

MEMORANDUM

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

FROM: Emma Hunter  
Planning Department

DATE: November 21, 2023

RE: BPDA Recommendations

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Please find attached, for your information, BPDA recommendations for the November 28, 2023 Board of Appeal Zoning Hearings scheduled for 9:30 am.

Please note that this packet does not include the recommendation for BOA-907493 1-5 Boardman Street.

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

## MEMORANDUM

August 17, 2023

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

**FROM:** MICHAEL CHRISTOPHER, DIRECTOR OF DEVELOPMENT REVIEW  
CASEY HINES, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW  
QUINN VALCICH, SENIOR PROJECT MANAGER

**SUBJECT:** DIGHTON GARDENS, 25 - 37 DIGHTON ST, BRIGHTON

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority (“BRA”) d/b/a Boston Planning & Development Agency (“BPDA”) authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 25-37 Dighton Street, a/k/a Dighton Gardens, in Brighton (the “Proposed Project”, as defined below), 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; and (3) execute and deliver a Community Benefits Agreement and take any other action and execute and deliver any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

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### **PROJECT SITE**

The Proposed Project site encompasses three parcels containing approximately 25,941 square feet along Dighton Street in the Brighton section of Allston-Brighton. The project site is located within a Three-Family Residential Subdistrict, however the site is surrounded by a variety of housing types, including two-family and multi-family residential buildings, as well as commercial buildings, on Dighton Street and Washington Street. The site directly abuts a residential multi-family building to the right and a church to the left on Dighton Street, a paved lot to the rear, and several residential buildings across the street, including two (2) two-family residential buildings, a three-family residential building, and an apartment building.

The project site currently contains three, dated multi-family buildings which are identified by the Boston Assessor as four-six family buildings, surrounded by black top pavement.

**DEVELOPMENT TEAM**

The development team includes:

Proponent/Developer:	DND Homes
Permitting Counsel:	Jeffrey Drago
Architect:	Michael McKay

**DESCRIPTION AND PROGRAM**

The Proposed Project will be constructed as a four-story residential structure of approximately 49,000 square feet in size, with a 28 space, below ground parking garage and will offer a variety of different bedroom and unit sizes, along with usable open space. The building will incorporate a mix of 25 one-bedroom, 16 two-bedroom, and 3 three-bedroom units to accommodate a variety of renters. The project will include ample usable green space for residents to enjoy and each of the units will contain private decks which will add additional light and air to each unit. There is approximately 380 square feet of usable open space per unit.

Finally, the developer is proposing a private subsurface interior bike room in the parking garage with 54 total spaces and an exterior Bluebike Station to encourage alternative means of transportation. The project is 0.6 miles to the nearest MBTA Green Line stop and less than 1,000 feet to several bus lines. Additionally, the focus on bicycle storage and bike sharing will minimize community impact from resident parking from the Proposed Project.

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

<b><u>Estimated Project Metrics</u></b>	<b>Proposed Plan</b>
<b>Gross Square Footage</b>	65,780
<b>Gross Floor Area</b>	49,000
<i>Residential</i>	49,000
<i>Office</i>	0
<i>Retail</i>	0
<i>Lab</i>	0
<i>Medical Clinical</i>	0
<i>Education</i>	0
<i>Hotel</i>	0
<i>Industrial</i>	0
<i>Recreational</i>	0
<i>Cultural</i>	0
<i>Parking</i>	16,780
<b>Development Cost Estimate</b>	\$12,551,000
<b>Residential Units</b>	44
<i>Rental Units</i>	44
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	7
<b>Parking spaces</b>	28

**ARTICLE 80 REVIEW PROCESS**

On May 17, 2023, the Proponent filed a Small Project Review Application with the BPDA, pursuant to Article 80E of the Boston Zoning Code. The BPDA subsequently sponsored and held a public meeting on June 6, 2023, via Zoom to solicit feedback

from members of the community and review the Proposed Project. The public comment period concluded on June 16, 2023.

Outside of the BPDA-sponsored public meeting, the Proponent conducted additional outreach with abutters and local elected officials to solicit feedback and review the Proposed Project.

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

The Proposed Project is located within the Allston-Brighton Mobility Study area which focuses on increasing mobility for all. During review, BPDA planning staff considered multimodal improvements such as creating sidewalks appropriately dimensioned for safe pedestrian and bike connectivity, especially considering the site's proximity to schools. Planning staff also reviewed landscape plans and considered the appropriateness of usable open space on this site for the proposed 44 units. Additionally, planning staff focused on ensuring a diverse mix of unit sizes to accommodate diverse living structures present in the community.

The Proposed Project contributes to the overall walkability and transit-oriented development described in the Allston-Brighton Mobility Study as it prioritizes bicycle, public transit, and pedestrian movement. The planning staff also reviewed the proposed project's zoning context. The proposed project consists of 3 parcels that are in the 3-Family (3F-4000) subdistrict of the Allston/Brighton Neighborhood zoning district. While the Project will require zoning relief from the Zoning Board of Appeals, it contributes to Citywide goals of creating transit-oriented housing.

### **ZONING**

The Project Site is located in a Three-Family (3F-4000) Subdistrict of the Allston-Brighton Neighborhood, which is governed by Article 51 of the Boston Zoning Code. The Proposed Project will require zoning relief for the following: floor area ratio, building height for stories and feet, lot area per unit, usable open space per unit, rear yard, off-street parking, and loading.

### **MITIGATION & COMMUNITY BENEFITS**

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

- Creating seven (7) affordable units at AMI levels ranging between 50%-80%, or approximately 16% of their total units, which will meet and exceed Boston’s Inclusionary Development Policy requirements;
- Encouraging alternative modes of transportation through the use of bicycling and walking, due to the close proximity of MBTA and bus lines and improved accessibility;
- Compliant with the 2021 Bike Parking Guidelines, creating a dedicated bike room for storage of bikes within the building to encourage bicycling as a mode of transportation, allowing for less vehicular traffic, and including at least four (4) electric bicycle charging stations within the bike room;
- Providing seven (7) electric vehicle charging stations in the parking garage;
- A commitment to constructing an all electric building;
- Planting eight (8) new street trees in an improved streetscape along Dighton Street;
- A commitment of \$49,000.00 to the Boston Transportation Department (“BTD”) to fund the installation of and support operations of a 15-dock Bluebikes bike share station on site. Funds shall be contributed upon issuance of a Certificate of Approval for the Proposed Project;
- The Proponent has committed to the design and implementation of intersection improvements at Dighton Street and Chestnut Hill Ave and Dighton Street and Washington Street in consultation with BPDA and BTD staff. Improvements shall be implemented prior to the issuance of the Certificate of Occupancy. These improvements could include refreshed crosswalks, flexpost installation, new signage, and permanent granite curb extensions, etc. and shall be coordinated with BPDA, BTD, and PIC; and
- Creating approximately seventy-five (75) temporary construction and labor jobs.

### **INCLUSIONARY DEVELOPMENT COMMITMENT**

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (“IDP”), and is located within Zone B, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. The Proponent has voluntarily increased the percentage of IDP units to 16.7% (the “IDP Units”). As estimated based on the Proposed Project providing forty-four (44) new residential units, the Proposed Project will result in seven (7) IDP rental units. Two (2) of the IDP units will be made affordable to households earning not more than 50% of Area Median Income (“AMI”), as determined by the U.S. Department of Housing and Urban Development, and

published by the BPDA, two (2) IDP units will be made affordable to households earning not more than 60% of AMI, two (2) IDP units will be made affordable to households earning not more than 70% of AMI, and the remaining one (1) IDP unit will be made affordable to households earning not more than 80% of AMI.

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

Unit Number	Number of Bedrooms	Square Footage	Percent of AMI	Rent
104	One-bedroom	704	50%	\$1091
108	One-bedroom	724	60%	\$1325
111	Two-bedroom	1010	50%	\$1232
112	Two-bedroom (Group-2)	1112	70%	\$1766
201	Two-bedroom	958	60%	\$1499
305	One-bedroom	740	70%	\$1559
402	Three-bedroom	1342	80%	\$2280

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

The ARHAR must be executed along with, or prior to, the issuance of the Certification of Approval for the Proposed Project. The Proponent must also register the Proposed Project with the Boston Fair Housing Commission (“BFHC”) upon issuance of the building permit. The IDP Units will not be marketed prior to the submission and approval of an Affirmative Marketing Plan to the BFHC and the

BPDA. Preference will be given to applicants who meet the following criteria, weighted in the order below:

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

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

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

The Proponent is providing 16.7% designated IDP units, so they are not required to make a contribution to the IDP Special Revenue Fund ("IDP Fund"), held by the City of Boston Treasury Department, and managed by the City of Boston Department of Neighborhood Development. The contribution of seven (7) designated IDP Units fully satisfies the IDP requirements pursuant to the December 10, 2015 IDP.

### **RECOMMENDATION**

Based on the foregoing, BPDA staff recommends that the BPDA approve and authorize the Director to: (1) issue a Certification of Approval for the Proposed Project; (2) execute and deliver an Affordable Rental Housing Agreement and Restriction in connection with the Proposed Project; and (3) execute and deliver a Community Benefits Agreement and take any other action and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

Appropriate votes follow:



**VOTED:** That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6 of the Boston Zoning Code (the "Code"), approving the development at 25-37 Dighton Street, a/k/a Dighton Gardens, in the Brighton neighborhood, proposed by DND Homes (the "Proponent"), for the construction of a residential development building that will be comprised of approximately 49,000 gross square feet and include a total of forty-four (44) residential units, including seven (7) Inclusionary Development Policy ("IDP") units, 28 underground parking spaces and at least fifty-four (54) on-site bicycle storage spaces, in accordance with the requirements of Small Project Review, Article 80E, of the Code, subject to continuing design review by the Boston Redevelopment Authority; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to execute and deliver an Affordable Rental Housing Agreement and Restriction for the creation of seven (7) on-site IDP Units in connection with the Proposed Project; and

**FURTHER**

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



<b>Case</b>	BOA1502246
<b>ZBA Hearing Date</b>	2023-11-28
<b>Address</b>	372 Metropolitan AVE Roslindale 02131
<b>Parcel ID</b>	1804847001
<b>Zoning District &amp; Subdistrict</b>	Roslindale Neighborhood 1F-6000
<b>Zoning Article</b>	Article 67; Article 9
<b>Project Description</b>	In conjunction with ALT1310016; change of occupancy to convert garage/barn into an Accessory Dwelling Unit.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Side Yard Insufficient Rear Yard Insufficient Front Yard Insufficient Usable Open Space Insufficient Lot Area Insufficient Lot Width Insufficient Lot Frontage Insufficient Two or more Dwellings on same lot; Two or more Buildings on one lot; change in non-conforming use

**Planning Context:**

The project proposes a conversion and addition to a garage/barn into an Accessory Dwelling Unit. ADUs are additional units that can be built either within an existing home or outside of it, such as in a smaller detached dwelling. ADUs allow homeowners to utilize their property to its fullest potential, adding more room for growing families or providing opportunities for generating additional income if it is used as a rental unit.

To date, the City's ADU program as developed by the ordinance has focused on conversion of spaces within the footprint of existing dwellings into ADUs. The program was expanded as a pilot in select neighborhoods, including Roslindale, to allow the conversion of unused existing structures, such as garages or barns. Recently, based on the planning recommendations from PLAN: Mattapan (adopted May 2023), proposed zoning has been drafted in Mattapan to allow the by-right construction of ADUs, including detached ADUs such as the subject of this project. The BPDA has also released an RFP to study the correct dimensions and planning contexts for extending ADUs as an allowed use throughout Boston residential areas.



The draft zoning as well as other Massachusetts localities recognizes that ADUs are accessory structures that should be limited in scale below that of a principal residential structure in building height and gross square footage.

The primary dwelling on this lot has a living area of 2,803 sf meaning that, at a total proposed living area of 2,552 sf, the proposed ADU is only 250 square feet smaller than the primary dwelling. In order to be "accessory" to the primary dwelling, the ADU must be smaller in size. Furthermore, BFD regulations state that there cannot be a living space above a garage for an ADU.

### **Zoning Analysis:**

The project proposes a remodeling of an existing garage, plus additional new construction that will extend the garage footprint and overall available living space. The available living area will increase from an existing total square feet of 1,529 to 2,552 square feet. The height of the existing garage will remain unchanged at 2 stories plus a basement (to handle an existing grade change, sloping back from the garage), and the new construction will be two stories as well, but with no basement.

Currently, the allowance for garages in accessory buildings in these districts limits height to 15 feet; the existing structure that is proposed to be converted to an ADU and extended is already above this height.

The zoning code requires a lot size of at least 6,000 sf; the size of the existing lot is 5,778. The zoning code also requires a minimum lot width of 60', the width of this lot is 48.77'. These are both existing nonconformities and the lot area and width are in line with that of surrounding lots.

### **Recommendation:**

In reference to BOA1502246, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE that plans be re-submitted that propose an ADU conversion of the existing structure and limit any addition or extension of building height or floor area.



Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1513261
<b>ZBA Hearing Date</b>	2023-11-28
<b>Address</b>	289 Ashmont ST Dorchester 02124
<b>Parcel ID</b>	1603332000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 1F-7000
<b>Zoning Article</b>	Article 65
<b>Project Description</b>	Extend living area into existing attached 1-car garage and erect a small rear addition and deck.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Side Yard Insufficient

**Planning Context:**

The proposed extension of the living space into the existing garage in the rear yard, behind the main dwelling, and the addition of a rear deck are in keeping with the planning goals of improving housing stock as detailed in Housing a Changing City, Boston 2030 (September 2018). Additionally, these changes do not increase the density or height beyond the maximum zoning regulations.

