



Planning Department

MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: January 30, 2025

RE: Planning Department Recommendations

Please find attached, for your information, Planning Department recommendations for the February 04, 2025 Board of Appeal's Hearing.

Also included are the Board Memos for: 295 West First Street

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



Case	BOA1680504
ZBA Submitted Date	2024-12-27
ZBA Hearing Date	2025-02-04
Address	291 Beacon ST Boston 02116
Parcel ID	0502661000
Zoning District & Subdistrict	Boston Proper H-3-65
Zoning Article	32
Project Description	Substantial rehabilitation of an existing eight-unit rowhouse to add an addition and convert the property to a two-unit building with a private garage.
Relief Type	Conditional Use
Violations	GCOD Applicability

Planning Context:

291 Beacon ST is a four-story, eight-unit rowhouse located in Boston's Back Bay neighborhood. The area is characterized by mostly rowhouses of a similar density and scale and a few large housing developments. The project proposal includes a complete renovation of the existing property, adding an additional floor, and converting the property to two units with a private garage.

Zoning Analysis:

This property is located within the Groundwater Conservation Overlay District (GCOD), which is meant to prevent the deterioration of and, where necessary, promote the restoration of groundwater levels in the city of Boston. The proposed project has a project scope considered to be "substantial rehabilitation." This classification satisfies the applicability requirements of the GCOD, as set for in Section 32-4 of the Zoning Code, thus triggering a required GCOD review for the project. A proviso for GCOD review has been added to the recommendation on that basis.

Recommendation:



In reference to BOA1680504, The Planning Department recommends APPROVAL WITH PROVISIO/S: the plans shall be reviewed and approved by the Boston Water & Sewer Commission due to its location within the Groundwater Conservation Overlay District (GCOD).

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1675304
ZBA Submitted Date	2024-12-02
ZBA Hearing Date	2025-02-04
Address	140 Chelsea ST East Boston 02128
Parcel ID	0106280000
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	53
Project Description	Change use for an existing residential building from three units to four units.
Relief Type	Variance
Violations	GCOD Applicability FAR Excessive Additional Lot Area Insufficient Usable Open Space Insufficient Parking or Loading Insufficient Use: Forbidden (MFS) Use: Forbidden (Basement Units) Number of Allowed Habitable Stories

Planning Context:

The proposed project seeks to change the use of the existing 3-unit residential building at 140 Chelsea Street in East Boston to four units by converting the basement into a one-bedroom unit. No changes to the external structure will be made. However, this basement unit would be located entirely below grade, which is a significant concern due to the project’s location in the Coastal Food Resiliency Overlay District (CFROD) where new residential living areas must be elevated to protect against future flooding. This portion of Chelsea Street primarily consists of 3-family row houses with some mixed-use buildings and a multi-family residential building nearby. The MBTA Airport Blue Line Station is also 0.3 miles away.

This project does not align with the goals set by PLAN: East Boston (January 2024). While PLAN: East Boston’s recommendations for this area outlined goals in retaining existing structures, the PLAN also noted that for any proposed projects that fall into CFROD, living spaces must be located above the Sea Level Rise - Design Flood Elevation. This is important as many areas in East Boston, such as the project site, are susceptible to flooding caused by both sea level rise and increased precipitation.



Zoning Analysis:

Because this project was filed in March 2024 before the new zoning changes from PLAN: East Boston were adopted in April 2024, the zoning was reviewed under different zoning than what is now in effect. This project is located in the EBR-3 subdistrict under the current zoning and the violations under the previous 3F-2000 subdistrict are GCOD applicability, forbidden use, basement units are forbidden, number of allowed habitable stories is exceeded, excessive FAR, insufficient additional lot area, insufficient open space, and insufficient parking.

Because this project is located in the Groundwater Conservation Overlay District (GCOD), this project is also subject to review by the BWSC.

While the updated zoning relaxes previously present use restrictions on basement dwelling units, this is only applicable when the site does not sit in the City's Coastal Flood Resilience Overlay District (CFROD). The updated zoning also explicitly forbids the extension of living area below the Sea Level Rise - Design Flood Elevation. As the proposed unit will sit entirely below grade, it means that it will sit below the Sea Level Rise - Design Flood Elevation. Because this site sits in CFROD, and would be forbidden under both the previous and updated zoning, no relief should be granted for the forbidden basement units or number of allowed habitable stories.

While multi-family residential units are forbidden under the previous 3F-2000 subdistrict, up to 6 units are allowed in an EBR-3 subdistrict if the lot frontage is greater than 55 feet. However, this parcel only has a lot frontage of 21.46' which means that the maximum allowed number of units is three. Because this would not need the guidelines in PLAN: East Boston, no relief should be granted.

In regards to the FAR, additional lot area, and amount of open space, the updated zoning for the area removes these dimensional regulations and replaces them with updated dimensional regulations based on building form and environmental performance items such as lot coverage and minimum permeable area to better reflect the East Boston context. However, as no changes to the external structure will be made, it is clear that the FAR would increase, and the amount of usable open space would decrease with the creation of the additional unit. Because there will be no changes made to increase the amount of usable open space or amount of permeable surface, no relief should be warranted especially as this falls in CFROD.



In regards to parking, the minimum parking ratio is one off-street parking space per dwelling unit. While this site currently has two parking spaces in the rear, no additional spaces are being proposed. Creating additional parking spaces would require demolition of the current building which goes against the goals outlined in PLAN: East Boston to retain existing structures. PLAN: East Boston's transportation goals for this area also encouraged a better pedestrian experience with traffic calming solutions. Relief for the parking ratio is warranted as the current ratio would support the goals of PLAN: East Boston.

The plans reviewed are titled ALT1579294 Z.R. decision letter with BOA hearing plan set attached 5.7.24 11.20.24 Z.R. updated (1) and were prepared by Bloom Architect and are dated 3/1/24.

Recommendation:

In reference to BOA1675304, The Planning Department recommends DENIAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1671987
ZBA Submitted Date	2024-11-18
ZBA Hearing Date	2025-02-04
Address	252 to 272 Tremont ST Boston 02116
Parcel ID	0305640000
Zoning District & Subdistrict	Midtown Cultural General Area
Zoning Article	38, 11
Project Description	This proposal seeks to install an electronic sign for the Boch Center on the exterior portion of the building at 50 Stuart St.
Relief Type	Conditional Use, Variance
Violations	On-Premise Signs in Non-Residential Districts; Height On-Premise Signs in Residential Districts; Size Electronic Signs; Conditional Use Electronic Signs; Excessive Projection

Planning Context:

252 to 272 Tremont ST, also known as the Boch Center, is located within Boston's Theater District and houses the Wang Theatre.

This proposal seeks to construct an electronic sign for the Boch Center along the facade of the building that abuts Stuart St (at 50 Stuart St). The Sign will be installed along Stuart Street, on the same block as the Wang Theatre, the Schubert Theater, and the Wilbur Theater and in close proximity to other theaters. The Sign will complement this vibrant area of Boston, including by providing at least 10% public service content, as required by Section 11-7.4 of the Zoning Code, and by providing additional content that specifically promotes the Boch Center. The sign will be elevated to a placement height that is consistent with surrounding signs visible to cars as well as pedestrians. Its proposed location fronts several existing commercial and retail spaces. Despite its larger proposed scale (approximately 700 square feet), the sign's design is respectful of the surrounding existing architecture and will enliven the existing blank façade of the building. It should be noted that the sign is currently under review with the Planning Department's Design Review Team.



Zoning Analysis:

The proposed sign was cited for four violations in total. Three of which are dimensional in nature (excessive placement height, projection, and size) and one that relates to the use of a sign in the district. The proposed project's violation of Section 11-2 of the Zoning Code (Signs in Non-Residential Districts) relates to its proposed scale and placement upon the building. Specifically, the proposed sign is in excess of the area's maximum permitted placement height (25' allowed, 47' proposed) and allowed sign area (~75 square feet of area permitted, ~700 square feet of area proposed). Additionally, the sign projects 12 feet over the sidewalk when a maximum of five feet is permitted. However, the Boch Center is a zero-lot line building along Stuart Street with a relatively narrow adjacent sidewalk containing an approximately 33-foot-tall tree. To ensure the Sign's visibility to pedestrians travelling along Stuart Street, the sign's proposed placement height and project are necessary.

Section 6-3 of the Zoning Code details the conditions required for approval for conditional uses. These include the following: (1) that the specific site is an appropriate location for such use or; (2) that the use will not adversely affect the neighborhood; (3) 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 of the reasons identified throughout the planning and zoning context, relief would be considered appropriate pending final approval from the Planning Department Design Review team.

Recommendation:

In reference to BOA1671987, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review.



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Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1283550
ZBA Submitted Date	2022-01-04
ZBA Hearing Date	2025-02-04
Address	9 Sussex ST Mission Hill 02120
Parcel ID	0901847000
Zoning District & Subdistrict	Roxbury Neighborhood RH
Zoning Article	50
Project Description	The proponent is seeking to combine two lots to erect a new two-unit, three-story rowhouse with livable area in the basement. The lots currently contain two existing rowhouses.
Relief Type	Variance
Violations	Lot Area Insufficient FAR Excessive GCOD Applicability Rear Yard Insufficient Parking or Loading Insufficient Usable Open Space Insufficient Exceeds number of attached rowhouses

Planning Context:

The 9-11 Sussex Street lots are situated in Mission Hill, a predominantly residential neighborhood known for its distinctive rowhouses, which typically range from two to four stories in height. These lots are conveniently located within a 10-minute walk of the Ruggles T Station, providing easy access to public transportation. Additionally, they are situated near Tremont Street, a vibrant commercial corridor that offers a variety of shops, restaurants, and services, enhancing the walkability and convenience of the location. The two lots with the existing buildings as well as the proposed new buildings are generally in context with the surroundings.

Zoning Analysis:

The lot is located in a RH zoning subdistrict within the Roxbury neighborhood zoning district. The proposal has been flagged for several zoning violations, including excessive floor area ratio (FAR), insufficient rear yard, insufficient parking, and inadequate open space. While the lot area has also been flagged as insufficient, this condition is inherent to the lot and should not prevent development from occurring.



The existing building currently has a rear yard of approximately 8 feet, while the proposed new building includes a 4.6-foot rear yard. Current zoning requires a minimum rear yard of 20 feet. Similarly, zoning limits the maximum FAR to 1.0. The existing building already exceeds this limit with an FAR of approximately 1.4, and the proposal further increases it to 2.5. Although the existing building is already non-compliant regarding rear yard and FAR, the proposed development worsens both violations.

The lot does not currently have any off-street parking. Requiring additional parking would not be reasonable given that these are very narrow lots and including a driveway to accommodate parking would require the removal of mature trees. Furthermore, as highlighted in the Planning Context, this area is well-connected to public transit and has a high mobility score, making the addition of parking unnecessary.

The proposal includes approximately 115 square feet of permeable open space, while the existing lots currently have about 360 square feet of open space. Zoning regulations require 200 square feet of open space per dwelling unit. Although the existing building is already noncompliant with open space requirements, the proposal further exacerbates this violation.

The proposed project also involves substantial rehabilitation of a structure located within the Groundwater Conservation Overlay District. Under Article 32, this requires a Conditional Use Permit, which mandates the design and installation of a groundwater recharge system capable of capturing 1 inch of precipitation over the lot's impervious area. The system design must be submitted to the Boston Water & Sewer Commission for review, comment, and approval.

Additionally, the lot is located in the Coastal Flood Resilience Overlay District, with a Base Flood Elevation of 18 feet. The proposal seeks to add new livable space at the basement level. The Planning Department recommends that the project be redesigned to ensure any new livable areas are above the Sea Level Rise (SLR) Design Flood Elevation (DFE).

This recommendation was created based on the plans titled "new 2-family 9-11 Sussex Street" prepared by RDR Construction and Home Design LLC on November 10, 2021.

Recommendation:

In reference to BOA1283550, The Planning Department recommends DENIAL WITHOUT PREJUDICE While the project is an appropriate use, design should be revised such that no

BOA1283550

2025-02-04

2 Planning Department



new living spaces are created below the Design Flood Elevation, due to its location in the GCOD the proposal should include a groundwater recharge system that must be submitted to the Boston Water & Sewer Commission for review, comment, and approval.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1671334
ZBA Submitted Date	2024-11-14
ZBA Hearing Date	2025-02-04
Address	14 Winthrop ST Roxbury 02119
Parcel ID	1200071000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	50
Project Description	Construct a community center with Neighborhood Birth Center (clinic), and shared office space, including parking for personal vehicles and ambulance.
Relief Type	Variance, Conditional Use
Violations	Front Yard Insufficient Use: Forbidden (Clinic) Use: Forbidden (Office) Use: Conditional (Community Center)

Planning Context:

This project proposes a neighborhood birthing clinic and community use spanning four parcels in Roxbury. The proposed project is located just outside the study area for Plan: Nubian Square, a neighborhood plan adopted by the BPDA Board in July 2019, focusing on economic development with respect to vacant parcels. The proposed project is within the study area of the larger Roxbury Strategic Master Plan, adopted in 2004. The RSMP identifies that need for neighborhood services and community facilities as part of mixed-use development in Roxbury.

