



MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: May 2, 2024

RE: BPDA Recommendation

Please find attached, for your information, BPDA's recommendations for the May 7, 2024 Board of Appeals Hearing.

Also included are the Board Memos for: 2 to 10 Hichborn ST Brighton 02135

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



Case	BOA1479632
ZBA Hearing Date	2024-05-07
Address	105 Chelsea ST East Boston 02128
Parcel ID	0103843000
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	Article 53
Project Description	Minor renovations and change of use for an existing commercial use (La Union Market and Butchery). The proposed project would add a liquor store use to the existing convenience store.
Relief Type	Variance
Violations	Use: forbidden (liquor store)

Planning Context:

PLAN: East Boston was adopted by the BPDA Board in January 2024. This project is in an area of East Boston that the plan identifies as a neighborhood residential area. The plan states that one of the key land use recommendations for these areas is to “improve access to neighborhood-serving retail amenities.”

The location of the proposed project is in a predominantly residential area, with a few commercial establishments primarily on the ground floors (including a restaurant, convenience store, and law office on the block).

Retail alcohol sales requires an Alcohol License from the Boston Licensing Board. The process of attaining this license involves an application, public meeting/s organized by the Office of Neighborhood Services (ONS), and a public hearing before the Boston Licensing Board for which abutters are notified. This license is also renewed annually.

Zoning Analysis:

Updated zoning for the East Boston neighborhood was adopted by the Zoning Commission on 4/24/24. This project applied and received a zoning refusal on 5/23/2023 under a previous version of Article 53. Under previous zoning, the proposed use is a "liquor store" and is forbidden in the 3F-2000 subdistrict.



East Boston's updated zoning places the proposed project within an EBR-3 subdistrict. In the updated Article 53, this use would be considered a "retail store," which is forbidden on mid-block lots in ERB-3. However, retail store is also the existing use of the ground floor of the building. Therefore, under new zoning, this project would be considered a renovation to an existing non-conforming use and, because the project would not extend the non-conforming use, it would not require any zoning relief (although it would still require an Alcohol License from the Licensing Board).

Recommendation:

In reference to BOA1479632, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1574377
ZBA Hearing Date	2024-05-07
Address	46 Chestnut ST Boston 02108
Parcel ID	0501453000
Zoning District & Subdistrict	Boston Proper H-2-65
Zoning Article	16, 32
Project Description	Addition of rear garage door to allow more parking, as well as the rehabilitation of the 2 existing roof decks on the lower tiers of the building. The proposal would also add a head house and roof deck to the rearmost and tallest part of the building.
Relief Type	Variance
Violations	GCOD Applicability

Planning Context:

The proposed project seeks to modify an existing 3 story residential building located in the Beacon Hill neighborhood. The existing building is consistent with the townhome style pervasive throughout Beacon Hill. This project seeks to: (1) Introduce a new garage door opening at the garden level towards the rear to expand parking capacity within the existing garden-level space; (2) Reconstruct the current rear decks on the 3rd and 4th levels; (3) Install an elevator/mechanical headhouse along with access stairs leading to the roof; and (4) Construct a new roof deck atop the existing carport roof and above the 4th floor on the primary roof.

46 Chestnut Street sits within the Boston Proper Zoning District, regulated by the Underlying Zoning Code. Specifically, it falls within the H-2-65 [apartment residential] subdistrict and is additionally under the jurisdiction of the Groundwater Conservation Overlay District as outlined in Article 32. Moreover, it lies within the Beacon Hill Architectural District, where any alterations to its exterior visible from a public thoroughfare are subject to review by the Landmarks Commission.

Zoning Analysis:

The property falls within a Groundwater Conservation Overlay District, and the proposed improvements qualify this as a Substantial Rehabilitation as per Article 32-4(c). Consequently,



acquiring a conditional use permit from the Board of Appeal under Article 6 is necessary for the installation of the GCOD recharge system.

Recommendation:

In reference to BOA1574377, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: the plans shall be reviewed and approved by the Boston Water & Sewer Commission due to its location within the Groundwater Conservation Overlay District (GCOD) .

Reviewed,

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Director of Planning, BPDA



Case	BOA1566439
ZBA Hearing Date	2024-05-07
Address	761 to 793 Boylston ST Boston 02116
Parcel ID	0503211000
Zoning District & Subdistrict	Boston Proper B-6-90a
Zoning Article	Article 8
Project Description	Proposed project seeks to change use from retail to restaurant use on floors 1-3.
Relief Type	Conditional Use
Violations	Use: conditional (restaurant)

Planning Context:

761 to 793 Boylston Street are three 3-story attached commercial buildings. Located two blocks away from both the Central Library and Newbury Street, the site is within a key commercial and cultural corridor. The proposed project seeks to change the use of the middle building from a retail use to a restaurant use. Two restaurant tenants are already located on either side of the middle building. Looking out towards the Charles River, Abe and Louie’s is on the western side while Atlantic Fish occupies the eastern portion.

The site is also located within the Groundwater Conservation Overlay District (GCOD) and the Back Bay Architectural Conservation District. A major addition to 761 to 793 Boylston Street (the building of five new stories above the historic facade) is currently BPDA-approved.

Zoning Analysis:

The sole violation derives from Use Item 37 in Article 8, where restaurant uses in subdistrict B-6-90a are defined as conditional. (Page 2 in the plans also cites a conflict with Use Item 38, but this appears to be an error). Use Item 38 refers to the allowability of a “lunch room, restaurant, cafeteria, or other place for the service or sale of food or drink for on-premises consumption..”

Article 6 sets out the standards for issuing a conditional use permit. First, the site is appropriate for the use. It is surrounded by many other restaurants, including eatery tenants on either side. There are no foreseeable nuisances or adverse affects on the neighborhood, vehicles, or pedestrians from adding another restaurant to this major, mainly commercial thoroughfare. The facilities seem to also be adequate and appropriate given the proposed change in use.



This project does not fall within the review guidelines of the Groundwater Conservation Overlay District (GCOD) despite being within its physical boundaries (Section 32-4).

Restaurants are a well-established use in this subdistrict. Future zoning reform efforts could consider making restaurant uses in this area allowable by right.

Recommendation:

In reference to BOA1566439, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1576978
ZBA Hearing Date	2024-05-07
Address	164 Old Colony Ave, South Boston, 02127
Parcel ID	0700331000
Zoning District & Subdistrict	South Boston M-1
Zoning Article	Base Code Article 8, 14, 15, 16, 17, 18, 19, 20, 21 23, 25
Project Description	The proposed development seeks to construct a new 5-story, 4-unit residential building with a garage containing four parking spaces. There will be balconies and an elevator included. This proposal will also require the demolition of the existing structure.
Relief Type	Variance
Violations	Lot Frontage Insufficient Lot Area Insufficient Additional Lot Area Insufficient Height Excessive Usable Open Space Insufficient Parking Design and Maneuverability Front Yard Insufficient

Planning Context:

The proposed plans for BOA1576978 are located at 164 Old Colony Avenue in South Boston. This is a relatively transportation rich neighborhood, being that it is a 12 minute walk from the MBTA Andrew Red Line station and close to several bus lines. Furthermore, the proposal falls within the PLAN: Dot Ave study area, which was adopted by the BPDA board in 2016. PLAN: Dot Ave outlines 164 Old Colony Rd as falling within a “residential buffer area” in which residential uses on the ground floor are allowed. This project is in compliance with these planning goals. It is also within the ongoing South Boston Transportation Action Plan study area, which defines Old Colony Road as being a major thoroughfare between Downtown Boston and the Dorchester neighborhood and as such seeks to make improvements to road and bike infrastructure along the avenue and safety improvements in its intersections. The parcel is within two zoning overlays: restricted parking and coastal flood resilience, and though neither apply to the project because of its scale, these provide important context for design and appropriateness of parking relief. The area of Old Colony Avenue surrounding the proposed development is a mixed-use corridor with an array of retail, restaurants, and residences of



varying sizes and scales between one and six stories. The parcel is also a 10 minute walk from Moakley Park- a major green space and neighborhood asset. Immediately to the east and west sides of the parcel are three and four-story residential buildings. The proposed development seeks to construct a new 5-story, 4-unit residential building with a garage containing four parking spaces. There will be balconies and an elevator included. This proposal will also require the demolition of the existing two and half story single family housing structure.

Zoning Analysis:

164 Old Colony Avenue is located in South Boston in the restricted manufacturing district (M-1). However, given that this is a residential development, the code requires us to refer to the nearest residential subdistrict, which is H-1. The proposal is currently in violation of zoning article 14 section 1, 2, and 3 which detail requirements for lot sizes, areas, and widths. The minimum lot size required is 5,000 square feet, and the lot currently measures at 1,698 square feet. Further, each additional dwelling unit beyond one requires an additional 1,000 square feet in lot area. This would require 8,000 square feet of lot area for the parcel to meet the zoning requirements for a 4-unit building. Few parcels in the area are this size for 4-unit uses. The parcel is a 10 minute walk away from a major green space- Moakley Park, and that each of the units will have balcony space. The minimum lot width for development on this parcel is 50 feet, and the plans detail 47 feet for the lot width. However, given the constraints of the parcel, this designation is acceptable.

That being said, the garage with four parking spaces is not represented in the project's plans. In addition, there are concerns about the lack of lot frontage and front yard requirements. As the plans are currently detailed it seems that the front door would swing out over the sidewalk along Old Colony Avenue. That being said, the two foot setback currently detailed in the plans is not sufficient, and would have to be increased to five feet for the proposed plans to be acceptable.

Recommendation:

In reference to BOA1576978, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. While the use is appropriate for the location, the proponent should consider a project that ensures that the living area is located above the Sea Level Rise Design Flood Elevation, and has sufficient front yard to avoid a door swing over the public sidewalk. The proponent should also clarify plans for parking.



Reviewed,

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Director of Planning, BPDA



Case	BOA1535953
ZBA Hearing Date	2024-05-07
Address	42 Newmarket Sq, Roxbury, 02118
Parcel ID	0801022001
Zoning District & Subdistrict	Newmarket Industrial Commercial Neighborhood District Newmarket Core Industrial
Zoning Article	90
Project Description	Change occupancy to include cannabis storage and wholesale delivery. Security Upgrades
Relief Type	Variance, Conditional Use
Violations	Parking or Loading Insufficient Use - Conditional

Planning Context:

The proposal to BOA1535953 located at 42 Newmarket Square in Roxbury is located in the Newmarket 21st Century Industrial District, the Newmarket core industrial sub-district. As the zoning articulates the surrounding neighborhood is largely industrial with industrial buildings surrounding the parcel on either side. PLAN: Newmarket zoning changes were recently adopted in February of 2024 and seek to prioritize preservation and production of new ground floor spaces that best serve Newmarket’s traditional industrial users, specifically businesses focused on storage and wholesale delivery. The proposal seeks to change the occupancy to include cannabis storage and wholesale delivery.

Zoning Analysis:

Updated zoning for PLAN: Newmarket study area, including the parcel, was adopted in February 2024. The current proposal is cited as being in violation of Off-Street Parking and Loading and needs to establish a conditional use. Cannabis establishments are a conditional use in the Newmarket Industrial Commercial Neighborhood District. 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 Marijuana Dispensary, a Conditional Use Permit should be granted pending zoning relief for buffer zone variance. That being said, according to Article 90 Section 13, cannabis establishments are permissible provided that any cannabis establishment shall be sited at least one-half mile or 2,640 feet from



another existing cannabis establishment. Furthermore, it needs to be 500 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, which it is in compliance with. The citation for off-street parking insufficiency has been updated in Article 90 since the refusal was filed to 0.3 spaces per 1,000 square feet. However, based on aerial views of the parcel, the parking spaces are not defined at all, and need to be in order to understand if it meets the updated parking requirements.

Recommendation:

In reference to BOA1535953, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE until parking spaces are more clearly defined.

Reviewed,

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Director of Planning, BPDA



Case	BOA1539699
ZBA Hearing Date	2024-05-07
Address	27 Colonial AVE Dorchester 02124
Parcel ID	1701559000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-6000
Zoning Article	Art. 65
Project Description	Change occupancy from a Three Family Residential dwelling to a Multifamily Residential dwelling with four units. The proposed additional unit is a basement unit. Fire alarm and sprinklers to be installed.
Relief Type	Variance
Violations	Parking or Loading Insufficient FAR Excessive Use: Forbidden (Basement Units)

Planning Context:

This project proposes the construction of one basement dwelling unit, thus changing the occupancy of the existing dwelling from Three Family Residential to Multifamily Residential with four units. The plans include the installation of a fire alarm and sprinklers for the new dwelling unit. The existing structure is not owner-occupied, so this proposed basement dwelling unit would not be considered an Accessory Dwelling Unit (ADU).

The existing dwelling is 2.5 stories and has two existing parking spaces. The existing, adjacent buildings vary between 2.5 and three stories with predominantly Three Family Residential and Multifamily Residential (4-6 units) land uses, based on Assessor’s Report information. The property is also within a five-minute walk of several MBTA bus routes along Talbot Avenue as well as the Talbot Avenue MBTA commuter rail station. The proposed addition would not include any bump out, extension or construction to the existing envelope of the structure due to it being an internal basement conversion, so the project will be in keeping with the common density of surrounding properties and not change the form of the structure in the public realm.

This project does not propose any new parking spaces and is adjacent to many transit resources as listed above, thus aligning with the goals of Go Boston 2030 (March 2017) to reduce reliance on private vehicles and with citywide goals to promote transit-oriented development by way of introducing more housing units closer to transit options.



The proposed basement unit will include a fire alarm and sprinklers and is not located within an area that faces flood risk, which aligns with citywide goals to increase the safety of new and existing housing stock. However, the project plans do not specify the ceiling height of the proposed basement unit, do not identify if there is a slope in the site and do not provide detailed information on the window design of the new basement units due to the plans lacking side elevation drawings.

Zoning Analysis:

This property is located within the 3F-6000 (Three Family Residential) subdistrict of the Dorchester Neighborhood District (Art. 65). Within the Dorchester Neighborhood District, Dwelling Units in Basements are Forbidden (Art. 65, Sec. 8). As stated in the Planning Context, this area has several existing, adjacent structures with multifamily residential land uses and the addition of this fourth unit aligns with this common land use pattern within the surrounding area without physically extending the existing envelope of the structure. Additionally, the proposed basement unit includes safety features by way of a fire alarm and sprinkler and are not within an area with flood-related risks to basement dwelling.

Within the 3F-6000 subdistrict, this property is required to have a maximum Floor Area Ratio (FAR) of 0.4 (Art. 65, Sec 9). While the project plans do not provide an FAR measurement of the existing and proposed project, the construction of living area in the basement does result in the addition of gross floor area based on how GFA is calculated. As stated, this structure is similar in density to existing, adjacent buildings both at its current and proposed density. This presents a case for zoning reform both to set dimensional regulations that allow for the current built form and density found within the area to legally exist and to accommodate the scale necessary for the prevailing multifamily residential use and pathway for the construction of basement units within the area.

The Dorchester Neighborhood District (Art. 65) requires that a dwelling with 4-9 units have an off-street parking ratio of 1.25 parking spaces per unit. The existing property has three (3) residential units served by two (2) parking spaces, thus producing an existing non-conformity as this number of units would be required to have 3.75 parking spaces by the current off-street parking regulations. This project would be required to provide 5 parking spaces, but does not propose any new spaces with the dwelling unit addition. As stated in the Planning Context, this property is located within proximity to several transit resources and the project proposal without new parking spaces aligns with goals to reduce dependency on private vehicles.

BOA1539699

2024-05-07

2 Boston Planning & Development Agency



Site plans completed by Boston Survey, Inc. on October 24, 2023.

Project plans completed by Dellamora Architecture on April 19, 2020.

Recommendation:

In reference to BOA1539699, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that no building code relief be granted for the basement unit and that plans shall be submitted to the Agency for design review with attention to side elevations, ceiling height, and details on the window design of the basement units.

Reviewed,

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Director of Planning, BPDA



Case	BOA1534017
ZBA Hearing Date	2024-05-07
Address	27 Hopkins Rd Jamaica Plain 02130
Parcel ID	1902441000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 1F-9000
Zoning Article	Article 55
Project Description	Erect single family home on vacant land with two car tandem garage.
Relief Type	Variance
Violations	Lot Area Insufficient FAR Excessive Side Yard Insufficient

Planning Context:

The proposed project is seeking to erect a single-family residential dwelling on 27 Hopkins Road in Jamaica Plain. The single-family dwelling will be a 2-story house with 3 bedrooms and a two car tandem garage. The proposed house will also have storage space in the basement and in the attic. This parcel of land currently sits vacant and is covered by tree canopy that includes a mature oak tree. While this area is currently zoned as 1F-9000, Hopkins Road is primarily filled with single-family residential dwellings and single-family dwellings that are owned by the nearby academic institute, Showa Boston Institute.

