



Planning Department

CITY of BOSTON

MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: November 20, 2024

RE: Planning Department Recommendations

Please find attached, for your information, Planning Department recommendations for the November 26, 2024, Board of Appeals Hearing.

Also attached are two Board Memos for: 251-255 Washington St Ward 14 and 129-131 Portland St Ward 3.

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



Case	BOA1614301
ZBA Submitted Date	2024-06-12
ZBA Hearing Date	2024-11-26
Address	3 Arborview RD Jamaica Plain 02130
Parcel ID	1902761000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 1F-9000
Zoning Article	55
Project Description	Extend living space into the basement and create a new rear deck.
Relief Type	Variance
Violations	FAR Excessive

Planning Context:

The proposed project seeks to renovate the existing single-family residential dwelling at 3 Arborview Road in Jamaica Plain. This renovation includes adding living space into the basement and combining the two existing rear decks into one. The changes to the basement will add a music studio/office, a tool storage/workshop, a bathroom, and a laundry room in addition to the existing living room. This space was previously unfinished. No changes to the existing structure will be made. This area is zoned as 1F-9000 and Arborview Road is primarily composed of single-family residential dwellings.

This project would further the goals outlined in Housing a Changing City, Boston 2030 (September 2018) as it would allow property owners to enhance their living spaces to meet their needs while preserving the existing structure.

Zoning Analysis:

The refusal letter states that there is one violation: excessive FAR. Under Article 55, for an area zoned as 1F-9000, the maximum allowed FAR is 0.3. The project is proposing an FAR of 0.43. Relief is recommended as the increased FAR results from creating additional living space in the basement, which will allow the property owner to enhance their space to better meet their needs. There is no change to the exterior massing of the building.



The plans reviewed are titled ALT1586783_UPDATED_ZONINGREFUSAL_ePlans_08232024 and were dated 8/19/24. They were prepared by Helios.

Recommendation:

In reference to BOA1614301, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1649352
ZBA Submitted Date	2024-09-04
ZBA Hearing Date	2024-11-26
Address	34 Rangeley ST Dorchester 02124
Parcel ID	1604949000
Zoning District & Subdistrict	Dorchester Neighborhood 1F-5000
Zoning Article	65
Project Description	Construct a rear single-story addition to a one-unit building for additional living space and build new rear deck and covered patio.
Relief Type	Variance
Violations	Lot Area Insufficient Side Yard Insufficient Rear Yard Insufficient

Planning Context:

This site is located within 1/4 mile from Adams Village and the Ashmont MBTA Red Line Station in Dorchester. The proposed rear 366 sf addition is an extension of the first floor of the existing building, and the rear deck and covered patio are stepped down to the basement level in the rear, due to the site sloping downward from the front to the rear. Several other properties on this same side of the block, and one adjacent to it, also have rear additions with patios/decks. This area has not had a recent planning initiative, but Housing a Changing City (2018) identifies a need for improving the quality of housing stock and the suitability of the living space for larger households. The additional living space and outdoor amenity space both help achieve that goal.

Zoning Analysis:

The project is cited for not having sufficient lot area; the required minimum lot area for a 1-unit building in a 1F-5000 subdistrict pursuant to Article 65 is 5,000 square feet. The site itself is just shy of this requirement, at 4,947 square feet. This is a case for zoning reform, where property size thresholds in zoning do not accurately represent the actual parcelization of the neighborhood.



The minimum side yard required in this subdistrict is 10' and the existing building is currently nonconforming with side yards of 6.5' and 7.9'. The proposed project does not worsen this nonconformity.

The minimum rear yard required in this subdistrict is 20' and the existing property has a rear yard of 40.8'. The proposal decreases the rear yard to 27' with the addition, and further decreases to 15.1' with the inclusion of the covered patio. The majority of properties in the same zoning subdistrict with a similar lot size and shape do comply with this 20' rear yard requirement. However, given the slope of the site and the situation of the proposed covered patio located below the first floor of the building, the impact on neighboring properties may be minimal. Further, there appears to be substantial screening with a fence and landscaping to the sides and rear of the property. Design review should confirm appropriate screening and buffering of the proposed covered patio.

Plans reviewed are titled "Passafaro Residence", prepared by 686 Architects, and dated May 13, 2024.

Recommendation:

In reference to BOA1649352, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to appropriate screening and buffering of the covered patio from neighboring properties.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1625031
ZBA Submitted Date	2024-07-10
ZBA Hearing Date	2024-11-26
Address	26 Lawrence AVE Dorchester 02121
Parcel ID	1400238000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	50
Project Description	Change use of existing structure from a church rectory to transitional housing, which will include 9 dwelling units (17 bedrooms). Conduct site improvements - including new landscaping and the construction of accessible entry ramps - and demolish existing garage.
Relief Type	Variance, Conditional Use
Violations	Side Yard Insufficient Lot Area Insufficient Additional Lot Area Insufficient Usable Open Space Insufficient Conditional Use (Transitional Housing)

Planning Context:

The proposed project sits in an established residential subdistrict in the Grove Hall area of Roxbury, roughly two-hundred (200) feet east of Blue Hill Avenue. Its street, Lawrence Avenue, holds a historic designation in the National Register of Historic Places (the Lawrence Avenue Historic District, designated in 2021). The project's surroundings consist of a mix of 2- to 4-story structures, housing both residential and commercial land uses. These land uses range from single-family to multifamily residential uses and include a variety of retail, office, and service establishments. The project sits within immediate proximity (quarter-mile) of several MBTA bus stations (including for the 14, 16, 19, 23, 28, and 45 bus routes) as well as several publicly-accessible open space amenities (including the Quincy Street Play Area, Children's Park, Brunswick-King Play Area, Ceylon Park, Savin/Maywood Streets Garden, and Dacia/Woodcliff Streets Garden). Its closest rail access sits a half-mile from the project site, at the MBTA's Four Corners/Geneva Commuter Rail Station.



The project site is currently occupied by a historic 2.5-story colonial-revival-style structure, operating as the Saint John's Saint Hugh's Roman Catholic Church Rectory (a single-family residential use). The proposed project seeks to change the site's occupancy from its current rectory use to a nine (9) unit transitional housing use. Several site improvements - including updated landscaping and the erection of new accessible ramped entries - are also included in the project's scope. Minimal exterior alterations to the existing historic structure are proposed by the project (removal of several side elevation windows and existing non-accessible porch/stair, erection of new side/rear elevation egress stair). This project scope aligns with the planning goals for area, outlined in the Roxbury Strategic Master Plan (adopted January 2004): (1) to preserve the neighborhood's existing historic structures and overall design character, as a means of affirming community identity; (2) to create new housing units, accessible to families and individuals from a wide variety of different backgrounds and lived experiences; (3) to prioritize the development/expansion of residential uses in areas accessible to public transit; and (4) to provide expanded access to housing units and accommodations for individuals with disabilities.

Planning Department staff have recommended that this project undergo Planning Department Design Review to confirm the project's proposed site plan and accessibility strategies, and also explore opportunities to reduce the visual impacts of its proposed side/rear yard egress stair.

Zoning Analysis:

The proposed project's insufficient usable open space violation is an existing condition, not proposed to be worsened by the project. While the total amount of usable open space on the lot is limited (~85% existing/proposed building lot coverage), this site condition is: (1) already existing; (2) typical, dimensionally, to the project's surrounding sites; and (3) alleviated by the project's close proximity to several nearby publicly accessible open spaces.

Similarly, the project's insufficient additional lot area violation - which is triggered by its proposed nine (9) unit residential use - is a common condition found across its immediately surrounding area. In fact, several nearby structures - housing existing multifamily residential uses, including public housing - have even greater occupancies than the proposed project, and on similarly-scaled or smaller parcels.



The project's insufficient lot area violation is incorrectly cited on its refusal, as the project site meets the minimum lot size required by zoning for the area (4,000 square feet required, 6,400 square feet existing/proposed).

The project's insufficient side yard violation relates to the its proposed rear yard shed. This structure replaces an existing shed located further forward in the site's side yard. While this shed does not meet the area's required side yard setback for accessory structures (4' required, 0.5' proposed), it does reduce the footprint of the existing shed, and is located in a more sensible and accessible location upon the site, with a setback similar to what is already existing.

In the project's 3F-4000 residential subdistrict, transitional housing is a conditional use. Section 6-3 of the Zoning Code sets forth the conditions required for the approval of a conditional use permit in Boston. These conditions include: (1) that the specific site is an appropriate location for such use; (2) that the use will not adversely affect the neighborhood; (3) that there will be no serious hazard to vehicles or pedestrians from the use; (4) that no nuisance will be created by the use; and (5) that adequate and appropriate facilities will be provided for the proper operation of the use. Because the project retains the footprint/massing of the site's existing structure, retains the existing structure's historic design details/character, provides new and appropriate accommodations for its potential residents (including wheel-chair accessible entries), and is located in an area with existing multifamily and supportive housing uses (including several public housing developments), its proposal is recognized as contextual to the site and meeting the conditions required for approval.

A proviso for Planning Department Design Review has been added to this recommendation to confirm the project's proposed site plan and accessibility strategies, and also explore opportunities to reduce the visual impacts of its proposed side/rear yard egress stair.

Recommendation:

In reference to BOA1625031, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to site plan and accessibility strategies, and side/rear yard egress stair.



Planning Department

CITY of BOSTON

Reviewed,

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

Planning and Zoning Director, Planning Department

MEMORANDUM

June 13, 2024

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

FROM: CASEY HINES, DEPUTY DIRECTOR OF DEVELOPMENT REVIEW
DANIEL POLANCO, PROJECT MANAGER
ELLA WISE, PLANNING & DEVELOPMENT REVIEW COORDINATION
MANAGER

SUBJECT: 257 WASHINGTON STREET, DORCHESTER

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority (“BRA”) d/b/a Boston Planning & Development Agency (“BPDA”) authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 257 Washington Street in Dorchester (the “Proposed Project”, defined below), in accordance with Article 80E, Small Project Review, of the Boston Zoning Code (the “Code”); and (2) take any other actions and execute any other agreements and documents, including but not limited to an Affordable Rental Housing Agreement and Restriction (“ARHAR”), that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The Proposed Project site consists of six (6) parcels with a total lot area of 25,183 square feet. The site currently contains an auto body shop and a junkyard, which are proposed to be razed as part of the Proposed Project. The Proposed Project site is located within the Dorchester Neighborhood Zoning District, specifically within a Three-Family Residential (3F-5000) Subdistrict.

DEVELOPMENT TEAM

The Project Team consists of the following entities:

Proponent:

Volnay Capital
63 G Street
Boston, MA 02127
Ricky Beliveau
ricky@volnaycapital.com

Legal Counsel:

Drago + Toscano, LLP
11 Beacon Street, Suite 615
Boston, MA 02108
Jeffrey Drago, Esq.
jdrago@dtlawllp.com
Mary Kate Campbell, Esq.
mcampbell@dtlawllp.com

Architect:

Zephyr Architects
315 A Street, Suite A
Boston, MA 02210
Chris Prudhomme
c.prudhomme@zephyr-a.com

Landscape Architect:

Patricia Van Buskirk Landscape
Architecture
18 Summit Drive
Hingham, MA 02043
Patricia Van Buskirk
tricia@patriciavanbuskirk.com

DESCRIPTION AND PROGRAM

The Proponent is proposing a ground-up, mixed-use development consisting of 48 residential rental units and ground-floor retail space. The proposed four (4) story building will consist of approximately 49,979 gross square feet with a below-ground garage level for parking and bike storage. The parking garage will be accessed via a new curb cut on Washington Street and will have 26 total parking spaces. In the rear of the garage level will be a bike room with 70 total bicycle parking spaces, as well as a trash room and mechanical and storage space. The first level of the building will consist of retail space and residential space. The retail space as proposed is approximately 1,317.24 square feet. Next to the retail entrance will be a separate entrance to the residential lobby area. Eleven (11) residential units will be in the rear of the first level. The second and third levels each will contain fifteen (15) residential units. The fourth level will contain seven residential units and common amenities, including a common deck in the front of the building, a fitness center, and a lounge.

The Proposed Project will include approximately three (3) studio units, twenty-seven (27) one-bedroom units, thirteen (13) two-bedroom units, and five (5) three-bedroom units. The proposed unit breakdown and allocation of square footage for the residential units allows for a variety of households sizes to reside in the units.

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

<u>Estimated Project Metrics</u>	<u>Proposed Plan</u>
Gross Square Footage	49,979
Gross Floor Area	37,768
<i>Residential</i>	36,451
<i>Office</i>	0
<i>Retail</i>	1,317
<i>Lab</i>	0
<i>Medical Clinical</i>	0
<i>Education</i>	0
<i>Hotel</i>	0
<i>Industrial</i>	0
<i>Recreational</i>	0
<i>Cultural</i>	0
<i>Parking</i>	12,211
Development Cost Estimate	\$14,000,000
Residential Units	48
<i>Rental Units</i>	48
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	10
Parking spaces	26

ARTICLE 80 REVIEW PROCESS

On March 8, 2024, the Proponent filed a Small Project Review Application with the BPDA pursuant to Article 80E of the Boston Zoning Code. The BPDA subsequently sponsored and held a public meeting on April 3, 2024, via Zoom to solicit feedback from members of the community and review the Proposed Project. The public comment period concluded on April 12, 2024.

Outside of the BPDA-sponsored public meeting, the Proponent conducted additional outreach with abutters and local elected officials to solicit feedback and review the Proposed Project.

PLANNING CONTEXT

The site of the Proposed Project is within a quarter mile of the Four Corners/Geneva commuter rail station and in the study area of the Fairmount Indigo Planning Initiative Four Corners/Geneva Station Area Plan, adopted by the BRA Board in 2015 (FIPI Plan). The FIPI Plan highlights the City-owned, vacant parcels in the area and specifically identifies 257 Washington as a “key development site” and opportunity to “leverage vacant and underused lots.”

