



Planning Department

MEMORANDUM

TO: Sherry Dong
Chairwoman, City of Boston Board of Appeal

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: January 09, 2025

RE: Planning Department Recommendations

Please find attached, for your information, Planning Department recommendations for the January 14, 2025 Board of Appeal's Hearing.

Also included are the Board Memos for: 295 W First ST South Boston 02127, 279 N Harvard ST Allston 02134 and 100 to 120 Ipswich ST Boston 02215 aka 2 Charlesgate.

If you have any questions please feel free to contact me.



Case	BOA1670783
ZBA Submitted Date	2024-11-13
ZBA Hearing Date	2025-01-14
Address	18 Commonwealth AV Boston 02116
Parcel ID	0501219000
Zoning District & Subdistrict	Boston Proper H-3-65
Zoning Article	32
Project Description	Change of use from an existing eleven- unit dwelling to a one unit dwelling with rear garage addition, façade restoration, and addition of a roof deck.
Relief Type	Conditional Use
Violations	GCOD Applicability

Planning Context:

18 Commonwealth Ave is a five-story, eleven-unit rowhouse located in Boston's Back Bay neighborhood. The area is characterized by mostly rowhouses of a similar density and scale and a few large housing developments. One-unit homes are an allowed use within the H-3-65 zoning district.

The proposal seeks to change the occupancy to a one-unit dwelling, construct a covered garage in an existing parking area, add a roof deck, and restore the structure's façade, which according to the Back Bay Architectural District Commission was redone in the 1940s, to its original appearance. It should be noted that the subject property falls within the Back Bay Architectural District and is subject to design review for all exterior work by the Back Bay Architectural District Commission. The property was approved by the Commission for the proposed exterior alterations on September 11, 2024.

Zoning Analysis:

This property is also located within the Groundwater Conservation Overlay District (GCOD), which is meant to prevent the deterioration of and, where necessary, promote the restoration of groundwater levels in the city of Boston. The proposed project has a project scope considered to be "substantial rehabilitation." This classification satisfies the applicability requirements of the GCOD, as set for in Section 32-4 of the Zoning Code, thus triggering a required GCOD review



for the project. A proviso for GCOD review has been added to the recommendation on that basis. Therefore, this project would require additional GCOD review by the Boston Water & Sewer Commission (BWSC).

Recommendation:

In reference to BOA1670783, The Planning Department recommends APPROVAL WITH PROVISIO/S: the plans shall be reviewed and approved by the Boston Water & Sewer Commission due to its location within the Groundwater Conservation Overlay District (GCOD).

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1648737
ZBA Submitted Date	2024-09-02
ZBA Hearing Date	2025-01-14
Address	26 Belmont ST Charlestown 02129
Parcel ID	0201527000
Zoning District & Subdistrict	Charlestown Neighborhood 3F-2000
Zoning Article	62
Project Description	Erect four-story, two-unit semi-attached dwelling with garage and roof deck.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (ft) Height Excessive (stories) Rear Yard Insufficient Usable Open Space Insufficient Lot Area Insufficient Location of Garage Entrance

Planning Context:

The existing site is an empty lot surrounded by mostly residential uses. The surrounding residences are mostly similar designed semi-attached dwellings. The proposed new residence is designed in a similar fashion to one of the residences directly adjacent to it but it will defer from the majority of its street in larger mass and less of a rear space. It will be a four-story two-unit residence with a roof deck. It will share a party wall with another new residence proposed addressed as 28 Belmont St. Both of these proposed new residences are located in the middle of the street. The lower floor would be a four car garage facing the street using an existing 15 ft wide curb cut. The proposal is subject to PLAN Charlestown adopted September 2023. This plan gives specific design guidelines to infill projects located in the Original Peninsula like the proposed. The guidelines main focus is for infill projects to be contextual and of similar design to the neighboring context.

Zoning Analysis:

Presently the proposed project has seven zoning violations. The height of the project is a violation in both story count and feet measurement. Zoning sets the height limit at 3 stories and



35 feet. The project is 4 stories and 38'-9". PLAN: Charlestown recommends zoning height to be followed along with the contextual height of the neighboring buildings. The proposed project is one story taller at four stories than neighboring buildings which are predominantly three stories. It is recommended the proponent removes one floor, specifically the one intended for garage use to meet the height requirements. Zoning and PLAN: Charlestown states locations of garage entrances should not be directly facing the street which this proposal presently does. Removal of the garage level would prevent this violation as well. Two more violations would be an insufficient rear yard and insufficient open space. The required rear yard is 20 feet while the proposed is at 15 feet. Zoning requires an open space amount of 350 SF per unit for this project while it is providing 223 SF per unit. The location of the structure, distribution of side and rear yard are heavily impacted by the steep slope of the site. These geographical challenges are one of the reasons outlined to recommend relief for both the rear yard and open space as described in Section 7-3.

Lastly, the proposal has a violation for insufficient additional lot area. The lot area required for 2 units on this site would be 2,000 while it only has 1,707. PLAN: Charlestown expresses the need for higher density housing and prioritization for housing that provides 3+ bedrooms, like this project does, as the community desires more units for families readily available. Due to the zoning subdistrict allowing for this increased unit count and the expressed community need, this can be recommended for relief. The proponent should adapt the project to fit the zoning requirements for height.

This property is also located within the Charleston Neighborhood Design Overlay District, where any proposed project that would construct over 300 square feet of new building would trigger the overlay.

Plans "New Two-Family 26 Belmont Street" drawn by Timothy Sheehan Architect Dated May 1, 2024.

Recommendation:

In reference to BOA1648737, The Planning Department recommends DENIAL WITHOUT PREJUDICE with specific attention to building height.



Planning Department

CITY of BOSTON

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1648738
ZBA Submitted Date	2024-09-02
ZBA Hearing Date	2025-01-14
Address	28 Belmont ST Charlestown 02129
Parcel ID	0201526000
Zoning District & Subdistrict	Charlestown Neighborhood 3F-2000
Zoning Article	62
Project Description	Construct a four-story residential building with a roof deck and integrated garage.
Relief Type	Variance
Violations	Height Excessive (ft) Height Excessive (stories) Lot Area Insufficient Rear Yard Insufficient Additional Lot Area Insufficient Usable Open Space Insufficient

Planning Context:

The existing site is an empty lot surrounded by semi-attached dwellings. Belmont St is a steep hill with 2.5- and 3-story residential buildings that conform to the changing elevation. Many of these buildings are violating height and yard setback dimensions due to the unique topography of the area. The proposed new residence is designed in a similar fashion to the residences directly adjacent to it. It will be a four-story, one unit residence with a roof deck. It will share a party wall with another new residence proposed addressed as 28 Belmont St. The lower floor would be a four car garage facing the street using an existing curb cut.

The proposal is subject to PLAN Charlestown adopted September 2023. This plan gives specific design guidelines to infill projects located in the Original Peninsula like the proposed. According to the plan: “New buildings should be of a similar scale and form to those found on the same block. While much of a building’s mass or physical volume comes from dimensions controlled by zoning, these guidelines can steer the composition of that massing to ensure that new projects fit in with the built form of the neighborhood.” The project has followed these guidelines and proposes a project that while violating zoning fits into the character of the neighborhood.



Zoning Analysis:

The proposed project triggers eight dimensional zoning violations. The height of the project is a violation in both story count and feet measurement. Zoning sets the height limit at 3 stories and 35 feet. The project is 4 stories and 38'-9". PLAN: Charlestown recommends zoning height to be followed along with the contextual height of the neighboring buildings which this project does not. While the proposed project is four stories, the surrounding neighborhood is defined by two and three story residential buildings highlighting the disconnect between project and Plan: Charlestown. It is recommended the proponent removes one floor, specifically the one intended for garage use to meet the height requirements. Locations of garage entrances should not be directly facing the street which this proposal presently does. Removal of the garage level would prevent this violation as well. Two more violations would be an insufficient rear yard and insufficient open space. The required rear yard is 20 feet while the proposed is at 15 feet. Zoning requires an open space amount of 350 SF per unit for this project while it is providing 223 SF for the one unit being constructed. If the proponent were to increase the rear yard setback it would allow for more open space helping alleviate both zoning violations. However, the project parcel sits on a steep rear incline. Even if the setback was increased to be in line with zoning, the available open space would be of little use to any activity. In the realm of setbacks the proponent must also remember to follow the neighboring buildings alignment for the front of the building.

This property is also located within the Charleston Neighborhood Design Overlay District and will have to go through design review, as the proposed project would construct over 300 square feet of new building which triggers the overlay.

Lastly, the proposal has a violation for insufficient additional lot area. The lot area required for 2 units on this site would be 2,000 while it only has 1,707. PLAN: Charlestown expresses the need for higher density housing and prioritization for housing that provides 3+ bedrooms, like this project does, as the community desires more units for families readily available. The Proponent should adapt the project to fit within the height requirement of the zoning code.

Plans "New Two-Family 26 Belmont Street" drawn by Timothy Sheehan Architect dated May 1, 2024.

Recommendation:



In reference to BOA1648738, The Planning Department recommends DENIAL WITHOUT PREJUDICE with specific attention to the building height.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1672284
ZBA Submitted Date	2024-11-19
ZBA Hearing Date	2025-01-14
Address	431 to 439 Hanover ST Boston 02109
Parcel ID	0303098000
Zoning District & Subdistrict	North End Neighborhood MFR/LS
Zoning Article	54
Project Description	The proponent is seeking to change the use of the building from eleven existing residential units to fourteen residential units.
Relief Type	Variance, Conditional Use
Violations	Parking or Loading Insufficient Usable Open Space Insufficient Use: conditional (retail store uses exceeds 2500 gsf)

Planning Context:

The proponent is seeking to change the building use from eleven existing residential units to fourteen residential units on a core mixed-use corridor in the North End. Ground-floor commercial uses are an important part of Hanover Street’s mixed-use character. By maintaining the ground-floor commercial spaces, this project would help reinforce that character. The building currently has two ground-floor commercial units: one occupied by a salon and one by a real estate office. The provided plans show the proposed unit layout, but the existing unit layouts are not shown. No changes to the building envelope are being represented in the plans, so the added units could only occur via subdivision of existing units.

Since the original application submission predates the effective date of Inclusionary Zoning (IZ) standards for projects with seven gross dwelling units and above, it is subject to the City’s prior Inclusionary Development Policy, which it does not trigger because there are only four net units created. In terms of historical significance, the building is not located within a historic district.

The site is within a Parking Freeze Zone, intended to encourage mode shift to transit and to limit air pollution caused by vehicles.



Zoning Analysis:

A variance is required to overcome two zoning violations: insufficient parking and loading and usable open space violations. Limited parking is a feature of this highly walkable neighborhood, and this case highlights the need for zoning reform that better aligns parking minimums with the built environment in this subdistrict. Additionally, the subdivision of existing apartments does not meaningfully worsen the usable open space violation because the project does not include changes to the envelope of the building. It would be impossible to meet the parking minimums without demolishing a portion of the building. Usable open space requirements are similarly difficult to meet, requiring either the addition of a roof deck or the demolishing of a part of the building.

The proposed project also triggers the need for an updated conditional use permit for a retail use above 2,500 gross square feet (GSF). Ground-floor retail and expanded retail is an appropriate use for this area and affirms the mixed-use character of Hanover Street—ground-floor small businesses with residences above—while leaving the external appearance of the building unchanged. Since the commercial spaces are already tenanted, granting a conditional use permit is unlikely to create undesirable impacts on the neighborhood, traffic, or pedestrians.

The plans are dated October 29, 2024 and were prepared by Salib Design.

Recommendation:

In reference to BOA1672284, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department

MEMORANDUM

September 12, 2024

TO: BOSTON REDEVELOPMENT AUTHORITY
D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY (BPDA)
AND JAMES ARTHUR JEMISON II, DIRECTOR

FROM: CASEY HINES, SENIOR DEPUTY DIRECTOR OF DEVELOPMENT REVIEW
NUPOOR MONANI, SENIOR DEPUTY DIRECTOR OF DEVELOPMENT
REVIEW
STEPHEN HARVEY, SENIOR PROJECT MANAGER
SCOTT GREENHALGH, PROJECT MANAGER
ADAM JOHNSON, URBAN DESIGNER
SAM ROY, SENIOR TRANSPORTATION PLANNER
FORD DELVECCHIO, ZONING COMPLIANCE REVIEWER

SUBJECT: 295 WEST FIRST STREET, SOUTH BOSTON

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority (“BRA”) d/b/a the Boston Planning & Development Agency authorize the Director to: (1) issue a Scoping Determination waiving further review pursuant to Article 80, Large Project Review of the City of Boston Zoning Code (the “Zoning Code”) for the 295 West First Street project (the “Proposed Project”, defined below) in the South Boston neighborhood of Boston; (2) issue a Certification of Compliance under Section 80B-6 of the Code upon successful completion of the Article 80 review process; (3) enter into an Affordable Rental Housing Agreement and Restriction, if necessary, or require the same be executed by and between the Proponent and the Mayor’s Office of Housing, and a Cooperation Agreement in connection with the Proposed Project; and (4) take any other actions and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The project site is a combined 1.46-acre corner lot located on two (2) parcels to be combined at 291 and 295 West First Street in Boston's South Boston neighborhood (the "Project Site" or "Site"). The Site is bound by West First Street to the north, E Street to the east and West Second Street to the south.

The Site is situated within a formerly industrial area of South Boston St. Vincent's Lower End section. The adjacent and surrounding parcels to the Site consist of a long-existing five-story residential building directly across E Street to the east), an immediately adjacent industrial seafood processing plant with a non-descript single-story building, unimproved asphalt surface areas and a commercial billboard at the shared property line to the west (which was recently approved for a new five-story residential building), a number of industrial/commercial structures, with surface laydown and commercial parking areas to the north and west, with two to four story residential buildings at the south.

The Site also is near to public transit, including several bus lines along West Broadway and West Seventh Street. The Site is also approximately one-half mile from the Broadway MBTA Red Line Station.

DEVELOPMENT TEAM

The Project Team consists of the following entities:

Proponent:	JSIP West First Street, LLC c/o Jones Street Investment Partners 100 Federal Street, Floor 20 Boston, MA 02110 Matt Frazier; Eric LeClair
Legal Counsel/Outreach:	McDermott Quilty Miller & Hanley LLP 28 State Street, Suite 802 Boston, MA 02109 Joseph Hanley, Esq. - Partner Nicholas Zozula, Esq. - Partner
Architect:	Prellwitz Chilinski Associates 221 Hampshire Street

Cambridge, MA 02139
(617) 574-8120
David Chilinski; Lauren Portney; Robert Leyen

Article 80
Permitting Consultant: Epsilon Associates, Inc.
3 Mill & Main Place, Suite 250
Maynard, MA 01754
Geoff Starsiak

Transportation Planner / Engineer: Howard Stein Hudson
11 Beacon Street, Suite 1010
Boston, MA 02108
Ian McKinnon; Christa Lucas

Civil Engineer: Howard Stein Hudson
11 Beacon Street, Suite 1010
Boston, MA 02108
Rick Latini and Madison Blanchard

Landscape Architect: Verdant Landscape Architecture
318 Harvard St #25,
Brookline MA, 02446
Katya Podsiadlo

Programming Consultant: Artico
15 Channel Center Street
Boston, MA 02210
Raber Umphenour

DESCRIPTION AND PROGRAM

The Proponent proposes a six (6) story, approximately 224,600 square foot mixed-use residential building with 236 residential rental units. The residential program will include 34 studios, 60 studio-plus units, 69 one-bedroom units, 33 one-bedroom-plus-den units, 34 two-bedroom units, and six (6) three-bedroom units. Thirty-six (36) units will be income-restricted to meet and exceed the requirements of the Inclusionary Development Policy.

The ground floor of the new building will include approximately 6,030 square feet of community space accessible from both West First Street and its new “Yard of Second”, and approximately 2,570 square feet for a community café. The proposed project will also contain publicly accessible open space of up to approximately 5,900 square feet. 125 parking spaces will be located at-grade and hidden by the new building’s ground floor program (on its south, west, and north sides), with interior storage for up to 240 bicycles.

The Proponent plans to commence construction of the Proposed Project in 2025. There are an estimated 600+/- construction jobs contributing to the Proposed Project and approximately ten (10) new permanent jobs in the property management and leasing areas. The total development cost, excluding land and financing costs, is approximately One Hundred and Ten Million Dollars (\$110,000,000).

The table below summarizes the Proposed Project’s anticipated key development metrics.

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	259,987
Gross Floor Area	224,567
<i>Residential</i>	215,964
<i>Office</i>	0
<i>Retail</i>	8,603
<i>Lab</i>	0
<i>Medical Clinical</i>	0
<i>Education</i>	0
<i>Hotel</i>	0
<i>Industrial</i>	0
<i>Recreational</i>	0
<i>Cultural</i>	0
<i>Parking</i>	27,898
Development Cost Estimate	\$110,000,000
Residential Units	236

<i>Rental Units</i>	236
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	36
Parking spaces	125

ARTICLE 80 REVIEW PROCESS

On September 22, 2023, the Proponent filed a Letter of Intent (“LOI”) in accordance with the BPDA’s policy regarding the Provision of Mitigation by Development Projects in Boston. On September 27, 2023, letters soliciting nominations for the Impact Advisory Group (“IAG”) were delivered to local and state elected officials. On December 20, 2023, the IAG was finalized with six (6) members.

The Proponent filed a Project Notification Form (“PNF”) for the Proposed Project on December 21, 2023, which initiated a thirty-(30) day public comment period which was subsequently extended to close on February 9, 2024. Notice of the receipt of the PNF by the BPDA was published in the Boston Herald on December 21, 2023. The notice and PNF were sent to the City’s public agencies/departments and elected officials.

Pursuant to Section 80B-5.3 of the Code, a Scoping Session was held on January 16, 2024, with the City’s public agencies and elected officials to review and discuss the Proposed Project.

The BPDA also held the following public meetings on the Proposed Project: an IAG meeting on January 16, 2024; a public meeting on January 31, 2024; an IAG meeting on June 24, 2024; and a public meeting on July 9, 2024. The meetings were advertised in local newspapers and on the BPDA website and distributed to the BPDA’s South Boston email list.

The Proponent also met with the Boston Civic Design Commission (“BCDC”) on February 6, 2024, March 19, 2024, May 21, 2024, and June 25, 2024.

PLANNING CONTEXT

The proposed multifamily residential use is permitted within the MFR Zoning Subdistrict. The 2011 planning and rezoning initiative for West First Street, codified

in Article 68 envisioned a residential context to the west the corridor and a more industrial fabric to the east, closer to the waterfront. When this zoning was adopted, it was presumed that properties along the Reserved Channel would continue to be characterized by industrial and surface parking uses in the long term. Subsequent years have seen an evolution of uses in the neighborhood, including the addition of residential uses in the immediately adjacent area.

While the Proposed Project exceeds zoning dimensional maximums, Planning and Urban staff worked to refine a building massing that is contextually consistent with the ongoing evolution of West Second and West First streets. Staff review also focused on improvements to the surrounding public realm, including new widened sidewalks, upgraded street intersections for enhanced pedestrian safety, and the protection and addition of street trees to create a robust canopy around the site perimeter.

ZONING

The Site is situated within South Boston's Multifamily Residential Zoning Subdistrict ("MFR") and regulated pursuant to Article 68 of the Zoning Code, which Allows the Proposed Project's proposed Multifamily Residential Use and prohibits the Proposed Project's Takeout Restaurant Use, Local Retail Use, and Art Gallery/Art Use, but limits certain dimensional, density, lot, floor area, and other requirements (by Variance). The Site is also located within a Restricted Parking Overlay District ("RPOD"), Restricted Roof Structure Overlay District ("RRSOD"), Coastal Flood Resilience Overlay District ("CFROD"), and South Boston Parking Freeze Residential Zone.

As the Proposed Project exceeds 50,000 square-feet of new construction at this location in the South Boston neighborhood, it is subject to the BPDA's Large Project Review regulations, pursuant to Article 80 of the Code. In modifying the Proposed Project to a final on-site parking allotment as detailed above, the off-street parking and loading program was carefully reviewed and determined by the BPDA, pursuant to the provisions of Article 80B of the Code.

In particular, the Proposed Project is subject to, and anticipates obtaining special approvals and relief from the following regulations of the Code, including but not limited to the following:

1. Article 68, Section 7 – Takeout Restaurant Use Forbidden
2. Article 68, Section 7 – Local Retail Use Forbidden

3. Article 68, Section 7 – Art Gallery/Art Use Forbidden
4. Article 68, Section 8 – Additional Lot Area Insufficient
5. Article 68, Section 8 – Floor Area Ratio Excessive
6. Article 68, Section 8 – Building Height Excessive
7. Article 68, Section 8 – Usable Open Space Insufficient
8. Article 68, Section 8 – Minimum Front Yard (West First Street Only)
9. Article 68, Section 8 – Minimum Side Yard
10. Article 68, Section 29 – Roof Structure Restrictions
11. Article 68, Section 33 – Off Street Parking Design and Maneuverability (Stackers and Tandem Parking Spaces)

Design elements of the Proposed Project will also be subject to Large Project Review.

