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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 8, 2017

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Frank Stearns, Attorney
Chestnut Hill Realty, Applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to amend Board Order 102-06(12) to allow off-site fulfilment of the inclusionary housing provisions**

Applicant: Chestnut Hill Realty	
Site: Lot H-1, LaGrange Street	SBL: 82037 0095
Zoning: MR3	Lot Area: 640,847 square feet
Current use: 88-unit multi-family dwelling	Proposed use: No change

BACKGROUND:

The subject property is a large parcel located on LaGrange Street within the Kessler Woods subdivision created in 2004 and recorded in 2005. Special permit Board Order #102-06(16) allows for construction of an 88-unit multi-family residential building. Condition #2 of the board order requires that the 15% Inclusionary Zoning requirement of Section 5.11.4 be met on the project site. The applicant seeks an amendment to this condition to allow the requirement to be met off-site per Section 5.11.6.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Franklin Stearns, K & L Gates, attorney, submitted 4/25/2017
- Board Order #102-06(12), dated 11/17/2014
- Board Order #102-06(15), dated 4/21/2015

ADMINISTRATIVE DETERMINATIONS:

1. Condition #2 of Board Order #102-06(15) requires that the 88-unit multi-family dwelling provide 13 deed restricted inclusionary housing units on site, as shown on the approved plans. These 13 units include six units at 50% of area median income; six units at 80% are a median income; and one unit at 65% of area median income.

Section 5.11.6 states that the inclusionary units required in Section 5.11.4 may be met by providing units off-site where an applicant has entered into an agreement with a non-profit housing development organization. The applicant has entered into an agreement with B'nai B'rith Housing, a non-profit providing affordable housing opportunities to seniors, to accommodate the required affordable housing units for the Kessler project at 219 Commonwealth Avenue, an existing 29-unit multi-family dwelling built in 1899 to be rehabilitated. The rehabilitation of 219 Commonwealth Avenue will be by right and limited to improvements to the existing units and common areas of the building, with no changes, extension, enlargement or reconstruction of the existing nonconforming building or use. All 29 of the units will be permanently income and rent restricted.

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§5.11.4, §5.11.6	To amend Board Order #102-06(15) to allow for the provisions of the Inclusionary Housing requirements to be met off-site	Amend Board Order #102-06(15)