

ARTICLE 49A

**GREENWAY OVERLAY DISTRICT**

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**SECTION 49A-1. Statement of Purpose, Goals, and Objectives.** The purpose of this Article 49A is to establish the zoning regulations for the Greenway Overlay District (GWOD). The goals and objectives of this Article and the Greenway District Planning Study, a public planning process conducted from 2008 to 2010, are to establish guidelines and design controls for parcels adjacent to the Rose Kennedy Greenway that will: (1) activate the broader public realm in and surrounding the Greenway parks by identifying and strategically locating desired uses, particularly at the ground level, that will contribute positively to the Greenway; (2) preserve the character of the Greenway parks (environmentally, aesthetically, and economically) by setting design standards and guidelines for Proposed Projects, to ensure that they are planned and designed in a manner that is compatible with the recreational activities and horticultural life within the parks; and (3) ensure the long-term value of the public's investment in creating the Greenway parks by setting standards for the review of Proposed Project impacts, to maximize the quality of the parks and extend their publicly beneficial effects into adjacent districts and neighborhoods.

**SECTION 49A-2. Physical Boundaries.** The provisions of this Article 49A are applicable only in the GWOD. The boundaries of the GWOD are as shown on the maps entitled "Map 1, Boston Proper", "Map 1A, Midtown Cultural District", "Map 1C, North Station", "Map 1G, Chinatown District", "Map 1H, Government Center/Markets District", "Map 1L, North End Neighborhood District", "Map 1Xa/1Xb, Central Artery Special District", and "Map 1E/1F, Harborpark District: North End/Downtown Waterfront", of the series of maps entitled "Zoning Districts City of Boston," as amended.

**SECTION 49A-3. Applicability.** This Article 49A together with the rest of this Code constitutes the zoning regulation for the GWOD and applies as specified in Section 4-1 of the Code regarding the conformity of buildings and land to this Code. The GWOD constitutes a special purpose overlay district pursuant to Section 3-1A(o) of the Code. The use regulations and other regulations of the Underlying Zoning, as they may be amended from time to time, shall remain in full force and effect, except as expressly superseded by this Article. Where conflicts exist between this Article and the remainder of this Code, the more restrictive provision shall govern. The following Proposed Projects are exempt from the provisions of this Article, and are governed by the rest of this Code.

1. Any Proposed Project for which application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article and for which no Zoning Relief is required.
2. Any Proposed Project for which appeal to the Board of Appeal for any Zoning Relief has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, provided that such

Zoning Relief has been or thereafter is granted by the Board of Appeal pursuant to such appeal.

**SECTION 49A-4. Large Project Review: General Design and Environmental Standards.** In addition to the Large Project Review requirements set forth in Article 80 of this Code, Proposed Projects submitted for Large Project Review shall comply with the General Design and Environmental Standards set forth in this Section 49A-4. The purpose of these additional standards is to maintain and improve the quality of life in the GWOD.

1. Shadow Criteria. Each Proposed Project shall be arranged and designed in a way to minimize, to the extent reasonably practicable, shadows on any Greenway Parcel. Shadow studies shall be conducted in connection with any Proposed Project demonstrating compliance with the foregoing standard. Shadow impacts will be judged according to several factors, including the extent of the shadow as compared to what would be created by as-of-right build-out, its duration, seasonal reach, and the ground level uses it affects.
2. Wind. Buildings shall be designed to avoid excessive and uncomfortable downdrafts on pedestrians. Each Proposed Project shall be shaped, or other wind-baffling measures shall be adopted, so that the Proposed Project will not cause ground-level ambient wind speeds to exceed the standards in Table A of this Section 49A-4.2. Wind tunnel or other appropriate means of testing shall be required for any Proposed Project over one hundred feet (100') in height.

TABLE A

**Pedestrian Safety/Comfort Wind Standards**

Permitted Occurrence Activity Area Frequency	Effective Gust Velocity*	Annual
Limit for All Pedestrian Areas	13.8 m/sec (31 mph)	1%
Major Walkways - Especially Principal Egress Path for High-Rise Buildings	13.8 m/sec	1%

Other Pedestrian Walkways - Including Street and Arcade Shopping Areas	11.2 m/sec (25 mph)	5%
Open Plazas and Park Areas, Walking and Strolling Areas	6.3 m/sec (14.1 mph)	15%
Open Plaza and Park Areas, Open-Air Restaurants	4.0 m/sec (9 mph)	20%

\* The effective gust velocity (egv) is defined as  $egv = U + 1.5 fvc$ , where U is the mean windspeed at a particular location and fvc is the root mean square of the fluctuating velocity component measured at the same location over the same time interval.

