



**Hemenway  
& Barnes** LLP

COO ENVIRONMENT DEPT  
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2020 FEB 27 PM 2:55

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February 27, 2020

City of Boston Air Pollution Control Commission  
1 City Hall Square, Room 709  
Boston, MA 02201

Trustees

**Re: Modification of Permit #8.1**

Counselors at Law

Dear Sir or Madam:

Michael J. Puzo  
Edward Notis-McConarty  
Stephen W. Kidder  
Arthur B. Page  
Joan Garrity Flynn  
Nancy B. Gardiner  
Kurt F. Somerville  
Teresa A. Belmonte  
Brian C. Broderick  
Charles Fayerweather  
Nancy E. Dempze  
Joseph L. Bierwirth, Jr.  
Dennis R. Delaney  
Mark B. Elefante  
John J. Siciliano  
M. Bradford Bedingfield  
Charles R. Platt  
M. Patrick Moore, Jr.  
Ryan P. McManus

This firm represents Charles River Park "D" Company, owner of the property at 35 Lomasney Way in the West End (formerly the Garden Garage) (the "Site").

The Garden Garage was permitted under the Downtown Parking Freeze (Permit #8.1, issued December 12, 2006). The permit allowed for a total of 710 parking spaces, with 410 of the spaces as commercial/public spaces and 300 residential/private/exempt. Spaces considered exempt are defined in Condition 5 of the permit.

Michael E. Porter  
Harry F. Lee  
Eleanor A. Evans  
Johanna W. Schneider  
Sarah M. Waelchli

In February 2016, the Boston Planning and Development Agency ("BPDA") Board approved a new project on the Site consisting of a 470-unit residential building with supporting retail and common area and accessory parking (the "Project"). The Project replaces the above-grade parking garage with a new approximately 775-space below-grade parking facility. The above-grade garage was demolished last year; the new garage is expected to open in December 2020. We understand that, in connection with the Project, the previously issued APCC permit will need to be modified.

Kevin M. Ellis  
Donna A. Mizrahi  
Nathan N. McConarty  
Paul M. Cathcart, Jr.  
Vanessa A. Arslanian  
Steven L. Mangold  
Meaghan E. Borys  
Keirsa K. Johnson  
Matthew J. Carey

Accordingly, enclosed herewith is a Modification Application, a Statement of Need, and a Site Plan for the garage.

David H. Morse  
Lawrence T. Perera  
George T. Shaw  
Timothy F. Fidgeon  
Michael B. Elefante  
Susan Hughes Banning  
Frederic J. Marx  
Deborah J. Hall  
R. Robert Woodburn  
Thomas L. Guidi  
Diane C. Tillotson

Kindly contact me with any questions or should you require additional information to assist the APCC in making a determination as to how to proceed with the permit modification.



Hemenway  
& Barnes LLP

City of Boston Air Pollution Control Commission  
February 27, 2020  
Page 2

Thank you for your attention to this matter.

Very truly yours,

Johanna Schneider

Enclosures

cc: Carolyn Zern, EQR ([czern@eqr.com](mailto:czern@eqr.com))  
George Kruse, EQR ([gkruse@eqr.com](mailto:gkruse@eqr.com))

 Equity Residential

To: City of Boston, Air Pollution Control Commission

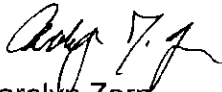
From: Carolyn Zern, Equity Residential

Re: Modification to APCC Permit #8.1

Date: February 26, 2020

Equity Residential, the sole general partner of ERP Operating Limited Partnership, the general partner of Charles River Park "D" Company, which owns the property at 35 Lomasney Way, hereby authorizes our counsel, Johanna Schneider of Hemenway & Barnes, to submit on our behalf an application for a modification of our existing parking freeze permit.

Thank you,



Carolyn Zern  
VP, Development  
Equity Residential



**CITY of BOSTON**  
*Air Pollution Control Commission*  
**APPLICATION FOR PARKING FREE PERMIT**

COD ENVIRONMENT DEPT PAGE 1 OF 2  
 RECEIVED Questions? Call  
 Air Pollution Control Commission  
 (617) 635-3850

2020 FEB 27 PM 2:55

DATE OF APPLICATION: 2 127, 2020

**GENERAL APPLICATION INFORMATION**

PARCEL ID#: 030047 0000

- Request a New Parking Freeze Permit
- Modify an Existing Parking Freeze Permit

POINT OF CONTACT: Johanna Schneider, Esq.

