

MEMORANDUM**JUNE 12, 2025**

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

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

SUBJECT: REPORT ON PLANNING DEPARTMENT ZONING BOARD OF APPEAL
RECOMMENDATIONS BETWEEN 1/1/2025 AND 3/31/2025

SUMMARY: This Memorandum informs the Board of the Boston Redevelopment Authority ("BRA") d/b/a Boston Planning & Development Agency ("BPDA") of trends in the recommendations written by staff planners to the Zoning Board of Appeal between 1/1/2025 and 3/31/2025.

BACKGROUND

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

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

January 1, 2025 and March 31, 2025. Since planners do not currently write recommendations for Article 80 cases as part of this process, they are excluded from this report. Instead, staff forward the approved Board memo to the ZBA as the recommendation for Article 80 cases.

PLANNING DEPARTMENT RECOMMENDATIONS

Overall, the Director wrote 120 recommendations over this period, six fewer recommendations than in the same quarter last year. In most cases, approval was recommended, followed closely by approval with proviso/s.

<i>Recommendation Made</i>	<i>Number of Recommendations</i>
Approval	50
Approval with Proviso/s	43
Denial without Prejudice	21
Denial	6

As in previous quarters, Planning Department design review was the most common proviso in approval with proviso recommendations. One reason for this trend could be a disconnect between what the Planning Department expects in plans and the plans that applicants are submitting.

ZBA HEARING DECISIONS

<i>Decision Made</i>	<i>Number of Decisions</i>
Approved	59
Approved with Proviso/s	43
Denial without Prejudice	3
Withdrawn	1
Denial	0

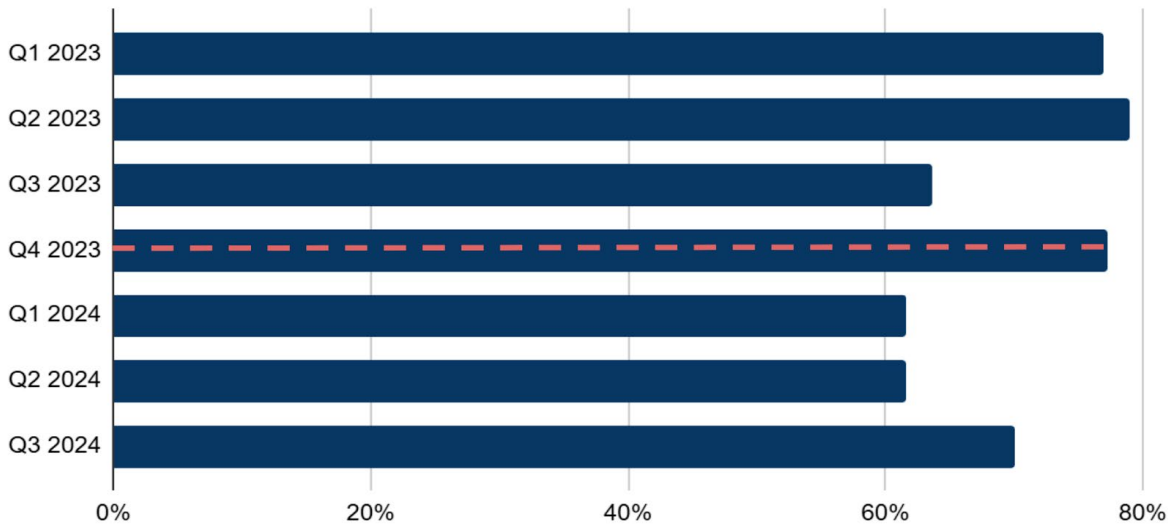
Of the 106 ZBA decisions issued this quarter, most were approved or approved with proviso/s, mirroring the distribution of planning recommendations.

YEAR IN REVIEW: PLAN: EAST BOSTON

Beginning on May 1, 2024, East Boston’s zoning was updated to align with PLAN: East Boston, the result of over 6 years of community engagement. Residential zoning was updated to better match East Boston’s existing buildings, to provide opportunities for new mixed-use development to occur very close to transit, to encourage active streets by relaxing commercial land use regulations, and to amend parking requirements.

Last quarter, this report discussed some of the early impacts of zoning updates in East Boston. One key aim of the new zoning was to reduce reliance on the Zoning Board of Appeal. An analysis of variance requests in the East Boston Neighborhood District shows a modest improvement since the new regulations went into effect. A reduction in variances represents time saved for both the Planning Department and for owners who need to file for zoning relief to move projects forward. It also indicates that zoning is working better by limiting the need for zoning relief caused by existing nonconformities.

Variance Requests in East Boston



Percent of zoning relief requests including a variance in East Boston

--- East Boston rezoning effective date

Since new zoning passed, the overall volume of East Boston cases for which the Planning Department has issued a recommendation has dropped by more than half. While the reduction in case volume and share of variances is promising, the lag between when owners request zoning relief and when they have a hearing date at the Zoning Board of Appeal means that more time is needed to fully assess the updated zoning.

On Neptune Circle, one homeowner was able to benefit from updated zoning with an addition that added floor area without triggering a need for zoning relief. The addition included a new bedroom, a family room, an additional bathroom, and a laundry room. The project was by right and the owner received a permit in 49 days.

Another by-right project on Bremen Street resulted in a new child care center on the ground floor of a mixed-use building on Bremen Street, in a new EBR-4 district. It was permitted in 21 days and made possible by a previous reform to the Code that legalized child care uses across most of the City, as well as the East Boston reforms to align dimensional requirements with existing buildings.

CONCLUSION

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