### MCDERMOTT QUILTY& MILLER LLP

28 STATE STREET, SUITE 802 BOSTON, MA 02109

November 19, 2018

### VIA HAND DELIVERY AND E-MAIL TRANSMISSION

Brian Golden, Director Boston Planning and Development Agency Boston City Hall, 9<sup>th</sup> Floor Boston, Massachusetts 02201

Re: Notice of Project Change – Article 80B Large Project Review 33-61 Temple Street, Boston, Massachusetts 02114

Dear Director Golden:

Please be advised that this office now represents JDMD Owner, LLC (the "Proponent"), the owner and developer of the land located at 33-61 Temple Street, Boston, Massachusetts 02114 (the "Premises"), as it pertains to the above-referenced matter. The Proponent acquired the Premises and related permits on the subject project located at 33-61 Temple Street (the "Project"), as hereinafter defined, in 2016 and 2017.

### **Prior Approvals and Project Background**

On or around July 14, 2016, the Boston Planning and Development Agency, f/k/a Boston Redevelopment Authority ("BPDA"), issued a Scoping Determination to waive the requirement of further review for the Project pursuant to Article 80B-5.3(d) of the Boston Zoning Code (the "Code"); authorized the issuance of a Certificate of Compliance for the Project pursuant to Article 80B-6 of the Code; delivered a Cooperation Agreement, Affordable Rental Housing Agreement and Restriction, and a Boston Residents Construction Employment Plan; and recommended approval of the Project's zoning appeal (the "Board Memorandum"). A copy of the Board Memorandum and the BPDA's Vote is attached hereto as Exhibit "A."

Pursuant to the Memorandum, the Project proposed to redevelop the existing connected Archer and Donahue buildings into a full service seventy-one (71) unit residential condominium building, with a breakdown of unit sizes as follows: nineteen (19) one-bedroom units, thirty-four (34) two-bedroom units, fifteen (15) three-bedroom units, and three (3) four-bedroom units. In addition to the residential units there was to be a 5,745 SF amenity space for use by the condominium unit owners: including a concierge desk, package storage, mailroom, and an onsite property manager's office. The Project also contained up to fifty-four (54) parking spaces in a below grade garage, and provided for covered storage of a maximum of seventy-five (75) bicycles within the building.

Additionally, on August 23, 2016, the Zoning Board of Appeal for the City of Boston granted the necessary relief and approvals for the Project, with the Zoning Board's Decision signed on September 13, 2016. A copy of the Zoning Decision is attached hereto as Exhibit "B." The Proponent also received Orders of the Public Improvement Commission allowing public improvements proposed with the Project (i.e., sidewalks) (copies attached hereto as Exhibit "C"), as well as a Certificate of Appropriateness from the Beacon Hill Architectural Commission allowing exterior work of the buildings on site (copy attached hereto as Exhibit "D").

Subsequently, on November 22, 2017, the Director of the BPDA issued a Certificate of Compliance for the Project with the following adjustments having been made to the Project's scope in the interim: a below grade garage with parking for up to fifty (50) vehicles, and seventy (70) residential units as follows: twenty-four (24) one bedroom units, thirty-one (31) two bedroom units, thirteen (13) three bedroom units, and two (2) four bedroom units. A copy of the Certificate of Compliance is attached hereto as Exhibit "E."

### Notice of Project Change - November 2018

The Proponent now proposes slight changes to the Project approved by the BPDA and Zoning Board in 2016 and 2017. The changes which the Notice of Project Change seeks approval of are as set forth below. The Proponent states, however, that the initial vision and benefits of the Project remain intact. The Proponent is likewise not altering the building's square footage, or its commitments with respect to affordable housing obligations.

- A. <u>Changes to Number of Units</u>. The Proponent proposes the Project to now include sixty-two (62) residential units (reduced from 70) as follows: fourteen (14) one-bedroom units, twenty-five (25) two-bedroom units, twenty (20) three-bedroom units, and three (3) four-bedroom units.
- B. Changes for Bicycle Storage. Whereas the Project as initially proposed had a separate room for storage of all bicycles, due to subsequent project changes as described herein the Proponent now plans to place individual bicycle racks (each with a capacity of holding 2 bicycles) in 62 units as an amenity to residents and 13 in a separate storage room resulting in total storage for 75 bicycles on site, consistent with previous approvals.

The Proponent states that the foregoing changes are the result of feasibility and physical limitations which have been discovered as the on-site engineering and architecture preparations for construction are being undertaken. The Proponent states that said changes have been made in order to ensure that the initial vision of the Project remains intact as far as possible despite the limitations at the site that the Proponent has since encountered.

Further to the above, the Proponent states that the unit count reduction has resulted in large part from the realization that that the Beacon Hill neighborhood housing goals are more aligned with the creation of family sized units, and that combining certain spaces in the building allowed for more larger (3 and 4 bedrooms) units to accommodate families. The proponent further states that certain of the changes in unit count resulted from the unknown difficulties in converting an institutional building to residential use, which presented window placement and internal egress issues.

With particular regard to the change in bike storage locations, the Proponent suggests that providing a majority of in-unit storage availability will provide more security for bike owners, and the placement of the bikes inside individual units will be easier to access and therefore will encourage greater use and ridership in keeping with the City of Boston bike transit goals.

A copy of updated floor plans for the Project, as revised (which indicate the location of each of the bicycle racks) and as described herein, are attached hereto as Exhibit "F."

Should you have any questions and/or require any additional information concerning this Notice of Project Change, please do not hesitate to contact me. Thank you for your attention and assistance in this matter.

Very truly yours,

Dennis A. Quilty

#### Enclosures

cc: Jonathan Greeley, BPDA Director of Development Review and Policy
Michael Christopher, BPDA Deputy Director of Development
Aisling Kerr, BPDA Project Manager
Alexa Pinard, BPDA Urban Planner
District City Councilor Ed Flynn
District City Councilor Josh Zakim
Jerome Smith, Chief of Neighborhood Services and Director of Civic Engagement
Yissel Guerrero, Mayor's Office of Neighborhood Services, Back Bay
State Senator Joseph Bancore
State Representative Aaron Michlewitz

### Exhibit "A"

### **BOARD APPROVED**

#### **MEMORANDUM**

**JULY 14, 2016** 

TO:

BOSTON REDEVELOPMENT AUTHORITY AND

BRIAN P. GOLDEN, DIRECTOR

FROM:

JONATHAN GREELEY, DIRECTOR OF DEVELOPMENT REVIEW

CHRISTOPHER TRACY, SENIOR PROJECT MANAGER

SUBJECT:

33-61 TEMPLE STREET, BEACON HILL

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority ("BRA") authorize the BRA Director to: (1) issue a Scoping Determination waiving the requirement of further review pursuant to Article 80, Section 80B-5.3(d), of the Boston Zoning Code (the "Code") for the 33-61 Temple Street Project, located in Beacon Hill (the "Proposed Project"); (2) issue a Certification of Compliance under Section 80B-6 of the Code upon successful completion of the Article 80 review process for the Proposed Project; (3) execute and deliver a Cooperation Agreement, an Affordable Rental Housing Agreement and Restriction, and a Boston Residents Construction Employment Plan, along with any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Article 80B review of the Proposed Project; and (4) recommend approval of Zoning Board of Appeal WITH PROVISO that plans be submitted to the BRA for design review approval.

### PROJECT SITE

The Project Site address is 33-61 Temple Street and is located in the Beacon Hill neighborhood of Boston. The southern face of the Building fronts onto Derne Street and sits at the foot of the Massachusetts State House. The Building runs approximately halfway down the block towards Cambridge Street (to the north) between Temple Street (to the east) and Ridgeway Lane (to the west). The approximately 27,758 square feet of Lot Area is composed of six (6) parcels, which can be identified as City of Boston Parcel IDs: 0300063000, 0300064000, 0300066000, 0300067000, 0300068000, 0300050000. The Project Site, in addition to the Building, includes a paved area immediately to the north of the Building that is currently occupied by a dumpster and bicycle storage and is used for loading and unloading. The paved area is approximately 1,848 square feet, and the Proponent (defined below) plans to redevelop the paved area into a valet operation area with direct access to the vehicle elevator connecting to the proposed below-grade parking garage within the Building.

The Proponent submits that the Proposed Project will alleviate existing grievances from the Beacon Hill community related to the non-conforming institutional/university use of the Building. As noted above, the Proponent acquired the Building from Suffolk University on July 1, 2015. Over the years, the University utilized the Building for a variety of its needs including classroom and administrative space, a theater, and the main cafeteria for the student body of approximately 10,000 students.

### PROJECT TEAM

The Project development team includes the Proponent: JDMD Owner, LLC, David Daftery, David Ridini, and Matthew Snyder, Architect: The Architectural Team, Matt Duggan, Mike Binette, and Jay Szymanski, Contractor: Consigli Construction Co., Inc., Brian Barringer, Legal Counsel: O'Donovan Law Office, Sean T. O'Donovan, Esq., Project Consultant: Snow Point Advisors, LLC, Leo S. Corcoran, and Civil Engineer & LEED: EBI Consulting, John Hession, and Nolan Previte.

### PROPOSED PROJECT

The Proposed Project is the redevelopment of the existing connected Archer and Donahue Buildings into a full service 71-unit residential condominium building. The breakdown of unit sizes is as follows: nineteen (19) one bedroom, thirty-four (34) two bedroom, fifteen (15) three bedroom, and three (3) four bedroom units. In addition to the residential units there is 5,745 SF of amenity space planned for use by the condominium owners. These spaces will include a concierge desk, package storage, mailroom, and an onsite property manager's office. The uses of the other amenity spaces have not been finalized, but could include uses such as exercise space, lounge and family recreation space.

The Proposed Project also contains up to 54 parking spaces in a below grade garage accessed via a vehicle elevator entered from the existing paved area at the north end of the Project Site. There is an existing level curb at this location. No new curb cuts will be required. The vehicle elevator will be approximately 12′x24′ and will allow for one vehicle at a time to be moved from the existing exterior grade level to the depth of the garage. All garage operations will be done by a professional valet service. Users of the garage will drop off and pick up their cars with the valet at the existing paved area. There will be an accessible entrance to the building from the valet loading zone allowing convenient access to the Building for both users of the garage and valet personnel without leaving the property. The Proponent plans to install a car elevator in the interior of the building. The driveway will remain at the existing grade and improvements will be made to the surface. The revised plan allows for staging of at least four vehicles on the driveway (discussed below), and addresses many of the concerns of the community with regard to traffic and safety. The Proponent will work

with the Boston Transportation Department to formalize this arrangement in the Transportation Access Plan Agreement.

The Proposed Project also provides covered storage for a maximum of 75 bikes within the Building. In addition, the Proposed Project includes the construction of a residential penthouse level that contains enclosed mechanical within the penthouse level. Currently, this section of the Archer Building contains a roof-accessed greenhouse, an enclosed mechanical penthouse and several unscreened pieces of mechanical equipment. Currently, the Donahue Building contains an enclosed mechanical penthouse accessed from within the Building and three large pieces of mechanical equipment accessed from the roof. The Proposed Project will remove all of the existing structures and equipment on the roof. The penthouse height has been reduced by twenty (20) feet. No structure (mechanical or penthouse) will exceed the height of the tallest existing mechanicals. The revised plans also result in a reduction in unit count from 75 to 71, and a decrease of 6,463 SF. The interior mechanical space shown in the rooftop addition has been relocated into the existing sixth floor of the Donahue Building. These changes also reduce the floor area of the building. With these changes, the FAR for the revised project is less than that of the existing building. Also, to increase the number units geared toward families the revised plans include 2 additional three-bedroom units and 1 additional four-bedroom unit.

The Revised Plans also introduce a large amount of brick and other materials appropriate to the architecture of Beacon Hill. The penthouse remains setback from the roofline and is not visible from any public ways within the Beacon Hill Historic District. Proponent will continue to work with the Beacon Hill Architectural Commission to determine the most appropriate design.

#### **ZONING**

The Project Site is located within a H-2-65 Residential Subdistrict in the Boston Proper Zoning District and is subject to the use, dimensional and design standards of said district under the Code. The parcel is also located within and subject to the Subdistrict F, Priority Preservation Subdistrict of the Downtown IPOD per Article 27 of the Code. The Project Site is also within the Beacon Hill Historic District and the Proposed Project is subject to review and approval by the Beacon Hill Architectural Commission. [Note: The Project Site is not within a Groundwater Conservation Protection Overlay District. The Project Site is not within the 100 Year Flood Plan and is not subject to the Flood Hazard District standards set forth in Article 25 of the Code.]

As stated above, the Proponent proposes to convert the Building from a non-conforming institutional/university use to a residential use, with accessory below-grade parking. The Proposed Project's residential use is allowed as of right in the H-2-65 Residential Subdistrict, and the Code calls for 0.7 parking spaces per residential unit.

[Note: The appropriate number of off-street parking spaces and off-street loading facilities for the Proposed Project is determined through Large Project Review. The Proposed Project's general parking and transportation plan is set forth in Section 2 of the EPNF.] Because the intent and purpose of the dimensional requirements set forth in the Code is to reasonably limit the size and density of a building on a lot and to keep the size of the structure in an appropriate scale with the surrounding neighborhood, the Proponent submits that the Proposed Project meets the requirements for the granting of certain variances. Such variances will allow for the reasonable use of the Project Site for a purpose substantially more in keeping with the nature of the Beacon Hill neighborhood.

The Project Site is located within a limited height district per Article 3-1(A)(i) of the Code where Height of Buildings is limited to 65 feet. Per the Code, for any proposed project that (a) is subject to Large Project Review and (b) is within a downtown district established under Section 3-1C, "Height of Building" means the vertical distance from the grade to the top of the structure of the last occupied floor, and Height of Building is measured from the average elevation of the sidewalk the building abuts. The height of the existing Building is 81.75 feet, therefore, the Building exceeds the height limitation set forth in the Code. However, because the Building existed prior to the effective date of the Zoning Code and said height limitation, the Building is a prior non-conforming structure, and is therefore subject to Section 13-3 of the Code. Section 13-3 states that a building or use that existed on the effective date of the Zoning Code and is dimensionally nonconforming may be altered or enlarged if the nonconformity is not increased and the enlargement itself conforms to the applicable dimensional requirements of the Code. The Proposed Project anticipates additional floors to be added on top of the existing Building and the height will be increased by 13.25 feet. Because such increased Height of Building does not conform to the applicable dimensional requirements, the Proposed Project requires a variance for Building Height from the Zoning Board of Appeal. [Note: The height of the Proposed Project will not exceed the height of the tallest existing mechanicals. Also, it is important to note that the additional floors will be setback from the existing roofline and will not be visible from any public ways in the Historic Beacon Hill District,]

Pursuant to Section 17 of the Code, Residential Uses at the Project Site are required to provide Usable Open Space (as defined in the Code) equal to 150 square feet per dwelling unit. Therefore, the Proposed Project would need to provide 11,250 square feet of Usable Open Space. Because the Building abuts the lot line on 3 sides and the rear of the Building will be utilized for the valet operation and access to the belowgrade parking garage, the Proposed Project cannot provide Usable Open Space and a variance from the Zoning Board of Appeal is required.

