

## Public Notice

The Boston Redevelopment Authority ("BRA"), pursuant to Sections 80A-2 and 80D-9 of the Boston Zoning Code ("Code"), hereby gives notice that an Institutional Master Plan Amendment ("IMP Amendment") was received by the BRA on March 6, 2012 from The Brigham and Women's Hospital, Inc. ("BWH" or the "Proponent").

The IMP Amendment proposes an approximately 360,000 square foot (sf) building dedicated to hospital uses, including laboratory, research and support spaces, as well as 355 below-grade replacement parking spaces. The BWH 2012 IMP Amendment Project (the "Project") is located at 45 Avenue Louis Pasteur on Parcel C of Emmanuel College's Endowment Campus.

The Proponent has requested approval of the IMP Amendment by the BRA pursuant to Article 80 of the Code, which approval includes the issuance of an Adequacy Determination approving the IMP Amendment, the issuance of a Certificate of Consistency from the BRA Director, and a petition by the BRA Director for further approval of the IMP Amendment by the Boston Zoning Commission.

The IMP Amendment may be viewed at the following locations: Office of the Secretary of the BRA, Boston City Hall, One City Hall Square, Boston, MA 02201-1007 (Monday through Friday, 9am to 5pm). Public comments on the IMP Amendment should be transmitted to Ms. Sonal Gandhi, BRA, at the address stated above or at [sonal.gandhi.bra@cityofboston.gov](mailto:sonal.gandhi.bra@cityofboston.gov) within 60 days of the date of this notice.

Boston Redevelopment Authority  
Brian P. Golden, Executive Director/Secretary

BWH 2012 Institutional Master Plan Amendment  
Submitted Pursuant to Article 80 of the Boston Zoning Code

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# Brigham and Women's Hospital 2012 IMP Amendment Project



*Submitted to:*  
**Boston Redevelopment Authority**  
One City Hall Square  
Boston, MA 02201

*Submitted by:*  
**The Brigham and Women's Hospital, Inc.**  
75 Francis Street  
Boston, MA 02115

*Prepared by:*  
**Epsilon Associates, Inc.**  
3 Clock Tower Place, Suite 250  
Maynard, MA 01754

*In Association with:*  
**Chan Krieger NBBJ**  
**Nutter McClennen & Fish LLP**  
**Vanasse Hangen Brustlin, Inc.**

March 6, 2012

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Submitted Pursuant to Article 80 of the Boston Zoning Code

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## Section 1.0

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Introduction/Overview

## 1.0 INTRODUCTION/OVERVIEW

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In 2000, the BRA approved an Institutional Master Plan (“IMP”) for the Emmanuel College Campus. The IMP, as amended, included plans for development of a three-parcel “Endowment Campus”, which was envisioned to be developed with uses that would support the development proposed on Emmanuel’s Academic Campus. In conjunction with the Emmanuel 2000 IMP, Merck & Co., (“Merck”) obtained approvals for an approximately 300,000 square foot research and development building with below grade parking, located on Endowment Campus Parcel B, which it ground leases from Emmanuel. The zoning for this building, which was completed and occupied in 2004, was established pursuant to the 2000 Emmanuel IMP. The 2000 IMP lapsed in 2010.

In 2012, Emmanuel filed a draft Institutional Master Plan for its Campus, which includes the Endowment Campus and Academic Campus (“Emmanuel 2012 IMP”). The proposed Emmanuel 2012 IMP seeks authorization of certain additional development on the Academic Campus as well as Parcel A of the Endowment Campus, all as more specifically described therein.

After consultation with the Boston Redevelopment Authority (“BRA”), the BRA and Merck have determined that, rather than have the underlying zoning for Parcel B established by an IMP which is subject to expiration or amendment, it is more appropriate for Parcel B to be designated as a Planned Development Area (“PDA”) pursuant to Article 80C. Merck does not intend to make any changes to the permitted uses or dimensions of Parcel B. Rather, it is pursuing PDA approval as a technical means of ratifying the underlying zoning for Parcel B, which previously was established through Emmanuel’s 2000 IMP.

In addition, Brigham and Women’s Hospital (“BWH”) now proposes to develop a new 360,000 square foot building for research/wet-laboratory purposes and 355 below-grade parking spaces on Parcel C of the Endowment Campus. To that end, BWH has filed an amendment to its existing BWH 2010 IMP to include its plans for Parcel C (the “BWH 2012 Amendment Project”). The BWH 2012 IMP Amendment Project which is being proposed by BWH will be approved by virtue of an IMP Amendment in accordance with Article 80D of the Code and Large Project Review in accordance with Article 80B of the Code.

Figure 1-1 shows the three parcels.

### 1.1 Background and Project Summary

The Brigham and Women’s Hospital, Inc. (“BWH” or the “Hospital”), a founding member of Partners HealthCare System Inc., is a Harvard-affiliated, non-profit, teaching hospital located in the Longwood Medical and Academic Area (“LMA”) and the adjacent Mission Hill neighborhood. In March of 2010, BWH obtained Institutional Master Plan approval and corresponding adjustments to the boundaries of the BWH IMP Overlay District in accordance with Article 80D of the Boston Zoning Code and Enabling Act (the “Code”) in



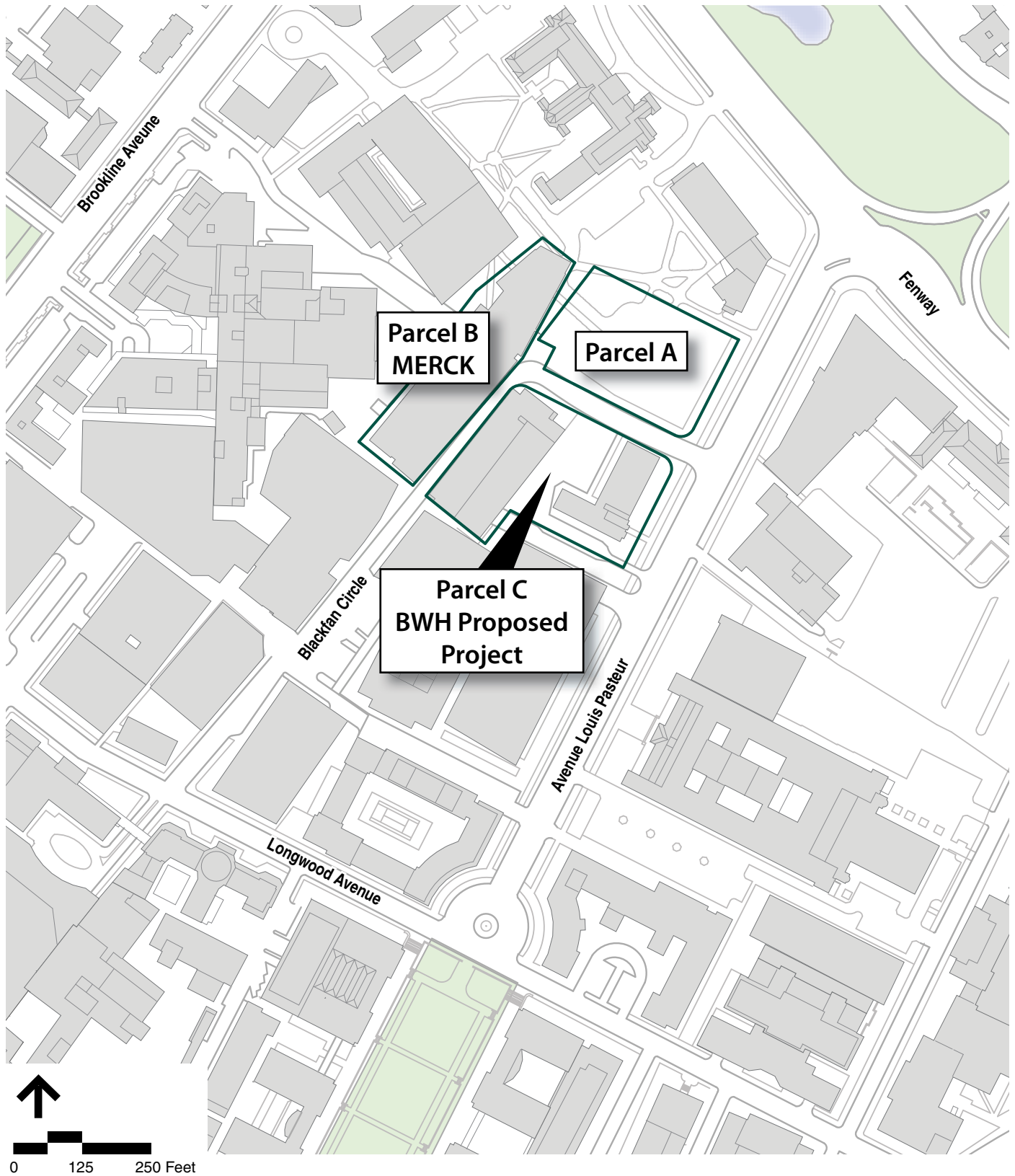
order to authorize existing improvements as well as to provide for BWH's future programmatic and physical facilities needs ("BWH 2010 IMP"). Please see Figure 1-2 for a map of BWH's Campus and the boundaries of BWH's IMP Overlay District.

