

**DEVELOPMENT PLAN**

**FOR**

**PLANNED DEVELOPMENT AREA NO. \_\_\_\_**

**139-149 WASHINGTON STREET PROJECT  
BOSTON, MASSACHUSETTS**

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# DEVELOPMENT PLAN

## FOR

PLANNED DEVELOPMENT AREA NO. \_\_\_\_\_

### 139-149 WASHINGTON STREET PROJECT BOSTON, MASSACHUSETTS

**Dated: December 21, 2018**

#### **I. Development Plan**

In accordance with Section 3-1A and Articles 51 and 80C of the Zoning Code of the City of Boston (the “**Code**”), this plan constitutes the Planned Development Area Development Plan (the “**PDA Plan**”) for the development of the 139-149 Washington Street Project within a Planned Development Overlay District (the “**PDA Overlay District**”) containing an area of approximately 145,764 square feet of Lot Area<sup>1</sup> as shown on a plan attached hereto on **Exhibit A-1** and described on **Exhibit B-1**. This PDA Plan allows for a residential development project (the “**Proposed Project**”) not to exceed 277,000 square feet of Gross Floor Area<sup>2</sup> on a project site (the “**Project Site**”) within the boundaries of the PDA Overlay District.

Consistent with Section 3-1A of the Code, this PDA Plan sets forth the proposed location and appearance of structures, open spaces and landscaping, proposed uses of the area, densities, proposed traffic circulation, parking and loading facilities, access to public transportation, and proposed dimensions of structures. This PDA Plan further sets forth compliance with planning and development criteria, and other matters appropriate to consideration of the Project Site and Proposed Project. Upon approval, this PDA Plan will constitute permanent zoning for the Project Site in accordance with Section 3-1A and Article 80C of the Code.

The PDA Plan consists of 13 pages of text plus attachments designated **Exhibits A-1** through **E**. All references to this PDA Plan contained herein pertain to such pages and exhibits. Capitalized terms used, but not defined, herein shall have the meanings assigned to such terms in the Code as in effect as of the date hereof, without giving effect to any subsequent amendments to the Code. The schematic plans set forth on **Exhibit C** are subject to final design, environmental and other development review by the Boston Redevelopment Authority d/b/a the Boston Planning & Development Agency (the “**BPDA**”) and by other governmental agencies and authorities, and

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<sup>1</sup>The PDA Overlay District area includes portions of streets and sidewalks which will be improved by Proponent (as defined in Section II of this PDA Plan), and portions of the Project Site will be improved to expand existing streets and ways adjacent to the Project Site. Notwithstanding Article 2A or any other provision of the Code to the contrary, which defines Lot Area in relevant part as excluding “any area in a street or private way open to public use,” this PDA Plan hereby provides that: (i) any above-grade portion of a private or public way within the Project Site which may be discontinued after the adoption of this PDA Plan, and (ii) any portion of the Project Site which is hereafter converted to a public or private way (or portion thereof), shall be considered as part of the Project Site Lot for purposes of calculating Lot Area and Floor Area Ratio (“**FAR**”). Therefore, by way of example, the Project Site Lot Area which is used to calculate FAR consists of 145,764 square feet within the PDA Overlay District.

<sup>2</sup> Approximately 277,000 square feet of floor area are contained within the Proposed Project, excluding any areas within the buildings dedicated to off-street parking, which areas are excluded from the Gross Floor Area computation pursuant to Section 2A of the Code.

the Proposed Project described herein may evolve in the course of such review, subject to the density and height limitations established in this PDA Plan.

In accordance with Section 80C-8 of the Code, a building, use or occupancy permit for the Proposed Project or for any Project Component (as hereinafter defined) will not be issued until the BPDA has issued a Certification of Consistency pursuant to Code Article 80C-8 for such Project or such Project Component. To the extent that the Director of the BPDA (the “**Director**”) certifies that the Proposed Project or any Project Component is consistent with this Plan, the Proposed Project or Project Component will be deemed to be in compliance with the requirements of the Code, in accordance with Code Section 80C-9.

## **II. Proponent**

The Proponent is AvalonBay Communities, Inc., a Maryland Corporation, and its successors and assigns (the “**Proponent**”), which has a business address at 600 Atlantic Avenue, Floor 20, Boston, Massachusetts 02210. Members of the Proposed Project team are identified on **Exhibit D** attached hereto, which membership may be modified by the Proponent from time to time.

## **III. Project Site Description**

The Project Site consists of an approximately 3.3-acre parcel located at 139-149 Washington Street between Monastery Road and Fidelis Way in the Brighton neighborhood of Boston, as shown on the plan attached hereto as **Exhibit A-2** and described on **Exhibit B-2**. The Project Site is currently comprised of two existing buildings, which are substantially vacant, with the exception of a single tenant under a lease that will expire in 2019. The immediate neighborhood surrounding the Project Site contains a mixture of institutional, retail and residential uses. To the northwest is St. Elizabeth’s Medical Center. To the west is the site of Cabot, Cabot & Forbes’ 159-201 Washington Street project (the “**159-201 Washington Street Project**”), which is currently under construction and will include four new residential buildings ranging from one to six stories, and the rehabilitation of the St. Gabriel’s Church and Monastery, together with related site improvements. To the south and east is a mixture of single family homes, duplexes, and three to six-story multi-family residential buildings. Approximately one half-mile from the Project Site to the northwest is Brighton Center, which contains a variety of small retail shops and restaurants on the ground with offices above.

The Boston Zoning Map 7A/7B/7C/7D indicates that the Project Site is located in the Allston-Brighton Neighborhood District, which is governed by Article 51 of the Code. Furthermore, following Zoning Map Amendment No. 647 adopted on November 7, 2018, by the Boston Zoning Commission and approved by the Mayor on November 9, 2018, the Project Site is now located entirely within the St. Gabriel’s Monastery Conservation Protection Subdistrict (the “**CPS**”). Pursuant to Section 51-44 of the Code, Planned Development Areas (“**PDAs**”) are permitted within the CPS to provide a more flexible zoning law to enable the provision of public benefits to the Allston-Brighton community, including the creation of new housing, the protection of significant open space and significant natural features of areas in the CPS, and the creation of affordable housing.

The Proposed Project, as reflected in this Plan, will further many of the goals of the underlying zoning. As noted above, Article 51 seeks to promote mixed-income residential development and to provide for the development of affordable housing. This Project accomplishes both goals. It includes up to a total 228 new residential units within two buildings, providing much-needed housing relief to the Allston-Brighton community. A subset of these units, equivalent to thirteen percent (13%) of the residential units at the Proposed Project, will be dedicated affordable units per the Mayor's Executive Order Relative to Affordable Housing. The Proposed Project will also include a further two percent (2%) "workforce housing" units, which will be reserved for occupancy by households earning no more than 150% of the Area Median Income.

The Project Site is an ideal location for housing due to its proximity to Brighton Center, along with the employment and educational opportunities provided by nearby institutions including St. Elizabeth's Medical Center, the Longwood Medical and Academic Area, and several higher educational institutions. Project residents will be within a 0.2 mile walk of the MBTA Washington Street Green Line stop and multiple MBTA bus connections, as discussed in further detail below. The Proposed Project will also provide one on-site parking space for every residential unit as well as additional visitor spaces and spaces dedicated to the Commonwealth Development on Fidelis Way, bike storage, and a Transportation Demand Management ("**TDM**") program.

