



# Planning Department

## MEMORANDUM

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

FROM: Joanne Marques  
Regulatory Planning & Zoning

DATE: February 18, 2025

RE: Planning Department Recommendations

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

Also included are the Board Memos for: 1305 Hyde Park AV Hyde Park 02136

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

**MEMORANDUM**

**DECEMBER 12, 2024**

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

**FROM:** CASEY HINES, DIRECTOR OF DEVELOPMENT REVIEW  
DANIEL POLANCO, PROJECT MANAGER  
FORD DELVECCHIO, PLANNER I, PLANNING REVIEW  
JOHN STUART FISHBACK, SENIOR LANDSCAPE  
ARCHITECT II, SITE REVIEW

**SUBJECT:** 1305 HYDE PARK AVENUE, HYDE PARK

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**SUMMARY:**

This Memorandum requests that the Boston Redevelopment Authority (the "BRA") d/b/a Boston Planning & Development Agency ("BPDA") authorize the BPDA Director to: (1) issue a Certification of Approval for the proposed development located at 1305 Hyde Park Avenue in Hyde Park ("Proposed Project") in accordance with Article 80E, Small Project Review, of the Boston Zoning Code (the "Code"); (2) execute and deliver an Affordable Rental Housing Agreement and Restriction ("ARHAR") or require the same to be executed by and between the Proponent and Mayor's Office of Housing ("MOH") in connection with the Proposed Project; and (3) enter into a Community Benefits Agreement and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

**PROJECT SITE**

The Proposed Project is located on Hyde Park Avenue at the western corner of the intersection of Hyde Park Avenue and Dana Avenue in the Hyde Park Neighborhood of Boston. The Proposed Project is located just south of Cleary Square. The site is within walking distance of Cleary Square and the Hyde Park and Fairmount MBTA Commuter Rail Stations. The site has direct access to all that Cleary Square has to offer. The site located at 1305 Hyde Park Avenue, on two (2) parcels of land, totaling approximately 11,998 square feet (the “Project Site”). The Project Site sits at the intersection of Hyde Park Avenue and Dana Avenue in Hyde Park, MA. Currently the site has two (2) – two (2) story residential structures that are vacant with an adjacent surface parking that occupies approximately 75% of the total Project Site area.

The proposed development calls for razing the current structures, removing the asphalt parking lot and creating a new, attractive and energy efficient building that will enliven and visually enhance this vital intersection on Hyde Park Avenue. The revitalization of the Project Site consists of a four-story residential rental building, containing fifty-four (54) dwelling units and twenty-one (21) parking spaces. The fifty-four (54) units will consist of forty-four (44) studio units and eight (8) one-bedroom units and two (2) two bedrooms. All of the twenty-one (21) parking spaces are located internally to the building, at grade, concealed behind an active street wall and accessed via an existing curb cut off Hyde Park Avenue. (Collectively, the “Proposed Project”).

<b><u>Estimated Project Metrics</u></b>	<b>Proposed Plan</b>
<b>Gross Square Footage</b>	42,220
<b>Gross Floor Area</b>	34,547
<i>Residential</i>	34,577
<i>Office</i>	0
<i>Retail</i>	0
<i>Lab</i>	0
<i>Medical Clinical</i>	0

<i>Education</i>	0
<i>Hotel</i>	0
<i>Industrial</i>	0
<i>Recreational</i>	0
<i>Cultural</i>	0
<i>Parking</i>	7,673
<b>Development Cost Estimate</b>	\$7,200,000
<b>Residential Units</b>	42
<i>Rental Units</i>	54
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	7+
<b>Parking spaces</b>	21
<b>Bike Parking Spaces</b>	21 total 42 secure, indoor 8 exterior visitor

**DEVELOPMENT TEAM**

The Project Team consists of the following entities:

**Proponent and Principal Owner:** 1305 Hyde Park Ave, LLC  
Joseph Federico

**Architect:** McKay Architects  
Michael McKay

**Landscape Architect:** Vendrant Landscape Architecture

**Structural Engineer:** Spruhan Engineering

**Civil Engineer:** DGT Associates

Surveying and Engineers

**MEP FA PF:**

MEA Engineering

**DESCRIPTION AND PROGRAM**

The site is located at 1305 Hyde Park Avenue, on two (2) parcels of land, totaling approximately 11,998 square feet ("Project Site"). The Project Site sits at the intersection of Hyde Park Avenue and Dana Avenue in Hyde Park. Currently the site has two (2) – two (2) story residential structures that are vacant with an adjacent surface parking that occupies approximately 75% of the total Project Site area. The Project Site is mostly impervious. The Proposed Project calls for razing the current structures, removing the asphalt parking lot and creating a new, attractive and energy efficient building that will enliven and visually enhance this vital intersection on Hyde Park Avenue. The revitalization of the Project Site consists of a five-story residential rental building, containing fifty-four (54) dwelling units and a maximum of twenty-one (21) parking spaces. The fifty-four (54) units will consist of forty-four (44) studio units, eight (8) one-bedroom units, and two (2) two-bedroom units. All of the twenty-one (21) parking spaces are located internally to the building, at grade, concealed behind an active street wall and accessed via an existing curb cut off Hyde Park Avenue.

**ARTICLE 80 REVIEW PROCESS**

The Proponent held its initial pre-file meeting regarding this project in April of 2023, and previously had community engagement with various entities and individuals within the community. The Proponent took the BPDA's recommendations into consideration and incorporated them into the design, filling their Small Project Review Application on June 5, 2024. Public meetings were held on July 16, 2024, September 30, 2024 and December 3, 2024.

**ZONING**

The Project Site is located in the Hyde Park Neighborhood Zoning District, in the NS-2 Neighborhood Shopping sub district, which is governed by Article 69 of the Code. As indicated on the Hyde Park Neighborhood Zoning Map, the Proposed Project's design requires height, parking, and FAR variances from the City of Boston's Zoning Board of Appeals.

**PLANNING AND ZONING CONTEXT**

The Proposed Project is located at 1305 Hyde Park Avenue, one of the main thoroughfares of the Hyde Park neighborhood. This area is largely defined by its mixed-use character, with the surrounding buildings being a combination of commercial, single-family homes, and smaller multi-family properties. Two blocks north is River Street, where there is a cluster of local commercial businesses. The Hyde Park MBTA station is located directly behind the property, which serves the Providence-Stoughton line. In addition, the Fairmount Indigo Line is a half mile from the Proposed Project. On the same block as the property there is a collection of MBTA bus stops that serve the 32, 33, 40, and 50 bus routes.

The Proposed Project is located in the NS-2 subdistrict of the Hyde Park Neighborhood Zoning District. Staff review was informed by existing zoning, as well as insights from ongoing planning processes. In January 2024, the BPDA launched a small area planning study for Cleary Square, as part of the citywide Squares + Streets planning and zoning initiative focused on adding, supporting, and improving housing, public space, small businesses, and arts and culture in transit-accessible neighborhood centers and along main streets. The Cleary Square plan area encompasses the area within one half mile of the main commercial intersection of Hyde Park Avenue and River Street.

Although the Cleary Square planning study is still in progress and the future zoning of the proposed project location is unknown, the Squares + Streets zoning text provided context for staff review of new development in Cleary Square. Additionally, staff review was informed by the Hyde Park Neighborhood Strategic Plan which envisioned mixed use and residential development in this location. This plan was adopted in 2011 and subsequently encoded in Zoning Article 69, which formed the basis for the project design. Accordingly, the Proposed Project adheres to both the use and dimensional requirements of Article 69 and does not require zoning relief.

**MITIGATION AND COMMUNITY BENEFITS**

- Site Enrichment – the Proposed Project will transform the current use into

an eighteen hour residential use, enlivening the retail uses in Cleary Square and adding to the overall fabric of the district.

- Enlivened Edge – the Proposed Project will enliven the corner of Hyde Park Avenue and Dana Avenue with a new edge of attractive architecture.
- Job Creation & Taxes – the Proposed Project will be a job creator both during and after construction. In addition to jobs, the Proposed Project will be increasing the city’s tax base with the inclusion of forty two (42) units of housing.
- Transportation and Public Realm Mitigation
  - A contribution of \$11,550 to the Boston Transportation Department (“BTD”) to be contributed upon issuance of Certificate of Occupancy for the Proposed Project to support the bike share system.
  - In compliance with Boston’s Complete Streets Policy, the Proponent will setback their building to create a wider sidewalk and reconstruct the sidewalks and ramps adjacent to their property on Hyde Park Ave and Dana Ave. PIC approvals for proposed improvements shall be completed before building permit issuance for the Proposed Project. The physical mitigation improvements must be completed upon Certificate of Occupancy.
    - Hyde Park Ave will have a minimum sidewalk width of 9.5 feet not inclusive of the curb, including a 4-foot Furnishing Zone comprised of permeable paving and street trees. Sidewalks on Hyde Park Ave will maintain a Pedestrian Zone which provides at least 5.5 feet clear accessible paths of travel absent vertical elements and will be made of concrete monolithic sidewalk space. Along Hyde Park Ave, the Proponent will also close a curb cut at the northern edge of the property that is no longer needed.
    - Dana Ave will have a minimum sidewalk widths of 8.0 feet not inclusive of the curb. Sidewalks on Dana Ave will maintain a Pedestrian Zone which provides at least 5 feet clear accessible paths of travel absent vertical elements and will be made of concrete monolithic sidewalk space, and a 3.0 foot wide Furnishing Zone comprised of permeable paving and street trees. All sidewalk setbacks are subject to design review and will require approval for a Pedestrian Easement with the Public Improvement Commission (PIC).

- Street tree plantings shall be provided with the soil resources below the Furnishing Zone and Pedestrian Zone as required to accommodate establishment of healthy, mature canopy which to the extent feasible follows Boston Complete Streets Design Guidelines targeting 2 cubic feet of soil per 1 square foot of mature canopy.
    - The Proponent will construct three ADA-accessible, directional ramps at the corner of Dana Ave and Hyde Park Avenue closest to the project site, including their reciprocal ramps.
    - The project will comply with the BTM Electric Vehicle Readiness Policy for New Developments, requiring 25% of the parking spaces to be equipped with electric vehicle charging stations and the remaining 75% to be ready for future installation.
  - Building Utilities – The Planning Department requests that further coordination and analysis be performed to determine the feasibility of locating the transformer inside the building in lieu of the back-of-sidewalk location currently proposed.

### **INCLUSIONARY DEVELOPMENT POLICY**

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (“IDP”), and is located within Zone C, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. In this case, seven (7) units, or approximately 12.96% of the total number of units within the Proposed Project, will be created as IDP rental units (the “IDP Units”). All seven (7) units will be made affordable to households earning not more than 70% of AMI, as published by the BPDA and based upon data from the United States Department of Housing and Urban Development (“HUD”).

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

<b>Unit Number</b>	<b>Number of Bedrooms</b>	<b>Unit Size (Sq ft)</b>	<b>Percentage of AMI</b>	<b>Rent</b>	<b>Group 2</b>
201	One-Bedroom	628	70%	\$1,621	
205	Studio	489	70%	\$1,383	
210	Studio	514	70%	\$1,383	
303	Studio	471	70%	\$1,383	
401	One-Bedroom	706	70%	\$1,621	



405	Studio	489	70%	\$1,383	
503	Studio	471	70%	\$1,383	Group-2

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

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

- (1) Boston resident;
- (2) Households who are directly displaced or severely rent-burdened (for up to one (1) unit); and
- (3) Household size (a minimum of one (1) person per bedroom).

