

BRA APPROVAL: 9/13/12
BCC APPROVAL: 10/10/12
EFFECTIVE: 10/14/12

BOSTON REDEVELOPMENT AUTHORITY

AMENDED AND RESTATED DEVELOPMENT PLAN

for

1282 BOYLSTON STREET, BOSTON

within

PLANNED DEVELOPMENT AREA NO. 81

THE ABBEY GROUP, Developer

SEPT. 13, 2012

1. **Development Plan:** In accordance with Article 3, Section 3-1A and Article 80, Section 80C of the Boston Zoning Code (the "Code"), this amended and restated development plan sets forth information on the development of a proposed project at 1282 Boylston Street, Boston (the "Proposed Project"), including the proposed location and appearance of structures, open spaces and landscaping, the proposed uses of the Project, the proposed dimensions of the structure, the proposed density, proposed traffic circulation, the proposed parking and loading facilities, access to public transportation and other major elements of the Proposed Project (the "Development Plan"). This Development Plan amends and restates in its entirety the Development Plan approved by the Boston Zoning Commission on December 14, 2011 for Planned Development Area No. 81.
2. **Proponent:** The developer of the Proposed Project is The Abbey Group, 575 Boylston Street, Boston, MA, its successors and assigns (the "Proponent"), on behalf of Offsite Real Estate, LLC.
3. **Site:** The Proposed Project site consists of approximately 1.1 acres located at 1282 Boylston Street in Boston (the "Site"). A Site Location Plan is included in the set of plans referenced in Appendix 1. The Site has approximately 356 feet of frontage on Boylston Street. Currently it contains a surface parking lot for 169 vehicles. The Project Site was formerly used as a McDonald's restaurant; this building was demolished in 2010. The Site is more particularly bounded and described on Exhibit A attached hereto and as shown on the existing conditions plan prepared by Nitsch Engineering (the "Survey Plan"), a copy of which is included in the set of plans referenced in Appendix 1.

4. **Proposed Location and Appearance of Structures:** The Proposed Project consists of the construction of up to 348,235 gross square feet mixed-use building containing approximately 322 residential units and approximately 15,000 gross square feet of ground floor retail space, and with underground parking for approximately 295 vehicles. The parking spaces will be contained in a 3-story below-grade garage within the building. The loading bays and service areas will be located to the rear of the building on the Site.

The Proponent has engaged the architectural firm of Bruner/Cott & Associates, Inc. to design the Proposed Project. The Proposed Project is being designed to increase pedestrian accessibility in the area and to revive and reinvigorate a long-neglected parcel. The preliminary architectural drawings referenced in Appendix 1 reflect the following design intentions:

The Proposed Project maintains a focus on a design aesthetic that is warm, yet modern, and is sympathetic to the surrounding buildings. The multi-material façade articulation, as well as increased sidewalk width, added lighting and new landscape enhancements will bring a warm pedestrian “urban village” feeling to the area. The curtainwall system consists of a series of multiple-story projected frames, which are proposed to be painted aluminum and will likely contain low-E insulated glass units and colored spandrel panels. The more solid punched window and panel system is composed in multi-story vertical staggered modules, and is also working to reduce scale and add depth and shadow. The ground floor retail façade will be composed with significant areas of clear glass curtainwall systems paired with more durable stone or masonry columns and framing elements.

The exterior design of the lower portion of the structure will buffer the existing low and mid-rise residential buildings located to the south of the Site in the Fenway neighborhood and will provide retail and other ground floor uses that the entire neighborhood will enjoy. The uses and design of the Proposed Project will fulfill the applicable provisions of the Fenway Neighborhood Zoning District.

The massing along Boylston Street complies with the streetwall setback of 15 feet, and also incorporates a 7 foot setback along Jersey Street. The proposed accessway along on the east side of the Site (adjacent to the Baseball Tavern) will allow access to the Proposed Project garage as well as public vehicular and pedestrian access from Boylston Street to the public alley to the rear of the Site.

The Proposed Project will provide a dynamic, flexible, programmable neighborhood space (the “Community Space”) that is available to all individuals and groups in the neighborhood. It is located on the ground floor of the building. To make this space accessible to all in the neighborhood it is unaffiliated with any one particular group, but rather can be occupied by individuals throughout the day and by groups on a reservation or first come first served basis.

The space will be flexible to allow for individual and small group seating to meet and congregate, but when called upon can be segregated and the furniture rearranged to hold larger meetings.

Programming opportunities exist for the space as well. Ideas include free WiFi for personal use, a reading library, gallery shows of local artists and support for live music.

It is the goal of the Proponent to identify a café operator to occupy the adjacent commercial space to support the needs of the community center. The community center will be handicap accessible.