MITIGATION AND COMMUNITY BENEFITS

The Proposed Project will provide a number of benefits to the South Boston neighborhood and the City of Boston as a whole, including the following:

- Creation of a publicly accessible open space park area of approximately 5,900 square feet at the corner of West Second Street and E Street that will be bordered by the main building lobby, ground floor community and retail uses.
- Inclusion of approximately 6,030 square feet of ground floor community, cultural, and retail space to create a strong connection between the Project and the existing fabric of the neighborhood. The developer will enter into a long-term, below-market-rate lease with a non-profit organization as an anchor tenant for the space. The space will be conditionally leased to the non-profit anchor tenant under an operating agreement which will ensure accessibility for groups with similar needs. As part of the agreement, the developer will deliver the space as a warm white shell and provide ongoing logistical support and advisement to the anchor tenant(s) in managing and operating the facility to ensure success. If a suitable anchor tenant cannot be identified, the developer may coordinate interim use among various community groups until one is found. The details of this arrangement will be further codified in the Cooperation Agreement of the project, in coordination with the BPDA.
- Significant improvement of pedestrian safety, enhanced connectivity and overall aesthetic of the Site and its immediate area, by removing and replacing

approximately 69 linear feet of multiple excessive curb cuts, chain-linked fencing, and inaccessible sidewalk conditions along both West First and West Second Streets, with a new public realm to meet Complete Streets standards and guidelines;

- Planting and continued maintenance of up to 24 (twenty-four) new street trees, along with the Proposed Project's new widened sidewalks and related streetscape improvements (above). These improvements may be subject to a public pedestrian easement through the Public Improvement Commission ("PIC").
- Design, construction and implementation of a new raised crosswalk at the intersection of West First and E Street, and a raised intersection at West Second Street and E Street, for enhanced pedestrian safety and connectivity in the immediate area, with safe and improved access to the Proposed Project's new Yard of Second and active ground floor community and local retail space.
- The ability to create up to eleven (11) new on-street parking spaces for South Boston residents, by eliminating the Site's excessive curb cuts (above).
- Improvement of environmental conditions at the Site by eliminating a large surface parking lot and removing the long-time non-descript warehouse and crane yard at the Site, along with removal of potential contaminated soils on Site.
- Closure of existing large curb cuts at the Site to provide new on-street parking along West First Street.
- Inclusion of a dog run on Site for residents to reduce potential burden on neighborhood infrastructure and open space, along with outdoor courtyards to provide open space for residents.
- Before the issuance of the Certificate of Occupancy from the City of Boston Inspectional Services Department, the Proponent will make a one-time monetary contribution of \$50,000.00 for parks and open space improvements in the vicinity of the Project Site. The financial contribution shall be made payable to the "Fund for Boston Parks and Recreation," or another entity as directed by the BPDA.

- Before the issuance of the Building Permit, the Proponent will make a one-time “bikeshare” contribution of \$68,0831.11 to BTB per the City of Boston Bike Parking Guidelines.
- The Proponent will provide space for one (1) bikeshare station. The Proponent will work with BTB and staff to site this station appropriately. The bikeshare station may require Administrative Review by PIC.

The proposed scope of any in-kind work agreed to by the Proponent shall be developed in consultation with the BPDA and appropriate city agencies, departments, and commissions and the allocation of any financial contributions shall first be provided to the BPDA for disbursement to the specified entity or organization. The details of any in-kind work and the allocation of any financial contributions shall be incorporated into the Cooperation Agreement between the Proponent and the BPDA. To the greatest extent possible, the Proponent will provide the BPDA with evidence indicating that the previously referenced mitigation and community benefits have been satisfied.

All sidewalk and streetscape improvements are subject to design review and may require approval for a Specific Repairs Action with PIC.

BPDA-approved construction signage must be installed at the project construction site before and during the construction of the Proposed Project. The signage must be in the form of panels at highly visible locations at the construction site or around the construction site perimeter and must be adjacent to each other. The BPDA will work with the Proponent to provide high-resolution graphics that must be printed at a large scale (minimum of 8 feet by 12 feet).

SUSTAINABILITY & RESILIENCY

Article 37

- In support of Boston’s carbon neutral goals, the Proposed Project will be designed and constructed to be Zero Net Carbon, LEED v4 Gold / 61 points certified, and Passive House compliant with a Building 2035 predictive carbon emissions (pCEI) value of 1.00 kg CO₂e/sf-yr.

- The proposed building will include a well-insulated air-tight enclosure and efficient electric heat pump space conditioning and DHW heating systems with energy recovery ventilation, all-electric EnergyStar rated appliances and a window to wall ratio (WWR) between 18-24%.
- The Proposed Project will install 180 kW solar PV and has committed to purchasing 100% renewable electricity for common building loads and setting up residential meters using the Boston Community Choice Electricity Program's "Green 100" option (100% renewable) and informing new residents of the building's green features, the benefits of using renewable electricity, and their ability to opt down or out at any time at no cost.
- Additionally, to minimize embodied carbon impacts and include healthier durable material, the Proposed Project is recommended to complete a Life cycle analysis (LCA) and achieve 8 points under the LEED Material & Resource category.

Smart Utilities

- On-going review of stormwater retention and/or management over the impervious area and confirmed on updated utility site plan, that the proposed infrastructure does not conflict with other utilities.
- On-going review of trees, permeable pavers, if used, and other green infrastructure features on the right-of-way, where applicable based on the scope of work; (to be reviewed as part of on-going review processes with Urban Design and PIC).
- Verification of compliance with the City of Boston EV Readiness Policy for New Developments, including EV chargers and needed infrastructure. Project shall provide 25% of total parking EV charging space on site. The proponent will outfit the remaining 75% of parking spaces to be EV ready as defined by the BTM EV Readiness Policy for New Large Developments.
- A Utility Site plan showing the infrastructure in the bullets above, as well as all other relevant utility infrastructure, as needed in on-going future reviews with Urban Design and PIC, including electric connection for streetlights.

- A plan to address relevant conflicts reported through COBUCS if/as relevant. Project team and the contractor will continue to work with BTU and Smart Utilities, as needed.

AFFIRMATIVELY FURTHERING FAIR HOUSING

The Proposed Project will incorporate the following Affirmatively Furthering Fair Housing (AFFH) Interventions:

Article 80 Interventions

- Provide an additional percentage of IDP Units than required;
- Provide a higher proportion of 2+ bedroom IDP units through the inclusion of additional IDP three-bedroom units;
- Provide all IDP Units on-site.

Marketing and Housing Access Interventions

- Develop and abide by a tenant screening policy for market rate units requiring that CORI, credit scores, and eviction history be assessed on an individualized basis rather than implementing a blanket policy that excludes applicants with CORIs, certain credit scores, and/or eviction histories;
- Work exclusively with local, multilingual, and culturally competent leasing agents;
- Market all units in all of Boston's dominant languages;
- Market all units across media types (print, social, audio, digital, etc.); and
- Describe IDP units and link to MetroList and/or other listings for IDP units on the Project's marketing website.

The Proponent must submit to the Boston Interagency Fair Housing Development Committee a market-rate unit marketing plan and policy detailing the specific Marketing and Housing Access Interventions stated above.

INCLUSIONARY DEVELOPMENT COMMITMENT

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 ("IDP"), and is located within Zone B, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. In this case, thirty-six (36) units within the Proposed Project will be created as IDP rental units (the "IDP Units") or 15.25%, with thirty-one (31) of the IDP units made affordable to households earning not more than 70% of the Area

Median Income (“AMI”), and five (5) of the IDP units made affordable to households earning not more than 100% of the AMI, as determined by the U.S. Department of Housing and Urban Development and published by the BPDA.

The proposed locations, sizes, income-restrictions, and rents for the IDP Units are as follows:

Unit Number	Number of Bedrooms	Square Footage	Percentage of AMI	Rent	Group-2 Designation
204	Studio +	569	70%	\$1,330	
211	One-bedroom	744	70%	\$1,559	Group-2A
212	Studio +	554	70%	\$1,330	
215	Two-bedroom	1143	100%	\$2,567	
227	One-bedroom	714	70%	\$1,559	
231	Three-bedroom	1283	70%	\$1,766	
235	Studio	506	70%	\$1,330	
238	Studio	506	70%	\$1,330	
240	Two-bedroom	909	70%	\$1,766	
302	Studio +	582	100%	\$1,932	
305	Two-bedroom	1052	70%	\$1,766	
316	Studio +	554	70%	\$1,330	
321	One-bedroom	714	70%	\$1,559	
329	Studio +	554	70%	\$1,330	
331	Three-bedroom	1461	70%	\$1,766	
337	Studio	506	70%	\$1,330	
341	Studio	507	70%	\$1,330	
352	One-bedroom	720	70%	\$1,559	Group-2A
401	One-bedroom	760	70%	\$1,559	
404	Studio +	569	100%	\$1,932	
412	Studio +	554	70%	\$1,330	Group-2A
425	One-bedroom	714	70%	\$1,559	
431	Three-bedroom	1461	100%	\$2,880	
433	Studio	506	70%	\$1,330	Group-2A
436	One-bedroom	720	70%	\$1,559	
440	Two-bedroom	1011	70%	\$1,766	
453	One-bedroom	708	70%	\$1,559	
507	Studio	521	70%	\$1,330	
514	Studio +	555	70%	\$1,330	

517	Studio +	555	70%	\$1,330	
526	Two-bedroom	1074	70%	\$1,766	Group-2A & 2B
532	Two-bedroom	1057	70%	\$1,766	
534	One-bedroom	708	70%	\$1,559	
537	Studio	506	100%	\$1,932	
539	One-bedroom	714	70%	\$1,559	
544	One-bedroom	603	70%	\$1,559	

The location of the IDP Units will be finalized in conjunction with BPDA and Mayor’s Office of Housing (“MOH”) staff and outlined in the Affordable Rental Housing Agreement and Restriction (“AHRAR”) and rents and income limits will be adjusted according to BPDA published maximum rents and income limits, as based on HUD AMIs, available at the time of the initial rental of the IDP Units. IDP Units must be comparable in size, design, and quality to the market-rate units in the Proposed Project, cannot be stacked or concentrated on the same floors, and must be consistent in bedroom count with the entire Proposed Project.

The ARHAR must be executed along with, or prior to, the issuance of the Certification of Compliance for the Proposed Project. The Proponent must also submit a draft Affirmative Marketing Plan (the “Plan”) to the Boston Fair Housing Commission at the time the building permit is issued. The IDP Units will not be marketed prior to the submission and approval of the Plan by Fair Housing and the BPDA. Preference will be given to applicants who meet the following criteria, weighted in the order below:

- (1) Boston resident; and
- (2) Household size (a minimum of one (1) person per bedroom);

Where a unit is built out for a specific disability (e.g., mobility or sensory), a preference will also be available to households with a person whose need matches the build-out of the unit. The City of Boston Disabilities Commission may assist the BPDA in determining eligibility for such a preference.

A deed restriction will be placed on each of the IDP Units to maintain affordability for a total period of fifty (50) years (this includes thirty (30) years with a BPDA option to extend for an additional period of twenty (20) years. The household income of the renter and the rent of any subsequent rental of the IDP Units during this fifty (50) year period must fall within the applicable income and rent limits for each IDP Unit. IDP Units may not be rented out by the developer prior to rental to an income eligible

household, and the BPDA or its assigns or successors will monitor the ongoing affordability of the IDP Units.

RECOMMENDATIONS

Approvals have been requested of the BPDA pursuant to Article 80, Section 80B of the Code for the issuance of a Scoping Determination waiving further review pursuant to Article 80, Section 80B-5.3(d) of the Code, and for the issuance of a Certification of Compliance under Section 80B-6 upon successful completion of the Article 80 review process.

Staff believe that the PNF meets the criteria for issuance of a Scoping Determination waiving further review. It is therefore recommended that the BPDA approve the Proposed Project and authorize the Director to: (1) issue a Scoping Determination waiving further review pursuant to Article 80, Section 80B-5.3(d) of the Code; (2) issue a Certification of Compliance under Section 80B-6 upon successful completion of the Article 80 review process; (3) enter into an Affordable Rental Housing Agreement and Restriction, if necessary, or require the same be executed by and between the Proponent and the Mayor's Office of Housing; and (4) execute and deliver a Cooperation Agreement (referencing, among other things, the Boston Residents Construction Employment Plan ordinance), and any and all other agreements and documents upon terms and conditions deemed to be in the best interest of the BPDA.

VOTED: That the Director be, and hereby is, authorized to issue a Scoping Determination waiving further review under Section 80B-5.3(d) of the City of Boston Zoning Code (the "Code"), which (i) finds that the Project Notification Form ("PNF") together with any additional material and comments received by the BPDA adequately describes the potential impacts arising from the proposed 295 West First Street project (the "Proposed Project"), and provides sufficient mitigation measures to minimize these impacts, and (ii) waives further review of the Proposed Project under subsection 3 of Section 80B-5 of the Code, subject to continuing design review by the Boston Redevelopment Authority ("BRA") d/b/a the Boston Planning and Development Agency ("BPDA"); and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Compliance for the Proposed Project upon the successful completion of all Article 80 processes; and

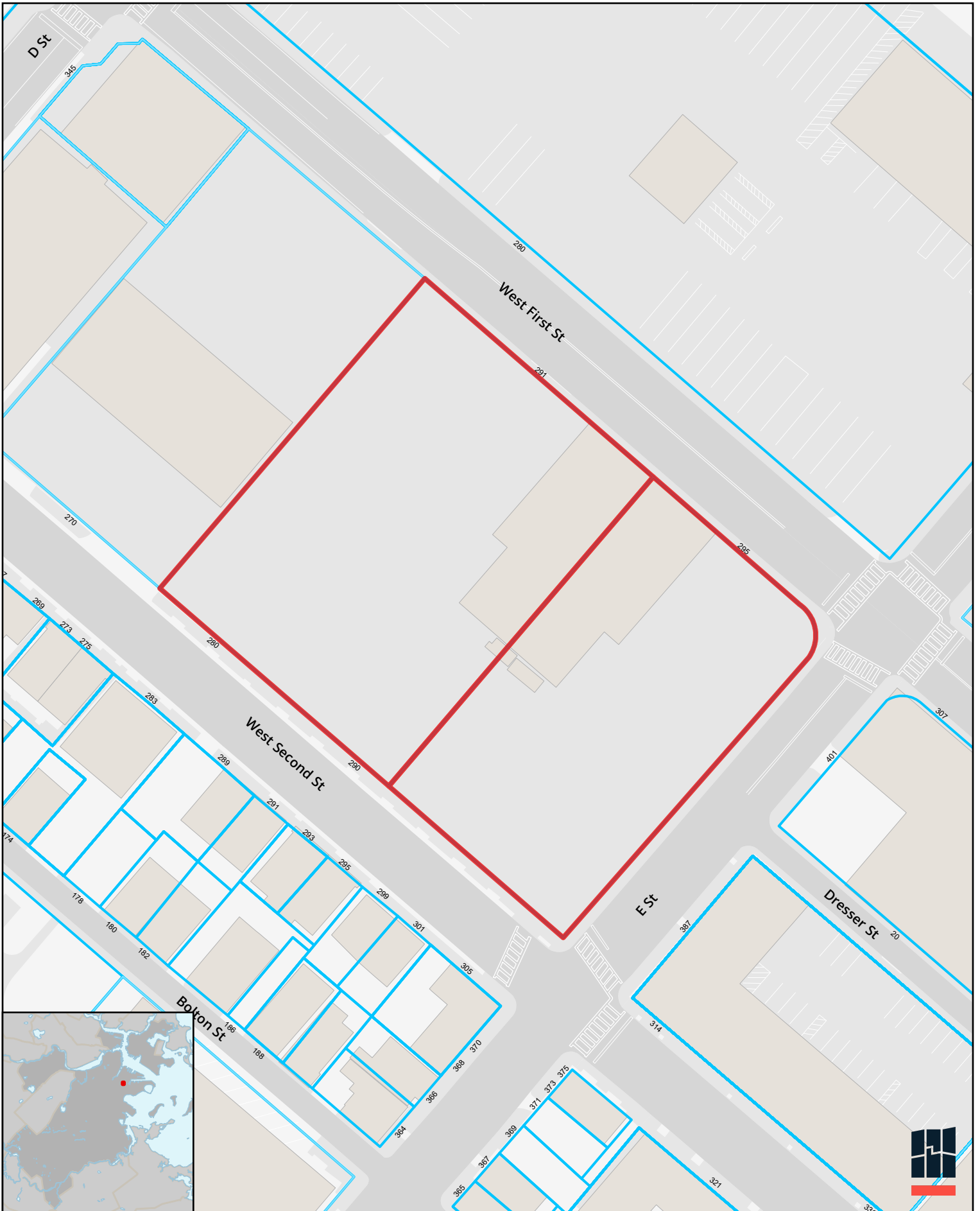
FURTHER VOTED: That the Director be, and hereby is, authorized to execute an Affordable Rental Housing Agreement and Restriction for the creation of thirty-six (36) on-site Inclusionary Development Units in connection with the Proposed Project, if necessary, or require the same be executed by and between the Proponent and the Mayor's Office of Housing; and

FURTHER VOTED: That the Director be, and hereby is, authorized to execute a Cooperation Agreement, and any and all other agreements and documents which the Director deems appropriate and necessary in connection with the Proposed Project, all upon terms and conditions determined to be in the best interests of the BPDA.

295 West First Street



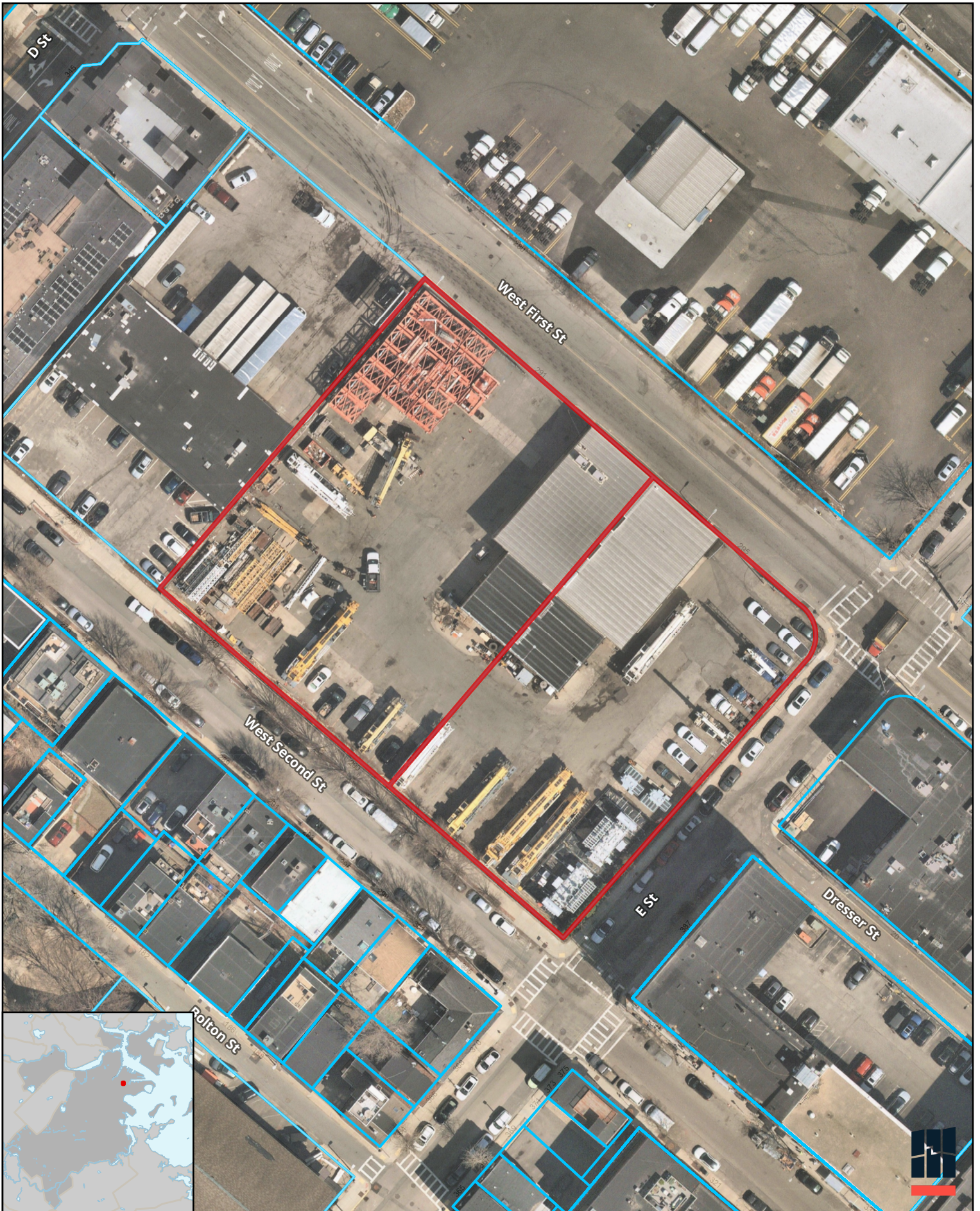
1:800



295 West First Street



1:800





Boston City Council
Erin J. Murphy
Councilor - At-Large

September 10, 2024

Re: Request to Remove 295 West First Street from September 12th Agenda

Dear BPDA Board,

I am writing to formally request the removal of the 295 West First Street development project from the agenda for the September 12th meeting.

Following the removal of this item from the August 15th agenda, we were led to believe that the approval process would be paused to allow for a more comprehensive, consistent, and transparent engagement with the community. Unfortunately, there has been no additional public dialogue or community engagement since that time. It has come to my attention that the project is now scheduled for a vote on September 12th, where no public testimony will be allowed.

Given the absence of further community involvement and the significant concerns raised by abutters and local residents, it is imperative that we ensure a more thorough review process. This includes addressing the impact of the proposed development in the context of nearby projects such as 300 West First Street/Reserved Channel Development and others.