The FIPI Plan recommends active uses on the ground floor with residential above along Washington Street, noting, “The major activity corridors of the three Main Street districts in the Station Area should be reinforced with mixed-use activity to reinforce continuity in ground floor use and walkable commercial districts. This focus of creating a continuity of active ground floors should occur on Washington Street, Bowdoin Street and Blue Hill Avenue. The use above the active ground floor should be residential to bring new activity to support the retail activity.”

The FIPI Plan encourages development of publicly owned land, with new uses based on neighborhood scale and context. The plan acknowledges that zoning relief may be appropriate to effectuate this goal.

The Proposed Project site is an assembly of publicly- and privately-owned land and has been designed with respect for the neighborhood context. Although the project will require zoning relief from height and FAR, the proposed fourth story is significantly stepped back from the front, minimizing the impact of the proposed massing. As envisioned by the FIPI Plan, the Proposed Project will deliver market-

rate and income-restricted housing with ground-floor retail that fits into the existing neighborhood.

The Proposed Project includes a rear yard that exceeds the minimum dimension in one rear corner, but not the other. Although the rear setback does not comply with zoning, the rear yard condition is unique, given the irregular rear lot line which is not perpendicular to the side lot lines, and will provide usable open space for the residents.

ZONING

The Proposed Project site is located in a Three-Family Residential (3F-5000) Subdistrict in the Dorchester Neighborhood. As part of the permitting and approval process, the Proposed Project will be required to appear before the Boston Zoning Board of Appeal (“ZBA”) to obtain certain variances. Under Article 65, Table A of the Code, multi-family dwellings and commercial/retail uses are not allowed uses. Therefore, a Use Variance will need to be obtained from the ZBA. The Proposed Project will also seek relief from several requirements of the existing Code outlined in Article 65, Table C which governs dimensional regulations in a residential neighborhood. The proposed building exceeds the maximum allowable Floor Area Ratio, Building Stories, and Building Height. Additionally, the Proposed Project will also require variances for Additional Lot Area for Each Additional Dwelling Unit and minimum Rear Yard Setback. Lastly, the Proposed Project will also seek variances for Off-Street Parking and Loading requirements, which are governed by Article 65, Tables F and G. To realize the planning goals noted above, BPDA Planning and Urban Design staff recommend that the Proposed Project be granted zoning relief by the Board of Appeal.

MITIGATION & COMMUNITY BENEFITS

The Proposed Project will generate economic and social benefits to the neighborhood to the City of Boston and Dorchester Community, including the following:

- The creation of on-site affordable residential units in excess of IDP requirements.
- Creating a dedicated bike room for storage of bikes in the proposed building to encourage bicycling as a mode of transportation.
- Creating temporary construction and labor jobs.

- Creating a retail space to provide a service to the Dorchester community.

INCLUSIONARY DEVELOPMENT COMMITMENT

In October 2020, the Mayor's Office of Housing ("MOH"), then called the Department of Neighborhood Development ("DND"), announced its intent to issue a Request for Proposals ("RFP") for development of the parcels at 251-255 & 259 Washington Street in Dorchester. In May 2022, after community meetings, the Mayor's Office of Housing ("MOH") opened the RFP for bidding for the above parcels. On July 26, 2022, the applicant, Volnay Capital, presented their proposal for development at a community meeting sponsored by MOH and the Harvard/Washington/Norwell Neighborhood Association. Volnay additionally worked with MOH and DND on various aspects of the proposal, including design review and affordability before proceeding with BPDA Article 80 Small Project Review.

In addition to the affordability requirements set forth by the RFP, the Proposed Project is further subject to the Inclusionary Development Policy, dated December 10, 2015 (the "IDP") and is located within Zone C, as defined by the IDP. The IDP requires that at least 13% of the total number of units within the development be designated as IDP units. In this case, ten (10) units, or approximately 20.8% of the total number of units within the Proposed Project, will be created as IDP rental units (the "IDP Units"). Two (2) of the IDP units will be made affordable to households earning not more than 30% of the Area Median Income (AMI), as based upon data from the United States Department of Housing and Urban Development ("HUD"), and published by the BPDA, three (3) units will be made affordable to households earning not more than 60% of AMI, three (3) units will be made affordable to households earning not more than 70% of AMI, and the remaining two (2) units will be made affordable to households earning not more than 80% of AMI.

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

Unit Number	Number of Bedrooms	Square Footage	Percentage of AMI	Rent	Group-2 designation (if any)
101	Two-bedroom	857	60%	\$1,499	
105	One-bedroom	662	30%	\$625	Group-2

110	Three-bedroom	1205	80%	\$2,280	
201	Two-bedroom	1028	70%	\$1,766	
206	One-bedroom	720	60%	\$1,325	
213	Studio	583	30%	\$529	
302	Two-bedroom	916	70%	\$1,766	
307	One-bedroom	650	60%	\$1,325	Group-2
312	Two-bedroom	1003	80%	\$2,033	
401	One-bedroom	709	70%	\$1,559	

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

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

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

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

An affordability covenant will be placed on the IDP Units to maintain affordability for a total period of fifty (50) years (this includes thirty (30) years with a BPDA option to extend for an additional period of twenty (20) years). The household income of the renter and rent of any subsequent rental of the IDP Units during this fifty (50) year period must fall within the applicable income and rent limits for each IDP Unit.

IDP Units may not be rented out by the developer prior to rental to an income eligible household, and the BPDA or its assigns or successors will monitor the ongoing affordability of the IDP Units.

RECOMMENDATIONS

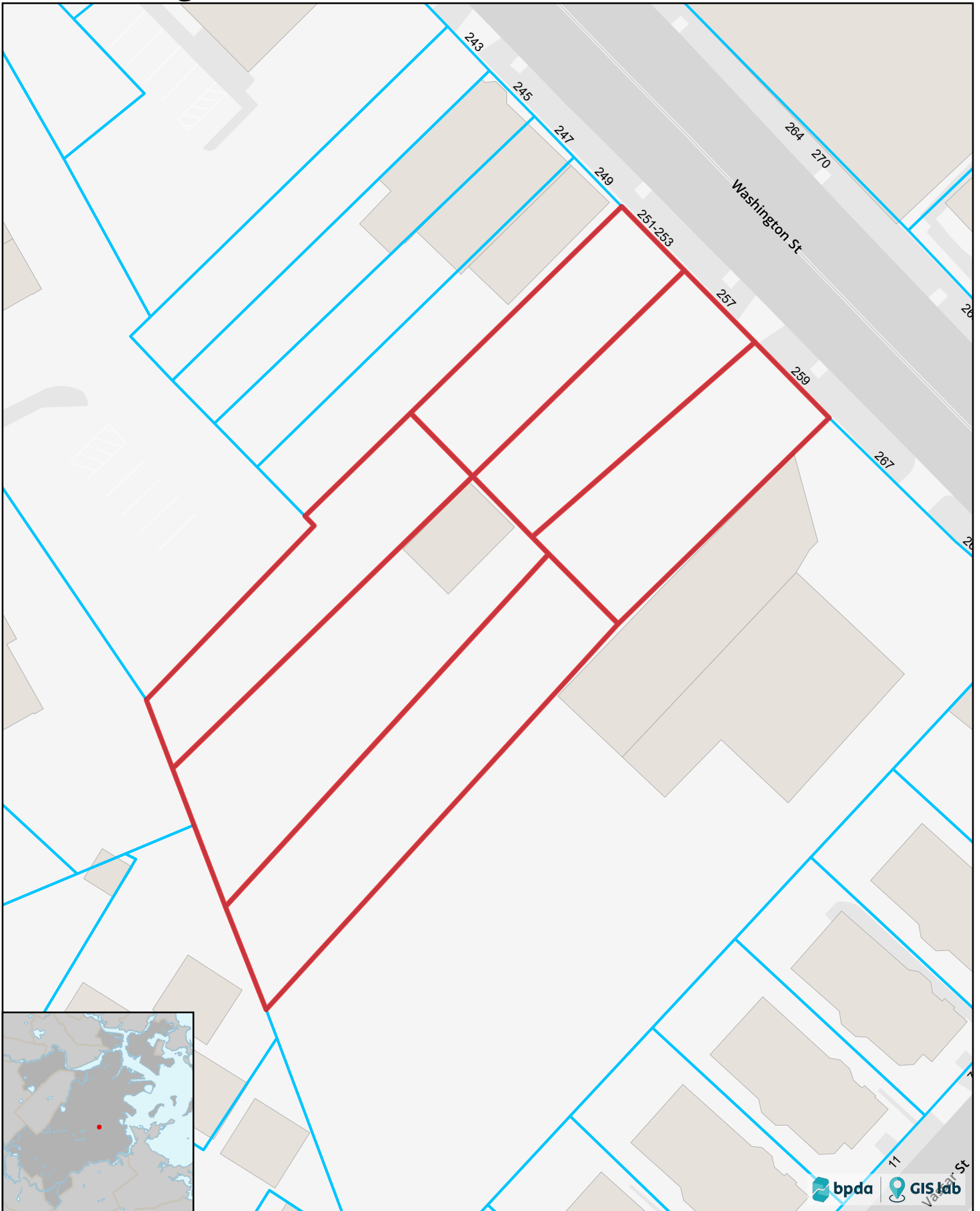
The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, BPDA staff recommend that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project, located at 257 Washington Street in Dorchester (the “Proposed Project”), in accordance with Article 80E, Small Project Review, of the Boston Zoning Code (the “Code”); and (2) take any other actions and execute any other agreements and documents, including but not limited to, an Affordable Rental Housing Agreement and Restriction (“ARHAR”), that the Director deems appropriate and necessary in connection with the Proposed Project.

Appropriate votes follow:

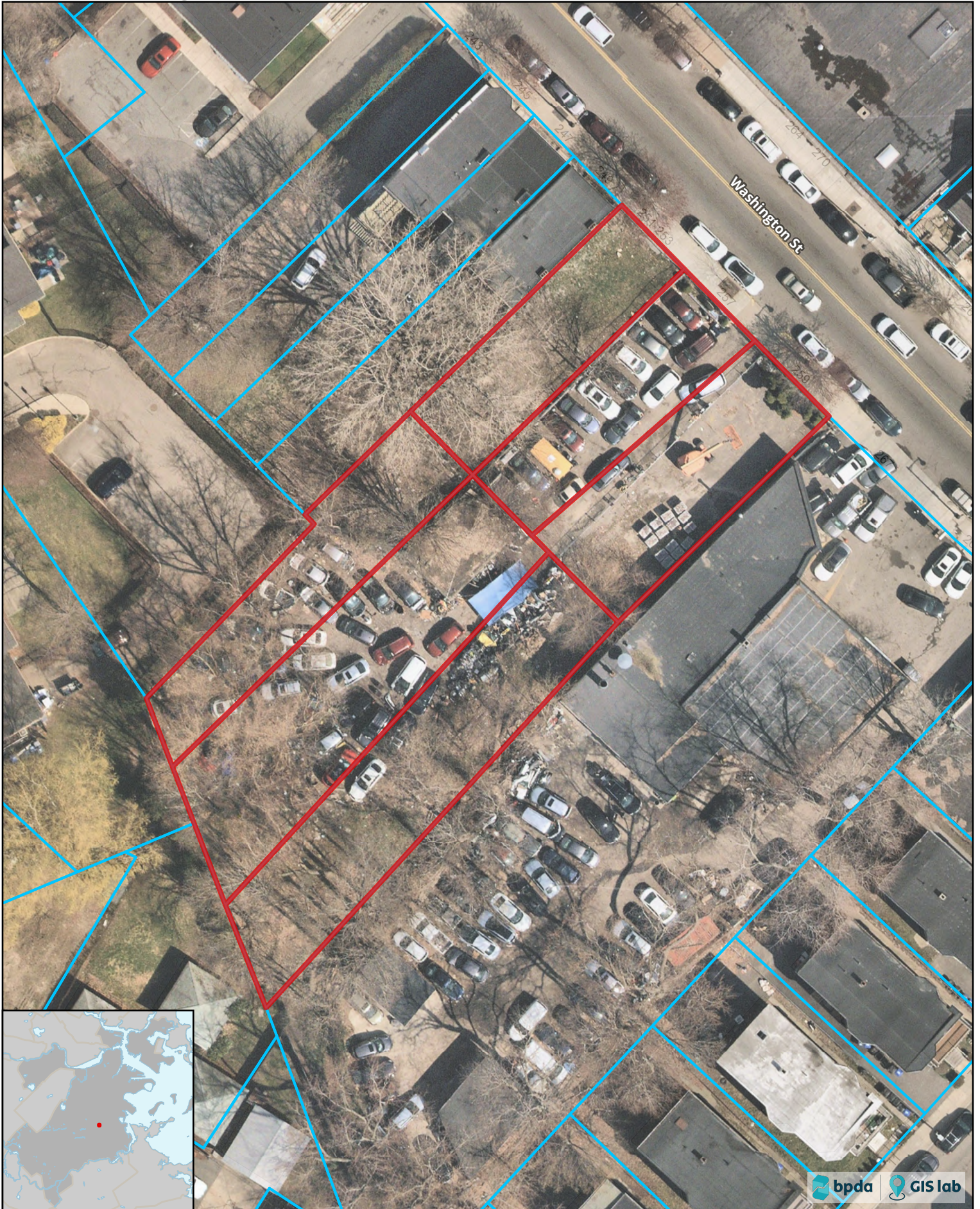
VOTED: That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6 of the Boston Zoning Code (the “Code”), approving the development of 257 Washington Street in Dorchester, consisting of 48 residential rental units, including ten (10) On Site IDP Units, ground-floor commercial space, and 26 parking spaces (the “Proposed Project”), in accordance with the requirements of Small Project Review, Article 80E of the Code, subject to continuing design review by the BPDA; and

FURTHER VOTED: That the Director be, and hereby is, authorized to take any and all other actions and to execute any other agreements and documents including, but not limited to, an Affordable Rental Housing Agreement and Restriction in connection with the 257 Washington Street Project, that the Director deems appropriate and necessary in connection with the Proposed Project.

