



MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: May 30, 2024

RE: BPDA Recommendation

Please find attached, for your information, BPDA's recommendations for the June 4, 2024 Board of Appeals Hearing.

Also included are the Board Memos for: 358 Chestnut Hill AVE Brighton 02134

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



Case	BOA1576263
ZBA Hearing Date	2024-06-04
Address	14 Claremont PARK Roxbury 02118
Parcel ID	0402519000
Zoning District & Subdistrict	South End Neighborhood MFR
Zoning Article	64, 32
Project Description	Demolish and reconstruct a reconfigured rear deck, as well as the addition of an internally accessed roof deck. There will be an expansion of gross square footage.
Relief Type	Conditional Use
Violations	GCOD Applicability

Planning Context:

The proposed project would reconfigure an existing rear deck, as well as add a new roof deck that would be accessed internally. Because the proposal affects infiltration onsite due to the shifting of the deck space, it is subject to review by the Boston Water and Sewer Commission.

Zoning Analysis:

This appeal demonstrates a case for zoning reform as there are no zoning violations on the site. This case is premised on the need for BWSC approval for changes made to the permeability of the site.

Recommendation:

In reference to BOA1576263, 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,

Director of Planning, BPDA



Case	BOA1589398
ZBA Hearing Date	2024-06-04
Address	25 Gove ST East Boston 02128
Parcel ID	0105722000
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	53, 32
Project Description	Combine separate parcels into one parcel for surface parking
Relief Type	Conditional Use
Violations	GCOD Applicability

Planning Context:

The proposed project intends to combine several parcels into one and pave a surface parking lot on the site to serve the East Boston Neighborhood Health Center. Because the proposal affects infiltration onsite, it is subject to review by the Boston Water and Sewer Commission. BWSC has sent a letter to the proponent indicating that the proposed project will be able to adequately infiltrate the appropriate design storms. The proposed project site is located within the study area of PLAN: East Boston, within an EBR-4 subdistrict. Within the updated zoning articles for this plan area, “Any off-street parking facility or lot, off-street loading area, or accessory storage area that abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict, or Residential Use, or (d) a Neighborhood Business Subdistrict or Waterfront Mixed-Use Subdistrict, shall be screened from view as provided in this Section 53-26.2. Screening shall consist of fencing no lower than three (3) feet and no higher than six (6) feet. Buffering shall consist of a strip of densely planted trees and shrubs no less than five (5) feet wide.”

Zoning Analysis:

While not listed as a Zoning violation, surface parking is not an allowed use in the 3F residential districts in Article 53 of the Zoning Code. However, parking is an existing use on the site, and the violation will be continued per this proposal, not worsened. This case is premised on the need for BWSC approval for changes made to the permeability of the site. Such approval has been granted as of July 2023.

Recommendation:



In reference to BOA1589398, 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), that plans shall be submitted to the Agency for design review to mitigate the impacts of surface parking and ensure adequate buffers.

Reviewed,

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Director of Planning, BPDA



Case	BOA1576714
ZBA Hearing Date	2024-06-04
Address	323 Commonwealth AVE Boston 02115
Parcel ID	0503581008
Zoning District & Subdistrict	Boston Proper H-3-65
Zoning Article	32
Project Description	Proposed project is for interior renovations only, and for a change in occupancy from 10 units to two.
Relief Type	Conditional Use
Violations	GCOD Applicability

Planning Context:

The proposed scope of the project is for internal alterations to an attached five and a half story rowhouse. No exterior changes are being proposed. The new work includes some interior demolition, renovation, framing, and changes to the electrical and mechanical systems. The proponent is also seeking a change in occupancy from 10 dwelling units to 2 dwelling units.

323 Commonwealth Avenue is within the Back Bay Historic District. The site is surrounded by residential buildings of similar scale and design. The applicability of the Groundwater Conservation Overlay District (GCOD) is related to any substantial change or rehabilitation of a structure for residential use.

The intention of the GCOD review is to: “(a) prevent the deterioration of and, where necessary, promote the restoration of, groundwater levels in the city of Boston; (b) protect and enhance the city’s historic neighborhoods and structures, and otherwise conserve the value of its land and buildings; (c) reduce surface water runoff and water pollution; and (d) maintain public safety.”

Zoning Analysis:

The building is within the Groundwater Conservation Overlay District (GCOD), and thus requires that a conditional use permit be granted upon the Boston Water & Sewer Commission’s approval of the plans (Article 32-5).

Recommendation:



In reference to BOA1576714, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISOS: that 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	BOA1589719
ZBA Hearing Date	2024-06-04
Address	66 Homer ST East Boston 02128
Parcel ID	010113800
Zoning District & Subdistrict	East Boston Neighborhood 2F-2000
Zoning Article	53
Project Description	Construct five units in a new three-story building with five garage parking spaces and two roof decks.
Relief Type	Variance
Violations	Parking or Loading Insufficient Parking design and maneuverability Existing Building Alignment FAR Excessive Height Excessive (ft) Height Excessive (stories) Side Yard Insufficient Rear Yard Insufficient Use: Forbidden (Multifamily Residential)

Planning Context:

The proposed project intends to develop a three-story building with five residential units, five garage parking spaces, and two private roof decks at 66 Homer Street in East Boston. The site is located within the study area of PLAN: East Boston, adopted by BPDA Board in January 2024. Related zoning amendments were adopted by BPDA Board in March 2024, and by the Boston Zoning Commission in April 2024. PLAN: East Boston places the project site within an EBR-3 subdistrict, in which residential developments are limited to a maximum of three dwelling units in three stories. The width of the parcel on which the proposed project is located is 50'. For parcels in the same zoning subdistrict, per updated East Boston zoning, where lot frontage is greater than 55', up to six units are allowed.

Zoning Analysis:

The proposed project is located in the East Boston Neighborhood District within a Two-Family Residential (2F-2000) Subdistrict, per the Zoning Viewer. With the adoption of the new East Boston Zoning at Zoning Commission in April, the site is located within an EBR-3 subdistrict.



Per the newly adopted zoning, the maximum number of dwelling units in this subdistrict is three. A reduction of at least two units is therefore required. The parking requirements within the new zoning are 1.0/dwelling unit for a building containing four or more units and no parking requirements for a building containing one to three dwelling units. As proposed, the parking is sufficient for the five units, and more than sufficient given the need for a reduction to three units. Parking should be reduced commensurate with the unit count. A reduction in parking would also improve the maneuverability of the parking area.

With respect to the Existing Building Alignment violation, the proposed project is compliant with the front setback of five feet specified in the newly adopted East Boston Zoning, through the proposed setback of 5.1'. The proposed three stories is also compliant with the three story maximum set forth by the new zoning for the EBR-3 subdistrict.

The violation for excessive FAR does not apply within the newly adopted zoning, as this is no longer a dimensional metric. Instead, development proposals are assessed for maximum building lot coverage, minimum permeable area of lot, and maximum size of building floor plate. For the total lot size of 5,010 SF, the maximum building coverage allowed by zoning is 60% (3,006 SF) for this lot type. The floor plate of the building exceeds the allowable lot coverage by approximately 104 SF (3110.25 SF), and should be reduced commensurate with the required dimensions. Coincident with the maximum coverage exceedance is the exceedance of the maximum building floor plate of 3,000 SF, and the exceedance of maximum building depth of 70 feet by the proposed 71.5' depth.

The side yard violation no longer applies with the changes to East Boston zoning, for which the minimum side yard depth is three feet in an EBR-3 subdistrict. The proposed side yard dimensions for this project are three feet and 3.5' respectively. However, the rear yard violation persists under updated zoning, and is required to measure a minimum of 1/3 of lot depth. For the proposed site, the lot depth is approximately 100', requiring a 33' setback in lieu of the proposed 23.7'.

The use of Multifamily Residential is still forbidden with the EBR-3 subdistrict, and the building should be limited to three dwelling units. If this reduction in units is pursued, additional dimensional changes noted above will also be required. A reduction in units should facilitate these dimensional changes.

Recommendation:



In reference to BOA1589719, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE pending a reduction in units to the maximum of three codified in recently adopted East Boston zoning.

Reviewed,

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Director of Planning, BPDA



Case	BOA1563643
ZBA Hearing Date	2024-06-04
Address	181 Maverick St
Parcel ID	0105308000
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	53
Project Description	Erect a 4-story, 4-unit residential dwelling.
Relief Type	Variance, Conditional Use, IPOD Permit
Violations	IPOD Applicability GCOD Applicability CFROD Applicability Parking or Loading Insufficient Additional Lot Area Insufficient FAR Excessive Height Excessive (stories) Height Excessive (ft) Usable Open Space Insufficient Rear Yard Insufficient Use

Planning Context:

The proposed project is a 4-story multifamily building with living space in the basement. The site is at the southeast corner of Maverick Street and Orleans Street and is currently occupied by a 3-story residential building that was significantly damaged in a fire. To the east, the abutting building is a 3-story residential building that shares a party wall with the proposed building. The neighborhood is residential with mostly 3-story building, as well as some 2.5-story and 4-story buildings.

PLAN: East Boston, adopted by the BPDA Board in January 2024, identifies the neighborhood of the proposed project as the Jeffries Point and Gove Street Neighborhood Residential Area and notes that the "residential fabric of the Jeffries Point area contains a diverse mix of building types." Zoning amendments to Article 53 that codify use and building dimension recommendations from the PLAN were approved by the Zoning Commission on April 24, 2024. The proposed project was submitted before the adoption of the zoning amendments, and therefore the new zoning provides important planning context but does not apply as zoning to this application for zoning relief.



Based on the recent Article 53 amendments, the proposed project is within the EBR-4 zoning subdistrict. The use and dimensional requirements of the EBR-4 zoning subdistrict are summarized below. Comparison of the proposed project to the recent amendments is included in the Zoning Analysis.

- 4 dwelling units: Allowed
- Maximum building height: 4 stories, 50 feet
- Maximum building lot coverage, corner lot: 75%
- Minimum permeable area of lot, corner lot, 15%
- Front yard: 5 feet max, 3 feet minimum
- Side yard: 5 feet minimum
- Rear yard: 1/3 lot depth minimum
- 1 off-street parking space per dwelling unit

Zoning Analysis:

The proposed project is cited for several violations.

This project requires an East Boston Interim Planning Overlay District (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). Although the IPOD sunsetted on November 11, 2023, the proposed project's permit application was submitted prior, therefore the IPOD still applies. 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. There are nearby examples of buildings with similar massing to the proposed. For example, across Orleans Street is 80 Orleans Street, a 4-story residential building with zero front line, zero side setback on the north side and a few feet of setback on the south side. Therefore, an IPOD permit is recommended.

The proposed project also requires a conditional use permit per Article 32, which requires a permit for any new structure that will occupy more than 50 square feet of a lot in the Groundwater Conservation Overlay District (GCOD). To grant a conditional use permit, a project must meet two requirements: 1) "promote infiltration of rainwater into the ground by capturing within a suitably-designed system a volume of rainfall on the lot equivalent to no less than 1.0 inches across that...lot area occupied by the structure to be Substantially Rehabilitated" and 2) "result in no negative impact on groundwater levels within the lot". The proposed project's designed system must be submitted to the Boston Water & Sewer Commission for review, comment, and approval.

