



Planning Department

MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: July 29, 2024

RE: Planning Department Recommendations

Please find attached, for your information, Planning Department recommendations for the July 30, 2024 Board of Appeal's Hearing.

Also included are the Board Memos for: 9 Geneva ST East Boston 02128 and 26 Notre Dame ST Roxbury 02119.

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



Planning Department

Case	BOA1520229
ZBA Submitted Date	2023-08-28
ZBA Hearing Date	2024-07-30
Address	208 Beacon ST Boston 02116
Parcel ID	0502614000
Zoning District & Subdistrict	Boston Proper H-3-65
Zoning Article	32
Project Description	The project intends to install a hot tub and deck connected to an existing detached garage in the rear yard. The project requires GCOD approval.
Relief Type	Conditional Use
Violations	GCOD Applicability

Planning Context:

The project fronts Beacon Street, a residential block characterized by row houses of approximately 5-stories in height. Many houses on this block include off-site parking in the rear of their building.

The project intends to install a hot tub and deck connected to an existing detached garage in the rear yard. The rear yard currently consists of a courtyard with a covered walkway to the west, which connects to a one-story garage to the south. The proponent seeks to develop a deck that will extend from the top of the existing garage. The hot tub will be located in the center of the deck. Decks above garages are a common feature for houses on this block, with many of the neighboring properties having these features, including 198 Beacon Street, 196 Beacon Street, and 194 Beacon Street.

Zoning Analysis:

The project is located in a Groundwater Conservation Overlay District (GCOD) and requires a conditional use permit. The purpose of the GCOD is to protect wood pile foundations of buildings from being damaged by lowered groundwater levels. Projects that fall within GCOD and intend any paving or other surface of the lot area will require approval for GCOD.

BOA1520229

2024-07-30

1 Planning Department



Planning Department

Based on the project's consulting civil engineer's No Harm Letter, the existing impervious coverage on the site is approximately 1,845 square feet. The proposed project seeks to add a 74-square foot concrete slab for a spa in the middle of the deck, adding to the existing impervious coverage on the site, for a total of 1,920 square feet of impervious surfaces.

Article 32 requires that an applicant seeking to erect or extend a structure that is larger than 50 square feet require a conditional use permit.

Given that the scope of the project does not make significant changes to the existing building and does not raise any other zoning violations, the project should be allowed to proceed.

The plans entitled BREEZEWAY prepared by CATALANO ARCHITECTS on DECEMBER 13, 2022 were used in preparation of this recommendation.

Recommendation:

In reference to BOA1520229, The Planning Department 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,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1563973
ZBA Submitted Date	2024-01-19
ZBA Hearing Date	2024-07-30
Address	581 Boylston ST Boston 02116
Parcel ID	0501306000
Zoning District & Subdistrict	Boston Proper B-6-90a
Zoning Article	32
Project Description	The project includes exterior and interior renovations of an existing commercial building. The project requires GCOD approval.
Relief Type	Conditional Use
Violations	GCOD Applicability

Planning Context:

The project intends to renovate an existing commercial building, including interior and exterior renovations.

The project fronts Boylston Street, a major commercial corridor in the area. The existing property is a roughly 6-story commercial building with office space on the upper levels and retail on the ground floor.

Zoning Analysis:

The project is located in the Groundwater Conservation Overlay District (GCOD). This is the sole violation that was raised for the proposed project. The purpose of the GCOD is to protect wood pile foundations of buildings from being damaged by lowered groundwater levels. Projects that fall within GCOD and involve the erection or extension of any structure designed or used for human occupancy or access, mechanical equipment, or laundry or storage facilities, including garage space, if such construction involves the excavation below grade to a depth equal to or below eight (8) feet above Boston City Base, are required to obtain a conditional use permit.

The proposed changes to the existing project site include both interior and exterior renovations, and the exterior improvements include the construction of dunnage to support new rooftop mechanical equipment, addition of roof drains and other improvements to the existing roof, and

BOA1563973

2024-07-30

1 Planning Department



Planning Department

replacement of windows. Given the scope of the project and as the project does not raise any other zoning violations, the project should be allowed to proceed.

The plans entitled 581 BOYLSTON STREET prepared by FINEGOLD ALEXANDER ARCHITECTS on JUNE 23, 2023 were used in preparation of this recommendation.

Recommendation:

In reference to BOA1563973, The Planning Department 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,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1353108
ZBA Submitted Date	7/1/2022
ZBA Hearing Date	2024-07-30
Address	6 Dana AVE Hyde Park 02136
Parcel ID	0305794000
Zoning District & Subdistrict	Hyde Park Neighborhood NS-2
Zoning Article	69
Project Description	Confirm change of occupancy from commercial to residential for the unit located in the basement. Construction is already completed. Previous owner passed away before it could be legalized on paper.
Relief Type	Variance
Violations	FAR Excessive Parking design and maneuverability Limitation of Area for accessory use (parking) Parking or Loading Insufficient Use: Forbidden

Planning Context:

The proposed project would legalize the parking and use of an already-constructed project. The current proponent has inherited this situation from the previous proponent, who passed away before the project completed the request for zoning relief.

The proposed project would change the use of the basement unit from commercial space to a new residential unit. This ZBA case proposes no new work as the project has already been constructed. The previous proponent passed away while going through the process to legalize the change in use. The original building was constructed in 2002 and is owned under a condo trust. The condo trust previously considered the change in the basement unit but withdrew their application in 2011. As planning efforts have led to an increased focus on density in the area around Hyde Park Ave, this increase in unit count helps achieve city goals.



Planning Department

The proposed project is located at 6 Dana Ave, in Hyde Park. This area has an abundance of residential uses including triple deckers and larger multifamily buildings. The building was originally constructed as a 7 unit residential, 1 unit commercial building which is very typical amongst nearby construction. Dana Street, like many of the side roads off of Hyde Park Ave, has multiple buildings with basement units that have smaller ground level windows.

The parcel is located directly adjacent to the Hyde Park MBTA commuter rail station, and is a tenth of a mile from the Fairmont MBTA commuter rail station. The proposed project is not located in any flood focused mapping efforts. It is not within CFROD or listed on the FEMA flood maps for Boston. This information helps to mitigate the risk that a basement unit may entail.

Zoning Analysis:

There are four violations that this project triggers that would have to receive a variance and one forbidden use that would need approval. The first four violations are in regards to parking. The parking proposed by the project is 6 spaces less than required by zoning. The zoning calls for a 2 spaces:1 dwelling unit minimum parking ratio, or for 14 total parking spaces in this case, while 6 Dana Ave only proposes 8 spaces. BTD parking policy points to the reduction in spaces being appropriate. The parking design and placement also both require variances in order to be approved, however, there are no changes being made to the positioning or dimensioning of these parking spaces. They have already been constructed but not legalized under ISD purview due to the untimely passing of the previous proponent, and there are no concerns about further impacts on safety or maneuverability.

The other violation is in regards to the dimensions of the project. The change in use from commercial to residential will trigger the FAR to be above the allowed dimensions again. The FAR was already in excess when originally constructed in 2002; this change in use retriggers the violation. There will be no actual construction and no change to the actual FAR of 6 Dana Ave.

The building also triggers a forbidden use due to a restriction on housing in basement units. However, this is not in line with the neighborhood at large. Many of the nearby residences have basement units with high set windows apparent on the outside. In addition, the project is located



Planning Department

far from any floodplain area. When conditions allow, housing should be allowed in order to help achieve city planning goals. The basement unit is an appropriate fit for the area.

Recommendation:

In reference to BOA1353108, The Planning Department recommends APPROVAL.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1598752
ZBA Submitted Date	2024-05-06
ZBA Hearing Date	2024-07-30
Address	308 Norwell St Dorchester 02124
Parcel ID	1700594000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-6000
Zoning Article	65
Project Description	Demolish an existing 1.5-story one-family dwelling on a separate permit. Erect a 3-story, ten (10) unit mixed-use dwelling with ground-floor retail and eight (8) parking spaces.
Relief Type	Variance
Violations	Lot Area Insufficient Lot Width Insufficient FAR Excessive Height Excessive (ft) Height Excessive (stories) Usable Open Space Insufficient Use:Forbidden (Multi-family dwelling, retail)

Planning Context:

This project proposes the demolition of an existing 1.5-story 1-family dwelling on a separate permit and the construction of a 3-story, 10 unit mixed-use dwelling with ground-floor retail and 8 parking spaces.

The project is on a corner lot at the intersection of Norwell St and Talbot Ave. The lot is significantly larger than lots in the surrounding area at 10,206 sq ft compared to lots that range between 2,400 sq ft and 5,000 sq ft nearby along Norwell St and Talbot Ave. These are unique parcel conditions that impact the way this project relates to zoning regulations and its nearby context.

The project is three stories in height, which fits within the surrounding context where there are a mix of 2-story, 2.5-story and 3-story buildings on the same block along both Norwell St and Talbot Ave. These buildings range in use from one-family and three-family. Additionally, there is an existing 4-story, 25-unit mixed-use affordable housing building with ground floor retail on the

BOA1598752

2024-07-30

1 Planning Department



Planning Department

eastern end of this block at the intersection of Talbot Ave and Millet St that serves as a precedent of a similar set of land uses and of a larger scale. There is also a development project approved and under construction through the Article 80 Development Review process, 270 Talbot Avenue, that will be a 4-story, multi-family and mixed-use development that sets a precedent for building at that scale. The proposed building has a larger building width than nearby properties due to the project being on a parcel with an 85 ft frontage along Norwell St and Talbot Ave and the proponent extending the building width along that frontage within the bounds of zoning setback regulations. The property is also across the street from the start of the area's Local Industrial zoning district, so there are some car repair shops opposite this residential area.

The property is located within a 5-minute walk of the Talbot Ave MBTA Commuter Rail stop and bus routes along Talbot Ave. The development of multi-family housing within proximity of multiple transit options as has become more common in this area of Talbot Ave aligns with citywide goals to promote transit-oriented development by way of introducing more housing units closer to transit options.

The project's 8 parking spaces are in the eastern rear of the lot and are accessible via a 13'-7"-wide curb cut entrance and 18' ft driveway at the western frontage on Norwell St. The proposed curb cut is close to the corner intersection of Norwell St and Talbot Ave. The Planning Department's Urban Design team recommends that curb cuts are situated further away from corners as they impact pedestrian mobility. The first floor of the building has the retail storefront along the southern frontage on Talbot St and has one of the residential units located at the northern side yard abutting an existing residential property. The center of the building's first floor is an opening for the driveway, so vehicles move from Norwell St under the second floor to the rear parking spaces.

Based on the plan's aerial imagery, the existing property appears to have several trees and a permeable lot area along the side, front and rear yards. The proposed parking would be paved and would potentially remove these trees to accommodate parking space. The City of Boston does not support the removal of existing open space to accommodate the development of off-street parking and the planning goals of Climate Ready Boston (addressing permeability, heat island effect, and increased tree canopy, 2016) outline this point. Additionally, 6 of the rear parking spaces are uncovered, 1 on the northern side yard is covered by the second floor

BOA1598752

2024-07-30

2 Planning Department



Planning Department

overhang, and 1 on the southern side yard is partially covered by the overhang. The Planning Department's Transportation team recommends that parking spaces are designed to either be completely covered or completely uncovered. 4 of the proposed rear parking spaces abut the rear yard line of a residential property that is east of the proposed project parcel.

The project also proposes variable front yards of over 10 ft along the frontages on Norwell St and Talbot Ave that would include planted vegetation, a retaining wall and a small fence for those green areas aside from the retail storefront, residential and driveway entrances. The inclusion of that style of retaining wall yard space with plantings aligns with the design of front yards along Talbot Ave and aligns with the City's goals of promoting permeable surfaces where possible in areas like this in Codman Square that are identified as having high heat risk (Heat Resilience Solutions for Boston, 2022).

This project would also add affordable housing units as per the City's Inclusionary Development Policy (IDP). IDP requires that market-rate housing developments with 10 or more units and in need of zoning relief support the creation of income restricted housing. While it is unclear from the plans how many of the proposed 10 units will be dedicated as income-restricted, the applicant will need to execute an agreement with the Mayor's Office of Housing to comply with the policy.

