



VARIANCE & SPECIAL PERMIT APPLICATION

CITY OF WORCESTER ZONING BOARD OF APPEALS

455 Main Street, Room 404; Worcester, MA 01608

Phone 508-799-1400 Ext. 31440 - Fax 508-799-1406

Fill in information for the Variances (s) you are applying for. Attach additional documentation as necessary.

Lot Area		Front Yard Setback		Rear Yard Setback	
Square footage required:		Setback required:		Setback required:	
Square footage provided:		Setback provided:		Setback provided:	
Relief requested:		Relief requested:		Relief requested:	
Frontage		Side Yard Setback		Exterior Side Yard Setback	
Frontage required:		Setback required:		Setback required:	
Frontage provided:		Setback provided:		Setback provided:	
Relief requested:		Relief requested:		Relief requested:	
Off-street Parking/Loading		Height		Accessory Structure 5-foot Setback	
(25% reduction per IZ Ordinance) & Bicycle Parking Parking required:	74 spaces	Height permitted:		Type of structure:	
Parking provided:	66 Spaces	Height provided:		Square footage of structure:	
Relief requested:	8 spaces	Relief requested:		Relief requested:	
Loading required:		Other Variances			
Loading provided:		Relief requested:			
Relief requested:		Zoning Ordinance Article & Section:			
Signs		Requirement:			
Area permitted:		Provided:			
Area provided:		<p align="center">Indicate if Variances are being requested for more than one structure or more than one lot. Only complete the sections which pertain to the Variances (s) you are applying for.</p>			
Relief requested:					
Height permitted:					
Height provided:					
Relief requested:					
Setback permitted:					
Setback provided:					
Relief requested:					

TYPE OF SPECIAL PERMIT (check the Special Permit you are requesting and describe what you are requesting)

1. Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming Structure and/ or Use (Article XVI, Section 4)
2. Residential Use allowed only by Special Permit (Article IV, Section 2, Table 4.1)
3. Non-Residential Use allowed only by Special Permit (Article IV, Section 2, Table 4.1)
4. Non-Accessory Sign (Article IV, Section 6)
5. Residential Conversion (Article IV, Section 9)
6. Placement of Fill/Earth Excavation (Article IV, Section 5)
7. Modification of Parking/Loading Requirements (Article IV, Section 7)
8. Modification of Landscaping Requirements for Parking/Loading (Article IV, Section 7)
9. Other Special Permit (Describe Special Permit sought):

1. Assessor's **ADDRESS OF SUBJECT PROPERTY:** 48 Mason Street
(List property subject to the application and include any lot numbers. Please note: The street number may be different than the Assessor's address).
2. Is this property known by any other address: _____
3. **OWNER OF RECORD:** Kensington Management, LLC, as Trustee of Forty-Eight Mason Street Worcester Realty Trust
(The owner of record is the person or entity who owns title to the property as of today's date)
4. Address (es) of owner of record is /are 330 Highland Street, Worcester, MA 01602
5. Worcester District Registry of Deeds (WDRD) Book(s) 61995, Page(s) 226
(List Book and Page number of deed filed for the subject property as recorded at the WDRD)
6. City of Worcester Assessor's Office Map 06 Block 020 Lot 12 + 13
(List MBL number for the subject property as listed at Assessor's Office)
7. **NAME OF APPLICANT(S):** Kensington Management, LLC, as Trustee of Forty-Eight Mason Street Worcester Realty Trust
8. Address of Applicant: 330 Highland Street, Worcester, MA 01602
9. Telephone: c/o Mark A. Borenstein (508) 688-9136
10. Email: mborenstein@bowditch.com
11. Check if you are an: owner (s) , lessee (s) , optionee (s) (If you are not the owner of the subject property and are a lessee or optionee, it is recommended that you provide supporting information such as a lease or a purchase and sale agreement that shows your interest in the property.)
12. Zoning district(s) of the property (Indicate if more than one zoning district and any zoning overlay districts):
Business, General (BG-3.0) and Commercial Corridors Overlay District - Elsewhere (CCOD-E)

13. Describe what is presently located on the property (Use as much detail as possible including all uses and square footage of each use):

The property is an approximately 49,126 SF vacant lot.