BWH has an international reputation for the quality of its medical care and innovative research. In addition, its varied educational programs provide the highest quality training for medical nursing and other health professions. In order to maintain its leadership in medical research, BWH has determined that it now needs additional research space which it owns and controls instead of leases, thus requiring an amendment to the BWH 2010 IMP. This BWH 2012 IMP Amendment approves a single project: an approximately 360,000 square foot (sf) building (as measured in accordance with the Code) dedicated to hospital uses, including laboratory, research and support spaces, as well as 355 below-grade replacement parking spaces. The BWH 2012 IMP Amendment Project (the "Project") is located at 45 Avenue Louis Pasteur (the Project site) on Parcel C of Emmanuel College's Endowment Campus (see Figure 1-3), with a lot area of approximately 76,444 sf as determined in accordance with the Code. BWH currently occupies Parcel C pursuant to its lease with the Trustees of Emmanuel College ("Emmanuel") of Alumnae Hall, together with parking accessory thereto, for hospital use, including office and dry research which is described in the BWH 2010 IMP. BWH intends to enter into a long-term ground lease with Emmanuel for Parcel C in order to enable development of the proposed Project. BWH's long-term lease ownership interest in Parcel C will be considered "owned" as opposed to "leased" property for the purposes of the BWH 2012 IMP Amendment. Additional detail about the proposed Project is included in the Draft Project Impact Report ("Draft PIR") being submitted simultaneously with this BWH 2012 IMP Amendment.

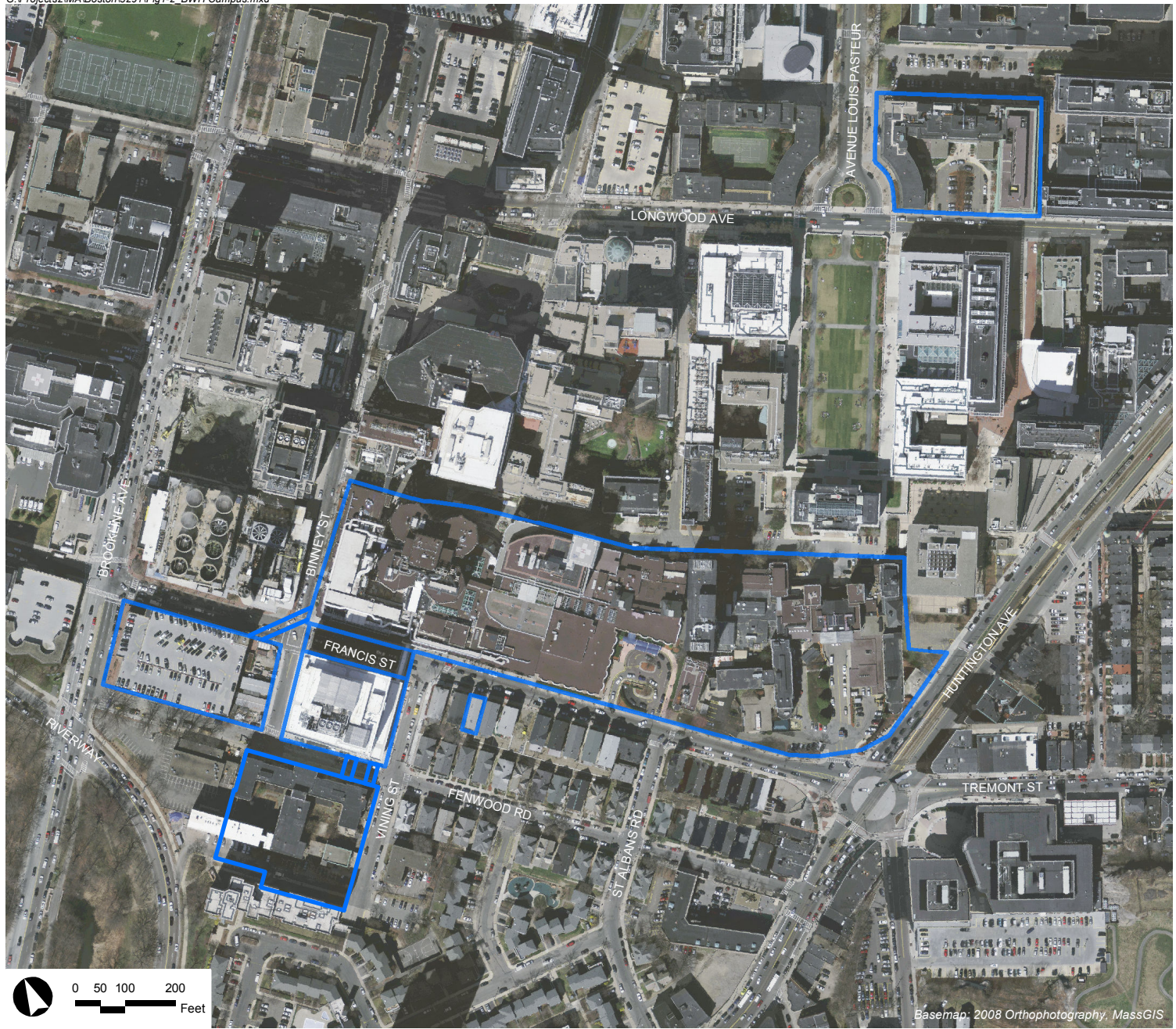
As described in detail in the BWH 2010 IMP, BWH is a major institutional employer in Boston. Currently, BWH employs just under 15,000 people, and approximately 30 percent of employees are Boston residents.

BWH currently has 793 inpatient beds, 30 of which are licensed to Dana-Farber Cancer Institute. The BWH Campus also houses extensive outpatient facilities, and state-of-the-art research laboratories. BWH's pre-eminence and leadership are demonstrated in a wide variety of medical fields, as noted below.


- ◆ A preeminent provider of women's health services, BWH is New England's leading birthing center and a regional center of high-risk obstetrics and newborn care.
- ◆ The Hospital is known world-wide for its pioneering work in transplantation of vital organs and tissues, including the heart, lung, heart-lung, kidney and bone marrow, and has the largest heart transplant and bone marrow transplant programs in New England.