5. **Open Spaces and Landscaping:** The portion of the Site which faces Boylston Street will provide appropriate visual and physical transition from the Fenway neighborhood to Boylston Street. The Boylston street sidewalk will be approximately 23 feet wide (including a 10 foot sidewalk café seating zone) and the Jersey Street sidewalk will be approximately 13 feet wide. The ground floor retail spaces will enliven the pedestrian experience along Boylston Street. The widened sidewalk along Jersey Street will be inviting to the neighborhood as a more open transition to Boylston Street.

6. **Project Uses:** The Proposed Project may be used for those retail, restaurant, residential, off-street parking, and loading uses listed in Appendix 2 attached hereto. It is intended that the uses of the Proposed Project will conform generally to the uses enumerated in Table B of Article 66 of the Code, but shall comply with this Development Plan.

7. **Size and Dimensions of Structures:** The Proposed Project consists of the construction of up to 348,235 gross square feet mixed-use building containing approximately 322 residential units, and approximately 15,000 gross square feet of ground floor retail space with underground parking for approximately 295 vehicles. The parking spaces will be contained in a 3-story below-grade garage within the building. The loading bays and service areas will be located to the rear of the building on the Site.

8. **The Project data and approximate dimensions** are as follows:

Height:

To roof ridge 190 feet

Street Wall Height 60 feet

Setbacks:

Setback above Street Wall height 15 feet (as per design massing)

Lot Area and Floor Area Ratio:

Lot Area: 47,379 SF

F.A.R. (excludes parking below-grade): 7.0 (331,654 SF)

Parking:

Parking Spaces (all below-grade) 295 spaces

*F.A.R. Square Feet excludes below-grade parking, voids in floor areas, such as mechanical shafts and elevator shafts, and space occupied by mechanical and electrical closets, laundry and storage areas.

9. **Zoning Actions:** The Proposed Project is presently situated within the South Boylston Neighborhood Shopping subdistrict (NS-3) of the Fenway Neighborhood District and is governed by Article 66 of the Code. Pursuant to Section 66-27 of the Code, Planned Development Areas (“PDA”) are allowed in this District, provided that a PDA must be approved prior to October 22, 2012. A PDA in this district is also required to devote at least 70% of the gross floor area of a project to residential uses, this amount may be reduced to 60% of the gross floor area if a community facility use operated by a non-profit is located within the project. A PDA is also required to contain Affordable Housing in the percentages set forth in Section 66-28.1(b) of the Code. The Proposed Project will devote more than 70% of the gross floor area to residential uses. In addition, the Community Space will be operated by a non-profit, and so will qualify as a contribution towards a community benefit as determined and agreed upon by the BRA and the Proponent. It is proposed that the Maximum Building Height for the South Boylston Street NS-3 District set forth in Article 66 of the Code be amended to allow for a height of 190 feet.

Also, the Proposed Project will provide that 36 residential units (11.2% of the total residential units) will be set aside (on-site) as Affordable Housing and the Community Space will fulfill the equivalent contribution required by Section 66-28.1(b)2 of the Code.

The Proposed Project will also seek an interpretation or modification of Section 66-28.1(c) of the Code in order to allow the parking ratio to be between 0.75 and 1.0 spaces per dwelling unit for longer-term residents and/or future condominium ownership.

10. **Dimensional Requirements.** The Proposed Project will be subject to the following dimensional requirements:

Dimensional Requirements	Proposed Project Dimensions
Maximum Floor Area Ratio	7.0
Maximum Building Height (ft)	190
Street Wall Height (ft.)	60

Dimensional Requirements	Proposed Project Dimensions
Setback above Street Wall Heights (ft.)	15 (as per design massing)

11. **Signs.** Section 66-41 of the Code regulates the size and location of signs in the Fenway Neighborhood District and provides that the sign requirements for the Proposed Project may be established through design review and Large Project Review under Article 80B of the Code. In accordance therewith, signs for the Proposed Project will be approved by the Urban Design Department of the Boston Redevelopment Authority (“BRA”).

12. **Other Zoning Approvals.** In addition to addressing the above-referenced zoning provisions, the Proposed Project is also subject to Large Project Review by the BRA. In accordance with the requirements set forth in Section 80B of the Code, on July 5, 2011 the Proponent filed an Expanded Project Notification Form with the BRA. On December 14, 2011 the BRA issued its Scoping Determination Waiving Further Review under Section 80B-5 of the Code, subject to continuing design review by the BRA. On July 25, 2012 the Proponent submitted a Notice of Project Change to the BRA outlining certain changes to the Proposed Project which are reflected in this Development Plan. The Site will be subject to the use and dimensional controls set forth herein, which are comprehensive development controls delineating the uses and dimensions for the Proposed Project.

