

DRAFT
JFK CROSSING
(420 Harvard Street)
PROPOSED WAIVER LIST
T-5 and L-1.0 Zoning Districts
~~Revised December 1, 2016~~
Revised Dec. 9, 2016

This draft

- eliminates waivers from Uses that applicant does not need or want (deleted).
- Highlights additional waivers from Applicant (yellow)
- eliminates waivers the Commissioner deemed Not Applicable (deleted).
- reflects the Board's vote (denials are crossed-out)
- indicates waivers that the Board will continue to discuss (shaded cells)

NOTES FROM BUILDING DEPARTMENT

1. The project consists of two abutting lots in different zoning districts. The 420 Harvard lot is in the L-1.0 district; the 49 Coolidge lot is in the T-5 district.
2. The waiver requests are based on two separate parcels not one merged parcel.
3. The project's two parcels will be placed in common ownership after a building permit is issued; it is recommended that the ZBA place a condition requesting proof of common ownership. (MHP has purview of site control.)
4. Placing the lots in common ownership does not automatically eliminate the lot line shared by the two parcels. In addition, the two distinct zoning districts will remain whether or not the lot line is eliminated. Eliminating the lot line would trigger new waivers and eliminate some of those in this list. Because the two zoning districts will remain, the Applicant has determined that is easier to retain the shared lot line after the parcels are placed in common ownership.
5. Dwelling units in L-1.0 districts must comply with the open space requirement
6. When a business district abuts a T-district
7. The proposed plan for the T-5 lot falls under the category "Any other structure or principal use" in Zoning By-Law Table 5.01.
8. Because the project is a on a corner lot, the applicant may designate rear and side yards. This designation is indicated on the Waiver Key site plan, which accompanies this Waivers List.

Brookline By-Laws

Bylaw Section	Requirement	T-5 (49 Coolidge) Requested Waiver(s)	L-1.0 (420 Harvard) Requested Waiver(s)	Details of Proposal Requiring Waiver	Waiver Number 0.1 pertains to Coolidge 0.2 pertains to Harvard
§3.02	Boundary of District	Waiver of special permit in gross floor area calculation under M.G.L. c.40B, rather than under §3.02.	Waiver of special permit in gross floor area calculation under M.G.L. c.40B, rather than under §3.02.	The Development is a multi-family housing and commercial development under M.G.L. c.40B, so the gross floor area calculation requirements are governed by the comprehensive permit.	A.1 A.2
§4.07 & Table 4.07	Educational Uses	n/a	Waiver to allow office uses under M.G.L. c.40B, rather than under Table 4.07 Uses 17	The Development is a multi-family housing and commercial development under M.G.L. c.40B, so the educational uses requirements are governed by the comprehensive permit.	AB.2
§4.07 & Table 4.07	Office Uses	Waiver to allow office uses under M.G.L. c.40B, rather than under Table 4.07. Uses 20, 21	Waiver to allow office uses under M.G.L. c.40B, rather than under Table 4.07. Uses 20A	The Development is a multi-family housing and commercial development under M.G.L. c.40B, so the office uses requirements are governed by the comprehensive permit. Under 5000 sf	B.1 B.2
§4.07 & Table 4.07	Automotive Service Uses	Waiver to allow residential and non-residential parking garage or parking area under M.G.L. c.40B, rather than under Table 4.07. Uses 22, 22A, 23, 24	Waiver to allow residential and non-residential parking garage or parking area under M.G.L. c.40B, rather than under Table 4.07. Uses 22A	The Development is a multi-family housing and commercial development under M.G.L. c.40B, so the parking garage and parking area requirements are	C.1 C.2