14. The applicant seeks to (Describe what you want to do on the property in as much detail as possible):

The Applicant seeks to develop and construct a 7-story multi-family high-rise building with 94 units with a mix of 1BR, 2BR and 3BR units, 66 parking spaces for residents and guests, a loading space, an exterior recreational area for residents, bicycle storage areas and other site improvements related thereto. This amendment is required due to the fact that there will be a reduction in the number of affordable units provided by this project as not all units will be affordable. Importantly, the project will now be subject to and in compliance with the Inclusionary Zoning (IZ) Ordinance.

15. Such a use is permitted only by the City of Worcester Zoning Ordinance under Article (Insert Article, Section (s) of the Zoning Ordinance which permits the proposed use of the property):

Article IV, Section 2, Table 4.1 (Residential Use #10).

16. Are you aware if this property has been previously granted approvals from any City Board or Commission?

If so, please list (Provide dates of previous approvals, book and page numbers and/or certificate numbers of any recorded decisions and/or recorded/registered land. Also, please provide copies of previous recorded decisions):

The Worcester City Council voted to ordain the extension of the Commercial Corridors Overlay District - Elsewhere (CCOD-E) to include 48 Mason Street on January 10, 2023.

On May 3, 2023, the Worcester Planning Board granted Definitive Site Plan Approval, PB-2023-034.

On April 24, 2023, the Worcester Zoning Board of Appeals granted Special Permits and Variances, ZB-2023-042, Book 69258 and Page 248.

17. Have you applied for or are you aware if other applicants have applied for a Building Permit for this site and been refused for non-compliance with the Zoning Ordinance (e.g. a cease and desist order has been issued)? If so, explain:

No.

18. List any additional information relevant to the Variance (s) and Special Permit (s):

Please see Statement in Support.

VARIANCE FINDINGS OF FACT

Complete the following questions. Your responses should provide justifications as to why the requested Variance(s) should be granted. Attach additional documentation as necessary.

1. Describe how a literal enforcement of the provision of the City of Worcester Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant:

Please see Statement in Support.

2. Describe how the hardship is owing to circumstances relating to the soil conditions, shape, and/or topography of the land or structures and how the hardship especially affects said land or structures, but does not affect generally the zoning district in which it is located:

Please see Statement in Support.

3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the City of Worcester Zoning Ordinance:

Please see Statement in Support.

4. Describe how the dimensional variance as it relates to floor space, bulk, number of occupants or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship:

Please see Statement in Support.

SPECIAL PERMIT FINDINGS OF FACT

In the spaces below explain how the adverse effects of the proposed use will not outweigh its beneficial impacts to the City with respect to each of the following considerations per Article II, Section 6(A)(2) of the Zoning Ordinance. (Attach additional supporting documentation as necessary.)

1. Social, economic or community needs that are served by the proposal:

Please see Statement in Support.

2. Traffic flow and safety, including access, parking and loading areas:

Please see Statement in Support.

3. Adequacy of utilities and other public services:

Please see Statement in Support.

4. Neighborhood character and social structure:

Please see Statement in Support.

5. Impacts on the natural environment:

Please see Statement in Support.

6. Potential fiscal impact, including city services needed, tax base, and employment:

Please see Statement in Support.

WHEREFORE, the applicant(s) requests that this Board grant the special permit (s) as requested above.

Forty-Eight Mason Street Worcester Realty Trust
By its Trustee: Kensington Management, LLC
By: [Signature], Joshua Gaval, Authorized Signatory

Forty-Eight Mason Street Worcester Realty Trust
By its Trustee: Kensington Management, LLC
By: [Signature], Joshua Gaval, Authorized Signatory

(Signature of Applicant or Applicant's Agent)

(Signature of Property Owner or Owner's Agent)

If more than one applicant, all applicants must fill out information.

If more than one property owner, all owners must fill out information.