Per Article 25A, the site is also in the Coastal Flood Resilience Overlay District (CFROD) meaning that it is anticipated to be flooded with a 1% chance storm event in 2070 with 40 inches of sea level rise. CFROD regulations state that any permanently occupied space must be built a minimum of 1 foot over the Base Flood Elevation (BFE). The BFE of the proposed site is 19.5 feet, according to the BPDA Zoning Viewer. The BFE is not labeled on the submitted plans. However, it can be reasonably presumed that at least some of the proposed below-grade basement story is below the Base Flood Elevation. The proposed project is too small to meet the requirements for Article 25A applicability. However, the recently adopted Article 53 amendments requires all projects within the CFROD to meet the dimensional requirements of the policy, including the prohibition of living areas below the Design Flood Elevation. Accordingly, it is recommended that zoning relief not be extended for basement residential use.

The proposed project includes four units, and is thus considered a "multifamily" use which is prohibited in the 3F subdistrict. Since the zoning does allow residential uses, providing one additional residential unit is consistent with the City's goals for increased housing choices. Any potential concern about an additional unit would relate to massing, which is regulated by dimensional regulations, as discussed next. In addition, according to the recent Article 53 amendments, 4-6 residential units are allowed on this site. Therefore, zoning relief from the use violation is recommended.



The proposed project is cited for multiple dimensional violations. The proposed project includes no off-street parking, and the zoning requires 1.5 spaces per unit for residential uses with 4-6 units. According to the Boston Transportation Department, the site of the proposed project has a Mobility Score of 69 and a corresponding maximum parking ration of 0-0.75 spaces per unit. As reflected in the mobility score, the proposed project is well-served by transit with the Maverick MBTA station on the Blue Line just a block away. Based on these factors, zoning relief from the minimum off-street parking is recommended.

The building height of the proposed project is 43' 10" and 4 stories, which exceeds the zoning maximum of 35' and 3 stories. However, the recently adopted zoning amendments increases the maximum height to 4 stories and 50'. This zoning codifies recommendations of PLAN: East Boston, which was crafted based on years of community engagement and analysis and best reflects the City's current planning goals. Because the proposed height is consistent with the new Article 53 amendments, zoning relief from the maximum height is recommended. For similar reasons, zoning relief from the minimum additional lot area is recommended, since this dimensional requirement does not exist in the recently amended zoning.

The rear yard of the proposed project is 6 inches, which falls short of the zoning minimum of 30 feet. The proposed rear yard also falls short of the minimum in the recently amended Article 53 zoning. However, the site of the proposed project is a corner lot. According to Article 2, the rear yard is defined based on the orientation of the building. Because the front entrance of the proposed project faces Maverick Street, the rear yard is the yard furthest from Maverick Street. A 30 foot rear yard would interrupt the street wall along Orleans Street, creating a 30 foot long cavity in the otherwise consistent street wall. In addition, the existing building that was burned and is being replaced has an existing nonconformity of no rear yard. Therefore, zoning relief from the rear yard is recommended. Instead, the yard along Orleans Street be treated as a side yard and meet the five foot side yard setback requirement for the EBR-4 subdistrict in the recently amended Article 53.

The proposed project includes no usable open space, whereas the zoning requires 300 square feet per unit. The recently adopted Article 53 amendments do not include a minimum amount of usable open space, but they do include a maximum of 75% lot coverage and a minimum of 15% permeable area. Therefore, the proposed project is inconsistent with both the older and the updated zoning. The site plan should be reconsidered to provide usable open space in a way



that is consistent with the building lot coverage and permeable area requirements of the recent Article 53 amendments.

The FAR of the proposed project is 3.6, which exceeds the zoning maximum of 1.0. The Article 53 amendments do not include a maximum FAR. Instead of FAR, the new zoning controls building massing through setbacks, maximum height, maximum building lot coverage, and minimum permeable area, which provide more predictability than FAR for the potential massing of a building. Zoning relief from FAR is recommended, as long as the setbacks, building lot coverage, permeable area, and height are appropriate.

Recommendation:

In reference to BOA1563643, the Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. The proponent should consider a new project that eliminates all permanently occupied space below the Design Flood Elevation, per Article 25A and Article 53, as well as redesign the setback along Orleans Street to meet side yard setback requirements of PLAN: East Boston and its associated zoning updates.

Reviewed,

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Director of Planning, BPDA



Case	BOA1589704
ZBA Hearing Date	2024-06-04
Address	117 Addison ST East Boston 02128
Parcel ID	0100602000
Zoning District & Subdistrict	East Boston Neighborhood McClellan Highway EDA
Zoning Article	53
Project Description	Erect a four (4) story, six (6) unit residential dwelling with four parking spaces. Raze the existing building on a separate permit.
Relief Type	Variance
Violations	Parking or Loading Insufficient Parking design and maneuverability Rear Yard Insufficient Forbidden Use (MFR)

Planning Context:

The proposed project sits in the McClellan Highway Economic Development Area in East Boston. The site also falls within the bounds of the City's Coastal Floor Resilience Overlay District (CFROD) and has a base flood elevation of 19.5'.

The site's surroundings consist of a mix of 2-4 story residential structures with occupancies ranging from single-family to multifamily residential uses. The project site is also located across the street from one of the McClellan Highway area's business parks, which features a variety of different retail and commercial uses. The project sits within several hundred feet of bus stops for the MBTA's 120 and 450 bus routes, and roughly a half-mile from both Day Square and Orient Heights Square (each of which has an MBTA Blue Line Station therein). Constitution Beach is also located a short walk (quarter-mile) for the proposed project.

The project site is currently occupied by a 2.5-story, two-family dwelling. The project proposes to erect a new 4 story, 6 unit structure, which increases the parcel's net occupancy by 4 units. This scope is aligned with the housing goals outlined in PLAN: East Boston (adopted by the BPDA Board on January 18, 2024), which encourage the development of contextually sensitive and appropriately-scaled residential infill on underdeveloped lots throughout the neighborhood.

Zoning Analysis:



The proposed project has been cited with 4 zoning violations, relating to use, scale, and parking regulations. These citations are listed upon the project's most recent refusal letter, dated 2/14/24. 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-4 subdistrict. EBR-4 subdistricts allow a maximum building height of 4 stories and permit multifamily residential uses. The proposed project complies with both of these requirements, as well as the vast majority of the updated zoning's other dimensional standards. Despite this, certain existing violations remain under the new provisions (rear yard, parking count, parking design), with one additional violation triggered (front yard).

Updated East Boston zoning sets the minimum rear yard setback at 1/3 lot depth, which, in this case would be 33'. The project's proposal comes in with a 28' rear yard setback, 5' short of meeting the requirement. Similarly, the project's 1' front yard setback falls 2' short of the minimum setback required (3'). A future iteration of this project should show a design in compliance with those figures as well as a parking condition whose design aligns with the maneuverability criteria set forth in Article 53 of the Zoning Code.

No living space is proposed below the site's Sea Level Rise Design Flood Elevation (SLR-DFE), rendering it compliant with East Boston's updated zoning for proposed projects in the Coastal Flood Resiliency Overlay District (CFROD).

Recommendation:

In reference to BOA1589704, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. Proponent should consider a project with a front yard setback of 3', a rear yard setback of 33', and which provides a more maneuverable ground story parking condition to comply with the recommendations of PLAN: East Boston.

Reviewed,

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Director of Planning, BPDA



Case	BOA1581050
ZBA Hearing Date	2024-06-04
Address	6 Nearen ROW Charlestown 02129
Parcel ID	0202977000
Zoning District & Subdistrict	Charlestown Neighborhood 3F-2000
Zoning Article	62
Project Description	Add two dormers to the roof
Relief Type	Conditional Use, Variance
Violations	Rear Yard Insufficient Roof structure restrictions

Planning Context:

The proposed project is located within the Original Peninsula, as identified in PLAN: Charlestown (2023). The proposal includes the addition of two shed dormers to the front and rear roof. As detailed in PLAN: Charlestown on page 182, “shed dormers may not be appropriate facing a public right-of-way”, should be offset from the roof eave, have a minimum slope of 3.5:12, and should be offset by a minimum of 5’ from the roof sides. Additionally, the project is also located within the Neighborhood Design Overlay District so should receive BPDA design review to ensure the dormers are in keeping with the neighborhood context, given that one of the shed dormers is facing a public right-of-way.

Zoning Analysis:

The insufficient rear yard setback is an existing nonconformity and is not being exacerbated by the proposed changes.

Roof structure restrictions, as outlined in section 62-5, detail that no roofed structure designed or used for human occupancy 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, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants a conditional use therefore. The proposed dormers on the project alter the profile of the roof. This project should receive design review to ensure its roof structure is consistent with the Neighborhood Design Overlay and PLAN: Charlestown's design guidelines.

Recommendation:



In reference to BOA1581050, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to ensuring the roof structure is contextually sensitive and aligned with PLAN: Charlestown's design guidelines.

Reviewed,

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Director of Planning, BPDA



Case	BOA1535146
ZBA Hearing Date	2024-06-04
Address	23 Clark ST Boston 02109
Parcel ID	0303164000
Zoning District & Subdistrict	North End Neighborhood MFR
Zoning Article	54
Project Description	Convert an existing ground floor commercial space within an existing mixed-use building into a residential studio.
Relief Type	Variance
Violations	Parking or Loading Insufficient Usable Open Space Insufficient

Planning Context:

The project seeks to convert an existing ground floor commercial space within an existing mixed-use building into a residential studio. The existing building consists of 9 residential units and one commercial space on the street-facing portion of the ground floor. The conversion is primarily happening within the street facing portion of the building, and would make this building fully residential with 10 units. In addition to the conversion of the commercial unit into a residential unit, the project also intends to make renovations to the remaining 9 residential units.

The project is located in the middle of a residential block in the North End Neighborhood District, with abutting neighbors being primarily multifamily condominiums with ground floor residential uses. The project will make the ground floor fully residential, which will align with the existing block context. The block is densely built up of mostly residential buildings of three to four stories in height, and have been built to a zero-lot line. Adjacent buildings are built to nearly the full footprint of the parcel, including 19 Clark Street (roughly 90% lot coverage) and 29 Clark Street (roughly 75% lot coverage). Neighboring properties do not have off-street parking, with most driving residents utilizing on-street parking.

Zoning Analysis:

The property is located in a MFR subdistrict and is not located within a landmarks district. MFR subdistricts permit the development of multi-family housing. Due to existing nonconformities, the



proposed development raises two violations: Off-Street Parking Insufficiency and Usable Open Space Insufficiency. Within the North End Neighborhood District, multifamily developments are required to have a minimum of one off-street parking space per unit. Currently, the property has no off-street parking spaces, and this is a common trait for many of the neighboring buildings that rely on street parking. The addition of off-street parking, in fact, would not align with the existing neighborhood block.

Similarly, Article 54 requires that buildings allocate a minimum 100 square feet of open space per dwelling unit. The current building has a light well in the middle of the property, and is built to nearly the full footprint of the parcel. The property does not have a roof deck.

Given that the existing building is largely unchanged aside from interior renovations, and that many of the neighboring buildings are built to nearly the full footprint of the parcel as well, the existing nonconformities could present a hardship in meeting these requirements. As such, this project should be allowed to proceed.

The plans entitled UNIT RENOVATIONS, 23 CLARK STREET, BOSTON, MASSACHUSETTS prepared by CHOO & COMPANY on MARCH 12, 2022 were used in preparation of this recommendation.