This project would help further the goals set forth in Housing a Changing City, Boston 2030 (September 2018) as it would increase the available housing stock.

Zoning Analysis:

With the proposed project, the refusal letter states that there are violations with an excessive FAR, insufficient lot area, and insufficient side yard. Under Article 55 of the Zoning Code, in an area zoned as 1F-9000, the maximum allowed FAR is 0.3, the minimum lot area is 9,000 square feet, and the minimum side yard is 12 feet. These violations are all due to the size of the parcel as this is a unique parcel which should be granted variances as per Article 7. While this is still a very large lot, this parcel sits smaller than the other parcels on Hopkins Road which is why the lot area for the proposed project is only 7,692 square feet. Zoning reform would alternatively help address this issue as the lot currently sits vacant.



This is also why the proposed side yard is insufficient and why the proposed FAR exceeds the maximum allowed 0.3. In order to build a single-family residential building, comparable to the size of the existing houses on Hopkins Road, this building would not be able to meet the minimum side yard requirements and would create a higher FAR due to the size of the parcel. While the width of the lot is 70 feet, the width of the proposed building is 48 feet which is comparable to the width of the existing houses on Hopkins Road. It would be difficult to meet the minimum 12 feet for both the east and west side yard due to the size of the lot and the size of the proposed building. As the plans for the project indicate that the west side yard is proposed to be 12 feet, it would be difficult to increase the east side yard, which is proposed to be 9.8 feet, without compromising the west side yard. This smaller lot size is also why the proposed FAR is 0.35 which is 0.05 higher than the allowed 0.3. Under Article 7 Section 3, the Board may grant a zoning variance as the current application of the provisions of Article 55 would deprive the applicant of reasonable use of the land.

The plans reviewed are titled 27 Hopkins Road and were dated February 27, 2020. They were prepared by Innovative Collaborations, Inc.

Recommendation:

In reference to BOA1534017, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1563361
ZBA Hearing Date	2024-05-07
Address	1172 Commonwealth AVE Allston 02134
Parcel ID	2101576000
Zoning District & Subdistrict	Allston/Brighton Neighborhood CC-1
Zoning Article	Article 51, Article 29
Project Description	Erect a new Automobile Dealership building, including sales and service. All battery storage lifts sited in the Brookline portion of the building.
Relief Type	Conditional Use, Variance
Violations	GPOD Applicability FAR Excessive Side Yard Insufficient Conditional Use (Indoor Sale of Motor Vehicles); Conditional Use (Accessory Repair Garage); Conditional Use (Accessory Storage of Flammable Liquids and Gases)

Planning Context:

The proposed project sits along Commonwealth Avenue in Allston's Harvard Avenue Community Commercial Subdistrict. Its surroundings consist of a mix of 4- and 5-story commercial and multifamily residential uses. The area is well-served by both bus (on 57 and 66 routes) and rail (adjacent to "Harvard Avenue" Green Line stop) transit options.

The proposed project seeks to erect a new automobile dealership building with sales and service uses. It will replace the existing dealership currently operating on the lot. The project is flanked on both sides by other structures, under common ownership, with similar car dealership and vehicular repair uses. The area of the lot on which the building is proposed to be erected is currently used as surface parking for the existing dealerships on and around the lot. The project's scope is supported by the stated purpose of Allston/Brighton's community commercial subdistricts: to provide job opportunities and a diversified commercial environment serving larger neighborhood/City markets.

Of note, the project is sited on a large lot which lies in both the City of Boston and the Town of Brookline. The majority of the project's site (~80%) falls under Brookline's jurisdiction. This is significant because, if the site was entirely within Boston, the project would meet the



applicability thresholds for Article 80 Review. Because only 6,000 square feet of the project sit under Boston's jurisdiction, however, only sub-Article 80 ZBA-level review and approval will be necessary for the Boston portion of the building. The project has already obtained a special permit from the Town of Brookline and approval from their Zoning Board of Appeal (in March) to proceed.

Because the project sits in a Greenbelt Protection Overlay District, it will require GPOD review from the Parks Department. In addition, because of the project's complex nature and overall scale, it is recommended that extensive BPDA Design Review be provided for the project.

Zoning Analysis:

The project's FAR and side yard violations are incorrectly cited on its refusal letter. The project's proposed FAR of ~0.5 falls well below the permitted 1.0 for the area, while Allston/Brighton zoning does not require minimum side yard setbacks in community commercial subdistricts (except on parcels abutting residential subdistricts, which this one does not). Because of this, both citations should be removed.

Additionally, the project's refusal incorrectly cites "Accessory Repair Garage" as a conditional use. According to Article 51, such uses are deemed as forbidden. "Indoor Sale of Motor Vehicles" and "Accessory Storage of Flammable Liquids and Gases" are correctly cited as conditional uses.

Article 6 of the Zoning Code lays out the conditions required for the approval of proposed conditional uses in Boston. These conditions include: (1) that the specific site is an appropriate location for such use; (2) that the use will not adversely affect the neighborhood; (3) that there will be no serious hazard to vehicles or pedestrians from the use; (4) that no nuisance will be created by the use; (5) that adequate and appropriate facilities will be provided for the proper operation of the use; and (6) that the proposed project shall comply with the regulations of the Greenbelt Protection Overlay District, should it be applicable.

While the BPDA recognizes that these proposed conditional uses would not be appropriate in many parts of the City, this particular project meets the criteria for approval listed above. This determination is justified by a number of factors, including: (1) the project's unique context (sited located within a larger and already established dealership complex, and on a lot already housing such pre-established uses); and (2) the project's proposed reduction of existing surface



parking. Because of these factors, the project's proposed uses should be considered minimally invasive to the surrounding area.

As the project sits within the Greenbelt Protection Overlay District, a proviso for GPOD Review has been added to this recommendation to satisfy the project's cited GPOD applicability violation. A proviso for BPDA design review has been recommended for the project as well. These review processes should focus on confirming the project's overall design direction and increasing permeability/planting on the site.

Recommendation:

In reference to BOA1563361, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISOR/S: that plans shall be reviewed by the Department of Parks and Recreation due to its location within the Greenbelt Protection Overlay District, that plans shall be submitted to the Agency for design review.

Reviewed,

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Director of Planning, BPDA



Case	BOA1562179
ZBA Hearing Date	2024-05-07
Address	75 Fulton ST Boston 02109
Parcel ID	0303601004
Zoning District & Subdistrict	North End Neighborhood MFR
Zoning Article	54
Project Description	Proposed project is the addition of a rear roof deck.
Relief Type	Conditional Use
Violations	Roof Structure Restrictions

Planning Context:

The proposed project is the addition of a 12.5' by 21.5' rear roof deck to a multifamily, 6- story building on a residential block in the North End. May 2023 satellite imagery shows an already-existing front roof deck on the Fulton Street side omitted from the proponent's plans.

Zoning Analysis:

The project's only violation is for roof structure restrictions (Section 54-18), possibly because it appears to alter the profile of the roof from the Public Alley 101 side. However, this cannot be fully determined with the current set of plans.

Relief from Section 54-18 requires a conditional use permit. The first standard deals with whether the addition of a rear roof deck is appropriate for the site and for the block. The same satellite imagery shows one other roof deck on the block, not counting the one already existing at 75 Fulton Street. While roof decks are not common on this block, they are not entirely out of context. It would also be reasonable to assume that this is unlikely to have adverse impacts on the neighborhood, vehicles or pedestrians. However, in regards to the last standard, there is not enough detail in the current plans to discern whether the facilities will be adequate or appropriate.

Recommendation:

In reference to BOA1562179, The Boston Planning & Development Agency recommends DEFERRAL: that the applicant resubmit detailed plans with attention to existing conditions from



above that includes both the current and proposed roof deck and more clearly shows the means of access.

Reviewed,

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Director of Planning, BPDA



Case	BOA1565484
ZBA Hearing Date	2024-05-07
Address	23 Rutland SQ Roxbury 02118
Parcel ID	0402741000
Zoning District & Subdistrict	South End Neighborhood MFR
Zoning Article	64
Project Description	Expansion of a kitchen already approved by the ZBA, as well as the addition of a roof deck and extension of building to the rear to include a mudroom entry on the ground floor, with a permeable rear dormer deck over the top of the extension on the first floor.
Relief Type	Variance
Violations	FAR Excessive Roof Structure Restrictions Town/Rowhouse Extension into Rear

Planning Context:

The proposed project includes the expansion of a kitchen already approved by the ZBA in November 2023, as well as the addition of a roof deck and extension of building to the rear to include a mudroom entry on the ground floor, with a permeable rear dormer deck over the top of the extension on the first floor. There is no recent neighborhood plan for the project site, although it is located between the plan areas for the Roxbury Strategic Master Plan (2004) and the Harrison-Albany Corridor Strategic Plan (2012). The site is located within the South End Landmark District. As such, alterations may be subject to review by the Landmarks Commission.

Zoning Analysis:

The project site is located in the South End Neighborhood District, within a Multifamily Residential (MFR) subdistrict, pursuant to Article 64 of the Zoning Code. The site is within zoning overlays, including the Coastal Flood Resilience Overlay District (CFROD), and the Groundwater Conservation Overlay District (GCOD). Plans for the alterations to this site as submitted do not meet the criteria for substantial rehabilitation, and therefore do not need to adhere to standards set forth by CFROD. The plans submitted April 22, 2024 comprise a series



of revisions to a previously submitted plan set to increase the permeability of the alterations in order to comply with the standards set forth by Boston Water and Sewer via GCOD.

Per Section 64-34, the proposed roof deck must comply with regulations for the South End neighborhood, including access via penthouse instead of roof hatch. It is recommended that this proposal undergo design review to ensure compliance of the roof deck access structure with Zoning Code.

The extension into rear violation cited within the refusal letter is an alteration from an existing condition containing a similar building extension. The existing structure contains an extension of the first floor into the rear yard of the building. The proposed alteration does not extend the footprint of the building, but adds a dormer roof to the existing extension. The proposed dormer deck adds additional square footage to the rear of the building footprint, but aligns with abutting properties with existing decks of similar shape and style.

Recommendation:

In reference to BOA1565484, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review to review the access structure of the proposed roof deck, that plans shall be submitted to the Boston Landmarks Commission for design review.

Reviewed,

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Director of Planning, BPDA



Case	BOA1574023
ZBA Hearing Date	2024-05-07
Address	658 E Broadway South Boston 02127
Parcel ID	0603242000
Zoning District & Subdistrict	South Boston Neighborhood Multifamily Residential / Local Services
Zoning Article	Article 68
Project Description	Change part of occupancy on the second floor from general office space to include a beauty salon and professional offices for a therapeutic spa and acupuncture establishments.
Relief Type	Variance
Violations	Use: Forbidden (Barber & Beauty Shop) Use: Forbidden (Professional Office) Use: Forbidden (General Office)

Planning Context:

The proposed project at 658 East Broadway is seeking to change part of its occupancy on the second floor from general office space to include a beauty salon and professional office space for two establishments: a therapeutic spa and an acupuncture studio. 658-660 East Broadway is currently under construction, but it was previously approved by the BPDA Board in 2021 and the Zoning Board of Appeal in 2019 to construct a 4-story mixed-use development project where the first floor was set aside for restaurant space, the second floor for general office space, and the third and fourth floor for residential units.

While this project falls outside the study area of PLAN: South Boston, Dorchester Avenue, the proposed project would support the goals of Imagine Boston 2030 (July 2017). Imagine Boston 2030 stated that small businesses should be encouraged on main streets and that an environment where they can start, grow, and scale should be created. This project would help meet these goals as East Broadway is one of the main commercial hubs in South Boston where small businesses are encouraged. Some of the current small businesses include restaurants,, tailors, florists, nail salons, and hair salons. The change of occupancy would allow three new small businesses to open in the area.

Zoning Analysis:



The refusal letter states that there are violations in the use for the proposed occupancy on the second floor. The proposed project is located in the South Boston Neighborhood District in a Multifamily Residential / Local Services Subdistrict which is governed by Article 68 of the Zoning Code. Under Article 68, a barber or beauty shop, professional office, and general office use are forbidden on the second floor of a building. The project had previously gone to the Zoning Board of Appeal on November 12, 2019 and received zoning relief to allow for general office space to exist on the second floor as it was consistent with the uses being enjoyed at similar properties along the length of East and West Broadway. As it was previously approved by the Zoning Board of Appeal, the general office use should be granted relief.

In regards to the beauty salon and professional office use, relief should also be granted for these violations. By allowing the use it would allow a wider range of small businesses to open at one of the main commercial hubs in South Boston and would further the goals of the City to create an environment for small businesses to start, grow, and scale.

The plans reviewed are titled 658 East Broadway and are dated November 28, 2023. They were prepared by SOUSA design Architects.

Recommendation:

In reference to BOA1574023, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1561572
ZBA Hearing Date	2024-05-07
Address	71 to 75 W Broadway South Boston 02127
Parcel ID	0600052016
Zoning District & Subdistrict	South Boston Neighborhood MFR/LS
Zoning Article	Art 68
Project Description	Convert existing ground-floor commercial space to restaurant with take-out.
Relief Type	Conditional Use
Violations	Use

Planning Context:

The proposed project is located at the western corner of West Broadway and A Street and is currently occupied by a 5-story building with vacant ground-floor commercial space. The abutting lots on both sides are occupied by surface parking lots.

The site is one block east of the Broadway MBTA Station on Dorchester Avenue. The neighborhood has recently experienced significant residential, commercial, and research laboratory development activity with new projects still under review. Most buildings are 4- or 5-stories in height with commercial uses on the ground-floor. West Broadway is a relatively wide, 2-way street with on-street parking on both sides, and A Street is a 2-way street with unprotected bike lanes on both sides.

The project is within the BPDA's South Boston Transportation Action Plan (SBTAP) and the PLAN South Boston: Dorchester Avenue Transportation Plan. SBTAP draft recommendations were released in April 2024 noting the potential for multimodal improvements at the intersection of West Broadway and A Street.

Zoning Analysis:

The proposed project is within the South Boston Neighborhood Multifamily Residential/Local Services subdistrict where "Small Take-Out restaurants" are conditional "provided that such use is located on the ground floor, or in a basement with a separate entrance. The proposed take-out use is on the ground floor, meeting the Article 68 requirements. In addition, Section 6-3 of the Zoning Code defines Conditions Required for Approval of conditional permits. The Small

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Take-Out Restaurant use is appropriate for this location, given that West Broadway is a commercial corridor with similar existing uses, including Subway and Starbucks further west on the same block. There are no adverse impacts or hazards inherent to the use - the proposed project meets the Conditions Required for Approval per Section 6-3. Therefore, a conditional permit is recommended.

Recommendation:

In reference to BOA1561572, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1547104
ZBA Hearing Date	2024-05-07
Address	315 Norfolk AV Dorchester 02125
Parcel ID	0703616000, 0703617000
Zoning District & Subdistrict	Dorchester Neighborhood LI
Zoning Article	65
Project Description	Combine Parcels 0703616000 & 07003617000 to erect a 3-story dwelling, 3-units, with basement living space. Includes rear parking, FA & FP. Existing one family dwelling to be demolished under separate permit.
Relief Type	Variance
Violations	Forbidden Use - Three Family

Planning Context:

The project proposes the construction of a new 3-family dwelling on a lot that currently houses a 2 1/2 story single-family home, which is proposed to be demolished on a separate permit. This lot, which is 3,000 sf in area, will be combined with a smaller, irregularly shaped parcel directly to the rear, which does not front the street and is 1,100 sf in area. In total, the newly combined rectangular parcel will be 4,100 sf in area with a width of 30'. The proposed 3-unit dwelling on the new lot would be 3 stories in height, with proposed living space in the basement.

315 Norfolk Ave is located in a Local Industrial (LI) district within Dorchester. Although zoned for LI, the side of Norfolk Ave that the dwelling is proposed to be located on features about a dozen 1-, 2-, and 3- family homes that maintain street continuity as Norfolk Ave merges with E Cottage Street and the neighborhood becomes increasingly more residential.

Additionally, the lot is located in a Coastal Flood Resilience Overlay District (CFROD). 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 Dorchester are susceptible to various levels of coastal flood risk.

Zoning Analysis:



315 Norfolk Ave is located in a Local Industrial subdistrict. All types of detached residential dwellings, including a three-family detached dwelling such as the one proposed, are Forbidden in this subdistrict. As described in the planning context, this area of Norfolk Ave features a strong established context of residential use along its western edge. This is a case for zoning reform to update zoning maps to ensure that zoning subdistricts and allowed uses within those districts match the existing, established character of Boston's neighborhoods.

