



# Planning Department

## MEMORANDUM

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

FROM: Joanne Marques  
Regulatory Planning & Zoning

DATE: September 18, 2024

RE: Planning Department Recommendations

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Please find attached, for your information, Planning Department recommendations for the September 24 2024 Board of Appeal's Hearing.

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



<b>Case</b>	BOA1585854
<b>ZBA Submitted Date</b>	2024-03-30
<b>ZBA Hearing Date</b>	2024-09-24
<b>Address</b>	80 Spring Park AV Jamaica Plain 02130
<b>Parcel ID</b>	1900645000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 3F-5000
<b>Zoning Article</b>	55
<b>Project Description</b>	Construct a three and one-half-story, three-unit dwelling on a vacant corner lot.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Additional Lot Area Insufficient FAR Excessive Height Excessive (stories) Height Excessive (ft) Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Usable Open Space Insufficient

**Planning Context:**

The proposed project would construct a new three-unit dwelling on a vacant parcel in the Jamaica Plain Neighborhood. Per the supplemental information submitted with the plan set, the new dwelling is to be owner-occupied, with two rental units. There are no current local planning initiatives for the project area, but citywide plans can provide appropriate planning context. Imagine Boston 2030 identifies the project area as an "Enhanced Neighborhood," an area in which the intention is to encourage contextually-sensitive development, by ensuring that "New development will be contextually responsive, focused on filling gaps in neighborhood main-street corridors and complementing the scale and form of existing buildings along residential streets."

Surrounding properties set the neighborhood context for the proposed project. Much of the neighborhood fabric comprises three and one-half-story residential structures on parcels of similar square-footage. Existing structures contain limited parking, often below the unit count for the buildings, inconsistent with zoning, but aligned with the City goals of reduced reliance on



single-occupancy vehicles, particularly in areas with access to transit, such as this property, located less than one-quarter mile from the Stony Brook MBTA Station.

**Zoning Analysis:**

The proposed project is located in the Jamaica Plain Neighborhood District, in a Three-Family Residential (3F-5000) Subdistrict, pursuant to Article 55 of the Zoning Code. This project application contains nine zoning violations, Parking or Loading Insufficient, Additional Lot Area Insufficient, FAR Excessive, Height Excessive (stories), Height Excessive (ft), Front Yard Insufficient, Side Yard Insufficient, Rear Yard Insufficient, and Usable Open Space Insufficient.

With respect to the insufficient parking, the project proposed two parking spots on site, dedicated to the owner-occupied unit. This proposal is supported by the Boston Transportation Department suggested maximum parking ratios, which recommend a higher parking ratio for homeownership units over rental units, and the reduction of available parking for site in close proximity to high frequency transit opportunities. As noted in the Planning Context, the proposed project is located less than one-quarter mile walking distance to the Stony Brook MBTA Station (Orange Line and bus service).

Dimensional violations related to the proposed structure itself include Additional Lot Area Insufficient, FAR Excessive, Height Excessive (stories), and Height Excessive (ft). The Additional Lot Area violation is given in error, as the proposed project intends to create a three-unit dwelling in a Three Family Residential Subdistrict. Per Article 55 Table E of the Zoning Code, Additional Lot Area for Each Additional Dwelling Unit is not an applicable dimensional regulation for this structure. FAR and height are interrelated violations. The height of the proposed project exceeds zoning dimensions, at three and one-half stories, 47'-3", where the maximum allowable height is three stories, 35'. As noted in the Planning Context, the three and one-half stories condition is consistent with the existing neighborhood fabric. Design review is suggested for this project to ensure a continued consistency. The regulated FAR is pursuant to a three story proposal on a 5,000 SF minimum lot. Given that the proposed project is taller and located on a smaller ~3,000 SF lot, the FAR exceeds the maximum even though the proposal remains consistent with existing conditions.

The violations with respect to open space on the property include Front Yard Insufficient, Side Yard Insufficient, Rear Yard Insufficient, and Usable Open Space Insufficient. Given the corner lot condition of the site, the proposed project contains two front yards (street frontage), a side



yard (between 80 Spring Park Ave and 183 Chestnut Avenue), and a rear yard (between 80 Spring Park Avenue and 14-16 Dresden Street). There is common ownership between the proposed project at 80 Spring Park Avenue and 14-16 Dresden Street as well as a shared driveway easement. Given this shared condition, relief is recommended for the setback between these two properties. The setback between the proposed project and the neighboring parcel at 183 Chestnut avenue is 3'-2", less than half the required distance of 7'-0". Existing conditions in the surrounding properties mimic this below minimum setback, therefore making the proposal contextual to the neighborhood. The same context exists for the proposed front setback, which is nearly modal to other existing conditions on Dresden Street. Through the process of design review, it is recommended that the proponent work with Urban Design to increase this setback to a a modal distance.

**Recommendation:**

In reference to BOA1585854, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to the design of the top half story in context with other neighborhood properties.

Reviewed,

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Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1627266
<b>ZBA Submitted Date</b>	2024-07-15
<b>ZBA Hearing Date</b>	2024-09-24
<b>Address</b>	103 to 105 Neponset AVE Roslindale 02131
<b>Parcel ID</b>	1806432000
<b>Zoning District &amp; Subdistrict</b>	Roslindale Neighborhood 1F-6000
<b>Zoning Article</b>	67
<b>Project Description</b>	Add a two-story rear deck to an existing single family home.
<b>Relief Type</b>	Variance
<b>Violations</b>	Side Yard Insufficient

**Planning Context:**

The proposed project would add a two-story rear deck to an existing residential building. This area of Roslindale is characterized by 1-, 2- and 3-unit residential buildings, often with rear decks similar to the proposed project.

**Zoning Analysis:**

The only triggered violation for this project is insufficient side yard as required under zoning. The code requires a side yard depth of 10 feet minimum. The proposed project only has a side yard of 5.5 feet. While this is a violation, there is a similar depth on the neighboring property, which shows appropriate fit, while also allowing for a 10 foot wide space between the two buildings. The proposed project would not reduce the side yard depth, as it is extending the rear of the building. This violation is an already existing non-conformity that the project would extend but not worsen.

**Recommendation:**

In reference to BOA1627266, The Planning Department recommends APPROVAL.



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Reviewed,

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Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1530242
<b>ZBA Submitted Date</b>	2023-10-02
<b>ZBA Hearing Date</b>	2024-09-24
<b>Address</b>	69 Thetford AVE Dorchester 02124
<b>Parcel ID</b>	1701990000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	65
<b>Project Description</b>	Change use from 2-unit to 3-unit by converting the third floor into a 2-bedroom unit and adding two dormers.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Parking or Loading Insufficient FAR Excessive Height Excessive (stories) Side Yard Insufficient Use: Forbidden (3 Family)

**Planning Context:**

This project sits within a residential neighborhood of Dorchester and is 1/2 mile from the Morton Street Commuter Rail Station, just under one mile from the Ashmont MBTA Red Line Station, and a block away from the MBTA Route 26 bus. The site is also within the Thetford Avenue Area, designated by the Massachusetts Historical Commission, and is characterized by architecturally significant residential buildings of varying styles. This particular existing building is not inventoried, but other inventoried buildings within this area include multifamily buildings and some with dormers. The surrounding residential context includes a mix of 1-, 2-, and 3-unit residential buildings, along with some multifamily uses. The immediately abutting buildings are of a similar size and scale to the existing building; one is a 3-unit and the other is a 2-unit. The proposed addition of this third unit also maintains the existing structure with limited disturbance of the yards or permeable areas of the lot.

Given the surrounding context and retention of the existing structure, an additional unit is appropriate in this location.

**Zoning Analysis:**



Pursuant to Table A of Article 65, 3-family is a forbidden use in 2F-5000 subdistricts of Dorchester. However, the surrounding context of properties within the same zoning district and historic neighborhood includes 3-family and multifamily uses.

The project is also cited for insufficient parking (2 proposed, 3 required) with the addition of one dwelling unit. The existing two parking spaces are provided in the rear of the site. Adding a third parking space would require additional paving in the rear yard. This is an area for zoning reform, where minimum parking requirements necessitate paving over otherwise permeable surfaces that can be used instead as open space or landscaping.

