

MEMORANDUM

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

FROM: Emma Hunter
Planning Department

DATE: December 7, 2023

RE: BPDA Recommendations

Please find attached, for your information, BPDA recommendations for the December 12, 2023 Board of Appeal Zoning Hearings scheduled for 9:30am.

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

MEMORANDUM

August 17, 2023

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

FROM: MICHAEL CHRISTOPHER, DIRECTOR OF DEVELOPMENT REVIEW
CASEY HINES, DEPUTY DIRECTOR OF DEVELOPMENT REVIEW
TYLER ROSS, SENIOR PROJECT MANAGER
MATT MARTIN, URBAN DESIGNER
JOE BLANKENSHIP, SENIOR TRANSPORTATION PLANNER II
BEN ZÜNKELER, SENIOR PLANNER II
YARI CORTEZ, PLANNER I

SUBJECT: 1270 COMMONWEALTH AVENUE, ALLSTON

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority (“BRA”) d/b/a Boston Planning & Development Agency (“BPDA”): authorize the Director of the BPDA (the “Director”) to (1) issue a Preliminary Adequacy Determination waiving the requirement of further review pursuant to Article 80B-5.4(c)(iv) of the Boston Zoning Code (the “Code”) for the project located at 1270 Commonwealth Avenue in the Allston neighborhood of Boston (as further described below, the “Proposed Project”); (2) issue one or more Certifications of Compliance or Partial Certifications of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code, upon successful completion of the Article 80B Large Project Review process; and (3) take any and all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the foregoing including, without limitation, executing and delivering a Cooperation Agreement, which will include a provision requiring compliance with the Boston Residents Jobs Policy, an Affordable Rental Housing Agreement and Restriction, and any and all other documents and agreements as the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The project site is comprised of an approximately 55,275 square foot (approximately 1.27 acre) area of land located at 1266-1270 Commonwealth Avenue (the "Site") in Allston. The Site currently contains a vacant one-story commercial building and surface parking, collectively to be replaced by the Proposed Project. The Site is bounded by Commonwealth Avenue to the northwest, Gorham Street to the southwest, Brainerd Road to the southeast, and existing multi-family residential properties to the northeast.

The Site is well served by public transportation and is proximate to both Griggs Street and Harvard Avenue stations of the Green Line, which are approximately one tenth and one quarter mile, respectively, from the Site. The area is also served by multiple bus routes along Commonwealth Avenue and Harvard Street to the northeast, which connects to several points throughout Boston and neighboring cities and towns.

DEVELOPMENT TEAM

The development team includes:

Proponent:	<u>Benenson Capital Partners/Hines</u> Richard Kessler Rachel Loeb Sean Sacks Grant Jaber Matthew McCollem
Architect:	<u>CBT Architects, Inc.</u> Rob Hagan Henry Weinberg
Sustainability:	<u>The Green Engineer</u> Sarah Michelman Channy Chhim Chris Schaffner
Permitting Consultant:	<u>Epsilon Associates, Inc.</u> Cindy Schlessinger

Alex Brooks
Fiona Vardy

Landscape Architect: Copley Wolff Design Group
Andrew Arbaugh
Danny Turgeon

Legal Counsel: Goulston & Storrs
Matthew Kiefer
David Linhart

Transportation Consultant: Howard Stein Hudson
Guy Busa
Elizabeth Peart
Emma Parisi

DESCRIPTION AND PROGRAM

The Proposed Project involves the new construction of a six-story building with approximately 206 multi-family dwelling units, ground floor retail, approximately 68 at-grade structured vehicle parking spaces, residential amenities, and related site and public realm improvements. The proposed building height for the six-story building is approximately 70 feet. The following table provides additional information on the Proposed Project.

Component	Proposed (Approx.)	Gross Square Footage* (Approx.)
Multi-family use	206 dwelling units	186,900 square feet
Local retail use	Ground floor	2,100 square feet
Structured vehicle parking	68 spaces	21,400 square feet
*May differ from Gross Floor Area under the Code		

The estimated total development cost for the Proposed Project is \$130,000,000.

The table below summarizes the Proposed Project's key statistics.

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	210,400
Gross Floor Area	189,000
<i>Residential</i>	186,900
<i>Office</i>	0
<i>Retail</i>	2,100
<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>	21,400
Development Cost Estimate	\$120,000,000
Residential Units	206
<i>Rental Units</i>	206
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	35
Parking spaces	68

ARTICLE 80 REVIEW PROCESS

On March 23, 2022, the Proponent filed a Letter of Intent in accordance with the BPDA's policy regarding Provision of Mitigation by Development Projects in Boston. As memorialized in a BPDA Memorandum dated April 27, 2022, the Impact Advisory Group ("IAG") was finalized with 7 members.

The Proponent filed a Project Notification Form ("PNF") on June 22, 2022, which initiated a public comment period that concluded on August 13, 2022. Notice of receipt of the PNF by the BPDA was published in the Boston Herald, and 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 IAG members.

Pursuant to Section 80B-5.3 of the Code, on July 6, 2022, a Scoping Session related to the PNF was held with the City's public agencies and elected officials to review and discuss the Proposed Project. On July 19, 2022, a virtual IAG meeting was held. The virtual IAG meeting was listed on the BPDA website. On July 26, 2022, a virtual public meeting was held. The virtual public meeting was advertised in the local Allston newspapers as well as listed on the BPDA website.

On November 15, 2022, the BPDA issued a Scoping Determination. In response to the Scoping Determination, on April 12, 2023, the Proponent filed a Draft Project Impact Report ("DPIR"), which initiated a public comment period that concluded on May 29, 2023. Notice of receipt of the DPIR by the BPDA was published in the Boston Herald, and the notice and DPIR were sent to the City's public agencies/departments and elected officials pursuant to Section 80A-2 of the Code. Additionally, copies of the DPIR were sent to all IAG members.

The BPDA hosted a virtual IAG meeting on January 26, 2023, and a virtual public meeting on January 31, 2023. These meetings were advertised in the local Allston newspapers, listed on the BPDA website and sent to the Allston neighborhood email listserv.

On June 27, 2023, the Proposed Project was approved by the Boston Civic Design Commission.

In addition to the above-mentioned meetings, the Proponent and BPDA also undertook community outreach efforts and participated in a series of meetings before and during the Article 80B review process with abutters, neighborhood residents, local elected officials, and several community groups, to discuss the Proposed Project and solicit feedback.

PLANNING CONTEXT AND CITY STAFF REVIEW

The Proposed Project is located within the Allston-Brighton Mobility Study area which focuses on increasing mobility for all. Planning staff also considered the surrounding context such as the proposed project's location on Commonwealth Avenue in a commercial and mixed-use corridor and proximity to public transit. Additionally, BPDA staff focused on the ground floor pedestrian circulation by recommending the building's active uses on Commonwealth Avenue and minimizing loading activity on Gorham Street as a key neighborhood connector to public transit. BPDA Staff also focused on appropriate screening and buffering measures to create between neighboring buildings. These recommendations were made to optimize a multimodal experience on Commonwealth Avenue, Gorham Street, and Brainerd Street.

The Proposed Project contributes to the overall walkability and transit-oriented development described in the Allston-Brighton Mobility Study by creating comfortable multimodal connections to key public transit corridors. The project also sits in a Neighborhood Shopping (NS-1) subdistrict of the Allston/Brighton Neighborhood zoning district and has a Greenbelt Protection Overlay District and will require Parks Design Review. While the proposed project will need relief from the Zoning Board of Appeals, it contributes to goals of creating transit oriented housing. The proponent team should continue coordination with the City of Boston and BPDA Staff to contribute to open space citywide goals.

ZONING

The Site is located entirely within the Neighborhood Shopping (NS-1) Subdistrict of the Allston-Brighton Neighborhood District, and a portion of the Site (within 200 feet of the center line of Commonwealth Avenue) is located within the

Commonwealth Avenue Greenbelt Protection Overlay District. There are no other applicable overlay districts.

Zoning relief will be required in connection with the Proposed Project. The Proponent anticipates obtaining appropriate zoning relief for the Proposed Project from the Zoning Board of Appeal.

MITIGATION & COMMUNITY BENEFITS

The Proposed Project anticipates mitigation and community benefits for the Allston neighborhood and the City of Boston as a whole, subject to design finalization and obtaining all necessary governmental approvals, as follows:

- **Increased Housing Supply and Affordability**
 - Approximately 206 new multi-family dwelling units supporting the City of Boston’s goal of increasing the housing supply, with the percentage of affordable dwelling units increased to approximately 17% (up from the 13% minimum requirement), resulting in 35 on site affordable dwelling units
 - \$50,000 contribution to the Allston Brighton Homeowner fund upon issuance of a building permit for vertical construction of the Proposed Project
 - \$250,000 contribution to the Allston Brighton Community Development Corporation upon issuance of a building permit for vertical construction of the Proposed Project to be used for solar projects at 1295-1305 and 1309 Commonwealth Avenue that will significantly reduce utility costs for 80 lower income households directly across Commonwealth Avenue from the Site

- **Improved Pedestrian Environment and Public Realm Improvements**
 - Ground level activation with residential amenities and neighborhood convenience retail use along Commonwealth Avenue
 - Net addition of 20 trees on site
 - Upgraded sidewalks that meet complete street standards
 - Upgraded and expand existing Bluebikes station by no less than one bikeshare panel, new public fix-it and pump station, and funding in an amount of \$57,427.00 for additional Bluebikes

station in the neighborhood made payable to BTB by issuance of Certificate of Occupancy.

- Construct two raised crosswalks on Gorham Street prior to Certificate of Occupancy. Design and approval to be coordinated with the BPDA and Boston Transportation Department.
- \$25,000 contribution upon issuance of a building permit for vertical construction of the Proposed Project to Mayor's Office of Arts and Culture's Cultural Space Fund to advance the goals outlined in the Allston Brighton arts, culture, and place keeping report
- \$300,000 contribution to Parks and Recreation Department upon issuance of a building permit for vertical construction of the Proposed Project to be used for improvements at Ringer Park

- **Sustainable Design/Green Building**

- Environmental stewardship by designing for energy efficiency utilizing Zero Net Carbon design, which includes electrification of all building systems and other measures allowing the Proposed Project to be LEED Gold certifiable

- **Smart Utilities**

- The buildings and site plan comply with the Smart Utilities requirements found in Article 80B of the Code. The 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 in accordance with PIC requirements when applicable. The Proposed Project will also adhere to the City of Boston's EV readiness program and shall have 25% of parking spaces EVSE- Installed and the remaining 75% EV-Ready for future installation.

- Utilities in any City right of way will be designed to conform with Public Works Department standards and will undergo further review to ensure utility laterals are not in conflict with any landscape design feature such as tree pits (min. 3 feet clearance) and/or other green infrastructure elements.
- The Proposed Project will also provide access for up to 3 local telecom and fiber providers to ensure broadband equity and possible future deployment of smart technologies.
- The project has indicated the location of transformers and critical infrastructure on the site plan so as to ensure coordination with Eversource and “right sized” infrastructure.
- The project shall also plan to address any conflicts reported through COBUCS if/as relevant.
- The project team and the contractor will continue to work with Smart Utilities for any additional coordination throughout design phases. The Proponent agrees to complete the Smart Utilities review prior to obtaining a Certificate of Compliance.

- **Additional Benefits**

- Approximately 275 construction jobs and 10 permanent jobs
- Additional property tax revenue for the City of Boston

The Proponent will provide the BPDA with evidence indicating that the above-referenced mitigation and community benefits have been satisfied. BPDA-approved construction signage must be installed at the Site before and during construction of the Proposed Project. The signage must be in the form of panels at highly visible locations at the Site or around its 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 8 feet by 12 feet).

AFFIRMATIVELY FURTHERING FAIR HOUSING

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

Article 80 Interventions:

- Provide an additional percentage of IDP units than required;

- Deepen the affordability of IDP units;
- Provide all IDP units on-site;
- 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 related to the use of CORI, eviction, and credit records in the tenant screening and selection process;
- Agree to best practices in marketing the market-rate units that are inclusive of and welcoming to members of protected classes
 - Adopt Boston's Fair Chance Tenant Selection Policy as applicable to market-rate units;
 - Develop and abide by a tenant screening policy requiring that CORI, Credit Score, 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/sales agents;
 - Market all units across media types (print, social, audio, digital, etc.) targeting media type specifically consumed by members of protected classes; and
 - Describe IDP units and link to Metrolist on the Proposed Project's primary marketing website.

The Proponent must submit to the Boston Fair Housing Commission—along with its Affirmative Fair Housing 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.

INCLUSIONARY DEVELOPMENT COMMITMENT

The Proposed Project is subject to the Inclusionary Development Policy (IDP) dated December 10, 2015, 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, 35 units, which is approximately 17% of the total number of units within the Proposed Project, will be created as IDP rental units (the "IDP Units"). The Proposed Project contemplates 10 IDP Units affordable to households earning not more than 50% of the Area Median Income ("AMI"), 10

IDP Units affordable to households earning not more than 60% of the AMI, and 15 IDP units affordable to households earning not more than 70% of the AMI as published by the BPDA and based upon data from the United States Department of Housing and Urban Development (“HUD”).

