

From the Desk of Jennifer Dopazo Gilbert
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May 16, 2023

By Email to Maria Morelli mmorelli@brooklinema.gov

Jesse Geller, Chairman
Zoning Board of Appeals
c/o Maria Morelli
Town of Brookline
333 Washington Street
Brookline, MA 02445

Re: Babcock Place, LLC
134 Babcock Street
Comprehensive Permit, ZBA Case No. 2017-0020

REQUEST FOR ADMINISTRATIVE APPROVAL
TO MODIFY COMPREHENSIVE PERMIT (Waiver List Item "L" and Condition
No. 1) TO PERMIT 23 GARAGED PARKING SPACES WITH 6 ELECTRIC
CHARGING STATIONS AND 39 BICYCLE SPACES

Dear Chairman Geller:

Reference is made to the Comprehensive Permit issued to Babcock Place, LLC dated April 5, 2018 allowing development of 45 units of rental housing and 36 garage parking spaces (34 automated spaces and 2 separate ADA spaces) at 134 Babcock Street in Brookline (the "Comprehensive Permit"). Construction of the building is complete and the owner is working with the town to secure temporary certificates of occupancy in order to begin leasing units, including the affordable units.

The original design for the parking at Babcock Place was to include thirty-four (34) automated stalls with a lift system and two (2) separate handicapped accessible stalls for a total of thirty-six parking spaces (See Waiver List Item L and Condition #1). The automated parking system was to be provided by the vendor CityLift LLC. Around the third quarter of 2021 the owner was informed that CityLift LLC had filed for bankruptcy and would be unable to fulfill their contract. An alternate vendor was engaged, Harding Steel, who provided an updated design for the project which allowed for an additional three automated parking stalls, for a total of thirty-seven automated and no change to the two ADA stalls all within the same footprint of the original design. On September 15, 2022, the Board granted a modification to *increase* the parking to 39 spaces which brought the parking ratio to .87. However, circumstances have changed and the owner now seeks to reduce the parking to 23 spaces (including the required 2

ADA spaces) and increase available bicycle parking spaces from 26 to 39 and increase EV charging stations from 2 to 6.

To date the owner has leased 19 of the 45 units. 7 of the 19 tenants do not have cars, and, therefore, do not need parking spaces. The owner has many rental units and the trend they are seeing is that many tenants no longer require parking spaces. The Town has recognized this trend and amended the Zoning by-law to reduce parking requirements for residential buildings in transit overlay districts. This project is in a transit overlay district. The town's changes to the parking requirements also allow the Board to eliminate parking altogether by special permit if the project will increase affordable housing.¹ The proposed modifications also support the Town's climate goals and efforts to reduce vehicular use by increasing EV spaces as well as covered bicycle parking.² A copy of the proposed parking plan is included for your review.

Finally, the current parking ratio for this 40B project is very high (.87) when compared to other 40B projects. This proposed modification would reduce the parking ratio to .51 and be more in-line with other 40B projects, such as:

- 500 Harvard Street: 0.20 (30 units with 6 parking spaces)
- 455 Harvard Street: 0.62 (40 units with 25 parking spaces)
- 45 Marion Street: 0.32 (64 units 21 parking)

The above noted parking information was taken from information available on the town's 40B website.

760 CMR 56.07(4) (b) provides guidance to a Zoning Boards of Appeal as to what constitutes a substantial or insubstantial change to a comprehensive permit. Following are some examples of what circumstances ordinarily will and will not constitute a substantial change, as described in 760 CMR 56.07(4)(a).

“(c) The following matters generally will be substantial changes:

1. An increase of more than 10% in the height of the building(s);
2. An increase of more than 10% in the number of housing units proposed;
3. A reduction in the size of the site of more than 10% in excess of any decrease in the number of housing units proposed.
4. A change in building type (e.g., garden apartments, townhouses, high-rises);
or
5. A change from one form of housing tenure to another.

(d) The following matters generally will not be substantial changes:

1. A reduction in the number of housing units proposed;

¹ See, Warrant Article 23 from November 2021 Town Meeting, lowering the requirements to 0.5 parking spaces per studio and 1 space and eliminating parking altogether in certain circumstances by special permit.

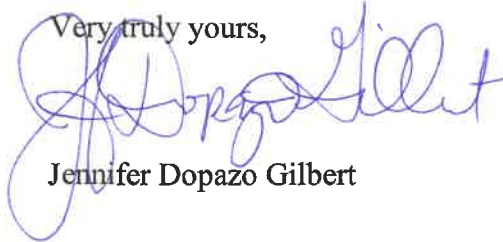
² Section 6.05.2.d of the Zoning By-Law requires 0.5 bicycle parking spaces per dwelling unit. The proposed ratio exceeds this requirement at approximately .86 bicycle parking spaces per dwelling unit.

2. A decrease of less than 10% in the floor area of individual units;
3. A change in the number of bedrooms within individual units, if such changes do not alter the overall bedroom count of the proposed housing by more than 10%;
4. A change in the color or style of materials used; or
5. A change in the financing program under which the Applicant plans to receive a Subsidy, if the change affects no other aspect of the proposal.”

This notice is being provided pursuant to 760 CMR 56.05(11)(a). Pursuant to these regulations, the Board shall determine within twenty (20) days whether this request is a substantial or insubstantial change in accordance with 760 CMR 56.05(11)(c) and (d). If it is determined that this is an insubstantial change, or if notice is not provided to the applicant to the contrary within such twenty (20) day period, the Comprehensive Permit shall be deemed changed, as requested. The above process does not require a public hearing. A public hearing would be required only if you determine that the requested changes are substantial changes, and if so, and pursuant to the aforesaid regulations, a public hearing is to be held within thirty (30) days.

Please let me know if this matter will be scheduled for discussion. Thank you.

Very truly yours,



Jennifer Dopazo Gilbert

Copies by Email to:

Dan Bennett, Building Commissioner

Kara Brewton, Director of Planning and Community Development

Paul R. Campbell, Deputy Building Commissioner

Polly Selkoe, Director of Regulatory Planning

Madison Anthony, Planner