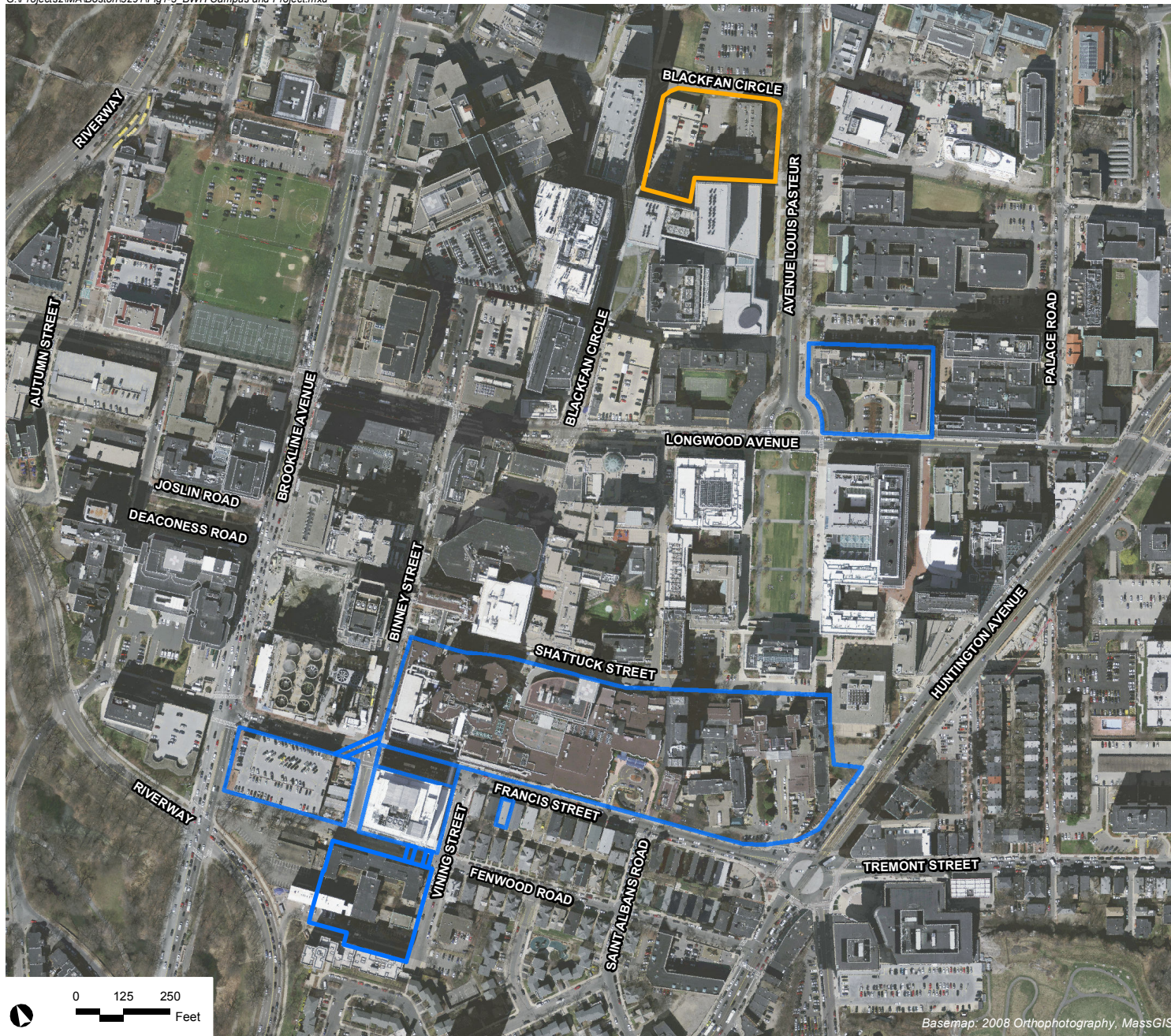
**LEGEND**

 Existing BWH Campus

Source: BWH, BRA

**BWH 2012 IMP Amendment Project Boston, MA**





BWH 2012 IMP Amendment Project Boston, MA



- ◆ BWH is one of the country’s foremost centers for orthopedic and joint-replacement surgery.
- ◆ The Hospital has also achieved significant breakthroughs in treating arthritis, rheumatic disorders, and cardiovascular disease.
- ◆ BWH is one of only two burn trauma units within the Boston metropolitan region.
- ◆ Year after year, BWH has been a top recipient among independent U.S. hospitals of research funding from the National Institutes of Health (“NIH”).

Due to its leadership with clinical, basic, and population-based studies, which are critically linked to research, BWH is advancing the prevention, diagnosis, treatment and cure of diseases for people in New England, across the country, and around the world.

## 1.2 History of IMP Process to Date/Status of IMP Projects

The BWH 2010 IMP was approved by the BRA Board in February, 2010, adopted by the Boston Zoning Commission on March 24, 2010, and became effective March 30, 2010. The term of the BWH 2010 IMP was 10 years, from 2010 to 2020, and included two new IMP Projects, the Binney Street Building and the Brigham and Women’s Building, as well as the previously approved Brigham Green Enhancement and Parking Project.

### *The Binney Street Building*

The Binney Street Building includes clinical and office space which will be used in the long-term by BWH for clinical uses. The building includes a meeting room that accommodates up to 120 people. In the short-term, the Department of Mental Health (DMH) will occupy the Binney Street Building until the DMH designated space within the Brigham and Women’s Building is available. The Binney Street Building opened in November 2011.

### *The Brigham and Women’s Building*

The Brigham and Women’s Building will contain approximately 358,670 sf of space for research and development, clinical, and office uses by BWH and DMH. The building also includes a 450-seat conference center for grand rounds, teaching and conferences, and a 406 space parking garage. Construction of the Brigham and Women’s Building is on a portion of the former Massachusetts Mental Health Center site, which site is controlled, developed and to be utilized by BWH pursuant to a 95 year long-term ground lease with the Commonwealth of Massachusetts’ Division of Capital Asset Management. As with the characterization of Parcel C described above, this property interest was deemed “owned” as opposed to “leased” for the purposes of the BWH 2010 IMP. BWH is expected to start construction of the Brigham and Women’s Building in 2013 with completion in 2016.

### ***Brigham Green Enhancement and Parking Project***

Current planning calls for the Brigham Green Enhancement and Parking Project to be started prior to the start of construction of the Brigham and Women's Building included in the BWH 2010 IMP. Construction of the Brigham Green Enhancement and Parking Project is expected to start in the spring of 2012 with completion in 2014.

### ***Campus Additions and Campus Upgrades***

The BWH 2010 IMP allowed for 20,000 sf of Campus additions and upgrades. BWH intends to conduct these improvements during the next eight year term of the BWH 2010 IMP. In particular, BWH is anticipating an expansion of its Newborn Intensive Care Unit, located in the Connors Center for Women's Health, to accommodate increased demand for single rooms for newborns and their families.

## **1.3 Project Description**

The BWH 2012 IMP Amendment Project is a new approximately 150-foot tall<sup>1</sup>, 360,000 sf building for hospital use as that term is understood in Article 2A of the Code, including basic 'wet type' science labs for research. The proposed structure will have an associated underground parking garage for 355 replacement spaces. Research and imaging equipment will also be below grade. Figures 2-4 to 2-10 of the Draft PIR provide a site plan, sections, massing, perspective and a typical floor plan of the Project.

The Project will likely house research in support of the departments of Medicine and Surgery, particularly the divisions of pulmonary surgery and anesthesia. Advanced equipment will likely include a cyclotron facility to aid in nuclear pharmacology, a micro PET CT scanner and a research centered aquatics facility. The utility needs of the Project may be served in part by a modest cogeneration facility which will provide hot water as well as a source of redundant emergency power. Also in support of the laboratory facility will be laboratory administration, loading facilities, and a building management office. The Project will include a lecture auditorium for the purposes of medical research and teaching aiding in one of the Hospital's central missions to be a premier center for medical education. A small cafeteria is proposed to support the educational activities and researchers in the building.

Chapter 5 of the Draft PIR includes a discussion of the Project design and its relationship to the BWH 2010 IMP goals.

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<sup>1</sup> Height as measured in accordance with the Boston Zoning Code.

## Section 2.0

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### Mission and Objectives

## 2.0 MISSION AND OBJECTIVES

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BWH is dedicated to serving the needs of the community. It is committed to providing the highest quality health care to patients and their families, to expanding the boundaries of medicine through research, and to training the next generation of health care professionals.

BWH's stated vision is stated below:

*Brigham and Women's Hospital will be the academic and community teaching hospital and physicians of choice with the most distinguished caliber of physician and professional healthcare staff. We will create the highest quality of care through our commitment to patients and their families, the innovation inherent in our academic programs, and the strength of partnerships with members of Partners HealthCare System, Dana Farber Cancer Institute, Harvard University, and our local community, as well as our unique relationships with care provider groups such as Atrius Health.*

BWH's values include:

- ◆ **Quality Patient Care:** Delivering quality patient care is the center of everything we do.
- ◆ **Teaching Excellence:** We seek to uphold the highest standards in training health care professionals.
- ◆ **Research Leadership:** We continuously seek new ways to demonstrate our leadership role in research.
- ◆ **Customer Focus:** Our focus is to serve our customers.
- ◆ **Respect for the Individual:** We recognize and value the contributions of every individual.
- ◆ **Teamwork:** We work toward a unified approach to developing health care solutions.
- ◆ **Embracing Change:** Embracing change will help us to be successful.
- ◆ **Operational Efficiency:** We strive for efficient and effective delivery of services.

Since the formation of BWH, the Hospital has distinguished itself in Boston and throughout the nation for its excellent patient care, research, and education.

### *Patient Care*

BWH is a full-service, acute care teaching hospital, providing a number of specialized services to patients from Boston and New England. The Hospital has 793 beds and 43 operating rooms, and in 2010 admitted over 46,000 inpatients. Ambulatory visits have



grown to more than 3.5 million per year, and the Emergency Department treated approximately 59,000 patients. The Newborn Intensive Care Unit cares for more than 1,300 infants annually.

BWH has one of the largest obstetrical programs in New England, with approximately 9,000 deliveries each year, and one of the most comprehensive high-risk obstetrics services in the country.

As described in the BWH 2010 IMP, BWH has two licensed health centers in the Jamaica Plain neighborhood of Boston—Southern Jamaica Plain and Brookside—which saw a total of 152,504 ambulatory visits in FY 2008. The BWH's community health centers represent approximately 17% of BWH's total ambulatory volume. Specialties include primary care, pediatrics, adult medicine, obstetrics and gynecology, mental health, women's health, WICS, and dentistry. BWH purchased the building site at 640 Centre Street and invested \$5.3 million to build the 18,000 sf health center (Southern Jamaica Plain Health Center) in 1997 to 1999 for residents of Jamaica Plain, Roslindale, Hyde Park and West Roxbury. BWH has undertaken a modest expansion and upgrade to the services offered at Southern Jamaica Plain Health Center to better meet the community's needs.

