

ZC APPROVAL: 12/17/03  
EFFECTIVE: 12/22/03

# BOSTON REDEVELOPMENT AUTHORITY

## DEVELOPMENT PLAN

FOR

### PLANNED DEVELOPMENT AREA NO. 60

### THE RESIDENCES AT KENSINGTON PLACE

Dated: September 11, 2003

1. **Development Plan:** Pursuant to Section 3-1A.a and Articles 38 and 80C of the Zoning Code of the City of Boston (the "Code"), this plan constitutes the Planned Development Area Development Plan (this "Development Plan") for the development of a Planned Development Area Overlay District (the "Planned Development Area Overlay District") containing approximately 45,557 square feet of area which is located in the Lower Washington Street section of downtown Boston as described in Exhibit A-1 attached hereto, and as shown on the plan attached hereto as Exhibit A-2 (the "Overlay District Plan"). The Planned Development Area Overlay District is comprised of several contiguous parcels of land and certain portions of adjoining public and private ways within which Kensington Investment Company, Inc., a Boston-based real estate development company (along with its affiliates, collectively, the "Proponent"), intends to construct a residential development which is also proposed to include retail, office, open space and accessory off-street parking uses, all as more fully described below (the "Project"). This Development Plan sets forth the proposed location, appearance, density and dimensions of structures, proposed open space and landscaping, proposed uses, proposed traffic circulation, access to public transportation and proposed parking and loading facilities as well as the historic resources located within the boundaries of the Planned Development Area Overlay District.

This Development Plan consists of eleven (11) pages of text plus attachments designated Exhibits A-1 through E. All references to this Development Plan contained herein shall pertain to such pages and exhibits. This Development Plan represents a stage in the planning process prior to the stage at which final plans and specifications for the Project are submitted to the Boston Redevelopment Authority ("BRA") pursuant to Section 3-1A and Article 80C of the Code for final design review approval and certification as to consistency with this Development Plan, and to other governmental agencies and authorities for final approval. Accordingly, subject to consistency with the dimensional regulations set forth in Exhibit D to this Development Plan, minor changes may occur to the building design described in this Development Plan. In accordance with Section 80C-9 of the Code, consistency of the Project with this Development Plan constitutes compliance with the dimensional, use and other requirements of the Code to the extent such requirements have been addressed in this Development Plan.

2. **Planned Development Area Overlay District:** The proposed Planned Development Area Overlay District comprises approximately 45,557 square feet (1.046 acres) in area and includes the Project Site, as defined below (exclusive of that portion of Boylston Square lying outside of the PDA-IV Area established under Article 38), a portion of Washington Street abutting the Project Site and a portion of LaGrange Street abutting the Project Site. The Planned Development Area Overlay District also includes a portion of the property located adjacent to the Project Site owned by the Boston Young Men's Christian Union (the "BYMCU Site" and "BYMCU," respectively) and a portion of LaGrange Street abutting the BYMCU Site, as shown on the Overlay District Plan. The Planned Development Area Overlay District is located in the "general area" of the Midtown Cultural District and within the PDA-IV Area established under Article 38. A companion map amendment will establish the boundaries of the proposed Planned Development Area Overlay District in a manner consistent with this Development Plan.

3. **Proponent and Project Site:** As noted above, Kensington Investment Company, Inc., and its affiliates (665 Washington Street Limited Partnership and 679 Washington Street Corporation) collectively comprise the Proponent of the Project. As shown on that certain "ALTA/ACSM Land Title Survey – Washington Street/LaGrange Street/Boylston Street – Boston, Massachusetts," dated August 1, 2001, revised July 18, 2002, and prepared by Harry R. Feldman, Inc., a copy of which is attached hereto as Exhibit A-3 (the "Survey"), there are seven parcels upon which the Proponent proposes to build the Project (the "Project Site"), as follows:

- a. Assessors Parcel 4896 (659-665 Washington Street);
- b. Assessors Parcel 4897 (7-13 LaGrange Street, 669-675 Washington Street);
- c. Assessors Parcel 4898 (1-5 LaGrange Street, 677-679 Washington Street);
- d. Assessors Parcel 4900 (15-17 LaGrange Street);
- e. Assessors Parcel 4901 (19-21 and 21A LaGrange Street);
- f. Assessors Parcel 4902 (25 LaGrange Street); and
- g. Boylston Square.

Over the last fifteen years, the Proponent has assembled the three largest parcels (shown as Assessors Parcels 4896, 4897 and 4902 on the Survey) within the Planned Development Area Overlay District. Negotiations with the owners of two of the other contiguous parcels (shown as Assessors Parcels 4898 and 4900 on the Survey) necessary for the Project to proceed have been inconclusive. Assessors Parcel 4901 is owned by the BRA, while the BRA and the Proponent currently split the fee ownership of Boylston Square<sup>1</sup>. Accordingly, the Proponent has, as of September 23, 2002, entered into a Cooperation Agreement with the BRA. Consistent with the Project's approval by the BRA, the Cooperation Agreement entitles the Proponent to acquire the BRA-owned parcels within the Project Site and obligates the BRA to use its eminent domain powers to complete assembly of the Project Site as may be required should private acquisition efforts fail. The Proponent filed a Disclosure Statement in the form required by Section 80B-8 of the Code with the BRA Executive Secretary, the Boston City Clerk and the Secretary to the Boston Zoning Commission on September 3, 2003.

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<sup>1</sup> The Proponent owns the fee interest in approximately 1,977 square feet of Boylston Square, while the BRA owns the fee interest in the remaining approximately 3,657 square feet thereof.

4. **Project:** The Proponent proposes to demolish the existing structures located on the Project Site and construct a 30-story residential building (the "Building") containing: (a) up to 404,367 square feet of residential floor area comprising up to 350 residential units; (b) up to 7,378 square feet of ground-floor area fronting on Boylston Square, Washington Street and LaGrange Street to be used for retail, service, restaurant and related uses; (c) up to 2,000 square feet of floor area on the Project's first two floors above grade for office use; (d) a four-level below-grade parking garage containing up to 245 off-street parking spaces, all of which will be accessory to Project uses and will not be available to the general public; (e) new and upgraded open space, including an improved Boylston Square, accessible from LaGrange Street, Washington Street and Boylston Street, as well as a refurbished Liberty Tree Park, as described in more detail in Section 7 of this Development Plan, below; and (f) an improved LaGrange Street, which will also be widened from Washington Street to the Project driveway by an average of approximately nine feet. The proposed widening of LaGrange Street is intended to improve vehicular access to and egress from the Project's garage, improve the level of service of certain intersections in the vicinity of the Project, and provide improved visibility for the Hayden Building across LaGrange Street from the Project. The Project will also benefit the adjacent China Trade Center building, a designated Boston Landmark owned by the BRA, by improving and enlivening Boylston Square, by creating a new sidewalk entryway to the building's lower atrium level to stimulate retail activity and by contributing toward the capital funding required for the restoration and improvement of Liberty Tree Park and helping to insure its annual maintenance and upkeep.

5. **Proposed Location and Appearance of Structures:** The plans attached hereto as Exhibit B show ground floor, second floor and representative garage level and upper floor layouts of the Project. The selected elevations attached hereto as Exhibit C illustrate the Project's general appearance. The Project's preliminary design was unanimously approved by the Boston Civic Design Commission on June 4, 2002. Subject to the dimensional limitations established in this Development Plan, the final design, massing and appearance of the Project are expected to evolve, and will be subject to ongoing design review by the BRA and by the Massachusetts Historical Commission (the "MHC") and the Boston Landmarks Commission (the "BLC") under a Memorandum of Agreement ("MOA") regarding impacts to historic resources.

6. **Proposed Density and Dimensions of Structures:** The Project's consistency with the dimensional requirements applicable to the Planned Development Area Overlay District pursuant to the underlying zoning is described below:

a. **Building Height:** The Building reaches a maximum building height of 30 stories and 290 feet above grade (calculated according to Article 2 of the Code). Article 38 allows a Proposed Project within a PDA in the Midtown Cultural District to attain zoning compliance by being in "Substantial Accord" with the building height for such areas established by Section 38-11.2. The Substantial Accord building height within PDA-IV, within which the Planned Development Area Overlay District is located, is 290 feet (275 feet plus a Substantial Accord allowance of 15 feet set forth in Appendix E.21 to Article 38). The Project is accordingly in Substantial Accord with the building height set by Section 38-11.2.

b. Floor Area Ratio: The Project's FAR is comprised of two components. The maximum FAR allowed on the 1,657 square foot portion of the Project Site located within Boylston Square and outside of the Planned Development Area Overlay District, as described in Section 2 of this Development Plan, above, is 7.0. Without giving effect to the Transition Zoning provisions of Section 12-1 of the Code, this results in 11,599 square feet of allowed gross floor area. The Project accordingly proposes to allocate 11,599 square feet of gross floor area, as defined by the Code, to this portion of the Project Site in compliance with the maximum FAR of 7.0 applicable thereto. The portion of the Project Site within the Planned Development Area Overlay District has an area of 26,918 square feet (not including the lot area to be contributed by the Proponent to the proposed widening of LaGrange Street). The Project proposes a total of 402,146 square feet of gross floor area, as defined by the Code, within the Planned Development Area Overlay District, which results in a Project FAR of less than 15.0 (14.94) on that portion of the Project Site. (But for the proposed widening of LaGrange Street, however, the portion of the Project Site within the Planned Development Overlay District would comprise 28,569 square feet, which would result in a Project FAR therein of 14.08.) This represents an allowance of 6.7% over the maximum FAR of 14.0 provided for in Section 38-11.2 of the Code. The Project's maximum FAR within the Planned Development Area Overlay District will accordingly be in Substantial Accord with the maximum FAR allowed therein.<sup>2</sup>

c. Skyplane Setback: Along both the LaGrange Street and Washington Street frontages of the Building, Section 38-19.4 of the Code requires a minimum building setback of ten feet from the street wall height (which cannot exceed 90 feet) up to a height of 155 feet, and then an additional setback of five feet (for a total setback of 15 feet) above 155 feet. The proposed Project design, as depicted in the elevations attached hereto as Exhibit C, provides for complying street wall heights, which range from 85 feet along Washington Street, to 65 feet at the corner of Washington Street and LaGrange Street, to 55 feet at the western boundary of the Project Site along LaGrange Street. The setback above the street wall height along Washington Street will be not less than 15 feet for the southern tower element and not less than 30 feet for the northern tower element up to the top of both tower elements. Along LaGrange Street, the setback above the street wall height will be not less than five feet up to the top of the southern tower element. But for the proposed widening of LaGrange Street, the Building would achieve a minimum skyplane setback of 14.48 feet along LaGrange Street above the street wall height to the top of the southern tower element.

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<sup>2</sup> The Code defines "Lot" as a parcel of land "in single ownership." The area of Boylston Square is included in the calculation of the Project's FAR because it is either already owned by the Proponent as an abutter to the way, or will be purchased from the BRA by the Proponent and will be under the same ownership as the other parcels upon which the Building will be located. Although Boylston Square is listed in the records of the City of Boston Public Works Department as a private way open to public travel, public travel is, in fact, currently prevented by locked gates at both ends of the alleyway. This Development Plan assumes that Boylston Square is not a public way for purposes of calculating the Project's FAR, notwithstanding the Proponent's intention to reopen it to public use as part of the Project.

d. Skyline Plan: Section 38-16.4 requires that any Proposed Project within a PDA established within the Midtown Cultural District be “consistent in height and form” with the modified high spine/cluster skyline plan (the “Skyline Plan”) set forth in the Midtown Cultural District Plan. This section further requires that building elements of more than 155 feet in height be separated from each other by at least 125 feet. In reviewing this requirement, the BRA is instructed to take into consideration all existing structures, structures for which the Board of Appeal has granted relief and structures for which the BRA has granted Development Plan approval. The proposed Liberty Place project, located across Washington Street from the Project in the Chinatown Neighborhood District, has been granted zoning relief by the Board of Appeal. To the extent that this requirement is intended to apply to the separation distance from buildings outside of the Midtown Cultural District such as Liberty Place, the high-rise elements of the Project, as depicted in Exhibits B and C, will generally be at least 125 feet from any high-rise elements of the Liberty Place project as granted zoning relief, except for: (i) a 31-foot section of the northern tower element, where the separation between such elements will be not less than 110 feet; and (ii) a 5.5-foot section of the southern tower element, where the separation distance will be not less than 122 feet.

e. Street Wall Continuity: Section 38-19.1 specifies that, unless there are no other buildings on the same block, the street wall of any new building must be coextensive with at least 80% of the Existing Building Alignment of the block on which the building fronts, as defined by Section 18-2 of the Code. The proposed Project design, as depicted in Exhibits B and C, provides for the Washington Street and LaGrange Street (accounting for the proposed widening of LaGrange Street) facades to be located on their respective property lines. The street wall of the Building along Washington Street will be generally coextensive with the Existing Building Alignment of the China Trade Center building, the only other building on the block facing Washington Street. Due to the proposed widening of LaGrange Street, the proposed street wall of the Building will be further back than the Existing Building Alignment, which is solely determined by a one-story BYMCU building. But for the proposed widening of LaGrange Street, the Building would be consistent with the Existing Building Alignment along LaGrange Street.

f. Display Window Area: Consistent with Section 38-19.3, the ground floor retail space to be included in the proposed Project design depicted on the plans and elevations attached hereto as Exhibits B and C will provide a certain level of transparency, attractiveness to pedestrians, continuity and usage for any portion of the Building between two and 14 feet from ground level and within four feet of the Street Wall.

g. Small Business Expansion Area: Consistent with Section 38-19.5, the frontage of the Building along Washington Street that is occupied by any ground level floor area devoted to any single building tenant’s premises will not exceed 50 feet and the maximum ground level floor area to be devoted to any single tenant’s premises with street frontage will not exceed 3,000 square feet.

h. Shadow Criteria: Consistent with Section 38-16.1, the Project will be designed; as described in the DPIR and FPIR referred to in Section 14 of this Development Plan, below, in such a way as to limit the casting of shadow on certain Shadow Impact Areas as defined by Article 38.

i. Wind Impacts: As described in more detail in the DPIR and FPIR referred to in Section 14 of this Development Plan, below, the Project's pedestrian level winds will be in substantial accord with the provisions of Section 38-16.2 and its accompanying Table B.

A summary of the dimensional requirements applicable to the Project is set forth in Exhibit D hereto.

7. Article 38 Public Benefits Criteria: Pursuant to Section 38-14 of the Code, the Project must provide one of a group of defined public benefits in order to make this Development Plan eligible for approval by the BRA and adoption by the Zoning Commission. As described herein, the Project fulfills two of the public benefit criteria.

a. Creation of Affordable Housing: The Project will provide the benefits required by Section 38-14.3 in that: (i) more than 75% of the Project's gross floor area will be devoted to residential uses; (ii) ten percent of the Project's residential units will be Affordable (as such term is defined in Article 38); and (iii) a minimum of 0.7 off-street parking spaces will be provided for each residential unit.

b. Development of New Usable Open Space in the Hinge Block: The Project will also provide the open space benefits required by Section 38-14.7 of the Code. Through the Project's network of linked open spaces, including an improved Boylston Square, the commitment of funds for the construction and maintenance of Liberty Tree Park and the creation of a new publicly-accessible courtyard space within the Project Site, the Project will provide new usable open space that is appropriate in condition, size and type to be useful and contribute to the balance of built and open space responsive to the needs of the Midtown Cultural District. In addition, the Proponent will provide evidence of a long-term commitment to maintain the open space created and/or improved by the Project in accordance with the Midtown Cultural District Plan.

8. Proposed Open Space and Landscaping: A network of linked open spaces is integrated into the proposed Project design, starting from a monumental stair along the LaGrange Street frontage of the Project Site, rising to a landscaped interior courtyard, passing down a second stairway and connecting to Boylston Square, which will be transformed from an underutilized, gated service alley into a pedestrian mews. The existing Liberty Tree Park at the southeast corner of Boylston Street and Washington Street will be extensively renovated, with a substantial capital funding contribution by the Proponent. The current plan for this park, sponsored by Chinatown Main Streets, calls for new hard- and softscape, the focus of which will be a new Liberty Tree and an obelisk displaying engravings by Paul Revere.

9. **Proposed Uses:** The Project may be used for those residential, accessory off-street parking and loading and lower-floor commercial uses listed in Exhibit E attached hereto. Article 38 provides that the Project is subject to the following use restrictions:

a. **Ground Level and Cultural Uses:** Pursuant to Section 38-18.1 of the Code, uses with street frontage located on the ground level or entered by stairs from a sidewalk entry (excluding lobby entrances, which may occupy a maximum of 40 feet of street frontage) are limited to the Ground Level and Cultural Uses listed in Appendix B to Article 38.

b. **Neighborhood Business Opportunities:** Section 38-18.3 affords certain neighborhood businesses opportunities in any Proposed Project in the Midtown Cultural District that will contain 50,000 or more square feet of space available for lease. As proposed, the Project design will include a total of up to 9,378 square feet of space to be leased for non-residential uses. The requirements of Section 38-18.3 are therefore inapplicable.

c. **Change of Use or Occupancy of Theater:** Section 38-21.2 contains certain requirements applicable to a change in the use or occupancy of a Theater. Appendix E.22 of Article 38 defines "Theater" to include only those structures that are "equipped for the production and presentation of performing and visual arts events." In 1988, prior to the adoption of Article 38, the legal occupancy of the former Gaiety Theatre building (the "Gaiety"), which is located on a portion of the Project Site, was changed from "theater" to "food storage, stores, offices, restaurant, bookstore." A March 3, 2003, study prepared for the Proponent by the nationally-recognized theater architectural firm of Wilson Butler Lodge Inc. considered the feasibility of returning the Gaiety to theater use. The study concluded that rendering the Gaiety suitable for use as a theater for performing and visual arts events would require expansion of the building's footprint, including increasing the depth of the stage. Such expansion, the study further determined, would require the acquisition of three adjoining properties, including a portion of the BYMCU's adjoining building, which is a designated Boston Landmark. Moreover, on April 22, 2003, the BLC voted unanimously not to designate the Gaiety as a Landmark. In summary, the Gaiety is not now legally occupied as a theater and lacks the configuration, facilities and equipment required to return the structure to a theater use. The Project will, however, provide numerous benefits to cultural facilities in the Midtown Cultural District, as described in Section 15 of this Development Plan, below.

10. **Proposed Traffic Circulation:** The Project will have a single driveway on LaGrange Street, which will lead to an underground parking garage and a loading area. The Project driveway is located as far as possible from Washington Street in order to minimize disruption to traffic operations at the intersection of LaGrange Street with Washington Street. In addition, the Project proposes to improve LaGrange Street along its entire length and widen the street to allow for two-way traffic operations from Washington Street to the Project driveway. Traffic impacts of the proposed Project design and uses have been analyzed in the course of Large Project Review for the Project. Mitigation measures to address any such traffic impacts will be the subject of a Transportation Access Plan Agreement between the Proponent and BTB.

11. **Proposed Parking and Loading Facilities:** Up to 245 off-street parking spaces will be provided in a four-level below-grade parking garage to be developed on the Project Site as part of the Project. The parking ratio for the Project will be 0.70 spaces per residential unit, which meets the minimum required by Section 38-14.3. All spaces will be accessory to the Project's residential occupants and retail tenants and their employees and will not be available to the public at large. The internal loading area will be accessed from the Project driveway on LaGrange Street. One designated loading bay, designed to accommodate trucks up to 40 feet in length, will serve both the residential and commercial uses of the Project.

12. **Access to Public Transportation:** The Project is located within walking distance of three MBTA rapid transit lines: (a) the Orange Line, which can be accessed from the Chinatown station across Boylston Street from the Project; (b) the Green Line, which can be accessed from the Boylston Street station one block from the Project; and (c) the newly-completed Silver Line, which runs along Washington Street past the Project Site. In addition, five MBTA bus routes currently run along the Project Site on Washington Street or one block away on Tremont Street. Together, these public transportation facilities provide convenient access to most of Greater Boston from the Project.

13. **Historic Resources within the Planned Development Area Overlay District:** Of the four existing buildings to be demolished in the course of constructing the Project, the former Gaiety Theatre building, located at 659-665 Washington Street, has been included in the BLC inventory as a Category IV structure ("notable" but not significant enough to be considered for designation as either a city, state or national landmark) and 15-17 LaGrange Street and 25 LaGrange Street are described therein as Category V structures ("of little architectural or historical interest" and, like Category IV structures, considered ineligible for landmark designation). All four remaining buildings (the three described above in addition to 1-13 LaGrange Street/669-679 Washington Street) were subjected to a 90-day demolition delay period by the BLC pursuant to Article 85 of the Code. The 90-day period expired for 659-665 Washington Street and 25 LaGrange Street on December 9, 2002, while the delay period for 15-17 LaGrange Street and 1-13 LaGrange Street/669-679 Washington Street expired on December 23, 2002. On April 22, 2003, the BLC voted unanimously to reject a petition submitted during the delay period to designate 659-665 Washington Street as a Boston landmark. Since the beginning of the Article 85 process, the Proponent has consulted with staff at the BLC and the MHC to assess alternatives to demolition of these buildings and has entered into an MOA based on those discussions, dated as of September 11, 2003, which will allow demolition and Project construction to proceed.

