



MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: March 07, 2024

RE: REVISED BPDA Recommendations

Please find attached, for your information, BPDA recommendations for the March 12, 2024 Board of Appeal's Hearing.

Also included are the Board Memos for: 29 High Street, Dorchester, 46 Leo Birmingham Parkway, Brighton and 500 Western Ave, Brighton.

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



Case	BOA1533753
ZBA Hearing Date	2024-03-12
Address	206 Byron ST East Boston 02128
Parcel ID	0101100000
Zoning District & Subdistrict	East Boston Neighborhood 2F-4000
Zoning Article	53
Project Description	Adding a 3rd unit to an existing 2 unit dwelling. The 3rd unit is proposed in the existing attic space. Large dormers are proposed in order to create this unit, which would make the current half story attic into a full story, changing the building's height from 2.5 stories to 3 stories. The project also includes extending the living space of the first unit into the existing basement, adding a 3 story deck to the rear of the building, and adding 3 additional parking spaces to the lot (using an existing curb cut).
Relief Type	Variance, IPOD Permit
Violations	Rear Yard Insufficient Side Yard Insufficient IPOD Applicability Height Excessive (stories) Usable Open Space Insufficient Use: forbidden (3F)

Planning Context:

PLAN: East Boston was adopted by the BPDA Board on 1/18/2024; zoning recommendations to implement the plan in Article 53 are currently pending Zoning Commission consideration. This project is in an area of East Boston that the plan identifies as Harbor View. The plan states that “A wide range of building types can be found across the area: from small, one-and-a-half story buildings to full three deckers and a small number of three-story apartment buildings.” Looking specifically at the area immediately surrounding the of the proposed project, the area is characterized by mostly 2-2.5 story houses with a few 3 story buildings (including an 8-unit apartment building) nearby.

PLAN: East Boston recommends that the area where this project resides be rezoned as an EBR-3 subdistrict. The proposed subdistrict would allow up to 3 units and 3 stories as-of-right.



The project also proposes adding additional concrete parking area. It appears based on the plans that the lot would still have about 1,900 sq ft of permeable area (38% of the lot) and would therefore comply with the recommended zoning requirement of 30%. The proposed project would therefore be allowed under recommended zoning of the approved plan.

Zoning Analysis:

This proposed project requires an IPOD permit because it is within the East Boston IPOD Study Area, seeks to make an exterior alteration changing the building height of an existing building, (Article 27T Section 5), and the application was submitted before the IPOD was sunset on 11/11/2023. 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." The proposed project seeks to make little to no change to most of these elements of the existing building, as there is no change to the setbacks or building type, and the loss of usable open space from the new parking is approximately made up by the addition of the decks. The additional parking also does not represent a significant change to the off-street parking patterns, as the lot already has off-street parking and the new parking would utilize the existing curb-cut. The most significant change to the existing building is the addition of the 3rd unit and the dormers which would make the current half story attic until a full story (changing the building from 2.5 stories to 3 stories). There is however precedent for this scale in the area, both in terms of height and density (see 148 Coleridge St).

Article 27T Section 8 also states that if 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.

The project is also flagged for Rear Yard and Side Yard violations. However, Article 53 Section 58 of the Zoning Code states that "A Building or use existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of

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this Article may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements." This building was constructed in 1900, before the East Boston Neighborhood Article was adopted. The Rear Yard and Side Yard nonconformities are pre-existing and the project does not increase the nonconformity.

Recommendation:

In reference to BOA1533753, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1520504
ZBA Hearing Date	2024-03-12
Address	68 to 74 Harrison AVE Boston 02111
Parcel ID	0305263002
Zoning District & Subdistrict	Chinatown Historic Chinatown Protection Area
Zoning Article	43
Project Description	Renovate the restaurant on the first floor to add an additional restroom and renovate the restaurant space on the second and third floors to accommodate entertainment uses.
Relief Type	Conditional Use
Violations	Nonconforming Use Change Use: Conditional (Entertainment Use)

Planning Context:

The proposed project is located at 68-74 Harrison Avenue and plans to update the restaurants on the first, second, and third floors. For the restaurant on the first floor of the building, SHoJo, there are plans to install a new women’s restroom. The main changes will occur to the restaurant on the second and third floors of the building at China Pearl. On the second floor, there are five scenarios ranging from including a full restaurant setup to including different live entertainment setups to accommodate partial seating, a stage, or a dance floor. The third floor of the restaurant includes similar setup scenarios that include different seating scenarios for live entertainment. This area is currently zoned as the Historic Chinatown Protection Area subdistrict in the Chinatown zoning district.

China Pearl, a landmark to the residents of Chinatown, has had its dining hall closed to the public since 2020. These renovations will help allow the banquet hall to maintain its status as a cultural icon in the neighborhood and finally reopen. These changes would help further the goals under PLAN: Downtown (December 2023) to help preserve cultural heritage to create a unique and cohesive Downtown as it would allow a cultural icon in the neighborhood to remain in the neighborhood. These renovations would also help further the goals outlined in Imagine Boston 2030 (September 2017) to help drive more inclusive growth while helping to strengthen the character of the Chinatown neighborhood.

Zoning Analysis:



As the China Pearl restaurant will undergo renovations to include live entertainment uses, it is important to note that large restaurants are a conditional use under Article 43 for the Historic Chinatown Protection Area subdistrict. Live entertainment uses are also a conditional use under this subdistrict. Because the existing nonconforming use is undergoing a use change to another nonconformity to accommodate the live entertainment uses alongside the restaurant, this led to the first violation noted on the letter. However, relief is recommended for this violation as Article 9 Section 2 states that a structure or land that is being lawfully used for a use not conforming to this code, such structure or land may be used for another nonconforming use as long as a permit has been filed and the Board of Appeal grants permission for the substitute nonconforming use. As the nonconforming use change is allowable under Article 9, it is recommended that this change is allowed because it will allow the restaurant to operate as a restaurant with live entertainment uses and continue to exist in the Chinatown neighborhood. Because the restaurant has remained closed since 2020, the space has remained vacant since then. This will help allow the restaurant to reopen with an expanded use.

The second violation in the refusal letter notes the use regulations. As live entertainment uses are a conditional use, a conditional use permit should also be granted. By accommodating live entertainment uses, the restaurant will now be able to maintain its status as a banquet hall, accommodate a wider range of activities, and continue its status as a cultural icon to the residents of Chinatown.

The plans reviewed are titled 68-74 Harrison Ave and are dated January 27, 2023. They were prepared by the 42 Architecture PLLC.

Recommendation:

In reference to BOA1520504, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1550107
ZBA Hearing Date	2024-03-12
Address	451 E Seventh ST South Boston 02127
Parcel ID	0701539004
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	Change occupancy from 3 to 4 units. Demo lower level. Install 1 kitchen, 1 bathroom, and 2 bedrooms. Install new plumbing, electrical, and windows per code.
Relief Type	Variance
Violations	FAR Excessive Parking or Loading Insufficient Side Yard Insufficient Additional Lot Area Insufficient

Planning Context:

The project proposes a basement unit within an existing 3-family building, changing the occupancy to 4 units in total. The scope of work will include all associated interior renovation within the basement, and will not include exterior alteration or addition, apart from standard addition of new egress windows and doors to the basement, per code. Additionally, due to the slope of the site, much of the basement unit is at grade.

The dwelling is sited within a Multifamily Residential (MFR) subdistrict of South Boston. The MFR subdistrict allows denser, multi-unit housing. 451 E Seventh Street is a standard triple-decker style dwelling that is typical of the surrounding neighborhood, within which are built similar three-story, multifamily dwellings. As is typical for this specific area, and for the South Boston neighborhood overall, 451 E Seventh and the surrounding lots display high lot coverage, narrower setbacks, and a generally dense urban fabric. Adding more living space to existing dwellings is in keeping with planning goals of preserving housing stock and increasing housing availability, as detailed in Housing a Changing City, Boston 2030 (September 2018).

Furthermore, the project has no off-street parking. It is a 2 minute walk from the Route 11 bus stop. This project is consistent with City goals of reducing dependency on private vehicles, as outlined in Go Boston 2030 (March 2017).



Zoning Analysis:

451 E Seventh Street is located in a Multifamily Residential (MFR) subdistrict. The majority of the zoning violations are caused by pre-existing conditions of the lot and of the existing 3-family dwelling, which was built over a century ago, in 1905. This project is a case for zoning reform, both to update dimensional regulations to better reflect existing neighborhood conditions and to update regulations to ensure that lot/building conditions that are not extended or worsened by a project are not flagged as zoning violations.

The existing dwelling is sited on a lot that is 1755 sf in area. Per the zoning code, lots within the MFR subdistrict must have a minimum area of at least 2000 sf. The zoning code also requires an additional 1,000 sf per dwelling unit, which would require that the lot be 6,000 sf in order to accommodate this 4-unit dwelling. However, 451 E Seventh's lot area of 1755 sf is actually very typical of this area's existing neighborhood character. The vast majority of the lots along E Seventh are nonconforming with both the minimum lot area and the additional lot area per dwelling unit required by zoning, as the majority of them are about 1700 - 1900 sf in area and support at least 3 units. In fact, 451 E Seventh is very much representative of the typical lot for this area, in terms of lot area, lot coverage, unit count, and setbacks.

The project has also been cited for violating FAR. The proposed FAR is 2.63; the maximum allowed by zoning is 2.0. The plans do not indicate the FAR of the pre-existing three-family dwelling. The increase in FAR is due to the proposed basement unit. The scope of this renovation does not include any additional building envelope or increase in square footage. The FAR increase is solely due to the extension of living space into the basement, as uninhabited basements are excluded from Gross Floor Area calculations.

A previous version of the ISD refusal letter included zoning violations for minimum open space, building height (feet), and front yard, rear yard, and side yard setbacks. Upon conversation with the plans examiner, it was determined that these five violations had been incorrectly added to the refusal letter, and a new one was issued.

The height of the existing building and slope accommodates the proposed 7'-11" ceiling height. Proposed elevations show all required windows and egresses, a total of 9 windows (2 of which will be egress windows), and one new glass rear door. The parcel is not located in a Coastal Flood Resilience Overlay District (CFROD). Due to the unit's location and access to light and air, a basement unit is deemed appropriate.



The plans reviewed for this project are titled "451 E 7th Street" and were prepared by Context. They are dated 2/28/22 and were reviewed by ISD on 2/13/24.5

Recommendation:

In reference to BOA1550107, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that no building code relief be granted .

Reviewed,

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Director of Planning, BPDA



Case	BOA1542896
ZBA Hearing Date	2024-03-12
Address	78 Gates ST South Boston 02127
Parcel ID	0701324000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	Replace a surface level parking lot with a 4 story, 6 unit residential building, with parking included in a ground level garage.
Relief Type	Variance
Violations	FAR Excessive Rear Yard Insufficient Front Yard Insufficient Parking design and maneuverability Parking or Loading Insufficient Usable Open Space Insufficient Lot Area Insufficient Conformity with Existing Building Alignment Traffic Visibility Around Corner

Planning Context:

The project sits in a multifamily residential subdistrict in South Boston. Its surrounding context features a mix of residential uses and 2.5 to 3-story building typologies. The project proposes to replace a surface parking lot with a 4-story residential building.

The proposed multifamily building is typical of the scale and form of other residential developments both on this block and in the district. While not a traditional triple decker, the size and design take inspiration from the predominant built form around the parcel and add upon it with a garage. The proposed project sits on a small corner lot, significantly smaller than other lots in the area.

While this project is missing the 2 of the six requisite spots required for meeting the parking minimum BTM parking policy addresses this concern. Under current city planning policy, a project of this size requires no on site parking. Local Transit connections such as Broadway MBTA Station provide further context for reducing parking.

Zoning Analysis:



The proposed project is located in an area of the South Boston Neighborhood zoning code under the Multifamily Residential sub district. This district was created to ensure consistent neighborhood character and scale of development.

The current proposed project is requesting variances for a total of 9 zoning code violations. These violations are found under Article 68 of the zoning code.

Lot Area, Lot Width, Lot Frontage, Usable Open Space, Yard, and FAR Requirements, all of which require variances for this project, are set under Article 68 Section 8. The zoning code requires a lot size minimum of 2000 Square feet, while the lot itself is only 1,660 Square Feet. The FAR maximum of 2 is also in violation for this project, as the completed building will have an FAR of 2.7. However, this increase in FAR is the result of the shorter lot depth of the parcel compared to neighboring properties. If the parcel was of comparable size to other developments, the project FAR could be supported by the zoning due to the expanded baseplate in relation to the height. This project is also proposing 0 square feet of open space per unit, while the zoning code requires 200 Square feet per unit. The Project is proposing a Zero foot setback from the rear of the property, while the zoning code requires a minimum of 20. The size of the parcel itself is what is triggering these violations, and is a clear hardship placed upon the project site.

While the front yard setback of the property violates Article 68, Section 8, the zoning code provides for situations like these in Section 34-1 of the same Article. . 34-1 states under the heading "Conformity with Existing Building Alignment": "If at any time in the same Block as a Lot required by this Article to have a minimum Front Yard there exist two or more Buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in this Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block" The proposed project meets these requirements as its abutters on the block maintain a zero foot modal setback from the street.

The smaller lot size compared to its neighbors has led to the current proposal having a higher FAR than the zoning code allows for. While the Proposed Project is too dense according to the code, this type of use and unit count is consistent with other residential buildings in the immediate area; multifamily residential is an allowed use. In addition, the project is located directly north of the Boston Housing Authority Old Colony housing complex, which is much denser than the proposed development at 78 Gates St.



Future considerations to zoning may consider adjusting dimensional requirements in this district to better reflect existing built form, removing the need for variances of this sort.

The violation "Traffic Visibility Around Corner" is also located within Article 68, Section 34. This requirement entails that "Traffic Visibility Across Corner. Whenever a minimum Front Yard is required and the Lot is a Corner Lot, no Structure or planting interfering with traffic visibility across the corner, or higher, in any event, than two and one-half (2-1/2) feet above the curb of the abutting Street, shall be maintained within that part of the required Front Yard that is within the triangular area formed by the abutting side lines of the intersecting Streets and a line joining points on such lines thirty (30) feet distant from their point of intersection." However, the modal setback is 0 feet for this particular area, which means there is no front yard in order for this violation to be rectified. In addition, other corner lots within a four block radius also fail to meet this requirement as well. This lack of setback fits with neighborhood character.

The last of the violated requirements can be found in Article 68 Section 33: Off-Street Parking and Loading Requirements.

Site plans completed by Tim Johnson Architect, LLC on January 12, 2023. Project plans titled "78 Gate Street Proposed Site Plan" completed by Context on August 8, 2023.

Recommendation:

In reference to BOA1542896, The Boston Planning & Development Agency recommends APPROVAL with Design Review.

Reviewed,

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Director of Planning, BPDA



Case	BOA1537073
ZBA Hearing Date	2024-03-12
Address	512 Massachusetts AVE Roxbury 02118
Parcel ID	0900844004
Zoning District & Subdistrict	South End Neighborhood MFR
Zoning Article	64
Project Description	Constructing 1st floor addition in the rear to increase living space.
Relief Type	Variance, Conditional Use
Violations	Usable Open Space Insufficient Town House/Row House Extension

Planning Context:

This building is a 5-unit rowhouse within the South End Landmark District. Adding more living space to existing dwellings is in keeping with planning goals of preserving housing stock and increasing housing availability for growing living arrangements, as detailed in Housing a Changing City, Boston 2030 (September 2018).

