



MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: June 20, 2024

RE: BPDA Recommendation

Please find attached, for your information, BPDA's recommendations for the June 25, 2024 Board of Appeals Hearing.

Also included in the recommendations are the Board Memos: 88 Geneva Av Dorchester 02121, 156 Wellington Hill ST Mattapan 02126 and 1420 to 1424 Dorchester AV Dorchester 02122.

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



Case	BOA1577687
ZBA Submitted Date	2024-03-06
ZBA Hearing Date	2024-06-25
Address	477 Lagrange ST West Roxbury 02132
Parcel ID	2007809000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-8000
Zoning Article	56
Project Description	Change of occupancy from two-family to three-family. Add a new basement unit. Exterior changes limited to new dedicated front and rear egress.
Relief Type	Variance, Conditional Use
Violations	Parking or Loading Insufficient Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Use Regulations Applicable in Residential Subdistricts: Basement Units Use: Forbidden (three-family) Dimensional Regulations Applicable in Residential Subdistricts: Location of Main Entrance Nonconforming Uses: Change in Nonconforming Use

Planning Context:

Property is a two-family house in a single-family 1F-8000 subdistrict in West Roxbury, approximately one block north of the West Roxbury Commuter Rail station. While the immediate block is all residential, the Shaw School is three blocks to the east, and a Neighborhood Shopping subdistrict abuts the commuter rail station to the south. Most buildings in the surrounding few blocks are evenly split between one and two family residences, making the existing bulk of this building highly contextual.

While this basement conversion does bear resemblance to Boston’s internal ADU zoning, made by-right in 2019, two primary factors distinguish this from an Accessory Dwelling Unit. First, Boston’s current citywide ADU zoning only allows additional units when there are no exterior changes whatsoever. In this case, there are two new exits to provide safe egress, one at the front, and one at the rear, for this third unit. The current common circulation to the basement is



subsequently being removed. All other changes are internal. Second, the property is not owner-occupied, which is another requirement of citywide ADU zoning. This can be inferred by both the lack of residential exemption on the property itself, as well as the lack of declaration of homestead by the property owner at the Registry of Deeds. As such, from both a policy perspective and zoning perspective, this proposal is a straightforward change of use.

Zoning Analysis:

Parking or Loading Insufficient: Per Article 56, Table I, one parking space is required per unit for buildings between 1-3 units. A garage exists on the site, which can accommodate two vehicles, meaning that this violation is new. There is an additional driveway leading to the garage, though parking there would block the garage. Given the close proximity to the commuter rail, there are few sites in West Roxbury more suited to needing no additional parking for a new unit. Allowing a third space would require knocking down the garage structure and creating a three unit parking space at the rear of the site, and loss of green space is not desirable. Ongoing zoning reform is looking at the role of parking requirements in enabling or hindering new housing production, and should continue this process. Relief is appropriate.

Lot Area Insufficient: Per Article 56, Table D, 8000 square feet are required for every residential use. This lot is 4716 square feet, which is a pre-existing violation. The abutting lot to the north is 4400 square feet, and multiple lots on the block are even smaller. This minimum square footage bears little resemblance to the existing condition of lot dimensions and sizes in this subdistrict. Future zoning reform should consider removing minimum lot size, or at least adjusting it to reflect existing conditions. Relief is appropriate.

FAR Excessive: Per Article 56, Table D, the maximum FAR allowable for all residential uses is 0.3. The assessor notes that this structure contains 2106 square feet of livable space, which yields a calculated FAR of 0.44, which is a pre-existing violation. While plans do not note the square footage of the new unit, converting the full-building basement to a third story of residential space should generally increase the livable space to approximately 3150 square feet, which would yield an FAR of approximately 0.67, which would approximately triple the degree of violation. Strongly mitigating this is the fact that this FAR already exists as built space, but is simply a reclassification due to the change from basement to livable area, and that this area is underground. Future zoning reform should consider whether FAR is a good overall measure of density, given all of the ways that it does not reflect the look and feel of a building's bulk. Relief is appropriate.

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Usable Open Space Insufficient: Per Article 56, Table D, the amount of usable open space per unit in a 1F-8000 is 2000 square feet. This would require that the existing two-family building have 4000 square feet, and that with a third unit that number would rise to 6000 square feet. While open space is not noted on the plans, we can calculate that because the lot is only 4716 square feet, the primary structure is approximately 1050 square feet, and the garage is approximately 350 square feet, all unbuilt area is 3316 square feet, meaning that this is a preexisting nonconformity that is being worsened. This violation is made more pronounced given the degree to which this lot and others in this area do not come close to the minimum lot area, as noted above. While this measure may be suitable for lots that are 8000+ square feet, that proportion bears little resemblance to the existing condition in this part of the 1F-8000 subdistrict. There is no feasible way that this variance could be eliminated, and given the degree to which parking relief is sought so as to not further worsen the removal of non-paved backyard, on balance, relief is appropriate. Future zoning reform should consider whether these existing open space minimums should be revised down to better reflect existing conditions.

Use Regulations Applicable in Residential Subdistricts: Basement Units: Per Article 56, Section 7.2, basement units are forbidden in West Roxbury. Given that basement units are legal citywide as long as no exterior changes are being made, the public policy goals of restricting basement units in this section conflicts with the public policy goals of housing production through new units. Given all of the other provisions of Article 56 which substantially restrict building form, bulk, and dimensions to dramatically lower than the existing built fabric, further restricting unit count in the basement, where the impacts to size and perceived density are lowest, is especially restrictive. That said, allowing basement units citywide with those restrictions still assumes building code requirements are met. To that end, the refusal letter notes that a building code review is still pending. Accordingly, it is appropriate that no building code relief be granted in this appeal, to ensure that the safety and appropriateness of this new unit meet all standards. Proposing a new unit in the basement provides the best design proposal in terms of allowing for housing production, minimizing overall change and redevelopment needed for the existing structure building, and minimizing perceived density on this block. In this context, relief is appropriate.

Use: Forbidden (three-family): Per Article 56, Table A, three-family uses are forbidden in a 1F subdistrict. Two-family uses are also forbidden in a 1F subdistrict, making this a preexisting condition. The surrounding blocks are evenly split between one- and two-family uses, clarifying that the single-family zoning rules bear little resemblance to the existing use conditions in this

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portion of West Roxbury. Particularly considering the degree to which this property will still resemble a two-family and maintain overall neighborhood context, relief is appropriate.

Dimensional Regulations Applicable in Residential Subdistricts: Location of Main Entrance: Per Article 56, Section 8.3, the main entrance of a dwelling must face the front lot line. In this case, this is technically a violation because the new unit's front egress is at the corner of the front yard line and northern side yard. That said, while the door does face the side yard, it immediately exits onto a small stairwell which faces the front yard. Any other attempt to place the unit egress on the front face of the building would either conflict with the existing circulation and egress of the upper units, or would conflict with those units' front bay windows. This egress is an appropriate design solution, and is as close to being front facing as possible. Relief is appropriate.

Nonconforming Uses: Change in Nonconforming Use: Per Article 9, Section 2, a change from one nonconforming use to another nonconforming use must meet the conditions from Article 6 of a conditional use permit. In this case, the primary conditions to be met in Article 6 are as follows:

that the site is an appropriate location for that site: proximity to transit and additional commercial areas makes this an ideal location for housing production;

the use will not adversely affect the neighborhood: because the unit's space already exists, no adverse effects from intensification of bulk can be anticipated;

there will be no serious hazard to vehicles or pedestrians: given the lack of change to the public realm, this condition appears to be met;

and that no nuisance will be created by the use: given the production of a residential unit in an area of residential units, no nuisance seems likely. Given this, a conditional use permit is appropriate. To the degree that this violation may also require a variance, this relief is also appropriate.

Plans stamped on February 5, 2024, by Dizdarsen Construction, and reviewed by Abel Arguedas on February 29, 2024.

Recommendation:

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In reference to BOA1577687, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that no building code relief be granted.

Reviewed,

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Director of Planning, BPDA



Case	BOA1595840
ZBA Submitted Date	2024-04-25
ZBA Hearing Date	2024-06-25
Address	41 Mansur ST Roslindale 02131
Parcel ID	1804861001
Zoning District & Subdistrict	Roslindale Neighborhood 1F-6000
Zoning Article	Article 67
Project Description	Complete interior renovations and construct a new shed dormer on the second floor that will provide additional living space to accommodate two additional bedrooms.
Relief Type	Variance
Violations	Side Yard Insufficient Front Yard Insufficient

Planning Context:

Site is a one-unit home in Roslindale, one block north of Sherrin Woods Park in a residential neighborhood. The home is situated squarely within a 1F-6000 subdistrict. Proponent wants to perform interior renovations and construct a new shed dormer on the second floor that will provide additional living space to accommodate two additional bedrooms. The second floor would have no kitchen or cooking space, and the stair access to the second floor sits within the first floor with full access to the ground level, so this is not an additional unit. While no clear preexisting planning studies exist for this district, these changes do fall into the principle of creating "diverse housing options" from Housing a Changing City, Boston's citywide housing plan. More specifically, by continuing to improve existing housing units to maintain their continued viability, especially by increasing the stock of units that can accommodate larger households, this proposed improvement does advance planning goals.

The site is located within a 30 minute walk from the Roslindale Square. The Roslindale Square plan will determine a public investment and growth-focused vision for the area focused on the central commercial blocks and transit assets. It is one of the first plans being developed as part of Squares + Streets, a new planning and zoning initiative that will focus on housing, public



space, arts and culture, small businesses, and transportation in neighborhood centers and along main streets.

Zoning Analysis:

Per Article 67, Table C, the Side Yard Depth 1 Family Detached in a 1F-6,000 subdistrict should be at least 10'. The plans indicate that the current side yard is 5'-6". The proposed side yard depth remains unchanged. While the zoning refusal cites this as a violation, the new additions will not worsen or extend the condition, making it a pre-existing nonconformity, and zoning relief is appropriate.

Per Article 67, Table C, the Front Yard Depth 1 Family Detached in a 1F-6,000 subdistrict should be at least 25'. The plans indicate that the current front yard is 17'-1 1/2" . The proposed front yard depth remains unchanged. The zoning refusal does not cite this as a violation, and the new additions will not worsen or extend the condition, making it a pre-existing nonconformity, and zoning relief is appropriate.

Plans by Sean Barrett of Verdigris Design Studio from 05/16/2022

Recommendation:

In reference to BOA1595840, The Boston Planning & Development Agency recommends APPROVAL .

Reviewed,

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Director of Planning, BPDA



Case	BOA1474864
ZBA Submitted Date	2023-05-15
ZBA Hearing Date	2024-06-25
Address	48 Intervale St Dorchester 02121
Parcel ID	1400526000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	50
Project Description	Construct a new 3-story 4-unit multifamily residential building with garage parking spaces on a vacant lot.
Relief Type	Variance, Conditional Use
Violations	Lot Area Insufficient Lot Width Insufficient Lot Frontage Insufficient FAR Excessive Height Excessive (ft) Usable Open Space Insufficient Side Yard Insufficient Rear Yard Insufficient Existing Building Alignment Use: Conditional (MFR)

Planning Context:

The proposed project plans to erect a 3-story 4-unit multifamily building with garage parking spaces on a vacant lot at 48 Intervale Street in Dorchester. The garage would be on the first floor, while the four units are divided among the three floors. Unit 3 and Unit 4 would also have a roof deck accessible for their units. There would also be front facing decks for Unit 1 and Unit 3. While this parcel is vacant, it is currently used as a driveway and parking for the residence at 52 Intervale Street. While this area is currently zoned as 3F-4000, this portion of Intervale Street contains a mix of residential buildings that include single-family, two-family, and three-family buildings.

This project would help the goals outlined in Housing a Changing City, Boston 2030 (September 2018) as it would increase the housing stock by building housing units on a vacant lot that is currently used as parking for the abutting property.



Zoning Analysis:

The refusal letter states a total of 10 violations: a conditional use, insufficient additional lot area, insufficient lot width, insufficient lot frontage, excessive floor area ratio, excessive height, insufficient open space, insufficient side yard, insufficient rear yard, and conformity with existing building alignment. Under Article 50 for an area zoned as 3F-4000, a multifamily residential building with 4 units is a conditional use. While a conditional use permit should be granted as this would help meet the City's goals of increasing the housing stock as the land is currently used for parking, the current floorplate of the building should be reduced to align better with the built environment as the surrounding buildings are primarily triple-decker style residential buildings.

Under Article 50 for an area zoned as 3F-4000, the minimum required additional lot area for each additional unit is 2,000 square feet and the minimum required lot width and lot frontage is 45 feet. The project is proposing an additional lot area of 118 square feet with a lot width and lot frontage of 37' 1". Relief is recommended for the minimum required additional lot area, the lot width, and lot frontage as this is due to the shape of the parcel. This parcel currently sits wider in the rear than it does in the front but it would be a great use of this space to use it as residential space vs its current use as parking.

This project would also not meet the minimum side and rear setback requirements. Under Article 50, the minimum required side yard is 10 feet with 5 feet from the side property line and 10 feet from an abutting property. The minimum required rear yard is 30 feet. Relief is recommended for the side yard as the west side yard is currently 3 feet and would not be able to meet the minimum required 5 feet from the side lot line. This is because it would be difficult to increase this setback without compromising the east side yard especially since there is an easement in place for the proposed property to share the existing curb cut with the abutting 52 Intervale Street. However, no relief is recommended for the rear yard as this means the proposed building protrudes further in the rear yard than the existing buildings on Intervale Street. While the proposed building may not be able to meet the 30 feet requirement, it should align with the abutting properties more closely which can be done by reducing the floorplate.

The size of the proposed building also leads to concerns about the amount of usable open space. The minimum required amount of open space is 650 square feet per dwelling unit. However, this project is only proposing 127 square feet per dwelling unit. As the building takes up a majority of the space on the parcel, there would not be enough usable open space for the



residents of the building. If the rear yard could be increased by decreasing the floor plate of the building, the amount of usable open space would be able to be increased.

One of the violations noted was the conformity with the existing building alignment as Section 50-44.2 notes that if at any time there exists two or more buildings fronting on the same side of the street, the minimum Front Yard dept shall be in conformity with the Existing Building Alignment of the Block. However, relief is recommended for this as the proposed Front Yard aligns with the stairs and porches of the abutting properties at 52 Intervale Street and 56 Intervale Street and meets the modal front yard.

In regards to the height and FAR, the project is proposing a height of 35'-2" which is 2" above the maximum height of 35 feet. The proposed FAR is 1.57 which exceeds the maximum of 0.8. Relief would be recommended for these two items as the height only exceeds the maximum allowed height by 2" but is still within 3 stories similar to the other buildings on Intervale Street. The increased FAR is due to the high amount of livable space as each unit is expected to be over 1000 square feet.

The plans reviewed are titled 48 Intervale Street and were prepared by Framingham Survey Consultants, Inc. They are dated February 8, 2024.

Recommendation:

In reference to BOA1474864, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review to reduce the floorplate and increase rear yard to align with neighborhood context.

Reviewed,

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Director of Planning, BPDA



Case	BOA1590502
ZBA Submitted Date	2024-04-16
ZBA Hearing Date	2024-06-25
Address	8 Burney St Mission Hill 02120
Parcel ID	1000553000
Zoning District & Subdistrict	Mission Hill Neighborhood 3F-2000
Zoning Article	59
Project Description	The proposed project would demolish the existing three-story house and replace it with a five-story, 9 unit property.
Relief Type	Conditional Use, Variance
Violations	FAR Excessive Height Excessive (ft) Rear Yard Insufficient Side Yard Insufficient Lot Area Insufficient Usable Open Space Insufficient Parking or Loading Insufficient Use: conditional

Planning Context:

8 Burney Street is an existing three-story building on a multifamily residential block with a mix of housing typologies. The block branches off from Tremont Street, a local commercial corridor. The proponent is seeking to demolish the existing building and construct a new five-story building with 9 residential units on the same site. The existing building is not listed in MACRIS, so Boston Landmarks Commission review would not apply. While no neighborhood-specific plan covers this parcel, citywide plans citing the importance of adding housing still apply (Housing Boston 2030; 2018). The new 45' building would result in the addition of 6 housing units, and would be located a five-minute, three-block walk away from the Roxbury Crossing MBTA station. No parking is provided in the proposed plan, in line with specific recommendations from Go Boston 2030 to reduce car use, “promote dramatic mode shift,” and reduce greenhouse gas emissions. The addition of housing in this location has another potential benefit - increasing the patronage of small businesses located around the corner along Tremont Street.

Zoning Analysis:

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The parcel is located in the Mission Hill Neighborhood Zoning District and is within the 3F-2000 subdistrict. While the property borders a Neighborhood Shopping subdistrict, it is not included within it as stated in the plans. Seven of the eight violations are dimensional in nature, requiring a variance, while the remaining citation is a use violation requiring a conditional use permit. Article 59-18 is cited for the basis of the conditional use violation, but this only applies to industrial districts. ISD has been contacted in regards to this violation.

