



#91-21 and #27-20(2)

**City of Newton, Massachusetts**  
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Ruthanne Fuller  
Mayor

Barney S. Heath  
Director

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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date: April 13, 2021

DATE: April 9, 2021

TO: City Council

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

SUBJECT: **Petition #91-21** requesting amendments to Chapter 30, Newton Zoning Ordinance, in Sections 4.2.4 and 4.4.1 and 6.2.10 relative to the Mixed Use 3 District.

**Petition #27-20(2)** to amend the Special permit site plan as approved by Council Order #27-20 to allow changes to: the square footage of all of the approved buildings, the heights of Buildings 1, 2, 3, 4, 7, 8, 9 and 10, the building footprints shown on the site plan, the open space as shown on the approved site plan, the Comprehensive Sign Package, all at 355 and 399 GROVE STREET on land known as Section 42, Block 11, Lots 3, 4 and 4A, containing approximately 13.05 acres of land in districts zoned Mixed Use 3 Transit Oriented (MU3). Ref: Sec. 4.2.3, 4.2.4, 7.3.3, 7.4, 7.3.5 of the City of Newton Revised Zoning Ordinance, 2017. Proposed Amendments are subject to the proposed text changes to the MU-3 zoning district.

CC: Planning Board

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Preserving the Past  Planning for the Future

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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 that the Land Use Committee of the City Council can consider at a subsequent working session.

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***This memorandum will provide a brief overview of the Project and requested zoning amendments. Additional analysis of the proposed amendments will be provided at future topic-based meetings.***

## **EXECUTIVE SUMMARY**

The subject property consists of two parcels of land located at 355 and 399 Grove Street. 355 Grove Street is the terminus of the Massachusetts Bay Transportation Authority's (the "MBTA") Green Line D Branch ("Riverside"), encompassing 22 acres. This parcel is partially located within the Mixed Use 3/Transit Oriented Development (the "MU3/TOD") zone and partially within the Business Use 2 district (the "BU2") zone. 399 Grove Street is improved with a six-story hotel use, totaling 121,700 square feet of land and is located entirely within the BU5 zone.

In October 2020, the petitioners obtained a special permit (Council Order #27-20) and a rezoning request as well as text amendments to the MU3 zone to construct a ten-building, mixed use development incorporating 582 dwelling units, 250,887 gross square feet of office space (7,500 square feet of which is dedicated to the MBTA), 77,300 square feet of hotel space (150 keys), and 43,242 square feet of retail, personal service, and restaurant space. The 2020 project also included 2,041 parking stalls (958 of which were dedicated to the MBTA for commuters), both structured and on-street, a new exit ramp from Interstate 95 ("I-95"), three new traffic signals, and other site improvements.

The petitioners now seek to amend Council Order #27-20 and the approved site plan to allow changes to: the square footage of the approved buildings; the heights of Buildings 1, 2, 3, 4, 7, 8, 9, 10, and 13; the proposed footprints of buildings; open space as shown on the approved site plan; and the comprehensive sign package for Building 2. The revised project eliminates the hotel use and incorporates 362,235 square feet of laboratory/research use into Buildings 1 and 2 instead. The revised project also eliminates the office space, except for the 7,500 square feet to be used by the MBTA; reduces the retail and commercial space from 39,014 square feet to 21,981 square feet; and reduces the number of residential units from 582 to 550.

In addition to amendments to the Council Order and approved plans, the petitioner is also proposing text amendments to the MU3 zone to permit the proposed changes to the project – primarily to allow additional height for Building 2 and to allow laboratory, research and development and business incubator uses.

### **I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD**

#### **A. Neighborhood and Zoning**

The subject property is located on Grove Street in Auburndale. Immediately south is a Public Use district, while to the southwest lies a Single Residence 3 district. To the north lies a Business Use 4 zone and to the northeast lies a Multi-Residence 2 zone.

Lastly to the southeast is a Single Residence 2 zone (**Attachment A**). This diversity of zones includes a commercial park to the north, while farther north and to the east lies single- and multi-family uses that comprise the village of Auburndale. To the southwest lies the Village of Lower Falls, predominantly comprised of single-family uses, and to the southeast exists a golf course (**Attachment B**).

B. Site

The site is improved with a 958-stall surface parking facility and several small structures accessory to the transit station, as well as a six-story hotel use with an accessory parking facility. The site is generally flat in the interior, but portions of the southeastern boundary lie above the grade of Grove Street. Additionally, at the northwestern portion of the site, the slope drops down towards the banks of the Charles River, while the northeastern portion of the site becomes more level with Grove Street.

II. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

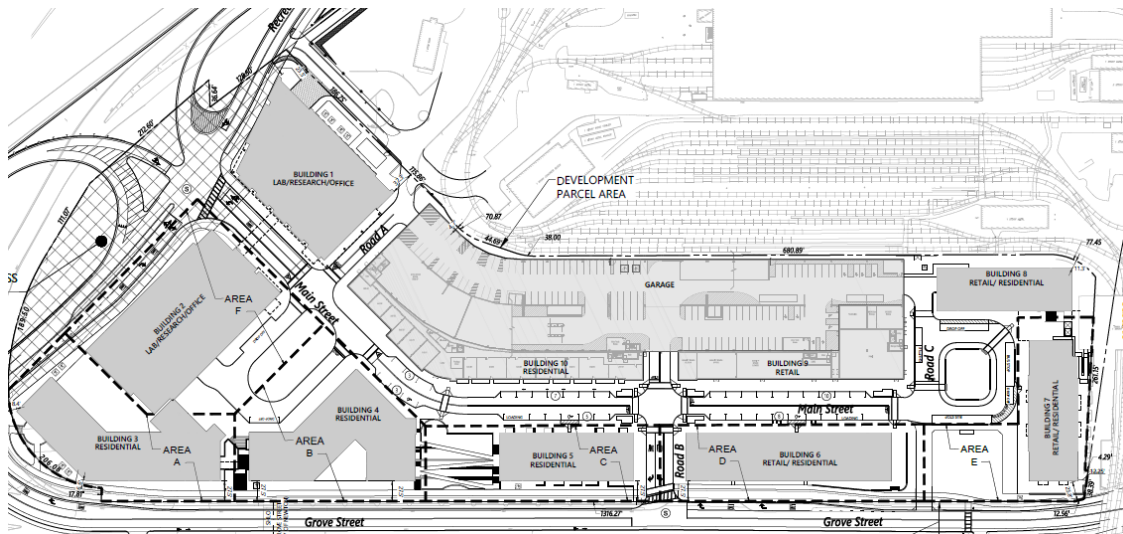
In order to ensure a vital mix of complementary uses that create a place in accordance with the purpose statement of the MU3/TOD zone, the Ordinance currently requires that the development contain at least one use from each of three categories (A, B and C). The proposed text amendments add Category D as an alternative to Category A.

- Category A: Office
- Category B: Retail, personal services, restaurants, banking, health clubs, places of amusement (indoor or outdoor), theater, lodging, hotel, motel, animal services; and
- Category C: Multifamily, live/workspace, single-room occupancy, single-person occupancy, assisted living, and nursing homes.
- Category D: Laboratory, research and development and business incubator.

Category B includes a range of services that support residential and office/lab uses, while Category C is a variety of residential uses.

The principal use of the site would be, pursuant to a change of zone, and a special permit, a ten-building mixed use development incorporating 550 dwelling units, 362,235 square feet of laboratory and research space, 7,500 gross square feet of office space, and 21,981 square feet retail and other commercial space.

**Figure I: Proposed Site Plan**



**B. Modified Site Design**

While the proposed site plan includes minor revisions to the footprint of a number of buildings, the main changes are in the area of Buildings 1, 2, 3, and 4 and what was previously referred to as the Hotel Green. All other open spaces remain the same, except for the small plaza space at the corner of Building 10, across from Building 1, which has been removed. The footprint of Building 2 has increased, and the footprint of Building 4 has been altered to retain as much of the open space between the buildings as possible, while not impacting the amphitheater space on the other side of Building 4. The Building 3 footprint has been reduced, creating additional open space between Buildings 2 and 3. The proposed project will provide a total of 2.07 acres of beneficial open space (15.8%), of which 1.21 acres (9.3%) will be open to the public. The changes to the site design and open space will be analyzed by the City's peer reviewers and presented at a future meeting.

**C. Modified Building Design**

The buildings range in height and number of stories due to the topography of the site, the intended uses within the structures, and the structures' locations within the site. At the southern and southwestern portions of the site, closest to Interstate 95, the petitioners propose to construct a 7-story, 143-foot tall building (Building 1) and a six-story, 124-foot tall building (Building 2), both to be used for the laboratory and research use. The petitioners propose to connect the two buildings via pedestrian bridge across Main Street. Traveling north, the buildings in the middle of the site

contain a range of four to six stories, while the structures at the northernmost portion of the site contain five and six stories. Most building heights have stayed the same as previously approved or have very minor reductions or increases in height. The most significant changes are to Buildings 1 and 2. Building 1 is being reduced from 169.3 feet and 10 stories to 143.3 feet and 7 stories (including mechanical penthouse). Building 2 remains six stories however the height is increasing from 66.3 feet to 123.5 feet (including mechanical penthouse). The increase in height is due to the conversion from a hotel use to a laboratory use. Lab uses require taller floor to floor heights as well as taller mechanical equipment on the roof. The following table shows the changes to height/stories for all buildings.

