

ARTICLE XX

Petitioner: River Road Study Committee

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Petitioner's Article Explanation

This article is submitted by the members of the River Road Study Committee (RRSC) appointed by the Board of Selectmen. The RRSC was charged with reviewing and analyzing the redevelopment potential of the Industrial (I-1.0) District bounded by Brookline Avenue, River Road and Washington Street (Route 9), including Claremont Companies' proposed hotel redevelopment at 25 Washington Street that was presented to the Economic Development Advisory Board at their January 4, 2016 meeting. As part of its study, the RRSC was tasked with reviewing existing physical and economic conditions, and the redevelopment potential of the district under current zoning and parking requirements. Various land use planning tools were evaluated and applied to the Industrial District, such as, design guidelines, public realm enhancements, shadow studies and transit-oriented development.

Building on the recommendations outlined in the Town's Comprehensive Plan to create district plans that encourage mixed-use development and promote commercial growth along Route 9 as well as the vision articulated in the 2015 M.I.T. study of Route 9 East, the RRSC reviewed and analyzed the connectivity of the district with adjacent neighborhoods, buildings, the Emerald Necklace, River Road, the Brookline Village MBTA stop, the Route 9 and Brookline Avenue roadways, and the planned Gateway East intersection improvements. The RRSC consisted of 17 residents, including many with professional backgrounds and expertise in architecture, landscape architecture, commercial development, finance, planning, real estate and environmental law, as well as; representatives from the Advisory Committee, Planning Board, Economic Development Advisory Board, Zoning By-Law Committee, Tree Planting Committee, Transportation Board, Village at Brookline Tenants' Association and the Brook House Condominium Association. The Committee was staffed by Andy Martineau, the Town's Economic Development and Long-Term Planner and Chaired by Selectman Ben Franco. The RRSC also retained an expert real estate finance consultant to review the issues of financial feasibility and parking requirements for the proposed Special District.

Given the complexity of the issues, and the desire to hear from a wide range of stakeholders, there were 23 committee and subcommittee meetings and countless hours of additional volunteer work by RRSC members. The Committee met regularly with Claremont throughout its process, resulting in significant changes to its proposed hotel massing, parking configuration and sidewalk widths. All of the Committee's meetings were open to the general public and were attended by neighborhood representatives, owners of property within the proposed Special District, representatives from the existing businesses as well as representatives from the Emerald Necklace Conservancy. Members of the public were given the opportunity to, and did,

actively participate in the process. The Committee's fundamental charge was to establish zoning parameters for a Special District that would incentivize redevelopment of an appropriate scale and type that enhances and connects with the Emerald Necklace, while minimizing impacts on the public and adjacent neighborhoods. The proposed Special District Zoning utilizes several means to achieve that goal, including a form-based zoning approach that prioritizes height, massing and creative building design over Floor Area Ratio (FAR). In addition to height limitations and corresponding lot coverage limits to establish a more articulated building envelope, the proposed Special District Zoning imposes on-site parking limits, design guidelines adopted by the Planning Board and pedestrian amenity requirements, most notably minimum requirements for sidewalk widths on all sides of the district. As described below, the Special District Zoning amendment encourages a mix of uses for the eight parcels that comprise the 1.2 +/- acre Industrial District that have positive municipal financial impacts.

If adopted by Town Meeting, this zoning amendment would establish the "Emerald Island Special District" (the "EISD"). The proposed amendment would enable a proposed hotel at 25 Washington Street consisting of an 11 story, 153,000 +/- gross square foot building with up to 175 rooms and up to 70 structured parking spaces to move forward, subject to the Town's Major Impact Project permitting process, Special Permit approvals and the terms and conditions of a Memorandum of Agreement between Claremont and the Town. It should be noted that the hotel developer, Claremont Companies has agreed to significant mitigation and community benefit funding for public realm improvements in addition to those required in the Special District Zoning. These improvements will advance the vision for the public realm established by the RRSC. The remainder of the district, consisting of seven parcels including, VCA Boston, Swanson Automotive Services, Alignment Specialty Co., Shambhala Meditation Center, Brookline Foreign Motors, Brookline Ice and Coal and a small parcel owned by the Town, totaling 35,600 +/- square feet in area, will remain unchanged until such time that one or more developers is able to assemble land area sufficient to meet the minimum required lot size for the Special District.

What is a Special District?

The Town's Zoning By-Law allows for the creation of Special Districts in recognition that conditions present within the Town may require detailed neighborhood, district or site planning and design review to insure: orderly and planned growth and development; historic and natural resource conservation; residential neighborhood preservation; economic viability of commercial areas; and concurrent planning for transportation, infrastructure and related public improvements. To insure that the dimensional and related requirements of the Zoning By-Law address these unique conditions, Town Meeting, from time to time, in accordance with MGL Chapter 40 A, may establish Special District Regulations and the Board of Appeals may consider applications for Special Permits based on those regulations. The Emerald Island Special District Zoning does not replace the underlying I-1.0 zoning; rather it supplements it by allowing for new and expanded uses at a greater density than would otherwise be allowed via the underlying zoning. Those new and expanded uses would all be subject to the Special District Zoning requirements.