13. **Projected Number of Employees:** It is anticipated that the Proposed Project will generate approximately 600 construction jobs, 250 of which will be for trade jobs. It is anticipated that the Proposed Project will generate approximately 50 on site permanent jobs.

14. **Traffic Circulation:** Traffic circulation for the Proposed Project will be accomplished off of Jersey Street and Boylston Street. An approximately 30 ft wide private accessway (open to public travel) will be provided from Boylston Street to the public alley to the rear of the Site. In order to allow for the orderly control of traffic to the alley during baseball games and special events, a gate will be installed in this accessway. The garage entrance to the Proposed Project will be located off this new accessway. This new accessway will allow vehicles to exit the garage and either take a right turn onto Boylston inbound or take a right from the garage and enter onto the public alley and exit onto Jersey Street. Vehicles coming to the Proposed Project will access the garage via the new accessway off Boylston Street or from the public alley off Jersey Street.

15. **Loading Requirements:** Truck and loading access to the Proposed Project will take place on the rear of the Site and trucks will enter the Site from Jersey Street and exit the Site to Boylston Street.

16. **Access to Public Transportation:** The Site is close to the Fenway subway stop on the MBTA Green Line. There are also MBTA bus routes that directly pass the Site. The sidewalk abutting the MBTA bus stop on Jersey Street will be widened to more easily accommodate the bus stop, the community use space and the retail space along Jersey Street.

17. **Compliance with the Groundwater Conservation Overlay District.** The Proposed Project Site is located within the Groundwater Conservation Overlay District. The Proponent will incorporate systems into its Proposed Project that meet the groundwater conservation standards of Article 32 and the Proponent will obtain a written determination from the Boston Water and Sewer Commission as to whether said standards are met. The Proponent will provide a copy of this letter to the BRA and Boston Groundwater Trust prior to the issuance of a Certification of Consistency or Certification of Compliance, as applicable. Accordingly, the Proponent will not be required to obtain a conditional use permit from the Board of Appeal, and shall be deemed to be in compliance with Article 32.

18. **Green Building.** The Proponent has incorporated the LEED Building Rating System criteria in the design of the Proposed Project. As a result, the Proposed Project has been designed to meet LEED standards, which incorporates the following Green Building Attributes:

- Sustainable Site Credit with respect to site location, development density and community connectivity, public transportation access, bicycle storage and changing rooms, parking capacity, storm water design and light pollution reduction.
- Water Efficiency Credit with respect to efficient landscaping.
- Energy Atmospheric Credit with respect to optimizing energy performance.
- Materials and Resources Credit with respect to construction waste management and reuse of materials.
- Indoor Environmental Quality Credit with respect to air delivery monitoring system, construction IAQ Management Plan, use of low emitting materials.

The Proposed Project shall comply with the requirements of Article 37 of the Code.

19. **Public Benefits:** The direct public benefits of the Proposed Project are many. The Proposed Project will:

Fenway Neighborhood Community Center

- The Proposed Project will include a ground floor space, adjacent to a restaurant or café, that is for the use and enjoyment of the neighborhood. This space is discussed in more detail at the end of this section.

Affordable Housing

- The Proposed Project will provide 36 of its total residential units (11.2%) as affordable, onsite housing for the benefit of the neighborhood.

Economic Benefits

- Add over 320 new housing units to the ever-increasing demand of the Fenway Neighborhood.
- Introduce new retail and residential vitality along Boylston and Jersey Streets.
- Increase economic activity to the Fenway with mixed-use property for residents, workers, shoppers, and diners.
- Create 600 construction jobs with as many as 250 trades-people working onsite.
- Provide diversification and expansion of the Fenway's economy
- Increase tax revenue for the city.

Neighborhood Design Enhancements:

- Create a vibrant pedestrian and public transit accessible multi-use residential and retail project in an existing surface parking lot.
- Reduce the ground floor footprint of the building to create a dedicated truck drive lane away from the existing neighborhood alley to lessen vehicular congestion and pull the loading functions away from the neighboring residential buildings.
- Use varied multi-level and multi-material façade articulation to bring a warm pedestrian "urban village" feeling to the area.
- Support the Boylston Street Reconstruction Plan through sidewalk and streetscape design.
- Reduce building foot print on Jersey Street to align with existing building setback, extending to residential street wall to Boylston Street. At the corner of Jersey and Boylston reducing the building footprint even further to provide as much visual space as possible between the buildings of 1282 and 1330 Boylston at the gateway to the residential West Fens.

- Create a new, two lane private way (open to public travel) for alley access and development access.
- Eliminate two curb cuts on Boylston Street.
- Continue the recent trend of bringing high quality architecture to the neighborhood.
- Provide improvements to urban design characteristics and aesthetic character of the Site and its surrounding, and the enhancement of existing open space or the creation of new open space.