**Table I: Building Details**

Building Number	Approved Height (Feet)	Approved Number of Stories	Proposed Height (Feet)	Proposed Stories	Approved Use	Proposed Use
1	169.3	10	143.3 (including penthouse)	7	Office	Laboratory/research use
2	66.3	6	123.5 (including penthouse)	6	Hotel	Laboratory/research use
3	62.8	6*	57.5	5	Residential	Residential
4	60.5	6*	61.7	5	Residential	Residential
5	45.4	4*	45.4	4	Residential	Residential
6	54.5	4*	54.5	4	Commercial/Residential	Commercial/Residential
7	64.2	5	66.7	5	Commercial/Residential	Commercial/Residential
8	70	6	72.3	6	Commercial/Residential	Commercial/Residential
9**	82.8	8	69.9	6	Commercial/Parking Garage/Residential	Commercial/Parking Garage/Residential
10**	82.8	8	66.7	6	Commercial/Parking Garage/Residential	Commercial/Parking Garage/Residential
Garage**	82.8	8	87.8	8	Garage	Garage

\*Stories from Grove Street

\*\* Buildings 9, 10 and Garage are attached to each other.

The architecture of individual buildings has not been developed. Given the scale of the project and that construction will be phased, the petitioners submitted a master plan that seeks to define the Project’s urban design down into essential elements such as streets, primary and secondary frontages, façades, materials, and styles. The previous approval included Design Guidelines that prescribe how buildings will be designed with key features in mind such as materials, and fenestration but also how building massing is realized through ornamental features such as cornices and building components such as balconies. The guidelines will provide predictability for

the community and flexibility for future designers. With the proposed changes, the Design Guidelines will also need to be revised. The City's peer reviewers will present the proposed changes at a future meeting.

The Riverside Vision Plan ("Vision Plan"), adopted in 2019, references numerous city plans that have earmarked the Riverside site for higher density and economic development. The Vision Plan recommended certain building heights depending on location within the site. The Vision Plan states that taller buildings, should front the highway and encompass 10-20 stories. Lower buildings should front Grove Street, allow for step-backs and allow for a transition to increased height further into the site. Additional analysis of the proposed changes as they relate to the Vision Plan will be included for future meetings.

D. Transportation

The approved Special Permit incorporated the petitioner's proposal to design and construct, at their cost, a new entrance to the site via a new exit ramp from I-95 northbound. The exit ramp would terminate at the current location of the hotel use at 399 Grove Street at a new traffic signal. The intersection would allow vehicles to continue straight (north) into the development, or to turn left (west) onto Recreation Road. For vehicles traveling to Auburndale or to Lower Falls, an exit from the off ramp, before reaching the new signal, would be created and would terminate at a different new traffic signal at the intersection of Grove Street and the bridge over I-95. From there, vehicles would turn left (north) to proceed onto Grove Street, while turning right (south) would provide access to Lower Falls. Grove Street will remain a two-lane street, but vehicles traveling northbound on Grove Street will be prohibited from taking a left turn into the site.

The approved project also included several improvements to Grove Street, including: installation of three new traffic signals; signal timing adjustments; a ten-foot wide, two-way bicycle track along the entire length of the site's Grove Street frontage and continuing to Grove Street and Asheville Road; a ten-foot wide multi-use path on the westerly side of Grove Street from Asheville Road to the Lower Falls Community Center; a pedestrian walkway along the length of the site's Grove Street frontage, continuing to Asheville Road; a tree way of at least five feet in width along Grove Street; light poles along Grove Street, and a crosswalk with a rapid reflectorized flashing beacon adjacent to the transit plaza. All transportation improvements included in the prior Council Order remain unchanged.

The approved project included a total of 2,013 parking stalls and proposed project includes 2,171 parking stalls onsite. 1,000 of those parking stalls will be reserved for the MBTA and commuters, with the remaining 1,171 stalls available for residents, employees, and visitors to the site. Of the 2,171 stalls, all but 36 will be located in the

parking garage. The remaining stalls are at the surface and located throughout the site. The previously approved project was granted a parking waiver of 725 stalls and the proposed project increases the number of parking stalls provided, therefore no additional waivers are necessary.

The approved Council Order contained conditions related to transportation demand management (TDM). The conditions require the submittal of a TDM plan as well as annual monitoring and a requirement to implement additional mitigation if the actual number of trips exceeds the predicted weekday evening adjusted volume by more than 10%. The Council Order requires the petitioner to expend up to \$1 million in implementing TDM mitigation measures. The petitioner is also required to establish and operate a shuttle service serving the project site and the Auburndale Commuter Rail Station for a minimum period of six months.

The City's peer reviewers will provide analysis of all transportation related changes to the project at a future meeting.