Impacts of the proposed Project design on nearby historic resources have been analyzed pursuant to Large Project Review.

14. **Development Review Procedures:** All aspects of the proposed Project design are subject to ongoing development review and approval by the BRA. Such review is being conducted in accordance with Large Project Review pursuant to Article 80B of the Code, as follows:



- a. A Project Notification Form initiating the Large Project Review process was filed by the Proponent with the BRA on December 10, 2001;
- b. The BRA issued a Scoping Determination for the Project on March 5, 2002;
- c. In response to the areas of review described in the Scoping Determination, the Proponent submitted a Draft Project Impact Report ("DPIR") to the BRA on July 10, 2002;
- d. The BRA issued a Preliminary Adequacy Determination ("PAD") with respect to the DPIR on January 27, 2003;
- e. The Proponent submitted a Final Project Impact Report ("FPIR") to the BRA on March 7, 2003; and
- f. The BRA Board voted on September 11, 2003, to authorize the issuance of a Final Adequacy Determination ("FAD") with respect to the FPIR.

15. **Public Benefits:** This Development Plan conforms to the plan for the geographic area in which the Project Site is located and to the general plan for the City as a whole. In addition, nothing in this Plan will be injurious to the neighborhoods surrounding the Project or otherwise detrimental to the public welfare, weighing all the benefits and burdens. In the course of the review process described under Section 14 of this Development Plan, above, the impacts of the Project upon existing performing and visual arts facilities located in the Midtown Cultural District, upon the surrounding neighborhoods and upon the public welfare generally have been fully addressed, and appropriate mitigation has been proposed and incorporated into the Project. The public benefits of the Project include those described below.

- a. **New Housing:** It is anticipated that the Project will provide up to 350 new units of rental housing, 61 (or more than 17 %) of which will be affordable to households earning from 50% to 120% of area median income. Furthermore, the Project's proposed unit breakdown anticipates a wide variety of unit types ranging from studios and one- and two-bedroom units to two-level townhouses as well as a deeper affordability level for a limited number of the low income units than is required by Article 38. The Proponent will enter into an Affordable Housing Agreement with the BRA to ensure the long-term affordability of all of the Project's affordable units.

- b. **Area Retail Enhancement:** The proposed Project design calls for retaining and bolstering an active retail presence along Washington Street and LaGrange Street and creating new retail activity along Boylston Square. The Project's proposed up to 7,378 square feet of new retail space will be available for community-oriented retail and service uses.

c. Office Space for Local Organizations: The proposed Project design will reserve up to 2,000 square feet of floor area on the lower floors of the Building for use at below-market rents by local non-profit organizations.

d. Street Upgrades: As part of the proposed Project, if approved by BTD, LaGrange Street will be widened by an average of approximately nine feet and made a two-way street from Washington Street to the Project driveway and improved from an under-utilized side street into a primary street address. In addition, Boylston Square will be widened at its intersection with Washington Street from 20 to approximately 27 feet and improved from a gated service alleyway into a pedestrian mews.

e. Ground Plane and Open Space Improvements: A pedestrian entrance to the Project is proposed from Boylston Square, and the lower level of the China Trade Center building will be reconnected with Boylston Square through additional openings and improved pedestrian and general accessibility. The improved Boylston Square will be linked to the rest of the Project's proposed open spaces, including the publicly-accessible interior courtyard along LaGrange Street.

Significant improvements will be made to Liberty Tree Park as described in Section 7, above, including an extensive renovation of the park, with a capital funding contribution by the Proponent in the amount of \$407,000. The current plan, sponsored by Chinatown Main Streets, calls for new hard- and softscape, the focus of which will be a new Liberty Tree and an obelisk displaying engravings by Paul Revere. In addition to the foregoing open space enhancements within and adjacent to the Project Site, the Proponent will make a contribution of \$300,000 to the upkeep of the Boston Common Tree Fund of The Friends of the Public Garden.

f. Pedestrian, Bicycle and Car-sharing Improvements: The Project will provide bicycle and pedestrian improvements consistent with the Chinatown Transportation Study. In addition, the proposed Project design calls for a glass canopy covering the portion of Boylston Square directly adjacent to the Project. This canopy will be located at, approximately, just above the Project's third-story level and will protect pedestrians during inclement weather while also enhancing the Project's aesthetics. One (1) parking space will also be provided in the Project garage for use by a local car sharing program.

g. Cultural and Arts Funding: The Proponent has committed to provide \$50,000 in funding for restoration of the Paramount Theater on Washington Street as well as an additional \$50,000 in Project funds which will be set aside for cultural uses within the Midtown Cultural District.

h. Increased Property Tax Revenue: The Project is anticipated to increase property tax revenue significantly for the City of Boston once fully constructed.

i. Construction Job Creation: The Project is anticipated to create approximately 400 full- and part-time construction jobs.

16. **Relocation Assistance:** Consistent with the requirements of Section 38-17 of the code, the Proponent will prepare and submit to the BRA a plan for relocation assistance for the commercial tenants to be directly displaced by the Project.

17. **Inclusion of the BYMCU Site:** The Boston Young Men's Christian Union (together with its successors and assigns, the "BYMCU"), incorporated in 1851, has occupied its current Boston Landmark headquarters building on Boylston Street since its construction in about 1875. As discussed in Section 2 of this Development Plan, above, the BYMCU seeks to include the portion of its adjoining property that is located within the PDA-IV area established by Article 38 of the Code, referred to herein as the "BYMCU Site," within the Planned Development Area overlay district. The BYMCU encourages the significant investment in the area that the Project represents. Moreover, the inclusion of the BYMCU Site in the Planned Development Area overlay district will facilitate integrated planning and development by the BYMCU and the Proponent of the significant portion of the block shared by their respective abutting properties. For example, the BYMCU supports and will actively benefit from the transformation of Boylston Square, which abuts the property of both parties, from a blighted, underused alleyway into a lively pedestrian arcade. The BYMCU Site currently contains one- and two-story buildings housing handball courts. This Development Plan proposes no alterations to these existing structures and uses. Accordingly, while future development of the BYMCU Site will require an amendment to this Development Plan, no Certification of Consistency will be required for interior alterations to the structures currently located on the BYMCU Site, or for ordinary maintenance and repair to their exteriors, and any such improvements shall be deemed to be consistent with this Development Plan.

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List of Attachments

Exhibit A-1 Overlay District Perimeter Description

Exhibit A-2 Overlay District Plan

Exhibit A-3 Survey

Exhibit B Representative Layout Plans

Exhibit C Elevations

Exhibit D Summary of Applicable Dimensional Requirements

Exhibit E Allowed Uses

## EXHIBIT A-1

### **Overlay District Perimeter Description**

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

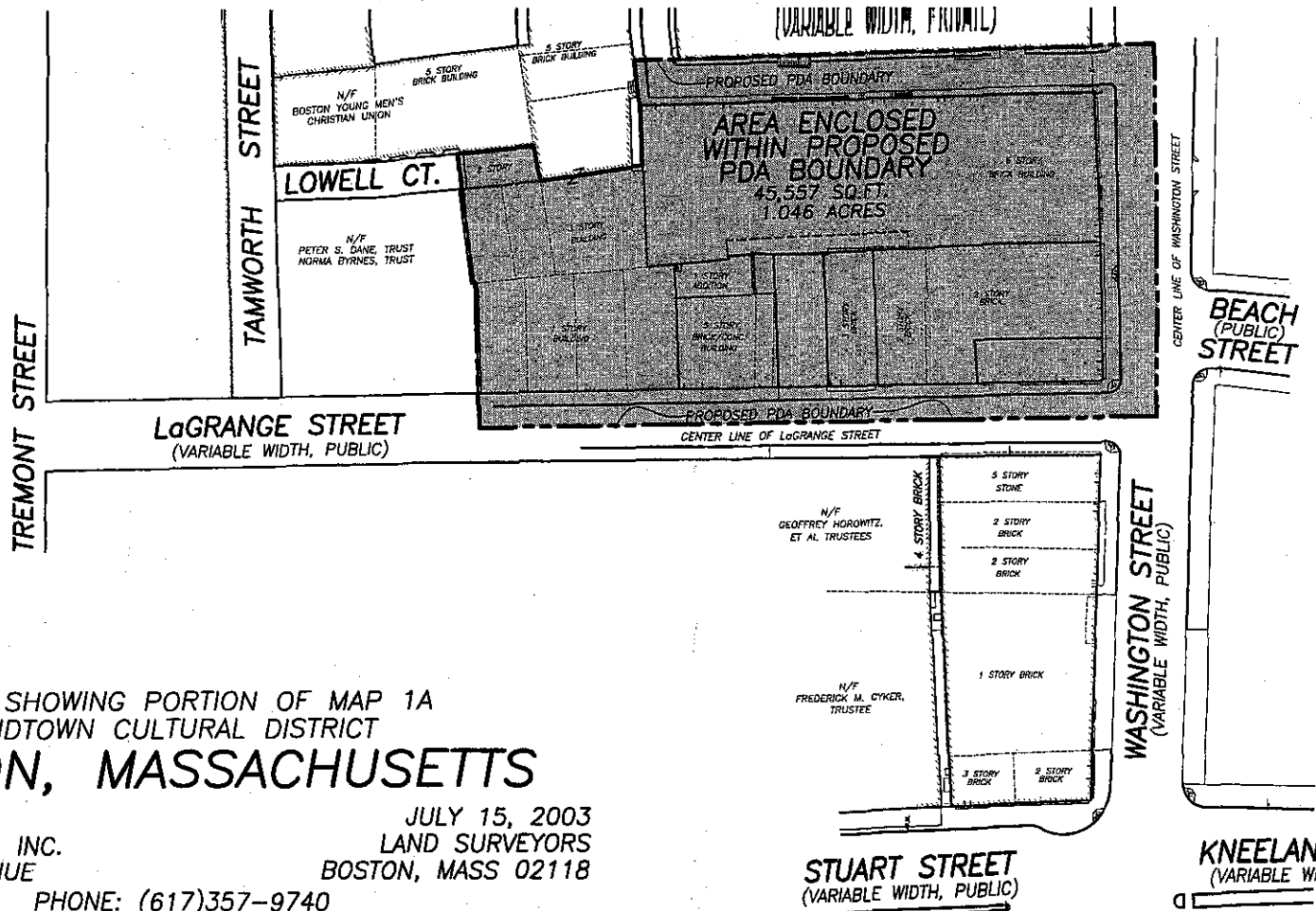
- Beginning at the intersection of the centerlines of Washington Street and LaGrange Street and thence running northwesterly, along the centerline of LaGrange Street, a distance of 299.00 feet more or less;
- Thence turning and running northeasterly, a distance of 15.31 feet more or less to the northerly sideline of LaGrange Street;
- Thence continuing northeasterly, by land now or formerly of Peter S. Dane Trust and Norma Byrnes Trust, a distance of 49.32 feet more or less;
- Thence turning and running northwesterly, by land now or formerly of Peter S. Dane Trust and Norma Byrnes Trust, a distance of 0.67 feet more or less;
- Thence turning and running northeasterly, by land now or formerly of Peter S. Dane Trust and Norma Byrnes Trust, a distance of 41.83 feet more or less to the southwesterly sideline of Lowell Court;
- Thence turning and running northeasterly, a distance of 15.36 feet more or less to the northeasterly sideline of Lowell Court;
- Thence turning and running southeasterly, along the northeasterly sideline of Lowell Court, a distance of 33.69 feet more or less;
- Thence turning and running southwesterly, along the southeasterly terminus of Lowell Court, a distance of 15.40 feet more or less;
- Thence turning and running southeasterly, by land now or formerly of Boston Young Men's Christian Union, a distance of 45.86 feet more or less;
- Thence turning and running northeasterly, by land now or formerly of Boston Young Men's Christian Union, a distance of 25.68 feet more or less, to the westerly most corner of Boylston Square;
- Thence turning and running northeasterly, along the northwesterly sideline of Boylston Square, a distance of 19.55 feet more or less;
- Thence turning and running southeasterly, to the southeasterly sideline of Boylston Square, a distance of 20.08 feet more or less;
- Thence continuing southeasterly, along the northeasterly sideline of Boylston Square, a distance of 182.30 feet more or less, to the northwesterly sideline of Washington Street;
- Thence continuing southeasterly, to the centerline of Washington Street, a distance of 27.55 feet more or less;
- Thence turning and running southwesterly, along the centerline of Washington Street, a distance of 163.99 feet more or less, to the point of beginning.

Containing an area of 45,557 S.F. or 1.046 Acres.

EXHIBIT A-2

**Overlay District Plan**

Please see attached.



PLAN SHOWING PORTION OF MAP 1A  
MIDTOWN CULTURAL DISTRICT  
**BOSTON, MASSACHUSETTS**

NOT TO SCALE  
HARRY R. FELDMAN, INC.  
112 SHAWMUT AVENUE

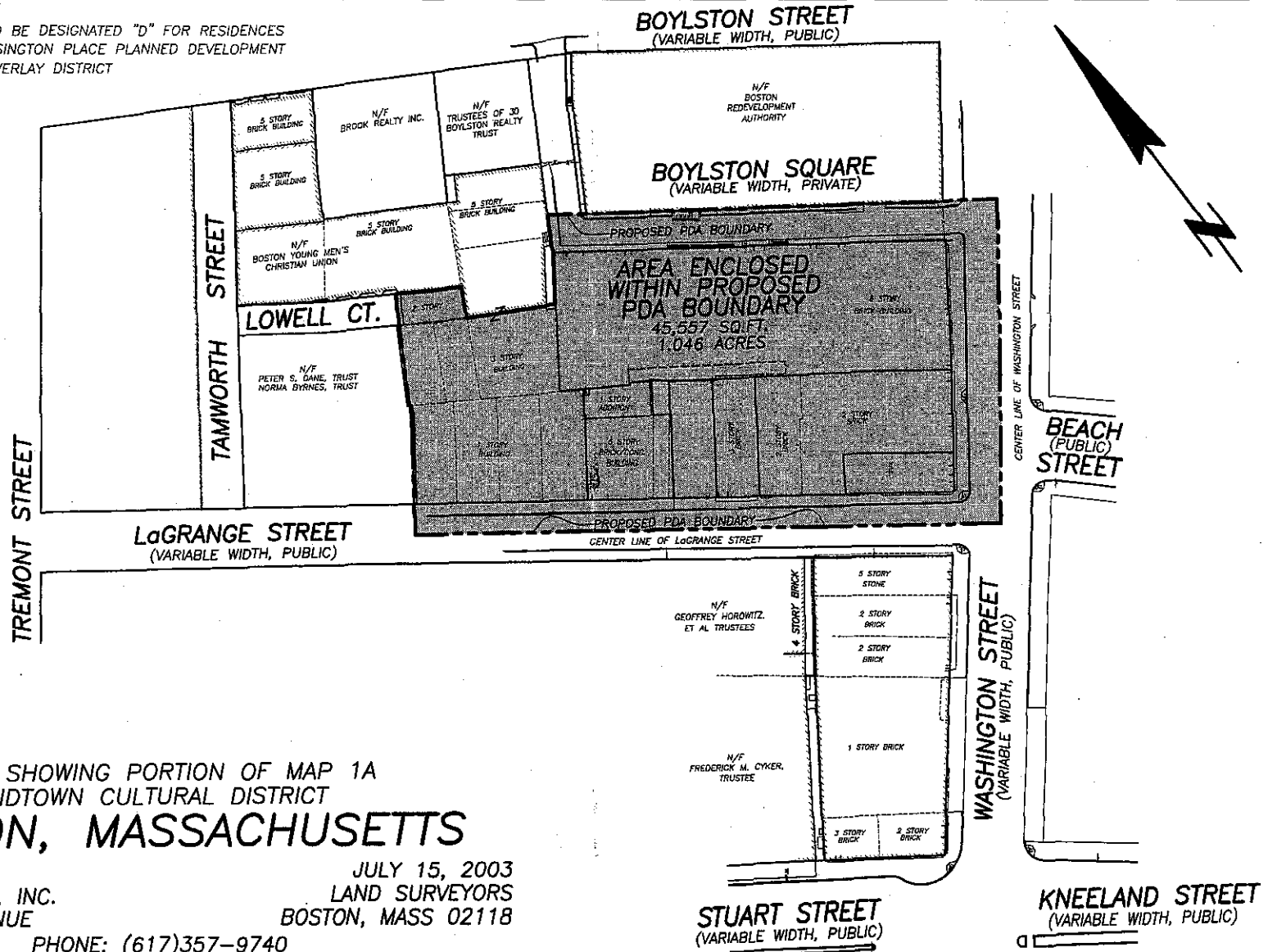
JULY 15, 2003  
LAND SURVEYORS  
BOSTON, MASS 02118

PHONE: (617)357-9740

RESEARCH PSL	FIELD CHIEF JM	CALCULATED PSL	CADD DL	FIELD CHECKED N/A	CHECKED	APPROVED	FILE NAME: 9753E6A	JOB NO. 9753E
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AREA TO BE DESIGNATED "D" FOR RESIDENCES  
AT KENSINGTON PLACE PLANNED DEVELOPMENT  
AREA OVERLAY DISTRICT



PLAN SHOWING PORTION OF MAP 1A  
MIDTOWN CULTURAL DISTRICT  
**BOSTON, MASSACHUSETTS**

NOT TO SCALE  
HARRY R. FELDMAN, INC.  
112 SHAWMUT AVENUE

JULY 15, 2003  
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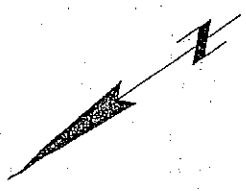
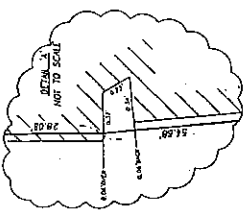
RESEARCH PSL	FIELD CHIEF JM	CALCULATED PSL	CADD DL	FIELD CHECKED N/A	CHECKED	APPROVED	FILE NAME: 9753E6A	JOB NO. 9753E
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EXHIBIT A-3

**Survey**

Please see attached.



- BLANK REFERENCES:  
 BOOK 316 PAGE 200  
 BOOK 316 PAGE 201  
 BOOK 1074 PAGE 96  
 BOOK 1074 PAGE 97
- CITY ADMINSTRATIVE RESOLUTIONS:  
 AL-10 1-27-99
- FIELD NOTES:  
 PAGE 10-143  
 PAGE 10-144  
 PAGE 10-145  
 PAGE 10-146  
 PAGE 10-147  
 PAGE 10-148

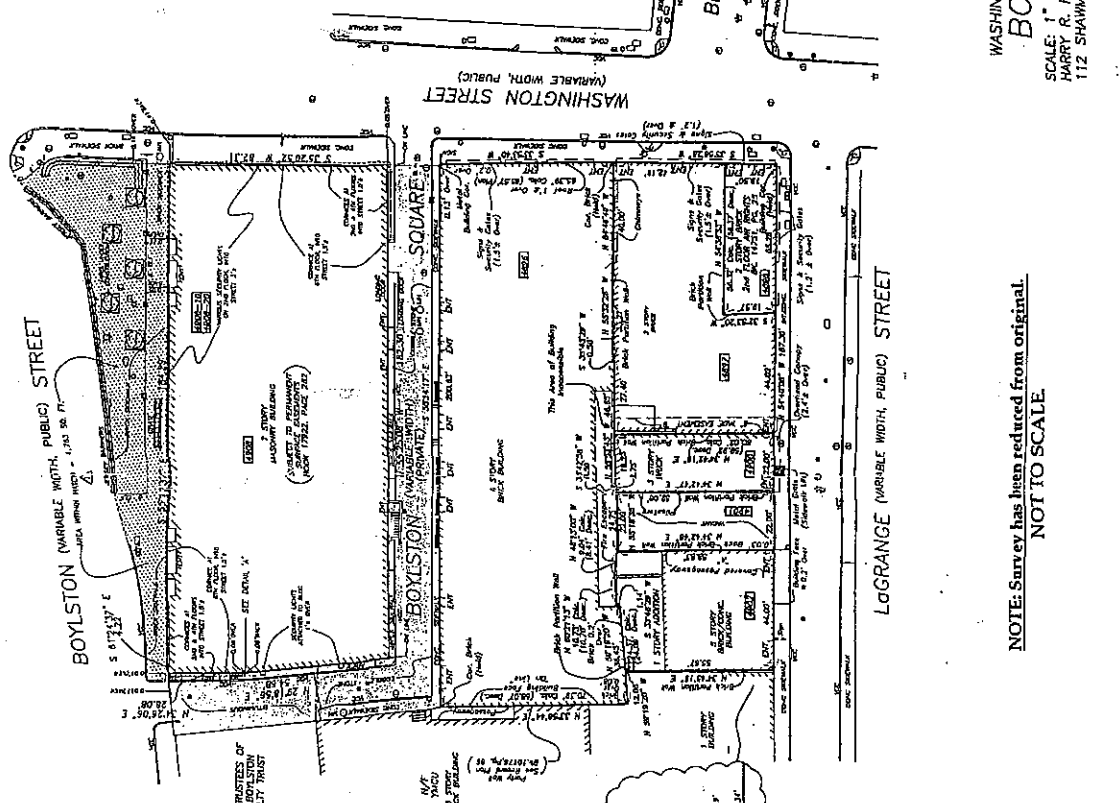
- NOTES:  
 1) ACCORDING TO RECORDS OF THE BOSTON REGISTER, THE BOSTON REGISTERED OWNERS OF THE ALTA/ACSM PARCELS ARE AS FOLLOWS:  
 2) THE ALTA/ACSM PARCELS WERE CREATED BY THE ALTA/ACSM SURVEY.  
 3) THE ALTA/ACSM SURVEY WAS MADE BY ALTA/ACSM SURVEYING, INC. IN 1950.  
 4) THE ALTA/ACSM SURVEY WAS MADE BY ALTA/ACSM SURVEYING, INC. IN 1950.  
 5) THE ALTA/ACSM SURVEY WAS MADE BY ALTA/ACSM SURVEYING, INC. IN 1950.

