



Planning Department

MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: January 23, 2025

RE: Planning Department Recommendations

Please find attached, for your information, Planning Department recommendations for the January 28, 2025 Board of Appeal's Hearing.

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



Case	BOA1659172
ZBA Submitted Date	2024-02-20
ZBA Hearing Date	2025-01-28
Address	85 to 93 Glenville AV Allston 02134
Parcel ID	2101004000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 2F-5000
Zoning Article	51
Project Description	Proposed 4-story 14 Unit residential addition above existing 1-story restaurant.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (ft) Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Lot Area Insufficient Parking or Loading Insufficient Height Excessive (stories) Forbidden Use Nonconforming Use Change

Planning Context:

The proponent is proposing to add four floors of residential on top of an existing one-story restaurant. The restaurant structure would remain the same, with four stories of residential added on top for a five-story total building. The area is mostly dense multi-family residential. Nearby is Commonwealth Ave with many mixed use restaurant and residential conditions. The site is close to the Boston College MBTA Green Line, and the Griggs Street stop.

The proposal is located in an area covered by the Allston-Brighton Needs Assessment. One of the key central findings from the needs assessment is the need for acceptable quality housing. Affordable housing in Allston is very limited and highly desired. Community members desired an end to parking minimums, relaxation of zoning rules and other measures to increase housing production.

Zoning Analysis:



The proposal has eleven violations. The existing restaurant is a nonconforming use but will not be worsened or extended; retaining existing small business uses while adding housing through redevelopment is a goal of the City's recent looks at anti-displacement policy. The addition of residential to have a multifamily use will be a violation to the uses allowed. As expressed in the Allston-Brighton Needs Assessment, housing is desired by the neighborhood. This area is also surrounded by multifamily buildings; the zoning of this area is in need of update as a part of zoning reform.

The max FAR allowed is 0.6 while the proposal is at 3.90. The max height is 35' and 2.5 stories while the proposal is at 58'-7" and 5 stories. These violations are also a common occurrence in the surrounding context, indicating the need for broader zoning reform in this area.

The insufficient front yard and side yard setbacks are existing nonconformities. The front yard setback required is 20 ft while the existing building has a setback of 0 ft. The side yard setback required is 10 ft while the building presently has a setback of 0 ft. Section 51-58 describes that a building can be altered and enlarged provided that such nonconformity is not increased or that any enlargement itself conforms to such dimensional requirements. With the added floors, these setbacks would not be worsened but extended. To comply with the setbacks would make development impossible due to the small size of the site at 4,150 sf when the zoning requires 5,000 sf for development of one unit. These violations can be recommended for relief. Lastly the rear yard setback required is 30 ft while the existing building has a setback of 8 ft but the proposal will make it 5.8 ft by installing new bay windows. Design review should determine the appropriateness of the bay window treatment for design balanced with ensuring adequate spacing between the building and its neighbors.

The project also has violations for off street loading and off street parking. The proposal is 16,146 sf, triggering the requirement of one loading bay for projects over 15,000 sf. With 14 units the project would require 28 parking spots. To meet these requirements, the existing building would have to be demolished. The proposed project is two blocks from the Boston College Green Line. Much of the surrounding context also presently does not have parking. The parking requirements would also work against the neighborhood needs assessment recommendation to remove parking minimums, as well as BTD policy for parking maximums and thus also represent a case for zoning reform.



Since the project proposes fourteen new units, and was filed when the City's Inclusionary Development Policy was in effect for all projects with ten or more units, a housing agreement must be executed with the Mayor's Office of Housing.

"85-89 Glenville St Mixed Use" Dated 06-01-2022 drawn by Khalsa Design

Recommendation:

In reference to BOA1659172, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review and that a housing agreement be executed with the Mayor's Office of Housing.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1653968
ZBA Submitted Date	2024-09-19
ZBA Hearing Date	2025-01-28
Address	115 Belgrade AV Roslindale 02131
Parcel ID	2000260000
Zoning District & Subdistrict	Roslindale Neighborhood 3F-4000
Zoning Article	67
Project Description	Construct a new four-unit four-story residential building, with one unit in each story.
Relief Type	Variance
Violations	Usable Open Space Insufficient Side Yard Insufficient Parking or Loading Insufficient Lot Area Insufficient Lot Width Insufficient FAR Excessive Height Excessive (ft) Height Excessive (stories) Front Yard Insufficient Lot Frontage Insufficient Multifamily use forbidden Conformity with Existing Building Alignment

Planning Context:

The proponent plans to construct a new four-story residential building with one unit per floor.

The property is located on Belgrade Avenue, adjacent to commuter rail tracks at the rear of the lot. It is just a 7-minute walk from the Roslindale Village commuter rail station and lies within an existing mixed-use neighborhood center.

The site falls within the Roslindale Squares & Streets planning area, situated within a one-third-mile radius of the South and Poplar Streets intersection. Roslindale Square serves as a central commercial hub, connected by major mixed-use corridors and surrounded by smaller-scale residential neighborhoods. This area offers an opportunity to support multifamily housing and mixed-use activity, creating a stronger connection between residents, local businesses, and transit.



Belgrade Avenue is a key connecting street that offers opportunities to enhance mixed-use development and pedestrian activity between Roslindale Square's commercial core and smaller commercial clusters. The area is primarily characterized by two- and three-family residential buildings, with a mix of other land uses interspersed throughout. These include multifamily buildings, service establishments, clinics, and home-occupation uses, along with pockets of small-scale commercial storefronts located at major intersections. These patterns highlight opportunities to further integrate residential, commercial, and transit-oriented activities along Belgrade Avenue, enhancing its role as a vibrant and connected corridor.

The proposed four-unit residential development would enhance the Belgrade Avenue corridor by adding more housing to an area with strong transit access and existing mixed-use activity. This project not only addresses the city's ongoing housing needs but also supports local businesses by increasing the number of residents within walking distance of shops, services, and amenities.

Zoning Analysis:

This property is located in a 3F-4000 (Three-Family Residential) zoning subdistrict within the Roslindale Neighborhood District. The proposed project has received zoning violations related to dimensional requirements (side and front yards, floor area ratio [FAR], and height), use requirements (multifamily use), site design (usable open space and parking), and existing lot dimensions (lot area, width, and frontage).

As outlined in the planning context, this area is well-served by transit and situated within a neighborhood center, offering convenient access to groceries, restaurants, shops, and other amenities. A four-unit residential project is appropriate for this type of location, particularly given the city's pressing need for increased housing production.

The property occupies a main street area, and the proposed project aligns with the existing built patterns in this area. The proposed height of 43'10" / 4 stories matches with existing buildings along Belgrade Ave ranging from 3 to 4 stories. The proposed lot coverage of 30% and 1,295 sq. ft. floorplate is below the average lot coverage and typical floorplate along this main street. The proposed cumulative side yards of 15'6" (4' + 11'6") match side yard patterns found on Belgrade Ave. Proposed FAR also matches the FAR of existing buildings in this area. This



highlights the need for zoning reforms to adopt dimensional regulations that better reflect the built context.

The proposal includes a 1 foot front yard, which not only is below the required 20 foot under the 3F-4000 subdistrict, but also does not align with adjacent buildings that have front yards ranging from 7-15 feet. The front yard should be increased to better reflect existing neighborhood patterns.

Regarding site design, the current parking requirements are outdated. Requiring two off-street parking spaces for a lot with a high mobility score is unnecessary. The proposed project is also proposing reducing the size of the existing curb cut and adding a new street tree, which would contribute to increased pedestrian safety and a better pedestrian experience. Additionally, removing off-street parking would free up permeable area on the lot.

Finally, the existing lot dimensions (area, width, and frontage) should not impede development. These characteristics are inherent to the lot and further illustrate the need for zoning reform.

This recommendation is based on plans titled 115 Belgrade, prepared by Context on 07/18/2023.

Recommendation:

In reference to BOA1653968, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with special consideration for parking design and increasing the front yard to better align with the existing building alignment.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1631614
ZBA Submitted Date	2024-07-25
ZBA Hearing Date	2025-01-28
Address	679 Cummins HW
Parcel ID	1802115000
Zoning District & Subdistrict	Greater Mattapan Neighborhood R2
Zoning Article	60
Project Description	Subdivide the existing parcel into two lots and build a new three-family structure on the new parcel.
Relief Type	Variance
Violations	Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Parking or Loading Insufficient Exceeded Building Lot Coverage Insufficient permeable lot area Forbidden Parking location

Planning Context:

The proponents are proposing to divide an existing parcel into two and build a new 3-family home. The existing three family structure would remain 677 Cummins Highway while the new parcel with the proposed construction would become 679 Cummins Highway. The present site of what is proposed to be the 679 Cummins Highway parcel is currently serving as a fully paved parking lot for 677 Cummins Highway. Subdivision of the lot would create two lots much smaller than the typical lot size in the area; in order to provide infill development, the proponent would have to consider smaller buildings than what is typically seen in the area. The existing lot is 6,768 SF and the new lots will be 3,218 SF and 3,551 SF. The proposed would be located in the extents of PLAN: Mattapan. PLAN: Mattapan was adopted in April 2023; updated zoning for residential areas followed in January 2024. PLAN: Mattapan outlines Cummins Highway as a crucial corridor in the neighborhood. Infill development in character to the context is encouraged along corridors like Cummins Highway.

Zoning Analysis:



The proposal would trigger seven violations for the new building at 679 Cummins Highway while creating four violations for the existing building at 677 Cummins Highway due to the creation of a new, smaller lot. The 677 Cummins Highway parcel will have an insufficient size of permeable space at 8% while the required is 25%. This however is not a new violation for the site due to an already existing lack of permeable space. 677 Cummins Highway will also have a new insufficient cumulative side yard minimum of 6' while the required is 14'. The last new violation for the 677 Cummins Highway parcel will be insufficient parking of 0 spaces while the required is 2.25 (3) spaces. These violations are caused due to the creation of the new lot, but reflect common non-conformities seen in the area.

The new proposed 679 Cummins Highway property would have a violation of exceeding the allowed building lot coverage of 40% at a coverage amount of 53%. The proposed project will also have an insufficient amount of permeable area of lot at 0% while the required is 25%. There will also be an insufficient side yard at 2' while the required is 3'. The cumulative side yard setback would be insufficient at 7' while the required is 14'. The rear yard setback would be insufficient at 5.6' while the required is 20'. The parking of 2 cars would be insufficient at 2 while the required minimum is 2.25 (3) . The location of the parking is also a violation due to parking not allowed along the front yard of a parcel. These violations can not be recommended for relief. The zoning is very recent zoning created to implement PLAN:Mattapan and the violations would work against the outlined new zoning. Proponents should consider an addition of housing in an appropriate manner, either by pursuing an ADU, or by constructing a smaller building on a new lot to comply with dimensional regulations.

"677 Cummins HWY Zoning Set" Dated 12-26-2024 drawn by SIC Design

Recommendation:

In reference to BOA1631614, The Planning Department recommends DENIAL WITHOUT PREJUDICE. Proponent should consider a project that aligns with the dimensional regulations of updated zoning, particularly for any new infill development.



