January 26, 2019

Zoning Board of Appeals
Town of Brookline

Re: Proposed Ch. 40B development at 1299 Beacon Street

Dear Mr. Geller and Honorable Members of the Board,

We have followed with interest the substantial concerns raised by Town administrators and peer review consultants regarding the public safety risks resulting from the proposed development at 1299 Beacon Street. **These risks stem largely from the sheer scale of the project**, which the size of the property cannot support and which the developer fails to justify. As many stakeholders and Town officials have noted –persuasively and objectively– traffic conditions on Sewall Avenue currently tax this narrow one-way street to its limits. By any standard of urban planning, the increase stemming from the proposed scale of development will pose significant risks to pedestrians, children attending programs at Temple Sinai, motorists, cyclists, and workers at the abutting US Post Office. Moreover, the Mass Housing Finance Agency's (MHFA) Project Eligibility Letter (PEL) dated 3/27/2017 *specifically requires the developer to address safety and traffic concerns on Sewall Avenue*.

We are deeply concerned that late in the approval process the developer has *modified the size* of the project, *hence violating the terms of the PEL*, and has added a restaurant. The Comprehensive Permit Application requests **74 units** on **8 floors** of residential space at a **height of 122'**. MHFA's Site Approval is *expressly limited to these numbers (PEL, p. 5),* reflecting the Agency's previous denial of eligibility for a larger building. However, the plans submitted on 11/28/2018 show **80 units** on **9 floors**, a building **height of 130' 9"**, and more than double the originally proposed footprint for roof mechanical equipment, to a final height of 145' 9" (notably, the number of affordable units will *stay the same*, at 16). Thus, while public hearings have highlighted the need to *reduce* the scale of the project, the developer proposes to *increase* it beyond the limit allowed under the PEL.

For resident, visitor and employee parking, we note that in November 2018, the ill-advised plan for elevators and stackers was replaced by a 4-level garage with 2-way ramp access that will not require valet service. This substitution is a step in the right direction, though as we elaborate below, it may still not cover the anticipated parking needs.

The developer persists in failing to address reasonable questions that Town officials and neighbors have repeatedly raised at public hearings and in writing, and which are specifically listed in the PEL requirements. The revised plans (11/28/2018) provide no information about refuse and snow removal or plans to mitigate the risks that the project will add to public safety on Sewall Avenue after moderate to heavy snowfall.

Below we elaborate on these and other safety-related concerns. We gleaned information about the revised plans (11/28/2018) from a document filed under "Parking" on the Town's website for this project. Please note that, presumably in error, this file contains only

pp. 35-41 and p. 47 of a presumably larger document. Release of the full document will allow stakeholders to review other pertinent details.

1. Project scale. The property at 1299 Beacon Street can accommodate disciplined expansion and the community warmly welcomes affordable housing. Starting with the Selectpersons' 2016 letter to MHFA opposing the proposed development, the objections center on size: The developer requests FAR relief from current zoning limits by *more than a factor of 3* (no other Ch. 40B property exceeds those limits by more than a factor of 2)!

The purpose of Ch. 40B is to make affordable housing economically viable for developers, and not to enable profits far exceeding what a property's size and location can reasonably yield. We must acknowledge that the property's area and shape can reasonably accommodate no more than 40-50 residential units, with appropriate setbacks, step-backs, circulation, and parking. The proposed structure is grossly incommensurate with the footprint and safety limits**. Every 25% reduction in scale will only reduce the number of affordable units by 4. The increased number of units afforded by relaxing FAR limits even by a factor of 2 will compensate the developer handsomely for a paltry contribution to the Town's inventory of affordable housing. Considering the significant adverse impact on neighborhood safety, the proposed size is a central issue.**

At the last public hearing, expert consultants were satisfied (architecturally speaking) with the proposed building height, but spoke at length about the need for step-backs and other modifications to *reduce the scale* on the eastern (Trader Joe's) and southern (Sewall Ave) faces. The modified plans (11/28/2018) show an *increase* in height and *no changes* to the building's eastern and southern faces.

2. Mixed commercial-residential use. To the best of our knowledge, Ch. 40B does not promote commercial uses under the affordable housing umbrella, and as we note above, the developer will be adequately rewarded by profits from the larger number of luxury residential units (rented at market value) that Ch. 40B protections will enable. Moreover, in public hearings, both experts and abutters noted that lack of information about the exact commercial use made it impossible to assess safety impacts fairly. At the 11th hour, the developers propose *mixed restaurant and retail use*, which requires study of the *impact on traffic, parking, refuse, deliveries, and safety*. It is disingenuous for this proposal to appear so late in the process. We respectfully request that a permit for restaurant use be denied, or at least deferred, because because the developer withheld material information.