Based on the current design, it is possible additional zoning relief may be required. If additional zoning relief is required, the Proponent may seek relief from the Zoning Board of Appeal.

### **ARTICLE 80 REVIEW**

In accordance with the BRA's policy on mitigation as outlined in Mayor Thomas M. Menino's Executive Order Relative to the Provision of Mitigation by Development Projects in Boston, JDMD Owner, LLC submitted a Letter of Intent to redevelop 33-61 Temple St in Beacon Hill December 31, 2015.

On January 13, 2016, letters soliciting nominations to the IAG for the proposed project were delivered to City Councilor Linehan, Councilor Zakim, State Rep Michlewitz, State Rep Livingstone and State Senator Petruccelli. Additional letters seeking recommendations were delivered to the Office of Neighborhood Services and the At-Large City Councilors.

The letters sought nominations or recommendations to the IAG by January 20, 2016. The Office of Neighborhood Services responded with 1 nominations, Councilor Zakim responded with 2 nominations, Councilor Essaibi – George responded with 1 nomination, Representative Michlewitz responded with 1 nominations and Representative Livingstone responded with 2 nominations. On February 2, 2016 letters were sent to those who did not respond confirming they had declined the opportunity to make nominations.

On March 31, 2016, JDMD Owner, LLC filed the EPNF. The EPNF notice and the EPNF were sent to the City's public agencies by the BRA pursuant to Section 80A-2 of the Code. Pursuant to Section 80B-5.3(c) of the Code, a scoping session was held on April 22, 2016, with the city's public agencies at which the Proposed Project was reviewed and discussed. The BRA convened a public meeting for the community's review and comment on April 21, 2016, at the Hill House, 74 JoyStreet, Beacon Hill. The public meeting was advertised in the Beacon Hill Times and via the BRA's standard process. Public comments were received on this proposal until May 2, 2015.

An Impact Advisory Group ("IAG") was formed as part of the review process for the Proposed Project. An IAG meeting was held on April 20, 2016, at the Hill House.

In addition to these BRA-sponsored meetings, the Proponent attended numerous meetings with individuals and local groups, including the Beacon Hill Civic Association and Boston Civic Design Commission ("BCDC") on May 3rd.

After considering feedback heard from the community via the public meeting and public comment period, the BRA asked the proponent to consider revisions to the

project based on feedback heard from the IAG, community, Landmarks staff and BRA staff. The BRA subsequently extended the comment period two times and held four more publically advertised meetings: in total holding 3 IAG meetings and 3 Public Meetings, all six of which were publically advertised. On May 10, May 16 and June 21 the BRA hosted these meetings at the Hill House to continue to engage the Beacon Hill community.

The following commitments (described in more detail in the Proposed Project section of this document) were based on community feedback and presented to the community in rounds 2 and 3 of the BRA's Article 80 public process:

- Proponent has proposed a revised plan for access to the parking garage via a car elevator.
- Proponent has committed to maintaining pedestrian access between Ridgeway
   Lane and Temple Street via the existing driveway.
- Proponent has moved the valet operation and vehicle staging off of Temple Street and into the existing driveway off of Temple Street.
- Proponent has proposed installing fencing to shield vehicle headlights shining onto residences on Ridgeway Lane and Hancock Street
- Proponent has also committed to improvements to Ridgeway Lane to improve its safety.
- Proponent has committed to work with the City to use appropriate materials for Handicap Accessibility.
- Proponent has agreed to contribute to watering and maintaining of plants and trees along Temple Street.
- Proponent has revised plans for package deliveries and moved them to Derne Street (UPS, FedEx, Peapod, etc.). At the corner of Derne Street and Temple Street, Proponent provide a parcel drop room in the building.
- Proponent has redesigned the proposed penthouse floors and reduced the height by 20 feet. The revised penthouse floors do not exceed the height of the tallest mechanicals on the existing roof. The penthouse floors also enclose all rooftop mechanicals which are now scattered across the existing roof.
- Proponent reduced the parking from 60 spaces up to 54 spaces.

### PUBLIC BENEFITS

The Proposed Project will provide the following public benefits:

- Proponent has committed to maintaining the plantings and trees along Temple Street.
- Throughout the Design Review process and thereafter, the Proponent will work with the residents of Ridgeway Lane to improve the safety of Ridgeway Lane, specifically as related to the building.

- Proponent will install a structure to shield vehicle headlights from residents of Ridgeway Lane and Hancock Street.
- The Revised Plans contemplate a gated structure similar to that that exists presently. The gate will not be locked and pedestrians will be able to cross through from Temple Street to Ridgeway Lane in the same manner that they do so presently.
- The Revised Plans call for all package delivery trucks to park on Derne Street and make deliveries at the designated entrance at the top of Temple Street by Derne Street. Immediately inside the designated entrance will be a room for package storage. All delivery trucks will be instructed by building management to park on Derne Street and make deliveries at the designated entrance. The Proponent will work with the Boston Transportation Department to formalize this arrangement in the Transportation Access Plan Agreement.
- The Proposed Project will enhance the streetscape and pedestrian experience through the use of lighting and transparent glass on the façade that will blend the boundaries between the indoor and outdoor environments.
- As explained in detail above, the Proposed Project will remove a non-conforming institutional/university use and replace it with a residential use befitting the Beacon Hill neighborhood.
- The Proposed Project will improve the urban design characteristics and aesthetic
  character of the surrounding area through the introduction of high-quality
  architecture to the Project Site. For example, the proposed reskinning of the
  Donahue building with a more suitable façade will reduce the scale and massing
  of the Building to be more in keeping with the scale of the Beacon Hill
  neighborhood.
- The Proposed Project will deliver 71 residential units within an ADA accessible building to the Beacon Hill neighborhood. Due to the age of the buildings in neighborhood, there is a significant lack of accessible buildings, and the Proposed Project will help to alleviate this issue and allow many longtime residents of Beacon Hill to age in place.

#### INCLUSIONARY DEVELOPMENT COMMITMENT

The Proposed Project is subject to the Inclusionary Development Policy, dated September 27, 2007 ("IDP"). After the completion of a financial feasibility analysis by BRA staff, the Proponent has proposed to meet its IDP commitment through a combination of contribution to the IDP Fund and the creation of off-site units.

#### Off-Site Units

For an off-site project, the IDP requires that 15% of the total number of units within the development be created as IDP units. In this case, given the proposed project contains 71 units, eleven (11) units would be expected as off-site IDP rental units (the "Off-Site

IDP Units"). Given that the off-site units may vary from the unit sizes within the Proposed Project, this unit commitment is converted to residential square footage. Given that the Proposed Development contains 126,663 square footage of residential space, the Proponent is obligated to provide approximately 19,000 square feet of residential space in off-site units, made affordable to households earning not more than 70% of the Area Median Income ("AMI"), as based upon the United States Department of Housing and Urban Development ("HUD"). The Proponent has a letter of intent to purchase 27 and 29 Hancock Street, a 40 unit existing residential property in Beacon Hill, and within 200 feet of the Proposed Project. These buildings contain 12,119 square feet of residential living space. As this does not meet the full off-site requirement of 19,000 feet, the Proponent is committing to a contribution to the IDP Fund for the remaining 6,881 square feet (3.9 units, based on the average square footage of units in the Proposed Project).

In the event that the 27-29 Hancock Street proposal does not go forward, off-site units may be created through the construction of new units or the renovation and income restriction of existing units. The Proponent must obtain the initial full building permit for Off-Site units prior to receipt of the Certificate of Occupancy on the original Proposed Project. If the initial full building permit is not obtained for the Off-Site units before the receipt of the Certificate of Occupancy, a contribution to the IDP Fund will be required, in an amount sufficient to satisfy the IDP requirements. All Off-Site units shall be completed within one-year after issuance of the Certificate of Occupancy for the original Proposed Project. Upon request, the BRA may grant a written one-year extension to allow for the completion of Off-Site units.

Preference for the location of the Off-site IDP Units is within the Beacon Hill neighborhood, however the units must be located within the downtown core neighborhoods of Beacon Hill, the West End, Downtown, or Chinatown. All IDP Units must meet or exceed the City's Department of Neighborhood Development ("DND") construction guidelines for affordable housing. The location of the Off-Site IDP Units will be finalized in conjunction with BRA staff and outlined in the Affordable Rental Housing Agreement and Restriction ("ARHAR"), and rents and income limits will be adjusted according to BRA published maximum rents and income limits, as based on HUD AMIs, available at the time of the initial rental of the IDP Units.

The ARHAR must be executed along with, or prior to, the issuance of a building permit for the Proposed Project. If the creation of an Off-Site IDP Unit involves the rehabilitation of an existing building that will result in or require existing tenants to temporarily or permanently vacate, the Proponent shall develop a relocation plan and procedures, including a Relocation Agreement with the BRA, in accordance with all applicable laws.

The Proponent must also submit an Affirmative Marketing Plan (the "Plan") to the Boston Fair Housing Commission and the BRA. Preference will be given to applicants who meet the following criteria, weighted in the order below:

- (1) Boston resident; and
- (2) Household size (a minimum of one (1) person per bedroom).

The IDP Units will not be marketed prior to the submission and approval of the Plan. A deed restriction will be placed on the IDP Units to maintain affordability for a total period of fifty (50) years (this includes thirty (30) years with a BRA option to extend for an additional period of twenty (20) years). The household income of any subsequent renter of the IDP Units during this fifty (50) year period must fall within the applicable income for each IDP Unit. The BRA or its assigns or successors will monitor the ongoing affordability of the IDP Units.

### **IDP Fund Contribution**

A contribution to the IDP Fund is required for any units not created through an off-site development. Given the proposed purchase of 27-29 Hancock Street, the Proponent would have a remaining commitment of 3.9 units. The IDP requires that the payment per unit is the greater of either the minimum IDP payment (\$200,000 per unit), or half the differential between the affordable price determined by the BRA for each unit size (by number of bedrooms) and the full market value of those units.

Given the current proposal of 3.9 units, the minimum contribution is \$780,000. The IDP Contribution shall be made in three installments, with the first installment being one-fourth of the minimum IDP Contribution (\$195,000), made to the Treasury within 30 days after receipt of the initial Building Permit issued by ISD, the second payment being three-fourths of the minimum IDP Contribution (\$585,000), made to the Treasury within 30 days after the receipt of the final Certificate of Occupancy, and the final payment being the balance between the minimum possible IDP Contribution and the final total IDP Contribution, as determined by the BRA based on actual sales price, made to the Treasury no later than one year after the receipt of the final Certificate of Occupancy, or no later than two years when the BRA deems it financially necessary.

The combination of the off-site commitment, as well as a contribution to the IDP Fund for any balance remaining, constitutes full compliance with the 2007 Inclusionary Development Policy.

### **RECOMMENDATION**

Approvals have been requested of the BRA pursuant to Article 80, Section 80B, of the Code for the issuance of a Scoping Determination waiving the requirement of further

review pursuant to Article 80, Section 80B-5.3(d) of the Code; for the issuance of a Certification of Compliance under Section 80B-6 upon successful completion of the Article 80 review process. In accordance with Section 80B-5.3(d) of the Code, the BRA may issue a Scoping Determination Waiving Further Review if the PNF, together with any additional material and comments received by the BRA prior to the issuance of the Scoping Determination, are found to adequately describe the impact of the Proposed Project and offer appropriate mitigation of such impacts.

BRA staff believes that the PNF meets the criteria for the issuance of a Scoping Determination Waiving Further Review. It is therefore recommended that the BRA authorize the Director to: (1) issue a Scoping Determination waiving the requirement of further review pursuant to Article 80, Section 80B-5.3(d) of the Code for the Proposed Project; (2) issue a Certification of Compliance under Section 80B-6 for the Proposed Project upon successful completion of the Article 80 review process; (3) execute and deliver a Cooperation Agreement, an Affordable Rental Housing Agreement and Restriction, and a Boston Residents Construction Employment Plan and any and all other documents in connection with the Article 80 approval of the Proposed Project; and (4) recommend approval of Zoning Board of Appeal Petition WITH PROVISO that plans be submitted to the Authority for design review approval.

### Appropriate votes follow:

#### VOTED:

That the Director of the Boston Redevelopment Authority be, and hereby is, authorized to issue a Scoping Determination under Section 80B-5.3(d) of the Code, which (i) finds that the Project Notification Form (DATE)adequately describes the potential impacts arising from the Proposed Project, and provides sufficient mitigation measures to minimize these impacts; and (ii) waives further review of the Proposed Project under Section 80B-5 of the Code, subject to the Authority's continuing design review; 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, an Affordable Rental Housing Agreement and Restriction, and a Boston Residents Construction Employment Plan, along with any and all other agreements and documents that 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 by the Director in his sole discretion; and

### FURTHER

### VOTED:

In reference to Zoning Board of Appeal, constituting the 33-61 Temple Street Development Project, the BRA recommends APPROVAL WITH PROVISO that plans be submitted to the Authority for design review approval.

### Exhibit "B"



### BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

Decision of the Board of Appeal on the Appeal of

45 Temple Street, Ward 3 BOA-#569578 Date of Hearing: August 23, 2016

Permit: #ALT586986

Page: #2

### Introduction

JDMD Owner, LLC (the "Appellant"), as owner of the property located at 33-61 Temple Street in Beacon Hill (the "Property"), seeks the zoning relief described below to change the legal occupancy of the Property from institutional/university to residential and to construct seventy-one (71) residential units, a parking garage with spaces for fifty (50) vehicles, and a one-story vertical addition that includes a mezzanine level and roof deck open space (the "Rooftop Addition"), on the existing building located at the Property (the "Existing Building") ("the Project"). In this appeal, the Appellant also seeks to combine the following lots that make up the Property: 35-37 Temple Street; 39 Temple Street; 41 Temple Street; 51 Temple St; 61 Temple Street; and 20 Derne Street, to create a new lot (new address to be known as 45 Temple Street) and to renovate, remodel and upgrade the exterior and interior of the Existing Building in a manner consistent with the character of the surrounding Beacon Hill neighborhood. The Existing Building and the Rooftop Addition will comprise one building (the "Building").