Therefore, I respectfully request that the BPDA Board remove the 295 West First Street development item from the September 12th agenda. This will provide an opportunity for a more coordinated and holistic approach to planning, and ensure that all voices within the First Street Corridor community are heard and considered before moving forward.

Thank you for your attention to this matter. I look forward to your response and to working together to ensure that the planning process reflects the needs and concerns of our community. Please do not hesitate to reach out to my office directly at 617-635-3115 or at erin.murphy@boston.gov.

Sincerely,

Erin Murphy
Boston City Councilor A-Large



Boston City Council
ED FLYNN
Councillor - District 2

August 14, 2024

Boston Planning & Development Agency Board
One City Hall Square, Room 900
Boston, MA 02201

RE: Letter of opposition for 295 West First Street

Dear Members of the BPDA Board,

I'm writing today in opposition of the proposed project at 295 West First Street in South Boston, which is on tomorrow's Board of Directors agenda. This Article 80, large project review is for the proposed construction of 236 residential rental units, including 36 IDP affordable housing units, approximately 6,030 square feet of community space, 125 car parking spaces, and interior storage for up to 240 bicycles. Please note that throughout the community process for this project thus far, over 60 neighbors have contacted my office to express their concerns and opposition, along with representatives of the relevant neighborhood civic group, the St. Vincent's Lower End Neighborhood Association, as well as the nearby Friends of North of Broadway.

Many of these neighbors, along with the majority of residents who attended the relevant Planning Department, civic group and informal meetings, all pointed to consistent themes of height, at nearly 70 feet and 6 stories proposed on the residential side of East First Street, as well as density at 236 units. For reference, the nearby West Square development on D Street occupies an entire city block with 255 units. Abutters have called attention to quality of life issues, like exacerbating the existing parking crisis in South Boston due to a ratio of 0.53 parking spots per unit. Moreover, other residents highlighted reduced sunlight with the project, and losing one of the charms of the St. Vincent's neighborhood- the views of the city from the hills sloping down from West Broadway.

In short, neighbors consistently expressed that granting the zoning relief sought for this project would not fit in with the existing character of the community- two and three story single family homes, as well as four story multi-family homes that in no way approach this height, massing, and scale. In my opinion, using the height of the Foundry across the street as precedent, built in 1920 and at 52 units, would be inappropriate. By that logic, Carson Towers would also be a precedent for 18 story buildings along Columbia Road - which no one would support. But make no mistake - granting zoning relief at this height will inevitably lead to a chain reaction of future development projects seeking 6 stories and 70 feet in height all along this side of First Street.



Boston City Council

ED FLYNN

Councilor - District 2

The project does provide 36 much-needed IDP affordable housing units; however, the 15% affordability rate also falls short of the 17% required by the new Inclusionary Zoning (IZ) regulations that are set to take effect October 1, 2024. There have been good-faith efforts and attention paid to the public realm and wider sidewalks, pedestrian safety, urban tree canopy, and ground floor community and retail space. However, the concerns on height, with nearly 70 feet on the residential side of First Street, and the parking ratio have been echoed by neighbors from the outset of this process.

Many residents and I were under the impression, from the way the public meetings went, that these unresolved concerns warranted additional community process and that this project was not ready for BPDA Board review. In my discussions with BPDA staff last week, these outstanding community concerns were acknowledged and discussed at length.

Article 68 zoning calls for 1.5 parking spots per unit, while this project includes 0.53 parking spaces. The Boston Transportation Department may have guidelines that call for 0.5 parking spots per unit - but that is not zoning. Neighbors in the area consistently highlight the existing South Boston parking crisis and their belief that new vehicles will invariably be parked on the street, along with visitors who will also drive their cars. Storage for 240 bicycles has done nothing to alleviate the concerns of my constituents with the on the ground reality that they face everyday, whether they're coming home from work, shuttling kids to activities, taking care of their elderly parents, or simply enjoying a night out - they come home to circle blocks for 45 minutes hoping to find a spot. There is a real concern from neighbors here that parking ratios like this will only worsen that dynamic.

I respectfully ask that the Board please take the concerns on height and the quality of life issues that my constituents have raised seriously on the current iteration of this project, to acknowledge the project is not ready for Board approval, and move to allow for additional community process and work on these outstanding issues. If you have any questions, please feel free to contact me at Ed.Flynn@Boston.gov, or at 617-635-3203.

Sincerely,

A handwritten signature in black ink that reads "Ed Flynn". The signature is fluid and cursive, with a prominent "E" and "F".

Ed Flynn

Boston City Councilor, District 2



Case	BOA1671229
ZBA Submitted Date	2024-11-14
ZBA Hearing Date	2025-01-14
Address	35 Sudan ST Dorchester 02125
Parcel ID	1302969000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-D-2000
Zoning Article	65
Project Description	Convert the basement level into a residential unit, and change use from a three-unit residence to four units.
Relief Type	Variance
Violations	Parking or Loading Insufficient Additional Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Use: forbidden (multifamily dwelling)

Planning Context:

Parcel is a three-unit residential building in Dorchester, approximately two blocks to the west of I-93, approximately one half-mile equidistant from the MBTA Red Line JFK/UMass Station to the north and MBTA Red Line Savin Hill Station to the south. The building is highly characteristic of the block, which is generally made up of three-story flat-roofed residential buildings with similar bay windows and porches to the proponent's property.

Proponent seeks to convert the basement into an additional residential unit. While the proposal generally meets the overall conceptual criteria of Boston's by-right conversion of internal spaces to accessory dwelling units, small changes to the exterior envelope to allow access to the basement as well as the fact that the building is not owner-occupied disqualify this renovation from that by-right path. Instead, the owner seeks to change use to a fourth dwelling unit, leading to the zoning violations noted in the refusal letter.

This kind of improvement is an example of the kinds of renovations and changes the Planning Department seeks to streamline via the new Neighborhood Housing Zoning initiative, announced in November 2024, where a clear goal is the eventual citywide allowance of maintenance and upgrades to existing structures without the need for zoning relief via variances. Updating a basement to become an additional unit is also one of the proposed



schemes for enabling attached or internal ADUs in Boston through the Planning Department's newly released ADU Guidebook, also released in November and approved by the BPDA Board. This basement unit is a good example of creating housing on existing sites that itself appears to represent basic expectations of quality and dignity, rather than an attempt to squeeze additional units in whatever leftover space exists on a site. This site is not within the Coastal Flood Resilience Overlay District, which extends only to the eastern side of I-93 in this portion of Dorchester. The existing basement slab is only 5'10" deep at its deepest point from the first floor, and this proposal involves digging out the basement to a full 8'1" to meet building code requirements to provide adequate ceiling height. The existing basement has one dedicated elevated side door at that existing depth with stairs down into the basement, and all windows are small shoulder height basement windows with window wells. The new plans add a retaining wall to lower the depth of the ground on the entry side so that the unit can have two full doors at floor height, one of which is a dedicated entry door to the new unit, and one of which is direct entry to a new sprinkler room. The second means of egress is out the back, where an additional sprinkler room is located. Two of the window wells on the opposite side of the building are being expanded and deepened to accommodate full-sized windows, increasing light throughout the unit. This unit has two bedrooms, an office, a dedicated kitchen with separate dining area, a bathroom and separate powder room, a living room, and a foyer, with a layout that is similar to the rest of the structure's existing units. While the main entry is via the side door mentioned above, a new third full-depth window is being added to the front of the building, that side entrance is accessed by a new and dedicated stairway that is entered from the front of the property, and the basement is also provided with an additional larger and deeper window well facing the street, all of which provide clarity that a fourth unit would be present on site, which helps to address concerns of the unit being overlooked in case of emergency.

Zoning Analysis:

Per Article 65, Table A, Multifamily Residential is a forbidden use, which would be the applicable use for four units on a structure. The current use is three family / triple-decker, which is allowed. The overall form and appearance of the building would remain the same, with the sole change of changed entry configuration and a new unit within the building in space that is already being used as a basement. No other intensity of use will be evident via this proposal, and so any potential negative impact of this use change is minimal. Relief is appropriate, and future zoning reform should consider adjusting use regulations to allow for the incremental production of



housing units. More ideally, zoning reform should allow for additional housing units to be accomplished by-right, as noted by the Neighborhood Housing Zoning initiative.

Per Article 65, Table F, the required amount of parking in a multifamily residential use is 1.25 spaces per dwelling unit, which in this case would represent 5 spaces. The current requirement for a three family is 1.0 spaces per dwelling unit, which in this case currently requires 3 spaces. No spaces are being provided, so a preexisting nonconformity is being worsened. Given the small lot size of 3100 square feet, there is no viable way to provide parking on this size parcel that meets any existing parking requirements, and so relief is appropriate. Future zoning reform should consider the elimination of parking minimums for current and future residential uses.

Per Article 65, Table C, a triple decker in a 3F-D-2000 is required to have a lot of 2,000 square feet for the three specified units. For multifamily, as is proposed, an additional 1,000 square feet are required for each additional dwelling unit, as well as 2,000 for the minimum number of dwelling units specified. For four units, this would yield a required 4,000 square feet, assuming that all units are counted as additional units, which is a violation. This restriction is effectively a duplication of the use restriction mentioned earlier, given that the lot size within this subdistrict is consistently just over 3,000 square feet and therefore makes anything above three units not allowed. Because there is no clear link that a unit requires a certain amount of lot size to be viable, and that the lot required per unit for a triple decker comes out to less than 1,000 square feet per unit, relief is appropriate. Future zoning reform should consider whether or not minimum lot size should be retained in small-scale residential districts.

Per Article 65, Table C, both a triple decker as well as any other use in a 3F-D-2000 is required to have an FAR below a maximum of 1.3. While precise square footages are not noted on the plans, the current assessor listing for this property lists the living area as 4071 square feet and the lot size as 3104 square feet, yielding an existing FAR of 1.31, which is a preexisting nonconformity. Assuming that this living area is distributed over three floors, converting a similarly sized basement to living area would yield a new living area of approximately 5428 square feet, which would therefore yield a new FAR approximating 1.75 and which would therefore be a worsening of this violation. Because this new unit would be fully in the basement, no additional bulk should be perceivable from neighbors or the public realm, and relief is appropriate. Future zoning reform should consider whether or not FAR should be retained in small-scale residential districts.



Per Article 65, Table C, 300 square feet of open space are required for every dwelling unit both for a triple decker as well as for any other use in a 3F-D-2000 subdistrict. For three units, 900 square feet of open space are required, while for a proposed four unit building, 1200 square feet are required. While precise square footages are not noted on the plans, subtracting an approximation of the building footprint based on the FAR estimates listed above yields a non-building-area approximating 1700 square feet on the parcel. It is unlikely that either 900 or 1200 square feet of this area qualify as usable open space, given the additional circulation, parking, and loading area. Regardless, the open space on this property is extremely characteristic of parcels on this block, in the subdistrict, and even across the neighborhood, and this violation cannot reasonably be rectified. Access requirements for this new unit have been reasonably designed as can fit given existing site constraints, leaving almost no additional space for other recreation uses beyond the pre-existing porches. Relief is appropriate. Future zoning reform should consider how best to allow for usable open space in situations like this, where lot coverage is high in residential districts with detached multifamily structures.

Recommendation:

In reference to BOA1671229, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rana".

Planning and Zoning Director, Planning Department



Case	BOA1590919
ZBA Submitted Date	2024-04-16
ZBA Hearing Date	2025-01-14
Address	1220 Blue Hill AV Mattapan 02126
Parcel ID	1403977000
Zoning District & Subdistrict	Greater Mattapan Neighborhood 3F-6000
Zoning Article	60, 26
Project Description	Change use from three units to four units by renovating an existing building and converting the basement into an apartment.
Relief Type	Variance, Conditional Use
Violations	Parking or Loading Insufficient Additional Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Use: Forbidden (Four Units)

Planning Context:

This site sits along the prominent Blue Hill Avenue corridor in Mattapan, two blocks from the intersection of Blue Hill Avenue and Morton Street. The surrounding blocks on Blue Hill Ave are a mix of existing three-unit buildings and small commercial storefronts. The existing building is a three-decker that is typical of the area, and the neighboring three-decker is a four-unit building. PLAN: Mattapan highlighted Blue Hill Avenue as a corridor in need of additional housing density and commercial activity. With respect to Mattapan’s Corridors, the PLAN states that new corridor development is capable of providing more homes without impacting the established character of the residential fabric, and that changes should be contextually appropriate to each corridor. This proposal includes the preservation of an existing residential building, on a block with other buildings of similar scale and use. The conversion of this existing unit into additional housing is appropriate along Blue Hill Avenue to advance these planning recommendations of increasing housing stock and maintaining the existing character of the corridor and surrounding area.

Because this is a conversion of a basement unit, particular attention should be directed towards building code compliance for safety purposes and quality of the proposed basement unit. Some



elements that make a successful basement conversion, in addition to full compliance with building code requirements, include: adequate fire protection, construction of substantial window wells that are lower than shoulder height and accommodate full-sized windows to provide adequate air and light, a floorplan layout that is typical of the rest of the building, full doors at floor height that could be created with the addition of retailing walls, and clarity from the street that there is an additional unit in the basement through a dedicated stairway or clear articulation of windows.

The proposal includes window wells for two of the bedrooms, and an egress window onto a new front patio from the third bedroom. This front patio accommodates a dedicated front entrance, along with a new stairway that clearly denotes this additional fourth unit. There is also an additional patio in the rear of the building that accommodates a second method of egress, and allows for a set of french doors off of the kitchen.

This project was filed on April 16, 2024, but this area of Mattapan was rezoned on May 30, 2024. As such, the project is subject to the previous zoning regulations.

Zoning Analysis:

As previously stated, this project is subject to zoning that is no longer in effect. The maximum number of allowed units in this former 3F-6000 subdistrict is three; the updated S1 district does not place a limit on the number of residential units.

The project is required to provide three off-street parking spaces (0.75 per unit). The site plans indicate that there are four off-street parking spaces in the rear of the site, but the refusal letter states that there is insufficient parking. Under the new zoning subdistrict there is no required parking.

The project is cited for insufficient additional lot area. The site must be 12,000 square feet for these four dwelling units. However, the site itself is just over 4,000 square feet, meaning it could not have any dwelling units as-of-right. This is an existing nonconformity and an example of needing zoning reform, which was executed through the new S1 district.

The FAR is excessive; the maximum FAR for 3F-6000 subdistricts is 0.8, the existing FAR is 1.0, and the proposed FAR is 1.29. This increase in FAR is due to the renovation of the existing



basement, and not due to structure or dimensional changes to the existing building. Again, this would represent a case for zoning reform, which was completed by rezoning to an S1 district.

Finally, the required usable open space is 2,400 square feet, and the existing property is nonconforming at 832 square feet. 2,400 square feet of open space would constitute more than 50% of the site, and most other three-decker buildings proximate to this site have a similar form.

Because this is a proposed basement unit, particular attention is required for building code compliance. The submitted plans do not provide adequate elevation drawings to determine height clearances, and do not show details for the newly proposed window wells to ensure adequate safe egress from the proposed bedrooms. Further, the addition of a fourth unit requires a sprinkler system for fire protection, which is not indicated on the submitted plans.

Plans reviewed are titled "1220 Blue Hill Ave. Dorchester, MA 02125," prepared by Casa Architecture & Construction, and dated February 11th, 2024.

Recommendation:

In reference to BOA1590919, The Planning Department recommends APPROVAL WITH PROVISIO/S: that no building code relief be granted, that plans be submitted to the Planning Department for design review with attention to confirming appropriate height clearances, reviewing window wells for safe egress, confirming adequate fire protection, and ensuring new egress is designed to complement the pedestrian experience along Blue Hill Ave.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rana".

Planning and Zoning Director, Planning Department



Case	BOA1615460
ZBA Submitted Date	2024-06-14
ZBA Hearing Date	2025-01-14
Address	133 Devon ST Dorchester 02121
Parcel ID	1400624000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	50
Project Description	Erect a new 7,324 sq ft, 4-story, 7-unit residential dwelling with a roof deck, fitness room, bike storage, 5 rear parking spaces, and rooftop solar panels.
Relief Type	Variance
Violations	Limitation of Area for accessory use (parking) Parking design and maneuverability Parking or Loading Insufficient Lot Area Insufficient Lot Frontage Insufficient Lot Width Insufficient Additional Lot Area Insufficient FAR Excessive Existing Building Alignment Height Excessive (ft) Height Excessive (stories) Usable Open Space Insufficient Side Yard Insufficient Rear Yard Insufficient Use: Forbidden (Multifamily Dwelling)

Planning Context:

The plans provided for this project do not include a stamp indicating ISD review. This recommendation is based on unstamped plans that were submitted on March 24, 2024. If there are not stamped plans by the time of the scheduled Zoning Board of Appeal hearing or if updated plans are submitted, this project will be recommended for Deferral until stamped plans are made available for complete review.

This project proposes to construct a new 7,324 sq ft, 4-story, 7-unit multifamily residential dwelling with 5 rear parking spaces. The existing property is vacant residential land with a three-car garage, a paved parking area in front of the garage, a paved driveway, and an existing curb cut on Devon St. The garage is proposed for demolition as part of the project. The rest of the



land is permeable with grass and at least one tree, based on imagery of the site from Google Earth.

This block of Devon St is between Columbia Rd to the southeast and Laredo St to the northwest. The adjacent buildings on this block are mostly 2.5 to 3 stories tall. Due to the varied land elevation, some properties have retaining walls and elevated basements that are above grade, thus making these properties appear between 3 and 4 stories tall. The project plans depict a proposed structure that is 4 stories tall facing Devon St, which would align with the building heights in the area when taking the varied heights and elevation of the block into account.

The rear of the building is proposed to have a partially covered ground floor parking area with three floors of units above the parking area held up by columns. This rear section of the building is designed to be 0.5 stories higher than the front of the building due in part to the elevation increase from the northeastern front yard to the southwestern rear yard. This results in the units in the rear section being offset by 0.5 stories and the building having a front stepback appearance. The roof deck is proposed to be located above the roof of the building's front section.

The rear offset height causes the rear section of the building to look like a 4.5-story building from side elevations. The rear roof is also proposed to hold rows of solar panels. Most properties on this block have pitched roofs and only one of those properties has solar panels. Other properties further down the block are wide multifamily dwellings with flat roofs and no roof decks. The proposed project's roofline is significantly different in form and is visible from the public realm, thus indicating a need for design review to adjust the roof design to better fit within the surrounding residential context of the block.

This property is located in Grove Hall, an area identified by the City of Boston Planning Department as eligible in the future for Squares + Streets zoning due to it being a vital commercial center and being within proximity to transit resources by way of the Four Corners/Geneva MBTA Commuter Rail stop and bus routes along Columbia Rd and Washington St. This level of transit access also minimizes the need for private vehicle usage as residents can access the area through public transit resources.

The southeastern end of the block where this parcel is located is made up of mostly 2-unit and 3-unit residential dwelling on individual lots. The northwestern end of the block holds a pair of three-story rowhouse style multifamily buildings that are very wide and have a zero-lot line front yard condition. The proposed multifamily residential density of this project is appropriate for this area considering the precedent of multifamily residential properties on the block. Additionally,



this parcel is located two parcels away from the intersection of Columbia Rd and Devon St where there is a bus stop accessible to the MBTA 16 bus route and a strip of retail storefronts. Due to its proximity to multiple public transit options and commercial uses, this site is an appropriate area for increased residential density and aligns with the City's goals of encouraging transit-oriented development near commercial centers.

The project has a larger building footprint than adjacent 2-unit and 3-unit buildings due to its proposed multifamily residential use, but it does provide front, side, and rear yard setbacks. The project retains an existing side yard paved driveway which is common for other properties in the area, thus reducing the possible areas for density to accommodate units to the front and rear yards. While this leads to shallower front and rear yards than the adjacent 2- and 3-unit buildings, it still provides a larger front-facing setback than the other multifamily properties on the block that have zero-lot lines, thus providing an appropriate middle-ground for accommodating scale in this residential area. Its close proximity to zero-lot line retail storefronts at the Columbia Rd and Devon St intersection further the case for greater flexibility of building footprint and lot condition due to the existing variety of building footprints and setbacks present along that nearby commercial corridor.

The proposed five rear parking spaces and overall parking design would reduce the amount of usable open space and permeable space for the dwelling due to the amount of pavement needed to provide access to the spaces. Additionally, 4 of the 5 proposed parking spaces are partially covered by the rear section of the building and only provide about a 2.5 ft landscaped buffer between parking spaces and the southeastern side yard line that directly abuts the residential property at 137 Devon St. The Planning Department Transportation Planning Team recommends that parking spaces are designed to either be completely covered or completely uncovered and that there be additional landscaped buffering along the property lines that abut residential properties. The significant need for adjustments to the parking area and rear landscaping indicate a need for design review towards adjusting the parking design in the rear, which may include a reduction of parking spaces due to their spatial impact and their reduced need due to local transit options.

It is also not clearly indicated in the provided plans if the driveway along the northwestern side yard is proposed to be a shared driveway to access three parking spaces to the rear of the abutting property at 131 Devon St. Both 133 Devon St (this property) and 131 Devon St are owned by the same entity. Parking design review would include the need for more detailed plans explaining the connection and usage of the driveway at 133 Devon St between the two properties.



Zoning Analysis:

This property is in the Three-Family Residential (3F-4000) zoning subdistrict of the Roxbury Neighborhood District (Art. 50). The proposed project has received 15 violations specific to land use standards (multifamily dwelling residential use, off-street parking use), design standards (parking design), lot standards (lot area, additional lot area, lot width, lot frontage, usable open space, side yard, rear yard, and conformity with existing building alignment), and building standards (floor area ratio and building height). As stated above, the plans provided for this project do not include a stamp indicating ISD review. This recommendation is based on unstamped plans that were submitted on March 24, 2024. This project will be recommended for Deferral until stamped plans are made available for complete review and to confirm if there have been any changes made by the proponent.