Zoning Analysis:

This property is located within the 2F-6000 subdistrict of the Dorchester Neighborhood District (Art. 65). This project has been cited with a forbidden use violation; both the multi-family dwelling use and the retail use are forbidden within this subdistrict (Art. 65, Sec. 15). The nearby 24-unit mixed-use development project and car repair shops across the intersection indicate precedent for ground floor retail use. Additionally, the replication of a similar front yard design to that of surrounding residential properties allows the proposed retail use to visibly fit within the frontage of Talbot Ave. The proposed multi-family dwelling promotes transit-oriented development due to its location near transit options and again has a precedent of a larger number of units with the nearby 24-unit building.

This project has also been cited for an insufficient lot area and lot width, however the lot is above the 6,000 sq ft minimum lot area requirement at 10,206 sq ft (Art. 65, Sec 9). Additionally, the lot width along the Norwell St and Talbot Ave frontage is above the 50 ft minimum lot width



Planning Department

requirement. The only lot line of the parcel that is below the 50 ft minimum is the section of the rear parking that abuts the rear of an existing residential building. This parcel's size, corner lot position and unique shape illustrate a case for zoning reform due to the lot area and lot width requirements not being appropriate to accommodate the existing dimensional measurements of a property like this.

This project was cited for excessive FAR and excessive height in stories and feet (Art. 65, Sec. 9). The project has an FAR of 0.6 and the maximum in the subdistrict is 0.4. The proposed height of 3 stories and 41.57 ft exceeds the maximum requirements of 2.5 stories and 35 ft. There are several existing properties along Talbot Ave that are above the 2.5-story or 35 ft height minimum that serve as precedent for this project's scale. Additionally, the FAR requirement does not account for the potential scale needed to accommodate a multi-family dwelling. This illustrates a case for zoning reform as these existing regulations restrict the potential for transit-oriented multi-family development at this scale, which also restricts the possibility for projects at the scale that would produce housing affordability through IDP/inclusionary zoning requirements.

This project was cited for insufficient usable open space per dwelling unit (Art. 65, Sec. 9). However, for buildings of "Any other Dwelling or Use" besides semi-attached dwellings, row houses, or townhouses, there are no requirements for usable open space per dwelling unit. This project's multi-family and retail use and apartment-style construction means it is not required to adhere to this regulation. However, the proposed paved parking in the rear of the property significantly reduces its permeable lot area and removes usable open space and trees, thus misaligning with City climate resiliency goals (as stated in the Planning Context)

Project plans completed by Rosa Design and Construction, LLC and submitted on March 28, 2024.

Recommendation:

In reference to BOA1598752, The Planning Department recommends APPROVAL WITH PROVISIO/S: that a housing agreement with the Mayor's Office of Housing be executed prior to issuing permits and that plans be submitted to the Planning Department for design review with attention to the rear parking design, curb cut adjustments, and massing in relation to the surrounding context.



Planning Department

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1584862
ZBA Submitted Date	2024-03-27
ZBA Hearing Date	2024-07-30
Address	31 Old Morton ST Mattapan 02126
Parcel ID	1703767000
Zoning District & Subdistrict	Dorchester Neighborhood 1F-6000
Zoning Article	Article 65, Section 9 Article 9, Section 1
Project Description	Add roof dormers to the attic level, converting it into a livable space and effectively creating a new half story, which would increase the total height of the 2-unit building to 2.5 stories. Additionally, minor interior reconfigurations for both units are included in the plan. No changes are proposed for the basement.
Relief Type	Variance
Violations	Front Yard Insufficient Side Yard Insufficient NDOD Applicability Extension of Nonconforming Use

Planning Context:

31 Old Morton Street is a two-story building with two dwelling units. The property is in a residential area characterized by a mix of 2-3 story buildings, each containing 1-2 dwelling units.

This parcel is located in the residential area defined as 2-family within the PLAN: Mattapan. Recommendations for Mattapan's residential fabric focus on supporting existing residents, building local equity, and providing more affordable and intergenerational housing opportunities now and into the future. It particularly highlights the importance of providing resources to help current Mattapan residents remain in their homes. Protecting existing housing in this area is especially important due to its proximity to transit, particularly within a 10-minute walk of two Mattapan Trolley stops: Milton and Central Ave.



Planning Department

Zoning Analysis:

Per Article 65, Table C, for a 1F-6000 district the front yard depth must be at least 15 feet, and the side yard width must be at least 10 feet. The plans indicate a 3.4 feet side yard depth and a 6.1 feet front yard width. While the zoning refusal cites both of these as violations, the new additions will not worsen or extend the condition, making it a pre-existing nonconformity, and zoning relief is appropriate.

This property is located in the 1F-6000 district, which allows one dwelling unit. However, the property currently includes two dwelling units. According to Article 9, Section 1, a nonconforming use can be extended as long as the extension does not exceed 25% in volume or area. The additional livable area being added to the attic does not exceed this 25% limit and therefore the nonconforming use should be extended.

The property is located in the Lower Mills West Neighborhood Design Overlay District, and design review is appropriate for exterior alterations. Per Article 80E-2.1(b)(iii), design review is triggered due to a proposed change in roof shape.

The house that is being renovated is not listed under MACRIS historical buildings, so Boston Landmarks Commission review would not apply.

The plans reviewed are titled 31 Old Morton St Mattapan, MA 02126 and were prepared by Architect Mark Schryver. They are dated August 8, 2023.

We received unstamped plans from ISD, with the same title and prepared by the same entity as the basis ones, and dated June 6, 2024 that show the addition of a new bedroom on the second floor to be added above the existing first floor bedroom. This update will not change our recommendation, because unit count remains the same and side yards are not being worsened with the addition of a bedroom on the second floor directly over the bedroom on the first floor.

Recommendation:



Planning Department

In reference to BOA1584862, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1553581
ZBA Submitted Date	2023-12-13
ZBA Hearing Date	2024-07-30
Address	175 Savin Hill AVE Dorchester 02125
Parcel ID	1302270002
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	65
Project Description	The project proposes the addition of 2 rear deck balconies and a roof deck to a three-family.
Relief Type	Variance
Violations	Side Yard Insufficient Front Yard Insufficient

Planning Context:

Property is a corner-lot triple decker on the southern side of Savin Hill, approximately one block north of Malibu Beach, and three blocks east of I-93. The surrounding blocks are a diverse mix of one-, two-, and three-family residential structures. Porches and decks, though not necessarily roof decks, are a common feature on many of these buildings. Given the particularly constrained dimensions of this flat-roof three-family building on a 975 square foot lot, a roof deck on this property could provide similar usable open space to the yards present on many neighboring properties.

Zoning Analysis:

Article 65, Table C notes that residential structures in a 2F-5000 subdistrict must have a front yard of 15' and a side yard of 10'. The existing structure has a front yard of 8.9' and a side yard of 5', both of which are preexisting nonconformities. Neither of these is being reduced further, though the proposed roof deck would additionally extend into the side yard within the existing building's footprint, which is an extension of the nonconformity. Given that the roof deck is at the rear of the building, the deck's presence would only be noticeable from the side yard. Relief is appropriate.



Planning Department

This building is in a Neighborhood Design Overlay District, and thus is subject to the conditions in Article 80, Section 80E-2.1.(b).(iii), noting that "[a]ny exterior alteration changing the roof shape, cornice line, Street Wall height, or building height of an existing building" must undergo the design review component of Article 80 Small Project Review, provided that it is visible from a public street or public open space. As a roof deck on a small corner lot, this applies, and Design Review is appropriate.

Recommendation:

In reference to BOA1553581, The Planning Department recommends that plans be submitted to the Planning Department for design review.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1566991
ZBA Submitted Date	2024-02-01
ZBA Hearing Date	2024-07-30
Address	12 to 18 Sawyer Av Dorchester 02125
Parcel ID	1301603000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	65
Project Description	Demolish an existing 1-story, 1-unit dwelling, and erect 4-story, 4-unit dwelling with a 2 car garage at the ground level of each unit.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (ft) Height Excessive (stories) Side Yard Insufficient Use Forbidden

Planning Context:

BOA1566991 is located at 12 Sawyer Ave in Dorchester. The proposal seeks to demolish the existing 1-story, 1-unit dwelling on site to build 4 side-by-side 4-story rowhouses that are oriented perpendicular to the front of the lot. Each row house will be an independent unit with a 2 car garage at the ground floor for each unit. A driveway would be paved to go into the parcel perpendicular of the street to reach each garage. The site is a 0.4 miles walk away from the Savin Hill Red line stop and the 18 bus serving from Ashmont station to Andrew station. A relevant plan to this site includes Housing Boston 2030 proposing an increase in housing around transit oriented areas.

Zoning Analysis:

BOA1566991 is proposed in a 2F-5000 zoning subdistrict under Article 65 and as proposed is noncompliant with the following existing zoning regulations: use, FAR, allowable height, and side yard setback. Zoning subdistrict 2F-5000 maximum allowed dwelling units are 2 while the proposal has a 4-unit count. A variance would be recommended due to the proximity to transit

BOA1566991

2024-07-30

1 Planning Department



Planning Department

as mentioned in the planning context and the surrounding context typically having 3-unit houses or multifamily buildings. Regarding the FAR violation, the zoning calls for a maximum of 0.5 while the proposed FAR would be 0.69. Based on its proximity to transit mentioned earlier and surrounding context having larger built homes with 3-units average, an increase in FAR is in line with city planning, and can be recommended for a variance. The proposed height would be 4 stories/38'-7" in contrast to zoning's 2.5 stories/35'. It is recommended to mitigate this proposed height by eliminating the proposed 2-car garage on the ground floor of each unit. The side setback is noncompliant at one instance on the site being 4.4' rather than zoning's 10'. This setback is presently pushed tighter because of the proposed driveway space on the opposite end for cars to maneuver into the 2-car garages. With the elimination of the garages, the overall construction footprint can be shifted so it is closer to city zoning. This would also limit the amount of non-permeable space being added which acts against city plans such as the Heat Resilience Plan. Proponents should consider adapting this multifamily concept into something better suited for the surrounding context that features reduced parking/pavement and reduced building massing.

Recommendation:

In reference to BOA1566991, The Planning Department recommends DENIAL WITHOUT PREJUDICE; Proponents should consider a future project that better conforms to the surrounding context, including increased usable open space, reduced parking, and reduced building massing.

Reviewed,

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

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1593008
ZBA Submitted Date	2024-05-07
ZBA Hearing Date	2024-07-30
Address	194 K ST South Boston 02127
Parcel ID	0603488002
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	The project is a proposed new roof deck for the exclusive use of Unit 3, the top-floor unit.
Relief Type	Conditional Use, Variance
Violations	Height Excessive Rear Yard Insufficient FAR Excessive Side Yard Insufficient Roof Structure Restrictions (Access)

Planning Context:

194 K Street is a flat-roofed, four-story detached house surrounded by three- and four-story houses of similar typologies. The proponent is seeking to add a 12'x27.5', 330 square foot roof deck to the property. The means of access would be through a proposed stairway headhouse that will replace an "existing bulkhead exit," according to the plans. Satellite imagery from May 2023 shows no other roof decks on the proponent's side of the block.

Zoning Analysis:

There are five cited violations for this project: roof structure restrictions (specifically for "access," as written in the violation notes) excessive height, insufficient rear yard setback, insufficient side yard setback, and excessive FAR. The height violation appears to be made in error since the roof deck is less than one foot above the roof. Additionally, the proposed headhouse would not be included in that calculation since it is both not intended for human occupancy and is less than 330 square feet (Article 68-29). ISD has been contacted in regards to this.



Planning Department

According to Article 68-29, “An open roof deck may be erected on the main roof of a Building with a flat roof or a roof with a slope of less than five (5) degrees, provided that (a) such deck is less than one (1) foot above the highest point of such roof; (b) the total height of the building, including such deck, does not exceed the maximum Building Height allowed by this Article for the location of the Building; and (c) access is by roof hatch or bulkhead no more than thirty (30) inches in height above such deck.” This deck fulfills standards (a) and (b) but not (c) since the proponent is seeking to build a new stairway headhouse for access.

In this district, a conditional use permit is required to build a stairway headhouse (Article 68-29). The headhouse is an appropriate location for the use and the granting of the permit would have no foreseeable adverse effects on vehicles, pedestrians, or the neighborhood (Section 6-3(a-e)).

This project also received violations for an insufficient side yard (3' required); insufficient rear yard (20' required, or 15' the case of this shallower lot); and excessive FAR (maximum 2.0, proposed 2.6). The project does not meaningfully worsen any of these violations.

194 K Street was built in 2019 and previously received zoning relief in the form of a variance on April 25, 2017. The case included violations for an insufficient rear yard and excessive FAR. Only one citation appears in this project but not the 2017 project: the insufficient side yard violation. The addition of a stairway headhouse and roof deck would not meaningfully impact the side yard and largely follows the purpose and intent of the Code (Section 7-3(c)).