The conversion of the garage into living space removes the parking space in the garage which is consistent with the City's goal of reducing dependence on private vehicles, as outlined in Go Boston 2030. Additionally, the project is 0.2 miles from the Ashmont T-stop. However, the proposal retains the existing driveway which ensures it meets the 1 parking space requirement of Article 65's 1F-7000's subdistrict.

**Zoning Analysis:**

The insufficient side yard setback violation is an existing nonconformity. The addition of the deck will not further reduce the side yard setback.

**Recommendation:**



In reference to BOA1513261, The Boston Planning & Development Agency recommends APPROVAL .

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1479078
<b>ZBA Hearing Date</b>	2023-11-28
<b>Address</b>	841 Columbia RD Dorchester 02125
<b>Parcel ID</b>	1303313000, 1303314000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 3F-5000
<b>Zoning Article</b>	Article 65
<b>Project Description</b>	Combine parcels 1303313000 and 1303314000 to create new 7,098 sqft lot to be known as 841 Columbia Road. Erect new residential structure with 6 dwelling units and 6 parking spaces. Project will include one affordable unit.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Front Yard Insufficient Side Yard Insufficient Lot Frontage Insufficient FAR Excessive Height Excessive (stories) Forbidden Use (MFR)

**Planning Context:**

The proposed project sits in a three-family residential subdistrict along Columbia Road. It is located less than a 1/4 mile from the JFK/UMass MBTA stop. The site also sits within a Restricted Parking District and the Coastal Flood Resilience Overlay District.

The project proposes to combine two lots and erect a 6 unit residential structure, including basement living space. The lots are currently paved over and occupied by an 8 car garage. This scope, which replaces existing surface parking with housing, is consistent with both City planning goals: to encourage appropriately-scaled residential infill development and create new housing (Imagine Boston 2030, 2016).

Because of the site's location in the CFROD, BPDA Urban Design and Climate Resilience staff strongly recommend the removal of Unit 1/2's basement living space. Basement dwellings are also forbidden for the site by zoning.

**Zoning Analysis:**



The project proposes a 6 unit residential structure on a double lot. The maximum occupancy allowed by zoning is 3 dwelling units per structure. Several semi-attached "6-pack" residences exist immediately surrounding the property. Because of this context, as well as the site's proximity to transit (<1/4 mile to JFK/UMass T stop), future planning efforts should seek to introduce MFR zoning for the area that accommodates multifamily uses in these common building forms.

The project's insufficient lot frontage and front yard setback are mitigated by the lot's location. The lot is setback ~35' from Columbia Road, behind another lot, and fronts a private access road that dead ends at the project site. Both the front and side yard setbacks align with the existing building alignment and setback conditions of the project's neighboring residences.

The project's proposed height (3 stories > 2.5 stories) and FAR (1.1 > 0.5) violations are conditions shared by the majority of the site's surrounding parcels. Less than 20% of the site's surrounding structure's comply with the FAR requirements of the area (majority ranging from 0.9 to 1.2). Future zoning reform efforts in the area should look to better align dimensional regulations, especially FAR, with what already exists.

Basement dwelling units are forbidden for the site by zoning in the Dorchester Neighborhood District (Art. 65 – Sec. 8) and are a further concern because this site sits within the Coastal Flood Resilience Overlay District (CFROD), exposing those units to flood risk.

While insufficient by the Code's standards, the project's 1:1 parking condition exceeds BTDA's recommended maximum figure for the area (0.75 space/dwelling).

**Recommendation:**

In reference to BOA1479078, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE: the proponent should explore a project which removes basement living space for units 1 and 2, reduces the number of parking spaces, and increases the permeable area of the lot.

Reviewed,

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Director of Planning, BPDA





<b>Case</b>	BOA1452363
<b>ZBA Hearing Date</b>	2023-11-28
<b>Address</b>	18 to 20 Hartwell ST Dorchester 02121
<b>Parcel ID</b>	1202515000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood 3F-4000
<b>Zoning Article</b>	Article 50
<b>Project Description</b>	Change occupancy from 3 family dwelling to Lodging House for 18 people. Perform all necessary work in the Plans.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Conditional Use

**Planning Context:**

The scope of this project includes basement and attic renovation to facilitate a change of occupancy from a three-family dwelling to a Lodging House. As detailed in Housing a Changing City, Boston 2030 (September 2018), an important tool for resolving Boston’s housing crisis is the development of more compact dwelling units (such as those found within Lodging Houses) that include shared spaces, which create more affordable housing opportunities within smaller, denser footprints.

**Zoning Analysis:**

Lodging House is a conditional use in Roxbury's three-family subdistrict. Section 6-3 of the zoning code stipulates the following conditions required for approval for Conditional Uses:

- 1) the specific site is an appropriate location for such use
- 2) the use will not adversely affect the neighborhood
- 3) there will be no serious hazard to vehicles or pedestrians from the use
- 4) no nuisance will be created by the use
- 5) adequate and appropriate facilities will be provided for the proper operation of the use

The proposed project meets these conditions in the following ways:



- 1) The general area as well as the street that the dwelling is sited on features similarly dense dwellings, including multi-family residential buildings. A lodging house use is appropriate for the surrounding context.
- 2) A lodging house will not adversely affect the surrounding neighborhood. As described above, the pre-existing context of this neighborhood is denser, multi-family dwellings. While the lodging house may increase the number of people residing in this area, its close proximity to the commercial corridor of Blue Hill Ave makes this an appropriate location for increased foot traffic and overall human activity.
- 3) A lodging house is a residential use, and serious hazard to vehicles or pedestrians will be the same as any other MFR use. The lodging house proposal provides no additional off-street parking, and we cannot assume any guaranteed number of additional cars based on the increased number of residents. Relative to the existing traffic needs of Blue Hill Ave (and in particular, taking into account the broader proposed planning changes to improve connectivity along Blue Hill Ave), any potential increase in cars from this one development will be negligible.
- 4) In the case of this proposed project, all the work to facilitate this use will be interior, meaning that the massing and height of the pre-existing dwelling will not change and will continue to conform to the surrounding character of the neighborhood.
- 5) The scope of work will make the interior layout safer, including the construction of additional means of egress and moving living space out of the basement. The change of occupancy from a three-family use to a Lodging House use will also necessitate the inclusion of sprinklers, meaning that there is now further protection in the event of a fire emergency. Interior renovations and change of use such as the ones entailed in this project scope help ensure that these types of residential uses can exist legally and safely, rather than extralegally. Each floor includes cooking and sanitary facilities for residents.

The Plans reviewed for this case are titled "Basement Correction and Attic ADU" and the review date is April 18, 2023. They were prepared by T. Design LLC.

**Recommendation:**

In reference to BOA1452363, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that no building code relief be granted.



Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1507043
<b>ZBA Hearing Date</b>	2023-11-28
<b>Address</b>	688 to 688B Columbia RD Dorchester 02125
<b>Parcel ID</b>	0703717000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 3F-5000
<b>Zoning Article</b>	Article 65
<b>Project Description</b>	Convert 2 units into 4 units.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient FAR Excessive Height Excessive (stories) Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Forbidden Use; Location of Main Entrance

**Planning Context:**

The project proposes subdividing two existing units and converting them into 4 units (2 units per floor). The project scope includes interior renovations on both the 2nd and 3rd floors to facilitate this, as well as exterior renovations to back decks, staircases, and the addition of a roof deck. Adding more housing units to existing dwellings is in keeping with planning goals of increasing housing availability through contextual or pre-existing development, as detailed in Housing a Changing City, Boston 2030 (September 2018). The project scope also will include necessary renovation to the dwelling in order to rebuild after a fire, which is further in line with Housing a Changing City, Boston 2030 goals of maintenance of current housing stock.

The dwelling is situated on Columbia Road, in an area zoned for three-family residential use. However, this particular area of Columbia Road abuts a Local Services commercial subdistrict, and the buildings in the immediate vicinity, including the one the project is sited in, reflect this character, with active ground floor uses and residential units above.

The project is consistent with City goals of reducing dependency on private vehicles, as outlined in Go Boston 2030 (March 2017).

**Zoning Analysis:**

BOA1507043  
2023-11-28  
1 Boston Planning & Development Agency



The dwelling that this project is sited in is currently a two-family building within an area zoned for three-family use. Subdividing the two existing units into 2 units per floor would create 4 units, a multi-family residential use. While MFR is a forbidden use in a three-family residential subdistrict, it is within character for this area of Columbia Road, which features similarly dense multi-family buildings. This case is a candidate for zoning reform to allow additional housing units to be developed in appropriate building forms.

The zoning code states that the main entrance to a residential dwelling shall face the front lot line. The dwelling in question has an existing restaurant on the ground floor, and the entrance to the restaurant faces the front lot line. This means that the two pre-existing dwelling units have entrances at the rear of the dwelling. While this does not comply with the regulation for Residential subdistricts, Section 65.9.2 of the Code does state that "[...]provided that within a MFR/LS Subdistrict, for a Dwelling with a nonresidential use on the ground floor, the entrance to a Residential Use above the ground floor may be on the side or rear elevation." While the Dwelling in question is within a 3-Family subdistrict, its actual existing character is in line with that found in MFR/LS subdistricts, with a nonresidential use on the ground floor and entrances to the Residential uses at the rear. Furthermore, this is a pre-existing condition of the dwelling that will remain, due to the fact that the ground floor restaurant use will persist.

This project is a case for zoning reform to create dimensional regulations that better match the scale of the building and surrounding context, including FAR, height, and yard setbacks. The zoning code stipulates a maximum height of 2.5 stories or 35 feet for dwellings in this subdistrict; the existing building height is 3 stories. The project proposes an extension to this nonconformity by also including a roof deck, bringing the full proposed building height to 38.8 feet. However, this proposed height is only 3.8 feet above the maximum allowed and would not bring the building out of character with the other 3 story dwellings along Columbia Road. Proper screening of the roof deck will also help ensure that the roof deck is not visible from the street. The FAR maximum for this subdistrict is 0.5. While the project plans do not indicate either the current or proposed FAR, they do state that the lot area is 3,013 sf and the living area is 4,905 sf. This would indicate an existing FAR of 0.6, which is nominally larger than what is stipulated by zoning. The project scope proposes renovations which are mostly internal, and any increase to FAR would not meaningfully change the scale or massing of the building.



The proposed project is out of compliance with the dimensional regulations required for its front and side yards. Per the zoning code, the required minimum front yard is 15 feet, the required minimum side yard is 10 feet, and the required minimum rear yard is 30 feet. The project has an existing front yard of 3 feet and existing side yards of 4 feet. These are pre-existing nonconformities that are unchanged by the project scope; they are also in character for this type of main street, ground-floor commercial use condition. The existing rear yard is 32.7', but due to work on the rear decks and staircases, this rear yard setback will diminish to 22 feet. This rear yard setback is necessary to facilitate the work proposed and is similar in dimension to other rear yards surrounding the dwelling.

The plans reviewed are titled "688-688B Columbia Road" and dated 4/13/21. They were prepared by Haus Group.

**Recommendation:**

In reference to BOA1507043, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to proper screening of roof deck.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1536404
<b>ZBA Hearing Date</b>	2023-11-28
<b>Address</b>	21 Wallingford RD Brighton 02135
<b>Parcel ID</b>	2102607000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood 3F-4000
<b>Zoning Article</b>	Article 51
<b>Project Description</b>	Changing occupancy from a two family to a three family.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Additional Lot Area Insufficient Lot Area Insufficient

**Planning Context:**

The project scope proposes a change of occupancy from a 2-family dwelling to a 3-family dwelling, within an area zoned for three-family use. While its zoning violations are related to insufficient lot area and insufficient off-street parking, both the lot area and the proposed off-street parking are typical and appear appropriate for the area and the project. The dwelling in question is part of a rowhouse block of about 50 lots, all of which are of similar size and use. Additionally, the dwelling is sited within a less than five minute walk from a Green Line T stop; the 3 proposed off-street spaces are plenty for this context.

The project is consistent with City goals of reducing dependency on private vehicles, as outlined in Go Boston 2030 (March 2017).

**Zoning Analysis:**

The size of the lot that this project is sited on is 2,699 sf. Zoning requires a lot area minimum of 2,000 sf for 1 unit in a 3F subdistrict, plus an additional 2,000 sf for each additional unit, meaning that this lot would need to be at least 6,000 square feet in order to comply with zoning. However, the lot this project is sited on has a very typical lot area; the 50 or so lots that are within the rowhouse block of this 3F-4000 subdistrict all are of similar size with a similar residential use. This is a case for zoning reform to update dimensional standards to reflect existing conditions.



The project proposes 3 parking spaces, or 1 per proposed unit; per zoning, 1.75 spaces are required per dwelling unit. However, the reduced amount of parking is in line with Boston Transportation Department's parking maximums of .9 spaces per residential unit. This is a case for future zoning reform to update and align parking minimums with BTM parking maximums.

The project plans are incomplete and only show 2 units, whereas the project scope is for a change of occupancy to 3 units. The project proponent must re-submit plans that show every floor of the dwelling, including existing and proposed floors, as well as every unit, both existing and proposed.

**Recommendation:**

In reference to BOA1536404, The Boston Planning & Development Agency recommends DEFERRAL: That plans be submitted that show all existing floors in the building as well as the 3 proposed units.