Planning Department

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Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1561858
ZBA Submitted Date	2024-01-10
ZBA Hearing Date	2025-01-28
Address	17 Wichita TE Mattapan 02126
Parcel ID	1703732000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-6000
Zoning Article	65
Project Description	The proponent is seeking to build a four-story, seven-unit dwelling with garage parking. An existing two-family dwelling on the lot would be demolished under a separate permit.
Relief Type	Variance
Violations	Parking design and maneuverability FAR Excessive Height Excessive (ft) Height Excessive (stories) Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Use: forbidden (multifamily)

Planning Context:

This proposed project is directly adjacent to a second project at 15 Wichita Terrace (BOA1561855). The second proposed project involves the construction of a two-unit, three-story dwelling.

For this project, the proponent is seeking to build a four-story, seven-unit elevator building with garage parking for ten spaces on the first floor. An existing two-family dwelling on the lot would be demolished under a separate permit to make way for the project.

The parcel is on an entirely residential block with other two- to three-story houses. It is about three blocks from a large grocery store, and about four blocks from the Milton station on the Mattapan Trolley. There is an existing curb cut. The plans label this both as a utility easement and a driveway on different pages of the plan, but imagery of the address shows it being used as a driveway.



17 Wichita Terrace sits within a Neighborhood Design Overlay District (NDOD). Since the project is within an NDOD and would result in a new building over 300 square feet, design review is recommended to move forward.

The date of the original application would have subjected the project to Inclusionary Development Policy (IDP) regulations. However, the proposed demolition of the two-family property means that only eight net units would be created in total: five at 17 Wichita Terrace because two units would be demolished, along with the three units proposed next door at 15 Wichita Terrace. This means it would not be subject to the IDP policy, which at that time applied to developments of ten or more units.

Zoning Analysis:

The proposed building would be 43' tall and four stories compared to the Code standards of 35' and two-and-a-half stories allowed in this subdistrict. This would be taller than other properties on the block.

The off-street parking design triggers a building code violation for the garage door, which exceeds 25% of the allowable area for openings in the exterior walls. On the zoning side, it also triggers a parking design and maneuverability violation. The tenth parking space is located right in the center of the first-floor garage, providing very limited room to drive around it when occupied.

The plans reveal other issues as well: Unit 4 and Unit 6 have no windows, and the large building footprint limits the front, rear, and side yards. Reducing parking would allow for a more efficient use of space. A second set of plans could also clarify the currently unclear relationship between the utility easement and the driveway.

The plans are titled "Revision #2" and are dated 6/5/2024. They were prepared by Context.

Recommendation:

In reference to BOA1561858, The Planning Department recommends DENIAL WITHOUT PREJUDICE: that the proponent considers a future project that clarifies the relationship between the utility easement and driveway; provides high-quality living space that includes



windows; provides maneuverable and appropriately-sized parking; and provides sufficient yards that better align with the surrounding context.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1658038
ZBA Submitted Date	2024-10-01
ZBA Hearing Date	2025-01-28
Address	28 Supple RD Dorchester 02121
Parcel ID	1400856000
Zoning District & Subdistrict	Roxbury Neighborhood 2F
Zoning Article	50
Project Description	Change use from two-family to three-family by converting basement to new dwelling unit. No changes to footprint, but new well on side to access the partially below-grade new unit.
Relief Type	Variance, Conditional Use
Violations	FAR Excessive Use: conditional (three-family)

Planning Context:

Parcel is a two-family residential building in Roxbury, approximately two blocks to the east of the eastern edge of Franklin Park Zoo. The building is highly characteristic of the block, which is generally made up of two-story, pitched-roof residential buildings with a front porch and bay on the second story.

Proponent seeks to convert the basement into an additional residential unit. While the proposal generally meets the overall conceptual criteria of Boston's by-right conversion of internal spaces to accessory dwelling units, small changes to the exterior envelope to allow access to the basement disqualify this renovation from that by-right path. Instead, the owner seeks to change occupancy to a third unit, leading to the zoning violations noted in the refusal letter.

This kind of improvement is an example of the kinds of renovations and changes the Planning Department seeks to streamline via the new Neighborhood Housing Zoning initiative, announced in November 2024, where a clear goal is the eventual citywide allowance of maintenance and upgrades to existing structures without the need for zoning relief via variances. Updating a basement to become an additional unit is also one of the proposed



schemes for enabling attached or internal ADUs in Boston through the Planning Department's newly released ADU Guidebook, also released in November and approved by the BPDA Board. This basement unit is a good example of creating housing on existing sites that itself appears to represent basic expectations of quality and dignity. This site is not within the Coastal Flood Resilience Overlay District. Plans add a dedicated entry with a new large well to provide a full-sized entry into the unit's living room. The second means of egress is out the existing bulkhead at the rear of the building. The two window wells are expanded with larger windows, one of which will also serve as a second egress from the bedroom. All shared spaces -- common area, building storage, and mechanical, are relocated to the rear of the basement, where the existing bulkhead and rear egress for the upper units take up most of the ground level space. The best space for enlarged window wells, given the proximity of the abutting buildings on both sides, is to the front of the building, so this layout ensures that the most suitable front portions of the basement are for the unit, with the maximum feasible light and air. While the main entry is via the side door mentioned above, the dedicated walkway to that entry along with the expanded window wells provide clarity that a basement unit would be present on site, which helps to address concerns of the unit being overlooked in case of emergency.

Zoning Analysis:

Per Article 50, Table F, both a two-family a as any other use in a 2F is required to have an FAR below a maximum of 0.6. The structure has an existing FAR of 0.74, which is a preexisting nonconformity. Converting the existing basement to living area would yield a new FAR of 0.89, which would therefore be a worsening of this violation. Because this new unit would be fully in the basement, no additional bulk should be perceivable from neighbors or the public realm, and relief is appropriate. Future zoning reform should consider whether or not FAR should be retained in small-scale residential districts.

Per Article 50, Table B, three-family detached dwelling is a conditional use. The current use is two-family, which is allowed. The overall form and appearance of the building would remain the same, with the sole change of changed entry configuration and a new unit within the building in space that is already being used as a basement. No other intensity of use will be evident via this proposal, and so any potential negative impact of this use change is minimal. Relief is appropriate, and future zoning reform should consider adjusting use regulations to allow for the incremental production of housing units. More ideally, zoning reform should allow for additional housing units to be accomplished by-right, as noted by the Neighborhood Housing Zoning initiative.



Recommendation:

In reference to BOA1658038, The Planning Department recommends that plans be submitted to the Planning Department for design review to ensure adequate ceiling height of at least seven feet.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1644639
ZBA Submitted Date	2024-08-26
ZBA Hearing Date	2025-01-28
Address	71A Williams ST Jamaica Plain 02130
Parcel ID	1102796000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 3F-4000
Zoning Article	55
Project Description	Construct a new 3-story, 4-unit residence, with front and rear decks and parking at the rear of the property. Parking accessed through proposed easement with 69 Williams.
Relief Type	Variance
Violations	Limitation of Area for accessory use (parking) Parking design and maneuverability Parking or Loading Insufficient Existing Building Alignment Lot Area Insufficient Additional Lot Area Insufficient FAR Excessive Side Yard Insufficient Rear Yard Insufficient Usable Open Space Insufficient Use: forbidden (multifamily) Use: forbidden (basement unit) Dimensional regulations: location of main entrance

Planning Context:

Site is a vacant parcel in the Stony Brook area of Jamaica Plain, equidistant between the English High School to the west and the Minton Stable Community Garden to the east. The surrounding neighborhood is largely three-story triple decker residences, with a light commercial strip on Washington Street to the east representing the commercial corridor to the south of Egleston Square proper. Proponent seeks to build a triple-decker structure including a basement unit that is largely reflective of the existing built form. The substantial misalignment of zoning with existing character causes this proposal to incur thirteen separate violations in zoning, despite a fairly substantial attention to surrounding residential context.



In general, the public policy goals of the City of Boston and the Planning Department more specifically are to actively and affirmatively encourage this precise type of development to provide needed housing through appropriate infill development. That said, while basement units are an appropriate design solution to add additional housing units in existing structures, they are not equivalent in quality to above ground units, and present long term resilience concerns of their own due to the increased likelihood of flooding events. With a new structure, there is no added ease of retrofitting existing basement space into a unit. On balance, if the goal of a proposal is to provide four additional units of housing, then four above-grade housing units should generally be the proposal, unless specific site constraints like grade allow for a partially below-grade unit to still provide an appropriate residential quality.

It is possible that this proposal was designed this way to attempt to both create new housing stock and achieve conformity with neighborhood context. Since the public policy goals of housing production are so serious as to contemplate the addition of basement units across Boston, it may be worth considering the appropriateness of requiring new construction to never have heights beyond that of three story structures in an urban neighborhood. These policy questions are one of the areas of exploration in the Planning Department's ongoing Neighborhood Housing zoning initiative, launched in November 2024.

Zoning Analysis:

Article 10, Section 1 states that off-street parking may be on the side yard of a property only if it is more than 5 feet from the lot line. Given the proximity to transit and proposed easement with 69 Williams to accommodate rear parking on a constrained lot, the location of parking on this site is the most reasonable design solution for placing parking in any form. Relief is appropriate.

Per Article 55, Table J, 1.25 spaces of parking are required for every dwelling unit in Jamaica Plain, which would require 5 spaces for this proposal. This proposal proposes 1 space, which would be a violation. One space is highly contextually appropriate in this area, where no or minimal off-street parking is the norm for triple-decker housing. That said, requiring a curb cut only to provide one space is a net loss of parking in the neighborhood, making this particular intervention inappropriate for zoning relief. Future zoning reform should consider the appropriateness of parking minimums at all across the City of Boston.

Per Article 55, Table A, multifamily housing (more than three units) are forbidden in 3F subdistricts in Jamaica Plain, as are basement units, per Article 55 Section 8. This structure, while it has the form of three stories, proposed a basement unit, which makes this a forbidden

BOA1644639

2025-01-28

2 Planning Department



use. Given the overall policy goals for housing production in Boston, a basement unit is an appropriate use assuming the design is reasonable. In this case, the basement is being dug out to a full 8' height. With three full height windows (one with its own expanded window well and two on the larger egress well), light and egress are well situated for this unit in addition to the primary egress for the main building. There may still be opportunities to provide additional windows and light on other sides of the structure. The site is not in a flood-prone area. Relief is appropriate.

Per Article 55, Section 40.5.a, parking maneuverability is not sufficient on-site. Access is available via a proposed easement with 69 Williams, making the provisioned parking effective and usable. Relief is appropriate.

Per Article 55, Section 41.1, the front yard does not line up with the existing block's standard front yard building alignment. While there may be some minimal violation here for the main structure, and the existing block building alignments are not noted on the plans, any violation here is de minimis and relief is appropriate. The primary noted violation is the presence of a porch, which juts up to 0.8' feet from the lot line. The improved access for egress to the main building make this an appropriate space for enjoyment of all above-grade units, especially given the small lot and insufficient open space (another violation). Relief is appropriate.

