

MEMORANDUM

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

FROM: Emma Hunter  
Planning Department

DATE: November 30, 2023

RE: BPDA Recommendations

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Please find attached, for your information, BPDA recommendations for the December 5, 2023 Board of Appeal Zoning Hearings scheduled for 9:30 am.

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



<b>Case</b>	BOA1537620
<b>ZBA Hearing Date</b>	2023-12-05
<b>Address</b>	31 Stuart ST Boston 02116
<b>Parcel ID</b>	0304928000
<b>Zoning District &amp; Subdistrict</b>	Midtown Cultural Jacob Wirth Protection Area Subdistrict
<b>Zoning Article</b>	Article 38
<b>Project Description</b>	GCOD applicability triggered by proposed basement alterations to facilitate change of occupancy to restaurant with entertainment and 4 residential units.
<b>Relief Type</b>	Conditional use
<b>Violations</b>	GCOD Applicability

**Planning Context:**

Proposed renovation of Landmarks-protected Jacob Wirth restaurant building. No proposed changes to exterior building envelope. Restaurant use would be retained on ground floor; upper levels would be renovated into 4 residential units.

This location is in the PLAN: Downtown study area, which is not relevant to the zoning relief sought: only GCOD relief was triggered.

**Zoning Analysis:**

GCOD applicability triggered by proposed basement alterations to facilitate ongoing use of basement and ground floor for restaurant use.

Retention of historic restaurant use and existing building envelope is consistent with the goals of the Jacob Wirth Protection Area zoning subdistrict and Landmarks designation for 31 Stuart Street. The zoning violation was triggered by proposed basement alterations that would facilitate the retention of restaurant use and provision of housing above it.



Groundwater impacts will be reviewed by engineering staff at the Boston Groundwater Trust. This case is a strong example of why GCOD applicability should be a candidate for zoning reform as groundwater issues primarily manifest as an engineering life/safety issue. The need for zoning relief in this instance is at odds with the more relevant ground floor use, historic preservation, and housing production planning and zoning goals that would be attained by this proposal.

**Recommendation:**

In reference to BOA1537620, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1506912
<b>ZBA Hearing Date</b>	2023-12-05
<b>Address</b>	845 Albany ST Roxbury 02119
<b>Parcel ID</b>	0802062000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood New Market IDA
<b>Zoning Article</b>	Article 90
<b>Project Description</b>	Change occupancy from fur cleaning and storage to ambulance parking and dispatch.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Conditional Use

**Planning Context:**

This site is located in the New Market Industrial Development Area of the Roxbury Neighborhood District. Commercial land use predominates in the immediate area, including adjacent warehouse/distribution uses and auto-oriented businesses.

While the subject address lies outside the geographic scope of any recent neighborhood-scale planning processes, it is across Melnea Cass Boulevard from the PLAN: Newmarket study area.

**Zoning Analysis:**

Commercial land use insights from PLAN: Newmarket are relevant to this site, given its geographic proximity and similar land use patterns. A key zoning finding of PLAN: Newmarket is that essential urban industries, that are not compatible with residential and mixed-use neighborhoods, should be allowed in select central urban geographies. Ambulance service qualifies as an essential use, with impacts that would be incompatible with non-commercial neighborhoods. Given the existing commercial land use pattern and industrial zoning, the proposed use is appropriate for this location.

The proposal only seeks a change of occupancy in an existing building, with nearly 100% lot coverage.

**Recommendation:**



In reference to BOA1506912, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1508144
<b>ZBA Hearing Date</b>	2023-12-05
<b>Address</b>	60 Alban ST Dorchester 02124
<b>Parcel ID</b>	1704896000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 1F-7000
<b>Zoning Article</b>	Article 65
<b>Project Description</b>	Variances needed for a detached additional dwelling unit which was permitted in January 2023.
<b>Relief Type</b>	Variance
<b>Violations</b>	Rear Yard Insufficient Two or More Dwellings on Same Lot

**Planning Context:**

In January 2023, the address "60R Alban St," the rear of this property, received an approval (with design review) to tear down an existing two car garage and replace it with a detached additional dwelling unit. These variance are being sought because the project that was approved for 60R Alban St in January 2023 creates two violations for the existing house at 60 Alban St. However, the scope of the project has not changed and so the ZBA's previous ruling on the appropriateness of this project is still relevant and the needed variances should be granted.

**Zoning Analysis:**

The two variances needed for this project are for insufficient rear yard and dimensional regulations related to two dwellings on the same lot. The rear yard is insufficient because the zoning requires a rear yard of 40 feet and the detached additional dwelling unit at 60R Alban St cuts into this requires rear yards.

The zoning also requires that a dwelling may only be built in the rear of another dwelling if the ZBA finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the typical yards requirements were met. The project at 60R Alban St received a variance for this same violation in January 2023 and so the ZBA determined that this condition was met.



**Recommendation:**

In reference to BOA1508144, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1522969
<b>ZBA Hearing Date</b>	2023-12-05
<b>Address</b>	45 Milton Av Dorchester 02124
<b>Parcel ID</b>	1701919000, 1701920000, 1701921000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	Article 65
<b>Project Description</b>	Demolish 1 unit dwelling; consolidate three abutting parcels; 6 unit dwelling and 9 units of parking.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Height Excessive (stories) Forbidden use

**Planning Context:**

No recent planning studies apply to this location. Three connected masses of 2 units each (a single structure) would replace an existing single-family home. There is no precedent in zoning, nor the immediate built environment for the proposed multi-family 6 unit typology.

A clear pattern of building design and parcel size is evident on this side of Milton Avenue, with over a dozen examples of 2 family, 2 story mansard design located on 3,600 SF parcels. The uniform parcel size, though inconsistent with the minimum 5,000 SF zoning, is evidence of a clear pattern of subdivision that is still evident in the current built environment. Likewise, though many have been altered over time, the original two story mansard design is evident in most buildings on this block, including the existing structure that is proposed to be demolished as part of this appeal.

**Zoning Analysis:**

The subject property currently consists of a 1 family dwelling located on 3 contiguous 3,600 SF parcels. The proposal seeks to demolish the existing dwelling, combine 3 parcels, and erect a 6 unit multifamily dwelling. Due to the inclusion of 9 off street parking spaces, very little surface area is allocated to planting and pervious surfaces.



The proposal seeks to replace the contextual (though zoning-incompliant) 3,600 SF parcel pattern with a 10,300 SF as of right lot. Conversely, a contextual proposal to retain the existing parcelization and erect 3, 2 family dwellings would trigger a zoning violation for insufficient lot size.

(This block presents a compelling study for understanding how zoning minimum lot size could better match the extant legacy of subdivisions that likely preceded the zoning code itself.)

The existing 2F-5000 zoning could be used as a guide to calculate appropriate density:  $10,800\text{SF}/5,000 = 2$  parcels.  $(2 \text{ parcels}) * 2 = 4$  units. While such a program would be zoning-compliant it would produce an overall site plan that is less dense than its surroundings, and misaligned with city-wide housing production goals.

Violations stemming from forbidden MFR use, excessive height, and floor area could be corrected by reducing total unit count to 4. However, if the proponent wishes to continue to pursue 6 total units, which represents a contextual level of density, the proponent should also reduce parking area and increase usable open space to better align with parking and open space found on adjacent parcels, and city-wide planning goals.

**Recommendation:**

In reference to BOA1522969, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rand", is written over a faint, light blue circular stamp.

Director of Planning, BPDA

## MEMORANDUM

August 17, 2023

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

**FROM:** MICHAEL CHRISTOPHER, DIRECTOR OF DEVELOPMENT REVIEW  
CASEY HINES, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW  
MEGHAN RICHARD, URBAN DESIGNER II  
JEONG-JUN JU, URBAN DESIGNER II  
JILL ZICK, LANDSCAPE ARCHITECT  
EILEEN MICHAUD, PLANNER I  
SAM ROY, SENIOR TRANSPORTATION PLANNER  
NICK SCHMIDT, SENIOR TRANSPORTATION PLANNER  
QUINN VALCICH, SENIOR PROJECT MANAGER  
CAMILLE PLATT, PROJECT MANAGER

**SUBJECT:** HARVARD STREET NEIGHBORHOOD HEALTH CENTER, 8 OLD ROAD,  
DORCHESTER

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority (“BRA”) d/b/a Boston Planning & Development Agency (“BPDA”) authorize the Director to: (1) issue a Certification of Approval for the proposed Harvard Street Neighborhood Health Center development located at 8 Old Road, 14 Ellington Street, and 16 Ellington Street in Dorchester (the “Proposed Project”), pursuant to Article 80E, Small Project Review of the Boston Zoning Code (the “Code”); (2) execute and deliver a Community Benefits Agreement; and (3) take any other action and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

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**PROJECT SITE**

Harvard Street Neighborhood Health Center (“HSNHC” or the “Proponent”) proposes to redevelop the underutilized parcels located at 8 Old Road, 14 Ellington

Street, and 16 Ellington Street in Boston (the “Project site”, or “site”) with the construction of a new approximately 42,300 square foot (“sf”) health center with clinical, laboratory and pharmacy sub-uses (the “Proposed Project”). In 2016, the Department of Neighborhood Development (now the Mayor’s Office of Housing [“MOH”]) issued a Request for Proposals (“RFP”) for the redevelopment of the 8 Old Road and 14 Ellington Street parcels. On March 14, 2018, the City of Boston Public Facilities Commission (“PFC”) granted tentative designation status to HSNHC with the intent to sell the two parcels to HSNHC; on March 15, 2023, the PFC extended HSNHC’s tentative designation status through March 2024. The Project site includes these two parcels, as well as the 16 Ellington Street parcel which is owned by HSNHC.