- LEGEND:  
 VIC. VERTICAL CURVE DATA  
 C.A.C. CALCULATED  
 DATE: LOCAL DISCREPANCY

**FOR REVIEW ONLY**  
 Δ AREAS ADDED JULY 18, 2002

**ALTA/ACSM LAND TITLE SURVEY**  
**WASHINGTON STREET/LOGRANGE STREET/BOYLSTON ST.**  
**BOSTON, MASSACHUSETTS**

DATE: AUGUST 1, 2001  
 LAND SURVEYORS:  
**HARRY R. FELDMAN, INC.**  
 112 SPANMUT AVENUE BOSTON, MASS 02118  
 PHONE: (617)357-9740



INTENT IN FAVOR OF:  
 BOSTON REDEVELOPMENT AUTHORITY - MY  
 FOUNDATION FINCHMAN COMPANY, INC.  
 TRUSTEES OF AN BOYLSTON BUILT TRUST - MY  
 PERMANENT FUND OF THE BOSTON  
 PUBLIC TRUST FOUNDATION - MY

THE BOSTON REDEVELOPMENT AUTHORITY, THE FOUNDATION FINCHMAN COMPANY, INC., TRUSTEES OF AN BOYLSTON BUILT TRUST, PERMANENT FUND OF THE BOSTON PUBLIC TRUST FOUNDATION, FOUNDATION FINCHMAN COMPANY, INC., INTEND TO CONFIRM THAT THE PLAN AND THE SURVEY ON WHICH IT IS BASED ARE CORRECT AND ACCURATE AND THAT THE ALTA/ACSM RECORDS FOR ALTA/ACSM LAND TITLE SURVEY, SHALL BE UNAMBIGUOUSLY AND CONCLUSIVELY CONSIDERED AS THE BEST AND MOST ACCURATE AND AUTHORITATIVE RECORDS FOR ALTA/ACSM LAND TITLE SURVEY, AND AS SUCH, SHALL BE CONSIDERED AS THE BEST AND MOST ACCURATE AND AUTHORITATIVE RECORDS FOR ALTA/ACSM LAND TITLE SURVEY.

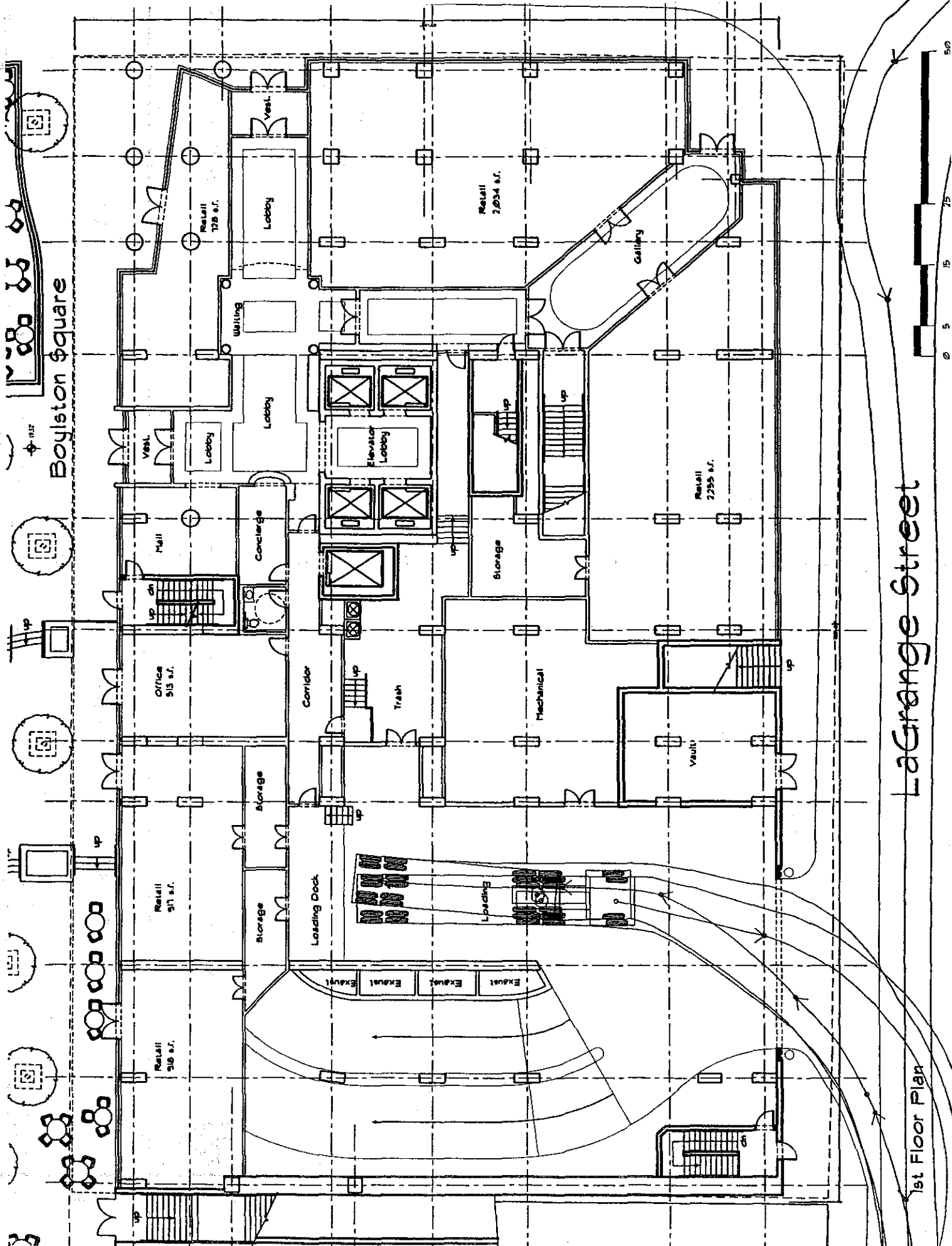
1. CERTAIN THAT THE PARCELS SHOWN HEREON LIES WITHIN A PLANNED REDEVELOPMENT AREA AND THAT THE CITY OF BOSTON, THE COMMONWEALTH OF MASSACHUSETTS AND THE STATE OF MASSACHUSETTS, SHALL HAVE JURISDICTION OVER THE SURVEY.

ALTA/ACSM PARCELS	ADJACENT	DEVELOPER	DEED REFERENCE	DEVELOPED AREA	NET AREA	NET AREA
4876	800-445 WASHINGTON STREET	188 WASHINGTON STREET LIMITED PARTNERSHIP	BOOK 15853 PAGE 8	15,130 S.F.	15,130 S.F.	15,130 S.F.
4877	2-3 & 4-12 WASHINGTON STREET	678 WASHINGTON STREET CORPORATION	BOOK 14731 PAGE 18	6,572 S.F.	6,572 S.F.	6,572 S.F.
4878	874-878 WASHINGTON STREET	874 WASHINGTON STREET CORPORATION	BOOK 15472 PAGE 340	1,000 S.F.	1,000 S.F.	1,000 S.F.
4879	15-17 LOGRANGE STREET	INDIVIDUAL OWNERS	BOOK 14028 PAGE 211	1,214 S.F.	1,214 S.F.	1,214 S.F.
4901	19, 21 & 21A LOGRANGE STREET	BOSTON REDEVELOPMENT AUTHORITY	BOOK 17044 PAGE 192	1,872 S.F.	1,872 S.F.	1,872 S.F.
4902	21 LOGRANGE STREET	874 WASHINGTON STREET CORPORATION	BOOK 15487 PAGE 9	2,344 S.F.	2,344 S.F.	2,344 S.F.
4903	2-29 BOYLSTON STREET	BOSTON REDEVELOPMENT AUTHORITY	BOOK 18172 PAGE 192	15,908 S.F.	15,908 S.F.	15,908 S.F.
BOYLSTON SQUARE		BOSTON REDEVELOPMENT AUTHORITY	BOOK 228 PAGE 128	3,608 S.F.	3,608 S.F.	3,608 S.F.

EXHIBIT B

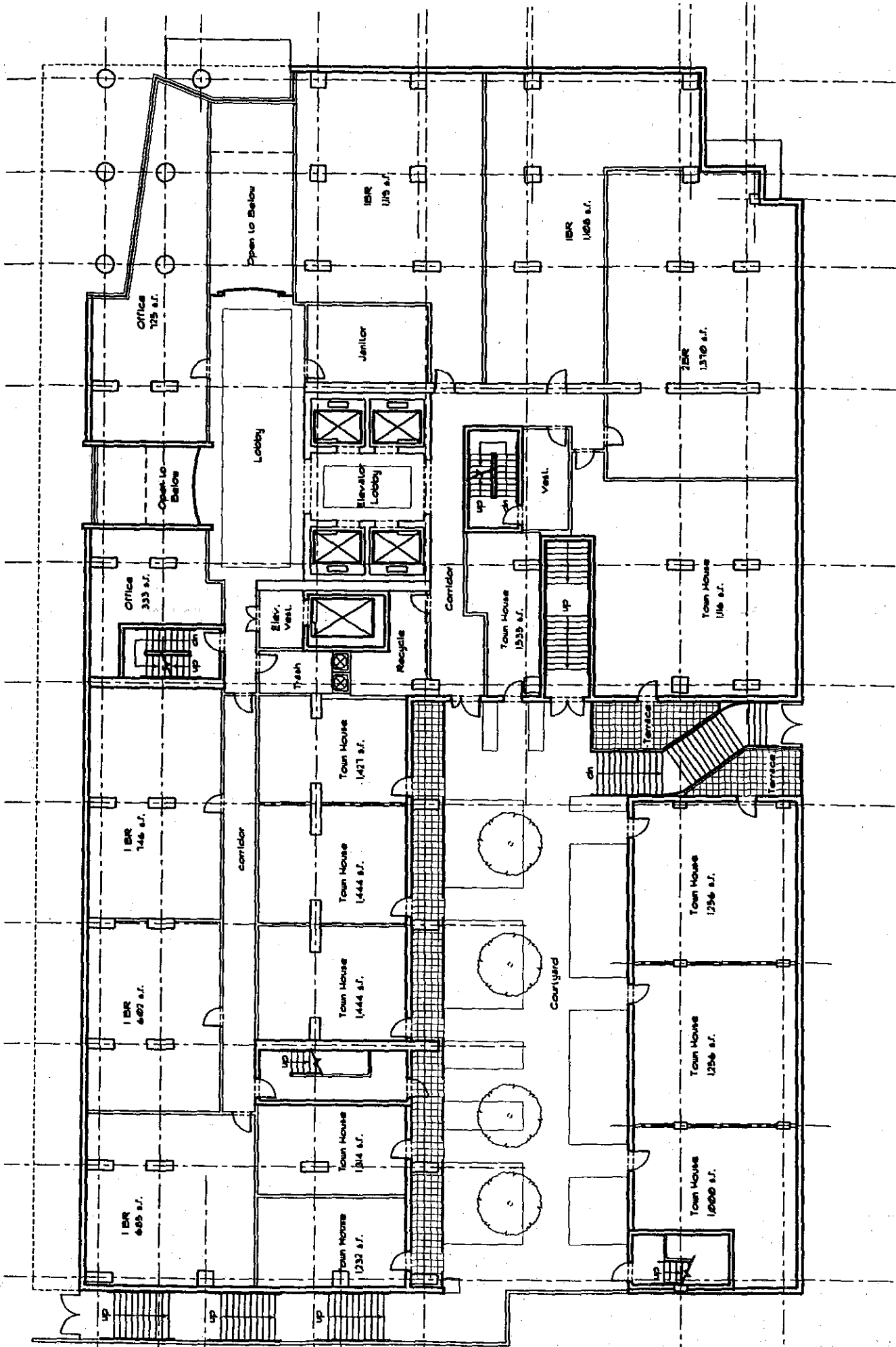
**Representative Layout Plans**

Please see attached.