E. Housing

The approved project contained 582 residential units. Of the 582 units, 15% were to be affordable to households earning at or below 80% of area median income (AMI), with three of the units affordable to households earning at or below 50% AMI. The AMI of the 15% of units was required to average at 65% AMI. In addition, 2.5% of the units were required to be affordable to households earning at or below 110% AMI.

The revised project includes 550 residential units. The inclusionary zoning ordinance, adopted in 2019, includes new affordability requirements for projects with 100 or more units, effective January 1, 2021. As the number of housing units has changed, the project is subject to the current requirements. The requirement is now 15% of units (83 units) at 50% to 80% AMI, averaging at 65% AMI, plus an additional 5% of units (28 units) at 110% AMI. All affordable units will be deed restricted in perpetuity. The Planning Department will provide further analysis of the proposed housing at a future meeting.

F. Sustainability

The petitioner has committed to making all buildings (aside from the Garage) LEED Gold certifiable to comply with the City's sustainability ordinance which went into effect in 2020. In addition, they have pledged that three residential buildings will be Passive House certified and the residential portion of the remaining buildings will be built using Passive House design principles and they will explore certification for these buildings. The residential portions of all buildings will be fully electric, there will be an embodied carbon analysis guiding the material selection, Solar PV will serve a portion of the common area load for the Passive House certified buildings and all buildings

roofs will be solar ready (the parking garage will explore solar installation through the MBTA), rainwater reuse will be utilized for irrigation and there will be substantial green stormwater infrastructure, electric vehicle charging stations will be provided for 10% of the project parking spaces (EV charging stations for the MBTA parking will be determined by the MBTA), and there will be provisions for future electric bus charging. Sustainability commitments remain similar to those included in the approved Council Order and City staff and peer reviewers will provide additional analysis of sustainability commitments at a future meeting.

G. Signage

The approved project included a preliminary signage plan along with a requirement that a final Comprehensive Sign Program be submitted to the Urban Design Commission (UDC) for review and approval. The petitioners have proposed an amendment to the signage plan for Building 2. Building 2 was formerly the hotel and is now a lab building. Building 2 was limited to one sign on each the western and eastern facades, each not to exceed 150 square feet. Both signs were required to reduce illumination after 9 pm. The proposed revision is for two signs, each not to exceed 200 square feet, and a tenant logo sign not to exceed 75 square feet. The petitioner also requests that the illumination be reduced by 11 pm (instead of 9 pm) for both signs and that the tenant logo sign reduce illumination by 9 pm. Further analysis by City staff and the UDC will be provided at a future meeting.

H. Mitigation

The approved Council Order included requirements for a \$1.4 million payment for municipal infrastructure improvements (satisfying the inflow and infiltration mitigation requirement), a payment of \$1.5 million to the City for off-site traffic mitigation or other neighborhood improvements in the areas of Lower Falls and Auburndale impacted by the project, a payment to the City of \$1.5 million for improvements to Williams Elementary School, and the design and construction of off-site trail improvements up to a maximum of \$3 million. All mitigation commitments remain unchanged.

III. MU3 ZONING AMENDMENT REQUEST

The Mixed Use 3/Transit Oriented Development zoning district was created to allow the creation of a mixed-use center specifically at this site. The zoning district intended to *“encourage comprehensive design within the site and with its surroundings, integrate complementary uses, provide enhancements to public infrastructure, provide beneficial open spaces, protect neighborhoods from impacts of development, allow sufficient density to make development economically feasible, foster use of alternative modes of*



*transportation, and create a vibrant destination where people can live, work and play*". The district was first adopted in 2012 and later amended in 2019 with the recently approved project. The MU3 district includes regulations regarding use, height, density, floor area, and setbacks, as well as additional special permit criteria for review (see below).

In 2019, the City Council amended the text of the MU3/TOD zone to increase the size of the development allowed at Riverside. Specifically, the City Council made the following changes:

- Increased the development size from 580,000 square feet to 1,025,000 gross floor area (the "GFA"), provided that Category C uses (dwelling units) comprise at least 60% of the GFA and that Category A uses (office) not exceed 300,000 square feet;
- Increased the maximum building height from 135 feet to 170 feet and added maximum building heights along Grove Street;
- Provided additional requirements as to Beneficial Open Space; and
- Adjusted the setback requirements from Grove Street.