However, as described in the Planning Context, 315 Norfolk Ave 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 two bedrooms that are currently shown below-grade to the first floor of the building, instead of in the basement.

The plans reviewed are titled "Proposed 3-Family" and dated 12/17/21.. They were prepared by Urban Determination.

Recommendation:

In reference to BOA1547104, The Boston Planning & Development Agency recommends APPROVAL WITH DESIGN REVIEW, so that the proposed basement-level bedrooms be relocated to the first floor, so that they are not below grade and subject to flood risk.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1510209
ZBA Hearing Date	2024-05-07
Address	15 W Tremlett ST Dorchester 02124
Parcel ID	1700447000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-6000
Zoning Article	65
Project Description	Construct new 4 family residential building, fully protected with automatic sprinkler system and no elevator.
Relief Type	Variance
Violations	Limitation of Area for accessory use (parking) Parking or Loading Insufficient Lot Area Insufficient FAR Excessive Height Excessive (stories) Front Yard Insufficient Forbidden Use: Multifamily Residential; Conformity with Existing Building Alignment

Planning Context:

The project proposes the construction of a new residential structure on a lot that currently houses a 1 1/2 story, single-family home in Dorchester. The proposed new building will be 3-story, flat-roof, 4-unit residential building with 4 off-street parking spaces.

W Tremlett Street is a residential street within a 3-family subdistrict in Dorchester. The vast majority of the dwellings along W Tremlett are 3-story, triple-decker style dwellings, containing between 3-6 units. W Tremlett runs immediately perpendicular to Washington Street, a neighborhood corridor that is zoned for Neighborhood Shopping (NS) and features numerous local businesses and multi-family buildings, as well as transit service. 15 W Tremlett is located both at the edge of its 3F subdistrict, less than 200 feet from the corner of Washington Street.

Zoning Analysis:

This project is a case for zoning reform, to update dimensional and use regulations to fit established, existing character in Boston's neighborhoods. 15 W Tremlett is located in a 3F-6000 subdistrict. The proposed 4-unit building is a Forbidden use. The proposed 3-story building is also in violation of the subdistrict's building height maximum of 2 1/2 stories. As described in



the planning context, W Tremlett Street is almost entirely composed of 3-story buildings of a similar flat roof style as the one proposed. The majority of dwellings contain 3 units, with some containing between 3-6. The proposed 3-story, 4-unit building is contextual for the area.

The project has also received zoning violations for minimum lot area. The area of the existing lot is 5, 012 sf. In the 3F-6000 subdistrict, the minimum lot size for any dwelling is 6,000 sf. This is a pre-existing condition of the lot itself. Additionally, this lot is larger in area than the majority of lots along W Tremlett Street, most of which are between 2700 - 4500 sf in area and feature dwellings that contain at least 3 units. Every lot on W Tremlett Street, except for two, would not comply with the minimum lot area regulation in the zoning code.

The project has received a zoning violation for a proposed front yard setback of 3.2.' The minimum front yard setback stipulated by zoning is 15.' The proposed 3.2' front setback is contextual for the area, as the vast majority of dwellings along W Tremlett have narrow front setbacks that are well below 15' and closer to 3-5' in depth. Relatedly, the project is in violation of Art 65. Section 42 - Conformity With Existing Building Alignment. This provision of the zoning code states that the minimum front yard depth shall be in conformity with the existing building alignment of a block, if there are two or more buildings fronting on the same side of the street as the lot in question. The dwellings on either side of 15 W Tremlett (numbers 9 and 19) feature varying front yards. Although the front yards of neither dwelling are shown on the project plans, the front yard of 9 W Tremlett appears to be approximately 8 ft, and the front yard of 19 W Tremlett appears to be approximately 25 feet, as measured in Google Maps. As described, the predominant front yard setback along the street is closer in line to 3' - 5', and neither of these homes conform to the existing building alignment themselves. The proposed 3.2' front yard setback is more aligned to the overall character of the street itself.

The project is also in violation of FAR regulations. The zoning code allows for a maximum FAR of 0.4. The proposed FAR is 0.94. Per the plans, however, the 3-story, 35' building appears to be contextual in massing, design, and height to surrounding dwellings. It will cover about 35% of its lot, a far lower lot coverage than the majority of existing buildings along Tremlett Street, many which cover 50% or more of their lots.

Finally, the project has received two violations related to off-street parking. First, the zoning code requires 1.25 off-street spaces for dwellings with 4-9 units. This would require 5 off-street spaces for this building, while only 4 are proposed (1/unit). This ratio complies with maximum

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parking ratio guidelines released by BTD in 2022. Additionally, the project is in violation of the provision in Article 10, Sec. 1 related to the Limitation of Area for off-street parking. As described by this section, space for off-street parking can occupy the side yard of a lot, as long as it is more than 5' from the side lot line. The off-street parking area proposed by this project is 0.5" from the side lot line. While in violation of zoning, this dimension is in line with the established conditions of surrounding lots, most of which have very narrow or even 0' lot lines for their off-street parking aisles. This narrow setback is necessary in order to facilitate room for the 4 off-street spaces, while also ensuring that the parking spaces have some degree of setback from the dwelling.

The plans reviewed are titled "15 W Tremlett" and were reviewed on 8/2/23 by ISD. They were prepared by Context LLC.

Recommendation:

In reference to BOA1510209, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1540041
ZBA Hearing Date	2024-05-07
Address	261 Princeton ST East Boston 02128
Parcel ID	0100099000
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	Article 53, Article 27T
Project Description	Raze existing structure (under separate permit application) and erect a new residential building with 7 units, 2 roof decks, and 4 ground level parking spaces.
Relief Type	Variance, Conditional Use, IPOD Permit
Violations	IPOD Applicability Height Excessive (ft) Height Excessive (stories) Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient FAR Excessive Usable Open Space Insufficient Additional Lot Area Insufficient Parking or Loading Insufficient Parking design and maneuverability Roof Structure Restrictions Existing Building Alignment Forbidden Use (MFR)

Planning Context:

The proposed project has had recommendations issued by the BPDA three times previously: on 12/12/23, 1/9/24, and 2/27/24. The initial version recommended denial and the latter versions recommended denial without prejudice. All cited the project's height, parking count, number of units (7), and yard setbacks as items out of context with the area's existing context and planning context. The ZBA has deferred the case three times. Only minor changes have been made to the plans since its initial review (parking spaces reduced from 5 to 4, and rear yard setback increased from 12' to 15'), and none since the project's 1/9/24 ZBA hearing. The majority of this recommendation remains unchanged. Modifications have been made to reflect dates and regulations associated with East Boston's newly adopted zoning (4/24/24).



The property is located in an EBR-3 residential subdistrict (formerly in an 3F-2000 residential subdistrict) along Princeton Street, roughly 2 blocks from Day Square. 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 sunset on 11/11/23, its regulations will still apply.

The project site currently houses a 2 story, 2-family residential structure. The project's surroundings comprise predominantly 3 and 3.5 story, 3-family homes. The proposed project, at 4 stories and 7 units, creates a structure out of alignment with the neighborhood's existing context. This outcome is one misaligned with the housing goals outlined in PLAN: East Boston (adopted January 2024), which call for the development of contextually sensitive and appropriately-scaled residential infill projects on underdeveloped lots.

Zoning Analysis:

The proposed project has been cited with 14 zoning violations, relating to scale, use, parking, and design-related regulations. These citations are listed upon the project's most recent refusal letter, dated 12/26/23. Since then, updated zoning for the East Boston neighborhood was adopted by the Zoning Commission (on 4/24/24).

East Boston's updated zoning places the proposed project within an EBR-3 subdistrict. EBR-3 subdistricts allow a maximum building height of 3 stories and a maximum occupancy of 3 units, both of which this proposal exceeds (4 stories and 7 units proposed). The project is also noncompliant with several of the zoning's other dimensional requirements, including building lot coverage (60% allowed, 80% proposed), permeable area of lot (30% required, ~15% proposed), building depth (70' permitted, 80' proposed) front yard setback (2.5' required, 2' proposed), side yard setback (3' required, 0' proposed), and rear yard setback (33' required, 15' proposed).

Under this new zoning, the project would be cited with 12 violations, as opposed to the 14 currently listed. While certain existing dimensional violations would no longer apply (such as FAR, Lot Area, Usable Open Space, and Height in Feet), others (such as yard setbacks, height,



etc.) would remain noncompliant with the updated zoning. In addition, the project would trigger new violations relating to dimensional regulations introduced as a part of the update (including building lot coverage, permeable area of lot, and building depth). This renders the project as having a similar level of nonconformity under both past and present zoning.

The project's cited roof structure restrictions violation triggers the need for a conditional use permit. This violation relates to noncompliance with roof access required by the Building Code, not the Zoning Code. Accordingly, this violation is incorrectly cited and should be removed from the project's refusal letter.

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

While housing is a critical need across the City, the proposed project is not consistent with the IPOD provisions. Princeton Street's existing context largely consists of 3 to 3.5 story residential structures with average building lot coverages between 40-60%, which is approximately in line with East Boston's recently adopted zoning regulations (max height of 3 stories and building lot coverage of 60%). The proposed project (with a height of 4 stories and building lot coverage of 80%) is in clear excess of these figures. In addition to its height and density, the project's yard setbacks (insufficient on all sides), use (7 units), and site plan (insufficient permeable surface area) also deviate from the area's existing context. Because of this, an IPOD permit should not be granted for the project.

Recommendation:

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



Reviewed,

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Director of Planning, BPDA



Case	BOA1527595
ZBA Hearing Date	2024-05-07
Address	135 Havre ST East Boston 02128
Parcel ID	0105824002
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	Article 53
Project Description	Change of occupancy from a 3-family to a 4-family; add an additional story and roof deck
Relief Type	Variance, Conditional Use, IPOD Permit
Violations	Height Excessive (ft) Height Excessive (stories) Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Usable Open Space Insufficient Additional Lot Area Insufficient Roof Structure Restrictions Parking or Loading Insufficient FAR Excessive GCOD Applicability IPOD Applicability Use

Planning Context:

This project was reviewed for the 2024-03-12 ZBA Hearing and deferred. Since the project’s filing, the Zoning Commission adopted new Article 53 zoning. The project plans have not been updated since so the planning context, zoning analysis, and recommendations remain largely the same.

The project is an existing 3-family triple-decker on a residential street lined with 3-family triple-deckers, situated across from a park. The project proposes to change the use occupancy from 3 families to 4 families and add a roof deck.

PLAN: East Boston's draft zoning (approved by the BPDA Board in January 2024), which passed the Zoning Commission on 4/24/2024 after the project's filing, places the proposed project within an EBR-3 subdistrict. EBR-3 subdistricts allow a max building height of 3 stories and a max occupancy of 3 units, both of which this proposal exceeds. The project is also non-compliant with several of the draft zoning's other dimensional requirements, including a building



lot coverage greater than 60%, a permeable area of lot less than 30%, and a rear yard setback less than a third of the lot depth.

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

Zoning Analysis:

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

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



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

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

Recommendation:

In reference to BOA1527595, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. The proponent should pursue a project that reduces density to no more than 3 units with a building height of 3 stories, building lot coverage not to exceed 60%, permeable surface area of at least 30%, front and side yard setbacks no less than 3'.

Reviewed,

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Director of Planning, BPDA



Case	BOA1556234
ZBA Hearing Date	2024-05-07
Address	99 Elm ST Charlestown 02129
Parcel ID	0200333000
Zoning District & Subdistrict	Charlestown Neighborhood 3F-2000
Zoning Article	62
Project Description	Erect second story bedroom addition on existing one story building.
Relief Type	Variance
Violations	Side Yard Insufficient

Planning Context:

This project is located in the Original Peninsula, as outlined in PLAN: Charlestown (September 2023). The project proposes the addition of a second story bedroom where there is a currently existing deck space. The completed project will have no change on the use or occupancy of the building. The project proposes making improvements to the existing dwelling which is in keeping with the planning goals of improving housing stock as detailed in PLAN: Charlestown. In addition, the plan calls for smaller scale changes to design additions using similar materials, proportions, and details as the original structure. The proposed project is using the same materials as existing construction, and is making no changes to the ground floor massing which is in step with guidelines. The project is also located within the Neighborhood Design Overlay District. The project is changing the roofline of the structure which is one of the triggers for the review required by the NDOD.

Zoning Analysis:

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

Recommendation:



In reference to BOA1556234, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S that plans shall be submitted to the Agency for design review with attention on the roofline.

Reviewed,

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Director of Planning, BPDA



Case	BOA1445554
ZBA Hearing Date	2024-05-07
Address	16 High ST Dorchester 02122
Parcel ID	1503013000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-5000
Zoning Article	65
Project Description	Conversion of existing 3 family building to 9 family building through partial building demolition and reconstruction.
Relief Type	Variance
Violations	FAR Excessive Parking or Loading Insufficient Height Excessive (ft) Height Excessive (stories) NDOD Applicability Side Yard Insufficient Rear Yard Insufficient Use: Forbidden (MFR)

Planning Context:

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

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



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

Zoning Analysis:

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.

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

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

The side and rear yard setbacks required by the Zoning Code are encroached upon by the proposed addition. Article 65 of the Code requires a 15' minimum front yard setback, 10'

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minimum side yard setback, and 30' minimum rear yard setback.

The extension of the building beyond the side setback requirements is minimal, and limited to building corners that create a 7'-6" setback on either side at the minimum distance, but average greater than 10' along the remainder of the proposed building. The rear of the parcel backs up to a retaining wall, thus even with a reduced setback, there is a separation between the project site and the development that abuts it to the rear at Hancock Street. Additionally, the irregular shape of the rear edges of the parcel lead to a rear setback that measures, at minimum 22'-6", but averages a distance greater than the requisite 30'.

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

Recommendation:

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

Reviewed,

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

Director of Planning, BPDA



Case	BOA1582874
ZBA Hearing Date	2024-05-07
Address	682 Saratoga ST East Boston 02128
Parcel ID	0100741000
Zoning District & Subdistrict	East Boston Neighborhood 2F-4000
Zoning Article	53
Project Description	Demolish existing building on a separate building permit and erect a new five (5) unit residential dwelling with rear decks and with five (5) parking spaces.
Relief Type	Variance
Violations	FAR Excessive Height Excessive Rear Yard Insufficient Side Yard Insufficient Parking or Loading Insufficient Use

Planning Context:

The proposal for BOA1582874 at 682 Saratoga St is located in East Boston in the recently designated EBR-3 zoning district (formerly 2F-4000). East Boston recently underwent a major planning study and zoning reform: PLAN: East Boston (adopted by BPDA board January 2024), which calls for the development of contextually sensitive and appropriately-scaled residential projects. The overarching vision for PLAN: East Boston includes the incorporation of housing options that are affordable, stable, and able to meet households' needs as they change over time. 682 Saratoga Street in East Boston is a mainly residential neighborhood, with some light mixed-use retail and community uses, such as a church, surrounding it. The project site currently houses a two-story, two-family residential structure. Abutting either side of the parcel are a three-story multifamily housing unit and a single-story, single-family home. The project proposes the demolition of the existing two-story, two-family residential structure, followed by the construction of a five unit residential dwelling with rear decks and with five parking spaces.

Zoning Analysis:

The proposed project has been cited with 6 zoning violations, relating to parking, use, FAR, height, and dimensional-related regulations. These citations are listed upon the project's most recent refusal letter, dated 3/20/24. At that time, it was cited against the old Article 53. The

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dimensional regulations for FAR at that time were 0.8 which it exceeded by 0.55. Given the proposed additional FAR, it was also cited as being in violation of off-street parking requirements. Further, rear and Side yard minimum requirements were 40 ft and 7 ft which it exceeded by 4 ft and 13 ft. Building height was 35 ft which it exceeded by 5ft. Finally, multifamily housing, as it is proposed, was forbidden in the 2F-4000 zoning district.

Since then, updated zoning for the East Boston neighborhood was adopted by the Zoning Commission (on 4/24/24). The updated version of Article 53 was used when reviewing this case. East Boston's updated zoning places the proposed project within an EBR-3 subdistrict. Furthermore, it was cited as having insufficient off-street parking, however according to the updated code, which only requires one space for four or more dwelling units it is in compliance. Under the old code it is in violation of FAR, however that has since been removed. Finally the side and rear yard insufficiencies it was cited for are also no longer violations. The new zoning cites 3 feet on the side, and $\frac{1}{2}$ lot depth on the rear, both of which the project complies with. That being said, proposed dimensions are in compliance with the updated Article 53 zoning. Future projects should also include dimensions such as permeable area of the lot minimums, floor plate maximums, and building lot coverage that are present in the updated article.

EBR-3 subdistricts allow a maximum building height of 3 stories at a maximum of 35 feet and a maximum occupancy of 3 units, one of which this proposal exceeds (5 units proposed) and so will have to reduce the amount of units in the proposal in order to comply.

