

FENWAY

URBAN RENEWAL PLAN

BOSTON REDEVELOPMENT AUTHORITY

November 1, 1965

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## INTRODUCTION

This instrument, together with the maps attached hereto, is an urban renewal plan (hereinafter called "Plan") prepared by the Boston Redevelopment Authority (hereinafter called the "Authority") for the undertaking by the Authority of an urban renewal project in that area of the City of Boston, Massachusetts, described in Chapter I hereof, under Title I of the Federal Housing Act of 1949, as amended, and Chapter 121 of the General Laws (Ter. Ed.) of Massachusetts. Said maps, all dated November 1, 1965, are respectively numbered and entitled as follows:

Map 1, "Property Map"

Map 2, "Proposed Land Use"

Map 3, "Disposition Parcels"

Map 4, "Existing and Proposed Zoning"

## CHAPTER I: DESCRIPTION OF PROJECT

The area to which this Plan applies, hereinafter referred to as the "Project Area", is that portion of the City of Boston, Suffolk County, Massachusetts, shown within the project boundary on Map 1, "Property Map", and bounded and described as follows:

beginning at the intersection of the extended westerly sideline of Charlesgate West and southerly sideline of Newbury Street;

thence turning and running easterly along the southerly sideline of Newbury Street and Newbury Street extended to the southwesterly sideline of Massachusetts Avenue;

thence turning and running northwesterly along the southwesterly sideline of Massachusetts Avenue to the northwesterly sideline of Newbury Street;

thence turning and running northeasterly along the northwesterly sideline of Newbury Street to the northeasterly sideline of Hereford Street;

thence turning and running southeasterly along the northeasterly sideline of Hereford Street and across Boylston Street to the southeasterly sideline of Boylston Street;

thence turning and running southwesterly along the southeasterly sideline of Boylston Street to the northeasterly sideline of Dalton Street;

thence turning and running southeasterly along the northeasterly sideline of Dalton Street to the northeasterly sideline of Belvidere Street;

thence turning and running southeasterly (but more easterly than said last-mentioned direction) along the northeasterly sideline of Belvidere Street to the northwesterly sideline of Huntington Avenue;

thence turning and running northeasterly along the northwesterly sideline of Huntington Avenue to the extended northeasterly sideline of Harcourt Street;

thence turning and running southeasterly along the northeasterly sideline of Harcourt Street to the extended northwesterly sideline of St. Botolph Street;

thence turning and running southwesterly along the northwesterly sideline of St. Botolph Street to the northeasterly property line of the property identified on the Property Map as 39 St. Botolph Street;

thence turning and running northwesterly along the northeasterly and northerly property lines of said 39 St. Botolph Street to the southeasterly sideline of Public Alley 401;

thence turning and running southwesterly along the southeasterly sideline of Public Alleys 401, 402, and 403 to the northeasterly sideline of Cumberland Street;

thence turning and running southeasterly along the northeasterly sideline of Cumberland Street to the northwesterly sideline of St. Botolph Street;

thence turning and running southwesterly along the northwesterly sideline of St. Botolph Street to the southwesterly property line of the property identified on the Property Map as 145 St. Botolph Street (Charles C. Perkins School);

thence turning and running northwesterly along the southwesterly property line of said 145 St. Botolph Street (Charles C. Perkins School) to the southeasterly sideline of Public Alley 404;

thence turning and running southwesterly along the southeasterly sideline of Public Alley 404 to the northeasterly sideline of Public Alley 405;

thence turning and running southeasterly along the northeasterly sideline of Public Alley 405 extended

to the midline of the right-of-way of the main line of the New York, New Haven & Hartford Railroad (said midline being the boundary of the South End Urban Renewal Project Area, No. Mass. R-56);

thence turning and running southwesterly along the midline of the New York, New Haven & Hartford Railroad right-of-way to the southwesterly sideline of Ruggles Street;

thence turning and running northwesterly along the southwesterly sideline of Ruggles Street to the southeasterly sideline of Annunciation Road;

thence turning and running southwesterly, southeasterly, southwesterly and northwesterly along the southeasterly, northeasterly, southeasterly and southwesterly sidelines, respectively, of Annunciation Road to the southeasterly sideline of Parker Street;

thence turning southwesterly along the southeasterly sideline of Parker Street to the extended southwesterly sideline of Ward Street;

thence turning and running northwesterly along the southwesterly sideline of Ward Street to the southeasterly sideline of St. Alphonsus Street;

thence turning and running southwesterly along the southeasterly side of St. Alphonsus Street to the southwesterly sideline of McGreevey Way;

thence turning and running northwesterly along the southwesterly side of McGreevey Way and thence of Longwood Avenue to the southeasterly sideline of Huntington Avenue;

thence turning and running southwesterly along the southeasterly sideline of Huntington Avenue to the extended northwesterly sideline of Francis Street;

thence turning and running northwesterly along the northeasterly sideline of Francis Street to the southeasterly sideline of Netherlands Road;

thence turning and running southeasterly along the southeasterly sideline of Netherlands Road to the corporate limits of the City of Boston;

thence turning and running generally northeasterly along the corporate limits of the City of Boston to the southeasterly sideline of the Massachusetts Bay Transportation Authority right-of-way;

thence turning and running northeasterly along the southeasterly sideline of the Massachusetts Bay Transportation Authority right-of-way to the northeasterly sideline of Park Drive;

thence turning and running southeasterly, northeasterly and northerly along the northeasterly, northwesterly and westerly sidelines, respectively, of Park Drive to the extended northeasterly sideline of Ipswich Street;

thence turning and running northwesterly along the extended northeasterly sideline of Ipswich Street to the northwesterly sideline of Boylston Street;

thence turning and running northeasterly along the northwesterly sideline of Boylston Street to the extended westerly sideline of Charlesgate West;

thence turning and running northerly along the extended westerly sideline of Charlesgate West to the point of beginning.



