

MEMORANDUM

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

FROM: Joanne Marques
Planning Department

DATE: January 5, 2024

RE: BPDA Recommendations

Please find attached, for your information, BPDA recommendations for the January 9, 2024 Board of Appeal Zoning Hearings scheduled for 9:30am.

Also included in the recommendations are the Board Memos for 33-39 Harvard Ave, Allston, 80 Shawsheen Road, East Boston and 1808 Dorchester AveDorchester.

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



Case	BOA1543914
ZBA Hearing Date	2024-01-09
Address	8 E Springfield ST Roxbury 02118
Parcel ID	0801496000
Zoning District & Subdistrict	South End Neighborhood Neighborhood Development Area
Zoning Article	Article 64, Article 32
Project Description	New 4-family building
Relief Type	Variance
Violations	GCOD Applicability Design Review is required

Planning Context:

The proposed project is located on E Springfield Street in Roxbury, in the South End Neighborhood District. The proposal is for the construction of a four story, four unit residential development.

The project's proposed density and use is consistent with existing context and zoning. However, it is located within the South End Landmark District, and as such will be subject to design review by the Boston Landmarks Commission.

Zoning Analysis:

The proposed project is located within a Neighborhood Development Area (NDA) subdistrict, areas which are designated to promote a mix of residential and commercial. The proposed project is therefore aligned with the current zoning but is also in a Groundwater Conservation Overlay District, which required review by the Boston Water & Sewer Commission.

Recommendation:

In reference to BOA1543914, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: the plans shall be reviewed and approved by the Boston Water & Sewer Commission due to its location within the Groundwater Conservation Overlay District (GCOD).



Reviewed,

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Director of Planning, BPDA



Case	BOA1544127
ZBA Hearing Date	2024-01-09
Address	667 to 667A Tremont St Roxbury 02118
Parcel ID	0400546000
Zoning District & Subdistrict	South End Neighborhood MFR/LS
Zoning Article	Article 64
Project Description	Extension of a living space in the basement in a 4-unit residential structure.
Relief Type	Conditional Use
Violations	GCOD Applicability

Planning Context:

The proposed project renovates an existing 4-unit residential building. The renovation adds bedrooms and additional living space within the basement for the ground floor unit without increasing the size of the existing building footprint.

Zoning Analysis:

The proposed changes do not alter the FAR, height, and massing of the building and keep the project consistent with the scale of adjacent buildings. The only violation is GCOD applicability which is subject to conditional use.

Recommendation:

In reference to BOA1544127, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

Director of Planning, BPDA



Case	BOA1483092
ZBA Hearing Date	2024-01-09
Address	621 E, Second St. South Boston 02127
Parcel ID	0603265000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	Art. 09, Art. 68
Project Description	The proposed project will renovate and extend existing two-story building to three-stories, and increase the number of residential units from three (3) to six (6) units. The proposed project will also include the addition of a six-car garage in the rear of the building and below grade patios in the front of the building.
Relief Type	Variance, Conditional Use
Violations	Side Yard Insufficient Parking or Loading Insufficient Lot Frontage Insufficient Usable Open Space Insufficient Roof Structure Restrictions Reconstruction/Extension of Nonconforming Bldg. Dim Regs: Extension in Rear Yard

Planning Context:

The project is located in a Multifamily Residential (MFR) Subdistrict in the South Boston Neighborhood District. MFR Subdistricts are established to encourage medium-density multifamily housing types, which include Multifamily Dwellings. The project intends to renovate and extend an existing building from two-stories to three-stories, and increase the number of residential units from three (3) units to six (6) units. This involves converting the current pitched roof half-story on the third floor to a full flat roof third story and an additional 3 stories on the rear of the building.

The project is located within a 0.25 mile radius of a number of MBTA bus routes, including the 7, 9, and 10. The proposed project includes a six-car garage in the rear of the building. Other developments on the same block have made similar use of off-street parking spaces on their respective properties. Currently, there is a paved area behind the existing building that is used for parking. The six off-street parking spaces falls short of the required nine (9) off-street parking spaces for zoning, but exceeds the BTD's recommended parking maximum of five (5) parking

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spaces for a project of this scope. The proposed parking aligns with the City's desire to reduce car use and reduce emissions, as described in Go Boston 2030.

The proposed project will increase the number of housing units, aligning with existing City planning goals listed in Housing a Changing City, Boston 2030 (2018), and provide more diversity to the existing unit mix. The existing building is made up of two (2) 1-bedroom units, and one (1) 2-bedroom unit. The proposed project will include one (1) 1-bedroom unit, one (1) 2-bedroom unit, and four (4) 3-bedroom units.

Zoning Analysis:

While the proposed project aligns with the permitted use of this lot, violations for this project were raised due to several factors.

The proposed project does not meet the requirements for the addition of new units. The proposed project will develop six (6) off-street parking spaces, a reduction of the minimum of nine (9) off-street parking spaces that are required for a project of this scope and scale, as previously mentioned. Additionally, the project is required to provide a minimum of 200 square feet of open space per dwelling unit. The proposed project will add patios and balconies to each of the units, where currently only the second floor unit has access to a balcony. Based on the number of total units, the proposed project would be required to provide 1,200 square feet of open space, however, the proposed project only amounts to roughly 900 square feet of open space for the entire building through the use of unit-specific balconies and patios. On balance, these violations are not reflective of contextual development. This project is an example of the need for zoning reform so that dimensional regulations better match existing conditions.

A violation was triggered by existing conditions of the lot. Given the lot's shape, the lot frontage is only 9.5 feet in width and acts as both the driveway and lot frontage for the proposed project. This feature then raises a Dimensional Regulations - Lot Frontage violation. In the South Boston neighborhood, properties must have at minimum a twenty (20) foot lot frontage. This parcel has an unusual configuration as a "pork chop" or "flag" shaped lot making any conforming development difficult or impossible. This makes the frontage dimensional regulation a hardship, and relief should thereby be granted.

The scale of the extensions raises violations. As alluded earlier, the existing building on the lot is nonconforming. This limits the changes associated with reconstruction and extension of a nonconforming structure to no more than 25% in either volume or in area of the existing

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structure or building (as per Article 9, Section 2). The addition to the existing building will account to a roughly 160% increase in volume. The 25% limitation on the extension of an existing structure is incompatible with the kind of contextual infill which meets many of the housing goals and policy objectives in Housing a Changing City (2018), and so this should be considered a hardship. Additionally, as the extension will occur by developing into the rear yard, Article 68, Section 8.4 limits such extension to no more than 1,000 square feet. The current proposal exceeds this limit by 905 feet. Given how tightly the building sits to the northwest of the parcel (front and side setbacks) the only logical place for an addition is the rear, making this limitation a hardship due to the existing configuration.

Lastly, the project proposes to alter the configuration of the roof, changing it from a mansard roof to a flat roof. This alteration triggers the need for approval from the Board of Appeal due to its effect on architectural character and uniformity of the immediate vicinity. It should be noted that two properties immediately adjacent to the proposed project, as well as many parcels across the street also have flat roofs. This includes 615 and 617 E. Second Street, properties from 3 to 13 Emmet Street, and 528 to 536 E. Third Street.

Zoning relief is recommended with a design review proviso due to the limitations of the lot and to ensure its compatibility with neighboring architectural elements.

Recommendation:

In reference to BOA1483092, 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	BOA1480567
ZBA Hearing Date	2024-01-09
Address	164 Savin Hill Ave. Dorchester 02125
Parcel ID	1302530000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	Article 65
Project Description	Change occupancy from 1-family to 3-family. Scope includes full gut renovation and additions to the roof and side of the existing building, increasing the height from 2.5 stories to 3 stories. Building will feature below grade garage parking, front/rear decks, and a new elevator. Basement intended storage and parking only.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (stories) Height Excessive (ft) Side Yard Insufficient Rear Yard Insufficient Lot Area Insufficient Forbidden Use (3F)

Planning Context:

The proposed project sits within a two-family residential subdistrict in Savin Hill. It is located one block from Savin Hill Park and a quarter-mile from the Savin Hill Red Line stop (MBTA). The site's surrounding context consists mainly of residential structures, with uses ranging from single-family to multi-family (1-6 dwelling units, typically) and built heights between 2.5 and 3 stories.

The project's scope, which proposes to increase the existing structure's occupancy from 1 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).

Zoning Analysis:

The proposed project's lot area violation is an existing condition. The lot was originally parceled in 1900 and is not proposed to be changed through the project. While its 4,421 sqft area falls



below the required 5,000 sqft dimension, the lot is actually average sized for the surrounding area (majority of lots have a size between 3,000 sqft and 5,000 sqft).

The project's side yard (2'8" < 10' required), rear yard (10'7" < 20' required), and building height (37'6" > 35' maximum) violations are existing conditions as well. These dimensions are legal nonconformities of the existing structure that predate the area's zoning. They are not planned to be extended or worsened through the project (the proposed addition is inset from the existing structure's footprint and height to comply with the area's underlying zoning for each of these points).

While the project's proposed use (3F proposed > 2F maximum), FAR (1.15 proposed > 0.5 maximum), and number of stories (3 proposed > 2.5 maximum) do exceed zoning for the site, none of those conditions are out-of-context for the area. The site's surroundings are comprised of a mix of 1-6 unit residential structures that vary in both height (between 2.5 and 3 stories, 50% split) and FAR (0.75 to 1.6, average around 1).

Future zoning reform is needed for the Savin Hill area to better align both residential use allowances and dimensional requirements with the existing built form and context.

The project is also located within the Dorchester Neighborhood Design Overlay District (NDOD). Because the proposal meets the NDOD's applicability threshold (change to existing roofline & addition of more than 1,000 sqft of GFA), it will require BPDA Design Review. A proviso for BPDA Design Review has been added to this recommendation to satisfy this requirement.

Recommendation:

In reference to BOA1480567, 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	BOA1535280
ZBA Hearing Date	2024-01-09
Address	59 Wales ST Mattapan
Parcel ID	1402015000
Zoning District & Subdistrict	Greater Mattapan Neighborhood 3F-5000
Zoning Article	Article 60
Project Description	Change occupancy from 3 to 5 unit dwelling
Relief Type	Variance; Forbidden Use
Violations	Parking Insufficient Additional Lot Area Insufficient Usable Open Space Insufficient Forbidden Use: MFR

Planning Context:

In the course of repairs to damage caused by a fire in July 2022, the proponent seeks to renovate a 3 unit dwelling building into a 5 dwelling without changing the footprint of the building. Proposed multifamily use is forbidden by zoning. There are currently no applicable local area plans in this immediate geography. This area of Mattapan borders the neighborhood of Dorchester, and is characterized by two, three, and multifamily dwellings on primarily residential streets, including Wales Street, that terminate in the commercial corridors of Talbot Avenue and Blue Hill Avenue. The Talbot Avenue MBTA Commuter Rail Station is a quarter mile to the south east.

Zoning Analysis:

The current zoning for this Mattapan subdistrict is 3F-5000, per Article 60 of the zoning code. The zoning relief requested is triggered by the proposed change of occupancy from three family to multifamily residential use. The parcel lacks required lot area, open space, off-street parking required for the proposed unit count. However, the massing and size of the proposed building will match the existing condition, prior to the July 2022 fire. Square footage for new units will be allocated from previously existing units on the second and third floor, turning two 4 bedroom units into multiple 2 bedroom units. This increased unit count density is realized without an appreciable increase in total occupiable area compared to the existing condition.



Recommendation:

In reference to BOA1535280, 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	BOA1538870
ZBA Hearing Date	2024-01-09
Address	17 Alveston St Jamaica Plain 02130
Parcel ID	1901321000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 2F-9000
Zoning Article	Article 55
Project Description	Extend living space into basement
Relief Type	Variance
Violations	FAR Excessive

Planning Context:

The project proposes to extend living space into the basement. These changes do not alter the exterior of the 2 family house or the public realm.

Adding more livable area to an existing dwelling aligns with the planning goals of improving housing stock, as detailed in Housing a Changing City, Boston 2030 (September 2018).

Zoning Analysis:

The renovation of the existing basement increases the FAR beyond the maximum FAR outlined in Article 55's 2F-9000. However, the proposed interior improvements do not have an impact on the existing massing or scale of the building. Future zoning reform for the area should consider updates to the dimensional regulations for FAR to better align with the existing built form and massing.

Recommendation:

In reference to BOA1538870, The Boston Planning & Development Agency recommends APPROVAL.



Reviewed,

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Director of Planning, BPDA



Case	BOA1538874
ZBA Hearing Date	2024-01-09
Address	21 Alveston St Jamaica Plain 02130
Parcel ID	1901321000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 2F-9000
Zoning Article	Article 55
Project Description	Amend Permit ERT1316710 to allow extension of living space into the basement and include roof deck on top of second story per plans.
Relief Type	Variance
Violations	FAR Excessive

Planning Context:

The project proposes to amend the building permit for a new dwelling currently under construction in Jamaica Plain. The dwelling in question is a new single family home with a detached garage. It is proposed that the scope of work be amended to include an extension of living space into the basement of the home with the addition of one bedroom in the basement as well as a roof deck on top of the second story.

The new dwelling is located in a NDOD and an area of 1 and 2 family homes. The prior permit that this new construction was filed under did not require ZBA review. Its facade, massing, and overall design match the historic character of the neighborhood, and this will remain unchanged by the scope of this amendment. The new dwelling is located on a parcel that has been subdivided, with the existing 2-family dwelling on the neighboring lot having been renovated.

Zoning Analysis:

Due to the proposed extension of living space into the basement, the project is noncompliant for excessive FAR. The maximum FAR for buildings within this subdistrict is 0.5; the FAR for the existing building (not including any living space in the basement) is 0.47. The proposal to add an additional bedroom to the basement will bring FAR to 0.68. However, the extension of this living space won't necessitate additional external construction or changes to the overall massing or design. The change of FAR is due to the fact that the basement will now be inhabited. The



dwelling is not located in a CFROD, allowing safe extension of living space into the basement. The roof deck is located in the rear of the home and not visible from the front of the street, and per the project plans appears appropriate. The project is a case for zoning reform to update dimensional regulations with more straightforward land use controls that better guide development outcome.

The plans are titled "21 Alveston Street, Jamaica Plain, MA, Basement Update Set" and dated 8/17/23. They were prepared by KBA.

Recommendation:

In reference to BOA1538874, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1465637
ZBA Hearing Date	2024-01-09
Address	149 Lexington St East Boston 02128
Parcel ID	0102976000
Zoning District & Subdistrict	East Boston Neighborhood 2F-2000
Zoning Article	53
Project Description	Homeowner wants to create a bed & breakfast - most likely within the 4- unit home- but this is not clear from the plans and original description.
Relief Type	Conditional Use, IPOD Permit
Violations	IPOD Applicability Use: conditional Extension of nonconforming use

Planning Context:

The proposed project is located in the East Boston Neighborhood District, within the 2F-2000 subdistrict, and the scope is the addition of a bed and breakfast use to the parcel. In terms of transit, the parcel is located between two Blue Line MBTA stations. The Airport stop (also on the Silver Line) is ten minutes away, while the Wood Island stop is slightly farther at a 20-minute walk. The parcel is located on a residential block with mainly close-set or attached 3-story houses.

When this case was first submitted to the Zoning Board of Appeal, the East Boston Interim Planning Overlay District (IPOD) was in effect. The IPOD was implemented in 2018 to ensure gradual development and new construction that was similar in character and scale to the existing built environment while new zoning related to the draft PLAN: East Boston was being developed.

The draft of PLAN: East Boston was released in September 2023 and the regulations of the East Boston IPOD expired on November 11, 2023. If the draft PLAN: East Boston residential zoning changes are adopted, this lot would shift from a 2F-2000 subdistrict to a EBR-3 subdistrict. In EBR-3 subdistricts, non-residential uses would be limited to corner lots only, and dwelling units would be limited to three (3) per building. The conditional use violation is related to the owner's aim to add a bed and breakfast to the property. According to the draft tables, in

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EBR-3 districts, no hotel and conference center uses would be allowed, including bed and breakfasts.

Zoning Analysis

To overcome this, the parcel would need to meet all of the conditions for approval stipulated in Section 6-3. This specific site is not appropriate for the bed and breakfast since it is on an entirely residential block. Since it would likely call for a conversion of an existing unit of housing, it would arguably be more detrimental to the neighborhood than keeping the additional unit of housing. Therefore it would not meet the standard for granting a conditional use.

Current underlying zoning dictates a maximum of two dwelling units for the parcel (Section 53-7), though the assessor's report classifies it as a 4-6 family home, making the current use an existing nonconforming use. Since the nonconformity would be worsened by the proposed project, it does not fulfill the requirements to extend the nonconforming use laid out in Section 53-58.

Additionally, according to Section 27T-5, this request is subject to East Boston IPOD regulations because it was submitted before the IPOD's expiration. There are two standards that must be met to issue an IPOD permit: the proposed project has benefits that outweigh the burdens created, and that the proposed project is in "substantial accord with...applicable provisions" (Section 27-T-8). Because the plans are incomplete, it is not possible to determine whether or not the proposed project meets these standards. For instance, there is no information about whether or not there are plans to extend the building or increase the gross floor area by more than 1000 gross square feet, which would not be allowable under this regulation. There is also no indication of whether or not there will be any exterior alterations to the property to accommodate a bed and breakfast.

Despite the inadequacy of the plans, which do not show where within the lot the bed and breakfast would be located, it is not apparent that the provision of a bed and breakfast would be acceptable in any configuration or after the revision of these plans.

