



# TOWN OF BROOKLINE

## Massachusetts

DEPARTMENT OF PLANNING  
AND COMMUNITY DEVELOPMENT

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Planning Director

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**To** Zoning Board of Appeals  
**From** Maria Morelli, Senior Planner  
**Date** July 10, 2018  
**Re** 1299 Beacon 40B Proposal

### Planning Department Report and Design Analysis

This report serves as a preliminary site plan review and design analysis, incorporating initial comments from Planning, Public Works, Public Health, Police, Fire, and Building departments. The function and layout of the site plan is a primary concern.

#### Overview of Recommendations

- The Town should obtain a legal opinion about the ZBA's purview related to the existing rear egress issue at 1297 Beacon
- The Applicant should provide a preliminary building code analysis of the proposed project for the Building Commissioner's review
  
- Assess feasibility of garage design to assess if 93 vehicles can be accommodated, along maneuverability, overflow vehicles, and other related parking operations. The project team may wish to consider hiring a professional parking design firm to revise the plan.
- Project a site circulation and parking management plan that for managing vehicles waiting to park, and to avoid queuing into Sewall and backing out of or into Sewall.
- Improve parking ratios to accommodate both residential and retail uses, especially customers and visitors
- Assess likely retail scenarios to design safer and more feasible site circulation related to increased traffic volumes and more frequent trash pick-ups for more intense uses
- Compare the merits of two levels of subgrade parking without stackers and one level with stackers and valet
- Obtain input from the Transportation Board in regard to proposed loading zone/taxi area on Beacon Street and relationship to the Brookline Complete Streets Prioritization Plan as well as potential need to eliminate parking spaces on Sewall to improve Stopping Sight Distance.
  
- Articulate massing to reinforce the commercial and residential streetwall (a character defining feature of Beacon Street National Register District) perceived by pedestrians on both Sewall Avenue and Beacon Street and improve shadow impacts and streetscape
- Acknowledge the two front yards: Create a welcoming residential/retail entrance and safer pedestrian experience on Sewall
- Leverage opportunities to enhance connect potential customers who live in the neighborhood to commercial activity at the site
- Avoid supported overhang at Sewall, which creates dark voids, limited viewsheds, and unsafe shadows for pedestrians and nearby residents

- Reconsider floor to ceiling height windows of units to de-emphasize verticality and to improve energy efficiency (and still maintain desirable features for target market).
- Improve setbacks to reduce impact on abutter at 1297 Beacon
- Provide rubbish/recycling plan for Public Health Department's review; needs will vary widely depending on retail uses

## **Existing Conditions**

### **Site Conditions**

The site is located in the General Business G-1.75 zoning district in Coolidge Corner at the Beacon Street-Pleasant Street intersection and on the block bounded by Beacon Street, Sewell Avenue, and Harvard and Charles Streets. The one- to two-story commercial brick building (12,200 sf) houses Neena's Lighting retail store. The majority of the 18,600 sf parcel is a surface parking lot with about 27 parking spaces for customers, half of which are leased to the abutting Trader Joe's. Customers can access Neena's from the Beacon Street or the parking lot entrance off Sewall Avenue. An 18 foot wide curb cut accommodates one driveway along a curved stretch of Sewall with a gentle cross-slope. To the east, the building is connected to its abutters by a firewall. There is a four- to ten-foot setback at the property line to the west. The shape of the lot is rectangular with a jog on the east side that wraps behind the parcel at 1297 Beacon. This awkward configuration has led to a longstanding rear egress-potential trespass issue between the two properties (see "**Building Code Violations**" below).

### **Two Front Yards**

The site has two front yards, on Beacon Street and on Sewall Avenue. As described under "Context and Streetscape" below, the development pattern and zoning of Beacon Street consists of commercial nodes alternating with residential blocks. Sewall Avenue courses through the multifamily district with a wide range of building types. The design analysis in this report elaborates on treating the Sewall Avenue façade less as the rear façade or operations node. Connecting the retail-residential use to the multifamily neighborhood would go far in integrating the increased density into the surrounding context.

### **Historical/Architectural Description of the Existing Structure**

The entirety of the two-mile Brookline stretch of Beacon Street is listed in the National Register of Historic Places. Buildings listed, eligible for listing, or with a preliminary determination of eligibility for listing in the State or National Registers of Historic Places or located within State or National Register districts are automatically determined to be initially significant.

Generally, proposed work that includes the systematic removal, effacement or destruction of the exterior architectural elements which define or contribute to the historic character of a building might qualify the project for review. This may include, but is not limited to removing or altering windows, siding, chimneys and decorative elements.

