

**BOSTON REDEVELOPMENT AUTHORITY**

**DEVELOPMENT PLAN**

**FOR**

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

**375-399 CHESTNUT HILL AVENUE**

Dated: \_\_\_\_\_, 2014

1. **Development Plan:** Pursuant to Section 3-1A(a), Section 51-44 and Article 80C of the Boston Zoning Code (the “Code”), this plan constitutes the Planned Development Area Development Plan (the “Development Plan”) for the development of a Planned Development Area Overlay District (the “PDA Overlay District”) containing approximately 2.13 acres located in the Cleveland Circle area of the Allston-Brighton Neighborhood District as described in Exhibit A attached hereto and as shown on the plan attached hereto as Exhibit B (the “PDA Site”). The PDA Site is comprised of two contiguous parcels of land. The Project Site (defined below) includes an additional approximately .42 acre area located in the Town of Brookline (the “Brookline Site”). The PDA Site is currently occupied by the shuttered Circle Cinema and an Applebee’s restaurant. The Proponent (as defined below) intends to purchase the parcels comprising the PDA Site and proposes to demolish the existing buildings on the site and construct a new mixed-use building with hotel, residential, and ground-floor retail/restaurant uses on the PDA Site (with hotel and ground-floor retail use on the Brookline Site), all as more fully described below.

For the purposes of this Development Plan, the term “Project” refers to the full project to be constructed on the Project Site (i.e., the PDA Site and the Brookline Site together); the term “PDA Project” refers to the portion of the Project to be constructed on the PDA Site. This Development Plan sets forth the proposed: (i) location and appearance of structures, open spaces and landscaping; (ii) uses; (iii) densities and dimensions of structures; (iv) traffic circulation, parking and loading facilities; and (v) access to public transportation with regard to the PDA Project as defined below. 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.

This Development Plan consists of seven (7) pages of text plus attachments designated Exhibits A through H. All references to this Development Plan contained herein shall pertain only to such pages and exhibits. This Plan shall constitute permanent zoning for the PDA Site in accordance with Section 3-1A and Article 80C of the Code.

2. **The Proponent:** The Proponent of the Project is Boston Development Group and its affiliates, successors and assigns. The Proponent has filed all of the requisite disclosures.

The business address, telephone number and designated contact for the Proponent is: Boston Development Group, 93 Union Street, Suite 315, Newton Centre, MA 02459, Attention: John Meunier.

3. **Planned Development Area Overlay District:** The proposed PDA Site is located within the Cleveland Circle Community Commercial Subdistrict (CC-3) of the Allston-Brighton Neighborhood District, carrying a designation of CC-3 on Map 7A/7C of that series of maps titled “Zoning Districts, City of Boston” (the “CC-3 Subdistrict”) pursuant to the text amendment and map amendment approved by the Boston Zoning Commission (the “BZC”) on July 23, 2014. Pursuant to such amendments, Planned Development Areas are permitted within the area that includes the PDA Site. The map amendment approved by the BZC on July 23, 2014 establishes the boundaries of the PDA Site.

4. **Project Site:** The Proponent proposes to build the Project on the following two (2) parcels, which together contain approximately 2.56 acres in total located in Boston and Brookline (the “Project Site”), including approximately 2.13 acres within the PDA Site as indicated on the site plan attached hereto as Exhibit B:

- a. 375-399 Chestnut Hill Avenue, an approximately 78,020 square foot lot currently improved with the two-story former Circle Cinema and surface parking. Approximately 59,844 square feet of this lot is located in Boston; approximately 18,176 square feet of land is located in Brookline).<sup>1</sup>
- b. 381 Chestnut Hill Avenue, a 33,014 square foot lot currently improved with a one-story Applebee’s restaurant and surface parking, located entirely in Boston.

5. **Project:** The Proponent proposes to (i) demolish the existing improvements and (ii) construct a new mixed-use building on the Project Site, including a new approximately 162 key hotel (with approximately 80 rooms within the PDA Site), approximately 92 residential units (all within the PDA Site), and approximately 14,000 square feet of Gross Floor Area of first-floor retail/restaurant uses (with approximately 6,400 square feet within the PDA Site), for a total of approximately 218,520 square feet of Gross Floor Area (with approximately 173,680 square feet of Gross Floor Area within the PDA Site) and approximately 188 parking spaces (with approximately 176 parking spaces within the PDA Site), including a combination of underground and at-grade parking spaces. The PDA Project building will have a maximum building height of up to 70 feet.