Zoning Analysis:

The proposed project includes enclosing an existing, non-permeable patio in the rear yard to expand living space for the first-floor unit. The addition will be in line with the existing first-floor bumpout in the rear and will not worsen the existing rear yard setback, resulting in a continuous rear wall.

Although this project is within the Groundwater Conservation Overlay District (GCOD), the Commissioner determined in a letter dated January 3, 2024 that the existing patio is non-permeable, and the project should not be cited for a GCOD violation.

Pursuant to Section 64-9, any Proposed Project shall be conditional if it involves the extension of a Row House into the rear yard that increases the gross floor area by 50 or more square feet; the proponent is proposing to increase living space into the rear of the property by 154 square feet. The property itself and immediate neighboring properties also have existing first-floor bumpouts of similar scale.



Additionally, the project is cited for violating usable open space requirements pursuant to Table D of Article 64. For this 5-unit building, the required usable open space is 1,000 square feet (200 sf per unit), but the rear yard open space is only accessible by the first floor unit. This is an existing nonconformity, and the first floor unit still has access to over 200 sf of usable open space. Conditions like this may require future zoning reform to better clarify what usable open space is accessible to units in a building.

The site is situated within the South End Landmark District. No work is proposed to any part of the rear yard that is visible from a public way, so there is no requirement for review by the Landmarks Commission. The site is also within 100 feet of a public park, Chester Park, which requires a review by the Parks Department.

Plans reviewed are titled "Residential Project 512 Massachusetts Avenue, Boston, MA", prepared by aijou group, and dated July 10th, 2023.

Recommendation:

In reference to BOA1537073, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Department of Parks and Recreation for review.

Reviewed,

Reviewed,

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Director of Planning, BPDA



Case	BOA1547998
ZBA Hearing Date	2024-03-12
Address	107 Chestnut AVE Jamaica Plain 02130
Parcel ID	1002515000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 3F-5000
Zoning Article	55
Project Description	Raise the existing dormer in attic, and finish the attic into living space.
Relief Type	Variance
Violations	FAR Excessive Front Yard Insufficient NDOD Applicability

Planning Context:

Property is a single-family house in a three-family district in Jamaica Plain in Hyde Square, three blocks west of the Southwest Corridor. The neighborhood context is primarily residential, with a varied mix of one, two, and three family buildings, with some larger multifamily buildings scattered throughout as well.

The existing building has a pitched roof, with a pre-existing dormer on each side. The south dormer, which faces the side yard, connects vertically to a smaller extension that also extends the south side of the building on the second story and to a porch on the first story. The applicant seeks to enlarge this dormer on the third story, and to raise it so that the roof meets the current full floor height on the main building portion of the third story. This would allow the building to contain more finished space as part of what is currently an attic.

This project involves improving existing larger units for families, a goal from Housing a Changing City, Boston's housing plan from 2014.

Contextually, this house is typical for the area, as are both the existing dormers and the scale of the proposed new dormer.



Zoning Analysis:

Article 55, Table E notes that the front yard requirement in this district is 15' for a detached dwelling. The applicant claims that the front yard, counting to the primary face of the building is 10'3", which is nonconforming. The refusal notice from ISD notes that the proposed front yard is 0.2'. This difference in interpretation is that ISD is counting the front yard not as distance from the property line to the main face of the building, but from the property line to the front steps attached to the main structure. This pre-existing condition is unchanged by this proposal. There is no reasonable way that this could be brought into conformity, given the placement and height of the existing residence's entry relative to the sidewalk and the grade change from the sidewalk to the main entrance. As a pre-existing nonconformity, relief should be granted.

Article 55, Table E also notes that the maximum FAR for any residential use is 0.6. The existing FAR of this project is 0.77, and this dormer increase would change it to 0.82. This increase is de minimis and relief should be granted. Moreover, this zoning restriction is inappropriate given the existing built context of this district, much of which predates the creation of Article 55. For example, the neighboring parcel, a two-family dwelling, has an FAR of 0.98. This should be considered a clear example of the need for zoning reform across residential districts in Boston, where FAR restrictions resemble neither the housing policy goals of the City nor the existing built forms they purport to control.

Stamped plans dated June 13, 2023 by David Harmon, and stamped survey dated September 22, 2023 by Anderson Surveys. Reviewed by JS on November 6, 2023.

Site is within the Hyde Square Neighborhood Design Overlay District. Section 55-28 notes about the Hyde Square NDOD that "[t]he Hyde Square area features a number of triple decker residential buildings built in the 1890s by Roxbury and Jamaica Plain architects. Built in the Queen Anne style of architecture, these buildings are notable for their unusually high quality of design." Per Article 80E-2.1(b)(iii), for any property in a Neighborhood Design Overlay District, "[a]ny exterior alteration changing the roof shape, cornice line, Street Wall height, or building height of an existing building" must undergo design review. As the roof is being changed by this proposal, design review is applicable here.



Recommendation:

In reference to BOA1547998, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review.

Reviewed,

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Director of Planning, BPDA



Case	BOA1511632
ZBA Hearing Date	2024-03-12
Address	141 Addison ST East Boston 02128
Parcel ID	0100608000
Zoning District & Subdistrict	East Boston Neighborhood
Zoning Article	53
Project Description	Demolish existing building to construct 20-unit multifamily residential structure on the same lot
Relief Type	Variance
Violations	Roof Structure Restrictions Parking or Loading Insufficient Height Excessive (ft) FAR Excessive Rear Yard Insufficient IPOD Applicability Use: Forbidden (MFR)

Planning Context:

The proposed project at 141 Addison Street is located within PLAN: East Boston, released as a final draft on September 1, 2023 and adopted by the BPDA in January 2024. The PLAN defines the study area by character areas, and this project site is located in a Neighborhood Residential Character Area. These areas are primarily, though not exclusively, intended for residential uses and buildings are typically lower in scale. Streets in Neighborhood Residential areas are narrow and open space is typically limited to school yards and community gardens. In this Character Area, it is critical for new growth to advance climate resilience and heat island mitigation, respect existing low-scale residential fabric, and increase permeable surface area to enhance neighborhood open space and mitigate stormwater runoff.

PLAN: East Boston recommends amendments to the existing East Boston Neighborhood District, Article 53, to better align with existing structures, reduce non-conformities, and the volume of Zoning Board of Appeal cases due to existing and new variances required to meet an outdated code. The proposed project is located within a proposed EBR-2 subdistrict, which recommends the following dimensional requirements:

Max. # units: 6 (20 proposed)



Max. Building Height: 3 stories (44', 4 stories proposed)

Lot Coverage: 75% (71% proposed)

Min. Permeable Surface Area: 30% (25% proposed)

Front setback (min,max): 2.5', 5' (5'-6 ¾" proposed)

Side setback (min): 2.5' (3' proposed)

Rear setback (min): ½ lot depth (30') (19'-5" proposed)

Max. Building Width: 50' (> 100' proposed)

Maximum Building Depth: 70' (75' proposed)

Maximum Floor Plate: 3,000 (7,820 proposed)

The proposed project supports some PLAN: East Boston goals for Neighborhood Residential Character Areas, but at this time, the proposal is not fully compliant with the recommendations of the PLAN. In particular, the project should increase the rear yard setback to meet the recommendation for rear yards to be ½ of the lot depth. This is equivalent to 30 feet on this lot. This may partially be achieved by reducing the front yard setback, which is appropriate since the uses facing the street on ground level are not private. The proposed project should address lot coverage and maximize on-site permeability by reducing the amount of impervious pavement, especially in the side and rear yards, and incorporating as much green infrastructure as possible. Lastly, the sidewalk space in front of the site should incorporate 3' minimum, but preferably 4', tree pits and demonstrate compliance with Complete Streets standards.

This project began the Article 80 Review process, but was deemed non-compliant in such a manner that it could not continue to advance as proposed. A summary of recommendations for the projects from the Article 80 prefile reviews is as follows:

1. Increase the rear yard setback to equal at least ½ of the lot depth to meet minimum recommended rear setback requirements for the new EBR-2 subdistrict. Reduce additional dimensions where possible required for compliance with the new EBR-2 subdistrict.



2. Confirm that the proposed project meets Complete Streets along the entire length of project frontage by providing dimensioned cross sections showing the proposed furnishing zone with street trees, pedestrian clear path of travel, frontage zone, and property line setbacks.

3. Reduce impermeable surface to the maximum extent practicable and incorporate permeable hardscape and green infrastructure to achieve compliance with the lot coverage and minimum permeable surface area requirements of the EBR-2 subdistrict.

4. Eliminate the proposed curb cut and parking entrance on Addison Street and use the existing driveway shared with the abutter, as shown in previous plans.

It is still recommended that the proponent move this project through the Article 80 process prior to applying for ZBA Approvals, as per the regulations set forth by the Boston Zoning Code for projects meeting the Article 80 threshold. Section 80E-6. Enforcement: Certification of Approval., requires that "The Commissioner of Inspectional Services shall not issue a building permit for for any Proposed Project that is subject to Small Project Review, pursuant to Section 80E-2, unless the Director of the Boston Redevelopment Authority has certified that such Proposed Project has been approved by the Boston Redevelopment Authority pursuant to Section 80E-5, or that the Boston Redevelopment Authority has waived the requirements of Small Project Review, pursuant to Section 80E-2.4 (Waiver or Modification of Small Project Review Requirements); provided that, if the Commissioner has not received the Director's certification required by Section 80E-5.2 within the applicable time period set forth in paragraph (a) or paragraph (b)(ii) of said Section 80E-5.2, the Commissioner may issue such building permit without such certification."

Zoning Analysis:

The proposed project is located in the East Boston Neighborhood District, within an Economic Development Area subdistrict. This subdistrict is intended to encourage economic growth, including light manufacturing and commercial activity, and encourage expansion of East Boston's economy through diverse job creation. It is not currently meant to welcome residential uses, given that all residential uses - including multifamily residences - are Forbidden in this subdistrict.

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However, PLAN: East Boston recommends Addison Street to be included in a new residential subdistrict and to integrate with the existing residential neighborhood directly to the south. For this reason, the existing zoning is not supportive of the proposed use at this site, and the recommendations from PLAN: East Boston are deemed more relevant to this proposal. PLAN: East Boston obtained BPDA Board Approval in January 2024; zoning amendments to update Article 53 to implement PLAN: East Boston are pending Zoning Commission consideration. The chart below compares the existing subdistrict requirements to those proposed in the zoning amendments per PLAN: East Boston to the proposed project.

Dimensions/Uses	Existing Zoning Subdistrict Requirements	PLAN: East Boston Subdistrict Requirements	Proposed Project	Relief Required?	Relief Recommended as Proposed
Minimum Lot Size	none		11,000 sf	N/N	N/A
No. of Units (max)		6 (parcel width >50')	20	N/Y	N
Lot Width	none		110'	N/N	N/A
Building Width		50 (max)	>100'	N/Y	N
Building Depth		70 (max)	75'-0 1/4"	N/Y	N
Floor Plate		3,000 (max)	7,820	N/Y	N
Setback (front)	none	2.5 (min), 5 (max)	5'-6 3/4"	N/Y	N
Setback (side)	none	2.5 (min)	3'	Y	N/A
Setback (rear)	20'	1/2 Lot Depth (33'-4")	19'-5"	Y/Y	N
Lot Coverage		75% (max)	71%	N/N	N/A
Permeable Surface Area		30% (min)	25%	N/Y	N



Height	45'	3 Stories	44' (4 Stories)	N/Y	N
FAR	2.0		2.65	Y/N	N
Useable open space/du	n/a		> 50 sf/du	N/N	N/A
Parking	BTD Parking Maximum: 0-1.0		14 spaces	N	N/A
Uses	Multifamily Dwelling (F)	Multifamily Dwelling (A) (Up to 6 units)	Multifamily Dwelling, 20 units (F)	Y/Y	Y

Recommendation:

In reference to BOA1511632, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE until compliance with dimensional recommendations of PLAN: East Boston can be achieved, with special attention to the unit count and dimensional regulations for height, setbacks, and permeable surface area.

Reviewed,

Director of Planning, BPDA



Case	BOA1527595
ZBA Hearing Date	2024-03-12
Address	135 Havre ST East Boston 02128
Parcel ID	0105824002
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	53
Project Description	Change of occupancy from a 3-family to a 4-family use; add an additional story and roof deck
Relief Type	Variance, Conditional Use, IPOD Permit
Violations	Height Excessive (ft) Height Excessive (stories) Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Usable Open Space Insufficient Additional Lot Area Insufficient Roof Structure Restrictions Parking or Loading Insufficient Use FAR Excessive GCOD Applicability IPOD Applicability

Planning Context:

The project is an existing three-family triple-decker on a residential street lined with 3-family triple-deckers, situated across from a park. The project proposes to change the use occupancy from three families to four families and add a roof deck.

PLAN: East Boston's draft zoning (approved by the BPDA Board in January 2024), which is pending Zoning Commission consideration, places the proposed project within an EBR-3 subdistrict. EBR-3 subdistricts allow a max building height of 3 stories and a max occupancy of 3 units, both of which this proposal exceeds. The project is also noncompliant with several of the draft zoning's other dimensional requirements, including: a building lot coverage greater than 60%, a permeable area of lot less than 30%, and a rear yard setback less than a third of the lot depth.



The proposed project also sits within the bounds of the East Boston Interim Planning Overlay District. The IPOD was 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. Because the proposed project's permit application was submitted prior to the IPOD's sunset on 11/11/23, its regulations will still apply.

Zoning Analysis:

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

The proposed project is not consistent with the IPOD provisions, as Havre Street's existing context largely consists of 3 story residential structures which is consistent with current zoning regulations (max height of 3 stories, 35', and FAR of 1.0). The proposed project (with a height of 4 stories, 43'6", and FAR of 2.48) is in clear excess of these figures. In addition to its height and density, the project's side yard (4'.6" setback, 10' required), rear yard (4.6' setback, 10' required), usable open space (less than 1,200 of required square footage), use (4 units in predominantly 3-family area) also deviate from the area's existing context.

Additionally, the project does not comply with the required 1 off-street parking space per unit (1 unit without parking) or the Additional Lot Area requirement (required additional 4,000 sqft per unit).

Article 27T, Section 8 states that once the Boston Redevelopment Authority has made a recommendation to the Board of Appeal on the issuance of an IPOD permit, the Board of



Appeal shall follow such recommendation unless specific, written reasons for not doing so are incorporated in the Board of Appeal's decision.