The Proposed Project described herein aligns with the RFP’s development goals for the site, which identified the preferred use as an institutional or commercial building, and sought a development that would “activate the street, create jobs, create a community destination/connection and promote pedestrian access.” HSNHC’s existing health center is located at 632 Blue Hill Avenue, which it has occupied for approximately 40 years. The current building is outdated and no longer meets the community’s needs or contemporary accessibility standards. The Proposed Project will improve the public realm, activate the street, and enhance the important services that HSNHC provides to the community.

**DEVELOPMENT TEAM**

The development team includes:

Proponent/Developer: Harvard Street Neighborhood Health Center  
632 Blue Hill Avenue  
Boston, MA 02121  
  
Charles Murphy

Development Consultant: The Community Builders, Inc.  
185 Dartmouth Street, Suite 900  
Boston, MA 02116  
  
Andrew Waxman

David Valecillos  
Katharine Kettner

Permitting Consultant:

Epsilon Associates, Inc.  
3 Mill & Main Place, Suite  
250  
Maynard, MA 01754

Geoff Starsiak

Architect:

Isgenuity LLC  
500 Harrison Avenue, 5F  
Boston, MA 02118  
(617) 419-4660

Martin Batt  
Kate Spinelli  
Danielle Buckley  
Ahmed Mahious

Transportation Planner/  
Engineer:

Howard Stein Hudson  
11 Beacon Street  
Boston, MA 02108

Brian Beisel  
Michael White

Civil Engineer:

Langan  
100 Cambridge Street,  
Suite 1310  
Boston, MA 02114

Frank Holmes  
Hilary Holmes

Legal Counsel:

Keegan Werlin LLP

99 High Street, Unit 2900  
Boston, MA 02110

Sean Nehill  
Brian Golden

**DESCRIPTION AND PROGRAM**

The Project site has a total area of approximately 19,428 sf and comprises three parcels located at 8 Old Road, 14 Ellington Street, and 16 Ellington Street. The site is currently occupied by two single-story garages and surface parking and is bounded by Old Road to the north, Michigan Avenue to the east, Ellington Street to the west, and residential properties to the south. The neighborhood to the south, east, and west of the Project site includes residential properties that range from one to three stories and surface parking. Directly across the street on Old Road, there is a five-story commercial building. To the north, there are existing commercial properties along Blue Hill Avenue. Public recreational facilities in the vicinity of the Project site include Franklin Park to the northwest, and Erie-Ellington Playground to the south. There are several Massachusetts Bay Transportation Authority ("MBTA") bus stops in the area, including the existing Old Road at Ellington Street bus stop adjacent to the Project site.

HSNHC services clients impacted by a range of socio-economic challenges in the surrounding neighborhood. HSNHC recognizes the importance of the site's prominent location in the neighborhood and aims to leverage it to enhance its mission of providing accessible healthcare to the community. As described above, the Proposed Project consists of the redevelopment of the Project site to construct a new three-story, approximately 40-foot-tall community health center with clinical, laboratory, and pharmacy sub-uses. The pharmacy will provide non-retail prescription services to HSNHC patients only. Additionally, there will be a community space that will be used for temporary programs, services, and/or events.

The Proposed Project will include a maximum of six (6) on-site motor vehicle parking spaces for employees and visitors. Two (2) of these spaces will be assigned as accessible spaces. All motor vehicle parking spaces will be accessed via Ellington Street. The number of motor vehicle parking spaces approved by BPDA is a maximum number of spaces, as final decisions on parking supply are codified by

the Zoning Commission for Small Projects. The curb cut size will be limited to no wider than a maximum of 12 feet wide. Existing curb cuts on Old Road and Michigan Avenue will be removed.

The Proposed Project will include interior covered and secured employee bike parking with a minimum of eighteen (18) bike parking spaces, one (1) shower, and eight (8) lockers. The Project will also include a minimum of eighteen (18) exterior visitor post-and-ring bike parking spaces in compliance with the City's of Boston's Bike Parking Guidelines. In lieu of a financial commitment to the bikeshare system, the Proposed Project will provide sufficient on-site space for a 15-dock bikeshare station to be installed by the City of Boston at a later date. The Proponent will work with the Boston Transportation Department ("BTD") and the BPDA during design review to identify and design an appropriate location, which may be located within the public right-of-way and/or on the Project Site adjacent to the public right-of-way. The Proponent shall enter into an agreement with BTD before issuance of the Certificate of Occupancy to allow for future installation of a bikeshare station at the agreed-upon location.

The Proponent will set the proposed building back from the property line along Old Road, Ellington Street, and Michigan Avenue to create wider sidewalks and provide space for new street trees, visitor bike parking, space for a future bikeshare station, and activate the ground floor walls along the Michigan Avenue and Ellington Street facades with either public art or different siding materials. All sidewalks will maintain clear accessible paths of travel consistent with the Boston Complete Streets Design Guidelines that are absent of vertical elements and made of concrete monolithic sidewalk space. These sidewalk setbacks and improvements to the public way are subject to design review and will require approval for Pedestrian Easement and Specific Repairs actions with the Public Improvement Commission ("PIC").

At the suggestion of the BPDA, the Proponent will relocate existing on-street parking from the west side of Old Road between Ellington Street and Michigan Avenue to the east side of Old Road so that curbside parking and pick-up/drop-off activity would be located adjacent to the main entrance. Designs will be generally consistent with the preliminary concept created in collaboration between the BPDA and BTD. These proposed changes will necessitate modified roadway striping and sidewalk changes, as necessary, for the existing bike lane and an 80' bus stop along Old Road. The design and implementation of these changes to Old Road will be the responsibility of the Proponent and shall be completed before the issuance of a

Certificate of Occupancy for the Project and are subject to design review and approval by BTM, at minimum. Any modification to the sidewalk curb and layout is subject to design review and requires approval for a Specific Repairs Action with the PIC.

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

<b><u>Estimated Project Metrics</u></b>	<b>Proposed Plan</b>
<b>Gross Square Footage</b>	45,300
<b>Gross Floor Area</b>	42,300
<i>Residential</i>	0
<i>Office</i>	0
<i>Retail</i>	0
<i>Lab</i>	0
<i>Medical Clinical</i>	42,300
<i>Education</i>	0
<i>Hotel</i>	0
<i>Industrial</i>	0
<i>Recreational</i>	0
<i>Cultural</i>	0
<i>Parking</i>	0
<b>Development Cost Estimate</b>	\$45,000,000
<b>Residential Units</b>	0
<i>Rental Units</i>	0
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	0

<b>Parking spaces</b>	6
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### **ARTICLE 80 REVIEW PROCESS**

On May 23, 2023, the Proponent filed a Small Project Review Application (“SPRA”) pursuant to the BPDA’s policy regarding Provision of Mitigation by Development Projects in Boston. The SPRA was sent to the City’s public agencies/departments and elected officials. The BPDA subsequently sponsored and held a public meeting on June 20, 2023, regarding the Small Project Review Application.

In addition to the above-mentioned meetings, the Proponent conducted further community outreach and met with abutters and local elected officials before and during the Article 80 review process to discuss the Proposed Project.

### **ZONING**

The Project site is located within the Dorchester neighborhood, but is governed by Article 60 of the Code, the Greater Mattapan Neighborhood zoning district. More specifically, the Project site is designated as a “3F-5000” or “three-family residential.”

The Proposed Project will require zoning relief for the following: use, floor area ratio (“FAR”), height, minimum lot size, front yard setback, rear yard setback, side yard setback, off-street parking, rear yard occupancy maximum by accessory, and minimum area of loading spaces.

### **PLANNING CONTEXT AND CITY STAFF REVIEW**

The Proposed Project is located within the Dorchester neighborhood, but is governed by Article 60 of the Zoning Code, the Greater Mattapan Neighborhood zoning district. Due to this zoning designation, the planning recommendations outlined by PLAN: Mattapan, approved and adopted by the BPDA Board in May 2023, can apply to this site. The Proposed Project is located one block away from Blue Hill Avenue, a key corridor identified in PLAN: Mattapan. In the PLAN, corridors are envisioned as candidates for denser residential and commercial uses, and community-centered amenities in Mattapan due to their rich transit resources and high degree of accessibility. These areas are meant to supply residents with convenient access to retail services, gathering spaces, and public realm enhancements.

The Proposed Project is located at the entrance to primarily residential fabric, just one block from Blue Hill Avenue. It aligns with the encouraged use recommendations for corridors by locating a pre-existing community amenity and new gathering spaces at the doorstep to an existing residential neighborhood. The proposed building respects the low-scale residential fabric abutting the proposed new building by incorporating public realm improvements, including new street trees and accessibility and streetscape improvements to facilitate the transition in scale and use.

### **MITIGATION & COMMUNITY BENEFITS**

The mitigation and community benefits of the Proposed Project will include the following:

- Constructing a new health center that meets current building standards, as the current health center itself no longer meets the community's needs or contemporary accessibility standards;
- Creating an estimated 180 construction jobs;
- Creating an estimated 10-15 permanent jobs;
- Wider sidewalks with new street trees consistent with Boston Complete Streets Design Guidelines;
- Where defined as non-compliant, implementation of ADA compliant curb ramps at the intersection of Old Road and Ellington Street and Old Road and Michigan Avenue;
- Employee and visitor bike parking in compliance with the Boston Bike Parking Guidelines;
- Providing on-site space for a 15-dock bikeshare station, to be installed by the City of Boston at a later date; and
- The Proposed Project will be built consistent with passive house principles.