In 2001, BWH purchased the existing Brookside Community Health Center on Washington Street and completely renovated and expanded it to 27,000 square feet. BWH invested approximately \$5.4 million in this important community health center to serve the residents of Jamaica Plain, Roxbury, North Dorchester and Mattapan. It is currently in the process of upgrading the parking and landscaped areas surrounding the Brookside Community Health Center, representing a further investment in the community. In addition to these major capital investments, BWH underwrites the two health centers' operational budgets by approximately \$4 million annually.

BWH is also one of the largest providers of free care to people without means to pay for health care in the Commonwealth, and a major provider of health care for patients on Medicaid.

### ***Biomedical Research***

Throughout its long history, BWH has been internationally recognized for excellence in biomedical research. In recent years, even greater contributions and recognition in research have been achieved. As described in the BWH 2010 IMP, BWH ranks second nationally among independent hospitals in research funding from the NIH, receiving over \$252 million from the NIH in FY 2008. Leading BWH research programs supported by the NIH include those in:

- ◆ Cardiology;
- ◆ Multiple Sclerosis;

- ◆ Alzheimer's Disease;
- ◆ Hypertension;
- ◆ Renal Medicine;
- ◆ Obstetrics and Gynecology;
- ◆ Infectious Diseases;
- ◆ Surgery;
- ◆ Pathology; and
- ◆ Rheumatology.

Additional research funding from other federal, state, not-for-profit, foundation, and industry funding sources is estimated to be over \$189 million in FY 2008 bringing total research funding to over \$441 million.

To foster the research missions of the Hospital, all of BWH's physicians are required to maintain faculty appointments at Harvard Medical School and to participate actively in both research and patient care. This universal requirement is unique among the Harvard-affiliated teaching hospitals. To permit integration of basic biomedical research with patient care applications, clinical facilities at BWH have been developed in close proximity to the BWH research laboratories and to basic sciences laboratories at Harvard Medical School. The furtherance of BWH's research mission, whose efficacy is demonstrated in clinical applications, is a key element of the BWH 2012 IMP Amendment.

### ***Education***

BWH is a major teaching affiliate of Harvard Medical School. As described in the BWH 2010 IMP, more than 40 percent of Harvard Medical School students undergo clinical training at BWH, and BWH faculty participates actively in formal courses at the school. In graduate medical education, BWH maintains 45 ACGME-accredited programs with approximately 850 residents and fellows each year. Educational experiences are provided additionally to research fellows funded primarily by the NIH. To promote its teaching mission, BWH has full-time clinical faculty of approximately 1,200 on the medical staff and an additional affiliate staff of approximately 800 physicians, all of whom hold faculty positions at Harvard Medical School.

In addition to educational programs in medicine, BWH serves as a clinical training site for nursing students, chaplaincy, dieticians, medical technologists, nuclear medicine technologists, occupational and physical therapists, pharmacists, radiology technologists, respiratory therapists, and social workers.

**Section 3.0**

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Sustainability

## **3.0 SUSTAINABILITY**

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BWH is committed to maintaining and improving the health and well-being of its patients, its staff, and that of the surrounding community through sustainable design initiatives. These efforts ensure that BWH's operations and developments are consistent with the standards articulated in Article 37 of the Code to promote sustainable development. The BWH 2012 IMP Amendment Project will be certifiable under the Leadership in Energy and Environmental Design ("LEED") rating system in accordance with the requirements of Article 37 of the Code. The Project is targeting Gold Certification, which would far exceed the requirements of Article 37 of the Code and will set an example of environmental stewardship, responsible construction practices and energy conservation.

### **3.1 Improving Building Efficiency and Quality**

BWH is committed to developing new buildings that are sustainably designed, energy efficient, environmentally conscious and healthy for their patients, staff, researchers, and visitors. This commitment to building efficiency and quality is demonstrated by the Hospital's targeting LEED Gold Certification for the proposed BWH 2012 IMP Amendment Project.

BWH also continues to pursue improvements that raise the efficiency and environmental quality of older buildings on the Campus, including studying how to create more cost-effective building envelopes (well insulated floors, walls, windows, roofs), to recommission heating, ventilating and air conditioning systems to reduce energy loss while maintaining or enhancing indoor air quality, and to substitute older fixtures and finishes with environmentally friendly, non-toxic components (such as rubber floors), replacing vinyl, and installing carpets, wall finishes, paints and glues free of volatile organic compounds.

### **3.2 Energy Initiatives**

Since hospitals by their nature operate twenty-four hours per day and are intensive users of sophisticated equipment, they are large energy users. BWH has taken very seriously its leadership role in helping control excess energy use. Since 1995, BWH has commissioned mechanical systems in all new buildings, as well as in major renovations, to ensure systems are operating as efficiently as possible from their day of installation. A third-party review of the mechanical systems' design, inspection of installation, and performance testing to ensure the systems meet the design intent is conducted.

The Hospital is continuously upgrading its facilities and equipment to ensure the most effective systems are in place. For example, a significant effort was undertaken to replace inefficient light fixtures to increase energy efficiency and improve illumination. Compact fluorescent lamps/ballast were used in lieu of incandescent lamps wherever possible. The

highest efficiency fluorescent lamps/ballast combination was specified for all fixtures of that type. In addition, natural lighting is incorporated as much as possible into all new project designs.

Currently there are programs in place that are looking at ways to optimize energy performance. These programs include selection of more efficient equipment throughout the facilities, careful design of buildings to make them as effective as possible, and selecting medical equipment based on energy efficiency as well as intended performance. Achieving these improvements currently allows BWH to significantly exceed established energy efficiency requirements.

Building management systems that use sophisticated software to optimize energy efficiency are increasingly in use at hospital facilities. This includes boilers, refrigeration equipment, exhaust fans, pumps, air handling units, perimeter radiation, unit heaters and where applicable lighting, that are controlled by a computer for start-up and shut-down, based on historical data, indoor and outdoor temperatures, space usage schedule, time of day, and day of week. The control of each component can be manually over-ridden in the event of an unusual condition. Use of the system reduces unnecessary energy consumption.

Some additional samples of good engineering practice at BWH include:

- ◆ Routine use of variable air volume systems with variable speed drives.
- ◆ Speed drive controlled pumping of chilled water to maximize efficiency.
- ◆ Maximized use of chilled water cooling capacity through the use of energy efficient coils and controls to recirculate water.
- ◆ Use of airside economizers in air handling systems, prioritizing free cooling.
- ◆ Use of mechanically interlocked deadbands preventing concurrent use of cooling and heating.
- ◆ Implementation of a full-time controls staff onsite to monitor and resolve performance issues using advanced energy management systems.

### **3.3 Reducing Carbon Footprint**

In addition to the goal of reducing energy consumption, there is an additional imperative of changing the profile of the energy sources to reduce greenhouse gas emissions. The Massachusetts Global Warming Solutions Act requires a statewide limit on greenhouse gas emissions of 10 to 25 percent below 1990 levels by 2020, and 80 percent below by 2050. In support of this effort, Partners Healthcare President and CEO, Dr. Gary Gottlieb is co-chairing the Boston Green Ribbon Commission Healthcare sector energy working group.

### **3.4 Recycling**

BWH has long been a leader in healthcare recycling efforts. The Hospital has established policies and procedures relating to the recycling of various materials used within BWH's facilities, such as mixed paper, cardboard, metals, batteries, and plastics among other things. Furthermore, during major construction or renovation projects, BWH works closely with its contractors and their sub-contractors to utilize recycling practices to minimize the generation and disposal of construction waste. The goal is to reduce by at least 50 percent, the amount of construction waste going to landfills and incineration. Removed bituminous concrete will be taken to a bituminous plant or similar facility. Materials that cannot be recycled will be contained and removed in transport covered refuse containers.

BWH has recently initiated a program where the recycled content of materials used within the Hospital's facilities will be increased. BWH is exploring the use of recycled content in building materials in all new construction and renovation projects. The Hospital also is looking into using more materials that are manufactured regionally to minimize transportation impacts.

### **3.5 Indoor Air Quality**

BWH prides itself on the continuous significant improvements that have been made at the Hospital with respect to all elements of environmental quality. Since 1993, BWH has had a leading edge indoor air quality performance (IAQ) program. Through this program, BWH has adopted use of various low-emitting materials, such as adhesives, sealants, architectural coatings, paints, and flooring systems. In its new construction projects BWH includes carbon monoxide (CO) sensors that have direct read meters as well as visual and audible alarms. No idling signs are posted in garages, at all loading/delivery and pick-up/drop off areas and at surface parking spaces.