The existing third floor of the property is increasing in usable floor area by roughly 100 square feet with the addition of a 26' shed dormer. The existing FAR is nonconforming (0.5 required, 1.0 existing), and this is a nominal addition of floor area. Most properties within this same subdistrict also exceed the maximum 0.5 FAR, indicating a need for zoning reform to update regulations to better reflect existing conditions.

The maximum height pursuant to Article 65 is 2.5 stories. This third floor expansion constitutes a full story because it occupies more than 50% of the floor below it. However, this is achieved with minimal exterior modifications and maintains a similar size and scale compared to the neighboring properties.

Finally, the project is cited for violating minimum side yard requirements. This is an existing nonconformity, where one side yard is 10' to accommodate a driveway, and the other side yard is 3' (10' minimum required). This is another area for zoning reform, to potentially introduce a cumulative side yard requirement to accommodate the common condition of a building set further to one side of the property for driveway access.

**Recommendation:**

In reference to BOA1530242, The Planning Department recommends APPROVAL.





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Reviewed,

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Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1636369
<b>ZBA Submitted Date</b>	2024-08-06
<b>ZBA Hearing Date</b>	2024-09-24
<b>Address</b>	608 Gallivan BL Dorchester 02122
<b>Parcel ID</b>	1604125000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	65
<b>Project Description</b>	Owner seeks to demolish the existing two-unit building and build a new three-story residential building with 12 units and a below grade garage with 20 parking spaces.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	FAR Excessive Height Excessive Side Yard Insufficient Existing Building Alignment Forbidden Use Application of Dimensional Req

**Planning Context:**

The proponent is seeking to demolish an existing two-unit residential building in 608 Gallivan Blvd and build a new three-story 12-unit residential building. The area is predominantly residential characterized by 2.5- to 3-story buildings containing mostly 2-3 units buildings and a few small multifamily buildings and small commercial buildings along the corridor. Most existing buildings in the area have FARs between 0.5 and 1, and yards range around 5-30 ft in the fronts and around 3-12 ft on the sides. Therefore, the proposed buildings would be aligned with existing conditions in terms of existing heights, yards and FAR. The proposed buildings would represent a slightly higher density in terms of units, as the proposed project contains 12 units.

The lot is located within a 20 minute walk of the Ashmont MBTA Station on the Red Line, the Mattapan Trolley stop and several bus stops on the 20, 202 and 215 routes, very close to a neighborhood commercial area, and along Gallivan Boulevard, a main corridor. This is an ideal area to add more housing units that are very needed in Boston. Adding units aligns with key



recommendations from Housing a Changing City: Boston 2030 related to production of new housing.

**Zoning Analysis:**

The site is located in a 2F-5000 subdistrict within the Article 65 Dorchester Neighborhood District.

The proposed project is not in compliance with the zoning requirements for maximum height in number of stories (2.5 allowed vs. 3 proposed), FAR (0.5 allowed vs. 0.69 proposed), and side yard (10' required vs. 8.2' proposed). However, as discussed in the planning context, similar heights, FAR and yard dimensions are already prevalent in the surrounding area. Therefore, these zoning regulations should likely be reformed to better reflect the existing built conditions.

The proposed project is required to conform to the existing building alignment of its neighboring properties. Currently, the project is proposing a front yard setback of 15.8 feet, and based on initial analysis of neighboring properties, it appears that the setback is similarly situated with the neighboring 606 Gallivan Blvd and 612 Gallivan Blvd.

The proposal is cited for an "Application of Dimensional Req: 65.42.6" violation due to the left side wall of the building not being parallel to the side lot line. These violations of the lot cannot be remediated by an improved project design since they are inherent to the lot and would render the lot otherwise unbuildable. Denying a project based on these grounds may create a hardship - a variance is required for reasonable use of the land.

Under Article 6 Section 3, a conditional use permit can be granted if it meets the following criteria: the specific site is an appropriate use for such use; the use will not adversely affect the neighborhood; there will be no serious hazard to vehicles or pedestrians from the use; no nuisance will be created by the use; and adequate and appropriate facilities will be provided for proper operation of the use. A conditional use permit should be granted as a multifamily residential dwelling is an appropriate use on Gallivan Blvd, as it would create transit-oriented housing that would support the planning goals of Dorchester and is contextually consistent with multifamily dwellings found along this part of Gallivan Blvd. Because the proposed project requires zoning relief and contains 12 units, it is subject to the City's current Inclusionary Development Policy, and a housing agreement must be executed with the Mayor's Office of Housing.



**Recommendation:**

In reference to BOA1636369, The Planning Department recommends APPROVAL WITH PROVISIO/S: that a housing agreement with the Mayor's Office of Housing be issued prior to issuing permits.

Reviewed,

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Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1452431
<b>ZBA Submitted Date</b>	2023-03-28
<b>ZBA Hearing Date</b>	2024-09-24
<b>Address</b>	12 Trull ST Dorchester 02125
<b>Parcel ID</b>	1502735000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 3F-5000
<b>Zoning Article</b>	65
<b>Project Description</b>	Legalize the existing condition by changing use of existing building from two-family to multifamily with 4 units. Construct new exterior egress stair, new fire alarm and sprinkler system, and relocate utility meters.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Height Excessive (stories) Use: MFR Forbidden Use Regulations: Basement unit Forbidden Dimensional Regulations: Location of Main Entrance

**Planning Context:**

The proposed project would legalize the existing use of a building with four residential units that was converted from a two unit building without a building permit. In addition, the proposed project would construct a new exterior staircase for egress, a new fire alarm and sprinkler system, and relocation of the utility meters. The building is three stories with a gable roof. According to the Inspectional Services Department, it is permitted for two units. According to the plans submitted, the existing building to be legalized includes a residential unit on each floor, including in the basement (with an area of 617 square feet) and on the third floor (with an area of 971 square feet). The basement unit includes two separate entries with six windows above grade.

Along the same block are two- and three-story residential buildings, including triple-deckers, duplexes, and multifamily buildings, providing precedent within the nearby neighborhood for the proposed use.



**Zoning Analysis:**

The proposed project is cited for use and dimensional violations.

In terms of use, the project proposes multifamily use in a three-family subdistrict. The project does not propose any expansion to the dimensions of the existing building that could cause new impacts. In addition, there is precedent within the neighborhood for multifamily uses in the 3F-5000 subdistrict. 14 Trull Street, which abuts the site to the west, includes 8 units. In addition, 4-6 Trull Street, which is two properties to the east, includes 6 units in one building. Zoning relief for the multifamily use is recommended. The project is also cited for the residential unit in the basement. The project is almost one mile away from the nearest location of the Coastal Flood Resilience Overlay district, suggesting it is not at threat of being flooded due to sea level rise. Given that the project will be reviewed for compliance with the Building Code to ensure that the proposed residence meets safety standards, zoning relief is recommended.

In terms of dimensions, the project is cited for excessive FAR, building height in stories, and location of the entrance to the basement unit. The proposed FAR is 0.53 and the zoning limit is 0.5. Residential buildings on the same street in the 3F-5000 subdistrict exceed the maximum FAR, including 4-6 Trull Street which has an FAR of approximately 0.85. In addition, there are several buildings on the same block with heights that exceed 2.5 stories, including the abutting property at 10 Trull. Finally, Section 65-9 requires that the location of the main entrance of a dwelling face the lot line. According to the assigned ISD Plans Examiner, the proponent has proposed using the rear access as the main entrance. However, there is a front access that enters into an "entry room" according to the basement floor plan that could be used as the main entrance without any reconfiguration of the unit and that would be zoning compliant. Zoning relief for a rear entrance is not recommended.

**Recommendation:**

In reference to BOA1452431, the Planning Department recommends APPROVAL WITH PROVISIO/S: that no building code relief be granted and the basement unit maintain its main entrance facing the front lot line.



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Reviewed,

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Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1600988
<b>ZBA Submitted Date</b>	2024-05-10
<b>ZBA Hearing Date</b>	2024-09-24
<b>Address</b>	2080 Washington ST Roxbury 02119
<b>Parcel ID</b>	0802426020
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood CF
<b>Zoning Article</b>	50
<b>Project Description</b>	The proponent is seeking to rebuild an addition to the original building destroyed in a fire and to use the rebuilt and existing space as a dance studio.
<b>Relief Type</b>	Conditional Use Permit
<b>Violations</b>	Use: conditional (dance studio); Boulevard Planning District (triggers Design Review); rear yard exceeds 20'

**Planning Context:**

2080 Washington Street is on a mixed-use block with retail, a cemetery, and a STEM afterschool program building. It sits within the Eustis Street Architectural Conservation District, so any exterior changes would have to be approved through Landmarks Review in order to move forward. Since it also abuts Eliot Burying Ground and external changes are being proposed, Parks Design Review would be required.