3. Traffic and circulation. Despite many references to truck and van deliveries at public hearings, the plans continue to ignore the community's safety concerns based on daily experience. As Town officials have written, the developer's stated image of Sewall Avenue as an idyllic suburban haven is a fantasy at best and specious at worst. The below photographs, taken on random days in every season, illustrate the reality (double- and triple-parked vehicles, delivery trucks parked on sidewalks, traffic logjams); the impact on public safety has been a consistent theme in your hearings. With a modicum of creativity and a smaller building footprint, *1299 Beacon St. can easily accommodate dedicated, on-site space for trucks, vans (including vehicles for disabled residents and visitors) and rideshare cars or taxis*. The developers *cynically transfer this burden to a public street* that serves a Post Office, a busy religious institution, and multiple residences. Moreover, constructing a

structure up to nearly the edge of the property line means that *construction equipment will occupy Sewall Ave*, effectively closing it to traffic (including emergency and postal vehicles) for 1-2 years. Even in the interest of affordable housing (and this development's impact on the inventory is tiny), *Ch. 40B does not sanction such egregious abuse of public space*.

We commend the developer for replacing vehicle elevators and stackers with a garage design that will reduce automobile queuing. We respectfully request that the ZBA apply the same considerations for public safety to the problem of van and truck deliveries, which by every private and government estimate will only increase in volume.

The turning radius study (Vanasse & Associates) seems flawed – it does not consider parked vehicles and other contingencies of a busy street, including pedestrians and postal traffic. Because the loading zone points toward Longwood Ave, the sharp angle and abutting curbs will *likely require more than one 3-point turn*, even when no other cars or postal vans are present. This will likely result in vehicle back-ups on Longwood Avenue, as illustrated below.

4. Parking. The parking needs –including for visitors and health aides to support a senior community– are *underestimated* and *the justifications are arbitrary*. Beyond any guesswork, experiences at other Brookline properties can be informative regarding the impact on street parking. Unlike the residential streets surrounding 100 Center St., for example, the area near 1299 Beacon St. lacks a release valve. In considering the impact on public safety, parking needs should be estimated on the basis of worst-case, not best-case, scenarios.

A single business (Neena's) currently requires up to 12 parking spaces, and the proposal allocates a roughly similar number for a much larger business footprint. *These estimates should be examined critically*. Projecting the commercial parking needs (possibly including a restaurant) requires more than the scant information the developer has provided to date.

The Sewall Avenue side of the property currently accommodates *at least 5 public parking spaces* (possibly 6 compact cars). The developer's original plans preserved these spaces, but new sidewalk cut-outs in the revised (November 2018) plan *remove 3 public spaces*; the proposal also eliminates at least 2 –possibly 3– public parking spaces on Beacon Street. *No mitigation is offered*. Parking in the neighborhood is already limited and the proposed development will *add to* the current demand. *The proposed reduction of public, on-street parking will significantly and adversely impact local safety.* Double parking, trucks parking on sidewalks (forcing pedestrians to the street), backups into Longwood Avenue, and cars forced to pass others with decreased visibility all happen today and will be dangerously increased with the developer's proposed parking plan.

Other abutters have commented on the design flaws of the modified underground garage. We note further that the garage proposes several smaller spots restricted for compact cars. The expert consultants have strongly recommended against this feature.

5. Refuse removal. Despite many deficiencies in the Plans dated 7/11/2018, at least the Ground Floor showed a 319 sf Package Room and a comparably sized Trash Room *located adjacent to the loading dock*. On the revised 11/28/2018 Plans, the Package Room is moved far from the loading dock and the Trash Room is *located one floor below*, with *no elevator access to the loading dock*. How will the large volume of refuse generated by 74 residences and unknown commercial lessors (possibly including a restaurant that will generate large amounts of perishable waste) be removed daily or every other day? In any reasonable scenario, the proposed arrangement will require significant time, **leading to queuing and safety risks on Sewall Avenue**. Before a building permit is issued, the developers must address these questions with plausible models and should not be allowed to ignore crucial questions that have been on the table since 2016; the PEL is clear about this responsibility.

Throughout your hearings, we have not just pointed out problems; we have also proposed constructive solutions. After giving the benefit of every doubt, the best solution in the joint interest of the Town, the developer, and the neighborhood is to **reduce the scale of the building structure**, with proportional reduction in traffic, deliveries, and parking needs that Sewall Avenue can safely accommodate. We suggest reconfiguring the plans to include:

a. Appropriate setbacks, allowing adequate circulation; short-term parking for delivery vans/trucks, vehicles for the disabled, and taxi/rideshare automobiles; and essential lines of sight for drivers to keep pedestrians safe.
b. Parking spaces commensurate with the demand. This demand should be calculated from realistic projections, with reasonable upward adjustments for unanticipated needs.
c. Detailed plans for mitigation of public safety concerns related to refuse and snow removal and large truck deliveries.

These changes will still increase Brookline's inventory of affordable housing and reward the developer with profits far beyond what 1299 Beacon St. can deliver under current zoning limits. In the process, issues of public safety can be managed thoughtfully.

Sincerely and with gratitude for your thoughtful deliberations,

Ramesh and Lisa Shivdasani
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