



BOARD OF APPEALS
Enid Starr, Co-Chair
Jesse Geller, Co-Chair

RECEIVED
Town of Brookline
Massachusetts

Town Hall, 1st Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2010 Fax (617) 730-2043
Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2011-0046 and
CASE NO. 2011-0047

Petitioner, GLC Development Resources, LLC, applied to the Building Commissioner for permission to construct a new three-story, 42,700 sf (+/-) general office, Use #21, and medical office, Use #20, building with two levels of parking beneath and behind it at 111 Boylston Street and to provide 4 required parking spaces and a loading area at 0 Kerrigan Place in connection with the same development. The application was denied and an appeal was taken to this Board.

On August 22, 2011, the Board met and determined that the properties that may be affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals and fixed September 15, 2011, at 7:00 p.m. in the Selectmen's hearing room as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioner, to their attorney (if any) of record, to the owners of the properties deemed by the Board to be potentially affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published on September 1 and 8, 2011, in the Brookline Tab, a newspaper published in Brookline. A copy of said notice is as follows:

NOTICE OF HEARING

Pursuant to M.G.L. C. 39, sections 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:

Petitioner: **GLC DEVELOPMENT RESOURCES, LLC**
Owner: **GLC DEVELOPMENT RESOURCES, LLC**
Location of Premises: **111 BOYLSTON STREET**
Date of Hearing: **September 15, 2011**
Time of Hearing: **7:00 p.m.**
Place of Hearing: **ROOM 111, FIRST FLOOR CONFERENCE ROOM**

A public hearing will be held for a variance and/or special permit from:

1. **5.01; Table of Dimensional Requirements, footnote #1 (garage entrance) variance required.**
2. **5.09.2.a; Design Review, special permit required.**
3. **5.09.2.h; Design Review, special permit required.**
4. **5.43; Exceptions to Yard and Setback Regulations, special permit required.**
5. **5.70; Rear Yard Requirements, variance required.**
6. **6.02.1.c; Off-Street Parking Space Regulations, special permit required.**
7. **6.03.1.b; Location of Required Off-Street Parking Facilities, special permit required.**
8. **6.04.2.d; Design of All Off-Street Parking Facilities, special permit required.**
9. **6.04.3; Design of All Off-Street Parking Facilities, special permit required.**
10. **6.04.4.d(2); Design of All Off-Street Parking Facilities, special permit required.**

Of the Zoning By-Law to **CONSTRUCT A 3 STORY, 42,500 SF (+/-), GENERAL MEDICAL OFFICE BUILDING W/PARKING BELOW AND TO THE REAR, REQUIRING BOARD OF APPEALS RELIEF** at 111 BOYLSTON ST.

Said premise located in a **G-DP (GENERAL) BUSINESS** district; **HOWEVER, DUE TO A SUBDIVISION PLAN SUBMISSION, PREVIOUS G-2.0 ZONING IS APPLICABLE.**

NOTICE OF HEARING

Pursuant to M.G.L. C. 39, sections 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:

Petitioner: **GLC DEVELOPMENT RESOURCES, LLC**
Owner: **GLC DEVELOPMENT RESOURCES, LLC**
Location of Premises: **0 KERRIGAN PLACE**
Date of Hearing: **September 15, 2011**
Time of Hearing: **7:00 p.m.**
Place of Hearing: **ROOM 111, FIRST FLOOR CONFERENCE ROOM**

A public hearing will be held for a variance and/or special permit from:

1. **5.09.2.a; Design Review, special permit required.**
2. **6.03.1.b; Location of Required Off-Street Parking Facilities, special permit required.**

Of the Zoning By-Law to **PROVIDE PARKING SPACES AND A LOADING AREA AT 0 KERRIGAN PLACE IN CONNECTION WITH THE DEVELOPMENT OF 111 BOYLSTON STREET at 0 KERRIGAN PLACE.** Said premise located in a **G-DP (GENERAL) BUSINESS district.**

Hearings, once opened, may be continued by the Chair to a date and time certain. No further notice will be mailed to abutters or advertised in the TAB. Questions regarding whether a hearing has been continued, or the date and time of any hearing may be directed to the Zoning Administrator at 617-734-2134 or check meeting calendar at: <http://calendars.town.brookline.ma.us/MasterTownCalendar/?FormID=158>.

The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to the ADA Coordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2330; TDD (617) 730-2327.

**Enid Starr
Jesse Geller**

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was the Chair, Enid Starr, and Board Members Jonathan Book and Jesse Geller. Since cases # 0046 and # 0047 are interrelated, the Board heard both of them together. The cases were presented by Developer, George Cole of GLC Development Resources LLC, 20 Park Plaza, Boston, MA 02116, and the Attorney for the petitioner, Diane R. Gordon, 10 Winthrop Square, Boston, MA 02110-1264.

The Planning Board Report dated August 25, 2011 provided the zoning related history of the site:

November 1993, Fall Town Meeting: This property, as well as several others along Boylston Street, was rezoned from I-1.0 to G-2.0.

November 2007 – May 2008: Developer Leggat McCall proposed a four story, 70,000 s.f. retail, general and/or medical office building with 265 parking spaces on a larger property that also included a small town-owned parcel and two lots to the west of Kerrigan Place. A Design Advisory Team appointed by the Planning Board held five meetings to review and make suggestions for the design of this mixed use office building.

March 2008 - July 2008: After holding four meetings to consider this development proposal and hear citizen comment, the Planning Board recommended conditional approval.

September 4, 2008, Case # 080009: The Zoning Board of Appeals approved relief for the proposed Leggat McCall building subject to conditions.

September 24, 2008: Neighbors to the project appealed the Board of Appeals decision to Land Court. The appeal was withdrawn April 15, 2009.

February 25, 2010: The applicant requested a one-year time extension of the special permits to extend through April 15, 2011. The request was subsequently withdrawn.

May 21, 2010: A preliminary subdivision was submitted to Planning Board thereby freezing zoning for the 111 Boylston Street parcel (but not the 0 Kerrigan Place parcel) at G-2.0.

May 27, 2010: Town Meeting approved a zoning amendment changing the zoning from G-2.0 to G-1.0 (DP) with an August 1, 2011 sunset date.

April 20, 2011: The Planning Board approved a definitive subdivision plan which created two lots on a new cul-de-sac road.