Reviewed,

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

Director of Planning, BPDA





<b>Case</b>	BOA1520516
<b>ZBA Hearing Date</b>	2023-11-28
<b>Address</b>	36 Ellison AVE Dorchester 02126
<b>Parcel ID</b>	1703421000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 1F-6000
<b>Zoning Article</b>	Art. 65 - Sec. 9
<b>Project Description</b>	Confirm as a one-family residential dwelling. Demolish a small rear porch. Add a small 10 ft x 20 ft one-story addition and deck. Open rear wall as per plans and install a beam to carry the load as per engineering drawings. Extend the kitchen and convert the existing two-piece washroom to a three-piece bathroom in its place.
<b>Relief Type</b>	Variance
<b>Violations</b>	Side Yard Insufficient

**Planning Context:**

This property is a two-story dwelling located in a one-family residential zoning district and faces Ellison Avenue to the west. The proposed project would demolish an existing rear porch and create a one-story addition to the rear of the primary dwelling to be used to extend the kitchen. The project would also convert the existing washroom to a larger bathroom.

The buildings that immediately abut this property to the north and south have the same existing building footprint with small rear porches. There are also several buildings further north on the same block that have a larger building footprint that extend further into the rear yard than what is proposed by this project. The addition is not visible from the public realm and conforms to the rear yard regulation and existing form for this area.

Most of the buildings in this area have a wide southern side yard to accommodate a driveway and a narrow northern side yard. As a result, most of the buildings have an existing side yard non-conformity as further detailed in the Zoning Analysis section.

**Zoning Analysis:**

This property is located within the One-Family Residential (1F-6000) subdistrict of the Dorchester Neighborhood District (Art. 65).

BOA1520516

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1 Boston Planning & Development Agency



Residential dwellings in this subdistrict are required to have a minimum side yard of 10 ft (Art. 65 – Sec. 9). The existing building has a northern side yard of 6.5 ft and a southern side yard of 13 ft, making the northern side yard an existing non-conformity. The proposed addition would further extend this non-conformity along the northern side yard by about 16 ft. However, this non-conformity does not produce a harmful impact to surrounding context because it is not visible from the public realm, does not trigger a rear yard depth violation, and aligns with similar building footprints in the area in terms of rear yard depth and side yard condition.

Since the side yard non-conformity is a common condition of buildings in this area of this subdistrict, future zoning should be amended such that the side yard regulations better align with the common surrounding building forms.

Site plans completed by O’Driscoll Land Surveying, Inc. on April 14, 2023. Project plans completed by SRB in August 2022.

**Recommendation:**

In reference to BOA1520516, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, appearing to read "Anne Rade", written in a cursive style.

Director of Planning, BPDA

**MEMORANDUM**

**TO:** **BOSTON REDEVELOPMENT AUTHORITY**  
**D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY (BPDA)**<sup>1</sup>  
AND JAMES ARTHUR JEMISON II, DIRECTOR

**FROM:** MICHAEL CHRISTOPHER, DIRECTOR OF DEVELOPMENT REVIEW  
CASEY HINES, DEPUTY DIRECTOR DEVELOPMENT REVIEW  
DANIEL POLANCO, PROJECT MANAGER

**SUBJECT:** PUBLIC HEARING TO CONSIDER THE PARCEL X (310 NORTHERN AVENUE) PROJECT AS A DEVELOPMENT IMPACT PROJECT.

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority (“BRA”) d/b/a Boston Planning & Development Agency (“BPDA”), acting by and through the vote of its Board of Directors (the “Board”), in connection with the public hearing on the proposed Parcel X (310 Northern Avenue) Project located at 310 Northern Avenue in the Raymond L. Flynn Marine Park (as further described below, the “Proposed Project”) proposed by MP Properties III, LLC (the “Proponent”) to: (1) authorize the Director of the BPDA (the “Director”) to issue a Scoping Determination waiving the requirement of further review pursuant to Section 80B-5.3(d) of the Boston Zoning Code (the “Code”) for the Proposed Project; (2) authorize the Director to issue one or more Certifications of Compliance or Partial Certifications of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code upon successful completion of the Article 80 Large Project Review Process; (3) approve the Proposed Project as a Development Impact Project (“DIP”) within the meaning of Section 80B-7 of the Code; and (4) authorize the Director to take any and all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the foregoing, including, without limitation, executing and delivering a Development Impact Project Agreement and a Cooperation Agreement.

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## **PROJECT SITE**

The Project site consists of one parcel (Parcel ID 0602674060), designated as Parcel X in the RLFMP Master Plan and within the South Boston Designated Port Area. The Project site is surrounded by the Harpoon Brewery and John Nagle Co. to the west, the recently developed Parcel R to the east, Fid Kennedy Avenue to the north, and the 12 Drydock parking garage on Parcel Y to the south. The 185,501 square foot (sf) site (the "Property") currently includes two buildings totaling approximately 72,560 sf pursuant to a ground lease between the EDIC and the New Boston Seafood Center, Inc. ("NBSF"). The Property currently consists of several seafood condo spaces owned by four separate owners: an affiliate of F.J. O'Hara Seafood, an affiliate of Pangea Shellfish, Brett-K, LLC and an affiliate of the former owners of Puritan Seafood. The roadways serving the Project site are Fid Kennedy Avenue to the north; Northern Avenue to the south; Access Road A (a.k.a. Seafood Way) to the west; and an unnamed access road to the east. The resurfaced roadways surrounding the Project site will remain under the control of the Economic Development and Industrial Corporation ("EDIC") to preserve access to and from the adjacent properties. The entirety of the Project site consists of filled Commonwealth tidelands sitting within the RLFMP and the Designated Port Area (DPA) and is subject to the Chapter 91 Waterways Regulations.

## **DEVELOPMENT TEAM**

The development team includes:

<b>Proponent/Developer:</b>	MP Properties III, LLC C/o Marcus Partners One Boston Place 201 Washington Street, Suite 2100 Boston, MA 02108 Paul Marcus Levi Reilly Danielle Blake
<b>General Contractor:</b>	John Moriarty & Associates, Inc. 3 Church Street #2 Winchester, MA 01890 Joel Dyson

**Joint Venture Contractor:** [To be selected. John Moriarty & Associates will be the lead construction manager and will create a partnership with a Minority or Women-Owned Business Enterprise. The MBE or WBE will be at least a 20% partner.]

**Lead Architect:** SGA  
200 High St # 2,  
Boston, MA 02110  
John Sullivan

**Joint Venture Architect:** Moody Nolan  
200 State Street, Suite 200  
Boston, MA 02109  
Scott Mandeville

**Landscape Architect:** Copley Wolff Design Group  
10 Post Office Square, Suite 1315  
Boston, MA 02109  
Christine Wilson

**Legal Counsel:** DLA Piper  
33 Arch Street, 26th Floor  
Boston, MA 02110  
Richard D. Rudman  
Geoff Howell

**Permitting Consultant:** Epsilon Associates, Inc.  
3 Mill & Main Place, Suite 250  
Maynard, MA 01754  
David Hewett  
Albert Good

**Permitting Consultant:** Fort Point Associates, Inc.  
31 State Street, 3rd Floor  
Boston, MA 02109  
Jamie Fay  
Ken Fields

**Transportation and Parking:** Howard Stein Hudson  
11 Beacon St Suite 1010  
Boston, MA 02108  
Elizabeth Peart

**Civil Engineering:** Nitsch Engineering  
2 Center Plaza, Suite 430  
Boston, MA 02108  
Chris Hodney

**MEP Engineer:** BR+A10  
Guest St 4th floor  
Boston, MA 02135  
Bryan Hermann

**Structural Engineer:** McNamara Salvia  
101 Federal Street, Suite 1100  
Boston, MA 02110  
John Matuszewski

**Geotechnical Consultant:** Haley & Aldrich, Inc.  
465 Medford Street,  
Suite 2200  
Boston, MA 02129  
Mark Balfe

**Sustainability Consultant:** Thornton Tomasetti  
14 York Street, Suite 201  
Portland, ME 04101  
Heather Walters

**Code Consultant:** Code Red Consultants  
154 Turnpike Road #200  
Southborough, MA 01772  
Chris Lynch

## **DESCRIPTION AND PROGRAM**

MP Properties III, LLC (the “Proponent”), an affiliate of Marcus Partners, is proposing the redevelopment of Parcel X located in the Raymond L. Flynn Marine Park (“RLFMP”) in South Boston. The Proponent’s proposal is within the context of the RLFMP Master Plan, including the updates which have recently been approved by City and State agencies. The Proponent has been working closely with the City, State, and community stakeholders during the RLFMP Master Plan Update process and is committed to continuing a collaborative process to ensure that its proposed development is consistent with the approved RLFMP Master Plan Update.

On August 22, 2019, the Proponent entered into an agreement with NBSF and the condominium unit owners to acquire from NBSF the existing Parcel X ground lease, subject to approval by the EDIC and the relocation of two seafood companies currently located at the Property to a new seafood processing building. On November 12, 2020, the EDIC Board approved the assignment of the existing ground lease from the NBSF and the terms for an amended and restated ground lease for the redevelopment of the Property (“Amended Ground Lease”) and authorized the Director to enter into a Lease Commencement Agreement with the Proponent providing for the execution of the Amended Ground Lease by the EDIC and the Proponent on certain terms and conditions, including approval of the proposed redevelopment through the Article 80 process. A Lease Commencement Agreement was executed by the EDIC and the Proponent as of July 26, 2022.

Since the terms for the Amended Ground Lease were approved in November 2020, the Proponent has been working closely with City, State, and community stakeholders on the creation of a Parcel X redevelopment plan that complies with the Master Plan Update concepts and supports the marine industrial ecosystem. This collaborative approach resulted in a proposal to redevelop Parcel X into two new life science/R&D buildings totaling approximately 742,000 sf, including non-destination retail space for the tenants and the public, not exceeding 3% of the total built square footage (together the “Project”). To enable the Project, the Proponent is working with Pilot Development to develop a new 36,000 square-foot seafood processing facility (a.k.a., the Relocation Building) for two of the existing NBSF unit owners. A substantial portion of the cost to construct the new seafood processing facility is being paid for by the Proponent. The new seafood processing facility will be located on a portion of the Massport Marine Terminal site, MMT Parcel 6B.1, located just across Fid Kennedy Avenue from the Property. The new seafood processing facility, approved and permitted under a separate Article 80 process, will allow the seafood tenants to significantly extend their ground

lease term (securing their future within the RLFMP) and modernize their operations. The redevelopment of Parcel X represents the opportunity to transform an underutilized site, located in the heart of the RLFMP, into an emerging innovation cluster while honoring the preservation of maritime industrial businesses. Significant public realm upgrades, including site infrastructure, are planned to appropriately accommodate the Project. Additionally, the Project will create construction jobs, permanent long-term jobs, and increase City revenues through real estate taxes, ground rent, and other associated fees and assessments. The Project's expanded and reimagined use of the site will allow it to create new employment opportunities in a variety of fields and at all levels.

### **Public Benefits**

The Project will provide numerous public benefits for the RLFMP, and the City of Boston as a whole, both during construction, and on an ongoing basis once in operation.

#### **Employment for Construction and Permanent Jobs:**

The Project is expected to create approximately 2,000 construction jobs and approximately 3,400 permanent long-term jobs.

### **Planning Context and City Staff Review:**

The Proposed Project is located within the Raymond L. Flynn Marine Park ("RLFMP"), and it is appropriate and consistent with the BPDA's Marine Park Master Plan Update. The new life sciences project supports the RLFMP's mission to promote and create Boston-based jobs and provide a reserve for new and existing industrial businesses. The project supports the marine industrial uses and seafood processing cluster within the RLFMP through the relocation of two seafood companies and development of a new seafood processing facility in the Massport Marine Terminal. The proposed uses are consistent with regulatory and land use guidance, as the Marine Park is part of the South Boston Designated Port Area and subject to regulations that preserve and promote marine industrial businesses. The life sciences and research and development uses of the site are also consistent with the Marine Park Master Plan Update objective of encouraging new economy industrial uses. Due to the project's proximity to Boston Harbor it has also been designed to respond to sea level rise and future coastal storms by elevating the first floor and protecting critical mechanical systems.



### Sustainable Design:

The Project design is aligned with the city of Boston's forthcoming Zero Carbon Article 37 standards, including targeting LEED Gold Certifiable with a stretch goal to Platinum, a low-load envelope coupled with ventilation heat recovery, heat pumps sized to reduce fossil fuel consumption by 90%+, and on-site PV to the extent possible given the project's significant HVAC system size. As a result, the project is estimated to achieve upwards of 43% greenhouse gas savings from the MA Stretch Energy Code baseline, while reducing potable water consumption by over 40% from the LEED baseline. A thoughtfully designed pedestrian experience will be enhanced with high-albedo materials to reduce heat island effects and will be adorned with salt-resistant native plants. The Proponent's holistic approach to Project Sustainability is intended to exemplify the next generation of Boston's Core & Shell lab buildings with a reduced environmental footprint and enhanced healthy and sustainable occupant experience.

### Climate Change Adaptation:

The Project will raise the grade of a portion of the existing site to protect it against potential future sea-level rise. The Project site is essentially flat with an average grade of approximately 17.5-feet over (Boston City Base ("BCB")). The Project will raise the first floor of the new building's elevation and key outdoor public spaces by approximately three feet to elevation 20.5 BCB, which is equivalent to the City's 2070 Sea Level Rise Design Flood Elevation ("SLR DFE"). Critical equipment will be raised an additional foot to elevation 21.5 BCB. The Proponent is committed, as set forth in the EDIC-approved lease terms, to participate in the BPDA's newly created Climate Resiliency Infrastructure Fund, which will provide private-sector funding to mitigate the impacts of sea level rise for the RLFMP.