Recommendation:

In reference to BOA1535146, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1572734
ZBA Submitted Date	2/16/2024
ZBA Hearing Date	2024-06-04
Address	36 to 38 Elm Hill PARK Dorchester 02121
Parcel ID	0200329000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	62
Project Description	Addition of driveway and parking spaces, with a new associated curb cut
Relief Type	Variance
Violations	Front Yard Insufficient Side Yard Insufficient Parking or Loading Insufficient

Planning Context:

The proposed project plans to add a driveway and parking spaces, accessed by a new curb cut, in the front yard of an existing two-family dwelling. The properties along Elm Hill Park are oriented in a cul-de-sac around a central median in the form of a park, which is designated as an open space, with on-street parking provided along the right-of-way. Elm Hill Park has only one outlet, as there is a steep drop off to neighboring properties, necessitating a stone retaining wall at the eastern extent of the road where this property is located. The on-street parking there, based on Google imagery dated July 2019, includes on-street spaces signed as handicapped parking. Most of the properties along Elm Hill Park have consistent front yards, with significant porches as a design feature for entrances and many have side yard driveways that provide accessory parking.

While the proposed project would not trigger the requirements of the Neighborhood Design Overlay District for design review, as it does not change building features, the unique features of Elm Hill Park as a historic cul-de-sac arranged around a wooded park, as well as accommodation of topography, are important considerations to a proposal for front yard parking. Similarly, the orientation around the park would also trigger design review by the Boston Parks Department.

Zoning Analysis:

BOA1572734

2024-06-04

1 Boston Planning & Development Agency



The proposed project triggers 3 violations from the zoning code. The first is in regard to insufficient off-street parking. This project would add two parking spaces to a property that currently relies on on-street parking; This violation is made less severe by the proposed project but reflect planning goals from a previous era. While the parking is helping to alleviate this violation, the placement of the spaces in the front yard will worsen the streetscape and remove on-street parking that is publicly available as part of a new curb cut.

Under the zoning code, there are pre-existing nonconformities for both the front yard and side yard.

Existing zoning requires a front yard setback of 20 feet and a side yard setback of 10 feet; because the existing building has an insufficient side yards of under 5' and 6-7 feet along a steeply sloped retaining wall, driveway parking in the side yard is not an option. The existing front yard has a variable depth but is 15' at its minimum.

The proponent is proposing the addition of a driveway and parking spaces in the front yard, which would require a new retaining wall. The proposal would eliminate all open space in the front of the property and is out of context with the urban design of this area. No other property on Elm Hill Park would have this sort of parking configuration, which is counter to city design and planning goals.

Recommendation:

In reference to BOA1572734, The Boston Planning & Development Agency recommends DENIAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1557204
ZBA Submitted Date	November 27, 2023
ZBA Hearing Date	2024-06-04
Address	26 Winthrop ST Roxbury 02119
Parcel ID	1200040000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	50, 44
Project Description	Proposed legalization/renovation of a detached accessory building in the rear yard of church for the proposed legal use as an accessory computer room with an 8'-3" ceiling.
Relief Type	Variance
Violations	Side Yard Insufficient

Planning Context:

26 Winthrop Street is located at the transition from mixed-use areas of Roxbury, including Nubian Square, to more residential areas. Directly abutting the site on either side is a university building and a multi-family residence. The site itself is a church. Parcel sizes in the neighborhood vary greatly; the parcel at 26 Winthrop Street is larger than many residential parcels. The project proposes to renovate an existing detached accessory building in the rear yard of the existing church in order to raise the ceiling height and change the occupancy to a computer room. PLAN: Nubian references the importance of the “considerable...facilities and equipment present in the neighborhood...and in most cases, open and free for anyone in the community to use”. This project would continue to expand such community facilities.

Zoning Analysis:

26 Winthrop St is located in the Roxbury Neighborhood zoning district and the 3F-4000 zoning sub district. The plan proposal has one dimensional violation which is an insufficient side yard setback. The west side of the existing accessory building is the side in question and there is currently little to no space between the corner of the accessory building and the side lot line. The lot includes an accessway to the rear, and neighboring properties are built out with pedestrian access and different configuration than this property. The side yard requirement for the neighborhood district is currently 4 feet, however this is an existing non-conformity and won't



be worsened by the proposal. The existing accessory building is not located near existing structures, and given the accessways surrounding it, this is a reasonable request for relief.

Recommendation:

In reference to BOA1557204, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1568134
ZBA Hearing Date	2024-06-04
Address	283 Longwood AVE Boston 02115
Parcel ID	0401851010
Zoning District & Subdistrict	Boston Proper H-3
Zoning Article	8
Project Description	Proponent seeking variance to operate two 8'x26' food trucks during lunch time hours outside of Boston Children's Hospital within the public right of way. Food trucks have been operating in the same space under a temporary permit, making this an existing use.
Relief Type	Variance
Violations	Use: forbidden (food trucks)

Planning Context:

This proponent is seeking a variance in order to obtain a long-term permit that would allow them to operate two 8'x26' food trucks during lunch time hours outside of Boston Children's Hospital on the private road, Blackfan Circle. Food trucks have been operating in the same location under a temporary permit, making this an existing use.

Specifically, the area proposed for the continued use of food trucks is a drop-off shoulder in front of 283 Longwood Avenue. As seen in 2024 satellite imagery, the shoulder is labeled as being for shuttle buses. An immediately adjacent pergola area with chairs and tables already exists on the property for seating.

The address sits in the heart of Longwood Academic and Medical Area, within a Groundwater Conservation Overlay District, a Restricted Parking District, and an Institutional Master Plan Overlay District. Since nothing new is being built, GCOD regulations do not apply in this case. Regarding the Institutional Master Plan for Boston Children's Hospital, shuttle services are specifically mentioned on page 2-9 but the hours of shuttle operation are omitted (April 2008). Documents submitted by the applicant do not clarify whether or not the food trucks would be operating during the hours that the shuttles use the space.



In either case, since the trucks would not be a permanent installation, their use and operation would be governed by the Office of Economic Opportunity and Inclusion (OEOI) and the Public Works Department (PWD), and not the Public Improvement Commission (PIC). In an email to both PWD and OEOI, PWD deferred to OEOI, stating that food trucks were only allowed at locations assigned by OEOI. No response from OEOI has been received regarding the permissibility of food trucks at this particular location.

While not specific to this area, the BPDA's recent Downtown Revitalization Report does highlight the overall importance of food truck vendors to a healthy and growing economy in Boston (October 2022). It also identifies "expand[ing] entrepreneurship opportunities for street vendors/food trucks, currently 70% owned by BIPOC entrepreneurs, by allowing them to operate in more areas and at later times" as a goal. The regulatory environment is currently very difficult, expensive, and complex for food truck vendors to navigate. Boston has been identified as one of the most challenging cities to operate a food truck, with high fees and significant regulatory hurdles (U.S. Chamber of Commerce Foundation, 2018).

Furthermore, according to the proponent, food trucks at this location are an existing use. As described in the "Reforming the Boston Zoning Code" report, the City has an inherent interest in legalizing existing uses as it seeks to simplify and modernize the Code (2023).

Zoning Analysis:

The project has a violation for a forbidden use as defined in Article 8-4(a): "As an accessory use to housing developments, and subject to limitations and restrictions of Section 8-2.5.b, business uses such as a food store, drug store, physician or dentist office, barber shop or restaurant shall be permitted within the H-1U through H-5U districts, when such uses are intended primarily for the convenience of residents of such housing."

However, the proposed project is not an accessory use to a housing development. 283 Longwood Avenue is a hospital parking garage. It is also in an H-3 district, which would not be included within the "H-1U through H-5U" district range. Most importantly, it could only be considered a business use in the context of 8-4(a) if the use is "intended primarily for the convenience of residents of such housing." This is not the case. Due to their location, the primary customers of this food truck would likely be patients, family of patients, and staff, not residents of a housing development.



Article 8-4(a) does not appear to be relevant to the proposed project and seems to be cited in error, negating the need for a variance. ISD has been contacted in regards to the violation.

This is a case for zoning reform. The operation of food trucks is governed by the Mobile Food Truck Ordinance (April 2011), not the Zoning Code. Future reform efforts could consider how to best limit or eliminate zoning violations triggered by food trucks.

Recommendation:

In reference to BOA1568134, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that OEOI approves the permit application.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1596026
ZBA Hearing Date	2024-06-04
Address	104 Norwell ST Dorchester 02121
Parcel ID	1402345000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	Article 65
Project Description	Construct a new affordable housing development as part of phase 1 of MOH's "Welcome Home, Boston" project. The project proposes three, 3-story, 4-unit buildings on a vacant lot, city-owned lot for a total of 12 units. The lot is made-up of 3 abutting lots which are being combined through a separate application.
Relief Type	Variance, Conditional Use
Violations	Parking or Loading Insufficient Lot Area Insufficient FAR Excessive Height Excessive (ft) Front Yard Insufficient Side Yard Insufficient Use: forbidden (MFR) Two or More Dwellings on Same Lot

Planning Context:

The proponent, Dorchester Design Collaborative, has been awarded land and funding as part of the City of Boston’s “Welcome Home, Boston” program. The proponent is seeking to combine the lots of 104, 106, and 108 Norwell St and build 3 buildings on the new combined lot. The new buildings would contain 12 units (4 units each) of income-restricted, affordable homeownership opportunities. The BPDA reviewed all three cases as one project, and are submitting the same recommendation for each case.

“Welcome Home, Boston” is a housing development initiative started by the Mayor’s Office of Housing to develop new affordable homes on City-owned property. The site previously identified (104, 106 and 108 Norwell St) is part of Phase I of this program, which began in 2022.

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



The location of the 104-108 Norwell St is in a predominantly residential area characterized by 2.5- to 3-story buildings containing mostly 2-3 units. Most existing buildings in the area have FARs around 1.0, and yards range around 4-9 ft in the fronts and around 1-10 ft on the sides. Therefore, the proposed buildings would be aligned with existing conditions in terms of existing heights and yards. The proposed buildings would represent a slightly higher density in terms of units and FAR, as the proposed project contains 4 units per building and has an FAR of 1.17.

The project would also involve replacing 1 existing curb cut with 1 curb cut per building in order to provide 2-car driveways for each of the 3 buildings. The Boston Transportation Department's Guidelines for use by the Zoning Board of Appeal state that "New driveways added at residential dwellings need to accommodate a minimum of two (2) vehicular spaces for every one (1) public on-street parking space that will be removed as a result of the new driveway. A new driveway accommodating three (3) vehicular spaces for every one (1) public on-street parking space is the preferred ratio." The new curb cuts would mean the removal 1 on-street space each, which means the project meets the minimum BTD recommendation of 2 off-street spaces but not the preferred ratio of 3 off-street spaces.

Zoning Analysis:

The proposed project is not in compliance with the zoning requirements for maximum height (2.5 stories/35 ft allowed vs 3 stories/36 ft 6 in proposed), minimum front yard (15 ft required vs 1 ft proposed), and minimum side yard (10 required vs 3 ft 4 in proposed). However, as discussed in the planning context, similar heights and yards dimensions are already prevalent in the surrounding area. Therefore, these zoning regulations should likely be reformed to better reflect the existing built conditions.

The proposed project is also not in compliance with the zoning requirements for FAR (0.5 allowed vs 1.17 proposed) and the use restriction of 2 units (as the proposed project has 4 units per building). As discussed in the planning context, many existing buildings in the surrounding area have FARs around 1.0 and contain 3 units. The proposed project is therefore only slightly higher density as compared to the existing context. The FAR and unit count zoning regulations should also likely be reformed to better reflect the existing built conditions and the overarching planning goal of increased affordable homeownership opportunities in Boston. .