Recommendation:

In reference to BOA1593008, The Planning Department recommends APPROVAL WITH PROVISIO/S: that the proponent considers a roof hatch in lieu of the stairway headhouse.



Planning Department

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1599860
ZBA Submitted Date	2024-05-08
ZBA Hearing Date	2024-07-30
Address	332 W Broadway South Boston 02127
Parcel ID	0305794000
Zoning District & Subdistrict	South Boston Neighborhood MFR/LS
Zoning Article	68
Project Description	Adding live entertainment and additional seating to an existing restaurant.
Relief Type	Variance
Violations	Use: forbidden (Restaurant with live entertainment operating after 10:30 pm) Use: forbidden (Expansion of seating of forbidden use)

Planning Context:

The proposed project is in a mixed use area with small retail and service establishments on the surrounding block and one other bar on the abutting lot (the Clock Tavern at 342 W Broadway). The existing use is a restaurant/bar (Layla's American Tavern) which is open during late hours (until 1am everyday). The existing use as a restaurant would not change and the proposal is to add live entertainment and additional seating. There are two options included in the plans for the addition of live entertainment: one which would include a smaller “acoustic musician area” and one which would include a larger “DJ booth.” The plans do not show the existing seating plan, but it appears from the included occupancy summary that the proposal includes adding additional interior seating of 9 seats (for the DJ booth plan) or 18 seats (for the acoustic musician area plan).

The most recent stamped plans also include the addition of two outdoor patios on the street in front of the building. A letter from the proponent dated June 10th, 2024 states that the outdoor dining has been removed from the proposal, however a new refusal letter and stamped plans have not been issued. The patios on the most recent stamped plans do appear to comply with



Planning Department

the guidelines outlined on the 2024 Outdoor Dining Program Guide, as each patio is no larger than 32' long X 7'6" wide and there is 3' of clearance between each table.

The letter from the proponent also includes a request to remove a "this petitioner only" proviso for take-out. This would allow the current restaurant to legally serve take-out but would not substantially change the use or impacts on the surrounding area, as the current use is a restaurant and the former use was a restaurant with take-out.

The location seems appropriate for late-night live entertainment use, as this location has long served as a bar. In addition, the operator will be required to receive a live entertainment license through the Boston Licensing Board, which will include additional community engagement to ensure that the specifics of the live entertainment proposed (including hours of operation) are appropriate.

Zoning Analysis:

The proposed project is in a Multifamily Residential/ Local Services subdistrict in South Boston. According to Article 68, "the Multifamily Residential ("MFR/LS") Subdistricts are established to encourage medium-density multifamily areas with a variety of allowed housing types... as well as ground floor local retail and commercial uses."

In this subdistrict, "Restaurant with live entertainment, operating after 10:30 p.m" is forbidden (Article 68 Table A). There is also a footnote on this use which says "where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden." Therefore, the outdoor seating (which is the expansion of seating), is also a forbidden use.

Many of the existing uses in the area are allowed in an MFR/LS subdistrict, such as local retail or salons. There are however some other existing nonconforming uses, such as a fitness center, the neighboring bar, and a number of clinics. This indicates that it may be appropriate to reform the zoning for this area to better reflect built conditions.



Planning Department

Recommendation:

In reference to BOA1599860, The Planning Department recommends APPROVAL.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1600947
ZBA Submitted Date	
ZBA Hearing Date	2024-07-30
Address	223 Newbury ST Boston 02116
Parcel ID	0503238000
Zoning District & Subdistrict	Boston Proper Underlying Zoning
Zoning Article	8
Project Description	Change occupancy from retail to restaurant with small take out.
Relief Type	Conditional Use
Violations	Use: Conditional (Restaurant with Take-Out)

Planning Context:

The proposed project at 223 Newbury Street is seeking to change the occupancy for one of its commercial units from retail to restaurant with small take out. 223 Newbury Street is a mixed-use building with commercial units that currently hold two clothing stores and a computer repair service. This project will change the occupancy from one of the clothing stores to a restaurant with small take out to accommodate a new tea shop, HEYTEA. HEYTEA, a tea shop originating from China, is known for its modern interior design, photogenic packaging, and innovative drinks. HEYTEA has locations across the world and this would be its first location in Boston.

The proposed project would support the goals outlined in Imagine Boston 2030 (July 2017). Imagine Boston 2030 stated that small businesses should be encouraged on main streets and that an environment where they can start, grow, and scale should be created. The project would meet these goals as it would allow a new small business to open on one of Boston's major commercial hubs of Newbury Street.

Zoning Analysis:

The proposed project is located in the Boston Proper Zoning District within a General Business (B-3-65) Subdistrict. Under Article 8, for an area zoned as B-3-65, restaurants with small take-

BOA1600947

2024-07-30

1 Planning Department



Planning Department

out are a conditional use. A conditional use permit should be granted as this project would meet the conditions set by Article 6-3: the specific site on Newbury Street is an appropriate location; 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. These types of tea shops are also not new to the area as similar shops such as Yi Fang Taiwan Fruit Tea, Mr. Tea, Teazzi Tea Shop, and ZERO& can be found along Newbury Street.

The plans reviewed are titled 223 Newbury Street and are dated December 22, 2023. They were prepared by JCBT Architect.

Recommendation:

In reference to BOA1600947, The Planning Department recommends APPROVAL.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1598978
ZBA Submitted Date	2024-05-06
ZBA Hearing Date	2024-07-30
Address	32 Dwight ST Roxbury 02118
Parcel ID	0305794000
Zoning District & Subdistrict	South End Neighborhood MFR
Zoning Article	64
Project Description	The project proposes the addition of two rear deck balconies and a roof deck to a three and a half story rowhouse.
Relief Type	Conditional Use
Violations	Screening & Buffering Town/Rowhouse extension into rear

Planning Context:

The proposed project is a 3.5-story 2-unit rowhouse located in the South End, situated on a street lined with 2-family to multifamily buildings featuring rowhouse typologies. The project proposes to add two rear deck balconies and a roof deck creating private outdoor amenity space for the buildings' 2 units. The proposed changes match the existing context as rear and roof decks are common on surrounding row houses.

The project is situated within the South End Landmark District and is part of the Boston MHC Historic Inventory Areas, so the plans should be submitted to the South End Landmark District Commission for design review.

Zoning Analysis:

The proposed project is seeking relief for the Town/Rowhouse extension into the rear due to the proposed two rear decks. Section 64-9.4 states that " any Proposed Project that otherwise meets the applicable use and dimensional requirements of this Article shall be conditional if such Proposed Project involves the extension of a Town House or Row House into a rear yard, where such extension [...] (b) involves the addition of a porch or balcony, other than a roof deck, above the first story." The proposed rear deck extends 6' into the rear yard but maintains the



Planning Department

required 20' of rear yard space at 21'.5". Nonetheless, the proposed rear decks should be submitted to the South End Landmark District Commission for design review given the project's historic designation, as identified in the Planning Context.

Secondly, the proposal is seeking relief from the Screening & Buffering requirement (Section 64-33.4). The proposed roof-mounted mechanical equipment is not set back by at least five (5) feet from all roof edges. However, the rooftop mechanical equipment is located in the rear of the building and will thus not be visible to the street. Additionally, the mechanical equipment cannot be setback by 5 feet from the rear of the building without pushing the roofdeck closer to the front of the building, thereby triggering a roof deck violation.

Recommendation:

In reference to BOA1598978, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the South End Landmark District Commission for design review.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1599560
ZBA Submitted Date	2024-05-07
ZBA Hearing Date	2024-07-30
Address	7 to 8 Park ST Boston 02108
Parcel ID	0304684000
Zoning District & Subdistrict	Government Center/Markets State House Protection Area
Zoning Article	45
Project Description	The proponent is seeking to add a roof deck, a stair headhouse, an elevator, a new roof over a new lobby, and to replace the entryway steps of a six-story building.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (ft)

Planning Context:

7 to 8 Park Street (the Union Club) fronts the northern edge of the Boston Common, while the rear of the building abuts the Granary Burying Ground. The project includes the addition of a stair headhouse, an elevator, and an elevator “reception area” on the bilevel roof that leads out to the proposed 1,200 square feet roof deck. The proponent is also seeking to replace the concrete steps at the front entrance facing the Common. Both the stairs and the elevator would extend up to the proposed roof deck. The building is not within any citywide plan initiative areas.

The Beacon Hill Architectural Commission (BHAC) performed an advisory review of the roof deck project on 2/15/24. Though no vote was taken, the planner for the Landmarks Commission noted that it went “favorably” and that no issues were identified. The Commission also suggested that visibility from the Common and from the street of the proposed changes were very minimal. If the project receives zoning relief in the form of a variance, a formal application to the Commission would be required for final approval.



Planning Department

Zoning Analysis:

The parcel is within the Government Center/Markets zoning district, the State House Protection Area subdistrict, and the Beacon Hill Historic District. Two dimensional violations are cited. The first is for excessive building height, and the second is for excessive FAR. According to Article 45-5, "within...the 'State House Protection Area,' [subdistrict] a maximum building height of one-hundred sixty-five (165) feet and a maximum FAR of four (4) are allowed."

The proposed stairway headhouse and elevator lobby area are not intended for human occupancy and make up less than 33.3% of roof area, so they would not count towards the roof height calculation (Article 2). At 175', the current roof height is a preexisting nonconformity. Notably, this is still not higher than other structures on the roof, including two existing elevator rooms and a skylight.

The proposed stair headhouse and proposed elevator lobby area appear to very minimally worsen FAR in this instance. Overcoming the height and FAR violations requires a variance. This is a historic property that is unique to the neighborhood, and the granting of a variance in this instance would not go against the general purpose or intent of the Code (Section 7-3(a-c)).

Recommendation:

In reference to BOA1599560, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Boston Landmarks Commission for review .



Planning Department

Reviewed,

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

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1598953
ZBA Submitted Date	2024-05-06
ZBA Hearing Date	2024-07-30
Address	21 Greycliff RD Brighton 02135
Parcel ID	2205306000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 2F-5000
Zoning Article	51
Project Description	Convert existing basement to living space, including two bedrooms, bathroom, laundry room, and living room.
Relief Type	Variance
Violations	FAR Excessive

Planning Context:

The proposed project intends to renovate the basement of the existing structure within the existing building envelope to convert it to usable living space. This proposal would convert the lower unit of a two-family residential building from a two bedroom unit to a four bedroom unit through the addition of two bedrooms, a living area, and a bathroom to the basement. The Allston-Brighton Needs Assessment identifies the desire of community participants for "supply-side solutions to the housing crisis, recommending an end to parking minimums, relaxation of zoning rules, and other measures to increase housing production in the neighborhood." This proposal increases available living space in the neighborhood through the change from a two-bedroom to four-bedroom unit, creating a housing unit that can accommodate larger households. Details are included within the site plan to add window wells to the windows for the proposed additional living space to ensure that adequate light reaches the building interior. The improvements proposed to the existing development offer an opportunity to retain and upgrade existing housing stock within the city.

Zoning Analysis:



Planning Department

The resulting zoning violation of excessive FAR is due the extension of living space into the basement. However, as all alterations are to the interior of the building, there are no exterior changes, and no increase to building footprint. The massing of the structure will remain unchanged, with no additional changes to the fit of the proposed project within the existing neighborhood fabric. This proposal represents a case for zoning reform to remove barriers to changes that increase housing supply and quality within an existing building envelope.

Recommendation:

In reference to BOA1598953, The Planning Department recommends APPROVAL WITH PROVISIO that no building code relief be granted.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1600988
ZBA Submitted Date	2024-05-10
ZBA Hearing Date	2024-07-30
Address	2193 to 2201 Commonwealth AVE Brighton 02135
Parcel ID	2205669000
Zoning District & Subdistrict	Allston/Brighton Neighborhood LC-.5
Zoning Article	51
Project Description	Change use from retail to liquor store with retail.
Relief Type	Variance
Violations	Use: Forbidden (Liquor Store)

Planning Context:

The proposed project at 2193-2201 Commonwealth Avenue is seeking to change the occupancy for one of the ground floor commercial units to accommodate a liquor store. 2193-2201 Commonwealth Avenue, located in Brighton, is a small one-story commercial hub that sits next to the Boston College MBTA Green Line Station. There are 7 commercial units that are currently occupied by a mix of restaurants, a convenience store, a real estate office, and a UPS store. The proposed liquor store will replace the existing UPS store and will provide a variety of liquor options, prepared foods, and space for a community tasting section.