## CHAPTER II: GOALS AND OBJECTIVES

### Section 201: Basic Goals

The basic goals of urban renewal action in the Project Area are:

- (1) to stimulate, facilitate and coordinate public, private and institutional actions in order to upgrade the area physically and economically;
- (2) to provide a more wholesome framework of environmental conditions to enhance the opportunities for living, working and recreation;
- (3) to provide new and improved public facilities throughout the area to improve the environment, better serve the people and promote confidence in the future of the area;
- (4) to provide the opportunities for cooperative efforts between the City and the institutions to promote the public good;
- (5) to set the framework for the institutions to consolidate their facilities in order to make more efficient use of scarce land resources;
- (6) to renew and revitalize the physical setting of the residential area in order to improve the livability of the area and to stimulate rehabilitation and development by private action;
- (7) to maintain and further Boston's position of leadership among the educational and medical centers of the world.

### Section 202: Planning and Design Objectives

Planning and design objectives are:

- (1) to channel and direct institutional growth according to reasonable institutional needs and community objectives;

- (2) to encourage the development of tax paying facilities in conjunction with institutional expansion to insure an appreciable increase of the tax base;
- (3) to encourage the institutions, in cooperation with the City, to provide adequate facilities for off-street parking;
- (4) to encourage the institutions to develop adequate student accommodations to relieve the pressures upon the existing residential areas;
- (5) to provide, preserve and improve open space in order to enhance the setting of the important cultural institutions of the area;
- (6) to maximize accessibility of the area's recreational facilities and open spaces through the provision of connected pedestrian ways;
- (7) to improve the quality, condition and maintenance of the Back Bay Fens in cooperation with private and public bodies so as to maximize the use and safety and enhance the appearance of this recreational facility;
- (8) to provide the opportunity to replace old and obsolete community facilities and to develop new facilities to meet present and future requirements;
- (9) to eliminate obsolete, incompatible, deteriorating and substandard buildings and incompatible land uses which, in part, depress the physical condition and character of the area and contribute to the growth of blight;
- (10) to create opportunities for private reinvestment and rebuilding, particularly in the form of sound and economically-constructed housing of maximum architectural quality, providing thereby the highest possible levels

of amenity, convenience, usefulness and livability for the occupants thereof;

- (11) to provide low- and moderate-rental housing for families, individuals and the elderly;
- (12) to improve the quality, condition and maintenance of existing residential properties through rehabilitation to achieve decent, safe and sanitary housing;
- (13) to improve the quality, condition and maintenance of existing non-residential properties through rehabilitation;
- (14) to provide opportunities for new, improved locally oriented shopping and other commercial facilities;
- (15) to provide a more adequate street system to improve traffic circulation by separating through traffic from local traffic and wherever possible by separating vehicular movement from pedestrian movement.

#### Section 203: Sub-Area Planning and Design Objectives

The planning and design objectives for the sub-areas, as indicated on Map 3, are as follows:

##### I. SYMPHONY AREA

The primary objectives of the Plan in this area are (1) to eliminate existing blighted conditions; (2) to realize the area's outstanding potential for new housing and commercial facilities; (3) to provide appropriate environmental improvements and amenities consistent with the many institutions in the area; and (4) to provide maximum opportunities for the revitalization of the existing sound residential areas through rehabilitation measures. All new residential and commercial development should be compatible with the existing structures and character of this area.

The rehabilitation of the existing sound residential properties should be stressed wherever possible. New residential development should provide housing of low- and moderate-rentals which would accommodate a wide range of housing demands. It is also desirable that housing for the elderly be provided.

Commercial development is encouraged in low-rise structures and on the lower floors of residential structures along the major streets of the area (Massachusetts and Huntington Avenues). The heart of the retail development should be along Massachusetts Avenue and should provide primarily locally-oriented shopping facilities designed to meet the needs of the adjacent residential community. In addition, sidewalk restaurants, theatres and similar uses, particularly as they relate to the nearby cultural facilities, should be provided. Office commercial uses are encouraged at appropriate locations.

Well-designed and landscaped open spaces should be provided along the major streets to complement the retail activities and to provide a linear park for the enjoyment of shoppers and visitors. In addition, open space should be provided where appropriate, particularly as it relates to mass transit facilities. Such open space also would serve as centers of pedestrian activity for the community.

High-rise construction is acceptable as long as existing low-rise buildings are not unduly deprived of adequate light and air. The highest

buildings should be located at the gateways to this area in the vicinity of Massachusetts Avenue and Boylston Street, Massachusetts Avenue and Huntington Avenue and along the Fenway. Particular attention also should be given to the scale and design of new structures so that they do not conflict with existing buildings of cultural or architectural importance. Upper floor setbacks, increased front yard depths and variations in building heights, orientation and type are to be encouraged to provide maximum design opportunities. New development should not form a wall between existing residential communities and the proposed commercial activity on Massachusetts and Huntington Avenues. Therefore, it is important that adequate and suitably designed pedestrian walkways and pedestrian-oriented activities be provided through the new developments to link these areas. Moreover, these developments should not form a barrier between adjacent communities but rather should stimulate visual and social interrelationships.

## II MUSEUM AREA

The major objectives of the Plan in this area are to improve circulation and to provide for the orderly expansion of the area's institutions. It is intended that redevelopment parcels be developed in conjunction with the over-all development of these institutions. Maximum use of land resources including the construction of high-rise buildings is especially encouraged. At the same time, it is also desirable that tax-producing residential and commercial facilities be provided where appropriate, and that maximum advantage be taken of the opportunities afforded by the development of air rights over the proposed Inner Belt Expressway for commercial and institutional uses.

New development along Huntington Avenue should be designed to reinforce the importance of this major street and its function as a linear organizing element in the neighborhood. The facade and character of this Avenue should be enhanced through the coordinated design of buildings, open space, plantings and street and transit improvements.

Of particular importance in this area is the Back Bay Fens, which is the major local park facility. It is highly desirable that extensive rehabilitation of this park be undertaken, including the provision of more active recreational facilities, reconstruction of pedestrian paths, landscaping, improved lighting and dredging of the stream to eliminate stagnation and to prevent flooding.

