

**THE RESIDENCES OF SOUTH BROOKLINE
PROPOSED WAIVER LIST
December 8, 2014**

Brookline Zoning Bylaws						
Bylaw Section	Requirement	Applicable District(s)	Lot(s) Affected	Requested Waiver(s)	Details of Proposal Requiring Waiver	Waiver No.
§4.04	Limitation of Area of Accessory Uses	S-7; M-0.5	W, E1, E2, E3	Waiver to allow accessory uses (parking) within front and side setback areas.	The Development will include parking within required setback areas.	A
§4.07(6) – <i>Table of Use Regulations</i> and §4.08	Multifamily Uses	S-7	W, E1, E2, E3	Waiver to allow multifamily uses within the S-7 zoning district. Special permit and local affordability requirements inapplicable.	The Development is a multifamily housing development containing 12 buildings and 161 dwelling units, of which 10 “infill” buildings and 52 dwelling units will be located in the S-7 zoning district. ¹ The Comprehensive Permit, as may be granted by Zoning Board of Appeals, shall provide all local permits per M.G.L. c. 40B.	B
§4.07(22) and (55) – <i>Table of Use Regulations</i>	Residential Parking Areas	S-7; M-0.5	W, E1, E2, E3	Waivers to allow residential parking garages or parking areas with more than three spaces as a secondary use for storage of vehicles of residents on other lots in excess of 1,400’ distant.	The Development’s parking spaces will be available to all of its residents, regardless of whether such residents live on the same lot, and regardless of the distance between the relevant parking space and lot.	C
§5.03	Spacing of Residential Uses on the Same Lot	S-7	E3	Waiver to allow construction of two or more main residential buildings without providing front, side, and rear yards between each building.	As shown on the Waiver Plan, in one location on the Site, Building 9 will be located approximately 28’ from Building 10, within the required front yard of Building 10.	D
§5.04(1)	Residential Building on Rear of a Lot	S-7	E3	Waiver to allow residential buildings located on the rear of the lots to have less than an 80’ rear yard.	As shown on the Waiver Plan, in one location on the Site, Building 9 will be located approximately 28’ from Building 10, within the required rear yard of Building 9.	E
§5.09	Design Review	S-7; M-0.5	W, E1, E2, E3	Design Review requirements not applicable under M.G.L. c. 40B.	Comprehensive Permit, as may be granted by Zoning Board of Appeals, shall provide all local permits per M.G.L. c. 40B.	F

¹ Building 3 will technically be located within the portion of Lot W located within the M-0.5; however, for purposes of evaluating zoning compliance, the more restrictive use and dimensional regulations applicable in the S-7 have been applied to Building 3.

§5.10, §5.12, and Table 5.01	Minimum Lot Size, Minimum Lot Area Per Dwelling Unit	M-0.5	E2	Waiver from minimum lot size of 3,000 sf for first dwelling unit and 2,000 sf for each additional dwelling unit.	On Lot E2, the Development will have a lot size of approximately 89,266 sf within the M-0.5 District, allowing 44 total units under the bylaw requirements. The Development will include approximately 109 units within the M-0.5 District on Lot E2. The entire development will have a lot size of approximately 379,933 sf, allowing a total of 189 units (161 units are proposed).	G
§5.20 and Table 5.01	Maximum FAR	S-7 M-0.5	E1 E2	Waiver from maximum ratios of gross floor area to lot area (0.5 in M-0.5 district and 0.35 in the S-7 District).	On Lot E-1 the development will have a FAR of approximately 0.51. With respect to the portion of Lot E-2 within the M-0.5 District, the apartment building will have a gross floor area of approximately 128,019 sf and a lot size of approximately 89,266 sf, resulting in an FAR of approximately 1.44. The entire Development will have an FAR of approximately 0.57.	H
§5.30-5.32 and Table 5.01	Maximum Height of Buildings	S-7 M-0.5	W, E1, E2	Waiver from maximum building height limitations, as calculated pursuant to Sections 5.30-5.32. ²	On Lot W, Building 3 will have a height of approximately 199.83', which is approximately 0.57' over the allowed height of approximately 199.26'. On Lot E1, Building 5 will have a height of approximately 199.33', which is approximately 0.93' over the allowed height of approximately 198.40'. On Lot E2, Building 7 will have a height of approximately 211.33', which is approximately 2.48' over the allowed height of approximately 208.85'. Building 12 will have a height of approximately 237.4', which is approximately 21.1' over the allowed height of approximately 216.3'.	I

² See separate "Building Height Calculation Plan" prepared by Stantec dated November 20, 2014. All height measurements provided in this table represent the building's elevation above the Brookline Town Base Elevation.