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

Unit	Bedroom Size	Square Footage (SF)	AMI	Rent*	Group 2 Designation
114	1 BR	742	60%	\$1,325	
125	0 BR	451	70%	\$1,330	Group 2
132	1 BR	659	70%	\$1,559	
135	2 BR 1 BA	920	50%	\$1,232	Group 2
212	1 BR	762	60%	\$1,325	Group 2
217	1 BR + DEN	752	70%	\$1,559	
218	1 BR	762	70%	\$1,559	
220	0 BR +	612	50%	\$930	
226	0 BR	523	60%	\$1,130	
236	1 BR	690	70%	\$1,559	
240	2 BR	1015	70%	\$1,766	Sensory
301	1 BR	748	50%	\$1,091	
304	0 BR	539	70%	\$1,330	
310	2 BR	936	60%	\$1,499	
322	0 BR	482	60%	\$1,130	
323	2 BR	1011	70%	\$1,766	

Unit	Bedroom Size	Square Footage (SF)	AMI	Rent*	Group 2 Designation
330	0 BR	521	50%	\$930	
331	1 BR	720	60%	\$1,325	
341	2 BR 1 BA	887	70%	\$1,766	
402	2 BR	980	70%	\$1,766	
403	1 BR	756	50%	\$1,091	
406	1 BR	694	50%	\$1,091	
415	0 BR	482	70%	\$1,330	
424	2 BR	1011	50%	\$1,232	
429	0 BR	482	70%	\$1,330	
439	1 BR	684	70%	\$1,091	
504	0 BR	539	50%	\$930	
508	1 BR	754	60%	\$1,325	
512	1 BR	762	50%	\$1,091	
519	1 BR + DEN	751	70%	\$1,091	
524	2 BR	1011	60%	\$1,499	
533	1 BR + DEN	765	50%	\$1,091	
602	2 BR	935	70%	\$1,766	
614	0 BR	479	60%	\$1,130	
620	1 BR + DEN	751	60%	\$1,325	

* Rents shown in this table reflect the 2023 Maximum Affordable Rents table as publicly available on BPDA website (<https://www.bostonplans.org/housing/income-asset-and-price-limits>) as of July 2023.

The location and affordability of the IDP Units will be finalized in conjunction with BPDA 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. The Proponent will work with BPDA staff to potentially designate approximately 5 IDP units as project-based voucher units instead of income restricting by AMI levels. 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 before, 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”) at the time of building permit issuance. 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.

The IDP Units will not be marketed before the submission and approval of the Affirmative Fair Housing Marketing Plan (the “Plan”) by BFHC and the BPDA. An affordability covenant will be placed on the IDP Units to maintain affordability for a period of up to 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 before 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, the 35 designated IDP Units fully satisfy the IDP requirements under the IDP dated December 10, 2015.

RECOMMENDATIONS

Based on the foregoing, the BPDA staff recommends that the BPDA Board, after due consideration of the filings, written and oral comments received, and meetings held regarding the Proposed Project, authorize the Director to (1) issue a Preliminary Adequacy Determination waiving the requirement of further review pursuant to Article 80B-5.4(c)(iv) of the Code for the Proposed Project; (2) issue one or more Certifications of Compliance or Partial Certifications of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code, upon successful completion of the Article 80B Large Project Review process; and (3) to take any and all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the foregoing including, without limitation, executing and delivering a Cooperation Agreement, which will include a provision requiring compliance with the Boston Residents Jobs Policy, an Affordable Rental Housing Agreement and Restriction, and any and all other documents and agreements as 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 under Section 80B-5.4(c)(iv) of the Boston Zoning Code, in connection with the proposed project located at 1270 Commonwealth Avenue in the Allston neighborhood of Boston (the "Proposed Project"), which (i) finds that the Project Notification Form submitted on June 22, 2022, and the Draft Project Impact Report submitted on April 12, 2023, adequately describe the potential impacts arising from the Proposed Project, and provide sufficient mitigation measures to minimize these impacts; and (ii) waives further review of the Proposed Project under subsection (iv) of Section 80B-5.4(c) of the Code, subject to continuing design review by the BRA; and

FURTHER

VOTED:

That the Director be, and hereby is, authorized to issue one or more Certifications of Compliance or Partial Certifications of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code upon successful completion of the Article 80B Large Project Review process; and

**FURTHER
VOTED:**

That the Director be, and hereby is, authorized to take any and all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the foregoing including, without limitation, executing and delivering a Cooperation Agreement, which will include a provision requiring compliance with the Boston Residents Jobs Policy, an Affordable Rental Housing Agreement and Restriction, and 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 BRA.

1270 Commonwealth Avenue



1:1,000



1270 Commonwealth Avenue



1:1,000





Case	BOA1472842
ZBA Hearing Date	2023-12-12
Address	370 Vermont ST West Roxbury 02132
Parcel ID	2008536000
Zoning District & Subdistrict	West Roxbury Neighborhood NS
Zoning Article	Art. 56 - Sec. 16, Art. 56 - Sec. 39, Art. 56 - Sec. 40.1, Art. 56 - Sec. 40.2
Project Description	Demolition of an existing one-story brick building and construction of a four-story wood structure for 14 residential units on the upper floors with retail on the ground floor and basement storage. Includes the creation of 21 residential parking spaces, 2 retail parking spaces, and bike storage.
Relief Type	Variance
Violations	Height Excessive (ft) Side Yard Insufficient Rear Yard Insufficient Parking or Loading Insufficient Existing Building Alignment Application of Dimensional Requirements (Traffic Visibility Across Corner)

Planning Context:

The plans show that this proposed project is 20,000 sqft, thus meeting the threshold for Article 80 Small Project review and posing significant potential impacts to the local area due to its large size. If the proponent intends to move forward with this project at or above 20,000 sqft, then it should undergo the Article 80 development review process to receive the appropriate impact and design review for the site plan. Based on existing information, this project has not been submitted for the Article 80 Development Review process.

This property is a corner lot at the intersection of Vermont Street to the north and Baker Street to the west. The lot is about 9,300 sqft, making it much larger than the typical lot sizes in the area. These corner lot and lot size conditions should be taken into account as a unique condition compared to other lots in the surrounding area.

This lot has an existing one-story commercial building that sits in the northwesternmost corner of the lot at the intersection of Vermont and Baker Streets. The proposed project would



demolish this existing building and construct a four-story wooden structure with ground floor retail and fourteen (14) residential units. The building will feature bike storage and have 23 parking spaces (21 residential and 2 retail).

The property is within a small Neighborhood Shopping (NS) subdistrict. This NS subdistrict is encircled by a 1F-6000 subdistrict and the majority of structures in the surrounding area are 1- to 2.5-story one-family homes.

The proposed project would include a ground floor retail use which would align with the existing building's retail use. Additionally, the proposed addition of multifamily residential units is allowed in this subdistrict and supportive of the City's goals to increase housing diversity and housing opportunity as outlined in *Housing a Changing City, Imagine Boston 2030* (September 2018). This location is also served by two MBTA bus lines with multiple bus stops nearby that make it a candidate for transit-oriented development, which is also part of the City and BPDA's housing development goals.

This project triggers an excessive height violation because the proposed height is 38 ft and the maximum height in feet for this subdistrict is 35 ft. The largest nearby building in the NS subdistrict is a 3-story, two-family residential building, so there are no existing precedents for the proposed height. The proponent would need to consider revisions to the project to align with surrounding heights to fit better within this context.

The existing lot has multiple parking spaces in the southeastern section of the lot along the southeastern side yard line. The proposed parking area would increase the number of parking spaces and take the place of the existing parking area, but would be underneath the second story overhang of the proposed building. Almost half of the proposed parking spaces would sit along the southeastern side yard and would be partially covered by the proposed structure's second-story overhang. The BPDA's Transportation Planning department recommends that parking spaces are designed to either be completely covered or completely uncovered. The plans also do not include an off-street loading bay, which is required due to the proposed ground floor retail spaces. The site plans would need to appropriately account for the necessary parking and loading conditions to accommodate both residential and retail uses and to not produce harmful impacts to abutting properties.

Zoning Analysis:



This property is located within the Neighborhood Shopping (NS) subdistrict of the West Roxbury Neighborhood District (Art. 56). Most of the dimensional requirements for this project are impacted by the large size of the lot and the large size of the proposed project. If the proponent plans to move forward with a project at the proposed 20,000 sqft or larger, then this project should be submitted for Article 80 Development Review for review appropriate to its size and potential impact.

Within the NS subdistrict, buildings are required to have a maximum height of 35 ft and a rear yard of 40 ft (Art. 56 – Sec. 16). Additionally, lots in the NS subdistrict are required to adhere to the abutting residential subdistrict’s side yard depth requirement. Since the NS subdistrict is encircled by the 1F-6000 subdistrict, this lot is required to have a minimum side yard depth of 12 ft (Art. 56 – Sec. 16).

This project has an excessive height of 38 ft. The proponent should consider reducing the height to at or below the maximum allowable height. Additionally, this project proposes an insufficient rear yard depth of about 12 ft and an insufficient side yard depth of 10 ft. The proponent should increase the rear and side yard depths to the minimum required. Due to this project’s size, attention should be paid to how insufficient rear and side yard depths could impact the abutting existing residential buildings to the northeast on Vermont Street and southeast on Baker Street.

The NS subdistrict requires buildings of this size to have one (1) off-street loading bay, which the site plans do not provide (Art. 56 – Sec. 39). The proponent should include a loading bay in updated site plans.

This project was cited for “Conformity with Existing Building Alignment” (Art. 56 – Sec. 40.1) and “Traffic Visibility Across Corner” (Art. 56 – Sec. 40.2) violations that are both dependent on if a lot has a minimum front yard setback requirement. The NS subdistrict does not have a minimum front yard setback requirement, but the column for that regulation features a footnote for Street Wall Continuity (Art. 56 – Sec. 36.1) that applies to any project except for a project for a residential use. This Street Wall Continuity regulation could be why this project was evaluated on the basis of having a front yard setback requirement even when it does not have one. Since this project includes a residential use and proposes the erection of a new building that would take the place of and further extend the existing commercial building’s street wall, it does not seem that these violations are applicable to this project. Additionally, since this NS subdistrict is



small and encircled by the 1F-6000 subdistrict, it would be difficult to meet the alignment requirements of the residential subdistricts for this mixed-use project at its proposed scale.

The lot conditions for this part of the subdistrict presents a case for zoning reform because it reflects a need to set dimensional regulations specific to the retail and mixed-use development that the NS subdistrict allows rather than regulations that are completely relative to the abutting residential district that seem to negate the dimensional goals of the subdistrict. This is likely due to the small area that the NS subdistrict takes up and the lack of guidance in the zoning on dimensional regulations appropriate for mixed-use projects.

Site plans completed by Verne Porter on May 19, 2021. Project plans completed by Trabucco Architects on December 30, 2022.

Recommendation:

In reference to BOA1472842, The Boston Planning & Development Agency recommends DEFERRAL: The proponent should submit this project for Article 80 Development Review if it continues to be proposed for 20,000 sqft or larger. If the proponent proposes a smaller development, then plans should be revised to reduce the building height to better align with the surrounding area, redesign the parking area with attention to coverage, provide a loading bay for the retail use, and increase the rear and side yard setbacks. A housing agreement should be issued prior to issuing permits due to the number of proposed housing units.

Reviewed,

A handwritten signature in blue ink that reads "Amee Rana".

Director of Planning, BPDA



Case	BOA1515218
ZBA Hearing Date	2023-12-12
Address	26 Rowena ST Dorchester 02124
Parcel ID	1605320000
Zoning District & Subdistrict	Dorchester Neighborhood 1F-7000
Zoning Article	Article 65
Project Description	New driveway with curb cut for 2 cars.
Relief Type	Variance
Violations	Off-Street Parking and Loading Requirements: location

Planning Context:

The proposed project is in a residential area characterized by detached homes on large lots, many of which have driveways. 26 Rowena St is a corner lot which fronts onto Rowena St. The proposed curb cut and driveway would be to the rear of the house on Bushnell St.

The proposed curb cut would be 14 feet wide. This means it is the maximum width for Boston Public Work's standards, which specify that curb cuts for residential projects should be a maximum of 14 feet (with a standard of 12 feet).

The Boston Transportation Department's Guidelines for use by the Zoning Board of Appeal state that "New driveways added at residential dwellings need to accommodate a minimum of two (2) vehicular spaces for every one (1) public on-street parking space that will be removed as a result of the new driveway. A new driveway accommodating three (3) vehicular spaces for every one (1) public on-street parking space is the preferred ratio." The new curb cut would mean the removal of 1 on-street space, which means the project meets the minimum BTM recommendation of 2 off-street spaces but not the preferred ratio of 3 off-street spaces.

Zoning Analysis:

The yard where the parking area is proposed is considered a Front Yard (and not a Side Yard) because Section 65-42.5 (Special Provisions for Corner Lots) states that if a Lot abuts more than one Street, the requirements for Front Yards shall apply along every Street Line.