3. Boston Civic Design Commission Review. In addition to complying with the above standards, each Proposed Project shall be subject to review by the Boston Civic Design Commission, in accordance with the provisions of Article 28 of the Code.

**SECTION 49A-5. Greenway Overlay District Use Regulations.** In the GWOD the use of land and structures is regulated as set forth in the Underlying Zoning or any other overlay districts, as they may be amended from time to time, except as expressly superseded in the following Section 49A-5.1.

1. Ground Level Uses in the Greenway Overlay District. Within any Proposed Project in the GWOD, uses with Priority Greenway Frontages that are located on the ground level or entered by a ramp or stairs from a sidewalk entry, except for building entrances and lobbies, are limited to Allowed or Conditional Ground Level Uses, as listed in Appendix A of this Article.

**SECTION 49A-6. Specific Design Requirements.** Proposed Projects within the GWOD shall comply with the specific design requirements established in this Section 49A-6. The provisions of Article 6A of the Code shall be applicable to the requirements of this Section 49A-6.

1. Street Wall Continuity. The provisions of this Section 49A-6.1 apply to the Priority Greenway Frontages of all Proposed Projects. The Street Wall of any Proposed Project subject to the provisions of this Section 49A-6.1 shall be built to be coextensive with the Building Line, as defined in Clause 7A of Section 2-1 of the Code, of the block on which the Street Wall faces. If there is no determinable Building Line of said block, then said Street Wall shall be built at a depth from the curb line equal to that of the Building Line farthest from the curb line of the two blocks adjacent to said block, facing onto the same

street. If there is no determinable Building Line of either of said adjacent blocks, then (i) if the Proposed Project is subject to or elects to comply with Large Project Review, an appropriate Street Wall location shall be determined through Large Project Review, or (ii) otherwise, the Proposed Project shall be deemed subject to the Design Component of Small Project Review set forth in Sections 80E-3.1 and 80E-4.1 of the Code for the limited purpose of determining an appropriate Street Wall location. The foregoing notwithstanding, within a Planned Development Area ("PDA") a Street Wall of any Proposed Project shall be built at the depth from the curb line stipulated in the applicable PDA Development Plan. Except as otherwise provided in this Section 49A-6.1, Street Walls shall be continuous across a lot. However, design articulation involving deviations for the Street Wall Plane of two (2) feet or less shall be permitted across the Street Wall.

2. Display Window Area Regulations. The provisions of this Section 49A-6.2 apply to the Priority Greenway Frontages of all Proposed Projects subject to Large Project Review or Small Project Review and not within the boundaries of any National Register District. The Display Window Area excludes any area of Street Wall serving as ingress or egress to the interior of the Proposed Project, including off-street loading berths or accessory off-street parking, or lobby or storefront entrances; provided that no single lobby area shall occupy more than forty (40) feet of street frontage.
  - (a) Display Window Area Street Wall Transparency. The Display Window Area Street Wall shall be appropriately glazed and transparent for attractiveness to pedestrians, as certified by the Boston Redevelopment Authority in accordance with either the Urban Design Component of Large Project Review set forth in Section 80B-3.3 of the Code or the Design Component of Small Project Review set forth in Sections 80E-3.1 and 80E-4.1 of the Code, as applicable.
  - (b) Display Window Area Usage. To a depth of at least two (2) feet behind the Display Window Area Street Wall there shall be: (i) an area for the display of goods and services available for purchase on the premises; or (ii) an area for exhibits and announcements. The provisions of this Section 49A-2(b) are not applicable to foyer space for cultural activities, restaurants, lobbies, or other active storefront uses.
3. Building Entrance Location Requirements. The provisions of this Section 49A-6.3 shall apply to the Priority Greenway Frontages of all Proposed Projects. Principal building entrances and lobbies shall be

located within a Priority Greenway Frontage to the extent feasible and as subject to Article 80 review, except within those areas shown on the Map attached as Appendix C to this Article and marked as "Exempt from Building Entrance Location Requirements."

4. Signage Regulations. The provisions of this Section 49A-6.4 shall apply to the Priority Greenway Frontages of all Proposed Projects. All signs shall be subject to design review through either Large Project Review, Urban Design Component, set forth in Section 80B-3.3 of the Code, or Small Project Review, Design Component, set forth in Sections 80E-3.1 and 80E-4.1, of the Code, as applicable.
5. Outdoor Cafe Regulations. The provisions of this Section 49A-6.5 shall apply to the Priority Greenway Frontages of all Proposed Projects. All outdoor cafes adjacent to a Priority Greenway Frontage shall be subject to design review through either Large Project Review, Urban Design Component, set forth in Section 80B-3.3 of the Code, or Small Project Review, Design Component, set forth in Sections 80E-3.1 and 80E-4.1, of the Code, as applicable. The standards for review shall be as set forth in the Greenway Café Guidelines issued by the Boston Redevelopment Authority, as amended from time to time.