Per Article 55, Table E, this proposal violates a number of dimensional regulations. The minimum lot size is 4000 square feet, but the existing lot is 2800 square feet. This minimum lot size is wholly out of scale with many existing lots in this area, and relief is appropriate. Additional lot sizes of 1000 square feet per unit are additionally required, which are not present. Again, such larger lots are generally not present in this portion of Jamaica Plain, and relief is appropriate. The maximum FAR on this site permitted is 0.7, and 1.89 is proposed. A three-family structure is difficult to build on this size lot with such a low maximum FAR, demonstrating that this FAR is out of scale with existing conditions. Relief is appropriate. The minimum front yard is the lesser of both the modal building alignment noted above or 15', neither of which are met. As noted earlier, the addition of the front porch is an appropriate design solution to the constrained site, and relief is appropriate. The minimum side yard is 10' (or 7' for one of the sides), whereas 3.0' and 3.3' respectively are proposed, both of which are violations. Given the constrained site and contextual sensitivity of this design, a larger side yard is not feasible, and relief is appropriate. 1200 square feet of usable open space are required, but this proposes only 393 square feet, which would be a violation. Again, such open space is regularly not present



contextually, and the presence of both front and back porches does provide some additional amenity space for three of the units. Relief is appropriate.

Finally, Article 55, Section 9.3 states that main entrances must be at the front of the building, and the basement unit's main entrance is to the side. This is an appropriate design solution for a triple-decker typology, and the fully dedicated side entrance provides clarity from the front that an egress is located to the side. Relief is appropriate.

To avoid repetitive text in the zoning analysis, this recommendation states here that all else being equal, all of the violations noted in this case are excellent examples of the need for zoning reform, particularly through the ongoing Neighborhood Housing zoning initiative.

Recommendation:

In reference to BOA1644639, The Planning Department recommends DENIAL WITHOUT PREJUDICE. Proponent should consider removing parking and the need for a curb cut, given proximity to the Orange Line. If the proponent seeks to allow four units, the proponent should consider a proposal with four units that each have livable space above ground.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1657430
ZBA Submitted Date	2024-09-27
ZBA Hearing Date	2025-01-28
Address	450 to 454 Amory ST Jamaica Plain 02130
Parcel ID	1102532000
Zoning District & Subdistrict	Jamaica Plain Neighborhood LI
Zoning Article	55
Project Description	Erect 5-story mixed-use building with 2 ground floor commercial spaces and 14 residential units on vacant lot.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (ft) Rear Yard Insufficient Existing Building Alignment Use: Forbidden (Multifamily) Traffic Visibility Across Corner Front Wall of Building Not Parallel to Front Lot Line Off-Street Loading Insufficient Off-Street Parking Insufficient

Planning Context:

The proposed project seeks to construct a 5-story mixed-use building on a parking lot at 450-454 Amory Street in Jamaica Plain. It will include two commercial units, 14 residential units, and 14 parking spaces. This project was previously approved by the BPDA Board in November 2015 as a 4-story mixed-use building with two commercial units and 15 residential units. The project also previously considered filing a Notice of Project Change in early 2024 for a 6-story mixed-use building with 22 residential units before settling on the current design. The project notes that this building will have a partial fifth story which will affect the FAR based on the amount of living space that will be on this fifth story.

This area of Amory Street, near its intersection with Green Street, is zoned as Local Industrial (LI). It currently contains a mix of residential and commercial uses that include restaurants, counseling services, and a pilates studio. This site is also across the street from the MBTA Green Street Orange Line Station. Amory Street also sits at a higher grade than Green Street.



Under PLAN: JP/Rox (March 2017), the community sought to make this particular area livelier and more inviting while also retaining the light industrial character and as a result, a mixed-use building would be an appropriate use of this space. PLAN: JP/Rox also included design guidelines for this area that recommended a density bonus to allow for greater density for additional affordable housing units.

This project will also need to be approved by the Boston Parks and Recreation Commission prior to the issuance of building permits as per Boston Municipal Code, Section 7-4.11.

Zoning Analysis:

The refusal letter states a total of nine violations: excessive FAR, excessive height in feet, insufficient rear yard, nonconformity with existing building alignment, a forbidden use, dimensional applications with traffic visibility around corner and front wall of building not parallel to front lot line, insufficient off-street loading, and insufficient off-street parking.

Under Article 55, in an area zoned as LI, the maximum height is 35 feet, the maximum FAR is 1.0, and multi-family residential dwellings are forbidden. The proposed 5-story mixed-use building exceeds these limits, through the exact height and FAR for the revised plans are unclear. Relief would only be warranted if it aligns with the recommendations of PLAN: JP/Rox. Although not codified into zoning, PLAN: JP/Rox encourages mixed-use development in this section of Amory and Green Street and also recommends a density bonus in this area. For areas where the underlying zoning has a maximum FAR of 1.0, 30% of affordable units must be affordable at 50% area median income to allow for a maximum height of 60 feet with an active ground floor use.

Under Article 55, the minimum required rear yard is 20 feet but the refusal letter indicates a proposed rear yard of 5.9 feet. However, as this is a corner lot, it is unclear in the plans where this measurement was taken from. Relief should be granted due to the unique characteristics of the corner lot, including separation of entrances for the commercial and residential uses and the project's alignment with PLAN: JP/Rox. The reduction of the rear yard supports PLAN: JP/Rox's goal for greater density while also achieving public realm improvements.

Article 55 also has dimensional requirements that must also be met along with the dimensional regulations. This project is creating two violations: traffic visibility across corner and the front wall of the building is not parallel to the front lot line. The traffic visibility rule, which requires a 30 foot clearance at the corner, is difficult to meet due to the parcel size as this parcel is 56 feet by



104 feet. The grade change also makes it difficult for the front wall of the building to be parallel to the front lot line. This project addresses the grade change by designing entrances on both streets, separating the residential and commercial uses, and bringing the building to grade on both sides. Additionally, this project will extend the sidewalks to meet Complete Street Guidelines to enhance the pedestrian experience. Furthermore, PLAN: JP/Rox also encourages flexibility for mixed-use developments and prioritizes streetscape improvements and thus relief is warranted for both dimensional requirements.

Relief should also be granted for conformity with existing building alignment. The commercial entrance on Amory Street would not be able to align with the abutting building at 18 Bartlett Square due to the grade change as the proposed building will be built at grade at Amory Street and the building at 18 Bartlett Square remains at the lower grade. Similarly, the residential entrance would not align with the abutting building at 157 Green Street due to the planned sidewalk improvements to help Green Street meet Complete Street Guidelines.

The proposed project was also cited for both insufficient parking and loading. Article 55 would require this site to have four spaces for retail, 21 for residential, and one loading bay. However, this project is only proposing a total of 14 spaces, with the plans showing just 10, and no loading bay. While it is unclear where the four additional spaces will go, this is a case for zoning reform to address the discrepancy between the requirement and necessity as parking is not a necessity in this area due to the proximity of transit options such as the MBTA Orange Line Green Street Station. In regards to the loading, more information will be needed to determine whether a loading bay is necessary. However, the public realm benefits such as an enhanced sidewalk may offset this requirement and warrant relief.

The plans reviewed are titled ERT1563535plans_forBOA092324 and were prepared by Olinger Architects. They are dated December 1, 2023.

Recommendation:

In reference to BOA1657430, The Planning Department recommends DEFERRAL: adequate plans must be submitted for review .



Planning Department

CITY of BOSTON

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1642917
ZBA Submitted Date	2024-08-20
ZBA Hearing Date	2025-01-28
Address	67 Harvest ST Dorchester 02125
Parcel ID	0703162000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-D-2000
Zoning Article	65
Project Description	Erect a new three-story, six-unit building on the parcel (which already houses a separate, existing three-family building). Remove the two existing garages under separate permits.
Relief Type	Variance, Conditional Use
Violations	FAR Excessive Side Yard Insufficient Rear Yard Insufficient Usable Open Space Insufficient Additional Lot Area Insufficient Existing Building Alignment Parking design and maneuverability Parking or Loading Insufficient Forbidden Use (MFR) Two or More Dwellings on Same Lot

Planning Context:

The proposed project sits within a triple-decker residential subdistrict in the Dorchester neighborhood, just north of Upham's Corner. Its immediately surrounding context includes a mix of residential structures, ranging from 2.5 to 4 stories in height with uses ranging from two-family to multi-family residential uses. A number of commercial areas and publicly accessible open spaces are also close by, with the South Bay Shopping Center a couple blocks to the northwest of the site and Moakley Park, Clifford Playground, and Richardson Park each between a third to half of a mile walk from the project. Additionally, the site is also transit accessible, with a number of public transit options close-by. These include MBTA bus stops immediately abutting the project site on Boston St (50' from the site to 16, 17, & 18 bus lines) and several MBTA rail lines within walking distance (1/3 mile to Andrews red line stop & Newmarket commuter rail stop, and 1/2 mile to JFK/UMass red line stop).



The project site is a double-sized, L-shaped lot that is found at the corner of Boston Street and Harvest Street. It features two regularized lots (in shape and size) combined into one and has primary frontages on both streets it faces. It is currently home to an existing 3-story, three-family residential dwelling (fronting Boston Street) and two (2) accessory rear garages (fronting Harvest Street).

The proposed project seeks to demolish the site's existing garages and erect a second three-story, six-unit residential structure upon the lot, in their place. While technically to the rear of the existing three-family residence at 174 Boston Street, this new residential structure will have an independent street frontage at 67 Harvest Street. The proposed structure features a site layout and building design contextual to the surrounding area (in overall form, scale, and style), which provides sufficient access to light and air for both existing/proposed structures on the site. This scope aligns with City of Boston housing goals, which recommend infill development as a means of promoting housing diversity and increasing housing availability, as detailed in *Housing a Changing City, Imagine Boston 2030* (September 2018).

Despite this, the project's proposed parking condition - which features six (6) basement parking spaces (one for each unit) - deviates from the City's stated transportation and resiliency goals: to reduce reliance on private vehicles, especially within proximity to high-frequency and high-capacity transit options, as detailed in *Go Boston 2030* (March 2017). The proposed number of parking spaces also exceeds BTM's recommended maximum figures for the area (0.75 spaces/unit - 4.5 total spaces). While Planning Department Transportation staff commend the proponent's creation of a basement parking condition (which allows for the retention of the site's open space and hides the off-street parking from public view - a preferred condition), they also express concern over the number and design of the parking spaces provided. These concerns specifically focus on maneuverability issues related to the project's two frontmost (to the structure's street frontage) parking spaces. It is recommended that the project amend its off-street parking condition to remove those spaces to both: (1) create a safer and more accessible basement parking condition; and (2) better align with BTM's maximum parking figures for the area.

Because the site sits within the Dorchester Neighborhood Design Overlay District (NDOD) and meets its threshold requirements for review (net addition of 1,000 square feet of gross floor area), Planning Department Design Review will be required for the project. That design review



process should focus on remedying the project's aforementioned parking condition as well as confirming its overall building / site design strategy.

