

REUBEN, JUNIUS & ROSE, LLP

Jared Eigerman, Of Counsel
jeigerman@reubenlaw.com

September 12, 2018

Brian P. Golden, Director
Boston Planning & Development Agency
1 City Hall Square, 9th Floor
Boston, MA 02199

Re: 47-55 LaGrange Street, Boston, Mass. – Notice of Project Change
Our File No.: 11057.01

Dear Director Golden:

On behalf of our client QMG LaGrange LLC, a Massachusetts limited liability company (the “**Proponent**”), we submit this Notice of Project Change (this “**NPC**”) regarding the 47-55 LaGrange Street Project (the “**Project**”) located in the Midtown Cultural District of Boston, to inform you of a proposed change to the Project. Pursuant to Section 80A-6 of the Boston Zoning Code (the “**Code**”), the Proponent must inform the BPDA of any material changes to the Project. The sole material change is for the Project to include “up to one hundred and seventy-six (176) dwelling units” instead of “up to one hundred and thirty (130) rental units.” Through this NPC, the Proponent seeks the written determination by the Director of BPDA that the proposed change does not significantly increase the impacts of the Project, and that, therefore, no further review of the Project is required under Section 80B of the Code.

PNF – January 18, 2017

The Project underwent Large Project Review pursuant to Section 80B of the Zoning Code during 2017. On January 18, 2017, the Proponent filed a Project Notification Form for the Project (the “**PNF**”) with the Boston Redevelopment Authority (d/b/a Boston Planning & Development Agency [“**BPDA**”). As described in the PNF, the Project comprises “an approximately 157,000 sf, 21-story residential building that includes up to 176 units.” (PNF, sec. 2.2.)

BPDA Board Action -- June 15, 2017

On June 15, 2017, the Board of the BPDA voted to authorize the Director of the BPDA, among other things, to issue a Scoping Determination under Section 80B-5.3(d) of the Code which (i) finds that the PNF adequately describes the potential impacts arising from the Project, and provides sufficient mitigation measures to minimize these impacts; and (ii) waives further review of the Project under subsections 4 and 5 of Section 80B-5 of the Code, subject to continuing design review. In the Memorandum submitted by BPDA staff to the Board, dated June 15, 2017 (the “**Board Memo**”), the Project was described as comprising “an approximately 157,000 square-foot, twenty-one (21) story (240 feet) residential building that includes up to one hundred and thirty (130) rental units and 1500 square-feet of associated retail space.” A copy of the Board Memorandum is attached to this letter as **EXHIBIT A**.

Proposed Change

The sole material change to the Project now proposed by the Proponent is to revert to “up to one-hundred and seventy-six (176) dwelling units,” the intensity of use stated and analyzed in the PNF, instead of the “up to one-hundred and thirty (130) rental units” stated in the Board Memo. No other aspect of the Project, such as building size, is proposed to change.

Project Impacts

In determining whether a project change or a lapse of time may significantly increase the impacts of a proposed project, the Director of BPDA must consider the following factors, as they pertain to the applicable review (Code sec. 80A-6.):

- a) increase in the proposed project's size or intensity of use;
- b) generation of additional or greater impacts of the type that may be examined by the applicable review;
- c) increase in traffic impacts or increase in the number of proposed parking spaces;
- d) change in the expected commencement or completion date, or change in the schedule of work on the project;
- e) change of project site;
- f) the need for additional zoning relief; and
- g) changes in the surrounding area, when a lapse of time is the reason for the Director's review under Section 80A-6.

Each is discussed below, in turn.

As noted above, the PNF described the Project as including “up to 176 units.” Accordingly, the impacts analyses performed during Large Project Review for the Project already assumed that intensity of use when calculating and describing the expected impacts. (See, *e.g.*, PNF, sec. 3.1.3 [traffic].) The comment letters appended to the Board Memo reference the Project as including up to 176 units for purposes of study. (See, *e.g.*, .Memo. from Katie Pedersen to Casey Hines, May 8, 2017.) As already noted, there is no change proposed to the size of the building to be constructed.

The expected schedule of work on the Project has changed. Construction is expected to begin during the first quarter of 2019 instead of in the fourth quarter of 2017. I would still finish 26 months later.

The site of the Project has not changed. The Proponent has entered into an agreement with abutting landowner SFH 48 Boylston Street LLC to resolve the fee ownership in and shared use of Lowell Court, a private way not open to public travel, that is included as part of the site of the Project. No portion of the building to be constructed through the Project has ever been proposed atop Lowell Court, and a portion of that private way will continue to be counted as part of the lot area of the Project.

Multifamily dwelling use above the ground level is permitted at the site by right under applicable zoning (Code sec. 38-18.5(a)), and no additional zoning relief is required to construct up to 176 dwelling units instead of up to 130 dwelling units. Both the refusal letter for the Project issued by the Boston

Brian P Golden, Director
Boston Planning & Development Agency
re 47-55 LaGrange Street, Boston, Mass.
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Inspectional Services Department on May 2, 2017 (attached as **EXHIBIT B**), and the subsequent Decision of the Board of Appeals, signed on August 15, 2018 (attached as **EXHIBIT C**), reference the Project as including as many as 176 dwelling units.

Finally, there have been no significant changes in the area surrounding the site of the Project during the approximately 15 months since the BPDA Board considered the Project, and certainly none that were unanticipated at the time the Project underwent Large Project Review in 2017.

Conclusion

For all these reasons, we respectfully request that you determine pursuant to Section 80A-6 of the Code that the described change to the Project does not significantly increase its environmental impacts, and, therefore, that no further review of the Project under Section 80B of the Code is required.

Please do not hesitate to contact me if you require any additional information. Thank you.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Jared Eigerman, Of Counsel

Attachments: Exhibit A – Board Memo (June 15, 2017)
Exhibit B – ISD Refusal Letter (May 2, 2017)
Exhibit C – Board of Appeal Decision (August 15, 2017)

Cc (email only): Jonathan Greeley, BPDA (jonathan.greeley@boston.gov)
Michael Christopher, BPDA (michael.christopher@boston.gov)
Michael Cannizzo, BPDA (michael.cannizzo@boston.gov)
Lauren Shurtleff, BPDA (lauren.shurtleff@boston.gov)
Casey Hines, BPDA (casey.a.hines@boston.gov)
E. Renee LeFevre, Esq., BPDA (renee.lefevre@boston.com)
John Matteson, QMG LaGrange (jmatteson44@gmail.com)
James J. Gray, AIA, Stantec Architects (james.gray@stantec.com)
Michael Vaughan, Nauset Strategies (mvaughan@nausetstrategies.com)
Christine McMahon, Wharf Partners (cmcmahon@wharfpartners.com)

MEMORANDUM

JUNE 15, 2017

BOARD APPROVED

TO: BOSTON REDEVELOPMENT AUTHORITY
D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY
AND BRIAN P. GOLDEN, DIRECTOR

FROM: JONATHAN GREELEY, DIRECTOR OF DEVELOPMENT REVIEW
MICHAEL CHRISTOPHER, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW/GOVERNMENT AFFAIRS
MICHAEL CANNIZZO, URBAN DESIGNER
LAUREN SHURTLEFF, SENIOR PLANNER
CASEY HINES, SENIOR PROJECT MANAGER

SUBJECT: 47-55 LAGRANGE STREET, MIDTOWN CULTURAL DISTRICT

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority ("BRA") d/b/a Boston Planning & Development Agency ("BPDA")* 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 Boston Zoning Code (the "Code") for the 47-55 LaGrange Street project located in the Midtown Cultural District (as further described below, 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, a Boston Residents Construction Employment Plan, an Affordable Rental Housing Agreement and Restriction, and any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project; and (4) recommend approval of Petition BOA-712280 to the Zoning Board of Appeal, which requests zoning relief needed in connection with the Proposed Project.

* Effective October 20, 2016, the BRA commenced doing business as the BPDA.

PROJECT SITE

The 47-55 Lagrange Street property is an approximately 8,759 square-foot parcel (including Lowell Court) located at the Northeastern corner of LaGrange Street and Tamworth Street in the Midtown Cultural District neighborhood of Boston (the "Project Site"). The Project Site currently contains a surface parking lot which is leased and operated by a third party for daily and hourly parking. The Project Site is at the confluence of a diverse collection of neighborhoods including Chinatown, the Tufts Medical Area, the Theatre District and Downtown Crossing. The Project Site is also in close proximity to the Boston Common, providing residents access to one of the most active public parks in the City. The Project Site is within walkable distance to many theaters, restaurants, and other cultural establishments. Recently, the area has welcomed many new residential projects, bringing more population diversity and retail venues to the neighborhood. Two of these projects, Kensington Place and 45 Stuart Street, are adjacent to the Project Site.

The Project Site is proximate to a significant number of jobs and amenities, and is just a short walk from several Massachusetts Bay Transportation Authority ("MBTA") stations, including Boylston Street Station with service on the Green line, and Chinatown Station and Tufts Medical Center with service on the Orange Line. Several bus routes, including the Silver Line, are also nearby.

DEVELOPMENT TEAM

The development team consists of:

Proponent:

QMG LaGrange, LLC
Steve Goodman
John Matteson
Fan Du

Architect:

Stantec Architecture
James Gray
B.K. Boley
Aaron Hodges

Legal Counsel:

Dalton & Finegold, LLP
Jared Eigerman, Esq.

Permitting Consultant: Epsilon Associates, Inc.
Cindy Schlessinger
Talya Moked

Transportation and
Parking Consultant: Howard Stein Hudson
Guy Busa
Michael Santos

Civil Engineer: Nitsch Engineering
Gary Pease
John Schmid
Brad Staples

Community Outreach: Nauset Strategies
Michael K. Vaughan

DESCRIPTION AND PROGRAM

The Proposed Project comprises an approximately 157,000 square-foot, twenty-one (21) story (240 feet) residential building that includes up to one hundred and thirty (130) rental units and 1500 square-feet of associated retail space. Due to the proximity to public transportation and the small site-area, on-site parking has been eliminated from the program. The residential units will consist of a mix of studios, one-bedroom, and two-bedroom units. Covered, secure bicycle storage for residents (a minimum of one per residential unit) will be included within the building.