This parcel is the currently vacant Owen Nawn Factory building, identified as a "historical asset" that could be used for "multiple purposes" in the adopted PLAN: Nubian Square (July 2019). In the same section of the plan, residents highlighted the need for "neighborhood amenities that build on the area's cultural history and assets" including entertainment spaces and spaces geared towards creative pursuits.

The proponent is seeking to renovate the existing two-story building, which would include minor exterior changes from the street-facing facade (replacing the front windows and doors so that they are usable instead of boarded openings). They are also proposing to replace the old building addition that was destroyed in a fire. The replacement addition would be built on top of





the still-existing foundation footprint poured for the old addition behind the original building. A dance studio is the proposed new use for the parcel.

**Zoning Analysis:**

There are three violations listed on the refusal letter. One references that the addition is over 300 square feet and is within a Boulevard Planning District, which triggers Planning Department Design Review (Section 50-37(1(b))). However, this appears to be a flag for review, not a true violation. An additional dimensional violation was cited related to the rear yard setback exceeding 20'. However, the triangular rear yard appears to be approximately 10' deep at its widest point. Also, the proposed addition would not expand on the previously approved and built addition. According to the plans, the proposed addition would remain within the former addition's footprint. ISD has been contacted in regards to these two citations.

The final violation deals with the proposed dance studio use. While they are not explicitly listed in the use tables, dance studios could be considered a cultural use since they are similar to art studios and theaters (Table A). Theaters and art studios, like the other cultural uses listed in the table, are conditional in Community Facilities subdistricts like this one.

The missing dance studio use represents a case for zoning reform, particularly in this area where music, arts, and cultural uses are tied to the history of the community. Adding this use would help reduce the barrier to entry for any future dance studios in the area.

**Recommendation:**

In reference to BOA1600988, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review, that plans shall be submitted to the Department of Parks and Recreation for review, that plans shall be submitted to the Boston Landmarks Commission for design review .



Planning Department

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Reviewed,

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Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1615346
<b>ZBA Submitted Date</b>	2024-06-14
<b>ZBA Hearing Date</b>	2024-09-24
<b>Address</b>	374 E Eighth ST South Boston 02127
<b>Parcel ID</b>	0701380000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood South Boston Neighborhood MFR/LS
<b>Zoning Article</b>	68
<b>Project Description</b>	This proposal seeks to add a third story addition, with a roof deck, to an existing dwelling unit. Additionally, the proposal includes the construction of a one car garage at the rear of the property.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Rear Yard Insufficient Front Yard Insufficient Side Yard Insufficient

**Planning Context:**

374 E Eighth ST is two-story, single-family, row house located on a corner of E 8th St and Covington St in a primarily residential area. The lot on which the property sits is thin and rectangular with perpendicular lot lines that are slightly askew in comparison to other parcels for the accompanying row houses. The neighborhood has a diversity of housing types including other two- and three-story row houses, duplexes, and large multi-unit apartment complexes. Additionally, there is a single story commercial building, tenanted by a restaurant, directly across from the property and some mixed use spread throughout the neighborhood.

The proposal includes a third story addition with a roof deck at the subject property and garage, suitable for one vehicle, at the rear of the house abutting an alleyway. It should be noted that no other houses abutting the alleyway have vehicular access.

**Zoning Analysis:**



This project is a case for zoning reform to create dimensional regulation requirements that better match the scale of the building and surrounding area. The site is located in the Multi-family Residential (MFR)/ Local Shopping (LS) district in the South Boston Neighborhood. The subject property was cited for four (4) violations in total, three (3) of which are dimensional in nature. Of the three (3) dimensional violations, two (2) (insufficient front and side yard) are pre-existing conformities given the age of the house (built in 1890) and the adoption of the South Boston Neighborhood regulations for MFR/LS (most recently amended in 2019).

In the MFR/LS district (Article 68, Table D) a front yard of five (5) feet is required but the property has a previously existing nonconforming front setback of 4.3 feet. A side yard setback of three (3) feet is also required and the district and the site has an existing nonconforming side yard of zero (0) feet. The previously existing front or side setbacks are being extended with the addition but are not being worsened through this proposal and are still contextual with the neighborhood. Additionally, in the MFR/LS district a rear yard setback of 20 feet is required but a rear setback of 11 feet is proposed. This rear yard setback is necessary to facilitate the work proposed and is similar in dimension to other rear yards surrounding the dwelling.

The property was also cited for excessive FAR. A maximum FAR of 1.5 is permitted in the MFR/LS district. The property's current FAR meets this requirement at 1.5 however the proposed addition and garage will increase the site's FAR TO 1.94. The proposed FAR, however, is consistent in massing and scale with the neighborhood given the diversity of building types present.

**Recommendation:**

In reference to BOA1615346, The Planning Department recommends APPROVAL.



Planning Department

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Reviewed,

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Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1628161
<b>ZBA Submitted Date</b>	2024-07-17
<b>ZBA Hearing Date</b>	2024-09-24
<b>Address</b>	850-852 Summer St 06 South Boston
<b>Parcel ID</b>	0603632001
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR/LS
<b>Zoning Article</b>	68
<b>Project Description</b>	Change use from office use to professional office to accommodate a yoga fitness studio office in an existing commercial building at 850-852 Summer Street.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Nonconforming Use Change Use: Conditional (Professional Office)

**Planning Context:**

The proposed project at 850-852 Summer Street is seeking to change part of its occupancy on the second floor from general office use to professional office use to accommodate a yoga fitness studio in an existing two-story commercial building at 850-852 Summer Street. This building is subdivided into different units that are currently used as office and warehouse space with current occupants that include MYSTRYDE Fitness Studio, H&R Block, and McKearney Associates Inc, an interior office contractor. Located south of the Raymond L. Flynn Memorial Bridge, this section of Summer Street transitions into L Street, shifting from industrial to commercial uses and eventually to residential and mixed-use buildings.

This project would allow a new small business to open at one of South Boston’s commercial hubs. Summer Street and L Street currently contain a mix of small businesses that include restaurants, a fitness studio, and a tax consultant firm.

**Zoning Analysis:**

The refusal letter states that there are two violations: a nonconforming use change and a conditional use. Under Article 68, in an MFS/LS subdistrict, general office use is a forbidden use, while professional office use is conditional on the ground floor and forbidden on the second



story. The first violation arises because the existing nonconforming use is being changed to another nonconforming use to accommodate the new yoga fitness studio. As the nonconforming use change is allowable under Article 9, it is recommended that this change is allowed because it will allow the opening of a new small business, a yoga fitness studio, in an area of South Boston where such business will have no negative impact.

The second violation concerns use regulations. While professional office use is conditional under Article 68, because the nonconforming use change is less than 25% in area, a conditional use permit is required. However, a conditional use permit should still be granted as the opening of a new yoga fitness studio would provide more fitness options for the residents of South Boston and complement the nearby MYSTRYDE studio which focuses primarily on running and cardio.

**Recommendation:**

In reference to BOA1628161 , The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1613836
<b>ZBA Submitted Date</b>	2024-06-11
<b>ZBA Hearing Date</b>	2024-09-24
<b>Address</b>	1 Laurel ST Charlestown 02129
<b>Parcel ID</b>	0203152000
<b>Zoning District &amp; Subdistrict</b>	Charlestown Neighborhood RH-2000
<b>Zoning Article</b>	53
<b>Project Description</b>	Renovate basement, including lowering of floor slab to allow for greater basement floor to floor height.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Extension of Nonconforming Use

**Planning Context:**

The house is a 17.58' wide, 3-story plus basement house sharing a party wall to the neighboring home that is of the same design and dimensions. The surrounding neighborhood is mostly similar design historic attached houses. The proponent is seeking to excavate and lower the slab height of the existing finished basement in a single-family semi-attached dwelling to increase the basement ceiling height. An existing ½ bathroom will be turned into a full bathroom, while the rest of the basement will be turned into what the proponent has identified as flexible space.

