



MEMORANDUM

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

FROM: Joanne Marques  
Regulatory Planning & Zoning

DATE: April 25, 2024

RE: BPDA Recommendation

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Please find attached, for your information, BPDA's recommendations for the April 30th, 2024 Board of Appeal's Hearing.

Also included are the Board Memos for: 804 E Seventh ST 06 South Boston MA 02127 and [1558 Tremont Street](#) aka 100 Saint Alphonsus ST 10 Mission Hill MA 02120.

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



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| <b>Case</b>                              | BOA1538686  |
| <b>ZBA Hearing Date</b>                  | 2024-04-30  |
| <b>Address</b>                           | 86 Astoria ST Mattapan 02126  |
| <b>Parcel ID</b>                         | 1800843000  |
| <b>Zoning District &amp; Subdistrict</b> | Greater Mattapan Neighborhood<br>3F-6000  |
| <b>Zoning Article</b>                    | 60  |
| <b>Project Description</b>               | Renovate and reconfigure an existing two-story, three-family building with a two-story rear addition, enclosure of rear porches, and extension of living space into the attic and basement. Project scope includes relocating the third residential unit from the second story to the basement and extending that unit's living space along with the renovation of the basement into a habitable space. |
| <b>Relief Type</b>                       | Variance  |
| <b>Violations</b>                        | FAR Excessive<br>Usable Open Space Insufficient<br>Rear Yard Insufficient<br>Use: forbidden (basement unit)<br>Location of Main Entrance  |

**Planning Context:**

This project proposes a 278 sq ft two-story rear addition to an existing two-story, three family building to accommodate the extension of a residential unit into the basement and the renovation of the attic into livable space. Based on aerial imagery, this rear yard addition and the entrance to the basement-accessible unit is already built, though it is not clear from the aerial view or the plans if the internal renovation has already been completed.

This property is at the very end of a dead end street that leads directly into a park where the Walker Playground is located. The adjacent buildings on Astoria Street are residential and are between two and three stories in height. They also vary in yard depths and building lot coverage. Many of the adjacent buildings have a side yard condition to accommodate a driveway that reaches into rear yard parking spaces.

The built form and intended extended livable area for this project aligns with PLAN: Mattapan's (2023) in that the program stays within the three-story building scale maximum of the surrounding residential fabric. This property is assessed as a two-family residential property but



is noted in the refusal letter as a three-story property possibly due to the project already being built. The two-story addition and internal extension of living space into the basement and attic to accommodate larger living space uses an internal ADU approach. The creation of the two-story addition to accommodate an internal ADU creates extra space within an existing structure that supports opportunities to accommodate growing living arrangements and the generation of extra income through an additional unit, in keeping with PLAN: Mattapan's residential fabric recommendations.

The proposed addition will include a projected entrance to the basement unit from the side yard that is visible from Astoria Street. This entrance leads into the living room and allows for access to other parts of the basement and the upper stories of the main dwelling.

### **Zoning Analysis:**

This property is located within the R2 (Residential-2) subdistrict of the Mattapan Neighborhood District (Art. 60). However, this project was filed and the refusal letter completed prior to the recent adoption of a residential zoning map amendment (adopted February 7, 2024). The refusal letter cites violations based on when this area was mapped as a 3F-6000 subdistrict. The 3F-6000 subdistrict still exists with updated regulations, but this property is now regulated by the R2 subdistrict.

When this property was previously mapped within the 3F-6000 subdistrict (Art. 60, Sec. 4), this project would be restricted to an FAR maximum of 0.8. The project proposes an FAR of 0.7, thus having a conforming FAR. Under the adopted and current R2 subdistrict (Art. 60, Sec. 4), there is no FAR regulation for properties built within that zoning district. The dimensional regulations within the R2 subdistrict require that a property that is adding an ADU on a lot over 5,000 sq ft is restricted to a maximum building lot coverage of 50%. Building lot coverage is defined as "the cumulative percentage of Lot Area covered by the largest Building Floor Plate of each building on the lot [and] excludes any one story detached building that is exempt from building code such as small tool or storage sheds, playhouses, and the like." This property has a building lot coverage of 48% and thus is compliant with the current zoning.

Based on the 3F-6000 subdistrict (Art. 60, Sec. 4), this project would be required to have a minimum usable open space per unit of 600 sq ft. The project proposes about 616 sq ft of usable open space per unit based on the dimensional numbers provided in the plans, thus conforming with the usable open space requirements. The current R2 subdistrict (Art. 60, Sec.



4) does not have a usable open space per unit requirement, relying on permeable area of lot and yard requirements.

The 3F-6000 subdistrict (Art. 60, Sec. 4) requires a rear yard minimum of 30 ft and the proposed project has a rear yard depth of 23 ft 1 in. However, the R2 subdistrict (Art. 60, Sec. 4) has a 20 ft rear yard depth requirement, so the proposed rear yard depth is conforming with the existing rear yard dimensional regulation. This updated rear yard depth is meant to reflect the more common rear yard condition of existing properties mapped within the R2 subdistrict.

This property was cited for a violation related to the location of the main entrance (Art. 60, Sec. 4). Prior to the recent zoning text and map amendments for Article 60 (adopted February 7, 2024), the Location of Main Entrance regulation required a building with a main entrance that does not face a street to provide visual clues, such as a porch or covered walkway that direct one to the main entrance. The updated Location of Main Entrance regulation now includes other visual cues such as a walking path, lighting, or signage as potential options for cueing a main entrance if that entrance does not face the front lot line. The entrance to the basement unit is visible from the front lot line and accessible from an open side yard due to it projecting out from the side of the main dwelling.

Site plans completed by Neponset Valley Survey Association, Inc. on November 29, 2022.  
Project plans completed by Hezekiah Pratt Architecture + Design on April 21, 2023.

**Recommendation:**

In reference to BOA1538686, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



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| <b>Case</b>                              | BOA1513573  |
| <b>ZBA Hearing Date</b>                  | 2024-04-30  |
| <b>Address</b>                           | 333 Freeport ST Dorchester 02122  |
| <b>Parcel ID</b>                         | 1600191000  |
| <b>Zoning District &amp; Subdistrict</b> | Dorchester Neighborhood<br>1F-5000  |
| <b>Zoning Article</b>                    | Article 65  |
| <b>Project Description</b>               | Change occupancy from a two-family dwelling to a mixed-use commercial space on the first floor (body piercing) and residential use on the upper floors (apartment). |
| <b>Relief Type</b>                       | Variance  |
| <b>Violations</b>                        | Forbidden Use: Body Art Establishment   |

**Planning Context:**

The project proposes a change of use of a pre-existing 2-family, 2 1/2 story dwelling to a dwelling with a commercial space (body piercing studio) on the first floor with a living space on the second floor. The pre-existing structure will remain intact, with minimal exterior modifications, apart from the addition of a wheelchair lift and new entrances to the north, south, and west-facing sides of the building. Interior work is proposed in order to renovate the basement and first floor in order to make room for the proposed piercing parlor. The second floor and attic will continue to house a 3-bedroom living unit, with slight interior modifications to the 2nd floor.

333 Freeport Street is located in a single-family subdistrict in Dorchester on its edge, off of I-93 and Morrissey Boulevard. Although zoned for single-family use, the area of Freeport Street where the property is located is more analogous to a mixed-use area. Several offices, including union and insurance offices, are located less than a minute walk from 333 Freeport, and a home health care service is located next door. A gas station, several big-box appliance stores, and a vet office is located in the immediate area as well. Although a small handful of 2 1/2 - and 3-story homes, including number 333, still exist along Freeport Street, the established character of this area is indistinguishable from any number of mixed-use areas in Dorchester. A ground-floor body piercing studio fits the overall established neighborhood context.

**Zoning Analysis:**



333 Freeport Street is located in a 1F-5000 subdistrict in Dorchester. A body art establishment is a Forbidden use within this subdistrict.

As described in the planning context, the established and existing character of the area along Freeport Street where the dwelling is located is in reality more akin to a mixed-use area than an area solely designated for single-family use. Furthermore, while the south-facing side of Freeport Street that the dwelling is located on is zoned for purely residential use, the north-facing side, directly across the street, is zoned for Neighborhood Shopping. In reality, it appears that both sides of Freeport Street feature a mix of uses, irrespective of the zoning subdistrict that they've been designated as. A first-floor body piercing studio is very much within character for the existing surroundings. This project demonstrates the need for zoning reform, in order to update zoning maps to ensure that zoning subdistricts and allowed uses within those districts match the existing, established character of Boston's neighborhoods.

The plans reviewed for this case are titled "Project: (Interior Renovation) Mix-Used (Residential/Business), 333 Freeport Street, Dorchester, Massachusetts." They were reviewed by ISD on 7/6/23 and prepared by Vina Design Inc.

**Recommendation:**

In reference to BOA1513573, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



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| <b>Case</b>                              | BOA1567925   |
| <b>ZBA Hearing Date</b>                  | 2024-04-30   |
| <b>Address</b>                           | 20 Pearl ST Dorchester 02125   |
| <b>Parcel ID</b>                         | 1302102000   |
| <b>Zoning District &amp; Subdistrict</b> | Dorchester Neighborhood<br>2F-5000   |
| <b>Zoning Article</b>                    | 65   |
| <b>Project Description</b>               | Proponent is seeking a change of use - from a two family house to a three-family house. No renovations are being proposed. |
| <b>Relief Type</b>                       | Variance   |
| <b>Violations</b>                        | Establishment of Residential Subdistricts (maximum number of units exceeded)   |

**Planning Context:**

20 Pearl Street is a 2.5 story house on a residential block with property ranging from two-family dwellings to multi-story condo and co-op buildings. The lot is a 15 minute walk from Uphams Corner station, within a potential future Squares + Streets planning and zoning initiative area. While this lot is just a few blocks outside the Uphams Corner Station Area Plan area, it is close enough to consider the community goals identified therein, including reducing displacement and adding “new housing opportunities near the station” (April 2014).

On the block, there is a significant gap between the number of units allowed by zoning and the number of units identified by the Assessing Department. Within the same two-family subdistrict, 14 Pearl Street is classified as a 7 to 30 unit apartment building by the Assessor’s Department. 36 Pearl Street is assessed as a three-family. Boston has an inherent interest in legalizing its existing housing stock, which allows owners to continue to maintain and renovate their properties as needed. High costs of maintaining a property can contribute to displacement of renters, owners, or both.

The costs of dealing with these nonconformities disproportionately falls on lower-income owners, which worsens inequalities within the city (Reforming the Boston Zoning Code, 2023).

**Zoning Analysis:**

There are no exterior or interior changes proposed to the building, only the legalization of an existing use of a three-family dwelling. The sole violation is for exceeding the maximum number



of allowed units. 20 Pearl Street sits within a two-family subdistrict in Dorchester and is currently being used as a three-family dwelling. The assessor's report reflects this current use, listing the address as a three-family house. The proponent also reports that they have been taxed as a three-family since 2011. A variance would allow legalization of the existing three-family use.

The conditions to grant a variance are outlined in Article 7. For a variance to be granted, impacts to the neighborhood and public welfare should be considered, as well as its harmony with the purpose and intent of the Code. There are no readily apparent impacts to the neighborhood or to the public welfare that would result from legalizing this already existing use - one that has already been confirmed by the Assessing Department.

Future zoning reform efforts should seek to legalize existing housing by better aligning zoning unit caps and current density with the existing building stock.

Despite being within a Neighborhood Design Overlay District, design review is not triggered in this case because no renovations are being proposed to the building (Article 80E-2.1(b)(iii)).

**Recommendation:**

In reference to BOA1567925, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA





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| <b>Case</b>                              | BOA1568342  |
| <b>ZBA Hearing Date</b>                  | 2024-04-30  |
| <b>Address</b>                           | 134 to 140 Smith ST Roxbury 02120   |
| <b>Parcel ID</b>                         | 1000107000  |
| <b>Zoning District &amp; Subdistrict</b> | Mission Hill Neighborhood<br>RH   |
| <b>Zoning Article</b>                    | 59  |
| <b>Project Description</b>               | Two-story residential addition to existing 1-story commercial building  |
| <b>Relief Type</b>                       | Variance  |
| <b>Violations</b>                        | Parking or Loading Insufficient<br>Lot Area Insufficient<br>FAR Excessive<br>Usable Open Space Insufficient<br>Rear Yard Insufficient |

**Planning Context:**

The site of the proposed project is currently occupied by a 1-story commercial building with an active restaurant use. The building fronts Smith Street, which is a one-block street connecting Huntington Avenue on the west to Worthington Street on the east.

The site is at the corner of Smith Street and Worthington Street. Directly adjacent to the west is the other corner building, a 4-story mixed-use building with ground-floor retail and residential above at the intersection of Smith Street, Huntington Avenue, and Wigglesworth Street. Sharing a party wall to the south is a 3.5-story semi-attached rowhouse. Across Smith Street is a 5-story office building owned by Massachusetts College of Pharmacy and Health Sciences.

The site is less than 500 feet from the Huntington Avenue stop on the MBTA Green Line, as well as less than a half mile from Roxbury Crossing on the MBTA Orange Line.

The neighborhood is defined by Huntington Avenue on the north and west, St. Alphonsus Street on the east, and Tremont Street on the south with a varied urban fabric, including a couple tree-lined streets of 3-story, brick rowhouses, taller apartment complexes and surface parking, as well as commercial buildings along Tremont Street.



In addition, a new 6-story residential building replacing the existing surface parking at 45 Worthington is currently under review in the Article 80 process.

**Zoning Analysis:**

In addition to the Mission Hill neighborhood district zoning, the project is within the Mission Hill Triangle Conservation District requiring Landmarks Commission review.

The proposed project does not include any off-street parking. Article 59 Table J requires 1 space per unit totaling 6 spaces in all for the proposed addition. However, the site is well-served by transit with a Boston Transportation Department Mobility Score of 71-90, reflecting the site's accessibility to transit, grocery stores, and walkable amenities. Given this and the City's goal to reduce auto-dependence, relief from the parking minimums is justified. Requiring 6 parking spaces on this lot would create hardship inhibiting reasonable use of land.

In terms of lot area, Art 45 Table E requires 1,400 square feet for up to 2 units and 700 square feet of additional lot area for each additional dwelling unit. The proposal includes six units, totaling 4,200 square feet of required lot area; in comparison, the lot area of the proposed site is 2,110 square feet. There is historical precedent in the neighborhood for denser housing. For example, the abutting parcel on the corner of Smith, Wigglesworth, and Huntington Avenue has the same lot area and has a similar massing, set of mixed uses, and design to the proposal, but is even denser at 3 stories of residential over commercial on the ground-floor. Therefore, relief from the minimum lot area is justified .

In terms of FAR, Art 45 Table E limits the FAR to 1.0. The existing FAR is 0.96 and the proposal has an FAR of 2.6. Not only does the abutting corner lot have an FAR closer to 4.0, but the existing 3-story rowhouses along Wigglesworth St and Worthington St also have an FAR greater than 1.0. Therefore, as explained above for minimum lot area, relief from the maximum FAR is justified.

The required minimum amount of useable open space is 200 square feet per unit, totaling 1,200 square feet. The existing building on the site which will remain in place covers the entire lot, therefore there is no potential for ground-floor open space. In addition, given that the project is in a Conservation District and balconies are rare in the surrounding historical architecture, Landmarks Commission staff have affirmed that balconies would be discouraged. Therefore, requiring the proponent to meet this zoning requirement would create a hardship and a variance is necessary for the reasonable use of the land.



The required rear yard is 25 feet, and the proposal provides 0 feet of rear yard. The existing building on the site has no rear yard, so the proposal would extend an existing non-conformity. This is an opportunity for zoning reform to better reflect dimensions of existing context and common building designs.

**Recommendation:**

In reference to BOA1568342, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO that plans be provided to the Boston Landmarks Commission for review.