Recommendation:

In reference to BOA1582874, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. Use violations for the proposed plans exist under both the old and new article, and as such, the proponent should consider a three-unit proposal that complies with the dimensional requirements of updated Article 53.



Reviewed,

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

Director of Planning, BPDA



Case	BOA1543573
ZBA Hearing Date	2024-05-07
Address	61 Marion ST East Boston 02128
Parcel ID	0102650000
Zoning District & Subdistrict	East Boston Neighborhood 2F-2000
Zoning Article	Article 53
Project Description	Multiple additions to existing 3-story residential building, including a new 4th-story; extension of 1st, 2nd, and 3rd floor into the rear yard; and new roof deck for 4th-story.
Relief Type	Variance
Violations	IPOD Applicability Height Excessive (ft) Side Yard Insufficient Rear Yard Insufficient

Planning Context:

The site of the proposed project is a mid-block lot fronting Marion Street currently occupied by a 3-story, 3-family building. The lot is 100 feet deep and 21.50 feet wide, which is almost twice as deep as the abutting lots that range from 53 to 60 feet deep. A portion of the first and second stories extend into the rear, and this occupiable area is topped with a roof deck on the 3rd floor.

On either side of the lot are 3-story buildings. The existing building shares a party wall with the building to the west and is separated by a few feet from the building on the east.

The street is lined with 3-story residential buildings with small retail spaces on the ground-floor of the corner lots. Marion Street is a one-way street with on-street parking on both sides and no street trees.

PLAN: East Boston, adopted by the BPDA Board in January 2024, recognizes this area as the Eagle Hill and Paris Flats Neighborhood Residential Area and notes that "rear-yard additions, like enclosed rear decks, are common." Zoning amendments to Article 53 codify use and building dimension recommendations from the PLAN have been advanced by the BPDA Board and were approved by the Zoning Commission on April 24, 2024.

Zoning Analysis:



The proposed project is located within the EBR-3 sub district, as well as the East Boston Interim Planning Overlay District (IPOD) and Neighborhood Design Overlay District.

The proposed project is cited for four violations.

Although the IPOD expired in November 2023, the proposed project is subject to the IPOD and requires an IPOD permit because the proposal was filed on September 29, 2023 before the IPOD's expiration. According to Section 27T-7, "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 addition extending the project towards the rear of the lot is consistent with the neighborhood context, as identified in PLAN: East Boston. However, the addition of occupiable space on a new 4th story is not consistent with existing building types and heights. Instead, the project could consider a headhouse on the roof, given that the adjacent lot has a headhouse to a roof deck. An IPOD permit is only recommended if the proposed building be reduced in height.

The proposed project has a height of 40 feet, and is cited for violating the maximum building height of 35 feet. The existing building is 30 feet, consistent with most other buildings in the neighborhood, including the abutting buildings. The proposed addition would create a new violation of excessive building height in feet. The recently adopted zoning amendments maintain the maximum building height in feet to 35. There are no attenuating circumstances causing a hardship that would rationalize a variance from this requirement. The proposed project should reconsider the proposed penthouse addition to the 4th story that increases the building height above 35 feet.

The proposed project is cited for violating the minimum side setback of five feet. Based on the recent zoning amendments, the required side yard is now three feet. The proposed addition extends the living space into the rear, but does not extend into the side yard. The violation of the side setback on both sides of the building is an existing nonconformity that the proposed project will extend but not exacerbate.

The proposed project is also cited for violating the minimum rear setback of 30 feet given the proposal's rear yard of 37.5 feet. The zoning amendments replaced the minimum rear yard of



30 with 1/3 the depth of the lot, which in this case would be 33 feet.

There are no factors unique to this lot or project that would rationalize a variance from this requirement. Compliance with the rear yard allows for reasonable use of the land. Therefore, the proposed project should reconsider the building design to comply with the minimum rear yard.

Recommendation:

In reference to BOA1543573, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE: the proponent should revise the building design to comply with the maximum building height in feet and the minimum rear yard in recent amendments to Article 53.

Reviewed,

A handwritten signature in blue ink, appearing to read "Annee Rand", with a long, sweeping flourish extending to the right.

Director of Planning, BPDA



Case	BOA1518102
ZBA Hearing Date	2024-05-07
Address	101 to 103 Rutherford AVE Charlestown 02129
Parcel ID	0203785004
Zoning District & Subdistrict	Charlestown Neighborhood 3F-2000
Zoning Article	Art. 62
Project Description	Build two new pressure-treated roof decks on the top of an existing three-story, flat roof building.
Relief Type	Conditional Use
Violations	Roof Structure Restrictions

Planning Context:

This project proposes the construction of two 200 sq ft roof decks on top of the flat roof of an existing three-story, condo dwelling. The plans that were submitted and reviewed by ISD are dated from 1984 though the proposed roof decks are not built based on review of a recent Google Maps aerial image.

The structures at 101-103 Rutherford Ave are one of the few on this block of Rutherford Avenue with flat roofs, along with the attached structures at 105 and 107 Rutherford Ave. These dwellings are also relatively taller than the predominant two-story and 2.5 story buildings on this block and it is difficult to see beyond the edge of the roofline from street level. The proposed roof decks appear set back from the roofline but the proponent's plans do not provide specific depth measurements to confirm this and to determine their potential impact on the appearance of the roofline or building profile from the public realm.

PLAN: Charlestown proposes specific design guidelines for roof decks, namely that roof decks are only permitted on flat roofs, they should be located in the rear of the rooftop footprint in such a way that they reduce visibility from the public right-of-way, and be offset a minimum of 5 ft from all roof edges, and that railing materials should be durable and of a high quality (preferably black metal) , and not visible from the public right-of-way. The proposed plans do not provide this level of dimensional, elevation, or design detail to determine alignment with these design goals.



Zoning Analysis:

This property is located within the 3F-2000 (Three Family Residential) subdistrict of the Charlestown Neighborhood District (Art. 62). It is also located within the Charlestown Neighborhood Design Overlay District (NDOD) (Art. 62, Sec. 18).

This project received a refusal letter on July 24, 2023, prior to the adoption of zoning text and map amendments in Charlestown (adopted October 18, 2023 and formally amended into the Boston Zoning Code on November 7, 2023). This project was flagged for Roof Structure Restrictions (Art. 62, Sec. 25) because the proposed roof decks may alter the roof profile. The Roof Structure Restrictions regulations were amended in October 2023 to remove a section related to the inclusion of non-occupied roof structures in building height.

The remaining Roof Structure Regulations that apply both to this July 2023 refusal and after the October 2023 zoning amendment state that “no roofed structure designed or used for human occupancy, access [...], or storage [...] shall be erected or enlarged on the roof of an existing building, if such construction relocates or alters the profile and/or configuration of the roof or mansard” (Art. 62, Sec 25). Such a roof structure would require a conditional use permit.

However, the proposed roof structures are two open roof decks which “may be erected on the main roof of a building with a flat roof” such as this property’s existing flat roof so long as it adheres to four dimensional qualities: “(a) such deck is less than one (1) foot above the highest point of such roof; (b) the total height of the building, including such deck, does not exceed the maximum building height allowed by this Article for the location of the building; (c) access is by roof hatch or bulkhead no more than thirty (30) inches in height above such deck [...]; and (d) an appurtenant hand rail, balustrade, hatch, or bulkhead is set back horizontally.”

The proponent’s plans that were reviewed by ISD only provide a site plan aerial perspective of the two (2) 200 sq ft open roof decks and does not provide additional dimensional information or side elevation drawings to exemplify the meeting of these dimensional qualities. That information is needed to determine the extent of BPDA design review due to this property’s location within the Charlestown NDOD.

Site plans completed by John J. Curley, Jr. on April 4, 1984.

Recommendation:



In reference to BOA1518102, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE: Proponent should resubmit plans with dimensional information relevant to the Roof Structure Restrictions (Art. 62, Sec. 25) regulations and with drawings that represent front and side elevations as well as materials to clarify the proposed roof decks' appearance relative to the public realm.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1576379
ZBA Hearing Date	2024-05-07
Address	241 Geneva AV Dorchester 02121
Parcel ID	1401385000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-5000
Zoning Article	10, 65
Project Description	The project intends to develop a new 3-story residential building with six affordable units and four rear parking spaces on a currently vacant parcel. This project is part of the Mayor's Office of Housing's "Welcome Home, Boston" program. This program also has two other projects in the vicinity which are also going through ZBA review. They include: 268 Geneva Ave (BOA1576380) and 276 Geneva Ave (BOA1576381).
Relief Type	Variance
Violations	Limitation of Area for accessory use (parking) Existing Building Alignment Lot Area Insufficient Lot Width Insufficient FAR Excessive Height Excessive (stories) Side Yard Insufficient Use: Forbidden

Planning Context:

The project intends to develop a new 3-story residential building with six affordable units and four rear parking spaces on a currently vacant parcel. This project is part of the Mayor's Office of Housing's "Welcome Home, Boston" program. This program also has two other projects in the vicinity which are also going through ZBA review. They include: 268 Geneva Ave (BOA1576380) and 276 Geneva Ave (BOA1576381).

"Welcome Home, Boston" is a housing development initiative started by the Mayor's Office of Housing, which aims to develop new affordable homes. The three sites previously identified (241 Geneva Ave, 268 Geneva Ave, and 276 Geneva Ave), were part of Phase I of this program, which began in 2022. Community feedback was gathered to determine requirements to help shape the RFPs which were used to select developers for each of the parcels identified in Phase I. Following this process, there was a 14-day comment period in the fall of 2023.

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The proposed project is located at a residential section on Geneva Avenue. In its immediate vicinity, there are a number of three-story, three-family houses, and adjacent to the Geneva Apartments, a multi-family affordable housing development consisting of several two to three-story buildings.

The project site is located within the junction of two major transit stations: it is within a 5-minute walk of the Fairmount Indigo line's Four Corners/Geneva station, and about a 16-minute walk to the MBTA Fields Corner station. The project site also has access to the 15, 17, and 19 MBTA buses, which are less than a 5-minute walk.

The proposed project is located in the Dorchester Neighborhood district and within the Fairmount Indigo Corridor Plan (2014). The Fairmount Indigo Corridor Plan is a comprehensive, community-based, corridor-wide plan that aims to integrate economic growth and physical improvement along the 9.2 miles of transit corridor of the Fairmount Indigo line. In addition to encouraging transit-oriented development along the line, the Fairmount Indigo Plan recognizes the importance of "strong and livable neighborhoods with high quality housing choices" to ensure the necessary density to make these areas viable and prosperous. This includes adding market rate and affordable housing of appropriate scale that are complementary to the area that the stations are located. The plan also emphasizes the need to "use publicly-owned real estate assets to attract and unlock strategic private investments near the stations" and "use [sic] City-owned vacancies on residential streets to reinforce neighborhood fabric with infill development".

The Fairmount Indigo Corridor Plan made several recommendations targeted at improving transit-oriented housing and quality housing choice, and increased neighborhood stability and a focus on benefitting current residents. These recommendations include: preventing displacement, allowing for a higher density around transit stations, reducing empty lots, and encouraging mixed-use main streets.

The increased housing units proposed in this project also aligns with the City's goals to develop more housing, per Imagine Boston 2030 and Housing a Changing City: Boston 2030 (2018). Per the 2018 update, Housing a Changing City: Boston 2030 highlighted a need to increase "access to homeownership, prevent displacement, and to promoting fair and equitable housing access", with a City commitment to create an additional 15,820 units of income-restricted housing from the original 16,000 units proposed in 2014. This updated goal responds to the expected population and job growth Boston will experience by 2030, and the need to keep pace with demand for housing.

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Zoning Analysis:

The project is located within a 3F-5000 subdistrict in the Dorchester Neighborhood district. The project's zoning violations are due to existing parcel size and density.

The allowed lot area is 5,000 square feet, whereas the existing parcel is slightly smaller at 4,926 square feet. The width of the lot is slightly smaller than what is required for this type of building structure (non-semi-attached dwelling, row house, or townhouse); the required width is 50 feet, but due to the existing lot's shape, the street-facing portion of the lot meets this requirement, but the rear of the lot is 40 feet. Under existing zoning, these nonconformities could create an existing hardship due to the shape of the parcel.

In terms of side yard setbacks, a portion of the project does not meet the minimum requirement of 10 feet of side yard. Given the narrowness of the lot and the inclusion of a rear parking lot and driveway, the eastern portion of the project is three feet from the lot line, and the western portion, 10 feet. The narrower side yard is not uncommon on the block as many of the buildings opposite of the property have been built to nearly the full width of the lot frontage and have similarly narrow side yards as a result.

The nature of the lot also raises a violation for the proposed driveway due to its proximity to the lot line. Under Article 10, Section 1, sideyards used for off-street parking must be located a minimum of five feet from the property line. However, to ensure maneuverability of the vehicles into the rear parking lot, the driveway is nearly the full width of the 10 foot side yard, with certain parts of the driveway abutting the lot line. Additionally, due to the off-street parking and a tree in the rear yard of the parcel, the project is not able to fully conform with neighboring building alignments, thereby creating a shallower setback. Given the challenges with the lot shape and effort to allow off-street parking, this presents hardship for the project to meet requirements for Conformity with Existing Building Alignment and lot line distance requirements for parking.

The current FAR limit for 3F-5000 subdistricts is 0.5, and the height limit for the subdistrict is 2.5 stories. The project is proposing a height of 3 stories and an FAR of 1.17. While this exceeds current zoning regulations, this aligns well with the existing block context as many neighboring properties are of similar FAR and height, including: 244 Geneva Avenue (1.21 FAR/3.0 stories) 256 Geneva Avenue (1.31 FAR/3.0 stories), and 272 Geneva Avenue (1.26 FAR/3.0 stories).

Lastly, the proposed project raises a use violation due to its proposal of six units, whereas the subdistrict only permits a maximum of three units. Given its alignment in scale with other

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buildings on the block, proximity to major transit nodes, and its ability to address the great need for affordable housing and density in the area, the project should be allowed to proceed.

This project suggests an opportunity for zoning reform to allow for appropriate infill development of this scale, particularly as it relates to updating building and lot standards.

The plans entitled 241 GENEVA AVENUE, DORCHESTER, MA, ZONING REVIEW prepared by 686 ARCHITECTS on JANUARY 18, 2024 were used in preparation of this recommendation.

Recommendation:

In reference to BOA1576379, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1576378
ZBA Hearing Date	2024-05-07
Address	22 Eunice ST Dorchester 02121
Parcel ID	1502191001
Zoning District & Subdistrict	Dorchester Neighborhood 3F-5000
Zoning Article	Article 65, Article 10
Project Description	Erect a new 3-story residential building with six affordable units and three parking spaces.
Relief Type	Variance, Conditional Use
Violations	Parking or Loading Insufficient Parking design and maneuverability Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Height Excessive (stories) FAR Excessive Lot Frontage Insufficient Forbidden Use (MFR)

Planning Context:

The existing vacant parcel is owned by the City of Boston. The proposed development of a 3-story residential building with six affordable units and three parking spaces is part of the Mayor's Office of Housing Welcome Home, Boston - an initiative to fast-track the production of affordable housing. The creation of six affordable units supports Imagine Boston 2030 (September 2017) and Housing a Changing City (2018) of increasing affordable housing in the city.

The parcel is situated at the end of a residential cul-de-sac, lined with 2-1/2-story to 3-story two-family and three-family dwellings. The proposed project is located 200 feet from the bus network serving Bowdoin St and half a mile from the Four Corners/Geneva MBTA commuter rail stop. Within the project's vicinity along Bowdoin St, there are amenities such as the Dorchester Food Co-op, a barber shop, a salon, retail stores, a health center, a driving school, and multifamily residential uses.

The project's proximity to services and transit stops aligns with Imagine Boston 2030's (September 2017) and Housing a Changing City (2017) of constructing transit-oriented development and promoting increased density along commercial corridors.



The project's proposed 3-story scale and use are also appropriate given the neighborhood context.

Zoning Analysis:

The proposed MFR use is in violation of the underlying 3F-5000 zoning. However, the proposed use aligns with the planning context.

The minimum lot frontage required is 50', but the proposed lot frontage is approximately 15' due to the project's location at the end of a cul-de-sac, where the majority of the parcel does not directly abut the public right-of-way (it abuts less than 1/3 of the parcel). This is an existing condition that is not exacerbated by the proposed changes.

The maximum FAR is 0.5 and the proposed FAR is 1.09. The project is consistent in scale and massing with the existing dwellings on the street. The minimum front yard setback is 15' and the proposed front yard setback is 8'.2". The existing dwellings on the street range from a zero lot line to around a 10' front yard setback. This is an opportunity for zoning reform to update the dimensions to match the existing context.