This project is flagged for insufficient lot area because Section 65-42.13: "Two or More Dwellings on Same Lot" states that "Where a Dwelling... is on the same Lot as, and to the side of, another Dwelling or other Main Building... the requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard and Side Yards shall apply as if such Dwelling were on a separate Lot." Because this subdistrict requires 5,000 sq ft lots, the total lot would need to be 15,000 sq ft for 3 buildings (while the actual lot is 10,113 sq ft). 65-42.13 goes on to say that "After public notice and hearing, and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for the construction of a Dwelling that does not meet the requirements of this Section 65-42.13 if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Section were met." There is space around each building and the floor plan shows windows for all bedrooms and other major rooms designed for human occupancy, which provide light and air. There is also a reasonable amount of open space in the form of yards and patios that amount to approximately 500 sq ft per building. Therefore, it is appropriate for the Board of Appeal to grant permission for the construction of these dwellings.

Lastly, projects with at least 60% of units income-restricted at or below 100% of AMI are not required to provide off-street parking (per Text Amendment 454 which was passed in 2021). This project is therefore not required to provide any off-street parking.

Recommendation:

In reference to BOA1596026, 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



Case	BOA1596034
ZBA Hearing Date	2024-06-04
Address	108 Norwell ST Dorchester 02121
Parcel ID	1402343000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	Article 65
Project Description	Construct a new affordable housing development as part of phase 1 of MOH's "Welcome Home, Boston" project. The project proposes three, 3-story, 4-unit buildings on a vacant lot, city-owned lot for a total of 12 units. The lot is made-up of 3 abutting lots which are being combined through a separate application.
Relief Type	Variance, Conditional Use
Violations	FAR Excessive Parking or Loading Insufficient Height Excessive (ft) Front Yard Insufficient Side Yard Insufficient Lot Area Insufficient Use: forbidden (MFR) Two or More Dwellings on Same Lot

Planning Context:

The proponent, Dorchester Design Collaborative, has been awarded land and funding as part of the City of Boston’s “Welcome Home, Boston” program. The proponent is seeking to combine the lots of 104, 106, and 108 Norwell St and build 3 buildings on the new combined lot. The new buildings would contain 12 units (4 units each) of income-restricted, affordable homeownership opportunities. The BPDA reviewed all three cases as one project, and are submitting the same recommendation for each case.

“Welcome Home, Boston” is a housing development initiative started by the Mayor’s Office of Housing to develop new affordable homes on City-owned property. The site previously identified (104, 106 and 108 Norwell St) is part of Phase I of this program, which began in 2022.

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



The location of the 104-108 Norwell St is in a predominantly residential area characterized by 2.5- to 3-story buildings containing mostly 2-3 units. Most existing buildings in the area have FARs around 1.0, and yards range around 4-9 ft in the fronts and around 1-10 ft on the sides. Therefore, the proposed buildings would be aligned with existing conditions in terms of existing heights and yards. The proposed buildings would represent a slightly higher density in terms of units and FAR, as the proposed project contains 4 units per building and has an FAR of 1.17.

The project would also involve replacing 1 existing curb cut with 1 curb cut per building in order to provide 2-car driveways for each of the 3 buildings. The Boston Transportation Department's Guidelines for use by the Zoning Board of Appeal state that "New driveways added at residential dwellings need to accommodate a minimum of two (2) vehicular spaces for every one (1) public on-street parking space that will be removed as a result of the new driveway. A new driveway accommodating three (3) vehicular spaces for every one (1) public on-street parking space is the preferred ratio." The new curb cuts would mean the removal 1 on-street space each, which means the project meets the minimum BTD recommendation of 2 off-street spaces but not the preferred ratio of 3 off-street spaces.

Zoning Analysis:

The proposed project is not in compliance with the zoning requirements for maximum height (2.5 stories/35 ft allowed vs 3 stories/36 ft 6 in proposed), minimum front yard (15 ft required vs 1 ft proposed), and minimum side yard (10 required vs 3 ft 4 in proposed). However, as discussed in the planning context, similar heights and yards dimensions are already prevalent in the surrounding area. Therefore, these zoning regulations should likely be reformed to better reflect the existing built conditions.

The proposed project is also not in compliance with the zoning requirements for FAR (0.5 allowed vs 1.17 proposed) and the use restriction of 2 units (as the proposed project has 4 units per building). As discussed in the planning context, many existing buildings in the surrounding area have FARs around 1.0 and contain 3 units. The proposed project is therefore only slightly higher density as compared to the existing context. The FAR and unit count zoning regulations should also likely be reformed to better reflect the existing built conditions and the overarching planning goal of increased affordable homeownership opportunities in Boston.



This project is flagged for insufficient lot area because Section 65-42.13: "Two or More Dwellings on Same Lot" states that "Where a Dwelling... is on the same Lot as, and to the side of, another Dwelling or other Main Building... the requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard and Side Yards shall apply as if such Dwelling were on a separate Lot." Because this subdistrict requires 5,000 sq ft lots, the total lot would need to be 15,000 sq ft for 3 buildings (while the actual lot is 10,113 sq ft). 65-42.13 goes on to say that "After public notice and hearing, and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for the construction of a Dwelling that does not meet the requirements of this Section 65-42.13 if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Section were met." There is space around each building and the floor plan shows windows for all bedrooms and other major rooms designed for human occupancy, which provide light and air. There is also a reasonable amount of open space in the form of yards and patios that amount to approximately 500 sq ft per building. Therefore, it is appropriate for the Board of Appeal to grant permission for the construction of these dwellings.

Lastly, projects with at least 60% of units income-restricted at or below 100% of AMI are not required to provide off-street parking (per Text Amendment 454 which was passed in 2021). This project is therefore not required to provide any off-street parking.

Recommendation:

In reference to BOA1596034, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1596032
ZBA Hearing Date	2024-06-04
Address	106 Norwell ST Dorchester 02121
Parcel ID	1402344000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	Article 65
Project Description	Construct a new affordable housing development as part of phase 1 of MOH's "Welcome Home, Boston" project. The project proposes three, 3-story, 4-unit buildings on a vacant lot, city-owned lot for a total of 12 units. The lot is made-up of 3 abutting lots which are being combined through a separate application.
Relief Type	Variance, Conditional Use
Violations	Parking or Loading Insufficient Lot Area Insufficient FAR Excessive Side Yard Insufficient Front Yard Insufficient Height Excessive (ft) Use: forbidden (MFR) Two or More Dwellings on Same Lot

Planning Context:

The proponent, Dorchester Design Collaborative, has been awarded land and funding as part of the City of Boston’s “Welcome Home, Boston” program. The proponent is seeking to combine the lots of 104, 106, and 108 Norwell St and build 3 buildings on the new combined lot. The new buildings would contain 12 units (4 units each) of income-restricted, affordable homeownership opportunities. The BPDA reviewed all three cases as one project, and are submitting the same recommendation for each case.

“Welcome Home, Boston” is a housing development initiative started by the Mayor’s Office of Housing to develop new affordable homes on City-owned property. The site previously identified (104, 106 and 108 Norwell St) is part of Phase I of this program, which began in 2022.

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



The location of the 104-108 Norwell St is in a predominantly residential area characterized by 2.5- to 3-story buildings containing mostly 2-3 units. Most existing buildings in the area have FARs around 1.0, and yards range around 4-9 ft in the fronts and around 1-10 ft on the sides. Therefore, the proposed buildings would be aligned with existing conditions in terms of existing heights and yards. The proposed buildings would represent a slightly higher density in terms of units and FAR, as the proposed project contains 4 units per building and has an FAR of 1.17.

The project would also involve replacing 1 existing curb cut with 1 curb cut per building in order to provide 2-car driveways for each of the 3 buildings. The Boston Transportation Department's Guidelines for use by the Zoning Board of Appeal state that "New driveways added at residential dwellings need to accommodate a minimum of two (2) vehicular spaces for every one (1) public on-street parking space that will be removed as a result of the new driveway. A new driveway accommodating three (3) vehicular spaces for every one (1) public on-street parking space is the preferred ratio." The new curb cuts would mean the removal 1 on-street space each, which means the project meets the minimum BTD recommendation of 2 off-street spaces but not the preferred ratio of 3 off-street spaces.

Zoning Analysis:

The proposed project is not in compliance with the zoning requirements for maximum height (2.5 stories/35 ft allowed vs 3 stories/36 ft 6 in proposed), minimum front yard (15 ft required vs 1 ft proposed), and minimum side yard (10 required vs 3 ft 4 in proposed). However, as discussed in the planning context, similar heights and yards dimensions are already prevalent in the surrounding area. Therefore, these zoning regulations should likely be reformed to better reflect the existing built conditions and the overarching planning goal of increased affordable homeownership opportunities in Boston. .

The proposed project is also not in compliance with the zoning requirements for FAR (0.5 allowed vs 1.17 proposed) and the use restriction of 2 units (as the proposed project has 4 units per building). As discussed in the planning context, many existing buildings in the surrounding area have FARs around 1.0 and contain 3 units. The proposed project is therefore only slightly higher density as compared to the existing context. The FAR and unit count zoning regulations should also likely be reformed to better reflect the existing built conditions.



This project is flagged for insufficient lot area because Section 65-42.13: "Two or More Dwellings on Same Lot" states that "Where a Dwelling... is on the same Lot as, and to the side of, another Dwelling or other Main Building... the requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard and Side Yards shall apply as if such Dwelling were on a separate Lot." Because this subdistrict requires 5,000 sq ft lots, the total lot would need to be 15,000 sq ft for 3 buildings (while the actual lot is 10,113 sq ft). 65-42.13 goes on to say that "After public notice and hearing, and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for the construction of a Dwelling that does not meet the requirements of this Section 65-42.13 if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Section were met." There is space around each building and the floor plan shows windows for all bedrooms and other major rooms designed for human occupancy, which provide light and air. There is also a reasonable amount of open space in the form of yards and patios that amount to approximately 500 sq ft per building. Therefore, it is appropriate for the Board of Appeal to grant permission for the construction of these dwellings.

Lastly, projects with at least 60% of units income-restricted at or below 100% of AMI are not required to provide off-street parking (per Text Amendment 454 which was passed in 2021). This project is therefore not required to provide any off-street parking.

Recommendation:

In reference to BOA1596032, 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



Case	BOA1592271
ZBA Hearing Date	2024-06-04
Address	120 to 124 Babson ST Mattapan 02126
Parcel ID	1801034000
Zoning District & Subdistrict	Greater Mattapan Neighborhood R1
Zoning Article	60
Project Description	Subdividing a lot into 2 lots. The new Lot A would be 43,703 sq ft and Lot B would be 12,150 sq ft. Lot A contains an existing building (a former elementary school) and an accompanying parking lot and Lot B is vacant.
Relief Type	Variance
Violations	Rear Yard Insufficient

Planning Context:

This project is within the study area of PLAN: Mattapan, multi-year participatory planning process which launched in 2018. PLAN: Mattapan was adopted by the BPDA Board on May 11, 2023 and was later implemented through amendments to Article 60 (Greater Mattapan Neighborhood District). The first amendment was adopted by the Boston Zoning Commission on February 7th, 2024 (this zoning is discussed further in the zoning analysis of this recommendation) to implement new residential zoning. A second amendment was approved by the Boston Zoning Commission on May 22nd, 2024 to implement new Squares + Streets Zoning Districts, but has yet to be formally adopted.

