



Planning Department

MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: August 9, 2024

RE: Planning Department Recommendations

Please find attached, for your information, the Planning Department recommendations for the August 13, 2024 Board of Appeal's Hearing.

Also included are the Board Memos for: 83 to 89 Devonshire ST Boston 02108

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



Planning Department

Case	BOA1616380
ZBA Submitted Date	2024-06-18
ZBA Hearing Date	2024-08-13
Address	36 Leyden ST East Boston 02128
Parcel ID	0102046000
Zoning District & Subdistrict	East Boston Neighborhood 2F-4000
Zoning Article	Article 53
Project Description	Subdivide the existing lot of 36 Leyden St into two lots. Lot 1 contains an existing building which will remain and a new building is proposed on lot 2 through companion case ERT1585421. Construct a new driveway with 2 tandem spaces on lot 1 and expand the existing curb cut to 20.9 feet.
Relief Type	Variance
Violations	Front Yard Insufficient Rear Yard Insufficient

Planning Context:

This application proposes subdividing the existing lot 36 Leyden St into two lots: 36 Leyden St on the West and 36A Leyden St on the East. 36 Leyden St contains an existing 2-unit, 2-story building. A companion case (ERT1585421) proposes a new 3-story, 3-unit building on 36A Leyden St. This area currently contains parking and a side deck on the existing building on 36 Leyden St, which would be demolished. The curb cut for this existing parking is on the East of 36A Leyden St and would be closed, and the companion case includes a new 2-car driveway and curb cut on the West side 36A Leyden St to serve the new building (between the existing and proposed building). There is also a new driveway and extended curb cut proposed on the West side of 36 Leyden St to serve the existing building and replace some of the parking lost by the construction of the new building.

The new driveway on 36 Leyden St would be accessed by extending the curb cut which is currently used to access the driveway on the abutting lot (30 Leyden St). This extended curb cut would be 20.9 ft. Because this curb cut appears to be shared between the two properties and therefore serve at least 3 parking spaces, it seems to comply with the City of Boston Commissioner of Public Works curb cut guidelines which specifies a maximum of 24 ft for driveways serving three or more parking spaces.

Plan: East Boston, which was adopted by the BPDA Board on March 14, 2024, states that in the area where this project is located (Orient Heights) "much of the building stock is small scale, defined by sloping roof forms, large front yards, and wide side setbacks; although more dense uses and larger buildings do exist throughout the area." The plan recommends including Leyden St in a new EBR-2.5 subdistrict "to affirm the existing built character of Orient Heights."

The immediate surrounding area has a variety of housing types. The West side of the block consists of primarily 2-story, 2-units detached houses, while the East is primarily 3-story townhouses. Yards also range significantly, with most front yards between 2 and 10 ft, side yards between 0 and 20 ft, and rear yards between 10 and 30 ft. The existing building fits within this range of size and density at 2-units and 2 stories. Before the subdivision, the parcel also has a very large side yard of almost 30 ft.

PLAN: East Boston also includes that infill development in Neighborhood Residential areas should preserve privately-owned open space and increase permeable areas. The plan states that "The spaces between buildings created by front, side, and rear yard setbacks contribute to neighborhood open space and provide the space needed for trees and other plants to grow. Permeable areas are needed to support groundwater recharge and limit stormwater runoff that contributes to neighborhood flooding and worsens water quality." The proposed project may not comply with the recommended permeable area of lot minimum of 50% which is stated in PLAN: East Boston.

Under PLAN: East Boston recommended zoning regulations, the proposed lot subdivision would mean the lot would not comply with the required 5 foot side yard. However, there would be 10 ft of space between the existing and proposed buildings, which allows for adequate light and air. Because of the addition of the driveway, the project also may not comply with the required

permeable area of lot, which is 50%. However, it is not clear because a full landscaping plan was not provided.

Zoning Analysis:

New zoning for this area to codify the recommendations of PLAN: East Boston was adopted on April 24, 2024. The notice for this new zoning was advertised on April 1, 2024, therefore only projects that applied before this date should be reviewed under the old zoning. This project applied on February 28, 2024, and therefore the old zoning applies. Therefore, it is flagged for insufficient rear yard and front yard for the existing non conforming building. This application involves subdividing the existing parcel into two lots, which also creates violations for lot width and lot frontage. These violations are shown on the refusal letter for the associated case (ERT1585421). The subdivision also creates a side yard violation, as the new lot line would be zero feet from the existing building.

Recommendation:

In reference to BOA1616380, The Planning Department recommends DENIAL WITHOUT PREJUDICE Proponent should consider a project that increases the permeable area of the lot to align with PLAN: East Boston.

Reviewed,

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Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1616384
ZBA Submitted Date	2024-06-18
ZBA Hearing Date	2024-08-13
Address	36A Leyden ST East Boston 02128
Parcel ID	0102046000
Zoning District & Subdistrict	East Boston Neighborhood 2F-4000
Zoning Article	Article 53
Project Description	Erect a new 3-story, 3-unit building on a new lot (subdivision on ALT1585424). Also includes a new driveway with 2 tandem spaces and new curb cut.
Relief Type	Variance
Violations	Side Yard Insufficient Lot Width Insufficient Lot Frontage Insufficient FAR Excessive Height Excessive (stories) Front Yard Insufficient Rear Yard Insufficient Use: forbidden (3F)

Planning Context:

A companion application (ALT1585424) proposes subdividing the existing lot 36 Leyden St into two lots: 36 Leyden St on the West and 36A Leyden St on the East. 36 Leyden St contains an existing 2-unit, 2-story building. This application proposes a new 3-story, 3-unit building on 36A Leyden St. This area currently contains parking and a side deck on the existing building on 36 Leyden St, which would be demolished. The curb cut for this existing parking is on the East of 36A Leyden St and would be closed, and a new 2-car driveway and curb cut is proposed on the West side 36A Leyden St to serve the new building (between the existing and proposed buildings). There is also a new driveway and extended curb cut proposed on the companion

case on the West side of 36 Leyden St to replace some of the parking lost by the construction of the new building.

Plan: East Boston, which was adopted by the BPDA Board on March 14, 2024, states that in the area where this project is located (Orient Heights) "much of the building stock is small scale, defined by sloping roof forms, large front yards, and wide side setbacks; although more dense uses and larger buildings do exist throughout the area." The plan recommends including Leyden St in a new EBR-2.5 subdistrict "to affirm the existing built character of Orient Heights."

The immediate surrounding area has a variety of housing types. The West side of the block consists of primarily 2-story, 2-units detached houses, while the East is primarily 3-story townhouses. Yards also range significantly, with most front yards between 2 and 10 ft, side yards between 0 and 20 ft, and rear yards between 10 and 30 ft. The proposed building is similar to the largest buildings in this range (with 3 stories in height, 1.1 ft front yard, 5 and 10 ft side yards, and 10.2 ft rear yard). However, PLAN: East Boston also includes that infill development in Neighborhood Residential areas should preserve privately-owned open space and increase permeable areas. The plan states that "The spaces between buildings created by front, side, and rear yard setbacks contribute to neighborhood open space and provide the space needed for trees and other plants to grow. Permeable areas are needed to support groundwater recharge and limit stormwater runoff that contributes to neighborhood flooding and worsens water quality." The proposed project does not comply with the recommended permeable area of lot minimum of 50% which is stated in PLAN: East Boston.

The project does comply with PLAN: East Boston recommended zoning regulations for floor plate, side yards, building width, and max GFA. The project however does not comply with new East Boston zoning regulations for building depth (max = 50 ft, proposed = 58.7 ft), building height (max = 2.5 stories, proposed = 3 stories), front yard (min = 5 ft, proposed = 1.1 ft), rear yard (min = 23.3 ft, proposed = 10.2 ft), building lot coverage (max = 40%, proposed = 47%) permeable area of lot (min = 50%, proposed < 45%), or use (max = two units, proposed = 3 units).

This project is also within hundred (100') feet of a park. This means that it requires review and approval from the Parks and Recreation Commission (City of Boston Municipal Code 7-4.11).

Zoning Analysis:

New zoning for this area to codify the recommendations of PLAN: East Boston was adopted on April 24, 2024. The notice for this new zoning was advertised on April 1, 2024, therefore only projects that applied before this date should be reviewed under the old zoning. This project applied on February 28, 2024, and therefore the old zoning applies. The size of the proposed building means it does not comply with existing zoning for side yard, front yard, rear yard, FAR, or height. The 3 unit use also does not comply with zoning, which only allows up to 2 units. The creation of the new parcel also does not comply with lot width or lot frontage minimums.

Recommendation:

In reference to BOA1616384, The Planning Department recommends DENIAL WITHOUT PREJUDICE the project should be no more than 2 units and comply with updated dimensional requirements in PLAN: East Boston and codified in the updates to Article 53.

Reviewed,

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Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1615932
ZBA Submitted Date	2024-01-22
ZBA Hearing Date	2024-08-13
Address	40 Mount Vernon ST 02 Charlestown MA 02129
Parcel ID	0203431000
Zoning District & Subdistrict	Charlestown Neighborhood 3F-2000
Zoning Article	62
Project Description	Proponent proposes a roof deck to the existing building on site.
Relief Type	Conditional Use Permit
Violations	FAR Excessive Roof Structure Restrictions

Planning Context:

BOA1615932 is located at 40 Mt Vernon St in Charlestown. The proposal seeks to add a 21'-6" x 19'-0" roof deck to the existing 3-story residential building. Each floor is a full independent unit. The building is presently very contextual to the surrounding neighborhood in design, height and massing. The roof is flat and at the same height level as the next door buildings. The proposed deck would be accessed through a newly built roof hatch. Many nearby properties have similar roof decks as to what is proposed, including the next door residences. PLAN Charlestown specifically outlines the requirements for roof decks in the neighborhood on page 171. The Plan states "Roof decks are only permitted on flat roofs" which the building presently has. PLAN Charlestown also states "Roof decks should be located in the rear of the rooftop footprint in such a way that they reduce visibility from the public right-of-way, and be offset a minimum of 5'-0" from all roof edges" which the proposal presently does not follow and should add to the design.

Zoning Analysis:

BOA1615932 is proposed in a 3F-2000 subdistrict under the Charlestown Article 62 zoning. Presently the proposal has one violation regarding FAR and needs review for conditional use regarding roof structure. The FAR violation is an existing condition that is not being worsened or extended. For approval on the roof structure, it must follow the aforementioned standards set forth by PLAN Charlestown and the restrictions in Section 62-25 in the zoning code. Section 62- first two points state “An open roof deck may be erected on the main roof of a building with a flat roof or a roof with a slope of less than five (5) degrees, provided that (a) such deck is less than one (1) foot above the highest point of such roof; (b) the total height of the building, including such deck, does not exceed the maximum building height allowed by this Article for the location of the building”. The proposal presently follows these requirements set forth by code. The next two points set by the code are “(c) access is by roof hatch or bulkhead no more than thirty (30) inches in height above such deck, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission for a stairway headhouse; and (d) an appurtenant hand rail, balustrade, hatch, or bulkhead is set back horizontally, one (1) foot for each foot of height of such appurtenant structure, from a roof edge that faces a street more than twenty (20) feet wide”. Presently the hatch is not a proper distance from a street facing roof edge. If it is adjusted to be at least 33’ from the edge it will be following the set guidelines.

Recommendation:

In reference to BOA1615932, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to deck side setbacks adapted to 5’ distance from edges and the roof hatch moved to at least 33’ from roof edge facing street.

Reviewed,



Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1599326
ZBA Submitted Date	2024-05-07
ZBA Hearing Date	2024-08-13
Address	46 High ST Charlestown 02129
Parcel ID	0200419000
Zoning District & Subdistrict	Charlestown Neighborhood 3F-2000
Zoning Article	62
Project Description	Adding 4 units to an existing 5-dwelling building through a 3.5-story addition to the rear and side of the 4-story existing structure.
Relief Type	Conditional Use, Variance
Violations	Limitation of Area for accessory use (parking) Roof Structure Restrictions Parking or Loading Insufficient Height Excessive (stories) Height Excessive (ft) Usable Open Space Insufficient Nonconforming Use Change Use: Forbidden (MFR)

Planning Context:

This site is located within the Original Peninsula of Charlestown, and on a predominantly residential block, with a mix of 1- to 3-dwelling buildings. The proposed project is also within 0.5 miles of the Community College Green Line Stop and one block away from bus stops along Main Street. The sloped site goes down in grade by 13' from the front property line to the rear property line. The rest of the property not occupied by the building footprint is permeable surface with several well-established trees.

The proposal includes an addition to an existing 5-unit building, resulting in a total of 9 units (net increase of 4 units). There are five 2-bedroom and four 3-bedroom units; PLAN: Charlestown

(2023) recommended the creation of large housing units with 3+ bedrooms to create opportunities for families in addition to creating smaller units. PLAN: Charlestown focused on several areas for new development, including housing growth in Sullivan Square and along Rutherford Avenue, as well as contextually within the Original Peninsula. Zoning updates in the Original Peninsula were very limited in scope.

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

This parcel is substantially larger than much of the surrounding context and the existing building adjoins a residential building with 10 condominium units. This neighboring building is also historic and has a 2-story addition to the rear. The proposed addition for this project is effectively 5-stories in the rear of the site, which is 2+ stories taller than the neighboring addition. This difference is further exacerbated by the slope of the site.

Additional recommendations for the Original Peninsula in PLAN: Charlestown come in the form of urban design guidelines. Some of these guidelines include: making the massing for proposed buildings similar to the surrounding buildings, avoiding partially covered parking, maximizing permeable surfaces and preserving existing on-site trees, and using material and massing differentiation to break down the scale of substantial additions.

This site and existing building is appropriate for additional housing units due to the size of the parcel and the immediate surrounding context. However, several project elements are not in line with the urban design guidelines from PLAN: Charlestown, including the partially covered parking, paving over a substantial portion of permeable surfaces and removing existing trees, and the size and scale of the building not being contextually sensitive.

Zoning Analysis:

Table A of Article 62 states that multi-family dwelling is a forbidden use in 3F subdistricts in Charlestown. The existing use of the site is multi-family (5 units) and the proposed use is multi-family (9 units). Pursuant to Article 9 Section 2, a change in nonconforming use may be allowed provided that the Board of Appeal grants permission in accordance with the conditional use approval procedures in Article 6. These conditions include that the use will not adversely affect

the neighborhood, there will be no serious hazard to vehicles or pedestrians from the use, no nuisance is created by the use, and adequate and appropriate facilities will be provided for the proper operation of the use.

The project is also cited for not complying with the required 5' setback from the side lot line in accordance with Article 10 Section 1. This provision was moved from Article 10 to Article 23 with Text Amendment 470 on April 23rd, 2024. The parking spaces to the rear of the building are within 1' of the side lot line, and are buffered by retaining walls along both sides of the property. This parking requirement necessitates paving over the existing permeable surface on the site and removing the existing trees. This is an area for zoning reform, where minimum parking requirements lead to over-paving and exacerbation of environmental concerns.