Forty-Eight Mason Street Worcester Realty Trust
(Name of Applicant)

Forty-Eight Mason Street Worcester Realty Trust
(Name of Property Owner)

330 Highland Street, Worcester, MA 01602
(Address)

330 Highland Street, Worcester, MA 01602
(Address)

c/o Mark A. Borenstein (508) 688-9136
(Contact Phone Number)

c/o Mark A. Borenstein (508) 688-9136
(Contact Phone Number)

mborenstein@bowditch.com
(Email)

mborenstein@bowditch.com
(Email)

1/16/24
(Date)

1/16/24
(Date)

SUPPLEMENTARY QUESTIONS FOR SPECIAL PERMITS ONLY

Complete the requested information for the Special Permit requested. Attach additional documentation as necessary. Only complete the sections which pertain to the Special Permit (s) you are applying for.

Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming Structure (Article XVI, Section 4)

1. Describe what is currently nonconforming about this structure (list specific dimensional nonconformities)
2. Indicate how long the nonconforming aspects of the structure have been in existence:
3. At the time of construction, did the structure meet applicable zoning requirements? (Check with the zoning ordinance, as amended, that would have been in effect at the time of construction. Past zoning ordinances are available for research at the City Clerk's office. Past zoning maps are available at the Division of Planning and Regulatory Services)

7. For a proposed Limited Residential Hospice House, provide additional documentation per Article IV, Section 2, Notes to Table 4.1, Note 10.
8. For a proposed non-accessory parking lot or a motor vehicle display lot, provide additional documentation showing compliance with Article IV, Section 7B.

**Non-Accessory Sign
(Article IV, Section 6)**

1. Square footage, length and width of proposed sign, and height of total structure:

2. Distance of proposed sign from other non-accessory signs along each side of a street.

3. Indicate on the submitted plan the type and style of sign, exact location, etc.

**Residential Conversion
(Article IV, Section 9)**

1. Total number of existing units/Total number of proposed units:

2. Will the external appearance of the structure remain unchanged except for new doors, windows, fire escapes, and stairways?

3. Number of off-street parking spaces to be provided (If new parking is being created, the applicant(s) may need to seek a Special Permit for extension, alteration or change of a pre-existing, nonconforming structure if existing structure does not meet current zoning dimensional requirements. If additional parking cannot be provided for new dwelling unit(s), the proposed conversion may also require a Variance or Special Permit from off-street parking requirements):

4. Which dimensional requirements/setbacks are you seeking relief by the Special Permit?

**Placement of Fill/Earth Excavation
(Article IV, Section 5)**

1. Indicate whether the Special Permit is for Placement of Fill or Earth Excavation:
2. Attach documentation showing proposed measures to protect pedestrians and vehicles.
3. Provide a proposed timeline for completion of placement of fill.
4. Attach documentation from the Director of Public Health and the Conservation Commission as outlined in the City of Worcester Zoning Ordinance Article IV, Section 5.
5. Attach a site plan with all required information in support of the application per the City of Worcester Zoning Ordinance Article IV, Section 5.

**Modification of Parking/Loading Requirements
(Article IV, Section 7)**

1. Indicate what relief is being sought under the Special Permit:

Special permits pursuant to Article IV, Section 7.A.2 for: (i) relief from the loading space requirements as set forth in Article IV, Section 7, Article IV, Section 7.A.6 and Article IV, Section 7, Table 4.5; (ii) increase the number of compact spaces above 25% as set forth in Article IV, Section 7, Table 4.4, Note 3(b); and (iii) to the extent applicable, non-compliance with the 5 ft parking facility setback requirements, landscaping requirements and design standards set forth in Article IV, Section 7, Table 4.4, Note 5(a)(ii) and Article V, Section 5.C.

2. If applicable, indicate locations, square footages, and dimensions of relief sought under the Special Permit:

The landscape buffer along the westerly side of the parking area is occupied by a landscape wall.

3. If applicable, provide number of parking/loading spaces required and relief requested through the Special Permit:

Article IV, Section 7, Table 4.4, Note 3(b) provides that parking lots with 10 or more parking spaces may have 25% of the space be set aside as compact spaces as a matter of right or up to 50% by special permit. The Project consists of 66 parking spaces of which 18 spaces or 27.3% of the parking spaces will be compact spaces requiring a special permit.

