

MEMORANDUM

OCTOBER 16, 2008

TO: BOSTON REDEVELOPMENT AUTHORITY AND
JOHN F. PALMIERI, DIRECTOR

FROM: BRENDA McKENZIE, DIRECTOR OF ECONOMIC DEVELOPMENT
HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW
DAVID CARLSON, SENIOR ARCHITECT/URBAN DESIGNER
JAY ROURKE, SENIOR PROJECT MANAGER

SUBJECT: THE 350 BOYLSTON STREET PROJECT DESIGN PRESENTATION

SUMMARY: This Memorandum requests, as part of the 350 Boylston Street project to be located in the Back Bay neighborhood of Boston, that the Boston Redevelopment Authority ("BRA" or "Authority") authorize the Director to: (1) issue a Preliminary Adequacy Determination waiving the requirement of further review pursuant to Article 80, Section 80B-5.4(c) of the Boston Zoning Code (the "Code"); (2) issue a Certification of Compliance under Section 80B-6 upon successful completion of the Article 80 review process; and (3) execute and deliver a Cooperation Agreement, a Development Impact Project Agreement, a Boston Residents Construction Employment Plan and any and all other agreements and documents that the Director deems appropriate and necessary for the development of the 350 Boylston Street project in the Back Bay neighborhood of Boston.

PROJECT SITE

The 350 Boylston Street site is a rectangular parcel of land totaling 27,654 square feet, bounded by Boylston Street to the north, Arlington Street to the east, Providence Street to the south and an existing building located at 364 Boylston Street to the west (the "Project Site"). The Proposed Project consists of a mixed-use development of approximately 221,230 square feet of gross floor area (as defined by the Code). The specific uses proposed for the newly constructed, nine (9)-story building will include approximately 15,000 square feet of ground floor retail and restaurant space, and eight (8)-floors of first class office and related support space. Approximately one hundred and fifty (150) parking spaces and an approximately 6,000 square foot fitness center and spa for use by the building's office tenants are planned for the three (3) below grade levels (the "Proposed Project").

PROPOSED PROJECT

The 350 Boylston Street project is a mixed-use office and retail project at the southwest corner of Arlington and Boylston Streets, diagonally across from Boston's beloved Public Garden. This corner is also shared with the historically significant Arlington Street Church to the north and the Heritage on the Garden, a residential, office and retail complex to the east. With such prestigious neighbors, the design of 350 Boylston must reinforce the texture and scale of Boston's Back Bay as a contemporary building at this corner.

The Proposed Project consists of a mixed-use development of approximately 221,230 square feet of gross floor area (as defined by the Code). The specific uses proposed for the newly constructed, nine (9)-story building will include approximately 15,000 square feet of ground floor retail and restaurant space, and eight (8)-floors of first class office and related support space. Approximately 150 parking spaces and an approximately 6,000 square foot fitness center and spa for use by the building's office tenants are planned for the three (3) below grade levels.

The Proposed Project's massing includes stepping the top floors back and increasing the glass and metal of the upper facades. Thus, the overall building height and mass is diminished as exterior balconies are created that energize the urban nature of this corner. The bay windows transform through the façade vertically tying the ground, middle and building top into a unified structure.

The Boylston Street sidewalks will follow the design guidelines established by the Boylston Street Improvement Master Plan. In addition, five (5) street trees will be planted from the building entry to the western edge of the site to enliven the street and initiate a tree planting program on that side of Boylston Street.

With the development of the Proposed Project, all loading and parking will be accessed from Providence Street and located in the building, eliminating the on-street loading that exists today for the existing four buildings at this location. The loading dock and garage entry are located on the western end of the Proposed Project on Providence Street, so the retail character at Providence Street and Arlington Street is extended on this important corner which is quite visible from Park Square.

PROJECT REVIEW

On December 18, 2007, The Druker Company (the "Developer" or "Proponent") filed a Project Notification Form ("PNF") with the BRA for the Proposed Project. Notice of receipt by the BRA of the PNF was published in the *Boston Herald* on the same date initiating the public comment period with a closing date of February 1, 2008. Pursuant

to Section 80B-5.3(c) of the Boston Zoning Code (the "Code"), a scoping session was held on January 11, 2008 with city agencies and members of the Impact Advisory Group ("IAG"). A community meeting was held on January 11, 2008 at the Boston Public Library, 700 Boylston Street. On March 20, 2008, pursuant to Section 80B-5 of the Code, the Authority issued a Scoping Determination requesting that the Developer submit a Draft Project Impact Report ("DPIR"). On June 3, 2008 the Proponent filed a DPIR with the BRA. Notice of receipt by the BRA of the DPIR was published in the *Boston Herald* on the same date initiating the public comment period with a closing date of August 1, 2008. As part of the DPIR review, a meeting was held on June 26, 2008 with city agencies and members of the IAG. As part of the DPIR review two (2) community meetings also were held at the Boston Public Library, 700 Boylston Street, on June 26, 2008 and July 16, 2008 respectively. The public notice advertising the BRA's August 12th public hearing to consider the Proposed Project as a Development Impact Project and under Section 80B-5 was published in the *Boston Herald* on July 29, 2008. At the August 12th public hearing the Board Members voted to take the Proposed Project under advisement until a new design more in line with the surrounding architecture could be achieved working with the BRA design staff. The Developer has been working daily with BRA design staff to design what we believe will be a building that is truly deserving of this prominent corner. At the September 25, 2008 BRA Board meeting, the updated design of the Proposed Project was presented. On October 7, 2008, BRA staff and the Developer presented the updated design to the IAG.