May 27, 2011: Town Meeting approved zoning amendment changing zoning from G-1.0 (DP) to G-DP. Due to the previous subdivision filing for the 111 Boylston Street parcel, this zoning change also affects the zoning for the parcels west of Kerrigan Place, including the 0 Kerrigan Place thereby giving the developer the option to use the frozen underlying zoning or the G-DP zoning.

Mr. Cole presented the case before the Board. Describing the site, he said that the proposed development is to be located on a lot to the east of the private Right-of-Way Kerrigan Place at 111 Boylston Street (the former Red Cab site), and a front lot to the west of Kerrigan Place at 0 Kerrigan Place, referred to here as “the site”. Mr. Cole stated that he had been authorized to represent the Owner of the properties, American Transportation Enterprises, at this hearing. He noted that the previously approved 2008 Leggat McCall development proposal utilized a larger site, which also included a small

town-owned parcel to the east of Kerrigan Place (abutting the T tracks), and two lots to the west of Kerrigan Place owned by the Chung family, one of which contains a three-decker multi-family building and associated parking. Neither the town-owned parcel nor the parcels owned by the Chungs are part of this proposal. To the west of the site is Davis Path, a pedestrian way over the MBTA tracks linking Boylston Street and White Place. To the west of Davis Path is the Boylston Street Playground. The Green "D" line MBTA railroad tracks run between the north side of the Boylston Street parcel and the south side of the properties fronting on White Place. The site slopes down from Boylston Street, and has approximately a 10-foot grade change from the north and south property lines. The surrounding neighborhood includes residential and commercial properties along Boylston Street, the Boylston Street playground, the Old Lincoln School, and residential dwellings along White Place to the north, across the MBTA tracks. Currently, there is a blighted warehouse building on the property, which the applicant is proposing to demolish. With exception to several trees located along the western property line of 0 Kerrigan Place, the remainder of the property is paved and primarily used for parking.

Mr. Cole also noted that the previously approved development on this site proposed by Leggat McCall Properties in 2006 and approved in 2008 was for a four story building of approximately 70,000 square feet and 265 parking spaces. He stated that the development submitted before the Board for approval in this application is about 42,700 square feet with 139 parking spaces, and is significantly smaller, shorter and less dense than the previously approved development, with a FAR of 1.6 versus 2.0 for the earlier approved development.

Mr. Cole said that his group is proposing to construct a three story building with approximately 42,700 s.f. of general and/or medical office space at 111 Boylston Street. He went on to describe that the building would consist of four levels: two parking levels containing 135 spaces, one at grade with the

MBTA tracks and one at grade with Boylston Street, with two levels of office and medical office space above. The lower level of parking, primarily for use by visitors to the building, would be accessed from Boylston Street via a descending driveway parallel, but separate from Kerrigan Place. This driveway configuration was the result of significant input from the Design Advisory Team, with the intention of minimizing impact on the adjacent properties. The upper level of parking, primarily for use by occupants of the building, would be accessed from Boylston Street. Both the upper and lower levels of parking would be professionally attended and managed. The lot designated as 0 Kerrigan Place, which is to remain under the same ownership, is used for four parking spaces and a loading area, a reduction from its current capacity of 7 to 8 parking spaces, with landscaped areas buffering the parking from Boylston Street and Davis Path. The total number of parking spaces is therefore 139. An area of enhanced paving is provided as a walkway from the Boylston Street sidewalk to the Chung property to the north of 0 Kerrigan Place.

Mr. Cole described how the upper levels of office and medical office space is accessed from the parking areas and from Boylston Street lobbies, with the first floor elevation of the Boylston Street frontage set back five feet from the property line, mostly glazed and visually open to the expanded sidewalk. Mr. Cole then described the design of the exterior of the building, which had evolved with significant input of the Design Advisory Team. The architectural treatment of the building is more commercial along Boylston Street, and broken down visually into smaller elements facing the MBTA property and the back of the residences on White Place. Materials proposed in the DAT discussions to date have been brick and glass for the Boylston Street side and "Trespa", a wood grained laminate siding and glass for the MBTA property side. The upper parking level is visually screened using perforated metal panels and light shields to prevent headlight glare on neighboring properties, and the lower level

of parking is screened using a stepped wood fence and landscaping. Mr. Cole pointed out the large landscaped buffer area between the drives and parking and the neighboring Chung property.

Mr. Cole stated the 111 Boylston Street site was subject to rezoning after the Leggat McCall development was approved, and is now in the G-DP district, as is the 0 Kerrigan Place parcel. Because of the filing and endorsement of a sub-division plan for the 111 Boylston Street parcel, the previous zoning, G-2.0, was also available to the Petitioner, at its option. Mr. Cole explained that he was sympathetic to the goals of the “new” zoning, and incorporated many of the features identified in the G-DP zoning; however, the set-back requirements of the “new” zoning would not allow a financially feasible development.

Polly Selkoe, Assistant Director for Regulatory Planning, presented the Planning Board Report.

Ms. Selkoe confirmed that for the 111 Boylston Street parcel, while it is in what is presently the G-DP zoning district, G-2.0 zoning is also available to the Petitioner, at its option. When the preliminary subdivision plan was submitted to the Planning Board (5/21/10), the G-2.0 zoning was “frozen” for eight years for the 111 Boylston Street parcel, at the option of the Petitioner. G-DP zoning applies to the 0 Kerrigan Place parcel.

Ms. Selkoe set out the zoning relief supported by the Planning Board as follows:

Section 5.01 – Table of Dimensional Requirements, Footnote #1, for Front Setbacks: If the entrance to a garage or covered vehicular passageway faces toward the street to which its driveway has access, said entrance shall be at least 20 feet from the street lot line. The Kerrigan Place garage entrance is approximately 20 feet back and therefore complies but a special permit is required for the garage entrance from Boylston Street which is about 5 feet setback.