The remaining seven violations (insufficient lot area, insufficient usable open space, insufficient rear and side yards, excessive FAR, and excessive building height in feet) are all related to the scale of the proposed building. The FAR maximum for this district is 1.0. The existing building's FAR is more than double this standard at 2.3. The proposed building's FAR would be 4.5. Conservative estimates of neighboring FARs calculated from Assessing Department data range from 2 to 3.2. While 4.5 does seem high at first glance, it would provide more much-needed housing units near transit.

The project appears to fulfill two of the three standards required for a variance (Article 7-3), the first standard for a variance. It is immediately adjacent to the higher density, mixed-use corridor defined by the Neighborhood Shopping subdistrict, which makes it a unique case (Article 7-3(a)). The variance could be considered to be “in harmony with the general purpose and intent of this code” (Section 7-3(c)), given that Section 59-6 specifically calls for a variety of housing types in 3F-2000 subdistricts. The proposed project would provide studio, one-, two-, and three-bedroom apartments. However, there is no evident hardship that is depriving the proponent of reasonable use of the land or property (Article 7-3(b)).

There are additional violations for insufficient usable open space, insufficient lot area, and insufficient side and rear yards. The Code requires 400 square feet per dwelling unit of usable open space (Table E). The plans note that neither the existing building or the proposed building that would replace it have any usable open space. However, the proposed balconies could have also been included as usable open space in the plan's dimensional summary table (Article 2). When considering the balconies, the proposed building would add usable open space to the lot, not take it away. The usable lot area in the proposed development would match the measurements in the existing building. With the proposed project, the rear yard would decrease by 1' and the side yard would decrease by 2' compared to the existing structure. This small



discrepancy is offset by the planned outdoor spaces, which includes five balconies, two roof decks totaling 1,553 square feet, and a patio.

In terms of parking, the Code calls for 9 spaces and the proposed project provides none. This is aligned with both Go Boston 2030 and the surrounding physical context. Based on 2022 satellite imagery, only one other building on the block has off-street parking.

While not a listed violation, the bay windows do present an issue. Any bay windows would have to be 10' above the right of way at a minimum. Currently, the plans show that they are only 8' above the right of way. The Boston Disabilities Commission has raised significant accessibility concerns as well. According to 521 CMR of the Building Code (Group 1), all new units would be required to meet certain accessibility standards, including non-stair access between levels. These plans appear to allow for elevator access from unit to unit, but not between the first and second levels within a duplex unit. Given this requirement, space would need to be set aside within each unit to allow for space for a ramp, elevator, or a lift within units.

Overall, this project represents a case for zoning reform. FAR, usable open space, usable lot area, and parking requirements should be reconsidered in the context of encouraging transit-oriented development to help the city meet its environmental goals. Despite this, outstanding accessibility and bay window issues need to be fully addressed with a revised set of plans.

Recommendation:

In reference to BOA1590502, The Boston Planning & Development Agency recommends DENIAL without prejudice.

Reviewed,

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Director of Planning, BPDA



Case	BOA1592042
ZBA Submitted Date	2024-04-19
ZBA Hearing Date	2024-06-25
Address	131 Commonwealth AVE Boston 02116
Parcel ID	0502934000
Zoning District & Subdistrict	Boston Proper H-3-65
Zoning Article	32
Project Description	Significant interior renovation of and a new roof deck on a single-family four-story townhouse.
Relief Type	Conditional Use
Violations	GCOD Applicability

Planning Context:

The proposed project includes significant interior renovations, including a new HVAC system, plumbing, electrical, and sprinkler systems, as well as a new roof deck. The site is currently occupied by a four-story attached townhouse. Abutting the proposed project to the east and west are similar four-story attached townhouses with matching architecture.

Zoning Analysis:

The proposed project was cited for a violation due to its location in the Groundwater Conservation Overlay District (GCOD) per Article 32, which requires a conditional use permit for substantial rehabilitations of any structure within the overlay district. 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.

Recommendation:

In reference to BOA1592042, the Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: the plans shall be reviewed and approved by the Boston Water



& Sewer Commission due to its location within the Groundwater Conservation Overlay District (GCOD).

Reviewed,

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Director of Planning, BPDA



Case	BOA1590133
ZBA Submitted Date	2024-04-12
ZBA Hearing Date	2024-06-25
Address	1 Exeter PZ Boston 02116
Parcel ID	0501397000
Zoning District & Subdistrict	Boston Proper B-6-90a
Zoning Article	Article 8
Project Description	Adding classroom dance studios for Berklee College of Music to the ground and lower level of an existing commercial building. The new use would be 9,367 sq ft.
Relief Type	Conditional Use
Violations	Use: Conditional (College or University)

Planning Context:

The proposed project is located in a primary commercial area near Copley Square (directly across from Central Library in Copley Square). The building is a multi-story office building with a bank and other retail and commercial space on the ground floor.

The project proposes adding dance studios to be used for Berklee College of Music classes as well as maintaining an existing take-out café on the ground floor. The ground floor area of the proposed project is approximately 1,000 sq ft and would contain the take-out cafe and access to the basement level. The basement level would contain approximately 8,000 sq ft including the dance studio classrooms. It is not clear whether the take-out cafe or the dance studios would be open to the public. However, the majority of the project is proposed to be in the basement level, which minimizes the impacts in terms of ground floor activation. In addition, the premises were most recently used as the former business location of the “TB12” fitness space, which closed in approximately May 2023. Because of the previous use of the space as a fitness studio, the proposed addition of dance studios would mean a minimal change in terms of the use of the building.

The location is very well serviced by public transit; it is less than a 10 minute walk from both the Copley MBTA station (Green Line) and the Back Bay MBTA station (Orange Line), as well as connections to numerous bus lines. The location is also near the main Berklee campus, and so

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most users of the proposed classrooms will be able to easily access them by walking or taking the MBTA Green Line. This means there would be minimal transportation impacts from the addition of these classrooms in this location.

Zoning Analysis:

The project proposes college or university use, which is a conditional use in a B district (see Article 8 Table B). Per Article 6 Section 3, the Zoning Board of Appeal shall grant appeals for conditional uses if the specific site is an appropriate location for such use, the use will not adversely affect the neighborhood, there will be no serious hazard to vehicles or pedestrians from the use, no nuisance will be created by the use, and adequate and appropriate facilities will be provided for the proper operation of the use.

As discussed in the planning context of this recommendation, this is an appropriate location for this use as it is near the main Berklee campus and is well served by public transit. There would also be minimal impacts on the neighborhood, as this is a commercial area which is well suited for active uses such as classrooms, and the previous use of the space included a spin studio, which means new dance studios would be a minimal change.

Recommendation:

In reference to BOA1590133, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1596893
ZBA Submitted Date	2024-04-30
ZBA Hearing Date	2024-06-25
Address	67 to 69 Church ST Boston 02116
Parcel ID	0500124000
Zoning District & Subdistrict	Bay Village Neighborhood RH
Zoning Article	63
Project Description	The proponent is seeking to convert the building from five residential units and a ground floor commercial space to six residential units without a ground-floor commercial space.
Relief Type	Variance, Conditional Use
Violations	FAR Excessive Use: conditional (nonconforming) Establishment of residential districts (maximum number of units exceeded)

Planning Context:

67-69 Church Street is a two-story, mixed-use building a few blocks south of Boston Common. It is surrounded by other mixed-use and residential low-rise buildings and is not within any neighborhood plan areas. The structure is within the Bay Village Historic District, and any exterior changes would require their approval. The proponent is seeking to convert the building from five residential units and a ground floor commercial space to six residential units without a ground-floor commercial space. The new unit would be a duplex with the first level in the basement and the second level on the ground floor, where the commercial space is now. The address sits within a Groundwater Conservation Overlay District (GCOD) and a Coastal Flood Resiliency Overlay District (CFROD). Parcels in the CFROD have a high risk of flooding and below-grade living areas like the proposed basement duplex increase this risk for occupants.

Zoning Analysis:

Section 63-7 further addresses the question of basement units, stating that they are entirely forbidden in the district, notwithstanding any contrary provisions. The three cited violations are for a change in a nonconforming use, for exceeding the maximum number of dwelling units, and for excessive FAR (a condition worsened by the addition of the basement living space).



The change in nonconforming use violation likely refers to the removal of the ground-floor commercial space and the addition of another residential unit (from five to six). The current configuration of the building was already nonconforming, since the maximum number of dwelling units allowed in this subdistrict is three (Article 63-6(1)). A conditional use permit would be required to overcome this violation.

The first standard for issuing a conditional use permit is determining whether or not a specific site is an appropriate location for the use (Section 6-3). While the basement living space is unsafe given the flood risk, converting the business to a ground-floor living space could be appropriate if the finished grade was at least 21' above Boston City Base (BCB). This figure is omitted from the plans. The basement portion of this plan is more detrimental to life and property than the current nonconforming use.

Recommendation:

In reference to BOA1596893, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE that the applicant submit new plans that consider the property's flood risk by removing the basement living space and by labeling the proposed ground-floor living space with the BCB.

Reviewed,

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Director of Planning, BPDA



Case	BOA1333288
ZBA Submitted Date	2022-05-10
ZBA Hearing Date	2024-06-25
Address	287 to 295 Hanover ST Boston 02113
Parcel ID	0303277064
Zoning District & Subdistrict	North End Neighborhood Hanover Street CC
Zoning Article	Article 54
Project Description	Build a new roof deck for Unit 5.
Relief Type	Variance
Violations	Rear Yard Insufficient

Planning Context:

The proposed project sits in the North End's Hanover Street Community Commercial Subdistrict. The project site is occupied by an existing 3-story mixed-use structure with ground floor retail/commercial and upper story multifamily residential occupancies. It lies within a quarter-mile of the Rose Kennedy Greenway as well as the MBTA's Haymarket Station (Orange & Green Line connections) and several MBTA bus stops (which service the following routes: 89/93, 92, 93, 111, 117, 117, 426, 428, & 450). The site's surroundings consist of 3-5 story mixed use structures with similar ground story retail/commercial and upper story residential occupancy conditions.

The proposed project seeks to erect a new roof deck atop and to be accessed through the structure's unit #5. This roof deck replaces and slightly increases the footprint of a previously existing roof deck in the same location. Roof decks are contextual to the site (already existing on the building) and commonly found in the surrounding area, including on several of the structures immediately abutting the proposed project.

Zoning Analysis:

The proposed project has been cited with a single zoning violation for an insufficient rear yard. This violation is an existing nonconforming condition, whose setback dimension is not worsened through the proposed project.

A proviso for BPDA Design Review has been added to this recommendation to address issues regarding the roof deck's setbacks from the roof's rear edge.

BOA1333288

2024-06-25

1 Boston Planning & Development Agency



Recommendation:

In reference to BOA1333288, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to setbacks from roof's edge.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1597093
ZBA Submitted Date	2024-04-30
ZBA Hearing Date	2024-06-25
Address	22 Monument SQ Charlestown 02129
Parcel ID	0203040006
Zoning District & Subdistrict	Charlestown Neighborhood RH-2000
Zoning Article	10, 62
Project Description	Install two off-street parking spaces on a corner lot along the rear lot line in the rear yard.
Relief Type	Variance
Violations	Limitation of Area for accessory use (parking) Usable Open Space Insufficient

Planning Context:

The proposed project would replace an existing patio in the rear half of the rear yard with two parking spaces resulting in a rear yard utilized for garbage and recycling receptacles and parking. The site is currently occupied by a four-story residential building with a patio in the rear yard. Based on satellite imagery, there is at least one mature tree in the rear yard and an existing curb cut along Monument Street providing access to the rear yard.

The site is at the corner of Monument Square and Monument Street on the north edge of Bunker Hill Monument National Historical park. Abutting the proposed project to the west is a four-story residential building that shares a party wall and has a rear yard with two off-street parking spaces in it. Abutting the proposed project to the rear is Concord Avenue, a 10-foot wide private way and then a row of three-story townhouses. The neighborhood is largely residential. The block of Monument Square in which the proposed project is located has seven attached townhouses, three of which have parking in the rear yard.

PLAN: Charlestown (September 2023) sets out planning recommendations to preserve the existing historic character of the Original Peninsula - the part of the Charlestown where this property is located. The Original Peninsula's residential fabric is uniquely shaped by the distinct and historic architectural styles that coexist together. PLAN: Charlestown's Urban Design Guidelines are meant to guide any alterations, additions, or new development within the district.

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The Guidelines include the following recommendations related to the proposed project: "Open space creates light, air, and views, all of which improve quality of life for inhabitants and their neighbors. Portions of the site that are dedicated to parking, vehicle maneuvering, or are not open to the sky are not considered open space."

Zoning Analysis:

Because the proposed project is on a corner lot, for the purposes of zoning compliance, it is considered to have two front yards along Monument Square and Monument Street, a side yard where the existing building shares a party wall with its neighbor to the west, and a rear yard along Monument Street and the private Concord Avenue. According to the submitted plans, the proposed parking spaces would be located within a foot of the front lot line along Monument Street as well as within a foot of the side lot line abutting the neighboring parcel. According to Article 10: "nor in any residential district shall any accessory use occupy any part of the front or side yards required by this code, except that such a side yard may be used for off-street parking located more than five feet from the side lot line." The front yard in the RH-2000 subdistrict is defined based on Section 62-30.1 Conformity with Existing Building Alignment, and there is no minimum side yard. There is a strong existing building alignment along Monument Street of zero front yard. Therefore, the proposed parking space is in the front yard, as well as the rear yard. Accessory parking is not permitted in the front yard.

In addition, the proposed project is cited for violating the requirement for a minimum of 250 square feet of usable open space per unit. It is unclear whether the existing building is in conformity with this regulation or not, but replacing the patio with the two proposed parking spaces will exacerbate the condition even if it is currently non-conforming. In addition, the proposed parking may result in the removal of the mature tree.

In addition to violating zoning, the proposed project is also inconsistent with the PLAN: Charlestown Urban Design Guidelines that encourage open space on private land.

The proposed project is located in a Neighborhood Design Overlay District but is not subject to review given that the proposed project includes no change to the building itself and thus does not trigger the applicability of design review.

Recommendation:



In reference to BOA1597093, The Boston Planning & Development Agency recommends DENIAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1466516
ZBA Submitted Date	2023-04-27
ZBA Hearing Date	2024-06-25
Address	250 Pond ST Jamaica Plain 02130
Parcel ID	1902397000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 1F-9000
Zoning Article	55
Project Description	Convert an existing garage in the rear yard to a detached Accessory Dwelling Unit(ADU)
Relief Type	Variance
Violations	Parking or Loading Insufficient Rear Yard Insufficient Two or more dwellings on the same lot

Planning Context:

The proposed project is seeking to add an Accessory Dwelling Unit (ADU) and was filed in conjunction with a Board of Appeal application for 250R Pond Street, ALT1443003. The proposal includes the demolition of an existing garage and replacement of said structure with the proposed ADU. The project site is in the Jamaica Plain neighborhood, approximately one block south of Jamaica Pond. The property is surrounded by a mixture of single family and two-family residential buildings.

The project’s scope aligns well with the Mayor’s Office of Housing’s ADU 2.0 Pilot and ongoing planning work to develop a Citywide ADU Pattern Book and zoning for ADUs. In 2021 and 2022, the Mayor’s Office of Housing (MOH) developed the ADU 2.0 initiative, which provides guidance and zoning relief to homeowners interested in turning existing exterior structures, like garages, into livable spaces. MOH recognizes that ADUs can provide additional income for homeowners and flexible, separate living arrangements for families to age in place, or support relatives or children while still maintaining their privacy.

Zoning Analysis:

The proposed project is located in the Jamaica Plain Neighborhood District, in a One-Family Residential (1F-9000) Subdistrict, pursuant to Article 55 of the Zoning Code. The following violations are listed for this project:

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Parking or Loading Insufficient

Rear Yard Insufficient

Two or more dwellings on the same lot

The garage parking onsite is proposed to be reduced from two garage spaces to one garage space, with the conversion of the existing garage space to an ADU. A reduction in parking on site aligns with the planning goals of the City to reduce reliance on single-occupancy vehicle use. The footprint of the proposed ADU is within the constraints of the existing garage building on site. Therefore, the rear setback is an existing condition, unchanged by the interior changes required for the proposed project. The conversion of the space into an ADU does not change the location of the building footprint. The required dimension (40') for the rear setback is given in the Zoning Code under the assumption that there will be only one dwelling unit on this lot. Given the zoning reform work being done citywide to allow for the development of detached ADUs, this dimensional violation should not apply to the proposed project. The violation of two or more buildings on one lot will also need to be removed through the process of zoning reform to facilitate further development of detached ADUs.

Recommendation:

In reference to BOA1466516, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1605958
ZBA Submitted Date	2023-04-27
ZBA Hearing Date	2024-06-25
Address	250R Pond ST Jamaica Plain 02130
Parcel ID	1902397000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 1F-9000
Zoning Article	Article 55
Project Description	Convert an existing garage in the rear yard to a detached Accessory Dwelling Unit(ADU)
Relief Type	Variance
Violations	Lot Area Insufficient Lot Frontage Insufficient Rear Yard Insufficient Two or More Dwellings on Same lot Location of Main Entrance

Planning Context:

The proposed project is seeking to add an Accessory Dwelling Unit (ADU) and was filed in conjunction with a Board of Appeal application for 250 Pond Street, BOA1466516. The proposal includes the demolition of an existing garage and replacement of said structure with the proposed ADU. The project site is in the Jamaica Plain neighborhood, approximately one block south of Jamaica Pond. The property is surrounded by a mixture of single family and two-family residential buildings.