Zoning Analysis:

The proposed project is located at the nexus of three zoning subdistricts. While the parcels are within the 3F-4000 residential subdistrict, they almost directly abut an MFR/LS subdistrict. There is a single vacant parcel, measuring 40' in width, separating the proposed project from the MFR/LS subdistrict. The zoning subdistrict across Winthrop Street is an RH (residential) subdistrict. The two parcels to the rear of the site are also in the 3F-4000 subdistrict, and are also vacant. Within the boundaries of the block of Winthrop Street included in the 3F-4000 subdistrict, there are no present residential uses. This condition represents a case for Zoning



Reform to align present conditions with the Zoning Code. The only other occupied parcel on this side of the block of Winthrop Street is a laundry/cleaner service in the MFR/LS subdistrict.

Given that the proposed project better aligns with the adjacent zoning subdistrict, the zoning violations cited in the refusal letter are compared against the regulations for the MFR/LS subdistrict in the following analysis. In Multifamily Residential/Local Services subdistricts in Roxbury, Community Center is an allowed use, Clinic is a conditional use, and Office is also a Conditional use. In alignment with the economic development goals of the adjacent PLAN: Nubian Square study area and the Roxbury Strategic Master Plan, Conditional Use permits are recommended for the uses of the proposed project. The remaining zoning violation is for a front setback dimension below the required minimum of 20 feet. The proposed project includes a setback of 6.5' for the front yard. The dimensional table for this front setback (Table F) include a footnote for Conformity with Existing Building Alignment. The only other building on this block of Winthrop Street is on the corner lot at the intersection of Winthrop Street and Warren Street, with the front facing Warren Street. This existing building also contains a setback from Winthrop Street approximating the proposed dimension of this project, aligning the proposal with existing conditions.

Recommendation:

In reference to BOA1671334, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Boston Landmarks Commission for design review.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1682064
ZBA Submitted Date	2025-01-07
ZBA Hearing Date	2025-02-04
Address	570 Warren ST Dorchester 02121
Parcel ID	1202682000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	50
Project Description	Join two adjacent lots with site improvements to add an ADA ramp and move parking spaces.
Relief Type	Variance
Violations	Parking or Loading Insufficient Usable Open Space Insufficient Rear Yard Insufficient Parking design and maneuverability

Planning Context:

The proponents are proposing to join two separate lots together into a one larger lot in order to make a shared parking lot and add a new ADA accessible ramp. On both lots there are multifamily houses that will remain the same in the proposed work. They are both along the rear lot line of the site allowing for a larger front yard. Presently the entirety of this front yard is a large paved parking lot accessed by two different curb cuts. One curb cut accesses the site from Warren Street; this curb cut would be closed with the project. The other curb cut accesses the site from Intervale Street and will remain. The existing site has six designated parking spaces and the remainder of the lot is used for parking but without any designated parking locations. The proposal will have six parking spaces. The existing houses are for lodging with 17 room stay capacity. The surrounding context is mostly multifamily residential with much less open space that the existing site has. In the same context many of the existing larger multifamily have limited to no parking provided. The planning department supports the installation of ADA accessible ramps to support increased accessibility across the city.

Zoning Analysis:

Presently the proposal has 4 violations. The rear yard is insufficient at 8 ft compared to the required 30 ft however this is an existing nonconformity with the existing houses that is not



being worsened or extended. This can be recommended for relief. The project is also triggering a violation for insufficient open space not fulfilling the 650 SF per unit requirement. It should be noted that this open space number is intended for three-family housing or less. The project is remaining a lodging with 17 units and will actually be increasing its amount of open space with less parking and more dedicated lawn space. This violation can be recommended for relief.

The proposed will have insufficient parking at six spaces while the code requires nine spaces. Adding additional parking spaces beyond the six provided now would require further loss of open space on the lots or require the existing structures to be demolished. The parking is also in what is required for the front yard however, the only way to have it not in this location would be to demolish the existing structures. Both of these violations can be recommended for relief.

Recommendation:

In reference to BOA1682064, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1681301
ZBA Submitted Date	2025-01-02
ZBA Hearing Date	2025-02-04
Address	65 Ballou AV Dorchester 02124
Parcel ID	1403766000
Zoning District & Subdistrict	Greater Mattapan Neighborhood 3F-5000
Zoning Article	60
Project Description	Construct two new 3-story, 3-unit affordable housing project supported by the Mayors Office of Housing.
Relief Type	Variance
Violations	Front Yard Insufficient Additional Lot Area Insufficient Parking or Loading Insufficient Usable Open Space Insufficient Rear Yard Insufficient Side Yard Insufficient Lot Area Insufficient

Planning Context:

The proponent has been awarded land and funding to forward the City of Boston’s “Welcome Home, Boston” program. This case proposes the construction of two, three-unit residential buildings across one parcel. The potential units will all be income-restricted. This case comes in conjunction with 71 Ballou Ave, which has its own ZBA case, BOA1681304.

“Welcome Home, Boston” is a housing development initiative started by the Mayor’s Office of Housing, which aims to develop new affordable homes. The site previously identified is part of Phase 2 of this program, which began in 2023. Community feedback was gathered to determine requirements to help shape the RFPs which were used to select developers for each of the parcels identified in Phase 2. Following this process, there was a 14-day comment period in the fall of 2024.

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



Zoning Analysis:

There are a total of 8 violations for this proposed project. The first 2 of these 8 violations is the lot area minimum and additional lot area per unit labels. The proposed project would require 5,000 square feet for the first three units, with an additional 2,500 per additional unit. The proposed project is located on a lot that is 4,000 square feet which is 1000 square feet under the minimum. The lot is generally in context with surrounding properties.

The next of these violations is in regards to the rear and side setbacks for the property. The zoning requires a rear yard setback of 30 feet. The proposed project would have a rear setback of 26 feet, 4 feet under the zoning minimum. The zoning for this parcel also includes a side yard setback of 10 feet. The proposed project would have side yards of five feet on both sides. These yard setbacks are also contextual to the general area.

The zoning requires 15 feet or the modal setback of neighboring properties. The property is meeting the 15 foot setback but not the modal setback. This has triggered the violation even though it is in compliance with the code; the modal front yard setback is much closer to the street.

The last set of violations are in regards to parking. The first of these violations is total parking space count. The zoning requires 1.5 spaces per unit or 4.5 for this project. The proposed building would have 3 new tandem parking spaces. Boston Transit Department Minimum parking ratios can act as a guideline for parking in new projects. The BTD ratio for this area is between 0 and .75 spaces per unit. The proposed project is inline with the guideline and its goals to reduce parking. In addition, the lot size is preventative to adding any parking to the project, as the side and front yards are already prohibitively small. This also leads into the final violation “off-street parking and loading maneuverability”. The parcel is too small to meet the maneuverability requirements, however, nearby development points to this being out of line with neighborhood character. The majority of neighboring properties on the block have tandem parking that is reflective of the drive lane proposed in this project.

This is a case for zoning reform to allow appropriate infill in neighborhood areas.

Recommendation:

In reference to BOA1681301, The Planning Department recommends APPROVAL WITH PROVISIO that plans be submitted to the Planning Department for review.



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Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1681304
ZBA Submitted Date	2025-01-02
ZBA Hearing Date	2025-02-04
Address	71 Ballou AV Dorchester 02124
Parcel ID	1403768000
Zoning District & Subdistrict	Greater Mattapan Neighborhood 3F-5000
Zoning Article	60
Project Description	Construct two new 3-story, 3-unit affordable housing projects supported by the Mayor’s Office of Housing. The two parcels are separated by an existing building.
Relief Type	Variance
Violations	Parking design and maneuverability Front Yard Insufficient Additional Lot Area Insufficient Parking or Loading Insufficient Usable Open Space Insufficient Rear Yard Insufficient Side Yard Insufficient Lot Area Insufficient

Planning Context:

The proponent has been awarded land and funding to forward the City of Boston’s “Welcome Home, Boston” program. This case proposes the construction of two, three-unit residential buildings across one lot. The potential units will all be income-restricted. This case comes in conjunction with 65 Ballou Ave, which has its own ZBA case, BOA1681301. While the projects are being presented in tandem, they are not directly adjacent. There is an existing two and a half-story residential building that provides a barrier between the two sites.

“Welcome Home, Boston” is a housing development initiative started by the Mayor’s Office of Housing, which aims to develop new affordable homes. The site previously identified is part of Phase 2 of this program, which began in 2023. Community feedback was gathered to determine requirements to help shape the RFPs which were used to select developers for each of the parcels identified in Phase 2. Following this process, there was a 14-day comment period in the fall of 2024.



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

Zoning Analysis:

There are a total of 8 violations for this proposed project. The first 2 of these 8 violations is the Lot area minimum and additional lot area per unit labels. The proposed project would require 5,000 square feet for the first three units, with an additional 2,500 per additional unit. The proposed project is located on a lot that is 4,000 square feet which is 1,000 square feet under the minimum. This means that the additional lot area per unit for this project is 0 square feet. While this is a violation, the building is in line with the scale of its neighbors. It has a similar footprint and lot area as its neighbors which points to the appropriate fit of the scale.

The next of these violations is in regards to the rear and side setbacks for the property. The zoning requires a rear yard setback of 30 feet. The proposed project would have a rear setback of 26 feet, 4 feet under the zoning minimum. The zoning for this parcel also includes a side yard setback of 10 feet. The proposed project would have side yards of just five feet on both sides. This is reflective of this area of the neighborhood. Many of the nearby buildings are built to the lot line on one side of the property, often to fit a drive lane. The neighbor to the south is evident of this. This development proposes a drive lane and fits within the scale of the neighborhood.

The front yard setback has also been flagged as one of the eight zoning violations. This is due to the nature of the front yard setback, which is 15 feet or the modal setback of neighboring properties. The property is meeting the 15 foot setback but not the modal setback. This has triggered the violation even though it is in compliance with the code.

The last set of violations are in regards to parking. The first of these violations is total parking space count. The zoning requires 1.5 spaces per unit or 4.5 for this project. The proposed building would have 3 new tandem parking spaces. Boston Transit Department Minimum parking ratios can act as a guideline for parking in new projects. The BTM ratio for this area is between 0 and 0.75 spaces per unit. The proposed project is inline with the guideline and its goals to reduce parking. In addition, the lot size is preventative to adding any parking to the project, as the side and front yards are already prohibitively small. This also leads into the final violation "offstreet parking and loading maneuverability". The parcel is too small to meet the



maneuverability requirements, however, nearby development points to this being out of line with neighborhood character. The majority of neighboring properties on the block have tandem parking that is reflective of the drive lane proposed in this project. This highlights the need for potential zoning reform to bring the code in line with the built form of the neighborhood.

Recommendation:

In reference to BOA1681304, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1681313
ZBA Submitted Date	2025-01-02
ZBA Hearing Date	2025-02-04
Address	85 Selden ST Dorchester 02124
Parcel ID	1702526000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-6000
Zoning Article	65
Project Description	Construct a three-story affordable housing building with two units.
Relief Type	Variance
Violations	FAR Excessive Side Yard Insufficient Height Excessive (stories)

Planning Context:

The proponent has been awarded land and funding to forward the City of Boston’s “Welcome Home, Boston” program. This case proposes the construction of a three story, affordable housing building with two units. The potential units will all be income-restricted. This case comes in conjunction with 85 Selden Street, which has its own ZBA case, BOA1681313.

“Welcome Home, Boston” is a housing development initiative started by the Mayor’s Office of Housing, which aims to develop new affordable homes. The site previously identified is part of Phase 2 of this program, which began in 2023. Community feedback was gathered to determine requirements to help shape the RFPs which were used to select developers for each of the parcels identified in Phase 2. Following this process, there was a 14-day comment period in the fall of 2024.

Selden Street has a wide variety of housing stock ranging between one and three family residential buildings. The parcel is immediately adjacent to a single family home on one side, and directly across the street from a triple decker. The area is quite transit rich, being 0.3 miles away from the Fairmount Line 936 South Station, and 0.2 miles away from the Morton Street at Selden Street bus stop- providing access to the 21 and 26 bus lines.



Zoning Analysis:

85 Selden Street exists in a 3F-6000 subdistrict within the Dorchester neighborhood district. There are three zoning violations for this project, all of which are related to dimensional regulations.