The proposed Inner Belt Expressway is also included in this area. Every effort should be made to develop a design which will provide maximum benefits to the area. The Expressway should be tunneled from Parker Street through the Back Bay Fens and beyond, in order to preserve the amenities of the present parkland. Maximum visual and pedestrian linkages across the Inner Belt are desired, particularly between the institutions bordering the proposed Expressway and the adjacent residential areas.

### III MEDICAL CENTER AREA

The primary objective in this area of outstanding medical, educational and cultural facilities is to provide a workable framework for necessary institutional growth, properly planned with respect to transportation and location, so that expansion can be directed and consolidated within the project boundaries, and adjacent areas can be insulated against haphazard development.

Because of the intown locations of these institutions and the scarcity of land resources new institutional development should make maximum use of high-rise buildings and high-density development. It is also imperative that off-street parking facilities be provided for both existing and new development in order to eliminate the use of local streets for parking.

Of prime importance in this area is the improvement of traffic circulation. To attain this, street widening where necessary, the improvement and creation of rights-of-way and the careful location of parking facilities should be undertaken to improve the accessibility to this area. In addition, an improved pedestrian circulation system should be developed through coordinated institutional planning in order to provide adequate linkages within the area and to separate pedestrian and vehicular movement.

Commercial development at key locations is desired in order to serve the area and its visitors. Ground floor retail facilities and well-designed open areas also are encouraged, particularly in connection with new institutional development. Such interrelationship of land uses which promotes the cohesion and integration necessary for the successful functioning of this area should be maintained and strengthened.

Particular attention should be given to new development along Huntington Avenue. The design of all new buildings and open areas should relate to the existing structure and development of the area and should reinforce the importance of this Avenue as a major gateway to the City.

## CHAPTER III: PROPOSED RENEWAL ACTION

### Section 301: Proposed Types of Renewal Action

Proposed types of renewal action within the Project Area are a combination of clearance and redevelopment activities, changes in land use, provision of public improvements and facilities, rights-of-way and utility changes, zone district changes and rehabilitation activities.

### Section 302: Clearance and Redevelopment Activities

Clearance and redevelopment activities will include:

- (1) the acquisition of real property;
- (2) the management of acquired property;
- (3) the relocation of the occupants of acquired property;
- (4) the clearance of buildings from land;
- (5) the installation, construction and reconstruction of improvements;
- (6) the disposition of land and other property for use in accordance with the land use requirements, building requirements and other provisions of the Plan.

### Section 303: Rehabilitation Activities

Rehabilitation activities may include but are not limited to:

- (1) the systematic enforcement of the rehabilitation standards set forth in Chapter VIII;



- (2) the provision of technical assistance to property owners and tenants to facilitate rehabilitation;
- (3) the undertaking of rehabilitation demonstrations;
- (4) the acquisition and disposition of real property for rehabilitation in accordance with the land use requirements set forth in Chapter VI and rehabilitation standards set forth in Chapter VIII;
- (5) the acquisition, retention, management, rehabilitation and disposition or clearance of real property which is not made to conform to the rehabilitation standards set forth in Chapter VIII.

#### Section 304: Public Improvements

Public improvements will include, as necessary to carry out the provisions of the Plan, the addition, alteration, abandonment, improvement, extension, reconstruction, construction and installation of public buildings, open space, rights-of-way, streets, mass transit facilities, tree planting and landscaping and such utility systems as water, sewer, police and fire communications, traffic signals and street lighting.

The location of public buildings, open space and rights-of-way is as shown on Map 2, "Proposed Land Use".

However, new and improved rights-of-way shall be coordinated both as to location and design with new development in adjacent areas.

## CHAPTER IV: PROPERTY TO BE ACQUIRED

### Section 401: Identification

Property to be acquired by the Authority is designated on Map 1, "Property Map", as "Property to be Acquired".

### Section 402: Conditional Acquisitions

In addition to those properties specified in Section 401, the Authority may acquire those properties, or any of them, designated "Properties to be Conditionally Acquired" on Map 1, under the respective conditions set forth below.

#### CONDITION A

Those properties, or any of them, which are designated on Map 1 as "Condition A" may be acquired by the Authority when either:

- (1) the owner of the property makes a written request to the Authority that his property be acquired; or
- (2) the present use of the property terminates. The present use shall be deemed to terminate if, after the effective date of this Plan:
  - (a) the property is sold, leased or otherwise transferred to anyone other than a successor to or assignee of the present occupant of the property;
  - (b) the structure or structures on the property are demolished;
  - (c) the owner or other person in control files an application for a building permit in order to alter substantially the structure or structures on the property for the purpose of accommodating some other use;
  - (d) the property is abandoned or vacated for a period greater than three months.

CONDITION B

Those properties designated on Map 1 as "Condition B" would be air rights over the proposed Inner Belt. They may be acquired by the Authority to encourage and control their development in a manner compatible with the surrounding institutional uses and in accordance with the objectives and requirements of this Plan.

CONDITION C

Those properties designated on Map 1 as "Condition C" may be acquired by the Authority for the widening of Longwood Avenue on a time schedule coordinated with the building programs of the "Condition C" property owners so that insofar as possible such taking and widening will not necessitate the demolition of existing structures located on "Condition C" land and will not unduly restrict pedestrian access in the area.

Section 403: Properties Designated for Acquisition which  
May Not Be Acquired

Any property listed in Table A of this Section 403, notwithstanding the provisions of Section 401 and the designation of such property on Map 1 as "Property to be Acquired", will not be acquired if the following conditions are met with respect to all the properties within the Disposition Parcel, as shown on Map 3, in which such listed property is located:

- (1) within one (1) year of the date of a loan and grant contract between the Authority and the United States for federal financial assistance in the execution of this Plan, the owner or owners of all such listed properties which lie within such Disposition Parcel shall:
  - (a) submit to the Authority a written proposal satisfactory to the Authority for the comprehensive

redevelopment in accordance with this Plan of all the land within such Disposition Parcel; and

- (b) enter a contract with the Authority obligating such owner or owners (i) to acquire from the Authority so much of the land within such Disposition Parcel as is not so listed and (ii) to undertake such comprehensive redevelopment;
- (2) such owner or owners satisfactorily perform the obligations under such contract.