Section 5.09(a, h) – Design Review: Any new structure which fronts on Boylston Street, or any new non-residential use in a non-residential district with more than 10,000 s.f. of gross floor area or with 20 or more parking spaces, requires a special permit subject to the design review standards listed under Section 5.09.4(a-d). The applicant has submitted an Impact Statement that addresses community and environmental standards. The most relevant sections of the design review standards are described below:

a. Preservation of Trees and Landscape

The site currently is wholly impervious, including a vacant, derelict one story building (formerly the “Red Cab” garage) and surface parking. Trees and landscaping features will be added in three locations: at the Boylston Street sidewalk, around the surface parking at 0 Kerrigan Place as a buffer to Davis Path and Boylston Street, and at the north elevation to screen the parking from the neighbors across the MBTA tracks on White Place. The project will provide significantly more green space and landscaping than currently exists.

b. Relation of Buildings to Environment

The proposed development complements the urban context on Boylston Street and minimizes its impact on neighboring properties. Almost all of the parking will be screened from view. The scale and height of the proposed building is consistent with the existing buildings on Boylston Street and is consistent with the Brookline Comprehensive Plan, which calls for additional commercial development along Route 9. The building will be 42’ high as measured from the midpoint of Boylston Street, and 44.9’ as measured from the midpoint of Kerrigan Place, with screened mechanical equipment on the roof.

c. Relation of Buildings to the Form of the Streetscape and Neighborhood

The proposed building covers most of the site. It is set back 5’ from the east property line, 20’ from the MBTA property on the north side, at least 20’ from the Kerrigan Place property line, and is within one foot of the corner of the Town-owned parcel to the northwest. On the Boylston Street frontage, the first floor is set back five feet from the property line to increase the width of the sidewalk in this area. The façades on the north side of the building, facing White Place, and the south side of the building, facing Boylston Street, are very different in order to relate to their very different contexts. For example, the façade on the north side is visually broken down into four separate blocks, more in scale with the residential neighborhood to the north. Fencing and landscaping along the northern property line screens both levels of parking at ground level and from upper levels of nearby residential buildings. Along the Boylston Street sidewalk, the parking is masked by the office building lobby and retail space.

d. Open Space

There is currently no usable or landscaped open space on the site. Some small, carefully landscaped areas will be provided in the development, specifically a landscaped buffer that screens the parking area on the 0 Kerrigan Place parcel from Davis Path and Boylston Street as well as the parking garage along the northern property line.

e. Circulation

Pedestrians will enter and exit the building through the Boylston Street lobby which will be accessible and completely separate from the two vehicular entrances. There will be two separate entrances to the garage, one from Boylston Street to the upper level and one from Kerrigan Place to the lower level. Adequate signage will be installed to indicate which entrance employees and regular visitors should use and which one visitors should use.

Additional short term vehicular parking, approximately 4 spaces, will be provided in a surface lot at 0 Kerrigan Place. Bicycle parking will be located in the upper level garage. A loading space has been provided in the Kerrigan Place surface lot, but it is anticipated that most deliveries will be made directly from the parking garage. Garbage and recycling will be handled via small roll-out containers located on the north side of the upper parking level.

f. Stormwater Drainage

The proposed project will decrease the amount of impervious area on the site. Storm water will be removed from roofs and paved areas in an underground system designed to comply with regulations. Stormwater will be managed so that it does not adversely affect neighbors or the public storm drain system. The proposed stormwater system will be cleaner than existing site runoff, and there will be a decrease in the peak flow and total volume of stormwater to the existing drain system.

g. Utility Service

All utility services will be brought to the site via underground conduit from Boylston Street.

h. Special Features

Special attention has been paid to the screening and fenestration on the north elevation to address visual impact of cars, lights, and privacy. The lower level parking will be screened with a wood fence and plantings that will block light from car headlights as well as the visual impact of the cars. The upper level parking will be screened with a perforated metal screen over an opaque surface that will be more aesthetically interesting to White Place while screening headlights. Both levels will be screened at the ends of the building with trees.

i. Safety and Security

The garage will be fully attended and surveillance cameras will be monitored by garage employees. Site and garage lighting will provide safe passage ways for pedestrians at night. Landscape features, particularly on Boylston Street, will be appropriately scaled and have sufficient transparency to provide a safe environment for pedestrians. A state-of-the-art security system including video of the property at all times will be installed.

j. Microclimate

The project proposes to increase the overall amount of pervious surface on the site. The roof will be light-reflecting, reducing the heat island effect of the property. As the garage will be well ventilated along three sides of the building, mechanical venting for the building will be limited to the rooftop. The project will also comply with the provisions of the Brookline Noise Control By-Law.

k. Energy Efficiency

Building materials will maximize energy-efficiency and promote reduced energy consumption, such as insulated glazing, wall insulation, reflective roof materials, high efficiency ENERGY STAR HVAC units and building energy management systems. Light fixtures will be efficient and be controlled with occupancy sensors. Zero use of CFC-based refrigerants in new cooling units will reduce ozone depletion. The building will be compliant with the so-called Stretch Code, adopted recently by the Town of Brookline.

Section 5.20 – Floor Area Ratio

Based on the 27,568 s.f. 111 Boylston Street parcel only and not including 0 Kerrigan Place.

Floor Area	Allowed	Existing	Proposed	Finding
Floor Area Ratio (% of allowed)	2.0	1.1	1.6	Complies
Floor Area (s.f.)	55,136	31,200	42,785	

Section 5.50 – Front Yard Requirements

Section 5.60 – Side Yard Requirements

Section 5.70 – Rear Yard Requirements

Setback	Required	Existing	Proposed	Finding
Front Yard Setback (Boylston Street)	None	None	5 feet ± along first floor	Complies
Front Yard Setback (Kerrigan Place)	None	None	20 feet ±	Complies
Side Yard Setback* (MBTA Property Line)	None	None	20 feet ±	Complies
Rear Yard Setback* (East Property Line)	17 feet	None	5 feet ±	Special Permit**
Frnt Yd Stbk for Garage Entr. – Boylston Street Kerrigan Place	20 feet	N/A	5 feet ± ; 20 feet ±	Special Permit**; Complies

* 111 Boylston Street is a Corner Lot with two interior lot lines that are also side lot lines of adjoining lots; therefore, the definition of Rear Lot Line permits the applicant to declare either interior lot line the rear lot line. This applicant has chosen the rear lot line to be the easternmost property line.

** Under Section 5.43, *Exceptions to Yard and Setback Regulations*, the Board of Appeals may issue a special permit to substitute other dimensional requirements, if counterbalancing amenities are provided. In this case, special attention given to the design and materials of the MBTA property line façade; separation of the garage ramp from the rear of Kerrigan Place; baffling the rear fencing to minimize noise and headlight

glare along the MBTA property line; landscaped space along the MBTA property line, Boylston Street and Kerrigan Place; landscaped area on the southwest corner adjacent to Davis Path; and proposed setbacks that significantly exceed required front and side yards are all counterbalancing amenities. Exceptions to the rear yard setback and garage entrance setback would permit siting the building such that there are fewer visual and shadow impacts for the most residential neighbors.