The side yard minimum for the subdistrict is 10 feet, and the proponent is proposing 6 feet, aligned with the existing context.

The number of stories allowed in the neighborhood is 2.5 stories while the proponent proposes three stories. There are at least three other buildings in the immediate vicinity that are also three stories (including one directly across the street) and so this distinction remains largely in context with the surrounding neighborhood. In addition, the house also has a gabled roof which further contextualizes it.

Finally, the ratio for FAR in the neighborhood is 0.4 while the proponent proposes 0.61. The proposed FAR is generally in context with surrounding buildings. Together, these represent a case for zoning reform to update dimensional regulations to better reflect existing context.

Recommendation:

In reference to BOA1681313, The Planning Department recommends APPROVAL WITH PROVISIO/S that plans be submitted to the Planning Department for review.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1681315
ZBA Submitted Date	2025-01-02
ZBA Hearing Date	2025-02-04
Address	106 Selden ST Dorchester 02124
Parcel ID	1702535000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-6000
Zoning Article	65
Project Description	This case proposes the construction of a three-story, affordable multi-family dwelling, comprised of six units
Relief Type	Variance
Violations	FAR Excessive Height Excessive (stories) Side Yard Insufficient Usable Open Space Insufficient Parking design and maneuverability Parking or Loading Insufficient

Planning Context:

The proponent has been awarded land and funding to forward the City of Boston’s “Welcome Home, Boston” program. This case proposes the construction of a three story, affordable multi-family dwelling, comprised of six units. The potential units will all be income-restricted. This case comes in conjunction with 85 Selden Street and 80 Selden Street which have their own ZBA cases, BOA1681313 and BOA1681309.

“Welcome Home, Boston” is a housing development initiative started by the Mayor’s Office of Housing, which aims to develop new affordable homes. The site previously identified is part of Phase 2 of this program, which began in 2023. Community feedback was gathered to determine requirements to help shape the RFPs which were used to select developers for each of the parcels identified in Phase 2. Following this process, there was a 14-day comment period in the fall of 2024.

Selden Street has a wide variety of housing stock ranging between one and three family residential buildings. The parcel is immediately adjacent to a three story, three family home, and a single family home on the other side. The area is quite transit rich, being 0.3 miles away from



the Fairmount Line 936 South Station, and 0.2 miles away from the Morton Street at Selden Street bus stop- providing access to the 21 and 26 bus lines.

Zoning Analysis:

106 Selden Street exists in a 3F-6000 subdistrict within the Dorchester neighborhood district. There are six total zoning violations for this project.

There are two violations related to parking including insufficient parking and design access to the driveway being less than 10 feet in width. The neighborhood requires 1.5 spaces per unit and the proponent is proposing six parking spaces. Given the planning context being a very transit rich neighborhood with access to the commuter rail and multiple bus lines, this is a sufficient amount of parking. With regards to the 10 foot width of the driveway, the proponent is slightly off- accommodating 9 feet in width.

Furthermore, the side yard minimum for the subdistrict is 10 feet, and the proponent is proposing 5 feet; this is not a sharp departure from the surrounding context.

The number of stories allowed in the neighborhood is 2.5 stories while the proponent proposes three stories. There are at least three other buildings in the immediate vicinity that are also three stories and so this distinction remains largely in context with the surrounding neighborhood.

There is another violation related to the amount of usable open space. The amount of usable open space required in the neighborhood is 600 square feet per unit. This would require the project to have 3,600 square feet, while the proponent is proposing a total of 1168 square feet. The parcel is less than a mile away from Gladeside park in Mattapan, as well as within a short driving distance from Dorchester Park, Roberts playground and Walsh playground.

Finally, the ratio for FAR in the neighborhood is 0.4 while the proponent proposes 0.58. Future zoning reform could update dimensional and other zoning regulations to allow this type of appropriate infill development.

Recommendation:

In reference to BOA1681315, The Planning Department recommends APPROVAL WITH PROVISIO/S: 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	BOA1681309
ZBA Submitted Date	2025-01-02
ZBA Hearing Date	2025-02-04
Address	80 Selden ST Dorchester 02124
Parcel ID	1702542000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-6000
Zoning Article	65
Project Description	Construct a three-story three-unit affordable residential building.
Relief Type	Variance
Violations	FAR Excessive Side Yard Insufficient Height Excessive (stories)

Planning Context:

The proponent has been awarded land and funding to forward the City of Boston’s “Welcome Home, Boston” program. This case proposes the construction of a three-story, three-unit building. The potential units will all be income-restricted. This case comes in conjunction with 85 Selden Street, which has its own ZBA case, BOA1681313.

“Welcome Home, Boston” is a housing development initiative started by the Mayor’s Office of Housing, which aims to develop new affordable homes. The site previously identified is part of Phase 2 of this program, which began in 2023. Community feedback was gathered to determine requirements to help shape the RFPs which were used to select developers for each of the parcels identified in Phase 2. Following this process, there was a 14-day comment period in the fall of 2024.

Selden Street has a wide variety of housing stock ranging between one-and three-family residential buildings. The parcel is immediately adjacent to a single family home on one side, and a two-family home on the other. The area is quite transit rich, being 0.3 miles away from the Fairmount Line 936 South Station, and 0.2 miles away from the Morton Street at Selden Street bus stop- providing access to the 21 and 26 bus lines. In addition, the adjacent parcels as well as the parcel across the street, also have minimal side yard allotments. There are also several



triple decker homes surrounding the project, for example, two next door to the north west side of the parcel. The adjacent parcels built to a similar scale of this proposal also have similar FAR ratios, for example the neighboring tripping decker has a FAR of 0.54, compared to the neighborhood maximum of 0.4.

Zoning Analysis:

80 Selden Street exists in a 3F-6000 subdistrict within the Dorchester neighborhood district. There are three zoning violations for this project, all of which are related to dimensional regulations.

The side yard minimum for the subdistrict is 10 feet, and the proponent is proposing 8 feet 9 inches on one side, and 12.6 feet on the other side (which includes a driveway). This is aligned with the surrounding context. As mentioned early, many of the adjacent parcels, as well as the parcel across the street, have very minimal side yard allotments.

The number of stories allowed in the neighborhood is 2.5 stories while the proponent proposes three stories. There are at least three other buildings in the immediate vicinity that are also three stories and so this distinction remains largely in context with the surrounding neighborhood.

Finally, the ratio for FAR in the neighborhood is 0.4 while the proponent proposes 0.54. As mentioned earlier, the adjacent parcels built to a similar scale of this proposal also have similar FAR ratios. For example the neighboring tripping decker has the same FAR of 0.54, compared to the neighborhood maximum of 0.4.

Recommendation:

In reference to BOA1681309, The Planning Department recommends APPROVAL WITH PROVISIO/S that plans be submitted to the Planning Department 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	BOA1671922
ZBA Submitted Date	2024-11-18
ZBA Hearing Date	2025-02-04
Address	303 Sumner ST East Boston 02128
Parcel ID	0104874000
Zoning District & Subdistrict	East Boston Neighborhood 3F-5000
Zoning Article	53
Project Description	Add takeout and outdoor dining to an existing restaurant
Relief Type	Variance
Violations	Forbidden use Nonconforming use change Extension of Nonconforming Use

Planning Context:

The proposed project would change the use permit for the building to allow for outdoor seating and take-out from an already existing restaurant. The restaurant in question is on the first floor of a triple decker with an already existing outdoor patio space to the rear. There will be no construction taking place on the building as this case only pertains to use changes. This area of East Boston is characterized by its step down in height and density as one travels along the street from the commercial core of Maverick Square. This type of built structure is conducive to small first floor retail businesses that allow for neighborhoods to thrive without a dependency on cars. Its close proximity to public transit at the Maverick Square MBTA Blue Line Station also promotes this proposal. Plan: East Boston” calls to treat Sumner Street as an extension of the Maverick Square area and as a “transition” between the Jeffries Point area and the Airport. “Transition” residential districts will allow a modest increase in height and density and encourage active ground floor uses.

The proposed project's activation of the ground floor helps to support these goals and create a more active streetscape that helps create a community even as one approaches Logan Airport. The proposed project was submitted in March of 2024, less than a month before updated zoning for East Boston under Article 53 was adopted by the Boston Zoning Commission. Therefore, this refusal is based upon the previously existing zoning. Under the new East Boston zoning,



this project would be allowed as of right, as the code does not differentiate between restaurants with or without takeout and outdoor dining. The newly adopted zoning will eliminate all refusals this project currently presents.

Zoning Analysis:

The proposed project triggers three zoning violations: Nonconforming Use, Nonconforming Use Change, Extension Of Nonconforming Use. All three of these are triggered by the activation of the existing outdoor patio and the proposal to allow for takeout.

The existing restaurant is already a conditional use, which triggers the extension of a non conforming use violation. This use has already been granted permission from the ZBA in order to operate as they currently are. The change to takeout and outdoor seating is forbidden under the 3F-5000 zoning code which triggers both the forbidden uses and the nonconforming use change violation. However, as previously stated, this area of East Boston has been identified as a transitional zone between the airport and Maverick Square and PLAN: East Boston looks to retain existing small businesses. By increasing ground floor activation, the entire area becomes more hospitable to pedestrians and residents alike.

As stated in the planning context, if the project were to be reviewed under the new East Boston zoning, the refusals would not be present.

Recommendation:

In reference to BOA1671922, The Planning Department recommends APPROVAL.



Planning Department

CITY of BOSTON

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1575584
ZBA Submitted Date	2024-02-28
ZBA Hearing Date	2025-02-04
Address	81 Lexington ST East Boston 02128
Parcel ID	0102918000
Zoning District & Subdistrict	East Boston Neighborhood 2F-2000
Zoning Article	53
Project Description	Erect a three-story mixed-used building on a newly created 3,706 square foot lot. Building will consist of one local retail space at grade with eight residential units above. The project scope includes basement units, balconies, and a common roof deck. Proposed demolition of the existing building is tied to a separate permit.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (ft) Height Excessive (stories) Rear Yard Insufficient Side Yard Insufficient Existing Building Alignment Parking or Loading Insufficient Forbidden Use (MFR); Forbidden Use (Local Retail); Forbidden Use (Basement Units)

Planning Context:

The proposed project has its ZBA hearing deferred three times: on 9/24/24, 10/29/24, and 12/3/24. The BPDA provided recommendations for denial without prejudice for each project iteration, citing design concerns relating to the project's proposed scale, setbacks, and excessive unit count as grounds for the denials. While the proponent has shared their intent to update the proposed project's designs to resolve that stated condition, those updates have yet to be submitted to/reviewed by ISD. Because of this, the Planning Department's initial project recommendation remains here, unchanged.

The proposed project sits in an established residential area in the Eagle Hill area of East Boston. Its surroundings consist of 2.5-story to 4-story structures with single-family to multi-



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

The proposed project is sited on a corner parcel currently occupied by a 2.5-story three-family residential structure and a 38' x 50' surface parking lot. It seeks to demolish the site's existing structure and surface parking to erect a new 3-story mixed-use building, consisting of 8 dwelling units (including basement units and a common roof deck) and 1 ground-level local retail space.

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

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

Zoning Analysis:

The proposed project has been cited with 10 zoning violations relating to use, scale, and parking regulations. These citations are listed upon the project's most recent refusal letter,

BOA1575584

2025-02-04

2 Planning Department



dated 2/27/24. Since that initial filing, updated zoning for the East Boston neighborhood was adopted by the Zoning Commission (on 4/24/24).

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

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

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

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



the project), this condition is one commonly found throughout the Eagle Hill area, including on ~85% of the lots on the proposed project's immediately surrounding blocks.

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

Plans reviewed titled, "81 Lexington Street, Boston, MA 02128," prepared by 686 Architects on 9/11/23.

Recommendation:

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

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1622743
ZBA Submitted Date	2024-07-03
ZBA Hearing Date	2025-02-04
Address	8 to 8A Hudson ST Boston 02111
Parcel ID	0305312000, 0305311000
Zoning District & Subdistrict	Chinatown Historic Chinatown Protection Area
Zoning Article	32, 43, 49A
Project Description	Combining two vacant parcels and constructing a six-story building with restaurant on the first and second floors and eight residential units on the third through sixth floors.
Relief Type	Variance, Conditional Use
Violations	GCOD Applicability Parking or Loading Insufficient Use: Conditional (1st Floor Take-Out) Use: Conditional (2nd Floor Take-Out) Use: Forbidden (Ground Level Take-Out)

Planning Context:

This project was deferred at the November 26, 2024 Zoning Board of Appeal Hearing; the plans and refusal letter have not been updated since, and the Planning Department recommendation remains the same.