Sustainable Design Focus:

- Incorporate state of the art “green” design elements including energy efficient mechanical and building control systems and environmentally responsible materials.
- Build onsite bicycle storage with easy access to encourage bicycle use.

20. **Development Review Procedures:** All design plans for the Proposed Project are subject to on-going development review and approval by the BRA. Such review is to be conducted in accordance with Article 80 of the Code and the BRA Development Review Guidelines, dated 2006.

LIST OF EXHIBITS AND APPENDICES

to

DEVELOPMENT PLAN

For

1282 BOYLSTON STREET

EXHIBIT A LEGAL DESCRIPTION OF THE SITE

APPENDIX 1

PROJECT DRAWINGS, SITE SURVEY AND PHOTOGRAPHS.

APPENDIX 2 ALLOWED USES - SEE ATTACHED

Exhibit A

Legal Description of Site

PARCEL ONE

A certain parcel of land with the buildings thereon situated in said Boston and being shown as Lot D on a Plan by William H. Whitney, C.E. Surveyors, dated June 14, 1899 and recorded with Suffolk Deeds in Book 2881, Page 520, bounded and described as follows:

- Northerly by said Boylston Street, 161.93 feet;
- Westerly by other land of grantor formerly of the Trustees of Boylston Street Land Co., by a line at right angles to the Southerly line of Boylston Street, 133.02 feet;
- Southerly by land now or late of Moses Williams, et al, Trustees and by Lot E on said plan by a line at right angles to said last described line, 161.93 feet; and
- Easterly by land now or late of Shurtleff, and being the westerly side line of the premises hereinafter described as Parcel 2, by a line at right angles to the southerly line of Boylston Street, 133.02 feet.

Containing about 21,539.5 square feet of land, or however otherwise said parcel may be bounded and described, and being any or all of said measurements or contents, more or less.

PARCEL TWO

A certain parcel of land situated in said Boston, with the buildings thereon, situated on the Southerly side of said Boylston Street, and bounded and described as follows:

- Northerly by said Boylston Street, 42.46 feet;
- Easterly by other land of grantor formerly of Albert Nickerson, 133.02 feet;
- Southerly by the middle line of a passageway, 42.46 feet;
- Westerly by other land of grantor formerly of James D. Colt et al, Trustees, 133.02 feet, being the easterly side line of the premises hereinbefore described as Parcel On.

Containing 5,648 square feet, more or less.

Parcel One and Two are known as and numbered 1272-1280 Boylston Street.

PARCEL THREE

A certain parcel of land together with the buildings thereon situated and now numbered 1286 on the Southerly side of Boylston Street in said Boston, bounded and described as follows:

- Northerly by the Southerly side of Boylston Street, ninety-one and 23/100 (91.23) feet; and

Easterly by other land of grantor formerly of James D. Colt, et al Trustees, one hundred thirty-three (133) feet; and

Southerly by the middle line of a passageway ninety-one and 23/100 (91.23) feet; and

Westerly by other land of grantor being parcel 4 described herein formerly of Edith J. Fish, one hundred thirty-three (133) feet.

Containing 12,133.6 square feet, or however otherwise said premises may be bounded and described and be all or any of said measurements or contents more or less.

PARCEL FOUR

The land in said Boston, being a certain parcel of land with the buildings thereon as shown on a plan entitled "Plan of Land in Boston" dated February 26, 1925 by Aspinwall & Lincoln, C.E. recorded at Suffolk Deeds Book 4670, Page 402 being bounded and described as follows:

Northerly by Boylston Street, 60 feet;

Westerly by Jersey Street, 133 feet;

Southerly by the middle line of a passageway, as shown on said plan, 60 feet; and

Easterly in part by said passageway as in part by other land of the grantor, formerly of the Trustees of the Boylston Street Land Company, 133 feet.

Together with the benefit of rights in the sixteen (16') foot wide passageway, as more particularly set forth in the following instruments.

- a. Easement Agreement dated August 16, 1912 and recorded in Book 3703, Page 281.
- b. Passageway Agreement dated August 16, 1912 and recorded in Book 3703, Page 288.