Section 6.02.1.c – Off-street Parking Space Regulations (Dual Use Parking)

A special permit is required to provide dual use parking. The applicant is willing to provide overnight residential parking.

Section 6.03.1.b – Location of Off-street Parking Space (Off-site)

A special permit is required if parking is provided on a lot in the same ownership in the same district and within 400’ of the principal use. In this case, the applicant is providing a small part of the parking for 111 Boylston Street at 0 Kerrigan Place, which will be in the same ownership.

Section 6.04.2.d – Design of All Off-street Parking Facilities (Aisle Widths)

A special permit is required to waive the minimum aisle width for two-way traffic from 23’ to 20’, as permitted in Section 6.04.3, for parking facilities under full-time attendant supervision.

Section 6.04.3– Design of All Off-street Parking Facilities (Valet Parking)

Parking facilities shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle. The Board of Appeals may by special permit modify this requirement when a parking facility is under full-time attendant supervision. The applicant has stated there will be valet parking; therefore, a special permit is required.

Section 6.04.4.d – Design of All Off-street Parking Facilities (Distance From Corner)

A special permit is required to waive the minimum distance of 50’ from street corners to entrance and exit driveways, if the Directors of Transportation and the Commissioner of Public Works report that the modification would facilitate traffic and be safer.

Parking Lot Design	Required	Proposed	Finding
Driveway Width	20’	20’	Complies
Maneuvering Aisle width	23’	20’	Special Permit*
Distance of Driveway from Corner	50’	0’	Special Permit**

Parking Spaces	Square Footage	Required	Proposed	Finding
Medical Office (1/350 s.f.)	28,785±	115	115±	Complies
Office (2 nd /3 rd flrs) (1/600 s.f.)	14,000 ±	23	23±	
Total	42,785 sq.ft.	138	139*	
Accessible Spaces (inclu. in above)	--	5	5	Complies

** The applicant is proposing to provide 91 parking spaces on the lower level, 44 parking spaces on the upper level, and 4 parking spaces on 0 Kerrigan Place. Unless additional relief is sought, medical office space would be limited to 28,250 sq. ft.*

Ms. Selkoe reported that the Planning Board was strongly supportive of this development proposal and recommended approval. The Planning Board believes the redevelopment will greatly improve the appearance of the Route 9/ Boylston Street corridor and will be an overall enhancement to the Town in an area that has more and more vacant storefronts. The Red Cab building itself has been empty for an extended period of time and is in a state of disrepair and dilapidation. The design proposed by the developer addressed many of the issues raised by neighbors during meetings about the appropriate zoning for this area when creating the G-DP District, sometimes referred to as the “new zoning”.

Although G-2.0 zoning, or “old zoning,” is available to the Petitioner, at its option, many of the design criteria of the new zoning have been met. For example, all setbacks, and the design criteria described in the new zoning for the rear façade to have visual articulation and varied materials to make it

contextual with the White Place neighborhood, have been met. The appearance of the front of the building and the rear are distinct in order to complement the neighborhoods they face.

Revisions to the plan were numerous, including reconfiguring the parking ramp from Kerrigan Place, separating and screening the proposed parking garage from the multi-family residence at the end of Kerrigan Place; using a double baffle design for the northern fence to absorb sound from passing trains; creating jogs in the fence to minimize its horizontal appearance and add space for landscaping; and reducing floor to floor heights resulting in a one foot lower building.

Ms. Selkoe said that the Design Advisory Team - Mark Zarrillo, Jerry Kampler, David Lee, Sergio Modigliani, Angela Hyatt, and Merelice - met three times thus far to work with the development team and neighbors to refine the site plan and elevations. During the Design Advisory Team meetings, the developer made many refinements to the site plan and the elevations in response to comments by the DAT and neighbors, and these are significant counterbalancing amenities to the setback relief requested. A driveway leading to the garage was fully separated from Kerrigan Place. This was accomplished by moving the building five feet eastward, and therefore further away from 12 Kerrigan Place, the rear fencing was baffled to provide an effective screen to any noise or headlight glare from the parking area to the White Place neighborhood, and the fence was also jogged back at intervals in order to minimize the appearance of its horizontal length, as well as to provide space for landscaping. Additional landscaping was added at both sides of the building and on the southwest corner adjacent to Davis Path.

Regarding parking and traffic, the memo from Walker Parking Consultants, dated 8/1/11, concludes that the parking garage, which will utilize valet staff, will adequately serve even parking-intensive medical office use, and the traffic report from Vanasse & Assoc., dated 8/11/ 11, states

that the traffic impact to Boylston Street, a major commuter thoroughfare, will be minimal and much reduced from the Leggat McCall proposal.

The Planning Board, therefore, recommended approval of the proposal and the submitted plans entitled “111 Boylston Street, Brookline, Massachusetts, prepared by GLC Development Resources LLC and Elkus/Manfredi Architects, dated 8/18/11”, subject to the following conditions:

1. Prior to the issuance of a building permit, final plans for the building, indicating façade details, colors, materials, windows, rooftop details, and placement of utilities for HVAC and transformers, shall be submitted for the review and approval of the Planning Board.
2. Prior to the issuance of a building permit, final site and landscaping plans for the development site and the portion of Boylston Street in front of the building, indicating site design, landscaping, fencing, exterior lighting, drainage details, and garage parking, shall be submitted for the review and approval of the Planning Board and the Tree Warden, where applicable.
3. Maintenance of all landscaping and fencing on the site shall be the responsibility of the owner of the building and the site shall be kept free from trash and graffiti.
4. Prior to the issuance of a building permit, a drainage plan shall be submitted for review and approval of the Director of Traffic and Engineering.
5. Prior to the issuance of a building permit, a construction management plan, including parking locations for construction vehicles, location of port-a-potties, and a rodent control plan, shall be submitted for review and approval by the Building Commissioner, with a copy of the approved plan submitted to the Planning & Community Development Department and posted on the Planning & Community Development Department’s website.
6. One temporary construction and/or development sign, no greater than 20 square feet, may be erected on site during the construction and initial leasing period, with the design subject to the review and approval of the Assistant Director of Regulatory Planning.
7. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor, including fencing, grading, and location of utilities; 2) final building elevations, stamped and signed by a registered architect; 3) final landscaping plans for the site, and the portion of Boylston Street in front of the building, stamped and signed by a registered landscape architect; and 4) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