Zoning Analysis:

The proposed project seeks to erect a second residential structure to the rear of an existing three-story, three-family residence on the lot. As per Section 65-42.13 of the Zoning Code, development projects proposing two or more main dwellings on a single lot will require a conditional use permit to move forward. Because of the project's unique site conditions (as discussed in the "Planning Context" section of this recommendation), its proposed secondary main dwelling - which organically reinforces the area's typical block-by-block development patterns - is contextual and non-intrusive to the surrounding area.

In addition to its conditional use permit, the proposed project also seeks variances for a variety of other zoning violations. These include items relating to land use, dimensions, and parking.

The project's proposed MFR use exceeds the maximum three-family residential occupancy permitted by zoning for the area, both in terms of total dwelling units proposed by the project (6) and the net increase upon the lot (from 3 to 9). While forbidden in the project's 3F-D-2000 subdistrict, MFR uses are common occurrences on the block and across the surrounding area. The site's proximity to transit makes them an appropriate use for the area as well. It's also worth flagging that, while the project is not subject to the City's Inclusionary Zoning requirements (as it was filed prior to the effective date of Article 79 of the Zoning Code), it represents an example of the type of development that would be captured by and require affordable units to be designated under those regulations in the future.

The project's lot area (7,299 square feet existing) provides more than sufficient space for each of the existing and proposed residences to meet the minimum lot area requirements for the 3F-D-2000 subdistrict (2,000 square feet). While the proposed project does not meet the requirements for minimum additional lot area per dwelling unit (roughly 2,000 square feet short), the nonconformity is similarly or less severe than those of several other nearby lots with similar MFR uses. The same could be said for the project's proposed FAR (1.67), which sits in excess of the area's permitted maximum (1.3), but is also substantially less than that of many of the site's immediately surrounding parcels, including many existing three-family residences (average FAR of 2.0).



The project's side yard, rear yard, and existing building alignment violations each fall narrowly short of meeting the area's required dimensions. Its side yard dimensions (5' required, 3.9'/4.6' proposed), while nonconforming, are similar (if not more generous) to those typically found upon the project's surrounding parcels. Similarly, the project's rear yard dimension (15' required, 11.3' proposed) is contextual to the area. Its limited impacts are also mitigated by the fact the project abuts two parcels to the rear with abnormally large rear yards (for the area), thus enabling sufficient access to light and air for each of the lots. While the project's front yard setback (5.3' proposed) does not align with its closest neighbors (8' average), the proposed dimension both meets the minimum required front yard setback for the area (5') and aligns perfectly with many residences on the same frontage several houses down the street (and nearly every house on the other side of it). Additionally, despite its setback-related violations, the project still delivers an appropriate amount of usable open space upon the site (2,900 total square feet proposed, 1,200 square feet proposed for 67 Harvest Street). While this dimension is also nonconforming with the area's zoning (2,700 total square feet required, 1,800 square feet for 67 Harvest Street required), that figure is inflated due to the area's number-of-dwellings-adjusted calculation for required usable open space. The net total provided (and overall building scale proposed as well) are both contextual to the surrounding area.

The proposed project was also cited with two parking-related zoning violations: one for insufficient off-street parking and another for off-street parking design. The proposed project features six (6) off-street parking spaces (each 8.5' wide by 18' long), located in the basement-level of the structure and accessed through a side yard drive aisle. While insufficient by zoning standards, the project's six (6) proposed parking spaces exceed both the number of off-street parking spaces typically provided across the area's surrounding parcels as well as the Boston Transportation Department's maximum recommended parking figures for the area (0.75 spaces per dwelling unit = 4.5 total recommended spaces for the project).

It is recommended that a future iteration of this project amend its off-street parking condition to better align with BTD's maximum parking figures for the area. This is recommended to ease maneuverability concerns regarding the project's currently proposed parking design, which does not provide adequate space to fit all six (6) spaces without obstructing both the internal drive aisle and access doors into the structure's living space. Because of the structure's narrow width (and overall building footprint), this condition cannot be remedied without removing both of the project's proposed parking spaces oriented towards the front of the structure.



A proviso for Planning Department design review has been added to the recommendation to remedy this off-street parking condition as well as confirm the project's overall building / site design strategy.

Future zoning reform for the area should both relax residential land use allowances to permit multifamily residential occupancies and adopt more form-based dimensional regulations (ex. replacing maximum FAR with maximum building lot coverage) to better align the area's zoning with its existing built context. These efforts should also consider removing minimum parking requirements to enable the development of new housing units in this transit-accessible locale.

Plans reviewed are titled, "Proposed Multi-Family Building - 67 Harvest Street, Dorchester, MA 02125," prepared by "Choo & Company Inc.," and dated 11/19/24.

Recommendation:

In reference to BOA1642917, The Planning Department recommends APPROVAL W PROVISIO/S: that plans be submitted to the Planning Department for design review with special consideration to the project's parking design (including the removal of its two (2) frontmost basement parking spaces).

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1652922
ZBA Submitted Date	2024-09-16
ZBA Hearing Date	2025-01-28
Address	663 Columbia RD Dorchester 02125
Parcel ID	0704033000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-5000
Zoning Article	65
Project Description	Internal renovations to existing building and legalization of basement living space within existing structure
Relief Type	Variance
Violations	Parking or Loading Insufficient FAR Excessive Front Yard Insufficient

Planning Context:

The proposed project is located in a residential neighborhood in Dorchester. The existing structure spans two parcels, connected by a party wall. The proposed project intends to make alterations to only the southern parcel, containing three units. The only changes to the exterior of the structure are new window openings. The proposed changes are internal - to remodel the interior of the building, including the addition of new partition walls, HVAC, and plumbing, as well as to legalize the extension of living space into the basement. The renovation includes the creation of window wells to accommodate basement dwelling space. The basement is an extension of the first floor unit to create a larger unit. Housing a Changing City: Boston recognizes the need for improved housing stock across the City, including units with multiple bedrooms to meet the needs of larger households. The proposed project updates existing housing stock to meet the needs identified in this report.

Zoning Analysis:

The proposed project contains two violations of dimensional regulations as well as a violation of the parking minimum. The maximum allowed FAR is exceeded, and the minimum front yard depth is not met. With respect to the parking violation, the proposed project is located in a transit rich area, near the Upham's Corner MBTA Station. This section of Columbia Road, as



well as the side streets also contain ample street parking. Additionally, the parking violation is an extension of an existing condition. The proposed project increases the available living space in the building, but does not change the unit count. The front yard setback is an existing nonconformity that is not being altered by this proposal. . The FAR violation is also an extension of an existing condition. Per the zoning table provided with the project documents, the living space in the basement has already been counted in the FAR calculations. The allowed FAR in this subdistrict is 0.4, and the existing condition is 1.38, as is the proposed FAR. Changes are being made to the interior of the building to improve the suitability of the basement living space, increase the number of bedrooms in the units, and improve the quality of interior systems such as plumbing and HVAC. As all changes are interior to the structure, the proposed project meets the current neighborhood context. Future zoning reform could update dimensional regulations to better reflect existing context.

Recommendation:

In reference to BOA1652922, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1662174
ZBA Submitted Date	2024-10-15
ZBA Hearing Date	2025-01-28
Address	641 E Eighth ST South Boston 02127
Parcel ID	0702377000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	Convert roof deck and head house into enclosed common interior space of approximately 650 square feet for the entire structure.
Relief Type	Variance
Violations	Roof Structure Restrictions Height Excessive (ft)

Planning Context:

Structure is a three-family building in South Boston, with a flat-roofed wood shake and front bay window typology typical not only of the block but also the surrounding residential fabric. This building already has a head house and roof deck, but the proponent seeks to convert it to covered common space for all units, which triggers roof structure restrictions and height restrictions accordingly. In this case, given the high site constraints of units in South Boston, wanting some common usable recreation area for the full building is reasonable, especially where the space above the third floor has minimal impact on neighboring properties.

Zoning Analysis:

Article 68, Section 29 requires that changes to roof structures that are for human occupancy require a conditional use permit. More specifically, per Article 6, as noted above, improving the conditions of existing residential structures is a broader citywide policy goal, of which the Neighborhood Housing zoning initiative is one ongoing effort. In this case, allowing units in a constrained urban environment to utilize additional common space for recreation is an appropriate use for this location. The additional structure is at approximately the height of an additional story, and is a slight expansion of the footprint of the existing roof deck, except expanded to the side edges of the building and set to the rear half of the roof. This does



minimize impact on the public realm. While the addition may be visible to the side from some angles on the sidewalk, due to a gap where the adjoining property has a one story garage, the rest of the block is continuously at three stories, with occasional roof decks. The narrow street width means that the visibility of the addition should be reasonably constrained, and so this use will not adversely affect the neighborhood and will create no serious hazard to pedestrians or vehicles, it does not appear that it will cause any nuisance, and it appears that adequate facilities are being provided for its operation. Given the already existing shadow conditions of the three-family placed directly to one side of this site, and given the ample space from the three-family on the other side based on the buffer from the garage to that structure's rear, this addition should not obstruct shadow or airflow. Relief is appropriate.

Per Article 68, Table D notes that the maximum height for structures in the MFR district is 40'. With this proposal, the building would be 44.5', which would be a new violation. This difference of 4.5' is a minimal violation relative to the added utility of common space for this three-family structure, and the perceived height violation should be minimal given the setback from the front of the structure. Relief is appropriate, but design review is appropriate to provide attention around potentially reducing the floor-to-ceiling height.

Recommendation:

In reference to BOA1662174, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to floor-to-ceiling height of the addition.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1649371
ZBA Submitted Date	2024-09-04
ZBA Hearing Date	2025-01-28
Address	105 N Washington ST Boston 02113
Parcel ID	2101843000
Zoning District & Subdistrict	Boston Zoning Code NORTH WASHINGTON ST CC
Zoning Article	54
Project Description	Proposed change of use from three offices and two units to only residential use (three units) through interior renovations to the basement, first, and second floors.
Relief Type	Variance, Conditional Use
Violations	Usable Open Space Insufficient Parking or Loading Insufficient Use: conditional (three family)

Planning Context:

Site is a four-story building abutting a three-story single-family dwelling on one side and a vacant parcel on the other on Washington St in the North End. Updating existing structures to better serve residential uses is a strategy to achieve the goal of diversifying housing stock, based on the City's 2008 Housing a Changing City housing plan. However, basement units are in direct conflict with the resiliency goals and strategies relative to the Coastal Flood Resilience Overlay District. A four-story building can appropriately be repurposed into three residential units without need for a basement dwelling. While the overall change in use is appropriate, some of the strategies employed in this proposal are not.

Zoning Analysis:

Per Article 54, Table B, a three-family residential dwelling on the first floor or basement is a conditional use, requiring a conditional use permit through the requirements of Article 6. More specifically, this commercial district already contains a large number of ground floor residential uses, including an abutter, and this property already contains two residential units, making this site well suited for a three-family residential use. Given the large number of similar uses already along the street, no adverse impacts are anticipated, nor are any adverse impacts for



pedestrians or vehicles. No nuisance seems likely, and adequate facilities appear to be provisioned. Relief is appropriate. Future zoning reform should consider the appropriateness of conditional uses for residential uses that are fully in character with existing conditions.