The Project will comply with the requirements of Article 37, Green Buildings, of the Code. The Project team will use the U.S. Green Building Council’s Leadership in Energy and Environmental Design (“LEED”) V3 NC 2009 green building rating system to evaluate sustainable design measures, in accordance with Article 37 of the Code.

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<sup>1</sup> The Code defines a “Lot” as a parcel of land “in single ownership.” 375-399 Chestnut Hill Avenue is comprised of three (3) distinct parcels that will be held in common ownership. For purposes of this Development Plan, the PDA Site will constitute a single Lot, regardless of the number of separate legal lots which may comprise the PDA Site.

6. **Proposed Location and Appearance of Structures:** The selected elevations attached hereto as Exhibit C illustrate the Project's general appearance. The Project's design, layout, and general appearance may evolve during ongoing design review with the Boston Redevelopment Authority (the "Authority").

7. **Proposed Density and Dimensions of Structures:** The bulk and dimensional attributes of the Project are described below:

a. **Building Height:** The PDA Project's hotel component is anticipated to be five (5) stories reaching a height of up to sixty-three (63) feet, while the residential component will reach six (6) stories and a height of up to seventy (70) feet. The PDA Project's maximum Height of Building (as defined in Article 2A of the Code) is hereby permitted to reach a height of up to seventy 70 feet.

b. **Floor Area Ratio:** The PDA Project will contain approximately 173,680 square feet of Gross Floor Area, and the PDA Site contains approximately 92,849 square feet of Lot Area, resulting in a Floor Area Ratio of approximately 1.9. The PDA Project will in no event exceed a Floor Area Ratio of 2.15.

c. **Other Bulk and Dimensional Requirements.** The PDA Project shall comply with the bulk and dimensional requirements set forth on **Exhibit D.**

8. **PDA Plan Approval Standards:** The Project satisfies the requirements of Section 80C-4 of the Code and all other applicable provisions of the Code. More specifically, this Development Plan conforms to the plan for the geographic area in which the Project Site is located and to the general plan for the City as a whole. In addition, nothing in this Development Plan will be injurious to the neighborhoods surrounding the Project or otherwise detrimental to the public welfare, weighing all the benefits and burdens. As outlined herein, this Development Plan: (i) is not for a location or project for which planned development areas are forbidden by underlying zoning; (ii) complies with all provisions of underlying zoning that establish use, dimensional, design, or other requirements for proposed projects in planned development areas except as modified hereby; and (iii) complies with all provisions of underlying zoning that establish planning and development criteria, including public benefits, for planned development areas. In the course of the review process described under Section 14 of this Development Plan, the impacts of the Project upon the surrounding neighborhoods and upon the public welfare generally have been fully addressed, and appropriate mitigation has been proposed and incorporated into the Project. Section 51-49 of the Code provides that the BRA may approve a planned development area development plan within the CC-3 Subdistrict if the Authority finds that such development plan proposes a plan for public benefits, including one or more of the following, as set forth in Section 51-49. As noted below, the Project satisfies several of the relevant standards for PDA approval of Section 51-49 of the Code:

a. **Jobs and Economic Health:** A development plan may meet the standards of Section 51-49 by proposing a use that diversifies economic and job opportunities in the City and/or invests in economic health of the City. The Proponent will revitalize the existing underutilized site, returning jobs and revenue to the site of the shuttered Circle

Cinema. The Project is anticipated to create approximately 100 construction jobs and 120 permanent jobs, ranging in skill and wage levels in the hotel and retail/restaurant components. The Project's residential, hotel, and retail/restaurant components will also bring increased tax revenue to the City. Accordingly, the Project will contribute extensively to the economic health of the City.

b. **Provision of Affordable Housing:** A development plan may be approved if it provides for affordable housing available to Allston-Brighton and Boston residents. The Project is anticipated to include fifteen percent (15%) of the number of market-rate units as on-site affordable units, governed by an Affordable Housing Agreement with the BRA, and will comply with the applicable Executive Orders of the Mayor of the City of Boston in effect as of the date hereof relative to the City's Inclusionary Development Policies.

c. **Improvements to the Aesthetic Character of the Project Site.** Section 51-49(d) allows the approval of a Development Plan if it improves the aesthetic character of the development site and its surroundings. A large portion of the Project Site is currently vacant and setback significantly from Chestnut Hill Avenue. The design of the Project brings the new building closer to the street and introduces pedestrian- and neighborhood-friendly transparent ground floor retail spaces. The Project's design will activate the streetscape and provide a more desirable street edge, with a 24-hour vibrancy not currently present.