This lot was rezoned on February 7th, 2024 to an R1 subdistrict. Subsequently, the property was included in Squares + Streets rezoning in Mattapan that was adopted by the Zoning Commission on May 22, 202, to be mapped as an S0 District. The S0 district is proposed here to preserve existing residential character, allow for contextual infill development, and enable adaptive reuse of existing structures.

This application concerns separating one large lot into two separate lots with no proposed construction. The new Lot A would be 43,703 sq ft and Lot B would be 12,150 sq ft. Lot A contains an existing building which was a former elementary school and an accompanying parking lot. Lot B is vacant. Lot B would be in the size range of many of the residential lots in the area, so this subdivision would allow the opportunity for contextually appropriate development of



this currently underutilized land in the future. Similarly, maintaining the existing building and its parking lot in a single, larger lot (Lot A) allows the opportunity for possible adaptive reuse of this building.

Zoning Analysis:

On February 7th, 2024, the location of this project was rezoned to be part of the Mattapan Residential-1 subdistrict when the amendments to Article 60 (Greater Mattapan Neighborhood District) were adopted in order to implement the recommendations of PLAN: Mattapan. In the now applicable zoning, the rear yard minimum is 20 ft, which the project complies with (with a 22 ft 3 in rear yard).

The new zoning also introduces requirements for maximum lot coverage and minimum permeable area of the lot. The lot coverage for Lot A is approximately 20%, which is well below the zoning maximum of 30%. The permeable area of the lot is not clear because a landscape plan was not provided, but looking at available aerial photos over the site, the permeable area of the lot appears to be around 30%, which complies with the zoning requirement of 25%. Lot B is currently vacant and unpaved, and so it complies with the lot coverage and permeable area of lot requirements. Both lots also comply with the lot frontage minimum of 20 ft.

Recommendation:

In reference to BOA1592271, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1572056
ZBA Submitted Date	July 12, 2023
ZBA Hearing Date	2024-06-04
Address	91 Radcliffe RD Mattapan 02126
Parcel ID	1803907000
Zoning District & Subdistrict	Hyde Park Neighborhood 2F-5000
Zoning Article	69, 9 and 29
Project Description	Demolish existing structure and construct two-family residence on the lot.
Relief Type	Variance
Violations	FAR Excessive Side Yard Insufficient Rear Yard Insufficient Usable Open Space Insufficient Front Yard Insufficient Lot Area Insufficient Lot Width Insufficient Parking or Loading Insufficient Floor Area Ratio

Planning Context:

91 Radcliffe Road is a vacant lot located in Mattapan, less than a mile away from Mattapan Square. The location is relatively transportation rich, given that they have access to the bus network on Cummins Highway (0.4 miles away) and the Blue Hill Ave commuter rail station (0.7 miles). The project neighborhood is residential (zoned 2F-5000) and has a mix of single, two, and, three family residences. Directly south of the parcel, there is a vacant lot, and directly north of the parcel there is a single family residence. Directly across the street, to the east there is a large lot with a two family dwelling. The proposed plans are to construct a new two-family dwelling. While the zoning for the parcel is in the Hyde Park zoning district, it falls right at the western edge of the PLAN: Mattapan planning area. PLAN: Mattapan established recommendations for allowing infill development, particularly on vacant lots, that provides needed housing and homeownership opportunities as well as ADUs.

Zoning Analysis:

91 Radcliffe Lane in Mattapan is located in the Hyde Park neighborhood zoning district, and the 2F-5000 zoning subdistrict. The proposed two-family residential use is allowed in this district.

BOA1572056

2024-06-04

1 Boston Planning & Development Agency



The plan proposal currently has eight violations, most of which are dimensional. To start, the lot area and lot width are both insufficient. The minimum lot area per dwelling unit in the neighborhood is 5000 square feet per unit, however this might serve as a case for zoning reform as many of the lots in this neighborhood, including this one at 3206 square feet, are smaller than 5000 square feet. Similarly, the minimum lot width is 50 feet for the district and the current lot width provides 38.63. Both of these lot dimensions are existing non-conformities of the parcelization and if enforced as written, would deprive the property owner of reasonable use of their land.

Furthermore the required FAR is 0.5 and the proponent is providing 0.83. Along the corridor, there is one other three story building that is a similar size to the proposed plans, while the vast majority of homes are two to two-and-a-half stories. The plans are also in violation of front, side, and rear yard requirements. The minimum front yard requirement is 20 feet and the project has a front yard of 10 feet; the minimum side yard requirement is 10 feet per side (20 feet combined) and it is providing 5 feet and 11.6 feet (16.6 feet combined). The rear yard requirement is 50 feet and this proposal provides 23.2 feet. The usable open space requirement for the district is 1750 square feet, and the proponent is providing 897 square feet of usable open space. Finally, the off-street parking and loading requirement for the area is two spaces per unit, and the proponent is providing two off street parking spaces. That being said, these dimensional violations do not put the project out of context with the surrounding neighborhood. Many of the surrounding residences have front yards that range between 10 and 15 feet and little to no side yard. This is a case for zoning reform to update dimensional requirements, like was completed in the Mattapan neighborhood zoning, to better align with existing built pattern and allow appropriate infill housing.

Recommendation:

In reference to BOA1572056, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1581882
ZBA Hearing Date	2024-06-04
Address	305 Chestnut AVE Jamaica Plain 02130
Parcel ID	1901045000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 3F-5000
Zoning Article	55
Project Description	Change occupancy from a two family dwelling to seven residential units, construct a rear addition and 6 parking spaces.
Relief Type	Variance, Conditional Use
Violations	Parking or Loading Insufficient FAR Excessive Forbidden Use: MFR

Planning Context:

The proposed project is located on a residential street, next to a series of attached multi-family 3- story and 2-1/2-story dwellings. The project is 0.2 miles from Green Street Station, 0.1 miles from a commercial corridor along Amory St and Green Street. The corridor is populated by a restaurant, counseling services, a fitness studio, a grocery store, and additional retail and service establishments.

The proposal includes a rear addition, change of use from two family to seven residential units, and the addition of 6 parking spaces. The proposed scale, massing, and use are consistent with the existing context.

The proposal aligns with the goals in Imagine Boston 2030 (2017) of creating additional density near a transit stop and commercial corridor.

The proposal retains the existing historic building (sighted in Boston MHC Historic Inventory) decreasing the embodied carbon of the project aligning with Boston's Climate goals of decreasing carbon emissions as outlined in the City's 2019 Climate Action Plan. In addition to being sighted in the Boston MHC Historic Inventory Areas, it is located in an NDOD. The project should receive BPDA Design Review to ensure the proposed addition is consistent in scale and height with the existing historic structure and preserves and restores the character of the project's defining features.



Zoning Analysis:

The project's MFR use is forbidden in the parcel's 3F-5000 subdistrict. However, the proposed use is consistent with the existing neighborhood context as outlined in the planning context.

The project proposes 6 parking spaces and requires 8.75 units. The reduction of parking spaces is consistent with GO Boston's 2030's (2017) goal of reducing reliance on private vehicles, particularly near transit stops.

Lastly, the project is marginally greater than the maximum 0.6 FAR at 0.78. The proposed project is consistent in scale and massing with the existing context.

Recommendation:

In reference to BOA1581882, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to ensuring the scale and height of the addition is sensitive to the existing historic building and the project preserves the building's defining features.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1304433
ZBA Hearing Date	2024-06-04
Address	10 Thompson Sq Charlestown 02129
Parcel ID	0203685000
Zoning District & Subdistrict	Charlestown Neighborhood NS
Zoning Article	Article 62
Project Description	Construct 12 residential units on top of existing ground floor commercial space
Relief Type	Variance
Violations	Usable Open Space Insufficient Height Excessive FAR Excessive Rear Yard Insufficient Parking or Loading Insufficient

Planning Context:

This project has not changed since it was deferred from ZBA hearings on 10/31/2023, 2/6/2024, and 3/26/2024. The project's violations and thus recommendations have not changed.

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

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

PLAN: Charlestown recommended an expansion of affordable housing opportunities that allow existing and future residents to grow up, stay, and age within the community. The proposed 12-



unit project will require a Housing Agreement under the City of Boston's Inclusionary Development Policy, thereby increasing affordable housing options in Charlestown. The violations cited here are dimensional in nature; the proposed multifamily use is allowed under zoning and this is an appropriate location for multifamily based on recommendations from PLAN: Charlestown.

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

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

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

Zoning Analysis:

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

The project proposes extending the existing rear setback nonconformity; the required rear setback is 20' and the existing setback is 0'. Achieving the required rear yard setback would require changing the existing retail space on the ground floor. Further, the unique condition of



having 3 frontages means the rear lot line reads as side lot lines connected to the neighboring buildings. In this NS subdistrict, the minimum side yard requirement is 0'.

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

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

Recommendation:

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

Reviewed,

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

Director of Planning, BPDA



Case	BOA1341015
ZBA Hearing Date	2024-06-04
Address	146 M ST South Boston 02127
Parcel ID	0604089002
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	The proponent is seeking a variance to add a roof deck to a flat-roofed 3.5 story house.
Relief Type	Variance
Violations	Roof Structure Restrictions

Planning Context:

This project was previously deferred at the April 30th, 2024 meeting due to a family emergency on the part of the proponent. Prior to that, the proponent requested a deferral to allow for more time to confer with the City Point Neighborhood Association at the March 12th, 2024 meeting. No changes have been made to the plans or scope of the project. The BPDA’s previous recommendation thus remains the same.

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

Zoning Analysis:

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



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

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

Recommendation:

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

Reviewed,

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

Director of Planning, BPDA



Case	BOA1515203
ZBA Hearing Date	2024-06-04
Address	40 to 42 Temple St Mattapan 02126
Parcel ID	1703801002
Zoning District & Subdistrict	Dorchester Neighborhood 1F-6000
Zoning Article	65
Project Description	Demolish two existing residential structures (one-family residential and two-family residential) on a separate permit. Construct five three-story attached townhouses that will be fully sprinklered and have five new on-grade parking spaces as well as five ground-floor garage spaces per townhouse. This lot is to be known as 42-46C Temple Street (per the project plans).
Relief Type	Variance
Violations	Lot Width Insufficient Lot Frontage Insufficient FAR Excessive Height Excessive (stories) Side Yard Insufficient Limitation of Area for accessory use (parking) Use: Forbidden (Townhouse) Use: Forbidden (Multifamily Residential) Conformity with Existing Building Alignment Location of Main Entrance

Planning Context:

This project’s ZBA hearing was originally scheduled for March 26, 2024. The project was deferred to a hearing on June 4, 2024. The content of the BPDA’s recommendation has been updated to reflect an updated set of plans and an updated zoning refusal letter.

This project proposes the demolition of two existing residential structures on an 11,000 square foot lot and the construction of five attached three-story residential townhouse buildings with five new on-grade parking spaces in the rear and five first-floor garages accessible from the front of each building. The townhouses will each be one-family residential dwellings. The previous plans had only the five rear on-grade parking spaces. The additional five parking spaces in the garages were added in the updated plans and required the removal of one bedroom from each



townhouse to accommodate the garage spaces. In effect, this shift in the plans traded living area appropriate for larger households for more parking.

The lot has two existing structures on it that are assessed together as a three-family residential land use: a two-story, two-family residential dwelling that is located close to the eastern front yard lot line and a two-story, one-family residential dwelling located against the southern side yard lot line in the horizontal center of the lot. Neither of the structures are listed in MACRIS, the State's cultural resource information database for historic structures. The existing property also has six parking spaces total for both structures (per the Assessor's Report).