The minimum side yard setback is 10' and the proposed side yard setback is 3' (West) and 29'.6" (East). The proposed project's side yard setback is 29'.6" (East) and significantly smaller on the western side to align the location of the parking spaces with the existing right of way. If the proponent were to increase the side yard setback from 3' to 10' the proposed parking would have to shift even closer to the side yard lot line it is already in violation of (Article 10, Section 1 violation - see below).

The minimum rear yard is 30' and the proposed rear yard is 5'.7". None of the existing dwellings on the street meet the minimum 30' rear yard setback requirement. This is an opportunity for zoning reform to update the dimensions to match the existing context.

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

The proposed 3 parking spaces do not meet the minimum number of parking spaces (1.25 per unit so 7.5 spaces). The reduction of parking spaces is in keeping with GO Boston 2030 (2017) and BTDA's parking policies of reducing reliance on private vehicles.

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Recommendation:

In reference to BOA1576378, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1576381
ZBA Hearing Date	2024-05-07
Address	276 Geneva AV Dorchester 02121
Parcel ID	1502275000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-5000
Zoning Article	65
Project Description	The project intends to develop a new 4-story residential building with seven affordable units on a currently vacant parcel. This project is part of the Mayor’s Office of Housing’s “Welcome Home, Boston” program. This program also has two other projects in the vicinity which are also going through ZBA review. They include: and 241 Geneva Ave (BOA1576379) and 268 Geneva Ave (BOA1576380).
Relief Type	Variance
Violations	Parking or Loading Insufficient Existing Building Alignment Lot Area Insufficient Lot Width Insufficient Lot Frontage Insufficient FAR Excessive Height Excessive (ft) Height Excessive (stories) Side Yard Insufficient Rear Yard Insufficient Use: Forbidden

Planning Context:

The project intends to develop a new 4-story residential building with seven affordable units on a currently vacant parcel. This project is part of the Mayor’s Office of Housing’s “Welcome Home, Boston” program. This program also has two other projects in the vicinity which are also going through ZBA review. They include: and 241 Geneva Ave (BOA1576379) and 268 Geneva Ave (BOA1576380).

“Welcome Home, Boston” is a housing development initiative started by the Mayor’s Office of Housing, which aims to develop new affordable homes. The three sites previously identified (241 Geneva Ave, 268 Geneva Ave, and 276 Geneva Ave), were part of Phase I of this program, which began in 2022. Community feedback was gathered to determine requirements

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to help shape the RFPs which were used to select developers for each of the parcels identified in Phase I. Following this process, there was a 14-day comment period in the fall of 2023.

The proposed project is located at a residential section on Geneva Avenue. In its immediate vicinity, there are a number of three-story, three-family houses, and across the street from Geneva Cliffs park and the Geneva Apartments, a multi-family affordable housing development consisting of several two to three-story buildings.

The project site is located within the junction of two major transit stations: it is within a 5-minute walk of the Fairmount Indigo line's Four Corners/Geneva station, and about a 16-minute walk to the MBTA Fields Corner station. The project site also has access to the 15, 17, and 19 MBTA buses, which are less than a 5-minute walk.

The proposed project is located in the Dorchester Neighborhood district and within the Fairmount Indigo Corridor Plan (2014). The Fairmount Indigo Corridor Plan is a comprehensive, community-based, corridor-wide plan that aims to integrate economic growth and physical improvement along the 9.2 miles of transit corridor of the Fairmount Indigo line. In addition to encouraging transit-oriented development along the line, the Fairmount Indigo Plan recognizes the importance of "strong and livable neighborhoods with high quality housing choices" to ensure the necessary density to make these areas viable and prosperous. This includes adding market rate and affordable housing of appropriate scale that are complementary to the area that the stations are located. The plan also emphasizes the need to "use publicly-owned real estate assets to attract and unlock strategic private investments near the stations" and "use [sic] City-owned vacancies on residential streets to reinforce neighborhood fabric with infill development".

The Fairmount Indigo Corridor Plan made several recommendations targeted at improving transit-oriented housing and quality housing choice, and increased neighborhood stability and a focus on benefitting current residents. These recommendations include: preventing displacement, allowing for a higher density around transit stations, reducing empty lots, and encouraging mixed-use main streets.

The increased housing units proposed in this project also aligns with the City's goals to develop more housing, per Imagine Boston 2030 and Housing a Changing City: Boston 2030 (2018). Per the 2018 update, Housing a Changing City: Boston 2030 highlighted a need to increase "access to homeownership, prevent displacement, and to promoting fair and equitable housing access",



with a City commitment to create an additional 15,820 units of income-restricted housing from the original 16,000 units proposed in 2014. This updated goal responds to the expected population and job growth Boston will experience by 2030, and the need to keep pace with demand for housing.

Zoning Analysis:

The project is located within a 3F-5000 subdistrict in the Dorchester Neighborhood district. The project's zoning violations are attributed to its density and scale.

The allowed lot area is 5,000 square feet, whereas the existing parcel is at 2,796 square feet. The width of the lot is slightly smaller than what is required for this type of building structure (non-semi-attached dwelling, row house, or townhouse); the required width and lot frontage is 50 feet, but the existing lot's width and lot frontage that is facing Geneva Avenue is slightly lower at 44.42 feet. Under existing zoning, these nonconformities could create an existing hardship due to the shape of the parcel.

In terms of rear and side yard setbacks, the project is generally consistent with its neighbors. Article 65 requires a minimum of 10 feet of side yard and a depth of 30 feet of rear yard, and the project is proposing just under 7 feet at some of the narrowest parts of the development, and a rear yard depth of 12.5 feet. Given the relatively square nature of the existing parcels along this section of Geneva Avenue, and the scale and types of residential buildings neighboring the project site, which build to nearly the full width of the parcel and have shallow rear yards, the project's yard setbacks are relatively in line with the existing block's context.

Current zoning requires that buildings with 4 to 9 units have 1.25 parking spaces per unit. The project site has excellent access to public transit, and although the project does not have any off-street parking, this aligns well with the majority of the current block, as many abutting houses rely on street parking to meet this need.

The current FAR limit for 3F-5000 subdistricts is 0.5, and the height limits for the subdistrict are 35 feet and 2.5 stories. The project is proposing a height of 4 stories and 43 feet, and an FAR of approximately 2.06. While this exceeds current zoning regulations, the project will provide seven units of affordable housing that would provide valuable affordable housing that would align with the Fairmount Indigo Corridor Plan goal for improved transit-oriented development and the City's goal for the development of more housing to accommodate future population growth.



Lastly, the proposed project is required to conform to the existing building alignment of its neighboring properties. Currently, the project is proposing a setback of 6.8 feet, and based on initial analysis of neighboring properties, it appears that the setback is similarly situated with the neighboring 272 Geneva Ave and 280 Geneva Ave.

Given the existing conditions of the block and the great need for affordable housing in the area, the project should be allowed to proceed.

This project suggests an opportunity for zoning reform to allow for appropriate infill development of this scale, particularly as it relates to updating building and lot standards.

The plans entitled 276 GENEVA AVENUE, DORCHESTER, MA, ZONING REVIEW prepared by 686 ARCHITECTS on FEBRUARY 29, 2024 were used in preparation of this recommendation.

Recommendation:

In reference to BOA1576381, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPDA

MEMORANDUM**December 14, 2023**

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

FROM: CASEY HINES, DEPUTY DIRECTOR OF DEVELOPMENT REVIEW
SARAH BLACK, SENIOR PROJECT MANAGER

SUBJECT: 131 NORTH BEACON STREET, BRIGHTON

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority (“BRA”) d/b/a Boston Planning & Development Agency (“BPDA”) authorize the Director to: (1) issue a 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 August 4, 2023 (the “PNF”), by 36 Hichborn, LLC (the “Proponent”) for the 131 North Beacon Street Project (the “Proposed Project”, defined below) in the Brighton neighborhood of Boston; (2) issue a Certificate of Compliance under Section 80B-6 of the Code upon successful completion of the Article 80 review process; (3) enter into an Affordable Housing Agreement (“AHA”) and a Cooperation Agreement in connection with the Proposed Project; and take any other actions and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The Proposed Project is located at 131 North Beacon Street in Brighton. (the “Project Site”). The Project Site consists of one (1) parcel known as 131 North Beacon Street (parcel 2201899000), comprising approximately 22,812 square feet. The Project Site is currently occupied by a vacant one-story commercial building and a paved parking lot. The one-story structure 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 multiple MBTA bus lines, is less than a quarter mile from the MBTA’s Boston Landing Commuter Rail Station, and is

approximately one (1) mile from the Allston Street and Warren Street MBTA Green Line Stations.

DEVELOPMENT TEAM

Proponent/Developer: 36 Hichborn, LLC
221 North Beacon Street
Boston, MA 02135
Keith Craig

Architect: Embarc Inc.
580 Harrison Avenue
Boston, MA 02118
Robert Del Savio
Austin Blanks

Zoning Counsel: Pulgini and Norton, LLP
John A. Pulgini, Esq
76 Canal Street, Suite 302
Boston, MA 02114

Landscape Architect: Kyle Zick Landscape Architecture, Inc.
4228 Washington Street
Boston, MA 02131
Kyle Zick

Legal Counsel: Goodwin
100 Northern Avenue
Boston, MA 02210
Robert Fitzgerald

Permitting Consultant: Epsilon Associates, Inc.
3 Mill & Main Place, Suite 250
Maynard, MA 01754
David Hewett
Emma Marcou

Civil Engineering: Beals Associates, Inc.
2 Park Plaza, Suite 200
Boston, MA 02116

Todd Morey
Devin Howe

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

Transportation Engineer: Howard Stein Hudson
11 Beacon Street, Suite 1010
Boston, MA 02108
Elizabeth Peart

Sustainability Consultant: Soden Sustainability Consulting
19 Richardson Street
Winchester, MA 01890
Colleen Ryan Soden, LEED AP BDC, IDG

Geotechnical Engineer: Sanborn Head & Associates, Inc.
98 North Washington Street, Suite 101
Boston, MA 02114
Matthew Heil
Quincy Pratt

DESCRIPTION AND PROGRAM

The Proponent is proposing the demolition of the existing one-story vacant building and constructing a six (6) story, mixed-use condominium building with seventy-six (76) residential units, approximately 2,870 SF of first floor retail and lobby space, forty-five (45) parking spaces (25% EV ready), and seventy-six (76) resident bicycle spaces and sixteen (16) visitor bicycle spaces (the "Proposed Project"). Collectively, the Proposed Project will contain approximately 72,890 SF of gross floor area. The new building will incorporate landscape and hardscape improvements and significant improvements to the public realm.

The Proposed Project will contain seventy-six (76) condominium units, consisting of sixteen (16) studio units, thirty-eight (38) one-bedroom units, two (2) one-bedroom plus units, fourteen (14) two-bedroom units, and six (6) three-bedroom units.

The Proponent plans to commence construction of the Proposed Project in the third quarter of 2024. There is an estimated 130+/- construction jobs contributing to the Proposed Project. The total development cost is approximately Forty Million Dollars (\$40,000,000).

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

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	99,293
Gross Floor Area	72,815
<i>Residential</i>	69,945
<i>Office</i>	0
<i>Retail</i>	2,870
<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>	22,653
Development Cost Estimate	\$40,000,000
Residential Units	76
<i>Rental Units</i>	0
<i>Ownership Units</i>	76
<i>IDP/Affordable Units</i>	13
Parking spaces	45 (which includes 1 tandem)

ARTICLE 80 REVIEW PROCESS

On April 28, 2023, 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 August 4, 2023, the Proponent filed a Project Notification Form (“PNF”), which commenced a comment period that ran through September 20, 2023. The BPDA hosted a virtual Impact Advisory Group (“IAG”) meeting on September 5, 2023, and a virtual public meeting on September 13, 2023. All meetings were advertised in the relevant neighborhood newspaper, the Bulletin Newspaper, posted on the BPDA website, and a notification was emailed to all subscribers of the BPDA’s Allston/Brighton neighborhood update list.

ZONING

The Project Site is located in the Allston-Brighton Neighborhood Zoning District, and more specifically in the Guest Street Local Industrial 2 (LI-2) Zoning Subdistrict, which is governed by Article 51 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-MFR
- Parking

PLANNING CONTEXT AND CITY STAFF REVIEW

The Proposed Project is located within the planning boundaries of the Brighton/Guest Street Planning Study & Urban Design Guidelines (Planning Study) which was adopted by the BRA Board in 2012. However, the Boston Zoning Code was not updated to reflect the Planning Study recommendations. The Planning Study created a public realm context for underutilized industrial/commercial landscape and required the introduction of new streets for on-site circulation and servicing/loading. The Planning Study also required the creation of urban blocks with complete streetscapes to create a context for development and a new district. The Proposed project complies with the dimensional and density recommendations within the Planning Study, which proposes an increase in density and height from south to north across the site. A FAR between 0.75 - 1.50 and maximum height limit up to 40 feet and/or up to 4 stories at the front of the site and a FAR between 1.25 - 3.25 and maximum height limit up to 110 feet and/or up to 12 stories at the back of the site. The Proposed Project also complies with the guideline that throughout the Study Area, street walls should not exceed 40’ in height and stepbacks of 15’ at 40’ heights will ensure a human scale to the streets.

Additionally, the Proposed Project sits within two neighborhood-wide planning studies, the Allston-Brighton Mobility Plan (2021) led by the BPDA and BTM and the

Allston-Brighton Arts, Culture and Placekeeping Report (2021) led by the Mayor's Office of Arts and Culture (MOAC). During the course of the Proposed Project's review, BPDA staff ensured compliance with the goals of the Allston-Brighton Mobility Plan, the Boston Complete Streets Design Guidelines (2013), and accommodation of the Boston Transportation Department's planned North Beacon Street low-stress bike lane. Additionally, the Proposed Project reduced vehicular parking due to proximity to transit, increased bike parking, and reduced potential vehicular/bike/and pedestrian conflicts furthering neighborhood planning goals.

Furthermore, design review ensured accessible routes around the site and consideration of the long-term health of street plantings, including soil volume for street trees. The Proposed Project exceeds sustainability and resilient building goals and includes architectural considerations such as stepping of the building along North Beacon Street to reflect the urban design intent of the Brighton Guest Street Planning Study and to highlight the active retail edge along North Beacon Street which wraps the corner towards Hichborn Street. Finally, the proposed project exceeds Inclusionary Development Policy (IDP) recommendations and provides opportunities for small scale retail space in alignment with goals of the Placekeeping Report (2021) which catalogs existing art uses, art/cultural institutions, and cultural assets in the neighborhood and recommends preserving, relocating, and creating new art/cultural spaces.

MITIGATION & COMMUNITY BENEFITS

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

- Creating thirteen (13) affordable condominium units, which will exceed the City's IDP requirements.
- Deliver significant improvements to the public realm, by reconstructing and expanding sidewalks, installing street trees, and implementing other pedestrian amenities to further improve the public realm.
- Comply with the 2021 Bike Parking Guidelines, creating a dedicated bike room within the building with 76 residential and sixteen (16) visitor bike parking spaces dedicated to encourage bicycling as a mode of transportation, allowing less vehicular traffic and installing a 15-bike bikeshare station at the site, as allowed.
- Creation of approximately one hundred-thirty (130) construction jobs.

- The Proponent shall make a Twenty Five Thousand Dollar (\$25,000.00) contribution to City's Fund for Parks, for the benefit of nearby McKinney Park:
 - 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 improvements and maintenance to McKinney Park in Allston.
 - Amount: \$25,000.00
 - Timeline: The \$25,000.00 contribution is due prior to the issuance of a Certificate of Completion for the Proposed Project.

SUSTAINABILITY & RESILIENCY

The Proposed Project is pursuing the 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. All units will receive HERS ratings that meet or exceed ENERGY STAR Homes v3.1 requirements. 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 2035 pCEI is predicted to be 1.5 kg CO₂e/sf-yr.

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 will be designed with a continuous sealed air barrier with a maximum of 3.0 Air Changes per Hour leakage at 50 Pascals. However, if the Proposed Project seeks full Passive House Certification the airtightness will increase to 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 individual air source heat pumps which will utilize electricity and the vapor/refrigeration cycle for hot water production. Heating and cooling shall be provided by individual air source heat pumps 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.

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 North Beacon 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 either make a one-time "bikeshare" contribution of \$49,000.00 to Boston Transportation Department ("BTD") per the City's Bike Parking Guidelines or 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 45 vehicle parking spaces and 76 interior secure resident bike spaces and 16 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 Hichborn and North Beacon 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 approximately \$275,000. 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 reduce curb cuts from approximately 100 feet to 12 feet to support pedestrian safety.
- All sidewalks will maintain at least 8 feet clear accessible paths of travel absent vertical elements on North Beacon Street and at least 5 feet clear accessible paths of travel absent vertical elements on Hichborn Street. Sidewalks will be made of concrete and will include street trees with tree pits per PWD standards.
- The Project will comply with the Boston Transportation Department Transportation Demand Management Points System. The selected strategies will be specified and codified in the Transportation Access Plan Agreement ("TAPA"). For this project, minimum expected requirements include 80 TDM points.