Article IV, Section 7.A.6 and Article IV, Section 7, Table 4.5 requires 2 loading spaces for multifamily high-rise uses with 50,001 to 100,000 square feet of gross floor area. The New Building will have a gross square footage of approximately 75,685 square feet. The Project includes the installation of only 1 loading space and, therefore, a special permit pursuant to Article IV, Section 7.A.2 is required to provide 1 loading space of relief.

Other Special Permits

1. Describe Special Permit sought and provide relevant details on the plan of land and rendering. Provide square footage and height of any structures and indicate percentage of lot structure will occupy:

CERTIFICATION OF COMPLIANCE WITH WORCESTER REVISED ORDINANCES GOVERNING REVENUE COLLECTION

***Note: This form must be completed and signed by both the applicant(s) and owner(s) of the property certifying payment of all local taxes, fees, assessments, betterments, or any other municipal charges of any kind. Failure to include a fully completed certification form with the application shall result in the application being deemed incomplete and ineligible for further processing by the Zoning Board of Appeals.**

Pursuant to Massachusetts General Law, Chapter 40, Section 57 and the City of Worcester General Revised Ordinance, Chapter 11, Section 26-28, the undersigned applicant and all parties having an ownership interest therein, hereby certify, under the pains and penalties of perjury, that the applicant(s) and owner(s) have complied with the laws of the Commonwealth of Massachusetts and the City of Worcester regarding payment of all local taxes, fees, assessments, betterments or any other municipal charges of any kind.

(Give first and last names in full. In case of a corporation give names of President, Treasurer and Manager; and in case of firms, give names of individual members.)

(1) If a Proprietorship or Single Owner of residential property:

Name of Owner _____

Business Address _____

Home Address _____

Business Phone _____ Home Phone _____

Signature of owner (certifying payment of all municipal charges):

_____ Date: _____

(2) If a Partnership or Multiple Owners of residential property:

Full names and address of all partners

Printed Names

Addresses

Business Address _____

Business Phone _____

Signature of all owners of property (certifying payment of all municipal charges -attach multiple pages if necessary)

_____ Date: _____
_____ Date: _____
_____ Date: _____
_____ Date: _____

(3) If a Corporation:

Full Legal Name _____

State of Incorporation _____

Principal Places of Business _____

Place of Business in Massachusetts _____

Printed Names of Officers of Corporation: _____ Title _____

Owners of Corporation:

Printed Names _____ Address _____ % of stock _____

Signature of all owners of property (certifying payment of all municipal charges -attach multiple pages if necessary)

_____ Date: _____
_____ Date: _____
_____ Date: _____
_____ Date: _____

(4) If a Trust:

Name of Trust Forty-Eight Mason Street Worcester Realty Trust

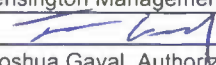
Business Address 330 Highland Street, Worcester, MA 01602

Printed Names of Trustees: _____ Address _____

Kensington Management, LLC _____ 330 Highland Street, Worcester, MA 01602

Printed Names of Beneficiaries: _____ Address _____

Signature of trustees of property (certifying payment of all municipal charges -attach multiple pages if necessary)

Kensington Management, LLC _____ Date: _____
By:  _____ Date: _____
Joshua Gaval, Authorized Signatory _____ Date: _____
_____ Date: _____

(5) Signature of Applicant (if different from owner, certifying payment of all municipal charges):

Printed Name of Applicant: Same

Signature of Applicant: _____ Date: _____

**Statement in Support of Kensington Management, LLC,
as Trustee of Forty-Eight Mason Street Worcester Realty Trust
Applications to City of Worcester Zoning Board of Appeals for an Amendment to Variance
from Minimum Off-Street Parking Requirements and for Amendments to Special Permits
for Modification of Minimum Parking/Loading Requirements and Parking Landscaping
Requirements for Multifamily High Rise Development Project at
48 Mason Street, Worcester, Massachusetts**

I. Background and Project Scope

Kensington Management, LLC, as Trustee of Forty-Eight Mason Street Worcester Realty Trust (the “Applicant”), owns a parcel of land known and numbered at 48 Mason Street, Worcester, MA,¹ which is a vacant lot with an area of approximately 49,126 square feet or approximately 1.3 acres of land (the “Property”).