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

The project is cited for excessive height in both feet and stories. As proposed, the building is 52' (35' maximum) and 4 stories (3 stories maximum), which is the same as the existing condition. However, because of the slope of the site going down toward the rear, and the addition being an extension of the existing nonconformity, the height of the building in the rear measured from the ground plane is 65'. The neighboring property has a building with a similar form of a rear addition to a historic 4-story building, but the neighboring rear addition steps down in height along with the slope of the site. This results in a height difference between this proposed project and the neighboring building of more than 2 stories. A portion of the building to the rear is also supported on columns above part of the parking area. This design, along with the slope of the site creates a perception that the building is much larger than it is in the rear; this would be visible from the public right-of-way on Green Street.

The applicant proposes 2 private roof decks for the 4th floor penthouse unit as well as a common roof deck for the building occupants. Article 62 Section 25 states that an open roof deck may not be constructed if the building height exceeds the maximum allowable building height. Many properties along this block and within the same zoning district also have roof decks while their height exceeds the maximum allowable building height.

Finally, the required usable open space is 4,906 square feet, and proposed is 3,681 square feet. The proposed open space is achieved through private patios and decks for each unit as well as a common area roof deck. A common condition in this 3F subdistrict is a building occupying the majority of the property with leftover space devoted to parking, with usable open space through roof decks or patios.

Also, minimum usable open space is a dimensional regulation that can achieve two purposes: providing recreational outdoor amenity space for the building occupants and encouraging greenery and/or permeable surfaces. The parking area is designed with permeable pavers underneath the parking spaces, which account for nearly 1,000 square feet, but are not counted towards usable open space.

Plans reviewed are titled "46 High Street Residences", prepared by Khalsa Design Inc., and dated July 23, 2024.

Recommendation:

In reference to BOA1599326, The Planning Department recommends DENIAL WITHOUT PREJUDICE due to the excessive height of the proposed building and nonconformity with the surrounding context. The Proponent should consider a project in better alignment with the Urban Design Guidelines from PLAN: Charlestown, including covered parking, increasing permeability and open space, and better aligning the proposed addition with the neighboring property.

Reviewed,

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Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1596915
ZBA Submitted Date	2024-04-30
ZBA Hearing Date	2024-08-13
Address	175 F ST South Boston 02127
Parcel ID	0601781000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	Erect a 3.5-story, nine unit residential building with a garage for six vehicles. Building includes a roof deck, basement amenity space, and balconies. Demolish existing structure under separate permit.
Relief Type	Variance
Violations	Parking or Loading Insufficient Roof Structure Restrictions FAR Excessive Usable Open Space Insufficient Rear Yard Insufficient

Planning Context:

The proposed project is located on two middle lots and two corner lots, which currently consist of a parking lot and a 3-story single-family dwelling, in a multi-family residential neighborhood in South Boston. The proposal is to demolish the existing dwelling and erect a 3.5-story, nine-unit dwelling in its place. The proposed project's scale, massing, and use is consistent with the surrounding neighborhood. The project's abutting parcels contain 3- to 3.5- story multifamily dwellings. The site is 0.1 miles from the bus network on W Broadway. W Broadway is a mixed-use corridor lined with amenities, including restaurants, banks, and other services and retail spaces.

Consequently, the proposed project supports the goals of increasing density near transit and commercial services outlined in GO Boston (September 2017) and Imagine Boston (September 2017).

Zoning Analysis:

The proposed project does not comply with Article 68's maximum FAR of 2, with a proposed FAR of 2.67; minimum usable open space of 200 sq ft per unit, with a proposed 77 sq ft per unit; and minimum rear yard of 20', with a proposed 3'.

The project's FAR is consistent with existing surrounding projects. This is a case for zoning reform to reflect the existing built form of the neighborhood.

Article 68's usable open space requirement of 200 sf per unit would equate to a required total of 1,800 sf. Creating 1,800 sf on the ground floor would result in dedicating over two of the four parcels to open space, making the proposed project unfeasible. Consequently, the project should introduce balconies, in addition to the proposed two roof decks, to create additional usable open space.

A portion of the project is located on a corner parcel, which is greater in width than depth (around 25' in depth), making a 20' rear yard setback unfeasible. However, the proposed project should increase the rear yard from 3' to 5' on the Bolton Street parcel to ensure there is an adequate setback from the adjacent dwelling. In addition, existing projects fronting F Street do not meet the minimum 20' rear yard setback; they have setbacks closer to 5' to 10'. This is a case for zoning reform to align with the existing built environment

The proposed project does not meet the minimum street parking requirement of 1.5 spaces per unit, with 0.7 spaces per unit. The proposed number of parking spaces align with Boston Transportation Department's maximum parking ratio 0.75 per unit. Additionally, this reduction aligns with GO Boston 2030's goal of reducing reliance on private vehicles. This is a case for zoning reform to align parking requirements with city mobility policies.

As outlined in Section 68-29 - Roof Structure Restrictions, " (c) access is by roof hatch or bulkhead no more than thirty (30) inches in height above such deck, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission for a stairway headhouse;". The proposed roof deck is accessed by a headhouse which exceeds the thirty inch maximum, with a proposed height of 8'.6" above the roof. Given the

parcel configuration, the two proposed headhouses, which provide access to the roof decks, appear to be visible from the street. The project's plans should be submitted to the Planning Department for design review to ensure the headhouses are not visible from the street.

Recommendation:

In reference to BOA1596915, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to increasing the rear yard setback on the Bolton St parcel from 3' to 5', introducing balconies to create additional usable open space, and reviewing the roofdeck headhouse to ensure they are not visible from the street.

Reviewed,

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Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1600437
ZBA Submitted Date	2024-05-09
ZBA Hearing Date	2024-08-13
Address	139 to 141 Minot ST Dorchester 02122
Parcel ID	BOA1600437
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	65
Project Description	Build a new third story addition to expand the second story unit as well as a 3-story rear addition on an existing 2-story, 2-unit residential building. Create an additional rear addition at the first floor and new rear decks on the first and second floor, as well as widen the existing first and second floor front decks.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (stories) Front Yard Insufficient Side Yard Insufficient

Planning Context:

The existing building at 139-141 Minot Street is a 2-story, 2-family hipped-roof building with a dormer on the front roof. On either side of the site of the proposed project are 2-story, 2-family hipped-roof buildings. Across the street is a 3-story residential building and a 2.5-story building. The street is lined with residential buildings with heights varying between 2-, 2.5-, and 3-stories. The building footprints are consistent with a strong front modal setback of approximately 12 feet from the building front and approximately 9 feet from covered or uncovered decks, which are both smaller than the zoning requirement, and rear modal setbacks of approximately 40 feet,

which is larger than the zoning requirement. This same urban fabric continues throughout the neighborhood.

Zoning Analysis:

The maximum FAR in zoning is 0.5. The existing and proposed FAR are not provided in the plans submitted. According to the plans, the estimated proposed FAR is 0.83 based on a 3-story building length of 69' and width of 26' and a lot with a length of 107' and width of 60'. According to the plans, the estimated existing FAR is 0.4 based on a building length of 51' and width of 26'. Given that relief is recommended for the proposed front and side setbacks as well as the proposed height which are the key dimensions that determine FAR, relief is recommended for the proposed FAR.

The maximum zoning height in stories is 2.5. According to the City of Boston Assessing Office, the existing building is 2 stories with a hip roof; the height in feet is unclear as it is not provided in the proposal materials. The project proposes adding a full occupiable 3rd story, as well as a gabled roof that extends a few feet in height above the ceiling of the 3rd story. Given the neighborhood context, which includes a few 3-story buildings on the same street, relief is recommended for the maximum height in stories.

The minimum front yard is 15'. The existing building has a covered deck on the first floor and an enclosed deck on the second floor. The project proposes to widen the existing front decks on the first and second floors to extend the full width of the front of the building. The proposal would result in a front yard of 9'4". It is unclear what the existing depth of the front yard is, although it appears from the plan materials that the proposal is only widening the front deck and not deepening it into the front yard nor exacerbating the existing nonconformity. The distance between the front lot line and the existing front deck is similar to the same dimension on the abutting residential buildings and many other residential buildings along the street. Most front decks do not extend the full width of the buildings, but there are some on the same block as the proposed project that do. Therefore, based on the existing nonconformity and the neighborhood context, zoning relief is recommended.

The minimum side yard is 10', and the project proposes a side yard of 6'8" on the west and 10'4" on the east. The project does not propose any changes to the side yards -- the proposed additions are located in the front and rear yard, and only extend the existing side yard

nonconformity to the third floor. Therefore, the proposal would extend an existing nonconformity and zoning relief is recommended.

Recommendation:

In reference to BOA1600437, the Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1587720
ZBA Submitted Date	2024-04-04
ZBA Hearing Date	2024-08-13
Address	52R River ST Mattapan 02126
Parcel ID	1704042104
Zoning District & Subdistrict	Dorchester Neighborhood NS
Zoning Article	65
Project Description	Construct a second story deck on top of an existing roof section of the first level parking garage that protrudes into the rear yard.
Relief Type	Variance
Violations	Roof Structure Restrictions

Planning Context:

The proposed project would add a deck on top of a first story parking garage that would be attached to the rear of one of the existing residential units. The proposed roof deck is a full story lower than the overall height of the building. The existing structure already has two roof decks on the topmost roof of the building that are accessible by a head house. There are also roof decks on many of the buildings nearby to the proposed project, including the building immediately to the rear of 52 River Street.

Zoning Analysis:

The only triggered violation for the proposed project is the Roof Structure Restriction. This requirement does not match the built reality in the area. Roof decks are a common amenity in this area and highlights a need for potential zoning reform to help the code better reflect both the existing built environment and city planning goals. Future zoning reform may also confirm that this restriction should not be applied to lower story roofs that function more like rear decks.

In this instance, the violation is being triggered due to the fact that the deck is not accessible by a roof hatch or bulkhead. That is because this is on the second story of a third story building. The deck is accessible by a door to the attached unit, which eliminates the need to add a hatch or bulkhead.

Recommendation:

In reference to BOA1587720, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1586587
ZBA Submitted Date	2024-04-02
ZBA Hearing Date	2024-08-13
Address	1086 Hyde Park AVE Hyde Park 02136
Parcel ID	1808082000
Zoning District & Subdistrict	Hyde Park Neighborhood
Zoning Article	69
Project Description	The proponent is seeking to demolish and reconstruct the bedroom, kitchen, and laundry rooms through a proposed addition to the rear due to water pipe damages. The proponent also seeks to construct a rear deck addition.
Relief Type	Variance
Violations	Side Yard Insufficient

Planning Context:

BOA1535566 is located at 1086 Hyde Park Avenue, in Hyde Park. At 0.5 miles away from Cleary Square, the residence falls just outside of the current Square and Streets planning area. This means it falls within a transit rich area with two commuter rail stations and several bus lines. 1806 Hyde Park Ave falls in a residential section of the Avenue. On either side of the existing single family residence are two two-family homes. The proponent is seeking to demolish and reconstruct the bedroom, kitchen, and laundry rooms through a proposed addition to the rear due to water pipe damages. The proponent also seeks to construct a rear deck addition.

Zoning Analysis:

BOA1535566 is located in the Hyde Park neighborhood zoning district, and the 2F-5000 zoning sub-district. The proposal has been cited for one zoning violation which is a side yard

insufficiency. The minimum side yard requirement in Hyde Park for the 2F-5000 zoning sub-district is 10 feet. The proposal currently outlines 8.5 feet, however this is an existing non-conformity and will not be exacerbated by the proposed addition.

Recommendation:

In reference to BOA1586587, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1600186
ZBA Submitted Date	2024-05-08
ZBA Hearing Date	2024-08-13
Address	67 Billings ST West Roxbury 02132
Parcel ID	2010742000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	56
Project Description	Construct a new second floor addition, rear addition, and new front porch on an existing one-unit home.
Relief Type	Variance
Violations	Front Yard Insufficient Side Yard Insufficient Lot Width Insufficient

Planning Context:

Site is a single-family home in West Roxbury in the Cape Cod style, meaning it is a symmetrical single story with a moderately steep pitched roof. The site is approximately three blocks east of the western boundary of Boston and VFW Parkway, and approximately four blocks south of Spring Street. Billings Street is a curving road, making this property the deepest lot on the block. Proponent seeks to add a second floor to the house, a rear addition, and a front porch. Second floors, rear additions, and front porches are all commonly present throughout this subdistrict, and are common additions to Cape-style houses, allowing better usage of the partial second floor previously usable only as an attic. These changes are wholly contextual within this portion of West Roxbury. While no recent planning study for West Roxbury exists, maintaining and improving current residences is a generalized goal of Housing a Changing City, Boston's 2008 housing plan.

Zoning Analysis:

Per Article 56, Table D, the minimum front yard in a 1F-6000 subdistrict for a single-family use is 20 feet. The current front yard from the main structure is 21.5', though there is presently a small stairway to the front door. While this is not measured on the plans, it likely puts the actual yard measurement at approximately 17', which would be a preexisting violation. The proposed front porch would worsen this violation to 13.7', with an 8' deep porch. While this porch would be covered, it would not be enclosed, limiting the perceived bulk of the addition. Many, though not all, residences along this street already have main structures with front yards of as small as or smaller than 13'. This zoning rule is uncharacteristic of the existing conditions in this part of Boston, and future zoning reform should adjust yard requirements to better align, at a minimum, with actual building placement on sites. Relief is appropriate.

Per Article 56, Table D, the minimum side yard in a 1F-6000 subdistrict for a single-family use is 10 feet. The existing side yard on its shortest side is 7.4', which is a pre-existing non-conformity. The rear addition would extend this violation further to the rear, but not worsen it. This lot is a 45' wide lot, as are many comparable buildings on this block and surrounding area. Table D also notes that the minimum lot width for single family homes in a 1F-6000 is 60', though this violation was not noted on the refusal letter. These two violations are linked, because it is not feasible to maintain 10' side yards on 45' wide lots with the styles of houses that exist in this portion of West Roxbury. Future zoning reform should adjust both lot widths and side yard requirements to meet the existing parcelization of lots in Boston's residential areas. Relief is appropriate both for the side yard violation, and for the lot width, to the degree this is also a violation.

Recommendation:

In reference to BOA1600186, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1617226
ZBA Submitted Date	2024-06-20
ZBA Hearing Date	2024-08-13
Address	53 to 55 Dustin ST Allston 02135
Parcel ID	2101393000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 2F-5000
Zoning Article	51
Project Description	Change use of an existing residential building from two units to three units by extending living space into the basement, adding dormers, and creating a new rear deck on the third floor. The proposal also includes full gut renovation of all floors. Each unit will have an automated sprinkler system and fire alarm systems. Add one new side yard parking spot to an existing driveway and curb cut.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (stories) Front Yard Insufficient Side Yard Insufficient Off street parking requirements Off street parking design Limitation of off street parking areas Use: Forbidden

Planning Context:

The property is located in Allston in a residential area where existing structures range from 2- 3 stories in height and located within a short 10-minute walk from a couple of T stations including Warren St and Allston St on the Green Line and bus stations for routes 57 and 501. This property is located so close to transit that the proposed additional off-street parking spot is not

essential. Additionally, the Boston Transportation Department parking maximum policy indicates that this lot has a mobility score of 61 and therefore it is appropriate not to exceed 1 parking spot per dwelling unit for residential uses. The mobility score is based on the lot's proximity to transportation options, grocery stores, job accessibility, and walkability.