The Proposed Project was presented before the Boston Civic Design Commission on numerous occasions during the review period and was approved on June 3, 2008. On October 7, 2008, BRA staff and the Developer presented the updated design to the BCDC. At both the IAG meeting and the presentation to the BCDC on October 7, 2008, attendees expressed support for the improved design.

At an October 2006 hearing, the Boston Landmarks Commission ("BLC") voted not to accept a landmark petition to further study the Arlington Building, one of the existing buildings on the Site, for designation as a Boston Landmark. A BLC hearing under Article 85 (Demolition Delay) was held on July 22, 2008. Review under Article 85 (Demolition Delay) will be completed on October 21, 2008, upon the expiration of a 90-day demolition delay period imposed by BLC. The Development Team has agreed that no demolition will take place until financing is secured and a building permit has been issued.

The Proponent has also met numerous times with residents and abutters and with the Boston Groundwater Trust.

DESIGN CHANGES

The original design presented to the community and to the BRA Board on August 12, 2008, at a duly advertized public hearing, was felt to require additional refinement and redesign prior to approval. The original design of the building appeared to be overly monolithic and would not create a lasting impression appropriate to this prominent location. At the August 12, 2008 public hearing, the BRA Board, based on BRA staff recommendation, took the project votes under advisement for consideration at a future meeting until BRA staff felt that the Proposed Project had made the necessary design changes to allow it to recommend to the Board conceptual design approval with continuing BRA design review.

The original design presented to the Board on August 12th and shown in the Project Notification Form ("PNF") and Draft Project Impact Report ("DPIR") attempted to create a new commercial structure for the 21st century that was respectful of Back Bay's rich architectural traditions. However, the building massing, fenestrations, materials and texture did not blend with its surroundings in the way needed to allow for approvals to be granted.

Since the August 12, 2008 Board Meeting, the Proponent and Pelli Clarke Pelli Architects have collaborated closely with the BRA Staff to respond to architectural design concerns raised during the public review process. Such issues as massing, scale, corner expression and richness of detail have been the primary focus at this conceptual design phase.

The new proposal continues to exhibit a strong base, shaft, top architectural approach, but significantly alters the massing and scale strategy by distinctively articulating the Arlington Street façade from the Boylston Street façade. In addition, a setback has been created at Floor 7 along Boylston Street, and the typical glass bays have been shortened as well as narrowed. The result is a massing and scale approach that echoes the footprint of the original Arlington Street building and better relates to neighboring properties along Boylston Street and the Back Bay. The overall mass of the building will appear less imposing while providing a more appropriate corner expression at the intersection of Boylston and Arlington Streets.

Regarding richness of detail, the new proposal uses the refined massing as an opportunity to utilize different textures and colors of granite, limestone and possibly, terra cotta to further differentiate and highlight the features of the building. Also, materials such as architectural metal work, custom ceramic frit patterned glass, and greater variety of window types will provide additional fenestration and depth to the facade system.

The retail base of the building will continue to exhibit high quality materials and detailing. Articulated granites accented with custom designed light fixtures will frame wood storefronts with large expanses of glass to encourage pedestrian movement and retail interaction.

Thoughtful and constructive comments from the review process, including valuable time working with the BRA staff, has served the project well. The Proponent and its architects have listened carefully to the concerns and have taken the community and staff comments very seriously. The resulting design adjustments have created a much improved and more responsive conceptual architectural design, which will continue to be subject to BRA design review.

Construction of the Proposed Project is expected to take approximately twenty-four (24) months, and is anticipated to commence in the spring/summer of 2009 and be completed by the spring/summer of 2011.

ZONING

The Proposed Project is located within the B-8-120C District under the Code. The Project Site is also located within the Groundwater Conservation Overlay District under Section 32-4 of the Code and the Restricted Parking Overlay District under Section 3-1A(c) of the Code.