### **RECOMMENDATION**

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, BPDA staff recommends that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project located at 8 Old Road, 14 Ellington Street, and 16 Ellington Street in Dorchester; (2) execute and deliver a Community Benefits Agreement; and (3) take any other action and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

Appropriate votes follow:

**VOTED:** That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6 of the Boston Zoning Code (the "Code"), approving the development consisting of the construction of a new approximately 42,300 square foot ("sf") health center with clinical, laboratory and pharmacy sub-uses at 8 Old Road, 14 Ellington Street, and 16 Ellington Street (the "Proposed Project") in Dorchester pursuant to the requirements of Small Project Review, Article 80E, of the Code, subject to continuing design review by the Boston Redevelopment Authority; and

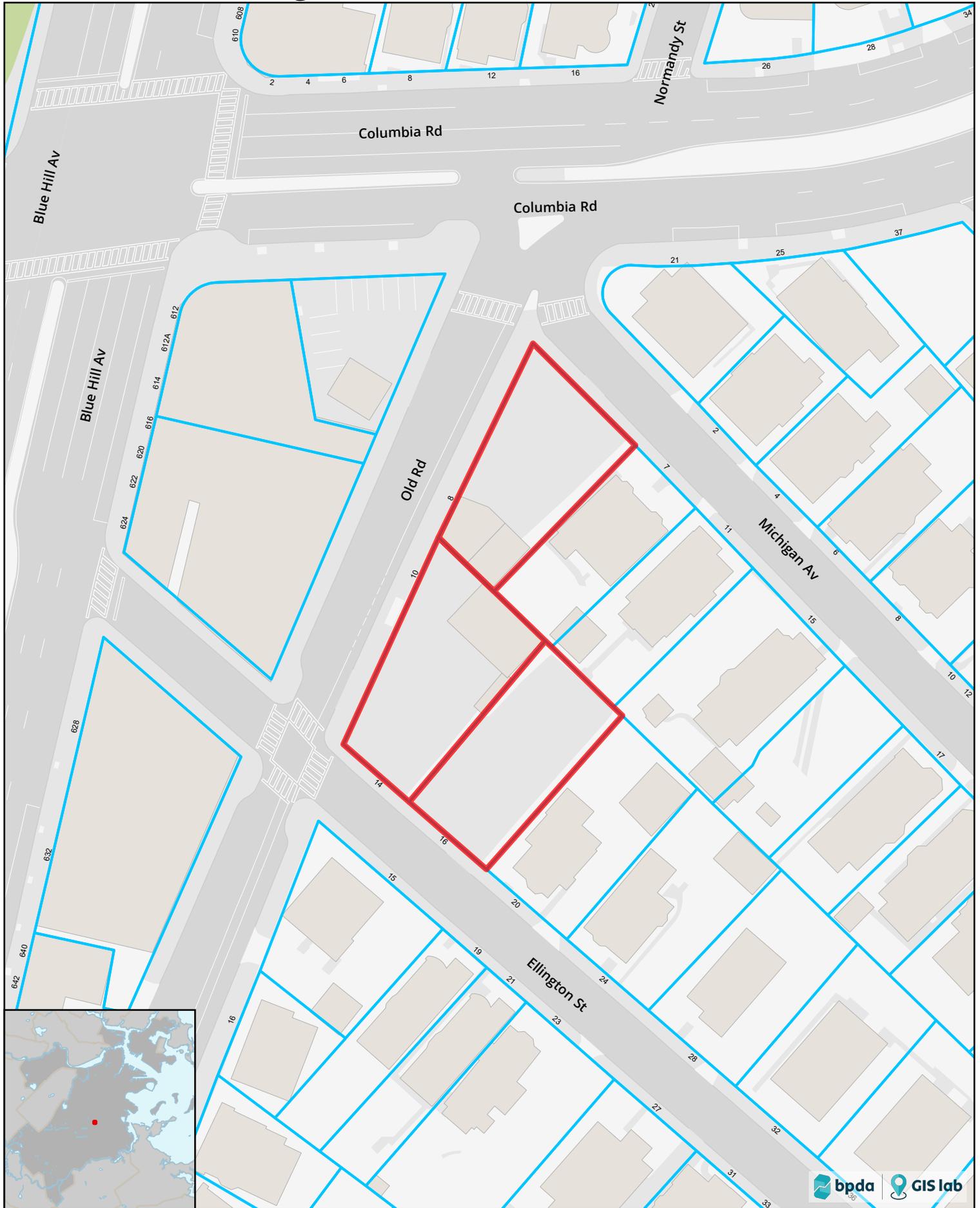
**FURTHER**

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

# Harvard Street Neighborhood Health Center



1:800



# Harvard Street Neighborhood Health Center



1:800





<b>Case</b>	BOA1539444
<b>ZBA Hearing Date</b>	2023-12-05
<b>Address</b>	808 Morton ST Dorchester 02124
<b>Parcel ID</b>	1403434000
<b>Zoning District &amp; Subdistrict</b>	Greater Mattapan Neighborhood 3F-6000
<b>Zoning Article</b>	Art. 60 - Sec. 8, Art. 60 - Sec. 9
<b>Project Description</b>	On a vacant parcel, erect a three-story, four-unit residential building with rear balconies, side garden patios, and four off-street parking spaces as per plans submitted.
<b>Relief Type</b>	Variance
<b>Violations</b>	Lot Area Insufficient Additional Lot Area Insufficient FAR Excessive Side Yard Insufficient Use: Forbidden (Multifamily Residential)

**Planning Context:**

This property is a vacant, permeable lot of about 4,500 sq ft in a three-family residential zoning district and faces Morton Street to the southwest. The proposed project would erect a three-story, four-unit residential building on this lot with rear balconies, side garden patios, and four off-street parking spaces in the northeastern rear yard.

Most residential dwellings in the surrounding area of this subdistrict have lots of less than 4,500 sq ft and are predominantly three-story, three-family residential typologies. Since the zoning requires a minimum lot area of 6,000 sq ft, many of the dimensional violations for properties in this subdistrict are a condition of outdated zoning that does not reflect the existing lot conditions.

The existing vacant lot is half a block away from the intersection of Morton and Norfolk Streets, which is where the 3F-6000 subdistrict abuts the Neighborhood Shopping (NS) subdistrict to the southeast. There are a mix of higher density land uses adjacent to this lot within this section of the 3F-6000 subdistrict such as two large schools and a large apartment complex. Morton Street is also a major corridor with several bus stops and the Morton Street MBTA commuter rail stop all within a 5-minute walk of the property. As such, this area has higher density development within proximity to multiple transit resources that makes it a strong candidate for the type of transit-oriented development that this multifamily residential project proposes.

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The proposed project would also align with City housing goals by utilizing infill development to promote housing diversity and increase housing opportunity, as detailed in *Housing a Changing City, Imagine Boston 2030* (September 2018). However, the proposed four parking spaces do not align with City goals to reduce reliance on private vehicles, especially within proximity to high-frequency and high-capacity transit options, as detailed in *Go Boston 2030* (March 2017).

The proposed height for this project would align with the surrounding area. However, the proposed multifamily residential use would be an outlier compared to buildings of a similar height and scale. The existing vacant lot is also across the street from the proposed R2 zoning subdistrict that starts on the southern side of Morton Street, as recommended as part of PLAN: Mattapan (Adopted in May 2023). The northern side of Morton Street where this lot sits won't be changed as part of this rezoning and will remain in the 3F-6000 subdistrict because it was not part of the PLAN: Mattapan study area. However, the proposed rezoning on the southern side of Morton Street would change that side's existing section of the 3F-6000 subdistrict into the new R2 zoning subdistrict and will permit a maximum of three dwelling units for residential dwellings (exclusive of ADUs). The building and lot typologies are similar across the 3F-6000 and R2 subdistricts, which supports the case that this proposed multifamily residential use is incompatible both with the existing 3F-6000 subdistrict and the broader, surrounding context as identified through the zoning recommendations from PLAN: Mattapan.

The proposed rear parking spaces adhere to the minimum off-street parking requirement, but will require the significant removal of existing permeable lot area for the driveway and parking design. There is also an existing mature tree in the front yard that may be removed as part of the construction of this building. The City does not support the removal of healthy and mature trees and open space to accommodate the development of off-street parking. The planning goals of *Climate Ready Boston* (addressing permeability, heat island effect, and increase tree canopy, 2016) and *Boston's Urban Forest Plan* (preserving healthy and mature trees, 2022) outline this point. The proponent should provide clear details for how permeable lot area will be preserved as well as any mitigation planned due to the potential loss of a mature tree should this project be approved.

### **Zoning Analysis:**

This property is located within the Three-Family Residential (3F-6000) subdistrict of the Greater Mattapan Neighborhood District (Art. 60). Residential dwellings in this subdistrict are required to

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have a minimum lot area of 6,000 sq ft, a minimum additional lot area per additional dwelling unit of 3,000 sq ft, a minimum side yard of 7 ft, and a maximum FAR of 0.8. The proposed project does not meet these requirements with a lot area of about 4,500 sq ft, a minimum additional lot area per additional dwelling unit of 1,140 sq ft, a side yard depth of 6 ft, and an FAR of 1.2.

As mentioned in the Planning Context, multiple residential lots within the surrounding area are below the required 6,000 sq ft minimum lot area and are typically 4,500 sq ft or lower. Additionally, multiple buildings have an excessive FAR due to their three-family residential uses and small lot sizes. Future zoning for this section of the 3F-6000 subdistrict should be amended to adjust dimensional regulations appropriately to align with lot size and land use requirements to accommodate the existing lot area dimensions and building scale in the area.

The side yard violation is by a difference of 1 ft. The proponent should redesign the project to meet that minor change in the side yard setback to meet the requirement.

The excessive FAR and land use violations are triggered by the proposed four dwelling units and the usage of the basement for residential dwelling. While the goal of providing housing through infill development is supportive of housing goals and relief towards the FAR should be provided due to existing FAR non-conformities in the area, the density of proposed dwelling units is still not appropriate to the zoning context and existing land use pattern. The proponent should redesign the project to reduce the number of units to three and remove the basement dwelling unit to reduce the overall living area calculation as well as meet the three-family residential maximum land use allowance.

Site plans completed by Greater Boston Surveying and Engineering on August 29, 2023.  
Project plans completed by Tim Johnson Architect, LLC on August 24, 2023.