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

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

In addition, the Proponent is required to make a partial unit IDP contribution of \$4,000 to the IDP Special Revenue Fund ("IDP Fund"), held by the City of Boston Treasury Department, and managed by the City of Boston Mayor's Office of Housing. This payment will be made at the time of the building permit. Combined, this partial unit contribution together with the seven (7) designated IDP Units fully satisfies the IDP requirements of the Proposed Project pursuant to the December 10, 2015 IDP.

**RECOMMENDATION**

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore staff recommends that the Director be authorized to: (1) issue a Certification of Approval for the Propose Project; (2) execute and deliver an ARHAR or require the same to be executed by and between the Proponent and MOH in connection with the Proposed Project; and (3) enter into a Community Benefits Agreement and take any other actions and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

An appropriate vote follows:

**VOTED:** That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E of the Boston Zoning Code (the "Code"), approving the development at 1305 Hyde Park Avenue in the Hyde Park neighborhood proposed by 1305 Hyde Park Ave, LLC ("Proponent") for the construction of fifty-four (54) residential rental units, including seven (7) IDP units, lobby, bike storage and parking for 21 vehicles (the "Proposed Project") in accordance with the requirements of Small Project Review, Article 80E of the Code, subject to continuing design review by the BPDA; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to execute and deliver an Affordable Rental Housing Agreement and Restriction for the creation of seven (7) on-site IDP units and \$4,000 contribution to the IDP Fund, or require the same be executed by and between the Proponent and Mayor's Office of Housing in connection with the Proposed Project; and

**FURTHER  
VOTED:**

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

# 1305 Hyde Park Avenue

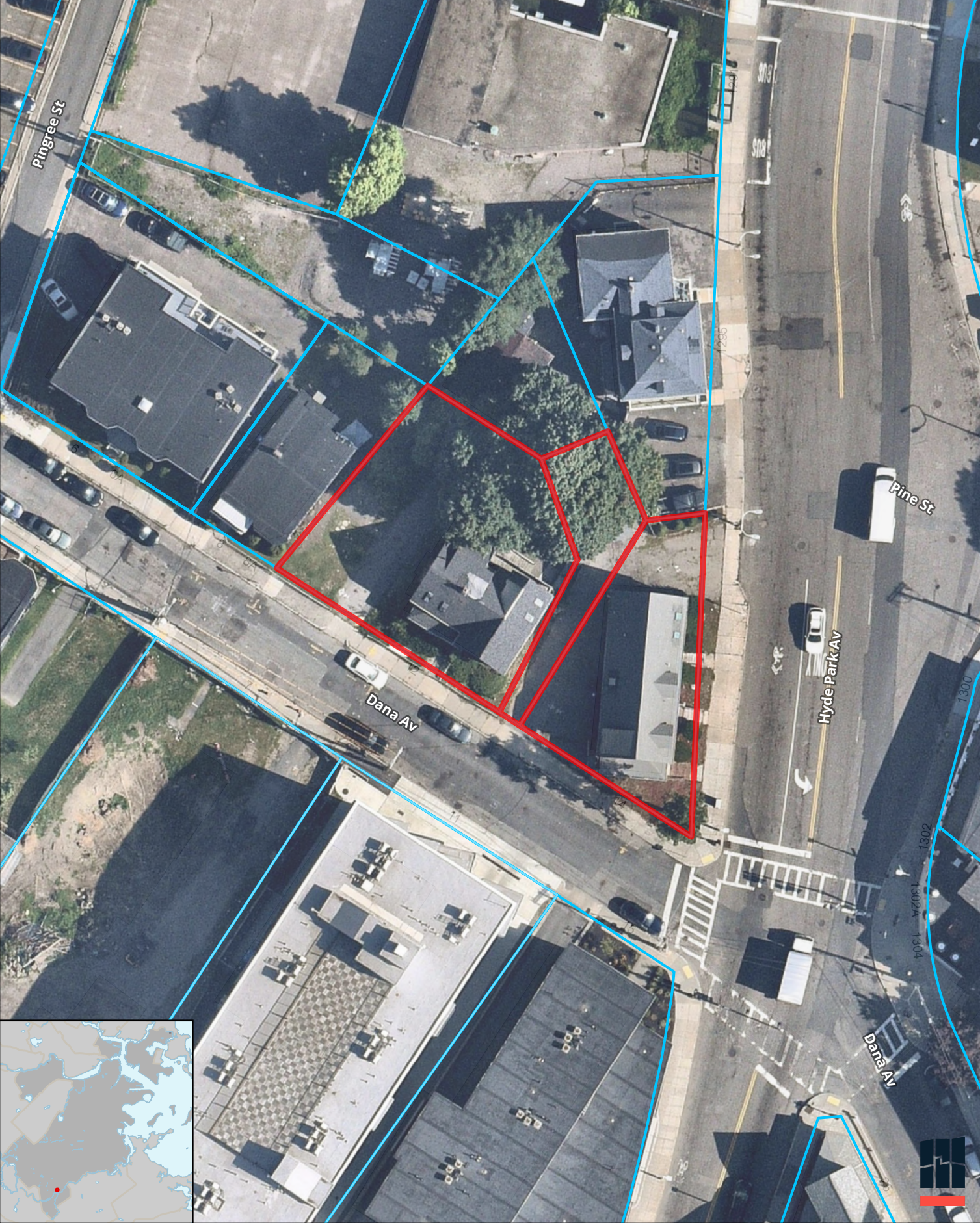


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# 1305 Hyde Park Avenue







<b>Case</b>	BOA1630352
<b>ZBA Submitted Date</b>	2024-07-23
<b>ZBA Hearing Date</b>	2025-02-25
<b>Address</b>	77 Bailey ST Dorchester 02124
<b>Parcel ID</b>	1704525000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	65
<b>Project Description</b>	Erect a 3-story multifamily building with 6 dwelling units, each with two bedrooms and 2 bathrooms. The building will have front decks, a common roof deck, and six rear parking spaces. This is Building 1 of 2 buildings that will be built on the same lot. See ERT1609270 for the second building at 79 Bailey Street. Demolition of the existing building will be filed under a separate permit.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Parking design and maneuverability Existing Building Alignment Lot Area Insufficient Lot Width Insufficient Lot Frontage Insufficient FAR Excessive Side Yard Insufficient Two or More Dwellings on Same Lot Use: Forbidden (Multi-family dwelling)

**Planning Context:**

The proponent seeks to build two separate three-and-a-half-story, six-unit multifamily residential dwellings on the same lot with a total of six rear parking spaces shared between the buildings.

The two buildings are identical in scale, unit type, and unit size. This application is for the building that will have 77 Bailey Street as its address and is proposed for the western side of the lot. It is associated with application ERT1609270 which is the second building that will have 79 Bailey Street as its address and is proposed for the eastern side of the lot.

ISD has provided a set of revised site plans (dated February 10, 2025) and project plans (dated February 4, 2025) submitted by the proponent that have not yet received a stamp by ISD. These



plans show modifications to the original plan set. This recommendation is based on these revised plans. If these plans are stamped by the date of the Zoning Board of Appeal hearing, then the Planning Department's recommendation in this letter will remain.

The original plans proposed that each building would have basement storage space, flat square bays, front decks for the second and third floors, and a roof deck. Based on the revised plans, the following modifications have been made: removes the front balconies, changes the front of the building to have octagonal bays which are more in line with adjacent three-deckers, adds rear balconies, removes the roof deck as well as the basement storage, and adds a half-story penthouse for one of the units in each building which changes the height from three to three-and-a-half stories.

The existing property is a 9,225 sq ft lot and currently holds a two-story, three-unit residential dwelling. The front lot line of this parcel is in alignment with the front lot line of 87 Bailey Street to the east, but the abutting 75 Bailey Street property to the west is angled towards the northwest due to a turn in the street that places that property's front lot line out of alignment with 77 Bailey Street.

The proponent seeks to demolish this existing structure to erect the two proposed dwellings. This property is listed as having a "Pending Landmark" status by the Boston Landmarks Commission. As such, this project would have to adhere to the provisions of Article 85 (Demolition Delay) as the landmark status of this property is reviewed.

The property's lot size is larger than that of abutting and adjacent residential dwellings that hold three or more units. The current building form also differs in design compared to other three-unit residential dwellings in the area because it is only two stories and has a wider building width than those adjacent dwellings.

The properties surrounding this lot are predominantly three-story, three-unit residential dwellings while properties further down Bailey Street to the west include one-unit, two-unit, and multifamily residential dwellings at various heights. This property also abuts a five-story mixed-use building along its southern rear lot line that has 64 dwelling units and 24 parking spaces. The variety of building scales in this area indicates a diverse building pattern that this project would fit well into, especially considering that the project is proposed with a style similar to three-decker buildings.



This property is located on a predominantly residential street but it is the third lot west of the intersection of Dorchester Avenue and Bailey Street. This places it within a five-minute walk of a major commercial corridor, the Ashmont MBTA Red Line Station, and bus stops along Dorchester Avenue and Talbot Avenue. The proposed multifamily residential use for this property aligns with the surrounding land use patterns and aligns with the City's goal of encouraging transit-oriented development by placing more housing units closer to MBTA T stations and bus routes.

The existing property has a driveway along the western side lot that leads to the southern rear yard where there is a small garage and a large amount of paved rear yard space. The property is listed as having five parking spaces according to its report by the Assessing Department. There is an existing curb cut for this driveway. The proponent seeks to demolish the rear garage to place six total exterior parking spaces in the southern rear yard behind the two buildings. To access these parking spaces, the plans indicate a new 10 ft driveway entry from the center of the front lot line that leads to the rear yard parking spaces. The plans do not clearly indicate if the curb cut for the existing side yard driveway will be closed and it also does not indicate if a new curb cut is proposed for this central driveway.

Additionally, while the project seeks to provide front decks and a roof deck, the ground-level usable open space is largely diminished due to the amount of paved space that will be committed to the driveway and rear parking spaces. The Planning Department Transportation team recommends that the proponent consider alterations to the project that could allow for an expansion of usable open space, the retention of the existing curb cut, and an improvement of the existing driveway or the proposed driveway and parking area design. Alterations could include driveway and parking redesign, adjustment to the two buildings' footprint, or merging the projects into a single building.

The proposal of 12 total dwelling units on this lot triggers the provisions of the Inclusionary Development Policy, which is effective for projects proposing 10 or more dwelling units and that sought out zoning relief prior to October 1, 2024. As such, the proponent will need to include 13% affordable unit(s) and must be issued a housing agreement prior to issuing permits if the proposed number of dwelling units remain above ten total.

**Zoning Analysis:**





This application has received 10 violations specific to land use standards (multifamily dwelling residential use, off-street parking use), design standards (parking design), lot standards (lot area, lot width, lot frontage, side yard, two or more dwellings on the same lot, and conformity with existing building alignment), and building standards (floor area ratio). Additionally, while the buildings at 77 and 79 Bailey Street are identical, the refusal letter for this building did not include a violation for building height in stories that the refusal letter for 79 Bailey Street (ERT1609270) did include. Therefore, that zoning regulation will be reviewed as well relative to this specific building for consistency in review across the two identical applications. The addition of octagonal bays in the revised plans reduces the amount of front yard setback, which would trigger a violation for front yard depth as well. However, the modifications reflect the style of bay found in other three-deckers in the area and was made following the proponent's response to a meeting with abutters.