				governed by the comprehensive permit.	
§4.07 & Table 4.07	Retail and Consumer Uses	Waiver to allow retail and consumer uses under M.G.L. c.40B, rather than under Table §4.07. Uses 29-32, 33, 35, 36, 36A	Waiver to allow retail and consumer uses under M.G.L. c.40B, rather than under Table §4.07. Uses 32A, 33, 35, 36, 36A, 38C,	The Development is a multi-family housing and commercial development under M.G.L. c.40B, so the retail and consumer use requirements are governed by the comprehensive permit. Under 5000 sf	D.1 D.2
§4.07 & Table 4.07	Communication	n/a	Waiver to allow communication uses under M.G.L. c.40B, rather than under Table 4.07. Uses 40C	The Development is a multi-family housing and commercial development under M.G.L. c.40B, so the communication uses requirements are governed by the comprehensive permit.	DB.2
§4.08	Affordable Housing Requirements	Waiver to allow affordable housing requirements under M.G.L. c.40B, rather than under §4.08.	Waiver to allow affordable housing requirements under M.G.L. c.40B, rather than under 4.08.	The Development is a multi-family housing and commercial development under M.G.L. c.40B, so the affordable housing requirements are governed by the comprehensive permit.	E.1 E.2
§5.07	Dwelling in Business District	n/a	Waiver to allow usable open space, side and rear yard, and floor area ratio requirements under M.G.L. c.40B, rather than under 5.07.	The Development is a multi-family housing and commercial development under M.G.L. c.40B, so the dimensional and floor area ratio requirements are governed by the comprehensive permit.	F.2
§5.09	Design Review	Design Review requirements not applicable under M.G.L.	Design Review requirements not applicable under M.G.L.	Comprehensive Permit, as may be granted by Zoning Board of	G.1 G.2

		c. 40B, except §5.09 3.c.2 – existing conditions plan; 3.c.3 – drawing of proposal; 4.f – storm water drainage; 4.g – utility service; 4.h – advertising features; 4.j – safety and security; 4.m – energy efficiency.	c. 40B, except §5.09 3.c.2 – existing conditions plan; 3.c.3 – drawing of proposal; 4.f – storm water drainage; 4.g – utility service; 4.h – advertising features; 4.j – safety and security; 4.m – energy efficiency.	Appeals shall provide all local permits per M.G.L. c. 40B § 20-23.	
§5.10 & Table 5.01	Minimum Lot Size	Waiver to allow minimum lot size requirements under M.G.L. c.40B, rather than under §5.10 & Table 5.01. (5,000 sf.)	n/a	The Development on 49 Coolidge Street is on a 3,105 sf. lot.	H.1
§5.12 & Table 5.01	Lot Area per Dwelling Unit	Waiver to allow lot area per dwelling unit calculation under M.G.L. c.40B, rather than under §5.12 & Table 5.01. (5,000 sf.)	n/a	The Development on 49 Coolidge Street will have 2 residential dwelling units and 1 commercial unit on a 3,105 sf. lot.	I.1
§5.13 & Table 5.01	Lot Width	Waiver to allow lot width requirement under M.G.L. c.40B, rather than under §5.13 & Table 5.01. (50 ft.)	n/a	The Development on 49 Coolidge Street has a lot width of 36 ft.	J.1
§5.20 §5.22 & Table 5.01	Floor Area Ratio	Waiver to allow floor area ration requirement under M.G.L. c.40B, rather than under §5.20 & Table 5.01. (1.0)	Waiver to allow floor area ration requirement under M.G.L. c.40B, rather than under §5.20 & Table 5.01. (1.0)	The Development on 49 Coolidge Street is on a 3,105 sf. lot and will maintain an existing 4,608 sf. gross floor area, with a floor area ratio of approximately 1.48.	K.1 K.2

				The Development on 420 Harvard Street is on a 10,851 sf. lot will have 33,090 sf. gross floor area (excluding parking garage) with a floor area ratio of approximately 3.05.	
§5.30 §5.31 & Table 5.01	Maximum Height of Buildings	Waiver from maximum building height limitations under M.G.L. c.40B, rather than under §5.30 & Table 5.01. (35 ft.)	Waiver from maximum building height limitations under M.G.L. c.40B, rather than under §5.30 & Table 5.01. (40 ft.)	The Development on 49 Coolidge Street will maintain the existing building height. The Development on 420 Harvard Street will have a maximum building height of 56 ft. 10 in.	L.1 L.2 <i>Need Commissioner's review of proposed height.</i>
§5.44	Accessory Underground Structures	Waivers from setback requirement for underground structures	Waivers from setback requirement for underground structures	The Development at 420 Harvard will have underground garage below both Harvard and Coolidge lots. There will be parking above the structure on the Harvard lot.	M.1 M.2
§5.45	Traffic Visibility Across Corners	n/a	Waiver from 5.45	structure within the triangular plane, specified in Sec. 5.45, will be constructed at Harvard-Fuller corner	N.2
§5.50 §5.51 & Table 5.01	Front Yard Requirements	Waiver from minimum front yard requirements under M.G.L. c.40B, rather than under §5.50 & Table 5.01. (25 ft.)	Waiver from minimum front yard requirements under M.G.L. c.40B, rather than under §5.50 & Table 5.01. (10 ft.)	The Development on 49 Coolidge Street will maintain the existing front yard setback. The Development on 420 Harvard Street has front yard setbacks of 1.0 ft. on Harvard Street and 3.5 ft. on Fuller Street.	O.1 O.2