This property is within the PLAN: Mattapan (adopted May 2023) study area, but it is located within the Dorchester Neighborhood District (Art. 65), and thus was not included in recent zoning changes to the Greater Mattapan Neighborhood District (Art. 67) to implement PLAN: Mattapan. The project proposes the demolition of both of these structures and the placement of the attached townhouses in the northeastern corner of the lot to provide space for a driveway along the southern side yard leading to the five parking spaces in the western rear yard area.

The proposed townhouses are designed as a horizontal row down the length of the lot along the northern side yard line, with a driveway running along the southern boundary of the lot to access a proposed rear parking area. The front of each townhouse faces the southern side yard of the lot, proposed as a driveway, including the townhouse that is closest to the eastern front yard lot line.

The townhouse closest to the street has an eastern side facing the street that differs in design from the front portions of other residential buildings in the area as well as that of the existing building, due mostly to it functioning as the whole building's side rather than an entranceway.

PLAN: Mattapan recommends that new residential developments like this that are proposed within the residential fabric of the area have design characteristics that acknowledge, enhance, and promote the existing character of its surroundings with attention to height, building footprints, and architectural detail. While this proposed building maintains that alignment in height, it does not in terms of building footprint and architectural detail. Its building footprint alignment is impacted by the unique condition of the lot.

The existing property is located on a long rectangular lot with an eastern front yard lot line and a western rear yard lot line that are common for lots in the area at 49.8 feet. The lot has deep side yard lot lines of 223.5 feet (northern side yard) and 221 feet (southern side yard). Most other

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lots have front and rear yard lot lines of about 50 feet and of the longer rectangular lots in the area, most of those have side yard lot line lengths of about 150 feet.

This property's lot is uniquely deeper and has a larger square footage than most surrounding properties in the area. The property directly abuts another unique lot against its southern side yard that is 26,000 square feet, holds five structures on it, and has side yard lot line lengths of 221 and 224 feet, thus being the only nearby precedent for a property of similar length.

The surrounding area is composed of buildings that are one-, two- and three-family residential dwellings. Most of the buildings in the surrounding area are between one story and 2.5 stories. The large lot that abuts this property to the south has three structures that are three stories tall and two structures that are 2.5 stories tall, also establishing a precedent of residential structures of this height on a similarly deep lot. Several homes in the surrounding area have driveways as well, thus impacting the side yard depths of some properties and establishing a pattern of smaller side yards on one side of a property. PLAN: Mattapan recommends that areas in the residential fabric of the neighborhood like where this property is located should reflect the existing built form and land use of its surroundings. Within PLAN: Mattapan, this section of the neighborhood is characterized as predominantly three-family residential fabric.

The project's proposed driveway extends the existing driveway all the way to the western rear of the lot to reach the new parking spaces. The existing six parking spaces and drive aisle do not appear to have a clear parking design based on an aerial view of the site, so the proposed parking design improves upon that condition while reducing the number of spaces used.

That western rear area currently has permeable green space and potentially trees based on an aerial view of the site. The City does not support the removal of healthy and mature trees and open space to accommodate the development of off-street parking. The planning goals of Climate Ready Boston (addressing permeability, heat island effect, and increase tree canopy, 2016) and Boston's Urban Forest Plan (preserving healthy and mature trees, 2022) outline this point. PLAN: Mattapan also recommends lot coverage that reduces impervious surfaces, promotes additional plantings and limits stormwater runoff. The proponent's plans do not provide clear enough details for how the permeable area of the lot will be preserved as well as any mitigation planned due to the potential loss of trees and open space should this project be approved.



The project is less than 5 minutes from several MBTA bus stops along River Street, Central Avenue, and Dorchester Avenue that serve multiple routes, thus promoting the construction of more housing close to transit resources which aligns with the PLAN: Mattapan housing goals to encourage transit-oriented development.

Zoning Analysis:

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

The 1F-6000 subdistrict forbids multifamily residential dwellings and townhouses as land uses, both of which are proposed through this project (Art. 65, Sec. 8). The existing property is assessed as a three-family residential land use which is forbidden within the subdistrict and the existing two-family residential dwelling in the front yard of the lot is also forbidden when assessed as a standalone structure. The mix of one-, two-, and three-family residential dwellings in the area present a case for a zoning map amendment that better accommodates the variety of existing residential land uses, particularly for the proposal of housing development near transit resources.

This project was identified as having a limitation of off-street parking area due to the rear parking being less than five (5) feet from the northern side lot line (Art. 10 - Sec. 1). While the proponent placed the parking closer to the northern side lot line with a small depth of three (3) feet to accommodate a drive aisle towards the rear along the southern side lot line, attention should be paid to how that shallow depth may impact the abutting property. In addition, providing ten parking spaces for five units greatly exceeds the minimum parking per Article 65 of 1.25 spaces per unit for residential uses with 4-9 units. According to the Boston Transportation Department Maximum Parking Ratio Guidelines, the site of the proposed project has a mobility score of 35 and corresponding recommended maximum parking ratio of 1.0 spaces per unit. The Maximum Parking Ratio Guidelines only apply to Article 80 Large Projects, and thus the proposed project is not subject to the Guidelines, but they reflect an informed approach to right-

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sizing parking supply for every project based on local transit access and walkability. Therefore, a reduction in parking should be considered as the site plan is revisited.

This subdistrict also requires that structures be built on lots that have a minimum lot width of 60 feet, a minimum lot frontage of 60 feet, and a minimum side yard width of 10 feet for “Any Other Dwelling or Use” (Art. 65, Sec. 9). As stated in the planning context, this property has a front yard and rear yard lot with close to 50 feet that is a common yard lot line length for lots within this section of the neighborhood and zoning subdistrict. The existing property has nonconforming northern and southern side yard widths of under 4 feet due to the location of the two structures near those respective lot lines. This presents a case for zoning reform within the area should property owners choose to increase the housing since most surrounding lots would be found nonconforming with the lot width and frontage regulations.

The project moves the building footprint further away from the eastern front yard lot line and the northern side yard lot line than the existing building, thus increasing the front yard depth from 11.1 to 15 feet and the northern side yard from under 4 feet to 8 feet and accounting for more potential open space. The southern side yard width is also increased to be conforming at 15 feet to accommodate the new driveway.

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

This subdistrict requires that structures adhere to “Conformity with Existing Building Alignment” regulation which states that rather than conforming with the minimum front yard requirement for this subdistrict, structures must be “in conformity with the Existing Building Alignment of the Block” as established by structures facing the same side of the street (Art. 65, Sec. 42). This project proposes a 15-foot front yard depth that conforms with the existing minimum front yard requirement of the subdistrict and appears to align better with the properties that immediately abut it to the north and south than the existing building does, based on the plans.



This project was identified for having a violation due to the location of the main entrance (Art. 65 - Sec. 9.2). The proposed project has as set of attached townhouses that each have a front that faces the southern side lot and thus has multiple main entrances though none face the primary frontage of Temple Street. In the previous BPDA recommendation, design review was recommended with attention to the easternmost side of the townhouses to respond to this.

Site plans completed by Daniel Macisaac on February 19, 2024. Project plans completed by Hue Architecture on February 16, 2024.

Recommendation:

In reference to BOA1515203, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to: the landscaping of the site to increase permeable area of lot throughout the proposed driveway and parking area, the articulation of the easternmost side of the townhouses that faces the street to account for its fit within the existing residential fabric, the adjustment of the rear parking spaces' northern side lot line to accommodate greater side yard depth, and a reduction in parking spaces to better align with Boston Transportation Department Maximum Parking Ratio Guidelines.

Reviewed,

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Director of Planning, BPDA



Case	BOA1538686
ZBA Hearing Date	2024-06-04
Address	86 Astoria ST Mattapan 02126
Parcel ID	1800843000
Zoning District & Subdistrict	Greater Mattapan Neighborhood R2
Zoning Article	60
Project Description	Renovate and reconfigure an existing two-story, three-family building with a two-story rear addition, enclose rear porches, and extend living space into the attic and basement. Project scope includes relocating the third residential unit from the second story to the basement and extending that unit's living space, as well as with the renovation of the basement into a habitable space.
Relief Type	Variance
Violations	FAR Excessive Usable Open Space Insufficient Rear Yard Insufficient Use: Forbidden (Basement Unit) Location of Main Entrance

Planning Context:

This project's ZBA hearing was originally scheduled for April 30, 2024. The project was deferred to a hearing on June 4, 2024. No new plans were submitted, so the BPDA's recommendation below remains the same.

This project proposes a 278 square foot two-story rear addition to an existing two-story, three family building to accommodate the extension of a residential unit into the basement and the renovation of the attic into livable space. Based on aerial imagery, this rear yard addition and the entrance to the basement-accessible unit is already built, though it is not clear from the aerial view or the plans if the internal renovation has already been completed. This property is at the very end of a dead end street that leads directly into a park where the Walker Playground is located. Given that the proposed project includes construction and alteration within 100 feet of a park owned by the City of Boston, it is subject to Parks Design Review per Boston Municipal Code Article 7.4-11. The adjacent buildings on Astoria Street are residential and are between two and three stories in height. They also vary in yard depths and building lot coverage. Many of



the adjacent buildings have a side yard condition to accommodate a driveway that reaches into rear yard parking spaces.

The built form and intended extended livable area for this project aligns with PLAN: Mattapan's (2023) in that the program stays within the three-story building scale maximum of the surrounding residential fabric. This property is assessed as a two-family residential property. The two-story addition and internal extension of living space into the basement and attic to accommodate larger living space adds an allowed third dwelling unit to the property. The creation of the two-story addition to accommodate this third unit creates extra space within an existing structure that supports opportunities to accommodate growing living arrangements in keeping with PLAN: Mattapan's residential fabric recommendations.

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

Zoning Analysis:

This property is located within the R2 (Residential-2) subdistrict of the Mattapan Neighborhood District (Art. 60). However, this project was filed and the refusal letter completed prior to the recent adoption of a residential zoning map amendment (adopted February 7, 2024). The refusal letter cites violations based on when this area was mapped as a 3F-6000 subdistrict. The 3F-6000 subdistrict still exists with updated regulations, but this property is now regulated by the R2 subdistrict, which similarly allows up to 3 units, as well as an ADU for a total of no more than 4 units. There are more generous dimensional requirements allowed when a project proposes an ADU; it is unclear from the application whether this is an ADU project, which is limited to homeowner's on site, or an increase in the number of units to the allowed maximum.

When this property was previously mapped within the 3F-6000 subdistrict (Art. 60, Sec. 4), this project would be restricted to an FAR maximum of 0.8. The project proposes an FAR of 0.7, thus having a conforming FAR. Under the adopted and current R2 subdistrict (Art. 60, Sec. 4), there is no FAR regulation for properties built within that zoning district. The dimensional regulations within the R2 subdistrict require that a property that is over 5,000 sq ft have a maximum building lot coverage of 40%. Building lot coverage is defined as "the cumulative percentage of Lot Area covered by the largest Building Floor Plate of each building on the lot [and] excludes any one story detached building that is exempt from building code such as small



tool or storage sheds, playhouses, and the like.” This property has a building lot coverage of 48% and thus exceeds current zoning for a non-ADU project; the maximum for a lot with an ADU is 50% lot coverage; which the project would be compliant with. It is also unclear from the plans whether this addition is an existing non-conformity, or the legalization of pre-existing work that was not permitted as a non-conformity.