The residential lobby will be located at the corner of LaGrange and Tamworth Streets, and is connected visually to the streetscape through full height exterior walls. Loading, trash, and other building services will be accessed through an off-street loading area off of Tamworth Street.

The finished project will transform the existing, underutilized site and provide significant improvements to the public realm. The development team has worked collaboratively with BPDA staff, the Boston Transportation Department, Public Works Department, and Disabilities Commission on paving and lighting to create an urban atmosphere. Tamworth Street will be reconstructed with a flush mountable

curb and moveable planters for safety to create a pedestrian only street excluding off-hours trash and loading.

The Proponent estimates the total development cost of the Proposed Project to be approximately \$110,000,000.

ARTICLE 80 REVIEW PROCESS

On October 7, 2016, in accordance with the BRA's policy on mitigation as outlined in the Executive Order Relative to the Provision of Mitigation by Development Projects in Boston, the Proponent submitted a Letter of Intent for the Proposed Project.

On November 15, 2016, letters soliciting Impact Advisory Group ("IAG") nominations for the Proposed Project were delivered to City Councilor Bill Linehan, State Senator Joseph Boncore, and State Representative Aaron Michlewitz. Additional letters seeking nominations were delivered to the Mayor's Office of Neighborhood Services and the City Councilors At-Large.

The letters sought nominations or recommendations to the IAG by November 22, 2016. City Councilor Bill Linehan responded with one (1) nomination, City Councilor Essaibi-George responded with two (2) nominations, and the Mayor's Office of Neighborhood Services responded with one (1) nomination. In addition, BPDA Planning staff recommended the remaining (7) nominations. On January 12, 2017, the BPDA sent letters to the elected officials who did not submit nominations to the IAG, confirming they would not be submitting nominations for the IAG.

On January 18, 2017, the Proponent filed an expanded Project Notification Form ("PNF"), which initiated a 30-day public comment period. Notice of the receipt by the BPDA of the PNF was published in the *Boston Herald* on the same day. The PNF was sent to the City's public agencies, as well as to the IAG members, pursuant to Section 80A-2 of the Code.

Pursuant to Section 80B-5.3 of the Code, a Scoping Session was held on February 2, 2017, with the City's public agencies where the Proposed Project was reviewed and discussed. Members of the IAG were also invited to attend the Scoping Session.

On February 16, 2017, the BPDA hosted an IAG meeting at the Hyatt Regency Hotel, One Avenue De Lafayette, at which time the Proponent presented the Proposed Project to the IAG.

On February 16, 2017, the BPDA hosted a publically-advertised community meeting regarding the PNF at the Hyatt Regency Hotel, One Avenue De Lafayette. Advertisement for the public meeting ran in the *Sing Tao World Journal* on February 10, 2017. The meeting notice was also posted on the BPDA website, and distributed to the BPDA Chinatown mailing list.

A second IAG working session was held on March 21, 2017 at the Hyatt Regency Hotel, One Avenue De Lafayette.

The public comment period which was extended to allow additional community process concluded on March 30, 2017.

The Proposed Project received approval from the Boston Civic Design Commission on May 2, 2017.

INCLUSIONARY DEVELOPMENT COMMITMENT

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 ("IDP"), and is located within Zone A, as defined by the IDP. The IDP requires that 13% of the total number of units within the development, or in this case up to seventeen (17) units, be designated as IDP units. The rental units must be made affordable to households earning not more than 70% of the Area Median Income as determined by the United States Department of Housing and Urban Development ("HUD") ("AMI").

The sizes and locations of the IDP Units will be determined upon completion of the final design and finalized in conjunction with BPDA staff. The rental units will be outlined in the Affordable Rental Housing Agreement and Restriction ("ARHAR") and rental prices and income limits will be adjusted according to BPDA published maximum rents, as based on HUD AMIs, available at the time of the initial rental of the IDP Units. The IDP Units must be comparable in size, design, and quality to the market rate units in the Proposed Project, cannot be stacked or concentrated on the same floors, and must be consistent in bedroom count with the entire Proposed Project.

The ARHAR must be executed along with, or prior to, the issuance of the Certification of Compliance for the Proposed Project. The Proponent must also submit an Affirmative Marketing Plan (the "Plan") to the Boston Fair Housing

Commission and the BPDA. 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).

A restriction will be placed on each IDP Unit(s) to maintain affordability for a total period of fifty (50) years (this includes thirty (30) years with a BPDA option to extend for an additional period of twenty (20) years).

There is no partial unit payment required to be made to the IDP Fund, and as such, the seventeen (17) units fulfill the requirements of the December 10, 2015 IDP.

COMMUNITY BENEFITS & MITIGATION

MITIGATION

The Proposed Project will provide many community benefits for the surrounding neighborhood and the City of Boston as a whole, both during construction and on an ongoing basis upon its completion, including:

- **Smart Growth/Transit-Oriented Development**
 - The Proposed Project is consistent with smart-growth and transit-oriented development principles. Within one block of the MBTA's Boylston Street (Green Line) subway station, and two blocks of the MBTA's Chinatown (Orange Line and Silver Line) subway station, the Proposed Project supports the objectives of smart growth; specifically, new developments at existing nodes of excellent transit routes.
- **Improved Street and Pedestrian Environment**
 - The Proposed Project will activate an underutilized site, long used as surface parking, with enhanced streetscapes.
- **Inclusionary Affordable Housing**
 - The Proposed Project is subject to the Mayor's Executive Order regarding inclusionary affordable housing, dated February 29, 2000, as amended, as well as the Inclusionary Development Policy (IDP). Thirteen percent (13%) of the up to 176 dwelling units in the Proposed Project will be IDP units.

- **Sustainable Design/Green Building**
 -Energy conservation and other sustainable design measures are an integral component of the Proposed Project. The Project will employ energy and water efficient features for mechanical, electrical, architectural, and structural systems, assemblies, and materials, where feasible. Sustainable design elements relating to building energy management systems, lighting, recycling, conservation measures, local building materials, and clean construction vehicles will be included, to the greatest extent practicable. The Proponent is committed to building a LEED certifiable project with a target of the Silver level, incorporating sustainable design features into the Project to preserve and protect the environment.
- **Increased Employment**
 -The Proposed Project will create approximately 150 to 200 construction jobs and approximately 10 permanent jobs once it is occupied.
- **New Property Tax**
 -The Proponent anticipates that, following lease up, the Proposed Project will generate approximately \$1.1 million in net additional tax revenues for the City of Boston, based on the Proposed Project's estimated hard construction cost of \$70 million and current property tax rates for residential buildings.
- **Urban Design**
 -The Proposed Project will continue the ongoing transformation of the former "Combat Zone" into the Midtown Cultural District, which is intended to include a new residential neighborhood downtown. The Project Site has long been used as a surface parking lot, attracting unauthorized and undesirable activities. The Proposed Project will fill in this gap in the streetwall, connect the residential lobby visually to the streetscape through full height exterior windows, and enhance public safety by increasing nighttime lighting.

The Proposed Project will also introduce high-quality architecture to the site. The Proposed Project massing will be easily distinguished, but at a lower height than most neighboring high rises, and the massing design will complement the existing skyline created by the adjacent buildings.

COMMUNITY BENEFITS

In addition, throughout the Article 80 review process the Proponent received requests from the community for enhancements to the public realm and support for the Chinatown community. In response, the Proponent has agreed to extend the reconstruction of Tamworth Street past the Project Site to the intersection of Tamworth Street and Boylston Street. The Proponent has also committed to a thirty thousand dollar (\$30,000) contribution to a Chinatown non-profit, detailed below.

1. Recipient: Boston Asian: Youth Essential Service
199 Harrison Avenue
Boston, MA 02111
2. Use: Funding will be used for (a) salaries for youth workers who will work directly with the twenty youth participants; (b) youth program and workshop supplies, field trips, and youth activities; (c) transportation costs for youth on field trips; and, (d) refreshments for youth during field trips and events.
3. Amount: \$30,000
4. Timeline: The \$30,000 contribution is due at building permit.

ZONING

Based on Zoning Map 1A (Midtown Cultural District) appended in the Code, the site is located within the general area of the Midtown Cultural District (Article 38). The Project Site is not, however, located within one of the “protection areas” of the Midtown Cultural District established to protect public open spaces or residential neighborhoods abutting the protection areas, or the concentration of historic buildings within the protection areas. Nor is the site within one of the Housing Priority Areas of the District.

RECOMMENDATION

BPDA staff believes that the PNF adequately describes the Proposed Project’s potential impacts, satisfying the criteria for the issuance of a Scoping Determination Waiving Further Review under Section 80B-5 of the Code. It is therefore recommended that the BPDA 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, a Boston Residents Construction Employment Plan, an Affordable Rental Housing Agreement and Restriction, and any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project; and (4) recommend approval of Petition BOA-712280 to the Zoning Board of Appeal, which requests zoning relief needed in connection with the Proposed Project.