How is the EISD Different from Other Districts?

The Town typically relies on FAR and setbacks to limit and guide the massing, size and location of buildings and density of development, primarily to prevent overbuilding and out-of-scale structures in more traditional residential neighborhoods. As recent experience has shown, reliance on traditional zoning tools like FAR does not necessarily result in predictable, well-designed buildings. Throughout its analyses, the Committee remained cognizant of this issue, as well as the fact that the uses included in the Special District Zoning would each have unique floorplate and program requirements with varying floor area totals which would result in various building heights and massing regardless of having the same FAR. The Committee felt that achieving predictable and consistent height, scale and massing of buildings constructed in the Special District is more important than rigid adherence to a FAR coefficient. It was also recognized that this district is small and constrained due in large part to the shallow, odd shaped lots, and because of existing and planned infrastructure improvements. However, the district is also unique as it is bound on all sides by the public way and therefore requires a different and more innovative approach towards achieving the Committee's goals of fostering a greener, more walkable gateway district. The Committee seized the opportunity to take a more form-based approach to defining an acceptable building envelope by developing specific, but flexible dimensional criteria and supplementary design guidelines for the zoning which prioritize the public realm, encourage articulated building mass, creative design solutions and limited building heights over Floor Area Ratio.

Some of the key Special District zoning provisions for the proposed EISD include:

- **No maximum FAR values specified**, instead:
The height, massing and scale of buildings are defined by maximum building heights ranging from 110' for a portion of the 25 Washington Street parcel to 85' for a portion of the buildings located in other parts of the district, with limits on lot coverage percentages for upper floors, and design guidelines.
- **Limited setback requirements**, instead:
the zoning employs minimum sidewalk widths for each side of the district with the goal of creating more space than currently exists for pedestrians, street furniture, lighting and tree planting. Additionally there are side-yard setback requirements for buildings abutting a mid-block drainage easement and for buildings abutting the northern most edge of the district for the same reasons.
- **No minimum parking requirements**, instead:
there are parking maximums specified for each use reflective of the transit rich nature of the district, challenges with locating structured parking and less parking intensive uses being encouraged.
- **A minimum lot size of 13,600 sq. ft. is required to trigger the Special District zoning**:
this will require developers who own a lot under the minimum lot size to consolidate additional parcels and significantly limits the potential that any one small parcel might remain undeveloped in the future.

- **Public realm treatment:** street trees, public seating and lighting are required throughout the district at regular intervals.
- **1% of the hard construction costs of constructing a project (exclusive of tenant fit-up)** will be dedicated to improvements to the public realm within the EISD.
- **Design standards in the zoning and supplementary guidelines will provide guidance to the Planning Board and Design Advisory Team on:** building articulation, ground floor facades, driveway placement, architectural detailing and the public realm.

RRSC Focus and Process:

The Committee focused its work on the following questions:

1. What type of building and mass is appropriate for a unique and highly visible district that is also financially feasible;
2. Where in the district should the bulk of any building mass and taller buildings heights be located;
3. What combination of uses will maximize the revenue potential of the sites while minimizing impacts on schools;
4. What public realm enhancements should be required as part of the Special District Zoning to establish a more walkable, greener gateway district for the town;
5. How to craft Special District Zoning that encourages appropriate and coordinated development for the entire I-1.0 District which has several unique constraints and character defining features, rather than for development on only one parcel of a particular size; and
6. How can redevelopment respect and enhance the Emerald Necklace.

Early on in the process, the RRSC identified a number of potential commercial and very specific types of residential uses that would serve to both maximize the revenue and redevelopment potential of the district and would serve the surrounding neighborhoods while fostering new types of housing that would minimize impacts on schools. The commercial uses the Special District Zoning seeks to incentivize include hotel, retail, restaurant, medical office, general office and limited types of service uses. The site of the proposed hotel development at 25 Washington Street, in particular, represents a tremendous opportunity to transform a former dilapidated gas station and the adjacent public realm into a gateway to the town that complements the Emerald Necklace while generating significantly more tax revenue.

