirements for parking facilities of more than five stalls is impracticable due to the location of the parking facility on several underground parking levels with numerous support columns, and the sought exceptions are in the public interest as modifications to the existing parking facility layout to comply with such dimensional requirements would result in the loss of stalls that have been in use for several decades (§5.1.13).

Copy of this Copy
Attest


In reference to the requested exceptions to signage requirements:

- 6. the exceptions to the limitations imposed by Sec. 5.2 sought for the number, size, location and height of signs are in the public interest, given the proposed signs' extent in the context of the scale of the structure and the that the signs are limited to the Boylston Street/Route 9 elevation of the structure and are not placed facing the residential neighborhood on Florence Street (§5.2.13).

PETITION NUMBER: #114-17

PETITIONER: Atrium Wellness Center, LLC.

LOCATION: 300 Boylston Street, on land known as Section 82, Block 2, Lot 1, containing approximately 125,771 square feet of land.

OWNER: Atrium Wellness Center, LLC.
ADDRESS OF OWNER: 250 First Avenue, Suite 200
Needham, MA 02494

TO BE USED FOR: Mixed-Use commercial facility consisting of general office, medical office, retail, laboratory, and restaurant (with greater than 50 seats) uses

EXPLANATORY NOTES: To allow a 1/3 reduction in the required stalls from 1,431 to 954 (§5.1.4.A, §5.1.4.C) subject to the conditions herein contained; to waive certain requirements for parking facilities with more than five stalls as necessary (§5.1.13); to waive regulations relative to signs as necessary (§5.2.13).

ZONING: Business 1 district

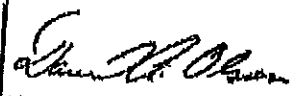
This special permit supersedes, consolidates, and restates provisions of prior special permits #303-90(3), #466-94, #176-98 and #2-15 to the extent that those provisions remain applicable. Only those conditions and provisions from such prior special permits set forth below that remain applicable, and still in full force and effect, are set forth in this special permit. Any conditions in such prior special permits not set forth in this special permit are null and void.

Approved subject to the following conditions:

Conditions associated with this Special Permit/Site Plan Approval, Order #114-17:

- 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 True Copy
Attest



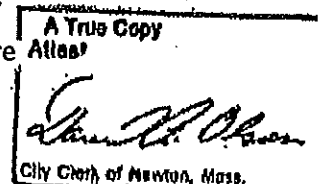
City Clerk of Newton, Mass.

- a. A set of drawings entitled "Comprehensive Signage & Parking Summary, Lifetime Center, 300 Boylston Street," prepared by Stantec for the Bullfinch Companies, Inc., dated April 07, 2017:
 - i. Lease Plan- Level 1, dated April 07, 2017;
 - ii. Lease Plan- Level 2 ; dated April 07, 2017
 - iii. Lease Plan- Level 3, dated April 07, 2017;
 - iv. Lease Plan, Level 4, dated April 07, 2017;
 - v. Parking Plan- Parking Level P5 (AP-101), dated April 07, 2017;
 - vi. Parking Plan- Parking Level P4 (AP-102), dated April 07, 2017;
 - vii. Parking Plan- Parking Level P3 (AP-103), dated April 07, 2017;
 - viii. Parking Plan- Parking Level P2 (AP-104), dated April 07, 2017;
 - ix. Parking Plan- Parking Level P1 (AP-105), dated April 07, 2017;
 - x. Parking Plan- Level (AP-106), dated April 07, 2017;
 - xi. Parking Plan- Level 2(AP-107), dated April 07, 2017;
 - xii. Building Signage, dated May 22, 2017;
 - xiii. Building Signage, dated May 22, 2017 (detail);
 - xiv. Building Signage- Boylston Street Rendering, dated May 22, 2017.
2. The petitioner may reduce the number of stalls as shown in the above-referenced plans in order to facilitate the creation of parking stalls that more closely conform to applicable dimensional regulations provided by the Newton Zoning Ordinance, but in no event shall the number of parking stalls provided on the site be fewer than the 954 required by this Order.
3. The final design, color, and illumination of the proposed signs shall be reviewed and approved by the Director of Planning and Development for consistency with the submitted sign package.

