

MEMORANDUM**FEBRUARY 13, 2025**

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

FROM: KATHLEEN ONUFER, DEPUTY DIRECTOR OF ZONING
JEFFREY HAMPTON, SENIOR ZONING PLANNER
RACHEL ELMKIES, PLANNER II

SUBJECT: REPORT ON PLANNING DEPARTMENT ZONING BOARD OF
APPEAL RECOMMENDATIONS BETWEEN 10/1/2024 AND 12/31/2024

SUMMARY: This Memorandum informs the Board of the Boston Redevelopment Authority (“BRA”) of trends in the recommendations written by BPDA planners to the Zoning Board of Appeal between 10/1/24 and 12/31/2024.

BACKGROUND

The Zoning Board of Appeal (“ZBA”) is a quasi-judicial body of seven members who are appointed by the Mayor. The ZBA hears requests for conditional use permits, variances, and similar zoning relief. While the ZBA is housed in the Inspectional Services Department (“ISD”) of the City of Boston, the Director provides non-binding recommendations to the ZBA for their consideration. Each recommendation is provided in a letter which includes basic information about the project, the planning context surrounding the project, and an analysis of the zoning implications (such as the applicability and/or obsolescence of the provisions of the Boston Zoning Code (the “Code”). These letters can now be found online by scheduled ZBA hearing date at bostonplans.org/zoning/zoning-board-of-appeals.

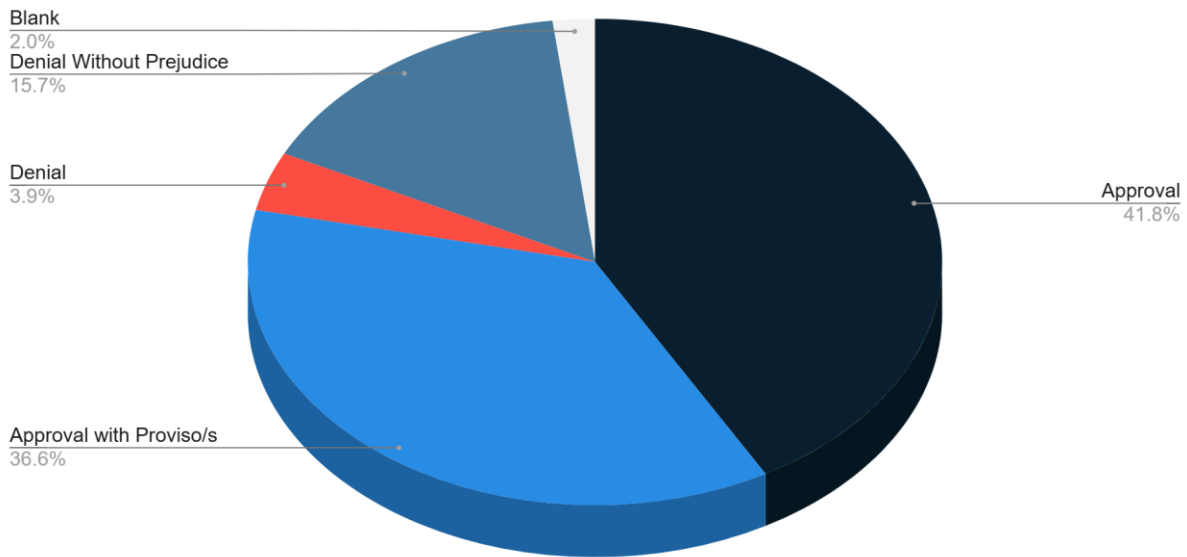
On June 15, 2023, the BPDA Board voted to grant authorization to permit the Director to make these recommendations on behalf of the BPDA. As part of this change, the BPDA Board requested that Planning staff present quarterly reports which summarize and highlight trends in the recommendations and ZBA cases. This second report includes data from the ZBA hearings in the time period between

October 1, 2024 and December 31, 2024. Since planners do not currently write recommendations for Article 80 cases as part of this process, they are excluded from this report. Instead, staff forward the approved Board memo to the ZBA as the recommendation for Article 80 cases.

PLANNING DEPARTMENT RECOMMENDATIONS

Overall, the Director wrote 153 recommendations over this period, eleven more recommendations than the same quarter last year. In most cases, approval was recommended, followed closely by approval with proviso/s.

