



MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: March 21, 2024

RE: BPDA Recommendations

Please find attached, for your information, the BPDA recommendations for the March 26, 2024 Board of Appeal's Hearing.

Also included are the Board Memos for: 735-745 River St, Hyde Park, 1702 Hyde Park Ave., Hyde Park and 1188 Bennington St, East Boston.

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



Case	BOA1563712
ZBA Hearing Date	2024-03-26
Address	18 Intervale ST Dorchester 02121
Parcel ID	1202733000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	Article 50
Project Description	Erect a 3-story 2-family residential dwelling.
Relief Type	Variance
Violations	Lot Area Insufficient Lot Width Insufficient Lot Frontage Insufficient FAR Excessive Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Parking design and maneuverability

Planning Context:

The proposed project plans to erect a 2-family residential dwelling on a lot on 18 Intervale Street in Dorchester. This parcel of land currently holds a one car garage. This 2-family residential building would have 3 stories: the garage on the first floor and two 1-bedroom units on the second and third floors. This project is a 1-minute walk away from the intersection of Intervale Street and Blue Hill Avenue where it is serviced by the MBTA 45 bus route. While this area is currently zoned as 3F-4000, Intervale Street contains a mix of residential buildings that include single-family, two-family, mixed-use multi-family buildings, and commercial buildings that include the Masjid Al-Quran mosque and the Community Gospel Church.

There are currently no active planning initiatives for this area. However, this project would help further the goals outlined in Housing a Changing City, Boston 2030 (September 2018) as it would increase the housing stock by building housing units on a lot that currently only holds a one car standalone garage.

Zoning Analysis:



The refusal letter states a total of nine violations: insufficient lot area, insufficient lot width, insufficient lot frontage, excessive FAR, insufficient usable open space, insufficient setbacks for the front, side, and rear yard, and insufficient off-street parking requirements. As this area is zoned as 3F-4000, the project's proposed use aligns with the surrounding context of Intervale Street. However, the design and scale of the project would not align with the built environment. This is due to both the size of the proposed building and the size of the parcel.

This parcel is noticeably smaller than the other parcels on Intervale Street that are also zoned as 3F-4000 as it is half the size of the surrounding parcels. Under Article 50, the minimum lot size is 4000 square feet for 2 units for an area zoned as 3F-4000. However, the project's parcel is only 1800 square feet which is below the required size threshold to develop as of right. While the vast majority of residential parcels in the City are nonconforming by at least one dimensional regulation, both the size of the proposed building and the lot size would fall out of alignment with the built environment.

The small size of the parcel also contributes to the insufficient lot width and lot frontage. Under Article 50, the minimum amount is 45 feet for both of those dimensional regulations. The proposed project has a lot frontage and a lot width of 22.5 feet which also falls below the minimum threshold. This is also why the FAR will exceed the maximum of 0.8 that is outlined in Article 50.

The project would also not meet the minimum front, side, and rear setback requirements. While relief would be recommended for the side and rear setback requirements, it would not be for the front setback. This project would not align the built environment of Intervale Street as the entrance of the building would be closer to the lot line than the abutting properties. While the rear yard does not meet the minimum required 30 feet as outlined in Article 50, the structure would align with the rear yard of the abutting property at 20 Intervale Street. While the east side yard, which is proposed to be 4 feet, falls below the minimum required 10 feet from an abutting property, this is due to the limitations of the parcel size.

The size of the proposed building also leads to concerns about the amount of usable open space. As the building takes up a majority of the space on the parcel, there would not be enough usable open space for the residents of the building.



With the proposed garage in the building, it also leads to issues with the off-street parking design/maneuverability. As this is designed to be a two-car garage with one entrance, it would create difficulties maneuvering between the two cars given how narrow Intervale Street is as it is a one lane street with parking on both sides of the street.

A future iteration of this project should consider removing the parking to either add additional living space to the proposed two units or add a third unit as this area is zoned as 3F-4000. The front setback should also be increased to adhere to the modal front yard. This would help it align with the built environment of Intervale Street.

The plans reviewed are titled 18 Intervale Street and are dated April 6, 2023. They were prepared by Civil Environmental Consultants.

Recommendation:

In reference to BOA1563712, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. The applicant should consider removing the parking garage to create either an additional unit or additional living space or ensure more usable open space. The front yard should also be increased to adhere to the modal front yard setback.

Reviewed,

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Director of Planning, BPDA



Case	BOA1502445
ZBA Hearing Date	2024-03-26
Address	51 Saint Margaret St Dorchester 02125
Parcel ID	0703011000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	65
Project Description	New construction of a 4-story 3-family residential building with parking.
Relief Type	Variance
Violations	Parking or Loading Insufficient Lot Area Insufficient Lot Width Insufficient Lot Frontage Insufficient Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient FAR Excessive Height Excessive (stories) Height Excessive (ft) Use: 3 family dwelling

Planning Context:

The proposed project is a new 4-story 3-family on a vacant site in common ownership with the neighboring property at 49 Margaret St. The site is located on a block of predominantly 3-story 3-family homes, with one 4-story multifamily building directly across the street. The project also involves the removal of mature trees and permeable green space on the vacant lot. The site plan does not indicate if trees along the premier of the lot will be maintained.

The building is similar in width and footprint to other triple-decker buildings in the area. The first floor includes a vestibule and a garage with space for 2 cars parked in tandem, accessed by a 10' wide garage door. The project proposes relocating an existing curb cut partially located on 49 Margaret St. to 51 Margaret St. to access the garage. This eliminates the side yard driveway and parking spaces for 49 Margaret St. and may create more permeable area of lot if the driveway hardscape is removed.

The addition of dwelling units advances the City's planning goal of increasing



housing supply, as detailed in Housing a Changing City, Boston 2030 (September 2018). The project is near public transit with a 9 minute walk to the JFK/U Mass T-stop and 3 minute walk to bus lines on Columbia Road.

Zoning Analysis:

The project is in the 2F-5000 sub-district of the Dorchester Neighborhood zoning district. While it does not comply with the 2-dwelling unit maximum, the area is predominantly 3-family.

The proposed project has similar lot size, width, and frontage and front, side, and rear yards as many other buildings on the block that do not comply with the underlying zoning.

The proposed 40' foot tall building exceeds the 35' limit, but it is similar in height to the multifamily building across the street. The site is located in the Dorchester's Saint Margaret's Neighborhood Design Overlay District and will require additional design review to ensure alignment with the overlay's goals to protect the historic character, existing scale, and quality of the pedestrian environment.

The project does not provide sufficient parking for the 3 proposed units and eliminates parking for the neighboring property. Given the proximity of the site to public transit and the elimination of a driveway for dedicated side yard space, the project advances planning goals.

This is a case for zoning reform to better align dimensional and parking requirements with the existing physical context of the neighborhood.

Recommendation:

APPROVAL WITH PROVISIO(S) that plans be submitted to the BPDA for design review with attention to the Dorchester Neighborhood Design Overlay District (NDOD) guidelines and maintaining existing trees along the perimeter of the site.



Reviewed,

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Director of Planning, BPDA



Case	BOA1513515
ZBA Hearing Date	2024-03-26
Address	313 K ST South Boston 02127
Parcel ID	0702239000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	Proponent seeks to add a new roof deck to the rear of the building accessed via stairs from an existing rear deck.
Relief Type	Variance, Conditional Use Permit
Violations	Rear Yard Insufficient Side Yard Insufficient Roof Structure Restrictions

Planning Context:

The proponent is seeking a conditional use permit and variances to add a staircase to an existing, 3rd floor rear deck up to a new, 465 sq. ft. roof deck at the back of the building. 313 K Street is a flat-roofed triple decker on a residential block with similar flat-roofed buildings. Based on available satellite imagery, there appears to be three other roof decks on the block. Per the plans, no changes are being proposed to the building facade.

Zoning Analysis:

313 K Street sits within a multifamily residential (MFR) district. There are three violations: one for roof structure restrictions (specifically for accessing the roof deck via stairs instead of a hatch), and two for insufficient yards in the side and rear. As stipulated in Article 68-29 (c), using stairs to access the roof deck rather than a roof hatch or bulkhead requires a conditional use permit. There are five standards to meet to grant a conditional use permit as outlined in Section 6-3, starting with the appropriateness of location. At 25'x20', this roof deck appears to be of a similar size or smaller than other roof decks on the block. This is appropriate to the block and preserves existing rooflines. No clear adverse effects, nuisances, or hazards that would result from the deck addition. The final standard to meet is the provision of adequate and appropriate facilities for the use. The stairs to the roof deck seem to be both adequate and appropriate in this instance-- the deck is set back to the rear of the building and neither the deck, railing, or balustrades would be visible from the public way. This aligns with wording in Article 68-29,



which calls for the Board of Appeal to consider “whether such roof structure has the potential of damaging the uniformity of height or architectural character of the immediate vicinity.” As proposed, this roof deck preserves that uniformity and architectural character by leaving the facade unaltered.

The proposed deck also complies with other requirements laid out in 68-29, including maintaining a railing at a minimum 1’ below the highest point of the roof, building a deck only on a flat roof, and staying below the maximum building height (40’).

Two other violations are triggered by the proposed project: an insufficient side yard and an insufficient rear yard. However, the proposed roof deck (and the stairs to access it) would not worsen either of these pre-existing nonconformities since it would not extend into either yard. As proposed, the roof deck would not be detrimental to the public welfare or the neighborhood. As discussed above, there are three other similarly-sized roof decks on the block.

Recommendation:

In reference to BOA1513515, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1521565
ZBA Hearing Date	2024-03-26
Address	409 to 415 W Broadway South Boston 02127
Parcel ID	0601142000
Zoning District & Subdistrict	South Boston Neighborhood MFR/LS
Zoning Article	Article 68
Project Description	Rear addition to medical clinic.
Relief Type	Variance, Conditional Use
Violations	FAR Excessive Front Yard Insufficient Usable Open Space Insufficient Parking or Loading Insufficient Forbidden Use: Clinic; Extension of Non-Conforming Use (>25%)

Planning Context:

The project proposes a rear addition to South Boston Community Health Center, an existing medical clinic located on W Broadway in South Boston. The proposed rear addition will be the same height as the existing clinic building and include new space for exam rooms and staff offices.

W Broadway is South Boston's primary commercial and local service corridor. This corridor -- which spans the neighborhood and is divided into W Broadway and E Broadway as it splits across Dorchester Street -- is home to a diverse array of local services and neighborhood shopping establishments, including dental offices, restaurants, fitness studios, salons, and retail stores. The corridor is also well-served by public transit, including the Red Line and the Route 9 and 10 buses.

South Boston Community Health Center has been located at 405-419 W Broadway for several decades, and has been operating in South Boston since 1972. In addition to being a community mainstay for half a century, South Boston Community Health Center is particularly well-sited at this location on W Broadway due to the plethora of community services and commercial establishments that are co-located on W Broadway; furthermore, the clinic is an approximate 10-minute walk from multiple nearby dental establishments, therefore reinforcing this W and E Broadway as an important destination servicing South Boston residents' health needs. The



clinic is well-served by public transit, both within a 15 minute walk from the Broadway MBTA station and less than 150 feet away from the Route 9 and 10 bus stops. The project is consistent with City goals of reducing dependency on private vehicles, as outlined in Go Boston 2030 (March 2017).

Zoning Analysis:

The clinic is located in a Multifamily Residential/Local Services (MFR/LS) subdistrict of South Boston. Per the zoning code, medical clinics are a Forbidden use. Due to the proposed addition, the project also has a zoning violation of Extension of Non-Conforming Use (> 25%). As described in the planning context, the clinic has been operating in this location for decades. It fits the context and character of W Broadway, and a rear addition that extends the space would also be in keeping with the general area's character.

The project has also been cited for several dimensional violations, including excessive FAR, insufficient usable open space, and an insufficient front yard setback. The maximum FAR allowed by zoning is 1.5; the plans do not indicate existing nor the proposed FAR, but the existing building appears to have a higher FAR than what is allowed, with the rear addition bringing this number higher. The majority of buildings surrounding the clinic also appear to be out of alignment with the zoning code's FAR maximums; most buildings are 3-4 stories in height and take up over 50% of their lots, with many of them taking up 100% of the lot they are built upon. The increased FAR created by the proposed addition will not be out of scale or character for the surrounding neighborhood.

The Usable Open Space per dwelling unit regulation has been incorrectly applied to this project, as the clinic contains no dwelling units. The zoning code requires a minimum front yard of 5'; the existing building has a 0' front yard setback, as do the vast majority of buildings fronting W Broadway. This 0' setback remains unchanged by the proposed addition, which will be added to the back of the building. This project is a case for zoning reform to update dimensional regulations to align with the established building patterns and uses present along W Broadway.

Additionally, the project has been cited for insufficient loading. 1 loading bay is required for buildings that have 15,000 GSF or higher. It appears that the clinic's loading area is currently at the back of the building, in the existing parking lot. The proposed addition, which will be constructed above the surface level parking lot (keeping the parking area open) will not change the loading area. However, it is recommended that as a provision of approval, the proponent



undergo BPDA design review in order to ensure that the parking and loading layout is accessible and functional for both visitors and staff.

The plans reviewed for this case are titled "SBCHC Expansion" and dated 3/23/23. They were prepared by The Liro Group.

Recommendation:

In reference to BOA1521565, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to parking and loading layout.

Reviewed,

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Director of Planning, BPDA



Case	BOA1554723
ZBA Hearing Date	2024-03-26
Address	40 Berkeley ST Boston 02116
Parcel ID	0500865000
Zoning District & Subdistrict	South End Neighborhood CF
Zoning Article	64
Project Description	Change occupancy from "Hostel/Dormitory and Restaurant" to "Hostel/Dormitory, Restaurant, and Restaurant with Live Entertainment after 10:30 PM"
Relief Type	Conditional Use
Violations	Nonconforming Use Change (Restaurant) Use: Conditional (Restaurant with Live Entertainment after 10:30PM)

Planning Context:

This site is an existing hostel with both a restaurant and cafe on the ground floor of the property. The site is located within a mixed-use area of the South End near the intersection of Tremont Street and Berkeley Street, where there are several restaurants with live entertainment after 10:30 PM, bars, cafes, theaters, and other cultural destinations. Given the project's location within a cultural and commercial hub, as well as the existing operations of a cafe and a restaurant, allowing the continued use of the restaurants and adding live entertainment is appropriate in this area. The operator will be required to receive their appropriate licenses through the Boston Licensing Board, which includes a community engagement process.

Zoning Analysis:

Pursuant to Table A in Article 64 the existing use of restaurant with takeout in this CF subdistrict is conditional; further, the proposed use of a restaurant with live entertainment operating after 10:30 PM is also conditional. Community Facilities Subdistricts encourage the development and expansion of community-based facilities that provide health, educational, and cultural services to the community.

The existing restaurant on this site (not the existing cafe) is proposed to be converted to a restaurant with live entertainment. Pursuant to Article 9 Section 2, a change in this



nonconforming use may be granted provided that the substitute nonconforming use is granted conditional use subject to the provisions of Sections 6-2, 6-3, and 6-4.

Condition (a) in Section 6-3 states that 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. The live entertainment component of the applicant's proposal is confined to the garden level of the building, and therefore may not pose an additional nuisance from noise to the surrounding area. Again, given the context of several nearby restaurants and live entertainment venues operating after 10:30 PM, this is an appropriate use for the site.

Plans reviewed are titled "The Revolution Hotel," prepared by Prellwitz Chilinski Associates, Inc., and dated November 28, 2023.

Recommendation:

In reference to BOA1554723, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1554377
ZBA Hearing Date	2024-03-26
Address	465 Medford ST Charlestown 02129
Parcel ID	0201804000
Zoning District & Subdistrict	Harborpark: Charlestown Waterfront Mystic River Waterfront Manufacturing
Zoning Article	42B
Project Description	Interior renovations and change of occupancy to include a medical facility for child and teen Applied Behavior Analysis (ABA) autism therapy, testing, and diagnosis center.
Relief Type	Variance
Violations	Forbidden use: Medical Facility

Planning Context:

The proposed project scope includes the interior renovation of an existing building and a change of occupancy from an office to a medical facility for children and teenagers with autism. The medical facility will include therapy, testing, and diagnosis support for youth with autism.