As set forth in greater detail in Section XII below, this Project and the Proponent will comply with the public benefit requirements of Section 51-49 of the Code with respect to the approval of PDAs. The Proposed Project has been carefully designed to enhance the aesthetics of the Project Site and surrounding community. More than fifty percent (50%) of the privately owned portions of the Project Site will consist of open space. Such open space, together with the Proposed Project layout, will create visual and pedestrian access connections between the adjacent Olmstead Brothers Park, Fidelis Way Park/Overlook Park, the 159-201 Washington Street Project, and the Commonwealth Development. By blending landscape buffers and enhancing pedestrian, bike and vehicular access and connections throughout the Project Site, the Proposed Project will serve as a conduit to reconnect parts of the neighborhood currently separated by the Project Site's former institutional use. The Proposed Project will also create a material number of new affordable units and contribute to City's economy by providing much-needed market-rate and workforce housing units. The Proposed Project will also further expand Boston's economy and job opportunities through the creation of approximately 250 construction jobs and 15 permanent jobs upon stabilization, as well as through the significantly improved real estate tax revenues for the City.

Therefore, and as more particularly set forth below, this Plan adequately and sufficiently meets all criteria required for the establishment of a PDA under sections 51-10 through 51-13 and Section 51-44 through 51-49 of the Code, Section 80C-4, and all other applicable provisions of the Code.

#### **IV. General Description of Proposed Project**

The Proposed Project consists of the development of two new residential buildings connected by an access road. The first building ("**Building 1**"), located on the southern portion of the Project Site, will contain up to 180 residential units with a mix of studio, one-bedroom, two-

bedroom and three-bedroom units. The second building (“**Building 2**”) located on the northern portion of the Project Site, will contain up to 48 residential units with a mix of one-bedroom, two-bedroom and three-bedroom units. The Proposed Project will include 1.0 parking space per dwelling unit, which would result in 228 parking spaces based on a total of 228 dwelling units. In addition, the Proposed Project will include at least 11 visitor parking spaces. The Proposed Project will include an approximately 14,000 square foot central courtyard as an amenity for the residents, with potential additional amenity space included on the roofs of or within the buildings. The Proposed Project will incorporate a variety of supporting amenity spaces, which may include, without limitation, a fitness center, common lounges, kitchens, game rooms, a café, an outdoor pool, outdoor grills, a business center, function space, and a generous amount of landscaped areas.

The Proposed Project will enhance the streetscape by increasing the setback from Washington Street, which will provide a unique opportunity to welcome pedestrians into the Project Site and improve connections that benefit the community. Pedestrian connections on all sides of the Proposed Project will be improved by reconnecting to Washington Street, Fidelis Way and Monastery Path with upgraded public improvements. The setback from the Washington Street curb will be increased from the existing 25 feet to a range of 25 to 45 feet, allowing for a traditional sidewalk with a significant landscape buffer, creating a front yard experience to match that of the neighborhood context across the street and providing a transition from Fidelis Way (10’ setback at 127-135 Washington Street) to the Olmsted Brothers Park.

#### **V. Proposed Location and Appearance of Structures**

The proposed location and appearance of structures on the Project Site are shown in more detail on the plans and elevations included and/or listed on **Exhibit C** (collectively, the “**Schematic Plans**”), subject to modification and refinement by the BPDA during the Development Review Procedures and by other applicable public agencies and authorities, subject to the density and height limitations established in this PDA Plan. Any elevation or other design or use information included in the Schematic Plans contained in **Exhibit C** is for informational purposes only, and the final design and/or use of the areas shown may be refined, subject to applicable provisions of this PDA Plan and the Development Review Procedures.

The Proposed Project will include several massing and architectural elements to effectively integrate into the neighborhood context. The Proposed Project will place residential units in Building 1 at street level along Washington Street with direct entry units, emphasizing the residential nature of the neighborhood. The height along Washington Street will be five stories in order to relate to the context between Commonwealth Avenue and Monastery Road along Washington Street, thus re-establishing a contextual residential experience. The building mass will step down at the shared property line with the Olmsted Brothers Park. Loading, trash and move-in operations will be contained within the building. Building 2 will be set behind Building 1, away from the main thoroughfare of Washington Street at the Project Site’s highest point, benefitting from views of Boston and the surrounding areas.

#### **VI. Open Space and Landscaping**

The Proposed Project’s setbacks and building density allow the Proponent to provide meaningful open space (over 50% of the Project Site) contiguous to the Olmsted Brothers Park

and located between Fidelis Way Park, the 159-201 Washington Street Project and the Commonwealth Development. By blending landscape buffers and minimizing grade changes with the adjacent 159-201 Washington Street Project, the Commonwealth Development and Fidelis Way Park, to the extent practical, the surrounding area will be reconnected, which will increase pedestrian access to and use of the existing and nearby enhanced open spaces, including Fidelis Way Park.

The Proponent will attempt to save trees where possible and if not possible, reestablish similar landscape buffers at shared property lines. The Proposed Project shall not compromise existing trees or improvements located on adjacent properties. To the extent any equipment cannot be incorporated inside the buildings of the Proposed Project, it will be screened with the appropriate landscaping to mitigate any impact to adjacent properties.

## **VII. Proposed Uses**

The Proposed Project may be used for the uses described in this PDA Plan, which uses shall be deemed to comply with the Code as defined by Article 2A, including Residential, Community, Parking and Loading and Accessory Uses as set forth on **Exhibit E**.

## **VIII. Dimension and Densities**

Notwithstanding anything in the Code to the contrary, the only dimensional provisions that shall be applicable to the Project Site and the Proposed Project are as follows:

- (a) **Maximum FAR**: As noted above, for the purposes of calculating FAR, the Project Site consists of 145,764 square feet of Lot Area comprised of land areas not currently within public streets. The Proposed Project is planned to include up to approximately 277,000 square feet square feet of Gross Floor Area (excluding off-street parking permitted in this PDA Plan and other areas exempt from Gross Floor Area as defined in Section 2A of the Code). Accordingly, this PDA Plan establishes a maximum FAR for the Proposed Project of 1.9 in a PDA in Brighton. The Proposed Project's scale and massing are appropriate to its location in relation to Brighton Center, the surrounding neighborhood, and adjacent buildings.
- (b) **Maximum Building Height**: The maximum Building Height for the Proposed Project is 85 feet, with no new building at the Project Site exceeding seven (7) stories; provided, however, the Building shall not exceed 78 feet or six (6) stories in Building Height. For purposes of this PDA Plan, rooftop mechanical equipment, whether or not screened, penthouses normally built above the roof and not used or designed to be used for human occupancy and structures and facilities providing access to rooftop space, including roof decks, will not be included in calculating Building Height.
- (c) **Minimum Setbacks**: The minimum setbacks for the Proposed Project will be substantially as shown on the Schematic Plans set forth on **Exhibit C** as approximately 17 feet to 35 feet, exclusive of balconies and other overhangs, which

may extend up to three feet into setback areas.<sup>3</sup> All newly constructed buildings will be set back no less than 25 feet from the existing curb of Washington Street, as shown on the Schematic Plans.