The Property is located entirely within the Business, General 3.0 (“BG-3.0”) zoning district and the Commercial Corridors Overlay District-Elsewhere Subarea (“CCOD-E”), and is bounded by Winfield Street to the north, Mason Street to the east, residential properties to the south and parking area, commercial/industrial buildings and residential properties to the west.

On April 24, 2023, the Applicant sought and was granted special permits and variance from the Worcester Zoning Board of Appeals (the “Board”) as more particularly described herein in connection with the construction and development of a new 7-story, approximately 75,685 square foot multi-family high-rise building (the “New Building”) with 94 units with a mix of 1BR, 2 BR and 3BR units and 66 parking spaces (the “Project”). The Project also included the construction and/or installation of related site improvements at the Property, including, but not limited to, new driveways and accessible walkways, reconfigured curb cuts, loading area, screened trash and recycling facilities, landscaping, EV ready spaces, bicycle storage areas, utilities and other site features. The Property is subject to an affordable housing restriction held by the City of Worcester.

The dwelling units within the New Building were originally all designated as affordable housing units. This amendment is required because there will be a reduction in the number of affordable units provided by the Project as not all units will be affordable. The Applicant is now proposing that only 15% of the dwelling units will be affordable to households with annual earnings of 60-80% AMI. Furthermore, the enactment of the Inclusionary Zoning Ordinance, Article VII, of the Zoning Ordinance provides certain density bonuses which reduces the required relief related to the minimum off-street parking requirements as more particularly provided herein.

¹ The Property has a parcel identification of 06-020-12+13.

II. Requirement for Special Permits and Variance.

A special permit is required to be granted by the Board pursuant to Article IV, Section 7.A.2² for: (i) noncompliance with the loading requirements set forth in Article IV, Section 7, Table 4.5; (ii) compact spaces in excess of 25% of the proposed parking spaces; and (iii) to the extent applicable, modification of the parking area landscaping requirements. Article IV, Section Article IV, Section 7, Table 4.5 requires 2 loading spaces for multifamily high-rise uses with 50,001 to 100,000 square feet of gross floor area. The New Building will have a gross square footage of approximately 75,685 square feet and therefore is required to provide 2 loading spaces. The Project includes the installation of only 1 loading space and, therefore, a special permit pursuant to Article IV, Section 7.A.2 is required to provide 1 loading space of relief.

Article IV, Section 7, Table 4.4, Note 3(b) provides that parking lots with 10 or more parking spaces may have 25% of the space be set aside as compact spaces as a matter of right or up to 50% by special permit. The Project consists of 66 parking spaces of which 18 spaces or 27.3% of the parking spaces will be compact spaces. Given that the compact spaces exceed 25% of the spaces on site, a special permit pursuant to Article IV, Section 7.A.2 will be required to increase the percentage to 27.3%.

Article IV, Section 7, Table 4.4, Note 5(a)(ii) provides that parking facilities are required to be set back a minimum of 5 ft from all boundary lines to provide a buffer area from abutting lots which shall be landscaped in accordance with Article V, Section 5.C. The Applicant has proposed a 5 ft landscaped buffer around the proposed parking areas. There are certain site improvements including a landscape wall that preclude the buffer from being a continuous buffer landscaped in accordance with Article V, Section 5.C. To the extent the proposed buffer areas do not comply with Article IV, Section 7, Table 4.4, Note 5(a)(ii) and/or Article V, Section 5.C, the Applicant requires relief to modify the parking landscaping requirements by special permit pursuant to Article IV, Section 7.A.2.