Per Article 54, Table D, 50 square feet of open space are required for every additional residential unit, and no additional space is being provisioned for this additional unit, which is a violation. This site is highly constrained, and no additional open space can reasonably be provisioned on this site. Relief is appropriate. Future zoning reform should consider the appropriateness of open space regulations that are infeasible to meet given existing site conditions.

Per Article 54, Section 21, one new parking space is required for this additional dwelling unit, and none is proposed. No additional parking is feasible to add on site, and relief is appropriate. Future zoning reform should consider the appropriateness of parking minimums within the City of Boston.

The basement is being considered for occupiable space and the building is within the Coastal Flood Resilience Overlay District. This is a life safety concern, making this proposal inappropriate for zoning relief.

Recommendation:

In reference to BOA1649371, The Planning Department recommends DENIAL WITHOUT PREJUDICE. Proponent should consider a proposal that does not create livable space below the Sea Level Rise Design Flood Elevation.

Reviewed,

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

Planning and Zoning Director, Planning Department

MEMORANDUM

DECEMBER 12, 2024

TO: **BOSTON REDEVELOPMENT AUTHORITY**
D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY (BPDA)
AND KAIROS SHEN, DIRECTOR

FROM: CASEY HINES, SENIOR DEPUTY DIRECTOR OF DEVELOPMENT REVIEW
NICK CARTER, DEVELOPMENT PORTFOLIO MANAGER
ELLA WISE, SENIOR PLANNER
JIM FITZGERALD, DEPUTY DIRECTOR OF PLANNING REVIEW
JONATHAN PALAZZOLO, SENIOR URBAN DESIGNER
ALEXA PINARD, ASSISTANT DEPUTY DIRECTOR OF DESIGN REVIEW

SUBJECT: 60 SOUTH STREET, ALSO KNOWN AS 2 FINANCIAL CENTER

SUMMARY: This Memorandum requests 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 2 Financial Center (the "Proposed Project") in the Leather District neighborhood of Boston, in accordance with Article 80E, Small Project Review of the City of Boston Zoning Code (the "Code"); (2) enter into a Community Benefits Agreement in connection with the Proposed Project, and to take any and all other actions and to execute any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The Proposed Project is located on the corner of South Street and Essex Street, on approximately 18,989 square feet of land (the "Project Site" or "Site"). The Project Site currently consists of a 12-story, approximately 218,000 square foot ("sf") office building, constructed in 2007, with ground floor retail space and three subsurface parking levels containing approximately 200 parking spaces.

DEVELOPMENT TEAM

The development team includes:

Proponent:	<u>NFLSRE 2 Financial LLC</u> Matthew Powers
Legal Counsel	<u>Goulston & Storrs PC</u> Peter Kochansky David Linhart
Architect	<u>SGA Architects</u> Eric Svahn
Mechanical Engineering	<u>BR+A Consulting Engineers</u> Bryan Hermann
Public Relations	<u>Nauset Strategies & Wharf Partners</u> Michael Vaughan Christine McMahon

PROPOSED PROJECT

NFLSRE 2 Financial LLC (the “Proponent”), an affiliate of Nan Fung Life Sciences Real Estate, LLC, seeks the conversion and renovation of approximately 21,535 sf of Gross Floor Area (“GFA”) from office use to life science use, as Bio Safety Level 2 laboratory space. The Proposed Project also includes the installation of new mechanical equipment on the rooftop as well as the redesign of an approximately 4,000 square foot existing roof deck to conform with the Leather District’s guidelines for rooftop structures. The Project requires Small Project Review under Section 44-8 of Code solely because it involves the installation of new rooftop mechanical structures.

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

<u>Estimated Project Metrics</u>	Proposed Plan	Original Building
Gross Square Footage	218,000	218,000
Gross Floor Area	218,000	218,000
<i>Residential</i>	0	0
<i>Office</i>	196,465	218,000

<i>Retail</i>	0	0
<i>Lab</i>	21,535	0
<i>Medical Clinical</i>	0	0
<i>Education</i>		
<i>Hotel</i>		
<i>Industrial</i>		
<i>Recreational</i>		
<i>Cultural</i>		
<i>Parking</i>	200	200
Development Cost Estimate	\$45,002,220	
Residential Units		
<i>Rental Units</i>		
<i>Ownership Units</i>		
<i>IDP/Affordable Units</i>		

ARTICLE 80 REVIEW PROCESS

On September 20, 2024, the Proponent filed an application for Small Project Review with the BPDA for the Proposed Project, pursuant to Article 80E of the Code (the “Code”). The Planning Department sponsored and held a virtual public meeting on October 17, 2024, via Zoom. The meeting was advertised in the local newspapers, posted on the Planning Department website and a notification was emailed to all subscribers of the Planning Department’s Leather District neighborhood update list. The public comment period ended on October 20, 2024.

The development team discussed the Proposed Project with Planning Department staff prior to its application to identify issues, address concerns, and make preliminary design changes accordingly. The development team will continue to work with Planning Department Urban Design Staff, the Inspectional Services Department and other city agencies in accordance with Article 80 requirements.

ZONING:

The Project is located in the Leather District zoning district governed by Article 44 of the Code. The Project Site is also located in the Greenway Overlay District (GWOD) governed by Article 49A, the Groundwater Conservation Overlay District (GCOD) governed by Article 32, the Coastal Flood Resilience Overlay District (CFROD) governed by Article 25A, and the Restricted Parking Overlay District (RPOD) regulations. The regulations of the GWOD, GCOD, CFROD, and RPOD do not apply to the Project, which involves only the renovation and change of use of certain floors within the Building, and the changes to the rooftop structures described herein.

The Building's current office and retail uses are allowed as of right in the Leather District, as is the planned research laboratory use.

Section 44-6 of the Code requires a conditional use permit to erect or enlarge a roof structure designed or used for human occupancy, access, mechanical systems, or storage. Roof structures are required to be designed so as not to be visible from any public way within the Leather District.

PLANNING AND ZONING CONTEXT

The Proposed Project is within the study area boundaries of the Greenway District Planning Study Use and Development Guidelines (2010), which recommends minimizing shadow impacts and studying wind impacts for Article 80 Large projects greater than 100 feet in height. The proposed rooftop mechanical equipment does not exceed the existing height of the rooftop mechanical equipment. The Proponent has submitted a letter from Spagnolo/Gisness & Associates dated March 26, 2024 stating that the Proposed Project would not effect and change existing pedestrian wind connections.

The Proposed Project is within the Article 44 Leather District, Article 49A Greenway Overlay District, Groundwater Conservation Overlay District (GCOD), and Article 25A Coastal Flood Resilience Overlay District (CFROD). Per Section 44-10, Light Manufacturing Uses, including scientific research and development uses, are allowed and the Proposed Project does not include any changes to the existing building footprint, ground floor uses, or building massing. Per Section 44-6, rooftop additions that are visible from any point on any public way within the Leather District are forbidden, and all rooftop additions require a conditional use permit. Similarly, Section 44-8 establishes Design Review and Design Guidelines for rooftop

additions, reiterating that rooftop mechanical units must be located so as not to be visible from public ways within the Leather District.

Although the Proposed Project is within the CFROD, Article 25A requirements do not apply since the change of use is less than 100,000 square feet and there are no changes to ground floor uses.

URBAN DESIGN

Continuing design review of the proposed roof deck, mechanical equipment and other structures shall include, but not be limited to, confirmation that the new structures will not be visible from any public way within the district.

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:

- 125 construction jobs, and 228 permanent in-office jobs in life science
- Improved building systems, compliance with new energy stretch code thereby reduction of carbon footprint
- A \$10,000 contribution to the Rose Kennedy Greenway upon issuance of full certificate of occupancy

The community benefits described above will be set forth in the Community Benefits Agreement for the Proposed Project. Any required community benefit contribution payments shall be made to the BPDA or respective City of Boston department before issuance of the initial building permit by ISD and will be distributed as outlined above. The Proposed Project and public realm improvements are subject to design review.

RECOMMENDATIONS

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, staff recommends that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project; (2) enter into a Community Benefits Agreement, and to take any and all other actions

and execute any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project. Appropriate votes follow:

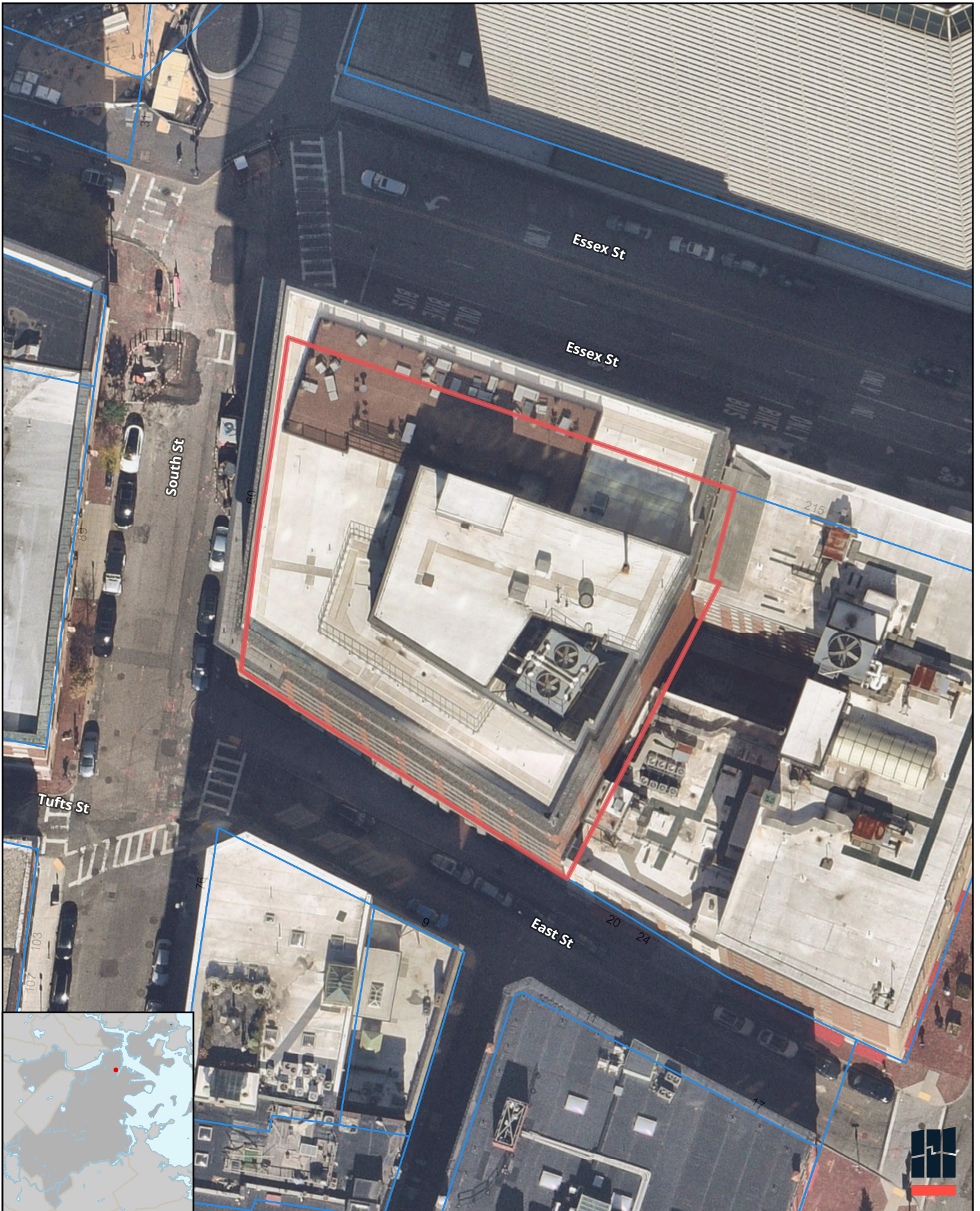
VOTED: That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6 of the Boston Zoning Code (the "Code"), approving the Proposed Project at 2 Financial Center in the Leather District neighborhood of Boston, conversion and renovation of approximately 21,535 gross square feet of existing office to a mix of office and lab space, and the addition of new, rooftop mechanical equipment and the redesign of the existing roof deck (the "Proposed Project") at 2 Financial Center in the Leather District of Boston, 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 enter into a Community Benefits Agreement, and to take any and all other actions and to execute any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Project.