The project’s scope aligns well with the Mayor’s Office of Housing’s ADU 2.0 Pilot and ongoing planning work to develop a Citywide ADU Pattern Book and zoning for ADUs. In 2021 and 2022, the Mayor’s Office of Housing (MOH) developed the ADU 2.0 initiative, which provides guidance and zoning relief to homeowners interested in turning existing exterior structures, like garages, into livable spaces. MOH recognizes that ADUs can provide additional income for homeowners and flexible, separate living arrangements for families to age in place, or support relatives or children while still maintaining their privacy.

Zoning Analysis:

BOA1605958
2024-06-25
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The proposed project is located in the Jamaica Plain Neighborhood District, in a One-Family Residential (1F-9000) Subdistrict, pursuant to Article 55 of the Zoning Code. The following violations are listed for this project:

Lot Area Insufficient

Lot Frontage Insufficient

Rear Yard Insufficient

Location of Main Entrance

Two or More Dwellings on the Same Lot

The footprint of the proposed ADU is within the constraints of the existing garage building on site. Therefore, the rear setback is an existing condition, unchanged by the interior changes required for the proposed project. The conversion of the space into an ADU does not change the location of the building footprint. The required dimension (40') for the rear setback is given in the Zoning Code under the assumption that there will be only one dwelling unit on this lot. Given the zoning reform work being done citywide to allow for the development of detached ADUs, this dimensional violation should not apply to the proposed project. The violation of two or more buildings on one lot will also need to be removed through the process of zoning reform to facilitate further development of detached ADUs.

Recommendation:

In reference to BOA1605958, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review .



Reviewed,

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

Director of Planning, BPDA



Case	BOA1535566
ZBA Submitted Date	2023-10-13
ZBA Hearing Date	2024-06-25
Address	94 to 96 Loring ST Hyde Park 02136
Parcel ID	1810041000
Zoning District & Subdistrict	Hyde Park Neighborhood 1F-6000
Zoning Article	69, 9
Project Description	The proponent is seeking to change the occupancy of the residence from two units to three units. This entails adding a new unit on the third story, updating the roof structure to a dormer style, and installation of a new rear 3-story deck with stairs. They also plan to convert the existing driveway into a parking area.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (stories) Rear Yard Insufficient Side Yard Insufficient Parking or Loading Insufficient Usable Open Space Insufficient Use Extension of Non-Conforming Use Change in Non-Conforming Use

Planning Context:

BOA1535566 is a two family residence located at 94 and 96 Loring Street in Hyde Park. The parcel is located in a relatively transit rich area of the neighborhood, 0.3 miles away from the 32 bus and 0.1 miles away from the 24 both of which travel to Cleary Square (which is itself less than a mile away). The parcel is in a residential area (zoned single family) and neighbors a large green space: the Francis D. Martini Memorial Shell Park and Moynihan Recreation Area. The parcel is on the corner of Loring and Tyler Street and neighbors two single family homes. The proponent is seeking to change the occupancy of the residence from two families to three families. This entails adding a new unit on the third story, updating the roof structure to a dormer style, and installation of a new rear 3-story deck with stairs. They also plan to convert the existing driveway into a parking area.



This project's scope aligns well with the Hyde Park Neighborhood Strategic Plan (2011) which recommends focusing on ensuring that the community continues to embrace its diversity through the provision of diverse unit sizes and affordable housing. This includes the development of housing for a full range of income groups and household types (i.e., households from single young professionals to extended families, artist live/work space, elderly, etc.).

The project's scope also aligns well with the Mayor's Office of Housing's ADU 2.0 Pilot and ongoing planning work to develop a Citywide ADU Pattern Book and zoning for ADUs. The ADU program seeks to allow new housing to be developed while preserving existing houses that fit in the neighborhood character. In 2021 and 2022, the Mayor's Office of Housing (MOH) developed the ADU 2.0 initiative, which provides guidance and zoning relief to homeowners interested in turning existing exterior structures, like garages, into livable spaces. MOH recognizes that ADUs can provide additional income for homeowners and flexible, separate living arrangements for families to age in place, or support relatives or children while still maintaining their privacy.

Zoning Analysis:

BOA1533366 currently has nine zoning violations relating to use, parking, and building dimensions. The parcel is located in the Hyde Park Neighborhood Zoning District, and the 1F-6000 zoning sub-district.

The usable open space requirement for the neighborhood is 1,800 square feet per unit which would require the proponent to designate 5,400 square feet of usable open space which is infeasible given that would take up almost the entirety of the lot which is 6,250 square feet. Additionally, the parcel is located very close to two major green spaces in Hyde Park (the Francis D. Martini Memorial Shell Park and Moynihan Recreation Area) which will help to mitigate the lack of usable open space. Furthermore, there are three violations related to use. They are extending an already existing use violation which is a three family residence in a single-family neighborhood. However, given that the plans for the building are largely contextual with the surrounding neighborhood, as well as its close proximity to transit and Cleary Square- this nonconformity seems to be on par with larger city wide goals for zoning reform and the need for increased housing supply.

Finally the proponent is providing insufficient parking or loading space. The parking requirements for the neighborhood according to the code are two spaces per unit (requiring six

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spaces for the development) while they are proposing a total of three. That being said, the proposal does align with BTM parking ratios for the neighborhood, which is one parking space per unit. While BTM parking ratios only apply to large projects, these ratios are often referenced as best practice for other projects as well.

Regarding the dimensional violations, they are currently exceeding the neighborhood requirements for FAR which is 0.5. However, they exceed it by a very small margin of 0.01. Further, the proposal violates building height, side, and rear yard minimum and maximum requirements. The neighborhood's current maximum for building height is 35 feet or 2.5 stories and the proposal is proposing 3 stories with roof dormers. Many neighboring buildings feature three stories with a similar dormer style, making this project a good fit within its neighborhood.

The minimum rear yard setback for the neighborhood is currently 40 feet, and the proponent is proposing a setback that is 32 feet and 8 inches. That being said, this seems to be an existing non-conformity as they are not changing the building's footprint. Similarly, the side yard minimum requirement is 10 feet and the proponent is proposing 4 feet and 4 inches, but this is another existing non-conformity.

Recommendation:

In reference to BOA1535566, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review

Reviewed,

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

Director of Planning, BPDA



Case	BOA1583162
ZBA Submitted Date	2024-03-20
ZBA Hearing Date	2024-06-25
Address	30 Westville ST Dorchester 02124
Parcel ID	1500796000, 1500794000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	65
Project Description	Erect a 3-story multipurpose community center with offices and an accessory outdoor cafe on City-owned vacant parcels in Dorchester.
Relief Type	Variance
Violations	Limitation of Area for accessory use (parking) FAR Excessive Height Excessive (ft) Height Excessive (stories) Side Yard Insufficient Rear Yard Insufficient Parking in Front Yard Use: Forbidden (Community Center) Use: Forbidden (General Offices) Use: Forbidden (Accessory Outdoor Cafe) Off-Street Loading Requirement Off-Street Parking Regulations Conformity with Existing Building Alignment

Planning Context:

The proposed project plans to erect a 3-story multipurpose community center with offices and an accessory outdoor cafe on two City-owned vacant parcels of land at 30 Westville Street in Dorchester with eight spaces for parking that could also be used to host community meetings or hold block parties. This project, in collaboration with the Mayor’s Office of Housing, started in Spring 2021 with meetings with community members to gather feedback on plans for the site. The community was in strong support for a facility that would provide community services and open space and also communicated a strong preference for limited parking. These parcels were then rezoned from OS-G to the current zoning of 2F-5000. After a Request for Proposals (RFP) was released in 2022, the Louis D. Brown Peace Institute was selected to build a new Center of Healing, Teaching, and Learning.



This portion of Westville Street is primarily residential with a mix of two-family and three-family residential dwellings. The BCYF Marshall and the UP Academy Dorchester are also located on Westville Street and would be across the street from the proposed project at 35 Westville Street. This project would help advance the goals set in Imagine Boston 2030 (September 2017) as this project would help improve the public realm and urban vitality to help affirm Dorchester's distinct identity.

Zoning Analysis:

The refusal letter states a total of 13 violations in regards to parking, dimensional regulations, and the use. Under Article 65, in a 2F-5000 subdistrict, a community center, general offices, and accessory outdoor cafe are forbidden uses. However, relief should be granted for these uses as these uses were the result of community engagement and feedback for the proposed use of the site and would benefit the Dorchester community.

In regards to the dimensional regulations, the refusal letter states violations in the height in both feet and stories, excessive FAR, insufficient side and rear yard, and conformity with existing building alignment. Under Article 65, for an area zoned as 2F-5000, the maximum allowed height is 35 feet or 2.5 stories, the maximum FAR is 0.5, a minimum side yard of 10 feet and a minimum rear yard of 20 feet. Due to the layout of the parcels, there is also a misalignment with the existing buildings on Westville Street. This is a case of zoning reform as these dimensional regulations were primarily set for residential uses. The proposed height of the building is 41 feet or 3 stories with an FAR of 0.85 to accommodate different levels of programming among four floors that include a chapel, a computer lab, a library, office spaces, and counseling spaces to help support and provide resources to the community.

The proposed west side yard, which is triggering the violation in the refusal letter, is 9.6" and the proposed rear yard is 10'. This is also a case for zoning reform due to the shape of the parcel. As the proposed project sits on the combination of two parcels, these parcels create an L shape where the proposed building is on the horizontal-oriented parcel and are only accessible via Westville Street. The east side yard of the property is currently filled with mature trees and is intended to create a publicly accessible outdoor space as per the community's feedback. It would be difficult to increase the west side yard without disturbing the existing tree canopy even further while ensuring the community has an adequate amount of open space. It would also be difficult to increase the rear yard due to the size of the parcel. The proposed rear yard is 10 feet. It would be difficult to reach the minimum required 20 feet as the width of this parcel is 81 feet

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and still have adequate space to create a walkway for the community to reach the open space that is located on the east side of the property.

The violation in regards to the conformity with the existing building alignment is also due to the shape of the parcel and the location of parking for the site. As this property is only accessible via Westville Street, it would be difficult to move the parking toward the space in the rear of the property. As the parking was intended to be multi use function space, it would be difficult for the building to have frontage on Westville Street and conform with the existing building alignment.

In regards to the parking violations, there are violations in the limitation of the area of parking, parking in the front yard, and the off-street loading regulations and off-street parking requirements. This is also a case for zoning reform as the shape of the parcel is creating these violations. Under both Article 10 and Article 23, parking cannot be within 5 feet of the side lot line and under Article 65, parking is also forbidden in the front yard. However, the shape of the parcel and its accessibility from the street make it difficult to move the parking spaces to a different location on the property and have enough space to meet the minimum required drive aisle space as the width of this parcel is 77 feet and ensure pedestrian safety to the property. It is also a case of zoning reform for the number of parking spaces to address the discrepancy between what is required vs the necessity. Under Article 65, this property would need 38 parking spaces and the property is proposing 8 spaces. This site is accessible to multiple MBTA bus routes that include the #15, #17, #19, and #23, within a 5-minute walk of the site. The MBTA Fields Corner Red Line Station is also a 12-minute walk from the proposed site.

The plans reviewed are titled 30 Westville Street and were prepared by utile. They are dated November 9, 2023.

Recommendation:

In reference to BOA1583162, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1562484
ZBA Submitted Date	2024-01-12
ZBA Hearing Date	2024-06-25
Address	326 Blue Hill AV Dorchester 02121
Parcel ID	1400287000
Zoning District & Subdistrict	Roxbury Neighborhood MFR
Zoning Article	50
Project Description	Construct a three-story building with a ground floor commercial space and two residential units on a vacant parcel.
Relief Type	Variance, Conditional Use
Violations	Lot Area Insufficient Parking or Loading Insufficient Lot Width Insufficient Lot Frontage Insufficient FAR Excessive Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Use: Conditional (Commercial)

Planning Context:

The proposed project intends to construct a three story building with two residential units and a ground floor commercial space on a vacant parcel on Blue Hill Avenue. The proposed building will share a continuous street wall with two buildings to the north, 322 and 324 Blue Hill Avenue, and a common party wall with the building at 324 Blue Hill Avenue. The proposed project intends to match the façade and material composition of the adjacent building. The project is located in the study area for the Roxbury Strategic Master Plan (2004). The Plan highlights the revival of housing and shops on Blue Hill Avenue and supports investment in residential and commercial development of vacant parcels along the corridor. The proposed project is located in close proximity to a variety of transit options reducing the need for parking within the project site. Bus lines and BlueBike are located within one-quarter mile of the site, and Commuter Rail service is within three-quarter miles of the site.

Zoning Analysis:



The proposed project is located in the Roxbury Neighborhood District, in a Multifamily Residential (MFR) Subdistrict. The proposal is consistent with the context set by the adjacent buildings at 322 and 324 Blue Hill Avenue for narrow parcels with mixed use structures occupying nearly the entire lot area. The dimensions of the proposal are pursuant to the use as a multifamily residential dwelling, incompatible with the context of the main street character of Blue Hill Avenue. The adjacent zoning subdistricts to the north and south along Blue Hill Avenue are both zoned for Multifamily Residential/Local Services, prioritizing the development of mixed use properties. With the adjacent buildings, this project proposes continuity between the two adjacent subdistricts. The proposed project is contextual with surrounding buildings, filling in a missing tooth of the streetwall of Blue Hill Ave. Given that such a contextual project has seven dimensional violations, this indicates a need for zoning reform to better match the form of existing buildings.

With respect to the side yard dimensional violations, the proposed project most closely aligns with the row house condition specified in the dimensional tables of Article 50 of the Zoning Code, which allow for buildings with row house conditions to have no side yard setback except in the cases where the side is on a corner lot. The front yard setback is modal with the existing adjacent buildings, with which the proposed project will share a street wall.

Given that FAR is related directly to building width and height, relief is suggested for the FAR violation as the building width and height are both contextual with the neighboring properties with which the proposed project will share a front facade.

The parking violation is consistent with recommendations in Go Boston 2030 and the Boston Transportation Department to reduce reliance on single occupancy vehicles, particularly in areas with access to transit options.

The proposed project is located within a Boulevard Planning District zoning overlay. Boulevard Planning Districts acknowledge the significance of certain boulevards - in this case, Blue Hill Avenue - as gateways to neighborhood main street areas. The designation as a Boulevard Planning District supports the mixed use proposal in this project.

Recommendation:



In reference to BOA1562484, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review due to location in Boulevard Planning District.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1544149
ZBA Submitted Date	2023-11-09
ZBA Hearing Date	2024-06-25
Address	39 to 41 Woodcliff ST Dorchester 02125
Parcel ID	1300829000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	50
Project Description	Erect a three-story, three-family residential dwelling.
Relief Type	Variance
Violations	Parking or Loading Insufficient Lot Area Insufficient Lot Frontage Insufficient FAR Excessive Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient

Planning Context:

This project proposes the new construction of a three-story, three-family residential dwelling on an existing vacant lot. The surrounding blocks are predominantly residential and made up of buildings that include two- and three-story buildings. This project is in line with the existing three-family residential land use and three-story building height trends found in several of the adjacent three-story buildings. This project promotes the infill development of new housing units, which advances planning goals of increasing housing supply, as detailed in Housing a Changing City, Boston 2030 (September 2018).

The proposed project has an architectural design that is similar to existing three-story buildings in the broader area. It also does so on a small 3,081 sq ft lot while still accommodating yard space along the front, side, and rear yard. This lot is slightly smaller than other parcels in the surrounding area that are closer to 4,000 sq ft. The Roxbury Strategic Master Plan (2004) recommends the development of new housing on vacant lots in existing residential areas such as this that align with the existing design and character of the adjacent buildings. This project attempts that alignment within the smaller dimensions of the lot.



This property is located within a 10-minute walk of bus stops along Blue Hill Avenue and does not propose off-street parking spaces. The creation of new housing without parking spaces within areas that have access to nearby public transportation aligns with the goals set forth to reduce dependence on private vehicles in Go Boston 2030 (March 2017).

The property immediately abuts the Dacia/Woodcliff Streets Garden to the west and thus is subject to design review by the Boston Parks Commission.

Zoning Analysis:

This property is located within the 3F-4000 subdistrict of the Roxbury Neighborhood District (Art. 50). This project was flagged for insufficiency in meeting several minimum dimensional regulations: insufficient lot area, lot frontage, usable open space per unit, front yard, side yard and rear yard. The proposed project's built form aligns with that of adjacent three-story buildings while utilizing less lot coverage on a narrow lot compared to other adjacent buildings.

This project also has an excessive floor area ratio (FAR) of 1.5 where the subdistrict requires a maximum FAR of 0.8. This nonconformity along with the other dimensional nonconformities indicate a case for zoning reform in this section of the subdistrict to set dimensional regulations that permit the existing built form and standards necessary for three-family residential dwellings of this common type.

