



#33-21

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City of Newton, Massachusetts

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

Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	February 9, 2021
Land Use Action Date:	April 27, 2021
City Council Action Date:	May 3, 2021
90-Day Expiration Date:	May 9, 2021

DATE: February 5, 2021

TO: City Council

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

SUBJECT: **Petition #33-21**, for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a lab and research use in the Business 4 zone at 275 Grove Street, Ward 4, Auburndale, on land known as Section 43 Block 29 Lot 24 containing approximately 487,578 sq. ft. of land in a district zoned BUSINESS USE 4. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.5.9.A 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 which may be useful in the special permit decision making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent Working Session.



275 Grove Street

EXECUTIVE SUMMARY

The subject property located at 275 Grove Street and consists of 489,460 square feet of land, improved with a 500,000 square foot office building in the Business 4 zone (“the BU-4”) zone in Auburndale. The petitioner is seeking to allow a laboratory and research use which would occupy 62,531 square feet within the building. The laboratory and research use requires a special permit in the BU-4 zoning district.

The site features a mix of uses and the proposed use would operate within the existing office building. The proposed use and operations require fewer stalls than the prior use within the tenant space, thus satisfying the parking requirements. Due to the size of the site with no changes to the site or building proposed and compliance with the parking requirements, the use is expected to operate with little impact to the site. For these reasons, the site is an appropriate location within the BU-4 zone to allow the proposed laboratory and research use at 275 Grove Street.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The specific site in the BU-4 zone is an appropriate location for the proposed research and laboratory use (§7.3.3.C.1);
- The proposed research and laboratory use as developed and operated within the BU-4 zone will adversely affect the neighborhood (§7.3.3.C.2);
- The proposed research and laboratory use will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3); and
- 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 Grove Street in the BU-4 zone in Auburndale. There are a mix of zones surrounding the site, including Business 2 and Mixed Use 3 to the south, as well as a mix of residential zones to the north and east (**ATTACHMENT A**). The uses in the area consist of single-family and multi-family residential and is adjacent to the Riverside MBTA station (**ATTACHMENT B**).

B. Site

The site consists of 489,460 square feet of land and is improved with a 500,000 square foot office building known as “Riverside Center”. The site is accessed by three curb cuts along Grove Street, all providing access to paved surface parking

facilities.

Two Board Orders were issued on June 2, 1997, Orders #40-97 and #40-97(2). Board Order #40-97 allowed a change in zone from Manufacturing to Business 4 and Board Order #40-97(2) allowed the construction of the 500,000 square foot office building and parking facility.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will remain commercial, with the laboratory and research use, should the petition be approved.

B. Site and Building Design

The petitioner is not proposing any changes to the site. The petitioner is seeking to occupy 62,531 square feet over two floors. The first floor will consist of office space, lab and research space, and storage consisting of 52,745 square feet. The second floor will consist of only office space, totaling 10,060 square feet. There are no changes to the façade and all proposed work is internal.

C. Parking and Circulation

There are no changes to parking or circulation proposed.

For parking calculation purposes, the petitioner's operations fall under the following uses: office, lab and research, and storage. The combination of these uses with their respective square footages requires 172 parking stalls. The prior tenant required 208 parking stalls, as such, the parking requirement is satisfied.

Based on the delivery operations at other locations, the petitioner projects that they will experience approximately 25-30 deliveries per week and the delivery timeframe will be less than 10 minutes. The petitioner stated the items being delivered are not large, so they generally use the main door to the buildings they are being delivered to. In the case of larger deliveries, there is a loading dock available for the petitioner to use.

C. Laboratory and Research Use

The laboratory and research use is allowed by special permit in the Business zones, however without listed standards. The use is allowed as of right in the Manufacturing, Limited Manufacturing, Mixed Use 1 and Mixed Use 2 as well as the Mixed Use 4 district. Since 1993, there have been efforts to remove zoning barriers which impede life science uses from locating to Newton and in the same year,

zoning amendments were approved for uses involving Recombinant DNA (rDNA).

The Zoning and Planning Committee is holding a public hearing on February 8, 2021 to redefine such uses within the Ordinance. The Zoning and Planning Committee is working with the Economic Development Commission to redefine the laboratory and research use for to provide clarity and to better reflect typical research and development activities. The proposed amendment to the Ordinance combines the laboratory and research facility use with the research and development use, which is currently undefined. This is intended to provide clarity to users of the Ordinance and eliminate technical inconsistencies surrounding the uses within the Zoning Ordinance. The corrective measures are also intended to encourage the proposed redefined laboratory and research facility use in appropriate locations.