PHONE NUMBER: (617) 557-9723

EMAIL: jschneider@hembar.com

**FACILITY INFORMATION**

FACILITY NAME: The Alcott  
(Formerly garden garage)

FACILITY ADDRESS: 35 Lomasney Way  
 Street  
Boston, MA 02114 State, Zip  
 City

OWNER NAME: Charles River Park D Company

OWNER ADDRESS: 3 Center Plaza, 3rd Floor  
 Street  
Boston MA 02108 State, Zip  
 City

OWNER PHONE: (617) 648-2162

**NEIGHBORHOOD**

- Downtown Boston  South Boston

**NEIGHBORHOOD SPECIFIC INFORMATION:** (Please list the number of each type of space)

**DOWNTOWN BOSTON**

Commercial Spaces: 410

Exempt Spaces: 222

Residential Excluded Spaces: 141 (125 residential) / 16 service

**SOUTH BOSTON**

N/A

Commercial Spaces: \_\_\_\_\_

Residential Included Spaces: \_\_\_\_\_

Residential Excluded Spaces: \_\_\_\_\_

**IMPORTANT APPLICATION INFO**

**PAYMENT**

Please include a check or money order made payable to the City of Boston, Air Pollution Control Commission. The fee is \$10 per parking space. Application and renewal fees only currently apply to locations within the South Boston Parking Freeze Zones.

**WHERE TO SEND**

We prefer you email your application and supporting documents to [APCC@boston.gov](mailto:APCC@boston.gov). You can mail your application, documents, and payment to:  
 Air Pollution Control Commission  
 Boston City Hall  
 1 City Hall Square, Room 709  
 Boston, MA 02201

**WRITTEN PROOF**

Please attach written proof that the applicant is the owner of record or has written approval from the owner of record to file this application.

**WHAT NOT TO SEND**

You'll need to put together at most six paper copies of your application. Do not deliver them to us too far in advance in case there are any changes. About two weeks before your hearing date is fine



**CITY of BOSTON**  
 Air Pollution Control Commission  
**APPLICATION FOR PARKING FREE PERMIT**

**FREEZE AREA INFORMATION:**

**DO YOU OR WILL YOU CHARGE FOR PARKING:**

- Yes
- No
- Not Sure

**CURRENT OR PROPOSED PARKING METHOD:**

- Valet
- Self-parking
- Surface Lot
- Garage

**TOTAL NUMBER OF SPACES:** 773 (410 commercial)

**TOTAL FACILITY SQUARE FOOTAGE:** 367,000

**NUMBER OF NEW SPACES:** 63 (residential)

**RATIO OF RESIDENTIAL SPACES TO RESIDENTIAL UNITS:** .3

**NUMBER OF EXISTING SPACES:** 710 (410 commercial / 300 residential / private / exempt)

**PLEASE LIST TOTAL BUILDING SQUARE FOOTAGE BY USE TYPE**

(E.g. 100,000 s.f. commercial, 200,000 s.f. residential, etc.)

514,000 sf residential; 20,000 sf residential common area;  
2,300 sf accessory retail; 367,000 sf garage

Please verify all the information above. In anticipation of the application being in all respects an accurate and complete document; please mail the application fee (\$10 per parking space) to our office.

Application and renewal fees only currently apply to locations within the South Boston Parking Freeze Zones.

I hereby attest that this document contains, in all respects, true, accurate and complete information.

Signed, [Signature] Date 2/27/2020  
 Print Name, Johanna Schneider

**IMPORTANT APPLICATION INFO**

**Attach a site plan of the parking facility showing:**

- location of the facility;
- layout of the spaces;
- entry and exit points;
- total square footage of the parking area;
- location and amount of electric vehicle parking;
- location and amount of bicycle parking.

**STATEMENT OF NEED**

A general description of the facility and the parking needs of the project, local entities, and patrons that the proposed facility will serve. Any written support (letters, etc.) that you wish to supply in support of this statement should be attached

**HISTORIC DISTRICT WORK**

If you are working in a historic district or on a designated landmark, you should consult with the appropriate historic or architectural commission. Visit [boston.gov/landmarks](http://boston.gov/landmarks) before starting any work.

**APPLICATION FOR MODIFICATION OF PARKING FREEZE PERMIT #8.1  
STATEMENT OF NEED**

On December 12, 2006, the garage at 35 Lomasney Way (known as the Garden Garage) received Permit #8.1 from the Air Pollution Control Commission (APCC). The permit allowed for a total of 710 parking spaces, with 410 of the spaces as commercial/public spaces and 300 residential/private/exempt. Spaces considered exempt are defined in Condition 5 of the permit.

In February 2016, the Boston Planning and Development Agency ("BPDA") Board approved a new project on the Site consisting of a 470-unit residential building with supporting retail and common area and accessory parking (the "Project"). The Project replaces the above-grade parking garage with a new approximately 775-space below-grade parking facility. The above-grade garage was demolished last year; the new garage is expected to open in December 2020.