BOA1515218

2023-12-12

1 Boston Planning & Development Agency



The project requires a variance because Section 65-41.4 of the Code states that off-street parking spaces shall not be located in any part of a Front Yard except if a Lot is located in a Residential Subdistrict, a total of two (2) accessory parking spaces serving residential uses on such Lot may be located in that portion of the Front Yard that lies between the Side Yard and the Front Lot Line, provided that the total width of such Front Yard area used for parking does not exceed ten (10) feet. Because the proposed parking area exceeds 10 feet, a variance is required.

Recommendation:

In reference to BOA1515218, The Boston Planning & Development Agency recommends APPROVAL .

Reviewed,

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Director of Planning, BPDA



Case	BOA1530337
ZBA Hearing Date	2023-12-12
Address	148 Lexington ST East Boston 02128
Parcel ID	0103060000
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	Article 53, East Boston Neighborhood District; Article 27, East Boston IPOD
Project Description	At the rear of a 3 story dwelling: erect a 3rd level on top of the existing 2 story rear addition; erect 3 rear decks on each of the building's 3 levels, as well as a single roof deck above the 3rd floor.
Relief Type	Variance, IPOD Permit
Violations	Roof Structure Restrictions IPOD Applicability FAR Excessive Height Excessive (ft) Rear Yard Insufficient

Planning Context:

The dwelling is an attached 3 story row house, on a block where nearly all buildings are 3 stories. The building currently has a 2 story addition in the rear. The proposal seeks to retain the footprint of this addition, adding a third level to match the height of the front of the building.

As identified in PLAN: East Boston, such 2 and 3 story rear additions are prevalent and appropriate when sufficient rear yard open space is provided. While this context is useful, because this planning insight has not been formally adopted in a plan nor zoning, this analysis is primarily based on current zoning.

Zoning Analysis:

Roof Structure Restriction:

This provision is triggered by a proposed roof deck on top of the third level. Such roof decks are prevalent in East Boston, and from a planning and zoning perspective are an appropriate means of adding private open space, provided such alterations do not create negative visual impacts.



Zoning relief is recommended with a design review proviso to ensure any potential negative public realm impacts are corrected.

IPOD Applicability:

The proposal is consistent with the provisions of Article 27T: apart from density, the proposed changes would not alter the building's existing consistency with the surrounding built environment. While density would be increased, the net increase would be 350 square feet.

Floor Area Ratio Excessive:

The proposal would increase the FAR from 1.0 to 1.4. As noted above, this is a minimal change to accommodate a living room and kitchen. The modest size of this addition does not increase the building's footprint, nor overall height. As noted by the draft PLAN: East Boston, the Article 53, Table F maximum FAR of 1.0 is inconsistent with the built environment already found in residential areas such as this block of Lexington Street.

Excessive Building Height:

The proposal does not alter the overall existing height of the building.

Rear Yard Insufficient:

By remaining in the existing building footprint, the proposed addition does not change the existing rear setback. (Required setback is 40 feet; the existing and proposed setback is 30 feet.) This setback is a common condition found in the immediate area (which PLAN: East Boston recommendations would make as of right).

Recommendation:

In reference to BOA1530337, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO: that plans shall be submitted to the Agency for design review.



Reviewed,

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Director of Planning, BPDA



Case	BOA1466913
ZBA Hearing Date	2023-12-12
Address	38 Lexington ST East Boston 02128
Parcel ID	0102620000
Zoning District & Subdistrict	East Boston Neighborhood 2F-2000
Zoning Article	Art. 53 - Sec. 9, Art. 53 - Sec. 52
Project Description	Add a roof deck and rear stairs to an existing four-story building.
Relief Type	Variance, Conditional Use
Violations	Side Yard Insufficient Roof Structure Restrictions

Planning Context:

This property is a four-story building on a narrow 2,500 sqft lot that faces Lexington Street to the south. The proposed project would add a roof deck to this structure that would be set back from the front of the building by about 15 ft. The roof deck would be accessible by new stairs that are about 11 ft in depth to be added to the rear of the building. There are no other alterations to the structure besides these additions.

Buildings in the surrounding area are between 3 and 4 stories, so the existing building aligns with the surrounding context. There are a couple buildings that appear to have small roof decks that are setback from the front of their respective buildings by over 10 ft in the surrounding area as well. The proposed roof deck would benefit the fourth-floor residential unit by providing this open space on a lot that currently does not provide much usable open space.

While the roof deck would be set back about 15 ft from the front of the building, the almost 17.5 ft width of the roof deck could make it visible from the public realm. The proponent should consider the sight lines from both directions along Lexington Street of the proposed roof deck and potentially reduce the width of the roof deck to reduce its visibility in the public realm.

Zoning Analysis:

This property is located within the Two-Family Residential (2F-2000) subdistrict of the East Boston Neighborhood District (Art. 53). Residential dwellings with over two units in this subdistrict are required to have a minimum side yard setback of 5 ft (Art. 53 – Sec. 9).



Additionally, the roof structure restrictions for this subdistrict require a conditional use permit granted by the ZBA for the construction of a roof structure that “alters the profile and/or configuration of the roof or mansard” (Art. 53 – Sec. 52).

The existing building has a southwestern side yard of 1.5 ft that is an existing non-conformity. The proposed roof deck does not extend beyond the existing building’s depth, but the proposed new stairs extend about 11 ft into the rear yard along the southwestern side yard lot line, thus worsening this side yard condition. The proponent should consider placing the proposed stairs along the northeastern side yard instead to align with a side yard condition that conforms to the side yard setback requirement.

The proposed roof deck’s width on the southwestern side also does not adhere to the side yard minimum setback set by this subdistrict. While the proponent’s front setback for the roof deck substantially reduces its visibility from the public realm and its impact on the roof profile, the small side setbacks on both sides of the roof deck still visibly alter the side profile of the building and could reduce the appearance of uniform height for the building in this context. This is difficult to discern through street images due to the existing height of the building on a narrow street and would be better assessed on-site.

Site plans by Neponset Valley Survey Association, Inc. completed on December 19, 2022.

Project plans by Context completed on April 26, 2023.

Recommendation:

In reference to BOA1466913, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE: that proponent update plans to reduce the visibility of the roof deck from the public realm, reduce the roof deck’s alteration to the building profile, and change the position of the rear stairs to not worsen the side yard condition.



Reviewed,

A handwritten signature in blue ink, appearing to read 'Annee Rand'. The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Director of Planning, BPDA



Case	BOA1540041
ZBA Hearing Date	2023-12-12
Address	261 Princeton ST East Boston 02128
Parcel ID	0100099000
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	Article 53, Article 27T
Project Description	Raze existing structure and erect new residential building with 7 dwelling units, 2 roof decks, and 4 parking spaces.
Relief Type	Variance,IPOD Permit,Conditional Use
Violations	FAR Excessive IPOD Applicability Side Yard Insufficient Roof Structure Restrictions Parking or Loading Insufficient Parking design and maneuverability Existing Building Alignment Additional Lot Area Insufficient Height Excessive (stories) Height Excessive (ft) Front Yard Insufficient Usable Open Space Insufficient Rear Yard Insufficient Forbidden Use (MFR)

Planning Context:

The property is located in a 3F-2000 residential subdistrict along Princeton Street, roughly 2 blocks from Day Square.

It is also a part of the East Boston Interim Planning Overlay District, implemented in 2018 to ensure that, during the development of the neighborhood's new strategic plan, adequate planning and zoning protections were in place to guide and regulate new construction in the area. Projects within the IPOD should protect and enhance the neighborhood's existing context, in part by creating appropriate relationships of scale and continuity in character between established districts and new development.



The project's surrounding area is predominantly comprised of 3 and 3.5 story, 3 family homes. The existing building at 261 Princeton Street, at 2 stories, is smaller than its surroundings. However, the proposed new project is larger, both in scale (4 stories) and use (7 units). This creates a structure out of alignment with the neighborhood's existing context.

Zoning Analysis:

This project requires an IPOD permit because it proposes to erect a structure greater than 1,000 square feet of gross floor area within the East Boston IPOD Study Area (Article 27T Section 5). Article 27T Section 8 states that The Board of Appeal shall grant an IPOD permit if it finds that (a) the Proposed Project's benefits outweigh any burdens imposed; and (b) the Proposed Project is in substantial accord with the applicable provisions of Article 27T. Applicable provisions of Article 27T include Section 7, which states that Proposed Projects within the East Boston IPOD Study Area should be consistent with the following elements that contribute to the special character of the area: (a) block and street patterns; (b) existing densities; (c) existing building types; (d) predominant setbacks and heights; and (e) open space and off-street parking patterns. Proposed Projects should also incorporate appropriate resiliency measures.

The proposed project is not consistent with these elements, as Princeton Street's existing context largely consists of 3 to 3.5 story residential structures with average FARs between 1.0 and 1.4, which is approximately in line with current zoning regulations (max height of 3 stories and FAR of 1.0). The proposed project (with a height of 4 stories and FAR of 3.8) is in clear excess of these figures. In addition to its height and density, the project's side yard (0' setback, 5' required), rear yard (4' setback, 30' required), usable open space (57% of required square footage), use (7 units in predominantly 3-family area), and off-street parking (street facing/abutting ground story garage with insufficient spaces) also deviate from the area's existing context. Because of this, the project should not receive zoning relief.

Article 27T, Section 8 states that once the Boston Redevelopment Authority has made a recommendation to the Board of Appeal on the issuance of an IPOD permit, the Board of Appeal shall follow such recommendation unless specific, written reasons for not doing so are incorporated in the Board of Appeal's decision.



Recommendation:

In reference to BOA1540041, The Boston Planning & Development Agency recommends DENIAL.

Reviewed,

A handwritten signature in blue ink, which appears to read 'Anne Kane'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Director of Planning, BPDA



Case	BOA1527826
ZBA Hearing Date	2023-12-12
Address	30 Mildred AV Mattapan 02126
Parcel ID	1800808000, 1800807000
Zoning District & Subdistrict	Greater Mattapan Neighborhood 3F-6000
Zoning Article	Article 10, Article 60
Project Description	Combine 2 city-owned lots and construct a 3-story, 6-unit residential building with 4 parking spaces. Mayor's Office of Housing project.
Relief Type	Variance
Violations	Limitation of Area for accessory use (parking) Additional Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Front Yard Insufficient Rear Yard Insufficient Use: forbidden (MFR)

Planning Context:

These 2 vacant city-owned parcels sit within a 3F-6000 residential area of Mattapan, across from the Mildred Avenue K-8 School and Mildred Avenue Community Center. This project is adjacent to another MOH project, BOA1540077, proposing to combine 2 lots and establish a Community Garden.

This proposal for 6 affordable housing units on city-owned land is in alignment with recommendations from PLAN: Mattapan, which recommended that MOH enable appropriate infill on city-owned lots to increase the supply of affordable housing options in Mattapan. The construction of new affordable housing units on currently vacant land advances these planning goals.

Zoning Analysis:

Multifamily residential is a forbidden use in 3F-6000 subdistricts in Mattapan. However, there are a handful of multifamily buildings within the same district and proximate to the site, one of which is an affordable housing development.

Under existing zoning, this proposal violates the following dimensional requirements: additional lot area (3,000 required, 1,108 proposed), FAR (0.8 required, 1.05 proposed), usable open

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space (3,600 required, 3,212 proposed), front yard (10' required, 5' proposed), and rear yard (30' required, 11.5' proposed).

The majority of properties along this block currently have an FAR of 1.2 or greater, similarly violate the front yard requirement with a 5' setback, and do not provide sufficient additional lot area for the multiple units on their sites. This indicates that the current zoning is outdated and does not match the current built context.

The proposed rear yard setback is not in line with neighboring properties, but there is substantial tree cover in the rear yard that provides screening from properties to the rear. This rear yard nonconformity is driven by the building depth; a reduction in building depth would require the removal of private balconies and one bedroom from each unit, resulting in 3 2-bedroom units and 3 1-bedroom units.

This project does not meet the requirement for usable open space, by providing 3,212 square feet instead of the required 3,600 square feet. The design of the driveway and parking area could be modified to accommodate additional usable open space, and should be discussed further through BPDA design review.

Plans reviewed are titled "Norfolk Design & Construction 30-36 Mildred Avenue Mattapan, MA 02126", prepared by 686 Architects, and dated July 27th, 2023.

Recommendation:

In reference to BOA1527826, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to increasing usable open space.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rand", is written over a light blue circular stamp.

Director of Planning, BPDA



Case	BOA1540077
ZBA Hearing Date	2023-12-12
Address	34 Mildred AV Mattapan 02126
Parcel ID	1800508000, 1800806000
Zoning District & Subdistrict	Greater Mattapan Neighborhood 3F-6000
Zoning Article	Article 60
Project Description	Combine 2 city-owned parcels and change occupancy from vacant lots to a community garden. Mayor's Office of Housing project.
Relief Type	Variance
Violations	Use: forbidden (Community Garden)

Planning Context:

These 2 city-owned parcels are within a 3F-6000 subdistrict in Mattapan and are situated across Mildred Avenue from the Mildred Avenue K-8 School and Mildred Avenue Community Center. Recommendations from PLAN: Mattapan (2023) include strengthening the capacity for connection and public realm place-keeping within the residential fabric of the neighborhood. A proposed Community Garden in this location would provide cobenefits with the existing school and community center, and enhance the existing community assets in this residential area. This project is adjacent to another MOH project, BOA1527826, proposing to combine 2 lots and construct a 6-unit affordable housing development.