The proposed project intends to change use from two units to three units by extending living space into the basement, adding dormers, and creating a new rear deck on the third floor. The Allston-Brighton Needs Assessment identifies the desire of community participants for "supply-side solutions to the housing crisis, recommending an end to parking minimums, relaxation of zoning rules, and other measures to increase housing production in the neighborhood." This proposal increases available living space in the neighborhood through the change from a two-unit to three-unit building, creating an additional housing unit for the neighborhood. The improvements proposed to the existing development offer an opportunity to retain and upgrade existing housing stock within the city.

Zoning Analysis:

According to Article 51, Table D, the proposed development presents the following violations. The front yard is proposed at 13.1 feet, which is the same as the existing measurement but falls short of the required 20 feet; since the existing condition is not worsened, this should be permitted. Similarly, the side yards are proposed to be 5.8 feet on one side and 26.3 feet on the other, which matches the existing dimensions but falls short of the required 10 feet on each side; again, since the existing condition is not worsened, this should be allowed. The proposed building height of 3 stories exceeds both the existing height of 2.5 stories and the allowed limit of 2.5 stories. The increase from 2.5 to 3 stories is due to the addition of dormers on the sides of the pitched roof. Since the sloped roof line is maintained and the building is situated in a residential area where existing structures range from 2 to 3 stories in height, this proposed height should be considered acceptable given the context of the neighborhood. The Floor Area Ratio (FAR) is 0.8, which exceeds the allowed FAR of 0.6, though it is only slightly higher than the existing FAR of 0.75. Since the increase in FAR relative to existing conditions is very minimal, this should also be considered acceptable.

According to Article 51 Table A, a three family building detached is forbidden in the 2F-5000 zoning district. This property is situated within a short 10-minute walk from a couple of T stations

and bus stations, making it an ideal location for a modest increase in housing units, which are in high need in Boston.

The proposal includes a new off-street parking spot off the existing driveway, and located less than 5 feet from the side lot line. According to Article 10 section 01, off street parking cannot be located less than 5 feet from the side lot line. Additionally, according to Article 51 Section 56.4.(a) the location of the parking spot over a previously landscaped area is problematic. Finally, according to Article 51 Section 56.5.(d) the proposed parking design exceeds the maximum size. Design review would be appropriate to help with improving design and placement of the new parking spot.

Recommendation:

In reference to BOA1617226, The Planning Department recommends DENIAL WITHOUT PREJUDICE: While the overall massing and use is appropriate, the layout and quantity of parking is excessive; proponent should consider a similar project that reduces parking area to improve parking layout and preserve side yard buffers.

Reviewed,

A handwritten signature in blue ink, appearing to read "Annee Rand". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1608586
ZBA Submitted Date	2024-06-03
ZBA Hearing Date	2024-08-13
Address	353 Cambridge ST Brighton 02135
Parcel ID	2201857000
Zoning District & Subdistrict	Allston/Brighton Neighborhood HARVARD AVENUE CC-1
Zoning Article	51
Project Description	Remove a proviso limiting conditional use permit for restaurants with takeout use to the petitioner only.
Relief Type	Conditional Use
Violations	Other Conditions Necessary as Protection

Planning Context:

Site is a vacant restaurant near the Massachusetts Turnpike in Allston that formerly was home to Regina Pizzeria. While along Cambridge Street, a major commercial corridor, the site itself contains a substantial surface parking lot, and is within walking distance of both Allston proper and Lower Allston (via the Cambridge Street bridge) and other pedestrian crossings over the turnpike. Petitioner seeks to remove the restriction on the existing proviso allowing takeout limiting that proviso to the previous petitioner. Given the ample parking and substantial amount of housing within walking distance, takeout is an appropriate use for a restaurant in this location.

Zoning Analysis:

Article 6, Section 4 notes that the zoning board of appeal may grant conditions attached to conditional use approvals. In seeking to remove this condition, the petitioner needs to seek an updated conditional use. Per Article 56, Table B, large takeout restaurants in Community Commercial subdistricts are a conditional use. This project is an extension of an existing

restaurant space (under new ownership) with takeout use and represents a case for zoning reform. The City has an inherent interest in legalizing existing uses and lessening administrative burdens for small business owners, especially in cases where the use clearly supports the stated goals of the subdistrict.

Recommendation:

In reference to BOA1608586, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, appearing to read "Annee Rana", with a stylized flourish at the end.

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1613162 BOA1613166 BOA1546868
ZBA Submitted Date	2024-06-10
ZBA Hearing Date	2024-08-13
Address	1 to 3 Glenley TER Brighton 02135 5 Glenley TER Brighton 02135 3A Glenley TER Brighton 02135
Parcel ID	2204552000 2204554000 2204553000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 2F-5000
Zoning Article	51
Project Description	Demolish garage at 1-3 Glenley Terrace and install new driveway connection with two additional parking spaces to connect a new two family building at 3A Glenley Terrace to 3-5 Glenley Terrace. Project at 3A Glenley Terrace filed in conjunction with projects at 1-3 Glenley Terrace and 5 Glenley Terrace.
Relief Type	Variance
Violations	<u>3 Glenley Terrace Violations</u> Parking or Loading Insufficient Limitation of Area for accessory use (parking) [5' sideyard buffer requirement] <u>5 Glenley Terrace Violations</u> Usable Open Space Insufficient <u>3A Glenley Terrace Violations</u> Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Front Yard Insufficient

	Rear Yard Insufficient Parking or Loading Insufficient
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Planning Context:

The proposed project at 1-3 Glenley Terrace (hereafter 3 Glenley Terrace) was filed in conjunction with two related BOA applications, for 3A Glenley Terrace and 5 Glenley Terrace. The scope of work between these cases is combined, and the three cases should be assessed as a package. Thus, this recommendation combines all three cases, as due to the nature of the proposed changes, these cases cannot be approved or denied piecemeal, and should be assessed as a complete package.

The combined scope of work includes the demolition of an existing garage at 3 Glenley Terrace, construction of a new two-family residential structure at 3A Glenley Terrace, and the addition of a driveway connector between the three properties. The driveway connector is proposed to extend between the existing portion of a driveway south of 5 Glenley Terrace, existing driveway between proposed building at 3A Glenley Terrace and existing structure at 1 Glenley Terrace, and existing portion of driveway north of 1 Glenley Terrace. The connector addition would create a through condition for the driveway east-west between Glenley Terrace and Brayton Road. The resulting driveway proposal includes three-car tandem parking in the north-south portion of the proposed driveway extending from the connector portion to Glenley Terrace, one parking space in the side yard of the proposed two-family residential structure at 3A Glenley Terrace, and two proposed parking spaces in the rear yard at the north edge of the driveway connector at 5 Glenley Terrace.

Between the three properties, the proposed project results in a total of 6 proposed parking spaces: one dedicated to 3A Glenley Terrace, three dedicated to 3 Glenley Terrace, and 2 dedicated to 5 Glenley Terrace. The project also results in a total of six housing units: two per address, with the units at 3 Glenley Terrace and 5 Glenley Terrace already existing.

The proposed project is located within the study area of the Allston-Brighton Needs Assessment. Among the central findings from the assessment was the concern regarding both

affordability and quality of available housing within the area. The proposed addition of a third two-family residential structure to the site adds one unit with two bedrooms and a second unit with three bedrooms, accommodating families of different sizes, with different needs.

Zoning Analysis:

The zoning violations for all three properties at 3 Glenley Terrace, 5 Glenley Terrace, and 3A Glenley Terrace will be jointly addressed in this Zoning Analysis section.

The project site is located in the Allston Brighton Neighborhood District in a Two-Family Residential (2F-5000) Subdistrict, pursuant to Article 51 of the Zoning Code. Zoning violations for the individual properties are as follows:

3A Glenley Terrace Violations

Lot Area Insufficient

FAR Excessive

Usable Open Space Insufficient

Front Yard Insufficient

Rear Yard Insufficient

Parking or Loading Insufficient

3 Glenley Terrace Violations

Parking or Loading Insufficient

Limitation of Area for accessory use (parking) [5' sideyard buffer requirement]

5 Glenley Terrace Violations

Usable Open Space Insufficient

Parking has been assessed as insufficient for two of the three properties under review. Article 51 of the Zoning Code requires 1.75 parking spaces per dwelling unit for residential structures of the proposed size. Considering the three properties as a combined project, as proposed by the submitted construction drawings, a total of 6 spaces are proposed for the total 6 units proposed, exceeding the minimum set forth by Zoning.

The parking and setback violations are appropriate for relief, but should receive additional design review to identify the best layout for long-term maneuverability and inter-relationship of the three parcels. 3A Glenley Terrace is a corner lot, and based on the lot shape, contains one front yard, with street frontage, and two side yards, where the property abuts the adjacent, related cases at 3 Glenley Terrace and 5 Glenley Terrace. Due to the layout of the shared driveway, as well as adequate spacing between buildings, these setbacks can be appropriate for relief. The front setback measures 4.1', significantly reduced from the required 20' dimension. However, the 4.1' setback is contextual with the existing front setbacks of both adjacent buildings, as well as the front setbacks of the remaining buildings on the block.

Usable open space per dwelling unit violations are cited for both properties at 5 Glenley Terrace and at 3A Glenley Terrace. Article 51 of the Zoning Code requires a minimum of 800 SF open space per dwelling unit for two-family residential structures. At 3A Glenley Terrace, the proposed project creates 1,397 SF of usable open space, just short of 700 SF per dwelling unit. At 5 Glenley Terrace, the open space is an existing condition not altered by the proposed project. The proposed project is located within less than one-half mile of several public green spaces, including Hardiman Playground and Chandler Pond, providing residents additional access to open space.

Recommendation:

In reference to BOA1613162, BOA1613166 and BOA1546868 as a combined package, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review to evaluate options for driveway and new residential structure location to not interfere with existing trees and ensure maneuverability.

Reviewed,

Planning & Zoning Director



Planning Department

Case	BOA1620976
ZBA Submitted Date	2024-06-28
ZBA Hearing Date	2024-08-13
Address	82 Bunker Hill ST Charlestown 02129
Parcel ID	0202904002
Zoning District & Subdistrict	Charlestown Neighborhood RH-1500
Zoning Article	62
Project Description	The proposed project is to change occupancy from two residential units and one commercial unit to three residential units and no commercial unit. It includes added living space in the basement.
Relief Type	Variance
Violations	FAR Excessive

Planning Context:

Located five blocks northeast of the Bunker Hill Monument, 82 Bunker Hill Road is a three-story attached rowhouse, the predominant housing typology on the block. The project concerns a change of use (from one commercial unit and two residential units to no commercial unit and three residential units) along with added living space in the basement. The existing commercial unit appears to be located on the first floor based on the current exterior window configuration, and 2022 satellite imagery suggests that it is unoccupied. No exterior changes are being proposed.

The parcel sits within the PLAN: Charlestown area, which cites adding housing units as a goal. Among Boston neighborhoods, Charlestown has a particularly low vacancy rate. PLAN: Charlestown also discusses the need to preserve existing businesses (September 2023).

However, there does not appear to be a commercial use currently operating at this site and it is a predominantly residential area, as indicated by its subdistrict.

In terms of flood risk, the parcel is five blocks west of the closest Coastal Flood Resiliency Overlay District (CFROD) boundary.

Zoning Analysis:

The project is sited within the Charlestown Neighborhood District and the Rowhouse Residential (RH-1500) district. It has one violation for excessive FAR, and Article 62-8 ("Establishment of Mixed-Use Subdistricts") is cited. However, RH-1500 is a residential district, not a mixed-use district (Article 62-5). This parcel's single commercial unit is likely a preexisting non-conformity, and ISD has been contacted in regards to this issue.

In regards to the excessive FAR violation, the cap in this subdistrict is 2.0 (Table C). While it is possible to roughly estimate existing FAR (1.2) by dividing the living area by the lot size from the assessor's report, the proposed FAR is not clear from the plans. Because only a plot plan was submitted to document existing conditions, there is some ambiguity around several other issues as well. For instance, it is not clear which parts of the basement, if any, are already being used as living space. Although the commercial unit appears to be on the first floor, this is not confirmed by the plans. It also seems that changes may be planned for the first, second, and third floors, since they are labeled as "proposed" instead of "existing" in the second set of plans. However, these omissions would not significantly impact FAR since all of the proposed changes are within the envelope of the existing building.

Regardless of how much the proposed FAR exceeds the cap, a variance would be needed to overcome the violation (Section 7-3). The variance would result in no external changes and appears to be aligned with the purpose and intent of the Code (Section 7-3(c)), despite the limited information provided. Moreover, this project represents a case for zoning reform. In cases like this one where there is no impact to physical massing and only a minor occupancy change is requested, there is an opportunity to shift towards as-of-right zoning.

Recommendation:

In reference to BOA1620976, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1611971
ZBA Submitted Date	2024-06-05
ZBA Hearing Date	2024-08-13
Address	58 Russell ST Charlestown 02129
Parcel ID	0200978000, 0200977000
Zoning District & Subdistrict	Charlestown Neighborhood 3F-2000
Zoning Article	62
Project Description	Change occupancy of two-family residential dwelling to single-family with internal renovations and add a new roof deck. This project will be done in conjunction with the new rear car garage and dwelling unit, 58R Russell Street listed as BOA1611976.
Relief Type	Variance
Violations	Roof Structure Restrictions Dimensional Regulations Two or More Dwellings Same Lot

Planning Context:

The proposed project seeks to change the occupancy of an existing two-family residential dwelling at 58-60 Russell Street in Charlestown to a single-family through renovations. The renovation process will include internal renovations to create an updated kitchen and bathroom layout. External renovations will include adding new roof dormers and a roof deck. The floor plate of the structure will not change with this proposal. This application has been applied in conjunction with the new car garage and dwelling unit in the rear listed as BOA1611976.

This portion of Russell Street is currently zoned as 3F-2000 and is filled with a mix of two-family and three-family residential buildings before it transitions to a RH-1500 subdistrict filled with 3-story row houses.

This project would fulfill the housing goals noted in PLAN: Charlestown (September 2023). Within PLAN: Charlestown, community members expressed a desire for more options for family housing where each residence consists of 3+ bedrooms where larger households can live in the neighborhood long term. As the proposed project is changing the occupancy of the structure to a single-family and creating a 5-bedroom residential unit through renovations, it would create an opportunity for larger households to live in the area long term.

Zoning Analysis:

The refusal letter states violations in the roof structure restrictions, dimensional regulations, and two or more dwellings on the same lot. In regards to the roof deck restrictions, the proposed roof deck meets the regulations set forth by Article 62 Section 25 and PLAN: Charlestown. Under Article 62 Section 25, roof decks are allowed as long as the construction does not relocate or alter the profile and/or configuration of the roof or mansard. Due to the expansion with the internal renovations, a new flat roof dormer will be added on the south side of the main roof, which will serve as the base of the new roof deck. The configuration of the main roof will not change with this proposal as it will remain as a pitched roof.

Article 62 Section 25 also noted that an open roof deck may be erected on the main roof of a building with a flat roof or a roof with a slope of less than 5 degrees. It also noted that the roof deck must meet the following requirements: a) such deck is less than 1 foot above the highest point of such roof, b) the total height of the building including such deck does not exceed the maximum building height allowed by Article 62, c) access is by roof hatch or bulkhead no more than 30 inches in height above such deck, and d) an appurtenant hand rail, balustrade, hatch, or bulkhead is set back horizontally, 1 foot for each foot of height of such appurtenant structure from a roof edge that faces a street more than 20 feet wide. Because the proposed roof deck will be placed on the top of the new flat roof dormer, it also meets these requirements as it will not sit at the highest point of the roof, still falls below the maximum height of 35 feet, has the proper access, and is set back from Russell Street.

In regards to the violations in regards to the dimensional regulations and two or more dwellings on the same lot, Article 62 Section 29.12 noted that in the case of two dwellings on the same lot, the distance between such dwellings shall be no less than twice the minimum Side Yard depth and that the dimensional requirements of the Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard, and Side yards shall apply as if such dwelling were on a separate lot. It also noted that a dwelling shall not be built to the rear of

another main building. The minimum required side yard for a 3F-2000 subdistrict is 2.5 feet. This means that the distance between the two lots has to be at least 5 feet which this project meets as there is at least 13 feet between the two structures. More information from ISD will be required to know why the dimensional regulations are a violation for the main structure at 58 Russell Street as the project meets all the dimensional regulations for a 3F-2000 subdistrict as set forth by Article 62 as no changes to the floor plate will be made with this project. In regards to the regulation about a dwelling shall not be built to the rear of another main building, relief is recommended as Article 62 Section 29.12 noted that a variance may be granted as long as open space for all occupants, and light and air for all rooms designed for human occupancy would not be less than what would be provided if the requirements were met.

The plans reviewed are titled 58 Russell Street, Charlestown and are dated February 21, 2024. They were prepared by Joy st. design.

Recommendation:

In reference to BOA1611971, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1611976
ZBA Submitted Date	2024-06-05
ZBA Hearing Date	2024-08-13
Address	58R Russell ST Charlestown 02129
Parcel ID	0200978000, 0200977000
Zoning District & Subdistrict	Charlestown Neighborhood 3F-2000
Zoning Article	62
Project Description	Construct a new 2-story detached garage with a dwelling unit above located in the rear of an existing residential property at 58 Russell Street (application: BOA1611971), which is also going through a ZBA for internal renovations to change the occupancy to single-family.
Relief Type	Variance
Violations	Two or More Dwellings Same Lot Dimensional Regulations

Planning Context:

The proposed project seeks to construct a two-car carriage house in place of the existing tandem parking at 58R Russell Street. The lower level will have space for two parking spaces while the upper level will have space for one dwelling unit with a gross floor area of around 604 square feet. This application has applied in conjunction with the renovations to change the occupancy of the existing two-family dwelling at 58-60 Russell Street to a single-family residence listed as BOA1611971. This carriage house would be accessed via the private way Biscoe Place which is how the residences at 58-60 Russell Street currently access their tandem parking.

This portion of Russell Street is currently zoned as 3F-2000 and is filled with a mix of two-family and three-family residential buildings before it transitions to a RH-1500 subdistrict filled with 3-story row houses.

While PLAN: Charlestown (September 2023) does not reference ADUs, it does note that new projects should look for ways to preserve any existing structure within the Original Peninsula. It also noted that any new construction should complement and add to the existing neighborhood. This project meets these goals as the addition of the carriage house helps preserve and complement the existing structure at 58 Russell Street.

The Planning Department recently launched the Citywide ADU Zoning Initiative as part of its zoning reform efforts to create an envelope for the by-right development of ADUs – including detached ADUs, such as the one this project proposes – on most residential lots across the city. This zoning initiative builds off work started by the Mayor’s Office of Housing and Housing iLab through pilot programs to diversify the housing stock with internal and detached ADUs. These pilot programs have since informed the work for the current Citywide ADU zoning initiative to make it easier to build the type of small-scale residential projects, including ADUs, that will support the housing needs of the City. This proposal will also help demonstrate the viability of building a new structure into additional housing.

Zoning Analysis:

The refusal letter states violation in the dimensional regulations and two or more dwellings on the same lot. Article 62 Section 29.12 noted that in the case of two dwellings on the same lot, the distance between such dwellings shall be no less than twice the minimum Side Yard depth and that the dimensional requirements of the Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard, and Side yards shall apply as if such dwelling were on a separate lot. It also noted that a dwelling shall not be built to the rear of another main building. The minimum required side yard for a 3F-2000 subdistrict is 2.5 feet. This means that the distance between the two lots has to be at least 5 feet which this project meets as there is at least 13 feet between the two structures. In regards to the regulation about a dwelling shall not be built to the rear of another main building, relief is recommended as Article 62 Section 29.12 noted that a variance may be granted as long as open space for all occupants, and light and air for all rooms designed for human occupancy would not be less than what would be provided if the requirements were met.

The dimensional requirements of the Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard, and Side yards shall apply as if such dwelling were on a separate lot. Under Article 62 for an area zoned as 3F-2000, the minimum lot area is 2,000 square feet for 1 or 2 units, minimum lot width of 25 feet, minimum lot frontage of 25 feet, minimum of 350 square feet of usable open space, a modal front yard, a minimum side yard of 2.5 feet, and a minimum rear yard of 20 feet. This project provides a lot area of 3,747 square feet, a lot width and frontage of 53.61', 2,223 square feet of usable open space between the main residence and the garage, a side yard of 4.1', and a rear yard of 3'. The only two dimensions that the proposed garage / ADU cannot meet is the modal front yard and the rear yard of 3'. Relief is recommended for these dimensional regulations as it would be difficult for the modal front yard to be met on Russell Street due its use as a garage and because no changes to the floorplate will be made to the main structure at 58-60 Russell Street. Also there would be no adverse impact to the abutting properties with the smaller rear yard as the property that abuts the rear yard is currently used as parking for the residential properties on Walker Street.

The plans reviewed are titled 58R Russell Street, Charlestown and are dated February 21, 2024. They were prepared by Joy Street Design.

Recommendation:

In reference to BOA1611976, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1605291
ZBA Submitted Date	2024-05-22
ZBA Hearing Date	2024-08-13
Address	457 to 469A W Broadway South Boston 02127
Parcel ID	0601960000
Zoning District & Subdistrict	South Boston Neighborhood MFR/LS
Zoning Article	68
Project Description	The proposed project is a ground-floor interior fit-out for a new dental office.
Relief Type	Conditional Use
Violations	Use: conditional (dental office)

Planning Context:

457 to 469A West Broadway is a five-story, mixed-use development surrounded by other three- to five-story buildings with other service uses along with ground-floor retail and restaurants. The proposed project is a ground-floor interior fit-out for a dental office. At 2,272 square feet, the proposed office would occupy one of the two ground-floor commercial units. The latest street-level imagery available is from May 2022 and shows neither of the ground-floor commercial spaces are occupied.

Zoning Analysis:

The project is situated in the South Boston Neighborhood zoning district and the Multifamily Residential/Local Services (MFR/LS) subdistrict. The proposed use is a ground-floor dental office, which is conditional in this subdistrict (Article 68, Table A, "Professional Office" use item). Moving forward would require a conditional use permit.

Because the site is in an MFR/LS subdistrict and surrounded by other service uses, it is an appropriate location for a dental office use (Article 6-3(a)). With only eight dental chairs for patients, the use would likely add only minimal foot and car traffic and is unlikely to be a source of nuisance. The facilities detailed in the plan also appear adequate and appropriate (Article 6-3(b-e)). This project also represents a case for zoning reform. Future reform efforts could consider making certain uses like this one allowable by-right in MFR/LS subdistricts, especially where the use is clearly an essential "Local Service."

Recommendation:

In reference to BOA1605291, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1619159
ZBA Submitted Date	2024-06-26
ZBA Hearing Date	2024-08-13
Address	54 Dorset ST Dorchester 02125
Parcel ID	0703169000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	65
Project Description	Project intends to develop 6 new residential units with 5 parking spaces in the rear, replacing an existing 1-unit building.
Relief Type	Variance
Violations	Front Yard Insufficient Rear Yard Insufficient Parking or Loading Insufficient Lot Area Insufficient Lot Width Insufficient Lot Frontage Insufficient FAR Excessive Height Excessive (stories) Side Yard Insufficient Forbidden Use - MFR

Planning Context:

The Planning Department previously wrote a recommendation for a project at this address for the February 27, 2024 hearing. BOA1619159 has a similar massing and density as the previously-proposed project. At the time, the Planning Department recommended Denial without Prejudice. While the scope of the project no longer includes a shared drive aisle and changes at 56 Dorset Street, the concerns with permeable area of the lot and overall building massing are still relevant to the proposed project.

The proponent seeks to develop 6 new residential units along with 5 parking spaces in the rear. The existing property has a 2.5-story single family building, which would be demolished to accommodate for the additional units being proposed. According to satellite imagery, the existing side and rear yard are fully covered in asphalt to form a driveway and rear parking area. The project is located in Dorchester and fronts Dorset Street, a residential street between Boston Street and Dorchester Avenue. The surrounding context includes a mix of residential structures, ranging from 2.5-4 stories and uses ranging from two-family to multi-family residential (including a new 6-unit residential dwelling and larger BHA-operated multifamily residence across the street). The site also lies in proximity to a number of public transit options, including MBTA bus stops immediately abutting the project site on Boston St (50' from the site to 16, 17, & 18 bus lines) and several MBTA rail lines within walking distance (1/3 mile to Andrews red line stop & Newmarket commuter rail stop, and 1/2 mile to JFK/UMass red line stop). The project site is currently home to an existing 2.5 story, 3-family residential dwelling. The project seeks to erect a new 6-unit residential structure, resulting in a net addition of 3 dwelling units. This scope is contextual to the area and aligns with City of Boston housing goals, which recommend infill development as a means of promoting housing diversity and increasing housing availability, as detailed in Housing a Changing City, Imagine Boston 2030 (September 2018).

Despite this, the project's proposed parking strategy and site plan design are inappropriate for both the area's existing residential fabric and the site, more specifically. The project proposes a near 100% impervious lot coverage condition

The project's intention to introduce additional units of housing aligns with the City's goals to develop more housing, per Imagine Boston 2030 and Housing a Changing City: Boston 2030 (2018). Housing a Changing City: Boston 2030 highlights increasing access to homeownership, preventing displacement, and promoting fair and equitable housing access. This goal responds to the expected population and job growth Boston will experience by 2030, and the need to keep pace with demand for housing. The location is within a short walking distance to bus service on Boston Street, the major corridor of Dorchester Avenue, and within walking distance of the South Bay commercial area.

Zoning Analysis:

The project is currently located on a 4,957 square foot lot (required minimum of 5,000 sf). Additionally, parcels are required to have a minimum of 50 feet in lot width and lot frontage. The existing parcel falls short of this requirement, with the lot width and lot frontage at about 49 feet for both; making these existing nonconformities of the lot.

The project is located in a 2F-5000 subdistrict in Dorchester, and intends to build six residential units. The project raises several dimensional violations as a result of this proposed density.

While MFR uses are forbidden in the 2F-5000 subdistrict this project resides in, they are common occurrences on the block and across the surrounding area. The site's proximity to transit too makes them an appropriate use for the area. The structure's proposed building height of 3 stories, while in violation of the code (max 2.5 stories), is the predominant condition of the area (structures ranging from 2.5 to 4 stories).

The current subdistrict does not allow for the development of more than two units, and limits developments to no more than 0.5 FAR and 2.5 stories. Most properties on the south side of Dorset Street are two-family, three-family, or condominiums. While there are several properties in the immediate surrounding that exceed the allowed FAR, including 46-48 Dorset Street (0.66 FAR), 56 Dorset Street (1.1 FAR), and 42-44 Dorset Street (0.71 FAR), the proposed FAR of 1.68 is significantly higher than neighboring buildings.

Article 65 of the Zoning Code requires that 1.25 parking spaces be provided for every dwelling unit (if between 4 to 9 units). In 2020, The Boston Transportation Department created maximum parking guidelines to right-size parking per land use, to encourage more housing and trees, and reduce traffic congestion. BTB's maximum parking for residential uses per unit is 1.0 for rentals and 1.25 for condos. The project intends to build 5 parking spaces, falling short of the 7.5 parking spaces required for Article 65, but aligns with BTB's parking maximums, proving a case for zoning reform to better align parking requirements with City policies.

The proposed development seeks to build at a roughly 8.25 foot front yard setback (required 15 feet), a 3 foot side yard (not inclusive of a 10-foot driveway on the project's west side) (required 10 feet), and a 15.8 foot rear yard setback (required 30 feet). Adjacent properties to the project site have rear yards that are at or exceed the 30 feet length requirement (50-52 Dorset Street, 56 Dorset Street). A shallower front yard setback is a common feature for properties on the same block, with several properties have setbacks at roughly 10 feet in depth (56 Dorset Street, 50 Dorset Street, and 46-48 Dorset Street). Regarding side yard and rear yard setbacks, the

inclusion of a rear parking lot and driveway are not unique to this block (42,44 Dorset Street, 46-48 Dorset Street, and 50 Dorset Street). Most parcels on this block are between 30 to 50 feet in width and do not meet the 10-foot side yard setback requirement on both side yards. For rear yard setback, the project is seeking to cantilever the second and third floors to accommodate car maneuverability in the rear yard. As a result of this, the distance of the second floor to the rear lot line is roughly 15.8 feet. This cantilever makes the proposed building outsized as compared to neighboring buildings.

The project should seek to reduce or eliminate the extension of the cantilevered second and third floors to better align with the massing and rear yard pattern of neighboring buildings.

The plans entitled PROPOSED 6 UNIT BUILDING, 54 DORSET STREET, BOSTON, MA prepared by CHOO & COMPANY on APRIL 1, 2024 were used in preparation of this recommendation.

Recommendation:

In reference to BOA1619159, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. While the small multifamily use is appropriate, the proponent should consider a project that reduces the overall building scale and increases the rear yard setback.

Reviewed,

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

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1595669
ZBA Submitted Date	2024-04-25
ZBA Hearing Date	2024-08-13
Address	22 Mitchell ST South Boston 02127
Parcel ID	0700453000
Zoning District & Subdistrict	South Boston M-1
Zoning Article	Articles 13, 17, 9, and 8
Project Description	Change use of an existing residential building from one unit to two units by adding a kitchen and a bath in the garden level for the new unit. Additionally add a rear deck connected to the second floor with stairs that lead to the ground level.
Relief Type	Variance
Violations	FAR Excessive Rear Yard Insufficient Usable Open Space Insufficient Use: Forbidden Reconstruction/Extension of Nonconforming Bldg Lot Area or Yards required

Planning Context:

The property is located in South Boston in a residential area where existing buildings include a mix of 2- to 3-story small-scale residential buildings with small yards, and multifamily buildings that go up to 4 stories. It is located within a short 10-minute walk from the Andrew T station on the red line and bus stations for routes 10, 16, 17, 18 and 171.

The proponent aims to convert an existing residential building from a single unit into two units. This will involve adding a kitchen and a bathroom at the garden level to create a new studio unit.

The first and second floors will house a three-bedroom, family-sized unit. Additionally, the proponent plans to install a rear deck connected to the second floor, with stairs leading down to the ground level.

This property is situated within the PLAN: Dot Ave (also known as PLAN: South Boston Dorchester Avenue) study area. This plan aims to achieve citywide housing goals by addressing housing cost burdens, reducing pressure on current housing, and accommodating a growing population. One of the key recommendations in PLAN: Dot Ave calls for the creation of a range of housing typologies, including micro and compact living as well as family sized units. The proposed upgrades to the existing building and the addition of a new unit provide an opportunity to enhance and preserve the city's existing housing stock while modestly increasing the overall housing availability.

Zoning Analysis:

The proposed unit will increase the Floor Area Ratio (F.A.R) from the current 1.04 to 1.18, which exceeds the permitted limit of 1 established by Article 13, Table B. However, this modest increase in FAR is justifiable because the property currently has one of the lowest FARs on the block. Most buildings in the block already have FARs higher than the proposed 1.18.

According to Article 13, Section 4, any dwelling in an M district must meet the yard requirements and usable open space of the nearest R or H district. In this case, the nearest H district, H-1-50, requires a minimum rear yard of 30 feet and a minimum usable open space of 400 square feet per dwelling unit. Additionally, according to Art.13 Sec.02, the proposed project will not meet the minimum yard space required for an Additional Dwelling Unit. An M district is an outdated manufacturing district, and therefore this is a case for zoning reform to provide updated zoning that matches the residential land use and dimensions of this area.

The proposed rear stair encroaches into the existing rear yard. The lot currently has less open space than required, and the proposal will only slightly reduce this open space by the area occupied by the new stairs. It is worth noting that most parcels on the block and in the surrounding area have less than the required 400 square feet of open space per dwelling unit and have rear yards significantly smaller than the required 30 feet. For the above reasons, the proposal does fit the existing rear yard context.

According to Art. 08 Sec. 07, the change of use from a single family to a two family is forbidden, and according to Art. 09 Sec. 01, the change of use from a single family to a two family is conditional. However, this property is situated within a short 10-minute walk from several T stations and bus stations, making it an ideal location for a modest increase in housing units, which are in high need in Boston. As previously stated, the M district is an outdated manufacturing district, and therefore this is a case for zoning reform to provide updated zoning that matches the residential land use and dimensions of this area.

Recommendation:

In reference to BOA1595669, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1590922
ZBA Submitted Date	2024-04-16
ZBA Hearing Date	2024-08-13
Address	131 Devon ST Dorchester 02121
Parcel ID	1400623000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	50
Project Description	Project seeks to convert an existing basement within a residential building into a dwelling unit, and change the use from three units to four units. Project also seeks to develop a driveway and two parking spaces in the rear of the building.
Relief Type	Variance
Violations	Parking or Loading Insufficient Additional Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Forbidden Use - MFR

Planning Context:

The project parcel currently consists of a 2.5-story, three-family residential building. The proponent seeks to convert an existing basement within the residential building into a dwelling unit, changing the existing three-unit dwelling into a four-unit dwelling.

The project is located on a primarily residential block of Devon Street, and right off of Columbia Road, a major residential and commercial thoroughfare. The block primarily consists of two- (129 Devon Street, 137 Devon Street, and 138 Devon Street) and three-family (123 Devon Street and 125 Devon Street), detached housing. Given its close proximity to Columbia Road,

the project site is around the corner from bus stops for the 16 bus and less than half a mile from the Four Corners/Geneva Commuter Rail Station.

The property is located within the study area of the Roxbury Strategic Master Plan (2004) and the Fairmount Indigo Corridor Plan (2012). Both plans encourage diverse housing choice for residents of different socioeconomic and age groups, particularly near to transit stations and corridors. This project also aligns with the Mayor's Office of Housing's Additional Dwelling Unit Pilot Program (ADU 1.0 Pilot). The ADU 1.0 Pilot encourages owner-occupants of 1-, 2-, and 3-family homes to carve out space within existing homes to build ADUs, with the ultimate goal of adding naturally-occurring affordable housing options across the City. During its first year, most ADUs that were proposed were basement units, showing the accessibility of basement conversions.

The proposed project will be adding sprinkler protection, and includes a new exterior entrance that will face Devon Street and be visible from the front of the property and include a small walk-out patio with a new retaining wall. Each bedroom in the proposed 3-bedroom, 2-bath unit will include an egress window. The plans show an expected ceiling height of 7'11" that maintain the 7' clearance at beams established by Mayor's Office of Housing guidelines.

Zoning Analysis:

The project is located within a 3F-4000 subdistrict. The development seeks to convert an existing basement into an additional unit, on top of the existing three-units in the building, as well as creating two parking spaces in the rear of the building. The proposed project also seeks to make minor external improvements to the existing building, including the addition of new egress for the basement unit. The project does not intend to change the size of the existing building footprint. The project also does not fall within any Groundwater Conservation Overlay District (GCOD); overlay districts aimed at protecting and enhancing the city's historic neighborhoods and structures and prevent deterioration of groundwater, nor does it fall within any Coastal Flood Resilience Overlay District, which works to protect persons and structures from the adverse effects of sea level rise and storm surge.

The project raises violations in relation to increased density, usable open space, and violations based on existing conditions.

The proposed project exceeds the allowable number of units within the subdistrict (the max number of units allowed is three, the proposal seeks four). The proposed development also exceeds the allowable FAR (max is 0.8 FAR). The current building's FAR is 1.11, and with the

inclusion of the basement unit, the proposed project would increase the FAR to 1.45. Per the definition of Gross Floor Area in Article 2 of the Zoning Code, the calculation of floor area does not include basements that are exclusively for the purpose of housing mechanical equipment or other uses accessory to the operation of the structure. As the development of the basement would convert the use of the basement for dwelling, the basement would contribute to the total FAR, increasing the livable area from 4,423 square feet to 5,765 square feet.

The project also raises violations for insufficiencies provided for off-street parking and usable open space. The current project does not have off-street parking, and the proposed project seeks to provide two new parking spaces in the rear with a new open-air driveway from the adjacent property, 133 Devon Street. Article 50 requires at least one parking space per unit, and the parking proposed would only provide two maneuverable spaces. Due to the size of the lot and the limited changes to the existing building, the addition of parking in the rear yard will reduce the open space by roughly 700 square feet, triggering insufficiencies for usable open space per unit.

Lastly, the project raises Additional Lot Area Insufficient violations. 3F-4000 subdistricts require a minimum lot size of 4,000 sf, with an additional 2,000 sf of lot area per unit for projects with three or more units. The project site thus faces an existing nonconformity given that the existing lot size is only 3,947 square feet.

Given that the proposed development does not seek to make significant changes to the existing building, and there would be an increase in units from the development of the basement, the project should move forward under the condition that it reduces the amount of space dedicated to parking spaces due to its accessibility to transit options, and to maintain usable open space.

The plans entitled 131 DEVON ST., DORCHESTER, MA 02121 prepared by CASA ARCHITECTURE & CONSTRUCTION on MARCH 24, 2024 were used in preparation of this recommendation.

Recommendation:

In reference to BOA1619159, The Planning Department recommends APPROVAL WITH PROVISIO/S: The plans be submitted to the Planning Department for design review with attention to reducing the space dedicated for parking in the rear yard to preserve open space.

Reviewed,

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Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1576978
ZBA Submitted Date	2024-03-05
ZBA Hearing Date	2024-08-13
Address	164 Old Colony AV South Boston 02127
Parcel ID	0700331000
Zoning District & Subdistrict	South Boston M-1
Zoning Article	Articles 8, 14, 15, 16, 17, 18, 19, 20, 21, 23, & 25
Project Description	Erect a new 4-story, 4-unit residential building with balconies, an elevator, and garage parking. This proposal will require the demolition of the existing structure.
Relief Type	Variance, Conditional Use
Violations	Lot Area Insufficient Lot Width Insufficient Additional Lot Area Insufficient Parking or Loading Insufficient Lot Frontage Insufficient FAR Excessive Height Excessive (ft) Height Excessive (stories) Usable Open Space Insufficient Front Yard Insufficient Rear Yard Insufficient Setback of Parapet Insufficient; Flood Hazard Districts; Conditional Use (MFR); Special Provisions for Corner Lot; Traffic Visibility Across Corner

Planning Context:

The proposed project was deferred from its initial ZBA hearing on 5/7/24, and again on 6/25/24. The BPDA provided a recommendation for denial without prejudice for those project iterations, citing design concerns relating to the project's location in the Coastal Flood Resilience Overlay BOA1576978

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District (CFROD) as grounds for the denial. While the proponent has shared their intent to update the proposed project's designs to resolve that stated condition, those updates have yet to be submitted to/reviewed by ISD. Because of this, the BPDA's initial recommendation project remains here, unchanged.

The proposed plans for BOA1576978 are located at 164 Old Colony Avenue in South Boston. This is a relatively transportation rich neighborhood, being that it is a 12 minute walk from the MBTA Andrew Red Line station and close to several bus lines. Furthermore, the proposal falls within the PLAN: Dot Ave study area, which was adopted by the BPDA board in 2016. PLAN: Dot Ave outlines 164 Old Colony Rd as falling within a “residential buffer area” in which residential uses on the ground floor are allowed. This project is in compliance with these planning goals. It is also within the ongoing South Boston Transportation Action Plan study area, which defines Old Colony Road as being a major thoroughfare between Downtown Boston and the Dorchester neighborhood and as such seeks to make improvements to road and bike infrastructure along the avenue and safety improvements in its intersections. The parcel is within two zoning overlays: restricted parking and coastal flood resilience, and though neither apply to the project because of its scale, these provide important context for design and appropriateness of parking relief. The area of Old Colony Avenue surrounding the proposed development is a mixed-use corridor with an array of retail, restaurants, and residences of varying sizes and scales between one and six stories. The parcel is also a 10 minute walk from Moakley Park - a major green space and neighborhood asset. Immediately to the east and west sides of the parcel are 3- and 4-story residential buildings. The proposed development seeks to construct a new 4-story, 4-unit residential building with balconies, an elevator, and garage parking. This proposal will also require the demolition of the existing two and half story single family housing structure.

Zoning Analysis:

164 Old Colony Avenue is located in South Boston in the restricted manufacturing district (M-1). However, given that this is a residential development, the code requires us to refer to the nearest residential subdistrict, which is H-1. The proposal is currently in violation of zoning article 14 section 1, 2, and 3 which detail requirements for lot sizes, areas, and widths. The minimum lot size required is 5,000 square feet, and the lot currently measures at 1,698 square feet. Further, each additional dwelling unit beyond one requires an additional 1,000 square feet in lot area. This would require 8,000 square feet of lot area for the parcel to meet the zoning requirements for a 4-unit building. Few parcels in the area are this size for 4-unit uses. The

parcel is a 10 minute walk away from a major green space- Moakley Park, and that each of the units will have balcony space. The minimum lot width for development on this parcel is 50 feet, and the plans detail 47 feet for the lot width. However, given the constraints of the parcel, this designation is acceptable.

That being said, the garage with four parking spaces is not represented in the project's plans. In addition, there are concerns about the lack of lot frontage and front yard requirements. As the plans are currently detailed it seems that the front door would swing out over the sidewalk along Old Colony Avenue. That being said, the two foot setback currently detailed in the plans is not sufficient, and would have to be increased to five feet for the proposed plans to be acceptable.

Recommendation:

In reference to BOA1576978, The Planning Department recommends DENIAL WITHOUT PREJUDICE While the use is appropriate for the location, the proponent should consider a project that ensures that the living area is located above the Sea Level Rise Design Flood Elevation, and has sufficient front yard to avoid a door swing over the public sidewalk. The proponent should also clarify plans for parking.

Reviewed,

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

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1526691
ZBA Submitted Date	2023-09-19
ZBA Hearing Date	2024-08-13
Address	226 Magnolia St Dorchester 02121
Parcel ID	1400128000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	50
Project Description	Erect a new 4-story, 5-unit multifamily building of townhouses with a garage for 5 parking spaces.
Relief Type	Variance
Violations	Additional Lot Area Insufficient FAR Excessive Height Excessive (ft) Height Excessive (stories) Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Use: Forbidden (Multifamily Dwelling)

Planning Context:

This project's first ZBA hearing was originally scheduled for 07/16/24. The BPDA recommended Denial without Prejudice for this project for the 07/16/24 hearing based on previous plans and zoning violations. The ZBA deferred this project to a hearing on 08/13/24. The stamped site plans and refusal letter for this project were updated first on 06/25/24 and again on 07/30/2024. The most recent changes to the proposed plan are highlighted below and reviewed by an ISD plans examiner on 08/08/24. The refusal letter was also updated on 08/08/24; there were no changes in the zoning violations between the two plans that were submitted. This recommendation has been updated accordingly to reflect these changes to the plans.

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The proposed project seeks to erect a new 4-story multifamily residential building that consists of 5 attached townhouse style units with 5 ground floor parking garages at 226 Magnolia Street in Dorchester. The updated plans reduced the originally proposed 6 townhouse units to 5 units. This parcel of land currently holds a 1-story garage with multiple parking bays on its southern side yard and a short paved driveway that extends only about one-third into the lot along the northern side yard. The remaining non-paved section along the northern side yard has permeable green space based on an aerial view of the site.

The proposed building typology is unique because it reproduces a similar relationship of the building to the parcel with the proposed townhouses placed on the southern side yard and a new paved driveway proposed along the northern side yard almost all the way to the rear yard line. The project also retains the existing driveway curb cut on Magnolia Street. As a multifamily housing proposal, this project would help further the goals outlined in Housing a Changing City, Boston 2030 (September 2018) as it would increase the housing stock by proposing small-scale residential infill development on land that was previously used for parking.

This portion of Magnolia Street contains a mix of single-family, two-family, and three-family buildings. The immediate area is characterized by several pairs of attached 3-unit dwellings that present as 6-unit multifamily dwellings. The parcel is slightly deeper and just as wide as other parcels in the surrounding area that hold buildings of these varying sizes and density. The proposed structure has a larger rear yard than the existing parking bays along the northern side yard and the entire rear area of the lot behind the building will be landscaped.

While the updated project plans now include a larger rear yard setback than the original plans, the project still extends much further into the rear yard than adjacent residential buildings do along this block of Magnolia Street. This property abuts Ceylon Park, a City-owned park, along its eastern rear lot line and the project's rear yard depth is not as large as the adjacent buildings that have that same rear abutting condition to the park. This proposal's townhouse approach to producing this multifamily housing in a way that replicates the existing building footprint has led to a massing and lot coverage for a residential building that is incongruent with the rear of the adjacent buildings.

The proposed paved driveway along the northern side yard and the eastern rear yard make up the majority of the site's open space. The proposed driveway reduces some of the existing permeability of the section of permeable land on the parcel. The City does not support the removal of permeable open space to accommodate the development of off-street parking. The

planning goals of Climate Ready Boston (2016) addressing permeability and heat island effect outline this point.

The building and garage entrances for each townhouse faces the driveway and there is no entrance on the frontage along Magnolia Street, which differs significantly from the frontages and entrances of other buildings on the street. The section of the building facing Magnolia Street to the southwest has an array of windows along the frontage and a proposed small landscaped front yard abutting the sidewalk which also differs from the way other building frontages in the area look from the public realm. There are second story overhangs above each unit's first floor on the side facing the northern side yard and above those overhangs are terraces for each townhouse unit on the fourth floor which provide outdoor amenity and open space for residents.

The original plans had a straight roofline and a flat paved surface that filled in the natural downward slope of the parcel. The updated plans have proposed a step-ladder design with each townhouse unit's roofline slightly descending in height heading southeast to align with the natural downward sloping elevation without flattening the surface. The step-ladder design also reproduces a similar facade style of the existing parking bays that also follow the elevation. This reduces the amount of potential infill of land that the previous plans seemingly proposed with the flat driveway surface.

Zoning Analysis:

Under Art. 50 in the 3F-4000 subdistrict, the required additional lot area is 2,000 sq ft for each dwelling unit, a maximum FAR of 0.8, maximum height of 3 stories or 35 ft, a minimum of 650 sq ft per dwelling unit of usable open space, a minimum front yard of 20 ft, a minimum side yard of 10 ft, and a minimum rear yard of 30 ft.

The refusal letter states a total of 9 violations in insufficient additional lot area, excessive FAR, excessive height in both feet and stories, insufficient open space, insufficient front yard, side yard, and rear yard, and a forbidden use. The updated project retains the same 9 zoning violations in its updated refusal letter from 07/11/24 as the violations that it triggered based on the previously submitted plans.

In this subdistrict, a multifamily dwelling is Forbidden. However, while 3 units are an allowed use, 4 units is a conditional use. The proposed unit count of 5 is consistent with the contextual density established by pairs of attached three unit dwellings noted above. Accordingly, relief should be granted for this multifamily use, additional lot area, height, and FAR as these

regulations currently prevent the production of a multifamily housing condition that already exist elsewhere in the area.

In regards to the additional lot area, the required amount is 2,000 sq ft for each dwelling unit. However, the size of the parcel would only allow for 2 units to be built and even though this area is entitled to have up to 3 units allowed with a fourth unit as a conditional use. While the proposed building sits at 43 ft or 4 stories, which is greater than the maximum of 35 ft or 3 stories, it would align with the abutting properties at 228-230 Magnolia Street that are currently 4-stories tall due to the slope of Magnolia Street. This also aligns with the height of the 3-family residential property at 232 Magnolia Street and the single-family residential property at 239 Magnolia Street. The higher FAR of 1.33 is also due to the higher amounts of livable space that this project is creating but this would be comparable based on the number of units since this project is proposing 5 units but this subdistrict allows a maximum of 3 units with an FAR of 0.8.

Based on the existing context, relief should also be granted for the front yard and side yard. While the proposed front yard depth would not meet the minimum required 20 feet, it does align with the modal front yard of the abutting properties. Section 50-44.2 states that if at any time in the same Block or Lot required by Article 50 to have a minimum Front Yard, there exist two or more buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in the Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block. The proposed front yard aligns with the properties at 228, 230, and 232 Magnolia Street. In regards to the side yard, the Code requires a minimum of 5 feet from the side lot line and 10 feet from an abutting property. While the current east setback sits at 3.1 feet, it would be difficult to increase this due to the drive aisle space required for the parking.

While the prior violations warrant relief, the proposed project's massing, rear setback, parking area, and building lot coverage are contextually inappropriate. Relief should not be granted for the current rear yard as the current proposed rear yard is only 15.8 ft and this would protrude further into the rear yard than the abutting properties and will affect not only the abutting Ceylon Park but also the abutter's rear yard. While the proponent has increased the rear yard from 2.9 ft to 15.8 ft between the original and updated plans, the rear yard should be increased further to create a satisfactory buffer between the proposed building and the park, in a manner consistent with adjacent pairs of attached three unit dwellings. This would also increase this project's ability to include or retain more permeable land on the parcel in the rear section of the lot that abuts

the park, which will be increasingly necessary if the proposed driveway reduces existing permeable land. Such an adjustment would also increase this project's usable open space which is currently limited due to the depth of the townhouses and most space surrounding the building for driveway use. Relatedly, while the proposed multifamily use is contextually appropriate, the number of townhouses may need to be reduced to accommodate a more appropriate rear yard condition.

Due to its close proximity to the Ceylon Park, this project will need to undergo a Park Design Review as per Ordinance 7.4-11.

The plans reviewed are titled 226 Magnolia Street and were prepared by McDougal Architects. They were prepared on June 25, 2024.

Recommendation:

In reference to BOA1526691, The Planning Department recommends DENIAL WITHOUT PREJUDICE: Proponent should consider a project that reconfigures the massing of the townhouses to promote a contextually appropriate rear yard condition, which may include further reducing the number of or depth of the townhouses within the parcel. The parking and open space design should be adjusted accordingly as part of these updates to the massing, including the potential use of a permeable pavement material to make up for the potential loss of existing permeable green space. The proponent should also propose a frontage design that aligns in character to the surrounding buildings facing the public realm along Magnolia Street.

Reviewed,

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

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1515203
ZBA Submitted Date	2023-08-15
ZBA Hearing Date	2024-08-13
Address	40 to 42 Temple St Mattapan 02126
Parcel ID	1703801002
Zoning District & Subdistrict	Dorchester Neighborhood 1F-6000
Zoning Article	65
Project Description	Demolish two existing residential structures (one-family residential and two-family residential) on a separate permit. Construct five, three-story attached townhouses that will be fully sprinklered and have five new on-grade parking spaces as well as five ground-floor garage spaces per townhouse. This lot is to be known as 42-46C Temple Street (per the project plans).
Relief Type	Variance
Violations	Lot Width Insufficient Lot Frontage Insufficient FAR Excessive Height Excessive (stories) Side Yard Insufficient Limitation of Area for accessory use (parking) Use: Forbidden (Townhouse) Use: Forbidden (Multifamily Residential); Conformity with Existing Building Alignment Location of Main Entrance

Planning Context:

This project's ZBA hearing was originally scheduled for March 26, 2024. The project was deferred to a hearing on June 4, 2024 and then again to a hearing on August 13, 2024. The content of the Planning Department's recommendation was updated to reflect an updated set of

plans and an updated zoning refusal letter from March 2024 in preparation for the June hearing. No updated plans or refusal letter have been received since and therefore the Planning Department's recommendation has not been updated since the June 4 hearing.

This project proposes the demolition of two existing residential structures on an 11,000 square foot lot and the construction of five attached three-story residential townhouse buildings with five new on-grade parking spaces in the rear and five first-floor garages accessible from the front of each building. The townhouses will each be one-family residential dwellings. The previous plans had only the five rear on-grade parking spaces. The additional five parking spaces in the garages were added in the updated plans and required the removal of one bedroom from each townhouse to accommodate the garage spaces. In effect, this shift in the plans traded living area appropriate for larger households for more parking.

The lot has two existing structures on it that are assessed together as a three-family residential land use: a two-story, two-family residential dwelling that is located close to the eastern front yard lot line and a two-story, one-family residential dwelling located against the southern side yard lot line in the horizontal center of the lot. Neither of the structures are listed in MACRIS, the State's cultural resource information database for historic structures. The existing property also has six parking spaces total for both structures (per the Assessor's Report).

This property is within the PLAN: Mattapan (adopted May 2023) study area, but it is located within the Dorchester Neighborhood District (Art. 65), and thus was not included in recent zoning changes to the Greater Mattapan Neighborhood District (Art. 67) to implement PLAN: Mattapan. The project proposes the demolition of both of these structures and the placement of the attached townhouses in the northeastern corner of the lot to provide space for a driveway along the southern side yard leading to the five parking spaces in the western rear yard area. The proposed townhouses are designed as a horizontal row down the length of the lot along the northern side yard line, with a driveway running along the southern boundary of the lot to access a proposed rear parking area. The front of each townhouse faces the southern side yard of the lot, proposed as a driveway, including the townhouse that is closest to the eastern front yard lot line.

The townhouse closest to the street has an eastern side facing the street that differs in design from the front portions of other residential buildings in the area as well as that of the existing building, due mostly to it functioning as the whole building's side rather than an entranceway. PLAN: Mattapan recommends that new residential developments like this that are proposed within the residential fabric of the area have design characteristics that acknowledge, enhance, and promote the existing character of its surroundings with attention to height, building

footprints, and architectural detail. While this proposed building maintains that alignment in height, it does not in terms of building footprint and architectural detail. Its building footprint alignment is impacted by the unique condition of the lot.

The existing property is located on a long rectangular lot with an eastern front yard lot line and a western rear yard lot line that are common for lots in the area at 49.8 feet. The lot has deep side yard lot lines of 223.5 feet (northern side yard) and 221 feet (southern side yard). Most other lots have front and rear yard lot lines of about 50 feet and of the longer rectangular lots in the area, most of those have side yard lot line lengths of about 150 feet.

This property's lot is uniquely deeper and has a larger square footage than most surrounding properties in the area. The property directly abuts another unique lot against its southern side yard that is 26,000 square feet, holds five structures on it, and has side yard lot line lengths of 221 and 224 feet, thus being the only nearby precedent for a property of similar length.

The surrounding area is composed of buildings that are one-, two- and three-family residential dwellings. Most of the buildings in the surrounding area are between one story and 2.5 stories. The large lot that abuts this property to the south has three structures that are three stories tall and two structures that are 2.5 stories tall, also establishing a precedent of residential structures of this height on a similarly deep lot. Several homes in the surrounding area have driveways as well, thus impacting the side yard depths of some properties and establishing a pattern of smaller side yards on one side of a property. PLAN: Mattapan recommends that areas in the residential fabric of the neighborhood like where this property is located should reflect the existing built form and land use of its surroundings. Within PLAN: Mattapan, this section of the neighborhood is characterized as predominantly three-family residential fabric.

The project's proposed driveway extends the existing driveway all the way to the western rear of the lot to reach the new parking spaces. The existing six parking spaces and drive aisle do not appear to have a clear parking design based on an aerial view of the site, so the proposed parking design improves upon that condition while reducing the number of spaces used.

That western rear area currently has permeable green space and potentially trees based on an aerial view of the site. 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. PLAN: Mattapan also recommends lot coverage that reduces impervious surfaces, promotes additional plantings and limits stormwater runoff. The proponent's plans do not provide clear enough details for how the permeable area of the lot will be preserved as well as

any mitigation planned due to the potential loss of trees and open space should this project be approved.

The project is less than 5 minutes from several MBTA bus stops along River Street, Central Avenue, and Dorchester Avenue that serve multiple routes, thus promoting the construction of more housing close to transit resources which aligns with the PLAN: Mattapan housing goals to encourage transit-oriented development.

Zoning Analysis:

This property is located within the 1F-6000 (One-Family Residential) zoning subdistrict of the Dorchester Neighborhood District (Art. 65). It is also located within the Dorchester Neighborhood Design Overlay District (Art. 65, Sec. 32). While this property is within the PLAN: Mattapan study area, it is not located within the Mattapan Neighborhood District and does not have recently updated residential zoning. As stated in the planning context, this lot is unique in size and length which impacts the way this project interacts with the regulations of this district and the orientation of the proposed townhouses on the lot.

The 1F-6000 subdistrict forbids multifamily residential dwellings and townhouses as land uses, both of which are proposed through this project (Art. 65, Sec. 8). The existing property is assessed as a three-family residential land use which is forbidden within the subdistrict and the existing two-family residential dwelling in the front yard of the lot is also forbidden when assessed as a standalone structure. The mix of one-, two-, and three-family residential dwellings in the area present a case for a zoning map amendment that better accommodates the variety of existing residential land uses, particularly for the proposal of housing development near transit resources.

This project was identified as having a limitation of off-street parking area due to the rear parking being less than five (5) feet from the northern side lot line (Art. 10 - Sec. 1). While the proponent placed the parking closer to the northern side lot line with a small depth of three (3) feet to accommodate a drive aisle towards the rear along the southern side lot line, attention should be paid to how that shallow depth may impact the abutting property. In addition, providing ten parking spaces for five units greatly exceeds the minimum parking per Article 65 of 1.25 spaces per unit for residential uses with 4-9 units. According to the Boston Transportation Department Maximum Parking Ratio Guidelines, the site of the proposed project has a mobility score of 35 and corresponding recommended maximum parking ratio of 1.0 spaces per unit. The Maximum Parking Ratio Guidelines only apply to Article 80 Large Projects, and thus the proposed project is not subject to the Guidelines, but they reflect an informed approach to right-

sizing parking supply for every project based on local transit access and walkability. Therefore, a reduction in parking should be considered as the site plan is revisited.

This subdistrict also requires that structures be built on lots that have a minimum lot width of 60 feet, a minimum lot frontage of 60 feet, and a minimum side yard width of 10 feet for “Any Other Dwelling or Use” (Art. 65, Sec. 9). As stated in the planning context, this property has a front yard and rear yard lot with close to 50 feet that is a common yard lot line length for lots within this section of the neighborhood and zoning subdistrict. The existing property has nonconforming northern and southern side yard widths of under 4 feet due to the location of the two structures near those respective lot lines. This presents a case for zoning reform within the area should property owners choose to increase the housing since most surrounding lots would be found nonconforming with the lot width and frontage regulations.

The project moves the building footprint further away from the eastern front yard lot line and the northern side yard lot line than the existing building, thus increasing the front yard depth from 11.1 to 15 feet and the northern side yard from under 4 feet to 8 feet and accounting for more potential open space. The southern side yard width is also increased to be conforming at 15 feet to accommodate the new driveway.

This subdistrict requires that structures have a maximum FAR of 0.5 and a maximum building height of 2.5 stories (Art. 65, Sec. 9). There are a few existing three-story buildings within this section of the subdistrict including in the lot to the south of this property that holds the multiple structures. Many of the two and 2.5-story buildings within this part of the subdistrict have FAR ratios that are larger than the required 0.5 maximum, thus posing a common nonconforming pattern. This presents a case for zoning reform in that this section of the subdistrict has a pattern of buildings with FAR larger than 0.5 and precedent heights above 2.5 stories.

This subdistrict requires that structures adhere to “Conformity with Existing Building Alignment” regulation which states that rather than conforming with the minimum front yard requirement for this subdistrict, structures must be “in conformity with the Existing Building Alignment of the Block” as established by structures facing the same side of the street (Art. 65, Sec. 42). This project proposes a 15-foot front yard depth that conforms with the existing minimum front yard requirement of the subdistrict and appears to align better with the properties that immediately abut it to the north and south than the existing building does, based on the plans.

This project was identified for having a violation due to the location of the main entrance (Art. 65 - Sec. 9.2). The proposed project has as set of attached townhouses that each have a front that faces the southern side lot and thus has multiple main entrances though none face the primary frontage of Temple Street. In the previous BPDA recommendation, design review was recommended with attention to the easternmost side of the townhouses to respond to this.

Site plans completed by Daniel Macisaac on February 19, 2024. Project plans completed by Hue Architecture on February 16, 2024.

Recommendation:

In reference to BOA1515203, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to: the landscaping of the site to increase permeable area of lot throughout the proposed driveway and parking area, the articulation of the easternmost side of the townhouses that faces the street to account for its fit within the existing residential fabric, the adjustment of the rear parking spaces' northern side lot line to accommodate greater side yard depth, and a reduction in parking spaces to better align with Boston Transportation Department Maximum Parking Ratio Guidelines.

Reviewed,

A handwritten signature in blue ink, appearing to read "Anne Rando", is written over a faint circular stamp.

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1535566
ZBA Submitted Date	2023-10-13
ZBA Hearing Date	2024-08-13
Address	94 to 96 Loring ST Hyde Park 02136
Parcel ID	1808082000
Zoning District & Subdistrict	Hyde Park Neighborhood 2F-5000
Zoning Article	69
Project Description	The proponent is seeking to demolish and reconstruct the bedroom, kitchen, and laundry rooms through a proposed addition to the rear due to water pipe damages.
Relief Type	Variance
Violations	Side Yard Insufficient

Planning Context:

BOA1535566 is located at 1086 Hyde Park Avenue, in Hyde Park. At 0.5 miles away from Cleary Square, the residence falls just outside of the current Square and Streets planning area. This means it falls within a transit rich area with two commuter rail stations and several bus lines. 1806 Hyde Park Ave falls in a residential section of the Avenue. On either side of the existing single family residence are two two-family homes. The proponent is seeking to demolish and reconstruct the bedroom, kitchen, and laundry rooms through a proposed addition to the rear due to water pipe damages.

Zoning Analysis:

BOA1535566 is located in the Hyde Park neighborhood zoning district, and the 2F-5000 zoning sub-district. The proposal has been cited for one zoning violation which is a side yard insufficiency. The minimum side yard requirement in Hyde Park for the 2F-5000 zoning sub-

district is 10 feet. The proposal currently outlines 8.5 feet, however this is an existing non-conformity that will be extended and not worsened by the proposed addition.

Recommendation:

In reference to BOA1535566, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Patel". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1622071
ZBA Submitted Date	2024-07-02
ZBA Hearing Date	2024-08-13
Address	302 Chelsea ST East Boston 02128
Parcel ID	0106812000
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	53
Project Description	Build a rear addition to expand existing units, add a new unit, and add a roof deck.
Relief Type	None
Violations	FAR Excessive Rear Yard Insufficient Side Yard Insufficient Usable Open Space Insufficient GCOD Applicability Roof Structure Restrictions Parking or Loading Insufficient Additional Lot Area Insufficient Forbidden Use MFR

Planning Context:

BOA1622071 is located at 302 Chelsea St in East Boston. The proposal seeks to add an 15'-11" rear addition with a 7'-0" deck and stairs on the back of the existing 3-unit house. This extension would include a new fourth unit, provide new bedrooms to the existing units, new bathrooms and a roof deck only accessible by the third floor unit. Presently the basement and first floor comprise one unit. The new addition would allow the basement to become an independent unit, creating a 4 unit building. This fourth unit would be located entirely below grade, a significant concern due to the project's location in the Coastal Flood Resiliency Overlay

District (CFROD), where new residential living area must be elevated to protect against future flooding.

The addition would require an existing back deck to be demolished.

The neighboring residences are all very close to one another and have similar dimensions in size and setbacks to each other. PLAN: East Boston places this property in a EBR-3 area, where

Zoning Analysis:

BOA1622071 was reviewed under the former zoning code subdistrict of 3F-2000 for the East Boston Neighborhood on February 02, 2024. Since then new zoning was adopted with PLAN: East Boston on April 24, 2024. The zoning violations from the old code are insufficient additional lot area per unit, roof structure restrictions, off street parking, forbidden multi-family residential use, excessive FAR, insufficient rear yard setback, insufficient side yard setback, roof structure restriction and insufficient open space per unit. Analyzing under the new zoning for the EBR-3 subdistrict, violations would be; forbidden multi-family residential use, excessive building lot coverage, insufficient permeable area of lot, insufficient side yard, and insufficient rear yard. It is also important to note the project is subject to review by the BWSC due to it existing in the Groundwater Conservation Overlay District.

The addition of another dwelling unit to this building would not be in line with zoning use as recommended in PLAN: East Boston and codified in new zoning. The zoning only allows a higher unit count for EBR-3 if the lot frontage is over 55'-0" while this site is only 25'-0". The side yard violation may be recommended for relief due to it following the guidelines set by Section 55-30 which states "A Building or use existing on the effective date of this Article and not conforming to any such applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered, enlarged, or extended, provided that, unless otherwise provided in subsection 2 of this [Section 53-30](#), any enlargement itself:(a) does not increase any such dimensional nonconformity; and (b) otherwise conforms to the dimensional requirements of this Article". The rear yard setback requirement is 23'-0"; the proposed project would have only 10' of rear yard. The new addition would also violate the minimum permeable area which is 30% while the proposal would make it 14% and the maximum building lot coverage which is 60% but the proposal would make it 86%. If the proponent proposed an extension that left backyard space to be 23'-0" it would be in line with zoning as far as rear setback requirements,

and A roof deck similar to the one proposed would also be in line with zoning and could be contemplated by a future project. However, as proposed, the project is not aligned with the recommendations and implementation of PLAN: East Boston.

Recommendation:

In reference to BOA1622071, The Planning Department recommends DENIAL WITHOUT PREJUDICE. Proponent should consider a project that does not establish a new dwelling unit below the Sea Level Rise Design Flood Elevation, has no more than 3 units, and reduces the scale of the rear addition to provide adequate rear yard and permeable area of lot.

Reviewed,

A handwritten signature in blue ink, appearing to read "Anne Rade", with a stylized flourish extending to the right.

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1598851
ZBA Submitted Date	2024-05-06
ZBA Hearing Date	2024-08-13
Address	88 to 90 B ST South Boston 02127
Parcel ID	0600242010
Zoning District & Subdistrict	L-.5
Zoning Article	19, 20
Project Description	Replace 2 separate roof decks with 1 larger roof deck shared between the two penthouse units.
Relief Type	Variance
Violations	Rear Yard Insufficient Side Yard Insufficient

Planning Context:

The proposed project calls for the replacement of an already existing roof deck with a newer and slightly larger deck. There are currently two disconnected roof decks on top of the building, accessible from the two penthouse apartments. The proposed project would expand the deck to cover a larger portion of the roof, and allow shared access for both residents who utilize the space.

Many of the neighboring buildings have roof decks, and the disparity between the zoning code and the built reality highlights the need for zoning reform in regards to roof decks. The expansion is consistent with similar structures in the area and does not significantly impact the overall footprint of the building.

Zoning Analysis:

There are two dimensional violations with this project: the side yard and the rear yard are both insufficient according to the zoning code. The zoning code says for L districts to utilize the dimensional requirements of the nearest H district. The H-1 District, which is immediately adjacent to the property, calls for a 4 foot side yard setback and a 20 foot rear yard setback. The existing building already extends to the edge of the lot line on the sides and rear. This project is making no change to the massing of the building. The only alterations are to the roof deck, which stands upon an already existing structure. This violation was triggered by the original development when it was constructed in 2006 and was granted a variance at the time. The proposed renovations make no impact upon this already approved variance. In addition, this is a case that highlights the need for zoning reform in the area. This zoning was created over 60 years ago and reflects a built world that no longer matches the residential area.

Recommendation:

In reference to BOA1598851, The Planning Department recommends APPROVAL.

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Reviewed,

A handwritten signature in blue ink, appearing to read "Annee R. [unclear]".

Planning and Zoning Director, Planning Department

MEMORANDUM

APRIL 11, 2024

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

FROM: CASEY HINES, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW
JOHN WEIL, SENIOR PROGRAM MANAGER
REUBEN KANTOR, SENIOR POLICY ADVISOR
MICHAEL SINATRA, OMBUDSMAN
ZOE SCHUTTE, PROJECT ASSISTANT

SUBJECT: 85 DEVONSHIRE STREET, DOWNTOWN

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 85 Devonshire Street in the Downtown neighborhood (as defined below, the "Proposed Project"), in accordance with Article 80E, Small Project Review of the Boston Zoning Code (the "Code"); (2) execute and deliver an Affordable Rental Housing Agreement and Restriction ("ARHAR") in connection with the Proposed Project; (3) Authorize the Director to enter into a Deed to take a real property interest in the 85 Devonshire Street Property; and (4) enter into a Pilot Agreement for the Proposed Project, and to take any other actions, and to execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The Proposed Project is located on an approximately 10,062 square foot parcel of land containing adjoining buildings at 85 Devonshire Street, 262 Washington Street, and 258 Washington Street in the Downtown neighborhood of Boston (the "Project Site"). The Project Site is currently occupied by a ten-story office building with ground level retail.

DEVELOPMENT TEAM

The development team includes:

Proponent: KS Partners
Kambiz Shahbazi
Todd Greenfield

Legal Counsel: Pulgini & Norton, LLP
John Pulgini, Esq.

Architect: EMBARC
Cindy Lee
Dartagnan Brown

Code Compliance
Counsel: SLS CONSULTING, LLC
Bernard Trevor Rabidou, P.E.

BACKGROUND ON PILOT PROGRAM

On December 14, 2023, KS Partners (the “Proponent”) applied to Mayor Wu’s and the BPDA’s Downtown Residential Conversion Incentive PILOT Program (the “Pilot Program”). The Pilot Program was authorized by the BPDA Board on October 12, 2023 (“October Board Vote”) and offers to approved applicants a tax abatement in exchange for converting their underutilized office building into multi-family residential rental units. The October Board Vote authorized the creation of a Demonstration Project Plan Area in Downtown Boston (the “Plan Area”) and the Plan Area establishes an area where the BPDA is able to act pursuant to Massachusetts General Law Chapter 121B (“Chapter 121B”) and provide a contract for payment in lieu of taxes (“Pilot Agreement”) pursuant to Chapter 121B. The Demonstration Project Plan Area was created and authorized to prevent blight and decadence stemming from the increased vacancy rate in the commercial real estate market and incentivize the transition to housing of these units.

While the new City of Boston Inclusionary Zoning (“2024 IZ”) does not go into effect for all project types until October 1, 2024, in order to qualify for the PILOT program, the proponent must meet the 2024 IZ standards, which require that Seventeen

Percent (17%) of all newly created units must be deed restricted affordable restricted for households making up to Sixty Percent (60%) of the Area Median Income (“AMI”), and an additional 3% of units must be available at HUD Small Area Fair Market Rent and reserved for voucher holders. Applicants must also comply with current Green Energy Stretch Goals, where applicable.

PROPOSED PROJECT

The Proponent seeks to renovate the interior of the existing eleven (11) story, approximately 109,400 gross square foot building that currently contains ten (10) upper floors of under-used office space, occupied retail tenants on the ground floor, and basement mechanical space. The upper ten (10) floors of 85 Devonshire Street (the “Proposed project”) will be converted from office space to residential use, totaling ninety-five (95) residential rental units and 86,700 gross square feet. Of the ninety-five (95) rental units, twenty-nine (29) units will be studio units, fifty-four (54) units will be one-bedroom units, and twelve (12) units will be two-bedroom. Five (5) rental units are designated as ADA group 2 units, two (2) units will be designated for hearing impaired. The Proposed Project also will include an interior subsurface bicycle storage room with twenty-eight (28) bicycle spaces. The ground floor retail spaces of the Proposed Project will remain untouched and currently includes approximately 15,800 square feet of retail space.

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

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	109,400
Gross Floor Area	102,500 ¹
<i>Residential</i>	86,700
<i>Office</i>	0
<i>Retail</i>	15,800
<i>Lab</i>	0
<i>Medical Clinical</i>	0
<i>Education</i>	0
<i>Hotel</i>	0
<i>Industrial</i>	0

¹ While the entire building has a Gross Floor Area over 100,000 square feet, the Proposed Project is limited to the Residential square footage of 86,700. The building will be divided, prior to construction, into two separate legal condominium units and the retail portion of the building will not be a part of the Proposed Project.

<i>Recreational</i>	0
<i>Cultural</i>	0
<i>Parking</i>	0
Development Cost Estimate	\$36,000,000
Residential Units	
<i>Rental Units</i>	95
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	19
Parking spaces	0

PLANNING CONTEXT

Launched in October 2023, the Downtown Residential Conversion Incentive Pilot Program “Downtown Conversion Program” aims to support owners and developers of older commercial office building space in converting to residential units. The Pilot Program was informed by both 1) the City of Boston’s October 2022 Downtown Revitalization Report which analyzed and made recommendations for downtown economic revitalization, as well as 2) the PLAN: Downtown planning process which recommended a downtown office conversion program as a key strategy for achieving the PLAN goals. In order to encourage new use of underutilized office space, the Downtown Conversion Program offers a tax abatement and a streamlined approval process to applicants who meet affordability and sustainability requirements. Accordingly, the Proposed Project would advance key recommendations of both the 2022 Downtown Revitalization Report and PLAN: Downtown.

ARTICLE 80 REVIEW PROCESS

On February 20th 2024, the Proponent filed an Application for Small Project Review with the BPDA for the Proposed Project, pursuant to Article 80E of the Boston Zoning Code (the “Code”).

The BPDA sponsored and held a virtual public meeting on March 12, 2024, via Zoom for the Proposed Project & the Proposed PILOT agreement. The meeting was advertised in the Boston Guardian, posted on the BPDA website and a notification

was emailed to all subscribers of the BPDA's Downtown neighborhood update list. The public comment period ended on March 21, 2024.

ZONING

The Proposed Project is located in the General Business subdistrict of the Boston Proper zoning district (B-10). Under Section 13-3, the building itself and its existing dimensional configuration is grandfathered and allowed to be altered; any change or enlargement must conform to the current codes. The proposed Residential use is allowed per Article 8, Table A.

The Proponent will be requesting relief from the Zoning Board of Appeal for the usable open space requirements of Section 13-4.

MITIGATION AND COMMUNITY BENEFITS

The Proposed Project will include mitigation measures and community benefits to the neighborhood and the City of Boston (the "City"), including:

- Revitalizing the downtown neighborhood by converting underutilized office space to on-site housing in the downtown, bringing foot traffic back to the neighborhood, generating a new customer base for downtown restaurants and shops, and creating a more vibrant downtown core.
- Meeting Disability Commission standards and creating five (5) rental units designated as ADA group 2 units and two (2) units will be designated for hearing impaired.
- The creation of new housing units, including nineteen (19) affordable units, 20% of proposed units in, accordance with the City's Inclusionary Development Policy;
- The expected creation of approximately two-hundred-fifty (250) construction industry jobs to complete the Proposed Project;
- Meeting, where applicable, C.O.B Green Energy "Stretch Goals" and fully electrifying the utilities of the building; as required by the BPDA office to residential Conversion Program
- Electrification of new HVAC systems using a high performance VRF system
- Electrification of Cooking and residential hot water
- The re-use of existing building components such as the structure, envelope, stairs, and elevators in order to minimize demolition waste and promote construction sustainability
- Implementation of demolition waste management and recycling protocols.

The Proposed Project and public realm improvements are subject to BPDA Design Review. The Project will continue to seek and be subject to any Public Improvement Commission approval where privately held areaways extend out under the public rights-of-way at the surface. A structural certification for these areaways should be completed as a part of the project to allow the City of Boston to make future accessibility improvements to the sidewalk surface over these privately held areaway. Accessibility improvements to the public right of way are not being contemplated as a part of this project.

INCLUSIONARY DEVELOPMENT POLICY

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (the “IDP”) and is located within Zone A, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. The project is further subject to the affordability requirements of the BPDA’s Downtown Residential Conversion Incentive PILOT Program dated July 10, 2023, which requires projects applying under the Pilot program comply with the 2024 IZ requirements, or in this case, nineteen (19) units, or 20% of the total number of units within the conversion project, must be designated as income-restricted units, consisting of 17% of units as IDP units (the “IDP Units”) made available to the general public at no more than 60% of the Area Median Income (“AMI”), and 3% of units reserved for households who qualify with mobile housing vouchers (the “Voucher Units”). Sixteen (16) of the income-restricted units will be made affordable to households earning not more than 60% of AMI, as based upon data from the United States Department of Housing and Urban Development (“HUD”) and published by the BPDA as annual income and rent limits, and the three (3) Voucher Units will be made available to households with mobile housing vouchers qualifying at or below 110% of AMI, and rented at no higher than the Small Area Fair Market Rent (SAFMR) published and adjusted annually by HUD.

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

Unit Number	Square Footage	Number of Bedrooms	Percentage of AMI	Maximum Rent	Group-2 designations
201	670	One-bedroom	60%	\$1,325	

203	1030	Two-bedroom	60%	\$1,499	Group-2A
206	670	One-bedroom	60%	\$1,325	
210	860	One-bedroom	60%	\$1,325	
302	670	One-bedroom	60%	\$1,325	
308	920	Two-bedroom	60%	\$1,499	
401	670	One-bedroom	60%	\$1,325	
404	430	Studio	60%	\$1,130	
407	450	Studio	60%	\$1,130	Group-2B
409	660	One-bedroom	60%	\$1,325	
506	670	One-bedroom	60%	\$1,325	Group-2A
508	920	Two-bedroom	Requirement for voucher, or 110% AMI	HUD SAFMR	
511	705	One-bedroom	60%	\$1,325	
603	600	One-bedroom	Requirement for voucher, or 110% AMI	HUD SAFMR	
606	670	One-bedroom	60%	\$1,325	Group-2A
704	430	Micro Studio	60%	\$1,016	
707	450	Studio	60%	\$1,130	
707	450	Studio	60%	\$1,130	
711	705	One-bedroom	60%	\$1,325	
907	450	Studio	Requirement for voucher, or 110% AMI	HUD SAFMR	

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

The ARHAR must be executed along with, or prior to, the issuance of the Certification of Approval for the Proposed Project. The Proponent must also register the Proposed Project with the Boston Fair Housing Commission (“BFHC”) upon issuance of the building permit. The IDP Units and Voucher 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 and Voucher 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 and Voucher Units during this fifty (50) year period must fall within the applicable income and rent limits for each IDP Unit or Voucher Unit. IDP Units and Voucher 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.

TERMS OF PILOT AGREEMENT

Based on BPDA staff review under Article 80 and review under the Pilot Program, the Proponent has been selected to receive a Pilot Agreement, based on the Pilot Program criteria. The Proponent will, upon approval by the BPDA Board, enter into a Pilot Agreement among the City of Boston (the “City”) and the BPDA. If approved today, the City and the BPDA will provide the Proposed Project an average tax abatement of up-to seventy-five percent (75%) of the assessed residential value for a term of twenty-nine (29) years, terms which are consistent with the October Board Vote.

DEED CONVEYANCE

In order to comply with the rules and regulations under Massachusetts General Law Chapter 121B, Section 16, the BPDA must take an interest in the Project Site. To effectuate that, the BPDA and the Owner of the 85 Devonshire Street will enter into a Deed agreement which conveys limited rights in the 85 Devonshire Street property. Additionally, the Owner and the BPDA will enter into to indemnification agreement to ensure the BPDA does not have liability on the property.

RECOMMENDATIONS

BPDA staff recommends that, based on the foregoing, that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project; (2) execute and deliver an Affordable Rental Housing Agreement and Restriction ("ARHAR") in connection with the Proposed Project; (3) Authorize the Director to enter into a Deed to take a real property interest in the 85 Devonshire Street Property; and (4) enter into a Pilot Agreement for the Proposed Project, and to take any other actions, and to execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

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 at 85 Devonshire Street in the Downtown neighborhood, proposed by KS Partners (the "Proponent"), for the gut renovation of an eleven (11) story, approximately 109,400 gross square foot building that will include 86,700 gross square feet of conversion renovation, with ninety-five (95) residential rental units and twenty-eight (28) interior bike parking spaces (the "Proposed Project"), in accordance with the requirements of Small Project Review, Article 80E, of the Code, subject to continuing design review by the BPDA; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute and deliver an Affordable Rental Housing Agreement and Restriction for the creation of nineteen (19) Income-Restricted Units in connection with the Proposed Project; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute a Quitclaim Deed between the Boston Redevelopment Authority and 85 Devonshire Street Development LLC for certain rights in the 85 Devonshire Street Property; and

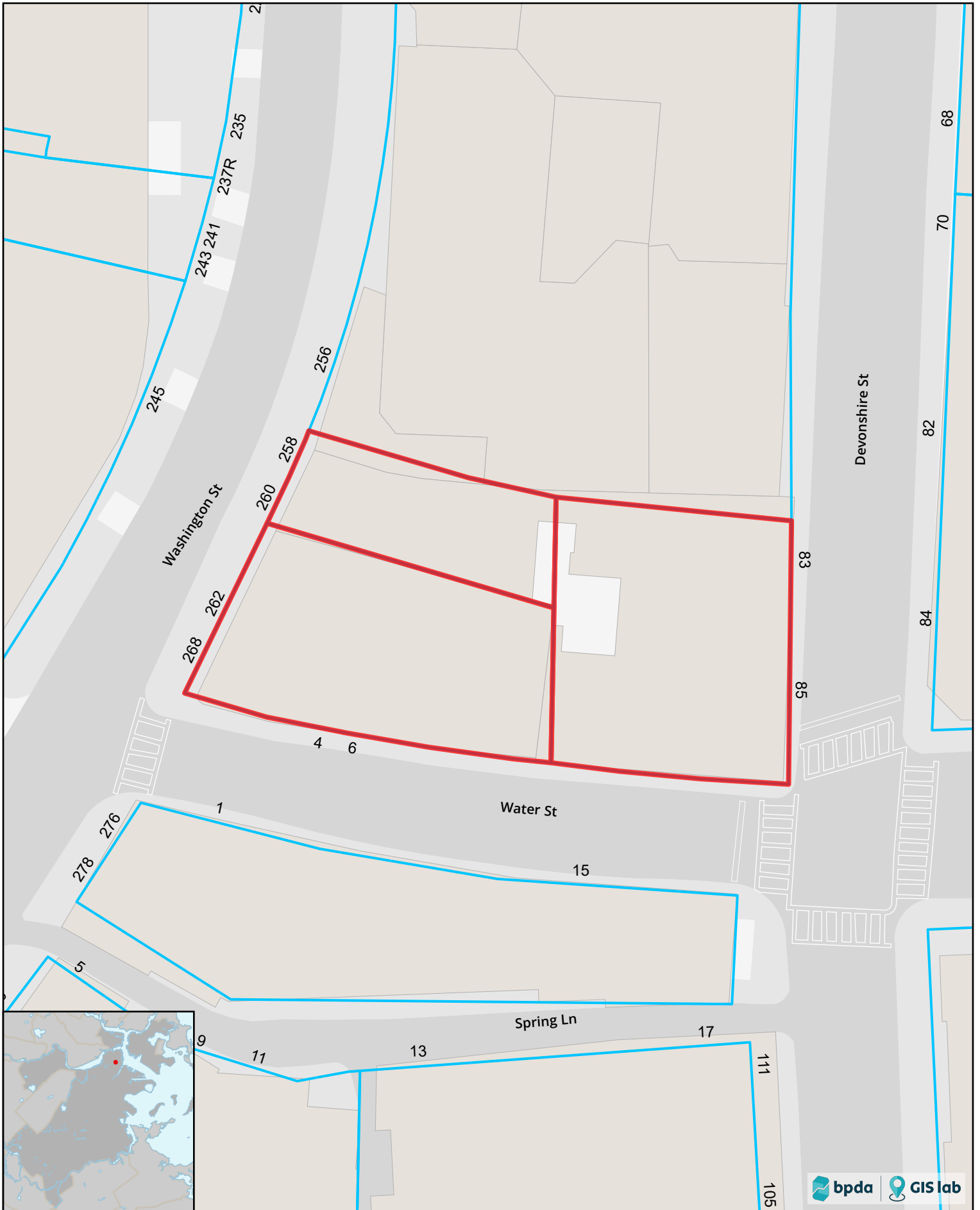
FURTHER VOTED: That the Director be, and hereby is, authorized to enter into the Pilot Agreement in connection with the 85 Devonshire Street Project subject to terms and conditions consistent with this Board Memorandum and as the Director deems to be appropriate and necessary;

FURTHER VOTED: That the Director be, and hereby is, authorized to recommend approval to the Zoning Board of Appeal for zoning relief necessary to construct the Proposed Project.

85 Devonshire Street



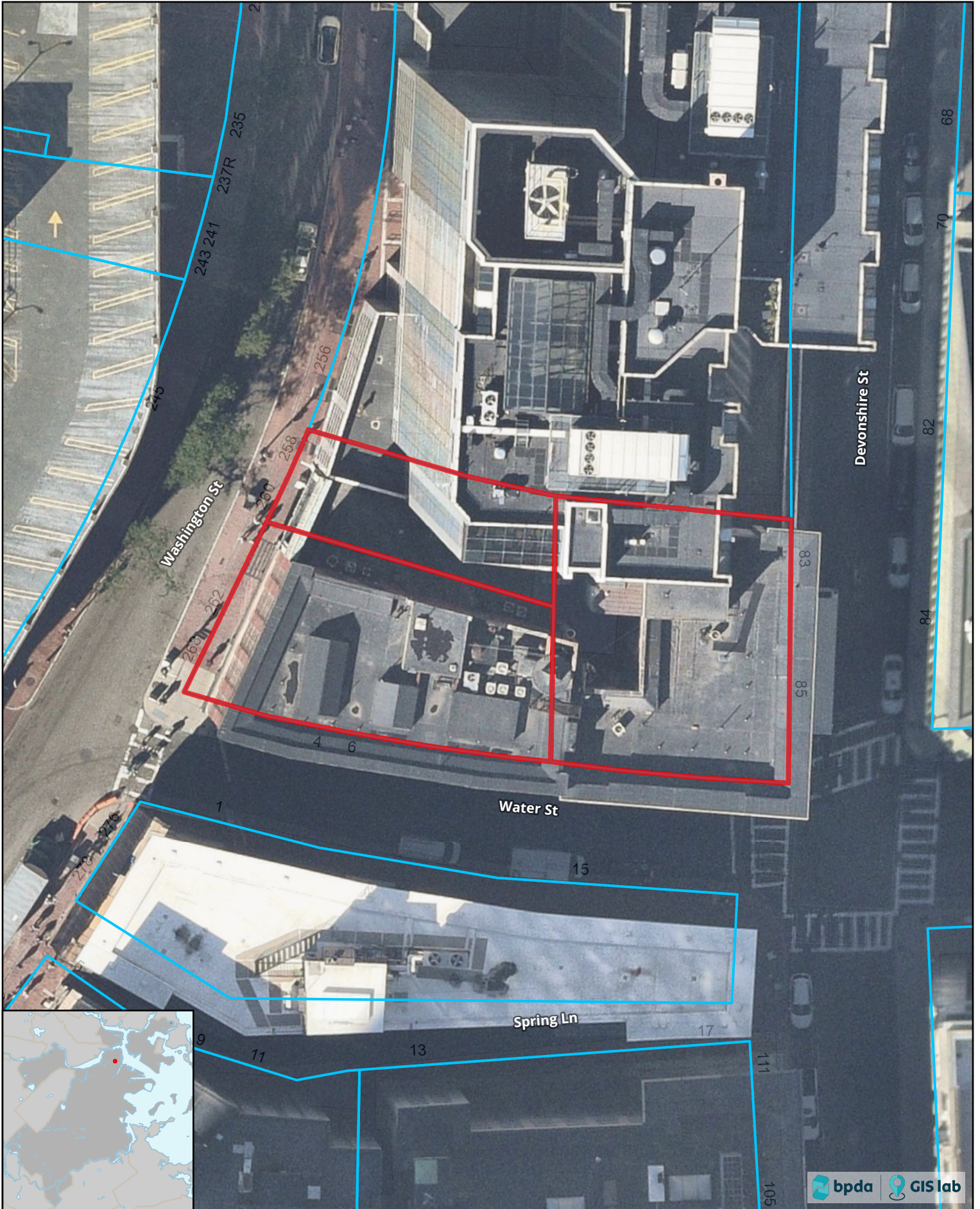
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85 Devonshire Street



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Boston City Council
ED FLYNN
Councillor - District 2

April 11, 2024

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

RE: Support for 85 Devonshire Street

Dear Members of the BPDA Board,

I'm writing in support of the proposal at 85 Devonshire Street, which will be converting a current office space into housing under the City's Downtown Residential Conversion Incentive PILOT Program. This will help create much needed housing units for our City, and allow for better usage of this building located at the heart of Downtown.

The proposed project seeks to renovate the interior of the existing eleven story building into ten floors of residential use, with ninety-five units in total. Of the ninety-five units, twenty-nine units will be studio units, fifty-four units will be one-bedroom units, and twelve units will be two-bedroom units. Five rental units are designated as ADA group 2 units, and two units will be designated for hearing impaired residents. The ground floor retail space will remain. This office building is currently underutilized, and converting these office spaces into residential units is in alignment with the City's goal in housing creation, and will help activate Downtown in the long term.

If you have any questions, please feel free to contact me at Ed.Flynn@Boston.gov, or at 617-635-3203.

Sincerely,

Ed Flynn
Boston City Councillor, District 2