Parking for the Project will be as follows:

<b>Total Residential Units</b>	470
<b>Total BPDA Approved Parking Spaces</b>	775
<b>Total Project Parking Spaces</b>	773
<b>Total Public (APCC) Parking Spaces</b>	410
<b>Total Parking Spaces Accessory to Residential</b>	125
<b>Total Exempt Building Employee/Service Parking Spaces</b>	16
<b>Other Exempt Spaces (per Condition #5 of Permit 8.1)</b>	222
<b>Total Exempt Spaces (residential/private/exempt)</b>	363

After construction of the Project, the number of exempt spaces (residential/private/exempt) will increase from 300 to 363. This increase is a result of creating additional spaces that are accessory to the new residential use on the Site.

## **Modification of Permit # 8.1- 35 Lomasney Way Supplemental Information Submission**

**Statement of Need.** Since the 1970s, the Garden Garage has provided much-needed parking for residents, visitors and employers in the West End.

- The 410 commercial spaces, allowed under Permit #8.1 and to be replaced in kind, are a critical part of the neighborhood’s ability to accommodate demand for sporting and entertainment events at the TD Garden; indeed, these spaces are fully utilized on any date on which Garden events are held. During the day, they heavily used as short-term commercial parking for patients and visitors to MGH, Mass Eye & Ear, and affiliated medical offices, as well as for patrons of area retail and restaurant businesses.
- The reconstructed garage will provide 141 APCC-exempt spaces accessory to the new Alcott Tower project. These spaces will be used by residents of the new residential development and for employee/vendor/service parking associated with the development. These spaces are required to comply with the parking ratio approved by the BPDA in 2016.
- As acknowledged in Condition 5 of Permit #8.1, the garage also provides parking for residents of other EQR Buildings (West End Residences, Longfellow Towers) and the abutting Amy Lowell House. Additionally, spaces are leased (on a monthly or longer term basis) to residents and employers within the area delineated in Condition 5. These 222 exempt spaces not only meet the parking demand of EQR’s own residents, but also provide a stable off-street parking alternative for neighboring residents and employers, (in particular, MGH), and alleviate the pressure on resident-permit only spaces the surrounding area.

**Methods for Excluding General Public from Commercial Spaces.** As previously approved in Condition 6 of Permit #8.1, EQR will continue to have parking garage attendants visually track the status of commercial spaces and will put out the “Garage Full: No Public Parking” sign when these spaces are full. Additionally, commercial spaces within the garage will be clearly labeled with a “C” and signage will direct public parkers to park only in those spaces.

**Bicycle and EV Spaces.** The Project was permitted by the BPDA Board in 2016. The TAPA was signed in 2017. Construction began in 2018. Accordingly, neither the City’s 2019 EV Readiness Policy nor BTDA’s 2020 bicycle parking requirements applied to the Project and the garage – which is nearly complete – does not fully incorporate the measures required by these new policies. It would be both practically and financially infeasible to retrofit this facility to meet the subsequently adopted requirements in the context of this permit modification, particularly in light of the delays and expenses engendered by the recent Covid-19 crisis. While full compliance with the new policies cannot be achieved, the Project nonetheless will provide ample bicycle parking and a number of EV spaces. Specifically:

- There will be 430 private, secure (indoor) bicycle spaces for resident use and 22 outdoor short-term, visitor bicycle parking spaces.

- The garage contains 36 EV charging stations, distributed on three floors of the garage. EQR notes that while additional EV capacity cannot be added as doing so would require the installation of an entirely new electrical vault and system, it is working with its parking consultant to evaluate how it can enhance EV charging options within the limitations of the current system.



12/17/2016 6:25:26 PM

DOWNTOWN PARKING FREEZE  
35 LOMASNEY WAY | BOSTON, MA | 12.17.16

RES	RESIDENTIAL SPACES	0/125
CO	COMMERCIAL SPACES	49/410
EX	EXEMPT SPACES	0/222
EM	EMPLOYEE / SERVICE SPACES	16/16

ELKUS | MANFREDI  
ARCHITECTS

125 DRYDOCK AVENUE  
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Tel: 617.426.1300



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35 Lomasney Way  
Boston, MA

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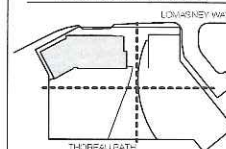
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CONSTRUCTION DOCUMENTS