Recommendation:



In reference to BOA1465637, The Boston Planning & Development Agency recommends DENIAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1530340
ZBA Hearing Date	2024-01-09
Address	58 Wordsworth ST East Boston 02128
Parcel ID	0100574000
Zoning District & Subdistrict	East Boston Neighborhood 2F-3000
Zoning Article	53
Project Description	Addition of third story to existing two-story building to convert two-family to three-family residential. New mansard-style roof added and rear staircase and decks added to existing and proposed units.
Relief Type	Variance, IPOD Permit
Violations	IPOD Applicability FAR Excessive Side Yard Insufficient Roof Structure Restrictions Parking or Loading Insufficient Height Excessive (ft) Height Excessive (stories) Front Yard Insufficient Rear Yard Insufficient Use: three-family (forbidden)

Planning Context:

The proposed project adds a third story to an existing two-family residential building, converting it to a three-family residential building and adding a mansard roof in a neighborhood comprising predominantly two-story developments with relatively similar flat roof designs. PLAN: East Boston, still in draft form, recommends allowing for "a mix of housing types within a limited range" as well as a rezoning of the proposed development area. However, the Plan and proposed rezoning maintain this section of Wordsworth Street as two-family residential, with a maximum building height of 2.5 stories. The project is located within the area of the East Boston Interim Planning Overlay District (IPOD). The intention of this overlay is to ensure that planning and zoning protections were in place during the development of PLAN: East Boston, recommending that continuity of neighborhood character be prioritized throughout the development process.



The IPOD was in place when this project application was submitted, but has since expired as of November 11, 2023. The draft zoning and strategic plan for PLAN: East Boston continue to recommend this area for a two-story maximum height.

Zoning Analysis:

The current zoning for this East Boston subdistrict is 2F-3000, pursuant to Article 53. PLAN: East Boston and its recommended zoning, released in draft form, maintains three-family residential as a forbidden use in this parcel. Front yard and side yard setback violations persist from the current development, of which the building footprint dimensions are to remain unchanged. These non-coconforming elements have not been worsened by the new proposal, and their persistence should be noted as a case for zoning reform to ensure existing nonconformities are contextualized by future zoning. The reduction of the rear yard setback to a dimension of 31.1', less than the 35' required, is due to the addition of a 30'-8" extension of the building floor plate into the backyard as well as the addition of an exterior rear staircase including deck platforms at each unit. A reduction in the proposed extension by 3.5' would be required for zoning compliance to rear setbacks.

The proposed mansard roof violates provisions for roof structures and neighborhood design guidelines. Section 53-51.2 establishes that "new or rehabilitated residential buildings should reflect and complement the patterns of height, siting, and architectural character of the surrounding residential structures." Section 53-52 also restricts the roof design of the proposed project by advising that the Board of Appeal consider whether the "roof structure has the potential of damaging the uniformity of height or other architectural character of the immediate vicinity." Given that the surrounding residential buildings are relatively uniform and contain flat roofs contextual with neighborhood character, the proposed mansard does not meet qualification for zoning relief. Plans reviewed are titled "58 Wordsworth - Updated plans" and prepared by Context, dated November 22, 2023.

Recommendation:

In reference to BOA1530340, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. Proponent should return with a two-family proposal.



Reviewed,

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Director of Planning, BPDA



Case	BOA1497982
ZBA Hearing Date	2024-01-09
Address	780 to 780B Adams St Dorchester 02122
Parcel ID	1604038000
Zoning District & Subdistrict	Dorchester Neighborhood Local Convenience (LC)
Zoning Article	Article 65
Project Description	Owner seeks to erect four-story mixed-use building to include ground-floor cafe and bakery with takeout and 9 residential units. Existing structure to be razed on separate SF permit.
Relief Type	Variance, Conditional Use
Violations	FAR Excessive Height Excessive (ft) Rear Yard Insufficient Usable Open Space Insufficient Parking or Loading Insufficient Use: Conditional (Multifamily; Take-out); traffic visibility across corner

Planning Context:

The proposed project is a 4-story, 9-unit mixed-use structure that includes a cafe/bakery with takeout. The project scope includes six (6) 1-bedroom and three (3) 2-bedroom units. The entrance of the proposed project is located on Adams Street, within a Local Convenience Zone. It is abutted by zones with multi-family residential development, and the site is surrounded by several other small businesses on the ground floor, including a convenience store, a pub, a butcher shop, and several restaurants.

Significantly, this parcel is located about a ½ mile or 15-minute walk from the Ashmont Red Line stop. Research by the U.S. Department of Transportation suggests a ¼ to a ½ mile is the typical walking distance to transit, although people are willing to walk slightly more to reach rail lines like the MBTA (Pedestrian Safety Guide for Transit Agencies, January 2013). For those who commute to work downtown, accessing South Station from the parcel takes about 35 minutes. Overall, the proposed project is an example of TOD where better transit access is likely to be used by site residents.



With nine residential units, the project also fits with Boston’s goals to increase new housing production and availability (Housing a Changing City: Boston 2030, September 2018). Allowing denser development in the land surrounding MBTA stops to reduce dependency on cars is a key part of the city’s plan to mitigate climate change (Go Boston 2030, March 2017). The project also helps contribute towards a similar goal set by the Boston Region Metropolitan Planning Organization—to reduce emissions from single-occupancy vehicles by encouraging transportation mode shift (Destination 2050 Planning Framework, February 2023). Additionally, the proposed project’s typology and location is aligned with the ongoing Squares + Streets initiative, which will encourage mixed-use, contextually-appropriate development near transit with Small Area Plans and local-scale zoning modifications.

Zoning Analysis:

The intended site is located in a Local Convenience subdistrict, with the stated purpose of “encourag[ing] the development of neighborhood businesses that provide essential goods and services to, as well as jobs and entrepreneurial opportunities for, the Dorchester community” (Section 65-14). The proposed project would contribute to this purpose by preserving a small business and providing more potential customers to the bakery and other surrounding retail and restaurant establishments.

There are several dimensional violations related to the scale and massing of the proposed project: excessive height, excessive FAR, insufficient open space, and an insufficient rear yard. The max height is 2’ over what is currently allowed by zoning. The FAR is a more substantial departure from the code: proposed at 4.17, with 1 as the current allowed maximum. The minimum open space required for this parcel is 450 square feet, and the proposed project has no open space. However, encouraging walkability and efficient use of lot space with a higher FAR and less open space makes more sense given the parcel’s proximity to local retail and transit.

Greenhills Bakery, the business currently located at the site, currently operates as a take-out restaurant by the definition provided in Section 2-1. The plans indicate that the bakery will continue to lease the ground floor in the proposed site. Small takeout restaurants are an accepted use in Local Convenience subdistricts for the first story, which is what is currently reflected in the plans (Article 65, Table B). The required parking for the proposed site is 16 spaces. These plans provide no parking. However, as discussed earlier, the site is well-aligned



with citywide climate and housing production goals and federal research suggests that new residents will be likely to use transit.

Although the minimum rear yard in this area is 20', this is not in character with buildings on the surrounding block. The proposed 3' rear yard is more consistent with the surrounding buildings, which mainly house small businesses.

This project is a case for zoning reform. Better aligning dimensional regulations with the surrounding context (especially here, where surrounding blocks are already zoned for multi-family residences), including height, the categorization as multifamily as conditional instead of acceptable, FAR, parking, and yard requirements, will help open up more housing opportunities near transit.

Recommendation:

In reference to BOA1497982, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S with attention to a height reduction of 2' to align with code and design review.

Reviewed,

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Director of Planning, BPDA



Case	BOA1513811
ZBA Hearing Date	2024-01-09
Address	664 Adams ST Dorchester 02122
Parcel ID	1603786000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	Article 65
Project Description	Confirm occupancy as one family, change to 3 family. New plumbing, electrical work, and siding.
Relief Type	Variance, Conditional Use
Violations	FAR Excessive Parking design and maneuverability Rear Yard Insufficient Side Yard Insufficient Height Excessive (stories) Forbidden use; screening and buffering requirement;

Planning Context:

The project proposes renovating an existing single family home and changing occupancy to a 3-family home. The dwelling is located in a two-family residential subdistrict that borders a three-family residential subdistrict. As such, the majority of the neighboring dwellings next door and across the street from the project are three-family homes, mostly triple-deckers. An MBTA bus stop is located across the street from the dwelling, and it is also an approximate 20 minute walk from a Red Line stop. The dwelling is also situated one block away from a MFR/LS subdistrict that contains several small local businesses, as well as an approximate 5 minute walk from Adams Village, a local business and commercial square in Dorchester.

The project is in line with planning goals in Housing a Changing City, Boston 2030 (2018), that detail the need to add more housing units and additional density in locations affordable to the middle class, as well as the importance of supporting projects/improvements to the permitting process that help smaller builders create more housing on small, privately-owned parcels.

Zoning Analysis:

The proposed project is an example of how zoning (both dimensional regulations and mapped subdistricts) is out of alignment with Boston's existing built conditions and therefore must be



updated to better reflect neighborhood character. The project is located in a 2 family subdistrict, and its proposed use change to a 3 family would be in violation of the use restrictions for this subdistrict area. However, the majority of the dwellings along Adams Street within this same 2-family subdistrict are actually 3-family dwellings. The proposed change from a 2 to a 3-family would be in alignment with the neighborhood's existing character. Similarly, the proposed height of 3 stories, while in violation of the zoning code maximum of 2.5 stories, fits into the actual built context of the neighborhood, which is an area of 3 story triple deckers. The proposed FAR for this project is .92, which is in violation of the maximum stipulated by zoning (0.5). However, the building's plans show that the outcome of this project would be a three-family, three-story building that looks very similar to the triple-deckers that surround it. Neither the height nor the building massing/density would be out of character for the existing surroundings.

The project's proposed rear and side yards are in violation of the zoning's yard minimums, which are 30 feet for the rear yard and 10 feet for each side yard. The existing dwelling currently has a 21 foot rear yard, and this rear yard dimension is left unchanged in the proposed project. The northwest facing side yard has an existing nonconforming dimension of 7', which will be further reduced to 3.9 feet due to the proposed addition. While this will be a nonconforming side yard setback, it is in character with the yard dimensions of neighboring 3-family homes, the majority of which have yard dimensions that are much smaller than those in zoning, ranging from approximately 8 feet to 3 feet along the block.

The project was also cited for not meeting the minimum 5' screening and buffering requirement for off-street parking, as well as parking maneuverability on the northeast side yard. The parking maneuverability violation is not due to the reduced setback on the northwest side of the lot. In order to resolve the parking maneuverability violation, it is recommended that the two parking spots on the northeast side yard be removed entirely. This will leave 4 off-street parking spaces, which is in line with the 1 off-street parking space per dwelling unit requirement in Article 65. As a condition of approval, this project must undergo BPDA Design Review to address issues of adequate screening and ensure that parking spots can be safely accessed.

The plans reviewed for this case are titled "3-Family Addition/Conversion" and are dated 01/06/2023. They were prepared by JCBT Architect.

Recommendation:



In reference to BOA1513811, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to parking screening and maneuverability, by ensuring that a screening wall of at least 5' in width separates the parking area from the curb and removing the two off-street parking spaces on the northeast side yard.

Reviewed,

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Director of Planning, BPDA



Case	BOA1540041
ZBA Hearing Date	2024-01-09
Address	261 Princeton ST East Boston 02128
Parcel ID	0100099000
Zoning District & Subdistrict	East Boston Neighborhood Article 27G, Article 53
Zoning Article	3F-2000
Project Description	Raze existing structure and erect new residential building with 7 dwelling units, 2 roof decks, and 5 parking spaces.
Relief Type	Variance, Conditional Use, IPOD Permit
Violations	IPOD Applicability FAR Excessive Side Yard Insufficient Roof Structure Restrictions Parking design and maneuverability Parking or Loading Insufficient Additional Lot Area Insufficient Height Excessive (stories) Height Excessive (ft) Usable Open Space Insufficient Front Yard Insufficient Rear Yard Insufficient Use: forbidden (Multifamily) Off-Street Parking and Loading - design Conformity with Existing Building Alignment

Planning Context:

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

It is also in the area 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 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

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stories) and use (7 units). This creates a structure out of alignment with the neighborhood's existing context.

Although the IPOD was in place when the application for this project was submitted, it was since sunset on 11/11/2023. The strategic plan and associated new zoning for East Boston has been released as a draft and is currently undergoing the public review process. This draft zoning would place the proposed project in an EBR-3 subdistrict, which would allow 3 stories, 3 units, 60% Building Lot Coverage, 30% min Permeable Area of Lot, 3 foot minimum front yard, 3 foot minimum side yard, and a rear yard with a minimum of 1/3 of the lot depth. The proposed project does not comply with any of these draft zoning regulations.

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.

While housing is a critical need across the City, the proposed project is not consistent with the IPOD provisions, 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 (6' 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.



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.

This project was reviewed by the BPDA for the ZBA hearing on 12/12/2023 using plans entitled 261 Princeton St, drawn by Joseph R. Porter, and submitted on 6/22/2023. New plans, entitled 261 Princeton St and drawn by Joseph R. Porter, were submitted on 12/26/2023, and show some changes made to the project, including the rear yard increasing from 10 to 15 feet. However, the 15 foot rear yard is still out of alignment with the surrounding context, as the predominant rear yards in the area are over 30 feet. The height, side-yard, and number of units in the project have remained unchanged. The BPDA recommendation has therefore remained the same.

Recommendation:

In reference to BOA1540041, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1510490
ZBA Hearing Date	2024-01-09
Address	88 Chestnut ST Boston 02108
Parcel ID	0502319000
Zoning District & Subdistrict	Boston Proper H-2-65
Zoning Article	Article 15
Project Description	Full gut remodel, replacing roof deck in kind with existing.
Relief Type	Variance
Violations	FAR Excessive

Planning Context:

The project scope includes a full gut remodeling, including an extension of living space into the basement that will include a new family room/gym, bathroom, and laundry/storage facilities. The remodeling will also include necessary interior work on all floors of the home, which include changes to the walls/layout, floors, shelving, and appliance systems. Finally, the existing roof deck will be replaced. Apart from the roof deck replacement, and updates to the exterior sliding door that provides roof deck access, the extent of this renovation/remodeling will be interior work only. Adding more living space and making necessary repairs to existing dwellings is in keeping with planning goals of preserving housing stock, as detailed in Housing a Changing City, Boston 2030 (September 2018).

Zoning Analysis:

The project proposes an extension of living space into the basement, which is currently unused apart from storage and mechanical space. This living space extension will result in a FAR increase, which will bring the total FAR above the 2.0 allowed by zoning. However, because the extent of this renovation will be fully interior and will only extend into space that is already built (a previously unused basement), the actual massing of the building will not change. This project is a case for zoning reform, in order to update zoning regulations to simplify review and approval processes for interior work.

As the project is located in the Beacon Hill Architectural Conservation District and will entail a full gut remodeling of the historic dwelling, a condition of approval is Office of Historic Preservation Review.

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The plans are titled "Paton Residence" and dated 6/30/23. They were prepared by Niche Architecture & Interiors.

Recommendation:

In reference to BOA1510490, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Boston Landmarks Commission 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	BOA1438279
ZBA Hearing Date	2024-01-09
Address	421 E Sixth St South Boston 02127
Parcel ID	0701690000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	Art. 68
Project Description	Proposed project seeks new construction of four (4) multi-family units and eight (8) garage spaces.
Relief Type	Conditional Use
Violations	Roof Structure Restrictions

Planning Context:

The proposed project is a refiled ZBA case from 2022. The proposed project was reviewed by the BPDA for the ZBA hearing on 10/17/2023. No new plans have been submitted since then.

The project is sited within an established multifamily residential area in South Boston. Its scope, which would replace an existing two-family dwelling and two existing garages with a new four unit residential structure, is contextual to the surrounding area.

The project also proposes 8 off-street parking spaces and a substantial 14' curb cut for the site. This condition exceeds the required zoning for the site (6 spaces required) as well as BTDA's recommended parking maximums (4 spaces) and maximum curb cut dimensions (12') for residential uses in South Boston. The proposed parking will make the lot only the third on the block (of approx. 45 parcels) with off-street spaces for cars; the others have 4 or fewer available spaces for similar MFR uses. The project's parking is enabled by the site's large lot.

The structure's proposed footprint almost doubles any other existing structure on the block and will result in the removal of several mature trees on the site. The BPDA's Urban Design team has flagged the project as needing review in regard to the project's building design and site plan.

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The project's net addition of two dwelling units advances the City's planning goal of increasing housing supply, as detailed in *Housing a Changing City, Boston 2030* (September 2018). Its proposed parking hinders the City's desire to reduce emissions and dependency on private vehicles, as detailed in *Go Boston 2030* (March 2017)

Zoning Analysis:

According to BPDA Urban Design staff, the project's roof decks will not substantially restrict light or airflow to adjacent structures, or views from their roofs, windows, doors, or balconies - items flagged in the project's refusal.

A proviso for BPDA design review has been added to this recommendation to address issues related to the project's site plan and building design. This review should also address interior layouts to reconfigure and setback roof access from Unit 1 - for safety and zoning compliance, and to minimize the deck's visual impacts from street level.

Recommendation:

In reference to BOA1438279, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with extensive review of site plan, massing, and façade articulation.

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	BOA1533227
ZBA Hearing Date	2023-12-05
Address	29 Orange St Roslindale 02131
Parcel ID	2001206000
Zoning District & Subdistrict	Roslindale Neighborhood Art. 10 - Sec. 1, Art. 67 - Sec. 9, Art. 67 - Sec. 32
Zoning Article	2F-5000
Project Description	Construct a new two-family duplex home with market-rate units and four parking spaces.
Relief Type	Variance
Violations	Limitation of Area for accessory use (parking) Parking design and maneuverability Additional Lot Area Insufficient FAR Excessive Off-Street Parking and Loading Requirements (Location - Front Yard)

Planning Context:

This property is a 6,600 sq ft vacant, permeable lot in a two-family residential zoning district and faces Orange Street to the east. The proposed project would erect a 2.5-story, two-unit duplex on this lot with a rear deck per unit, two driveways along both the northern and southern side yards, and four off-street parking spaces (2 spaces per driveway).