The Parcel is within PLAN: Charleston in the specifically outlined historical residential area of the Original Peninsula. The plan details the importance of preserving existing historic structures, avoiding demolition and supporting sensitive additions. The proposal of dropping the basement slab would grant further use of this existing structure and create the newly needed space while preserving the house.

**Zoning Analysis:**

Presently two violations are being triggered by this project: extension of non-conforming use and excessive floor area ratio. For the RH-2000 subdistrict semi-attached dwelling is a forbidden use. This is a case for zoning reform due to this form of residential use being in





character for the neighborhood. The FAR is considered to become excessive due to the basement becoming a new habitable space. This FAR increase would allow for the new needed use of this existing historic structure, but have no physical impact on the massing of the building.. Both of these can be recommended for relief.

**Recommendation:**

In reference to BOA1613836, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1565654
<b>ZBA Submitted Date</b>	2024-01-26
<b>ZBA Hearing Date</b>	2024-09-24
<b>Address</b>	156 to 164 Bunker Hill ST Charlestown 02129
<b>Parcel ID</b>	0203081000
<b>Zoning District &amp; Subdistrict</b>	Charlestown Neighborhood NS
<b>Zoning Article</b>	62
<b>Project Description</b>	The proponent is seeking to renovate the existing restaurant and convenience store on the existing one-story building, and build three new stories on top of the existing building containing four new residential units. This would result in a four-story building.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient FAR Excessive Height Excessive (ft) Usable Open Space Insufficient Rear Yard Insufficient

**Planning Context:**

The proponent is seeking to renovate the existing restaurant and convenience store on the existing one-story building, and build three new stories on top of the existing building containing four new residential units. This would result in a four-story building.

The area contains a mix of 2-3 units buildings, small to medium multifamily buildings, and small commercial buildings along Bunker Hill St. The proponent's lot is located across the street from the Bunker Hill BHA redevelopment. Most existing buildings in the area have FARs between 1 and 4, and vary in height between 3- to 5-story or 25-50 feet. Therefore, the proposed buildings would be aligned with existing conditions in terms of existing heights and FAR.

PLAN: Charlestown, adopted by the BPDA Board on September 28, 2023, emphasizes addressing Boston's housing shortage by increasing housing options in the neighborhood. It encourages residential and mixed-use developments around Orange Line MBTA stations to increase jobs and housing options with access to public transit. This property is in the Original



Peninsula area, where the community emphasized the need to preserve existing structures and commercial spaces, and encourage mixed-use development along key corridors like Bunker Hill Street. A major concern raised by residents during the planning process was the loss of local businesses, especially following the COVID-19 pandemic, leaving many storefronts empty. This proposal aligns with PLAN: Charlestown by preserving existing commercial structures while adding new residential units along a key corridor.

The site is a 15-minute walk from the Community College stop on the Orange Line and several bus stops (routes 93, 89, and 92). Due to its proximity to transit, extra off-street parking is not needed. According to the Boston Transportation Department's policy, the lot has a mobility score of 62, which supports a parking ratio of 0 to 0.4 spots per 1,000 square feet of retail space. This score reflects the lot's access to transportation, grocery stores, job opportunities, and walkability. PLAN: Charlestown also recommends the removal of off-street parking minimums for smaller structures with 6 or fewer housing units, which would trigger less new curb-cuts and discourage vehicular use.

### **Zoning Analysis:**

The site is located on a NS (Neighborhood Shopping) subdistrict in the Charlestown Neighborhood district. The proposed project is not in compliance with the zoning requirements for maximum height in feet (allowed 35', proposed 45'6"), and FAR (required 2.0, proposed 4.0). However, as discussed in the planning context, according to PLAN:Charlestown areas close to transit are ideal for mixed use developments, and the area already has buildings with similar dimensions to the ones being proposed. Therefore, these zoning regulations should likely be reformed to better reflect the existing built conditions.

Although the project is cited to have both a rear yard violation (required 20', existing 0'0"), and a usable open space violation (required 50sf per dwelling unit, existing none), the proposal does not worsen any of these violations. It maintains the same rear yard distance as the existing building, and maintains the same amount of usable open space, and should therefore be considered appropriate as it extends those non-conformities.

According to Article 62, Table E, no off-street parking is required for residential buildings with 3-6 units. For retail uses, 0.4 off-street parking spaces are required per 1,000 square feet of Gross Floor Area. With 1,995 square feet of retail space, this building would require at least one off-street parking space. However, since the existing building currently has no off-street parking

BOA1565654

2024-09-24

2 Planning Department



and the proposal does not worsen this condition, it should be considered appropriate. This is a case for zoning reform in terms of off-street parking requirements. It is also worth noting that there is not enough space on the lot to build off-street parking without demolishing the existing building, and it would not be desirable to have new curb cuts on Bunker Hill Street that would worsen the pedestrian experience.

This lot is located in a Neighborhood Design Overlay District (NDOD) that require a design review for projects that involve exterior alterations such as changes to the roof shape, cornice line, building height, or height of the street-facing wall, building massing, size and location of doors and windows, buildings or additions of 300 square feet or more in gross floor area. Since this proposal involves a change in building height, design review is recommended.

**Recommendation:**

In reference to BOA1565654, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1633229
<b>ZBA Submitted Date</b>	2024-07-29
<b>ZBA Hearing Date</b>	2024-09-24
<b>Address</b>	609 to 611 Bennington ST East Boston 02128
<b>Parcel ID</b>	0100893002
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 2F-2000
<b>Zoning Article</b>	53
<b>Project Description</b>	Change the use of an existing 2-unit dwelling to an educational use, expanding a neighboring school.
<b>Relief Type</b>	Variance
<b>Violations</b>	Rear Yard Insufficient Parking or Loading Insufficient

**Planning Context:**

The proponents are planning to convert a two-story, two-family home into an educational use so that the neighboring Brooke Charter School can expand. The school is located in a large three-story building that neighbors the rear of the 609-611 Bennington St address. The portion of the school that neighbors 609-611 Bennington St is a fully open air paved lot in the rear of the main school building. The other adjacent lots are two- or three-family homes of similar design. All of the rear setbacks are similar except for 609-611 Bennington St, where the structure extends further into the rear yard, reducing the size of the existing rear yard. The project will not change this condition; interior renovations will convert the first floor to classroom space and the second floor into a school administrative office. On the exterior the only renovations will be adding a handicap ramp to the rear that will connect to the back lot of the Brooke Charter School. This project falls within PLAN: East Boston adopted by the BPDA Board in January 2024. The project is in one of the specifically identified neighborhood residential areas of Harbor View. The plan brought about new zoning to the area and recommendations such as enhancing the role of Bennington Street as a major connective corridor. This project would revitalize the existing structure to become a lively piece of the neighborhood. Another note from the plan is the goal of encouraging use of public transportation and biking. Adding parking is not in line with these key recommendations.



**Zoning Analysis:**

The proposal was reviewed under the former 2F-2000 subdistrict zoning and was flagged for two violations: insufficient off-street parking, and insufficient rear yard setback. The new zoning would be EBR-4 and it would have the same violations. Under EBR- 4 zoning, the project should provide two parking spaces (0.6 per 1,000 SF of GFA) and it will provide zero parking spaces. The existing building on the lot covers the majority of the parcel's street front; it would be impossible to provide this parking without demolishing some of the existing building. In regards to the insufficient rear yard, EBR 4 subdistrict zoning requires 33'-0 and with the proposed design it will be 22'. The existing is already a rear yard violation of 30'. This design will be adding a platform and ramp for handicap access and connection to the school. It has minimal impact while advancing critical accessibility needs. This can be recommended for relief.

**Recommendation:**

In reference to BOA1633229, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, appearing to read "Aimee Roubicek".