Multifamily dwelling uses are forbidden in the 2F-5000 subdistrict (Art. 65, Sec. 8). However, as mentioned in the Planning Context, multifamily dwellings exist within this surrounding area and the architectural design of this proposed set of buildings is similar to the form of existing adjacent three-decker buildings. Relatedly, the 2F-5000 subdistrict requires a maximum floor area ratio (FAR) of 0.5 and a maximum height in stories of 2.5 stories (Art. 65, Sec. 9). The project has an excessive FAR of 1.15 and an excessive height in stories of 3 stories but a conforming height in feet of 33.2 ft (which is under the 35 ft maximum). There are precedents in this area for three-story buildings and larger multifamily dwellings that exceed these regulations, indicating a more common trend of larger building scales that accommodate a variety of housing densities. This offers a reason for this building to receive relief because it is at building scale in the middle of the three-unit building typologies and the larger multifamily building typologies found nearby. It also signals a need for zoning reform in this area to affirm and better accommodate multifamily residential uses and the variety of building scales that are needed to provide those uses, especially in transit-rich areas close to mixed-use areas like this site.

Article 65 requires 1.5 parking spaces per dwelling unit for properties with 10 or more units (Art. 65, Sec. 41). Since this project has two six-unit buildings on the same lot, the total of 12 units triggers this parking requirement as it provides a ratio of 0.5 parking spaces per unit. However, as mentioned this project is within close proximity of several public transit resources and thus does not provide an excessively high number of parking spaces which would otherwise limit the possibility for multifamily housing to be built at this site and further diminish the amount of remaining usable open space. Additionally, this number of parking spaces proposed per unit is

BOA1630352

2025-02-25

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reasonably below the maximum recommended by the Boston Transportation Department for residential properties in this part of Boston. Specifically, BTB recommends a maximum ratio of 0.75 parking spaces per unit for rentals and 1.0 parking space per unit for condos. This indicates a need for zoning reform again related to multifamily residential uses as the existing parking ratio minimum in this zoning district penalizes multifamily development by setting a high ratio for housing despite proximity to other mobility options.

The 2F-5000 subdistrict requires that projects of “Any Other Dwelling or Use” be built on lots that have a minimum lot area of 5,000 sq ft, a minimum lot width of 50 ft, and a minimum lot frontage of 50 ft (Art. 65, Sec. 9). The lot for this proposed project does meet each of these requirements with a lot area of 9,225 sq ft as well as a lot width and lot frontage of 94.36 ft. To that end, this project adheres to the lot standards of the area. This project also triggered a violation for Conformity with Existing Building Alignment, though as indicated in the Planning Context this property is only in alignment with one abutting property to the east. Additionally, the proposed front yard depth is similar to the front yard depth of the three-decker building abutting this lot to the east and thus would be similar in perception from the public realm. This further indicates a need for zoning reform that is more responsive to diverse surrounding lot conditions and that better enables the appropriate lot standards for a contextually appropriate multifamily use like this without triggering zoning violations.

The remaining violations indicate a need for the proponent to consider an alternative building design to improve the off-street parking use and open space availability. The proposed parking design has triggered a violation for parking size and maneuverability (Art. 65, Sec. 65-41.5). While the Planning Department Transportation team has indicated no significant concern with the parking space sizes and maneuverability, there are concerns for the lack of clarity on the curb cut changes for the existing and new driveway. Retention of the existing curb cut would prevent further disruption to the pedestrian infrastructure on this side of Bailey Street.

The 2F-5000 subdistrict requires a minimum side yard depth of 10 ft, which the proposed building is insufficient of with a side yard depth of 2 ft 10 in from the western side lot line (Art. 65, Sec. 9). The side yard is small due to the amount of space committed on the eastern side lot to the other building and the center of the lot to the central driveway. Additionally, these two buildings trigger a dimensional violation for Two or More Dwellings on Same Lot which requires that the distance between both buildings should be at least twice the minimum side yard depth of this subdistrict, which equates to a minimum distance between buildings of 20 ft (Art. 65, Sec.



42.13). The proposed distance between the two buildings is 13 ft and the proposed driveway is within that middle space.

Altogether these violations present a case to consider an alteration to to the project to better reuse the existing curb cut and driveway, produce more ground-level usable open space, allow for a larger side yard on this western side of the lot, and prevent the triggering of this two or more dwellings requirement. While the proposed land use and architectural style are contextually appropriate, adjustments to the building massing could produce a simpler ground-level condition.

Original site plan completed by Daniel Macisaac, Professional Land Surveyor on May 19, 2024. Original project plans completed by Hue Architecture on May 24, 2024. Revised project plans completed by Hue Architecture on February 4, 2025. Revised site plan completed by Daniel Macisaac, Professional Land Surveyor on February 10, 2025.

**Recommendation:**

In reference to BOA1630352, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to an expansion of ground-level usable open space and an improvement on the parking design, which may include changing the size of the proposed buildings or merging them into one building; and that a housing agreement be executed with the Mayor's Office of Housing. If the stamped revised plans are not provided by the Zoning Board of Appeal hearing, then the Planning Department recommends DEFERRAL until those stamped plans are provided.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1632750
<b>ZBA Submitted Date</b>	2024-07-29
<b>ZBA Hearing Date</b>	2025-02-25
<b>Address</b>	79 Bailey ST Dorchester 02124
<b>Parcel ID</b>	1704525000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	65
<b>Project Description</b>	Erect a three-story multifamily building with six dwelling units, each with two bedrooms and two bathrooms. The building will have front decks, a common roof deck, and six rear parking spaces. This is one of two buildings that will be built on the same lot. See ERT1605980 for the second building at 79 Bailey Street. Demolition of the existing building will be filed under a separate permit.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Parking design and maneuverability Existing Building Alignment Lot Area Insufficient Lot Width Insufficient Lot Frontage Insufficient FAR Excessive Height Excessive (stories) Side Yard Insufficient Two or More Dwellings on Same Lot Use: Forbidden (Multi-family dwelling)

**Planning Context:**

The proponent seeks to build two separate three-and-a-half-story, six-unit multifamily residential dwellings on the same lot with a total of six rear parking spaces shared between the buildings. The two buildings are identical in scale, unit type, and unit size. This application is for the building that will have 79 Bailey Street as its address and is proposed for the eastern side of the lot. It is associated with application ERT1605980 which is the second building that will have 77 Bailey Street as its address and is proposed for the western side of the lot.



The original plans proposed that each building would have basement storage space, flat square bays, front decks for the second and third floors, and a roof deck. Based on the revised plans, the following modifications have been made: removes the front balconies, changes the front of the building to have octagonal bays which are more in line with adjacent three-deckers, adds rear balconies, removes the roof deck as well as the basement storage, and adds a half-story penthouse for one of the units in each building which changes the height from three to three-and-a-half stories.

The existing property is a 9,225 sq ft lot and currently holds a two-story, three-unit residential dwelling. The front lot line of this parcel is in alignment with the front lot line of 87 Bailey Street to the east, but the abutting 75 Bailey Street property to the west is angled towards the northwest due to a turn in the street that places that property's front lot line out of alignment with 79 Bailey Street.

The proponent seeks to demolish this existing structure to erect the two proposed dwellings. This property is listed as having a "Pending Landmark" status by the Boston Landmarks Commission. As such, this project would have to adhere to the provisions of Article 85 (Demolition Delay) as the landmark status of this property is reviewed.

The property's lot size is larger than that of abutting and adjacent residential dwellings that hold three or more units. The current building form also differs in design compared to other three-unit residential dwellings in the area because it is only two stories and has a wider building width than those adjacent dwellings.

The properties surrounding this lot are predominantly three-story, three-unit residential dwellings while properties further down Bailey Street to the west include one-unit, two-unit, and multifamily residential dwellings at various heights. This property also abuts a five-story mixed-use building along its southern rear lot line that has 64 dwelling units and 24 parking spaces. The variety of building scales in this area indicates a diverse building pattern that this project would fit well into, especially considering that the project is proposed with a style similar to three-decker buildings.

This property is located on a predominantly residential street but it is the third lot west of the intersection of Dorchester Avenue and Bailey Street. This places it within a five-minute walk of a major commercial corridor, the Ashmont MBTA Red Line Station, and bus stops along Dorchester Avenue and Talbot Avenue. The proposed multifamily residential use for this



property aligns with the surrounding land use patterns and aligns with the City's goal of encouraging transit-oriented development by placing more housing units closer to MBTA T stations and bus routes.

The existing property has a driveway along the western side lot that leads to the southern rear yard where there is a small garage and a large amount of paved rear yard space. The property is listed as having five parking spaces according to its report by the Assessing Department.

There is an existing curb cut for this driveway. The proponent seeks to demolish the rear garage to place six total exterior parking spaces in the southern rear yard behind the two buildings. To access these parking spaces, the plans indicate a new 10 ft driveway entry from the center of the front lot line that leads to the rear yard parking spaces. The plans do not clearly indicate if the curb cut for the existing side yard driveway will be closed and it also does not indicate if a new curb cut is proposed for this central driveway.

Additionally, while the project seeks to provide front decks and a roof deck, the ground-level usable open space is largely diminished due to the amount of paved space that will be committed to the driveway and rear parking spaces. The Planning Department Transportation team recommends that the proponent consider alterations to the project that could allow for an expansion of usable open space, the retention of the existing curb cut, and an improvement of the existing driveway or the proposed driveway and parking area design. Alterations could include driveway and parking redesign, adjustment to the two buildings' footprint, or merging the projects into a single building.

The proposal of 12 total dwelling units on this lot triggers the provisions of the Inclusionary Development Policy, which is effective for projects proposing 10 or more dwelling units and that sought out zoning relief prior to October 1, 2024. As such, the proponent will need to include 13% affordable unit(s) and must be issued a housing agreement prior to issuing permits if the proposed number of dwelling units remains above ten total.

### **Zoning Analysis:**

This application has received 11 violations specific to land use standards (multifamily dwelling residential use, off-street parking use), design standards (parking design), lot standards (lot area, lot width, lot frontage, side yard, two or more dwellings on the same lot, and conformity with existing building alignment), and building standards (floor area ratio and building height in stories). The addition of octagonal bays in the revised plans reduces the amount of front yard



setback, which would trigger a violation for front yard depth as well. However, the modifications reflect the style of bay found in other three-deckers in the area and was made following the proponent's response to a meeting with abutters.

Multifamily dwelling uses are forbidden in the 2F-5000 subdistrict (Art. 65, Sec. 8). However, as mentioned in the Planning Context, multifamily dwellings exist within this surrounding area and the architectural design of this proposed set of buildings is similar to the form of existing adjacent three-decker buildings. Relatedly, the 2F-5000 subdistrict requires a maximum floor area ratio (FAR) of 0.5 and a maximum height in stories of 2.5 stories (Art. 65, Sec. 9). The project has an excessive FAR of 1.15 and an excessive height in stories of 3 stories but a conforming height in feet of 33.2 ft (which is under the 35 ft maximum). There are precedents in this area for three-story buildings and larger multifamily dwellings that exceed these regulations, indicating a more common trend of larger building scales that accommodate a variety of housing densities. This offers a reason for this building to receive relief because it is at building scale in the middle of the three-unit building typologies and the larger multifamily building typologies found nearby. It also signals a need for zoning reform in this area to affirm and better accommodate multifamily residential uses and the variety of building scales that are needed to provide those uses, especially in transit-rich areas close to mixed-use areas like this site.