AFFIRMATIVELY FURTHERING FAIR HOUSING

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

Article 80 Interventions

- Provide an additional percentage of IDP units than required, with 17% of total units.

- Deepen the affordability of the income-restricted units and offer the IDP units at a wider range of affordability levels than required by the IDP.
- Provide all IDP units on-site.

Marketing and Access Interventions

- In the case of homeownership units, provide a preference to first-time/generation Homebuyers and develop marketing policies and procedures that are least likely to exclude preferred homebuyers.
- Agree to follow best practices related to the use of CORI, eviction, and credit records in the tenant screening and selection process.
- Agree to follow 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 in 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; and
 - 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 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, thirteen (13) units, representing approximately 17% of total units within the Proposed Project, will be created as IDP condominium homeownership units (the "IDP Units"). Of these, one (1) of the IDP Units will be made affordable to households earning not more than 60% of the Area Median

Income (“AMI”), as determined by the United States Department of Housing and Urban Development (“HUD”) and published by the BPDA, two (2) units will be made affordable to households earning not more than 70% of AMI, three (3) units will be made affordable to households earning not more than 80% of AMI, three (3) units will be made affordable to households earning not more than 90% of AMI, two (2) units will be made affordable to households earning not more than 100% of AMI, and the remaining two (2) units will be made affordable to households earning not more than 110% of AMI.

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

Unit Number	Number of Bedrooms	Square Footage	Percentage of Area Median Income	Sales Price	ADA/ Group-2 Designation
101	Studio	525	60%	\$122,500	
201	Three-bedroom	1050	110%	\$417,100	
206	One-bedroom	720	90%	\$253,500	
211	Studio	455	80%	\$180,800	
214	One-bedroom	655	100%	\$287,400	
302	Studio	455	100%	\$239,000	
316	Two-bedroom	1035	80%	\$258,500	
405	One-bedroom	720	70%	\$185,500	
410	Two-bedroom	830	90%	\$297,300	
414	One-bedroom	655	90%	\$253,500	

507	One-bedroom	610	80%	\$219,500	
514	Two-bedroom	975	110%	\$369,400	
602	One-bedroom	685	70%	\$185,500	Group-2

The location of the IDP Units will be finalized in conjunction with BPDA and/or MOH staff and outlined in the Affordable Housing Agreement (“AHA”), and sales and income limits will be adjusted according to BPDA published maximum Sale 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 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;
- (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 any 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 limits for each IDP

Unit. IDP Units may not be sold by the developer prior to the sale 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 thirteen (13) designated IDP Units fully satisfies the IDP requirements pursuant to the December 10, 2015, IDP.

RECOMMENDATION

Approvals have been requested of the BPDA for the Director to (a) issue a Determination pursuant to Section 80B-5.3(d) of the Code waiving further review of the Proposed Project; (b) issue a Certification of Compliance under Section 80B-6; and (c) 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.

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

An appropriate vote follows:

VOTED: That the Director be, and hereby is, authorized to issue a Determination pursuant to Section 80B-5.3(d) of the Code which finds that the PNF adequately describes the potential impacts arising from the proposed 131 North Beacon Street project (the "Proposed Project"), and provides sufficient mitigation measures to minimize these impacts, and waives further review of the Proposed Project pursuant to subsections 4 and 5 of Section 80B-5 of the Code, subject to continuing design review by the BPDA; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Compliance 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 Housing Agreement (“AHA”) Agreement, and any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

131 North Beacon Street



1:500



131 North Beacon Street



1:500



To: Keith Craig, Senior Director, 36 Hichborn LLC
Cc: Sarah Black, Senior Project Manager, Boston Planning and Development Agency
From: Maggie Cherry, Housing Policy Manager on behalf of the Boston Interagency Fair Housing Development Committee
Date: September 11, 2023
Re: 131 North Beacon Street Affirmatively Furthering Fair Housing Comments from the Boston Interagency Fair Housing Development Committee

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

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

- Unit Matrix
- AMIs of IDP Units
- Fully Built-Out Group 2 Unit Percentage
- 3-4 Bedroom Units higher amount of 3 and 4 bedroom units

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

Project Name/Address	131 North Beacon St
BIFDC Review Date(s):	8/11/2023

AFFH Recommendations

AFFH Assessment is complete.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - An AFFH Assessment is marked as complete when the BIFDC has concluded its review and is able to make a recommendation regarding the AFFH components of a Proposed Project.
If no, describe what is needed to complete the Assessment.	<p>Based on the comments from BIFDC representatives (attached), the Proponent is requested to respond to the follow questions, comments, and recommendations:</p> <ol style="list-style-type: none"> Unit Matrix: Proponent is requested to provide a unit matrix-in Excel format-listing the location, bedroom count, square footage, and IDP designation and AMI, and Group 2 status of each unit for BIFDC review. AMIs of IDP Units: Proponent is recommended to provide IDP units at a greater range of AMIs than the required 80% and 100% AMI. The household incomes in the area surrounding the Proposed Project are slightly lower than City-wide averages. Offering IDP units at a range of AMIs will begin to address this concern. Fully Built-Out Group 2 Unit Percentage: Proponent is recommended to provide a percentage of fully built-out Group 2 units. There is a lower than average number of people living in the area with a disability, so including fully built-out Group 2 units provide housing opportunities to these households. An alternative would be to include larger units that are more accommodating to households with a member with a disability. 2+ Bedroom units: The project is located in an area with larger than average household sizes. Therefore, it is recommended that the proponent increase the percentage of 3 and 4 bedroom units (both market rate and IDP units).
AFFH Assessment appears to be accurate.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If no, describe the inaccuracies.	
AFFH Assessment notes:	

Planned Development Area

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

PDA Notes:	
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Historical Exclusion

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

Actual Residential Displacement

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

Displacement Risk

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

4. Percentage of residents that are members protected classes (note: not all possible protected classes are reported on);
5. Mitigating factors such as high percentage of income-restricted units; high percentage of 2+ bedroom units as two examples among many.

Please note that this analysis is for the purposes of considering whether the level of displacement risk within ¼ mile of the Proposed Project site necessitates that an Intervention Enhancement be required due to High Displacement Risk. Factors that may tend to show little or no displacement pressure may tend to indicate that there is a lack of meaningful community integration within ¼ mile the Proposed Project site which should be addressed as part of a holistic AFFH strategy.

Percentage of renter occupied households

The percentage of renter-household is 2.4% lower than city-wide averages. A large number of renter households when considered with other factors can be indicative of elevated displacement risk. There is a high number of renter-households in the area around the Proposed Project site.

Percentage of rent-burdened and extremely rent burdened households

The percentage of rent burdened households within ½ miles of the Proposed Project site is about 15% lower than city-wide averages while the percentage of extremely rent burdened households is about 50% lower than city wide averages. An elevated number of rent burdened and/or extremely rent burdened households when considered with other factors can be indicative of elevated displacement risk. There is a lower number of rent-burdened and a significantly lower number of extremely rent-burdened households in the area around the Proposed Project site.

Household income

The household incomes in the area around the Proposed Project site are slightly higher than city-wide averages with 36.5% of households having an annual income of \$50,000 or less annually compared to the city-wide average of 41.2%. A large number of low-income households when considered with other factors can be indicative of elevated displacement risk. There is a moderate number of low-income households in the area around the Proposed Project Site.

Percentage of resident that are member of protected classes

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

Families with children: The share of households with children under 18 is 12% lower than the City as a whole, which indicates that there is not an increased displacement risk for families with children under 18 because there is lower prevalence of these families within the area around the Proposed Project Site.

Persons with disabilities: The share of households with a member with a disability is about 16% lower than city-wide averages which indicates that there is not an increased displacement risk for persons with disabilities within the area around the Proposed Project site.

Racial and ethnic composition: There is a higher than average number of individuals identifying as Asian and Native Hawaiian and other Pacific Islander within the area surrounding the Proposed Project site. Large concentrations of specific racial and ethnic groups when considered with other factors can be indicative of elevated displacement risk. There is an elevated displacement risk for Asian and Native Hawaiian and other Pacific Islander households within the area around the Proposed Project site.

Number of persons identifying as foreign born: The percentage of foreign-born individuals within the Proposed Project area is nearly 10% higher than city-wide averages. This indicates that there is slightly elevated displacement risk for foreign born individuals because there are a higher number of foreign-born individuals within the area around the Proposed Project Site.

Mitigating Factors

Elevated displacement risk can sometimes be mitigated by other factors detailed in the Housing and Household Composition Community Profile report such as prevalence of a high number of income restricted housing units, larger units appropriate for different family types, or high prevalence of housing voucher utilization.

1. There are 31% more income-restricted units in the project area compared to the city as a whole. A large number of income-restricted units may indicate a low level of displacement risk. There is an elevated number of income-restricted units in the area.
2. There are 28.5% more 3 and 4+ bedroom units in the project area compared to the city as a whole. This increased number of larger units indicated a lower level of displacement risk.

DND Displacement Risk Map

The DND Displacement Risk Map is not precise enough to apply to the project level however it does indicate that this area of Brighton shows a moderate level displacement risk.

Answers Provided in AFFH Assessment Section 4

The Proponent's answer to AFFH Assessment Section 4 indicates that there is no direct residential displacement at the Proposed Project site.

Displacement Risk Notes:

Proportionality

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

AFFH Strategy

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

To: Keith Craig, Senior Director, 36 Hichborn LLC

Cc: Sarah Black, Project Manager, Boston Planning and Development Agency

From: Rafi Nizam, AFFH Assistant on behalf of the Boston Interagency Fair Housing Development Committee

Date: November 16th, 2023

Re: 131 North Beacon St Affirmatively Furthering Fair Housing Comments from the Boston Interagency Fair Housing Development Committee

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

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

1. AMIs of IDP Units
2. First time homebuyer language
3. Marketing and housing access intervention options

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

Boston Interagency Fair Housing Development Committee Review & Recommendation Form

Project Name/Address	131 North Beacon St, Brighton
BIFDC Review Date(s):	10/27/23

AFFH Recommendations

AFFH Assessment is complete.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - An AFFH Assessment is marked as complete when the BIFDC has concluded its review and is able to make a recommendation regarding the AFFH components of a Proposed Project.
If no, describe what is needed to complete the Assessment.	<p>Based on the comments from BIFDC representatives, the Proponent is requested to respond to the follow questions, comments, and recommendations:</p> <ol style="list-style-type: none"> AMIs of IDP Units: Proponent is recommended to provide more IDP units at AMIs between 50-70%, particularly in the Group 2 units, in order to lower the average AMI. First-time homebuyer language: Proponent is recommended to connect with the BHA about the BHA First Home Program, and include specific language written below in their marketing: “BHA has established a first-time homebuyer program in collaboration with the City of Boston to provide enhanced down payment assistance to BHA Section 8 voucher holders and public housing residents. Eligible BHA residents purchasing in the City of Boston can receive up to \$75,000 in assistance. The First Home Program also provides support to Section 8 voucher holders interested in the Section 8 to Homeownership program, which can provide subsidy towards monthly mortgage payments for up to 15 years. More information about the First Home Program is available here.” Marketing and housing Access: More details are needed with regard to marketing and housing access and are expected to be provided through a forthcoming market plan. Proponent is recommended to incorporate the following best practices as part of the marketing and tenant selection strategy for market-rate units: <ul style="list-style-type: none"> • Adopt the Fair Chance Tenant Selection Policy (https://www.chapa.org/sites/default/files/Boston%20Fair%20Chance%20Ordinance_February%202017.pdf) for market-rate units; • Develop and abide by a tenant screening policy requiring that CORI, Credit Score, Eviction History be assessed on an individualized basis rather than implementing a blanket policy that excludes applicants with CORIs, certain credit scores, and/or eviction histories;

	<ul style="list-style-type: none"> • Work exclusively with local, multilingual, and culturally competent leasing agents; • Market all residential units in all of Boston’s dominant languages; • Market all units across media types (print, social, audio, digital, etc.) • Describe IDP units and link to Metrolist on the Project’s primary marketing website
AFFH Assessment appears to be accurate.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If no, describe the inaccuracies.	
AFFH Assessment notes:	

Planned Development Area

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

Historical Exclusion

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

Actual Residential Displacement

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

Displacement Risk

This project is located in an area of high displacement risk.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – Intervention Enhancement for High Displacement Risk is not required
Discuss the basis for the above determination.	<p>Conclusion: Using the information contained in the Housing and Household Composition Community Profile Report, the DND Displacement Risk Map, and the answers to AFFH Assessment Section 4, there is likely a high risk of displacement in the area surrounding the Proposed Project site.</p> <p>Displacement Risk Analysis: Displacement is defined under the Boston Zoning Code as “unwilling or coerced departure, removal or economic dislocation, in a community or in an adjacent and impacted community, occurring when neighborhood choices become limited due to increasing rent burden or a lack of housing that is affordable to area residents, area renters, low-income residents, or residents belonging to protected class or a set of protected classes, thereby restricting housing choice for the impacted population.”</p>

In order to assess displacement, the BIFDC considers both actual displacement at the project site as well as displacement risk in the community within ¼ mile of the Proposed Project site. For the purposes of this analysis, the BIFDC considers information from the following sources:

1. Housing and Household Composition Community Profile Report (HHCCPR);
2. DND Displacement Risk Map;
3. Answers Provided in AFFH Assessment Section 4

This analysis represents the BIFDC's opinion when viewing the Proposed Project in the context of the three sources used to assess risk of displacement as defined in the Boston Zoning Code and is not predictive with regard to whether actual displacement will occur in the community.

When using the HHCCPR to assess displacement risk, the following factors are considered:

1. Percentage of renter-occupied households;
2. Percentage of rent-burdened and extremely-rent burdened households;
3. Household income in the catchment area;
4. Percentage of residents that are members of protected classes (note: not all possible protected classes are reported on);
5. Mitigating factors such as high percentage of income-restricted units or high percentage of 2+ bedroom units.

Please note that this analysis is for the purposes of considering whether the level of displacement risk within ¼ mile of the Proposed Project site necessitates an Intervention Enhancement due to High Displacement Risk. Factors that may tend to show little or no displacement pressure may indicate a lack of meaningful community integration within ¼ mile of the Proposed Project site, which should be addressed as part of a holistic AFFH strategy.

Percentage of renter-occupied households: The percentage of renter occupied households is over 27% higher than the city-wide average. A large number of renter households when considered with other factors can be indicative of elevated displacement risk. There is an elevated number of renter-households in the area around the Proposed Project site.

Percentage of rent-burdened and extremely rent-burdened households: The percentage of rent-burdened and extremely rent-burdened households within ¼ mile of the Proposed Project site is lower than the city-wide average, with rent-burdened households being about 7% lower than the city-wide average and extremely rent-burdened households being about 12% lower than the citywide average. A large number of rent-burdened and/or extremely rent-burdened households when considered with other factors can be indicative of elevated displacement risk. There is a moderate number of rent-burdened and extremely rent-burdened households in the catchment area.