Zoning Analysis:

Open Space is an allowed use within 3F subdistricts in Mattapan, but the definition of "Open Space" does not explicitly include "Community Garden." As defined in Article 2, "Open Space" includes open space in public ownership dedicated to or appropriate for active or passive recreational use.

Article 33 defines and establishes Community Garden Open Space Subdistricts (OS-G) as a type of Open Space Subdistrict. Although there are no OS-G subdistricts in Mattapan, Article 33 serves to show the variation in different types of open space throughout the City.



Refining definitions for Open Space and clarifying the usage of Open Space Subdistricts as opposed to Open Space uses is an area for future zoning reform.

Plans reviewed are titled "Proposed Landscape Plan Residence @ Mildred", prepared by 686 Architects, and dated September 14th, 2023.

Recommendation:

In reference to BOA1540077, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rando", is written over a faint, illegible stamp.

Director of Planning, BPDA



Case	BOA1415566
ZBA Hearing Date	2023-12-12
Address	22 Torrey St Dorchester 02124
Parcel ID	1701731000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-6000
Zoning Article	Article 65
Project Description	Erect a three story 5-unit building with 5 off street parking spaces on the newly created lot B consisting of 4971sf lot with vehicle easement access for 26 Torrey street. Filed in conjunction with ALT1357306 (26 Torrey St subdivision).
Relief Type	Variance
Violations	Parking or Loading Insufficient Parking design and maneuverability Lot Width Insufficient Lot Frontage Insufficient FAR Excessive Height Excessive (ft) Height Excessive (stories) Side Yard Insufficient Front Yard Insufficient Forbidden MFR Use; Insufficient Lot Size

Planning Context:

The project is located on a corner lot in Dorchester in a 3F-6000 subdistrict, one block away (<500 feet) from a Neighborhood Shopping and a Local Convenience District along Washington St. Washington St is lined with apartment buildings, bus stops, community amenities, and retail shops. Within its immediate vicinity, the project is abutted by a triple-decker to its East, and a garden and triple-decker to its North. To its West, the project is abutted by a 2 1/2 story dwellings and similarly designed triple-deckers. The proposed project is consistent in scale and massing within the neighborhood context.

The project proposes to erect a three-story, 5-unit multi-family dwelling on 4971 SF of a proposed subdivided lot (Filed in conjunction with ALT1357306 26 Torrey St subdivision). The construction of the 5-unit dwelling is in keeping with the planning goals of Housing a Changing City, Boston 2030 (September 2018) of increasing housing stock. Additionally, increasing



housing stock near a commercial corridor encourages and supports a mixed-use core which is in keeping with goals outlined in Imagine Boston 2030 (September 2018).

Zoning Analysis:

The proposed project is in violation of the maximum 0.4 FAR at 1.13, minimum 50' lot width at 41.9', minimum 50' lot frontage at 44.23', maximum 2 1/2 stories at 3 stories, minimum 15' front yard at 9'.1" (17'.9" on another corner front yard), minimum 10' side yard at 0.2" (L), 3'.1" (R), and 5'.8"/6'.4".

While the proposed FAR is greater than the maximum FAR, the project is consistent in scale and massing within the neighborhood context. However, given that this project is infill development, the project should increase its side yard, particularly the 0.2" (L) side yard along Moody St, in turn reducing its FAR. Additionally, the project should increase its front yard to match the front yard setback of its neighbor, 26 Torrey St.

The lot width and lot frontage cannot be increased as the side yard separating the existing dwelling on 26 Torrey St cannot be decreased in a manner that will comply with the Building Code.

The project is proposing 5 units and is thus required to provide 1.25 parking spaces per unit. The project proposes 5 parking spaces, just shy of the required 6.25 units. This proposal is consistent with City's goals of reducing dependency on private vehicles, as outlined in Go Boston 2030 (March 2017).

Recommendation:

In reference to BOA1415566, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE with attention to increasing the side yard and front yard..



Reviewed,

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Director of Planning, BPDA



Case	BOA1415562
ZBA Hearing Date	2023-12-12
Address	26 Torrey ST Dorchester 02124
Parcel ID	1701731000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-6000
Zoning Article	Article 65
Project Description	Subdivide 8,330 SF lot into two lots. Lot A shall have 3,359 sf and maintain existing 3 family with three off street parking spaces. Lot B shall contain 4971 sf and be newly identified as 22 Torrey Street with a proposed easement access from Moody Street to Torrey Street for access to parking space by 26 Torrey Street. Application is filed in conjunction with ERT1353053 for structure and other proposed off-street parking.
Relief Type	Variance
Violations	FAR Excessive Lot Width Insufficient Lot Frontage Insufficient Side Yard Insufficient Parking design and maneuverability Insufficient Lot Size

Planning Context:

The project is located on a corner lot in Dorchester in a 3F-6000 subdistrict, one block away (<500 feet) from a Neighborhood Shopping and a Local Convenience District along Washington St. Washington St is lined with apartment buildings, bus stops, community amenities, and retail shops. Within its immediate vicinity, the project is abutted by a triple-decker to its East, and a garden and triple-decker to its North. To its West, the project is abutted by a 2 1/2 story dwellings and similarly designed triple-deckers. The proposed project is consistent in scale and massing within the neighborhood context.

The project proposes to subdivide the existing 8,330 SF property into two parcels. The existing three-family dwelling would remain on 3,359 SF of the lot and an additional multi-family dwelling is proposed for the remainder of the lot (Application is filed in conjunction with ERT1353053 for structure and other proposed off-street parking.)



The division of the lot to accommodate 5-additional units is in keeping with the planning goals of Housing a Changing City, Boston 2030 (September 2018) of increasing housing stock. Additionally, increasing housing stock near a commercial corridor encourages and supports a mixed-use core which is in keeping with goals outlined in Imagine Boston 2030 (September 2018).

Zoning Analysis:

Given the reduced size of the lot through the proposed division of the lot, the existing dwelling is in violation of the maximum 0.4 FAR, minimum 50' lot width at ~30', minimum 50' lot frontage at 35.93', minimum 10' side yard at 5.1' (existing non-conformity) and 3.0', and minimum 6,000 SF lot size at 3359 SF. Lastly, the project's parking design and maneuverability is in violation of Section 65-41's design of space sizes and clear access regulations. The proposed project should increase the side yard fronting the 22 Torrey St lot which would in turn increase the lot frontage and lot width.

The parking design and maneuverability violation is an existing nonconformity as no changes are proposed for the parking.

Recommendation:

In reference to BOA1415562, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE with attention to increasing the side yard fronting the proposed 22 Torrey St lot.

Reviewed,

A handwritten signature in blue ink, appearing to read "Annee Rand", written in a cursive style.

Director of Planning, BPDA



Case	BOA1525904
ZBA Hearing Date	2023-12-12
Address	21 Woodworth ST Dorchester 02122
Parcel ID	1602722010
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	Article 65
Project Description	Construct 3-story, 9-unit building on vacant site.
Relief Type	Variance
Violations	Parking or Loading Insufficient Rear Yard Insufficient Front Yard Insufficient Side Yard Insufficient FAR Excessive Height Excessive (ft) Height Excessive (stories) Use: forbidden (MFR)

Planning Context:

This currently vacant site sits within a 2F-5000 subdistrict in Dorchester, in an area between the I-93 overpass, the Neponset River, and the MBTA Red Line/Commuter Rail tracks. The site immediately abuts the MBTA tracks to the rear and is surrounded by a mix of residential uses (including multifamily) and office uses.

Infill development on underutilized parcels within the City's residential fabric is in keeping with planning goals related to increasing housing stock, as detailed in Housing a Changing City, Boston 2030. Additionally, the lower-than-required off-street parking decreases a reliance on single occupancy vehicles, in line with Go Boston 2030 and citywide goals of reducing off-street parking requirements.

Zoning Analysis:

MFR is a forbidden use within 2F-5000 subdistricts in Dorchester. However, there is a multifamily dwelling directly across the street from this site, several along the same block, and more within the proximate area within this same 2F-5000 district, indicating a zoning code that is out of date with existing conditions.



The site experiences a grade change of 20' from the northwest side to the southeast side. This unique topographical condition makes conforming to height and yards challenging for buildings on the site. The proposed side yard of 4' violates the 10' minimum due to a retaining wall required by the topography of the site. The proposed rear yard of 4.38' violates the 30' required, but the rear yard abuts the MBTA tracks and is in conformity with the neighboring properties along the tracks. There is an existing MBTA Access Easement through this site that the proponent states will be relocated on the site to share access with the parking area. Approval should be contingent upon confirmation from the MBTA and compliance with the MBTA TOD Policies and Guidelines.

The proposed height is 33' and 3 stories when measured from the street (2.5 stories maximum and 35' maximum required by zoning). Surrounding properties similarly violate this height maximum, and the proposed building conforms to that condition. The proposed FAR of 1.5 exceeds the maximum of 0.5, but properties in this area also have FARs greater than 1.25, indicating outdated zoning requirements.

Given the topography of the site and surrounding context that is similarly nonconforming with the existing zoning, a building of this scale may be appropriate. However, the grade change provides unique challenges for accessibility, and this should be addressed through design review with the BPDA.

Plans reviewed are titled "Proposed 9 Unit Apartment Building 21-23 Woodworth St. Dorchester, Massachusetts 02122", prepared by Lighthouse Architecture, and dated June 30th, 2023.

Recommendation:

In reference to BOA1525904, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to pedestrian accessibility, that the MBTA confirms compliance with their TOD Policies and Guidelines, and that the relocated MBTA easement is approved.

Reviewed,

A handwritten signature in blue ink, appearing to read "Anne Kane", is written over a light blue circular stamp.

Director of Planning, BPDA



Case	BOA1518540
ZBA Hearing Date	2023-12-12
Address	9 Elton ST Dorchester 02125
Parcel ID	1302828000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-D-2000
Zoning Article	Article 65
Project Description	Modify exterior roof line to introduce deck within existing building plane. Finish 3rd floor with an additional bedroom, bathroom, and living space.
Relief Type	Variance
Violations	Rear Yard Insufficient

Planning Context:

The proposed project sits in a three-family residential subdistrict in Savin Hill, located right off Dorchester Avenue. The site's immediately surrounding context comprises a mix of 2.5 to 3 story, 1- to 3- family residential structures.

The project proposes to finish the single-family structure's existing 3rd story to include a bedroom, bathroom, living space, and a deck. This scope aligns with the stated planning goals of the area: to preserve existing structures and allow for minor and contextually sensitive changes to structures (Section 65-7, 2002). Adding more living space to existing dwellings is also in keeping with City planning goals of preserving housing stock and flexibility for growing living arrangements, as detailed in Housing a Changing City, Boston 2030 (September 2018).

Zoning Analysis:

The project's rear yard violation stems from a vertical extension of a legal nonconforming rear yard dimension (3' existing, 15' required) to accommodate the 3rd story deck. The proposed extension adds only 4' of height to the existing nonconforming building face and will not further encroach, horizontally, upon the existing side yard.

Recommendation:



In reference to BOA1518540, The Boston Planning & Development Agency recommends APPROVAL .

Reviewed,

A handwritten signature in blue ink, which appears to read 'Anne Kane'. The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Director of Planning, BPDA



Case	BOA1521230
ZBA Hearing Date	2023-12-12
Address	14 Emerson ST South Boston 02127
Parcel ID	0603066000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	Article 68
Project Description	Expanding head house on existing 3-story building. The expanded head house would stay set back about 15-20 feet from the front of the building.
Relief Type	Variance, Conditional Use
Violations	Roof Structure Restrictions Side Yard Insufficient Rear Yard Insufficient Front Yard Insufficient FAR Excessive Extension of Nonconforming Buildings

Planning Context:

The proposed project is on a residential street characterized by 3-5 story row houses and semi-attached homes. The immediate abutting buildings on the West side of the lot are relatively uniform in height and architectural character, with 16-24 Emerson St being matching 3-story, row houses. The rest of the immediate vicinity includes a greater diversity of building forms, including a single-story building abutting 14 Emerson St on the East side and both single-story and 4-story buildings on the opposite side of Emerson St.

Zoning Analysis:

This project requires a conditional use permit because of the inclusion of a roofed structure designed for human occupancy which alters the profile of the roof (Section 68-29.) In deciding whether to grant a conditional use, the Board of Appeal shall consider whether such roof structure has the potential of damaging the uniformity of height or architectural character of the immediate vicinity (Section 68-29.). Because of the setback, the vertical addition would be minimally visible from the east side of Emerson St, where the existing buildings are the most uniform in height or architectural character. The addition would be visible from the West side of the lot. However, the existing head house is already visible from this side and the other existing



buildings are not uniform in height or architectural character in this part of the street, and so the new addition would not damage any existing uniformity.