As mentioned in the planning context, this project does not propose off-street parking where the subdistrict requires a minimum of 3 total parking spaces for the number of units proposed. This aligns with goals set forth in Go Boston 2030 to reduce private vehicle dependence.

Site plans completed by AGH Engineering on October 12, 2023. Project plans completed by QInnervisionconcepts on June 15, 2023.

Recommendation:

In reference to BOA1544149, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Department of Parks and Recreation for review due to the property's location abutting the Dacia/Woodcliff Streets Garden.



Reviewed,

A handwritten signature in blue ink, which appears to read 'Anne Rando'. The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Director of Planning, BPDA



Case	BOA1521952
ZBA Submitted Date	2023-09-01
ZBA Hearing Date	2024-06-25
Address	259R to 259RF Market ST Brighton 02135
Parcel ID	2202571000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 1F-5000
Zoning Article	51
Project Description	Erect (4) new 3-story townhomes in a newly created rear lot (Lot-B, 10,845 sq. ft.) behind the existing two-family dwelling, which will remain on the street facing lot. Each townhome features garaged parking for two cars and top story decks. See ALT1484754 & ALT1515523 for subdivision applications. Deferred from an original May 21, 2024 ZBA hearing.
Relief Type	Variance
Violations	Lot Frontage Insufficient FAR Excessive Height Excessive (stories) Front Yard Insufficient Use: forbidden (townhomes) Use: forbidden (multi-family dwelling) Dimensional Regulations Applicable in Residential Subdistricts: Location of Main Entrance Application of Dimensional Requirements: Two or More Dwellings on Same Lot

Planning Context:

Case was originally scheduled for May 21, 2024 ZBA hearing, but was deferred to the current date. No plans have been submitted, and the proposal is unchanged.

Parcel is an abnormally shaped (60' frontage, 255' depth) parcel, that extends deep into an irregularly wide residential block in Brighton, approximately one block to the east of McKinney Playground. The proponent seeks to subdivide the lot into two, retain the existing two-family on what would be the front lot, and construct four one-unit townhomes on the rear lot. The space is currently occupied by a small garage and greenhouse, which are accessible by a driveway running along the south side of the parcel.



While infill housing development was not specifically mentioned in the Allston/Brighton Needs Assessment (completed in January 2024), housing was identified as the most critical need in the neighborhood. In particular, the assessment noted how housing production in Allston/Brighton has not kept pace with overall housing production in Boston, and this proposal is an excellent example of new kinds of housing production that can help to close that gap. The basic planning need to be addressed is striking a balance between 1) building contextual housing on vacant space to address the housing crisis; and 2) ensuring that development on atypical parcels mitigates potential negative effects on neighbors. This condition of a deep and skinny lot is distinct for Brighton, and the zoning violations in general reflect the degree to which existing language is not flexible enough to handle lot sizes with abnormal proportions and size. In particular, while townhomes may reasonably be a forbidden use in parcels where only detached residences of between one to three units can generally fit, townhomes (and to a lesser degree, rowhouses) allow for units to be placed nearer to each other in a form that resembles the overall scale of housing in Allston and Brighton.

Zoning Analysis:

Lot Frontage Insufficient: Per Article 51, Table D, the minimum lot frontage for uses other than a 1 Family Detached is 50'. In this case, as a rear lot, the frontage would be 0'. In this case, what would be the front lot is proposing a 20' access easement. This 20' easement cannot be made larger due to the placement of the existing two-family structure, as well as to avoid reducing that lot's effective frontage further below 50'. This is an appropriate solution given the abnormal configuration of the parcel, and relief is appropriate.

FAR Excessive: Per Article 51, Table D, the maximum FAR for a use other than a 1-Family Detached is 0.5. This proposal suggests an FAR of 0.72, which is a violation. This latest version of the plans reduces the unit count from 7 to 4, to lower this violation. An abutting parcel with a single family dwelling has an FAR of 0.56, so 0.72 is contextually similar. Given the abnormal size of this parcel relative to neighbors and degree to which this new construction is not visible from the public realm, relief is appropriate.

Height Excessive (stories): Per Article 51, Table D, the maximum number of stories for a use other than a 1 Family Detached is 2.5. These townhouses are proposed as three stories, which is a violation. Many residential buildings in this area are between 2.5 and 3 stories, depending on roof pitch, and some adjacent commercial buildings are a full three stories with flat roofs.

Given that these proposed townhomes have pitched roofs already, they are contextually

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appropriate. Future zoning reform should consider adjusting dimensional standards to align base zoning requirements with the actual built form, in particular to avoid roof violations related to half story changes.

Front Yard Insufficient: Per Article 51, Table D, the minimum front yard setback for any use other than a 1-Family Detached is 20. To avoid additional side and rear yard violations, this proposed subdivided lot has a front yard setback of 1', which is a violation. Given that this 'front yard' is in fact entirely to the rear of an additional parcel, and that there remains 25' feet between this building and the existing two-family to the front, appropriate space between the two buildings is present. Given the positioning of this parcel, relief is appropriate.

Use: forbidden (townhomes): Per Article 51, Table D, townhouses are a forbidden use in this 1F subdistrict. Given the unanticipated condition of this size of the lot relative to other lots in this subdistrict and relative to the citywide policy objectives of housing production, small-scale multifamily is appropriate in this location. Combined with the general priority of retaining existing structures, relief is appropriate.

Use: forbidden (multi-family dwelling): Per Article 51, Table D, multifamily dwellings are a forbidden use in this 1F subdistrict. Given the abnormal size of the lot relative to other lots in this subdistrict and relative to the citywide policy objectives of housing production, small-scale multifamily is appropriate in this location, and relief is appropriate.

Dimensional Regulations Applicable in Residential Subdistricts: Location of Main Entrance: Per Section 51-9.4, main dwelling must face the front lot line. In this case, given the abnormal shape of the parcel in combination with its placement behind another parcel, a main entrance facing the front is incompatible with otherwise maintaining most dimensional requirements of the zoning code. Because the proponent is providing an access easement along the southern edge of the front parcel, the most appropriate location for the main entrances on the rear parcel is also this southern side. This happens to be facing the southern side yard side of the parcel, and relief is appropriate.

Application of Dimensional Requirements: Two or More Dwellings on Same Lot: Per Section 51-57.13, a dwelling cannot be built to the rear of another dwelling, they must have distance between them, and dimensional regulations apply individually to each building as if they were separate lots. In this case, 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. Given that this is all happening behind another parcel and given the abnormal shape of the parcel, the placement of these buildings relative to one another is constrained, and relief is appropriate.

Given the unconventional proposal of housing behind other housing in Allston, design review can ensure that the overall measures being proposed here provide appropriate mitigation to surrounding property owners.

Additionally, the ISD refusal letter notes that a full building code review is pending, and that a dwelling behind a dwelling will require compliance with fire truck access. Accordingly, we recommend that no building code relief be provided here.

Revised plans issued March 27, 2024 by Eric Zachrison, reviewed by Abel Arguedas on April 11, 2024.

Recommendation:

In reference to BOA1521952, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that no building code relief be granted, and that plans shall be submitted to the Agency for design review.

Reviewed,

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Director of Planning, BPDA



Case	BOA1521950
ZBA Submitted Date	2023-09-01
ZBA Hearing Date	2024-06-25
Address	257 Market ST Brighton 02135
Parcel ID	2202571000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 1F-5000
Zoning Article	51
Project Description	Subdivide an existing parcel into two parcels. A separate case proposes to construct four 3-story townhomes on newly-created rear parcel
Relief Type	Variance, Conditional Use
Violations	Parking or Loading Insufficient Rear Yard Insufficient Extension of Non-Conforming Use

Planning Context:

This project was previously reviewed by the BPDA for the ZBA hearing on May 21, 2024. Because no new plans have been submitted, the BPDA’s recommendation has remained the same.

The proposed project intends to subdivide an existing parcel into two parcels. The proposed project is located on Market Street in the Brighton neighborhood. Market Street is a busy mixed-use street connecting Brighton Center to Western Avenue. The current parcel contains one existing two-family home and a garage on a 16,693 SF lot. The intended subdivision would divide the parcel into two lots, the front of which would contain the two-family home, and the rear of which would contain the garage. The front parcel (with frontage along Market Street) is proposed to contain a 20' wide access easement to the newly created rear parcel. This proposal was submitted in conjunction with an appeal to develop the rear parcel as 259 Market Street. The following recommendation does not consider the proposed development, only the subdivision associated with this Board of Appeal request. The proposal for 259 Market Street is also scheduled for a Board of Appeal hearing on June 25, 2024.

Zoning Analysis:



The proposed parcel division is located in the Allston/Brighton Neighborhood District, in a One-Family Residential (1F-5000) subdistrict pursuant to Article 51 of the Zoning Code. The refusal letter responds to three zoning violations, insufficient parking, rear setback, and extension of a non-conforming use. Both the insufficient parking and the extension of the non-conforming use persist from existing conditions on site, and are not changing due to the proposed lot subdivision. The rear yard setback for the front parcel (parcel containing the existing two-family home) would be reduced from a compliant dimension to approximately 30', ten feet fewer than required by zoning. Existing front and side setbacks that would remain unchanged ensure the provision of adequate open space. Both parcels as proposed would contain dimension to satisfy the minimum lot size set forth by the zoning subdistrict of 5,000 SF.

Recommendation:

In reference to BOA1521950, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1597342
ZBA Submitted Date	2024-05-01
ZBA Hearing Date	2024-06-13
Address	21 Holton St Allston 02134
Parcel ID	2201193000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 3F-4000
Zoning Article	51
Project Description	Change occupancy from 3 to 5 units, by erecting a three story addition on each side of the structure, and reconfiguring the internal structure of the existing building.
Relief Type	Variance
Violations	Additional Lot Area Insufficient Parking or Loading Insufficient Use: forbidden (multifamily)

Planning Context:

Parcel is an atypically large (10,619 square feet, 81' frontage, 128' depth) parcel with a three-family building in Lower Allston, three blocks east of the redeveloped Star Market commercial and residential complex that was part of the Western Avenue Corridor Study and Rezoning recommendations that were approved by the BPDA Board in October 2022, and subsequently adopted in the zoning code. This study recommended significant residential and commercial growth at Everett and Western Avenue, and this site is within walking distance from there.

While infill housing development was not specifically mentioned in the Allston/Brighton Needs Assessment (completed in January 2024), housing was identified as the most critical need in the neighborhood. In particular, the assessment noted how housing production in Allston/Brighton has not kept pace with overall housing production in Boston, and this proposal is an excellent example of new kinds of housing production that can help to close that gap.

The basic planning need to be addressed is striking a balance between 1) adding contextual renovations to incrementally create housing on existing properties as one strategy to address the ongoing housing crisis; and 2) ensuring that development on atypical parcels mitigates potential negative effects on neighbors. The property is more than twice the minimum lot size,



and this is generally atypical for Lower Allston. The zoning violations in general reflect the degree to which existing language is not flexible enough to handle lot sizes with abnormal size. In particular, while five units may reasonably be a forbidden use in parcels where only detached residences of between one to three units can generally fit, the surrounding context is generally composed of residential units ranging to from two units to smaller multifamily. With that context, allowing modifications to an existing three-family will better preserve existing character than potential other options for housing production for that site which would also need zoning relief, like subdivision or wholly new construction.

Plans by 686 Architects dated on December 8, 2023, and reviewed by Frank D'Amato on March 26, 2024.

Zoning Analysis:

Additional Lot Area Insufficient: Per Article 51, Table D, the minimum lot area in a 3F-4000 for any use other than a semi-attached dwelling row house building or town house building is 4,000 square feet for 1 or 2 units, with every additional unit requiring 2,000 square feet. Given that this proposes five units, the minimum lot size required would be 10,000 square feet. ISD has flagged this as a violation in the refusal letter, but because the property is 10,619 square feet, it does not appear to be a violation. Regardless, to the degree to which this exists as a violation, given the substantial size of the parcel, adequate open space and circulation space is available in these plans, and the existing building is still similarly scaled to surrounding buildings, so zoning relief is appropriate.

Parking or Loading Insufficient: Per Article 51, Table J, the minimum number of parking spaces for residential uses from 1-9 units is 1.75 spaces per unit, which would yield a required minimum of 9 parking spaces, based on 5 proposed units. The site is half a mile walking distance from the recently constructed Boston Landing commuter rail stop, with additional close access to the 66 Bus. With good walking distance to the commercial centers across Lower Allston, Harvard's Allston Campus, Boston College, and Boston University, the parking ratio of 1.75 spaces per unit is disconnected from the existing parking provided in Lower Allston, and would require the total removal of the backyard of this site to accommodate a 9-space parking lot with a drive aisle running the length of the lot. A parking ratio of one space per unit is more than sufficient, and zoning relief is appropriate.



Use: forbidden (multifamily): Per Article 51, Table A, multifamily dwellings above three units are a forbidden use in this 3F subdistrict. Given the abnormal size of the lot relative to other lots in this subdistrict and relative to the citywide policy objectives of housing production, small-scale multifamily is appropriate in this location, and relief is appropriate.

21 Holton St is present in the Massachusetts Cultural Resource Information System with the MHC ID of BOS.8237 and the name of "Jonathan Davenport House." The more detailed inventory is dated Summer 1978, and notes that the noteworthy site characteristics are a "large lot particularly to rear of house, large maples in front, chain link fencing," and that the noted significance is "well-preserved example of the late Greek Revival / Italianate style prevalent in the St. Anthony's area and indicative of an early period of neighborhood prosperity." The proposed plans do indicate that the front maples are, 45 years later, now stumps. Design review by the BPDA is appropriate, given the degree to which additions to this house may warrant more detailed review, given the noted historic significance of this building and site.

Recommendation:

In reference to BOA1597342, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review.

Reviewed,

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Director of Planning, BPDA



Case	BOA1539699
ZBA Submitted Date	2023-10-27
ZBA Hearing Date	2024-06-25
Address	27 Colonial AVE Dorchester 02124
Parcel ID	1701559000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-6000
Zoning Article	Art. 65
Project Description	Change occupancy from a three-family residential dwelling to a multifamily residential dwelling with four (4) units. Includes creation of five (5) tandem parking spaces. The proposed additional unit is a basement unit. Fire alarm and sprinklers to be installed.
Relief Type	Variance
Violations	Parking or Loading Insufficient FAR Excessive Use: Forbidden (Basement Unit)

Planning Context:

This project's ZBA hearing was originally scheduled for May 7, 2024. The project was deferred to a hearing on June 25, 2024. The stamped site plans and refusal letter for this project were updated on May 8, 2024 with changes to the project site plan highlighted below. The zoning violations on the refusal letter did not change based on the updated plans.

The only change highlighted within the updated plans is the extension of the existing side yard driveway to the rear of the lot and removal of an existing shed in the rear yard. This extension and cleared space will be used for the creation of five (5) parking spaces: four (4) parking spaces to be located in that northeastern side yard and one (1) parking space in the southeastern rear yard. These parking spaces are in a tandem parking design with only one entry and exit point for vehicles from the front of the property.

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

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The existing dwelling is 2.5 stories and has two existing parking spaces. The existing, adjacent buildings vary between 2.5 and three stories with predominantly Three-Family Residential and Multifamily Residential (4-6 units) land uses, based on Assessor's Report information. The property is also within a five-minute walk of several MBTA bus routes along Talbot Avenue as well as the Talbot Avenue MBTA commuter rail station. The proposed addition would not include any bump out, extension or construction to the existing envelope of the structure due to it being an internal basement conversion, so the project will be in keeping with the common density of surrounding properties and not change the form of the structure in the public realm. The proposed basement unit will include a fire alarm and sprinklers and is not located within an area that faces flood risk, which aligns with citywide goals to increase the safety of new and existing housing stock. However, the project plans do not specify the ceiling height of the proposed basement unit, do not identify if there is a slope in the site and do not provide detailed information on the window design of the new basement units due to the plans lacking side elevation drawings.

Zoning Analysis:

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

The Dorchester Neighborhood District (Art. 65) requires that a dwelling with 4-9 units have an off-street parking ratio of 1.25 parking spaces per unit. The existing property has three (3) residential units served by two (2) parking spaces, thus producing an existing non-conformity. This project is required to provide five (5) parking spaces which the updated plans do propose, though the tandem parking design for the spaces is narrow for the existing lot and difficult for vehicles to enter and exit.

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

Within the 3F-6000 subdistrict, this property is required to have a maximum Floor Area Ratio (FAR) of 0.4 (Art. 65, Sec 9). While the project plans do not provide an FAR measurement of



the existing and proposed project, the construction of living area in the basement does result in the addition of gross floor area based on how GFA is calculated. As stated, this structure is similar in density to existing, adjacent buildings both at its current and proposed density. This presents a case for zoning reform both to set dimensional regulations that allow for the current built form and density found within the area to legally exist and to accommodate the scale necessary for the prevailing multifamily residential use and pathway for the construction of basement units within the area.

Site plans completed by Boston Survey, Inc. on October 24, 2023. Project plans completed by Dellamora Architecture on April 24, 2024.

Recommendation:

In reference to BOA1539699, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE: Proponent should propose an alternative parking design to the proposed tandem parking.