PROJECT NUMBER: 08046

DATE: AUGUST 4, 2017

REVISIONS

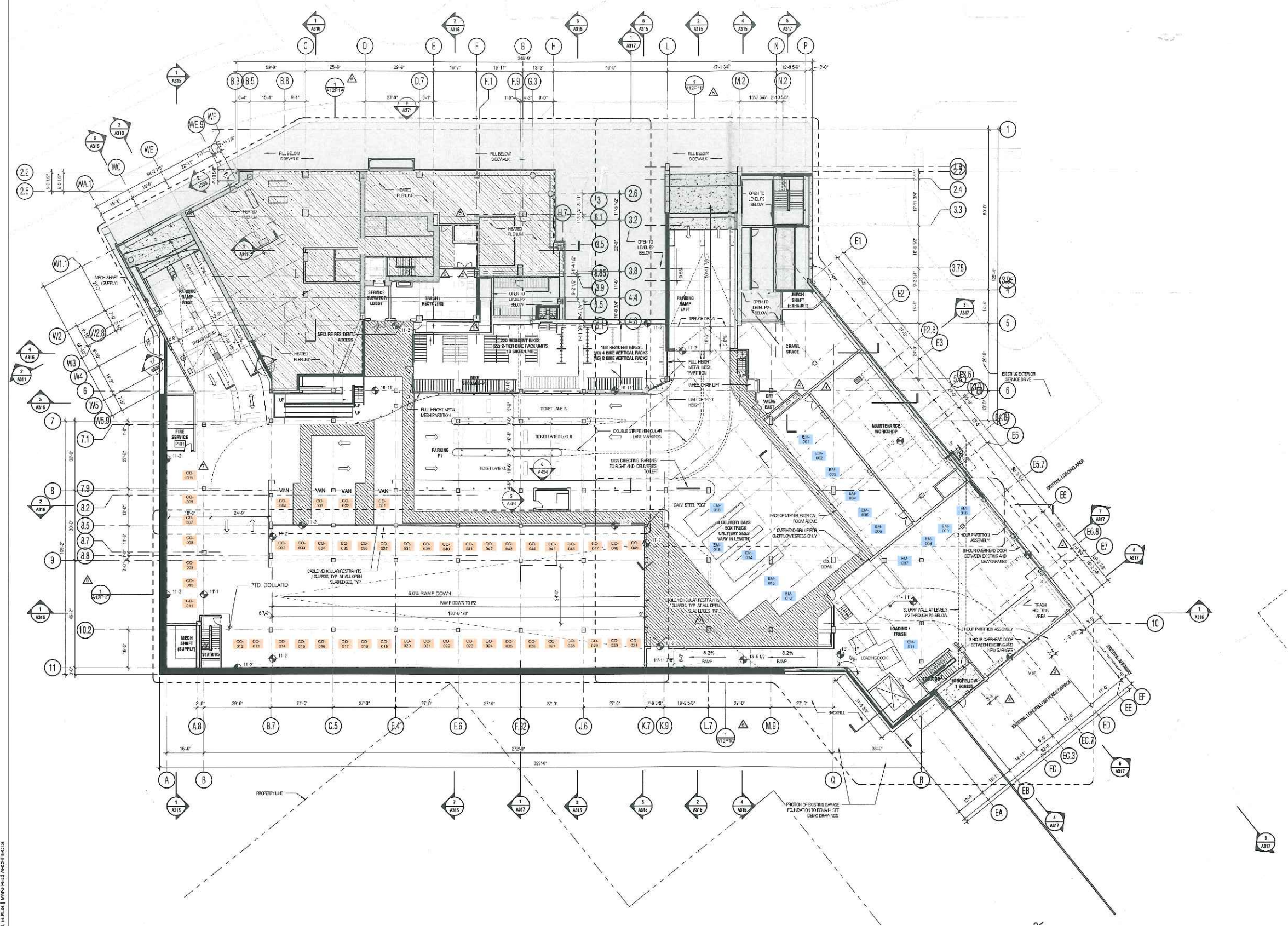
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2	Addendum 02	10/26/2017
3	Bulletin 17	06/10/2018
4	Bulletin 7	06/07/2018
5	Bulletin 13	07/23/2018
6	Bulletin 10	08/10/2018
7	Bulletin 20	11/12/2018

SCALE: 1/16" = 1'-0"

DRAWING NAME:  
LEVEL P1  
OVERALL FLOOR  
PLAN

DRAWING NUMBER:

A11P1



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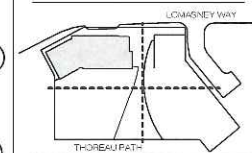
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CONSTRUCTION DOCUMENTS



PROJECT NUMBER 08046

DATE AUGUST 4, 2017

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2	Bulletin 19	08/10/2018
3	Bulletin 29	11/12/2018