Recommendation:

In reference to BOA1527595, The Boston Planning & Development Agency recommends DENIAL. The proponent should pursue a project that reduces density to no more than 3 units with a building height of 3 stories, building lot coverage not to exceed 60%, permeable surface area of at least 30%, front and side yard setbacks no less than 3'.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1534498
ZBA Hearing Date	2024-03-12
Address	70 to 72 Bennington ST East Boston 02128
Parcel ID	0106044018
Zoning District & Subdistrict	East Boston Neighborhood 2F-2000
Zoning Article	53
Project Description	Replacing existing, vacant ground floor retail use with a private club use in a 3-story building with 2 ground floor commercial spaces and 8 residential units above. Existing ground floor beauty salon use will continue.
Relief Type	Conditional Use
Violations	Conditional use

Planning Context:

The site is currently occupied by a 3-story building with ground floor commercial use and 8 residential units above. The ground floor is divided into 2 nearly identical spaces that front Bennington Street. Abutting the site to the west is a 1-story general retail store selling a variety of goods including hardware, gifts, school supplies, etc. and to the east is a ground floor residential unit.

Bennington Street is a 2-lane street connecting Central Square near the Boston Harbor to Day Square in central East Boston. The proposed site is one block east of Central Square surrounded by a mix of residential and commercial uses including a restaurant, barber shop, and convenience store.

PLAN: East Boston, adopted by the BPDA Board in January 2024, recognizes Bennington Street as the historic spine of East Boston, stretching through the entire neighborhood. The Plan envisions that the street could "Connect mixed-use mid-rise subdistricts in Central Square, Day Square and Orient Heights Square with four-story residential subdistricts along Bennington Street" that allow but do not require ground floor retail. As explained below, zoning to codify these recommendations was advanced by the BPDA Board at their January 2024 meeting and is pending review by the Zoning Commission.

Zoning Analysis:



The site is within the East Boston Neighborhood District, 2F-2000 Two-Family Residential subdistrict. The parcel is also located within the Groundwater Conservation Overlay District, Interim Planning Overlay District, Coastal Flood Resilience Overlay District, and East Boston Parking Freeze Zone.

According to Art 53 Table A, the proposed use of a "private club" either serving or not serving alcohol is forbidden in the 2F subdistrict.

In order to codify PLAN: East Boston recommendations, the BPDA Board advanced zoning map and text amendments in January 2024 that are currently pending Zoning Commission consideration. These amendments change the zoning for the proposed site from 2F-2000 to EBR-4. The draft amended Article 53 use table refers to new use definitions, including "Entertainment/Event" uses which include private clubs that are not Social Clubs. Small, Medium, Large, and Extra Large Entertainment uses are forbidden in the EBR-4 district in both the first story and basement, and in the 2nd story and above.

Recommendation:

In reference to BOA1534498, the Boston Planning & Development Agency recommends DENIAL. The proposed use is forbidden under existing zoning and new draft zoning given impacts inherent in the use.

Reviewed,

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Director of Planning, BPDA



Case	BOA1341015
ZBA Hearing Date	2024-03-12
Address	146 M St South Boston 02127
Parcel ID	0604089002
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	The proponent is seeking a variance to build a roof deck and accompanying guardrail accessed through an in-unit staircase and roof hatch.
Relief Type	Variance
Violations	Roof Structure Restrictions

Planning Context:

The proponent is seeking a variance to add a roof deck to a flat-roofed 3.5 story house. The homes attached to 146 M Street are very similar in style, featuring flat roofs, the same height in stories, and what appears to be the same height in feet. Satellite imagery from May 2023 shows two other roof decks on the block that do not appear to be visible from the street. The proposed roof deck would be accessed by a spiral staircase in the center of the 3rd (top) floor unit leading up to a roof hatch. The hatch would replace an existing skylight. The addition of the staircase and accompanying roof hatch are the only planned changes to the interior, and the existing front building facade will remain unchanged.

Zoning Analysis:

The height of the protective guardrail (5') of the roof deck triggers a roof structure restriction violation, since it is more than 1' above the highest point of the roof. However, the guardrail is necessary to keep residents safe. In MFR subdistricts, the allowed building height is 40'. The plans show that the height of the building with the guardrail is 38'11", below the cap for this subdistrict. Additionally, the guardrail is set back about 5' from the front face of the building, not including the bay windows. The greater setback significantly reduces visibility from the street and sidewalk while still allowing the proponent ample outdoor space.

The revised plans are dated February 21, 2024 and were prepared by Context Architecture.



Recommendation:

In reference to BOA1341015, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1559314
ZBA Hearing Date	2024-03-12
Address	21 Fenton St Dorchester 02122
Parcel ID	1500150000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	65
Project Description	Build a new two-family house with off street parking on a vacant lot
Relief Type	Variance
Violations	Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient

Planning Context:

The proposed infill project adds a 2.5-story 2-family house on a vacant, permeable lot in a 2-family residential zoning district. The site is currently used as a side yard for an adjacent single family home; both properties are held in common ownership. The parcel is the only vacant parcel on a block that is otherwise occupied by a range of 1 to 4 family buildings and one 6-unit multi-family building. There are not consistent front yards on the block, ranging from 0' to 7', and buildings are often built on the side lot line. There are several wide curb cuts on the street with driveways often immediately abutting one another.

To access two proposed parking spaces in the rear of the lot, the project proposes a new 12' wide driveway with a new 12' curb cut located 24' from the neighboring existing curb cut. The driveway would be a 12' wide easement, with 7' located on the neighboring single family home parcel of the same owner and 5' located on the site.

The new infill building would result in the loss of at least two mature trees and a significant amount of existing permeable area on the vacant lot. In order to offset the loss of permeable area of lot and reduce the amount of curb cuts on Fenton St, and potentially enabled by common ownership across the two sites, design review should evaluate the removal of the existing driveway for the neighboring single family house so both houses can utilize the proposed easement driveway and the three parking spaces required for all three dwelling units can be consolidated in the rear of the site.

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Zoning Analysis:

While the proposed project does not meet several dimensional regulations for the Dorchester Neighborhood 2F-5000 subdistrict, it is consistent in scale with the existing residential building fabric.

Like the majority of lots on the block, the 3,200 sf lot does not meet the district's 5,000 sf lot minimum. The proposed project has a similar building footprint as other buildings in the area, resulting in a similar degree of excessive FAR and insufficient amount of open space per unit.

The project has an insufficient front yard (10' proposed, 15' required) and one insufficient side yard (5' proposed, 10' required). These yard dimensions align with the existing built fabric and are more generous than the majority of buildings on the block which often have 0'-5' front and/or side yards. This is a case for zoning reform for updated lot, yard, and FAR standards that are consistent with the existing context.

Recommendation:

In reference to BOA1559314, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Agency for design review with attention to how parking and driveway access could be reduced and consolidated in order to maintain permeable area of lot.

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	BOA1562160
ZBA Hearing Date	2024-03-12
Address	61 Lithgow St Dorchester 02124
Parcel ID	1601474000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-D-3000
Zoning Article	65
Project Description	Conversion of a 3-family dwelling into a 6-family dwelling.
Relief Type	Variance
Violations	Parking or Loading Insufficient FAR Excessive Usable Open Space Insufficient Rear Yard Insufficient Use: Forbidden (Six family)

Planning Context:

The proposed project converts an existing 3-family dwelling into a 6-family dwelling with off-street parking in the rear. The site is on a block of three story 3 to 4 family homes, all of similar footprint and architectural style. The project maintains the existing building envelope and the only exterior changes include updates to the front deck (within the existing footprint) and a 254' sf rear deck addition that provides an additional means of egress and a small amount of additional deck space for each unit.

The addition of 3 dwelling units advances the City's planning goal of increasing housing supply, as detailed in Housing a Changing City, Boston 2030 (September 2018), creating safer housing near transit by fully sprinkling each unit and maintaining the scale and character of the street by maintaining the same size and style building on the block.

The site is a 6 minute walk from the Shawmut T stop. To better adhere to the City's desire to reduce emissions and dependency on private vehicles, as detailed in Go Boston 2030 (March 2027), the project should forgo providing additional parking spaces and instead provide additional open space on site.

Zoning Analysis:

The project is in the 3F-D-3000 sub-district of the Dorchester Neighborhood zoning district. The project does not change the FAR of the building which like the other triple-deckers on the block,



all of a similar size to the project, exceeds the FAR of the subdistrict. The project also exceeds the subdistrict's three-dwelling unit maximum, but in a subdistrict that also has several other 4 family homes adds additional units while maintaining the existing building density, character, and open space.

Article 65 Section 41 requires at least 8 parking spaces for a 6 unit building, but the project site plan only shows 5. The parking area also infringes on the required rear yard setback. Given the proximity of the site to public transit, one parking space should be removed to provide additional open space.

Future zoning reform should better align dimensional and parking requirements with the existing physical context of the neighborhood.

Recommendation:

In reference to BOA1562160, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that one parking space be removed to provide additional open space.

Reviewed,

A handwritten signature in blue ink that reads "Amee Rana". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Director of Planning, BPDA



Case	BOA1486245
ZBA Hearing Date	2024-03-12
Address	1260 Boylston ST Boston 02215
Parcel ID	0504230000
Zoning District & Subdistrict	Fenway Neighborhood NS-1
Zoning Article	Article 66
Project Description	Proposed use of an Immersive Gamebox establishment on the first floor of a newly constructed building. Immersive Gamebox is closest to an "amusement game machine in a commercial space". It is a "dry" social entertainment concept where customers play in interactive smart rooms. Scope of work will include construction of interior walls, 2 single restrooms, back of house area, and associated mechanical, electrical, and plumbing.
Relief Type	Conditional Use
Violations	Conditional Use: Amusement Game Machines in Commercial Establishment

Planning Context:

This project proposes an immersive game room entertainment establishment on the ground floor of 1260 Boylston, a residential building in the Fenway neighborhood. This area of Boylston Street is a major commercial and entertainment center within the Fenway neighborhood, with a very diverse array of commercial and recreational establishments -- including restaurants/bars, fitness centers, and retail stores -- situated along the street. Furthermore, the project site is located a block away from the area of the Fenway neighborhood that includes Fenway Park, MGM Music Hall, and related bars/restaurants, making this general area a lively entertainment and leisure hub for both the Fenway neighborhood and Boston overall. The proposed use would be an appropriate fit for the existing neighborhood context.

Zoning Analysis:

The project site is located in a Neighborhood Shopping subdistrict. Since the proposed use of "immersive gamebox" is not a use that is named in the zoning code, the zoning refusal letter instead has coded it as an "Amusement Game Machine in Commercial Establishment," which is



a Conditional Use when located on the ground floor of Neighborhood Shopping subdistricts in Fenway.

As outlined in Section 6-3 of the zoning code, the conditions for granting appeal of a Conditional Use are as follows:

- (a) the specific site is an appropriate location for such use or, in the case of a substitute nonconforming use under Section 9-2, such substitute nonconforming use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted;
- (b) the use will not adversely affect the neighborhood;
- (c) there will be no serious hazard to vehicles or pedestrians from the use;
- (d) no nuisance will be created by the use;
- (e) adequate and appropriate facilities will be provided for the proper operation of the use.

As described in the Planning Context, the area in which this project is proposed to be located is a lively commercial subdistrict with a diverse variety of entertainment, leisure, and retail uses, none of which are functionally different in terms of neighborhood impact from the proposed use. The proposed use will function as a social entertainment center where all activity will be confined to its interior, with rooms and gaming facilities expressly created for this purpose. There will be a total of 9 computer gaming pods with a maximum capacity of 6 people per pod (54 occupants total if all pods are at maximum capacity). The establishment will not serve alcohol, further ensuring that it will not contribute to nuisance or other adverse effects. Due to its exclusively interior nature, there will be no serious hazard to vehicles or pedestrians from this use. The proposed use meets all the above conditions of approval for a Conditional Use.

The project plans reviewed are titled "Immersive Gamebox, Fenway" and prepared by GMA Architects. They were reviewed by ISD on June 6, 2023.

Recommendation:

In reference to BOA1486245, The Boston Planning & Development Agency recommends APPROVAL.



Reviewed,

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Director of Planning, BPDA



Case	BOA1443137
ZBA Hearing Date	2024-03-12
Address	43 to 45 Stanton ST Dorchester 02124
Parcel ID	1702029000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-6000
Zoning Article	Art. 55
Project Description	Change of occupancy from convent to multifamily with 14 dwelling units with 16 parking spaces (reduced from 19 spaces on 11/06/2023 and added an handicap parking space). Renovations of the existing structure, a four- story rear addition, and the addition of new systems such as a sprinkler system. Demolition of an existing one-story garage in the rear yard.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (ft) Rear Yard Insufficient Parking or Loading Insufficient Height Excessive (stories) Use - Multifamily

Planning Context:

This project proposes to renovate an existing three-story, 8,725 sq ft building that was previously used as a convent and to add a new four-story rear addition. The proposed renovation and addition will create 14 housing units and 16 parking spaces. This project was reviewed by the BPDA in July 2023, September 2023, November 2023, and January 2024 and was recommended for Denial without Prejudice to the ZBA in all instances. The ZBA deferred the application on 7/25/2023, 9/26/2023, 11/14/23 and 1/23/24.

The proposed rear addition will increase the building’s gross floor area to 19,974 sq ft and therefore the project will be only 26 sq ft below the threshold for Article 80 Small Project Review. Although Article 80 review is not required for this project, its large scale means that extra attention should be paid to mitigating the impacts of the project on its surroundings, protecting and enhancing the public realm, and ensuring compliance of the project site design with the intent and purpose of the Zoning Code.



The existing site is unique in that it is larger than adjacent surrounding lots on the block by 4,000 sq ft or more and has existing front and rear yard parking spaces taking up much of the lot. The living area of the existing building is 3,000 sq ft or more than the living area of other adjacent buildings on this block in the same three-family (3F-6000) subdistrict. This is due to the property being formerly part of a large church to its north and its size being relatively appropriate when its accompanied use was related to that religious institution. Due to its large size, this property has existing zoning violations that the proposed project exacerbates and leads to further misalignment with the surrounding built context.

The proposed multifamily residential use aligns with the previous convent use by proposing more than three residential units in a structure that can and has accommodated that living function. This adaptive reuse project aligns with the goals stated in *Housing a Changing City, Imagine Boston 2030* (2017) by increasing housing units and preserving an existing building that was used for residential purposes for new housing opportunity.

However, the physical scale of the proposed addition is significantly misaligned with the existing building's height and with the height of existing, surrounding buildings. Most of the surrounding residential buildings are at or below three stories, including the existing building. While the proposed extension into the large rear yard is appropriate to accommodate more housing units, the proposed height for the addition exceeds the existing pattern for residential buildings and would be significantly visible to the public realm from the rear due to it being one story higher than the existing building.

The proposed project design features a rear overhang for the addition above the proposed rear parking spaces that BPDA Urban Design staff have flagged as contradictory to the site's context and would require further redesign. Additionally, while the proposed number of parking spaces does not meet the required zoning parking minimums for the neighborhood district (1.5 spaces to 14 dwelling units = 21), the proposed 16 parking spaces do not align with the City's goal of reducing dependence on private vehicles, as detailed in *Go Boston 2030* (March 2017).