- (d) **Dwelling Units per Acre**: The Project Site consists of 3.3 acres and the Proposed Project provides Building 1 with 180 rental units and Building 2 with up to 48 units. Accordingly, this PDA Plan establishes a maximum of 70 dwelling units per acre, which shall be calculated based on the entire Project Site Area.

## **IX. Proposed Traffic Circulation**

All access to and egress from the Proposed Project will be provided via Fidelis Way off of Washington Street. The Proposed Project eliminates the existing curb cut on Washington Street. There will be dedicated garage access to Building 1, allowing all loading, service and delivery activity to occur on site, within the garage. A second point of access will be provided to allow direct access to Building 2 to the rear of the Project Site.

The Proposed Project includes substantial improvements to vehicular and pedestrian connections that will benefit the community. The segment of Fidelis Way between the Commonwealth Development community center and Washington Street currently provides 1.5 travel lanes, and a sidewalk and parking lane only on the east side of the street. By using land from the Project Site, the Proponent, subject to receipt of all required governmental and third party approvals, proposes to upgrade and widen Fidelis Way to include sidewalks and parking lanes on both sides of the street, as well as two travel lanes. On the rear side of Building 1, the driveway between Building 1 and the Commonwealth Development Community Building will be widened to allow for two-way traffic and parallel and head-in parking. This driveway ultimately leads to the rear portion of the Project Site to Building 2 with two full travel lanes as well as parallel parking.

The streets described above will be resurfaced as well as regraded/realigned to the extent necessary. These improvements will allow for traffic calming and enhanced safety for all members of the community. A comprehensive signage and resident education program will be developed, which will force all traffic from the Project Site toward Washington Street, discouraging access through the remainder of Fidelis Way and Jette Court. Specifics of traffic circulation and transportation demand management will be developed in consultation with the Boston Transportation Department (“**BTD**”) and will be included in a Transportation Access Plan Agreement (“**TAPA**”) for the Proposed Project.

## **X. Parking and Loading Facilities**

The Proposed Project will include 1.0 parking space per dwelling unit, which would result in 228 parking spaces based on a total of 228 dwelling units. In addition, the Proposed Project will include at least 11 visitor parking spaces located on the road between the two buildings. Notwithstanding any parking-related requirements of the Code to the contrary, this PDA Plan

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<sup>3</sup> As noted in Footnote 1 above, portions of the Project Site may hereafter be converted to a public or private way (or portion thereof). At all times, setbacks shall be measured from the Proposed Project’s buildings to the perimeter of the Project Site Area, as shown on the plan attached hereto as Exhibit A-2.



approves parking accessory to any Project use approved by this PDA Plan, including without limitation: (a) proposed parking accessory to Project uses; (b) the use of proposed parking by residents of, customers of, employees at, and visitors to the Proposed Project, whether or not such parking is an accessory use under the Code; (c) possible future re-allocations of parking among Proposed Project uses; and (d) use of proposed designated parking spaces by residents of, customers of, employees at, and visitors to parcels adjacent to the Project Site.

Within the Project Site, the Proposed Project will supply a minimum of one secure bicycle parking/storage space per residential unit.

As noted above, Building 1 will include an area for resident loading facilities. Loading for Building 2 will occur through the Building's front entrance, with a designated curb side drop-off/loading area.

In consultation with BTM, the Proponent is committed to implementing Transportation Demand Management ("**TDM**") measures to minimize vehicle usage and projected traffic impacts. Mitigation measures may include the hiring of an on-site transportation coordinator and participating in a neighborhood-wide shuttle service, as well as bicycle storage areas for residents and distribution of transit maps and schedules to residents, guests and employees.

The number, location, dimensions, and design of the parking (vehicular and bicycle) spaces and loading facilities shall be established by the BPDA pursuant to the Development Review Procedures. As noted above, the Proposed Project will include 1.0 parking space per dwelling unit, which would result in 228 parking spaces based on 228 dwelling units. In addition, at least 11 visitor parking spaces will be provided on the access drive leading to Building 2. The Proposed Project may include additional parking spaces that will be ancillary to the multifamily use of the adjacent Commonwealth Development parcels.

## **XI. Access to Public Transportation**

The Proposed Project is located approximately 0.2 miles from the Massachusetts Bay Transit Authority ("**MBTA**") Washington Street Green Line stop and multiple MBTA bus stops in the immediate vicinity, including the 57 Bus on Washington Street, which connects the Project Site to Kenmore Square and downtown Boston via Commonwealth Avenue and Boylston Streets; the 65 Bus on Washington Street, which connects the Project Site to Brighton Center, Brookline Village, the Longwood Medical Area and Kenmore Square via Washington Street and Brookline Avenue; and the 501 and 503 express bus, which provide access from Washington Street to Back Bay and downtown Boston. The Project Site is located along major bike routes, which has become an increasingly popular mode of transportation in recent years. The Project Site is located nearby to three bicycle sharing stations provided by BLUEbikes (formerly Hubway), which has more than 1,800 shared bicycles at 200 stations across Boston, Brookline, Cambridge and Somerville. The Project Site is approximately one mile from the Boston Landing commuter rail station.

## **XII. Public Benefits**

The Proposed Project will generate many public benefits for the surrounding neighborhood and the City of Boston as a whole, both during construction and on an ongoing basis upon completion and include the items listed below.

- Improve the streetscape and the pedestrian environment by increasing the setbacks to create a unique opportunity to improve connections that benefit the community. Pedestrian connections on all sides of the Project Site will be improved by reconnecting Washington Street, Fidelis Way and Monastery Path with upgraded public improvements.
- Fidelis Way shall be widened to allow for tree plantings and a true two-way street versus its current non-traditional width of 1.5 travel lanes, ADA compliant sidewalks on both sides of the street, traffic calming measures, a bus shelter, and increased and improved landscaping. The community will benefit from a safer and more open Fidelis Way that has two properly-sized traffic lanes.
- On the rear side of Building 1, the driveway between Building 1 and Commonwealth Development Community Building will be widened to allow for proper two-way traffic and parallel and head-in parking, as well as new sidewalks and street trees.
- The Proposed Project will incorporate approximately 48 home ownership units.
- The shared property line with the 159-201 Washington Street Project shall be widened to allow for a significant landscape buffer that better aligns with and enhances the connection to the Olmsted Brothers Park.
- The Proponent shall upgrade the pedestrian sidewalks and accessible ramps at Fidelis Way and Washington Street.
- The Proponent shall contribute approximately one-third of an acre to the expansion and widening of Fidelis Way to create a safe, true two-way street with widened sidewalks.
- The Proposed Project will provide affordable housing in compliance with the Mayor's Executive Order Relative to Affordable Housing.
- The Proposed Project will reconnect parts of the neighborhood currently separated by the Project Site's former institutional use. With improved pedestrian, bike and vehicular access and connections, the Proposed Project will provide a more welcoming point of entry which will enhance the existing connection to Warren Street, the Commonwealth Development, the proposed 159-201 Washington Street Project and its restored historic uses, and the under-utilized Fidelis Way Park/Overlook Park.
- The Proponent will install a Blue Bike Station on the Project Site or in the vicinity of the Proposed Project as directed by BTB.