257 Washington Street



257 Washington Street





Case	BOA1584089
ZBA Submitted Date	2024-03-25
ZBA Hearing Date	2024-11-26
Address	19 Midland ST Dorchester 02125
Parcel ID	1302181000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-4000
Zoning Article	65
Project Description	The proposed project is an addition and change of occupancy from one to three units for a two-story house in Dorchester.
Relief Type	Conditional Use Variance
Violations	FAR Excessive Height Excessive (ft) Height Excessive (stories) Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Use: forbidden (3F)

Planning Context:

The proposed project is an addition to a two-family house in Dorchester. The project would include three new off street parking spaces below the addition and a change of occupancy from one to three units. The site is on a residential street with houses ranging between one and three stories.

The proposed addition would wrap around every side of the house except for the front. There is an existing driveway that would lead to three proposed parking spaces behind the house to accommodate the new units. The second and third floor addition would be extended above and partially cover these new parking spaces.

Zoning Analysis:

The project has six dimensional violations related to the large scale of the addition which would eliminate substantial open space. A seventh citation is for a forbidden use, because three units is forbidden in this 2F-4000 subdistrict.



All of the dimensional violations stem from the FAR, which is currently 0.43. The current cap is 0.5 and the addition would give the project an FAR of 1.22. While FAR is not a reliable indicator of building floorplate, in this case the plans do show a substantial increase in building floorplate. There are no other properties on the block with a comparable building floorplate relative to the size of the lot.

The yard and height violations similarly stem from the large size of the addition. The proponent could consider scaling down room sizes and changing the layout of the addition to preserve more open space.

The revised plans are dated November 12, 2024 and were prepared by 686 Architects.

Recommendation:

In reference to BOA1629405, The Planning Department recommends DENIAL WITHOUT PREJUDICE. While the use is appropriate, proponent should consider a project with more contextual size and massing.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1649728
ZBA Submitted Date	2024-09-05
ZBA Hearing Date	2024-11-26
Address	39 Nazing ST Dorchester 02121
Parcel ID	1202417000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-5000
Zoning Article	50
Project Description	New guardrails proposed for three existing decks on the front of a 2.5-story two-unit building, and three new decks proposed on the rear of the building.
Relief Type	Variance
Violations	Side Yard Insufficient Rear Yard Insufficient

Planning Context:

This 2.5-story, two-unit building sits within a residential neighborhood of Roxbury, one block away from Franklin Park and one block west of Blue Hill Ave. The decks for the second and third floor on the front are existing, but the project proposed to add new guardrails for each, improving safety. The proposed rear decks include 20'x9' platforms for the first and second floors, with a smaller platform for the third floor. This new system of decks is connected via stairs and provides an additional form of egress from the second and third floors.

Front and rear decks are a common condition within this neighborhood, and most buildings here are of a similar scale. Many of the surrounding properties also have either front decks, rear decks, or both.

The 2004 Roxbury Strategic Master Plan (RSMP) identified this site within the sub-neighborhood of Washington Park South. The RSMP highlights balconies as significant outdoor space for apartment residents, and that they should be designed to "be large enough to accommodate a conversation group." The RSMP also recommends that each unit gets its own assigned private outdoor space.

Given the prominence of front and rear decks in the surrounding area and recommendations from the RSMP to establish high-quality private outdoor space for apartment residents, the proposed decks are appropriate for this site.



Zoning Analysis:

The project is cited for violating side and rear yard requirements as a result of the proposed rear decks, and both are existing nonconformities. The side yard is not being worsened by the proposed rear decks; the minimum requirement is 10' and the existing/proposed side yard is 3.2'. The lot itself is 47.50' wide, so this 10' side yard requirement, if enforced, would result in a building that's only 27.50' wide. Most properties on this same block and in the surrounding area also violate this 10' side yard requirement, which demonstrates a clear need for zoning reform.

The required rear yard is 30', and the existing rear yard is 14.8'. The addition of the deck would reduce the rear yard by 10', resulting in a 4.8' rear yard. However, the property immediately adjacent here also has a rear deck that goes within 5' of the rear property line. Some other buildings on the same block also have a similar condition. Additionally, these newly proposed rear decks are adequately screened from the property abutting to the rear of the site with several mature trees.

Plans reviewed are titled "39 Nazing St Boston MA", prepared by HiARCHi Collaborative, and dated June 11, 2024.

Recommendation:

In reference to BOA1649728, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1584253
ZBA Submitted Date	2024-03-25
ZBA Hearing Date	2024-11-26
Address	2 to 14 Kenton RD Jamaica Plain 02130
Parcel ID	1102875000
Zoning District & Subdistrict	Jamaica Plain Neighborhood Local Industrial
Zoning Article	55
Project Description	Construct a new covered gas pump island for the site's existing gas station. The project scope also includes site improvements and landscaping. The existing gas station use is allowed by conditional permits and variance. Zoning relief is required to expand this use. The existing building at the rear of the site will be razed per separate short form permit.
Relief Type	Conditional Use
Violations	Conditional Use (Gas Station)

Planning Context:

The proposed projects sits in an established local industrial subdistrict off of Washington Street in the Stony Brook area of Jamaica Plain. Its surrounding context consists of a mix of 1- to 3-story structures, housing a wide variety of both residential and commercial land uses. These uses range from single-family to multi-family residential uses and also include things like restaurants, service establishments, schools, religious organizations, and - particularly relevant to this project - a cluster of auto-oriented businesses. The proposed project - with an existing and proposed gas station use - sits in the middle of this auto-oriented business cluster. Its immediately adjacent parcels include an auto repair shop, a service station, and an auto body and paint shop. In addition to these businesses, the project also sits adjacent to both a residential subdistrict (3F-4000, to the site's rear) and City of Boston-owned open space (Scagnoli-Nihill Athletic Complex, across the street from the site's front lot line). Because of its proximity - within one hundred (100) feet - to the Scagnoli-Nihill Athletic Complex, the provisions of Ordinance 7.4-11 (Parks Design Review) will apply to the project.

The project site is currently occupied by the small, locally-run Stan Hatoff's gas station, which includes six (6) gas pumps and a small accessory retail establishment. The project confirms this



occupancy and proposes to expand the station's operational capacity. It does this, specifically, through the erection of a new gas pump island housing four (4) new gas pumps. A variety of site improvements - including new plantings (20 trees), and screening and buffering (fencing) - are also included in the project's scope. This proposal is aligned with the planning goals outlined in PLAN: JP/ROX (adopted March 2017): (1) to support and preserve the neighborhood's existing independent small businesses, as a way of building and distributing wealth within the community; (2) to maintain the neighborhood's diverse business composition, of which auto-related uses represent the 7th most prevalent industry typology; (3) to avoid the displacement of small businesses in the neighborhood's industrial areas, of which this project resides in; and (4) to improve street / site conditions through the planting of new shade trees and other natural landscape. Further, the proposed project does not include any alterations of existing curb cuts, nor the creation of any new curb cuts; a condition that aligns with the Public Improvement Commission's curb management recommendations.

While the Planning Department does not support the development or expansion of auto-oriented uses in many locations throughout the City, it does recognize the need to back certain such projects, where they are appropriate. Because of the context and nature of this proposal - a desired expansion of an existing, locally-run gas station use, sited within an existing cluster of auto-oriented uses in an established industrial area - the Planning Department sees the project as appropriate to its surroundings and has proper justification to support its expansion.

Zoning Analysis:

The project was cited with a single zoning violation relating to the proposed expansion of its existing nonconforming conditional gas station use. The project's refusal states that this violation derives from Article 53. This is an incorrect citation, not in the specific violation provided, but rather in that Article 53 relates to the regulations for the East Boston neighborhood district, not the Jamaica Plain neighborhood district (of which the project resides). Instead, the project's refusal letter should have stated a conditional use violation from Article 55, Jamaica Plain's zoning article.

Gas stations are a conditional use in the parcel's local industrial subdistrict when they are sited within one hundred (100) feet of a residential subdistrict (they are an allowed use otherwise). Because the project immediately abuts a 3F-4000 residential subdistrict, this conditional use classification is applicable to the project. While its site currently operates as legal nonconforming gas station use (of which previous zoning relief was provided), its proposed



expansion triggers the need for additional zoning relief, in the form of a conditional use permit, to move forward.

Section 6-3 of the Zoning Code sets forth the conditions required for the approval of a conditional use permit in Boston. These conditions include: (1) that the specific site is an appropriate location for such use; (2) that the use will not adversely affect the neighborhood; (3) that there will be no serious hazard to vehicles or pedestrians from the use; (4) that no nuisance will be created by the use; and (5) that adequate and appropriate facilities will be provided for the proper operation of the use. Because the proposed project's gas station use is already existing, is sited within a cluster of other existing auto-oriented uses, and proposes the implementation of enhanced screening and buffering strategies (including new fencing and landscaping for both street and residential facing lot lines), its proposal is recognized as contextual to the site and meeting the conditions for approval.

A proviso for Parks Design Review has been added to this recommendation to satisfy the review requirement triggered by the City's one hundred (100) foot rule, set forth in Ordinance 7.4-11 (Parks Design Review). An additional proviso for Planning Department Design Review has also been included in this recommendation - at the request of the Department's Urban Design staff - to confirm the project's site and landscape strategies.

Recommendation:

In reference to BOA1584253, The Planning Department recommends APPROVAL WITH PROVISOS: that plans shall be submitted to the Department of Parks and Recreation for review, 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



Case	BOA1634764
ZBA Submitted Date	2024-08-01
ZBA Hearing Date	2024-11-26
Address	80 G ST South Boston 02127
Parcel ID	0701714000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	Add a 3-story addition to the rear of an existing 3-story building. Both the existing building and the proposed addition contain 3 units for a total of 6 units. The project also includes adding a ground floor parking garage under both parts of the building containing 7 parking spaces.
Relief Type	Variance, Conditional Use
Violations	Additional Lot Area Insufficient Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Usable Open Space Insufficient Parking design and maneuverability Height Excessive Roof Structure Restrictions (Reconfiguration of existing roof profile) Roof Structure Restrictions (Max allowed height on parcel exceeded) Residential Use Extensions in Rear Yard

Planning Context:

A previous version of this project was reviewed under the application number BOA1440161 and was denied without prejudice by the ZBA on July 11, 2023. The Planning Department's (previously the BPDA) recommendation for that project was denial without prejudice. This version of the project includes minor changes.

The project proposes adding a 3-story addition to the rear of an existing 3-story building. Both the existing building and the proposed addition contain 3-units for a total of 6-units. In the area where the addition is proposed, there is currently a 3 car garage, driveway, porch, and open space. The project also includes adding a ground floor parking garage under both parts of the



building containing 7 parking spaces. The parking would be accessed using an existing 30 ft curb cut.

The proposed addition would create a very large lot coverage, leaving very little permeable area on this lot. Additionally, there is a large tree existing on the parcel which (although not shown on the plans) it seems would be cut down for this project. This is not in alignment with the planning goals of Climate Ready Boston (addressing permeability, heat island effect, and increased tree canopy, 2016) and Boston's Urban Forest Plan (preserving healthy and mature trees/plantings, 2022).

The existing building is also registered as a historic building in MACRIS, so any approved addition to this building should receive Planning Department design review after Zoning Board of Appeal approval.

Zoning Analysis:

The proposed parking does not comply with Section 68-33.5 (parking design). This section requires that parking areas "provide appropriate maneuvering areas located within the Lot and appropriate means of vehicular access to a Street." The parking maneuverability could be improved by reducing the number of parking spaces so that the remaining spaces can be positioned at a 60 degree angle to allow safe maneuverability entering and leaving the parking area. Additionally, to improve vehicular access to the street, the curb cut should be reduced to no more than 24 ft to meet city standards and minimize the impact on pedestrians.

The front yard requirement in this area is 5 ft. Because this is a corner lot, it must comply with the front yard requirement on both sides of the lot that front onto streets. In this case, this is the west side of the lot that fronts onto G St and the north side of the lot that fronts onto Story St. On the west side of the lot that fronts onto G St, the proposed project would not change the existing front yard setback. On the north side of the lot that fronts onto Story St, the proposed addition would create a front yard setback of 2.9 ft. Because the existing sidewalk on Story St is not ADA-compliant, the project should comply with the required zoning setback of 5 ft in order to allow adequate space for an ADA-compliant sidewalk.

The project also does not comply with the rear yard requirement of 20 ft (it proposes 5 ft) and the side yard requirement of 3 ft (it proposes 2.8 ft). This is especially relevant because there is a large tree in the South-East (or side-rear) corner of the lot. Bringing the project more in conformity with the side and rear yard requirements may allow this tree to be maintained.



The zoning requires 1,200 sq ft of usable open space for this project. The project seems to have significantly less than this, although it is not clear from the plans exactly how much usable open space the project proposes. The site plan shows "proposed balconies," but these do not show on floor plans or elevations, so it is not clear how many balconies are proposed and which units they would be accessible from. The only other open space the plans seem to show are private roof decks for units 5 and 6. Because of the large size of the addition relative to the lot, there seems to be no usable open space on the ground level. Adequate usable open space for all residents (as well as permeable area, as discussed in the planning context) is a priority and should be increased for this project.

This recommendation was written using plans prepared by Gary W. Hendren, which were reviewed by ISD on 7/30/2024.

Recommendation:

In reference to BOA1634764, The Planning Department recommends DENIAL WITHOUT PREJUDICE. Applicant should consider reconfiguring parking to improve maneuverability and curb cut should be reduced. Lot coverage should also be reduced to create usable open space and permeable area, and maintain existing tree canopy if possible. Front yard on Story St should be increased to allow adequate space for a minimum ADA-compliant sidewalk.