Reviewed,

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Director of Planning, BPDA



Case	BOA1584507
ZBA Submitted Date	2024-03-26
ZBA Hearing Date	2024-06-25
Address	2136 to 2140 Washington ST Roxbury 02119
Parcel ID	0802480000
Zoning District & Subdistrict	Roxbury Neighborhood Dudley Square EDA
Zoning Article	50
Project Description	Proposed change of use and occupancy from office and retail to office (2nd floor) and social club with limited live entertainment to include flex boutique (1st floor) and storage (basement).
Relief Type	Conditional Use, Variance
Violations	Parking or Loading Insufficient Conditional Use (Private/Social Club Serving Alcohol w/ Limited Live Entertainment)

Planning Context:

The proposed project was deferred from its initial hearing date on 5/21/24. Because no additional materials have been submitted since the issuance of the project's previous BPDA recommendation, the contents of this recommendation remain unchanged.

The proposed project sits in the Dudley Square Economic Development in Roxbury. It is also a part of one of the neighborhood's Boulevard Planning Districts (BPDs). According to Section 50-37 of the Zoning Code (Boulevard Planning Districts, Roxbury), BPDs serve as markers of significant neighborhood corridors and gateways to residential areas. Special design guidelines for BPDs are established in Article 50 (Roxbury Neighborhood Zoning). In addition, the project sits within the Eustis Street Historic Protection Area. Because the site sits within 100' of a public park, the provision of Ordinance 7.4-11 (Parks Design Review) will also apply.

The surrounding context comprises a mix of 2 to 6 story residential and mixed-use structures, which house a variety of different retail, commercial, and community uses. The site is located a half-mile from Ruggles Station (Orange Line and Commuter Rail) and immediately abuts stops for several MBTA bus routes, including the 1, 8, 15, and 47. It is also within walking distance (quarter-mile) of several civic amenities, including Ramsay Park, Orchard Park, and the Greater Roxbury Arts & Cultural Center.



The proposed project seeks to expand the property's ground floor use allowances to allow for private social club and live entertainment uses, in addition to the existing retail space, which will remain. The project does not propose to expand the footprint of the existing structure. The proposal has been filed by the structure's current occupant, Black Market Nubian (a local black-owned business operating as a pop-market and creative/cultural work space, which, among other things, spearheads the Nubian Square Public Art Initiative). This project scope is supported by the stated planning goals of PLAN: Nubian Square: (1) to enhance civic life and the area's cultural environment; (2) to promote the development of neighborhood amenities which build on the area's cultural history and assets, including things like entertainment venues, performance centers, and music spaces; and (3) to support existing local businesses and mitigate the risk of commercial displacement (July 2019).

Zoning Analysis:

The proposed project's insufficient parking violation is an existing condition. The project site is currently occupied by a structure with a zero-lot-line condition and a building lot coverage of roughly 90%. Zero parking conditions are common throughout the area, including the majority of lots within immediate proximity to the project site.

Because private social clubs (with live entertainment and serving alcohol) are conditional uses in the Dudley Square EDA, the proposed project will require a conditional use permit to move forward. Article 6 of the Zoning Code lays out the conditions required for the approval of proposed conditional uses in Boston. These conditions include: (1) that the specific site is an appropriate location for such use; (2) that the use will not adversely affect the neighborhood; (3) that there will be no serious hazard to vehicles or pedestrians from the use; (4) that no nuisance will be created by the use; and (5) that adequate and appropriate facilities will be provided for the proper operation of the use.

Due to, (1) the site's context, which sits in immediate proximity to other existing live entertainment venues serving alcohol as well as multiple transit options that can service patrons; and (2) the project's scope, which does not include any structural alteration or expansion of the existing building; the proposed project's impacts on the surrounding area are minimal. These factors justify the project's appropriateness to the surrounding area. It's recommended that a conditional use permit for the proposed uses be granted.



Because the project sits within the Eustis Street Historic Protection Area, a proviso for Landmarks Review has been added to this recommendation to account for any updates to signage that may stem from the proposed change of occupancy.

Recommendation:

In reference to BOA1584507, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Boston Landmarks Commission for design review.

Reviewed,

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Director of Planning, BPDA



Case	BOA1535953
ZBA Submitted Date	2023-10-16
ZBA Hearing Date	2024-06-25
Address	42 Newmarket SQ Roxbury 02118
Parcel ID	0801022001
Zoning District & Subdistrict	Newmarket Industrial Commercial Neighborhood District Newmarket Industrial Commercial Neighborhood District Newmarket Core Industrial
Zoning Article	90
Project Description	Change occupancy to include cannabis storage and wholesale delivery.
Relief Type	Conditional Use
Violations	Parking or Loading Insufficient Parking design and maneuverability Use - Conditional

Planning Context:

The proposal to BOA1535953 located at 42 Newmarket Square, governed Newmarket 21st Century Industrial District, Core Industrial sub-district zoning. PLAN: Newmarket zoning changes were recently adopted in February of 2024 and seek to prioritize preservation and production of new ground floor spaces that best serve Newmarket’s traditional industrial users, specifically businesses focused on storage and wholesale delivery. The proposal seeks to change the occupancy to include cannabis storage and wholesale delivery, and thus exemplifies a potential ground floor use. Per PLAN: Newmarket, warehouse and distribution is a particularly desirable use for this location.

Zoning Analysis:

Updated zoning for PLAN: Newmarket study area, including the parcel, was adopted in February 2024. The current proposal, submitted in October 2023, is thus reviewed under prior zoning and is cited as being in violation of Off-Street Parking and Loading and needs to establish a conditional use.

Cannabis establishments are a conditional use in the Newmarket Industrial Commercial Neighborhood District. The Boston Cannabis Board voted on February 14, 2024 to grant the



applicant a license pending zoning relief, making this Conditional Use Permit the final step to complete the licensing processing and obtain zoning relief. In this case, the primary conditions to be met in Article 6 to receive a Conditional Use Permit are as follows:

that the site is an appropriate location for that site: Newmarket Square is specifically planned and zoned for industrial storage and distribution;

the use will not adversely affect the neighborhood: the concentration of other warehousing and distribution uses minimize any potential adverse impacts;

there will be no serious hazard to vehicles or pedestrians: the existing context of truck-heavy distribution means that this use's distribution will maintain existing conditions appropriately;

and that no nuisance will be created by the use: given that no cannabis is to be consumed on site, no nuisance seems likely. Given this, a conditional use permit is appropriate.

The citation for off-street parking in the refusal letter states that two spaces are required for this proposal, and no off-street parking has been provided, creating a violation. Current zoning for Newmarket, passed in February 2024, states in Article 90 Table B that wholesale uses, industrial uses, and transportation uses all require 0.14 spaces per 1,000 square feet. While cannabis establishments are formally enumerated in Article 90 as an "other use," which does not have its own defined parking ratio, the generalized use of storage and delivery places this use firmly in the categories noted here. While the square footage of the dispensary is not specifically stated on the plans, based on the width and partial depth dimensions, the area of the proposed establishment appears to be approximately 800 square feet. This would make the required parking 0.14 spaces, which rounds up to 1. Parking on this or adjoining parcels is not well-defined, which is a recognized pre-existing planning condition across Newmarket Square. Given the degree to which 0.14 spaces is much closer to zero than one, and updated parking rules still require a full space for such a non-intensive use in an area that appears to contain a large shared parking lot with unstructured off-street parking arrangements for multiple tenants, relief is appropriate.

Recommendation:

In reference to BOA1535953, The Boston Planning & Development Agency recommends APPROVAL.

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Reviewed,

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Director of Planning, BPDA



Case	BOA1576978
ZBA Submitted Date	2024-03-05
ZBA Hearing Date	2024-06-25
Address	164 Old Colony AVE South Boston 02127
Parcel ID	0700331000
Zoning District & Subdistrict	M-1
Zoning Article	Articles 8, 14, 15, 16, 17, 18, 19, 20, 21, 23, & 25
Project Description	The proposed development seeks to construct a new 4-story, 4-unit residential building with balconies, an elevator, and garage parking. This proposal will require the demolition of the existing structure.
Relief Type	Variance, Conditional Use
Violations	Lot Area Insufficient Lot Width Insufficient Additional Lot Area Insufficient Parking or Loading Insufficient Lot Frontage Insufficient FAR Excessive Height Excessive (ft) Height Excessive (stories) Usable Open Space Insufficient Front Yard Insufficient Rear Yard Insufficient Setback of Parapet Insufficient; Flood Hazard Districts; Conditional Use (MFR); Special Provisions for Corner Lot; Traffic Visibility Across Corner

Planning Context:

The proposed project was deferred from its initial ZBA hearing on 5/7/24. The BPDA provided a recommendation for denial without prejudice for that project iteration, citing design concerns relating to the project's location in the Coastal Flood Resilience Overlay District (CFROD) as grounds for the denial. While the proponent has shared their intent to update the proposed project's designs to resolve that stated condition, those updates have yet to be submitted to/reviewed by ISD. Because of this, the BPDA's initial recommendation project remains here, unchanged.



The proposed plans for BOA1576978 are located at 164 Old Colony Avenue in South Boston. This is a relatively transportation rich neighborhood, being that it is a 12 minute walk from the MBTA Andrew Red Line station and close to several bus lines. Furthermore, the proposal falls within the PLAN: Dot Ave study area, which was adopted by the BPDA board in 2016. PLAN: Dot Ave outlines 164 Old Colony Rd as falling within a “residential buffer area” in which residential uses on the ground floor are allowed. This project is in compliance with these planning goals. It is also within the ongoing South Boston Transportation Action Plan study area, which defines Old Colony Road as being a major thoroughfare between Downtown Boston and the Dorchester neighborhood and as such seeks to make improvements to road and bike infrastructure along the avenue and safety improvements in its intersections. The parcel is within two zoning overlays: restricted parking and coastal flood resilience, and though neither apply to the project because of its scale, these provide important context for design and appropriateness of parking relief. The area of Old Colony Avenue surrounding the proposed development is a mixed-use corridor with an array of retail, restaurants, and residences of varying sizes and scales between one and six stories. The parcel is also a 10 minute walk from Moakley Park - a major green space and neighborhood asset. Immediately to the east and west sides of the parcel are 3- and 4-story residential buildings. The proposed development seeks to construct a new 4-story, 4-unit residential building with balconies, an elevator, and garage parking. This proposal will also require the demolition of the existing two and half story single family housing structure.

Zoning Analysis:

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

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

Recommendation:

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

Reviewed,

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Director of Planning, BPDA



Case	BOA1588455
ZBA Submitted Date	2024-04-08
ZBA Hearing Date	2024-06-25
Address	77 to 79 Harvard ST Dorchester 02121
Parcel ID	1402449000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	65
Project Description	New construction of a 4-story building with 13 units on currently vacant, City-owned parcels; project will include an elevator, rear parking, and balconies. This project is part of the Mayor’s Office of Housing’s “Welcome Home, Boston” program.
Relief Type	Variance
Violations	Existing Building Alignment FAR Excessive Height Excessive (ft) Height Excessive (stories) Side Yard Insufficient Rear Yard Insufficient Use: Forbidden Off-Street Loading Req Off street parking requirements

Planning Context:

The project is proposing new construction of a residential building on currently vacant, City-owned parcels. The proponent, Boston Communities, has been awarded land and funding for the City of Boston’s “Welcome Home, Boston” program. The proponent is seeking to create approximately 25 units of income-restricted, home-ownership opportunities across three parcels, one of which being 77 Harvard Street. The remaining two other properties include 84 and 94 Harvard Street. This project was previously presented at the May 21, 2024 Zoning Board of Appeals hearing and was deferred. As there have been no changes to the plans, the BPDA’s recommendation remains the same and is included below.

“Welcome Home, Boston” is a housing development initiative started by the Mayor’s Office of Housing, which aims to develop new affordable homes. The three sites previously identified (77 Harvard St., 84 Harvard St., and 94 Harvard St.), are part of Phase I of this program, which



began in 2022. Community feedback was gathered to determine requirements to help shape the RFPs which were used to select developers for each of the parcels identified in Phase I.

Following this process, there was a 14-day comment period in the fall of 2023.

The project is near Washington Street, a major mixed-use and transportation corridor, and approximately 0.3 miles to the Fairmount Line Commuter Rail's Talbot Avenue station and 0.5 miles from the Fairmount Line Commuter Rail's Four Corners/Geneva station. The project site currently consists of two vacant, City-owned parcels: 77 Harvard St. (parcel #: 1402449000) and 81 Harvard St. (parcel #: 1402450000). The proponent seeks to combine both parcels to build the new residential building.

The project site is located in a residential block of Harvard Street, near the intersection of Harvard Street, School Street, and Thane Street. The area is predominantly made up of residential buildings at 2 to 3 stories in height, with a mix of single-family (69 Harvard St., 75 Harvard St., 85 Harvard St.) and two-family buildings (91 Harvard St., 95 Harvard St.), and an apartment across the street at 70-78 Harvard Street.

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

The increased housing units proposed in this project also aligns with the City's goals to develop more housing, per Imagine Boston 2030 and Housing a Changing City: Boston 2030 (2018). Housing a Changing City: Boston 2030 highlighted "increasing access to homeownership, preventing displacement, and [to] promoting fair and equitable housing access", with a City commitment to create an additional 15,820 units of income-restricted housing from the original

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16,000 units proposed in 2014. This updated goal responds to the expected population and job growth Boston will experience by 2030, and the need to keep pace with demand for housing.

Zoning Analysis:

The project is located within a 2F-5000 subdistrict, and the project's zoning violations are largely due to the proposed density and scale, alignment with neighboring properties, and parking and loading requirements.

While properties in this subdistrict are limited to a maximum of two residential units, and the project is proposing 13 units, the project will provide several units of affordable housing that would provide valuable affordable housing that would align with the Fairmount Indigo Corridor Plan. Building prototypes in the Fairmount Indigo Planning Initiative Four Corners/Geneva Ave Station Area Plan provide an example, which this proposal follows, for the provision of income-restricted housing on City-owned land in a manner that may exceed certain dimensional zoning regulations.

In order to accommodate this need, the project requires larger dimensions than what is allowed in 2F subdistricts. The project will be 49 feet and 4 stories tall, and 1.87 FAR. Article 65 limits buildings to be no more than 35 feet and 2.5 stories in height, and 0.5 FAR in density. In terms of similarly structured neighboring buildings, this area has several buildings that already exceed the existing dimensional envelope. 70 Harvard Street and 30 Thane Street are located across from the project site. The properties have apartment buildings on them, and the buildings are three stories tall, with 30 Thane Street having an FAR of 2.36. Similarly, 53 School Street is also a three-story apartment building, and has an FAR 1.26. Given that the proposed project will be located on two combined lots, the density that is being proposed does not greatly differ from the existing neighborhood context in terms of density and scale.

Article 65 requires that buildings with 10 or more units must have 1.5 parking spaces per unit. While the proposed project has 7 parking spaces, the project site is well situated between two major T stations, thereby aligning with the goals of the Fairmount Indigo Corridor Plan to increase allowable building height, increase building massing, allow mixed-use development and potentially decrease parking requirements.

Given the density of the building and its efforts to meet some parking needs, the proposed project will build over a significant portion of the property. The proposed project will build nearly to the front of the property line, which raises a violation of Conformity with Existing Building

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Alignment with the project's neighbors. This also means that the property is not able to meet the minimum 10 feet side yard and 30 feet rear yard dimensional requirements.

Given the inclusion of a rear parking lot and driveway, the eastern portion of the project is 5 feet wide. The narrower side yard is not an uncommon feature in parts of Harvard Street. For instance, 75, 91, and 95 Harvard Street have side yards that are less than 10 feet in width.

As for the rear yard, a number of the parking spaces will be built flush to the rear property line, with an unbuilt portion of the rear yard at roughly 20 feet in depth. Parking areas in the rear and shallower rear yard depths are not an uncommon feature along Harvard Street. 85 Harvard Street, which immediately abuts the project site, has a parking space in the rear, built similarly flush to the parcel, and a rear yard depth of roughly 20 feet as well. Given the surrounding properties, these features of the project would not significantly stray from the existing context of the area.

The size of the project also triggers the need for off-street loading requirements. Article 65 requires a minimum of 1.0 off-street loading bays, and the current proposal does not make any indication for loading bays.

Lastly, the proposed project raises a use violation due to its proposal of multifamily use within a subdistrict that permits a maximum of two units. Given its proximity to major transit nodes and its ability to address the great need for affordable housing and density in the area, the project should be allowed to proceed.

The plans entitled 77-81 HARVARD ST, BOSTON MA 02124 prepared by STUDIO LUZ ARCHITECTS on MAY 7, 2024 were used in preparation of this recommendation.

Recommendation:

In reference to BOA1588455, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPD



Case	BOA1601598
ZBA Submitted Date	2024-05-13
ZBA Hearing Date	2024-06-25
Address	142 Erie ST Dorchester 02121
Parcel ID	1401832000
Zoning District & Subdistrict	Greater Mattapan Neighborhood 3F-5000
Zoning Article	60
Project Description	Construct twp three unit apartment buildings in conjunction with its neighbor, 52-54 Glenway St.
Relief Type	Variance
Violations	FAR Excessive Front Yard Insufficient Side Yard Insufficient Usable Open Space Insufficient Parking or Loading Insufficient Lot Area Insufficient Additional Lot Area Insufficient

Planning Context:

This case proposes the construction of two, three unit residential buildings on one parcel. The potential units will all be income-restricted. This Case comes in conjunction with 52-58 Glenway street, which have their own ZBA cases, BOA1601605, And BOA1601654. The following planning context is identical to the other two BOA cases.