**SECTION 49A-7. Design Review and Design Guidelines.** Within the GWOD, any Proposed Project for (a) the erection of a new building or addition or extension to an existing building or (b) exterior alteration changing the cornice line or Building Height of an existing building, and which is not subject to Large Project Review pursuant to Article 80, shall be subject to Small Project Review, pursuant to paragraph (a)(i) (Design Review Required by Applicable Zoning) of Section 80E-2.1 (Applicability of Small Project Review: Design Component). The following design guidelines, in addition to other applicable provisions of this Article 49A, shall apply to all Proposed Projects undergoing Large Project or Small Project Review.

1. Building Design Guidelines. A Proposed Project shall be designed such that the exterior proportions, scale, massing, facade design, materials, colors, and architectural detailing are compatible with the observable historical and architectural character of other buildings in the area within which the Proposed Project is located, and with the Greenway Parcels, other open spaces, and streets to which it is visually related, in a manner consistent with this Article 49A and the Greenway District Planning Study.
2. Enhancement of Pedestrian Environment. In addition to other provisions of this Article 49A, a Proposed Project shall be designed to

enhance the pedestrian environment in and adjacent to the Greenway Parcels, by means such as:

- (a) supporting and enhancing pedestrian connections to the Greenway Parcels by locating active ground-level uses and primary building entrances to front on the Greenway Parcels, in a manner that is visually and physically accessible, and is oriented toward particular features within the adjacent Greenway Parcels.
- (b) designing open spaces, sidewalks, and street improvements to improve pedestrian flow and increase pedestrian safety, with particular attention to enhancing connections to the Greenway Parcels, and supporting the connectivity of the Crossroads streets across the Greenway Parcels toward adjacent neighborhoods and the waterfront.
- (c) providing open spaces within the Proposed Project that accommodate pedestrian activities, cafes, and other active uses, and which complement and enhance the character and active use of the Greenway Parcels;
- (d) ensuring that open spaces within the Proposed Project have materials, landscaping, public art, lighting, and furniture that complement the physical design of the Greenway Parcels and enhance the pedestrian environment; and
- (e) providing appropriate management and maintenance of open spaces within the Proposed Project.

**SECTION 49A-8. Regulations.** The Boston Redevelopment Authority may promulgate and amend from time to time regulations to administer this Article 49A.

**SECTION 49A-9. Enforcement.** The Commissioner of the Inspectional Services Department shall not issue any building or use permit for a Proposed Project that is subject to but fails to comply with the provisions of this Article 49A.

**SECTION 49A-10. Severability.** The provisions of this Article 49A are severable, and if any such provision or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article 49A.

**SECTION 49A-11. Definitions.** Words and phrases defined in Appendix B to this Article 49A shall have the meanings set forth in said Appendix B



SECTION 49A-12. **Appendices.** The following appendices are incorporated herein:

1. Appendix A - Ground Level Uses
2. Appendix B - Definitions
3. Appendix C – Map of Greenway Overlay District

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APPENDIX A to ARTICLE 49A

**Ground Level Uses**

The following uses are Ground Level Uses, and are Allowed or Conditional uses within the GWOD, provided that uses described in Use Item Numbers 34A and 38A of Table of Section 8-7 are forbidden. This list is intended to be illustrative of Ground Level Uses and not exclusive.

Allowed uses

Antique stores  
Appliances, repair shops  
Appliances, sales  
Artists' supply and music stores  
Athletic goods stores  
Bakeries or pastry shops  
Barber shops  
Beauty parlors  
Bicycle stores, rental or repair  
Book stores or card stores  
Cafes  
Candy stores  
Carpet, rugs, linoleum, or other floor covering stores  
Churches  
Cigar stores  
Clock or watch stores or repair shops  
Clothing stores, (men's, women's, children's apparel)  
Clubs, noncommercial  
Coffee shops  
Coin stores  
Community centers  
Dance halls, public  
Day care centers  
Delicatessen stores  
Department stores  
Diners  
Dressmaking shops, custom  
Dry-cleaning establishments or laundromats  
Dry goods or fabric stores  
Fabric or yarn store  
Fire stations  
Fishing tackle or equipment stores or rental establishments  
Florist shops  
Food stores, including supermarkets, produce and grocery stores, markets,

health foods, delicatessens, prepared food/special food, spices and herbs, coffees, teas, meat, fish, poultry, and cheese stores