The two proposed driveways would extend about halfway in depth from the eastern front yard to the rear western yard (the plans do not provide an exact depth measurement). There is an existing 14-foot wide curb cut on the southern side of the front yard and this project would create a new 14-foot wide curb cut on the northern side to match. Both resulting driveways will start at 14-foot widths from the eastern-facing front yard and extend about 20 ft in depth (aligning with the front yard setback depth) up to the face of the building where they then decrease to 10 ft widths and continue westward along the side of the building for about two-thirds of the building's depth. There are 2 proposed parking spaces per driveway. One parking space on each side will be completely within the 10-foot width section while the other two parking spaces will partially extend into the 14-foot width section of the driveway in the front yard.



Overall, the off-street parking design does not align with Boston Transportation Department's standards for curb cuts, driveways, and maneuverability. The proposed dimensions exceed the Public Works (PWD) and Boston Transportation Departments' (BTD) recommended standard for curb cuts and drive aisles in residential areas (12') (Guidelines for the Issuance of a Curb Cut Permit, Feb. 2013). Because all the parking spaces are limited to the narrow side yards between the proposed building and lot lines, there is not adequate space to maneuver vehicles in the proposed tandem parking spots. The BPDA Urban Design department also recommends a 5 ft buffer on side yards between parking and neighbors' lots that this project cannot provide due to the placement of the proposed side yard driveways.

The excessive width condition in the easternmost parts of the side yard along with the creation of the northern side yard driveway would result in a significant loss of open space on the site since most of the front yard and eastern sections of both side yards would be paved for parking use. Additionally, the project plans propose a concrete walkway in front of the home that connects between the paved northern and southern parking areas in the front yard, further reducing permeable area. The City does not support the removal of open space to accommodate the development of off-street parking. The planning goals of Climate Ready Boston (2016) which address the need for permeability and impacts of heat island effect outlines this point. Additionally, while the proponent meets the required 2.0 minimum parking ratio for this subdistrict, the proposed four parking spaces do not align with City goals to reduce reliance on private vehicles as detailed in Go Boston 2030 (March 2017).

The driveway parking design with a significant front yard entry is a common feature in the surrounding area. However, this proposed design differs from existing parking design in the area by proposing two side yard driveways that would introduce a new curb cut on the northern side yard and utilize almost half of the front yard for paved driveway space. Additionally, the property that abuts this site to the north has an existing southern side yard driveway with an accompanying curb cut, so the addition of the northern side yard's driveway may worsen the sidewalk condition for pedestrians. The proponent should consider redesigning the parking for better maneuverability, less presence in the front yard, and reduced overall impact on the public realm.

The overall building scale and 2.5-story height are common typologies in this area and the proponent's project aligns with City housing goals by utilizing infill development to promote



housing diversity and increase housing opportunity, as detailed in *Housing a Changing City, Imagine Boston 2030* (September 2018). The only existing structure on this property is a one-story shed with a 120 sq ft building footprint in the northwestern corner of the lot's rear yard. This shed will be maintained as part of the proposed project.

Zoning Analysis:

This property is located within the Two-Family Residential (2F-5000) subdistrict of the Roslindale Neighborhood District (Art. 67). Due to this project's proposed two driveways in the side yards, large curb cuts, and parking design in part of the front yard, there are several parking-specific violations. This subdistrict requires that off-street parking spaces "shall not be located [...] in any part of a Front Yard," but a driveway "may be located in that portion of the Front Yard that lies between the side yard and the Front Lot Line [...] provided that such driveway provides access to parking spaces located in the side or rear yards and that such parking is accessory to a residential use on the Lot" (Art. 67 – Sec. 32). Since the easternmost parking spaces along both the northern and southern side yard driveways would extend past the front of the home into the front yard, this triggers the violation as the parking spaces are no longer limited to side yard placement. The proponent should redesign the parking spaces to only be located in the side yard with no extension to the front yard.

The proposed tandem parking spaces also do not provide enough appropriate space for safe maneuverability as required in this subdistrict and should be redesigned to improve this condition (Art. 67 – Sec. 32). The plans do not provide enough detail on the exact depth of the driveway and the length of each parking space, which would be needed to better assess the design.

The parking design also triggers a limitation of area (Art. 10 – Sec. 1) violation because residential dwellings in this subdistrict are required to have 5 ft minimum buffers between the side lot lines and the parking areas if parking is an accessory use. The proposed parking is directly along both side lot lines and should be redesigned to accommodate that buffer.

The proposed building aligns with the scale and typology of the surrounding area. This subdistrict requires a maximum FAR of 0.5 and the project plans indicate that the project would have a 0.25 FAR (Art. 67 – Sec. 9). The plans do not indicate the exact proposed living area for the project so it is difficult to determine if the FAR is excessive off of the provided materials. However, the orientation of the building on the lot and the proposed height and building floor



plate are similar enough to adjacent buildings to produce a building that aligns with the context. This part of the subdistrict would be a candidate for future zoning reform that would consider the existing FAR of buildings in the surrounding area to ensure that the dimensional requirements for determining building scale are appropriate to the context.

While this project's refusal letter lists additional lot area for each additional unit as a zoning violation, this subdistrict does not have a requirement for an additional lot area for each additional unit measurement for land uses that are considered "Other Uses," of which this project is considered because it is a two-family attached dwelling (Art. 67 – Sec. 9). The only building typologies listed in the dimensional table for the 2F-5000 subdistrict are "1 Family Detached or Semi-Attached or 2 Family Detached." This duplex design is still appropriate as it aligns with the maximum dwelling unit requirement, so future zoning should be amended to accommodate the variety of building typologies that still align with the land use requirements of this area.

Site plans completed by Solli Engineering on February 6, 2023. Project plans completed by I.S. Hernandez Services Inc. on July 19, 2023.

Recommendation:

In reference to BOA1533227, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE: that proponent redesigns the parking spaces and driveway to align with BTM, Public Works, and BPDA parking standards around maneuverability, curb cut and driveway width, side buffers, and parking location only in the side or rear yards. Proponent should also be mindful of preserving existing permeable lot areas where possible, especially in areas of the front yard where concrete pavement is currently being proposed.

Reviewed,

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Director of Planning, BPDA



Case	BOA1463517
ZBA Hearing Date	2024-01-09
Address	32 to 34 Larch ST Brighton 02135
Parcel ID	2204585000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 1F-5000
Zoning Article	Article 51, Article 9
Project Description	Renovate second floor kitchen, renovate 1 bathroom on second floor, and renovate 1 bathroom on third floor including a new 20-foot shed dormer.
Relief Type	Variance, Conditional Use
Violations	FAR Excessive Height Excessive (stories) Extension of Nonconforming Use (2-Family Dwelling)

Planning Context:

The proposed kitchen and bathroom renovations within the second unit of this 2-unit building improve the quality of the existing housing stock and advance goals of enhancing neighborhoods as described in Imagine Boston 2030.

Zoning Analysis:

The existing nonconformity of a two-family dwelling in this 1F-5000 will not be worsened by the interior renovations or shed dormer addition. The maximum FAR in this subdistrict is 0.5; this addition nominally increases the FAR by 0.04, from 0.66 to 0.70.

The maximum height in this subdistrict is 2.5 stories and 35 feet. Pursuant to the definition of "Story, Half" in Article 2 of the Zoning Code, any dormer wider than 8' shall be counted as a full story. The proposed 20'-wide dormer facing the side yard to the east counts towards a full story in height, increasing the existing height from 2.5 stories to 3 stories. Proximate buildings within this subdistrict similarly exceed height in stories with shed dormers or with three full stories.

Design review is recommended as these plans are hand-drawn and have inconsistencies in showing the pitch of the roof.

Plans reviewed are titled "32-34 Larch St Quinn Residence" and dated November 28, 2022.



Recommendation:

In reference to BOA1463517, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to the pitch of the roof and confirmation of shed dormer dimensions. Submitted plans must be stamped architectural plans.

Reviewed,

A handwritten signature in blue ink, appearing to read "Annee Rand", is written over a light blue rectangular background.

Director of Planning, BPDA



Case	BOA1519818
ZBA Hearing Date	2024-01-09
Address	287 to 293 Maverick ST East Boston 02128
Parcel ID	0105269034
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	Article 53
Project Description	Change of occupancy: from retail to restaurant with takeout.
Relief Type	Forbidden Use
Violations	Use: forbidden (restaurant)

Planning Context:

The proposed use for a restaurant offering take-out, while conditional under the zoning code, is consistent with the existing neighborhood context. The Maverick Square area, is a mixed-use commercial node with many other active ground floor uses, including restaurants offering take-out. In its current draft form, PLAN: East Boston identifies this area as a transition area between the Maverick Square node and the predominantly residential neighborhoods to its east. The proposed restaurant use in existing ground floor commercial space is aligned with planning goals for this geography, including active ground floors and provision of neighborhood-oriented commercial amenities.

Zoning Analysis:

Restaurants are a forbidden use in 3F-2000 subdistricts in East Boston, per Article 53, Table A. Zoning for this geography is in the process of being updated through the PLAN: East Boston initiative. As noted above, restaurant use is both contextually appropriate, and consistent with previous commercial use of the ground floor of 287 to 293 Maverick Street as a retail space. The proposed use is fitting of this location in an area that is transitional between the commercial Maverick Square node and the residential Jeffries Point neighborhood to its east.

Recommendation:

In reference to BOA1519818, The Boston Planning & Development Agency recommends APPROVAL.



Reviewed,

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Director of Planning, BPDA



Case	BOA1543187
ZBA Hearing Date	2024-01-09
Address	326 A St, South Boston 02127
Parcel ID	0602706032
Zoning District & Subdistrict	South Boston M-4
Zoning Article	Art. 8 - Sec. 3
Project Description	Converting one existing office condominium into a residential unit.
Relief Type	Conditional Use
Violations	Use: conditional (residential)

Planning Context:

The project proposes the conversion of one existing office space into a residential unit on the second floor of an office building. Several office spaces within the building have already been converted into residential units. The surrounding area is predominantly office, with some residential and mixed-use buildings.

The property is within the Downtown Conversion Plan Area, where the conversion of underutilized office space to residential units is a priority in order to increase activity, achieve sustainability goals through the adaptive reuse of buildings, and provide needed housing supply. It is also within the Fort Point District 100 Acres Master Plan boundary that envisioned the area as a vital, 24-hour mixed-use neighborhood that is ideal for residential development.

Zoning Analysis:

The proposed project is located in the South Boston District (Article 8) within a M-4 subdistrict. Approval is recommended to provide for the creation of new housing in an area where office conversion is prioritized despite the conversion of commercial space into residential units being conditional. This is a case for zoning reform to align with context and planning goals.

Recommendation:

In reference to BOA1543187, The Boston Planning & Development Agency recommends APPROVAL.



Reviewed,

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

Director of Planning, BPDA



Case	BOA1479406
ZBA Hearing Date	2024-01-09
Address	17 Marshfield St Roxbury 02119
Parcel ID	0800327000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	Article 50
Project Description	New 3-story, 3-unit dwelling on a vacant lot. Project would include a driveway to serve 2 ancillary parking spaces on 19 Marshfield Street (permitted through U491439164).
Relief Type	Variance
Violations	Lot Area Insufficient Additional Lot Area Insufficient Lot Width Insufficient Lot Frontage Insufficient Side Yard Insufficient Rear Yard Insufficient Usable Open Space Insufficient Parking or Loading Insufficient FAR Excessive Conformity with Existing Building Alignment

Planning Context:

The proposed project is on a residential street characterized by 3-story, 3-unit homes. Most homes on this block have small side yards (about 0-5 feet) and front yards (about 2-5 feet) and larger rear yards (about 15-30 feet). The proposed project is therefore in keeping with the existing surroundings in terms of scale and density, but not in terms of alignment with the existing setbacks.

Zoning Analysis:

This project received violations for insufficient lot area because the 3 units proposed require a 6,000 sq ft lot under the zoning regulations, while this lot is only 3,236 sq ft. However, most of the existing homes on this block are also 3 units and are on similarly sized lots (many even smaller). The insufficient side yard violation is related to this as most other buildings in the area also have an insufficient side yard due to a lack of lot width that aligns with the existing zoning regulation. In addition, the project has a proposed FAR of 1.05 and therefore does not comply with the FAR maximum of .8, but it is in alignment with the surrounding context, as most existing



homes have an FAR of around 1.1. This indicates that this area may need to be rezoned in order to better reflect these existing lot area, lot width, and building scale conditions.

Section 50-44 states that if a lot requires a front yard and there exist two or more buildings fronting on the same side of the same Street as such Lot, then the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block. Existing Building Alignment is calculated by finding the mode of the existing front yards on the block, which in this case is approximately 3 and a half feet. The proposed project has a front yard of 20 feet, which is far over the requirement of the existing building alignment. In addition, the project does not comply with the required rear yard of 30. If the proposed building were shifted forward to align closer to the Existing Building Alignment, it could comply with front yard and rear yard requirements in the zoning, and fit much better within the existing context of the block.

Site plans completed by AGH Engineering on December 14, 2022. Project plans completed by C.B.C. Design Architects & Planners on December 7, 2020.

Recommendation:

In reference to BOA1479406, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: with attention to the proposed building should be moved forward on the lot to comply with Existing Building Alignment and Rear Yard requirements.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1548367
ZBA Hearing Date	2024-01-09
Address	19 Marshfield St Roxbury 02119
Parcel ID	0800328000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	Art. 50
Project Description	Provide two (2) ancillary parking spaces, at the rear of the property, for the proposed project at 17 Marshfield Street (see ERT1430844) to construct a new three (3) family dwelling on the lot of Parcel ID 0800327000- all under common ownership.
Relief Type	Variance, Conditional Use
Violations	Usable Open Space Insufficient Use: Conditional (Ancillary Parking)

Planning Context:

The proposed two(2) ancillary parking spaces are in the rear of the property at 19 Marshfield Street and would serve a new 3-story, 3-unit building at 17 Marshfield Street (see ERT1430844) which directly abuts the 19 Marshfield lot to the west. There is an existing 3-story residential building at 19 Marshfield Street with a shed, paved walkway, and green space. The proponent would fill an existing curb cut in front of the 17 Marshfield lot and create a new 10-foot curb cut and driveway along the eastern side yard of the 17 Marshfield lot from Marshfield Street to the rear yard of 19 Marshfield Street.

This driveway would lead to 2 ancillary parking spaces behind the existing structure on 19 Marshfield. The existing shed would be removed and the existing walkway and green space would be paved to make way for the 2 parking spaces. There is no existing parking in the rear of this lot or the rear of 17 Marshfield Street. This block is identified on the Climate Ready Boston Map Explorer as an area with a “High Daytime Land Surface Temp,” indicating the high risk of existing and increasing heat effect that can come from paved surfaces. To remove green space and pave that existing green space for parking would significantly reduce the permeable area on this lot and, as a result, increase the risk of heat island effect on the surrounding public realm. In Climate Ready Boston (2016), the City has identified goals to preserve and increase permeability as well as reduce the heat island effect with particular attention to limiting the



development of off-street parking spaces that results in the removal or reduction of existing permeable area.

The proposed edge of the paved parking area will have a buffer of 2 to 4 feet from the southeastern rear yard and a larger buffer (not specified) from the eastern side yard. This section of the southeastern rear yard directly abuts the large rear yard with the nearest structure to that yard line being a 1-story, 5-car garage. This section of the eastern side yard directly abuts the rear yard of a lot with 3-story residential building on it.

Some buildings on this block lack a driveway and parking spaces. There are a few existing buildings on this block with side yard driveways, but none show that they lead to rear parking areas. Rather, most properties have covered or uncovered parking spaces in the side or rear yard section of the driveway within the same lot as the primary dwelling. The proposed ancillary parking space behind the rear of an abutting building would be out of context for this area and removes existing usable open space for the 3-story residential building sitting on 19 Marshfield Street.

Zoning Analysis:

This property is located within the 3F-4000 (Three-Family Residential) subdistrict of the Roxbury Neighborhood District (Art. 50). The project proposes an ancillary use for parking, which is a conditional use in the 3F-4000 subdistrict (see Article 50 Table B; Art. 50 – Sec. 28). Per Article 6 Section 3, the Zoning Board of Appeal shall grant appeals for conditional uses if the specific site is an appropriate location for such use, the use will not adversely affect the neighborhood, there will be no serious hazard to vehicles or pedestrians from the use, no nuisance will be created by the use, and adequate and appropriate facilities will be provided for the proper operation of the use. The proposed parking would remove usable open space from the rear yard of 19 Marshfield Street. This property has an existing insufficiency for square footage of usable open space per dwelling unit and the removal or more open space to accommodate this parking would worsen that condition (Art. 50 – Sec. 29). Additionally, in the proponent's ERT1430844 application, the proposed 3-story building on 17 Marshfield would have a side yard insufficiency that is due in part to the addition of this proposed driveway condition and the regulations requiring a wider lot width than what is the common lot width in the area. While the proposed parking would reduce the off-street parking insufficiency from the proponent's ERT1430844 application, it would ultimately produce and worsen dimensional violations on both the 17 Marshfield and 19 Marshfield lots as a result. Still, this project presents a case for zoning reform

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as the lot width and side yard dimensions should be revised to better align with the existing lot width and side yard conditions of buildings in this area of the subdistrict.