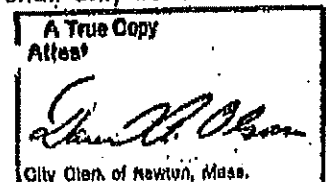
Conditions associated with Special Permit/Site Plan Approval, Board Order #2-15:

4. 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. "Site Plan - Atrium Mall, 300 Boylston Street, Newton MA", prepared by R.E. Cameron & Associates; Inc. and stamped and signed by Larry Grossman, Registered Architect, of Add, Inc., dated December 3, 2014.
 - b. Atrium Center plan set, prepared, stamped, and signed by Larry Grossman, Registered Architect, of Add Inc., dated November 25, 2014, and consisting of the following ten (10) sheets:
 - i. Parcel Map;
 - ii. Building Elevations, dated December 17, 2012 and revised on November 26, 2014.


Plans identified as Conditions #1.b.ii through 1.b.ix in Board Order #2-15 are superseded by plans identified above as Conditions # 1.a.i through 1.a.xi.



2. Laboratories may include the use of devices or technologies to conduct examinations, research and development, and testing of materials or substances, but shall not include the manufacturing of products for sale.
3. Consistent with applicable law and regulations, the petitioner shall control emissions from the site and install proper venting and air handling systems in the building to assure that there are no hazardous or noxious emissions from the site.
4. Laboratory uses within the site shall not exceed 50,000 square feet of the structure's total floor area.
5. All laboratory tenants planning to conduct rDNA research or use rDNA technology shall be limited to National Institute of Health Biosafety Levels 1 and 2, and the development of a laboratory conducting rDNA research or using rDNA technology at a Biosafety Level 3 or above shall be prohibited.
6. Prior to the issuance of any building permit for a laboratory tenant planning to conduct rDNA research or use rDNA technology, the tenant shall obtain a permit under The Revised Ordinances of Newton, §12-21 et seq., as may be amended, from the Commissioner of Health and Human Services with prior approval of the Newton Biosafety Committee.
7. Prior to the issuance of any building permit for a tenant whose operations involve living organisms (hereafter "life sciences industry tenant"), the petitioner shall submit the use clauses in the lease agreement for any such life sciences industry tenant to the Commissioner of Health and Human Services for review to determine compliance with all relevant regulatory requirements, in consultation with a third party consultant, to be selected by the Commissioner of Health and Human Services. Said consultant's fee shall be paid by the petitioner.
8. The Florence Street entrance/exit shall be used only for deliveries, building services, on-site valet services, emergency vehicles and emergency events. The petitioner shall discourage the use of the Florence Street entrance/exit by employees and patrons through the installation of signage within the garage directing vehicles to the Boylston Street/Route 9 entrance/exit. This condition may be reviewed and modified within one year after the commencement of uses permitted hereunder on the site.
9. The petitioner shall make an equitable and proportionate contribution to an area shuttle service which may be developed to run between the site and other major developments along Boylston Street/Route 9 and the Newton Centre Massachusetts Bay Transportation Authority Green Line Station (or an alternative multi-modal hub). The shuttle service shall run through the week and weekend for hours to be determined at a later date.
10. Signage shall conform to City standards. The Urban Design Commission and the Director of Planning and Development will review and approve all by-right signs.
11. The petitioner shall maintain all trash and recycling receptacles or areas in a sanitary condition at all times. The collection/emptying of such receptacles shall only occur on weekdays between 8:00 a.m. and 5:00 p.m.