Reviewed,

Planning and Zoning Director, Planning Department



Case	BOA1654962
ZBA Submitted Date	2024-09-23
ZBA Hearing Date	2024-11-26
Address	21 to 35 W Second ST South Boston 02127
Parcel ID	0601211000
Zoning District & Subdistrict	South Boston Neighborhood MFR/LS
Zoning Article	68
Project Description	Change use from retail use to fitness use to accommodate a fitness center in a mixed-use building at 21-35 W Second Street.
Relief Type	Variance
Violations	Use: Forbidden (Fitness Center)

Planning Context:

The proposed project at 21-35 W Second Street is seeking to change the use of the ground floor commercial unit from retail use to fitness center or gymnasium use to accommodate a new fitness center in a mixed-use building at 21-35 W Second Street in South Boston. 21-35 W Second Street was approved by the BPDA Board in 2019 and finished construction in 2023 as a six-story mixed-use building with ground floor retail. This portion of W Second Street is primarily residential and abuts the Gillette Redevelopment PDA Master Plan.

This project would allow a new small business to open near one of South Boston’s commercial hubs at Broadway Station where current small businesses include restaurants, banks, convenience stores, and specialized fitness centers.

Zoning Analysis:

This project proposes a violation in use. Under Article 68, in an MFS/LS subdistrict, a fitness center or gymnasium use is a forbidden use. However, relief should be granted as the opening of this fitness center would complement the nearby SHED Personal Training Studio and The Handle Bar HEAT which are specialized fitness centers. SHED Personal Training Studio specializes in personal training and The Handle Bar HEAT offers classes inspired by pilates and yoga. This is a case for zoning reform to better align use definitions and allowances with modern land uses, particularly for mixed-use contexts.



The plans reviewed are titled ZBA REFUSED EPLANS_21-35 WEST SECOND ST_ALT1602520 and are dated May 14, 2024. They were prepared by Howeler + Yoon Architecture, LLP / VMY Architects, LLC.

Recommendation:

In reference to BOA1654962, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1629405
ZBA Submitted Date	2024-07-21
ZBA Hearing Date	2024-11-26
Address	204 to 204A Hanover ST Boston 02113
Parcel ID	0302395000
Zoning District & Subdistrict	North End Neighborhood Hanover Community Commercial
Zoning Article	54
Project Description	Convert building to four units and one restaurant with takeout.
Relief Type	Conditional Use Variance
Violations	NDOD Applicability Parking or Loading Insufficient Usable Open Space Insufficient Conditional Use

Planning Context:

Property is a three-story vacant building on Hanover Street in the North End. Proponent seeks to convert it into a mixed use building. Plans submitted show a restaurant on the first floor with storage in the basement, and then four units total on the second and third floors. An asterisked note suggests that the proposal is instead for one apartment and office space on those two floors, though submitted plans do not show those changes. The plans do state that the current use is a restaurant with office and residential on upper floors, suggesting that the asterisked note may be a clarification of existing conditions.

Hanover Street largely consists of commercial ground floors with residential and/or office above, so this use is largely consistent with current context. The property is also within the Greenway Overlay District and a Neighborhood Design Overlay District, as well as a Restricted Parking District from the Boston Proper Zone's Parking Freeze.

Zoning Analysis:

Per Article 54, Table D, 50 square feet of usable open space are required per unit in Community Commercial subdistricts. Whether one unit or four units, this property provides no open space, which is a violation. This is an existing condition, and the existing building cannot reasonably provide any open space. Relief is appropriate.



Per Article 54, Table B, small takeout restaurants are a conditional use in Community Commercial subdistricts. Per Article 49A, Appendix B, takeout restaurants are also a conditional use in areas subject to the Greenway Overlay District. Restaurants and takeout uses are prevalent throughout this subdistrict, and there is a continued demand for takeout restaurants across downtown and the North End. The proponent shows plans for a lobster restaurant on the ground floor. Placement near many other seafood restaurants make this a reasonable site for such a use.

As required by Article 6, this proposal does appear to meet the requirements for a conditional use. As noted above, it is an appropriate location for the use, the use will not adversely affect the neighborhood, it will not create serious pedestrian or vehicle hazard, no nuisance will be created, and plans suggest that adequate and appropriate facilities will be provided. Both through Article 54 and Article 49A's requirements, relief via a conditional use permit is appropriate.

Per Article 54, Table E, one parking space is required per residential unit. This proposal provides none, which is a violation. This is an existing condition, and the existing building and lot cannot reasonably provide any parking. Relief is appropriate.

The site is within the Neighborhood Design Overlay District, and the new restaurant's redesign of its ground floor facade will affect approximately 250 square feet of facade. Article 54, Section 54-17 states that design review is required for any alteration affecting two hundred square feet or more of a facade. Design review is appropriate.

Recommendation:

In reference to BOA1629405, 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 "Annee Rand".

Planning and Zoning Director, Planning Department



Case	BOA1629405
ZBA Submitted Date	2024-06-07
ZBA Hearing Date	2024-11-26
Address	31 Cambridge ST Charlestown 02129
Parcel ID	0201922000
Zoning District & Subdistrict	Charlestown Neighborhood MU-3
Zoning Article	62
Project Description	The proponent in this case is seeking to change the occupancy from a tavern to retail cannabis dispensary called Charlestown Cannabis.
Relief Type	Conditional Use Variance
Violations	Use: conditional (cannabis establishment) Screening and buffering required

Planning Context:

The proponent in this case is seeking to change occupancy from a permanently-closed one-story tavern and restaurant to a retail cannabis dispensary called Charlestown Cannabis. Minor interior renovations are also planned in order to fit-out the space for a retail establishment.

At the business's Boston Cannabis Board initial hearing held on September 18, 2024, the owner was confirmed as an equity applicant. According to details provided by the owner's representative in the hearing, the same address was previously approved for a cannabis retail license, but the proponent was advised to restart the process when he decided to move forward with the business without his partner/s at the time.

Adopted by the Planning Department Board in September 2023, PLAN: Charlestown previously singled out Cambridge Street as an area well-suited to more residential and mixed-use development in the future. As a retail establishment, this project would support that broader aim.

Zoning Analysis:



Cannabis establishments are conditionally allowed in mixed-use subdistricts in the Charlestown Neighborhood District "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 116R Cambridge Street. These locations are 0.3 miles apart, so this project does not satisfy the buffer requirement. However, the retail establishment located at 116R Cambridge Street is closer to East Somerville than the center of Charlestown. It is also located on the other side of I-93. These differences in both sites makes it reasonable to assume that the businesses would serve different populations, thereby reducing the need for the buffer.

The Boston Cannabis Board voted on October 9th, 2024 to grant this applicant a conditional license to operate a cannabis establishment, pending zoning relief for a variance for a buffer zone. In addition to the variance, a cannabis retail use requires a conditional use permit in mixed-use subdistricts within the Charlestown Neighborhood Zoning District (Section 62, Table B).

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.

The project plans were prepared by Conner Design and are dated March 21, 2022.

Recommendation:

In reference to BOA1629405, The Planning Department recommends APPROVAL.

Reviewed,

Planning and Zoning Director, Planning Department



Case	BOA1660706
ZBA Submitted Date	2024-10-09
ZBA Hearing Date	2024-11-26
Address	531 Bennington ST East Boston 02128
Parcel ID	0100852000
Zoning District & Subdistrict	East Boston Neighborhood EBR-4
Zoning Article	53
Project Description	Reconstruct an existing three-unit, three-story building and add one unit in a new fourth story and one unit in the basement, resulting in a total of five dwelling units.
Relief Type	Variance
Violations	Parking or Loading Insufficient Lot coverage

Planning Context:

The proposed project would reconstruct an existing three-unit, three-story building, add one unit in a new fourth story and one unit in the basement resulting in a total of five dwelling units, and add a four-story egress stair to the rear.

The existing residential building is a triple-decker, nearly identical to the two buildings on either side of it. The basement floor has three half-windows in the front, and due to the topography of the site, the rear of the basement has a full-size window and an egress door to the rear yard. The rear yard is approximately 35 feet deep and grassy. There are approximately five feet on either side between the existing building and the abutters on either side, and there is no front yard. The site is located mid-block on Bennington Street, approximately 1/2 mile east of Wood Island MBTA station.

PLAN: East Boston, a neighborhood-wide planning initiative to guide growth in East Boston, was adopted by the BPDA Board in January 2024. In Neighborhood Residential areas, such as the Harbor View neighborhood, the PLAN focuses on infill development that is consistent in size and scale with what already exists and preserving existing historic residential structures.

Zoning Analysis:



Article 53 - East Boston Neighborhood District and Zoning Map 3-C were amended in April 2024 to codify recommendations from PLAN: East Boston. In result, the zoning for the site of the proposed project changed from 2F-2000 to EBR-4. According to the ISD Zoning Code Refusal letter dated September 9, 2024, the project was filed on June 20, 2024. Therefore, the updated Article 53 applies. The project is not located in the Coastal Flood Resiliency Overlay District (CFROD).

The project is cited for two zoning violations. According to Article 53, Table L, Household Living uses with four or more dwelling units are required to provide a minimum of one off-street parking space per dwelling unit, and the proposed project does not provide any. Given the width of the building and the lot, there is not adequate dimension on either side of the building to provide a driveway for surface parking in the rear. Making the building narrower would interrupt the existing rhythm of triple-deckers on the street, and structured parking would require demolishing the existing building. Therefore, per Section 7-3, requiring five parking spaces for the proposed project would deny reasonable use of the land or structure. Zoning relief for parking is recommended.

Article 53 establishes a maximum lot coverage of 60%. According to the refusal letter, the proposed project would exceed 60% lot coverage. The only proposed change in the building floor plate is the new exterior staircase in the rear. The exterior staircase is not covered, and therefore does not contribute to the building lot coverage. ("Building Lot Coverage" is defined as "The cumulative percentage of Lot Area covered by the largest Building Floor Plate of each building on the lot. Excludes any one story detached building that is exempt from building code such as small tool or storage sheds, playhouses, and the like." "Building Floor Plate" is defined as "The total floor area of a single story within a Building. A story's floor plate includes the area measured from the outside surface of the Building's exterior walls and the area of any covered porches or covered balconies extruding from said story" per Article 2.) Therefore, the lot coverage violation is either a mistake in interpretation or is an existing non-conformity.

Recommendation:

In reference to BOA1660706, 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



Case	BOA1663235
ZBA Submitted Date	2024-10-18
ZBA Hearing Date	2024-11-26
Address	3 to 17 Lothrop ST Brighton 02135
Parcel ID	2200690000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 3F-4000
Zoning Article	51
Project Description	Build a new, eight-unit, three-story townhouse-style building with an interior one-car garage below each unit.
Relief Type	Variance
Violations	Additional Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Side Yard Insufficient Rear Yard Insufficient Parking or Loading Insufficient Front Yard Insufficient Lot Frontage Insufficient Use: forbidden (MFR)

Planning Context:

The proposed project involves building a new, 8-unit building on a newly combined lot. The lots currently contain two buildings: a two-unit building on 7-7A Lothrop St and a three-unit building on 9-11 Lothrop St. This means the project would result in a net gain of three units. The demolition of the existing structures will need to be approved on a separate application.

The Allston-Brighton Needs Assessment Report was adopted by the BPDA Board on January 18, 2024 and identifies increased housing access and affordability as one of Allston-Brighton's greatest needs. Although this project does not contain any Affordable Units, the report also highlights that community members who participated in the engagement to create the report “promoted supply-side solutions to the housing crisis, recommending an end to parking minimums, relaxation of zoning rules, and other measures to increase housing production in the neighborhood” (Allston-Brighton Needs Assessment Report, page 27). The proposed project



aligns with this community priority identified in the Allston-Brighton Needs Assessment Report by adding three additional units to this area.

The proposed building is a three-story, townhouse style building with an interior one-car garage below each unit. The project is just outside of (or about 0.2 miles from) the study area of the Western Avenue Corridor Study and Rezoning. The study (which was adopted by the BPDA Board on October 13, 2022) recommends various transportation improvements and envisions Western Avenue as a multimodal street with a new bikeway and transitway. The study recommends a maximum parking ratio of 0.5 spaces per unit for rental projects (or 1.0 spaces per unit for condominiums) (Western Avenue Corridor Study and Rezoning, page 66). Although the project's proposed parking ratio (1.0 space per unit) does not comply with the existing minimum parking requirement within zoning, it exceeds the maximum parking ratio recommended for projects within the Western Avenue Corridor Study and Rezoning study area. This means that the planning context would support a lower parking ratio than what is currently proposed.

Additionally, the three proposed curb cuts eliminate too much on-street parking in comparison to the off-street parking created. Without any curb cuts, there would be room for approximately seven on-street parking spaces in front of this lot. With the three proposed curb cuts, there is room for two on-street parking spaces. This means a loss of five on-street spaces for a gain of eight off-street spaces. This does not meet the Boston Transportation Department standard, which is that curb cuts added at residential dwellings need to create a minimum of two off-street spaces for every one public on-street parking space that will be removed as a result (with a preferred ratio of three off-street spaces created for every one on-street space lost). The project should be reconfigured to have no more than one or two curb cuts and a ratio of at least two off-street spaces for every one on-street space lost by the curb cuts; or to eliminate curb cuts. The project's garages would be accessed from a shared driveway which occupies most of the front portion of the lot. It appears from the plans that there is no way for pedestrians to access the front of the units except through this shared driveway space, which creates a significant concern for pedestrian safety. The project should be reconfigured so that there are pedestrian-only paths to access the front of the units.

This project is within hundred (100') feet of a park. This means that it requires review and approval from the Parks and Recreation Commission (City of Boston Municipal Code 7-4.11).



Zoning Analysis:

Many elements of this project violate zoning regulations, but are in alignment with surrounding properties. This indicates that it may be appropriate to reform the zoning for this area to better reflect built conditions. Firstly, because this is in a 3F district, the proposed multi-family residential use is forbidden. However, there are a number of multi-family buildings existing on the block (also zoned in the 3F district), including a 12-unit building at 12 Waverly St. Additionally, the proposed project has an FAR of 1.1, while the maximum FAR allowed by zoning is 0.8. Many existing buildings in this area have FARs between 0.8 and 1. The proposed rear yard is 14 ft, and while the zoning requires 40 ft, most rear yards in the area are also between 10-20 ft. Additionally, a larger rear yard is not necessary because the rear of this lot abuts an open space, which provides access to light and air.