§5.50 and Table 5.01	Minimum Front Yard ³	S-7; M-0.5	W, E1, E2, E3	Waiver from 30' minimum front yard requirement.	Minimum 19'6" setback provided for Building 4. Minimum 22' setback provided for Building 5. Minimum 8' setback provided for Building 12. Minimum 3' setback provided for Building 9.	J
§5.55	Front Yard for Rear Lot	S-7	W	Waiver to allow less than required front yard depth for building located on rear lot.	Building 3 will be set back approximately 1' from lot line parallel to Independence Drive	K
§5.60, §5.62 and Table 5.01	Minimum Side Yard ³	M-0.5	E2	Waiver from minimum side yard requirement of 10 + L/10 (where "L" is the dimension of that portion of the wall required to be set back from the side lot line).	Minimum 10' setback provided for Building 12.	L
		S-7	W, E1, E2, E3	Waiver from minimum side yard requirement of 20' and to allow retaining walls in excess of 7' in height within required side setback areas.	Minimum 2'4" setback provided for Building 1. Minimum 1' setback provided for Building 3. Minimum 4' provided for Building 7. Minimum 5' provided for Building 8. Minimum 6' setback provided for Building 9. Minimum 7'3" setback provided for Building 10. Minimum 10' setback provided for Building 11. Retaining walls within side yards of Buildings 9 and 12 may exceed 7' in height.	M
§5.70 and Table 5.01	Minimum Rear Yard ³	M-0.5	E2	Waiver from 30' minimum rear yard requirement.	Minimum 19' setback provided for Building 12.	N
		S-7	E1, E2, E3, W	Waiver from 40' minimum rear yard requirement.	Minimum 1' setback provided for Building 3. Minimum 1' provided for Building 7. Minimum 1' provided for Building 8. Minimum 14' setback provided for Building 11.	O
§5.91 and Table 5.01	Minimum Usable Open Space	M-0.5	E2	Waiver from the requirement that at least 30% of the gross floor area on each lot will be usable open space.	On Lot E2 within the M-0.5 District, 14,361 sf of Usable Open Space will be provided, which is approximately 11% of the gross floor area of the structure on Lot E2 in the	P

³ Section 5.40 of the Zoning Bylaw allows for a less restrictive interpretation of minimum yard requirements where a structure is not parallel to the lot line; for the sake of clarity, all minimum yard requirements have been applied as if the buildings were parallel to lot lines.

					M-0.5 District.	
§6.02, Paragraph 1, Table of Off-Street Parking Requirements	Number of Parking Spaces per Dwelling Unit	M-0.5	E2	Waiver from the requirement to provide 2.0 spaces per 1 and 2 bedroom unit and 2.3 per 3-bedroom units.	On Lot E2 in the M-0.5 District, the Development will provide 1.26 parking spaces per 1 or 2-bedroom dwelling unit. .	Q
§6.04.5.c.4	Parking area setback	S-7	W, E1, E2, E3	Waiver from the requirement to setback parking spaces from the front lot line a distance equal to the greater of the required building setback (30') or the average of the setbacks of buildings on adjacent lots on either side.	On all lots within the S-7, parking areas will contain more than six spaces, but will be set back less than 30' from front, side, and rear lot lines.	R

Brookline General Bylaws					
Bylaw Section	Requirement	Lot(s) Affected	Requested Waiver or Waiver	Details of Proposal Requiring Waiver	Waiver No.
§5.10.3.d	Neighborhood Conservation District	W, E1, E2, E3	Waiver from conservation district permit requirements and applicable design standards and restrictions.	Comprehensive Permit as may be granted by Zoning Board of Appeals shall provide all local permits per MGL c. 40B.	S

**THE RESIDENCES OF SOUTH BROOKLINE
PROPOSED PARKING WAIVER LIST
December 4, 2014**

Bylaw Section	Requirement	Applicable District(s)	Requested Waiver(s)	Details of Proposal Requiring Waiver	Waiver No.
LOT W 41 spaces required, 61 provided					
§4.04	Limitation of Area of Accessory Uses	S-7	Waiver to allow accessory uses (parking) within front and side yard setback areas.	Parking spaces will be provided within required setback areas; approximately 4' setback will be provided.	A
§4.07(22) and (55) – <i>Table of Use Regulations</i>	Residential Parking Areas	S-7	Waivers to allow residential parking garages or parking areas as a secondary use with more than three spaces for storage of cars of residents on other lots and in excess of 1,400' distant.	The lot's parking spaces will be available to all residents within the Development, regardless of whether such residents live on the same lot, and regardless of the distance between the relevant parking space and lot.	C
§6.04.5.c.4	Parking area setback	S-7	Waiver from the requirement to setback parking spaces from the front lot line a distance equal to the greater of the required building setback (30') or the average of the setbacks of buildings on adjacent lots on either side.	The lot's parking areas will contain more than six spaces, but will be set back less than 30' feet from front, side, and rear lot lines.	R
LOT E1 32 spaces required, 41 provided					
§4.04	Limitation of Area of Accessory Uses	S-7	Waiver to allow accessory uses (parking) within front and side yard setback areas.	Parking spaces will be provided within required setback areas; approximately 0' setback will be provided.	A
§4.07(22) and (55) – <i>Table of Use Regulations</i>	Residential Parking Areas	S-7	Waivers to allow residential parking garages or parking areas as a secondary use with more than three spaces for storage of cars of residents on other lots and in excess of 1,400' distant.	The lot's parking spaces will be available to all residents within the Development, regardless of whether such residents live on the same lot, and regardless of the distance between the relevant parking space and lot.	C
§6.04.5.c.4	Parking area setback	S-7	Waiver from the requirement to setback parking spaces from the front lot line a distance equal to the greater of the required building setback (30') or the average of the setbacks of buildings on	The lot's parking areas will contain more than six spaces, but will be set back less than 30' feet from front, side, and rear lot lines.	R