Appropriate votes follow:

VOTED: That the Director of the Boston Redevelopment Authority (the "BRA") be, and hereby is, authorized to issue a Scoping Determination under Section 80B-5.3(d) of the Boston Zoning Code (the "Code") which (i) finds that the Project Notification Form adequately describes the potential impacts arising from the 47-55 LaGrange Street project, located in the Midtown Cultural District (the "Proposed Project"), and provides sufficient mitigation measures to minimize these impacts; and (ii) waives further review of the Proposed Project under subsections 4 and 5 of Section 80B-5 of the Code, subject to continuing design review; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Compliance under Section 80B-6 of the Code for the Proposed Project upon the successful completion of all Article 80 processes; and

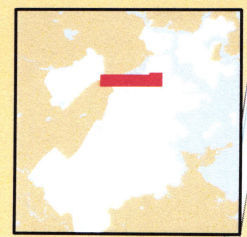
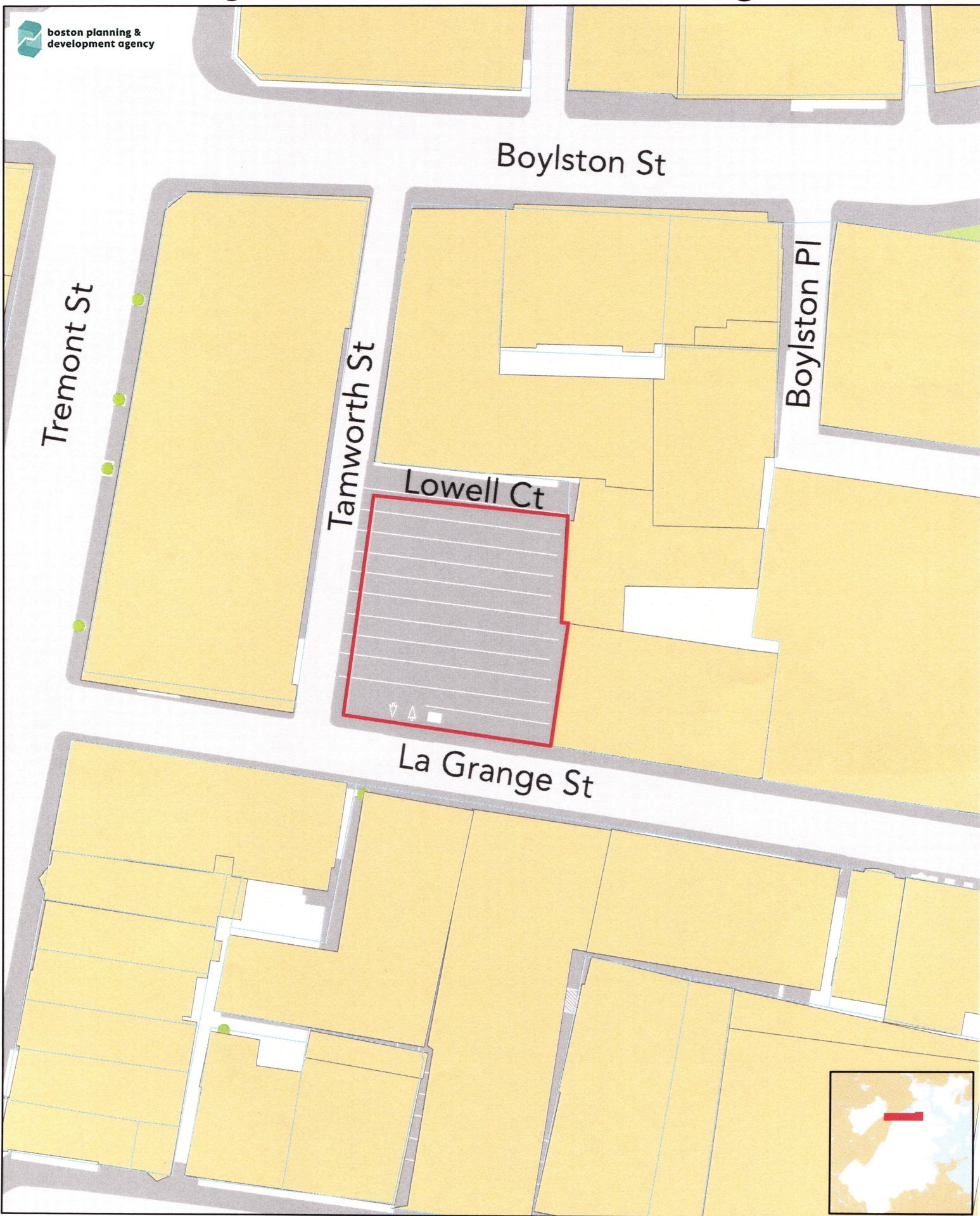
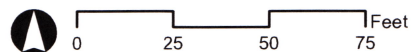
FURTHER

VOTED: That the Director be, and hereby is, authorized to execute a Cooperation Agreement, a Boston Residents Construction Employment Plan, an Affordable Rental Housing Agreement and Restriction, and 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 BRA; and

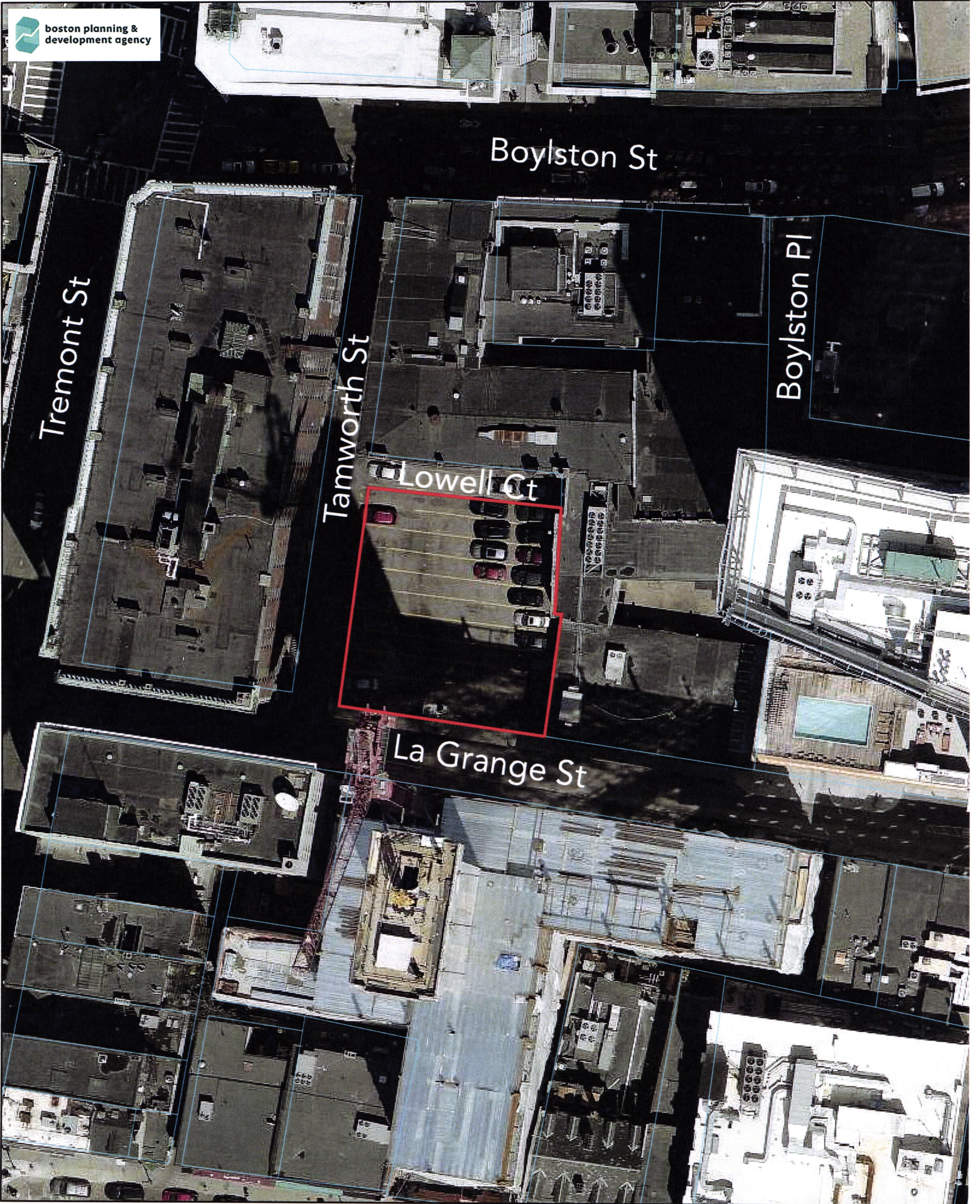
FURTHER

VOTED: That the Director be, and hereby is, authorized to issue the following recommendation to the Zoning Board of Appeal on Petitions BOA-712280 for zoning relief necessary in connection with the Proposed Project: APPROVAL WITH PROVISIO: that plans be submitted to the BRA for design review approval.

47-55 LaGrange Street, Downtown



47-55 LaGrange Street, Downtown





BOSTON
TRANSPORTATION
DEPARTMENT

ONE CITY HALL SQUARE • ROOM 721
BOSTON, MASSACHUSETTS 02201
617-635-4680 • FAX 617-635-4295

June 6, 2017

**Brian Golden, Director
Boston Planning & Development Agency
One City Hall Square, 9th Floor
Boston, MA 02201**

RE: Project Notification Form: 47-55 LaGrange Street

Dear Mr. Golden,

The Boston Transportation Department (BTD) thanks you for the opportunity to comment on the 47-55 LaGrange Street Project ("the Project") Project Notification Form (PNF). This letter is based upon the PNF as well as further conversations and communications between the Project Team and the City.

The PNF includes the development of an approximately 157,000 square foot project with up to 176 units and 20 parking spaces. The revised proposal is for 130 rental units, a small retail space, and no onsite parking.

BTD would like to see the addresses for main entrances be on LaGrange Street, so that all pick up and drop off are on that street. BTD wants to reemphasize the importance of working with abutting buildings and developments in making this project a success, and in creating the great public space the proponent is proposing.

BTD supports the proposal for no onsite parking. Should the developer acquire rights to parking at a parking garage for Project residents and/or employees, BTD would like to see that parking be unbundled, i.e. have the fees for that parking be at market rate and separate from rental cost/employment, and to be optional. The proponent should spell out the number of bicycle parking spaces proposed, noting that Boston Bike Parking Guidelines state that there should be one Secure/Covered bicycle parking space per unit plus one outdoor bicycle parking space per five units, as well as the provision of at least one bike share station (standard size) for any residential building with 100 or more units. The proponent should reach out to the Boston Air Pollution Control Commission (APCC) as soon as possible to discuss the parking spaces that are going away, as well as Boston Bikes to discuss siting of the bike share station.