The proposed side yards are about 3 ft, while the zoning requires 10 ft. Other neighboring properties also have some smaller, non-compliant side yards (around 5-6 ft). This indicates also that it may be appropriate to reform the zoning for this area to better reflect built conditions. Additionally, the side yards in this area which are larger are primarily used for driveways. Creating this amount of space on the side of the lot for a driveway is not necessary for this project, as parking is instead provided in garages, which are accessed through the front of the lot. The proposed 3 ft would also still allow light and air on the sides of the building.

The project also does not meet the zoning requirement for a 20 ft front yard because the proposed front yard is 19.24 ft. This is closer to the zoning requirement than the existing buildings on the lot or most neighboring buildings.

The project is also cited for having a lot frontage violation. However, the lot frontage of 147 feet exceeds the zoning requirement of 25 feet.

The proposed usable open space is 4,164 sq ft, which does not comply with the zoning requirement of 5,200 sq ft. However, the project abuts a public park, which can be used as a shared usable open space resource for residents of this property. This minimizes the need for all usable open space to be provided on the lot.

The project also does not comply with the zoning requirement of 1.75 parking spaces per unit. However, as discussed in the planning context of this recommendation, a lower parking ratio would be supported given the project's proximity to the Western Avenue Corridor Study and Rezoning study area.



In this subdistrict, the zoning requires a minimum lot area of 2,000 sq ft for 1 unit plus 2,000 sq ft for each additional unit. This means the zoning requires the lot to be a minimum of 16,000 sq ft for an 8-unit building. The existing lot is only 12,480 sq ft. This means a minimum of 6 units could be built on this parcel while complying with the minimum lot area requirement. However, given that the project has a sufficient amount of usable open space and parking, the lot area is sufficient for this number of units and a variance for the lot area violation should be granted.

This recommendation was written using plans prepared by Adam J. Glassman, titled "7-11 Lothrop Street," and dated 7/04/2024. These plans were reviewed by ISD on 9/16/2024.

Recommendation:

In reference to BOA1663235, The Planning Department recommends DENIAL WITHOUT PREJUDICE: project should be reconfigured to reduce or eliminate curb cuts and provide safe pedestrian access to the front of the units.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1607637
ZBA Submitted Date	2024-05-30
ZBA Hearing Date	2024-11-26
Address	65R Wren ST West Roxbury 02132
Parcel ID	2002215000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	56
Project Description	Replace garage with larger structure including garage and office space
Relief Type	Variance
Violations	Rear Yard Insufficient Height Excessive (ft)

Planning Context:

The proposed project intends to replace an existing detached garage structure with an improved structure that contains a garage and office space. The new structure will extend further towards the interior of the parcel, with no effect on side or rear setbacks. There are no proposed changes to the existing primary structure on the parcel.

Zoning Analysis:

The proposed project is located in the West Roxbury Neighborhood District, in a Single-Family Residential (1F-6000) subdistrict, pursuant to Article 56 of the Zoning Code. The rear yard zoning violation cited in the Refusal Letter persists from the existing conditions on the site and is not worsened by the proposed project. The rear yard setback remains the same at 28.7', short of the 30' required by the Zoning Code. No changes are being proposed to the primary structure on site, only a replacement and improvement to the accessory structure. The height violation is based on the restriction of accessory buildings to 15 feet. The definition of height in Article 2 is based on the mean slope of the roof gables. Per this definition, the structure exceeds the maximum height by 1'-8". Given the proposed use and design of the building, relief is recommended for the accessory building height.

Recommendation:

In reference to BOA1607637, The Planning Department recommends APPROVAL.



Planning Department

CITY of BOSTON

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1660063
ZBA Submitted Date	2024-10-08
ZBA Hearing Date	2024-11-26
Address	36 Newport ST Dorchester 02125
Parcel ID	1303127000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	65
Project Description	The project seeks to convert a two-story, two-unit residential building into a three-story, five-unit residential building.
Relief Type	Variance
Violations	Parking or Loading Insufficient FAR Excessive Height Excessive (stories) Rear Yard Insufficient Use: Forbidden

Planning Context:

The project seeks to convert a two-story two-unit residential building into a three-story five-unit residential building by adding a third floor and extending the building to the rear yard.

Located just two blocks from Dorchester Avenue, 36 Newport St offers convenient access to a variety of commercial amenities, including restaurants, convenience stores, and barbershops. The property is located less than a 5-minute walk from the MBTA Red Line JFK/UMass station and close to multiple bus stops serving routes 1, 8, and 41. Along Newport St, most buildings are three stories tall, with many featuring three residential units. Housing in this transit-accessible area is in high need.

The increased housing units proposed in this project aligns with the City’s goals to develop more housing, per Housing a Changing City: Boston 2030 (2018). The plan notes the importance of supporting “projects and planning that create additional density in locations with good transit that are affordable to the middle class”. The plan also expresses the intent in making “improvements to the permitting process to help smaller builders create more housing on small, privately-owned parcels”.

Zoning Analysis:



The proposed project received violations for parking, FAR, height, rear yard, and use.

The proposed height for the project is three stories, while the existing building stands at two stories, and the allowable height under zoning is two and a half stories. However, the vast majority of buildings on the block and adjacent blocks are three stories, with a strong presence of triple-deckers. The proposed Floor Area Ratio (FAR) is 1.08, exceeding the permitted 0.5 FAR, but this is consistent with the character of the street, where most buildings have an FAR of approximately 1 to 1.5. The proposed rear yard is 16.23 feet, compared to the required 30 feet and existing 34.6 feet, yet many buildings on this block have rear yards as low as 11 to 15 feet. The height, FAR and rear yard variances reflect a need for zoning reform to better align with the existing neighborhood fabric.

Although the proposed four off-street parking spots fall below the required number of spots per unit, the location's proximity to transit reduces the need for extensive parking. With a walkability score of 61, this area offers convenient access to multimodal transportation options, grocery stores, employment centers, and other amenities. Given these factors, a parking ratio of 0-1 spot per unit is appropriate for this area.

Although this parcel is currently zoned for a maximum of two units, it is located in an area with easy access to transit and amenities, where there is a pressing need for increased housing production, as outlined in the planning context. Therefore, this is a case for zoning reform to allow for more units in this location, particularly by adding on to existing buildings and aligning with the neighborhood fabric.

The plans entitled Hung Nguyen 36 Newport Street prepared by 686 Architects on September 22, 2023 were used in preparation of this recommendation.

Recommendation:

In reference to BOA1660063, 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



Case	BOA1650690
ZBA Submitted Date	2024-09-09
ZBA Hearing Date	2024-11-26
Address	165 D ST South Boston 02127
Parcel ID	0600693000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	Two floors containing two dwelling units will be added on top of the existing convenience store.
Relief Type	Variance
Violations	Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Parking or Loading Insufficient Screening and Buffering

Planning Context:

The existing site is a one-story convenience store with a basement for storage. The proponent seeks to build two more additional stories on top to provide two residential units. The proposed new floors would extend the rear of the building but follow all other existing yard setbacks. Most of the neighboring buildings are residential with three floors. This portion of South Boston does not have much mixed use or even commercial uses. Along D Street, lots have rear yards similar to that of the existing building; some have larger rear yards. The proposal also exists within the Coastal Flood Resiliency Overlay District but adds residential units on upper floors, well above the Sea Level Rise Design Flood Elevation.

Zoning Analysis:

The proposed would exceed the rear yard, side yard and front yard setbacks; however these are all existing yards except for the rear yard which will be worsened. The side yard setback required is 3' while the project has one side at 1'-10" and the other at 1'-3". The front yard setback required is 5' while the existing and proposed would be 0'-8". These are existing nonconformities which can remain as long as they are not being worsened as explained in Section 68-35. These would not be considered violations. However the rear setback



requirement is 20' while the existing is 14'-6 1/2" and the proposed setback would be 3'-10" with the new floor area on the upper floors. This would worsen the already existing nonconformity and be out of alignment with the existing context. This should be adjusted to stay within the bounds of the existing rear yard setback.

The proponent is not providing any off-street parking when the required would be three parking spaces. Adding parking would be a challenge to the site due to how much the existing building takes up. The only way to develop off street parking would be by demolishing the existing structure. This can be recommended for relief. The proposal is also flagged for not following the screening and buffering requirements from Article 68 Sec.31 for its loading area along the side of the building. This is another existing nonconformity that would not be worsened by the proposal and being so it would not be a violation.

Recommendation:

In reference to BOA1650690, The Planning Department recommends DENIAL WITHOUT PREJUDICE. While the use is appropriate for the site, the rear yard setback should be reduced to align with the existing building and not worsen the violation.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1649361
ZBA Submitted Date	2024-09-04
ZBA Hearing Date	2024-11-26
Address	58 Baxter ST South Boston 02127
Parcel ID	0600763000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	Construct four-story residential building with on site parking
Relief Type	Variance
Violations	Parking or Loading Insufficient Roof Structure Restrictions Existing Building Alignment FAR Excessive Usable Open Space Insufficient Side Yard Insufficient Rear Yard Insufficient Additional Lot Area Insufficient Flood Hazard Districts

Planning Context:

The proposed project intends to construct a new four-story residential building with six units across two lots in the South Boston Neighborhood. The project is located on Baxter Street between E Street and D Street. Existing conditions include one vacant parcel and one parcel containing a single-family house. This area of Baxter Street contains a mix of single-family, two-family, three-family, and multifamily residential structures. The proposed project is aligned with neighborhood context in both the type and design of the housing to be provided.

The proposed project is located in the study area for the South Boston Transportation Action Plan. In accordance with the recommendations of this plan, and the adjacent study area for PLAN: South Boston Dorchester Avenue Transportation, a high frequency bus route is planned for D Street. Access to improved high frequency transit makes this location ideal for increased housing density.

Zoning Analysis:



The proposed project is located in the South Boston Neighborhood District, in a Multifamily Residential (MFR) subdistrict, pursuant to Article 68 of the Zoning Code. The project is also located within the Coastal Flood Resilience Overlay District (CFROD), governed by Article 25A of the Zoning Code. Due to the project size, compliance with Article 25A is elective, but strongly recommended. Given the provided materials, the Finished Floor Elevation of the ground floor is unclear. The 2070 projected 1% Storm Base Flood Elevation is expected to be 18' BCB. Therefore, with a residential use, the Design Flood Elevation of the proposed project is recommended to be 20' BCB.

The proposed project includes four parking spaces, at a ratio of 0.67 spaces per dwelling unit. While off street parking and loading requirements within the Zoning Code require a ratio of 1.5 spaces per dwelling unit, the proposed project better aligns with BTM Maximum Parking Ratios and is contextual with the project's location near existing and proposed high frequency transit options. With respect to the proposed parking, a reduction in the width of the new curb cut is recommended to maximum 12'. Consultation with Urban Design staff is recommended before the project goes to PIC.

As proposed, this project contains a zero-lot-line condition at the building front. This condition is contextual with other existing structures along Baxter Street, suggesting the Existing Building Alignment violation does not apply in this case. Adjacent buildings in the area also contain lot coverage above that defined by zoning, with little to no side, front, and rear setbacks. This condition also affects the FAR of the proposed project and other structures. Neighboring examples include the buildings at 62-64 Baxter Street and 109 7th Street.

With respect to the open space and additional lot area dimensional violations, planning studies recognize this area as suited for additional density, despite the relative difficulty to provide open space in this part of the City. This conflict is highlighted in the City's Open Space and Recreation Plan, which notes, "Meeting the minimum usable open space per dwelling unit zoning requirement onsite has become a challenge in densely developing neighborhoods like South Boston." The proposed project provides usable open space through the inclusion of rear decks on the units.

Limited plan information is provided regarding the proposed roof structure of this proposed project. Roof Structure Restrictions for the Zoning District require that roof structures such as the proposed hatch go before the ZBA. As such, design review is suggested to confirm a conforming roof structure design.

BOA1649361

2024-11-26

2 Planning Department



Recommendation:

In reference to BOA1649361, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review for the proposed curb cut, resiliency, and design of the roof structures.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1606365
ZBA Submitted Date	2024-05-28
ZBA Hearing Date	2024-11-26
Address	372 to 378 Boylston ST Boston 02116
Parcel ID	0501164000
Zoning District & Subdistrict	Boston Proper B-8-120C
Zoning Article	8
Project Description	Convert existing commercial suite into body art tattooing shop.
Relief Type	Conditional Use
Violations	Conditional Use

Planning Context:

372-378 Boylston St is a six-story commercial building with numerous suites for different retail and office uses. The neighboring context is a central commercial corridor providing numerous services and retail of various scales. The proposed work is converting a suite on the fourth floor into a body art tattooing shop. There will be no work done on the suite to allow for this use.

Zoning Analysis:

Body art shop use is a conditional use in the Boston Proper zoning district. The proposed use must follow Section 6-3 which lists the conditions that must be met to get approval. The proposed does not cause any disturbance to the neighborhood, has adequate facilities for proper operation of this use and isn't in conflict with any zoning overlays to the site. This can be recommended for approval.

Recommendation:

In reference to BOA1606365, 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

MEMORANDUM

SEPTEMBER 12, 2024

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

FROM: CASEY HINES, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW
MICHAEL SINATRA, OMBUDSMAN
DYLAN NORRIS, PROJECT ASSISTANT
ALEXA PINARD, SENIOR URBAN DESIGN REVIEWER
JAMES FITZGERALD, SENIOR TRANSPORTATION PLANNER
JILL ZICK, SITE DESIGN REVIEWER,
AMBER GALKO, SENIOR RESILIENCE DESIGN REVIEWER
ELLA WISE, ZONING COMPLIANCE REVIEWER

SUBJECT: 129 PORTLAND STREET, WEST END

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 129 Portland Street in the West End Neighborhood (as defined below, the "Proposed Project"), in accordance with Article 80E, Small Project Review of the Boston Zoning Code (the "Code"); (2) execute and deliver an Affordable Rental Housing Agreement and Restriction ("ARHAR") in connection with the Proposed Project; and (3) to accept a Quitclaim Deed for a certain temporary, limited property interest in the Project Site; and (4) enter into a Pilot Agreement for the Proposed Project, and to take any other actions, and to execute any other agreements and documents that the Director deems appropriate and necessary, including but not limited to an Indemnification Agreement, in connection with the Proposed Project.