**Recommendation:**

In reference to BOA1539444, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE: that the proponent provides details in their plan on where permeable lot area will be retained, increases the side yard depth to meet the side yard dimensional requirement, and reduces the number of dwelling units to three to comply with land use regulations and to decrease the project's FAR.



Reviewed,

A handwritten signature in blue ink, which appears to read 'Ames Rand'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Director of Planning, BPDA

**MEMORANDUM**

**NOVEMBER 18, 2021**

**TO:** **BOSTON REDEVELOPMENT AUTHORITY**  
**D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY (BPDA)\***  
AND BRIAN P. GOLDEN, DIRECTOR

**FROM:** CASEY HINES, ASSISTANT DEPUTY DIRECTOR OF DEVELOPMENT  
REVIEW  
NICK CARTER, PROJECT MANAGER

**SUBJECT:** 1813 DORCHESTER AVENUE, DORCHESTER

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority (“BRA”) d/b/a Boston Planning & Development Agency (“BPDA”) authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 1813 Dorchester Avenue in Dorchester (the “Proposed Project”), in accordance with Article 80E, Small Project Review, of the Boston Zoning Code (the “Code”) 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; and (2) recommend approval to the City of Boston Zoning Board of Appeal on Petition BOA – 1141565 for zoning relief necessary to construct the Proposed Project subject to design review by the BPDA.

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**PROJECT SITE**

The Project Site consists of two parcels containing approximately 5,521 square feet of land located at 1813 Dorchester Avenue in Dorchester’s Ashmont/Peabody Square neighborhood (the “Project Site”). The Project Site on Dorchester Avenue, a neighborhood main street with a wide range of residential and commercial structures. The single-story concrete block building at the Project Site currently serves the applicant’s commercial painting business. The Project Site is located approximately one thousand feet from the MBTA’s Ashmont/Peabody Square station. Along with the MBTA station, multiple modes of transportation are available in the immediate area such as buses, Zipcar services, and rentable bicycles.

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\* On October 20, 2016, the BRA commenced doing business as the BPDA.

## **DEVELOPMENT TEAM**

**Proponent:** 1813 Dorchester, LLC  
Mark E. Kenney

**Architecture:** RCA, LLC  
James Christopher

**Legal Counsel:** Adams & Morancy, P.C.  
George Morancy, Esq

**Surveying:** Boston Survey, Inc.

## **PROPOSED PROJECT**

The Proponent propose to construct a new five (5)-story rental building totaling approximately 30,524 square feet at 1813 Dorchester Avenue. The building will contain twenty-six (26) residential apartment units including four (4) Inclusionary Development Policy Units ("IDP Units") (the "Proposed Project"). As stated previously, the Proposed Project includes the demolition of the single-story concrete block building at the site.

The parcel is situated on the corner of Dorchester Avenue and Banton Street, with convenient access to bus routes and the Ashmont MBTA station, thus taking advantage of excellent transit access to downtown Boston. For this reason, and in order to activate the ground floor of the building, the Proposed Project will not include accessory off-street parking. Rather, the building will feature approximately 2,204 square feet of retail space at grade, along with a residential lobby, a fitness center or similar amenity for residents, interior bicycle storage for thirty-eight (38) bicycles, a mail and package room, and an ample trash and recycling room for residents.

As currently proposed, the twenty-six (26) rental units will consist of nine (9) 1 bedrooms, and seventeen (17) 2 bedroom units. There are twenty-two (22) market rate units and four (4) IDP units.

There are an estimated 55 construction jobs contributing to the Proposed Project and the total development cost is approximately \$8,750,000.

## **ARTICLE 80 REVIEW PROCESS**

On August 10, 2020, the Proponent filed a Small Project Review Application with the BPDA for the Proposed Project, pursuant to Article 80E of the Code. Due to COVID-19, the BPDA sponsored a Virtual Public Meeting rather than an in-person Public Meeting. The Virtual Public Meetings was held on September 23, 2020, on Zoom, a virtual meeting platform. The Virtual Public Meeting was advertised in the Dorchester Reporter.

## **ZONING**

The Project Site is situated within the Dorchester Neighborhood District and is governed by Article 65 of the Boston Zoning Code. The Proposed Project will require zoning relief from several requirements of the existing zoning outlined in Article 65. The proposed structure will require variances relief from the Zoning Board of Appeal with respect to floor-area-ratio ("FAR"), use, height, front yard setback, side yard setback, rear yard setback, conformity with existing building alignment, and off-street parking and loading requirements.

## **MITIGATION**

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

- The creation of twenty-six (26) new rental units, four (4) of which will be affordable;
- \$5,000 contribution to street or green improvements in the immediate area;
- \$8,552.48 contribution to BlueBikes;
- The generation of new property tax revenue; and
- The expected creation of approximately 55 construction industry jobs to complete the proposed project.

## **INCLUSIONARY DEVELOPMENT COMMITMENT**

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, while three (3) units within the Proposed Project are required to be created as IDP rental units, the Proponent has agreed to that four (4) units within the Proposed Project will be created as IDP rental units (the "IDP Units"), made affordable to households earning not more than 70% of the Area Median Income ("AMI"), as

determined by the U.S. Department of Housing and Urban Development, and published by the BPDA.

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

Unit Number	Number of Bedrooms	Square Footage	Percent of Area Median Income	Rent	ADA/Group 2 Designation (if any)
5	2	850	70%	\$1,597	
7	1	645	70%	\$1,410	
10	2	851	70%	\$1,597	Group 2 Unit
19	1	626	70%	\$1,410	

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

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

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

An affordability covenant will be placed on the IDP Units to maintain affordability for a total period of fifty (50) years (this includes thirty (30) years with a BPDA option to extend for an additional period of twenty (20) years). The household income of the renter and rent of any subsequent rental of the IDP Units during this fifty (50) year period must fall within the applicable income and rent limits for each IDP Unit. IDP Units may not be rented out by the developer prior to rental to an income eligible household, and the BPDA or its assigns or successors will monitor the ongoing affordability of the IDP Units. As there is no partial unit payment required, the three (3) designated IDP Units satisfies fully the IDP requirements pursuant to the December 10, 2015 IDP.

## **RECOMMENDATIONS**

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, BPDA staff recommends that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project; and take any other action and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project; and (2) recommend approval to the Boston Zoning Board of Appeal on Petition BOA – 1141565 for zoning relief necessary to construct the Proposed Project with the proviso that the plans be submitted to the BPDA for design review.

Appropriate votes follow:

**VOTED:** That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6 of the Boston Zoning Code (the "Code"), approving the development consisting of a three-story, residential rental building totaling approximately 30,524 square feet and containing twenty- six (26) residential apartment units in Dorchester (the "Proposed Project") in accordance with the requirements of Small Project Review, Article 80E, of the Code, subject to continuing design review by the Boston Redevelopment Authority ("BRA");

## **FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to execute an Affordable Rental Housing Agreement Restriction for the creation of four (4) on-site Inclusionary Development Policy Units in connection with the Proposed Project; and

## **FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to execute, a Community Benefits Agreement, if necessary, and deliver any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project, all upon terms and conditions determined to be in the best interests of the Boston Redevelopment Authority; and

**FURTHER VOTED:** That the Director be, and hereby is authorized to issue the following recommendation to the City of Boston Zoning Board of Appeal on Petition BOA – 1141565 for zoning relief necessary in connection with the Proposed Project: APPROVAL WITH PROVISIO: that plans are submitted to the BRA for design review approval.



<b>Case</b>	BOA1521753
<b>ZBA Hearing Date</b>	2023-12-05
<b>Address</b>	9 to 11 Seaverns AV Jamaica Plain 02130
<b>Parcel ID</b>	1901395000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 3F-5000
<b>Zoning Article</b>	Article 09, Article 55
<b>Project Description</b>	Existing 6-family apartment building (9 Seaverns Ave) to be combined with existing 6-family 11 Seaverns to create one building with (12) residential units. The scope includes renovating unfinished basement into 4 new units. Basement to be fully sprinklered for a total of 16 units.
<b>Relief Type</b>	Variance, Conditional use
<b>Violations</b>	Additional Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Extension of Non-Conforming Use Off-Street Parking and Loading Requirements Use Regulations

**Planning Context:**

The site is a conjoined existing historic masonry residential multifamily building. It is located just off of Centre St in Jamaica Plain, across the street from City Feed, a local supermarket, other nearby businesses on Seaverns Ave and on Centre St, walking distance from the Green Street Orange Line T stop, and with adjacency to the 39 bus on Centre St, a Key Bus Route for the MBTA.

PLAN: JP/ROX does not specifically contemplate the Centre St corridor in any way, as it focuses instead on Washington St to the west. That said, Centre St does share some similarities and common concerns, including heavy traffic, an active commercial corridor, a strong historic character, and a sensitively balanced mix of commercial and residential uses with varying urban design qualities along its path. This consideration makes this proposal a strong candidate for zoning reform, to ensure that the zoning districts along Centre St better match existing context, and that they allow for appropriate residential and mixed-use growth in squares and corridors. Parcels like this one might be appropriately placed in a district that allows multifamily housing as-of-right, abutting both a commercial corridor and other preexisting residential fabric, that is



mapped onto larger parcels to create buildings such as the scale of the current conjoined structure.

For the purposes of this application, the strong appropriateness of zoning reform in this area and for a parcel like this one provides an underlying consideration that the existing nonconformities on this property are particularly onerous. This review process does generally acknowledge that when two lots are combined, nonconformities or worsened nonconformities should not be created. In this case, and as noted in the zoning analysis, this property's existing and future nonconformities arise out of the existing historic built condition, including an attached structure on two separate parcels. As a result, the lot combination is an appropriate reflection of the existing built condition of the property and appropriate to the potential future zoning districts.

Given that this project seeks to add basement units and otherwise make no exterior changes, the design impact of this project is not a concern for the district or neighborhood. Instead, impacts around density, traffic, and suitability of the units are the prime considerations, and must be balanced against the primary benefit of increased housing in a part of the city being hit hard by the ongoing housing crisis.