Based on community feedback, the proponent has proposed tabling Tamworth Street, such that there is no grade separation between the travel lane and sidewalk. Because of the small width of Tamworth, there is not room to have accessible pedestrian sidewalks as well as a travel lane; therefore BTD is open to tabling the street, using standard paving with an accessible concrete path.

MARTIN J. WALSH, Mayor

The proponent is also exploring pedestrianizing of the full length of Tamworth Street for at least some of the day, though it is still working through the details. BTM encourages the proponent to work closely with the community, businesses, buildings and developments abutting Tamworth in developing a plan for the design, maintenance, programming and management of any pedestrianized street. BTM would like the plan to address at the least:

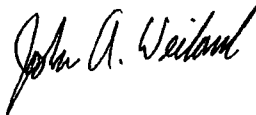
- the treatment of the curbs at LaGrange and Boylston;
- the hours of pedestrianization;
- how vehicles would be prevented from entering the street during pedestrian hours;
- street furniture/street dining spaces, including some seating that is open to the general public;
- provision of ADA accessible seating and tables;
- commitments to remove all street furniture and objects preventing vehicular access during hours when the street is not pedestrianized;
- a trash management plan for all abutters such that trash will be left out only when the street is not pedestrianized, and/or brought to Boylston or LaGrange if the street would always be pedestrianized, as well as a plan to work with all trash removal companies/agencies to limit trash to non-pedestrianized hours; and
- discussions with Boston Fire Department.

Other agencies may have other items they would like to see addressed. We would encourage the proponent and abutters to talk with the Downtown Boston Business Improvement District, which has a wealth of knowledge in managing this kind of space.

The proponent has proposed improving the curb cuts and crosswalks at LaGrange and Tremont; BTM looks forward to working with them on this.

The proponent has promised a fuller discussion of Transportation Demand Management (TDM) policies, and BTM looks forward to working with them to develop that plan. BTM encourages the project to bundle subsidized transit, bike share and car share membership for residents through residential leases. BTM also encourages the proponent to propose inclusion of real-time transportation (transit, bikeshare, carshare, transportation network services, wayfinding, walk/bike distance) display technology in the lobbies. BTM encourages the project to look into whether the building can join a Transportation Management Association, and if possible to do so.

Sincerely,



Joshua A. Weiland
Transportation Planner
Boston Transportation Department

Cc: Vineet Gupta, Director of Policy and Planning
John DeBenedictis, Director of Engineering

Boston Planning & Development Agency Memorandum

TO: Casey Hines

FROM: Katie Pedersen

DATE: May 8, 2017

RE: 47-55 LaGrange Street project
Boston, Massachusetts
Supplemental Filing

I have reviewed the Supplemental Filing dated March 30, 2017 and submit the following comments for the Environmental Protection component. QMG LaGrange, LLC (the "Proponent") proposes the construction of an approximately 157,000 square foot (sq) residential building containing up to 176 units and 20 parking spaces on the site of an existing surface parking lot (the "Proposed Project").

Wind

The Proponent performed a quantitative (wind tunnel) analysis of the potential pedestrian level wind impact to determine the potential pedestrian level winds adjacent to and in the vicinity of the Proposed Project. In particular, the analysis identified wind velocities that are expected to exceed acceptable levels, including the Boston Planning & Development Agency's (the "BPDA") guideline of an effective gust velocity of 31 miles per hour (mph)- not to be exceeded more than 1% of the time.

Per the BPDA direction, particular attention was given to public and other areas of pedestrian use, including, but not limited to, entrances to the Proposed Project and existing and proposed buildings in the vicinity of the Proposed Project, the existing and proposed sidewalks and walkways within and adjacent to the Proposed Project and existing and proposed plazas, park areas and other open space areas within and in the vicinity of the Proposed Project, including but not limited to, the Boston Common and the Boston Public Garden.

The results indicate that of the 119 locations studied, 18 locations are predicted to experience a decrease in annual wind speeds, while 11 locations are projected to experience somewhat higher annual mean wind speeds. However, for two of the locations studied (17 and 54) are projected to exceed the Effective Gust Criterion for both the No Build and Build configurations. No further study shall be required but, the Proponent is encouraged to investigate and include any and all mitigation measures designed to improve pedestrian level wind conditions.

Shadow

The Proponent conducted a shadow analysis for the hours of 9:00 a.m., 12:00 noon, 3:00 p.m. for the vernal equinox (March 21), summer solstice (June 21st), autumnal equinox (September 21st) and winter solstice (December 21st) and for 6:00 p.m. in the summer. The results indicate that for the hours of 9:00 a.m., 12:00 noon, 3:00 p.m. for the vernal equinox summer solstice, autumnal equinox and winter solstice and 6:00 p.m. in the summer and fall the Proposed Project will not cast net new shadow on existing and proposed public open spaces, including but not limited to Boston Common.

Snapshot shadow analyses were performed at 15-minute intervals beginning at 8:15 a.m. and concluding at 10:15 am for October 21st. The analyses found that the Proposed Project will cast new shadow on the Boston Common between 8:15 a.m. and 10:00 a.m.

Compliance with the legislative acts protecting the Boston Common and the Boston Public Garden, specifically Chapter 362 of the Massachusetts Act of 1990 and Chapter 384 of the Massachusetts Act of 1992 requires the has not been demonstrated. Thus the Proponent shall be required to provide snapshot shadow analyses for 7:45 a.m. and 8:00 a.m. to support the Proponent's assertion that the Proposed Project complies with the legislative acts protecting the Boston Common and the Boston Public Garden, specifically Chapter 362 of the Massachusetts Act of 1990 and Chapter 384 of the Massachusetts Act of 1992.

"Pursuant to state law, no permit granting authority shall take any action that would authorize the construction of any structure that would cast a new shadow on the Boston Common. (Mass. Acts of 1990, Chapter 362.) However, such prohibition does not apply to actions authorizing, among other things, any structure within the City of Boston's Midtown Cultural District that casts no new shadow for more than two hours from 8:00 a.m. through 2:30 p.m. on any day from March 21 to October 21, inclusive, in any calendar year, on any area of the Boston Common. Notwithstanding the foregoing, authorization may be granted by a permit-granting authority for a structure that casts a new shadow on the Boston Common beyond the aforementioned two-hour period if the area shaded at the end of such two-hour period does not exceed one acre, such area to be calculated as the sum of the areas of new shadow cast at any time beyond the two-hour limit by all structures in the Midtown Cultural District approved by the Boston Board of Appeal after March 20, 1989.

A shadow study in animation representation was requested in my comment letter dated March 21, 2017, however, it was not included as part of the Supplemental Filing, thus is requested at this time.

Daylight

(Please refer to Urban Design's comments)

Solar Glare

The Proponent has stated that the Proposed Project design is not anticipated to include reflective glass or other reflective materials. However, should the Proposed Project design change and incorporate substantial glass-facades (reflective glass), a solar glare analysis shall be required. The analysis shall measure potential reflective glare from the Proposed Project onto potentially affected streets and public open spaces and sidewalk areas in order to determine the likelihood of visual impairment or discomfort due to reflective spot glare. If deemed necessary, mitigation measures to eliminate any adverse reflective glare shall be identified and described.

Air Quality

(As requested in my comment letter dated March 21, 2017)

The Proponent shall be required to provide an estimation of the emissions from the parking facility and heating and mechanical systems. In addition, the Proponent shall be required to install carbon monoxide monitors in the parking facility and provide a description of the proposed ventilation system.

The Proponent shall be required to provide the building/garage air intake and exhaust system specifications as well as conduct an analysis of the impact of exhausts on pedestrians.

The Proponent shall be required to describe all mitigation measures deemed necessary to minimize or avoid potential violations of the Commonwealth of Massachusetts Department of Environmental (MassDEP) air quality standards and the National Ambient Air Quality Standards (NAAQS), shall be included and described.

Noise

(As requested in my comment letter dated March 21, 2017)

The Proponent shall be required to conduct a noise impact analysis to evaluate the potential noise impacts associated with the Proposed Project's activities, including mechanical equipment and loading activities.

The noise analysis shall evaluate the potential noise impacts associated with the Proposed Project's operations, which include mechanical equipment and loading/service activities. The noise analysis shall include measurements of existing ambient background sound levels and a qualitative evaluation of potential noise impacts associated with the proposed mechanical equipment (e.g., HVAC units, cooling tower) and loading activities.

The Proponent shall be required to demonstrate that the anticipated sound levels from Proposed Project-related equipment, as modeled, shall be below 50 dBA (at the nearest residential receptors), thus in accordance with the nighttime residential zoning limits for the City of Boston. Overall, the Proponent shall demonstrate that the Proposed Project can operate without a significant impact on the existing acoustical environment and that predicted sound levels from the Proposed Project (inclusive of appropriate measures designed to minimize and/or eliminate adverse noise impacts) will be in compliance with the sound level limits set by the Massachusetts Department of Environmental Protection (MassDEP) Noise Policy, the City of Boston Noise Regulations and the United States Department of Housing and Urban Development (24 CFR Part 51, Subpart B).



Cogswell Sprinkler Co., Inc.
Fire Protection Specialists

22 Canterbury Street • Worcester, MA 01610
Tel: (508) 753-0015 • Fax: (508) 753-5629
www.cogswellsprinkler.com

April 13, 2017

BRA

Director Brian Golden
C/o Mr. Casey Hines
Boston Redevelopment Authority
One City Hall Square, 9th Floor
Boston, MA 02210

'17 APR 18 PM2:34:52

RE: Letter of Support, QMG LaGrange proposal for 47 LaGrange Street

Attn: Director Brian Golden

Dear Mr. Golden,

I am writing to support the proposed residential development of 47 LaGrange Street, a project led by QMG LaGrange development team. As the owner of Cogswell Sprinkler Co., Inc., a Massachusetts licensed sprinkler contractor with 30 years of sprinkler experience, and a family business, I believe that the redevelopment of the existing parking lot is a positive improvement for the neighborhood and includes many beneficial features and improvements including:

- Creation and / or extension of construction jobs, utilizing the local trades.
- Creation of needed housing, at reasonable rental prices in the city of Boston.
- Improvements to the streetscapes and sidewalks in the area.
- Improvements relative to pedestrian connection points for the area.
- Positive improvements / revitalization for the area, including improved safety.