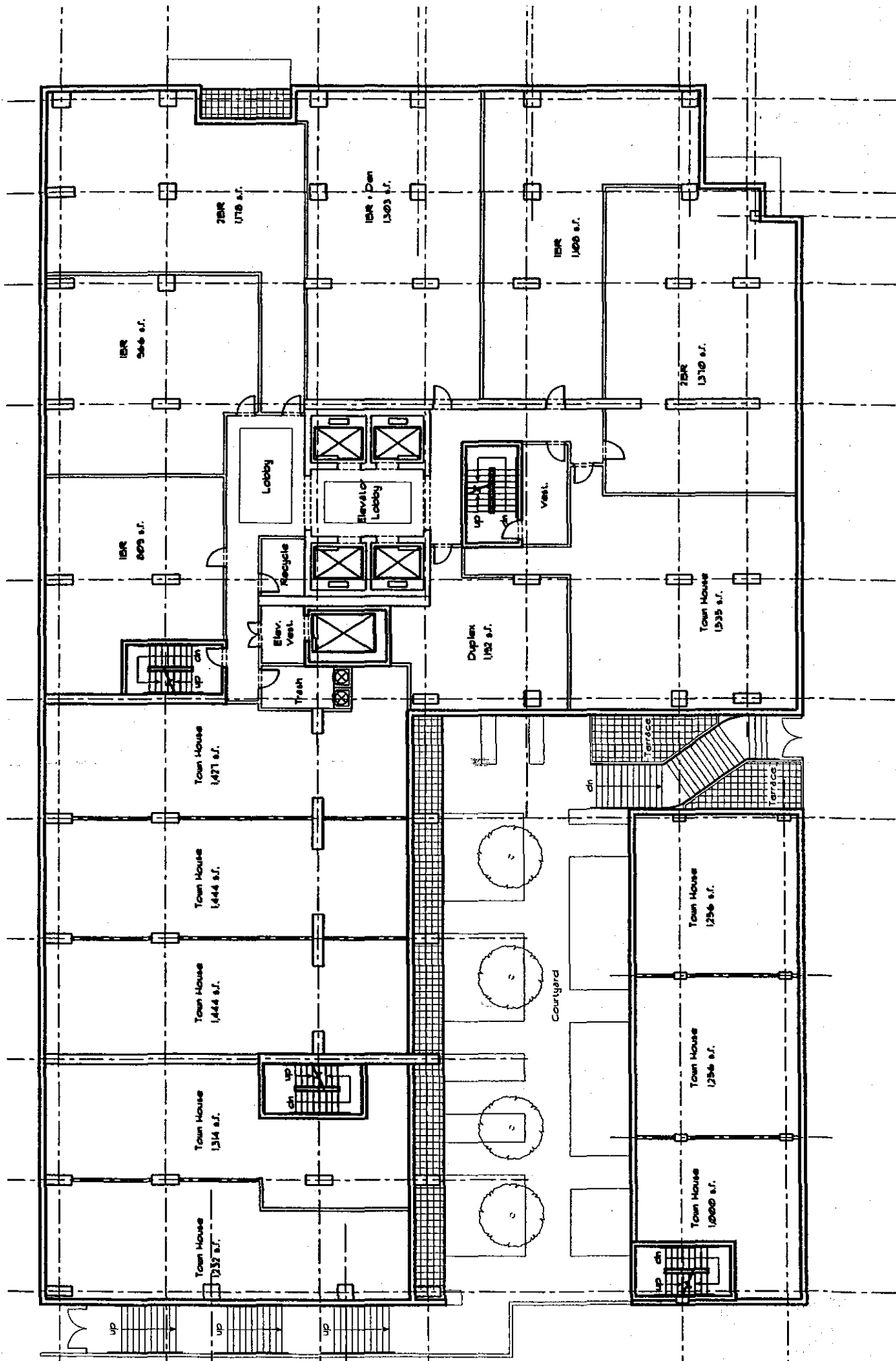
Lachine Street

1st Floor Plan

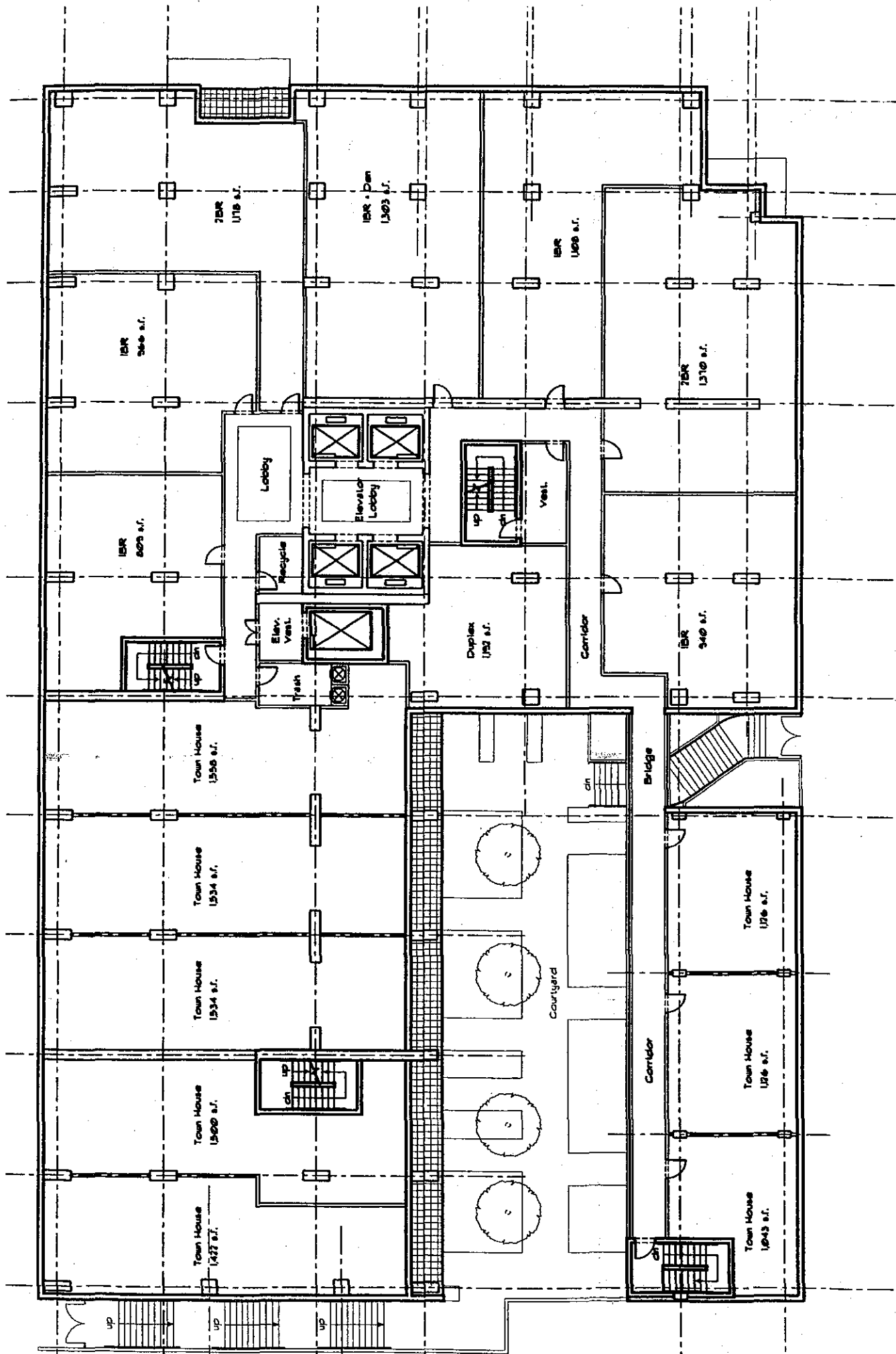


2nd Floor Plan



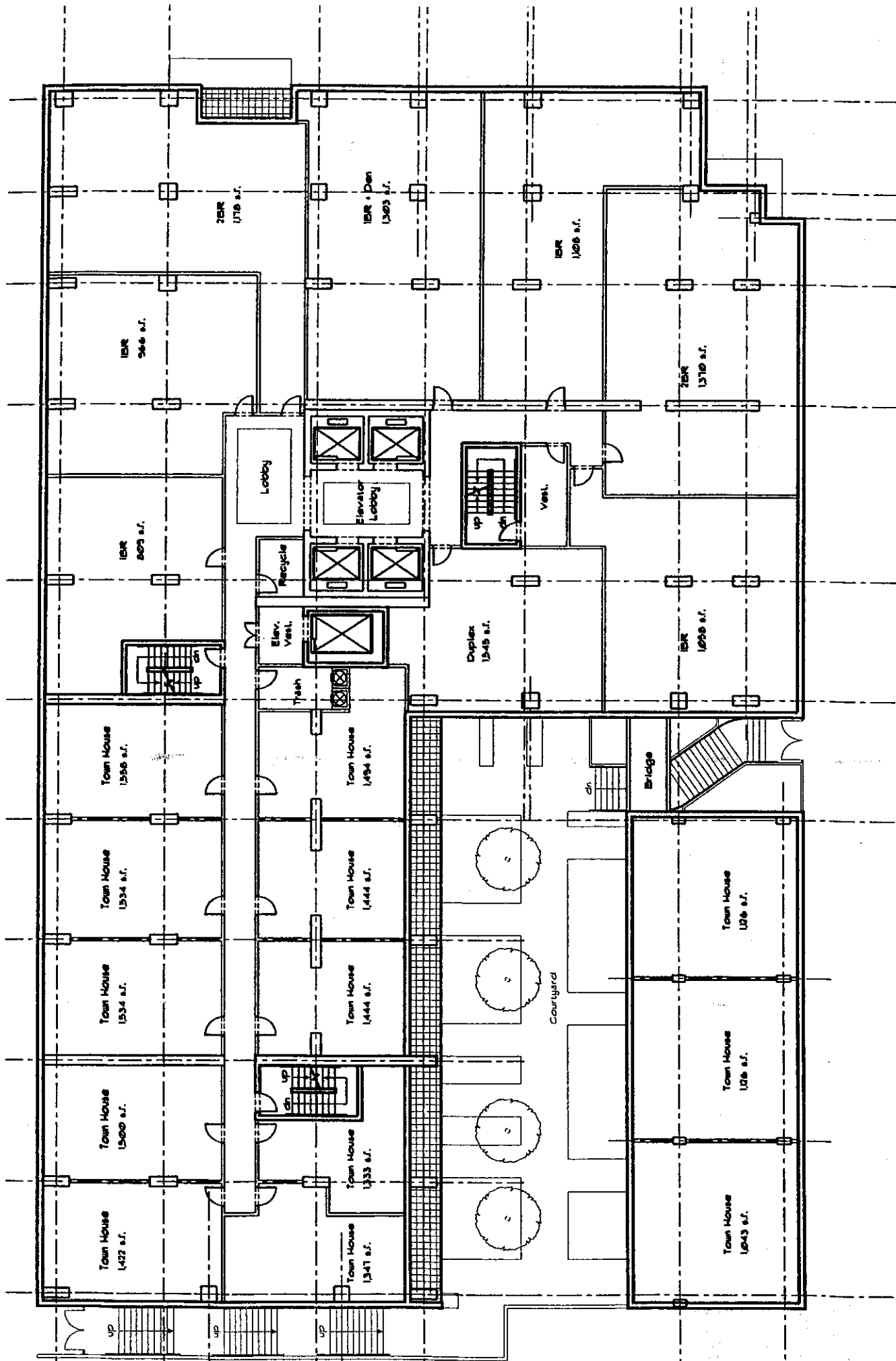


3rd Floor Plan



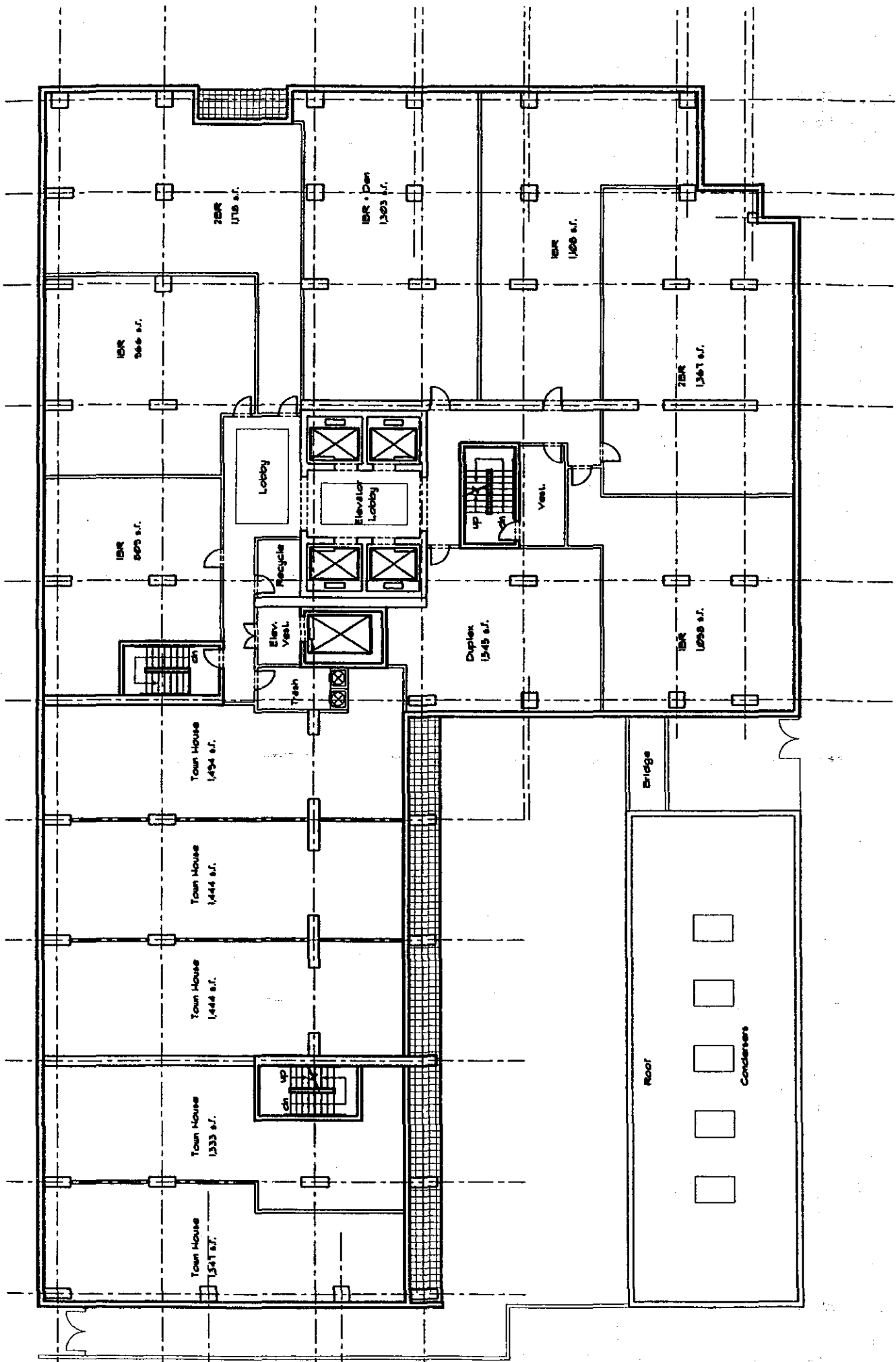
4th Floor Plan





5th Floor Plan

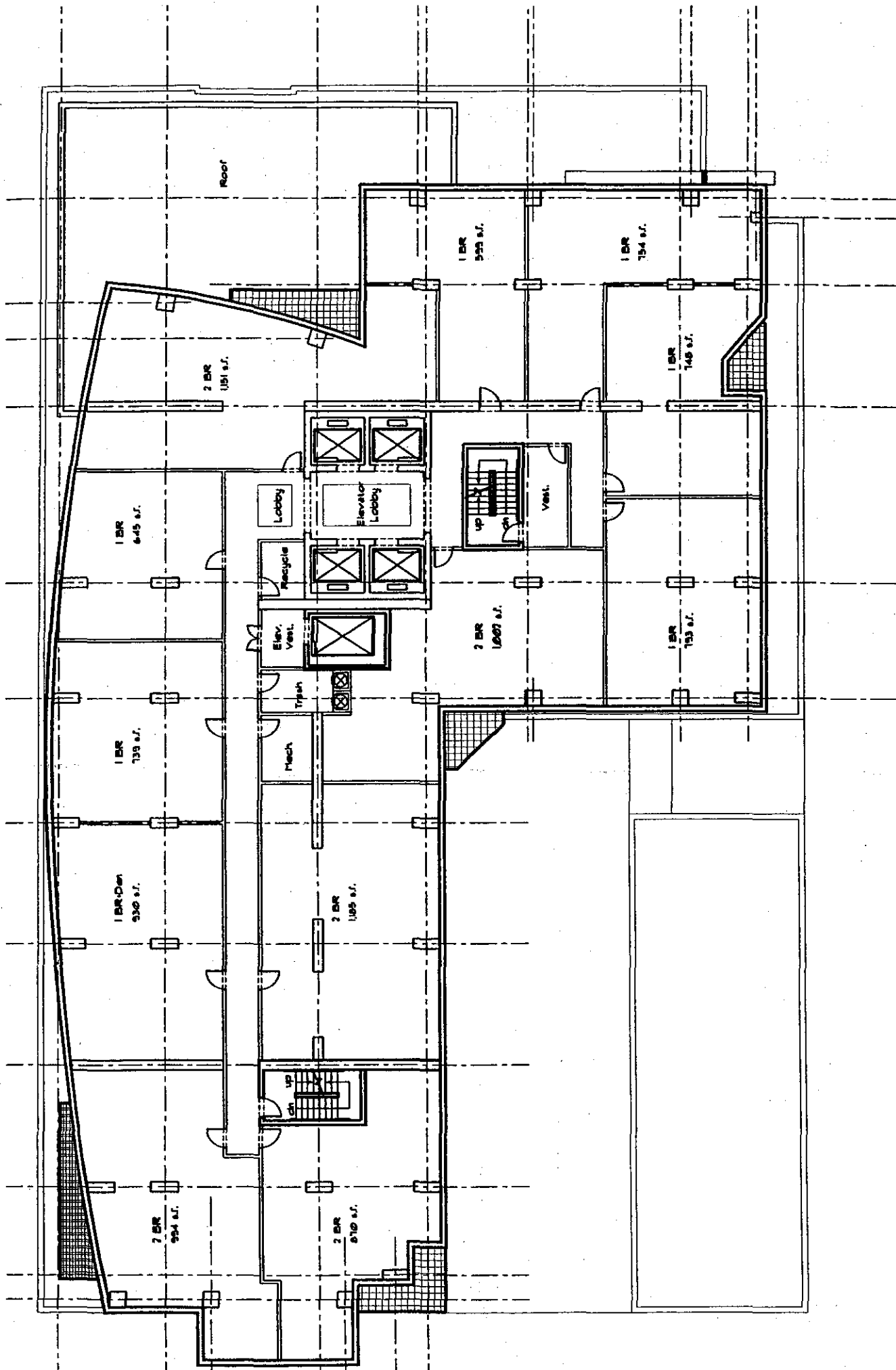




6th Floor Plan

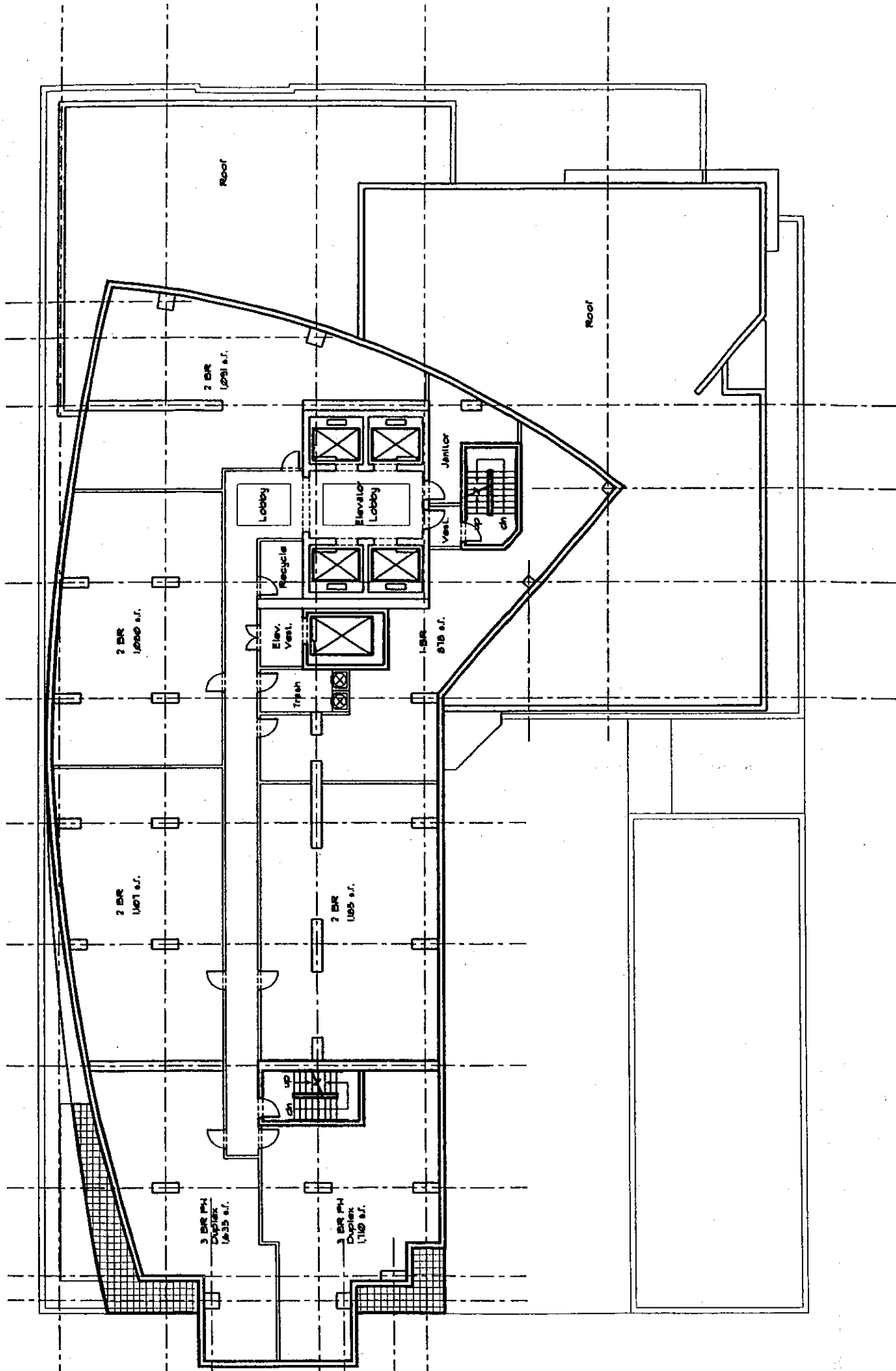




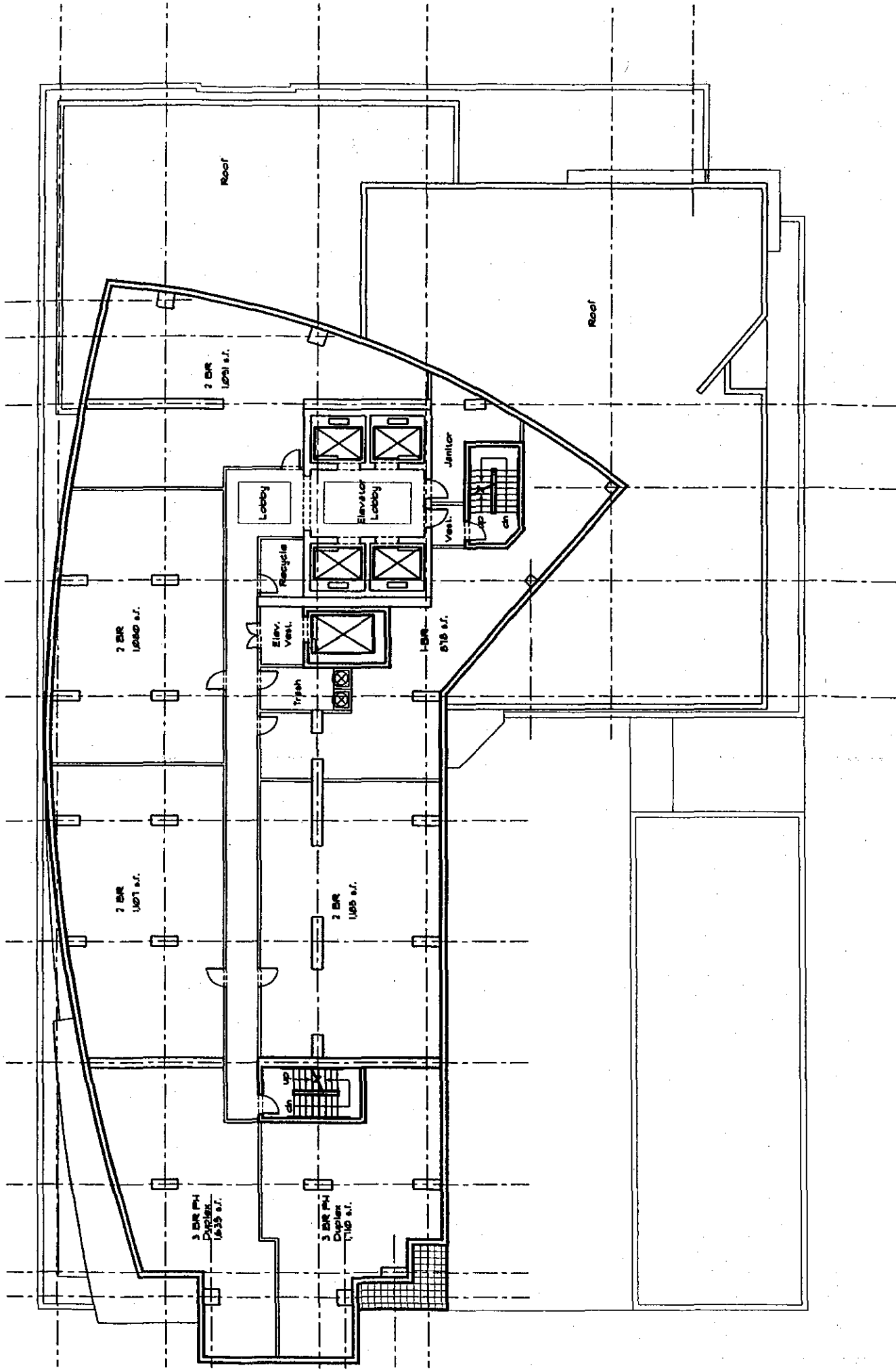


9th & 28th Floor Plan

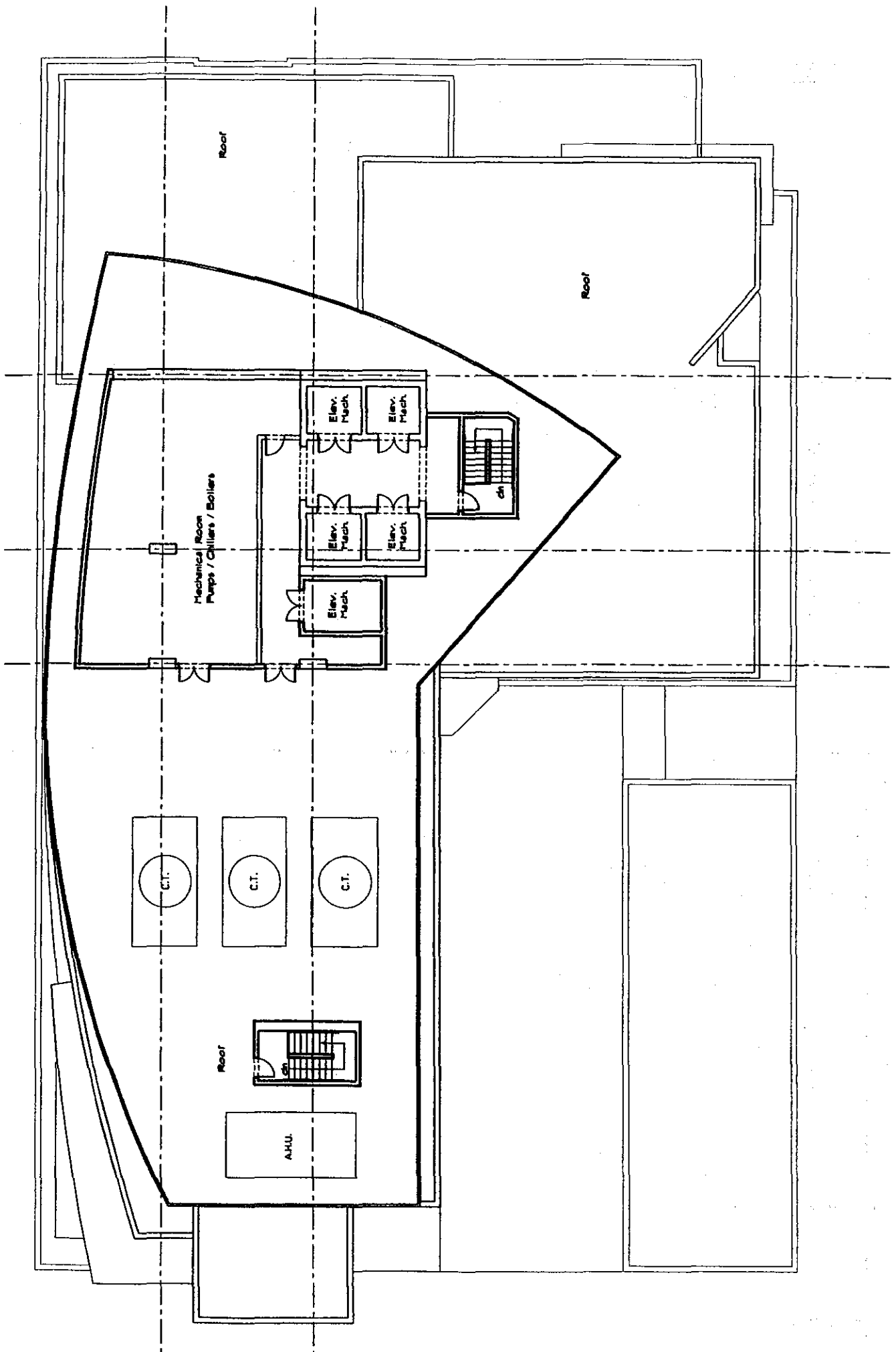