“Welcome Home, Boston” is a housing development initiative started by the Mayor’s Office of Housing, which aims to develop new affordable homes. The site previously identified (52-58 Glenway St, 142 Erie 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 which were used to select developers for each of the parcels identified in Phase I. Following this process, there was a 14-day comment period in the fall of 2023.

This area of Dorchester is largely comprised of two- and three-unit residential buildings, with small scale retail spread throughout. The triple decker is a common built form in this area, as well as 2.5- story residences.



Zoning Analysis:

This analysis is in conjunction with 52-54 Glenway St, BOA1601654. These projects will be developed in conjunction and share a planned driveway. The proposed project has a total of 8 violations which would require a variance.

The first two dimensional violations are in relation to the side and front yard setbacks. The Zoning code calls for a 10 foot side setback and a 30 foot front setback. The proposed side setback is 6.3 feet and a front yard setback of 14.3 Feet. While these are both in violation of the code, the surrounding neighborhood points to a disconnect between the code and built form. Many of the buildings along Glenway St have little side setbacks and no front setbacks. None of the adjacent buildings meet these requirements. Requiring this setback may even contribute to a mismatch in neighborhood character. In addition, the parcel is much shallower than many of its neighbors and lacks the ability to set the buildings further back, creating a hardship for the development.

The second set of violations are in regards to the project's proposed density. These are "Two or more Dwellings on the Same Lot", "Excessive FAR", "Insufficient Lot area", and "Insufficient Additional lot area". The parcel has a unique configuration, with a wide front lot frontage, and a narrower rear. The lot width along the front lot line is approximately three times that of neighboring lots. As a result, the project proposes two triple-decker style buildings that contextually have appropriate lot frontage, but have overall lot dimensions smaller than zoning requires. These factors all highlight the idea that it is not the fit of the building that does not match the neighborhood, it is the parcellation itself. This orientation is the only way to fit 6 affordable housing units on this unique parcel.

The seventh violation is in regards to insufficient parking. The proposed project is providing 4 spaces, below the minimum required. However, the two parking spaces per building is similar to other residences along the block. Many have small one or two car driveways, and this project is delivering four. Any more parking would make this project break from the surrounding neighborhood context and create a much less green parcel. In addition, the parking will be screened by the front of the building. This disconnect points to a need for zoning reform to align parking with city transportation policy and urban design goals.



The last violation is "Insufficient Open Space". The project is providing just below the 400 square feet per unit. The unique shape of the parcel has cut down on the open space that would be available to a regularly shaped plot. The proponent has designed it in such a way that the majority of the open space is located behind the two buildings, creating a larger green space shared between the buildings. While it is below the square footage requirement, the proponent has worked to create a hospitable and usable open space with the limited area provided.

Recommendation:

In reference to BOA1601598, The Boston Planning & Development Agency recommends APPROVAL.

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	BOA1601654
ZBA Submitted Date	2024-05-13
ZBA Hearing Date	2024-06-25
Address	56 to 58 Glenway ST Dorchester 02121
Parcel ID	1401832000
Zoning District & Subdistrict	Greater Mattapan Neighborhood 3F-5000
Zoning Article	60
Project Description	Construct a three unit apartment building in conjunction with its neighbor, 52-54 Glenway St.
Relief Type	Variance
Violations	FAR Excessive Side Yard Insufficient Front Yard Insufficient Additional Lot Area Insufficient Lot Area Insufficient Parking or Loading Insufficient Usable Open Space Insufficient Two or more Dwellings on Same Lot

Planning Context:

The proponent has been awarded land and funding to forward the City of Boston’s “Welcome Home, Boston” program. This case proposes the construction of two, three unit residential units across one parcel. The potential units will all be income-restricted. This case comes in conjunction with 56-58 Glenway St, and 142 Erie St, which have their own ZBA cases, BOA1601654 and BOA1601598, respectively.

“Welcome Home, Boston” is a housing development initiative started by the Mayor’s Office of Housing, which aims to develop new affordable homes. The site previously identified (52-58 Glenway St, 142 Erie 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 which were used to select developers for each of the parcels identified in Phase I. Following this process, there was a 14-day comment period in the fall of 2023.



This area of Dorchester is largely comprised of two- and three-unit residential buildings, with small scale retail spread throughout. The triple decker is a common built form in this area, as well as 2.5- story residences.

Zoning Analysis:

This analysis is in conjunction with 52-54 Glenway St, BOA1601654. These projects will be developed in conjunction and share a planned driveway. The proposed project has a total of 8 violations which would require a variance.

The first two dimensional violations are in relation to the side and front yard setbacks. The zoning code calls for a 10 foot side setback and a 30 foot front setback. The proposed side setback is 6.3 feet and a front yard setback of 14.3 Feet. While these are both in violation of the code, the surrounding neighborhood points to a disconnect between the code and built form. Many of the buildings along Glenway St have little side setbacks and no front setbacks. None of the adjacent buildings meet these requirements. Requiring this setback may even contribute to a mismatch in neighborhood character. In addition, the parcel is much shallower than many of its neighbors and lacks the ability to set the buildings further back, creating a hardship for the development.

The second set of violations are in regards to the project's proposed density. These are "Two or more Dwellings on the Same Lot", "Excessive FAR", "Insufficient Lot area", and "Insufficient Additional lot area". The parcel has a unique configuration, with a wide front lot frontage, and a narrower rear. The lot width along the front lot line is approximately three times that of neighboring lots. As a result, the project proposes two triple-decker style buildings that contextually have appropriate lot frontage, but have overall lot dimensions smaller than zoning requires. These factors all highlight the idea that it is not the fit of the building that does not match the neighborhood, it is the parcelization itself. This orientation is the only way to fit six affordable housing units on this unique parcel.

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Recommendation:

In reference to BOA1601654, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



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ZBA Hearing Date	2024-06-25
Address	52 to 54 Glenway ST Dorchester 02121
Parcel ID	1401832000
Zoning District & Subdistrict	Greater Mattapan Neighborhood 3F-5000
Zoning Article	60
Project Description	Construct two three unit apartment buildings in conjunction with its neighbor, 56-58 Glenway St.
Relief Type	Variance
Violations	FAR Excessive Side Yard Insufficient Front Yard Insufficient Lot Area Insufficient Usable Open Space Insufficient Additional Lot Area Insufficient Parking or Loading Insufficient Two or more Dwellings on Same Lot

Planning Context:

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Zoning Analysis:

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Recommendation:

In reference to BOA1601605, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA

MEMORANDUM

OCTOBER 12, 2023

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

FROM: MICHAEL CHRISTOPHER, DIRECTOR OF DEVELOPMENT REVIEW
CASEY HINES, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW
NICK SCHMIDT, SENIOR TRANSPORTATION PLANNER III
SAM ROY, SENIOR TRANSPORTATION PLANNER II
SCOTT SLARSKY, SENIOR ARCHITECT
SAM VALENTINE, SENIOR LANDSCAPE ARCHITECT
EILEEN MICHAUD, PLANNER I
CAMILLE PLATT, PROJECT MANAGER

SUBJECT: 156 WELLINGTON HILL STREET, MATTAPAN

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority (“BRA”) d/b/a the Boston Planning & Development Agency (“BPDA”) authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 156 Wellington Hill Street (the “Proposed Project”), in accordance with Article 80E, Small Project Review of the Boston Zoning Code (the “Code”); (2) enter into an Affordable Housing Agreement in connection with the Proposed Project; (3) execute and deliver a Community Benefits Agreement; and take any other action and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The Proposed Project is located within the Greater Mattapan Neighborhood Zoning District near the intersection of Morton Street and Blue Hill Avenue. The Property consists of two (2) existing parcels under common ownership comprising a total of

approximately eight thousand one hundred sixty (8,160) square feet of land, currently improved by the former Mount Sinai Baptist Church building. This area is populated with a mixture of single, two (2), and three (3) family dwellings on Wellington Hill Street and Greendale Road and four (4) and five (5) story, multi-family apartment buildings on Wellington Hill Street. The Property is approximately one-half (0.5) mile away from the larger Olmsted Green Apartments and the recently completed homes at Harvard Commons.

DEVELOPMENT TEAM

The Development Team for the Proposed Project consists of:

Developer: Sathuan Sa, CEO/President
EJS Investments, Inc.
1266 Furnace Brook Parkway, Suite 207B
Quincy, MA 02169

Construction Management: Tyshania Dismond
TJD Construction Services, LLC
867 Boylston Street
Boston, MA 02116

Legal Counsel: Michael P. Ross, Esq.
Prince Lobel Tye LLP
One International Place, Suite 3700
Boston, MA 02110

Architect: Eric Zachrison, MBA, AIA
200 Portland Street, Suite 500
Boston, MA 02114

Landscape Architect: Michael D'Angelo, LEED, AP, BD+C
MDLA
840 Summer Street
Boston, MA 02127

PROPOSED PROJECT

The Proposed Project located at 156 Wellington Hill Street in the Mattapan neighborhood of Boston consists of approximately eight thousand one hundred sixty (8,160) square feet divided into one thousand one hundred seventy-one (1,171) square feet of retail space and twenty-seven (27) one (1), two (2), and three (3) bedroom condominium units, twelve (12) off-street parking spaces, and an enclosed bicycle storage room offering twenty-seven (27) tenant bicycle parking spaces on the ground level (the "Proposed Project").

One- and two-bedroom units are needed in this section of Boston, as illustrated in the BPDA's Housing and Household Composition Community Profile tool, 42% of households in the project area contain one or two persons; however, the project area has only 34.2% housing stock as studios, one-bedrooms, or two-bedrooms, as compared to 66.3% citywide. In other words, the project area needs additional one- and two-bedroom units. Four (4) of the units will be designated as affordable, giving the project an affordability rate of 14.8%.

The number of parking spaces approved by BPDA is a maximum number of spaces, as final decisions on parking supply are codified by the Zoning Board of Appeals ("ZBA") for Small Projects, and where applicable, the Proponent must comply with Boston's Air Pollution Control Commission's ("APCC") Parking Freeze permitting requirements. The proponent is strongly encouraged to comply with the Boston Transportation Department's ("BTD") Maximum Parking Ratio Guidelines. As proposed, the project complies with and does not exceed the BTD Maximum Parking Ratio Guidelines of a ratio of one (1) parking space per one (1) unit.

The Proposed Project will incorporate three (3) levels of the existing structure into the new four (4) to five (5) story building, which has been specifically designed to reflect the architecture of the surrounding community, particularly the larger scale multi-family structures in the vicinity. The massing of the Proposed Project blends in with that of the surrounding community as it provides a balance between the smaller two (2) and three (3) family dwellings and the larger residential buildings. The design team has intentionally activated pedestrian access along the building's periphery on both Wellington Hill Street and Greendale Road by prioritizing landscaping and moving the parking entrance to the rear of the building on Greendale Road. In addition, the Proposed Project will be removing an existing billboard location, the height of which is approximate to that of the Proposed Project.

The Proposed Project has been modified from its originally proposed plans and has gradually been reduced in size through the community process. The most recent plans reflect a more animated and cohesive façade along Greendale Road, better distinguish between the historic and new exterior features, and provide a safer pedestrian and traffic concept for the intersection of Wellington Hill Street and Greendale Road.

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

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	41,079
Gross Floor Area	32,108
<i>Residential</i>	30,900
<i>Office</i>	0
<i>Retail</i>	1,208
<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>	3,962
Development Cost Estimate	\$15,000,000
Residential Units	27
<i>Rental Units</i>	0
<i>Ownership Units</i>	27
<i>IDP/Affordable Units</i>	4
Parking spaces	12

PLANNING CONTEXT & CITY STAFF REVIEW

The Proposed Project is within the boundaries of PLAN: Mattapan (the “PLAN”), approved and adopted by the BPDA Board in May 2023. The project site is at the intersection of Morton Street, an identified PLAN corridor, and existing neighborhood residential fabric to the west, behind the proposed multifamily building. Therefore, the planning context for this proposal takes into account recommendations for both corridors and neighborhood residential areas. Corridors are envisioned for denser residential development, commercial uses, and community-centered amenities due to their rich transit resources and high degree of accessibility. Additionally, Wellington Hill Street and Greendale Road cut across primarily residential areas, envisioned in the PLAN as opportunities for contextual infill development, retention and enhancement of the tree canopy, and improved connections to open spaces and recreational paths through the PLAN’s Green Links recommendations, which aim to create safer bike and pedestrian connections to existing open spaces in Mattapan.

The massing and site plan meet the spirit of the PLAN’s recommendations for both corridors and neighborhood residential fabric. The proposed retail use and expanded sidewalk space creates a plaza-like condition facing the Morton Street intersection, which will draw in the public to activate what is currently excess road space that poses safety and accessibility challenges for pedestrians. The proposed height of five (5) stories facing Morton Street is higher than the PLAN recommends. However, the preservation and reuse of the existing, vacated Baptist church on the project site justifies additional height by advancing key PLAN goals to leverage existing structures for infill development and preserve existing built character. Importantly, the proposed project introduces new homeownership units to Mattapan, advancing a key goal of the PLAN to generate wealth-building and neighborhood stability.

ARTICLE 80 REVIEW PROCESS

On July 17, 2023, the Proponent filed a Small Project Review Application (“SPRA”) with the BPDA for the Proposed Project pursuant to Article 80E of the Code. The BPDA held a virtual public meeting for the Proposed Project on August 16, 2023, which was noticed in local papers, posted on the BPDA website, and distributed to

BPDA email lists and on social media. In addition, the Project Team met with the Wellington Hill Neighborhood Association on September 11, 2023.

ZONING

The Project Site is located within the Greater Mattapan Neighborhood Zoning District and the 3F-5000 Subdistrict, which is governed by Article 60 of the Boston Zoning Code (the “Code”). The Proposed Project is anticipated to need relief from the Zoning Board of Appeals for the following variances:

- Use (Multifamily in 3F-5000)
- Additional Lot Area for Each Additional Dwelling Unit
- Maximum Floor Area Ratio (3.78 FAR in a 0.80 FAR)
- Building Height Excessive (57’10” in a 35’; 5-stories in 3-stories)
- Minimum Front Yard Setback (Existing 0’ in a 15’)
- Minimum Side Yard Setback (Existing 0’ in a 10’)
- Minimum Open Space (119 SF/unit in a 400 SF/unit)
- Minimum Off-Street Parking (12 spaces in a 1/1 unit)
- Minimum Off-Street Loading (0 in a 1)

INCLUSIONARY DEVELOPMENT COMMITMENT

The Proposed Project is subject to the Inclusionary Development Policy dated December 10, 2015 (“IDP”), and is located within Zone C, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP Units. Here the Proposed Project will provide four (4) units as IDP Units. Two (2) IDP Units will be made affordable to households earning not more than 80% of the Area Median Income (“AMI”), as published by the BPDA and based upon data from the United States Department of Housing and Urban Development (“HUD”), and two (2) IDP Units will be made affordable to households earning not more than 100% of AMI.

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

Unit Number	Bedroom Size	Square Footage	Percentage of Area	Sale Price	Group 2/ADA Accessibility
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			Median Income		Designation (if any)
1	2 BR	989	80%	\$258,500	Yes
5	1 BR	621	80%	\$219,500	
13	3 BR	1144	100%	\$378,000	
17	1 BR	732	100%	\$287,400	

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

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

- (1) Boston resident; and
- (2) Household size (a minimum of one (1) person per bedroom); and
- (3) Where a unit is built out for a specific disability (e.g., mobility or sensory), a preference will also be available to households with a person whose need matches the build out of the unit. The City of Boston Disabilities Commission may assist the BPDA in determining eligibility for such a preference.

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

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

COMMUNITY BENEFITS AND MITIGATION

- In the spirit of Boston Complete Streets and Safety Surge, the Proponent will design and implement modifications to the intersection of Greendale Road and Wellington Hill Street. The goals of the intersection modifications are to expand the sidewalk space and create shorter, more visible crossings across Greendale Road and Wellington Hill Street. The curb improvements will expand the pinnacle of sidewalk space on their project site to “T” off the intersection and clarify the vehicular movements through this intersection. This will create slower turning movements. This will also create a plaza-like outdoor space to be collocated with the proposed retail space. Striped improvements will be explored on Greendale and Wellington Hill at the intersection of Morton Street to enhance the curbed improvements. The improvements will right-size Wellington Hill and Greendale and install street trees where possible. This mitigation measure is subject to BPDA, BTM, PWD, and other city or state agency review as needed. PIC approvals for proposed improvements shall be completed before building permit issuance for the Proposed Project. The physical mitigation improvements must be completed upon Certificate of Occupancy. This mitigation measure is subject to design review and BPDA discretion. The estimated value of this mitigation is \$250,000. In the event that circumstances change regarding this mitigation, the BPDA and the City will work with the Proponent to identify an alternative solution with comparable impact and estimated value. The proponent should expect to enter into a maintenance agreement with the PIC.
- In compliance with Complete Streets, the Proponent will make much-needed sidewalk and streetscape improvements to Wellington Hill Street and Greendale Road within the bounds of their property within the public way. Greendale Road will maintain a minimum of approximately 5.6 feet on the existing sidewalk. Wellington Hill Street will maintain a minimum of approximately 6.7 feet on its existing sidewalk, wherein all sidewalks will maintain at least five (5) feet clear accessible paths of travel absent vertical elements. The newly installed sidewalks, to be installed at the intersection of Greendale and Wellington Hill, shall feature sidewalk widths of

approximately 7 feet 5 inches and 8 feet six inches, respectively, and wider. All sidewalk improvements are subject to design review.