### Improved Public Realm:

The Project site design strives to activate the surrounding area, serving as a model for pedestrian improvements and sustainable and resilient features, all without hampering adjacent uses. The streetscape design for Northern Avenue and the unnamed access road to the east meets and exceeds the City of Boston's Complete Streets Guidelines, and Fid Kennedy Avenue and Seafood Way are designed as truck corridors with minimal pedestrian infrastructure to support the Marine Park's

working waterfront. To enhance the pedestrian experience, the public sidewalks along Northern Avenue and the unnamed access road to the east will exceed, by several feet the width required by the Complete Streets Guidelines for “Industrial” streets. These streetscapes will include seating opportunities and planting areas that will soften and activate the public realm.

On Northern Avenue, the streetscape expands into the parcel creating a pocket park (the “Northern Avenue Raised Plaza”) between the sidewalk and corner of Northern Avenue and the unnamed access road. The back of sidewalk dynamically slopes up to a raised plaza and building entry with planting and seating integrated into the slope to relax the transitions. Along the unnamed access road to the east, planting beds between the back of sidewalk and building face similarly soften the pedestrian experience.

The Northern Avenue Raised Plaza is a south-facing space that spans the entire frontage of the building. For resiliency, the space is elevated to the same elevation as the building ground level, three feet above the streetscape. A multi-use public courtyard (the “Central Courtyard”) is located between 310 Northern Avenue and 5 Fid Kennedy and is open to the unnamed access road to the east. Similar to the Raised Plaza, it gently slopes up to the elevation of the building ground level for resiliency. The Central Courtyard provides a welcoming entrance into the 5 Fid Kennedy building and is designed to support collaborative and social interactions.

#### Transportation:

The Proponent will continue to work with the City of Boston to create a project that efficiently serves vehicle trips, improves the pedestrian environment, and encourages public transit and bicycle use. The Proponent is committed to implementing transportation demand management or “TDM” measures to reduce tenants’ dependence on automobiles. TDM measures to be undertaken by the Proponent include promoting transit services in marketing and orientation materials, providing adequate secure bicycle storage, joining the Seaport Transportation Management Association (TMA), and designating an on-site transportation coordinator (whose responsibilities may include other Project-related duties). Bicycling, as an alternative mode of transportation, will be encouraged and the Proponent will provide secure bicycle storage capacity for tenants within the Project’s parking facilities.

### **ARTICLE 80 REVIEW PROCESS**

On July 1st, 2021, the Proponent filed a Letter of Intent (“LOI”) with the BPDA. On February 23, 2022, an Impact Advisory Group (“IAG”) to assist the BPDA with the Article 80 review of the Project was assembled based on nominations received from the District City Councilor, State Representative, State Senator, Mayor’s Office of Neighborhood Services, and At-Large City Councilor.

An Expanded Project Notification Form (“EPNF”) was filed with the BPDA on February 28, 2022, the submission of which initiated the Large Project Review process for the Project and a public comment period, which concluded on June 6, 2022.

The BPDA hosted an IAG Meeting on May 17, 2022 and a Public Meeting on May 19, 2022. These meetings were advertised in the local neighborhood newspapers, posted to the BPDA’s calendar, and email notification was sent to all subscribers of the BPDA’s South Boston waterfront neighborhood updates.

The Proposed Project has also undergone review with the Boston Civic Design Commission receiving project approval from that body on November 1, 2022.

### **DEVELOPMENT IMPACT PROJECT EXACTIONS**

The Proposed Project constitutes a DIP under Section 80B-7 of the Code. Based on the current plans, the Proponent will provide the Neighborhood Housing Trust a payment contribution of \$8,346,000 and the Neighborhood Jobs Trust a payment contribution of \$1,534,380. These estimated linkage payments are calculated as follows:

#### Housing Linkage:

DIP Uses	742,000 SF
Section 80B-7.4(a)(i) Exclusion	<u>100,000 SF</u>
Net Area	642,000 SF
Housing DIP Rate	<u>x \$13.00</u> per SF
	\$8,346,000.00

#### Jobs Linkage:

DIP Uses	742,000 SF
Section 80B-7.4(a)(i) Exclusion	<u>100,000 SF</u>
Net Area	642,000 SF
Jobs DIP Rate	<u>x \$2.39</u> per SF

\$1,534,380.00

## **RECOMMENDATIONS**

Based on the foregoing, BPDA staff recommends that the Board: (1) authorize the Director to issue a Scoping Determination waiving the requirement of further review pursuant to Section 80B-5.3(d) of the Code in connection with the Proposed Project; (2) authorize the Director to issue a Certification of Compliance or Partial Certification of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code, upon successful completion of the Article 80 Large Project Review process; (3) approve the Proposed Project as a Development Impact Project within the meaning of Section 80B-7 of the Code; and (4) authorize the Director to take any and all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the foregoing, including, without limitation, executing and delivering a Development Impact Project Agreement and a Cooperation Agreement which will include a provision requiring compliance with the Boston Residents Jobs Policy.

Appropriate votes follow:

**VOTED:** That the Director be, and hereby is authorized to issue a Scoping Determination under Section 80B-5.3(d) of the Code which: (i) finds that the Expanded Project Notification Form (“EPNF”) filed on February 28, 2022 for the Parcel X Project (the “Proposed Project”) adequately describes the potential impacts arising from the Proposed Project, and provides sufficient mitigation measures to minimize these impacts; and (ii) waives further review of the Proposed Project under subsection 4 and subsection 5 of Section 80B-5 of the Code, subject to continuing design review by the BRA; and

### **FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to issue one or more Certifications of Compliance or Partial Certifications of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code upon successful completion of the Article 80 Large Project Review Process; and

### **FURTHER**

**VOTED:** That the BRA hereby finds and determines in accordance with Section 80B-4(3) of the Code, that the Proposed Project, as described in the EPNF, conforms to the general plan for the City as a whole, and that nothing in the Proposed Project will be injurious or otherwise detrimental to the public welfare, weighing all benefits and burdens, and therefore approves the Proposed Project as a Development Impact Project within the meaning of Section 80B-7 of the Code; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to take any and all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the foregoing, including, without limitation, executing and delivering a Development Impact Project Agreement and a Cooperation Agreement, which will include a provision requiring compliance with the Boston Residents Jobs Policy, and any and all other agreements and documents that the Director deems appropriate and necessary in his sole discretion in connection with the Proposed Project, all upon terms and conditions determined to be in the best interests of the BRA.



<b>Case</b>	BOA1506316
<b>ZBA Hearing Date</b>	2023-11-28
<b>Address</b>	1 Morton PL East Boston 02128
<b>Parcel ID</b>	0105994002
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 2F-2000
<b>Zoning Article</b>	Article 27T, Article 53
<b>Project Description</b>	Legalize the construction of two existing dormers.
<b>Relief Type</b>	Variance, Conditional Use, IPOD Permit
<b>Violations</b>	FAR Excessive IPOD Applicability Height Excessive (stories) Roof Structure Restrictions

**Planning Context:**

The proposed project is in a residential area characterized by 2-3 story row houses and semi-attached homes. 1 Morton Pl is on a block of three row houses which branches off of the main street (Saratoga St). 1 Morton Place is 3 stories with the new dormers and the 2 neighboring houses on the block are also each 3 stories. There are also other buildings with gable dormers nearby on Saratoga St. The dormers on 1 Morton Pl therefore do not make the building taller or out of alignment with its two immediate neighbors or the broader neighborhood.

The draft of PLAN: East Boston (released September 1, 2023) includes a recommendation that infill development in this area be consistent with the adjacent residential context. Current draft zoning recommendations place this project in an EBR-2 subdistrict, which is recommended to have a maximum height of 3 stories and no FAR requirement. This means that the variances currently required for this project would not be required under the new draft zoning recommendations.

**Zoning Analysis:**

The zoning approval for this project is required in order to legalize two dormers which were built around the end of 2021.

The project requires a variance for FAR because the building is over the allowed FAR of 0.8 and the dormers slightly increase the FAR by adding additional occupiable floor space on the top

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floor. The project also requires a height variance because it appears that dormers converted the top story from a half story to a full story. This means that the project is now 3 stories which is over the current allowed zoning height of 2.5 stories. (Article 53 Table F). These are both minor violations and do not bring the building out of alignment with the surroundings. The fact that these variances are consistent with the existing neighborhood is further highlighted by the fact that they would not be required under the proposed new zoning (which seeks to be better aligned with built conditions).

This project also requires a conditional use permit because of the inclusion of a roofed structure designed for human occupancy which alters the profile of the roof (Article 52 Section 52). Article 52 Section 52 states that "In reaching its decision, the Board of Appeal shall consider whether such roof structure has the potential of damaging the uniformity of height or architectural character of the immediate vicinity." Because there are buildings with similar gable dormers and similar heights in the immediate vicinity, this project satisfies this condition.

This proposed project requires an IPOD permit because it is within the East Boston IPOD Study Area and seeks to make an exterior alteration changing the cornice line, street wall, or building height of an existing building, (Article 27T Section 5). Article 27T Section 8 states that The Board of Appeal shall grant an IPOD permit if it finds that (a) the Proposed Project's benefits outweigh any burdens imposed; and (b) the Proposed Project is in substantial accord with the applicable provisions of Article 27T. Applicable provisions of Article 27T include Section 7, which states that "Proposed Projects within the East Boston IPOD Study Area should be consistent with the following elements that contribute to the special character of the area: (a) block and street patterns; (b) existing densities; (c) existing building types; (d) predominant setbacks and heights; and (e) open space and off-street parking patterns." This project satisfies this provisions as it is consistent with the neighborhood's existing densities, building types, and heights, and does not change any other elements of the building. Article 27T Section 8 also states that if the Boston Redevelopment Authority has made a recommendation to the Board of Appeal on the issuance of an IPOD permit, the Board of Appeal shall follow such recommendation unless specific, written reasons for not doing so are incorporated in the Board of Appeal's decision.

**Recommendation:**

In reference to BOA1506316, The Boston Planning & Development Agency recommends APPROVAL.

BOA1506316  
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Reviewed,

A handwritten signature in blue ink, appearing to read 'Anne Rade'. The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Director of Planning, BPDA





<b>Case</b>	BOA1535335
<b>ZBA Hearing Date</b>	2023-11-28
<b>Address</b>	98 Bennington ST East Boston 02128
<b>Parcel ID</b>	0106580000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 3F-2000
<b>Zoning Article</b>	Article 53, Article 27T, Article 32
<b>Project Description</b>	Change residential occupancy from 3 to 4 dwelling units. Renovate existing structure. Erect vertical addition with roof deck and rear decks, and extend living space of unit 1 into basement.
<b>Relief Type</b>	Variance, Conditional Use, IPOD Permit
<b>Violations</b>	FAR Excessive Height Excessive (ft) Height Excessive (stories) IPOD Applicability GCOD Applicability Parking or Loading Insufficient Side Yard Insufficient Additional Lot Area Insufficient Roof Structure Restrictions Forbidden Use (MFR)

**Planning Context:**

The property is located in a 3F-2000 residential subdistrict along Bennington Street, two blocks from East Boston's Central Square.

It is also a part of the East Boston Interim Planning Overlay District, implemented in 2018 to ensure that, during the development of the neighborhood's new strategic plan, adequate planning and zoning protections were in place to guide and regulate new construction in the area. Projects within the IPOD should protect and enhance the neighborhood's existing context, in part by creating appropriate relationships of scale and continuity in character between established districts and new development.

The surrounding area is predominantly 3 story, 1-3 family homes. The existing building at 94 Bennington St is currently the same size and form as the abutting buildings. The proposed addition would make the building out of alignment with the neighborhood's existing context.

**Zoning Analysis:**



This proposed project requires an IPOD permit because it is within the East Boston IPOD Study Area and seeks to make an exterior alteration changing the cornice line, street wall, or building height of an existing building, (Article 27T Section 5). Article 27T Section 8 states that The Board of Appeal shall grant an IPOD permit if it finds that (a) the Proposed Project's benefits outweigh any burdens imposed; and (b) the Proposed Project is in substantial accord with the applicable provisions of Article 27T. Applicable provisions of Article 27T include Section 7, which states that "Proposed Projects within the East Boston IPOD Study Area should be consistent with the following elements that contribute to the special character of the area: (a) block and street patterns; (b) existing densities; (c) existing building types; (d) predominant setbacks and heights; and (e) open space and off-street parking patterns. Proposed Projects should also incorporate appropriate resiliency measures." The proposed project is not consistent with these elements, as Bennington Street's existing context largely consists of 3 story residential structures with average FARs of roughly 1.2, which is approximately in line with current zoning regulations (max height of 3 stories and FAR of 1.0). Therefore, the proposed project (with height of 4 stories and FAR of 1.64) should not receive these zoning variances. Article 27T Section 8 also states that the Boston Redevelopment Authority has made a recommendation to the Board of Appeal on the issuance of an IPOD permit, the Board of Appeal shall follow such recommendation unless specific, written reasons for not doing so are incorporated in the Board of Appeal's decision.

**Recommendation:**

In reference to BOA1535335, The Boston Planning & Development Agency recommends DENIAL.