9. **Proposed Open Space and Landscaping:** The PDA Project will include open spaces for use by hotel guests, residents and/or other visitors to the Project as generally shown on the Open Space Plan attached hereto as **Exhibit E**. The open space on-site will be primarily facing Cassidy Playground on the north side of the Project Site and is planned to include new plantings, a lawn, and upgraded walkways. The Project is designed to activate the open space on-site and in Cassidy Playground by including outdoor patios for the pool and restaurant uses along the park's edge.

10. **Proposed Uses:** The Project may be used for those commercial, residential, and off-street parking and accessory uses listed in **Exhibit F** attached hereto.

11. **Proposed Traffic Circulation:** The Project Site currently includes four (4) existing, unsignalized curb-cuts onto Chestnut Hill Avenue, creating a number of conflicts when visitors enter and exit the Project Site and navigate the nearby intersection with Beacon Street. As shown on the Traffic Circulation Plan attached hereto as **Exhibit G**, the Project will improve this traffic pattern by installing one consolidated, signalized access point approximately twenty-eight (28) feet wide at the center of the Project Site. Visitors to and occupants of the Project will be brought off the street for drop-off and/or parking interior to the Project Site. All vehicular access and the majority of vehicular egress will be via Chestnut Hill Avenue, with sixty (60) spaces reserved for overnight hotel guests and hotel employees being permitted to exit the site to Beacon Street by way of the driveway at the back of the PDA Site. Traffic impacts of the proposed Project design and uses have been analyzed further in the course of Large Project Review for the Project. Mitigation measures to address any such traffic impacts will be the

subject of a Transportation Access Plan Agreement between the Proponent and the Boston Transportation Department.

12. **Proposed Parking and Loading Facilities:** As shown on the Parking and Loading Plan attached hereto as **Exhibit H**, approximately 188 off-street parking spaces (66 net new parking spaces) will be provided on the Project Site, including approximately 176 parking spaces on the PDA Site. Of the 188 total parking spaces on the Project Site, approximately 92 will be below-grade parking spaces (in a single level of below grade parking) and approximately 96 will be surface spaces. All surface spaces and approximately 80 below-grade spaces are located within the PDA Site. Approximately 81 surface spaces will be specifically dedicated to the hotel guests and employees, resulting in a ratio of .5 spaces per hotel room. The below-grade spaces will be dedicated to the residential units, resulting in a ratio of approximately 1.0 space per residential unit. The remaining surface spaces will be available for use by retail/restaurant patrons, resulting in parking ratios of approximately 1.0 space per 1,000 square feet of Gross Floor Area of retail/restaurant uses. All parking spaces will be limited to use by the Proponent's or its operator's employees, tenants, customers and invitees, and will not be available to the public at large. The Project will include two loading areas, with three loading bays. Loading access and egress will be from Chestnut Hill Avenue.

13. **Access to Public Transportation:** The Project is well-served by public transportation given its close proximity to three (3) of the MBTA Green Line routes (B, C, and D). MBTA bus service provides access to farther afield locations such as Sullivan Square in Somerville (Route 86) and Forest Hills in Jamaica Plain (Route 51). Together, these public transportation facilities provide convenient access to much of greater Boston from the Project Site.

14. **Development Review Procedures:** All aspects of the proposed PDA Project design will be subject to ongoing development review and approval by the Authority. The Proponent filed an Expanded Project Notification Form for the Project initiating the Large Project Review process with the Authority on August 16, 2012, followed by a Draft Project Impact Report on March 13, 2013 and a filing of supplementary materials on February 26, 2014. The Authority voted on June 19, 2014 to issue a Preliminary Adequacy Determination waiving further review.