While this project, across two parcels, does involve two buildings which ultimately total 16 units, which is above the Article 80 threshold of 15 units, during the approvals process this applicant has successfully made the case that this project does not need to go through Article 80 review. Twelve of these 16 units already exist, and the space in the basement being converted into units is already preexisting.

A previous version of this project came before the ZBA on October 29, 2019, and was denied without prejudice, due to some basement units being smaller than the compact living pilot guideline of 450 square feet per unit. At this point, the project is no longer seeking approval under compact living, and in this proposal the units have been reconfigured and are all above 450 square feet, with sizes ranging from 466 square feet to 713 square feet. This is an excellent example of a project that fills in new housing while preserving existing neighborhood fabric, and the production of small units helps fill a market need for lower-cost rents that are otherwise not



available in this area of Jamaica Plain. It again was brought with a motion for approval, which did not carry, leading to an automatic denial, on July 21, 2020.

With that in mind, the extensive timeline of the appeal process to date reiterates the exemplary nature of this application as a candidate for zoning reform of this portion of Jamaica Plain. An internal-only renovation to provide additional housing, repeatedly affirmed by city planners and community members alike, should not require so much regulatory process due primarily to the fact that the current zoning is out of scale with the existing condition.

As a project with more than 10 units, the City's Inclusionary Development Policy does require that one of the units be designated income-restricted and that a housing agreement be completed with the Mayor's Office of Housing.

**Zoning Analysis:**

Article 9, Section 1: Extension of Non-Conforming Use (Adding additional units in the basement). The current building is nonconforming, with 24 units across two parcels in a three-family district. Proposal would extend the nonconformity by another 25% from 24 units to 32 across two parcels. As a site in close proximity to a commercial district and public transit, this is an ideal location for additional housing density, and three-family zoning is inappropriately low-intensity. In addition, having these units be basement units removes the visual degree of intensity from the perspective of pedestrians or neighbors.

Article 55, Section 40: Off-Street Parking and Loading Requirements (Off street parking is insufficient). For the existing 24 units, no parking is required as a pre-code structure, and no parking is currently provided. New units must be added at a rate of 1.5 spaces per dwelling, but none will be added. Based on the walkability of the site to Centre St and the T, this is an ideal location for construction with no parking.



Article 55, Section 8: Use Regulations (MFR is forbidden in a 3F-5000 Subdistrict). Multifamily is not allowed in a three-family district. The site is already non-conforming, and larger multifamily housing is regularly approved and built along Centre Street. Adding these additional units is both contextually appropriate and should have no meaningful impact on neighbors.

Article 55, Section 9: Additional Lot Area Insufficient. At present, 5000 square feet are required per dwelling unit, and 269 square feet are provided per unit, which is nonconforming. By adding basement units, this number drops to 202 square feet per unit. Given that the current zoning rules are dramatically out of scope with an existing building that provides good contextual scale for the district, the relative decrease to 75% of the previous additional lot area per unit is reasonable.

Article 55, Section 9: Floor Area Ratio Excessive. The current FAR allowed by zoning is 0.5, and is currently nonconforming at 2.44. Proposal would raise it to 3.242. None of this would be visible to anyone or noticeable by pedestrians or neighbors, and so is a reasonable increase.

Article 55, Section 9: Usable Open Space Insufficient. Zoning requires 1250 square feet per lot, and the current condition provides approximately half of that at 751 square feet. The proposal reduces it to 97% of this amount, with a proposed 726 square feet, a negligible difference.

**Recommendation:**

In reference to BOA1521753, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1523210
<b>ZBA Hearing Date</b>	2023-12-05
<b>Address</b>	84 Prince ST Jamaica Plain 02130
<b>Parcel ID</b>	1901601000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 2F-9000
<b>Zoning Article</b>	Article 55
<b>Project Description</b>	Full gut renovation and addition with new windows, new stucco siding, new electrical, new plumbing, new HVAC.
<b>Relief Type</b>	Variance
<b>Violations</b>	Side Yard Insufficient FAR Excessive

**Planning Context:**

The proposed scope of this project is a full interior renovation, including interior wall removal to accommodate a new layout and additional living space. While the majority of work will be internal, some external additions will increase the building footprint and overall living area. However, the massing and overall building design will remain very similar to what is already built and in character with its surroundings of 2-story one- and two-family homes. Making necessary repairs to existing dwellings is in keeping with planning goals of preserving Boston's current housing stock, as detailed in *Housing a Changing City, Boston 2030* (September 2018).

**Zoning Analysis:**

The zoning code requires a 10' minimum side yard setback on each side. The existing west side yard setback is 20.9' and the proposed renovations will not change its dimensions. The existing east side yard setback is 8.4'; the proposed renovations will further reduce this nonconforming setback to 2.8'. The neighbor to the right of this dwelling has a left side yard setback that appears to be over 10', and even though the side yard setback in question will be reduced, it will still allow for an appropriate amount of spacing between neighboring buildings. However, it must be ensured that a minimum building safety separation continues to exist between the two neighboring dwellings, even in the event that the neighboring property also extends their dwelling in the future, resulting in a potential decreased side yard on the neighboring property. Therefore, as a provision of approval, it is recommended that the east side yard setback of the



dwelling be increased to at least 3'. This increase will allow for an appropriate fire safety separation between buildings, even in the event that the neighboring property extends their setback. With this change made, the parcel will still have a cumulative side yard of 23.9', which is a higher cumulative amount than the minimum required by zoning (the minimum 10' required on either side would result in a cumulative side yard setback of 20').

The uneven side yard condition (where the dwelling is not centered in the middle of the lot but is instead placed more to the right or left side in order to facilitate a driveway or other off-street parking) is a typical condition for the immediate area of the street that the dwelling is located on, where many other dwellings have a similar placement on their lot.

The maximum FAR per zoning is .5. The FAR of the existing dwelling is .37, and the proposed FAR is .70. This is due to the additional living area (a total of 1681 sf) that is proposed to be added. This addition will almost entirely be placed in the rear of the existing dwelling, keeping the overall massing and design in character with its surroundings.

Additionally, it's important to note that the lot area of this dwelling (5118 sf) is smaller than the minimum required for this subdistrict, which is 6000 sf for one dwelling unit, plus an additional 3,000 square feet for any additional dwelling unit (9000 sf total for a two-family home). While this is an existing violation that was not flagged (because it is pre-existing and unchanged by the scope of this project), it is an important detail that has bearing on the excessive FAR. Because the zoning code's dimensional regulations – including those for yard setbacks – have been right-sized for larger parcels, it stands to reason that a lot that is almost 1000 sf smaller than the minimum size required will therefore have nonconformities. At 5118 sf, this parcel has a similar lot area as the vast majority of the neighboring parcels along this street and in this 2F-9000 subdistrict, of which only 4 out of 20 are larger than 6000 sf. This is a case for zoning reform to update dimensional regulations to reflect existing conditions.

A previous version of the refusal letter noted that the project was an extension of a nonconforming use. Upon discussion with the plans examiner, it was determined this violation had been made in error and that the project was not an extension of a nonconforming use.



The plans reviewed are titled "Boxer-Shah Residence" and are dated 8/17/23. They were prepared by SKA.

**Recommendation:**

In reference to BOA1523210, The Boston Planning & Development Agency recommends APPROVAL WITH DESIGN REVIEW: with attention to the east side yard setback, which should be increased to at least 3' .

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1533227
<b>ZBA Hearing Date</b>	2023-12-05
<b>Address</b>	29 Orange St Roslindale 02131
<b>Parcel ID</b>	2001206000
<b>Zoning District &amp; Subdistrict</b>	Roslindale Neighborhood Art. 10 - Sec. 1, Art. 67 - Sec. 9, Art. 67 - Sec. 32
<b>Zoning Article</b>	2F-5000
<b>Project Description</b>	Construct a new two-family duplex home with market-rate units and four parking spaces.
<b>Relief Type</b>	Variance
<b>Violations</b>	Limitation of Area for accessory use (parking) Parking design and maneuverability Additional Lot Area Insufficient FAR Excessive Off-Street Parking and Loading Requirements (Location - Front Yard)

**Planning Context:**

This property is a 6,600 sq ft vacant, permeable lot in a two-family residential zoning district and faces Orange Street to the east. The proposed project would erect a 2.5-story, two-unit duplex on this lot with a rear deck per unit, two driveways along both the northern and southern side yards, and four off-street parking spaces (2 spaces per driveway).

The two proposed driveways would extend about halfway in depth from the eastern front yard to the rear western yard (the plans do not provide an exact depth measurement). There is an existing 14-foot wide curb cut on the southern side of the front yard and this project would create a new 14-foot wide curb cut on the northern side to match. Both resulting driveways will start at 14-foot widths from the eastern-facing front yard and extend about 20 ft in depth (aligning with the front yard setback depth) up to the face of the building where they then decrease to 10 ft widths and continue westward along the side of the building for about two-thirds of the building's depth. There are 2 proposed parking spaces per driveway. One parking space on each side will be completely within the 10-foot width section while the other two parking spaces will partially extend into the 14-foot width section of the driveway in the front yard.



Overall, the off-street parking design does not align with Boston Transportation Department's standards for curb cuts, driveways, and maneuverability. The proposed dimensions exceed the Public Works (PWD) and Boston Transportation Departments' (BTD) recommended standard for curb cuts and drive aisles in residential areas (12') (Guidelines for the Issuance of a Curb Cut Permit, Feb. 2013). Because all the parking spaces are limited to the narrow side yards between the proposed building and lot lines, there is not adequate space to maneuver vehicles in the proposed tandem parking spots. The BPDA Urban Design department also recommends a 5 ft buffer on side yards between parking and neighbors' lots that this project cannot provide due to the placement of the proposed side yard driveways.