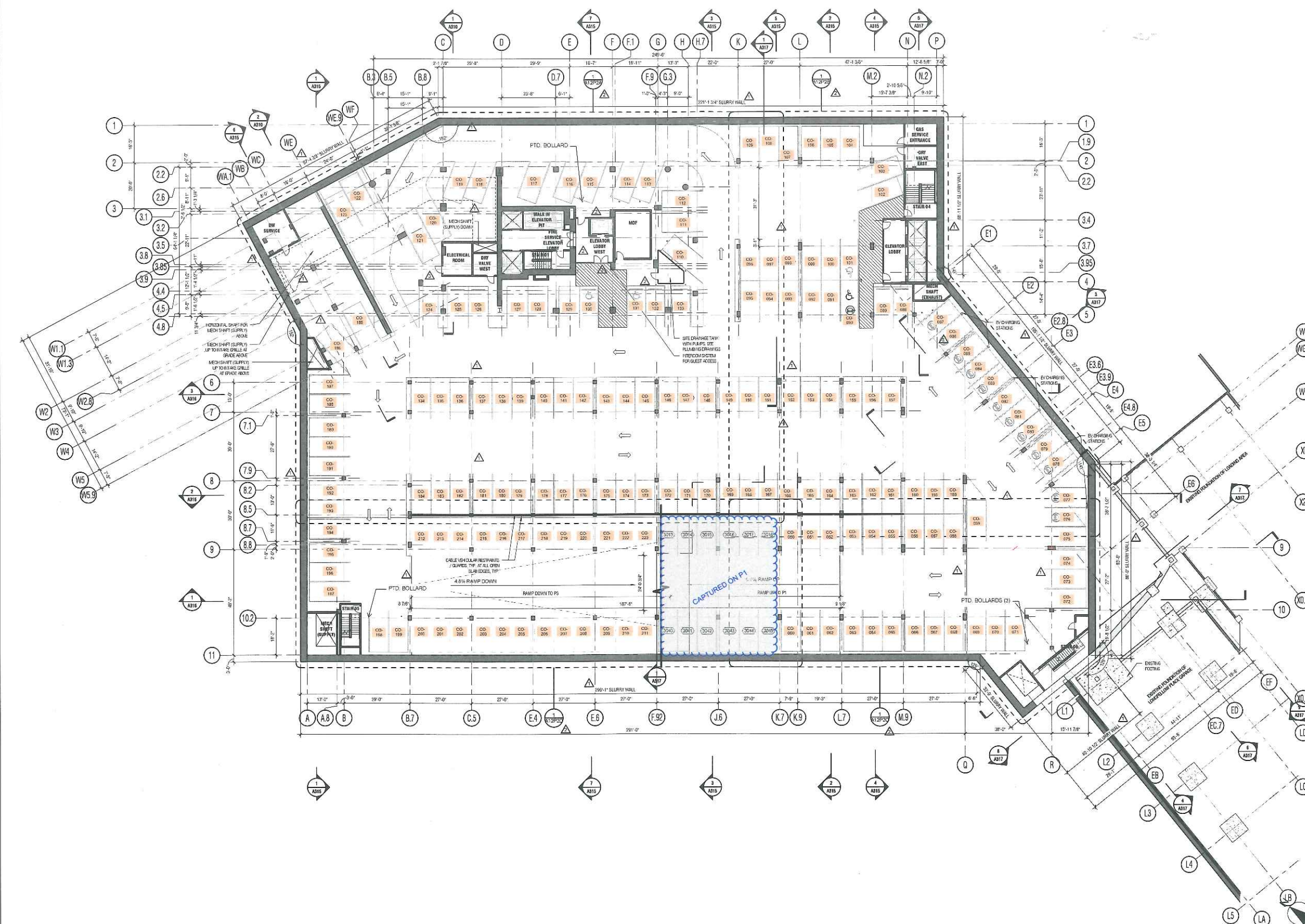
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DRAWING NAME  
LEVEL P2  
OVERALL FLOOR PLAN

DRAWING NUMBER

A11P2

RESIDENTIAL SPACES	0/125
COMMERCIAL SPACES	174/410
EXEMPT SPACES	0/222
EMPLOYEE / SERVICE SPACES	0/16



12/17/2016 9:27:02 PM

### DOWNTOWN PARKING FREEZE 35 LOMASNEY WAY | BOSTON, MA | 02110

RESIDENTIAL SPACES.....	0/125
COMMERCIAL SPACES.....	182/410
EXEMPT SPACES.....	0/222
EMPLOYEE / SERVICE SPACES.....	0/16

**ELKUS | MANFREDI**  
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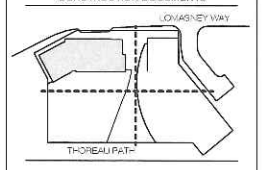
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#### CONSTRUCTION DOCUMENTS