The Hospital also pioneered the use of indoor air quality construction management plans, including construction air quality monitoring, during construction as well as before occupancy. The Hospital routinely monitors for a wide variety of airborne materials to ensure the healthiest and safest environment for patients, staff, and visitors. The Hospital also employs a 24/7 paging system and protocol specifically developed for air quality concerns. For highly sensitive areas such as bone marrow transplant or chemotherapy floors, there is a regular monitoring program in place to ensure no issues develop. For construction projects, isolation containments and effluents are monitored for airborne particulates, fungi and volatile organic compounds.

### **3.6 Infection Control**

BWH has developed an Infection Control Risk Assessment ("ICRA") program for use with all of its construction projects. BWH monitors projects and the surrounding areas before construction begins. The nature of controls is contingent upon the project and its

adjacencies; for example, office space will have different types of monitoring than a bone marrow transplant area or other sensitive area. BWH maintains an interactive database where categories of projects and adjacencies can be entered into the program and the program will select the appropriate containment measures. A committee that consists of the real estate, environmental affairs, fire and safety, infection control and risk management groups, among other groups, reviews the suggested containment. To receive a construction permit, all members of the committee must agree on containment measures that will then be listed on the permit.

### **3.7 Building Materials**

BWH projects favor building materials and purchases of supplies that are non-toxic, made from recycled materials, and made with low embodied energy. Recyclable and recycled materials are incorporated into the design and construction of all new construction projects as much as possible within the design scheme. Materials with recycled content will result in reducing solid waste, pollution, and energy consumption.

As previously described, one of the Hospital's primary guiding design principles is that improving the energy efficiency and environmental performance of a healthcare facility requires examining the entire facility from a "whole building" perspective through an integrated design process. This perspective permits the Hospital to maximize the efficiency of the entire campus by incorporating individual state-of-the-art sustainable technologies into an integrated, synergistic system.

### **3.8 Environmentally Preferable Purchasing**

BWH is part of a Partners Healthcare-wide effort to implement an Environmentally Preferable Purchasing Program. This program proposes to review products, materials and processes employed by Partners and member hospitals, subjecting them to cost-benefit analysis integrating the 'triple bottom line' parameters of cost, patient and employee safety and environmental safety. Working with the directors of Materials Management, a draft list of subjects for this analysis may include, for example, reusable gowns and basin sets, autoclavable rigid endoscopes and supply chain optimization (reviewing freight distribution efficiency within the system). Case studies from other hospital systems suggest that there are cost savings to be made at the same time as improving environmental quality. A series of meetings with directors of materials management, laboratories, operating rooms and pharmacies are in process to determine where the greatest opportunities lie for improvements.

**Section 4.0**

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Consistency with LMA Interim Guidelines



## 4.0 CONSISTENCY WITH LMA INTERIM GUIDELINES

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In late fall 2002, the BRA and the Office of Jobs and Community Services (“OJCS”), in conjunction with the Boston Transportation Department, initiated a master planning process for the LMA. In February 2003, the BRA adopted a set of Interim Guidelines to inform the BRA’s considerations while reviewing proposed projects and Institutional Master Plans pursuant to Article 80 of the Boston Zoning Code prior to completion of the LMA strategic plan.

The BWH 2012 IMP Amendment Project is within the boundaries of the area in which LMA Interim Guidelines are applicable. The Project’s consistency with the LMA Interim Guidelines is discussed below.

### 4.1 Urban Design

The Urban Design section of the Interim Guidelines establishes a set of design principles and criteria for projects in the LMA. The guidelines set principles to enhance and protect physical assets of the LMA, outline dimensional objectives, including height zones and setbacks, and describe public benefits that can be provided by project proponents and institutions in order to achieve building heights greater than the specified base heights.

#### *4.1.1 Protection of Assets / Shadow Criteria*

The Interim Guidelines establish a principle of protecting the physical assets of the LMA, and include restrictions on new shadows on City of Boston parks. The Interim Guidelines state:

“...no project will be approved if it casts any new shadow for more than one hour on March 21st on the Emerald Necklace, Joslin Park or Evans Way Park. This standard is consistent with the most recent shadow restrictions adopted in the City’s Municipal Harbor Plan.”

The Project will comply with the BRA LMA Interim Guidelines shadow criteria. No new shadow from the BWH 2012 IMP Amendment Project will be cast on Joslin Park or Evans Way Park, and no new shadow will be cast on any one location of the Emerald Necklace on March 21st for more than one hour. Figures 4-1 to 4-7 show the new shadow created by the Project on the afternoon of March 21, when shadow will be cast north and east, in the direction of the Emerald Necklace and Evans Way Park. As shown on these figures, no new shadow will reach Evans Way Park or Joslin Park, the latter of which is located a moderate distance west/southwest of the Project site.

Figure 4-1 shows that on March 21, the first new shadow to reach the Back Bay Fens (i.e., the Emerald Necklace) will occur at 5:18 pm. A small triangle of new shadow cast from the proposed Project will advance across the Back Bay Fens from west to east before crossing east of the Fenway and out of the Emerald Necklace (see Figures 4-1 through 4-7). This triangle of new shadow will not fall on any single location for a duration greater than one hour, and in most cases will not last in a single location for more than five or ten minutes.

In conclusion, the Project will comply with the BRA LMA Interim Guidelines shadow criteria. No new shadow from the BWH 2012 IMP Amendment Project will be cast on Joslin Park or Evans Way Park, and no new shadow will be cast on any one location of the Emerald Necklace on March 21 for more than one hour.

#### **4.1.2**        *Height Zones*

The LMA Interim Guidelines identify three height zones. The first, allowing a potential height maximum of 75 feet, is designated to maintain the prevailing character of the existing street walls and will be applied along the major streets and any area adjacent to parks and the Fens. The second height zone, typically adjacent to the streetwall zone, will have a base height of 75 feet and a potential maximum height of 150 feet. The third height zone typically applies to the center of the blocks and will have a base height of 150 feet and a potential maximum height of 205 feet. Height above the base height can be earned by providing exceptional public benefits.

The height of the Project is consistent with the Interim Guidelines. The portion of the building closest to Avenue Louis Pasteur (within the first height zone) is approximately 75 feet tall, while the portion of the building further back is in the third height zone and is approximately 150 feet tall.

#### **4.1.3**        *Setbacks and Stepbacks*

The Interim Guidelines state that setbacks from the curb shall equal the “most appropriate prevailing setbacks.” The guidelines also require that:

“Building mass above the prevailing street wall (potential maximum of 75’) must be either 75’ from the setback line, or, not be visible at street level from the back of the opposite sidewalk.”

The building’s setback matches that of the prevailing setback that exists along Avenue Louis Pasteur. The massing that is more than 75 feet tall is more than 75 feet from the prevailing street wall. The building also matches the prevailing street wall along Blackfan Circle and the overall height is consistent with other buildings in the area.