The excessive width condition in the easternmost parts of the side yard along with the creation of the northern side yard driveway would result in a significant loss of open space on the site since most of the front yard and eastern sections of both side yards would be paved for parking use. Additionally, the project plans propose a concrete walkway in front of the home that connects between the paved northern and southern parking areas in the front yard, further reducing permeable area. The City does not support the removal of open space to accommodate the development of off-street parking. The planning goals of Climate Ready Boston (2016) which address the need for permeability and impacts of heat island effect outlines this point. Additionally, while the proponent meets the required 2.0 minimum parking ratio for this subdistrict, the proposed four parking spaces do not align with City goals to reduce reliance on private vehicles as detailed in Go Boston 2030 (March 2017).

The driveway parking design with a significant front yard entry is a common feature in the surrounding area. However, this proposed design differs from existing parking design in the area by proposing two side yard driveways that would introduce a new curb cut on the northern side yard and utilize almost half of the front yard for paved driveway space. Additionally, the property that abuts this site to the north has an existing southern side yard driveway with an accompanying curb cut, so the addition of the northern side yard's driveway may worsen the sidewalk condition for pedestrians. The proponent should consider redesigning the parking for better maneuverability, less presence in the front yard, and reduced overall impact on the public realm.

The overall building scale and 2.5-story height are common typologies in this area and the proponent's project aligns with City housing goals by utilizing infill development to promote



housing diversity and increase housing opportunity, as detailed in Housing a Changing City, Imagine Boston 2030 (September 2018). The only existing structure on this property is a one-story shed with a 120 sq ft building footprint in the northwestern corner of the lot's rear yard. This shed will be maintained as part of the proposed project.

### **Zoning Analysis:**

This property is located within the Two-Family Residential (2F-5000) subdistrict of the Roslindale Neighborhood District (Art. 67). Due to this project's proposed two driveways in the side yards, large curb cuts, and parking design in part of the front yard, there are several parking-specific violations. This subdistrict requires that off-street parking spaces "shall not be located [...] in any part of a Front Yard," but a driveway "may be located in that portion of the Front Yard that lies between the side yard and the Front Lot Line [...] provided that such driveway provides access to parking spaces located in the side or rear yards and that such parking is accessory to a residential use on the Lot" (Art. 67 – Sec. 32). Since the easternmost parking spaces along both the northern and southern side yard driveways would extend past the front of the home into the front yard, this triggers the violation as the parking spaces are no longer limited to side yard placement. The proponent should redesign the parking spaces to only be located in the side yard with no extension to the front yard.

The proposed tandem parking spaces also do not provide enough appropriate space for safe maneuverability as required in this subdistrict and should be redesigned to improve this condition (Art. 67 – Sec. 32). The plans do not provide enough detail on the exact depth of the driveway and the length of each parking space, which would be needed to better assess the design.

The parking design also triggers a limitation of area (Art. 10 – Sec. 1) violation because residential dwellings in this subdistrict are required to have 5 ft minimum buffers between the side lot lines and the parking areas if parking is an accessory use. The proposed parking is directly along both side lot lines and should be redesigned to accommodate that buffer.

The proposed building aligns with the scale and typology of the surrounding area. This subdistrict requires a maximum FAR of 0.5 and the project plans indicate that the project would have a 0.25 FAR (Art. 67 – Sec. 9). The plans do not indicate the exact proposed living area for the project so it is difficult to determine if the FAR is excessive off of the provided materials. However, the orientation of the building on the lot and the proposed height and building floor



plate are similar enough to adjacent buildings to produce a building that aligns with the context. This part of the subdistrict would be a candidate for future zoning reform that would consider the existing FAR of buildings in the surrounding area to ensure that the dimensional requirements for determining building scale are appropriate to the context.

While this project's refusal letter lists additional lot area for each additional unit as a zoning violation, this subdistrict does not have a requirement for an additional lot area for each additional unit measurement for land uses that are considered "Other Uses," of which this project is considered because it is a two-family attached dwelling (Art. 67 – Sec. 9). The only building typologies listed in the dimensional table for the 2F-5000 subdistrict are "1 Family Detached or Semi-Attached or 2 Family Detached." This duplex design is still appropriate as it aligns with the maximum dwelling unit requirement, so future zoning should be amended to accommodate the variety of building typologies that still align with the land use requirements of this area.

Site plans completed by Solli Engineering on February 6, 2023. Project plans completed by I.S. Hernandez Services Inc. on July 19, 2023.

**Recommendation:**

In reference to BOA1533227, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE: that proponent redesigns the parking spaces and driveway to align with BTM, Public Works, and BPDA parking standards around maneuverability, curb cut and driveway width, side buffers, and parking location only in the side or rear yards. Proponent should also be mindful of preserving existing permeable lot areas where possible, especially in areas of the front yard where concrete pavement is currently being proposed.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1428422
<b>ZBA Hearing Date</b>	2023-12-05
<b>Address</b>	551 E Seventh St South Boston 02127
<b>Parcel ID</b>	0702156000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	Art. 68 - Sec. 8, Art. 68 - Sec. 29, Art. 68 - Sec. 33
<b>Project Description</b>	Demolish an existing building (under a separate permit) and erect a new three-story, three-family residential dwelling.
<b>Relief Type</b>	Variance, Conditional use
<b>Violations</b>	Roof Structure Restrictions Rear Yard Insufficient Parking or Loading Insufficient Parking design and maneuverability Additional Lot Area Insufficient

**Planning Context:**

This project was previously recommended by the BPDA for Denial without Prejudice on 10/31/2023 and was deferred by the ZBA at that hearing. The most recent plans for this project were submitted for ISD review on 04/23/2023 and they have not been revised since the 10/31/2023 hearing. The previous recommendation for this project as detailed below remains the same due to the lack of change in the proposed plans between ZBA hearing dates.

The project sits in a multifamily residential subdistrict in South Boston. Its surrounding context features a mix of residential uses and 2.5-3 story building typologies. The project proposes to replace an existing 2.5 story, single-family structure with a new three-family residence.

The site's off-street parking currently features a shared curb cut and drive aisle, accommodating tandem side yard parking spaces. This condition allows the majority of the site's area to be preserved as usable open space. The proposed off-street parking design expands the existing 10' curb cut to 21'. An expanded drive aisle, widened to the same dimension, accompanies this curb cut. These dimensions exceed the Boston Transportation Department's (BTD) recommended maximum widths for curb cuts and drive aisles in residential areas (12'). This condition, along with driveway's extension, narrows and extends the form of the proposed building, resulting in a significant loss of open space upon the site (including the removal of

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several mature trees). It also creates a building footprint that, according to BPDA Transportation staff, is unable to provide adequate space to maneuver the project's proposed interior parking spots.

The City does not support the removal of healthy and mature trees, and open space to accommodate the development of off-street parking. The planning goals of Climate Ready Boston (addressing permeability, heat island effect, and increase tree canopy, 2016) and Boston's Urban Forest Plan (preserving healthy and mature trees, 2022) outline this point. This is especially true within the South Boston neighborhood, whose area, according to the South Boston Transportation Action Plan Existing Conditions Report (November 2022), is already 75% covered by impervious surfaces.

### **Zoning Analysis:**

This property is located within the Multifamily Residential (MFR) subdistrict of the South Boston Neighborhood District (Art. 68). Because the proposed project seeks to demolish an existing structure, the height restriction outlined in Section 68-29 of the Code applies. This provision states that, on South Boston lots subject to full or partial demolition, the maximum height allowed on the lot shall be equal to the highest point of the existing structure to be demolished. Because the height of the project exceeds that of the structure preceding it, a zoning violation is triggered.

The site's proposed parking allotment (3 spaces) aligns with BTD's detailed parking maximum for the area (1:1 ratio). The parking maneuverability/design and rear yard violations can be attributed to the project's wide drive aisle, narrow building form, and proposed interior parking spaces. These factors too contribute to the creation of a structure far greater in depth than any other on the block. Future zoning for this subdistrict should consider better alignment of the existing off-street parking requirement with BTD parking standards and broader citywide parking goals.

A future iteration of this project should re-work the proposed structure and parking strategy to maintain the dimensions of the site's existing curb cut and drive aisle, widen the structure's proposed ground floor design, preserve existing permeable surface area through a more significant rear yard setback, and limit height to that of the existing structure.

Site plans completed by Civil Environmental Consultants on November 16, 2022. Project plans completed by Choo & Company, Inc. on March 20, 2023.

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**Recommendation:**

In reference to BOA1428422, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE: Proponent should explore a project that limits width of curb cut and drive aisle, decreases building depth, increases rear yard setback, and decreases height.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1451588
<b>ZBA Hearing Date</b>	2023-12-05
<b>Address</b>	33 Pearl St Dorchester 02125
<b>Parcel ID</b>	1302088000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	Article 65
<b>Project Description</b>	Seeking to raze the existing structure (demo to occur on separate permit) and erect a new residential building with 6 units and 8 parking spaces. Request for Nominal Fee.(DEMO: SF1449374)
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Height Excessive (stories) Forbidden Use Location of Main Entrance

**Planning Context:**

Site is in a two-family district in Dorchester between Uphams Corner and Savin Hill. Applicant seeks to build a multifamily building holding six units. This closely aligns with the general goals of housing production from both Imagine Boston 2030 and Housing a Changing City, but does raise concerns about the appropriateness of this level of density in this location. While this portion of Dorchester is generally in the denser residential portion of the city, the site is still 0.5 miles from the Savin Hill T stop and 0.6 miles from the Uphams Corner commuter rail stop. This does mean that this is not strictly transit-oriented development, but should instead be considered urban infill.

