



Town of Brookline

Massachusetts

PLANNING BOARD

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To: Brookline Planning Board

From: Brookline Department of Planning & Community Development

Date: June 18, 2019

Subject: **Construct a mixed-use residential and commercial building**

Location: **198 Harvard Street**

Atlas Sheet: 34	Case # 2019-0034
Block: 167	Zoning: L-1.0
Lot: 23	Lot Area (sq. ft.): 13,382

BACKGROUND

Mobil Oil Company has had a gasoline station at this site since 1936 and an open-air parking license from the Select Board since May, 1959.

SITE AND NEIGHBORHOOD

198 Harvard Street is a four-pump service station with a canopy and two service bays located at the corner of Harvard and Marion Streets. The architecturally significant United Parish Church is located on the opposite corner on the same side of Harvard Street. The station abuts multi-family residential properties along both Harvard and Marion Streets. Across Harvard Street is a block of single story retail stores and a Stop and Shop grocery store. The immediate neighborhood is a mixture of residential and commercial uses. Two blocks to the North is the Coolidge Corner Business District. The station has two curb cuts on Harvard Street and two curb cuts on Marion Street. Harvard Street is a significant north-south arterial street that bisects the Town and is heavily traveled throughout the day.

APPLICANT'S PROPOSAL

The applicant, Diamond Sinacori LLC, is proposing to demolish the service station and construct a three-story residential building, with retail use at the ground story level. There will be five residential units, 1600 s.f. of commercial space, ten indoor parking spaces accessed by Marion Street for the residents, and eight outdoor spaces accessed by Harvard Street for the commercial users. There will be three apartments on the second floor and two on the third floor. The height of the building will be 35 feet.

FINDINGS

Section 5.01 - Table of Dimensional Requirements, Footnote 1

A special permit is required because the proposed entrance to the parking garage that faces Marion Street is set back 17.4', where this provision of the Bylaw requires a minimum 20' setback.

Section 5.07 – Dwellings in Business and Industrial Districts

This section requires that dwellings in Business and Industrial Districts comply with the side yard, rear yard, and usable open space requirements from Table 5.01 that are associated with the M district with the same FAR as the subject Business or Industrial District. The proposed building, which proposes a 4.1' side yard and 4.7% usable open space, does not comply with the side yard and usable open space requirements of the M-1.0 District, which are 10+L/10 and 20% respectively.

Section 5.09.2.a & d– Design Review

These sections establish that design review is required for, (a) “Any structure or outdoor use on a lot any part of which is located [...] on or is within 100 feet of: Beacon Street, Commonwealth Avenue, Boylston Street, Harvard Street, Brookline Avenue, or Washington Street.” and, (d) “multiple dwellings with four or more units on the premises, whether contained in one or more structures”. This application qualifies under both provisions.

The proposal presented by the applicant, Diamond Sinacori LLC, for 198 Harvard Street makes a transition between the commercial nature of Harvard Street and the residential character of Marion Street. The first floor facing Harvard Street is commercial space, which would extend around the corner of the building and approximately 20' along Marion Street before transitioning to the residential use. Given the corner location, and the requirements of the by-law, this seems appropriate. The ground floor retail space is supported by a curb cut and commercial parking on Harvard Street meeting the requirements of the by-law. A separate curb cut accessing an enclosed, private garage is located on Marion Street for the residential uses on the upper levels; the entrance of the parking garage is located 17.4' from the lot line where the Bylaw requires a minimum of 20'.

The remainder of the site at grade is devoted to landscaping and walkways. The lack of usable open space at the grade level is consistent with the commercial nature of the neighborhood and

particularly appropriate given the building's use and location. Landscaped open space is a significant improvement over the existing filling station.

The upper two floors are devoted to five large private condominiums. Each residence has extensive outdoor balcony or terrace areas on the north and south sides, and four of the five residences focus on United Parish across Marion Street. The Harvard Street facade is played down with simple fenestration coupled with distinct material and volume variations. The overall design is intentionally simple and contemporary in deference to the elaborate stone vernacular of United Parish, and the proposed building colors are subdued and contextual. The first floor facade is glass and stone veneer, and the upper two floors are a polychromatic mixture of fiber cement cladding textures.

Overall, the proposal is modest and largely complies with the dimensional requirements of the by-law relative to height, floor area ratio, use, parking, and other specific district requirements. Setback issues are triggered for a residential upper level use by the adjacency of the M District, but the underlying setbacks required in an L-1.0 District for a non-residential building are met.

Section 5.43 – Exceptions to Yard and Setback Regulations

This section allows the Board of Appeals to waive by special permit yard and/or setback requirements, if a counterbalancing amenity is provided.

Section 5.64 – Side Yards for Non-Dwelling Uses in Business or Industrial Districts

Non-dwelling uses that abut a residential district must adhere to the minimum required side yard of that residential district. In this case, the subject property abuts an M-1.5 district, in which the required side yard is $(H+L)/6$, or 17.2' as it applies to this project. The proposed side yard setback is 4.1', requiring a special permit.

Section 5.91 – Minimum Usable Open Space

Usable open space (as defined by Section 2.15, paragraph 3 and further refined by Section 5.91.2) must be provided at the rate specified in Table 5.01, which in this case is 20% of the gross floor area of all buildings on the property. The applicant proposes 4.7% of usable open space, primarily in the form of balconies and terraces for residents.

Section 6.04.4.b – Design of All Off-Street Parking Facilities

This section requires that all entrance and exit drives be a minimum of 20 feet wide for two-way use. The applicant's plan shows a two-way use driveway with a width of 18 feet.

PLANNING DEPARTMENT ANALYSIS

The Planning Department feels that the project is consistent with the intent of the bylaw, is appropriate for the neighborhood, and represents a significant improvement over existing conditions. The proposed building's side yard setback at 4.1' does not comply with the required side yard setback of 17.2'; however, the service station's building is closer to the lot line than the proposed building, so the proposed conditions will represent an improvement to the side yard setback.

The proposal requires Design Review pursuant to Section 5.09, and the applicant has submitted a statement that explains how the Community and Environmental Impact and Design Standards are met. Planning Department staff agree with the applicant's analysis and conditions should be included in the decision to ensure that the standards are met as the plans are further developed.

Regarding a counterbalancing amenity per Section 5.43, the Planning Department believes that the additional landscaping, reduced impervious area, and improved consistency with the neighborhood offer significant benefits.

Therefore, the Planning Department recommends approval of the Site Plan by McKenzie Engineering Group dated April 1, 2019 and architectural plans by TISE Design Associates, dated June 3, 2019 with Conceptual Elevations dated April 2, 2019, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, floor plans, and elevations subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a final landscape plan depicting the final location of the transformer, subject to the review and approval of the Assistant Director of Regulatory Planning.
3. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final floor plans and elevations stamped and signed by a registered architect or engineer; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

vp

Subject Property



Neighborhood Context