After the September 2023 deferral by the Board of Appeal, the project plans were changed to remove all proposed front yard parking spaces, reduce the number of parking spaces from 19 to 16 spaces, add an interior bike parking room with 16 bike parking spaces to the ground floor, convert the existing concrete front yard to a landscaped permeable lot area with a walkway, and



change the proposed roof for the rear addition from a flat roof to a hipped roof to align with the existing building's historic architecture as a site within a Boston MHC Historic Inventory Area. In addition, the roof line has been lowered 5 feet to 44 Feet 1 Inch. These changes were a result of the community review process and initial review by ISD, as stated by the proponent in the project plans.

Zoning Analysis:

This property is located within the Three-Family Residential (3F-6000) subdistrict of the Dorchester Neighborhood District (Art. 65).

The 3F-6000 subdistrict requires a maximum floor area ratio (FAR) of 0.4, a maximum height in stories of 2.5 stories, a maximum height in feet of 35 ft, and a minimum rear yard depth of 30 ft (Art. 65 - Sec. 9). Due to the existing building's size as detailed in the planning context, both excessive FAR and excessive height are existing nonconformities for this building with an FAR of 0.52, a height of 3 stories, and a height of 37 ft. This project worsens these existing violations by proposing an increased FAR of 1.2, an increased height of 4 stories, and an increased height of about 44 ft. The rear yard addition also triggers a new insufficient rear yard depth violation with a reduced rear yard of 13.1 ft. These violations are a result of the proposed rear addition which would be taller in height than the existing building and which introduce a fourth story and about 12 additional feet in height. The design change from the originally proposed flat roof on the rear addition to an architecturally-appropriate hipped roof also increased the already-excessive height in feet.

The multifamily residential (MFR) use is forbidden in this subdistrict (Art. 65 – Sec. 8), but as stated in the planning context the proposed change of occupancy to multifamily residential is an appropriate land use change due to the previous use as a convent. The convent was able to host more individuals than the proposed project would accommodate. This suggests that the services in this area of Dorchester are able to handle the increased density. The existing building could accommodate a small multifamily use, but further attention must be paid to how many more units this site can feasibly accommodate without producing a significant impact that this area is not appropriately regulated to receive.

Article 65 Table F (Art. 65 – Sec. 41, Off-Street Parking Requirements) requires 1.5 parking spaces per dwelling unit, which would require 21 parking spaces for this proposed development. The updated plans have reduced the originally proposed 19 spaces to 16 parking spaces, which



worsens the parking insufficiency violation that the original plans already triggered. The number of parking spaces still do not align with the City's goal of reducing dependence on private vehicles, as detailed in Go Boston 2030 (March 2017). This violation signals a need for zoning reform in this subdistrict to better align off-street parking requirements with City policies around reducing private vehicle reliance.

Article 65 Table G (Art. 65 – Sec. 41, Off-Street Loading Requirements) requires 1.0 off-street loading bay for projects with a gross floor area greater than 15,001. The proposed project is not proposing an off-street loading bay for projects. Loading zones are applicable to active loading and unloading of commercial vehicles. Given that the proposed project is residential, a loading bay for commercial vehicles is not a necessity. This violation signals a need for zoning reform in this subdistrict to prevent larger fully residential projects like this from triggering off-street loading requirements that should be reserved for commercial uses.

Site plans completed by Control Point Associates, LLC on January 12, 2023. Project plans titled "Proposed Site Plan" completed by Context on August 3, 2023.

Recommendation:

In reference to BOA1443137, The Boston Planning & Development Agency recommends APPROVAL With Proviso for Design Review and subject to execution of an affordable housing agreement.

Reviewed,

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Director of Planning, BPDA



Case	BOA1547345
ZBA Hearing Date	2024-03-12
Address	1457 VFW PKWY West Roxbury 02132
Parcel ID	2919637000
Zoning District & Subdistrict	West Roxbury Neighborhood MFR
Zoning Article	56
Project Description	Change of occupancy from a retail store to a Cannabis store (Recreational use) with Delivery, Courier and manufacturing (i.e. extraction, processing, packaging) location.
Relief Type	Variance
Violations	Forbidden use (cannabis) Buffer zone conflict

Planning Context:

The parcel is a 16000 square foot property in West Roxbury, with VFW Parkway to the west and the Charles River to the east. The property contains two commercial buildings, and is directly north of a Mobil gas station and another commercial building. All of these properties sit within an MFR (multifamily residential zone), because these parcels are collectively just north of the Boston Trailer Park, the only mobile home park within Boston city limits. The commercial properties to the north, east, and south of this multifamily district are all commercial.

The current use is nonconforming commercial, and the applicant seeks to change the use of the rear building to a cannabis establishment.

Zoning Analysis:

As noted in Article 56, Table A, cannabis establishments are a forbidden use in a MFR (multifamily residential) subdistrict. Historically, the BPDA has noted in prior ZBA cases that it opposes the placement of cannabis establishments in residential zones. That general guidance notwithstanding, this parcel's status as being zoned multifamily residential unreasonably restricts its use. It is a commercial building in an overwhelmingly commercial section of West Roxbury, along a large road. The site is not well suited for residential use. This cannabis establishment is a delivery business and will have no customer presence. For the purposes of being a neighbor to surrounding residences and businesses, it should have no adverse impacts. As the tenant will only occupy a portion of the parcel, the applicant notes that their business will

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not be visible from the street. This makes this location well suited for a cannabis delivery business. This location is an example of the need for zoning reform, to rezone properties operating as commercial uses to allow commercial use as-of-right. Were this to happen, the zoning relief needed would be a conditional use. Alternatively, the proponent could choose to request a map amendment to change this parcel's subdistrict to the surrounding commercial district.

As noted by the Cannabis Board and Inspectional Services, this parcel is also within the 2640' radius from another preexisting cannabis establishment, which also makes this a forbidden use requiring zoning relief in the form of a variance. More specifically, "UpTop" is a dispensary approximately 700-800 feet to the southeast, on the other side of VFW Parkway. The Cannabis Board, in considering this condition, noted that while UpTop is a customer-facing business, this applicant is limited to delivery sales, and thus there is neither geographic market competition nor an increase in customer density, making the buffer requirement unreasonably restrictive. The Cannabis Board heard a presentation at their September 13, 2023 from the applicant, and voted to grant them a conditional cannabis license pending zoning relief from the buffer zone variance, noting the lack of neighborhood impact from a cannabis delivery business. The BPDA affirms this analysis and conclusion, and that relief should be granted not only for the forbidden use, but also for the buffer zone, both of which require a variance.

Future zoning reform may consider distinguishing not only cannabis retail and cannabis production, but also the categorization of delivery-only businesses as distinct from walk-in retail with respect to buffer zones. Either or both of these changes could reduce the need for variances like this, while retaining all of the existing regulatory requirements and oversight from the cannabis board and from other kinds of variance or conditional use situations.

Recommendation:

In reference to BOA1547345, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1533227
ZBA Hearing Date	2024-03-12
Address	29 Orange St Roslindale 02131
Parcel ID	2001206000
Zoning District & Subdistrict	Roslindale Neighborhood 2F-5000
Zoning Article	67
Project Description	Construct a new two-family duplex home with 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 two rear decks per unit, and a total of two parking spaces.

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:

Original site plans completed by Solli Engineering on February 6, 2023. Original project plans completed by I.S. Hernandez Services Inc. on July 19, 2023. A revised refusal letter from ISD was completed on March 5, 2024, based on updated plans which have been submitted to the BOA. Those plans have not been stamped by ISD, but these updates are reflected in the BPDA’s following recommendation.



This property is located within the Two-Family Residential (2F-5000) subdistrict of the Roslindale Neighborhood District (Art. 67). The updated plans reduce the amount of proposed parking to two spaces. While this creates insufficient parking (two spaces instead of four), this violation addresses three other earlier violations related to tandem parking, front yard placement, and side yard buffers and screening. Indeed, an earlier version of this recommendation relating to earlier plans would have recommended that the applicant design a project with reduced parking to achieve these goals. This revised plan reflects the kind of project redesign that the BPDA would prefer to see in modern construction, and this project should be considered an example of the need for zoning reform, where parking minimums are reduced or eliminated to avoid outcomes like the earlier plans, where required parking is ultimately detrimental to the harmony of the overall project proposals.

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 0.64 FAR (Art. 67 – Sec. 9). 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. Future zoning should 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.

In this subdistrict, a two unit building needs 8000 square feet (5000 for the first unit, 3000 for an additional unit (Art. 67 – Sec. 9). The existing lot is 6600, which does not meet this threshold. That said, the abutting property to the north is an identical 6600 square foot lot with two units, so this is fully contextual and appropriate. Zoning reform should consider adjusting minimum lot sizes to reflect current context as a baseline.

Recommendation:

In reference to BOA1533227, The Boston Planning & Development Agency recommends APPROVAL.



Reviewed,

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

Director of Planning, BPDA



Case	BOA1492536
ZBA Hearing Date	2024-03-12
Address	116 Cambridge ST Charlestown 02129
Parcel ID	0202122000
Zoning District & Subdistrict	Charlestown Neighborhood LI
Zoning Article	Article 6
Project Description	Removing a proviso to return to the ZBA to update on hours of operation for a retail cannabis facility.
Relief Type	Conditional Use
Violations	Other Protectional Conditions

Planning Context:

The current use for this parcel is as a cannabis establishment called The Heritage Club. This site is within a local industrial subdistrict of Charlestown and is situated among several light industrial, light manufacturing, and retail establishments. PLAN: Charlestown (September 2023) identified this corridor of Cambridge Street as a proposed retail corridor. While this refusal was issued under previous zoning, Text Amendment Number 465 was enacted on November 7, 2023 to implement PLAN: Charlestown and rezone this parcel as a Neighborhood Shopping subdistrict.

The Heritage Club has been operating on this site since September of 2022. The proposed hours changes are Monday-Wednesday 10:30 AM - 9:00 PM, Thursday-Friday 10:00 AM - 11:00 PM, Saturday 9:00 AM - 11:00 PM, and Sunday 9:00 AM - 9:00 PM. At a Boston Cannabis Board hearing on December 13, 2023, the applicant stated that the Charlestown Neighborhood Council voted unanimously to support these new hours. Given the current operations as a retail cannabis establishment, support from the local community, and approval by the Boston Cannabis Board, this is an appropriate continued use for the site.

There is a concurrent ZBA case for this site (BOA1555509) which is for the same proponent adding delivery for customers and no changes to the interior or exterior of the building. This change has similar support from both the Boston Cannabis Board and the Charlestown Neighborhood Council.

Zoning Analysis:

BOA1492536
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The proponent is operating a cannabis establishment after receiving approval from the Zoning Board of Appeal on June 29, 2021 (BOA-1132691). Cannabis Establishment is a conditional use in this local industrial subdistrict of Charlestown; pursuant to Article 6 Section 3, the Board established that this would be an appropriate location for such use, that it would not adversely affect the neighborhood, that there would be no serious hazard to vehicles or pedestrians from the use, that the use would create no nuisance, and that adequate and appropriate facilities would be provided for the proper operation of the use.

The project was approved with a proviso to return to the BOA after one year to update the Board on its hours of operations on Saturdays and Sundays. The approved hours were to close at 8:00 PM on Saturdays and 6:00 PM on Sundays. On December 20th, 2023, the Boston Cannabis Board granted an amendment to the applicant's license, approving the newly proposed hours of closing at 11:00 PM on Saturdays and 9:00 PM on Sundays.

Recommendation:

In reference to BOA1492536, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1555509
ZBA Hearing Date	2024-03-12
Address	116R Cambridge ST Charlestown 02129
Parcel ID	0202122000
Zoning District & Subdistrict	Charlestown Neighborhood LI
Zoning Article	62
Project Description	The current use for this parcel is as a cannabis establishment without delivery called The Heritage Club. The applicant is seeking to add delivery for customers from this location with no changes to the interior or exterior of the building.
Relief Type	Conditional Use
Violations	Use: conditional (extension of nonconforming use- adding delivery)

Planning Context:

The current use for this parcel is as a cannabis establishment without delivery called The Heritage Club. There is a concurrent ZBA case for this site (BOA1492536) for the same proponent to remove a proviso related to updated delivery hours on the weekend. This change has support from both the Boston Cannabis Board and the Charlestown Neighborhood Council.

For this application, the proponent is seeking to add delivery for customers from this location with no changes to the interior or exterior of the building. In December 2023, the proponent appeared before the Boston Cannabis Board (BCB) for their courier license application. As discussed in their BCB presentation, no dedicated customer parking will be removed. Four off-street spaces in the same lot will be reserved for delivery vehicles, though the proponent expressed that The Heritage Club’s plan is to start with two vehicles. They estimate that there will be four trips in and out of the lot daily with deliveries. No board members raised concerns at the meeting.

Like the concurrent case mentioned above, this change has substantial community support. At a November 9th, 2023 meeting of the Charlestown Neighborhood Council, members voted unanimously in favor of writing a letter of support for the proponent’s courier application to the



BCB. In total, 8 letters were sent in support of the change to the Board at the time of the hearing, and none were submitted against it.

PLAN: Charlestown, which was adopted by the board in September 2023, identified “grow[ing] and strengthen[ing] Charlestown’s local businesses and job opportunities” as a key goal. While this refusal was issued under previous zoning, Text Amendment Number 465 was enacted on November 7, 2023 to implement PLAN: Charlestown and rezone this parcel as a Neighborhood Shopping subdistrict. In alignment with larger PLAN: Charlestown goals, NS subdistricts were created to help support small businesses and local job opportunities. As discussed in the BCB presentation, The Heritage Club is a small business that employs Charlestown residents.

Zoning Analysis:

The Heritage Club was previously granted a conditional use permit to operate as a cannabis establishment, since that use is conditional in the Local Industrial subdistrict. The addition of delivery triggered an extension of nonconforming use violation. However, we believe that the addition of delivery meets the Article 6-3 standards for the granting of a conditional use permit.

First, the site is an appropriate location for delivery. Article 62-16 cites job creation and preservation as one of the purposes of creating the Local Industrial subdistrict. Offering an option for delivery will help The Heritage Club to remain competitive and profitable during a time when many other cannabis establishments in the state are doing the same.

The addition of delivery would not cause any foreseeable adverse effects, due in part to the fact that the proponent has ensured adequate facilities for the new service. Four off-street parking spaces have been set aside for delivery vehicles without removing any dedicated customer parking. At four trips in and out of the parking lot per day, we do not anticipate that a nuisance will be created by the new use or that any serious hazard for vehicles or pedestrians will occur as a result.

Recommendation:

In reference to BOA1555509, The Boston Planning & Development Agency recommends APPROVAL.



Reviewed,

A handwritten signature in blue ink, appearing to read 'Aimee Rand'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Director of Planning, BPD



Case	BOA1540541
ZBA Hearing Date	2024-03-12
Address	335 K ST South Boston 02127
Parcel ID	0702164000
Zoning District & Subdistrict	South Boston Neighborhood MFR/LS
Zoning Article	68
Project Description	The proponent seeks to change an existing one-family, three-story townhouse, residential building into a two-family residential building, with two new off-street parking spaces in the rear of the building. Exterior building additions are limited to the creation of an electric room and entrance, roughly 80 square feet in size, at the rear of the building.
Relief Type	Variance
Violations	Lot Area Insufficient Additional Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Side Yard Insufficient Parking design and maneuverability Parking or Loading Insufficient Insufficient side yard setback. Rear 1 story addition

Planning Context:

The proponent seeks to convert an existing 1-family, three-story townhouse, residential building into a two-family residential building (two 2-bedroom units), with a new off-street parking area that could accommodate two vehicles. The off-street parking area would replace the existing rear yard and create a 16’ wide curb cut that would support the parking. The two units will be bilevel, with each unit being provided two stories: Unit 1 exists on the basement and first floors, and Unit 2 on the second and third floors. Exterior building additions are limited to the creation of an electric room and entrance, roughly 80 square feet in size, at the rear of the building.

