

April 7, 2021

Maria Morelli
City of Brookline
Regulatory Planning Department
333 Washington Street, 3rd Floor
Brookline MA, 02445

RE: 500 Harvard Street, Brookline, MA
Response to Davis Square Architects Memo dated April 1, 2021, “Comments on First Floor and Parking”

Dear Maria,

We are in receipt of the memo regarding the first floor uses and parking at 500 Harvard Street by Cliff Boehmer of Davis Square Architects. We appreciate the conceptual thinking proposed, but disagree with the conclusions stated. The developer will address the marketability concerns of the impacts to the program such as, but not limited to, the loss of parking limiting the pool of potential renters, the difference in rent structures of 6th floor units versus at-grade / below-grade units, and the loss of all amenity space from the building. This memo will focus on the architectural limitations that show this approach is inconsistent with the area and creates concerns of health and safety for the residents.

In the first paragraph of Mr. Boehmer’s memo, he addresses that there are other buildings along Harvard Street with residential uses at grade. In these cases, he states *“to enhance the privacy of those units (often at the expense of accessibility), the entry level is raised several steps above sidewalk level (anywhere from 1.5 to 3.5 feet)”* as well as in some locations *“there is an increased setback that keeps eyes away from ground floor windows. And in some cases, the first floor is both elevated and set back from the sidewalk.”* It is CUBE 3’s position that for an occupant of a ground level unit to feel and be safe and healthy, the ground floor would need to both be raised and setback, especially adjacent to public sidewalks. This is what made a building like 514 Harvard Street successful over the past century.

In the case of 500 Harvard Street, the grades around the project vary by 3.75 feet on the street facing sides and up to 4.75 feet at the rear of the project. To maintain accessibility from the main entry to the egress points at the exterior, as Mr. Boehmer’s sketch maintained, it eliminates the ability to elevate these ground level units. In fact, many of them are below grade for portions or their entirety. For instance, the floor level of Unit A is proposed at 45’-8”, but the grade outside of that unit is 48’-6”, nearly 3 feet higher. This means Unit A’s windows will be located right at the level of the dirt and about 40% of its frontage will be looking at a garage just over 5 feet away. Furthermore, Unit B is proposed at elevation 47’-0” and the grade at the sidewalk directly adjacent varies from 47’-2” to 47’-8” along the street-facing side and up to 48’-2” on the neighbor side, causing Unit B to be located completely below grade. Units C & D approximately follow the grades of the sidewalk with no substantial difference and no proposed set back. This means that Units B, C & D will all have windows directly adjacent to the sidewalk with no elevational separation. These windows will require steel bars for the residents’ safety and due to the lack of privacy, most residents would rarely open their blinds / curtains, limiting their access to natural light and air without sacrificing their privacy.

Mr. Boehmer’s concluding stating, *“Furthermore, it appears to be feasible to keep the first story units sufficiently elevated above grade to ensure a reasonable degree of privacy within the dwelling units”* is completely inaccurate as identified above. The windows on all street-facing units would have sills located

between 1.5 to 3 feet in height above grade, allowing anyone a direct line of sight into these peoples' homes. He goes on to say, "*in order to fit in the required square footage, a large set back is not possible.*" We agree with this statement. Providing a setback would significantly reduce the livable area, and this massing has already been reviewed and rejected through the course of the public hearings. The fact that there is no elevational separation nor the possibility of a meaningful set back at this location leads CUBE 3 to strongly recommend against the concept of ground level units at 500 Harvard Street. There is no precedent that we are aware of on this street that has ground level units that are at or below grade with no setback, and we feel this would be a detriment to these residents' safety and health.

We hope this memo sufficiently communicates our stance against the concept of ground level units at this location. Please feel free to contact me if you have any further questions or comments.

Regards,



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April 8, 2021

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Town of Brookline
Planning Department
333 Washington Street
Brookline, MA 02446

RE: 500 Harvard Street, Brookline, MA Response to Davis Square Architects Memo dated April 1, 2021, “Comments on First Floor and Parking”

Dear Maria,

We are in receipt of the memo regarding the first floor uses and parking at 500 Harvard Street by Cliff Boehmer of Davis Square Architects. After reading the memo, our team feels compelled to respond to several important flaws with Mr. Boehmer’s memo, aside from the issues explained by John Harding of CUBE 3.

1. Moving apartments from the sixth floor in order to produce at-grade and below-grade apartments (or basement apartments), will create apartments that will be challenging to rent. As you can imagine, the applicant pool and marketability of below-grade apartments (with burglar bars on the windows) is greatly less than sixth floor apartments. We estimate these 4-5 below grade apartments to rent at an approximately 30-50% discount to apartments on higher floors.
2. As stated multiple times throughout the hearing process, some prospective residents will require parking and the failure to offer this amenity will negatively impact the marketability of the apartments in general. As you are aware, Chapter 40B requires that 10% of the building is 3-bedroom apartments. Often times (and as we have experienced at our nearby buildings at 455 Harvard Street and 45 Marion Street), these larger apartments need parking.
3. The feedback from the community has been that retail at the ground floor works well in this location and is preferred to a non-retail condition. 500 Harvard Street is located in an “L” commercial zoning district. In addition, every approved 40B on Harvard Street has been a mixed-use building. 384 Harvard, 420 Harvard, 445 Harvard and 455 Harvard are all mixed-use buildings.
4. Mr. Boehmer’s memo incorrectly states that “the current proposal appears to offer only compact spaces (with the exception of the accessible space(s)”. In fact, City Lift the parking lift company has confirmed that the system accommodates the vast majority of vehicles in the US.
5. The suggestion to create sub-grade and at-grade apartments and no parking would create the first and only 40B in Brookline with this condition. Brookline has approved over ten 40B developments over that past several years, yet none have sub-grade and at-grade apartments and no parking.

6. The sixth floor of the proposed building is 55” from the neighboring property at 9 Kenwood Street and 18’ from the property line. Therefore, if removed, the sixth floor does not change the overall impact of the height on abutters since the floor has been stepped back so much in order compromise with the ZBA charges and the neighbor’s comments.

In conclusion, the loss of revenue from eliminating the retail component, eliminating parking spaces which would hinder the marketability of the apartments and the reduced rent due to these suggested basement apartments causes a situation that is unprecedented and uneconomical.

Finally, the suggestion of moving the 6th floor to the sub-grade/ground floor was brought to our attention during our working session with Mr. Boehmer on March 25, 2021. During that meeting, Mr. Harding of Cube3 and the ownership team clearly explained the multiple reasons mentioned above as to why this was concept was unfeasible. Despite our clear response to the suggestion, the ZBA proceeded to engage Mr. Boehmer to further explore this concept.

Please let us know if you have any questions.

Sincerely,



500 Harvard Street LLC