§5.54	Exceptions for Existing Alignment	Waiver from existing alignment requirements under M.G.L. c.40B, rather than under §5.54.	Waiver from existing alignment requirements under M.G.L. c.40B, rather than under §5.54.	Any devious from setback modal pattern	P.1 P.2
§5.60 & Table 5.01	Side Yard Requirements	Waiver from minimum side yard requirements under M.G.L. c.40B, rather than under §5.60 & Table 5.01. (20 ft.)	Waiver from minimum side yard requirements under M.G.L. c.40B, rather than under §5.60 & Table 5.01. (20+L/10 ft.)	The Development on 49 Coolidge Street will maintain the existing side yard setbacks. The Development on 420 Harvard Street has side yard setbacks of 1.0 ft. on Harvard Street and 3.5 ft. on Fuller Street.	Q.1 Q.2
§5.64	Side Yards for Non-Dwelling Uses in Business District				R.1 R.2
§5.70 & Table 5.01	Rear Yard Requirements	Waiver from minimum rear yard requirements under M.G.L. c.40B, rather than under §5.70 & Table 5.01. (40 ft.)	Waiver from minimum rear yard requirements under M.G.L. c.40B, rather than under §5.70 & Table 5.01. (10+L/10 ft.)	The Development on 49 Coolidge Street will maintain the existing rear yard setback above grade, and 0.0 ft. rear yard setback in the parking garage below grade. The Development on 420 Harvard Street will have a rear yard setback of 15 ft. to 44 Fuller Street above grade, and 5.0 0 ft. setback in the parking garage below grade.	S.1 S.2
§5.73	Rear Yards for Non-Dwelling Uses in Business District				T
§2.15(3) §5.90 & Table 5.01	Minimum Landscaped Open Space	Waiver from minimum landscaped open space requirements under M.G.L. c.40B, rather than under §2.15(3) ,	Waiver from minimum landscaped open space requirements under M.G.L. c.40B, rather than under §2.15(3) ,	The Development on 49 Coolidge Street is on a 3,105 sf. lot and will maintain 1,405 sf. of landscaped open space	U.1 U.2

		<p>§5.90 & Table 5.01.</p> <p>(Min 30% Landscaped Open Space)</p> <p>(Max 30% Hard Surface Area)</p>	<p>§5.90 & Table 5.01.</p> <p>(Min 20% Landscaped Open Space)</p> <p>(Max 30% Hard Surface Area)</p>	<p>including 1,040 sf. of hard surface areas, with a landscaped open space percentage of approximately 45%, and 74% hard surface areas.</p> <p>The Development on 420 Harvard Street is on a 10,851 sf. lot and will have 1,516 sf. of landscaped open space, including 1,045 sf. of hard surface areas, with a landscaped open space percentage of approximately 14%, and 69% hard surface areas.</p>	
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Waiver V (usable open space removed – not applicable)

Table 6.02	Off-Street Parking Space Requirements	<p>Waiver from minimum off-street parking requirements under M.G.L. c.40B, rather than under Table 6.02.</p> <p>(4 residential & 2 commercial parking spaces under existing bylaws)</p> <p>(4 residential & 2 commercial parking spaces under amended bylaws)</p>	<p>Waiver from minimum off-street parking requirements under M.G.L. c.40B, rather than under Table 6.02.</p> <p>(47 residential & 10 commercial parking spaces under existing bylaws)</p> <p>(39 residential & 10 commercial parking spaces under amended bylaws)</p>	<p>The Development will have 19 off-street residential parking spaces and 8 off-street commercial parking spaces.</p> <p>Parking Ratio Existing Bylaw 19/25 = 0.76 (residential)</p>	<p>W.1 W.2</p>
§6.02.2.f	Off-Street Parking Space Regulations	n/a	<p>Waiver from required off-street parking space for visitors and tradespeople under M.G.L. c.40B, rather than under §6.02.2.f.</p>	0 spaces	X.2