465 Medford Street, where the project is located, is in the Harborpark Charlestown Waterfront Zoning District and within the Mystic River Waterfront Manufacturing Subdistrict. The goal of the Harborpark District is to promote balanced growth along Boston's shoreline and promote mixed-use activities, among other goals and objectives.

The Harborpark area surrounding 465 Medford contains a variety of legacy industrial buildings. 465 Medford is itself a renovated industrial building, which was part of the Schrafft Candy Company's headquarters and production center in Boston. Many of these buildings in the Harborpark area, including 465 Medford, include new commercial, business, community, or medical uses. In fact, there are several existing medical offices in the immediate area in which the therapy center is proposed to be located. 465 Medford is already home to two dental offices, and across the street is a speech and occupational therapy clinic. An autism therapy center would not be out of character for the surroundings, and would fit the established condition.

PLAN: Charlestown (September 2023) lays out a vision for mixed-use development in the Harborpark area of Charlestown. The Sullivan Square and Rutherford Ave planning area, which includes 465 Medford Street, was identified as an area that should prioritize new housing and



mixed-use development, as well as mobility and open space enhancements. Throughout the planning process, Charlestown community members expressed a need for more community centers and resources for children and youth throughout the neighborhood. The proposed use of a therapy center, which will also include a publicly-accessible playground in its scope, fits the vision and goals of PLAN: Charlestown.

Zoning Analysis:

The use of Medical Facility is a Forbidden use within the Harborpark zoning district. In October 2023, new Charlestown zoning was adopted per PLAN: Charlestown's recommendations. No changes were made to the use tables within the Harborpark zoning district.

While a Medical Facility is not an Allowed use, the Harborpark District does allow very similar uses. Community uses such as community centers and childcare centers are allowed, as are accessory office uses, including those for a dentist or physician. The proposed autism therapy center would be similar in terms of neighborhood impact as any of these uses. Thus, it is recommended that a variance be granted to allow for the proposed change of occupancy. This project is a case for zoning reform to modernize existing land use tables.

The plans reviewed for this case are titled "ABA Centers of America, Floor 3 Renovation" and dated 11/17/23. They were prepared by LYF Architects.

Recommendation:

In reference to BOA1554377, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1556234
ZBA Hearing Date	2024-03-26
Address	99 Elm ST Charlestown 02129
Parcel ID	0200333000
Zoning District & Subdistrict	Charlestown Neighborhood 3F-2000
Zoning Article	62
Project Description	Turn a second story roof deck into a fully enclosed room. The first floor base is already constructed and in use.
Relief Type	Variance
Violations	Side Yard Insufficient

Planning Context:

This project is located in the Original Peninsula, as outlined in PLAN: Charlestown (September 2023). The project proposes the addition of a second story bedroom where there is a currently existing deck space.

The completed project will have no change on the use or occupancy of the building.

The project proposes making improvements to the existing dwelling which is in keeping with the planning goals of improving housing stock as detailed in PLAN: Charlestown. In addition, the plan calls for smaller scale changes to design additions using similar materials, proportions, and details as the original structure. The proposed Project is using the same materials as previous construction, and is making no changes to the ground floor massing which is in step with guidelines.

The project is also located within the Neighborhood Design Overlay District. The project is changing the roofline of the structure which is one of the triggers for the Overlay district.

Zoning Analysis:

The sole violation this alteration triggers is an insufficient side yard. This non-conformity was previously in existence as the first floor portion of this alteration is already built. The proposed project is building upon the existing first floor structure to create an addition that matches the height of the rest of the building. There is no change to the massing of the floorplate of the structure, and it does not encroach upon the side yard any more than the existing building.



Recommendation:

In reference to BOA1556234, 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	BOA1550671
ZBA Hearing Date	2024-03-26
Address	120 Park ST West Roxbury 02132
Parcel ID	2005769000
Zoning District & Subdistrict	West Roxbury Neighborhood NS
Zoning Article	56
Project Description	Change occupancy from one story commercial structure to 5 unit residential building with 4 off street parking spaces.
Relief Type	Variance, Conditional Use
Violations	Parking or Loading Insufficient Parking design and maneuverability Usable Open Space Insufficient Side Yard Insufficient Limitation off-street parking areas; Conditional Use (MFR on 1st Floor)

Planning Context:

The Proposed Project is located on a mixed-use street. It is adjacent to a series of single-family attached homes, an Irish Social Club, and a few retail stores. It is conveniently located 75 ft from Highland Station, a Needham Line commuter rail stop, and less than 500 ft from the bus network on Centre St. Centre St is a significant commercial corridor.

The Proposed Project seeks to raze the existing structure, a single-story commercial building, and construct a single-story five-unit residential dwelling. The proposed project is consistent in scale, massing, and use with the existing context. Its proximate location to 2 transit stops and a commercial corridor is consistent with Imagine Boston 2030 (September 2017) and GO Boston 2030 (2017) goals of increasing density near transit stops and commercial corridors to decrease reliance on private vehicles.

Zoning Analysis:

As outlined in the planning context, the conditional MFR use is consistent with the existing neighborhood fabric and planning context. In addition, it meets the Conditional Use criteria, outlined in Section 6-3., as the specific site is an appropriate location for such use, it will not adversely affect the neighborhood, no nuisance will be created by the use, there will be no



serious hazard to vehicles or pedestrians from the use, and adequate and appropriate facilities will be provided for the proper operation of the use.

Article 56 requires 50 SF of usable open space per dwelling unit. The Proposed Project is designed to have 0 SF of usable open space. The Proposed Project should increase its usable open space to 250 SF to be consistent with the zoning code, particularly given it is a new construction. The proponent could increase its usable open by further reducing its parking spaces or by providing balconies, decks, or other open spaces.

Article 56 requires 1.25 parking spaces per dwelling unit thus requiring 6.25 spaces for the Proposed Project. Given the project's location and alignment with GO Boston's goal of reducing dependence on private vehicles, the reduction of parking spaces is consistent with the planning context.

Article 10, Section 1 details that "in any residential district shall any accessory use occupy any part of the front or side yards required by this code, except that such a side yard may be used for off-street parking located more than five feet from the side lot line." While the proposed parking spaces are not set back from the side lot line, this is consistent with the existing neighborhood context. Abutting parcels also have consolidated parking spaces with no setback. This is an opportunity for zoning reform to reflect updated parking standards. The proposed parking was also flagged for not having appropriate "maneuvering areas and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic." The proposed tandem parking spaces do not adhere to the maneuverability requirement outlined above, as identified in Section 56-39.5.

Lastly, given that the parcel abuts an MFR subdistrict it must, as identified in Article 56's Table F - Footnote 4, "In a Neighborhood Business Subdistrict, no side yard is required except in the case of a lot with a side lot line abutting a Residential Subdistrict, which shall have side yards as if it were in such abutting district". Consequently, the zoning requires a 10 ft side yard setback. The Proposed Project should increase its side yard setback to be consistent with the MFR's side yard setback regulations and the maneuverability detailed above.

Recommendation:

In reference to BOA1550671, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to increasing the usable open space to 250 SF by further reducing its parking



spaces or by providing balconies, decks, or other open spaces; increasing the side yard setback; removing the tandem parking spaces and curb cut along Corey St; and improving the parking maneuverability.

Reviewed,

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Director of Planning, BPDA



Case	BOA1515203
ZBA Hearing Date	2024-03-26
Address	40 to 42 Temple St Mattapan 02126
Parcel ID	1703801002
Zoning District & Subdistrict	Dorchester Neighborhood 1F-6000
Zoning Article	65
Project Description	Demolish two existing residential structures (one-family residential and two-family residential) on a separate permit. Construct five three-story attached townhouses that will be fully sprinklered and have five new on-grade parking spaces. This lot is to be known as 40-46B Temple Street.
Relief Type	Variance
Violations	Parking or Loading Insufficient Existing Building Alignment Lot Width Insufficient Lot Frontage Insufficient FAR Excessive Height Excessive (stories) Side Yard Insufficient Use: Forbidden (Accessory Parking) Use: Forbidden (Multifamily Dwelling) Use: Forbidden (Townhouse)

Planning Context:

This project proposes the demolition of two existing residential structures on an 11,000 square foot lot and the construction of five attached three-story residential townhouse buildings with five new on-grade parking spaces; the townhouses will each be one-family residential dwellings. The lot has two existing structures on it that are assessed together as a three-family residential land use: a two-story, two-family residential dwelling that is located close to the eastern front yard lot line and a two-story, one-family residential dwelling located against the southern side yard lot line in the horizontal center of the lot. Neither of the structures are listed in MACRIS, the State’s cultural resource information database for historic structures. The existing property also has six parking spaces total for both structures (per the Assessor’s Report). This property is within the PLAN: Mattapan (adopted May 2023) study area, but it is located within the Dorchester Neighborhood District (Art. 65), and thus was not included in recent zoning changes to the Greater Mattapan Neighborhood District (Art. 67) to implement PLAN: Mattapan.



The project proposes the demolition of both of these structures and the placement of the attached townhouses in the northeastern corner of the lot to provide space for a driveway along the southern side yard leading to the five parking spaces in the western rear yard area.

The proposed townhouses are designed as a horizontal row down the length of the lot along the northern side yard line, with a driveway running along the southern boundary of the lot to access a proposed rear parking area. The front of each townhouse faces the southern side yard of the lot, proposed as driveway, including the townhouse that is closest to the eastern front yard lot line. The townhouse closest to the street has an eastern side facing the street that differs in design from the front portions of other residential buildings in the area as well as that of the existing building, due mostly to it functioning as the building's side entrance. PLAN: Mattapan recommends that new residential development like this that are proposed within the residential fabric of the area have design characteristics that acknowledge, enhance, and promote the existing character of its surroundings with attention to height, building footprints, and architectural detail. While this proposed building maintains that alignment in height, it does not in terms of building footprint and architectural detail. Its building footprint alignment is impacted by the unique condition of the lot.

The existing property is located on a long rectangular lot with an eastern front yard lot line and a western rear yard lot line that are common for lots in the area at 49.8 feet. The lot has deep side yard lot lines of 223.5 feet (northern side yard) and 221 feet (southern side yard). Most other lots have front and rear yard lot lines of about 50 feet and of the longer rectangular lots in the area, most of those have side yard lot line lengths of about 150 feet. This property's lot is uniquely deeper and has a larger square footage than most surrounding properties in the area. The property directly abuts another unique lot against its southern side yard that is 26,000 square feet, holds five structures on it, and has side yard lot line lengths of 221 and 224 feet, thus being the only nearby precedent for a property of similar length.

The surrounding area is composed of buildings that are one-, two- and three-family residential dwellings. Most of the buildings in the surrounding area are between one story and 2.5 stories. The large lot that abuts this property to the south has three structures that are three stories tall and two structures that are 2.5 stories tall, also establishing a precedent of residential structures of this height on a similarly deep lot. Several homes in the surrounding area have driveways as well, thus impacting the side yard depths of some properties and establishing a pattern of



smaller side yards on one side of a property. PLAN: Mattapan recommends that areas in the residential fabric of the neighborhood like where this property is located should reflect the existing built form and land use of its surroundings. Within PLAN: Mattapan, this section of the neighborhood is characterized as predominantly three-family residential fabric. The plan also recommends the internal conversion of existing primary and accessory structures as well as the development of new structures to use as Accessory Dwelling Units (ADUs) as an option for homeowners to create more housing supply on their sites. The citywide ADU program accommodates internal ADU conversions and the recent residential rezoning of areas within the Mattapan Neighborhood District (Art. 60) allows by-right development of detached ADUs. This particular site was identified as one of several Mattapan properties in PLAN: Mattapan that has a lot condition and size that can accommodate ADUs.

The project's proposed driveway extends the existing driveway all the way to the western rear of the lot to reach the new parking spaces. The existing six parking spaces and drive aisle do not appear to have a clear parking design based on an aerial view of the site, so the proposed parking design improves upon that condition while reducing the number of spaces used. That western rear area currently has permeable green space and potentially trees based on an aerial view of the site. The City does not support the removal of healthy and mature trees and open space to accommodate the development of off-street parking. The planning goals of Climate Ready Boston (addressing permeability, heat island effect, and increase tree canopy, 2016) and Boston's Urban Forest Plan (preserving healthy and mature trees, 2022) outline this point. PLAN: Mattapan also recommends lot coverage that reduces impervious surfaces, promotes additional plantings and limits stormwater runoff. Specifically in the residential fabric, PLAN: Mattapan recommends landscape design that pairs well with ADU structures that can be built in rear or side yards since ADUs allow for space to maximize trees and plantings in alignment with climate goals. The proponent's plans do not provide clear enough details for how the permeable area of the lot will be preserved as well as any mitigation planned due to the potential loss of trees and open space should this project be approved. The plans show landscaping in the eastern front yard and the section of the rear yard abutting the westernmost townhouse which aligns with PLAN: Mattapan's recommendation to provide ample green front yards, but the remaining western rear yard would be completely paved for the parking spaces and drive aisle with no clarity on the type of surface for these areas.

The rear lot line of this lot directly abuts the 2F-6000 zoning subdistrict to the west. The front yard lot line of this lot is also across the street (Temple Street) from the 2F-6000 subdistrict to

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the east. This block of Temple Street between Sanford Street (north) and Monson Street (south) is part of an extension of the 1F-6000 zoning subdistrict into the south of Temple Street while parallel blocks to the east and west are within the 2F-6000 zoning subdistrict. This contributes to the varied residential land uses around this property's area.

This project would result in a gain of housing units in the area from three to five, which advances planning goals of increasing housing supply, as detailed in *Housing a Changing City, Boston 2030* (September 2018). Additionally, this project is less than 5 minutes from several MBTA bus stops along River Street, Central Avenue, and Dorchester Avenue that serve multiple routes, thus promoting the construction of more housing close to transit resources which aligns with City goals to encourage transit-oriented development.

Zoning Analysis:

This property is located within the 1F-6000 (One-Family Residential) zoning subdistrict of the Dorchester Neighborhood District (Art. 65). It is also located within the Dorchester Neighborhood Design Overlay District (Art. 65, Sec. 32). While this property is within the PLAN: Mattapan study area, it is not located within the Mattapan Neighborhood District and does not have recently residential updated zoning that was part of PLAN: Mattapan and recently adopted in January 2024. As stated in the planning context, this lot is unique in size and length which impacts the way this project interacts with the regulations of this district and the orientation of the proposed townhouses on the lot.

The 1F-6000 subdistrict forbids accessory parking, multifamily residential dwellings, and townhouses as land uses, all of which are proposed through this project (Art. 65, Sec. 8). The existing property is assessed as a three-family residential land use which is forbidden within the subdistrict and the existing two-family residential dwelling in the front yard of the lot is also forbidden when assessed as a standalone structure.

This subdistrict also requires 1.25 off-street parking spaces per dwelling unit when a structure has 4-9 residential units (Art. 65, Sec. 41). While they are below the off-street parking requirement, the proposed five accessory parking spaces would create an improved parking design compared to the existing one, as detailed in the Planning Context. The mix of one-, two-, and three-family residential dwellings in the area present a case for a zoning map amendment



that better accommodates the variety of existing land uses and parking requirements, particularly for the proposal of housing development near transit resource.