Given the specificity of the MU3 zone, text amendments are necessary to align with the proposed changes to the program and site plans (see redlined MU3 text in **Attachment C**). The amendments are to allow for greater height in Building 2 and to allow the lab use. The petitioner is proposing the following amendments:

- Replace the Grove Street Corridor Diagram to reflect the new footprints of Buildings 2 and 3 (Areas F and A respectively);
- Amend Section 4.2.4.A.2 to allow a maximum building height (inclusive of rooftop mechanical equipment) of 135 feet in Area F (Building 2);
- Amend Section 4.2.4.G.1 to add Category D: Laboratory, research and development and business incubator;
- Amend Section 4.2.4.G.1 to require the development have at least one use from each Category B and C and at least one use from either Category A (general office and medical office) or Category D;
- Amend Section 4.2.4.H to include Category D uses in the maximum gross floor area;

The text amendments are consistent with the intent of the MU3 district, as well as the City's Economic Development Strategy from 2019 and Riverside Vision Plan. The Economic Development Strategy included goals to *"increase lab space to capitalize highly-skilled workforce with science background and regional economic trends"* and to *"target growth sectors based on Newton's strengths – bio/life sciences; healthtech; professional and technical services"*. The proposed lab use also builds upon the recent approval for life science uses next to the project site at the Riverside Office Park. Additionally, the proposed height of Building 2 is consistent with the Riverside Vision Plan. The Vision Plan recommended medium-high building heights of 10-15 stories at this location.

The Planning Department as well as the City's peer reviewers will be providing additional analysis on the proposed increase in height at Building 2 as well as the replacement of the proposed hotel and office uses with laboratory use at future meetings. The Planning and Development Board will also be providing a recommendation on the proposed rezoning and MU3 text amendments.

#### IV. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing these requests, the City Council should consider whether:

- The site is an appropriate location for the proposed amendments to Special Permit #27-20 (§7.3.3.1).
- The proposed mixed-use development as developed will not adversely affect the neighborhood (§7.3.3.2).
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.3).
- Access to the site is appropriate for the types and numbers of vehicles involved (§7.3.3.4).
- The site planning, building design, construction, maintenance and/or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy (§7.3.3.5).

The MU-3/TOD zone requires criteria above and beyond the special permit criteria above, additionally, the Council should consider whether:

- The proposal is not inconsistent with the *Comprehensive Plan* (§7.3.5.B.1).
- The mixed-use development offers long-term public benefits to the City and nearby areas including:
  - a. improved access and enhancements to public transportation.
  - b. improvements to parking, traffic, and roadways.
  - c. on- and off-site improvements to pedestrian and bicycle facilities, particularly as they facilitate access to the site by foot or by bicycle.
  - d. public safety improvements.
  - e. on-site affordable housing opportunities.
  - f. water, sewer and stormwater infrastructure improvements that increase capacity and lower impacts on the surroundings.

(§7.3.5.B.2)

- The proposed mixed-use development has a positive fiscal impact on the City after accounting for all new tax revenue and expenses related to, but not limited to, school capacity, public safety services, and public infrastructure maintenance

(§7.3.5.B.3).

- Pedestrian and vehicular access routes and driveway widths are appropriately designed between the proposed mixed-use development and abutting parcels and streets, with consideration given to streetscape continuity and an intent to avoid adverse impacts on nearby neighborhoods from such traffic and other activities generated by the mixed-use development, as well as to improve traffic and access in nearby neighborhoods (§7.3.5.B.4).
- Appropriate setbacks, buffering, and screening are provided from nearby residential properties and the quality and access of beneficial open space and on-site recreation opportunities is appropriate for the number of residents, employees, and customers of the proposed mixed-use development; and meaningful bicycle and pedestrian connections to open spaces, recreational areas, trails, and natural resources, including the banks of the Charles River and adjacent public property, whether or not currently available for public use, are provided and take full advantage of the unique opportunities of the site and its nearby natural features for use and enjoyment by the community at large (§7.3.5.B.5).
- The proposed mixed-use development provides high quality architectural design and site planning that enhances the visual and civic quality of the site and overall experience for residents of and visitors to both the mixed-use development and its surroundings (§7.3.5.B.6).
- Proposed signage is in keeping with the scale and needs for wayfinding in and around the site and is complementary to the architectural quality of the mixed-use development and the character of the streetscape (§7.3.5.B.7).
- The proposed mixed-use development provides building footprints and articulations scaled to encourage outdoor pedestrian circulation; features buildings with appropriately-spaced street-level windows and entrances; includes appropriate crossings at all driveway entrances and internal roadways; and allows pedestrian access appropriately placed to encourage walking to and through the development parcel (§7.3.5.B.8).
- The proposed mixed-use development creates public spaces as pedestrian-oriented destinations that accommodate a variety of uses, promote a vibrant street life, make connections to the surrounding neighborhood, as well as to the commercial and residential components of the mixed-use development, to other commercial activity and to each other (§7.3.5.B.9).
- Whether the proposed mixed use development at least meets the energy and sustainability provisions of §7.3.3.5 regarding development in excess of 20,000 square feet (§7.3.5.B.10).
- Parking for the site is appropriate to the intensity of development, types of uses, hours of operation, availability of alternative modes of travel and the

encouragement of alternative transportation modes without over-supplying parking (§7.3.5.B.11).