12. Any additional air conditioning or other mechanical or ventilation systems related to the laboratory or restaurant uses shall be acoustically and visually screened, and shall be reviewed and approved by the Director of Planning and Development prior to installation.
13. Prior to the issuance of any building permit, for a use authorized by this special permit, the petitioner shall submit a Construction Management Plan for review and approval by the Director of Planning and Development and the Commissioner of Inspectional Services. The Construction Management Plan shall discourage construction workers from parking on Florence Street and construction materials being delivered on Florence Street, and shall be consistent and not in conflict with relevant conditions of the Board Order and shall include, but not limited to, the following provisions:
 - a. 24-hour contact information for the general contractor of the project.
 - b. Hours of construction: exterior construction work shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays; No exterior construction work is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services.
 - c. The proposed schedule of the project, including the general phasing of the construction activities.
 - d. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for delivery vehicles, and location of any security fencing.
 - e. Proposed truck route(s), if any, that minimize travel on local streets.
 - f. Proposed methods for dust control including, but not limited to: minimizing storage of debris on-site by using dumpsters and regularly emptying them and using tarps to cover piles of bulk building materials.
 - g. Proposed methods of noise control, in accordance with the City of Newton's Ordinances. Exterior staging activities should be conducted in a manner that will minimize off-site impacts of noise. Exterior noise producing staging activities should be located as far as practical from noise sensitive locations.
 - h. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
 - i. A plan for rodent control during construction.
14. The storage of snow on the site shall not be allowed, and it is the responsibility of the property owner to remove snow from the site.
15. If in the future the existing building is demolished and the site is redeveloped, all the relief granted by this or previous special permits shall be null and void, and the site shall comply with all current and applicable requirements of the Newton Zoning Ordinance.
16. 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.

A True Copy
Attest


- 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 Planning Department that confirms plans submitted with any Building Permit are consistent with plans approved in Condition #1.
 - d. With respect to any building permit to be issued for an rDNA research use on the site, obtained the necessary permit from the Commissioner of Health and Human Services with the approval of the Newton Biosafety Committee for a laboratory tenant planning to conduct rDNA research or use rDNA technology in accordance with Condition #6.
17. No Final Inspection/Occupancy Permit for the 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 compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in digital format by a licensed surveyor.
 - c. Obtained a written statement from the Planning Department that confirms the project has been constructed consistent with the plans approved in Condition #1.

No conditions were incorporated from Board Order #176-98.

Conditions Incorporated from Board Order #466-94:

18. That any changes to the existing landscaping be reviewed by the Director of Planning and Development.
19. The petitioner shall use best efforts to recycle materials used in the operation of all the businesses on the site.

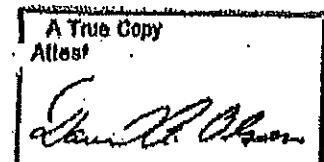
No conditions were incorporated from Board Order #303-90(3).

Under Suspension of Rules

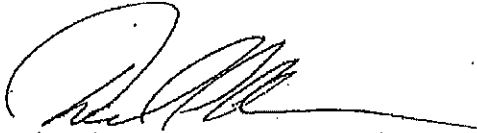
Readings Waived and Approved

18 yeas 0 nays 6 absent (Councilors, Albright, Brousal-Glaser, Ciccone, Harney, Leary, and Norton)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on June 5, 2017. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.



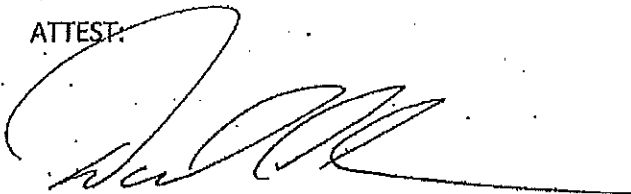
ATTEST:



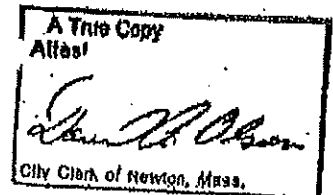
(SGD) DAVID A. OLSON, City Clerk
Clerk of the City Council

I, David A. Olson, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty Days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on 4/7 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

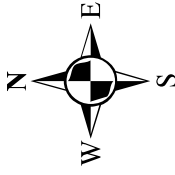


(SGD) DAVID A. OLSON, City Clerk
Clerk of the Council



Attachment B Zoning Map Boylston St., 300 City of Newton, Massachusetts

Legend	
	Single-Residence 3
	Multi-Residence 1
	Multi-Residence 2
	Multi-Residence 3
	Multi-Residence 4
	Business 1
	Business 2
	Business 4
	Building Outlines
	Surface Water
	Property Boundaries

