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ZONING REVIEW MEMORANDUM

Date: June 18, 2018

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Frank Stearns, Attorney
Kessler Woods LLC and 219 Comm LLC, Applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

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

Applicant: Kessler Woods LLC and 219 Comm LLC	
Site: 200 Estate Drive and 219 Commonwealth Ave	SBL: 82037 0095 and 63008 0019
Zoning: MR3 and MR1	Lot Area: 640,847 square feet and 10,347 square feet
Current use: 88-unit multi-family dwelling, 28-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(15) allows for construction of an 88-unit multi-family residential building, known as Hancock Estates. 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 a portion of 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, 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% area median income; and one unit at 65% of area median income.

The petitioner proposes to provide nine inclusionary units at Hancock Estates, and to provide the remaining four of the required 13, plus an additional 24 units at 219 Commonwealth Avenue. The Development Plan for 219 Commonwealth Ave consists of four two-bedroom required inclusionary units from Hancock Estates, five units at or below 80% AMI, and 19 workforce units. The proposal will result in five additional voluntary affordable units and a net additional 24 units that could qualify for the State’s Subsidized Housing Inventory.

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. 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 28 of the units will be permanently income and rent restricted.

The existing building and parking area are both legally nonconforming. The proposed project does not alter the exterior of the building, does not increase the number of units (the number of units decreases from 29 to 28), nor does it alter the parking area in any way. The proposes changes do not increase the parking demand.

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)