Article 65 requires 1.5 parking spaces per dwelling unit for properties with 10 or more units (Art. 65, Sec. 41). Since this project has two six-unit buildings on the same lot, the total of 12 units triggers this parking requirement as it provides a ratio of 0.5 parking spaces per unit. However, as mentioned this project is within close proximity of several public transit resources and thus does not provide an excessively high number of parking spaces which would otherwise limit the possibility for multifamily housing to be built at this site and further diminish the amount of remaining usable open space. Additionally, this number of parking spaces proposed per unit is reasonably below the maximum recommended by the Boston Transportation Department for residential properties in this part of Boston. Specifically, BTD recommends a maximum ratio of 0.75 parking spaces per unit for rentals and 1.0 parking space per unit for condos. This indicates a need for zoning reform again related to multifamily residential uses as the existing parking ratio minimum in this zoning district penalizes multifamily development by setting a high ratio for housing despite proximity to other mobility options.

The 2F-5000 subdistrict requires that projects of "Any Other Dwelling or Use" be built on lots that have a minimum lot area of 5,000 sq ft, a minimum lot width of 50 ft, and a minimum lot





frontage of 50 ft (Art. 65, Sec. 9). The lot for this proposed project does meet each of these requirements with a lot area of 9,225 sq ft as well as a lot width and lot frontage of 94.36 ft. To that end, this project adheres to the lot standards of the area. This project also triggered a violation for Conformity with Existing Building Alignment, though as indicated in the Planning Context this property is only in alignment with one abutting property to the east. Additionally, the proposed front yard depth is similar to the front yard depth of the three-decker building abutting this lot to the east and thus would be similar in perception from the public realm. This further indicates a need for zoning reform that is more responsive to diverse surrounding lot conditions and that better enables the appropriate lot standards for a contextually appropriate multifamily use like this without triggering zoning violations.

The remaining violations indicate a need for the proponent to consider an alternative building design to improve the off-street parking use and open space availability. The proposed parking design has triggered a violation for parking size and maneuverability (Art. 65, Sec. 65-41.5). While the Planning Department Transportation team has indicated no significant concern with the parking space sizes and maneuverability, there are concerns for the lack of clarity on the curb cut changes for the existing and new driveway. Retention of the existing curb cut instead of creating a new curb cut would prevent further disruption to the pedestrian infrastructure on this side of Bailey Street.

The 2F-5000 subdistrict requires a minimum side yard depth of 10 ft, which the proposed building is insufficient of with a side yard depth of 7 ft from the eastern side lot line (Art. 65, Sec. 9). The side yard is small due to the amount of space committed on the eastern side lot to the other building and the center of the lot to the central driveway. Additionally, these two buildings trigger a dimensional violation for Two or More Dwellings on Same Lot which requires that the distance between both buildings should be at least twice the minimum side yard depth of this subdistrict, which equates to a minimum distance between buildings of 20 ft (Art. 65, Sec. 42.13). The proposed distance between the two buildings is 13 ft and the proposed driveway is within that middle space.

Altogether these violations present a case to consider an alteration to the project to better reuse the existing curb cut and driveway, produce more ground-level usable open space, allow for a larger side yard on this western side of the lot, and prevent the triggering of this two or more dwellings requirement. While the proposed land use and architectural style are contextually





appropriate, adjustments to the building massing could produce a simpler ground-level condition.

Original site plan completed by Daniel Macisaac, Professional Land Surveyor on May 19, 2024. Original project plans completed by Hue Architecture on May 24, 2024. Revised project plans completed by Hue Architecture on February 4, 2025. Revised site plan completed by Daniel Macisaac, Professional Land Surveyor on February 10, 2025.

**Recommendation:**

In reference to BOA1632750, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to an expansion of ground-level usable open space and an improvement on the parking design, which may include changing the size of the proposed buildings or merging them into one building; and that a housing agreement be executed with the Mayor's Office of Housing. If the stamped revised plans are not provided by the Zoning Board of Appeal hearing, then the Planning Department recommends DEFERRAL until those stamped plans are provided.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1679542
<b>ZBA Submitted Date</b>	2024-12-19
<b>ZBA Hearing Date</b>	2025-02-25
<b>Address</b>	Dorchester 02121
<b>Parcel ID</b>	1401313000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 3F-5000
<b>Zoning Article</b>	65
<b>Project Description</b>	Combine three parcels to construct a 3-story, 12-unit building with eight parking spaces on property. All Units will be income-restricted.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	FAR Excessive Height Excessive (ft) Height Excessive (stories) Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Parking or Loading Insufficient Conditional Use

**Planning Context:**

This project proposes the combination of three separate parcels and the construction of a three-story, twelve (12) unit mixed-use dwelling with eight (8) parking spaces. The proposed project is located in a heavily residential area of Dorchester, midway between the Four Corners and Field’s Corner neighborhoods. The lot is significantly larger than lots in the surrounding area at 10,206 sq ft compared to lots that range between 2,400 sq ft and 5,000 sq ft nearby along Nottingham St. These are unique parcel conditions that impact the way this project relates to zoning regulations and its nearby context.

The proponent, has been awarded land and funding to forward the City of Boston’s “Welcome Home, Boston” program. “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 I of this program, which began in 2022. 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 II. Following this process, there was a 14-day comment period in the fall of 2024.

The project is three stories in height, which fits within the surrounding context where there are a mix of 2-story, 2.5-story and 3-story buildings on the same block along both Norwell St and Talbot Ave. These buildings range between one to three units. The building has a larger building width than nearby properties due to the project being on a parcel that has been created out of three separate vacant lots.

The property is located within a five-minute walk of the Four Corners MBTA Commuter Rail stop and bus routes along Washington St. The development of multi-family housing that includes affordable units within proximity of multiple transit options aligns with citywide goals to promote transit-oriented development by way of introducing more housing units closer to transit options.

#### **Zoning Analysis:**

Under Article 65, in an area zoned as 3F-500, the maximum height is 35 feet or 2.5 stories, the maximum FAR is 0.5, and multi-family residential dwellings are forbidden. The proposed 3-story building exceeds these limits.

The first violation is in regards to use. The area in question is zoned for three-family residential buildings, while the proposed project has 12 units. This area of Dorchester has many multifamily buildings in the area and reflects a disconnect between the zoning code and the actual built environment.

The proposed project would have an FAR of 0.96 while the zoning code allows for a maximum of 0.5. Again, this reflects a disconnect between the zoning code and the built environment, as any of the neighboring triple deckers on smaller lots trigger this same violation.

The zoning for the area allows for up to 2.5 stories and 35 feet. The proposed project has a height of 3 stories and 36 feet. While the amount of stories are in violation of the code, the surrounding context supports buildings of this size. There are many 3-story residential buildings in the area that are in violation, and would require the removal of affordable housing units. The proposed project originally came in at exactly 35 feet, however the Mayors Office of Housing has requested they raise the base of the building to increase accessibility. As the City has requested this change, it should not restrict this project from moving forwards.



The next of these violations is in regards to the rear, front, 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 13 feet, 17 feet under the zoning minimum. The zoning for this parcel also includes a side yard setback of 10 feet. The proposed project would have a side yard of just six feet on one side. However, the opposite side yard has a depth of 59 feet, which has been shifted to allow for on parcel parking. Without this shifting of the building towards one side yard there would be no viable way to fit any parking on the property.

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 16 for this project. The proposed building would have 8 new parking spaces. Boston Transit Department Minimum parking ratios can act as a guideline for parking in new projects. The BTDR ratio for this area is between 0 and 0.75 spaces per unit. The proposed project is aligned with the guideline and its goals to calibrate parking to local mobility.

**Recommendation:**

In reference to BOA1679542, The Planning Department recommends APPROVAL WITH PROVISIO: that plans be submitted to the Planning Department for design review.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1473068
<b>ZBA Submitted Date</b>	2023-05-10
<b>ZBA Hearing Date</b>	2025-02-25
<b>Address</b>	3 Cedar SQ Roxbury 02119
<b>Parcel ID</b>	0903750000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood 3F-4000
<b>Zoning Article</b>	50
<b>Project Description</b>	Construct a four-story, twelve-unit building on a recently subdivided lot.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Usable Open Space Insufficient Additional Lot Area Insufficient FAR Excessive Height Excessive (ft) Height Excessive (stories) Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient NDOD Applicability Use: Forbidden (Multifamily)

**Planning Context:**

The proposed project sits on a newly addressed parcel (3 Cedar Square) resulting from subdividing an oversized lot. The original lot was over 14,000 square feet and contains a two-unit building. The subdivision resulted in two 7,000-square-foot lots: 1 Cedar Square with the existing two-unit building, and 3 Cedar Square, the empty lot for this twelve-unit proposal. The project contains more than ten units of housing and requires zoning relief, so is subject to the Inclusionary Development Policy.

The site is immediately across the street from Cedar Square, a 0.5-acre City park, and is within the residential Highland Park sub-neighborhood of Roxbury. It is also within the Highland Park Architectural Conservation District, established in 2022. This area had planning recommendations from the 2004 Roxbury Strategic Master Plan, most notably to establish design guidelines that would be enforced by the Highland Park Architectural Conservation District jurisdiction.



The Conservation District is characterized most by having a diverse range of architectural styles across the neighborhood (but more consistent at the block scale) and the significance of landscaping elements. The district acknowledges the presence and importance of multi-unit buildings, but maintains that any new multi-unit developments should continue to respect setbacks between buildings, have contextually appropriate massing, and provide ample landscaping, trees, and open space. The immediately surrounding blocks are comprised mostly of one-, two-, and three-unit buildings, with a handful of rowhouses and a six-unit apartment building. All of the buildings in the adjacent context are under three stories.

Although the 2004 Roxbury Strategic Master Plan encourages more housing production proximate to transit, and the Highland Park Architectural Conservation District acknowledges the presence and importance of multi-unit developments in the area, the density and scale proposed for this site are not in alignment with either the surrounding context or the planning and design recommendations.

### **Zoning Analysis:**

The project is cited for two lot-related zoning violations, including minimum usable open space and required lot area. The minimum required usable open space within this 3F-4000 subdistrict is 7,800 square feet; the proposed project includes 750 square feet. 7,800 square feet would not be feasible because the site is only 7,000 square feet; this presents a case for zoning reform, where the requirements do not appropriately scale with different sizes of lots and increased density of residential units. However, the proposed 750 square feet is still significantly lower than the requirement, and results in just over 60 square feet per unit which is not in alignment with the significant amount of open space provided in the surrounding context. The lot is also required to be 24,000 square feet to support these 12 units, but the lot size is only 7,000 square feet. Again, this is a case for zoning reform, because a lot of this size would only allow three units as-of-right.