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

This area has a prominent and consistent typology of first and second-floor restaurants with residential units on the upper floors. The ongoing Chinatown Rezoning Process has identified this site within a proposed Community Commercial Area, where there is a high concentration of culturally Chinese shops and restaurants, with fine-grained parcelization and building typology. An initial goal of the rezoning effort for this area is to maintain these smaller active storefronts and allow for businesses to operate on upper floors of buildings. Also, a broad goal of the



Chinatown Rezoning Process is to enable more housing development, which was called out specifically through the adopted PLAN: Downtown (2023). Given the surrounding context of similar building typologies and land uses, and consistency with the ongoing Chinatown Rezoning Process, this is an appropriate project for the site.

Zoning Analysis:

The project is cited for several use-related variances. Take-Out restaurants are conditional for the 1st and 2nd floors within this Historic Chinatown Protection Area Subdistrict. This site is located within the Greenway Overlay District, pursuant to Article 49A. Section 49A-5.1 states that uses with Priority Greenway Frontages that are located on the ground level...are limited to Allowed or Conditional Ground Level Uses, as listed in Appendix A of this Article." Take-out restaurant uses are listed as a conditional use in Appendix A, not a forbidden use, meaning the Zoning Refusal Letter incorrectly stated that this use is forbidden.

In granting conditional use for take-out, the Board of Appeal must find that the conditions in Article 6 are met; the proposed use will not ostensibly adversely affect the neighborhood, will not present a hazard to vehicles or pedestrians, will not create a nuisance, has the appropriate facilities to operate the use, and is in an appropriate location. Given the prominence of restaurants that include take-out in this area and the character of this being a vibrant and walkable neighborhood, take-out is an appropriate use here.

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

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

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

Recommendation:

In reference to BOA1622743, The Planning Department recommends APPROVAL that plans shall be submitted to the Department of Parks and Recreation for review, the plans shall be



Planning Department

CITY of BOSTON

reviewed and approved by the Boston Water & Sewer Commission due to its location within the Groundwater Conservation Overlay District (GCOD).

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1542657
ZBA Submitted Date	2023-11-03
ZBA Hearing Date	2025-02-04
Address	548 E Third ST South Boston 02127
Parcel ID	0603284000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	Construct three unit residential building with on site parking.
Relief Type	Variance
Violations	Roof Structure Restrictions Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Additional Lot Area Insufficient Parking design and maneuverability Parking or Loading Insufficient

Planning Context:

This project was last heard by the Zoning Board of Appeal on March 26, 2024. As no new plans have been submitted, the Planning Department recommendation remains the same.

The proponent seeks to demolish an existing two-story, detached single-family residential building, and erect a three-story, three-family residential building that will have a garage on the ground floor.

The project is located within a MFR subdistrict in the South Boston Neighborhood District. MFR subdistricts encourage medium-density multifamily development. The project lies within the South Boston Transportation Action Plan’s (SBTAP) study area. The goal of SBTAP is to evaluate transportation challenges in South Boston and to recommend improvements that can be implemented immediately. Some of the challenges identified through this plan include the increasing demand for parking due to increasing population growth and limited transportation options available in South Boston.



This project's creation of two parking spaces for three housing units aligns with the goals of SBTAP to reduce parking and reliance on cars, and improving access and reliability of other forms of transportation (e.g. buses, bikes). The project site's surrounding area largely consists of three-story, and some four-story residential buildings. Within the block of E Third St. that the project site sits, there is a mix of condominium, apartment buildings, single-family homes, with three condo developments across the street from the proposed project. The increased housing units proposed in this project aligns with the City's goals to develop more housing, per Imagine Boston 2030 and Housing a Changing City: Boston 2030 (2018).

Due to the still limited transportation options available for this area, car usage is high. A few buildings have ground-floor garages (e.g. 543 and 545 E. Third St.) and driveways (e.g. 549 E. Third St.), but most residents rely on street parking. The development of additional curb cuts for ground floor garages will interrupt the largely continuous sidewalk on the block.

Zoning Analysis:

Many of the violations are because of the existing conditions of the site and structure on the parcel. The existing property is less than 1,280 sf, which is less than the minimum lot area of the South Boston MFR district (2,000 sf). Given that the existing building will be torn down, the new building would require variances given the lot size and existing neighborhood context.

Other violations raised are due to the proposed project's new density. The new project intends to be built at an FAR of 2.9, greatly exceeding the 2.0 FAR limit for MFR subdistricts, and is out of context with other adjacent properties, including: 524 E Third St. (2.1 FAR), 540 E. Third Street (1.8 FAR), 207 K Street (1.2 FAR).

The new project will take up a larger building footprint than the existing building structure, partially due to the addition of an outdoor porch on all four future floors. The new building footprint will reduce the amount of open space due to its expansion into the rear and side yard, which challenges open space requirements per unit. The new project will also replace the existing mansard roof with a flat roof to accommodate the fourth floor, which will require Board of Appeal review.

Lastly, the proposed project raises violations due to insufficient parking. The project is proposing a first floor garage that will accommodate two cars, which is less than the five parking spaces that the project would require for three units under current zoning. While the proposed project supports planning goals of reducing car reliance, the proposal still faces challenges due to the



narrowness of the parcel, creating maneuverability challenges for the proposed garage. The garage should be adjusted so that it can adequately support the appropriate number of parking spaces or be removed altogether.

The plans entitled NEW THREE UNIT BUILDING, 548 EAST THIRD STREET - BOSTON, MASSACHUSETTS prepared by AESTHETIC IMAGES on April 12, 2022 were used in preparation of this recommendation.

Recommendation:

In reference to BOA1542657, The Planning Department recommends DENIAL WITHOUT PREJUDICE. While the use is appropriate for the MFR district and the small lot size makes zoning relief appropriate, the proponent should consider a project that reduces building massing and area devoted to parking in order to improve parking maneuverability and increase usable open space.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1649361
ZBA Submitted Date	2024-09-04
ZBA Hearing Date	2025-02-04
Address	58 Baxter ST South Boston 02127
Parcel ID	0600763000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	Construct a four-story residential building with on site parking for a total of six units.
Relief Type	Variance
Violations	Parking or Loading Insufficient Roof Structure Restrictions Existing Building Alignment FAR Excessive Usable Open Space Insufficient Side Yard Insufficient Rear Yard Insufficient Additional Lot Area Insufficient Flood Hazard Districts

Planning Context:

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

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

Zoning Analysis:



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

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

As proposed, this project contains a zero-lot-line condition at the building front. This condition is contextual with other existing structures along Baxter Street, suggesting the Existing Building Alignment violation does not apply in this case. Adjacent buildings in the area also contain lot coverage above that defined by zoning, minimizing side, front, and rear setbacks. This higher density condition also affects the FAR of the projects, misaligning the FAR with the maximum required by zoning. Neighboring examples include the buildings at 62-64 Baxter Street and 109 7th Street.

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



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

Recommendation:

In reference to BOA1649361, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to the proposed curb cut, compliance with Article 25A, and design of the roof structures.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1650690
ZBA Submitted Date	2024-09-09
ZBA Hearing Date	2025-02-04
Address	165 D ST South Boston 02127
Parcel ID	0600693000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	Build a two-story addition containing two dwelling units on top of an existing convenience store.
Relief Type	Variance
Violations	Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Parking or Loading Insufficient Screening and Buffering

Planning Context:

The existing site is a one-story convenience store with a basement for storage. The proponent seeks to build two more additional stories on top to provide two residential units. The proposed new floors would extend the rear of the existing building but follow all other existing yard setbacks. Along D Street, lots have rear yards similar to that of the existing building; some have larger rear yards. The proposal also exists within the Coastal Flood Resiliency Overlay District but adds residential units on upper floors, well above the Sea Level Rise Design Flood Elevation.

Zoning Analysis:

The proposed project would extend existing nonconformities for side and front yard setbacks. The side yard setback required is 3' while the project has one side at 1'-10" and the other at 1'-3". The neighboring buildings are setback enough distance from this building accounting for fire safety. The front yard setback required is 5' and the project would continue the existing front yard of 0'-8". These are existing nonconformities which can remain as long as they are not being worsened as explained in Section 68-35. These would not be considered violations. However the rear setback requirement is 20' while the existing is 14'-6 1/2" and the proposed



setback would be 3'-10" with the new floor area on the upper floors. This new floor area will purely serve as apartment space with decks in the back and there will be no second means of egress. This would worsen the already existing nonconformity and be out of alignment with the existing context. This should be adjusted to stay within the bounds of the existing rear yard setback.

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

Recommendation:

In reference to BOA1650690, The Planning Department recommends APPROVAL WITH DESIGN REVIEW with attention to increasing the rear yard to align with the existing building and not worsen the nonconformity.

Reviewed,

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

Planning and Zoning Director, Planning Department

MEMORANDUM

September 12, 2024

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

FROM: CASEY HINES, SENIOR DEPUTY DIRECTOR OF DEVELOPMENT REVIEW
NUPOOR MONANI, SENIOR DEPUTY DIRECTOR OF DEVELOPMENT
REVIEW
STEPHEN HARVEY, SENIOR PROJECT MANAGER
SCOTT GREENHALGH, PROJECT MANAGER
ADAM JOHNSON, URBAN DESIGNER
SAM ROY, SENIOR TRANSPORTATION PLANNER
FORD DELVECCHIO, ZONING COMPLIANCE REVIEWER

SUBJECT: 295 WEST FIRST STREET, SOUTH BOSTON

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority (“BRA”) d/b/a the Boston Planning & Development Agency authorize the Director to: (1) issue a Scoping Determination waiving further review pursuant to Article 80, Large Project Review of the City of Boston Zoning Code (the “Zoning Code”) for the 295 West First Street project (the “Proposed Project”, defined below) in the South Boston neighborhood of Boston; (2) issue a Certification of Compliance under Section 80B-6 of the Code upon successful completion of the Article 80 review process; (3) enter into an Affordable Rental Housing Agreement and Restriction, if necessary, or require the same be executed by and between the Proponent and the Mayor’s Office of Housing, and a Cooperation Agreement in connection with the Proposed Project; and (4) take any other actions and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The project site is a combined 1.46-acre corner lot located on two (2) parcels to be combined at 291 and 295 West First Street in Boston's South Boston neighborhood (the "Project Site" or "Site"). The Site is bound by West First Street to the north, E Street to the east and West Second Street to the south.

The Site is situated within a formerly industrial area of South Boston St. Vincent's Lower End section. The adjacent and surrounding parcels to the Site consist of a long-existing five-story residential building directly across E Street to the east), an immediately adjacent industrial seafood processing plant with a non-descript single-story building, unimproved asphalt surface areas and a commercial billboard at the shared property line to the west (which was recently approved for a new five-story residential building), a number of industrial/commercial structures, with surface laydown and commercial parking areas to the north and west, with two to four story residential buildings at the south.

The Site also is near to public transit, including several bus lines along West Broadway and West Seventh Street. The Site is also approximately one-half mile from the Broadway MBTA Red Line Station.

DEVELOPMENT TEAM

The Project Team consists of the following entities:

Proponent:	JSIP West First Street, LLC c/o Jones Street Investment Partners 100 Federal Street, Floor 20 Boston, MA 02110 Matt Frazier; Eric LeClair
Legal Counsel/Outreach:	McDermott Quilty Miller & Hanley LLP 28 State Street, Suite 802 Boston, MA 02109 Joseph Hanley, Esq. - Partner Nicholas Zozula, Esq. - Partner
Architect:	Prellwitz Chilinski Associates 221 Hampshire Street

Cambridge, MA 02139
(617) 574-8120
David Chilinski; Lauren Portney; Robert Leyen

Article 80
Permitting Consultant: Epsilon Associates, Inc.
3 Mill & Main Place, Suite 250
Maynard, MA 01754
Geoff Starsiak

Transportation Planner / Engineer: Howard Stein Hudson
11 Beacon Street, Suite 1010
Boston, MA 02108
Ian McKinnon; Christa Lucas

Civil Engineer: Howard Stein Hudson
11 Beacon Street, Suite 1010
Boston, MA 02108
Rick Latini and Madison Blanchard

Landscape Architect: Verdant Landscape Architecture
318 Harvard St #25,
Brookline MA, 02446
Katya Podsiadlo

Programming Consultant: Artico
15 Channel Center Street
Boston, MA 02210
Raber Umphenour

DESCRIPTION AND PROGRAM

The Proponent proposes a six (6) story, approximately 224,600 square foot mixed-use residential building with 236 residential rental units. The residential program will include 34 studios, 60 studio-plus units, 69 one-bedroom units, 33 one-bedroom-plus-den units, 34 two-bedroom units, and six (6) three-bedroom units. Thirty-six (36) units will be income-restricted to meet and exceed the requirements of the Inclusionary Development Policy.