Reviewed,

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Director of Planning, BPDA



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| <b>Case</b>                              | BOA1547315   |
| <b>ZBA Hearing Date</b>                  | 2024-04-30   |
| <b>Address</b>                           | 268 to 274 Friend St Boston 02114  |
| <b>Parcel ID</b>                         | 0301653000   |
| <b>Zoning District &amp; Subdistrict</b> | Bulfinch Triangle<br>General Area  |
| <b>Zoning Article</b>                    | Article 46   |
| <b>Project Description</b>               | Add a Medical Marijuana Treatment Center to an existing cannabis establishment and remove previous proviso stating that it must be renewed within 5 years. |
| <b>Relief Type</b>                       | Conditional Use  |
| <b>Violations</b>                        | Other Protectional Conditions: Remove proviso: "must be renewed within 5 years"<br>Use: Conditional (Cannabis)   |

**Planning Context:**

The proposed project seeks to add a Medical Marijuana Treatment Center to the existing cannabis establishment, Ascend, located at 268-274 Friend Street in the Bulfinch Triangle. No alterations to the existing structure will be made as adjustments will focus on internal changes to accommodate a medical consultation area and an accessible medical-use point of sale area.

**Zoning Analysis:**

With the proposed project, the refusal letter states that there are violations in the use and with other protectional conditions. The proposed project is located in the Bulfinch Triangle District in a General Area Subdistrict which is governed by Article 46 of the Zoning Code where a cannabis treatment center is a conditional use. The conditional allowance of this use is contingent on approval from the Boston Cannabis Board. As the Boston Cannabis Board voted on February 14, 2024 to grant the conditional use of the Medical Marijuana Treatment Center, a Conditional Use Permit should be granted.

In conjunction with the license issued by the Boston Cannabis Board, Ascend was previously granted a Conditional Use Permit by the Zoning Board of Appeal in January 2019 with the Proviso, "must be renewed in 5 years". The Board granted a conditional use pursuant to Article 6, Section 6-3 of the Zoning Code as Ascend had satisfied their conditions. This included that the specific site on Friend Street was an appropriate location for the use; the use will not



adversely affect the neighborhood; there will be no serious hazards to vehicles or pedestrians from the use; no nuisance will be created by the use; and adequate and appropriate facilities will be provided for the proper operation of the use. As this is a continued operation of an existing establishment, zoning relief should be granted for the previous Proviso to be removed.

The plans reviewed are titled 268-278 Friend Street and were prepared by BKA Architects. They are dated August 11, 2023.

**Recommendation:**

In reference to BOA1547315, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



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| <b>Case</b>                              | BOA1563621  |
| <b>ZBA Hearing Date</b>                  | 2024-04-30  |
| <b>Address</b>                           | 198 Marion ST East Boston 02128   |
| <b>Parcel ID</b>                         | 0106462000  |
| <b>Zoning District &amp; Subdistrict</b> | East Boston Neighborhood<br>3F-2000   |
| <b>Zoning Article</b>                    | Article 53, Article 25A, Article 27T, Article 32  |
| <b>Project Description</b>               | Renovate and change the use of an existing restaurant to a residential unit. This would convert the existing building from a 3 story building with ground floor commercial space and 2 residential units, to a 3 story building with 3 residential units. |
| <b>Relief Type</b>                       | Variance, Conditional Use, IPOD Permit  |
| <b>Violations</b>                        | Parking or Loading Insufficient<br>GCOD Applicability<br>IPOD Applicability<br>Usable Open Space Insufficient<br>CFROD Applicability  |

**Planning Context:**

PLAN: East Boston was adopted by the BPDA Board in 2024 and the accompanying zoning recommendations to implement the plan in Article 53 are currently pending Zoning Commission consideration on April 24, 2024. This project is in an area of East Boston that the plan identifies as Eagle Hill and Paris Flats. The plan states that "Many buildings in the area are three stories tall and contain up to three units... Most buildings are close to the sidewalk edge, if not immediately abutting it, and are close to each other." Looking specifically at the area immediately surrounding the of the proposed project, the area is characterized by many 3 unit buildings with small side yards and minimal off-street parking.

The new proposed East Boston zoning prohibits the addition or extension of residential uses below the Sea Level Rise - Design Flood Elevation for projects within the Coastal Flood Resilience Overlay District. The proposed project (which is within the CFROD in East Boston) has an existing finished floor elevation of 19.46 ft and a Design Flood Elevation of 21.5 ft. Therefore, the proposed project would be prohibited under new proposed zoning because it seeks to add a residential use 2.04 ft below the Design Flood Elevation.



**Zoning Analysis:**

This proposed project requires an IPOD permit because it is within the East Boston IPOD Study Area, seeks to make an exterior alteration street wall (Article 27T Section 5), and the application was submitted before the IPOD was sunset on 11/11/2023. Article 27T Section 8 states that the Board of Appeal shall grant an IPOD permit if it finds that (a) the Proposed Project's benefits outweigh any burdens imposed; and (b) the Proposed Project is in substantial accord with the applicable provisions of Article 27T. Applicable provisions of Article 27T include Section 7, which states that "Proposed Projects within the East Boston IPOD Study Area should be consistent with the following elements that contribute to the special character of the area: (a) block and street patterns; (b) existing densities; (c) existing building types; (d) predominant setbacks and heights; and (e) open space and off-street parking patterns." The proposed project seeks to make little to no change to most of these elements of the existing building, as there is no change to the exterior building. The only change is the addition of the 3rd unit, which is allowed by current zoning and fits well in the existing neighborhood context.

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

**Recommendation:**

In reference to BOA1563621, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to addressing resilience to coastal flooding by either ensuring that residential living space is not located below the Sea Level Rise - Design Flood Elevation or by utilizing other flood proofing strategies.

Reviewed,

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Director of Planning, BPDA



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| <b>Case</b>                              | BOA1563720  |
| <b>ZBA Hearing Date</b>                  | 2024-04-30  |
| <b>Address</b>                           | 200 Everett ST East Boston 02128  |
| <b>Parcel ID</b>                         | 0105180000  |
| <b>Zoning District &amp; Subdistrict</b> | East Boston Neighborhood<br>3F-2000   |
| <b>Zoning Article</b>                    | Article 53  |
| <b>Project Description</b>               | Erect an addition and change the occupancy from one-family to three units, with a roof deck.  |
| <b>Relief Type</b>                       | Variance, Conditional Use, IPOD Permit  |
| <b>Violations</b>                        | Parking or Loading Insufficient<br>Roof Structure Restrictions<br>Lot Area Insufficient<br>Additional Lot Area Insufficient<br>FAR Excessive<br>Height Excessive (stories)<br>Usable Open Space Insufficient<br>Front Yard Insufficient<br>Rear Yard Insufficient |

**Planning Context:**

The proposed project sits in a three-family residential subdistrict in the Jeffries Point area of East Boston. The site's surroundings consist of a mix of 2-4 story residential structures with occupancies ranging from 1 to 3 dwelling units. The project site is located within 300 feet of Porzio Park, the Navy Fuel Pier Park, the Massport Harborwalk Park, and several stops for the MBTA's 120 bus route. It is also within a half-mile of Piers Park and three-quarters of a mile of Maverick Square and the MBTA's Maverick Blue Line Station.

The site sits within the City's Groundwater Conservation Overlay District (GCOD) and Coastal Floor Resilience Overlay District (CFROD). In addition, the proposed project also sits within the bounds of the East Boston Interim Planning Overlay District. The IPOD was implemented in 2018 to ensure that, during the development of the neighborhood's new strategic plan, adequate planning and zoning protections were in place to guide and regulate new construction in the area. Projects within the IPOD should protect and enhance the neighborhood's existing context, in part by creating appropriate relationships of scale and continuity in character between established districts and new development. Because the proposed project's permit





application was submitted prior to the IPOD's sunseting on 11/11/23, its regulations will still apply.

The project site is currently occupied by a 2-story single-family dwelling. The project proposes an alteration to the existing structure, which increases the structure's height and occupancy to 3 stories and 3 dwelling units. This scope is aligned with the housing goals outlined in PLAN: East Boston (adopted by the BPDA Board on January 18, 2024), which encourage the preservation of existing housing and development of contextually sensitive and appropriately-scaled residential infill on underdeveloped lots throughout the neighborhood.

PLAN: East Boston's draft zoning, which was approved by the BPDA Board on March 14, 2024 and is pending Zoning Commission consideration on April 24, 2024, places the proposed project within an EBR-3 subdistrict. EBR-3 subdistricts allow a max building height of 3 stories and permit 3-family residential uses. The proposed project complies with both of those regulations, as well as all of the other proposed dimensional regulations set forth in approved zoning, including for parking. The only exception to this compliance relates to the proposed roof deck, which falls short of the required setback dimensions and permitted roof access methods. A proviso for BPDA design review has been added to the recommendation to bring the deck into compliance with the draft zoning.

The East Boston draft zoning also makes changes to the regulation of projects within the CFROD, prohibiting the erection or extension of living space below the Sea Level Rise - Design Flood Elevation for all projects therein. The proposed project is in compliance with these proposed provisions as it does not propose any extension to the already existing ground floor or basement living space.

### **Zoning Analysis:**

The project's insufficient lot area, additional lot area, usable open space, and front and side yard violations are existing conditions, not proposed to be worsened through the project. The project's existing building footprint and site plan are proposed to remain, as is, rendering the impacts of these violations minimal to the surrounding context.

Both the structure's existing (2.21) and proposed FAR (3.43) are in excess of what is permitted by zoning (1.0). These dimensions are common figures for surrounding parcels and are inflated



due to the site's abnormally small size (900 square feet). The building scale created through the project is consistent with those of the immediately surrounding parcels, rendering its impacts minimal.

The project's excessive building height (stories) violation is incorrectly cited. According to the Code, building height is measured vertically from the grade at entry. While the violation cites the structure as having 4 stories of height, only three stories project vertically from grade. This is compliant with what underlying zoning already permits.

The project's insufficient parking violation is an existing condition. Zero parking conditions are common throughout the surrounding area (for all residential uses), and can be attributed to the area's small lots and predominant row house style form. This condition also complies with the parking requirements of East Boston's proposed zoning.

The project's roof structure violation stems from the addition of an open roof deck, which projects above the maximum height allowed by zoning (only be a foot). This violation triggers the need for a conditional use permit. Because these types of roof decks are commonly found throughout the surrounding area and on structures within immediate proximity to the site, the impacts of its creation should be considered minimally invasive to the surrounding neighborhood. A proviso for BPDA Design Review has been added to this recommendation to address insufficient setbacks from the roof's edges.

This project requires an IPOD permit for three reasons: first, it was submitted before the sunset date of the IPOD on November 11, 2023; and second, because it seeks to add over 1,000 square feet of gross floor area to the existing structure; and thirdly, because it alters the structure's existing roofline (Section 27T-5).

Article 27T Section 8 states that The Board of Appeal shall grant an IPOD permit if it finds that "(a) the Proposed Project's benefits outweigh any burdens imposed; and (b) the Proposed Project is in substantial accord with the applicable provisions of Article 27T." Applicable provisions of Article 27T include Section 7, which states that "Proposed Projects within the East Boston IPOD Study Area should be consistent with the following elements that contribute to the special character of the area: (a) block and street patterns; (b) existing densities; (c) existing building types; (d) predominant setbacks and heights; and (e) open space and off-street parking



patterns.” Because the proposed project aligns with the area's height, setback, and parking patterns, an IPOD permit should be granted for the project.

**Recommendation:**

In reference to BOA1563720, 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 roof deck's setbacks.

Reviewed,

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Director of Planning, BPDA



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| <b>Case</b>                              | BOA1572059   |
| <b>ZBA Hearing Date</b>                  | 2024-04-30   |
| <b>Address</b>                           | 72 Hyde Park Ave Jamaica Plain 02130   |
| <b>Parcel ID</b>                         | 1904679000   |
| <b>Zoning District &amp; Subdistrict</b> | Jamaica Plain Neighborhood<br>3F-5000  |
| <b>Zoning Article</b>                    | Article 55   |
| <b>Project Description</b>               | This project is a 6 unit, new construction. A version of this project was approved with a proviso for BPDA design review in September 2022. The design review process resulted in a revised version of the project which requires an additional variance for height. |
| <b>Relief Type</b>                       | Variance   |
| <b>Violations</b>                        | Additional Lot Area Insufficient<br>FAR Excessive<br>Height Excessive (stories)<br>Height Excessive (ft)<br>Side Yard Insufficient<br>Usable Open Space Insufficient<br>Use: forbidden (MFR)   |

**Planning Context:**

A version of this project was approved by the ZBA with a proviso for BPDA design review on September 20th, 2022. The previously approved project is in alignment with the existing density and character of the surrounding area, as the area is predominantly 2.5-3 story, 3-6 unit residential buildings. In addition, this project is across the street from the Forest Hills MBTA station, which is a Orange Line and commuter rail connection as well as a major bus transfer hub. The high transit accessibility at this location makes it particularly appropriate for adding new housing units (as the approved project would do by replacing the previous 2-unit building with a new 6-unit building).

This new variance request relates to amending the previously approved project in order to protect an existing large tree. This aligns with the City's goal of ensuring that trees/tree canopy are proactively cared for, as outlined in the Urban Forest Plan (2022).



**Zoning Analysis:**

A version of this project was approved with a proviso for BPDA design review on September 20th, 2022 with variances for insufficient side yard, excessive height (stories), insufficient lot width, excessive FAR, and insufficient parking. After the project was approved, it became apparent that the construction would damage a large tree which currently exists in the rear of the lot. BPDA urban design staff worked extensively with the developer to create a new plan which is similar to the one approved in 2022, but ensures the protection of the tree. This new plan involves increasing rear yard from 28 ft 3 in to 39 ft 9 in and replacing the lost square footage as an additional half story. Because the new version of the project increases the height from 3 stories to 3.5 stories, it now requires an additional variance.

The project is substantially similar to the version approved by the ZBA in 2022. The only new variance required is due to the increase in height, which is half a story above the maximum allowed by zoning. This increase in height allows the project to protect the existing tree and has been vetted by BPDA urban design staff as the ideal massing for this project and lot.

**Recommendation:**

In reference to BOA1572059, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to ensuring that tree roots are protected from all site excavation.

Reviewed,

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Director of Planning, BPDA



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| <b>Case</b>                              | BOA1562423  |
| <b>ZBA Hearing Date</b>                  | 2024-04-30  |
| <b>Address</b>                           | 12 Murray Hill RD Roslindale 02131  |
| <b>Parcel ID</b>                         | 1903157000  |
| <b>Zoning District &amp; Subdistrict</b> | Roslindale Neighborhood, 2F-5000  |
| <b>Zoning Article</b>                    | 67, 9   |
| <b>Project Description</b>               | Demolish existing rear porch and remove existing vinyl siding from the house. Construct a Family Room addition, a new rear deck, and make alterations to the existing house on the first and second floors. |
| <b>Relief Type</b>                       | Variance  |
| <b>Violations</b>                        | Usable Open Space Insufficient<br>Side Yard Insufficient<br>Rear Yard Insufficient  |

**Planning Context:**

12 Murray Hill Rd is located in an economically and transit rich location, as it is served by Roslindale Square and accessible by the commuter rail. It sits in between a rehabilitation center and another single family home. The street surrounding the parcel has a wide variety of single family and multi-family homes. Furthermore, 12 Murray Hill Rd falls within the Squares + Streets planning area which focuses on areas that are within easy walking distance of Roslindale Square. The property, similar to others on the street, is quite narrow and the existing dwelling takes up just over 50% of the parcel (unlike many of the surrounding parcels whose dwelling units tend to extend significantly farther towards the rear parcel line). There is an existing porch in the rear, and on either side of the dwelling: a driveway, and a concrete walkway.

BOA1562423 proposes the demolition of the existing rear porch and removal of the existing vinyl siding from the house. They also propose the construction of a family room creating an extension added to the rear, along with a new rear deck, and alterations to the existing house on the first and second floors. The case is related to BOA1562421 which proposes the construction of a new larger garage in the backyard to take the place of the existing one.