D. Landscaping

A landscape plan is not required with this petition.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT C**) provides an analysis of the proposal regarding zoning. The petitioner is seeking the following relief:

- §4.4.1, §7.3.3 of Section 30, to allow a laboratory and research facility use.

B. Engineering Review

This petition does not meet the minimum threshold for Engineering Review.

C. Newton Historical Commission

This petition does not meet the minimum threshold for Newton Historical Commission review.

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 B








Land Use

275 Grove Street

*City of Newton,
Massachusetts*

Land Use


Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Mixed Use
-  Golf Course
-  Nonprofit Organizations
-  Vacant Land

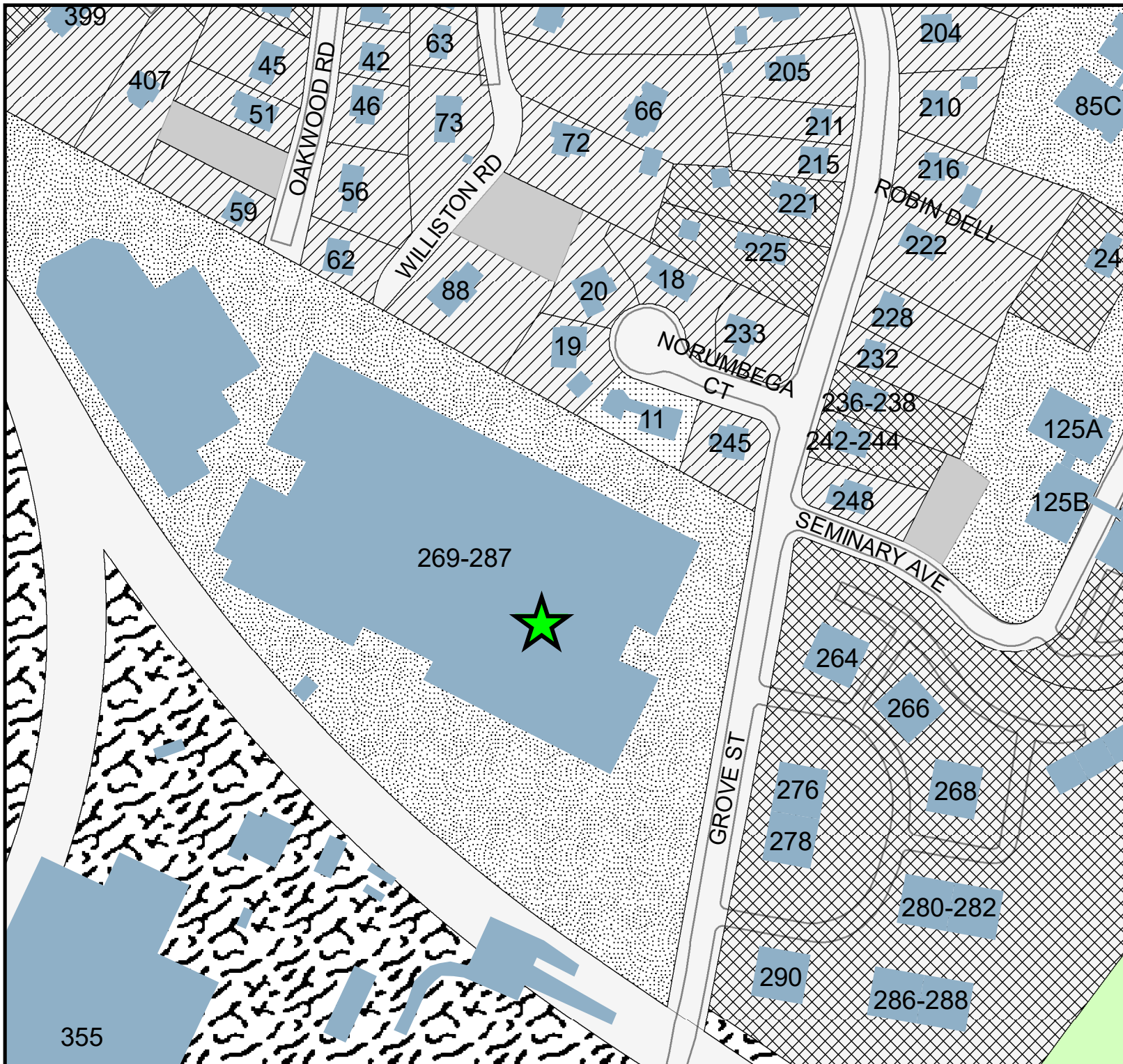


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

0 25 50 75 100 125 150 175 200 225
 Feet

Map Date: February 01, 2021







ATTACHMENT A

Zoning

275 Grove Street

City of Newton,
Massachusetts

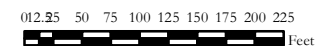
Zoning

-  Single Residence 1
-  Single Residence 2
-  Single Residence 3
-  Multi-Residence 2
-  Business 2
-  Business 4
-  Mixed Use 3
-  Public Use

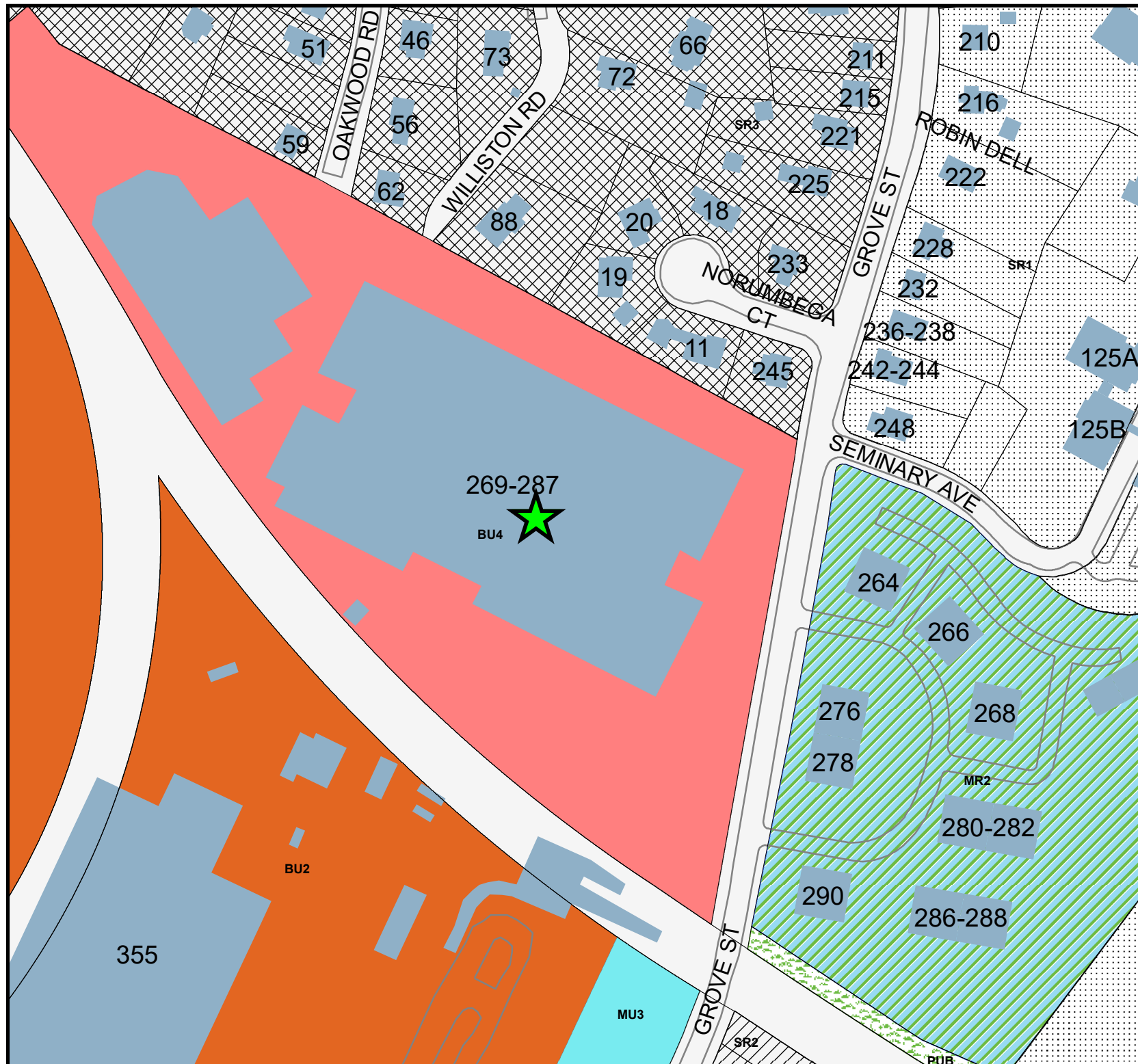


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
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Map Date: February 01, 2021