BWH 2012 IMP Amendment Project Boston, MA



BWH 2012 IMP Amendment Project Boston, MA



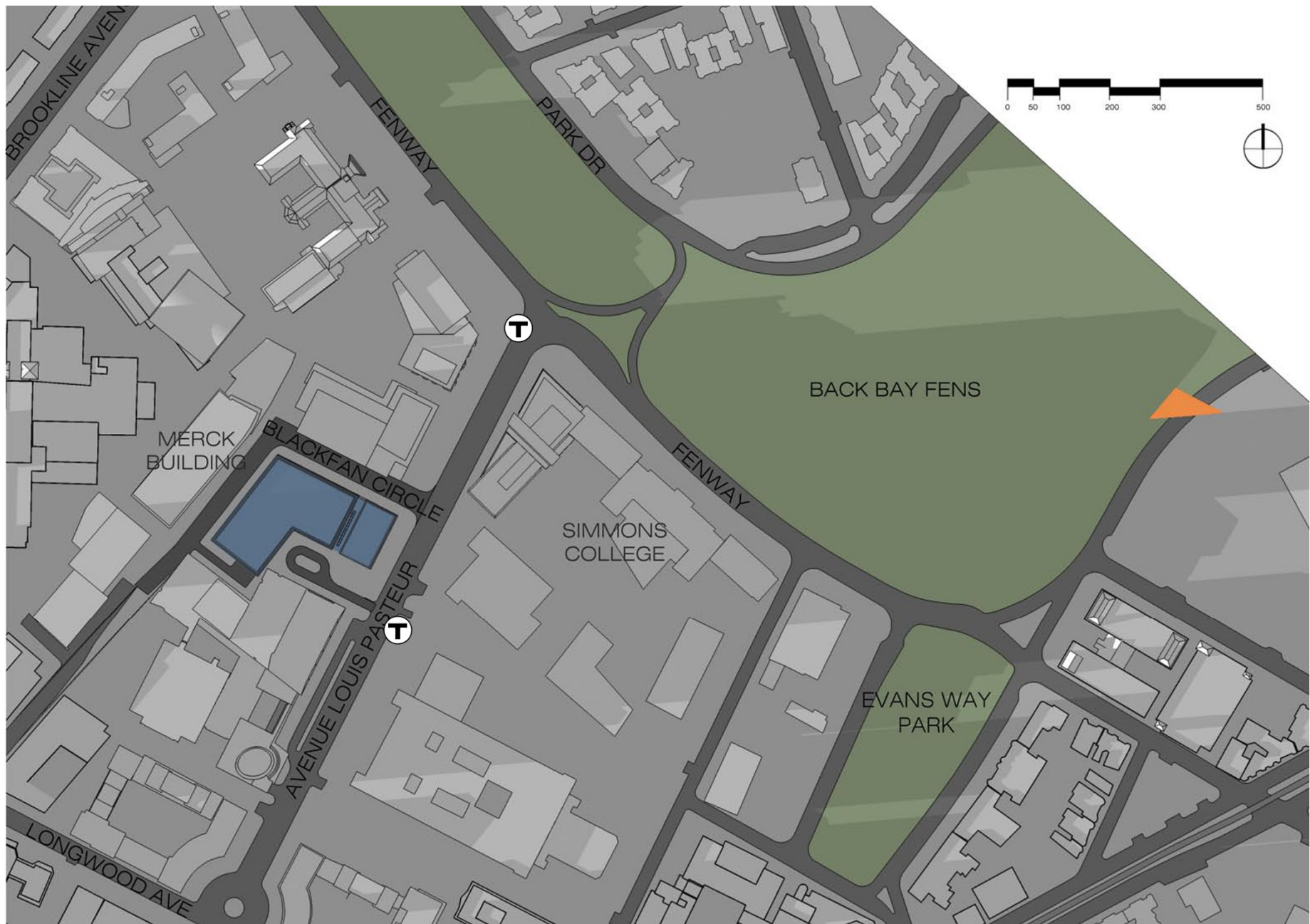


BWH 2012 IMP Amendment Project Boston, MA



BWH 2012 IMP Amendment Project Boston, MA





BWH 2012 IMP Amendment Project Boston, MA



BWH 2012 IMP Amendment Project Boston, MA





BWH 2012 IMP Amendment Project Boston, MA

#### **4.1.4**      *Mix of Uses*

The Guidelines seek to “improve the character, security, and vitality of the LMA” by increasing the mix of uses. The ground floor will include a mix of uses, including an auditorium and café.

#### **4.1.5**      *Character*

The Interim Guidelines state that new projects should “build on and reinforce the distinctive physical, historic, and architectural characteristics of each of the institutions” by addressing simplified wayfinding, improved access and circulation, preservation and enhancement of buildings that contribute to the campus history, and limits on the width and spacing of tall building elements.

The Project is consistent with these goals as follows:

- ◆ The building will be clearly identified as a Brigham and Women's building with a point of entry off of Avenue Louis Pasteur, as well as off Blackfan Circle. It will be consistent with the massing of Harvard's New Research Building located adjacent along Avenue Louis Pasteur and at its tallest point will not exceed the height of the Merck Building across Blackfan Circle on Parcel B of Emmanuel's Endowment Campus as described in Chapter 1, and is consistent with Emmanuel's vision for its Endowment Campus.
- ◆ The Project will create a new sidewalk along Blackfan Circle, a private way open to public travel, by means of BWH's dedication of a portion of Parcel C for the sidewalk and roadway purposes, and improve the pedestrian experience on all sides of the Project site.
- ◆ At its tallest point, the building will be similar in height to adjacent buildings, including Merck's existing development on Parcel B, and the adjacent Harvard Medical School's New Research Building, while allowing for appropriate open space, landscaping and hardscape improvements.

#### **4.1.6**      *Special Study Areas*

A portion of the Project site along Avenue Louis Pasteur appears to be located in the Parks and Boulevards Protection Zone—a Special Study Area—as described in the LMA Interim Guidelines. As described in Section 4.1.2 above, the design and massing of the proposed building is in accord with the setback, step back and height requirements applicable to this location in accordance with the LMA Interim Guidelines and the Parks and Boulevards Protection Zone graphic located within the LMA Interim Guidelines. The Parks and Boulevards Protection Zone graphic also identifies Avenue Louis Pasteur as an area to be minimally impacted by shadows.

Although the Project meets the dimensional requirements of the LMA Interim Guidelines and Parks and Boulevards Protection Zone, its location and dimensions will cast new shadow onto a small portion of Avenue Louis Pasteur and small areas to the north of the Avenue Louis Pasteur/Blackfan Circle intersection for a duration longer than one hour on March 21 as shown in Figure 4-8. The new shadow on Avenue Louis Pasteur with a duration of more than one hour in one location, will be located on one small area in the center of the street from prior to 3:30 pm to just after 4:30 pm. The new shadow cast onto the area north of Blackfan Circle and west of Avenue Louis Pasteur with a duration of more than one hour in one location is a small area that moves to the northeast through the afternoon. Figure 4-8 illustrates the progression of net new shadow on March 21 on and around Avenue Louis Pasteur.

## 4.2 Transportation

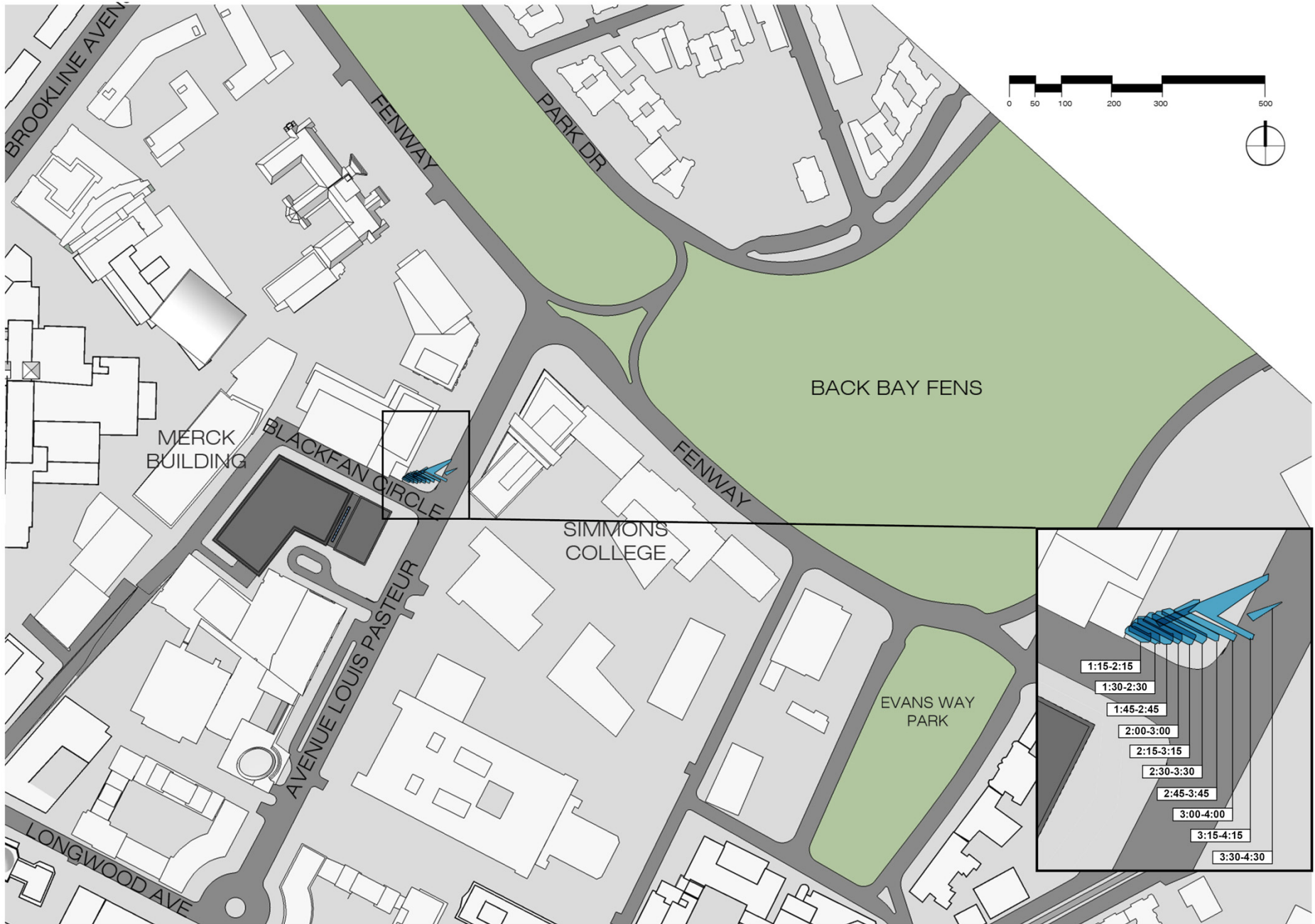
The LMA Interim Guidelines specify five transportation-related topics that should be addressed, where feasible, by every project in the LMA. These five topics include:

- ◆ Parking ratios;
- ◆ Transportation Demand Management;
- ◆ Traffic Management;
- ◆ Local Street Network; and
- ◆ System-Wide Transportation Projects.