The project is situated at the corner of East 7th Street and K Street, and is part of a series of row homes. The existing building shares a common wall with 337 K. Street. In terms of neighboring context, adjacent corner properties are of diverse uses, including a mixed-use property with ground floor retail (336-338 K Street), a condo building (332 K Street), and single-family residential building (331 K Street). The project site is within a Multifamily

BOA1540541

2024-03-12

1 Boston Planning & Development Agency



Residential/Local Services (“MFR/LS”) subdistrict, which encourages a variety of housing types as well as ground floor retail commercial uses.

Zoning Analysis:

This project’s violations are due to dimensional regulations and parking requirements. Some of these violations are due to existing nonconformities, including insufficient lot size, where the existing parcel (1,250 sf) is below the sufficient lot size required for development in MFR/LS subdistricts (min 5,000 sf). This requirement for larger lot sizes for MFR/LS warrants further zoning study given the context of the site. The lot size also limits the FAR available for development. The existing building is over 2,000 sf, and already exceeds the permitted 1.5 FAR.

Another existing nonconformity is in the requirement of a side yard setback for this townhouse structure. Currently, the existing building is built to the lot line on the north and south sides of the property, allowing for a rear yard but no side yard.

The existing property also has no off-street parking. Art. 68 requires that 1.5 parking spaces be provided per unit. The proposed changes to the project will include 2 off-street parking spaces, which is still insufficient, but at the cost of a 16’ wide curb cut off of East 7th Street which will interfere with pedestrian connectivity. The project’s proposed off-street parking spaces also fall short of the dimensional requirements for off-street parking, affecting maneuverability.

Due to the change in number of units, violations also arise due to lot area and open space requirements. Art. 68 requires that for each additional unit, the lot area must increase by 1,000 square feet. This is challenging to meet given that limited exterior changes are being done to the existing building and the project site’s parcel size is unchanging. Each unit is also required to have access to a minimum of 200 sf of open space, which will be unavailable due to the off-street parking that will replace the existing rear yard.

The plans entitled PROPOSED IMPROVEMENT, 335 K STREET, SOUTH BOSTON MASSACHUSETTS prepared by JOSH THOMPSON on September 12, 2023 were used in preparation of this recommendation.

Recommendation:



In reference to BOA1540541, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. While the use is appropriate for the MFR/LS district, the proponent should acknowledge the limitations of the site for off-street parking given the proposed design. The proponent should also consider ways to maintain open space access for future tenants of the building.

Reviewed,

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Director of Planning, BPDA



Case	BOA1559568
ZBA Hearing Date	2024-03-12
Address	584 Cambridge ST Allston 02134
Parcel ID	2101223000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 3F-4000
Zoning Article	Article 51
Project Description	Erect a new residential building with 8 units and 4 parking spaces on vacant lot.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (ft) Usable Open Space Insufficient Side Yard Insufficient Lot Area Insufficient Parking or Loading Insufficient Use: Forbidden (MFS)

Planning Context:

The proposed project is seeking to erect a new residential building with 8 units and 4 parking spaces in the rear on 584 Cambridge Street in Allston. This site is currently a vacant lot that is covered in tree canopy. There is also an existing two-car garage structure in the rear. The proposed project is a 4-story, 47.5 foot building with 2 units on each floor. It would erect a new 4 car garage in the rear and maintain the existing 2 car garage. However, no cars will be parked in the existing garage. There is also a bus stop for the MBTA 57 and 501 routes directly in front of the property. This area is currently zoned as 3F-4000. Cambridge Street is a mix of commercial and residential buildings with service on multiple MBTA bus routes. On this portion of Cambridge Street, the residential buildings are a mix of two-family, three-family, and multi-family buildings. Cambridge Street will be a focus area for study of potential Squares + Streets as part of the upcoming Allston-Brighton Neighborhood Plan that will be launching this year.

This project would help advance the needs identified in the Allston-Brighton Needs Assessment (January 2024). The Allston-Brighton Needs Assessment sought to assess the community's assets and needs. One of the central needs identified was a need for accessible and affordable housing. The proposed project would add to the housing stock as it would create housing on a vacant lot in Allston. It is also accessible to transit due to the MBTA bus stop for the 57 and 501 route right outside the proposed project.

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2024-03-12

1 Boston Planning & Development Agency



Zoning Analysis:

With the proposed project, the refusal letter states violations in off-street parking & loading requirements, forbidden use, lot area insufficient, excessive FAR, excessive building height, usable open space insufficient, and side yard insufficient. Under Article 51 of the Zoning Code, the dimensions are as follows: minimum lot area is 4,000 square feet for 1 or 2 units and 2,000 square feet for each additional dwelling unit, FAR of 0.8, building height of 3 stories or 35 feet, minimum of 650 square feet per dwelling unit of usable open space, minimum side yard of 5 feet from a side lot line and 10 feet from an existing structure on an abutting lot, and a parking ratio of 1.75. Also, under Article 51, a multi-family residential building is forbidden in this area since it is zoned as 3F-4000.

Relief is recommended for the off-street parking requirements, use, minimum lot size, and the side yard. The project proposes 4 parking spaces for its 8 units. The underlying zoning would require the project to have 14 parking spaces total. Due to the proximity of the MBTA bus stop, this would be a transit-oriented development where parking is not as necessary. Relief is also recommended for the use as this project would build a multi-family residential building on a previously vacant lot. This would help increase the available housing stock, especially in the Allston-Brighton area where it was identified as a community need. It is also recommended for the minimum lot size. The lot currently sits vacant and the proposed project would add a building that would benefit the community.

Relief is also recommended for the side yard. The west side yard meets the minimum required 10 feet from an abutting property. The east side yard is set at 3.4 feet from the property line which doesn't meet the minimum of 5 feet. However, it would be difficult to increase the east side yard due to the existing curb cut and driveway on the west side of the building while ensuring the minimum required 10 feet is met for the west side yard.

Relief is recommended for the amount of usable open space. As the proposed project is located in an area that is currently zoned as 3F-4000, the current zoning is not consistent with the mixed-use content of Cambridge Street. The proposed project is offering open space as yard space and balconies for each unit. The site is also a 6-minute walk away from Ringer Park, which has both sport facilities and a playground on site.



Relief is also recommended for the height and FAR. As this project is building units on vacant land, this would add the transit-oriented housing in a predominantly residential mixed use corridor, as identified in the Allston-Brighton Needs Assessment.

The plans reviewed were titled 584 Cambridge Street and were prepared by GCD Architects on October 12, 2023.

Recommendation:

In reference to BOA1559568, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans should be submitted to the BPDA for Design Review.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1548966
ZBA Hearing Date	2024-03-12
Address	55 Bostonia AV Brighton 02135
Parcel ID	2204728000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 1F-5000
Zoning Article	51
Project Description	Request to subdivide existing parcel containing two buildings into two parcels, each containing one building
Relief Type	Variance
Violations	Lot Area Insufficient Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Use: Forbidden (Two-Family Residential)

Planning Context:

The proposed project subdivides an existing parcel at 12 Regal Street into two parcels, one at 55 Bostonia Avenue, and the other at 12 Regal Street. The site contains one single family dwelling, at 12 Regal Street and a newly constructed 2.5-story, two-family dwelling at the proposed 55 Bostonia Avenue. The existing parcel at 12 Regal Street is approximately 8,000 SF whereas other parcels in the area, within the same neighborhood context are approximately one-half the size around 4,000 SF. The size difference is noticeable in the average lot width. 12 Regal Street is approximately twice as wide as the other surrounding parcels, making it a good candidate for subdivision per the proponent's proposal.

Zoning Analysis:

The parcel proposed to be subdivided is located within the Allston/Brighton Neighborhood District, in a 1F-5000 subdistrict. Despite the location within a single-family subdistrict, the neighboring properties comprise a mix of single-family and two-family uses. The subdivision of the existing 8,000 SF into two parcels would create two parcels each less than the 5,000 SF minimum lot size per the Zoning Code. The two new parcels would measure approximately 4,000 SF each, contextual for the neighborhood. Each of the three parcels abutting the current site at 12 Regal Street is located within the same zoning subdistrict, and measure 4,050, 4,029, and 3,825 SF respectively.



The setbacks created by the proposed subdivision on the new parcel at 55 Bostonia Avenue are 15' (front), 8' (side - east), 10' (side - west), and 30' (rear). The front setback is less than the required 20' distance, but is modal with the existing building at 12 Regal Street. The required side setback is 10', which is met on the west side of the building. The nonconforming 8' side setback thus comes as close as possible to being met without changing the dimensions of the building. The rear setback falls short of conforming to zoning regulations by 10'. However, like other nonconforming elements of this proposal, a small rear setback is contextual with other buildings within the same block. While it is generally not recommended to create nonconforming lots when splitting parcels, this project supports the case for zoning reform to align dimensions and uses with existing context.

Recommendation:

In reference to BOA1548966, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA

MEMORANDUM

NOVEMBER 16, 2023

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

FROM: MICHAEL CHRISTOPHER, DIRECTOR OF DEVELOPMENT REVIEW
CASEY HINES, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW
QUINN VALCICH, SENIOR PROJECT MANAGER
EILEEN MICHAUD, PLANNER I

SUBJECT: 29 HIGH STREET, DORCHESTER

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 29 High Street in Dorchester (as defined below, the "Proposed Project"), in accordance with Article 80E, Small Project Review of the Boston Zoning Code (the "Code"); and (2) execute and deliver an Affordable Housing Agreement ("AHA") in connection with the Proposed Project; and (3) enter into a Community Benefits Agreement and any and all other agreements and documents, and to take any and all other actions that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The Proposed Project is located on an approximately 32,663 square foot parcel of land at 29 High Street in the Meeting House Hill section of the Dorchester neighborhood of Boston (the "Project Site"). The Project Site is currently a vacant parcel of land and is within close proximity to MBTA bus service on lines 15 and 17, and within approximately 12-minutes walking distance of the Savin Hill Red Line rapid transit station.

DEVELOPMENT TEAM

The development team includes:

- Proponent: Crest City Capital LLC
Brad Cangiamila
- Dalfior Development, Inc.
Fernando Dalfior
- Architect: SOUSA Design Architects
Stephen Sousa, Dennis Greenwood
- Legal Counsel: Adams & Morancy, P.C.
George Morancy, Esq.
- Land Survey: Peter Nolan & Associates LLC
Peter Nolan
- Landscape Architecture: Verdant Landscape Architecture
Blair Hines, Katya Podzialdo

PROPOSED PROJECT

Crest City Capital LLC and Dalfior Development, Inc. (collectively, the “Proponent”) seek to construct a new three (3) story (with two roof structures), approximately thirty-four-foot six-inch (34’6”) maximum height, approximately 44,170 gross square foot residential building that will include up to thirty-one (31) residential home ownership units, including five (5) IDP units, and up to twenty-three (23) off-street vehicle parking spaces (the “Proposed Project”). The Proposed Project also will include an interior bicycle storage room with space for thirty-eight (38) bicycles for residents and six (6) for the public.

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

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	44,170
Gross Floor Area	36,028
<i>Residential</i>	36,028
<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>	7,071
Development Cost Estimate	\$11,000,000
Residential Units	31
<i>Rental Units</i>	0
<i>Ownership Units</i>	31
<i>IDP/Affordable Units</i>	5
Parking spaces	23

PLANNING CONTEXT

The proposed 31-unit condo project at 29 High Street is located within a 3F-5000 residential subdistrict in Article 65, the Dorchester Neighborhood District. High Street is a steeply graded low-scale residential street with 1- to 3-story, primarily single-family residential buildings separated by moderate planted side yards, driveways, and interspersed mature trees. High Street intersects with Hancock

Street, a primary neighborhood connector that terminates at Dorchester Avenue to the east. The project site is very walkable to nearby eateries, open space such as Ronan Park, local bus routes, and the Savin Hill Red Line station .6 miles away.

The proposed multifamily residential use is Forbidden in the 3F-5000 residential subdistrict, and the density is over twice as high as allowed. However, the convenient access this site affords to essential amenities and transit connections is an ideal context for multifamily residential development in line with Housing Boston 2030 and Squares and Streets goals while respecting the scale of existing residential fabric. The proposed project height of 3 stories (39 feet), with setbacks in excess of minimum zoning requirements, and significant on-site mature tree preservation, contextually integrates this infill development to the surrounding neighborhood.

ARTICLE 80 REVIEW PROCESS

On May 26, 2023, the Proponent filed an Application for Small Project Review with the BPDA for the Proposed Project, pursuant to Article 80E of the Code (the “Code”). The BPDA sponsored and held a virtual public meeting on June 13, 2023, via Zoom. The meeting was advertised in the local newspapers, posted on the BPDA website, and a notification was emailed to all subscribers of the BPDA’s Dorchester neighborhood update lists. The public comment period ended on June 26, 2023.

ZONING

The Project Site is in the Dorchester Neighborhood District governed by Article 65 of the Code and more specifically within a 3F-5000 zoning subdistrict and Neighborhood Design Overlay District. The Proponent expects that zoning variances will be needed for the following: floor area ratio, building height, insufficient off-street parking and loading, and multifamily use.

MITIGATION AND COMMUNITY BENEFITS

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

- The Proponent will make a one-time “bikeshare” contribution of Eight Thousand Five Hundred Twenty-Five Dollar (\$8,525.00) to the Boston Transportation Department (“BTD”) per the City’s Bike Parking Guidelines. The \$8,525.00 contribution to the Boston Transportation Department is due upon issuance of the Certificate of Approval.
- The Proponent will design and install quick-build safety improvements to the intersection of Church Street and Winter Street to improve pedestrian safety, at a cost not to exceed \$50,000.
- The Proponent shall make a Thirty-One Thousand Dollar (\$31,000.00) 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 support nearby Boston Parks and Recreation Department properties.

Amount: \$31,000.00

Timeline: The \$31,000.00 contribution is due upon issuance of the Certificate of Approval.

- The Proponent commits to equipping electric vehicle charging infrastructure at a rate of 25% installed, or six (6) charging stations, and the remaining seventeen (17) parking spaces to be EV Ready for future installation.
- In support of Boston’s green building and carbon neutral goals, the Proposed Project will be designed to meet LEED Gold performance standards.
- The Proposed Project will replace any net loss in on-site trees from on a 1-1 caliper inch basis, equal to approximately 30 caliper inches, to be located both on the project site and in the surrounding area of the project site.
- The Proposed Project will create approximately fifty (50) temporary construction related jobs.
- Additional property tax revenue for the City.