8. The location of the foundation shall be certified by a registered professional engineer or land surveyor to be in accordance with the approved site plan prior to issuance of a final building permit for the remainder of the buildings.
9. Final as-built plans, excluding any final tenant improvements, certified by a registered architect, shall be prepared and filed with the Building Commissioner, prior to the issuance of an occupancy permit.
10. Prior to the issuance of the Certificate of Occupancy, the following traffic and parking mitigation measures shall be completed by the Applicant, subject to the review and approval of the Director of Engineering and Transportation and the Planning & Community Development Director (or his designee):
 - a Transportation Demand Management program, including, but not limited to, encouraging the following measures: ride sharing, flex time, subsidizing public transit use by employees, and use of MASCO and/or LMA shuttle service, if tenants are eligible for service.
 - appropriate signage and pedestrian safety devices at driveway and service vehicle entries and maintenance of optimal site lines at entries.

Chair Starr stated that the Board, if it approves the application, will incorporate all of the Planning Board conditions. Chair Starr then asked Diane Gordon, Counsel for the Petitioner, if these conditions are acceptable to the Petitioner. Attorney Gordon responded that they are acceptable to the Petitioner.

Mr. Cole then introduced the Project Architect who presented the building plans and shadow studies.

Board Member Jonathan Book asked Mr. Lennon how the shadows cast by the proposed development in December compared with those cast by the previously approved Leggat McCall development. Mr. Lennon responded that the shadows were less than those of the Leggat project, due to the fact that the building is not as long, nor as high.

Deborah Mitchell, of Stantec, the landscape architects for the project, then described the landscaping of the site. She described that the intention of the landscaping on the north, east and west sides was to create visual buffers to the project, with a focus on separating the 12 Kerrigan Place property from the

development using evergreens plants and shrubs, noting that the current site has virtually no green on it. She noted that there is an opportunity to grow vines on the parking screens, and there will be street trees installed on Boylston Street, where there are now not any, and evergreen trees on the border area adjacent to the MBTA tracks. Chair Starr asked if she was correct in assuming that no existing landscaping or planted areas would be removed because of the development, as there are no planted areas currently on the site. Ms. Mitchell confirmed this understanding. Mr. Cole then described the intention to create a green gateway to Davis Path, and said that it is his goal to preserve and maintain the large elm tree located between the 0 Kerrigan Place parcel and Davis Path.

Giles Hamm of Vanasse Associates, the traffic engineer for the project, then described the traffic impacts of the proposed development. He stated that Vanasse Associates had been the traffic engineer for the previous developer, and they had updated the previous traffic study done for the site, updating traffic counts, and reducing the number of vehicles using the site consistent with the reduction in the size of the proposed development. He stated that the proposed project had 40% less impact than the previously approved development on this site. He said that he had studied the proposed access and egress from the parking levels, and reviewed it with engineers from the Massachusetts Department of Transportation responsible for this section of Route 9, a designated state highway. He reported that they had found the proposed layout for site access and egress acceptable. Mr. Cole then stated that it is the intention of the developer to minimize vehicular access to the project, and put in place a "Traffic Demand Management" plan at building occupancy.

Diane Gordon, Counsel for the Petitioner, 10 Winthrop Square, Boston, described the relief being sought by the Petitioner. She stated that the project can be approved using only special permits, and variances are not required, even though there are grounds for granting a variance for 111 Boylston

Street, due to the unique topography and trapezoidal shape of this site. According to Attorney Gordon, the following zoning relief is required for 111 Boylston Street:

A Special Permit pursuant to Section 5.01 Table of Use regulations, Footnote 1, to address Front Setbacks for the garage entrance;

Special Permits under Sections 5.09.2.a and 5.09.2.h mandating Design Review for structures fronting on or within 100 feet of Boylston Street and for non-residential uses in non-residential districts where there is more than 10,000 square feet of gross area or more than 20 parking spaces;

A Special Permit under Section 5.43, Exceptions to Yard and Setback Regulations which allows substitution of other dimensional requirements if counterbalancing amenities are provided. Significant landscaping, separation of the garage ramp from the rear of Kerrigan Place and siting the building in a way that reduces visual and shadow impacts are some of the amenities contemplated;

A Special Permit under Section 6.02.1.c to provide dual use parking;

A Special Permit under Section 6.03.1.b which permits off-site parking to fulfill parking requirements where the site is in the same ownership, the same district and within 400 feet of the principal use;

A Special Permit under Section 6.04.2.d for aisle width relief if an attendant is on duty;

A Special Permit under Section 6.04.3 where parking will be done by valet where parked cars may be blocked from free movement;

A Special Permit under Section 6.04.4.d to waive the minimum distance from street corners to driveways; and

Ms. Gordon then directed her remarks to zoning relief needed for Zero Kerrigan Place. She suggested Special Permit relief under Section 5.09.2.a Design Review, and Section 6.03.1.b where off-street parking is being provided on a lot that is in the same ownership and district, and within 400' of the principal use is required.

Board Member Book asked Attorney Gordon what the set back distance had been on the rear (easterly) lot line in earlier versions of the development plan. Attorney Gordon responded that the rear yard set back had been ten feet, and now it is proposed to be five feet, still an improvement to the current condition, in which there is no distance between the adjacent property and the existing building. Book asked what will be the completed condition of the rear yard. Ms. Gordon responded that there will be a three foot concrete walkway and a two foot landscaped buffer consisting of low shrubbery. Book asked if the property owner of the adjacent property to the east had been contacted. Mr. Cole responded that the neighbor had been fully noticed, and there had not been any response. Mr. Book asked if there were a fence on the easterly property line now, and Cole responded that there was not room, as the existing buildings are “cheek to jowl”.

The Chair then opened the hearing to those who wished to speak in support of the project. Those addressing the Board were the following:

Amy Schectman, a resident of 484 Washington Street, stated that she was the first economic development director of Brookline. She said this site is the site that has been long identified, since the 1980’s, as ideal for development. She observed that the proposed development is the type of development that, “we were hoping and dreaming would occur. We think it would be greatly beneficial”.

