

BRA APPROVAL: 4/28/05  
BIC APPROVAL: 5/25/05  
EFFECTIVE: 5/25/05

**WINGATE AT BRIGHTON**  
**FIRST AMENDMENT TO**  
**DEVELOPMENT PLAN FOR PDA NO. 42**

**I. History**

Wingate at Brighton is a state of the art nursing home and rehabilitative care facility containing 123 beds on three floors. It is located at 100 North Beacon Street in Boston, Massachusetts. The project was built pursuant to the Development Plan for Planned Development Area No. 42, a copy of which is attached hereto as **Exhibit 1** (the "Existing Development Plan"). The BRA, pursuant to Boston Zoning Code (the "Code") Section 3-1A and Sections 51-44 through 51-49, on August 19, 1992, approved the Development Plan and further authorized a Planned Development Area overlay designation for the property that was the subject of the Development Plan (the "Existing PDA"). (See a copy of the Memorandum of the Vote of the BRA attached hereto as **Exhibit 2**.) The Boston Zoning Commission approved the Existing PDA and the Existing Development Plan on September 2, 1992 and these enactments became effective on September 21, 1992 (See a copy of Map Amendment No. 284 effective September 21, 1992 attached hereto as **Exhibit 2A**.)

The Existing Development Plan concerns a 130,605 sq. ft. lot, and approved the construction of a 55,149 sq. ft., L-shaped, 3-story building fronting on North Beacon Street (the "Existing Facility") within it. (See a metes and bounds description of the Existing PDA site (the "Site") attached hereto as **Exhibit 3**.) The Existing Development Plan provided for 70 parking spaces at the Site with access from North Beacon Street. As part of the approval process, the owner, Continental Healthcare IV Limited Partnership ("CHC IV"), voluntarily granted a 31,528 sq. ft., perpetual conservation restriction in favor of the BRA for recreational uses at the Site. (See Conservation Restriction attached hereto as **Exhibit 4**.)

The Wingate at Brighton Existing Facility was constructed in accordance with the Development Plan<sup>1</sup> and has been operating as a premier skilled nursing home facility since late 1993. In the past 9 years, Wingate at Brighton's medical and professional staff has significantly improved the lives of many thousands of patients in need of skilled nursing home care. In the past two years, the Allston/Brighton neighborhood has seen five separate nursing homes shutter their

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<sup>1</sup> The as-built Existing Facility contains a 6-inch rear setback deviation from the approved Development Plan, which is hereby ratified and approved by this First Amendment to the Development Plan for PDA No. 42.

doors due to a severe economic downturn in the nursing home business. As a result, the Allston/Brighton community has lost approximately 500 beds once available for use by neighborhood residents. Wingate at Brighton now remains the only state of the art long-term care facility in the Allston/Brighton area. In order to provide the clearly needed nursing home services to the community, Wingate at Brighton is seeking to add 12 additional beds to the current 123-bed Existing Facility.

## **II. Amendment to Existing Development Plan**

This First Amendment to the Development Plan for PDA No. 42 (the "First Amendment") does not affect the regulation of uses within the Existing PDA, as set forth in the Existing PDA Plan and, except as expressly provided below in this First Amendment, does not affect the dimensional limitations applicable to the buildings and other improvements as approved in the Existing PDA Plan.

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

The proposed 12-bed expansion will take place in two phases pursuant to the plans submitted herewith in accordance with Code Article 80C-3(1). See plans attached hereto as **Exhibit 5**, which include the following:

1. Site Plan/Topographic Survey showing building additions by R.E. Cameron & Associates, Inc. (Revised as of 10/24/02)
2. T-1.01 – Title Sheet by The Architectural Team, Inc. (Dated November 20, 2002)
3. A2.01 – Ground Floor Plan by The Architectural Team, Inc. (Dated November 20, 2002)
4. A2.02 – First Floor Plan by The Architectural Team, Inc. (Dated November 20, 2002)
5. A2.03 – Second Floor Plan by The Architectural Team, Inc. (Dated November 20, 2002)
6. A4.01 – Exterior Elevations by The Architectural Team, Inc. (Dated November 20, 2002)

The first phase will consist of a 3,714 sq. ft. addition to the northwest corner of the 3-story Existing Facility, which will be divided equally along the

three floors (“Addition #1”). The second phase will add a total of 1,248 sq. ft to the southern (rear) portion of the Existing Facility, also divided equally along the three floors (“Addition #2”). (Additions #1 and 2 are collectively referred to herein as the “Proposed Project.”) The total square footage of both Addition #1 and Addition #2 will be 4,962 sq. ft., which will bring the resulting building’s total gross floor area to 57,914 sq. ft. The attached floor plans are subject to modification, consistent with the dimensional limitations set forth herein, depending on the final determination of the location and arrangement of the twelve beds proposed to be added hereunder.

