

26 Circuit Road
Chestnut Hill, MA 02467
July 31, 2017

Brookline Planning Board
c/o Department of Planning and Community Development
Town Hall
333 Washington Street
Brookline, MA 02445

Re: 700 Brookline Avenue (Planning Board - August 3, 2017)

Dear Members of the Planning Board,

I was a member of the River Road Study Committee (RRSC) and, as a member of that committee, supported the proposed zoning change that led to the creation of the Emerald Isle Special District (EISD) at the November 15, 2016 Special Town Meeting. I will, unfortunately, not be able to attend your August 3 meeting on the changes now proposed by Claremont's July 13, 2017 submission, but would appreciate your making these comments part of the record at that meeting.

I have significant concern about two issues, both related to the proposed elimination of one parking level.¹ First, the number of spaces would be reduced by more than 50%, from 70 spaces on the second and third floors (as represented to the RRSC and Town Meeting) to 29 spaces on the second floor, of which almost half would be usable only by compact cars. Second, the ramp that could potentially be shared by the adjacent building would no longer extend to the second and third floors (as represented to the RRSC and Town Meeting) but only to the second floor, thus allowing only one, rather than two levels of connection with the adjacent building.

The proposed changes with regard to parking and ramp access are inconsistent with the RRSC's analysis and, moreover, ***are in direct conflict with representations made to Town Meeting when the EISD zoning was approved.***

Representations Regarding Parking

The RRSC retained an experienced and well-regarded consultant, Pam McKinney, to advise us regarding feasible uses and parking requirements for the Emerald Isle. The RRSC's proposed zoning, as voted by Town Meeting, imposed a maximum of 70 spaces for a 175 room hotel, based on 0.40 spaces per "key" or room. At the same time, the RRSC was sufficiently concerned about imposing a 70 space "maximum" that the zoning expressly included "safety valves," allowing an increase of 20% above the nominal "maximum" with a showing of need and excluding from the "maximum" any spaces used by car-sharing organizations. Moreover, the number of "small" spaces usable only by compact cars was limited by our zoning to 25%. In contrast, Claremont now proposes only 29 spaces, with no additional spaces for car-sharing organizations and with almost half of spaces unusable by mid-size or larger cars.

¹ I will not address more subjective, esthetic questions such as signage and the appropriate building "skin" (though I can't resist the personal observation that rigid adherence to brick can become trite).

Claremont's current proposal is entirely inconsistent with the information presented to the RRSC and Town Meeting. The RRSC was advised – **and Town Meeting voted on the basis of repeated representations** – that 70 parking spaces on two levels was the appropriate number – indeed, the minimum required – for a 175-room hotel.

The zoning change that created the Emerald Isle Special District, which makes possible a hotel of the magnitude being proposed by Claremont, was encompassed in Article 7 at the November 2016 Special Town Meeting. The RRSC's proposal with regard to parking was explained to Town Meeting as follows:

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 the market conditions, construction costs and site constraints. "Petitioner's Article Description," Article 7, Combined Reports, p. 7-22.²

The Selectmen likewise represented to Town Meeting that 70 spaces (i.e., 0.40 zoning) was the appropriate number for a 175 room hotel:

Pam [McKinney] confirmed that the proposed hotel (type, size, program) are a perfect match for this location. Additionally, Pam confirmed that the uses, maximum building envelope **and parking ratios by use are feasible and appropriate** for this transit rich area. "Selectmen's Recommendation," Article 7, *id.* at 7-28.

The Advisory Committee made clear to Town Meeting that the parking spaces being proposed were the minimum that could be expected (with the "safety valves" allowing more spaces above the nominal "maximum" if appropriate):

Many people questioned the appropriateness and validity of parking maximums for this site, specifically whether the maximums have been chosen correctly and whether this will become an unwelcome precedent in town. The response from Andy Martineau [of the Brookline Planning Department] and other RRSC members present was that the committee itself discussed this at length and ultimately decided that maximums were appropriate for the following reasons:

The RRSC worked closely with Pam McKinney, considered the preeminent real estate consultant in the Metro Boston area, to vet the ideas and ensure overall project viability. Pam was comfortable with parking maximums **that addressed the minimum needs for each project type** (e.g. **hotel**, retail, residential).

"Advisory Committee Supplemental Reports," Article 7, Supplement No. 1, p.4.

As if that were not enough, the parking requirement was used as a "sword" by the developer to defeat Article 8, a proposal that would have widened the sidewalk and setback on the Washington Street (Route 9) side of the hotel. Thus, as stated in the Advisory Committee's write-up of Article 8, Claremont made clear the need **for 70 spaces on at least two levels**, and

² All citations are to documents presented to the November 15, 2016 Special Town Meeting.

threatened that reduction of the footprint would require a significantly taller, and therefore undesirable, building to achieve those spaces:

Claremont stated that if Article 8 were to be applied as a building setback to allow for full canopy trees along Washington Street, the total number of parking spaces **on the two parking decks** would be reduced by over 50% (from 70 spaces to 37 spaces). **In order to maintain 70 parking spaces, (a figure which was corroborated by the RRSC as well as the Town’s outside real estate consultant),** the hotel would require two additional parking decks (for a total of 4 decks), increasing the building height by 20 feet to 130 feet high. “Advisory Committee Supplemental Reports,” Article 8, Supplement No. 1, p. 2.

The current Claremont proposal to significantly reduce parking spaces below the number explicitly identified as “appropriate” and the “minimum” would force parking onto the street, affecting not only existing businesses and Village Way visitors, but also adversely affecting the potential for future development on the rest of the Emerald Isle. It would particularly affect the potential viability of future ground-floor retail uses along Brookline Avenue, which the RRSC viewed as critical to the vibrancy of the area. Perhaps most significantly, it would contradict the representations made to Town Meeting, on which Town Meeting approved the rezoning that is making the Claremont Development possible. The reduction in parking should be rejected.