The project is also cited for several dimensional zoning violations, including excessive FAR and height, and insufficient front, side, and rear setbacks. The maximum allowable FAR is 0.8, and the proposed project is 2.7. The surrounding context includes FARs predominantly between 0.6 and 1.5, so the zoning may be out of date. However, the suggested 2.7 FAR is still much larger than the surrounding area. Additionally, the proposed project is four stories (three stories



maximum) and 45.5' tall (35' maximum). Nearby properties are consistently at or below 35' and 3 stories, with some of the multi-unit buildings at 3.5 stories.

The yard requirements are as follows: minimum front yard of 20' (5.5' proposed), minimum side yard of 10' (3.6' and 3.2' proposed), and minimum rear yard of 30' (11.3' proposed). The surrounding context is also largely noncompliant with these yard requirements, but not to the same extent as this proposal. A common condition in the area for front yard and side yards is between 5' and 10', and for rear yards is between 15' and 20'. Again, this is a case for zoning reform.

Finally, the project is subject to Neighborhood Design Overlay District regulations in Article 50. The project is also subject to Landmarks Review as it is within the Highland Park Architectural Conservation District.

Plans reviewed are titled "3 Cedar Square", prepared by Context A Collaborative Design Workshop, and dated March 22, 2023.

**Recommendation:**

In reference to BOA1473068, The Planning Department recommends DENIAL WITHOUT PREJUDICE. The proponent should consider a multi-unit project that more appropriately aligns with the surrounding context regarding yard setbacks and building scale. The project should provide landscaping and open space consistent with the surrounding context and guidelines from the Highland Park Architectural Conservation District.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1674434
<b>ZBA Submitted Date</b>	2024-11-26
<b>ZBA Hearing Date</b>	2025-02-25
<b>Address</b>	232 W Third ST South Boston 02127
<b>Parcel ID</b>	0601688000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	68
<b>Project Description</b>	Erect new four-story, one-unit residential building on a vacant lot in South Boston.
<b>Relief Type</b>	Variance
<b>Violations</b>	Lot Area Insufficient FAR Excessive Side Yard Insufficient Rear Yard Insufficient Front Yard Insufficient Height Excessive (ft) Parking or Loading Insufficient Traffic Visibility Across Corner

**Planning Context:**

The proposed project seeks to construct a new single-unit residential building on a vacant lot at 232 W Third Street. The four-story building will feature an integrated garage, rear deck, roof deck, and multiple balconies. The parcel is currently a vacant lot used for parking contractor vehicles associated with construction projects on abutting sites. While this area is currently zoned as MFR, this portion of W Third Street that intersects with E Street contains a mix of residential buildings that range from single-unit to multi-family.

**Zoning Analysis:**

The refusal letter states a total of eight violations: insufficient lot size, excessive FAR and height, insufficient side yard, rear yard, and front yard, insufficient parking, and traffic visibility across corner.

Regarding the lot size, under Article 68, for an area zoned as MFR, the minimum lot size is 2,000 square feet and this project proposes a lot size of 1,500 square feet. While this parcel does not meet the minimum required lot size, it is actually larger than the adjacent lots at 234





and 236 W Third Street, both of which contain single-unit residential buildings. 234 W Third Street has a lot size of 1,300 square feet, while 236 W Third Street is 1,260 square feet. Given that this lot is larger than the adjacent parcels with similar residential uses, relief should be granted for the insufficient lot size. This is a case of zoning reform to allow reasonable use of the land reflective of existing lot sizes.

The maximum allowed FAR in this area is 2.0 while this project proposes an FAR of 2.35. Relief should be granted as this project is creating a housing unit on a vacant lot that aligns with the density of the current built environment of the area.

The maximum building height is 40 feet while this project is proposing a height of 41 feet. Relief should be granted due to the grade change along E Street as this increase helps ensure that the building remains visually consistent with the adjacent properties such as the recently completed residential building at 251 W Third Street.

For this area, the minimum required front yard is 5 feet, the minimum required side yard is 3 feet, and the minimum required rear yard is 20 feet. This project proposes a front yard of 0 feet, a side yard of 0 feet creating a party wall condition with the abutting property at 234 W Third Street, and a rear yard of 3 feet. Relief is warranted for the front yard setback as the modal setback on W Third Street is 0 feet. This would allow the project to align with the properties at 234 W Third Street and 236 W Third Street. Although the minimum required side setback is 3 feet, many properties on W Third Street do not conform to this requirement. For example, there is no side yard between 250 and 252 W Third Street showing that there are properties that do not meet the side yard requirements. Because this is a corner parcel, relief should be granted to the rear yard setback requirement as this lot has two side yards instead. These are also cases for zoning reform to align with the built environment of W Third Street.

The minimum required parking ratio is 1.5 per unit and this project is proposing 1 parking space. While it does not meet the minimum requirement, this is a case for zoning reform to address the discrepancy between the requirement and the need for parking. Broadway Station is 0.7 miles away from the site and bus stops for the MBTA 9 bus route are 0.1 miles away. Because this is also a single-unit residential building, one parking space may also be sufficient for the needs of the household that will live here. This project would also utilize the existing curb cut on E Street to enter their garage.



The final violation is traffic visibility across corner which requires a 30-foot clearance at the corner. This is difficult to meet due to the parcel size as the parcel is 30 feet by 50 feet. Following this rule would require a majority of the space on the parcel which would not allow the new housing unit to be created. W Third Street and the intersecting East Street are both one-way streets where this corner would not interfere with traffic visibility turning onto W Third Street. Relief is warranted for this violation based on these factors.

The plans reviewed are titled ERT1651428 Z.R. decision letter with BOA hearing plan set attached 11.26.24.\_ 1.30.25 (1) and are dated September 4, 2024. They were prepared by 1507 architecture.

**Recommendation:**

In reference to BOA1674434, The Planning Department recommends APPROVAL WITH PROVISIO: that plans be submitted to the Planning Department for design review.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1674435
<b>ZBA Submitted Date</b>	2024-11-26
<b>ZBA Hearing Date</b>	2025-02-25
<b>Address</b>	234 W Third ST South Boston 02127
<b>Parcel ID</b>	0601687000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	68
<b>Project Description</b>	Demolish an existing single-unit residential dwelling and replace it with a new single-unit residential dwelling.
<b>Relief Type</b>	Variance
<b>Violations</b>	Lot Area Insufficient Side Yard Insufficient Rear Yard Insufficient FAR Excessive Roof Structure Restrictions Parking or Loading Insufficient

**Planning Context:**

The proposed project seeks to construct a new single-unit residential building on the lot of an existing single-family residential dwelling. The four-story building will feature an integrated garage, rear deck, and three bedrooms. The parcel currently contains a two-story single-unit residential building. While this area is currently zoned as MFR, this portion of W Third Street that intersects with E Street contains a mix of residential buildings that range from single-unit to multi-family.

However, because this project would require the demolition of the existing property on the site, which conflicts with the goals outlined in Housing a Changing City, Boston 2030 (September 2018). While the plan supports property owners enhancing their living spaces to meet their needs, this plan incentives maintaining the existing house stock. As the proposed project would replace a single-unit residential building with another single-unit residential building, it would result in no net increase in housing. The existing structure would be subject to Article 85 Demolition Delay as it was built in 1860. Since demolition has not yet occurred, and given the nonconformity of both the existing and proposed structure, it would be preferable to preserve the existing structure.



**Zoning Analysis:**

The refusal letter states six violations: an insufficient lot area, insufficient side yard, insufficient rear yard, excessive FAR, insufficient parking, and roof structure restrictions.

Regarding the lot size, under Article 68, for an area zoned as MFR, the minimum lot size is 2,000 square feet and this project proposes a lot size of 1,300 square feet. While this parcel does not meet the minimum required lot size, this is an existing non-conformity as this is also the current lot size for the existing single-unit residential building on the lot. Also, the abutting property at 236 W Third Street is a similar sized single-unit residential building on a similar sized lot at 1,262.5 square feet. Given these two factors, relief should be granted for the insufficient lot size.

For this area, the minimum required side yard is 3 feet, and the minimum required rear yard is 20 feet. This project proposes a side yard of 0 feet and a rear yard of 10 feet. Relief is warranted as many properties on W Third Street do not conform to the 3-foot side setback, such as 250 and 252 W Third Street, which have no side yard between them. For the rear yard, the size of the lot would make it difficult to meet the 20 foot requirement as the parcel is 50 feet long. Additionally, this would align with the rear yard of the abutting property at 236 W Third Street and justifies granting relief.

The maximum allowed FAR in this area is 2.0 while this project proposes an FAR of 2.42. Relief should be granted as this project is creating additional living space on a smaller lot that aligns with the density of the current built environment of the area.

The minimum required parking ratio is 1.5 per unit and this project is proposing 1 parking space. While it does not meet the minimum requirement, this is a case for zoning reform to address the discrepancy between the requirement and the need for parking. Broadway Station is 0.7 miles away from the site and bus stops for the MBTA 9 bus route is 0.1 miles away. However, in order to create this parking space, it would require a new curb cut that would eliminate 1 on-street parking space which would not be beneficial as it does not add net new parking to the neighborhood while reducing shared public parking access.

The last violation is regarding roof structure restrictions. Section 68-29 notes that the height of any building existing on a lot shall determine the allowed building height on that lot subsequent to total or partial demolition of such building. Because of this, the maximum allowed height is 28 feet which is the height of the existing building. The project is proposing a height of 38 feet.



Relief should be granted because the maximum height in this area is 40 feet and the proposed building still falls within this limit. Additionally, the proposed height would also align better with the surrounding properties and would be more consistent with the overall built environment.

While these individual violations warrant relief and highlight the need for zoning reform to better align the dimensional regulations with the built environment, they do not justify why zoning relief is warranted for the demolition and construction of a new building at 234 W Third Street. The proposed new construction has similar nonconformity to the existing building while not adding new housing and eliminating public parking. It would demolish a structure that has existed since 1860, add a new curb cut onto W Third Street, and thus eliminate a public on-street parking space in South Boston where public parking is a heavily utilized resource. Instead, preserving the existing structure and creating additions would align with the City's planning goals because it would maintain the neighborhood character by preserving the historic structure, enhance the property through context-sensitive additions to better suit the property owner's need that would respect the built environment, and would not negatively impact the public realm by avoiding unnecessary curb cuts and parking loss. Given these factors, the proponent should explore a design that preserves the existing structure while incorporating additions that would enhance the structure to better suit the property owner's needs.

The plans reviewed are titled ERT1651433 Z.R. decision letter with BOA hearing plan set attached 11.26.24.pdf and are dated September 4, 2024. They were prepared by 1507 architecture.

**Recommendation:**

In reference to BOA1674435, The Planning Department recommends DENIAL WITHOUT PREJUDICE: Proponent should explore design that preserves the existing structure and does not create a new curb cut.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1669115
<b>ZBA Submitted Date</b>	2024-11-06
<b>ZBA Hearing Date</b>	2025-02-25
<b>Address</b>	105 P ST South Boston 02127
<b>Parcel ID</b>	0604340000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	68
<b>Project Description</b>	Amend the scope of work under Permit ALT1619411 to add shed dormers on both sides of the roof, increasing living space on the third floor. Additionally, construct a new rear deck at the same level as the existing third floor and a new roof deck, with an exterior spiral staircase connecting both decks.
<b>Relief Type</b>	Variance
<b>Violations</b>	Roof Structure Restrictions

**Planning Context:**

The proposed project on 105 P Street in South Boston intends to add shed dormers on both sides of the roof, increasing living space on the third floor. Additionally, it proposes constructing a new rear deck at the same level as the existing third floor and a new roof deck, with an exterior spiral staircase connecting both decks.