Because the additional gross floor area is modest in scope, the proposed additions are not expected to have a significant impact on the general appearance of the Existing Facility. Because Addition #2 is in the rear of the building, it will be virtually unseen from North Beacon Street. Addition #1 will extend the footprint of the existing west façade by only 10 ft. The proposed design takes advantage of the Existing Facility’s design by expanding in areas that are currently recessed into the structure. As such, both of the additions are infills that tend to minimize the overall bulk of the Proposed Project, thereby reducing its resulting visual impact.

The additional space is designed to be compatible with the existing exterior facade. The proposed roof will match the existing height and will echo the existing parapet details. The window trim is also designed to mimic the details of the existing structure. The minimal nature of the addition will result in negligible, if any, visual impact from North Beacon Street. The parking areas and access drives are not being altered, thus there will similarly be no negative impact on the open space at the Site.

The architecture of the Existing Facility was specifically designed to be compatible with the buildings in the surrounding Allston-Brighton neighborhood. The building is beautifully and sensitively sited on North Beacon Street. The Existing Facility was also designed and built with the specific purpose of maintaining the significant natural features on the Site. The new façade to be constructed in connection with the Proposed Project is designed to be compatible with the existing facade, so as to create a harmonious visual effect from both the abutting properties and North Beacon Street. The Proposed Project is also designed specifically so as not to unduly disturb the natural features on the Site. In that regard, the Proposed Project will add two new catch basins and a new drain to improve drainage along the west side of the Site closest to Addition #1. Both Addition #1 and Addition #2 are modest in scope, and will have virtually no negative impact on the Site or abutting properties.

**B. Open Spaces and Landscaping**

As part of the approval process for the Existing PDA and the Existing Development Plan, CHC IV voluntarily granted a 31,528 sq. ft., perpetual conservation restriction in favor of the BRA for recreational uses at the Site. (See Conservation Restriction attached hereto as **Exhibit 4**). The Existing Facility is sensitively sited and designed specifically to maintain the existing natural features within the Site, including an 'allee' of Norway maples to the west of the building. The proposed Addition #1 will extend the footprint of the Existing Facility by only ten feet to the west and will remain 21.2 feet from the centerline of the easterly row of Maple trees. Furthermore, pursuant to the Existing Development Plan, CHC IV restored shade trees at the edge along North Beacon Street and also has a plan in place which protects the Norway spruces found throughout the Site.

The remainder of the landscaping at the Site was completed and is maintained in accordance with the landscaping and planting plans, previously approved by the BRA pursuant to the Existing PDA. The approved landscaping will not be modified, and no trees will be removed in connection with, the Proposed Project.

**C. Proposed Uses of the Area**

As noted above, Wingate at Brighton is a 123-bed, state of the art, skilled nursing home. The nursing home use at the Existing Facility was approved by the Existing Development Plan. Specifically, paragraph No. 9 of the approved Development Plan provides that the PDA may be used for the following main and accessory uses: "a nursing home, [including] the following uses: reception area, business office, therapy facilities, laundry, house keeping, mechanical and storage space, a kitchen, dining room, admissions office, hairdresser, general activity space, additional administrative and operational space, nursing stations, bathing areas, parking areas and resident family lounge." This First Amendment amends the Existing Development Plan to permit expansion of the Existing Facility so as to provide 12 additional patient beds, which expansion is consistent with the allowed "nursing home" use.