Household income

	<p>The household incomes in the area around the Proposed Project site are lower than the city-wide average, with nearly 60% of households having an annual income of \$75,000 or less annually compared to the city-wide average of 54.6%. A large number of low-income households when considered with other factors can be indicative of elevated displacement risk. There is a large number of low-income households in the area around the Proposed Project Site.</p> <p>Percentage of residents that are members of protected classes: The HHCCPR considers the following protected classes: families with children, disability status, race and ethnicity, and immigrant status. Again, it is important to remember that factors reviewed here showing low displacement pressure may indicate a lack of meaningful community integration within the Proposed Project Area, which should be addressed as part of a holistic AFFH strategy.</p> <p>Families with children: The number of families with children under 18 is 3% lower than the city as a whole.</p> <p>Persons with disabilities: The number of persons with disabilities is 3% lower than city-wide averages.</p> <p>Racial and ethnic composition: There is a significantly higher than average number of individuals identifying as Asian, Native Hawaiian and/or Other Pacific Islander and a slightly higher concentration of non-Hispanic white households within the catchment area. Large concentrations of specific racial and ethnic groups when considered with other factors can be indicative of elevated displacement risk. There are large concentrations of Asian, Native Hawaiian and/or Other Pacific Islander-households and non-Hispanic white households within the catchment area.</p> <p>Number of persons identifying as foreign born: The percentage of foreign-born individuals within the catchment area is approximately 3% higher than the city-wide average.</p> <p>Mitigating Factors: Elevated displacement risk can sometimes be mitigated by other factors detailed in the Housing and Household Composition Community Profile report, such as prevalence of a high number of income restricted housing units, larger units appropriate for different family types, or high prevalence of housing voucher utilization. Since displacement risk is not found to be elevated here, mitigation factors—if any—will not be assessed.</p> <p>Answers Provided in AFFH Assessment Section 4</p> <p>The Proponent’s answer to AFFH Assessment Section 4 indicates that there is no direct residential displacement at the Proposed Project site.</p>
<p>Displacement Risk Notes:</p>	

Proportionality

<p>The proposed intervention options are proportional to the size, scope, and impact of the proposed project.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Discuss the basis for the above determination.</p>	<p>A determination regarding Proportionality cannot be made until the outstanding issues described above are resolved.</p>

<p>If no, describe the type and amount of additional intervention options that are necessary to a determination of proportionality.</p>	
<p>Proportionality notes:</p>	

AFFH Strategy

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

TO: Sarah Black, Project Manager
FROM: Travis Anderson, Senior Infrastructure & Energy Planner
Becca Miller, Smart Utilities Program - Associate
DATE: September 18th, 2023
SUBJECT: 131 North Beacon Street – Smart Utilities Comments – PNF

Comments and requests for additional information:

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

- 1) Utility Site Plan: Please submit the USP showing the following:
 - a) Utility Connections:
 - i) Show the location of all new and existing utility connections on Hitchborn Street as well as North Beacon Street (gas, water, sewer, drainage, electric, telecom).
 - ii) Please provide lateral diagrams of all new and existing utility infrastructure and include the location of proposed tree pits.
 - b) Green Infrastructure:
 - i) Thank you for showing the proposed location of Green Infrastructure and stormwater management assets on the site and the ROW, including trees and permeable pavers. Please make sure there are no conflicts with the existing and proposed utility connections.
 - ii) Please confirm the impervious area and volume of stormwater that will be retained on the site, via filling Part 4 of [Smart Utilities Checklist](#) as well as by showing it on the Utility Site Plan.
 - c) Gas:
 - i) Show the location of the gas meter(s), and whether they are located inside or outside the building. Please clarify the intended gas use.
 - d) Smart Street Lights: Please show the following:

- i) The location of the electrical conduit(s) that will power the street lights along your project and where this conduit will receive or already receives power from (i.e., direct connection to the utility in the ROW, connected to street light electrical conduit in the adjacent parcel/building).
 - ii) If any significant sidewalk reconstruction is planned, we ask that you include two separate conduits, one for extra electrical and one for extra fiber, running along the street light conduit on sidewalks. Note: PIC is currently recommending one dual handhole for these conduits; the handhole should be different from the handhole for street lights.
 - iii) Where this extra electrical conduit and extra fiber conduit would receive power/fiber from the electrical utility and telecom utility on the ROW, respectively. Note: a) the actual tie into the utility is not required, but we need to know where the utilities would allow for service to come into the sidewalk shadow conduit; b) the tie-into electric service should not be the power pull box used for the street light, but a separate direct connection to the utility.
 - iv) Where the handholes for these two conduits would be located. Handholes should be located at least at the nodes of the conduit, where the conduit will connect to the utility service or to an existing conduit in an adjacent parcel, and at the base of any pertinent street lights.
 - e) Electrical Transformers: Please include the proposed location of any electrical transformers on site.
 - f) Electric Vehicles:
 - i) Please include in your USP any infrastructure needed to comply with the City of Boston EV Readiness Policy for New Developments. This may include EV chargers, additional electrical services, transformers, empty conduit, etc.
 - Please specify the number of EV chargers and the type of EVSE (i.e. Level I, Level II, or DCFC)
- 2) Report of Potential Conflicts:
- a) Please provide the report of potential conflicts generated by entering your project into the City of Boston Utility Coordination Software (COBUCS). If any conflicts are identified, we would then request information on how the team plans to address these conflicts with the relevant entities.
- 3) Smart Utilities Checklist:
- a) After receiving and reviewing the information requested above, we may ask that some of the design elements are memorialized as an update to the Smart Utilities Checklist. We can guide the team more efficiently towards the section(s)

of the Checklist that would be necessary after the information above has been received and reviewed

- b) After submission you will receive:
 - i) A confirmation email with a PDF of your completed checklist. Please include a copy of this document with your next filing with the BPDA.
 - ii) A separate email with a link to update your initial submission. Please use ONLY this link for updating the Checklist associated with a specific project.

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

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

**Boston Water and
Sewer Commission**

980 Harrison Avenue
Boston, MA 02119-2540
617-989-7000



September 5, 2023

Sarah Black
Boston Planning and Development Agency
One City Hall Square
Boston, MA 02201

Re: 131 North Beacon Street, PNF

Dear Sarah Black:

The Boston Water and Sewer Commission (Commission) has reviewed the Project Notification Form (PNF) for the above referenced Project (the "Project"). The Project site is located at 131 North Beacon Street in the Brighton neighborhood of Boston. 36 Hichborn, LLC (the "Proponent") proposes to redevelop 131 North Beacon Street by replacing the existing, vacant, 1-story commercial building on the site with a 6-story, approximately 72,890 square feet (sf) condominium building having approximately 76 units, ground floor retail, and approximately 48 parking spaces, as well as landscaping and access improvements.

Water, sewer, and storm drain service for the Project Site is provided by the Boston Water and Sewer Commission. Domestic water demand for the Project is estimated at 11,900 gallons per day (gpd). Domestic and fire protection service is expected to be provided via an 8-inch cement lined ductile iron southern low water main on Hichborn Street that was installed in 1989. The 12-inch cement lined ductile iron southern low water main on North Beacon Street that was installed in 2006 could be used if necessary, but it is not preferred by the Proponent as it would cause greater traffic disruption.

Sewer generation for the proposed Project is estimated at 10,817 gpd. It is anticipated that the proposed building sanitary services will tie into the 24-inch by 31-inch sewer main in North Beacon Street.

Under existing conditions, stormwater drains to catch basins in North Beacon Street, Hichborn Street, and to a catch basin in the loading dock on the northerly side of the building. It is not clear whether the catch basin in the loading dock drains to the BWSC infrastructure. The water that flows into the BWSC system is conveyed to a 15-inch storm drainpipe located in North Beacon Street that flows east that ultimately discharges to the Charles River.

The stormwater management system will be required to achieve water quality treatment for phosphorous and total suspended solids (TSS) through a variety of methods that may include but not be limited to the following: deep sump catch basins, infiltration systems, rain gardens, green roof areas, and porous pavers. There are potential locations for infiltration systems located on the southern, eastern, and northern sides of the building. Overflows from these systems will be directed to the main in North Beacon Street.

The Commission comments regarding the Project are provided below.



General

1. The Proponent must submit a site plan and General Service Application to the Commission for the proposed Project. Prior to the initial phase of the site plan development, the Proponent should meet with the Commission's Design and Engineering Customer Services to review water main, sewer and storm drainage system availability and potential upgrades that could impact the Project's development.
2. Any new or relocated water mains, sewers and storm drains must be designed and constructed at the Proponent's expense. They must be designed and constructed in conformance with the Commission's design standards, Water Distribution System and Sewer Use Regulations, and Requirements for site Plans. The site plan should include the locations of new, relocated, and existing water mains, sewers and drains which serve the site, proposed service connections, water meter locations, as well as backflow prevention devices in the facilities that will require inspection.
3. With the site plan the Proponent must provide estimates for water demand (including water required for landscape irrigation), wastewater generation, and stormwater runoff for the Project. The Proponent should provide separate estimates of peak and continuous maximum water demand for retail, irrigation, and air-conditioning make-up water for the Project.
4. It is the Proponent's responsibility to evaluate the capacity of the water and sewer system serving the Project site to determine if the systems are adequate to meet future Project demands. With the site plan the Proponent must include a detailed capacity analysis for the water and sewer systems serving the Project site, as well as an analysis of the impact the Project will have on the Commission's systems and the MWRA's systems overall. The analysis should identify specific measures that will be implemented to offset the impacts of the anticipated flows on the Commission and MWRA sewer systems.
5. Developers of projects involving disturbances of land of one acre or more are required to obtain an NPDES General Permit for Construction from the Environmental Protection Agency. The Proponent is responsible for determining if such a permit is required and for obtaining the permit. If such a permit is required for the proposed Project, a copy of the Notice of Intent and any pollution prevention plan submitted to EPA pursuant to the permit must be provided to the Commission's Engineering Services Department prior to the commencement of construction.
6. The design of the Project must comply with the City of Boston's Complete Streets Initiative, which requires incorporation of "green infrastructure" into street designs. Green infrastructure includes greenscapes, such as trees, shrubs, grasses and other landscape plantings, as well as rain gardens and vegetative swales, infiltration basins, and paving materials and permeable surfaces. The proponent must develop a maintenance plan for the proposed green infrastructure. For more information on the Complete Streets Initiative see the City's website at <http://bostoncompletestreets.org/>
7. The Proponent must have a completed Termination Verification Approval Form for a Demolition Permit, available from the Commission prior to demolishing or completing demolition of any existing structures. Any water, sewer and drain connections in the existing building to be demolished and that won't be re-used must be cut and capped in accordance with Commission standards.



Sewage/Drainage

8. The Department of Environmental Protection (DEP), in cooperation with the Massachusetts Water Resources Authority (MWRA) and its member communities are implementing a coordinated approach to flow control in the MWRA regional wastewater system, particularly the removal of extraneous clean water (e.g., infiltration/ inflow (“I/I”)) in the system. Pursuant to the policy new developments with design flow exceeding 15,000 gpd of wastewater are subject to the Department of Environmental Protection’s regulation 314 CMR 12.00, section 12.04(2)(d). This regulation requires all new sewer connections with design flows exceeding 15,000 gpd to mitigate the impacts of the development by removing four gallons of infiltration and inflow (I/I) for each new gallon of wastewater flow added. The Commission will require the Proponent to develop an inflow reduction plan consistent with the regulation. The 4:1 reduction should be addressed at least 90 days prior to activation of water service and will be based on the estimated sewage generation provided with the Project site plan.
9. Oil traps are required on drainage systems discharging from enclosed parking garages. Discharges from the oil traps must be directed to a building sewer and must not be mixed with roof or other surface runoff. The requirements for oil traps are provided in the Commission’s Requirements for Site Plans.
10. Grease traps will be required in any food service facility in the new development in accordance with the Commission’s Sewer Use Regulations. The proponent is advised to consult with the Commission before preparing plans for food service facilities.
11. Sanitary sewage must be kept separate from stormwater at all times and separate sanitary sewer and storm drain service connections must be provided for the new building. Under no circumstances will stormwater be allowed to discharge to a sanitary sewer. The Commission requires that existing stormwater and sanitary sewer service connections, if any are to be re-used by the Project, be dye tested to confirm they are connected to the appropriate system.
12. The discharge of dewatering drainage to a sanitary sewer is prohibited by the Commission and the MWRA. The discharge of any dewatering drainage to the storm drainage system requires a Drainage Discharge Permit from the Commission. If the dewatering drainage is contaminated with petroleum products for example, the Proponent will be required to obtain a Remediation General Permit from the EPA for the discharge.
13. A Total Maximum Daily Load (TMDL) for Nutrients has been established for the Lower Charles River Watershed by the Massachusetts Department of Environmental Protection (DEP). To achieve the reductions in phosphorus loadings required by the TMDL phosphorus concentrations in stormwater discharges to the lower Charles River from Boston must be reduced by 64%. To accomplish the necessary reductions in phosphorus the Commission requires developers of projects in the lower Charles River watershed to infiltrate stormwater discharging from impervious areas in accordance with DEP requirements. With the site plan the Proponent must submit a phosphorus reduction plan for the Project.



14. The Proponent must fully investigate methods for infiltrating stormwater on-site before the Commission will consider a request to discharge stormwater to the Commission's system. A volume of runoff equal to 1-inch of rainfall multiplied by the total impervious area on site must be infiltrated prior to discharge to a storm drain or a combined sewer system for projects less than 100,000 square feet of floor area. All projects at or above 100,000 square feet of floor area are required to retain, on site, a volume of runoff equal to 1.25 inches of rainfall multiplied by the impervious area. A feasibility assessment for infiltrating stormwater on-site must be submitted with the site plan for the Project. The site plan must show how storm drainage from roof tops and other impervious surfaces will be managed.
15. The Massachusetts Department of Environmental Protection (MassDEP) has established Performance Standards for Stormwater Management. The Standards address stormwater quality, quantity, and recharge. In addition to Commission standards, the proposed Project will be required to meet MassDEP's Stormwater Management Standards.
16. In conjunction with the site plan and General Service Application the Proponent will be required to submit a Stormwater Pollution Prevention Plan. The plan must:
 - Specifically identify how the Project will comply with the Department of Environmental Protection's Performance Standards for Stormwater Management both during construction and after construction is complete.
 - Identify specific best management measures for controlling erosion and preventing the discharge of sediment, contaminated stormwater or construction debris to the Commission's drainage system when construction is underway.
 - Include a site map which shows, at a minimum, existing drainage patterns and areas used for storage or treatment of contaminated soils, groundwater or stormwater, and the location of major control or treatment structures to be utilized during construction.
17. The Commission requests that the Proponent install a permanent casting stating: "Don't Dump: Drains to Charles River" next to any new catch basin installed as part of the Project. The Proponent may contact the Commission's Operations Division for information regarding the purchase of the castings.
18. The Commission encourages the Proponent to explore additional opportunities for protecting stormwater quality by minimizing sanding and the use of deicing chemicals, pesticides, and fertilizers.

Water

19. The Proponent is required to obtain a Hydrant Permit for use of any hydrant during construction of the Project. The water used from the hydrant must be metered. The Proponent should contact the Commission's Operations Department for information on obtaining a Hydrant Permit.



20. The Commission utilizes a Fixed Radio Meter Reading System to obtain water meter readings. Where a new water meter is needed, the Commission will provide a Meter Transmitter Unit (MTU) and connect the device to the meter. For information regarding the installation of MTUs, the Proponent should contact the Commission's Meter Installation Department.
21. The Proponent should explore opportunities for implementing water conservation measures in addition to those required by the State Plumbing Code. In particular, the Proponent should consider indoor and outdoor landscaping which requires minimal use of water to maintain. If the Proponent plans to install in-ground sprinkler systems, the Commission recommends that timers, soil moisture indicators and rainfall sensors be installed. The use of sensor-operated faucets and toilets in common areas of buildings should also be considered.

Thank you for the opportunity to comment on this Project.

Yours truly,

John P. Sullivan, P.E.
Chief Engineer

JPS/as

cc: K. Craig, 36 Hichborn, LLC
K. Ronan, Mass. Water Resources Authority via email
P. Larocque, BWSC via email



Boston City Council

LIZ BREADON

Councilor – District 9

October 24, 2023

Ms. Sarah Black
Senior Project Manager
Boston Planning & Development Agency (BPDA)
One City Hall Plaza
Boston, MA 02201

TRANSMITTED VIA EMAIL

RE: 131 North Beacon Street Project Notification Form

Dear Ms. Black:

This is a letter of comment on the Project Notification Form (the 'PNF') filed by 36 Hichborn, LLC, an affiliate of NB Development Group, (the 'Proponent') on August 7, 2023 for the proposed 131 North Beacon Street project (the 'Project') in the Brighton neighborhood of Boston.

As outlined in the PNF, the Proponent has proposed to construct a 6-story residential condominium building approximately 72,890 SF in size that will include 76 condominium units and 2,945 SF of ground-floor retail space.

Before moving forward in the development review process, I ask the Proponent to address the following questions and comments:

Residential Component

As stated previously, the Proponent currently proposes to construct a residential condominium development that will include approximately 76 condominium units.

Please respond to the following questions and comments concerning the project's residential component:

- This project proposes the redevelopment of a site currently occupied by a vacant commercial building and an associated parking lot. I appreciate that the Proponent's proposal seeks to redevelop a long-vacant commercial site into a building that will include a number of needed housing units.
- The Proponent currently intends to designate approximately 17% of the project's housing units as on-site Inclusionary Development Policy ('IDP') condominium units (approximately 13 units). I urge the Proponent to increase the number of on-site IDP units included in this project to, at minimum, 20%.
- Please provide a breakdown of the unit mix and AMI levels proposed for the on-site IDP condominium units.
- The Proponent intends to offer all on-site IDP units in this development at AMIs ranging from 80% to 100%. In its response to the Proponent's AFFH Checklist, the Boston Interagency Fair Housing Development Committee ('BIFDC') recommends that the Proponent provide IDP units at a greater



Boston City Council

LIZ BREADON

Councilor – District 9

range of AMIs. I urge the Proponent to respond to this recommendation and widen the AMI range of on-site IDP units included in the project to 60% to 100%.