With respect to the residential uses, the Committee is proposing to add three new housing types and corresponding definitions to the Zoning By-Law, including age-restricted housing for residents 62 and older, "Micro Units," and "Live/Work Space." The proposed definitions of Micro Unit and Live/Work Space include limits on the maximum unit size for each. In addition to minimizing impacts on schools, these uses were identified as desirable because of their viability in a physically constrained area; because of the demand in the marketplace and because they are less parking intensive. There is a segment of the Brookline population that desires to "age in place," however; the Town's existing zoning does not provide any height or density incentives for the creation of senior housing. Moreover, there is demand by young

professionals to live in the more urban neighborhoods of North Brookline. However, the high cost of rental housing is prohibitive and creates an incentive to pack rental units with multiple tenants thereby reducing the per-person cost. Because of the high costs and the resulting need to live with roommates, young professionals who no longer find this type of shared-housing arrangement desirable often leave Town. The Special District zoning would allow for and incentivize the creation of Micro Units to help mitigate some of the financial barriers young professionals face in securing housing and could help Brookline retain this desirable segment of the population. Development of this type of housing in this location may also serve to increase much needed foot traffic for existing Brookline Village businesses.

Redevelopment Feasibility and Financial Analysis:

The Town's independent real estate finance consultant, Pam McKinney, was asked to review the feasibility of the 25 Washington Street hotel proposal and the other redevelopment scenarios the Committee modeled throughout its process, including the proposed minimum building envelopes the architects and real estate experts on the Committee determined would likely be necessary for any of the proposed redevelopment scenarios to be financially viable. In addition to conducting her own analyses, Ms. McKinney reviewed the financial models developed by the Committee against the Committee's proposed minimum building envelopes. Ms. McKinney determined that all of the uses included in the Special District Zoning are viable from a financial perspective and that the Committee's proposed building envelopes and parking requirements for those uses as well as those proposed for the hotel development are appropriate and are in fact the minimum required for development to be feasible considering market conditions, construction costs and site constraints. Specifically, Ms. McKinney's analysis confirmed that there is strong demand in the market for the type of hotel being proposed for 25 Washington Street as well as for the specific types of residential uses included in the EISD. Her analysis indicated that medical and general office are potentially viable uses, but are less likely given the shape of the lots, the existing and planned supply of medical office in the immediate area as well as the need for more parking for those specific uses. With respect to parking, Ms. McKinney advised that, given the Special District's proximity to public transit, this area is an opportunity to employ alternative parking restrictions versus what might normally be required in a more suburban setting, especially where the most likely uses are those that are the least parking intensive and where neighbors in the immediate area indicated that there is no shortage of off-street parking.

RRSC Conclusions:

Given current and projected market conditions, the uses the Special District seeks to incentivize require buildings of the proposed scale. The underlying zoning for the Industrial District limits the height and FAR of buildings to 40 feet and 1.0 respectively, meaning that the built-out space within buildings could be no greater than the lot area and that buildings could be no higher than 40 feet. The analyses conducted by both the Town's independent real estate finance expert and by those on the RRSC confirmed that the desired uses are not viable within the limitations of the existing zoning, further underscoring the need to create Special District Zoning that incentivizes and allows for the proposed building envelopes. The need for more

flexible dimensional and parking requirements was reinforced by the high water table in the area as well as the RRSC's desire to prohibit any on-site parking on the ground level of the district in recognition that "buildings on stilts" were not a desired outcome and that active uses on the ground floor of any future building would help create a vibrant public realm. This means that any on-site parking will need to be housed within future buildings already physically constrained by narrow, irregular-shaped parcels.

There were a number of tradeoffs inherent in the RRSC's process of trying to incentivize certain uses and to improve the public realm, resulting in the creation of Special District Zoning that allows for significantly larger buildings, subject to the EISD requirements. Following several meetings to analyze the financial and architectural feasibility of different types and sizes of potential buildings in this district, it was determined that larger buildings would be required not only for the financial feasibility of the proposed uses, but also to accommodate the unique geometric requirements for structured parking within the buildings. While the Committee acknowledged the need for larger buildings, every effort was made to balance the overall size and form of the building envelopes necessary for financial and architectural viability with the goal of minimizing negative impacts on the surrounding neighborhoods and sensitive nearby park areas.

Anticipated Outcomes:

- If the Special District Zoning passes, the Town will position itself to get ahead of future developers for the balance of the district and proactively shape future redevelopments in this important area of Town.
- The Town will facilitate the transformation of a former gas station at 25 Washington Street into a hotel that is anticipated to yield over \$1.5M in net new taxes (rooms and excise).
- The hotel and future redevelopments will provide for significant additional public realm improvements within the EISD, further implementing the vision of the River Road Study Committee.
- The industrial district will be transformed from an overlooked corner of town into a greener and more attractive mixed-use gateway district with amenities for neighborhood residents, pedestrians and park users alike.

Companion Warrant Articles:

Two companion non-zoning warrant articles are being filed by the Board of Selectmen, which if passed at Town Meeting, would authorize the Selectmen to: (i) accept a Restrictive Covenant to protect the tax certainty for the proposed new development at 25 Washington Street; and (ii) enter into agreements or take other action necessary for the Town to receive the full benefits and protections of a Memorandum of Agreement including mitigation and community benefits pertaining to the proposed development at 25 Washington Street.