Furniture stores  
Furrier shops, custom  
Gift shops  
Hardware stores  
Historical exhibits  
Hobby shops  
Hotels  
Housewares  
Household appliance repair shops  
Ice cream stores  
Interior decorating establishments  
Jewelry shops  
Kitchenware  
Lamp shops  
Leather goods or luggage stores  
Locksmith shops  
Luggage stores  
Millinery shops  
Museum  
Newsstands, enclosed  
Office or business machine stores, sales or rental  
Offices (lobby space only)  
Optician or optometrist establishments  
Orthopedic stores  
Paint stores  
Parish houses  
Parks, public or private  
Party shops  
Perfume shops  
Pet shops  
Phonographic repair shops  
Photographic developing or printing establishments  
Photographic equipment stores  
Photographic studios  
Photographic supply stores  
Photostatting establishments  
Picture framing stores  
Police stations  
Post offices  
Printing establishments  
Radio appliance shop, repair or sales  
Record stores  
Recreational centers (noncommercial)  
Residential uses (lobby space only)

Restaurants (not including take-out restaurant uses)  
Schools  
Sewing machine stores, selling household machines  
Shoe repair and shoeshine shops  
Shoe stores  
Sign painting shops  
Skating rinks, outdoor ice  
Sporting goods stores  
Sports shop  
Stamp stores  
Stationery stores  
Tailor shops, custom  
Telegraph offices  
Television repair shops  
Tobacco stores  
Tour operator  
Toy stores  
Travel agency, limited to 25 linear feet  
Typewriter stores  
Typewriter or other small business machine repair stores  
Variety or convenience stores  
Video or motion picture store, sale or rentals  
Wallpaper stores

Conditional uses

Bank branch offices  
Bank machines, limited to 25 linear feet  
Drug stores  
Health clubs  
Liquor stores  
Office uses (other than lobby space)  
Pharmacies  
Residential uses (other than lobby space)  
Take-out restaurant uses  
Taxi or limousine service, limited to 25 linear feet  
Ticket agency, limited to 25 linear feet  
Vehicle rental

APPENDIX B to ARTICLE 49A

**Definitions**

For the purposes of this Article 49A only, except as provided herein, the following words and phrases shall have the meanings indicated.

1. "Applicant" means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this Article, as set forth in Section 49A-3, or the authorized agent of any such person or entity.
2. "Display Window Area" means that area of any Priority Greenway Frontage of a Proposed Project that is between a height of two (2) feet above the ground floor and the height of the underside of the floor structure of the second floor of the Proposed Project, or fourteen (14) feet, whichever is less.
3. "Greenway Overlay District " or "GWOD" means the area depicted on Maps entitled, "Map 1, Boston Proper", "Map 1A, Midtown Cultural District", "Map 1C, North Station", "Map 1G, Chinatown District", "Map 1H, Government Center/Markets District", "Map 1L, North End Neighborhood District", "Map 1Xa/1Xb, Central Artery Special District", and "Map 1E/1F, Harborpark District: North End/Downtown Waterfront", of the series of maps entitled "Zoning Districts City of Boston," as amended.
4. "Greenway Parcel" means the following parcels listed in Article 49: Parcels 6, 8, 10, 12, 13, 14, 15, 16, 17N, 17S, 18N, 18S, 19, 21, 22N, 22S, and 23N. See the Map attached as Appendix C to this Article.
5. "Ground Floor Ceiling Height" means the height of the building or structure under the floor structure of the second floor.
6. "Ground Level Uses" means the uses listed in Appendix A to this Article.
7. "Priority Greenway Frontage" means the frontage of a Proposed Project that fronts on any Greenway Parcel, and the first twenty (20) feet of frontage of a Proposed Project on any of the following "Crossroads": Hanover Street, State Street, Broad Street, Oliver Street, Northern Avenue, Congress Street, Summer Street, Beach Street, and Kneeland Street. See the Map attached as Appendix C to this Article.
8. "Proposed Project" means the substantial demolition, erection, or extension of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit. A

Proposed Project may proceed in phases, and may include more than one building, structure, or use.

9. "Street Wall" means the exterior wall or portion of the exterior wall of a Priority Greenway Frontage of a Proposed Project.
10. "Underlying Zoning" means the zoning regulations that are otherwise applicable to a Proposed Project or site within the GWOD, including the regulations of any other overlay districts as set forth in this Code, without regard to the provisions of any applicable PDA Development Plan, PDA Master Plan, or Institutional Master Plan.
11. "Zoning Relief" means any zoning variance, exception, conditional use permit, interim planning permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

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APPENDIX C to ARTICLE 49A

**Map of Greenway Overlay District**

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