- The Proposed Project constitutes a transit-oriented development in an area supported by extensive transportation infrastructure, including major regional rapid transit bus lines that provide easy access to the Project Site from the Greater Boston region, and the Boston Landing commuter rail station. In addition, bike parking will be provided on-site, and the Proponent will investigate the feasibility of alternate forms of transportation including Zipcar and various ride-sharing options available at the time of occupancy.
- The Proposed Project will bring a substantial, formerly nonprofit-owned, parcel onto the City tax rolls, adding significantly to its assessed value, thereby generating significant new property tax revenues to the City.
- The Proposed Project will create construction and permanent full-time and part-time employment through the development of a high-quality quality residential development, which will result in an anticipated 250 construction jobs as well as 15 permanent positions upon stabilization.

### **XIII. Green Buildings**

The Proposed Project will comply with Article 37 of the Code, Green Buildings. In compliance with Article 37 of the Code, the Proposed Project has been designed to be Leadership in Energy and Environmental Design version 4 (“**LEEDv4**”) certifiable Silver level. The final plans and specifications for the Proposed Project or for any Project Component, as approved by the BPDA pursuant to the Development Review Procedures, will be deemed to be consistent with this Plan and to have otherwise addressed all general design, environmental impact, environmental protection, and safety standards set forth in Article 51 and the rest of the Code.

### **XIV. Other Approvals**

The Proposed Project is subject to Large Project Review pursuant to Article 80B of the Code. The Proponent submitted to the BPDA a Project Notification Form on October 27, 2016, a Draft Project Impact Report on June 5, 2017, and a Notice of Project Change on August 16, 2018. Approval of the Proposed Project by the BPDA as evidenced by the issuance of a Certificate of Consistency under Section 80C-8 of the Code will constitute compliance with all applicable provisions of the Code, including the Public Benefits criteria concerning PDAs set forth in Section 51-49.

### **XV. Proposed Project Subdivision**

The regulations set forth in this PDA Plan shall apply to the entire PDA Overlay District in lieu of any zoning district or subdistrict regulations that would otherwise be applicable. Such regulations shall apply to the entire Project Site as if it were one Lot. Although the Project Site is currently a single lot, it may be reconfigured into multiple parcels, which may be under common or separate ownership, and may include a master condominium or ground lease structure, developed sequentially or simultaneously, and separately developed and/or financed (each such parcel is referred to herein as a “**Project Component**”). Notwithstanding anything set forth herein or in the Code to the contrary, for purposes of this PDA Plan, compliance of the individual Project Components with the requirements of this PDA Plan and/or any applicable requirements of

underlying zoning will be determined as if the entire Project Site were one Lot, even if it is comprised, at any time, of more than one Lot, including Lots that have been subdivided or separated by a street or way and/or are in separate ownership. This PDA Plan approves any zoning nonconformity created or increased by the separation of ownership of individual Project Components, or by the subdivision, re-subdivision, combination, or submission to condominium ownership or other forms of ownership of Project Components, provided that the regulations set forth in Section VIII of this PDA Plan are met with respect to the Project Site as if the Project Site were one Lot.

#### **XVI. Applicability**

In accordance with Section 80C-9 of the Code, consistency of the Proposed Project with this PDA Plan (as evidenced by one or more Certificates of Consistency) shall constitute compliance with the underlying zoning and with any other overlay district to the extent such requirements have been addressed in this PDA Plan. For the purposes of application of Section 80C-9 of the Code underlying zoning shall be the zoning in effect as of the effective date of this PDA Plan. To the extent that any aspect of the proposed uses, the Proposed Site and the Proposed Project complying with this PDA Plan are in conflict with any requirement of the Code not specifically addressed in this PDA Plan, such requirements shall be deemed to be waived upon approval of this PDA Plan. In the event that the Proposed Project is constructed in phases, the BPDA design review may be conducted, and a Certification of Consistency may be issued, separately for each phase of the Proposed Project. The noncompliance of any phase of the Proposed Project with the terms of this PDA Plan shall not: (i) constitute a default under this PDA Plan by any other phase of the Proposed Project; (ii) affect the compliance of any other phase of the Proposed Project with any Certificates of Consistency previously issued; or (iii) affect the right to construct the any other phases of the Proposed Project.

#### **XVII. Amendment of PDA Plan**

The Proponent, its successors and assigns, may seek to amend this PDA Plan in accordance with the procedures prescribed by the Code. Any such amendment shall comply with the provisions of this PDA Plan as of the date of its execution, with all dimensional and density regulations applying to the Project Site as if it were one Lot, even if it is comprised, at any time, of more than one parcel, including parcels that have been subdivided or separated by a street or way. In the event that the Project Site is reconfigured pursuant to Section XV of this PDA Plan, any owner of a Project Component may amend the PDA Plan in accordance with this Section XVII, provided that such amendment does not materially adversely impact the owners of all other Project Components.

#### **XVIII. Development Review Procedures**

Final Schematic Plans and specifications for the Proposed Project shall be subject to review and approval by the BPDA in accordance with its Development Review Process and by other applicable governmental agencies and authorities. Final design and/or use of the areas shown may vary from time to time, subject to applicable provisions of this PDA Plan and the Development Review Process.

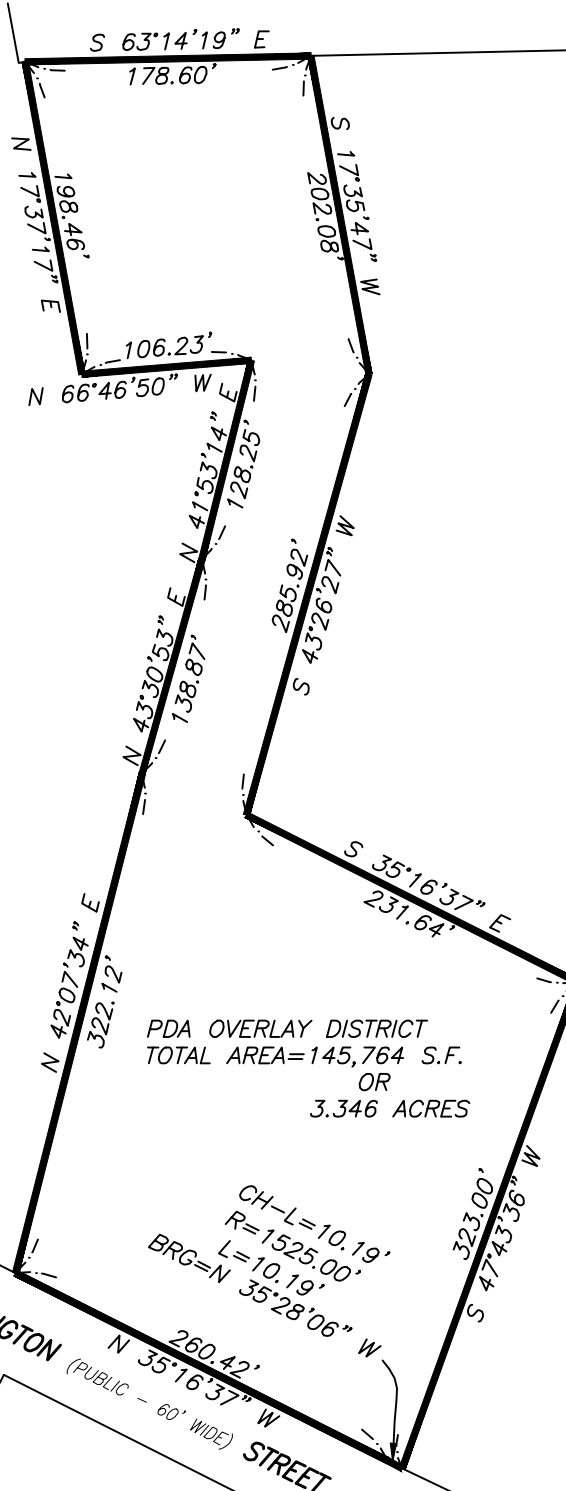
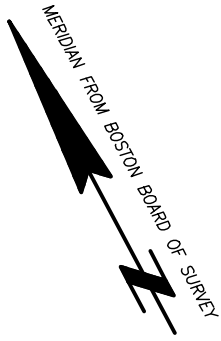
Signage for the Proposed Project shall consist of those signs permitted by Article 11 of the Code and any additional signage approved by the BPDA from time to time under its Design Review.