This subdistrict also requires that structures are built on lots that have a minimum lot width of 60 feet, a minimum lot frontage of 60 feet, and a minimum side yard width of 10 feet for “Any Other Dwelling or Use” (Art. 65, Sec. 9). As stated in the planning context, this property has a front yard and rear yard lot with close to 50 feet that is a common yard lot line length for lots within this section of the neighborhood and zoning subdistrict. The existing property has nonconforming northern and southern side yard widths of under 4 feet due to the location of the two structures near those respective lot lines. This presents a case for zoning reform within the area should property owners choose to increase the housing since most surrounding lots would be found nonconforming with the lot width and frontage regulations. The project moves the building footprint further away from the eastern front yard lot line and the northern side yard lot line than the existing building, thus increasing the front yard depth from 11.1 to 15.1 feet and the northern side yard from under 4 feet to 8 feet and accounting for more potential open space. The southern side yard width is also increased to be conforming at 15 feet to accommodate the new driveway.

This subdistrict requires that structures have a maximum FAR of 0.5 and a maximum building height of 2.5 stories (Art. 65, Sec. 9). There are a few existing three-story buildings within this section of the subdistrict including in the lot to the south of this property that holds the multiple structures. Many of the two and 2.5-story buildings within this part of the subdistrict have FAR ratios that are larger than the required 0.5 maximum, thus posing a common nonconforming pattern. This presents a case for zoning reform in that this section of the subdistrict has a pattern of buildings with FAR larger than 0.5 and precedent heights above 2.5 stories.

This subdistrict requires that structures adhere to “Conformity with Existing Building Alignment” regulation which states that rather than conforming with the minimum front yard requirement for this subdistrict, structures must be “in conformity with the Existing Building Alignment of the Block” as established by structures facing the same side of the street (Art. 65, Sec. 42). This project proposes a 15.1-foot front yard depth that conforms with the existing minimum front yard requirement of the subdistrict and appears to align better with the properties that immediately abut it to the north and south than the existing building does, based on the plans.



Site plans completed by Daniel Macisaac on June 20, 2023. Project plans completed by Hue Architecture on June 12, 2023.

Recommendation:

In reference to BOA1515203, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to the landscaping of the site to increase permeable area of lot throughout the proposed driveway and parking area and to the articulation of the easternmost side of the townhouses that faces the street to account for its fit within the existing residential fabric.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1525246
ZBA Hearing Date	2024-03-26
Address	112 Richmond ST Dorchester 02124
Parcel ID	1703575000
Zoning District & Subdistrict	Dorchester Neighborhood 1F-5000
Zoning Article	65
Project Description	Construct a rear addition; attaching the existing two unit residential building to the existing rear barn and change occupancy from two to three residential units.
Relief Type	Variance
Violations	NDOD Applicability FAR Excessive Height Excessive (stories) Rear Yard Insufficient Forbidden Use Off-Street Parking and Loading Requirements

Planning Context:

Parcel is a two-family building on a residential street a few blocks east of Dorchester Ave as it enters Lower Mills, abutting the southern boundary of Dorchester Park, a few blocks north of city limits. This area to the east of Lower Mills is predominantly single-family, with substantial open space assets including Dorchester Park, the Neponset River Reservation, and Cedar Grove Cemetery scattered throughout the nearby area. The Butler T stop on the Mattapan Trolley is approximately 0.3 miles walking distance south from this site.

A pre-existing barn sits at the rear of the parcel. Applicant proposes to build an addition from the rear of the existing primary structure to connect to the barn, and to create a 4' extension to the south (side yard) side of the existing barn as well. It also proposes to modify the existing driveway to add four off-street parking spaces. While the plans do not currently show existing parking spaces on the driveway, four vehicles could likely already be placed (with tandem stacks) on the current driveway if maneuverability guidelines were not being followed. In this sense, there is likely a realistic net increase of between zero and two parking spaces through this proposal.

Though no recent planning study exists for the greater Lower Mills area, in the goals stated in Housing a Changing City, Boston's citywide housing plan, creating a "diverse housing stock" is



an overall goal for Boston. Converting a barn into an accessory dwelling aligns with this principle, and also meets the general goals of the BPDA's Citywide ADU Zoning Initiative. This residential zoning reform initiative aims to right-size residential zoning to more by resolving common zoning nonconformities and establishing updated lot and building standards that accurately reflect existing and established building patterns in Boston's neighborhoods. The Citywide ADU Zoning Initiative will also create an envelope for the by-right development of ADUs – including detached ADUs, such as the one this project proposes – on most residential lots across the city. This zoning initiative builds off work started in 2018 by the Mayor's Office of Housing (MOH), to diversify Boston's housing stock with the allowance of internal ADUs. In 2021, MOH, alongside the Housing iLab, launched the ADU 2.0 pilot program in select Boston neighborhoods, including in Dorchester. Program participants were invited to convert existing unused structures on their lots, such as barns, garages, and sheds, into ADUs. This pilot program has informed the work for the current Citywide ADU zoning initiative, and demonstrates the viability of converting unused structures into additional housing.

Zoning Analysis:

The refusal letter notes that the parking needs to be on a use of permit premise, and not an alteration permit. BPDA suggests that such guidance be taken into account by the ZBA in determining how to grant relief, if it decides to make such a decision.

Per Article 65, Table A, three family detached dwellings are forbidden in a 1F district. Two-family uses are common across this subdistrict, and this parcel size is uncharacteristically large relative to the surrounding context. A third unit, especially one that resembles the overall goals of allowing ADUs in existing structures, as is currently allowed by ADU 2.0. While this proposal does not directly fall under the existing ADU policy, since some exterior changes are allowed, this reuse of existing structures (with small construction) aligns with this broader policy of increasing housing in a "gentle" manner on existing sites, which is a similar shared goal of the ongoing Citywide ADU Zoning initiative.

As noted in Section 63-32, "While development of housing within these Neighborhood Design Districts is encouraged, new construction or rehabilitation that preserves and complements the character of the existing housing stock will enhance the historic quality of these neighborhoods."



To that end, the same section notes that the Lower Mills East Neighborhood Design Overlay District's definition is that "Lower Mills East presents an architecturally- and historically-significant residential district with a handful of Greek Revival and Italianate houses pre-dating 1860. The bulk of its housing stock was constructed between 1870 and 1915. Until as late as the 1870s, Lower Mills East was open farmland despite its proximity to the industrial section of Lower Mills. During the mid-19th century, this area was divided among a handful of families, including members of the Swan and Pope clans. Italianate residences, together with landscape elements such as mature trees, side driveways, and belvedere-topped barns capture the Currier and Ives-like flavor of the Lower Mills area during the mid-19th century." To that end, the extension of the house connecting the existing primary structure and garage is architecturally consistent with both the house and barn.

Section 65-32 notes that Article 80 design guidelines are in effect. More specifically, Section 80E-2.b(iii) notes that "Any proposed project for the erection or extension of a building with a gross floor area of three hundred (300) or more square feet" triggers such review. While such extension is, from a planning perspective, the least disruptive path to enable the efficient use of the garage as an additional dwelling, this proposal should undergo BPDA design review accordingly.

Section 65-41 notes that all off-street parking facilities need "appropriate maneuvering areas and means of vehicular access to a street." The current loading scheme provides four spaces (one more than required for three units), with two of the spaces provided as parallel parking on the side of the driveway. The amount of impermeable driveway stays approximately the same with the added spaces, because corresponding amounts of driveway formerly running all the way to the barn are eliminated in this redesign. Applicant should undergo design review to determine if the total amount of permeable area can further be reduced, with parking reconfigured to provide only the required three spaces and still allow for better maneuverability.

Table C notes that the maximum allowable FAR for non-single-family residential uses in a 1F-5000 subdistrict is 0.5. The existing FAR on the parcel is 0.27 (and corresponding 3101 gsf), and the proposed is 0.60 (with corresponding 6941 gsf), which would be a violation. Much of this violation is due to the reclassification of garage space into living space, and the net new built area is approximately 650 square feet (estimated by taking the approximate footprint of new construction from the plans and multiplying to 2.5 stories), which on its own would increase the



FAR by 0.05. This net increase in built area is minimal considering the net increase of one unit. Zoning reform should consider adjustments to zoning dimensional constraints, including the potential removal of FAR, when determining how best to legalize additional dwellings.

Table C notes that the maximum allowable height in stories for non-single-family residential uses in a 1F-5000 subdistrict is 2.5 stories. The existing building is 3 stories, which is a pre-existing nonconformity. This is unchanged by the proposal, and should be considered a hardship. Zoning reform should consider modernizing dimensional constraints, including changing building height rules, when determining how best to legalize additional dwellings on a parcel or allowing for smaller modifications.

Table C notes that the minimum rear setback for non-single-family residential uses in a 1F-5000 subdistrict is 40 feet. The existing rear setback is 3.88', which is a pre-existing nonconformity. This is minimally changed by the proposal's side addition to the garage, to ~3', and is appropriate for zoning relief. Zoning reform should consider modernizing dimensional constraints, including changing setbacks, when determining how best to legalize additional dwellings on a parcel or allowing for smaller modifications.

Plans by 686 Architects, dated August 23, 2023, and reviewed by Darell Boyd on September 14, 2023.

Recommendation:

In reference to BOA1525246, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1341131
ZBA Hearing Date	2024-03-26
Address	61 Linden St Dorchester 02122
Parcel ID	1500453010
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	65
Project Description	Demolish single family home to construct six-unit residential building.
Relief Type	Variance
Violations	Usable Open Space Insufficient Height Excessive (stories) FAR Excessive Side Yard Insufficient Front Yard Insufficient Use: Forbidden (6 Family Dwelling)

Planning Context:

The proposed project intends to demolish an existing single family dwelling in order to construct a six-family building contained in three stories. There is no recent neighborhood plan applicable to the project site. The existing building is not inventoried in the Massachusetts Cultural Resource Information System.

Imagine Boston 2030 (2017) identified this area of the Dorchester Neighborhood as a neighborhood to be enhanced through a series of goal and action items. Among these is "encouraging contextually-sensitive development," recommending that "new development will be contextually responsive, focused on filling gaps in neighborhood main-street corridors and complementing the scale and form of existing buildings along residential streets." The Plan goes on to specifically call out the triple-deckers of Dorchester, a style reflected by the design of the proposed development, which functions as two triple-deckers mirrored to create a single six-unit building.

The existing neighborhood comprises buildings ranging from 1.5 to three stories. Among the lowest heights are the existing building at the proposed project site, and the direct neighbor to the east at 59 Linden Street. Similar styles to that proposed are reflected in three of the four buildings at the intersection of Linden Street and Adams Street. The typical triple-decker



typology is reflected in the majority of buildings on the surrounding streets in the neighborhood, in addition to several of the buildings interspersed along the Linden Street block.

Zoning Analysis:

The proposed project is located in the Dorchester Neighborhood District, within a Two-Family Residential (2F-5000) Subdistrict pursuant to Article 65 of the Zoning Code. The zoning subdistrict extends only along a small portion of the specified block on Linden Street and is fully surrounded by a large Three-Family Residential (3F-D-3000) Subdistrict.

The proposal contains nonconformities in the form of Excessive Height, Insufficient Open Space, Number of Allowed Stories, FAR, and Front and Side Yard Setbacks. With respect to the height of the building, while the number of stories is exceeded, per the allowed height of 2.5 stories, the height is compliant with existing zoning regulations in terms of height measured in feet. Thus, this dimension of the building, while noncompliant, is not nonconforming with present building context. The nonconforming side and front yard setbacks are due to the location of the parking lot at the rear of the site requiring dimension for vehicles entering and exiting. The required setbacks are also reflective of a different building typology from the one proposed, whereas the setbacks in the adjacent triple-decker subdistrict better reflect the development context of the proposed building and contain reduced distances for setback dimensional regulations, more akin to the proposed project. However, the setback violations correlate directly with the lack of usable open space on site, and while there is limited open space in the existing condition, as the rear lot of the property is presently paved over, this condition is exacerbated by the project proposal. The proposed plans should revisit the parking and open space on site to better accommodate usable open space within the project. Additionally, there is no proposed accessible entry into the new building. Setbacks may need additional revision to provide for accessible travel to the first floor units contained within the proposal.

This development proposal reflects the potential case for zoning map revisions, given that of the fourteen parcels located within the 2F-5000 subdistrict, fully surrounded by a 3F-D-5000 subdistrict, four reflect the characteristics of the surrounding subdistrict more so than the 2F-5000 subdistrict.

Recommendation:

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In reference to BOA1341131, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. While the use and massing are generally appropriate for the context, the proponent should consider a project that provides greater open space through front and side setbacks, and provides for building accessibility.

Reviewed,

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Director of Planning, BPDA



Case	BOA1542657
ZBA Hearing Date	2024-03-26
Address	548 E Third St South Boston 02127
Parcel ID	0603284000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	The proponent seeks to demolish an existing two-story, detached single-family residential building, and erect a four-story, three-family residential building that will have a garage on the ground floor.
Relief Type	Conditional Use, Variance
Violations	Roof Structure Restrictions Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Additional Lot Area Insufficient Parking design and maneuverability Parking or Loading Insufficient

Planning Context:

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

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



This project's creation of two parking spaces for three housing units aligns with the goals of SBTAP to reduce parking and reliance on cars, and improving access and reliability of other forms of transportation (e.g. buses, bikes).

The project site's surrounding area largely consists of three-story, and some four-story residential buildings. Within the block of E Third St. that the project site sits, there is a mix of condominium, apartment buildings, single-family homes, with three condo developments across the street from the proposed project. The increased housing units proposed in this project aligns with the City's goals to develop more housing, per Imagine Boston 2030 and Housing a Changing City: Boston 2030 (2018).

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

Zoning Analysis:

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

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

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



Lastly, the proposed project raises violations due to insufficient parking. The project is proposing a first floor garage that will accommodate two cars, which is less than the five parking spaces that the project would require for three units under current zoning. While the proposed project supports planning goals of reducing car reliance, the proposal still faces challenges due to the narrowness of the parcel, creating maneuverability challenges for the proposed garage. The garage should be adjusted so that it can adequately support the appropriate number of parking spaces or be removed altogether.

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

Recommendation:

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

Reviewed,

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

Director of Planning, BPDA



Case	BOA1524057
ZBA Hearing Date	2024-03-26
Address	363 E St South Boston 02127
Parcel ID	0601648000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	Demolish an existing structure (under a separate permit) and erect a new 4 unit residential building.
Relief Type	Conditional use
Violations	Roof Structure Restrictions

Planning Context:

This project will demolish an existing 2.5-story, one-family residential building at 201 Bolton Street and construct a new, four-story multifamily (four units) residential building on a merged parcel composed of the two parcels that 201 Bolton is located on and a third vacant parcel that is at the existing building’s southeastern rear. This proposed project is located on the corner of E Street and Bolton Street in South Boston. The surrounding area along E Street and Bolton Street has several buildings of 3 and 4 stories in height with which this proposed project contextually aligns.

This project proposes four three-bedroom units and the addition of multifamily housing to this area aligns with the prevailing and allowed multifamily residential use in the area. This project would result in a gain of housing units in the area which advances planning goals of increasing housing supply, as detailed in Housing a Changing City, Boston 2030 (September 2018). Additionally, this project is less than 5 minutes from several MBTA bus stops along W Broadway that connect to the nearby MBTA Broadway T stop, thus promoting the construction of more housing close to transit resources which aligns with City goals to encourage transit-oriented development.

The Disabilities Commission has identified an issue for further consideration in regards to the vertical access within each unit since this project is proposing multi-floor units in a building with an elevator.

Zoning Analysis:



This property is located within the MFR (Multifamily Residential) subdistrict of the South Boston Neighborhood District (Art. 68). This subdistrict has roof structure restrictions (Art. 68, Sec. 29) that state: “Any proposed construction on the lot that would exceed the prior height [of an existing building] shall require Board of Appeal approval, and shall be subject to the roof structure and building height restrictions of this Section 68-29 and the height limits applicable to the Subdistrict in which the lot is located”. The project plans do not provide the height of the existing building on this lot, nor does this property’s Assessor’s Report. Based on an adjacent 2.5-story building on Bolton Street for comparison, it is estimated that the existing building on this project’s lot is no more than about 30 ft tall. This subdistrict allows a maximum building height of 40 ft and the proposed project complies with a height of 39.5 ft. Additionally, this area of the subdistrict has existing adjacent buildings along E Street and Bolton Street that are between 3 and 4 stories and this project would align contextually with that height pattern.