Article IX, Section 7, Table 9.1 provides that the minimum off-street parking requirements for multi-family uses in the CCOD-E are 1 resident space per dwelling unit and 1 guest space per 10 units for uses with 10 or more units. The Project will consist of 94 dwelling units which would generally require 94 resident parking spaces and 10 guest spaces for a total of 104 parking spaces. The Project will include the installation of bicycle parking spaces which will reduce the required number of off-street parking spaces by 4 spaces pursuant to Article IX, Section 7.C.1 which results in a minimum of 100 off-street parking spaces. However,

² The Board is the special permit granting authority pursuant to Article IV, Section 7.A.2 for any special permits with respect to Notes 2(b), 3 and 5 of Table 4.4 and loading requirements and pursuant to Article II, Section 6.A.3 for variances.

Article VII, Section 6.A.ii.a of the Zoning Ordinance provides that “Eligible Developments³ are entitled to a twenty-five percent (25%) bonus from the minimum parking requirements of this Ordinance provided that the applicant submits a Transportation Management Program (TMP) to the Planning Board and the TMP is maintained in accordance with any conditions imposed by the Planning Board, as a requirement of any Definitive Site Plan Approval.

The Board previously granted a variance in the amount of 33 parking spaces. Applying the 25% parking density bonus under Article VII, Section 6.A.ii.a and bicycle parking reduction, the Project requires a minimum of 74 off-street parking spaces.⁴ The Project will include the installation of 66 parking spaces (56 spaces for resident and 10 spaces for guests) which will require relief in the amount of 8 spaces by variance pursuant to Article II, Section 6.A.3.

III. Reasons for Approval of Special Permit.

The Project satisfies the special permit criteria as set forth in Article II, Section 6.A.2 of the Zoning Ordinance for the reasons stated herein:

1. Social, economic or community needs that are served by the proposal.

The Project will dramatically modernize, enhance and improve the Property, and will improve the safety, efficiency and aesthetic appeal of the site, landscaping and parking areas. The Project will provide much-needed and in demand housing to support the City’s critical housing stock, which will promote the economic vitality of the neighborhood and the City. The Project will not be detrimental to adjoining premises, but, rather, complement the existing mix of multifamily properties and businesses in the area.

The Project is in conformance with the purposes and intent of the Zoning Ordinance, as it will encourage the most appropriate use of the land in a manner that protects natural resources as well as the architectural, scenic and aesthetic qualities of the community and protects against the uses of land which are incompatible with nearby uses, undue intensity of noise and danger and congestion in travel and transportation.

2. Traffic flow and safety, including access, parking and loading areas.

The proposed parking areas will serve the occupants of the New Building, and will provide a safe, adequate and efficient layout and design for vehicular and pedestrian traffic both

³ An Eligible Development is defined in the Zoning Ordinance as “developments that include at least five percent (5%) of the units for the overall project with income restrictions at the sixty percent (60%) AMI limit.” The Project will have at least 5% of the units for the overall project with income restrictions at the 60% AMI limit, and, therefore, constitutes an Eligible Development.

⁴ 104 parking space requirement x (.75) = 78 – 4 spaces (related to bicycle parking) = 74 spaces

within the site and at all access points. The Project will utilize curb-cuts on Mason Street and Winfield Street. The Project will result in the closure of an existing curb-cut on Mason Street which will promote pedestrian safety along Mason Street. The proposed parking spaces and setbacks, drive aisles, curb cuts and building entrances will not cause any nuisance or hazard to vehicles or pedestrians within or off the Property or line of sight hazards along streets. The proposed drive aisles will provide sufficient widths and turning radii necessary to provide for safe and efficient travel for passenger vehicles and delivery trucks. Emergency vehicles that need access to the New Building can park on either Winfield Street or Mason Street. The proposed loading area for the New Building will be in close proximity to the New Building.

The Applicant does not anticipate that the Project will result in a substantial increase in trip generation levels to and from the Property. According to the Traffic Impact Study prepared by Howard Stein Hudson dated March 2023 (the "Traffic Study"), the Project will result in approximately 26 new trips during weekday am peak hour and approximately 35 new trips during weekday pm peak hours. According to the Traffic Study, the Project will result in a total of approximately 338 new trips per day which represents a modest increase in trips and therefore will have a minimal impact on traffic within the area. The proposed use of the New Building will not cause a serious hazard to vehicular or pedestrian traffic on or off the Property. Traffic generated, and patterns of access and egress will not cause congestion, hazard or a substantial change to the neighborhood character. The proposed parking areas will provide a safe and efficient means of access to and from the New Building, and will be in close proximity of the rear entrance of the New Building.