The proposed project would support the goals outlined in Imagine Boston 2030 (July 2017). While the Allston-Brighton Needs Assessment (January 2024) did not provide specific recommendations in regards to small businesses, Imagine Boston 2030 noted that small businesses should be encouraged on main streets and that an environment where they can start, grow, and scale should be created. This location would be appropriate for a liquor store as this portion of Commonwealth Avenue is primarily residential and institutional, with part of the Boston College campus located here, and would meet a community need in easy walking distance. There are currently no liquor stores within this area, with the closest liquor store being



Planning Department

1 mile away in Cleveland Circle. As this small commercial hub already contains a few restaurants and a convenience store, the land use impacts of the proposed liquor store, such as traffic, are very similar to what already exists in this area.

Zoning Analysis:

The refusal letter states a violation for a forbidden use. The proposed project is located in the Allston-Brighton Neighborhood District in a Local Convenience (LC-.5) Subdistrict which is governed by Article 51 of the Zoning Code. Under Article 51, a liquor store is forbidden in a Local Convenience Subdistrict. However, the proposed project would meet the conditions required for a variance as set by Article 7 Section 3 as this land is currently used for commercial uses and is well situated next to a major train station. The conditions for a variance are as follows: there are special circumstances or conditions applying to the land or structure, necessary for the reasonable use of the land or structure, and that it will be in harmony with the general purpose and intent of the code. This is also a case for zoning reform to allow uses, such as liquor stores, that are required to go through an extensive operator-based licensing process to determine their suitability, to be treated more like other retail uses in regards to their land use impacts.

The plans reviewed are titled 2193 Commonwealth Avenue and are dated March 21, 2024. They were prepared by Spagnolo Gisness & Associates, Inc.

Recommendation:

In reference to BOA1600988, The Planning Department recommends APPROVAL.



Planning Department

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1604907
ZBA Submitted Date	2024-02-12
ZBA Hearing Date	2024-07-30
Address	40 Emmett ST Hyde Park 02136
Parcel ID	1811415000
Zoning District & Subdistrict	Hyde Park Neighborhood 1F-9000
Zoning Article	69
Project Description	Erect a new single family dwelling 40 x30 (includes deck) on an existing lot of 6,570 square feet.
Relief Type	Variance
Violations	Existing Building Alignment Lot Area Insufficient Lot Width Insufficient Side Yard Insufficient Parking design and maneuverability

Planning Context:

The proposed project is located in a residential area of Hyde Park consisting of 1- to 2.5-story homes containing 1-2 dwelling units. The proposed project sits one block away from Hyde Park's Stony Brook Reservation and is within a quarter-mile of the Smith Pond and McGann Playgrounds. It also lies a half-mile from the MBTA's Hyde Park commuter rail station and stops for the 32, 33, 39, 40/50, and 50 bus routes.

The proposed project seeks to erect a new single-family dwelling upon the currently vacant 40 Emmett Street property. This project scope aligns with the area's planning goals, which are outlined in both the Hyde Park Neighborhood Strategic Plan (adopted August 2011) and its accompanying zoning amendments (adopted February 2012): to promote the addition of low-density single-family infill, appropriate in scale and design to the area's existing residential fabric.



Planning Department

The project site currently operates as landscaped open space for the adjacent 42 Emmett Street property (which falls under common ownership as the project site) and is home to dozens of mature trees and plantings. In accordance with the planning goals of Boston's Urban Forest Plan (adopted September 2022) - to protect and expand the City's natural landscapes and tree canopies - Planning Department Urban Design staff recommend special attention be given, through Planning Department Design Review, to preserving and/or replacing the site's mature trees and plantings, wherever possible.

Zoning Analysis:

The proposed project's lot area and lot width violations are existing conditions, not proposed to be worsened through the project (lot area: 6,572 sq ft existing < 9,000 sq ft required; lot width: 50' existing < 70' required). Of the 29 parcels along Emmett Street, 26 fall below the required lot size and width requirements. Future zoning reform for the area should look to either re-calibrate lot area and lot width requirements to better align with the area's existing context or remove them altogether.

The proposed project's off-street parking and existing building alignment violations are incorrectly cited on its refusal. Section 69-29.5(d) of the Zoning Code, which discusses parking design, requires at least 50% of a site's required parking spaces to be full sized spaces (8.5' x 20'). Because both of the proposed project's parking spaces meet this size threshold, zoning relief for the item should not be needed.

Meanwhile, Section 69-30.1 explains that, where there are two or more buildings fronting the same side of the street, the minimum front yard depth required shall be in conformity with the block's existing building alignment (the most frequently occurring front yard setback condition across block's parcels). Because none of the block's existing structures share a front yard setback dimension, the block's existing building alignment is incalculable. Instead, the project should've been cited with an insufficient front yard violation (19' proposed, 25' required). While in violation of the Code, this setback is still greater than 50% of the front yard dimensions existing along Emmett Street, and, thus, is contextual and minimally intrusive to the surrounding area. Future zoning reform should amend setback requirements to better match the area's



Planning Department

existing built form, and also examine the utility/applicability of existing building alignment as a regulator of setbacks.

The proposed project's insufficient side yard setback (0' proposed, 10' required) is offset by the presence of an existing vegetated buffer strip and shared drive aisle on the neighboring property. These, together, create a 15' distance between the existing and proposed structures, which renders the impacts of the violation minimal. This zero-lot line condition is common in the area, including on the site's adjacent property, and stems largely from the comparatively narrow parcelization of this area of Hyde Park (50' wide existing). The project's other side yard setback is in compliance with the area's zoning (10' proposed, 10' required).

A proviso for Planning Department Design Review has been added to this recommendation to confirm opportunities for the tree preservation/replacement and the structure's overall design strategy.

Recommendation:

In reference to BOA1604907, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to site plan and preservation of plantings/landscape.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1603160
ZBA Submitted Date	2024-05-16
ZBA Hearing Date	2024-07-30
Address	20 Hinckley St Dorchester 02125
Parcel ID	1301869000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-5000
Zoning Article	65
Project Description	Construct a new single family residential building on a vacant parcel
Relief Type	Variance
Violations	Parking or Loading Insufficient Existing Building Alignment Lot Area Insufficient Lot Frontage Insufficient Lot Width Insufficient NDOD Applicability FAR Excessive Height Excessive (stories) Side Yard Insufficient

Planning Context:

This project proposes the construction of a new 2.5-story single family residential building on a presently vacant lot in the Dorchester Neighborhood, approximately one-quarter mile south of Everett Square and just under a half mile east of Uphams Corner. The project site is near several bus lines, and located one-half mile from the Uphams Corner Commuter Rail MBTA Station. The location of the site close to transit is optimal for the addition of housing. Citywide plans, Housing a Changing City and Go Boston 2030 promote siting housing near a variety of transit opportunities. The proposed height of 2.5 stories is consistent with the neighborhood context. Other structures on the block vary between three-story/three-decker buildings and 2.5 story buildings, with heights and setbacks similar to the proposed project.

Zoning Analysis:

BOA1603160
2024-07-30
1 Planning Department



Planning Department

This project is located on an undersized lot in a 3F-5000 subdistrict in the Dorchester Neighborhood, pursuant to Article 65 of the Zoning Code. Within the block bounded by Hinckley Street to the north, Mayfield Street to the south, Bakersfield Street to the west, and Pleasant Street to the east, 100% of the 18 parcels are undersized for the zoning subdistrict. Thus the 5000 SF parcel size minimum would render all lots on the block unbuildable if enforced. However, the width of the surrounding parcels is far greater than that of the proposed project, with most lots measuring the required minimum 40' of lot frontage and the parcel for the proposed project containing only 25' of street frontage. The depth of the parcel is uniform with the remainder of the block.

Given that this width of the parcel is an existing condition, the Lot Frontage and Lot Width violations as well as the Insufficient Lot Area violation are consistent with the provisions of Section 7-3. - Conditions Required for Variance, with respect to the "exceptional narrowness" of the lot. Given that the FAR is tied to the area of the lot, the Excessive FAR violation is also subject to variance under Section 7-3.

The proposed building is 2.5 stories in height, in alignment with the dimensional requirements of the Zoning Code for the appropriate subdistrict. The Excessive Height (stories) violation is therefore an error, and not applicable to said project.

The proximity of the project to transit options as detailed in the Planning Context section of this recommendation as well as the availability of on-street parking in the area reduce the need for on-site parking within the parcel. To best align with the City's goal of reducing reliance on single occupancy vehicles, relief is recommended for the Parking or Loading Insufficient violation. The proposed project maintains a significant amount of usable green space on site that would not be possible with the provisions required to add parking.

With respect to the front yard, the proposed project violates the Existing Building Alignment provision. The proposed structure is set back farther into the parcel than the neighboring building, at 12', compared to the neighboring ~10'. This setback preserved a mature tree at the front of the parcel. The proponent should explore alignment with the neighboring buildings through the process of Design Review and Site Plan Review to determine if the Existing



Planning Department

Building Alignment provision can be adequately met without causing disturbance to the tree. The same is suggested for the noncompliant side setback on the eastern side of the parcel. It is recommended that this setback be increased by 1.5' to a total dimension of 3' to match the proposed western side setback. These setbacks can be addressed in conjunction with the recommendation for Design Review due to new construction in a Neighborhood Design Overlay District (NDOD).

Recommendation:

In reference to BOA1603160, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review to ensure adequate setbacks and site plan considerations and for consistency with the Neighborhood Design Overlay District.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1548122
ZBA Submitted Date	2023-11-08
ZBA Hearing Date	2024-07-30
Address	813 E Broadway South Boston 02127
Parcel ID	0603934000
Zoning District & Subdistrict	South Boston MFR
Zoning Article	68, 29
Project Description	Proposed rear addition to an existing two-family dwelling which alters the profile of the roof. No additional units will be added, and there will be no alterations to the front facade.
Relief Type	Variance
Violations	Roof Structure Restrictions

Planning Context:

This property is located at 813 E Broadway in South Boston, in a predominantly multifamily residential area. This lot contains a four-story brownstone row house with a mansard roof, part of a series of adjacent similar row houses on the north side of the block, most inventoried by the Massachusetts Historic Commission (MHC).

The front of the building faces E Broadway Street, and the back of the building faces a rear alley or passageway. Row houses on this block typically have parking spaces, backyards, open balconies, or a combination of these in the rear yard. Some row houses on this and surrounding blocks, which share similar architectural characteristics, have extended their buildings into the rear yard. Most of these rear additions are lower in height than the main building, do not alter the roof profile or configuration, and do not restrict light or air flow to adjacent structures. They also do not obstruct views from roofs, windows, doors, or balconies.

A rear addition is proposed for this existing two-family dwelling, with no additional units to be added. The alteration will only impact the rear facade, leaving the front facade unchanged.



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This house is an MHC Inventoried Property, labeled as a Murray, Mary E.T. Row House, built in 1870 and significant for its architecture. This house is not listed as a Landmark by the City of Boston, nor is it located within a Historic District.

Zoning Analysis:

Since the rear addition alters the profile of the roof or mansard, roof structure restrictions from Section 68-29 are triggered. In this case, as stated in section 68-29, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal should consider whether such roof structure has the potential of damaging the uniformity of height or architectural character of the immediate vicinity. A recommendation for design review can help ensure architectural character.

Recommendation:

In reference to BOA1548122, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1607841
ZBA Submitted Date	2024-05-31
ZBA Hearing Date	2024-07-30
Address	200 State ST Boston 02109
Parcel ID	0303790004
Zoning District & Subdistrict	Government Center/Markets Markets Protection Area
Zoning Article	45
Project Description	Change of Occupancy from clothing store to museum.
Relief Type	Conditional Use
Violations	Use: Forbidden (2nd floor museum)

Planning Context:

This site is located at the northern end of the pedestrian plaza surrounding Faneuil Hall Marketplace. The proposed Museum of Illusion is on the second floor within a building that has several retail stores and restaurants. The storefront faces the pedestrian plaza and is accessible by an elevator and open-air staircase from the plaza, rather than on State Street where the building is addressed. Recommendations from the 1991 Government Center/Markets District Plan focus primarily on the pedestrian environment and connections to the waterfront for this particular area through capital investments. It does, however, acknowledge the significance of Faneuil Hall Marketplace for a retail and cultural destination. Given the pedestrian-oriented nature of this area and the volume of stores, restaurants, and retailers in the immediate vicinity, a cultural/entertainment venue of this kind is an appropriate use.

