

WARRANT

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF BROOKLINE
SPECIAL TOWN MEETING

Norfolk, ss

To Any Constable of the Town of Brookline

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to NOTIFY and WARN the Inhabitants of the TOWN OF BROOKLINE, qualified to vote at elections to meet at the High School Auditorium in said Brookline on THURSDAY, the TWENTY-SIXTH day of MAY, 2011 at 8:00 o'clock in the evening for the Special Town Meeting at which time and place the following article is to be acted upon and determined by the representative town meeting:

ARTICLE 1

To see if the Town will amend the Zoning By-law and Zoning Map as follows:

1. By adopting the following map change creating a Cleveland Circle Hotel Overlay District.

Cleveland Circle Hotel Overlay District



2. By amending Section 3.01.2.a.2 to add the following reference at the end
“Cleveland Circle (Refer to §5.06, Special District Regulations)”
3. By amending Section 3.01.4 by adding a new item at the end:
“c. Cleveland Circle Hotel Overlay District”
4. By amending Section 4.07 - Table of Use Regulations - to allow limited service hotels, certain retail, and a restaurant by Special Permit in the Cleveland Circle Hotel Overlay District, as follows:
 - a. Use 8A, Limited Service Hotel – Adding “*” after “No” in column “L” and amending the first footnote as follows: “*Permitted by Special permit in M-2.5 and in the Cleveland Circle Hotel Overlay District.” and
 - b. Use 34, Restaurant greater than 5,000 square feet - Adding “*” after “No” in column “L” and adding the following after the description of Use 34 in the Use Table “*Permitted by Special Permit in the Cleveland Circle Hotel Overlay District.”
5. By amending Section 5.01 - Table of Dimensional Requirements - by adding Footnote 19 after the words “L-0.5 & L-0.5 (CL) Districts”, which Footnote 19 shall read as follows:

“19. See **Section 5.06 - Special District Regulations, subsections f.** Cleveland Circle Local Business District L-0.5 (CL) and **h.** Cleveland Circle Hotel Overlay District.”
6. By amending Section 5.06.4.f - Cleveland Circle Local Business District L-0.5 (CL) - by adding a new item at the end:

“4) In any review of a project that is located across municipal boundaries, the project and improvements shall be reviewed as a single lot, without regard to municipal boundaries, in connection with parking requirements or setbacks. Additionally, any Design Review per Section 5.09 shall include review and approval of the entire length of the façade facing the MBTA property line as well as any lighting proposed along this length, irrespective of municipal boundaries. Such façade shall be designed and constructed with care and quality of finishes equivalent to the northern façade.”
7. By amending Section 5.06.4 - Special Districts - by adding a new item as follows:

“h. Cleveland Circle Hotel Overlay District

 - 1) It has been determined through study of the Local Business District in Cleveland Circle that potential exists for appropriate, planned redevelopment of the western side of this Local Business District. It has further been determined that, due to the circulation and multiple transit systems in this area as well as the proximity of the municipal boundary with Boston that this is an appropriate district for

development density consistent with transit oriented development schemes. For this reason, additional uses typical of transit oriented developments may be permitted under the criteria of this section, as long as such development is planned in a way consistent with other pedestrian-friendly commercial properties in Cleveland Circle.

- 2) Any applicant may seek relief under this Overlay District by Special Permit per Section 9.03 and Design Review by Section 5.09, provided it meets the following requirements within the Town of Brookline:
 - a) It contains a minimum of 40 Limited Service Hotel guest rooms.
 - b) The Floor Area Ratio of the proposed project shall be no less than 2.2 and no greater than 2.5.
- 3) For the purposes of this Overlay District, any proposed building shall be permitted to have more than one principal use. For example, a restaurant greater than 5,000 square feet under separate ownership and operation from a Limited Service Hotel may be located in the same building as the Limited Service Hotel without being considered as an accessory use, or as part of the Limited Service Hotel use.
- 4) Any application requesting relief under this Overlay District shall be subject to the following dimensional requirements, superseding any conflicting requirements in **Article 5** of the Zoning Bylaw. Any other dimensional relief sought shall be pursued as per any other relevant sections of this Zoning Bylaw.
 - a) Maximum Floor Area Ratio: There is a strong desire for pedestrian-friendly uses along Chestnut Hill Avenue in this Overlay District, which has a grade change of more than 8' along this edge of the District. Therefore, with regards to calculating Gross Floor Area in this Overlay District, up to 10,000 square feet of area on the ground floor fronting Chestnut Hill Avenue may have finished floor to ceiling heights greater than 12', but no greater than 18', without requiring the Gross Floor Area to be calculated by multiplying this area by a factor greater than 1 where the floor to ceiling height exceeds 12'.
 - b) Setbacks and Build-to Lines:
 1. Buildings shall not be greater than 15 feet nor less than 5 feet from the frontage of Chestnut Hill Avenue; and
 2. Any portion of building within 50' of the frontage of Chestnut Hill Avenue that is above three stories shall be set back not less than 5 feet from lower floors, along all facades. For the purposes of this Overlay District, "Story" shall be defined as that portion of a building included between the upper surface of

a floor and the upper surface of a floor or roof next above, whether or not such space is enclosed; and