			adjacent lots on either side.		
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LOT E2 226 spaces required, 142 provided					
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§4.04	Limitation of Area of Accessory Uses	S-7	Waiver to allow accessory uses (parking) within front and side yard setback areas.	Parking spaces will be provided within required setback areas; approximately 4' setback will be provided.	A
§4.07(22) and (55) – <i>Table of Use Regulations</i>	Residential Parking Areas	S-7; M-0.5	Waivers to allow residential parking garages or parking areas as a secondary use with more than three spaces for storage of cars of residents on other lots and in excess of 1,400' distant.	The lot's parking spaces will be available to all residents within the Development, regardless of whether such residents live on the same lot, and regardless of the distance between the relevant parking space and lot.	C
§6.02, Paragraph 1, Table of Off-Street Parking Requirements	Number of Parking Spaces per Dwelling Unit	M-0.5	Waiver from the requirement to provide 2.0 spaces per 1 and 2 bedroom unit and 2.3 per 3-bedroom units.	On Lot E2, the Development will provide 1.26 parking spaces per dwelling unit. ¹	Q
§6.04.5.c.4	Parking area setback	S-7	Waiver from the requirement to setback parking spaces from the front lot line a distance equal to the greater of the required building setback (30') or the average of the setbacks of buildings on adjacent lots on either side.	The lot's parking areas will contain more than six spaces, but will be set back less than 30' feet from front, side, and rear lot lines.	R

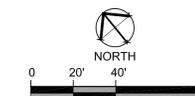
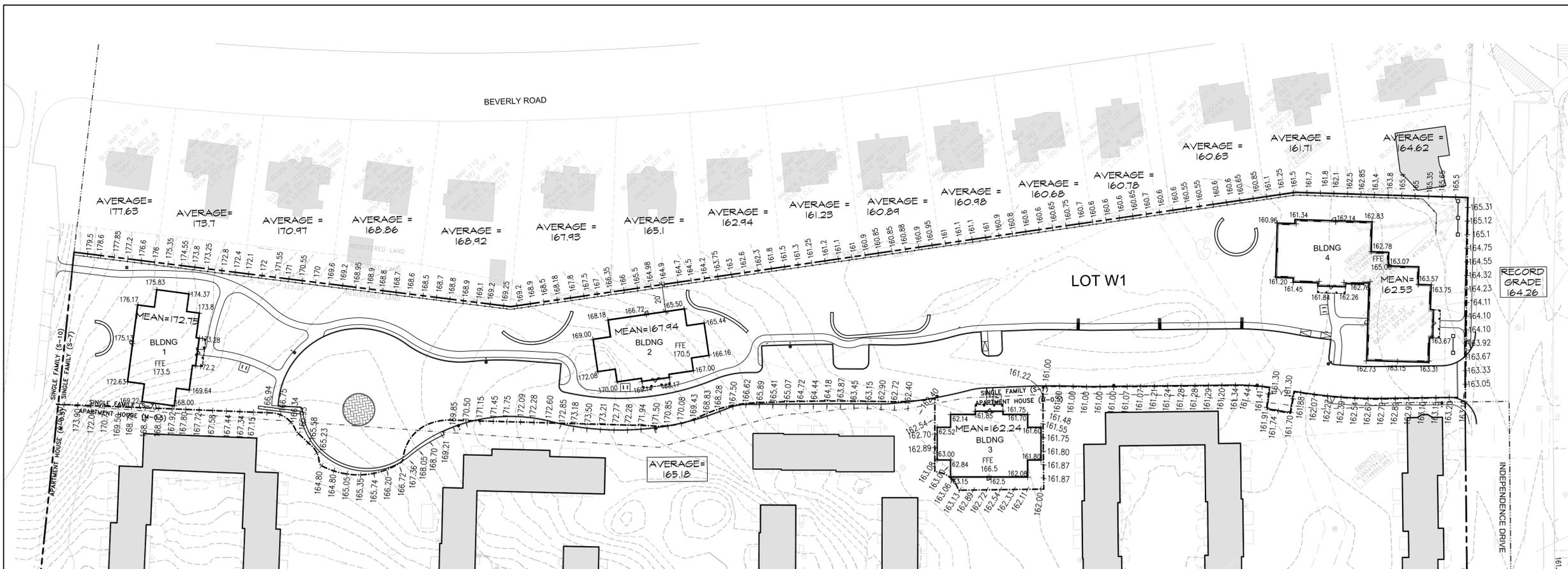
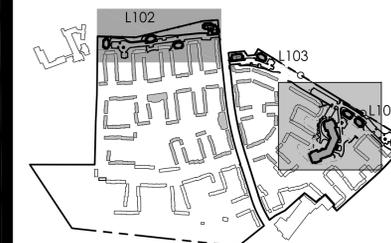
LOT E3 24 spaces required, 48 provided					
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§4.04	Limitation of Area of Accessory Uses	S-7	Waiver to allow accessory uses (parking) within front and side yard setback areas.	Parking spaces will be provided within required setback areas; approximately 4' setback will be provided.	A
§4.07(22) and (55) – <i>Table of Use</i>	Residential Parking Areas	S-7	Waivers to allow residential parking garages or parking areas as a secondary	The lot's parking spaces will be available to all residents within the Development, regardless of	C

¹ The Applicant requests waivers from §4.07(22) and (55) to allow the Applicant to provide the required number of parking spaces on other lots within the Development, which would, if granted, render this request unnecessary.