Site plans completed by Boston Survey Company on July 19, 2023. Project plans completed by Choo & Company, Inc. on August 30, 2023.

Recommendation:

In reference to BOA1524057, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review to address considerations raised by the Disabilities Commission..

Reviewed,

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

Director of Planning, BPDA



Case	BOA1552790
ZBA Hearing Date	2024-03-26
Address	226 to 228 Washington ST Brighton 02135
Parcel ID	205360000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 2F-5000(A)
Zoning Article	51
Project Description	Construct a new 3-story, 6-unit dwelling (raze existing 2-unit dwelling on a separate application).
Relief Type	Variance
Violations	Parking or Loading Insufficient Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Side Yard Insufficient Rear Yard Insufficient Use: forbidden (MFR)

Planning Context:

The BPDA reviewed this project for the ZBA hearing on 2/6/2024. The project was deferred and no new plans have been submitted, and so the BPDA recommendation has remained the same.

The proposed project is on a residential street characterized mostly by 2–3-unit buildings, but with some higher density, 4-6 unit buildings (7 and 11 Snow St). There is significant variability in the area in terms of parcel shapes and resulting yard sizes. The two homes abutting the proposed project have widths around 45 ft, and depths around 50-60 ft. The proposed project is 6 units, with a width of 48 ft, and depth of 65 ft and 5 inches. There is therefore precedent in the area for the proposed multifamily use, but the proposed scale is slightly larger than the existing context. However, the proposed project would result in a net gain of 4 new units, which is in line with the recommendations outlined in the Allston-Brighton Needs Assessment (2024), which identified housing as a high priority need and highlighted that community survey participants “promoted supply-side solutions to the housing crisis, recommending an end to parking minimums, relaxation of zoning rules, and other measures to increase housing production in the neighborhood.”

This project is a 9-minute walk from Washington St MBTA station, which means it meets the BTD criteria for projects near an MBTA station. The Guidelines by the Boston Transportation

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Department for use by the Zoning Board of Appeal recommends 0.75-1.25 spaces per unit for residential projects in Allston/Brighton near MBTA stations. This means 4.5-7.5 spaces for 6 units, and so the proposed 6 spaces is well within this recommended range.

This project is within one hundred (100') feet of a park. This means that it requires review and approval from the Parks and Recreation Commission (City of Boston Municipal Code 7-4.11).

Zoning Analysis:

The minimum lot area requirement for this parcel is 5,000 sq ft for 1 or 2 units and 1,500 sq ft for every additional unit. Because this parcel is 7,815 sq ft, this means that the maximum number of dwelling units that could be built on this parcel while complying with the lot area regulation is 3. However, there is precedent in this area for 4–6-unit buildings on similarly sized or smaller parcels (7 and 11 Snow St).

The project does not meet the zoning requirement of 10.5 parking spaces for 6 units. However, as discussed in the planning context, the project's parking does comply with current BTB recommendations, indicating that there is a need to update the zoning to also reflect these current best practices.

The project has approximately 1,180 sq ft of usable open space (summing the private decks and patio and 970 sq ft rear yard). This is far below the requirement of 4,800 sq ft (800 sq ft per dwelling unit). Given that the lot size is 7,815 sq ft and the proposed building footprint is approximately 2,460 sq ft, there is about 5,300 sq ft of potential usable open space (without reducing the building size). Therefore, the project could feasibly comply (or come much closer to complying) with the usable open space requirement by reducing the parking, reducing the scale of the building, and/or increasing the size of the balcony spaces. The parking can also be reduced from 6 to 5 spaces while still meeting the BTB recommendation of 0.75-1.25 spaces per unit.

Recommendation:

In reference to BOA1552790, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE While the use is appropriate, the proponent should consider revising the project to increase usable open space.



Reviewed,

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

Director of Planning, BPDA



Case	BOA1539233
ZBA Hearing Date	2024-03-26
Address	81 Furbush RD West Roxbury 02132
Parcel ID	2007525000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	56
Project Description	Demolition of an existing deck and construction of a new sunroom deck of the same size and in the same location as the existing deck.
Relief Type	Variance
Violations	Rear Yard Insufficient

Planning Context:

This project was deferred from a previous ZBA hearing on January 23, 2023 with no additional notes from the ZBA on specific factors of the project as part of the deferral. The proponent did not submit new plans and thus the planning context, zoning analysis, and decision recommendation remain the same.

This project will demolish an existing 12' x 13' deck located in the southeast rear yard that is accessible via the second floor of a 2-story residential dwelling and has stairs leading to the exterior of the ground level. The proponent will construct a new sunroom deck in the exact place of the existing deck that also has a 12' x 13' floor, will include a new set of stairs, and will have a sunroom that is about 12 feet high above the deck's floor with a pitched roof. This alteration would not change the depth of this proponent's structure into the rear yard but would change the height of the deck relative to the building. The pitch roof of the new sunroom would connect to and match the design of the existing dwelling's roof and would not be taller than the roof of the main building. These proposed changes to the rear deck would not be visible from the public realm as they do not extend above the dwelling or extend into either side yard of the building.

Zoning Analysis:

This property is located within the 1F-6000 (One-Family Residential) subdistrict of the West Roxbury Neighborhood District (Art. 56). This subdistrict requires a minimum rear yard depth of 30 feet. This property has an existing rear yard nonconformity of about 21 feet and this



proposed alteration would extend that nonconformity. However, this extension of the nonconformity would not encroach further than the rear yard depth that is currently established by the existing nonconformity. Additionally, the proposed vertical addition of the sunroom would not extend beyond the building's existing height nor the maximum height as allowed in this subdistrict.

Site plans completed by C&G Survey Company on November 11, 2020. Project plans completion date not provided.

Recommendation:

In reference to BOA1539233, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1498625
ZBA Hearing Date	2024-03-26
Address	4 to 6 Milton AVE Dorchester 02124
Parcel ID	1701602000
Zoning District & Subdistrict	Greater Mattapan Neighborhood 3F-5000
Zoning Article	60
Project Description	Proponent seeks to add 6 spaces for used car sales in an empty area of car repair business. The entrance is through the garage.
Relief Type	Conditional Use
Violations	Conditional Use

Planning Context:

As of the date of project review (3/7/24), no new refusal letter or plans have been submitted in reference to the case. The case was previously deferred for community review after being scheduled to appear before the Board of Appeal on 1/18/24. As a result, the planning context and zoning analysis remain the same (with a few minor edits) as that submitted previously to the Board of Appeal.

The proposed project is located in the Greater Mattapan Neighborhood District, within the 3F-5000 subdistrict. The proposed alterations are interior only— 6 parking spaces to be painted on for the purpose of selling used cars in an empty space on the premises, with an entrance through the garage. The immediate abutting lot to the east is residential, and the lot to the southwest of the parcel is empty. This parcel is part of a larger cluster of small businesses and institutions located less than a block away along Norfolk Street, including a church, a Jamaican restaurant, and a hair salon. The site is about 6 blocks away from the Talbot Avenue T stop on the Fairmount Line.

Given the parcel’s proximity to the Talbot Avenue T stop, the Fairmount Indigo Planning Initiative Corridor Plan should also be considered (September 2014). Recommendations from the study include supporting a variety of small businesses and championing wealth creation opportunities within the neighborhood.

Zoning Analysis:



Section 6-3 lays out the requirements for a conditional use approval, and the proposed project meets these standards. The slight change in use is not substantial (from a repair shop to a repair shop that sells up to six used cars at a time) and is appropriate for the location. There are no serious adverse effects, no serious added hazards to drivers or pedestrians, no apparent nuisance, and a parcel this size in this district does not require off-street loading.

The last standard to meet for a conditional use approval is the “adequate facilities” provision. While the proposed project would require the addition of .5 off street-parking spaces (separate from the existing space inside the business that will be used to store the used cars), this is a minor deviation from the code and represents a case for zoning reform. The additional off-street parking space is not necessary for this project.

Recommendation:

In reference to BOA1498625, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/s: that plans shall be submitted to the Agency for design review with attention to screening and buffering.

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	BOA1479078
ZBA Hearing Date	2024-03-26
Address	841 Columbia RD Dorchester 02125
Parcel ID	1303313000 & 1303314000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-5000
Zoning Article	Article 65
Project Description	Seeking to combine parcels #1303314000 and #1303313000 to create a 7,098 square foot lot to be known as 841 Columbia Road. Also, to erect a new building with 6 residential units and 5 parking spaces. Project will designate one unit as an affordable unit.
Relief Type	Variance
Violations	FAR Excessive Lot Frontage Insufficient Height Excessive (stories) Front Yard Insufficient Side Yard Insufficient use Parking or Loading Insufficient

Planning Context:

This project was previously recommended by the BPDA for Denial without Prejudice on 11/28/2023 and 1/23/2024, and was deferred by the ZBA at both hearings. That recommendation cited the inclusion of basement living space and excessive parking as the grounds for denial. Since those hearings, revisions to the original plan set have been made. The most recent plans reviewed by ISD for this project are dated 2/27/2024, and address both concerns previously raised by BPDA staff.

The proposed project sits in a three-family residential subdistrict along Columbia Road. It is located less than a 1/4 mile from the JFK/UMass MBTA stop. The site also sits within a Restricted Parking District and the Coastal Flood Resilience Overlay District.

The project proposes to combine two lots and erect a 6 unit residential structure. The lots are currently paved over and occupied by an 8 car garage. This scope, which replaces existing surface parking with housing, is consistent with both City planning goals: to encourage



appropriately-scaled residential infill development and create new housing (Imagine Boston 2030, 2016).

The most recent plans submitted remove the previously proposed basement living space for units 1 and 2. This change was requested by the BPDA due to the site's location within the CFROD. Additionally, the updated plan set reduces the number of off-street parking spaces from 6 to 5, as requested by the BPDA's transportation team. This figure aligns with the Boston Transportation Department's (BTD) recommended maximum parking figures for the area.

Zoning Analysis:

The project proposes a 6 unit residential structure on a double lot. The maximum occupancy allowed by zoning is 3 dwelling units per structure. Several semi-attached "6-pack" residences exist immediately surrounding the property. Because of this context, as well as the site's proximity to transit (<1/4 mile to JFK/UMass T stop), future planning efforts should seek to introduce MFR zoning for the area that accommodates multifamily uses in these common building forms.

The project's insufficient lot frontage and front yard setback are mitigated by the lot's location. The lot is setback ~35' from Columbia Road, behind another lot, and fronts a private access road that dead ends at the project site. Both the front and side yard setbacks align with the existing building alignment and setback conditions of the project's neighboring residences.

The project's proposed height (3 stories > 2.5 stories) and FAR (1.1 > 0.5) violations are conditions shared by the majority of the site's surrounding parcels. Less than 20% of the site's surrounding structure's comply with the FAR requirements of the area (majority ranging from 0.9 to 1.2). Future zoning reform efforts in the area should look to better align dimensional regulations, especially FAR, with what already exists.

While insufficient by the Code's standards, the project's condition (5 spaces proposed, 1.25 spaces/dwelling required) meets the BTD's recommended maximum figure for the area (0.75 spaces/dwelling).

Recommendation:



In reference to BOA1479078, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review and that the applicant complete a housing agreement for the affordable unit with the Mayor's Office of Housing.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1304433
ZBA Hearing Date	2024-03-26
Address	10 Thompson Sq Charlestown 02129
Parcel ID	0203685000
Zoning District & Subdistrict	Charlestown Neighborhood NS
Zoning Article	Article 62
Project Description	Construct 12 residential units on top of existing ground floor commercial space.
Relief Type	Variance
Violations	Usable Open Space Insufficient Parking or Loading Insufficient FAR Excessive Height Excessive Rear Yard Insufficient

Planning Context:

This project has not been changed since it was deferred from ZBA hearings on 10/31/2023 and 2/6/2024; the project’s violations have not changed.

The proposed project is located within the Original Peninsula, as identified in PLAN: Charlestown (2023). It is located at the intersection of two commercial avenues, has street frontage on 3 of the 4 lot lines, and shares party walls with the two adjacent properties on the “rear” of the site. This is a unique case of parcelization, where the side yards of both neighboring properties abut the same rear lot line of the property in question. Given this unique condition, the rear yard may be considered a side yard.

The site is an existing retail space covering the entirety of the lot, with a proposal to add 3 stories of housing above while preserving the existing structure. The project promotes a mixed-use corridor in this NS subdistrict by maintaining the retail use on the ground floor and increasing housing stock near a transit stop (0.4 miles from Community College T Station). Preserving existing retail space is consistent with the PLAN’s recommendations of preserving and supporting local businesses.

PLAN: Charlestown recommended an expansion of affordable housing opportunities that allow existing and future residents to grow up, stay, and age within the community. The proposed 12-unit project will require a Housing Agreement under the City of Boston’s Inclusionary



Development Policy, thereby increasing affordable housing options in Charlestown. The violations cited here are dimensional in nature; the proposed multifamily use is allowed under zoning and this is an appropriate location for multifamily based on recommendations from PLAN: Charlestown.

PLAN: Charlestown outlined specific design guidelines for additions in the Original Peninsula, stating that massing must be composed in a manner that does not overwhelm the scale of the neighborhood and must maintain regularity or complement its neighbors. The site is surrounded by a range of building types, including 2-story to 5-story mixed-use buildings. Both neighboring properties are 3 stories tall, but one of them has dormers of a scale and cadence that makes the building be perceived as 4 stories.

Because the existing commercial space covers the entirety of the lot, there is no provided usable open space at-grade. However, PLAN: Charlestown encourages the use of balconies, terraces, accessible rooftops, green roofs, and other means of providing above-grade amenities as a form of usable open space for its building occupants.

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

Zoning Analysis:

In October 2023, updated Charlestown zoning was adopted per PLAN: Charlestown's recommendations. The recommended dimensional changes were largely focused on the industrial area and at the request of the community only minimal changes were proposed in the Original Peninsula. No zoning changes were proposed to the parcel where this project is located.

The project proposes extending the existing rear setback nonconformity; the required rear setback is 20' and the existing setback is 0'. Achieving the required rear yard setback would require changing the existing retail space on the ground floor. Further, the unique condition of having 3 frontages means the rear lot line reads as side lot lines connected to the neighboring buildings. In this NS subdistrict, the minimum side yard requirement is 0'.



The maximum height in this subdistrict is 35' and the proposed height is 41'. The tallest neighboring building has dormers that are taller than 41'. The maximum FAR is 2.0 and the proposed FAR is 4.0. The existing building covers the entirety of the lot, resulting in an FAR 1.0. Adhering to the maximum FAR of 2.0 would result in only one additional story the same size as the current building floorplate. More than one additional story could be built within this 2.0 FAR maximum if such stories have smaller floorplates.

The insufficient usable open space violation is an existing nonconformity as the existing ground floor commercial space covers the entire lot. The project should increase its usable open space through the addition of spaces like balconies or roof decks.

Recommendation:

In reference to BOA1304433, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. Proponent should realign the height and FAR with the Zoning Code, increase usable open space, and that an IDP housing agreement be issued prior to issuing permits.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rand", is written over a faint, larger version of the same signature.

Director of Planning, BPDA



Case	BOA1565017
ZBA Hearing Date	2024-03-26
Address	152 Washington ST Brighton 02135
Parcel ID	2101891000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 2F-5000
Zoning Article	51
Project Description	Change occupancy from 2-family to 3-family by updating living space on each floor. No external changes to the structure will be made.
Relief Type	Variance
Violations	Parking or Loading Insufficient Lot Frontage Insufficient Use: Forbidden (3-Family)

Planning Context:

The proposed project is seeking to change the occupancy of an existing 2-family house to a 3-family through internal renovations. These renovations will add living space to the basement while reconfiguring the existing layouts to accommodate bedroom space for each of the proposed units on the first, second, and third floors. It will now compose of three 3-bedroom units compared to the existing layout where the first unit had 2 bedrooms and the second unit had 5 bedrooms. This location is also close to transit as the Washington Street MBTA Green Line stop is a 5-minute walk away and a MBTA 65 bus stop is a 2-minute walk away. This area is currently zoned as 2F-5000 but this portion of Washington Street contains a mix of two-family, three-family, and multi-family buildings.