This appeal is necessary because the requested relief requires a series of variances under the Boston Zoning Code (the "Code") as follows: Article 15, Section 1: Floor Area Ratio Excessive; Article 16, Section, 1: Building Height Excessive; Article 17, Section 1: Usable Open Space Insufficient; Article 23, Section 1: Off Street Parking; Article 23, Section 9: Parking Design (collectively, the "Variances"). The appeal is also necessary because the requested relief requires an Interim Planning Overlay District Permit (the "IPOD Permit") and a Conditional Use Permit to allow for Conversion of Dwelling Unit (the "Conditional Use Permit").

In this regard, the Appellant herein seeks, and by this Decision is hereby granted, relief in the form of the Variances described above and identified in the Building Commissioner's written denial of the Project dated May 26, 2016, and subsequently appealed by the Appellant on May 27, 2016. The Appellant also herein seeks the IPOD Permit and the Conditional Use Permit, and by this Decision is hereby granted said IPOD Permit and Condition Use Permit.



### BOARD OF APPEAL

### OFFICE OF THE BOARD OF APPEAL

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45 Temple Street, Ward 3 BOA-#569578 Date of Hearing: August 23, 2016 Permit: #ALT586986

Page: # 3

By way of background, for many years the Property was owned and operated by Suffolk University and used for classroom and administrative space, a theater and a cafeteria. Bounded by Derne Street, between Temple Street and Ridgeway Lane at the foot of the Massachusetts's State House, the Property consists of the Existing Building totaling approximately 170,000 gross square feet and a driveway area between the north side of the Existing Building and 29-31 Temple Street. The Property was recently sold to the Appellant as part of Suffolk University's planned relocation from the Beacon Hill neighborhood to Boston's Downtown neighborhood. In proposing a residential conversion and rehabilitation of the Premises, the Appellant submits that the Project is consistent with the Beacon Hill neighborhood's articulated desire to replace long-existing institutional/university uses with preferred residential uses, especially those with larger family-sized units as proposed by the Appellant.

### Variances

Pursuant to the Code, the Board of Appeal hereby grants the requested variances because it finds that all of the following conditions are met:

The Board finds that there are special circumstances or conditions applying to the land or structure for which the variance is sought, which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of the Zoning Code would deprive the Appellant of the reasonable use of such land or structure. There are special circumstances and conditions applying to the Property that do not apply to the neighborhood generally. A portion of the Existing Building pre-dates the Zoning Code, and the Existing Building was designed and built for a non-conforming institutional/university use. The Appellant proposes to redevelop the Existing Building to allow for a preferred residential use and restore the scale and character of the street. With regard to the Floor Area Ratio, the Property is already in excess of the Code allowance, and the Project does not increase this non-conformity. Instead, the Project will replace some existing habitable space, thereby reducing the Floor Area Ratio. The Appellant also proposes to move currently visually obtrusive mechanical and satellite equipment which now exists on the rooftop and replace it with a reasonable and appropriate residential addition that will be significantly setback from the rooftop parapet and which will screen the new mechanicals on all four sides. The additional height will be no taller than the tallest mechanicals



OFFICE OF THE BOARD OF APPEAL

Decision of the Board of Appeal on the Appeal of

45 Temple Street, Ward 3 BOA- #569578 Date of Hearing: August 23, 2016 Permit: #ALT586986

Page: #4

now in place. The conversion of the institutional/university use to residential also requires variances for Insufficient Open Space, Off Street Parking and Parking Design. Similar to the Building Height and Floor Area Ratio variances required, the need for variances for Insufficient Usable Open Space, Off Street Parking and Parking Design are due to the dimensional constraints and non-conformity of the Existing Building, and the special circumstances and conditions it creates. The Appellant requires a variance for Insufficient Usable Open Space because the very limited open space at the Property is used for access to the interior parking garage which contains the parking spaces required under the Code. Due to the dimensional constraints of the existing non-conforming structure, the Project utilizes tandem vehicle stackers. Under the Code, vehicle stackers containing two (2) cars count as providing one (1) space. The Project meets the spirit and intent of the Code by providing fifty (50) spaces (25 stackers), and requires a variance so as not to deprive the appellant of the reasonable use of the Property. Similarly, the Project requires a variance for Parking Design to allow for the use of the stackers so as not to deprive the appellant of the reasonable use of the Property.

Applying all the Code's dimensional requirements to the Project would render the Appellant unable to construct the Project on the Property. Thus, absent the relief granted, the Appellant would be deprived of a reasonable and permitted use of the Property, and would be unable to provide much needed family-sized housing and much needed parking in the Beacon Hill neighborhood.

The Board finds that for reasons of practical difficulty and demonstrable and substantial hardship, the granting of the variance is necessary for the reasonable use of the Property and the variances as granted by the Board of Appeal is the minimum variance that will accomplish this purpose. The Property is located in a H-2-65 Residential District, which allows and encourages residential uses, and the neighborhood has articulated its desire for such use. Because the Existing Building was built, designed and used for a non-conforming institutional/residential use, absent the variances granted, the Appellant would be unable to design an adequate residential project which appeals to prospective homeowners. This would cause hardship by depriving the owner of a reasonable use of the Property.



OFFICE OF THE BOARD OF APPEAL

Decision of the Board of Appeal on the Appeal of

45 Temple Street, Ward 3 BOA-#569578

Date of Hearing: August 23, 2016

Permit: #ALT586986

Page: # 5

The Board finds that the granting of the variances will be in harmony with the general purpose and intent of the Zoning Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The Existing Building is non-conforming as to dimensions and use, and the Beacon Hill neighborhood has long advocated for a change from institutional/university to residential. This decision grants the requested variances and enables the Appellant to achieve this objective by permitting the construction of seventy-one (71) new residential units and the required spaces for fifty (50) vehicles. The Project will also result in significant architectural and aesthetic upgrades in the character of the surrounding Beacon Hill neighborhood, and the Project will remove much the noisy student population surrounding the Property.

In summary, as it relates to the Appellant's request for variances under the Code, specifically: (1) Article 15, Section 1: Floor Area Ratio Excessive; (2) Article 16, Section, 1: Building Height Excessive; (3) Article 17, Section 1: Usable Open Space Insufficient; (4) Article 23, Section 1: Off Street Parking; and (5) Article 23, Section 9: Parking Design. The Board of Appeals finds the following as to each of the above listed Variances:

The Board of Appeal finds that all of the following conditions are met:

- That there are special circumstances or conditions applying to the land or structure for
  which each of the above five Variances is sought, which circumstances or conditions are
  peculiar to such land or structure but not the neighborhood, and that said circumstances or
  conditions are such that the application of the provisions of this Code would deprive the
  Appellant of the reasonable use of such land or structure;
- That, for reasons of practical difficulty and demonstrable and substantial hardship, the granting of the five above listed Variances is necessary for the reasonable use of the land or structure and that each of the five Variances is granted by the Board of Appeal will be harmony with the general purpose and intent of this Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and, if the variance is for a Development Impact Project, as defined in Section 80B-7, the Applicant shall have complied with the linkage exaction requirements of that Section.



OFFICE OF THE BOARD OF APPEAL

Decision of the Board of Appeal on the Appeal of

45 Temple Street, Ward 3 BOA- #569578 Date of Hearing: August 23, 2016 Permit: #ALT586986

Page: # 6

• In making its findings, pursuant to Section 9 of the Enabling Act, the Board of Appeal votes to grant each of the above listed five Variances for a parcel or building where, owing to conditions especially affecting such parcel or such building, but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of such zoning regulation would involve substantial hardship to the Appellant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of such zoning regulation, but not otherwise.

In determining its findings, the Board of Appeal has taken into account: (1) the number of persons residing or working upon the Property; (2) the character and use of the adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood. The Board of Appeal is of the opinion that all conditions required for the granting of a variance under the Code have been met, and that they varying terms of the Code as outlined above will not conflict with the intent and spirit of the Code.

### Conditional Use Permit

Pursuant to the Code, the Board of Appeal hereby grants a Conditional Use Permit because it finds the following conditions are met:

The Board finds that the specific site is an appropriate location for such use. The Project site is located in the Beacon Hill neighborhood, which is predominately residential. The residents of the neighborhood have long advocated for the redevelopment of the Existing Building to residential. The site is also short walk to many MBTA stops. Therefore, the site is an appropriate location for residential dwellings.

The Board finds that the use will not adversely affect the neighborhood. The addition of seventy-one (71) new residential units will add housing in the Beacon Hill neighborhood, and will include much-needed family-sized units and much-needed parking. The use is consistent with the surrounding neighborhood and the Project removes a long-existing non-conforming use. The Project will not have any adverse effects on the neighborhood.



### OFFICE OF THE BOARD OF APPEAL

Decision of the Board of Appeal on the Appeal of

45 Temple Street, Ward 3 BOA- #569578 Date of Hearing: August 23, 2016 Permit: #ALT586986

Page: #7

The Board finds that there will be no serious hazard to vehicles or pedestrians from the use. The Project will not create any serious hazards to vehicles or pedestrians in the area. The change of use will remove heavy traffic from delivery trucks from the area that service the institutional/university use and the removal of the students will alleviate heavy pedestrian foot traffic on the narrow streets in the area.

The Board finds that no nuisance will be created by the use. The addition of the residential uses of the Project will not create any nuisance on the Property. Rather, it will remove a non-conforming use and substantially renovate and rehabilitate the Existing Building with architectural and aesthetic upgrades befitting the Beacon Hill neighborhood.

The Board finds that adequate and appropriate facilities will be provided for the proper operation of the use. The Project includes the substantial renovation and rehabilitation of the Existing Building, and the construction of the Rooftop Addition. The Project will provide appropriate facilities for the residential use.

### Interim Planning Permit Standards

Pursuant to Section 27D of the Code, the Board of Appeal hereby grants the Interim Planning Permit for the Project because it finds the following conditions are met:

The Board finds that the benefits to the community outweigh the burdens imposed because the Project will remove a long existing non-conforming use from the Property and bring seventy-one (71) new dwelling units to the Beacon Hill neighborhood, as well as parking spaces for fifty (50) vehicles. The Project will fit within the character of the Beacon Hill neighborhood and the Project will not impose any significant burdens on the community.



OFFICE OF THE BOARD OF APPEAL

Decision of the Board of Appeal on the Appeal of

45 Temple Street, Ward 3 BOA- #569578 Date of Hearing: August 23, 2016 Permit: #ALT586986

Page: #8

The Board finds that the Project is in substantial accord with the applicable provisions of Article 27D of the Code. Specifically, the residential conversion of this Institutional/University use and the architectural improvements to the Existing Building are entirely consistent with the stated purpose of Article 27, Section D1. The Project has also been through a thorough public review process, as contemplated by the IPOD Permit requirements.

The Board is of the opinion that all conditions required for the granting of a variance under Article 7, Section 7-3 and a Conditional Use Permit under Article 6, Section 6-3 of the Zoning Code have been met, and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code.

Therefore, acting under its discretionary power, the Board (the members and substitute member(s) sitting on this appeal) voted to grant the requested Variance and Conditional Use Permit use as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit in accordance with this decision, with the following provisos, which, if not complied with, shall render this decision null and void.



OFFICE OF THE BOARD OF APPEAL

Decision of the Board of Appeal on the Appeal of

45 Temple Street, Ward 3 BOA-#569578 Date of Hearing: August 23, 2016 Permit: #ALT586986

Page: #9

### Conclusion

For the foregoing reasons, the Board is of the opinion that all conditions required for the granting of variances, the IPOD Permit, and the Conditional Use Permit under the Code have been met, and the varying terms of the Code, as outline above, will not conflict with the intent and spirit of the Code. Therefore, acting under its discretionary power, the Board (the members and substitute member(s) sitting on this appeal) votes to grant the Variances, the IPOD Permit and the Conditional Use Permit, as described above, which annuls the Zoning Code Refusal of the Building Commissioner, and orders the Building Commissioner to grant a permit in accordance with this decision.

APPROVED AS TO FORM:

**Assistant Corporation Counsel** 

### PROVISOS:

1. Subject to design review by the Beacon Hill Architectural Commission.

Signed, September 13, 2016

Christine Araulo - Chairperson

Mark Fortune Secretary

Peter Chin

Bruce Bickerstaff

Mark Erlich

Anthony Pisani, AJA (OPPOSED)

Craig Galvin

### Exhibit "C"

### Public Improvement Commission, of the City of Boston, September 7, 2017

Ordered: — That due notice be given, that this Commission is of the opinion that, in said city, a public improvement should be made, on a petition by JDMD Owner, LLC for the Discontinuance of any and all rights to travel the public may have had on a portion of Temple Street (public way), Boston Proper, on its westerly side generally north of Derne Street.

Substantially as shown on a plan in the office of this Commission, that it intends to pass an order for making said improvement, and that it appoints 10 o'clock AM on September 21, 2017, and in the office of this Commission as the time and place for a public hearing in the matter.

A true copy of an order passed by said Commission on said day.

ATTEST:

Todd M. Liming, P.E. - Executive Secretary

Public Improvement Commission, of the City of Boston, September 21, 2017

Ordered: — That this Commission, having passed the order of notice relating to the public improvement hereinafter described, and having caused a copy of said order to be published September 9 and September 11, 2017 in the Boston Globe and the Boston Herald, two daily newspapers published in the City of Boston, and having given the public notice of which was given in said order, and being of the opinion of that public convenience so requires, does hereby order the making, in said city of the public improvement, shown on a plan marked "City of Boston, Public Works Department, Engineering Division, Surface Discontinuance Plan, The Archer & Donahue Buildings, 33-61 Temple Street, Boston (Proper)", 1 sheet dated August 24, 2017, deposited in the office of the Engineering Division, Public Works Department, of said city, and named, bounded and described as follows:

Beginning at a point on the westerly sideline of Temple Street and said point being 149.03 feet, N 0°01'31" W of the intersection of the northerly sideline of Derne Street, thence running;

N 89°58'29" E

a distance of One and Twenty-Eight Hundredths (1.28) feet

to a point, thence turning and running;

N 0°01'31" W

a distance of One Hundred Forty-Seven and Eighty-Two

Hundredths (147.82) feet to a point, thence turning and

running:

S 89°58'29" W

a distance of One and Twenty-Eight Hundredths (1.28) feet

to a point on the westerly sideline of Temple Street, thence

turning and running;

S 0°01'31" E

a distance of One Hundred Forty-Seven and Eighty-Two

Hundredths (147.82) feet by the westerly sideline of

Temple Street to the point of beginning.

Said parcel containing an area of 189 square feet, more or less.

No betterments are assessed for the making of the aforesaid improvement.