The existing building is located on a mid-block lot P Street between E 5th and E 4th Streets. The buildings in this area range from two to four stories. Roof decks and upper story balconies are contextual to the site and commonly found in the surrounding area, including on 814 E 5th Street, 848 E 5th Street, 846 E 5th Street and more.

**Zoning Analysis:**

The proposed project is located within the South Boston Neighborhood District, in a Multi Family residential (MFR) subdistrict, in Article 68 of the Zoning Code. The relevant neighborhood subdistrict contains roof structure restrictions as outlined in Section 68-29. - Roof Structure Restrictions. The proposed roof deck is pulled back from the street-facing sides of the building, such that there is limited visibility from street level. While the Zoning Code states that a roof



deck should not alter the profile of the roof, the proponent has proposed to alter the roof in such a way that will not visually affect the neighborhood fabric. There are existing similar such roof decks among the surrounding properties, as described in the Planning Context.

**Recommendation:**

In reference to BOA1669115, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1661505
<b>ZBA Submitted Date</b>	2024-10-11
<b>ZBA Hearing Date</b>	2025-02-25
<b>Address</b>	64 Baxter ST South Boston 02127
<b>Parcel ID</b>	0600761000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	68
<b>Project Description</b>	Add a roof deck to an existing building with no additional changes proposed.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Roof Structure Restrictions Height Excessive (ft) Front Yard Insufficient Rear Yard Insufficient

**Planning Context:**

The proposed project adds a roof deck to an existing flat-roofed multifamily residential building in South Boston. The proposed project makes use of an existing roof hatch to access the roof deck. A 42" guardrail is proposed for the roof edge. Several buildings in the neighborhood have roof decks. The disparity between the built form and the Zoning Code highlights the need for zoning reform to ensure a code consistent with existing conditions. There is no impact to the building footprint from the proposed change.

**Zoning Analysis:**

The dimensional violations related to this project, for building height, front, and rear setback are existing conditions unchanged by the proposed project.

Article 68, Section 29 states that roof structures require a conditional use permit, and that the Zoning Board of Appeal consider "whether such roof structure has the potential of damaging the uniformity of height or architectural character of the immediate vicinity." Given the many examples of other roof decks on this block and the surrounding area, this roof deck does not adversely affect uniformity or character.

**Recommendation:**

In reference to BOA1661505, The Planning Department recommends APPROVAL.





Planning Department

**CITY of BOSTON**

Reviewed,

*Kathleen Onuf*

Deputy Director of Zoning



<b>Case</b>	BOA1682764
<b>ZBA Submitted Date</b>	2025-01-09
<b>ZBA Hearing Date</b>	2025-02-25
<b>Address</b>	595 E Second ST South Boston 02127
<b>Parcel ID</b>	0603323000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	68
<b>Project Description</b>	The proposed project would reframe the roof to add more space for a new bathroom on the second floor. The proponent is also seeking to confirm the building's occupancy as a single family house per the occupancy certificate submitted with this application.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Roof Structure Restrictions

**Planning Context:**

The proposed project would reframe the roof to add more space for a new bathroom on the second floor and add a second window. Having two windows at the top level is a prevailing condition of the block and in line with existing conditions on the block. The proponent is also seeking to confirm the building's occupancy as a single family house per the occupancy certificate submitted with this application.

**Zoning Analysis:**

The project calls for a conditional use permit related to roof restrictions because it alters the configuration of the roof (Section 68-29). However, the proposed renovations are appropriate to the existing character and building heights on the block, and no apparent hazards or nuisances would result from the project (Section 6-3).

The plans were prepared by John Hagan and are dated April 29, 2022.

**Recommendation:**

In reference to BOA1682764, The Planning Department recommends APPROVAL.



Planning Department

**CITY of BOSTON**

Reviewed,

*Kathleen Onuta*

Deputy Director of Zoning



<b>Case</b>	BOA1677115
<b>ZBA Submitted Date</b>	2024-12-09
<b>ZBA Hearing Date</b>	2025-02-25
<b>Address</b>	701 E Second ST South Boston 02127
<b>Parcel ID</b>	0603575000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	68
<b>Project Description</b>	The proposed project is for a change of use from three residential units to four residential units without changes to the building envelope. Unit 1, which currently occupies both the basement and first floor, would be subdivided into two units, with a new Unit B in the existing space in the basement only.
<b>Relief Type</b>	Variance
<b>Violations</b>	Usable Open Space Insufficient Additional Lot Area Insufficient Forbidden Use: Basement unit

**Planning Context:**

The proposed project is for a change of use from three residential units to four residential units without changes to the existing three-story building envelope. Based on tax records, the property is not currently owner-occupied. Unit 1, which currently occupies both the basement and first floor, would be subdivided into two units: a smaller Unit 1 (on the first floor only) and a new Unit B (in the existing space in the basement only). The creation of Unit B would include the conversion of an office into an additional bedroom, making it a two-bedroom unit. The plans also call for the addition of a stove to the existing kitchen in Unit B.

A new compact off-street parking space is also being proposed, bringing the total parking spaces to six. The addition of the space would not expand the existing parking lot.

The proposed basement unit is not located in the Coastal Flood Resiliency Overlay District (CFROD) and is designed with adequate access to light and air. It would have a ceiling height of 8'5", and there are two double-width windows located on the western side of the unit. Three routes of egress would also be located on the building's western side: two through windows,



and the main entry with a set of stairs that leads from the western side of the house to the parking lot at the rear of the building. Sprinkler locations are clearly marked on the provided plans.

**Zoning Analysis:**

Three violations are triggered by the subdivision of Unit 1 into two units. The first two are for insufficient open space and insufficient additional space per unit. This is a standard condition of the South Boston Neighborhood District and this block in particular, where most buildings have no side yards, no front yards, and very little open space in general. This project highlights an opportunity to update the code to better reflect this built reality. Finally, basement units are forbidden in this district. However, this is a well-planned basement unit not located in the CFROD, with adequate means of egress and access to light and air. Moreover, there is no extension of the building envelope, limiting impacts to immediately adjacent properties.

The plans are dated November 12, 2024 and were submitted by Derek Rubinoff.

**Recommendation:**

In reference to BOA1677115, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Orutsa".

Deputy Director of Zoning



<b>Case</b>	BOA1679431
<b>ZBA Submitted Date</b>	2024-12-19
<b>ZBA Hearing Date</b>	2025-02-25
<b>Address</b>	1301 to 1305 Boylston ST Boston 02215
<b>Parcel ID</b>	0504317000
<b>Zoning District &amp; Subdistrict</b>	Fenway Neighborhood NORTH BOYLSTON NS-3
<b>Zoning Article</b>	66
<b>Project Description</b>	Add live entertainment to an existing restaurant use. A related permit (UOP 491680073) proposes converting the existing parking area to a seasonal beer garden and outdoor music venue. This existing parking area serves both the restaurant and other surrounding commercial and entertainment uses for a fee. It seems that the existing parking would be maintained during the beer garden's off-season.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Removal of BOA site proviso order Use: conditional (Restaurant with live entertainment not operating after 10:30 p.m.) Use: forbidden (Bar with live entertainment)

**Planning Context:**

This project proposes the use of an existing building for a restaurant with live entertainment. The existing use of the building is a restaurant without live entertainment. There is a related permit (UOP 491680073) which proposed converting the existing parking area to a seasonal beer garden and outdoor music venue. This existing parking area serves both the restaurant and other surrounding commercial and entertainment uses for a fee. It seems that the existing parking would be maintained during the beer garden's off-season.

This project is proposed in an entertainment oriented area, within a half mile of by Fenway Park, MGM Music Hall, and the House of Blues. The immediate area is characterized by large, 8-13 story, mixed use buildings with active ground floor uses. The abutting lots are a USPS Sorting Facility to the West and a parking lot to the North. The other two sides of the lot abut Jersey St and Boylston St.



The operator will be required to receive a live entertainment license through the Boston Licensing Board, which will include additional community engagement to ensure that the specifics of the live entertainment proposed (including hours of operation) are appropriate.

This proposed project also lies within the study area of the City's ongoing Fenway Transportation Action Plan (FTAP). The Plan is currently on track to be completed in late 2025, and will provide more clear transportation recommendations for this area. These recommendations should be taken into account in the review of any future proposal to extend the site's relief.

**Zoning Analysis:**

The project would involve adding live entertainment to the existing restaurant building. This requires a conditional use for "Restaurant with live entertainment, not operating after 10:30 p.m." Per Article 6 Section 3, the Zoning Board of Appeal shall grant appeals for conditional uses if (a) the specific site is an appropriate location for such use, (b) the use will not adversely affect the neighborhood, (c) there will be no serious hazard to vehicles or pedestrians from the use, (d) no nuisance will be created by the use, and (e) adequate and appropriate facilities will be provided for the proper operation of the use. Conditions (a) and (b) are met because entertainment uses are already prevalent in the neighborhood. Conditions (c) and (d) are met because this proposed use is a minor addition to the existing restaurant use. Condition (e) is met because appropriate facilities only involve a small performance stage in addition to the facilities required for the allowed restaurant use.

The appeal also includes a forbidden use for the exterior beer garden (bar with live entertainment). This use is discussed on the related permit (BOA1684818).

**Recommendation:**

In reference to BOA1679431, The Planning Department recommends APPROVAL.



Planning Department

**CITY of BOSTON**

Reviewed,

*Kathleen Onuta*

Deputy Director of Zoning





<b>Case</b>	BOA1684818
<b>ZBA Submitted Date</b>	2024-12-30
<b>ZBA Hearing Date</b>	2025-02-25
<b>Address</b>	1301 to 1305 Boylston ST Boston 02215
<b>Parcel ID</b>	0504317000
<b>Zoning District &amp; Subdistrict</b>	Fenway Neighborhood NORTH BOYLSTON NS-3
<b>Zoning Article</b>	66
<b>Project Description</b>	Converting an existing parking area to a seasonal beer garden and outdoor music venue. This existing parking area serves both the restaurant and other surrounding commercial and entertainment uses for a fee. It seems that the existing parking would be maintained during the beer garden's off-season. A permit (ALT1661877) proposes converting the existing building to a restaurant with live entertainment.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Removal of BOA site proviso order Other Conditions Necessary as Protection Use: forbidden (Bar with live entertainment) Use: conditional (Take-out restaurant large)

**Planning Context:**

This project proposes converting an existing parking area to a seasonal beer garden and outdoor music venue. This existing parking area serves both the restaurant and other surrounding commercial and entertainment uses for a fee. It seems that the existing parking would be maintained during the beer garden's off-season. There is a related permit (ALT1661877) which proposes converting the existing building to a restaurant with live entertainment. The existing use of the building is a restaurant without live entertainment.

This project is proposed in an entertainment oriented area, within a half mile of by Fenway Park, MGM Music Hall, and the House of Blues. The immediate area is characterized by large, 8- to 13-story, mixed use buildings with active ground floor uses. The abutting lots are a USPS Sorting Facility to the West and a parking lot to the North. The other two sides of the lot abut Jersey St and Boylston St.