**D. Densities**

The proposed additions together will add a total of 4,962 sq. ft. to the Existing Facility, which will bring its total gross floor area to 57,914 sq. ft. As depicted on the attached Zoning Analysis (attached hereto as **Exhibit 6**), the as-built Existing Facility has a Floor Area Ratio of .41. The Existing Development Plan allowed a maximum FAR of .42. The Proposed Project will result in a Floor

Area Ratio (FAR) calculation of no greater than .44. Though the Existing Development Plan provided for an FAR of .42, that plan noted, and the underlying zoning allowed (as it still does) for a maximum FAR of .5, resulting in an allowable building size of 65,302.5 square feet of gross floor area. (See Article 51, Allston Brighton Neighborhood District, Section 51-45, Table 2, and Table H, footnote 4, for projects in a Planned Development Area). In the instant matter, the Proposed Project will add only 4,962 sq. ft. to the Existing Facility, resulting in a building still significantly smaller than the maximum potentially allowed under the Code (only 57,914 total sq. ft. with the Proposed Project compared to 65,302.5 maximum sq. ft. potentially allowed under the Code. In other words, the Existing Facility, as expanded by Additions #1 and 2, will be 7,390.5 sq. ft. smaller than otherwise potentially allowed under the Code).

**E. Proposed Traffic Circulation**

The traffic circulation will not be modified in any way from the Existing Development Plan as a result of the proposed additions. The main vehicular access will remain at the northeastern corner of the Site on North Beacon Street. All traffic will enter the Site at this location. The main entrance of the Existing Facility is in the rear of the building, so as to avoid the need for any use of North Beacon Street for parking, stopping, or standing, and this arrangement will not change with the construction of the Proposed Project. In fact, there is, and will be, no building entrance on the North Beacon Street side of the Existing Facility, thereby discouraging any vehicular stopping, standing, or drop-offs of any kind. For emergency egress only, a second vehicular egress is available on the northwestern end of the Site at North Beacon Street.

**F. Parking and Loading Facilities**

The Existing Development Plan proposed 70 on-site parking spaces. The Site currently contains 70 parking spaces. The underlying zoning, Section 51-56, Table J, requires only 1 space per 1,000 sq. ft. of gross floor area. With the proposed additions, a maximum of 4,962 square feet of additional gross floor area will be added to the Existing Facility, for a total gross floor area of 57,914 square feet, resulting in a maximum parking requirement of 58 parking spaces. Given that 70 parking spaces now exist at the Site, there will be 12 spaces in excess of the required minimum following construction of the Proposed Project, and thus no further parking will be required under the Code. Moreover, it is expected that the 12-bed addition will not increase the demand for parking within the Site because the residents do not drive and the staffing increases will be minimal.

Additions #1 and 2 do not increase the required number of loading bays at the Site.

**G. Access to Public Transportation**

As submitted with the approved Development Plan, the transit service in the North Beacon Street area consists primarily of bus service. Several MBTA bus routes are within walking distance of the Site to serve both employees and visitors to the facility. The following bus routes serve the Brighton community:

- MBTA #64 Oak Square - Central Square, Cambridge or Kendall/MIT Via North Beacon Street (See Bus Route attached hereto as **Exhibit 7**)
- MBTA #86 Sullivan Square. Station. - Cleveland Circle Via Harvard/Johnston Gate
- MBTA #66N Night Owl Harvard Square - Dudley Station Via Allston & Brookline Village
- MBTA #57 Watertown Square. - Kenmore Station. Via Newton Corner & Brighton Center
- MBTA #65 Brighton Center - Kenmore Station. Via Washington St., Brookline Village & Brookline Ave
- MBTA #66 Harvard Square - Dudley Station Via Allston & Brookline Village
- MBTA #501 EXPRESS BUS Brighton Center - Downtown Via Oak Sq., & Mass. Turnpike

Of these bus lines, Bus #64 passes directly by Wingate at Brighton traveling from Oak Square to the Kendall/MIT stop on the MBTA Red Line connecting through Central Square. During the day, the bus has a frequency of approximately every 20-25 minutes and will take approximately 27-35 minutes to travel from Oak Square to Kendall/MIT. On evenings and weekends, the bus travels only as far as Central Square and has a frequency of one hour.

