



Planning Department

MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: June 2, 2025

RE: Planning Department Recommendations (Revised)

Please find attached, for your information, Planning Department recommendations for the June 03, 2025 Board of Appeal's Hearing.

Also included are the Board Memos for:

3390 Washington ST Jamaica Plain 02130
3390R Washington ST Jamaica Plain 02130
813 Cummins HW Mattapan 02126
944 Saratoga ST East Boston 02128

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



Case	BOA1693576
ZBA Submitted Date	2025-02-21
ZBA Hearing Date	2025-06-03
Address	27 to 29 Stuart ST Boston 02116
Parcel ID	0304927000
Zoning District & Subdistrict	Midtown Cultural Jacob Wirth Protection Area
Zoning Article	32
Project Description	Proposed change of use of existing five story commercial building into a multi-story night club adult entertainment complex.
Relief Type	Variance
Violations	GCOD Applicability

Planning Context:

Proposed change of use of existing five-story commercial office building into a multi-story night club adult entertainment complex. This location is in the PLAN: Downtown study area, which is not relevant to the zoning relief sought: only GCOD relief was triggered.

Zoning Analysis:

Change of the existing use into a nightclub is consistent with the existing Adult Entertainment Zoning Overlay District. The Planning Department Groundwater impacts will be reviewed by engineering staff at the Boston Groundwater Trust. This case is a strong example of why GCOD applicability should be a candidate for zoning reform subject to the review of the Groundwater Trust and Boston Water & Sewer Commission.

Recommendation:

In reference to BOA1693576, The Planning Department recommends APPROVAL WITH PROVISIO/S: the plans shall be reviewed and approved by the Boston Water & Sewer Commission due to its location within the Groundwater Conservation Overlay District (GCOD) .

Reviewed,



Planning Department

CITY of BOSTON

Deputy Director of Zoning



Case	BOA1615071
ZBA Submitted Date	2024-06-13
ZBA Hearing Date	2025-06-03
Address	93 Howard AV Dorchester 02125
Parcel ID	1300495000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	50
Project Description	Erect a new 3-story, 9-unit residential building with 3 surface parking spaces on a vacant lot.
Relief Type	Variance, Conditional Use
Violations	Parking or Loading Insufficient Parking design and maneuverability Additional Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Side Yard Insufficient Existing Building Alignment MFR Use: Forbidden

Planning Context:

This project was previously deferred at the January 14, 2025, December 3, 2024, and October 29, 2024 Zoning Board of Appeals hearings. New materials with substantially revised plans have been submitted, and the Planning Department recommendation has changed accordingly. The previous plans proposed a 12-unit building with 9 surface parking spaces on a combined lot that required demolition of the existing 1-unit residential building at 93 Howard Avenue. The revised project proposes a new 3-story, 9-unit residential building with 3 surface parking spaces on a vacant site.

On the northern portion of the parcel, there is an existing curb cut and driveway, and there is a retaining wall about three feet in height along the southern portion. According to Google Maps imagery dated October 2023, there is at least one mature tree on the site.

Abutting the site to the north is a 2.5-story, 2-unit residential building and to the south is a 2.5 story, 1-unit residential building. To the rear of the site along Danube Street is a 3-story multifamily building. The site is approximately 0.3 miles east of Blue Hill Avenue and 0.5 miles from Uphams Corner MBTA Commuter Rail Station.



The project is located within the planning area boundaries of the Roxbury Strategic Master Plan (RSMP) adopted in 2004 and just outside of the planning area boundaries of the Fairmount Indigo Corridor Plan. One of the overall goals of the RSMP is to “Provide a wider range of housing options for residents of diverse socioeconomic and age groups.” Although there is attention given to improving City of Boston parks, there are no overarching goals related to open space and no recommendations specific to protecting or cultivating open space or trees on private land. The Housing Chapter of the RSMP mostly focuses on income-restricted housing, however one of the recommendations is to: “Work with private, institutional, and community-based organization landowners to encourage and facilitate housing production on vacant land and buildings where appropriate.” The proposed project would utilize space on an existing vacant lot to increase housing opportunities. The RSMP also establishes Design Guidelines for Housing that encourages “rigorous architecture and urban design standards” for new housing in Roxbury. Several principles apply to all housing in all Roxbury sub-neighborhoods, including: “Appropriate housing density for each sub-neighborhood should be determined based on historical densities, land use and context” and “Open space and landscape treatment should be a consideration when evaluating design proposals.”

Zoning Analysis:

The zoning violations relate to the size and use of the proposed building, as well as the proposed parking.

In terms of size, the proposal would result in excessive FAR - zoning requires less than 0.8 and the project would be 1.0. Other existing properties in the neighborhood and in the same 3F-4000 subdistrict also exceed FAR, including 99 Howard Avenue which is only 3 parcels away and has an FAR of 1.27.

The proposal provides an insufficient side yard on the south side - zoning requires 10 feet and the project would provide 4 feet, 6 inches. Existing neighborhood conditions do not conform to zoning. The abutting property on the south side has a side yard of less than four feet. 97 Howard Street has a side yard of approximately seven feet on the north side and zero on the south. Given the neighborhood context, zoning relief for no less than a three foot side yard is recommended.

Although relief for the reduced side yard is recommended, no relief for violation of the existing building alignment is recommended. There is a consistent modal setback along the street north



of the proposed project, and the building should integrate with this pattern to maintain a similar presence on the public realm, especially given the massing of the building. A reduction in parking would be appropriate to achieve a greater front yard.

The project is cited for insufficient usable open space - zoning requires 650 square feet per unit totaling 5,850 square feet and the project would provide 83 square feet per unit totaling 747 square feet. With a larger front yard consistent with existing building alignment and a rear yard consistent with the required 30 feet, the project would provide sufficient green space and light and air on the parcel. In addition, the Mary Hannon Park is 0.2 miles away. In addition, for families, the playgrounds at Beauford Play Area and Winthrop Playground are both within 0.25 miles away on Danube Street. Given the neighborhood context, zoning relief is recommended.

The project also provides insufficient additional lot area. However, the limited lot area does not introduce any new impacts beyond the other dimensional concerns and proposed multifamily use. Relief is recommended from the dimensional violations.

The project proposes a multifamily dwelling in a 3F district. However, there is an affordable, multifamily project to the rear of the proposed site and in the same 3F subdistrict at 34-40 Danube Street. The proposed project reflects the urban design of the triple-deckers allowed in the 3F, therefore integrating into the existing development pattern. In addition to the neighborhood context, the adopted RSMP establishes the goal of providing “a wider range of housing options.” The proposed project would increase the number of housing units from zero to 9 units, therefore substantially advancing the goal of increasing housing opportunities. Zoning relief is recommended.

Finally, the zoning requires 1 parking space per dwelling unit, and the project provides 0.33 spaces per unit. According to the Boston Transportation Department (BTD) Mobility Scores, the site has a score of 55 and a recommended maximum parking ratio of 0.75 for rental and 1.0 for condo units. Therefore, the proposed parking ratio is consistent with the BTD Maximum Parking Ratio Guidelines. In addition, the Roxbury Neighborhood District (Section 43.6.d) requires that at least 50% of the surface parking be at least 18 feet in length and 7 feet in width, and the other remaining spaces be at least 20 feet in length and 8.5 feet in width - the proposed spaces are 18 feet in length and 9 feet in width. Given that there are only three spaces proposed, it is reasonable for all spaces to be consistent with the smaller of the allowable dimensions.

Plans were prepared by CME Architects and reviewed for ZBA on January 27, 2025.



Recommendation:

In reference to BOA1615071, the Planning Department recommends APPROVAL WITH PROVISIO that plans be submitted to the Planning Department for design review with attention to ensuring an adequate front yard based on existing building alignment and that the side yard be increased to at least three feet.

Reviewed,

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Deputy Director of Zoning



Case	BOA1707193
ZBA Submitted Date	2025-04-08
ZBA Hearing Date	2025-06-03
Address	486 to 490 Medford ST Charlestown 02129
Parcel ID	0201350010
Zoning District & Subdistrict	Charlestown Neighborhood 3F-2000
Zoning Article	62
Project Description	The proposed project is to add a terrace with front fencing and a 10'x13' pergola facing Medford Street.
Relief Type	Variance
Violations	Application of Dimensional Requirements

Planning Context:

The proposed project is a terrace with added front fencing and a door to enclose the addition of a 10'x13' pergola facing Medford Street. 486-490 Medford Street is a three-story condo building. Unit 490 is immediately adjacent to the proposed unattached terrace and pergola, and it would be for the exclusive use of that unit. The terrace would replace a side yard.

Zoning Analysis:

There is one violation for the proposed project: the application of dimensional requirements. In the refusal letter, the examiner notes that "an accessory building should be no taller than 15 feet, at least 4 feet from any side or rear lot line, and at least 65 feet from the front lot line."

However, because the pergola functions as a partially covered porch for the use of one unit and is separated from neighboring buildings by a driveway, the granting of a variance is appropriate.

The plans are untitled and dated February 25, 2025. They were prepared by Oliver Enterprises, LLC.

Recommendation:

In reference to BOA1707193, The Planning Department recommends APPROVAL.



Planning Department

CITY of BOSTON

Reviewed,

Deputy Director of Zoning



Case	BOA1714635
ZBA Submitted Date	2025-04-25
ZBA Hearing Date	2025-06-03
Address	105 N Washington ST Boston 02113
Parcel ID	0301462000
Zoning District & Subdistrict	North End Neighborhood NORTH WASHINGTON ST CC
Zoning Article	54
Project Description	Change the use of an existing building from two units and retail/art gallery to three units by converting the existing commercial space into a residential dwelling unit.
Relief Type	Variance Conditional Use
Violations	Parking or Loading Insufficient Conditional use: first-story residential

Planning Context:

The property is a mid-block (abutting a vacant lot) four-story building in the North End, typical of many other multi-story mixed-use buildings with party wall conditions in the area. The applicant seeks to convert the existing ground floor space from an art gallery into a residential unit. In community commercial subdistricts, three-family residential uses are allowed on upper floors and conditional on ground floors, and this condition is present and commonplace throughout the immediate vicinity of this site. Notably, the only violation being cited here is for insufficient parking. To the degree that parking requirements are out of scale with existing conditions in the North End, this case may be illustrative.

Zoning Analysis:

Per Article 54, Table E, one space per residential unit must be provided. (Notably, the refusal letter cites Article 23, even though this parcel is within a North End neighborhood subdistrict.) No parking appears to be provided on site, which would worsen the violation of parking from a missing two spaces to a missing three spaces. Absence of off-street parking is commonplace in the North End. Adding off-street parking to this building would require demolition of the existing building. Future zoning reform should consider removing parking minimum, at a minimum, from portions of Boston where such conditions are prevalent. Relief is appropriate.



While not noted in the refusal letter, the Planning Department notes that residential uses are generally commercial on the first story, including rowhouse, three-family detached dwelling, multi-family dwelling. To the degree that this first floor's third unit conversion to residential represents the need for a conditional use permit, the required conditions for a conditional use permit from Article 6 are being met. The prevalence of similar ground floor residential uses in this community commercial district lends substantial evidence to support that this site is an appropriate use for ground floor residential, that it will not adversely affect the neighborhood, that there will be no vehicular or pedestrian hazards, no nuisance will be created, and that the unit will be adequate and appropriately provided for. Relief is appropriate.

Recommendation:

In reference to BOA1714635, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1682351
ZBA Submitted Date	2025-01-08
ZBA Hearing Date	2025-06-03
Address	146 to 158 Lincoln ST Boston 02111
Parcel ID	0304330000
Zoning District & Subdistrict	Leather District LEATHER DISTRICT
Zoning Article	44
Project Description	Erect a new wooden roof deck above an existing six-story mixed-use building with ground level commercial uses and upper level residential uses. The previous wooden roof deck has already been demolished, see permit #SF1506329. Previously submitted via short form #SF1584195.
Relief Type	Variance, Conditional Use
Violations	Height Excessive (ft) Roof Structure Restrictions

Planning Context:

The proponent seeks to build a new wooden roof deck above an existing six-story mixed-use building in the Leather District. The building previously had a wooden roof deck that was demolished to make way for the proposed new wooden rooftop deck. The previous roof deck had a walkway from the rooftop stair bulkhead to the deck area which was located on the western section of the roof. The previous roof deck also had a fence and railing system lining the walkway and surrounding the seating and gathering area of the roof deck.

The new roof deck proposes a wider walkway and a similar sized seating area compared to the previous roof deck, and it will also have a fence and railing system. The new roof deck will be located closer to the center of the roof with further setbacks from the western and southern edges of the roof. Other buildings in this area of the Leather District also have roof decks of various sizes and designs, making this a common condition of rooftop amenities in the area. Additionally, most of the surrounding buildings are also six stories in height and aligned in height by feet to this property, making it common to have roof structures on the top of properties of this height. The height of this building and the surrounding building conditions as well as the setback



of the roof deck would make the roof deck imperceptible from any point on any public way, thus not impacting the visible architectural character of the building.

Zoning Analysis:

This proposal has a violation specific to building height in feet (Art. 44, Sec. 5) and a citation roof structure additions (Art. 44, Sec. 6). In the Leather District, buildings can be no taller than 80 ft in height and do not have a specified height in stories (Art. 44, Sec. 5). As mentioned in the Planning Context, this building is the same height in feet and in alignment with the roofline of abutting and adjacent buildings in this part of the Leather District.

Additionally, the roof deck replacement proposed in this project does not create a structure equal to a new story of height and is not visible from the public realm. Art. 44, Sec. 6 (Rooftop Additions within the Leather District) states that the Board of Appeal shall not grant an appeal “for a roof structure that is visible from any point on any public way within the District.” Since this roof deck is not visible from the public way and further sets the roof deck back from the roof edge than the previous roof deck, this indicates a valid case to grant a conditional use permit for this structure. These factors for zoning refusal indicate a need for zoning reform within this area to align the building height requirements with the actual and common heights in the area, and to establish predictable standards for roof structure placement on buildings of certain heights to better determine the visibility from the public realm without the need to pursue zoning relief.

Site plan completed by Harry R. Feldman, Inc on August 17, 1989 and project plans completed by Höweler+Yoon Architecture on August 26, 2024.

Recommendation:

In reference to BOA1682351, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1701470
ZBA Submitted Date	2025-03-23
ZBA Hearing Date	2025-06-03
Address	533 Washington ST Dorchester 02124
Parcel ID	1700527000
Zoning District & Subdistrict	Dorchester Neighborhood NS
Zoning Article	65
Project Description	Renovate existing childcare building and change use to five units of residential.
Relief Type	Variance, Conditional Use
Violations	Parking or Loading Insufficient Usable Open Space Insufficient Use: Conditional (First Floor Residential)

Planning Context:

The proposed project comprises primarily interior renovations to convert an existing daycare to a five-unit residential building. The proposed project makes few exterior changes. Such changes are limited to the addition of light wells to basement windows and the formalization of existing hardscape into a five-car parking area. The proposed residential units include the following: one single-story, two-bedroom unit; two single-story, one-bedroom/one-office units; and two two-story, three-bedroom units

The proposed unit mix reflects the goals of Housing a Changing City: Boston 2030 to provide a variety of residential unit styles to accommodate the diverse needs of Boston residents.

The proposed project is located north of Codman Square and less than 1/2 mile from the Shawmut MBTA Station with access to the Red Line and several bus lines. The block of Washington Street containing the proposed project contains one other building with frontage along Washington, a three-unit residential building, also with ground floor residential use. The proposed project contributes to the existing built context, locating residential among local services, without the addition of significant parking in a mixed-use corridor.

Zoning Analysis:

The proposed project contains three violations cited in the refusal letter: insufficient parking, insufficient open space, and condition ground floor residential use. Given the close proximity to



neighborhood services and public transit, relief is suggested for the parking spaces below the zoning minimum. Additionally, to accommodate the required parking on the site would require providing additional space through excavation or demolition. This violation represents a case for zoning reform, as violations with respect to parking minimums do not align with the City's goals for reduced reliance on single occupancy vehicle travel.

Ground floor residential is a contextually supported use at the location of this proposed project. The adjacent building, and only other structure on the block of Washington Street between Dunlap Street and Rosedale Street also contains ground floor residential use. The proposed project also directly abuts a residential subdistrict.

While the usable open space does not meet the regulations set forth in the NS district in which the proposed project is located (50 SF/dwelling unit), given that the project is residential, and directly abuts a residential (3F-6000) subdistrict, the adjacent subdistrict may provide context for the project. The adjacent subdistrict has no minimum value for open space per dwelling unit in a detached MFR building. Additionally, as mentioned in the above Planning Context, providing further space either for the open space requirement or more parking would require demolition or significant alteration of a site with an existing suitable building.

Recommendation:

In reference to BOA1701470, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1680330
ZBA Submitted Date	2024-12-27
ZBA Hearing Date	2025-06-03
Address	37 to 39A Solaris RD Hyde Park 02136
Parcel ID	1812390000, 1812389001
Zoning District & Subdistrict	Hyde Park Neighborhood 2F-5000
Zoning Article	69
Project Description	Combine two lots and demolish existing single-unit residential dwelling to construct a new three-story, five-unit residential building.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (stories) Usable Open Space Insufficient Use: Forbidden (Multifamily)

Planning Context:

The proposed project seeks to combine two lots and demolish the existing single-unit residential dwelling to construct a new three-story, five-unit residential building. The combined lot will have a total area of 17,397 square feet, which is notably larger than the surrounding lots in this area. There is an existing 2.5-story single-unit residential building and a shed on the lot that will be demolished.

The proposed residential building will be five attached townhouses that are three stories tall. Each townhouse will have a two-car garage so there will be a total of 10 off-street parking spaces. Access to the garages will be provided via a shared driveway from Solaris Road. The existing curb cut will be shortened and relocated to the west to accommodate this. The five townhouses are designed in a stepped configuration to allow each unit to have a street facing entrance. There will also be a proposed walkway on the west side to accommodate these entrances. While portions of the site will be paved to accommodate the driveway and walkway, the proposed project notes a landscaped buffer around the project with the rear untouched to maintain its natural state. No building layout plans have been provided so the internal configuration of each unit is currently unknown.