- Suitable mitigation measures have been included to eliminate negative impacts on surrounding neighborhoods with the installation of a traffic signal, roundabouts, and other alternations to the roadway (§7.3.5.B.12).
- Consideration has been given to accessibility, adaptability, visitability, and universal design in development of the site plan (§7.3.5.B.13).

#### V. NEXT STEPS

The Planning Department will coordinate the various reviews required with City staff and City peer reviewers to be provided at upcoming meetings. Tentatively the Land Use Committee is scheduled to discuss the projects Housing and Economic Impacts on April 27, 2021 and the Site Design, Building Design, and Design Guidelines on May 11, 2021.

#### **ATTACHMENTS:**

- Attachment A:** Zoning Map  
**Attachment B:** Land Use Map  
**Attachment C:** MU3 Amendments  
**Attachment D:** Zoning Review Memorandum, dated April 8, 2021

Zoning Map

Riverside

City of Newton,  
Massachusetts

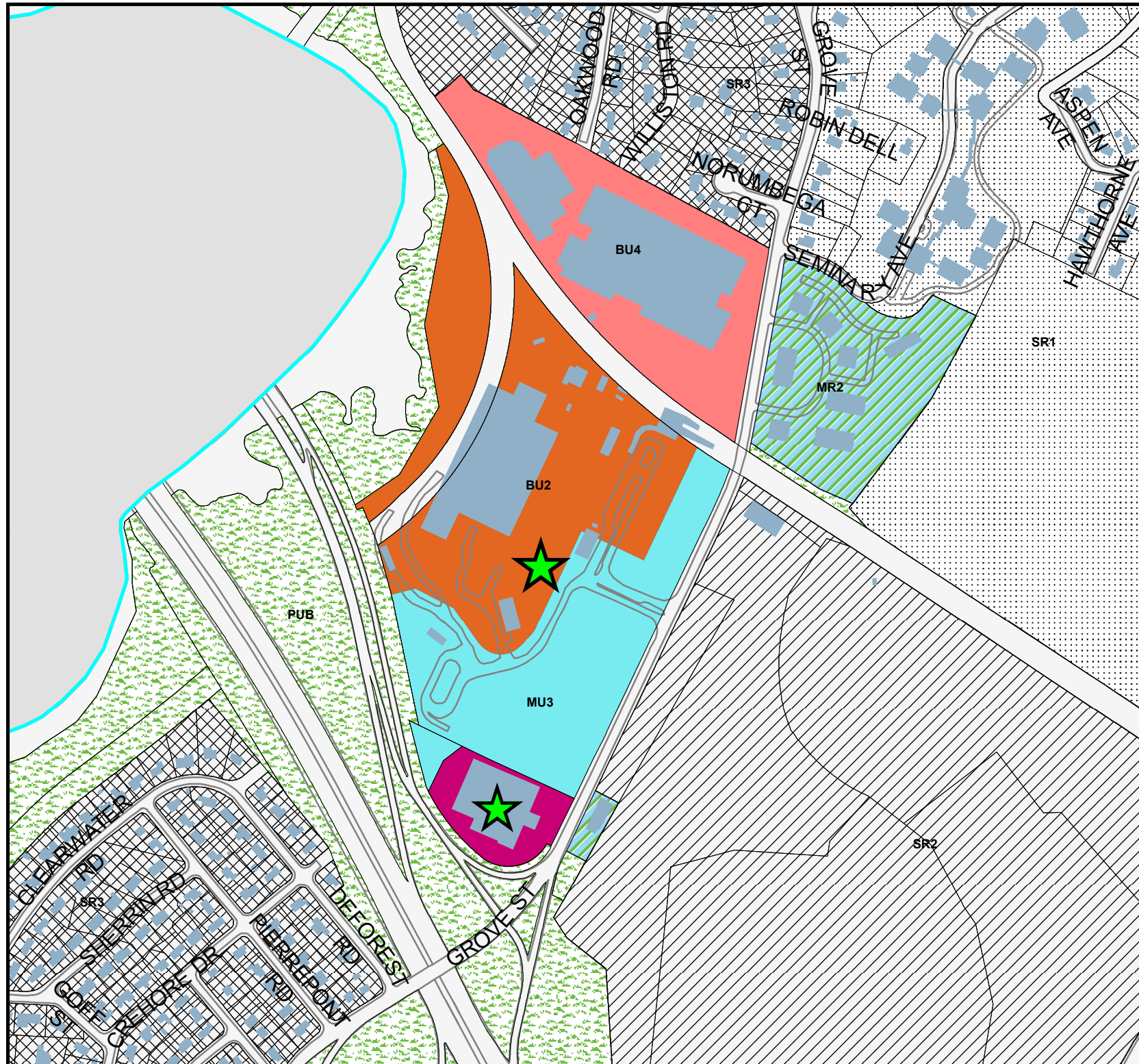
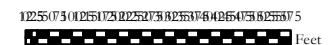
Legend