**H. Proposed Dimensions of Structures**

The dimensions of the Proposed Project are shown on the plan attached hereto as **Exhibit 5**. By way of summary, Addition #1 to the west side of the Existing Facility will consist of 3,714 sq. ft and measure no more than 28 feet deep by 41.6 feet wide along the three floors of the building. Because the

addition is situated in a recess in the existing structure, the footprint of the Existing Facility will be extended by a mere ten feet to the west. Addition #2 to the southern (rear) portion of the Existing Facility will add a total of 1,248 sq. ft. and measure no more than 18 feet deep by 35 feet long in an L shape. This addition will also be divided equally along the three floors. The proposed space will be located in another recessed area of the Existing Facility, which will extend the footprint of the building by less than 10 feet to the south. Furthermore, because of the existing recess in the building, the addition will not extend the footprint of the building beyond the adjacent eastern wall of the Existing Facility. The total square footage of both Addition #1 and Addition #2 will be 4,962 sq. ft., which will bring the resulting building's total gross floor area to 57,914 sq. ft.

At the time the Existing Development Plan was originally approved, Code Article 51 contained no rear setback requirement. The Existing Development Plan established a rear setback of 41 feet. The Existing Facility, as built, is actually 40.5 feet from the rear lot line, which divergence from the Existing Development Plan is hereby ratified and approved by this First Amendment. Addition #2 proposes a rear setback of 33.6 ft., which exceeds the rear setback established by the Existing Development Plan by 7.4 ft.

The Zoning Analysis attached hereto as **Exhibit 6** indicates the underlying zoning requirements in a Conservation Protection Subdistrict both in 1992 and presently, as well as the dimensional requirements approved by the Existing Development Plan in 1992. The last two columns respectively indicate the as-built dimensions of the Existing Facility and the dimensions of the Wingate at Brighton facility following construction of the Proposed Project.

Pursuant to Code Section 51-45.2 "the dimensional requirements for a Proposed Project within a PDA shall be as set forth in the applicable approved Development Plan, provided that the Floor Area Ratio (FAR) for such Proposed Project shall not exceed the limits set forth in Table 2" (Table 2 refers to Table H, footnote 4, which indicates a maximum FAR of .5 for projects in a PDA).

As paragraph D above notes, the proposed additions will result in a maximum FAR of .44, which is well below the maximum allowable FAR of .5. As to the remaining dimensional requirements, in accordance with Code Section 51-45.2 the applicable dimensional requirements are those set forth in the approved development plan (in the instant case, the Existing Development Plan, as amended by this First Amendment).

**I. Building Elevations, Floor Plans & Exterior Building Material**

In accordance with Code 80C-3(1), CHC IV includes herewith Building Elevations (indicating exterior building materials) and Floor Plans for all three floors of the Existing Facility, as expanded by the Proposed Project. (See plans attached hereto as **Exhibit 5**.) The attached floor plans are subject to modification, consistent with the dimensional limitations set forth herein, depending on the final determination of the location and arrangement of the twelve beds proposed to be added hereunder.

**III. Standards for PDA Approval**

The Proposed Project is exempt from Article 80D Institutional Master Plan Review pursuant to Code Section 80D-2.3, Exemption for Small Institutions, because the combined gross floor area of the Proposed Project and the current institutional uses at the Existing Facility totals less than 150,000 square feet. Pursuant to Code Section 3-1A.a, Sections 51-44 through -46 and -49, and Section 80C-4, the Proposed Project satisfies all of the following requirements for approval of PDAs.

**A. Section 80C-4 Standards**

- a. The plan is not for a location for which PDAs are forbidden.

Article 51-44 allows PDAs in Conservation Protection Subdistricts ("CPS"). The Wingate at Brighton property lies in a CPS subdistrict. The First Amendment amends an established PDA, the Development Plan for Planned Development Area No. 42, effective as of September 21, 1992.

- b. The Proposed Project complies with any provisions of underlying zoning that establish use, dimensional, design, or other requirements of Proposed Projects in PDAs.

Code Section 51-45.1 states that allowed uses for a Proposed Project within a PDA are as set forth in an approved development plan. The Existing Development Plan approved a "nursing home" use at the Existing Facility, and this First Amendment extends that use to the Proposed Project. As to dimensional regulations, Section 51-45.2 provides that these requirements are as set forth in an approved development plan, except that the FAR cannot exceed the limits in Table 2, in this case, .5. The Proposed Project



increases the FAR at the Existing Facility from .42 to .44, yet this metric remains well below the potentially allowable FAR of .5. Pursuant to this First Amendment, the Proposed Project will comply with the underlying zoning in that the applicable use and dimensional requirements are those set forth in the approved development plan per Code Sections 51-45.1 and -.2. Additionally, the Proposed Project is subject to the Design Review and Site Plan Component of Small Project Review, which will be specifically addressed in a separate submission to the BRA.