TABLE A

| <u>Address of Property</u>   | <u>Disposition<br/>Parcel Number<br/>(as shown on<br/>Map 3)</u> |
|--|--|
| 187-195 Massachusetts Avenue   | 12   |
| 199 Massachusetts Avenue   | 12   |
| 201-209 Massachusetts Avenue   | 11, 16   |
| 7-21 Westland Avenue,<br>Corner of 235-277 Massachusetts<br>Avenue   | 11   |
| 242-248 Huntington Avenue  | 9  |
| 334 Massachusetts Avenue   | 5  |
| 332 Massachusetts Avenue   | 5  |
| 330 Massachusetts Avenue   | 5  |
| 328 Massachusetts Avenue   | 5  |
| 324 & 326 Massachusetts Avenue<br>Corner of 240 Huntington<br>Avenue | 5  |
| 176-186 Huntington Avenue and<br>8 Cumberland Street                 | 3  |
| 168 Huntington Avenue  | 3  |
| 166 Huntington Avenue  | 3  |
| 164 Huntington Avenue  | 3  |
| 162 Huntington Avenue  | 3  |
| 160 Huntington Avenue  | 3  |
| 158 Huntington Avenue  | 3  |
| 156 Huntington Avenue  | 3  |
| 154 Huntington Avenue  | 3  |
| 152 Huntington Avenue  | 3  |
| 260-266 West Newton Street, Cor-<br>ner of 150 Huntington Avenue     | 3  |
| 450-454 Parker Street  | 18   |
| 430, 434 Parker Street   | 18   |
| 424 Parker Street  | 18   |
| 422-422A Parker Street   | 18   |
| 420 Parker Street  | 18   |

#### Section 404: Notice

The Authority shall, within a reasonable time after the effective date of this Plan, but in any event not later than three months after the date of the loan and grant contract specified in Section 403 (1), give notice of the applicability of the provisions of Sections 402 and 403 to the owner of each property to which any such provisions apply of the procedures that will be followed by the Authority to implement such provisions. Such notice shall be in writing and shall be sent by certified or registered mail to the owner of such property at the address of such owner, both as recorded by the City of Boston Assessing Department at the time of the effective date of the Plan.

#### Section 405: Failure to Rehabilitate

Any property not designated on Map 1 as "Property to be Acquired" may nevertheless be acquired by the Authority if, after two (2) years from the date of the loan and grant contract specified in Section 403, (1) such property fails to conform to the rehabilitation standards set forth in Section 807 and (2) the procedures set forth in Section 808 are followed. Such an acquisition can be made only upon a finding by resolution of the Authority that (1) the property does not conform to said rehabilitation standards and (2) either the property is (a) blighted, decadent, deteriorated or deteriorating or (b) constitutes a nonconforming, incompatible or detrimental land use according to the provisions of the Plan.

#### Section 406: Use of Property Acquired Under Section 405

The Authority may clear where necessary; sell or lease for development, renewal or rehabilitation; or retain for rehabilitation and subsequent disposition all or any portion of any property acquired pursuant to Section 405. The Authority shall impose upon any such land so disposed of controls relating to land use and building requirements, which controls shall be consistent with the requirements and controls imposed upon similar property by provisions of this Plan.

Section 407: Interim Use of Acquired Property

The Authority may devote property acquired under the provisions of this Plan to temporary use until such property is needed for redevelopment. Such temporary uses may include, but shall not be limited to, project office facilities, rehabilitation demonstration projects, parking, relocation purposes, public transportation or recreational uses, in accordance with such standards, controls and regulations as the Authority may deem appropriate.

Section 408: Acquisition of Abandoned Street Rights-of-Way

In addition to the properties to be acquired pursuant to Sections 401 and 402, the Authority will acquire the fee in the following public streets to be closed, to the extent such fee is not owned by the abutters and is not acquired in connection with acquisition of property under Sections 401 and 402. Such fee will be disposed of for use and development in accordance with the objectives of this Plan.

Field Street (southeasterly of realigned  
Parker Street)  
Tavern Road  
Leon Street  
Greenleaf Street  
Forsyth Street (north of Huntington Avenue)  
Forsyth Street (south of Huntington Avenue)  
Falmouth Street  
Norway Street (east of Massachusetts Avenue to  
Huntington Avenue)  
St. Paul Street

## CHAPTER V: RELOCATION OF FAMILIES, INDIVIDUALS AND BUSINESSES

### Section 501: Families, Individuals and Businesses to be Relocated

Approximately 460 families and 357 individuals are expected to be relocated from Authority-acquired properties. Information on the characteristics and housing needs of these households has been obtained from a sample family survey conducted by the Authority. The survey was analyzed on the basis of income, rent-paying ability, age, family size and similar factors. Of the 817 households, about 71 per cent are expected to move into private rental housing, 15 per cent into private sales housing and 14 per cent into public housing. In addition, approximately 137 businesses are expected to be relocated from Authority-acquired properties.

### Section 502: Availability of Relocation Housing

The proposed relocation will be staged over a four year period. Based on this period, approximately 115 families and 89 individuals may be relocated each year, or about 10 families and 8 individuals per month. Housing to meet these needs will be available:

- (1) through normal turnover in sales and rental housing;
- (2) through normal turnover in public housing developments in Boston;
- (3) in new housing proposed under the Plan.

### Section 503: Relocation Program

The Authority will prepare and carry out a suitable relocation program to include:

- (1) a trained relocation staff which will interview and determine the needs of families, individuals and businesses to be relocated and which will render appropriate assistance to them;



- (2) payments for moving expenses to the full extent permitted under applicable regulations to eligible families, individuals and businesses; Relocation Adjustment Payments for eligible families and individuals; Small Business Displacement Payments to eligible business concerns;
- (3) special attention to the relocation problems of low-income and elderly families and individuals;
- (4) the implementation of standards for relocation which will take into account the ability to pay, the location preferences and the space requirements of the families, individuals and businesses to be relocated;
- (5) inspection of temporary and permanent relocation accommodations to assure that they are in compliance with applicable codes and ordinances.