**Zoning Analysis:**

The proposed project is within the Roslindale Neighborhood District, and 2F-5000 Subdistricts. There are no zoning overlays. The project is currently cited as being in violation of the minimal

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usable open space. The code currently requires a minimum of 1,750 usable open space per dwelling unit. Currently, approximately 1090.5 square feet of the back yard is allotted for open lawn space- and even after the proposed addition to the rear- it appears to have more open space than many of the surrounding parcels. The proposal is also in violation of the minimum rear and side yard requirements, which are 40 ft and 10 ft, respectively. Due to the proposed deck addition, the living room addition would be in violation of the code by about three feet in the back and four feet on the side. It does, however, appear that many of the surrounding parcels are also quite narrow- creating very restrictive conditions for additional buildout. Given these constraints and the surrounding context, we recommend this case be approved as proposed.

**Recommendation:**

In reference to BOA1562421, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



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| <b>Case</b>                              | BOA1562421   |
| <b>ZBA Hearing Date</b>                  | 2024-04-30   |
| <b>Address</b>                           | 12R Murray Hill RD Roslindale 02131  |
| <b>Parcel ID</b>                         | 1903157000   |
| <b>Zoning District &amp; Subdistrict</b> | Roslindale Neighborhood, 2F-5000   |
| <b>Zoning Article</b>                    | 67, 9  |
| <b>Project Description</b>               | Construction of new wood-framed garage with new concrete slab on new foundation, |
| <b>Relief Type</b>                       | Variance   |
| <b>Violations</b>                        | Side Yard Insufficient   |

**Planning Context:**

12R Murray Hill Rd is located in an economically and transit rich location, as it is served by Roslindale Square and accessible by the commuter rail. It sits in between a rehabilitation center and another single family home. The street surrounding the parcel has a wide variety of single family and multi-family homes. Furthermore, 12 Murray Hill Rd falls within the Squares + Streets planning area; focused on areas that are within easy walking distance of Roslindale Square. The property, similar to others on the street, is quite narrow and the existing dwelling takes up just over 50% of the parcel. There is an existing porch in the rear, and on either side of the dwelling: a driveway, and a concrete walkway. BOA1562423 proposes the replacement of the existing garage with the construction of a larger new one-car wood-framed garage with a concrete slab on a new foundation in the rear yard of the parcel. Based on aerial imagery and the related case plans, it seems that there is already an existing garage there. This case is related to BOA1562421 which proposes the demolition of the existing rear face of the building, along with the construction of a family room, new rear deck, and alterations to the existing house on the first and second floors.

**Zoning Analysis:**

The proposed project is within the Roslindale Neighborhood District, and 2F-5000 Subdistricts. There are no zoning overlays. The proposed project is currently in violation of Article 67 section 9 which details minimum side yard requirements. It should be noted that the majority of homes on the surrounding street do have backyard garages that directly abut the lot lines, and limited open space. The zoning code further details that accessory buildings may be constructed in a





rear yard such that the building is no more than 15 feet in height-making the current proposal of 11 feet compliant- and nearer than 4 feet to any side lot line-leading it to be in violation of the side yard requirements by 2 feet. Furthermore, in order to allow the use of the existing driveway and accommodate for the narrowness of the parcel, the garage must be constructed as proposed for adequate maneuverability. The neighboring rehabilitation center has a driveway that directly abuts the plans for the garage (and existing driveway), creating adequate space between it and the neighboring structure. Given these existing conditions, we would recommend approving this proposal and flagging this as a case for zoning reform.

**Recommendation:**

In reference to BOA1562421, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



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| <b>Case</b>                              | BOA1523507   |
| <b>ZBA Hearing Date</b>                  | 2024-04-30   |
| <b>Address</b>                           | 35 to 35B Old Morton ST Mattapan 02126   |
| <b>Parcel ID</b>                         | 1703768010   |
| <b>Zoning District &amp; Subdistrict</b> | Dorchester Neighborhood<br>2F-6000   |
| <b>Zoning Article</b>                    | Article 65   |
| <b>Project Description</b>               | Erect new 3 family townhouse with 7 off-street parking spaces.   |
| <b>Relief Type</b>                       | Variance   |
| <b>Violations</b>                        | Limitation of Area for accessory use (parking)<br>Side Yard Insufficient<br>Height Excessive (stories)<br>FAR Excessive<br>Forbidden Use: Three Family |

**Planning Context:**

The project proposes the development of a new three-family dwelling on a vacant parcel. The new dwelling will be taking the place of a pre-existing three-family home that was previously located on this parcel but demolished due to fire damage in May 2021. Per the plans, the proposed dwelling will be a 3-story, pitched roof dwelling with townhouse style units.

Old Morton Street is a residential street with one-, two-, and three-family dwellings located along its extent. The majority of homes on Old Morton Street are between 2 1/2 to 3 stories in height with a similar pitched-roof style. Many of the lots feature a side yard driveway with off-street parking spaces towards the rear of the lot. Although the parcel is part of the Dorchester Neighborhood Article, it is located within the PLAN: Mattapan study area. PLAN: Mattapan (adopted May 2023) is a neighborhood plan that lays out a comprehensive, long-range vision for the Mattapan neighborhood and puts forth recommendations related to housing, small business growth, and public realm/mobility improvements. PLAN: Mattapan encourages the development of diverse and affordable housing opportunities for residents within the study area, including the increase of homeownership opportunities. While 35-35B Old Morton Street is not subject to the residential zoning amendment to Article 60 that was implemented through the PLAN: Mattapan process, the planning recommendations for increased and diverse housing still apply.

**Zoning Analysis:**



The proposed project is a case for zoning reform to right-size use and dimensional tables to more accurately reflect existing and established characteristics of Boston's residential areas. The parcel is located in a 2F-6000 subdistrict in Dorchester. The proposed three-family use is Forbidden within the 2F subdistrict. As described in the Planning Context, the proposed dwelling is replacing a three-family home that existed at this address since at least 2007 until 2021, when it was demolished due to fire damage. The proposed three-family townhomes would simply be replacing a pre-existing use. Article 8 contains provisions for areas lost to fire, stating that no conditional use permit shall be required for the replacement of gross floor area lost by fire or other casualty. While this provision doesn't apply to this project, as the proposed use is Forbidden and not Conditional, it is still important to note that the zoning code recognizes fire loss as a hardship.

Additionally, three-family dwellings are frequently seen along Old Morton Street and surrounding streets within this 2F subdistrict. The project proposes a total building height of 35', or 3 stories. While the height satisfies the height maximum in terms of feet, it is in violation of the zoning code's 2 1/2 story height maximum. As described in the planning context, surrounding dwellings along Old Morton Street range from 2 to 3 stories in height, with the majority of them within the 2 1/2 to 3 story range. Just like this proposed dwelling, the upper story is a tall pitched roof, often with several dormers. The proposed design, height, and use is in character for the surroundings.

The proposed project is in violation of FAR maximums for the subdistrict. The maximum FAR allowed is 0.4, yet the project proposes an FAR of 0.81. However, per the plans, the design and massing of the proposed dwelling does not appear to be out of character with neighboring buildings. The dwelling will cover approximately 30% of the lot, leaving the remaining 70% open for off-street parking and permeable area. This proposed lot coverage of 30% is within character for the neighborhood, if not smaller than that of some of the surrounding dwellings.

The proposed north-facing side yard is in violation of minimum side yard dimensions stipulated by zoning. Per zoning, each side yard must be at least 10' in width. The proposed project has a south-facing side yard of 13.5', while the north-facing side yard is 3.5'. While in violation of zoning, this yard configuration fits established lot patterns along Old Morton Street, where the majority of homes are built towards one side of the lot rather than centered in the middle, in order to make room for an off-street parking aisle. Surrounding homes along Old Morton Street feature similar narrow side yard configurations, with some even more narrow than the 3.5' proposed by this project.



Relatedly, the project has received a violation for limitation of parking area, due to a portion of the proposed off-street parking space being within 5' of the side yard. Article 10-1 of the code states that side yards may be used for off-street parking, provided that such parking is located more than five feet from the side lot line. The off-street parking proposed is located 3.5' from the side lot line. Again, this is a very common and established lot configuration along Old Morton Street, with virtually every lot featuring off-street parking less than 5' from the side lot line, many of them featuring zero lot line conditions. The proposed project is not out of alignment with the established building conditions of the neighborhood; rather, the zoning code is out of alignment with the established neighborhood character.

However, the project proposes 7 off-street parking spaces for a three-family dwelling. This is far above the minimum required by the zoning code (1/unit) and, at over 2 spaces per dwelling unit, creates an unreasonable and environmentally unsustainable amount of off-street parking. A large percentage of the lot will be paved to make room for the 7 parking spaces, reducing the lot's permeability and increasing risk for stormwater flooding and urban heat island effect. As a condition of approval, it is recommended that the proponent undergo BPDA design review in order to reduce off-street parking from 7 spaces to 3 spaces.

The plans used for review are titled "Proposed Townhouses" and were stamped for ISD review on 8/15/23. They were prepared by Choo & Company, Inc.

**Recommendation:**

In reference to BOA1523507, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to reduction in off-street parking spaces from 7 spaces to 3 spaces, which will meet the minimum required by zoning while also preserving permeable area space on the lot.

Reviewed,

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Director of Planning, BPDA



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| <b>Case</b>                              | BOA1528988  |
| <b>ZBA Hearing Date</b>                  | 2024-04-30  |
| <b>Address</b>                           | 3510 Washington ST Jamaica Plain 02130  |
| <b>Parcel ID</b>                         | 1102815000  |
| <b>Zoning District &amp; Subdistrict</b> | Jamaica Plain Neighborhood<br>Local Industry (LI)   |
| <b>Zoning Article</b>                    | Article 55  |
| <b>Project Description</b>               | Construct a two-story addition above the existing commercial space to create two residential units. |
| <b>Relief Type</b>                       | Variance  |
| <b>Violations</b>                        | FAR Excessive<br>Parking or Loading Insufficient<br>Use: Forbidden (2-Family)                       |

**Planning Context:**

The proposed project is seeking to construct a 2-story addition over an existing commercial space at 3510 Washington Street in Jamaica Plain. The proposed project will add two residential units to Washington Street over the existing JP Kitchen Chinese Restaurant. This aligns with the work that was proposed at the neighboring property, 3514 Washington Street, which was approved by the ZBA in June 2022. While this area is currently zoned as Local Industrial (LI), Washington Street contains a mix of residential, commercial, and mixed-use buildings. The residential buildings on this portion of Washington Street contain a mix of single-family, two-family, and multi-family buildings. The proposed project sits across the street from English High School and the English High School Track. This project is a 10-minute walk from both the Forest Hills and Green Street MBTA stations. A bus stop for the MBTA 42 bus route is within a 1-minute walk from the proposed project.

The proposed project falls within the study area of PLAN: JP/Rox (March 2017). Under PLAN: JP/Rox (March 2017), housing goals included reducing the displacement of residents in the neighborhood while increasing the overall housing supply. This project would help meet these goals by creating housing units that are near commercial nodes and are also transit-oriented. In regards to jobs and businesses, PLAN JP/Rox (March 2017) also noted that a goal was to preserve and stabilize the existing business community. This project would help meet these goals by allowing the existing restaurant to exist in the area while also allowing its customer base to increase with the additional residents living in the area.

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### **Zoning Analysis:**

With the proposed project, the refusal letter states that there are violations with an excessive FAR, use, and the size of the parking spaces. Under Article 55 of the Zoning Code, residential uses are forbidden in this area as the area is zoned as Local Industrial (LI). With these violations, this is a case for zoning reform to align with the planning goals of the study area of PLAN: JP/ROX. As the project is proposing a 2-family residential unit addition to an existing site, it will help increase the available housing stock. There are residential buildings that surround the project at 3531-3541 Washington Street and 3516 Washington Street. Zoning reform would allow the residential use to be appropriate given the neighborhood context.

Zoning reform would also address the excessive FAR. With just the commercial space, the current building has an FAR of 0.9. The creation of living space will increase the FAR to 1.89 which is above the maximum of 1.0. Zoning reform would help address this discrepancy and allow the creation of these residential units in this area.

Article 55, Section 40 requires that 50% of the supplied off-street parking spaces be no less than 7 feet by 18 feet and the remainder shall be no less than 8.5 feet by 20 feet. Because the proposed project is proposing two 9x18 spaces, it does not meet the design requirements set by Article 55. The project will need to increase the size of one of their spaces to meet these requirements.

The plans reviewed are titled 3510 Washington St and are dated April 13, 2023. They were prepared by Timothy Burke Architecture.

### **Recommendation:**

In reference to BOA1528988, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to integrating the residential and commercial design while also ensuring the parking spaces meet the minimum required dimensions.

Reviewed,

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Director of Planning, BPDA



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| <b>Case</b>                              | BOA1552647  |
| <b>ZBA Hearing Date</b>                  | 2024-04-30  |
| <b>Address</b>                           | 608 Shawmut AVE Roxbury 02118   |
| <b>Parcel ID</b>                         | 0901511000  |
| <b>Zoning District &amp; Subdistrict</b> | Roxbury Neighborhood<br>Multifamily Residential   |
| <b>Zoning Article</b>                    | 50, 28  |
| <b>Project Description</b>               | Change occupancy from 3 apartments and store to 3 apartments and barber shop. Install new wall, door, barber chairs, hair wash sink, and electrical outlets. Work as per plans. |
| <b>Relief Type</b>                       | Conditional Use   |
| <b>Violations</b>                        | Use   |

**Planning Context:**

The proposal at 608 Shawmut Ave in Roxbury seeks to change the use of their building from three apartments and a store to three apartments and a barber shop. In doing so, they seek to install a new wall, door, barber chairs, hair wash sink, and electrical outlets. There is a church directly abutting the proposal site, and on the other side a mixed-use multi-family residential building. The location on the Shawmut Ave corridor is relatively economically and transit rich, being about a 10 minute walk from Nubian Square, and .2 miles away from the Silver Line stop on Washington Street. Beyond those abutting parcels, the surrounding street has a collection of cultural and economic community assets including some small retail stores and restaurants. Across the street from the parcel is a major multi-family housing complex.

**Zoning Analysis:**

The proposal at 608 Shawmut Ave in Roxbury is zoned Multifamily Residential. According to the zoning code, barber shops are conditional uses, provided that it is located on the ground floor, otherwise it is forbidden. The proposal is compliant with this condition given that the plans for the barbershop are located on the first floor of the building. Furthermore, article 6-3 further establishes the conditions required for approval. First, that the specific site is an appropriate location for such use or, in the case of a substitute nonconforming use under Section 9-2, such substitute nonconforming use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted. Furthermore, it cannot adversely affect the neighborhood, there cannot be any serious hazard to vehicles or

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pedestrians from the use, and no nuisance can be created by the use. These conditions are met by the proposal. The barbershop as proposed is not more detrimental to the neighborhood than the previous use was, and will not adversely impact the community, and in fact would add to the already existing commercial and community uses surrounding it. It is an appropriate site for a barbershop given the surrounding economic and community uses. The code further details that adequate and appropriate facilities will be provided for the proper operation of the use, and as outlined in the plans relevant equipment and renovations will occur in order to accommodate the new use. Provisions f and g are not applicable to this case. Given the plans compliance with these conditions, we recommend approving this proposal.

**Recommendation:**

In reference to BOA1552647, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA





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| <b>Case</b>                              | BOA1517916   |
| <b>ZBA Hearing Date</b>                  | 2024-04-30   |
| <b>Address</b>                           | 906 E Fourth ST South Boston 02127   |
| <b>Parcel ID</b>                         | 0604298004   |
| <b>Zoning District &amp; Subdistrict</b> | South Boston Neighborhood<br>MFR   |
| <b>Zoning Article</b>                    | 68   |
| <b>Project Description</b>               | Rear addition to existing building comprising two stories and a roof deck, where one story and a roof deck presently exist |
| <b>Relief Type</b>                       | Variance   |
| <b>Violations</b>                        | Roof Structure Restrictions<br>Rear Yard Insufficient<br>FAR Excessive<br>Side Yard Insufficient                           |

**Planning Context:**

The proposed project intends to add a two story addition to the rear of the building at 906 E Fourth Street atop an existing single story. The proposal includes the addition of a roof deck atop the building as well as a proposed balcony for the third story unit at the rear of the building and a roof deck above the remaining single-story section of the building at its rear. The existing building is located on a corner lot at the intersection of P Street and E Fourth Street. It is unique within the context of the neighborhood, in that the building height is not consistent across its street frontage, unlike the remainder of buildings on the same block of P Street and E Fourth Street, for which height remains consistent across the building width.