15. **Public Benefits:** The public benefits of the Project include those described below. Further, the Proponent shall obtain any and all additional approvals required for the construction of the public benefits.

a. **Public Realm:** As part of the PDA Project, subject to required City approvals, the Proponent will reconfigure and improve abutting streets and sidewalks to improve roadway quality, traffic flow, handicapped access and pedestrian safety, including a new signalized intersection at the center of the Project Site and upgraded sidewalks and walkways along the PDA Site.

b. **Urban Design Benefits:** The Project will re-energize this partly vacant and underutilized site, returning 24 hour vitality and a more appealing streetscape to this

important corner of Cleveland Circle. The Project will include significant streetscape improvements to the pedestrian realm surrounding the PDA Site, including new sidewalks and new street trees. The Project will also include an important open space area transitioning between the Project Site and nearby Cassidy Playground. The PDA Project will provide a more appealing view from the park and will activate the park and the corner by including a gently sloping lawn and walkways and outdoor, animated uses such as a pool and patio, and restaurant outdoor seating.

c. Financial Benefits: The PDA Project will result in significant financial benefits to the City, including increased property taxes, as well as generating new state hotel occupancy tax, local occupancy tax, and convention center financing fees.

d. Job Creation: The mix of uses at the Project will create a significant number of job opportunities at the Project Site. These jobs will be at a variety of wage and skill levels and will boost a range of job sectors, including the hotel and retail/restaurant industries. The Project is anticipated to create approximately 100 full- and part-time construction jobs.

e. Smart Growth/Transit-Oriented Development: The Project exemplifies smart-growth and transit-oriented development by concentrating new commercial and residential uses in close proximity to major regional rapid transit and bus lines that provide easy access to the Project Site from all of the City's neighborhoods and suburbs.

f. Sustainable Design: The Project will comply with the requirements of Article 37 of the Code. The Project team will use the U.S. Green Building Council's Leadership in Energy and Environmental Design ("LEED") V3 NC 2009 green building rating system to evaluate sustainable design measures, in accordance with Article 37 of the Code. It is anticipated that the PDA Project, as designed, will meet a certifiable level of LEED certification, and the Project team will continue to research additional sustainable and energy-efficient measures as the PDA Project design develops.

g. Creation of Housing Opportunities: The PDA Project will provide a variety of housing options for the residents of Allston-Brighton and the City of Boston, including a significant number of affordable housing units. More specifically, twelve units in the Project (i.e., fifteen percent (15%) of the market-rate units) will be affordable units in compliance with the Mayor's Inclusionary Development Policy.

i. Cassidy Playground: The Proponent has committed to make a significant contribution to plan and implement improvements at Cassidy Playground.

16. Applicability: In accordance with Section 80C-9 of the Code, consistency of the PDA Project with this Development Plan constitutes compliance with the dimensional, use and all other requirements of the Code to the extent such requirements have been addressed in this Development Plan. To the extent that any aspect of proposed uses and proposed structures complying with this Development Plan are in conflict with any requirement of the Code not

specifically addressed in this Development Plan, such requirements shall be deemed to be waived upon approval of this Development Plan.

17. **Minor Modifications to Plans:** This Development Plan sets forth the dimensional, use and other zoning requirements for the PDA Project and the PDA Site, to the extent such requirements have been addressed in this Development Plan. Once this Development Plan is approved, final plans and specifications for the PDA Project will be submitted to the BRA pursuant to Section 3-1A and Article 80C of the Code for final design review approval and certification as to consistency with this Development Plan, and to other governmental agencies and authorities for final approval. Accordingly, subject to consistency with the dimensional regulations set forth in Exhibit D to this Development Plan, minor changes may occur to the PDA Project's design described in this Development Plan without requiring a PDA amendment.

18. **Development Schedule:** The Proponent estimates that construction of the Project will take approximately eighteen (18) months. Initial site preparation work is expected to begin in the first quarter of 2015, with the Project expected to be ready for occupancy in the third quarter of 2016.

19. **Proponent's Obligations to Proceed with 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 Project.

## List of Attachments

- Exhibit A PDA Site Perimeter Description
- Exhibit B PDA Site Plan
- Exhibit C Elevations
- Exhibit D Summary of Applicable Dimensional Requirements
- Exhibit E Open Space Plan
- Exhibit F Allowed Uses
- Exhibit G Traffic Circulation Plan
- Exhibit H Parking and Loading Plan



EXHIBIT A

**PDA Site Perimeter Description**

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

The limits of the Planned Development Area are bounded and described as follows:

BEGINNING at a point at the South side of Chestnut Hill Avenue at a cross cut in a stone bound at the City and County line between Boston and Brookline; thence

S 45°15'45"W            along the City and County line, 125.02 feet to a point  
Counter-clock-wise along the City and County line on a curve  
with a radius of 432.38 feet for an arc distance of 69.30 feet to a  
point

S 54°49'19"E            along the City and County line a distance of 56.91 feet to land of  
the MBTA