3. Buildings shall be set back not less than 5 feet from the MBTA right-of-way.
 - c) The maximum height permitted is 56 feet;
 - d) Substantial rooftop structures such as observation towers, elevator penthouses and mechanical equipment shall not be located within 15' of the MBTA property line.
 - e) A screen fence along the property line with the MBTA right-of-way which exceeds a height of seven feet may be allowed by Special Permit granted by the Board of Appeals.
- 5) Parking requirements for Special Permit applications utilizing this Overlay District shall be as follows, superseding any conflicting requirements under **Article 6**:
 - a) Minimum Parking ratios:
 1. Limited Service Hotel use: 0.5 parking spaces per hotel room
 2. Retail use: 0.75 parking spaces per 1,000 g.s.f. of floor area
 3. Restaurant use: 1 parking space per 1,000 g.s.f. of floor area
 4. Office/Medical office use: 1 parking space per 1,000 g.s.f. of floor area
 - b) Subject to the approval of the Brookline Director of Transportation and Engineering, the required off-street loading facilities under Section 6.06.6 may be limited to the provision of 2 loading bays.
 - c) Any other parking relief sought shall be pursued as per any other relevant sections of this Zoning Bylaw.
- 6) The following traffic mitigation measures shall be required, subject to the review and approval of the Brookline Director of Transportation and Engineering:
 - a) Vehicle ingress and egress:
 1. Vehicle ingress and egress to and from Chestnut Hill Avenue shall be via no more than one curb cut two lanes in width, controlled by a traffic signal. Such traffic signal shall include demand-actuated technology such that the light phase for egress from the Overlay District will not be triggered when there is no demand.
 2. A segregated parking facility containing not less than 60 vehicle parking spaces shall be provided for the exclusive use

of the Limited Service Hotel guests, visitors and employees. Vehicle egress for all users of this segregated parking facility shall be via the one-way rear exit roadway easement to Beacon Street. Both signage and physical barriers shall prohibit any vehicles entering the Limited Service Hotel segregated parking facility from exiting that facility back onto Chestnut Hill Avenue. To the extent a parking area is established to be shared by multiple uses, hotel users (except for taxicab/shuttle service vehicles and deliveries) parked in the shared parking area shall be required to exit the one way rear exit roadway to Beacon Street and other users shall exit via Chestnut Hill Avenue.

3. Vehicle egress for all uses other than that of the Limited Service Hotel and for taxicab/shuttle service vehicles and deliveries shall be via the single Chestnut Hill Avenue curb cut. All vehicles exiting the site onto Chestnut Hill Avenue must be able to make either a left or a right turn. No right turn on a red light shall be permitted from the site onto Chestnut Hill Avenue.
 4. Taxicab stand and taxi pickup and drop-off shall be provided in an adjacent area on both the Brookline and the Boston segments of the site.
- b) Final traffic design and mitigation shall be required and include the potential impact of the redevelopment of any directly abutting parcels, regardless of municipal boundaries. Specifically, the traffic design and mitigation shall allow for no more than a total of 110,000 square feet of Limited Service Hotel use; 48,000 square feet of office or medical office; and 18,000 square feet of restaurant or retail use.
- c) Pedestrian improvements shall include:
1. Improvements to two pedestrian crossings across Chestnut Hill Avenue, including at Cleveland Circle as well as the crossing aligned with vehicular turn-around at the MBTA station south of the MBTA right-of-way. A third pedestrian crossing shall be provided where the signal for the Chestnut Hill Avenue entrance will be located, near the Boston/Brookline boundary, if approved by the Brookline Director of Transportation and Engineering as well as Boston Transportation Department.
 2. Sidewalk improvements on the western side of Chestnut Hill Avenue shall include a minimum 10' wide sidewalk from the Brookline Boundary to the MBTA bridge and a replacement of sidewalk from the MBTA bridge to Clinton Road.

- 7) Noise. A required condition for any Special Permit under this Overlay shall be an enforceable agreement and/or condition to the Special Permit that requires the property owner to comply with the requirements any Noise By-law or ordinance of both Brookline and Boston, without regard to municipal boundaries.

or act on anything relative thereto.

AND YOU ARE DIRECTED TO SERVE THIS WARRANT IN ACCORDANCE WITH THE BY-LAWS OF THE TOWN OF BROOKLINE.

HEREOF FAIL NOT, and make due return of this WARRANT, with your doings thereon, to the Selectmen at least FOURTEEN DAYS before the day of said meeting.

Given under our hands and the seal of the TOWN of Brookline, Massachusetts, this 5th day of May, 2011.



BOARD OF SELECTMEN