The community benefits described above will be set forth in the Community Benefit Contribution Agreement for the Proposed Project. The community benefits contribution payments shall be made to BTD and City’s Fund for Parks, accordingly,

upon issuance of the Certificate of Approval and will be distributed as outlined above.

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

INCLUSIONARY DEVELOPMENT POLICY

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (the "IDP") and is located within Zone C, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. In this case, five (5) units, or approximately 16% of the total number of units within the Proposed Project, will be created as IDP homeownership units (the "IDP Units"), exceeding the requirements of the IDP. Additionally, the Proponent has agreed to deeper affordability levels for the IDP units. One (1) unit will be made affordable to households earning not more than 50% of Area Median Income ("AMI"), as published by the BPDA and based upon data from the United States Department of Housing and Urban Development ("HUD"), one (1) unit will be made affordable to households earning not more than 60% of AMI, two (2) units will be made affordable to households earning not more than 80% of AMI, and the remaining one (1) unit will be made affordable to households earning not more than 100% of AMI.

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

Unit #	# of Bedrooms	Square Footage	% of AMI	Maximum Sales Price	ADA/Group 2 Designation (if any)
103	3	1,546 SF	60% AMI	\$209,800	
110	1	714 SF	80% AMI	\$219,500	

202	2	969 SF	80% AMI	\$258,500	
208	2	902 SF	50% AMI	\$141,900	
307	3	1,126 SF	100% AMI	\$378,000	

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

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

- (1) Boston resident;
- (2) Household size (a minimum of one (1) person per bedroom); and,
- (3) First-time homebuyer.

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

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 buyer and sale price of any subsequent sale of the IDP Units during this fifty (50) year period must fall within the applicable income and maximum sales price limits for each IDP Unit. IDP Units may not be rented out by the developer prior to

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

RECOMMENDATIONS

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, BPDA staff recommends that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project; (2) execute and deliver an Affordable Housing Agreement (“AHA”) in connection with the Proposed Project; and (3) enter into a Community Benefits Agreement, and any and all other agreements and documents, and to take any and all other actions that the Director deems appropriate and necessary in connection with the Proposed Project.

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6 of the Boston Zoning Code (the "Code"), approving the development at 29 High Street in the Dorchester neighborhood, proposed by Crest City Capital LLC and Dalfior Development, Inc. (collectively, the “Proponent”), for the construction of a three (3) story (with rooftop structures), approximately thirty-four-foot six-inch (34’6”) foot maximum height, approximately 44,170 gross square foot residential building that will include up to thirty one (31) residential home ownership units, including five (5) IDP units, and up to twenty-three (23) off-street vehicle parking spaces (the “Proposed Project”), in accordance with the requirements of Small Project Review, Article 80E, of the Code, subject to continuing design review by the BPDA; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute and deliver an Affordable Housing Agreement for the creation of five (5) IDP Units in connection with the Proposed Project; and

FURTHER

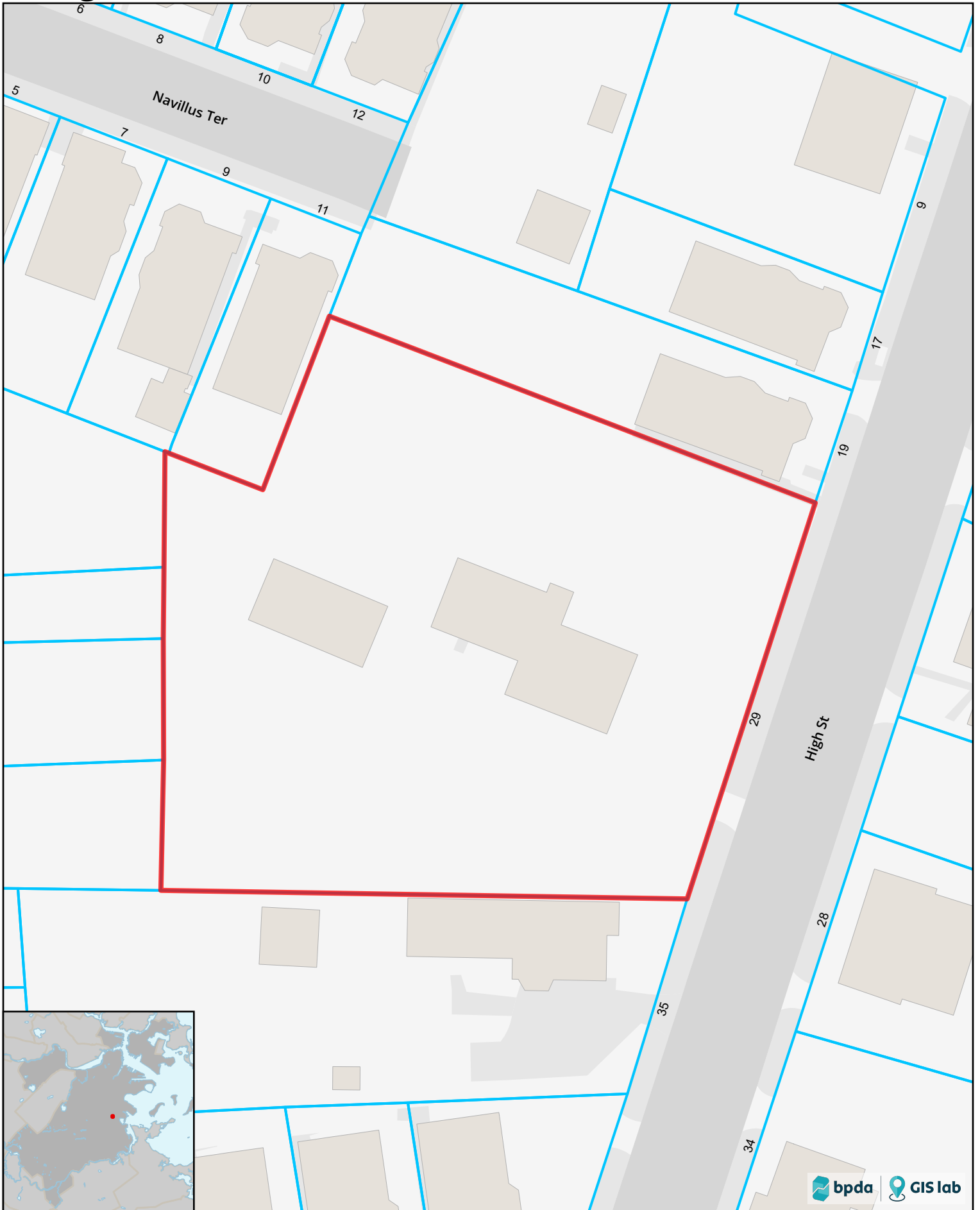
VOTED: That the Director be, and hereby is, authorized to execute and deliver a Community Benefits Agreement and any and all other agreements

and documents, and to take any and all other actions that the Director deems appropriate and necessary in connection with the Proposed Project.

29 High Street



1:500



29 High Street



1:500



MEMORANDUM

AUGUST 17, 2023

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

FROM: MICHAEL CHRISTOPHER, DIRECTOR OF DEVELOPMENT REVIEW
CASEY HINES, DEPUTY DIRECTOR OF DEVELOPMENT REVIEW
NUPOOR MONANI, DEPUTY DIRECTOR OF MASTER PLANNING &
POLICY
BEN ZUNKELER, SENIOR PLANNER II
YARISAMAR CORTEZ, PLANNER I
MATTHEW MARTIN, URBAN DESIGNER II
JILL ZICK, SENIOR LANDSCAPE ARCHITECT, PUBLIC REALM MANAGER
JOSEPH BLANKENSHIP, SENIOR TRANSPORTATION PLANNER II
KATHERINE LATOFF, SUSTAINABLE DEVELOPMENT
MICHAEL SINATRA, DEVELOPMENT REVIEW OMBUDSMAN

SUBJECT: 500 WESTERN AVENUE, BRIGHTON

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority (“BRA”) d/b/a the Boston Planning & Development Agency authorize the Director to: (1) issue a Scoping Determination waiving further review pursuant to Article 80, Large Project Review of the Boston Zoning Code (the “Code”) for the 500 Western Avenue project (the “Proposed Project”, defined below) in the Brighton neighborhood of Boston; (2) issue a Certification of Compliance under Section 80B-6 of the Code upon successful completion of the Article 80 review process; (3) enter into an Artist Affordable Rental Housing Agreement and Restriction, Affordable Rental Housing Agreement and Restriction, and a Cooperation Agreement in connection with the Proposed Project 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.

PROJECT SITE

The project site is located at 500 Western Avenue, in the northern part of Brighton at the intersection of Western Avenue and Mackin Street. It is bounded by Western Avenue to the north, Mackin Street to the east, and Richardson Street to the south and west. Consisting of approximately 33,010 gross square feet of combined land, with unimproved and impervious surfaces, excessive curb-cuts and no usable open space, the site includes the consolidation of five (5) adjacent parcels, at 500-502 Western Avenue and 7-9 Richardson Street (the “Project Site” or “Site”).

The site was previously improved by a vehicle maintenance garage and inspection station, along with a gas pumping and convenience store on the western half of the Site, and community pay-parking on the eastern half. While awaiting the proposed redevelopment review and permitting, the Site has maintained the pay parking use.

DEVELOPMENT TEAM

The Project Team consists of the following entities:

- | | |
|--------------------------------------|--|
| Property Owner: | 500 Western LLC
c/o Ardo Garabedian, Principal
28 Menchen Road
Sudbury, MA 01776 |
| Legal
Counsel/Outreach: | McDermott Quilty & Miller LLP
28 State Street, Suite 802
Boston, MA 02109
Joseph Hanley, Esq. - Partner
Nicholas Zozula, Esq. – Senior Associate |
| Article 80
Permitting Consultant: | Mitchell L. Fischman Consulting LLC
41 Brush Hill Road
Newton, MA 02461
Mitchell Fischman
Meghna Lahiry |
| Architect: | Hendren Associates |

119 Braintree St # 209,
Allston, MA 02134
Gary Hendren

Transportation Planner / Engineer: Howard Stein Hudson
11 Beacon Street, Suite 1010
Boston, MA 02108
Keri Pyke, P.E., PTOE
Emma Parisi

Civil Engineer: Howard Stein Hudson
11 Beacon Street, Suite 1010
Boston, MA 02108
Rick Latini, P.E.
George Mihov, P.E.

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

Noise and Air Consultant: Tech Environmental, Inc.
Hobbs Brook Office Park
303 Wyman Street, Suite 295
Waltham, MA 02451
Marc C. Wallace

Sustainability/ LEED Consultant CLEAResult
19 Richardson Street
Winchester, MA 01890
Jeremy Dagold, CPHC
Ann John

DESCRIPTION AND PROGRAM

The Proposed Project includes a new six (6) story structure of approximately 96,703 square feet (sf), including 116 multi-family residential apartments (inclusive of eight (8) artist live/work units), approximately 2,800 gross square feet of ground floor retail space for an urban market, and an overall on-site parking program of 133 total vehicular spaces (including 64 garaged spaces for residents of the new building and 64 garaged spaces for commercial, fee-paid “district parking” public program to address the City’s planned reduction of on-street spaces along Western Avenue), and five (5) short-term retail/convenience store surface covered spaces), and 147 total bike parking spaces at both the ground and garage level locations.

Additionally, the Proposed Project will replace and upgrade the Site’s inaccessible sidewalks, impervious surfaces, and lack of open space, with improved connectivity, new street trees and new public realm, including, but not limited to, an approximately 3,350 sf public pocket park at the rear of the Site along Richardson Street , a widened 12-foot sidewalk with 20-foot setback along Western Avenue and approx. 1,750 sf of front facing public plaza area on the Site itself, planting/maintaining over 30 new trees, including 17 canopy and ornamental trees, widening Mackin Street to Richardson Street, with new sidewalks and improved parking/circulation, and the relocation of utility / light pole for improved circulation on the public sidewalk at Mackin Street and Western Avenue.

The building will contain a unit mix of the following: forty-six (46) studios, fifty (50) one-bedroom units, fifteen (15) two-bedroom units, and five (5) three-bedroom units. Seven (7) of the eight (8) artist live/work units are one-bedroom units, and one (1) is a studio.

The Proponent plans to commence construction of the Proposed Project in 2024. There are an estimated 125+/- construction jobs contributing to the Proposed Project. The total development cost is approximately Thirty-Five Million Dollars (\$35,000,000).

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

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	147,169
Gross Floor Area	96,703
<i>Residential</i>	93,903
<i>Office</i>	0

<i>Retail</i>	2,800
<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>	47,716
Development Cost Estimate	\$35,000,000
Residential Units	116
<i>Rental Units</i>	116
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	21
Parking spaces	133

PLANNING CONTEXT AND CITY STAFF REVIEW

The Proposed Project is located within the planning boundaries of the Western Avenue Corridor Study and Rezoning (“WACRZ”) Study adopted by the BPDA board in October 2022 with zoning amendments adopted by the Zoning Commission in November 2022. The WACRZ Study provides zoning, urban design, and mobility frameworks to guide change in an area undergoing redevelopment along the Western Avenue and Everett Street corridors. The WACRZ zoning framework also establishes higher density limits for mixed use development in key nodes, like Barry’s Corner and near the Boston Landing commuter rail station.

The Proposed Project complies with the parameters set forth in the WACRZ Study for the 1C Zone in which it is contained. It is Multi-family Residential in use, below 90 feet in height, falls within the 2.5-3.0 Affordability Incentive FAR range for density, and is below 60% lot coverage. The Proposed Project advances transportation and street network recommendations outlined in the WACRZ Plan

for this area, such as building a future improved transit stop and a protected bike lane along Western Avenue, therefore contributing to the creation of safer multimodal transportation options. This Project also improves pedestrian connections to the Boston Landing MBTA Station by creating public connections on all sides of the Project Site as well as a pocket park along Richardson Street.

The proposed uses help advance the goals set out in the Allston-Brighton Arts, Culture, and Place Keeping Report (2021) by MOAC, through the inclusion of affordable artist live-work units and art and cultural public realm placemaking opportunities, which are described below. Additionally, this project advances the City's housing goals by increasing the housing stock and exceeding WACRZ housing affordability requirements, which at the time of this board approval exceeds current Inclusionary Development Policy requirements.

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

ARTICLE 80 REVIEW PROCESS

On September 20, 2022, the Proponent filed a Letter of Intent ("LOI") in accordance with the BPDA's policy regarding the Provision of Mitigation by Development Projects in Boston. On September 20, 2022, letters soliciting nominations for the Impact Advisory Group ("IAG") were delivered to local and state elected officials. On October 26, 2022, the IAG was finalized with eleven (11) members.

The Proponent filed a Project Notification Form ("PNF") for the Proposed Project on January 12, 2023, which initiated a thirty-(30) day public comment period which was subsequently extended to close on June 2, 2023. Notice of the receipt of the PNF by the BPDA was published in the Boston Herald on January 12, 2023. The notice and PNF were sent to the City's public agencies/departments and elected officials.

Pursuant to Section 80B-5.3 of the Code, a Scoping Session was held on January 24, 2023, with the City's public agencies and elected officials to review and discuss the Proposed Project.