2 Financial Center



2 Financial Center





Case	BOA1578094
ZBA Submitted Date	2024-03-08
ZBA Hearing Date	2025-01-28
Address	218 Bremen ST East Boston 02128
Parcel ID	0103757000
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	53
Project Description	Expand the building into the rear yard and add a fourth floor to an existing three-story, three-unit building, resulting in a total of four units.
Relief Type	Variance
Violations	Parking or Loading Insufficient GCOD Applicability Roof Structure Restrictions Additional Lot Area Insufficient FAR Excessive Height Excessive (ft) Height Excessive (stories) Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Flood Hazard Districts Use: Forbidden

Planning Context:

The project is located in a residential area of East Boston, directly across the street from the East Boston Greenway and just a short distance from Bremen Community Park. The neighborhood is characterized by tightly clustered three-story buildings with small backyards. This dense and walkable environment is supported by excellent transit access, with the Maverick T stop less than a 10-minute walk away and the Airport T stop just a 5-minute walk from the site.

Based on recommendations from PLAN: East Boston (adopted on April 24, 2024), this area was rezoned as EBR-4 on May 1, 2024 to allow four-story multifamily buildings, signaling a shift toward accommodating slightly higher density. One of PLAN: East Boston’s key goals focused



on expanding access to housing options that are affordable, stable, and able to meet households needs as they change over time. The neighborhood's established infrastructure, proximity to public transit, and access to parks make it an ideal location for modest density increases like the proposed project. The updated zoning reflects a recognition of the area's potential to support additional housing while maintaining its residential character.

Zoning Analysis:

The proposed project at 218 Bremen Street in East Boston has been cited with 13 zoning violations. These citations are listed upon the project's most recent refusal letter, dated 3/7/24. The project proposal was initially filed with the Inspectional Services Department on 12/1/23. Since that initial filing, updated zoning for the East Boston neighborhood was adopted by the Zoning Commission on 4/24/24.

The proponent seeks to convert a three-unit, three story building into a four-unit building by extending into the rear yard and adding a fourth story. Under the old zoning district 3F-2000 the project has 13 violations related to dimensional requirements (FAR, height, and front, side and rear yards), use requirements (multifamily forbidden), site requirements (off-street parking, lot area, and usable open space), and others (flood hazard district, GCOD, roof structure).

Under East Boston's updated zoning, the property falls within the EBR-4 subdistrict, which permits a maximum building height of 4 stories/50' and allows multi-unit buildings. The proposed project complies with both of these requirements.

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

Some of the proposed project's raw dimensional figures are in violation of the new zoning requirements (mainly yards and lot coverage). The side and front yard violations reflect existing nonconforming conditions that are not worsened by the proposed changes. According to the provision on section 53-30, a building may be altered, enlarged or extended, provided that any enlargement itself does not increase any such dimensional nonconformity. However, the project



worsens conditions for the rear yard and lot coverage. The proponent must revise the design to make sure that the proposed rear yard and lot coverage is compliant with updated zoning.

The current building lacks off-street parking. According to section 53-28-2, if a Structure existing on the effective date of this Article is altered or extended so as to increase its Gross Floor Area or the number of Dwelling Units, only the additional Gross Floor Area or the additional number of Dwelling Units shall be counted in computing the off-street parking facilities required, which under updated zoning would be 1 additional unit, which does not have a parking requirement. Additionally, creating off-street parking where there is none would require demolishing the existing building and creating a curb cut where there is none, removing public on-street parking; zoning relief is appropriate.

Additionally, the project is located in the Coastal Flood Resilience Overlay District. The proponent is not allowed to extend the living area below the sea level rise Design Flood Elevation (DFE). The drawings do not have enough information to accurately determine whether or not it's in compliance, since they are missing the finished floor elevation of the first floor in Boston City Base (BCB). The elevations need to be labeled in BCB instead of the project datum in order to determine whether the additional living area is below DFE or not.

The proposal also involves extending a structure that occupies more than 50 square feet of lot area within a Groundwater Conservation Overlay District (GCOD). Consequently, the parcel is subject to GCOD review by the Boston Water and Sewer Commission.

This recommendation is based on plans titled "218 BREMEN ST. E. BOSTON MA" prepared by DAVID CHOI on 11/4/23.

Recommendation:

In reference to BOA1578094, The Planning Department recommends DENIAL WITHOUT PREJUDICE. The proponent should consider a project that does not extend living area below the Sea Level Rise Design Flood Elevation (Article 25A) and reduces the size of the addition to ensure it is compliant with rear yard and lot coverage requirements in updated zoning.



Planning Department

CITY of BOSTON

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1653396
ZBA Submitted Date	2024-09-17
ZBA Hearing Date	2025-01-28
Address	302 Summit AV Brighton 02135
Parcel ID	2101717000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 3F-4000
Zoning Article	51
Project Description	Add a fourth dwelling unit to an existing three and a half story, three unit building by adding two shed dormers and converting the existing attic. The plans also state that sprinklers will be added per NFPA 13R standards.
Relief Type	Variance
Violations	Height Excessive (ft) Height Excessive (stories) FAR Excessive Additional Lot Area Insufficient Parking or Loading Insufficient Usable Open Space Insufficient Use: forbidden (MFR)

Planning Context:

This project was reviewed by the Planning Department for Zoning Board of Appeal hearing on 12/10/2024. Because no new plans have been submitted, the Planning Department's recommendation has remained the same.

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 an additional unit to this area.



In addition, this project aligns with the city goals of allowing Accessory Dwelling Units (ADUs), which is an additional residential unit added to an existing home.

The project would also include adding sprinklers to the building in compliance with NFPA 13R standards. This means the project would improve the fire safety for the three existing units as well as the proposed new unit.

The location of this project is well served by transit, as it is about 0.3 miles from the MBTA B line and the 65 bus and about 0.6 miles from the MBTA C line. This means that there is a lower need for parking on site.

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:

Due to the proposed dormers, this project violates the zoning regulations for height (in both feet and stories) and FAR. The allowed FAR is 0.8 and the allowed height is 35 feet or 3 stories. The existing building is 3.5 stories and approximately FAR 1.0, which means it already does not comply with zoning. The existing building is, however, aligned with the surrounding area, which implies that the zoning may need to be updated in this area to better align with existing conditions. The proposed dormer would further these existing non-conformities by increasing the FAR to 1.39 and the height to 4 stories. However, the dormers are stepped back from the street, which helps minimize the impacts of the additional height and massing. Additionally, much of the increase in FAR is due to the fact that the project creates additional gross floor area by converting the existing attic space (which does not count towards gross floor area) to livable space. Converting this existing space to livable area does not change the outside appearance of the building, and so although there is a substantial increase to the FAR, there is minimal increase to the massing of the building by adding the two shed dormers.

Due to the additional unit, this project violates the zoning regulations for use, parking, usable open space, and additional lot area.

The additional unit would make this building four units, which is not allowed in this 3-unit subdistrict. However, as discussed in the planning context, this use is aligned with planning goals to increase housing in Allston-Brighton and allow ADUs.

The project does not comply with the parking requirement of 1.75 spaces per unit (or 7 spaces for 4 units). The project has an existing 2 car garages, which makes a parking ratio of 0.5 for the



proposed 4 units. However, as discussed in the planning context, this lower parking ratio is appropriate to the transit assets in the area.

The project does not comply with the usable open space requirement of 650 sq ft per unit (or 2,600 sq ft for 4 units). The project contains approximately 1,449 sq ft of usable open space. However, because the project abutts a public park (Brian Honan Park) there is a lower need for usable open space on the lot.

The project violates the zoning requirement for additional lot area. This is because the zoning requires an additional 2,000 sq ft of lot area per unit, in addition to the minimum lot size of 4,000 sq ft for 2 units. This means that the zoning requires the lot to be at least 8,000 sq ft for four units. This lot is 4,593 sq ft. However, as discussed above, the use and parking, and open space provided is appropriate given the location of this project, which means this lot is sufficient for 4 units.

This recommendation was written using plans prepared by Derek A. Rubinoff, titled "302 Summit Ave. Proposed Attic Renovation," and dated 10/24/2024. These plans were reviewed by ISD on 11/19/2024.

Recommendation:

In reference to BOA1653396, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Department of Parks and Recreation for review.

Reviewed,

Planning and Zoning Director, Planning Department



Case	BOA1663221
ZBA Submitted Date	2024-10-18
ZBA Hearing Date	2025-01-28
Address	36 Wildwood ST Dorchester 02124
Parcel ID	1403443000
Zoning District & Subdistrict	Greater Mattapan Neighborhood 3F-6000
Zoning Article	60
Project Description	The proponent is seeking to change the use from three units to four units by converting the existing basement into an additional residential unit.
Relief Type	Variance
Violations	Parking or Loading Insufficient Lot Area Insufficient Additional Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Use: forbidden (4F)

Planning Context:

The proponent submitted updated plans correcting a minor error that does not impact the original planning recommendation. The project was deferred at a 12/3/24 Zoning Board of Appeal meeting and a new hearing date of 1/28/25 was set.