Based on the 3F-6000 subdistrict (Art. 60, Sec. 4), this project would be required to have a minimum usable open space per unit of 600 sq ft. The project proposes about 616 sq ft of usable open space per unit based on the dimensional numbers provided in the plans, thus conforming with the usable open space requirements. The current R2 subdistrict (Art. 60, Sec. 4) does not have a usable open space per unit requirement, but instead has a minimum permeable area of lot of 15% for ADU projects and 25% for non-ADU projects.. The estimated permeable area is not provided in the proposed project materials; however, based on the proposed site plan and satellite imagery of the site, the proposed project appears to be compliant. In addition to the building lot coverage discussed above and rear yard discussed below, the R2 subdistrict requires a minimum 10 foot front yard, minimum 3 foot side yard (with a total of both side yards minimum cumulative of 14 feet), maximum building height of 35 feet and 3 stories height, and minimum 20 foot lot frontage, all of which the proposed project is compliant.

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

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



visible from the front lot line and accessible from an open side yard due to it projecting out from the side of the main dwelling.

Site plans completed by Neponset Valley Survey Association, Inc. on November 29, 2022.

Project plans completed by Hezekiah Pratt Architecture + Design on April 21, 2023.

Recommendation:

In reference to BOA1538686, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO that plans be submitted to the Boston Parks Department for review.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1578504
ZBA Hearing Date	2024-06-04
Address	217 Paris ST East Boston 02128
Parcel ID	0106316006
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	53
Project Description	Construct a roof deck on top of an existing building, accessed by a roof hatch.
Relief Type	Variance
Violations	Height Excessive Roof Structure Restrictions Extension of Nonconforming Building

Planning Context:

The proposed project would install a roof deck and access hatch on top of an existing 4 story building in the "Paris Flats" neighborhood within East Boston. This area of East Boston is primarily residential, with triple deckers and larger apartment buildings lining the street. This section of East Boston has been identified as a Neighborhood Residential Character Area by the newly adopted PLAN: East Boston. One of the key goals of this planning process was to identify the disconnect between the current built form and the zoning code. Roof structures such as decks have been identified as a common feature on residential buildings in East Boston, yet the zoning code prior to the recent change was not supportive for these desired features. The plan sets new rules that allow appropriate roof decks.

Zoning Analysis:

This project is triggering three violations, all of which are related to the new roof deck and its effect on height. Under the zoning code as of December 2023, when this project filed, the project required zoning relief. . The addition of a roof deck triggered a violation. Associated with the roof deck is the increase of height for a building which already exceeded zoning maximums, triggering the height violation as well as the extension of the previously existing height violation

However, in April of this year, updated zoning to implement PLAN: East Boston was adopted. Within the updated zoning, new requirements and dimensions were established for when roof



decks would be allowed. The proposed deck meets the new requirements under zoning, including the setback from the street facing edge of the building.

With these changes to roof structure restrictions also came a change to how to measure building height. Roof decks are specifically highlighted by the new code as a feature which does not contribute to building height. It is no longer used in the overall measurement of height. This change eliminates the extension of the existing height violation.

The only violation that remains under the new zoning is the overall height violation for the building, which is already existing. As the height is pre-existing, and roof decks have been identified as desired under planning and complies with updated zoning, the addition of a roof deck is aligned with PLAN: East Boston.

Recommendation:

In reference to BOA1578504, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1584736
ZBA Hearing Date	2024-06-04
Address	7 to 13 Faunce RD Mattapan 02126
Parcel ID	1800343000
Zoning District & Subdistrict	Greater Mattapan Neighborhood 2F-6000
Zoning Article	60
Project Description	Demolish existing structure and erect nine (9) townhouse style residential units with nine parking spaces.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (stories) Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Use: Forbidden (multifamily) Dimensional Regulations Applicable in Residential Subdistricts: Location of Main Entrance

Planning Context:

Parcel is an irregularly deep and narrow (245' depth, 67.5' frontage) parcel along a residential street a few blocks to the northeast of Mattapan Square. While lot sizes vary in this area, a generally comparable neighboring lot of 5000 square feet means that this property is something like three times the size of an average residential lot with 1-3 units on it. Proponent seeks to build nine townhouse units along the depth of the parcel, making this comparable in terms of aggregate density. While infill housing development was specifically mentioned in PLAN: Mattapan (completed in January 2024), and indeed this parcel's new Residential-1 (R1) subdistrict is established to provide for "new infill construction appropriate to the existing fabric and density," townhouses larger than three units are not contemplated either in current zoning nor in this new zoning. In particular, the PLAN: Mattapan notes that "Smaller-scale multi-family projects can and should find a home within Mattapan's lower-scale residential areas." Long and narrow parcels are fairly uncommon across Mattapan, and this abnormal configuration of lot raises a basic question for the purpose of zoning relief: whether or not townhouses at this scale are an appropriate remedy to achieve the broader purposes of contextual housing production in Mattapan. While on a vacant parcel, it may be true that larger-scale townhomes may be the best

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balance between housing production and preservation of existing character, Mattapan's R1 zoning currently provides for an additional and smaller-scale choice of housing production. Accessory Dwelling Units (ADUs) are now legal by-right, and with a parcel of this size, both an attached ADU (where an addition is constructed on the parcel) and a detached ADU (where a structure exists in the backyard) could be allowed by-right. While two additional units yielding a total of three on this lot does not create as much new housing as this proposal does, it would be in compliance with the zoning which was the culmination of a multi-year planning process, while retaining the existing house. Future zoning reform should consider ways that development like townhomes may be made allowed.

Zoning Analysis:

While revised zoning districts have recently been enacted, with new residential districts for Mattapan approved by the Zoning Commission on January 10, 2024, this project's filing date of May 5, 2023 means that the earlier zoning code applies for the purpose of zoning relief. This project, if these new districts were to be applied, would be in the new Residential-1 R1 subdistrict, for which more than 3 townhouses would still be a forbidden use.

FAR Excessive: Per Article 60, Table D, the maximum FAR for any use other than a 1 and 2 family detached is 0.8. This project proposes 1.19, which would be a violation. The violation would likely be reduced were two units of ADUs to be provided.

Height Excessive (stories): Per Article 60, Table D, the maximum number of stories for any use other than a 1 and 2 family detached is 2.5. This project proposed 3, which would be a violation. The newly enacted R1 zoning allows for 3 stories, which would remove this as a violation were it to apply. There are numerous examples of three story buildings, both residential and non-residential, in the immediately surrounding area. This proposal is contextual in terms of height, and relief is appropriate. However, this violation would not exist, were two units of ADUs to be provided on the existing structure.

Usable Open Space Insufficient: Per Article 60, Table D, the minimum amount of open space per unit is required to be 800 square feet for any use other than a 1 and 2 family detached. This proposed 190 sf/unit, which is a substantial decrease. It is unlikely that this violation would exist in a proposal where two ADUs were to be provided.



Front Yard Insufficient: Per Article 60, Table D, the minimum front yard for any use other than a 1 and 2 family detached is 15 feet. This project proposes 13.17', which is a violation. Most of the site is compliant, and the only portion which violates the 15' mark is a small portion of the porch entry for the unit closest to the street. The newly enacted R1 zoning only requires 10', which would remove this as a violation were it to apply. It is unlikely that this violation would exist in a proposal where two ADUs were to be provided.

Side Yard Insufficient: Per Article 60, Table D, the minimum side yard for any use other than a 1 and 2 family detached is 10 feet. This project proposed 5' on one side, and 21' 1" on the other, which would be a violation. The newly enacted R1 zoning requires a 14' cumulative side yard, with a 3' minimum on either side, which would remove this as a violation were it to apply. This is an excellent example of where cumulative side yard is helpful, since it allows for appropriate circulation for pedestrian egress and vehicular parking tucked into each unit's front, while still maintaining well above the 14' cumulative minimum. It is unlikely that this violation would exist in a proposal where two ADUs were to be provided.

Rear Yard Insufficient: Per Article 60, Table D, the minimum front yard for any use other than a 1 and 2 family detached is 30 feet. This proposes 11 feet, which would be a violation. The new R1 zoning would require 20 feet, which would still be a violation. It is possible that this violation would exist in a proposal where two ADUs were to be provided.

Use: Forbidden (multifamily): Per Article 60, Table A, one or two family residential uses are allowed in this 2F-6000 district, but townhouses are not. Townhouses would be allowed in an R1 district, but with a maximum of 2 units in a primary structure, and one additional unit leading to a maximum of 3. With 9 proposed units, this would be a violation. Townhouses are a contextually appropriate way to build additional units at a scale that resemble surrounding context, though they functionally operate from a design perspective more like multifamily dwellings in a single building. That said, ADUs are a solution allowed in R1 zoning that would still allow for new residential housing to be added to this lot without a full rebuild.

Dimensional Regulations Applicable in Residential Subdistricts: Location of Main Entrance. Per Section 60-9, "the main entrance of a Dwelling should face the Front Lot Line. If the main entrance does not face a Street, the building should be designed to provide visual clues, such as a porch or covered walkway, that direct one to the main entrance." The main entrance of the unit closest to the street does face the front lot line. All additional dwelling units have porches

BOA1584736

2024-06-04

3 Boston Planning & Development Agency



(with walkways) directing pedestrians from the front lot line to the main entrance. The plans provided accommodate these guidelines to the maximum extent possible, and can likely be considered in compliance. For the sake of minimizing ambiguity, to the degree there is a violation, relief is appropriate.

Recommendation:

In reference to BOA1584736, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. Proponent should consider a project that utilizes the newly-enacted ADU provisions in Mattapan zoning to allow for housing production without demolition of the existing structure.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1581075
ZBA Hearing Date	2024-06-04
Address	21 Holbrook ST Jamaica Plain 02130
Parcel ID	1901790000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 2F-5000
Zoning Article	Article 55, Article 9
Project Description	Extend the living space of the existing 3rd-floor dwelling unit in a 3-unit building into an attic by constructing a new dormer.
Relief Type	Variance, Conditional Use
Violations	FAR Excessive Height Excessive (ft) Height Excessive (stories) Side Yard Insufficient Extension of Nonconforming Use (Three-Family Detached)

Planning Context:

This proposal extends the living space of an existing third-floor condominium unit into the attic by adding a 29-foot dormer; the extension creates a second bathroom and family room for this existing 3rd unit. The site is on a residential street just off of JP Centre/South Main Streets district. The surrounding blocks include primarily 2.5- to 3-story 1- and 2-unit residential buildings.

This proposed expansion of the living space within an existing structure, and the addition of a second bathroom for a 3-bedroom unit, improves the quality of housing stock and suitability of the living space for larger households in accordance with Imagine Boston 2030 and Housing a Changing City (2018). Additionally, letters of support were included with the stamped and reviewed plans; the applicant has received letters of support from both of the abutting properties, including the property to the south where the new dormer would face.

Zoning Analysis:

The project is cited for four dimensional violations and one use violation. Table A of Article 55 states that Three Family Detached Dwellings are a forbidden use in 2F subdistricts. This is an existing three family dwelling, and therefore is cited for extension of a nonconforming use



pursuant to Article 9 Section 1; as such, it must not propose an increase in volume or area of more than twenty-five percent and meet the conditions required for conditional approval.

The project is cited for excessive floor area; the maximum FAR in this 2F-5000 subdistrict is 0.6. The existing FAR is 0.85 and the proposal worsens this existing nonconformity by increasing the FAR to 1.08. While this new FAR is nearly twice the allowable FAR, many properties in this vicinity of this project have an FAR greater than 0.6, and several have an FAR greater than 1.0. Most of the increase in FAR is due to the extension of living area into non-occupied space, the attic, with limited changes to the massing of the structure as a result of the new dormer. As such, this FAR maximum could be out of date with the existing context and is an area for zoning reform.