The project also requires a variance for FAR because it will create new livable area. However, given that there are existing 4-story buildings in this area, this project would not bring the building out of scale with its surroundings. This indicates that reforming the Zoning Code to allow for this greater FAR may be appropriate.

This project is also flagged as violating the zoning yard requirements. These are pre-existing violations and not increased by this project. Lastly, the project requires a conditional use permit because it would extend a nonconforming building by less than 25% (Section 9-1)

Recommendation:

In reference to BOA1521230, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review to ensure that the head house does not damage the uniformity of height or architectural character of the immediate vicinity.

Reviewed,

A handwritten signature in blue ink, appearing to read "Anne Rane", with a stylized flourish at the end.

Director of Planning, BPDA

MEMORANDUM

OCTOBER 12, 2023

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

FROM: MICHAEL CHRISTOPHER, DIRECTOR OF DEVELOPMENT REVIEW
CASEY HINES, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW
SCOTT GREENHALGH, PROJECT MANAGER

SUBJECT: 118 B STREET, SOUTH BOSTON

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority Boston Redevelopment Authority d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 118 B Street in South Boston (as defined below, the "Proposed Project"), in accordance with Article 80E, Small Project Review of the Boston Zoning Code (the "Code"); and (2) execute and deliver an Affordable Housing Agreement ("AHA") in connection with the Proposed Project; and (3) enter into a Community Benefits Agreement in connection with the Proposed Project, and to take any other actions and to 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 located on an approximately 12,367 square foot parcel of land at 118 B Street in the South Boston neighborhood of Boston (the "Project Site"). The Project Site is currently occupied by a one- to three-story commercial building with surface parking.

DEVELOPMENT TEAM

The development team includes:

Proponent: Dunmoe Group, LLC
Charles McCarthy

Architect: Timothy Johnson Architect, LLC
Timothy Johnson

Legal Counsel: Adams & Morancy, P.C.
George Morancy, Esq.

PROPOSED PROJECT

Dunmoe Group, LLC (the “Proponent”) seeks to demolish the existing structure occupying the Project Site and construct a five (5) story, 50 foot maximum height, approximately 38,078 gross square foot residential building that will include thirty-three (33) residential homeownership units, including six (6) IDP units, and up to twenty-six (26) off-street vehicle parking spaces located in an at-grade and below-grade garage (the “Proposed Project”). The Proposed Project also will include an interior bicycle storage room with space for thirty-four (34) bicycles for residents and eight (8) exterior bicycle storage spaces.

The number of parking spaces approved by BPDA is a maximum number of spaces, as final decisions on parking supply are codified by the ZBA for Small Projects, and where applicable, the Proponent must comply with Boston’s Air Pollution Control Commission’s (APCC) Parking Freeze permitting requirements. The proponent is strongly encouraged to comply with the Boston Transportation Department’s Maximum Parking Ratio Guidelines. The proponent is subject to design review which may result in impacts to the proposed parking layout and modest impacts to the number of parking spaces.

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

<u>Estimated Project Metrics</u>	Proposed Plan
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Gross Square Footage	47,263
Gross Floor Area	38,078
<i>Residential</i>	38,078
<i>Office</i>	0
<i>Retail</i>	0
<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>	9,185
Development Cost Estimate	\$20,000,000
Residential Units	33
<i>Rental Units</i>	0
<i>Ownership Units</i>	33
<i>IDP/Affordable Units</i>	6
Parking spaces	26

PLANNING CONTEXT

The proposed project at 118 B Street Road is not located within the boundaries of a recent planning initiative, but it is subject to the forthcoming South Boston Transportation Action Plan (SBTAP), expected to be released in Winter 2024. The zoning designation for this site is a Multifamily Residential (MFR) subdistrict within Article 68, the South Boston Neighborhood District. The proposed project is moderately taller and denser than what is required by zoning, which is appropriate

for its transit-oriented location just 1/3 of a mile from Broadway station, serving the MBTA Red Line and several local bus routes.

During the course of project review, the building was reduced in height from a full 5 stories to 5 story building with 25-30-foot top floor setbacks on public street-facing sides to more closely align with existing zoning requirements of 40-foot height maximums and descale in response to Flaherty Park next to the project site.

Increased, zoning-compliant setbacks at the property line on B Street and West Third Street allow for the planting of at least 5 new street trees and wider sidewalks to accommodate new and existing foot traffic. New curb extensions and crosswalks at B Street and West Third Street will allow for safer pedestrian access to the well-used park across the street, advancing a key goal of the SBTAP.

ARTICLE 80 REVIEW PROCESS

On June 30, 2023, the Proponent filed an Application for Small Project Review with the BPDA for the Proposed Project, pursuant to Article 80E of the Code (the "Code"). The BPDA sponsored and held virtual public meetings on August 1, 2023, and October 3, 2023, via Zoom. The meetings were advertised in the local newspapers, posted on the BPDA website and notifications were emailed to all subscribers of the BPDA's South Boston neighborhood update list. The public comment period ended on October 10, 2023.

ZONING

The Project Site is in the South Boston Neighborhood District governed by Article 68 of the Code and more specifically within a Multifamily Residential (MFR) Subdistrict.

The Proponent expects that zoning variances will be needed for the following: Minimum Lot Size for Additional Dwelling Units, Floor Area Ratio, Building Height, Minimum Usable Open Space, Rear Yard Setback, Insufficient Off-Street Parking & Loading.

MITIGATION AND COMMUNITY BENEFITS

The Proposed Project will include mitigation measures and community benefits to the neighborhood and the City of Boston (the "City"), including:

- The Proposed Project will enhance the streetscapes by constructing modern sidewalks as well as upgrading the public realm in and around the Project Site. Public realm improvements will include six (6) new street trees.
- The Proponent will enhance pedestrian safety by providing an expanded curb extension at the corner of B Street as well as at the corner of West Third Street.
- The proponent will provide a raised crosswalk at B Street across West Third Street to support enhanced visibility and accessibility for pedestrians accessing the new development, Flaherty Park, and the greater neighborhood.
- The Proponent will provide and maintain a trash receptacle on their property (not on the public right-of-way) and will maintain it in perpetuity.
- Before issuance of the Certificate of Approval, the Proponent shall make a \$9,075.00 contribution to the Boston Transportation Department ("BTD") to support the bike share system;
- The Proponent commits to equipping electric vehicle charging infrastructure at a rate of 25% installed, or seven (7) charging stations, and the remaining up to nineteen (19) parking spaces to be EV Ready for future installation;
- In support of the City's green building and carbon neutral goals, the Proposed Project will be designed as all-electric;
- These aforementioned proposed improvements shall be completed before building permit issuance for the Proposed Project and are subject to design review and approval by the Boston Transportation Department (BTD), Public Works Department (PWD), Public Improvement Commission (PIC), and the BPDA.
- The Proponent shall make a thirty-three thousand dollar (\$33,000.00) contribution to City's Fund for Parks:

Recipient: City's Fund for Parks
Boston Parks and Recreation Department
1010 Massachusetts Avenue, 3rd Floor
Boston, MA 02118

Use: The contribution will be used to fund efforts to maintain green space at Flaherty Park located near this Proposed Project in South Boston.

Amount: \$33,000.00

Timeline: The \$33,000.00 contribution is due upon issuance of the Certificate of Approval.

- The Proposed Project will create approximately sixty (60) temporary construction related jobs; and
- Additional property tax revenue for the City.

The community benefits described above will be set forth in the Community Benefit Contribution Agreement for the Proposed Project. The community benefit contribution payments shall be made to the BPDA or respective City of Boston department before issuance of the initial building permit by the City of Boston Inspectional Services Department ("ISD") and will be distributed as outlined above.

The Proposed Project and public realm improvements are subject to BPDA Design Review.

INCLUSIONARY DEVELOPMENT POLICY

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (the "IDP") and is located within Zone C, 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, six (6) units-or approximately 18.2% of the total number of units within the Proposed Project will be created as IDP condominium units (the "IDP Units"), made affordable to households earning not more than 100% of AMI, as published by the BPDA and based upon data from the United States Department of Housing and Urban Development ("HUD"), and published by the BPDA.

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. As the Proposed Project will provide thirty-three (33) new homeownership units, six (6) units within the Proposed Project will be created as IDP homeownership units (the “IDP Units”), of which at least half (3) will be made affordable to households earning not more than 80% of the Area Median Income (“AMI”), as published by the BPDA and based upon data from the United States Department of Housing and Urban Development (“HUD”), and the remainder (3) will be made affordable to households earning greater than 80% of AMI but not more than 100% of AMI.

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

Unit Number	Number of Bedrooms	Square Feet	Percent of Median Income	Sale Price
2	3 BR	1025	100%	\$378,000
9	1 BR	842	80%	\$219,500
12	2 BR	1189	100%	\$334,700
14	1 BR	574	80%	\$219,500
17	2 BR	1125	80%	\$258,500
24	2 BR	1253	100%	\$334,700

The location of the IDP Units will be finalized in conjunction with BPDA staff and outlined in the Affordable Housing Agreement (“AHA”), and sales prices and income limits will be adjusted according to BPDA published maximum sales prices and income limits, as based on HUD AMIs, available at the time of the initial sale 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 AHA must be executed along with, or prior to, the issuance of the Certification of Approval 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;
2. Household size (a minimum of one (1) person per bedroom); and
3. First time homebuyer.

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.

The IDP Units will not be marketed prior to the submission and approval of the Plan. 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 buyer and sales price of any subsequent sale of the IDP Units during this fifty (50) year period must fall within the applicable income and sales price limits for each IDP Unit. IDP Units may not be rented out by the developer prior to sale to an income eligible buyer, and the BPDA or its assigns or successors will monitor the ongoing affordability of the IDP Units.

The proposed on-site IDP Units fully satisfies the IDP requirements pursuant to the December 10, 2015 IDP.

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) execute and deliver an Affordable Housing Agreement (“AHA”) in connection with the Proposed Project; and (3) enter into a Community Benefits Agreement in connection with the Proposed Project, and to take any other actions

and to execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

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 the development at 118 B Street in the South Boston neighborhood, proposed by Dunmoe Group, LLC (the "Proponent"), for the construction of a five story, 50 ft. maximum height, approximately 38,078 gross square foot residential building that will include thirty-three (33) residential homeownership units, including six (6) IDP units, and up to twenty-six (26) off-street vehicle parking spaces (the "Proposed Project"), in accordance with the requirements of Small Project Review, Article 80E, of the Code, subject to continuing design review by the BPDA; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute and deliver an Affordable Housing Agreement for the creation of six (6) IDP Units in connection with the Proposed Project; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to enter into a Community Benefits Agreement, and to take any other actions and to execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.



Case	BOA1535255
ZBA Hearing Date	2023-12-12
Address	50 Terminal ST Charlestown 02129
Parcel ID	0202751002
Zoning District & Subdistrict	Harborpark: Charlestown Waterfront Charlestown Maritime Economy Reserve
Zoning Article	Article 42B and Article 6
Project Description	Change occupancy from restaurant with takeout to restaurant with takeout and food preparation and processing, catering, packaging, and food truck storage.
Relief Type	Conditional Use
Violations	Conditional use: catering and Food prep/processing/packaging; Other Protectional Conditions:Remove/replace takeout to petitioner only

Planning Context:

This project is located within the Charlestown Maritime Economy Reserve Subdistrict. It is a working waterfront subdistrict which is identified as a subdistrict in Article 42B to "maintain, foster, and promote the maritime economy within the city of Boston". The code also identifies the subdistrict as an area "to create opportunities for manufacturing and business on the waterfront". The change in use to include catering, prep/processing/packaging is consistent with the planning goals outlined the Section 42B-15's Working Waterfront Subdistricts.

Zoning Analysis:

Per Section 6 -4. - Other Conditions Necessary as Protection, the ZBA granted the previous owner a conditional use permit for take out for the petitioner only. Given that takeout was previously an approved use, conditional use should be granted.

Recommendation:

In reference to BOA1535255, The Boston Planning & Development Agency recommends APPROVAL.



Reviewed,

A handwritten signature in blue ink, which appears to read 'Anne Kane'. The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Director of Planning, BPDA



Case	BOA1473941
ZBA Hearing Date	2023-12-12
Address	820 Hyde Park AV Hyde Park 02136
Parcel ID	1807907000
Zoning District & Subdistrict	Hyde Park Neighborhood 1F-6000
Zoning Article	Article 69
Project Description	Demolish existing structure. Erect new structure with 9 condominium units and 7 rear parking spots.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (ft) Height Excessive (stories) Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Usable Open Space Insufficient Lot Frontage Insufficient Lot Area Insufficient

Planning Context:

This project was previously recommended by the BPDA for Denial without Prejudice on 10/23/2023 and was deferred by the ZBA at that hearing. The most recent plans reviewed by ISD for this project are dated 05/10/2023. They have not been revised since the 10/23/2023 hearing. The previous recommendation for this project, as detailed below, remains the same due to the lack of change in the proposed plans between ZBA hearing dates.

The proposed project sits in a one-family residential subdistrict in Hyde Park. The surrounding context includes a mix of residential uses (from single-family to multi-family) and housing typologies.