The proponent is seeking a change of use: from a three-unit house to a four-unit house. The house itself is a triple-decker attached to a second triple-decker with a different owner. The proposed fourth unit is a conversion of the existing basement. Proposed internal renovations include an added kitchen, bedroom, and living room. Plans show the existing basement has one bathroom, two closets, and a utility room. In terms of basement ADU requirements, it is unclear whether or not the property is owner-occupied or whether there is a sprinkler plan. There are four means of egress. Three sets of stairs lead outside- one from the main entrance in the living room, and two at the rear of the unit. There is also a fourth route of egress through the bedroom window. While this primary entrance faces to the side, the proposed stairway leading to the entrance faces to the front, so the unit is well marked from the street, clarifying that the



basement would be accessible in case of emergency. The proposed height of the unit is 7'6", which is the minimum for basement units.

While the proposal mostly meets the overall conceptual criteria of Boston's by-right conversion of internal spaces to accessory dwelling units, a small change to the exterior envelope (via the addition of an awning and access door) and the lack of clarity about owner-occupancy status creates a need to change the use to four units, leading to the zoning violations cited in the refusal letter.

The Planning Department is working to streamline these kinds of small renovations and improvements with the new Neighborhood Housing Zoning initiative, announced in November 2024. One goal of the Neighborhood Housing Zoning Initiative is the eventual citywide allowance of maintenance and upgrades to existing structures without the need for zoning relief via variances. Updating a basement to become an additional unit is also one of the proposed schemes for enabling attached or internal ADUs in Boston through the Planning Department's newly released ADU Guidebook, also released in November and approved by the BPDA Board.

The site is also within the Morton Street focus area of the Fairmount-Indigo Corridor Plan, which calls for "higher density housing opportunities to support Station Area vitality and rail ridership" (September 2014). The site is an eight minute walk from Morton Street Station. This close proximity to the station could increase the likelihood that a potential new resident would opt for transit instead of driving.

Zoning Analysis:

The proposed basement unit triggers insufficient usable open space, insufficient lot area, insufficient additional lot area, excessive FAR, and an insufficient parking violation. However, this project would not meaningfully change the building footprint or exterior, with the exception of a three foot awning over the entrance to the proposed unit.

The project also received a forbidden use citation, since multifamily dwellings are forbidden in this 3F subdistrict. A variance is needed to overcome the dimensional violations and the forbidden use (Article 60, Table A). This parcel's attached triple-decker configuration is unique to the block and there is no side yard on the attached side, which contributes to the lot area and



open space violations. These are all existing non-conformities that are not worsened by the proposal.

The plans are dated January 21, 2024 and were prepared by T Design, LLC.

Recommendation:

In reference to BOA1663221, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review to ensure that there is an appropriate sprinkler system and that the basement ceiling height meets building code.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1629989
ZBA Submitted Date	2024-07-22
ZBA Hearing Date	2025-01-28
Address	44 Creighton ST Jamaica Plain 02130
Parcel ID	1001980000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 3F-4000
Zoning Article	55
Project Description	Change use from existing one-unit building to a three-unit building by fully renovating the existing building, extending structure to the rear, and constructing a full second and third floor addition.
Relief Type	Variance
Violations	Lot Width Insufficient Lot Frontage Insufficient Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Lot Area Insufficient

Planning Context:

This project was previously deferred at the December 3, 2024 ZBA Hearing. No updated plans have been submitted, and the refusal letter remains the same. As such, the Planning Department recommendation has not changed.

This site is located 0.5 miles away from the Jackson Square MBTA Orange Line Station in a residential area between Centre Street and Mission Hill. The existing property has a one-unit, 1.5-story building; the proposal renovates the existing building, fully builds out the second floor, adds a third floor, and extends the structure further to the rear. The proposal increases residential units from one to three. The surrounding area is comprised primarily of three-decker buildings, including immediately abutting the site to the rear and to one side, and a mix of one- and two-story residences. The lot sizes and shapes on this same block are relatively inconsistent, but are generally at least 35' wide and 110' deep; this parcel is generally narrower than the surrounding context, at 30' wide.

This property is outside of the boundary for both PLAN: JP/Rox and the Jackson Square Planning Initiative, and is not located within the Jamaica Plain Neighborhood Design Overlay



District. However, the proposal to maintain the existing building by renovating and adding additional units is in line with the goals of Housing A Changing City (2018) for preserving housing stock and increasing housing supply. Given that this site is located within a context of three-unit buildings and proximate to high-quality rapid transit, the proposed use for the site is appropriate.

Zoning Analysis:

There are several zoning violations related to the size of the lot. The lot area is insufficient (4,000 sf required, 3,225 sf existing), the lot width is insufficient (45' required, 29.15' existing), and the lot frontage is insufficient (45' required, 30' existing). The majority of other three-unit buildings on this same block also violate each of these requirements. Specifically, there is a row of five three-deckers to the rear of the site that are all nonconforming with regards to these dimensional requirements. This presents a case for zoning reform, where the lot size requirements do not accurately reflect the composition of parcel dimensions in the neighborhood.

The proposed project is also cited for violating the front yard and side yard requirements. The required front yard is 15' and the proposed/existing nonconforming front yard is 5'. The second and third-floor addition does not worsen the front yard, but does extend this nonconformity vertically. However, nearly every property on this block has a similar 5' front yard, which presents a case for zoning reform.

The side yard requirements in this 3F-4000 subdistrict require a minimum aggregate side yard of 17', with a minimum of 7' from the lot line and 10' from structures on abutting properties. The existing building is currently nonconforming on both side yards; the northeast side yard is currently 3.5' and within 6' of the neighboring structure, and the southwest side yard is currently 5.5' and greater than 10' from the neighboring structure. The proposed project also does not worsen the side yard nonconformity, but rather extends straight back to the rear of the site.

However, with this extension into the rear, the proposed building would now be within 10' of the neighboring structure to the southwest, which is set back nearly 50' from its front property line. These side yard nonconformities are typical in the surrounding context, with many abutting structures being within 10' of each other. Again, this presents a case for zoning reform to update dimensional regulations to more appropriately match the existing context. However, given the narrowness of the property and the newly shortened distance between the building and its



neighbor, attention should be given to ensuring adequate separation for light and air between these structures.

Finally, the required usable open space is 800 sf, and the proposed project provides 574 sf. The provided open space is achieved through private decks for each of the three units and some unspecified space in the rear yard, exclusive of a small garage. Given the small size of the lot, it may be difficult to achieve a full 800 sf of open space. However, given the other dimensional nonconformities, design review should address strategies to improving the usable open space.

Plans reviewed are titled "Renovation/Extension of Living Space Change of Occupancy From Single Family to 3 Family Dwelling 44 Creighton St Boston MA 02130", prepared by Rosa Design + Construction LLC, and dated July 21, 2022.

Recommendation:

In reference to BOA1629989, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to ensuring adequate distance with neighboring structures, and increasing the amount of usable open space on the site..

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1584253
ZBA Submitted Date	2024-03-25
ZBA Hearing Date	2025-01-28
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 project was deferred from its initial ZBA hearing on November 26, 2024. For that hearing, the Planning Department recommended the project be approved with two provisos: review from the Department of Parks and Recreation, and Planning Department design review. Because no new project materials have been submitted to or reviewed by the Inspectional Services Department since the project's initial hearing, the contents of this recommendation remain unchanged.

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 development.

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

BOA1584253

2025-01-28

2 Planning Department



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 PROVISOR/S: 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 .



Planning Department

CITY of BOSTON

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1634764
ZBA Submitted Date	2024-08-01
ZBA Hearing Date	2025-01-28
Address	80 G ST South Boston 02127
Parcel ID	0701714000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	Build 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) Residential Use Extensions in Rear Yard

Planning Context:

This project was reviewed by the Planning Department for the ZBA hearings on 11/26/2024 and 12/10/2024. The Planning Department's previously recommended shortening the existing curb cut and increasing the set back on Story St to allow adequate space for a minimum ADA-compliant sidewalk (in addition to improving maneuverability and reducing lot coverage). New plans were since submitted which show changes to the project including shortening the existing curb cut from 30 ft to 15 ft and removing the previously proposed balconies which creates a zoning compliant set back on Story St, and so the recommendations to shorten the existing curb cut and increase the set back on Story St have been removed. The rest of the Planning Department's recommendations have remained unchanged.



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 project proposes closing part of an existing 30 ft curb cut to create a 15 ft curb cut to access the garage.

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.

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 of 3.4 ft. On the north side of the lot that fronts onto Story St, the proposed addition would create a front yard of 8.8 ft, which complies with zoning.

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 plans show a roof deck, which is not shown with dimensions, but appears to be approximately 300 sq ft. Because of the large size of the addition relative to the lot, there seems to be no usable open space on the ground level. This means there is approximately 50 sq ft of usable open space per dwelling unit for this project. 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 12/9/2024.

Recommendation:

In reference to BOA1634764, The Planning Department recommends DENIAL WITHOUT PREJUDICE. Applicant should consider reconfiguring parking to improve maneuverability. Lot coverage should also be reduced to create usable open space and permeable area, and maintain existing tree canopy if possible.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1652033
ZBA Submitted Date	2024-09-12
ZBA Hearing Date	2025-01-28
Address	526 E Third ST South Boston 02127
Parcel ID	0603255000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	This proposal seeks to build a four-story three-unit dwelling with a garage and roof deck on a currently vacant lot.
Relief Type	Variance
Violations	Side Yard Insufficient FAR Excessive Parking or Loading Insufficient Lot Area Insufficient Front Yard Insufficient Additional Lot Area Insufficient Usable Open Space Insufficient

Planning Context:

BOA 1652033 was presented to the Board of Zoning Appeals on December 3, 2024 and was tabled due to concerns around open space and parking. As such, a revised version of the plans drafted by Tim Johnson Architect, LLC was submitted on December 10, 2024 for review. The revised plan includes a reduction of off-street parking from three to two spaces to increase maneuverability in the garage and the addition of three balconies to address the board's concerns surrounding usable open space.

The proposed project sits on a currently vacant 20' x 51' plot of land in South Boston on the corner of E Third ST and Emmet ST. The lot on which the property sits is thin and rectangular with perpendicular lot lines that are slightly askew however this shape is consistent in comparison to other rowhouses of a similar scale. The neighborhood has a diversity of housing types including other 3- and 4- story rowhouses, and large multi-unit apartment complexes.



The proposal includes the construction of a new 4-story, 3-unit residential building with a ground floor parking garage suitable for three (3) cars and a roof deck. The creation of new infill housing on empty lots throughout the City is in keeping with planning goals of increasing housing availability and density, as detailed in *Housing a Changing City, Boston 2030* (September 2018). The proposed size and siting of the project is in keeping with the existing surroundings.

Zoning Analysis:

This project is a case for zoning reform to create dimensional regulation requirements that better match the scale of the building and surrounding area. The subject property was cited for seven (7) violations in total, six (6) of which are dimensional in nature (insufficient side yard, insufficient front yard, lot area insufficient, insufficient usable open space, and additional lot area insufficient).

In the MFR district (Article 68, Table D) a minimum lot area of 2,000 square feet and additional lot area per dwelling required is 1,000 square feet are required yet the parcel is 1,020 feet. These are specific hardships to the site and can not be met so this would be recommended for relief. Additionally, in the MFR district, 200 square feet of open space per dwelling unit is required. The proposal includes balconies for each dwelling unit of approximately 60 square feet facing Emmett Street (an improvement from the previously the zero (0) square feet). Despite still being insufficient, the proposal is contextual with existing structures in the neighborhood and also presents a challenge to meet due to the hardship of the site and would be recommended for relief.