**Public Improvement Commission** 

Mayor, City of Boston

Ordered: — That due notice be given, that this Commission is of the opinion that, in said city, a public improvement should be made, on a petition by JDMD Owner, LLC for the Vertical Discontinuance of portions of the following public ways in Boston Proper, vertically above the grade of the sidewalk: Temple Street — on its westerly side generally north of Derne Street; Ridgeway Lane — on its easterly side generally north of Derne Street.

Substantially as shown on a plan in the office of this Commission, that it intends to pass an order for making said improvement, and that it appoints 10 o'clock AM on September 21, 2017, and in the office of this Commission as the time and place for a public hearing in the matter.

A true copy of an order passed by said Commission on said day.

ATTEST:

Todd M. Liming, P.E. - Executive Secretary

Public Improvement Commission, of the City of Boston, September 21, 2017

Ordered: -- That this Commission, having passed the order of notice relating to the public improvement hereinafter described, and having caused a copy of said order to be published September 9 and September 11, 2017 in the Boston Globe and the Boston Herald, two daily newspapers published in the City of Boston, and having given the public notice of which was given in said order, and being of the opinion of that public convenience so requires, does hereby order the making, in said city of the public improvement, shown on a plan marked "City of Boston, Public Works Department, Engineering Division, Vertical Discontinuance Plan, The Archer & Donahue Buildings, 33-61 Temple Street, Boston (Proper)", 1 sheet dated August 24, 2017, deposited in the office of the Engineering Division, Public Works Department, of said city, and named, bounded, and described as follows:

#### Vertical Discontinuance Area #1

Beginning at a point on the easterly sideline of Ridgeway Lane and said point being 148.62 feet, N 0°22'19" W of the intersection of the northerly sideline of Derne Street vertically between elevations 115.00' and 140.00' BCB, thence running;

N 0°22'09" W	a distance of Fifty-Three and Seventy-Eight Hundredths (53.78) feet by the easterly sideline of Ridgeway Lane, thence turning and running;
S 89°37'51" W	a distance of Zero and Seventy-Nine Hundredths (0.79) feet to a point, thence turning and running;
S 0°22'09" E	a distance of Fifty-Three and Seventy-Eight Hundredths (53.78) feet to a point, thence turning and running;

N 89°37'51" E a distance of Zero and Seventy-Nine Hundredths (0.79) feet to the point of beginning.

Said parcel containing an area of 42 square feet, more or less, and a volume of 1,050 cubic feet, more or less.

#### Vertical Discontinuance Area #2

Beginning at a point in Temple Street, said point being 149.03 feet, N 0°01'31" W along the westerly sideline of Temple Street from the northerly sideline of Derne Street and 1.28 feet, N 89°58'29" E from said westerly sideline of Temple Street vertically between elevations 81.00' and 140.00' BCB, thence running;

N 89°58'29" E	a distance of Zero and Thirty-Four Hundredths (0.34) feet to a point, thence turning and running;
N 0°01'31" W	a distance of Twenty-Seven and Seventy-One Hundredths (27.71) feet to a point, thence turning and running;
S 89°58'29" W	a distance of Zero and Thirty-Four Hundredths (0.34) feet to a point, thence turning and running;
S 0°01'31" E	a distance of Twenty-Seven and Seventy-One Hundredths (27.71) feet to the point of beginning.

Said parcel containing an area of 9 square feet, more or less, and a volume of 531 cubic feet, more or less.

#### Vertical Discontinuance Area #3

Beginning at a point in Temple Street, said point being 176.74 feet, N 0°01'31" W along the westerly sideline of Temple Street from the northerly sideline of Derne Street and 1.28 feet, N 89°58'29" E from said westerly sideline of Temple Street vertically between elevations 70.10' and 140.00' BCB, thence running;

N 89°58'29" E	a distance of Two and Ninety-One Hundredths (2.91) feet to a point, thence turning and running;
N 0°01'31" W	a distance of Thirty and Two Hundredths (30.02) feet to a point, thence turning and running;
S 89°58'29" W	a distance of Two and Ninety-One Hundredths (2.91) feet to a point, thence turning and running;
S 0°01'31" E	a distance of Thirty and Two Hundredths (30.02) feet to the point of beginning.

Said parcel containing an area of 87 square feet, more or less, and a volume of 6,081 cubic feet, more or less.

#### Vertical Discontinuance Area #4

Beginning at a point in Temple Street, said point being 206.76 feet, N 0°01'31" W along the westerly sideline of Temple Street from the northerly sideline of Derne Street and 1.28 feet, N 89°58'29" E from said westerly sideline of Temple Street vertically between elevations 80.00' and 140.00' BCB, thence running;

N 89°58'29" E	a distance of Zero and Thirty-Four Hundredths (0.34) feet to a point, thence turning and running;
N 0°01'31" W	a distance of Ninety and Nine Hundredths (90.09) feet to a point, thence turning and running;
S 89°58'29" W	a distance of Zero and Thirty-Four Hundredths (0.34) feet to a point, thence turning and running;
S 0°01'31" E	a distance of Ninety and Nine Hundredths (90.09) feet to the point of beginning.

Said parcel containing an area of 31 square feet, more or less, and a volume of 1,860 cubic feet, more or less.

No betterments are assessed for the making of the aforesaid improvement.

**Public Improvement Commission** 

Mayor, City of Boston

## Exhibit "D"



# CITY OF BOSTON THE ENVIRONMENT DEPARTMENT

Boston City Hall, Room 709 • Boston, MA 02201 • 617/635-3850 • FAX: 617/635-3435

May 10, 2017

BEACON HILL ARCHITECTURAL COMMISSION

David Raftery JDMD Owner, LLC 408 Whitting Avenue Dedham, MA 02026

CERTIFICATE OF APPROPRIATENESS

NOTICE OF DECISION Application #: 17.1042 BH Property: 45 Temple Street

Dear Mr. Raftery:

At the April 20, 2017 public hearing, the Beacon Hill Architectural Commission (BHAC) reviewed your application for a Certificate of Appropriateness to perform exterior work at 33-61 Temple Street, aka 20 Derne Street (former Suffolk University Law School), a Classical Revival style institutional building designed by Gleason L. Archer and built in 1920; later altered in 1937 with a two-story rooftop and rear addition designed by Fay Spofford and Thorndike Inc.; and again altered in 1966 with a six-story rear addition (Donahue Addition). The proposed scope of work included addressing the provisos from Certificate of Appropriateness 17.422BH by reducing the height of the proposed rooftop addition; clarifying the window and door details; modifying the entryway infill at the Donahue Addition and passageway façades; clarifying the façade materials, lighting, and passageway planters, as described and shown in the presentation existing condition photographs, mock-up photographs, color renderings, and drawings labeled, dated issued March 29, 2017, prepared by The Architectural Team. The Commission further notes that Certificate of Appropriateness 17.422BH was issued on March 15, 2017 approving with provisos modifications to the north, east and west façades; creating a passageway between Temple Street and Ridgeway Lane; and constructing a rooftop addition with a roof deck.

The Commission voted to approve your application as submitted with the following provisos:

That the following provisos be remitted to staff:

- 1. That the contemporary light fixtures on the Ridgeway Lane façade of the Archer Building, be changed to more historic downlight wall sconces placed below the second floor window sills.
- 2. That the framing on the replacement doors at the former theater entryways in the Archer Building have thicker framing, and the mullion in the transom windows be increased to align with the door framing below.
- 3. That the gray granite on the columns have less mica and a thermal finish, perhaps Mesabi Black granite.
- 4. That the concrete in front of the entryway on the passageway façade be eliminated from the scope of work and granite installed.

That the following provisos be presented to the Commission at a public meeting:

1. That a full scale mock-up in the field of the proposed masonry and window materials be constructed.

This determination is based on documentation presented at the hearing. Statutory reviews by other agencies in conflict with this decision may affect the status of this certificate, which is valid for two (2) years from its date of issue. The applicant is required to inform the BHAC of any project changes, and failure to do so may affect the status of this

certificate. Please bring a copy of this certificate with you when filing for permits from the Inspectional Services Department (1010 Massachusetts Avenue). Photographs of the completed project should be submitted in hard copy format to confirm compliance with the terms of this certificate.

Sincerely,

Lissa Schwab

Preservation Planner

Beacon Hill Architectural Commission

cc: Matthew Duggan, The Architectural Team, Inc. Glen Viglone, Consigli Construction Co., Inc. John Day, LDa Architecture and Interiors

RECORD OF VOTE ON APPLICATION 17.1042 BH

MOTION by: Taylor; SECOND by: Vineburgh AFFIRMATIVE: Donnelly, Pierce, Rosales, Taylor, Vineburgh NEGATIVE: (None)

### Exhibit "E"



November 22, 2017

Mr. William Christopher, Commissioner City of Boston Inspectional Services Department 1010 Massachusetts Avenue Boston, MA 02118

Re:

**Certification of Compliance** 

45 Temple Street Boston, MA 02114

Dear Commissioner Christopher:

Please be advised that, on July 14, 2016, the Boston Redevelopment Authority d/b/a the Boston Planning & Development Agency ("BPDA") Board voted its authorization for the Director to issue a Certification of Compliance pursuant to Article 80B-6 of the Boston Zoning Code (the "Code") for the 45 Temple Street project (the "Proposed Project"), located at 33 – 61 Temple Street in the Beacon Hill neighborhood of Boston (the "Project Site"), upon successful completion of all Article 80 processes, subject to continuing design review by the BPDA.

The Proposed Project will consist of the redevelopment of the existing connected Archer and Donahue buildings into a seventy-(70) unit residential condominium building with amenity space including a concierge desk, package storage, mailroom, and an on-site property manager's office, and a below-grade garage containing fifty (50) parking spaces. On November 15, 2016, a Scoping Determination waiving further review was issued for the Proposed Project.

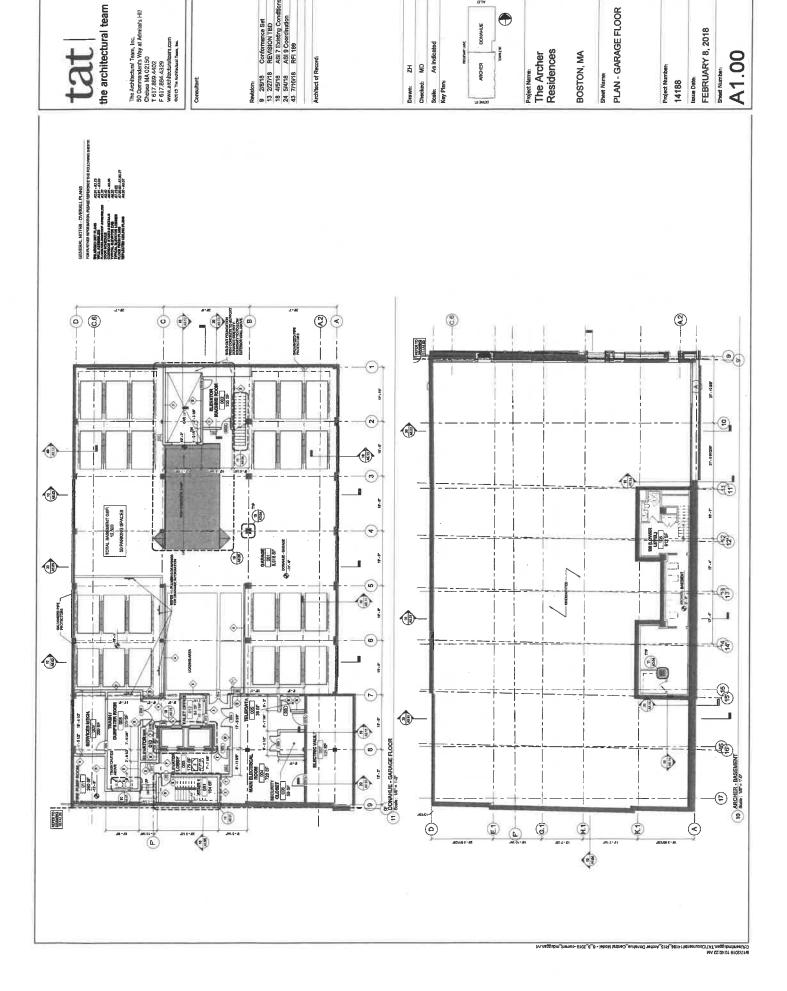
I hereby find that: (1) the application for a building permit submitted to the Inspectional Services Department with respect to for the Proposed Project complies with (i) the conditions of the Scoping Determination issued pursuant to Sections 80B-5.3 of the Code, and (ii) the provisions of Article 37: Green Buildings; and (2) the appropriate agreements have been executed in connection therewith. Pursuant to the July 14, 2016, vote by the BPDA and the above findings, and in compliance with Section 80B-6 of the Code, I hereby find and certify that the Proposed Project as shown on Contractual Drawings entitled "Archer Donahue", dated June 30, 2017, and approved by the BPDA on November 22, 2017, is in compliance with Article 80B of the Code, and therefore issue this Certification of Compliance.