Zoning Analysis:

The storefront is located on the second floor of a building addressed to 200 State Street, which, in accordance with Article 45, requires specific Ground Level Uses. Section 45-14 states that "uses with street frontage on streets listed in Table B, and located on the ground level or entered by a ramp or stairs from a sidewalk entry... are limited to Ground Level Uses..."

Although the address is along State Street, access to the second-floor storefront is from a



Planning Department

pedestrian plaza. The intention of this provision is to activate the ground floors along significant streets, but given the location at an interior plaza and on the second floor, a museum is an appropriate use here. In granting conditional use for this museum, the Board of Appeal must find that the conditions in Article 6 are met; the proposed use will not ostensibly adversely affect the neighborhood, will not present a hazard to vehicles or pedestrians, will not create a nuisance, has the appropriate facilities to properly operate the use, and is in an appropriate location.

Recommendation:

In reference to BOA1607841, The Planning Department recommends APPROVAL.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1535566
ZBA Submitted Date	10/13/2023
ZBA Hearing Date	2024-07-30
Address	94 to 96 Loring ST Hyde Park 02136
Parcel ID	1810041000
Zoning District & Subdistrict	Hyde Park Neighborhood 1F-6000
Zoning Article	69
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	Parking or Loading Insufficient FAR Excessive Height Excessive Usable Open Space Insufficient Side Yard Insufficient Rear Yard Insufficient Use: Forbidden Extension of Nonconforming Use Change in Non-Conforming

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 is near 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



Planning Department

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. While it is not clear whether this project would have an owner-occupant and thus be part of the ADU program, the goal of adding housing while retaining existing residential structures is relevant.

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



Planning Department

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 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 neighborhoods 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 prominent is proposing 4 feet and 4 inches, but this is another existing non-conformity.

Recommendation:

In reference to BOA1535566, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review .



Planning Department

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1572056
ZBA Submitted Date	2024-02-14
ZBA Hearing Date	2024-07-30
Address	91 Radcliffe RD Mattapan 02126
Parcel ID	1803907000
Zoning District & Subdistrict	Hyde Park Neighborhood 2F-5000
Zoning Article	69
Project Description	Demolish existing structure and construct two-family residence on the lot.
Relief Type	Variance
Violations	Parking or Loading Insufficient Lot Area Insufficient Lot Width Insufficient FAR Excessive Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient

Planning Context:

This case was deferred from the June 4, 2024 hearing. No new plans were submitted, and thus the Planning Department's recommendation remains the same. 91 Radcliffe Road is a vacant lot located in Mattapan, less than a mile away from Mattapan Square. The location is relatively transportation rich, given that they have access to the bus network on Cummins Highway (0.4 miles away) and the Blue Hill Ave commuter rail station (0.7 miles). The project neighborhood is residential (zoned 2F-5000) and has a mix of single, two, and, three family residences. Directly south of the parcel, there is a vacant lot, and directly north of the parcel there is a single family residence. Directly across the street, to the east there is a large lot with a two family dwelling. The proposed plans are to construct a new two-family dwelling. While the zoning for the parcel is in the Hyde Park zoning district, it falls right at the western edge of the PLAN: Mattapan planning area. PLAN: Mattapan established recommendations for allowing infill development,



Planning Department

particularly on vacant lots, that provides needed housing and homeownership opportunities as well as ADUs.

Zoning Analysis:

91 Radcliffe Lane in Mattapan is located in the Hyde Park neighborhood zoning district, and the 2F-5000 zoning subdistrict. The proposed two-family residential use is allowed in this district. The plan proposal currently has eight violations, most of which are dimensional. To start, the lot area and lot width are both insufficient. The minimum lot area per dwelling unit in the neighborhood is 5000 square feet per unit, however this might serve as a case for zoning reform as many of the lots in this neighborhood, including this one at 3206 square feet, are smaller than 5000 square feet. Similarly, the minimum lot width is 50 feet for the district and the current lot width provides 38.63. Both of these lot dimensions are existing non-conformities of the parcelization and if enforced as written, would deprive the property owner of reasonable use of their land.

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



Planning Department

Recommendation:

In reference to BOA1572056, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink that reads "Amee Rana". The signature is fluid and cursive.

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1538686
ZBA Submitted Date	2023-10-25
ZBA Hearing Date	2024-07-30
Address	86 Astoria ST Mattapan 02126
Parcel ID	1800843000
Zoning District & Subdistrict	Greater Mattapan Neighborhood R2
Zoning Article	60
Project Description	Renovate and reconfigure an existing two-story, three-family building with a two-story rear addition, enclosure of rear porches, and extension of living space into the attic and basement. Project scope includes relocating the third residential unit from the second story to the basement and extending that unit's living space along with the renovation of the basement into a habitable space.
Relief Type	Variance
Violations	FAR Excessive Rear Yard Insufficient Usable Open Space Insufficient Use: Forbidden (Basement Unit) Location of Main Entrance

Planning Context:

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

This project proposes a 278 sq ft two-story rear addition to an existing two-story, three family building to accommodate the extension of a residential unit into the basement and the renovation of the attic into livable space. Based on aerial imagery, this rear yard addition and the entrance to the basement-accessible unit is already built, though it is not clear from the aerial view or the plans if the internal renovation has already been completed. This property is at the very end of a dead end street that leads directly into a park where the Walker Playground is located. The adjacent buildings on Astoria Street are residential and are between two and three

BOA1538686

2024-07-30

1 Planning Department



Planning Department

stories in height. They also vary in yard depths and building lot coverage. Many of the adjacent buildings have a side yard condition to accommodate a driveway that reaches into rear yard parking spaces.

The built form and intended extended livable area for this project aligns with PLAN: Mattapan's (2023) in that the program stays within the three-story building scale maximum of the surrounding residential fabric. This property is assessed as a two-family residential property but is noted in the refusal letter as a three-story property possibly due to the project already being built. The two-story addition and internal extension of living space into the basement and attic to accommodate larger living space uses an internal ADU approach. The creation of the two-story addition to accommodate an internal ADU creates extra space within an existing structure that supports opportunities to accommodate growing living arrangements and the generation of extra income through an additional unit, in keeping with PLAN: Mattapan's residential fabric recommendations.

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

Zoning Analysis:

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

When this property was previously mapped within the 3F-6000 subdistrict (Art. 60, Sec. 4), this project would be restricted to an FAR maximum of 0.8. The project proposes an FAR of 0.7, thus having a conforming FAR. Under the adopted and current R2 subdistrict (Art. 60, Sec. 4), there is no FAR regulation for properties built within that zoning district. The dimensional regulations within the R2 subdistrict require that a property that is adding an ADU on a lot over 5,000 sq ft is restricted to a maximum building lot coverage of 50%. Building lot coverage is



Planning Department

defined as “the cumulative percentage of Lot Area covered by the largest Building Floor Plate of each building on the lot [and] excludes any one story detached building that is exempt from building code such as small tool or storage sheds, playhouses, and the like.” This property has a building lot coverage of 48% and thus is compliant with the current zoning.

Based on the 3F-6000 subdistrict (Art. 60, Sec. 4), this project would be required to have a minimum usable open space per unit of 600 sq ft. The project proposes about 616 sq ft of usable open space per unit based on the dimensional numbers provided in the plans, thus conforming with the usable open space requirements. The current R2 subdistrict (Art. 60, Sec. 4) does not have a usable open space per unit requirement, relying on permeable area of lot and yard requirements.

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

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

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

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

Recommendation:



Planning Department

In reference to BOA1538740, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1601598
ZBA Submitted Date	5/13/2024
ZBA Hearing Date	2024-07-30
Address	142 Erie ST Dorchester 02121
Parcel ID	1401832000
Zoning District & Subdistrict	Greater Mattapan Neighborhood 3F-5000
Zoning Article	60
Project Description	Construct two three-family structures 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:

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 Glenway St, and 142 Erie St, which have their own ZBA cases, BOA1601654 and BOA1601598, respectively.

This project was previously reviewed as an interrelated set of projects "52-54 Glenway St", "56-58 Glenway St" and "142 Erie St", and was deferred from the 6/25/24 ZBA meeting, no new plans have been received, but this project is now being reviewed under "56 Glenway St", "142 Erie St" and "154 Erie St".

"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



Planning Department

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 56 Glenway St, BOA1601654, and 154 Erie St, BOA1601598. 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.



Planning Department

The seventh violation is in regards to insufficient parking. The proposed project is providing four 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 parking spaces. Any more parking would make this project break from the surrounding neighborhood context and further reduce usable open space. 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 Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1601605
ZBA Submitted Date	5/13/2024
ZBA Hearing Date	2024-07-30
Address	154 Erie ST Dorchester 02121
Parcel ID	1401832000
Zoning District & Subdistrict	Greater Mattapan Neighborhood 3F-5000
Zoning Article	60
Project Description	Construct two three-family structures in conjunction with its neighbor, 52-54 Glenway St. These units will be income restricted.
Relief Type	Variance
Violations	FAR Excessive Side Yard Insufficient Front 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.

This project was previously reviewed as an interrelated set of projects "52-54 Glenway St", "56-58 Glenway St" and "142 Erie St", and was deferred from the 6/25/24 ZBA meeting, no new plans have been received, but this project is now being reviewed under "56 Glenway St", "142 Erie St" and "154 Erie St".

"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



Planning Department

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 56 Glenway St, BOA1601654 and 142 Erie St ,BOA1601598. 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.



Planning Department

The seventh violation is in regards to insufficient parking. The proposed project is providing four 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 parking spaces. Any more parking would make this project break from the surrounding neighborhood context and further reduce usable open space. 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 BOA1601605, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1601654
ZBA Submitted Date	5/13/2024
ZBA Hearing Date	2024-07-30
Address	56 Glenway ST Dorchester 02121
Parcel ID	0305794000
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 the 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 154 Erie St, and 142 Erie St, which have their own ZBA cases, BOA1601654 and BOA1601598, respectively.

This project was previously reviewed as an interrelated set of projects "52-54 Glenway St", "56-58 Glenway St" and "142 Erie St", and was deferred from the 6/25/24 ZBA meeting, no new plans have been received, but this project is now being reviewed under "56 Glenway St", "142 Erie St" and "154 Erie St".

"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



Planning Department

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 142 Erie St, BOA1601598, and 154 Erie St, BOA1601605. 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.



Planning Department

The seventh violation is in regards to insufficient parking. The proposed project is providing four 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 parking spaces. Any more parking would make this project break from the surrounding neighborhood context and further reduce usable open space. 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 BOA1601654, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1535953
ZBA Submitted Date	10/16/2023
ZBA Hearing Date	2024-07-30
Address	42 Newmarket SQ Roxbury 02118
Parcel ID	0801022001
Zoning District & Subdistrict	Newmarket Industrial Commercial Neighborhood District Newmarket Core Industrial
Zoning Article	64
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 aligned with the plan. 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.



Planning Department

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.



Planning Department

Secondly, the proposal is seeking relief from the Screening & Buffering requirement (Section 64-33.4). The proposed roof-mounted mechanical equipment is not set back by at least five (5) feet from all roof edges. The project should increase the distance of the equipment to at least five feet from all roof edges .

Recommendation:

In reference to BOA1535953, The Planning Department recommends APPROVAL.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1597093
ZBA Submitted Date	2024-04-30
ZBA Hearing Date	2024-07-30
Address	22 Monument SQ Charlestown 02129
Parcel ID	0203040006
Zoning District & Subdistrict	Charlestown Neighborhood RH-2000
Zoning Article	62
Project Description	Install two off-street parking spaces in the rear yard of a corner lot.
Relief Type	Variance
Violations	Limitation of Area for accessory use (parking) Usable Open Space Insufficient

Planning Context:

This project's ZBA hearing was originally scheduled for June 25, 2024. The project was deferred to a hearing on July 30, 2024. No new plans were submitted, so the Planning Department's recommendation below remains the same.

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 are no existing trees on the site nor any existing curb cuts.

The site is at the corner of Monument Square and Lexington 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.



Planning Department

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. 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" and "Creating new curb cuts should be avoided."

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 Lexington Street, a side yard where the existing building shares a party wall with its neighbor to the west, and a rear yard along Lexington 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 Lexington 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 Lexington 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.



Planning Department

In addition to violating zoning, the proposed project is also inconsistent with the PLAN: Charlestown Urban Design Guidelines that encourage open space and discourage new curb cuts, as the project proposes.