- The Proponent will provide \$7,859.00 to BTD to be contributed upon issuance of a building permit for the Proposed Project to support the bikeshare system.
- The Proponent will install at least five (5) street trees in and around the Project Site as part of the site plan improvements and mitigation associated with the Proposed Project. The installation of the proposed street trees, in coordination with PIC and/or Parks Department, must be completed before Certificate of Occupancy issuance for the Proposed Project.
- The Proponent will explore the feasibility of raised crosswalks on Greendale Road and Wellington Hill Street subject to BTD approval and proportional to the project's mitigation commitment, not to exceed \$250,000.
- The Proponent will install a green roof on the Proposed Project.
- The Proponent will install cameras at the Proposed Project and will provide access to those cameras to the Boston Police Department.
- The Proponent will provide private trash and recycling pick-up for the Proposed Project.

RECOMMENDATIONS

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, BPDA staff recommends that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project located at 156 Wellington Hill Street in Mattapan; (2) enter into an Affordable Rental Housing Agreement and Restriction; and (3) execute and deliver a Community Benefits Agreement; and take any other action and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

Appropriate votes follow:

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6, Small Project Review of the Boston Zoning Code (the "Code"), approving the Proposed Project consisting of a new multifamily residential development on an eight thousand one hundred sixty (8,160) square foot site, inclusive of one thousand one hundred seventy-one (1,171) square feet of retail space, twenty-seven (27) one (1), two (2), and three (3) bedroom condominium units, twelve (12) off-street parking spaces, and an enclosed bicycle storage room offering twenty-seven (27) tenant bicycle parking spaces on the ground level (the "Proposed Project"), in accordance with the requirements of Small Project Review, Article 80E, of the Code, subject to continuing design review by the Boston Redevelopment Authority; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute an Affordable Housing Agreement ("AHA") for the creation of four (4) on-site IDP Units, and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project; and

FURTHER

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

156 Wellington Hill Street



1:400



156 Wellington Hill Street



1:400



MEMORANDUM

DECEMBER 14, 2023

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

FROM: CASEY HINES, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW
SCOTT GREENHALGH, PROJECT MANAGER
MATTHEW MARTIN, URBAN DESIGNER II
JOSEPH BLANKENSHIP, SENIOR TRANSPORTATION PLANNER II
EILEEN MICHAUD, PLANNER I

SUBJECT: 1420 DORCHESTER AVENUE, DORCHESTER

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 1420 Dorchester Avenue in Dorchester (as defined below, the "Proposed Project"), in accordance with Article 80E, Small Project Review of the Boston Zoning Code (the "Code"); and (2) execute and deliver an Affordable 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 19,627 square foot parcel of land at 1420 Dorchester Avenue in the Fields Corner section of the Dorchester neighborhood of Boston (the "Project Site"). The Project Site is currently occupied by a single-story commercial building with surface parking and is located .3 miles away from the MBTA's Red Line Subway service at Fields Corner Station.

DEVELOPMENT TEAM

The development team includes:

Proponent: City North Development, LLC
David Gordon

Architect: RODE Architects Inc.
Eric Robinson, Michael Dellefave, Nick Ruggeri

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

Surveying: Boston Survey, Inc.
George Collins

PROPOSED PROJECT

City North Development, LLC (the “Proponent”) seeks to demolish the existing structure occupying the Project Site and construct a five (5) story, 59 foot maximum height, approximately 63,727 gross square foot building with an approximate gross floor area of 42,923, that will include forty-six (46) residential rental units, including seven (7) IDP units, and up to thirty-three (33) off-street vehicle parking spaces located in a below-grade garage (the “Proposed Project”). Of the forty-six (46) residential rental units, twenty-six (26) units will be one-bedroom units, and twenty (20) units will be two-bedroom units. The Proposed Project also will include an interior bicycle storage room with space for fifty-five (55) bicycles for residents and nine (9) exterior bicycle storage spaces.

The Proposed Project includes the demolition of the existing single-story commercial building currently located at the site.

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

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	63,727

Gross Floor Area		42,923
	<i>Residential</i>	40,155
	<i>Office</i>	0
	<i>Retail</i>	2,768
	<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>	14,121
Development Cost Estimate		\$20,000,000
Residential Units		46
	<i>Rental Units</i>	46
	<i>Ownership Units</i>	0
	<i>IDP/Affordable Units</i>	7
Parking spaces		33

PLANNING CONTEXT

The proposed project at 1420 Dorchester Avenue is located within a Neighborhood Shopping (NS) subdistrict in Article 65, the Dorchester Neighborhood District. The dimensional requirements in NS subdistricts allow moderate heights up to 40 feet and a tightly knit built fabric with limited setback requirements. While the proposed project is taller and more dense than zoning requirements, it provides more significant setbacks and usable open space than required to mitigate the density. While the project site is located within the boundaries of PLAN: Glover’s Corner, released as a draft in November 2019, the Plan is not used as adopted City planning guidance. However, many recommendations from the Plan align with current adopted Citywide plans and planning initiatives. These include housing siting goals of Squares and Streets initiative, launched in Fall 2023, which encourages denser

housing and retail within existing mixed-use contexts which are close to rapid transit. The proposed project's location on a segment of Dorchester Avenue with many existing retail and customer services, less than .5 miles from the Fields Corner Red Line station, make this an ideal location for transit-oriented residential mixed-use development.

Along Dorchester Avenue, a ground floor commercial use and a public arts display serve to activate the street, which is improved to meet Complete Streets standards while preserving mature existing street trees. While the proposed building height is taller than existing zoning, the need to create housing in walkable, transit-oriented locations justifies this violation. The height respects the scale of the abutting neighborhood, with the incorporation of top floor stepbacks to push the upper levels toward Dorchester Ave. The proposed project further mitigates the proposed density with a minimum 10' front yard setback, creating a more functional public realm for gathering and circulation.

ARTICLE 80 REVIEW PROCESS

On May 1, 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 May 25, 2023, via Zoom. The meeting was advertised in the local newspapers, posted on the BPDA website and a notification was emailed to all subscribers of the BPDA's Dorchester neighborhood update list. The public comment period ended on May 31, 2023.

ZONING

The Project Site is in the Dorchester Neighborhood District governed by Article 65 of the Code and more specifically within a Neighborhood Shopping (NS) Subdistrict. The Proposed Project is located entirely within the area of PLAN: Glover's Corner, and further within Zone 3 of the PLAN. The Proponent expects that zoning variances will be needed for the following: floor area ratio, building height, and insufficient off-street parking and loading. A conditional use permit also will be needed for the ground-floor residential units.

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 Proposed Project will enhance the streetscapes by constructing modern sidewalks as well as upgrading the public realm in and around the Project Site. Public realm improvements will include new pedestrian lighting and landscaping;
- The Proponent shall improve the abutting sidewalk dimensions on Dorchester Avenue and will incorporate an area in the front of the building as the location of a future public art installation. The Proponent will work with the Mayor’s Office of Arts and Culture (MOAC) on any future public art installation proposed on the project site;
- Before issuance of the Certificate of Approval, the Proponent shall make a thirteen thousand six hundred fifty dollar (\$13,650.00) contribution to the Boston Transportation Department to support the bike share system. The Proponent also will contribute space within the Project Site near the public right-of-way for a future 15-dock BlueBikes station;
- The Proponent shall install electric vehicle charging infrastructure at a rate of 25% of the parking spaces in the Proposed Project, or eight (8) charging stations, and the remaining twenty-five (25) parking spaces will be EV Ready for future installation;
- In support of the City’s green building and carbon neutral goals, the Proposed Project will be designed to meet LEED Gold standards;
- The Proponent shall make a twenty-three thousand dollar (\$23,000.00) contribution to City’s Fund for Parks:

Recipient: City’s Fund for Parks
Boston Parks and Recreation Department
1010 Massachusetts Avenue, 3rd Floor
Boston, MA 02118

Use: The contribution will be used to fund efforts to maintain green space at Ronan Park located near the Proposed Project in Dorchester.

Amount: \$23,000.00
 Timeline: The \$23,000.00 contribution is due before issuance of the Certificate of Approval.

- The Proposed Project will create approximately fifty (50) temporary construction related jobs; and
- Additional property tax revenue for the City.

The community benefits described above will be set forth in the Community Benefit Contribution Agreement for the Proposed Project. The community 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 C, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. In this case, seven (7) units, or approximately 15% of the total number of units within the Proposed Project, will be created as IDP rental units (the “IDP Units”). Each of the seven (7) 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)
107	One-bedroom	750	70% AMI	\$1559	

204	Two-bedroom	1060	70% AMI	\$1766	
210	One-bedroom	776	70% AMI	\$1559	Group-2
306	One-bedroom	713	70% AMI	\$1559	
312	Two-bedroom	1282	70% AMI	\$1766	
408	One-bedroom	700	70% AMI	\$1559	
502	Two-bedroom	970	70% AMI	\$1766	

The location of the IDP Units will be finalized in conjunction with BPDA staff and outlined in the Affordable Rental Housing Agreement and Restriction (“ARHAR”), 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 1420 Dorchester Avenue in the Dorchester neighborhood, proposed by City North Development, LLC (the “Proponent”), for the construction of a five (5) story, 59 foot maximum height, approximately 63,727 gross square foot building with an approximate gross floor area of 42,923, that will include forty-six (46) residential rental units, including seven (7) IDP units, and up to thirty-three (33) 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 seven (7) 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.

1420 Dorchester Avenue



1:500



1420 Dorchester Avenue



1:500





FRANK BAKER
BOSTON CITY COUNCILOR
DISTRICT 3

December 5, 2023

Mr. Arthur Jemison
Boston Planning and Development Agency
One City Hall Plaza, 9th Floor
Boston, MA 02201

Dear Chief Jemison,

As the Boston City Councilor for District Three, I am pleased to support the proposed project located at 1420 Dorchester Avenue.

The Gordon Family who has owned the site since 1978 and developing the current site would be a great addition to the neighborhood. The redevelopment of this site will transform an underutilized, high potential site into much needed housing in the Fields Corner neighborhood.

Please reach out to me directly should you have any questions or concerns.

Sincerely,

Frank Baker
Boston City Councilor, District 3



To: Scott Greenhalgh
Project Manager
Boston Planning and Development Agency

Re: 1420 Dorchester Avenue

Date: May 31, 2023

Dear Mr. Greenhalgh,

The City of Boston's Age Strong Commission is submitting the following comments on the SPRA for the 1420 Dorchester Avenue project proposed by City North Development. Age Strong supports the development of residential units at this underutilized, transit-oriented site. We appreciate the public and private open spaces for residents and community members to connect and the pedestrian improvements. We request the proponent consider the following recommendations as the design progresses.

A. Glass Door

Glass facades can be disorienting for people living with vision or cognitive impairment. Place contrasting glass manifestations such as a logo or pattern at eye level (both from seated and standing heights) to demarcate the facade from an open space. In the case of your three-panel entrances, ensure the actual door is visually distinct from the peripheral panels.

B. Inclusive Residential Design

Employ [universal design](#) standards in the units and common spaces. Universal design makes the building accessible for all residents, caregivers, and visitors. It often proves more affordable than retrofitting in future years. Designing for all types of users will support residents to age in place.

a. Club Room

Please elaborate on the design and amenities for the club room. Ensure the space is welcoming and inclusive to older adults using the universal design checklist.

C. Open Space

The open spaces in the plaza and rear yard have the potential to support community connection and physical and mental health. We encourage thoughtful consideration of elements that invite older adults into the space.

a. Weather

Design for year-round usage by planning for various types of weather. For example, the installation of shade coverage and electrical hookups for heating elements to maintain use in both hot and cold weather.

b. Seating

Places to rest allow older adults to enjoy the outdoor space. Incorporate age-friendly seating along pedestrian paths, corridors, and open spaces. Age-friendly seating includes armrests for ease of access and vertical backrests for support. When citing benches, place them under an overhang, awning, or tree to provide shade. Consider a variety of moveable furniture for flexible seating arrangements.

c. Trees

Trees are essential for physical and mental health. Older adults are more vulnerable to the adverse effects of high heat. We would like to see details about the design of new tree pits, which should maintain accessibility while preserving the health of the tree. Provide maintenance plans for plantings to ensure the health of the trees and the surrounding area is safe and accessible.

D. Pick Up/Drop Off

Many older adults need rides because of mobility challenges. Locate the passenger pickup/dropoff site close to building entrances. This increases safety and minimizes potential conflict with other transportation modes. If passengers will need to cross a bike lane to enter/exit the vehicle, provide a buffer (painted or island) with enough space to check for oncoming bikes before crossing and to load/unload mobility aids.

E. Wayfinding and Dementia Friendly Features

We recommend wayfinding signs that include both words and universal icons. The placement of signs should be eye-level, in clear contrast to the white or light background on a matte surface, which is resistant to glare. Include signs for exits and entrances, restrooms, and other public spaces. Install visual landmarks at important intersections and complex junctions. Ensure these areas are well-lit. Avoid using black designs on concrete as black paint on the ground can create an illusion of a black hole for someone living with dementia or cognitive impairment.

F. Parking Entrance/Exit

Design clear lines of sight for safe entrance and exit of the parking garage. We recommend yellow detectable warning strips and the installation of audio warning cues in front of parking entrances for the safety of low-vision pedestrians. The design should prioritize the responsibility of drivers to check for pedestrians.

AGE+



City of Boston
Age Strong Commission

Thank you for your consideration of these comments and recommendations.

Best,

Andrea Burns, Age-Friendly Boston
The Age Strong Commission

MEMORANDUM

November 16, 2023

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

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

SUBJECT: 88 Geneva Avenue, Dorchester

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority (“BRA”) d/b/a Boston Planning & Development Agency (“BPDA”) authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 88 Geneva Avenue in Dorchester (the “Proposed Project”, defined below), in accordance with Article 80E, Small Project Review, of the Boston Zoning Code (the “Code”); and (2) take any other actions and execute any other agreements and documents, including but not limited to an Affordable Housing Agreement (“AHA”) and Community Benefit Contribution Agreement, that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The Proposed Project is located within the Roxbury Neighborhood Zoning District along an evolving section of Geneva Avenue and in proximity of Grove Hall’s Mecca. The Property consists of (2) existing parcels under common ownership comprising a total of approximately 20,245 square feet of vacant land: Parcel ID 1400661000, which faces Geneva Avenue and Parcel ID 1400660000, which faces Oldfields Road. The front of the project will be on Geneva Avenue. This area is populated with a mixture of recently constructed multi-family dwellings on Oldfields Road, older three (3) family dwellings, underutilized and/or vacant lots, and commercial uses along Geneva Avenue. Bishop Joe L. Smith Way, which runs perpendicular to the Property, consists of multiple four (4) story multi-family structures. Two larger structures, the

Jeremiah E. Burke High School and the Grove Hall Community Center sit directly across the street from the Proposed Project.

DEVELOPMENT TEAM

The Project Team consists of the following entities:

Proponent:

Sathuan Sa, CEO/President
EJS Investments, Inc.

Legal Counsel:

Michael P. Ross, Esq.
Prince Lobel Tye LLP

Architect:

Eric Zachrison, MBA, AIA

General Contractor

Tyshania Dismond
TJD Construction Services, LLC

DESCRIPTION AND PROGRAM

The Proposed Project consists of approximately thirty-seven thousand, two hundred and eight (37,208) square feet of livable area divided into twelve (12) one-bedroom/one-bathroom units, four (4) two-bedroom/one-bathroom units, twelve (12) two-bedroom/two-bathroom units, and eight (8) three-bedroom/two-bathroom units. One and two-bedroom units are needed in this section of Boston, as illustrated in the City of Boston Planning and Development Agency's Housing and Household Composition Community Profile tool, 52.1% of households in the project area contain

one or two persons; however, the project area has only 48.9% housing stock as studios, one-bedrooms, or two- bedrooms, as compared to 66.3% citywide. The project area needs additional one and two-bedroom units. However, the project also contains twelve (12) three-bedroom family-sized units. Six (6) of the units will be designated as affordable, giving the project an affordability rate of sixteen-point-seven percent (16.7%). Additionally, there will be a maximum of twenty-four (24) parking spaces, and a minimum of thirty-seven (37) long-term covered and secure bike parking spaces as well as nine (9) exterior visitor post-and-ring bike parking spaces. The ground floor level will offer residents amenities such as an enclosed bicycle parking area, gym, and community room. In addition, a publicly accessible café will also be sited on the ground floor level.