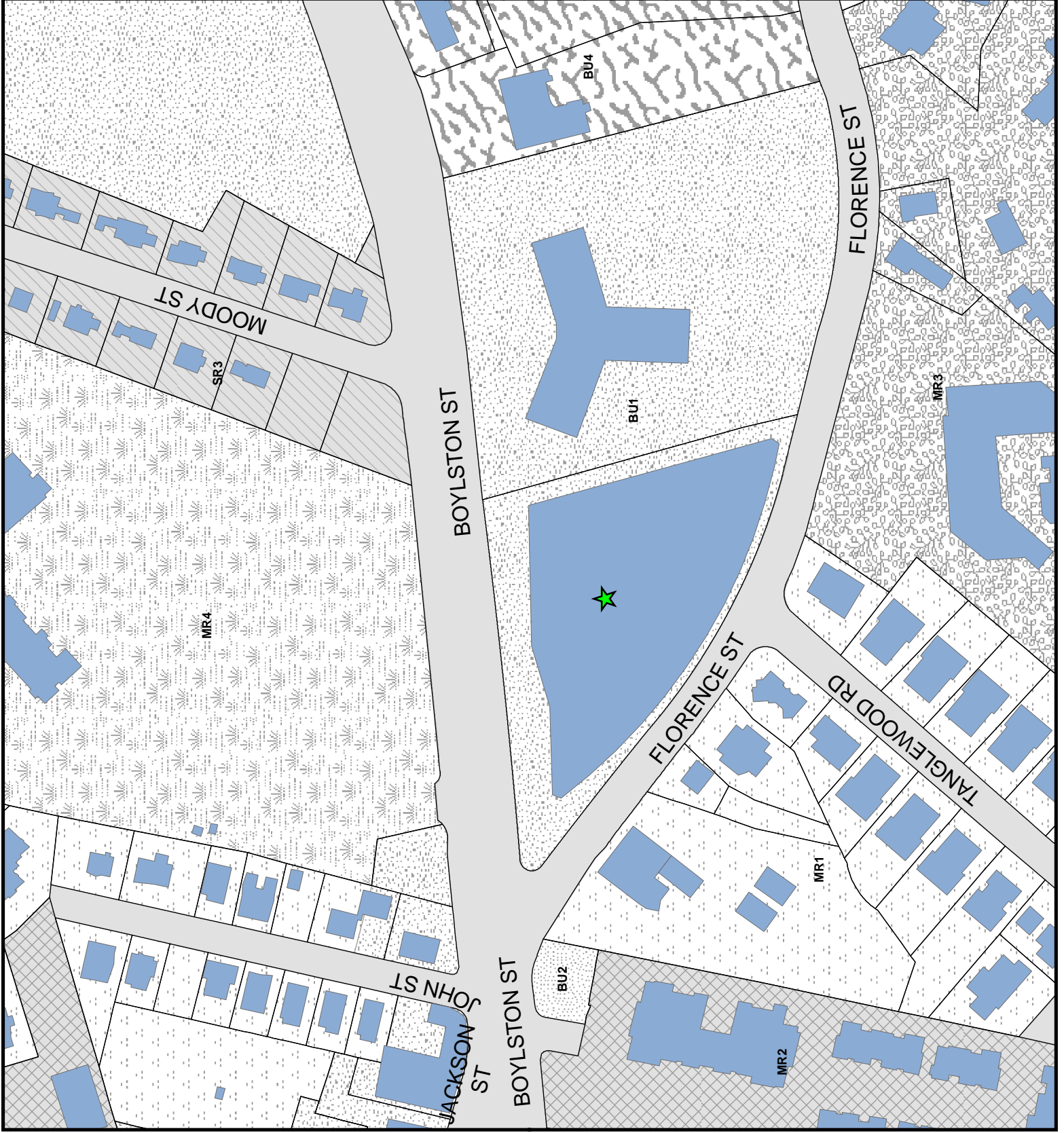


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller



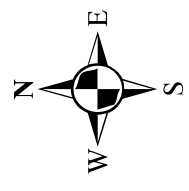
Map Date: August 24, 2018



Attachment C Land Use Map Boylston St., 300 City of Newton, Massachusetts

Legend

	Land Use
	Land Use
	Single Family Residential
	Multi-Family Residential
	Commercial
	Industrial
	Mixed Use
	Vacant Land
	Building Outlines
	Surface Water
	Property Boundaries

