



#33-21(3)

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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:	October 1, 2021
Land Use Action Date:	December 28, 2021
City Council Action Date:	January 3, 2022
90-Day Expiration Date:	January 3, 2022

DATE: October 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 amend Special Permit Council Orders #40-97, #40-97(2) and #33-21 to amend the site plan, to allow a laboratory, research, and development use and to allow height up to 96' and 8 stories 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, 4.1.3, 4.1.2.B.3 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 consists of 489,460 square feet of land and is improved with a 500,000 square foot office building in the Business 4 zone (“the BU-4”) zone in Auburndale. Council Order #33-21, issued on March 1, 2021, granted the laboratory and research facility use within a portion of the structure. The petitioner is seeking to expand the laboratory, research and development use within the structure, requiring a special permit. To accommodate the use, the petitioner proposes to install mechanicals atop the structure, and construct loading bays. The petitioner requires a special permit to increase the building height and amend the previously approved site plan.

The site features a mix of uses and the proposed use would operate within an existing 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 major 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, research and development 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 laboratory, research and development use, height of up to 96 feet, and amendments to the previously approved site plan (§7.3.3.C.1);
- The proposed laboratory, research and development use as developed and operated within the BU-4 zone will adversely affect the neighborhood (§7.3.3.C.2);
- The proposed laboratory, research and development 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

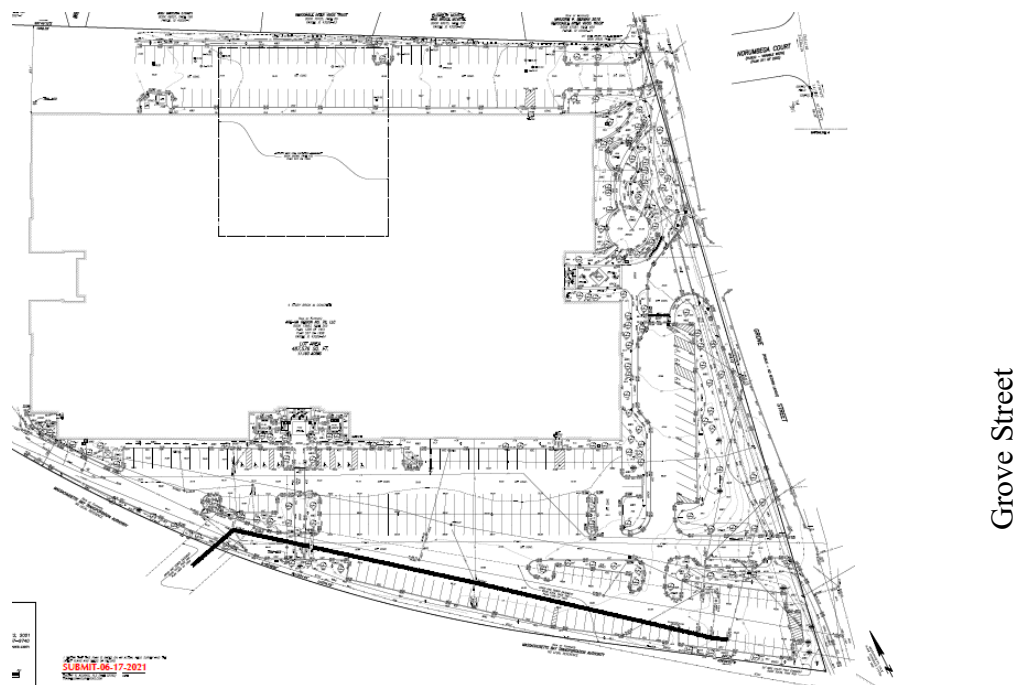
The subject property is located on Grove Street in the BU-4 zone in Auburndale. There are a mix of zones surrounding the site, including Business 2 and Mixed Use 3 to the south, as well as a mix of residential zones to the north and east (**ATTACHMENT A**). The uses in the area consist of single-family and multi-family residential and the site 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, 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. Council Order #33-21, issued on March 1, 2021, granted the laboratory and research facility use within a portion of the building.

Existing Conditions



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will remain commercial. Considering the previously approved special permit, the site will have a total of 193,351 square feet of the laboratory, research and development uses, should the petition be approved.