PROJECT NUMBER: 08046

DATE: AUGUST 4, 2017

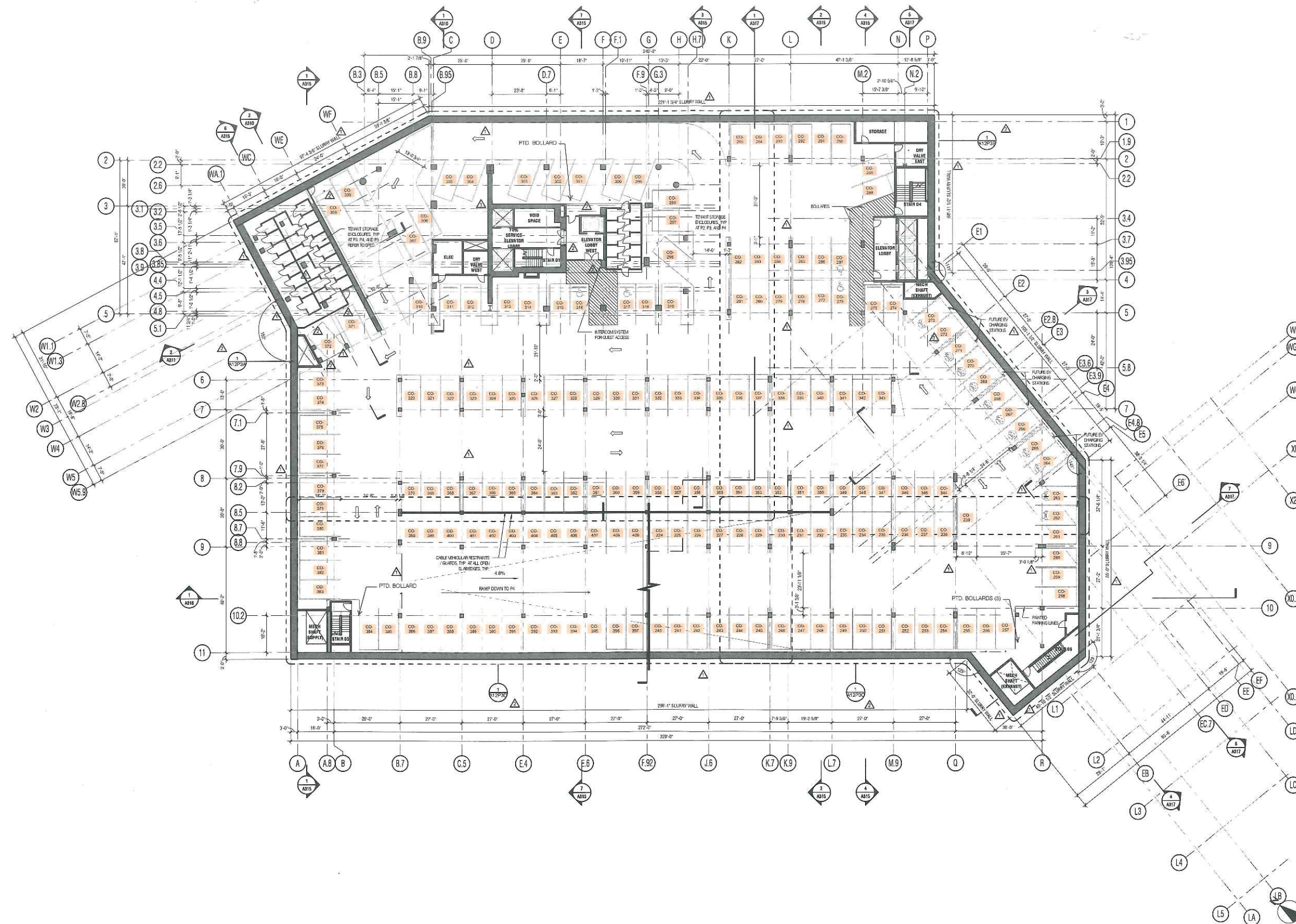
REVISIONS		
1	Bulletin 12	05/04/2019
2	Bulletin 13	08/10/2019

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DRAWING NAME  
LEVEL P3  
OVERALL FLOOR  
PLAN