APPENDIX 1

PROJECT DRAWINGS, SITE SURVEY AND PHOTOGRAPHS

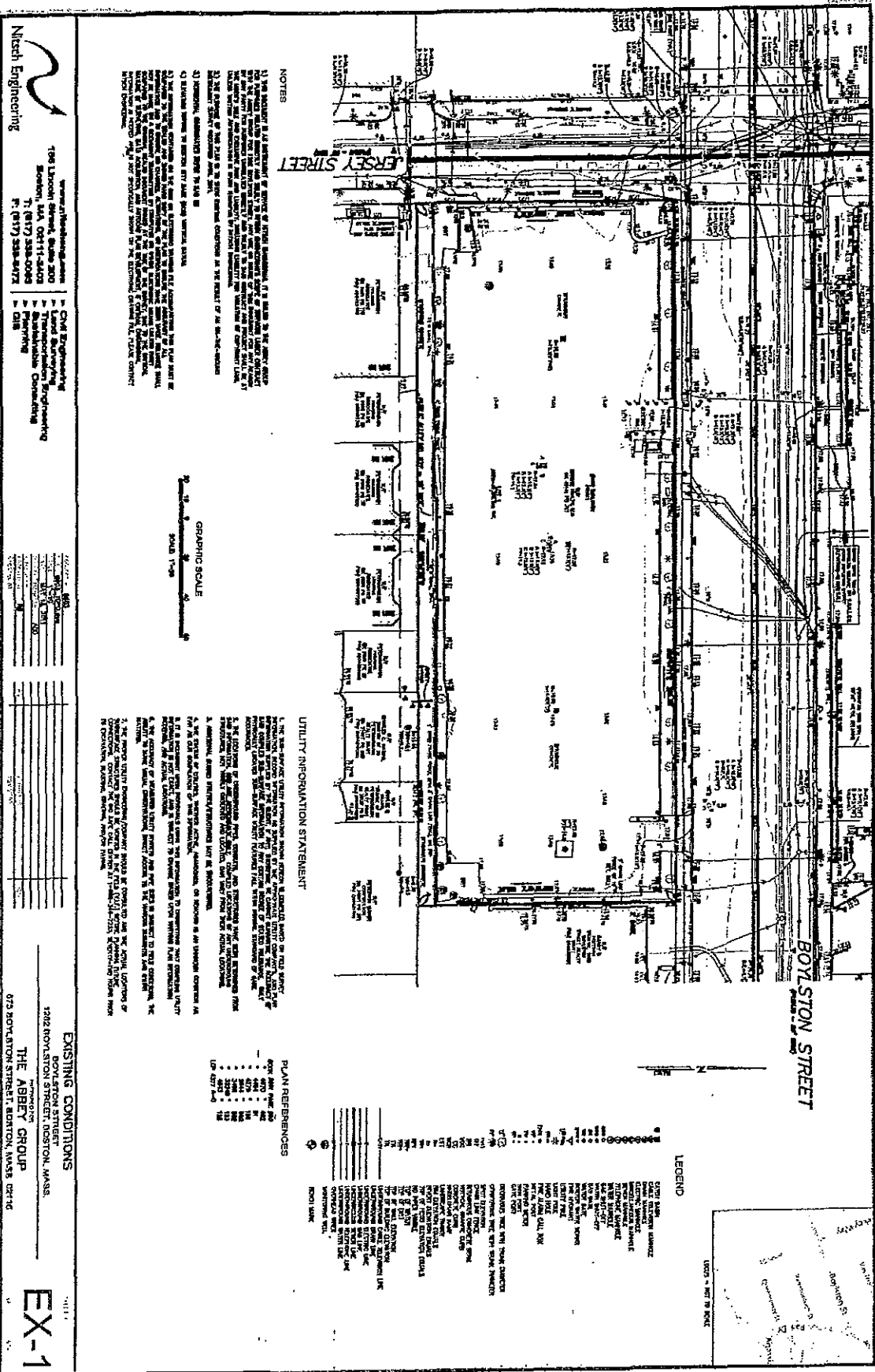