Reviewed,

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

Director of Planning, BPDA



<b>Case</b>	BOA1242680
<b>ZBA Hearing Date</b>	2023-11-28
<b>Address</b>	171 Corey RD Brighton 02135
<b>Parcel ID</b>	2101633001
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood NS-1
<b>Zoning Article</b>	Article 51
<b>Project Description</b>	Demolition of existing garage/studio and erection of a 5 story mixed use building with 9 residential units and 2 ground floor commercial and other educational (e.g. gallery) spaces/
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Parking or Loading Insufficient FAR Excessive Height Excessive (ft) Usable Open Space Insufficient Multi family dwelling conditional

**Planning Context:**

171 Corey Rd is located within the Neighborhood Shopping-1 subdistrict and 0.4 miles from the Washington Square Green Line transit stop. 171 Corey Road is a transit-oriented development that abuts a series of low to medium-density (3 to 5-story multifamily dwellings) dwellings, a grocery store, and additional retail spaces. 5 Washington, a 5-story mixed-use development located 1-parcel away from 171 Corey Rd, was BPDA Board approved in June 2018 and recently completed construction. 15 Washington Street, located across the street from 171 Corey Rd, is a proposed 6-story mixed use 229 unit development under review by the BPDA. The proposed MFR and ground floor commercial use are consistent with the existing context and advance the planning goals of increasing housing availability, as detailed in Housing a Changing City, Boston 2030 (September 2018).

The project does not include parking spaces for the proposed residential units which is consistent with the City's goal of reducing dependence on private vehicles, particularly near a transit stop, as outlined in Go Boston 2030. The project's 0 parking proposal is also consistent with the Allston-Brighton Mobility Plan (June 2021) as it encourages the use of multimodal transportation.

**Zoning Analysis:**



Article 51 NS-1's maximum FAR is 1.0 and the proposed FAR is 3.64. The proposed FAR is significantly larger than the maximum FAR, in part, as the lot is comparatively smaller (3,690 sf) than the lots in this subdistrict. Article 51 NS-1's maximum height is 35' and the proposed height is 52'. The subdistrict's maximum height and density are disproportionately smaller than the existing built context and the project's being proposed in this area. This is a case for zoning reform to better align dimensional regulations to the built context.

The minimum open space requirement is 50 SF per dwelling unit and the project's proposed open space exceeds the requirement with 270.77 SF per dwelling.

**Recommendation:**

In reference to BOA1242680, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to adding a setback to the 5th floor and ensuring the design is respectful of the neighborhood context.

Reviewed,

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

Director of Planning, BPDA



<b>Case</b>	BOA1199457
<b>ZBA Hearing Date</b>	2023-11-28
<b>Address</b>	29 Sutherland RD Brighton 02135
<b>Parcel ID</b>	2102358000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood 3F-4000
<b>Zoning Article</b>	Article 51
<b>Project Description</b>	Construction of a three (3)-unit addition to an existing two-story, multifamily residential dwelling to change occupancy from four (4) residential dwellings to seven (7). Additional construction of accessory parking spaces for seven (7) vehicles.
<b>Relief Type</b>	Variance
<b>Violations</b>	Additional Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Front Yard Insufficient Rear Yard Insufficient Parking design and maneuverability Use: forbidden (MFR)

**Planning Context:**

The BPDA reviewed this project for the ZBA hearing on 10/17/2023. No new plans have been submitted and so the BPDA recommendation has not been changed. Site plans prepared by Marc Besio & Associates on 09/25/2020. Project plans prepared by Eric M. Ramsay of Hendren Associates on 10/30/2020.

This project proposes the construction of a three (3)-unit addition to an existing two-story, multifamily residential dwelling to change occupancy from four (4) residential dwellings to seven (7). The proponent also proposes additional construction of accessory parking spaces for seven (7) vehicles. The lot is a large corner lot on the corner of Sutherland Road and Englewood Avenue that is more than double the minimum lot size for this subdistrict at 9,327 sqft.

The proposed three unit addition is in the side yard on the south end of the building. The proponent also proposed additions of a front yard porch to the southwest section of the building and a rear yard deck to the south east section of the building, all attached and related to the three-unit addition. This lot is within a subdistrict that is surrounded by MFR-1 and MFR-2 subdistricts. Specifically, this lot immediately abuts an MFR-1 subdistrict to its south and an



MFR-2 subdistrict to its west, so the existing and proposed multifamily use is consistent with many existing, adjacent buildings in this context.

The property is also within a 5-10 minute walk of bus stops along Chestnut Hill Avenue and the Green Line at the Cleveland Circle, Chestnut Hill Avenue, Englewood Avenue, Chiswick Road and Reservoir MBTA T stops. As a project proposing an increase in residential units, these additions align with the City's goal to create additional housing units, especially within transit-rich areas (Housing a Changing City: Boston 2030, 2018).

However, the proposal of seven (7) parking spaces as part of these plans does not align with City goals of reducing dependency on private vehicles, as outlined in Go Boston 2030 (March 2017). This is exacerbated by the prevalence of transit options available within the surrounding area that aim to limit the reliance on private vehicles. The property has existing off-street parking and a driveway in the eastern and southeastern rear yard of the lot where the proposed parking spaces will be located. The parking design does not offer a viable accessibility and maneuverability plan to improve the existing parking conditions in this part of the lot.

The proposed project's design does not comply with the standards of the Aberdeen Architectural Conservation District. According to the District's "Final Study Report" (2002), alterations or additions to structures within the area must not radically change or obscure the overall character and appearance of a building or its accompanying landscape, especially along a street facing façade.

### **Zoning Analysis:**

The property is in the Allston-Brighton Neighborhood District (Art. 51) within a Three-Family Residential subdistrict (3F-4000). The lot is a large corner lot that is more than double the minimum lot size for this subdistrict at 9,327 sq. ft. This lot condition factors into some of the existing building and proposed project's dimensional violations. The lot is also located within the Aberdeen Neighborhood Design Overlay District (Art. 51 - Sec. 43).

The violation related to forbidden multifamily residential use (Art. 51 - Sec. 8) is an existing condition of this building and of adjacent buildings, thus making both the existing and proposed multifamily residential use consistent with its immediate surroundings. As noted in the planning context, this is largely due to the lot being within a subdistrict that is immediately abutting an MFR-1 subdistrict to its south and an MFR-2 subdistrict to its west. The existing Three-Family Residential zoning may not be appropriate for this area, based on the Multifamily Residential

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zoning permitted in these abutting subdistricts and the existing multifamily residential use of the proponent's building. It may be more appropriate for this area to be rezoned as MFR to better align with the existing conditions.

The violations related to dimensional violations –lot area for additional units, front yard setback insufficiency, rear yard setback insufficiency, excessive floor area ratio (FAR), and usable open space insufficiency (Art. 51 - Sec. 9) – also align closely with existing conditions in the surrounding context and represent a common set of nonconformities in this subdistrict that require relief. The proposed addition of three residential units does not produce a harmful setback condition to the public realm or adjacent properties.

The violation related to off-street parking design (Art. 51 - Sec. 40-5(a)) highlights an issue with accessibility and maneuverability in the proposed parking design that is also an existing condition for the current driveway and parking used by this property in the eastern rear yard. The proposed parking design is inaccessible for the number of spaces proposed. Clarity in the plans is also needed to understand the extent that the proposed parking impacts adjacent open space and mature trees to the southeast of the lot.

Due to this lot's location within the Aberdeen Neighborhood Design Overlay District and the Aberdeen Architectural Conservation District, additional review is required to ensure better alignment with the historic and design considerations of this area.

**Recommendation:**

In reference to BOA1199457, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE For submission of new plans with attention to the number of parking spaces relative to the parking design's accessibility/maneuverability, open space and mature trees, as well as the alignment with the design considerations for the historic district.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1309386
<b>ZBA Hearing Date</b>	2023-11-28
<b>Address</b>	75 Maywood St Roxbury 02119
<b>Parcel ID</b>	1200996000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood 3F-4000
<b>Zoning Article</b>	Article 50
<b>Project Description</b>	Erect new 6 unit residential structure with 6 at-grade parking spaces.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Parking or Loading Insufficient Additional Lot Area Insufficient Forbidden Use (MFR); Forbidden Use (Accessory Parking)

**Planning Context:**

The proposed project aims to erect a residential structure on a vacant lot, creating 6 new dwelling units for the neighborhood. The project is revised from previous iterations heard and deferred by the Board of Appeal on May 9, 2023 (decision: denial without prejudice) and September 26, 2023 (decision: denial without prejudice). The drawings omitted in the initial 5/9/23 iteration (plans, elevations, etc.) have been included as a part of this proposal. However, none of the changes requested as a part of the 9/26/23 iteration's denial without prejudice recommendation have been made. These included: (1) narrowing the structure's massing to meet side yard requirements; and (2) relocating the proposed driveway off the side lot line and significantly reducing the amount of on-site pavement on the site to retain the site's landscape and existing trees.

The creation of new infill housing on empty lots throughout the City is in keeping with planning goals of increasing housing availability and density, as detailed in Housing a Changing City, Boston 2030 (September 2018). The use is in keeping with the surrounding area and contextual to the site, which sits right off Blue Hill Avenue.

While the project's use aligns with Boston's housing goals, its site plan shows a design contradictory to City resiliency goals. Specifically, the project proposes parking and pavement

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across almost the entirety of the lot. The width of the drive aisle has been narrowed from the original design, as requested. However, the design of the rear parking itself eliminates roughly 95% of the site's existing permeable landscape and will also likely result in removal of several mature trees on the site (which directly abut and provide shade canopy to a neighboring playground). The City does not support the removal of open space and healthy, mature trees to accommodate paving or off-street parking, especially on a site that has immediate access to transit (a stop for the 45 bus line is less than 100' from the front door). The planning goals of Climate Ready Boston (addressing permeability, heat island effect, and increased tree canopy, 2016) and Boston's Urban Forest Plan (preserving healthy and mature trees, 2022) outline this point.

### **Zoning Analysis:**

The proposed project's front yard setback, while insufficient by the Code's standards, conforms to the block's predominant existing building alignment. Future zoning should revisit front yard setback requirements for this area (currently 20'), as few, if any, structures surrounding the site conform to that figure.

The project's side yard violation can largely be attributed to the project's narrow and irregularly shaped lot. While the side yard dimension conforms with many of the site's immediately abutting parcels, modifications to the structure's built form can be made to meet this requirement. A future proposal should consider an updated massing to remedy this condition. Specifically, the structure should be narrowed. Doing such would also enable the drive aisle to be moved off of the side lot line, creating an opportunity to preserve many of the lots existing trees, which line the property's edge.

The project's proposed parking meets BTDA's recommended 1:1 parking ratio for the area. However, similar to the drive aisle, the design of the project's parking is inadequate. This design proposes to pave almost the entire lot (90-95% loss of existing open space), thus triggering the project's usable open space violation. A future iteration of this project should reconfigure the site's parking to reduce the amount of pavement, retain existing open space, and provide adequate screening and buffering for parking along the property's side and rear lot lines. Future zoning for this area should be amended to align parking requirements with citywide policy priorities (as stated in the Planning Context) around limiting reliance on parking near transit-rich areas and the prevention of paving and off-street parking in protection of existing open space and healthy, mature trees.

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The project's MFR and FAR violations are in keeping with the land uses and building scale of what currently surrounds the property. While the project's FAR narrowly exceeds the area's allowed maximum (delta of 0.2), the figure proposed (1.0) would conform to the dimensional standards of the MFR subdistrict the property directly abuts. Several 4-6 unit residential structures exist within a half block radius of the site, sitting in both the 3F-4000 and MFR Subdistricts. Future zoning for the neighborhood should explore updates to districting to expand MFR zoning, where appropriate, or allow slightly greater density and occupancy on lots abutting MFR districts and key neighborhood corridors.

**Recommendation:**

In reference to BOA1309386, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE: the proponent should explore a proposal that narrows the structure's massing to meet the area's side yard requirement. Updates should also relocate the proposed driveway off of the side lot line and significantly reduce the amount of pavement on the site: to retain the site's landscape and existing trees, and provide adequate screening and buffering along the site's side and rear lot lines.

Reviewed,

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

Director of Planning, BPDA



<b>Case</b>	BOA1538154
<b>ZBA Hearing Date</b>	2023-11-28
<b>Address</b>	74 to 76 Savin ST Roxbury 02119
<b>Parcel ID</b>	1200998001, 1200998000, 1200996000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood 3F-4000
<b>Zoning Article</b>	Article 50
<b>Project Description</b>	Joining 2 lots with existing 3-unit attached buildings on each lot to create 1 lot with a 6-unit building. Adjusting lot line from this new lot to add to lot abutting in the rear.
<b>Relief Type</b>	Variance
<b>Violations</b>	Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Use: forbidden (multifamily dwelling)

**Planning Context:**

The two lots being combined each have a 3-unit residential building that shares a wall immediately abutting the property line. In addition to the lot combination, the applicant proposes to decrease the property depth by moving the rear property line to the south. The applicant also owns the property abutting to the rear at 75 Maywood Street, and is proposing to construct a 6-unit residential building through BOA1538154 (filed in conjunction with this case). The properties are located within 1/4 mile of 6 MBTA bus routes, 2 of which are key bus routes. Further, the Roxbury Strategic Master Plan (2004) identified the value of existing housing resources as community assets that should be preserved.

**Zoning Analysis:**

There are no proposed changes to the existing buildings with this lot combination. However, the lot combination does result in the establishment of a 6-unit multifamily dwelling which is a forbidden use in this 3F-4000 district and would be a nonconformity. In addition to the two lots being combined, this proposal includes shortening the depth of the property by ~35' to give additional space to the lot abutting in the rear yard to accommodate a new 6-unit building on that lot to the rear through BOA1538154. The newly proposed combined lot is reduced by 1,429 square feet due to this change in depth, thus creating nonconformities of insufficient lot area, usable open space, and excessive FAR. The required lot area per dwelling unit is 2,000 sf



(proposed 795 sf), the required usable open space per dwelling unit is 650 sf (416 sf proposed), and required FAR is 0.8 (proposed is unknown). It is not recommended to combine lots where the resulting combination yield nonconformities; the proponent should work with ISD to achieve an alternate solution.