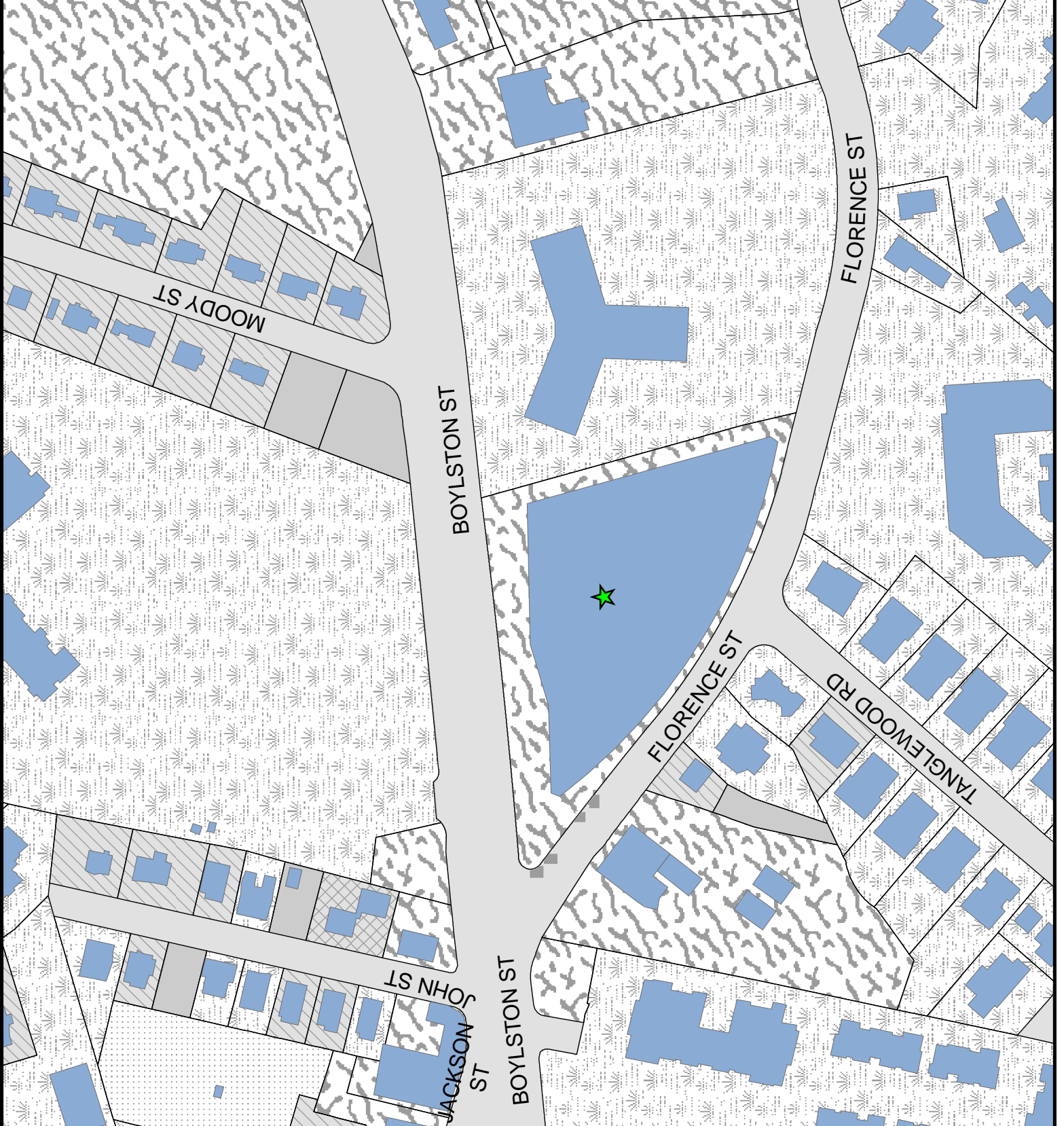


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller



Map Date: August 24, 2018





Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Attachment D
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

Date: August 22, 2018

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Alan Schlesinger, Attorney representing applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: Request to amend Board Order #114-17 to amend the comprehensive sign package

Applicant: Atrium Wellness Center, LLC	
Site: 300 Boylston Street	SBL: 82002 0001
Zoning: BU1	Lot Area: 125,771 square feet
Current use: Mixed use	Proposed use: No change

Background:

The subject property consists of 125,771 square feet and is currently improved with a mixed use commercial building known as the "Lifetime Center" and underground parking. The building has approximately 280,000 square feet of commercial tenant space, with common areas and several levels of underground parking.