The proposed parking will adequately serve the Property and all occupants of the New Building. Article IX, Section 7, Table 9.1 provides that the minimum off-street parking requirements for multi-family dwellings is 1 parking space per dwelling unit and 1 guest space per 10 dwelling units. The Project will include 94 dwelling units which would generally require a total of 104 parking spaces (94 spaces for residents and 10 spaces for guests). The Applicant is proposing interior and exterior bike storage with 20 outdoor bicycle parking spaces and 17 indoor bicycle spaces. Article IX, Section 7.C.1 provides relief in the amount of 1 parking space per 2 bicycle spaces with limitations on the relief for 50 or more parking spaces at a rate of 3 parking spaces plus 3% of the parking in excess of 50 spaces. Given that the Project's parking areas will have 66 parking spaces, the Project is entitled to 4 spaces of relief by administrative approval ($3 \text{ spaces} + (16 \text{ spaces (excess above 50 spaces)} \times 0.03)$) pursuant to Article XI, Section 7.C.1. With this relief, the minimum off-street parking requirements for the Project becomes 100 spaces. With the further 25% reduction afforded to Eligible Developments, the Applicant is requesting relief from the Board in the amount of 8 spaces through a variance to comply with the minimum off-street parking requirements. The 66 spaces to 94 units results in an off-street parking to dwelling unit ratio of approximately 0.7.

The Property is located between Chandler Street and Park Avenue which are major corridors of the City. Retail stores, parks, banks, restaurants and other commercial amenities are in close walking distance for residents of the New Building.

Moreover, the Applicant will utilize a transportation demand management (“TDM”) program which will promote alternative means of transportation besides vehicles including, but not limited to, buses, bicycles and ride sharing (e.g., Uber, Lyft, etc.). There are two main bus lines along Chandler Street (Route 6) and Woodland Street/May Street (Route 7) with stops in close proximity of the Property. The Project includes both indoor and outdoor bike rack areas. Based on the ITE standards and census vehicle ownership information regarding anticipated demand, the implementation of the TDM which will promote alternate means of transportation and the close proximity of the Property to the commercial corridors of Chandler Street and Park Avenue, the proposed parking will adequately serve the Property and all occupants of the New Building.

3. Adequacy of utilities and other public services.

Adequate, existing facilities are available for the New Building and other Project improvements with respect to sewerage, water, gas, electricity and other utilities.

4. Neighborhood character and social structure; buildings, noise, glare, lighting and signs

The Project is functionally and aesthetically compatible with the surrounding residential and commercial properties in the neighborhood, which include a mix of multi-family buildings, restaurants, retail, and commercial uses. Given that the Property is a vacant lot, it is a highly underutilized piece of property. The New Building will improve the aesthetic appeal, design quality and economic vitality of the neighborhood. The New Building and improvements to the site will not have a negative impact on, adversely affect or be detrimental to adjoining premises or zones or the neighborhood. Based on the foregoing, the New Building and improvements to the Property in connection therewith will fit into the present character of the neighborhood, and granting this relief will promote an appropriate use of the site.

The kind, size, height and nature of the New Building and the proposed site improvements for the Property are consistent with buildings in other neighborhoods within the City that have been developed for high rise multifamily use. The New Building will provide architecturally appealing features and massing, including decorative windows, doors and roof lines and changes in tones and textures of exterior walls that are visible from surrounding streets. The New Building will comply with yard setbacks, height and floor to area ratio requirements and all other dimensional requirements set forth in the Zoning Ordinance, except as otherwise provided herein.

The Project use will not result in any increase in noise levels that would be noticeable at any abutting properties. The Project will neither create a nuisance, hazard, congestion or concerns pertaining to health, safety or general welfare, and there will not be substantial harm to the neighborhood or derogation from the intent of the Zoning Ordinance as a result of the Project.