The ground floor of the new building will include approximately 6,030 square feet of community space accessible from both West First Street and its new “Yard of Second”, and approximately 2,570 square feet for a community café. The proposed project will also contain publicly accessible open space of up to approximately 5,900 square feet. 125 parking spaces will be located at-grade and hidden by the new building’s ground floor program (on its south, west, and north sides), with interior storage for up to 240 bicycles.

The Proponent plans to commence construction of the Proposed Project in 2025. There are an estimated 600+/- construction jobs contributing to the Proposed Project and approximately ten (10) new permanent jobs in the property management and leasing areas. The total development cost, excluding land and financing costs, is approximately One Hundred and Ten Million Dollars (\$110,000,000).

The table below summarizes the Proposed Project’s anticipated key development metrics.

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	259,987
Gross Floor Area	224,567
<i>Residential</i>	215,964
<i>Office</i>	0
<i>Retail</i>	8,603
<i>Lab</i>	0
<i>Medical Clinical</i>	0
<i>Education</i>	0
<i>Hotel</i>	0
<i>Industrial</i>	0
<i>Recreational</i>	0
<i>Cultural</i>	0
<i>Parking</i>	27,898
Development Cost Estimate	\$110,000,000
Residential Units	236

<i>Rental Units</i>	236
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	36
Parking spaces	125

ARTICLE 80 REVIEW PROCESS

On September 22, 2023, the Proponent filed a Letter of Intent (“LOI”) in accordance with the BPDA’s policy regarding the Provision of Mitigation by Development Projects in Boston. On September 27, 2023, letters soliciting nominations for the Impact Advisory Group (“IAG”) were delivered to local and state elected officials. On December 20, 2023, the IAG was finalized with six (6) members.

The Proponent filed a Project Notification Form (“PNF”) for the Proposed Project on December 21, 2023, which initiated a thirty-(30) day public comment period which was subsequently extended to close on February 9, 2024. Notice of the receipt of the PNF by the BPDA was published in the Boston Herald on December 21, 2023. The notice and PNF were sent to the City’s public agencies/departments and elected officials.

Pursuant to Section 80B-5.3 of the Code, a Scoping Session was held on January 16, 2024, with the City’s public agencies and elected officials to review and discuss the Proposed Project.

The BPDA also held the following public meetings on the Proposed Project: an IAG meeting on January 16, 2024; a public meeting on January 31, 2024; an IAG meeting on June 24, 2024; and a public meeting on July 9, 2024. The meetings were advertised in local newspapers and on the BPDA website and distributed to the BPDA’s South Boston email list.

The Proponent also met with the Boston Civic Design Commission (“BCDC”) on February 6, 2024, March 19, 2024, May 21, 2024, and June 25, 2024.

PLANNING CONTEXT

The proposed multifamily residential use is permitted within the MFR Zoning Subdistrict. The 2011 planning and rezoning initiative for West First Street, codified

in Article 68 envisioned a residential context to the west the corridor and a more industrial fabric to the east, closer to the waterfront. When this zoning was adopted, it was presumed that properties along the Reserved Channel would continue to be characterized by industrial and surface parking uses in the long term. Subsequent years have seen an evolution of uses in the neighborhood, including the addition of residential uses in the immediately adjacent area.

While the Proposed Project exceeds zoning dimensional maximums, Planning and Urban staff worked to refine a building massing that is contextually consistent with the ongoing evolution of West Second and West First streets. Staff review also focused on improvements to the surrounding public realm, including new widened sidewalks, upgraded street intersections for enhanced pedestrian safety, and the protection and addition of street trees to create a robust canopy around the site perimeter.

ZONING

The Site is situated within South Boston's Multifamily Residential Zoning Subdistrict ("MFR") and regulated pursuant to Article 68 of the Zoning Code, which Allows the Proposed Project's proposed Multifamily Residential Use and prohibits the Proposed Project's Takeout Restaurant Use, Local Retail Use, and Art Gallery/Art Use, but limits certain dimensional, density, lot, floor area, and other requirements (by Variance). The Site is also located within a Restricted Parking Overlay District ("RPOD"), Restricted Roof Structure Overlay District ("RRSOD"), Coastal Flood Resilience Overlay District ("CFROD"), and South Boston Parking Freeze Residential Zone.

As the Proposed Project exceeds 50,000 square-feet of new construction at this location in the South Boston neighborhood, it is subject to the BPDA's Large Project Review regulations, pursuant to Article 80 of the Code. In modifying the Proposed Project to a final on-site parking allotment as detailed above, the off-street parking and loading program was carefully reviewed and determined by the BPDA, pursuant to the provisions of Article 80B of the Code.

In particular, the Proposed Project is subject to, and anticipates obtaining special approvals and relief from the following regulations of the Code, including but not limited to the following:

1. Article 68, Section 7 – Takeout Restaurant Use Forbidden
2. Article 68, Section 7 – Local Retail Use Forbidden

3. Article 68, Section 7 – Art Gallery/Art Use Forbidden
4. Article 68, Section 8 – Additional Lot Area Insufficient
5. Article 68, Section 8 – Floor Area Ratio Excessive
6. Article 68, Section 8 – Building Height Excessive
7. Article 68, Section 8 – Usable Open Space Insufficient
8. Article 68, Section 8 – Minimum Front Yard (West First Street Only)
9. Article 68, Section 8 – Minimum Side Yard
10. Article 68, Section 29 – Roof Structure Restrictions
11. Article 68, Section 33 – Off Street Parking Design and Maneuverability (Stackers and Tandem Parking Spaces)

Design elements of the Proposed Project will also be subject to Large Project Review.

MITIGATION AND COMMUNITY BENEFITS

The Proposed Project will provide a number of benefits to the South Boston neighborhood and the City of Boston as a whole, including the following:

- Creation of a publicly accessible open space park area of approximately 5,900 square feet at the corner of West Second Street and E Street that will be bordered by the main building lobby, ground floor community and retail uses.
- Inclusion of approximately 6,030 square feet of ground floor community, cultural, and retail space to create a strong connection between the Project and the existing fabric of the neighborhood. The developer will enter into a long-term, below-market-rate lease with a non-profit organization as an anchor tenant for the space. The space will be conditionally leased to the non-profit anchor tenant under an operating agreement which will ensure accessibility for groups with similar needs. As part of the agreement, the developer will deliver the space as a warm white shell and provide ongoing logistical support and advisement to the anchor tenant(s) in managing and operating the facility to ensure success. If a suitable anchor tenant cannot be identified, the developer may coordinate interim use among various community groups until one is found. The details of this arrangement will be further codified in the Cooperation Agreement of the project, in coordination with the BPDA.
- Significant improvement of pedestrian safety, enhanced connectivity and overall aesthetic of the Site and its immediate area, by removing and replacing

approximately 69 linear feet of multiple excessive curb cuts, chain-linked fencing, and inaccessible sidewalk conditions along both West First and West Second Streets, with a new public realm to meet Complete Streets standards and guidelines;

- Planting and continued maintenance of up to 24 (twenty-four) new street trees, along with the Proposed Project's new widened sidewalks and related streetscape improvements (above). These improvements may be subject to a public pedestrian easement through the Public Improvement Commission ("PIC").
- Design, construction and implementation of a new raised crosswalk at the intersection of West First and E Street, and a raised intersection at West Second Street and E Street, for enhanced pedestrian safety and connectivity in the immediate area, with safe and improved access to the Proposed Project's new Yard of Second and active ground floor community and local retail space.
- The ability to create up to eleven (11) new on-street parking spaces for South Boston residents, by eliminating the Site's excessive curb cuts (above).
- Improvement of environmental conditions at the Site by eliminating a large surface parking lot and removing the long-time non-descript warehouse and crane yard at the Site, along with removal of potential contaminated soils on Site.
- Closure of existing large curb cuts at the Site to provide new on-street parking along West First Street.
- Inclusion of a dog run on Site for residents to reduce potential burden on neighborhood infrastructure and open space, along with outdoor courtyards to provide open space for residents.
- Before the issuance of the Certificate of Occupancy from the City of Boston Inspectional Services Department, the Proponent will make a one-time monetary contribution of \$50,000.00 for parks and open space improvements in the vicinity of the Project Site. The financial contribution shall be made payable to the "Fund for Boston Parks and Recreation," or another entity as directed by the BPDA.

- Before the issuance of the Building Permit, the Proponent will make a one-time “bikeshare” contribution of \$68,0831.11 to BTM per the City of Boston Bike Parking Guidelines.
- The Proponent will provide space for one (1) bikeshare station. The Proponent will work with BTM and staff to site this station appropriately. The bikeshare station may require Administrative Review by PIC.

The proposed scope of any in-kind work agreed to by the Proponent shall be developed in consultation with the BPDA and appropriate city agencies, departments, and commissions and the allocation of any financial contributions shall first be provided to the BPDA for disbursement to the specified entity or organization. The details of any in-kind work and the allocation of any financial contributions shall be incorporated into the Cooperation Agreement between the Proponent and the BPDA. To the greatest extent possible, the Proponent will provide the BPDA with evidence indicating that the previously referenced mitigation and community benefits have been satisfied.

All sidewalk and streetscape improvements are subject to design review and may require approval for a Specific Repairs Action with PIC.

BPDA-approved construction signage must be installed at the project construction site before and during the construction of the Proposed Project. The signage must be in the form of panels at highly visible locations at the construction site or around the construction site perimeter and must be adjacent to each other. The BPDA will work with the Proponent to provide high-resolution graphics that must be printed at a large scale (minimum of 8 feet by 12 feet).

SUSTAINABILITY & RESILIENCY

Article 37

- In support of Boston’s carbon neutral goals, the Proposed Project will be designed and constructed to be Zero Net Carbon, LEED v4 Gold / 61 points certified, and Passive House compliant with a Building 2035 predictive carbon emissions (pCEI) value of 1.00 kg CO₂e/sf-yr.

- The proposed building will include a well-insulated air-tight enclosure and efficient electric heat pump space conditioning and DHW heating systems with energy recovery ventilation, all-electric EnergyStar rated appliances and a window to wall ratio (WWR) between 18-24%.
- The Proposed Project will install 180 kW solar PV and has committed to purchasing 100% renewable electricity for common building loads and setting up residential meters using the Boston Community Choice Electricity Program's "Green 100" option (100% renewable) and informing new residents of the building's green features, the benefits of using renewable electricity, and their ability to opt down or out at any time at no cost.
- Additionally, to minimize embodied carbon impacts and include healthier durable material, the Proposed Project is recommended to complete a Life cycle analysis (LCA) and achieve 8 points under the LEED Material & Resource category.

Smart Utilities

- On-going review of stormwater retention and/or management over the impervious area and confirmed on updated utility site plan, that the proposed infrastructure does not conflict with other utilities.
- On-going review of trees, permeable pavers, if used, and other green infrastructure features on the right-of-way, where applicable based on the scope of work; (to be reviewed as part of on-going review processes with Urban Design and PIC).
- Verification of compliance with the City of Boston EV Readiness Policy for New Developments, including EV chargers and needed infrastructure. Project shall provide 25% of total parking EV charging space on site. The proponent will outfit the remaining 75% of parking spaces to be EV ready as defined by the BTM EV Readiness Policy for New Large Developments.
- A Utility Site plan showing the infrastructure in the bullets above, as well as all other relevant utility infrastructure, as needed in on-going future reviews with Urban Design and PIC, including electric connection for streetlights.

- A plan to address relevant conflicts reported through COBUCS if/as relevant. Project team and the contractor will continue to work with BTU and Smart Utilities, as needed.

AFFIRMATIVELY FURTHERING FAIR HOUSING

The Proposed Project will incorporate the following Affirmatively Furthering Fair Housing (AFFH) Interventions:

Article 80 Interventions

- Provide an additional percentage of IDP Units than required;
- Provide a higher proportion of 2+ bedroom IDP units through the inclusion of additional IDP three-bedroom units;
- Provide all IDP Units on-site.

Marketing and Housing Access Interventions

- Develop and abide by a tenant screening policy for market rate units requiring that CORI, credit scores, and eviction history be assessed on an individualized basis rather than implementing a blanket policy that excludes applicants with CORIs, certain credit scores, and/or eviction histories;
- Work exclusively with local, multilingual, and culturally competent leasing agents;
- Market all units in all of Boston's dominant languages;
- Market all units across media types (print, social, audio, digital, etc.); and
- Describe IDP units and link to MetroList and/or other listings for IDP units on the Project's marketing website.

The Proponent must submit to the Boston Interagency Fair Housing Development Committee a market-rate unit marketing plan and policy detailing the specific Marketing and Housing Access Interventions stated above.

INCLUSIONARY DEVELOPMENT COMMITMENT

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 ("IDP"), and is located within Zone B, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. In this case, thirty-six (36) units within the Proposed Project will be created as IDP rental units (the "IDP Units") or 15.25%, with thirty-one (31) of the IDP units made affordable to households earning not more than 70% of the Area

Median Income (“AMI”), and five (5) of the IDP units made affordable to households earning not more than 100% of the AMI, as determined by the U.S. Department of Housing and Urban Development and published by the BPDA.