Ken Lewis, a resident of 232 Summit Ave., identified himself as a member of the Economic Development Advisory Board, and a member of the Davis Path Study Committee. He stated that he supported the proposed development, felt it to be realistic, and that it incorporated most of G-DP Zoning requirements. He noted that the shadow impacts were substantially less than the previous Leggat development proposal, with the mass of the development significantly setback from Davis Path and the Boylston Street playground. Mr. Lewis noted that sensitivity has been shown for the north and west facades. He stated that he was delighted about real estate tax certainty for the Town offered by the proponent.

Paul Saner, a resident of 462 Chestnut Hill Ave, a Town Meeting Member, and member of the Davis Path Study Committee expressed support for the proposed development, noting that it is far less impactful than the previous proposal, due to reductions in height, FAR and parking. He stated that great care had been taken with the overall design and the north façade. He stated that the Davis Path

committee issues had been addressed and that he understood a tax certainty agreement had been agreed to. He noted that the developer has deep roots in Brookline and that the development team will take the conditions of their permit seriously.

Frances Shedd Fisher, a resident of 149 Walnut Street, identified herself as an affected neighbor, as Walnut Street properties look directly down on site from back of those properties. She stated that she had closely followed the planning process from beginning. She stated that she was very sympathetic with White Place residents on the previous development proposed by Leggat McCall. She stated that she has long wanted to see this site developed, and feels development will positively affect the Boylston Street corridor. She stated that the site was an eyesore now, with a negative impact on the tax base. She stated that she attended Davis Path meetings as concerned neighbor and noted that Mr. Cole was at many Davis Path meetings. She stated that "I've been won over by GLC's proposal", and stated that they are a good development group, with integrity, that she trusts them, and that they have been incredibly responsive to neighbors' legitimate concerns. She stated that they had come up with a project that's commercially viable. She added that the Town needs the revenue and other positive economic impacts from the Project.

Andy Olins, a resident of Walnut Street, and Town Meeting Member, stated that the site has been an embarrassment for decades and gives a negative image to the Town. He stated that the proposal seems viable, has undergone a lot of scrutiny, and has a development team that is credible. He noted that the current economic climate is not calling out for development, so the town is lucky to have this proposal before it. He stated that his reading is there will never be a viable proposal for developing this site that will meet 100% support of neighbors, and with this proposed development, the Town has a chance to proceed with a project that will benefit the Town. He also noted that the developer has committed to a tax agreement.

MK Merelice, a resident of 22 White Place, identified herself as a spokeswoman for the White Place neighborhood, a Town Meeting member, and on the Design Advisory Team for this project. She stated that in the Design Advisory Team process that the White Place neighborhood needs to advocate for itself, but this time, the Design Advisory Team had three good meetings. She stated that even under frozen zoning, there is much to recommend this proposal: FAR, height, Davis Path zoning issues have been met, façade facing White Place are all positive results of the review process. She noted the proximity of the site to the Boylston Street playing field, and suggested that some of the open space along Davis Path or on town parcel be used to create a vegetable garden by children. She stated that the planning of the development is on a good track.

Jack Donigan, the owner of the property located at 96-98 Boylston Street, directly across Boylston Street from the proposed development, stated his support for the project. He stated that the developer was considerate to consider providing overnight parking to immediate neighbors.

The Chair then opened the hearing to those who wished to speak in opposition to the project. Those addressing the Board were the following:

Attorney Jeffrey Angley of Phillips and Angley, One Bowdoin Square, Boston stated that he is representing Jane and James Chung, owners of 12 Kerrigan Place. Mr. Angley stated that the Chungs own the three-family dwelling at the end of Kerrigan Place and the adjacent parking area. He noted that there is only one other land owner within the rezoned (G-DP) district, and that no other member of the community is as impacted as the Chungs. He stated that the significant increase in density, the size of building, the fact that it will cover the whole parcel, and impact of the use adjoining 0 Kerrigan parcel all impact the Chung property. Attorney Angley stated that the Chung property will end up with a lot of shadow in fall and winter, and loss of privacy. He stated that the Chung property will become isolated at end of Kerrigan place between the new parking and building. Chair Starr asked what the use is and what is contiguous to the Chung property on Kerrigan Place currently. Attorney Angley responded that the Chung property consists of a 3 family dwelling and associated parking, with some Chung family members living in one unit of the dwelling, and the other units being rented out. Chair Starr inquired about the potential impacts of the project on the shading of the property, and Attorney Angley responded that there are impacts in the fall and winter months.

Attorney Angley expressed the Chung's concerns relative to the access to their property and the traffic to the lower parking level, noting that Kerrigan Place will serve the Chung property and 4 parking spaces and a loading area for the proposed project. Attorney Angley stated that the project will compete for use of Kerrigan Place, and it will have to be shared, and is a concern because it is only 11 feet wide and the only access to the Chung property. Attorney Angley noted that the access and exit drives from the lower parking level were single lane, and immediately adjacent to Kerrigan Place, creating 31 feet of pavement, and his client's anticipated competition for access and problems for pedestrians. He then stated that traffic impacts and commercial uses are the Chung's primary objections. Attorney Angley then stated objections to the zoning relief sought. Relative to use of 0 Kerrigan Place for parking for the project, he stated that this would cause a sense of isolation for the dwelling in back of the Kerrigan Place parking. He stated that he believed that the grant of a special permit for parking on a separate site should not be granted, as he could not see evidence that all parking required for the project could not be provided on the 111 Boylston Street site. Attorney Angley stated there is an additional problem with this Special Permit, as under the bylaw, off street parking needs to be in same zoning district. He opined that the use of the old zoning (G-2.0) for the 111 Boylston Street site and the zoning of the 0 Kerrigan Place site (G-DP) technically puts them in different districts. He stated that these are different zones, so that a Special Permit should not be issued under this provision.

Attorney Angley also raised objection to the parking. He asked the Board to take a careful look at reducing the distance of entrance and exit drives below 50' from the street corner at Kerrigan Place. He stated that he believed that it created a hazardous condition for pedestrians and vehicles. He then stated two more objections to the parking configuration: the reduction of some parking aisle widths from 23 to 20 feet, and to the use of mechanically stacked parking spaces. He stated that the net effect of those two permits is to allow more vehicles to the property, and restated that this would cause unsafe conditions for his client.