The decrease in lot depth results in an 87' deep lot, while the property immediately abutting to the west has a depth of 94', resulting in an incongruent rear lot line. Because of this resulting jagged rear lot line condition and a worsening of usable open space per unit, any rear lot line adjustment should be consistent with the neighboring property.

**Recommendation:**

In reference to BOA1538154, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE that the proponent work with ISD on an alternative to a lot combination and that any newly proposed rear lot lines should be moved to align with neighboring properties.

Reviewed,

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

Director of Planning, BPDA



<b>Case</b>	BOA1459061
<b>ZBA Hearing Date</b>	2023-11-28
<b>Address</b>	74 Horace St East Boston 02128
<b>Parcel ID</b>	0100904000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 2F-2000
<b>Zoning Article</b>	Article 27t, Article 53
<b>Project Description</b>	Raze existing building. Erect a 5 unit residential dwelling with 5 parking spaces.
<b>Relief Type</b>	Variance, IPOD Permit
<b>Violations</b>	FAR Excessive Parking or Loading Insufficient IPOD Applicability Parking design and maneuverability Height Excessive (stories) Rear Yard Insufficient Side Yard Insufficient Use: forbidden (MFR)

**Planning Context:**

The BPDA reviewed this project for the ZBA hearing on 9/26/2023. No new plans have been submitted and so the BPDA recommendation has not been changed. Proposed project plans reviewed were titled "74 Horace St." and were prepared by Context Architecture on 7/16/2023.

This project sits in an existing two-family residential area in East Boston. It is also a part of the East Boston Interim Planning Overlay District, implemented in 2018 to ensure that, during the development of the neighborhood's new strategic plan, adequate planning and zoning protections were in place to guide and regulate new construction in the area. The existing area is characterized by mostly 2 story (with some 3 story) homes with rear yards of around 30 feet. Most houses on the street do not have off-street parking. The proposed project (with 3 stories, a 23 foot rear yard, and 5 off-street parking spots) is therefore not in alignment with the existing neighborhood.

**Zoning Analysis:**

The project's proposed dimensions are in violation of the area's current standards, including an FAR almost double what's allowed (change of 0.63) and a rear setback several feet shorter than

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what's required (change of 6'9"). This, coupled with the project's noncompliant off-street parking design (insufficient maneuverability), renders it non-compliant with existing zoning.

**Recommendation:**

In reference to BOA1459061, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE proponent should explore a project that removes or reconfigures parking to create greater maneuverability.

Reviewed,

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

Director of Planning, BPDA



<b>Case</b>	BOA1505569
<b>ZBA Hearing Date</b>	2023-11-28
<b>Address</b>	30 to 32 Hastings ST West Roxbury 02132
<b>Parcel ID</b>	2006548000
<b>Zoning District &amp; Subdistrict</b>	West Roxbury Neighborhood 1F-6000
<b>Zoning Article</b>	Art. 9 - Sec. 1, Art. 56 - Sec. 8
<b>Project Description</b>	Construct new three-level decks at the rear of the existing house and an exterior egress stair. New doors will be provided at existing window locations that open from the kitchen of each unit onto the new decks.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Height Excessive (stories) Usable Open Space Insufficient Rear Yard Insufficient Extension of Nonconforming Uses and Reconstruction and Extension of Nonconforming Buildings

**Planning Context:**

This property is an existing three-story multifamily residential dwelling located in a one-family residential zoning subdistrict and faces Hastings Street to the northeast.

This project proposes the construction of rear decks on each of the three floors of this dwelling along with an exterior egress staircase. This construction will include renovations to existing windows to convert them to doors that open onto the new decks. These proposed rear additions would not be visible from the public realm on Hastings Street and provide additional open space access to each of the existing residential units.

This project does not propose a change in building height or a change in the number of residential units and the proposed rear decks would be calculated as part of the lot's usable open space area. However, the submitted plans do not have a stamp from ISD and do not provide a site plan that identifies the existing and proposed rear yard conditions for this property.



The building sits on a significantly larger lot than abutting and adjacent lots. Most lots along this block of Hastings Street are close to the 6,000 sq ft minimum lot size for this subdistrict, while this lot is 12,268 sq ft. There is an adjacent multifamily residential dwelling across the street to the north that sits on a 40,000 sq ft lot and there are a few lots further northwest on this block of Hastings Street that are between 8,000 and 10,500 sq ft, indicating a variety of lot conditions in this area. The existing building also has a large living area of 5,781 sq ft, larger than most other existing adjacent buildings.

This lot directly abuts a Neighborhood Shopping (NS) subdistrict against the southeastern side yard lot line. The southeastern abutting lot holds a City of Boston parking lot on a corner lot at the western corner of the Hastings Street and Centre Street intersection. This property is unique due to these various size and locational conditions.

This property's existing multifamily use is appropriate given the building's scale. This multifamily residential dwelling aligns with the city's goals of promoting transit-oriented development and the concentration of higher density housing near transit-rich areas due to its proximity to a major corridor (Centre Street) with several bus stops and the Highland MBTA commuter rail stop within a 5-minute walk.

### **Zoning Analysis:**

This property is located within the One-Family Residential (1F-6000) subdistrict of the West Roxbury Neighborhood District (Art. 56).

The 1F-6000 subdistrict requires a maximum building height of 2.5 stories, a minimum square footage of usable open space per dwelling unit of 1,800 sq ft, and a minimum rear yard depth of 30 ft (Art. 56 – Sec. 8). This building has an existing non-conforming height of 3 stories. Due to the lack of a site plan and side elevation drawing, it is difficult to determine the exact rear yard depth. Additionally, the proposal does not mention the number of existing residential dwelling units and the Assessor's Report for this property does not provide this information. It is likely





that the proposed rear decks will increase the square footage of usable open space per dwelling unit and that these additions will not worsen the existing rear yard and usable open space insufficiencies.

As stated in the Planning Context, the existing non-conforming multifamily use (Art. 9 – Sec. 1) is an appropriate land use given the size and location of this building near Centre Street and abutting the Neighborhood Shopping (NS) subdistrict. This project does not propose the creation of additional residential dwelling units and would not further worsen this existing land use condition. The rear addition would also be an extension of a non-conforming building (Art. 9 – Sec. 1) but such an extension does not worsen the existing non-conformities since the rear decks would add to the usable open space calculation and would not be included in the calculation of rear yard depth. This presents a case for zoning reform in this abutting area of the 1F-6000 district since both this and the nearby 40,000 sq ft multifamily residential dwelling propose appropriate but non-conforming residential uses for this location near a main corridor and have existing large sizes unique to that subdistrict that justify those uses.

Project plans titled “New Three Story Deck” completed by GPH Design on February 6, 2023.

**Recommendation:**

In reference to BOA1505569, The Boston Planning & Development Agency recommends DEFERRAL: that proponent provides site plans that are reviewed by ISD to better identify the existing and proposed rear yard depths and to indicate the number of residential dwelling units within the building.



Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1496565
<b>ZBA Hearing Date</b>	2023-11-28
<b>Address</b>	34 to 36 Cohasset ST Roslindale 02131
<b>Parcel ID</b>	2000070000
<b>Zoning District &amp; Subdistrict</b>	Roslindale Neighborhood 2F-5000
<b>Zoning Article</b>	Article 67
<b>Project Description</b>	Renovate whole house with new windows, siding, and roof; build 2 dormers, decks, plumbing, and additional interior renovations.
<b>Relief Type</b>	Variance
<b>Violations</b>	Side Yard Insufficient FAR Excessive Height Excessive (stories)

**Planning Context:**

The proposed interior renovation of the dwelling is in keeping with the planning goals of improving housing stock as detailed in Housing a Changing City, Boston 2030 (September 2018).

The addition of the dormers is in keeping with the neighborhood context as most dwellings on the street have dormers. However, the proposed dormers are marginally bigger than the dormers in other dwellings.

**Zoning Analysis:**

Article 67 2F-5000's maximum height (stories) is 2.5 and maximum FAR is 0.5. The project proposes to marginally increase the height to 3 stories through the addition of two dormers. The proposed two dormers also increase the FAR (undisclosed number) beyond Article 67 2F-5000's maximum FAR.

The insufficient rear yard setback is an existing nonconformity that will not be intensified by the proposed changes.



**Recommendation:**

In reference to BOA1496565, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to ensuring the dormers complement the existing neighborhood context.

Reviewed,

A handwritten signature in blue ink, appearing to read "Ames Rand". The signature is fluid and cursive.

Director of Planning, BPDA

**MEMORANDUM**

**September 14, 2023**

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

**FROM:** MICHAEL CHRISTOPHER, DIRECTOR OF DEVELOPMENT REVIEW  
CASEY HINES, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW  
TYLER ROSS, PROJECT MANAGER  
ADAM JOHNSON, URBAN DESIGNER  
ANGEL GUZMAN, PLANNER I  
NICK SCHMIDT, SENIOR TRANSPORTATION PLANNER II

**SUBJECT:** 2 FORD STREET AND 970 SARATOGA STREET, EAST BOSTON

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority ("BRA") d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 2 Ford Street and 970 Saratoga Street in East Boston (the "Proposed Project"), pursuant to Article 80E, Small Project Review, of the Boston Zoning Code (the "Code") and (2) enter into one or more Affordable Rental Housing Agreement and Restriction(s) ("ARHAR"), in connection with the Proposed Project; and (3) execute and deliver a Community Benefits Agreement and take any other action and execute and deliver any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

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**PROJECT SITE**

The Proposed Project is located on two (2) separate parcels of land located at 2 Ford Street and 970 Saratoga Street, containing 9,409 square feet of land and 6,040 square feet of land respectively (the "Project Sites"). The Project Sites are currently utilized as an auto repair (2 Ford Street) and a parking lot (970 Saratoga Street). The

Project Sites are located within 0.2 miles of the MBTA Blue Line Orient Heights Station and in close proximity to MBTA bus route 120.

### **DEVELOPMENT TEAM**

**Owner/Developer:** 2F7B Development, LLC  
970 Saratoga, LLC  
c/o MG2 Group, LLC  
Joseph Donovan, Manager  
50 Franklin Street, Suite 400  
Boston, MA 02110  
Email: [jdonovan@mg2group.com](mailto:jdonovan@mg2group.com)

**Architect:** Context Workshop  
Eric Zachrison, MBA, AIA  
200 Portland Street, Suite 500  
Boston, MA 02114  
Tel. 312.780.9456  
Email: [eric@thecontextworkshop.com](mailto:eric@thecontextworkshop.com)

**Legal Counsel:** Law Office of Richard C. Lynds  
Richard C. Lynds, Esq.  
245 Sumner Street, Suite 110  
East Boston, MA 02128  
Tel. 617-207-1190  
Email: [rclyndsesq@lorcl.com](mailto:rclyndsesq@lorcl.com)

**Surveyor** Feldman Geospatial  
152 Hampden Street  
Boston, MA 02119  
Tel. 617-357-9740

### **DESCRIPTION AND PROGRAM**

2F7B Development, LLC and 970 Saratoga, LLC (the "Proponent") propose to redevelop two (2) sites in Orient Heights Square, East Boston: (a) a 9,409 square-foot site situated at 2 Ford Street, which will consist of a proposed new four-story, mixed-use multifamily residential/retail building, containing twenty seven (27)

residential units, 1,759 square feet of ground floor retail, bicycle and motor vehicle parking, trash and recycling, and building amenities all located within the building's at 3,854 square-foot at-grade garage for motor vehicle parking; and (b) a 6,090 square-foot site located across from 2 Ford Street and situated at 970 Saratoga Street, which will consist of a proposed new four-story, mixed-use multifamily residential/retail building, containing fourteen (14) residential units, 2,976 square feet of ground floor retail, bicycle parking, trash and recycling, and building amenities all located at grade.

The Proposed Project's unit mix will include nineteen (19) one-bedroom units, twenty (20) two-bedroom units, and two (2) three-bedroom units. The Proposed Project will include seven (7) IDP units (representing 17% of the total residential units and 16% of the gross residential floor area) restricted under the City of Boston Inclusionary Development Policy (IDP), which exceeds the minimum requirement of 13%. Six (6) of the IDP Units will be at 70% Area Median Income ("AMI") and one (1) unit will be at 100% AMI.

The Proposed Project will include a maximum of fourteen (14) on-site motor vehicle parking spaces for residents, with up to ten (10) of which may be located in a stacked parking system and four (4) will be located at ground level, including one (1) van-accessible space adjacent to an 8-foot-wide access aisle. All motor vehicle parking spaces will be located within 2 Ford Street but will be accessible to residents of both buildings. All motor vehicle parking spaces will be accessed via Boardman Street. The number of motor vehicle parking spaces approved by the BPDA is a maximum number of spaces, as final decisions on parking supply are codified by the Zoning Commission for Small Projects. The curb cut size will be limited to no wider than 12 feet wide. Existing curb cuts on Boardman Street and Saratoga Street will be removed.

The Proposed Project will include a minimum total of forty-seven (47) interior covered and secured resident bike parking located within the ground floor of both buildings. The Proposed Project will also include a minimum total of twelve (12) exterior visitor bike parking spaces using a minimum of six (6) post-and-ring racks in compliance with the City of Boston's Bike Parking Guidelines.

The Proposed Project will include streetscape improvements to Saratoga, Boardman, and Ford Street to blend the proposed buildings with the surrounding square. The Proposed Project will be set back from the property line along Saratoga Street, Ford Street, and Boardman Street to create wider sidewalks and provide

space for new street trees, visitor bike parking, and active ground-floor uses. The Proposed Project will expand the public realm through design and installation of curb extensions at the corners of Ford Street / Saratoga Street and Ford Street / Boardman Street, as shown in Exhibit A. These curb extensions may accommodate street trees and green infrastructure, pending final design. All sidewalks will maintain clear accessible paths of travel consistent with the Boston Complete Streets Design Guidelines that are absent of vertical elements and made of concrete monolithic sidewalk space. Sidewalk setbacks and improvements to the public way, including proposed curb extensions, are subject to design review and will require approval for Pedestrian Easement and Specific Repairs actions with the Public Improvement Commission (“PIC”).

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

<b><u>Estimated Project Metrics</u></b>	<b>Proposed Plan</b>
<b>Gross Square Footage</b>	55,130
<b>Gross Floor Area</b>	49,202
<i>Residential</i>	32,318
<i>Office</i>	0
<i>Retail</i>	4,735
<i>Lab</i>	0
<i>Medical Clinical</i>	0
<i>Education</i>	0
<i>Hotel</i>	0
<i>Industrial</i>	0
<i>Recreational</i>	2,456
<i>Cultural</i>	0
<i>Parking</i>	3,854
<b>Development Cost Estimate</b>	\$11,000,000
<b>Residential Units</b>	41
<i>Rental Units</i>	41
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	7



**PLAN: EAST BOSTON**

The Proposed Project is located within the planning boundaries of PLAN: East Boston, an ongoing planning initiative that began in 2018. As one part of the planning process so far, the BPDA planning team delivered draft recommendations for all squares and corridors in May 2021. These recommendations include active ground floor uses supported by added height and density and transformational public realm improvements.

The Proposed Project is located within Orient Heights Square, and is within easy walking distance to Orient Heights MBTA station. Staff review focused on ensuring a building massing and height that is sensible to the neighborhood's character and securing street and sidewalk improvements that include safer and accessible crosswalks, wider sidewalks, and expanded public realm to make space for street trees and green infrastructure.

**ARTICLE 80 REVIEW PROCESS**

On November 30, 2022, the Proponent filed a revised Small Project Review Application ("SPRA") pursuant to Article 80E of the City of Boston Zoning Code ("the Code"). The BPDA hosted a virtual public meeting for the Proposed Project on January 4, 2023. The public comment period in connection with the Proponent's submission of the SPRA was originally intended to end on December 30, 2023 and was subsequently extended to January 15, 2023.

The virtual public meeting was advertised in the relevant neighborhood newspapers, posted to the BPDA's website and a calendar notification was sent to all subscribers of the BPDA's East Boston neighborhood updates. The presentation and a recording of the virtual public meeting was published to the 2 Ford Street and 970 Saratoga Street project webpage on the BPDA website.

**ZONING**

The Project Site is located within the East Boston Neighborhood District governed by Article 53 of the Zoning Code. The Project is zoned Neighborhood Shopping (NS) and is within the Interim Planning Overlay District and Coastal Flood Resilience Overlay District.

The Proposed Project is anticipated to need relief from the Zoning Board of Appeals for the following:

- Minimum Rear Yard
- Floor Area Ratio
- Height
- Open Space
- Parking and Loading

### **MITIGATION & COMMUNITY BENEFITS**

The Proposed Project will provide community benefits for the East Boston neighborhood and the City of Boston. The Proposed Project will result in an improved pedestrian experience along Boardman Street, Saratoga Street, and Ford Street with the installation of new curb extensions, compliant curb ramps, street trees, green infrastructure, visitor bike parking, and sidewalk improvements consistent with the City of Boston's Complete Streets Guidelines. In addition, the Proponent shall agree to the following:

- Marketing the two (2) commercial spaces to local business owners or those residing in the East Boston Community looking to establish a local business and the Proponent shall create incentives that shall attract tenants that are local residents or businesses;
- Proponent shall explore the feasibility of incorporation of at least one (1) unit under the City of Boston Voucher Program (CBVB) to increase affordable opportunities in the neighborhood above the proposed IDP commitment as provided for herein;
- In-kind or financial contributions totaling up to fifty thousand (\$50,000.00) dollars, to be managed by the BPDA, and which may be allocated to:
  - An in-kind commitment for design and installation of curb extensions at the corners of Ford Street / Saratoga Street and Ford Street / Boardman Street, as shown in Exhibit A, to support pedestrian safety and installation of green infrastructure. This mitigation measure is subject to review by BPDA, Boston Transportation Department ("BTD"),

and Boston Public Works Department (“PWD”), and other City departments, as needed. PIC approvals for proposed improvements shall be completed before building permit issuance for the Proposed Project. The physical mitigation improvements must be completed upon Certificate of Occupancy. This mitigation measure is subject to design review and BPDA discretion. In the event that circumstances change regarding this mitigation, the BPDA and the City will work with the Proponent to identify an alternative solution with comparable impact and estimated value;

- A financial contribution to Noyes Playground or such other public park or parks located in the East Boston Neighborhood via the Boston Parks Commission upon issuance of Certificate of Occupancy; and
- A financial contribution to BTB, in compliance with the Bike Parking Guidelines, to be contributed upon issuance of a building permit for the Proposed Project to support the bikeshare system.

**INCLUSIONARY DEVELOPMENT COMMITMENT**

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (“IDP”), and is located within Zone C, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. In this case, the developer has agreed to make approximately 17% of the units at the Project Site comply with IDP. Therefore, seven (7) units within the Proposed Project will be created as IDP rental units (the “IDP Units”). Six (6) of the IDP units will be made affordable to households with incomes not exceeding 70% Area Median Income (“AMI”) as based on data from the United States Department of Housing and Urban Development “HUD” and published by the BPDA. One (1) of the IDP units will be made affordable to households with incomes not exceeding 100% AMI.

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

970 Saratoga Street

Unit #	# Bedrooms	Square Footage	% AMI	Rent	ADA/Group 2 Designation
304	1	615	70%	\$1559	
201	2	830	100%	\$2567	

## 2 Ford Street

Unit #	# Bedrooms	Square Footage	% AMI	Rent	ADA/Group 2 Designation
202	1	651	70%	\$1559	
207	2	906	70%	\$1766	Yes
303	2	796	70%	\$1766	
308	2	878	70%	\$1766	
401	1	695	70%	\$1559	

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

The ARHAR for each building must be executed along with, or prior to, the issuance of the Certification of Compliance for the Proposed Project. The Proponent must also submit an Affirmative Marketing Plan (the “Plan”) to the Boston Fair Housing Commission 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).

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

## **RECOMMENDATION**

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, staff recommends that the BPDA approve and authorize the Director to: (1) issue a Certification of Approval for the Proposed Project; (2) execute and deliver an Affordable Rental Housing Agreement and Restriction in connection with the Proposed Project; and (3) execute and deliver a Community Benefits Agreement and take any other action and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

An appropriate vote follows:

**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 2 Ford Street and 970 Saratoga Street in the East Boston neighborhood proposed by 2F7B Development, LLC and 970 Saratoga, LLC's ("the Proponent") for the construction of two (2) mixed use residential buildings comprised of a new four-story, mixed-use multifamily residential/retail building, containing twenty seven (27) residential units, 1,759 square feet of ground floor retail, up to fourteen (14) accessory off-street motor vehicle parking spaces, a minimum of 27 bicycle parking spaces, trash and recycling, and building amenities all located within the building's at 3,854 square-foot at grade garage; and (b) a proposed new four-story, mixed-use multifamily residential/retail building, containing fourteen (14) residential units, 2,976 square feet of ground floor retail, a minimum of 20 bicycle parking spaces, trash and recycling, and building amenities all located at grade. Including seven (7) Inclusionary Development Policy ("IDP") units for the two building combined (the "Proposed Project") in accordance with the requirements of Small Project Review, Article 80E, of the Code, subject to continuing design review; and

**FURTHER  
VOTED:**

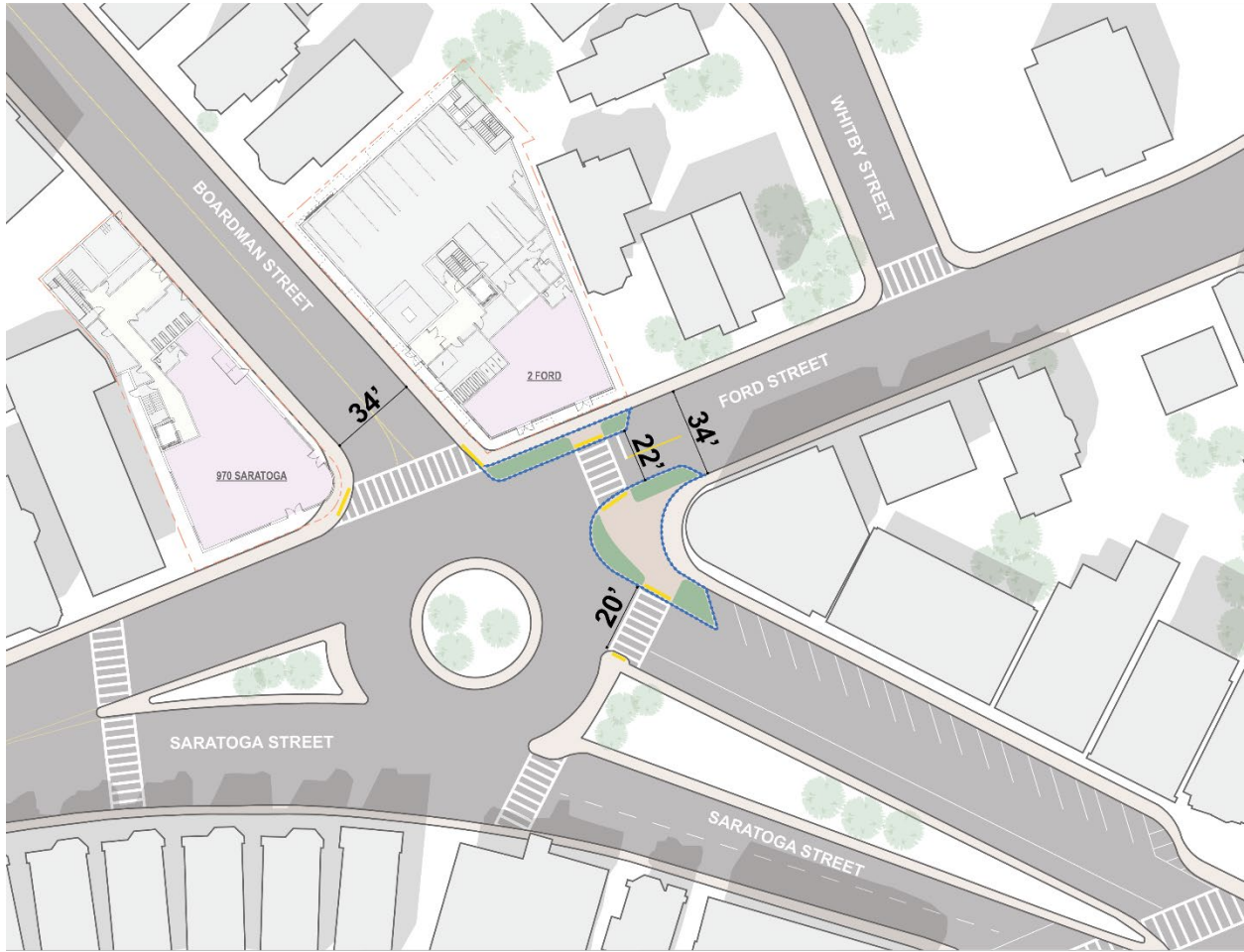
That the Director be, and hereby is, authorized to execute and deliver one or more Affordable Rental Housing Agreement and Restriction(s) for each building for the creation of a total of

Seven (7) on-site IDP Units in connection with the Proposed Project; and

**FURTHER  
VOTED:**

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

## Exhibit A



**Curb Extensions Concept Plan**  
2 Ford Street and 978 Saratoga Street

*Concept only. Not to scale.  
Final design is subject to Boston Planning & Development Authority, Boston  
Transportation Department, and Boston Public Works Department, as needed.*



<b>Case</b>	BOA1533260
<b>ZBA Hearing Date</b>	2023-11-28
<b>Address</b>	106 Barnes AVE East Boston 02128
<b>Parcel ID</b>	0101367001
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 2F-4000
<b>Zoning Article</b>	Article 53
<b>Project Description</b>	Change residential occupancy from 1 to 3 dwelling units.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Forbidden Use (3F)

**Planning Context:**

The proposed project is located in a 2F-4000 residential subdistrict. It proposes to increase the occupancy of the existing two-story structure from 1 to 3 dwelling units, including a basement dwelling unit.

Existing adjacent buildings that are within this subdistrict are typically one- or two-family residential dwellings. The proposed three-family residential use does not align with the predominant land use pattern in this context. Additionally, this project proposes a basement dwelling unit that is below the Sea Level Rise – Base Flood Elevation (SLR-DFE) within a FEMA Flood Hazard Area and the Coastal Flood Resilience Overlay District (CFROD).

Due to this lot being within an area subject to the impacts of present-day and future coastal flooding, additions to the basement that increase resident activity conflict with City goals to reduce risk of life in basement areas susceptible to flooding. As such, the BPDA’s Climate Resilience Team strongly recommends the removal of the proposed project’s independent basement dwelling unit, which would also reduce the number of units for this project to the allowable maximum of 2 dwelling units.

Based on the site plans, the property has two existing parking spaces in the eastern side yard driveway which is a common parking condition in the surrounding area for residential dwellings. The project does not propose any changes to the parking design or number of parking spaces.