In the MFR district, a front yard setback of five (5) feet is required; however the proposal includes a front yard setback of 0.5 feet. A side yard of three (3) feet is required but the property is proposing a side yard setback of zero (0) feet on both sides of the property. Although both the front and side yard setbacks were cited as violations, they are contextual with the surrounding rowhouses in the neighborhood. It should be noted, the proposal includes a 1.3 foot overhang over the public sidewalk. The building can not have an overhang over a public sidewalk without permission of the Public Improvement Commission. This is not recommended due to the impact of public domain and possible disturbance for future improvements of the sidewalk and road. Any revision of design must stay within the parcel lines. The final dimensional violation pertains to FAR. A FAR of 2.0 is permitted in the MFR district, however



the proposal includes a FAR of 2.9. This can be recommended for relief due to the context having similar or higher FAR.

Lastly, this project is a case for zoning reform to reduce parking minimums. The proposal was cited for insufficient parking. According to Article 68 Table G (South Boston Neighborhood District Off-Street Parking Requirements) 1.5 spaces per dwelling unit with 1 + bedrooms are required. As such, a total of 4.5 spaces are required at the property. This proposal includes two (2) parking spaces (a welcomed reduction from the three (3) spaces previously proposed due to concerns from BTM about maneuverability). Additionally, the BTM parking ratios map recommends 0.5 (rental) and 0.75 (condo) spaces per dwelling unit for the area, meaning a range of 1.25- 2.25 parking spaces would be considered appropriate at the property. The reduced parking ratio puts the proposal in closer alignment with BTM's recommendation and should be given relief.

Recommendation:

In reference to BOA1652033, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with special attention to the front and side yard overhang.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1599326
ZBA Submitted Date	2024-05-07
ZBA Hearing Date	2025-01-28
Address	46 High ST Charlestown 02129
Parcel ID	0200419000
Zoning District & Subdistrict	Charlestown Neighborhood 3F-2000
Zoning Article	9, 62
Project Description	Adding 3 units to an existing 5-unit building through a 3.5-story addition to the rear and side of the existing structure.
Relief Type	Conditional Use, Variance
Violations	Roof Structure Restrictions Parking or Loading Insufficient Height Excessive (stories) Height Excessive (ft) Usable Open Space Insufficient Nonconforming Use Change Use: Forbidden (MFR)

Planning Context:

This project was originally scheduled to go before the Zoning Board of Appeal on August 13, 2024. The Proponent filed revised plans and a new refusal letter was issued on October 1, 2024. The Planning Department then prepared an updated recommendation based on those updated plans in preparation for a ZBA hearing on October 8, 2024, but the Proponent requested a continuance until December 3, 2024. The project was then deferred again, and no new plans have been submitted. The Planning Department’s recommendation has not changed from the updated recommendation for the October 8, 2024 hearing.

This site is located within the Original Peninsula of Charlestown, and on a predominantly residential block, with a mix of 1- to 3-dwelling buildings. The proposed project is also within 0.5 miles of the Community College Green Line Stop and one block away from MBTA bus service along Main Street. High Street itself is an emerging mixed-use corridor, and the site is 500 feet away from Thompson Square, a key commercial and mixed-use destination in the neighborhood.



The site slopes down in grade by 13' from the front property line to the rear property line. Areas of the existing property not occupied by the building footprint is currently permeable surface with several well-established trees.

The proposal includes an addition to the existing 5-unit building, resulting in a total of eight units (for a net increase of three units). There are four 2-bedroom and four 3-bedroom units; PLAN: Charlestown (2023) recommended the creation of large housing units with 3+ bedrooms to create opportunities for families in addition to creating smaller units. PLAN: Charlestown focused on several areas for new development, including housing growth in Sullivan Square and along Rutherford Avenue and contextually within the Original Peninsula. Zoning updates in the Original Peninsula were very limited in scope.

The existing building does not have an official historic designation, but is in the MACRIS inventory; it was constructed in 1850 in the Greek Revival style. The proposal maintains this existing structure and advances goals from PLAN: Charlestown around preservation within the Original Peninsula.

This parcel is substantially larger than much of the surrounding context and the existing building adjoins a residential building with 10 condominium units. This neighboring building is also historic and has a 2-story addition to the rear. Given the slope of the site downward from the front to the rear, the proposed addition for this project is effectively four stories in the rear of the site, which is one story taller than the neighboring addition.

Additional recommendations for the Original Peninsula in PLAN: Charlestown include urban design guidelines. Some of these guidelines include: making the massing for proposed buildings similar to the surrounding buildings, avoiding partially covered parking, maximizing permeable surfaces and preserving existing on-site trees, and using material and massing differentiation to break down the scale of substantial additions. The proposed addition to the side of the building is substantially set back from the frontage along High Street, which maintains the appearance of the existing building on High Street. The addition to the rear steps down with the topography of the site and is of similar height and scale to the neighboring Abraham Lincoln Post 11 Memorial Hall and the Church to the rear of the site.

This site and existing building is appropriate for additional housing units due to the size of the parcel and the immediate surrounding context. However, some project elements are not in line with the urban design guidelines from PLAN: Charlestown, including the partially covered parking and the removal of existing trees.

Zoning Analysis:

BOA1599326
2025-01-28
2 Planning Department



Table A of Article 62 states that multi-family dwelling is a forbidden use in 3F subdistricts in Charlestown. The existing use of the site is multi-family (five units) and the proposed use is multi-family (eight units). Pursuant to Article 9 Section 2, a change in nonconforming use may be allowed provided that the Board of Appeal grants permission in accordance with the conditional use approval procedures in Article 6. These conditions include that the use will not adversely affect the neighborhood, there will be no serious hazard to vehicles or pedestrians from the use, no nuisance is created by the use, and adequate and appropriate facilities will be provided for the proper operation of the use.

Table F of Article 62 requires 1.0 loading bay for projects between 15,001 and 49,999 square feet; this proposed project is 18,042 square feet. Given the provided parking in the rear and the use of this site as only residential, it is not clear that a designated loading bay is essential for the functioning of the building. This is a case for zoning reform, where loading bays should not be required for residential uses, which is the case for areas regulated by Base Code. Neighborhood articles still largely require these loading bays for residential uses.

The project is cited for excessive height in both feet and stories. As proposed, the building is 52' (35' maximum) and 4 stories (3 stories maximum), which is the same as the existing condition. The neighboring property has a building with a similar form of a rear addition to a historic 4-story building, and similarly steps down in height along with the slope of the site. The proposed project is generally 1 story taller than this neighboring building as it steps down towards the rear. A portion of the building to the rear is also supported on columns above part of the parking area.

The applicant proposes 2 private roof decks; Article 62 Section 25 states that an open roof deck may not be constructed if the building height exceeds the maximum allowable building height. Many properties along this block and within the same zoning district also have roof decks while their height exceeds the maximum allowable building height.

The required usable open space is 4,906 square feet, and proposed is 3,819 square feet. The proposed open space is achieved through private patios and roofdecks for each unit. A common condition in this 3F subdistrict is a building occupying the majority of the property with leftover space devoted to parking, with usable open space through roof decks or patios.

Finally, parking is required at a 1:1 ratio for over 7 units in Charlestown. This parking requirement necessitates paving over the existing permeable surface on the site and removing



the existing trees, but the proposal does include permeable pavers for the parking area. However, Section 62-28 states that only "the additional number of dwelling units shall be counted in computing the offstreet parking facilities required." Given this provision, the project would only be required to construct three parking spaces, leaving additional room for preserving existing trees and providing ample usable open space.

The updated plans are titled "46 High Street Residences", prepared by Khalsa Design Inc., and dated September 24, 2024.

Recommendation:

In reference to BOA1599326, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review to reduce the number of parking spaces to the minimum required three spaces, fully enclose the provided parking, and preserve existing trees on the site.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1667121
ZBA Submitted Date	2024-10-30
ZBA Hearing Date	2025-01-28
Address	106 Webster ST East Boston 02128
Parcel ID	0104818000
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	68,7,53
Project Description	The proposal seeks to amend plans previously approved under BOA302277 by increasing the building height and creating larger roof structures.
Relief Type	Variance
Violations	Height Excessive (ft) FAR Excessive Roof Structure Restrictions Protectional Conditions

Planning Context:

BOA 1667121 for 106 Webster ST in East Boston was deferred from the December 3, 2024 ZBA hearing. At this time there have been no changes to the proposal and so the Planning Department's recommendation remains the same.

106 Webster ST is located in the neighborhood of East Boston. The neighborhood has a diversity of housing types consisting of 1-5 story residential structures with occupancies ranging from 1-6+ dwelling units.

The project site is located within 1,500 feet (a 5 minute walk) of Porzio Park, the Navy Fuel Pier Park, the Massport Harborwalk Park, Maverick MBTA Blue line Station and a stop for MBTA's 120 bus route.

PLAN: East Boston was adopted by the BPDA Board in 2024 and the accompanying zoning recommendations to implement the plan in Article 53 were approved by the zoning commission on April 24, 2024 which places the proposed project within an EBR-3 subdistrict. EBR-3 subdistricts allow a max building height of three stories and permit three-unit residential uses. Under BOA302277 (approved 9/13/16) the project was granted permission to build a four-story, 8-unit residential building at 40 feet in height with an approximately 850 sq. ft. roof deck.



However, the as-built plans show an increase in height to 51.3 feet and extension of the previously approved roof deck structures and activities.

Zoning Analysis:

The property was cited for four (4) violations, two (2) of which are dimensional (Excessive height (feet) and additional FAR). In the EBR-3 (Art. 53 Table F Dimensional regulations) a building up to 30 feet and 3 stories is permitted in the district. Under BOA602277, the project was permitted to erect a four story building at 40 feet in height. However, the current As-built plans show an increase in building height to 51.3 feet (an additional 11.4 feet). The increase in height was not previously approved by BPDA Design Review and demonstrates that the proponent built significantly higher than what was deemed appropriate and contextual with the surrounding neighborhood. Additionally, the property was cited for excessive FAR as the BPDA Design Review Plans permitted a FAR OF 1.93. The excessive FAR violation is connected to the project's third violation as well, roof structure restrictions. The property's approved site plans show a roof deck that included mechanical equipment, two hot tubs, and staircases. The amended plan As-built Plan shows two larger roofed structures (the increase in FAR) that contain a bathroom and wet bar in each. The difference of activities and increased structures were not approved as part of the BPDA Design views plans. Additionally the project was cited for failure to comply with previously approved plans from the Design Review (protectional conditions). It is incredibly important that property owners, especially those who have undergone the city's regulatory review process, are held accountable to build projects as they were designed and approved.

Plans submitted by 686 Architects prepared on August 23, 2023.

Recommendation:

In reference to BOA1667121, 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