The operator will be required to receive a live entertainment license through the Boston Licensing Board, which will include additional community engagement to ensure that the specifics of the live entertainment proposed (including hours of operation) are appropriate.

This proposed project also lies within the study area of the City's ongoing Fenway Transportation Action Plan (FTAP). The Plan is currently on track to be completed in late 2025, and will provide more clear transportation recommendations for this area. These recommendations should be taken into account in the review of any future proposal to extend the site's relief.

### **Zoning Analysis:**

The continuation of the existing parking on this lot was approved in January 2024 and required zoning relief for three reasons. Because the parking was used as paid parking for other surrounding uses (such as Fenway Park), it was considered both a Parking Lot (which is a forbidden use) and Ancillary Parking (which is a conditional use). Additionally, the parking required another conditional use permit because this lot is located in a Restricted Parking Overlay District. This approval included a proviso that the approval would expire on December 18, 2026. This sunset proviso should be maintained so that the parking use can be re-examined after the adoption of the Fenway Transportation Action Plan to ensure the use aligns with the recommendation of that Plan.

In addition to the sunset proviso, the 2024 approval included 3 other provisos:

- 1) BPDA design review with attention to curb cut dimensions, one way entrance demarcation, and bicycle parking
- 2) 50% of the spaces must be 8.5 ft / 20 ft and the remaining spaces should be 7 ft / 18 ft
- 3) a sign must be posted clearly to include the following: license number issued by BTDA, total capacity determined by BTDA, and cost to park.

The design elements that were approved through BPDA design review, the ratio of compact spaces, and the sign must be maintained with any continued use of the area for parking.

This project also requires a variance for the use "bar with entertainment." As noted in the planning context, entertainment uses are very prevalent in this area. This indicates that it may



be appropriate to reform the zoning for this area to better reflect built conditions. However, because this will be outdoors, the design of the beer garden and music venue facilities should be reviewed by the Planning Department to limit the negative impacts on the public realm.

This project also requires a conditional use permit for the use "large take-out restaurant." Per Article 6 Section 3, the Zoning Board of Appeal shall grant appeals for conditional uses if the specific site is an appropriate location for such use, the use will not adversely affect the neighborhood, there will be no serious hazard to vehicles or pedestrians from the use, no nuisance will be created by the use, and adequate and appropriate facilities will be provided for the proper operation of the use. This use meets these conditions because take-out uses are already prevalent in this area, a take-out restaurant has already been operating at this location, and the take-out component is a minor change a restaurant use (which is allowed).

**Recommendation:**

In reference to BOA1684818, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review.

Reviewed,

A handwritten signature in cursive script, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1670931
<b>ZBA Submitted Date</b>	2024-11-13
<b>ZBA Hearing Date</b>	2025-02-25
<b>Address</b>	14 to 40 Beach ST Boston 02111
<b>Parcel ID</b>	0304960000
<b>Zoning District &amp; Subdistrict</b>	Chinatown Commercial Chinatown
<b>Zoning Article</b>	43
<b>Project Description</b>	Converting parking spaces in existing parking structure basement into accessory storage units.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Conditional Use

**Planning Context:**

The proposal is to remove and replace nine parking stalls in the basement level of an existing parking garage into 80 accessory storage units. These units will be offered as an amenity for monthly parkers or as backstock for retail tenants. The garage is a nine-story structure with other uses on the ground floor along the street. The parking garage now contains 453 parking spaces, a retail space, a coffee shop and a bakery. The only change to the other uses will be a decrease in parking. There will be no work to the exterior done with this proposal. The area is very dense with mixed use retail, office and residential.

The site is in the study area for PLAN: Downtown, which focuses on helping preserve and improve the quality of life in the entire downtown area including Chinatown. Some key priorities from the PLAN include: providing a greater mix of services catering to residential uses in the neighborhood to help meet residents daily needs, and exploring opportunities for adaptive reuse. This project would be an adaptive reuse of a portion of the parking lot to a use that would provide for residents and small businesses.

**Zoning Analysis:**

The project is in the Commercial Chinatown subdistrict under the Chinatown zoning district. Storage would be considered a wholesale use in Article 43. As a general use or accessory use wholesale is conditional. The use proposed will not adversely affect the neighborhood and not



create a nuisance to the neighborhood. Its use will be an adaptive reuse and provide for the neighboring residents in line with goals of PLAN: Downtown. A conditional use permit would be recommended for this project.

“Local Locker” drawn by OTJ Architects dated December 26, 2023.

**Recommendation:**

In reference to BOA1670931, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1668148
<b>ZBA Submitted Date</b>	2024-11-01
<b>ZBA Hearing Date</b>	2025-02-25
<b>Address</b>	14 to 40 Beach ST Boston 02111
<b>Parcel ID</b>	0304960000
<b>Zoning District &amp; Subdistrict</b>	Chinatown Commercial Chinatown
<b>Zoning Article</b>	43
<b>Project Description</b>	Converting three of the lower levels in a parking structure into a car rental facility.
<b>Relief Type</b>	Variance
<b>Violations</b>	Forbidden Use

**Planning Context:**

The proposal would be converting three of the lower levels in a nine-story garage into a car rental facility while renovating the garage. The three floors will have dedicated spaces for the rentals and a new office would be built on the first floor for the rental company. The parking garage now contains 453 parking spaces, a retail space, a coffee shop and a bakery. The only change to the other uses will be a decrease in parking. There will be no work to the exterior done with this proposal. The area is very dense with mixed use retail, office and residential.

The site is in the study area for PLAN: Downtown, which focuses on helping preserve and improve the quality of life in the entire downtown area including Chinatown. Some key priorities from the PLAN include: providing a greater mix of services catering to residential uses in the neighborhood to help meet residents daily needs , and exploring opportunities for adaptive reuse. It is highlighted in the PLAN that many parking structures throughout the area are underutilized. In draft updates to Article 43 currently out for public comment, accessory motor vehicle rentals would be an allowed use. This area is subject to a downtown parking freeze intended to limit carbon emissions. The project will help limit how many cars from outside the area are attracted to here and decrease the carbon impact. This project would be an adaptive reuse of a portion of the parking lot to a use that would provide for residents by offering car rental services.

**Zoning Analysis:**



The car rental would be considered a vehicular use under Article 43. This use is forbidden in a Commercial Chinatown subdistrict. With this project meeting goals of the planning context while not causing any adverse effects to the neighborhood this violation may be recommended for relief.

**Recommendation:**

In reference to BOA1668148, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in cursive script, appearing to read "Kathleen Oruta".

Deputy Director of Zoning



<b>Case</b>	BOA1660692
<b>ZBA Submitted Date</b>	2024-10-09
<b>ZBA Hearing Date</b>	2025-02-25
<b>Address</b>	244 Bremen ST East Boston 02128
<b>Parcel ID</b>	0106356000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 3F-2000
<b>Zoning Article</b>	53
<b>Project Description</b>	Erect an addition and change use from three (3) to five (5) residential units.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	GCOD Applicability Additional Lot Area Insufficient Parking or Loading Insufficient Height Excessive (stories) Height Excessive (ft) FAR Excessive Rear Yard Insufficient Side Yard Insufficient Usable Open Space Insufficient Roof Structure Restrictions Forbidden Use (MFR)

**Planning Context:**

The proposed project sits in an established residential area along the Paris Flats' Bremen Street corridor in East Boston. Its surroundings consist of two-story to five-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. Additionally, the site sits within a quarter-mile of several public transit options, including the MBTA's Airport Station (servicing the blue line) and bus stops for the 112, 120, 121, and SL3 routes.

The proposed project is sited on a mid-block parcel currently occupied by a three-story, three-unit residential structure. The proposal seeks to erect two additions to the existing structure (including a fourth-story addition atop the existing structure and a rear addition spanning all four floors and convert its existing basement storage space into an additional dwelling unit. These





proposed alterations increase the structure's residential occupancy from three to five dwelling units. The project's existing zero-parking condition is proposed to remain.

The recommendations of PLAN: East Boston (adopted January 2024) promote the development of appropriately-scaled low- to mid-density residential infill in "transitional residential districts" (of which the proposed project lies within), as a way to expand housing opportunities for East Boston residents and affirm the neighborhood's existing built character. The PLAN also recommends preservation / renovation of the neighborhood's existing housing stock be utilized to accomplish these goals. The proposed project aligns with these planning recommendations by retaining the existing structure while adding additional units.

While the proposed project does expand residential uses on the site, it does so in a way that deviates from PLAN: East Boston's climate resilience goals. Specifically, the project proposes the extension of residential uses below the Sea Level Rise Design Flood Elevation through its conversion of basement storage space into livable space in the form of an independent basement dwelling unit. Considering the site's significant vulnerability to coastal flooding (as evidenced by its location in the Coastal Flood Resilience Overlay District), the Planning Department strongly recommends that this proposed condition, in its current form, not be permitted to advance. To ensure the safety of the project's current and future residents, it is critical that any future iteration of this project remove the currently proposed basement dwelling unit, which is both: (1) misaligned with the neighborhood's housing and climate resilience goals, and (2) dangerous given the area's significant vulnerability to coastal flooding.

In addition, the proposed project is located in the Groundwater Conservation Overlay District and also sits within one hundred (100) feet of a park, the Mary Ellen Welch Greenway. This means that any project will require both GCOD review (meets applicability for review set forth in Section 32-4 of the Boston Zoning Code) and review from the Parks and Recreation Commission (triggers provisions of City of Boston Municipal Code 7-4.11).

### **Zoning Analysis:**

The proposed project has been cited with eleven zoning violations, relating to scale, parking, and design-related regulations. These citations are listed upon the project's most recent refusal letter, dated October 10, 2024. Since the proposed project's initial filing with the Inspectional



Services Department (on March 28, 2024), updated zoning for the East Boston neighborhood was adopted by the Zoning Commission (on April 24, 2024).

East Boston's updated zoning places the proposed project within an EBR-4 subdistrict. EBR-4 subdistricts allow a maximum building height of 4 stories / 50' and permit multifamily residential uses. The proposed project complies with both of these requirements. This zoning updates other dimensional regulations for the site as well, replacing existing items such as FAR, Additional Lot Area Per Dwelling Unit, and Usable Open Space per Dwelling Unit, with more flexible form-based items. The requirements of East Boston's updated zoning (and the project's compliance with them) are listed below.

Compliant:

- Maximum Building Floor Plate Size: 8,000 square feet (1,375 square feet proposed)
- Maximum Building Width: 120' (21.3' existing/proposed)
- \*Minimum Front Yard: 3' (0' existing/proposed - existing nonconformity not changed or worsened)
- \*Minimum Side Yard: 5' for attached structures (3' existing/proposed - existing nonconformity not changed or worsened)

*\*Note that updated zoning for East Boston adds a provision (Section 53-30) exempting the extension of existing nonconforming dimensions from zoning relief, so long as the nonconforming dimension itself is not worsened. Because the project's proposed front and side yard setbacks do not worsen their existing nonconforming dimensions, they are rendered compliant with the zoning.*

Noncompliant:

- Maximum Building Lot Coverage: 60% (57% existing/ 65% proposed)
- Minimum Permeable Area of Lot: 30% (33% existing/ 25% proposed)
- Maximum Building Depth: 70' (57' existing/ 71' proposed)
- Minimum Rear Yard: 1/3 lot depth minus 6" per foot less than 100' - 16' for this site (23' existing/ 9' proposed)
- Parking Requirement: 1 per unit for residential uses with 4+ dwelling units (0 spaces existing/proposed)



The project's off-street parking violation relates to its proposed increase of residential occupancy (from three to five dwelling units). Updated East Boston zoning requires one off-street parking space per dwelling unit for residential structures with four or more dwelling units, thus rendering the project's proposed parking condition noncompliant (zero spaces existing / proposed). This condition, while noncompliant, is: (1) an existing condition upon the site, and (2) a condition shared by almost every parcel in the project's surrounding area. Because of this, as well as the site's immediate proximity to multiple public transit options, the project's zero-parking condition is deemed contextual to the area, resulting in minimal impacts to the surrounding area.