While Solaris Road is zoned as 2F-5000, it is primarily filled with single-unit and two-unit residential dwellings. This portion of Solaris Road is also near the Dedham and Hyde Park border. This parcel also directly abuts Mother Brook and the Mill Pond Reservation to its rear. This project supports the goals of both Housing a Changing City: Boston 2030 (September 2018) and the Hyde Park Strategic Neighborhood Plan (August 2011) where the goals included providing housing (both home ownership and rental units) for a full range of income groups and households types and encouraging diverse unit sizes to maintain and improve Hyde Park's family-friendly character. This project supports these goals as the demolition of the existing single-unit residential building will create a lot that is 17,397 square feet that will allow for multi-bedroom units to be created to allow for larger households. This could also serve homeownership models desired by the community to help maintain Hyde Park's family-friendly character. This will also provide an opportunity to provide housing near local amenities such as Mother Brook which abuts the rear of this lot which the Hyde Park Strategic Neighborhood Plan encouraged greater access to.

Zoning Analysis:

The refusal letter states four violations: excessive FAR, excessive height in stories, insufficient open space, and a forbidden use.

Under Article 69, for an area zoned as 2F-5000, a multifamily residential building is a forbidden use. However, relief is warranted for this due to the size of the combined lots. Combining the two lots will create a new lot that is roughly 108 feet by 161.25 feet or 17,397 square feet. This is notably larger than the surrounding lots that are around 54 feet by 168.48 feet or smaller at 56.82 feet by 100 feet and around 5,000-9,000 square feet in size. Given its increased size, the new lot is better suited to support a larger building than what is typically found in this area. Additionally, attached townhouses function similarly to lower-intensity uses and allow for a gentle increase in density that would still be compatible with the current built environment. For example the proposed height of three-stories is similar to the 2.5-stories residential dwellings seen on Solaris Road.

In regards to the FAR, the maximum allowed FAR in an area zoned as 2F-5000 is 0.5. This project is proposing an FAR of 0.54. Relief is warranted for this FAR due to the greater amount of living space proposed which is consistent with the intended townhouse use compared to the current built environment. While Solaris Road is primarily filled with single-unit and two-unit residential buildings, which typically have a lower FAR, the proposed townhomes are on a larger



lot which would be able to accommodate a higher FAR. Additionally, relief is also warranted as it would create additional housing units on an underutilized lot.

In regards to the height, the maximum allowed height is 35 feet or 2.5 stories. This project is proposing a height of 35 feet and 3 stories. While the proposed project surpasses the maximum height in stories, it is still within the maximum allowed height in feet. The configuration of the roofline, which will be pitched, is consistent with the current built environment of Solaris Road. Because it accommodates new living space, relief is recommended for the height.

The last violation is in regards to insufficient open space. Article 69 notes that for any lot that exceeds the minimum lot area specified in Table C, in this case 8,000 square feet, the required number of square feet of usable open space per dwelling unit will be calculated by adding the minimum usable open space per dwelling unit and 25% of the lot area in excess of the required minimum lot area. Additionally, all ground level open space used to satisfy this requirement must be at least 10 feet by 10 feet. Based on this, the project requires a total of 11,099.25 square feet or 2,219.85 square feet per dwelling unit. This project proposes 2,097 square feet per dwelling unit or 10,486 square feet total. While this does not meet the minimum required amount, relief is still warranted because each unit includes a private deck in addition to the ground level open space would meet the ground level requirement specified in Article 69. As this is a larger lot, with a lot size of 17,397 square feet, it would be difficult to meet the minimum required open space while maximizing the building footprint and unit count. Furthermore, the shared driveway and proposed walkway design minimizes the reduction of permeable space, helping to preserve landscaping and site permeability.

Because the rear yard of the proposed building is 43.9' away from Mother Brook at its rear, it will also undergo Parks Design Review as per Ordinance 7.4-11.

The plans reviewed are titled ERT1636014 Updated Z.R. Decision letter with Updated BOA hearing plan set attached 3.18.25 and are dated March 18, 2025. They were prepared by Choo and Company, Inc.

Recommendation:

In reference to BOA1680330, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Department of Parks and Recreation for review.



Planning Department

CITY of BOSTON

Reviewed,

Kathleen Onuf

Deputy Director of Zoning



Case	BOA1689386
ZBA Submitted Date	2025-02-04
ZBA Hearing Date	2025-06-03
Address	482 to 488 Centre ST Jamaica Plain 02130
Parcel ID	1900764000
Zoning District & Subdistrict	Jamaica Plain Neighborhood LC
Zoning Article	55
Project Description	The proponent is seeking removal of a proviso granting a takeout use to a former petitioner and a business name change without a change in occupancy. No interior work or construction is being proposed.
Relief Type	Conditional Use
Violations	Other conditions necessary as protection

Planning Context:

482 to 488 Centre Street in Jamaica Plain is a one-story commercial building with four small storefronts comprising both a mix of uses, including a nail salon and a wine and beer store. The proposed project concerns Ideal Cafe & Pizza, a restaurant that opened in 1998. The proponent is seeking to extend a conditional small restaurant takeout use that is currently limited to the prior petitioner only. No construction work is being proposed and no plans have been submitted. According to the proponent's comments, the name will change to Pete's Pizza but the occupancy will not change.

Zoning Analysis:

This address sits within a Local Convenience (LC) subdistrict, designed for "providing convenience goods and services for the immediate neighborhood and pedestrians" (Section 55-15).

Despite the subdistrict's stated purpose, small and large takeout restaurants are forbidden uses in Local Convenience subdistricts within the Jamaica Plain Neighborhood District. Small and large restaurants without takeout are an accepted use (Article 55, Table B). The removal of this proviso is aligned with current Squares + Streets zoning that allows takeout as a part of a restaurant use. This represents a case for zoning reform because the proponent is not making



any interior changes and the parcel's ground floor will still be used as a restaurant. Allowing provisos like this to be removed without the intervention of the ZBA would save time and money— critical resources for Boston's small business owners.

Recommendation:

In reference to BOA1689386, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1706187
ZBA Submitted Date	2025-04-04
ZBA Hearing Date	2025-06-03
Address	4541 to 4549 Washington ST Roslindale 02131
Parcel ID	2000565000
Zoning District & Subdistrict	Roslindale Neighborhood NS
Zoning Article	67
Project Description	Remove proviso related to take out use on the property.
Relief Type	Conditional Use
Violations	Other Protectional Conditions

Planning Context:

The proposed project site is a corner parcel fronting a mixed-use intersection on the corner of Washington Street and Beech Street in Roslindale, outside of the Roslindale Squares + Streets Plan area. The site is occupied by a single-story structure with three existing commercial establishments therein (Suds-Zo Laundromat, Tropical Food Mart, and Bani Restaurant). This application concerns the removal of a takeout proviso for the Bani Restaurant space. The existing restaurant is proposed to remain with no apparent change planned to the layout or interior of the space.

Zoning Analysis:

This address sits within a Neighborhood Shopping subdistrict, which was created to "provid[e] convenience goods and services to the larger neighborhood" (Section 67-10). The site's current use, a restaurant with a takeout component, is a conditional use in this Subdistrict. It was initially approved to operate in 2013, with a proviso attached (in accordance with Section 6-4). The proposed project seeks to remove this proviso.

This represents a case for zoning reform because the proponent is not making any interior changes and the parcel's ground floor will still be used as a restaurant. Allowing provisos like this to be removed without the intervention of the ZBA would save time and money— critical resources for Boston's small business owners.



Plans reviewed titled, "Bani Restaurant Floor Plan," prepared by "Q.H.C Design Group" on May 16, 2012.

Recommendation:

In reference to BOA1706187, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1709436
ZBA Submitted Date	2025-04-15
ZBA Hearing Date	2025-06-03
Address	105 Allston ST Allston 02134
Parcel ID	2101101001
Zoning District & Subdistrict	Allston/Brighton Neighborhood 2F-5000
Zoning Article	51
Project Description	Add a freight container to the rear yard to act as hydroponics bay
Relief Type	Variance
Violations	Use Forbidden: Community Center (Article 9) Use Forbidden: Urban Agriculture (Article 51) Use Forbidden: Freight container (Article 89)

Planning Context:

The proposed project would create a new doorway on the existing West End House as an entrance to an attached freight container which would be used for hydroponic gardening in association with the Boys and Girls Club. The only new addition to the property is the freight container. This container would be completely screened from the street, and opens up onto the green space of Ringer Park. This would help to incorporate the West End House into the vibrant open space.

The proposed Hydroponics container would be tucked into the corner lawn behind the West End House. While this area is connected to the park, it is largely closed off due to a chokepoint created by the existing tree covering behind the building. By incorporating the freight container into this secluded area, it will create positive foot traffic in an underutilized area that might otherwise attract unwanted visitors. The container will also be screened by the above mentioned trees and will only be visible from a very limited section of the park.

While the proposed project is a freight container, the project has an indefinite lifespan and will not have to be replaced due to any additional wear and tear beyond a more typical building type. The proposed project would last as long as the West End House desires, and would have to undergo normal construction or demolition procedures if a change were to occur.



Zoning Analysis:

The proposed project triggers three violations. The first is the extension of the nonconforming use of community center. The West End House and the Boys and Girls Club is a community cornerstone that has been in this location since 1971. The extension of this nonconformity fits in with the character of the neighborhood. This discrepancy is not reflective of the nearby area and points to the potential need for updated use tables for the zoned area.

The next violation is also a use violation, this time regarding the forbidden use of Urban Agriculture. This use is forbidden within this residential district. While the area around the project is mainly dense residential housing where urban agriculture doesn't fit in properly, the West End House borders Ringer Park to the rear, which provides a large amount of open space for community enjoyment. The placement of the hydroponics container can act as a complement to the existing park and to reinforce urban connections to nature.

The final violation is also a forbidden use. Article 89 which governs Urban Agriculture states that freight containers, while allowed as hydroponics bays in most districts, are forbidden within areas zoned for residential use. However, as stated above, the specific context of the West End House and its proximity to Ringer Park again creates an appropriate fit for the project.

Since the project is located directly adjacent to Springer Park, Parks design review is recommended.

Recommendation:

In reference to BOA1709436, The Planning Department recommends APPROVAL W/ PROVIAO that plans be submitted to the Parks Department for review.

Reviewed,

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Deputy Director of Zoning



Case	BOA1703784
ZBA Submitted Date	2025-03-27
ZBA Hearing Date	2025-06-03
Address	67 to 91 Guest ST Brighton 02135
Parcel ID	2201904002
Zoning District & Subdistrict	Allston/Brighton Neighborhood Guest Street LI-2
Zoning Article	51
Project Description	Add outdoor seating for an existing restaurant.
Relief Type	Conditional Use
Violations	Use: Conditional (Outdoor Restaurant Seating)

Planning Context:

This existing restaurant is within the Boston Landing area of Allston-Brighton at the intersection of Guest Street and Life Street. The proposal adds a ~500 square foot outdoor dining area to an existing restaurant that operates with take-out. The site is within the Brighton/Guest Street Planning Study (2012), which called for active uses, including restaurants and other uses with a high degree of visual interest, and specifically for outdoor seating along Guest Street. This building is also part of the Boston Landing - Sports Facility Planned Development Area (PDA), which expressly states in the 2018 PDA Amendment that included uses shall include Restaurant Uses and Take-Out Restaurant Uses. Given this planning context, the allowance of restaurants in the PDA, and the current operations of a restaurant at this site, outdoor dining is appropriate here.

Zoning Analysis:

This property is located within the Guest Street LI-2 Subdistrict of Allston-Brighton, where Restaurants and Small Take-Out Restaurants are an allowed use, and Large Take-Out Restaurants are a conditional use. However, this project is also within the Boston Landing - Sports Facility Planned Development Area. The BPDA Board approved a PDA Amendment on May 17, 2018 that expressly states Restaurant and Take-Out Restaurant Uses are allowed uses.



Plans reviewed are titled "The Pearl Outdoor Seating Plan", prepared by Beals Associates, and dated April 5, 2024.

Recommendation:

In reference to BOA1703784, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1694795
ZBA Submitted Date	2025-02-26
ZBA Hearing Date	2025-06-03
Address	560 Harrison AV Roxbury 02118
Parcel ID	0306529000
Zoning District & Subdistrict	South End Neighborhood EDA CENTRAL
Zoning Article	64
Project Description	Expand the existing first-floor fitness gym by approximately 8,000 square feet into space currently occupied by office use. The proposed work includes installing a new ceiling assembly to achieve a 1-hour fire rating in accordance with code requirements. All other associated work has been completed under Permit No. ALT1680087. Accessory documentation is on file with that permit.
Relief Type	Conditional Use
Violations	Use Regulations

Planning Context:

The subject property is located at 560 Harrison Avenue within the South End Neighborhood District, in an area designated as the EDA Central subdistrict. This portion of the South End is known for its vibrant mix of uses, including artist studios, commercial lofts, galleries, and health and wellness spaces. The area is characterized by adaptive reuse of industrial buildings, active street life, and proximity to key transit connections and cultural institutions.

The proposed project involves the expansion of an existing fitness gym, SoWa Fitness, into approximately 8,000 square feet of adjacent ground-floor space formerly used for office purposes. The use of the space for health and wellness services is consistent with the evolving mixed-use character of the EDA Central subdistrict. The subdistrict specifically supports a broad range of commercial, residential, and institutional uses intended to preserve the industrial character of the area while encouraging new economic activity.



The project reflects the goals outlined in the South End/Lower Roxbury Development Policy Plan, which promotes a diverse mix of uses, job creation, and an active pedestrian environment. The interior renovation and change of use enhance the vitality of the streetscape without altering the exterior of the building, reinforcing the district's role as an adaptable commercial corridor.

Zoning Analysis:

The proposal to expand an existing fitness gym use at 560 Harrison Avenue has been reviewed in detail against the requirements of Article 64, Section 15 (Use Regulations Applicable in Economic Development Areas) of the Boston Zoning Code, revealing the following zoning considerations:

Use Regulations (Assembly Use): Under Article 64, Section 15, Assembly uses including health and fitness centers are identified in Table C as conditional in the EDA Central subdistrict. This designation means the use is allowed only with the approval of a Conditional Use Permit from the Zoning Board of Appeal (ZBA), and is subject to the procedures outlined in Article 6.

While not permitted as-of-right, Assembly uses are compatible with the intended function of the EDA Central subdistrict, which encourages a broad mix of commercial, residential, and light industrial activity. Fitness uses are common within the district and contribute to its walkable, mixed-use environment. The proposed interior expansion represents a continuation of an existing use, supports local job growth, and aligns with broader planning goals for active ground-floor commercial spaces.

Given the compatibility of the proposed use with the district's established development pattern and planning objectives, and the limited scope of interior work, the requested conditional use relief is reasonable and appropriate. This is a typical case in which zoning review ensures neighborhood consistency while enabling active, adaptable use of underutilized space in a key commercial corridor.

The plans, titled "SoWa Fitness First Floor", were prepared by Embarc Studio and dated February 7, 2025. Related renovation work was previously permitted under ALT1680087.

Recommendation:

In reference to BOA1694795, The Planning Department recommends APPROVAL.



Planning Department

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Reviewed,

Kathleen Onuf

Deputy Director of Zoning



Case	BOA1698431
ZBA Submitted Date	2025-03-12
ZBA Hearing Date	2025-06-03
Address	61 Worcester ST Roxbury 02118
Parcel ID	0900555000
Zoning District & Subdistrict	South End Neighborhood Medium Residential
Zoning Article	64
Project Description	Request for conditional use approval of existing roof deck for in kind replacement.
Relief Type	Conditional Use
Violations	Roof Structure Restrictions

Planning Context:

The subject property is a brick three and a half story South End row home. It is located on a block of continuous row homes that faces the Hurley K-8 school. The structure is very similar to other row homes on the block with two dormers facing the street, parking in the rear alley, rear decks, and a roof deck. Roof decks on the rear side of a residential structure are common in this area. They generally fill the width of the structure and are located below the peak of the roof.

Zoning Analysis:

The subject property is subject to the Section 64-34 Restricted Roof Structure Regulations which sets specific standards for roof decks in the South End Neighborhood District and makes roof decks a conditional use. The property has an existing roof deck that the applicant is seeking to replace in kind. The property has a previous approval for rear decks under permit number 3771 dated 11/2/2001 that states "decks approved for first, second, & third floors only."

The subject roof deck complies with the standards of Section 6-3 and the dimensional and architectural requirements of Section 64-34. Future zoning reform could ensure that in-kind replacements of features like roof decks do not trigger additional review.

Plans reviewed "61 Worcester Street Condominium" prepared by "Casendino & Company" dated 01/17/03.

Recommendation:



In reference to BOA1698431, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen O'Neil".

Deputy Director of Zoning



Case	BOA1696196
ZBA Submitted Date	2025-03-04
ZBA Hearing Date	2025-06-03
Address	150 to 152 State ST Boston 02109
Parcel ID	0303758000
Zoning District & Subdistrict	Government Center/Markets STATE STREET PROTECTION AREA
Zoning Article	45
Project Description	Proponent is seeking to change the use on floors 6 and 7 by adding a bar lounge with live entertainment to an existing building.
Relief Type	Conditional Use
Violations	Use: Conditional Nonconforming Use Change

Planning Context:

The proposed change in use is to allow a bar/lounge with live entertainment on the sixth and seventh floors of 150–152 State Street is consistent with the existing character and evolving mix of uses in the surrounding area. This section of State Street, located at the edge of the Financial District and adjacent to the historic Faneuil Hall and Waterfront districts, is home to a diverse combination of commercial, entertainment, hospitality, and food service uses. Nearby buildings host restaurants, pubs, event venues, and boutique hotels—many of which feature upper-floor bars or lounges that contribute to the area’s vibrant nighttime economy.