<i>Regulations</i>			use with more than three spaces for storage of cars of residents on other lots and in excess of 1,400' distant.	whether such residents live on the same lot, and regardless of the distance between the relevant parking space and lot.	
§6.04.5.c.4	Parking area setback	S-7	Waiver from the requirement to setback parking spaces from the front lot line a distance equal to the greater of the required building setback (30') or the average of the setbacks of buildings on adjacent lots on either side.	The lot's parking areas will contain more than six spaces, but will be set back less than 30' feet from front, side, and rear lot lines.	R

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BUILDING HEIGHT CHART WEST

BUILDING #	MEAN NATURAL GRADE AT BUILDING	RECORD GRADE AT STREET FRONTAGE	MEAN NATURAL GRADE OF LOWEST ABUTTING LOT *	DISTANCE TO LOWEST ABUTTING LOT	HEIGHT CALCULATION METHOD	CALCULATION ALLOWED HEIGHT	MAX HEIGHT TO TOP OF BUILDING ALLOWED	PROPOSED FINISH FLOOR ELEVATION	BUILDING HEIGHT TOP OF BUILDING	PROPOSED BUILDING HEIGHT
1	172.75'	164.26'	173.70'	20.00'	B	172.75+35	207.75'	173.50'	33.33'	206.83'
2	167.94'	164.26'	165.10'	20.00'	C	165.10+(20.00*0.25)+35	205.10'	170.50'	33.33'	203.83'
3	162.24'	164.26'	165.18'	1.00'	A	164.26+35	199.26'	166.50'	33.33'	199.83'
4	162.53'	164.26'	161.71'	21.66'	A	164.26+35	199.26'	165.00'	33.33'	198.33'

* GRADE OF NEAREST PROPERTY

HEIGHT CALCULATION METHOD A

WHERE MEAN GRADE IS LOWER THAN THE RECORD GRADE AT THE STREET:

MAX. BUILDING HEIGHT ALLOWANCE = RECORD GRADE AT THE STREET + 35'

HEIGHT CALCULATION METHOD B

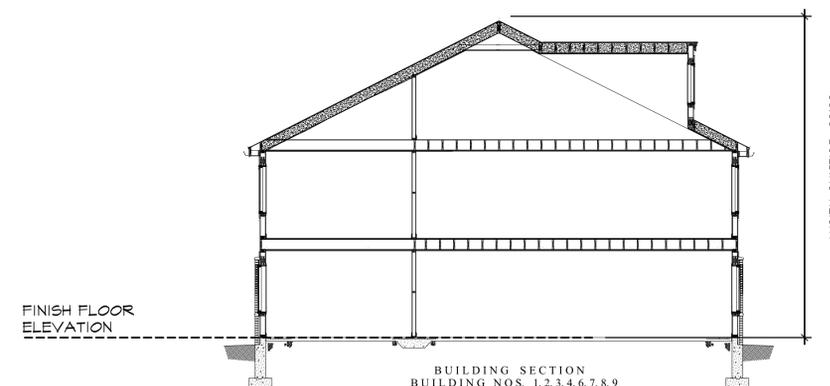
WHERE MEAN GRADE * BUILDING IS HIGHER THAN THE RECORD GRADE AT THE STREET, AND LOWER THAN THE MEAN NATURAL GRADE OF THE LOWEST ABUTTING LOT AT THE LOT LINE:

MAX. BUILDING HEIGHT ALLOWANCE = MEAN GRADE AT BUILDING + 35'

HEIGHT CALCULATION METHOD C

WHERE MEAN GRADE IS HIGHER THAN BOTH THE RECORD GRADE AT THE STREET AND THE MEAN NATURAL GRADE OF THE LOWEST ABUTTING LOT AT THE LOT LINE:

MAX. BUILDING HEIGHT ALLOWANCE = MEAN NATURAL GRADE OF LOWEST ABUTTING LOT + 1/4 OF THE CLOSEST DISTANCE FROM PROPOSED BUILDING TO LOWEST ABUTTING LOT + 35'