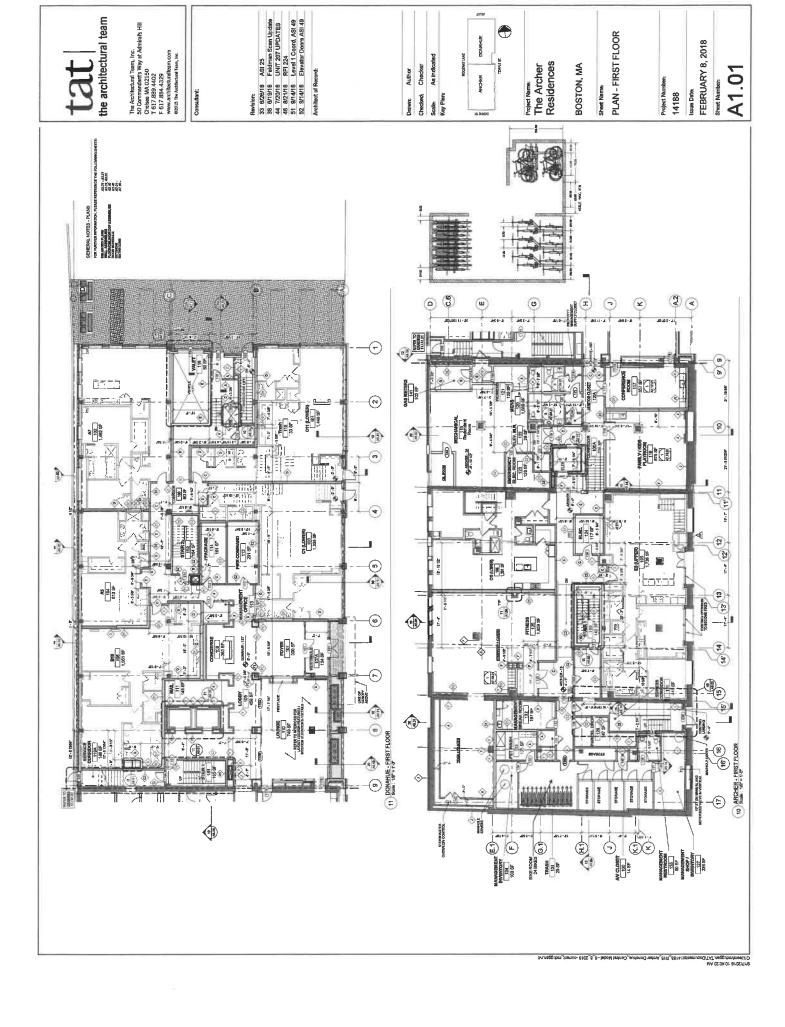
Sincerely,

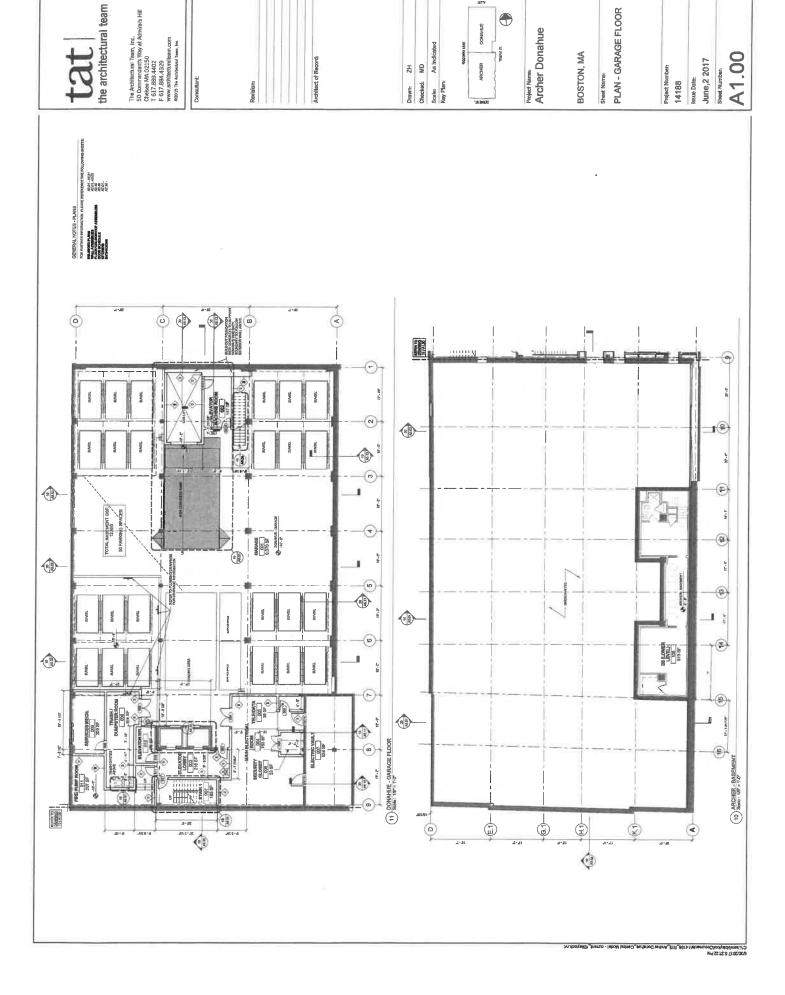
Brian P. Golden

Director

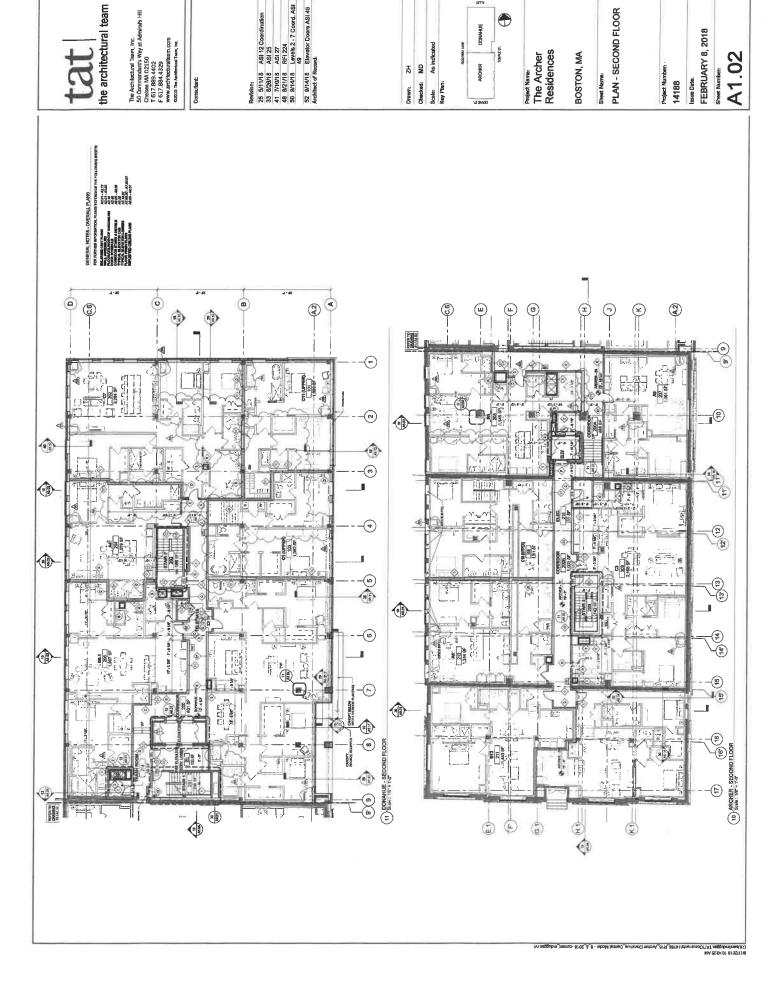
### Exhibit "F"

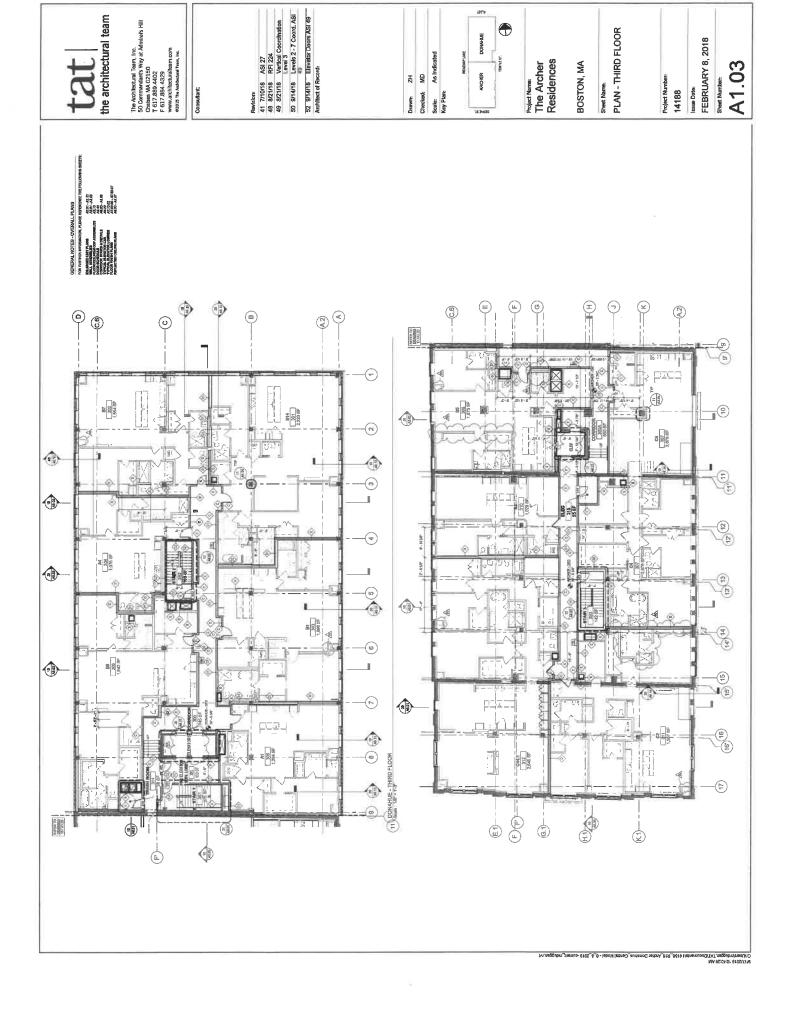


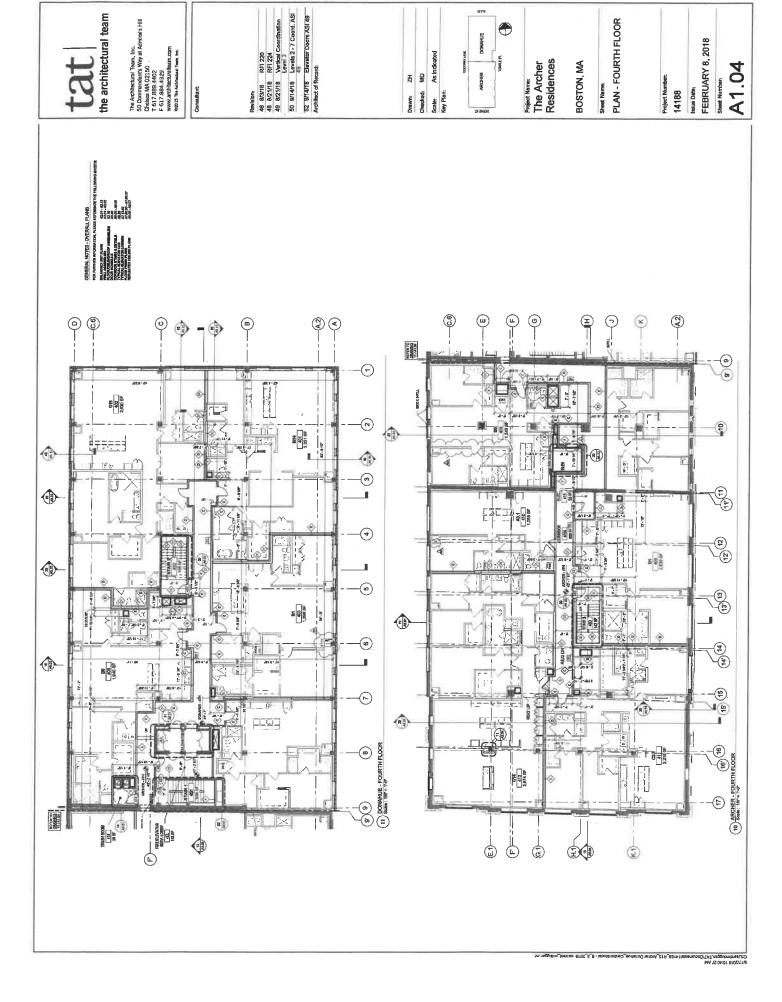


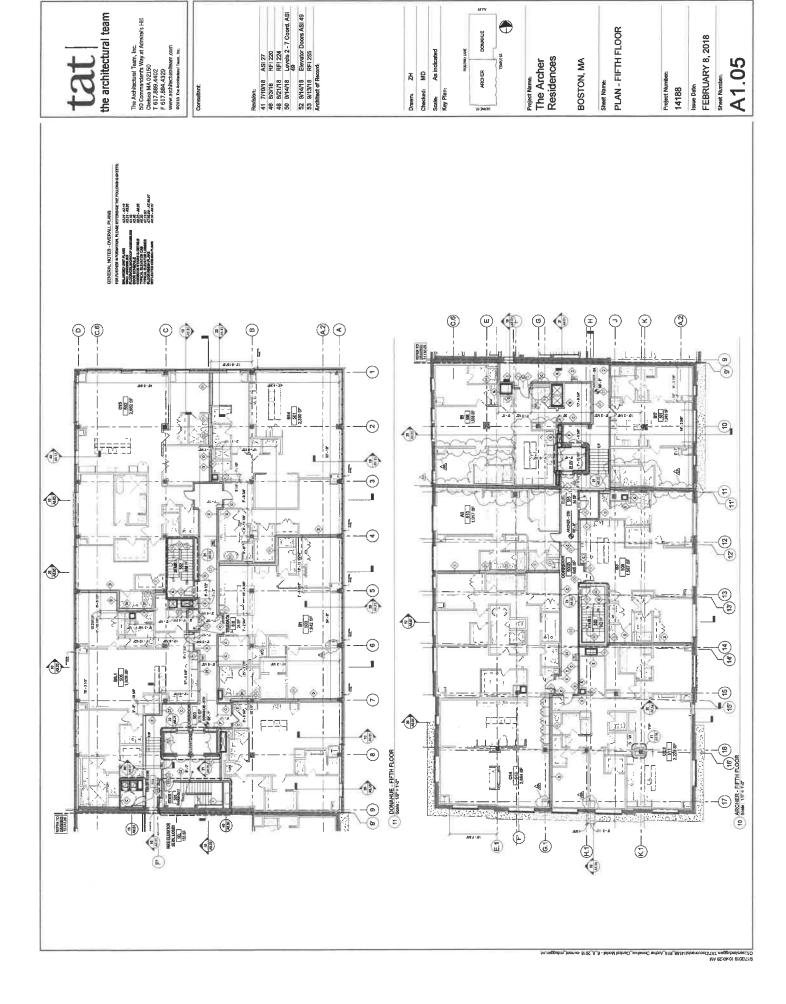


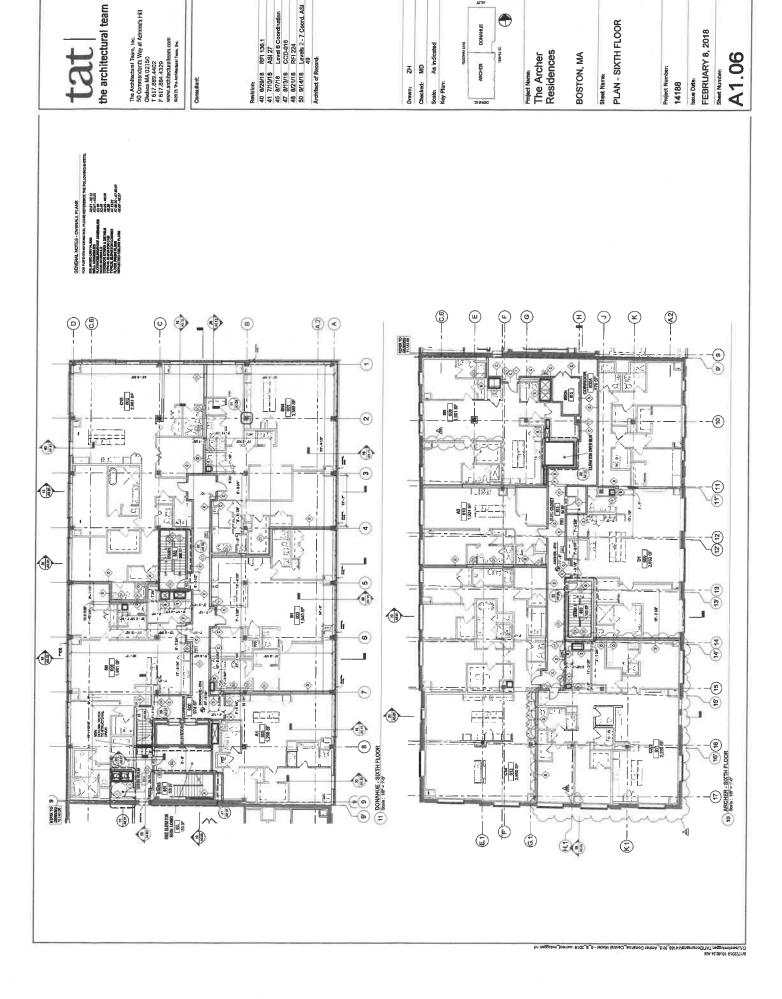
tat the architectural team Sheet Name: PLAN - FIRST FLOOR Project Name: Archer Donahue BOSTON, MA A1.01 Project Number 14188 Issue Date: 06/22/17 Sheet Number: **(** 4000  $\odot$ 1 1 CANDRY CANDRY ABOVE (10 ARCHER - FIRST FLOOR