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1575584
<b>ZBA Submitted Date</b>	2024-02-28
<b>ZBA Hearing Date</b>	2024-09-24
<b>Address</b>	81 Lexington ST East Boston 02128
<b>Parcel ID</b>	0102918000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 2F-2000
<b>Zoning Article</b>	53
<b>Project Description</b>	Erect a 3-story mixed-used building on a newly created 3,706 square foot lot. Building will consist of 1 local retail space at grade with 8 residential units above. The project scope includes basement units, balconies, and a common roof deck. Proposed demolition of the existing building is tied to a separate permit.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Height Excessive (ft) Height Excessive (stories) Rear Yard Insufficient Side Yard Insufficient Existing Building Alignment Parking or Loading Insufficient Forbidden Use (MFR); Forbidden Use (Local Retail); Forbidden Use (Basement Units)

**Planning Context:**

The proposed project sits in an established residential area in the Eagle Hill area of East Boston. Its surroundings consist of 2.5-story to 4-story structures with single-family to multi-family residential uses and limited retail, restaurant, and commercial uses on the ground floors of several nearby corner lots. The site sits within a quarter-mile of several bus stops - including those for the MBTA's 114, 116, 117, 120, and 121 routes - and is a half-mile from the MBTA's Airport Blue Line Station. It is also close (within a quarter-mile walk) to two community child care centers, Hugh R. O'Donnell Elementary, Mario Umama Academy K-8, Central Square Park, Eastie Farms, and East Boston's Shaw's grocery store.

The proposed project is sited on a corner parcel currently occupied by a 2.5-story three-family residential structure and a 38' x 50' surface parking lot. It seeks to demolish the site's existing



structure and surface parking to erect a new 3-story mixed-use building, consisting of 8 dwelling units (including basement units and a common roof deck) and 1 ground-level local retail space.

The recommendations of PLAN: East Boston (adopted January 2024) outline a need to improve access to neighborhood-serving retail and service amenities in residential areas, and support the development of small-scale commercial spaces on corner parcels within East Boston's neighborhood fabric (to support uses such as coffee shops, laundromats, etc.). The proposed project aligns with these planning goals.

The recommendations of PLAN: East Boston also promote the development of appropriately-scaled low-density residential infill, as a way to expand housing opportunities for East Boston residents and affirm the neighborhood's existing built character. Where possible, however, the PLAN recommends that preservation / renovation of the neighborhood's existing housing stock be utilized to accomplish these goals. While the proposed project does expand residential uses on the site (3 dwelling units existing, 8 dwelling units proposed), it does so in a way that exceeds the area's typical scale of building, with an occupancy greater than what currently exists in the site's surroundings (the area's largest residential structure's have occupancies ranging from 4-6 dwelling units), and includes the razing of an existing residential structure. As a result, the proposed project creates a built scale that is out of scale with the area's existing urban form, and ultimately deviates from PLAN: East Boston's planning recommendations for residential areas.

### **Zoning Analysis:**

The proposed project has been cited with 10 zoning violations relating to use, scale, and parking regulations. These citations are listed upon the project's most recent refusal letter, dated 2/27/24. Since that initial filing, updated zoning for the East Boston neighborhood was adopted by the Zoning Commission (on 4/24/24).

East Boston's updated zoning places the proposed project within an EBR-3 subdistrict. EBR-3 subdistricts allow a maximum building height of 3 stories/35' and permit residential uses up to 6 dwelling units on lots like 81 Lexington St that have a lot frontage greater than 55'. The proposed project does exceeds the updated zoning at a height of 3 stories/40' building height and 8 dwelling units proposed).





Updated zoning for the area also removes previously present dimensional regulations (such as maximum FAR, minimum lot area, and minimum usable open space) and replaces them with updated dimensional regulations based on building form and environmental performance items (including maximum building lot coverage, maximum building floor plate, maximum building width, maximum building depth, and minimum permeable area of lot). The zoning also recalibrates the requirements for previously present dimensional regulators (including for front, rear, and side yard setbacks) to better reflect the East Boston context.

In addition to its noncompliance with maximum building height and residential units, the project also proposes a built scale in excess of the majority of the updated dimensional regulations. Under new zoning, the project's violations would include excessive building lot coverage (75% permitted, 80% proposed), excessive building width (50' permitted, 75' proposed), insufficient permeable surface area of lot (15% required, ~10% proposed), insufficient front and side yards (3' required, 0' proposed), and insufficient rear yard (20.5' required, 20' proposed). The project's proposed building depth (70' permitted, 54' proposed) and building floor plate (3,000 square feet permitted, 2,938 square feet proposed) are the only dimensional figures in compliance with the updated East Boston zoning. These violations, together, result in an excessive building scale, out of context with the built character of the surrounding neighborhood.

Updated zoning for East Boston relaxes previously present use restrictions on basement dwelling units, when properties are not vulnerable to flooding (the proposed project does not sit in the City's Coastal Flood Resilience Overlay District), and allows ground floor retail on corner parcels like 141 Lexington. These conditions are commonly found throughout the site's surrounding area and East Boston, generally. The site's insufficient parking violation relates to the project's proposed zero-parking condition. While in violation of the area's zoning requirements (1:1 dwelling/space parking ratio required, totaling 8 required off-street spaces for the project), this condition is one commonly found throughout the Eagle Hill area, including on ~85% of the lots on the proposed project's immediately surrounding blocks.

While the project's proposed basement units, ground floor retail use, and lack of off-street parking are common neighborhood conditions contextual to the site, its dimensional violations (and the extent of their noncompliance - under both past and present zoning) point to a proposed building scale that significantly exceeds the site's surrounding built context. In this sense, the proposed structure is deemed an inappropriate addition to East Boston's Eagle Hill area.



**Recommendation:**

In reference to BOA1575584, The Planning Department recommends DENIAL WITHOUT PREJUDICE. The proponent should consider a mixed-use project that maintains the proposal's ground floor retail space, but reduces its residential use to no more than 6 dwelling units to comply with the use recommendations of PLAN: East Boston. Such a project should also amend the proposed structure's height, footprint, and yards to better align with the dimensional regulations of East Boston's updated zoning.

Reviewed,

A handwritten signature in blue ink, reading "Amee Rana".

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1637997
<b>ZBA Submitted Date</b>	2024-08-09
<b>ZBA Hearing Date</b>	2024-09-24
<b>Address</b>	55 Chelsea ST East Boston 02128
<b>Parcel ID</b>	0103818000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 3F-2000
<b>Zoning Article</b>	53
<b>Project Description</b>	Project seeks to rehabilitate and reconfigure an existing mixed-use, three-story corner building. Project proposes additions onto the existing second and third floors, with reconfiguration increasing the existing number of residential units from three units to five units, and increasing the ground floor retail unit from one to two.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	CFROD Applicability Parking or Loading Insufficient Roof Structure Restrictions Lot Area Insufficient Additional Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Location of Main Entrance Use: Forbidden (General Retail) Use: Forbidden (Multi-Family)

**Planning Context:**

Project seeks to rehabilitate and reconfigure an existing mixed-use, three-story corner building. Project proposes additions onto the rear portions of existing second and third floors, that will reconfigure the building to increase the existing number of residential units from three units to five units, and subdivide the existing ground floor retail from one unit to two units. Residential uses are proposed for the ground, second, and third stories.

The existing structure is three-stories in height with a basement for storage, mechanicals, and utilities. The rear portion of the building has decks on the second and third floors. The existing



building shares a party wall with the adjacent building, 57 Chelsea Street. The additions to the second and third floor include removing rear decks and building out the floorplate to match the existing first floor floorplate. Demolition is not being requested as part of the scope.

The project is located at the corner of Gove Street and Chelsea Street in East Boston. Of the four corner parcels that meet at this intersection, three of the four existing buildings consist of mixed-use developments with ground floor retail with one parcel being vacant. This section of Chelsea Street is primarily residential, with some retail activity between housing. Much of the existing building type in this area consists of three-story row-houses, semi-detached duplexes, or detached houses, as well as some multi-family housing (68 Chelsea Street).

The property is within walking distance to Maverick Square, the oldest commercial center in East Boston with access to multiple bus routes and the MBTA Maverick Station (Blue Line). The project is located within the Neighborhood Residential portion of the PLAN: East Boston study area, a neighborhood plan which was adopted by the BPDA board in March 2024, with zoning amendments adopted in April 2024. PLAN: East Boston identified several goals, including the need for more housing that is affordable to low- and moderate-income households, and advance climate preparedness. The project is located in what the plan identifies as the Jeffries Point and Gove Street section of the neighborhood. The plan recommends that new dimensional regulations allow for the diversity of housing types and encourage active ground floor uses in this area.

The project is also located within the Coastal Flood Resilience Overlay District (CFROD). The goal of CFROD is to protect persons and structures from the adverse effects of sea level rise and storm surge associated with climate change. Coastal Flood Resilience Design Guidelines recommends that for triple-deckers, basements be wet floodproofed and that critical systems such as HVAC equipment be elevated, ideally from sub-grade spaces.