The project's creation of 9 dwelling units is in keeping with planning goals of increasing housing availability, as detailed in Housing a Changing City, Boston 2030 (September 2018). It's parking, however, does not. The 7 proposed spaces, and paving necessary to accommodate



them, remove approximately 3,500 square feet of permeable surface area and several mature plantings. The City does not support the removal of healthy and mature trees and plantings, and open space to accommodate the development of off-street parking. The planning goals of Climate Ready Boston (addressing permeability, heat island effect, and increase tree canopy, 2016) and Boston's Urban Forest Plan (preserving healthy and mature trees, 2022) outline this point.

Zoning Analysis:

While the project's proposed use aligns with its surrounding context (which features several adjacent MFR structures), its scale does not. This is evidenced by an FAR three times the maximum allowed ($1.52 > 0.5$); insufficient setbacks for each of the front, side, and rear yards; and a building height greater than its surroundings, in both feet and stories.

The project's parcel also falls below the required size threshold ($5,759 \text{ sqft} < 6,000 \text{ sqft}$) to develop as of right.

As discussed in this recommendation's planning context, the project also proposes to remove almost all of its usable open space and replace it with off-street parking and impervious paving. This triggers another zoning violation for the project, as the proposal falls over sixteen (16) times short of the amount of open space required by zoning for the 9 unit use ($973 \text{ sqft} < 16,200 \text{ sqft}$).

A future iteration of this project should reduce the scale of the proposed building (in height, building lot coverage, or both) and remove parking spaces to retain permeable surface area and open space.

In addition, further planning efforts are needed for the area to match zoning with the area's existing context. These efforts should focus on relaxing allowed residential land uses and recalibrating dimensional requirements (including FAR maximums and lot size minimums).



Recommendation:

In reference to BOA1473941, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. Proponent should pursue an MFR project that reduces the scale of the proposed building (in height, building lot coverage, or both) and removes parking spaces to retain permeable surface area and open space.

Reviewed,

A handwritten signature in blue ink that reads "Amee Rana". The signature is fluid and cursive.

Director of Planning, BPDA



Case	BOA1514976
ZBA Hearing Date	2023-12-12
Address	26 Montrose ST Roxbury 02119
Parcel ID	1200234000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	Article 50, Article 10
Project Description	Change occupancy from 2 to 3 family. Demolish existing 3rd floor and add new gable roof / dormers to create 3rd dwelling unit (3 bedrooms, kitchen, bathroom, and living space).
Relief Type	Variance
Violations	Side Yard Insufficient Limitation of Parking Areas

Planning Context:

The proposed project sits in a three-family subdistrict in Roxbury, about a quarter mile from Nubian Square. Its surrounding context is comprised mostly of 2 to 3 story, 2- to 3-family residential structures. The project also sits within the Roxbury Neighborhood Design Overlay District (NDOD).

Its scope, which expands the existing structure's occupancy from 2 to 3 dwelling units, is in keeping with City planning goals of increasing housing availability, as detailed in Housing a Changing City, Boston 2030 (September 2018).

While triggered through the NDOD, BPDA Urban Design staff have also flagged the proposal as requiring design review - to address issues related to site plan and parking, as well as the project's 3rd floor articulation, generally.

Zoning Analysis:

The project's side yard violation stems from a vertical extension of a legal nonconforming side yard dimension (5' existing, 10' required). The proposed extension will not further encroach upon the existing side yard dimension.



The project's off-street parking violation relates to its proposed location within the site's required front yard and side yard setbacks. This condition is existing, but is proposed to be worsened through the project (drive aisle widened, 2/4 existing parking spaces moved into front yard). The project's off-street parking design should be maintained as it currently exists.

The project's proposed change in occupancy (from 2 to 3 dwellings units) is allowed by zoning for the area.

A proviso for BPDA design review has been added to this recommendation because of the project's location within the Roxbury NDOD and to address issues related to parking as well as the articulation of the project's proposed 3rd story design.

Recommendation:

In reference to BOA1514976, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISOR/S: that plans shall be submitted to the Agency for design review.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rand", is written over a light blue circular stamp.

Director of Planning, BPDA



Case	BOA1304433
ZBA Hearing Date	2023-12-12
Address	10 Thompson Sq Charlestown 02129
Parcel ID	0203685000
Zoning District & Subdistrict	Charlestown Neighborhood NS
Zoning Article	Article 62
Project Description	Construct 12 residential units on top of existing ground floor commercial space
Relief Type	Variance
Violations	FAR Excessive Usable Open Space Insufficient Height Excessive Parking or Loading Insufficient Rear Yard Insufficient

Planning Context:

This project was deferred from its initial hearing date of 10/31/2023. The planning context, zoning analysis, and recommendation remain the same as the project has not changed since its first proposal.

The proposed project is located within the Original Peninsula, as identified in PLAN: Charlestown (2023). The project promotes a mixed-used corridor in the NS subdistrict by maintaining the retail use on the ground floor and increasing the housing stock near a transit stop (0.4 miles from Community College T-stop) which is consistent with PLAN: Charlestown. Additionally, the proposed project preserves the existing retail space which is consistent with the PLAN's recommendations of preserving and supporting local businesses.

While the project does not meet the minimum parking requirement outlined in the existing zoning regulations, the project's parking number aligns with the City's goal of reducing dependence on private vehicles, as detailed in Go Boston 2030 (March 2017), particularly near a transit stop and within mixed-use areas.



This project requires a Housing Agreement under the City of Boston's Inclusionary Development Policy because it includes more than 10 units.

Zoning Analysis:

The insufficient usable open space violation is an existing nonconformity as the existing ground floor commercial space covers the entire lot. The project should increase its usable open space through the addition of spaces like balconies or roof decks. Balconies, terraces, accessible rooftops, green roofs, and other means of providing above-grade amenities are encouraged, as forms of usable open space for its building occupants in PLAN: Charlestown (September, 2023).

The required zoning height is 35' and the proposed height is 41'. The maximum FAR is 2.0 and the proposed FAR is 4.0. The project should reduce its height and FAR to be consistent with the Zoning Code.

The insufficient rear yard setback is an existing nonconformity. Achieving the required rear yard setback would require changing the existing retail space on the ground floor.

Recommendation:

In reference to BOA1304433, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE with attention to aligning the height and FAR with the Zoning Code, increasing usable open space, and that a IDP housing agreement be issued prior to issuing permits.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rana", is written over a light blue circular stamp.

Director of Planning, BPDA



Case	BOA1514378
ZBA Hearing Date	2023-12-12
Address	3915 Washington ST Roslindale 02131
Parcel ID	1902884000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 3F-4000
Zoning Article	Article 55
Project Description	Erect proposed new 6 unit multi family, as per plans.
Relief Type	Variance
Violations	FAR Excessive Lot Width Insufficient Lot Frontage Insufficient Off-Street Parking Forbidden Use Forbidden

Planning Context:

The key question to address with this project is whether it is appropriate to allow a six-unit multifamily development on a currently vacant parcel near a commuter and heavy rail station, when the immediate context generally consists of three-family triple deckers. A larger multifamily project has been approved abutting this parcel. While this parcel does have proximity to denser commercial areas in need of additional foot traffic as well, and there are larger multifamily housing projects a few blocks away.

The parcel is a 4000 square foot lot located in the Jamaica Plain neighborhood article area (but with a Roslindale post office address), at the edge of the Jamaica Plain/Roslindale district boundary, in a 3F-4000 subdistrict. Parcel is approximately half a mile south of the MBTA Forest Hills orange line and commuter rail station, and along Washington Street, a major multimodal corridor between Jamaica Plain and Roslindale. There is a small commercial district a few blocks north of this site along Washington Street, between this parcel and the Forest Hills station. While not specifically contemplated by PLAN: JP/ROX, or in Imagine Boston 2030 or Housing a Changing City, this site combines adjacency to the MBTA bus and a dedicated bike lane, close proximity to multiple forms of rail, and abuts multiple areas undergoing other transformation as Forest Hills continues its substantive development into a major transit-oriented node.



This site faces south along Washington St. Most lots on the Washington St southern side of the block are ~3400 square feet, and are abutted by lots on the northern side of the block against Kitson Rd. Unlike those lots, the rear 600 square feet of this lot are designated as a no-build zone, for the benefit of 43 Lochdale Rd, one of those northern abutting lots. This effectively makes the buildable portion of this 4000 square foot parcel similar to its neighbors up and down the block.

The northern parcel for which this parcel's no-build site is designated, 43 Lochdale Rd, is currently undergoing the Article 80 process. As noted on the project page for 43 Lochdale, "on August 15, 2019, the BPDA Board approved the construction of a new, four (4)-story residential building containing 38 rental units (including 6 IDP Units) and 46 garage parking spaces on the presently vacant lot at 43 Lochdale Road in Roslindale. The Proponent submitted a Small Project Change to the BPDA on March 4, 2021 proposing a change in programming for the 43 Lochdale Road project from rental units to condominiums." This means that the BPDA board has approved density at the level of a 38-unit development abutting this site.

The current as-built neighborhood context of this parcel is generally limited to triple deckers, though the in-process contextual density does include multifamily residential at a scale much higher than this proposed project. Good planning practice includes encouraging a gentle transition from denser multifamily development to other preexisting lower density residential areas. Indeed, as part of the justification for the density of 43 Lochdale Rd is that it allows for opportunistic development as reuse of former heavy commercial or industrial sites along the Forest Hills corridor, development of this site is also an appropriate planning decision, though not necessarily at the scale proposed here given current zoning.

Zoning Analysis:

Site is located in a 3F-4000 subdistrict within the Article 55 Jamaica Plain Neighborhood District.

As noted in the Article's Table A for Use Regulations, multi-family dwellings are not permitted in a three-family residential district. It is true that the footprint's size and dimensions are comparable to the three-family buildings abutting, along the block, and along the corridor, primarily due to the smaller square footages of the proposed units. That said, absent any broader policy direction providing guidance to allow for this level of densification on this corridor, and given the identical size of this lot alongside its triple decker nature, it is not appropriate to allow this level of density on this smaller lot this far from transit.



Given the application's forbidden use, the FAR in this subdistrict for "any other use" is 0.7. Applicant proposes an FAR of 1.23, 175% the zoning's maximum. For context, A typical triple decker in this area of JP/Roslindale might have a living area of 3000-3500 square feet. The proposed building is 5000 square feet, which is closer to 140% the typical living area dimensions. While some of this discrepancy reflects nonconformity of existing three-family buildings relative to what zoning would allow as-of-right, this still does convey a substantial increase from any other property on the corridor.

Given the application's forbidden use, both lot width and frontage must be a minimum of 45'. This site has a lot width and frontage of 40', which is insufficient. Were this proposal a three-family, a 40' lot width would be sufficient.

Finally, in the Jamaica Plain district, off-street parking must be provided at a rate of 1.25 spaces per dwelling unit for developments of 4-9 units. At six units, this would require 8 spaces. This proposal provides 0 spaces, which is insufficient. The project does provide outdoor bike parking and an indoor bike room, is close to multiple Blue Bikes docks, it includes regular MBTA service along Washington St, sits along a dedicated bike lane that leads to the Southwest Corridor, and is within easy walking distance of the Commuter Rail and Orange Line terminus at Forest Hills. Given existing parking options along and around Washington Street, this project meets all criteria for development without off-street parking.

Recommendation:

In reference to BOA1514378, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. Applicant should propose a housing development that matches the three-family scale of its immediate context.

Reviewed,

A handwritten signature in blue ink, appearing to read "Ames Rand", written in a cursive style.

Director of Planning, BPDA



Case	BOA1493506
ZBA Hearing Date	2023-12-12
Address	6 Greenough AVE Jamaica Plain 02130
Parcel ID	1901335000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 2F-9000
Zoning Article	Article 9, Article 10, Article 55
Project Description	New driveway with curb cut for 1 parking space.
Relief Type	Variance, Conditional Use
Violations	Limitation of Area for accessory use (parking) Usable Open Space Insufficient Extension of Nonconforming Use

Planning Context:

The Boston Transportation Department's Guidelines for use by the Zoning Board of Appeal state that "New driveways added at residential dwellings need to accommodate a minimum of two (2) vehicular spaces for every one (1) public on-street parking space that will be removed as a result of the new driveway. A new driveway accommodating three (3) vehicular spaces for every one (1) public on-street parking space is the preferred ratio." The new curb cut would mean the removal 1 on-street space, which means the project does not meet the minimum BTDA recommendation of 2 off-street spaces.

The proposed curb cut would be 14 feet wide. This means it is the maximum width for Boston Public Work's standards, which specify that curb cuts for residential project should be a maximum of 14 feet (with a standard of 12 feet).

Zoning Analysis:

Article 10 Section 1 states that, in any residential district, no accessory use shall occupy any part of the front or side yards required by this code, except that such a side yard may be used for off-street parking located more than 5 feet from the side lot line. The proposed parking area is about 2.5 feet from the side lot line. It therefore occupies part of the side yard required by this code and is less than 5 feet from the side lot line.



The project also violates the usable open space requirement, since usable open space must be free from parking (Article 2). The addition of the parking therefore means the project will not comply with the required usable open space of 2,250 sq ft.