Recommendation:

In reference to BOA1548367, The Boston Planning & Development Agency recommends DENIAL.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1380008
ZBA Hearing Date	2024-01-09
Address	61 Montebello Rd Jamaica Plain 02130
Parcel ID	1102402000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 3F-4000
Zoning Article	Article 55
Project Description	Erect a multifamily building with 8 units, 7 garage parking spaces, and 2 surface parking spaces as per plans.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (ft) Height Excessive (stories) Side Yard Insufficient Use: Forbidden (multifamily)

Planning Context:

Montebello Rd is a one-block one-way residential side street that starts at the northern side of Franklin Park and runs steeply downhill towards Washington St in Jamaica Plain. The applicant's parcel sits just east of the PLAN: JP/Rox study area, adopted March 2, 2017. The portion of Washington St just to the west of this parcel is the Egleston Square Main Street district, referred to in PLAN: JP/Rox as the "Washington St retail cluster," and is just south of the portion of Egleston Square designated as proposed eligible for a density bonus. While JP/Rox is silent on the specific recommendations for this portion of Jamaica Plain, this project does align with the goal from Housing a Changing City of creating more diverse housing options across the neighborhood. Much infill currently being proposed in and around Jamaica Plain is increasingly focused on either smaller units on small lots or larger developments on larger lots, due to the few opportunities for vacant sites. This proposal's new units range from 1000-1600 square feet, providing an opportunity for infill housing to also meet the needs of larger households, including families.

Site is in a 3F-4000 subdistrict of Jamaica Plain, currently occupied by a three-family building and with a lot size of 10500 square feet. This lot is approximately the size of three neighboring lots that each have a triple decker on them -- contextually, most neighboring lots are already less than 4000 square feet each. The frontage on this parcel is 120', while the frontage on the neighboring and contextual parcels is 37.5', making this parcel approximately 3.2 times the

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width (and area) of the 'standard' parcel on this block. The depths of all of these parcels are the same 85'-95'.

The proponent seeks to build an additional five units as an addition to the existing three-unit structure. While the specific building would be larger than the general triple decker context, the overall density across the lot would be approximately equivalent to the surrounding context (eight units on 10500 square feet is one unit per 1300 square feet, and three units on a comparable 3400-3500 square foot contextual lot on either side of the parcel yields one unit per 1130-1170 square feet).

Finally, absent from this appeal is any relief from parking. Applicant will provide 9 spaces, as required by zoning. Meanwhile, this parcel is approximately half a mile walking distance from both the Green Street and Stony Brook orange line stops in either direction, and is 500 feet from the #42 bus along Washington Street and the Egleston commercial corridor. This project should be considered an example of the need for zoning reform with respect to parking minimums. Were zoning to require fewer spaces, the proposal could provide less parking, which would likely provide a better design outcome and shrink the size of the development's perceived scale.

Zoning Analysis:

Article 55, Section 8; Use: Forbidden (multifamily). Multifamily is forbidden in a 3F-4000 subdistrict. Given the size of this lot, three units dramatically limits the reasonable development potential of this site. As noted in the planning context above, eight units on this lot still provides more lot square feet per unit than triple deckers up and down the block, leading to an aggregate "lower" density than the existing context. Attempting to match the contextual density of this block while accommodating this use restriction would create additional dimensional constraints on subdivided parcels, which are otherwise existing nonconforming conditions on existing smaller lots. Given the seriousness of Boston's housing crisis, current construction best practices, and the expense of multiple detached buildings, building a single building with more units on this lot is a more reasonable outcome than trying to build multiple new triple deckers.

Article 55, Section 9; FAR Excessive. In a 3F-4000 lot, the maximum FAR for "other" uses is 0.7. With a proposed 10634 sqft on a 10500 sqft lot, the proposed FAR is 1.02.



Contextually, neighboring lots with three-unit buildings have existing FARs of 0.9-1.6, all above what zoning allows, and placing this proposal well within a normal range.

Article 55, Section 9; Bldg Height Excessive (Feet). The maximum allowable height is 35' in this subdistrict. The current building is 38'7", which is nonconforming. The proposal keeps the existing building at that height, and proposes the addition at 42'5". Proponent should better utilize the ground floor of this development for housing and not for vehicular storage, which would allow the building's fourth floor to become a half story and not exceed the height of the existing building.

Article 55, Section 9; Bldg Height Excessive (Stories). The maximum allowable number of stories is 3 in this subdistrict. As noted previously, many buildings on this block include a raised first floor, making the effective height closer to 3.5 stories. This includes the existing building to be retained. If parking is reduced and the units are reconfigured, it should be possible to keep this building's height to a similar 3.5 stories.

Article 55, Section 9; Side Yard Insufficient. Zoning currently requires "Seven (7) feet from a side lot line and ten (10) feet from an existing structure on an abutting lot, provided that: (a) the aggregate width of two side yards shall be not less than seventeen (17) feet, and (b) the width of any side yard in which there is a driveway providing access to off-street parking spaces or off-street loading facilities required by this Article shall be not less than ten (10) feet.", meaning that the minimum side setback is somewhere between seven and ten feet per side. This proposal violates this condition by proposing a right side (south) setback of 3'4" with the new construction. Most buildings on this block have setbacks of this size, and it is contextually consistent. However, given the size of the lot, this violation can likely be reduced, though not to the full seven feet.

Taken together, these indicate the need for zoning reform to better guide contextual infill.

Plans dated December 15, 2022, stamped by Arthur K.F. Choo, architect, of Choo & Company, Inc., at One Billings Road, Quincy, MA 02171. Reviewed by plan examiner Darell Boyd for ZBA on October 26, 2023.



Recommendation:

In reference to BOA1380008, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. The proponent should reduce the number of parking spaces to no more than 0.5 per unit, and use the majority of the ground floor for living space, which would also allow the building to better match contextual height, bulk, and setback, while retaining the unit count.

Reviewed,

A handwritten signature in blue ink, appearing to read "Anne Kane". The signature is fluid and cursive.

Director of Planning, BPDA



Case	BOA1534015
ZBA Hearing Date	2024-01-09
Address	3927 Washington St Roslindale 02131
Parcel ID	1902887000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 3F-4000
Zoning Article	Art. 55
Project Description	Add a fourth floor to an existing three-story, three-unit residential dwelling and change the occupancy from a three-family residential to a multifamily residential. Extend fire protection sprinklers to the new fourth floor.
Relief Type	Variance
Violations	Parking or Loading Insufficient Additional Lot Area Insufficient FAR Excessive Height Excessive (ft) Height Excessive (stories) Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Use: Forbidden (MFR)

Planning Context:

This project will add a fourth floor to an existing three-story, three-family residential dwelling, thus changing its occupancy to a four-unit multifamily residential dwelling. The proposed project would not make any changes to the existing front yard, side yard, and rear yard depths. The property’s front yard faces Washington Street to the southeast. The property directly abuts a one-story commercial building against the southwestern side yard line and a three-story residential building against the northeastern side yard line. It abuts an existing vacant lot abutting the northwestern rear yard line.

Existing, adjacent residential buildings in this section of Washington Street have the same three-story, three-family residential typology as the existing property. The existing building has a similar height (both in feet and stories), depth and FAR as surrounding residential buildings as well. The proposed project would align with goals from Housing a Changing City, Imagine Boston 2030 (September 2018) by increasing housing opportunity with the additional residential unit and engaging in transit-oriented development along a main corridor (Washington Street) that is in close proximity to the Forest Hills T stop and several bus stops along a dedicated bus

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lane. The proposed fourth story and the proposed multifamily residential use would be out of context with the residential height and common land use of the surrounding residential area, but Washington Street is both a major commercial and transit corridor that can accommodate multifamily housing at the proposed scale and bring residents closer to those major resources.

The existing property does not have parking spaces and there are no planned additions of parking spaces as part of the proposed project. This aligns with citywide goals as identified in Go Boston 2030 (March 2017) to reduce reliance on private vehicles, particularly in areas within proximity of rich transit assets like Washington Street.

Based on the plans, the proposed additional fourth story differs slightly in design from the existing building and that difference would be visible from the public realm as well as misalign with residential design in the surrounding area.

Zoning Analysis:

This property is located within the 3F-4000 (Three-Family Residential) subdistrict of the Jamaica Plain Neighborhood District (Art. 55). The proposed multifamily residential use is forbidden in this subdistrict and does not conform with the existing land use pattern of existing, adjacent buildings, but is an appropriate use for this area considering the transit-rich context and presence on a major commercial corridor (Art. 55 – Sec. 8).

The additional fourth story to accommodate the fourth residential unit changes the building height (both in feet and in stories), additional lot area for each additional dwelling unit, and FAR of the property, thus triggering those violations (Art. 55 – Sec. 9). This property also has existing insufficiencies for its front yard, side yard, rear yard, and off-street parking spaces that will not be changed by the project but would be exacerbated by addition of a fourth story (Art. 55 – Sec. 9; Art. 55 – Sec. 40).

The existing property already has an excessive FAR and insufficient additional lot area per additional dwelling unit along with its insufficient setbacks and off-street parking spaces. These violations are a common condition of other existing three-story, three-family residential dwellings that make up the buildings within this subdistrict. Additionally, the property's location within a transit-rich area makes it a strong candidate for alterations that produce multifamily housing through transit-oriented development. The current dimensional and land use regulations for this subdistrict render many of these buildings as non-conformities and forbids multifamily housing,

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indicating a case for zoning reform in this section of the subdistrict to better accommodate the prevailing lot, building conditions, housing needs of the area, and potential for increased housing density within this major corridor.

Site plans completed by Boston Survey, Inc. on December 1, 2022. Project plans completed by Matthew Groves Francke Architect (MGFA) on February 8, 2023.

Recommendation:

In reference to BOA1534015, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to the design of the fourth story addition and its alignment with the existing building.

Reviewed,

A handwritten signature in blue ink, appearing to read "Anne Rando", is written over a faint, light blue rectangular background.

Director of Planning, BPDA



Case	BOA1514536
ZBA Hearing Date	2024-01-09
Address	42 Orchard RD Brighton 02135
Parcel ID	2102048000
Zoning District & Subdistrict	Allston/Brighton Neighborhood MFR-1
Zoning Article	51
Project Description	Existing three-family building to be altered within existing envelope to increase to seven units. Habitable space to be added in basement.
Relief Type	Variance
Violations	Usable Open Space Insufficient Parking or Loading Insufficient FAR Excessive Front Yard Insufficient Side Yard Insufficient Use: Forbidden (MFR within existing envelope)

Planning Context:

The proposed project intends to convert an existing three-family residential building to a seven unit building within the existing building envelope. The area is zoned as Multi-family Residential, with the surrounding buildings demonstrating similar massing and setbacks to the proposed development. The draft Allston-Brighton Needs Assessment identifies the desire of community participants for "supply-side solutions to the housing crisis, recommending an end to parking minimums, relaxation of zoning rules, and other measures to increase housing production in the neighborhood." The proposed development addresses each of the above considerations, through limited on-site parking and increasing the density of units on-site from 3 to 7. The Needs Assessment also addresses resident concerns regarding the availability of family-oriented and high quality housing in the neighborhood. This project, while increasing the number of units available fails to meet the needs of the neighborhood for larger scale units. The addition of living space in the basement allows for the retention of only one larger unit.

There are several transit access points near the site, including the 65 bus line one block from the site and the Green Line two blocks to the west. This proposal complies with Go Boston 2030 and Housing Boston 2030 which recommend increased housing proximate to transit opportunities. Housing Boston 2030 also recommends the prioritization of accessibility within



housing developments, and suggests that projects should work to contain costs while improving on site accessibility. This goal is achieved through the maintenance of an existing building envelope with interior alterations to increase the number of units and exterior alterations to add additional exterior ramps.

Zoning Analysis:

Pursuant to Article 51 (Allston-Brighton Neighborhood), multifamily residential developments are an allowed use. Exterior alterations to this project include only additional ramps and staircases to improve accessibility, not considerably affecting the setbacks. Lot area, GSF will remain unchanged, although FAR and square footage for zoning analysis will change with the addition of a basement unit within the existing structure. Setback violations persist from the existing building and related dimensional non-conformities, and parking violations do not meet the spirit of BTM parking maximums. It should be recognized that the existing zoning violations that persist due to the maintenance of the existing building envelope as well as the non-compliance with parking minimums offer support for zoning reform to better align city zoning policies with existing context. Plans reviewed are titled "42 Orchard Road" and prepared by Waterfield Design Group and HRESKO Architects.

Recommendation:

In reference to BOA1514536, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review. The proposed development is located within the Aberdeen Architectural Conservation District. Exterior alterations to the building should be submitted to the Boston Landmarks Commission to ensure alignment with historic architectural context.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1521916
ZBA Hearing Date	2024-01-09
Address	15 to 17 Brackett ST Brighton 02135
Parcel ID	2203832000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 3F-4000
Zoning Article	Article 51
Project Description	Renovating a 3-family dwelling to update the 3rd unit to a 2-bedroom along with external and internal renovations.
Relief Type	Variance
Violations	FAR Excessive Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient

Planning Context:

The project proposes to update the existing 3-family dwelling with both internal and external renovations. This will be done by replacing the current roof, updating the third floor to a 2-bedroom unit, building a balcony, updating the siding, and adding living space to the basement. This project is located on 15-17 Brackett Road in Brighton which is in an area currently zoned for 3F-4000. It is consistent with dwellings in the surrounding area which consists of a mix of two-family, three-family, and multi-family units.

The basement, which was previously unused, will now include space for a family room, home office, and a living room. The additions to the third floor will turn the existing 1-bedroom into a 2-bedroom unit. The external changes will help improve the quality and appearance of the existing structure.

The proposed project would help further the goals set forth in Housing a Changing City, Boston 2030 (September 2018) which is to improve the functionality and preserve the



existing housing units. The proposed renovation would help improve and enhance the existing dwelling.

Zoning Analysis:

The existing dimensions of the current structure are already non-conforming with the zoning requirements of the area as set forth in Article 51. While the current structure is a three-family building sitting in an area zoned for three-family use, the conversion of the third floor to a 2-bedroom unit as well as the renovation of the basement into a livable space will increase the already non-conforming FAR. The current FAR sits at 1.1 which is greater than than the maximum allowed 0.8. The addition of the 2-bedroom unit as well as the renovation of the basement will increase this FAR to 1.44. However, while the FAR has increased, this does not affect the existing size of the building or its impact on the built environment as this unit is already a three-family structure in an area zoned for three-family use.

While the setback for the front yard, side yard, and rear yard are insufficient, the setback for these were already non-conforming. There are no changes being made to the side yard setback with the proposed change. The changes to the front yard and rear yard setbacks are due to the replacement of the front porch as well as an addition of a 3-story deck in the rear. However, both of these changes would help improve the appearance of the existing structure.

A design review is recommended to help ensure that the exterior changes align with the structures on the street. Zoning reform is also recommended to better align dimension regulations to the existing context. There is currently no information regarding patios and balconies in Article 51 and the effect on the front or rear setbacks.

The plans reviewed are titled 15-17 Brackett Road and are dated 12/13/2023. They were prepared by Ryan Spitz of Adams & Morancy.

Recommendation:

In reference to BOA1521916, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review.

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Reviewed,

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

Director of Planning, BPDA

MEMORANDUM**December 14, 2023**

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

FROM: CASEY HINES, DEPUTY DIRECTOR DEVELOPMENT REVIEW
STEPHEN HARVEY, SENIOR PROJECT MANAGER
MATTHEW MARTIN, URBAN DESIGNER II
JOSEPH BLANKENSHIP, SENIOR TRANSPORTATION PLANNER II
YARISAMAR CORTEZ, PLANNER I
BEN ZUNKELER, SENIOR PLANNER II
JILL ZICK, LANDSCAPE ARCHITECT
SAM VALENTINE, SENIOR LANDSCAPE ARCHITECT

SUBJECT: 25-39 HARVARD AVENUE, ALLSTON

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 Scoping Determination waiving the requirement of further review pursuant Section 80B-5.3(d) of the Boston Zoning Code (the "Code") for the 25-39 Harvard Avenue and 410R Cambridge Street project in the Allston neighborhood of Boston (the "Proposed Project" defined below); (2) issue a Certification of Compliance under Section 80B-6 of the Code upon successful completion of the Article 80 Large Project review process; (3) enter into an Affordable Rental Housing Agreement and Restriction and Cooperation Agreement in connection with the Proposed Project, and any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project

PROJECT SITE

The Project located at 25-39 Harvard Avenue and 410R Cambridge Street in Allston consists of four (4) contiguous parcels of land with a total lot area of approximately

48,973 square feet (the "Project Site"). The Project Site has frontage along Harvard Avenue to the east and Thor Terrace to the west. The Project Site currently includes multiple one-story buildings, with existing land uses which include a single-story van and truck rental facility with an associated surface parking lot, an automobile repair shop, and a vacant and structurally compromised building that formerly housed the Boston-Allston Post Office Branch of the United States Postal Service.

The Project Site is within the vicinity of Harvard Avenue Station on the MBTA Green Line B-Branch. The Proposed Project is also located in close proximity to multiple MBTA bus lines including the #64 and #66 lines, and within approximately 0.2 miles of the #57 line. The Project Site is also located near a number of accessible bike lanes including on Harvard Avenue and Cambridge Street.

DEVELOPMENT TEAM

Owner/Developer:	Eden Harvard LLC c/o Eden Properties Michael Samuels, Noah Maslan
Architect:	Embarc Studio Robert Del Salvio, Austin Blanks
Landscape Architect:	Verdant Landscape Architecture Katya Podsiadlo
Permitting Consultant:	Epsilon Associates Cindy Schlessinger, Talya Moked, Albert Good
Legal Counsel:	Goulston & Storrs Brian Judge, Esq., Matthew Kiefer, Esq.
Civil Engineer:	R. J. O'Connell & Associates Brian McCarthy
Building Consultant:	enviEnergy Studio Samira Ahmadi

Transportation Consultant: Howard Stein Hudson
Brian Beisel

Communications Consultant: The Strategy Group
Susan Tracy, David Newman, Henry Cohen

Sustainability Consultant: CLEAResult Consulting
Ann John

PROJECT DESCRIPTION

The Proponent proposes the demolition of the existing buildings at the Project Site to construct a single, six-story, approximately sixty-nine feet and eleven inches (69’ 11”) tall, mixed-use building containing approximately 148,000 square feet of gross floor area. The building will contain up to a hundred and seventy (170) rental units, including approximately twenty-nine (29) affordable housing units. There will be approximately 5,265 square feet of ground floor commercial space along Harvard Avenue and covered off-street surface parking for up to forty-nine (49) vehicles 170 bicycle parking spaces.