This project would help advance the needs identified in the Allston-Brighton Needs Assessment (January 2024) as one of the central needs identified in that report was a need for accessible and affordable housing. The proposed project would add density near transit while also allowing for larger households to live in these units as they will all become 3-bedroom units.

Zoning Analysis:

With the proposed project, the refusal letter states that there are violations with the use, the off-street parking requirement, and insufficient lot frontage. Under Article 51 of the Zoning Code, a 3-family residential dwelling is forbidden as this area is zoned as 2F-5000. With these violations, this is a case for zoning reform to align with the planning goals in Allston-Brighton. As the



project is proposing a 3-family residential building, even though the area is zoned as 2F-5000, it will help increase the available housing stock. There are also 3-family buildings that surround the project at 144 Washington Street, 154 Washington Street, and 156 Washington Street. Zoning reform would allow the 3-family use to be appropriate given the neighborhood context.

While there is a violation for the off-street parking requirement, zoning reform would help address the discrepancy between the requirement and necessity. While the required minimum ratio is 1.75 for the area, parking is not a necessity due to the proximity of transit options. There are two transit options within a 10-minute walk of the project.

Under Article 2, lot frontage is defined as the width of a lot that abuts the public right-of-way. However, this was already non-conforming with the Zoning Code as the minimum lot frontage for a 2-family house in this area is set at 50 feet. For other uses in this area, the minimum lot frontage is also set at 50 feet. As there are no proposed changes to the lot size nor the external structure with this project, this is a non-conformity. This is also a case for zoning reform to allow the extension of existing non-conformities, like the lot frontage, when the structure otherwise conforms to dimensional requirements and the existing non-conformity is not increasing, so as to incentivize retention and improvement of existing structures.

The plans reviewed are titled 152 Washington St and are dated October 4, 2023. They were prepared by Land Mapping.

Recommendation:

In reference to BOA1565017, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1565767
ZBA Hearing Date	2024-03-26
Address	5 Bradford CIR Roslindale 02131
Parcel ID	2004661000
Zoning District & Subdistrict	Roslindale Neighborhood 2F-5000
Zoning Article	67
Project Description	The proposed project would convert an existing, detached 2-car garage into a detached accessory dwelling unit with 1 parking space.
Relief Type	Variance
Violations	Lot Width Insufficient Lot Area Insufficient Usable Open Space Insufficient Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Lot Frontage Insufficient Off street parking (general); Application of dimensional requirements (two or more dwellings on same lot); Location of main entrance

Planning Context:

The proposed project would convert an existing, detached 2-car garage into a detached accessory dwelling unit with 1 parking space. The detached ADU would include a bedroom, bathroom, full kitchen, living space, and two means of egress. 5 Bradford Circle is located at the end of a cul-de-sac. The garage in question is located at the western side of the parcel, while the main house is located on the same lot to the east.

As part of its zoning reform efforts, the BPDA recently launched the Citywide ADU Zoning Initiative. This residential zoning reform initiative aims to right-size residential zoning by resolving common zoning nonconformities and establishing updated lot and building standards that accurately reflect existing and established building patterns in Boston’s neighborhoods. The Citywide ADU Zoning Initiative will also create an envelope for the by-right development of ADUs – including detached ADUs, such as the one this project proposes – on most residential lots across the city. This zoning initiative builds off work started in 2018 by the Mayor’s Office of Housing (MOH), to diversify Boston’s housing stock with the allowance of internal ADUs. In



2021, MOH, alongside the Housing iLab, launched the ADU 2.0 pilot program in select Boston neighborhoods, including in Roslindale. Program participants were invited to convert existing unused structures on their lots, such as barns, garages, and sheds, into ADUs. This pilot program has informed the work for the current Citywide ADU zoning initiative, and demonstrates the viability of converting unused structures into additional housing.

Zoning Analysis:

5 Roslindale Circle sits within a 2-family residential subdistrict. As proposed, the project triggers ten violations, all within the Roslindale Neighborhood Zoning District article. All of them are dimensional in nature. This represents a case for zoning reform. The dimensional violations are based on a different use: a single structure containing 2 units. No regulations are included for detached ADUs that result in an increase of Gross Floor Area (GFA). As planned, zoning reform would better address the construction or conversion of detached ADUs into the Code to lessen the time and money required to produce these units.

As stipulated in Section 7-3 (a), the irregular, 6-sided lot shape could also be considered partial grounds for a variance. Most other lots on the block are rectangular. This does limit reasonable use of the structure in that it has the potential to trigger more violations, as seen in this case. The granting of the variance would also be in harmony with the general purpose and intent of the code- there is already text within the Code highlighting the importance of ADUs within the Roslindale Neighborhood District (Section 67-8). There is also no evident harm that would be caused by granting a variance in this case as long as building codes related to fire truck access are followed.

Recommendation:

In reference to BOA1565767, The Boston Planning & Development Agency recommends APPROVAL.



Reviewed,

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Director of Planning, BPDA



Case	BOA1556702
ZBA Hearing Date	2024-03-26
Address	29 Stanton ST Dorchester 02124
Parcel ID	1702012000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	65
Project Description	Turn a childcare center located in the basement into a food pantry, changing the use under zoning. The renovation includes the removal of a partition wall that currently holds an office space.
Relief Type	Conditional Use
Violations	Use (Accessory Retail)

Planning Context:

The proposed project is located at 29 Stanton Street in Dorchester, close to the neighborhood border with Mattapan and only a quarter mile away from Blue Hill Ave. The structure at 29 Stanton Street was originally constructed as a church, and is now in operation as a childcare center. The proposed project would make changes to the basement space of the building, which the childcare center plans on vacating.

The proposed change of use to a food pantry is in line with the planning goals outlined in Housing A Changing City: Boston 2030, to create more community serving spaces along corridors and within the residential fabric in the Greater Dorchester neighborhood. Its previous use as a childcare center also suggests that the amount of traffic generated by this use would be on a similar scale to the project's current form.

The project is consistent with City goals of reducing dependence on private vehicles, as outlined in Go Boston 2030 (March 2017), due to its proximity to the Franklin/Foxboro Commuter Rail line, as well as the Ashmont branch of the MBTA Red Line.

Zoning Analysis:

The proposed Project is located within the Dorchester Neighborhood Zoning District under the 2F-3000 Sub district. Under current Zoning, the proposed use as a food pantry is conditional as accessory retail. The intent of this conditional use is to limit non residential developments that



clash with neighborhood characteristics. As this project makes no external changes to the structure, and the intensity of use will not change, it meets the criteria for granting a conditional use.

Recommendation:

In reference to BOA1556702, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1445554
ZBA Hearing Date	2024-03-26
Address	16 High ST Dorchester 02122
Parcel ID	1503013000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-5000
Zoning Article	65
Project Description	Conversion of existing 3 family building to 9 family building through partial building demolition and reconstruction.
Relief Type	Variance
Violations	Parking or Loading Insufficient FAR Excessive Height Excessive (stories) Height Excessive (ft) NDOD Applicability Side Yard Insufficient Rear Yard Insufficient Use: Forbidden (MFR)

Planning Context:

The proposed project intends to demolish a portion of an existing three family residential building for the purpose of constructing a rear addition consisting of three stories that will increase the size of the building to house a total of nine residential units. There is no recent neighborhood plan applicable to the project site. There are a scattering of multifamily residential buildings in the surrounding area, including a structure at 200 Hancock Street, listed on the Boston Tax Parcel Viewer as ranging between 7-30 units, and a development at 1203 Dorchester Avenue, listed on the Tax parcel Viewer as ranging between 31-99 units.

Imagine Boston 2030 (2017) identifies this area of the Dorchester Neighborhood as a neighborhood to be enhanced through a series of goals and action items. Among these is "encouraging contextually-sensitive development," recommending that "new development will be contextually responsive, focused on filling gaps in neighborhood main-street corridors and complementing the scale and form of existing buildings along residential streets." The proposed project maintains the existing height of the building at three stories as a nod toward neighborhood context. While the area of the project is zoned as three-family residential, surrounding buildings vary from single family to three family homes. Given the large lot size



(11,500 SF), there is sufficient space within this parcel for two three family dwelling units to be erected, adhering to the minimum parcel size of 5,000 SF. Further context for a building accommodating additional dwelling units is offered by the unique shape of the parcel, narrow at the front, and widening in a trapezoidal shape towards the rear boundary. This shape, combined with the proposed design of the project allows for the street-facing side of the building to remain consistent with existing neighborhood fabric, while adding more space and building capacity at the widened rear of the site, relatively hidden from view.

Zoning Analysis:

The proposed project is located within the Dorchester Neighborhood District in a Three-Family Residential (3F-5000) Subdistrict, pursuant to Article 65 of the Zoning Code. The site is also subject to a Neighborhood Design Overlay District, intended "to protect the historic character, existing scale, and pedestrian environment of the neighborhood. The proposed development respects the existing character of the neighborhood through the maintenance of the front of the existing building, intended to remain, proposing only a rear addition that respects the existing height of the current structure. Thus, the project aligns with the goals set forth in the Section 65-32. Establishment of Neighborhood Design Overlay Districts., where "development of new housing within these Neighborhood Design Districts is encouraged," given that "new construction or rehabilitation...preserves and complements the character of the existing housing stock..."

The excessive FAR within the project proposal is mitigated through the shape of the proposed addition, and the shape and size of the parcel, far greater than the minimum 5,000 SF lot size for the subdistrict. The height of the proposed addition is greater than that of the existing building by 0.5 stories (4 feet). However, the grading of the project site is such that the top of the roof of the addition is not above the top of the roof to remain at the front of the building, thus mitigating the effects of the excessive height.

The side and rear yard setbacks required by the Zoning Code are encroached upon by the proposed addition. Article 65 of the Code requires a 15' minimum front yard setback, 10' minimum side yard setback, and 30' minimum rear yard setback. The extension of the building beyond the side setback requirements is minimal, and limited to building corners that create a 7'-6" setback on either side at the minimum distance, but average greater than 10' along the remainder of the proposed building. The rear of the parcel backs up to a retaining wall, thus even with a reduced setback, there is a separation between the project site and the

BOA1445554

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2 Boston Planning & Development Agency



development that abuts it at Hancock Street. Additionally, the irregular shape of the rear edges of the parcel lead to a rear setback that measures, at minimum 22'-6", but averages a distance greater than the requisite 30'.

The violation with respect to off street parking and loading requirements supports the case for Zoning Reform. The Zoning Code requires 1.25 parking spaces per unit for a project with 4-9 residential units. However, given the mobility score of the project area, BTM has suggested a maximum parking ratio of 0.75-1.0 spaces per unit. The proposed project provides 9 spaces of garage parking under the building addition, adhering to the 1.0/du ratio.

Recommendation:

In reference to BOA1445554, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1514573
ZBA Hearing Date	2024-03-26
Address	31 Marine RD South Boston 02127
Parcel ID	0702051000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	The proposed project would erect a new 3-family, 3-story house on a through lot with a ground-floor parking garage after demolishing the current house and garage on a separate short-form permit.
Relief Type	Conditional Use, Variance
Violations	Roof Structure Restrictions GPOD Applicability Parking design and maneuverability

Planning Context:

The proposed project would erect a new 3-family, 3-story house on a through lot with a ground-floor parking garage after demolishing the current house and garage on a separate short-form permit. The Marine Road side of the parcel is currently a low-lying three car garage. Columbia Road is the current house’s main entrance, and that configuration would remain with the new three-story house. The proposed house would have three front porch decks, one for each story, with the first two stories in a traditional wood style and the top story deck encased in a more modern glass style.

As proposed, the entrance to the new six-space parking garage would remain on the Marine Road side. These six spaces would be three across and two deep, making this tandem parking. 31 Marine Road is also included within the South Boston Transportation Action Plan area. Relevant goals include encouraging more sustainable modes of transportation where feasible. The parcel is two blocks away from Boston Harbor Beach. While the 11 bus is about a block away, it is not a Key Bus Route so service is less frequent. Walking to the nearest T station at Broadway takes about 30 minutes.

The new construction would be within 100’ of a parkway (William J. Day Boulevard), requiring Parks Review (Ordinance 7.4.11). Since this is not an Article 80 project, the parcel is not regulated by the Coastal Flood Resiliency Overlay District (CFROD) despite being within its



borders. However, the fact that it falls within the District does highlight the importance of addressing future flood risk within the plans.

Zoning Analysis:

The proposal triggers three violations: one for roof structure restrictions (related to building height), one for the Greenbelt Protection Overlay District, and a third for design and maneuverability within off-street parking areas. The maximum height in MFR subdistricts is 40'. According to the proposed plans, the highest point of the building falls below this cap at 39'6". An updated refusal letter was requested from ISD to remove the roof structure restriction violation.

Since the proposed project exceeds the 5,000 sq. feet threshold, Greenbelt Protection Overlay District (GPOD) regulations apply (Section 29-4). The greenbelt in this case is William J. Day Boulevard, which divides surrounding homes from the beach. A GPOD violation requires zoning relief through a conditional use permit. One standard for permit issuance is determining whether or not the location is appropriate for the use. As proposed, the use would match the uses of other houses on the block, which are small multi-family buildings. No adverse impacts on the neighborhood are anticipated. Similarly, there are no evident hazards or nuisances for vehicles or pedestrians as a result of the new home.

Another standard is that "adequate and appropriate facilities be provided" for the use. While there is a violation for design and maneuverability of the off-street parking because of its tandem design, the parking facilities could still be considered adequate and appropriate given the higher aesthetic importance placed on GPOD parcels fronting the greenway, as is the case here. Tandem parking could even be considered more appropriate than non-tandem parking in this instance because of its lessened visual impact and more efficient use of impermeable space in an area vulnerable to frequent flooding. The final standard for issuing a conditional use permit is that GPOD-applicable projects adhere to Section 29-3 (applicability), 29-5 (requirement to notify Parks), and 29-6 (standards). This would be determined during GPOD review. As proposed, however, the project appears to meet non-GPOD standards for a conditional use permit.

Recommendation:



In reference to BOA1514573, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to any spaces located below the Design Flood Elevation of 22' BCB, which should be finished with flood resistant materials and utilize wet floodproofing strategies to help address flood risk; and that plans be submitted to the Department of Parks and Recreation for review, due to its location within the Greenbelt Protection Overlay District.

Reviewed,

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

Director of Planning, BPDA

MEMORANDUM

July 13, 2023

TO: **BOSTON REDEVELOPMENT AUTHORITY**
D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY (“BPDA”)¹
AND JAMES ARTHUR JEMISON II, DIRECTOR

FROM: MICHAEL CHRISTOPHER, DIRECTOR OF DEVELOPMENT REVIEW
CASEY HINES, DEPUTY DIRECTOR DEVELOPMENT REVIEW
STEPHEN HARVEY, SENIOR PROJECT MANAGER
MATTHEW MARTIN, URBAN DESIGNER II
LYDIA HAUSLE, SENIOR TRANSPORTATION PLANNER II
ASTRID WALKER-STEWART, PLANNER I

SUBJECT: 735-745 River Street, Hyde Park

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority (“BRA”) d/b/a Boston Planning & Development Agency (“BPDA”) authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 735-745 River Street in Hyde Park (the “Proposed Project”, defined below), in accordance with Article 80E, Small Project Review, of the Boston Zoning Code (the “Code”); and (2) take any other actions and execute any other agreements and documents, including but not limited to an Affordable Rental Housing Agreement and Restriction (“ARHAR”) and Community Benefit Contribution Agreement, that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The Proposed Project is located at 735-745 River Street in Hyde Park (the “Site”) and includes approximately 18,020 square feet of combined land area comprising two (2) parcels located at the corner of River Street and Thorn Street, which will be combined and consolidated as part of the Proposed Project. The Site has frontage

^{1*} Effective October 20, 2016, the BRA commenced doing business as BPDA.

on both River Street and Thorn Street. Thorn Street and abuts MBTA Commuter Rail tracks for the Franklin and Fairmount lines.