In particular, multiple nearby properties—including along Broad Street, India Street, and within Faneuil Hall Marketplace—already support evening-oriented uses that draw both residents and visitors. The addition of a bar/lounge with live entertainment to this location would complement that established context, enhance street-level activity by drawing more people to the area during off-peak hours, and support a balanced, mixed-use downtown. Given that the proposed use is confined to the upper floors and within an existing building envelope, and that the surrounding district supports similar uses, this proposal is in keeping with the planning goals of maintaining a lively, economically resilient, and pedestrian-friendly downtown. The building is currently being used as a Cannabis store, and floors 1-5 will continue being used with the original use. By locating the proposed bar/lounge on the uppermost floor, the project minimizes overlap and potential conflict with the existing retail activity below.



Zoning Analysis:

The proponent is seeking zoning relief to change the use of the sixth and seventh floors at 150–152 State Street, Boston, MA 02109, to a bar/lounge with live entertainment (Use Group A-2). The existing use as a cannabis store including storage, mercantile space and a business office uses will remain on the basement through fifth floors.

Additionally the proposed change in use also triggers Article 9, Section 2, which governs changes to nonconforming uses. Under this section, the proponent must demonstrate that the new use is not substantially more detrimental to the neighborhood than the existing use as a cannabis store, which it is not in this case.

Recommendation:

In reference to BOA1696196, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1715120
ZBA Submitted Date	2025-04-28
ZBA Hearing Date	2025-06-03
Address	17 Linden ST Allston 02134
Parcel ID	2100689000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 3F-4000
Zoning Article	51
Project Description	Erect a new 4-story, 14-unit residential building.
Relief Type	Variance
Violations	Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Usable Open Space Insufficient Height Excessive (stories) Additional Lot Area Insufficient FAR Excessive Parking or Loading Insufficient Height Excessive (ft) Forbidden Use (MFR)

Planning Context:

This recommendation relates to the second iteration of the proposed project. The initial iteration, which sought to erect a five-story residential structure with fourteen dwelling units and six parking spaces, was denied without prejudice by the Zoning Board of Appeal at its hearing on August 27, 2024.

On December 19, 2024, the proponent submitted revised project plans to ISD as a part of an updated filing for the site, which were refused on April 28, 2025. These updated plans address the previously stated project concerns by increasing yard setbacks, reducing height and FAR, and eliminating off-street parking, while also retaining the project's originally proposed fourteen-unit residential land use. The contents of this recommendation have been updated to reflect these changes.

17 Linden Street sits within a residential portion of Allston, one block away from the Allston Village Main Streets Area. The site is one block away from the high-frequency MBTA 66 Bus Route, and within a half-mile of the MBTA Worcester Commuter Rail Line and the B Branch of the Green Line. Given its location proximate to transit and the recommendations from the



Allston-Brighton Mobility Study (2021), a significantly lower parking ratio than the required two spaces/unit is appropriate here.

The project's surrounding built context consists of a mix of multifamily residential apartment buildings, and detached one-, two-, and three-unit buildings. Immediately to the north of the site is a series of connected row homes spanning several lots, and immediately to the south is a detached three-unit building. Also within one block of this site are approved and/or under construction Article 80 projects at Allston Square, 20 Linden Street, and 22-24 Pratt Street, totaling over 900 residential units. These surrounding structures range from two-stories to fifteen stories in height.

The project site represents one of the larger lots in the area, with a 59' width and 110' depth (typical condition is closer to 45' wide and 100' deep). It is currently occupied by an existing three-unit building, which is set to the rear of the lot, and an entirely paved front yard. The proposed project seeks to demolish the existing structure and erect a four-story, fourteen-unit residential building with 33 bike parking spaces and no off-street car parking (reduced from five-stories and six car parking spaces, previously). This scope helps fulfill the area's need for high-quality housing, additional housing units, and more affordable housing (Allston-Brighton Needs Assessment, 2024). It also supports the Assessment's stated need for additional bike network infrastructure (including parking).

Given the size of this parcel and currently underutilized land, location proximate to transit and the commercial center of Allston Village, and density of existing and proposed housing in the immediate vicinity, the additional housing density proposed is appropriate for the location.

Of note, the proposed project exceeds the occupancy threshold for Inclusionary Zoning, meaning it will be subject to affordability requirements of Article 79 of the Zoning Code and require a Housing Agreement. Due to the project's size, it will also be subject to accessibility requirements under building code.

Zoning Analysis:

The proposed project has been cited with ten zoning violations, relating to use, scale, setbacks, and parking. This represents a reduction in zoning noncompliance from the project's initial submittal (thirteen violations). The updated iteration remedies previously cited zoning violations for parking design and existing building alignment.

The proposed project's multifamily residential use is forbidden in 3F subdistricts in Allston-Brighton. However, there are several multifamily properties already existing within a two block



radius of the project site. Given the size of the project's lot as well as its surrounding context, a multifamily residential land use is appropriate. This is also an area for future planning and zoning reform, to update residential unit allowances to better match existing conditions. Because the project's fourteen-units meet the applicability criteria listed in Section 79-2, the requirements of Boston's inclusionary zoning will apply to the project, including the need for a Housing Agreement.

The project's insufficient off-street parking violation relates to its proposed zero-parking condition. This condition represents a reduction from the project's previous proposed six compact spaces. While insufficient by zoning's standards (28 spaces required), given the project's proximity to transit and development of significant bike parking space, this zero-parking condition is acceptable.

Due to the dwelling-adjusted requirement for additional lot area, the project's existing 6,490 square foot lots falls significantly short of the 28,000 square foot area required for the proposed use. However, given the number of proximal multifamily buildings located on lots of a similar or smaller size, this area is deemed appropriate. Future zoning reform efforts in the area should focus on removing minimum lot area requirements - in favor of more flexible, form-based regulations - to provide better alignment between regulation and the area's existing built context.

The project is also cited for several massing-related dimensional violations, including excessive FAR (0.8 allowed, 2.48 proposed - reduced from 2.96 previously) and excessive height in feet (35 feet allowed, 44 feet proposed - reduced from 52 feet previously) and stories (three allowed, four proposed - reduced from five previously). The FAR and height of the currently surrounding buildings and blocks generally exceed the zoning allowance, with many buildings having an FAR between two and three, and heights between 35 feet and 45 feet (of which the proposed project aligns with). Due to the extent of this misalignment with the existing context, these zoning requirements should be flagged in future zoning reform efforts as needing re-calibration.

Finally, this proposed project has several violations related to setbacks and open space. While the project's proposed front yard (7.5 feet) violates the area's minimum setback requirement (20 feet), it's significantly increased from its initial iteration (2 feet) and conforms with the area's predominant existing building alignment (which it previously did not). Similarly, the project's rear yard dimension (20 feet proposed, 30 feet required) was increased from the previously proposed design (9 feet), bringing it into both greater conformity with the Code and alignment with the area's typical rear yard condition. The extent of its noncompliant side yard (10 feet from

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existing structure required, 9.2 feet proposed; 5 feet from side lot line required, 3.5 feet + 5 feet proposed; 15 feet aggregate required, 8.5 feet proposed) remains relatively constant from the project's previous iteration. Despite this nonconformity, the condition still represents an improvement from the existing condition (two foot side yard aggregate).

A proviso for Planning Department design review has been added to this recommendation to address the project's insufficient usable open space violation (9,100 square feet required, 567 square feet proposed). While 9,100 square feet of open space is infeasible to achieve (due to the lot only being 6,590 square feet), the project's increased yard setbacks provide an opportunity to significantly increase the lot's usable open space. This could be accomplished by replacing the currently proposed impervious paving with permeable pavers and additional landscaping, as well as creating a roof deck upon the proposed structure's flat roof. The design review process should focus on exploring and implementing these opportunities.

Plans reviewed are titled "Linden Street Residences", prepared by KDI Architecture, and dated December 18th, 2024.

Recommendation:

In reference to BOA1715120, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to increasing permeability and usable open space upon the lot, and that a housing agreement be issued prior to issuing permits.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1679889
ZBA Submitted Date	2024-12-23
ZBA Hearing Date	2025-06-03
Address	106 Lincoln ST Brighton 02135
Parcel ID	2200840000, 2200839000
Zoning District & Subdistrict	Allston/Brighton Neighborhood NS-1
Zoning Article	51
Project Description	Construct a five-story, nine-unit building with ground floor retail and an office space on the second floor.
Relief Type	Variance
Violations	Parking design and maneuverability Height Excessive Rear Yard Insufficient Side Yard Insufficient FAR Excessive Parking or Loading Insufficient

Planning Context:

This project is located at the corner of Lincoln Street and Litchfield Street, occupying two lots that are proposed to be combined under a separate permit with existing buildings on each lot to be demolished under a separate permit. The site is located a quarter mile from the Boston Landing MBTA Commuter Rail Station, and adjacent to the recently-constructed 100-110 Lincoln Street Article 80 Small Project.

Lincoln Street runs parallel to I-90 and provides a connection between Leo Birmingham Parkway to the west and Cambridge Street to the East. Lincoln Street has recently emerged as a key corridor for redevelopment, with several mixed-use projects along its length approved or under construction. Within two blocks of this property are both multifamily developments as well as commercial uses, including dry cleaning, a disabilities support organization, an electronics company, and more.

The proposed project is five stories, includes nine residential units on the third through fifth floors, an 810 square foot retail space on the corner of Lincoln and Litchfield, and a nearly 5,000 square foot office space on the entirety of the second floor. Additionally, the project includes 13 parking spaces that occupy the vast majority of the first floor, utilizing a stacking system. The



adjacent 100-110 Lincoln Street project is of a similar height. This proposal has a gross square footage of 19,900 square feet, meaning it is 100 square feet shy of the Small Project Review threshold.

This particular section of Lincoln Street was not included in the nearby 2022 Western Avenue Corridor Study and Rezoning or 2009 North Allston-Brighton Community-Wide Plan. However, the Allston Brighton Needs Assessment (2024) identified that there is a need for not just additional housing but high-quality housing. The proposal for new housing units helps to increase the high-quality housing stock in the neighborhood. Each of the units includes at least two bedrooms, which can accommodate larger household sizes. Given the surrounding context of mixed-use development and larger multi-unit residential buildings, a project of this scale may be appropriate here. The ongoing Allston-Brighton Community Plan will provide a comprehensive rezoning of the neighborhood and include this property.

This project was filed prior to October 1, 2024, and therefore does not trigger the updated Inclusionary Zoning threshold of seven units.

Zoning Analysis:

There are two zoning violations related to the massing and scale of the building: excessive FAR and excessive building height. The proposed FAR of the building is 2.65, and the maximum for this NS-1 subdistrict is 1.0. The proposed building height is 58' and the maximum allowed by zoning is 35'. The neighboring 100-110 Lincoln Street Small Project was approved at an FAR of 3.24 and a height of 61'. Properties within several blocks of the site have varying FARs, ranging from below the maximum allowed at 0.7, up to an average of 1.5. Building heights in the surrounding context are all consistently below the maximum and are around 25'-35'. However, given the location of this site at a corner and abutting the highway, additional height may be appropriate here. This is a case for zoning reform, where the existing built context is slightly out of scale with the existing zoning.

The proposal also violates the side and rear yard requirements in zoning. The proposed rear yard is 15' and the minimum required by zoning is 20'. The properties on this block within the adjacent 3F-4000 subdistrict are consistently 115' in depth and have rear yards of 50' on average. Properties along Lincoln Street and within the same NS-1 subdistrict that abuts a residential district have rear setbacks of around 15'-20'. Because this property abuts a residential subdistrict, it must include a minimum side yard of 5' and be separated from adjacent

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buildings by 10'. The proposed side yards here are 0.5' and 3.5', with building separation at greater than 10' and 12.5', respectively. Residential properties within this abutting residential subdistrict are in most cases conforming with the 10' building separation but vary widely in the side yard setbacks and typically range between 2'-10'. Because of the residential subdistrict, design review is recommended to maximize these setbacks.

There are two violations cited related to parking: off-street parking maneuverability and insufficient parking. The off-street parking maneuverability violation is due to the use of stackers, which are internal to the building. Section 51-56.5 states that "facilities shall have... maneuvering areas and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or hazard or unreasonable impediment to traffic..." Stacked parking systems do not inherently violate this provision, and the fact that the systems are located within the building means there should be limited or no impact to traffic on Lincoln Street. However, design review should confirm that there is appropriate maneuverability within the parking area. The project is also required to provide 27 off-street parking spaces (18 for the residential uses and 9 for the office use). The proposal provides 13 parking spaces as well as bike parking spaces in accordance with BTDA's bike parking guidelines, normally enforced through Article 80 review. Given the site's proximity to the commuter rail and MBTA bus routes, a lower-than-required parking ratio is appropriate. This presents a case for zoning reform, to more appropriately match parking regulations that reflect nearby transit options.

Finally, this project is subject to the Design Component of Small Project Review, pursuant to Section 51-51, because it is located within a Neighborhood Business Subdistrict, includes the erection of a building with gross floor area greater than 300 square feet, and is visible from a public street.

Plans reviewed are titled "106 Lincoln Street", prepared by O'Sullivan Architects, Inc, and dated August 27, 2024.

Recommendation:

In reference to BOA1679889, The Planning Department recommends: APPROVAL WITH PROVISIO: that plans with particular attention to rear and side yard setbacks be submitted to the Planning Department for design review approval.



Planning Department

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Reviewed,

Kathleen Onuf

Deputy Director of Zoning



Case	BOA1598189
ZBA Submitted Date	2024-05-03
ZBA Hearing Date	2025-06-03
Address	1A to 1B Mystic ST Charlestown 02129
Parcel ID	0200056000
Zoning District & Subdistrict	Charlestown Neighborhood NS
Zoning Article	62
Project Description	<p>The applicant proposes to construct a new three-story duplex on a newly created 2,643 square foot lot at 1a-1b Mystic Street in Charlestown. The proposed building includes two attached buildings, each designed as a three floor building with one unit, basement-level living space and private roof decks. The project also features projecting window bays over the public right-of-way.</p> <p>This development is associated with an application to subdivide the existing lot (ALT1592346), and an application to build a three-story, three-unit townhouse (ERT1576719) on the other newly created lot (223–225 Bunker Hill Street). Demolition of the existing structure on the site (a dry cleaners) will be filed separately under a forthcoming demolition permit.</p>
Relief Type	Variance,Conditional Use
Violations	FAR Excessive Rear Yard Insufficient Use: Conditional (Two Family Detached Dwelling - Basement & First Story) Use: Conditional (Two Family Detached Dwelling - Second Story & Above)

Planning Context:

This project was reviewed by the Planning Department for the Zoning Board of Appeal hearing on April 29, 2025, where it was deferred. Although no new plans have been submitted since that hearing, the Planning Department has since received additional information from the Office of Neighborhood Services (ONS) about the community process. This information has not changed



this recommendation, but is included in the recommendation of the companion case (223–225 Bunker Hill Street).

The project site is located in the Charlestown neighborhood, within the Neighborhood Shopping (NS) subdistrict, a traditionally commercial district that includes a mix of neighborhood-serving retail and residential uses. The property also lies within the Charlestown Neighborhood Design Overlay District and the Charlestown Restricted Roof Overlay District, which aim to preserve the character and scale of existing development.

The site fronts onto Mystic Street. Mystic Street is a residential street adjacent to Bunker Hill Street, which is a mixed-use corridor with many multifamily residential as well as commercial buildings. The proposed project abuts three-story residential buildings on its rear and one side, and there several larger four-story multifamily buildings located nearby along Bunker Hill Street. The scale of the proposed development is consistent with the surrounding three- and four-story multifamily residential buildings and aligns with the established scale, lot pattern, and yard configurations of the neighborhood.

PLAN: Charlestown, and updated zoning to implement the plan, was adopted by the BPDA board on September 28, 2023. The PLAN highlights that “residents' feedback about retail has centered on four concerns: 1) the loss of small businesses; 2) vacant storefronts; 3) missing essential retail like laundromats, and 4) a lack of food options.” Because of these concerns, particularly loss of retail space, the plan includes zoning recommendations to make residential uses conditional on the ground floor in the commercial districts. This zoning was intended to “reduce existing pressure on the real estate market to convert retail spaces into housing units, which has led to the loss of several retail spaces in the neighborhood in recent years... it will allow for the Zoning Board of Appeals to deny variances for residential uses on the ground floor in some instances, where a conversion from retail is required, without prohibiting residential uses from occupying ground floors universally, such as in locations where residential is already or historically has been the ground floor.” Although this project would be in the NS district, the new parcelization means that this project would front onto Mystic Street, which is a residential area where ground floor residential uses are appropriate. In addition, the Office of Neighborhood Services (ONS) has highlighted that the companion case (223–225 Bunker Hill Street) was previously proposed with retail on the ground floor and was changed to fully residential based off of direct feedback from abutting residents, indicating that there is a community desire for fully residential development in this area.



PLAN: Charlestown also sets recommendations to address neighborhood housing needs, including to “Prioritize the creation of larger housing units with 3+ bedrooms,” which this project does.

The plan does not include additional specific zoning dimensional recommendations for the Original Peninsula of Charlestown (where this project is located), but does include specific design guidelines for infill projects within the Original Peninsula. Because of this project's location within the Neighborhood Design Overlay District, it should receive design review to ensure compliance with the design guidelines established in PLAN: Charlestown.

Zoning Analysis:

Floor Area Ratio (FAR) Compliance: Per Article 62, Table D, the maximum FAR allowed in the NS subdistrict is 2.0. The proposed project exceeds this limit, triggering a zoning violation. While the structure adds density, it does so in a manner that aligns with the surrounding three and four-story residential buildings, indicating that the FAR is consistent with the neighborhood character and built form.