All of these topics are intended to help improve local vehicular circulation, reduce congestion and improve pedestrian access in and around the LMA.

The proposed Project includes provision of 355 replacement parking spaces that will be used by BWH staff, researchers and physicians. No net new parking is proposed. Visitors, employees, and residents will be encouraged to utilize alternative modes of transportation to access the site. As no new parking is proposed, the Project complies with the parking ratio in the LMA Interim Guidelines of 0.75 net new spaces per thousand square feet. BWH plans to be proactive about managing its parking and encouraging employees to use alternative modes of transportation. A portion of these parking spaces will be designated for carpools and vanpools. Also, some spaces will also be fitted with electric charge stations to help support use of more environmentally-friendly, alternatively fueled vehicles.

The Project will be designed to accommodate bicycle parking off-street in a covered, secured location. Bicycle parking will be provided in accordance with the BTD's Bicycle Guidelines. The Project will also be fitted with showers and lockers that conform to those Guidelines as well as to Leadership in Energy and Environmental Design criteria.



BWH 2012 IMP Amendment Project Boston, MA



New Shadow on Parks and Boulevard Protection Zone for a Duration Greater than Approximately One Hour on March 21st

Figure 4-8

In addition, BWH will rely on its proactive Transportation Demand Management (“TDM”) programs to support alternative access to the site. This effort will help to discourage employee traffic in the LMA. TDM measures to be put in place to support the Project will be identical to those made available to all of BWH’s LMA employee base. A detailed summary of those programs is provided in Chapter 3 of the Draft PIR.

Finally, BWH is committed to making improvements to Blackfan Circle, including provision of a wide sidewalk along Blackfan Circle adjacent to the proposed Project. There is no sidewalk currently on the west side of the Project site because of building encroachment to existing street curblines. This improvement will ensure safe and efficient pedestrian access to the Project as well as for those walking to other LMA destinations along Blackfan Circle.

### 4.3 Workforce Development

The Interim Guidelines require institutions and developers to work with the BRA and OJCS to analyze current and future workforce needs and develop a Workforce Development Plan to address those needs. Information on Boston resident employees is requested as part of the workforce plan.

BWH has a comprehensive workforce development initiative that represents substantial investments in workforce development. Major elements of the initiative include:

For employees:

- ◆ Pre-college coursework offered on-site in reading skills and basic math offered through Jewish Vocational Service /Healthcare Training Institute (JVS/HTI);
- ◆ Online College Preparation Program (OCP): Training program delivered completely online that is designed to familiarize employees with an online learning environment;
- ◆ Online Medical Terminology and Online Pre-college Math: Both offered through Quinsigamond Community College for those who completed the OCP;
- ◆ School at Work: A comprehensive, eight month, pre-college and career planning program;
- ◆ Patient Care Assistant (PCA) training;
- ◆ ESOL and G.E.D. courses offered through Jewish Vocational Service /Healthcare Training Institute (JVS/HTI);
- ◆ Microsoft Office Training: An eight month program taught by JVS/HTI designed to increase the computer skills of administrative staff;
- ◆ Mentoring Program: A structured program where departments set up mentoring relationships for their employees;
- ◆ Career Coaching and individualized career planning assistance; and

- ◆ Education Financial Assistance Program that provides employees enrolled in academic programs that are hard to fill for the organization.

For community residents:

Access to the BWH Community Career Liaison for the purposes of:

- ◆ Identifying open positions;
- ◆ Assistance with applying to positions online;
- ◆ Screening of candidates from the community and following up with recruiters; and
- ◆ Referral of residents to the BWH community partner Project Hope for pre-employment preparation, referral for services, and career identification.

For the youth of the community:

- ◆ Summer Youth Employment Program: 100 slots for high schoolers in 2011.
- ◆ Summer College Internship Program: 16 slots for college students who are Boston residents.
- ◆ Health Careers Connection (HCC): six slots for diverse college students from all over the country who are on a healthcare career track.
- ◆ School Year Employment Program for Teens from The Roxbury Tenants of Harvard: Funds five slots for teens to work 10 hours per week from October to May. All are residents of Roxbury Tenants of Harvard.
- ◆ Cristo Rey Program: BWH WFD funds two work/study slots from the Cristo Rey school in Savin Hill.
- ◆ Teen Advisory Council: 12 students from three partnering High Schools (Madison, O'Bryant, EMK) who meet one time per month for leadership curriculum and job shadow opportunities in exchange for advising WFD on summer youth programming.
- ◆ School Presentations: BWH WFD staff travel to BWH's three partnering high schools to deliver presentations on healthcare careers and job search techniques.
- ◆ BWH Healthcare Scholarship: \$7,500 per year for teens who are pursuing healthcare/science careers in college and are residents of Boston.

**4.3.1 Employment Assessment**

BWH is a major institutional employer of Boston residents. With a workforce of just under 15,000 total employees, fully one-third are Boston residents.



These employees work in the full range of positions available at the institution as outlined in Table 4-1.

**Table 4-1 BWH Boston Resident Employees by Job Family**

<b>Job Family Description</b>	<b># of Boston employees</b>	<b>% of Boston employees</b>	<b># of BWH employees</b>	<b>% of BWH employees</b>
Admin/Clerical/Cust Service	851	17.14%	1,719	11.52%
Dietitians	39	0.79%	82	0.55%
Education	1	0.02%	8	0.05%
EnviroServ/HouseKeep/Transport	420	8.46%	577	3.87%
Finance/Accounting/Billing	77	1.55%	228	1.53%
Food Services	142	2.86%	224	1.50%
Human Resources	1	0.02%	5	0.03%
Internship/ Co Ops	194	3.91%	272	1.82%
IT/Health IT/Informatics	47	0.95%	224	1.50%
Maintenance/Skilled Worker	17	0.34%	69	0.46%
Marketing/PublicAffair	4	0.08%	23	0.15%
MAAs/EKG/Phlebotomy	137	2.76%	279	1.87%
MD/Fellow/ Post-docs	907	18.27%	3,179	21.30%
Medical Records/Coding/HIM	57	1.15%	125	0.84%
MTs/Clinical Lab	118	2.38%	437	2.93%
Nursing	487	9.81%	3,258	21.83%
Nursing Support	281	5.66%	567	3.80%
Other	202	4.07%	407	2.73%
Pharmacy	79	1.59%	200	1.34%
Physician Assistants	45	0.91%	155	1.04%
Professional/Managerial	259	5.22%	854	5.72%
PT/OT/Speech Therapy	37	0.75%	127	0.85%
Purchasing/Materials Mgmt	50	1.01%	81	0.54%
Radiation Therapy/Dosimetry	17	0.34%	75	0.50%
Radiology/Imaging/Ultrasound	77	1.55%	403	2.70%
Research	349	7.03%	1,085	7.27%
Respiratory Therapy	7	0.14%	83	0.56%
SecurityServ/LawEnforce/Driver	3	0.06%	10	0.07%
Social Services/Mental Health	46	0.93%	111	0.74%
Development/Fundraising	14	0.28%	55	0.37%
<b>Total</b>	<b>4,965</b>	<b>100.00%</b>	<b>14,922</b>	<b>100.00%</b>

BWH employs approximately 12,318 FTEs at its facilities in the LMA. Over the next ten years, BWH expects employment at its facilities in the LMA to grow at an annualized rate of approximately two percent. This level of growth would result in approximately 2,403 new FTE positions being created in the LMA by 2019. It is expected that the new positions will reflect the full range of employment opportunities currently available at the Hospital.

#### **4.3.2 Existing BWH Workforce Development and Training Initiatives**

BWH participates in numerous workforce development initiatives—both within the institution and in the Greater Boston community—that accomplish the objectives established by the BRA’s Interim Guidelines.

BWH participates fully in community partnerships that expand employment opportunities for Boston residents, including those sponsored by Project Hope, The Boston PIC, ABCD and JVS/Healthcare Training Institute. In addition, BWH offers an extensive array of in-house workforce development and training programs to ensure the continued growth and advancement of its employees. BWH expends approximately \$3,500,000 annually in funding and in-kind resources on these workforce development programs.