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

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	169,131
Gross Floor Area	147,900
<i>Residential</i>	144,000
<i>Office</i>	0
<i>Retail</i>	5,265
<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>	15,966
Development Cost Estimate		\$90,000,000
Residential Units		170
	<i>Rental Units</i>	170
	<i>Ownership Units</i>	0
	<i>IDP/Affordable Units</i>	29
Parking spaces		49

ARTICLE 80 REVIEW PROCESS

The Proponent filed a Project Notification Form ("PNF") for the Proposed Project on March 1, 2023, which initiated a thirty (30) day public comment period that originally concluded on March 31, 2023, but was extended to June 2, 2023. A virtual IAG meeting was held on March 28, 2023, a virtual public meeting was held on May 24, 2023, and a joint IAG/public meeting was held October 26, 2023. The virtual public meeting and joint IAG/public meeting were advertised in the neighborhood newspaper. All meetings were posted to the BPDA's website and a calendar notification was sent to all subscribers of the BPDA's Allston and Brighton neighborhood updates list.

PLANNING CONTEXT

The proposed mixed-use project is located at 25-39 Harvard Avenue and 410R Cambridge Street, Allston is in the Harvard Avenue Community Commercial-1 (CC-1) sub-district of Article 51, the Allston/Brighton Neighborhood zoning district. The proposed project is also located within the boundaries of the Allston-Brighton Mobility Plan, a planning initiative adopted by the BPDA Board in 2021, which focuses on increasing mobility for all. Review Staff also considered neighborhood context and Citywide plans such as the Parks and Recreation Department's Open Space Plan (2023) and Urban Forest Plan (2022), which have interrelated goals.

The site is uniquely connected to existing and emerging neighborhood centers due to its location on Harvard Avenue, a major north-south transportation and

commercial corridor that is connected to key east-west corridors: Cambridge Street, Brighton Avenue, and Commonwealth Avenue. The site is within walking distance of Union Square, Packard's Corner, Boston Landing, and the future West Station, making it a multimodal hub with access to essential neighborhood services.

The proposed project contributes to the overall walkability and transit-oriented development described in the Allston-Brighton Mobility Plan by providing public realm improvements on Harvard Avenue by meeting the Complete Street Guidelines, consolidating existing curb cuts, and providing a BlueBike Station along Harvard Avenue between Cambridge Street and Commonwealth Avenue. These combined efforts will improve the safety and comfort for all users. Additionally, the proposed project will help advance the goals outlined in the Open Space Plan (2023) and Urban Forest Plan (2022). The project achieves this by adding street trees on Harvard Avenue which will help reduce the heat island effect on the public way, additional tree canopy in the interior courtyard, and providing on-site stormwater retention and infiltration systems that will comply with the Smart Utilities and the citywide plans.

ZONING

The entire Project Site is located within the Harvard Avenue Community Commercial Subdistrict (CC-1), a Neighborhood Business Subdistrict within the Allston-Brighton Neighborhood District governed by Article 51 of the Code. The Proposed Project requires the following items of zoning relief from the Boston Zoning Board of Appeal:

- Floor Area Ratio Variance;
- Building Height Variance; and
- Rear Yard Variance.

COMMUNITY BENEFITS & MITIGATION

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

- Creation of approximately one hundred seventy (170) rental residential units of which twenty-nine (29) will be affordable residential units.

- Introducing approximately 5,265 square feet of ground floor commercial space.
- Consolidating the three existing curb cuts on Harvard Avenue to a single curb cut on Harvard Avenue, which is anticipated to increase pedestrian and vehicular safety along Harvard Avenue.
- The Proponent will install at least seven (7) street trees along Harvard Avenue adjacent to the Project Site as part of the Project Site improvements and mitigation associated with the Proposed Project. The tree plantings shall be coordinated and approved by the BPDA, and other applicable City departments/agencies completed before the issuance of the Certificate of Occupancy for the Proposed Project.
- The Proponent will provide an outdoor plaza on the ground floor connected to the residential lobby that is designed to hold both public and private events.
- The Proponent will provide key bike accommodations to building residents and employees, including covered, secure, and accessible bike storage and a bike repair station.
- Upon issuance of the full Building Permit, the Proponent shall make a Forty-Nine Thousand Dollar (\$49,000.00) contribution to the Boston Transportation Department to support the procurement and installation of a 15-dock BlueBikes station on or near the project site.
- The Proponent shall work in consultation with the BPDA, the Boston Transportation Department, and Public Improvement Commission to advance an existing 25% design plan to a full 100% PS&E design plan of Braintree Street bike lanes and other needed roadway circulation changes in the area bound by Cambridge Street, North Beacon Street, Braintree Street, and Everett Street. This in-kind contribution shall be completed upon issuance of the full Building Permit. The improvements shall be valued at an amount not to exceed Eighty Thousand Dollars (\$80,000.00). If the in-kind contribution has not been completed prior to the issuance of the Certificate of Compliance, the Proponent will make an Eighty Thousand Dollar (\$80,000.00) contribution to the Boston Transportation Department to be

used for roadway and public realm improvements within the vicinity of the Project Site, minus the value of any design services and other contributions made by the Proponent toward the in-kind contribution upon the issuance of the full Building Permit for the Proposed Project.

- The Proponent shall make a One Hundred Thousand Dollar (\$100,000.00) 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 and facilities at Stanley A. Ringer Playground near this Proposed Project in Allston.

Amount: \$100,000.00

Timeline: The \$100,000.00 contribution is due upon issuance of the full Building Permit.

- The Proponent shall make a Fifty Thousand Dollar (\$50,000.00) 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 and facilities at Penniman Road Play Area near this Proposed Project in Allston.

Amount: \$50,000.00

Timeline: The \$50,000.00 contribution is due upon issuance of the full Building Permit.

- The Proponent commits to equipping electric vehicle charging infrastructure at a rate of 25% installed, or twelve (12) charging stations.
- The Proposed Project will utilize all electric heating and cooling equipment and systems. Gas connections shall only be provided to the ground floor commercial space.

- The proposed LEED rating for the Project is Gold. The Project is also proposing to use high SRI roofing materials and paving materials, and to maximize greenery and landscaping of the grounds to help reduce heat-island effect on the site.
- The Proposed Project will include a reduction in impervious surfaces with landscape areas and will also include an on-site stormwater retention and infiltration system that will comply with the Smart Utilities Policy for Article 80 Development Review.
- The Proposed Project will include a subsurface stormwater infiltration system designed to capture a volume equivalent to 1.25" over the entire proposed impervious area of the Project Site. The stormwater infiltration system is anticipated to be comprised of gravity-based recharge chambers that will be installed underground in a field of crushed stone in the parking area. Stormwater runoff from the roof and paved areas will be directed into the infiltration system. The system will have overflows installed that will be connected to the existing storm drainage system in Harvard Avenue for larger storm events

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

- The project's compliance to 1.25" of infiltration per square inch of impervious development as indicated in the Smart Utilities checklist.
- Review of horizontal infrastructure and landscape features to ensure proper distances have been maintained from tree-pits (min. 3 feet) and relevant green infrastructure.
- The project's Smart Street Light integration. The project team shall include city shadow conduit in accordance with sidewalk reconstruction and PIC review, if applicable. This includes review of broadband, fiber optic cabling, and shadow conduit in order to preserve broadband equity and other dependent smart technologies.
- Verification of compliance with the City of Boston EV Readiness Policy for New Developments, including EV chargers and needed infrastructure.

- Location of transformers and critical infrastructure so as to ensure coordination with Eversource and “right sized” infrastructure.
 - Transformer to be connected via Thor Street. An alternative electrical lateral is able to connect via Harvard Ave as needed.
- A plan to address relevant conflicts reported through COBUCS if/as relevant. The project team and the contractor will continue to work with BT&D and Smart Utilities as needed.
- Coordination of the landscape design to ensure the utilization of low impact design strategies for stormwater retention.

The community benefits described above will be set forth in the Cooperation Agreement for the Proposed Project. The community benefits contribution payments shall be made to the BPDA [or the appropriate City of Boston Department] 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 work agreed to by the Proponent shall be developed in consultation with the BPDA and appropriate city agencies, departments, and commissions and the allocation of any financial contributions shall first be provided to the BPDA for disbursement to the specified entity or organization. The details of any work and the allocation of any financial contributions shall be incorporated into the Cooperation Agreement, between the Proponent and the BPDA. To the greatest extent possible, the Proponent will provide the BPDA with evidence indicating that the above-referenced mitigation and community benefits have been satisfied.

The Proposed Project is subject to Design Review.

INCLUSIONARY DEVELOPMENT POLICY

The Proposed Project is subject to the Inclusionary Development Policy, dated December 9, 2015 (“IDP”), and is located within Zone B as defined by the IDP. The IDP requires that at least 13% of the total number of units within the development be designated as IDP units. In this case, the Proponent has agreed to exceed that requirement and create within the Proposed Project approximately twenty-nine

(29) IDP rental units (the “IDP Units”), or approximately 17% of units within the Proposed Project. Of these IDP Units, three (3) units are anticipated to be made affordable to households earning not more than 60% Area Median Income (“AMI”) as based on data from the United States Department of Housing and Urban Development “HUD” and published by the BPDA, twenty (20) units are anticipated to be made affordable to households earning not more than 70% AMI, four (4) units are anticipated to be made affordable to households earning not more than 100% AMI, and the remaining two (2) units are anticipated to be made affordable to households earning not more than 110% AMI, as further detailed below.

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

Unit Number	Number of Bedrooms	Square Footage	Percent of Area Median Income	Rent	ADA/Group 2 Designation (if any)
201	Two-bedroom	945	70% AMI	\$1,766	
209	Two-bedroom	880	70% AMI	\$1,766	
212	One-bedroom	525	70% AMI	\$1,559	
215	One-bedroom	530	70% AMI	\$1,559	
223	Two-bedroom	865	70% AMI	\$1,766	
227	Studio	455	60% AMI	\$1,130	
231	Studio	455	70% AMI	\$1,330	Group 2
304	One-bedroom	675	70% AMI	\$1,559	Group 2
313	Studio	455	70% AMI	\$1,330	
322	Three-bedroom	1,105	70% AMI	\$1,978	
325	Studio	455	70% AMI	\$1,330	
329	Studio	455	70% AMI	\$1,330	
334	One-bedroom	620	70% AMI	\$1,559	

336	One-bedroom	610	60% AMI	\$1,325	
410	One-bedroom	665	70% AMI	\$1,559	
412	One-bedroom	525	60% AMI	\$1,325	
415	One-bedroom	530	70% AMI	\$1,559	
423	Two-bedroom	865	70% AMI	\$1,766	
426	One-bedroom	575	70% AMI	\$1,559	
430	Studio	455	100% AMI	\$1,932	
436	One-bedroom	630	70% AMI	\$1,559	
501	Two-bedroom	875	100% AMI	\$2,567	
505	One-bedroom	620	Preference for voucher, or 110% AMI *	HUD SAFMR or 110% AMI Rent *	
508	Studio	455	70% AMI	\$1,330	
520	Studio	455	100% AMI	\$1,932	
524	One-bedroom	680	70% AMI	\$1,559	
528	One-bedroom	620	70% AMI	\$1,559	
609	One-bedroom	525	100% AMI	\$2,261	
626	Studio	455	Preference for voucher, or 110% AMI *	HUD SAFMR or 110% AMI Rent *	

* Two units (Voucher Units) will be restricted to be advertised with a tenant selection preference to households with mobile Housing Choice Vouchers, to be rented up to the Small Area Fair Market Rent ("SAFMR"). If the preference is exhausted from the lottery or waitlist, or if a corresponding voucher is either unavailable or found to be infeasible in the affirmative fair housing marketing

process, then the Voucher Units will be rented at not more than the maximum rent for 110% AMI, and restricted to households earning not more than the income limit for 110% AMI, based on household size.

The location 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. IDP Units must be comparable in size, design, and quality to the market rate units in the Proposed Project, cannot be stacked or concentrated on the same floors, and must be consistent in bedroom count with the entire Proposed Project.

The ARHAR must be executed along with, or prior to, the issuance of the Certification of Compliance for the Proposed Project. The Proponent must also 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 (the “Marketing Plan”) to the BFHC and the BPDA.

Preference in the lottery will be given to applicants who meet the following criteria, to be further defined in the Marketing Plan, weighted in an order set forth in the Marketing Plan:

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

rental to an income eligible household, and the BPDA or its assigns or successors will monitor the ongoing affordability of the IDP Units.

AFFIRMATIVELY FURTHERING FAIR HOUSING

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

Article 80 Interventions:

- Provide more IDP units than are required under the IDP Policy;
- Deepen the affordability of IDP units;
- Provide all IDP units on-site; and
- Increase building density to directly increase affordable units for and available to people in protected classes.

Marketing & Housing Access Intervention:

- Follow best practices related to the use of CORI, eviction, and credit records in the tenant screening and selection process; and
- Follow best practices in marketing the market-rate units that are inclusive of and welcoming to members of protected classes.

RECOMMENDATION

BPDA staff believes that the PNF adequately describes the Proposed Project's potential impacts, satisfying the criteria for the issuance of a Scoping Determination Waiving Further Review under Section 80B-5 of the Code. It is therefore recommended that the Board authorize the Director to: (1) issue a Scoping Determination waiving the requirement of further review pursuant to Section 80B-5.3(d) of the Code for the Proposed Project; (2) issue a Certification of Compliance under Section 80B-6 for the Proposed Project upon successful completion of the Article 80 Large Project review process; (3) enter into an Affordable Rental Housing Agreement and Restriction and Cooperation Agreement in connection with the Proposed Project, and any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

Appropriate votes follow:

VOTED: That the Director be, and hereby is, authorized to issue a Scoping Determination under Section 80B-5.3(d) of the Boston Zoning Code (the "Code"), which (i) finds that the Project Notification Form ("PNF") together with any additional material and comments received by the BPDA adequately describes the potential impacts arising from the proposed 25-39 Harvard Avenue and 410R Cambridge Street project (the "Proposed Project"), and provides sufficient mitigation measures to minimize these impacts, and (ii) waives further review of the Proposed Project under subsection 3 of Section 80B-5 of the Code, subject to continuing design review by the BPDA; and

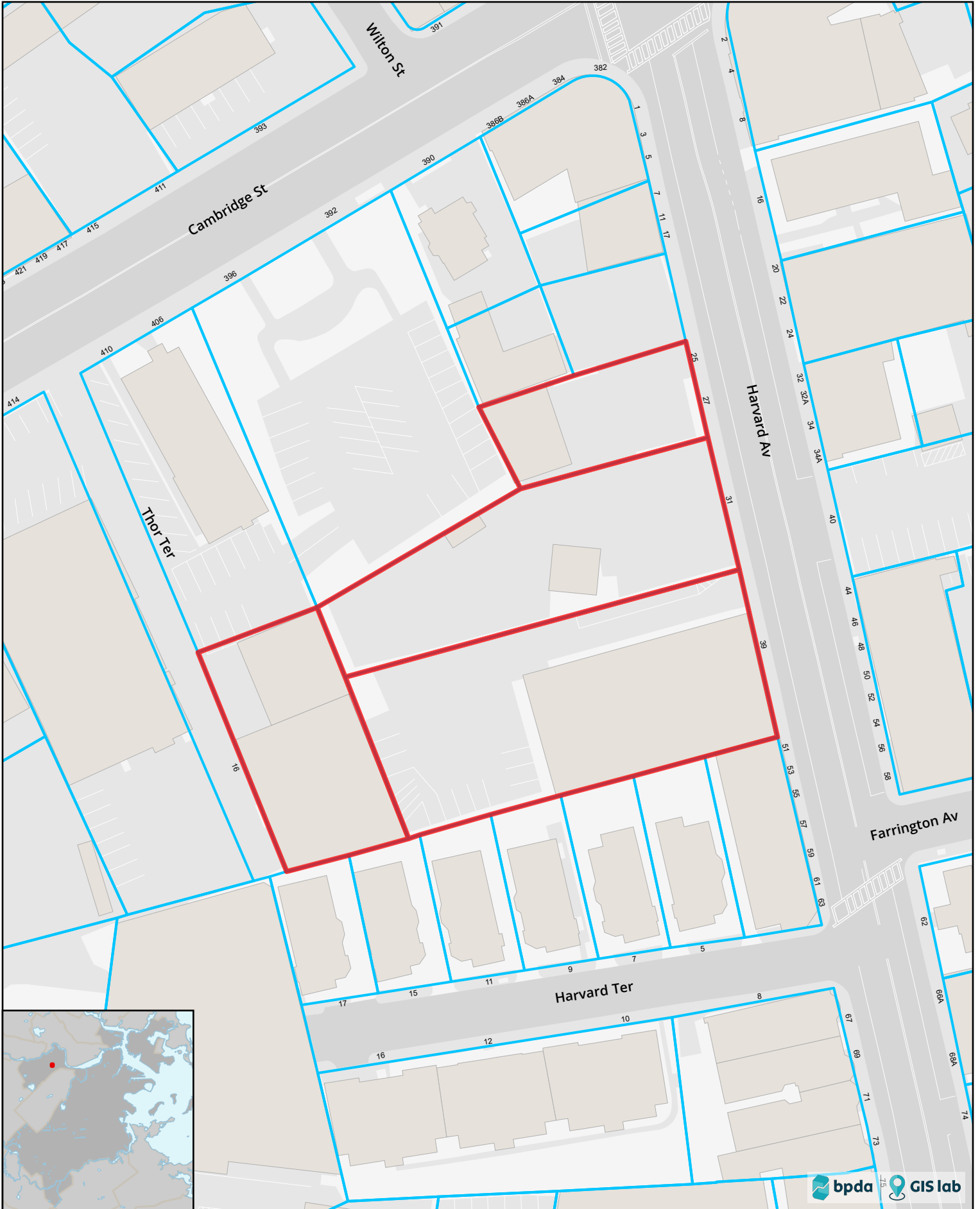
FURTHER VOTED: That the Director be, and hereby is, authorized to issue a Certification of Compliance for the Proposed Project upon the successful completion of all Section 80B-6 requirements; and