The maximum height of the Proposed Project beyond a point of 100 feet from the westerly sideline of Arlington Street is 120 feet. The Proposed Project will require special exceptions regarding height and parapet setback and conditional use permits for the parking and Groundwater Conservation Overlay District. Height is regulated by a combination of Sections 16-1 and 16-6. Under Section 16-1, height of the building is restricted to 120 feet. Under Section 16-6, however, the following applies on the south side of Boylston Street from the westerly sideline of Arlington Street to a point 100 feet west of Arlington Street, to a depth of 50 feet from Boylston Street: 85 feet maximum height; beyond such depth of 50 feet: 130 feet maximum height (which is greater than the 120 feet generally applicable). Under Section 6A-1 and Section 16-6, a special exception may granted by the Board of Appeal regarding the height requirements to the point 100 feet west of Arlington Street, which may increase the height in that portion to a 130 foot maximum. The Proponent will be seeking to increase the height of that portion to approximately 122 feet. Under Section 6A-1 and Section 21-2, the Board of Appeal is authorized to grant a special exception from the parapet setback requirement in the B-8-120c District. The Proponent also will be seeking to eliminate the parapet setback requirement. Under Section 6A, for a special exception to eliminate parapet setbacks the BRA must certify that the project has been subject to design review.

DEVELOPMENT TEAM

The Druker Company - Proponent, Ronald Druker & Harold Dennis
Pelli Clarke Pelli - Architects, Cesar Pelli, Fred Clarke & Mark Shoemaker
CBT--Architects, Robert Brown, James Monteverde
Epsilon Associates Inc. - Permitting, Cindy Schlessinger & Doug Kelliher
Vanasse Hangen Brustlin ("VHB") - Transportation Consultants, R. David Black
Goulston & Storrs - Legal Counsel, Marilyn Sticklor

DEVELOPMENT IMPACT PROJECT ("DIP") EXACTIONS

The Proposed Project constitutes a Development Impact Project ("DIP") under Article 80B-7 of the Code. Based on the present plans, the Developer will provide the Neighborhood Housing Trust with a payment contribution over seven (7) years of approximately \$136,297.15 per year and the Neighborhood Jobs Trust a payment contribution over two (2) years of approximately \$95,165.55 per year. These estimated linkage payments are calculated as follows:

Housing Linkage:

DIP Uses	221,230	square feet
Exclusion:	<u>-100,000</u>	
	121,230	
	<u>x \$7.87</u>	/square foot
	\$954,080.10	

Jobs Linkage:

DIP Uses	221,230	square feet
Exclusion	<u>-100,000</u>	
	121,230	
	<u>x \$1.57</u>	/square foot
	\$190,331	

MITIGATION AND PUBLIC BENEFITS

- The erection of a contemporary building at this important corner, which will provide a strong visual and architectural statement; and
- A new and enlivened street edge with retail and restaurant space to compliment the rest of Boylston Street and add vitality to the gateway to Boylston Street; and
- A \$25,000 contribution to support neighborhood improvements within the vicinity of the Proposed Project to be delivered to the BRA prior to the issuance of the full building permit for the Proposed Project; and

- A contribution of approximately \$1,144,411 to the city's Neighborhood Housing and Jobs Trust over or before seven (7) years time; and
- The Proposed Project is targeting LEED Silver certification and is in compliance with Article 37 of the Code; and
- The Proposed Project will be in compliance with Article 32 of the Code concerning the Groundwater Conservation Overlay District; and
- The generation of approximately \$1,800,000 in annual property tax revenues at full build-out and occupancy to the City of Boston; and
- The creation of 300 construction jobs and 800 permanent jobs in the commercial component of the Proposed Project.

RECOMMENDATIONS

It is the staff recommendation that the Authority authorize the Director to (1) issue a Preliminary Adequacy Determination waiving the requirement of further review pursuant to Article 80, Section 80B-5.4(c) of the Code; (2) issue a Certification of Compliance under Section 80B-6 upon successful completion of the Article 80 review process; and (3) execute and deliver a Cooperation Agreement, a Development Impact Project Agreement, a Boston Residents Construction Employment Plan and any and all other agreements and documents that the Director deems appropriate and necessary for the development of the Proposed Project

Appropriate votes follow:

VOTED: That the Director be, and hereby is, authorized to issue a Preliminary Adequacy Determination under Section 80B-5.4(c) of the Boston Zoning Code (the "Code"), which finds that the Project Notification Form submitted on December 18, 2007 ("PNF") and the Draft Project Impact Report submitted on June 3, 2008 ("DPIR"): (i) adequately describe the potential impacts arising from the 350 Boylston Street Project, a nine (9) story office building with first floor retail and a height of approximately one hundred and twenty (120) feet, containing a total of approximately 221,230 square feet to be served by approximately one hundred and fifty (150) sub-surface parking spaces (the "Proposed Project"); (ii) provides sufficient mitigation measures to minimize these impacts; and (iii) waives further review of the Proposed Project, subject to continuing design review by the Boston Redevelopment Authority; and

FURTHER

VOTED: That the Authority hereby finds and determines that the Proposed Project conforms to the general plan for the City of Boston as a whole, and that nothing in such Proposed Project will be injurious to the neighborhood or otherwise detrimental to the public welfare; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute a Development Impact Project Agreement for the Proposed Project in accordance with Section 80B-7 of the Code; and

FURTHER

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

FURTHER

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