As a business owner active in the city of Boston, I support the redevelopment of the parking lot on LaGrange Street into a well-designed residential development. I urge you to support this proposal and project.

Sincerely,

John M. Cogswell
Cogswell Sprinkler Co., Inc.

**Boston Water and
Sewer Commission**

980 Harrison Avenue
Boston, MA 02119

617-989-7000
Fax: 617-989-7718



February 7, 2017

Mr. Casey Hines
Senior Project Manager
Boston Planning & Development Agency
One City Hall Square
9th Floor
Boston, MA 02201-1007

Re: 47-55 LaGrange Street
Project Notification Form (PNF)

Dear Mr. Hines:

The Boston Water and Sewer Commission (Commission) has reviewed the Project Notification Form (PNF) for the proposed redevelopment project located at 47-55 LaGrange Street, located in the Midtown Cultural District section of the City of Boston. This letter provides the Commission's comments on the PNF.

QMG LaGrange, LLC proposes a multifamily residential building that would have a total gross floor area of approx. 157,000 gross square feet, and a building height of up to 21 residential stories. The new building would include up to 176 dwelling units, approx. 20 accessory parking spaces, and off-street loading.

Water usage and wastewater generation the project is expected to generate an increase in wastewater flows of approximately 22,220 gallons per day. The project's estimated domestic water demand is 24,442 gallons per day or 3,268 cubic feet per day.

For water service, there is a 4-inch, and a 6-inch southern low water main in Tamworth Street, and an 8-inch southern low water main in LaGrange Street. These mains are part of a looped southern low pressure system that surrounds the area around the site.

For sanitary drain service, the site is served by a 12-inch combined sewer main in Tamworth Street which flows in a southerly direction and then transitions into a 12-inch combined sewer main in LaGrange Street.



General

1. All new or relocated water mains, sewers, and storm drains must be designed and constructed by QMG LaGrange LLC's expense. They must be designed and constructed in conformance with the Commission's design standards, Water Distribution System and Sewer Use Regulations, and Requirements for Site Plans. To assure compliance with the Commission's requirements, the proponent must submit a site plan and a General Service Application to the Commission's Engineering Customer Service Department for review and approval when the design of the new water and wastewater systems, and the proposed service connections to those systems are 50 percent complete. The site plan should include the locations of new, relocated and existing water mains, sewers, and drains which serve the site, proposed service connections, as well as water meter locations.
2. The Department of Environmental Protection (DEP), in cooperation with the Massachusetts Water Resources Authority and its member communities, is implementing a coordinated approach to flow control in the MWRA regional wastewater system, particularly the removal of extraneous clean water (e.g., infiltration/inflow (I/I)) in the system. In April of 2014, the Massachusetts DEP promulgated new regulations regarding wastewater. The Commission has a National Pollutant Discharge Elimination System (NPDES) Permit for its combined sewer overflows and is subject to these new regulations [314 CMR 12.00, section 12.04(2)(d)]. This section requires all new sewer connections with design flows exceeding 15,000 gpd to mitigate the impacts of the development by removing four gallons of infiltration and inflow (I/I) for each new gallon of wastewater flow. In this regard, any new connection or expansion of an existing connection that exceeds 15,000 gallons per day of wastewater shall assist in the I/I reduction effort to ensure that the additional wastewater flows are offset by the removal of I/I. Currently, a minimum ratio of 4:1 for I/I removal to new wastewater flow added is used. The Commission supports the policy, and will require proponent to develop a consistent inflow reduction plan. The 4:1 requirement should be addressed at least 90 days prior to activation of water service and will be based on the estimated sewage generation provided on the project site plan.

The proponent should also note that the 4 to 1 requirement must be addressed 90 days before the activation of the water service.

3. The design of the project should comply with the City of Boston's Complete Streets Initiative, which requires incorporation of "green infrastructure" into street designs. Green infrastructure includes greenscapes, such as trees, shrubs, grasses, and
4. other landscape plantings, as well as rain gardens and vegetative swales, infiltration



basins, and paving materials and permeable surfaces. The proponent must develop a maintenance plan for the proposed green infrastructure. For more information on the Complete Streets Initiative see the City's website at <http://bostoncompletestreets.org/>

5. The project site is located within Boston's Groundwater Conservation Overlay District (GCOD). The district is intended to promote the restoration of groundwater and reduce the impact of surface runoff. Projects constructed within the GCOD are required to include provisions for retaining stormwater and directing the stormwater to the groundwater table for recharge.
6. QMG LaGrange, LLC should be aware that the US Environmental Protection Agency issued the Remediation General Permit (RGP) for Groundwater Remediation, Contaminated Construction Dewatering, and Miscellaneous Surface Water Discharges. If groundwater contaminated with petroleum products, for example, is encountered, QMG LaGrange, LLC will be required to apply for a RGP to cover these discharges.
7. QMG LaGrange, LLC is advised that the Commission will not allow buildings to be constructed over any of its water lines. Also, any plans to build over Commission sewer facilities are subject to review and approval by the Commission. The project must be designed so that access, including vehicular access, to the Commission's water and sewer lines for the purpose of operation and maintenance is not inhibited.
8. The Commission will require QMG LaGrange, LLC to undertake all necessary precautions to prevent damage or disruption of the existing active water and sewer lines. Copies of the CCTV inspection videos must be provided to the Commission during site plan review. As a condition of the site plan approval, the Commission will require QMG LaGrange, LLC to re-inspect the existing sewer lines on site by CCTV after site construction is complete, to confirm that the lines were not damaged from construction activity.
9. It is QMG LaGrange, LLC's responsibility to evaluate the capacity of the water, sewer, and storm drain systems serving the project site to determine if the systems are adequate to meet future project demands. With the site plan, QMG LaGrange, LLC must include a detailed capacity analysis for the water, sewer, and storm drain systems serving the project site, as well as an analysis of the impacts the proposed project will have on the Commission's water, sewer, and storm drainage systems.



1. QMG LaGrange, LLC must provide separate estimates of peak and continuous maximum water demand for residential, commercial, industrial, irrigation of landscaped areas, and air-conditioning make-up water for the project with the site plan. Estimates should be based on full-site build-out of the proposed project. QMG LaGrange, LLC should also provide the methodology used to estimate water demand for the proposed project.
2. QMG LaGrange, LLC should explore opportunities for implementing water conservation measures in addition to those required by the State Plumbing Code. In particular, QMG LaGrange, LLC should consider outdoor landscaping which requires minimal use of water to maintain. If QMG LaGrange, LLC plans to install in-ground sprinkler systems, the Commission recommends that timers, soil moisture indicators and rainfall sensors be installed. The use of sensor-operated faucets and toilets in common areas of buildings should be considered.
3. QMG LaGrange, LLC is required to obtain a Hydrant Permit for use of any hydrant during the construction phase of this project. The water used from the hydrant must be metered. QMG LaGrange, LLC should contact the Commission's Meter Department for information on and to obtain a Hydrant Permit.
4. The Commission is utilizing a Fixed Radio Meter Reading System to obtain water meter readings. For new water meters, the Commission will provide a Meter Transmitter Unit (MTU) and connect the device to the meter. For information regarding the installation of MTUs, QMG LaGrange, and LLC should contact the Commission's Meter Department.

Sewage / Drainage

1. In conjunction with the Site Plan and the General Service Application QMG LaGrange, LLC will be required to submit a Stormwater Pollution Prevention Plan. The plan must:
 - Identify specific best management measures for controlling erosion and preventing the discharge of sediment, contaminated stormwater, or construction debris to the Commission's drainage system when construction is underway.
 - Include a site map which shows, at a minimum, existing drainage patterns, and areas used for storage or treatment of contaminated soils, groundwater, or stormwater, and the location of major control structures or treatment structures to be utilized during the construction.
 - Specifically identify how the project will comply with the Department of Environmental Protection's Performance Standards for Stormwater Management both during construction and after construction is complete.



2. The Commission encourages QMG LaGrange, LLC to explore additional opportunities for protecting stormwater quality on site by minimizing sanding and the use of deicing chemicals, pesticides, and fertilizers.
3. The Massachusetts Department of Environmental Protection (MassDEP) established Stormwater Management Standards. The standards address water quality, water quantity, and recharge. In addition to Commission standards, QMG LaGrange, LLC will be required to meet MassDEP Stormwater Management Standards.
4. Sanitary sewage must be kept separate from stormwater and separate sanitary sewer and storm drain service connections must be provided. The Commission requires that existing stormwater and sanitary sewer service connections, which are to be re-used by the proposed project, be dye tested to confirm they are connected to the appropriate system.
5. The enclosed floors of a parking garage must drain through oil separators into the sewer system in accordance with the Commission's Sewer Use Regulations. The Commission's Requirements for Site Plans, available by contacting the Engineering Services Department, include requirements for separators.

Thank you for the opportunity to comment on this project.

Yours truly,

John P. Sullivan, P.E.
Chief Engineer

JPS/es

cc: QMG LaGrange, LLC
M. Zlody, BED via e-mail
P. Larocque, BWSC via e-mail
M. Connolly, MWRA via e-mail

Boston Planning and Development Agency Memorandum

TO: Casey Hines
FROM: Katie Pedersen
DATE: March 21, 2017
RE: 47-55 LaGrange Street project
Boston, Massachusetts
Expanded Project Notification Form

I have reviewed the Project Notification Form (the "PNF") dated January 18, 2017 and submit the following comments for the Environmental Protection component. QMG LaGrange, LLC (the "Proponent") proposes the construction of an approximately 157,000 square foot (sq) residential building containing up to 176 units and 20 parking spaces on the site of an existing surface parking lot (the "Proposed Project").