HEIGHT CALCULATION DIAGRAM

TO BUILDING DEPARTMENT
 Issued

File Name: JPM
 Dwn. Chkd. Dsgn. MM.DD.YY

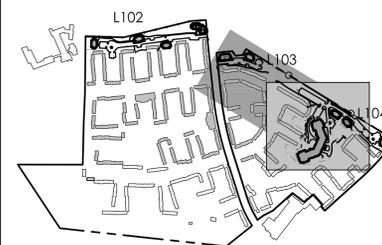
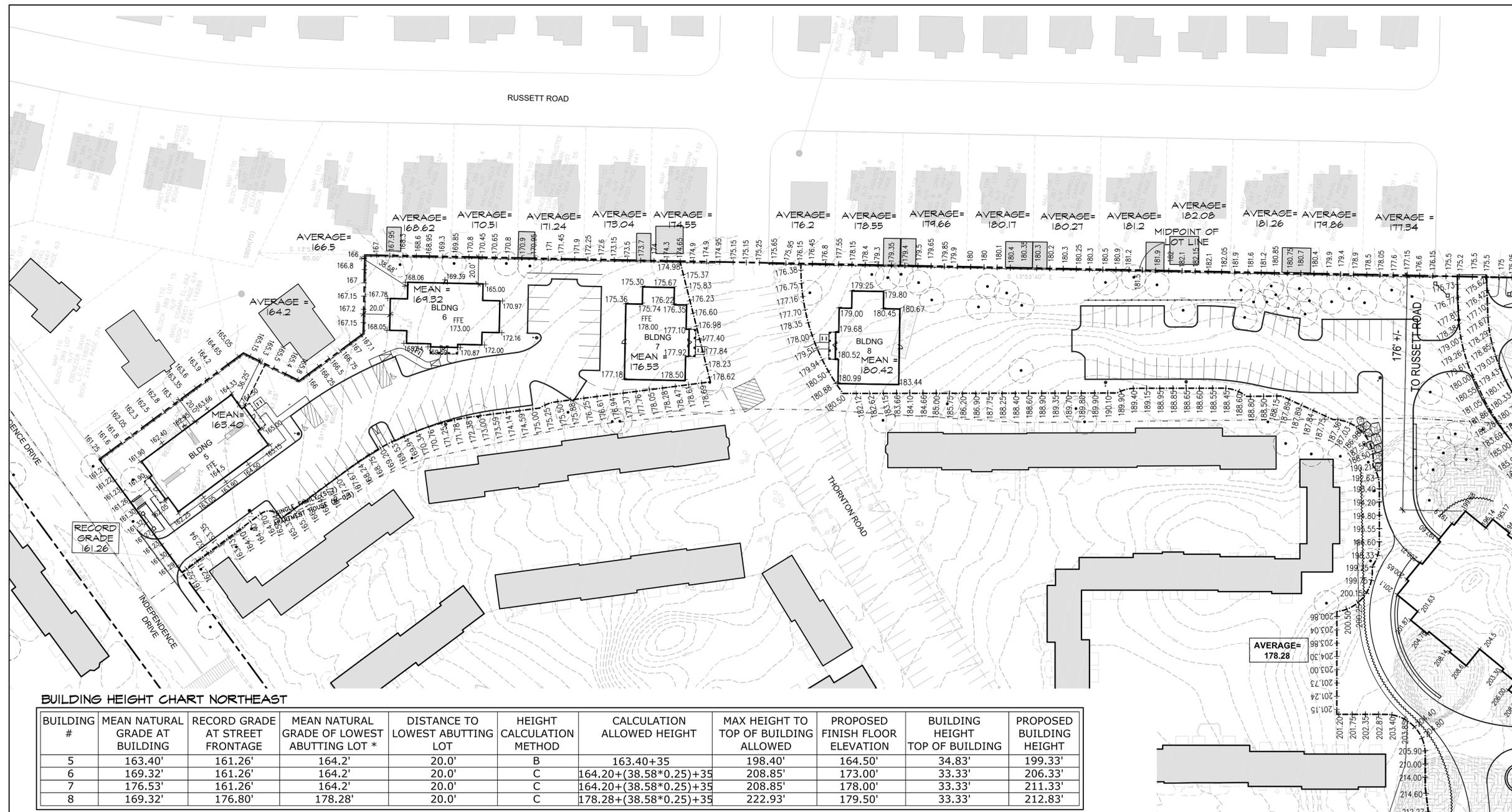
Permit-Seal

Client/Project
 CHESTNUT HILL REALTY
 THE RESIDENCES OF
 SOUTH BROOKLINE
 BROOKLINE, MA

Title
 HEIGHT CALCULATION
 PLAN WEST

Project No. 210810271
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BUILDING HEIGHT CHART NORTHEAST

BUILDING #	MEAN NATURAL GRADE AT BUILDING	RECORD GRADE AT STREET FRONTAGE	MEAN NATURAL GRADE OF LOWEST ABUTTING LOT *	DISTANCE TO LOWEST ABUTTING LOT	HEIGHT CALCULATION METHOD	CALCULATION ALLOWED HEIGHT	MAX HEIGHT TO TOP OF BUILDING ALLOWED	PROPOSED FINISH FLOOR ELEVATION	BUILDING HEIGHT TOP OF BUILDING	PROPOSED BUILDING HEIGHT
5	163.40'	161.26'	164.2'	20.0'	B	163.40+35	198.40'	164.50'	34.83'	199.33'
6	169.32'	161.26'	164.2'	20.0'	C	164.20+(38.58*0.25)+35	208.85'	173.00'	33.33'	206.33'
7	176.53'	161.26'	164.2'	20.0'	C	164.20+(38.58*0.25)+35	208.85'	178.00'	33.33'	211.33'
8	169.32'	176.80'	178.28'	20.0'	C	178.28+(38.58*0.25)+35	222.93'	179.50'	33.33'	212.83'