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

Unit Number	Number of Bedrooms	Square Footage	Percentage of AMI	Rent	Group-2 Designation
204	Studio +	569	70%	\$1,330	
211	One-bedroom	744	70%	\$1,559	Group-2A
212	Studio +	554	70%	\$1,330	
215	Two-bedroom	1143	100%	\$2,567	
227	One-bedroom	714	70%	\$1,559	
231	Three-bedroom	1283	70%	\$1,766	
235	Studio	506	70%	\$1,330	
238	Studio	506	70%	\$1,330	
240	Two-bedroom	909	70%	\$1,766	
302	Studio +	582	100%	\$1,932	
305	Two-bedroom	1052	70%	\$1,766	
316	Studio +	554	70%	\$1,330	
321	One-bedroom	714	70%	\$1,559	
329	Studio +	554	70%	\$1,330	
331	Three-bedroom	1461	70%	\$1,766	
337	Studio	506	70%	\$1,330	
341	Studio	507	70%	\$1,330	
352	One-bedroom	720	70%	\$1,559	Group-2A
401	One-bedroom	760	70%	\$1,559	
404	Studio +	569	100%	\$1,932	
412	Studio +	554	70%	\$1,330	Group-2A
425	One-bedroom	714	70%	\$1,559	
431	Three-bedroom	1461	100%	\$2,880	
433	Studio	506	70%	\$1,330	Group-2A
436	One-bedroom	720	70%	\$1,559	
440	Two-bedroom	1011	70%	\$1,766	
453	One-bedroom	708	70%	\$1,559	
507	Studio	521	70%	\$1,330	
514	Studio +	555	70%	\$1,330	

517	Studio +	555	70%	\$1,330	
526	Two-bedroom	1074	70%	\$1,766	Group-2A & 2B
532	Two-bedroom	1057	70%	\$1,766	
534	One-bedroom	708	70%	\$1,559	
537	Studio	506	100%	\$1,932	
539	One-bedroom	714	70%	\$1,559	
544	One-bedroom	603	70%	\$1,559	

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

The ARHAR must be executed along with, or prior to, the issuance of the Certification of Compliance for the Proposed Project. The Proponent must also submit a draft Affirmative Marketing Plan (the “Plan”) to the Boston Fair Housing Commission at the time the building permit is issued. The IDP Units will not be marketed prior to the submission and approval of the Plan by Fair Housing and the BPDA. Preference will be given to applicants who meet the following criteria, weighted in the order below:

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

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

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

household, and the BPDA or its assigns or successors will monitor the ongoing affordability of the IDP Units.

RECOMMENDATIONS

Approvals have been requested of the BPDA pursuant to Article 80, Section 80B of the Code for the issuance of a Scoping Determination waiving further review pursuant to Article 80, Section 80B-5.3(d) of the Code, and for the issuance of a Certification of Compliance under Section 80B-6 upon successful completion of the Article 80 review process.

Staff believe that the PNF meets the criteria for issuance of a Scoping Determination waiving further review. It is therefore recommended that the BPDA approve the Proposed Project and authorize the Director to: (1) issue a Scoping Determination waiving further review pursuant to Article 80, Section 80B-5.3(d) of the Code; (2) issue a Certification of Compliance under Section 80B-6 upon successful completion of the Article 80 review process; (3) enter into an Affordable Rental Housing Agreement and Restriction, if necessary, or require the same be executed by and between the Proponent and the Mayor's Office of Housing; and (4) execute and deliver a Cooperation Agreement (referencing, among other things, the Boston Residents Construction Employment Plan ordinance), and any and all other agreements and documents upon terms and conditions deemed to be in the best interest of the BPDA.

VOTED: That the Director be, and hereby is, authorized to issue a Scoping Determination waiving further review under Section 80B-5.3(d) of the City of Boston Zoning Code (the "Code"), which (i) finds that the Project Notification Form ("PNF") together with any additional material and comments received by the BPDA adequately describes the potential impacts arising from the proposed 295 West First Street project (the "Proposed Project"), and provides sufficient mitigation measures to minimize these impacts, and (ii) waives further review of the Proposed Project under subsection 3 of Section 80B-5 of the Code, subject to continuing design review by the Boston Redevelopment Authority ("BRA") d/b/a the Boston Planning and Development Agency ("BPDA"); and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Compliance for the Proposed Project upon the successful completion of all Article 80 processes; and

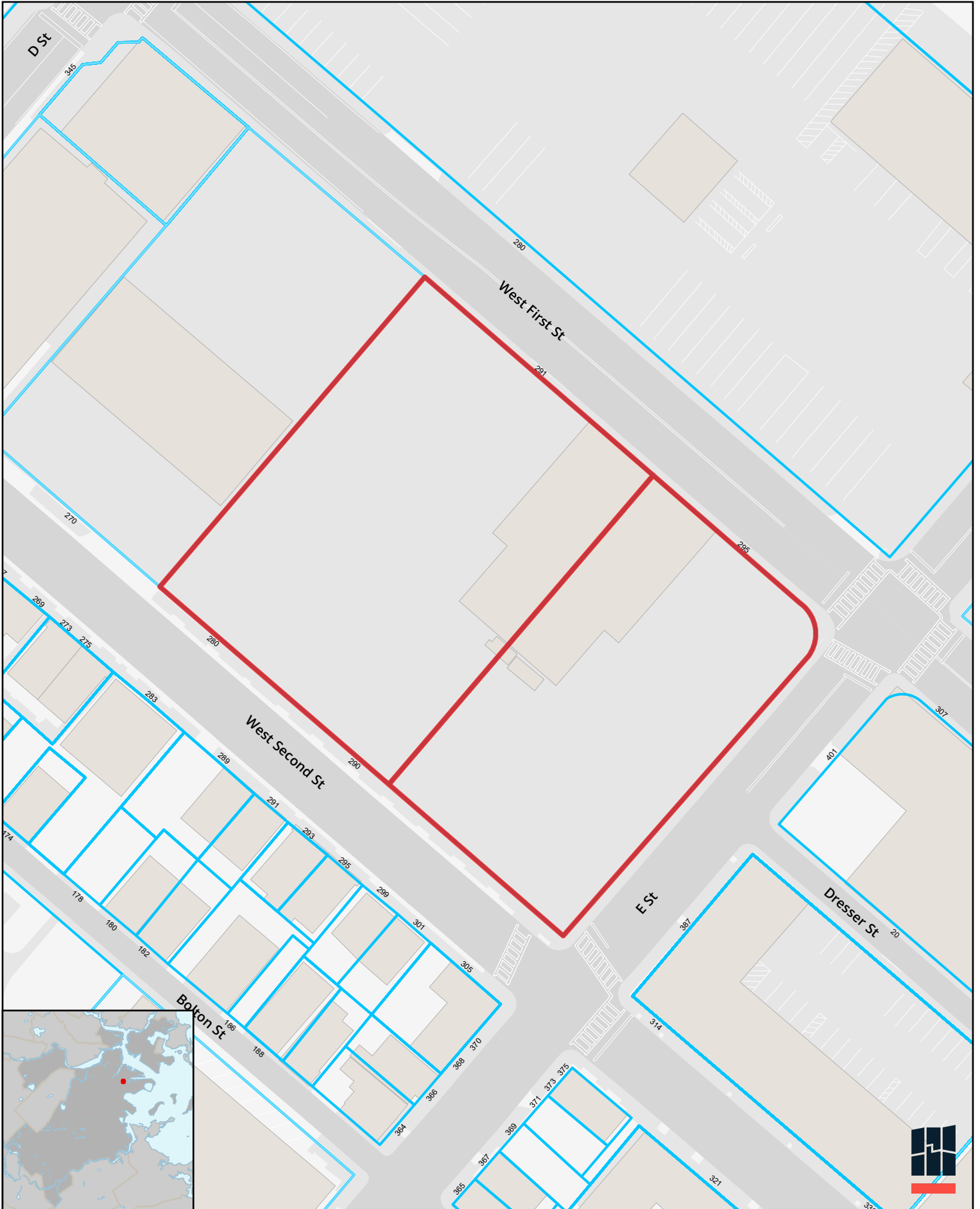
FURTHER VOTED: That the Director be, and hereby is, authorized to execute an Affordable Rental Housing Agreement and Restriction for the creation of thirty-six (36) on-site Inclusionary Development Units in connection with the Proposed Project, if necessary, or require the same be executed by and between the Proponent and the Mayor's Office of Housing; and

FURTHER VOTED: That the Director be, and hereby is, authorized to execute a Cooperation Agreement, and any and all other agreements and documents which the Director deems appropriate and necessary in connection with the Proposed Project, all upon terms and conditions determined to be in the best interests of the BPDA.

295 West First Street



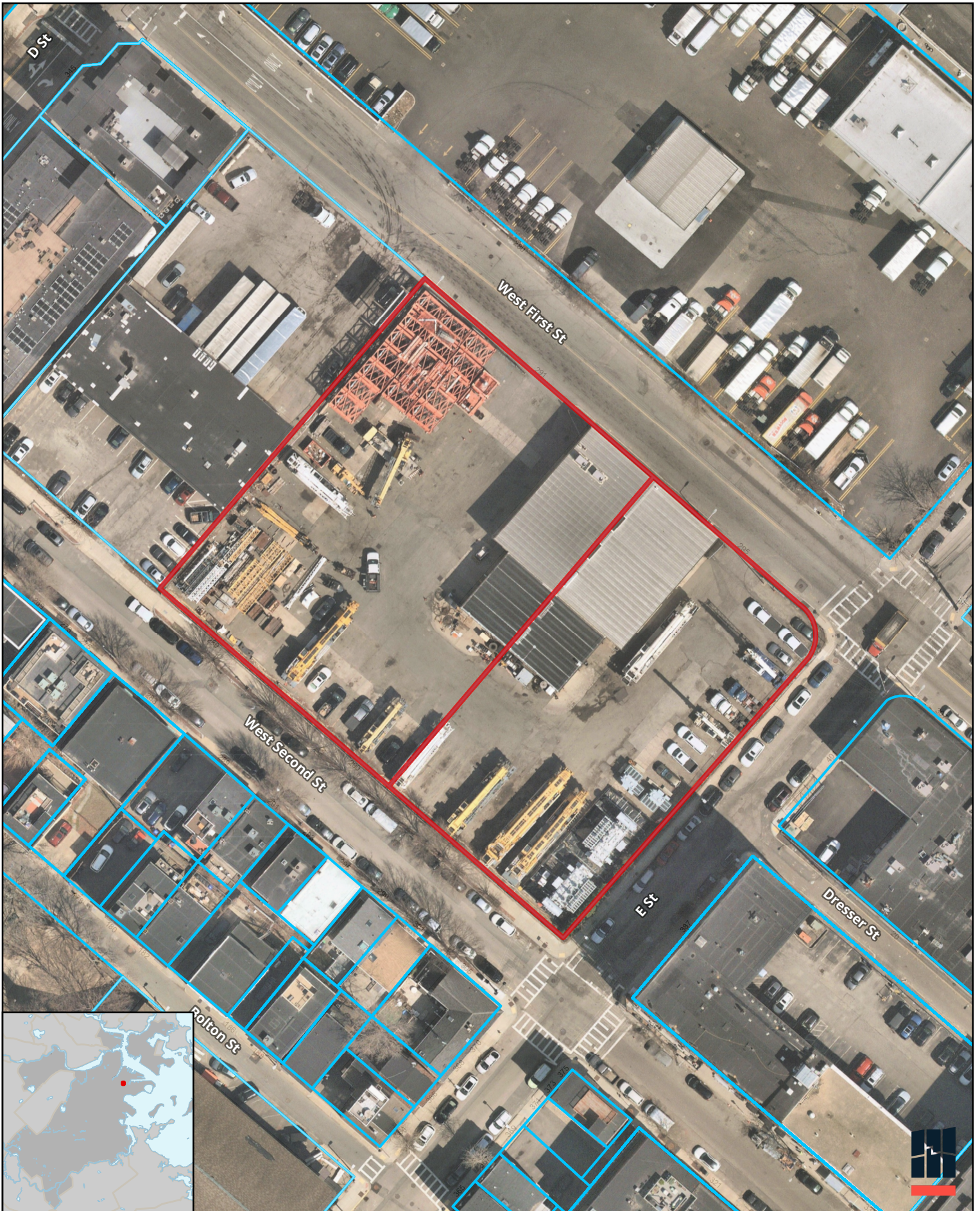
1:800



295 West First Street



1:800





Boston City Council
Erin J. Murphy
Councilor - At-Large

September 10, 2024

Re: Request to Remove 295 West First Street from September 12th Agenda

Dear BPDA Board,

I am writing to formally request the removal of the 295 West First Street development project from the agenda for the September 12th meeting.