### **Zoning Analysis:**

The project is located in an EBR-3 subdistrict, with this area being previously zoned 3F-2000. The original application for this project was submitted prior to the zoning amendments adoption in April 2024, and has violations associated with the 3F-2000 subdistrict. Under 3F-2000, the proposed project is cited for multiple use and dimensional violations, with some being due to existing nonconforming conditions, as further described below.

3F-2000 allows for a maximum of three dwelling units, whereas the project proposes four units. The proposed number of units is permitted under the new zoning. The EBR-3 subdistrict allows



for up to 6 units on corner lots with lot frontages greater than 55 feet. According to Sec 53-29-14: "The Lot Frontage on a Corner Lot shall be measured along one Lot line abutting a public right of way. Where more than one Lot line abuts a public right of way, the Lot Frontage shall be measured along the Lot line on which the Building's main entrance fronts." The main entrance for the ground floor retail is along Chelsea Street with a frontage of only 21 feet, however the main entrance for the residential units is along Gove Street with a frontage of 76 feet.

Additionally, other properties on the block are also multifamily, revealing that multi-family buildings are not uncommon here. This includes: 65 Chelsea Street and 47 Chelsea Street. The project also raises use violations for the inclusion of General Retail under 3F-2000, which is forbidden under 3F-2000, but is found in adjacent corner properties including 54 Chelsea Street. While this is the case, PLAN: East Boston encourages active ground floor use particularly for the Jeffries Point area of East Boston. EBR-3 allows Small Retail, defined as less 2,500 square feet, on corner lots. The proposed project has two retail locations both of which are less than 2,500 square feet. Zoning relief for the use violations is recommended, as they reflect updated zoning from PLAN: East Boston.

The project raises several violations due to non-conformities under 3F-2000 zoning that are being extended, including: rear yard (3F-2000 required: 40 feet depth), side yard (3F-2000 required: 2.5 feet), front yard (3F-2000 required: 5 feet), and minimum lot area (3F-2000 required: minimum of 3,000 square feet for 3 units, and additional 1,000 square feet per additional unit).

Section 90-12 describes that buildings not conforming to the applicable dimensional requirements may nevertheless be altered or enlarged, so long as the nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements. In this case, the plans provided by the proponent, it is unclear if the proposed project will be continuing the existing nonconformity or if the proposal will be worsening the nonconformity with respect to the depth of the building in a way that would bring it out of compliance with updated zoning to implement PLAN: East Boston. In digital imagery, the existing building appears to be built to the full lot depth, indicated in a site survey in the plans at 76 feet, for 100% lot coverage. The plans also contain an existing conditions plan that shows the building depth at less than 64 feet. Updated EB-3 zoning has a maximum lot coverage of 75%.

The proposed project would build additions on top of the existing building, extending the second and third floors to the full building footprint.



In addition to yard setbacks, the project also raises Floor Area Ratio Excessive violations. 3F-2000 limits the amount of FAR to 1.0. The existing building has an FAR of 1.64, and the proposed additions will increase the FAR to 3.27. This level of FAR is not uncommon in this area, many other buildings have exceeded the 1.0 FAR limit. This includes: 65 Chelsea Street (2.9 FAR), 54 Chelsea Street (4.9 FAR), and 47 Chelsea Street (3.2 FAR).

The proposed removal of the outdoor decks and build out of the building will reduce the amount of usable open space available to the building, which will require relief.

According to Section 25-5, storage of flammable or hazardous materials must be anchored or readily removable from the area. Plans should be reconsidered to comply with Section 25-5 by including detail on proposed anchoring or on proposed stored materials.

According to Section 53-5, projects outside of the CFROD must locate the residential main entrance along the front lot line. The residential main entrance of the proposed project is along Gove Street, rather than Chelsea Street, but since the project is on a corner lot, it has two front lot lines. In addition, according to Section 25A-6, projects within the CFROD may locate their main entrance along the side lot line. Therefore, zoning relief from the main entrance violation is recommended.

In terms of parking, 3F-2000 requires a minimum of one off-street parking space per unit, and if 4-6 units, then 1.5 off-street parking spaces per unit are required. Article 53-56-2 states that only the additional units prior to the effective date of the code shall be counted toward off-street parking requirements. In this case, with two additional units, at least three parking spaces are required. Adjacent blocks primarily rely on on-street parking, and with the project retaining much of the external structure of the existing building and lot coverage, this could prove to be difficult to provide without demolishing the existing structure. The project is also within walking distance of major public transit stations.

Lastly, the project requires conditional approval, per Article 53-25, as it will alter the building profile due to the change of the mansard roof into a flat roof. Planning Department Design Review is recommended with a focus on maintaining consistency in the mansard roof along Chelsea Street.



In addition, according to the amendment Article 53, additions or extensions of residential uses are prohibited below Sea Level Rise - Design Flood Elevation (DFE). The proposal is renovating and increasing the size of existing ground floor residential space; as such it is unclear whether this would comply with updated zoning to ensure new residential spaces are safe from flood risk.

The plans entitled MIXED-USE: RETAIL AND RESIDENTIAL RENOVATION-EXISTING MIXED USE BUILDING prepared by UNKNOWN AUTHOR on NOVEMBER 1, 2023 were used in preparation of this recommendation.

**Recommendation:**

In reference to BOA1637997, The Planning Department recommends DENIAL WITHOUT PREJUDICE: The proponent should consider a project that complies with updated dimensional guidance of PLAN: East Boston, including for maximum lot coverage of any vertical building extension, and avoids any extensions of residential use below the Design Flood Elevation.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1600988
<b>ZBA Submitted Date</b>	2024-05-10
<b>ZBA Hearing Date</b>	2024-09-24
<b>Address</b>	2193 to 2201 Commonwealth AVE Brighton 02135
<b>Parcel ID</b>	2205669000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood LC-5
<b>Zoning Article</b>	51
<b>Project Description</b>	The proponent is seeking to change the use of an existing commercial unit to a liquor store and retail market.
<b>Relief Type</b>	Variance
<b>Violations</b>	Use: Forbidden (liquor store)

**Planning Context:**

This case had an original hearing date of July 30, 2024. It was deferred at that time to gather additional community feedback. No new plans have been submitted, so the original recommendation has been reproduced below.

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 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

**CITY of BOSTON**

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1521952
<b>ZBA Submitted Date</b>	2023-09-01
<b>ZBA Hearing Date</b>	2024-09-24
<b>Address</b>	259R to 259RF Market ST Brighton 02135
<b>Parcel ID</b>	2202571000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood 1F-5000
<b>Zoning Article</b>	51
<b>Project Description</b>	Erect (3) new 3-story townhomes in a newly created rear lot (Lot-B, 10,845 sq. ft.) behind the existing two-family dwelling, which will remain on the street facing lot. Each townhome features garaged parking for two cars and top story decks. See ALT1484754 & ALT1515523 for subdivision applications. Deferred from an original May 21, 2024 ZBA hearing.
<b>Relief Type</b>	Variance
<b>Violations</b>	Lot Frontage Insufficient Height Excessive (stories) Use: Forbidden (Townhomes) Use: Forbidden (Multifamily Dwelling) Dimensional Regulations Applicable in Residential Subdistricts: Location of Main Entrance Application of Dimensional Requirements: Two of More Dwellings on Same Lot

**Planning Context:**

Case was originally scheduled for May 21, 2024 ZBA hearing, was subsequently deferred to June 25, 2024, had a hearing on August 13, 2024, where a vote was improperly taken, and was again deferred to the current date. Updated plans were submitted on August 17, 2024, reducing the number of violations from eight to six by eliminating violations of yard requirements.

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



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

**Zoning Analysis:**

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

Height Excessive (stories): Per Article 51, Table D, the maximum number of stories for a use other than a 1 Family Detached is 2.5. These townhouses are proposed as three stories, which is a violation. Many residential buildings in this area are between 2.5 and 3 stories, depending on roof pitch, and some adjacent commercial buildings are a full three stories with flat roofs. Given that these proposed townhomes have pitched roofs already, they are contextually appropriate. Future zoning reform should consider adjusting dimensional standards to align base zoning requirements with the actual built form, in particular to avoid roof violations related to half story changes.