Given that applicant is creating a building with similar height and architectural form with sufficient parking to meet demand, this project is well-suited to add much needed housing in a part of the city suffering from an extreme lack of housing vacancy, and project is aligned with the broader goals of allowing infill and "gentle density" projects to supplement larger housing production projects across the city. A project like this proposal is an excellent example of Housing a Changing City's call for an increase in diverse housing options across the City, and



this project's violations with respect to the zoning code illustrate the regulatory hurdles making these new housing types feasible.

### **Zoning Analysis:**

Multifamily housing is not allowed in this district. While six units is substantially more than the two-families allowed by zoning, the building does generally appear in scale with its surrounding neighbors, and larger triple-deckers and multifamily buildings do appear on this block and in the area, making this project an area candidate for the importance of zoning reform, to better reflect the diversity of building forms and residential uses.

Maximum FAR is 0.5, with the current building only occupying 0.3. The proposed FAR would be approximately 0.96, which is a substantial violation. However, given the use of a Mansard roof to hide the third floor and the varied articulation of the building to break up the massing, this is not wholly out of scale with surrounding buildings, and can be considered a relatively low FAR given the number of units proposed by the applicant. The constraint imposed by FAR for infill housing in this district should be considered a case for zoning reform, as the City continues to explore ways to increase housing production while maintaining both historic character and allowing for reasonable change.

The proposed building would be 3 stories, while zoning only allows for 2. The block contains numerous examples of other 3-story buildings, making this an unreasonable constraint on use of this property and an example of the need for zoning reform.

Finally, dimensional regulations state that the main entrance of a dwelling unit shall face the front lot line. In this application, the front three units will have their entrance facing the front lot line, while the rear three units would have a side entrance. Such side entrance's circulation quickly moves to the front and is the only efficient way to allow all six units on one site, especially given the need to accommodate 1.25 parking spaces per unit as noted by zoning. Such changes are not, on the whole, detrimental to the circulation and character of the site and area.



Site is in a Neighborhood Design Overlay District and must undergo BPDA Design Review. This review also notes that demolition, covered under permit SF1449374, will be subject to Article 85 Demolition Delay, and so review should consider the likelihood of this structure being considered contributing.

**Recommendation:**

In reference to BOA1451588, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1530302
<b>ZBA Hearing Date</b>	2023-12-05
<b>Address</b>	4459 Washington ST Roslindale 02131
<b>Parcel ID</b>	2000495000
<b>Zoning District &amp; Subdistrict</b>	Roslindale Neighborhood 2F-5000
<b>Zoning Article</b>	Art. 2 - Sec. 2-1, Art. 10 – Sec. 1, Art. 67 – Sec. 8, Art. 67 – Sec. 9, Art. 67 – Sec. 32
<b>Project Description</b>	Change of occupancy from a three-family dwelling to a multifamily dwelling consisting of eight (8) units with seven (7) parking spaces (three compact parking spaces and four regular parking spaces). Includes demolition of the existing rear garage, a full interior renovation, a rear addition with three rear decks, side additions of exterior staircases to the rear decks, and side patio additions for new basement units.
<b>Relief Type</b>	Variance
<b>Violations</b>	Limitation of Area for accessory use (parking) Usable Open Space Insufficient Side Yard Insufficient Rear Yard Insufficient Height Excessive (stories) FAR Excessive Parking or Loading Insufficient Parking design and maneuverability Meaning of certain words and phrases: Gross Floor Area Use: Forbidden (Multifamily Residential)

**Planning Context:**

This project proposes renovations and additions to an existing building that will change its occupancy from a three-family dwelling to a multifamily dwelling consisting of eight (8) units with seven (7) parking spaces. Three of the parking spaces will be for compact vehicles and four will be regular parking spaces. The project includes the demolition of an existing rear garage, a full interior renovation of the three floors and basement to create the new units, a rear addition with rear decks for the three floors, side additions of exterior staircases to the rear decks, and side patio additions for the new basement units.



The existing property is located on a 5,331 sq ft corner lot, specifically on the western corner at the intersection of Wellsmere Road and Washington Street in the Roslindale neighborhood. There are two existing structures on the lot. The existing primary structure is a three-story, three-family residential dwelling with a living area of 4,794 sq ft (per Assessing Report, 2023). The front yard faces Washington Street to the southeast. The side yards face Wellsmere Road to the northeast and an abutting lot to the southwest with two existing structures on it. The rear yard faces an abutting vacant lot to the northwest. The lot descends in elevation towards the northwest rear yard.

The project proposes rear additions to the three floors of the residential dwelling to extend the existing units and convert them from one unit per floor to two units per floor. The rear additions include three rear decks with partitions that make each section of the deck exclusive to each unit. The project also proposes the addition of patios to both side yards that are accessible from the new basement units. These patios will replace existing permeable open space with paved patio surfaces in the side yards. The northeastern side yard patio addition will also extend to the lot line on that side.

The four regular parking spaces will be located on the ground floor area under the proposed rear decks and will be accessible from the basement in the rear. Three of the four parking spaces will be covered by the roof decks, while the fourth parking space will not be covered and will be located against the northeastern side yard.

The second existing structure is a one-story 640 sq ft garage in the westernmost corner of the lot in the rear yard (per Assessing Report, 2023). There is a driveway entrance from Wellsmere Road in the northernmost section of the side yard that leads to the garage and provides space for additional cars. It is a three-car garage with an existing roof deck on top of the structure. The existing garage will be demolished and the proposed three compact parking spaces will be placed in that northwestern corner. The existing curb cut along Wellsmere Road will be filled in and the new curb cut will be located in the northernmost corner of the lot in the rear yard. There will be no change in impervious surface area due to this change in the curb cut.

This addition of more livable area and change in occupancy within an existing dwelling aligns with the planning goals of increasing housing density and preserving housing stock, as detailed in *Housing a Changing City, Boston 2030* (September 2018). There is also a prevalence of bus stops available within the surrounding area along a major corridor (Washington Street) within a five-minute walking distance of the property. This project aligns with the City's transit-oriented

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development goals of further concentrating housing development near transit assets due to the proposed multifamily use at this location. However, the proposal to add parking spaces to this property does not align with City goals of reducing dependency on private vehicles, as outlined in Go Boston 2030 (March 2017).

This property is also located in a Massachusetts Historic Inventory Area. As such, any renovations and additions should be mindful of the historic character of the existing building.

### **Zoning Analysis:**

This property is located within the Two-Family Residential (2F-5000) subdistrict of the Roslindale Neighborhood District (Art. 67). The lot is across the street from the Local Convenience (LC) subdistrict which begins on the northeastern side of Wellsmere Road.

The existing property has been assessed as a three-family residential dwelling since 1985 and thus has had a long-standing non-conforming use within this subdistrict (per Assessing report, 2023). Several properties on this block of Washington Street between Wellsmere Road and Cornell Street have three-family or multifamily residential uses that are all non-conforming. Both three-family detached dwellings and multifamily dwellings are forbidden uses within the Two-Family Residential (2F-5000) subdistrict. This prevalence of specifically non-conforming three-family and multifamily residential uses pose a case for zoning reform within this section of the subdistrict as many of these properties require zoning relief despite all being assessed as these non-conforming uses for decades.

The 2F-5000 subdistrict (Art. 67 – Sec. 8) designates the proposed multifamily residential (MFR) use as forbidden in this 2F-5000 subdistrict. As mentioned, this property has an existing, non-conforming three-family residential use. While the existing three-family residential use is a common condition in the surrounding area, this proposal would further worsen this non-conformity by adding units and changing the occupancy to a multifamily residential dwelling.

There are several dimensional regulation violations (Art. 67 – Sec. 9) that are all existing conditions of this property, though the proposed additions would further worsen some of these nonconformities. The 2F-5000 subdistrict has the following requirements for residential dwellings that have more than one or two residential dwelling unit: a maximum floor area ratio (FAR) of 0.5, a maximum height in stories of 2.5 stories, a minimum square footage of usable open space per dwelling unit of 1,750 sq ft, and a minimum side yard depth of 10 ft. The existing residential dwelling has an excessive FAR of 0.9, an excessive height in stories of 3 stories,

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insufficient usable open space square footage per dwelling unit of 415 sq ft, and an insufficient side yard depth on the northeastern side below 10 ft (the exact existing depth is not clear on the provided plans, but the insufficient depth was determined based on the width of the proposed patio on this side yard).

The existing height will not be changed as part of the proposed renovations and additions and is a common height condition for other buildings in the surrounding area. The rear and side yard additions as well as the increase in units will worsen the FAR condition by increasing it to 1.44 and worsen the usable open space square footage per dwelling unit by decreasing it to 290 sq ft.

Though the usable open space square footage is supported by the inclusion of patios and decks, the increase in residential dwelling units deeply reduces the amount of usable open space square footage available for each new unit. The side yard depth will also not be changed due to the side yard additions being patios that count towards open space, but attention should be paid to the removal of existing permeable lot area for the construction of these paved patio spaces.

The proposed rear additions contribute to a new dimensional violation in the rear yard (Art. 67 – Sec. 9) because the 2F-5000 subdistrict requires a minimum rear yard depth of 40 ft and the proposed rear additions will reduce the existing 42.1 ft rear yard depth to a new rear yard of about 19 ft. These collective dimensional violations signal a need for zoning reform with attention to determining the appropriate dimensional regulations and scale for development that supports multifamily housing along this section of the subdistrict since this concentration of residential units on a major corridor next to a mixed-use subdistrict provides access to multiple resources.

There are several violations related to the proposed off-street parking area. The northeastern most proposed parking space triggers a limitation of off-street parking area violation (Art. 10 – Sec. 1) because in any residential district the side yard cannot be used for accessory use “except that such a side yard may be used for off-street parking located more than five feet from the side lot line.” The northeastern most parking space is less than five feet from the side lot line, thus triggering the violation and placing a parking space too close to the public realm as there is a sidewalk against that area on Wellsmere Road.