**Zoning Analysis:**

Residential dwellings in the East Boston Neighborhood District are required to have a parking ratio of 1.0 parking spaces per dwelling unit if the building has 1-3 dwelling units (Art. 53 – Sec. 56). The proposed three-family residential use is already forbidden in this 2F-4000 subdistrict (Art. 53 – Sec. 8) and further triggers this off-street parking violation by proposing an insufficient parking ratio of 0.67. The proponent should explore a proposal that removes a dwelling unit from the project so that it complies with the zoning both in terms of allowable land use and appropriate parking ratio. As mentioned in the Planning Context, the removal of the basement unit would also be appropriate to protect against risk of life within a basement dwelling due to the presence of this lot within an area prone to present-day and future flooding.

**Recommendation:**

In reference to BOA1533260, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE: the proponent should pursue a project with two units that does not extend living space below the Sea Level Rise Design Flood Elevation (SLR-DFE), that complies with the maximum two-family residential land use requirement, and that complies with the 1.0 off-street parking ratio for this subdistrict.

Reviewed,

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

Director of Planning, BPDA

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**MEMORANDUM**

**August 17, 2023**

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

**FROM: MICHAEL CHRISTOPHER, DIRECTOR OF DEVELOPMENT REVIEW  
CASEY HINES, DEPUTY DIRECTOR DEVELOPMENT REVIEW  
NICK CARTER, SENIOR PROJECT MANAGER  
ALEXA PINARD, URBAN DESIGNER II  
NICK SCHMIDT, SENIOR TRANSPORTATION PLANNER II  
ANGEL GUZMAN, PLANNER I**

**SUBJECT: 9 MCKAY PLACE, EAST BOSTON**

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority ("BRA") d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director to: (1) issue a Certification of Approval pursuant to Article 80E, Small Project Review of the Boston Zoning Code (the "Code") for the proposed development located at 9 McKay Place in East Boston (the "Proposed Project", defined below); and (2) take any and all other actions and execute any other agreements and documents, including but not limited to an Affordable Housing Agreement ("AHA"); and Community Benefit Contribution Agreement, that the Director deems appropriate and necessary in connection with the Proposed Project.

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**PROJECT SITE**

The Proposed Project is located at 9 McKay Place in East Boston (the "Site") and includes approximately 15,751 square feet of combined land area comprising six (6) parcels located at the corner of Maverick Street and McKay Place, which will be

combined and consolidated as part of the Proposed Project. The Site has frontage on both Maverick Street and McKay Place.

The Site currently contains four existing wood framed residential and commercial structures that will be demolished as part of this project.

### **DEVELOPMENT TEAM**

**Proponent:** 231 Maverick Street, LLC  
Megg Ayers

**Architect:** Zephyr Architects, LLC  
Joshua Smith RA, CPHD

**Legal Counsel:** Law Offices of Derric S. Small  
Derric S. Small

**Development/  
Permitting:** Waypoint Companies, LLC  
Ed Champy

**Development  
Review:** Highland Development Group, LLC  
Armando Goncalves

### **PROPOSED PROJECT**

The proposed project will house forty-one (41) residential units. The existing four structures will be demolished and a single five (5) story structure will be erected in their place. The first level will contain residential amenities such as a gym and mail room, along with the residential lobby, and a community meeting room. The four levels above will be a mix of one (1) bedroom, two (2) bedroom and three (3) bedroom units.

The Proposed Project will include interior covered and secured resident bike parking with a minimum of forty-two (42) bike parking spaces. The Project will also include a minimum of sixteen (16) exterior visitor post-and-ring bike parking spaces in compliance with the City's of Boston's Bike Parking Guidelines. The Proponent

will provide a financial commitment of \$11,275 for the Proposed Project to support the bikeshare system.

The Proposed Project will include a maximum of twenty-six (26) on-site motor vehicle parking spaces for residents. All motor vehicle parking spaces will be accessed via McKay Place. The number of motor vehicle parking spaces approved by BPDA is a maximum number of spaces, as final decisions on parking supply are codified by the Zoning Commission for Small Projects. The curb cut size will be limited to a maximum of 12 feet wide.

The estimated cost of the project is \$12,000,000.

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

<b><u>Estimated Project Metrics</u></b>	<b>Proposed Plan</b>
<b>Gross Square Footage</b>	54,600
<b>Gross Floor Area</b>	43,460
<i>Residential</i>	43,460
<i>Office</i>	0
<i>Retail</i>	0
<i>Lab</i>	0
<i>Medical Clinical</i>	0
<i>Education</i>	0
<i>Hotel</i>	0
<i>Industrial</i>	0
<i>Recreational</i>	0
<i>Cultural</i>	0
<i>Parking</i>	8,330
<b>Development Cost Estimate</b>	\$12,000,000
<b>Residential Units</b>	41
<i>Rental Units</i>	0
<i>Ownership Units</i>	41
<i>IDP/Affordable Units</i>	7

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

The Proposed Project Site is located within the planning boundaries of PLAN: East Boston, an ongoing neighborhood-wide BPDA planning initiative. The Proposed Project has primary frontage along Maverick Street in the Jeffries Point neighborhood, identified by the plan as an important corridor connecting Maverick Square to waterfront open space including Porzio Park and the Massport Harborwalk Park. Maverick Street marks an important transition in building scale from low-scale residential uses south of Maverick Street, to mid-rise residential uses north of Maverick Street. The plan recommended increasing allowed height on Maverick Street from three to four stories “by-right” and that additional height, between five and seven stories, would be considered in exchange for residential affordability contribution beyond requirements established by the Inclusionary Development Policy. The Proposed Project is located within the Coastal Flood Resilience Overlay District and is subject to the requirements of Article 25A.

Planning and Design Review staff focused on mitigating the impacts of the raised ground floor condition required of Article 25A. The Proposed Project includes a publicly-accessible plaza at the corner of Frankfort and Maverick Street, a new bus boarding island, shelter, seating, and trash receptacles for MBTA Route 120 passengers, a new mid-block crosswalk on Maverick Street, updated curb ramps, and widened sidewalks and new street trees on Maverick Street and McKay Place. Planning and Design Review staff worked to preserve “active” ground floor uses wherever possible, particularly along Maverick Street frontage.

## **ARTICLE 80 REVIEW PROCESS**

On October 26, 2022, the Proponent submitted an Application for Small Project Review with the BPDA pursuant to Article 80E of the Code. On December 7, 2022, the BPDA hosted a virtual public meeting. The public meeting was advertised in the local paper, a notice was posted on the BPDA’s calendar, and an email notification was sent out to all subscribers of the BPDA’s East Boston neighborhood email update list. The comment period concluded on December 30, 2022.

## **ZONING**

The Project Site is located within the 3F-2000 Zoning Subdistrict of the East Boston Neighborhood Zoning District under the City of Boston Zoning Code (the “Code”). As such, the Proposed Project’s proposed use as a Multifamily Dwelling is not an Allowed Use under the Zoning Code. The Proposed Project is anticipated to require zoning relief for minimum unit area, FAR, Height, Useable Open Space, Rear Yard, and Parking.

The Project Site is located within the Coastal Flood Resilience Overlay District and a Groundwater Conservation Overlay District and is subject to the provisions of Article 25A and Article 32 respectively.

### **MITIGATION & COMMUNITY BENEFITS**

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

- The creation of a publicly accessible pocket park at the corner of McKay Place and Maverick Street, complete with trees, bushes, seating, and quality hardscaping,
- All units will be wheelchair accessible and be designed to accommodate residents with a variety of needs, providing a convenient alternative for East Boston residents if they are having difficulty living in existing buildings with stoops and internal stairs.
- Creation of a meeting room in the building, open to local community groups’ use.
- In compliance with Complete Streets, setting back the building to create wider sidewalks on both Maverick Street and McKay Place within the bounds of the property within the public way. Both Maverick Street and McKay Place will have a minimum of 12-foot sidewalks, inclusive of setbacks varying from four (4) to six (6) feet. All sidewalks will maintain at least eight (8) feet clear accessible paths of travel absent vertical elements made of concrete monolithic sidewalk space. All sidewalk setbacks are subject to design review and will require approval for a Pedestrian Easement with the Public Improvement Commission (PIC).
- Preserving an existing street tree and planting seven (7) more street trees along Maverick Street and McKay Place, helping to combat the urban heat island effect.

- Providing a minimum of sixteen (16) exterior visitor bike parking spaces via eight (8) post-and-ring racks.
- Committing \$11,275 to the Boston Transportation Department (“BTD”) to be contributed upon issuance of a building permit for the Proposed Project to support the bikeshare system.
- Constructing a new accessible bus stop on Maverick Street at McKay Place. The bus stop will be located on a bus bulb to allow buses to stop in-lane to pick up riders and create space for Proponent-provided bus shelter, seating, and trash receptacle. . This new stop is intended to consolidate the existing Maverick Street bus stops at Frankfort Street and Cottage Street. The Proponent will maintain the trash receptacle in perpetuity.
- Supporting the adjacent Donald McKay School with a donation of \$25,000 to improve their playground and teaching garden.

Recipient: Donald McKay School  
122 Cottage Street,  
Boston, MA 02128

Use: The contribution will be used to improve playground facilities and teaching gardens.

Amount: \$25,000.00

Time: The \$25,000.00 contribution is due upon the issuance of the Certificate of Approval

- Offering locations on the building façade along McKay Place for mural or tile artwork from the Donald McKay School, allowing students there to personalize their own walk to school.
- Encouraging alternative modes of transportation by increasing residential density in proximity to the Maverick T station.
- Create construction jobs for residents over the 18-month erection of the building.
- The community benefits described above will be set forth in the Community Benefit Contribution Agreement for the Proposed Project. The community benefits contribution payments shall be made upon issuance of the Certificate of Approval and will be distributed as outlined above.

The proposed scope of any in-kind work agreed to by the Proponent shall be developed in consultation with the BPDA and appropriate city agencies, departments, and commissions. The details of any in-kind work and the allocation of any financial contributions shall be outlined and incorporated into the Community Benefit Contribution Agreement, between the Proponent and the

BPDA. To the greatest extent possible, the Proponent will provide the BPDA with evidence indicating that the above-referenced mitigation and community benefits have been satisfied.

The Proposed Project, private and public realm improvements are subject to Design Review.

**INCLUSIONARY DEVELOPMENT COMMITMENT**

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (“IDP”), and is located within Zone C, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. In this case, seven (7) units within the Proposed Project will be created as IDP condominium homeownership units (the “IDP Units”) or approximately 17%. Of these, four (4) IDP Units will be made affordable to households earning not more than 80% of the Area Median Income (“AMI”), as determined by the U.S. Department of Housing and Urban Development, and published by the BPDA; and three (3) IDP Units will be made available to households earning not more than 100% AMI.

The proposed locations, sizes, income-restrictions, and sales prices for the IDP units are as follows:

Unit Number	Number of Bedrooms	Square Footage	Percentage of Area Median Income (AMI)	Sales Price	ADA/Group 2 Designation
203	One-bedroom	785	100%	\$287,400	
208	Three-bedroom	1230	80%	\$297,200	
211	One-bedroom	780	80%	\$219,500	
305	One-bedroom	660	80%	\$219,500	
307	Two-bedroom	955	80%	\$258,500	
406	Two-bedroom	975	100%	\$334,700	
408	Three-bedroom	1230	100%	\$378,000	

The location of the IDP Units will be finalized in conjunction with BPDA staff and outlined in the Affordable Housing Agreement (“AHA”), and price and income limits



will be adjusted according to BPDA published maximum sales prices and income limits, as based on HUD AMIs, available at the time of the initial sale of the IDP Units. IDP Units must be comparable in size, design, and quality to the market-rate units in the Proposed Project, cannot be stacked or concentrated on the same floors, and must be consistent in bedroom count with the entire Proposed Project.

The AHA must be executed along with, or prior to, the issuance of the Certification of Approval for the Proposed Project. The Proponent must also submit a draft Affirmative Marketing Plan (the "Plan") to the Boston Fair Housing Commission at the time the building permit is issued. 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);
- (3) First-time homebuyer

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.

The IDP Units will not be marketed prior to the submission and approval of the Plan by Fair Housing and the BPDA. A deed restriction will be placed on each of the IDP Units to maintain affordability for a total period of fifty (50) years (this includes thirty (30) years with a BPDA option to extend for an additional period of twenty (20) years. The household income of any subsequent purchaser of the IDP Units during this fifty (50) year period must fall within the applicable income limit for each IDP Unit.

As no partial unit payment is required, the seven (7) designated IDP Units fully satisfies the IDP requirements pursuant to the December 10, 2015, IDP.

## **RECOMMENDATION**

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, BPDA staff recommend that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project, located at 9 McKay Place in East Boston (the "Proposed Project"), in accordance with Article 80E, Small Project Review, of the Boston Zoning Code (the

“Code”); and (2) take any other actions and execute any other agreements and documents, including but not limited to, an Affordable Housing Agreement (“AHA”); and Community Benefit Contribution Agreement, that the Director deems appropriate and necessary in connection with the Proposed Project.

Appropriate votes follow:

**VOTED:** That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6 of the Boston Zoning Code (the “Code”), approving the development consisting of a five (5) story, fifty-two (52) foot building containing up to forty-one (41) residential units, seven (7) income-restricted units, up to twenty-six (26) at-grade parking spaces, a minimum of forty-two (42) indoor and secure resident bike parking spaces, and a minimum of sixteen (16) exterior visitor bike parking spaces located at 9 McKay Place in East Boston (the “Proposed Project”) in accordance with the requirements of Small Project Review, Article 80E of the Code, subject to continuing design review by the Boston Redevelopment Authority (“BRA”); and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to execute any other agreements and documents, including but not limited to an Affordable Housing Agreement (“AHA”); and Community Benefit Contribution Agreement, that the Director deems appropriate and necessary in connection with the Updated Project