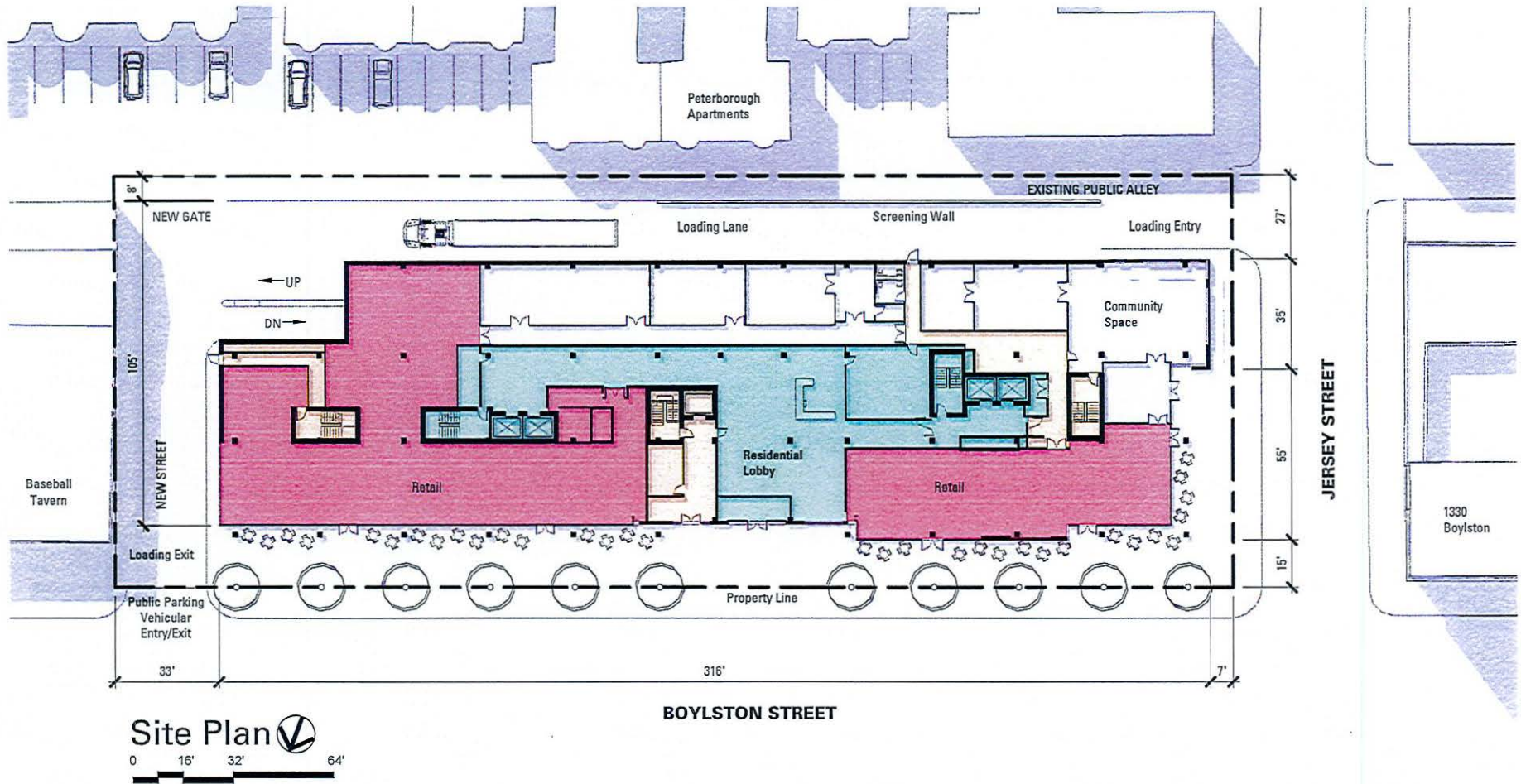
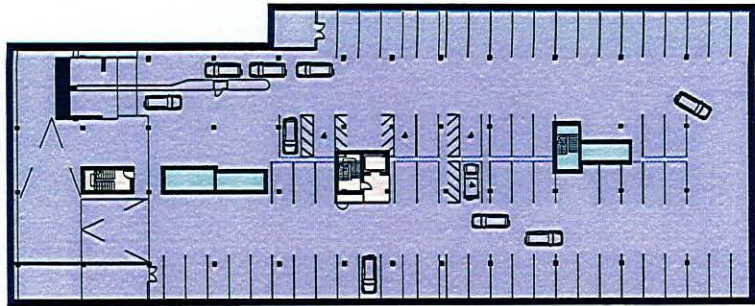
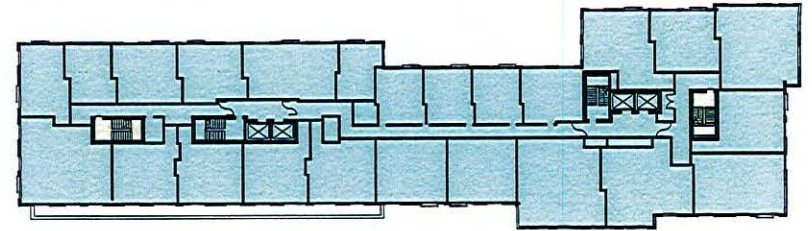