Wind

A quantitative (wind tunnel) analysis of the potential pedestrian level wind impact shall be required, as the proposed building is designed to be 125 feet in height. The analysis shall determine potential pedestrian level winds adjacent to and in the vicinity of the Proposed Project and shall identify wind velocities that are expected to exceed acceptable levels, including the Boston Planning and Development Agency's (the "BPDA") guideline of an effective gust velocity of 31 miles per hour (mph) not to be exceeded more than 1% of the time.

Particular attention shall be given to public and other areas of pedestrian use, including, but not limited to, entrances to the Proposed Project and existing and proposed buildings in the vicinity of the Proposed Project, the existing and proposed sidewalks and walkways within and adjacent to the Proposed Project and existing and proposed plazas, park areas and other open space areas within and in the vicinity of the Proposed Project, including but not limited to, the Boston Common and the Boston Public Garden

The wind impact analysis shall evaluate the following conditions:

1. No-Build - the existing condition of the Proposed Project site and environs to establish the baseline condition.
2. Build Condition – the Proposed Project as described in the PNF
3. Alternative Build Condition (if applicable) – any alternative development concepts to the Preferred Build Condition required to be studied

Wind speeds shall be measured in miles per hour (mph) and for areas where wind speeds are projected to be dangerous or to exceed acceptable levels, measures to reduce wind speeds and to mitigate potential adverse impact(s) shall be identified and, if appropriate, tested.

Shadow

The Proponent conducted a “preliminary” shadow analysis for the hours of 9:00 a.m., 12:00 noon, 3:00 p.m. for the vernal equinox (March 21), summer solstice (June 21st), autumnal equinox (September 21st) and winter solstice (December 21st) and for 6:00 p.m. in the summer and fall. Though not a requirement, the Proponent included October 21st for the hours of 8:15 a.m., 8:30 a.m., 9:00 a.m., 9:15 a.m., 9:30 a.m., 9:45 a.m., 10:00 a.m. and 10:15 a.m., in the analysis.

The results indicate that for the hours of 9:00 a.m., 12:00 noon, 3:00 p.m. for the vernal equinox summer solstice, autumnal equinox and winter solstice and 6:00 p.m. in the summer and fall the Proposed Project will not cast additional shadow on existing and proposed public open spaces, including but not limited to Boston Common. However, on October 21st for the hours of 8:15 a.m., 8:30 a.m., 9:00 a.m., 9:15 a.m., 9:30 a.m., 9:45 a.m. and 10:00 a.m. the Proposed Project will cast new shadow on the Boston Common. The results conflict with the Proponent’s assertion in the PNF, “the Project has been designed so that no new shadow will be cast on the Boston Common.”

The Proponent shall be required to conduct a shadow impact analysis and results shall be provided in both animation and graphic representations, so as to best understand the extent to which shadows from the Proposed Project are anticipated to affect the overall shadow conditions within the surrounding area (inclusive of the Boston Common).

The shadow impact analysis shall evaluate the following conditions:

1. No-Build - the existing condition of the Proposed Project site and environs to establish the baseline condition.
2. Build Condition – the Proposed Project as described in the PNF.
3. As-of-Right – the Zoning Compliant Configuration.
4. Alternative Build Condition (if applicable) – any alternative development concepts to the Preferred Build Condition required to be studied.

The Proponent shall be required to demonstrate compliance with the legislative acts protecting the Boston Common and the Boston Public Garden, specifically Chapter 362 of the Massachusetts Act of 1990 and Chapter 384 of the Massachusetts Act of 1992.

“Pursuant to state law, no permit granting authority shall take any action that would authorize the construction of any structure that would cast a new shadow on the Boston Common. (Mass. Acts of 1990, Chapter 362.) However, such prohibition does not apply to actions authorizing, among other things, any structure within the City of Boston’s Midtown Cultural District that casts no new shadow for more than two hours from 8:00 a.m. through 2:30 p.m. on any day from March 21 to October 21, inclusive, in any calendar year, on any area of the Boston Common. (Id.) Notwithstanding the foregoing, authorization may be granted by a permit-granting authority for a structure that casts a new shadow on the Boston Common beyond the aforementioned two-hour period if the area shaded at the end of such 4575/47-55 LaGrange Street 1-8 General Information Epsilon Associates, Inc. two-hour period does not exceed one acre, such area to be calculated as the sum of the areas of new shadow cast at any time beyond the two-hour limit by all structures in

the Midtown Cultural District approved by the Boston Board of Appeal after March 20, 1989.(Id.) The Project will cast no new shadow on any area of the Boston Common during the regulated period.”

Daylight

(Please refer to Urban Design’s comments)

Solar Glare

The Proponent has stated that the Proposed Project design is not anticipated to include reflective glass or other reflective materials. However, should the Proposed Project design change and incorporate substantial glass-facades (reflective glass), a solar glare analysis shall be required. The analysis shall measure potential reflective glare from the Proposed Project onto potentially affected streets and public open spaces and sidewalk areas in order to determine the likelihood of visual impairment or discomfort due to reflective spot glare. If deemed necessary, mitigation measures to eliminate any adverse reflective glare shall be identified and described.

Air Quality

The Proponent shall be required to provide an estimation of the emissions from the parking facility and heating and mechanical systems. In addition, the Proponent shall be required to install carbon monoxide monitors in the parking facility and provide a description of the proposed ventilation system.

The Proponent shall be required to provide the building/garage air intake and exhaust system specifications as well as conduct an analysis of the impact of exhausts on pedestrians.

The Proponent shall be required to describe all mitigation measures deemed necessary to minimize or avoid potential violations of the Commonwealth of Massachusetts Department of Environmental (MassDEP) air quality standards and the National Ambient Air Quality Standards (NAAQS), shall be included and described.

Noise

The Proponent shall be required to conduct a noise impact analysis to evaluate the potential noise impacts associated with the Proposed Project’s activities, including mechanical equipment and loading activities.

The noise analysis shall evaluate the potential noise impacts associated with the Proposed Project’s operations, which include mechanical equipment and loading/service activities. The noise analysis shall include measurements of existing ambient background sound levels and a qualitative evaluation of potential noise impacts associated with the proposed mechanical equipment (e.g., HVAC units, cooling tower) and loading activities.

The Proponent shall be required to demonstrate that the anticipated sound levels from Proposed Project-related equipment, as modeled, shall be below 50 dBA (at the nearest residential receptors), thus in accordance with the nighttime residential zoning limits for the City of Boston. Overall, the Proponent shall demonstrate that the Proposed Project can operate without a significant impact on the existing acoustical environment and that predicted sound levels from the Proposed Project (inclusive of appropriate measures designed to minimize and/or eliminate

adverse noise impacts) will be in compliance with the sound level limits set by the Massachusetts Department of Environmental Protection (MassDEP) Noise Policy, the City of Boston Noise Regulations and the United States Department of Housing and Urban Development (24 CFR Part 51, Subpart B).

Sustainable Design/Green Buildings

Article 37 to the Boston Zoning Code requires any proposed project which is subject to or shall elect to comply with Section 80B of Zoning Code of the City of Boston, Large Project Review, shall be subject to the requirements of Article 37. Proposed Projects shall be “certifiable” under the most appropriate United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) Rating System. The purpose of Article 37 is to ensure that major building projects are planned, designed, constructed, and managed to minimize adverse environmental impacts; to conserve natural resources; to promote sustainable development; and to enhance the quality of life in the City of Boston.

The PNF indicates that the Proposed Project will use the LEED for New Construction v4 for BD+C as the rating system and shows the intent to achieve LEED Silver with 53 points.

Please see the **Boston Zoning Code Article 37, Green Buildings, and Climate Change Preparedness and Resiliency Review Procedures and Submittal Requirements**, found on the Boston Planning and Development Agency Article 37 Planning Initiatives webpage (<http://www.bostonplans.org/planning/planning-initiatives/article-37-green-building-guidelines>).



Casey Hines <casey.a.hines@boston.gov>

Comments re: 44-55 LaGrange Street Project

1 message

Sherry Dong <bostoncscnc@gmail.com>

Tue, Mar 21, 2017 at 3:00 PM

To: Christine McMahon <cmcMahon@wharfpartners.com>, Casey Hines <casey.a.hines@boston.gov>, scottjnielsen@gmail.com

Cc: FELIX LUI <flui@harbourfood.com>, RUTH MOY <rmoy@gbcgac.org>

Casey, Christine, Scott,

Including Scott since he presented at the previous Chinatown Neighborhood Council meeting to discuss the project.

Please find feedback from the CNC re: 44-55 LaGrange Street Project. First, I think folks agreed that converting the parking lot into housing is a certainly a more positive use. Activating Tamworth nad LaGrange with residents, improved lighting and walking surfaces is an improvement to the current conditions.

During the meeting a few things in particular were raised for consideration:

Improve pedestrian safety with more lighting, security cameras that Boston Police can access in the event of incidents, even/add sidewalks and the like. As you recall from the Chinatown Safety Committee, a committee of the CNC, community safety is of great concern, the Safety Committee led the charge against the Combat Zone many years ago.

Jobs - working with the trades and community workforce development and related nonprofits such as the Asian American Civic Association to recruit and prepare people for jobs in the trades as well as for permanent on-site jobs. Folks understand that past projects indicate that they will work on this, but then no one or very few people are hired from the Chinese community. How can this developer work with community members and the trades to improve this situation and get more Chinese into apprenticeships and good paying union jobs?

Housing affordability - Chinatown has faced increased pressure on rental and ownership pricing in the community with luxury developments outpacing affordable housing developments in recent years. Incomes of Chinatown residents are far below area median income. With increasing rent prices and market rate ownership costs, increasing both the amount of affordable units and deeper affordability in those units and ensuring maximum opportunity for them to apply for those units would be of great benefit to the community. This would help maintain the cultural fabric of the community.

At the meeting, council members were also concerned that the developers support Chinatown through additional community benefits, resources and partnerships, supporting various efforts to maintain the vitality of the community and the ability to serve seniors, children, limited English speakers. After further discussion with members (after developers left) and requests for their feedback by email, please see additional input and opportunities to work with Chinatown to promote a healthy community.