S55°08'44"W            a distance of 24.61 feet to a point

S50°41'58"W            a distance of 90.05 feet to a point

S48°47'55"W            a distance of 68.02 feet to a point

S55°33'21"W            a distance of 92.37 feet to a point

S51°50'12"W            a distance of 96.88 feet to a point

S50°45'42"W            a distance of 349.92 feet to a point

N39°14'18"W            a distance of 24.73 feet to a point

S52°05'37"W            a distance of 37.44 feet to a point

N50°48'53"W            a distance of 17.98 feet to a point

N45°16'10"E            a distance of 554.84 feet to a point

N44°29'08"W            a distance of 67.41 feet to a point

N00°44'14"E            a distance of 46.47 feet to a point

N40°21'23"E            a distance of 261.44 feet to a point

Clock-wise                    along a curve with a radius of 14.68 feet where Chestnut Hill Avenue meets Cleveland Circle for an arc distance of 15.51 feet to a point of tangency

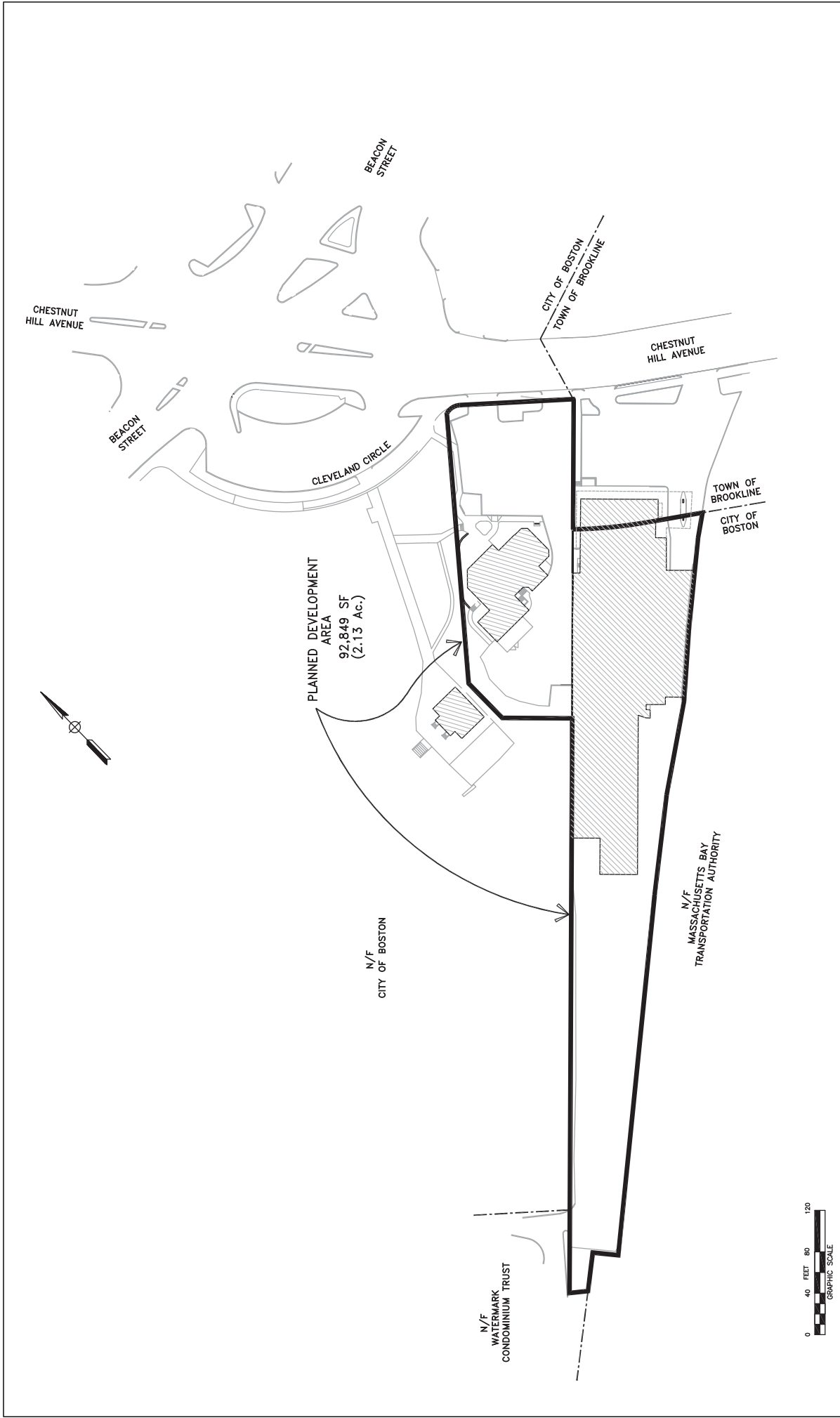
S47°36'05"E                Along Chestnut Hill Avenue for a distance of 110.12 feet to the Point of Beginning at the City and County line.

