Lampost Workforce Housing Modification
DRI 670-M2

Land Use Planning Committee
Feb. 28, 2021
Lampost Workforce Housing Modification

**Owner/Applicant:** Windsor Circuit Ltd (Adam Cummings)

**Permits:** Special Permit modification

**Checklist:** 1.3D (Previous DRI)

*DRI 670 approval: 1/19/17*

*DRI 670-M approval: 8/23/18*

*Compliance committee: 12/3/21*

*MVC discussion: 12/9/21*

*LUPC (pre-hearing review): 2/28/22*
Project history

**DRI 670 (2017):** Conversion of the top three floors of the building at 6 Circuit Ave. to workforce housing in two phases. The third and fourth floors at the time were a dance club, and the fifth floor was used as storage.

- **Phase 1** – Relocation of the entrance to the sports bar below and conversion of the third floor to 14 employee bedrooms with shared bathrooms, kitchen, and living area.
- **Phase 2** – Conversion of the fourth floor to an additional seven employee bedrooms with shared bathrooms, kitchen, and living area, and conversion of the fifth floor to a four-bedroom apartment.
- All bedrooms were to be double occupancy.

**DRI 670-M (2018):** Modification to allow 10 apartments in the top three floors of the building, rather than the mix of apartments and bedrooms.

- Increased the square footage by 1,500 ft².
- Reduced the total number of bedrooms from 24 to 22.
- Increased the number of bathrooms from five to 10.
- Increased the number kitchens from three to 10.
Current housing conditions (DRI 670-M)

1.1 As offered by the Applicant, the units shall be rented to employees of local businesses either as permanent year-round housing or temporary housing as needed. [Same as for DRI 670.]

1.2 The rental workforce housing shall be for members of the seasonal or year-round workforce.

1.3 The Applicant shall provide the MVC with yearly rental documentation proving that the residential units are utilized by Island employees.

1.4 The building shall be heated so that year-round workforce housing can be provided to workers.
Project history

• Oak Bluffs Planning Board issued a Special Permit in 2018 “to convert the top three floors of a five-story nightclub/restaurant into ten residential apartments for seasonal and year-round workforce rental housing,” noting the MVC conditions for DRI 670-M.

• Units 6, 8, 9, and 10 have since been used as short-term rentals through Airbnb, rather than as workforce units, which initiated compliance efforts by MVC staff and the Compliance Committee in 2021.
### Renting Information

**Rented to workers or business owners (leases provided)**

**Provided to family or friends, or rented informally to workers (no leases or specific timeframes provided)**

**Rented through Airbnb (documentation provided)**

**Provided to family or friends, or rented informally (no leases or specific timeframes provided)**

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MVC compliance process

- **6/17/21**: Oak Bluffs Affordable Housing Committee chair informed MVC staff that some of the units were being rented through Airbnb.
- **7/19/21**: Staff met with owner to discuss the situation and possible next steps, including the option to request a modification.
- **8/10/21**: Staff sent compliance letter to owner, owner’s attorney, and town officials.
- **9/20-28/21**: Staff sent follow-up emails to the owner and others.
- **12/3/21**: MVC Compliance Committee met to discuss next steps.
- **12/7/21**: Compliance Committee chair sent letter to owner and others, setting one-week deadline to comply with the MVC conditions, before recommending legal action to the MVC.
- **12/9/21**: MVC agreed to allow 30 days for the owner to submit a request for modification. The owner also agreed to not accept any further Airbnb reservations until the issue was resolved.
- **1/5/22**: Modification request was submitted, and later amended on 1/20/22.
Proposed changes to housing conditions

1.1 As offered by the Applicant, **four (4) units with a total of nine (9) bedrooms shall be rented to employees of local businesses either as permanent year-round housing or temporary housing as needed.**

1.2 The rental workforce housing shall be for members of the seasonal or year-round workforce.

1.3 The Applicant shall provide the MVC with yearly rental documentation proving that the residential units are utilized by Island employees, **no later than December 31st of each year.**
Further explanation by applicant

There are ten (10) residential units of housing contained in the Lampost Conversion. The Applicant is permitted four (4) units of unrestricted apartment use pursuant to Section 7.2 of the Oak Bluffs Zoning By-Laws. By Special Permit the remaining six (6) units of housing are permitted. The modification request aligns the project with similarly approved projects, such as the Phillips Hardware approval which restricted two (2) of eight (8) units (a total of three (3) bedrooms) for workforce housing (25%). This modification request would require forty (40%) percent of the residential units in the building to [be] utilized for workforce housing.

Units 1-4 (the second floor of the building) would be restricted as workforce housing.
As-built plans
As-built plans
As-built plans
Planning concerns

Island Housing Needs: The project as originally proposed and modified was for the conversion of existing commercial space into workforce housing. The MVC noted in its decision for DRI 670 that the proposal was a benefit in terms providing housing that could be used by the applicant’s employees and those of other Island businesses.

The proposed modification would reduce the number of required workforce units from 10 to four, and the number of associated beds from 22 to nine (about a 60% reduction in both cases). The six non-workforce units would most likely be used as short-term rentals.
Planning concerns

**Economic Development:** The proposed modification would create further opportunities for short-term lodging in Oak Bluffs, which could in turn support the local tourism industry. However, the proposal would also eliminate units from the local workforce housing stock, with potential negative impacts on Island businesses and workers. It should be noted that only seven of the 10 units have been used as workforce housing so far, and in some cases informally or infrequently since 2019. Four of the 10 units were rented through Airbnb in 2021.