- c. The plan complies with any provisions of the underlying zoning that establish planning and development criteria, including public benefits, for PDAs.

See the discussion below (in Section III.B) detailing compliance with Section 51-49, Planned Development Areas: Public Benefits for Allston-Brighton Neighborhood District.

- d. The plan conforms to the plan for the subdistrict in which the PDA is located and to the general plan for the City as a whole.

The Proposed Project complies with all of the substantive requirements of Code Articles 51 and 80 and conforms to the plan for the Allston-Brighton subdistrict as well as the general plan for the City as a whole.

- e. On balance, nothing in the plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens.

The amended plan is modest in nature, adding less than 5,000 square feet to the Existing Facility. The 12-bed Proposed Project will substantially benefit the Brighton neighborhood by increasing access to much needed skilled nursing home care in the area. The amended plan is carefully designed to protect the significant natural features at the Site. There is nothing in the First Amendment that will in any way be detrimental to the public welfare.

**B. Section 51-49 Planned Development Areas: Public Benefits**

The BRA may approve a Development Plan [or Amended Development Plan] for a Proposed Project as meeting the requirement of Section 80C-4 (Standards for PDA Review) for compliance with the applicable planning and development criteria of [Article 51] if the Development Plan proposes a plan for public benefits, including, inter alia: (a) diversification and expansion of Boston's economy and job opportunities through economic activity, such as private investment in manufacturing, commercial uses, or research and development; or (b) creation of new job opportunities and establishment of educational facilities, career counseling, or technical assistance providing instruction or technical assistance in fields related to such jobs.

The Existing Facility, constructed pursuant to the Existing Development Plan, has provided significant public benefits to the Allston-Brighton Community and to the city as a whole. The benefits included increased property taxes, the addition to the community of a state of the art long term care facility (the first of its kind in Allston-Brighton), neighborhood stabilization, security, construction and long-term employment and associated benefits, a conservation restriction ensuring the protection of neighborhood open space, neighborhood beautification, and a neighborhood scholarship program.

The First Amendment offers similar public benefits to the community. First and foremost, the addition of 12 skilled nursing home beds will help to alleviate a dire nursing home bed shortage in the community. Allston-Brighton has recently seen several nursing homes shut down, creating a loss of approximately 500 beds once available to the community. Second, the additional space will translate into increased tax revenue and employment for the city. Finally, the First Amendment is designed specifically to protect the significant natural resources on the Site.

Amendment and Restated Development Plan  
for Planned Development Area No. 42,  
Wingate at Brighton

Boston Redevelopment Authority on behalf of  
Continental Healthcare IV Limited Partnership

FIRST AMENDMENT TO THE  
DEVELOPMENT PLAN  
FOR PLANNED DEVELOPMENT AREA NO. 42  
WINGATE AT BRIGHTON

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and hearing, does hereby approve the First Amendment to the Development Plan for Planned Development Area No. 42, Wingate at Brighton, dated January 17, 2003, and approved by the Boston Redevelopment Authority on April 28, 2005.

Said First Amendment amends "Development Plan for Planned Development Area No. 42, Wingate at Brighton, 100 North Beacon Street, Boston," approved by the Authority on August 19, 1992, and approved by the Zoning Commission on September 2, 1992, effective, September 21, 1992. Planned Development Area No. 42 was designated on "Maps 7A, 7B and 7D, Allston-Brighton Neighborhood District" of the series of maps entitled "Zoning Districts City of Boston" dated August 15, 1962, as amended, by Map Amendment No. 284, adopted by the Zoning Commission on September 2, 1992, effective September 21, 1992.