The project is also cited for two existing dimensional nonconformities that are not being worsened. The minimum required side yard is 10', and the existing/proposed side yards are 7.9' and 4.3'. Also, the building height maximum in feet is 35', and the existing/proposed building height is 47.5'.

Finally, the project is cited for excessive height in stories; the maximum height in stories here is 2.5, and the proposal increases the existing 3.5 story building to 4 stories. Even though the building height in feet is not changing, the additional living area in this former attic occupies more than 50% of the area of the floor below. This is a further case for zoning reform addressing common dimensional non-conformities and how they are defined.

Plans reviewed are titled "Single Family Condo Renovation 21 Holbrook St. Jamaica Plain MA", prepared by JC BT Architect, and dated September 22nd, 2023.

Recommendation:

In reference to BOA1581075, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPDA

MEMORANDUM

FEBRUARY 15, 2024

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

**FROM: CASEY HINES, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW
SARAH PECK, SENIOR PROJECT MANAGER
MICHELLE YEE, PLANNER I**

SUBJECT: 358 CHESTNUT HILL AVENUE, BRIGHTON

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 358 Chestnut Hill Avenue in Brighton (as defined below, the "Proposed Project"), in accordance with Article 80E, Small Project Review of the Boston Zoning Code (the "Code"); (2) execute and deliver an Affordable Rental Housing Agreement and Restriction ("ARHAR") in connection with the Proposed Project; and (3) enter into a Community Benefit Contribution Agreement in connection with the Proposed Project, and to take any other actions, and to execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The Proposed Project is located on an approximately 17,620 square foot parcel of land at 358 Chestnut Hill Avenue in the Brighton neighborhood of Boston (the "Project Site"). The Project Site is currently occupied by a three-story commercial building containing a ground-floor convenience store and upper-story offices, with rear surface parking.

DEVELOPMENT TEAM

The development team includes:

Proponent: 358 Chestnut Hill Ave Realty Trust
 Fred Starikov
 Steve Whalen
 Alan B. Sharaf

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

Architect: Embarc
 Dan Artiges

Landscape Architect: Verdant Landscape Architecture

PROPOSED PROJECT

358 Chestnut Hill Ave Realty Trust (the “Proponent”) seeks to construct a six (6) story, approximately 28,540 gross square foot building that will include thirty (30) residential rental units and nineteen (19) off-street vehicle parking spaces (the “Proposed Project”). Of the thirty (30) rental units, eleven (11) units will be studio units, eight (8) units will be one-bedroom units, and eleven (11) will be two-bedroom units. The Proposed Project also will include an interior bicycle storage room with thirty (30) bicycle spaces and six (6) visitor bicycle storage spaces. The Proposed Project will include approximately 1,010 square feet of retail space.

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

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	20,055
Gross Floor Area	20,055
<i>Residential</i>	19,045
<i>Office</i>	0
<i>Retail</i>	1,010

<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>	
Development Cost Estimate	\$10,500,000
Residential Units	30
<i>Rental Units</i>	30
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	5
Parking spaces	19

PLANNING CONTEXT

The Proposed Project at 358 Chestnut Hill Avenue is located in the Allston-Brighton Neighborhood Zoning District’s Neighborhood Shopping (NS-1) Subdistrict. It is also located within the study area of the Allston-Brighton Needs Assessment, which was adopted by the BPDA Board in January 2024. This planning process did not yield updated zoning, but provided staff with insight relevant to the review of this Proposal. The Allston-Brighton Needs Assessment focused on assessing the community’s assets and needs. A central finding of the report noted the need for housing that is both accessible and affordable. This project meets the community needs identified in the report by providing transit-oriented housing including four income-restricted units.

While Historic Districts, designated by the Landmarks Commission, lie outside of zoning, the Proposed Project also sits in the Aberdeen Architectural Conservation District. This district helps protect the unique character of the romantic turn of the century style homes that are located in the area. During staff review of the project, input from the Aberdeen Architectural Conservation District Commission, informed a reduction of the height of the building from 7 to 6 stories. Due to the adjacent public park, the Proposed Project is also subject to a Parks Design Review as per

Ordinance 7.4-11. The number of parking spaces was also reduced to create additional usable landscape in the rear. A street tree was also added to the design, in the front of the building with multiple trees added to the rear.

ARTICLE 80 REVIEW PROCESS

On August 3, 2023, the Proponent filed an Application for Small Project Review with the BPDA for the Proposed Project, pursuant to Article 80E of the Boston Zoning Code (the "Code"). The BPDA sponsored and held a virtual public meeting on August 28, 2023, via Zoom. The meeting was advertised in the local newspapers, posted on the BPDA website and a notification was emailed to all subscribers of the BPDA's Brighton neighborhood update list. The public comment period ended on September 15, 2023.

ZONING

The Project Site is located within an NS-1 ("Neighborhood Shopping") zoning subdistrict under Article 51, the Allston-Brighton Neighborhood District. It is further located within the area of the Aberdeen Architectural Conservation District.

It is anticipated that the Proponent will require zoning variances owing to the following violations: Excessive Floor Area Ratio, Excessive Building Height, Insufficient Off-Street Parking, Insufficient Off-Street Loading. A conditional use permit will also be required for the proposed residential use on the ground floor level of the building.

Design approval by the Aberdeen Architectural Conservation District will be required, as well as approval by the Boston Parks and Recreation Commission, owing to the application of Municipal Code Section 7.4.11 (the "100-foot Rule").

MITIGATION AND COMMUNITY BENEFITS

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

- The creation of new housing units, including five (5) affordable units in accordance with the City's Inclusionary Development Policy;

- The expected creation of approximately sixty construction industry jobs to complete the Proposed Project; and
- A bikeshare contribution to the Boston Transportation Department in the amount of \$8,250, in accordance with Boston’s Bike Parking guidelines.

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

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

INCLUSIONARY DEVELOPMENT POLICY

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (the “IDP”) and is located within Zone B, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. In this case, five (5) units, or approximately 16.7% of the total number of units within the Proposed Project, will be created as IDP rental units (the “IDP Units”). Each of the five (5) IDP units will be made affordable to households earning not more than 70% of AMI, as based upon data from the United States Department of Housing and Urban Development (“HUD”), and published by the BPDA.

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

Unit Number	Number of Bedrooms	Square Footage	Percent of Area Median Income	Rent	ADA/Group 2 Designation (if any)
101	Two-bedroom	880	70%	\$1766	
203	Two-bedroom	810	70%	\$1766	
302	Studio	445	70%	\$1330	
401	Studio	430	70%	\$1330	
504	One-bedroom	625	70%	\$1559	

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

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

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

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

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

RECOMMENDATIONS

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, BPDA staff recommends that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project; (2) execute and deliver an Affordable Rental Housing Agreement and

Restriction (“ARHAR”) in connection with the Proposed Project; and (3) enter into a Community Benefit Contribution Agreement in connection with the Proposed Project, and to take any other actions, and to execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6 of the Boston Zoning Code (the "Code"), approving the development at 358 Chestnut Hill Avenue in the Brighton neighborhood, proposed by 358 Chestnut Hill Ave Realty Trust (the “Proponent”), for the construction of a six (6) story, approximately 28,540 gross square foot building that will include thirty (30) residential rental units and nineteen (19) off-street vehicle parking spaces (the “Proposed Project”), in accordance with the requirements of Small Project Review, Article 80E, of the Code, subject to continuing design review by the BPDA; and

FURTHER

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

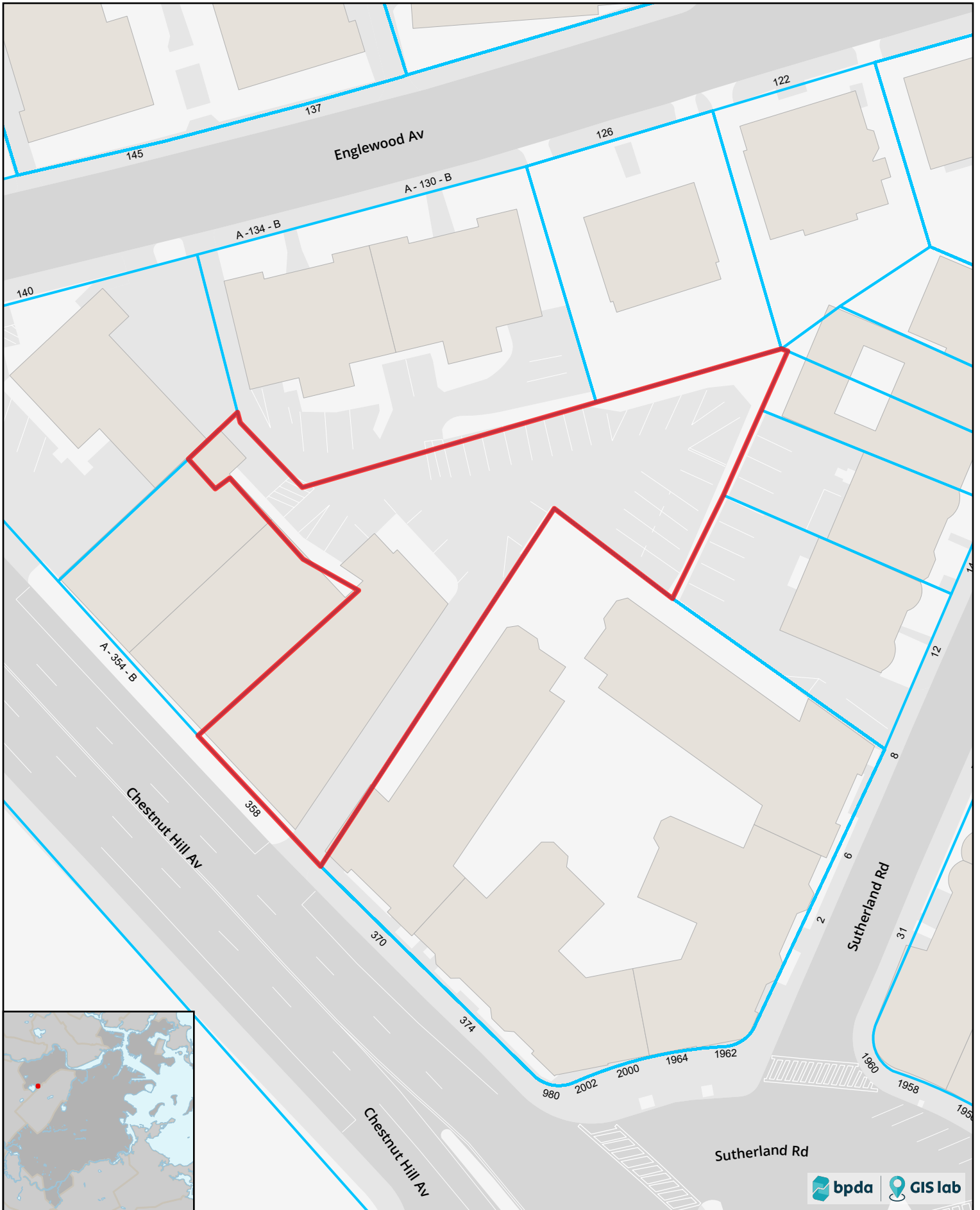
FURTHER

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

358 Chestnut Hill Avenue



1:600



358 Chestnut Hill Avenue



1:600