Multifamily dwelling uses are Forbidden within the 3F-4000 subdistrict (Art. 50, Sec. 28), though the surrounding context includes existing multifamily residential dwellings. A minimum of one parking space per dwelling unit is required as well (Art. 50, Sec. 43). As mentioned, the site's proximity to public transit options and commercial resources make it an appropriate area for the proposed multifamily residential use and reduces the need for private vehicles and parking spaces, thus making the proposed five parking spaces sufficient.

The 3F-4000 subdistrict requires a minimum lot area of 4,000 sq ft, a minimum lot width of 45 ft, a minimum lot frontage of 45 ft, and a minimum of 2,000 sq ft total of additional lot area for each additional unit (Art. 50, Sec. 29). This project has existing nonconforming and insufficient lot conditions across these four regulations, though this nonconformity is common amongst other properties on this block. Additionally, the precedent of the larger and wider multifamily residential dwellings on the block which are located on top of multiple small parcels represent an inconsistency in lot adherence to lot standards. This indicates an overall need for zoning reform in this area to assign lot standard regulations that better align with the diversity of building forms needed to accommodate both existing 2-unit, 3-unit and multifamily dwellings as well as permit the lot standards necessary for redeveloped properties of these varied densities.

A minimum building height of 35 ft and 3 stories is required in this subdistrict, as well as a maximum floor area ratio of 0.8. (Art. 50, Sec. 29). As mentioned, several properties on this block exceed these heights due to the elevation of land in the area as indicated by retaining walls and above-grade basement units. The proposed four-story height is in keeping with the

BOA1615460

2025-01-14

4 Planning Department



general height within the area. Additionally, to accommodate multifamily residential uses on smaller lots such as the ones common to this area, the building form must take on a larger building mass and slightly taller height to balance the unit density with general conformity with nearby heights within the public realm. As such, the proposed height and floor area ratio is appropriate in the effort of specifically providing multifamily residential living.

This neighborhood article requires conformity with the existing building alignment of abutting properties' front yards. As mentioned, the proposed front yard balances the need for a yard indicative of the residential context while maintaining necessary building mass to accommodate the multifamily land use. Additionally, the proximity to zero-lot line multifamily residential dwellings on Devon St and retail storefronts on Columbia Rd indicate a nearby precedent for front yard depth flexibility that is also appropriate for this project. Overall, this and other violations regarding building standards indicate a need for zoning reform that better aligns with the building footprints and relationship to lots that can accommodate small types of housing growth such as this.

A minimum 10 ft side yard, a minimum 30 ft rear yard, and a minimum of 650 sq ft of usable open space per dwelling unit are required within the 3F-4000 subdistrict (Art. 50, Sec. 29). This project is insufficient across these regulations with a 5 ft southeastern side yard, a 15.5 ft rear yard, and about 206 sq ft of usable open space per dwelling unit. Relatedly, this project was flagged for a parking design violation in that parking spaces must be 8 ½ ft in width and 20 feet in length exclusive of maneuvering areas and access drives (Art. 50, Sec. 43). This project's parking design requires significant adjustment due to the undesired partial coverage of the proposed parking spaces, the lack of sufficient landscaped buffer between the parking spaces and an abutting property, the lack of clarity in plans about a potential shared driveway, and the reduction of usable open space in the rear yard caused by the paved rear parking area. That adjustment may require redesign of rear parking maneuverability, updated landscaping plans in the rear yard, and a reduction in the number of parking spaces to accommodate such changes.

Lastly, the project was flagged for a "Limitation of Area" violation that was formerly found under Art. 10, Sec. 01 but was amended and removed from the Boston Zoning Code with the adoption of updates to Article 10 (Accessory Uses) on April 17, 2024 by the Boston Zoning Commission. As such, this violation is no longer applicable.



Plot plan completed by Boston Survey, Inc. on May 22, 2024. Project plans completed by Casa Architecture & Construction on March 24, 2024. As noted, these sets of plans do not include a stamp from an ISD plans examiner.

Recommendation:

In reference to BOA1615460, The Planning Department recommends DEFERRAL: adequate plans must be submitted for review. Any existing or updated project plans require review and stamp by an ISD plans examiner before a full recommendation can be made. Only when stamped plans are provided and they are the same as those reviewed for this recommendation, the Planning Department then recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to the design of the front and rear roofline, the redesign of the rear parking area and parking space arrangement, and the design of landscape areas in the rear to promote usable open space and provide greater buffers from the proposed parking area.

Reviewed,

A handwritten signature in blue ink, reading "Amee Rana".

Planning and Zoning Director, Planning Department



Case	BOA1662922
ZBA Submitted Date	2024-10-17
ZBA Hearing Date	2025-01-14
Address	993 Hyde Park AV Hyde Park 02136
Parcel ID	1807689000
Zoning District & Subdistrict	Hyde Park Neighborhood 2F-5000
Zoning Article	69
Project Description	The proponent is seeking to change the use of a ground floor retail space to a nail salon.
Relief Type	Conditional Use
Violations	Use: conditional (nail salon)

Planning Context:

993 Hyde Park Avenue is a small, single-story commercial space that was previously a barbershop in a mixed-use neighborhood. The existing nail salon in 993 Hyde Park Avenue is across the street from a convenience store, and there is retail and a restaurant within one block of the site. The surrounding area includes both single- and multi-family houses, mostly under three stories.

Zoning Analysis:

While there is no specific nail salon use, it is most closely aligned with the "Barber or beauty shop" use, which is forbidden in this 2F-5000 subdistrict (Section 69, Table A). However, given that this is very likely a continuation of the same existing nonconforming use, only a conditional use permit would be required to move forward (Section 9-1).

The continued operation of this small business is unlikely to negatively impact pedestrians, traffic patterns, or create safety issues (Section 6-3). Future zoning reform efforts should map updated uses to the area to allow for easier transitions between service businesses like hair salons, barbershops, and nail salons.

The plans were prepared by T Design, LLC and are dated April 27, 2023.

Recommendation:



In reference to BOA1662922, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, reading "Amee Rana".

Planning and Zoning Director, Planning Department



Case	BOA1590921
ZBA Submitted Date	2024-04-16
ZBA Hearing Date	2025-01-14
Address	1458 Blue Hill AV Mattapan 02126
Parcel ID	1800939000
Zoning District & Subdistrict	Greater Mattapan Neighborhood 3F-6000
Zoning Article	60, 26
Project Description	Change use from three units to four units by renovating the existing building and converting the basement into an apartment.
Relief Type	Variance, Conditional Use
Violations	Parking or Loading Insufficient Additional Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Use: Forbidden (four units)

Planning Context:

This site sits along the prominent Blue Hill Avenue corridor in Mattapan, within a quarter mile of Mattapan Square. The surrounding blocks on Blue Hill Ave are a mix of existing three-unit buildings, multi-unit apartment buildings, and small commercial storefronts. The existing building is a three-decker that is typical of the area. PLAN: Mattapan highlighted Blue Hill Avenue as a corridor in need of additional housing density and commercial activity. With respect to Mattapan’s Corridors, the PLAN states that new corridor development is capable of providing more homes without impacting the established character of the residential fabric, and that changes should be contextually appropriate to each corridor. This proposal includes the preservation of an existing residential building, on a block with other buildings of similar scale and use. The conversion of this existing unit into additional housing is appropriate along Blue Hill Avenue to advance these planning recommendations of increasing housing stock and maintaining the existing character of the corridor and surrounding area.

Because this is a conversion of a basement unit, particular attention should be directed towards building code compliance for safety purposes and quality of the proposed basement unit. Some elements that make a successful basement conversion, in addition to full compliance with



building code requirements, include: construction of substantial window wells that are lower than shoulder height and accommodate full-sized windows to provide adequate air and light, a floorplan layout that is typical of the rest of the building, full doors at floor height that could be created with the addition of retaining walls, and clarity that there is an additional unit in the basement through a dedicated stairway or clear articulation of windows.

The proposal includes three additional deep window wells (3' x 3') for each of the bedroom units, as well as a new patio in the rear just off of the kitchen and living room. The addition of this patio with a 2' retaining wall includes two french doors that provide both additional egress as well as substantial light to this living space. The proposal includes a new stair entrance at the front of the property exclusively for this basement unit.

This project was filed on April 16, 2024, but this area of Mattapan was rezoned on May 30th 2024. As such, the project is subject to the previous zoning regulations.

Zoning Analysis:

As previously stated, this project is subject to zoning that is no longer in effect. The maximum number of allowed units in this former 3F-6000 subdistrict is three; the updated S0 district limits residential units to a maximum of 14.

The project is required to provide three off-street parking spaces (0.75 per unit). The existing site does not have parking, as there is no room for a driveway in the side yard. Under the new S0 zoning subdistrict there is no required parking.

The project is cited for insufficient additional lot area. The site must be 12,000 square feet for these four dwelling units. However, the site itself is only 4,329 square feet, meaning it could not have any dwelling units as-of-right. This is an existing nonconformity and an example of needing zoning reform, which was executed through the new S0 district.

The FAR is excessive; the maximum FAR for 3F-6000 subdistricts is 0.8, the existing FAR is .82, and the proposed FAR is 1.09. This increase in FAR is due to the renovation of the existing basement, and not due to structure or dimensional changes to the existing building. Again, this would represent a case for zoning reform, which was completed by rezoning to an S0 district.



Finally, the required usable open space is 2,400 square feet, and the existing property has 3,143 square feet of usable open space. The refusal letter states an insufficient amount of usable open space per unit, which is not the case based on the submitted plans.

Because this is a proposed basement unit, particular attention is required for building code compliance. The submitted plans do not provide adequate elevation drawings to determine height clearances, and do not show details for the newly proposed window wells to ensure adequate safe egress from the proposed bedrooms. One of the window wells and the proposed new front stairway are built to the property line, and review must confirm that they remain fully on the property. Further the addition of a fourth unit requires a sprinkler system for fire protection, which is not indicated on the submitted plans.

Plans reviewed are titled "1458 Blue Hill Ave, Mattapan, MA 02126," prepared by Casa Architecture & Construction, and dated February 11, 2024.

Recommendation:

In reference to BOA1590921, The Planning Department recommends APPROVAL WITH PROVISIO/S: that no building code relief be granted, that plans be submitted to the Planning Department for design review with attention to confirming appropriate height clearances, reviewing window wells for safe egress, confirming adequate fire protection, ensuring that the window wells and new stairway are fully located on the property, and ensuring that new egress and entrances are designed to complement the pedestrian experience along Blue Hill Ave.

Reviewed,

Planning and Zoning Director, Planning Department



Case	BOA1651349
ZBA Submitted Date	2024-09-10
ZBA Hearing Date	2025-01-14
Address	109 Beech ST Roslindale 02131
Parcel ID	2000678000
Zoning District & Subdistrict	Roslindale Neighborhood 1F-6000
Zoning Article	67
Project Description	Extend the existing front porch and insulate the existing mudroom.
Relief Type	Variance
Violations	Side Yard Insufficient Front Yard Insufficient

Planning Context:

The proposed project seeks to renovate the existing single-unit residential dwelling at 109 Beech Street by extending the front porch and insulating the existing mudroom. Currently, the front porch consists of stairs leading to the front door. The project will create a covered porch that spans the full width of the structure. This covered porch will retain the existing footprint, projecting the same length into the front yard as the current porch. This area is zoned as 1F-6000 and consists primarily of single-unit residential buildings. While most properties in the area appear to comply with the dimensional regulations, there is a common discrepancy with side yards, as many properties do not meet the minimum required side yard setback on one side to accommodate a driveway. There is also a common discrepancy between front yards as many properties vary with porch sizes and how much it projects into the front yard.

This project would further the goals outlined in Housing a Changing City, Boston 2030 (September 2018) as it would allow property owners to enhance their living spaces to meet their needs while preserving the existing structure.

Zoning Analysis:

The refusal letter states that there are two violations: an insufficient side yard and an insufficient front yard. Under Article 67, for an area zoned as 1F-6000, the minimum required side yard is 10 feet and the minimum required front yard is 25 feet or conformity with existing building



alignment. The project is proposing a west side yard of 6.1 feet and an east side yard of 9 feet. However, as there are no changes to the width of the structure, this is an existing non-conformity. This is a case for zoning reform to allow the extension of non-conformities as the structure otherwise conforms to dimensional requirements and the existing non-conformities are not increasing, to incentivize retention and improvement of existing structures.

In regards to the front yard, this project is also proposing a front yard of 18.4 feet. While this does not meet the minimum required 25 feet, relief is warranted as it would not only help align with the front yard of the abutting residential property at 117 Beech Street, but it would also help improve the appearance of the structure with the creation of the covered porch. This is also a case for zoning reform to support the improvement of existing structures to better align with the built environment of Beech Street.

The plans reviewed are titled ALT1591645_ZONINGREFUSAL_ePlans_07292024 and are dated May 2, 2024. They were prepared by Kraus Associates.

Recommendation:

In reference to BOA1651349, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, appearing to read "Aimee Rand".

Planning and Zoning Director, Planning Department



Case	BOA1640872
ZBA Submitted Date	2024-08-15
ZBA Hearing Date	2025-01-14
Address	28 Alleyne ST West Roxbury 02132
Parcel ID	2002742000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	56
Project Description	Construct a one-unit residence on a vacant lot.
Relief Type	Variance
Violations	Lot Area Insufficient Side Yard Insufficient Front Yard Insufficient

Planning Context:

The proposed project intends to construct a new one-unit home on a presently vacant parcel in West Roxbury. Boston planning goals, stated in Housing a Changing City: Boston 2030 and Imagine Boston 2030 promote infill development to add to the City's available housing stock. The proposed dwelling matches the existing character of the neighborhood in the building's proposed massing and style. The proposed project offers the opportunity to add housing to one of several vacant parcels on this block of the West Roxbury neighborhood. On this block, there are five parcels without primary structures, with lot frontages slightly more narrow than those containing existing housing.

Zoning Analysis:

The minimum lot size in this zoning subdistrict is 6,000 SF. While the proposed project does not meet this minimum - measuring only 4,020 SF - the proposal is contextual with the surrounding parcels in the neighborhood. The two neighboring parcels also fall below the 6,000 SF threshold, measuring 4,293 SF and 4,400 SF. The front and side yard deficiencies follow from the undersized lot violation. The required side yard depth per Article 56 of the Zoning Code is 10 feet and the required front yard depth is 20 feet. The project proposes a side yard of six feet. While this dimension does not meet dimensional requirements of zoning, the proposed dwelling is significantly separated from the adjacent structure through the topography of the site, with a retaining wall at the property line. The dimension of the front setback is approximately 8'-5". This



dimension is consistent with neighborhood context, with the front yard dimensions of the two neighboring structures on either side of the proposed project measuring approximately eight feet each.

Of note is a discrepancy between the address on the submitted plans (32 Alleyne Street) and the address on the refusal letter (28 Alleyne Street), which should be corrected as this proposed project advances.

Recommendation:

In reference to BOA1640872, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rand".

Planning and Zoning Director, Planning Department

MEMORANDUM**November 14, 2024**

TO: **BOSTON REDEVELOPMENT AUTHORITY**
D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY (BPDA)
AND KAIROS SHEN, DIRECTOR

FROM: CASEY HINES, SENIOR DEPUTY DIRECTOR OF DEVELOPMENT REVIEW
ZOE SCHUTTE, PROJECT ASSISTANT
FORD DELVECCHIO, PLANNER I, PLANNING REVIEW
DANIELA ESPINOSA, TRANSPORTATION PLANNER
BREEZE OUTLAW, SITE DESIGN
MEGHAN RICHARD, URBAN DESIGNER

SUBJECT: 279-283 NORTH HARVARD AVENUE, ALLSTON

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority (“BRA”) d/b/a the Boston Planning & Development Agency (“BPDA”) authorize the Director to: (1) issue a Certification of Approval for the proposed development located 279-283 North Harvard Avenue in Allston (as further defined below, the “Proposed Project”), in accordance with Article 80E, Small Project Review, of the Boston Zoning Code (the “Code”); and (2) enter into a Community Benefits Agreement in connection with the Proposed Project, and take any other action and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The Proposed Project is situated on approximately 26,710 square feet of combined land at the intersection of North Harvard Street, Easton Street and Coolidge Road, in the Allston neighborhood, which includes the existing Hill Memorial Baptist Church and a distressed two-story single-family structure (Assessing Parcel Numbers 2201417000, 2201418000) (the “Project Site”).

DEVELOPMENT TEAM

Proponent: 283 North Harvard LLC c/o Allston Brighton Community Development Corporation ("ABCDC")
John Woods – Executive Director
Caitlin Robillard - Director of Real Estate Development

Legal Counsel: McDermott Quilty Miller & Hanley LLP
Joseph P. Hanley, Esq. – Partner
Nicholas J. Zozula, Esq. – Partner

Architect: RODE Architects Inc.
Kevin Deabler - Principal / Co-Founder
Lucas Herringshaw – Senior Associate
Ben Bruce – Designer

Landscape Architect: Studio 2112
Lynne Giesecke – Principal

DESCRIPTION AND PROGRAM

The Proposed Project consists of the preservation of the Hill Memorial Baptist Church, and the development of 49 units of income-restricted (at or below 60% of the area median income) elderly housing on the Project Site. The Proposed Project includes approximately 47,909 total gross square feet, consisting of approximately 41,994 square feet of new construction and approximately 5,915 square feet of the to-be-rehabilitated existing church.

The Hill Memorial Baptist Church, built in 1903, will be historically rehabilitated and kept as a programmed resident and community space, overseen by ABCDC. The affordable housing component will consist of a Passive House-Certified four (4) story building which frames much of the Project Site and creates an internal 2,500 square foot courtyard along with a series of other open spaces designed to be shared with the community. The Proposed Project includes 15 at-grade parking spaces, which will be entered from Easton Street and exited onto Coolidge Road. The Project Site is proximate to public transit, with a Route 66 bus stop located right outside the front door of the church building on North Harvard Street.

In designing the Proposed Project, great care was given to preserving the church structure and maintaining its prominence along North Harvard Street. Maximization of the distance between the church steeple and the residential

component is a top design priority, alongside backing the residential component off Easton Street to maintain the visibility of the church along the Easton Street neighborhood. The design includes the installation of landscaping shared with the public along North Harvard Street, including the creation of an overhead canopy and trees which are positioned to provide shade and shelter to benches proximate to the bus stop, improving the commuting experience for bus riders.

The Proposed Project has been issued City of Boston Affordable Housing Acceleration Certificate No. EO2418.

The Proposed Project will include forty-six (46) one-bedroom units, three (3) two-bedroom units, and will provide fifteen (15) vehicular parking spaces, along with twenty-six (26) long term bicycle storage spaces and eight (8) short-term bike parking spaces. Approximately 200 square feet of open space per dwelling unit will be provided in various areas and opportunities at the Project Site.

The Proposed Project is also pursuing Passive House Certification and exploring on-site renewable energy. The existing Hill Memorial Baptist Church will be retrofitted with a high-performing envelope, and the project overall will be all-electric, eliminating the use of fossil fuels on site. The Project will be representative of the Proponent’s commitment to sustainable construction.

The table below summarizes the Proposed Project’s key statistics:

Project Metrics Proposed Plan	Proposed Plan
Gross Square Footage	55,390
Gross Floor Area	47,909
<i>Residential</i>	47,323
<i>Recreational</i>	586
<i>Mechanical/Storage</i>	1,706
Development Cost Estimate	\$42,000,000
Residential Units	49
Parking spaces	15

ARTICLE 80 REVIEW PROCESS

On August 15, 2024, the Proponent filed an Application for Small Project Review with the Planning Department for the Proposed Project, pursuant to Article 80E of the Code. The Planning Department sponsored and held a virtual public meeting on September 23, 2024, via Zoom. The meeting was advertised in the local newspapers, posted on the Planning Department website and a notification was emailed to all subscribers of the Planning Department's Allston/Brighton neighborhood update list. The public comment period ended on October 4, 2024.

The ABCDC has maintained active communication with the neighborhood residents about developing the Project Site for affordable housing since 2018. In December of 2023, after over five (5) years of community engagement and local support, the City of Boston advanced Affordable Housing Benefit funds from the Harvard Enterprise Research Campus to ABCDC to purchase the Project Site, in shared commitment between the City of Boston and ABCDC that the Project Site be converted into affordable housing. ABCDC has held a series of well-attended public meetings since early 2019, with two (2) public in-person meetings conducted in the spring and summer of 2024 presenting the current design to community members for feedback. In addition to the community meetings, ABCDC has maintained open and constant communications with abutters and the larger Allston neighborhood about the development proposal; meeting and informing with them concerning every significant change in the design.

ABCDC is also working closely with the Brighton Allston Elderly Housing (BAEH), the operators of the nearby McNamara House, an elderly-living community in Allston. BAEH will have offices in the rehabilitated and preserved Hill Memorial Baptist Church and will be responsible for the programming and services for the elderly residents. BAEH has provided extensive feedback on the Proposed Project, and its' members, as Allston residents themselves, have participated actively in the public process. ABCDC is committed to proactively seeking out public feedback throughout the BPDA review process.