First Amendment for the Development Plan for Planned Development Area No. 42,  
Wingate at Brighton

*R. L. Man*

Chairman

*Robert Jordan*

Vice Chairman

*MA*

*Wally King*

*Lynna Bernick*

*John Boyer*

*James C. Clark*

*Richard E. Taylor*

In Zoning Commission

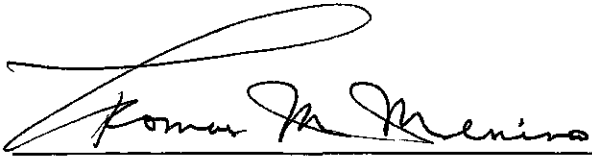
Adopted: May 25, 2005

Attest:

*[Signature]*

Secretary

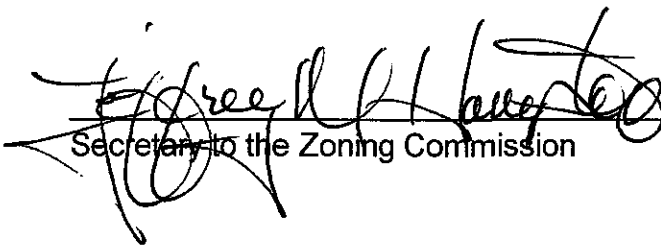
First Amendment to the Development Plan Planned Development Area No. 42, Wingate  
at Brighton

  
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Mayor, City of Boston

Date: 5/25/05

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The foregoing First Amendment was presented to the Mayor on May 25, 2005,  
and was signed by him on May 25, 2005, whereupon it became effective on  
May 25, 2005, in accordance with Section 3 of Chapter 665 of the Acts of 1956,  
as amended.

Attest:   
\_\_\_\_\_  
Secretary to the Zoning Commission

MEMORANDUM

APRIL 28, 2005

**TO: BOSTON REDEVELOPMENT AUTHORITY AND  
MARK MALONEY, DIRECTOR**

**FROM: TOM MILLER, DIRECTOR OF ECONOMIC  
DEVELOPMENT  
JAY RUSSO, DEPUTY DIRECTOR FOR DEVELOPMENT  
REVIEW  
MAGGIE GOEDECKE, PROJECT ASSISTANT**

**SUBJECT: WINGATE AT BRIGHTON**

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority (“BRA”) approve the First Amendment to the Development Plan for Planned Development Area No. 42 (the “First Amendment”) in accordance with Article 80C of the Boston Zoning Code (“Code”), and to authorize the BRA Director to (1) issue a Certification of Approval for Wingate at Brighton at 100 North Beacon Street in Brighton, in accordance with Article 80E, Small Project Review of the Code; (2) issue a Certification of Consistency pursuant to Section 80C-8 of the Code for the Wingate at Brighton Project; (3) petition the Zoning Commission to approve the First Amendment to the Development Plan in substantial accord with the First Amendment to the Development Plan for Planned Development Area No. 42, as presented to the Authority at its hearing on April 28, 2005; and (4) take all actions and execute all documents deemed necessary and appropriate by the Director in connection with the foregoing, including, without limitation, executing and delivering a Cooperation Agreement.

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### **BACKGROUND**

Continental Healthcare IV Limited Partnership (the “Developer”) proposes to construct an addition to the Wingate at Brighton nursing home and rehabilitative care facility located on an approximately 130,605 square foot lot at 100 North Beacon Street in Brighton (the “Project Site”).

The Developer received approval of Planned Development Area No.42 (the “Original PDA”) and the Development Plan for Planned Development Area No. 42 (the “Original Plan”) from the BRA on August 19, 1992, and from the Boston Zoning Commission (the “Zoning Commission”) on September 2, 1992. The Original Plan authorized the construction of an approximately 55,149 square foot L-shaped 3-story building fronting

on North Beacon Street, for use as a 123-bed nursing home and rehabilitative facility (the "Original Project").

### **PROPOSED PROJECT**

The Original Project was completed in July 1994 as a three-story, 52,952 square foot facility, and a Certificate of Occupancy therefor was issued by the City of Boston Inspectional Services Department on July 29, 1994. The Project is used for the uses permitted under the PDA Plan, i.e., a nursing home with related accessory functions (including business offices, therapy facilities, laundry facilities, and dining facilities).

The Developer now proposes an addition to the Project, to be constructed in two phases. The first phase would consist of a 3,714 square foot addition to the northwest corner of the existing building, divided equally among the three floors. The second phase would add 1,248 square feet to the southern portion of the building, also divided equally among the three floors. The total square footage of the two additions is 4,962 square feet, bringing the resulting facility's total gross floor area to 57,914 square feet (the "Proposed Project"). The new construction will be devoted to the existing nursing home use, and will add 12 beds.