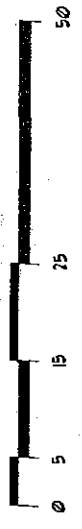
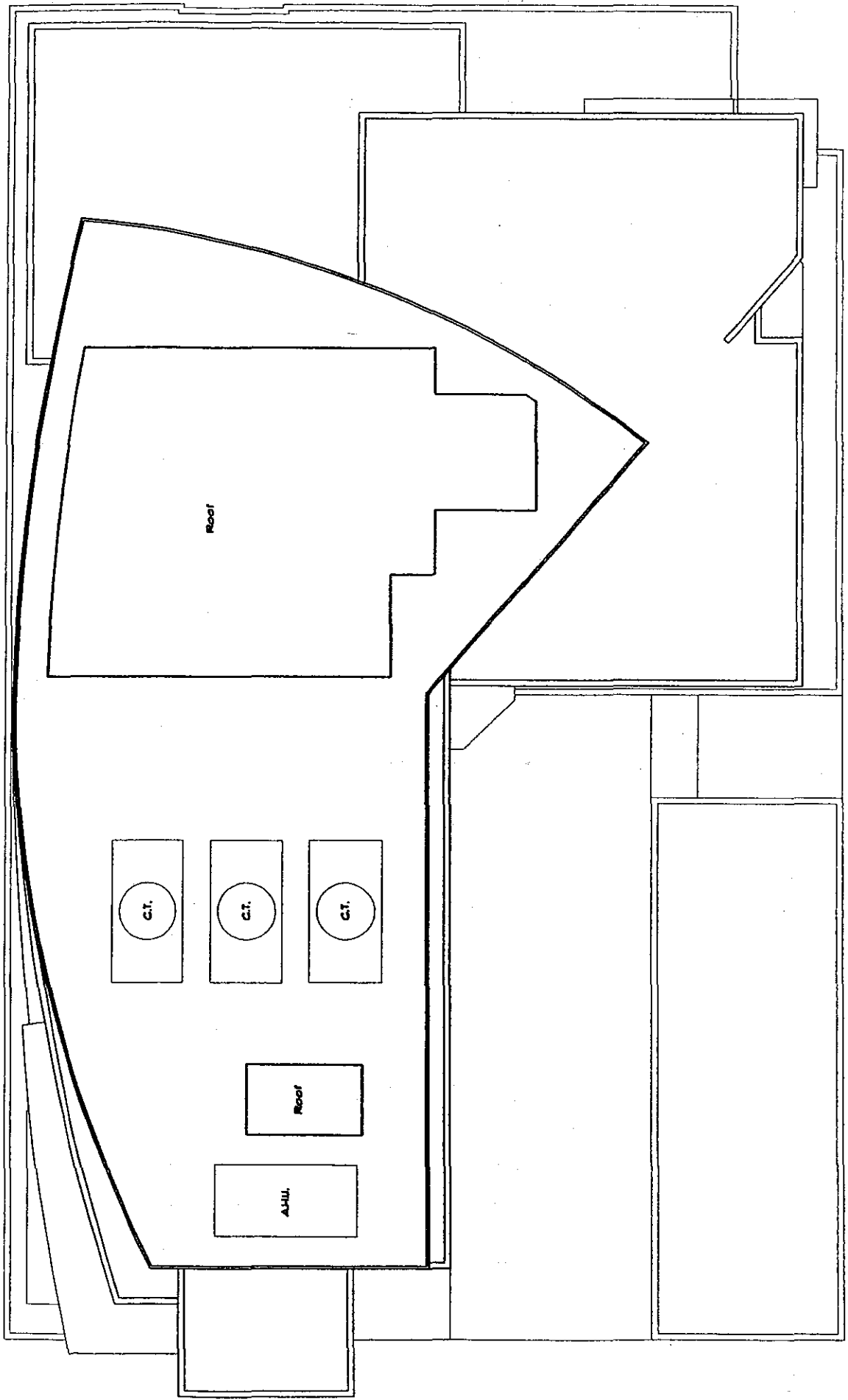
29th Floor Plan



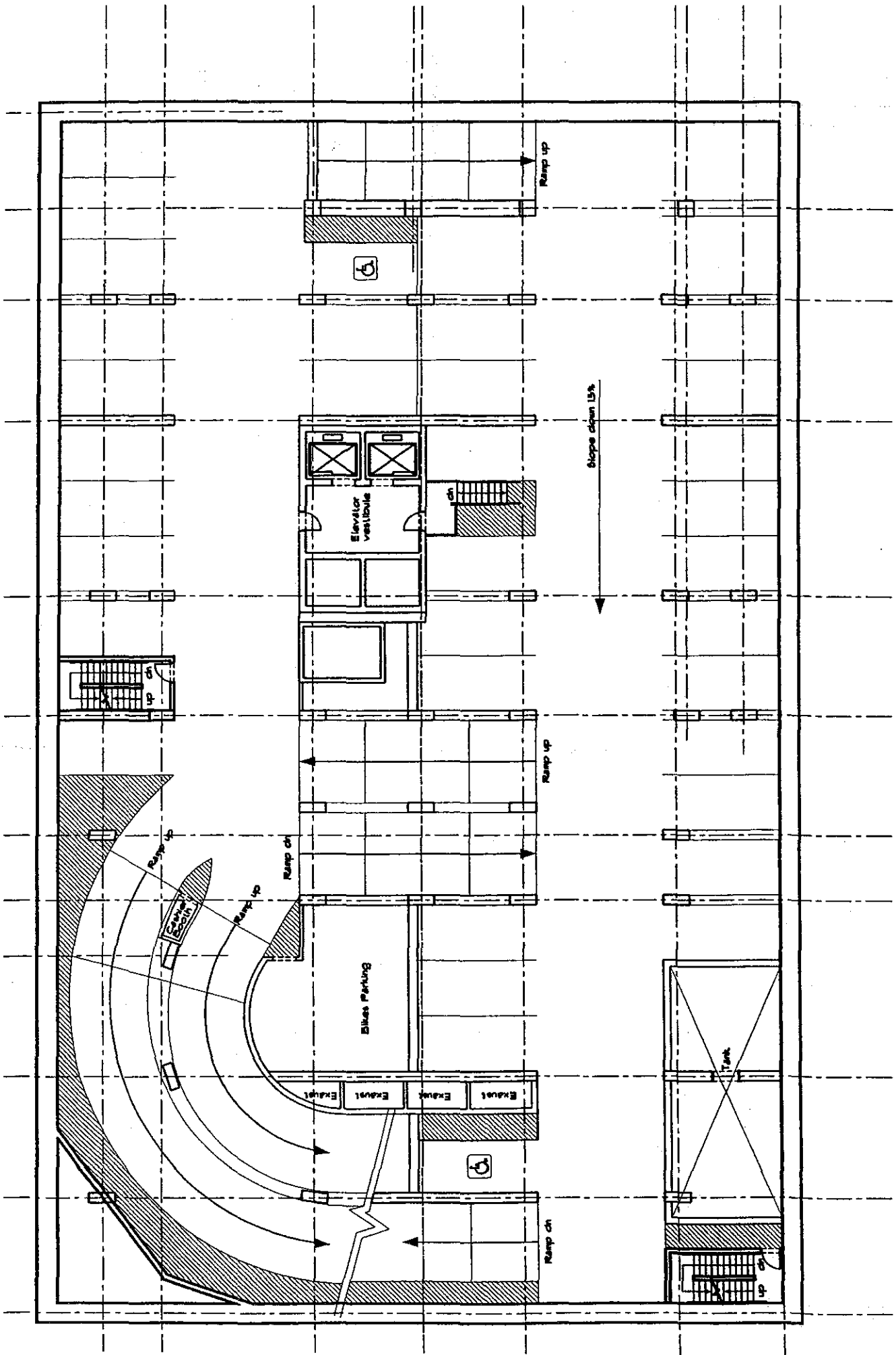
30th Floor Plan



Mechanical Penthouse

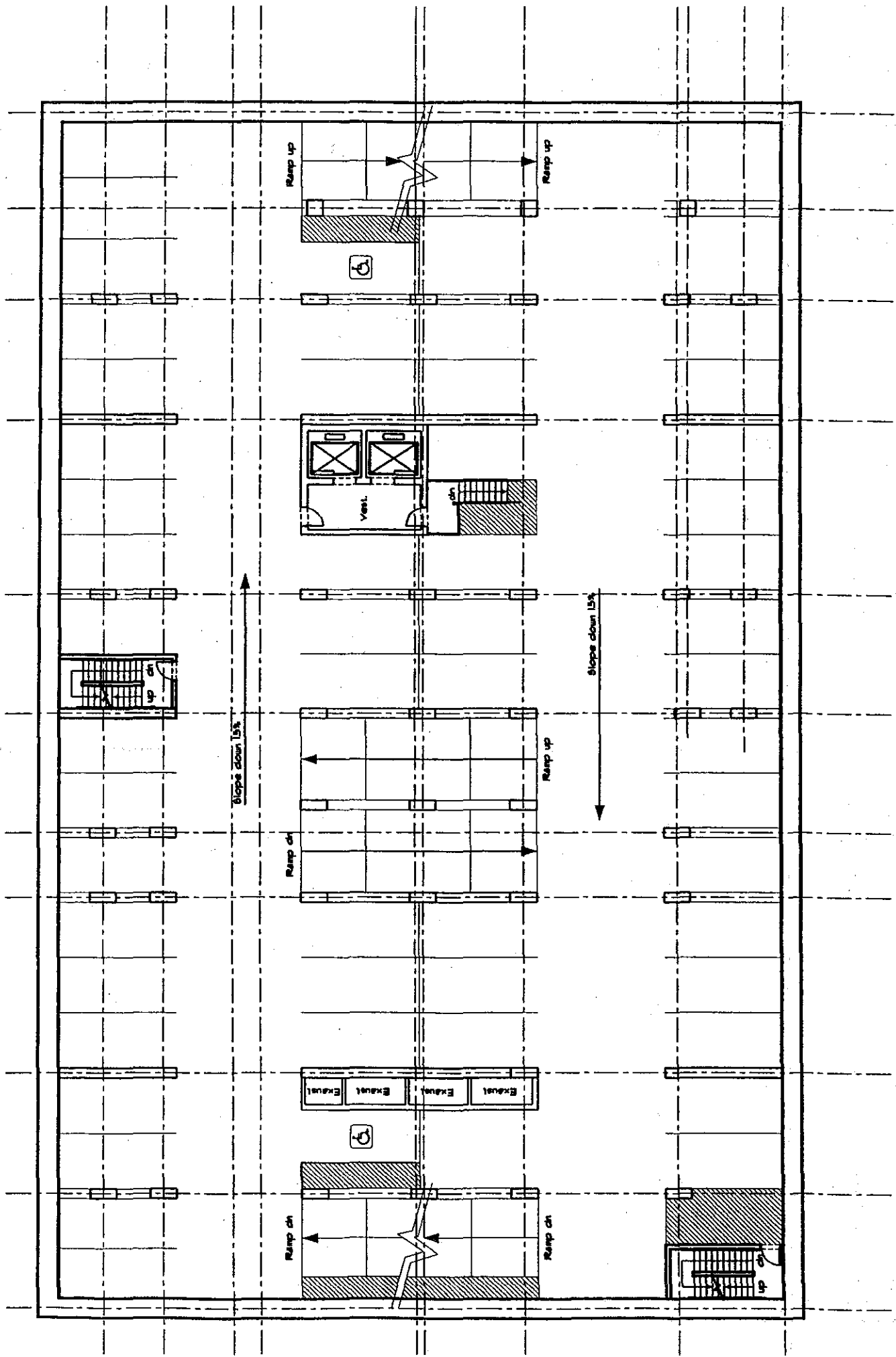


Roof Plan

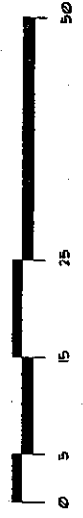
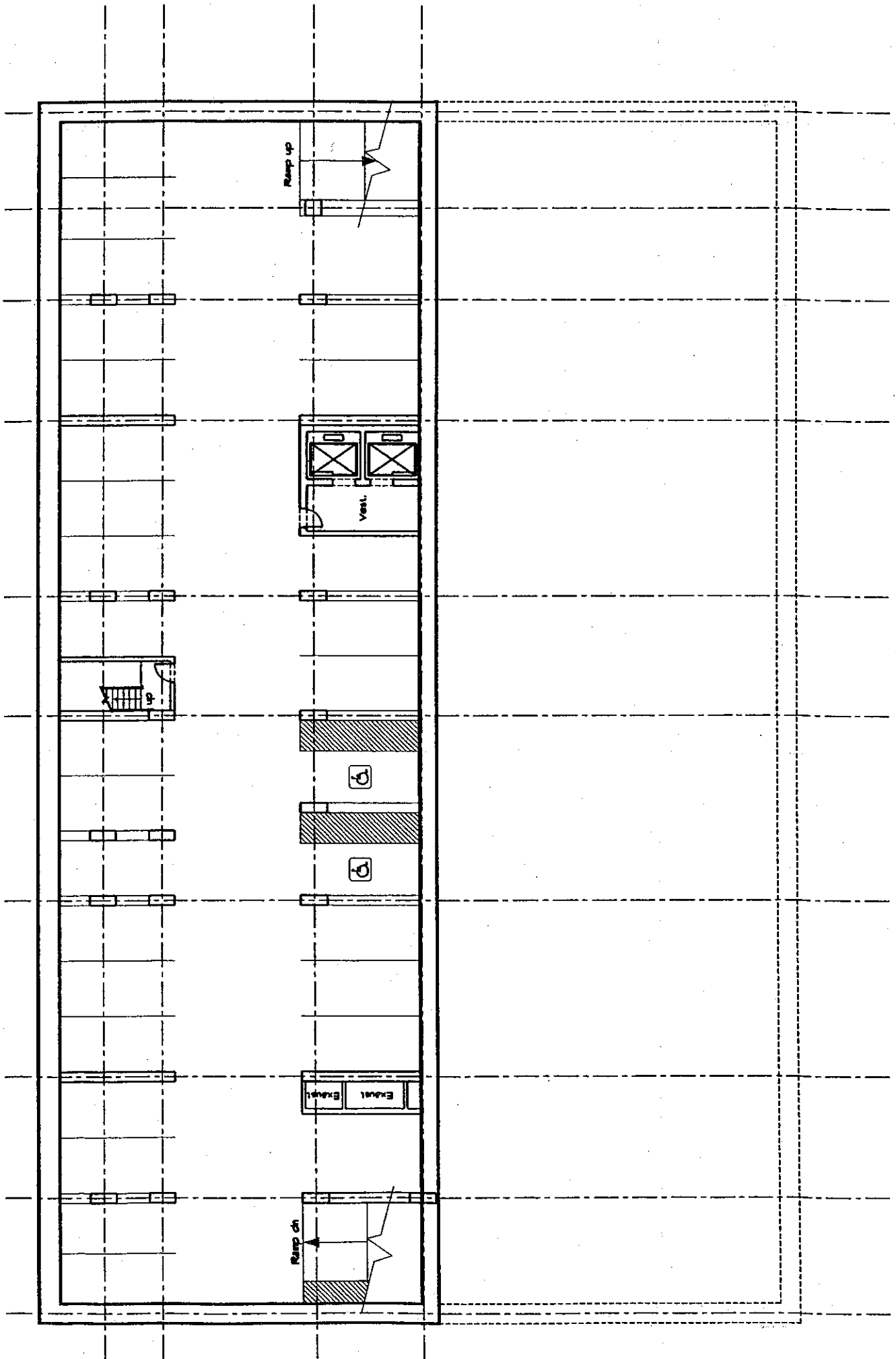


G-1 39 parking spaces





Typical Floor (G-2 G-3 G-4) 57 parking spaces (3 are compact)



G5 31 parking spaces (2 are compact) - Total 241

EXHIBIT C

**Selected Elevations**

Please see attached.