DRAWING NUMBER

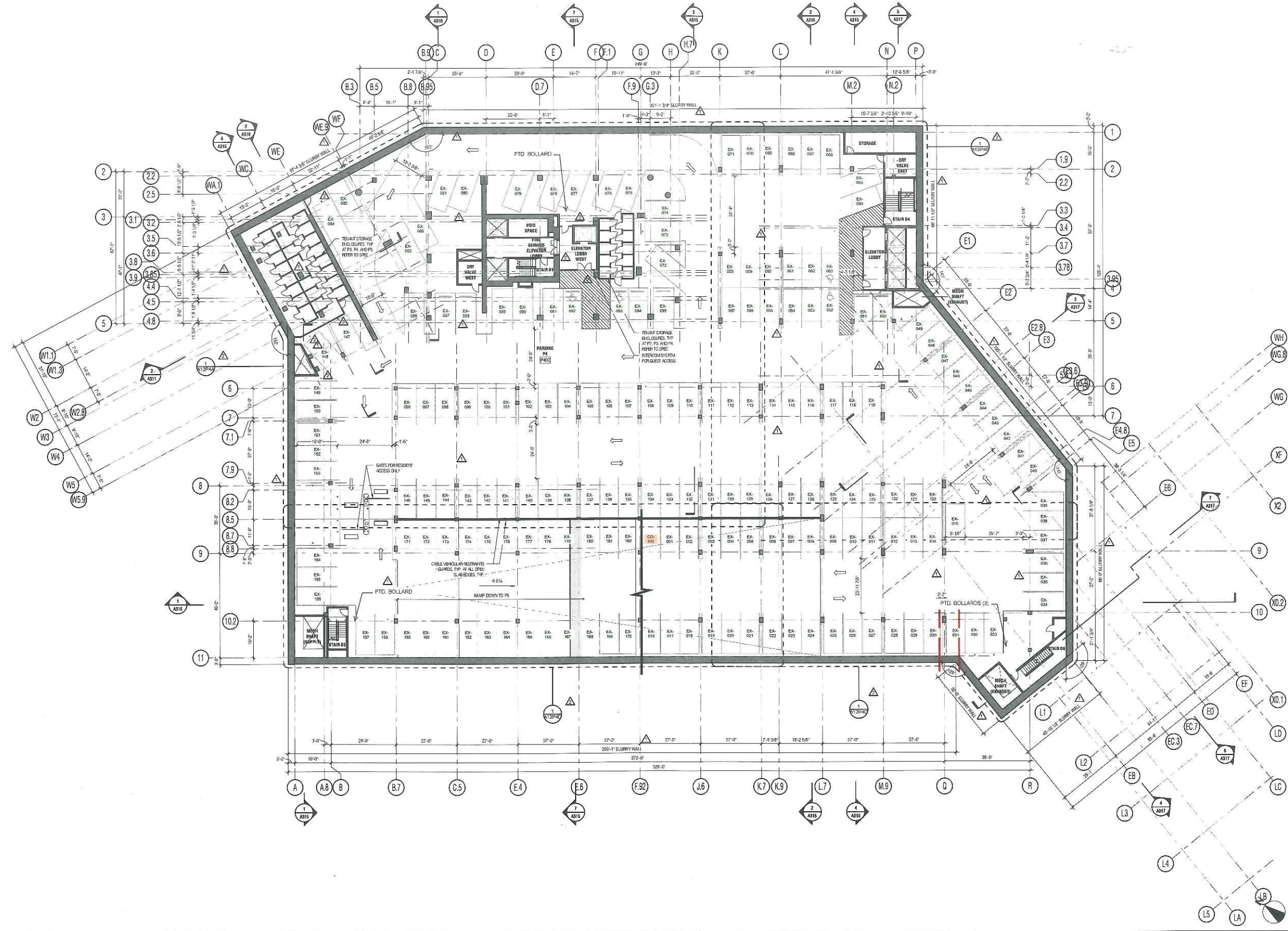
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12/17/2018 5:29:28 PM

DOWNTOWN PARKING FREEZE  
35 LOMASNEY WAY | BOSTON, MA | 12.17.18

RESIDENTIAL SPACES.....	0/125
COMMERCIAL SPACES.....	14/10
EXEMPT SPACES.....	182/222
EMPLOYEE / SERVICE SPACES.....	0/16



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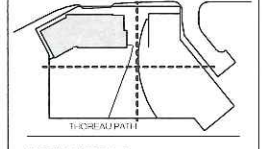
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CONSTRUCTION DOCUMENTS



PROJECT NUMBER 08046

DATE AUGUST 4, 2017

REVISIONS:

1	Bulletin 12	05/04/2018
2	Bulletin 19	08/10/2018

SCALE 1/16" = 1'-0"