FURTHER VOTED: That the Director be, and hereby is, authorized to enter into an Affordable Rental Housing Agreement and Restriction for the creation of twenty-nine (29) on-site Inclusionary Development Policy units, and to execute a Cooperation Agreement and any and all other agreements and documents which the Director deems appropriate and necessary in connection with the Proposed Project; and

25-39 Harvard Avenue



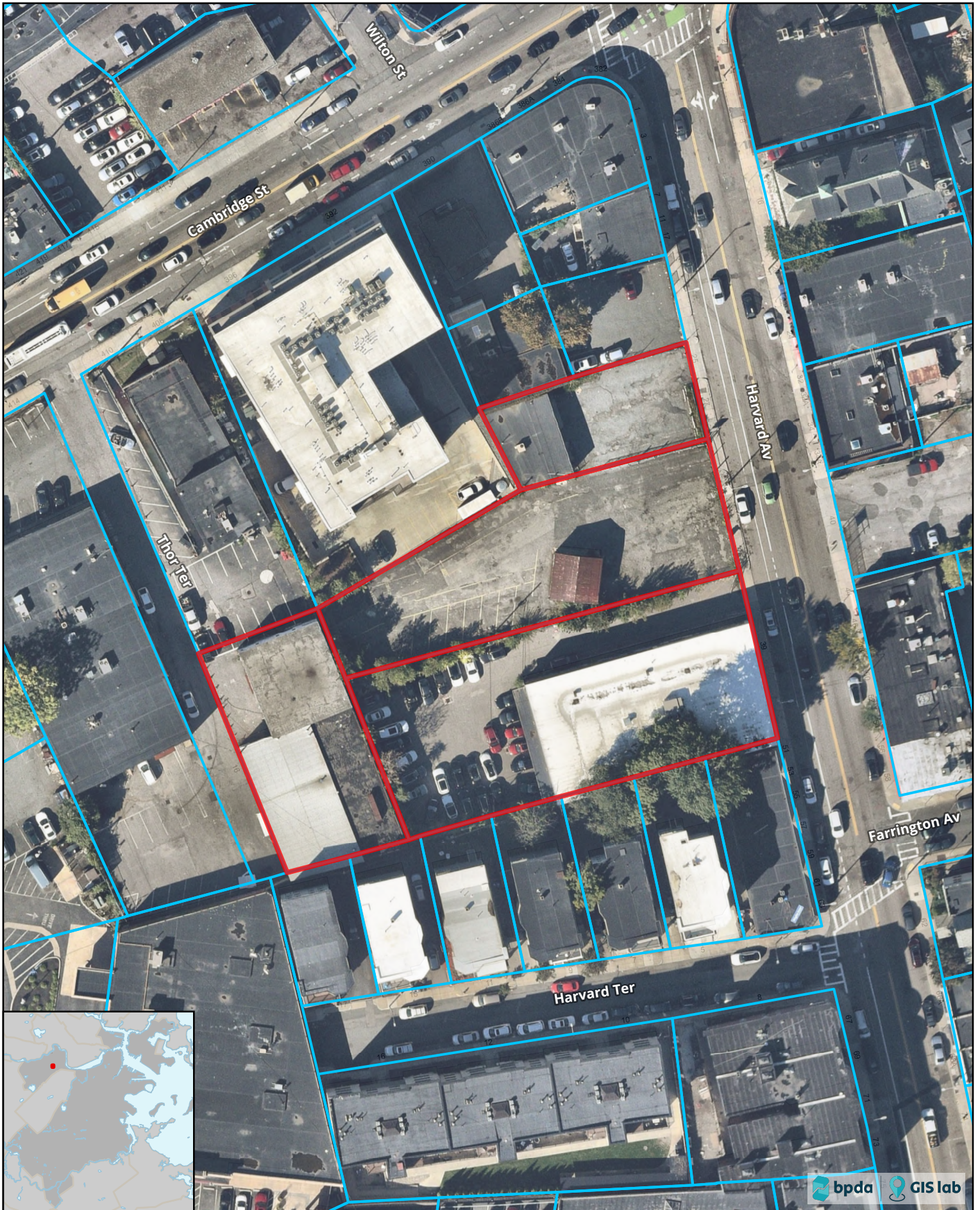
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25-39 Harvard Avenue



1:800



To: Noah Maslan, Principal, Eden Properties LLC, via Stephen Harvey, Project Manager, Boston Planning and Development Agency
From: Maggie Cherry, Housing Policy Manager on behalf of the Boston Interagency Fair Housing Development Committee
Date: April 19, 2023
Re: 25-39 Harvard Ave, Affirmatively Furthering Fair Housing Comments from the Boston Interagency Fair Housing Development Committee

Thank you for submitting your Affirmatively Furthering Fair Housing (AFFH) Assessment and for your ongoing work to take meaningful actions to address significant disparities both in housings needs and in access to opportunity in the Allston neighborhood and the City of Boston as a whole. The Boston Interagency Fair Housing Development Committee (BIFDC) has reviewed your submission and has additional comments, suggestions, and requests for additional information. Review by the BIFDC is intended to be ongoing and collaborative, throughout the Article 80 review and approval process. Your responses to the requested information will assist the BIFDC to continue its AFFH review of the Proposed Project.

The BIFDC has comments on and/or requests for additional information regarding:

1. A unit matrix
2. IDP AMIs
3. Marketing and Tenant Selection Best Practices
4. Supplemental information on current commercial tenants
5. Contingency plan for the retail space in case USPS cannot take the commercial space

In addition to the outline provided above, a more detailed explanation of the BIFDC's comments and recommendations is included with this letter. If you have any questions, comments, or concerns about this letter or AFFH in general, please contact Maggie Cherry at maggie.cherry@boston.gov. Please submit any information and/or documents regarding AFFH to your Project Manager.

Boston Interagency Fair Housing Development Review & Recommendation Form

Project Name/Address	Allston Post/25-39 Harvard Avenue, Boston, MA 02134
BIFDC Review Date(s):	3/24/23

AFFH Recommendations

AFFH Assessment is complete.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - An AFFH Assessment is marked as complete when the BIFDC has concluded its review and is able to make a recommendation regarding the AFFH components of a Proposed Project.
If no, describe what is needed to complete the Assessment.	<p>Based on the comments from BIFDC representatives (attached), the Proponent is requested to respond to the follow questions, comments, and recommendations:</p> <ol style="list-style-type: none"> 1. Supplemental information on current commercial tenants <ul style="list-style-type: none"> • Current status (i.e. vacant or occupied) • Square Footage • Name of business or organization • Type of business or organization • If the tenant is or was a minority or woman owned business • Length of time the business or organization has or had been at the Proposed Project Site • The preferred language of tenant 2. Unit Mix: Proponent is requested to provide a breakdown of units by size, identifying IDP units. Proponent is recommended to discuss with the BPDA Housing Policy Manager how IDP compliance could be met by providing larger units as IDP units even if that means providing a higher portion of 2- and 3-bedroom units than required under the IDP. 3. Unit Affordability: The average affordability level for IDP units in this project is 72.4% AMI, which is out of compliance with IDP requirements. In order to provide deepened affordability of IDP units, the developer needs to increase the number of units being provided below 70% AMI. The number of units above 70% AMI should not change. 4. Unit Matrix: Proponent is requested to provide a unit matrix (and floor plans, if available) showing the bedroom count, square footage, IDP designation (with AMI), and Group 2 designation of all units. 5. Contingency plan for the retail space in case the Post Office cannot take the space 6. Marketing and Housing Access Best Practices: More information is needed with regard to best practice that will be used for marketing market-rate units. Proponent is recommended to consult Boston's Fair Chance Tenant Selection policy (which is required for IDP units) for an

	<p>example of best practices that should be considered. The policy is available here: https://www.chapa.org/sites/default/files/Boston%20Fair%20Chance%20Ordinance February%202017.pdf. Additional best practices for marketing and housing access that the Proponent is recommended to consider are:</p> <ul style="list-style-type: none"> • Developing and abiding by a 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. • Working exclusively with local, multilingual, and culturally competent leasing agents. • Marketing all residential units in all of Boston’s dominant languages • Marketing across media types (print, social, audio, digital, etc.) • Describing the IDP units and linking to MetroList and/or other listings for the IDP units on the Project’s marketing website.
AFFH Assessment appears to be accurate.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If no, describe the inaccuracies.	
AFFH Assessment notes:	

Planned Development Area

This review is for Planned Development Area (PDA) only (each project located within a PDA to be reviewed separately).	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No-Intervention Enhancement for PDAs not required
This project is located within a PDA.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is yes, describe any different or additional AFFH and/or other housing obligations that are required under the PDA:	
PDA Notes:	

Historical Exclusion

The proposed project is located in an area of high historical exclusion.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No-Intervention Enhancement for High Historical Exclusion is not required.
Historical Exclusion notes:	

Actual Residential Displacement

There is actual residential displacement at the proposed project site.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Actual Residential Displacement Risk notes:	

Displacement Risk

<p>This project is located in an area of high displacement risk.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – Intervention Enhancement for High Displacement Risk is not required</p>
<p>Discuss the basis for the above determination.</p>	<p>Conclusion: Using the information contained in the Housing and Household Composition Community Profile Report, the DND Displacement Risk Map, and the answers to AFFH Assessment Section 4, there is likely a moderate risk of displacement in the area surrounding the Proposed Project site.</p> <p>Displacement Risk Analysis: Displacement is defined under the Boston Zoning Code as “unwilling or coerced departure, removal or economic dislocation, in a community or in an adjacent and impacted community, occurring when neighborhood choices become limited due to increasing rent burden or a lack of housing that is affordable to area residents, area renters, low-income residents, or residents belonging to protected class or a set of protected classes, thereby restricting housing choice for the impacted population.”</p> <p>In order to assess displacement the BIFDC considers both actual displacement at the project site as well as displacement risk in the community within ¼ mile of the Proposed Project site. For the purposes of this analysis the BIFDC considers information from the following sources:</p> <ol style="list-style-type: none"> 1. Housing and Household Composition Community Profile Report (HHCCPR); 2. DND Displacement Risk Map; 3. Answers Provided in AFFH Assessment Section 4 <p>This analysis represents the BIFDC’s opinion when viewing the Proposed Project in the context of the three sources used to assess risk of displacement as defined in the Boston Zoning Code and is not predictive with regard to if actual displacement will occur in the community.</p> <p>When using the HHCCPR to assess displacement risk, the following factors are considered:</p> <ol style="list-style-type: none"> 1. Percentage of renter-occupied households; 2. Percentage of rent-burdened and extremely-rent burdened households; 3. Household income in the catchment area; 4. Percentage of residents that are members protected classes (note: not all possible protected classes are reported on); 5. Mitigating factors such as high percentage of income-restricted units; high percentage of 2+ bedroom units as two examples among many. <p>Please note that this analysis is for the purposes of considering whether the level of displacement risk within ¼ mile of the Proposed Project site necessitates that an Intervention Enhancement be required due to High Displacement Risk. Factors that may</p>

tend to show little or no displacement pressure may tend to indicate that there is a lack of meaningful community integration within ¼ mile the Proposed Project site which should be addressed as part of a holistic AFFH strategy.

Percentage of renter occupied households

The percentage of renter-household is 30% higher than city-wide averages. A large number of renter households when considered with other factors can be indicative of elevated displacement risk. There is a high number of renter-households in the area around the Proposed Project site.

Percentage of rent-burdened and extremely rent burdened households

The percentage of rent burdened households within ½ miles of the Proposed Project site is about 20% lower than city-wide averages while the percentage of extremely rent burdened households is about 44% higher than city wide averages. An elevated number of rent burdened and/or extremely rent burdened households when considered with other factors can be indicative of elevated displacement risk. There is a high number of rent-burdened and an elevated number of extremely rent-burdened households in the area around the Proposed Project site.

Household income

The household incomes in the area around the Proposed Project site are lower than city-wide averages with 65% of households having an annual income of \$75,000 or less annually compared to the city-wide average of 54.6%. A large number of low-income households when considered with other factors can be indicative of elevated displacement risk. There is a moderate number of low-income households in the area around the Proposed Project Site.

Percentage of resident that are member of protected classes

The HHCCPR considers the following protected classes: families with children, disability status, race and ethnicity, and immigrant status. Again, it is important to remember that factors reviewed here which show a low displacement pressure may tend to indicate that there is a lack of meaningful community integration within the Proposed Project Area which should be addressed as part of a holistic AFFH strategy.

Families with children: The share of households with children under 18 is nearly 61% lower than the City as a whole, which indicates that there is not an increased displacement risk for families with children under 18 because there is lower prevalence of these families within the area around the Proposed Project Site.

Persons with disabilities: The share of households with a member with a disability is about 62% lower than city-wide averages which indicates that there is not an increased displacement risk for persons with disabilities within the area around the Proposed Project site.

	<p><u>Racial and ethnic composition:</u> There is a higher than average number of individuals identifying as Asian and Native Hawaiian and other Pacific Islander within the area surrounding the Proposed Project site. Large concentrations of specific racial and ethnic groups when considered with other factors can be indicative of elevated displacement risk. There is an elevated displacement risk for Asian and Native Hawaiian and other Pacific Islander households within the area around the Proposed Project site.</p> <p><u>Number of persons identifying as foreign born:</u> The percentage of foreign-born individuals within the Proposed Project area is nearly 32% higher than city-wide averages. This indicates that there is elevated displacement risk for foreign born individuals because there are a higher number of foreign-born individuals within the area around the Proposed Project Site.</p> <p><i>DND Displacement Risk Map</i></p> <p>The DND Displacement Risk Map is not precise enough to apply to the project level however it does indicate that this area of Allston shows a moderate level displacement risk.</p> <p><i>Answers Provided in AFFH Assessment Section 4</i></p> <p>The Proponent's answer to AFFH Assessment Section 4 indicates that there is no direct residential displacement at the Proposed Project site.</p>
Displacement Risk Notes:	

Proportionality

The proposed intervention options are proportional to the size, scope, and impact of the proposed project.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Discuss the basis for the above determination.	A determination regarding Proportionality cannot be made until the outstanding issues described above are resolved.
If no, describe the type and amount of additional intervention options that are necessary to a determination of proportionality.	
Proportionality notes:	

AFFH Strategy

The proposed AFFH strategy is appropriate, achievable, and responsive to the AFFH goals detailed in the Boston Zoning Code.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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Describe the basis for the above decision.	A determination that the overall AFFH Strategy is appropriate, achievable, and responsive to AFFH goals will be made once the outstanding issues are addressed by the Proponent.
If no, describe what is necessary for the proposed AFFH strategy to become appropriate, achievable, and responsible to AFFH goals, including which specific different or additional intervention options should be considered.	
AFFH Strategy Notes:	

TO: Stephen Harvey, Project Manager
FROM: Travis Anderson, Senior Infrastructure & Energy Planner
Eliza Sollers, Smart Utilities Program - Associate
DATE: April 14th, 2023
SUBJECT: 25-39 Harvard – Smart Utilities Comments – PNF

Comments and requests for additional information:

Certain parts of the Boston Smart Utilities Policy are applicable for this project since the project is being reviewed under Article 80B. Below you will find our requests for information necessary for the on-going Smart Utilities review. Please send any information to Travis Anderson via smartutilities@boston.gov and include it in your future filings.

- 1) Utility Site Plan: Please submit the USP showing the following:
 - a) Utility Connections:
 - i) Thank you for submitting a USP showing the location of all new and existing utility connections (gas, water, sewer, drainage).
 - ii) Please submit a USP showing the location of electric, and telecom
 - b) Green Infrastructure:
 - i) Please show the proposed location of Green Infrastructure and stormwater management assets on the site and the ROW, including trees and permeable pavers and make sure there are no conflicts with the existing and proposed utility connections.
 - c) Smart Street Lights: Please show the following:
 - i) The location of the electrical conduit(s) that will power the street lights along your project and where this conduit will receive or already receives power from (i.e., direct connection to the utility in the ROW, connected to street light electrical conduit in adjacent parcel/building).
 - ii) If any significant sidewalk reconstruction is planned, we are asking you to include two separate conduits, one for extra electrical and one for extra fiber, running along the street light conduit on sidewalks along Rutherford Avenue. Note: PIC is currently recommending one dual handhole for these conduits; the handhole should be different from the handhole for street lights.
 - iii) Where this extra electrical conduit and extra fiber conduit would receive power/fiber from the electrical utility and telecom utility on the ROW, respectively. Note: a) the actual tie into the utility is not required, but we need to know where the utilities would allow for service to come into the sidewalk shadow conduit; b) the tie-into electric service should not be the power pull box used for the street light, but a separate direct connection to the utility.

- iv) Where the handholes for these two conduits would be located. Handholes should be located at least at the nodes of the conduit, where the conduit will connect to the utility service or to an existing conduit in an adjacent parcel, and at the base of any pertinent street lights.
 - d) Electrical Transformers: Please include the proposed location of any electrical transformers on site.
 - e) Electric Vehicles:
 - i) Please include in your USP any infrastructure needed to comply with the City of Boston EV Readiness Policy for New Developments. This may include EV chargers, additional electrical services, transformers, empty conduit, etc.
- 2) Report of Potential Conflicts:
 - a) Please provide the report of potential conflicts generated by entering your project into the City of Boston Utility Coordination Software (COBUCS). If any conflicts are identified, we would then request information on how the team plans to address these conflicts with the relevant entities.
- 3) Smart Utilities Checklist:
 - a) After receiving and reviewing the information requested above, we may ask that some of the design elements are memorialized as an update to the Smart Utilities Checklist. We can guide the team more efficiently towards the section(s) of the Checklist that would be necessary after the information above has been received and reviewed
 - b) After submission you will receive:
 - i) A confirmation email with a PDF of your completed checklist. Please include a copy of this document with your next filing with the BPDA.
 - ii) A separate email with a link to update your initial submission. Please use ONLY this link for updating the Checklist associated with a specific project..