			(10.0%)		
§6.04.2.e	Off-Street Parking Space Regulations	Waiver from design of off-street parking facilities requirements under M.G.L. c.40B, rather than under §6.04.2.e. (25%)	Waiver from design of off-street parking facilities requirements under M.G.L. c.40B, rather than under §6.04.2.e. (25%)	The Development will have 8 compact car parking spaces and 19 standard parking spaces with a percentage of approximately 29.6%.	Y.1 Y.2
§6.04.2.f	Off-Street Parking Space Regulations	Waiver from design of off-street parking facilities requirements under M.G.L. c.40B, rather than under §6.04.2.f. (not sure if it's applicable)	n/a	The Development on 49 Coolidge Street will expand the existing 3 off-street tandem parking spaces to 4 off-street tandem parking spaces, back into a public way in order to leave the property.	Z.1 Z.2
§6.04.4.c	Design of All Off-Street Parking Facilities	n/a	Waiver from design of off-street parking facilities requirements under M.G.L. c.40B, rather than under §6.04. (30 ft. curb cut)	The Development on 420 Harvard Street will have a 52 ft. curb cut.	AA.2
§6.04.5.d §6.04.5.e	Design of All Off-Street Parking Facilities	Waiver from design of off-street parking facilities requirements under M.G.L. c.40B, rather than under §6.04.5. (5 ft. setback)	Waiver from design of off-street parking facilities requirements under M.G.L. c.40B, rather than under §6.04.5. (5 ft. setback)	The Development on 49 Coolidge Street will have 4 off-street tandem parking spaces, with 0.0 ft. side yard setback and 0.0 ft. rear yard setback for the parking garage below grade. The Development on 420 Harvard Street will have 23 off-street parking spaces with 0.0 ft. side yard setback and 0.0 ft. rear yard setback for the parking garage below grade.	BB.1 BB.2

<p>§6.07</p>	<p>Design and Layout of Off-Street Loading Facilities</p>	<p>n/a</p>	<p>Waiver from design of off-street parking facilities requirements under M.G.L. c.40B, rather than under §6.07. (14 ft. height)</p>	<p>The Development on 420 Harvard Street will have 2 off-street loading spaces with 12 ft. in height.</p>	<p>CC.2</p>
<p>§9.00</p>	<p>Enforcement</p>	<p>Variance or waiver requirements of §9.00, Paragraph 1, 2 and 3a-d to the extend the administrative process of the bylaw are inconsistent with or impose restrictions, approvals ore requirements in excess of the relief granted in the Comprehensive Permit.</p>	<p>Variance or waiver requirements of §9.00, Paragraph 1, 2 and 3a-d to the extend the administrative process of the bylaw are inconsistent with or impose restrictions, approvals ore requirements in excess of the relief granted in the Comprehensive Permit.</p>		<p>DD.1 DD.2</p>
<p>§9.00</p>	<p>Enforcement</p>	<p>Variance or waiver to permit required reviews under §9.00, Paragraph 5 to allow the opinion of the Planning Board to be exercised by the Zoning Board of Appeals.</p>	<p>Variance or waiver to permit required reviews under §9.00, Paragraph 5 to allow the opinion of the Planning Board to be exercised by the Zoning Board of Appeals.</p>		<p>EE.1 EE.2</p>
<p>§9.05</p>	<p>Conditions for Approval of Special Permit</p>	<p>Variance or waiver of the procedures and conditions for the granting of special permits to the extent such procedures and conditions are in addition or in excess of the procedures and conditions of the Comprehensive Permit.</p>	<p>Variance or waiver of the procedures and conditions for the granting of special permits to the extent such procedures and conditions are in addition or in excess of the procedures and conditions of the Comprehensive Permit.</p>		<p>FF.1 FF.2</p>
<p>§3.17</p>	<p>Department of Public Works</p>	<p>Waiver from the Department of Public Works site plan approval process, curb</p>	<p>Waiver from the Department of Public Works site plan approval process, curb</p>	<p>Comprehensive Permit, as may be granted by Zoning Board of Appeals shall provide</p>	<p>GG.1 GG.2</p>

		cut procedure, tree removal, and construction and maintenance related parking permits.	cut procedure, tree removal, and construction and maintenance related parking permits.	all local permits per M.G.L. c. 40B § 20-23.	
Town Bylaws §5.3	Demolition	Partial demo?	Not Applicable	Will renovation plans at 49 Coolidge meet threshold for partial demo? 420 Harvard: Certification of Non-Significance issues October 2015	HH.1
Town Bylaws §7.3.2	Construction in Streets				H.1 H.2