**XIX. Proponent's Obligation to Proceed with the Proposed Project**

Notwithstanding anything set forth herein to the contrary, under no circumstances shall the Proponent be obligated to proceed with all or any portion of the Proposed Project. If the Proponent proceeds with the Proposed Project the Proponent will satisfy the public benefit obligations described above. Except as expressly noted above, any public benefit commitments of the Proposed Project that take the form of contributions shall be made upon the issuance of a full Certificate of Occupancy for the first new-construction building at the Proposed Project.

EXHIBIT A-1

Plan of PDA Overlay District



PDA OVERLAY DISTRICT  
TOTAL AREA=145,764 S.F.  
OR  
3.346 ACRES

CH-L=10.19'  
R=1525.00'  
L=10.19'  
BRG=N 35°28'06\" W

WASHINGTON STREET  
(PUBLIC - 60' WIDE)  
MONASTERY ROAD

EXHIBIT A-1  
139-149 WASHINGTON STREET  
**BOSTON, (ALLSTON BRIGHTON DISTRICT) MASS.**

FELDMAN LAND SURVEYORS      AUGUST 30, 2018  
152 HAMPDEN STREET      PHONE: (617)357-9740  
BOSTON, MASS. 02119      WWW.FELDMANSURVEYORS.COM

120      0      60      120      240  
GRAPHIC SCALE  
SCALE: 1"=120'

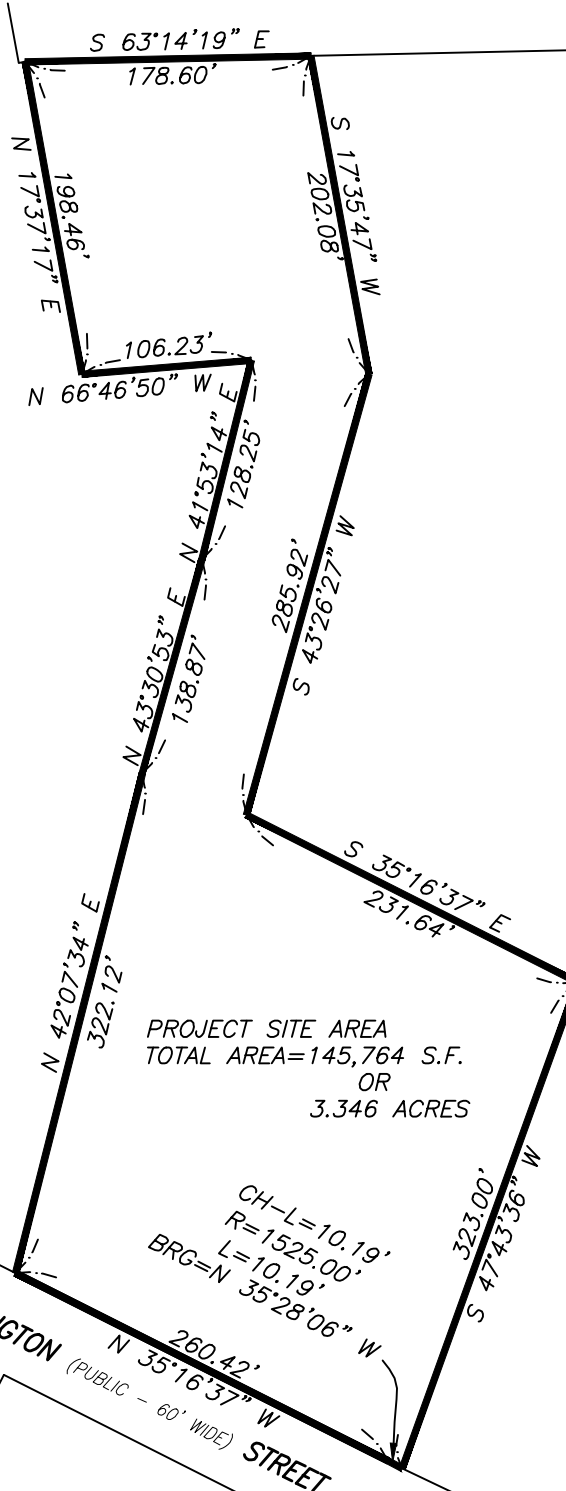
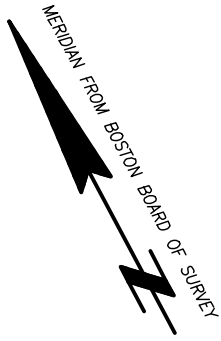
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CALC GL	CADD GD	FIELD CHECKED	CRD FILE 15040	JOB NO. 15040B

FILENAME: S:\PROJECTS\15000s\15040\15040B\DWG\15040B.dwg

EXHIBIT A-2

Plan of Proposed Project Site Area





PROJECT SITE AREA  
TOTAL AREA=145,764 S.F.  
OR  
3.346 ACRES

CH=L=10.19'  
R=1525.00'  
L=10.19'  
BRG=N 35°28'06" W

WASHINGTON STREET  
(PUBLIC - 60' WIDE)  
MONASTERY ROAD

EXHIBIT A-2  
139-149 WASHINGTON STREET  
**BOSTON, (ALLSTON BRIGHTON DISTRICT) MASS.**

FELDMAN LAND SURVEYORS      AUGUST 30, 2018  
152 HAMPDEN STREET      PHONE: (617)357-9740  
BOSTON, MASS. 02119      WWW.FELDMANSURVEYORS.COM

120      0      60      120      240  
GRAPHIC SCALE  
SCALE: 1"=120'

RESEARCH SMD	FIELD CHIEF FS	CHECKED	APPROVED	FILE NAME:
CALC GL	CADD GD	FIELD CHECKED	CRD FILE 15040	JOB NO. 15040B

FILENAME: S:\PROJECTS\15000s\15040\15040B\DWG\15040B.dwg

EXHIBIT B-1

Legal Description of PDA Overlay District

A certain parcel of land situated in the City of Boston, Brighton District, Suffolk County, Commonwealth of Massachusetts, being bounded and described as follows:

Beginning at a point on the northeasterly sideline of Washington Street 51.85 feet southeasterly from an angle point; thence running by land now or formerly of Steward St. Elizabeth's Medical Center of Boston, Inc. N 42°07'34" E, a distance of 322.12 feet to a point;

Thence turning and running by said land N 43°30'53" E, a distance of 138.87 feet to a point;

Thence turning and running by said land N 41°53'14" E, a distance of 128.25 feet to a point;

Thence turning and running by said land N 66°46'50" W, a distance of 106.23 feet to the easterly sideline of Monastery Path;

Thence turning and running along said easterly sideline of Monastery Path N 17°37'17" E, a distance of 198.46 feet to a point;

Thence turning and running by land now or formerly of City of Boston S 63°14'19" E, a distance of 178.60 feet to a point;

Thence turning and running by land now or formerly of Boston Housing Authority S 17°35'47" W, a distance of 202.08 feet to a point;

Thence turning and running by said land of Boston Housing Authority S 43°26'27" W, a distance of 285.92 feet to a point;

Thence turning and running by the said land of Boston Housing Authority and by Fidelis Way S 35°16'37" e, a distance of 231.64;

Thence turning and running by the westerly sideline of said Fidelis Way S 47°43'36" W, a distance of 323.00 feet to the northeasterly sideline of Washington Street;

Thence turning and running along said northeasterly sideline of Washington Street on a curve to the right, having a radius of 1525.00 feet, an arc length of 10.19 feet, a chord length of 10.19 feet, and a chord bearing of N 35°28'06" W to a point of tangency;

Thence running along said northeasterly sideline of Washington Street N 35°16'37" W, a distance of 260.42 feet to the point of beginning.

Contains and area of 145,764 square feet, or 3.346 acres.

EXHIBIT B-2

Legal Description of Project Site Area

A certain parcel of land situated in the City of Boston, Brighton District, Suffolk County, Commonwealth of Massachusetts, being bounded and described as follows:

Beginning at a point on the northeasterly sideline of Washington Street 51.85 feet southeasterly from an angle point; thence running by land now or formerly of Steward St. Elizabeth's Medical Center of Boston, Inc. N 42°07'34" E, a distance of 322.12 feet to a point;

Thence turning and running by said land N 43°30'53" E, a distance of 138.87 feet to a point;

Thence turning and running by said land N 41°53'14" E, a distance of 128.25 feet to a point;

Thence turning and running by said land N 66°46'50" W, a distance of 106.23 feet to the easterly sideline of Monastery Path;

Thence turning and running along said easterly sideline of Monastery Path N 17°37'17" E, a distance of 198.46 feet to a point;

Thence turning and running by land now or formerly of City of Boston S 63°14'19" E, a distance of 178.60 feet to a point;

Thence turning and running by land now or formerly of Boston Housing Authority S 17°35'47" W, a distance of 202.08 feet to a point;

Thence turning and running by said land of Boston Housing Authority S 43°26'27" W, a distance of 285.92 feet to a point;

Thence turning and running by the said land of Boston Housing Authority and by Fidelis Way S 35°16'37" e, a distance of 231.64;

Thence turning and running by the westerly sideline of said Fidelis Way S 47°43'36" W, a distance of 323.00 feet to the northeasterly sideline of Washington Street;

Thence turning and running along said northeasterly sideline of Washington Street on a curve to the right, having a radius of 1525.00 feet, an arc length of 10.19 feet, a chord length of 10.19 feet, and a chord bearing of N 35°28'06" W to a point of tangency;

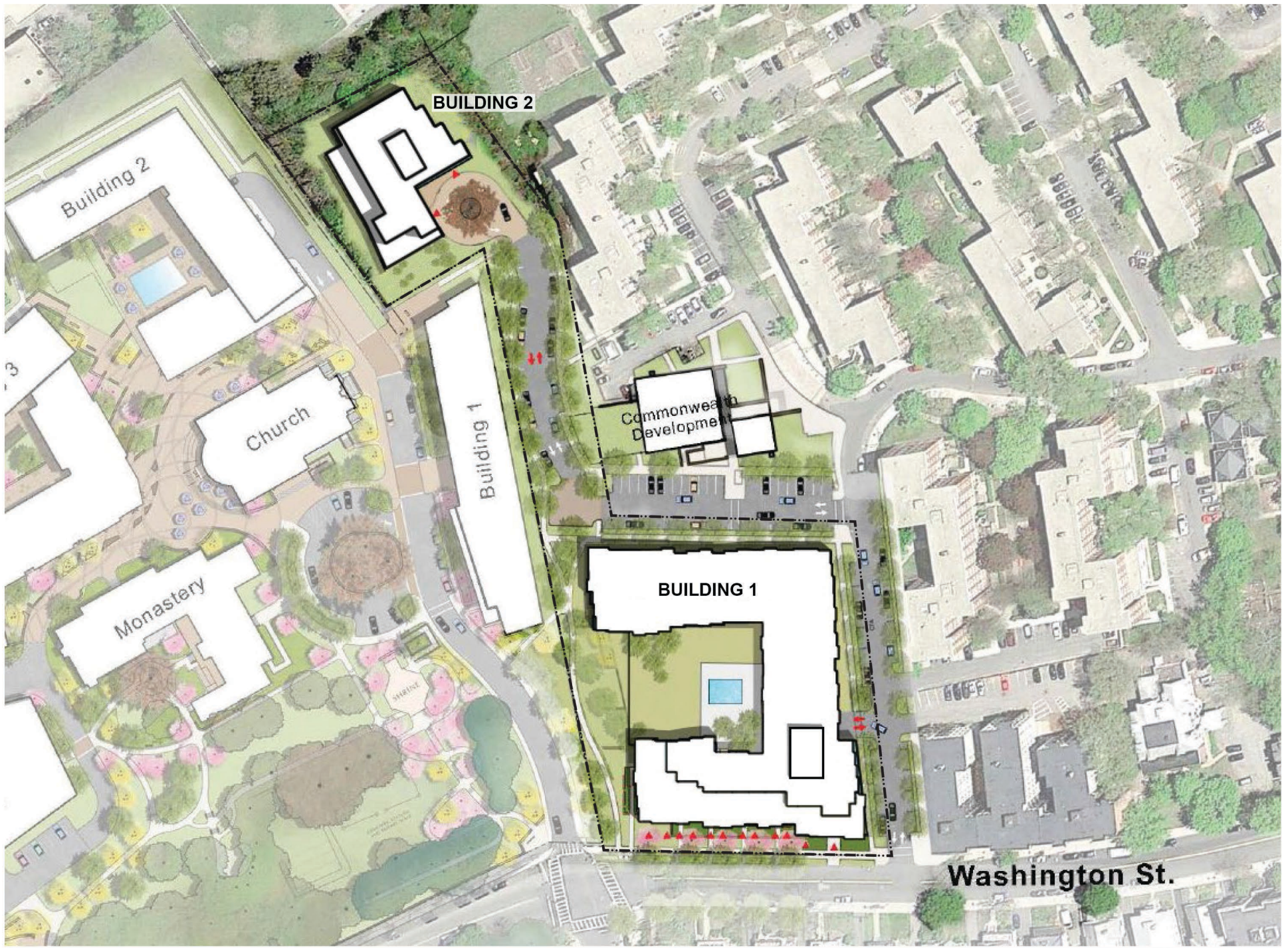
Thence running along said northeasterly sideline of Washington Street N 35°16'37" W, a distance of 260.42 feet to the point of beginning.