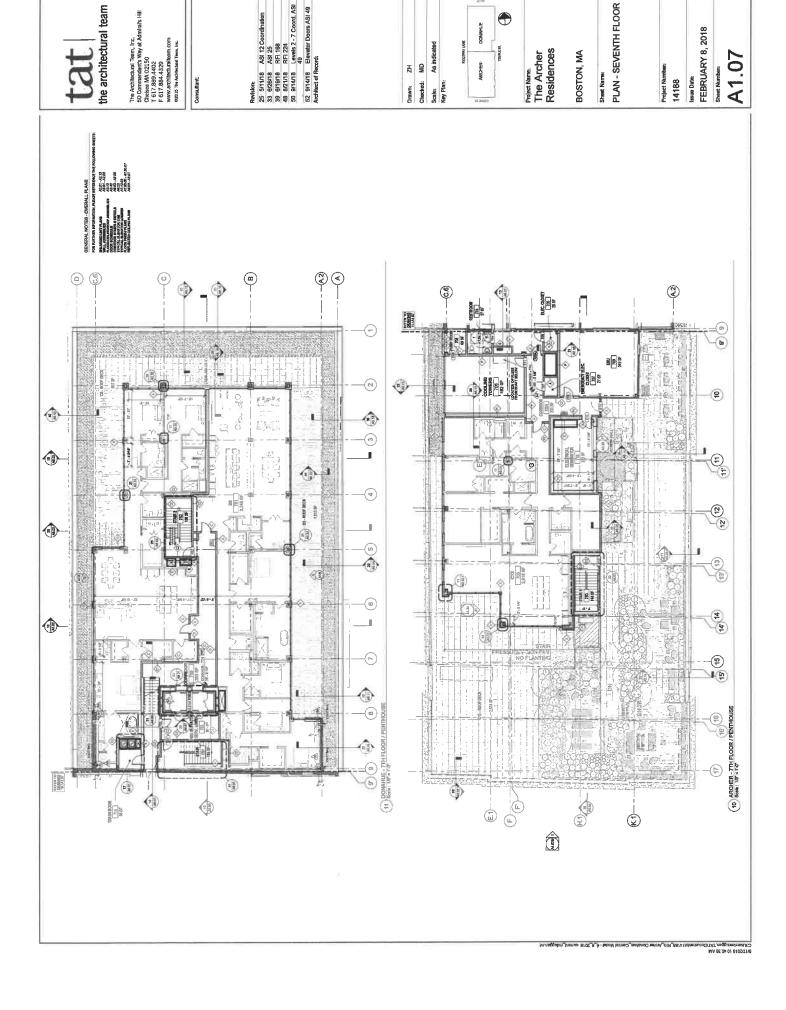


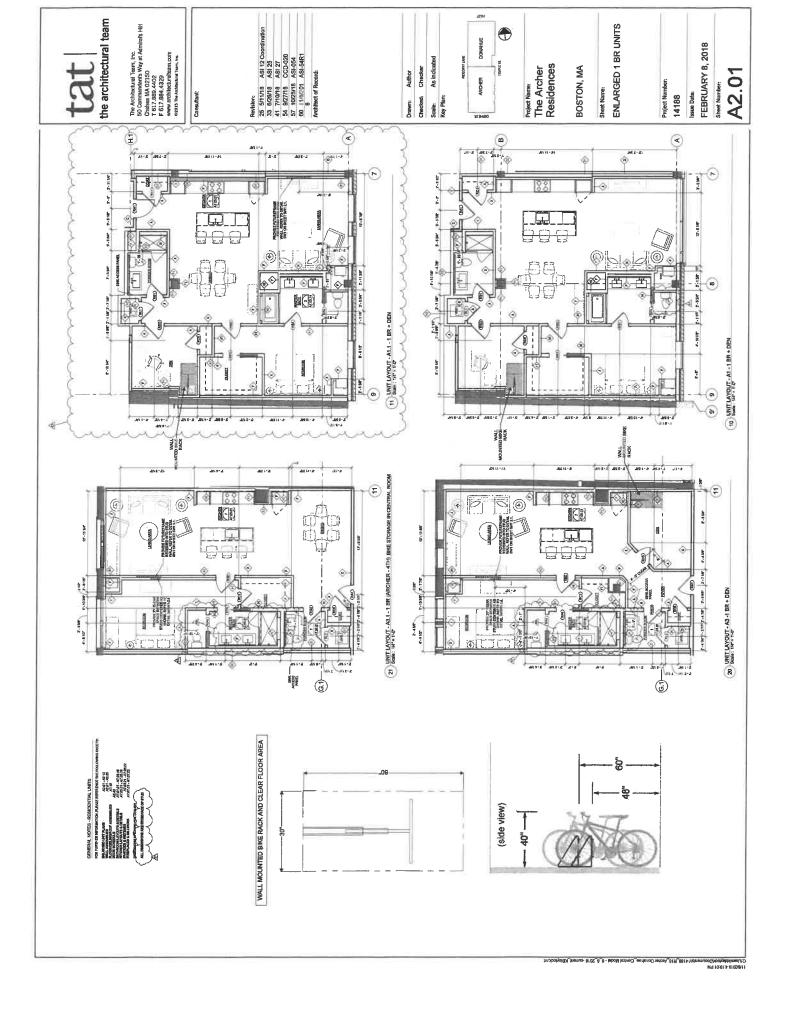


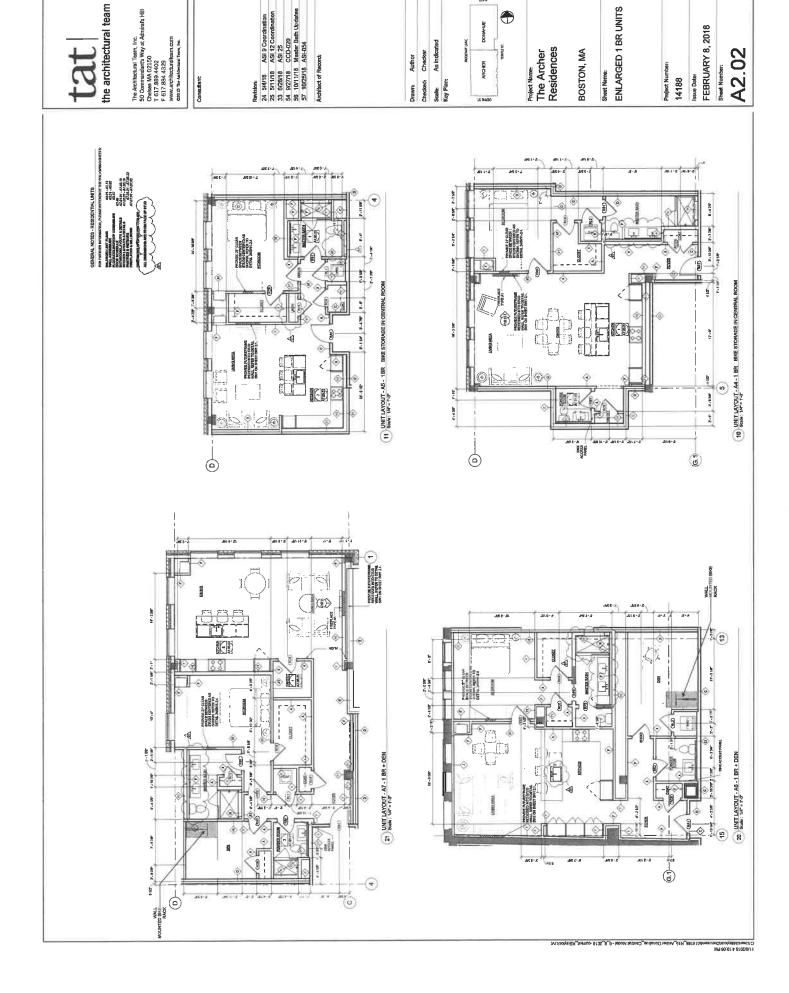


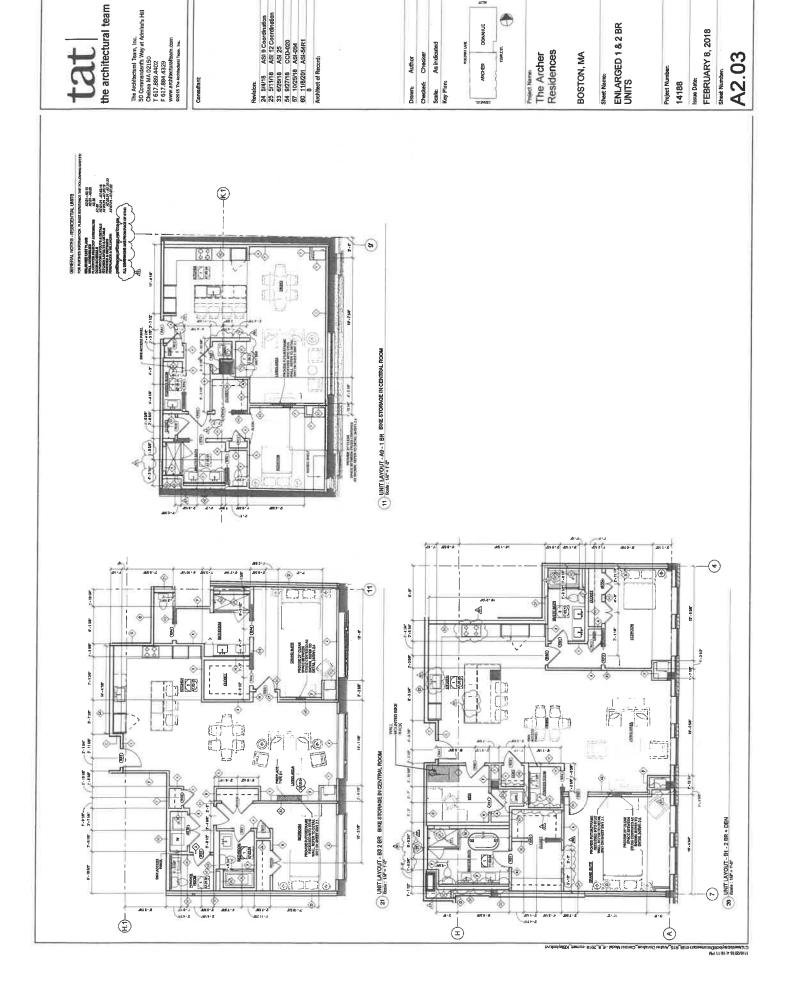


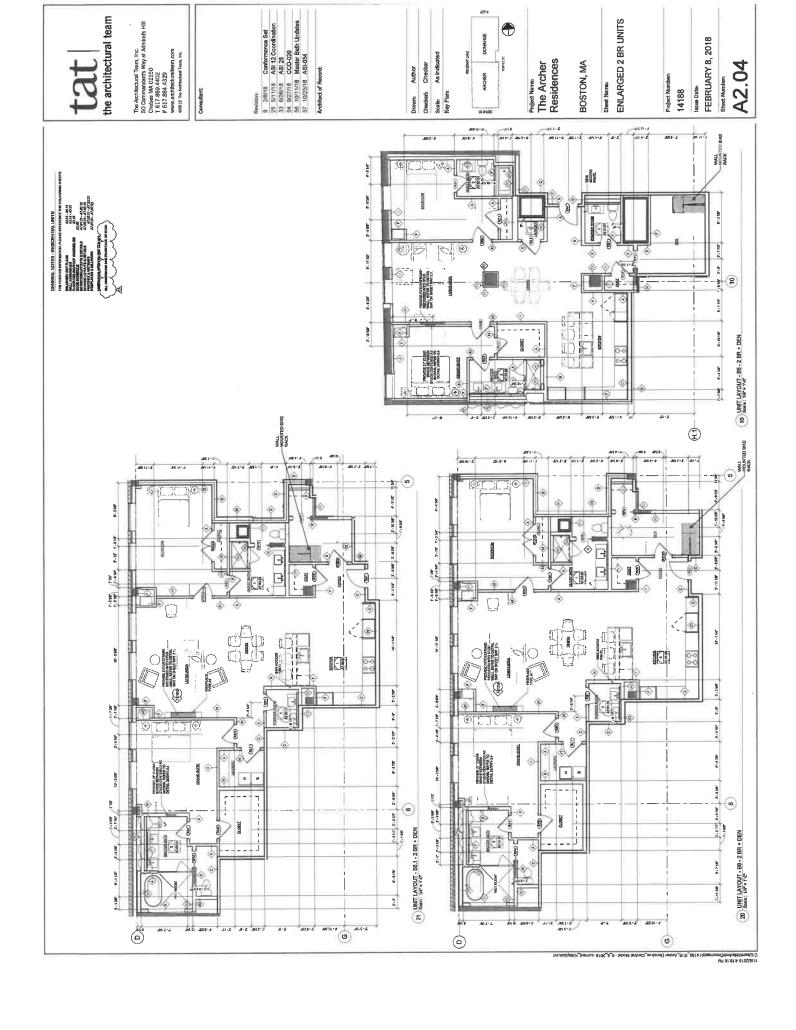


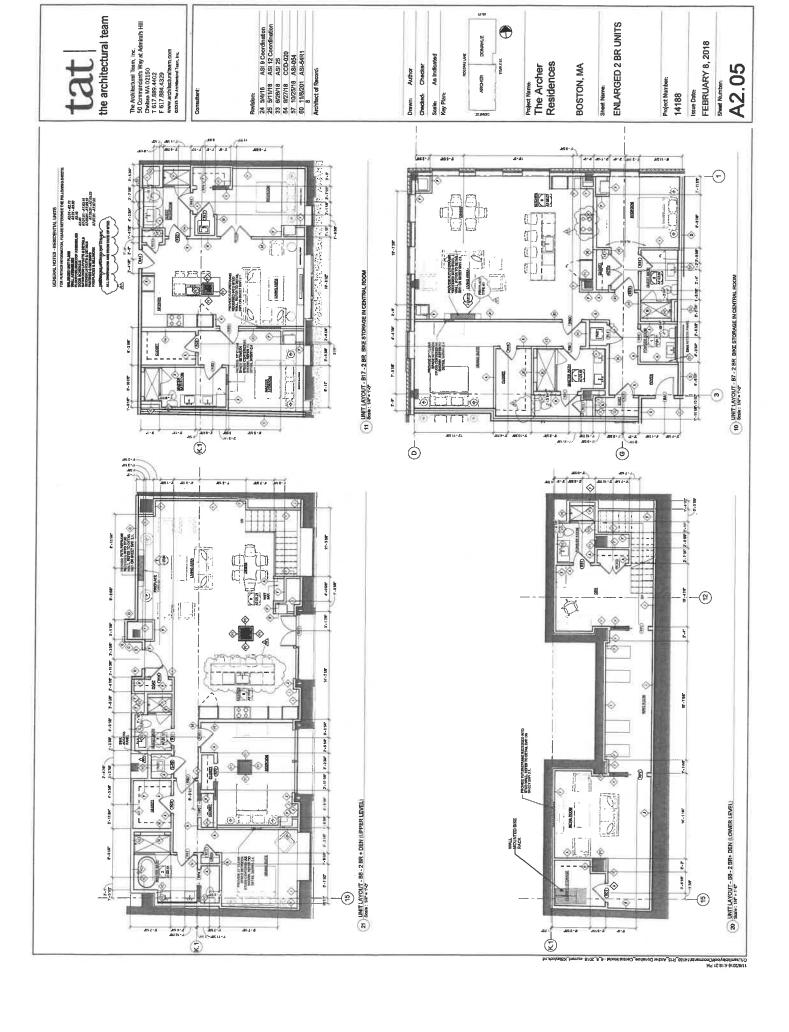


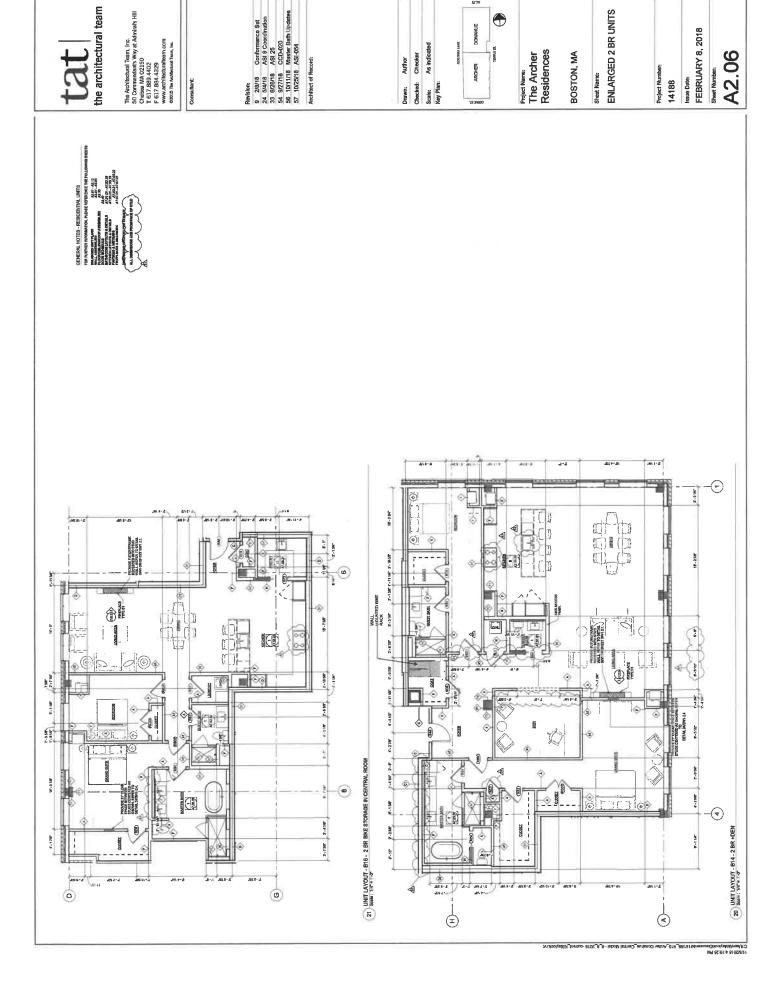