* GRADE OF NEAREST PROPERTY

HEIGHT CALCULATION METHOD A

WHERE MEAN GRADE IS LOWER THAN THE RECORD GRADE AT THE STREET:

MAX. BUILDING HEIGHT ALLOWANCE = RECORD GRADE AT THE STREET + 35'

HEIGHT CALCULATION METHOD B

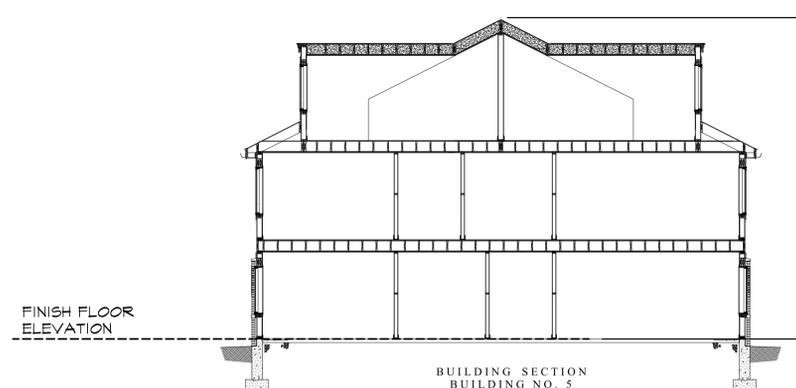
WHERE MEAN GRADE * BUILDING IS HIGHER THAN THE RECORD GRADE AT THE STREET, AND LOWER THAN THE MEAN NATURAL GRADE OF THE LOWEST ABUTTING LOT AT THE LOT LINE:

MAX. BUILDING HEIGHT ALLOWANCE = MEAN GRADE AT BUILDING + 35'

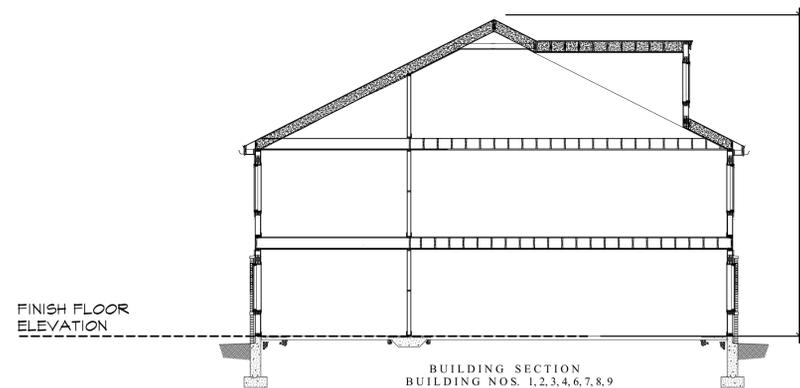
HEIGHT CALCULATION METHOD C

WHERE MEAN GRADE IS HIGHER THAN BOTH THE RECORD GRADE AT THE STREET AND THE MEAN NATURAL GRADE OF THE LOWEST ABUTTING LOT AT THE LOT LINE:

MAX. BUILDING HEIGHT ALLOWANCE = MEAN NATURAL GRADE OF LOWEST ABUTTING LOT + 1/4 OF THE CLOSEST DISTANCE FROM PROPOSED BUILDING TO LOWEST ABUTTING LOT + 35'