If you have any questions regarding these comments or would like to arrange a meeting to discuss the policy please feel free to contact Travis Anderson via travis.anderson@boston.gov or smartutilities@boston.gov

Note: Any documents submitted via email to Travis.Anderson@Boston.gov will not be attached to the PDF form generated after submission, but are available upon request.



To: Stephen Harvey, BPDA
From: Marie Arrandale, PWD
Date: March 20, 2023
Subject: 25-39 Harvard Avenue - Boston Public Works Department Comments

Included here are Boston Public Works Department comments for the 25-39 Harvard Avenue Project Notification Filing.

Project Specific Scope Considerations:

The developer should coordinate with BTM and PWD to develop safety and accessibility improvements for pedestrians in the area. The developer should also coordinate with BPDA, BTM and PWD to make pedestrian and traffic improvements at the Cambridge and Harvard Street intersection.

Site Plan:

The developer must provide an engineer's site plan at an appropriate engineering scale that shows curb functionality on both sides of all streets that abut the property.

Construction Within The Public vs Private Right-of-Way (ROW):

Although the general comments below apply specifically to work associated with the project within the public right-of-way, it is preferred and encouraged for construction in the private right-of-way to be consistent with City standards for public ways, as well, to the extent possible. Should these streets ever become public ways, they must conform to the City standards as outlined below.

All proposed design and construction within the Public ROW shall conform to PWD Design Standards (<https://www.boston.gov/departments/public-works/public-works-design-standards>). Any non-standard materials (i.e. pavers, landscaping, bike racks, etc.) proposed within the Public ROW will require approval through the Public Improvement Commission (PIC) process and a fully executed License, Maintenance and Indemnification (LM&I) Agreement with the PIC. Please note that the comments below are specific to proposed work within the Public ROW.

Sidewalks:

The developer is responsible for the reconstruction of the sidewalks abutting the project and, wherever possible, to extend the limits to the nearest intersection to encourage and compliment pedestrian improvements and travel along all sidewalks within the ROW within and beyond the project limits. The reconstruction effort also must meet current Americans with Disabilities Act (ADA)/Massachusetts Architectural Access Board (AAB) guidelines, including the installation of new or reconstruction of existing pedestrian ramps at all corners of all intersections abutting the project site if not already constructed to ADA/AAB compliance per Code of Massachusetts Regulations Title 521, Section 21 (<https://www.mass.gov/regulations/521-CMR-21-curb-cuts>). This includes converting apex ramps to perpendicular ramps at intersection corners and constructing or reconstructing reciprocal pedestrian ramps where applicable. Plans showing the extents of the proposed sidewalk improvements associated with this project must be submitted to the PWD Engineering Division for review and approval. Changes to any curb geometry will need to be reviewed and approved through the PIC.

Please note that at signalized intersections, any alteration to pedestrian ramps may also require upgrading the traffic signal equipment to ensure that the signal post and pedestrian push button locations meet current ADA and Manual on Uniform Traffic Control Devices (MUTCD) requirements. Any changes to the traffic signal system must be coordinated and approved by BTM.

All proposed sidewalk widths and cross-slopes must comply to both City of Boston and ADA/AAB standards.

The developer is encouraged to contact the City's Disabilities Commission to confirm compliant accessibility within the Public ROW.



PUBLIC WORKS DEPARTMENT

Boston City Hall • 1 City Hall Sq Rm 714 • Boston MA 02201-2024
The Office of the Streets, Transportation, and Sanitation
(617) 635-4900



Driveway Curb Cuts:

Any proposed driveway curb cuts within the Public ROW will need to be reviewed and approved by the PIC. All existing curb cuts that will no longer be utilized shall be closed.

Discontinuances:

Any discontinuances (sub-surface, surface or above surface) within the Public ROW must be processed through the PIC.

Easements:

Any easements within the Public ROW associated with this project must be processed through the PIC.

Landscaping:

The developer must seek approval from the Chief Landscape Architect with the Parks and Recreation Department for all landscape elements within the Public ROW. The landscaping program must accompany a LM&I with the PIC.

Street Lighting:

The developer must seek approval from the PWD Street Lighting Division, where needed, for all proposed street lighting to be installed by the developer. All proposed lighting within the Public ROW must be compatible with the area lighting to provide a consistent urban design. The developer should coordinate with the PWD Street Lighting Division for an assessment of any additional street lighting upgrades that are to be considered in conjunction with this project. All existing metal street light pull box covers within the limits of sidewalk construction to remain shall be replaced with new composite covers per PWD Street Lighting standards. Metal covers should remain for pull box covers in the roadway. For all sections of sidewalk that are to be reconstructed in the Public ROW that contain or are proposed to contain a City-owned street light system with underground conduit, the developer shall be responsible for installing shadow conduit adjacent to the street lighting system. Installation of shadow conduit and limits should be coordinated through the BPDA Smart Utilities team.

Roadway:

Based on the extent of construction activity, including utility connections and taps, the developer will be responsible for the full restoration of the roadway sections that immediately abut the property and, in some cases, to extend the limits of roadway restoration to the nearest intersection. A plan showing the extents and methods for roadway restoration shall be submitted to the PWD Engineering Division for review and approval.

Additional Project Coordination:

All projects must be entered into the City of Boston Utility Coordination Software (COBUCS) to review for any conflicts with other proposed projects within the Public ROW. The developer must coordinate with any existing projects within the same limits and receive clearance from PWD before commencing work.

Green Infrastructure:

The developer shall work with PWD, the Green Infrastructure Division, and the Boston Water and Sewer Commission (BWSC) to determine appropriate methods of green infrastructure and stormwater management systems within the Public ROW. The ongoing maintenance of such systems shall require an LM&I Agreement with the PIC. Effects of water infiltration with respect to the adjacent underpass structure and underground MBTA tunnels that may be negatively impacted by infiltration may impact the ability to install such systems and should be considered. Coordination with PWD and MBTA will be required.



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Resiliency:

Proposed designs should follow the Boston Public Works Climate Resilient Design Guidelines (<https://www.boston.gov/environment-and-energy/climate-resilient-design-guidelines>) where applicable.

Please note that these are the general standard and somewhat specific PWD requirements. More detailed comments may follow and will be addressed during the PIC review process. If you have any questions, please feel free to contact me at jeffrey.alexis@boston.gov or at 617-635-4966.

Sincerely,

Jeffrey Alexis
Principal Civil Engineer
Boston Public Works Department
Engineering Division

CC: Para Jayasinghe, PWD
Todd Liming, PIC



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To: Stephen Harvey
Project Manager
Boston Planning and Development Agency

Re: 25-39 Harvard Avenue

Date: April 14, 2023

Dear Mr. Harvey,

The City of Boston's Age Strong Commission is submitting the following comments on the PNF for the 25-39 Harvard Avenue project currently proposed by Eden Properties. Age Strong supports the construction of new housing on this underutilized site. We are pleased with the multiple open spaces to support community connection and physical and mental health, including the Backyard Common, Fitness Garden, and Sky Garden. We request the proponent consider the following recommendations as the design progresses.

A. Open Space

We encourage thoughtful consideration of elements that invite older adults into the spaces. Please provide a more detailed plan for these open spaces with consideration for the following features.

a. Weather

Design for year-round usage by planning for various types of weather. For example, the installation of awnings and electrical hookups to maintain use in both hot and cold weather.

b. Seating

Places to rest allow older adults to enjoy the outdoor space. Incorporate age-friendly seating along pedestrian paths, corridors, and open spaces. Age-friendly seating includes armrests for ease of access and vertical backrests for support. When citing benches, place them under an overhang, awning, or tree to provide shade. Consider a variety of moveable furniture for flexible seating arrangements.

c. Trees

Trees are essential for physical and mental health. Older adults are more vulnerable to the adverse effects of high heat. Provide maintenance plans for plantings to ensure the health of the trees and the surrounding area is safe and accessible.

**B. Parking Entrance/Exit**

Design clear lines of sight for safe entrance and exit of the parking lot. We recommend yellow detectable warning strips and the installation of audio warning cues in front of parking entrances for the safety of low-vision pedestrians. The design should prioritize the responsibility of drivers to check for pedestrians.

C. Pick Up/Drop Off

Many older adults need rides because of mobility challenges. Locate the passenger pickup/dropoff site close to building entrances. This increases safety and minimizes potential conflict with other transportation modes. If passengers will need to cross a bike lane to enter/exit the vehicle, provide a buffer (painted or island) with enough space to check for oncoming bikes before crossing and to load/unload mobility aids.

D. Wayfinding and Dementia Friendly Features

We recommend wayfinding signs that include both words and universal icons directing users within the site. The placement of signs should be eye-level, in clear contrast to the white or light background, and resistant to glare. Include signs to exits and entrances, restrooms, parking, and other public spaces. Install visual landmarks at important intersections and complex junctions. Ensure these areas are well-lit. Avoid using black designs on concrete as black paint on the ground can create an illusion of a black hole for someone living with dementia or cognitive impairment.

E. Inclusive Residential Design

Employ [universal design](#) standards in the units and common spaces. Universal design makes the building accessible for all residents, caregivers, and visitors. It often proves more affordable than retrofitting in future years. Designing for all types of users will support residents to age in place.

Thank you for your consideration of these comments and recommendations.

Best,

Andrea Burns, Age-Friendly Boston
The Age Strong Commission



To:
Stephen Harvey
Senior Project Manager
Boston Planning & Development Agency

Re: 25-39 Harvard Avenue

Apr 7, 2023

Dear Stephen,

The Mayor's Office of Arts and Culture (MOAC) is deeply concerned by the loss of cultural space across the city. Over 100,000 sq.ft of cultural production space (studios, rehearsal spaces) have been lost in the last 5-7 years, along with numerous live music venues, gathering spaces and specialist retail - all identified as cultural assets in our [placekeeping report](#). With that in mind, we want to ensure additional cultural infrastructure is implemented across the city to help us reach our goal of no net loss of cultural space. Our office is available to discuss the below comments related to the proposed project located at 25-39 Harvard Avenue in Allston-Brighton.

A) Cultural Space Infrastructure

1. MOAC strongly recommends that all or part of the ~5,000 SF of the ground floor commercial space be used for affordable cultural space. Given the location of this project and the importance of the Allston-Brighton neighborhood in the cultural space ecosystem, MOAC encourages the project proponent to explore opportunities to site cultural production space within the project. This may include rehearsal space, dance space, artist studios, or other types of space.
2. Should the proponent move forward with including cultural space, our office also recommends that the proponent have a letter of acknowledgement with an identified user or written commitment to an RFP process for the purposes of identifying arts and culture users for the available space prior to proceeding. MOAC is available to assist in the development of these documents and processes as well as connecting the proponent with potential tenants.

B) Funding

1. If the above space priorities cannot be delivered, MOAC would request a financial commitment from the proponent to support the stabilization or re-provision of creative and cultural space.
2. MOAC is seeking to invest in Boston's future space operators through technical and space-readiness assistance and would welcome a contribution from this project to the funds already established for this purpose.



C) Artist Housing

1. Given the location of the proposed project within the Allston-Brighton neighborhood and its relevance to the arts and culture community in Boston, the proponent may also consider artist housing as another opportunity to support the arts and culture ecosystem. Artist live-work units would provide both housing and production space which are greatly needed in the artist community.
2. MOAC encourages the proponent to review our [Artist Housing Guidelines](#) as part of their consideration of opportunities for artist housing on-site. The proponent ought to note that these guidelines should be adhered to if live-work units are delivered and that MOAC can provide guidance on the design and operational arrangement of the units.
3. MOAC requests that the proponent works with DND and BPDA housing policy teams to ensure that artist preference arrangements for these units are retained in perpetuity including through resale processes. Our artist certification process supports Boston's artists to be able to access affordable housing and workspace across developments in the city. We currently have 1,334 certified artists, of which 30% report earning \$25,000 or less annually and another 25% earning between \$25,000-\$40,000 annually.

Sincerely,

Jared Staley
Cultural Planning Project Manager for Development Review

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 FOR DEVELOPMENT REVIEW
CASEY HINES, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW
ADAM JOHNSON, URBAN DESIGNER I
KRISTINA RICCO, SENIOR PLANNER
NICK SCHMIDT, SENIOR TRANSPORTATION PLANNER
KATIE PEDERSEN, SENIOR LAND USE PLANNER
CAMILLE PLATT, PROJECT MANAGER

SUBJECT: 2 SHAWSHEEN ROAD, EAST BOSTON

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority (“BRA”) d/b/a Boston Planning & Development Agency (“BPDA”) approve the proposed 2 Shawsheen Road Project in East Boston (the “Proposed Project”) in accordance with Article 80 Large Project Review and authorize the Director to: (1) issue a Scoping Determination waiving the requirement of further review pursuant to Section 80B-5.3(d) of the Boston Zoning Code (the “Code”); (2) issue a Certification of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code, upon successful completion of design review as part of the Article 80 Large Project Review process; and (3) execute and deliver a Cooperation Agreement for the Proposed Project and any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The Proposed Project is located at 2 Shawsheen Road in the East Boston section of Boston (the "Project Site"). The Project Site comprises approximately 36,226 square feet of land. The Project Site currently contains a two-story building formerly occupied by August Bros. Oil Inc., as well as a surface parking lot. The Project Site is approximately 0.25 miles away from the MBTA Blue Line's Orient Heights Station, which provides service to Downtown and Revere. There are also several MBTA bus routes in proximity to the Project Site.

DEVELOPMENT TEAM

The development team includes the following:

Proponent: East Boston Community Development Corporation ("EBCDC")
Albert F. Caldarelli

Legal Counsel: Drago + Toscano, LLP
Jeffrey Drago

Architect: Joy Street Design
Sharon Gentges

DESCRIPTION AND PROGRAM

EBCDC (the "Proponent") proposes to construct two residential buildings with approximately 70,080 square feet of gross floor area. One building is intended for homeownership and the other for rental units. The homeownership building will be located in the northern side of the site and is proposed to include approximately twenty-two (22) condominium units and approximately twenty-two (22) parking spaces will be in a ground-level garage. There will be dedicated bicycle parking for twenty-four (24) bikes in the parking garage.

The rental building will be in the southern half of the site and is proposed to include approximately thirty-five (35) units and approximately fourteen (14) surface-level parking spaces. There will be a bike room located off the entrance lobby, and covered bike parking is provided in the surface parking area.

The Proposed Project will include up to thirty-six (36) total motor vehicle parking spaces. The homeownership building will include up to twenty-two (22) motor vehicle

parking spaces and the rental building will include up to fourteen (14) motor vehicle parking spaces. All motor vehicle parking will be located within ground-floor garages in both buildings, and each building will include at least one (1) van-accessible space adjacent to an 8-foot wide access aisle. All homeownership motor vehicle parking spaces will be accessed via Shawsheen Road, while all rental building motor vehicle parking spaces will be accessed via a shared easement connecting to Saratoga Street. The Shawsheen Road curb cut size will be limited to no wider than 12 feet wide.

The Proposed Project will include at least sixty (60) total interior and secure resident bike parking spaces. The homeownership building will include at least twenty-four (24) bike parking spaces in the ground-level garage and the rental building will include at least thirty-six (36) bike parking spaces in a combination of the ground-level garage and a dedicated interior bike storage room with direct lobby access. The Proposed Project will include at least twelve (12) exterior visitor bike parking spaces using a minimum of six (6) post-and-ring racks in compliance with the City of Boston Bike Parking Guidelines.

The Proposed Project will include streetscape improvements to Barnes Avenue and Shawsheen road to blend the proposed buildings with the Belle Isle Peninsula area of the Orient Heights residential neighborhood. Improvements include new and improved sidewalks, curb ramps, crosswalks, street trees, bike racks, and a dedicated passenger loading area. Both buildings will be set back from the property line to enable these improvements.

The Proposed Project will expand the public realm through implementation of a publicly-accessible open space located between the homeownership and rental buildings. This open space, which the Proponent anticipates will sit atop an existing Massachusetts Water Resources Authority (MWRA) sewer easement, will be reserved for future implementation of the Winthrop Greenway, a planned shared-use path connection between Orient Heights Station, the Mary Ellen Welch Greenway in East Boston, and the Town of Winthrop. The path's preferred alignment near the Proposed Project follows the existing MWRA sewer easement. The Proposed Project will provide a lawn, pedestrian path, and bench seating within the new open space as a temporary use until such time that the Winthrop Greenway is constructed. When complete, the Winthrop Greenway segment located within the Proposed Project will facilitate a public walking and biking connection between Barnes Avenue and abutting private and State-owned parcels. The Proposed Project will provide necessary public access easement on the Project Site to enable the

Winthrop Greenway. Notwithstanding the foregoing, if the open space, the lawn, pedestrian path, and bench seating located within the open space cannot be located on the MWRA sewer easement, the Proponent agrees to work with the BPDA and the East Boston Community to: (i) relocate the easement to a mutually agreeable location, including but not limited to, on the Project Site itself and (ii) take all appropriate actions necessary to implement such change in the Proposed Project including further BPDA Board action, if necessary.

The Proposed Project anticipates constructing the buildings in two phases. The two buildings are financed separately. The timeline of their public funding awards through both the Mayor's Office of Housing ("MOH") and the State will impact which building is to be constructed in Phase 1.