Ruthann Fuller
Mayor

City of Newton, Massachusetts
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Attachment C
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: January 11, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Stephen Buchbinder, Attorney
ARE-MA REGION NO 76 LLC, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to allow a Lab and Research Facility

Applicant: ARE-MA REGION NO 76 LLC	
Site: 275 Grove Street	SBL: 43029 0024
Zoning: BU4	Lot Area: 489,460 square feet
Current use: Offices	Proposed use: Office with lab and research facility

BACKGROUND:

The property at 275 Grove Street consists of 489,460 square feet improved with a 500,000 square foot office building known as Riverside Center constructed in 1997. The property was rezoned to Business 4 from Manufacturing in 1997 and received a special permit to construct a the office building. The petitioner seeks a special permit to allow a lab and research facility.

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

- Zoning Review Application, prepared by Stephen J. Buchbinder, attorney, dated 12/10/2020
- Board Orders #40-97 and #40-97(2)
- Project Description, submitted 12/10/2020
- Floor Plan, prepared by TRIA Alexandria, architects, dated 12/2/2020

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to introduce a Lab and Research Facility use to a 62,531 square foot space within the structure. Per sections 4.4.1 and 6.5.9.A, a special permit is required to allow a Lab and Research Facility in the Business 4 zoning district.
2. The applicant will be engaged in three uses for the purposes of determining the parking calculation: office; lab and research (including assembly and manufacturing); and storage.

Use	Parking Requirement	Stalls Required
Office 38,215 square feet	1 stall/250 sf up to 20,000 sf 1 stall/ 333 sf over 20,000 sf	80 stalls 55 stalls
Lab and Research 12,531 square feet 76 employees	1 stall/ 1,000 sf 1 stall/4 employees	13 stalls 19 stalls
Storage Warehouse 11,785 square feet 0 employees	1 stall/ 2,500 sf 1 stall/ 4 employees	5 stalls 0 stalls
TOTAL		172 STALLS

The previous office tenant required 208 parking stalls for the 62,531 square foot space. The credit from the previous use satisfies the requirement for 172 stalls for the proposed use. Additionally, Corindus will be allocated 266 parking stalls (of unassigned parking).

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§4.4.1 §6.5.9.A	Request to allow a Lab and Research Facility use	S.P. per §7.3.3

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City 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 laboratory and research facility use in the Business 4 (BU-4) zoning district as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site in the BU-4 zone is an appropriate location for the proposed laboratory and research facility use because the site contains a 500,000 square feet commercial structure and all changes to the structure will be internal. (§4.4.1, 6.5.9.A §7.3.3.C.1);
2. The proposed research and laboratory use as developed and operated within the BU-4 zone will not adversely affect the neighborhood because the, all changes to the structure will be internal and the proposed use complies with the parking requirements of the Ordinance (§4.4.1, 6.5.9.A, §7.3.3.C.2);
3. The proposed research and laboratory use will not create a nuisance or serious hazard to vehicles or pedestrians because there will be no changes to the site (§4.4.1, 6.5.9.A §7.3.3.C.3);
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the use requires fewer parking stalls than the prior use (§4.4.1, 6.5.9.A §7.3.3.C.4).

PETITION NUMBER: #33-20

PETITIONER: Alexandria Real Estate Equities Inc.

LOCATION(s): 275 Grove Street, on land known as Section 43 Block 29 Lot 24, containing approximately 478,578 square feet of land.

OWNER: ARE-MA Region NO 76 LLC

ADDRESS OF OWNER: 26 N. Euclid Avenue
Pasadena, CA 91101

TO BE USED FOR: To allow the laboratory and research facility use

CONSTRUCTION: None

EXPLANATORY NOTE: §4.4.1, 6.5.9.A to allow the laboratory and research facility use in existing office building in the BU-4 zoning district.

ZONING: Business Use 4

The prior Special Permits for this site remain in full force and effect, including the conditions set forth in Council Orders #40-97 and #40-97 (2), which allowed the construction of the existing office building.

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. Floor Plans, prepared by Tria, signed and stamped by Jean E Thacker, Registered Architect, dated December 2, 2020, showing Overall First Floor Plan, and Partial Second Floor Plan.
2. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
3. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a registered architect certifying compliance with Condition #1.