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ZONING REVIEW MEMORANDUM

Date: April 8, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Stephen J Buchbinder, Attorney
BH Normandy Riverside LLC, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, City Solicitor

RE: Request to amend Special Permit #27-20 and to amend sections of the Newton Zoning Ordinance

Applicants: BH Normandy Riverside LLC	
Site: 355 and 399 Grove Street	SBL: 42011 0004 and 42011 0003
Zoning: MU3	Lot Area: 13.05 acres
Current use: Hotel and MBTA site	Proposed use: Mixed use with commercial, residential, parking and public open space

BACKGROUND:

The development site known as “Riverside” is comprised of land on two lots: 355 Grove Street and 399 Grove Street. 355 Grove Street is an approximately 22-acre lot owned by the Massachusetts Bay Transportation Authority (MBTA) and is the current site of the Riverside T station. 399 Grove Street is a 121,700 square foot parcel and is the current site of the Hotel Indigo. The development parcel encompasses a portion of the 355 Grove Street parcel and 399 Grove Street, a total of 13.05 acres. Both lots are part of an existing Council order and will be rezoned to MU3 upon the issuance of a City or State building permit or the commencement of the removal or relocation of the MWRA water line crossing the development parcel.

The petitioners obtained Special Permit #27-20 to construct a ten-building mixed use development incorporating 582 residential units, 246,327 square feet of office space, 39,398 square feet of ground floor commercial space, and a hotel with up to 150 keys (i.e. sleeping rooms) with 2,013 on-site parking stalls within a garage and surface parking, as well as accommodations for bicycles. The petitioners seek to amend the special permit and to amend the text of the MU-3 zone to allow for laboratory, research

and development elderly housing, changes the footprints and heights of several buildings. Additionally, they seek to amend the approved sign package.

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 1/1/29/2021
- Project Narrative, 1/29/2021
- Parking Calculation, submitted 1/29/2021, revised 3/4/2021
- Revised Sign Package, submitted 3/4/2021
- Site Plans, prepared by VHB, engineer; David M. Schwarz Architects; Speck and Associates, LLC, urban designer consisting of 42 sheets, dated 1/29/2021

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners were granted Special Permit #27-20 in October 2020. They now seek to amend the approved plans and conditions of the permit to allow for changes in use, density and dimensions.
2. The petitioners propose an amendment to section 4.2.4.G.1 to create an additional category of uses to include laboratory, research and development and business incubator.
3. The petitioners propose an amendment to the allowable uses found in section 4.4.1 for commercial districts to allow Elder housing with services by special permit in the MU3 zoning district, where it is currently prohibited.
4. The petitioners propose an amendment to the definition of “Elder housing with services” found in section 6.2.10.A. The following language is proposed; “**Defined.** Elderly housing with services means all housing with amenities and services designed primarily for elders, including residential care facilities, continuing care retirement communities (CCRCs), assisted living facilities, independent living facilities, memory care facilities, nursing homes, and congregate care facilities.”
5. Section 4.2.4.A.2 limits the maximum height of buildings in Area F to 70 feet. The petitioner proposes to amend the ordinance to increase the maximum height allowed in Area F to 135 feet, to include rooftop mechanical equipment, whether or not enclosed.
6. The petitioners propose to amend the approved sign package for the signage on Building 2. Building 2 is currently allowed one sign not to exceed 150 square feet on the western façade, as well as a second sign not exceeding 150 square feet on the eastern façade. Both signs are required to reduce illumination after 9 PM. The proposed revision request to allow for two signs not exceeding 200 square feet each and a tenant logo not exceeding 75 square feet. The petitioner requests that the illumination be reduced by 11 PM (from 9 PM) for both signs, and that the tenant logo signs reduce illumination by 9 PM.
7. The revised plans for the development include changes to the heights, footprints and densities of the approved buildings. These buildings will consist of 362,235 square feet of laboratory and research space, a reduction in office space to 7,500 square feet, a reduction to 550 residential units and a reduction to 21,981 square feet of retail and commercial space. The table below represents the proposed dimensional changes. No additional relief is required for the proposed dimensional changes, pending approval of the amendment to allow building heights up to 170 feet in Area F.

Building	Approved Height/Stories	Proposed Height/Stories	Approved Square Footage	Proposed Square Footage
Building 1	169.3 / 10	143.3 / 7	254,120	184,911
Building 2	66.3 / 6	123.5 / 6	77,300	177,324
Building 3	62.8 / 7	57.5 / 5	154,009	113,519
Building 4	60.5 / 6	61.7 / 5	124,989	120,276
Building 5	45.4 / 4	45.4 / 4	57,200	47,147
Building 6	54.5 / 4	54.5 / 4	72,020	72,009
Building 7	64.2 / 5	66.7 / 5	60,024	61,209
Building 8	70 / 6	73 / 6	65,425	59,567
Building 9	82.8 / 8	69.9 / 6	63,784	66,574
Building 10	82.8 / 8	66.7 / 6	96,129	114,964
Garage	82.8 / 8	87.8 / 8	Not included	7,500
Total			1,025,000	1,025,000

8. The project proposes a mix of uses on the site. The exact mix of commercial tenants and the space each tenant will occupy is not yet established. To ensure that an adequate parking demand is established per section 5.1.4, the parking calculation for the commercial uses at the site is based on a projection of a mix of uses designed to provide a high intensity use of the site (with regard to parking demand). The petitioners contemplate the following uses and projected square footages of spaces for each:

Proposed Use	Parking Requirement	Stall Required
Commercial Uses		
Office – 0 (MBTA office 7,500 sf)	1/250 sf for 20,000 sf plus	0
Laboratory/Research 362,235 sf 966 employees	1/1000 sf 1/4 employees	605
Retail and Personal Service 5,000 sf 10 employees	1/300 sf 1/3 employees	21
Restaurant – 553 seats 56 employees	1/3 seats 1/3 employees	204
Health Club – 3,171 sf 7 employees	1/150 sf 1/3 employees	25
1/3 reduction allowed by special permit	855/3	570
Residential Uses 550 units	1.25/unit	688
TOTAL REQUIRED		1,258
TOTAL STALLS AVAILABLE	(1,000 reserved for MBTA)	1,171 (2,171)
TOTAL STALLS WAIVED BY #27-20		725
TOTAL		1,896 (2,896)

The available physical stalls and the waiver of up to 725 stalls result in a total of 1,896 stalls available to meet the demand of the 1,256 stalls required for the proposed commercial and residential uses. No new waiver is required for the proposed uses.

9. Section 5.11.4 requires that a project requiring a special permit for residential or mixed-use development including residential development beyond that allowable as of right or totaling more than two new additional units be subject to the inclusionary housing provisions. The ordinance requires that the project provide no fewer than 15% inclusionary units of the total number of dwelling units proposed to be added by the development at 50-80% of the area median income (AMI), known as Tier 1, and 5% at 110% AMI, known as Tier 2. With 550 total units, the petitioner shall provide 83 units at Tier 1 AMI, and 28 units at Tier 2 AMI, for a total of 111 inclusionary units.

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Amend Special Permit #27-20	
	Amend approved Sign Package for Building 2	
§4.2.4.G.1 §4.2.4.H	Amend section to add "Category D" uses including Laboratory, Research and Development	
§4.4.1	Amend section to allow Elder housing with services in the MU3 zoning district by special permit	
§6.2.10.A	Amend definition of Elder housing with services	
§4.2.4.A.2	Amend section to allow a maximum height of 135 feet in Area F	