#### Section 504: Standards for Relocation

For private rental or sales housing, ability to pay 20 to 23 per cent of family income for gross housing costs is considered a practicable standard, except where unusual conditions exist.

The location of housing referred by the Authority to families and individuals will be:

- (1) related to individual family preferences;
- (2) within reasonable commuting time and expense for the principal worker of the family to and from his place of employment;
- (3) in areas that meet the family's needs for public and commercial facilities.

Prior to referral to families and individuals, housing will be inspected to assure that it is decent, safe and sanitary standard housing in compliance with applicable codes and ordinances.

## CHAPTER VI: LAND USE AND BUILDING REQUIREMENTS

### Section 601: Proposed Land Use Plan

The proposed use of land and locations of public rights-of-way in the Project Area are shown on Map 2, "Proposed Land Use".

### Section 602: Use and Development Controls on Disposition Parcels

The use and development of Disposition Parcels and improvements thereon shall comply with the provisions of Table B and Section 603.

1. Disposition Parcels are listed in Table B and are located as shown on Map 3, "Disposition Parcels".
2. A permitted land use, specified in Table B, in each case includes all accessory and ancillary uses customarily or reasonably incident to the use specified.

Alternate land uses for any of the Disposition Parcels are subject to Authority approval according to the objectives of the Plan.

3. The maximum floor area ratio shall mean the maximum permissible ratio of gross floor area of a structure or group of structures to total Disposition Parcel area. In the computation of floor area ratio, "gross floor area" shall have the same meaning as in the Boston Zoning Code, as said Code is amended from time to time.

4. Maximum height shall be subject to Authority approval.
5. Planning and design requirements for each Disposition Parcel are set forth following Table B.

TABLE B

| Disposition<br>Parcel<br>Number | Permitted<br>Land Use                         | Maximum<br>Floor Area<br>Ratio | Planning<br>and Design<br>Requirements |
|---------------------------------|---|--------------------------------|--|
| 1                               | Residential;<br>Commercial on<br>lower floors | 5.5                            | A B C<br>J                             |
| 2                               | Residential;<br>Commercial on<br>lower floors | 5.5                            | A B C<br>F I J                         |
| 3                               | Residential;<br>Commercial on<br>lower floors | 5.5                            | A B C<br>F I J                         |
| 4                               | Residential                                   | 2.0                            | A B F<br>G I                           |
| 5                               | Residential;<br>Commercial on<br>lower floors | A A                            | A B C<br>D E F<br>I J                  |
| 6                               | Residential;<br>Commercial on<br>lower floors | A A                            | A B C<br>D F I<br>J                    |
| 7                               | Residential;<br>Commercial on<br>lower floors | A A                            | A B C<br>D F I<br>J                    |
| 8                               | Institutional                                 | A A                            | B                                      |
| 9                               | Residential;<br>Commercial on<br>lower floors | A A                            | A B C<br>D E F<br>I J                  |
| 10                              | Public Open Space                             | N A                            | E                                      |
| 11                              | Residential;<br>Commercial on<br>lower floors | 5.5                            | A B C<br>D E F<br>G I J                |
| 12                              | Residential;<br>Commercial on<br>lower floors | 5.5                            | A B C<br>E F G<br>I J                  |

A A: Subject to Authority Approval

N A: Not Applicable

TABLE B (Cont'd)

| Disposition<br>Parcel<br>Number | Permitted<br>Land Use                       | Maximum<br>Floor Area<br>Ratio | Planning<br>and Design<br>Requirements |
|---------------------------------|---|--------------------------------|--|
| 13                              | Residential;<br>Commercial                  | 5.5                            | A B C<br>D E F<br>I J                  |
| 14                              | Residential;<br>Commercial                  | 5.5                            | A B C<br>E F I<br>J                    |
| 15                              | Commercial                                  | 5.5                            | B E                                    |
| 16                              | Residential                                 | 2.0                            | B H                                    |
| 17                              | Residential                                 | A A                            | A F I<br>J                             |
| 18                              | Institutional;<br>Commercial                | 3.0                            | C D F<br>I                             |
| 19<br>19a<br>19b                | Institutional                               | A A                            | D                                      |
| 20                              | Institutional<br>Open space;<br>Residential | 2.0                            | A F H<br>I                             |
| 21                              | Commercial;<br>Institutional                | 3.0                            | C D E<br>F I                           |
| 22                              | Institutional                               | 3.0                            | D E F<br>I                             |
| 23                              | Residential                                 | 3.0                            | B                                      |

A A: Subject to Authority Approval

## PLANNING AND DESIGN REQUIREMENTS

- A. Whenever possible, a high percentage of the dwelling units on each site shall be for families of more than one individual. Private access and outdoor space (ground or balconies) shall be provided for as many units as possible.
- B. Development shall be consistent and compatible with surrounding development respecting material, form and scale, subject to Authority approval.
- C. Design relationship of ground floor uses to upper floor uses, including separation of entrances, shall be subject to Authority approval.
- D. Underground or other parking in excess of requirements to the site may be provided to serve the surrounding community.
- E. Bus shelters, newsstands, phone booths, street furniture, subway entrances, etc. may be provided where appropriate, subject to Authority approval.
- F. Paving shall be provided subject to Authority approval.
- G. The structure or structures shall be designed so as to connect visually the facades of abutting structures.
- H. Appropriate recreation equipment shall be provided subject to Authority approval.
- I. A landscaped pedestrian way shall be provided subject to Authority approval.
- J. New development shall not unduly diminish light and air to nearby structures.

## Section 603: General Requirements

The provisions of this Section shall apply to the entire Project Area except as expressly otherwise provided.

### 1. Artistic Amenities

For all disposition parcels not less than one per cent of construction costs shall be utilized to provide works of art satisfactory to the Authority, which may include ornaments, arrangements or effects created through the use of sculpture, bas-reliefs, mosaics, frescos, murals, prints, tapestries, paintings and fountains which are sculptural in themselves or designed to enhance the setting of sculpture.