The Proposed Project has been specifically designed to reflect the architecture of the surrounding community, particularly the larger scale multi-family structures and institutional buildings in the vicinity. The massing of the Proposed Project blends in with that of the surrounding community as it provides a balance between the smaller three-family and multi-family residential buildings and the larger school, community center, and library. The design team has intentionally activated the pedestrian walkway along the building’s periphery on Geneva Avenue and Oldfields Road by prioritizing landscaping and green space and moving the parking entrance to the rear of the building on Oldfields Road. Furthermore, a path along the paper street, Wilder Street, will be developed to provide pedestrian access between Oldfields Road and Geneva Avenue.

The Proposed Project has been modified from its originally proposed plans and has gradually been enhanced through the community process.

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

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	57,042
Gross Floor Area	37,208
<i>Residential</i>	36,739
<i>Office</i>	0
<i>Retail</i>	469

<i>Lab</i>	0
<i>Medical Clinical</i>	0
<i>Education</i>	0
<i>Hotel</i>	0
<i>Industrial</i>	0
<i>Recreational</i>	0
<i>Cultural</i>	0
<i>Parking</i>	7,122
Development Cost Estimate	\$15,000,000
Residential Units	36
<i>Rental Units</i>	0
<i>Ownership Units</i>	36
<i>IDP/Affordable Units</i>	6
Parking spaces	24

ARTICLE 80 REVIEW PROCESS

The Proponent held its initial Boston Planning and Development Agency (the “BPDA”) prefile meeting regarding this project on October 26, 2022, and previously had community engagement with various entities and individuals within the community. The Proponent took the BPDA’s recommendations into consideration and incorporated them into the design and presented the same at its second BPDA prefile meeting on January 23, 2023; subsequent changes were made to the project’s plans and were presented at the third BPDA prefile meeting on February 23, 2023. Additionally, the Proponent met with City Councilor Brian Worrell throughout the process. A public meeting was held on August 1, 2023.

PLANNING CONTEXT AND CITY STAFF REVIEW

The Proposed Project at 88 Geneva Avenue is located in Article 50, the Roxbury Neighborhood District, within a 3F-4000 residential (3F-4000) subdistrict. Oldfields Road, which runs to the northeast of the project site, is a primarily residential fabric

with 3- to 3.5-story single-family and subdivided residential buildings. The proposed 5-story multifamily structure at 88 Geneva Avenue is taller and denser than required by zoning, but supports the goal of Squares and Streets to create denser residential uses in proximity to transit and existing neighborhood services. The southwestern side of the project frontage is on Geneva Avenue, where the Grove Hall branch of the Boston Public Library, Jeremiah E. Burke High School, and the Grove Hall Community Center are located. Geneva Avenue serves an east-west connection to Columbia Road and Blue Hill Avenue, corridors that serve key local bus routes and have many essential neighborhood retail amenities. The project site is located two blocks from the Four Corners/Geneva stop on the Fairmount Indigo Commuter line.

On-site open space improvements and the creation of new neighborhood connections mitigate the proposed density and tree canopy loss at this site. The Proposed Project will create a pedestrian path and improved landscaping through the site along an existing private paper street, Wilder Street. The Proponent will make best efforts to open Wilder Street to public travel to facilitate an alternative connection for existing residential fabric to the neighborhood retail and services along surrounding corridors. A pedestrian connection will be formalized to link two dead-ends of Oldfields Road to enhance neighborhood connectivity. The addition of 3-bedroom units during the project review process and a 16.7% IDP contribution supports community interests in creating larger residential units and mitigating displacement in line with Housing Boston 2030 goals.

ZONING

The Project Site is located within the Roxbury Neighborhood Zoning District, and the 3F-4000 Subdistrict, and borders the MFR Subdistrict.

The anticipated zoning relief needed on this project is as follows:

Use: Multifamily and Café in a 3F-4000
Additional Lot Area
FAR (2.39 in a 0.8)

Maximum Building Height (55 ft in a 35 ft)
Usable Open Space (281/unit in a 650/unit)
Minimum Side Yard (5'7" in a 10)
Minimum Number of Parking Spaces (24 in a 42)
Off Street Loading

MITIGATION & COMMUNITY BENEFITS

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

- The Proposed Project will further contribute to the ongoing revitalization of Geneva Avenue by creating thirty-six (36) condominium units for homeownership. In keeping with the mayor's initiative to bring additional market rate housing to the city, the Applicant has designated six (6) of the units as affordable, giving the project an affordability rate of sixteen-point-seven percent (16.7%). The Proposed Project will increase the number of residential units available in the city, and in part offer relief from the affordable housing crisis currently challenging the City of Boston, in a manner that is consistent and complementary to the surrounding neighborhood. Additionally, the Proposed Project will create upwards of an estimated one-hundred (100) construction jobs and result in approximately ten (10) full-time jobs.
- The Proposed Project will contribute One Hundred Thousand Dollars (\$100,000) to be paid to the BPDA upon issuance of Certificate of Occupancy to be managed by the BPDA through a community benefits application process for programming, internships, educational opportunities, and activities for area residents, inclusive of youth and elders, to be administered by non-profit organizations and institutions that serve the Grove Hall Community.
- Further, the Proponent has agreed to cooperate in conjunction with all applicable City of Boston agencies and advice from the Boston Housing Authority to review the feasibility and determine next steps to give preference in the sale six (6) market-rate units for purchase to voucher buyers. The Proponent shall enter into a marketing plan with the City of Boston to advertise the homebuyer selection preference for prospective homebuyer households with housing vouchers, and such marketing plan may include

specific provisions such as allowing for an offer period of no less than 90 days for a voucher buyer in order to secure the necessary commitments for financing of the unit and shall further agree to extend the period by another 30-days in the event it is commercially likely that the closing will occur. The Proponent has further agreed to review feasibility and next steps in conjunction with BPDA, and any or all other applicable City agencies and to extend this initiative to its previously approved project at 156 Wellington Hill Street in Mattapan, wherein there were five (5) IDP units and five (5) market-rate units for the program.

- A commitment of \$10,074.00 to the Boston Transportation Department (“BTD”) to be contributed upon issuance of a Certificate of Occupancy for the Proposed Project to support the bikeshare system.
- In compliance with Complete Streets, the Proponent will setback their building to create a wider sidewalk on Geneva Avenue within the bounds of their property within the public way. Geneva Avenue will have a minimum of twelve (12) foot sidewalks, inclusive of an approximately three (3) foot furnishing zone. All sidewalks will maintain at least eight (8) feet clear accessible paths of travel absent vertical elements made of concrete monolithic sidewalk space. All sidewalk setbacks are subject to design review and will require approval for a Pedestrian Easement with the Public Improvement Commission (PIC). The Pedestrian Easement will run from their westernmost property line to the centerline of Wilder Street.
- In compliance with Complete Streets, the Proponent will setback their building to create a wider sidewalk on Oldfields Road within the bounds of their property within the public way. Oldfields Road will have a minimum of ten (10) foot sidewalk, inclusive of a three (3) foot furnishing zone. All sidewalks will maintain at least six (6) feet clear accessible paths of travel absent vertical elements made of concrete monolithic sidewalk space. All sidewalk setbacks are subject to design review and will require approval for a Pedestrian Easement with the Public Improvement Commission (PIC).
- The Proponent will minimize the negative impacts of parking by locating the parking access off of Oldfields Road, allowing for an active street wall on Geneva Avenue. The curb cut will be no more than ten (10) feet in order to maximize pedestrian safety and minimize disruption of pedestrian experience

on the accessible sidewalk. Access design and circulation are subject to Design Review. All driveway curb cuts must maintain flush sidewalks with monolithic concrete. All curb cuts will seek a curb cut permit from the PWD and/or PIC process.

- The Proponent has committed to installing at least five (5) new street trees in and around the Project Site as part of the site plan improvements and mitigation associated with the Proposed Project. The installation of the proposed street trees, in coordination with the Public Improvement Commission and/or Parks Department, shall be completed before Certificate of Occupancy issuance for the Proposed Project.
- Northeast of the proposed project are two dead end segments of Oldfields Road. The aforementioned Oldfields Road dead ends between Normandy and Columbia Road are connected via an unconstructed segment of street that is owned by the City of Boston and is a public right of way. The Proponent will create a pedestrian connection on the two disconnected sections of Oldfields Road. As currently contemplated, this connection will occur on the north side of Oldfields Road and be approximately eight (8) feet in width and approximately fifty (50) feet in length. The Proponent will seek Public Improvement Commission approval including but not limited to a Specific Repairs Agreement for the approval for the creation of this sidewalk. The Proponent will coordinate with Public Works Department Street Lighting to potentially install appropriate lighting to meet City standard lighting requirements, however the Proponent shall not be responsible for the lighting costs. The proponent will be responsible for laying conduit that connects to existing infrastructure and providing footings for future street light installation to ensure that sidewalks do not need to be reconstructed for the City to install street lights as needed.
- There is an unconstructed segment of street called Wilder Street that is forty (40) feet in width and runs on the entirety of the eastern portion of the site. Wilder Street is approximately one hundred ninety (190) feet in length. Wilder Street is presently a private right of way not designated as open to public travel. Wilder Street is not designated as open to public travel from between 74 and 94 Geneva Avenue to 34 Oldfields Road. The Proponent has indicated that they own, to the best of their knowledge, to the centerline of Wilder Street, or twenty (20) feet off of their easternmost property line for the length of

Wilder Street. The Proponent has agreed to create a public and accessible eight (8) foot wide connection inclusive of five (5) feet clear to city standard on Wilder Street beginning at Geneva Avenue to Oldfields Road. The Proponent will make earnest best effort in opening Wilder Street for public pedestrian travel with the Public Improvement Commission (PIC) for this connection. If unsuccessful in formally opening the street to public travel with the PIC, the Proponent will maintain unencumbered access to this pedestrian connection. The Proponent will install appropriate lighting to meet City standard lighting requirements.

- These proposed improvements shall be completed before Certificate of Occupancy (COO) for the Proposed Project and are subject to design review and approval by the Boston Transportation Department (BTD), Public Works Department (PWD), Public Improvement Commission (PIC), and the BPDA.

INCLUSIONARY DEVELOPMENT COMMITMENT

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (“IDP”), and is located within Zone C, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. In this case, the developer has agreed to make approximately 17% of the units at the Project Site comply with IDP. Therefore, six (6) units within the Proposed Project will be created as IDP condominium units (the “IDP Units”). Three (3) units will be restricted to households earning not more than 80% Area Median Income (“AMI”), based on data from the United States Department of Housing and Urban Development “HUD” and published by the BPDA, and the remaining three (3) units will be restricted to households earning not more than 100% AMI, but not less than 80% AMI.

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

Unit Number	Bedroom Size	Square Footage	Percentage of Area Income	Sales Price	Group 2/ADA Accessibility

202	Three-bedroom	1136	100%	\$378,000	
209	One-bedroom	851	100%	\$287,400	
301	Two-bedroom	845	80%	\$258,500	
307	One-bedroom	1136	80%	\$219,500	
404	Two-bedroom	1293	100%	\$334,700	
505	One-bedroom	1252	80%	\$219,500	Group-2

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

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

Preference will be given to applicants who meet the following criteria, weighted in the order below:

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

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

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

The Proponent has agreed to cooperate in conjunction with all applicable City of Boston agencies and advice from the Boston Housing Authority to review the feasibility and determine next steps to give preference for six (6) market-rate units for purchase to voucher buyers. The Proponent shall enter into a marketing plan with the City of Boston to advertise the homebuyer selection preference for prospective homebuyer households with housing vouchers, and such marketing plan may include specific provisions such as allowing for an offer period of no less than 90 days for a voucher buyer in order to secure the necessary commitments for financing of the unit and shall further agree to extend the period by another 30-days in the event it is commercially likely that the closing will occur. The location of the market-rate units with a housing voucher buyer preference will be finalized in conjunction with Mayor's Office of Housing ("MOH") staff.

RECOMMENDATIONS

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, BPDA staff recommend that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project,

located at 88 Geneva Avenue in Dorchester (the "Proposed Project"), in accordance with Article 80E, Small Project Review, of the Boston Zoning Code (the "Code"); and (2) take any other actions and execute any other agreements and documents, including but not limited to, an Affordable Housing Agreement ("AHA") and Community Benefit Contribution Agreement, that the Director deems appropriate and necessary in connection with the Proposed Project.

Appropriate votes follow:

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6 of the Boston Zoning Code (the "Code"), approving the development consisting of a five (5) story, residential home-ownership building with thirty seven thousand and two hundred and eight (37,208) of net living area, including thirty six (36) home-ownership units, with twenty four (24) onsite parking spaces with residential amenities and related improvements to site, a public restaurant/café, landscaping and pedestrian and vehicular access and approximately forty two (42) bike parking spaces, located at 88 Geneva Avenue in Dorchester (the "Proposed Project") in accordance with the requirements of Small Project Review, Article 80E of the Code, subject to continuing design review by the Boston Redevelopment Authority ("BRA"); and

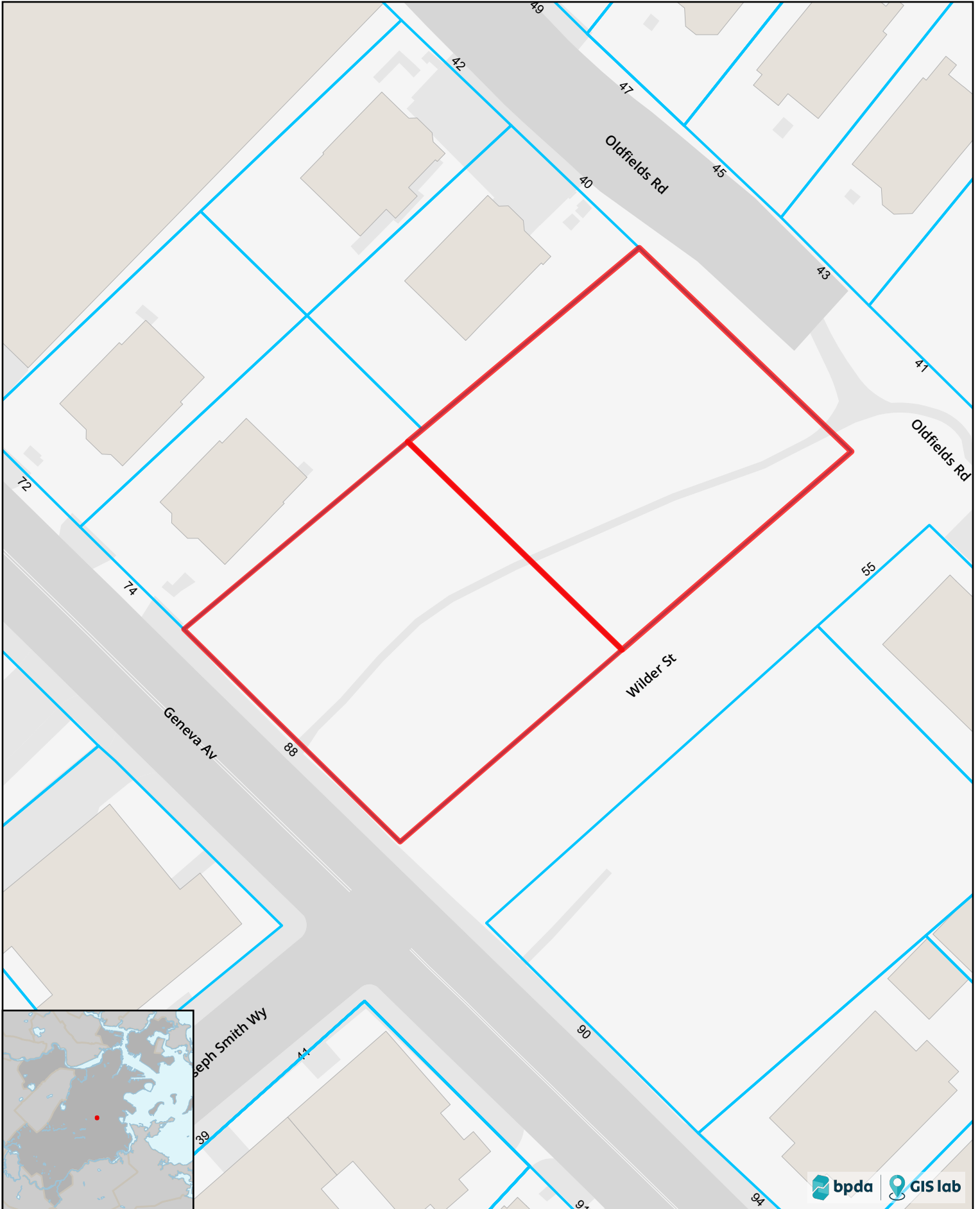
FURTHER

VOTED: That the Director be, and hereby is, authorized to execute any other agreements and documents, including but not limited to an Affordable Housing Agreement and Community Benefit Contribution Agreement, that the Director deems appropriate and necessary in connection with the Updated Project.

88 Geneva Avenue



1:500



88 Geneva Avenue



1:500