PROJECT SITE

The Proposed Project is located on an approximately 4,451 square foot parcel of land at 129 Portland Street, in the West End neighborhood of Boston (the "Project

Site”). The Project Site is currently occupied by a vacant six (6) story approximately 28,000 square foot office building with vacant ground floor retail space.

DEVELOPMENT TEAM

The development team includes:

Proponent: 129 Portland Street LLC
Greg McCarthy

Architect: Studio 47 Architects INC
Bryan T Mulligan

BACKGROUND ON PILOT PROGRAM

On March 30th 2024, 129 Portland Street LLC (the “Proponent”) applied to Mayor Wu’s and the BPDA’s Downtown Residential Conversion Incentive PILOT Program (the “Pilot Program”). The Pilot Program was authorized by the BPDA Board on October 12, 2023 and as extended on July 18, 2024, (collectively the “Program”) and offers to approved applicants a tax abatement in exchange for converting their underutilized office building into multi-family residential rental units. The October Board Vote authorized the creation of a Demonstration Project Plan Area in Downtown Boston (the “Plan Area”) and the Plan Area establishes an area where the BPDA is able to act pursuant to Massachusetts General Law Chapter 121B (“Chapter 121B”) and provide a contract for payment in lieu of taxes (“Pilot Agreement”) pursuant to Chapter 121B.

While the new City of Boston Inclusionary Zoning (“2024 IZ”) does not go into effect for all project types until October 1, 2024, in order to qualify for the PILOT program, the proponent must meet the 2024 IZ standards, which require that Seventeen Percent (17%) of all newly created units must be deed restricted affordable restricted for households making up to Sixty Percent (60%) of the Area Median Income (“AMI”), and an additional 3% of units must be available at HUD Small Area Fair Market Rent and reserved for voucher holders. Applicants must also comply with current Green Energy Stretch Goals, where applicable.

PROPOSED PROJECT

The proposal seeks to convert the existing office space in the six (6)-story approximately 30,870 gross square foot building with ground-level retail located at the corner of Portland Street and Valenti Way in the Bulfinch Triangle. Floors two (2) through six (6) of 129 Portland Street (the “Proposed Project”) will be converted from office space to now include twenty-five (25) new residential rental units. Of the twenty-five (25) rental units, five (5) will be studios, eleven (11) will be 1-bedrooms, four (4) will be 2-bedrooms, and five (5) will be 3-bedrooms. Two (2) rental units are designated as ADA group 2 units. The Proposed Project will create a net residential total of approximately 22,121 square floor gross floor area. The currently vacant ground floor retail space will be renovated and will result in a net total of approximately 3,777 square foot gross floor area of retail space. The Proposed Project will also include an interior subsurface bike storage facility for twenty-five (25) resident bike parking spaces.

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

Estimated Project Metrics	Proposed Plan
Gross Square Footage	30,291
Gross Floor Area	
<i>Residential</i>	22,121
<i>Retail</i>	3,777
<i>Mechanical/Service/Storage</i>	4,393
Development Cost Estimate	\$7,360,500
Residential Units	
<i>Rental Units</i>	25
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	5
Parking spaces	0
Bike Parking Spaces	25

<i>Secure (interior) spaces</i>	25
---------------------------------	----

PLANNING CONTEXT

Launched in October 2023, the Downtown Residential Conversion Incentive Pilot Program “Downtown Conversion Program” aims to support owners and developers of older commercial office building space in converting to residential units. The Pilot Program was informed by both 1) the City of Boston’s October 2022 Downtown Revitalization Report which analyzed and made recommendations for downtown economic revitalization, as well as 2) the PLAN: Downtown planning process which recommended a downtown office conversion program as a key strategy for achieving the PLAN goals. In order to encourage new use of underutilized office space, the Downtown Conversion Program offers a tax abatement and a streamlined approval process to applicants who meet affordability and sustainability requirements. The Proposed Project is an early applicant for the Downtown Conversion Program, advancing key recommendations of the 2022 Downtown Revitalization Report and PLAN: Downtown.

ZONING

The proposed project is located in the Article 46 Bulfinch Triangle District General Area Sub-District. The proposed project requires a conditional use permit for residential use, which is clearly consistent with the goals of the Pilot. The project proposes no changes to dimensions.

The Project Site is located within the Coastal Flood Resilience Overlay District (CFROD) which requires that the building be protected to withstand the impacts of anticipated 2070 flood pathways and is governed by Article 25A of the Code. The Project is in compliance with the Article and is designed to incorporate Coastal Flood Resilience measures up to the Design Flood Elevation of 19'-20' BCB using a combination of wet and dry floodproofing strategies.

The project is also within the Groundwater Conservation Overlay District (GCOD) requiring a conditional use permit, and the Restricted Parking District but the project proposes no new parking.

ARTICLE 80 REVIEW PROCESS

On July 1st, 2024 the Proponent filed an Application for Small Project Review with the BPDA for the Proposed Project, pursuant to Article 80E of the Boston Zoning Code (the "Code"). The BPDA sponsored and held a virtual public meeting on July 8, 2024 via Zoom for the Proposed Project. The meeting was advertised in the South End News, Boston Guardian and the Boston Sun, posted on the BPDA website and a notification was emailed to all subscribers of the BPDA's South End neighborhood update list. The public comment period ended on August 12th, 2024.

MITIGATION AND COMMUNITY BENEFITS

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

- Revitalizing the downtown neighborhood by converting underutilized office space to on-site housing, bringing foot traffic back to the neighborhood, generating a new customer base for restaurants and shops, and creating a more vibrant urban core
- Creating five (5) on-site affordable units, four (4) IDP Units made affordable to households earning not more than 60% AMI and one (1) unit reserved for Voucher holders.
- Meeting, where applicable, C.O.B Green Energy "Stretch Goals"; as required by the BPDA office to residential Conversion Program
- The re-use of a vast majority of existing building components in order to minimize demolition waste and promote construction sustainability

The Proposed Project and any proposed improvements to the public realm are subject to PIC and BPDA Design Review.

INCLUSIONARY DEVELOPMENT POLICY

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (the "IDP") and is located within Zone A, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. The project is further subject to the affordability

requirements of the BPDA’s Downtown Residential Conversion Incentive PILOT Program dated July 10, 2023, which requires projects applying under the Pilot program to comply with the 2024 IZ requirements, or in this case, five (5) units or 20% of the total number of units within the conversion project must be designated as income restricted units, consisting of 17% of units as IDP units (the “IDP Units”) made available to the general public at no more than 60% of the Area Median Income (“AMI”), and 3% of units reserved for households who qualify with mobile housing vouchers (the “Voucher Units”). All four (4) of the IDP Units will be made affordable to households earning not more than 60% of AMI, as based upon data from the United States Department of Housing and Urban Development (“HUD”) and published by the BPDA as annual income and rent limits, and the one (1) Voucher Unit will be made available to households with mobile housing vouchers qualifying at or below 110% AMI, and rented at no higher than the Small Area Fair Market Rent (“SAFMR”) published and adjusted annually by HUD.

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

Unit Number	Floor Level	Number of Bedrooms	Size (SF)	Percentage of AMI	Monthly Rent
6	3	Two-Bedroom	760	60%	\$1,499.00
9	3	Three-Bedroom	900	Voucher or 110% *	\$5,130.00
13	4	One-Bedroom	617	60%	\$1,325.00
17	5	One-Bedroom	709	60%	\$1,325.00
20	5	Studio	450	60%	\$1,130.00

* The Voucher Unit shall be marketed with a preference to voucher holders who qualify with incomes of not more than 110% AMI, as published by the BPDA and based upon data from the United States Department of Housing and Urban Development (“HUD”), and in the event that no voucher holders apply and qualify, or no voucher holders remain on the waitlist for the Voucher Unit, Eligible Households who are not voucher holders shall qualify with incomes of not more than 110% AMI, and charged up to the SAFMR for the Voucher Unit.

The location of the IDP Units and Voucher Unit will be finalized in conjunction with BPDA and MOH staff and outlined in the Affordable Rental Housing Agreement and Restriction (“ARHAR”), and rents and income limits will be adjusted according to MOH published maximum rents and income limits, as based on HUD AMIs,

available at the time of the initial rental of the IDP Units and Voucher Unit. IDP Units and Voucher Units must be comparable in size, design, and quality to the market-rate units in the Proposed Project, cannot be stacked or concentrated on the same floors, and must be consistent in bedroom count with the entire Proposed Project.

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

- (1) Boston resident;
- (2) Household size (a minimum of one (1) person per bedroom); and
- (3) Households with a housing voucher (in the Voucher Unit only).

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

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

TERMS OF PILOT AGREEMENT

Based on BPDA staff review under Article 80 and review under the Pilot Program, the Proponent has been selected to receive a Pilot Agreement, based on the Pilot Program criteria. The Proponent will, upon approval by the BPDA Board, enter into a Pilot Agreement between the City of Boston (the "City") and the BPDA. If approved today, the City and the BPDA will provide the Proposed Project an average tax

abatement of up-to seventy-five percent (75%) of the assessed residential value for a term of twenty-nine (29) years, terms which are consistent with the October Board Vote.

DEED CONVEYANCE

To comply with the rules and regulations of Massachusetts General Law Chapter 121B, Section 16, the BPDA must take an interest in the Project Site. To effectuate that, the BPDA shall accept a Quitclaim Deed conveying temporary, limited rights in the Project Site to the BPDA. Additionally, the BPDA and the Owner of the Project Site will enter into an indemnification agreement which will ensure the BPDA does not have liability on the Project Site.

DEMONSTRATION PROJECT PLAN

The Proponent is an applicant to the Downtown Office to Residential Conversion Incentive PILOT Program (the "Program"). As approved on October 12, 2023, the BPDA established a Demonstration Project Plan in a selected area comprising primarily Downtown Boston. The Project Site is within the established boundary and subject to the previous established Demonstration Project Plan.

RECOMMENDATIONS

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, BPDA staff recommends that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project; (2) execute and deliver an Affordable Rental Housing Agreement and Restriction ("ARHAR") in connection with the Proposed Project; (3) to accept a Quitclaim Deed for a certain temporary, limited property interest in the Project Site; and (4) enter into a Pilot Agreement for the Proposed Project, and to take any other actions, and to execute any other agreements and documents that the Director deems appropriate and necessary, including, but not limited to, an Indemnification Agreement, in connection with the Proposed Project.

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6 of the Boston Zoning Code (the "Code"), approving the development at 129 Portland Street, proposed by 129 Portland Street LLC (the "Proponent"), for the construction of a

six (6) story, 25-unit residential building (the "Proposed Project"), in accordance with the requirements of Small Project Review, Article 80E, of the Code, subject to continuing design review by the BPDA; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute and deliver an Affordable Rental Housing Agreement and Restriction for the creation of four (4) IDP Units and one (1) Voucher Unit in connection with the Proposed Project; and

FURTHER**VOTED:**

That the Director Be, and hereby is, authorized to enter into a Pilot Agreement in connection with the 129 Portland Street Project subject to the terms and continues consistent with this Board Memorandum and as the Director deems to be appropriate and necessary.

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute a contract for payment in lieu of taxes ("Pilot Agreement") among the BPDA, the City of Boston acting through its Assessing Department, and the Proponent on terms substantially similar to those presented herein; and

FURTHER

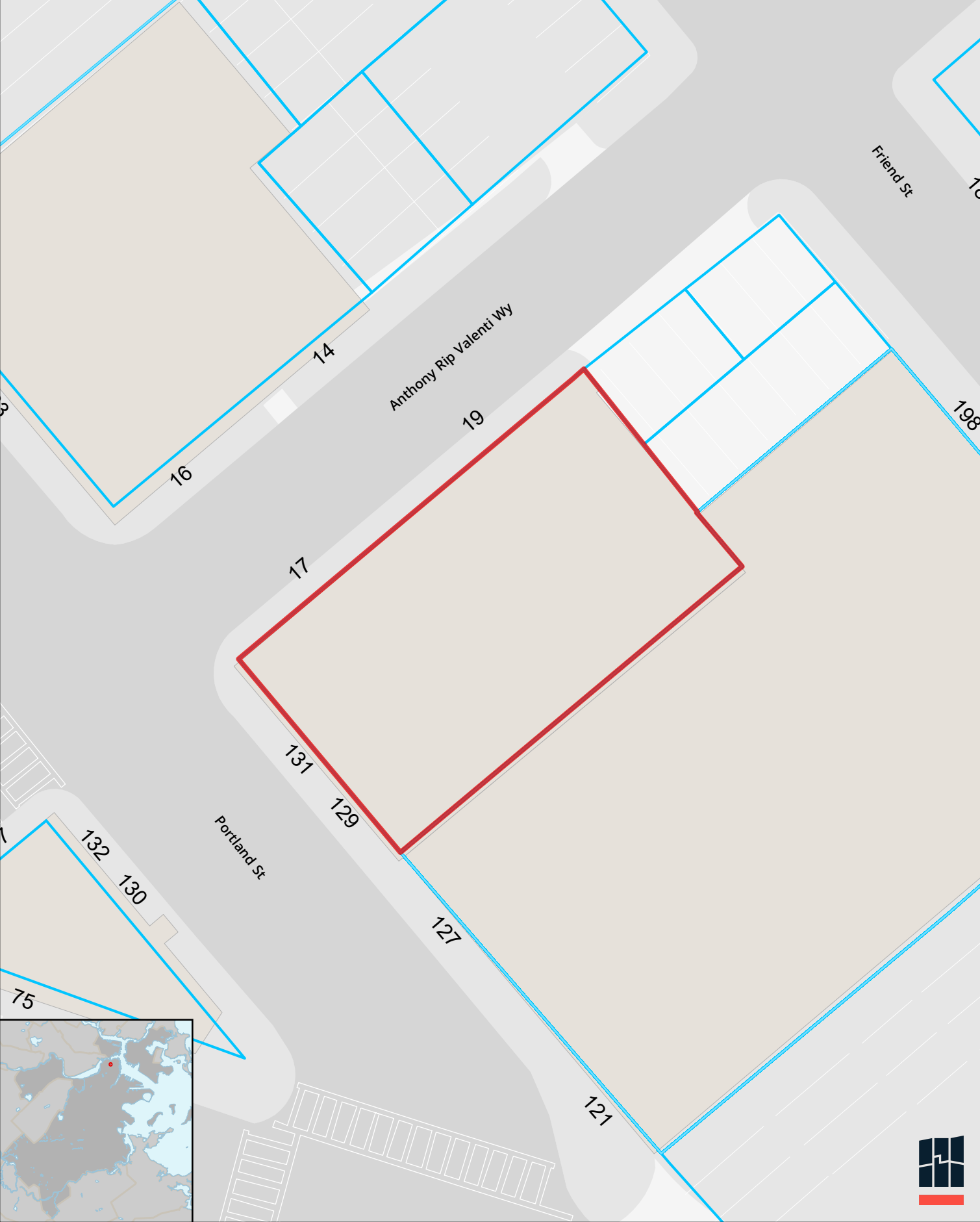
VOTED: That the Director be, and hereby is, authorized to accept a Quitclaim Deed for a temporary, limited property interest in the 129 Portland Street Project Site, and execute an Indemnification Agreement between the BPDA and the owner of the 129 Portland Street Project Site; and