The above described Planned Development Area contains 92,849 SF (2.13 acres) and is shown on a plan entitled "PDA Site Plan, Chestnut Hill Avenue at Cleveland Circle, Boston, MA," dated July 15, 2014, prepared by Bruce Saluk & Associates, Inc., Civil Engineers & Land Surveyors.

EXHIBIT B

**PDA Site Plan**

[see attached]



NO.	DATE	DESCRIPTION	BY

DATE: JULY 15, 2014

PREPARED BY:  
 BRUCE SALUK & ASSOC., INC.  
 CIVIL ENGINEERS & LAND SURVEYORS  
 105A WASHINGTON STREET, EAST  
 MARLBOROUGH, MA 01752  
 TEL: 508-485-1862 FAX: 508-481-9929

PREPARED FOR:  
 BOSTON DEVELOPMENT GROUP  
 93 UNION STREET, SUITE 315  
 NEWTON CENTRE, MA 02459

PDA SITE PLAN  
 CHESTNUT HILL AVENUE AT CLEVELAND CIRCLE  
 BOSTON, MA

PDA

FILE: 20140715PDA\BDC.dwg

375 - 399 CHESTNUT HILL AVENUE BOSTON, MASSACHUSETTS



EXHIBIT C

**Elevations**

[see attached]



Chestnut Hill Avenue Elevation



Rear Elevation

375 - 399 CHESTNUT HILL AVENUE BOSTON, MASSACHUSETTS



MBTA Elevation



Cassidy Playground Elevation

375 - 399 CHESTNUT HILL AVENUE BOSTON, MASSACHUSETTS

EXHIBIT D

**Summary of Applicable Dimensional Requirements**

<u>Zoning Requirement</u>	<u>Permitted by Development Plan</u>
Maximum Building Height	70 feet
Maximum Floor Area Ratio	2.15
Minimum Front Yard	5 feet
Minimum Side Yard <sup>2</sup>	5 feet
Minimum Rear Yard	5 feet
Minimum Open Space per Dwelling Unit	N/A. Open space will be as described in this Development Plan.

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<sup>2</sup> Provided, however, that notwithstanding anything in this Planned Development Area Development Plan or the Code to the contrary, the Project may include a raised patio and retaining wall within the side yard.



EXHIBIT E

**Open Space Plan**



CASSIDY PLAYGROUND

- Legend**
- Proposed Building Footprint
  - Concrete or Pavers
  - Asphalt Pavement
  - Planting Areas
  - Trees

375 - 399 CHESTNUT HILL AVENUE BOSTON, MASSACHUSETTS



## EXHIBIT F

### **Allowed Uses**

Uses allowed as-of-right within the Planned Development Area Overlay District shall be the following uses:

#### Hotel Uses

Hotel (including extended-stay hotel), conference and meeting facilities, restaurant, lounge, bar, store primarily serving the retail needs of hotel, conference, and meeting rooms, health club, swimming pool, storage and office use accessory to hotel use.

#### Residential Uses

Multifamily residential uses and/or artist live-work use.

#### Service Uses (ground floor only)

All local service uses, including, but not limited to, barber shop, beauty shop, framer's studio, laundry or dry-cleaner (pick-up/delivery), shoe repair shop, and tailor (custom) shop.

#### Retail Uses (ground floor only)

Any retail business, including, but not limited to, stores primarily serving the local retail business needs of the neighborhood, including, but not limited to, any store retailing food, baked goods, furniture, groceries, drugs, clothing, books, flowers, hardware and/or minor household appliance.

#### Restaurant and Food Service Uses (ground floor only)

Bakery, café, coffee shop, delicatessen, diner, restaurant, cafeteria or other place for the service or sale of food or drinks for on- or off-premises consumption, with or without entertainment, including outdoor seating.

#### Cultural Uses (ground floor only)

Art gallery (commercial or nonprofit), public art display space, and studios (music, dancing, visual arts or theatrical).

#### Childcare Uses

Childcare uses, including, but not limited to, day care center and nursery school.