### 2. Building Construction

All buildings shall be constructed in full compliance with all State and local laws, ordinances, codes and regulations.

### 3. Exterior Lighting

Exterior lighting used to light doors, entrances, show windows, plazas, parking areas, open spaces and water surfaces shall be located and shielded so as to prevent glare on adjacent properties. Flood lighting of buildings or streets will be permitted subject to approval by the Authority.

### 4. Off-Street Loading

Developers and owners of all buildings shall demonstrate to the satisfaction of the Authority that the off-street loading needs of the property will be met adequately, or that the lack of such facilities is due to existing conditions, but will not be detrimental to areas adjacent to such property. Loading bays shall be designed and located so as to permit vehicles to load and unload without interfering with pedestrian or vehicular traffic on rights-of-way. The following are guidelines to the off-street loading

bay requirements applicable to the uses permitted:

| Gross Floor<br>Area<br>(in 000's<br><u>sq. ft.</u> ) | <u>Retail<br/>Commercial</u> | <u>Office,<br/>General<br/>Commercial</u> | <u>Institutional</u> | <u>Residential</u> |
|--|------------------------------|---|----------------------|--------------------|
| Under 15   | 0                            | 0   | 0                    | 0                  |
| 15-50  | 1                            | 1   | 1                    | 0                  |
| 50-100   | 2                            | 1   | 1                    | 0                  |
| 100-150  | 3                            | 2   | 2                    | 0                  |
| 150-300  | 4                            | 3   | 3                    | 0                  |
| 300 & over   | 5*                           | 4*  | 4*                   | 0                  |

\*plus 1 for each additional 150,000 square feet or major fraction thereof.

Loading bay requirements are not applicable to parking garages or public parks.

5. On-site Improvements

All buildings, open space and other improvements shall be maintained in good repair and in clean, sanitary and attractive condition. Sufficient and suitable refuse and garbage storage and disposal facilities, including structural enclosures where appropriate, shall be provided and properly maintained.

6. Open Space

All open areas shall be suitably landscaped so as to provide a visually attractive environment. To the fullest extent possible, subject to Authority approval, landscaping and planting shall be maximized and paving of open areas minimized.



7. Parking Areas

Parking areas include all space allocated for vehicular use, including service drives, maneuvering space and parking spaces, as well as space devoted to meeting landscaping requirements contained in this sub-section 7. Three hundred square feet shall be allocated per required space, unless specific parking plans providing for less area per space are approved by the Authority.

Unless otherwise permitted by the Authority, off-street parking spaces shall be available in a number sufficient to meet the needs of persons employed at, living in or otherwise using the facilities involved, and shall meet the following requirements:

| <u>Use</u>           |  |
|----------------------|--|
| residential, family  | .75 per dwelling unit                    |
| residential, elderly | .2 per dwelling unit                     |
| retail commercial    | 1.0 per 400 sq. ft. of gross floor area  |
| office commercial    | 1.0 per 800 sq. ft. of gross floor area  |
| institutional        | 1.0 per 1000 sq. ft. of gross floor area |

In determining the appropriateness of parking areas, the following standards will be considered as desirable guidelines:

- (a) Single large open parking areas are considered undesirable. Several smaller parking areas to meet parking requirements are encouraged. For residential Parcels particularly, where numerous parking spaces are required, no single parking area should exceed 15 per cent of the area of the Parcel.

- (b) All parking required in connection with residential development should be within 400 feet of such development.
- (c) All open parking areas should have at least one tree for every six parking spaces.
- (d) An open parking area in excess of 10 parking spaces should be visually screened with planting or appropriate fencing along the perimeter.
- (e) Access driveways should be a minimum of 15 feet in width.
- (f) Appropriate night lighting should be provided.

Departures from these guidelines may be permitted upon a demonstration by the developer that the intention of this sub-section is otherwise substantially met. Parking space requirements can be met by either open or covered parking and by parking spaces wholly or partially within the buildings housing the principal uses to which the site is devoted.

#### 8. Provisions for Handicapped People

All new buildings shall be so designed that persons in wheelchairs can enter and leave and travel about the building in a reasonable manner without undue obstruction.

9. Setback

The setbacks of buildings from streets and ways and adjacent properties shall be subject to Authority approval.

10. Sign Control

Signs shall be restricted to the non-animated and non-flashing type, identifying only the establishment and nature of its products. All signs must be suitably integrated with the architectural design of the structure which they identify. No sign shall project beyond the face of the building more than twenty-four (24) inches. The size, design, location and number of signs shall be subject to the approval by the Authority. No signs or advertising shall be placed on the exterior facade on or above the floor level of the third floor of any structure. No sign shall project above the roof of the structure on which it is mounted. Any exceptions to the above controls, or the placement or replacement of any sign shall be subject to approval by the Authority.

11. Storage

The open air storage of materials, equipment or merchandise, other than automobiles, shall not be permitted without written approval by the Authority.

12. Subdivision

The Authority may subdivide Disposition Parcels as appropriate, with permitted uses made applicable to sub-parcels.

13. Utilities

The placement or replacement of all private and public utilities shall be underground. Utility easements, when necessary, shall be provided by developers. Easements shall be checked and accepted by the City of Boston Public Works Department.

14. Vehicular Access

Vehicular access to Disposition Parcels shall be determined at the time disposition agreements are signed by the Authority and the developer of the Parcel. It is the intent of this Plan to provide vehicular access from the rear of Parcels or from side streets, avoiding, where possible, direct access from major arterials and cross-town streets.

Section 604: Interpretation

In the event of any question regarding the meaning or construction of any or all of the standards, controls or other provisions of this Plan, the interpretation or construction thereof by the Authority shall be final and binding.

## CHAPTER VII: DEVELOPERS' OBLIGATIONS

### Section 701: Applicability

The provisions of this Chapter shall apply to each parcel upon its disposition by the Authority and shall be implemented by appropriate covenants and provisions in disposition documents.