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.

Recommendation:

In reference to BOA1597093, The Planning Department recommends DENIAL.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1615434
ZBA Submitted Date	2023-04-18
ZBA Hearing Date	2024-07-30
Address	96 Standard ST Mattapan 02126
Parcel ID	1800303010
Zoning District & Subdistrict	Greater Mattapan Neighborhood 1F-5000
Zoning Article	60
Project Description	Erect 7 unit building on a vacant lot.
Relief Type	Variance and Use
Violations	FAR Excessive Height Excessive (stories) Lot Area Insufficient Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Usable Open Space Insufficient Height Excessive (ft) Parking or Loading Insufficient Parking design and maneuverability Forbidden Use (MFR)

Planning Context:

The proposed project sits in a low-density residential area in Mattapan. The project's surroundings consist predominantly of 2- to 3-story residential structures with single- and two-family occupancies. The property is bordered to the north by a Boston Housing Authority low-density multifamily housing project; to the west by the Mattapan Heights II apartment complex, the Mattapan campus of the Boston Public Health Commission, and the Gallivan Community Center; and to the south and east by existing residential fabric. The site sits within a quarter-mile walk of MBTA bus stops for the 15 and 24 bus routes as well as Mattapan's Gladesdale Park.

The proposed project seeks to erect a 4-story, 7-unit residential structure on the currently vacant 96 Standard Street property. While this project scope generally aligns with the housing



Planning Department

goals of PLAN: Mattapan (adopted May 2023) - to increase housing the neighborhood's housing supply - the PLAN recommends that projects of the proposed scale be centered around Mattapan's key squares and corridors, instead of within the lower-density residential fabric with which this project sits. The PLAN envisions infill development within these residential fabric be limited to 3 stories of height with residential occupancies ranging from 1-3 dwelling units plus accessory dwelling units, which match the area's existing form and land uses.

Zoning Analysis:

The proposed project has been cited with 11 zoning violations, relating to use, scale, and parking regulations. These citations are listed upon the project's most recent refusal letter, dated 6/14/24, and relate to the neighborhood zoning applicable at the time of the project's filing, 4/18/23. Since the project's filing, updated zoning for the Mattapan neighborhood was adopted by the Zoning Commission (on 1/10/24).

Mattapan's updated zoning places the proposed project with a Residential-2 (R2) subdistrict. R2 subdistricts allow for a maximum building height of 3 stories/35' and permit residential uses up to 3-family occupancies (plus additional flexibility for an ADU). The proposed project, which seeks to erect a 4 story/45' structure with 7 dwelling units, exceeds both of these requirements. In addition, the project is noncompliant with the updated zoning's requirements for maximum building lot coverage (40% permitted, ~75% proposed), minimum permeable surface area (25% required, ~20% proposed), and minimum rear yard setback (20' required, 2' proposed).

The project's cited front yard and side yard violations are compliant under this area's new zoning. Its FAR, Usable Open Space, and Lot Area violations would not be applicable under the new zoning, as the update removes these items as dimensional regulators for R2 subdistricts.

A future iteration of this project should show a design in compliance with Mattapan's updated zoning requirements and the recommendations of PLAN: Mattapan for uses and building dimensions, and which provides adequate screening and buffering (another violation) for the project's proposed parking.



Planning Department

Recommendation:

In reference to BOA1615434, The Planning Department recommends DENIAL WITHOUT PREJUDICE Proponent should consider a project that complies with the recommendations of PLAN: Mattapan for neighborhood infill, including no more than 3 dwelling units with an option for an ADU.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1552342 BOA1552344
ZBA Submitted Date	2023-12-08
ZBA Hearing Date	2024-07-30
Address	43 Hutchings ST Dorchester 02121 43R Hutchings St Dorchester 02121
Parcel ID	1202290000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-7000
Zoning Article	68, 29
Project Description	Renovation of existing home to transitional housing and accessory professional school
Relief Type	Variance, Conditional Use
Violations	Rear Yard Insufficient Lot Area Insufficient Parking or Loading Insufficient Use forbidden Use Conditional Two or more dwellings on same lot

Planning Context:

BOA1552342 is located at 43 Hutchings Street in Dorchester. The proposal seeks to renovate two existing structures into 1 residential unit, a transitional housing facility, and an accessory professional school. The property currently includes a 2 unit main dwelling structure, and a rear carriage house identified as 43R Hutchings St. There is an existing driveway that passes the side of 43 Hutchings and goes behind it to the front of 43R Hutchings. The driveway is used for parking as well as internal circulation. The existing main house contains 2 dwelling units and is 2.5 stories and 44.5' tall. The renovations would be mostly interior repairs and wall adjustments on both structures. The only exterior massing adjustment would be an added dormer and deck to the carriage house in the back. This main house would become transitional housing. The carriage house would be an accessory professional school with a dwelling unit on the upper floor for the program director.



Planning Department

Zoning Analysis:

BOA1552342 exists in the 3F-7000 subdistrict under Article 50 Roxbury Neighborhood District. The proposal presently has 6 different violations. The violations are as follows: forbidden use of accessory professional school, conditional use of transitional housing, off street parking insufficient, lot area insufficient, rear yard insufficient, and two or more dwellings on the same lot. For the conditional use of the transitional housing, the proposal follows the conditions set under Article 6, Section 3. It does not adversely affect the neighborhood, and provides adequate facilities it needs for the use. The forbidden use of an accessory professional school can be recommended a variance on grounds it as well does not bring harm to the neighborhood due to its small scale and private operation. Both proposed uses will only occupy the existing structures on site and slightly increase the expected residents on site, not making any more impact to the neighborhood than a 2-Family house would. For the violation of the off street parking insufficiency, it is noncompliant on the ground that the maneuvering areas do not meet city code. A variance is recommended for this on the grounds that the existing built structures prohibit the capability to allow for acceptable maneuvering areas. The lot area being insufficient is only applicable due to the new dwelling unit count being considered 4-units because of the new proposed use. For transitional housing every 2 rooms not containing more than 2 people is considered 1 unit. A variance is recommended to allow for the proposed uses that will not bring any detriment to the neighborhood. The rear yard would become smaller due to the new proposed deck and stairs in the back of the carriage house. However these additions would allow for the carriage house to be a safe occupiable space with two means of egress which it presently does not have. A variance is recommended to allow for the safe to code use of the dwelling unit.



Planning Department

Recommendation:

In reference to BOA1552342, The Planning Department recommends APPROVAL.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1602742
ZBA Submitted Date	2024-01-16
ZBA Hearing Date	2024-07-30
Address	123 to 125 Broad ST Boston 02110
Parcel ID	0304041000
Zoning District & Subdistrict	Government Center/Markets Broad Street Protection Area
Zoning Article	32
Project Description	Change occupancy from brewery/restaurant, beauty salon, and offices to restaurant on the lower level with six (6) Residential units above. Scope includes reconfiguring floors 2 through 7 with new walls, finishes, kitchen/bathrooms, and FA/FP.
Relief Type	Conditional Use
Violations	GCOD Applicability

Planning Context:

The proposed project sits in the Board Street Protection Area within the Government Center / Markets District, Downtown. The project site immediately abuts the Rose Kennedy Greenway and also lies within the City's Groundwater Conservation Overlay District (GCOD), Coastal Flood Resilience Overlay District (CFROD), Greenway Overlay District, and a Restricted Parking District.

The proposed project's scope of work includes a change of use - from a mix of office, retail, and service uses to residential uses with a ground floor restaurant - and full renovation of the site's upper stories (floors 2-7) - to install the necessary accommodations for the six proposed dwelling units. This project scope constitutes a "substantial rehabilitation" - which is germane to the regulations of the GCOD - and is supported by the planning goals of PLAN: Downtown (adopted December 2023): (1) to enhance access to housing Downtown; (2) to preserve Downtown's historic building fabric; and (3) to promote active ground floor uses. No exterior alterations to the existing structure are proposed by the project.



Planning Department

Zoning Analysis:

The proposed project sits within the Groundwater Conservation Overlay District (GCOD) and has a project scope categorized by a Commissioner's Bulletin as a "substantial rehabilitation." This classification satisfies the applicability requirements of the GCOD, as set for in Section 35-5 of the Zoning Code, thus triggering a required GCOD review for the project. A proviso for GCOD review has been added to the recommendation on that basis.

Recommendation:

In reference to BOA1602742, The Planning Department recommends APPROVAL WITH PROVISOR/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,

Planning and Zoning Director, Planning Department

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 FOR DEVELOPMENT REVIEW
SCOTT GREENHALGH, PROJECT MANAGER
SAM ROY, TRANSPORTATION PLANNER
SCOTT SLARSKY, SENIOR URBAN DESIGNER
SAM VALENTINE, SENIOR LANDSCAPE ARCHITECT

SUBJECT: 24-34 NOTRE DAME STREET, ROXBURY

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority 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 24-34 Notre Dame Street in Roxbury (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 Housing Agreement ("AHA") in connection with the Proposed Project; and (3) enter into a Community Benefits 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 consists of approximately 11,900 square feet of land at four (4) contiguous parcels at 24-34 Notre Dame Street in the Roxbury neighborhood of Boston (the “Project Site”). Three (3) of the four (4) parcels at the Project Site are vacant while one (1) parcel is currently occupied by a single-family dwelling.

DEVELOPMENT TEAM

The development team includes:

Proponent: Notre Dame Development, LLC
Tabasuri Moses
(Registered Minority Business Enterprise)

Architect: KDI
William Chalfant

Legal Counsel: McDermott Quilty & Miller LLP
Joseph Hanley, Esq. – Partner
Nicholas Zozula, Esq. – Senior Associate

PROPOSED PROJECT

Notre Dame Development, LLC (the “Proponent”), a registered Minority Business Enterprise in the City, seeks to demolish the existing structure occupying the Project Site and construct a five (5) story, 54 foot 6 inches maximum building height, approximately 28,357 gross square foot residential building that will include twenty-six (26) residential homeownership units, including four (4) IDP units, and up to fifteen (15) off-street vehicle parking spaces located in a garage (the “Proposed Project”). The Proposed Project also will include an interior bicycle storage room with space for twenty-six (26) bicycles for residents and six (6) exterior bicycle storage spaces.

The number of parking spaces approved by BPDA is a maximum number of spaces, as final decisions on parking supply are codified by the Zoning Board 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 Maximum Parking Ratio Guidelines.

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

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	34,392
Gross Floor Area	28,357
<i>Residential</i>	28,357
<i>Office</i>	0
<i>Retail</i>	0
<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>	5,218
Development Cost Estimate	\$12,000,000
Residential Units	26
<i>Rental Units</i>	0
<i>Ownership Units</i>	26
<i>IDP/Affordable Units</i>	4
Parking spaces	15

PLANNING CONTEXT

The proposed 26-unit condo project at 23-34 Notre Dame Street in Roxbury is within a Multifamily Residential (MFR) subdistrict of Article 50, the Roxbury Neighborhood District. The character of Notre Dame Street is primarily low-scale and low-density lined by 2.5- to 3-story residences with small yards and a community garden across the street from the project site. The proposed project height of 5 stories (54' 6") with a density of 2.38 is moderately greater than the requirements for an MFR subdistrict.

Notre Dame Street is within walking distance of several neighborhood amenities in Egleston Square, such as a pharmacy, banks, small grocers, salons, and the Egleston YMCA. It is located approximately .5 miles from the Stony Brook Orange Line station and one block from a bus route on Washington Street with service to Nubian Square and the Arnold Arboretum. The proposed height and density is supportive of Housing Boston 2030 and Squares and Streets goals of siting denser residential development close to transit. On-site improvements include sidewalk upgrades and at least 3 new street trees along the project frontage, a 14-foot planted front yard setback, and over 5,500 sf of at-grade and elevated outdoor space that mitigates the proposed height and reflects the low-density residential character of Notre Dame Street.

ARTICLE 80 REVIEW PROCESS

On July 31, 2023, the Proponent filed an Application for Small Project Review with the BPDA for the Proposed Project, pursuant to Article 80E of the Code (the "Code"). The BPDA sponsored and held a virtual public meeting on August 21, 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 Roxbury neighborhood update list. The public comment period ended on August 31, 2023.

ZONING

The Project Site is in the Roxbury Neighborhood District governed by Article 50 of the Code and more specifically within a Multifamily Residential (MFR) Subdistrict.