Attorney Angley asked that the Board deny these requests for Special Permits, and require the Applicant to reapply after resolving these issues.

Dan Saltzman, a resident of 62 White Place, stated that two Town Meetings have voted to protect White Place from development projects, and that this project will have a massive impact on White Place, not too different from the previous proposal. Mr. Saltzman stated that he believes that it does not meet the provisions of the bylaws. He stated that Section 9.05 of the Bylaws would prevent the Board from issuing special permits. He stated that he did not feel that the Town allowed the process to play out, and that the Board would be exceeding its authority in granting the requested Special Permits.

Chair Starr asked the Petitioner if he would like to offer rebuttal or comments based on the testimony. Mr. Cole, in response to the comments of Attorney Angley, stated that the development team had met with the Chungs, and in response, had moved the proposed building significantly further from the west property line than originally had been proposed, had segregated the lower level parking access entirely from Kerrigan Place so as not to interfere with the Chung's use of the private way, and had increased the amount of landscaped buffer area between the development and the Chung's property. Mr. Cole noted that Kerrigan Place was used intensively by the Red Cab company when the property was a garage and maintenance facility. The Chungs owned 12 Kerrigan Place at the same time, and shared the use of Kerrigan Place as the primary access.

Board Member Book asked Mr. Cole if there is continuous pavement between the parking access drives and Kerrigan Place. Mr. Cole responded that the pavement would be continuous, with traffic lanes clearly delineated, and moreover, Kerrigan Place and the parking access drives would be separated by flexible bollards as requested by the Mass. Dept. of Transportation.

Board Member Jesse Geller posed a question for Attorney Gordon concerning accessory parking, citing the argument made by Attorney Angley that use of the G-2.0 zoning at 111 Boylston Street puts in a different zone than that of 0 Kerrigan Place, which is being permitted under G-DP zoning. Attorney Gordon noted that the argument fails. The 0 Kerrigan property, which will be used to fulfill parking

requirements for the building on the 111 Boylston Street parcel, is and will remain under the same ownership, so there is control to insure continued use in support of the primary site. Attorney Gordon went on to say that traditionally the Board of Appeals' primary concern has been that the lots should be under the same long term control, so that it remains parking, and that is the case here.

Michael Shepard, Building Commissioner and Zoning Enforcement Officer for the Town, was asked for his interpretation of Section 6.03.1.b. Commissioner Shepard stated that the intent of this provision of the Bylaw was to separate commercial uses from residential uses. Commissioner Shepard also stated that the two properties are in the same zoning district, even if "frozen" zoning was also available to the Petitioner. Moreover, Mr. Shepard pointed out that the petitioner could come back after receiving permits for the primary parcel, and reapply when "frozen" zoning was no longer available to the developer. Chair Starr stated that there was no question as to the intent of the provision, and that Mr. Shepard had also articulated the practical aspect of the question at hand.

Board Member Geller noted that the additional availability of "frozen" zoning, had nothing to do with the same district requirement in the Bylaw. The petitioner had satisfied the standard. Mr. Geller then inquired about on-site and off-site parking. Mr. Cole responded that the evidence that on-site parking had been optimized is inherent in the application for Special Permits for attended parking, reduced parking aisle dimensions, and the use of mechanical stacker in the lower level parking garage, with the four spaces on 0 Kerrigan Place allowing the development to achieve the building program with the minimum number of required spaces per the Bylaws. Mr. Geller then asked about the request for Special Permit for dual use parking. Mr. Cole noted that this was necessitated to accommodate the request from residential neighbors to use a portion of the parking garage for overnight parking, and the overnight parking will be restricted to areas of the garage that are self-parked.

Chair Starr noted the Planning Board report had already been heard, and that the Conditions numbers one through ten as recommended by the Planning Board are incorporated as if they had been read.

Chair Starr then called upon Michael Shepard, Building Commissioner, for the report from the Building Department. Mr. Shepard said that it has been his experience that there is very seldom unanimous sentiment by all concerned about a project such as the one before the Board. He said that unlike the initial proposal approved several years ago the Developer in this instance sought to engage the neighborhood. The developer has continually tweaked its design to meet the concerns of the neighbors and still try to keep the project financially viable. He reported that the Developer has a reputation for quality projects and since he lives in and contributes to the community he has a personal interest in its success.

Chair Starr then closed the hearing and began deliberations.

Board member Jesse Geller stated that the developer worked extremely hard to make economically viable concessions and come in with a project that attempts to deal with issues raised by the DAT and the neighborhood. He observed that sometimes you “get a mule, not the perfect animal”, but that’s the compromise. Mr. Geller stated that he thought the project is worthy of special permit relief as requested. He also stated that he did not accept the argument that it is not worthy of relief under 6.03 because the properties supposedly sit in two different districts, as they do not.

Mr. Geller also observed that he believes the standards of Section 9.05 have been met.

Board Member Jonathan Book stated that he had been supportive of the Leggat project. He stated that he believes that this project is a tremendous improvement on the earlier approved project. He noted that the developer has done much to minimize the impacts on neighbors. Relative to the issue of the parking in dual districts, Mr. Book observed that both parcels are in the same district now, and that the Petitioner has merely chosen to apply under different zoning. Mr. Book stated that he believes the project meets the requirements of Section 9.05, and is a tremendous improvement.

Chair Starr stated that she agreed with her fellow Board members. Ms. Starr noted that there were 2 or 3 Board of Appeals hearings for Leggat project, and a site visit, and that the Board is familiar with project site, Ms. Starr noted that the Board had approved the prior Leggat project, and this one is 100% better from the neighbors’ perspective. Finally, Ms. Starr stated that she could not see why we would not grant the special permits requested, and joined with the Board members in opining that both

parcels are in the same district, regardless of whether 'old' zoning may also be available to the developer at its option.

Chair Starr then asked if anyone would like her to read the conditions of the approval. No one asked for a reading of the conditions. Hearing none, Chair Starr stated that they are recorded into the decision as written in the Planning Board Report. Ms. Starr stated that under Section 9.05, this Board found that this site is an appropriate site for the proposed use. She noted that “What’s there now is a blight and embarrassment to the Town. A nice building will be a wonderful addition to the Town and neighborhood. The use will not adversely affect the neighborhood, and will enhance it. There will be no nuisance or hazard to traffic or pedestrians. The developer has taken great pains to get cars in and out with minimal impact to traffic and pedestrians. Developer has proposed adequate and appropriate facilities for the property uses. Parking areas will be attended, and there will be adequate control of access and egress, and it complies with Section 9.05.” Additionally, Ms. Starr noted that there will be no impact on low and moderate income housing.