PLANNING AND ZONING CONTEXT

The Proposed Project is located in the Allston-Brighton Neighborhood Zoning District's 2F-5000 subdistrict, governed by Article 51 of the Code. It is also located

within the study area of the Allston-Brighton Needs Assessment plan, which was adopted by the BPDA Board in January 2024. While this planning process did not yield zoning, it did provide staff with insight relevant to the review of the Proposed Project, including the need for housing that is both accessible and affordable. The Proposed Project responds to community needs identified in the report by providing 49 income-restricted homeownership units. Additionally, the Proposed Project will provide public realm improvements in a manner consistent with city-wide Complete Streets guidelines.

New senior living opportunities and preservation an existing community gathering space align with planning goals by promoting affordable, accessible living options for seniors, allowing them to age in place and remain connected to their communities. Intergenerational communities, which enhance neighborhood diversity and vitality, contribute to Boston's long-term vision of an equitable, inclusive, and resilient future. While the proposed use and dimensions are inconsistent with the regulations of Article 51, zoning relief is appropriate due to the Proposed Project's ability implement neighborhood and city-wide planning goals on a parcel featuring unusual site conditions.

ZONING

The Project Site is located within a 2F-5000 Zoning Subdistrict of the Allston/Brighton Neighborhood Zoning District, which is subject to Article 51 of the Zoning Code. It is not within or restricted by any special overlay or design districts. As the Proposed Project exceeds 20,000 square-feet of new construction at this location in the Allston/Brighton neighborhood, it is also subject to the BPDA's Small Project Review regulations, pursuant to Article 80 of the Code.

As the Proposed Project is an all-affordable development project, no Off-Street Parking Variance will be required pursuant to Zoning Text Amendment No. 454 dated December 22, 2021, which states that: "in the case of affordable residential housing, no off-street parking shall be required. Affordable residential housing shall be considered to describe those projects where at least 60% of the proposed residential units are income-restricted at or below 100% of Area Median Income (AMI), as defined by the U.S. Department of Housing and Urban Development." Thus, the Proposed Project will not require Off-Street Parking relief from the City of Boston Zoning Board of Appeal ("ZBA").

The Proposed Project's Multifamily Residential Use and Elderly Housing Use are both Forbidden Uses under Article 51, Section 8 of the Code. Additionally, due to its unique location and frontage on three (3) streets (North Harvard Street, Easton Street and Coolidge Road), the Proposed Project is anticipated to require the following zoning relief from the Code to be granted by the ZBA, and to be cited by the City of Boston Inspectional Services Department:

1. Article 51, Section 8: MFR Housing and Elderly Housing Forbidden
2. Article 51, Section 9: Front Yard Insufficient
3. Article 51, Section 9: Rear Yard Insufficient
4. Article 51, Section 9: Floor Area Ratio Excessive
5. Article 51, Section 9: Bldg Height Excessive (Feet)
6. Article 51, Section 9: Bldg Height Excessive (Stories)
7. Article 51, Section 56: Off Street Loading Insufficient

HOUSING PROGRAM & INCLUSIONARY DEVELOPMENT

Projects financed as one entity and where at least 40% of the units are income-restricted are exempt from the Inclusionary Development Policy, dated December 10, 2015 ("IDP"). The Proposed Project is financed as one entity and contains forty-nine (49) income-restricted homeownership units, or 100% of the total units, surpassing 40% of the total units. All units will be income-restricted and are expected to receive rental assistance via Boston Housing Authority as Faircloth-to-RAD Units which will help deepen affordability of the new apartments being created. As such, the Proposed Project is exempt from the Inclusionary Development Policy.

As currently proposed, thirteen (13) units will be made affordable to households earning not more than 30% of the Area Median Income ("AMI"), as published by the United States Department of Housing and Urban Development ("HUD"), nine (9) units will be made affordable to households earning not more than 50% AMI, and the remaining twenty-seven (27) units will be made affordable to households earning not more than 60% AMI. The affordability of the Proposed Project will be finalized through the public funding process and the ongoing affordability will be monitored under a MassDocs Agreement.

The Proposed Project has been issued City of Boston Affordable Housing Acceleration Certificate No. EO2418.

MITIGATION & COMMUNITY BENEFITS

The Proposed Project will provide mitigation and community benefits for the Allston neighborhood and the City as a whole, including:

- Creation of 49 new, affordable, age-restricted residential units for elderly residents.
- Historically sensitive preservation and rehabilitation of the Hill Memorial Baptist Church structure, one of the few remaining historic landmarks within the North Allston neighborhood.
- Re-use of the structure will continue the use as a well-known local community gathering space.
- Significant improvements to the streetscape along North Harvard Avenue, including the development of shaded benches adjacent to the bus stop and adherence to the “Boston Complete Streets” design principles.
- Before issuance of the Certificate of Approval, the Proponent will make a one-time “bikeshare” contribution of \$13,475 to the Boston Transportation Department (“BTD”) and create 28 resident bike parking spaces and 10 visitor bike parking spaces in the public right-of-way per the City of Boston Bike Parking Guidelines.
- Commitment to continued coordination with the MBTA for potential improvements to the existing bus stop on N Harvard Street, such as a bus stop shelter.
- Accessibility improvements including at a minimum upgrading the curb ramps at N Harvard / Easton St and N Harvard / Coolidge Rd and reciprocal ramps for ADA compliance.
- Safety improvements to the N Harvard / Coolidge Rd intersection through a curb extension.
- The generation of hundreds of thousands of dollars in new property tax revenue annually to the City of Boston.
- Prioritization of climate-forward development and decarbonization in an environmental justice community.
- Expected employment of more than 70 construction jobs for local residents over the length of the Proposed Project’s construction.

RECOMMENDATIONS

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, BPDA staff recommends that the Director be authorized to: (1) issue a Certification of Approval for the Proposed

Project; (2) enter into a Community Benefits Agreement, if necessary, and take any other action and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

Appropriate votes follow:

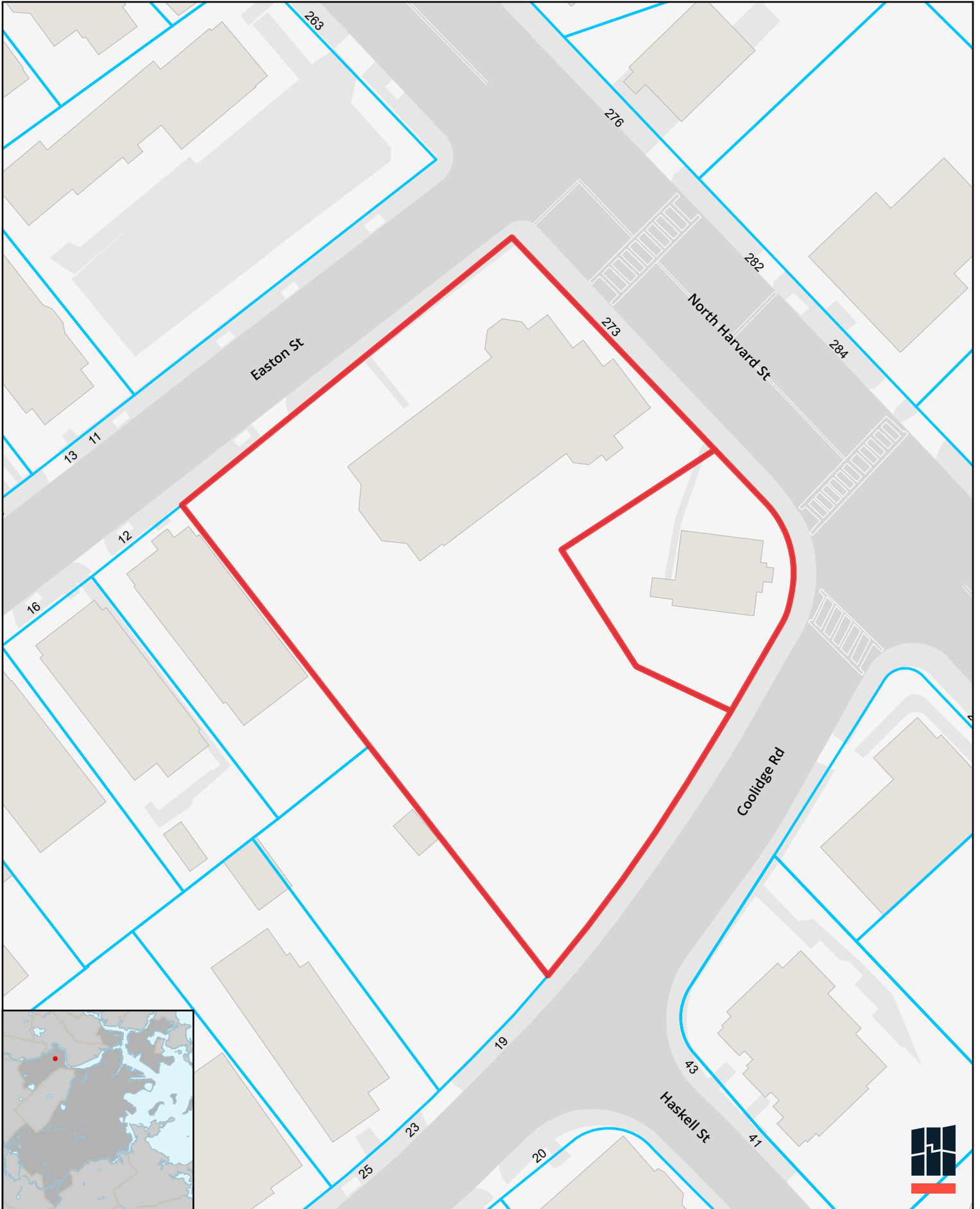
VOTED: That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6 of the Boston Zoning Code (the "Code"), approving Proponent's development consisting of a new, four (4) story building totaling approximately 47,909 total gross square feet, consisting of approximately 41,994 square feet of new construction and approximately 5,915 square feet of the to-be-rehabilitated existing church, including 49 units of income-restricted (at or below 60% of the Area Median Income) elderly housing and onsite parking for fifteen (15) vehicles at 279-283 North Harvard Avenue in Allston (the "Proposed Project") in accordance with the requirements of Small Project Review, Article 80E, of the Code, subject to continuing design review; and

FURTHER VOTED: That the Director be, and hereby is, authorized to execute, a Community Benefits Agreement, if necessary, and deliver any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project, all upon terms and conditions determined to be in the best interests of the BPDA;

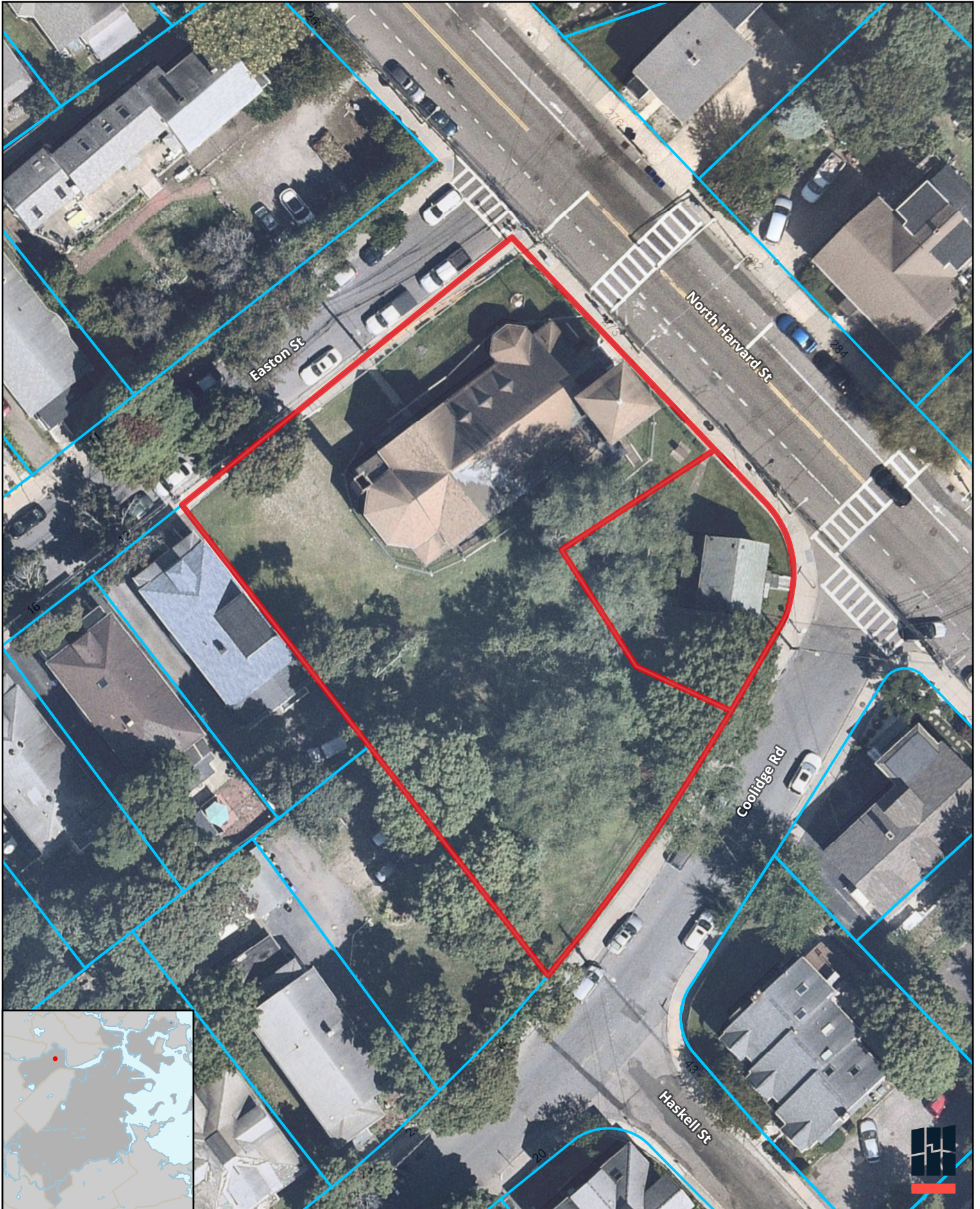
279-283 North Harvard Street



1:500



279-283 North Harvard Street





Boston City Council

LIZ BREADON
Councilor – District 9

TRANSMITTED VIA EMAIL

September 9, 2024

Ms. Zoe Schutte
Project Assistant
Boston Planning Department
One City Hall Plaza
Boston, MA 02201

RE: 279-283 North Harvard Street- Letter of Support

Dear Ms. Schutte:

We, the undersigned elected officials, write to express our support for the 279-283 North Harvard Street project (the 'Project') proposed by the Allston Brighton Community Development Corporation ("ABCDC") in the Allston neighborhood of Boston.

In 2023, ABCDC purchased the 279-283 North Harvard Street property located in the Lower Allston neighborhood. This site houses the historic Hill Memorial Baptist Church, constructed in 1903, and adjacent underutilized land.

As detailed in the Small Project Review Application ('SPRA') filed with the Boston Planning Department on August 15, 2024, ABCDC has proposed to construct an affordable senior residential development on this site that will include 49 income-restricted units. The proposed project will both retain and rehabilitate the historic church building, which will be directly connected to the adjacent residential component of the development. On-site amenities, including a community room, landscaped courtyard, and other open spaces will be available for resident use. Significantly, all units included in the proposed project are expected to receive rental assistance via the Boston Housing Authority as Faircloth-to-RAD units, and will provide much needed housing for older adults with incomes at or below 60% AMI.

As elected officials representing Allston-Brighton, we would like to express our strong support for this project. This development will provide vital income-restricted housing for older adults in the Allston community. This project will also create a significant number of new income-restricted units in an area of Lower Allston where there are limited opportunities for affordable housing production.

We appreciate the opportunity to comment on this project, and would like to thank ABCDC for its ongoing work on this important development.

Sincerely,



Boston City Council

LIZ BREADON

Councilor – District 9

Liz Breadon
Boston City Councilor
District 9, Allston-Brighton

Michael J. Moran
Majority Leader
State Representative
18th Suffolk District

Kevin G. Honan
State Representative
17th Suffolk District

Ruthzee Louijeune
President, Boston City
Council
Boston City Councilor
At-Large

Julia Mejia
Boston City Councilor
At-Large

Erin Murphy
Boston City Councilor
At-Large

Henry Santana
Boston City Councilor
At-Large

cc: Casey Hines, Deputy Director of Development Review, Boston Planning Department
Jeffrey Thomas, Communications and Intergovernmental Relations Specialist, Boston Planning Department
John Woods, Executive Director, Allston Brighton Community Development Corporation



Boston City Council

LIZ BREADON
Councilor – District 9

TRANSMITTED VIA EMAIL

November 14, 2024

Ms. Priscilla Rojas
Chair, BPDA Board
Boston Planning & Development Agency
One City Hall Plaza
Boston, MA 02201

RE: 279-283 North Harvard Street- Letter of Support

Dear Chair Rojas:

As the City Councilor for District 9, I would like to express my strong support for the 279-283 North Harvard Street project (the 'Project') proposed by the Allston Brighton Community Development Corporation ('ABCDC') in the Allston neighborhood of Boston.

In 2023, ABCDC purchased the 279-283 North Harvard Street property located in Lower Allston. This site houses the Hill Memorial Baptist Church, constructed in 1903, and adjacent underutilized land.

With this project, ABCDC has proposed to construct an affordable senior residential development that will include 49 income-restricted units. The proposed project will rehabilitate the site's existing historic church building, which will be connected to the residential component of the development. Significantly, all units included in the project are expected to receive rental assistance via the Boston Housing Authority as Faircloth-to-RAD units, and will provide needed housing for older adults with incomes at or below 60% AMI.

As the City Councilor serving Allston-Brighton, I strongly support this project. This development will provide vital income-restricted housing for older adults in the Allston community. This project will also create a significant number of new income-restricted units in an area of Lower Allston where there are limited opportunities for affordable housing creation.

Sincerely,

Liz Breadon
Boston City Councilor
District 9, Allston-Brighton



Boston City Council

LIZ BREADON

Councilor – District 9

cc: Casey Hines, Deputy Director of Development Review, City of Boston Planning Department
Jeffrey Thomas, Communications and Intergovernmental Relations Specialist, City of Boston
Planning Department
Zoe Schutte, Project Assistant, City of Boston Planning Department

MEMORANDUM

JULY 18, 2024

TO: BOSTON REDEVELOPMENT AUTHORITY
D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY (BPDA)
AND JAMES ARTHUR JEMISON II, DIRECTOR

FROM: NUPOOR MONANI, SENIOR DEPUTY DIRECTOR OF DEVELOPMENT
REVIEW
SCOTT GREENHALGH, PROJECT MANAGER
ELLA WISE, PLANNING & DEVELOPMENT REVIEW COORDINATION
MANAGER
NICK SCHMIDT, SENIOR TRANSPORTATION PLANNER II
JILL ZICK, ASSISTANT DEPUTY DIRECTOR OF PUBLIC REALM DESIGN
SCOTT SLARSKY, SENIOR ARCHITECT & URBAN PLANNER

SUBJECT: 2 CHARLESGATE WEST, FENWAY

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority (“BRA”) d/b/a Boston Planning & Development Agency (“BPDA”) authorize the Director to: (1) issue a Preliminary Adequacy Determination waiving the requirement of further review pursuant to Section 80B-5.4(c) of the Boston Zoning Code (the “Code”) in connection with the Draft Project Impact Report filed by Scape Charlesgate, LLC (the “Proponent”) on December 7, 2023 (the “DPIR”), for the 2 Charlesgate West project (the “Proposed Project”, defined below) in the Fenway neighborhood of Boston; (2) issue a Certification of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code, upon successful completion of the Article 80 review process; (3) enter into an Affordable Rental Housing Agreement and Restriction (“ARHAR”), if necessary, or require the same be executed by and between the Proponent and Mayor’s Office of Housing; and (4) execute and deliver a Cooperation Agreement and any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The Proposed Project is located at 2 Charlesgate West in the Fenway neighborhood of Boston (the “Project Site”). The Project Site currently consists of three separate but connected buildings. The existing building at 1161 Boylston Street is one story in height from Boylston Street and two stories from Ipswich Street. The existing building at Two Charlesgate West is six stories in height from Boylston Street, and eight stories from Ipswich Street. The existing building at Six Charlesgate is one story in height from Boylston Street and two stories in height from Ipswich Street. A majority of the current buildings are vacant as they are beyond their useful life and unleaseable. The building owner is the only occupant currently occupying one floor in the buildings.

The Proposed Project is located on an assemblage of four contiguous parcels at 1161 Boylston Street, Two Charlesgate West, Six Charlesgate West, and an unnumbered parcel at Boylston Street (collectively, the “Project Site”) – consisting of approximately 20,344 square feet of land, located south of Ipswich Street, north of Boylston Street, west of Charlesgate, and east of Private Alley 938. The Proponent anticipates consolidating the parcels in connection with its zoning relief and building permit.

The Project Site is well-served by infrastructure and public transit. The MBTA Green Line Kenmore Station is the closest transit stop to the Project Site (located about 0.25 miles from the Project Site). The MBTA Green Line Hynes Station is also in close proximity to the Project Site (0.37 miles). Additionally, the MBTA 55 Bus travels adjacent to the Project Site on Ipswich Street and has a stop 0.06 miles away. The Project Site has vehicular access from Ipswich Street to the north.

DEVELOPMENT TEAM

Developer: Scape Charlesgate LLC
David Hunt
Michael Spignese

Legal Counsel: Sullivan & Worcester LLP
Gregory Sampson
Ashley Tan

Architect: Utile, Inc.
Brett Bentson

Landscape
Architect: Mikyoung Kim Design
Emmett Gregory

Transportation
Planner/
Engineer: VHB
Sean Manning

DESCRIPTION AND PROGRAM

Scape Charlesgate LLC d/b/a Morro (the “Proponent”) proposes to redevelop the Project Site by demolishing the three existing on-site buildings and constructing a 28-story residential building with approximately 285,000 square feet of Gross Floor Area that will include 400 residential rental units, 2,400 SF of retail at the Ipswich Street level, and 9,800 SF of amenity space. The residential rental units are expected to be furnished. The Proponent will not charge a furnishing fee or amenity fee in addition to the published rent.