##### **4.3.2.1 Training activities**

BWH is committed to providing its employees with a learning environment and resources to achieve their maximum potential and to help the organization fulfill its mission, vision and goals. BWH’s commitment to continuous learning and development is demonstrated through the collaboration of departments that administer educational resources to meet the needs of employees. The Hospital assesses staff development needs on a Hospital-wide, departmental and individual level and uses these assessments to plan continuing staff education. The Hospital promotes staff development throughout the organization by providing educational opportunities in the areas of both clinical and non-clinical training. This training is largely supported by work of departments such as Organizational Development and Learning, Workforce Development, Partners Corporate Training, The Center for Clinical Excellence, The Center for Nursing Excellence and others.

BWH expends approximately \$3,500,000 annually on internal training and professional development programs. Approximately 350 courses were offered through workforce development and Organizational Development and Learning programs. There were a total of approximately 6,800 participants.



#### 4.4 Conclusion

The Project is consistent with the LMA Interim Guidelines as described below.

The building will:

- ◆ Be within the stated dimensions;
- ◆ Reinforce the character of the institution;
- ◆ Have minimal impact to transportation infrastructure; and
- ◆ Be a part of BWH's overall workforce development program.

BWH will continue to work with the city and its agencies, MASCO, and neighbors in the LMA to protect the assets of the area and create a better physical environment in the LMA.

**Section 5.0**

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Zoning

## 5.0 ZONING

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### 5.1 Existing Zoning

As noted above, the proposed Project site, also referred to as Parcel C, is located within Emmanuel's Endowment Campus as described in Emmanuel's existing 2000 IMP and Emmanuel 2012 IMP currently undergoing review. According to Map 1 "Boston Proper", Parcel C is also located within the Institutional Overlay District (and within a designated "Institutional Master Plan Area"), the Groundwater Conservation Overlay District ("GCOD"), and the Restricted Parking Overlay District ("RPOD"). As noted above, it is also subject to the provisions of the LMA Interim Guidelines. The Project will be authorized by the BWH 2012 IMP Amendment and corresponding modification of BWH's IMP Overlay District to include Parcel C and to authorize the development and use of the Project as described herein in accordance with the provisions of Article 80D and Article 80B of the Code.

The Boston Zoning Commission's ("BZC") action in its adoption of Map Amendment #514 on March 24, 2010 modified the then existing BWH Institutional Overlay District boundaries and adopted the BWH 2010 IMP. The BWH Institutional Overlay District and the BWH 2010 IMP together set forth the relevant dimensional, use and other regulations relevant to all of the properties owned by BWH within the LMA and environs (meaning those portions of the Mission Hill neighborhood proximate to the LMA). The BWH Institutional Overlay District has been established on an overlay basis by virtue of a Map Amendment #514, and the BWH 2010 IMP sets forth the operative zoning controls which are applicable to the use and development within the BWH Institutional Overlay District.

The BWH Institutional Overlay District includes: (1) BWH's Main Campus, bounded by Francis Street, Binney Street, Shattuck Street and Huntington Avenue which is located within the H-3 Zoning District and the RPOD; (2) 70 Francis Street, the block bounded by Binney Street, Vining Street, Fenwood Road, and Francis Street, and that portion of Francis Street which is located within the 3F-2000 Subdistrict of the Mission Hill Neighborhood Zoning District established in accordance with Article 59 of the Code and within the RPOD as well as certain portions under and over Francis Street; (3) 80 Francis Street which is located within the H-1 Zoning District and the RPOD and a portion of which may be located within the Greenbelt Protection Overlay District ("GPOD"); (4) 48 Francis Street which is located within the 3F-2000 Subdistrict of the Mission Hill Neighborhood Zoning District and within the RPOD; and (5) 221 Longwood Avenue which is located within the H-3 Zoning District and the GCOD; and (6) the MMHC Site which is located within the Massachusetts Mental Health Center Institutional Subdistrict ("MMHC Institutional Subdistrict") of the Mission Hill Neighborhood Zoning District and within the RPOD.

The zoning controls applicable to development within the BWH Institutional Overlay District are those set forth in the applicable provisions of BWH's 2010 IMP and Article 80 of the Code. BWH's 2010 IMP sets forth the use, dimensional, parking, loading and other requirements applicable to the development and use within the BWH Institutional Overlay District as currently configured.

## **5.2 Proposed Zoning Controls – BWH 2012 IMP Amendment Project**

By virtue of the proposed BWH 2012 IMP Amendment, Parcel C will be included in the “BWH Campus” as that term is defined in the existing BWH 2010 IMP. The existing BWH 2010 IMP and BWH Institutional Overlay District will be amended to include Parcel C, which will be dedicated to BWH's use for the development and construction of the BWH 2012 IMP Amendment Project. The BWH Institutional Overlay District and BWH 2010 IMP as amended by the BWH 2012 IMP Amendment will be sufficient to authorize the office, laboratory, auditorium and research uses and construction of the proposed BWH 2012 IMP Amendment Project including the potential cogeneration facility and parking spaces in the underground garage and loading accessory thereto. The development and use of the BWH 2012 IMP Amendment Project in accordance with the terms of the BWH 2010 IMP as amended by the BWH 2012 IMP Amendment will be deemed to be allowed as of right and determined to be in compliance with all relevant provisions of the Code, including dimensional, parking, loading, and other special districts without the need for further relief. The Draft PIR for the BWH 2012 IMP Amendment Project provides additional detail on the Project's compliance with the standards set forth in the Code applicable to parking and loading (see Chapter 3 of Draft PIR) and compliance within the design standards applicable within the GCOD (see Section 4.9.2 of the Draft PIR and additional detail on the LEED Certifiable status of the Project as noted in Chapter 3 above and as set forth in Section 4.11 of the Draft PIR).

## **5.3 Summary of Proposed Zoning Controls**

Once these proposed amendments to the BWH 2010 IMP and BWH IMP Overlay District Boundaries are approved by the BRA and adopted by the BZC these amendments will authorize the additional BWH specific components of the BWH 2012 IMP Amendment Project on Parcel C of Emmanuel's Endowment Campus with respect to the uses and structures described therein. BWH's 2010 IMP as amended by the BWH 2012 IMP Amendment will authorize existing structures and uses as described herein and located within the BWH Institutional Overlay District, including parking and loading dedicated thereto. The adoption of the proposed amendments to the existing BWH Institutional Overlay District and the BWH 2010 IMP by virtue of the BWH 2012 IMP Amendment will result in changes to the zoning district designations currently set forth on Map 1 to include the BWH Institutional Overlay District and IMP designation concerning a portion of the Emmanuel Endowment Campus and modifications to those zoning controls currently in effect with respect to the BWH 2012 IMP Amendment Project site.

As with the other existing and proposed development and use authorized by BWH 2010 IMP and BWH Institutional Overlay District, following review and approval this BWH 2012 IMP Amendment and modification of the BWH Institutional Overlay District by the BRA and adoption of these amendments by the BZC, which BWH 2012 IMP Amendment also includes a Development Plan as defined in the Code, the development and use of the BWH 2012 IMP Amendment Project will be allowed as of right and determined to be in compliance with all relevant provisions of the Code, including dimensional, parking, loading and other special purpose overlay districts, without the need to obtain any further zoning relief or approval.

Consistent with the direction provided by the BRA to BWH in prior IMP filings, it was agreed that a detailed summary of the deviations from the underlying Apartment Floor Area Ratio of 2.0 (H-2) Zoning District requirements is not required and these requirements are not relevant or applicable to the institutional development, both existing and proposed, within the BWH Institutional Overlay District. It is acknowledged that the level of detail which is provided in this BWH 2012 IMP Amendment as filed with the BRA is sufficient to explicate the relevant zoning controls for the structures and uses described therein, including the proposed IMP Project described as the BWH 2012 IMP Amendment Project, further details of which are provided in the Draft PIR as filed with the BRA.

With respect to the BWH Institutional Overlay District requirements, "Hospital Use", as that term is defined and described in Article 2A which includes uses and subuses, including but not limited to inpatient facilities, ambulatory care facilities and clinics, research and medical offices, and uses related and accessory thereto, including food service/restaurant, bank, and retail/gift shop, parking and loading uses are allowed as of right. The relevant dimensional requirements are those of FAR and height only, and no setbacks or yards are required. The proposed parking and loading spaces applicable to the Project are as described in this BWH 2012 IMP Amendment and consistent with the Draft PIR which has been filed in accordance with the provisions of 80B, contemporaneously herewith. This BWH 2012 IMP Amendment and corresponding BWH Institutional Overlay District shall set forth the use, dimensional and other requirements applicable to the development of the Projects as described in the IMP, which shall be deemed in compliance with all requirements of the Code, including special purpose overlay districts established pursuant to Section 3-1A of the Code.