Figure 2-2 - Existing site survey

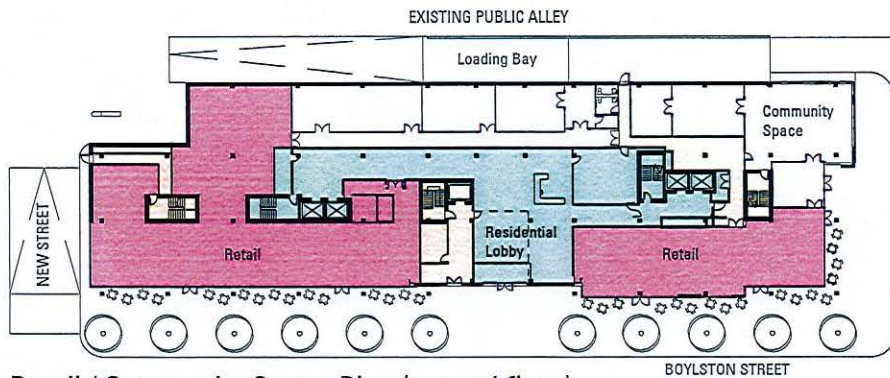




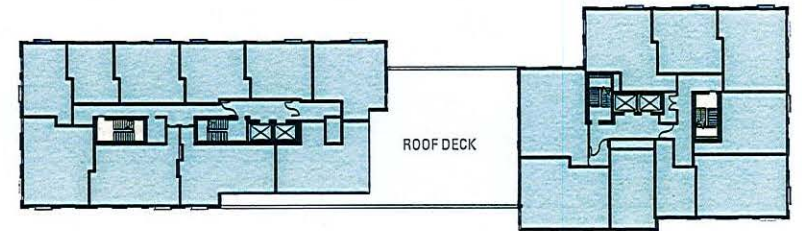
Parking Plan (floors P1-P3) 0' 5' 10' 20' 50'



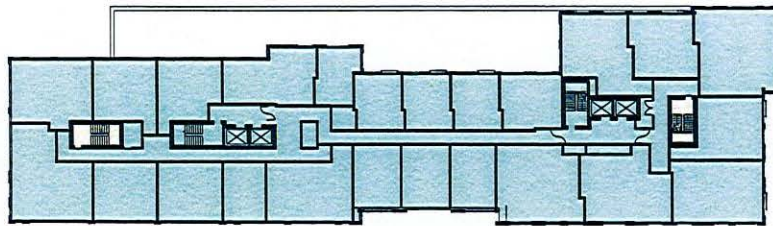
Residential Plan (floor 5)



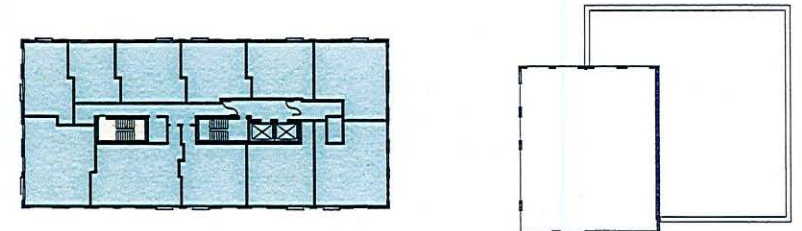
Retail / Community Space Plan (ground floor)



Residential Plan (floor 10)

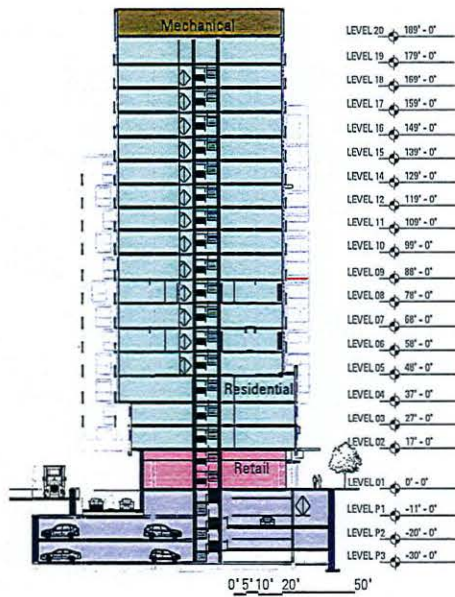


Residential Plan (floor 2)

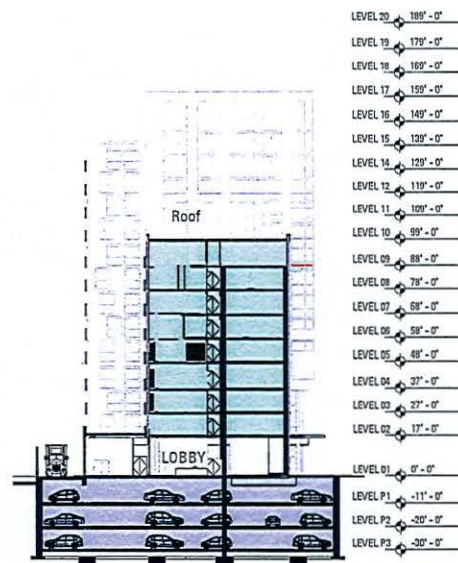


Residential Plan (floor 15)