**Zoning Analysis:**

The proposed project is located within the South Boston Neighborhood District, in a Multifamily Residential (MFR) subdistrict, pursuant to Article 68 of the Zoning Code. The building footprint itself is not changing, thus the violations for side and rear yard setbacks are existing nonconformities not worsened by the proposed addition. The proposed addition aligns with the dimensions of the existing building, and maintains the same setbacks that exist at present conditions. Excessive FAR is a condition worsened by the proposed alterations, however, as noted in the planning context, it is consistent with the existing neighborhood fabric to have buildings of consistent height, a condition by which the FAR would increase by nature. The relevant neighborhood subdistrict contains roof structure restrictions as outlined in Section 68-

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29. - Roof Structure Restrictions. Violations for the proposed project with respect to these restrictions include the provision of a roof deck on a lower roof and the reconfiguration of the main roof profile. The balcony proposed for the third story rear addition to the building was reduced in size as of February 12, 2024 to allow for the roof deck above the remaining single story section of the structure to remain open to the sky. The reduction in size of the balcony reduces the potential of the roof deck to have restricted light and/or air flow. The proposed roof deck atop the existing three-story section of the building is pulled back from the street-facing sides of the building, such that there is limited visibility from street level. While the Zoning Code states that a roof deck should not alter the profile of the roof, the proponent has proposed to alter the roof in such a way that will not visually affect the neighborhood fabric. There are existing similar such roof decks among the surrounding properties, including directly across the street at 93 P Street.

**Recommendation:**

In reference to BOA1517916, 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



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| <b>Case</b>                              | BOA1556767  |
| <b>ZBA Hearing Date</b>                  | 2024-04-30  |
| <b>Address</b>                           | 156 W Newton ST Roxbury 02118   |
| <b>Parcel ID</b>                         | 0402776000  |
| <b>Zoning District &amp; Subdistrict</b> | South End Neighborhood<br>MFR   |
| <b>Zoning Article</b>                    | Art. 64   |
| <b>Project Description</b>               | Change the occupancy of an existing three-story, three-family residential dwelling to a one-family dwelling. Scope includes a full gut renovation, new framing, new MEP, new rear basement level addition, new rear deck for the first story, new rear balcony for the second story, new roof deck, new elevator, and new garage with driveway. Also included, structural underpinning and fire protection. |
| <b>Relief Type</b>                       | Variance  |
| <b>Violations</b>                        | GCOD Applicability<br>FAR Excessive<br>Town House/Row House Extensions into Rear Yard   |

**Planning Context:**

This project proposes a change in occupancy of an existing three-story, three-family residential dwelling to a one-family dwelling along with a new one-story rear basement level addition that includes a rear deck for the first story and a rear balcony for the second story. This project also proposes a new roof deck, elevator, and new garage with a driveway.

This property is a row house attached to two other row houses on both sides and sits on a 1,900 sq ft lot, the same size lot as all adjacent row house properties on this block of W Newton Street. The existing building has the same built form and lot coverage as adjacent row houses and has a similar rear yard depth of 40.5 ft. Each of the properties have different rear yard outdoor amenity spaces, such as rear decks or patios, as visible from an aerial view of the area. Like the other row houses on this street, this property is assessed as a three-story building but its basement level is at grade, so it appears more as a four-story building from the street.

The rear of the property is accessible from a 10 ft wide private alley to the southwest of the existing building. There is an 120 sq ft existing rear deck, rear paved patio space, and a gravel parking area that a car can enter from the private alley. Other adjacent row houses have similar



gravel or paved rear parking areas. This project proposes the removal of the existing patio space and replacement of that space with a paved driveway and parking area in the rear, thus resulting in a larger parking area of 812 sq ft at a width of 20 ft. The plans show this proposed parking area being able to accommodate up to three cars and will include an electric vehicle charging station. A rear parking area of this kind is a prevailing use based on the surrounding context within this area of the South End, but the proposed number of four parking spaces for a one-family use seems excessive considering this property's five-minute walking proximity to several MBTA bus stops along Tremont St and Massachusetts Ave. This does not align with Go Boston 2030's (March 2017) recommendations to reduce reliance on private vehicles, especially within proximity of many transit options.

The basement level addition that this project proposes will be a 120 sq ft addition that will convert part of the basement into a garage for a single vehicle that is accessible from the proposed rear driveway. While not mentioned explicitly in the plans, the basement renovation appears to include construction of living area in the front section of the basement while the rear of the basement will be reserved for the single vehicle garage. This basement living area is proposed in a geographic area that is prone to flood risk as indicated by its location within the FEMA Flood Hazard area (2016).

Above the addition will be a new rear deck to replace the existing rear deck to be accessed from the first story and above that deck will be a rear balcony to be accessed from the second story. The garage will be fully enclosed with the new rear first story deck being above part of the new garage. The proposed roof deck addition will be similar to existing roof decks found on adjacent row houses.

There is an existing tree against the southern side lot line in the rear yard that the proponent plans to retain and will build a barrier around. This aligns with city goals to retain existing trees as outlined in Boston's Urban Forest Plan (2022). While most row houses on this street have rear yards that accommodate outdoor amenity spaces, there are some that are predominantly built and used solely for parking as this project proposes.

This property is located within the South End Landmark District and would require review from the Boston Landmarks Commission. This property is within 100 feet of a park, thus also requiring this project to have design review by the Boston Parks and Recreation Commission.

### **Zoning Analysis:**



This property is located within the MFR (Multifamily Residential) subdistrict of the South End Neighborhood District (Art. 64). This property is also located within the Groundwater Conservation Overlay District (GCOD), which is meant to prevent the deterioration of and, where necessary, promote the restoration of groundwater levels in the city of Boston. GCOD review is required if a project meets certain criteria and this project does meet two of the listed criteria due to the 120 sq ft rear addition and the proposed paved parking area: 1) the erection or extension of any structure, where such new structure or extension will occupy more than fifty (50) square feet of lot area, and 2) any paving or other surfacing of lot area. Therefore, this project would require additional GCOD review by the Boston Water & Sewer Commission (BWSC).

This subdistrict restricts the FAR of residential row house properties to a ratio of 2.0. The existing property has an FAR of about 1.6 and the proposed FAR will be 2.12, thus exceeding this maximum. However, the built form of this property will be roughly similar to the existing built form and lot coverage due to the proposed addition taking a similar amount of lot coverage as the existing rear deck. The overall scale of the property still aligns with the existing scale of adjacent row houses, as well. This presents a need for zoning reform within this part of the subdistrict in regards to the appropriate metric for building scale since most properties within the area vary in their conformity with the 2.0 FAR maximum and it restricts those properties from further additions or renovations. Metrics like building lot coverage can serve as an alternative to FAR.

This project was cited with a violation for “Town House/Row House Extensions into Rear Yard.” That provision makes a rear extension conditional only if a proposed project conforms with all other use and dimensional requirements as noted within the neighborhood article. Since this project proposes a non-conforming FAR, it does not conform with all other requirements and thus this regulation would not be applicable to this project.

This project is also located within the Coastal Flood Resilience Overlay District (CFROD) (Art. 25A), though the regulations of the CFROD do not apply to this property. Despite this, this project is within the FEMA Flood Hazard Area (2016), as indicated in the planning context. The proposal of a basement living area within the FEMA Flood Hazard Area and its presence within the CFROD poses potential risk to those who would live within that space due to the extent of the flood risk.



Site plans completed by DeCelle-Burke-Sala on November 3, 2023.

Project plans completed by The Holland Companies on November 7, 2023.

**Recommendation:**

In reference to BOA1556767, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE: the proponent should remove the proposed basement living area due to its proposal to extend living below the Sea Level Rise – Base Flood Elevation, as indicated by its presence in the CFROD and FEMA Flood Hazard Area.

Reviewed,

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Director of Planning, BPDA



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| <b>Case</b>                              | BOA1564403  |
| <b>ZBA Hearing Date</b>                  | 2024-04-30  |
| <b>Address</b>                           | 64 N Margin ST Boston 02113   |
| <b>Parcel ID</b>                         | 0301375000  |
| <b>Zoning District &amp; Subdistrict</b> | North End Neighborhood<br>MFR   |
| <b>Zoning Article</b>                    | 54  |
| <b>Project Description</b>               | Requesting nominal fee. Proposing to expand the livable area into the garden (basement) level for unit 1R for permit ALT-1427917. |
| <b>Relief Type</b>                       | Variance  |
| <b>Violations</b>                        | FAR Excessive   |

**Planning Context:**

The project proposes an interior renovation of a pre-existing residential building in the North End. The renovation will extend living space from an existing first-floor apartment into the currently-unused basement. This extension of living space would result in an additional 1,282 sf counted towards the gross living area, although it would not result in any newly built living area.

64 N Margin Street is a 5-story residential row-house style building surrounded by other similarly 4- and 5-story multifamily residential buildings. It is located in two zoning overlay districts: the Groundwater Conservation Overlay District (GCOD) and the Coastal Flood Resilience Overlay District (CFROD).

The GCOD's purpose is to protect wood pile foundations of buildings from being damaged by lowered groundwater levels. The GCOD, through Article 32 of the Zoning Code, includes provisions that prevent the deterioration of groundwater levels in Boston, protect the city's historic neighborhoods and structures, maintain public safety, and reduce surface water runoff and water pollution.

The CFROD, adopted under Article 25A of the zoning code under the 2016 Climate Ready Boston plan, is a zoning overlay district that promotes coastal flood resilience and design guidelines for flood resistant design. These design guidelines are meant to protect people and structures from both current and future flood risks. Parts of the North End are susceptible to various levels of coastal flood risk.



### **Zoning Analysis:**

The project's proposed renovation creates a resulting total FAR of 4.72. The maximum FAR allowed by zoning in this subdistrict is 3.0. This increase of FAR is due to the extension of living space into a previously uninhabited basement. Although the basement is already built, and there will be no additional new floor area added to facilitate this renovation, the FAR would increase due to the basement now counting as living space. This increase of FAR would not change the overall massing or design of the building.

This is a case for zoning reform to update dimensional regulations to better match existing built form and establish more uniform controls for regulating density and form of buildings.

However, as described in the Planning Context, 64 N Margin is located in a CFROD. This means that the property, and in particular, basement-level (below-grade) units, are at risk for coastal flooding. In order to mitigate this risk for future inhabitants, the proponent should change the interior layout of the proposed unit and relocate the bedroom that is currently shown below-grade to the first floor of the building, instead of in the basement.

The plans reviewed for this case are titled "64 N Margin Street" and are dated 12/19/23. They were prepared by Perpetual Real Estate.

### **Recommendation:**

In reference to BOA1564403, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE that the proposed garden floor bedroom be re-located to the first floor, so that it is not below grade and subject to future flood risk.

Reviewed,

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Director of Planning, BPDA





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| <b>Case</b>                              | BOA1563079   |
| <b>ZBA Hearing Date</b>                  | 2024-04-30   |
| <b>Address</b>                           | 135 Falcon ST East Boston 02128  |
| <b>Parcel ID</b>                         | 0103376000   |
| <b>Zoning District &amp; Subdistrict</b> | East Boston Neighborhood<br>2F-2000  |
| <b>Zoning Article</b>                    | Article 53, Article 27G  |
| <b>Project Description</b>               | Erect addition with roof decks and change of occupancy from two to three units.  |
| <b>Relief Type</b>                       | Variance, IPOD Permit, Conditional Use   |
| <b>Violations</b>                        | IPOD Applicability<br>Lot Area Insufficient<br>Lot Width Insufficient<br>FAR Excessive<br>Height Excessive (stories)<br>Side Yard Insufficient<br>Forbidden Use (3F) |

**Planning Context:**

The project is located on a corner lot on a residential street in East Boston. The street has 2-story, 2 1/2-story, and 3-story two-family dwellings. The existing building is a 2-story, two-family dwelling. The proposed changes include adding a story to create a third floor, increasing the units from a two-family to a three-family dwelling, and adding three parking spaces in the rear. This scope is aligned with the housing goals in PLAN: East Boston (adopted by the BPDA Board on January 18, 2024), which encourage the preservation of existing housing and development of contextually sensitive scaled projects.

PLAN: East Boston's draft zoning (approved by the BPDA Board in January 2024), pending Zoning Commission consideration on April 24, 2024, places the proposed project within an EBR-3 subdistrict. EBR-3 subdistricts allow a max building height of 3 stories and a max occupancy of 3 units, both of which this proposal meets. The project is also compliant with the draft zoning's 75% maximum building lot coverage, minimum 3' front yard and maximum 5' front yard, max 3,000 SF floor plate, max 50' building width, max 70' building depth, and the minimum rear yard setback of less than a third of the lot depth. However, the project does not align with the minimum 15% permeable area of lot unless the 3 proposed parking spaces in the rear yard were to be constructed with permeable materials, and the minimum side yard setback



of 3' (existing zero-lot line on corner). The minimum side yard setback is an existing condition and is not being altered by the proposed changes.

The proposed project also sits within the bounds of the East Boston Interim Planning Overlay District. The IPOD was implemented in 2018 to ensure that, during the development of the neighborhood's new strategic plan, adequate planning and zoning protections were in place to guide and regulate new construction in the area. Projects within the IPOD should protect and enhance the neighborhood's existing context, in part by creating appropriate relationships of scale and continuity in character between established districts and new development. Because the proposed project's permit application was submitted prior to the IPOD's sunset on 11/11/23, its regulations will still apply.

### **Zoning Analysis:**

This project requires an IPOD permit because it proposes to erect a structure greater than 1,000 square feet of gross floor area within the East Boston IPOD Study Area (Article 27T Section 5). Article 27T Section 8 states that The Board of Appeal shall grant an IPOD permit if it finds that (a) the Proposed Project's benefits outweigh any burdens imposed; and (b) the Proposed Project is in substantial accord with the applicable provisions of Article 27T. Applicable provisions of Article 27T include Section 7, which states that Proposed Projects within the East Boston IPOD Study Area should be consistent with the following elements that contribute to the special character of the area: (a) block and street patterns; (b) existing densities; (c) existing building types; (d) predominant setbacks and heights; and (e) open space and off-street parking patterns. Proposed Projects should also incorporate appropriate resiliency measures. The proposed project is consistent with the IPOD provisions, as Falcon's existing context of 2-story, 2 1/2-story, and 3-story residential structures aligns with the proposal. The proposed project does not match the existing zoning regulations max height of 2 1/2 stories, max height of 35', max FAR of 0.8, min rear yard depth of 30', min side yard depth of 5', min front yard depth of 5', and min lot width of 25'. The proposed project has a height of 3 stories, a height of 31'.5", a FAR of 1.6, a side yard of 2.6, a rear yard of 27'.3", and a 24.63' lot width. The rear yard, lot width, and side yard variances are existing nonconformities and are not exacerbated by the proposed changes. The proposed stories and height are consistent with the existing neighborhood context and planning context.

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

BOA1563079

2024-04-30

2 Boston Planning & Development Agency



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

**Recommendation:**

In reference to BOA1563079, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review in order to increase permeable area of the lot to 15% of the lot.

Reviewed,

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Director of Planning, BPDA



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| <b>Case</b>                              | BOA1565017  |
| <b>ZBA Hearing Date</b>                  | 2024-04-30  |
| <b>Address</b>                           | 152 Washington ST Brighton 02135  |
| <b>Parcel ID</b>                         | 2101891000  |
| <b>Zoning District &amp; Subdistrict</b> | Allston/Brighton Neighborhood<br>2F-5000  |
| <b>Zoning Article</b>                    | Article 51  |
| <b>Project Description</b>               | Change occupancy from 2-family to 3-family by updating living space on each floor. No external changes to the structure will be made. |
| <b>Relief Type</b>                       | Variance  |
| <b>Violations</b>                        | Use<br>Parking or Loading Insufficient<br>Lot Frontage Insufficient<br>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 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:**

This project was previously reviewed by the BPDA for the ZBA hearing on March 26, 2024. Because no new plans have been submitted, the BPDA's recommendation has remained the same.