FURTHER**VOTED:**

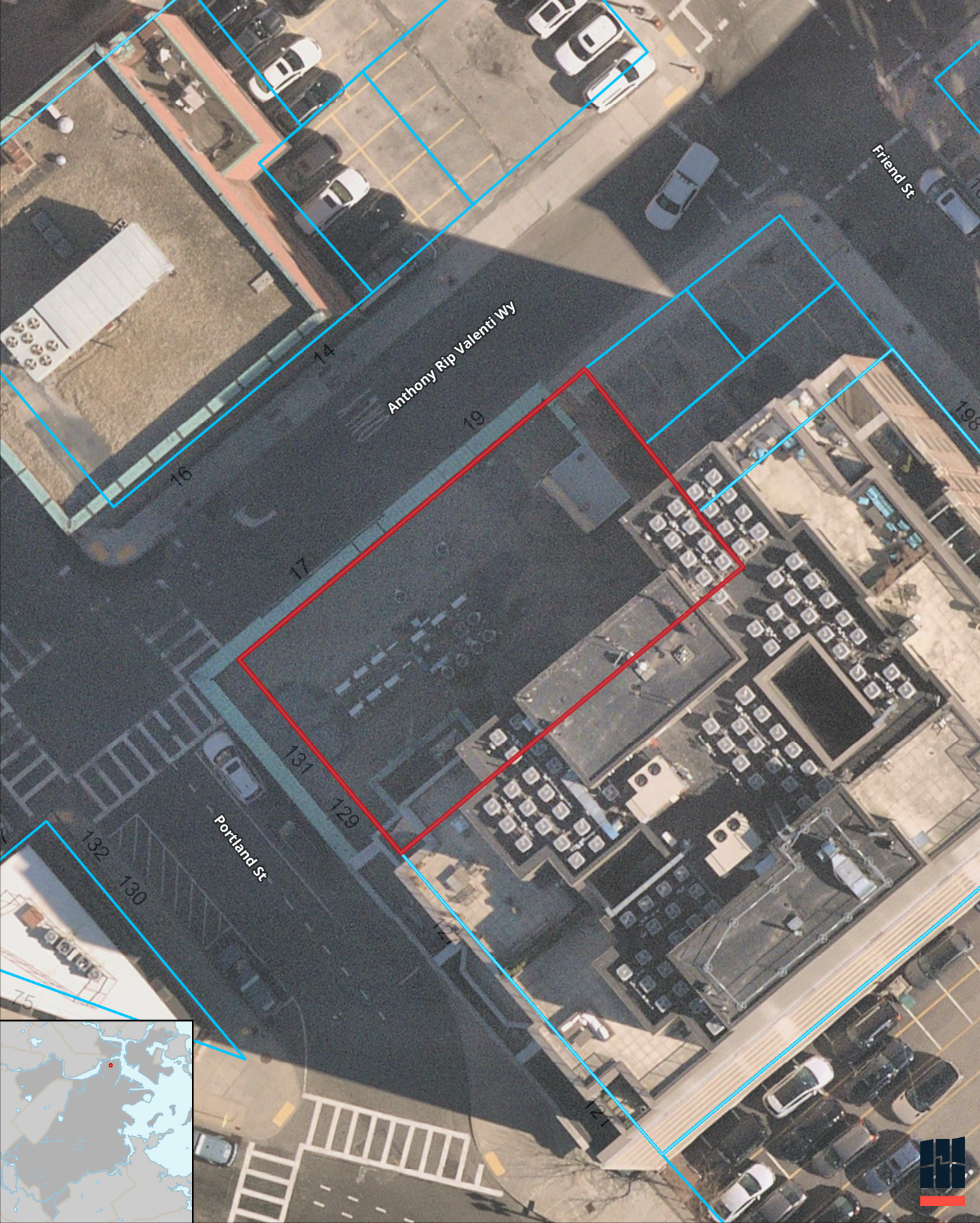
That the Director be, and hereby is, authorized to take any other actions and to execute any other agreements and documents that the Director deems appropriate and necessary, including, but not limited

to, an Indemnification Agreement, in connection with the Proposed Project.

129 Portland Street



129 Portland Street





SHARON DURKAN
OFFICE OF BOSTON CITY COUNCILOR, DISTRICT 8

August 16, 2024

Dylan Norris
Boston Planning & Development Agency
1 City Hall Sq, 9th Floor
Boston, MA 02201

Re: 129 Portland Street

Dear Dylan,

As the Boston City Councilor representing the West End, I strongly support the office to residential use conversion development of 129 Portland Street. This proposal supports the City of Boston's mission to increase economic activity in our Downtown neighborhoods by creating 25 residential units, including four on-site affordable IDP units, and 1 voucher unit, in addition to retail space on the first floor. This structure is currently sitting vacant and underutilized, so now is the time to convert the existing office space and welcome new residents to the neighborhood. Glad to see this proponent be part of the Office to Residential program, of which I am a big supporter, and I think this proposal highlights how office buildings can be converted to a better, more important use for the moment we are in.

The Bulfinch Triangle has an extensive and rich history, and preserving it is of the utmost importance to the community. I am excited to see that the facade of this building requires minimal exterior work because it guarantees the building's ability to fit in with what already exists in the area and assist in preserving the deeply valued architecture of the West End.

The West End is a hub of public transit, and the incorporation of 25 bike spaces here will aid the City in achieving our sustainability goals. Occupants of this building will be able to travel to and from their residence with ease, making it a desirable place to live. For these reasons, I will also be supporting the proponent's application to the Zoning Board of Appeals for zoning relief, namely for housing as a conditional use. This example of restrictive zoning continues to inhibit housing production and as we continue to navigate through the current housing crisis, we need to prioritize aligning housing and transit, which the proposal for 129 Portland Street does incredibly well.

DISTRICT 8 COUNCILOR, SHARON DURKAN
BOSTON CITY HALL, ONE CITY HALL SQUARE, BOSTON
617-635-4225 | SHARON.DURKAN@BOSTON.GOV



SHARON DURKAN
OFFICE OF BOSTON CITY COUNCILOR, DISTRICT 8

I would like to reiterate my belief that this project will be a beneficial addition to the neighborhood. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Durkan".

Sharon Durkan
Boston City Councilor, District 8

**Boston Water and
Sewer Commission**



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

August 1, 2024

Dylan Norris
Project Assistant
Boston Planning and Development Agency
One City Hall Square
Boston, MA 02201

Re: 129 Portland Street, Boston
Small Project Review Application

Dear Mr. Norris:

The Boston Water and Sewer Commission (Commission) has reviewed the Small Project Review Application (SPRA) for the proposed residential development located at 129 Portland Street in West End neighborhood of Boston. This letter provides the Commission's comments on the SPRA.

The proposed project site consists of an approximately 4,451 square feet (sf) lot. The site is currently a vacant 6-story office building. The project proponent, 129 Portland Street LLC, proposes to convert floors 2-6 to residential use, and floor 1 to commercial use and residential lobby, totaling 30.870 gross square feet (gsf).

The Commission owns and maintains two (2) 12-inch DICL water mains installed in 2009 in Portland Street, one is part of the Commissions Southern-Low distribution system, and the other on the Southern High.

The Commission owns and maintains sanitary and storm drain pipes in Portland Street. For storm drain service there is a 12-inch reinforced concrete pipe installed in 2010. For sanitary service there 42-inch reinforced concrete pipe installed in 2010.

Water usage and sewage generation estimates were not provided in the SPRA.

The Commission has the following comments regarding the SPRA:



General

1. Prior to the initial phase of the site plan development, 129 Portland Street LLC, should meet with the Commission's Design and Engineering Customer Services to review water main, sewer and storm drainage system availability and potential upgrades that could impact the development.
2. All new or relocated water mains, sewers and storm drains must be designed and constructed at 129 Portland Street LLC's expense. They must be designed and constructed in conformance with the Commission's design standards, Water Distribution System and Sewer Use regulations, and Requirements for Site Plans. The site plan should include the locations of new, relocated and existing water mains, sewers and drains which serve the site, proposed service connections, water meter locations, as well as back flow prevention devices in the facilities that will require inspection. A General Service Application must also be submitted to the Commission with the site plan.
3. The Department of Environmental Protection (DEP), in cooperation with the Massachusetts Water Resources Authority and its member communities, is implementing a coordinated approach to flow control in the MWRA regional wastewater system, particularly the removal of extraneous clean water (e.g., infiltration/inflow (I/I)) in the system. In April of 2014, the Massachusetts DEP promulgated new regulations regarding wastewater. The Commission has a National Pollutant Discharge Elimination System (NPDES) Permit for its combined sewer overflows and is subject to these new regulations [314 CMR 12.00, section 12.04(2)(d)]. This section requires all new sewer connections with design flows exceeding 15,000 gpd to mitigate the impacts of the development by removing four gallons of infiltration and inflow (I/I) for each new gallon of wastewater flow. In this regard, any new connection or expansion of an existing connection that exceeds 15,000 gallons-per day of wastewater shall assist in the I/I reduction effort to ensure that the additional wastewater flows are offset by the removal of I/I. Currently, a minimum ratio of 4:1 for I/I removal to new wastewater flow added is used. The Commission supports the policy and will require proponent to develop a consistent inflow reduction plan. The 4:1 requirement should be addressed at least 90 days prior to activation of water service and will be based on the estimated sewage generation provided on the project site plan.
4. The design of the project should comply with the City of Boston's Complete Streets Initiative, which requires incorporation of "green infrastructure" into street designs. Green infrastructure includes greenscapes, such as trees, shrubs, grasses and other landscape plantings, as well as rain gardens and vegetative swales, infiltration basins, and paving materials and permeable surfaces. The proponent must develop a maintenance plan for the proposed green infrastructure. For more information on the Complete Streets Initiative see the City's website at <http://bostoncompletestreets.org/>



5. The water use and sewage generation estimates were not provided in the SPRA. The Commission requires that these values be calculated and submitted with the Site Plan. 129 Portland Street LLC should provide separate estimates of peak and continuous maximum water demand for residential, irrigation and air-conditioning make-up water for the project. Estimates should be based on full-site build-out of the proposed project. 129 Portland Street LLC should also provide the methodology used to estimate water demand for the proposed project.
6. For any proposed masonry repair and cleaning DEVELOPER NAME will be required to obtain from the Boston Air Pollution Control Commission a permit for Abrasive Blasting or Chemical Cleaning. In accordance with this permit DEVELOPER NAME will be required to provide a detailed description as to how chemical mist and run-off will be contained and either treated before discharge to the sewer or drainage system or collected and disposed of lawfully off site. A copy of the description and any related site plans must be provided to the Commission's Engineering Customer Service Department for review before masonry repair and cleaning commences. DEVELOPER NAME is advised that the Commission may impose additional conditions and requirements before permitting the discharge of the treated wash water to enter the sewer or drainage system.
7. 129 Portland Street LLC should be aware that the US Environmental Protection Agency issued the Remediation General Permit (RGP) for Groundwater Remediation, Contaminated Construction Dewatering, and Miscellaneous Surface Water Discharges. If groundwater contaminated with petroleum products, for example, is encountered, 129 Portland Street LLC will be required to apply for a RGP to cover these discharges.
8. The project sites are located within Boston's Groundwater Conservation Overlay District (GCOD). The district is intended to promote the restoration of groundwater and reduce the impact of surface runoff. Projects constructed within the GCOD are required to include provisions for retaining stormwater and directing the stormwater to the groundwater table for recharge.
9. It is 129 Portland Street LLC's responsibility to evaluate the capacity of the water, sewer and storm drain systems serving the project site to determine if the systems are adequate to meet future project demands. With the site plan, 129 Portland Street LLC must include a detailed capacity analysis for the water, sewer and storm drain systems serving the project site, as well as an analysis of the impacts the proposed project will have on the Commission's water, sewer and storm drainage systems.