The Proponent expects that zoning variances will be needed for the following:

- Article 50 Section 29 Additional Lot Area Insufficient
- Article 50 Section 29 Floor Area Ratio Excessive
- Article 50 Section 29 Building Height Excessive
- Article 50 Section 29 Building Height (# of Stories) Excessive
- Article 50 Section 29 Front Yard Insufficient
- Article 50 Section 29 Side Yard Insufficient
- Article 50 Section 29 Rear Yard Insufficient
- Article 50 Section 43 Off-Street Parking Insufficient
- Article 50 Section 43 Off-Street Loading Insufficient

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:

- Improving 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;
- In compliance with Complete Streets, the Proponent will setback their building to create a wider sidewalk on Notre Dame Street within the bounds of their property within the public way. Notre Dame Street will have a minimum of a 10'-0" wide sidewalk, inclusive of a five (5) foot setback. All sidewalks will maintain at least 6'-0" 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).
- Minimize the negative impacts of parking by locating the parking access off of the rear alley, not on Notre Dame Street, allowing for an active street wall on Notre Dame Street. Access design and circulation are subject to Design Review.
- The Proponent has committed to installing at least three (3) 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 Approval issuance for the Proposed Project.

- The Proponent has agreed to making improvements to the rear alley located off of Bragdon Street. These improvements will include repaving, drainage upgrades and will explore materiality upgrades such as permeable pavers.
- Before issuance of the Certificate of Approval, the Proponent shall make a \$7,150.00 contribution to the Boston Transportation Department to support the bike share system;
- The Proponent commits to equipping electric vehicle charging infrastructure at a rate of 25% installed, or four (4) charging stations, and the remaining eleven (11) parking spaces to 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-six thousand dollar (\$26,000.00) 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 located near this Proposed Project in Roxbury.

Amount: \$26,000.00

Timeline: The \$26,000.00 contribution is due before issuance of the Certificate of Approval.

- The Proposed Project will create approximately sixty (60) 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 of Boston

department before issuance of the Certificate of Approval 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, four (4) units, or approximately 15% of the total number of units within the Proposed Project, will be created as IDP homeownership units (the "IDP Units"), of which at least two (2) 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 the remaining two (2) will be made affordable to households earning greater than 80% of AMI but not more than 100% of AMI.

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

Unit Number	Number of Bedrooms	Square Footage	Percent of Area Median Income	Sales Price	ADA/Group 2 Designation (if any)
201	One	626 SF	80% AMI	\$219,500	
205	Two	850 SF	80% AMI	\$258,500	
302	Three	1,337 SF	100% AMI	\$378,000	
404	Two	850 SF	100% AMI	\$334,700	

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

The 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.

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

The proposed on-site IDP Units fully satisfies the IDP requirements pursuant to the December 10, 2015 IDP.

RECOMMENDATIONS

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, BPDA staff recommends that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project; (2) execute and deliver an Affordable Housing Agreement (“AHA”) in connection with the Proposed Project; and (3) enter into a Community Benefits Agreement 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 24-34 Notre Dame Street in the Roxbury neighborhood, proposed by Notre Dame Development, LLC (the "Proponent"), for the construction of a five story, 54 ft. 6 inch maximum height, approximately 28,357 gross square foot residential building that will include up to twenty-six (26) residential homeownership units, including four (4) IDP units, and up to fifteen (15) 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 Housing Agreement for the creation of four (4) IDP Units in connection with the Proposed Project; and

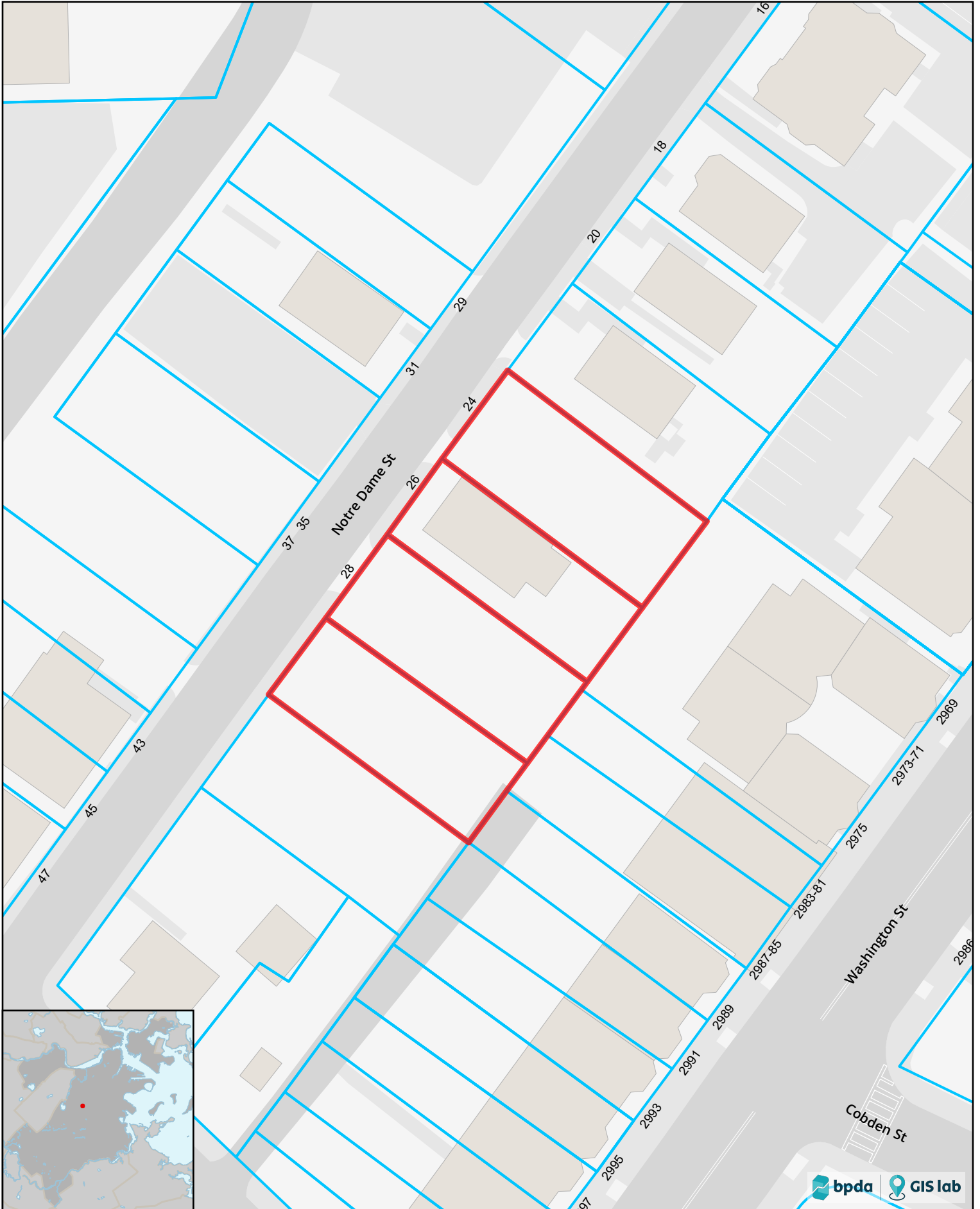
FURTHER

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

24-34 Notre Dame Street



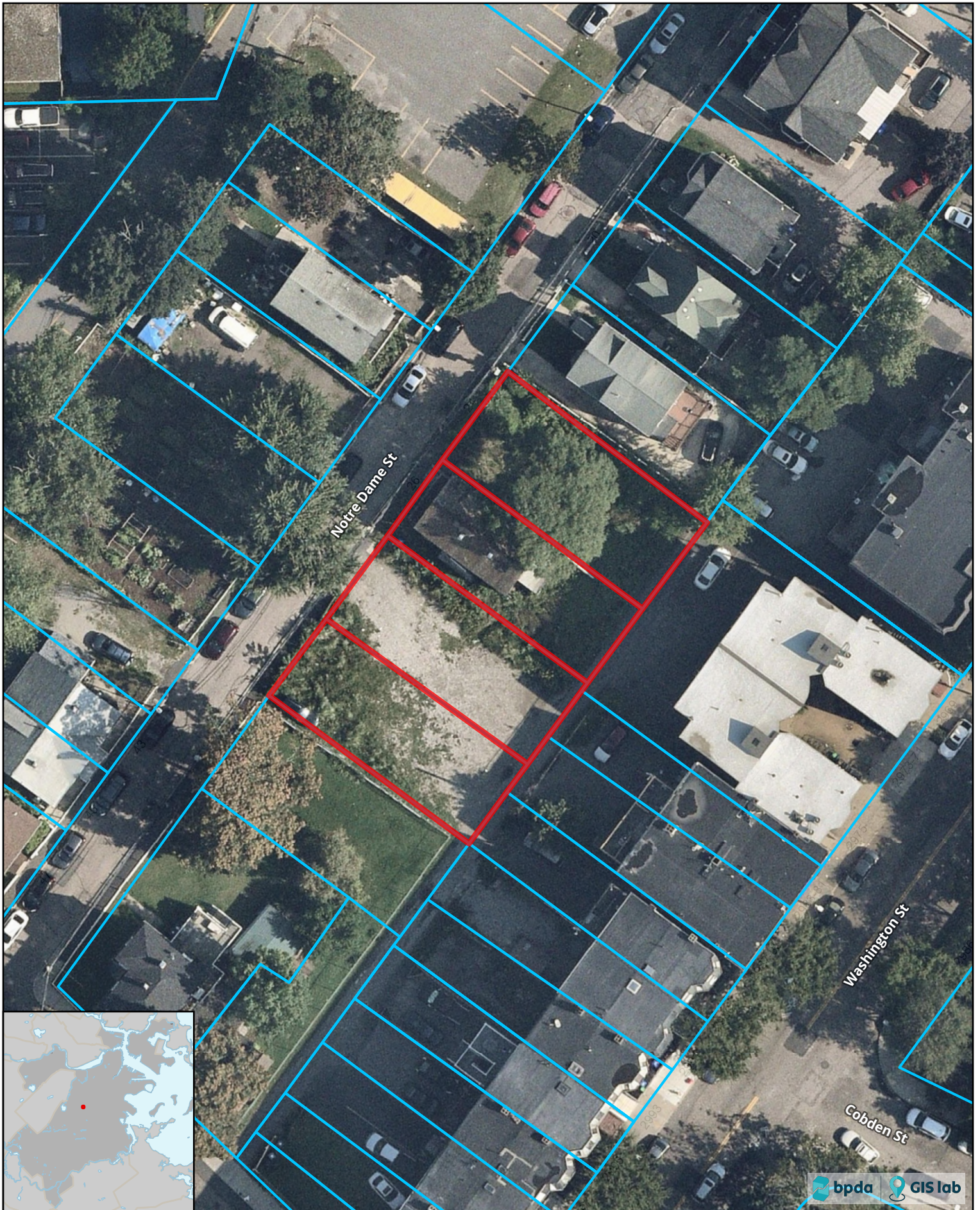
1:500



24-34 Notre Dame Street



1:500



MEMORANDUM

June 13, 2024

**TO: BOSTON REDEVELOPMENT AUTHORITY
D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY ("BPDA")**

AND JAMES ARTHUR JEMISON II, DIRECTOR AND CHIEF OF PLANNING

FROM: CASEY HINES, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW
DANIEL POLANCO, PROJECT MANAGER
ALEXA PINARD, Assistant Deputy Director for Design Review
ILANA HAIMES, ZONING COMPLIANCE PLANNER II
NICK SCHMIDT, SENIOR TRANSPORTATION PLANNER II

SUBJECT: 9 GENEVA ST, EAST BOSTON

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority ("BRA") d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 9 Geneva Street in East Boston (the "Proposed Project"), pursuant to Article 80E, Small Project Review of the Boston Zoning Code (the "Code"); and (2) enter into an Affordable Rental Housing Agreement and Restriction ("ARHAR"), in connection with the Proposed Project; and (3) execute and deliver a Community Benefits Agreement; and take any and all other actions and execute and deliver any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The Proposed Project is located on what will be a combination of seven (7) parcels

which, once combined, will contain 14,829 square-feet of land. The Project Site currently includes two (2) buildings (to be razed) including a single-family home and an industrial/commercial building that serves as an autobody and auto repair. The Project Site is within walking distance of both Maverick and Airport stations on the MBTA Blue Line. The Project Site is also within a 5-minute walk to East Boston Memorial Stadium, the East Boston Greenway, and other area amenities.