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,

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Director of Planning, BPDA



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| <b>Case</b>                              | BOA1547345  |
| <b>ZBA Hearing Date</b>                  | 2024-04-30  |
| <b>Address</b>                           | 1457 VFW PKWY West Roxbury 02132  |
| <b>Parcel ID</b>                         | 2919637000  |
| <b>Zoning District &amp; Subdistrict</b> | West Roxbury Neighborhood<br>MFR  |
| <b>Zoning Article</b>                    | 56  |
| <b>Project Description</b>               | Convert retail store into retail cannabis store with a processing and packaging facility for delivery |
| <b>Relief Type</b>                       | Variance  |
| <b>Violations</b>                        | Use<br>Buffer Zone Conflict   |

**Planning Context:**

The parcel is a 16,000 square foot property in West Roxbury, with VFW Parkway to the west and the Charles River to the east. The property contains two commercial buildings, and is directly north of a Mobil gas station and another commercial building. All of these properties sit within an MFR (multifamily residential zone), because these parcels are collectively just north of the Boston Trailer Park, the only mobile home park within Boston city limits.

The commercial properties to the north, east, and south of this multifamily district are all commercial. The current use is nonconforming commercial, and the applicant seeks to change the use of the rear building to a cannabis establishment.

**Zoning Analysis:**

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



not be visible from the street. This makes this location well suited for a cannabis delivery business. This location is an example of the need for zoning reform, to rezone properties operating as commercial uses to allow commercial use as-of-right. Were this to happen, the zoning relief needed would be a conditional use. Alternatively, the proponent could choose to request a map amendment to change this parcel's subdistrict to the surrounding commercial district. As noted by the Cannabis Board and Inspectional Services, this parcel is also within the 2640' radius from another preexisting cannabis establishment, which also makes this a forbidden use requiring zoning relief in the form of a variance. More specifically, "UpTop" is a dispensary approximately 700-800 feet to the southeast, on the other side of VFW Parkway. The Cannabis Board, in considering this condition, noted that while UpTop is a customer-facing business, this applicant is limited to delivery sales, and thus there is neither geographic market competition nor an increase in customer density, making the buffer requirement unreasonably restrictive.

The Cannabis Board heard a presentation at their September 13, 2023 from the applicant, and voted to grant them a conditional cannabis license pending zoning relief from the buffer zone variance, noting the lack of neighborhood impact from a cannabis delivery business. The BPDA affirms this analysis and conclusion, and that relief should be granted not only for the forbidden use, but also for the buffer zone, both of which require a variance. Future zoning reform may consider distinguishing not only cannabis retail and cannabis production, but also the categorization of delivery-only businesses as distinct from walk-in retail with respect to buffer zones. Either or both of these changes could reduce the need for variances like this, while retaining all of the existing regulatory requirements and oversight from the cannabis board and from other kinds of variance or conditional use situations.

**Recommendation:**

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



Reviewed,

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Director of Planning, BPDA





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| <b>Case</b>                              | BOA1550107   |
| <b>ZBA Hearing Date</b>                  | 2024-04-30   |
| <b>Address</b>                           | 451 E Seventh ST South Boston 02127  |
| <b>Parcel ID</b>                         | 0701539004   |
| <b>Zoning District &amp; Subdistrict</b> | South Boston Neighborhood<br>MFR   |
| <b>Zoning Article</b>                    | Article 68   |
| <b>Project Description</b>               | Change occupancy from 3 to 4 units. Demo lower level. Install 1 kitchen, 1 bathroom, and 2 bedrooms. Install new plumbing, electrical, and windows per code. |
| <b>Relief Type</b>                       | Variance   |
| <b>Violations</b>                        | FAR Excessive<br>Parking or Loading Insufficient<br>Side Yard Insufficient<br>Additional Lot Area Insufficient   |

**Planning Context:**

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

The dwelling is sited within a Multifamily Residential (MFR) subdistrict of South Boston. The MFR subdistrict allows denser, multi-unit housing. 451 E Seventh Street is a standard triple-decker style dwelling that is typical of the surrounding neighborhood, within which are built similar three-story flat-roof multifamily dwellings. As is typical for this specific area, and for the South Boston neighborhood overall, 451 E Seventh and the surrounding lots display high lot coverage, narrower setbacks, and a generally dense urban fabric. Furthermore, while the project has no off-street parking proposed, it is a 2 minute walk from the Route 11 bus stop. The project aligns with Boston Transportation Department’s parking maximum ratios guidelines, released in 2020.

**Zoning Analysis:**



451 E Seventh Street is located in a Multifamily Residential (MFR) subdistrict. The majority of the zoning violations are caused by pre-existing conditions of the lot and of the existing 3-family dwelling, which was built over a century ago, in 1905. This project is a case for zoning reform, both to update dimensional regulations to better reflect existing neighborhood conditions.

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

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

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

The plans reviewed for this project are titled "451 E 7th Street" and were prepared by Context. They are dated 2/28/22 and were reviewed by ISD on 2/13/24.

**Recommendation:**

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



Reviewed,

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Director of Planning, BPDA



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| <b>Case</b>                              | BOA1341015  |
| <b>ZBA Hearing Date</b>                  | 2024-04-30  |
| <b>Address</b>                           | 146 M ST South Boston 02127   |
| <b>Parcel ID</b>                         | 0604089002  |
| <b>Zoning District &amp; Subdistrict</b> | South Boston Neighborhood<br>MFR  |
| <b>Zoning Article</b>                    | 68  |
| <b>Project Description</b>               | The proponent is seeking a variance to build a roof deck and accompanying guardrail accessed through an in-unit staircase and roof hatch. |
| <b>Relief Type</b>                       | Variance  |
| <b>Violations</b>                        | Roof Structure Restrictions   |

**Planning Context:**

This project originally appeared before the Board on March 12th, 2024 and the proponent requested a deferral to allow for more time to confer with the City Point Neighborhood Association. No new plans have been submitted since then, so the original recommendation is below.

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

**Zoning Analysis:**

The height of the protective guardrail (5') of the roof deck triggers a roof structure restriction violation, since it is more than 1' above the highest point of the roof. However, the guardrail is necessary to keep residents safe. In MFR subdistricts, the allowed building height is 40'. The plans show that the height of the building with the guardrail is 38'11", below the cap for this subdistrict. Additionally, the guardrail is set back about 5' from the front face of the building, not



including the bay windows. The greater setback significantly reduces visibility from the street and sidewalk while still allowing the proponent ample outdoor space.

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

**Recommendation:**

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

Reviewed,

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Director of Planning, BPDA



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| <b>Case</b>                              | BOA1486245  |
| <b>ZBA Hearing Date</b>                  | 2024-04-30  |
| <b>Address</b>                           | 1260 Boylston ST Boston 02215   |
| <b>Parcel ID</b>                         | 0504230000  |
| <b>Zoning District &amp; Subdistrict</b> | Fenway Neighborhood<br>NS-1   |
| <b>Zoning Article</b>                    | Article 66  |
| <b>Project Description</b>               | Proposed use of an Immersive Gamebox establishment on the first floor of a newly constructed building. Immersive Gamebox is closest to an "amusement game machine in a commercial space". It is a "dry" social entertainment concept where customers play in interactive smart rooms. Scope of work will include construction of interior walls, 2 single restrooms, back of house area, and associated mechanical, electrical, and plumbing. |
| <b>Relief Type</b>                       | Conditional Use   |
| <b>Violations</b>                        | Conditional Use: Amusement Game Machines in Commercial Establishment  |

**Planning Context:**

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

**Zoning Analysis:**

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



Fenway. This use would be designated as Indoor Recreation through Squares + Streets Zoning. As outlined in Section 6-3 of the zoning code, the conditions for granting appeal of a Conditional Use are as follows:

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

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

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

**Recommendation:**

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



Reviewed,

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Director of Planning, BPDA





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| <b>Case</b>                              | BOA1565948  |
| <b>ZBA Hearing Date</b>                  | 2024-04-30  |
| <b>Address</b>                           | 196 Beech ST Roslindale 02131   |
| <b>Parcel ID</b>                         | 2000980000  |
| <b>Zoning District &amp; Subdistrict</b> | Roslindale Neighborhood<br>1F-6000  |
| <b>Zoning Article</b>                    | 67  |
| <b>Project Description</b>               | Erect a new single family dwelling on a vacant lot.   |
| <b>Relief Type</b>                       | Variance  |
| <b>Violations</b>                        | Existing Building Alignment<br>Lot Area Insufficient<br>Lot Width Insufficient<br>Rear Yard Insufficient<br>Lot Frontage Insufficient |

**Planning Context:**

The site of the proposed project is currently vacant with several mature trees, creating a dense forest canopy. The parcel is approximately 50 feet wide and 100 feet long; both side lot lines are slightly askew and not perfectly perpendicular to the front and rear lot lines.

The abutting lots on both sides and to the rear are occupied by 3-story single family dwellings.

The site is located one block east of West Roxbury Parkway in a residential neighborhood with predominately single-family dwellings.

**Zoning Analysis:**

There are three violations that relate to the parcel of land and two that relate to the proposed building.

In terms of the parcel, the lot on which the proposed project is located violates the dimensional requirements for minimum lot area (6,000 square feet), minimum lot frontage (60 feet), and minimum lot width (60 feet). The lot is 5,984 square feet with a lot frontage of 57.5 feet and lot width of 53.5 feet, falling short of the minimum requirements by a small margin. The lot size is 16 square feet short of the minimum 6,000 square feet, translating into a difference of only 0.2% from the requirement. Similarly, the lot is 2.5 feet or 4% short of the frontage requirement and 6.5 feet or 10% of the width requirement. These violations of the lot cannot be remediated by an



improved project design - they are inherent to the lot and would render the lot otherwise unbuildable. Given the dire housing crisis in Boston, preventing new housing based on these relatively minor discrepancies is inconsistent with the City's planning goals. Denying a project based on these grounds would create a hardship - a variance is required for reasonable use of the land.

In terms of the proposed building, the project is cited for violations relating to building alignment and the rear yard. Section 67-33 requires consistency with the existing building alignment, also known as front modal setback, of at least two other buildings fronting the same street along the same side of the street of the same block as the proposal. However, the proposed project is on a short block between two corner lots. The dwelling on the parcel to the east of the proposed project fronts the side street, not the street that the proposed project fronts. In other words, there is only one other building fronting the same street on the same side of the block; the provisions of Section 67-33 therefore should be waived. The project proposes a 26.6' setback; the underlying zoning requires a 25 foot setback, and this is aligned with the other property that fronts same side of the street and thus appropriate.

The proposed project has a rear yard of 34.6 feet, which falls short of the minimum rear yard (40 feet). The proposed front yard is 26.5 feet, which is 1.5 feet greater than the minimum. With consideration for protecting the mature trees on the lot, the proposed dwelling could move towards the street up to 1.5 feet, or it could be reduced in size. The proposed dwelling is currently more than 48 feet in length and 2,637 square feet. Given this size, reducing the depth of the dwelling would not preclude reasonable use; therefore it is requested that the project gain compliance with the rear yard setback.

**Recommendation:**

In reference to BOA1565948, The Boston Planning & Development Agency recommends APPROVAL WITH DESIGN REVIEW. The proponent should consider reducing the length of the building from front to back in order to comply with the rear yard setback of 40 feet.

Reviewed,

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

Director of Planning, BPDA



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| <b>Case</b>                              | BOA1540888   |
| <b>ZBA Hearing Date</b>                  | 2024-04-30   |
| <b>Address</b>                           | 53 to 57 Harvard ST Dorchester 02121   |
| <b>Parcel ID</b>                         | 1401495000   |
| <b>Zoning District &amp; Subdistrict</b> | Dorchester Neighborhood<br>2F-5000   |
| <b>Zoning Article</b>                    | 65   |
| <b>Project Description</b>               | 57 Harvard St proposes selling land from its parcel to 53 Harvard St to create a more desirable parcelization. |
| <b>Relief Type</b>                       | Variance   |
| <b>Violations</b>                        | Lot Area Insufficient<br>FAR Excessive<br>Rear Yard Insufficient<br>Change in Non-Conforming Use               |

**Planning Context:**

The Proposed Project would have 57 Harvard St sell part of its parcel to its neighbor, 53 Harvard St. As it currently exists, the parcel at 57 Harvard St extends behind the rear of 53 Harvard St, creating a "Porkchop" style parcel that severely limits what can be developed on either parcel. This Proposal would sell the irregular protrusion from 57 Harvard St, allowing both parcels to approximate a typical square or rectangle shape

**Zoning Analysis:**

There is no new construction proposed by this case. The only action is the sale of the land between the two landowners. The violations in this case are being triggered by an already existing building, but the parcel sale would technically create a smaller lot for which the existing building is too large.

While the sale would create a smaller parcel for 57 Harvard St, land being sold is an irregular shape with minimum utilization. The existing parcel helps to prevent potential existing violations but would keep the irregular portion of the parcel from ever being utilized to its full extent.

**Recommendation:**

In reference to BOA1540888, The Boston Planning & Development Agency recommends APPROVAL.



Reviewed,

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Director of Planning, BPDA



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| <b>Case</b>                              | BOA1575505   |
| <b>ZBA Hearing Date</b>                  | 2024-04-30   |
| <b>Address</b>                           | 151 Townsend ST Dorchester 02121   |
| <b>Parcel ID</b>                         | 1203398000   |
| <b>Zoning District &amp; Subdistrict</b> | Roxbury Neighborhood<br>3F-4000  |
| <b>Zoning Article</b>                    | Article 50   |
| <b>Project Description</b>               | Change the legal occupancy from a two-family dwelling to a four-family dwelling.   |
| <b>Relief Type</b>                       | Variance, Conditional Use  |
| <b>Violations</b>                        | Usable Open Space Insufficient<br>Parking design and maneuverability<br>Side Yard Insufficient<br>Additional Lot Area Insufficient<br>FAR Excessive<br>Use |

**Planning Context:**

The proposed project sits in a three-family residential subdistrict in the Roxbury neighborhood. The project's surroundings consist mostly of 2-2.5 story, 3-family and 4-6 unit residential dwellings. While there is no MBTA metro line in proximity to the site, the project is sited within immediate walking distance (<.25 mile) to MBTA stops for the 10, 14, 19, 22, 23, 28, 32, 34, 36, 38, and 44 bus routes. The project is also within a short walk of several civic amenities , including Horatio Harris Park, Malcolm X Park, the Shelburne Community Center, the Melnea A. Cass Recreational Complex, and several schools. This location makes the site a prime location for the introduction of additional family-sized dwelling units.

The proposed project seeks to increase the existing structure's occupancy from 2 to 4 dwelling units. The proposal includes two 2-bedroom units and two 3-bedroom units, and limits the scope of work to interior renovation. No external work to the existing structure is proposed (except for the creation of a new second story front balcony, which mirrors the dimensions of the structure's existing first story porch). This scope aligns with City planning goals of preserving housing stock, promoting housing diversity, and increasing housing availability, as detailed in Housing a Changing City, Imagine Boston 2030 (September 2018). It is also supported by the planning goals outlined in the Roxbury Strategic Master Plan (January 2004), which encourage the



creation of additional housing units in areas well-served by transit as well as preservation of Roxbury's existing housing stock and unique architectural character.

### **Zoning Analysis:**

While the project's proposed 4-unit occupancy is a use forbidden by zoning for the parcel, it is a common condition already existing on the block and throughout the surrounding area. According to the available assessing data, two-thirds of the residential structures on the block already have MFR-related uses. Future zoning reform should expand multifamily residential use allowances in the area to match its existing conditions.

The project's insufficient usable open space and additional lot area violations are existing conditions. They are triggered by the project's proposed occupancy increase (as they are requirements regulated by the number of dwelling units), not any physical change to the lot (none are proposed as a part of the project). Even still, these dimensions nearly comply with the underlying zoning requirements for the proposed occupancy, falling only a few feet short for each item. Because of this, the project's impacts should be considered minimal in this regard.