Pedestrian access to the Proposed Project will occur at both Ipswich Street and Boylston Street, which connect to the Project Site at different elevations. The Proposed Project will include a minimum of two hundred (200) interior covered and secured resident bike parking spaces located on the Ipswich Street level and accessible via the Ipswich Street lobby or Private Alley 938. The Proposed Project will also include a minimum of twelve (12) visitor bike parking spaces using a minimum of six (6) post-and-ring racks. The Proponent will explore including additional visitor bike parking spaces using post-and-ring racks with access to Private Alley 938 through design review. All bike parking will be compliant with the City of Boston Bike Parking Guidelines. In recognition that the quantity of resident and visitor bike parking spaces does not meet minimum guidelines, the Proponent will provide funding and space for two year-round bikeshare stations. No motor vehicle parking will be provided. Private Alley 938 will provide access and egress to an on-site service and loading area. A curbside pick-up/drop-off zone will be constructed on Ipswich Street.

The Proposed Project includes substantial landscape, public realm, and street improvements to the immediate project site, which will bring placemaking, safety, accessibility, and connectivity benefits to the broader Fenway neighborhood. Most notably, the Proposed Project includes a new all-day, year-round publicly accessible open stairway and enclosed public elevator that will join Ipswich Street and Boylston Street and create more direct pedestrian connections to Fenway open spaces and destinations. The Proposed Project includes sidewalk, streetscape, and public realm improvements to Ipswich Street and Boylston Street in coordination and alignment with the Fenway Transportation Action Plan, led by the City of Boston, and the Bowker Overpass Bridge Reconstruction project, led by the Massachusetts Department of Transportation (“MassDOT”) and Massachusetts Department of Conservation and Recreation (“DCR”). The Proposed Project will fund and implement traffic calming on Ipswich Street.

The table below summarizes the Proposed Project’s anticipated key development metrics.

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	299,000
Gross Floor Area	285,000
<i>Residential</i>	282,600
<i>Office</i>	0
<i>Retail</i>	2,400
<i>Lab</i>	0
<i>Medical Clinical</i>	0
<i>Education</i>	0
<i>Hotel</i>	0
<i>Industrial</i>	0
<i>Recreational</i>	0
<i>Cultural</i>	0
<i>Parking</i>	0
Development Cost Estimate	\$300,000,000
Residential Units	400
<i>Rental Units</i>	400
<i>Ownership Units</i>	0

<i>IDP/Affordable Units</i>	68
Parking spaces	0

COMPACT LIVING PILOT PROGRAM

The Developer proposes Compact Living Units within the Proposed Project and therefore, as the Proposed Project contains more than 10 units, it must comply with the City of Boston’s Compact Living Policy Pilot, which was adopted by the BPDA Board on October 11, 2018 (the “CLP”). The CLP sunset on May 30, 2023, however, because the Proponent submitted the PNF for the Proposed Project prior to its sunset date, the Proposed Project is still subject to the CLP Guidelines. The CLP sets forth guidelines for unit interior, shared spaces and transportation.

The Proposed Project will include up to four hundred (400) Compact Living Units. The Proposed Project will include approximately 14,000 square feet of shared space, which exceeds the minimum required under the Shared Spaces size requirements of the CLP. The Shared Spaces include an indoor lounge, co-working space, gym, communal kitchen and roof decks, which are located both inside and outside the Proposed Project. The Developer shall fulfill their Transportation Demand Management (“TDM”) points through P2 Reduced Parking Supply.

ARTICLE 80 REVIEW PROCESS

On August 17, 2021, the Proponent filed a Letter of Intent (“LOI”) in accordance with the BPDA’s policy regarding Provision of Mitigation by Development Projects in Boston.

The Proponent filed a Project Notification Form (“PNF”) for the Proposed Project on November 5, 2021, which initiated a thirty-(30) day public comment period which was then subsequently extended several times and concluded on January 21, 2022.

The notice and PNF were sent to the City’s public agencies/departments and elected officials pursuant to Section 80A-2 of the Code. Additionally, copies of the PNF were sent to all Impact Advisory Group (“IAG”) members.

The BPDA hosted an IAG meeting on December 9, 2021, and a public meeting on

December 15, 2021. These meetings were advertised in the local neighborhood newspapers, posted to the BPDA's calendar, and email notification was sent to all subscribers of the BPDA's Fenway neighborhood updates.

Pursuant to Section 80B-5.3 of the Code, a Scoping Session was held on December 13, 2021, with the City's public agencies and elected officials to review and discuss the Proposed Project.

The BPDA issued a Scoping Determination with respect to the PNF on September 27, 2022, requesting the Proponent to respond to comments received by City and State agencies, elected officials, the IAG, and the public.

A Draft Project Impact Report ("DPIR") was filed with the BPDA on December 7, 2023, initiating a second public comment period which concluded on May 6, 2024. The BPDA hosted an IAG meeting on January 10, 2024, a public meeting on January 11, 2024, an IAG meeting on April 2, 2024, a public meeting on April 4, 2024, and a joint IAG and public meeting on July 1, 2024. These meetings were advertised in the local neighborhood newspapers, posted to the BPDA's calendar, and email notification was sent to all subscribers of the BPDA's Fenway neighborhood updates. The Proposed Project comes under the jurisdiction of the Boston Civic Design Commission ("BCDC") pursuant to Article 28 of the Code and was approved by the BCDC on June 25, 2024.

PLANNING AND ZONING CONTEXT

The Fenway Transportation Action Plan ("Action Plan") has been launched under the BPDA's aegis, in concert with the Boston Transportation Department ("BTD"), Boston Public Works Department ("PWD"), Boston Parks & Recreation Department ("BPRD") (which has jurisdiction over the nearby Back Bay Fens), DCR (which has jurisdiction over the adjacent Boylston Street), the Massachusetts Bay Transportation Agency ("MBTA") (which has jurisdiction over the nearby Framingham/Worcester Commuter Rail Line), and MassDOT (which has jurisdiction over the adjacent Bowker Overpass). The Action Plan is a multi-year analysis and design process that will guide changes to Fenway streets and the public realm to ensure Fenway's transportation networks are safe, comfortable, and connected. Ipswich Street, which abuts the Proposed Project, is one of three Design Areas in the Action Plan.

The most recent land use plan for the Fenway neighborhood was adopted in 2002 and codified in Article 66 of the Boston Zoning Code in 2003. The *Land Use and Urban Design Guidelines: Fenway Special Study Areas Final Report* (“*Fenway Guidelines*”) was led by the Boston Redevelopment Authority and Boston Transportation Department in collaboration with the Fenway Planning Task Force to create a set of land use, density, height, and urban design recommendations. The *Fenway Guidelines* recommend four new Fenway neighborhood zoning subdistricts, as well as special planning areas for two gateway parcels. The intent for these gateway areas is to allow increased density and height to enable “exemplary design, including well-considered massing and detailing in response to exceptional site and environmental considerations.” In addition, the *Fenway Guidelines* explain, “The sites are also relatively small, suggesting that additional building height could be allowable in return for a slim profile of architectural distinction” with consideration for shadow and other environmental impacts.

Based on the *Fenway Guidelines*, the Article 66 text and zoning map was amended to include the North Boylston Gateway Development Area Overlay (“North Gateway Overlay”) district at the northeastern end of the neighborhood, coterminous with the parcels that comprise the site of the Proposed Project at 2 Charlesgate West. Article 66 establishes the intent of the Overlay District: “The purpose of the Gateway Development Area Overlay Districts is to provide zoning regulations that allow for the development of architecturally distinctive civic landmarks at major entrances to the Fenway neighborhood.” (Section 66-31). The North Gateway Overlay district allows a height of 95 feet and FAR of 5 as-of-right with an increase of up to 135 feet in height and FAR of 9 if the Proposed Project elects to comply with Article 80B Large Project Review.

Although the North Gateway Overlay district grants increased height and density above the base zoning, the Proposed Project seeks further height and density that exceeds the Overlay district zoning. The Proposed Project is constrained by the shape and topography of the site, as well as existing easements. Over the course of Article 80B review, the Proposed Project has evolved in response to Planning and Urban Design staff feedback, including reducing the massing along Boylston Street, designing the open space for public access and enjoyment, and including the public access stair. Therefore, through Large Project Review, it has been determined by staff that the proposed project meets the intent of the *Fenway Guidelines* and the zoning for the gateway parcel for an “architecturally distinctive civic landmark[s].”

The immediate context of the Proposed Project is changing, as MassDOT has proposed replacing and widening the Bowker Overpass Bridge that spans I-90, MBTA's Framingham/Worcester Commuter Rail Line, and Ipswich Street. The redesign of this infrastructure provides an opportunity for improving Charlesgate Park and reconnecting the Emerald Necklace and Back Bay Fens to the Charles River. The proponent and MassDOT are working to align the interface between the Proposed Project and Bowker Overpass Bridge project, as the Proposed Project's new public stairway and elevator will influence walking and biking patterns between Project Sites. The Charlesgate Alliance, a volunteer organization, is working with the Emerald Necklace Conservancy, the Esplanade Association, DCR, and MassDOT to plan for this transportation and open space revitalization project.

In addition to the North Gateway Overlay District, the Proposed Project lies within the North Boylston Neighborhood Shopping subdistrict, Restricted Parking Overlay District (RPOD), Greenbelt Protection (GPOD), and Groundwater Conservation (GCOD) overlay districts.

The North Boylston NS-2 zoning subdistrict was established to encourage residential uses and the development of neighborhood businesses that provide essential goods and services to, as well as jobs and entrepreneurial opportunities for, the Fenway community. The principal uses contemplated by the Proposed Project are congruent with planned uses for the area.

The purpose of the RPOD is to limit congestion in already dense neighborhoods by restricting off-street motor vehicle parking facilities for all non-residential uses, requiring a conditional use permit for such parking spaces. The Proponent is not proposing any motor vehicle parking for this Proposed Project, which is congruent with the intent of the RPOD.

The purpose of the GPOD is to preserve and protect natural scenic resources of the City's parkways for certain exterior construction or alteration, as defined in the code, within 500 feet of the parkways. The Proposed Project will require a conditional use permit for construction of more than 5,000 square feet of gross floor area within the GPOD.

The purpose of the GCOD is to prevent deterioration of and promote restoration of groundwater levels in Boston for certain construction, as defined in the code. The Proposed Project will require a conditional use permit for construction of more than 50 square feet of lot area in the GCOD.

In addition, the proposed project may be subject to the Boston Municipal Code Section 7-4, commonly referred to as the 'Parks Ordinance' requiring City of Boston Parks Department review.

MITIGATION & COMMUNITY BENEFITS

The Proposed Project will provide mitigation and community benefits for the Fenway neighborhood and the City as a whole, including:

Open Space and Public Realm

- The Proponent will provide an accessible public bathroom for park visitors that will be open year-round and feature wayfinding. The specific daily hours of operation will be confirmed in the Cooperation Agreement.
- Within thirty (30) days of issuance of the Building Permit from the City of Boston Inspectional Services Department, the Proponent will make a one-time monetary contribution of \$500,000.00 for parks and open space improvements in the immediate vicinity of the Project Site. The financial contribution shall be made payable to the "Fund for Boston Parks & Recreation," or another entity as directed by the BPDA.
- Within thirty (30) days of issuance of the Building Permit from the City of Boston Inspectional Services Department, the Proponent will make a one-time monetary contribution of \$200,000.00 for tree care in the vicinity of the project. The financial contribution shall be made payable to the "Massachusetts Department of Conservation & Recreation", or another entity as directed by the BPDA.
- Within thirty (30) days of issuance of the Building Permit from the City of Boston Inspectional Services Department, the Proponent will make a one-time monetary contribution of \$30,000.00 for tree care (which may include installation of tree grates, maintenance of tree pits, etc.) on Ipswich Street. The financial contribution shall be made payable to the "Fund for Boston Parks & Recreation," or another entity as directed by the BPDA.
- Within thirty (30) days of issuance of the Building Permit from the City of Boston Inspectional Services Department, the Proponent will make a one-time monetary contribution of \$40,000.00 for lighting infrastructure near the Leif Erikson Statue on the Commonwealth Avenue Mall. The financial

contribution shall be made payable to the “Friends of the Public Garden,” or another entity as directed by the BPDA.

- The Proponent will introduce new street trees subject to review with Urban Design staff along the Ipswich Street and Boylston Street frontages of the project site. Improvements to State-owned roadways, such as Boylston Street along the Project Site, require coordination and approval by DCR.
- The new all-day, year-round publicly accessible stairs may be subject to a public pedestrian easement through PIC. Staff will continue to discuss post-Board the best way to secure this connection for the public.
- The Proponent is committed to pursuing the design, permitting and installation of up to two static way-finding signs as part of the Proposed Project. The signs shall be subject to Comprehensive Sign Review under Article 80B. The signs shall primarily be for way-finding purposes. However, if approved by all relevant authorities having jurisdiction including BPDA and Parks Department staff, the signs may also include a combination of advertisements and civic engagement messages. Any revenue from the advertisements will be contributed in annual installments to the “Fund for Boston Parks & Recreation,” or another entity as directed by the BPDA and Boston Parks and Recreation Department.

Housing and Equity

- Within thirty (30) days of the Building Permit from the City of Boston Inspectional Services Department, the Proponent will make a one-time monetary contribution of \$300,000.00 for support of the Fenway Community Development Corporation’s 112-114 Queensberry Street project. The financial contribution shall be made payable to the “Fenway Community Development Corporation,” or another entity as directed by the BPDA.
- The Proponent will provide a minimum of 1,000 rentable square feet of retail space at Ipswich Street with a preference to a local MBE/WBE business at not more than eighty percent (80%) of market rent.

Transportation

The Proponent will make much-needed sidewalk and streetscape improvements to Ipswich Street and Boylston Street. All sidewalk improvements are subject to design review and may require approval for a Specific Repairs Action with the Public Improvement Commission (“PIC”).

- Upon issuance of the Certificate of Occupancy, the Proponent will design and install speed humps and ancillary pavement markings and signage on Ipswich Street between the intersections of Ipswich Street / Hemenway Street / Boylston Street and Ipswich Street / Lansdowne Street. The estimated value of this mitigation shall not exceed fifty thousand (\$50,000.00) dollars. Improvements to the public way will be subject to City of Boston design review and may require PIC approval. In the event that circumstances change regarding this mitigation, the City will work with the Proponent to identify an alternative solution with comparable impact and estimated value.
- Within thirty (30) days of issuance of the Building Permit, the Proponent will make a one-time “bikeshare” contribution of \$185,000.00 to BTB per the City of Boston Bike Parking Guidelines. Upon issuance of Certificate of Occupancy, the Proponent will provide space for two (2) year-round bikeshare stations onsite. One station will be located on a curb extension along Ipswich Street and feature a minimum of nineteen (19) docks. The other station will be located near the Boylston Street entrance and feature a minimum of nineteen (19) docks. Both stations will be connected to the electrical grid to support e-bike charging and, for the Ipswich Street station, in anticipation of limited solar exposure. The Proponent will work with BTB and staff to site these stations appropriately. Bikeshare stations may require Administrative Review by PIC.
- The Proponent shall enter into a Transportation Access Plan Agreement (“TAPA”) with BTB to articulate a Transportation Demand Management (“TDM”) strategy following BTB’s Transportation Demand Management Points System; and to set forth the timing for the Proponent’s funding of this off-site mitigation funding contribution.

The proposed scope of any in-kind work agreed to by the Proponent shall be developed in consultation with staff and appropriate city agencies, departments, and commissions and the allocation of any financial contributions shall first be provided to the BPDA for disbursement to the specified entity or organization. The details of any in-kind work and the allocation of any financial contributions shall be incorporated into the Cooperation Agreement between the Proponent and the BPDA. To the greatest extent possible, the Proponent will provide the BPDA with evidence indicating that the above-referenced mitigation and community benefits have been satisfied.

Construction signage must be installed at the Project Site before and during the construction of the Proposed Project. The signage must be in the form of panels at highly visible locations at the construction site or around the construction site perimeter and must be adjacent to each other, as approved by staff. Staff will work with the Proponent to provide high-resolution graphics that must be printed at a large scale (minimum of 8 feet by 12 feet).

SMART UTILITIES

The Proposed Project will comply with the Smart Utilities requirements adopted through the Development Review Guidelines, and Article 80B of the Code. The Proposed Project shall meet or exceed the 1.25" of stormwater infiltration per square inch of impervious development standard and will incorporate best practice green infrastructure standards within the public realm, when applicable. These elements include but are not limited to porous curb extensions, bio-retention strategies and/or rain gardens. The Proposed Project will also include smart streetlights standards for new sidewalks, including city shadow conduit and dual handholes as required by PIC. Utilities in any City right of way will be designed to conform with Public Works Department standards and will undergo further review to ensure they are not in conflict with any landscape design feature such as tree pits and/or other green infrastructure elements. The Proposed Project will also provide access for local telecom and fiber providers to ensure broadband equity and possible future deployment of smart technologies. Ongoing utility coordination with MassDOT and the Bowker Overpass relocation and Smart Utilities will continue as needed.

The Proponent agrees to complete the Smart Utilities review prior to obtaining a Certificate of Occupancy. The items to be reviewed include:

- The Proposed Project's compliance to 1.25" of infiltration per square inch of impervious development as indicated in the Smart Utilities checklist. The project shall also comply with the requirements of the Groundwater Conservation Overlay District.
- Review of horizontal infrastructure and landscape features to ensure proper distances have been maintained from tree-pits and relevant green infrastructure.
- The Proposed Project's Smart Street Light integration, when applicable. This includes city shadow conduit in accordance with sidewalk reconstruction and

PIC review. This also includes review of broadband, fiber optic cabling, and shadow conduit in order to preserve broadband equity and other dependent smart technologies.

- Location of transformers and critical infrastructure so as to ensure coordination with Eversource and “right sized” infrastructure.
- A plan to address relevant conflicts reported through COBUCS if/as relevant. The Proponent will continue to work with BT&D and Smart Utilities as needed.
- Coordination of the landscape design to ensure the utilization of low impact design strategies for stormwater retention.

SUSTAINABILITY

Article 37

The Proposed Project will be designed and constructed to provide infrastructure and space for future 100% electrification. The Proposed Project will also be designed and constructed to be a minimum of LEED Silver / 50 points certifiable. The residential component of the Proposed Project will also seek passive house certifiability. Additionally, the buildings will be designed and constructed as follows:

1. Low carbon residential buildings targeting Building 2035 pCEI's at or below 1.6 kg CO₂e/sf-yr prioritizing building enclosure solutions including continuous insulated, low infiltration well managed window to wall ratio, all efficient electric space heating/cooling and DHW heating systems, along with energy recovery ventilation with a Passive House Certification target. The Proposed Project will also evaluate on-site solar once equipment needs are finalized.
2. A LEED Silver target or greater will be finalized prior to Article 37 Design approval.
3. Updates related Passive House Feasibility and/or Energy Conservation Measures related to project performance shall be provided within 6 months of BPDA board approval.

Additionally, the Proposed Project will seek to purchase 100% renewable electricity with all common area meters and educate tenants using Boston Community Choice Electricity's (“BCCE”)s “Green 100” (100% renewable electricity) AND new owners will be informed of the benefits using renewable electricity and their ability to opt out of the BCCE program at no cost.

AFFIRMATIVELY FURTHERING FAIR HOUSING

The Proposed Project will incorporate the following Affirmatively Furthering Fair Housing (AFFH) Interventions

Article 80 Interventions

- Increase the percentage of IDP units above the required amount.
- Provide all IDP onsite.
- Increase building density to directly increase affordable units for and available to people in protected classes
- Partner with a non-profit developer, land trust, housing authority, or other entity to provide land or bear some capital costs to enable affordable housing construction, in addition to fulfilling IDP requirements

Marketing and Housing Access Interventions

- Agree to follow best practices in marketing market-rate units that are inclusive and welcoming to members of protected classes including the following:
 - Work with local, multilingual, and culturally competent leasing agents;
 - Describe IDP units and link to MetroList on the Proposed Project's primary marketing website.
- Allow last month's rent and security deposit to be paid in installments for an agreed upon percentage of units or by renters up to a certain income level
- Agree to follow best practices related to the use of CORI, eviction, and credit records in the tenant screening and selection process

The Proponent must submit to the Boston Fair Housing Commission—along with its Affirmative Fair Housing Marketing Plan (the "Plan") for IDP units—a market-rate unit marketing plan detailing the adoption of the Boston Fair Chance Tenant Selection Policy as well as the other specific best practices that will be used to market the market-rate units.

HOUSING PROGRAM AND INCLUSIONARY DEVELOPMENT POLICY

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 ("IDP"), and is located within Zone B. The IDP is satisfied when 13% of residential rental units are designed as IDP units. In this case, 68 units within the Proposed Project will be created as IDP rental units (the "IDP Units"), of

these, fifty-two (52) IDP Units will be made affordable to households earning not more than 70% of the Area Median Income (“AMI”), as determined by the U.S. Department of Housing and Urban Development, and published by the BPDA and sixteen (16) IDP Units will be made available to households earning not more than 120% AMI.