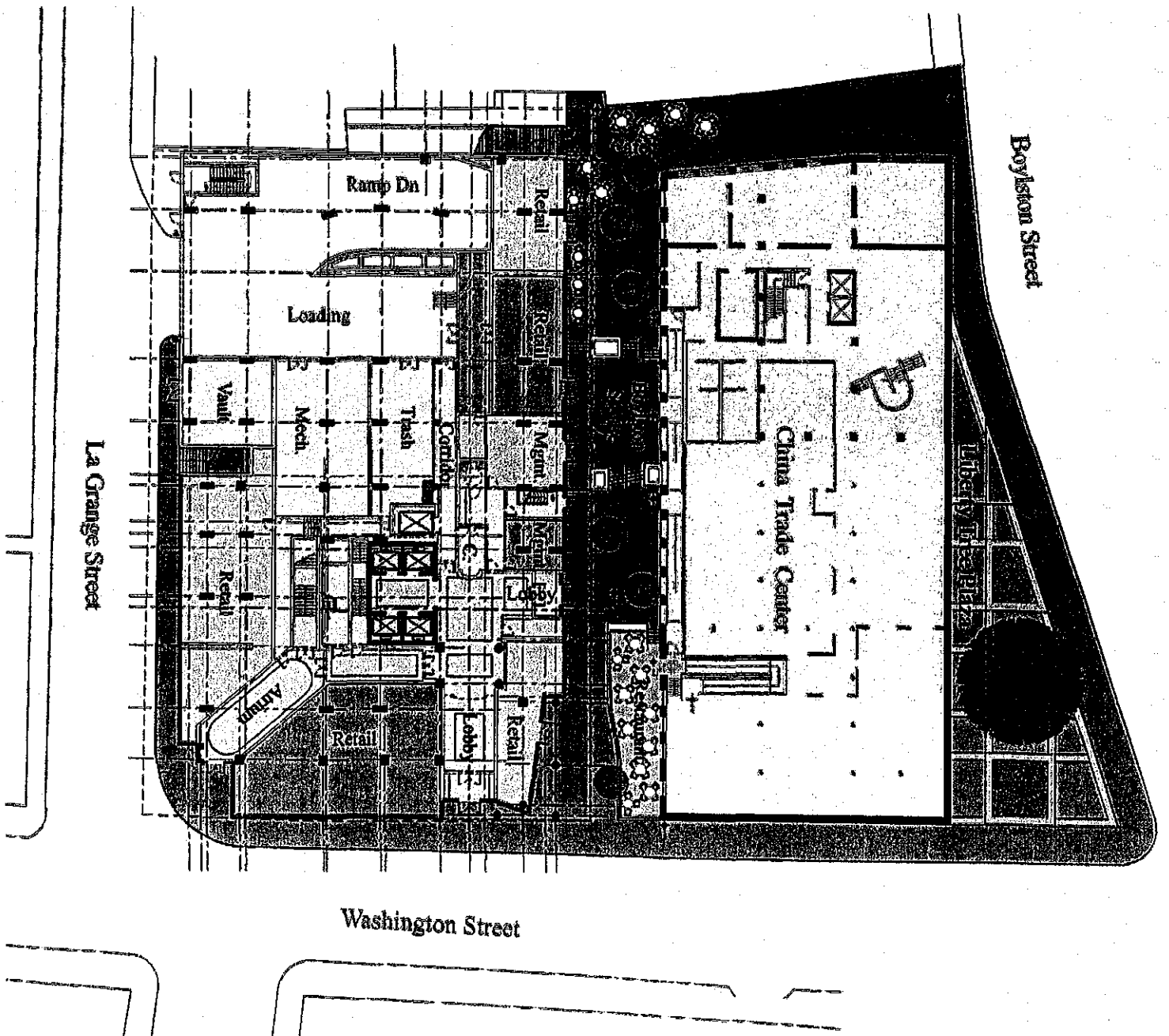


Exhibit C, Figure 1: Ground floor plan

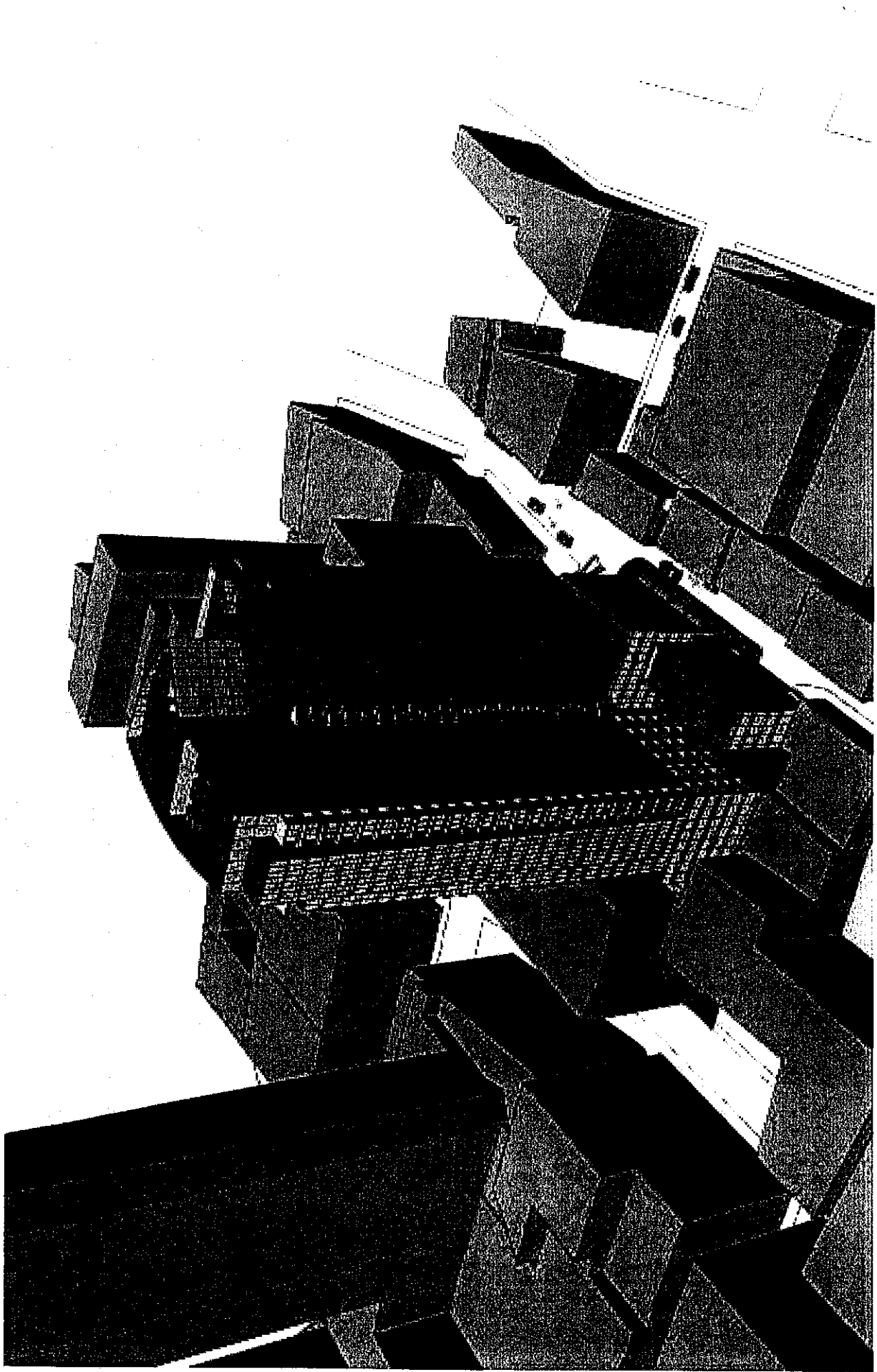


Exhibit C, Figure 2: Aerial view, from southwest

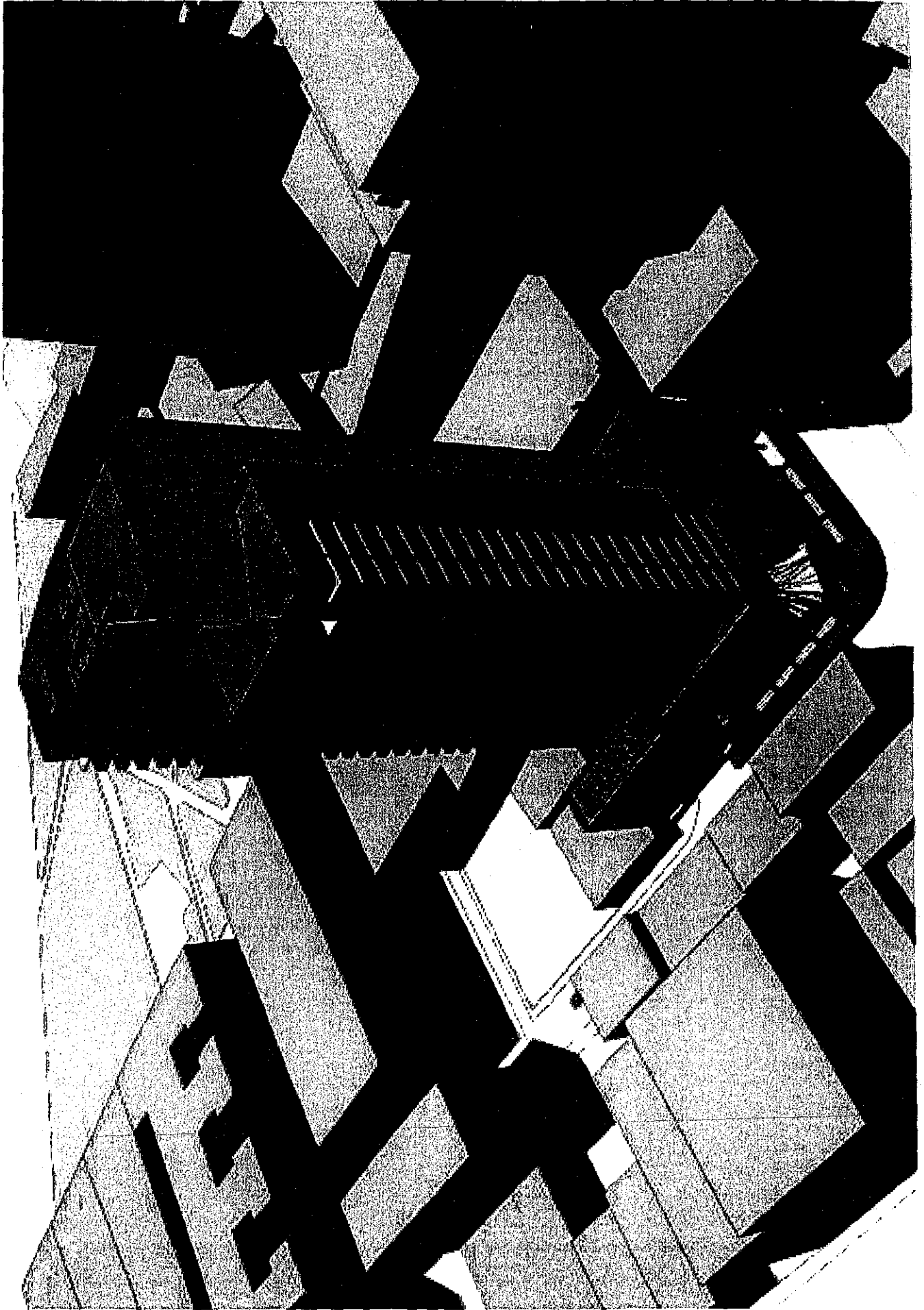


Exhibit C, Figure 3: Aerial view, from southeast

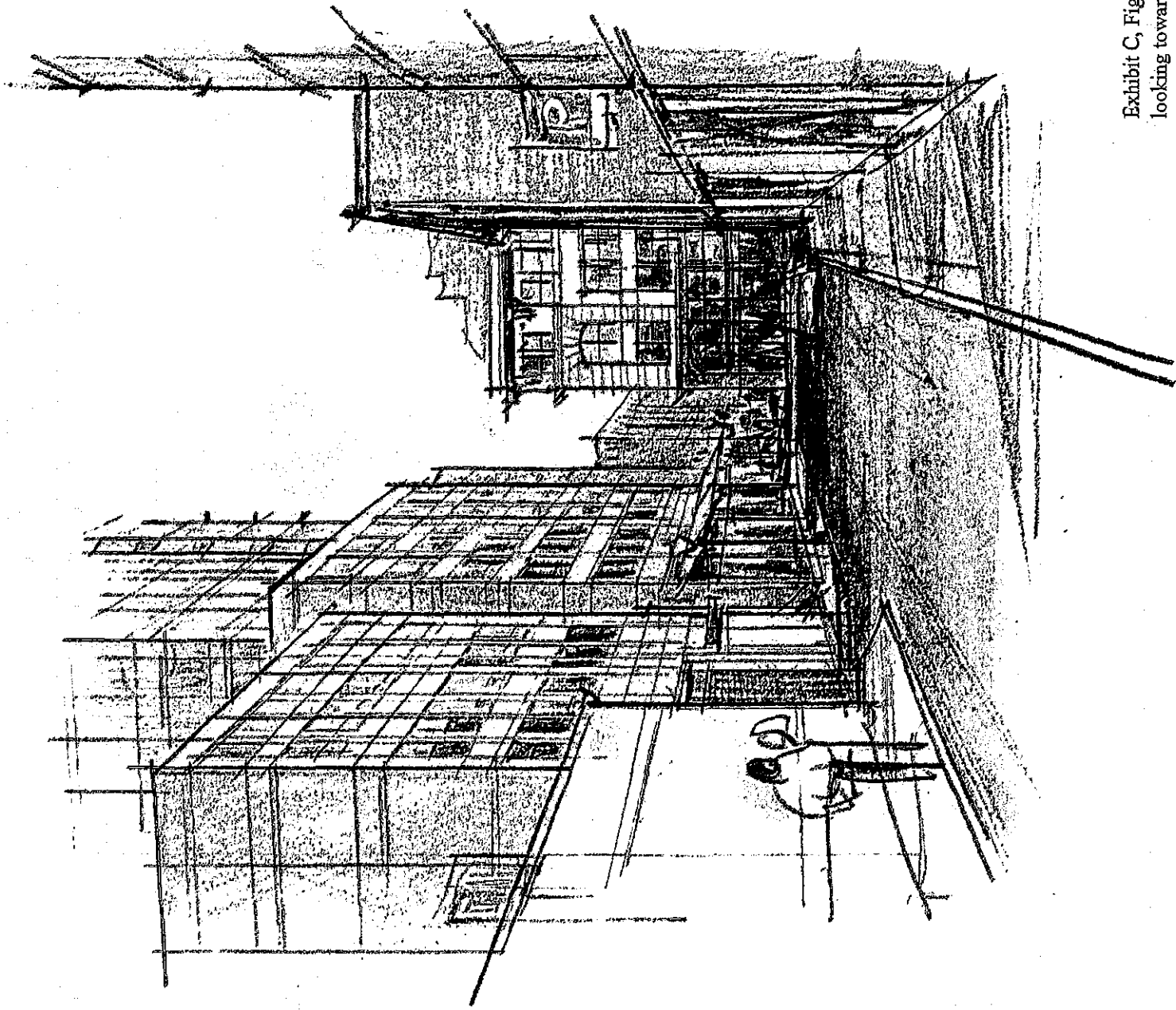


Exhibit C, Figure 4: View along LaGrange St.  
looking toward Washington St.

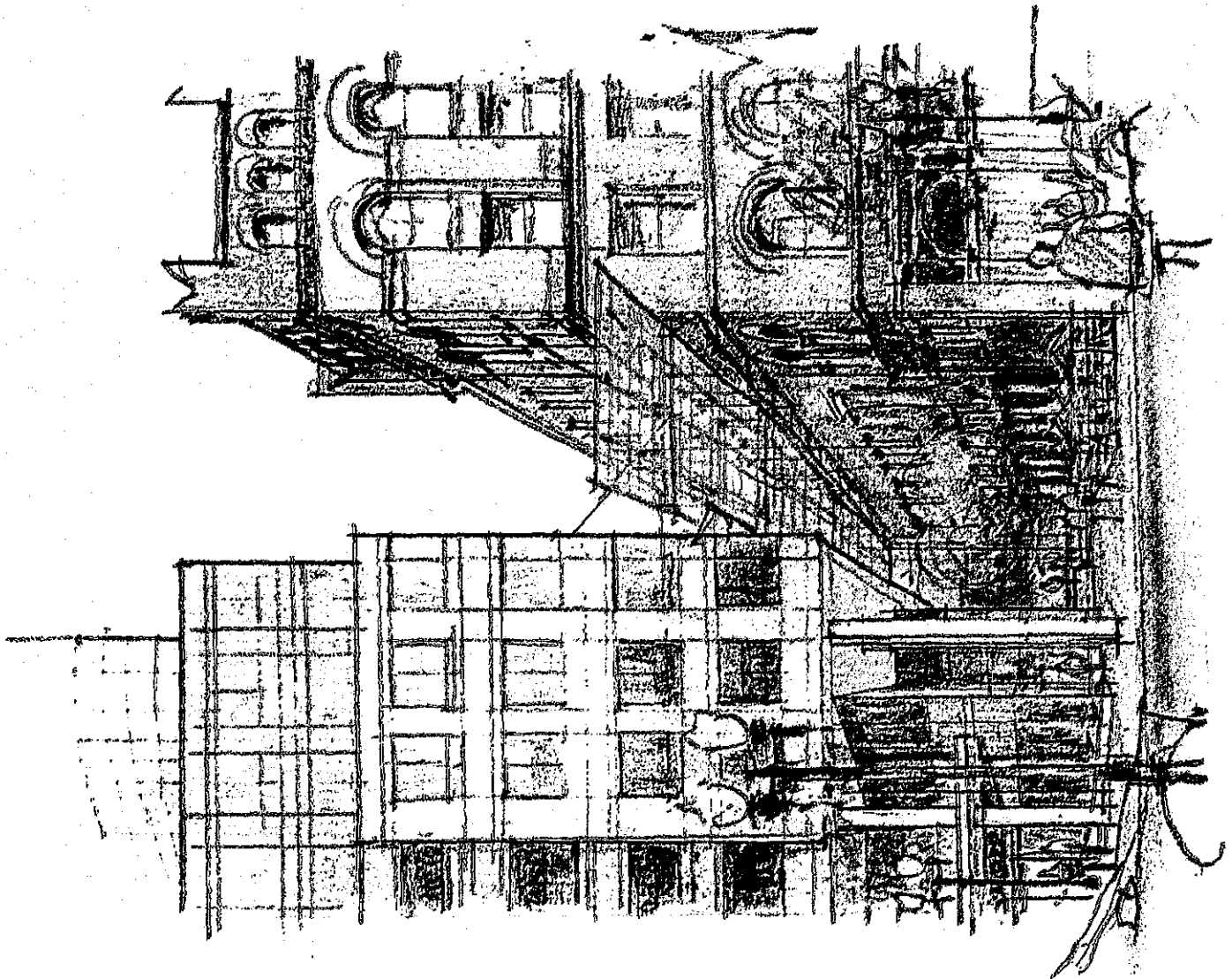


Exhibit C, Figure 5: View into Boylston Sq., from across Washington St.



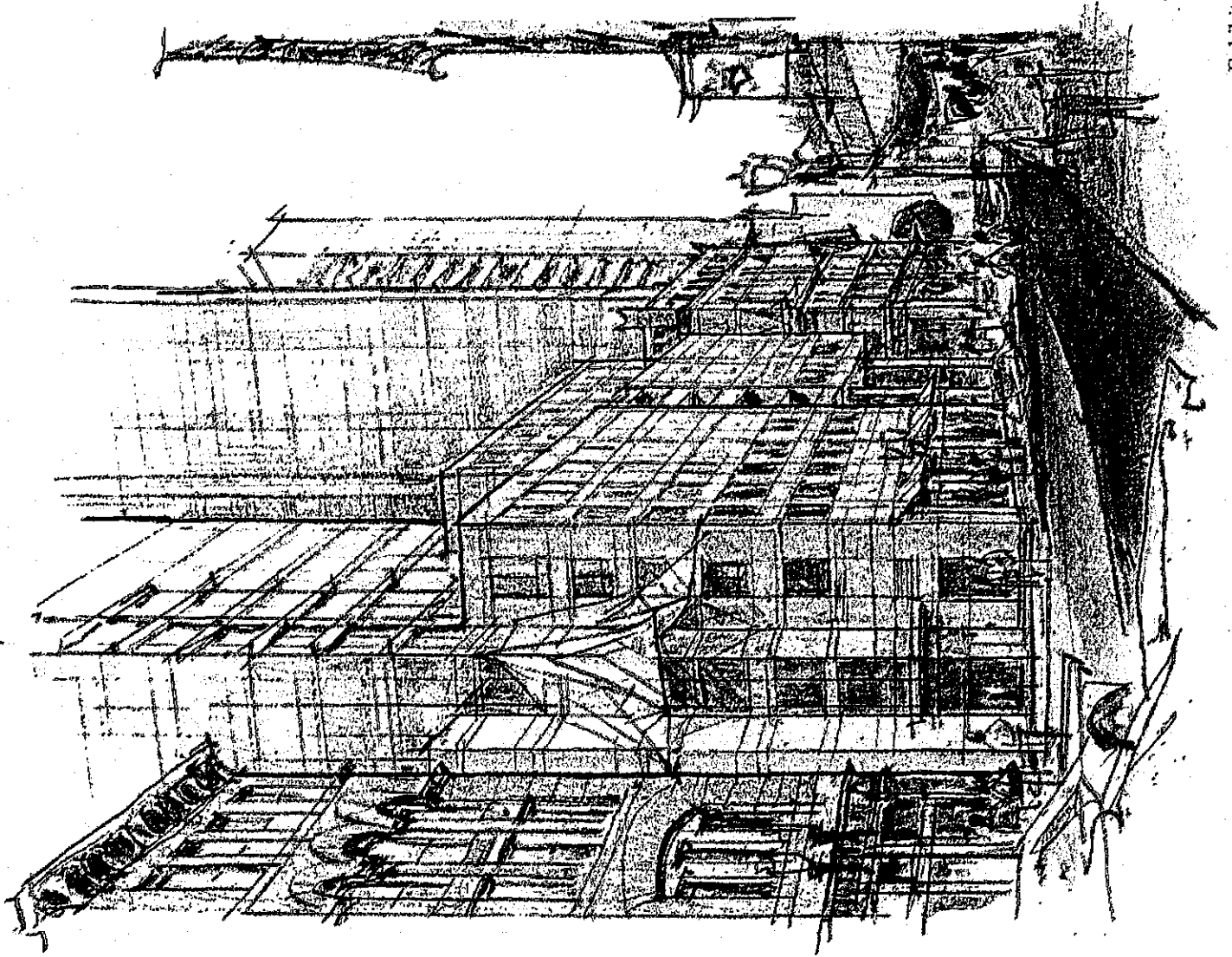


Exhibit C, Figure 6: View along Washington St.  
looking toward Boylston St./Essex St.

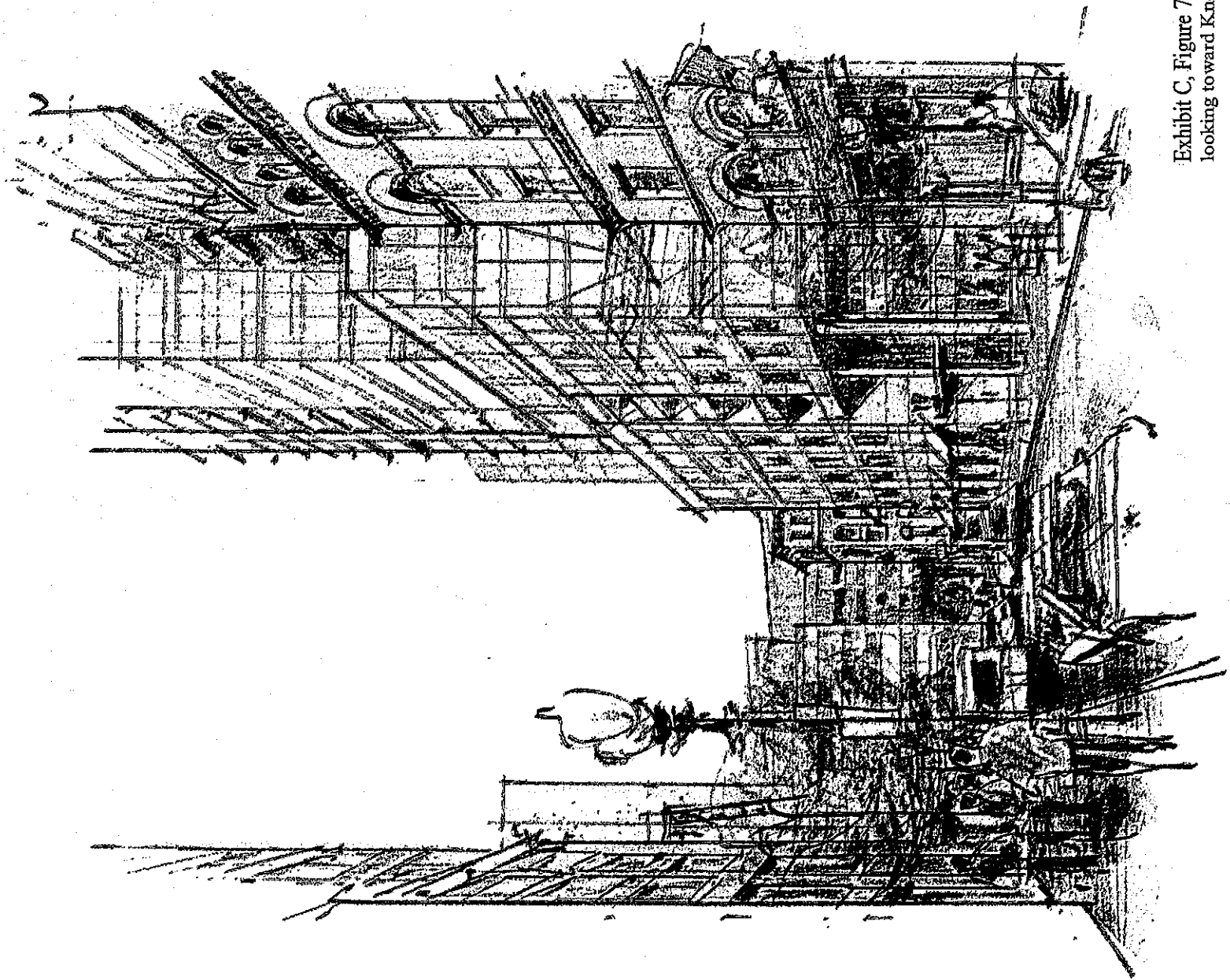


Exhibit C, Figure 7: View along Washington St.  
looking toward Kneeland St.

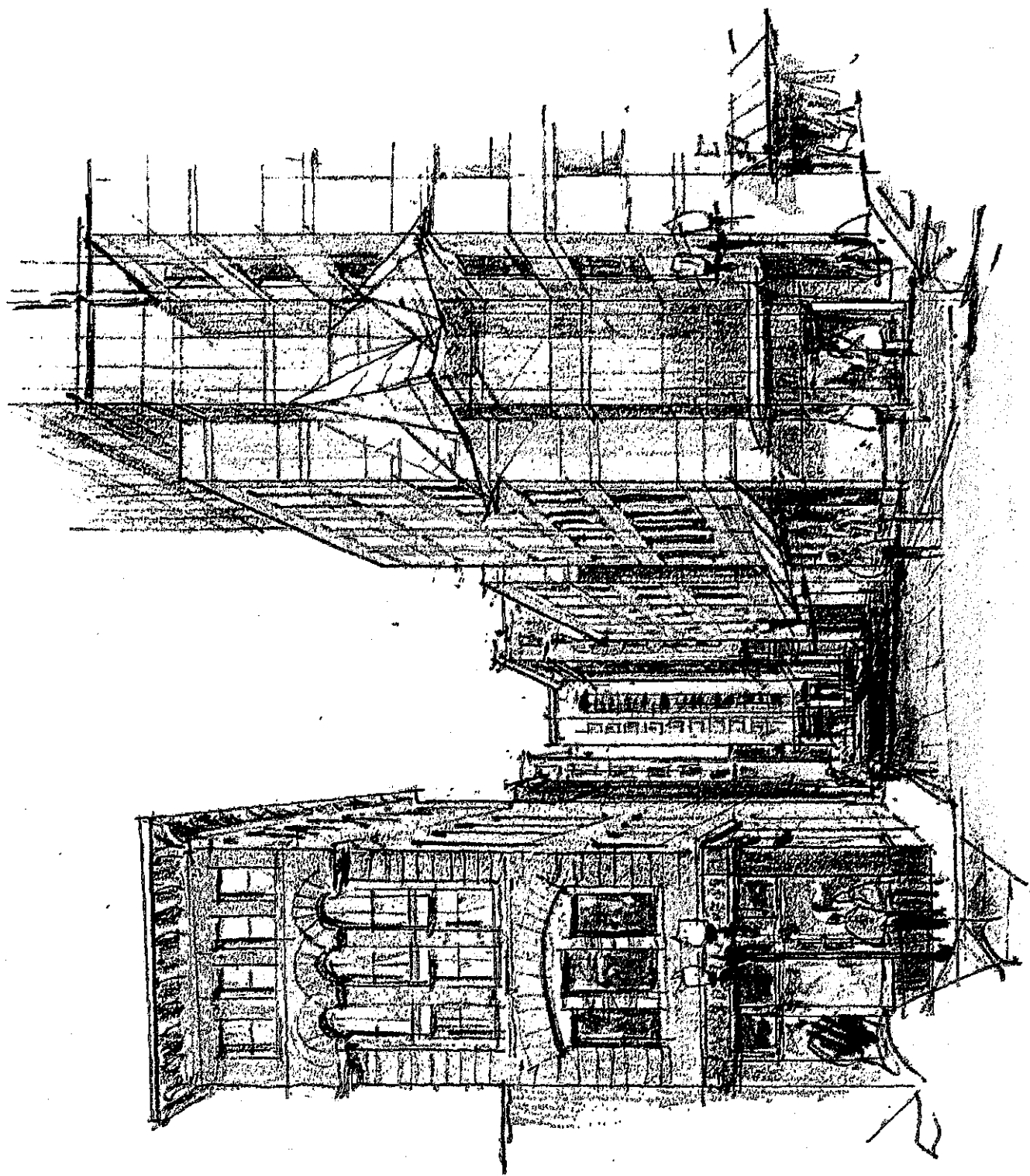


Exhibit C, Figure 8: View down LaGrange St.  
looking from Washington St.

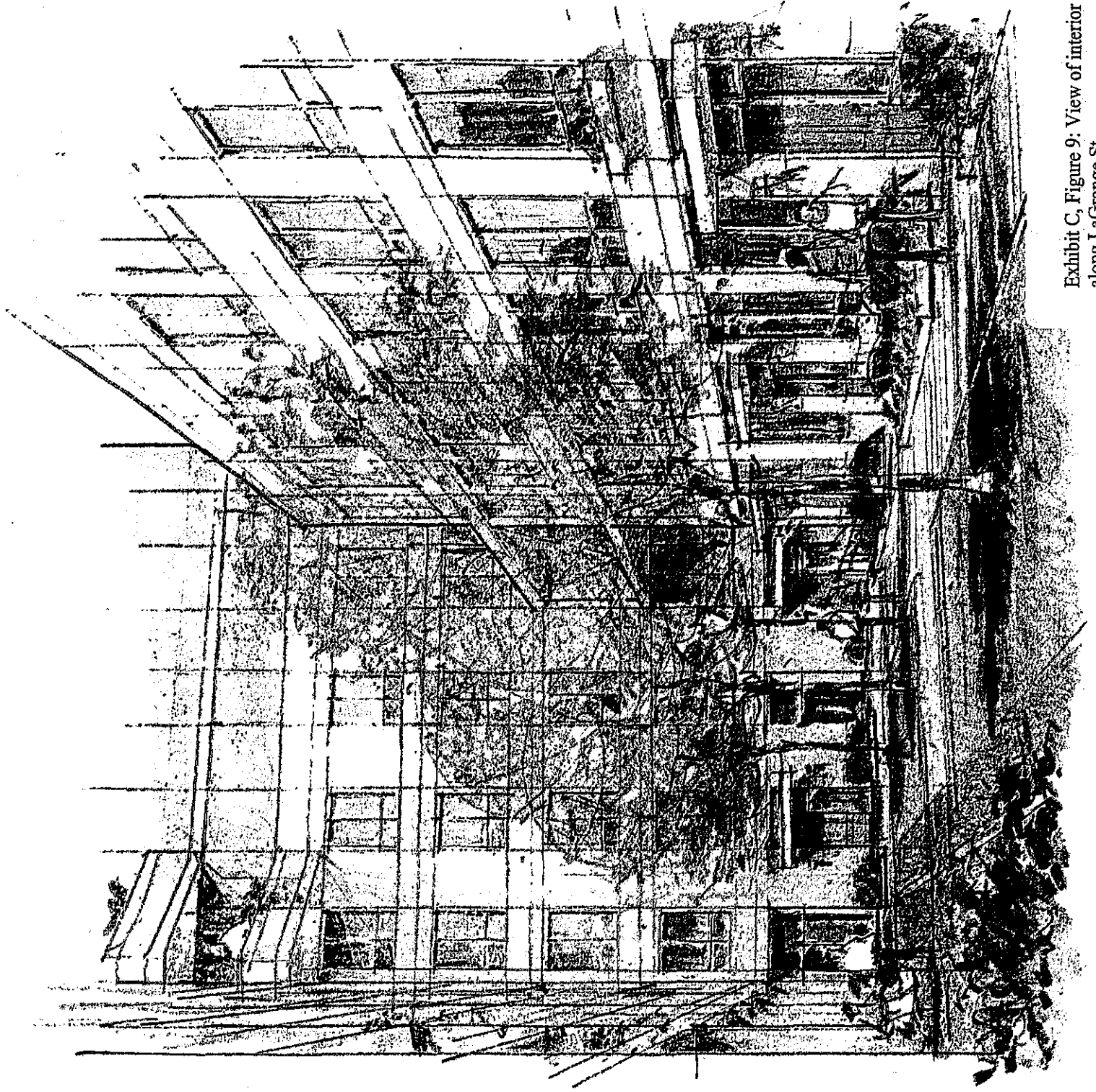


Exhibit C, Figure 9: View of interior courtyard along LaGrange St.

EXHIBIT D

**Summary of Applicable Dimensional Requirements**

<u>Zoning Requirement</u>	<u>Permitted by Underlying Zoning in PDA-IV</u>	<u>Permitted by Development Plan</u>
Maximum Building Height	290 feet (275 feet plus 15 feet with Substantial Accord allowance)	290 feet
Maximum Floor Area Ratio	14.0 plus Substantial Accord allowance of 1.0	15.0
Minimum Skyplane Setbacks	<p>For Washington Street and LaGrange Street frontages only:</p> <ul style="list-style-type: none"> <li>• 0 feet up to Street Wall Height (maximum of 90 feet)</li> <li>• 10 feet from Street Wall Height to 155 feet</li> <li>• 15 feet above 155 feet</li> </ul>	<p>Washington Street frontage:</p> <ul style="list-style-type: none"> <li>• 0 feet up to Street Wall Height (which will not exceed 90 feet) for both tower elements</li> <li>• Not less than 30 feet for the northern tower element and not less than 15 feet for the southern tower element above Street Wall Height</li> </ul> <p>LaGrange Street frontage (after street widening):</p> <ul style="list-style-type: none"> <li>• 0 feet up to Street Wall Height (which will not exceed 90 feet)</li> <li>• Not less than 5 feet for the southern tower element above Street Wall Height</li> </ul>
Skyline Plan Consistency	Minimum 125 feet of separation between all structural elements in excess of 155 feet in height	High-rise elements of the Project will generally be at least 125 feet from any high-rise elements of the Liberty Place project, except for: (i) a 31-foot section of the northern tower element, where the separation between such elements will be not less than 110 feet; and (ii) a 5.5-foot section of the southern tower element, where the separation distance will be not less than 122 feet.
Street Wall Continuity	Must be coextensive with at least 80% of the Existing Building	<ul style="list-style-type: none"> <li>• Washington Street and LaGrange Street facades</li> </ul>

	<p>Alignment of the block on which the building fronts, as defined by Section 18-2 of the Code.</p>	<p>will be located on their respective property lines (accounting for the proposed widening of LaGrange Street).</p> <ul style="list-style-type: none"><li>• Due to the proposed widening of LaGrange Street, the proposed street wall of the Building will be further back than the Existing Building Alignment, which is solely determined by the one-story BYMCU squash court building.</li></ul>
--	---	--

## EXHIBIT E

### **Allowed Uses**

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

#### Residential Uses

Multi-family residential and townhouse, including, but not limited to, artists' live/work space and affordable dwelling units.

#### Office Uses (first two floors above grade only)

Office uses including, but not limited to, office uses of cultural groups, community service organizations and banks.

#### Service Uses (ground floor only)

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

#### Retail Uses (ground floor only)

Any store primarily serving the local retail business needs of the neighborhood, including, but not limited to, antique store, artists' supply and music store, book store, drug store, florist shop, grocery store, ice cream store, interior decorating establishment, newsstand (enclosed) and yarn store.

#### Cultural Uses (ground floor only)

Art gallery (commercial or nonprofit), art needle workshop, costume rental establishment, historical exhibit, musical instrument repair, public art display space, studios (music, dancing, visual arts or theatrical) and ticket sales.

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

Bakery, café, coffee shop, delicatessen, diner, restaurant or other place for the service or sale of food or drinks for on- or off-premises consumption.

#### Accessory Uses

Subject to the limitations and restrictions of Article 30 of the Code: (i) accessory loading; (ii) a garage, including parking spaces, for occupants, employees, students, and visitors of the Project; (iii) swimming pool, health club or tennis court; (iv) the storage of flammable liquids and gases incidental to a lawful use; and (v) any use ordinarily incident to a lawful main use, provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

#### Park, public or private

Telecommunications Uses

Telecommunications and wireless communications equipment, including antennas, communications dishes and other equipment mounting structures.



SEPTEMBER 11, 2003

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

**FROM:** SUSAN HARTNETT, DIRECTOR OF ECONOMIC  
DEVELOPMENT  
JOSEPH RUSSO, DEPUTY DIRECTOR  
MARGARET KIELY, DEPUTY DIRECTOR  
TAI Y. LIM, SENIOR PROJECT MANAGER

**SUBJECT:** RESIDENCES AT KENSINGTON PLACE,  
BOUNDED BY LAGRANGE STREET, WASHINGTON STREET,  
AND BOYLSTON SQUARE IN THE MIDTOWN CULTURAL  
DISTRICT; PORTION OF PARCEL 1V IN THE PARK PLAZA  
URBANRENEWAL PLAN AREA

**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority ("BRA"), as part of the scheduled Public Hearing concerning the Residences at Kensington Place Project to be located on a site bounded by LaGrange Street, Washington Street, and Boylston Square in the Midtown Cultural District and consisting of the development of a mixed-use project of approximately 346 units of residential space, approximately 7,378 square feet of retail space, approximately 2,000 square feet of office space, and approximately 240 parking lots and with a total building area equaling approximately 413,000 square feet (the "Proposed Project"), authorize the Director to: (1) issue a Final Adequacy Determination pursuant to Article 80B, Section 80B-5.5(c) of the Boston Zoning Code (the "Code"), subject to continuing design review by the BRA for the Proposed Project; (2) issue a Certification of Compliance under Large Project Review pursuant to Section 80B-6 of the Code upon completion of the Article 80 review process for the Proposed Project; (3) execute and deliver a Cooperation Agreement, an Affordable Housing Agreement and a Boston Residents Construction Employment Plan and any and all documents deemed appropriate by the Director all in connection with the Proposed Project; (4) approve the Development Plan for the Planned Development Area No.60, the Residences at Kensington Place (the "Development Plan") pursuant to Section 80C of the Code for the Proposed Project; (5) approve the petition to the Boston Zoning Commission for the adoption of a map amendment to "Map 1A, Midtown Cultural District" of the series of maps entitled "Zoning Districts City of Boston," by adding the designation "D", indicating a Planned Development Area to the area depicted on a plan prepared by Harry R. Feldman, Inc. dated June 3, 2003 (as shown on the plan attached hereto as Exhibit A-1); (6) approve the petition to the Boston Zoning Commission for the approval of the Development Plan pursuant to

Article 80C of the Code; and (7) issue a Certification of Consistency under Article 80C of the Code when appropriate for the Proposed Project.

---

#### **LOCATION AND DESCRIPTION:**

The Proposed Project is to be located on a site comprised of seven (7) parcels: Parcel HB-A; HB-B; HB-C; HB-D; HB-E; HB-F; and HB-G bounded by LaGrange Street, Washington Street, and Boylston Square in the Midtown Cultural District section of the City of Boston (the "Project Site").

The proposed Planned Development Area Overlay District comprises approximately 45,518 square feet, or 1.045 acres in area and includes the Project Site (exclusive of that portion of Boylston Square lying outside of the PDA IV Area established under Article 38), a portion of Washington Street abutting the Project Site, and a portion of LaGrange Street abutting the Project Site. The Planned Development Area Overlay District also includes a portion of the property located adjacent to the Project Site owned by the Boston Young Men's Christian Union (the "BYMCU Site") and a portion of LaGrange Street abutting the BYMCU Site, as shown on the Zoning Map Amendment Plan (the "PDA Site"). The PDA Site is located in the "general area" of the Midtown Cultural District and within the PDA IV area established under Article 38.

The Project Site currently includes two vacant buildings (including the Gaiety Theatre building, also known as the Publix Theater), a vacant parcel of land, a building occupied by three retail businesses, and a building occupied by the Glass Slipper adult entertainment establishment ("Existing Structures").

#### **PROJECT DESCRIPTION:**

Kensington Investment Company, Inc. ("Kensington" or "Proponent") proposes to demolish the Existing Structures and construct a 30-story residential building (the "Building") containing: (a) approximately 404,367 square feet of residential floor area comprising approximately 346 residential units; (b) approximately 7,378 square feet of ground-floor area fronting on Boylston Square, Washington Street and LaGrange Street to be used for retail, service, restaurant and related uses; (c) up to 2,000 square feet of floor area on the lower floors of the Proposed Project for office use; (d) a four-level below-grade parking garage containing approximately 240 off-street parking spaces all of which will be accessory to the Proposed Project uses and will not be available to the general public; (e) a new and upgraded open space, including an improved Boylston Square, accessible from LaGrange Street, Washington Street and Boylston Street as well as a refurbished Liberty Tree Park; and (f) an improved LaGrange Street that will also be widened from Washington Street to the Proposed Project driveway by an average of approximately nine feet. The proposed widening of LaGrange Street is intended to improve vehicular access to and egress from the Proposed Project's garage, improve the

level of service of certain intersections in the vicinity of the Proposed Project, and provide improved visibility for the Hayden Building across LaGrange Street from the Proposed Project. The Proposed Project will also benefit the adjacent China Trade Center building, a designated Boston Landmark owned by the Boston Redevelopment Authority ("BRA"), by improving and enlivening Boylston Square, creating a new sidewalk entryway to the lower atrium level of the China Trade Center building to stimulate retail activity and by completing the capital funding required for the restoration and improvement of Liberty Tree Park and helping to insure its annual maintenance and upkeep.

The Project Site is within the Midtown Cultural District and is subject to Article 38 of the Code. The Project Site is also located within a zoning subdistrict, as shown on Map 1A of the Midtown Cultural District, which is designated as PDA Eligible Area IV. The most appropriate zoning approach to achieve the significant public benefits that are available from the Proposed Project is the use of a Planned Development Area ("PDA") under the Section 3-1A.a of the Code, which is a special purpose overlay zoning area that allows for a fine-tuned approach to project review and approval consistent with the approved Development Plan. The overlay of the zoning controls can be most effectively integrated through a process that provides opportunity for public input.

#### **OWNERSHIP STRUCTURE:**

The Project Site comprises all or a portion of several parcels of land on the so-called North Hinge Block (collectively, the "Subject Parcels") as follows:

- Parcel HB-A: 659-665 Washington Street (Assessors Parcel 4896)
- Parcel HB-B: 677-679 Washington Street, 1-5 LaGrange Street (Assessors Parcel 4897)
- Parcel HB-C: 7-9 and 11-13 LaGrange Street, 669-675 Washington Street (Assessors Parcel 4898)
- Parcel HB-D: 15-17 LaGrange Street (Assessors Parcel 4900)
- Parcel HB-E: 19-21 and 21A LaGrange Street (Assessors Parcel 4901)
- Parcel HB-F: 25 LaGrange Street (Assessors Parcel 4902)
- Parcel HB-G: Boylston Square

The Subject Parcels are shown on the Project Site plan attached hereto as Exhibit A-2: "ALTA/ACSM Land Title Survey – Washington Street/LaGrange Street/Boylston Street – Boston, Massachusetts," dated August 1, 2001, revised July 18, 2002, and prepared by Harry R. Feldman, Inc.

The majority of the Project Site, comprising Parcel HB-A, HB-B and HB-F, and the second story of Parcel HB-C are owned by the Proponent or its affiliates. These parcels total approximately 21,000 square feet in area, not including the second story over Parcel HB-C. The BRA owns Parcel HB-G, Boylston Square, a private alleyway abutting the Project Site, containing approximately 5,635 square feet, as well as a parcel of vacant

land containing approximately 1,296 square feet shown as Parcel HB-E. Parcel HB-D, containing approximately 1,314 square feet, and Parcel HB-C, containing approximately 1,081 square feet (but not including the second story), are owned by parties unrelated to Kensington.