Contains and area of 145,764 square feet, or 3.346 acres.

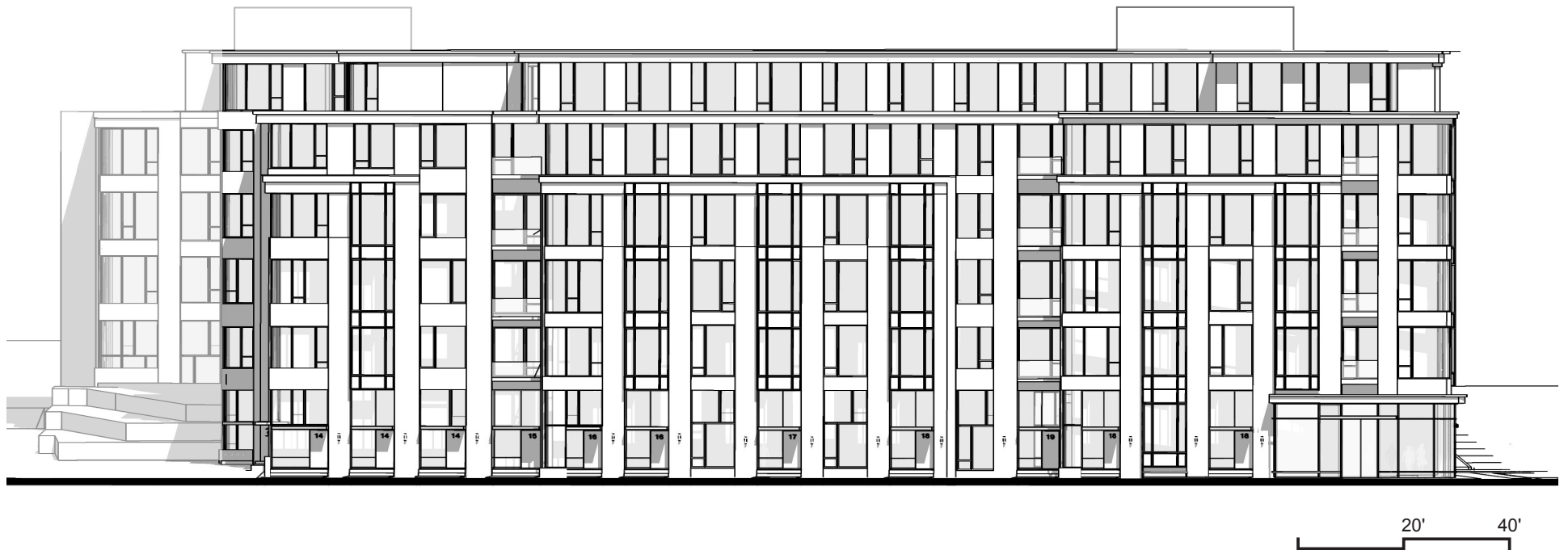
EXHIBIT C

Schematic Plans



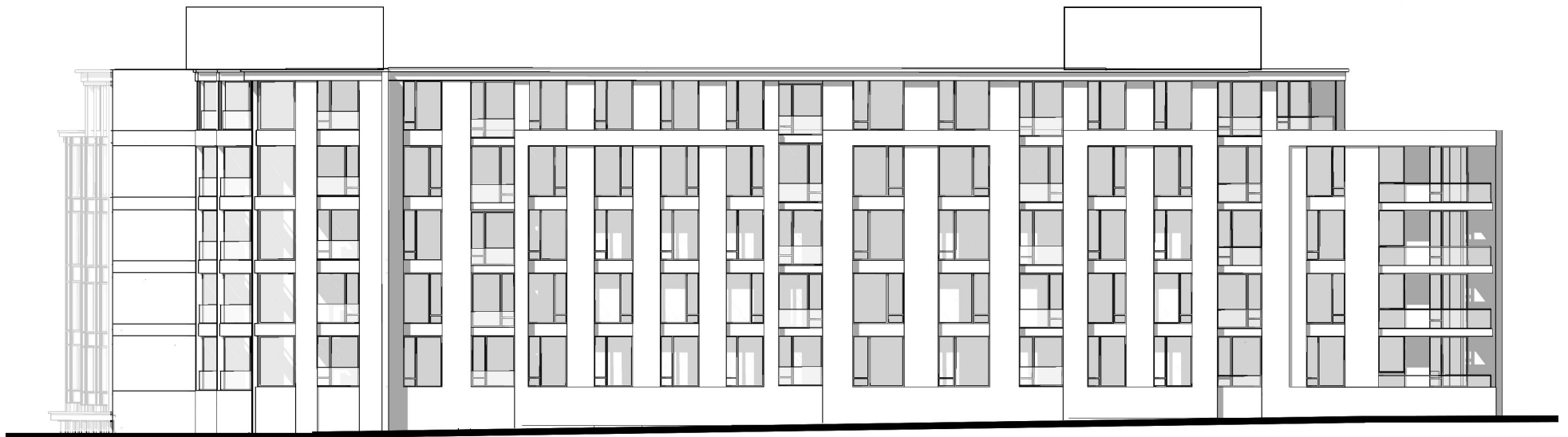




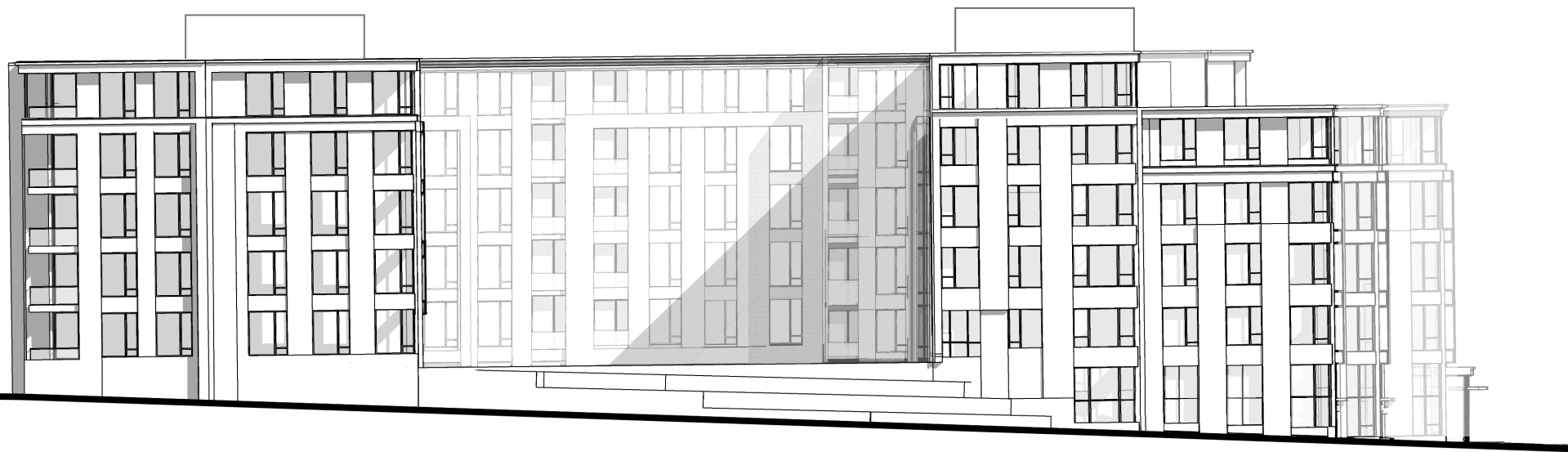




20' 40'