The Site is surrounded by long-existing multifamily residential properties, including those at 10 Thorn Street, 20 Thorn Street, the Hassan Apartment Building/Boston Housing Authority Building at 705 River Street and 731-733 River Street directly across a private passageway that abuts the Site.

DEVELOPMENT TEAM

Proponent: 735 River Street LLC and 745 River Street LLC
745 River Street, Boston, MA 02136
Jean Bonnet
Clifford Bonnet

Architect: JGE Architecture + Design
40 Court Street Suite 200, Boston MA 02108
Jonathan C. Garland
Sebastian Yan

Legal Counsel: McDermott Quilty & Miller LLP
28 State Street, Suite 802, Boston, MA 02109
Joseph Hanley, Esq.
Nicholas J. Zozula, Esq.

Landscape

Architect: Kyle Zick Landscape Architecture Inc.
36 Bromfield Street, Suite 202, Boston, MA 02108
Kyle Zick ASLA

PROPOSED PROJECT

The Proponent proposes the construction of a new, five (5) story, fifty-six (56) foot, mixed-use development building of approximately 49,900 square feet of gross floor area ("GFA"), the proposal includes a ground floor health clinic space of approximately 4,474 square feet, up to forty (40) rental units, up to twenty-six (26) at-grade parking spaces and approximately forty (40) bike parking spaces (the "Proposed Project").

The building will contain eighteen (18) one-bedroom units, fifteen (15) two-bedroom units, and seven (7) three-bedroom units with an approximate Floor Area Ratio of 2.77. The Proponent plans to commence construction of the Proposed Project in 2024.

The total development cost is approximately Twenty Million Dollars (\$20,000,000).

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	57,469
Gross Floor Area	49,900
<i>Residential</i>	45,426
<i>Office</i>	0
<i>Retail</i>	0
<i>Lab</i>	0
<i>Medical Clinical</i>	4,474
<i>Education</i>	0
<i>Hotel</i>	0
<i>Industrial</i>	0
<i>Recreational</i>	0
<i>Cultural</i>	0
<i>Parking</i>	6,969
Development Cost Estimate	\$20,000,000
Residential Units	40
<i>Rental Units</i>	40
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	7
Parking spaces	26

ARTICLE 80 REVIEW PROCESS

On March 9, 2023, the Proponent submitted an Application for Small Project Review with the BPDA pursuant to Article 80E of the Code. On April 19, 2023, the BPDA

hosted a virtual public meeting. The public meeting was advertised in the local paper, a notice was posted on the BPDA's calendar, and an email notification was sent out to all subscribers of the BPDA's Hyde Park neighborhood email update list. The comment period concluded on April 28, 2023.

PLANNING CONTEXT AND CITY STAFF REVIEW

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

The key considerations of BPDA staff during the review of the Proposed Project included mitigating the impact of parking on the streetscape and abutting properties, and ensuring adequate usable open space for residents. The project is located within a quarter-mile radius of multiple Silver-Line bus stops and will accommodate a sidewalk bike parking, contributing to citywide goals to support transit-oriented development.

ZONING

The Project Site is located within the MFR Zoning Subdistrict of the Hyde Park Neighborhood Zoning District under the City of Boston Zoning Code (the "Code"). As such, the Proposed Project's proposed use as a Multifamily Dwelling is an Allowed Use under the Zoning Code, however, the Proposed Project's proposed upgraded and expanded Medical Clinic Use is a Forbidden Use under the Zoning Code.

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

1. Article 69 Section 8: Clinic is a Forbidden Use
2. Article 69 Section 9: Lot Area for Add'l Dwelling Units Insufficient
3. Article 69 Section 9: Floor Area Ratio Excessive
4. Article 69 Section 9: Building Height Excessive
5. Article 69 Section 9: Building Height (# of Stories) Excessive
6. Article 69 Section 9: Usable Open Space Insufficient
7. Article 69 Section 9: Front Yard Insufficient
8. Article 69 Section 9: Side Yard Insufficient
9. Article 69 Section 29: Off-Street Parking Insufficient
10. Article 69 Section 29: Off-Street Loading Insufficient

MITIGATION & COMMUNITY BENEFITS

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

- The Proponent will coordinate with the abutting property owner on enhancements and improvements to the new private passageway that will be created between the Project Site and the abutting property running between River Street and Thorn Street, with new compliant sidewalk area, landscaping, wayfinding, and overall refinements;
- Improving the safety and visual appearance of the Project Site and immediate area by removing curb cuts along both River Street and Thorn Street, introducing a new compliant sidewalk and new on-street parking spaces, including crosswalks at the intersection of Thorn and River Streets and along each end of the abutting private passageway (to be improved);
- Remediating and improving environmental conditions at the Project Site to a safe condition consistent with state and federal regulations and guidelines, the Project Site is currently an auto-body repair garage;
- Introducing no more than six (6) new street trees and widening the sidewalks that surround the Project Site to modern city standards;
- The Proponent commits to installing two (2) stop signs at each end of the new private passageway as part of the site plan improvements and mitigation associated with the Proposed Project. The installation of the proposed two (2) stop signs will be in coordination with BPDA, BTD and PIC, shall be completed before the Proposed Project completes construction;
- The Proponent commits to equipping electric vehicle charging infrastructure at a rate of 25% installed, or 6 charging stations, and the remaining 20 parking spaces to be EV Ready for future installation;
- In addition to the aforementioned improvements and benefits, the Proponent shall make a Twenty-Thousand dollar (\$20,000.00) contribution to the City's Fund for Parks, which is described below:

Recipient: City's Fund for Parks

Boston Parks and Recreation Department
1010 Massachusetts Avenue, 3rd Floor
Boston, MA 02118

Use: The contribution will be used to fund efforts to maintain green space at Ross Playground/Field located near this Proposed Project in Hyde Park.

Amount: \$20,000.00

Timeline: The \$20,000.00 contribution is due upon issuance of the Certificate of Approval.

- Generating hundreds of thousands of dollars in new property tax revenue annually to the City; and
- Temporarily creating approximately thirty (30) to forty (40) new construction jobs over an 18 month period.

The community benefits described above will be set forth in the Community Benefit Contribution Agreement for the Proposed Project. The community benefits contribution payments shall be made to the City's Fund for Parks Boston Parks and Recreation Department 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 and the allocation of any financial contributions shall first be provided to the BPDA for disbursement to the specified entity or organization. The details of any in-kind work and the allocation of any financial contributions shall be outlined and 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.

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

INCLUSIONARY DEVELOPMENT COMMITMENT

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 ("IDP"), and is located within Zone C, as defined by the IDP. The

IDP requires that 13% of the total number of units within the development be designated as IDP units. In this case, seven (7) units within the Proposed Project will be created as IDP rental units (the “IDP Units”) or approximately 17.5%. Of these, five (5) IDP Units will be made affordable to households earning not more than 70% of the Area Median Income (“AMI”), as determined by the U.S. Department of Housing and Urban Development, and published by the BPDA; one (1) IDP Unit will be made available to households earning not more than 50% AMI; and one (1) IDP Unit will be made available to households earning not more than 90% AMI.

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

Unit Number	Number of Bedrooms	Square Footage	Percentage of Area Median Income (AMI)	Maximum Rent	ADA/Group 2 Designation
304	1 Bed	688 SF	50%	\$1,031	
203	1 Bed	697 SF	70%	\$1,473	
206	3 Bed	1,251 SF	70%	\$1,869	
302	2 Bed	850 SF	70%	\$1,668	Group 2
404	2 Bed	862 SF	70%	\$1,668	
407	1 Bed	725 SF	70%	\$1,473	
208	2 Bed	1,037 SF	90%	\$2,174	

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

The ARHAR must be executed along with, or prior to, the issuance of the Certification of Approval for the Proposed Project. The Proponent must also submit a draft Affirmative Marketing Plan (the “Plan”) to the Boston Fair Housing

Commission at the time the building permit is issued. Preference will be given to applicants who meet the following criteria, weighted in the order below:

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

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

The IDP Units will not be marketed prior to the submission and approval of the Plan by Fair Housing and the BPDA. A deed restriction will be placed on each of the IDP Units to maintain affordability for a total period of fifty (50) years (this includes thirty (30) years with a BPDA option to extend for an additional period of twenty (20) years. The household income of any subsequent purchaser of the IDP Units during this fifty (50) year period must fall within the applicable income limit for each IDP Unit.

As no partial unit payment is required, the seven (7) designated IDP Units fully satisfies the IDP requirements pursuant to the December 10, 2015, IDP.

RECOMENDATION

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, BPDA staff recommend that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project, located at 735-745 River Street in Hyde Park (the "Proposed Project"), in accordance with Article 80E, Small Project Review, of the Boston Zoning Code (the "Code"); and (2) take any other actions and execute any other agreements and documents, including but not limited to, an Affordable Rental Housing Agreement and Restriction ("ARHAR") and Community Benefit Contribution Agreement, that the Director deems appropriate and necessary in connection with the Proposed Project.

Appropriate votes follow:

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6 of the Boston Zoning Code (the "Code"), approving the development consisting of a five (5) story, fifty-

six (56) foot building containing up to forty (40) residential units, seven (7) income-restricted units, an approximately 4,474 square feet of ground floor health clinic space, up to twenty-six (26) at-grade parking spaces and approximately forty (40) bike parking spaces, located at 735-745 River Street in Hyde Park (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

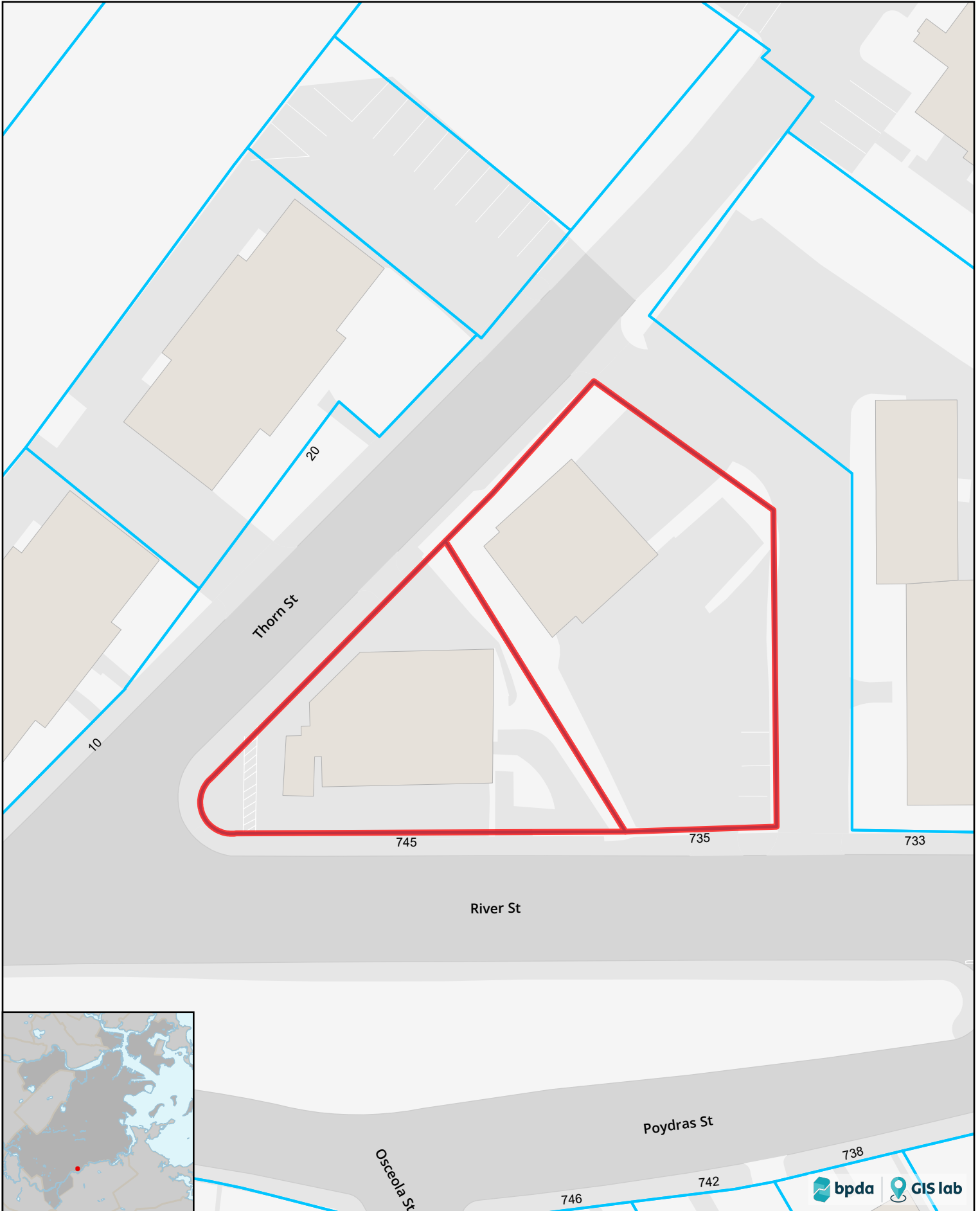
**FURTHER
VOTED:**

That the Director be, and hereby is, authorized to execute any other agreements and documents, including but not limited to an Affordable Rental Housing Agreement and Restriction ("ARHAR") and Community Benefit Contribution Agreement, that the Director deems appropriate and necessary in connection with the Updated Project

735-745 River Street



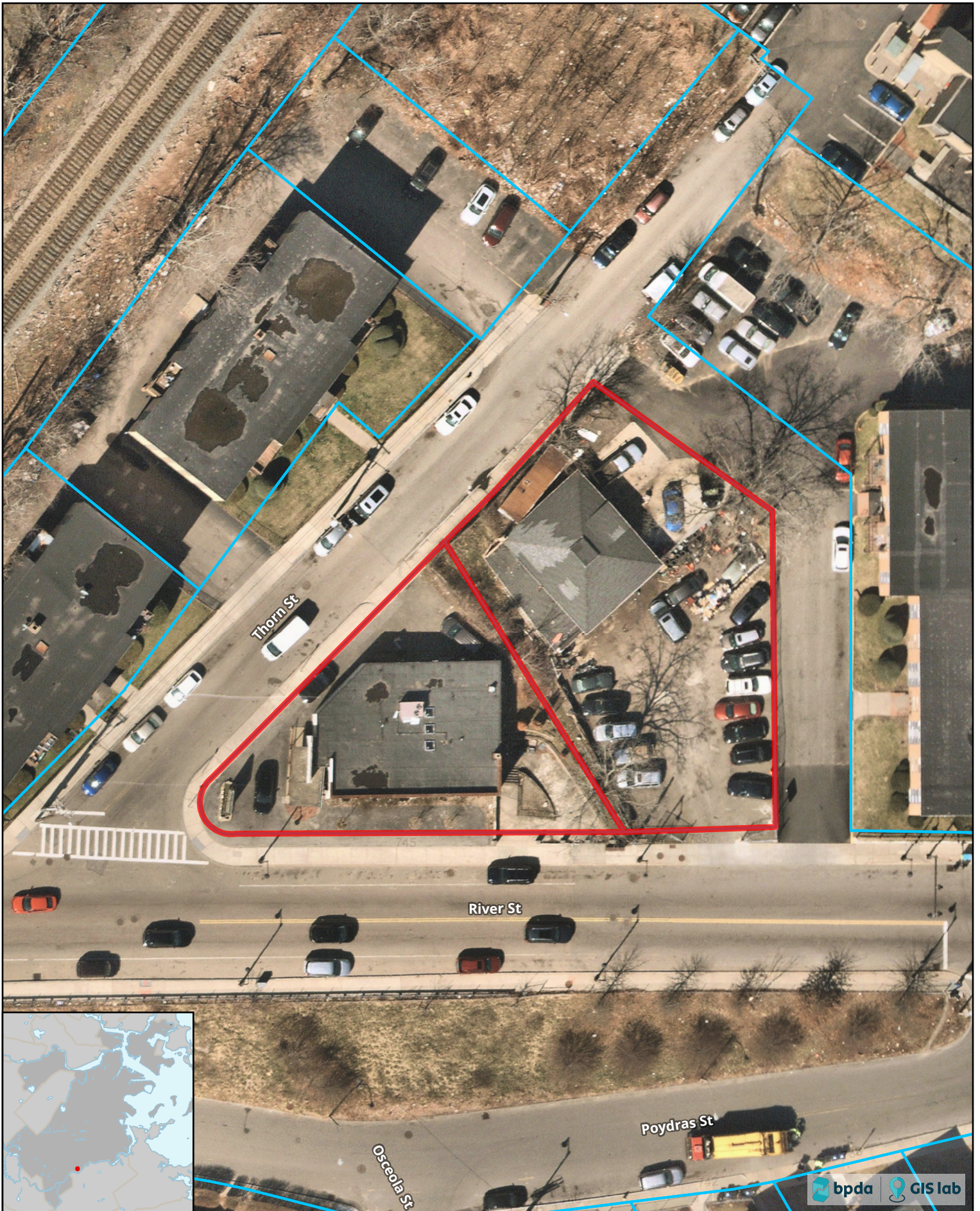
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735-745 River Street