Recommendation:

In reference to BOA1493506, The Boston Planning & Development Agency recommends DENIAL.

Reviewed,

A handwritten signature in blue ink, appearing to read "Ames Rand", is written in a cursive style.

Director of Planning, BPDA



Case	BOA1396801
ZBA Hearing Date	2023-12-12
Address	251 to 253 Wood AVE Hyde Park 02136
Parcel ID	1807208000
Zoning District & Subdistrict	Hyde Park Neighborhood 1F-6000
Zoning Article	Art. 9 - Sec. 2, Art. 69 - Sec. 8, Art. 69 - Sec. 9
Project Description	Combine the lots of 251-253 Wood Ave and 0 Ellard Road (both under the same ownership) into a single lot. Construct a new addition to the existing structure at 251-253 Wood Ave and change occupancy from a two-family dwelling to a multifamily residential dwelling with four (4) residential units and three (3) off-street parking spaces.
Relief Type	Variance, Conditional use
Violations	FAR Excessive Usable Open Space Insufficient Side Yard Insufficient Height Excessive (stories) Front Yard Insufficient Lot Width Insufficient Change in Nonconforming Use Usable Open Space Minimum Sq. Ft. Per Dwelling Unit Location of Main Entrance Use: Forbidden (Multifamily Residential)

Planning Context:

This property is made up of two abutting lots to be merged into one. 251-253 Wood Ave is on a corner lot of about 6,000 sq.ft. at the intersection of Wood Ave to the northeast and Ellard Road to the southeast with an existing 2.5-story, two-family residential dwelling. 0 Ellard Road abuts 251-253 Wood Ave to the south and is a vacant, permeable lot of about 2,600 sq.ft. This property is across the street from the two-family residential (2F-5000) subdistrict to the south and is adjacent to existing one- and two-family buildings that are mostly between 2 and 3 stories.

The proposed project will merge these lots and construct a new rear addition to the existing 2.5-story structure that extends into the rear of the 251-253 Wood Ave lot. The project will also change the occupancy from a two-family residential dwelling to a multifamily residential dwelling



with four (4) residential units and five (5) off-street parking spaces. The 0 Ellard Road lot will be converted to a parking area for this project.

The proposed addition of multifamily residential units is supportive of the City's goals to increase housing diversity and housing opportunity as outlined in *Housing a Changing City, Imagine Boston 2030* (September 2018). However, multifamily housing is not a typical housing type in this area and would be an outlier compared to existing one-and two-family housing in the surrounding context.

The proposed parking will require the significant removal of the existing permeable area of the lot from the 0 Ellard Road site. There are several existing trees in this lot that would be removed as part of the construction of this parking area. The City does not support the removal of healthy and mature trees and open space to accommodate the development of off-street parking, as outlined in the planning goals of *Climate Ready Boston* (addressing permeability, heat island effect, and increase tree canopy, 2016) and *Boston's Urban Forest Plan* (preserving healthy and mature trees, 2022).

Zoning Analysis:

This property is located within the One-Family Residential (1F-6000) subdistrict of the Hyde Park Neighborhood District (Art. 69). This project has multiple violations tied to its existing non-conforming use, proposed rear addition, and existing corner lot and built conditions.

Residential dwellings in this subdistrict are required to have a minimum lot width of 60 ft, a maximum height of 2.5 stories, a maximum FAR of 0.5, a minimum front yard depth of 25 ft, a minimum side yard depth of 10 ft, and a minimum square footage of usable open space per dwelling unit of 1,800 sqft (Art. 69 – Sec. 9). This lot has existing dimensional non-conformities, including an insufficient lot width of about 48 ft and an insufficient front yard depth of about 18.5 ft. These conditions would not be changed by or worsened by the proposed project because all additions will be made in the rear yard.

The proposed project would include an addition that extends into the rear yard and that addition would be 2.5 stories in height and include dormers on the top floor. The plans examiner cited that this project exceeds the maximum height of 2.5 stories for this subdistrict, but the plans state that the new addition is 2.5 stories and the design of the addition represents that height. This would not make the building excessive in feet and the addition of dormers seems appropriate in terms of the design of the building relative to nearby building designs.



The proposed project has an excessive FAR of 0.69 that is due to the depth of new addition into the rear yard and side yard, which also produces the side yard setback violation. The proponent should reduce the size of the addition in the rear and side yards to better align with the required FAR, rear yard, and side yard regulations. This reduction would also improve this project's alignment in depth and scale with adjacent properties on similar sized lots.

The proposed change of occupancy to multifamily would be an extension of a nonconforming use (Art. 9 – Sec. 2) and would propose a forbidden MFR use (Art. 69 – Sec. 8). The proponent should not propose additional units to avoid worsening this land use non-conformity. By adhering to the existing number of units and not extending deeply into the rear yard, the proponent would also be able to reduce their usable open space minimum per dwelling unit violation.

This project was cited for a “Location of Main Entrance” violation (Art. 69 – Sec. 9) which requires the main entrance of the dwelling to be face the front lot line. The project plans feature a main entrance facing the side yard on Ellard Road. However, since this is a corner lot and the front lot line-facing entrance would be maintained, this does not present a major issue if the proponent decided to create a new side entrance for the addition along this intersecting street.

Site plans completed by AGH Engineering on June 21, 2017. Project plans completed by CBC Design on March 10, 2018.

Recommendation:

In reference to BOA1396801, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE: that the proponent submit revised plans with attention to reduced number of dwelling units, reduced rear and side yard depth expansion, and plans identifying mitigation measures for the permeable area of the lot in the rear yard.

Reviewed,

A handwritten signature in blue ink, appearing to read "Ames Rando", written in a cursive style.

Director of Planning, BPDA

MEMORANDUM

August 17, 2023

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

FROM: MICHAEL CHRISTOPHER, DIRECTOR OF DEVELOPMENT REVIEW
CASEY HINES, DEPUTY DIRECTOR OF DEVELOPMENT REVIEW
DANIEL POLANCO, PROJECT MANAGER

SUBJECT: 1081 RIVER STREET, HYDE PARK

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 Certification of Approval for the proposed development located at 1081 River Street in Hyde Park (the “Proposed Project”, defined below), in accordance with Article 80E, Small Project Review, of the Boston Zoning Code (the “Code”), subject to continuing design review by the BPDA; and (2) take any other actions and execute any other agreements and documents, including but not limited to an Affordable Rental Housing Agreement and Restriction (“ARHAR”) and Community Benefit Contribution Agreement, that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The Proposed Project, defined below, is located at 1081 River Street in Hyde Park and includes approximately 15,043 square feet of land area located on River Street between Lincoln Street and West Street (the “Site”). The Site includes a varying grade change that generally slopes to a low point at the rear of the Site, with a high point in the middle, which is currently approximately six (6) feet above the sidewalk. The Site is an oversized lot located in a 2F -5000 zoning subdistrict, but is directly adjacent to a sixteen (16) unit rental building next door and on the busy River Street thoroughfare.

The Site is located within a half -mile walking distance of both the Hyde Park and Fairmount Commuter Rail Stations and served by MBTA bus routes 24 and 33, with convenient stops nearby at the West Street intersection. The Site also is within walking distance of the River Street/Hyde Park Avenue commercial area, which includes grocery stores, shopping, retail, and other amenities.

The City of Boston Assessor’s Parcel Number for the Site is 1808824000, and it is located in Ward 18 of the City of Boston. The Site is currently occupied by a Two - Family Dwelling constructed in approximately 1920, per the City’s Assessing Department.

DEVELOPMENT TEAM

The Project Team consists of the following entities:

- Proponent: Skybridge Properties LLC
c/o Whiteacre Properties
150 E Central Street, Natick, MA 01760
- Legal Counsel: McDermott Quilty & Miller LLP
28 State Street, Suite 802, Boston, MA 02109
- Architect: Context, LLC
c/o WeWork Suite 500
200 Portland Street, Boston MA, 02114
Eric Zachrison, MBA, AIA

DESCRIPTION AND PROGRAM

The Proponent is proposing the construction of a new, four - (4) story residential rental building of up to approximately 27,584 square feet of gross floor area (“GFA”), consisting of twenty -eight (28) residential rental units, fifteen (15) onsite parking spaces, residential amenities, and related improvements to the Site’s landscaping and pedestrian and vehicular access (the “Proposed Project”). Parking will be both entered and exited via an existing curb cut and driveway directly off River Street. The building also will feature a secure bicycle storage area for twenty - eight (28) bicycles of various sizes with convenient and direct access to the street.

The Proposed Project will create a residential development combining market-rate and income-restricted affordable housing opportunities within a contemporary design, appropriate in scale, massing and design for Hyde Park’s current and future growth and development. The proposed building has been designed and scaled to complement its unique location while also responding to the Site’s challenging change in grade.

The Proposed Project also includes over 9,000 square feet of open space with a combination of ground level open space, including a side and rear yard with a ground level community patio of over 300 square feet located directly off a residential common room of over 500 square feet, unit balconies, and a common roof deck. A common front lobby area will enliven the front of the building, while providing access to the mail area and the community room and the elevator to the upper floors. Finally, the Proposed Project will revitalize the Site with a residential building aesthetic appropriate in scale, massing, and design for this section of the Hyde Park neighborhood.

The new building includes 28 total residential units in a variety of sizes, including: nine (9) studios, three (3) one-bedroom units, thirteen (13) two-bedroom units and three (3) three-bedroom units with an approximate Floor Area Ratio of 1.83. These will provide a range of opportunities and mix of availabilities for those seeking to live in this neighborhood.

The Proponent plans to commence construction of the Proposed Project in 2024. The Proposed Project will create an estimated thirty (30) to forty (40) temporary construction jobs. The total development cost is approximately Fifteen Million Dollars (\$15,000,000).

The table below summarizes the Proposed Project’s key data statistics.

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	33,991
Gross Floor Area	27,854
<i>Residential</i>	27,854
<i>Office</i>	0
<i>Retail</i>	0

<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>	5,116
Development Cost Estimate	\$15,000,000
Residential Units	28
<i>Rental Units</i>	28
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	6
Parking spaces	15

ARTICLE 80 REVIEW PROCESS

On March 27, 2023, the Proponent submitted an Application for Small Project Review with the BPDA pursuant to Article 80E of the Code. On April 26, 2023, the BPDA hosted a virtual public meeting. The public meeting was advertised in the local paper, a notice was posted on the BPDA’s calendar, and an email notification was sent out to all subscribers of the BPDA’s Hyde Park neighborhood email update list. The comment period concluded on May 26, 2023.

PLANNING CONTEXT AND CITY STAFF REVIEW

The Proposed Project is not located within the boundaries of a recent planning initiative. Instead, Planning Division staff considered the neighborhood context, adopted citywide plans including Imagine Boston 2030 and Go Boston 2030, the Zoning Code, and public feedback to review the Project.

The key considerations of BPDA staff during the review of the Proposed Project include mitigating the impact of the building's massing and ground floor parking in a two-family zoning subdistrict, providing an adequate and accessible entrance to the building lobby, and ensuring improvements to the front portion of the site in lieu of the existing retaining wall. The project, located within a quarter-mile radius of Silver-Line bus stops and close proximity to the Hyde Park and Fairmount Commuter Rail stations, contributes to citywide goals to support transit-oriented development.

After Board Approval and subsequent Zoning Board of Appeal approval of the required zoning relief, the Proposed Project will continue Design Review at the BPDA.

ZONING

The Project Site is located within the 2F-5000 Zoning Subdistrict of the Hyde Park Neighborhood Zoning District under the City of Boston Zoning Code (the "Code"). As such, the Proposed Project's proposed use as a Multifamily Dwelling is a Forbidden Use under the Zoning Code. The Proposed Project is anticipated to require zoning relief for the following:

1. Article 69 Section 8: Multifamily Residential is a Forbidden Use
2. Article 69 Section 9: Floor Area Ratio Excessive
3. Article 69 Section 9: Building Height Excessive
4. Article 69 Section 9: Building Height (# of Stories) Excessive
5. Article 69 Section 9: Usable Open Space Insufficient
6. Article 69 Section 9: Rear Yard Insufficient
7. Article 69 Section 29: Off-Street Parking Insufficient
8. Article 69 Section 29: Off-Street Loading Insufficient

MITIGATION & COMMUNITY BENEFITS

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

- Improving sidewalk widths and accessibility in front of the Site on the public sidewalks by removing existing pinch points created by an existing overgrown tree in the sidewalk, as well as removing the existing retaining wall at the front of the Site, both of which currently constrain pedestrian accessibility and passage on River Street;
- Generating new property tax revenue to the City; and
- Temporarily creating approximately thirty (30) to forty (40) new construction jobs over an 18 -month period.

In addition to the aforementioned improvements and benefits, the Proponent shall make a Thirty Five-Thousand dollar (\$ 35,000.00) contribution to the City’s Fund for Parks, a non-profit organization which is described below:

1. Recipient: City’s Fund for Park s
Boston Parks and Recreation Department
1010 Massachusetts Avenue, 3rd Floor
Boston, MA 02118
2. Use: The contribution will be used to fund efforts to maintain green space at Ross Playground/Field and fu ture West Street Playground located near this Proposed Project in Hyde Park.
3. Amount: \$20,000.00 to Ross Playground & \$15,000 to future West Street Playground
4. Timeline: The \$35,000 contribution is due at initial building permit.