Representations Regarding Ramp Access

Even if the hotel could somehow “squeeze by” with 29 parking spaces and ensure that there would be no overflow parking for hotel users or visitors on local streets (which is, itself, inconceivable³), Claremont should be required to carry the ramp to the third floor of its building to allow two floors of vehicular access to any adjoining structure, in accordance with the concept presented to the RRSC and Town Meeting.

The fact that the distance between Brookline Avenue and River Road narrows for properties to the northeast of the Claremont property (the “northeast properties”) presents a significant constraint on future development of the Emerald Isle. The architectural work presented to the RRSC made clear that including ramping on the floors used for parking on these less-deep northeast properties would significantly reduce the number of usable parking spaces and thus the feasibility of those properties ever being developed. Thus, as a necessary component of “unlocking” the development of parcels to the northeast, the RRSC built into its proposal the concept of shared ramp access from the Claremont property to any adjacent building. Because the RRSC was proceeding on the premise – supported, as noted above, by both its consultant **and** by Claremont – that 70 parking spaces on two levels was appropriate and necessary for the hotel, the Claremont plan included two levels of potential ramp access to the adjacent parcel to the northeast.

The critical nature of the shared ramp access for future development of the northeast properties was emphasized to Town Meeting when it approved the Emerald Isle rezoning.

³ Even if Claremont were to propose stackers and 24-hour valet parking, many users would want to avoid that “solution” and would instead search for park-it-yourself on-street parking, at least for short-term periods.

The Selectmen’s Recommendation on Article 7 included an Executive Summary of a proposed Memorandum of Agreement requiring that Claremont “[p]rovide the shared parking ramp access **for a future development on the neighboring parcel.**” More specifically,

Prior to the issuance of the Special Permit(s) for the hotel, Claremont shall grant a perpetual easement in a form satisfactory to Town Counsel for the benefit of the future owner of the adjacent parcels **in order to facilitate a future project to be constructed under the EISD that permits the Adjacent Property Owner to utilize the Shared Parking Ramp Design for its own intended use.** Executive Summary of Proposed MOA, Article 7, Combined Reports, p. 7-30.

The Planning Board’s 8/17/16 Design Guidelines, also presented to Town Meeting before its vote, stated that “where appropriate, shared walls between buildings should be connected and designed to accommodate shared parking and ramp access.” Article 7, Supplement No. 2, p. 3.

At the November 2016 Special Town Meeting, the need for the shared parking ramp to permit development on the adjacent sites was also emphasized in the explanation of Article 10, which authorized the Selectmen to enter into agreements for the Claremont development: “[T]he Memorandum of Agreement ... will include ... [t]erms related to the development of a ‘Shared Parking Ramp Design’ **allowing neighboring parcels to utilize the Proposed Project’s parking ramp** so as to limit traffic congestion on neighboring streets and allow for more efficient structured parking in future developments.” Combined Reports, p. 10-5. The Advisory Committee made clear that “[t]he inclusion of shared parking ramp access was deemed necessary due to the lot size and shape, as well as the zoning requirements in Article 7 which prohibit surface parking and require the aggregation of parcels to ‘unlock’ the new zoning.” Article 10, Supplement No. 1, p. 1.

And, again, the need for a shared ramp was used as a “sword” to defeat Article 8, which, as noted above, would have widened the sidewalk and setbacks along Washington Street (Route 9): “If ... Article 8 were applied as affecting sidewalk width only ... the street-level hotel interior and – perhaps most important – the shared parking ramp would not fit within the remaining street-level building footprint.” Article 8, Supplement No. 1, p. 2.

The “Proposed Project’s parking ramp” and “Shared Parking Ramp Design” that formed the premise of action by both the RRSC and Town Meeting encompassed two potential levels of ramp access as a result of 70 spaces on “**the two parking decks,**” as stated by Claremont itself. *Id.*; see page 3 *supra*. The new Claremont proposal with only one level of parking and thus ramp access would force the adjoining property to use stackers or elevators, making development of the northeast properties either infeasible or highly undesirable.

The Claremont hotel is not being proposed in a vacuum. The goal of the RRSC was not only to allow the hotel to proceed, but also to create an environment where future development of the entire Emerald Isle would be facilitated – **without** on-street parking being commandeered by hotel users because of inadequate on-site hotel parking and **with** two levels of ramp access to the northeast properties.

Conclusion

Because all of the evidence presented to the RRSC and Town Meeting indicated that 70 parking spaces was the appropriate number – indeed, a minimum number – for a 175-room hotel, the proposal to eliminate almost 60% of those spaces (and to reduce the size of the remaining spaces so that they would be unusable by many cars), should be rejected. Similarly, the Claremont plan for two levels of ramp access to the adjacent northeast properties, as presented to the RRSC and Town Meeting, should be preserved. Even if Claremont could somehow guarantee that 29 reduced-in-size spaces would be adequate for the hotel and that hotel users would not increase their use of on-street parking spaces (which is, of course, inconceivable), Claremont should still be required to extend the ramp to the third floor of its building even if it were allowed to substitute hotel rooms for parking spaces on the rest of that floor. As it now stands, the Claremont proposal would sacrifice current residential and commercial uses in the neighborhood and threaten the viability of future development of the Emerald Isle. It would, moreover, break faith with the representations made to Town Meeting. The rezoning of the Emerald Isle was not just about the hotel; it was about the entirety of the “Isle.”

Thank you for your consideration.

Sincerely yours,

/s/ Richard W. Benka

Richard W. Benka

By email:

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