### Section 702: Compliance with the Plan

Development of the land in the Project Area shall be made subject to the regulations and controls set forth in this Plan. The purpose of such regulations and controls is to assure that the renewal and development of such land will conform to the planning and design objectives of the Plan. It is therefore the obligation of all developers not only to comply with these regulations and controls but also to familiarize themselves with the overall Plan and to prepare development proposals which conform therewith.

### Section 703: Design Review

All development proposals will be subject to design review, comment and approval by the Authority prior to land disposition and prior to the commencement of construction.

In addition to assuring compliance with the specific controls, regulations and design objectives set forth in this Plan, and as more specifically set forth in disposition documents, the Authority shall establish design review procedures and evaluate the quality and appropriateness of development proposals with reference to the design objectives and requirements set forth in this Plan and in the disposition documents.

## Section 704: General Obligations

The Authority shall obligate developers and purchasers of land in the Project Area, and their successors and assigns, by covenants and conditions running with the land or by other appropriate means providing for reasonable action in the event of default or non-compliance by such developers and purchasers:

- (1) to devote, develop or otherwise use such land only for the purpose and in the manner stated in the Plan;
- (2) to comply with such terms and conditions relating to the use and maintenance of such land and improvements thereon as in the opinion of the Authority are necessary to carry out the purpose and objectives of the Plan and of the relevant provisions of Chapter 121, Massachusetts General Laws;
- (3) to commence, execute and complete construction and improvements in accordance with reasonable time schedules as determined by the Authority and agreed upon by the developer;
- (4) where appropriate, to give preference in the selection of tenants for dwelling units or tenants for commercial space built in the Project Area to persons displaced on account of action taken pursuant to this Plan who desire to rent such dwelling units or such commercial space and who will be able to pay rents or prices equal to rents or prices charged other tenants for similar or comparable space built as part of the same development;
- (5) to make adequate provisions for works of art and other amenities in accordance with the policy as established by the Authority.

## Section 705: Disposition by Developer

A developer shall not dispose of all or part of his interest within a parcel acquired from the Authority without the written consent of the Authority until the full completion by

the developer of all improvements required by and in conformity with the terms and conditions of both this Plan and the Land Disposition Agreement entered into between the developer and the Authority. Such consent shall not be granted except under conditions that will prevent speculation, protect the interest of the Authority and the City of Boston, and effect compliance with and achieve the objectives of Chapter 121, and where applicable, Chapter 121A, of the Massachusetts General Laws.

## CHAPTER VIII: REHABILITATION

### Section 801: Identification and Applicability

All properties and buildings within the Project Area which are not designated for acquisition by the Authority as shown on Map 1, "Property Map", as "Property to be Acquired" are to be maintained at or brought to a level which achieves a decent standard of safe and sanitary conditions and shall be made to conform to the standards in this Chapter.

Any property or building which is not maintained at or brought to conformity to said standards may be acquired by the Authority as provided in Chapter IV, Section 405.

### Section 802: General Objectives

The basic objectives of rehabilitation activity within the Project Area shall be to secure and maintain all structures and their environment so as to:

- (1) prevent the spread as well as the recurrence of blight and substandard conditions;
- (2) restore deteriorating areas and structures to sound condition;
- (3) increase and stabilize the economic value of individual properties;
- (4) create decent, safe and sanitary structures providing the greatest degree of amenity, convenience, usefulness, attractiveness and livability for the occupants and users thereof.



## Section 803: Planning and Design Objectives

The planning and design objectives are to:

- (1) provide land uses which will be complementary and will not adversely affect each other;
- (2) insure that non-residential uses will not create congestion or other adverse effects;
- (3) regulate non-conforming uses so that they will not produce crowding, noise, odors, air pollution, glare, heat, vibration, dirt or other effects detrimental to the health, safety and general welfare of the community;
- (4) maintain the physical character of buildings architecturally consistent with the surrounding neighborhood in order (a) to eliminate deteriorating or blighting influences and (b) to achieve an aesthetically pleasing environment, thereby encouraging neighborhood stability and maintenance of property;
- (5) provide attractive landscaping of all open areas in order to enhance the character of the neighborhood;
- (6) require that buildings be structurally sound;
- (7) provide adequate off-street parking where appropriate;
- (8) provide that signs be integrated with the over-all structural appearance of the buildings, not adversely affect the general character or appearance of the area and be consistent with sign controls specified in Chapter VI, Section 603.

#### Section 804: Health Objectives

Sanitary conditions must be achieved in order to eliminate conditions which cause disease or which are otherwise detrimental to the public health, safety and the general welfare of the community. To achieve this:

- (1) all facilities necessary for adequate heat, light, plumbing and general sanitation must be properly installed and maintained in good working condition;
- (2) structural and environmental conditions necessary to provide adequate and healthy living and working space must be maintained in accordance with code requirements specified in Section 807 of this Chapter.

#### Section 805: Safety Objectives

Safety conditions must be achieved to prevent unsafe conditions which might cause injury to persons or damage to property, including adjacent buildings, in accordance with code requirements specified in Section 807 of this Chapter. To achieve this:

- (1) potential fire hazards must be eliminated;
- (2) unsafe conditions in yards and open spaces must be eliminated;
- (3) the exterior and interior of structures and all facilities must provide maximum safety;
- (4) satisfactory means of egress must be provided.

Section 806: Additional Objectives for Non-Residential Rehabilitation

In addition to the objectives set forth in Sections 802 through 805, the following objectives shall apply to all non-residential property not designated on Map 1 as "Property to be Acquired". These objectives are to achieve:

- (1) the provision of adequate off-street loading facilities where appropriate;
- (2) the control of noxious by-products;
- (3) that non-residential uses which are permitted to remain be screened by appropriate landscaping or other architectural devices from residential uses which abut or are across the street from such non-residential uses.