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



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

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

Application of Dimensional Requirements: Two or More Dwellings on Same Lot: Per Section 51-57.13, a dwelling cannot be built to the rear of another dwelling, they must have distance between them, and dimensional regulations apply individually to each building as if they were separate lots. In this case, townhouses are a contextually appropriate way to build additional units at a scale that resemble the surrounding context, though they functionally operate from a design perspective more like multifamily dwellings in a single building. Given that this is all happening behind another parcel and given the abnormal shape of the parcel, the placement of these buildings relative to one another is constrained, and relief is appropriate.

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

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

**Recommendation:**



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

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1521950
<b>ZBA Submitted Date</b>	2023-09-01
<b>ZBA Hearing Date</b>	2024-09-24
<b>Address</b>	257 Market ST Brighton 02135
<b>Parcel ID</b>	2202571000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood 1F-5000
<b>Zoning Article</b>	51
<b>Project Description</b>	Subdivide an existing parcel into two parcels. A separate case proposes to construct four 3-story townhomes on newly-created rear parcel
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Parking or Loading Insufficient Rear Yard Insufficient Extension of Non-Conforming Use

**Planning Context:**

This project was previously reviewed by the Planning Department for the ZBA hearing on May 21, 2024 and June 25, 2024. Because no new plans have been submitted, the Planning Department recommendation has remained the same.

The proposed project intends to subdivide an existing parcel into two parcels. The proposed project is located on Market Street in the Brighton neighborhood. Market Street is a busy mixed-use street connecting Brighton Center to Western Avenue. The current parcel contains one existing two-family home and a garage on a 16,693 SF lot. The intended subdivision would divide the parcel into two lots, the front of which would contain the two-family home, and the rear of which would contain the garage. The front parcel (with frontage along Market Street) is proposed to contain a 20' wide access easement to the newly created rear parcel. This proposal was submitted in conjunction with an appeal to develop the rear parcel as 259 Market Street. The following recommendation does not consider the proposed development, only the subdivision associated with this Board of Appeal request. The proposal for 259 Market Street is also scheduled for a Board of Appeal hearing on September 10, 2024.



**Zoning Analysis:**

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

**Recommendation:**

In reference to BOA1521950, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department





<b>Case</b>	BOA1353108
<b>ZBA Submitted Date</b>	2022-07-01
<b>ZBA Hearing Date</b>	2024-09-24
<b>Address</b>	6 Dana AVE Hyde Park 02136
<b>Parcel ID</b>	1809122018
<b>Zoning District &amp; Subdistrict</b>	Hyde Park Neighborhood NS -2
<b>Zoning Article</b>	69
<b>Project Description</b>	Confirmed occupancy as 6 residential units and commercial office space (commercial unit is one at issue) change to 7 residential units according to drawings and specifications. Legalize 8 existing parking spaces.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Parking design and maneuverability Limitation of Area for accessory use (parking) Parking or Loading Insufficient Use: Forbidden

**Planning Context:**

This proposed project was deferred from the July 30, 2024; as there have been no changes, the Planning Department’s recommendation remains the same. 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 could be completed on paper.

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.

**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 2 spaces less than required by zoning, however, BPD



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 and this project does not propose changing them. In summation, these parking regulations are outdated and non-enforceable as they are pre-existing conditions on the site.

The other violation is in regards to the dimensions of the project. The change in use from commercial to residential will increase the FAR to be above the allowed dimensions. However, this project was already approved as commercial space which demonstrates the appropriate fit within the neighborhood.

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 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, but as with all dwelling units below grade, a proviso for no building code relief is recommended.

**Recommendation:**

In reference to BOA1353108, The Planning Department recommends APPROVAL W/PROVISO that no building code relief be granted.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1587883
<b>ZBA Submitted Date</b>	2024-04-05
<b>ZBA Hearing Date</b>	2024-09-24
<b>Address</b>	40 Elmont St 14 Dorchester MA 02121
<b>Parcel ID</b>	1402396000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	65
<b>Project Description</b>	The proposed work is based on a housing development project previously approved by ISD on June 29, 2023 (Permit: ERT1353260) for a two-family residential building with parking. The property is currently vacant. The proponent seeks to amend the previously approved plans, specifically as it relates to the basement; the proponent seeks to include a bedroom in the basement which would connect to the first floor unit.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Usable Open Space Insufficient Height Excessive (ft) Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient

**Planning Context:**

The project is currently a vacant lot on a primarily residential street. Much of the immediate block character consists of 2- to 2.5-story detached houses with an array of different dwelling units: single-family (36 Elmont St), two-family (43 Elmont St), and three-family (57 Elmont St). The project site is located within a ten-minute walk of the Talbot Avenue and Four Corners/Geneva Commuter Rail stations.

The project is located within the study areas of the Fairmount Indigo Corridor Plan (2012), a comprehensive community-based, corridor-wide plan with the goal of improving economic growth and physical improvement along the Fairmount Indigo Corridor, a 9.2 mile transit corridor that runs through some of Boston’s most disadvantaged neighborhoods. Some of the goals of the plan include encouraging infill development with context sensitive residential uses, and encouraging sustainable growth and transit-oriented development.



**Zoning Analysis:**

The project is located in a 2F-5000 subdistrict. The project raises FAR violations due to the conversion of the basement into a livable space, adding roughly 1,400 square feet of space. The previously approved plans had an FAR of 1.19, and with the inclusion of the basement, this will increase the FAR to 1.64. 2F-3000 subdistricts limit the FAR to 0.5, however, several of the residential properties on Elmont Street are at nearly 1.0 FAR (39 Elmont: 1.06 FAR, 57 Elmont: 1.07 FAR, 43 Elmont: 1.15 FAR), revealing that the FAR in this area may require zoning reform.

The other violations that are cited, but are not due to the basement conversion include: Usable Open Space Insufficient, Building Height Excessive, Front Yard Insufficient, Side Yard Insufficient, and Rear Yard Insufficient. These violations were addressed as expressed in the June 29, 2023 ISD approval.

The site does not fall within a Coastal Flood Resilience Overlay District (CFROD), which aims to promote adapting buildings to limit the damage and displacement related to the impacts of climate change.

While the scope of the project does not make significant changes to the previously approved plans and does not impact the total number of units, height/stories, massing, or other exterior modifications, the proposed bedroom addition in the basement does not meet requirements for adequate light and air as well as egress. Additionally, it is unclear the height of the basement, so as to ensure a ceiling height of at least seven feet.

The plans entitled 40 ELMON STREET prepared by MF ENGINEERING & DESIGN INC. on FEBRUARY 11, 2024 were used in preparation of this recommendation.

**Recommendation:**

In reference to BOA1587883, The Planning Department recommends DENIAL WITHOUT PREJUDICE.



Planning Department

**CITY of BOSTON**

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1625940
<b>ZBA Submitted Date</b>	2024-07-11
<b>ZBA Hearing Date</b>	2024-09-24
<b>Address</b>	400 to 408 W Broadway South Boston 02127
<b>Parcel ID</b>	0601154000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR/LS
<b>Zoning Article</b>	68
<b>Project Description</b>	Change use from 36 residential units and 1 retail store to 36 residential units and 1 restaurant.
<b>Relief Type</b>	Conditional Use, Variance
<b>Violations</b>	Parking or Loading Insufficient Use: Conditional (Restaurant)

**Planning Context:**

The project is located along the active mixed-use commercial corridor of W Broadway in South Boston. The property is just over 1/2 mile from the Broadway Red Line Station, and 1 block away from the MBTA #9, #10, and #11 buses. Along the entire length of W Broadway, and immediately proximate to the site, there are several other ground-floor restaurants and retail spaces.

This project is a previously approved Article 80 Small Project that received building permits on September 1st, 2022. The originally approved plans included 36 residential units, 36 parking spaces, and 1 retail store.

Given the project's location along a significant commercial corridor in South Boston, restaurant use is appropriate at this site.