Additionally, the size of the parking spaces in the proposed parking design is insufficient (Art. 67 – Sec. 32) because the off-street parking and loading regulations require that “fifty percent (50%) of the required car spaces may be no less than seven (7) feet in width and eighteen (18) feet in length, and the remainder shall be no less than eight and one half (8-½) feet in width and twenty (20) feet in length, in both instances exclusive of maneuvering areas and access drives.” While the four regular parking spaces meet the first part of this regulation with 9 ft by 18 ft parking spaces, the remaining three parking spaces are insufficient due to their compact 8 ft by 16 ft size for criteria named for remaining spaces.

This neighborhood district also requires two (2) parking spaces per residential dwelling unit. The existing dwelling provides five (5) parking spaces for three (3) residential units at a ratio of 1.67 parking spaces per dwelling unit. This is an existing non-conformity that will be worsened because the proposed eight (8) residential units will be served by seven (7) parking spaces at a ratio of 0.875 parking spaces per dwelling unit. Though the lower reliance on private vehicles per unit is supportive of City goals around reduced vehicular usage, the proposed parking spaces worsen the zoning requirements as a result of the non-conforming number of residential units being proposed. This violation signals a need for zoning reform in this section of the subdistrict to better align off-street parking requirements with City policies around reducing private vehicle reliance.

The violation related to the measurement of gross floor area (Art. 2 – Sec. 2.1) is specifically stated by the ISD plans examiner as follows: “Existing floor area gross redistribution and conversion to habitable space/mechanical areas throughout other parts of the structure – Conditional.” The ISD plans examiner marks this redistribution and conversion of these areas as conditional, though the exact violation that is triggered is unclear. The recommending planner cannot provide a direct analysis for this specific zoning violation based on the contents of the refusal letter.

Project plans completed by Design Resource Team, LLC on August 8, 2023.

**Recommendation:**

In reference to BOA1530302, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE: Proponent should consider redesigning the parking spaces to the appropriate sizes as well as reducing the number of parking spaces due to the immediate proximity to a major corridor with transit assets. Proponent should seek a variance for its



existing height, the proposed dimensional changes, and the proposed multifamily use as those are common conditions and may be appropriate in scale given the surrounding context.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1522495
<b>ZBA Hearing Date</b>	2023-12-05
<b>Address</b>	3 Hamlet ST Dorchester 02125
<b>Parcel ID</b>	0703878000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 3F-5000
<b>Zoning Article</b>	Article 65
<b>Project Description</b>	Renovate basement to add extra livable space.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive

**Planning Context:**

The proposed project is located within a 3F-5000 subdistrict in Dorchester and 0.3 miles from the commuter rail's Upham's Corner. Consequently, the project falls within the Fairmount Indigo Planning Uphams Corner Initiative. The addition of livable space in the basement is consistent with the plan's goals of increasing and preserving housing stock near the transit stop.

**Zoning Analysis:**

The renovation of the existing basement increases the FAR (undisclosed amount) beyond the maximum FAR outlined in Article 65's 3F-5000. However, the proposed interior improvements do not have an impact on the existing massing, scale, or use of the building. This is an opportunity for zoning reform to introduce different dimensional regulations for building form at this scale instead of FAR.

**Recommendation:**

In reference to BOA1522495, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rand", is written over a light blue circular stamp.

Director of Planning, BPDA



<b>Case</b>	BOA1527656
<b>ZBA Hearing Date</b>	2023-12-05
<b>Address</b>	54 Semont RD Dorchester 02124
<b>Parcel ID</b>	1601611000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 3F-5000
<b>Zoning Article</b>	Article 65
<b>Project Description</b>	Enclose second and third floor porches into habitable space.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive

**Planning Context:**

The project proposes to enclose the rear yard porches of the second and third floors. These changes would not significantly alter the exterior of the building or the porches' structure.

The proposed changes are consistent with the goal in Housing a Changing City (September 2018) of improving existing housing stock.

**Zoning Analysis:**

While the proposed changes increase the FAR beyond the maximum 0.5 FAR of Article 65's 3F-5000 subdistrict, the conversion of the porches in the rear yard to enclosed, livable spaces does not alter the existing scale or massing of the dwelling.

**Recommendation:**

In reference to BOA1527656, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

Director of Planning, BPDA



<b>Case</b>	BOA1537925
<b>ZBA Hearing Date</b>	2023-12-05
<b>Address</b>	22 Freeman St Dorchester 02122
<b>Parcel ID</b>	1600773000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 3F-D-3000
<b>Zoning Article</b>	Article 65
<b>Project Description</b>	Erect 5 story 14-unit dwelling on vacant lot.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Height Excessive (stories) Rear Yard Insufficient Side Yard Insufficient Additional Lot Area Insufficient Usable Open Space Insufficient Parking or Loading Insufficient Forbidden Use; Traffic Visibility Across Corner

**Planning Context:**

The site lies outside the geographic scope of any recent planning studies. While this location is close to the PLAN: Glover's Corner study area, it is not relevant because the plan was neither completed nor adopted.

The subject parcel is a vacant lot zoned for residential use. The zoning is consistent with the predominant land use on the block: three story residential. This residential block is located between the Fields Corner MBTA Station and the Fields Corner Community Commercial retail/restaurant node.

**Zoning Analysis:**

Forbidden use (MFR):

While each unit does contain kitchen and bathroom facilities, the areas labeled common lounge, common bathroom, administration/office, and common area, indicate that the proposed use appears to be better described by the Article 2 definition of Lodging House than Multifamily Residential, as noted in the zoning relief application. Both Lodging House and Multifamily Residential are forbidden in this subdistrict. 3F-D ("triple decker residential") subdistricts of the Dorchester Neighborhood District are intended to encourage contextual, 3 story, 3 unit, wood



frame triple decker dwellings. Given this zoning context, which is matched by the existing context of the built environment, the proposed use is inappropriate. It is recommended that the proponent resubmit plans that more closely adheres in scale and massing of traditional triple deckers, as indicated by 3F-D zoning and surrounding context of the existing built environment.

**Building Height Excessive (Stories):**

Article 65, Table C notes a height limit of 3 stories and 40 feet. The application states the proposed building height is 4 stories. Using the definition of height found in Article 2, the proposed height is better understood to be 5 stories, in violation of height limits measured in both stories and feet. Given the zoning context of a "triple decker" subdistrict and the existing built environment context noted above, the proposed 5 story height is inappropriate.

**Floor Area Ratio Excessive:**

Floor area ratio is inappropriate, and a function of the excessive height noted above.

**Off-street Parking Insufficient:**

Because this location directly abuts an MBTA subway and bus station, BTG guidelines dictate that the proposed zero off-street parking spaces is appropriate.

**Additional Lot Area Insufficient:**

The 3,203SF lot meets the 3,000 SF minimum lot size. Additional lot area insufficient lot area was triggered because multifamily residential use requires 1,000 SF of lot area for each unit. (In this instance, 14,000 SF for 14 units.) This violation would be remedied by following other zoning regulations prohibiting multifamily use, as noted earlier.



Other dimensional violations, including "Traffic Visibility Across Corner", should be evaluated for zoning reform as they preclude the provision of otherwise zoning compliant and contextually appropriate housing.

**Recommendation:**

In reference to BOA1537925, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE.

Reviewed,

A handwritten signature in blue ink, appearing to read "Ames Rand", is written in a cursive style.

Director of Planning, BPDA



<b>Case</b>	BOA1538261
<b>ZBA Hearing Date</b>	2023-12-05
<b>Address</b>	215 to 217 Brighton AVE Allston 02134
<b>Parcel ID</b>	2100739000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood Community Commercial
<b>Zoning Article</b>	Article 51
<b>Project Description</b>	Change the legal occupancy from offices and auto parts sales to a restaurant with take-out and live entertainment.
<b>Relief Type</b>	Conditional Use, Variance
<b>Violations</b>	Forbidden Use - Restaurant on 2nd floor; Forbidden Use - live entertainment after 10:30 PM; Conditional use - restaurant on 1st floor

### **Planning Context:**

The project proposes a 2-story restaurant with live, late-night (past 10:30 PM) entertainment on Brighton Ave in Allston Center. The immediate surroundings of the parcel in question are eclectically mixed-use, and include uses such as restaurants, bars, local services, and music venues. This half-mile extent of Brighton Ave, and Allston Center itself, is an area of Boston known for its numerous restaurants and nightlife, with a high percentage of establishments open for services until 2 AM. A two-story restaurant with live entertainment past 10:30 PM would be fully within character for the surrounding neighborhood context. Additionally, the proposed uses are in alignment with recommendations made in the Mayor's Office of Arts & Culture Allston-Brighton Arts, Culture & Placekeeping Plan (July 2021), which advocated for increased support of live entertainment and gathering spaces within Allston-Brighton in the wake of recent closures of major neighborhood venues.

### **Zoning Analysis:**

This project is a case for zoning reform for updating use tables to be more in line with modern and established uses. The project proposes a 2-story restaurant, and restaurant uses are forbidden on the 2nd floors of buildings within this subdistrict. It also proposes live entertainment past 10:30 PM, which is a forbidden use. Overall, restaurant uses exceeding 2,500 square feet are conditional uses for this subdistrict.

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The use tables for Article 51 were last updated in 2000, meaning that they are out of date with the current, approved, and common uses that have been established in Allston-Brighton's Community Commercial subdistricts over the last 23 years. Both restaurants over 2500 square feet and restaurants with live entertainment past 10:30 PM are common uses that are reflected in many establishments along Brighton Ave and within Allston Center.

Restaurant uses on the 2nd floor are less common, but there is still precedent. Happy Lamb, a half-block down at 130 Brighton Ave, is a 2-story restaurant and karaoke bar that offers restaurant and entertainment uses on both of its two floors. Overall, the proposed project and its uses are very much within character for this area.

The plans reviewed for this case are titled "Proposed KTV" and are dated 7/5/23. They were prepared by JCBT Architect.

**Recommendation:**

In reference to BOA1538261, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPDA