**217 Kent Street**
**PROPOSED WAIVER LIST**
**M-1.0 Zoning District**
**October 7, 2019**

**BROOKLINE ZONING BY-LAW**

| Bylaw Section | Requirement | Requested Waiver(s) M-1.0 | Details of Proposal Requiring Waiver | Waiver Number |
|---|---|---|---|---|
| **§4.07 – Table of Use Regulations** | Multi-Family Uses USE 6 | Waiver to allow the property to be used as a multi-family dwelling with accessory parking. | The Development is a multi-family housing development containing 90 rental units on a 28,645± sq. ft. lot. The Comprehensive Permit, as may be granted by Zoning Board of Appeals, shall provide all local permits per M.G.L. c. 40B § 20-23. | A |
| **Sec. 4.08** | Affordable Housing Requirements | Use property for multi-family housing without a special permit and without complying with specific requirements. | The Development is a multi-family housing development under M.G.L. c. 40B and all affordable housing requirements are governed by the Comprehensive Permit. | B |
| **Sec. 4.10** | Floodplain Overlay District | Waiver to allow the construction of a new attached building on a lot that is partially within the Floodplain Overlay District without a special permit. | The Development is a multi-family housing development containing 90 rental units on a 28,645 ± s.f. lot, at the rear of which a small portion is located in the FEMA Zone A 100-year floodplain. The new structure will be located outside of the floodplain. | C |
| **Sec. 5.12 Table §5.01** | Minimum Lot Area Per Dwelling Unit | Waiver to allow more dwelling units than allowed on a 28,645± s.f. lot, or 26 units. | The Development would have 90 total units, 17 units in the existing building and 73 units in a new attached structure. | D |

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| **Sec. 5.20 Table §5.01** | Maximum Floor Area | The Development will exceed the total allowed floor area ratio of 1.0, or 28,645 s.f. | With a total lot area of 28,645± s.f., the Development will have a floor area ratio of approximately 2.77 (79,316± s.f. gross floor area.), not including parking and mechanical areas. <br><br> Existing Building: *20,225 s.f.* <br><br> New Building: <br> *Lower Parking:8,698 s.f.* <br> *(301 s.f. habitable)* <br> *Upper Parking: 9,415 s.f.* <br> *(2,342 s.f. habitable)* <br> *Level 1: 10,004 s.f.* <br> *Level 2: 10,004 sf* <br> *Level 3: 10,004 sf* <br> *Level 4: 10,004 sf* <br> *Level 5: 9,983 sf* <br> *Penthouse: 6,449 sf* | E |
| **Sec. 5.30 Table §5.01** | Maximum Height of Buildings | The maximum allowed height is 40', as measured from the record grade of the street in accordance with Section 5.30.1.a. | The maximum height of the Development will be 67' ± when measured from a grade elevation of 36.25'. | F |

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| **Sec. 5.50 Table 5.01** | Minimum Front Yard | 15' | The existing building is pre-existing non-conforming to the front yard setback requirement, with an existing front yard setback of 11.88'±. This condition is not changing. | G |
| **Sec. 5.60 Table 5.01** | Minimum Side Yard | 10 + L/10<br><br>Requirement: 10 + (210.33'/10) = 31.03' | Provide the following side yard setbacks:<br>• 15.3'±;<br>• 6.9'±. | H |
| **Sec. 5.70 Table 5.01** | Minimum Rear Yard | 30' | Provide a 0.3'± rear yard setback. | I |
| **Sec. 5.90 Table 5.01** | Minimum Open Space (Landscaped) | 10% of gross floor area (7,932± s.f.) | The project will provide 6,050± s.f. in landscaped open space. | J |
| **Sec. 5.91 Table 5.01** | Usable Open Space | 20% of gross floor area (15,863± s.f.) | The project will provide 2,249± s.f. of usable open space. | K |
| **Sec. 5.62** | Fences and Terraces in Side Yards | Fences, hedges or walls not over seven feet high above the natural grade are not subject to side yard setback requirements of Sec. 5.60. | Retaining walls over 7 feet high will be located along both the north and south side property lines. | L |

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| Sec. 5.09 | Design Review | Design Review requirements not applicable under M.G.L. c. 40B, excluding landscaping, stormwater and utility, which shall comply. | Comprehensive Permit, as may be granted by Zoning Board of Appeals shall provide all local permits per M.G.L. c. 40B § 20-23. | M |
| Section 6.02 | Off-Street Parking Space Regulations | Parking Requirements in the Transit Parking Overlay District: 1 space per studio unit, 1.4 spaces per one-bedroom unit, and 2 spaces per every two-and three-bedroom unit<br><br>Number of spaces required = 122 | Waiver to allow 0.5 space/unit (44 spaces total for 90 units). | N |
| Section 6.04.2.c | Design of All Off-Street Parking Facilities | Waiver from the minimum parking aisle width requirement of 23 feet. | Waiver to allow for a minimum parking aisle width of ±21 feet. | O |
| Section 6.04.4.b | Design of All Off-Street Parking Facilities | Waiver from the minimum entrance and exit drive width requirement of 20 feet for two-way use. | Waiver to allow for a two-way driveway minimum width of ±15'4" and a garage entrance width of 10'. | P |

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| **Section 6.04.5.b** | Design of All Off-Street Parking Facilities | The surfaced area of all entrance and exit drives shall be set back a minimum of 10 feet from street lot lines and 5 feet from all other lot lines. | The entrance and exit drive will have a 0' setback from the side lot line. | Q |

**BROOKLINE GENERAL BY-LAWS**

| Bylaw Section | Requirement | Requested Waiver(s) | Details of Proposal Requiring Waiver | Waiver Number |
|---|---|---|---|---|
| **Sec. 5.3** | Demolition Delay By-law | Waiver from the Preservation Commission requirements to demolish buildings in Brookline. | Comprehensive Permit, as may be granted by Zoning Board of Appeals, shall provide all local permits per M.G.L. c. 40B § 20-23. | R |

**In addition, the Applicant seeks such additional relief as may be necessary to conform the relief sought to the plans filed with this Application, as amended from time to time. Included within the relief sought are all ancillary, subsidiary, usual, customary or necessary permits in lieu of which the Board of Appeals may grant a Comprehensive Permit to the extent necessary to conform the relief granted to the plans submitted herewith, as amended.**