Community Education:

A # of organizations focus on ESL and/or vocational training programs. Helping community members to help themselves. Help them to expand services and number they are able to benefit.

Support senior and youth educational programs or other activities such as offered at the Greater Boston Chinese Golden Age Center, Boston Asian Youth Essential Service, Kwong Kow Chinese School, and Wang YMCA.

Community Arts and Culture:

Fund cultural and performance Chinese arts. For ex) the Chinese Historical Society offers historical Chinatown tours and cultural

Sponsor the Asian Film Festival and Chinatown Gate movie nights and/or offer a number of free tickets to community members through community org partners.

Community Health:

Sponsor health fairs, health promotion, directly or with/at community org sites.

Fund 2 community summer bus trips to a park, beach, or recreational destination for 400 people. Buses and ticket admissions are included.

Community Improvements and Safety:

Supporting additional street cleaning staff to help keep sidewalks clear of debris

Neighborhood and community watch by residents

National Safety Night Out Funding (organized by the CNC's Chinatown Safety Committee)

We would be happy to continue working with you and discussing any particular opportunities you are particularly interested in to support the community.

Best,

Sherry, Felix, Ruth
Chinatown Neighborhood Council co-moderators

On Wed, Feb 22, 2017 at 11:50 AM, Christine McMahon <cmcmahon@wharfpartners.com> wrote:

Hi Sherry,

Thanks for having us last night.

I can be reached at the phone number below or via email at cmcmahon@wharfpartners.com.

Casey Hines, our project manager at the BPDA can be reached at Casey.hines@boston.gov.

Feel free to share our contact information. We are happy to come back to your group at any time. We believe we will be asked to provide more information, so there will be an additional comment period.

Thanks!

Christine McMahon
617.270.8640

Casey Ann Hines
Senior Project Manager- Development Review
Boston Planning & Development Agency
One City Hall, Ninth Floor
Boston, Massachusetts 02201

Dear Ms. Hines,

I am writing to provide comment on the Project Notification Form (PNF) for the proposed project at 47-55 LaGrange Street submitted by QMC LaGrange, LLC dated January 18, 2017 on behalf of Avalon Stuart LLC, the owner of AVA Theater District at 45 Stuart Street. Based on our review of the information and our understanding of the Article 80 process, we believe this project requires further study and should be required to submit a Draft Project Impact Report (DPIR).

LaGrange and Tamworth Streets

Both LaGrange and Tamworth Streets are narrow, one way streets that currently act primarily for 'back of house' service access, loading and parking. We are concerned that they are not sufficiently sized to accommodate a building of this size and scale, especially considering the building would be utilizing both streets for 'front of house', lobby, and front door uses. The proposed building spans from lot line to lot line and it is unclear how trucks, pedestrians and cars will share this tight area from both a logistics and a safety standpoint. We would like more detail regarding the loading dock and parking layout and confirmation that the street infrastructure and right of way geometry can support both the turning movements and the quantity of delivery vehicles, trash hauling and moving trucks within the internal loading dock. This is a major concern because any vehicle parked (even temporarily) on LaGrange or Tamworth Street will close these streets to the general public, abutters and emergency vehicles due to their width. We believe additional logistics and traffic studies are needed as part of the Article 80 project review in the DPIR.

The PNF does not include any information related to wind and daylight impacts on LaGrange and Tamworth Streets. This information should be included as part of the Article 80 project review in the DPIR.

Building Height, Density, Setbacks

We have objections to the increased height and density on site beyond what is allowed under existing zoning. The proponent should consider an alternate plan which uses the allowed 155' maximum height and FAR of 10.0. Also, the building should set back from LaGrange Street as required by the zoning code.

Construction Impacts

Due to the width and geometry of LaGrange and Tamworth Streets and the project build out from property line to property line, we request the development of a construction management plan for the project as part of the Article 80 review. It is difficult to envision how this project is constructed without significant access impacts to the street network and adjacent buildings due to the need for construction staging areas, mobile and tower cranes, delivery truck queuing and movement of workers and materials. Neither LaGrange nor Tamworth Street should be shut down during the construction of this

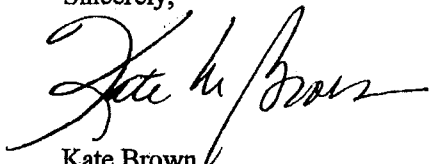
project due to the impact on abutters. A full construction management plan should be included in the DPIR.

No geotechnical information is included in the PNF. Pile driving should not be allowed due to the noise and vibration impacts on adjacent buildings. Adjacent buildings should be monitored for settlement and cracking during construction and appropriate mitigation should be required.

No environmental site history was included in the PNF. The proponent should clarify if environmental remediation is required on site in the future DPIR.

Thank you for your consideration. We look forward to hearing more about this project as it proceeds through the Article 80 process. I can be reached at 617-654-9500 if you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kate Brown". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kate Brown
Vice President – Property Operations



Martin J. Walsh
Mayor

Boston Inspectional Services Department
Planning and Zoning Division

1010 Massachusetts Avenue Boston, MA 02118 Telephone: (617) 635-5300

ZONING CODE REFUSAL

Sean Lydon
Inspector of Buildings

CHRISTINE MCMAHON
66 LONG WHARF, 5TH FLOOR
BOSTON, MA 02110

May 02, 2017

Location: 45-55 LAGRANGE ST BOSTON MA 02116
Ward: 03
Zoning District: Midtown Cultural
Zoning Subdistrict: GENERAL AREA
Appl. # : ERT694732
Date Filed: April 03, 2017
Purpose: Develop a new 21 story, 160,380 SF 176 residential units building with retail in the ground floor and below grade parking, per plans.

YOUR APPLICATION REQUIRES RELIEF FROM THE BOARD OF APPEAL AS SAME WOULD BE IN VIOLATION OF THE BOSTON ZONING CODE TO WIT: CHAPTER 665, ACTS OF 1956 AS AMENDED:

<u>Violation</u>	<u>Violation Description</u>	<u>Violation Comments</u>
Art. 32 Section 9	GCOD Enforcement	
Article 38 Section 19	Street Wall Height	38-19.2 (excessive)
Article 38 Section 7	Building Height	excessive
Article 38 Section 7.	Floor Area Ratio	excessive
Article 38, Section 18	Use Regulations	Residential uses (Ground Level) Conditional

THIS DECISION MAY BE APPEALED TO THE BOARD OF APPEAL WITHIN FORTY-FIVE (45) DAYS PURSUANT TO CHAPTER 665 OF THE ACTS OF 1956, AS AMENDED. APPLICATIONS NOT APPEALED WITHIN THAT TIME PERIOD WILL BE DEEMED ABANDONED. IF YOU HAVE INQUIRIES REGARDING THE NEIGHBORHOOD PROCESS AND PUBLIC PARTICIPATION, PLEASE CONTACT THE MAYOR'S OFFICE OF NEIGHBORHOOD SERVICES AT 617-635-3485.

Luis Santana
(617)961-3286
for the Commissioner

Refusal of a permit may be appealed to the Board of Appeal within 45 days. Chapter 802, Acts of 1972, and Chapter 656, Acts of 1956, Section 19.



**City of Boston
Board of Appeal**

Inspectional Services Department
1010 Massachusetts Avenue
Boston, MA 02118
617-635-4775

Members

Christine Araujo - *Chair*
Bruce Bickertall
Mark Fortune - *Secretary*
Peter Chin
Mark Erlich
Anthony Pisani, AIA
Craig Galvin

**NOTICE OF DECISION
CASE NO. BOA712280
PERMIT #ERT694732
APPEAL SUSTAINED
WITH PROVISOS**

In reference to appeal of

QMG LaGrange, LLC


concerning premises

45 - 55 LaGrange Street, Ward 03

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been granted.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was 8/18/2017.

FOR THE BOARD OF APPEAL

Matthew Fitzgerald 

Matthew Fitzgerald, Esq
Assistant Corporation Counsel



CITY OF BOSTON
BOARD OF APPEAL
OFFICE OF THE BOARD OF APPEAL

July 11, 2017
DATE

Decision of the Board of Appeal on the Appeal of

QMG LaGrange, LLC

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

45-55 Lagrange Street, Ward 3

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: GCOD & Variance

Article(s): 32(32-7) 38(38-19) 38(38-7: Building Height & Floor Area Ratio Excessive) 38(38-18)

Purpose: Develop a new 21 story, 160,380 SF 176 residential units building with retail on the ground floor and below grade parking per plans.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA-712280 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, June 20, 2017

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Redevelopment Authority was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BRA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, July 11, 2017 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ERT694732 and April 3, 2017 plans submitted to the Board at its hearing and now on file in the Building Department.



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Decision of the Board of Appeal on the Appeal of

47-55 LaGrange Street, Boston
 Ward 03
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This appeal seeks permission to develop a new, 21-story, 160,380 square-foot, 130 residential unit building, with 1,500 square feet of retail/restaurant/services use on the ground floor (Project), at 47-55 LaGrange Street in the Midtown Cultural District of Boston (Site).

The appeal is necessary as the requested relief requires relief from the terms of the Boston Zoning Code (Zoning Code). The specific relief required in furtherance of the proposed project is as follows:

- (1) Conditional Use Permit for construction within a Groundwater Conservation Overlay District (GCOD);
- (2) Conditional Use Permit for ground-level residential uses;
- (3) Variance for building height;
- (4) Variance for floor area ratio; and
- (5) Exception for street wall height.

The Site comprises approximately 8,759 square feet, made up of a parcel that is identified in ISD records as 47-55 LaGrange Street, which appears to correspond to City of Boston Assessing Department Parcel ID No. 0304906000, and Lowell Court, a private way closed to public travel. Inspectional Services Department records refer to a "Permit to Use Premises" issued on January 23, 1968, for the open-air parking for 50 cars. The Site is unimproved, with the exception of a shed for use by a parking lot attendant.