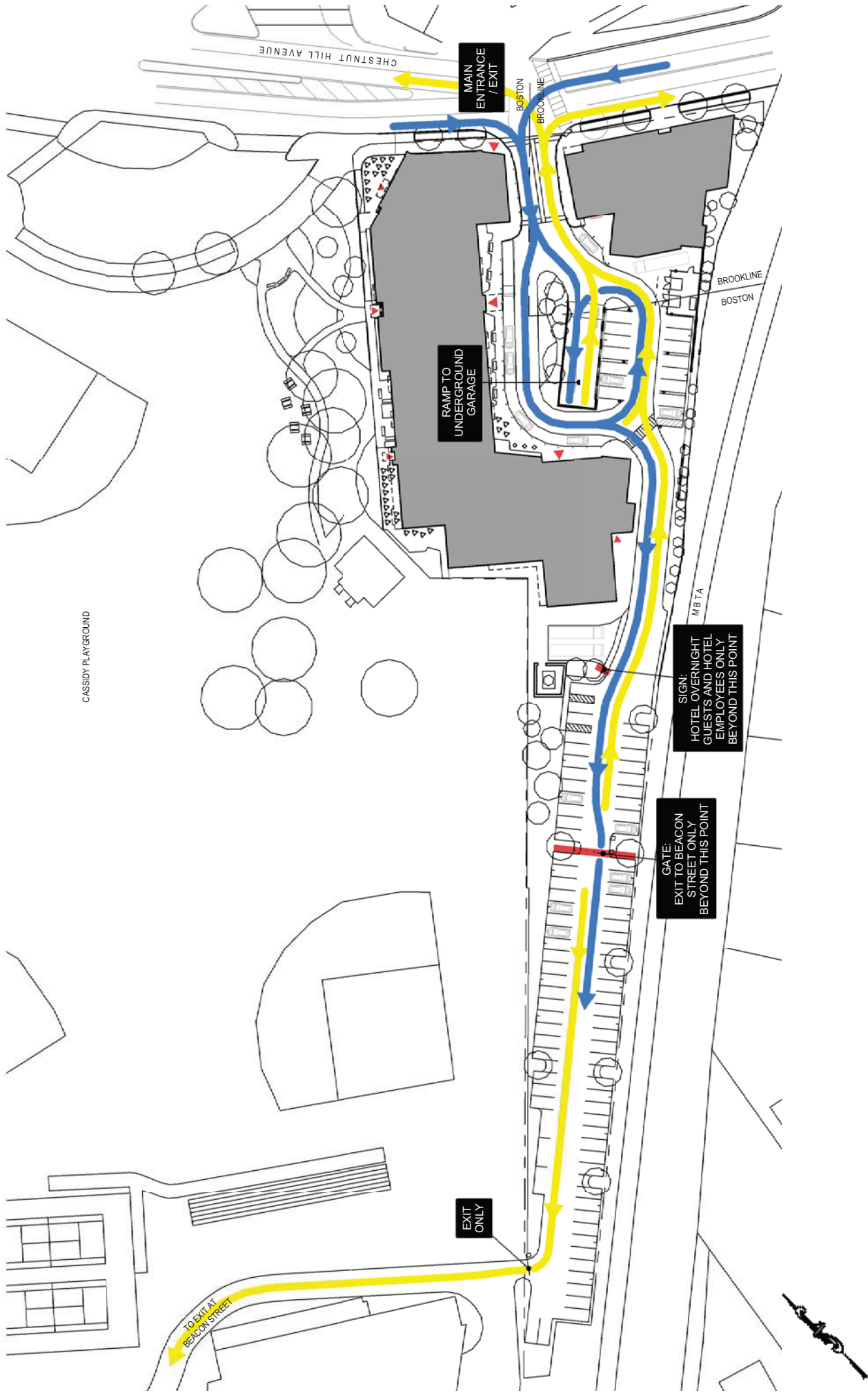
#### Accessory Uses

Subject to the limitations and restrictions of Article 10 of the Code: (i) accessory loading; (ii) a parking garage and surface parking, including parking spaces, for occupants, employees and visitors of the Project; (iii) accessory and/or ancillary food service/cafeteria use; (iv) as accessory uses to hotel uses, restaurants, conference facilities, business center and

fitness center, retail and service establishments serving guests and visitors and other uses incidental to the operation of a hotel; (v) health club facility, tennis court, swimming pool, business center, fitness center, other amenity spaces for residents, other uses incidental to the operation of permitted residential uses; (vi) the storage of flammable liquids and gases incidental to a lawful use; and (vii) any use ordinarily incident to a lawful main use, provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