Following the removal of this item from the August 15th agenda, we were led to believe that the approval process would be paused to allow for a more comprehensive, consistent, and transparent engagement with the community. Unfortunately, there has been no additional public dialogue or community engagement since that time. It has come to my attention that the project is now scheduled for a vote on September 12th, where no public testimony will be allowed.

Given the absence of further community involvement and the significant concerns raised by abutters and local residents, it is imperative that we ensure a more thorough review process. This includes addressing the impact of the proposed development in the context of nearby projects such as 300 West First Street/Reserved Channel Development and others.

Therefore, I respectfully request that the BPDA Board remove the 295 West First Street development item from the September 12th agenda. This will provide an opportunity for a more coordinated and holistic approach to planning, and ensure that all voices within the First Street Corridor community are heard and considered before moving forward.

Thank you for your attention to this matter. I look forward to your response and to working together to ensure that the planning process reflects the needs and concerns of our community. Please do not hesitate to reach out to my office directly at 617-635-3115 or at erin.murphy@boston.gov.

Sincerely,

A handwritten signature in black ink that reads "Erin J. Murphy".

Erin Murphy
Boston City Councilor A-Large



Boston City Council
ED FLYNN
Councillor - District 2

August 14, 2024

Boston Planning & Development Agency Board
One City Hall Square, Room 900
Boston, MA 02201

RE: Letter of opposition for 295 West First Street

Dear Members of the BPDA Board,

I'm writing today in opposition of the proposed project at 295 West First Street in South Boston, which is on tomorrow's Board of Directors agenda. This Article 80, large project review is for the proposed construction of 236 residential rental units, including 36 IDP affordable housing units, approximately 6,030 square feet of community space, 125 car parking spaces, and interior storage for up to 240 bicycles. Please note that throughout the community process for this project thus far, over 60 neighbors have contacted my office to express their concerns and opposition, along with representatives of the relevant neighborhood civic group, the St. Vincent's Lower End Neighborhood Association, as well as the nearby Friends of North of Broadway.

Many of these neighbors, along with the majority of residents who attended the relevant Planning Department, civic group and informal meetings, all pointed to consistent themes of height, at nearly 70 feet and 6 stories proposed on the residential side of East First Street, as well as density at 236 units. For reference, the nearby West Square development on D Street occupies an entire city block with 255 units. Abutters have called attention to quality of life issues, like exacerbating the existing parking crisis in South Boston due to a ratio of 0.53 parking spots per unit. Moreover, other residents highlighted reduced sunlight with the project, and losing one of the charms of the St. Vincent's neighborhood- the views of the city from the hills sloping down from West Broadway.

In short, neighbors consistently expressed that granting the zoning relief sought for this project would not fit in with the existing character of the community- two and three story single family homes, as well as four story multi-family homes that in no way approach this height, massing, and scale. In my opinion, using the height of the Foundry across the street as precedent, built in 1920 and at 52 units, would be inappropriate. By that logic, Carson Towers would also be a precedent for 18 story buildings along Columbia Road - which no one would support. But make no mistake - granting zoning relief at this height will inevitably lead to a chain reaction of future development projects seeking 6 stories and 70 feet in height all along this side of First Street.



Boston City Council

ED FLYNN

Councilor - District 2

The project does provide 36 much-needed IDP affordable housing units; however, the 15% affordability rate also falls short of the 17% required by the new Inclusionary Zoning (IZ) regulations that are set to take effect October 1, 2024. There have been good-faith efforts and attention paid to the public realm and wider sidewalks, pedestrian safety, urban tree canopy, and ground floor community and retail space. However, the concerns on height, with nearly 70 feet on the residential side of First Street, and the parking ratio have been echoed by neighbors from the outset of this process.

Many residents and I were under the impression, from the way the public meetings went, that these unresolved concerns warranted additional community process and that this project was not ready for BPDA Board review. In my discussions with BPDA staff last week, these outstanding community concerns were acknowledged and discussed at length.

Article 68 zoning calls for 1.5 parking spots per unit, while this project includes 0.53 parking spaces. The Boston Transportation Department may have guidelines that call for 0.5 parking spots per unit - but that is not zoning. Neighbors in the area consistently highlight the existing South Boston parking crisis and their belief that new vehicles will invariably be parked on the street, along with visitors who will also drive their cars. Storage for 240 bicycles has done nothing to alleviate the concerns of my constituents with the on the ground reality that they face everyday, whether they're coming home from work, shuttling kids to activities, taking care of their elderly parents, or simply enjoying a night out - they come home to circle blocks for 45 minutes hoping to find a spot. There is a real concern from neighbors here that parking ratios like this will only worsen that dynamic.

I respectfully ask that the Board please take the concerns on height and the quality of life issues that my constituents have raised seriously on the current iteration of this project, to acknowledge the project is not ready for Board approval, and move to allow for additional community process and work on these outstanding issues. If you have any questions, please feel free to contact me at Ed.Flynn@Boston.gov, or at 617-635-3203.

Sincerely,

A handwritten signature in black ink that reads "Ed Flynn". The signature is fluid and cursive, with a prominent "E" and "F".

Ed Flynn

Boston City Councilor, District 2



Case	BOA1591933
ZBA Submitted Date	2024-04-19
ZBA Hearing Date	2025-02-04
Address	36 Akron ST 12 Roxbury MA 02119
Parcel ID	1201332000, 1201331000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	50
Project Description	Combine two lots, demolish an abandoned 1-unit building, and construct a 4-story, 9-unit residential building.
Relief Type	Conditional Use, Variance
Violations	Additional Lot Area Insufficient FAR Excessive Height Excessive (stories) Height Excessive (ft) Usable Open Space Insufficient Front Yard Insufficient Parking or Loading Insufficient NDOD Applicability Use: Forbidden (MFR)

Planning Context:

This project was previously scheduled for the October 29, 2024 Zoning Board of Appeal hearing. The project has not changed, and the zoning violations remain the same. As such, the Planning Department recommendation remains the same.

This site is within a residential neighborhood of Roxbury, just over 1/4 mile south of Nubian Square, a key mixed-use transit hub for the City. The surrounding area is composed primarily of one-, two-, and three-unit buildings, with a handful of larger apartment buildings nearby. The site is just one block away from the PLAN: Nubian Square boundary, so it was not included in any recommendations from that planning initiative. However, the Roxbury Strategic Master Plan (“RSMP,” 2004) identifies transit oriented development as a key strategy for the neighborhood for both housing opportunities and economic activity. Specifically, the plan cites that “Transit-Oriented Development offers the collateral benefit of lowering the need for parking and reducing traffic,” so a lower than 1:1 parking ratio is appropriate for this area. Additionally, the location of this site near a vibrant mixed-use hub, additional housing units are appropriate here.



The two parcels, if combined, would be larger than many in the area; the site would be 6,556 square feet. However, the parcelization within this same zoning district is relatively inconsistent, with sizes ranging from 800 square feet to over 10,000 square feet. Given the large parcel size here, a multi-unit development is appropriate.

The typical building typology in this neighborhood is a mix of one-, two-, and three-unit buildings, built to a maximum of three stories. However, there are several apartment buildings within two blocks of the site that range between six and fourteen units, each of which are built to four stories. The proposed project would be four stories along Akron Street, but the grade of the site drops more than ten feet from the Akron Street side to the rear/side, resulting in a five story building towards the rear/side. As a result of this height, the building includes an elevator, which increases accessibility to the housing units, particularly for senior citizens and people with disabilities. The RSMP specifically identifies for housing that “it is a priority for Roxbury residents that neighborhood housing strategies also take into consideration the requirements of elderly and disabled persons.”

There are several large trees on the site, many that buffer between the existing properties and the neighboring building along Regent Street, and one prominent tree at the corner of the parcel on Regent Street and Akron Street. The RSMP calls for new construction to respond to the existing topography and retain natural features like large trees, so this should be a continued consideration in future design review of the project.

Finally, while Inclusionary Zoning took effect for all new projects with 7 or more units on October 1st, 2024, this project was originally filed before that date, when the City’s Inclusionary Development Policy applied to projects with 10 or more units.

Zoning Analysis:

Multifamily Residential is a forbidden use in this 3F-4000 subdistrict of Roxbury. However, there are small apartment buildings within this same subdistrict containing between 6 and 14 units. Given the location of the site and the size of the parcel, multifamily residential is an appropriate use for the site.

The proposed nine units require an additional 14,000 square feet of lot area (2,000 per additional unit over two units). The additional area available on the lot is 2,556 square feet, meaning only three units could be built as-of-right. Additionally, many of the surrounding parcels three or more units would be in nonconformity with this requirement. This is an area for zoning reform, where additional lot area is not reflective of the existing conditions for the area.



The proposed FAR for this building is 1.79, and the maximum allowed in this 3F-4000 subdistrict is 0.8. Many properties in the same subdistrict and near this site exceed the maximum FAR of 0.8, and are typically under 2.0. The proposed project exceeds the allowable height in both feet (35' max, 38' proposed) and stories (3 max, 4 proposed). The majority of nearby properties with one-, two-, and three-unit buildings comply with both height requirements. However, two apartment buildings in the same subdistrict and several others within two blocks of the site are built to four stories. The excessive height for this proposed project is further exacerbated because of the slope of the site. Along Akron Street (front of the property), the building is four stories and 38' tall, but to the rear of the site and visible from Regent St (side/front of the property) the building is five stories and 47' tall. This site is a corner parcel, so additional height may be appropriate at such a prominent location. There is precedent in the surrounding two blocks of corner parcels occupying a larger area of the lot, buildings with 0' setbacks at front lot lines, and exceeding the allowable height at four stories.

This site sits within a Neighborhood Design Overlay District, so design review by the Planning Department is recommended. Design review should look closely at the fenestration and materiality to minimize the impact of the building's height, particularly on the sloped-down side.

The minimum usable open space required for this project is 650 sf/unit, resulting in a total of 5,850 square feet. However, the proposed combined parcel is just over 6,500 square feet. The proposed project includes 348 sf of open space per unit through a combination of some private balconies and a large rooftop open space. There are also some landscaped open space areas at grade level, but the usability of these spaces is questionable because of the slope of the site and the retaining walls to manage the change in topography. Again, there are several large trees on the site, and further design review should confirm that they are maintained and that an appropriate landscaped buffer is provided to screen from the neighboring building on Regent Street.

The minimum front yard setback is 20' and the project proposes 13.5' along Akron Street and 10' along Regent Street. A rear yard setback is not indicated on the plans because this is a lot bounded by public ways on three sides of the parcel. Front yard setbacks in the surrounding area are typically closer to 5', clearly indicating a need to update zoning to reflect the built context.



The project is required to provide ten parking spaces (one per dwelling unit), but proposes seven parking spaces. Given the proximity to the nearby Nubian Square transit hub, this lower-than-required parking ratio is appropriate.

Plans reviewed are titled "36 Akron Street Boston MA 02119," prepared by Melton Ferre LLC, and dated October 15, 2024.

Recommendation:

In reference to BOA1591933, The Planning Department recommends APPROVAL WITH PROVISOR/S: that plans be submitted to the Planning Department for design review with attention to fenestration and screening to minimize the impact of building height and to look at landscaping and retention of existing trees on the site.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1671229
ZBA Submitted Date	2024-11-14
ZBA Hearing Date	2025-02-04
Address	35 Sudan ST Dorchester 02125
Parcel ID	1302969000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-D-2000
Zoning Article	65
Project Description	Convert the basement level into a residential unit, and change use from three units residence to four units.
Relief Type	Variance
Violations	Parking or Loading Insufficient Additional Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Use: forbidden (multifamily dwelling)

Planning Context:

This project was originally scheduled for the January 14, 2025 ZBA meeting, but deferred to this date. No updated plans were filed and the recommendation stands unchanged.

Parcel is a three-unit residential building in Dorchester, approximately two blocks to the west of I-93, approximately one half-mile equidistant from the MBTA Red Line JFK/UMass Station to the north and MBTA Red Line Savin Hill Station to the south. The building is highly characteristic of the block, which is generally made up of three-story flat-roofed residential buildings with similar bay windows and porches to the proponent's property.