-  Single Residence 1
-  Single Residence 2
-  Single Residence 3
-  Multi-Residence 2
-  Business 2
-  Business 4
-  Business 5
-  Mixed Use 3
-  Public Use



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  
GIS Administrator - Douglas Greenfield











# ATTACHMENT B

## Land Use Map

### Riverside

City of Newton,  
Massachusetts


### Legend

-  Single Family Residential
-  Commercial
-  Mixed Use
-  Golf Course
-  Open Space
-  Private Educational
-  Nonprofit Organizations
-  Vacant Land

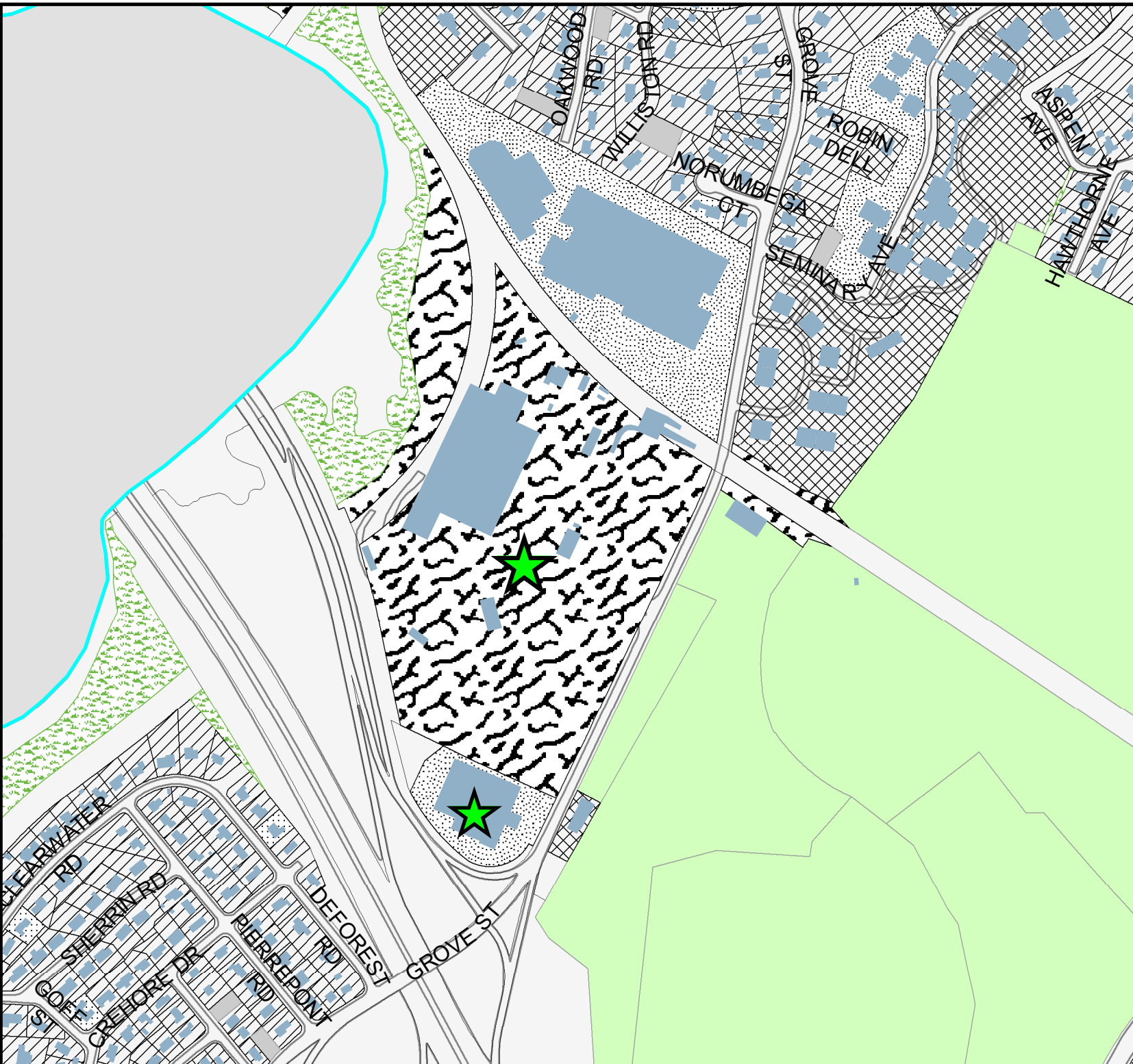


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

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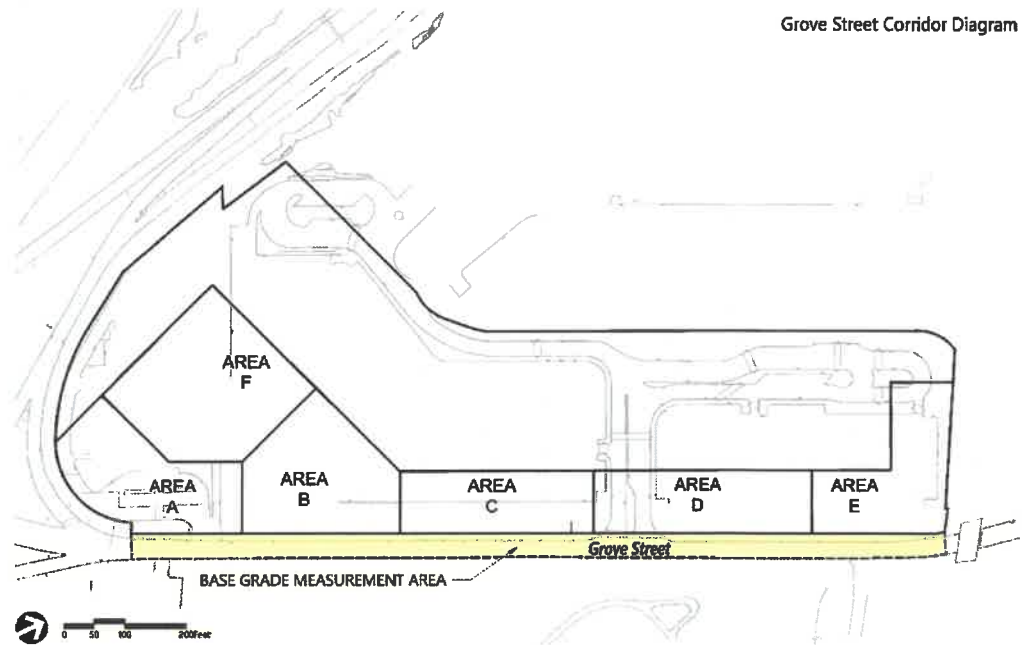
Map Date: April 09, 2021



## RIVERSIDE – 2021 ZONING ORDINANCE AMENDMENTS

### A. Section 4.2.4

Replace the Grove Street Corridor Diagram with the following updated diagram:



### B. Section 4.2.4.A.2

**Area F Height.** The maximum building height in Grove Street Corridor Area F is ~~70 feet~~ 135 feet, including rooftop mechanical equipment, whether or not enclosed.

### C. Section 4.2.4.G.1

1. The development must have at least one use from ~~each of the three categories (A, Category B, B, and C)~~ one use from Category C, and one use from either Category A or D.
  - a. Category A: Office ~~(including research and development, business incubator, medical office, and other similar uses but excluding office uses accessory or incidental to residential)~~ Category B, retail Category C, Category D, or community uses;
  - b. Category B: Retail sales, personal services, restaurants, banking, health club, place of amusement, indoor or outdoor, theater, lodging, hotel, motel, animal services; ~~and~~
  - c. Category C: Multi-family, live/work space, single room occupancy, single person occupancy, assisted living, nursing home, elderly housing with services; and
  - d. Category D: Laboratory, research and development and business incubator.

D. Section 4.2.4.H

**Maximum Gross Floor Area.** The total gross floor area of all uses in the MU3/TOD district must not exceed 1,025,000 square feet. The total gross floor area of Category C uses must comprise no less than 60 percent of the total gross floor area of Categories A, B, C, and C-D uses. Category A uses must not exceed 300,000 square feet of gross floor area.

E. Section 4.4.1

Elderly ~~housing~~ Housing with Services is a ~~forbidden~~ special permit use in the MU3/TOD District.

F. Section 6.2.10.A

**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.

[5056964.1](#)  
[5056964.5](#)





Ruthanne Fuller  
Mayor

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**Barney S. Heath**  
Director

## 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	
<b>Site:</b> 355 and 399 Grove Street	<b>SBL:</b> 42011 0004 and 42011 0003
<b>Zoning:</b> MU3	<b>Lot Area:</b> 13.05 acres
<b>Current use:</b> Hotel and MBTA site	<b>Proposed use:</b> 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
<b>Commercial Uses</b>		
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	<b>570</b>
<b>Residential Uses</b> 550 units	1.25/unit	<b>688</b>
<b>TOTAL REQUIRED</b>		<b>1,258</b>
<b>TOTAL STALLS AVAILABLE</b>	(1,000 reserved for MBTA)	<b>1,171 (2,171)</b>
<b>TOTAL STALLS WAIVED BY #27-20</b>		<b>725</b>
<b>TOTAL</b>		<b>1,896 (2,896)</b>

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.

<b>Zoning Relief Required</b>		
<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	