Section 807: Rehabilitation Standards

All structures within the Project Area which are not designated on Map 1 as "Property to be Acquired" shall be maintained at or made to conform to the following laws, codes and ordinances and any amendments thereto:

- (1) the "Sanitary Code of the Commonwealth of Massachusetts";
- (2) the "Building Code of the City of Boston";
- (3) the "Fire Prevention Code of the City of Boston", set out in Chapter 3 of the City Ordinances of 1959 and ratified by Chapter 314, Massachusetts Acts of 1962;
- (4) the "Boston Zoning Code";
- (5) Chapter 143 of the Massachusetts General Laws, the Commonwealth of Massachusetts Public Safety Regulations;

- (6) the "Commonwealth of Massachusetts Innholders and Common Victuallers Regulations", as applied to the licensing and maintenance of lodging houses, rooming houses and hotels;
- (7) all other applicable State and local laws, ordinances, codes and regulations; provided that where this Plan imposes a greater restriction than is imposed or required by any of the aforesaid, the provisions of this Plan shall prevail; provided, further, that deviations from such laws, ordinances, codes and regulations may be granted and approved as provided under Chapter 121 and Chapter 121A, Massachusetts General Laws and as otherwise provided under such laws, ordinances, codes and regulations where applicable. Failure to set forth herein any provision of any such law, ordinance, code or regulation shall not be deemed to make such provision inapplicable.

#### Section 808: Inspection and Notice

The Authority shall inspect each and every property not designated on Map 1 as "Property to be Acquired".

Whenever it has been found on inspection that a residential or non-residential property or structure does not meet the objectives, standards and regulations of this Chapter, the Authority shall, within a reasonable period of time after the inspection, give notice of such nonconformance to the owner of said property or structures. Such notice shall be in writing, addressed to the owner and to other persons required to be notified at their last known address, and shall be sent by certified or registered mail.

Such notice shall state why it is being issued, shall specify the respects in which the property fails to meet the objectives, standards and controls of the Plan and shall specify what work is required to bring the property into compliance. Such notice may also set a proposed schedule for beginning and completing each part of the work, provided that a reasonable time is allowed for the performance of any act required.

If at the end of such period satisfactory conformance to the standards and objectives of this Chapter has not been achieved, the Authority may acquire the property pursuant to Chapter IV, Section 405.

**Section 809: Technical Assistance**

Technical assistance for rehabilitation shall be provided by the Authority for the purpose of developing an awareness and understanding of rehabilitation objectives, standards, requirements and methods, and for the purpose of providing guidance in planning, design, construction, financing and execution of individual rehabilitation activities as necessary to carry out the provisions of this Plan.

**Section 810: Property that May Be Acquired for Rehabilitation**

Property acquired by the Authority and disposed of for rehabilitation shall be subject to the requirements of this Chapter and Chapter VI of this Plan.

CHAPTER IX: ZONE DISTRICT CHANGES

Section 901: Identification of Changes

Zoning district changes shall be as shown on Map 4, "Existing and Proposed Zoning".

## CHAPTER X: RELATION OF PLAN TO LOCAL OBJECTIVES

### Section 1001: Conformity to General Plan

This Plan is in conformity with the General Plan for the City of Boston and with its Program for Community Improvements.

### Section 1002: Relationship to Definite Local Objectives

#### 1. Land Use

The Plan will help achieve the local objectives of providing new and improved commercial and institutional space in the Project Area and of creating new and rehabilitated low- and moderate-rental housing. The new uses will be supported by accessory uses including additional public open space, revitalization of existing recreational areas and off-street parking facilities.

#### 2. Traffic Improvements

The Plan will enable selective improvements within the over-all street system of the Project Area in keeping with traffic and parking requirements for the new developments and will provide sufficient off-street parking and loading facilities throughout the Project Area. It will thus meet the local objectives of reducing congestion, reducing accidents, improving traffic flow and providing suitably located parking areas.

#### 3. Improvement of Public Utilities

The Plan proposes the relocation, abandonment or replacement, as necessary, of all existing substandard or inadequate public utilities with new underground lines adequate in capacity and flow and in conformance with local standards.

#### 4. Recreation and Community Facilities

The Plan will provide a system of open spaces within the Project Area which will facilitate pedestrian access and heighten the appeal of the new buildings. In addition, existing local recreational facilities and community facilities including mass transit facilities, will be upgraded to maximize their potential and to encourage neighborhood stability.



## CHAPTER XI: ANTI-DISCRIMINATION PROVISIONS

### Section 1101: Affirmative Covenant

Every agreement, lease, conveyance or other instrument by which land in the Project Area is disposed of by the Authority for uses which may include housing or facilities related to residential uses shall include an affirmative covenant binding on the contractor, lessee, grantee or other party to such instrument and on the successors in interest to such contractor, lessee, grantee or other party that there shall be no discrimination upon the basis of race, color, creed or national origin in the sale, lease or rental or in the use or occupancy of such land or any improvements erected or to be erected thereon and the Boston Redevelopment Authority will take all steps necessary to enforce such covenant and will not itself so discriminate.

### Section 1102: Compliance with Anti-Discrimination Laws

All property and all transactions affecting or respecting the installation, construction, reconstruction, maintenance, rehabilitation, use, development, sale, conveyance, leasing, management or occupancy of real property within the Project Area shall be subject to the applicable provisions of Chapter 151B of the Massachusetts General Laws (Ter. Ed.), as amended, and to all other applicable Federal, State and local laws prohibiting discrimination or segregation by reason of race, color, creed or national origin.

## CHAPTER XII: MODIFICATION AND TERMINATION

### Section 1201: Modification

This Plan may be amended at any time by the Authority, provided, however, that -

1. Any amendment which in the reasonable opinion of the Authority substantially or materially alters or changes the Plan shall be subject to the Federal, State and local approvals then required by law;
- 2.. No amendment to any provision of Chapter VI of the Plan shall be effective with respect to any land which the Authority has then disposed of or contracted to dispose of without the consent of the other party to such disposition or contract, or such other party's successors or assigns; and
3. If this Plan is recorded with the Suffolk Registry of Deeds, no such amendment shall be effective until the amendment is also so recorded.

### Section 1202: Termination

This Plan shall be in full force and effect for a period of forty (40) years from the date of its approval by the Division of Urban Renewal of the state Department of Commerce and Development, except for Sections 1101 and 1102, which shall remain in effect for one hundred (100) years from said date.