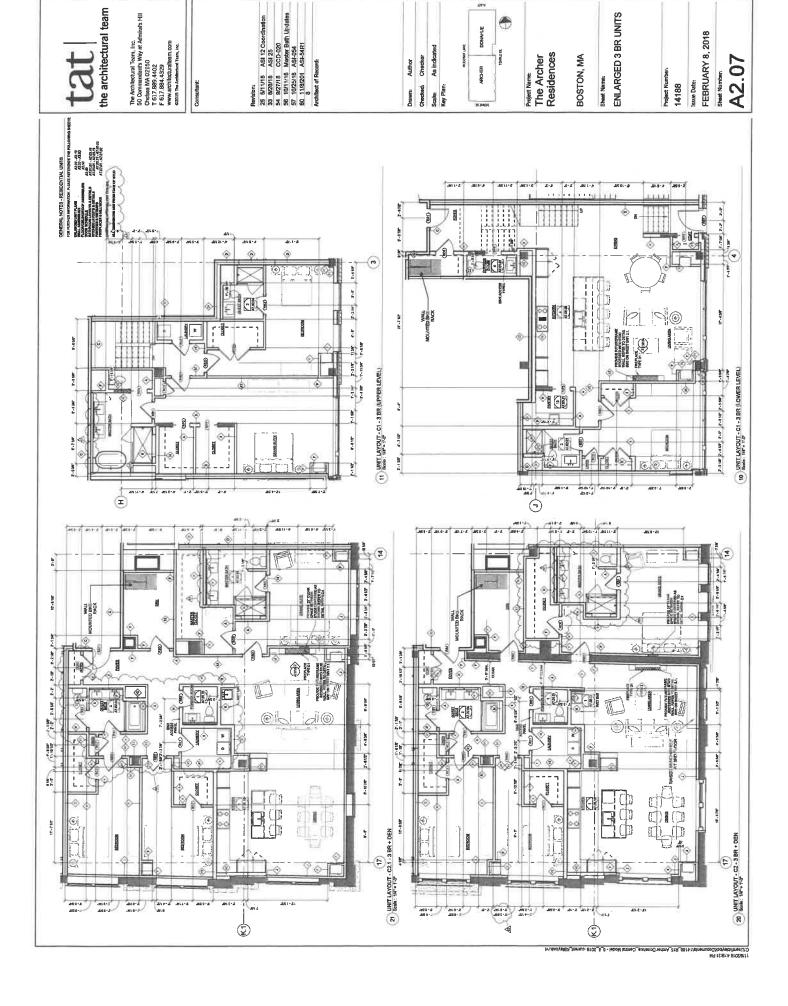


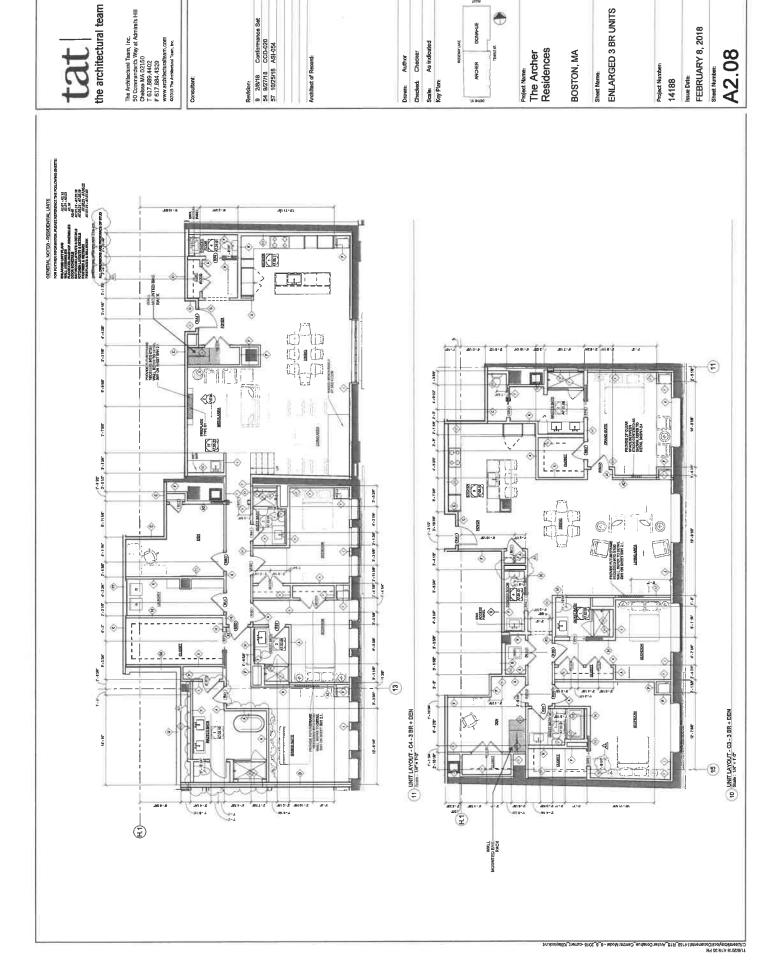


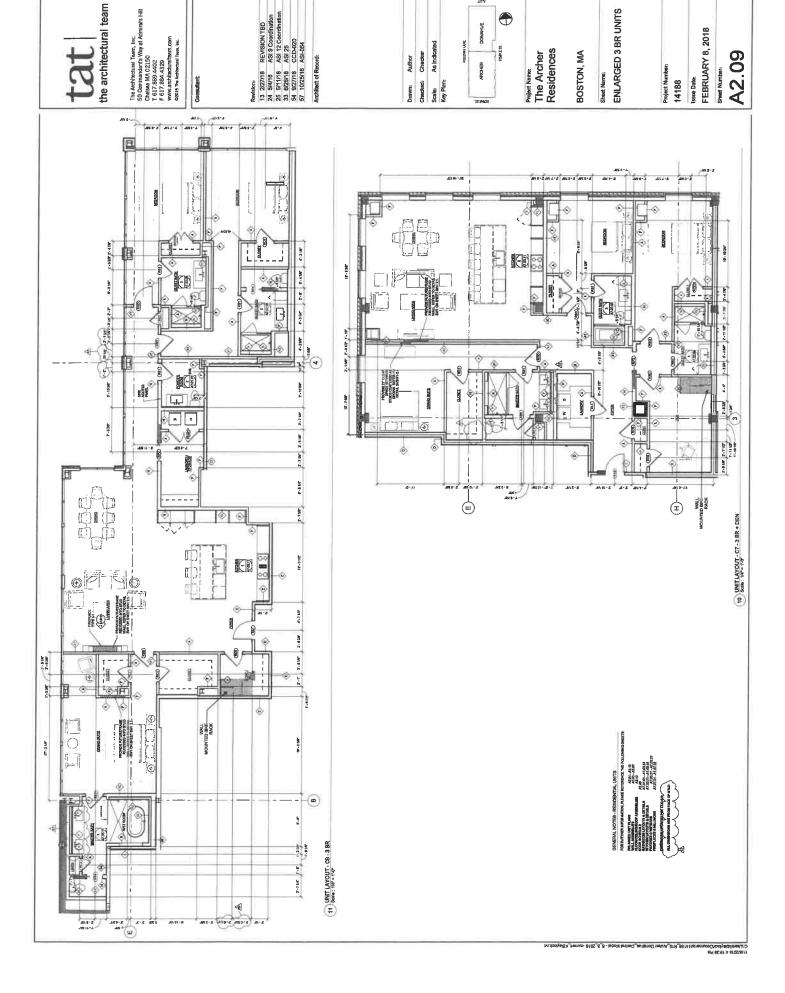


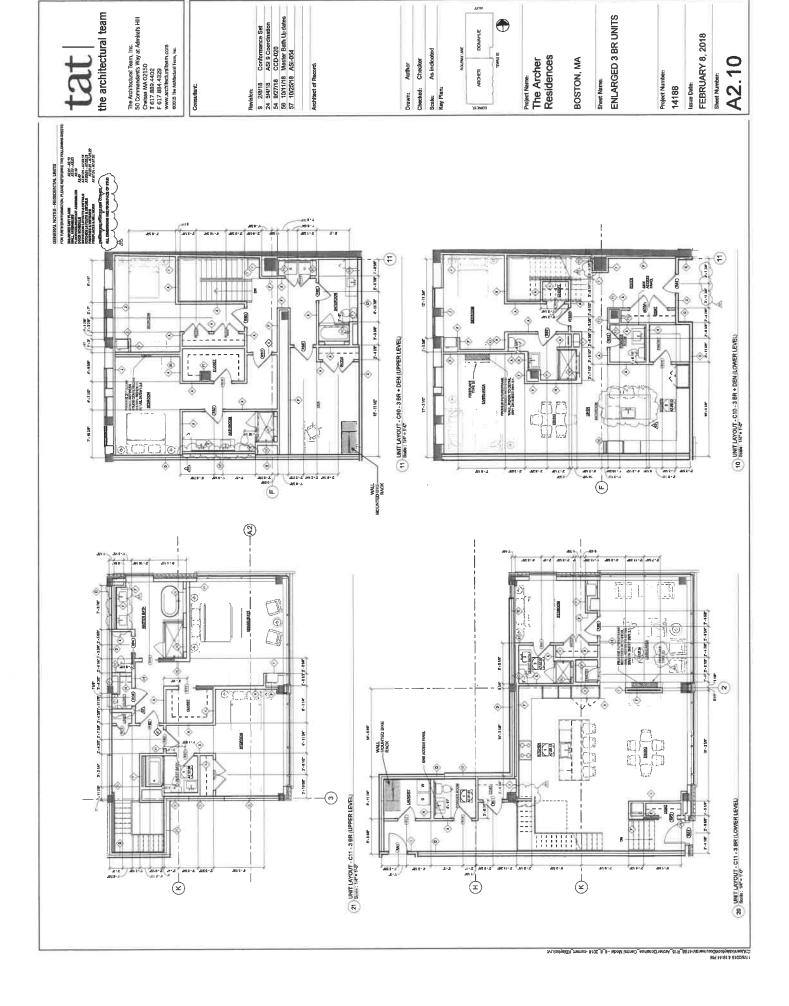


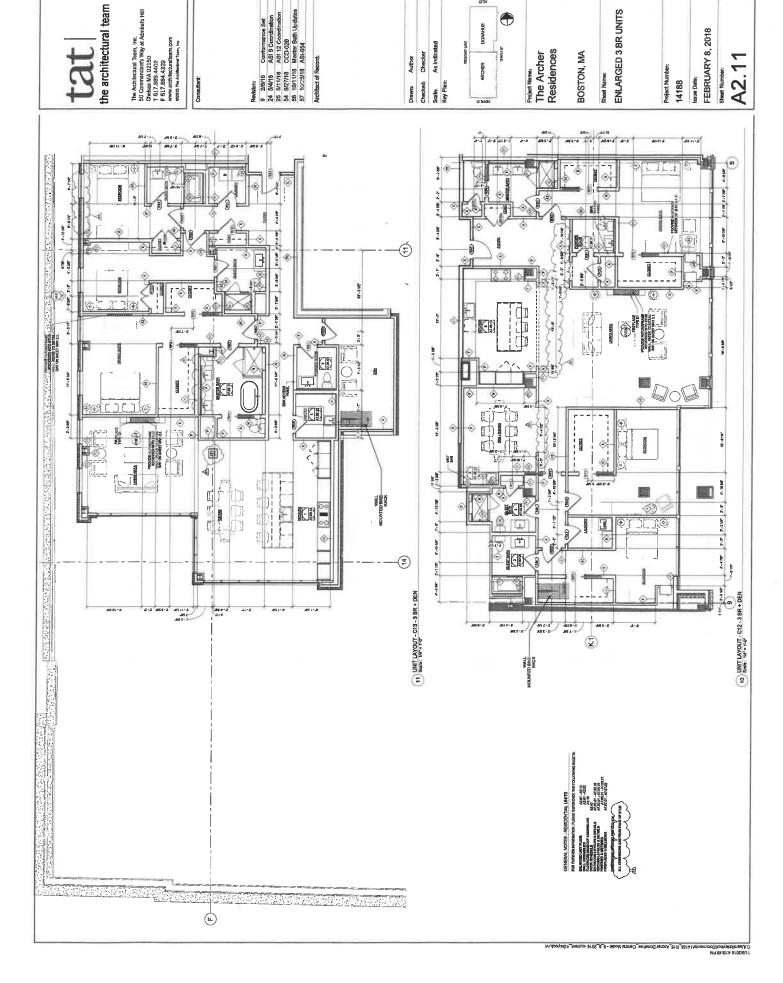


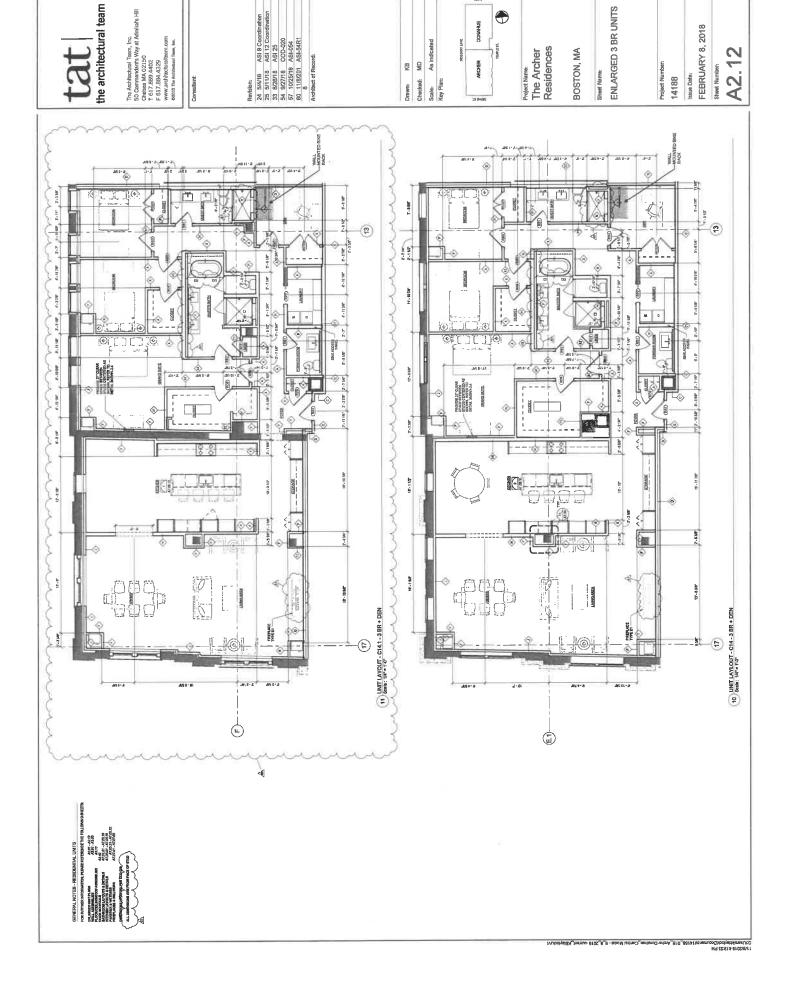


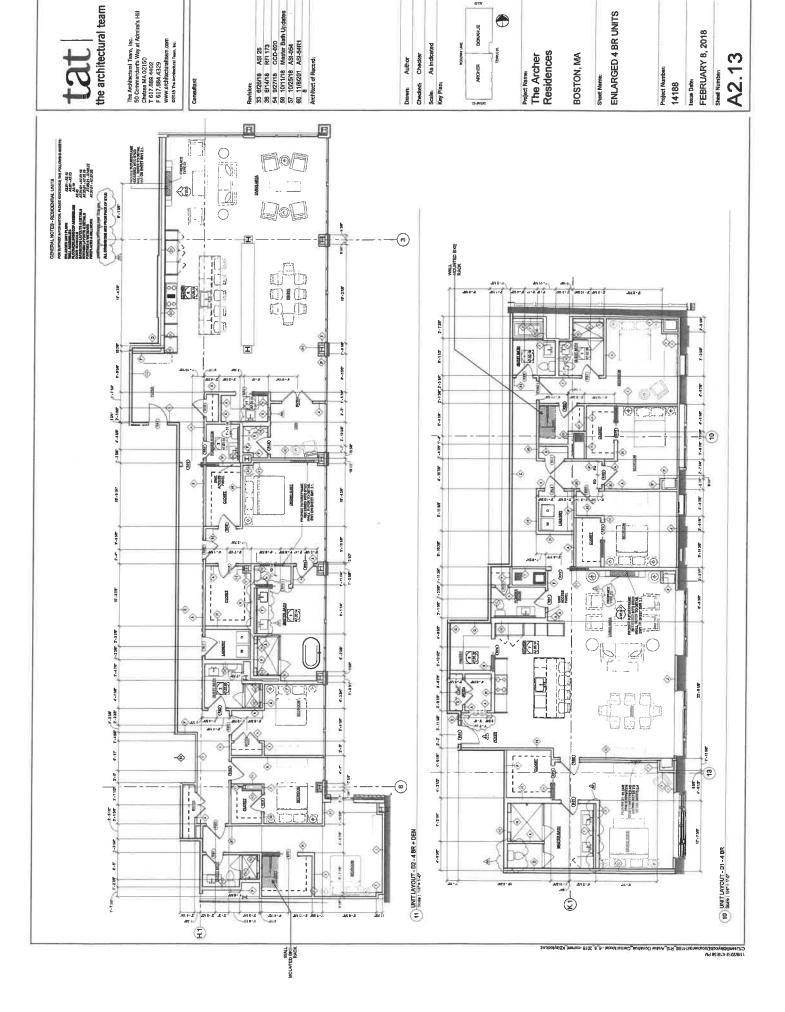