#### **DEVELOPMENT TEAM:**

The development team consists of Kensington Investment Company, Inc. as the redeveloper; The Architectural Team, Inc. as the project architect; Goulston & Storrs as the legal counsel; Epsilon Associates, Inc. as the permitting/Article 80 consultant; Howard/Stein-Hudson Associates, Inc. as the traffic consultant; Judith Nitsch Engineering as the infrastructure consultant; Rowan Williams Davies & Irwin, Inc. as the wind consultant; Perini Corporation as the construction consultant; Haley & Aldrich, Inc. as the geotechnical engineers; and Cosentini Associates as the mechanical/electrical engineers.

#### **ARTICLE 80 PROCESS OF THE CODE:**

All aspects of the Proposed Project design are subject to ongoing development review and approval by the BRA. Such review is being conducted in accordance with Large Project Review pursuant to Article 80B of the Code, as follows: Kensington filed a Project Notification Form with the BRA on December 10, 2001 initiating the Article 80B Large Project Review process for the Proposed Project. The BRA issued a Scoping Determination for the Proposed Project on March 5, 2002. In response to the areas of review described in the Scoping Determination, Kensington submitted a Draft Project Impact Report with the BRA on July 10, 2002. The BRA issued a Preliminary Adequacy Determination with regard to the Proposed Project on January 28, 2003. In response to the areas of review described in the Preliminary Adequacy Determination, Kensington submitted a Final Project Impact Report on March 10, 2003.

#### **URBAN DESIGN & ENVIRONMENTAL PROCESS:**

The Proposed Project's preliminary design was unanimously approved by the Boston Civic Design Commission on June 4, 2002. The final design, massing and appearance of the Proposed Project are expected to evolve, and will be subject to ongoing design review by the BRA and by the Massachusetts Historical Commission (the "MHC") and the Boston Landmarks Commission (the "BLC") under a Memorandum of Agreement ("MOA") regarding impacts to historic resources.

The Commonwealth of Massachusetts Executive office of Environmental Affairs waived further Massachusetts Environmental Policy Act ("MEPA") review in accordance with the MEPA regulations in the letter sent to Mr. Dean Johnson of the Park Plaza Civic Advisory Committee, dated July 16, 2003.

## **PLANNED DEVELOPMENT AREA PROCESS:**

Pursuant to Section 3-1A and Article 80C of the Code, Kensington filed with the BRA a Development Plan for the development of the Project Site on June 27, 2003, which initiated a 45-day comment period with a closing date of August 11, 2003. A notice was published in the Boston Herald pursuant to Article 80A-2 of the Code on July 1, 2003. Two (2) public meetings were held on July 23, 2003 and July 30, 2003 at Posner Hall and Park Plaza Hotel respectively.

In accordance with Sections 3-1A and Article 80C of the Code, the Development Plan sets forth information on the Proposed Project and the site including the location and appearance of the structures, the proposed uses, the proposed dimensions of the structures, the proposed parking and loading facilities, access to public transportation, the proposed public benefits and other major elements of the proposal.

The Development Plan establishes a comprehensive plan for this portion of the Midtown Cultural District, and adheres to the goals and objectives of Article 38 of the Code.

The project components of the Development Plan will be situated within a location for which PDAs are allowed pursuant to Article 38, Section 38-10 of the Code. Each project component complies with the provisions of Section 38-11 of the Code with respect to use and dimensional regulations as such uses and dimensions are specified in the Development Plan, including review under Article 80 of the Code. The Development Plan is in compliance with Section 38-14 of the Code with listing of public benefits.

## **PUBLIC BENEFITS:**

- New Housing: It is anticipated that the Proposed Project will provide approximately 336 new units of housing with over 15% on-site affordability, thereby providing a greater level of affordability than the ten percent that is required by the "Creation of Affordable Housing" public benefit criterion set forth at Section 38-14.3 of the Code.
- Area Retail Enhancement: The approximately 7,378 square feet of new retail space will be focused on providing space for community-oriented retail and service uses.
- Office Space for Local Organizations: The Proposed Project design reserves up to 2,000 square feet of floor area on the lower floors of the building for use at below-market rents by local non-profit organizations.
- Street Upgrades: As part of the Proposed Project, if approved by BTM, LaGrange Street will be widened and made a two-way street from Washington Street to the Proposed Project driveway and improved from an under-utilized side street into a primary street address. In addition, Boylston Square will be widened at its intersection with Washington Street from 20 to approximately 27 feet and improved from a gated service alleyway into a pedestrian mews.

- Ground Plane and Open Space Improvements: A pedestrian entrance to the Proposed Project is proposed from Boylston Square, and the lower level of the China Trade Center building will be reconnected with Boylston Square through additional openings and improved pedestrian and general accessibility. The improved Boylston Square will be linked to the rest of the Proposed Project's proposed open spaces, including the publicly accessible interior courtyard along LaGrange Street.
- Liberty Tree Park: Significant improvements will be made to Liberty Tree Park, including an extensive renovation of the park, with substantial capital funding proposed by Kensington. Kensington will also contribute over \$300,000 to the Friends of the Public Garden over the next 10 year period of time.
- Pedestrian, Bicycle and Car-sharing Improvements: The Proposed Project is expected to provide bicycle and pedestrian improvements consistent with the Chinatown Transportation Study. In addition, the Proposed Project design calls for a glass canopy at approximately above the third-story level covering the portion of Boylston Square directly adjacent to the Proposed Project, which will protect pedestrians during inclement weather and will also enhance the Proposed Project's aesthetics. A space will also be provided in the Proposed Project garage for use by a local car sharing program.
- Cultural and Arts Funding: Kensington has committed to provide \$50,000 in funding for restoration of the Paramount Theater on Washington Street as well as an additional \$50,000 in funds, which will be set aside for cultural uses within the Midtown Cultural District.
- Increased Property Tax Revenue: The Proposed Project is anticipated to significantly increase property tax revenue for the City of Boston once fully constructed.
- Construction Job Creation: The Proposed Project is anticipated to create approximately 400 full- and part-time construction jobs.

#### **AFFORDABLE HOUSING:**

Sixty-one (61) of the three hundred forty-six (346) residential units within the Proposed Project will be created as affordable housing (the "Affordable Units"). Of sixty-one (61) Affordable Units, thirty (30) units will be affordable to households earning up to 50% of area median income ("AMI"), fifteen (15) units will be affordable to households earning up to 100% of AMI, and sixteen (16) units will be affordable to households earning up to 120% of AMI as promulgated by the United States Department of Housing and Urban Development ("HUD") for the Boston Standard Metropolitan Statistical Area. The Affordable Units will be affordable for a period of fifty (50) years. Preferences for the Affordable Units will be given to applicants who meet the following criteria: Boston residents and a household size of a minimum of one person per bedroom. Size, quantity and initial rent of the Affordable Units is as follows:

Number of Bedroom(s)	Average Square Footage	Percent of AMI	Number of units	2003 Monthly Rent *
0	400	50%	20	\$707
1	781	50%	8	\$808
2	1,037	50%	2	\$909
1	781	100%	10	\$1,616
2	1,037	100%	5	\$1,818
1	781	120%	10	\$1,939
2	1,037	120%	6	\$2,181

\*Maximum Monthly rent includes all utilities pursuant to the attached schedule.

Kensington will enter into an Affordable Housing Agreement with the BRA for the Affordable Units. The Affordable Housing Agreement must be executed along with, or prior to, issuance of a Certification of Compliance. Kensington will also submit an Affirmative Marketing Plan to the Boston Fair Housing Commission and the BRA, which shall be approved along with the execution of the Affordable Housing Agreement.

**RECOMMENDATION:**

It is recommended that the BRA approve the Development Plan for Planned Development Area No.60 for the Residences at Kensington Place and authorize the Director to: (1) issue a Final Adequacy Determination pursuant to Article 80B, Section 80B-5.5(c) of the Code, subject to continuing design review by the BRA for the Proposed Project; (2) issue a Certification of Compliance under Large Project Review pursuant to Section 80B-6 of the Code upon completion of the Article 80 review process for the Proposed Project; (3) execute and deliver a Cooperation Agreement, an Affordable Housing Agreement and a Boston Residents Construction Employment Plan and any and all documents deemed appropriate by the Director all in connection with the Proposed Project; (4) petition the Boston Zoning Commission for the adoption of a map amendment to "Map 1A, Midtown Cultural District" of the series of maps entitled "Zoning Districts City of Boston," by adding the designation "D", indicating a PDA to the area depicted on the Exhibit A-1; (5) petition the Boston Zoning Commission for the approval of the Development Plan for Planned Development Area No.60 for the Residences at Kensington Place pursuant to Section 80C of the Code for Planned Development Area No. 60, Midtown Cultural District; and (6) issue a Certification of Consistency under Section 80C when appropriate for the Proposed Project.

Appropriate votes follow:

**VOTED:** That the Director be, and hereby is, authorized to issue an Final Adequacy Determination for the Residences at Kensington Place Project which finds that the Final Project Impact Report responding to comments on the Draft Project Impact Report adequately describes the impacts of the Residences at Kensington Place Project to be built in an area generally bounded by LaGrange Street, Washington Street, and Boylston Square in the Midtown Cultural District in accordance with the provisions of Article 80B, Section

80B-5.5(c) of the Boston Zoning Code ("Code"), subject to continuing design review by the Boston Redevelopment Authority ("BRA"); and

**FURTHER**

**VOTED:**

That the Director be, and hereby is, authorized to issue a Certification of Compliance for the Residences at Kensington Place Project upon the successful completion of the Article 80 process of the Code for the Residences at Kensington Place Project, subject to continuing design review by the BRA; and

**FURTHER**

**VOTED:**

That the Director be, and hereby is, authorized to execute a Cooperation Agreement, an Affordable Housing Agreement, a Boston Residents Construction Employment Plan, and any and all other agreements and documents which the Director in his sole discretion deems appropriate and necessary, and upon terms and conditions determined to be in the best interest of the BRA in connection with the Residences at Kensington Place Project; and

**FURTHER**

**VOTED:**

That the BRA hereby finds and determines that (a) the proposed Development Plan for Residences at Kensington Place, located within the block bounded by LaGrange Street, Washington Street, and Boylston Square in the Midtown Cultural District, and as described in the Development Plan for Residences at Kensington Place, dated September 11, 2003 ("Development Plan"), submitted by Kensington Investment Company Inc., conforms to the general plan for the City of Boston as a whole, (b) the Development Plan is not for a location or Project for which Planned Development Areas are forbidden by the underlying zoning; (c) the Development Plan complies with any provisions of the underlying zoning that establish planning and development criteria, including public benefits, for Planned Development Areas; (d) on balance, nothing in the Development Plan for Residences at Kensington Place will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens; and (e) that after the proposed amendment to Map 1A is approved, the Development Plan for Residences at Kensington Place will comply with Section 80C-4 Standards for Planned Development Area Review Approval of the Boston Zoning Code; and

**FURTHER**

**VOTED:**

That the BRA approves the Development Plan for Planned Development Area No.60, the Residences at Kensington Place, dated September 11, 2003; and



**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to petition the Boston Zoning Commission to adopt a map amendment to "Map 1A, Midtown Cultural District" of the series of maps entitled "Zoning Districts City of Boston," by adding the designation "D", indicating a Planned Development Area to the area depicted on a plan prepared by Harry R. Feldman, Inc. dated June 3, 2003 (Exhibit A-1); and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to petition the Boston Zoning Commission for the approval of the Development Plan for Planned Development Area No.60 for the Residences at Kensington Place pursuant to Section 80C of the Code; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to issue a Certification of Consistency for the Residences at Kensington Place Project under Section 80C-8 when appropriate.

Map Amendment Application No. 485  
Planned Development Area No. 60  
The Residences at Kensington Place  
Boston Redevelopment Authority on  
behalf of Kensington Investment  
Company, Inc.  
Map 1A, Midtown Cultural District

MAP AMENDMENT NO. 425

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

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 Development Plan for Planned Development Area No. 60, and amends "Map 1A, Midtown Cultural District," of the series of maps entitled "Zoning Districts City of Boston," dated August 15, 1962, as amended, as follows:

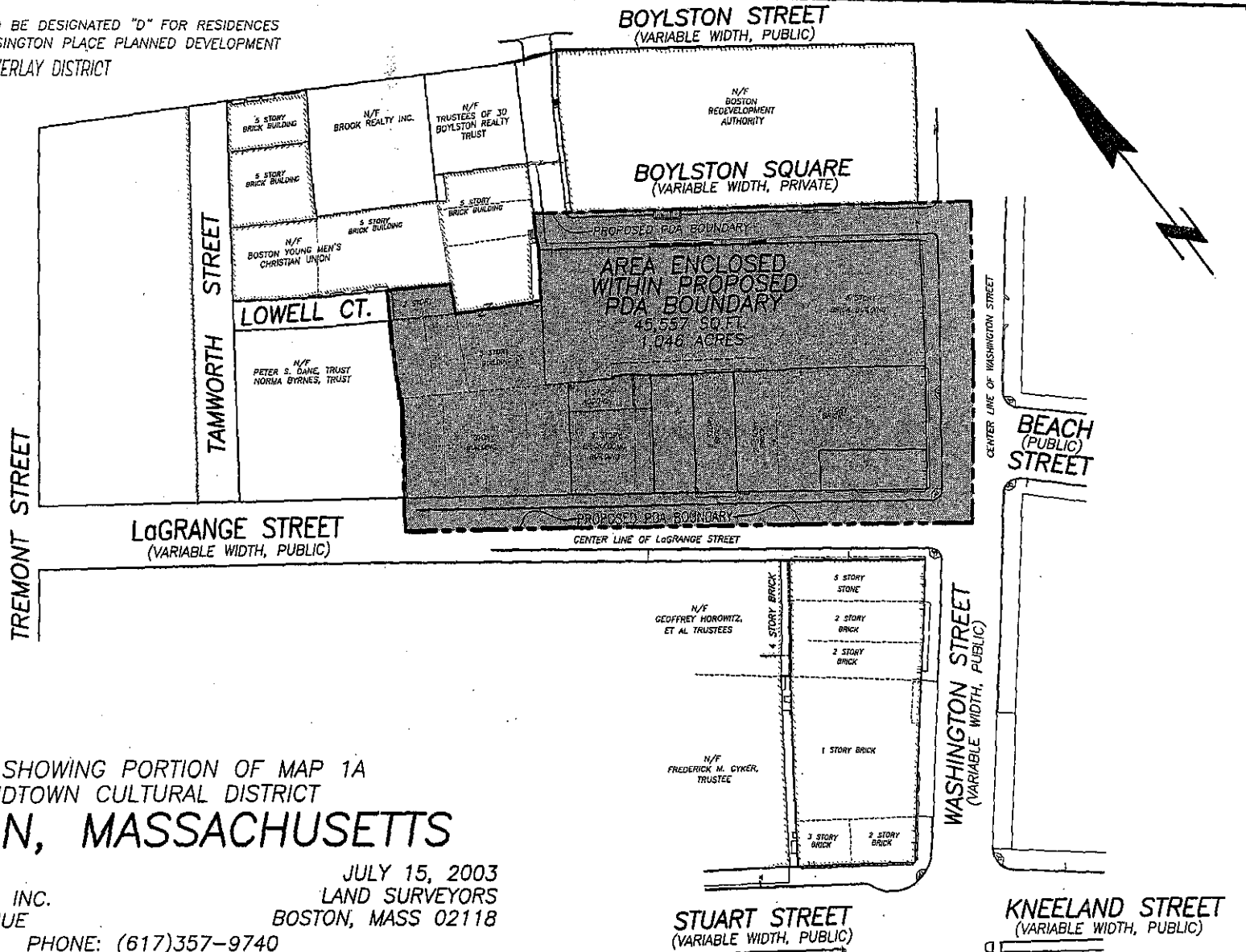
1. By adding the designation "D", indicating a Planned Development Area overlay district, to the area of land generally bounded by Washington Street, LaGrange Street, and Boylston Square, as shown on Appendix A, comprising approximately 45,557 square feet (approximately 1.046 acres) of land, as described in Appendix B, in the Midtown Cultural District.

Appendix A

Plan Showing a Portion of Map 1A, Midtown Cultural District

[Please see attached plan.]

AREA TO BE DESIGNATED "D" FOR RESIDENCES  
AT KENSINGTON PLACE PLANNED DEVELOPMENT  
AREA OVERLAY DISTRICT



PLAN SHOWING PORTION OF MAP 1A  
MIDTOWN CULTURAL DISTRICT  
**BOSTON, MASSACHUSETTS**

NOT TO SCALE  
HARRY R. FELDMAN, INC.  
112 SHAWMUT AVENUE

JULY 15, 2003  
LAND SURVEYORS  
BOSTON, MASS 02118

PHONE: (617)357-9740

RESEARCH PSL	FIELD CHIEF JM	CALCULATED PSL	CADD DL	FIELD CHECKED N/A	CHECKED	APPROVED	FILE NAME 9753E6A	JOB NO. 9753E
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## Appendix B

### Metes and Bounds Description of Planned Development Area Overlay District

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

Beginning at the intersection of the centerlines of Washington Street and LaGrange Street and thence running northwesterly, along the centerline of LaGrange Street, a distance of 299.00 feet more or less;

Thence turning and running northeasterly, a distance of 15.31 feet more or less to the northerly sideline of LaGrange Street;

Thence continuing northeasterly, by land now or formerly of Peter S. Dane Trust and Norma Byrnes Trust, a distance of 49.32 feet more or less;

Thence turning and running northwesterly, by land now or formerly of Peter S. Dane Trust and Norma Byrnes Trust, a distance of 0.67 feet more or less;

Thence turning and running northeasterly, by land now or formerly of Peter S. Dane Trust and Norma Byrnes Trust, a distance of 41.83 feet more or less to the southwesterly sideline of Lowell Court;

Thence turning and running northeasterly, a distance of 15.36 feet more or less to the northeasterly sideline of Lowell Court;

Thence turning and running southeasterly, along the northeasterly sideline of Lowell Court, a distance of 33.69 feet more or less;

Thence turning and running southwesterly, along the southeasterly terminus of Lowell Court, a distance of 15.40 feet more or less;

Thence turning and running southeasterly, by land now or formerly of Boston Young Men's Christian Union, a distance of 45.86 feet more or less;

Thence turning and running northeasterly, by land now or formerly of Boston Young Men's Christian Union, a distance of 25.68 feet more or less, to the westerly most corner of Boylston Square;

Thence turning and running northeasterly, along the northwesterly sideline of Boylston Square, a distance of 19.55 feet more or less;

Thence turning and running southeasterly, to the southeasterly sideline of Boylston Square, a distance of 20.08 feet more or less;

Thence continuing southeasterly, along the northeasterly sideline of Boylston Square, a distance of 182.30 feet more or less, to the northwesterly sideline of Washington Street;

Thence continuing southeasterly, to the centerline of Washington Street, a distance of 27.55 feet more or less;

Thence turning and running southwesterly, along the centerline of Washington Street, a distance of 163.99 feet more or less, to the point of beginning.

Containing an area of 45,557 S.F. or 1.046 Acres.

Chairman

Vice Chairman

*Dennis A. Decker*  
*Mary F. Toney*  
*MA*  
*Jay Hunter*  
*Jon O. Bray*  
*Jill Hatton*  
*James C. Clark*  
*William S. Talow*

In Zoning Commission

Adopted: December 17, 2003

Attest: *[Signature]*  
Secretary

Development Plan for Planned Development Area No. 60, The Residences at Kensington Place

Chairman

Vice Chairman

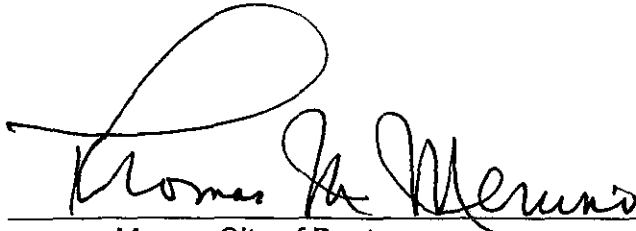
*James C. Clark*  
*May P. Tierney*  
*MA*  
*James C. Clark*  
*Diane Lynn Bracy*  
*Jay Shuler*  
*Jim S. Hutton*  
*Orlando S. Taylor*

In Zoning Commission

Adopted: December 17, 2003

Attest: *Jeffrey W. Hampton*  
Secretary

Development Plan for Planned Development Area No. 60, The Residences at Kensington Place

  
\_\_\_\_\_  
Mayor, City of Boston

Date: 12/22/03

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The foregoing Development Plan was presented to the Mayor on ~~DECEMBER 18, 2003~~ and was signed by him on ~~DECEMBER 23, 2003~~ whereupon it became effective on ~~DECEMBER 23, 2003~~, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:

  
\_\_\_\_\_  
Secretary to the Zoning Commission