

**500 HARVARD STREET**  
**WAIVER LIST BROOKLINE BY-LAWS**  
**Zoning District L-1.0**

Revised March 2021

Bylaw Section	Requirement	Requested Waiver(s) L-1.0	Details of Proposal Requiring Waiver	Waiver Number
§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.	A
§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.	B
§5.20 & Table §5.01	Maximum Floor Area	Waiver from maximum ratio of gross floor area to lot area. (1.0 in L-1.0 District).	The Development is on a 6,871+/- s.f. lot and the buildings will have 30,345 gross s.f., for a total floor area ratio of approximately 4.4, (this number excludes 2,169 s.f. of parking area).	C
§5.30-5.31 & Table §5.01	Maximum Height of Buildings	Waiver from maximum building height limitations. (40 ft. in L-1.0 District).	The height of the Development will exceed the 40' height limit, as the building will be 69'+/- .	D
§5.50 & Table §5.01	Minimum Front Yard (Harvard Street)	Waiver from 10' minimum front yard requirement.	The Development has two front yards and will have a minimum front yard setback of 0' along Harvard Street.	E
§5.50 & Table §5.01	Minimum Front Yard (Kenwood Street)	Waiver from 10' minimum front yard requirement.	The Development has two front yards and will have a minimum front yard setback of 0' along Kenwood Street.	F
§5.50 & Table §5.01	Minimum Front Yard Setback for Garage Entrance	Waiver from the 20' minimum front yard requirement for garages or vehicle passageways.	The garage entrance will be recessed 13'-6" from the building's façade along Kenwood Street and setback 17'-5" from the property line.	G

<b>§5.07, §5.60 &amp; Table §5.01</b>	Minimum Side Yard (Harvard)	Waiver from 18' minimum side yard requirement (10' + L/10').	The side yard setback for the Development will be 0'. This is a corner lot where the side lot line will be that shared with 514 Harvard Street.	H
<b>§5.07, §5.70 &amp; Table §5.01</b>	Minimum Rear Yard (Kenwood)	Waiver from 30' minimum rear yard requirement.	The Development will have a minimum rear yard setback of 3'. This is a corner lot where the side lot line will be that shared with 9 Kenwood Street.	I
<b>§5.62</b>	Maximum Fence Height Side Yard	Waiver from the maximum fence/terrace requirement of 7' in the side yard.	The Development may have a fence along the side lot line that is 8 feet tall.	J
<b>§5.52</b>	Maximum Fence Height Front Yard	Waiver from the maximum fence/terrace requirement of 7' in the front yard.	The Development may have a fence within the 18' front yard setback that is 8 feet tall.	K
<b>§5.74</b>	Maximum Fence Height Rear Yard	Waiver from the rear yard maximum fence/terrace requirement of 7'.	The Development may have a fence along the side lot line that is 8 feet tall.	L
<b>§2.15(3), §5.90 &amp; Table §5.01</b>	Minimum Landscaped Open Space	Waiver from minimum landscaped open space requirements under M.G.L. c.40B, rather than under §2.15(3), §5.90 & Table 5.01.	Approximately 350 square feet of landscaped area to be provided.	M
<b>§5.07, §5.91 &amp; Table §5.01</b>	Minimum Usable Open Space	Waiver from the usable open space requirement of 3,947 s.f. (20% of residential gross floor area).	Due to the minimum dimension being 15' for usable open space, the Development will have 0 square feet of usable open space to meet the requirement.	N
<b>§6.02, Table §6.02</b>	Off-Street Parking Space Regulations	Waiver from the required 50 residential parking spaces.	The Development will have a total of 10 parking spaces using stackers, two will be accessible.	O
<b>§6.02.2.f</b>	Required parking spaces for use by visitors and tradespeople.	Waiver from the required 5 visitor/tradespeople parking.	The Development will have a total of 10 parking spaces using stackers, two will be accessible.	P

<b>§6.04</b>	Design of All Off-Street Parking Facilities	The applicant requests a waiver from this section to allow the parking garage and associated parking spaces to be built in conformance to the Plan Set of Record.	The Development's parking design is shown on the plan labeled Ground Floor Plan 8 of the 10 parking spaces will be automated lift spaces.	Q
<b>§6.06</b>	Off-Street Loading Regulations	Waiver from the provision of an off-street loading bay.	The development will provide no off-site loading bay.	R
<b>§3.17</b>	Department of Public Works – Tree Removal Permit Process	Waiver from the Department of Public Works.	Comprehensive Permit, as may be granted by Zoning Board of Appeals shall provide all local permits per M.G.L. c. 40B § 20-23.	S
<b>Demolition Delay Bylaw</b>	Demolition Delay	Waiver from Preservation Commission review to protect and preserve Significant Buildings.	The existing structure will be demolished with this proposal. Comprehensive Permit, as may be granted by Zoning Board of Appeals, shall provide all local permits per M.G.L. c. 40B § 20-23.	T