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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 DEVELOPMENT REVIEW
STEPHEN HARVEY, SENIOR PROJECT MANAGER
MEGHAN RICHARD, URBAN DESIGNER II
LYDIA HAUSLE, SENIOR TRANSPORTATION PLANNER II
ASTRID WALKER-STEWART, PLANNER I

SUBJECT: 1702 HYDE PARK AVENUE, HYDE PARK

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority ("BRA") d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director to: (1) issue a Certification of Approval for the proposed development located 1702 Hyde Park Avenue in Hyde Park (the "Proposed Project"), pursuant to Article 80E, Small Project Review, of the Boston Zoning Code (the "Code"); and (2) enter into a Community Benefits Agreement in connection with the Proposed Project, and (3) enter into an Affordable Housing Agreement ("AHA"), 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 a 22,030 square foot parcel of land on Hyde Park Avenue in Hyde Park (the "Project Site"). The Proposed Project is in the vicinity of Readville Commuter Rail Station and Wolcott Square. The Project Site currently has a work trailer that will be removed to make way for the new residential building.

DEVELOPMENT TEAM

Owner/Developer: Thomas Geraghty
45 Sierra Road
Hyde Park, MA 02136

Architect: Choo & Company, Inc.
David Freed
One Billings Road
Quincy, MA 02171

Legal Counsel: Pulgini and Norton, LLP
John A. Pulgini, Esq
10 Forbes Road
Braintree, MA 02184

Surveyor Feldman Geospatial
Kevin Arsenault, PLS
152 Hampden Street
Boston, MA 02119

PROPOSED PROJECT

Thomas Geraghty (the "Proponent") proposes to construct a new four (4) story, fifty-two (52) ft. residential building that will include up to forty-four (44) condominium units with a 4,056 sq. ft. ground floor commercial space and up to thirty-eight (38) below grade parking spaces. Additionally, the proposed project will have fifty (50) bicycle parking spaces accessible from the main level of the building. The building will have a Gross Floor Area of approximately 49,225 square feet.

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

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	64,766
Gross Floor Area	49,225
<i>Residential</i>	45,169
<i>Office</i>	0
<i>Retail</i>	4,056
<i>Lab</i>	0
<i>Medical Clinical</i>	0
<i>Education</i>	0
<i>Hotel</i>	0
<i>Industrial</i>	0
<i>Recreational</i>	0
<i>Cultural</i>	0
<i>Parking</i>	15,541
Development Cost Estimate	\$13,000,000
Residential Units	44
<i>Rental Units</i>	
<i>Ownership Units</i>	44
<i>IDP/Affordable Units</i>	7
Parking spaces	38

ARTICLE 80 REVIEW PROCESS

On December 8, 2021, the Proponent filed a Small Project Review Application (“SPRA”) pursuant to Article 80E of the City of Boston Zoning Code (“the Code”). The BPDA hosted a virtual public meeting for the Proposed Project on January 19, 2022. The public comment period in connection with the Proponent’s submission of the SPRA originally was intended to end on January 8, 2022, however the comment period was extended to May 4, 2023.

The virtual public meetings were advertised in the relevant neighborhood newspapers and posted to the BPDA’s website, and a calendar notification was sent to all subscribers of the BPDA’s Hyde Park neighborhood updates. Local city and state elected officials received notification of the public meeting via email. The

presentation and a recording of the virtual public meeting were published to the Proposed Project's webpage on the BPDA website.

ZONING

The Project Site is located within the Hyde Park District governed by Article 69 of the Zoning Code, more specifically in the Local Industrial-2 (the "LI-2") zoning subdistrict. The Proposed Project will seek relief from the Zoning Board of Appeals for the following:

- Maximum Building Height
- Parking
- Use
- Floor Area Ratio

PLANNING CONTEXT AND STAFF REVIEW

The Proposed Project is located in the Hyde Park Neighborhood District in a Local Industrial-2 (LI-2) subdistrict, characterized by uses such as vehicle repair, warehousing, and equipment rentals. This Proposed Project is indicative of the transition of the Hyde Park corridor from a primarily light industrial context to an area with increasingly more proposals for multifamily residences with ground floor retail. Given the inapplicability of the current zoning designation, staff also considered availability of surrounding transportation resources, including needed public realm improvements to abutting sidewalks and public realm. The Proposed Project was reviewed within the context of MBTA tracks behind the project site, which required coordination between the MBTA, the proponent, and BPDA staff to modify the setbacks of the proposed building.

During project review, staff focused on ensuring a comfortable pedestrian realm surrounding the site, which includes a landscape area fronting on newly constructed sidewalks and six (6) new street trees in front of the project on Hyde Park Avenue. The landscaping also serves as an effective buffer to negotiate a steep grade transition on the site, minimizing the presence of a blank street wall. Lastly, the planned ground floor retail use contributes to amenities in the area, which needs to balance residential growth with customer-serving retail services.

MITIGATION & COMMUNITY BENEFITS

The Proposed Project will provide community benefits for the Hyde Park neighborhood and the City of Boston. The Proponent has made the following commitments:

- The Proponent commits to modernizing the industrial site by increasing the sidewalks width on Hyde Park Avenue, providing a 10 ft. rear yard setback and planting at least four (4) street trees.
- The Proponent commits to locating the parking partially subsurface as well as coordinating with abutters on a shared driveway in order to minimize curb cuts on Hyde Park Avenue.
- The Proponent commits that the new building will take into consideration the special characteristics of the site and its location, and therefore will attempt to preserve and reinforce the historic qualities of the area.
- The Proponent commits to remediating and improving environmental conditions at the Site to a safe condition.
- The Proponent will work with the Mayor's Office of Arts and Culture (MOAC) to determine a potential use for the commercial space. In the event that an occupant is not identified by the time the Certificate of Approval is issued, the Proponent will continue to work with MOAC to identify an occupant for the commercial space. The Proponent will make every effort to identify an arts and/or cultural user to occupy the commercial space before leasing the commercial space for an alternative use. Stipulations for the commercial space will also be codified in the Community Benefits Agreement.
- The Proponent commits to equipping electric vehicle charging infrastructure at a rate of 25% installed, or ten (10) charging stations, and the remaining twenty-eight (28) parking spaces to be EV Ready for future installation.
- The Proponent shall make a Ten-Thousand dollars (\$10,000.00) contribution to the City's Fund for Parks, which is described below:

Recipient: City's Fund for Parks

Boston Parks and Recreation Department
1010 Massachusetts Avenue, 3rd Floor
Boston, MA 02118

Use: The contribution will be used to fund efforts to maintain green space at Giovanni Dello Lacono Playground located near this Proposed Project in Hyde Park.

Amount: \$10,000.00

Timeline: The \$10,000.00 contribution is due upon issuance of the Certificate of Approval.

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

The proposed scope of any in-kind work agreed to by the Proponent shall be developed in consultation with the BPDA and appropriate city agencies, departments, and commissions and the allocation of any financial contributions shall first be provided to the BPDA for disbursement to the specified entity or organization. The details of any in-kind work and the allocation of any financial contributions shall be incorporated into the 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.

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

INCLUSIONARY DEVELOPMENT COMMITMENT

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (“IDP”), and is located within Zone C, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. In this case, the developer has agreed to make approximately 17% of the units at the Project Site comply with IDP. Therefore, seven (7) units within the Proposed Project will be created as IDP condominium units (the “IDP Units”). All seven (7) units are not to exceed 80% Area Median Income (“AMI”) based on data from the United States Department of Housing and Urban Development “HUD” and published by the BPDA.

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

Unit #	# Bedrooms	Square Footage	% AMI	Sale Price
104	1	775 SF	80%	\$219,500
106	2	864 SF	80%	\$258,500
109	1	744 SF	80%	\$219,500
202	1	775 SF	80%	\$219,500
207	2	895 SF	80%	\$258,500
209	1	802 SF	80%	\$219,500
304	1	775 SF	80%	\$219,500

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

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

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

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

A deed restriction will be placed on the IDP Units to maintain affordability for a total period of fifty (50) years (this includes thirty (30) years with a BPDA option to extend for an additional period of twenty (20) years. The household income of any subsequent purchaser of the IDP Units during this fifty (50) year period must fall within the applicable income limit for each IDP Unit. IDP Units may not be sold 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

RECOMMENDATION

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 pursuant to Section 80E-6 of the Code in connection with the Proposed Project (2) enter into a Community Benefits Agreement, and (3) enter into an Affordable Housing Agreement and any and all other agreements and documents, and to take any and all other actions that the Director deems necessary and appropriate in connection with the Proposed Project.

Appropriate votes follow:

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6 of the Boston Zoning Code (the "Code"), approving the development at 1702 Hyde Park Avenue in the Hyde Park neighborhood, proposed by Thomas Geraghty (the "Proponent"), for the construction four (4) story, fifty-two (52) ft. building with up to forty-four (44) condominium units with a 4,056 sq. ft. ground floor commercial space fifty (50) bicycle parking spaces and up to thirty-eight (38) vehicular 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 Boston Redevelopment Authority ("BRA"); and

FURTHER

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

1702 Hyde Park Avenue



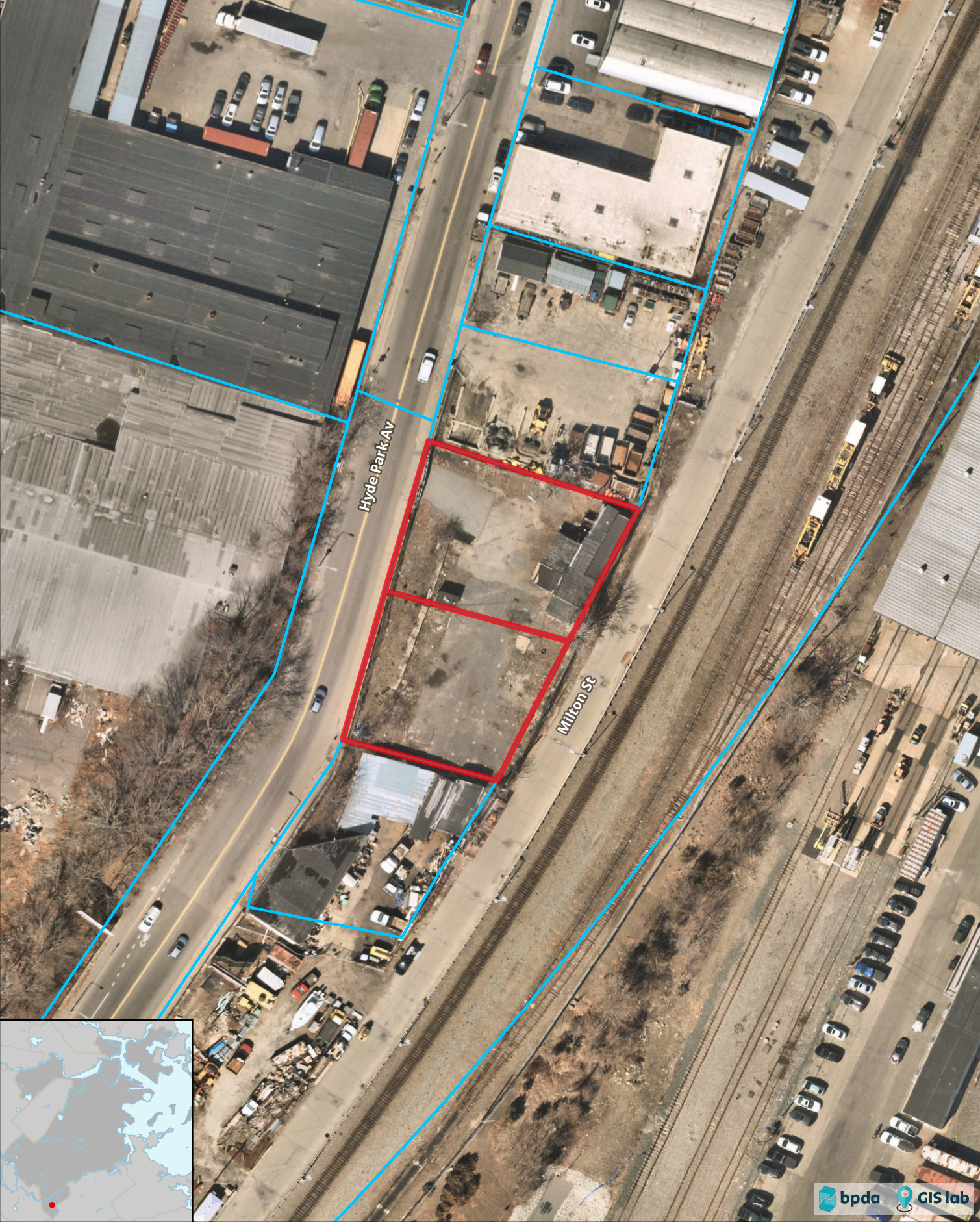
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1702 Hyde Park Avenue



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OFFICE OF
RICARDO ARROYO
BOSTON CITY COUNCILOR
DISTRICT 5

August 17, 2023

Patricia Rojas Chair
Boston Planning & Development Agency Board
City Hall, 9 th Floor
Boston, MA

Re: 1702 Hyde Park Avenue, Hyde Park

Dear Chair Rojas,

I am writing this letter in support of the proposal to build 44 homeownership units to be located at 1702 Hyde Park Avenue in Hyde Park, Massachusetts.

Given its location to the Readville Commuter Rail Station and the public benefits that it will provide to the community, including ground floor commercial space, I believe this is a strong proposal.

The proposed multi-family building also exceeds the Inclusionary Development Proposal minimum by providing 7 units of affordable housing, which I am in favor of. This building will provide much needed housing in the area and would be a welcomed addition to the neighborhood compared to the auto junk yard, which is currently on site.

It is my hope that you and your colleagues approve this proposal before you today.

Sincerely,

Ricardo Arroyo
Boston District 5 City Councilor

MEMORANDUM

November 16, 2023

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

**FROM: MICHAEL CHRISTOPHER, DIRECTOR OF DEVELOPMENT REVIEW
CASEY HINES, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW
TYLER ROSS, SENIOR PROJECT MANAGER
ALEXA PINARD, URBAN DESIGNER III
KRISTINA RICCO, SENIOR PLANNER
NICK SCHMIDT, SENIOR TRANSPORTATION PLANNER II**

SUBJECT: 1188 BENNINGTON ST, EAST BOSTON

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority ("BRA") d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 1188 Bennington Street in East Boston (the "Proposed Project"), pursuant to Article 80E, Small Project Review, of the Boston Zoning Code (the "Code") and (2) enter into one or more Affordable Rental Housing Agreement and Restriction(s) ("ARHAR"), in connection with the Proposed Project; and (3) execute and deliver a Community Benefits Agreement and take any other action and execute and deliver any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The Proposed Project is located on a 22,233 square-foot existing industrial commercial site located at 1188-1200 Bennington Street in East Boston. The site currently includes a 2 story, 13,172 square foot industrial/commercial building that

served as the corporate headquarters of GVW, Inc., a Boston based Construction company that has been in business for over thirty (30) years. The site is within walking distance (less than 200 yards) of Suffolk Downs station and within 1/4th of a mile from Orient Heights station, both on the MBTA's Blue Line. The site is also within a 6-minute walk to the Belle Isle Reservation and a 10-minute walk to Constitution Beach.

DEVELOPMENT TEAM

Developer and Applicant

GVW, Inc.
Attn: George Wattendorf

Legal Counsel:
Law Office of Richard C. Lynds
Richard C. Lynds, Esq.

Architecture:
Nicholas Landry, AIA LEED AP
DRT
Design Resource Team, LLC

Surveyor/Civil
Engineer
VHB, Inc.
Attn: Selby L. Turner, III, PLS

Architecture:
James K. Emmanuel Associates
Landscape Architects

DESCRIPTION AND PROGRAM

GVW, Inc (the "Proponent") proposes to construct two buildings totaling 49,992 Sf. The project will consist of two (2) five (5) stories mixed-use buildings containing forty (40) residential units, 2,022sf of retail on the ground floor,

bicycle and motor vehicle parking, trash and recycling, and building amenities all located at grade.

The Proposed Project's unit mix will include four studios (4), eighteen (18) one-bedroom units, fifteen (15) two-bedroom units, and three (3) three-bedroom units. The Proposed Project will include seven (7) IDP units (representing 17.5% of the total residential units) restricted under the City of Boston Inclusionary Development Policy (IDP), which exceeds the minimum requirement of 13%. Six (6) of the IDP Units will be at 70% Area Median Income ("AMI") and one (1) unit will be at 100% AMI.

The Proposed Project will include a maximum of eighteen (18) on-site motor vehicle parking spaces for residents located at ground level. All motor vehicle parking spaces will be accessible to residents of both buildings and all will be accessed via a single curb cut via Bennington Street. The number of motor vehicle parking spaces approved by the BPDA is a maximum number of spaces, as final decisions on parking supply are codified by the Zoning Commission for Small Projects. The curb cut size will be limited to no wider than 12 feet wide. Existing curb cuts on Bennington Street will be removed.

The Proposed Project will include a minimum total of sixty (60) interior covered and secured resident bike parking located within the ground floor. This room will be accessible to residents of both buildings. The Proposed Project will also include a minimum total of ten (10) exterior visitor bike parking spaces using a minimum of five (5) post-and-ring racks in compliance with the City of Boston's Bike Parking Guidelines.

The Proposed Project will include nearby street safety improvements to enable safe and accessible travel for residents and visitors of the new buildings. The Proposed Project will rightsize the intersection Bennington Street / Walley Street / Leyden Street using "quick-build" materials such as roadway striping, paint, flexible delineators, and signage, as shown in Exhibit A. These improvements are intended to slow travel speeds, reduce pedestrian crossing distances, clarify motor vehicle turning movements, and improve visibility and sight lines between all roadway users. Improvements to the public way will be subject to design review and, depending on the final design and implications for sidewalks and curb ramps, may require approval by the Public Improvement Commission ("PIC").

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

Estimated Project Metrics	Proposed Plan
Gross Square Footage	49,992
Gross Floor Area	37,040
<i>Residential</i>	33,368
<i>Office</i>	0
<i>Retail</i>	2,022
<i>Lab</i>	0
<i>Medical Clinical</i>	0
<i>Education</i>	0
<i>Hotel</i>	0
<i>Industrial</i>	0
<i>Recreational</i>	2,072
<i>Cultural</i>	0
<i>Parking</i>	3,920
Development Cost Estimate	\$11,250,000
Residential Units	40
<i>Rental Units</i>	40
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	7
Parking spaces	18

PLANNING CONTEXT

The Proposed Project is located in the Saratoga Street Economic Development Area Subdistrict of the East Boston Neighborhood District and is located in the study area of PLAN: East Boston, an active long-range neighborhood planning initiative. The Proposed Project Site is within a quarter-mile of the Suffolk Downs MBTA Blue Line Station and is within comfortable walking distance to retail amenities in Orient

Heights Square, and as such, is well-suited to transit-oriented residential development. The Proposed Project exceeds what is contemplated by existing zoning, which forbids all residential uses, limits allowed FAR to 2.0, and limits maximum building height to 35'. Draft zoning contemplated by PLAN: East Boston would preserve the existing limit on FAR at 2.0, increase the allowed building height to 5 stories, and allow several residential uses, including multi-family dwelling.

Staff review focused primarily on adjustments to building massing in an effort to reduce the impact of building length as it appears along Bennington Street, and given the challenging geometry of the site, the configuration of off-street parking, and the creation of active ground floor uses wherever feasible. The Proposed Project would contribute new publicly accessible open space, and needed public realm improvements that include rightsizing the intersection of Bennington Street, Leyden Street, and Walley Street as envisioned by PLAN: East Boston.

ARTICLE 80 REVIEW PROCESS

On April 20, 2023, the Proponent filed a Small Project Review Application ("SPRA") pursuant to Article 80E of the City of Boston Zoning Code ("the Code"). The BPDA hosted a virtual public meeting for the Proposed Project on May 23, 2023. The public comment period in connection with the Proponent's submission of the SPRA ended on May 29, 2023. Additionally, another public meeting was held on November 1, 2023

The virtual public meeting was advertised in the relevant neighborhood newspapers, posted to the BPDA's website and a calendar notification was sent to all subscribers of the BPDA's East Boston neighborhood updates. The presentation and a recording of the virtual public meeting was published to the 1188 Bennington Street project webpage on the BPDA website.

ZONING

The site is situated within the Saratoga Street EDA zoning district under the Boston Zoning Code. The site does not lie within a Neighborhood Design Overlay District (NDOD).

The Proposed Project is anticipated to need relief from the Zoning Board of Appeals for the following:

Article 53, Section 8: Multifamily Use – Forbidden
Article 53, Section 9: Floor Area Ratio Excessive
Article 53, Section 9: Building Height Excessive
Article 53, Section 9: Rear Yard Insufficient (Ground Level)
Article 53, Section 56: Off Street Parking Insufficient
Article 27T East Boston Interim Planning Overlay District (IPOD)

MITIGATION & COMMUNITY BENEFITS

The Proposed Project will provide community benefits for the East Boston neighborhood and the City of Boston. The Proposed Project will result in an improved pedestrian experience along the north side of Bennington Street with new public space, a reconstructed pedestrian zone, removal of four curb cuts, new street trees, and visitor bike parking consistent with the City of Boston’s Complete Streets Guidelines. In addition, the Proponent shall agree to the following:

- Marketing the two (2) commercial spaces to local business owners or those residing in the East Boston Community looking to establish a local business and the Proponent shall create incentives that shall attract tenants that are local residents or businesses;
- Proponent shall explore the feasibility of incorporation of at least one (1) unit under the City of Boston Voucher Program (CBVB) to increase affordable opportunities in the neighborhood above the proposed IDP commitment as provided for herein;
- A financial contribution to Belle Isle Marsh or such other public park or parks located in the East Boston Neighborhood upon issuance of Certificate of Occupancy in the amount of \$10,000; and
- In-kind or financial contributions totaling up to fifty thousand (\$50,000.00) dollars, to be managed by the BPDA, and which may be allocated to:
 - An in-kind commitment for design and installation of roadway restriping of the Bennington Street / Walley Street / Leyden Street intersection to support safety for all roadway users. This mitigation measure is subject to review by BPDA, Boston Transportation Department (“BTD”), and Boston Public Works Department (“PWD”), and other City departments, as needed. PIC approvals for proposed improvements shall be completed before building permit issuance for the Proposed Project. The physical mitigation improvements must be completed upon Certificate of Occupancy. This mitigation measure is

subject to design review and BPDA discretion. In the event that circumstances change regarding this mitigation, the BPDA and the City will work with the Proponent to identify an alternative solution with comparable impact and estimated value;

- A financial contribution to BTDA, in compliance with the Bike Parking Guidelines, to be contributed upon issuance of a building permit for the Proposed Project to support the bikeshare system.

INCLUSIONARY DEVELOPMENT COMMITMENT

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (“IDP”), and is located within Zone C, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. In this case, the developer has agreed to make approximately 17.5% of the units at the Project Site comply with IDP. Therefore, seven (7) units within the Proposed Project will be created as IDP rental units (the “IDP Units”). Six (6) of the IDP units will be made affordable to households with incomes not exceeding 70% Area Median Income (“AMI”) as based on data from the United States Department of Housing and Urban Development “HUD” and published by the BPDA. One (1) of the IDP units will be made affordable to households with incomes not exceeding 100% AMI.

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

1188 Bennington Street – Building A

Unit Number	Number of Bedrooms	Square Footage	Percentage of AMI	Rent	ADA/Group 2 Designation
2A	1	724	70%	\$1559	Group-2
9A	1+	881	70%	\$1559	
16A	2+	1046	100%	\$2567	
19A	1	643	70%	\$1559	

1200 Bennington Street – Building B

Unit Number	Number of Bedrooms	Square Footage	Percentage of AMI	Rent	ADA/Group 2 Designation
6B	3	1180	70%	\$1978	

8B	Studio	497	70%	\$1330	
17B	2	835	70%	\$1766	

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”) for each building within the project, and rents and income limits will be adjusted according to BPDA published maximum rents and income limits, as based on HUD AMIs, available at the time of the initial rental of the IDP Units. IDP Units must be comparable in size, design, and quality to the market rate units in the Proposed Project, cannot be stacked or concentrated on the same floors, and must be consistent in bedroom count with the entire Proposed Project.

The ARHAR for each building must be executed along with, or prior to, the issuance of the Certification of Compliance for the Proposed Project. The Proponent must also submit an Affirmative Marketing Plan (the “Plan”) to the Boston Fair Housing Commission and the BPDA. Preference will be given to applicants who meet the following criteria, weighted in the order below:

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

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

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

As no partial payment is required, the seven (7) designated IDP Units fully satisfy the IDP requirements pursuant to the December 10, 2015, IDP.

RECOMMENDATION

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 Rental Housing Agreement and Restriction for each building in connection with the Proposed Project; and (3) execute and deliver a Community Benefits Agreement and take any other action and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

An appropriate vote follows:

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 1188 Bennington Street in the East Boston neighborhood proposed by GVC Inc, ("the Proponent") for the construction of a mixed use residential building comprised of a five-story, mixed-use multifamily residential/retail building, containing forty (40) residential units, 2,022 square feet of ground floor retail, up to 18 accessory off-street motor vehicle parking spaces, a minimum of 48 bicycle parking spaces, trash and recycling, and building amenities all located at grade; Including seven (7) Inclusionary Development Policy ("IDP") units for the building (the "Proposed Project") in accordance with the requirements of Small Project Review, Article 80E, of the Code, subject to continuing design review; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute and deliver one or more Affordable Rental Housing Agreement and Restriction(s) for each building for the creation of a total of Seven (7) on-site IDP Units in connection with the Proposed Project; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to enter into a Community Benefits Agreement, and to take any other actions and to execute any other agreements and documents that the

Director deems appropriate and necessary in connection with the Proposed Project.

EXHIBIT A



Intersection Safety Concept Plan 1188 Bennington Street

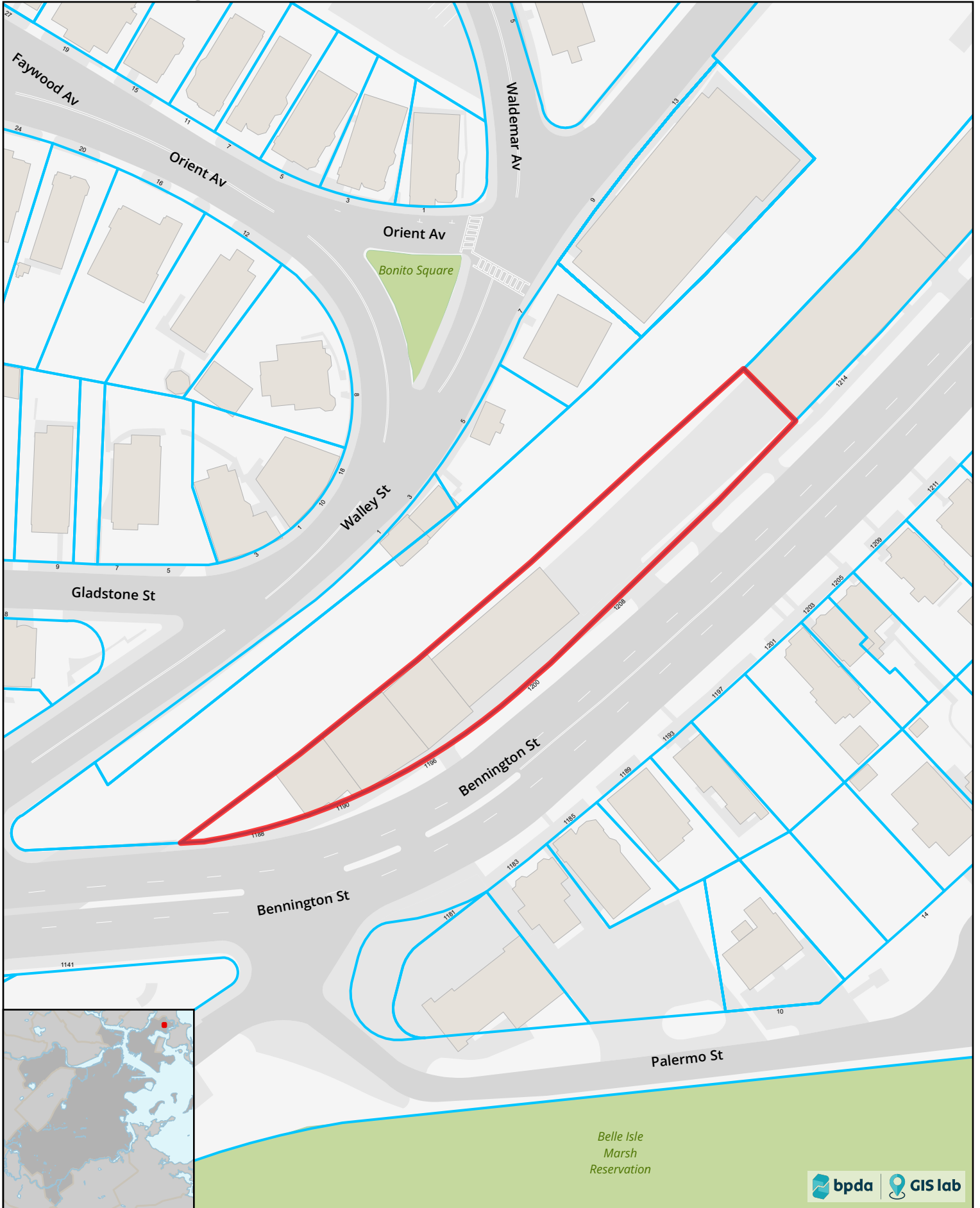
Concept only. Not to scale.

Final design is subject to Boston Planning & Development Authority, Boston Transportation Department, and Boston Public Works Department, as needed.

1188 Bennington Street



1:1,000



Belle Isle
Marsh
Reservation

1188 Bennington Street



1:1,000