The project's proposed FAR violation stems from the addition of basement living space and GFA. Similarly to the violations listed above, this increase in FAR nearly complies with what is required by underlying zoning, exceeding the maximum figure by only a few feet. This condition is common in the area. Because the violation stems from the conversion of space within the existing structure (and not new construction), its presence should have little to no effect on the surrounding area.

The project's side yard violation is an existing nonconformity condition. While the proposal does include plans to extend the nonconformity (by creating a 2nd story front balcony atop the footprint of the existing 1st story front porch), those plans do not worsen the dimension or encroach further than what already exists into the required side yard.

Regarding the project's parking design violation, Section 50-43 of the Code requires a conditional use permit for any parking condition not exclusive to the singular lot it services. Because the site's parking is accessed through a shared drive aisle with the neighboring lot, this provision is triggered. The shared parking easement is an existing condition, not proposed to be altered or extended. Because of this, a conditional use permit for the parking should be granted for the project.



A proviso for BPDA Design Review has been added to this recommendation to confirm materiality and address small issues related to the design. Further, no Building Code relief should be granted to the project's basement living space.

**Recommendation:**

In reference to BOA1575505, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review, that no building code relief be granted.

Reviewed,

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Director of Planning, BPDA



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| <b>Case</b>                              | BOA1538643   |
| <b>ZBA Hearing Date</b>                  | 2024-04-30   |
| <b>Address</b>                           | 40 Dimock ST Roxbury 02119   |
| <b>Parcel ID</b>                         | 1100947100   |
| <b>Zoning District &amp; Subdistrict</b> | Roxbury Neighborhood<br>CF   |
| <b>Zoning Article</b>                    | Article 50   |
| <b>Project Description</b>               | Convert existing clinical/treatment use, which expired in February, 2023, to a permanent Certificate of Occupancy. |
| <b>Relief Type</b>                       | Conditional Use  |
| <b>Violations</b>                        | Conditional Use (Clinic)   |

**Planning Context:**

The proposed project is an existing clinical/treatment use in Roxbury and sits directly across from another treatment center. A CVS, Boston Suffolk County-Family Resource Center, a public safety office, and a fire department are located in the vicinity of this site. The proposed conversion of the existing clinical/treatment use to a permanent Certificate of Occupancy is appropriate given the existing facility uses.

**Zoning Analysis:**

Article 6, Section 3 outlines the conditions required for approval of use: The Board of Appeal shall grant any such appeal only if it finds that all of the following conditions are met:

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





(f)if such appeal relates to a Development Impact Project, as defined in Section 80B-7, the applicant shall have complied with the Development Impact Project Exaction requirements set forth in Section 80B-7.3; and

(g)if such appeal relates to a Proposed Project in an area designated a Greenbelt Protection Overlay District as defined in Section 29-2, the Applicant shall have complied with the requirements set forth in Section 29-3 and Section 29-5 and the standards set forth in Section 29-6.

The proposed project meets all the applicable requirements (i.e. a - e).

**Recommendation:**

In reference to BOA1538643, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rand", is written over a faint blue grid background.

Director of Planning, BPDA



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| <b>Case</b>                              | BOA1547905   |
| <b>ZBA Hearing Date</b>                  | 2024-04-30   |
| <b>Address</b>                           | 120 Brookline AVE Boston 02215   |
| <b>Parcel ID</b>                         | 0504329000   |
| <b>Zoning District &amp; Subdistrict</b> | Fenway Neighborhood<br>Fenway Triangle NDA   |
| <b>Zoning Article</b>                    | 66   |
| <b>Project Description</b>               | Transfer of ownership of existing cannabis establishment with proviso to new occupant.                 |
| <b>Relief Type</b>                       | Conditional Use  |
| <b>Violations</b>                        | Other Protectional Conditions:<br>Removal/reassignment of Existing proviso order "to petitioner only." |

**Planning Context:**

This proposal does not include any alterations or work to be done to the existing building or grounds. In 2022, MedMen Boston, LLC was granted a Marijuana Retailer License by the Boston Cannabis Board for operation at 120 Brookline Avenue. As of the January 17, 2024 meeting of the Boston Cannabis Board, the proponent as stated that "MedMen Boston, is in the process of selling/transferring all of the assets of its dispensary located at 120 Brookline Avenue to the proposed new licensee, Fenway Cannabis Company."

**Zoning Analysis:**

This project is located in the Fenway Neighborhood District, within a Neighborhood Development Area overlay district, pursuant to Article 66 of the Zoning Code. In conjunction with the license issued by the Boston Cannabis Board, the operator of the facility was granted a Conditional Use Permit by the Zoning Board of Appeal in March 2019, with the Proviso, "Conditional use permit applicable to use by MedMen Boston, Inc. only." The proposed new licensee, Fenway Cannabis Company, was granted a conditional permit pending zoning relief for a buffer zone conflict with another cannabis establishment. The Cannabis Board voted to transfer the license for the cannabis conditional use pending zoning relief for the buffer zone conflict. As this proposal represents the continued operation of an existing establishment, it is suggested that zoning relief be granted for the persistence of an existing use.

**Recommendation:**



In reference to BOA1547905, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPDA



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| <b>Case</b>                              | BOA1575468  |
| <b>ZBA Hearing Date</b>                  | 2024-04-30  |
| <b>Address</b>                           | 350 to 352 Hanover ST Boston 02113  |
| <b>Parcel ID</b>                         | 0302304000  |
| <b>Zoning District &amp; Subdistrict</b> | North End Neighborhood<br>HANOVER CC  |
| <b>Zoning Article</b>                    | 54  |
| <b>Project Description</b>               | Change occupancy from 2 apartments, 1 barbershop, and restaurant to 2 apartments and restaurant; expand existing restaurant at 352 Hanover. |
| <b>Relief Type</b>                       | Conditional Use, Variance   |
| <b>Violations</b>                        | Nonconforming Use Change<br>Use Regulations   |

**Planning Context:**

Building is a 2.5 story mixed use building in the North End, on the Hanover St commercial corridor, in the Hanover Community Commercial zoning subdistrict. Proponent wants to change the ground floor use from a barbershop/restaurant combination to an expanded restaurant, retaining the apartments above. The existing restaurant is being maintained, the wall separating the two spaces would be removed, and the space currently occupied by the barbershop would be additional space for the restaurant. While some changes will be made accordingly to the facade and exterior door, those do not trigger other zoning violations. A restaurant in the North End on Hanover Street is a contextually appropriate use, leading to the general observation that reform is likely appropriate to unnecessary zoning violations arising from this predictable aspect of growing businesses. Allowing an existing business to generally be in the same location and continue to serve its existing customer base aligns with work happening in other City departments, like Economic Opportunity and Inclusion, and Small Business Development. As noted in Imagine Boston 2030, a core principle of planning citywide is to "encourag[e] job growth and small business growth."

**Zoning Analysis:**

Article 9, Section 2 notes that a change in a nonconforming use can be changed to another nonconforming use with a conditional use permit via Article 6, also noting that upon such a



change, the existing permit would be terminated. Were this new conditional use permit to be granted, the current permit would be removed.

A change needs to meet the following conditions of Article 6:

- the specific site is an appropriate location for such use: the restaurant already exists, and only minor changes are needed to this new space to accommodate the use.
- the use will not adversely affect the neighborhood: the restaurant already has no adverse effects.
- no hazard to vehicles or pedestrians: no outdoor effects should be noticeable by users of the public realm.
- no nuisance will be created: given the proposed use and lack of changes to the structure, no nuisance seems possible.
- appropriate facilities will be provided: these appear present per the plans.

Relief is appropriate via the granting of a conditional use.

Additionally, though the refusal letter describes this violation as Article 9, Section 2 (additionally noted above, for completion), per Article 9, Section 1, a preexisting nonconforming use can only expand by 25%, so this larger expansion into the next-door space triggers a zoning violation requiring a variance. This space is pre-existing, and serves to better enable the restaurant to serve its business needs and the dining needs of the North End and greater Boston community. There is no other feasible way that the restaurant could otherwise accommodate more space, and relief is appropriate.

Article 54, Table B notes that "take-out restaurant, small" is a conditional use in Community Commercial subdistricts. Therefore, a conditional use permit is needed for this nonconforming use. As noted above, this use does appear quite reasonable and well-suited for this location. Relief is appropriate, and zoning reform should consider adjusting use regulations to remove the need for action by the Board of Appeal for uses that are not only present but also desirable in commercial areas like this one, such as through land use modernization.

**Recommendation:**

In reference to BOA1575468, The Boston Planning & Development Agency recommends APPROVAL.



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

**MEMORANDUM**

**JANUARY 18, 2024**

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

**FROM:** CASEY HINES, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW  
STEPHEN HARVEY, SENIOR PROJECT MANAGER  
SAM ROY, TRANSPORTATION PLANNER II  
EILEEN MICHAUD, PLANNER I

**SUBJECT:** 804 EAST SEVENTH STREET, SOUTH BOSTON  
NOTICE OF PROJECT CHANGE

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**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 804 East Seventh Street in South Boston (as defined below, the "Proposed Project"), in accordance with Article 80E, Small Project Review of the Boston Zoning Code (the "Code"), and with the Notice of Project Change for the Proposed Project; and (2) execute and deliver an Affordable Housing Agreement ("AHA") in connection with the Proposed Project; and (3) enter into a Community Benefits Agreement in connection with the Proposed Project, and take any other action and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

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**PROJECT SITE**

The Proposed Project is located on approximately 17,500 square feet of land located at 804 East 7th Street in the City Point section of the South Boston neighborhood (the "Project Site"). The Project Site is currently occupied by a vacant three-story building formerly used as a nursing home with frontage along both East Seventh Street and East Sixth Street.

The Project Site is located within a short walking distance of MBTA bus service which provides access to MBTA Red Line subway service at Broadway Station.

**DEVELOPMENT TEAM**

The development team includes:

Proponent: Cabot Ronan LLC  
Edward T. Ahern, Jr. & Stuart Mullally

Architect: Choo & Co. Inc.  
Arthur K.F. Choo & Shane Losi

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

**BACKGROUND**

On August 27, 2021, 804 East 7th Street, LLC filed a Small Project Review Application with the BPDA, pursuant to Article 80E of the Boston Zoning Code. The 2021 proposal included the adaptive re-use of the existing structure occupying the Project Site resulting in a three (3) story, approximately 31,000 gross square foot residential building that was to include twenty-one (21) dwelling units, including three (3) IDP units and up to twenty-one (21) off-street vehicle parking spaces. The Proposed Project also included an interior bicycle storage room with space for twenty-one (21) bicycles and up to six (6) exterior bicycle storage spaces. (the "Approved Project").

The BPDA subsequently sponsored and held a public meeting on September 23, 2021, to solicit feedback from members of the community and review the Proposed Project. The public meeting was advertised in local papers and the public comment period concluded on October 1, 2021. The Proponent revised the Proposed Project and submitted supplemental information to the BPDA on November 30, 2021 and January 3, 2022. The BPDA sponsored and held a second public meeting in connection with the revisions to the Proposed Project on January 26, 2022. A second public comment period in connection with the Proposed Project concluded on February 1, 2022. The BPDA Board approved the Approved Project on February 10, 2022.



**NOTICE OF PROJECT CHANGE**

On November 17, 2023, the BPDA accepted a Notice of Project Change (“NPC”) from Cabot Ronan LLC, and in connection with the Approved Project. The NPC proposes a transfer in ownership from 804 East 7<sup>th</sup> Street LLC to Cabot Ronan LLC, the reconfiguration of interior building space across all floors, resulting in a reduction in the number of residential units from twenty-one (21) to sixteen (16), with a commensurate reduction in the number of Inclusionary Development Policy (“IDP”) units from three (3) to two (2), a reduction in floor area ratio (“FAR”) from 1.68 to 1.43, a reduction in off-street vehicle parking from twenty-one (21) to sixteen (16), and an increase in the number of interior bicycle parking spaces from twenty-one (21) to thirty-two (32), with an additional ten (10) outdoor visitor bicycle spaces (the “Proposed Project”).

With the proposed update and change(s), the Proposed Project would result in a residential development with approximately 25,112 square feet of gross floor area with a total of sixteen (16) residential condominium units for sale, of which two (2) would be designated as IDP condominium units for sale, a maximum of sixteen (16) off-street vehicle parking spaces, a minimum of thirty-two (32) interior secure resident bike parking spaces, a minimum of ten (10) exterior visitor bike parking spaces (City standard post-and-ring racks), and associated open space and other public realm improvements. The sixteen (16) residential condominium units now include eleven (11) two-bedroom units and five (5) three-bedroom units, representing a greater proportion of family-sized units than previously proposed.

The table below summarizes the NPC Project’s key statistics in comparison to the Approved Project.

| <b><u>Estimated Project Metrics</u></b> | <b>Sep. 2022 Approval</b> | <b>Revised Plan</b> | <b>Net Change</b> |
|---|---------------------------|---------------------|-------------------|
| <b>Gross Square Footage</b>             | 31,579                    | 31,952              | 373               |
| <b>Gross Floor Area</b>                 | 25,574                    | 25,900              | 326               |
| <i>Residential</i>                      | 23,408                    | 25,112              | 1,704             |
| <i>Office</i>                           | 0                         | 0                   | 0                 |
| <i>Retail</i>                           | 0                         | 0                   | 0                 |

|                              |              |              |         |
|------------------------------|--------------|--------------|---------|
| <i>Lab</i>                   | 0            | 0            | 0       |
| <i>Medical Clinical</i>      | 0            | 0            | 0       |
| <i>Education</i>             | 0            | 0            | 0       |
| <i>Hotel</i>                 | 0            | 0            | 0       |
| <i>Industrial</i>            | 0            | 0            | 0       |
| <i>Recreational</i>          | 0            | 0            | 0       |
| <i>Cultural</i>              | 0            | 0            | 0       |
| <i>Parking</i>               | 4,854        | 2,870        | (1,984) |
| <b>Development Cost Est.</b> | \$12,000,000 | \$12,000,000 | \$0     |
| <b>Residential Units</b>     | 21           | 16           | (5)     |
| <i>Rental Units</i>          | 0            | 0            | 0       |
| <i>Ownership Units</i>       | 21           | 16           | (5)     |
| <i>IDP/Affordable Units</i>  | 3            | 2            | (1)     |
| <b>Parking spaces</b>        | 21           | 16           | (5)     |

**PLANNING CONTEXT**

The Proposed Project is located in a multifamily residential subdistrict of the South Boston Neighborhood Zoning District. The site spans the full block between East 7th and East 6th Streets, adjacent to Columbia Road, a major parkway. This section of South Boston is characterized by 3 and 4 story residential uses with intermittent ground floor retailers. These include restaurants, retail, salons, and banks. There are also several civic uses in the area, including the Oliver Hazard Perry School and the Francis L Murphy Skating rink to the north. Immediately across Columbia Road from the proposed project is the M Street Beach public open space.

No recent neighborhood plans are relevant to the project site, so planning staff

reviewed this project within the context of the existing built environment, and citywide plans and policies including such as Complete Streets Guidelines, Imagine Boston: 2030, Go Boston: 2030, and Housing Boston: 2030.

The Proposed Project seeks to reuse an existing two story nursing home through a change of occupancy to multifamily residential and the addition of a third floor. The overall site plan is largely consistent with the existing condition as the Proposed Project retains the current building footprint.

In response to staff and community feedback, the proponent made several design updates over the course of the review process. The proponent has reduced the number of units from 21 to 16. In addition, the proponent changed the composition of many of the units from 1 bedroom to 2 and 3 bedroom units.

### **ARTICLE 80 REVIEW PROCESS**

On November 17, 2023, the Proponent filed a Notice of Project Change (“NPC”) in connection with the Proposed Project. The BPDA sponsored and held a virtual public meeting on January 3, 2024, via Zoom. The meeting was advertised in the local newspapers, posted on the BPDA website and a notification was emailed to all subscribers of the BPDA’s South Boston and South Boston Waterfront neighborhood update lists. The public comment period ended on January 10, 2024. Outside of the BPDA sponsored public meeting, the Proponent conducted additional outreach with abutters, the City Point Neighborhood Association, and local elected officials to solicit feedback and review the Proposed Project.