Rear Yard Requirements: The ordinance requires a minimum rear yard depth of 20 feet, while the proposed rear yard is 11.1 feet. However, small rear yards is a common condition among rowhouse lots of similar depth in Charlestown, where zero-lot-line rear walls are often observed due to constrained block dimensions and historic patterns of development.

This project is within a Neighborhood Design Overlay District and proposes the erection of a building with a gross floor area of three hundred (300) or more square feet which is visible from a public street. Therefore, it is subject to the Design Component of Small Project Review and any approved plans must be subsequently reviewed by the Planning Department (Section 80E-2 of the Zoning Code).

Use Compliance: The project is cited for two conditional uses. Firstly, it is cited for the conditional use of “Two family detached dwelling” on Second Story & Above. One to three unit dwellings are conditional (while multifamily is allowed) in this subdistrict in order to encourage higher density projects. However, the unit count of this project is appropriate, given that the larger size of the units (four bedrooms) is aligned with the goals of PLAN: Charlestown, and the size of the building already exceeds the maximum FAR.

It is also cited for the conditional use of “Two family detached dwelling” in the Basement & First Story. All residential uses are also conditional on the ground floor (while commercial uses are



allowed) in order to encourage mixed-use and commercial projects in the NS subdistrict. However, as discussed in the planning context, the new lot subdivision means that, although this new lot is still within the NS subdistrict, it now fronts onto Mystic Street rather than Bunker Hill Street. Mystic Street is a residential area where ground floor residential uses are appropriate.

Reviewed plans: "Two Townhouses, 1A-1B Mystic Street" and prepared by Timothy Sheehan, Architect, dated December 11, 2024.

Recommendation:

In reference to BOA1598189, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review because of the projects location with a Neighborhood Design Overlay District (NDOD), with attention to compliance with the design guidelines established in PLAN: Charlestown.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1598199
ZBA Submitted Date	2024-05-03
ZBA Hearing Date	2025-06-03
Address	223 to 225 Bunker Hill ST Charlestown 02129
Parcel ID	0200056000
Zoning District & Subdistrict	Charlestown Neighborhood NS
Zoning Article	62
Project Description	<p>The applicant proposes to construct a new three-story townhouse building on a newly created 2,071 square foot lot at 223–225 Bunker Hill Street in Charlestown. The proposed building includes three attached townhouse units, each designed as a three-story building with one unit, basement-level living space and private roof decks.</p> <p>This development is associated with an application to subdivide the existing lot (ALT1592346), and an application to build a three-story, two-unit townhouse (ERT1576719) on the other newly created lot (1A/1B Mystic Street). Demolition of the existing structure on the site (a dry cleaners) will be filed separately under a forthcoming demolition permit.</p>
Relief Type	Conditional Use,Variance
Violations	FAR Excessive Rear Yard Insufficient Use: Conditional 3F (Bsmt. & First Story) Use: Conditional Townhouse (Bsmt. & First Story) Use: Conditional 3F (Second Story & Above) Traffic Visibility Across Corner

Planning Context:

This project was reviewed by the Planning Department for the Zoning Board of Appeal hearing on April 29, 2025, where it was deferred.. Although no new plans have been submitted since that hearing, the Planning Department has since received additional information from the Office of Neighborhood Services (ONS) about the community process which is included in this recommendation.



The project site is located in the Charlestown neighborhood, within the Neighborhood Shopping (NS) subdistrict, a traditionally commercial district that includes a mix of neighborhood-serving retail and residential uses. The property also lies within the Charlestown Neighborhood Design Overlay District and the Charlestown Restricted Roof Overlay District, which aim to preserve the character and scale of existing development.

The site has frontage on both Bunker Hill Street and Mystic Street. Bunker Hill Street is a mixed-use corridor, with many multifamily residential as well as commercial buildings, including a salon and restaurant on the block adjacent to the proposed project. The proposed project abuts three-story residential buildings on its rear and one side, and there are several larger four-story multifamily buildings located nearby along Bunker Hill Street. The scale of the proposed development is consistent with the surrounding three- and four-story multifamily residential buildings and aligns with the established scale, lot pattern, and yard configurations of the neighborhood.

PLAN: Charlestown, and updated zoning to implement the plan, was adopted by the BPDA board on September 28, 2023. The PLAN highlights that “residents’ feedback about retail has centered on four concerns: 1) the loss of small businesses; 2) vacant storefronts; 3) missing essential retail like laundromats, and 4) a lack of food options.” Because of these concerns, particularly loss of retail space, the plan includes zoning recommendations to make residential uses conditional on the ground floor in the commercial districts. This zoning was intended to “reduce existing pressure on the real estate market to convert retail spaces into housing units, which has led to the loss of several retail spaces in the neighborhood in recent years... it will allow for the Zoning Board of Appeals to deny variances for residential uses on the ground floor in some instances, where a conversion from retail is required, without prohibiting residential uses from occupying ground floors universally, such as in locations where residential is already or historically has been the ground floor.” Because this project would include converting the location from a service use (dry cleaning) to fully residential, it does not align with the plan goals of preserving retail in the NS district along Bunker Hill St. However, the Office of Neighborhood Services (ONS) has highlighted that this project was previously proposed with retail on the ground floor and was changed to fully residential based off of direct feedback from abutting residents. While the Planning Department still considers retaining existing ground floor



commercial spaces to be an important planning priority for this area when possible, the project's fully residential use is responding to direct community feedback and concerns on the site.

PLAN: Charlestown also sets recommendations to address neighborhood housing needs, including to "Prioritize the creation of larger housing units with 3+ bedrooms," which this project does.

The plan does not include additional specific land use recommendations for the Original Peninsula of Charlestown (where this project is located), but does include specific design guidelines for infill projects within the Original Peninsula. Because of this project's location within the Neighborhood Design Overlay District, it should receive design review to ensure compliance with the design guidelines established in PLAN: Charlestown.

Zoning Analysis:

Floor Area Ratio (FAR) Compliance: Per Article 62, Table D, the maximum FAR allowed in the NS subdistrict is 2.0. The proposed project exceeds this limit, triggering a zoning violation. While the structure adds density, it does so in a manner that aligns with the surrounding three and four-story residential buildings, indicating that the FAR is consistent with the neighborhood character and built form.

Rear Yard Requirements: The ordinance requires a minimum rear yard depth of 20 feet, while the proposed rear yard is 3 feet. However, because this is a corner lot, this rear yard also acts as a side yard, and the required side yard in this subdistrict is zero feet. Therefore, this smaller yard is reasonable. In addition, small rear yards is a common condition among rowhouse lots of similar depth in Charlestown, where zero-lot-line rear walls are often observed due to constrained block dimensions and historic patterns of development.

Use Compliance: The project is cited for three conditional uses. Firstly, it is cited as a conditional use for "Three family detached dwelling" on Second Story & Above. One to three unit dwellings are conditional (while multifamily is allowed) in this subdistrict in order to encourage higher density projects. However, the unit count of this project is appropriate, given that the larger size of the units (four bedrooms) is aligned with the goals of PLAN: Charlestown, and the size of the building already exceeds the maximum FAR.

It is also cited for the conditional use of "Rowhouse" on the Basement and First Story and for the conditional use of "Three family detached dwelling" in the Basement & First Story. All residential uses are conditional on the ground floor in order to encourage mixed use and



commercial projects in the NS subdistrict. As discussed in the planning context, PLAN: Charlestown states that this zoning exists to “allow for the Zoning Board of Appeals to deny variances for residential uses on the ground floor in some instances, where a conversion from retail is required.” However, because this project is in a transitional area where fully residential projects should be considered carefully, and this project's fully residential use responds to direct community feedback, the Planning Department supports the granting of the conditional use.

This project is within a Neighborhood Design Overlay District and proposes the erection of a building with a gross floor area of three hundred (300) or more square feet which is visible from a public street. Therefore, it is subject to the Design Component of Small Project Review and any approved plans must be subsequently reviewed by the Planning Department (Section 80E-2 of the Zoning Code).

Reviewed plans: “Three Townhouses, 223–225 Bunker Hill Street” and prepared by Timothy Sheehan, Architect, dated December 11, 2024.

Recommendation:

In reference to BOA1598199, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review because of the projects location with a Neighborhood Design Overlay District (NDOD), with attention to compliance with the design guidelines established in PLAN: Charlestown.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1690706
ZBA Submitted Date	2025-02-10
ZBA Hearing Date	2025-06-03
Address	507 Massachusetts AV Roxbury 02118
Parcel ID	0900905000
Zoning District & Subdistrict	Roxbury Neighborhood Multifamily Residential (MFR)
Zoning Article	50
Project Description	Increase lodging house capacity from 7 units to 10 units and make interior changes, including new bathrooms and kitchenettes for each unit.
Relief Type	Conditional Use, Variance
Violations	FAR Excessive Usable Open Space Insufficient Additional Lot Area Insufficient CFROD Applicability Extension of non-conforming use

Planning Context:

This project was previously deferred at the April 29, 2025 Zoning Board of Appeal hearing. The project has not changed, and the zoning violations remain the same. As such, the Planning Department recommendation from the deferred date is duplicated below.

The proposed project - the expansion of an existing boutique hotel, the Chester Hotel - is located at the intersection of Tremont Street and Massachusetts Ave, on the same block as Chester Square and walkable to many cafes, restaurants, and cultural/educational institutions along Tremont Street and Huntington Avenue. The hotel is located in an ideal location for a hotel due to the proximity of nearby institutions, cultural venues, and transit. The project site is within a 10-minute walk of Symphony Hall, the New England Conservatory of Music, and the Northeastern University campus. It is located approximately 0.3 miles from the Massachusetts Avenue stop on the Orange Line and 0.4 miles to the Symphony stop on the Green Line.

The proposed project is located within the South End Landmark District (SELD), which sets design standards applicable to any proposed exterior work on front facades, exterior rooftop changes visible from the public way, and exterior side and rear elevation changes visible from a



public way. However, since this proposed project is only proposing interior renovations and change in occupancy capacity, SELD design review does not apply. The proposed project is also located in the Boulevard Planning District, which recognizes certain corridors such as Massachusetts Avenue as key gateways into the Roxbury neighborhood.

Although the historic designations do not require review for this proposed project, the rehabilitation of an existing mid-19th century brownstone in a National Register Historic District should be encouraged as it contributes to the preservation and continued utility of historic structures.

Zoning Analysis:

The violation for expansion of an existing non-conforming use is applicable to lodging houses, which are conditional in the MFR subdistrict. The lodging house - The Chester Hotel - already exists and is located in a widely visited area of the city. There are many boutique hotels located within historic South End townhomes including Clarendon Square Bed and Breakfast and The Upton. The proposed extension of the existing use is a benefit to this area that contributes to its economic vitality and patronage of nearby institutions and nightlife from out-of-town visitors.

The zoning violation for inadequate usable open space - 200 sf/dwelling unit - applies to the proposed project because it is in the category of Residential Uses (Article 64, Table A). The addition of three new lodging units for a total of ten units would require 2,000 square feet of open space, almost the size of the existing lot (2,200 square feet). Due to the size of the lot and the prevailing patterns of densely settled lots on this block, in which most parcels that contain multi-family structures do not have on-site open space, relief is recommended.

The required FAR of 1.0 is exceeded due to the proposed occupancy of the garden level with three new units, which is currently used for storage space. Although there are no exterior additions as part of this project and the footprint of the existing building remains the same, relief for this zoning violation is not recommended on account of proposed occupiable space below the Design Flood Elevation (DFE) in the Coastal Flood Resilience Overlay District (CFROD). CFROD is intended to ensure that people and structures are protected from adverse effects of sea level rise and flooding associated with climate change, so any occupiable space should be avoided in parts of buildings that are prone to flooding.



The requirement for additional lot area per dwelling unit is 4,000 for first 3 units and additional 1,000 sf for each additional unit. This means the lot would have to be 11,000 sf. The lot size of 2,200 square feet is part of a uniform, densely settled historic block structure, and most townhomes in this block on similarly sized lots are multi-family structures. Due to the contextual appropriateness of the lot size relative to unit count, relief from this violation is recommended.

The plans reviewed are titled Renovation Construction Garden Level 507 Mass Ave Boston MA and were prepared by T Design, LLC. They are dated November 10, 2024.

Recommendation:

In reference to BOA1690706, The Planning Department recommends DENIAL WITHOUT PREJUDICE on account of FAR violations due to proposed occupiable space below the Design Flood Elevation. Proponent should consider a project that does not include living space below the Design Flood Elevation and/or incorporates resiliency review to ensure adequate floodproofing. .

Reviewed,

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

Deputy Director of Zoning



Case	BOA1704660
ZBA Submitted Date	2025-03-31
ZBA Hearing Date	2025-05-20
Address	75 Marcella ST Roxbury 02119
Parcel ID	00559000 and 1100558000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-5000
Zoning Article	50
Project Description	Erect new 8-unit income-restricted dwelling as part of the Mayor's Office of Housing's Highland/Marcella disposition.
Relief Type	Variance and Forbidden Use
Violations	Height Excessive (ft) FAR Excessive Additional Lot Area Insufficient Height Excessive (stories) Side Yard Insufficient Use (forbidden)

Planning Context:

The proposed project is part of the Mayors Office of Housing (MOH) as part of the "Highland/Marcella Package 3 & 5" Plan. MOH worked closely with the Planning Department in land use planning and establishing development and design requirements for the Marcella/Highland project area. MOH has also collaborated extensively with its valued community partner, the Highland Park Project Review Committee (HPPRC), to identify and assess best uses for public land in the Highland Park area. In 2018, MOH and HPPRC co-sponsored several community meetings to provide a forum for discussion and input on development and design guidelines for the Highland/Marcella project area.

In January 2018, MOH issued an RFP for five Development Packages comprising 33 parcels on Marcella and Highland Streets. The two parcels being combined are part of that larger RFP as Highland/Marcella Package 5. The guidelines established in the 2018 RFP reflected community preferences regarding preferred and acceptable uses.

The proposed project would combine two parcels into one parcel and construct a new 8-unit income-restricted residential building. The two combined parcels are irregularly shaped and too small to construct any viable building. By combining these two parcels into one, the lot becomes



slightly bigger than the surrounding lots, which allows for construction even with the irregular lot shape.

While multifamily housing is forbidden under the zoning code, the physical context for the area supports the increase in density that this project proposes. While the area is zoned 3F-4000, the built environment does not reflect the zoning code. There are many multifamily residential buildings located within a one-block radius, including on the corner lot, directly across Marcella St.

In addition, the rear edge of the property is a hill that rises over 10 feet and extends to a retaining wall at the top. This change in grade puts major restrictions on the rear edge of the property and prevents the building from extending into the rear. Instead, the project proposes excessive height according to the zoning code, but allows for full use of the parcel even with the present hardships.

Zoning Analysis:

The proposed project would trigger 6 zoning violations. The first set of violations is in regards to height. It exceeds the height limits of 3 stories and 35 feet. The proposed project is 42 feet from the ground floor to the roof and a total of 4 stories. However, as stated in the planning context, this is in response to the rear yard restrictions that a steep hill creates. The increase in height reads as only 32 feet from where it meets the hill in the rear of the yard. This increase in height helps offset the hardship that the hill creates for the parcel.

The next violation is "Side Yard Insufficient". The zoning code requires a minimum 15-foot side yard setback. The proposed project would have a side yard of 10 feet and 12 feet on either side, so this is an improper citation and should be disregarded. This again creates a hardship as construction to the allowed limits of the setback would be unfeasible for proponents and create an undesirable design outcome.

The last three violations are in regard to proposed density. The first is the Multifamily forbidden use. While this proposed project would construct eight units in an area that allows a maximum of three units per lot, this project is combining two parcels into one new parcel. The 8 proposed units are only two units above the maximum that both lots would allow to be built as-is.

Additionally, as noted in the previous section, the proposed use is consistent with existing multifamily dwellings that contribute to the surrounding context.



The next violation pertains to the excessive FAR. The area is zoned for a max FAR of 0.8. The proposed project would have an FAR of 0.88. The final violation in regards to density is that the Additional lot area per unit is excessive. The zoning code requires 2,500 square feet per unit on the parcel. The proposed project is for eight units on 8,600 square Feet of land, or about 1,000 square feet per unit.

The zoning code does not reflect the built reality of the neighborhood, as evident by these last three violations. As stated in the planning context, many of the nearby and even adjacent buildings are multifamily and point to a need for potential zoning reform in the area. The density violations are being triggered for building to the scale of the existing neighborhood. In addition, the shape of the parcel in combination with the rear yard hill creates a real hardship for the proponent.

The project is located in the Roxbury Neighborhood Design Overlay District, and should undergo design review with the City Planning Department due to the completely new construction on the parcel. This project is also within the Highland park Architectural Conservation District and will undergo design review with The Highland Park Architectural Conservation District Commission.

Recommendation:

In reference to BOA1704660, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1704664
ZBA Submitted Date	2025-03-31
ZBA Hearing Date	2025-05-20
Address	86 Marcella ST Roxbury 02119
Parcel ID	1100829000
Zoning District & Subdistrict	Roxbury Neighborhood District, 3F-4000
Zoning Article	50
Project Description	Erect a new 12-unit income-restricted dwelling as part of the Mayor's Office of Housing's Highland/Marcella land disposition.
Relief Type	Variance
Violations	Height Excessive (ft) Height Excessive (stories) FAR Excessive Additional Lot Area Insufficient Usable Open Space Insufficient Front Yard Insufficient Parking design and maneuverability Use (Forbidden)

Planning Context:

The proposed project is part of the Mayors Office of Housing (MOH) "Highland/Marcella Package 3 & 5" land disposition program. MOH collaborated extensively with its community partner, the Highland Park Project Review Committee (HPPRC), to identify and assess best uses for public land in the Highland Park area. In January 2018, MOH issued an RFP for five Development Packages comprising 33 parcels on Marcella and Highland Streets. The guidelines established in the 2018 RFP reflected community preferences regarding preferred and acceptable uses, including small multifamily residential, as this project proposes to build.