The proposed outdoor lighting will be adequate for safe and secure access to and from the New Building. The proposed lighting will be arranged and have directional shields so as to minimize light from shining onto abutting properties and streets, and will not have a deleterious effect on neighboring properties. See the enclosed Lighting Plan. All signage, if any, will comply with the Zoning Ordinance.

5. Impacts on the natural environment.

The Project will result in the planting of new trees and shrubs along the boundaries of the parking areas and the Property, which will dramatically improve the natural condition of the Property. See the enclosed Landscape Plan dated April 11, 2023, as revised on September 8, 2023. There are minimal natural terrain features at the Property, and the Project will minimize, to the extent practicable, changes to the natural terrain as a result of the Project. The Property is outside of the Floodplain and Water Resources Protection Overlay Districts and ecologically sensitive areas, and there are no wetland resource areas on the Property. There will not be any negative impacts on the groundwater.

6. Potential fiscal impact, including city services needed, tax base, and employment.

The Project will sustain and create new construction jobs and will generate additional tax revenues and fees for the City. The Project will improve the economic vitality of the neighborhood and surrounding areas by increasing the number of residents in the area who will rely on businesses and services in and around the neighborhood.

IV. Reasons for Approval of Variances.

The Project satisfies the variance criteria as set forth in Article II, Section 6.A.3 of the Zoning Ordinance for the reasons stated herein:

1. Describe how a literal enforcement of the provision of the City of Worcester Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant.

The Applicant would suffer substantial hardship if literal enforcement of the minimum parking space requirements of the Zoning Ordinance were to be enforced. Compliance with the

minimum off-street parking spaces would require the Applicant to: (i) reduce the number of dwelling units; (ii) obtain an adjoining lot to install parking spaces; or (iii) lease parking spaces within the neighborhood. The proposed number of units for the New Building is critical to make the Project financially viable for the Applicant and to obtain financing. If the Applicant had to reduce a significant number of units to comply with minimum parking requirements with the parking available on site, the Project would no longer be financially viable for the Applicant. If the Applicant were to lease parking spaces nearby, there would need to be parking lot with 8 available parking spaces. There are limited parking areas in the neighborhood and none of parking areas within 1,000 feet would include 8 spaces which would be required to meet the minimum off-street parking requirements. Alternatively, the Applicant would have to acquire rights to adjoining properties to construct parking areas to satisfy minimum parking requirements, which would be cost prohibitive. There are no such alternative sites available in close proximity to the Property, and, even if a reasonable alternative site became available, it would be cost prohibitive to perform due diligence on, acquire rights to and design and construct facilities at such an alternative site. It would be an extreme hardship for the Applicant to have to go through a very time-consuming permitting process for an additional, adjoining location.

2. Describe how the hardship is owing to circumstances relating to the soil conditions, shape, and/or topography of the land or structures and how the hardship especially affects said land or structures, but does not affect generally the zoning district in which it is located.

There exist circumstances relating to shape of the lot that especially affect the Property, but do not affect generally properties in the BG-3 zoning district. Unlike other neighboring properties in the district which are more rectangular in shape, the Property is an irregular shape with the property at 25 Winfield Street bifurcating the northerly portion of the Property, which limits area in which parking spaces may be installed.

3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the City of Worcester Zoning Ordinance.

The requested variance may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance. The New Building and other Project improvements will be compatible and in harmony with the neighborhood's character and abutting properties as described above. The Project will modernize and dramatically improve the aesthetic appeal, design and quality of the Property. The Project will promote economic vitality to the neighborhood and the City and provide much needed housing. The Project is in conformance with the purposes and intent of the Zoning Ordinance, as it will encourage the most appropriate use of the land in a manner that protects natural resources

as well as the architectural, scenic and aesthetic qualities of the community and protects against the uses of land which are incompatible with nearby uses, undue intensity of noise and danger and congestion in travel and transportation.

4. **Describe how the dimensional variance as it relates to floor space, bulk, number of occupants or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship.**

The variance for parking as requested herein are no greater than the minimum necessary to provide relief from the statutory hardship.