The applicant received a special permit in 2015 to repurpose the building into the current mixed-use facility from a shopping mall. The primary tenant of the building is Life Time Fitness, a comprehensive fitness, medical office and wellness use including a restaurant, retail and spa spaces, as well as several medical and professional offices. A comprehensive sign package was approved for the site in Special Permit #114-17. The petitioner is requesting modifications to this approval to allow for changes to the existing and proposed signage.

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

- Zoning Review Application, prepared by Alan Schlesinger, attorney, dated 5/29/2018
- Building Signage Plan, prepared by Stantec, dated 5/6/2018
- Special Permit #114-17, dated 6/5/2017

ADMINISTRATIVE DETERMINATIONS:

1. Special Permit #114-17 granted relief from the limitations of section 5.2 for the number, size, location and height of signs with the condition that signs face only Boylston Street. A final sign package was approved as part of this special permit. The petitioner now seeks to amend this approval (as shown on plans) to:
 - A. Increase the size of Sign A (2nd Principal Sign) from 100 square feet to 116 square feet
 - B. Increase the size of Sign B (2nd Principal Sign) from 50 square feet to 160 square feet
 - C. Increase the size of Sign C (2nd Principal Sign) from 50 square feet to 75 square feet
 - D. Increase the size of Signs E and F (Secondary Signs) from 25 square feet to 30 square feet
 - E. Decrease the size of Sign I (Secondary Sign) from 40 square feet to 37.5 square feet

Proposed Signage	Number per business	Allowable SF	Approved SF	Proposed SF
Principal Signs	1	100*		
Principal Sign A			100	116
Principal Sign B			50	160
Principal Sign C			50	50
Secondary Signs	2	50		
Secondary Sign – Building Identity D		50	63	No change
Secondary Sign E		50	25	30
Secondary Sign F		50	25	30
Secondary Sign G		50	37.5	No change
Secondary Sign H		50	37.5	No change
Secondary Sign I		50	40	37.5
Free-Standing Sign	1	23		
Pylon Sign (existing nonconforming)			23	No change

*The total square footage may be divided between two wall signs

To the extent that the proposed signs exceed the number or dimensions allowed, or do not meet any other standard required by Section 5.2, the applicant seeks an exception to these standards through Section 5.2.13.

2. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance	Zoning	Action Required
§5.2.13	To waive regulations relative to signs as necessary	S.P. per §7.3.3

DEPARTMENT OF PLANNING AND DEVELOPMENT

CITY OF NEWTON

Massachusetts

INTER-OFFICE CORRESPONDENCE – SIGN APPLICATION REVIEW

DATE: August 21, 2018

TO: Jennifer Caira, Chief Planner
John Lojek, Commissioner of Inspectional Services

FROM: Barney Heath, Director of Planning and Development
Rachel Blatt, Long Range Planner
Shubee Sikka, Urban Designer

LOCATION: 300 Boylston Street

BUSINESS: CCRM Fertility Boston

§5.2.4.C of the Newton Zoning Ordinance, as amended, allows the Director of Planning and Development, in consultation with the Urban Design Commission (UDC), to review sign permit applications. The UDC reviewed the proposed sign for compliance with §5.2 on August 15, 2018, understanding that the proposed sign is before the Land Use Committee of the City Council for a Special Permit amendment.

The Urban Design Commission does not recommend the proposed 75 sq. ft. sign for CCRM Fertility.

The Commission recommends that the City Council deny this location because a change just months ago resulted in the lack of sign space for this tenant. During the conversation at that time, there were assurances from the landlord that there would not be any further sign applications for the signage at the roof line.

The Commission would recommend that the applicant instead find a space for this tenant to have signage above the first floor. The Commission also recommended that the central tall signage above the door highlight the building address in a more prominent way to help guide visitors to all tenants into the parking area.

The May 2017 Special Permit comprehensive sign package included three signs along the roof-line edge of the building – all set together near the right (west) side of the façade. In August 2017, the applicant worked with staff and the commission to revise this to 2 larger tenant signs in that same location, on the understanding that the 2nd and 3rd signs were being consolidated into one.