The proposed project would combine seven parcels into one and construct a new twelve unit income-restricted residential building. The seven combined parcels are irregularly shaped or too small to construct any viable building. By combining these parcels into one, the lot becomes slightly bigger than the surrounding lots, which allows for construction even with the irregular lot shape.



While multifamily housing is forbidden under the zoning code, the proposed typology is compatible with the context of the surrounding built environment and the community vision from the disposition process. There are many multifamily residential buildings located within a one-block radius, including on the corner lot, directly across Marcella St.

Zoning Analysis:

The first set of violations is in regard to height. The proposed project is 42 feet from the ground floor to the roof and includes 4 stories, exceeding zoning height limits of 3 stories and 41 feet.

The next three violations relate to the proposed use and density. The first is the multifamily forbidden use. While this proposed project would construct twelve units in an area zoned for 3-family residential, this project is combining seven parcels into one new parcel. The next violation pertains to the excessive FAR. The area is zoned for a max FAR of 0.8. The proposed project would have an FAR of 2.1. The final violation regarding density is that the additional lot area per unit is excessive. The zoning code requires 4,000 square feet for the first unit and 2,000 square feet per additional unit on the parcel in the subject 3F subdistrict. The proposed project is for twelve units on 7,100 square feet of land, or about 600 square feet per unit. This value represents an adequate provision of open space in light of proposed multifamily typology and the design of the proposed site plan.

The project is also flagged for an insufficient front-yard setback. The zoning code requires a setback of 20 feet from the property line, while the project has a 5.4-foot setback on Marcella St. and a 3.4-foot setback on Highland Street. This does not reflect the built reality of the area. Many of the buildings in the area are built well within the 10-foot setback requirements, including both adjacent neighbors to the proposed project. This disparity reflects the potential need for zoning reform in the area.

The zoning code does not reflect the built reality of the neighborhood, as evident by these last four violations. As stated in the planning context, many of the nearby and even adjacent buildings are multifamily and point to a need for potential zoning reform in the area. The density violations are being triggered for building to the scale of the existing neighborhood.

The proposal is also cited for off-street parking requirements. This is triggered for maneuverability for the space, and for having parking in the front yard. The proposed tandem driveway design is a commonly found, and contextual condition in this immediate area.



The project is located in the Roxbury Neighborhood Design Overlay District, and should undergo design review with the City Planning Department due to the completely new construction on the parcel. This project is also within the Highland park Architectural Conservation District and will undergo design review with The Highland Park Architectural Conservation District Commission.

Recommendation:

In reference to BOA1704664, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review.

Reviewed,

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

Deputy Director of Zoning

MEMORANDUM

MAY 11, 2023

TO: **BOSTON REDEVELOPMENT AUTHORITY**
D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY (BPDA)^{1*}
AND JAMES ARTHUR JEMISON, DIRECTOR

FROM: MICHAEL CHRISTOPHER, DIRECTOR OF DEVELOPMENT REVIEW
CASEY HINES, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW
NUPOOR MONANI, DEPUTY DIRECTOR OF MASTER PLANNING &
POLICY
DIANA FERNANDEZ, CHIEF OF UBRAN DESIGN
MICHAEL CANNIZZO, DEPUTY DIRECTOR OF URBAN DESIGN
MEGHAN RICHARD, URBAN DESIGNER II
AIMEE CHAMBERS, DIRECTOR OF PLANNING
KENNAN RHYNE, DEPUTY DIRECTOR OF DOWNTOWN &
NEIGHBORHOOD PLANNING
KATHLEEN ONUFER, ASST. DEPUTY DIRECTOR FOR DOWNTOWN AND
NEIGHBORHOOD PLANNING
LYDIA HAUSLE, SENIOR TRANSPORTATION PLANNER II
KATHLEEN PEDERSEN, SENIOR LAND USE PLANNER, SUSTAINABILITY
SPECIALIST & ENVIRONMENTAL REVIEW
MICHAEL SINATRA, SENIOR PROJECT MANAGER

SUBJECT: 3390 WASHINGTON STREET- JAMAICA PLAIN

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 Scoping Determination waiving further review pursuant to Article 80, Large Project Review of the Boston Zoning Code (the "Code") for the 3390 Washington Street

^{1*} Effective October 20, 2016, the BRA commenced doing business as BPDA.

project (the "Proposed Project", defined below) in the Jamaica Plain neighborhood of Boston (the "Proposed Project"); (2) issue a Certification of Compliance under Section 80B-6 of the Code upon successful completion of the Article 80 review process; (3) enter into an Affordable Rental Housing Agreement and Restriction ("ARHAR"); and (4) execute and deliver a Cooperation Agreement and any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project;

PROJECT SITE

The Proponent proposes to redevelop the Site consisting of 88,525 square feet bounded by Washington Street to the West, the Pine Street Inn to the North (recently approved for an expansion), multi-family housing to the East, and an Eversource substation to the South.

The Site is located at 3390 Washington Street on multiple parcels consisting of approximately 88,525 total square feet of land (2.03 acres) ("Site"). The Site is currently the home to BMS Paper & Market, its associated loading area, surface parking and wooded hillside in the rear of the site. The existing site is accessed by two driveway curb cuts on either side of the Washington Street frontage.

The Site is 0.2 miles from the Green Street Massachusetts Bay Transportation Authority ("MBTA") T stop on the Orange Line and 0.6 miles to the Forest Hills Orange Line T Stop and commuter rail station. Due to its proximity to the Forest Hills stop, the Site has access to multiple bus lines including routes: 16, 21, 30, 31, 32, 33, 34, 34E, 35, 36, 37, 38, 39, 40, 42, 50 & 51. The Project's proximity to these pedestrian amenities is reflected in its "Walk Score" of 86, meaning most daily life and errands can be accomplished on foot, transit is convenient for most trips, and is proximate to mostly flat, excellent bike lanes.

The existing access along the Washington Street frontage of the Site will remain throughout the construction process. Pedestrian ramps located at the driveway curb cuts at each end of the property, will be reconstructed as part of the Proposed Project. These will be constructed to applicable MAAB, ADA, and City of Boston regulations. The final orientation of proposed sidewalks will be finalized through the Public Improvement Commission (PIC) approval process.

DEVELOPMENT TEAM

Address/Location: 3390 Washington Street Jamaica Plain, MA 02130

Proponent: BMS Realty Trust LLC
3390 Washington Street
Jamaica Plain, 02130
Robert Harrington

Community &
Government
Relations

Consultant: O'Neill and Associates
31 New Chardon Street
Boston, MA 02114
Christopher Tracy

Architect/LEED: O'Sullivan Architects
606 Main Street, #3001
Reading, MA 01867
(781) 439-6166
David O'Sullivan, AIA
Donnie Garrity, LEED AP

Legal: Dimento & Sullivan
7 Market Street #3
Boston, MA 02109
(617) 523-2345
Vincent Dimento
Nicole Benjamin-Ma

Civil Engineering
&

Permitting

Consultant: Bohler
45 Franklin Street, 5th Floor Boston, MA 02110 (617) 849-8040
Stephen Martorano, PE
Mark Wixted, PE

Transportation

Consultants: MDM Transportation Consultants, Inc.

28 Lord Road
Marlborough, MA 01752
(508) 303-0370
Robert Michaud, PE
Daniel Dumais, PE

Mechanical,
Electrical
and
Plumbing
Systems
and

Fire Protection:

Wozny/Barbar & Associates, Inc.
1076 Washington Street
Hanover, MA 02339
(781) 826-4144
Fidaa Barbar
Zbigniew Wozny, PE

Landscape Architects:

Bohler
45 Franklin Street, 5th Floor Boston, MA 02110 (617) 849-
8040
Matthew Mrva, RLA
Jay Emperor, RLA

Acoustical,
Air Quality &
Wind Consultants:

Tech Environmental
303 Wyman Street
Waltham, MA 02451
(781) 890-2220
Mark C. Wallace, QEP, INCE

Environmental/LSP:

D'Amore Associates
1135 Stafford Road
Tiverton, RI 02878
(978) 807-8301
Denis D'Amore, PE, Ph.D., LSP

DESCRIPTION AND PROGRAM

The Proponent proposes to develop two (2) buildings of varying heights containing a 4-story portion, a 5-story portion, and a 6-story portion, stepping back from Washington Street. “Building A” is an addition to the rear of the existing mill style building (“Existing Building”) to remain along Washington Street. “Building B” is a freestanding second building in the rear of the site partially buried into the hill. The Project totals approximately 155,311 gross square feet that will include an improvement and expansion for BMS Paper & Market, a new neighborhood restaurant, eighty-two (82) residential rental units, residential amenities and two (2) levels of podium garage parking. The Proponent will hire a general contractor (“Contractor”) to oversee construction of the Building. The proposed residential units will contain a mix of studio units, one-bedroom units, two-bedroom units, and three-bedroom units.

In conformance with BTD Bike Parking Guidelines, the proposed project will include a maximum of 87 vehicle parking spaces and a minimum of 82 interior secure resident bike spaces, 12 secure retail employee bike parking spaces, and 25 exterior visitor post-and-ring bike parking spaces. One shower and six lockers will also be provided on site for employees of the proposed retail spaces. There are two levels of structured parking that contain fifty-seven (57) spaces for residential use, with an additional thirty (30) outdoor spaces for retail and commercial use, totaling 87 on site vehicle parking spaces. There is one proposed bike storage room for the development and several additional areas of covered and uncovered exterior bike parking which contains a total of 138 on-site bicycle spaces for residential, retail, and visitor use.

The Site will be accessed from Washington Street. Loading and delivery for the retail spaces will take place south of the existing retail space. Residential move-in and move-out loading, and trash and recycling pick-up will take place within the primary driveway north of the existing building. A third existing curb cut on Washington Street will be reconstructed with a mountable curb to enable occasional vehicle access to the site while minimizing impacts to the pedestrian realm.

Landscaping is proposed around the site and within courtyard and amenity spaces. Plantings and other landscape features will enhance the overall character of the Site, creating a softer, greener environment for residents and the public.

<u>Estimated Project Metrics</u>	Proposed Plan
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Gross Square Footage	155,311
Gross Floor Area	129,525
<i>Residential</i>	94,361
<i>Office</i>	0
<i>Retail</i>	35,164
<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>	25,786
* Development Cost Estimate	\$47,000,000
Residential Units	82
<i>Rental Units</i>	82
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	19
Parking spaces	87

ARTICLE 80 REVIEW PROCESS

On August 20, 2020, the Proponent filed a Letter of Intent ("LOI") in accordance with the BPDA's policy regarding Provision of Mitigation by Development Projects in Boston. On August 20, 2020, letters soliciting nominations for the Impact Advisory Group ("IAG") were delivered to local and state elected officials. On September 28, 2020, the IAG was finalized with seven (7) members.

The Proponent filed a Project Notification Form ("PNF") for the Proposed Project on November 20, 2020, which initiated a thirty- (30-) day public comment period which was extended. Notice of the receipt of the PNF by the BPDA was published in the *Boston Herald* on November 20, 2020. The notice and PNF were sent to the City's

public agencies/departments and elected officials. Additionally, copies of the PNF were sent to all IAG members.

The BPDA subsequently sponsored and held one (1) general virtual public meeting via Zoom on March 11, 2021, and two (2) virtual IAG meetings via Zoom on February 1, 2021 and March 9, 2023, to solicit feedback and review the Proposed Project. The IAG meetings were advertised on the BPDA website and distributed to the Jamaica Plain email list. The public meeting was also advertised on the BPDA website and distributed to the Jamaica Plain email list and in the Jamaica Plain newspapers.

In addition to the above referenced public meetings, the Proponent also conducted extensive community outreach and attended a series of meetings before and during the Article 80 review process with their abutters, local elected officials, and the Jamaica Plain Neighborhood Association (“JPNA”) to discuss the Proposed Project and solicit feedback. Both the ACA and BAIA voted to support the Proposed Project.

PLANNING CONTEXT

The Proposed Project is located in PLAN: JP/Rox Study Area, which sets the planning context for the site. This neighborhood plan addresses recommendations and requirements for new developments, the most significant being specific requirements for the provision of income-restricted housing in proposals seeking zoning relief. The Proposed Project has designated 23% of units as income-restricted, in a manner consistent with plan requirements. Full details of the inclusionary housing program are discussed in the “Inclusionary Development Policy” section below.

PLAN: JP/ROX identifies this area as a “Development Focus Area” where height up to six stories is appropriate, which is consistent with the Proposed Project. From a design and use perspective, reuse of the existing building along Washington is laudable. The resultant massing renders planning recommendations for new construction setbacks and step backs not applicable to the proposed design.

The proposed program effectively achieves the plan’s two primary land use goals: housing production on vacant land and retention of existing local businesses. Proposed site plan and public realm improvements are consistent with planning recommendations for on-site open space, as well as complete streets and active ground floor use along Washington Street. The proposed unbundled parking program, provision of a Bluebikes station, new crosswalk, and curb extension, and

through-block pedestrian connections are consistent with PLAN: JP/Rox mobility recommendations.

ZONING

The Project is located in the Local Industrial Sub district (LI) within the Jamaica Plain Neighborhood District, governed by the Article 65 of the Boston Zoning Code. To the greatest extent possible, the Project has been designed to comply with the applicable zoning requirements under the Boston Zoning Code. However, it appears at this time zoning relief will be required from the Board of Appeals as follows: (a) conditional use permit approvals for the Project's multifamily use, (b) dimensional variances for the Project's floor area ratio, building height, and based on interpretation, rear yard setback.

As required by Article 80B Large Project Review, and Article 28, the Project has completed a Boston Civic Design Commission (BCDC) design review process with a conditional approval.

The project has also undergone a concurrent review process with Boston Transportation Department (BTD) for Off-street Parking and Loading design and development of appropriate transportation mitigation measures, including provision of a new mid-block crosswalk and curb extensions on Washington Street, as well as a Bluebikes station. The Board of Appeal may need to grant relief related to the current vetted design.

ARTICLE 37

As required by Article 37, the project will demonstrate certifiability under the Leadership in Energy and Environmental Design (LEED) rating system. The version of LEED the Project will be following will be LEED v4.1 for New Construction. The project will take advantage of its Site's location, connectivity, large outdoor open spaces, and high-efficient energy design to achieve a Gold Level rating with a current targeted point total of 62 points (Gold Level 60-79 points).

SMART UTILITIES

The Proponent agrees to complete the Smart Utilities review prior to obtaining a Certificate of Compliance. The items to be reviewed include:

- The project's compliance with Smart Utilities stormwater infiltration requirements. In accordance with Smart Utilities policy for projects with GSF exceeding 100,000 square feet, the project team has committed to 1.25" of infiltration per square inch of impervious development as indicated in the Smart Utilities checklist. Green Infrastructure such as bioretention, green roofs and permeable pavers shall also be considered as landscape and hardscape design progresses.
- On-going review of horizontal infrastructure and landscape features within the courtyard. Proper distances shall be maintained from tree-pits.
- Utility laterals from Washington st shall maintain min. clearances from Tree Infiltration pits along the Right of Way as the design progresses
- The project's Smart Street Light integration. The project team shall include city shadow conduit along Washington St., in accordance with sidewalk reconstruction and PIC review. This includes on-going review of broadband, fiber optic cabling, and shadow conduit along Washington St in order to preserve broadband equity and other dependent smart technologies.
- Verification of compliance with the City of Boston EV Readiness Policy for New Developments, including EV chargers and needed infrastructure. The project shall have 25% of parking spaces be EVSE-Installed; and the remaining 75% of parking spaces shall be EV-Ready for future installation, to the maximum extent.
- Location of transformers and critical infrastructure so as to ensure coordination with Eversource and "right sized" infrastructure.
- A plan to address relevant conflicts reported through COBUCS if/as relevant. The project team and the contractor will continue to work with BTB and Smart Utilities as needed.
- The project will install conduit and pull strings to the proposed curb extension on the east side of Washington St to allow for future electrification of the Bluebikes station.

SITE DESIGN

The site's primary curb cut at the northern edge of the site will be no more than twenty-two (22) feet in order to maximize pedestrian safety and minimize disruption of pedestrian experience on the accessible sidewalk. The secondary curb

cut at the southern edge of the property will be reconstructed as a mountable curb to enable occasional vehicle access to the site while minimizing impacts to the pedestrian realm. Access design and circulation are subject to Design Review and codification within a TAPA agreement. All driveway curb cuts must maintain flush sidewalks with monolithic concrete.

MITIGATION & COMMUNITY BENEFITS

In compliance with Complete Streets, the Proponent will make much-needed sidewalk and streetscape improvements to Washington Street within the bounds of their property within the public way. These mitigation measures are subject to BPDA, BTM, PWD, and other city or state agency review 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.

The proponent will design and implement the addition of a ladder-style midblock crosswalk across Washington Street with curb extensions on both sides of the street. The crosswalk will be a high visibility crosswalk to help improve pedestrian visibility and safety. This crosswalk will require the addition of compliant directional pedestrian curb ramps equipped with yellow, cast-iron tactile warning strips. In-lane advance yield warnings will be included on each approach to the crosswalk. All crosswalks must be designed with review from the Disabilities Commission, PWD, BTM, and BPDA. Appropriate traffic control of this crosswalk will be determined by BTM Engineering, Disabilities Commission, BTM Signals, BTM Planning, PWD, and BPDA and implemented by the proponent.

Upon issuance of the full Building Permit, the Proponent will make a one-time “bikeshare” contribution of \$49,000.00 to Boston Transportation Department (“BTM”) per the City’s Bike Parking Guidelines as well as provide space at a minimum for one (1) fifteen (15) dock bikeshare station within the new curb extension upon issuance of Certificate of Occupancy. The proponent will install conduit and pull strings to the proposed curb extension on the east side of Washington St to allow for future electrification of the Bluebikes station. The proponent will work with BTM and the BPDA to site the station appropriately. Bike share stations may require Administrative Review by PIC.