The applicant has not initiated the demolition review process so we do not have formal findings from the Preservation Commission or research conducted by Preservation staff in regard to the historical or architectural significance of the structure. As the project manager for this case, I reviewed the database of the Massachusetts Historical Commission, known as the Massachusetts Cultural Resource Information System (MACRIS). Inventory Form B on the database cites the following:

This building is brick construction, one story high with a second story addition over the east half. The façade has stone quoins and cornice, as well as segmented arched windows and a paneled

parapet that are part of the original Renaissance Revival ornamentation. Although a small building, it has a very complex building history [constructed in 1937 with major additions built in 1941, 1945, 1946, and 1952 and several more permits to remodel the storefronts and alter the interior]. As indicated in the record of alterations, the building retains little architectural integrity.

*Massachusetts Cultural Resource Information System Inventory Form No. BKL. 1874, 1875*

Although little of the original architecture of the existing structure has been retained, architecturally significant buildings anchor the Beacon Street-Harvard Street intersection, defining **Refer to Context and Streetscape: Beacon Street National Register District**” below.

The Preservation Commission will provide its own comments about the proposal prior to the September 5 hearing.

## **Zoning and Building Code Issues**

### **Shared Parking and the Question of Infectious Invalidity/New Nonconformities at Trader Joe’s**

About twelve parking spaces along west property line are leased to Trader Joe’s a tenant at 1309 Beacon Street, one the abutting properties.

It should be noted that in 2006, the current Trader Joe’s received special permit relief to construct an addition on the eastern elevation of the Center Place building at 1309 Beacon. Planner Ashley Clark researched the possibility of infectious invalidity and new conformities at 1309 Beacon. **(Refer to Ms. Clark’s June 29, 2018, letter to the ZBA.)** The Zoning Board of Appeals imposed a condition on the grant of that relief that states:

Parking for customers of 1309 Beacon Street shall be made available at 1299 and 1309 Beacon Street when possible, and new and appropriate signage shall indicate the availability of the additional parking. The new signage for the parking lot shall be approved by the Planning Board.

*2006 Board of Appeals Decision Case No. BOA060041 (condition number three) Norfolk Registry of Deeds Bk 24202 p. 497.*

Building Commissioner Daniel Bennett does not interpret the condition above as definitively requiring Trader Joe’s to secure parking at 1299 Beacon Street for the operation of its retail establishment as a result of the special permit relief granted in 2006. To our knowledge, the parking arrangement is in existence by a private agreement and a change to such an agreement will not create a new zoning nonconformity or make the lot at either 1299 or 1309 Beacon Street more nonconforming with regards to parking requirements.

### **Building Code Violations**

In 2010, the Building Commissioner at the time granted a permit to the owner of 1299 Beacon to install a fence on the property line shared with abutter at 1297. The doorway on the rear façade of the bump out at 1297 Beacon is the required second means of egress and one foot in from the fence, which precludes occupants from opening the door and leaving the building.

The Town's current Building Commissioner, Daniel Bennett, assessed the status of the second egress at the 1297 Beacon and issued building code violations to the owners of both 1299 Beacon Street and 1297 Beacon Street. It is the Commissioner's opinion that this matter will be resolved by an appropriate court of jurisdiction via the appeals process or by the Board of Building Regulations and Standards (BBRS) for an interpretation or a response to a possible request for a building code waiver. In regard to the ZBA's responsibility, if any, concerning the impact of the proposal on the means of egress, 40B consultant Judith Barrett is awaiting advice from MassHousing and recommends a legal opinion to guide the ZBA. **(Refer to Commissioner Bennett's July 11, 2018, letter to the ZBA.)**

The Fire Department is aware of the situation and defers to the Building Department before commenting further.

### **Existing Traffic Conditions and Circulation Network**

The parcel is flanked by a highly successful Trader Joe's market and U.S. Postal Service distribution center, which are two highly intense uses that do contribute to congestion on one-way Sewall Ave. The Sewall side of the project site abuts a multifamily neighborhood and is close to a four-way stop intersection at Longwood and Sewall, heavily traveled by vehicles and pedestrians.

Both DPW and the Planning Department acknowledge the intensive use at both Trader's Joe's and the Post Office in terms of deliveries, double parking in the public, heavy pedestrian traffic, and overall traffic congestion.

Although the applicant is not responsible for existing conditions, the potential intensity of use, access, and site circulation issues may have an impact on public safety and should thoroughly assessed.

### **Police Department Comments**

The project team has mentioned a conversation with Officer Michael Murphy, Supervisor of Traffic, most recently at the June 13, 2018 hearing. I reviewed the excerpt of that hearing's transcript of that hearing with Deputy Superintendent Myles Murphy, who heads the Town's Traffic and Community Safety Division and to whom Officer Michael Murphy reports. DS Murphy and Officer Murphy both responded that the comments attributed to Officer Murphy do not reflect the Division assessment of existing traffic conditions. Although he is not able to attend the July 11 ZBA hearing, he is very willing to attend a future hearing to address any questions the ZBA may have about his assessment of existing traffic conditions.