20' 40'





20' 40'



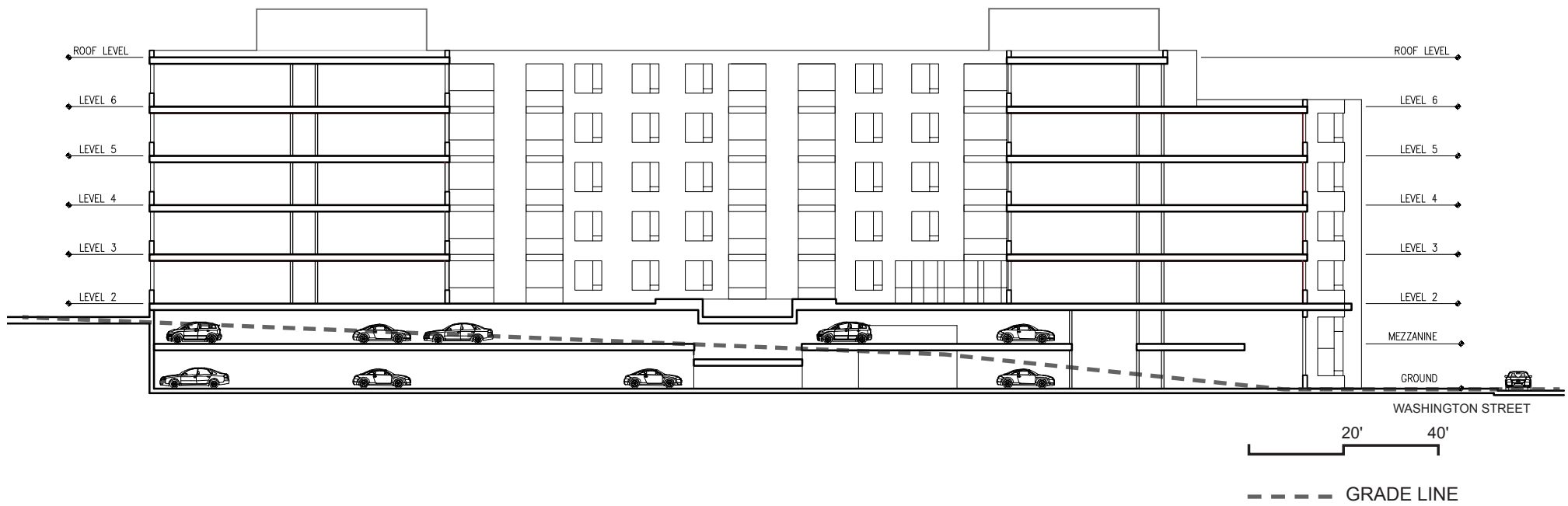


EXHIBIT D

Project Team

**Proponent:** **AvalonBay Communities, Inc.**  
600 Atlantic Avenue, Floor 20  
Boston, MA 02210  
(617) 654-9500  
Michael Roberts  
David Gillespie  
Michela DeSantis

**Architect:** **CBT Architects**  
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(617) 262-4354  
Alfred Wojciechowski  
Ken Lewandowski  
Catriel Tulian

**Community Outreach:** **Exclusive Real Estate**  
10 Derne Street  
Boston, MA 02114  
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Harry Collings  
Jay Walsh

**Landscape Architect:** **Gregory Lombardi Design**  
235 Massachusetts Avenue  
Cambridge, MA 02140  
(617) 492-2808  
Bill Madden  
Kurt Massey

**Legal Counsel:** **Goulston & Storrs**  
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Steven Schwartz  
Brian Dugdale

**Permitting Consultants:**

**Epsilon Associates, Inc.**  
3 Mill & Main Place, Suite 250  
Maynard, MA 01754  
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Peggy Briggs  
Talya Moked

**Transportation and Parking  
Consultant:**

**Howard Stein Hudson**  
11 Beacon Street, Suite 1010  
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(617) 482-7080  
Guy Busa

**Civil Engineer:**

**Nitsch Engineering**  
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John Schmid  
Jessica Yarmarkovich

**Geotechnical Consultant:**

**Sanborn Head & Associates**  
1 Technology Park Drive  
Westford, MA 01886  
(978) 392-0900  
Kevin Stetson



## EXHIBIT E

### Permitted Uses

- Residential Uses.
- Community Uses, including without limitation: a community center, including community meeting space/function space, a business center, co-working space, a café and kitchen, information booth/concierge, art gallery, and accessory retail use.
- Open space.
- Open space recreational building.
- In addition to the foregoing, the following uses and activities, defined in Article 86 of the Code, shall be permitted:
  - telecommunications, facilities, or wireless communications facilities; and
  - cable conduit, pipeline crossing, stormwater outlet, or other similar utility structure.
- Accessory and Ancillary Uses, which shall not be subject to Article 10 of the Code including, without limitation, the following:
  - Parking and loading accessory to any Proposed Project use.
  - Parking lot, including without limitation for ancillary parking.
  - Services for apartment or home-ownership residents, including but not limited to café and kitchen, business center, offices, storage, co-working space, and concierge, including facilities providing computer access.
  - Ground-floor lunchroom, , cafeteria, café, or other place for the service or sale of food or drink for on-premises consumption, , including outdoor cafes.
  - Accessory office and storage for management, maintenance and administration of the Proposed Project.
  - Gathering space, including meeting space, function space, conference space, lounges, game rooms, food preparation and eating areas.
  - Outdoor amenities, including plazas, amphitheaters, courtyards, patios, gazebos, swimming pools and other water features, outdoor grills and other food preparation facilities, outdoor fireplaces/fire pits and other similar services and facilities.
  - As accessory uses to multifamily residential uses: sundries shop, newsstand, and other uses incidental to the operation of a multifamily residential complex.
  - Permanent dwellings for personnel required to be resident on a lot for the safe and proper operation of a lawful main use.

- Health club facility, Fitness center or gymnasium.
- Grounds for sports, private, including without limitation indoor or outdoor basketball court(s), tennis court(s), swimming pool, gymnasium, or other health/fitness/sports facility.
- Accessory keeping of animals/service uses, including for the care and grooming of animals that are pets of residents.
- Amusement game machines or video games in commercial or non-commercial establishment.
- Automatic teller machine.
- Indoor or outdoor café with seating.
- Storage related to permitted uses.
- Storage of flammable liquids and gases incidental to a lawful use.
- Project and individual building signage, including without limitation monument-type and wayfinding signage, as approved through BPDA Urban Design Review process.