### **PUBLIC PROCESS**

On January 17, 2003, the Developer submitted an Amended and Restated Development Plan for the PDA Area, together with an application for Small Project Review pursuant to Article 80E of the Boston Zoning Code (the "Code"). The public comment period ended on March 7, 2003, and a community meeting on the Proposed Project was held on February 27, 2003, at the Wingate facility.

### **ZONING**

The Proposed Project complies with all applicable requirements of Articles 51 and 80C for Planned Development Areas. Because the total gross floor area to be occupied by the Project upon completion of the Proposed Project will not exceed 150,000 square feet, an Institutional Master Plan filing is not required pursuant to Section 80D-2.3 of the Code. No amendment of the Boston Zoning Maps is necessary because the Proposed Project is entirely contained within the Original PDA.

### **CONCLUSION**

It is recommended that the BRA approve the First Amendment in accordance with Article 80C of the Code and as the Proposed Project complies with the requirements set forth in Article 80E of the Code for Small Project Review, staff recommends that the Director be authorized to (1) issue a Certification of Consistency pursuant to Section 80C-8 of the Code for the Wingate at Brighton Project; (2) petition the Zoning Commission to: approve the First Amendment in substantial accord with the First Amendment to the Development Plan for Planned Development Area No. 42 presented to

the BRA at its hearing on April 28, 2005; (3) issue a Certification of Approval pursuant to Article 80E of the Code for the proposed development of the Proposed Project; and (4) take all actions and execute all documents deemed necessary and appropriate by the Director in connection with the foregoing, including, without limitation, executing and delivering a Cooperation Agreement.

Appropriate votes follow:

**VOTED:** That the Director be, and hereby is, authorized to issue a Certification of Approval, confirming that the Proposed Project by Continental Healthcare IV Limited Partnership to construct an addition to the existing, 52,952 square foot, 123-bed nursing home facility, adding 12 beds and approximately 4,962 square feet in two phases (the "Proposed Project") has complied with the requirements of Small Project Review, pursuant to Article 80E of the Code; and

**FURTHER**

**VOTED:** That in connection with the First Amendment presented at a public hearing duly held in the Room 900 of Boston City Hall on April 28, 2005, and after consideration of evidence presented at, and in connection with, the hearing in connection with the Proposed Project described in said First Amendment, the BRA finds, pursuant to Section 80C-4 of the Code with respect to the First Amendment, that (a) the Original Plan as amended by the First Amendment, when approved by the Zoning Commission, will not be for a location or proposed project for which Planned Development Areas are forbidden by the underlying zoning; (b) the Proposed Project complies with any provisions of the underlying zoning that establish use, dimensional, design, or other requirements for proposed projects in Planned Development Areas; (c) the Original Plan, as amended by First Amendment, complies with any provisions of the underlying zoning that establish planning and development criteria, including public benefits, for Planned Development Areas; (d) the Original Plan, as amended by the First Amendment, conforms to the plan for the district, subdistrict, or similar geographic area in which the Planned Development Area is located, and to the general plan for the City as a whole; (e) on balance, nothing in the Original Plan, as amended by the First Amendment, will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens; and (f) the Original Plan, as amended by the First Amendment, adequately and sufficiently satisfies all other development plan criteria and specifications for a Planned Development Area as set forth in the Code; and

**FURTHER**

**VOTED:** That, pursuant to the provisions of Sections 3-1A.a and Article 80C of the Code, the BRA hereby approves the First Amendment and authorizes the



Director to petition the Boston Zoning Commission to approve the First Amendment in substantial accord with the form submitted to the BRA Board on April 28, 2005.

**FURTHER**

**VOTED:**

That the Director be, and hereby is, authorized to issue a Certification of Consistency for the Proposed Project in accordance with Section 80C-8 of the Code when the Director finds that: (a) the Proposed Project is described adequately in the Original Plan, as amended by the First Amendment; (b) the Proposed Project is consistent with the Original Plan, as amended by the First Amendment; (c) the Original Plan, as amended by the First Amendment, has been approved by the BRA and the Zoning Commission in accordance with the applicable provisions of Section 3-1A.a and Article 80C, Planned Area Review of the Code; and

**FURTHER**

**VOTED:**

That the Director be, and hereby is, authorized to take all actions and execute and deliver any and all documents deemed necessary, appropriate, and in the best interest of the BRA by the Director in connection with the Proposed Project, including, without limitation, executing and delivering a Cooperation Agreement.