### **Context and Streetscape**

Despite the generous width of Beacon Street designed by Olmsted in the early 1900s, the development pattern consists of one- to two-story commercial nodes with three- to four-story residential blocks and religious/institutional buildings. In fact, this commercial-residential pattern and streetwall is a character defining feature of the two-mile Brookline stretch of Beacon Street, the entirety of which is a National Register of Historic Places District.

Although the existing building no longer retains any architectural integrity, it is located to individual buildings that are notable architecturally; namely, the Art Deco Norfolk County Bank Building that houses Bank of America (1930) and the German/English Medieval style S.S. Pierce Building.

As with all of the Brookline major thoroughfares, residential neighborhoods abut these corridors. Sewell Avenue runs through a higher density multifamily district with buildings that range from 2.5 to four to high rise. Modest landscaped strips edge these properties, regardless of building type.

Temple Sinai is a prominent religious institution and school located a few parcels away.

## **Housing Production Plan**

The project site is located along corridor identified in the Housing Production Plan as an opportunity for additional affordable housing.

## **B. Design and Project Analysis**

### **Proposal Specifications**

The project proposed 74 units (8-10 stories and 112,351 sf) of multifamily rental housing (25% affordable), two levels of retail (12,200 sf) and one level of below grade parking with 93 parking spaces for residential and retail involving a parking stacker system and 6 surface parking space and one loading dock. Retail uses for the substantive commercial space are not yet identified.

### **Introduction**

The main charge of the ZBA is identify issues of public, health, and environmental safety; adverse impacts that must be mitigated; and ways to better integrate a c.40B proposal of greater density than zoning allows into the surrounding context.

To address how much density this site can sustain, the site plan review must first evaluate the intensity of use. Some of the indicators to evaluate:

- Safe site circulation for both pedestrians and vehicles
- Safe access onto and out of the site
- Adequate number of parking spaces for residents, customers, visitors, and deliveries, especially for both residential and for a range of possible retail uses
- Parking operations plan to ensure safety on-site, avoid queueing onto Sewall
- Impact on the public way (need for a loading zone or necessity to back into or out a driveway on a congested street) and eliminate parking spaces on Beacon and Sewall
- Adequacy of rubbish/recycling storage areas, especially for a range of retail uses; the number of times of trash pick-up would be required

The Planning Department and Engineering and Transportation Division recommended early on that ZBA hear from traffic and parking the peer reviews first, as staff has significant concerns about the inadequate parking facilities, lack of parking management plans, unsafe site circulation, and unsafe site access and egress.

*Although the applicant has engaged skilled and experienced architects, the project team should include a professional parking design firm with civil engineers and transportation planners. In short, the feasibility of the project is largely dependent on a well-functioning site plan that best ensures traffic and pedestrian safety on and off the site. A well designed site plan and parking plan will inform site layout, setbacks, and massing.*

### **Site Circulation, Public Safety, Off-Street Parking**

Staff questions if the project team evaluated the possibility of two below grade parking levels instead of the parking stacker system on one level of below grade parking. The current proposal would require

parking attendants, and yet, it is not clear where overflow vehicles would be accommodated both on grade and in the garage. Staff would advise the ZBA to prohibit the overflow to be accommodated in the public way or side streets. Entering or exiting the loading areas would require backing into or out of the driveway along with tight maneuvering, which staff does not support. The columns supporting the upper levels of the structure further complicate the already constricted site circulation.

Public Works staff expressly does not support backing out of or into Sewall Avenue and want assurances that parking attendants would not double park overflow vehicles on Sewall, park on side streets, or allow queueing on Sewall Street.

Pedestrian access appears to be a modest walkway under the overhang and next to surface parking. Although the drawings are at the schematic stage, the lack of welcoming entrance to the retail-residential spaces of the building is a squandered opportunity to connect nearby residents and pedestrian to the retail space from Sewall. Moreover, the lack of visual cues for the entrance and shadows and voids created by the widespread overhang are very likely a safety hazard.

The lack of specificity around intended retail uses is a major concern, especially because proposed site conditions appear too tight for maneuvering and may be inadequate for retail in general (loading, trash pick up, frequency during peak shopping or dining periods). In addition, traffic volume will vary widely depending on the retail use.

Staff would like an assessment of the stopping sight distance analysis, especially because of the curve of the Sewall Avenue, the introduction of a second curb cut, and parked cars on the Sewall (as well as vegetative growth at the Post Office site), which may impede visibility. Some parking spaces on Sewall may need to be eliminated.