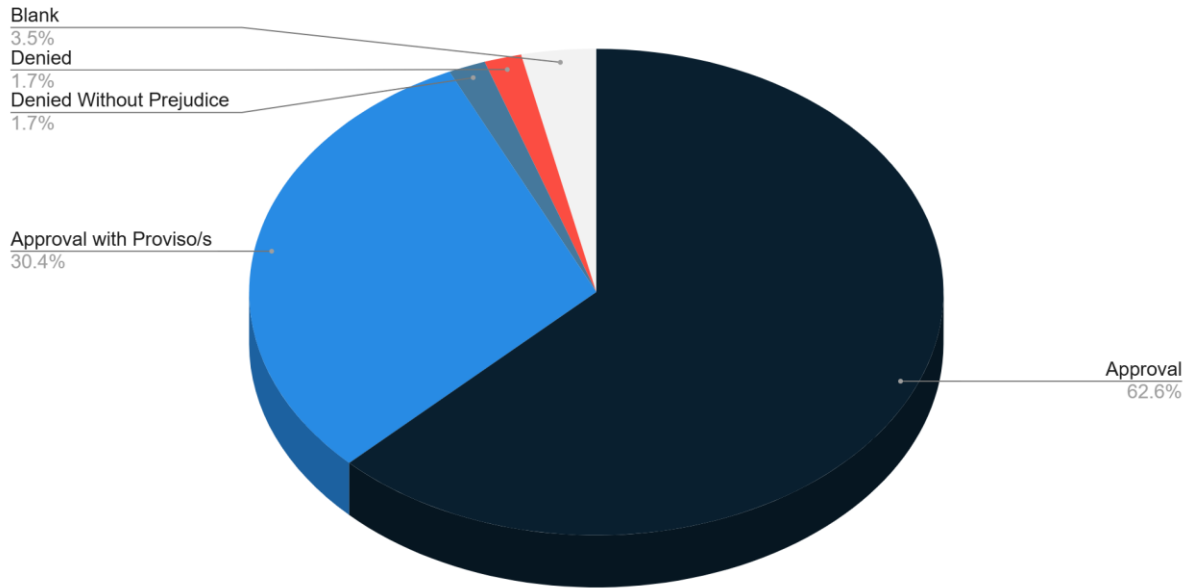
Planning Department Recommendations



Recommendations for approval dropped slightly this quarter (from 55% to 42%), reversing an upward trend seen in the previous three quarters. As in last quarter, the most common violation was excessive FAR, followed by insufficient side yard.

ZBA HEARING DECISIONS

ZBA Hearing Decisions



Compared to the same quarter during the last fiscal year, approval decisions increased by more than 15%. With this shift, the gap between approval-only decisions and approval with proviso/s decisions widened. For the 30% of ZBA decisions that included an approval with proviso/s, BPDA design review was the most common recommendation.

OTHER ZBA TRENDS

Citywide, one exciting development is the drop between median days that projects spend at the ZBA. In 2023, that figure was 182, or about six months. In 2024, it was 116 days- saving proponents roughly two months. At the neighborhood level, East Boston is continuing to see improvements post-rezoning. Average violations per case have continued to trend downwards as seen in Q1 2023 (7.9 violations per case) and Q1 2024 (6.9 violations per case). This quarter, that number has dropped again to five violations per case.

Another important trend is the rate of variance-only zoning refusals, which are needed when projects exceed dimensional standards or when the proposed use is forbidden by the Code. One of the goals of zoning reform is to rewrite the Code to better match how Boston's neighborhoods and buildings look today and will look in the future. If new zoning is reducing the number of ways existing buildings do not match the Code (nonconformities), the rates of variance-only refusals would also be expected to decrease—and in turn, indicate that the new zoning is working.

Similarly, a higher percentage of projects that do not require zoning relief indicates that the Code better matches the kinds of projects that people want to build. For those proposing new construction or a substantial home repair, this has real impacts: lower time and money costs, along with less uncertainty about approvals and project timelines.

In East Boston, new zoning has cut the rate of variance-only refusals while increasing the percentage of by-right projects there. Before rezoning, there were 6.5 variance-only zoning refusals per month on average. After rezoning, this was cut in half, saving staff time writing planning recommendations while delivering on our goal of reducing reliance on the ZBA in this district.

ZONING REFORM IMPACT TRACKER (ZKIT)

To help identify the impacts of zoning changes, the Planning Department launched the PLAN: Mattapan Zoning Reform Impact Tracker in December 2024 on Analyze Boston, the City's open data portal. The Tracker can be accessed at <https://data.boston.gov/dataset/zoning-reform-impact-tracker>.