The BPDA held a virtual public meeting and two (2) virtual IAG meetings via Zoom for the Proposed Project. The IAG meetings were held on February 6, 2023, and May 22,

2023, while the public meeting was held on March 1, 2023. The IAG meeting was advertised in local newspapers and on the BPDA website and distributed to the BPDA's Allston/Brighton email list.

In addition to the previously mentioned virtual public meetings, the Proponent also conducted extensive community outreach and attended a series of meetings before and during the Article 80 review process with their abutters, local elected officials, the Brighton Allston Improvement Association, Allston Civic Association, and other interested parties, to discuss and process the Proposed Project and solicit neighborhood feedback.

ZONING

On November 9, 2022, the City of Boston Zoning Commission approved zoning amendments to implement recommendations for new zoning applicable to the Site, pursuant to the Western Avenue Corridor Study and Rezoning Plan (the "WACRZ Plan"). The approved WACRZ Plan created a new Community Commercial Subdistrict applicable to the Site within the Allston-Brighton Neighborhood Zoning District: namely, the Everett/Telford Community Commercial Subdistrict ("CC Subdistrict"). This newly adopted CC Subdistrict now provides for a maximum Floor Area Ratio ("FAR") of 2.5 and maximum Floor Area Ratio ("FAR") of 3.5, with a density bonus, as part of the WACRZ Plan's on-site affordable housing incentive program. As a result of the density incentive, this project will be constructed at a 2.93 FAR. The WACRZ Plan also included a limited number of parcels with a portion of land area in the 3F-4000 Subdistrict, along with CC-1 uses along Western Avenue and in common ownership. These parcels, including certain lots to be combined at the Site, were included in the WACRZ Study area and have now been remapped as within its new CC Subdistrict. The combined Site, however, still includes a single smaller parcel which remains within the Allston/Brighton Neighborhood Zoning District's 3F-4000 Subdistrict. As a result, the combined premises is situated within both the Community Commercial ("CC-1") and 3F-4000 Subdistricts of the Allston/Brighton Neighborhood Zoning District, which regulate its proposed Uses and Dimensional aspects under Article 51 of the Code (as amended).

The Project Site is not located within any other Overlay Districts under the Code.

As the CC-1 Subdistrict does not permit residential occupancy in the Basement and First Stories of the new building, the proposed Multi-Family Residential ("MFR") Use for the Proposed Project requires a Conditional Use Permit (although Allowed on the upper floors). The Proposed Project's on-site vehicular parking program also requires Conditional Use Permits for the commercial "district parking" program's "Commercial Fee Paid Parking" and the Proposed Project's "Accessory Parking Use". Finally, the

Proposed Project's artist live-work units are regulated as Forbidden Uses in the Basement and First Stories and, therefore, require Use Variances from the Code.

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

In particular, the Proposed Project is subject to, and anticipates obtaining special approvals and relief from the following regulations of the Code:

- Within the CC-1 Subdistrict for: (1) Section 51-16. - Use Regulations - Multifamily Dwelling Use – Conditional Use – Basement & First Story; (2) Section 51-16. - Use Regulations - Parking Garage – Fee Paid Parking – Conditional Use; (3) Section 51-16. – Use Regulations – Accessory Parking – Conditional; (4) Section 51-16. – Use Regulations - Artists' Mixed-Use – Forbidden in Basement & First Story; (5) Section 51-17.
- CC-1 Subdistrict's Dimensional Regulations - Floor Area Ratio Excessive; (6) Section 51-17. - Dimensional Regulations - Building Height Excessive; and (7) Section 51-17. - Dimensional Regulations - Front Yard Insufficient.
- Within the 3F-4000 Subdistrict for: (1) Section 51-8. - Use Regulations - Multifamily Dwelling Use – Forbidden; (2) Section 51-8. - Use Regulations - Parking Garage – Fee Paid Parking – Forbidden; (3) Section 51-8. – Use Regulations – Accessory Parking – Forbidden; (4) Section 51-9.
- 3F-4000 Subdistrict's Dimensional Regulations - Additional Lot Area for Ea. Addit'l Dwell. Unit Insufficient; (5) Section 51-9. - Dimensional Regulations - Floor Area Ratio Excessive; (6) Section 51-9. - Dimensional Regulations - Building Height Excessive (Feet); (7) Section 51-9. - Dimensional Regulations - Building Height Excessive (Stories); (8) Section 51-9. - Dimensional Regulations – Usable Open Space Insufficient; and (9) Section 51-9. - Dimensional Regulations – Front Yard Setback Insufficient.

Again, as the Proposed Project is subject to Large Project Review, its required off-street parking allotment and off-street loading facilities have been adjudicated

through the Large Project Review process, in accordance with the provisions of Article 80 of the Code. Design elements of the Proposed Project will also be subject to Large Project Review.

MITIGATION AND COMMUNITY BENEFITS

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

- The Proponent will design and construct a public pocket park along Richardson Street of approximately 3,350 sf on the southern side of the Site.
- Upon issuance of the full Building Permit, the Proponent will make a one-time “bikeshare” contribution of Forty-Nine Thousand Dollars (\$49,000.00) to Boston Transportation Department (“BTD”) per the City’s Bike Parking Guidelines as well as provide space along Mackin Street for one (1) 15- dock bike share station onsite upon issuance of Certificate of Occupancy. The Proponent will work with BTD and the BPDA to site the station appropriately for a year-round location. Bike share stations may require Administrative Review by PIC.
- The Proponent will include a twenty (20) foot overall setback along Western Avenue, which will be programmed with long-term transportation improvements, green stormwater infrastructure (if possible), and landscaping.
- The Proponent will widen Mackin Street to Richardson Street, with new complete street compliant sidewalks and improved parking/circulation, as part of the Proposed Project.
- The Proponent will relocate certain utility / light poles for improved circulation on the public sidewalk at Mackin Street and Western Avenue.
- The Proponent will plant and maintain over 25 new trees in and around the Site, including approximately 15 canopy and ornamental trees
- The Proposed Project will include affordable artist live/work units with interior workspace.
- The Proposed Project will include a district parking programming for local businesses, visitors and resident accommodation with these on-site spaces used to address the City’s planned reduction of on-street spaces along Western Avenue, as identified in the recent Western Avenue Corridor Rezoning Study (“WACRZ”).

- The Proposed Project will include a neighborhood serving urban market/café of approximately 2,800 sf.
- The Proponent will also provide subsidized monthly MBTA passes and/or subsidized Bluebikes membership to residential tenants, with said details to be determined and finalized in the forthcoming Transportation Access Plan Agreement (“TAPA”) with the BTM.
- The Proponent will design and construct an eastbound cycle track, floating bus stop with shelter, and green stormwater infrastructure (if possible) along the Western Avenue frontage of the site consistent with the long-term transportation plans shown in the WACRZ. The Proponent will complete the construction of these transportation improvements before the issuance of a Certificate of Occupancy from ISD.
- The Proponent will design and construct a raised crosswalk across Mackin Street at Western Avenue. The Proponent will complete the construction of these transportation improvements before the issuance of a Certificate of Occupancy from ISD.
- The Proponent will design and construct a new crosswalk, including accessible pedestrian ramps, across Western Avenue in the vicinity of the western end of the site. The exact location will be coordinated through the design process with BTM. The Proponent will design and install a Rectangular Rapid Flashing Beacon (“RRFB”) at the crosswalk to improve pedestrian safety and visibility, pending approval from BTM of such device. The Proponent will complete the construction of these transportation improvements before the issuance of a Certificate of Occupancy from ISD.
- The Proponent will improve the crosswalk across Richardson Street at Mackin Street by reconstructing the accessible pedestrian ramps and installing new crosswalk pavement markings. The Proponent will complete the construction of these improvements before the issuance of a Certificate of Occupancy from ISD.
- The Proponent will provide funds to the Allston-Brighton Transportation Management Association (“AB-TMA”) with said funds to be used for implementation of the AB-TMA’s shuttle service, and for implementation of wayfinding signage to area attractions, by contributing \$10,000.00 upon the issuance of a Certificate of Occupancy from ISD.

- The Proponent will provide funds to the Fund for Parks with said funds to be used for the maintenance and upkeep of the City's parks within 0.5 miles of the Project Site, specifically Portsmouth Playground, by contributing \$10,000.00 at the issuance of a Certificate of Occupancy from ISD.

SUSTAINABILITY AND RESILIENCY

- The Project as proposed is LEED Gold certifiable, achieving 76 points, with all-efficient electric systems. It is Passive House compliant with a modeled Building 2035 CEI of 0.90 kg CO₂e/sf-yr and a 70-kW rooftop mounted solar PV array. Tenants will be automatically enrolled in Boston's Community Choice Electricity "Green 100" option; this, coupled with the aforementioned rooftop PV, ensures that the building will be Zero Net Carbon. The Proposed Project is a model of sustainability for future multifamily housing projects in the City of Boston.

SMART UTILITIES

The buildings and site plan comply with the Smart Utilities requirements found in Article 80B of the Code. The Project shall meet or exceed the 1.25" of stormwater infiltration per square inch of impervious development standard and will incorporate best practice green infrastructure standards within the public realm, when applicable. These elements include but are not limited to porous curb extensions, bio-retention strategies and/or rain gardens along Mackin Street and/or Western Avenue. The Proposed Project will also include smart streetlights standards for new sidewalks, including city shadow conduit and dual handholes in accordance with PIC requirements, in coordination with the relocation of utility poles and streetlights along Mackin St and Western Avenue. The Proposed Project will also adhere to the City of Boston's EV readiness program and shall have 25% of parking spaces EVSE- Installed and the remaining 75% EV-Ready for future installation. Utilities in any City right of way will be designed to conform with Public Works Department standards and will undergo further review to ensure utility laterals are not in conflict with any landscape design feature such as tree pits (min. 3 feet clearance) and/or other green infrastructure elements. The Proposed Project will also provide access for up to 3 local telecom and fiber providers to ensure broadband equity and possible future deployment of smart technologies. The project has indicated the location of transformers and critical infrastructure on the site plan so as to ensure coordination with Eversource and "right sized" infrastructure. The project shall also plan to address any conflicts reported through COBUCS if/as relevant. The project team and the contractor will continue to work with Smart Utilities for any additional utility coordination throughout design

phases. The Proponent agrees to complete the Smart Utilities review prior to obtaining a Certificate of Compliance.

The proposed scope of any in-kind work agreed to by the Proponent shall be developed in consultation with the BPDA and appropriate city agencies, departments, and commissions. The allocation of any financial contributions shall first be provided to the BPDA for disbursement to the specified entity or organization. The details of any in-kind work and the allocation of any financial contributions shall be incorporated into the Cooperation Agreement between the Proponent and the BPDA. To the greatest extent possible, the Proponent will provide the BPDA with evidence indicating that the previously referenced mitigation and community benefits have been satisfied. BPDA-approved construction signage must be installed at the project construction site before and during the construction of the Proposed Project. The signage must be in the form of panels at highly visible locations at the construction site or around the construction site perimeter and must be adjacent to each other. The BPDA will work with the Proponent to provide high-resolution graphics that must be printed at a large scale (minimum of 8 feet by 12 feet).

AFFIRMATIVELY FURTHERING FAIR HOUSING

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

Article 80 Interventions

- Provide an additional percentage of IDP Units than required;
- Deepen the affordability of IDP Units;
- Provide more 2+ bedroom IDP Units than required;
- Provide all IDP Units on-site.

Marketing and Housing Access Interventions

- Agree to follow best practices related to the use of CORI, eviction, and credit records in the tenant screening and selection process
- Agree to best practices in marketing the market-rate units that are inclusive of and welcoming to members of protected classes
 - Adopt Boston's Fair Chance Tenant Selection Policy as applicable to market-rate units;
 - Develop and abide by a tenant screening policy requiring that CORI, Credit Score, Eviction History be assessed on an individualized basis

- rather than implementing a blanket policy that excludes applicants with CORIs, certain credit scores, and/or eviction histories;
- o Work exclusively with local, multilingual, and culturally competent leasing/sales agents;
- o Market all units across media types (print, social, audio, digital, etc.) targeting media type specifically consumed by members of protected classes; and
- o Describe IDP units and link to Metrolist on the Proposed Project’s primary marketing website.

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

INCLUSIONARY DEVELOPMENT COMMITMENT

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (“IDP”), and is located within Zone B, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. In this case, twenty-one (21) units within the Proposed Project will be created as IDP rental units (the “IDP Units”) or approximately 18.1%. Of these, two (2) IDP Units will be made available to households earning not more than 40% Area Median Income (“AMI”) as determined by the U.S. Department of Housing and Urban Development, and published by the BPDA; five (5) IDP Units will be made available to households earning not more than 50% AMI; six (6) IDP Units will be made available to households earning not more than 60% AMI; seven (7) IDP Units will be made affordable to households earning not more than 70% AMI; and one (1) IDP Unit will be made available to households earning not more than 80% AMI. Eight (8) of the twenty-one IDP rental units will be artist live/work units.

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

Unit Number	Number of Bedrooms	Square Footage	Percentage of Area Median Income (AMI)	Maximum Rent	ADA/Group 2 Designation
101*	Studio	512SF	40%	\$730	
102*	1BR	770SF	50%	\$1,09 1	

103*	1BR	793SF	50%	\$1,091	
104*	1BR	718SF	50%	\$1,091	
105*	1BR	690 SF	60%	\$1,325	
106*	1BR	684 SF	50%	\$1,091	
107*	1BR	678 SF	70%	\$1,559	
108*	1BR	730 SF	40%	\$858	YES
201	1BR	634 SF	60%	\$1,325	YES
203	2BR	850 SF	70%	\$1,766	
211	Studio	523 SF	60%	\$1,130	
216	3BR	1,042 SF	70%	\$1,978	
218	Studio	509 SF	60%	\$1,130	
305	2BR	838 SF	70%	\$1,766	
309	Studio	512 SF	60%	\$1,130	YES
312	Studio	538 SF	60%	\$1,130	
314	2BR	854 SF	80%	\$2,033	
411	Studio	544 SF	70%	\$1,330	
415	Studio	514 SF	70%	\$1,330	
421	Studio	509 SF	70%	\$1,330	
509	Studio	495 SF	50%	\$ 930	YES

*Indicates artist live/work units. In addition to meeting IDP eligibility requirements, tenants must receive an Artist Housing Certification from the Mayor’s Office of Arts and Culture in order to be eligible to reside in an artist live/work unit.

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

The Artist ARHAR and ARHAR must be executed along with, or prior to, the issuance of the Certification of Approval for the Proposed Project. The Proponent must also submit a draft Affirmative Marketing Plan (the “Plan”) to the Boston Fair Housing Commission at the time the building permit is issued. Preference will be given to applicants who meet the following criteria, weighted in the order below:

- (1) Boston resident; and

(2) Household size (a minimum of one (1) person per bedroom);

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

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 no partial unit payment is required, the twenty-one (21) designated IDP Units fully satisfies the IDP requirements pursuant to the December 10, 2015, IDP.