EXHIBIT G

**Traffic Circulation Plan**



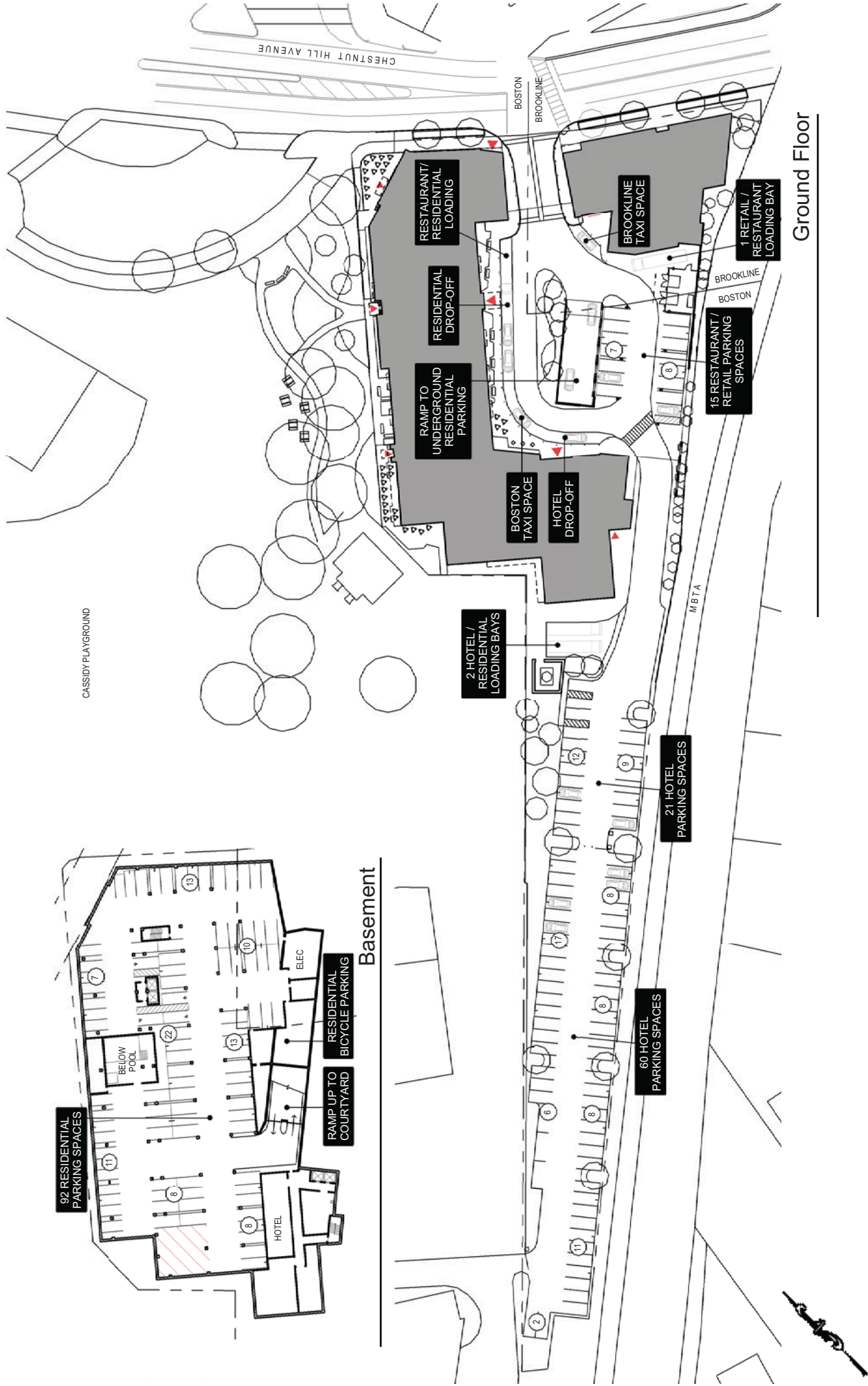
Legend  
 Traffic Entering  
 Traffic Exiting

375 - 399 CHESTNUT HILL AVENUE BOSTON, MASSACHUSETTS



EXHIBIT H

**Parking and Loading Plan**



375 - 399 CHESTNUT HILL AVENUE BOSTON, MASSACHUSETTS