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 as well as the fact that the building is not owner-occupied disqualify this renovation from that by-right path. Instead, the owner seeks to change use to a fourth dwelling 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, rather than an attempt to squeeze additional units in whatever leftover space exists on a site. This site is not within the Coastal Flood Resilience Overlay District, which extends only to the eastern side of I-93 in this portion of Dorchester. The existing basement slab is only 5'10" deep at its deepest point from the first floor, and this proposal involves digging out the basement to a full 8'1" to meet building code requirements to provide adequate ceiling height. The existing basement has one dedicated elevated side door at that existing depth with stairs down into the basement, and all windows are small shoulder height basement windows with window wells. The new plans add a retaining wall to lower the depth of the ground on the entry side so that the unit can have two full doors at floor height, one of which is a dedicated entry door to the new unit, and one of which is direct entry to a new sprinkler room. The second means of egress is out the back, where an additional sprinkler room is located. Two of the window wells on the opposite side of the building are being expanded and deepened to accommodate full-sized windows, increasing light throughout the unit. This unit has two bedrooms, an office, a dedicated kitchen with separate dining area, a bathroom and separate powder room, a living room, and a foyer, with a layout that is similar to the rest of the structure's existing units. While the main entry is via the side door mentioned above, a new third full-depth window is being added to the front of the building, that side entrance is accessed by a new and dedicated stairway that is entered from the front of the property, and the basement is also provided with an additional larger and deeper window well facing the street, all of which provide clarity that a fourth unit would be present on site, which helps to address concerns of the unit being overlooked in case of emergency.

Zoning Analysis:

Per Article 65, Table A, Multifamily Residential is a forbidden use, which would be the applicable use for four units on a structure. The current use is three family / triple-decker, which is allowed.

BOA1671229

2025-02-04

2 Planning Department



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.

Per Article 65, Table F, the required amount of parking in a multifamily residential use is 1.25 spaces per dwelling unit, which in this case would represent 5 spaces. The current requirement for a three family is 1.0 spaces per dwelling unit, which in this case currently requires 3 spaces. No spaces are being provided, so a preexisting nonconformity is being worsened. Given the small lot size of 3100 square feet, there is no viable way to provide parking on this size parcel that meets any existing parking requirements, and so relief is appropriate. Future zoning reform should consider the elimination of parking minimums for current and future residential uses.

Per Article 65, Table C, a triple decker in a 3F-D-2000 is required to have a lot of 2,000 square feet for the three specified units. For multifamily, as is proposed, an additional 1,000 square feet are required for each additional dwelling unit, as well as 2,000 for the minimum number of dwelling units specified. For four units, this would yield a required 4,000 square feet, assuming that all units are counted as additional units, which is a violation. This restriction is effectively a duplication of the use restriction mentioned earlier, given that the lot size within this subdistrict is consistently just over 3,000 square feet and therefore makes anything above three units not allowed. Because there is no clear link that a unit requires a certain amount of lot size to be viable, and that the lot required per unit for a triple decker comes out to less than 1,000 square feet per unit, relief is appropriate. Future zoning reform should consider whether or not minimum lot size should be retained in small-scale residential districts.

Per Article 65, Table C, both a triple decker as well as any other use in a 3F-D-2000 is required to have an FAR below a maximum of 1.3. While precise square footages are not noted on the plans, the current assessor listing for this property lists the living area as 4071 square feet and the lot size as 3104 square feet, yielding an existing FAR of 1.31, which is a preexisting nonconformity. Assuming that this living area is distributed over three floors, converting a similarly sized basement to living area would yield a new living area of approximately 5428



square feet, which would therefore yield a new FAR approximating 1.75 and 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 65, Table C, 300 square feet of open space are required for every dwelling unit both for a triple decker as well as for any other use in a 3F-D-2000 subdistrict. For three units, 900 square feet of open space are required, while for a proposed four unit building, 1200 square feet are required. While precise square footages are not noted on the plans, subtracting an approximation of the building footprint based on the FAR estimates listed above yields a non-building-area approximating 1700 square feet on the parcel. It is unlikely that either 900 or 1200 square feet of this area qualify as usable open space, given the additional circulation, parking, and loading area. Regardless, the open space on this property is extremely characteristic of parcels on this block, in the subdistrict, and even across the neighborhood, and this violation cannot reasonably be rectified. Access requirements for this new unit have been reasonably designed as can fit given existing site constraints, leaving almost no additional space for other recreation uses beyond the pre-existing porches. Relief is appropriate. Future zoning reform should consider how best to allow for usable open space in situations like this, where lot coverage is high in residential districts with detached multifamily structures.

Recommendation:

In reference to BOA1671229, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1636283
ZBA Submitted Date	2024-08-06
ZBA Hearing Date	2025-02-04
Address	9 Hillcroft RD Jamaica Plain 02130
Parcel ID	1902647000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 1F-9000
Zoning Article	Art. 55
Project Description	Convert an existing attic into living space with a full bathroom, dormer, and updated windows.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (stories)

Planning Context:

This project was deferred from a previous hearing on 12/10/2024 to the 02/04/2025 hearing due to the lack of site plans for the 9 Hillcroft Rd property. This Deferral recommendation from the previous 12/10/2024 hearing remains the same for this hearing until an updated set of plans with the correct site plan and an updated refusal letter for those plans are available.

This project proposes to convert an existing attic into a living space with a full bathroom, dormer, and updated windows. The proposed addition will be within an existing 3-story, 1-unit residential dwelling and the conversion will not change the property's existing One Family Residential land use. The conversion will include an update to the second floor circulation for access to the third floor and a dormer addition with windows facing the rear of the property that will not be visible from the public realm on Hillcroft Rd. The 3-story, 1-unit residential property across the street at 14 Hillcroft Rd has a similar rear attic dormer addition, making this proposed project appropriate as it is similar to an existing built form in the area.

While the design components of the project align with the surrounding form, the project plans that were submitted incorrectly include a site plan for the nearby property at 48 Cedarwood Rd and the easement located at Parcel ID# 1902648000. The project plans thus do not include a site plan for the proponent's property at 9 Hillcroft Rd and it is unclear then if the initial review of this project was done based on the site conditions of 9 Hillcroft Rd or the property at 48 Cedarwood Rd.



Zoning Analysis:

This property is in the 1F-9000 (One-Family Residential) zoning subdistrict of the Jamaica Plain Neighborhood District (Art. 55). The proposed project has received 2 violations specific to building standards (floor area ratio and height).

In the 1F-9000 subdistrict, a 0.3 FAR maximum and a 2.5-story maximum height are required. Based on the submitted project plans, the existing property has an FAR of 0.34 and will increase the FAR to 0.41 with the addition of the new living area. The existing property has a 3-story height and that height will remain unchanged. While both of these building standards are excessive of the zoning maximums, they are common for the surrounding area in terms of building mass.

Additionally, since the proposed addition is focused on the rear and interior of the building, it does not produce significant changes to the public realm of the street. This indicates a need for zoning reform to provide greater building standard flexibility for residential properties, especially to encourage existing building forms and accommodate additional livable areas.

As mentioned, the project plans incorrectly include a site plan for the nearby property at 48 Cedarwood Rd and the easement located at Parcel ID# 1902648000. The project plans do not include a site plan for the proponent's property at 9 Hillcroft Rd. Additionally, the proponent highlights 3 expected violations specific to lot standards (lot area, front setback, and side setback) that are existing nonconformities and that are not cited within the project's refusal letter. This potentially indicates that the site plans that received zoning review are not the same as the proposed property. Corrected plans must be submitted for the correct property to confirm which existing nonconformities and new violations are applicable to this project.

This property is also located within the Jamaica Plain Neighborhood Design Overlay District. However, since the proposed attic addition faces the rear of the property, there is not a need for NDOD Review as the addition has no impact on the public realm.

Recommendation:

In reference to BOA1636283, The Planning Department recommends DEFERRAL: that the proponent resubmit plans with the correct site plans for the property at 9 Hillcroft Rd to confirm existing nonconformities and new zoning violations.



Planning Department

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Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1643116
ZBA Submitted Date	2024-08-21
ZBA Hearing Date	2025-02-04
Address	13 Winship ST Brighton 02135
Parcel ID	2205507000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 2F-5000 (A)
Zoning Article	51
Project Description	Renovate existing one-unit residential building to change use to two units by adding additional living space through a rear addition and by raising the roof to create an additional floor.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (stories) Front Yard Insufficient Side Yard Insufficient Usable Open Space Insufficient Additional Lot Area Insufficient Parking design and maneuverability Insufficient Maneuverability

Planning Context:

This project was previously reviewed by the Planning Department for the ZBA hearing on 10/29/24. New plans were submitted on December 2, 2024 which now show four parking spaces in the rear as well as the removal of the previously proposed rear deck. Based on these changes, the Planning Department’s recommendation has changed from approval to deferral, as it is unclear how the newly-proposed parking will have adequate access.

The proposed project seeks to renovate the existing single-family residential dwelling at 13 Winship Street in Brighton. The renovation includes adding living space through a rear addition and raising the roof to create a third floor. This will also convert the occupancy from single-family to two-family. The current structure is a two-story building situated on a narrow lot measuring 20 feet by 124.5 feet. The property is bordered by a public parking lot and three multi-family residential buildings at 7, 9, and 9R Winship Street that share a large parcel. These new plans show four compact parking spaces have been added to the rear of the building and noted a proposed access easement on the land of 7-9 Winship Street for the benefit for #13 Winship Street. However, no information on how the spaces will be accessed nor if the existing



structure in this area will be demolished for this. Winship Street primarily consists of two-family and single-family homes. This project would further the goals outlined in Allston-Brighton Needs Assessment (January 2024) as it would create housing that is accessible as this site is accessible to the #57 and #65 bus routes, is an allowed use, and retains and improves an existing structure.

Zoning Analysis:

The refusal letter for this project states eight violations: excessive FAR, excessive height in stories, insufficient front yard, insufficient side yard, insufficient additional lot area, insufficient open space and off-street parking & loading requirements in regards to insufficient maneuverability and parking space size requirements.

Regarding the FAR and additional lot area, the maximum allowed FAR in a 2F-5000 (A) subdistrict is 0.8, and the amount of additional lot area required is 1,500 square feet. This project proposes an FAR of 1.3, which exceeds the limit and this lot is only 2,658 square feet. Relief should be granted for these two violations due to two factors: the creation of additional living space and the unusually narrow lot. The parcel measures approximately 20 feet by 124.5 feet, which is significantly narrower than the typical lot width of at least 30 feet for two-family residential buildings in this area. As the project is proposing the creation of living space similar in size to the existing two-family residential buildings on a smaller parcel, the proposed FAR is reasonable, and relief is warranted. Because it is a narrow and small lot, relief is also warranted for the insufficient additional lot area.

Regarding the height, the maximum allowed height in a 2F-5000 (A) subdistrict is 3 stories or 35 feet. This project proposes a height of 3 stories and 32 feet 10 inches. Since the proposed height is below the maximum allowed, this dimension complies with the zoning requirements and should not be considered a violation.

Regarding the front yard and side yard, the minimum front yard is 20 feet or conform with the existing building alignment and the minimum side yard is 10 feet. This project proposes a front yard of 1 foot, a west side yard of 2.1 feet, and an east side yard of 0.8 feet. However, these are existing non-conformities as the proposed project is an extension of the original structure. The building width will remain the same with the proposed changes. This is also a case for zoning reform to allow the extension of non-conformities, when the structure otherwise conforms to



dimensional requirements and the existing non-conformities are not increasing, to incentivize retention and improvement of existing structures.

Regarding the amount of usable open space, the minimum required amount is 800 square feet per dwelling unit. This project is proposing 444 square feet per dwelling unit. However, relief should be granted due to two reasons: community feedback and the size of the parcel. The four parking spaces located in the rear were added in response to community feedback, which requested off-street parking options. Additionally, the parcel's size limits the design options. Because this parcel is unusually narrow, in order to accommodate the parking spaces, the amount of usable open space was reduced. Relief is warranted because the addition of parking was a request from the community and the parcel size restricts the ability to accommodate both the community's request and open space requirements.

The two parking violations noted are insufficient maneuverability and size of the parking spaces. Section 51-56 notes that 50% of the required parking spaces must be at least seven feet in width and 18 feet in length and the remaining spaces must be no less than 8.5 feet in width and 20 feet in length. The project is currently proposing four parking spaces that measure 7.5 feet by 18 feet. Additionally, there are issues regarding access to the parking spaces. Due to the small side yards, there is no direct access to the parking spaces from the street frontage. Although the plans indicate a proposed access easement at 7-9 Winship Street, they do not provide details on how the spaces will be accessed. More information is needed to determine if the spaces can be adequately accessed especially as there is an existing structure on the proposed easement.

The plans reviewed are titled ALT1590805 13 Winship St Refusal Set 07-08-24 Updated 12-02-24.pdf and are dated 8/9/24. They were prepared by JCBT Architect.

Recommendation:

In reference to BOA1643116, The Planning Department recommends DEFERRAL: The proponent needs to demonstrate on the plans how the parking spaces will be accessed, or eliminate parking from the proposal.



Planning Department

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Reviewed,

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

Planning and Zoning Director, Planning Department