RECOMMENDATIONS

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

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

Appropriate votes follow:

VOTED: That the Director be, and hereby is, authorized to issue a Scoping Determination waiving further review under Section 80B-5.3(d) of the City of Boston Zoning Code (the "Code"), which (i) finds that the Project Notification Form ("PNF") together with any additional material and comments received by the BPDA adequately describes the potential impacts arising from the proposed 500 Western Avenue project (the "Proposed Project"), and provides sufficient mitigation measures to minimize these impacts, and (ii) waives further review of the Proposed Project under subsection 3 of Section 80B-5 of the Code, subject to continuing design review by the Boston Redevelopment Authority ("BRA") d/b/a the Boston Planning and Development Agency ("BPDA"); and

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

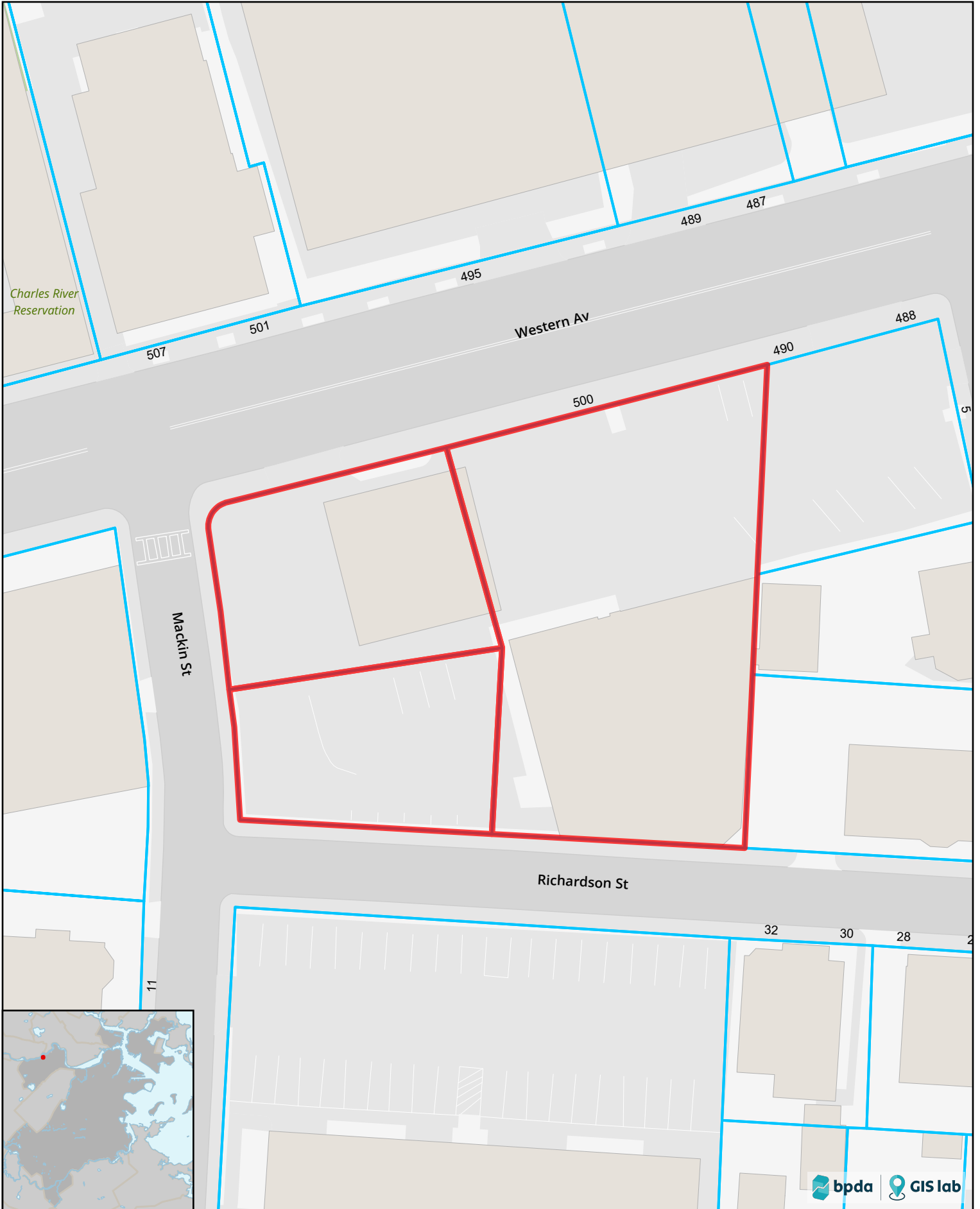
FURTHER VOTED: That the Director be, and hereby is, authorized to execute (1) an Affordable Rental Housing Agreement and Restriction for the creation of 13 on-site Inclusionary Development Units and (2) an Artist Affordable Rental Housing Agreement and Restriction for the creation of 8 on-site Artist Live/Work Inclusionary Development Units and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project; and

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

500 Western Avenue



1:500



500 Western Avenue



1:500



Charles River
Reservation

Mackin St

Western Av

Richardson St





Boston City Council

LIZ BREADON
Councilor – District 9

TRANSMITTED VIA EMAIL

August 15, 2023

Mr. Michael Sinatra
Development Review Ombudsman
Boston Planning & Development Agency
One City Hall Plaza
Boston, MA 02201

RE: 500 Western Avenue

Dear Mr. Sinatra:

This is a letter of support for the 500 Western Avenue project (the 'Project') proposed by 500 Western LLC (the 'Proponent') in the North Brighton neighborhood of Boston. With this project, the Proponent proposes to construct a new multi-family residential development of approximately 147,169 GSF that will consist of 116 rental units, accompanied by approximately 2,800 SF of ground-floor retail.

My reasons for support of this project include the following:

- *WACRZ Compliance:* The proposed project complies with the requirements of the Western Avenue Corridor Study and Rezoning ('WACRZ') plan. The Western Ave corridor area, in which the project is located, was the subject of a BPDA-led planning process that culminated in the October 2022 approval of the WACRZ report. I appreciate that the proposed project is consistent with the zoning regulations of the WACRZ plan.
- *Project Affordability:* In compliance with WACRZ, this proposed project will include 21 income-restricted IDP rental units made available at Area Median Incomes ranging from 40%-80%. With approximately 18% of project units designated as income-restricted IDP units, the Proponent has exceeded the City's current IDP requirements. The Proponent's inclusion of 13 IDP units at AMIs between 40%-60% is particularly appreciated.
- *Arts and Culture:* The proposed project will include 8 artist live-work units, all of which will be designated as IDP rental units.
- *Open Space:* As part of this project, the Proponent will design and construct an approximately 3,350 SF publicly-accessible pocket park.
- *Mobility Improvements:* The Proponent has committed to a number of mobility-related measures that will both improve connectivity in the project area and advance the long-term transportation goals of the WACRZ. The project includes public realm upgrades along Western Avenue Street that will improve conditions for pedestrians. The Proponent will also construct new crosswalks and an eastbound cycletrack in coordination with BTDA.

I appreciate the Proponent's willingness to incorporate community feedback about this project throughout the Article 80 process. Provided that all agreed-upon mitigation measures and benefits are documented in the project's Cooperation Agreement, I wish to express my support for this project.

Sincerely,



Boston City Council

LIZ BREADON
Councilor – District 9

Liz Breadon

Liz Breadon
Boston City Councilor
District 9, Allston-Brighton

MEMORANDUM

SEPTEMBER 15, 2022

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

FROM: MICHAEL CHRISTOPHER, DIRECTOR OF DEVELOPMENT REVIEW
CASEY HINES, DEPUTY DIRECTOR OF DEVELOPMENT REVIEW
NICHOLAS CARTER, SENIOR PROJECT MANAGER
MATT MARTIN, URBAN DESIGNER II
JOESPH BLANKENSHIP, SENIOR TRANSPORTATION PLANNER
CHANTHA SON, TRANSPORTATION PLANNER

SUBJECT: 46 LEO BIRMINGHAM PARKWAY, BRIGHTON

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 Project located at 46-48 Leo. M Birmingham Parkway in Brighton (the “Proposed Project”), in accordance with Article 80E, Small Project Review, of the Boston Zoning Code (the “Code”); (2) enter into an Affordable Rental Housing Agreement and Restriction (“ARHAR”) and Community Benefits Agreement in connection with the Proposed Project 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 (3) recommend approval to the Boston Zoning Board of Appeal on Petition BOA-_____ for zoning relief necessary to construct the Proposed Project with the proviso that the plans be submitted to the BPDA for design review approval.

PROJECT SITE

The approximately 12,826 square foot lot at 46-48 Leo. M Birmingham Parkway in Brighton is located at the corner of Leo M. Birmingham Parkway and Lothrop Street (the “Project Site”). The existing improvements serve a single use as a Massachusetts State Police barracks which are anticipated to relocate.

DEVELOPMENT TEAM

Proponent: AU Manager LLC dba Arx Urban
Benjamin Moll

Architect: EMBARC
Dartagnan Brown

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

PROPOSED PROJECT

The proposed redevelopment of the Project Site calls for the construction of a six (6)-story, approximately 39,505 gross square foot, residential multi-family building (the "Proposed Project"). The Proposed Project is contemplated to include approximately thirty-eight (38) residential rental units, approximately 2,315 SF of lobby and amenity space, including a sixth-floor outdoor patio for tenants, thirteen (13) accessory off-street parking spaces, and sixty (60) bike storage spaces. The Project will utilize alternative transit options, including a shared electric vehicle available to tenants to reduce vehicular traffic. The Project will also have solar PV on installed on the roof.

ARTICLE 80 REVIEW PROCESS

On February 8, 2022, the Proponent filed a Small Project Review Application ("SPRA") with the BPDA for the Proposed Project, pursuant to Article 80E of the Code. A Virtual Public Meeting to discuss the Proposed Project was held on April 13, 2022. Additionally, a second Virtual Public Meeting was held on July 18, 2022, and the public comment period in connection with the SPRA submission was extended by request of the Proponent, concluding on April 27, 2022, in order to allow the Proponent more time to engage directly with the neighborhood.

The April 13, 2022, and July 18, 2022, Virtual Public Meetings were advertised in the relevant neighborhood newspapers (*Boston Bulletin*), posted to the BPDA's website, and a calendar notification was sent to all subscribers of the BPDA's Brighton neighborhood updates. Local City and State elected officials and their staff also received details of the Virtual Public Meetings via email.

ZONING

The Project Site is located within a Community Commercial (CC-1) sub-district of the Allston-Brighton Neighborhood District, which is governed by Article 51 of the City of Boston Zoning Code (the "Code"). The Project Site is also located within a Greenbelt Protection Overlay District ("GPOD"), which is governed by Article 29 of the Code.

The Proposed Project is anticipated to require zoning relief for the following:

1. Insufficient Off-Street Parking
2. Excessive Floor Area Ratio ("FAR")
3. Excessive Building Height (Stories)
4. Excessive Building Height (Feet)

PLANNING CONTEXT & CITY STAFF REVIEW

The project is located directly south of the study area for the Western Avenue Corridor Rezoning Study (WACRZ), currently in its final stages of refinements through an extensive community process. The WACRZ process has identified that multi-family residential development with active ground floor uses is a priority for this portion of the Western Avenue Corridor and area of Allston-Brighton in order to provide needed housing along a multi-modal retail corridor.

During review, the team focused on securing safe vehicular access to the site and the design and location of usable open space and landscaping. Most importantly, the project's mitigation advances the long-term plans for Leo Birmingham Parkway that the BPDA and the City worked with DCR on in 2017 as part of the Western Avenue at Leo M. Birmingham Parkway and Arsenal Street Intersection & Corridor Improvements plan.

MITIGATION & COMMUNITY BENEFITS

The Proposed Project will provide many benefits for the Allston Brighton neighborhood and the City of Boston as a whole, specifically:

- The creation of seven (7) Inclusionary Development Policy rental units of which five (5) are to be affordable to households earning up to 70% of the area median income and two (2) are to be affordable to households earning up to 100% of the area median income;
- The enhancement of the pedestrian experience on Leo M. Birmingham Parkway and Lothrop Street by adhering to Complete Street guidelines, widening sidewalks, removing and reducing curb cuts, and adding street trees which will create additional open space and increase safety for pedestrians and cyclists.

- The encouragement of alternative modes of transportation with the inclusion of a building-dedicated electric car-share and ample on-site bicycle storage (over 1.5 bike parking spaces per unit).
- The addition of public art created onsite of the Proposed Project by a formal Request for Proposal process in collaboration with local artist organizations.
- The future generation of hundreds of thousands of dollars in new property and sales tax revenue annually to the City of Boston.
- The redevelopment of the site of the existing State Police barracks, which will be relocated in 2023.
- The expected creation of over 90 construction jobs over the length of the Proposed Project.
- The project will complete a 25% design plan for the intersection of Lothrop St and Leo Birmingham Pkwy in collaboration with the BPDA, BTD, and DCR prior to Certificate of Occupancy.
- The project will contribute \$10,450.00 to BTD for the City's Bluebikes system in compliance with the City's Bike Parking Guidelines, due no later than Certificate of Occupancy.

INCLUSIONARY DEVELOPMENT COMMITMENT

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 ("IDP"), and is located within Zone B, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. In this case, seven (7) units within the Proposed Project will be created as IDP rental units (the "IDP Units"), of which five (5) will be affordable to households earning up to 70% of the area median income ("AMI") as based upon the United States Department of Housing and Urban Development ("HUD"), and two (2) will be affordable to households earning up to 100% of AMI.

The proposed sizes, location, and rents for the IDP Units are as follows:

Unit Number	Square Footage	Number of Bedrooms	Percentage of Median Income	Rent	Group 2 Designation (if applicable)
204	700	1	70% AMI	\$1,473	Yes
207	1115	3	70% AMI	\$1,869	

308	485	Studio	70% AMI	\$1,257	
405	1035	2	70% AMI	\$1,668	Yes
504	635	1	70% AMI	\$1,473	
506	1040	2	100% AMI	\$2,426	
602	600	Studio	100% AMI	\$1,825	

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

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

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

A restriction 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 rents of any subsequent lease of the IDP Units during this fifty (50) year period must fall within the applicable income and rent limits for each IDP Unit. The BPDA or its successors or assigns will monitor the ongoing affordability of the IDP Units.

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 located at 46-48 Leo. M Birmingham Parkway in Brighton (the “Proposed Project”), in accordance with Article 80E, Small Project Review, of the Boston Zoning Code (the “Code”); (2) enter into an Affordable Rental Housing Agreement and Restriction (“ARHAR”) and Community Benefits Agreement in connection with the Proposed Project 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 (3) recommend approval to the Boston Zoning Board of Appeal on Petition BOA-_____ for zoning relief necessary to construct the Proposed Project with the proviso that the plans be submitted to the BPDA for design review approval.

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 six (6)-story residential multifamily building containing approximately thirty-eight (38) residential rental units, approximately 2,315 SF of lobby and amenity space including a sixth-floor outdoor patio for tenants, 13 accessory off-street parking spaces, and 60 bike storage spaces at 46-48 Leo. M Birmingham Parkway in Brighton (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”); and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute an Affordable Rental Housing Agreement and Restriction for the creation of seven (7) on-site Inclusionary Development Policy units, a Community Benefits

Agreement and any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project; and

**FURTHER
VOTED:**

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