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	41,513
Gross Floor Area	35,541
<i>Residential</i>	35,541
<i>Office</i>	0
<i>Retail</i>	0
<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>	5,972
* Development Cost Estimate	\$9,500,000
Residential Units	28
<i>Rental Units</i>	28
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	5
Parking spaces	16

*The BPDA uses this estimated cost to gain an understanding of the development environment in Boston. It is not necessary for you to project an exact cost, just the best estimate at this time. If you have no realistic estimate and instead submit obvious placeholder data (e.g., \$1 million), the BPDA reserves the right to replace that with an estimate based on a formula generated by the agency Research Department.

DEVELOPMENT TEAM

Owner/Developer/Applicant

Geneva Street, LLC
14 Sgt. Roode Lane
Middleton, MA 01949
Contact: Nicholas Yebba

Legal Counsel

Richard C. Lynds, Esq.
Law Office of Richard C. Lynds
245 Sumner Street, Suite 110
East Boston, MA 02128
Email: rclyndsesq@gmail.com

Architecture

O'Sullivan Architects
606 Main Street, Suite 3001
Reading, MA 01867
David O'Sullivan, AIA – Principal

Civil Engineer

PJF & Associates
4 Highland Avenue
Wakefield, MA 01880
Paul Finocchio, PLS

DESCRIPTION AND PROGRAM

9 Geneva Street LLC (the "Proponent") proposes to construct a new five (5) story, 28-unit residential apartment building, with on-site motor vehicle and bicycle parking, residential lobby, and utility spaces (the "Proposed Project"). The Proposed Project will be situated on a combined lot of approximately +/-14,829 square feet of land, which will have an address of 9 Geneva Street, in Boston's East Boston neighborhood, between Maverick Street and Gove Street (the "Site" or "Project Site"). The Proposed Project's unit mix will include four (4) one-bedroom, twenty (20) two-bedroom units, and four (4) three-bedroom units. The Proposed Project will include five (5) units, or approximately 17.9% percent of the total residential units, restricted under the City of Boston Inclusionary Development Policy (IDP), which exceeds the minimum requirement of 13%.

The Proposed Project will include a maximum of sixteen (16) on-site motor vehicle parking spaces, including one (1) van-accessible space adjacent to an 8-foot-wide access aisle for residents located at ground level. All motor vehicle parking spaces will be accessed via a single curb cut via Geneva Street. The number of motor vehicle parking spaces approved by the BPDA is a maximum number of spaces, as final decisions on parking supply are codified by the Zoning Commission for Small Projects. The curb cut size will be limited to no wider than 10 feet.

The Proposed Project will include a minimum total of thirty-four (34) interior covered and secured resident bike parking located within the ground floor and directly accessible via Geneva Street. The proposed Project will also include a minimum total of six (6) exterior visitor bike parking spaces using a minimum of three (3) post-and-ring racks in compliance with the City of Boston's Bike Parking Guidelines.

The Proposed Project will include streetscape improvements to Geneva Street consistent with the Boston Complete Streets Design Guidelines. The Proposed Project will create an accessible sidewalk at least 8 feet in width, inclusive of a minimum 5-foot clear pedestrian path of travel and at least six (6) street trees, along the Project Site. The Proposed Project will create an accessible sidewalk, inclusive of a minimum 5-foot clear pedestrian path of travel, from the Project Site to Maverick Street. Together, these improvements will create a continuous and accessible path of travel for residents and visitors between the Proposed Project and Maverick Street (the nearest public way) and MBTA Bus Route 120. Sidewalk setbacks and streetscape improvements will be subject to design review and may require approval by the Public Improvement Commission ("PIC"), including Pedestrian Easement and Specific Repairs actions.

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

PLANNING CONTEXT

The Proposed Project is located within the East Boston Neighborhood District, within a Multi-Family Residential (MFR) Subdistrict, pursuant to Article 53 of the Zoning Code. The proposed development is also located within the study area of

PLAN: East Boston, adopted by BPDA Board in January 2024, and codified into zoning adopted by the Boston Zoning Commission in April 2024. Given the recent adoption of this PLAN and related zoning, the use and dimensional regulations proposed by PLAN: East Boston are most pertinent to the Proposed Project, and it was reviewed to align with that context.

PLAN: East Boston designates the proposed development site as an EBR-4 subdistrict. Within this area, recommendations from the PLAN include improved transportation and public realm, achieved in this project through the addition of a sidewalk connection to Maverick Street and the addition of street trees along the new sidewalk for shade and pedestrian comfort. This subdistrict also allows for heights of up to four stories for residential buildings. The Proposed Project is located in the Coastal Flood Resilience Overlay District, which requires new construction to meet resilient design standards. These standards include elevating the building above Base Flood Elevation for the year 2070, and limiting the uses that can be located below the Design Flood Elevation. The Base Flood Elevation for the proposed development site is 19.5'. The required freeboard for residential this type of development is 2 feet, requiring a 21.5' Design Flood Elevation. The proposed height of four stories above Design Flood Elevation is consistent with the zoning regulations of the East Boston Neighborhood District (Article 53) and Coastal Flood Resilience Design Guidelines (Article 25a).

Relative to the East Boston Neighborhood District zoning requirements, the Proposed Project will require relief with respect to Building Width, Rear Setback, and Maximum Floor Plate. Due to the irregular shape of the lot, relief is recommended for the rear setback. The rear setback for the deepest areas of the project site has a minimum dimension of 30' and abuts open space at the edge of the Logan Airport property, further supporting the case for zoning relief. Per Section 7.3 - Conditions Required for Variance, a variance for the rear setback is merited due to special circumstances applying to the land of which circumstances or conditions are peculiar to such land or structure but not the neighborhood. The location of the proposed project adjacent to greenspace on both the northern side of the parcel and to the parcel rear creates a condition similar to that of a corner lot, meriting zoning relief for the width and subsequent floorplate size of the building.

ARTICLE 80 REVIEW PROCESS

On January 31, 2024, the Proponent filed a Small Project Review Application (“SPRA”) pursuant to Article 80E of the City of Boston Zoning Code (“the Code”). The BPDA hosted a virtual public meeting for the Proposed Project on February 28, 2024. The public comment period in connection with the Proponent’s submission of the SPRA ended on March 8, 2024.

The virtual public meeting was advertised in the relevant neighborhood newspapers, posted to the BPDA’s website and a calendar notification was sent to all subscribers of the BPDA’s East Boston neighborhood updates. The presentation and a recording of the virtual public meeting was published to the 9 Geneva Street project webpage on the BPDA website.

ZONING

The Project Site is situated within the Multifamily Residential (MFR) subdistrict under the Boston Zoning Code. The site is located within the Groundwater Conservation Overlay District (GCOD) as described in Article 32 and the Coastal Flood Resiliency Overlay District (CFROD) as described in Article 25A.

Under the current provisions of Article 53, the Proposed Project is anticipated to need relief from the Zoning Board of Appeals for the following:

Article 53, Section 9: Floor Area Ratio Excessive

Article 53, Section 9: Rear Yard Insufficient

Article 53, Section 9: Stories and Height Excessive

Article 53, Section 9: Lot Area Insufficient

Article 53, Section 56: Off Street Parking and Loading Insufficient

MITIGATION & COMMUNITY BENEFITS

The Proposed Project will provide community benefits for the East Boston neighborhood and the City of Boston. The Proposed Project will result in an improved pedestrian experience along Geneva Street with the installation of new

sidewalks, street trees, landscaping, and visitor bike parking, consistent with the City of Boston's Complete Streets Design Guidelines. In addition, the Proponent shall agree to the following:

- Proponent shall enter into a Transportation Demand Management (TDM) agreement with the Boston Transportation Department ("BTD") using the City's TDM Points System. An adequate number of Baseline, Impact, and Elective strategies should be selected to achieve 80 Target Points, as required for the Project Site's Mobility Score of 66. The TDM plan shall be completed before building permit issuance for the Proposed Project, with selected strategies in place upon Certificate of Occupancy.
- In-kind or financial contributions totaling up to twenty thousand (\$28,000.00) dollars, to be managed by the BPDA, and which will be allocated to:
 - An in-kind commitment for thirty-five thousand dollars (\$35,000) worth of roadway and public realm improvements to Geneva Street, which is a private way open to public travel, such as advancing engineering and design work and/or leveling or resurfacing all or portions of Geneva Street. This mitigation measure is subject to review by BPDA, BTD, Boston Public Works Department ("PWD"), PIC, and other City departments, as needed. PIC approvals for proposed improvements shall be completed before building permit issuance for the Proposed Project, and physical improvements shall be completed upon Certificate of Occupancy. This mitigation measure is subject to continuing BPDA design review. In the event that circumstances change regarding this mitigation, the BPDA will work with the Proponent to identify an alternative solution with comparable impact and estimated value;
 - A financial contribution to Tree Eastie, a not-for-profit corporation to support the continued expansion of tree canopy East Boston Neighborhood upon issuance of Certificate of Occupancy in the amount of [\$5,000.00]; and
- In support of the priorities of PLAN: East Boston and the Urban Forest Plan the Proponent shall take the following measures to ensure protection of

existing tree canopy and to establish conditions which support healthy establishment of new trees installed by the Proposed Project. Site plans should illustrate proposed conditions should illustrate all existing trees to remain which measure 6-inch caliper DBH or larger, including trees on the Project Site as well as trees on abutting parcels within fifteen feet of the Proponent's property line. The plan should illustrate the extent of each existing tree's canopy, extent of tree protection zone (TPZ) and extent of critical root zone (CRZ) as determined by a certified arborist. A report prepared by a certified arborist should inventory the species, caliper size, canopy extent, TPZ, CRZ, health condition, and tree protection recommendations. The intent of this request is to ensure that consideration is given, and steps taken to protect each tree's stem, branches, and root zone from damage, and to avoid overcompaction and contamination of soil within the tree protection areas during the construction process and through the designed conditions. New plantings of canopy trees shall be provided with sufficient soil volume and resources to support healthy establishment. Street trees should target a minimum soil volume of 1000 cubic feet per tree, assuming a 3-foot max soil depth. A system of structural soil or suspended pavement should be utilized where soil volumes extend below pavement. BPDA staff recommends that the Proponent engage the services of a landscape architect for design and construction phase.

- Plans provided as of May 23, 2024, do not illustrate the Proponent's intent regarding how to manage the existing utility pole and overhead lines, which cross into the site. Proponent shall provide clarification about management of these utilities in future documentation.

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 17.9% of the units at the Project Site comply with IDP. Therefore, five (5) units within the Proposed Project will be created as IDP rental units (the "IDP Units"). All five (5) IDP units will be made

affordable to households earning not more than 70% of Area Median Income (“AMI”), as based on data from the United States Department of Housing and Urban Development (“HUD”) and published by the BPDA.

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

Unit Number	Number of Bedrooms	Square Footage	Percentage of AMI	Rent	Group-2 designation (if any)
202	Two-bedroom	974	70%	\$1,766	
206	Three-bedroom	1,264	70%	\$1,978	Group-2
304	Two-bedroom	974	70%	\$1,766	
401	Two-bedroom	992	70%	\$1,766	
505	One-bedroom	548	70%	\$1,559	

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

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

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

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

The IDP Units will not be marketed prior to the submission and approval of the Plan. An affordability covenant will be placed on the IDP Units to maintain affordability for a total period of fifty (50) years (this includes thirty (30) years with a BPDA option to extend for an additional period of twenty (20) years). The household income of the renter and the 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 the IDP Units. The BPDA or its assigns or successors will monitor the ongoing affordability of the IDP Units.

RECOMMENDATION

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

An appropriate vote follows:

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6 of the Boston Zoning Code (the "Code"), approving the development at 9 Geneva Street in the East Boston neighborhood proposed by the Proponent for the construction of a multifamily residential building comprised of a five-story, multifamily residential building, containing twenty-eight (28) residential units, up to

sixteen (16) accessory off-street motor vehicle parking spaces, a minimum of thirty-four (34) bicycle parking spaces, trash and recycling, and building amenities all located at grade within the 5,972 sq.ft. garage; including five (5) Inclusionary Development Policy (“IDP”) units for the building (the “Proposed Project”) in accordance with the requirements of Small Project Review, Article 80E, of the Code, subject to continuing design review; and

**FURTHER
VOTED:**

That the Director be, and hereby is, authorized to execute and deliver one or more Affordable Rental Housing Agreement and Restriction(s) for each building for the creation of a total of Five (5) on-site IDP Units in connection with the Proposed Project; and

**FURTHER
VOTED:**

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

9 Geneva Street



1:500



9 Geneva Street



1:500