The proposed locations, sizes, income-restrictions, and rents for the IDP and additional income-restricted units are as follows:

Unit Number	Unit Type	Square Footage	Percentage of AMI	Rent	Group-2
0210	Compact Two-bedroom	788	70%	\$1,589	
0212	Studio	511	70%	\$1,330	Group 2
0303	One-bedroom	735	70%	\$1,559	
0305	Compact One-bedroom	595	70%	\$1,403	Group 2
0308	Compact Studio	406	70%	\$1,196	
0316	Compact Studio	379	120%	\$2,100	
0320	Compact Studio	415	70%	\$1,196	
0409	Compact One-bedroom	553	70%	\$1,403	
0411	Compact Studio	375	70%	\$1,196	
0416	Compact Studio	379	70%	\$1,196	
0421	Compact Studio	415	120%	\$2,100	
0508	Compact Studio	406	70%	\$1,196	
0512	Compact Studio	395	70%	\$1,196	Group 2
0513	Two-bedroom	856	70%	\$1,766	Group 2
0524	Compact One-bedroom	563	70%	\$1,403	
0605	Compact One-bedroom	595	70%	\$1,403	Group 2
0607	Compact One-bedroom	595	120%	\$2,455	
0613	Two-bedroom	856	70%	\$1,766	Group 2
0616	Compact Studio	379	70%	\$1,196	
0707	Compact One-bedroom	595	70%	\$1,403	
0708	Compact Studio	406	120%	\$2,100	
0714	Compact Studio	361	70%	\$1,196	
0801	Compact Studio	369	70%	\$1,196	
0809	Compact One-bedroom	553	120%	\$2,455	
0813	Studio	537	70%	\$1,330	Group 2
0816	Compact Two-bedroom	752	120%	\$2,792	
0902	Compact One-bedroom	533	120%	\$2,455	
0904	Compact Two-bedroom	764	70%	\$1,589	

0918	Compact One-bedroom	515	70%	\$1,403	Group 2
1009	Compact One-bedroom	553	70%	\$1,403	
1011	Compact Studio	375	70%	\$1,196	
1013	Studio	537	70%	\$1,330	Group 2
1016	Compact Two-bedroom	752	120%	\$2,792	
1101	Compact Studio	369	120%	\$2,100	
1116	Compact Two-bedroom	752	70%	\$1,589	
1118	Compact One-bedroom	515	70%	\$1,403	Group 2
1210	Compact Two-bedroom	788	70%	\$1,589	
1213	Studio	537	70%	\$1,330	Group 2
1218	Compact One-bedroom	515	120%	\$2,455	
1301	Compact Studio	370	70%	\$1,196	
1309	Compact One-bedroom	533	70%	\$1,403	
1405	Compact One-bedroom	595	70%	\$1,403	
1406	Compact Studio	406	70%	\$1,196	
1415	Compact Two-bedroom	804	70%	\$1,589	
1502	Compact One-bedroom	533	70%	\$1,403	
1514	Compact Studio	364	70%	\$1,196	
1602	Compact One-bedroom	533	70%	\$1,403	
1610	Compact Two-bedroom	788	70%	\$1,589	
1701	Compact Studio	370	70%	\$1,196	
1702	Compact One-bedroom	533	70%	\$1,403	
1709	Compact One-bedroom	533	120%	\$2,455	
1804	Compact Two-bedroom	764	70%	\$1,589	
1806	Compact Studio	406	70%	\$1,196	
1809	Compact One-bedroom	533	70%	\$1,403	
1908	Compact Studio	406	70%	\$1,196	
2003	Compact One-bedroom	597	70%	\$1,403	
2012	Studio	471	120%	\$2,333	
2101	Compact Studio	371	70%	\$1,196	
2105	Compact One-bedroom	595	70%	\$1,403	
2203	Compact One-bedroom	597	120%	\$2,455	
2210	Compact Two-bedroom	788	70%	\$1,589	
2308	Compact Studio	406	70%	\$1,196	
2401	Compact Studio	371	120%	\$2,100	
2409	Compact One-bedroom	553	70%	\$1,403	
2501	Compact Studio	371	70%	\$1,196	

2504	Compact Two-bedroom	764	120%	\$2,792	
2606	Compact Studio	406	120%	\$2,100	
2712	Studio	471	70%	\$1,330	

The location of the IDP Units will be finalized in conjunction with BPDA and Mayor’s Office of Housing (“MOH”) staff and outlined in the Affordable Rental Housing Agreement and Restriction (“ARHAR”), and rents and income limits will be adjusted according to BPDA published maximum rents and income limits, as based on HUD AMIs, available at the time of the initial rental of the IDP Units. IDP Units must be comparable in size, design, and quality to the market rate units in the Proposed Project, cannot be stacked or concentrated on the same floors, and must be consistent in bedroom count with the entire Proposed Project. IDP units will have an identical furnishing package to comparable market-rate apartments in the Proposed Project.

The ARHAR must be executed along with, or prior to, the issuance of the Certification of Compliance for the Proposed Project. The Proponent must also register the Proposed Project with the Boston Fair Housing Commission (“BFHC”) upon issuance of the building permit. The IDP Units will not be marketed prior to the submission and approval of an Affirmative Marketing Plan to the BFHC and the BPDA. Preference will be given to applicants who meet the following criteria, weighted in the order below:

- (1) Boston resident; and
- (2) Household size (a minimum of one (1) person per bedroom).

Where a unit is built out for a specific disability (e.g., mobility or sensory), a preference will also be available to households with a person whose need matches the build out of the unit. The City of Boston Disabilities Commission may assist the BPDA in determining eligibility for such a preference.

An affordability covenant will be placed on the IDP Units to maintain affordability for a total period of fifty (50) years (this includes thirty (30) years with a BPDA option to extend for an additional period of twenty (20) years). The household income of the renter and rent of any subsequent rental of the IDP Units during this fifty (50) year period must fall within the applicable income and rent limits for each IDP Unit. IDP Units may not be rented out by the developer prior to rental to an income eligible household, and the BPDA or its assigns or successors will monitor the ongoing affordability of the IDP Units.

As there is no partial unit payment required and the Proponent is voluntarily providing in excess of the required 13% contribution, the sixty-eight (68) designated IDP Units satisfies fully and exceeds the IDP requirements pursuant to the December 10, 2015, IDP.

RECOMMENDATIONS

Based on the foregoing, BPDA staff believes that the PNF and DPIR meet the criteria for issuance of a Scoping Determination waiving further review. It is therefore recommended that the BPDA approve the Proposed Project and authorize the Director to: (1) issue a Preliminary Adequacy Determination waiving the requirement of further review pursuant to Section 80B-5.4(c) of the Boston Zoning Code (the "Code") in connection with the Draft Project Impact Report filed by Scape Charlesgate, LLC (the "Proponent") on December 7, 2023 (the "DPIR"), for the 2 Charlesgate West project (the "Proposed Project", defined below) in the Fenway neighborhood of Boston; (2) issue a Certification of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code, upon successful completion of the Article 80 review process; (3) enter into an Affordable Rental Housing Agreement and Restriction ("ARHAR"), if necessary, or require the same be executed by and between the Proponent and Mayor's Office of Housing; and (5) execute and deliver a Cooperation Agreement and any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

Appropriate votes follow:

VOTED: That the Director be, and hereby is, authorized to issue a Preliminary Adequacy Determination waiving further review under Section 80B-5.4(c) of the City of Boston Zoning Code (the "Code"), which (i) finds that the Project Notification Form ("PNF") and Draft Project Impact Report ("DPIR") together with any additional material and comments received by the BPDA adequately describes the potential impacts arising from the proposed 2 Charlesgate West project (the "Proposed Project"), and provides sufficient mitigation measures to minimize these impacts, and (ii) waives further review of the Proposed Project under subsection 3 of Section 80B-5 of the Code, subject to continuing design review by the Boston Redevelopment Authority ("BRA"); and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Compliance for the Proposed Project upon the successful completion of all Article 80 processes; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute an Affordable Rental Housing Agreement and Restriction, for the creation of 68 on-site Inclusionary Development Units if necessary, or require the same be executed by and between the Proponent and Mayor's Office of Housing; and

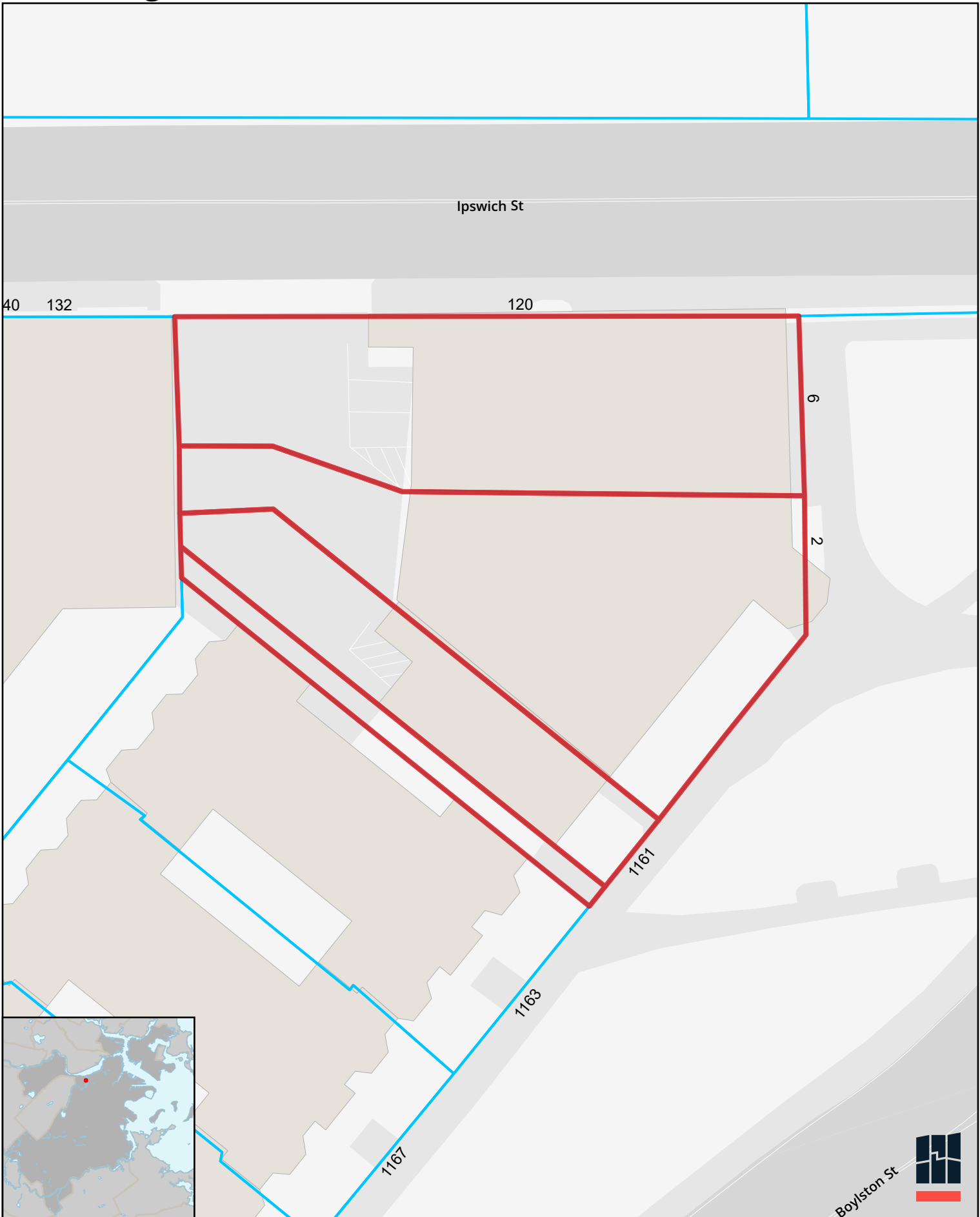
FURTHER

VOTED: That the Director be, and hereby is, authorized to execute a Cooperation Agreement, and any and all other agreements and documents which the Director deems appropriate and necessary in connection with the Proposed Project, all upon terms and conditions determined to be in the best interests of the BPDA.

2 Charlesgate West



1:400



2 Charlesgate West





Case	BOA1677859
ZBA Submitted Date	2024-12-12
ZBA Hearing Date	2025-01-14
Address	403 to 405 Shawmut AV Roxbury 02118
Parcel ID	0900208000
Zoning District & Subdistrict	South End Neighborhood MFR
Zoning Article	64
Project Description	Change use of existing six-story, non-residential building into a five-unit residential building with a community center on the ground floor. Complete exterior and interior renovations without any proposed changes to massing or dimensions.
Relief Type	Variance, Conditional Use
Violations	GCOD Applicability Parking or Loading Insufficient FAR Excessive Usable Open Space Insufficient

Planning Context:

The proposed project would change the use of a building currently used as a self-described community center with office and conference rooms into a mixed-use building with a community center on the ground floor and five residential units above. The project also includes interior and external renovations with no proposed changes to the building massing or dimensions.

The proposed project was revised based on the November 19, 2024 ZBA hearing at which the Planning Department recommended Denial without Prejudice to remove residential uses on the ground floor given the location of the building in the Coastal Flood Resiliency Overlay District.

The existing building is a brick six-story building at the northern corner of Shawmut Avenue and West Brookline Street. As described in the plan materials, the building is used as a community center by the owner, Inquilinos Boricuas En Accion. According to Boston Assessing records, the property is tax exempt.

Diagonally across the intersection from the site is Blackstone Square, a significant neighborhood open space. Back Bay Station with MBTA, commuter rail, bus, and Amtrak connections is 0.6 miles away, and the MBTA Silver Line stops 0.1 miles away.



Zoning Analysis:

The project is within a Multifamily Residential subdistrict, as well as the Coastal Flood Resilience Overlay District (CFROD), the Groundwater Conservation Overlay District, a Restricted Parking District, and the South End Landmark District.

The project is cited for excessive FAR and insufficient open space and parking. The maximum FAR in the MFR subdistrict is 2.0, and the proposed project maintains the existing FAR of 5.57. The project includes no changes to dimensions or massing; this is a case for zoning reform to update dimensional regulations to better match existing context.

The proposed project does not include any usable open space. The zoning subdistrict requires 200 square feet per unit, totaling 1,200 square feet. Open space is only required for residential uses, thus given the proposed change in use, the project would be creating a new non-conformity. However, providing usable open space on this property would require altering an existing building at the corner of a prominent intersection in a Landmark District, across the street from public open space at Blackstone Square. This is a case for zoning reform to update dimensional requirements to better match existing context.

Similarly, the proposed project does not include any parking in a subdistrict where 0.7 spaces per unit is required. According to Article 64 Table H, parking is not required for uses other than dormitories, hotels, and residential uses. Therefore, the proposed project is introducing a new non-conformity. The Boston Transportation Department's Maximum Parking Ratio Guideline for rental units at this location is up to 0.5 spaces per unit, supporting fewer spaces than required by zoning. In addition, similar to the discussion of usable open space above, providing parking would require significant changes to or demolition of the existing building. This is a case for zoning reform to update parking requirements to better align with planning and existing context.

Also, the proposed project would substantially rehabilitate a structure in the Groundwater Conservation Overlay District and thus requires a Conditional Use Permit, per Article 32. Article 32 requires the design and installation of a groundwater recharge system capable of capturing 1 inch of precipitation over the impervious area of the lot. The designed system must be submitted to the Boston Water & Sewer Commission for review, comment, and approval. Based on



submitted materials, the Boston Water & Sewer Commission reviewed and approved the proposed project at their November 2024 meeting.

According to Article 25A-4, the project is not subject to CFROD, given that it is adding fewer than fifteen dwelling units. However, the potential risk of sea level rise and flooding should be considered in the review of this project for the health and safety of future residents. According to Article 25A, residential uses below the Sea Level Rise - Design Flood Elevation (SLR-DFE), which is two feet above the Base Flood Elevation, are prohibited. The proposed project was revised to remove residential uses on the first floor and to retain the existing community center uses in order to ensure the safety of future residents from flooding.

Plans reviewed were prepared by Davis Square Architects on December 2, 2024.

Recommendation:

In reference to BOA1677859, the Planning Department recommends APPROVAL WITH PROVISIO that plans shall be submitted to the Boston Landmarks Commission for review.

Reviewed,

A handwritten signature in blue ink, appearing to read "Annee Rando".

Planning and Zoning Director, Planning Department



Case	BOA1661825
ZBA Submitted Date	2024-10-14
ZBA Hearing Date	2025-01-14
Address	188 Wren ST West Roxbury 02132
Parcel ID	2002095000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	56
Project Description	Add an accessible bathroom to the first floor of an existing single family home.
Relief Type	Variance
Violations	FAR Excessive Side Yard Insufficient

Planning Context:

The proposed project intends to extend the side dimension of an existing single family dwelling to construct a new accessible bathroom on the first floor of the house for use by a wheelchair-bound homeowner. The proposed project minimally reduces the dimensions of the side yard. The proposed project is consistent with the planning goals of Housing a Changing City: Boston 2030 to provide pathways for Boston residents to age in place. This project demonstrates an equity issue within existing zoning constraints and represents an important part of adapting our housing stock to serve all residents and achieve more fair housing.

Zoning Analysis:

The proposed project contains two zoning violations, Excessive FAR, and Insufficient Side Yard. The insufficient side yard dimensions is worsening an existing nonconformity on the southeastern edge of the parcel. The minimum required side yard is 10', and the existing condition is a 5'-6" side yard. The proposed new side setback is 3'-6". This dimension is consistent with neighborhood context. Of the five parcels on this block of Wren Street, four include a nonconforming side setback on the southeastern edge of the parcel. With the side addition to accommodate the bathroom, there is still adequate separation between the proposed project and the neighboring property. The proposed FAR of the project is 0.41, an increase of 0.02 from the existing condition, and a violation of the dimensional regulation of 0.40. The proposed project is a de minimus addition to the existing structure, and the floor area required to



complete the addition is required to provide an accessible bathroom. A reduction in floor area is not possible without impeding the accessibility of the space. Given that the noncompliant side setback is contextual with existing neighborhood fabric, and the proposed project is consistent with City planning goals, relief is recommended. This is a case for zoning reform to allow property owners to make needed improvements to accommodate fair housing and household needs.

Recommendation:

In reference to BOA1661825, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rana".

Planning and Zoning Director, Planning Department



Case	BOA1622743
ZBA Submitted Date	2024-07-03
ZBA Hearing Date	2025-01-14
Address	8 to 8A Hudson ST Boston 02111
Parcel ID	0305312000, 0305311000
Zoning District & Subdistrict	Chinatown Historic Chinatown Protection Area
Zoning Article	32, 43, 49A
Project Description	Combine two vacant parcels and construct a six-story building with a restaurant on the first and second floors and eight residential units on the third through sixth floors.
Relief Type	Variance, Conditional Use
Violations	GCOD Applicability Parking or Loading Insufficient Use: Conditional (1st Floor Take-Out) Use: Conditional (2nd Floor Take-Out) Use: Forbidden (Ground Level Take-Out)

Planning Context:

This project was deferred at the November 26, 2024 Zoning Board of Appeal Hearing; the plans and refusal letter have not been updated since, and the Planning Department recommendation remains the same.

This site is located within Chinatown, in the core commercial area between Kneeland Street and Beach St. The abuts the Rose Kennedy Greenway to the rear and is one parcel away from Mary Soo Hoo Park and the Chinatown Gate. The site is located within 1/4 mile of the Chinatown and Tufts Medical Center MBTA Orange Line stops and within 1/2 mile of South Station. Given its proximity to transit and the typical condition of buildings without off-street parking, it is appropriate to not include parking for the residential units.

This area has a prominent and consistent typology of first and second-floor restaurants with residential units on the upper floors. The ongoing Chinatown Rezoning Process has identified this site within a proposed Community Commercial Area, where there is a high concentration of culturally Chinese shops and restaurants, with fine-grained parcelization and building typology. An initial goal of the rezoning effort for this area is to maintain these smaller active storefronts and allow for businesses to operate on upper floors of buildings. Also, a broad goal of the Chinatown Rezoning Process is to enable more housing development, which was called out



specifically through the adopted PLAN: Downtown (2023). Given the surrounding context of similar building typologies and land uses, and consistency with the ongoing Chinatown Rezoning Process, this is an appropriate project for the site.

Zoning Analysis:

The project is cited for several use-related variances. Take-Out restaurants are conditional for the 1st and 2nd floors within this Historic Chinatown Protection Area Subdistrict. This site is located within the Greenway Overlay District, pursuant to Article 49A. Section 49A-5.1 states that uses with Priority Greenway Frontages that are located on the ground level...are limited to Allowed or Conditional Ground Level Uses, as listed in Appendix A of this Article." Take-out restaurant uses are listed as a conditional use in Appendix A, not a forbidden use, meaning the Zoning Refusal Letter incorrectly stated that this use is forbidden.

In granting conditional use for take-out, the Board of Appeal must find that the conditions in Article 6 are met; the proposed use will not ostensibly adversely affect the neighborhood, will not present a hazard to vehicles or pedestrians, will not create a nuisance, has the appropriate facilities to operate the use, and is in an appropriate location. Given the prominence of restaurants that include take-out in this area and the character of this being a vibrant and walkable neighborhood, take-out is an appropriate use here.

The project is cited for not providing sufficient parking; although the property is within both a Parking Freeze Zone and a Restricted Parking District, residential uses are required to have 0.3 parking spaces per dwelling unit. Given the projects proximity to transit and consistency with surroundings, a lower-than-required parking ratio is appropriate here.

Finally, the property falls within a Groundwater Conservation Overlay District. Consequently, acquiring a conditional use permit from the Board of Appeal under Article 6 is necessary for new construction.