The project will comply with the Boston Transportation Department Transportation Demand Management Points System. The selected strategies will be specified and codified in the Transportation Access Plan Agreement ("TAPA"). The project will comply with the BTD Electric Vehicle Readiness Policy for New Developments, requiring 25% of the parking spaces to be equipped with electric vehicle charging stations and the remaining 75% to be ready for future installation.

The Project will also provide a new large semi-public landscaped courtyard for the expanded retail use on the ground level, improving the existing dirt and gravel parking and truck loading area.

A new dedicated pedestrian pathway that connects Washington Street to the residential neighborhoods behind the site will be provided by the Project through the new landscaped courtyard and covered portico walkway.

The project will also designate 23% of the residential units as "IDP" income restricted and provide nineteen (19) new affordable units. These will be distributed across all unit types and throughout the development with a larger percentage of 3-bedroom unit types designated as requested by the neighborhood.

As part of the development of the Project it is expected that +/- 120 construction jobs will be created as well as +/-60 permanent jobs for the expanded retail and restaurant uses.

The Proponent has also agreed to make the event room within the restaurant available to the community for meetings, at no cost.

INCLUSIONARY DEVELOPMENT POLICY

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. Additionally, the Proposed Project is located within the PLAN: JP/ROX Study Area which requires additional income-restricted units be provided beyond what is required under the IDP. Under the IDP the Proponent is required to provide 10 units as IDP Units while the JP/Rox Plan requires that an additional two (2) units be included as IDP Units for a total of 12 IDP Units.

In this case, the developer has agreed to designate 19 units as IDP Units bringing the total percentage to 23% of the units complying with IDP. Of the 19 two (2) IDP Rental units will be made affordable to households with income not to exceed 50% AMI, and seventeen (17) IDP Rental units will be made affordable to households with income not to exceed 70% AMI

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

Building A

Unit Number	Number of Bedrooms	Square Footage	Percent of Area Median Income	Rent	ADA/Group 2 Designation (if any)
A201	2	1,028	70%	\$1,668	
A203	Studio	558	50%	\$879	
A206	1	692	70%	\$1,473	Group 2
A304	2	1,079	70%	\$1,668	
A307	1	714	70%	\$1,473	
A406	1	692	70%	\$1,473	
A409	2	1,162	70%	\$1,668	
A501	2	980	70%	\$1,668	
A510	1	677	70%	\$1,473	

Building B

Unit Number	Number of Bedrooms	Square Footage	Percent of Area Median Income	Rent	ADA/Group 2 Designation (if any)
B304	3	1,410	70%	\$1,869	
B308	2	1,047	50%	\$1,164	Group 2
B312	1	672	70%	\$1,473	
B403	1	618	70%	\$1,473	
B406	1	618	70%	\$1,473	
B504	3	1410	70%	\$1,869	
B507	Studio	535	70%	\$1,257	
B512	1	672	70%	\$1,473	
B606	1	596	70%	\$1,473	
B608	3	1,047	70%	\$1,869	

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

The ARHAR must be executed along with, or prior to, the issuance of the Certification of Compliance for the Proposed Project.

The Proponent must also register the Proposed Project with the Boston Fair Housing Commission ("BFHC") upon issuance of the building permit for the Proposed Project. The IDP Units will not be marketed prior to the submission and approval of an Affirmative Fair Housing Marketing Plan by the BFHC and the BPDA Plan.

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.

RECOMMENDATIONS

Approvals have been requested of the BPDA pursuant to Article 80, Section 80B of the Code for the issuance of a Scoping Determination waiving further review pursuant to Article 80, Section 80B-5.3(d) of the Code, and for the issuance of a Certification of Compliance under Section 80B-6 upon successful completion of the Article 80 review process.

BPDA staff believes that the PNF meets the criteria for issuance of a Scoping Determination waiving further review. It is therefore recommended that the BPDA approve the Proposed Project and authorize the Director to: (1) issue a Scoping Determination waiving further review pursuant to Article 80, Section 80B-5.3(d) of the Code; (2) issue a Certification of Compliance under Section 80B-6 upon successful completion of the Article 80 review process; (3) enter into an Affordable Rental Housing Agreement and Restriction in connection with the On-Site IDP Units; and (4) execute and deliver a Cooperation Agreement (referencing, among other things, the Boston Residents Construction Employment Plan ordinance), and any and all other agreements and documents upon terms and conditions deemed to be in the best interest of the BPDA

Appropriate votes follow:

VOTED: That the Director be, and hereby is, authorized to issue a Scoping Determination waiving further review under Section 80B-5.3(d) of the Boston Zoning Code (the "Code"), which (i) finds that the Project Notification Form ("PNF") together with any additional material and comments received by the BPDA adequately describes the potential impacts arising from the proposed 3390 Washington Street project (the "Proposed Project"), and provides sufficient mitigation measures to minimize these impacts, and (ii) waives further review of the Proposed Project under subsection 3 of Section 80B-5 of the Code, subject to continuing design review by the Boston Redevelopment Authority ("BRA") d/b/a the Boston Planning and Development Agency ("BPDA"); and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Compliance for the Proposed Project upon the successful completion of all Article 80 processes; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to enter into an Affordable Rental Housing Agreement and Restriction for the creation of nineteen (19) on-site Inclusionary Development Policy Units and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute a Cooperation Agreement (referencing, among other things, the Boston Residents Construction Employment Plan ordinance), and any and all other agreements and documents which the Director deems appropriate and necessary in connection with the Proposed Project, all upon terms and conditions determined to be in the best interests of the BPDA.

3390 Washington Street

1:600



3390 Washington Street

1:600



MEMORANDUM**SEPTEMBER 12, 2024**

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

FROM: NUPOOR MONANI, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW
CASEY HINES, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW
JILL ZICK, ASSISTANT DEPUTY DIRECTOR OF PUBLIC REALM DESIGN
SCOTT SLARSKY, SENIOR ARCHITECT
NICK SCHMIDT, SENIOR TRANSPORTATION PLANNER II
ILANA HAIMES, ZONING COMPLIANCE PLANNER II
CAMILLE PLATT, PROJECT MANAGER

SUBJECT: 819 CUMMINS HIGHWAY, MATTAPAN

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority ("BRA") d/b/a the Boston Planning & Development Agency authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 819 Cummins Highway in Mattapan (the "Proposed Project"), in accordance with Article 80E, Small Project Review, of the Boston Zoning Code (the "Code"); and (2) enter into an Affordable Housing Agreement in connection with the Proposed Project, and take any other actions and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The Proposed Project is located within walking distance of Mattapan Square along the evolving Cummins Highway corridor. The Proposed Project will front along Cummins Highway at the intersection of Hollingsworth Street and combine four (4) existing parcels under common ownership, comprising approximately 19,491 square feet of currently vacant land.

DEVELOPMENT TEAM

Proponent: EJS Investments, Inc.
Sathuan Sa
1266 Furnace Brook Parkway, Suite 207B
Quincy, MA 02169

Legal Counsel: Prince Lobel Tye LLP
Michael P. Ross, Esq.
One International Place, Suite 3700
Boston, MA 02110

Architect: Eric Zachrison, MBA, AIA
200 Portland Street, Suite 500
Boston, MA 02114

General Contractor/
Construction
Management: TJD Construction Services, LLC
Tyshania Dismond
867 Boylston Street
Boston, MA 02116

Landscape
Architect: MDLA
Michael D'Angelo, LEED, AP, BD+C
840 Summer Street
Boston, MA 02127

PROPOSED PROJECT

The Proposed Project consists of approximately 46,996 square feet of Gross Floor Area divided and will create forty (40) homeownership units that will consist of two (2) studio units, ten (10) one-bedroom units, twenty-six (26) two-bedroom units, and two (2) three-bedroom units. Seven (7) of the units will be designated as income-restricted, giving the project an affordability rate of 17.5 %. The ground level will offer residents amenities such as a community room and fitness center. The retail space at the corner of the corner of Cummins Highway and Hollingsworth Street

will be an amenity for the broader community, prominently demarcating the Proposed Project.

The Proposed Project will include a maximum of twenty-five (25) on-site motor vehicle parking spaces, including one (1) van-accessible space adjacent to an 8-foot-wide access aisle for residents located at ground level. All motor vehicle parking spaces will be accessed via a single curb cut via Hollingsworth 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 Proposed Project will include a minimum total of forty-six (46) interior covered and secured resident bike parking located within the ground floor and directly accessible via Cummins Highway. The proposed Project will also include a minimum total of ten (10) exterior visitor bike parking spaces using a minimum of five (5) post-and-ring racks in compliance with the City of Boston's Bike Parking Guidelines.

The Proposed Project will be set back to include streetscape improvements to Cummins Highway and Hollingsworth Street consistent with the Boston Complete Streets Design Guidelines. On Cummins Highway and Hollingsworth Street, the proposed project will widen the sidewalk to at least 10 feet in width, inclusive of a minimum 6-foot clear pedestrian path of travel, a 4-foot landscape and furnishing zone, bike racks, and at least eight (8) street trees, along the Project Site. The Proposed Project will align with and augment the City of Boston's Cummins Highway Capital Improvement Project (CIP), which began construction in 2024. Should the Proposed Project require deviation from the CIP, the Proponent shall be responsible for design, funding, and implementation of said changes to Cummins Highway and/or Hollingsworth Street.

The Proposed Project is located within the Massachusetts Bay Transportation Authority's (MBTA) Zone of Influence (ZOI). The MBTA requires that the Proponent obtain an MBTA license prior to entering and/or performing any work on or over MBTA property or within the MBTA's ZOI.

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	48,682

Gross Floor Area	37,517
<i>Residential</i>	34,469
<i>Office</i>	0
<i>Retail</i>	2,143
<i>Lab</i>	0
<i>Medical Clinical</i>	0
<i>Education</i>	0
<i>Hotel</i>	0
<i>Industrial</i>	0
<i>Recreational</i>	905
<i>Cultural</i>	0
<i>Parking</i>	7,561
Development Cost Estimate	12,000,000
Residential Units	40
<i>Rental Units</i>	
<i>Ownership Units</i>	40
<i>IDP/Affordable Units</i>	7
Parking spaces	25

ARTICLE 80 REVIEW PROCESS

On January 5, 2024, the Proponent filed a Small Project Review application with the Planning Department for the Proposed Project, pursuant to Article 80E of the Code. The Planning Department sponsored virtual public meeting was held on April 4, 2024. The meeting was duly advertised in the Mattapan Reporter, El Mundo, and El Planeta, and also circulated to the Mattapan email list. The Planning Department comment period concluded on April 18, 2024.

PLANNING AND ZONING

The Proposed Project is located in the Mattapan Neighborhood District in an S1 Subdistrict. New zoning was adopted February 2024 converting the former Two-Family Residential, 2F-4000 subdistrict, under Article 60 to updated Squares + Streets Zoning per Article 26 of the Boston Zoning Code. While this project was filed under the former Two-Family Residential zoning, it has been reviewed in the context of Squares + Streets zoning and recommendations per PLAN: Mattapan to reflect the evolving context of the neighborhood.

The Proposed Project is contextually aligned with the local planning initiative for the neighborhood. PLAN: Mattapan, adopted in May 2023, identifies Cummins Highway as a major thoroughfare through the neighborhood. The Plan recommends expanding multifamily zoning along the extent of the identified corridors including the area of the proposed development site for this project in order to locate more people closer to public transit and other amenities. The Proposed Project at 819 Cummins Highway is situated between an existing node at Mattapan Square and a planned future node at the intersection of Cummins Highway and Greenfield Street envisioned by the PLAN. The Proposed Project's scale, use mix, and contribution to neighborhood walkability are consistent with the PLAN's recommendations for Mattapan Square.

The City of Boston Climate Action Plan, the Urban Forest Plan, and Heat Resilience Solutions for Boston collectively identify Mattapan as having above average tree canopy coverage in the city, despite the lack of trees on both Hollingsworth Street and Cummins Highway. Land use patterns in Mattapan increase the vulnerability of the neighborhood to the effects of extreme heat resulting from climate change. These planning initiatives recognize that much of Mattapan's heat stress is a result of high rates of single-occupancy vehicle commuters. Opportunities exist to improve the comfort level of travel to and from transit hubs through the addition of street trees for sidewalk shading along major routes, such as Cummins Highway. The Proposed Project responds to these opportunities through the addition of three street trees along the Cummins Highway frontage of the property, and the addition of street trees on Hollingsworth Street along with a variety of small shrubs in the open space at the Cummins Highway front of the proposed building.

COMMUNITY BENEFITS

The Proposed Project will set back from the property line to provide community benefits for the Mattapan neighborhood and the City of Boston, including a publicly

accessible plaza along Cummins Highway and wider sidewalks along Cummins highway and Hollingsworth Street consistent with the City of Boston's Complete Streets Design Guidelines. The Proponent shall agree to the following:

- Creation of a publicly accessible plaza along the Cummins Highway frontage of the Project Site. This approximately 1,500 SF at-grade plaza will facilitate step-free access to the residential lobby, interior bike storage, and retail space, and will include landscaping, bench seating, and café seating.
- Expansion of sidewalks on Cummins Highway and Hollingsworth Street along the Project Site, inclusive of a minimum 6-foot clear pedestrian path of travel and a minimum 4-foot landscape and furnishing zone.
- Inclusion of at least eight (8) street trees and a minimum of five (5) post-and-ring bike racks within the landscape and furnishing zone along the Project Site.
- A narrow driveway curb cut leading to the motor vehicle garage, which shall not exceed 12 feet in width.

The Proposed Project will align with and augment the City of Boston's Cummins Highway Capital Improvement Project (CIP), which began construction in 2024. Should the Proposed Project require deviation from the CIP, the Proponent shall be responsible for design, funding, and implementation of said changes to Cummins Highway and/or Hollingsworth Street.

Sidewalk setbacks and streetscape improvements will be subject to design review and will require approval by the Public Improvement Commission ("PIC"), including Pedestrian Easement and Specific Repairs actions.

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. Seven (7) units within the proposed project, or approximately 17.5% of total units, will be income-restricted as IDP homeownership units. All seven (7) IDP Units will be made affordable to households earning less than 80% of the Area Median Income ("AMI"), as based on data from the United States Department of Housing and Urban Development "HUD" and published annually by the BPDA and Mayor's Office of Housing ("MOH").

The proposed sizes, location, income restrictions, and sales prices for the IDP Units are as follows:

Unit Number	Number of Bedrooms	Square Footage	Percent of AMI	Sales Price	Group-2 Designation
2	Three-Bedroom	1292	80%	\$297,200	
7	One-Bedroom	668	80%	\$219,500	
13	Two-Bedroom	786	80%	\$258,500	
17	Two-Bedroom	996	80%	\$258,500	
30	One-Bedroom	775	80%	\$219,500	Group-2
33	Two-Bedroom	898	80%	\$258,500	
39	Two-Bedroom	898	80%	\$258,500	

The location of the IDP Units will be finalized in conjunction with BPDA and MOH staff and outlined in the Affordable Housing Agreement (“AHA”), and sale prices and income limits will be adjusted according to BPDA published maximum sales 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 an Affirmative Marketing Plan (the “Plan”) to the Boston Fair Housing Commission and the BPDA. The IDP Units will not be marketed prior to the submission and approval of the Plan. Preference will be given to applicants who meet the following criteria, weighted in the order below:

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

A deed restriction 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 any subsequent purchaser of the IDP Units during this fifty (50) year period must fall within the applicable income limit for each IDP Unit. DP Units may not be rented by the developer prior to sale to an income eligible household, and the BPDA or its assigns or successors will monitor the ongoing affordability of the IDP Units.

RECOMMENDATIONS

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, BPDA staff recommends that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project; and (2) enter into an Affordable Housing Agreement (“AHA”) 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 consisting of a five-story residential building containing 40 homeownership units and 25 parking spaces at 819 Cummins Highway in Mattapan (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 an Affordable Housing Agreement for the creation of seven (7) on-site Inclusionary Development Policy Units and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

819 Cummins Highway



1:500



819 Cummins Highway



MEMORANDUM**November 14, 2024**

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

FROM: CASEY HINES, SENIOR DEPUTY DIRECTOR OF DEVELOPMENT REVIEW
NUPOOR MONANI, SENIOR DEPUTY DIRECTOR OF DEVELOPMENT
REVIEW
ELLA WISE, SENIOR PLANNER
ADAM JOHNSON, URBAN DESIGNER
NICK SCHMIDT, SENIOR TRANSPORTATION PLANNER
EBONY DAROSA, SENIOR PROJECT MANAGER

SUBJECT: 944 SARATOGA STREET, EAST BOSTON

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority ("BRA") d/b/a Boston Planning & Development Agency ("BPDA") to authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 944 Saratoga Street in East Boston (as defined below, the "Proposed Project"), in accordance with Article 80E, Small Project Review of the Boston Zoning Code (the "Code"); and (2) enter into a Community Benefits Agreement in connection with the Proposed Project, and take any and all other actions and execute any and all other agreements and documents that the Director deems necessary and appropriate.

PROJECT SITE

The Project Site is comprised of an approximately 8,609 square foot parcel of land within the Orient Heights neighborhood located in the East Boston neighborhood of Boston (the "Project Site"). The Project Site is currently vacant but was previously occupied by an auto repair shop. The Project Site is bounded by Noyes Playground and a multifamily residential building, which was completed by the Proponent in

2021. The Project Site is approximately 0.2 miles to the MBTA's Orient Heights train station, and other nearby public transit options.

DEVELOPMENT TEAM

The Development Team consists of:

Proponent: CBE 944 Saratoga, LLC
John Conley, Manager

Legal Counsel: Law Office of Richard C. Lynds
Richard C. Lynds, Esq.

Architect: Embarc
Bill Mensinger

Civil Engineer: Engineering Alliance, Inc.
Richard A. Salvo, P.E.