Water

1. 129 Portland Street LLC must provide separate estimates of peak and continuous maximum water demand for residential, commercial, industrial, irrigation of landscaped areas, and air-conditioning make-up water for the project with the site plan. Estimates should be based on full-site build-out of the proposed project. 129 Portland Street LLC should also provide the methodology used to estimate water demand for the proposed project.
2. 129 Portland Street LLC should explore opportunities for implementing water conservation measures in addition to those required by the State Plumbing Code. In particular, 129 Portland Street LLC should consider outdoor landscaping which requires minimal use of water to maintain. If 129 Portland Street LLC plans to install in-ground sprinkler systems, the Commission recommends that timers, soil moisture indicators and rainfall sensors be installed. The use of sensor-operated faucets and toilets in common areas of buildings should be considered.
3. 129 Portland Street LLC is required to obtain a Hydrant Permit for use of any hydrant during the construction phase of this project. The water used from the hydrant must be metered. 129 Portland Street LLC should contact the Commission's Meter Department for information on and to obtain a Hydrant Permit.
4. The Commission is utilizing a Fixed Radio Meter Reading System to obtain water meter readings. For new water meters, the Commission will provide a Meter Transmitter Unit (MTU) and connect the device to the meter. For information regarding the installation of MTUs, 129 Portland Street LLC should contact the Commission's Meter Department.

Sewage / Drainage

1. In conjunction with the Site Plan and the General Service Application 129 Portland Street LLC will be required to submit a Stormwater Pollution Prevention Plan. The plan must:
 - Identify specific best management measures for controlling erosion and preventing the discharge of sediment, contaminated stormwater or construction debris to the Commission's drainage system when construction is underway.
 - Include a site map which shows, at a minimum, existing drainage patterns and areas used for storage or treatment of contaminated soils, groundwater or stormwater, and the location of major control structures or treatment structures to be utilized during the construction.



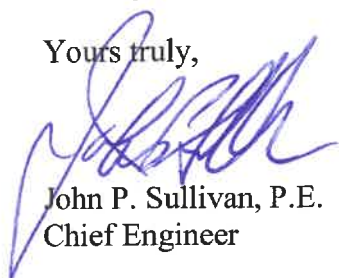
- Specifically identify how the project will comply with the Department of Environmental Protection's Performance Standards for Stormwater Management both during construction and after construction is complete.
2. The Commission encourages 129 Portland Street LLC to explore additional opportunities for protecting stormwater quality on site by minimizing sanding and the use of deicing chemicals, pesticides, and fertilizers.
 3. The discharge of dewatering drainage to a sanitary sewer is prohibited by the Commission. 129 Portland Street LLC is advised that the discharge of any dewatering drainage to the storm drainage system requires a Drainage Discharge Permit from the Commission. If the dewatering drainage is contaminated with petroleum products, 129 Portland Street LLC will be required to obtain a Remediation General Permit from the Environmental Protection Agency (EPA) for the discharge.
 4. 129 Portland Street LLC must fully investigate methods for retaining stormwater on-site before the Commission will consider a request to discharge stormwater to the Commission's system. The site plan should indicate how storm drainage from roof drains will be handled and the feasibility of retaining their stormwater discharge on-site. All projects at or above 100,000 square feet of floor area are to retain, on site, a volume of runoff equal to 1.25 inches of rainfall times the impervious area. Under no circumstances will stormwater be allowed to discharge to a sanitary sewer.
 5. The Massachusetts Department of Environmental Protection (MassDEP) established Stormwater Management Standards. The standards address water quality, water quantity and recharge. In addition to Commission standards, 129 Portland Street LLC will be required to meet MassDEP Stormwater Management Standards.
 6. Sanitary sewage must be kept separate from stormwater and separate sanitary sewer and storm drain service connections must be provided. The Commission requires that existing stormwater and sanitary sewer service connections, which are to be re-used by the proposed project, be dye tested to confirm they are connected to the appropriate system.
 7. The Commission requests that 129 Portland Street LLC install a permanent casting stating "Don't Dump: Drains to Boston Harbor" next to any catch basin created or modified as part of this project. 129 Portland Street LLC should contact the Commission's Operations Division for information regarding the purchase of the castings.
 8. If a cafeteria or food service facility is built as part of this project, grease traps will be required in accordance with the Commission's Sewer Use Regulations. 129 Portland



Street LLC is advised to consult with the Commission's Operations Department with regards to grease traps.

Thank you for the opportunity to comment on this project.

Yours truly,



John P. Sullivan, P.E.
Chief Engineer

JPS/afh

cc: K. Ronan, MWRA via e-mail
P. Larocque, BWSC via e-mail
L. Melara, BWSC via e-mail



Case	BOA1626386
ZBA Submitted Date	2024-07-12
ZBA Hearing Date	2024-11-26
Address	41 to 45 Broad ST Boston 02109
Parcel ID	0303825000
Zoning District & Subdistrict	Government Center/Markets Broad Street Protection Area
Zoning Article	45
Project Description	Remove proviso for "this petitioner only" from the conditional use permit for takeout.
Relief Type	Conditional Use
Violations	Other Protectional Conditions

Planning Context:

Site is a four-story commercial and residential mixed use property downtown, and the ground floor was previously used as a Starbucks coffee stop. Proponent, Mini Donut Diva, seeks to remove the "this petitioner only" proviso for the takeout conditional use permit granted previously to this site and therefore to grant a new takeout conditional use permit.

Zoning Analysis:

Restaurants and takeout uses are prevalent throughout the Government Center / Markets district, and there is a continued demand for takeout restaurant uses both around this site and across the neighborhood. The proponent has already filed with the Licensing Board to open three business concepts: a donut shop, a pasta shop, and a sandwich shop. Placement near many places of employment make this site well suited for takeout uses.

As required by Article 6, this proposal appears to meet the requirements for a conditional use. As noted above, it is an appropriate location for the use, the use will not adversely affect the neighborhood, it will not create serious pedestrian or vehicle hazard, no nuisance will be created, and the current existence of a previous takeout restaurant on site suggests that adequate and appropriate facilities will be provided.



No plans were submitted with this request, but the request with the licensing board does additionally note that the facility will consist of "Shared dining for 18, 3 individual kiosks (one for each business concept), one shared kitchen, storage and two ADA bathrooms all located on the first floor." This appears reasonable with respect to the provision of adequate and appropriate facilities for three small restaurants.

Relief via a conditional use permit is appropriate.

Recommendation:

In reference to BOA1626386, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1622743
ZBA Submitted Date	2024-07-03
ZBA Hearing Date	2024-11-26
Address	8 to 8A Hudson ST Boston 02111
Parcel ID	0305312000, 0305311000
Zoning District & Subdistrict	Chinatown Historic Chinatown Protection Area
Zoning Article	32, 43, 49A
Project Description	Combine two vacant parcels and construct a six-story building with a restaurant on the first and second floors and eight residential units on the third through sixth floors.
Relief Type	Variance, Conditional Use
Violations	GCOD Applicability Parking or Loading Insufficient Use: Conditional (First Floor Take-Out) Use: Conditional (Second Floor Take-Out) Use: Forbidden (Ground Level Take-Out)

Planning Context:

This site is located within Chinatown, in the core commercial area between Kneeland Street and Beach St. The abuts the Rose Kennedy Greenway to the rear and is one parcel away from Mary Soo Hoo Park and the Chinatown Gate. The site is located within 1/4 mile of the Chinatown and Tufts Medical Center MBTA Orange Line stops and within 1/2 mile of South Station. Given its proximity to transit and the typical condition of buildings without off-street parking, it is appropriate to not include parking for the residential units.

This area has a prominent and consistent typology of first and second-floor restaurants with residential units on the upper floors. The ongoing Chinatown Rezoning Process has identified this site within a proposed Community Commercial Area, where there is a high concentration of culturally Chinese shops and restaurants, with fine-grained parcelization and building typology. An initial goal of the rezoning effort for this area is to maintain these smaller active storefronts and allow for businesses to operate on upper floors of buildings. Also, a broad goal of the Chinatown Rezoning Process is to enable more housing development, which was called out specifically through the adopted PLAN: Downtown (2023).



Given the surrounding context of similar building typologies and land uses, and consistency with the ongoing Chinatown Rezoning Process, this is an appropriate project for the site.

Zoning Analysis:

The project is cited for several use-related variances. Take-Out restaurants are conditional for the first and second floors within this Historic Chinatown Protection Area Subdistrict. This site is located within the Greenway Overlay District, pursuant to Article 49A. Section 49A-5.1 states that uses with Priority Greenway Frontages that are located on the ground level...are limited to Allowed or Conditional Ground Level Uses, as listed in Appendix A of this Article." Take-out restaurant uses are listed as a conditional use in Appendix A, not a forbidden use, meaning the Zoning Refusal Letter incorrectly stated that this use is forbidden.

In granting conditional use for take-out, 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 operate the use, and is in an appropriate location. Given the prominence of restaurants that include take-out in this area and the character of this being a vibrant and walkable neighborhood, take-out is an appropriate use here.

The project is cited for not providing sufficient parking; although the property is within both a Parking Freeze Zone and a Restricted Parking District, residential uses are required to have 0.3 parking spaces per dwelling unit. Given the project's proximity to transit and consistency with surroundings, a lower-than-required parking ratio is appropriate here.

Finally, the property falls within a Groundwater Conservation Overlay District. Consequently, acquiring a conditional use permit from the Board of Appeal under Article 6 is necessary for new construction.

Plans reviewed are titled "New Mixed Use Building 8-10 Hudson St, Chinatown MA", prepared by JCBT Architect, and dated December 1, 2023.

Recommendation:

In reference to BOA1622743, The Planning Department recommends APPROVAL that plans shall be submitted to the Department of Parks and Recreation for review, and that the plans shall be reviewed and approved by the Boston Water & Sewer Commission due to its location within the Groundwater Conservation Overlay District (GCOD).



Planning Department

CITY of BOSTON

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1575329
ZBA Submitted Date	2024-02-27
ZBA Hearing Date	2024-11-26
Address	30 Haynes ST East Boston 02128
Parcel ID	0104528000
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	53
Project Description	Add a roof deck to a three-story residential building.
Relief Type	Variance
Violations	Side Yard Setback Roof Structure Restrictions

Planning Context:

The proposed project would add a roof deck to an existing three-story residential building. The project is in line with neighborhood character, as many of the neighboring buildings, including the one directly across Haynes St from the project parcel, have existing roof decks.

Plan: East Boston (adopted in March of 2024) provides the planning context for the area in which the proposed project is located. The plan highlights the residential nature of the project area with key features including retention of current residents while also improving the existing structures in the neighborhood. The proposed project helps to achieve this as it will create a better living space for current residents without the need for a complete replacement of the structure.

Zoning Analysis

As the proposal was initially reviewed before implementation of zoning amendments accompanying PLAN: East Boston the project was cited for violation of two dimensional requirements of a now obsolete version of Article 53. The proposal was located in a 3F-2000 subdistrict prior to the aforementioned zoning amendment; it is currently located in an EBR-3 subdistrict.



At the time of its review, Article 53 required a minimum side yard setback of 2.5 feet. The proposed zero lot line party wall is an existing condition. Zoning relief for side yard setback is recommended because the existing nonconformity is not being extended and because the proposed condition would be allowed by updated zoning regulations for EBR-3 subdistricts. (Article 53, Table F notes: Semi-attached Dwellings, Town House Buildings, and Row House Buildings are only required to have side yards on sides that are not attached to another Dwelling.)

The proposal was also cited for an insufficient roof deck setback: a 4.5 foot setback from the front of the building is proposed, while a minimum of 7 feet is required by the former zoning regulation used to review the proposal. The recently updated Section 53-25 requires roof decks to be set back a minimum of 10 feet from the front of the building. Through design review, the proponent should set this roof deck back further from the front of the structure, by either moving the deck or shrinking the overall roofdeck size.

Recommendation:

In reference to BOA1575329, The Planning Department recommends APPROVAL WITH PROVISIO that plans be submitted to the Planning Department for design review with attention to increasing the front setback of the roof deck.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1621090
ZBA Submitted Date	2024-08-07
ZBA Hearing Date	2024-11-26
Address	22 Perrin ST 12 Roxbury MA 02119
Parcel ID	1200369000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	50
Project Description	Convert an existing garage to an accessory dwelling unit through interior renovations and the addition of an external staircase
Relief Type	Variance
Violations	Parking or Loading Insufficient Rear Yard Insufficient Two or More Dwellings on Same Lot

Planning Context:

The proposed project seeks to convert an existing two story garage into a two-story accessory dwelling unit (ADU) with the addition of an exterior staircase to the building and interior renovations. The project’s scope aligns well with the Mayor’s Office of Housing’s ADU 2.0 Pilot and ongoing planning work to develop a Citywide ADU Pattern Book and zoning for ADUs. In 2021 and 2022, the Planning Department and Mayor’s Office of Housing (MOH) developed the ADU 2.0 initiative, which provides guidance and zoning relief to homeowners interested in turning existing exterior structures, like garages, into livable spaces. The City recognizes that ADUs can provide additional income for homeowners and flexible, separate living arrangements for families to age in place, or support relatives or children while still maintaining their privacy. The project site is located in the area of the Roxbury Strategic Master Plan, which recommends actions that provide diversity of housing options for residents from a wide variety of socioeconomic backgrounds, age groups, and with differing needs. The Roxbury Strategic Master Plan recommends that new housing opportunities be added in a manner that highlights and retains existing neighborhood character and architectural expression to ensure compatibility with surrounding structures.

Zoning Analysis:



There are three total zoning violations cited for the proposed project: Insufficient Parking or Loading, Insufficient Rear Yard and Two or More Dwellings on Same Lot

While the proposed project removes the parking use from the garage, there is still ample parking in the driveway located on the project site. Additionally, the project site is located one block from Blue Hill Avenue, a bus corridor through the neighborhood that connects Roxbury to surrounding neighborhoods.

The proposed project does not include exterior modifications to the building other than an additional egress point through a new stairway on the side of the existing building. The external addition reduces the side setback, but does not change the rear setback from the existing condition.

As noted in the Planning Context section above, the addition of a second dwelling on the same lot aligns with the goals of the Mayor's Office of Housing, as well as the Roxbury Strategic Master Plan to provide a diverse range of housing options to a diverse resident population.

Recommendation:

In reference to BOA1621090, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department