The appellant QMG LaGrange LLC (Appellant) owns the Site. Included in the Site for purposes of the Zoning Code is a private way owned by Appellant that is known as Lowell Court. According to City of Boston Street Book, maintained by the Boston Public Works Department (DPW), Lowell Court is not open to public travel. Use of Lowell Court is shared with the abutting property with a street address of 48-52 Boylston Street, which is owned by SFH 48 Boylston Street LLC (SFH 48 Boylston). Because it is not open to public travel, Lowell Court may be included in the "Lot Area," as defined under Section 2A-1 of the Zoning Code.



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The Site will be developed with a new, high-rise residential building containing 130 dwelling units and 1,500 square feet of ground-level retail/restaurant/services use (New Building). The New Building will include 21 stories above ground, and have a building height, as defined under the Zoning Code, of 240 feet. The Project will have a gross floor area (GFA) of approximately 160,380 square feet.

The Site is located within the General Area of the Midtown Cultural District (Zoning Code art. 38). The Site is not, however, located within one of the “protection areas” of the Midtown Cultural District established to protect public open spaces or residential neighborhoods abutting the protection areas, or the concentration of historic buildings within the protection areas. (Zoning Code § 38-5.) It is also not within one of the Housing Priority Areas of the District. (Id. § 38-18.2, citing Map 1A.)

The Boston Civic Design Commission (BCDC) must review any project exceeding 100,000 sf of GFA, or any project determined by BCDC to be of “special urban design significance.” (Zoning Code § 28-5.) As noted above, the Project would have a gross floor area of approximately 160,380 sf, and so it required schematic design review by BCDC. BCDC made its recommendation to the Boston Planning and Development Agency (BPDA) on May 2, 2017.

Appellant filed a building permit application for the Project on April 3, 2017, which ISD denied by a letter dated May 2, 2017. The Refusal Letter lists five violations of the Zoning Code: (A) GCOD applicability (Zoning Code § 32-4); (B) street wall height excessive (id. § 38-19.2); (C) building height excessive (id. §38-7); (D) floor area ratio (FAR) excessive (id. § 38-7); and (E) conditional use permit for ground-level residential uses (id. §38-19). Appellant filed an appeal with the Board on May 23, 2017.

At the Board’s hearing on July 11, 2017, representatives of the Mayor’s Office of Neighborhood Services and City Councilors Michael Flaherty and Bill Linehan, as well as of SFH 48 Boylston, stood in support of the Project. There was no opposition voiced at the hearing, and there is none on file with the Board. This showing of approval from the community further supports the Board’s finding that the requested relief will have no negative impact on the surrounding area, and is in harmony with the general purpose and intent of the Zoning Code.



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The Board makes the following findings as to the requested conditional use permits:

- (a) The specific site is an appropriate location for such use;
- (b) The use will not adversely affect the neighborhood;
- (c) There will be no serious hazard to vehicles or pedestrians from the use;
- (d) No nuisance will be created by the use;
- (e) Adequate and appropriate facilities will be provided for the proper operation of the use; and
- (f) The Project satisfies the additional standards for a GCOD conditional use permit.

The Site is exceptionally small, and located away from areas of heavy foot traffic, and largely from public view. To serve the residential units above the ground level, it is appropriate for the ground level of the Project to feature lobby, loading, trash, elevator, and mailroom areas. The Project also includes 1,500 square feet of retail/restaurant/services use at the ground level, as is normally required in the district.

The purpose of the GCOD is to prevent deterioration of and, where necessary, promote the restoration of, groundwater levels in the City of Boston, to protect and enhance the City's historic neighborhoods and structures, reduce surface water runoff and water pollution, and maintain public safety. As shown on the plans prepared by Nitsch Engineering, and reviewed by the Boston Groundwater Trust, the Project will promote infiltration of rainwater into the ground by capturing within a suitably-designed system a volume of rainfall on the lot equivalent to no less than one-inch across that portion of the surface area of the lot to be occupied by the Project.

Neither the ground-level lobby and service space for the dwelling units above, nor the groundwater infiltration system is reasonably expected to affect the neighborhood adversely. The residential lobby and related areas will be essentially imperceptible to neighbors, a considerable improvement over the surface parking operations that occur at the Site, today.

It is not reasonably foreseeable that either the proposed ground-level residential uses or the proposed underground groundwater infiltration system could present a "serious hazard" to



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vehicles or pedestrians passing near the Site. Likewise, it is not reasonably foreseeable that either the proposed ground-level residential uses or the proposed underground groundwater infiltration system could create a nuisance. Rather, by including residential trash and loading areas within the building, as well as on-site groundwater infiltration, the potential for creating nuisances would be reduced.

The Appellant seeks to include ground-level lobby, loading, trash, elevator, and mailroom areas, precisely to ensure that the Project includes all necessary amenities for the residential uses proposed for the upper levels. As noted above, the groundwater infiltration system is designed to be adequate and appropriate to mitigate storm water runoff from the Site.

The proposed groundwater infiltration system both: (i) will promote infiltration of rainwater into the ground by capturing within a suitably-designed system a volume of rainfall on the lot equivalent to no less than 1.0 inches across that portion of the surface area of the lot to be occupied by the Project; and (ii) will result in no negative impact on groundwater levels within the lot in question or adjacent lots, subject to the terms of any dewatering permit or cooperation agreement entered into by the Proponent and the BPDA, to the extent that such agreement provides standards for groundwater protection during construction. The Applicant has demonstrated that the Project meets these requirements by a certification dated July 10, 2017, from Marya E. Gorczyca, P.E., of Haley & Aldrich, a Massachusetts registered engineer.

The Board makes the following findings as to the requested variances:

- (a) There are special circumstances or conditions applying to the land or structure for which the variance is sought which 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.
- (b) For reasons of practical difficulty and demonstrable and substantial hardship, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.



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- (c) The granting of the variance 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 lot is relatively small and hemmed in by neighboring, zero-lot-line buildings, which gives rise to unusually high construction costs. Moreover, the Site is located away from heavily trafficked streets, and is, literally, out of public sight. Consequently, redevelopment has passed by the Site in favor of nearby properties in the same zoning district that are larger and less isolated. For the Project to be economically feasible, it is necessary to exceed the normally applicable building height and FAR limitations, as proposed. Absent such relief, Appellant would be deprived of reasonable use of the Site, and instead relegated to continuing the marginal and unsightly use of the Site as a surface parking lot, as it has been for over half a century.

The relatively small size and isolation of the Site within the Midtown Cultural District presents demonstrable and substantial hardship to the Appellant. Without the requested variances for building height and FAR, the Appellant would be relegated to continuing the marginal and unsightly use of the Site as a surface parking lot, as it has been for over half a century. The requested building height and gross floor area are the minimum required for the Appellant to undertake a feasible redevelopment project, and so accomplish reasonable use of the Site.

The Project will be in harmony with the general purpose and intent of the Zoning Code, which include, among other things: promoting the health, safety, convenience, morals, and welfare of the City's inhabitants; encouraging the most appropriate use of the land and buildings; lessening congestion in the streets, and conserving the value of land and buildings. The Project promotes the most appropriate use of the Site without overcrowding the neighborhood or otherwise injuring public health, safety, convenience, morals, or welfare. Among the purposes of Article 38 of the Zoning Code (Midtown Cultural District) is to create a new residential neighborhood downtown by encouraging the development of housing which is affordable to all segments of the community. The Project will do this, including through compliance with the Inclusionary Development Program. The Project also eliminated a long-blighted parcel, marked by criminal activity.



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The Board makes the following findings as to the requested exception:

- (a) That such exception is in harmony with the general purpose and intent of the Zoning Code.
- (b) The exception requested is in conformity with the plan adopted by the Boston Planning and Development Agency for the downtown district involved, and such conformity has been certified to by the Boston Planning and Development Agency.
- (c) If such appeal relates to a Development Impact Project, as defined in Section 80B-7, the applicant shall have complied with the Development Impact Project Exaction requirements set forth in Section 80B-7.3.

The general purpose and intent of the Zoning Code, include, among other things: promoting the health, safety, convenience, morals, and welfare of the City’s inhabitants; encouraging the most appropriate use of the land and buildings; lessening congestion in the streets, and conserving the value of land and buildings. The Project promotes the most appropriate use of the Site without overcrowding the neighborhood or otherwise injuring public health, safety, convenience, morals, or welfare. Exceeding the normal street-wall height limitation of 90 feet is consistent with other development nearby, and is in harmony with the general purpose and intent of the Code.

The Appellant has provided written certification by the BPDA that the requested exception for street wall height conforms to the plan adopted by the BPDA for the Midtown Cultural District.

The Project is not a Development Impact Project, as defined in Section 80B-7 of the Code.

For these reasons, the requested relief may be granted 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.

In determining its findings, the Board of Appeal has taken into account, among other things: (1) the number of persons residing or working upon such land or in such structure; (2) the character and use of adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood.



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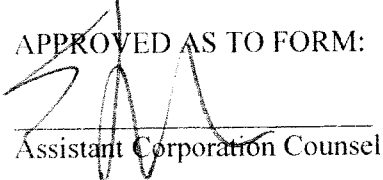
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The Board is of the opinion that all conditions required for the granting of conditional use permits under Article 6, Section 6-3, variances under Article 7, Section 7-3, and an exception under Article 6A, Section 6A-3, all of the Zoning Code, have 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 Conditional Use Permits, Variances, and Exception 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.

APPROVED AS TO FORM:


Assistant Corporation Counsel

PROVISOS:

- 1. Subject to design review by BRA.

Signed, August 15, 2017

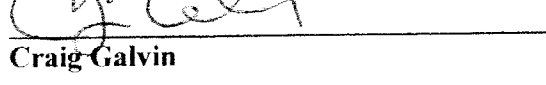

Christine Araujo - Chairperson


Mark Fortune - Secretary


Peter Chin


Bruce Bickerstaff


Mark Erlich


Anthony Pisani, AIA


Craig Galvin