DRAWING NAME  
LEVEL P4  
OVERALL FLOOR PLAN

DRAWING NUMBER

A11P4

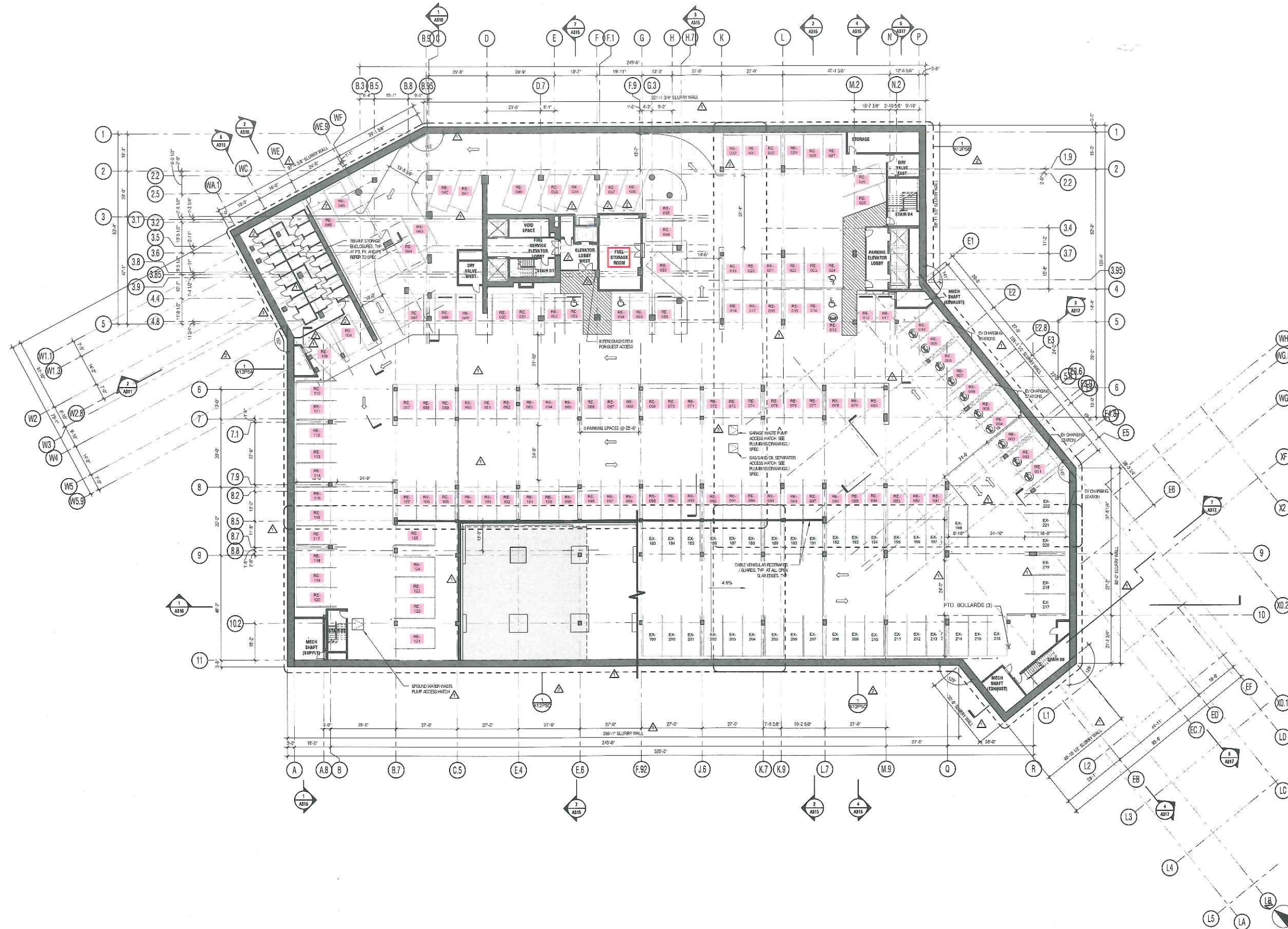
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FUEL STORAGE TANK SUMMARY

2,000 GALLON FUEL STORAGE TANK.....LEVEL P5  
(LEVEL SHOWN)  
120 GALLON EMERGENCY GENERATOR DAY TANK.....ROOF LEVEL

DOWNTOWN PARKING FREEZE  
35 LOMASNEY WAY | BOSTON, MA | 12.17.18

RESIDENTIAL SPACES.....125/125  
COMMERCIAL SPACES.....0/410  
EXEMPT SPACES.....40/222  
EMPLOYEE / SERVICE SPACES.....0/16



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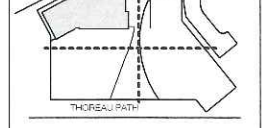
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CONSTRUCTION DOCUMENTS



PROJECT NUMBER 08046

DATE AUGUST 4, 2017

REVISIONS table with columns for revision number, description, and date.

SCALE 1/16" = 1'-0"

DRAWING NAME  
LEVEL P5  
OVERALL FLOOR PLAN

DRAWING NUMBER

A11P5