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

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	79,135
Gross Floor Area	67,110
<i>Residential</i>	67,110
<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>	12,025
Development Cost Estimate	\$100,000,000
Residential Units	57
<i>Rental Units</i>	35
<i>Ownership Units</i>	22
<i>IDP/Affordable Units</i>	57
Parking spaces	36

PLANNING CONTEXT

The Proposed Project Site is located within the ongoing PLAN: East Boston study area. Draft recommendations, including proposed changes to Article 53 and concepts for near- and long-term improvements to the public realm, were shared publicly on September 01, 2023. The Proposed Project makes significant contributions to advancing high-level planning goals, including expanding access to housing options that are affordable, stable, and able to meet households’ needs as they change over time and the production of publicly accessible open spaces that

are active and connected. Additionally, the Proposed Project meets all land use and dimensional criteria contemplated by the plan.

Though the Proposed Project is located in an Economic Development Area, it is immediately adjacent to lower-scale residential development along Barnes Avenue. Staff review focused on the articulation of building mass to appropriately transition building scale between the two contexts. The Proposed Project is also located in the Coastal Flood Resilience Overlay District and a FEMA Special Flood Hazard Area. Staff review focused on needed flood resilience measures, including raised ground floor conditions and floodproofing measures.

Additional staff review focused on features of the proposed site plan, including landscape and access improvements needed to adequately respond to raised ground floor conditions, needed building setbacks to provide streetscape improvements to Barnes Avenue and Shawsheen Road, and the location and dimension of a public access easement on the Project Site to enable future access to the Winthrop Greenway.

ARTICLE 80 REVIEW PROCESS

On September 19, 2022, the Proponent filed a Project Notification Form (“PNF”) with the BPDA pursuant to Article 80B of the Zoning Code. The BPDA published notice of the filing in the Boston Herald on September 19, 2022 and was sent to BPDA mailing lists. A Scoping Session for City and State officials was held on October 20, 2022.

The BPDA hosted virtual Impact Advisory Group (“IAG”) meetings on October 25, 2022, May 2, 2023, and October 4th, 2023. A virtual public meeting was held on November 22, 2022. The PNF comment period ended on November 14, 2022.

The public meeting and IAG meetings were posted on the BPDA calendar and website, and email notifications were sent to all subscribers of the BPDA’s East Boston neighborhood email update list. Local elected officials and their staff were also notified of all meetings.

ZONING

The Project Site is situated in an Economic Development Area Subdistrict (“EDA”) in the East Boston Neighborhood District, Article 53 of the Zoning Code. As part of the

permitting and approval process, the Project will be required to appear before the Zoning Board of Appeal to obtain variances. Under Article 53, Table D of the Zoning Code, multifamily dwellings are not an allowed Use in an EDA, therefore a Use Variance would need to be obtained. The Project will also seek relief from several requirements in Article 53, Table L which governs dimensional regulations in an EDA, including maximum floor area ratio, building height, and rear setback. The Project will also seek variances for parking and loading requirements, which are governed by Article 53, Tables N and O.

The Proposed Project Site is located within the Coastal Flood Resilience Overlay District and is subject to the requirements of Article 25A.

SMART UTILITIES

The buildings and site plan will comply with the Smart Utilities requirements found in Article 80B of the Code. The Project 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 as 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 they are not in conflict with any landscape design feature such as tree pits and/or other green infrastructure elements. The project will also ensure that all requirements of the MWRA easement on the property are met. The Proposed Project will also provide access for local telecom and fiber providers to ensure broadband equity and possible future deployment of smart technologies. The proponent will continue to coordinate transformer siting and any dependent electric and/or Photovoltaic meters or switches with Smart Utilities and Urban Design review staff as design progresses.

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

- Review of horizontal infrastructure and landscape features to ensure proper distances have been maintained from tree-pits and relevant green infrastructure.
- The project's Smart Street Light integration. The project team shall include city shadow conduit in accordance with sidewalk reconstruction and PIC review. This includes review of broadband, fiber optic cabling, and shadow conduit in order to preserve broadband equity and other dependent smart technologies.
- Verification of compliance with the City of Boston EV Readiness Policy for New Developments, including EV chargers and needed infrastructure.
- Location of transformers and critical infrastructure so as to ensure coordination with Eversource and "right sized" infrastructure.
- A plan to address relevant conflicts reported through COBUCS if/as relevant. The project team and the contractor will continue to work with BTB and Smart Utilities as needed.
- Coordination of the landscape design to ensure the utilization of low impact design strategies for stormwater retention.

SUSTAINABILITY

The Proposed Project will be designed and constructed to provide infrastructure and space for 100% electrification. Additionally, the Proposed Project will achieve LEED Gold/62+ points certifiable and will seek Passive House certification.

Additionally, the Proposed Project will purchase 100% renewable electricity will all common area meters and educate tenants using Boston Community Choice Electricity's (BCCE) "Green 100" (100% renewable electricity) and new owners will be informed of the benefits of using renewable electricity and their ability to opt out of the BCEE program at no cost. Finally, the Proponent will continue to investigate the financial feasibility of the inclusion of on-site solar pv.

INCLUSIONARY DEVELOPMENT POLICY ("IDP")

Projects financed as one entity and where at least forty (40) percent of the units are income restricted are exempt from the Inclusionary Development Policy, dated December 10, 2015. The Proposed Project is financed as one entity and contains

fifty-seven (57) income restricted units, or 100 percent of the total units, surpassing 40 percent of the total units. As such, the Proposed Project is exempt from the Inclusionary Development Policy.

As currently proposed, all fifty-seven (57) units within the Proposed Project will be made affordable to households earning between 30% and 100% of the Area Median Income (“AMI”), as published by the United States Department of Housing and Urban Development (“HUD”). The affordability of the project will be finalized through the public funding process and the ongoing affordability of the project will be monitored under a MassDocs agreement.

AFFIRMATIVE FURTHERING FAIR HOUSING (“AFFH”)

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

Article 80 Interventions

- Provide an additional percentage of IDP units than required;
- Deepen the affordability of IDP units;
- Provide all IDP units on-site;
- Provide higher proportion of 2+ bedroom IDP units than required;
- Meet or exceed proportion of market rate 2+ bedroom units in the community;
- Increase building density to directly increase affordable units for and available to people in protected classes;
- Agree to apply to host Project Based Vouchers or Rental Assistance Demonstration units onsite, in addition to meeting IDP;

Marketing and Housing Access Interventions

- In the case of homeownership units, provide a preference to first-time/generation Homebuyers and develop marketing policies and procedures that are least likely to exclude preferred homebuyers;
- Agree to follow best practices related to the use of CORI, eviction, and credit records in the tenant screening and selection process;

- Agree to follow progressive practices related to the use of CORI, eviction, and credit records in the tenant screening and selection process, and in marketing of units, for example following Fair Chance Housing guidelines, and/or waiving eviction and credit checks for affordable units and/or housing voucher-holders.

COMMUNITY BENEFITS

The Proposed Project will provide a number of benefits to the East Boston neighborhood and the City of Boston, including:

- Provide affordable residences within walking distance of the MBTA Orient Heights Station, increasing the supply of transit-oriented development;
- Improve sidewalks along the edge of the site, improving the pedestrian experience;
- Provide new affordable homeownership units with sizes suitable for families;
- Provide affordable rental units, further increasing the housing stock in East Boston;
- Create approximately 112 construction jobs and 3 permanent jobs;
- Ensure that the formerly industrial land upon which the Project is located, which borders Belle Isle Marsh, has improved stormwater infrastructure and that the site is redeveloped in an environmentally sustainable way; and
- Accommodate the Winthrop Greenway, which is planned to be the Mary Ellen Welch Greenway near Orient Heights Station

RECOMMENDATIONS

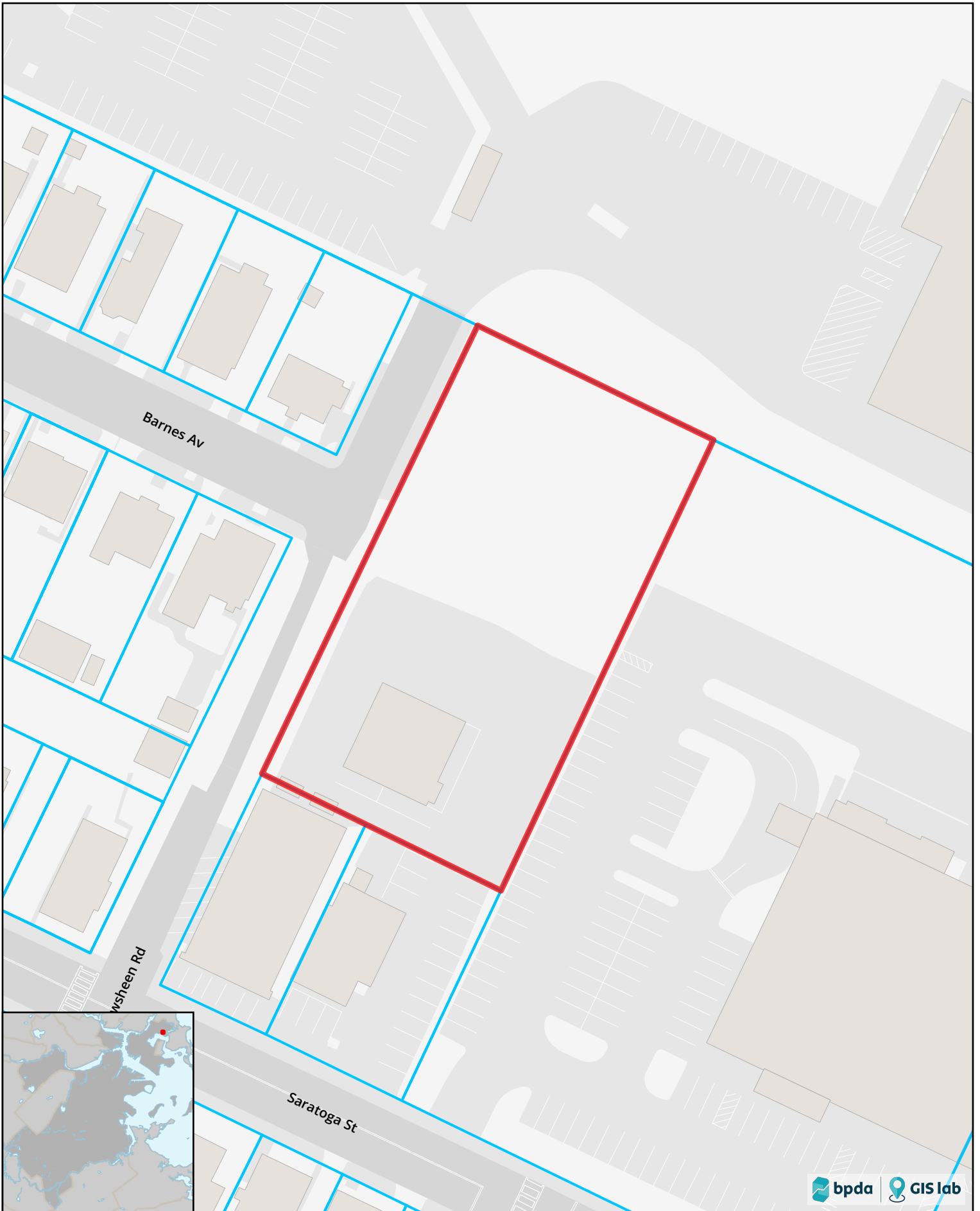
Appropriate votes follow:

VOTED: That the Director of the Boston Redevelopment Authority (“BRA”) d/b/a Boston Planning & Development Agency (“BPDA”) be, and hereby is, authorized to issue a Scoping Determination waiving the requirement of further review pursuant to Article 80, Section 80B-5.3(d) of the Boston Zoning Code (the “Code”) in connection with the proposed 2 Shawsheen Road development (the “Proposed Project”); 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 80 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 Cooperation Agreement(s), which will include provisions requiring compliance with the Boston Residents Jobs Policy, along with any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.



2 Shawsheen Road



1:800



MEMORANDUM

NOVEMBER 18, 2021

TO: **BOSTON REDEVELOPMENT AUTHORITY**
D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY (BPDA)*
AND BRIAN P. GOLDEN, DIRECTOR

FROM: CASEY HINES, ASSISTANT DEPUTY DIRECTOR OF DEVELOPMENT
REVIEW
NICK CARTER, PROJECT MANAGER

SUBJECT: 1813 DORCHESTER AVENUE, DORCHESTER

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 1813 Dorchester Avenue in Dorchester (the “Proposed Project”), in accordance with Article 80E, Small Project Review, of the Boston Zoning Code (the “Code”) and take any other actions and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project; and (2) recommend approval to the City of Boston Zoning Board of Appeal on Petition BOA – 1141565 for zoning relief necessary to construct the Proposed Project subject to design review by the BPDA.

PROJECT SITE

The Project Site consists of two parcels containing approximately 5,521 square feet of land located at 1813 Dorchester Avenue in Dorchester’s Ashmont/Peabody Square neighborhood (the “Project Site”). The Project Site on Dorchester Avenue, a neighborhood main street with a wide range of residential and commercial structures. The single-story concrete block building at the Project Site currently serves the applicant’s commercial painting business. The Project Site is located approximately one thousand feet from the MBTA’s Ashmont/Peabody Square station. Along with the MBTA station, multiple modes of transportation are available in the immediate area such as buses, Zipcar services, and rentable bicycles.

* On October 20, 2016, the BRA commenced doing business as the BPDA.

DEVELOPMENT TEAM

Proponent: 1813 Dorchester, LLC
Mark E. Kenney

Architecture: RCA, LLC
James Christopher

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

Surveying: Boston Survey, Inc.

PROPOSED PROJECT

The Proponent propose to construct a new five (5)-story rental building totaling approximately 30,524 square feet at 1813 Dorchester Avenue. The building will contain twenty-six (26) residential apartment units including four (4) Inclusionary Development Policy Units ("IDP Units") (the "Proposed Project"). As stated previously, the Proposed Project includes the demolition of the single-story concrete block building at the site.

The parcel is situated on the corner of Dorchester Avenue and Banton Street, with convenient access to bus routes and the Ashmont MBTA station, thus taking advantage of excellent transit access to downtown Boston. For this reason, and in order to activate the ground floor of the building, the Proposed Project will not include accessory off-street parking. Rather, the building will feature approximately 2,204 square feet of retail space at grade, along with a residential lobby, a fitness center or similar amenity for residents, interior bicycle storage for thirty-eight (38) bicycles, a mail and package room, and an ample trash and recycling room for residents.

As currently proposed, the twenty-six (26) rental units will consist of nine (9) 1 bedrooms, and seventeen (17) 2 bedroom units. There are twenty-two (22) market rate units and four (4) IDP units.

There are an estimated 55 construction jobs contributing to the Proposed Project and the total development cost is approximately \$8,750,000.

ARTICLE 80 REVIEW PROCESS

On August 10, 2020, the Proponent filed a Small Project Review Application with the BPDA for the Proposed Project, pursuant to Article 80E of the Code. Due to COVID-19, the BPDA sponsored a Virtual Public Meeting rather than an in-person Public Meeting. The Virtual Public Meetings was held on September 23, 2020, on Zoom, a virtual meeting platform. The Virtual Public Meeting was advertised in the Dorchester Reporter.

ZONING

The Project Site is situated within the Dorchester Neighborhood District and is governed by Article 65 of the Boston Zoning Code. The Proposed Project will require zoning relief from several requirements of the existing zoning outlined in Article 65. The proposed structure will require variances relief from the Zoning Board of Appeal with respect to floor-area-ratio ("FAR"), use, height, front yard setback, side yard setback, rear yard setback, conformity with existing building alignment, and off-street parking and loading requirements.

MITIGATION

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

- The creation of twenty-six (26) new rental units, four (4) of which will be affordable;
- \$5,000 contribution to street or green improvements in the immediate area;
- \$8,552.48 contribution to BlueBikes;
- The generation of new property tax revenue; and
- The expected creation of approximately 55 construction industry jobs to complete the proposed project.

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, while three (3) units within the Proposed Project are required to be created as IDP rental units, the Proponent has agreed to that four (4) units within the Proposed Project will be created as IDP rental units (the "IDP Units"), 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.

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

Unit Number	Number of Bedrooms	Square Footage	Percent of Area Median Income	Rent	ADA/Group 2 Designation (if any)
5	2	850	70%	\$1,597	
7	1	645	70%	\$1,410	
10	2	851	70%	\$1,597	Group 2 Unit
19	1	626	70%	\$1,410	

The location 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. IDP Units must be comparable in size, design, and quality to the market rate units in the Proposed Project, cannot be stacked or concentrated on the same floors, and must be consistent in bedroom count with the entire Proposed Project.

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

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

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

An affordability covenant will be placed on the IDP Units to maintain affordability for a total period of fifty (50) years (this includes thirty (30) years with a BPDA option to extend for an additional period of twenty (20) years). The household income of the renter and rent of any subsequent rental of the IDP Units during this fifty (50) year period must fall within the applicable income and rent limits for each IDP Unit. IDP Units may not be rented out by the developer prior to rental to an income eligible household, and the BPDA or its assigns or successors will monitor the ongoing affordability of the IDP Units. As there is no partial unit payment required, the three (3) designated IDP Units satisfies fully 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; and take any other action and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project; and (2) recommend approval to the Boston Zoning Board of Appeal on Petition BOA – 1141565 for zoning relief necessary to construct the Proposed Project with the proviso that the plans be submitted to the BPDA for design review.

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 development consisting of a three-story, residential rental building totaling approximately 30,524 square feet and containing twenty- six (26) residential apartment units in Dorchester (the "Proposed Project") in accordance with the requirements of Small Project Review, Article 80E, of the Code, subject to continuing design review by the Boston Redevelopment Authority ("BRA");

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute an Affordable Rental Housing Agreement Restriction for the creation of four (4) on-site Inclusionary Development Policy Units in connection with the Proposed Project; and

FURTHER

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

FURTHER VOTED: That the Director be, and hereby is authorized to issue the following recommendation to the City of Boston Zoning Board of Appeal on Petition BOA – 1141565 for zoning relief necessary in connection with the Proposed Project: APPROVAL WITH PROVISIO: that plans are submitted to the BRA for design review approval.