- In its response to the Proponent's AFFH Checklist, the BIFDC also asks the Proponent to provide a percentage of fully built-out Group 2 units in the proposed project. I expect the Proponent to comply with this recommendation and incorporate Group 2 units in the proposed project. Please ensure that some of these Group 2 units are designated as IDP units.
- Please consider increasing the number of 2- and 3-bedroom units designated as IDP units.
- As indicated on the project's AFFH Checklist, I appreciate that the Proponent has agreed to provide a preference to first-time/first generation homebuyers in the marketing/sale of on-site IDP condominium units. I ask the Proponent to ensure that this preference is appropriately memorialized in project documents.
- The Proponent must commit to implementation of owner-occupancy restrictions on all units within the proposed project. These restrictions must be codified in appropriate project documents and/or condominium documents.
- When finalized, I ask the Proponent to confirm the unit mix for the proposed project.
- Please confirm that the residential component of this project includes adequate facilities for the collection and storage of trash produced by project residents. As the Proponent is aware, rodent control is a challenge in the Allston-Brighton neighborhood; to aid in efforts to address this matter, this project must include adequate interior trash storage.

Retail Component

As outlined in the project's PNF, the Proponent proposes to include approximately 2,945 SF of ground-floor retail space in this development. This retail space will be located on North Beacon Street.

I ask the Proponent to respond to the following comments on the project's retail component:

- I appreciate that the Proponent intends to include retail space within the proposed project. This space will serve to further activate this section of North Beacon Street.
- Please confirm that this project contains adequate facilities for the collection and storage of trash produced by the proposed retail component.
- Following project completion, I ask that the Proponent work with Brighton Main Streets, the City's Office of Economic Opportunity and Inclusion, and other Boston-based organizations to identify MBEs and WBEs that may be interested in leasing retail space included in the project.

Mobility/Transportation

The transportation mitigation measures proposed for this project are currently inadequate. I ask the Proponent to work with the BPDA and BTM to identify appropriate mitigate measures moving forward.

I ask the Proponent to respond to the following comments and questions related to transportation mitigation:

- As the Proponent is aware, BTM is planning to install separated bike lanes on North Beacon Street as part of the City's Better Bike Lanes initiative. To further this project, I ask the Proponent to work with the BPDA and BTM to install a cycle track on the section of North Beacon Street adjacent to



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the project. Ideally, this cycle track should be separated from the pedestrian zone of the sidewalk by a sidewalk buffer zone.

- Following completion of this cycle track, I ask the Proponent to commit to continued maintenance of this facility, including responsibility for snow removal from the track during winter.
- In its current condition, the intersection of New Balance Way and Hichborn Street can be difficult for vehicles, cyclists, and pedestrians to navigate. Please work with the BPDA and BTM to determine appropriate improvements for this intersection and implement these improvements as part of this project.
- Please work with the BPDA and BTM to install a raised crosswalk at the [intersection](#) of Hichborn Street and North Beacon Street.

Bicycle Parking

With regard to bicycle parking, I ask the Proponent to respond to the following comments:

- As currently proposed, the Proponent plans to provide approximately 76 secure indoor bicycle parking spaces in this development for use by project residents. If feasible, I ask the Proponent to increase the number of secure bicycle parking spaces included in this project to better serve households with multiple bicycles.
- Will the Proponent provide infrastructure needed to support electric bike charging inside the development's bicycle storage room?
- I appreciate that the Proponent has committed to the installation of a Bluebikes station on North Beacon Street adjacent to the proposed project.

Proposed Vehicular Parking

As stated in the PNF, the Proponent currently intends to include a total of 48 residential parking spaces in this development, resulting in a residential parking ratio of approximately .63.

In regard to parking, the Proponent must respond to the following questions and comments:

- This project is located in a transit-rich area near multiple transportation options, including the Boston Landing MBTA Commuter Rail Station and multiple MBTA bus routes. Given this excellent location, I expect the Proponent to reduce the number of parking spots included in the proposed project. I cannot support this project moving forward in the development review until the Proponent reduces the number of parking spaces included in the proposed project.
- Does the Proponent intend to comply with BTM's EV Readiness Policy? The PNF states that a minimum of 20% of parking spaces included in the proposed project will be EV-ready. I urge the Proponent to equip a significant number of garage parking spots with EV charging accommodations, above that percentage which is required by the City (25%).
- As illustrated in the PNF, the project's parking garage will be accessed via a driveway located on Hichborn Street. Please ensure that any systems installed to warn pedestrians of vehicles exiting from the project's garage are of an appropriate noise level. Given the proximity of the adjacent 26 Hichborn residential building, the Proponent must ensure that these systems are not a nuisance to abutters.



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Loading, Delivery, and Pick-up/Drop-off

- With the planned installation of protected bicycle lanes on North Beacon Street, the Proponent must take all necessary steps to ensure that pick-up/drop-offs and deliveries associated with this project do not occur on North Beacon Street. Please work with TNC companies like Uber to ensure that the project's planned loading zone on Hichborn Street is geotagged as the appropriate pick-up/drop-off location for this building within their system. The Proponent may also consider changing the official address of both the residential and retail components of the project to ensure that TNCs and delivery vehicles are directed to Hichborn Street instead of the project's current address on North Beacon Street.
- The Proponent is an affiliate of the NB Development Group, the team largely responsible for the development of the adjacent Boston Landing area, including the development of multiple properties located along nearby Guest Street. Though I recognize that this request is beyond the scope of the proposed project, I ask the Proponent to work with BTM to address ongoing issues related to the double parking of vehicles on Guest Street. Vehicles that double park on Guest Street often block bike lanes, sidewalks, and crosswalks, and create dangerous conditions for pedestrians and cyclists. I would appreciate it if the Proponent works with BTM to examine implementation of potential curb management strategies (installation of loading zones, parking meters, etc.) on Guest Street to help address this issue and ensure safer conditions for all road users.
- Will all move-in/move-out activities associated with the residential component of this project be accommodated in the project's rear driveway area?
- Please confirm that the project's Hichborn Street lobby is designed to accommodate residential mail deliveries, residential food deliveries, etc.
- Please ensure that adequate wayfinding and signage is available throughout the project site so that all users, including drivers, bicyclists, and pedestrians, can easily navigate the site. In particular, the Proponent must ensure that adequate signage is provided to guide delivery/commercial vehicles to the development's loading areas.

Transportation Demand Management

In addition to the TDM measures specified in the project's PNF, I expect the Proponent to:

- Offer subsidized monthly MBTA passes and subsidized BlueBikes memberships to building residents and tenants.
- Consider inclusion of a car share service within the project's garage for use by project residents.
- In the TDM Point System Tool submitted as part of the project's PNF, the Proponent indicates an intent to provide improvements to bus stops that serve the proposed project. Please provide additional information on this proposed measure. What bus stop does the Proponent intend to improve? When considering potential bus stop upgrades, I ask the Proponent to work with BTM and the MBTA to install such improvements as bus stop shelters and real-time transit information.
- Join the Allston-Brighton Transportation Management Association ('ABTMA'). In addition to joining the ABTMA, I expect the Proponent to participate in the [Neighborhood Transit](#) link, a joint initiative of the Boston Transportation Department ('BTM') and the ABTMA that seeks to establish a publicly accessible bus service to link key destinations in the Allston-Brighton neighborhood.



Public Realm

I thank the Proponent for the attention paid to the design of the project's public realm. The addition of street trees and landscaping to Hichborn Street will be particularly impactful given the lack of existing greenery on this street.

Please respond to the following comments on the public realm associated with the proposed project:

- Please specify the number of new street trees that will be added to North Beacon Street and Hichborn Street adjacent to the project site.
- I ask the Proponent to commit to the ongoing maintenance of all street trees and plantings located in the public realm associated with this project.
- If feasible, I ask the Proponent to bury the transformer associated with the project. This transformer is currently proposed to be sited in the project's loading area, immediately adjacent to the abutting residential building.
- Given site constraints, I recognize that there is limited opportunity for the inclusion of on-site green space in this project. Given these constraints, I ask the Proponent to mitigate project impact on local public parks through an appropriate contribution towards improvements to McKinney Playground. Please coordinate this contribution with the Boston Parks Department.
- Please clarify whether project tenants will be permitted to keep dogs in their apartments. If the Proponent plans to allow dogs within their units, facilities for dogs must be provided on-site. At minimum, I expect the Proponent to provide dog waste stations for use by project residents.

Arts and Culture

I ask the Proponent to consider including a public mural on the facade of the proposed building, specifically on the side of the building that will face the abutting 26 Hichborn Street development. For on-site art installations, please coordinate with the Mayor's Office of Arts & Culture ('MOAC') to ensure that this work is commissioned from local Allston-Brighton artists via RFP processes.

Sustainability

Please clarify the following information:

- Please confirm that the residential component of the proposed project will be all-electric.
- Please confirm that this project will include a rooftop solar PV system.
- Will the Proponent pursue Passive House certification for this project?
- If feasible, please consider providing composting service to residential occupants.

Construction Mitigation

Due to the number of active projects in the Allston-Brighton neighborhood, construction management and mitigation is an ongoing concern for many neighborhood residents. As is required by the City, I expect the Proponent to develop a robust Construction Management Plan ('CMP') that seeks to mitigate potential impacts from construction of this proposed project to the fullest extent possible.



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I ask the Proponent to respond to the following comments and questions regarding project construction mitigation:

- Throughout project construction, I ask the Proponent to work with the BPDA, BTD, ISD, and my office to address any issues that might arise as the project is built. The Proponent must provide neighborhood residents with contact information for construction site management so that residents may relay construction-related issues directly to parties that can address these issues in a timely manner. I also ask the Proponent to work with my office to keep community members, particularly immediate residential abutters, informed of progress and anticipated next steps in project construction. The Proponent may create a periodic newsletter that shares this information with interested residents, or may consider hosting periodic public meetings to provide updates on construction to community members.
- Please ensure that a copy of the project's required CMP is made publicly available after this document has been filed with BTD. I also ask that the Proponent share this document with my office.
- I expect the Proponent to include a robust rodent management control plan in its CMP.
- During the project construction period, I ask the Proponent to work closely with BTD on proposed mitigation for sidewalk closures. Any temporary walkways installed during construction must ensure accessibility and continued pedestrian safety. The Proponent must also ensure that plans for sidewalk closures are also designed to accommodate bicyclists and ensure bicyclist safety.
- Please specify where construction workers for this proposed project will park throughout the building's construction. The Proponent must ensure sufficient parking is secured so that workers do not seek parking on neighborhood streets.

Labor

The Proponent must commit to working with contractors and subcontractors that comply with the Boston Residents Jobs Policy; additionally, the Proponent must actively monitor the project to ensure that all standards of this Policy are met. I strongly support the Boston Residents Jobs Policy and the employment of people of color, women, and other Boston residents in Boston construction projects.

I ask the Proponent to respond to the concerns raised in this comment letter via a written response submitted to my office and on the record to the BPDA.

Sincerely,

Liz Breadon
Boston City Councilor
District 9, Allston-Brighton

Ellen Thompson
Brighton resident / 131 North Beacon IAG member
ellenethompson@gmail.com
September 19, 2023

Dear Sarah and the 131 North Beacon Design and Development Team,

Thank you for the opportunity to serve on the IAG for this exciting project. I am a Boston resident since 2015, an Allston/Brighton resident since 2020, and now reside in the Chestnut Hill Reservoir area of Brighton. I appreciate the opportunity to lend my voice to the discussion.

POSITIVE COMMENTS:

There are many laudable aspects of the current design. This building will provide much-needed housing in a plot that currently does not add any real value to the community. I applaud the thorough and meaningful sustainability efforts (particularly the solar-readiness structural build and pursuit of LEED Gold). Interactions between the building and the public ways are thoughtful and considered - particularly the wide sidewalk berths, reasonable overall building scale, and the dynamic, resilient landscape plantings. It is clear that the design and consultant team is passionate about this project and its impact on the community and environment.

REQUESTED MITIGATIONS (COMMUNITY-LED):

To reflect a broad collection of local voices, I include an informal data table collected from resident responses in the Allston-Brighton Community Discussion facebook group (Appendix A). When asked "If there was a new-construction condo building (6 stories, 76 units) going up near you, what are the top concerns you'd want the developer to address early?", the most-requested mitigation measures included:

- Increased parking spaces from current PNF scope (7 comments)
- Trees, grass and foliage immediately outside building [included in current PNF) (6 comments)
- Increase in income-restricted units beyond current PNF scope (5 comments)
- Increase multiple-bedroom units beyond current PNF scope (3 comments)

I myself agree with all of these requested mitigations and hope you will consider the many existing, actively-engaged resident voices within our community within the next design phase.

***Please see complete table of community responses (Appendix A). Data collected from 82 total comments within Allston-Brighton Community Discussion facebook group. From these, specific mitigations were suggested by 36 area residents. Comments collected informally. Excluded comments that don't pertain to specific mitigation measures and/or comments that could not be easily parsed. Does not count likes/reacts pertaining to specific comments.*

REQUESTED MITIGATIONS (ELLEN THOMPSON):

While I do see the immense value and possibility of this project, my full support is contingent on these particular mitigations:

- **Increase the size (width and length) of the drop-off nook to accommodate multiple vehicles.** While I laud efforts to move away from reliance on cars, the parking variance will ensure even more Lyft, Uber, food delivery and package delivery vehicle traffic than the neighborhood norm. I strongly urge the design and development team to modify the design to accommodate a dropoff nook that accounts for multiple vehicles. Just a few blocks away, the recent developments on Guest Street has changed the stand / dropoff / pickup flow of traffic immensely, and illustrates how prevalent double-parking will be on Hichborn.
- **(Minimally) reduce the number of overall units in favor of more multiple-bedroom units.** In order to ensure that this impressive and transformative building does not become a haven for outsider owner-investors, please consider making a small reduction in the total unit size (currently 76) to 60 units, utilizing the space freed up in expanding the number of available 2 and 3 bedroom apartments (and, ideally restricting ownership to owner-occupiers). Young and middle-aged working Brighton families who exceed AMI eligibility but who wish to remain in the area are often looking for multiple bedrooms, specifically 2 and 3 beds; these are the residents who already occupy these neighborhoods, send their kids to Brighton schools, and are facing a massive housing shortage. I am in favor of serving existing A/B residents and their housing ownership needs first and foremost.
- **Build out a data table that shows the current design and development measures in review and in process in Boston Landing.** Let's consider the aggregate impact of the significant and rapid developments across this neighborhood as a whole. Is there a way to review aggregate proposed changes to the entire greater Boston Landing area? It would be incredibly helpful to view data in real time that shows the proposed parking solutions, drop-off zones, green areas, bike ways, blue bike stations, dog parks, etc. - any resource or through-way that is public facing and impacts the flow of multi-modal traffic. There is a staggering amount of building and it may be possible that a broader view of design interventions allows for more holistic design solutions, particularly across traffic flows, parking limitations, and access to restorative public space. This could be as simple as a chart or table that lists current and proposed design elements.

Thank you again for the opportunity to speak on behalf of my community. Please do not hesitate to contact me for clarification on any of the above points. I look forward to continue working with the 131 North Beacon Street design and development team on this much-needed project.

Best,
Ellen

APPENDIX A

Comment	# Comments
Increase parking spots (general, includes street parking) beyond current PNF scope	7
Trees, grass and foliage shade immediately outside building [ALREADY IN SCOPE]	6
Increase income-restricted units within building beyond current PNF scope	5
Increase multiple-bedroom units beyond current PNF scope	3
Increased Uber/lyft dropoff pickup zone beyond current PNF scope	2
Taller structure to accommodate more units	2
Sustainable, native, low-or-no-irrigation landscaping [ALREADY IN SCOPE]	2
Mandate minimum # of owner-residents	2
Installation of solar panels	2
Increase off-street / garage parking spots beyond current PNF scope	2
Host public community events and local artists	2
Address probable double-parking on Hichborn	2
Abide by / reject variance to existing FAR parking requirements	2
Wider sidewalks	1
Upgrade park across street	1
Unique, modern aesthetic - avoid cookie cutter design	1
Protected bike lanes	1
Prevent poor sidewalk conditions after CA	1
Permeable pavement	1
No outside dumpsters / trash contained within building	1
Mitigate traffic congestion during CA	1
Install blue bikes station	1
Increased bus shelters	1
Increase outdoor bike parking	1
Increase 64 bus pickups	1
If variance is permitted, sustainability measures should be increased	1
Ground-floor retail to be local, accessible, cost-aware	1
Developer to cover local snow removal	1
Community bike repair station	1
Clarify who is to maintain trees planted after CA / keep trees maintained	1
Avoid parking stackers	1
ADA accessible units	1