### **ZONING**

The Project Site is in the South Boston Neighborhood District governed by Article 68 of the Code and more specifically within the Multifamily Residential (MFR) Subdistrict, and Restricted Parking District. The Proponent expects that a zoning variance will be needed for an insufficient front yard setback at the East Seventh Street side of the Project Site, as well as Board of Appeal approval pursuant to Article 29-4 (“Greenbelt Protection Overlay District”).

### **MITIGATION AND COMMUNITY BENEFITS**

The Proponent has agreed to enter into a Community Benefits Agreement, and sign and deliver any other letters, agreements, and documents necessary in connection with the following mitigation and community benefits for the South Boston neighborhood and the City of Boston (the “City”):

- Public realm improvements that include installation/planting of approximately four (4) trees, reconstruction of sidewalks, and other landscaping enhancements in and around the Project Site, consistent with the City’s Complete Streets Guidelines. The improvements shall be completed before the issuance of the Certificate of Occupancy for the Proposed Project.
- In-kind pedestrian access and safety improvements to the intersection of Columbia Road and East Seventh Street. The conceptual improvements shall be developed and provided by the applicable City departments/agencies and may include a curb bump-out, sidewalk extension, or other similar types of traffic calming measures at the East Seventh Street and Columbia Road intersection. The Proponent shall contribute up to forty thousand dollars (\$40,000) to design and implement the proposed improvements and shall complete them before Certificate of Occupancy issuance for the Proposed Project.
- Installation of approximately ten (10) publicly accessible exterior bicycle racks and a financial contribution of five thousand seven hundred seventy-five dollars (\$5,775.00) to support the City’s bike-share system. The financial contribution shall be due upon building permit issuance and shall be made payable to the “Boston Transportation Department” or another entity as directed by the BPDA.
- A financial contribution of ten thousand dollars (\$10,000.00) to the South Boston Special Kids & Young Adults Corp (MA Identification Number 001268734), a local 501c3 non-profit organization that provides group activities for community members with mental health and/or physical challenges. The financial contribution shall be made payable to “South Boston Special Kids & Young Adults Corp” and due upon building permit issuance for the Proposed Project;
- The creation of approximately forty-five (45) construction-related jobs throughout the construction of the Proposed Project;
- The Proponent will provide a secure and enclosed ground floor trash/recycling room with direct curbside accessibility for both building residents and collection services;

- The Proponent will provide the BPDA with evidence showing that the above-referenced mitigation and community benefits have been satisfied. BPDA approved construction signage must be installed at the project construction site(s) before and during project construction. The signage must be in the form of panels at highly visible locations at the construction site(s) or around the construction site perimeter and must be next to each other. The BPDA will work with the Proponent to provide high-resolution graphics that must be printed at a large scale (minimum 8 feet by 12 feet).

**INCLUSIONARY DEVELOPMENT POLICY**

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (the "IDP") and is located within Zone B, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. In this case, two (2) units, or approximately 12.5% of the total number of units within the Proposed Project, will be created as IDP homeownership units (the "IDP Units"), of which one (1) unit will be made affordable to households earning not more than 80% of AMI, as published by the BPDA and based upon data from the United States Department of Housing and Urban Development ("HUD"), and published by the BPDA, and one (1) unit will be made affordable to households earning not less than 80% of AMI but not more than 100% of AMI.

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

| Unit Number | Number of Bedrooms | Square Footage | Percent of Area Median Income | Maximum Sale Price | ADA/Group 2 Designation (if any) |
|-------------|--------------------|----------------|-------------------------------|--------------------|----------------------------------|
| 103         | 3                  | 1,094          | 100% AMI                      | \$378,000          |                                  |
| 204         | 2                  | 1,088          | 80% AMI                       | \$258,500          |                                  |

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

on the same floors, and must be consistent in bedroom count with the entire Proposed Project.

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

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

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

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

In addition, the Proponent is required to make a partial unit IDP contribution of \$19,660 to the IDP Special Revenue Fund (“IDP Fund”), held by the City of Boston Treasury Department, and managed by the City of Boston Mayor’s Office of Housing. This payment will be made at the time of the building permit. Combined, this partial unit contribution together with the two (2) designated IDP Units satisfies fully the IDP requirements pursuant to the December 10, 2015 IDP.

### **RECOMMENDATIONS**

The Proposed Project complies with the requirements set forth in Section 80E of

the Code for Small Project Review. Therefore, BPDA staff recommends that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project; (2) execute and deliver an Affordable Housing Agreement ("AHA") in connection with the Proposed Project; and (3) enter into 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.

**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"), for the development at 804 East Seventh Street project in the South Boston neighborhood, for the construction of a three (3) story, approximately 25,112 gross square foot residential building that will include sixteen (16) residential condominium units for sale, including two (2) IDP units, and up to sixteen (16) off-street vehicle parking spaces (the "Proposed Project"), in connection with the Notice of Project Change submitted by Cabot Ronan LLC (the "Proponent") on November 17, 2023, subject to continuing design review by the Boston Redevelopment Authority ("BRA"); and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to execute and deliver an Affordable Housing Agreement for the creation of two (2) IDP Units in connection with the Proposed Project; and

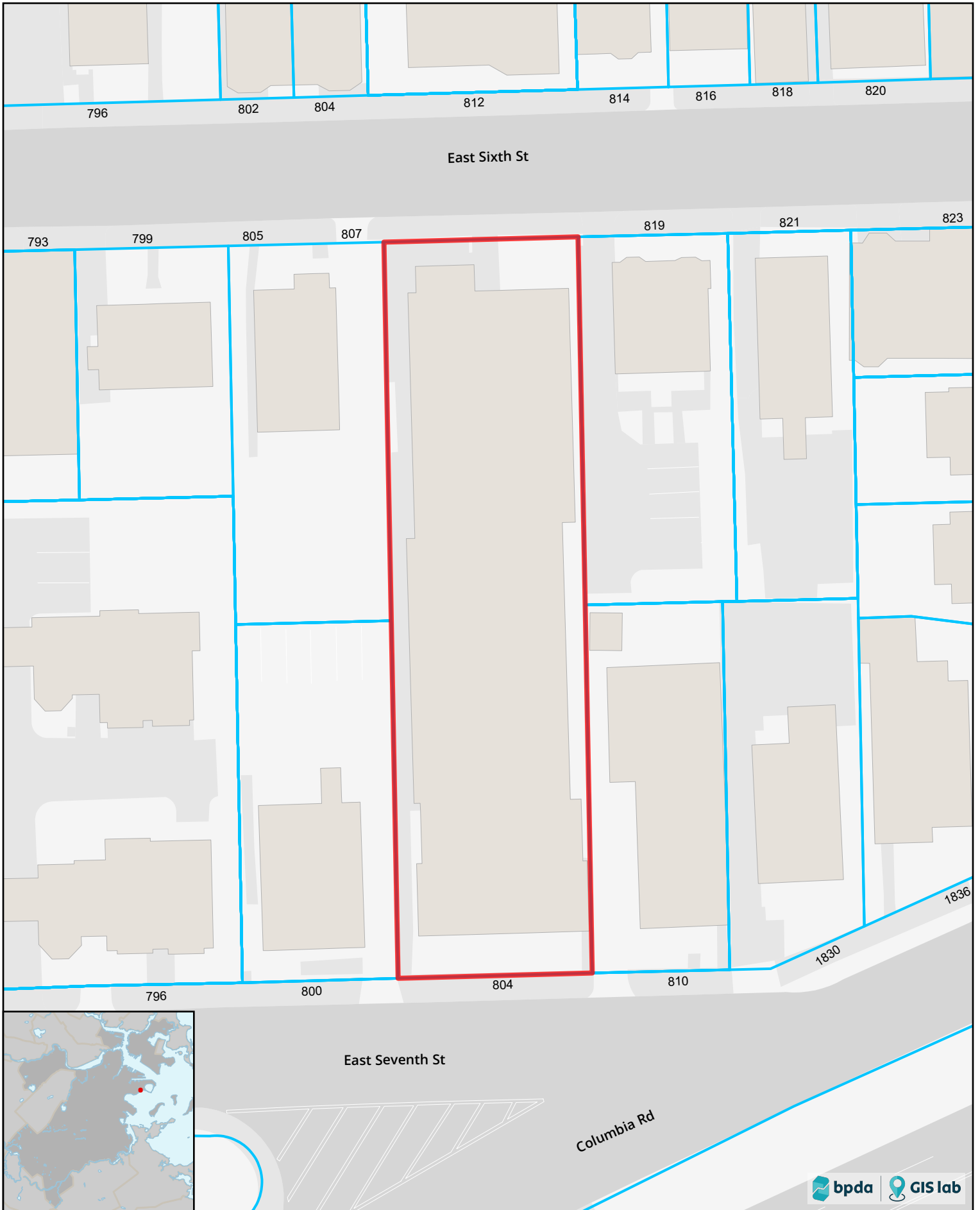
**FURTHER**

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

# 804 East 7th Street



1:500

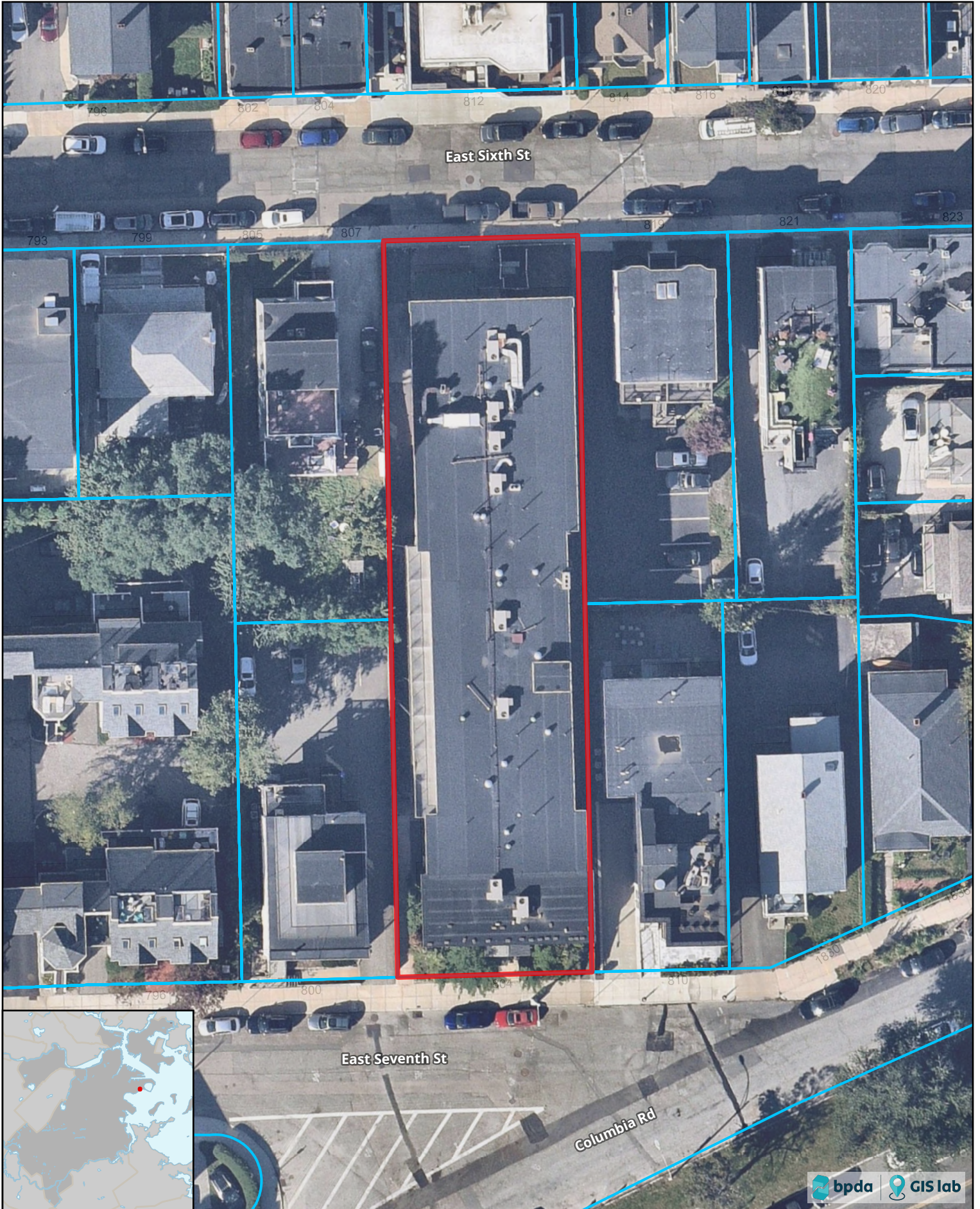




# 804 East 7th Street



1:500





To: Stephen Harvey , BPDA  
From: Yang Yang, PWD  
Date: 11/24/2023  
Subject: 804 E. 7th Street- Boston Public Works Department Comments

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Included here are Boston Public Works Department comments for the 804 E. 7th Street NPC.

**Project Specific Scope Considerations:**

The developer should coordinate with BPDA, BTDA, and PWD to develop safety and accessibility improvements for all modes of transportation in the area. The developer should verify and reconstruct the existing pedestrian ramps and crossings as needed, specifically those at P Street and Columbia RD intersection.

**Site Plan:**

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

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

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

**Sidewalks:**

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

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

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

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

**Driveway Curb Cuts:**



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(617) 635-4900



# CITY of BOSTON

Michelle Wu, Mayor

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

## **Discontinuances:**

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

## **Easements:**

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

## **Landscaping:**

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

## **Street Lighting:**

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

## **Roadway:**

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

## **Additional Project Coordination:**

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

## **Green Infrastructure:**

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



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**Resiliency:**

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

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

Sincerely,

**Jeffrey Alexis**  
Principal Civil Engineer  
Boston Public Works Department  
Engineering Division

CC: Para Jayasinghe, PWD  
Todd Liming, PIC



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**MEMORANDUM**

**October 12, 2023**

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

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

**SUBJECT:** 1558 TREMONT STREET, MISSION HILL

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority (“BRA”) d/b/a Boston Planning & Development Agency (“BPDA”) authorize the Director to: (1) issue a Scoping Determination waiving further review pursuant to Section 80B-5.3(d) of the Boston Zoning Code (the “Code”) in connection with the Project Notification Form submitted to the BPDA on February 17, 2022 (the “PNF”), by Tremont & Pontiac, LLC (the “Proponent”) for the 1558 Tremont Street Project (the “Proposed Project”, defined below) in the Mission Hill neighborhood of Boston; (2) issue a Certification of Compliance under Section 80B-6 of the Code upon successful completion of the Article 80 review process; (3) enter into an Affordable Rental Housing Agreement and Restriction (“ARHAR”) and a Cooperation Agreement in connection with the Proposed Project; and take any other actions and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

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**PROJECT SITE**

The Proposed Project is located at 1558 Tremont Street in Mission Hill. (the “Project Site”). The Project Site consists of two (2) parcels known as 1558 Tremont Street

(parcel 1000605000) and (parcel 1000609000) Pontiac Street (the “Project Site”), comprising approximately 20,687 square feet. The site currently consists of a vacant three-story structure, which will be demolished to allow for the construction of the new building. The Proposed Project is well served by public transportation as it is located in close proximity to MBTA Greenline Brigham Circle, Longwood Medical Area and Fenwood Road. The area is also served by multiple bus routes which serve points throughout Boston and surrounding neighborhoods.