The dataset is a cross-departmental effort, requiring resources and data from the Inspectional Services Department (ISD) and data engineering from the Citywide Analytics team. The dataset updates daily and includes the City's first ever measures of by-right development (projects that don't require zoning relief), abandoned building permits, and public tracking of proposed and permitted accessory dwelling units (ADUs). Article 80 projects are also included in the dataset.

Many of the figures provided in the next section of the report, including changes in times to permitting before and after rezoning, are derived from this pilot version of the Tracker. Since the data covers only a relatively small area and short period of time since new zoning was enacted, these figures should be considered

preliminary. An expanded Citywide version of the Tracker with more than 35,000 long-form permit records will be released this summer.

YEAR IN REVIEW: PLAN: MATTAPAN

Beginning on February 7, 2024, three major zoning changes occurred in the area where PLAN: Mattapan overlaps with the Greater Mattapan Neighborhood District. The first set of Code changes included dimensional table updates and the consolidation of residential subdistricts. The updates were made to support the production of new two- and three-unit infill housing, to better align dimensional regulations with the housing that currently exists in the area, and to make it easier for homeowners to renovate their homes.

On the same date, regulations that helped allow for the building of accessory dwelling units (ADUs) were encoded. As a result of the change, ADUs were allowed to be built without special approval, provided they met the requirements laid out in Article 2 and Article 60 of the Zoning Code.

Squares + Streets districts were codified on May 30, 2024, and Mattapan is the first (and currently the only) area in the city where these regulations are mapped. Squares + Streets zoning consolidated and updated allowed land uses and created new options for mixed use development, particularly in main street corridors near transit. This zoning amendment mapped the updated Squares + Streets zoning districts so that they applied to the Blue Hill Avenue Corridor, Mattapan Square, Cummins Highway, and River Street.

Early indicators of improvement

PLAN: Mattapan's original vision statement, created by Mattapan residents and local stakeholders during a process that included more than 100 community meetings and five years of engagement, identified housing stability as a key goal.

As one of the strongholds of Black homeownership in Boston, Mattapan residents defined this as the creation of more affordable housing and the ability to stay in their homes. Housing stability is impacted by the cost of home repairs and maintenance, as well as professional services to obtain the approvals needed to build. Boston's older housing stock can also provide opportunities for naturally occurring affordable housing.

Very early data suggests that the rezonings are having a positive impact in this arena. In the area of the Greater Mattapan Neighborhood District where zoning changes occurred, by-right permit applications have increased by 30%. That increase means that fewer owners have to pay an architect, attorney, and other professionals to get permission to make repairs and additions to their homes. A project that is by-right is not required to go through the Zoning Board of Appeal process to obtain zoning relief, which can take six months or more.

One two-and-a-half story home on Wellington Hill Street explains the zoning changes better than the data alone. According to an image of the original permit scan from ISD, the house below was built more than a century ago, back in 1913. It is now owned by a married couple.

In August 2024, about six months after new residential zoning was passed in Mattapan, a woman reached out to the Inspectional Services Department requesting a permit. She wrote in her permit application that her husband had experienced a major health event, and she needed to install a wheelchair ramp before he returned from the hospital in a few weeks. The side entry door would also need to be wider to allow for the wheelchair. She attached hand-drawn plans for the ramp in question for the inspectors to review.

Previously the home was in a 2F-5000 subdistrict, and her application would have triggered violations for a side yard that was too small, even though her home had likely had the same side yard for over 100 years. A floor area ratio violation would also have been issued for the project because the home was larger than the Code allowed. This would have required her to spend several months and potentially thousands of dollars for a chance to get the zoning approvals needed to build a ramp in order to care for her husband.

However, because of the updates made to Mattapan's residential zoning so that the Code did a better job matching the houses that were already there, the side yard was no longer an issue. In her new zoning subdistrict - R2 - cumulative side yards are now used. For many properties, this reflects the reality that one side yard is often wider than the other. With the new zoning, rigid requirements for floor area ratio were replaced with the more flexible metric of lot coverage, which deals with how much of the parcel is covered by the floorplate of the house.

Before rezoning, the preliminary average time between applying for a building permit and receiving a building permit in the rezoned portion of the Greater Mattapan Neighborhood District was 188 days, or just over six months. Post rezoning, ISD records show that this homeowner received a permit in just 18 days.

CONCLUSION

Future reports will feature preliminary data from other rezoning and modernization efforts as we continue to track our progress towards reducing reliance on the Zoning Board of Appeal and rewriting the Code so that it better matches Boston's built environment.