B. Laboratory and Research Use

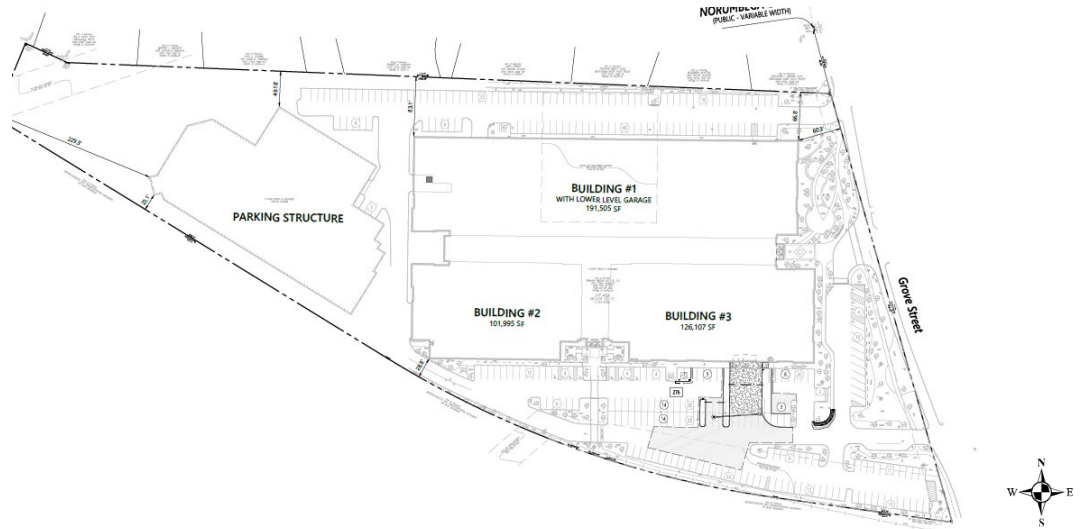
Prior to February 2021, there were two separate laboratory and research uses in the Newton Zoning Ordinance: the laboratory and research facility use and the research and development use. The Zoning and Planning Committee held a public hearing in February 2021 to redefine the uses which would provide clarity and eliminate technical inconsistencies surrounding the uses. As a result, the uses were consolidated under the Laboratory, Research and Development Use, which is defined as: technical facility consisting of laboratory space, office space, storage space, and space for assembly of materials for study, research and development, experimentation and prototype development in one or more scientific fields including, but not limited to, life sciences, biotechnology, biomedical research, robotics, renewable technology, computer science, electronic technology, or medicine.

C. Site and Building Design

The site is improved with a 500,000 square foot office building, which is segmented into three different buildings, Buildings 1, 2, and 3. Building 1 consists of 191, 505 square feet with both office and lab uses. Building 2 consists of 101,995 square feet of office space, and Building 3, the building subject to the proposed amendments, consists of 126,107 square feet of office space, proposed to be converted to Laboratory, Research and Development use.

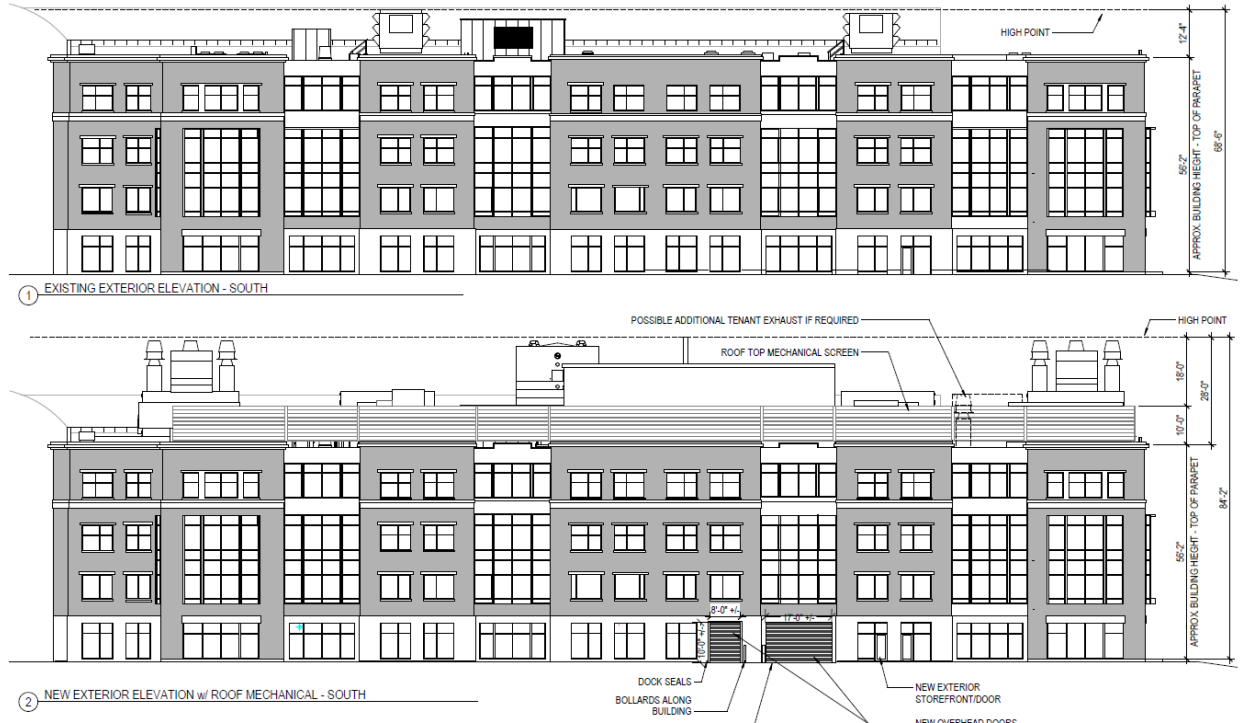
To accommodate the change in use, the petitioner is proposing to remove 37 surface parking stalls to construct the two loading bays and access along the southern elevation of the portion Building 3. The petitioner is also proposing to install mechanical equipment atop the roof.

Proposed Site Plan



To accommodate the laboratory, research and development use, the petitioner proposes to install mechanical equipment on the roof. Per the Newton Zoning Ordinance, chimneys, vents, ventilators, and enclosures for machinery of elevators which do not exceed 15 feet in height above the roof line are not to be counted in the height measurement. The proposed mechanical equipment measures 28 feet tall and is included in the height calculation, thus the height measurement of the building is increasing from 56 feet 2 inches to 84 feet 2 inches. The building will remain four stories, however, a recent amendment to the Zoning Ordinance decoupled height and stories in the Business zones to allow flexibility in commercial buildings while retaining the existing limit on the maximum heights and stories. The petitioner requires relief for a height of up to 96 feet. There are no changes proposed to the footprint of the structure.

Existing (top) and Proposed (bottom) Elevations



D. Parking and Circulation

Due to the change from office to laboratory, research, and development, the parking requirement decreased from 399 parking stalls to 205 parking stalls. Additionally, the petitioner is proposing to remove 37 stalls for the loading bay and associated site improvements. The 399-stall credit from the office use exceeds the petitioner's requirement, therefore the parking requirement is satisfied.

The petitioner is proposing to construct loading bays to Building 3 to make the delivery options to the site more efficient. The petitioner stated that currently, a larger delivery would be delivered elsewhere on site, and require maneuvered internally to Building 3. Planning Staff observed the building's only loading area at the rear of Building 1, on the opposite side of the structure from Building 3.

Based on the delivery operations at other locations, the petitioner projects that they will experience an additional 5-10 deliveries per day, and the deliveries will be less than ten minutes. They stated most of the deliveries will be via a smaller commercial vehicle such as truck or van. The petitioner estimates the deliveries to be specialized laboratory items, no larger than a pallet. The petitioner stated they will comply with the condition of Board Order #40-97(2) which restricts overnight, early morning, and

late afternoon deliveries during rush hour (10 PM – 6 AM, 7 AM-9 AM and 4 PM - 6 PM). The condition is written in that it does not apply to USPS, FedEx, or UPS deliveries.

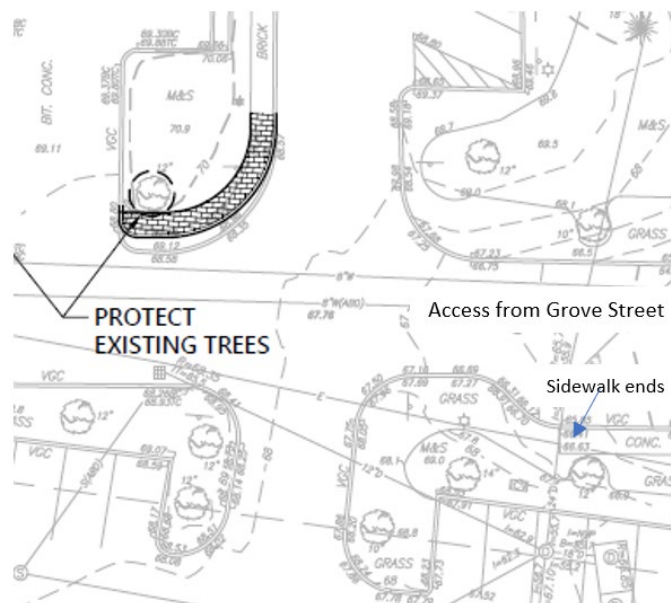
E. Traffic and Site Review from Peer Review Consultant

The City engaged BSC Inc. to review the petitioner’s trip generation memorandum and overall site circulation. BSC issue their peer review memorandum (**Attachment C**) and ultimately concurred with the trip generation calculations and methodology for the change in use which ultimately predicts fewer trips during the weekday morning peak hour, and weekday evening peak hour. This decrease in peak hour trips is due to laboratory, research and development employees keep different hours and have more flexible schedules, resulting in nonpeak hour trips. BSC also requested turning templates and maneuvering diagrams for the proposed loading area.

BSC suggested improvements to make the site more accessible and navigable for pedestrians. Specifically, to extend the sidewalk at the southernmost driveway to the southern facade.

The petitioner submitted a plan indicating that they would investigate a direct connection from the site to Riverside station, the City strongly encourages the petitioner to explore ways to create an internal connection to Riverside station.

Proposed Site Improvements



Existing sidewalk



F. Landscaping

The petitioner submitted a landscape plan showing plantings around the proposed driveway leading up to the loading bays. They are proposing a combination of deciduous trees, shrubs, perennials, and grasses.

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, §6.5.9.A, §7.3.3 of Section 30, to allow a laboratory, research and development use; and
- §4.1.3, §4.1.2.B.3, §7.3.3 of Section 30, to allow a height up to 96 feet.

B. Engineering Review

The petitioner submitted a stormwater report, which will be reviewing prior to the issuance of a building permit, should the petition be approved.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

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

ATTACHMENT A

Zoning

275 Grove Street

City of Newton,
Massachusetts

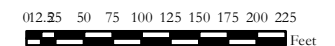
Zoning

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

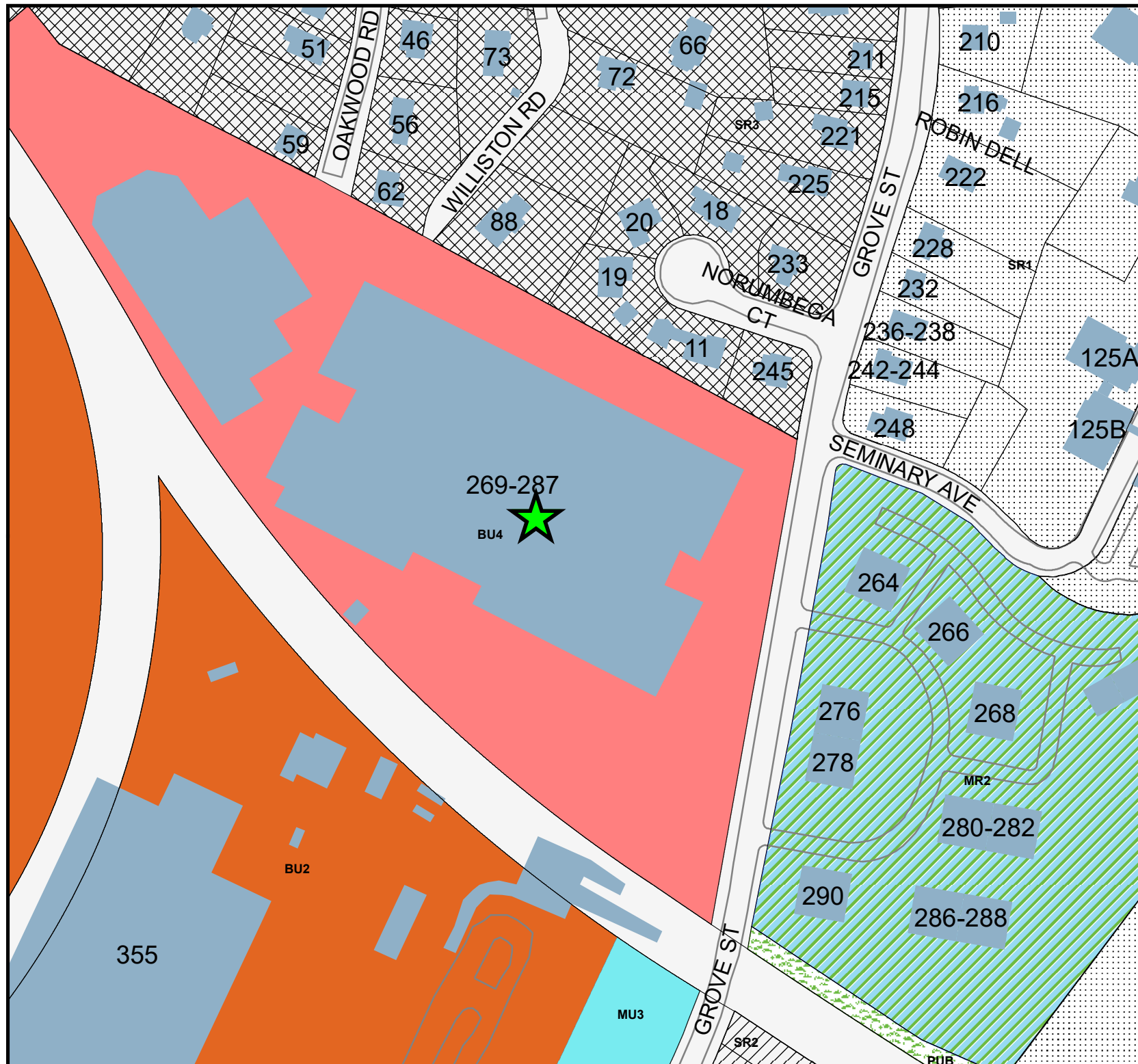


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: February 01, 2021



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

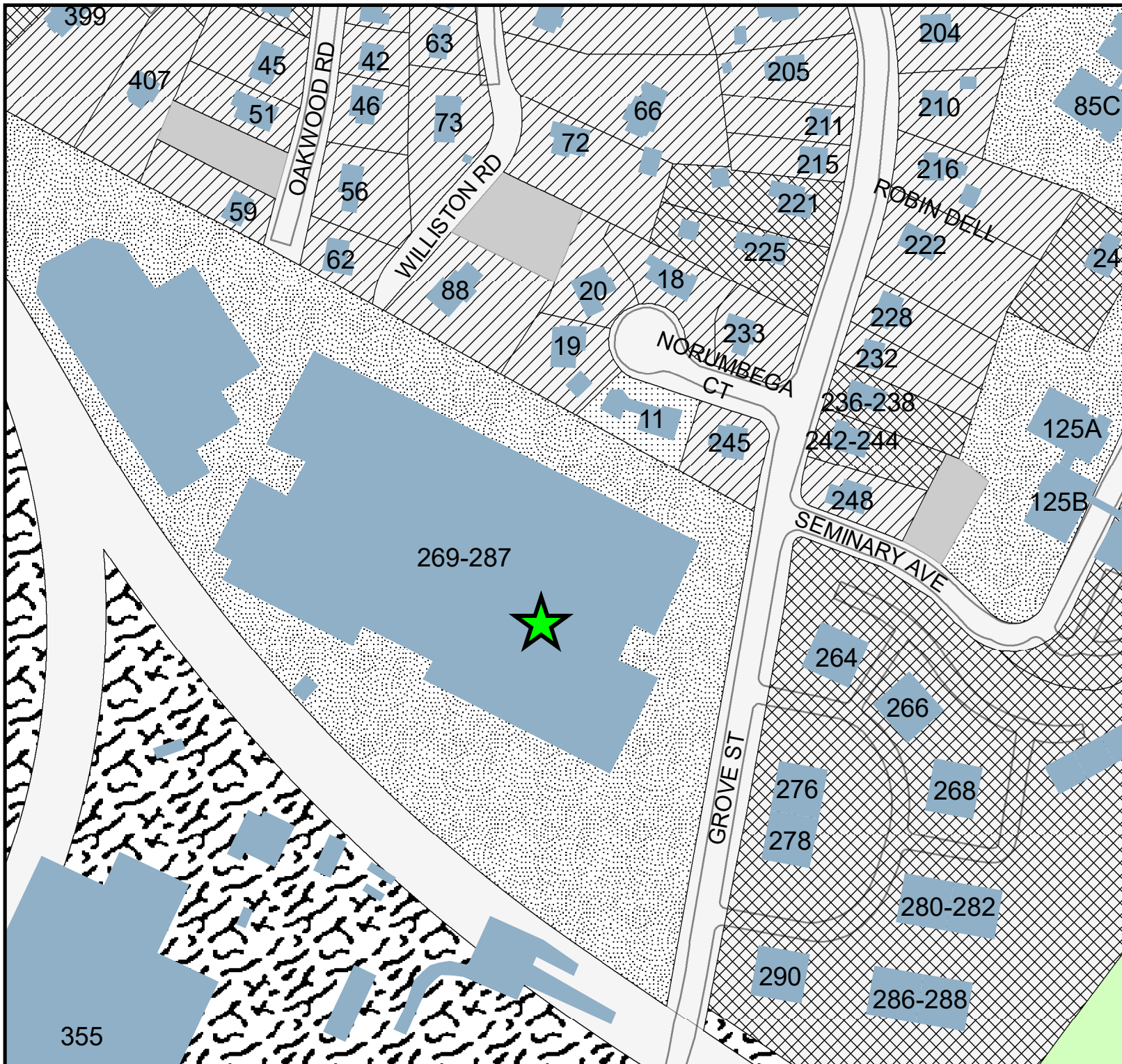


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CITY OF NEWTON, MASSACHUSETTS
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Fees

Map Date: February 01, 2021





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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: August 2, 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 amend Special Permit #33-21 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 the structure. The petitioner received a special permit in 2021 to allow a lab and research facility in a portion of the structure. The petitioner now seeks to amend the special permit to allow lab and research in 126,107 square feet and to make changes to the site plan to accommodate additional loading bays.

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

- Zoning Review Application, prepared by Katheryn Winters, attorney, submitted 6/21/2021
- Board Orders #40-97, #40-97(2) and #33-21
- Project Description, submitted 6/21/2021
- Floor Plan, prepared by TRIA Alexandria, architects, dated 6/11/2021
- Site Plans, signed and stamped by Conor P. Nagle, Engineer, dated 6/16/2021

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner received Special Permit #33-21 in March 2021 granting permission for a Lab and Research Facility use within a portion of the building. Condition #3 of the special permit limits the lab and research use to as the area shown on the floorplans submitted as part of that special permit request. The petitioner seeks to amend the condition to allow for lab and research use in an additional 126,107 square feet, per sections 4.4.1 and 6.5.9.A.
2. The site plans and conditions set forth in Special Permits #40-97 and #40-97(2) remain in full force and effect. Said permits allowed the construction of the existing office building. The petitioner intends to eliminate 37 parking stalls to accommodate two loading bays. To construct the bays and alter the parking facility requires an amendment to the special permits.
3. The petitioner proposes to install new rooftop mechanical equipment in connection with the change in use to laboratory, research, and development. The proposed rooftop mechanical equipment will occupy a height of no more than 35 feet which exceeds the 15 feet exempted from the height requirement according to the height definition of Section 1.5.4.A.1.b. Per section 4.1.3 buildings in the BU4 district may be allowed a height up to 96 feet by special permit. The existing height of the building is 51.42 feet, allowing up to an additional 44.58 feet in height by special permit.
4. The petitioner intends to occupy an additional 126,107 square feet of usable space with a lab and research use, previously used as a general office. Per section 5.1.4, a general office requires one stall per every 250 square feet for up to 20,000 square feet and one stall for every 333 square feet for the remaining. The existing office use requires 399 parking stalls. The petitioner proposes to convert the entire 126,107 square feet into lab and research space, which requires one stall per 1,000 square feet plus one stall per every four employees. The proposed parking requirement is reduced to 205 stalls. Where the office use required 399 parking stalls for the 126,107 square foot space, the credit from that use satisfies the requirement for 205 stalls for the proposed lab and research use.

The petitioner intends to eliminate 37 parking stalls to accommodate two new loading bays, resulting in 1,492 stalls remaining on site. The elimination of the 37 stalls in addition to the proposed requirement of 205 stalls for the lab and research use totals 242 stalls, which is less than the 399 stalls required for the current use. No relief is required.

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§4.4.1 §6.5.9.A	Request to amend Special Permits #40-97 and #40-97(2) and #33-21 to allow a Lab and Research Facility use	S.P. per §7.3.3
§4.1.3 §4.1.2.B.3	Request to allow a height up to 96 feet and 8 stories	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, a height of 84 feet 2 inches, and amendments to the site plan 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, research, and development use, a height of 84 feet 2 inches and amendments to the previously approved site plan because the site is within a business district and will complement the existing office and laboratory uses (§7.3.3.C.1);
2. The proposed laboratory, research and development use as developed and operated within the BU-4 zone will not adversely affect the neighborhood because the proposed change in use will result in fewer trips during peak commuting hours (§7.3.3.C.2);
3. The proposed laboratory, research and development use will not create a nuisance or serious hazard to vehicles or pedestrians because the site is maintaining the existing access points from Grove Street (§7.3.3.C.3); and
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the proposed use decreases and complies with the parking requirements (§7.3.3.C.4).

PETITION NUMBER: #33-21 (3)

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: Laboratory, Research and Development Use

CONSTRUCTION: Loading Bays and Site Work

EXPLANATORY NOTE: To allow the laboratory, research and development use in existing office building in the BU-4 zoning district (§4.4.1, §6.5.9.A); to allow a height of 84 feet 2 inches (§4.1.3, §4.1.2.B.3), and to allow amendments to the previously approved site plan

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, #40-97 (2), which allowed the construction of the office building and Council Order #33-21 which allowed a laboratory and research facility use in a portion of Building 1.

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. Proposed Layout and Materials Plan, prepared by VHB, signed and stamped by Conor P. Nagle, Professional Engineer, dated August 5, 2021, showing site improvements to Building 3.
 - b. Architectural Floor Plans, prepared by Tria, unsigned and stamped, showing floor plans of floors 1-4 consisting of the following two (2) sheets:
 - i. Tenant Premises Plan, Level 1
 - ii. Tenant Premises Plan, Levels 2-4
 - c. Architectural Elevations, prepared by Tria, unsigned and unstamped, showing Existing and Proposed exterior southern elevations.
 - d. Planting Plan, prepared by VHB, signed and stamped by Eric Bednarek, dated August 5, 2021, showing planting around loading bay to Building 3.
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.
3. 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 council 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 council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
4. Changes to laboratory, research and development tenants shall not require an amendment to the Special Permit as long as tenants are in full compliance with all conditions of this order.
5. Laboratory, Research and Development uses shall comply with all local, state, and federal regulations and guidelines, including Biosafety in Microbiological and Biomedical Laboratories and NIH Guidelines for Research Involving Recombinant or Synthetic Nucleic Acid Molecules. All tenants shall adhere to any current or future licensing, rules or regulations required by the City.
6. rDNA research and technology shall not be permitted without approval from the BioSafety Committee and a permit from the Department of Health and Human Services.
7. The site shall be restricted to biosafety use type BSL-3 or lower.
8. All tenants and sublessors shall obtain all necessary permits, including building, flammable, sewer, hazardous waste and emission permits. Permits are not transferrable.
9. Each laboratory, research and development tenant shall provide and implement an environmental health and safety program through the designation of an onsite safety representative or consultant. Each tenant shall provide detailed information about the proposed use and the contact information for the safety representative to the Planning and Development Department, Inspectional Services Department, and Newton Fire Department.
10. 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 an architect and land surveyor certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a professional land surveyor.
 - c. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.