**DEVELOPMENT TEAM**

Proponent/Developer: Tremont & Pontiac LLC  
223 Harvard Avenue #13  
Boston, MA 02134  
Jason Savage

Architect: Embarc Studio  
580 Harrison Avenue  
Boston, MA 02118  
Dartagnan Brown

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

Landscape Architect: Michael D’Angelo Landscape Architecture  
732 East Broadway  
Boston, MA 02127  
Nicholas Campanelli

Permitting Consultant: Vanasse Hangen Bruslin, Inc.  
99 High Street  
Boston, MA 02111  
Elizabeth Grob

Civil Engineering: Civil Environmental Consultants LLC  
8 Oak Street

Peabody, MA 01960  
Len Bouffard

MEP Engineer: Wozny/Barbar and Associates, Inc.  
1076 Washington Street  
Hanover, MA 02339  
Zbigniew Wozny

Transportation Engineer: Tech Engineering Corp.  
146 Dascomb Road  
Andover, MA 01810  
Elizabeth Oltman

Sustainability Consultant: Soden Sustainability Consulting  
19 Richardson Street  
Winchester, MA 01890  
Colleen Sodon

**DESCRIPTION AND PROGRAM**

The Proponent is proposing the demolition of the existing three-story vacant building and constructing a six (6) story, mixed-use multi-family building with ninety-five (95) residential units, approximately 3,228 SF of first floor retail, and fifty-three (53) parking spaces (25% EV spaces, 75% EV ready) for the Boston’s Basilica Our Lady Of Perpetual Help Church and the building’s residents (the “Proposed Project”). Collectively, the Proposed Project will contain approximately 74,596 SF of gross floor area. The new building will incorporate landscape and hardscape improvements, including an outside café area, and significant improvements to the public realm.

The residential building will contain ninety-five (95) rental units, consisting of fifty-nine (59) studio units, twenty-two (22) one-bedroom units, and fourteen (14) two-bedroom units.

The Proponent plans to commence construction of the Proposed Project in the first quarter of 2024. There is an estimated 130+/- construction jobs contributing to the

Proposed Project. The total development cost is approximately Twenty-Four Million Dollars (\$24,000,000).

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

| <b><u>Estimated Project Metrics</u></b> | <b>Proposed Plan</b> |
|---|----------------------|
| <b>Gross Square Footage</b>             | 74,596               |
| <b>Gross Floor Area</b>                 | 64,322               |
| <i>Residential</i>                      | 51,809               |
| <i>Office</i>                           | 0                    |
| <i>Retail</i>                           | 3,228                |
| <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>                          | 19,559               |
| <b>Development Cost Estimate</b>        | \$24,000,000         |
| <b>Residential Units</b>                | 95                   |
| <i>Rental Units</i>                     | 95                   |
| <i>Ownership Units</i>                  | 0                    |
| <i>IDP/Affordable Units</i>             | 16                   |
| <b>Parking spaces</b>                   | 53                   |

**ARTICLE 80 REVIEW PROCESS**



On July 22, 2021, the Proponent filed a Letter of Intent (“LOI”) in accordance with the BPDA’s policy regarding Provision of Mitigation by Development Projects in Boston. On February 17, 2022, the Proponent filed a Project Notification Form (“PNF”), which commenced a comment period that ran through November 14, 2022. The BPDA hosted virtual IAG meetings on March 22, 2022, May 9, 2022, September 28, 2022, and October 24, 2022. The BPDA also sponsored virtual public meetings on June 21, 2022, October 25, 2022, and April 20, 2023. All meetings were advertised in the relevant neighborhood newspaper, the Mission Hill Gazette, posted on the BPDA website, and a notification was emailed to all subscribers of the BPDA’s Mission Hill neighborhood update list.

### **PLANNING CONTEXT AND CITY STAFF REVIEW**

The Proposed Project at 1558 Tremont Street is not located within the boundaries of a recent planning initiative, so staff reviewed this project under the lens of existing zoning requirements, neighborhood context, and City housing production goals. The proposed project is located in Article 59, the Mission Hill Neighborhood District, straddling the boundaries of 2 zoning subdistricts, Multifamily Residential-1 (MFR-1) and Neighborhood Shopping (NS). While the proposed height of approximately 60 feet is over 10-feet taller than the less restrictive zoning requirements of Neighborhood Shopping and the proposed FAR is almost 2 times greater, the proposed density is justified. The creation of 95 total units with 17% on-site IDP contribution, streetscape and public realm improvements, and the site’s proximity to rapid transit, retail, and the Longwood Medical Area is an exemplary scenario for greater residential density.

During the course of review, the proposed project decreased its height from 7 to 6 stories to better relate to the surrounding neighborhood scale, steeply graded topography, and zoning requirements. The proposed density of the site is further mitigated by new curb extensions on St. Alphonsus Street at Tremont Street, the addition of two new street trees and protection of three existing street trees, and a significant ground floor setback on Tremont Street to create outdoor space for a retailer. Lastly, the provision of all IDP units on-site, as opposed to a previous

version in which some IDP units were planned as condos at an off-site location, furthers the Housing Boston 2030 goals to support housing stability across the City.

### **ZONING**

The Project Site is located within both the Neighborhood Shopping (“NS”) and Multi-Family (MFR-1) zoning subdistricts of the Mission Hill Neighborhood District, which are governed by Article 59 of the Code. The Proposed Project is anticipated to need relief from the Zoning Board of Appeals for the following variances:

- Floor Area Ratio
- Building Height
- Use-Retail Forbidden in MFR
- Open Space
- Rear Yard
- Parking

### **MITIGATION & COMMUNITY BENEFITS**

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

- Creating sixteen (16) affordable units, which will exceed the City’s IDP requirements.
- Deliver significant improvements to the public realm, by reconstructing and expanding sidewalks, installing street trees, expanding an existing bus stop, and implementing other pedestrian amenities to further improve the public realm.
- Encourage alternative modes of transportation due to the proximity to public transportation.
- Comply with the 2021 Bike Parking Guidelines, creating a dedicated bike room within the building with 96 bike spaces dedicated to encourage bicycling as a mode of transportation, allowing less vehicular traffic and installing a 15-bike bikeshare station on site
- Creation of approximately one hundred-thirty (130) construction jobs.
- The Proponent shall make a Fifteen-Thousand dollars (\$15,000.00) 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 Mission Hill Playground located near this Proposed Project in Mission Hill.

Amount: \$15,000.00

Timeline: The \$15,000.00 contribution is due upon issuance of the Certificate of Occupancy.

### **SUSTAINABILITY & RESILIENCY**

The Proposed Project will be designed and constructed to be LEED Gold certifiable under the LEED v4 BD+C: New Construction and Major Renovation rating system and the Building 2035 pCEI is modeled to be 1.5 kg CO<sub>2</sub>e/sf-yr. The Proposed Project is pursuing Passive House Standard. Based on the Passive House Feasibility Study outcome, the Proposed Project will be on track to meeting PHIUS's stringent energy reduction goals. In pursuit of meeting Passive House Standard, the design team is taking into consideration PHIUS' sister certification program requirements, including, EPA Energy Star New Home Program, DOE Zero Energy Ready Home Requirements, and the EPA Indoor Airplus requirements.

The building envelope will include continuous exterior insulation in all walls, roofs, and slab components which results in very good assembly U-values and increases the building's thermal mass. The Proposed Project airtightness will be 0.06 ACH/cfm/sf. Additionally, the Proposed Project will have all electric heating, cooling and domestic hot water systems. Domestic hot water shall be provided by a central, or semi-central, plant composed of air source heat pumps which will utilize electricity and the vapor/refrigeration cycle for heat production. Heating and cooling shall be provided by air source heat pumps connected to an interior branch controller serving individual fan coil units. Bathroom faucets will be rated at 1.0 gallons per minute and showerheads will be rated at 1.5 gallons per minute. 100% of lighting, including interior, exterior, and parking lot lighting will be high efficacy LED. High efficiency appliances (ENERGY STAR where applicable) will be installed throughout, including refrigerators, dishwashers, washers, and dryers. The Proponent will continue to investigate the inclusion of installed solar PV and will

commit to system installation or provide three competitive installation proposals and feasibility analysis. Additionally, the Proponent will continue to evaluate a) setting up new residential units using Boston Community Choice Electricity program's Green 100 option and informing tenants of the benefits of using renewable electricity and b) the purchase of 100% renewable electricity from Boston Community Choice Electricity, or similar, for building common area loads.

### **SMART UTILITIES**

The buildings and site plan will comply with the Smart Utilities requirements found in Article 80B of the Code. The Project shall incorporate best practice green infrastructure standards within the public realm, when applicable. These elements include but are not limited to porous curb extensions, bio-retention strategies and/or rain gardens. The Proposed Project will also include smart streetlights standards for new sidewalks, including city shadow conduit and dual handholes in accordance with PIC requirements when applicable. The Proposed Project will also adhere to the City of Boston's EV readiness program and shall have 25% of parking spaces EVSE- Installed and the remaining 75% EV-Ready for future installation. Utilities in any city right of way will be designed to conform with Public Works Department standards and will undergo further review to ensure utility laterals are not in conflict with any landscape design feature such as tree pits and/or other green infrastructure elements. The Proposed Project will also provide a plan to address relevant conflicts reported through COBUCS if/as relevant along Tremont St. for the proposed lateral connections shown on the utility site plan.

### **TRANSPORTATION**

A high-quality environment for all travelers is a key feature of the Proposed Project. To support new residents and visitors and mitigate impacts to the surrounding transportation systems, the Project includes the following transportation mitigation measures:

- Upon issuance of the full Building Permit, the Proponent will make a one-time "bikeshare" contribution of \$49,000.00 to Boston Transportation Department ("BTD") per the City's Bike Parking Guidelines as well as provide space for one (1) 15 dock bike share station onsite upon issuance of Certificate of Occupancy. The proponent will work with BTD and the BPDA to

site the station appropriately. Bike share stations may require Administrative Review by PIC.

- The proposed project will include a maximum of 53 vehicle parking spaces and 97 interior secure resident bike spaces and 20 exterior visitor post-and-ring bike parking spaces. The number of parking spaces approved by BPDA is a maximum number of spaces, as final decisions on parking supply are codified by the TAPA for Large Projects. Parking layout is subject to ISD approval.
- The Proponent will make much-needed sidewalk and streetscape improvements to Tremont, Pontiac, and Saint Alphonsus Streets. All improvements are subject to design review and may require approval for a Specific Repairs Action with the Public Improvement Commission (PIC). The proponent should expect to enter into a maintenance agreement with the PIC. PIC approvals for all proposed improvements shall be completed before building permit issuance for the Proposed Project. The physical mitigation improvements must be completed upon Certificate of Occupancy. The estimated value of this mitigation is \$165,000. In the event that circumstances change regarding this mitigation, the BPDA and the City will work with the Developer/Proponent to identify an alternative solution with comparable impact and using this estimated value.
  - The Proponent will design and install curb extensions on both sides of Saint Alphonsus Street at Tremont Street to support pedestrian safety.
  - The Proponent will install new sidewalks on Tremont, Pontiac, and Saint Alphonsus Streets. On Saint Alphonsus Street, at least two new street trees will be installed and three existing street trees will be protected.
  - All sidewalks will maintain at least 8 feet clear accessible paths of travel absent vertical elements on Tremont Street and at least 5 feet clear accessible paths of travel absent vertical elements on Saint Alphonsus and Pontiac Street. Sidewalks will be made of concrete monolithic sidewalk space and will include street trees with tree pits per PWD standards.

- The Proposed Project will coordinate with the MBTA, BPDA and BTM to extend the existing bus stop in front of the project to 100 feet in support of the MBTA Bus Network Redesign. The proponent will design and implement a bus box to help clarify the location of the bus stop. If feasible, a bus shelter will be incorporated. All designs and mitigation will be subject to review and discretion by BPDA, PWD, MBTA, and BTM.
- The Proposed Project will work with BPDA and BTM to identify the best location for at least two pick up/drop off (high-turnover) parking spaces proximate to the site on Tremont Street or Saint Alphonsus Street.

**AFFIRMATIVELY FURTHERING FAIR HOUSING**

The Proposed Project has agreed to the following Affirmatively Furthering Fair Housing (AFFH) Interventions.

**Article 80 Interventions**

- Increase the percentage of IDP units to 17% of total units.
- Provide all IDP units on-site.

**Marketing and Housing Access Interventions**

- Agree to follow best practices in marketing market-rate units that are inclusive and welcoming to members of protected classes including the following:
  - Adopt the City's Fair Chance Tenant Selection policy for all units including market-rate units;
  - Work exclusively with local, multilingual, and culturally competent leasing agents;
  - Market units on all of Boston's dominant languages;
  - Market units across all media types (print, social, audio, digital, etc.) targeting media types specifically consumed by members of protected classes;

- Describe IDP units and link to Metrolist on the Proposed Project’s primary marketing website

Proponent must submit to the Boston Fair Housing Commission a market-rate marketing plan detailing the specific best practices that will be utilized to the Boston Fair Housing Commission for review and approval as part of the marketing plan review and approval for IDP units.

**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, sixteen (16) units associated with the Proposed Project will be created as IDP units (the “IDP Units”). Three (3) of the IDP Units will be made available to households earning not more than 60% of the Area Median Income (“AMI”), and Thirteen (13) of the IDP Units will be made available to households earning not more than 70% of the Area Median Income (“AMI”) as determined by 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 Number | Number of Bedrooms | Square Footage | Percent of Area Median Income | Rent    | ADA/Group 2 Designation (if any) |
|-------------|--------------------|----------------|-------------------------------|---------|----------------------------------|
| 205         | Studio             | 531            | 70%                           | \$1,330 | Group 2                          |
| 312         | Studio             | 480            | 60%                           | \$1,130 | Group 2                          |
| 316         | Studio             | 452            | 70%                           | \$1,330 | Group 2                          |
| 321         | 1 BR               | 635            | 70%                           | \$1,559 |                                  |
| 323         | Studio             | 497            | 70%                           | \$1,330 |                                  |
| 325         | 2 BR               | 854            | 70%                           | \$1,766 |                                  |
| 403         | Studio             | 544            | 70%                           | \$1,330 |                                  |
| 414         | Studio             | 455            | 70%                           | \$1,330 |                                  |
| 416         | 1 BR               | 584            | 60%                           | \$1,325 | Group 2                          |
| 508         | Studio             | 472            | 60%                           | \$1,130 |                                  |
| 512         | Studio             | 500            | 70%                           | \$1,330 |                                  |
| 518         | 1 BR               | 684            | 70%                           | \$1,559 |                                  |

|     |        |     |     |         |  |
|-----|--------|-----|-----|---------|--|
| 524 | 2 BR   | 854 | 70% | \$1,766 |  |
| 601 | 1 BR   | 632 | 70% | \$1,559 |  |
| 605 | Studio | 467 | 70% | \$1,330 |  |
| 613 | Studio | 450 | 70% | \$1,330 |  |

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

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

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

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

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



As no partial payment is required, the sixteen (16) designated IDP Units fully satisfies the IDP requirements pursuant to the December 10, 2015, IDP.

**RECOMMENDATION**

Based on the foregoing BPDA staff recommends that the Director be authorized to (i) issue a Scoping Determination waiving further review pursuant to Section 80B-5.3(d); (ii) issue a Certification of Compliance under Section 80B-6; and (iii) take any and all actions and execute and deliver a Cooperation Agreement, Affordable Housing Agreement, and any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project

An appropriate vote follows:

**VOTED:**

That Director be, and hereby is, authorized to issue a Scoping Determination waiving further review pursuant to Section 80B5.3(d) of the Code which, (1) finds that the PNF adequate describes the potential impacts from the proposed 1558 Tremont Street project (the "Proposed Project") and (2) provides sufficient mitigation measure to minimize these impacts, subject to continuing design review by the BPDA

**FURTHER**

**VOTED:**

That the Director be, and hereby is, authorized to issue a Certification of Compliance pursuant to Section 80B-6 of the Code in connection with the Proposed Project upon successful completion of the Article 80 review process; and

**FURTHER**

**VOTED:**

That the Director be, and hereby is, authorized to take any and all actions and execute and deliver a Cooperation Agreement, an Affordable Rental Housing Agreement and Restriction ("ARHAR") Agreement, and any and all other agreements and documents that the

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

# 1558 Tremont Street



1:500



# 1558 Tremont Street



1:500