The project's building lot coverage, permeable area of lot, building depth, and rear yard violations are triggered by the project's proposed rear addition and covered porches/balconies. While the resulting building/site conditions are similar to much of the surrounding area's existing built context, they do deviate from the existing conditions found along the project's block and abutting parcels along Bremen Street (which - sans parking - are compliant with the updated East Boston zoning). The outcomes of these violations ultimately result in a building scale out of context with both the project's immediate surroundings and East Boston's updated zoning.

The project's additional GCOD applicability and roof structure restrictions violations relate to its location within the City's Groundwater Conservation Overlay District (GCOD) and proposed fourth story addition. The former of these violations triggers the need for GCOD review and approval. The latter of these violates the Section 53-25.1 provision prohibiting the erection of an addition atop the roof of an existing residential structure, and triggers the need for a conditional use permit. On this note, because the project's proposed fourth story addition sits more than seven feet below the area's maximum permitted building height, its presence is deemed contextual and minimally intrusive to the surrounding area.

Finally, updated East Boston zoning implements new regulations prohibiting the erection or extension of residential uses below the Sea Level Rise Design Flood Elevation (SLR-DFE) for applicable projects in the Coastal Flood Resilience Overlay District (CFROD). The project, which is located in the CFROD, proposes a new basement dwelling unit constituting a violation of these regulations. As noted in the "Planning Context" section, East Boston's vulnerability to coastal flooding renders this basement dwelling condition unsafe. The project's dimensional noncompliance with updated East Boston zoning along with this unsafe basement living condition represent the primary grounds for the project's denial recommendation.



A future iteration of this project should be required to remove the proposed basement dwelling unit and explore opportunities to reduce the scale (and resulting site impacts) of the proposed rear addition.

**Recommendation:**

In reference to BOA1660692, The Planning Department recommends DENIAL WITHOUT PREJUDICE. Proponent should consider a project that removes the currently proposed basement dwelling unit and explore opportunities to reduce the scale (and resulting site impacts) of the proposed rear addition to align with the updated zoning in East Boston.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1679893
<b>ZBA Submitted Date</b>	2024-12-23
<b>ZBA Hearing Date</b>	2025-02-25
<b>Address</b>	36 Cottage ST East Boston 02128
<b>Parcel ID</b>	0104896000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 3F-2000
<b>Zoning Article</b>	53
<b>Project Description</b>	This proposal seeks to change use from an office space with three residential units to four residential units.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Forbidden Use

**Planning Context:**

36 Cottage St is an existing four-story rowhouse located in the Easton Boston neighborhood of Boston containing three residential units and one commercial office space on the ground floor. The neighborhood contains a mix of housing types including three-story rowhouses and duplexes, mixed use buildings, and even single-story commercial uses at the intersection of Cottage St & Sumner St. The property is within walking distance to Maverick Square, the oldest commercial center in East Boston with access to multiple bus routes and the MBTA Maverick Station (Blue Line). The project is located within the Neighborhood Residential portion of the PLAN: East Boston study area, a neighborhood plan which was adopted by the BPDA board in January 2024, with zoning amendments adopted in April 2024. PLAN: East Boston identified several goals, including the need for more housing that is affordable to low- and moderate-income households, and advance climate preparedness. The project is located in what the plan identifies as the Jeffries Point and Gove Street section of the neighborhood. The plan recommends that new dimensional regulations allow for the diversity of housing types and encourage active ground floor uses in this area.

**Zoning Analysis:**



The proposed project was filed with the Boston Inspectional Services Department on March 14, 2024, before the Article 53 amendments were adopted. Therefore, the project is being reviewed for zoning compliance under the prior zoning. Within the East Boston Neighborhood 3F-2000 subdistrict. PLAN: East Boston was developed after years of community engagement and analysis and best represents the City's planning goals. The proposed project was filed on March 14, 2024. The project is currently located in an EBR-3 subdistrict. Since the original application for this project was submitted prior to the zoning amendments adoption in April 2024, it has violations associated with the 3F-2000 subdistrict that are different from what is noted in the refusal letter. The zoning violation from the old code pertains to use and insufficient parking. 3F-2000 allows for a maximum of three dwelling units, whereas the project proposes four units. Additionally, the old zoning would have required three parking spaces at the property (two for the office use and one for 1-3 dwelling units. However, no off-street parking is provided.

Analyzing under the new zoning for the EBR-3 subdistrict the violations also pertain to use and insufficient parking. The addition of another dwelling unit to this building would not be in line with zoning use as recommended in PLAN: East Boston and codified in new zoning. The zoning only allows a higher unit count for EBR-3 if the lot frontage is over 55'-0" while this site is only 27'-9". Additionally, under the EBR-3 subdistrict one (1) parking space is required for 4+ dwelling units and there is no parking proposed.

**Recommendation:**

In reference to BOA1679893, The Planning Department recommends The Planning Department recommends DENIAL WITHOUT PREJUDICE. The proponent should consider a project that has no more than three units.

Reviewed,

Deputy Director of Zoning



<b>Case</b>	BOA1640872
<b>ZBA Submitted Date</b>	2024-08-15
<b>ZBA Hearing Date</b>	2025-02-25
<b>Address</b>	28 Alleyne ST West Roxbury 02132
<b>Parcel ID</b>	2002742000
<b>Zoning District &amp; Subdistrict</b>	West Roxbury Neighborhood 1F-6000
<b>Zoning Article</b>	56
<b>Project Description</b>	Construct a one-unit home on a vacant lot.
<b>Relief Type</b>	Variance
<b>Violations</b>	Lot Area Insufficient Side Yard Insufficient Rear Yard Insufficient

**Planning Context:**

The proposed project intends to construct a new single-family home on a presently vacant parcel in West Roxbury. Boston planning goals, stated in Housing a Changing City: Boston 2030 and Imagine Boston 2030 promote infill development to add to the City's available housing stock. The proposed dwelling matches the existing character of the neighborhood in the building's proposed massing and style. Existing structures demonstrate a similar yard pattern to the proposed building, with one side yard appearing to meet the minimum standard, and the other falling below the dimensions regulations. The proposed project offers the opportunity to add housing to one of several vacant parcels on this block of the West Roxbury neighborhood.

**Zoning Analysis:**

The proposed project is located on a 4,020 SF lot in a 1F-6000 subdistrict of the West Roxbury neighborhood. Per Article 56 of the Zoning Code, the minimum lot size in this zoning subdistrict is 6,000 SF. While the proposed project does not meet this minimum, the proposal is contextual with the surrounding parcels in the neighborhood. The two neighboring parcels also fall below the 6,000 SF threshold, measuring 4,293 SF and 4,400 SF. The required side yard depth per Article 56 of the Zoning Code is 10 feet and the required rear yard depth is 30 feet. The proposed side yard measures six feet on one side and ten feet on the other. While this dimension does not meet dimensional requirements of zoning, the proposed dwelling is significantly separated from the adjacent structure through the topography of the site, with a



retaining wall at the property line. The dimension of the rear setback is not provided in the plan set. Thus, design review is recommended to ensure the rear yard is consistent with neighborhood context, measuring approximately 20 feet.

**Recommendation:**

In reference to BOA1640872, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review to establish a contextual rear yard dimension.

Reviewed,

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Deputy Director of Zoning





<b>Case</b>	BOA1591933
<b>ZBA Submitted Date</b>	2024-04-19
<b>ZBA Hearing Date</b>	2025-02-25
<b>Address</b>	36 Akron ST 12 Roxbury MA 02119
<b>Parcel ID</b>	1201332000, 1201331000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood 3F-4000
<b>Zoning Article</b>	50
<b>Project Description</b>	Combine two lots, demolish an abandoned 1-unit building, and construct a 4-story, 9-unit residential building.
<b>Relief Type</b>	Conditional Use, Variance
<b>Violations</b>	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 14, 2024.

**Recommendation:**

In reference to BOA1591933, The Planning Department recommends APPROVAL WITH PROVISIO/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 black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1671334
<b>ZBA Submitted Date</b>	2024-11-14
<b>ZBA Hearing Date</b>	2025-02-25
<b>Address</b>	14 Winthrop ST Roxbury 02119
<b>Parcel ID</b>	1200071000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood 3F-4000
<b>Zoning Article</b>	50
<b>Project Description</b>	Construct a community center with a Neighborhood Birth Center (clinic), and shared office space, including parking for personal vehicles and an ambulance.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Front Yard Insufficient Use: Forbidden (Clinic) Use: Forbidden (Office) Use: Conditional (Community Center)

**Planning Context:**

The proposed project was previously scheduled for the Zoning Board of Appeal hearing held February 4, 2025. No new plans have been submitted.

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) includes 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 be submitted to the Planning Department for design review of the proposed project and that plans shall be submitted to the Boston Landmarks Commission for design review of the demolition plan for the existing structure. The current structure is subject to Article 85, Demolition Delay.

Reviewed,

A handwritten signature in cursive script, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1575584
<b>ZBA Submitted Date</b>	2024-02-28
<b>ZBA Hearing Date</b>	2025-02-25
<b>Address</b>	81 Lexington ST East Boston 02128
<b>Parcel ID</b>	0102918000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 2F-2000
<b>Zoning Article</b>	53
<b>Project Description</b>	Erect a 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.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Height Excessive (ft) Height Excessive (stories) Rear Yard Insufficient Side Yard Insufficient Existing Building Alignment Parking or Loading Insufficient Forbidden Use (MFR); Forbidden Use (Local Retail); Forbidden Use (Basement Units)

**Planning Context:**

The proposed project has its ZBA hearing deferred four times: on 9/24/24, 10/29/24, 12/3/24, and 2/4/25. 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,





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 six 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 cursive script, appearing to read "Kathleen Oruta".

Deputy Director of Zoning



<b>Case</b>	BOA1675304
<b>ZBA Submitted Date</b>	2024-12-02
<b>ZBA Hearing Date</b>	2025-02-25
<b>Address</b>	140 Chelsea ST East Boston 02128
<b>Parcel ID</b>	0106280000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 3F-2000
<b>Zoning Article</b>	53
<b>Project Description</b>	Change use for an existing residential building from three units to four units.
<b>Relief Type</b>	Variance
<b>Violations</b>	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:**

This project was previously reviewed by the Planning Department for the ZBA hearing on February 4, 2025. Because no new plans have been submitted, the Planning Department’s recommendation has remained the same.

The proposed project seeks to change the use of the existing three-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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Deputy Director of Zoning