Plans reviewed are titled "New Mixed Use Building 8-10 Hudson St, Chinatown MA", prepared by JCBT Architect, and dated December 1, 2023.

Recommendation:

In reference to BOA1622743, The Planning Department recommends APPROVAL that plans shall be submitted to the Department of Parks and Recreation for review, the plans shall be



Planning Department

CITY of BOSTON

reviewed and approved by the Boston Water & Sewer Commission due to its location within the Groundwater Conservation Overlay District (GCOD) .

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1542657
ZBA Submitted Date	2023-11-03
ZBA Hearing Date	2025-01-14
Address	548 E Third ST South Boston 02127
Parcel ID	0603284000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	Construct a three-unit residential building with on site parking, demolish existing structure
Relief Type	Variance
Violations	Roof Structure Restrictions Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Additional Lot Area Insufficient Parking design and maneuverability Parking or Loading Insufficient

Planning Context:

This project was last heard by the Zoning Board of Appeal on March 26, 2024, at which the project was denied without prejudice. As no new plans have been submitted, the Planning Department recommendation remains the same.

The proponent seeks to demolish an existing two-story, detached single-family residential building, and erect a three-story, three-family residential building that will have a garage on the ground floor.

The project is located within a MFR subdistrict in the South Boston Neighborhood District. MFR subdistricts encourage medium-density multifamily development. The project lies within the South Boston Transportation Action Plan's (SBTAP) study area. The goal of SBTAP is to evaluate transportation challenges in South Boston and to recommend improvements that can be implemented immediately. Some of the challenges identified through this ongoing planning process include the increasing demand for parking due to increasing population growth and limited transportation options available in South Boston.



This project's creation of two parking spaces for three housing units aligns with the draft goals of SBTAP to reduce parking and reliance on cars, and improving access and reliability of other forms of transportation (e.g. buses, bikes). The project site's surrounding area largely consists of three-story, and some four-story residential buildings. Within the block of E Third St. that the project site sits, there is a mix of condominium, apartment buildings, single-family homes, with three condo developments across the street from the proposed project. The increased housing units proposed in this project aligns with the City's goals to develop more housing, per Imagine Boston 2030 and Housing a Changing City: Boston 2030 (2018).

Due to the still limited transportation options available for this area, car usage is high. A few buildings have ground-floor garages (e.g. 543 and 545 E. Third St.) and driveways (e.g. 549 E. Third St.), but most residents rely on street parking. The development of additional curb cuts for ground floor garages will interrupt the largely continuous sidewalk on the block.

Zoning Analysis:

Much of the violations that were raised were due to the existing conditions of the site and structure on the parcel. The existing property is less than 1,280 sf; which is less than the minimum lot area of the South Boston MFR district (2,000 sf). Given that the existing building will be torn down, the new building would require variances given the lot size and existing neighborhood context.

Other violations raised are due to the proposed project's new density. The new project intends to be built at an FAR of 2.9, greatly exceeding the 2.0 FAR limit for MFR subdistricts, and is out of context with other adjacent properties, including: 524 E Third St. (2.1 FAR), 540 E. Third Street (1.8 FAR), 207 K Street (1.2 FAR).

The new project will take up a larger building footprint than the existing building structure, partially due to the addition of an outdoor porch on all four future floors. The new building footprint will reduce the amount of open space due to its expansion into the rear and side yard, which challenges open space requirements per unit. The new project will also replace the existing mansard roof with a flat roof to accommodate the fourth floor, which requires Board of Appeal review.

Lastly, the proposed project raises violations due to insufficient parking. The project is proposing a first floor garage that will accommodate two cars, which is less than the five parking spaces that the project would require for three units under current zoning. While the proposed project



supports planning goals of reducing car reliance, the proposal still faces challenges due to the narrowness of the parcel, creating maneuverability challenges for the proposed garage. The garage should be adjusted so that it can adequately support the appropriate number of parking spaces or be removed altogether.

The plans entitled NEW THREE UNIT BUILDING, 548 EAST THIRD STREET - BOSTON, MASSACHUSETTS prepared by AESTHETIC IMAGES on April 12, 2022 were used in preparation of this recommendation.

Recommendation:

In reference to BOA1542657, The Planning Department recommends DENIAL WITHOUT PREJUDICE. While the use is appropriate for the MFR district and the small lot size makes zoning relief appropriate, the proponent should consider a project that reduces building massing and area devoted to parking in order to improve parking maneuverability and increase usable open space.

Reviewed,

A handwritten signature in blue ink, reading "Aimee Rando".

Planning and Zoning Director, Planning Department



Case	BOA1649361
ZBA Submitted Date	2024-09-04
ZBA Hearing Date	2025-01-14
Address	58 Baxter ST South Boston 02127
Parcel ID	0600763000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	Construct a four-story residential building with six units and on-site parking. The lot consists of two parcels to be combined, one vacant, and one with an existing one-unit dwelling to be demolished.
Relief Type	Variance
Violations	Parking or Loading Insufficient Roof Structure Restrictions Existing Building Alignment FAR Excessive Usable Open Space Insufficient Side Yard Insufficient Rear Yard Insufficient Additional Lot Area Insufficient Flood Hazard Districts

Planning Context:

The proposed project intends to construct a new four-story residential building with six units across two lots in the South Boston Neighborhood. The project is located on Baxter Street between E Street and D Street. One of the lots is currently vacant, and one contains a single-family house that would be demolished for this project. The project proposes to combine the two lots. This area of Baxter Street contains a mix of single-family, two-family, three-family, and multifamily residential structures. The proposed project is aligned with neighborhood context in both the type and design of the housing to be provided.

The proposed project is located in the study area for the South Boston Transportation Action Plan. In accordance with the recommendations of this draft plan, and the adjacent study area for PLAN: South Boston Dorchester Avenue Transportation, a high frequency bus route is planned



for D Street. Access to improved high frequency transit makes this location ideal for increased housing density.

Zoning Analysis:

The proposed project is located in the South Boston Neighborhood District, in a Multifamily Residential (MFR) subdistrict, pursuant to Article 68 of the Zoning Code. The project is also located within the Coastal Flood Resilience Overlay District (CFROD), governed by Article 25A of the Zoning Code. Due to the project size, compliance with Article 25A is elective, but strongly recommended. Given the provided materials, the Finished Floor Elevation of the ground floor is unclear. The 2070 projected 1% Storm Base Flood Elevation is expected to be 18' BCB. Therefore, with a residential use, the Design Flood Elevation of the proposed project is recommended to be 20' BCB.

The proposed project includes four parking spaces, at a ratio of 0.67 spaces per dwelling unit. While off street parking and loading requirements within the Zoning Code require a ratio of 1.5 spaces per dwelling unit, the proposed project better aligns with BTD Maximum Parking Ratios and is contextual with the project's location near existing and proposed high frequency transit options. With respect to the proposed parking, a reduction in the width of the new curb cut is recommended to maximum 12'. Consultation with Urban Design staff is recommended before the project goes to the Public Improvement Commission. .

As proposed, this project contains a zero-lot-line condition at the building front. This condition is contextual with other existing structures along Baxter Street, suggesting the Existing Building Alignment violation does not apply in this case. Adjacent buildings in the area also contain lot coverage above that defined by zoning, with minimal side, front, and rear setbacks. This higher density condition also affects the FAR of the projects, misaligning the FAR with the maximum required by Zoning. Neighboring examples include the buildings at 62-64 Baxter Street and 109 7th Street.

With respect to the open space and additional lot area dimensional violations, planning studies recognize this area as suited for additional density, despite the relative difficulty to provide open space in this part of the City. This conflict is highlighted in the City's Open Space and Recreation Plan, which notes, "Meeting the minimum usable open space per dwelling unit zoning requirement onsite has become a challenge in densely developing neighborhoods like



South Boston." The proposed project intends to mitigate the lack of open space through the inclusion of rear decks on the units.

Limited plan information is provided regarding the proposed roof structure of this proposed project. Roof Structure Restrictions for the Zoning District require that roof structures such as the proposed hatch go before the ZBA. As such, design review is suggested to confirm a conforming roof structure design.

Recommendation:

In reference to BOA1649361, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review for the proposed curb cut, resilience review to ensure living area is above the Sea Level Rise Design Flood elevation, and design of the roof structures.

Reviewed,

A handwritten signature in blue ink, appearing to read "Anne Kane".

Planning and Zoning Director, Planning Department



Case	BOA1552298
ZBA Submitted Date	2023-12-08
ZBA Hearing Date	2025-01-14
Address	27 Dudley ST Roxbury 02119
Parcel ID	0903293000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	Article 50
Project Description	The project proposes converting an existing 6 unit building (3 stories plus a basement) into 7 units by splitting the existing Unit 3 into 2 units. All changes are internal.
Relief Type	Variance
Violations	FAR Excessive Lot Area Insufficient Additional Lot Area Insufficient Usable Open Space Insufficient Use: forbidden (MFR)

Planning Context:

This project was previously reviewed by the Planning Department for the ZBA hearings on 9/10/2024, 10/8/2024, and 11/19/2024. The Planning Department recommended deferral due to inconsistencies in the plans. Most of these issues have been resolved, although there is one small remaining inconsistency in the labeled square footage. The plans show that unit 4 is 1399 SF in the existing plans and 1397 SF in the proposed plans, even though there is no change proposed for this unit. However, this discrepancy is not consequential enough to impact the Planning Department’s recommendation.

This project proposes converting an existing 6 unit building, which is three stories plus a basement, into seven units by splitting the existing Unit 3, which is split between the first and second story, into two units. The first story portion would become a studio unit and the second story portion would become a 1-bedroom unit.

The project is in a primarily residential area adjacent to the Campus High Community Facilities Subdistrict, which contains important community-based facilities such as Madison Park High. 27



Dudley ST is also well served by public open space amenities, with multiple parks, plazas, and urban wilds within a half mile.

One of the recommendations of the Roxbury Strategic Master Plan is to take advantage of opportunities for Transit-Oriented Development (placing higher density housing and mixed-use development near transit stations). As this project is less than half a mile from the Roxbury Crossing MBTA station, increasing the residential density at this location is in alignment with the recommendations of the plan.

This project is also in the Highland Park Architectural Conservation District. However, because all proposed changes are internal, review by the Landmarks Commission is not required.

Zoning Analysis:

The building is an existing non-conforming MFR use with six units in a 3F district. The proposed project would further the non-conformity by increasing the units to seven. However, as noted in the planning context, higher residential density is appropriate for this location.

The project is flagged for an FAR violation because the existing building (with an FAR of approximately 0.94) exceeds the allowed FAR of 0.8. It seems that the proposed project may lower the FAR by converting existing common space to mechanical space, since certain mechanical space is excluded from gross floor area (Article 2). In addition, the proposed project would not change visible height and massing. Therefore, the FAR is an existing non-conformity which would not be worsened by the proposed project.

The project extends and worsens the existing usable open space violation, as the zoning requires 650 sq ft of usable open space per unit (which would be 3,900 sq ft for the existing building and 4,550 sq ft for the proposed project). The project provides approximately 1,600 sq ft of usable open space. However, as noted in the planning context, this area is well served by public open space amenities. In addition, the total area of open space available is not being reduced, merely the ratio of open space available per unit due to the addition of one unit.

The project is also flagged for a lot size violation. The zoning requires 4,000 sq ft for 2 units and 2,000 sq ft for each additional unit, which would mean a 12,000 sq ft lot is required for the existing 6 unit use, and a 14,000 sq ft lot is required for the proposed 7 unit use. The lot however is 8,241 sq ft. However, the lot has sufficient space for 7 parking spaces (which complies with existing zoning requirements) and some open space. Zoning reform may be



needed to amend the lot size requirement to allow projects that fit within this type of existing and contextually appropriate lot pattern.

This project is also in a Neighborhood Design Overlay District and a Boulevard Planning District. However, because all proposed changes are internal, design review is not required.

This recommendation was written using plans titled "Multifamily Renovation" prepared by J. Peter Vanko. These plans were submitted and reviewed by ISD on 12/3/2024.

Recommendation:

In reference to BOA1552298, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1615071
ZBA Submitted Date	2024-06-13
ZBA Hearing Date	2025-01-14
Address	93 Howard AV Dorchester 02125
Parcel ID	1300495000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	50
Project Description	Erect a new 3-story, 12-unit residential building with 9 surface parking spaces in the rear on a newly created lot. Proposed demolition of the existing 3-story residential building is under a separate permit.
Relief Type	Variance
Violations	Parking or Loading Insufficient Additional Lot Area Insufficient FAR Excessive Height Excessive (ft) Usable Open Space Insufficient Side Yard Insufficient Existing Building Alignment MFR Use: Forbidden

Planning Context:

This project was previously deferred at the December 3, 2024 and October 29, 2024 Zoning Board of Appeals hearings. No new plans have been submitted. The Planning Department recommendation has not changed.

The project proposes a new 3-story, 12-unit residential building with 9 surface parking spaces located behind the new building. The site is currently two lots of approximately 5,500 square feet each. There is a permit application (ALT1566047) currently under review to consolidate the two parcels into a single 10,973 square foot lot. One of the lots contains an existing 3-story, 1-unit residential building; the second lot is vacant. The proposed demolition of the existing residential building is being reviewed under a separate permit application. A retaining wall about three feet in height lines Howard Avenue in the front of the lot due to a grade change between the public sidewalk and the site. According to Google Maps imagery dated October 2023, there are a few mature trees on the site.



Abutting the site to the north is a 2.5-story, 2-unit residential building and to the south is a triple decker. To the rear of the site along Danube Street is a 3-story multifamily building. The site is approximately 0.3 miles east of Blue Hill Avenue and 0.5 miles from Uphams Corner MBTA Commuter Rail Station.

The project is located within the planning area boundaries of the Roxbury Strategic Master Plan (RSMP) adopted in 2004 and just outside of the planning area boundaries of the Fairmount Indigo Corridor Plan. One of the overall goals of the RSMP is to “Provide a wider range of housing options for residents of diverse socioeconomic and age groups.” Although there is attention given to improving City of Boston parks, there are no overarching goals related to open space and no recommendations specific to protecting or cultivating open space or trees on private land. The Housing Chapter of the RSMP mostly focuses on income-restricted housing, however one of the recommendations is to: “Work with private, institutional, and community-based organization landowners to encourage and facilitate housing production on vacant land and buildings where appropriate.” The proposed project would utilize space on an existing vacant lot to increase housing opportunities. The RSMP also establishes Design Guidelines for Housing that encourages “rigorous architecture and urban design standards” for new housing in Roxbury. Several principles apply to all housing in all Roxbury sub-neighborhoods, including: “Appropriate housing density for each sub-neighborhood should be determined based on historical densities, land use and context” and “Open space and landscape treatment should be a consideration when evaluating design proposals.”

In addition, as the project proposes 10 or more units and requires zoning relief, it is subject to the City’s Inclusionary Development Policy (IDP) and is required to execute a housing agreement with the Mayor’s Office of Housing for an income-restricted IDP unit.

Zoning Analysis:

The zoning violations relate to the size and use of the proposed building, as well as the proposed parking.

In terms of size, the proposal would result in excessive FAR - zoning requires less than 0.8 and the project would be 1.1. Other existing properties in the neighborhood and in the same 3F-4000 subdistrict also exceed FAR, including 99 Howard Avenue which is only 3 parcels away and has an FAR of 1.27.



The proposal exceeds height - zoning requires less than 35 feet and the project would be 36 feet and 6 inches. The proposed height of three stories is consistent with both zoning and the neighborhood context. The proposed project includes a parapet in the central portion of the building. Based on the materials, it appears that removing the parapet would result in the building being approximately 35 feet in height. The parapet does not reflect the architecture of the surrounding neighborhood, therefore, it is recommended that relief not be provided for height in feet; instead the building design should be reconsidered without the proposed parapet.

The proposal provides an insufficient side yard on the south side - zoning requires 10 feet and the project would provide three feet. Existing neighborhood conditions do not conform to zoning. The abutting property on the south side has a side yard of approximately eight feet on the north side and five on the south side. 97 Howard Street has a side yard of approximately seven feet on the north side and zero on the south. Given the neighborhood context, zoning relief for no less than a three foot side yard is recommended.

The project is cited for insufficient usable open space - zoning requires 650 square feet per unit totaling 7,800 square feet and the project would provide 189 square feet per unit totaling 2,268 square feet. The project is designed with a deck providing private outdoor space for each unit. The materials provided do not provide dimensions for the deck, but it appears that they are approximately four feet deep by eight feet wide with an enclosed mechanical space about four feet in width. A five foot clearance is required to ensure accessibility for people in wheelchairs. In addition, the Mary Hannon Park is 0.2 miles away. In addition, for families, the playgrounds at Beauford Play Area and Winthrop Playground are both within 0.25 miles away on Danube Street. Given the neighborhood context and private open space for each unit, zoning relief is recommended; however the decks should be reconsidered to be at least five feet. Given the proposed side yards, this would result in a decrease in building width by two feet.

The project also provides insufficient additional lot area - zoning requires 2,000 square feet per additional unit totaling 24,000 square feet and the project would provide 10,973 square feet. However, the limited lot area does not introduce any new impacts beyond the other dimensional concerns and proposed multifamily use. Relief is recommended from these dimensional violations.

The project proposes a multifamily dwelling in a 3F district. However, there is an affordable, multifamily project to the rear of the proposed site and in the same 3F subdistrict at 34-40 Danube Street. In addition to the neighborhood context, the adopted RSMP establishes the goal

BOA1615071

2025-01-14

3 Planning Department



of providing “a wider range of housing options.” The proposed project would increase the number of housing units from the existing 1 unit to 12 units, therefore substantially advancing the goal of increasing housing opportunities. Zoning relief is recommended to allow the use.

Finally, the zoning requires 1 space per dwelling unit, and the project provides 0.75 spaces per unit. According to the Boston Transportation Department (BTD) Mobility Scores, the site has a score of 55 and a recommended maximum parking ratio of 0.75 for rental and 1.0 for condo units. Therefore, the proposed parking ratio is consistent with the BTD Maximum Parking Ratio Guidelines.

Plans were prepared by CME Architects and reviewed for ZBA on February 23, 2024.

Recommendation:

In reference to BOA1615071, the Planning Department recommends DENIAL WITHOUT PREJUDICE: that plans be reconsidered with a building height of no more than 35 feet and private decks at least five feet deep.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1675736
ZBA Submitted Date	2024-12-03
ZBA Hearing Date	2025-01-14
Address	123 to 125 Broad ST Boston 02110
Parcel ID	0304041000
Zoning District & Subdistrict	Government Center/Markets Broad Street Protection Area
Zoning Article	32, 45
Project Description	Change occupancy from brewery/restaurant, beauty salon, and offices to restaurant on the lower level with six (6) Residential units above. Scope includes reconfiguring floors 2 through 7 with new walls, finishes, kitchen/bathrooms, new rear egress, and FA/FP.
Relief Type	Variance
Violations	GCOD Applicability Height Excessive

Planning Context:

The proposed project has been deferred by the ZBA three times: first on 7/30/24, then on 9/24/24, and again on 10/29/24. Another project iteration was withdrawn from its 12/3/24 hearing by the proponent. Since then, updated project materials have been submitted to and reviewed by ISD. The contents of this recommendation have been updated to incorporate those project changes.

The proposed project sits in the Board Street Protection Area within the Government Center / Markets District, Downtown. The project site immediately abuts the Rose Kennedy Greenway and also lies within the City's Groundwater Conservation Overlay District (GCOD), Coastal Flood Resilience Overlay District (CFROD, Greenway Overlay District, and a Restricted Parking District. The structure - 123-125 Broad Street - is also pending an official landmark designation from the Boston Landmarks Commission.

The proposed project's scope of work includes a change of use (from a mix of office, retail, and service uses to residential uses with a ground floor restaurant), the erection of a new rear egress stair, and a full renovation of the site's upper stories (floors 2-7) to install the necessary



accommodations for the six proposed dwelling units. This project scope constitutes a “substantial rehabilitation” - which is germane to the regulations of the GCOD - and is supported by the planning goals of PLAN: Downtown (adopted December 2023): (1) to enhance access to housing Downtown; (2) to preserve Downtown's historic building fabric; and (3) to promote active ground floor uses. No exterior alterations to the existing structure are proposed by the project.

Zoning Analysis:

The proposed project has been cited with an excessive building height violation due to the erection of a new, covered rear egress stair, accessible from each of the structure's seven (7) floors. While this condition represents an extension to an existing nonconforming building height (65' permitted, 74' existing/proposed), the stair's construction does not actually result in any added net height to the existing building itself (the nonconformity is extended ~6' in the horizontal plane alone, not vertically). Because of this, as well as the fact that the addition can only be seen from the project's rear alleyway, the proposed project's height impacts are minimal to its surroundings.

The proposed project sits within the Groundwater Conservation Overlay District (GCOD) and has a project scope categorized by a Commissioner's Bulletin as a "substantial rehabilitation." This classification satisfies the applicability requirements of the GCOD, as set for in Section 35-5 of the Zoning Code, thus triggering a required GCOD review for the project. A proviso for GCOD review has been added to the recommendation on that basis.

Due to the project's pending landmark status, an additional proviso for Landmarks Review has been added to this recommendation to address all exterior alterations proposed by the project.

Recommendation:

In reference to BOA1675736, The Planning Department recommends APPROVAL WITH PROVISOR/S: the plans shall be reviewed and approved by the Boston Water & Sewer Commission due to its location within the Groundwater Conservation Overlay District (GCOD), that plans shall be submitted to the Boston Landmarks Commission for design review .



Planning Department

CITY of BOSTON

Reviewed,

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Planning and Zoning Director, Planning Department