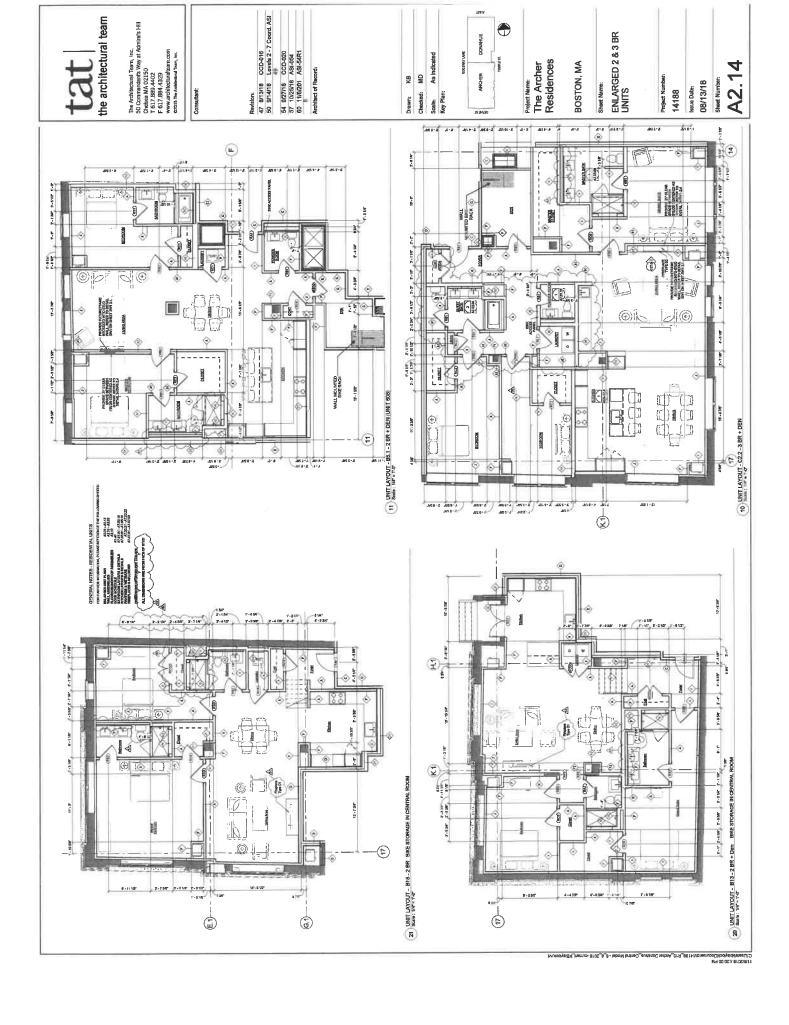


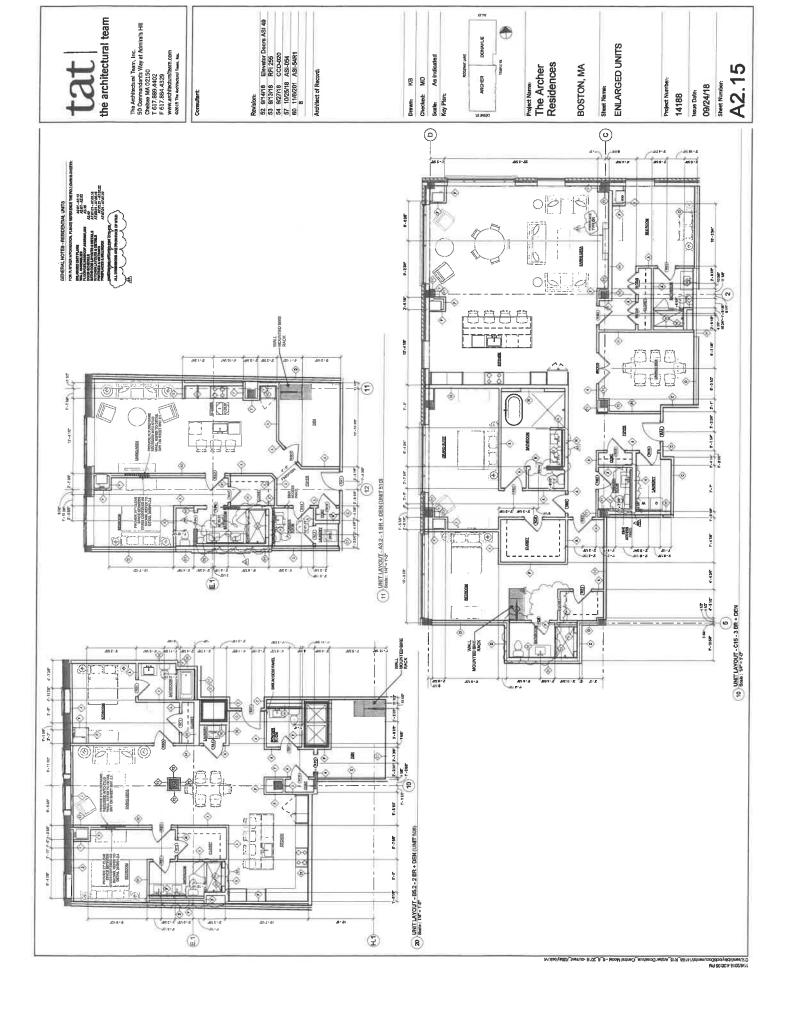




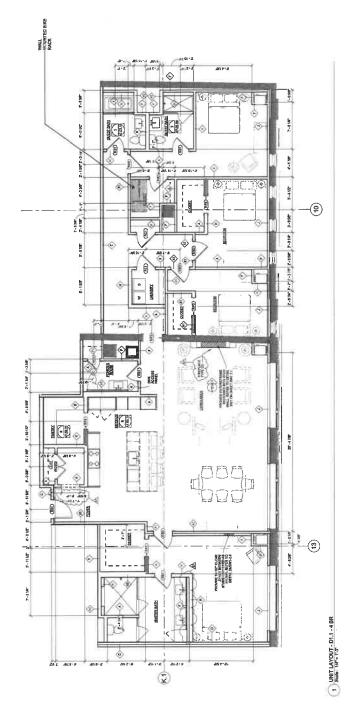








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Issue Date: 09/27/18 Sheet Number:

Project Number: 14188

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