During the August 2018 meeting discussion on CCRM Fertility's sign, the Commission noted that it was unfortunate that the architecture did not include pre-planned areas for signage and were concerned that the landlord has continued to change their rationale over the course of discussions in the past applications.

IMPORTANT NOTICES:

- This memo does NOT constitute a permit. The applicant must apply for and receive a building permit from Inspectional Services prior to installing the signs.
 - All decisions of the Urban Design Commission are appealable to the Commissioner of Inspectional Services.
 - All applicants are required to submit 2 photos of the installed sign within 2 months of installation. Photos can be submitted electronically to Shubee Sikka, ssikka@newtonma.gov, submitted via mail, or submitted in person.
-
-

CC:

Alan Schlesinger, Schlesinger and Bookbinder, LLP, 1200 Walnut Street, Newton MA 02461

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 the following a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Council Order #114-17 to revise the comprehensive sign package as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The specific site is an appropriate location for the proposed modifications to Council Order #114-17 because the site is being redeveloped and a comprehensive sign package is necessary to ensure the appropriate amount and location of signage. (§7.3.3.C.1.)
2. The proposed modifications to Council Order #114-17 will not adversely affect the neighborhood because the sign package is limited to the Boylston Street/Route 9 frontage. (§7.3.3.C.2.)
3. The proposed modifications to Council Order #114-17 will not create a 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: #424-18

PETITIONER: Atrium Wellness Center, LLC.

LOCATION: 300 Boylston Street, on land known as Section 82, Block 2, Lot 1, containing approximately 125,771 square feet of land

OWNER: Atrium Wellness Center, LLC.

ADDRESS OF OWNER: 250 First Avenue, Suite 200
Needham, MA 02494

TO BE USED FOR: Mixed-Use commercial facility consisting of general office, medical office, retail, laboratory, and restaurant (with greater than 50 seats) uses

EXPLANATORY NOTES: To amend Council Order #114-17; and §5.2.13 to amend the comprehensive sign package.

ZONING: Business 1 district

This special permit supersedes, consolidates, and restates provisions of prior special permits #114-17, #303-90(3), #466-94, #176-98 and #2-15 to the extent that those provisions remain applicable. Only those conditions and provisions from such prior special permits set forth below that remain applicable, and still in full force and effect, are set forth in this special permit. Any conditions in such prior special permits not set forth in this special permit #424-18 are null and void.

Approved subject to the following conditions:

Conditions associated with this Special Permit/Site Plan Approval, Order #424-18:

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 set of drawings entitled "Proposed Signage, Lifetime Center, 300 Boylston Street," prepared by Stantec for the Bullfinch Companies, Inc., consisting of four sheets, dated May 16, 2018.
2. The final design, color, and illumination of the proposed signs shall be reviewed and approved by the Director of Planning and Development for consistency with the submitted sign package.
3. All signage shall be restricted to the Boylston Street/Route 9 frontage to ensure proper wayfinding and limit intrusion into the residential neighborhood to the south.

Conditions associated with Special Permit/Site Plan Approval, Council Order #114-17:

4. 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 set of drawings entitled "Comprehensive Signage & Parking Summary, Lifetime Center, 300 Boylston Street," prepared by Stantec for the Bullfinch Companies, Inc., dated April 07, 2017:
 - i. Lease Plan- Level 1, dated April 07, 2017;
 - ii. Lease Plan- Level 2 ; dated April 07, 2017
 - iii. Lease Plan- Level 3, dated April 07, 2017;
 - iv. Lease Plan, Level 4, dated April 07, 2017;
 - v. Parking Plan- Parking Level P5 (AP-101), dated April 07, 2017;
 - vi. Parking Plan- Parking Level P4 (AP-102), dated April 07, 2017;
 - vii. Parking Plan- Parking Level P3 (AP-103), dated April 07, 2017;

- viii. Parking Plan- Parking Level P2 (AP-104), dated April 07, 2017;
- ix. Parking Plan- Parking Level P1 (AP-105), dated April 07, 2017;
- x. Parking Plan- Level (AP-106), dated April 07, 2017;
- xi. Parking Plan- Level 2(AP-107), dated April 07, 2017;
- xii. Building Signage, dated May 22, 2017;
- xiii. Building Signage, dated May 22, 2017 (detail);
- xiv. Building Signage- Boylston Street Rendering, dated May 22, 2017.