DESCRIPTION AND PROGRAM

The Proposed Project would replace a vacant lot with a new Coastal Flood Resilience Overlay District "CRFOD" compliant four (4) story, 49' foot, 10' inch tall residential building totaling approximately 26,565 gross square feet. The building would contain twenty-one (21) rental residential units, (9) garage parking spaces, and twenty-eight (28) bicycle parking spaces. The Proposed Project includes four (4) studio units, nine (9) one-bedroom units, and eight (8) two-bedroom units.

The Proposed Project includes a maximum of nine (9) on-site motor vehicle parking spaces for residents located at ground level. All motor vehicle parking spaces would be accessed via a single curb cut via Saratoga Street shared with 946 Saratoga Street. The curb cut size shall be limited to no wider than ten (10) feet.

The Proposed Project includes a minimum total of twenty-four (24) interior covered and secured resident bike parking spaces located within the ground floor and directly accessible via Saratoga Street. The Proposed Project also includes a

minimum total of four (4) exterior visitor bike parking spaces using a minimum of two (2) post-and-ring racks in compliance with the City of Boston's Bike Parking Guidelines.

The Proposed Project includes streetscape improvements to Saratoga Street consistent with the Boston Complete Streets Design Guidelines. The Proposed Project would be set back from the property line on Saratoga Street to create an accessible sidewalk at least eight (8) feet in width, inclusive of a minimum five (5) foot clear pedestrian path of travel and three (3) foot furnishing zone with permeable pavers and at least two (2) street trees, along the Project Site. The Proposed Project would provide curb extensions for the existing Saratoga Street crosswalk immediately west of the Project Site that connects to the Noyes Playground pathway.

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

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	26,565
Gross Floor Area	23,740
<i>Residential</i>	16,935
<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>	2,585
Development Cost Estimate	\$8,000,000
Residential Units	
<i>Rental Units</i>	21

<i>Ownership Units</i>	
<i>IDP/Affordable Units</i>	0
Parking spaces	9

ARTICLE 80 REVIEW PROCESS

On May 13, 2024, the Proponent filed a Small Project Review Application (the “SPRA”), which initiated a public comment period that concluded on June 12, 2024. The SPRA was sent to the City’s public agencies/departments and elected officials pursuant to Section 80A-2 of the Code.

On June 4, 2024, a Virtual Public Meeting was held. The Virtual Public Meeting was advertised in the local East Boston paper and listed on the BPDA website.

PLANNING CONTEXT

PLAN: East Boston (the “PLAN”), a neighborhood-wide planning initiative to guide growth in East Boston, was adopted by the BPDA Board January 18, 2024. The PLAN includes analysis and recommendations related to zoning, public realm and transportation improvements, and broader policy and program considerations for inter-departmental coordination. The recommendations are organized by geographies: Neighborhood Residential Areas, Squares and Corridors, and Evolving Waterfront and Industrial Areas.

Orient Heights Square is one of the Squares and Corridors identified in the PLAN, characterized as “an important place of gathering, located near the Blue Line.” The PLAN seeks to “improve the legibility of the square and connect it to nearby assets.” Specific to land use and design, the PLAN recommends replacing the Neighborhood Shopping zoning district with a new MU-4 district in Orient Heights Square, including the parcel of the Proposed Project. The PLAN envisions improvements to the existing Saratoga Street crosswalk to improve safety and access to Noyes Playground and align with a proposed mid-block pedestrian connection between Saratoga Street and Bennington Street. As the location immediately abuts Noyes

Playground, staff review carefully considered the relation between the Proposed Project and the public park that surrounds it on two sides.

ZONING

Article 53 - East Boston Neighborhood District and Zoning Map 3-C were amended in April 2024 to codify recommendations from PLAN: East Boston. Accordingly, the proposed project is within the Article 53 East Boston Neighborhood, Mixed-Use 4 (MU-4) subdistrict.

The proposed use is multifamily residential, which is allowed in the subdistrict. The MU-4 subdistrict allows maximum building height of four stories and 50 feet, as measured from grade as defined by Article 2 and Article 25A of the Zoning Code; minimum rear setback of 10 feet when abutting a non-residential use; minimum front setback of 6 feet or modal front setback; minimum side setback of 10 feet total, with 3 feet minimum per side when abutting a non-residential use; maximum lot coverage of 70%; minimum permeable area of lot of 15%; maximum floor plate of 8,000 square feet; and maximum building width of 120 feet.

The proposed rear setback from Noyes Playground is between 9 feet 6 inches and 10 feet 7 inches with an average of 10 feet 2 inches. According to Section 53-29.8, given that the rear wall of the Proposed Project is not parallel to the rear lot line and the average distance between the Proposed Project and the rear lot line is greater than the minimum rear yard requirement and at no point less than 3/4ths of the rear yard requirement (i.e. 7.5 feet), the rear yard requirements are met.

MITIGATION & COMMUNITY BENEFITS

The Proposed Project has committed to providing community benefits for the East Boston neighborhood and the City of Boston. The Proposed Project would result in an improved pedestrian experience along Saratoga Street with the installation of improved sidewalks and new curb extensions, street trees, landscaping, and visitor bike parking consistent with the City of Boston's Complete Streets Design Guidelines. In addition, the Proponent has agreed to an in-kind and/or financial commitment totaling up to forty thousand (\$40,000.00) dollars, to be managed by the BPDA, which may be allocated to:

- An in-kind commitment for the design and installation of curb extensions at the existing Saratoga Street crosswalk immediately west of the Project Site and connecting to the Noyes Playground path. This mitigation measure is

subject to review by the BPDA, Boston Transportation Department (“BTD”), Boston Public Works Department (“PWD”), and other City departments, as needed. Sidewalk setbacks and improvements to the public way, including curb extensions, are subject to design review and will require approval for Pedestrian Easement and Specific Repairs actions with the Public Improvement Commission (“PIC”). 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 BPDA design review and Planning Department discretion. In the event that circumstances change regarding this mitigation, the Planning Department and other City departments will work with the Proponent to identify an alternative solution with comparable impact and estimated value.

- Within 30 days of issuance of Building Permit, a one-time “bikeshare” contribution of Five Thousand Seven Hundred Seventy Five dollars (\$5,775) to BTD per the City’s Bike Parking Guidelines.

The community benefits described above will be set forth in the Community Benefits Agreement for the Proposed Project. Any required community benefit contribution payments shall be made to the BPDA or respective City of Boston department before issuance of the initial building permit by ISD and will be distributed as outlined above. The Proposed Project and public realm improvements are subject to design review.

INCLUSIONARY DEVELOPMENT POLICY

The Inclusionary Development Policy, dated December 10, 2015 (“IDP”), requires that any Proposed Project requiring zoning relief and creating ten (10) or more units which is (a) financed by the City, (b) on City-owned land, or (c) is not financed as one entity and restricting or preserving 40% or more of units as affordable, or otherwise exempt as a dormitory or other non-residential use, must provide at least 13% of residential units as income-restricted IDP units. The Proposed Project has been designed to be in full compliance with the provisions of the Zoning Code and as no zoning relief is required, the Project is therefore exempt from the IDP.

RECOMMENDATIONS

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, staff recommends that the Director

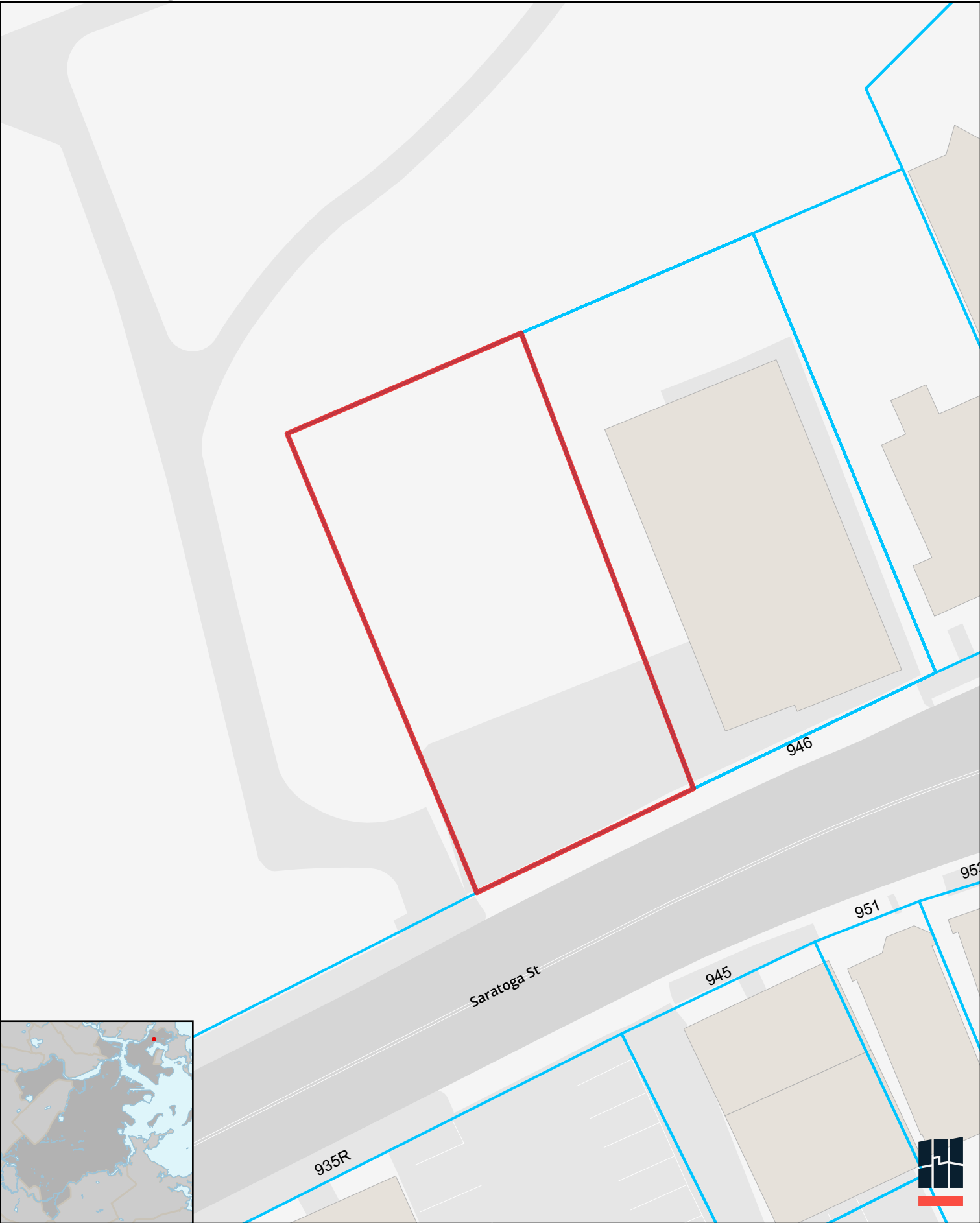
be authorized to: (1) issue a Certification of Approval for the Proposed Project; and (2) enter into a Community Benefits Agreement in connection with the Proposed Project, and take any and all other actions and execute any and all other agreements and documents that the Director deems appropriate and 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 Proposed Project consisting of 19,520 square feet at 944 Saratoga Street 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 BPDA; and

Further Voted That the Director be, and hereby is, authorized to enter into a Community Benefits Agreement, and to take any and all other actions and to execute any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

944 Saratoga Street



944 Saratoga Street



To: Ebony Darosa
From: BPDA Planning and Urban Design
Date: June 7, 2024
Subject: 944 Saratoga Small Project Review Application
BPDA Planning and Urban Design Comments

The following comments are provided in response to the “944 Saratoga Street, East Boston, Small Project Review Application” submitted to the Boston Planning and Development Agency (BPDA) by CBE 944 Saratoga LLC on May 14, 2024.¹

Planning and Zoning

At this time, the proposed project at 944 Saratoga Street, East Boston does not align with the standards set forth by the Boston Zoning Code and PLAN: East Boston.

Site Context

The site is currently a vacant lot. It was recently occupied by an auto repair shop that was razed in the past several years. The site abuts the Noyes Playground to the left and rear and a 3-story multifamily building constructed in 2021 on the right.

The site was subject to a previous Article 80 application for a proposal referred to as 944-946 Saratoga that encompassed this parcel and the one next to it. The previous proposal was abandoned, and instead a 3-story development project on 946 Saratoga was approved and constructed.

The proposed site is located in Orient Heights Square within a block of the intersection of Saratoga and Boardman Streets. Saratoga Street is two-lane with on-street parking on both sides lined with a mixed of 1- to 3- story residential and commercial uses. Orient Heights T station is less than a 10-minute and Constitution Beach is less than a 5-minute walk.

Planning Context

¹ <https://bpda.app.box.com/s/rbdi6ha8u8zhs3vg3g1svyyy5h1yhk21>

PLAN: East Boston and accompanying zoning amendments were adopted by the BPDA Board in January 2024. Zoning text and map amendments that codify the PLAN recommendations were adopted by the Boston Zoning Commission in April 2024.

Orient Heights Square is one of the squares and streets identified in the PLAN, identified as “an important place of gathering, located near the Blue Line.” Generally, the PLAN seeks to “improve the legibility of the square and connect it to nearby assets.” OBJ

Regulatory and Policy Context


The Inclusionary Development Policy (IDP) is required of all projects with 10 or more units that require zoning relief, City funding, or are located on City-owned land to reserve at least 13% of all units as income-restricted. The proposed project includes 20% income-restricted units and complies with IDP.

The project is also subject to the Boston Air Pollution Control Commission’s East Boston Parking Freeze Zone, as well as City of Boston Parks review per Boston Municipal Code Ordinance 7.4-11.

Zoning Context

The proposed project is within the Article 53 East Boston Neighborhood, Mixed-Use 4 subdistrict. The site of the proposed project had been within the East Boston Neighborhood District, Neighborhood Shopping subdistrict until zoning amendments to Article 53 were adopted by the Boston Zoning Commission in April 2024. The zoning requirements are compared to the proposed project below. Zoning relief is recommended where the zoning requirements are inconsistent with citywide goals for resiliency, affordability, and equity.

The proposed project is also within the Coastal Flood Resilience Overlay District (CFROD) meaning that it is anticipated to be flooded with a 1% chance storm event in 2070 with 40 inches of sea level rise and is subject to Article 25A. Please see the resilience comments below for further detail. Article 25A relates to the proposed use and dimensions of the site. Residential uses below the Sea Level Rise - Design Flood Elevation (DFE) are prohibited. For residential uses, the DFE is defined as two feet above the Base Flood Elevation. In addition, per Article 25A, the building height of the proposed project “shall be measured from the higher of: (a) Grade, or (b) two (2) feet above the Sea Level Rise - Base Flood Elevation (SLR-BFE).”

Table 1. Consistency with East Boston Neighborhood, MU-4 subdistrict				
Dimensions / Uses	Zoning Requirements	Proposed Project per SPRA	Consistent?	Relief recommended?
Setback (front)	6 ft or modal	2'7" - 8'2" and modal	Consistent with modal setback	N/A
Setback (side)	Abutting non-residential: 10 ft total, 3 ft min per side	Abutting non-residential: 5.8 ft	Consistent	N/A
Setback (rear)	Abutting non-residential: 10 ft	3 ft	Not consistent	No relief recommended
Height	4 stories 50 feet	4 stories 52 ft, 5in	Consistent (stories)  Not consistent (feet)	No relief recommended

Max building lot coverage	70%	65%	Consistent	N/A
Max building width	120 ft	49.5 ft, per SPRA	Consistent	N/A
Max floor plate	8,000 sq ft	5,595 sq ft	Consistent	N/A
Min outdoor amenity space	none	2,400 sq ft total including decks and bal	N/A	N/A
Min permeable area of lot	15%	15%	Consistent	N/A
Uses	Multifamily allowed	Multifamily	Consistent	N/A

As noted above, the proposed rear setback and height is non-compliant with the recently amended Article 53 zoning regulations. The Article 53 amendments codified the recent recommendations of PLAN: East Boston reflecting City and community goals. Given the site of the proposed project adjacent to a City of Boston public park, the side and rear setback adjacent to the park are critical to ensure harmonious private use of the proposed project and public use of the park.² In regards to the proposed height measured in feet, BPDA staff acknowledge that the proposed floor-to-floor measurements are not irregular; however, the height does exceed the zoning maximum measured in feet and it is requested that the project design be revisited to reduce the proposed height by two feet, five inches.

- *In consultation with BPDA Urban Design staff, increase the rear yard setback from three to 10 and reduce the height to 50 feet in order to gain consistency with the recently adopted Zoning Amendments to Article 53 and Zoning Map 3*

Urban Design

Architecture

Note: Urban Design/architectural comments will refer to architectural stories as a shorthand to simplify discussion of architectural features; nothing in these comments is meant to contradict

² This is consistent with the City of Boston Parks Department feedback given in a November 2023 comment letter in response to pre-file conceptual plans for 944 Saratoga which requests a greater rear yard in order to reduce impact on the park.

BPDA staff team's understanding that proposed building height equals 4 stories above DFE and 1 story below DFE.

- *This building has three architectural fronts: one facing the street and two facing the park. Facing the street, the 1 story below DFE and first 2 stories above DFE are very elegant, due to the horizontal detailing in the expression. This expression gets lost toward the rear of the building, contributing to a feeling of bulk. Consider how the horizontal detailing and lines of the front can be extended to the sides facing the park.*
- *The current massing proportion of 3 + 2 architectural stories (4 stories above DFE) is causing the building to read as much more massive than it actually is. Given that 4 stories are allowed under zoning, consider extending the architectural expression of the bottom portion of the building up one more story, so that this reads as a 4 + 1 building. The protruding "bay" on the front elevation could be extended up a further story to continue that logic and to help regain some of the square footage lost by meeting the rear setback requirement.*
- *How could the penthouse be detailed so that it reads as more secondary from the side in the view below? Total building height should be no greater than 50'.*



- *Please draw the canopy of the adjacent Park tree on all architectural plans, so that we can understand how the carving of the massing relates to the canopy extent.*

Public Realm and Open Space

- *The proponent should provide a zoning compliant footprint that honors the rear yard setback and gives as much dimension as possible to the parkside side yard to preserve the root zone of the existing tree on parkland. This could help the proponent significantly in their Parks Commission review process.*
- *The footprint should be closer to 946 Saratoga and provide the largest side yard setback and buffer to the parkside (western edge of the parcel). This will reduce the dimension of*

the shared drive aisle to 20', while still maintaining a 3-foot side yard setback along the east edge of the parcel.