The Board, having deliberated on these matters, and having considered all of the foregoing, as well as the reports, plans, studies, written submissions, input and testimony of, among others, the petitioner, its counsel, its consultants, the Planning Board, the Commissioner of Public Works, the Director of Transportation, the Design Advisory Team, Walker Parking Consultants, Elkus/Manfredi Architects, the landscape architect Stantec, the traffic engineer Vanasse & Associates, the Building Inspector, and several nearby residents, as well as the Board’s knowledge and familiarity with the sites at issue and their surroundings, concludes that it is desirable to and does hereby grant special permits to the petitioner: (a) pursuant to Sections 5.01, 5.09.2.a, 5.09.2.h, 5.43, 6.02.1.c, 6.03.1.b, 6.04.2.d, 6.04.3, and 6.04.4.d for 111 Boylston Street; and (b) pursuant to Sections 5.09.2.a and 6.03.1.b for 0 Kerrigan Place.

In further support of our decision to grant the aforementioned special permits, the Board hereby makes the following findings, supported by the information described above and throughout this decision:

- Pursuant to Section 9.05 of the Zoning By-Law:
 - a. The specific sites are appropriate locations for such a use, structure, or condition.
 - b. The use as developed will not adversely affect the neighborhood.
 - c. There will be no nuisance or serious hazard to vehicles or pedestrians.
 - d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
 - e. The development as proposed will not have a significant adverse effect on the supply of housing available for low and moderate income people.
- Pursuant to Section 5.09 of the Zoning By-Law, the flexible design review standards set forth in Section 5.09(a) have been adequately met, as more fully described herein.
- Pursuant to Section 5.43 of the Zoning By-Law, the provision or preservation of a condition or a facility not otherwise required counterbalances the reduction of the usual dimensional standards for yard and setback requirements.
- Pursuant to Section 6.02.1.c of the Zoning By-Law, the hours or days of peak parking need for the proposed uses of the parking area are so different that a lower total will provide adequately for all uses served by the facility.
- Pursuant to 6.03.1.b of the Zoning By-Law, 111 Boylston and 0 Kerrigan Place are lots within the same district in the same ownership within 400 ft. of the principal use served. The Board is satisfied that there is adequate assurance of permanence.
- Pursuant to 6.04.3 of the Zoning By-Law, the parking facility shall be under full-time attendant supervision.
- Pursuant to 6.04.4.d of the Zoning By-Law, the Board has received reports from the Commissioner of Public Works and the Director of Transportation that the proposed reduction in the required distance of the driveway entrance and exit from the street corner would facilitate traffic and be safer. The Board hereby finds that such reduction will facilitate traffic and be safer.

Accordingly, the Board voted unanimously to grant the requested relief subject to the following conditions:

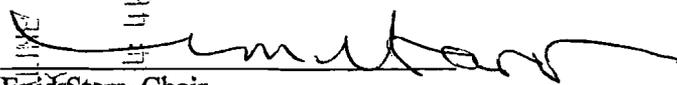
1. **Prior to the issuance of a building permit, final plans for the building, indicating façade details, colors, materials, windows, rooftop details, and placement of utilities for HVAC and transformers, shall be submitted for the review and approval of the Planning Board.**
2. **Prior to the issuance of a building permit, final site and landscaping plans for the development site and the portion of Boylston Street in front of the building, indicating site design; landscaping; fencing; exterior lighting; drainage details; and garage parking, shall be submitted for the review and approval of the Planning Board and the Tree Warden, where applicable.**
3. **Maintenance of all landscaping and fencing on the site shall be the responsibility of the owner of the building and the site shall be kept free from trash and graffiti.**
4. **Prior to the issuance of a building permit, a drainage plan shall be submitted for review and approval of the Director of Traffic and Engineering.**
5. **Prior to the issuance of a building permit, a construction management plan, including parking locations for construction vehicles, location of port-a-potties, and a rodent control plan, shall be submitted for review and approval by the Building Commissioner, with a copy of the approved plan submitted to the Planning & Community Development Department and posted on the Planning & Community Development Department's website.**
6. **One temporary construction and/or development sign, no greater than 20 square feet, may be erected on site during the construction and initial leasing period, with the design subject to the review and approval of the Assistant Director of Regulatory Planning.**
7. **Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision:**
 - 1) **a final site plan, stamped and signed by a registered engineer or land surveyor, including fencing, grading, and location of utilities;**
 - 2) **final building elevations, stamped and signed by a registered architect;**
 - 3) **final landscaping plans for the site, and the portion of Boylston Street in front of the building, stamped and signed by a registered landscape architect; and**
 - 4) **evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.**
8. **The location of the foundation shall be certified by a registered professional engineer or land surveyor to be in accordance with the approved site plan prior to issuance of a final building permit for the remainder of the buildings.**

9. Final as-built plans, excluding any final tenant improvements, certified by a registered architect, shall be prepared and filed with the Building Commissioner, prior to the issuance of an occupancy permit.

10. Prior to the issuance of the Certificate of Occupancy, the following traffic and parking mitigation measures shall be completed by the Applicant, subject to the review and approval of the Director of Engineering and Transportation and the Planning & Community Development Director (or his designee):

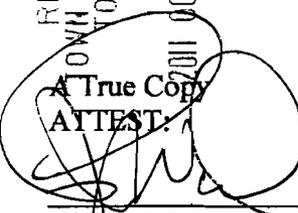
- a Transportation Demand Management program, including, but not limited to, encouraging the following measures: ride sharing, flex time, subsidizing public transit use by employees, and use of MASCO and/or LMA shuttle service, if tenants are eligible for service.
- appropriate signage and pedestrian safety devices at driveway and service vehicle entries and maintenance of optimal site lines at entries.

Unanimous Decision of
The Board of Appeals


Emil Starr, Chair

Filing Date: October 17, 2011

A True Copy
ATTEST:


Patrick J. Ward
Clerk, Board of Appeals