The project proposes a taxi waiting area on Beacon Street. The Transportation Administrator expects to obtain an opinion from the Transportation Board in July or August.

## **Parking Ratio**

Located in the Public Transit Overlay District, the parking requirements for two-bedrooms units and greater is 2.0 parking space per unit, or 148 spaces for the proposed project. The proposal allocates 54 of the 99 units for residential for a parking ratio of 0.73, which does not accommodate visitor parking, a drawback. Parking ratio should be increased to accommodate visitor parking. Brookline zoning requires 10% of parking spaces be allocated for visitors and tradespeople.

Parking ratio for retail is 1 space per 350 sf on the ground floor and 1 space per 600 sf on the upper floors. The proposed allocation of 45 appears to surpass that threshold.

Staff recommends assessing the design of the garage parking to ensure that the number of spaces proposed can actually be accommodated, especially after required support columns and dimensions of the parking stacker mechanism are accommodated.

## **Architecture: Massing, Height, Scale, and Street Wall**

After addressing functions like parking, deliveries, site access and circulation, rubbish management and how that assessment might scale back the density of the project, focus can turn to the massing of the project and its relationship and impact on the surrounding neighborhood. The concern is not so much the height of the project in and of itself, but the arrangement of the volumes on the site and the scale perceived by pedestrians. The project team can look to the existing development pattern of one- to two-

story commercial and three- to four-story residential to articulate the massing more effectively without necessarily reducing overall height. As mentioned earlier, character defining features of the Beacon Street National Register District are the one- to two- story commercial nodes and alternating three- to four-story residential blocks. Segmenting the volume to reinforce the *perception* of that development pattern would better integrate the project in the surrounding context.

The first three to four stories of the project of the most critical, as it a way to introduce segments that relate better to pedestrian scale in this highly walkable area. Could the volumes be arranged with the bulk at a four-story base and deeper stepbacks to concentrate the volume at the floors above? This treatment may be an opportunity to improve shadow impacts when most pedestrians will be walking on Beacon.

The retail area on Beacon Street reads as four stories of blank space. (The first two floors are each 18 feet floor to ceiling, and compared to the 10'-9" high floors above, they are essentially double-height floors.) During the day, the visual retail displays might be striking, but how will this expanse of glass translate at night after business hours? The potential for four stories of dark voids detracts from the activated streetscape associated with Coolidge Corner. Attempts to reinforce the one-story segmentation seem weak. Breaking up the retail façade to reinforce the one- to two-story commercial pattern along Beacon Street is encouraged.

The proposed arrangement attaches a perceived 10 story box to a perceived 12 story box at the so-called rear. This relegates the Sewall façade to function as the rear of the building, when a more welcoming façade could extend some of the residential qualities to the project or create a connection to the retail space.

The overhang at the Sewall Avenue spans the width of the site and is 18 feet above the ground. Compare this two-story void with corresponding two floors of the multifamily across the street or a 5'-5" pedestrian walking by it. The resulting space emphasizes the lack of pedestrian scale and creates a dark void and shadows that are not comfortable for residents and pedestrians at night.

Floor to ceiling windows are a trend in luxury apartments but at night they feel cold to occupants. Their outward appearance contributes to the verticality of the building and its sense of being largely out of scale with the existing development pattern. More critically, they are not the most energy efficient design treatment.

Aside from the building code issued raised by the Commissioner, the Planning Department feels that proximity of the proposed building to the property line at 1297 Beacon and the fact all windows at 1297 Beacon would be blocked by the project creates an oppressive effect that should be improved.

## **Rubbish and Recycling**

Rubbish and recycling accommodations will vary depending on the retail uses, which should be specified.

- Will trash/recycling pick-up be managed by a private service?
- How many times per week is pick-up for trash and for recycling planned?
- How many trash and recycling receptacles are planned and what size containers are proposed?
- Will there be a trash compactor on the site? (If so, the Fire Department must also evaluate this arrangement for safety.)
- Is the trash storage room adequately sized to accommodate receptacles?
- Are any receptacles proposed for outdoor storage? (Staff does not recommend outdoor storage of trash/recycling receptacles.)

- If the Public Health Department were to examine the adequacy of the trash/recycling plan one year after 90% occupancy, would there be enough room within the building footprint to scale up storage?

### **Stormwater Management**

The Planning Board understands that the Director of Engineering and Transportation is reviewing the stormwater management plans for compliance with Section 8.26 of the Town's Bylaw. In accordance with MassDEP regulations, the Director of Engineering and Transportation will assess the impact on the municipal load system and comment on the proposal during the public hearing.

Staff looks forward to addressing the Board's questions and requests for information and would be glad to schedule department heads to appear before the Board at the September hearing.