- *We are concerned that the existing van accessible space is not working, so that should be explored as a part of the new footprint.*
- *construction access cannot be allowed from park land.*



City of Boston
Parks and Recreation
Mayor Michelle Wu

May 22, 2024

Teresa Polhemus
Boston Planning and Development Agency
One City Hall Square
Boston, MA 02201

RE: Small Project Review, 944 Saratoga Street, adjacent to Noyes Playground in East Boston

Dear Ms. Polhemus:

The Boston Parks and Recreation Department (BPRD) has reviewed the *Small Project Review Application for 944 Saratoga Street* in East Boston. The site of the proposed project is immediately adjacent to Noyes Playground on two sides.

Previous Reviews BPRD previously reviewed the plans for 944-946 Saratoga Street before the project was bifurcated, and provided comments in a letter dated September 25, 2017. BPRD also reviewed the pre-file conceptual plans for 944 Saratoga Street and provided comments in a letter dated November 10, 2023. Those letters were intended to inform the conceptual design so that impacts to Noyes Playground would be eliminated prior to submittal to the BPDA, BOA and the Parks Commission. *The previous letters are attached because the issues were not resolved.*

Municipal Code Section 7-4.11 The project will require the approval of the Boston Parks and Recreation Commission prior to the issuance of building permits. Issues that will be reviewed for impacts to the playground will include but not be limited to height; massing; rear and side yard setbacks; shadows; onsite open space; landscaping; balconies and roof deck; construction management; accommodation of pets; protection of public trees; and interface between uses. *The Parks Commission's review is not listed in Table 2-2 Anticipated Permits and Approvals.*

Sincerely,

Carrie M. Dixon

Carrie Marsh Dixon, Executive Secretary
Boston Parks and Recreation Commission

cc: Ryan Woods, Commissioner, Boston Parks and Recreation Department
Liza Meyer, Chief Landscape Architect, Boston Parks and Recreation Department
Seth Riseman, Boston Planning and Development Agency
Jill Zick, Boston Planning and Development Agency
Ebony DaRosa, Boston Planning and Development Agency



City of Boston
Parks and Recreation
Mayor Michelle Wu

November 10, 2023

Michael Christopher
Boston Planning and Development Agency
One City Hall Square
Boston, MA 02201

RE: Pre-file conceptual plans; 944 Saratoga Street, adjacent to Noyes Playground in East Boston

Dear Michael:

The Boston Parks and Recreation Department (BPRD) received conceptual plans from the proposed project at 944 Saratoga Street, which is immediately adjacent to Noyes Playground. This project is currently in the pre-file phase and has not yet been submitted to the Boston Planning and Development Agency (BPDA) for Article 80 Small Project review.

BPRD reviewed the *Concept Plans for 944 Saratoga Street* dated September 18, 2023. The comments below are intended to inform the conceptual design so that impacts to Noyes Playground are eliminated prior to Article 80 and Parks Commission review. BPRD may submit additional comments to the BPDA and the Board of Appeals once a submittal is made.

Municipal Code Section 7-4.11 This project is subject to *Municipal Code Section 7-4.11* and requires the approval of the Boston Parks and Recreation Commission prior to the issuance of building permits. Issues that will be reviewed for impacts to the playground will include but not be limited to height, massing, setbacks, shadows, onsite open space, landscaping, balconies and roof deck, construction management, accommodation of pets, and interface between uses.

Conceptual Design The proposed height of the building is 5 stories (55'). There are no measurements provided but the proponent stated that the rear setback is about 2-3 feet from the park and the side yard setback is six feet from the park. There is a large tree in the park near the shared property line with a canopy that overhangs the project site. There are balconies, a roof deck and outdoor seating adjacent to the property line, with minimal side and rear yard setbacks.

Previous Review BPRD previously provided the attached comment letter during Article 80 review for 944-946 Saratoga Street dated September 25, 2017. The issues in that letter remain relevant to the conceptual plans for 944 Saratoga Street – particularly regarding impacts to the adjacent playground from setbacks, height and shadows, roof decks and balconies, etc.

The original project that was proposed at 944-946 Saratoga Street in 2017 was later bifurcated into two buildings along a shared driveway. The building at 946 Saratoga Street is set back 20' from the park, and is three stories (35') tall – alleviating concerns about impacts to the park. The Boston Parks and Recreation Commission approved the project at 946 Saratoga Street in 2018.

The project at 944 Saratoga Street should match the height and setbacks that were previously approved on the tandem site at 946 Saratoga Street in order to eliminate park impacts.

Zoning The site is zoned *Article 53 East Boston Neighborhood Shopping Subdistrict* (NS). The maximum allowed height is 35 feet. The maximum FAR is 1.0. The minimum rear yard setback is 20 feet. The side yard setback is zero feet. The onsite open space is 50 sf per unit.

In an email to the BPRD, the proponent stated the opinion that “the zoning setbacks for the lot located in the NS District are 0 on the side yard and 20' on the rear. As this may be a corner lot condition, the rear yard could be treated as a side yard under Article 53.”

However, the Zoning Code defines a corner lot as “a lot with boundaries abutting on, and meeting at the intersection of two streets...” The location of the subject site does not appear to fit this corner lot definition as its boundaries abut a park, not the intersection of two streets.

BPRD will seek a determination from the BPDA on the interpretation of whether the lot at 944 Saratoga Street is a corner lot condition, with a rear yard setback of zero feet.

Zoning Relief The *Concept Plan* does not include an analysis of zoning. However, the building is designed in a manner that assumes relief of zoning for height, massing, rear yard setback, onsite open space, etc. Such relief would create a significant impact on the adjacent public park.

The conceptual plans should be redesigned so that zoning relief is not required that will create impacts on the adjacent publicly owned open space. The zoning dimensional requirements of 35' maximum height, FAR of 1.0, and 20' minimum rear yard setback should be met in order to eliminate impacts to the immediately adjacent playground. A side yard setback of 10' is desired.

Height and Shadows The proposed height of five stories and 55' exceeds that which is allowed under zoning and would require relief from zoning which would create impacts on the publicly owned park. The additional height and minimal rear yard setbacks would create a building that is physically imposing on the park. The building would likely cast shadows on the playground throughout the day and the year given its siting to the south of the public open space.

The conceptual plans should be redesigned so that zoning relief is not required that will create shadow impacts on the adjacent publicly owned open space.

A shadow impact analysis should be provided from dawn until dusk year round.

Setbacks Relief from zoning would create minimal setbacks which would have shadow, aesthetic and user impacts on the park. The rear setback is 2-3 feet from the park - it appears that it will be impossible to build the structure without access from the playground. The balconies and roof decks immediately overhanging the park would privatize the space. There is a large tree in the park along the side yard that would be impacted by zoning relief, design and construction.

The conceptual plans should be redesigned so that zoning relief is not required that will create impacts on the adjacent publicly owned open space.

Onsite Open Space An analysis has not been provided of the onsite open space that is required under zoning. The open space that is shown on the conceptual plan is passive use space. Residents of the households will therefore rely on the adjacent public park for their active recreation needs. *The impact of additional users to the park should be fully mitigated.*

Noise and Exhaust *The proponent should provide details of the building mechanicals in relation to the public open space - including garage ventilation; building ventilation, condensing units, etc. Mechanicals should be sited so as not to impact open space with noise. Ventilation fans should not impact or be oriented to public open space, and noise should be mitigated.*

Demolition and Construction Management *A demolition and construction management plan should be provided specific to impacts to Noyes Playground, in addition to anything submitted to BTD. As applicable, this plan should include: specifics of demolition and waste removal given that the proposed building sits nearly at the property line of the park; construction staging (including cranes, heavy equipment, deliveries, truck routes, contractor parking, storage, etc.); management of dust and noise; excavation and grading; driving of piles; foundation support; foundation footings and construction; groundwater management during construction and after; erosion and sediment control; stormwater management; impact to trees; and noise and dust.*

Pets *A pet relief space should be provided on site to eliminate impacts to public open space.*

Interface Between Uses The proposed project sets up a potentially incompatible interface between an existing publicly owned playground and a private residential building.

The proponent enters into this project aware that the adjacent property is fully utilized as a public park. The onus is on the proponent to mitigate any impacts within its own property.

Conclusion *The conceptual plans should be redesigned so that the building meets required zoning; is in alignment with the previously approved building at 946 Saratoga Street, and does not create negative impacts on or interface with the adjacent publicly owned open space.*

Sincerely,

Carrie M. Dixon

Carrie Marsh Dixon, Executive Secretary
Boston Parks and Recreation Commission

cc: Ryan Woods, Commissioner, Boston Parks and Recreation Department
Liza Meyer, Chief Landscape Architect, Boston Parks and Recreation Department
Seth Riseman, Boston Planning and Development Agency
Jill Zick, Boston Planning and Development Agency
Casey Hines, Boston Planning and Development Agency
Ebony DaRosa, Boston Planning and Development Agency

BOSTON

September 25, 2017
Martin J. Walsh, Mayor

Ms. Teresa Polhemus
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201

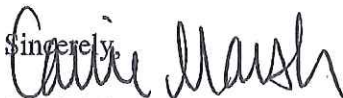
RE: 944 - 946 Saratoga Street, adjacent to Noyes Playground in East Boston

Dear Ms. Polhemus:

BPRD has reviewed the Article 80 application for the proposed development at 944 Saratoga Street. This project is immediately adjacent to Noyes Playground and shares its west side and rear property lines with the park. The park will provide significant amenity to the development.

The project is subject to approval of the Boston Parks and Recreation Commission prior to the issuance of building permits, under Municipal Code Section 7-4.11. It would be difficult for BPRD's review staff to recommend the project to the Commission for approval, given its current design. It is therefore desired that the issues below be resolved during the Article 80 review:

- Siting – the setbacks of 9' along the side and rear property lines would have a detrimental impact on the park. The rear zoning setback requirement of 20' should be honored, and a minimum side setback of 5' (10' preferred) should be provided along the park property.
- Zoning - relief for height and massing would further impose the building on the park.
- Shadows – the building will create shadows on the playground, including the playing field.
- Construction Impacts - Construction impacts (noise, dust, traffic, etc.) should be detailed. All construction shall be accommodated onsite - no access will be allowed through the park. No parking associated with the construction will be allowed on park property.
- Balconies and a first floor roof deck immediately abut the park and could create usage issues.
- The fenestration of the parking level opens immediately onto the park.
- The building should be screened from the park with screening located on the project site.
- The impact of 42 households (likely up to 100 residents) using the park as an active recreational amenity should be appropriately mitigated during Article 80 review.
- A dog recreation space should be provided onsite, if pets will be allowed.
- Any public shade trees in the vicinity of the site will need to be protected from impacts.

Sincerely,


Carrie Marsh

Executive Secretary, Boston Parks and Recreation Commission

cc: Christopher Cook, Commissioner, Boston Parks and Recreation Department
Liza Meyer, Chief Landscape Architect, Boston Parks and Recreation Department
Jon Greeley, Director of Development Review, Boston Planning and Development Agency
Michael Cannizzo, Senior Architect, Boston Planning and Development Agency
Raul Duverge, Project Manager, Boston Planning and Development Agency



Boston Parks and Recreation Department

1010 Massachusetts Ave., Boston, MA 02118 / Tel.: 617-635-4505 / Fax: 617-635-3173



To: [Ebony DaRosa]
From: [Hayden Budofsky], PWD
Date: [06/04/2024]
Subject: [944 Saratoga Street] - Boston Public Works Department Comments

Included here are Boston Public Works (PWD) comments for the 944 Saratoga Street SPRA.

Project Specific Scope Considerations:

The developer should coordinate with BTM and PWD to develop safety and accessibility improvements for pedestrians and cyclists in the area. The developer should coordinate with the Parks & Recreation department in regards to the planting of two new street trees along Saratoga Street. A proposed pedestrian ramp should follow PWD standards & guidelines, and will need to meet AAB/ADA standards. Proposing a mid-block crossing at the park entrance along Saratoga Street will require an opposite ramp on the south side of the street. This would conflict with an existing driveway that would require coordination with the parcel owner and PIC. The developer shall coordinate with PWD and BTM to identify the best location for this crossing. The developer shall consider installing an RRFB.

Pedestrian Access:

The developer should consider extending the scope of sidewalk improvements along the site frontage.

Site Plan:

Developer must provide an engineer's site plan at an appropriate engineering scale that shows curb functionality on both sides of all streets that abut the property.

Construction Within The Public vs Private Right-of-Way:

All work within the public way shall conform to Boston Public Works Department (PWD) standards. Any non-standard materials proposed within the public way (i.e. pavers, landscaping, bike racks, etc.) will require approval through the Public Improvement Commission (PIC) process and a fully executed License, Maintenance and Indemnification (LM&I) Agreement with the PIC.

All work within the public way shall conform to Boston Public Works Department (PWD) standards. Any non-standard materials proposed within the public way will require approval through the Public Improvement Commission (PIC) process and a fully executed License, Maintenance and Indemnification (LM&I) Agreement with the PIC.

Sidewalks:

The developer is responsible for the reconstruction of the sidewalks abutting the project and, wherever possible, to extend the limits to the nearest intersection to encourage and complement pedestrian improvements and travel along all sidewalks within the ROW within and beyond the project limits. The reconstruction effort also must meet current American's with Disabilities Act (ADA)/ Massachusetts Architectural Access Board (AAB) guidelines, including the installation of new or reconstruction of existing pedestrian ramps at all corners of all intersections abutting the project site if not already constructed to ADA/AAB compliance per Code of Massachusetts Regulations Title 521, Section 21 (<https://www.mass.gov/regulations/521-CMR-21-curb-cuts>). This includes converting apex ramps to perpendicular ramps at intersection corners and constructing or reconstructing reciprocal pedestrian ramps where applicable. Plans showing the extents of the proposed sidewalk improvements associated with this project must be submitted to the PWD Engineering Division for review and approval. Changes to any curb geometry will need to be reviewed and approved through the PIC.

Please note that at signalized intersections, any alteration to pedestrian ramps may also require upgrading the traffic signal equipment to ensure that the signal post and pedestrian push button locations meet current ADA and Manual on Uniform Traffic Control Devices (MUTCD) requirements. Any changes to the traffic signal system must be coordinated and approved by BTM.



PUBLIC WORKS DEPARTMENT

Boston City Hall • 1 City Hall Sq Rm 714 • Boston MA 02201-2024
The Office of the Streets, Transportation, and Sanitation
(617) 635-4900

All proposed sidewalk widths and cross-slopes must comply to both City of Boston and ADA/AAB standards.

The developer is encouraged to contact the City's Disabilities Commission to confirm compliant accessibility within the Public ROW.

Green Infrastructure:

The developer shall work with PWD, the Green Infrastructure Division, and the Boston Water and Sewer Commission (BWSC) to determine appropriate methods of green infrastructure and storm water management systems within the Public ROW. The ongoing maintenance of such systems shall require an LM&I Agreement with the PIC.

Driveway Curb Cuts

Any proposed driveway curb cuts within the Public ROW will need to be reviewed and approved by the PIC. All existing curb cuts that will no longer be utilized shall be closed.

Discontinuances

Any discontinuances (sub-surface, surface or above surface) within the Public ROW must be processed through the PIC.

Easements

Any easements within the Public ROW associated with this project must be processed through the PIC.

Landscaping

The developer must seek approval from the Chief Landscape Architect with the Parks and Recreation Department for all landscape elements within the Public ROW. The landscaping program must accompany a LM&I with the PIC.

Street Lighting

The developer must seek approval from the PWD Street Lighting Division, where needed, for all proposed street lighting to be installed by the developer. All proposed lighting within the Public ROW must be compatible with the area lighting to provide a consistent urban design. The developer should coordinate with the PWD Street Lighting Division for an assessment of any additional street lighting upgrades that are to be considered in conjunction with this project. All existing metal street light pull box covers within the limits of sidewalk construction to remain shall be replaced with new composite covers per PWD Street Lighting standards. Metal covers should remain for pull box covers in the roadway. For all sections of sidewalk that are to be reconstructed in the Public ROW that contain or are proposed to contain a City-owned street light system with underground conduit, the developer shall be responsible for installing shadow conduit adjacent to the street lighting system. Installation of shadow conduit and limits should be coordinated through the BPDA Smart Utilities team.

Roadway

Based on the extent of construction activity, including utility connections and taps, the developer will be responsible for the full restoration of the roadway sections that immediately abut the property and, in some cases, to extend the limits of roadway restoration to the nearest intersection. A plan showing the extents and methods for roadway restoration shall be submitted to the PWD Engineering Division for review and approval.

Additional Project Coordination

All projects must be entered into the City of Boston Utility Coordination Software (COBUCS) to review for any conflicts with other proposed projects within the Public ROW. The developer must coordinate with any existing projects within the same limits and receive clearance from PWD before commencing work.



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Resiliency:

Proposed designs should follow the Boston Public Works Climate Resilient Design Guidelines (<https://www.boston.gov/environment-and-energy/climate-resilient-design-guidelines>) where applicable.

Please note that these are the general standard and somewhat specific PWD requirements. More detailed comments may follow and will be addressed during the PIC review process. If you have any questions, please feel free to contact me at jeffrey.alexis@boston.gov or at 617-635-4966.

Sincerely,

Jeffrey Alexis
Principal Civil Engineer
Boston Public Works Department
Engineering Division

CC: Para Jayasinghe, PWD
Todd Liming, PIC



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