HEIGHT CALCULATION DIAGRAM



TO BUILDING DEPARTMENT
 Issued

File Name: JM
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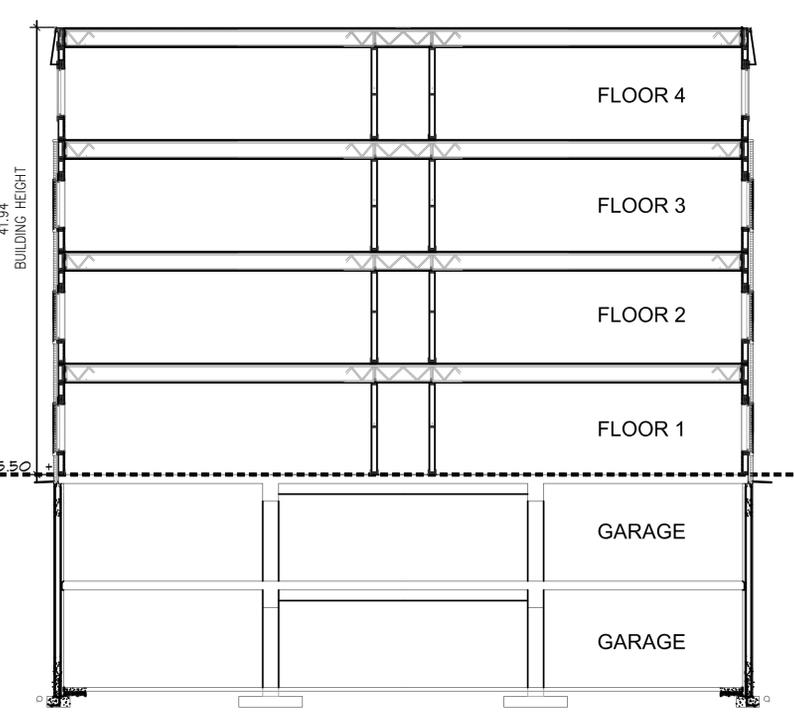
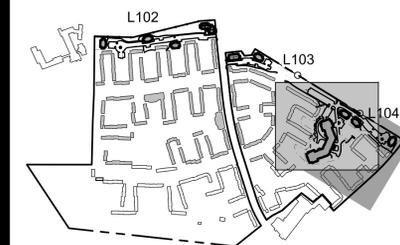
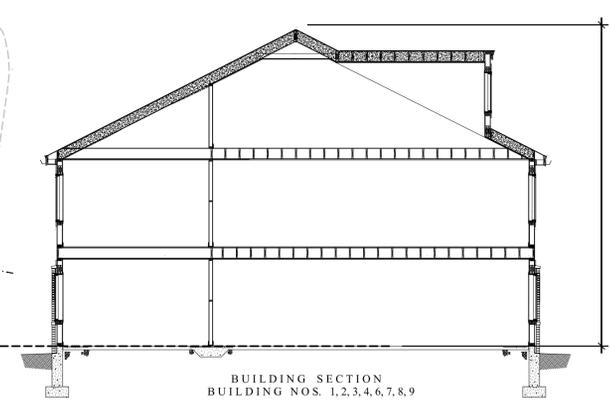
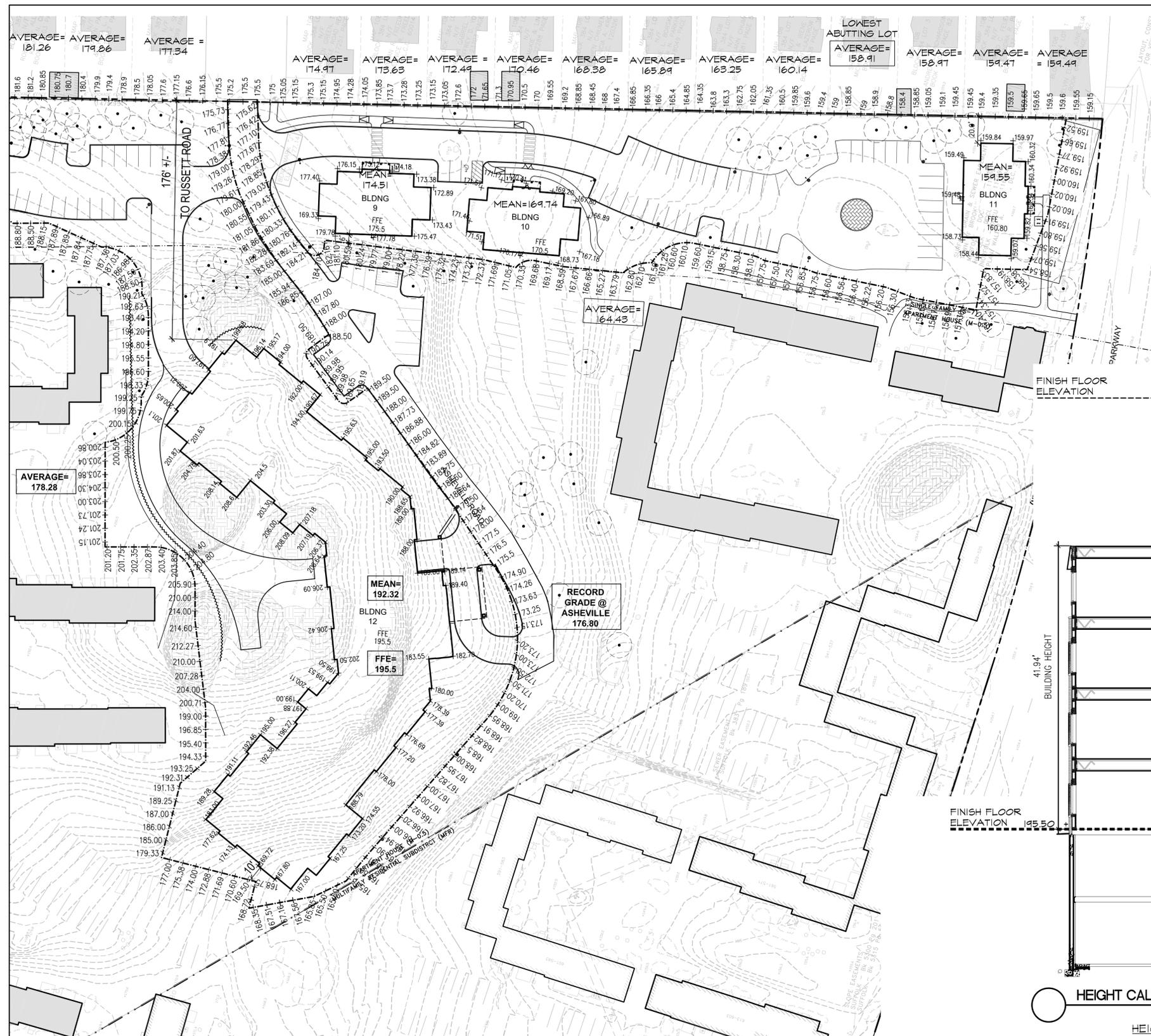
Title
 HEIGHT CALCULATION
 PLAN NORTHEAST

Project No. 210810271
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Drawing No.