Conditions associated with Special Permit/Site Plan Approval, Board Order #2-15:

5. 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:
 - b. "Site Plan - Atrium Mall, 300 Boylston Street, Newton MA", prepared by R.E. Cameron & Associates, Inc. and stamped and signed by Larry Grossman, Registered Architect, of Add, Inc., dated December 3, 2014.
 - c. Atrium Center plan set, prepared, stamped, and signed by Larry Grossman, Registered Architect, of Add Inc., dated November 25, 2014, and consisting of the following ten (10) sheets:
 - i. Parcel Map;
 - ii. Building Elevations, dated December 17, 2012 and revised on November 26, 2014.Plans identified as Conditions #1.b.ii through 1.b.ix in Board Order #2-15 are superseded by plans identified above as Conditions # 1.a.i through 1.a.xi.
6. Laboratories may include the use of devices or technologies to conduct examinations, research and development, and testing of materials or substances, but shall not include the manufacturing of products for sale.
7. Consistent with applicable law and regulations, the petitioner shall control emissions from the site and install proper venting and air handling systems in the building to assure that there are no hazardous or noxious emissions from the site.
8. Laboratory uses within the site shall not exceed 50,000 square feet of the structure's total floor area.
9. All laboratory tenants planning to conduct rDNA research or use rDNA technology shall be limited to National Institute of Health Biosafety Levels 1 and 2, and the development of a laboratory conducting rDNA research or using rDNA technology at a Biosafety Level 3 or above shall be prohibited.
10. Prior to the issuance of any building permit for a laboratory tenant planning to conduct rDNA research or use rDNA technology, the tenant shall obtain a permit under The Revised Ordinances of Newton, §12-21 et seq., as may be amended, from the Commissioner of Health and Human Services with prior approval of the Newton Biosafety Committee.

11. Prior to the issuance of any building permit for a tenant whose operations involve living organisms (hereafter “life sciences industry tenant”), the petitioner shall submit the use clauses in the lease agreement for any such life sciences industry tenant to the Commissioner of Health and Human Services for review to determine compliance with all relevant regulatory requirements, in consultation with a third party consultant, to be selected by the Commissioner of Health and Human Services. Said consultant’s fee shall be paid by the petitioner.
12. The Florence Street entrance/exit shall be used only for deliveries, building services, on-site valet services, emergency vehicles and emergency events. The petitioner shall discourage the use of the Florence Street entrance/exit by employees and patrons through the installation of signage within the garage directing vehicles to the Boylston Street/Route 9 entrance/exit. This condition may be reviewed and modified within one year after the commencement of uses permitted hereunder on the site.
13. The petitioner shall make an equitable and proportionate contribution to an area shuttle service which may be developed to run between the site and other major developments along Boylston Street/Route 9 and the Newton Centre Massachusetts Bay Transportation Authority Green Line Station (or an alternative multi-modal hub). The shuttle service shall run through the week and weekend for hours to be determined at a later date.
14. Signage shall conform to City standards. The Urban Design Commission and the Director of Planning and Development will review and approve all by-right signs.
15. The petitioner shall maintain all trash and recycling receptacles or areas in a sanitary condition at all times. The collection/emptying of such receptacles shall only occur on weekdays between 8:00 a.m. and 5:00 p.m.
16. Any additional air conditioning or other mechanical or ventilation systems related to the laboratory or restaurant uses shall be acoustically and visually screened and shall be reviewed and approved by the Director of Planning and Development prior to installation.
17. The storage of snow on the site shall not be allowed, and it is the responsibility of the property owner to remove snow from the site.
18. If in the future the existing building is demolished, and the site is redeveloped, all the relief granted by this or previous special permits shall be null and void, and the site shall comply with all current and applicable requirements of the Newton Zoning Ordinance.

No conditions were incorporated from Board Order #176-98.

Conditions incorporated from Board Order #466-94:

19. That any changes to the existing landscaping be reviewed by the Director of Planning and Development.
20. The petitioner shall use best efforts to recycle materials used in the operation of all the businesses on the site.

No conditions were incorporated from Board Order #303-90(3).