The community benefits described above will be set forth in the Community Benefit Contribution Agreement for the Proposed Project. The community benefits contribution payments shall be made to the BPDA upon issuance of the initial building permit by the City of Boston Inspectional Services Department (“ISD”) and will be distributed as outlined above.

The proposed scope of any in -kind work agreed to by the Proponent shall be developed in consultation wit h 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 a llocation of any financial contributions shall be incorporated into the Community Benefit Contribution

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.

INCLUSIONARY DEVELOPMENT COMMITMENT

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (“IDP”), and is located within Zone C, 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, six (6) units within the Proposed Project will be created as IDP rental units (the “IDP Units”) or approximately 21.4%. Of these, four (4) 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; one (1) IDP Unit will be made available to households earning not more than 60% AMI; and one (1) IDP Unit will be made available to households earning not more than 100% AMI.

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

Unit Number	Number of Bedrooms	Square Footage	Percentage of Area Median Income (AMI)	Maximum Rent	
203	Two-bedroom	1001 sf	70%	\$1766	
206	Three-bedroom	1036 sf	70%	\$1978	
208	Studio	614 sf	70%	\$1330	
307	Two-bedroom	851 sf	100%	\$2567	
309	One-bedroom	820 sf	60%	\$1325	
405	Studio	459 sf	70%	\$1330	

The location of the IDP Units will be finalized in conjunction with BPDA 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 sales prices and income limits, as based on HUD AMIs, available at the time of the

initial sale 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 Approval 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. 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.

The IDP Units will not be marketed prior to the submission and approval of the Plan by Fair Housing and the BPDA. 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 any subsequent purchaser of the IDP Units during this fifty (50) year period must fall within the applicable income limit for each IDP Unit.

As no partial unit payment is required, the six (6) designated IDP Units fully satisfies the IDP requirements pursuant to the December 10, 2015, IDP.

RECOMMENDATIONS

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, BPDA staff recommend that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project, located at 1081 River Street in Hyde Park (the "Proposed Project"), in accordance with Article 80E, Small Project Review, of the Boston Zoning Code (the "Code"), subject to continuing design review by BPDA; and (2) take any other actions and execute any other agreements and documents, including but not limited to, an Affordable Rental Housing Agreement and Restriction ("ARHAR") and Community

Benefit Contribution Agreement, 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 the Proposed Project, consisting of a four (4) story, residential rental building of up to approximately 27,584 square feet, including 28 rental units, with 15 onsite parking spaces and 28 bicycle parking spaces, located at 1081 River Street in Hyde Park, in accordance with the requirements of Small Project Review , Article 80E of the Code, subject to continuing design review by BPDA; and

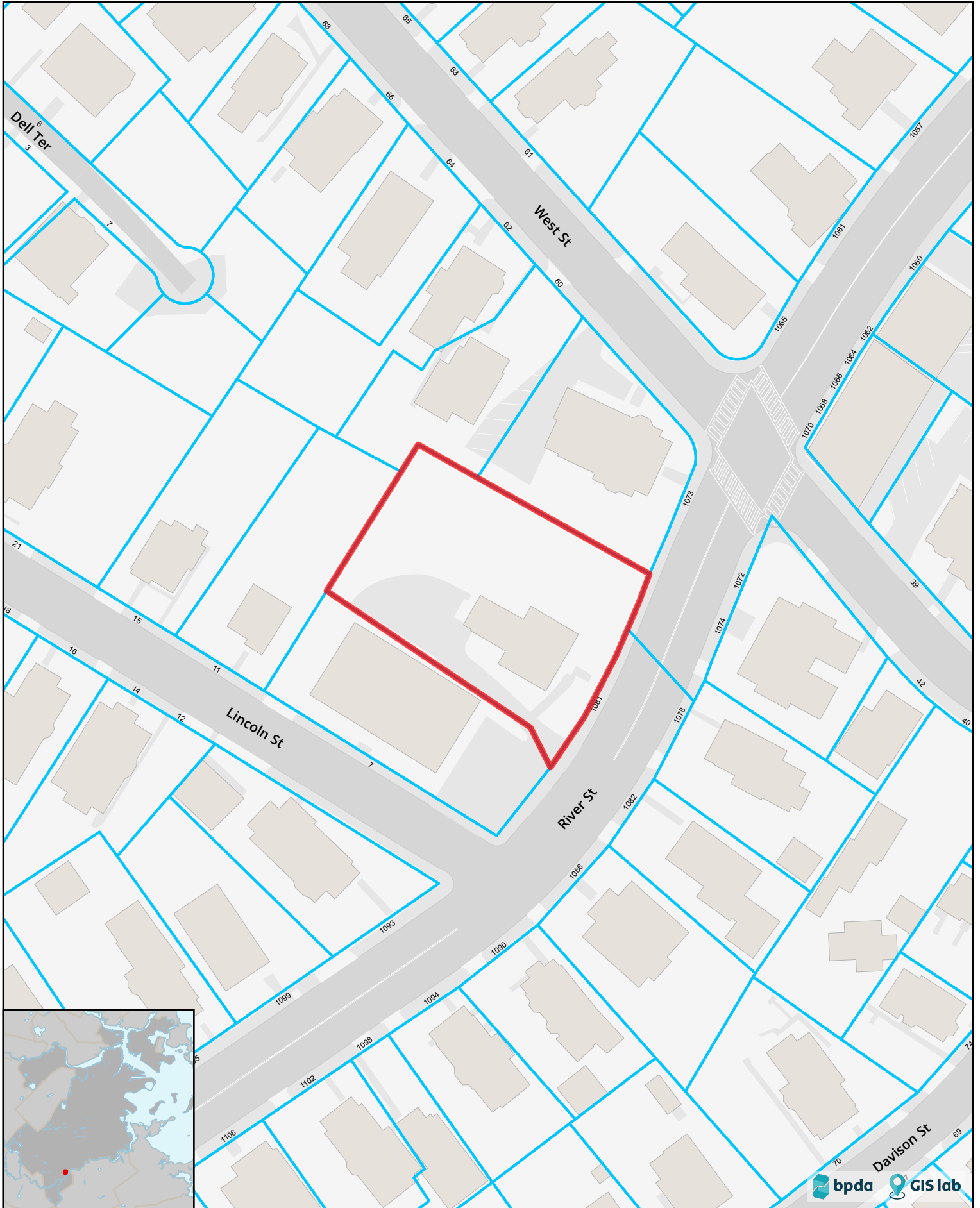
FURTHER

VOTED: That the Director be, and hereby is, authorized to execute any and all other agreements and documents, including but not limited to an Affordable Rental Housing Agreement and Restriction (“ARHAR”) and Community Benefit Contribution Agreement, and to take any and all other actions that the Director deems appropriate and necessary in connection with the Proposed Project.

1081 River Street



1:800



1081 River Street



1:800





The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1020

August 17, 2023

Priscilla Rojas, Chair
Boston Planning and Development Agency Board
One City Hall, Ninth Floor
Boston, Massachusetts 02201

Dear Chair Rojas and BPDA Board Members:

I am writing to offer my support for the proposed project at 1081 River Street in Hyde Park. The developer and their team met with me and my office and were helpful in answering my questions and addressing any concerns.

This project is located on a main street in Hyde Park, close to Hyde Park's business district, with other dense housing nearby. It will also revitalize the current space and benefit the entire community by providing much-needed housing for our neighborhood. The direct abutter of this project and the local neighborhood association have shared their support of this project with my office.

I ask that the BPDA Board approve this proposal. Please do not hesitate to reach out to me with questions.

All the best,

A handwritten signature in blue ink that reads "Rob Consalvo".

Rob Consalvo
State Representative
14th Suffolk District



Case	BOA1523227
ZBA Hearing Date	2023-12-12
Address	48 Piedmont ST Boston 02116
Parcel ID	0500797020
Zoning District & Subdistrict	Bay Village Neighborhood MFR
Zoning Article	Article 63
Project Description	Erect roof deck on rear, lower roof.
Relief Type	Variance
Violations	Roof Structure Restrictions Rear Yard Insufficient

Planning Context:

The subject property is a 3 story, single family attached rowhouse. This building typology is the predominant land use on this side of this street, and on all 3 directly abutting sides of this parcel.

Zoning Analysis:

Proponent seeks to erect a rear roof deck at level of the second story in a three story building. Because all row houses are attached on this block, the deck would not be visible from the public right of way.

Both zoning violations are triggered by regulations that should be reconsidered for zoning reform. The proposed rear setback is an existing condition, and consistent with predominant rear setback for buildings on this and adjacent streets. Regulatory review of roof deck design is triggered by both restricted roof structure zoning, and historic landmark district regulations in this location. Zoning reform efforts should consider if zoning regulations for roof structures are complementary and additive to landmarks regulations or redundant and duplicative.

Insufficient rear yard:



No change to rear setback is requested. The existing setback is exactly aligned with the rear setbacks of every building on this block, and is a very common condition in this part of Bay Village.

Roof structure restriction:

This zoning regulation is intended to preserve historic streetscapes and the design integrity of Bay Village's built environment. This zoning layer of review is redundant and duplicative of the dimensional regulations found in Article 63, Table B and the design review conducted by the Bay Village Historic District Landmarks Commission for proposals that trigger this zoning violation.

For the reasons stated above, the proposed roof deck is appropriate and design review is not necessary.

Recommendation:

In reference to BOA1523227, The Boston Planning & Development Agency recommends APPROVAL .

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rand", is written over a faint, light blue circular stamp.

Director of Planning, BPDA



Case	BOA1537333
ZBA Hearing Date	2023-12-12
Address	68 Tremont ST Charlestown 02129
Parcel ID	0202873000
Zoning District & Subdistrict	Charlestown Neighborhood 3F-2000
Zoning Article	Article 62
Project Description	Extension of living space onto roof deck.
Relief Type	Variance
Violations	Roof Structure Restrictions Height Excessive (ft)

Planning Context:

Per PLAN: Charlestown (September 2023), this project is located within the Original Peninsula. The project proposes to build a roof deck and a penthouse above the roof to be used as an office. The proposed roof deck is consistent with the design guidelines in PLAN: Charlestown as it is located on a flat roof and located in the rear of the rooftop footprint reducing visibility from the public right-of-way. The addition of the penthouse is consistent with PLAN: Charlestown as it promotes functional and high-quality living environments. Additionally, the penthouse's roof matches the design of the project's existing roof. Nevertheless, design review is needed to ensure the proposed penthouse adequately responds to the existing built fabric.

Zoning Analysis:

The addition of the penthouse increases the height of the project to 36', 1' over the maximum zoning height of Article 62 3F-2000. Consequently, the proposed project should reduce the penthouse height by 1'. Additionally, the proposed penthouse alters the existing roof line profile. However, the proposed penthouse's roof matches the existing flat roofline of the dwelling.

Recommendation:

In reference to BOA1537333, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to ensuring the proposed penthouse, particularly its roof, is consistent with the existing built fabric..



Reviewed,

A handwritten signature in blue ink, appearing to read 'Anne Kane'. The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Director of Planning, BPDA



Case	BOA1506164
ZBA Hearing Date	2023-12-12
Address	23 Hudson St Boston 02111
Parcel ID	0305303000
Zoning District & Subdistrict	Chinatown HISTORIC CHINATOWN PROTECTION AREA
Zoning Article	Article 6
Project Description	Remove "this petitioner only" proviso on take-out restaurant.
Relief Type	Conditional Use
Violations	Other Conditions Necessary as Protection

Planning Context:

This property is in a mixed use area in Chinatown with commercial uses on the ground floor and residential above. There is an existing take-out restaurant at this proposed location and many others on this block.

The previous petitioner was granted a conditional use for a restaurant use with takeout by the Zoning Board of Appeals in 2009. The ZBA found that the previous use was appropriate for this location and would not have adverse or hazardous effects on the neighborhood. The proposed restaurant use with takeout in this application provides the same reasonable land use and is supportive of economic activity in an area.

Zoning Analysis:

The property is in the Chinatown District (Art. 43) within the HISTORIC CHINATOWN PROTECTION AREA. This means take-out is a conditional use (Appendix B to Article 43).

The violation (Art. 6 - Sec. 4) pertains to a protective condition in the form of a proviso that was attached to the previous tenant's conditional use approval for a restaurant use with takeout. The proviso that triggers this violation states: "Take out use granted to this petitioner only for this use only." The proponent requests the removal of this "petitioner only" proviso in order to extend the conditional use permit on the property from the previous tenant to the current tenant. Since the



proponent is seeking a conditional land use that has already received approval on this property, it should receive relief by way of removal of this proviso as it poses no adverse effects to the property and surrounding community.

This application was submitted without plans. As such, this recommendation only applies to the proposed land use and possible changes in building dimensions and exterior design have not been considered.

Recommendation:

In reference to BOA1506164, The Boston Planning & Development Agency recommends APPROVAL .

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rand", is written over a faint, light blue circular stamp.

Director of Planning, BPDA