**Zoning Analysis:**

The site is located within the MFR/LS subdistrict of South Boston. The intent of the MFR/LS subdistrict pursuant to Section 68-6 is "to encourage medium-density multifamily areas with a variety of allowed housing types, including one-, two- and three-family Dwellings, Row Houses, Town Houses, and Multifamily Dwellings, as well as ground floor local retail and commercial uses." Despite the stated goals of encouraging ground floor local retail and commercial spaces, restaurants are a conditional use within this MFR/LS subdistrict. The following conditions for



approval in accordance with Section 6-3 may be satisfied: that the specific site is an appropriate location for such use, that it will not adversely affect the neighborhood, that there will be no serious hazard to vehicles or pedestrians from the use, that no nuisance will be created by the use, and that adequate and appropriate facilities will be provided for the proper operation of the use. Given the location of the project on a significant mixed-use corridor with other restaurants and commercial spaces, this is an appropriate location for a restaurant and will benefit the local neighborhood by introducing a new dining option. No new curb cuts are proposed along the W Broadway frontage, so there will not be new hazards introduced to vehicles or pedestrians.

Additionally, the project is cited for insufficient off-street parking. The originally approved project also had insufficient off-street parking, as it provided only 36 parking spaces, despite a minimum required 47 spaces (42 spaces for the 36 residential units and 5 spaces for the retail uses). With the change to restaurant use, the minimum required total parking spaces is 69 (42 spaces for the 36 residential units and 27 spaces for the restaurant use). The addition of more parking spaces is infeasible due to the approved building plans; the building takes up nearly the entire lot and the 36 provided parking spaces are contained within a first floor and below-grade parking structure. Although this is not an Article 80 Large Project, the guidance provided by the Boston Transportation Department (BTD) for parking ratios here is a maximum of 0.40 for retail (there is no restaurant category in the BTD guidelines), which would result in a maximum of 1 parking space for the restaurant use. Many commercial properties along this same street do not provide off-street parking for customers, as there is street parking along W Broadway, and the area is well-served by transit. This is a case for zoning reform, where minimum parking requirements are not necessary for these mixed-use commercial areas.

**Recommendation:**

In reference to BOA1625940, The Planning Department recommends APPROVAL.



Planning Department

**CITY of BOSTON**

Reviewed,

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

Planning and Zoning Director, Planning Department





<b>Case</b>	BOA1615937
<b>ZBA Submitted Date</b>	2024-06-17
<b>ZBA Hearing Date</b>	2024-09-24
<b>Address</b>	297 Newbury ST Boston 02115
<b>Parcel ID</b>	0503092000
<b>Zoning District &amp; Subdistrict</b>	Boston Proper B-3-65
<b>Zoning Article</b>	8
<b>Project Description</b>	Change occupancy from retail to cannabis dispensary. Additional renovation of the interior space currently fit out as retail, involving the internal reconfiguration of walls. No exterior changes.
<b>Relief Type</b>	Conditional Use, Variance
<b>Violations</b>	Use: Forbidden

**Planning Context:**

The parcel is a 2600 square foot row house property in the Back Bay on Newbury St, with a currently vacant commercial space. Applicant seeks to change the use of the existing retail space to a cannabis establishment.

**Zoning Analysis:**

Per Article 8, Table B, Use Item No. 39B, cannabis establishments are conditionally allowed in B subdistricts in Boston Underlying Zoning, "provided that any cannabis establishment shall be sited at least one-half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only." There is another existing cannabis establishment licensed at 551 Boylston St, which is approximately 2500 square feet (measured via online maps; no distance was present in plans submitted to ISD), which means that this buffer zone requirement is not fulfilled by this applicant. Accordingly, both a conditional use for the cannabis use, and a variance for the buffer zone would be required.



The Cannabis Board voted on February 17, 2021 to grant this applicant a conditional license to operate a cannabis establishment, pending zoning relief for a variance for a buffer zone, which represents the condition noted above. Given the existing oversight, community outreach, and consideration given by the Boston Cannabis Board, the conditional use and variance related to the buffer zone should be granted.

**Recommendation:**

In reference to BOA1615937, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, reading "Amee Rana".

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1607841
<b>ZBA Submitted Date</b>	2024-05-31
<b>ZBA Hearing Date</b>	2024-09-24
<b>Address</b>	200 State ST Boston 02109
<b>Parcel ID</b>	0303790002
<b>Zoning District &amp; Subdistrict</b>	Government Center/Markets Markets Protection Area
<b>Zoning Article</b>	45
<b>Project Description</b>	Change of use from clothing store to museum.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Use: Forbidden (2nd floor museum)

**Planning Context:**

This project was previously deferred at the July 30, 2024 Zoning Board of Appeal hearing. No updated plans were submitted and the zoning violations remain the same. As such, the Planning Department recommendation has not changed.

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



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,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1304433
<b>ZBA Submitted Date</b>	2022-03-07
<b>ZBA Hearing Date</b>	2024-09-24
<b>Address</b>	10 Thompson Sq Charlestown 02129
<b>Parcel ID</b>	0203685000
<b>Zoning District &amp; Subdistrict</b>	Charlestown Neighborhood NS
<b>Zoning Article</b>	62
<b>Project Description</b>	Erect a new mixed use building with commercial ground floor retail and 8 dwellings units. Existing building to be razed under separate permit.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Usable Open Space Insufficient Height Excessive Parking or Loading Insufficient FAR Excessive

**Planning Context:**

The previous proposal for this site was deferred from ZBA hearings on 10/31/2023, 2/6/2024, 3/26/2024, and 8/27/2024. Updated plans were submitted on August 26, 2024. The revised proposal reduces the project in scope from a 4-story, 39 foot in height structure with ground floor retail and 12 residential units above to a 3-story structure with ground floor retail with 8 units above. The reduction in height, floor area, and unit count reduced the severity of all four zoning violations.

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

The site is an existing retail space covering the entirety of the lot; the existing structure would be demolished and a new 3-story structure with ground floor retail and 8 residential units above would be constructed on site. The project promotes a mixed-use corridor in this Neighborhood Shopping (NS) subdistrict by maintaining the retail use on the ground floor and increasing



housing stock near a transit stop (0.4 miles from Community College T Station). Preserving retail space is consistent with the recommendations of PLAN: Charlestown of preserving and supporting local businesses.

The violations cited here are dimensional in nature; the proposed multifamily use is allowed under zoning and this is an appropriate location for multifamily based on recommendations from PLAN: Charlestown.

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

The existing commercial space covers the entirety of the lot and the proposed ground floor commercial space maintains the existing building lot coverage thereby providing no usable open space at-grade. However, PLAN: Charlestown encourages the use of balconies, terraces, accessible rooftops, green roofs, and other means of providing above-grade amenities as a form of usable open space for its building occupants.

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

### **Zoning Analysis:**

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

The project proposes extending the existing rear setback nonconformity; the required rear setback is 20' and the existing setback is 0'. Achieving the required rear yard setback would make the parcel unbuildable. Further, the unique condition of having 3 frontages means the rear lot line reads as side lot lines connected to the neighboring buildings. In this NS subdistrict, the minimum side yard requirement is 0'.



The maximum height in this subdistrict is 35' and the proposed height is 39'. The tallest neighboring building has dormers that are taller than 41'. The maximum FAR is 2.0 and the proposed FAR is 3.0. The existing building covers the entirety of the lot, resulting in an FAR 1.0. Adhering to the maximum FAR of 2.0 would result in only one additional story the same size as the current building floorplate. More than one additional story could be built within this 2.0 FAR maximum if such stories have smaller floorplates.

With regards to the insufficient usable space requirement, through design review the project should consider if there are ways to increase its usable open space through the addition of spaces like balconies or roof decks while allowing for sufficient privacy for residents and abutters.

**Recommendation:**

In reference to BOA1304433, The Planning Department recommends APPROVAL W/PROVISO that plans be submitted to the Planning Department for design review with attention to increasing outdoor amenity space for residents.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1602742
<b>ZBA Submitted Date</b>	2024-05-15
<b>ZBA Hearing Date</b>	2024-09-24
<b>Address</b>	123 to 125 Broad ST Boston 02110
<b>Parcel ID</b>	0304041000
<b>Zoning District &amp; Subdistrict</b>	Government Center/Markets Government Center/Markets Broad Street Protection Area
<b>Zoning Article</b>	32
<b>Project Description</b>	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.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	GCOD Applicability

**Planning Context:**

The proposed project was deferred from its initial hearing date on 7/30/24. Because no additional materials have been submitted since the issuance of the project's previous Planning Department recommendation, the contents of this recommendation remain unchanged.

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.

**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 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,

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

Planning and Zoning Director, Planning Department