L102

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HEIGHT CALCULATION DIAGRAM

BUILDING HEIGHT CHART SOUTHEAST

BUILDING #	MEAN NATURAL GRADE AT BUILDING	RECORD GRADE AT STREET FRONTAGE	MEAN NATURAL GRADE OF LOWEST ABUTTING LOT	DISTANCE TO LOWEST ABUTTING LOT	HEIGHT CALCULATION METHOD	CALCULATION ALLOWED HEIGHT	MAX HEIGHT TO TOP OF BUILDING ALLOWED	PROPOSED FINISH FLOOR ELEVATION	BUILDING HEIGHT TOP OF BUILDING	PROPOSED BUILDING HEIGHT
9	174.51'	179.23'	164.43'	6'	A	174.51+35	209.51'	175.50'	33.33'	208.83'
10	169.74'	179.23'	164.43'	0'	A	174.57+35	209.57'	170.50'	33.33'	203.83'
11	159.55'	179.23'	159.47'	20'	A	159.55+35	194.55'	160.80'	33.33'	194.13'
12	192.32'	176.80'	178.28'	10'	C	178.28 + (10*.25) + 35	215.78'	195.50'	41.94'	237.44'

* GRADE OF NEAREST PROPERTY

ALTERNATE CALCULATION

12	192.32'	176.80'	177.34'	176.00'	C	177.34 + (176*.25) + 35	256.34'	195.50'	41.94'	237.44'
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HEIGHT CALCULATION METHOD A
WHERE MEAN GRADE IS LOWER THAN THE RECORD GRADE AT THE STREET:
MAX. BUILDING HEIGHT ALLOWANCE = RECORD GRADE AT THE STREET + 35'

HEIGHT CALCULATION METHOD B
WHERE MEAN GRADE * BUILDING IS HIGHER THAN THE RECORD GRADE AT THE STREET, AND LOWER THAN THE MEAN NATURAL GRADE OF THE LOWEST ABUTTING LOT AT THE LOT LINE:
MAX. BUILDING HEIGHT ALLOWANCE = MEAN GRADE AT BUILDING + 35'

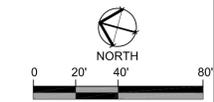
HEIGHT CALCULATION METHOD C
WHERE MEAN GRADE IS HIGHER THAN BOTH THE RECORD GRADE AT THE STREET AND THE MEAN NATURAL GRADE OF THE LOWEST ABUTTING LOT AT THE LOT LINE:
MAX. BUILDING HEIGHT ALLOWANCE = MEAN NATURAL GRADE OF LOWEST ABUTTING LOT + 1/4 OF THE CLOSEST DISTANCE FROM PROPOSED BUILDING TO LOWEST ABUTTING LOT + 35'

TO BUILDING DEPARTMENT	JPM	TPK	10.23.14
Issued	By	Appd.	MM.DD.YY
File Name:	JM		
	Dwn.	Chkd.	Dsgn.
Permit-Seal			MM.DD.YY

Client/Project
CHESTNUT HILL REALTY
THE RESIDENCES OF SOUTH BROOKLINE
BROOKLINE, MA

Title
HEIGHT CALCULATION PLAN SOUTHEAST

Project No. 210810271
Scale AS NOTED



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Overall Site Information	
Measurement	Provided
Lot Area	379,933 sf
Gross Floor Area	235,185
Floor Area Ratio	2.11
Dwelling Units	161
	292
Parking	(2 spaces per 1 or 2-bedroom unit and 2.3 per 3-bedroom unit, waiver required)

	Lot size	GFA	FAR	Units	Lot area required*	Landscaped Open Space			Usable Open Space			Parking	
						Required	Required	Provided	Required	Required	Provided	Required	Provided
Lot W1	126,697	36,186	0.29	20	41,000	30%	10,856	70,563	-	-	-	41	61
Lot E1	48,350	24,638	0.51	16	33,000	30%	7,391	17,373	-	-	-	32	41
Lot E2	138,148	135,421	0.98	113	227,000	10%	13,542	75,252	30%	40,626	46,044	226	142
Lot E3	66,738	21,774	0.33	12	25,000	30%	6,532	29,744	-	-	-	24	48
Total	379,933	218,019	0.57	161	323,000			192,932			46,044	323	292
Lot E2 S-7 district only	48,882	6,946	0.14	4	9,000	30%	2,084	29,028	-	-	-		
Lot E2 M-0.5 district only	89,266	128,475	1.44	109	218,000	10%	12,848	46,224	30%	38,543	14,361		

Assumption Lot W is all in S7 district

* Lot area required is 3000 sf for first unit, 2000 sf for every one thereafter