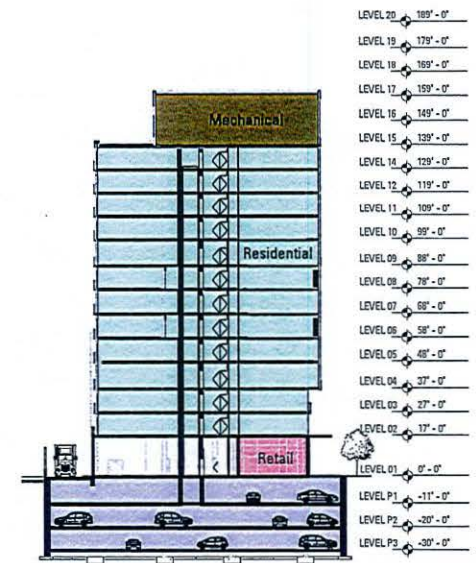




Section 1



Section 2



Section 3



EXISTING ALLEY

BOYLSTON STREET

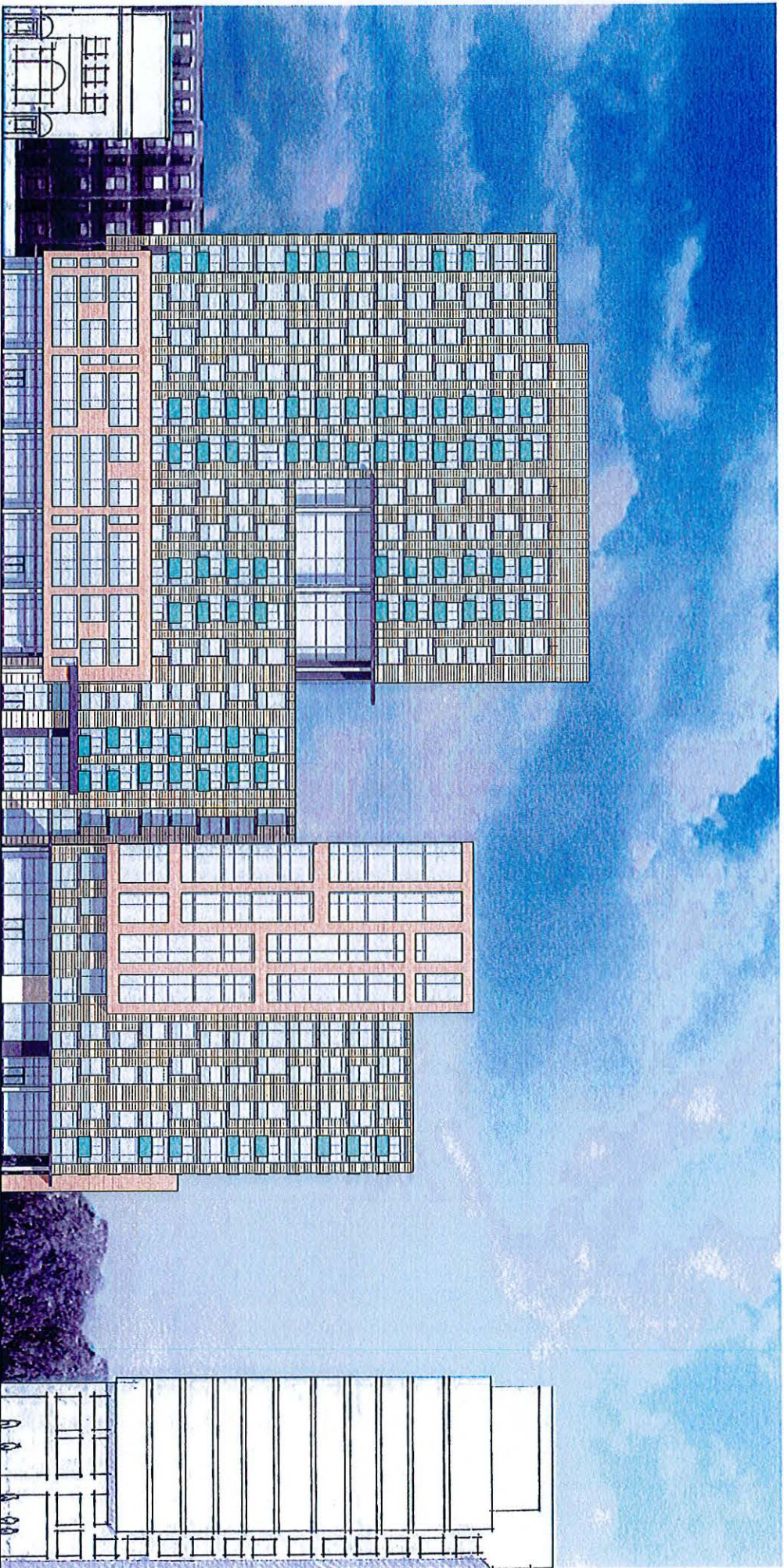
East Elevation (New Street)



BOYLSTON STREET

EXISTING ALLEY

West Elevation (Jersey Street)

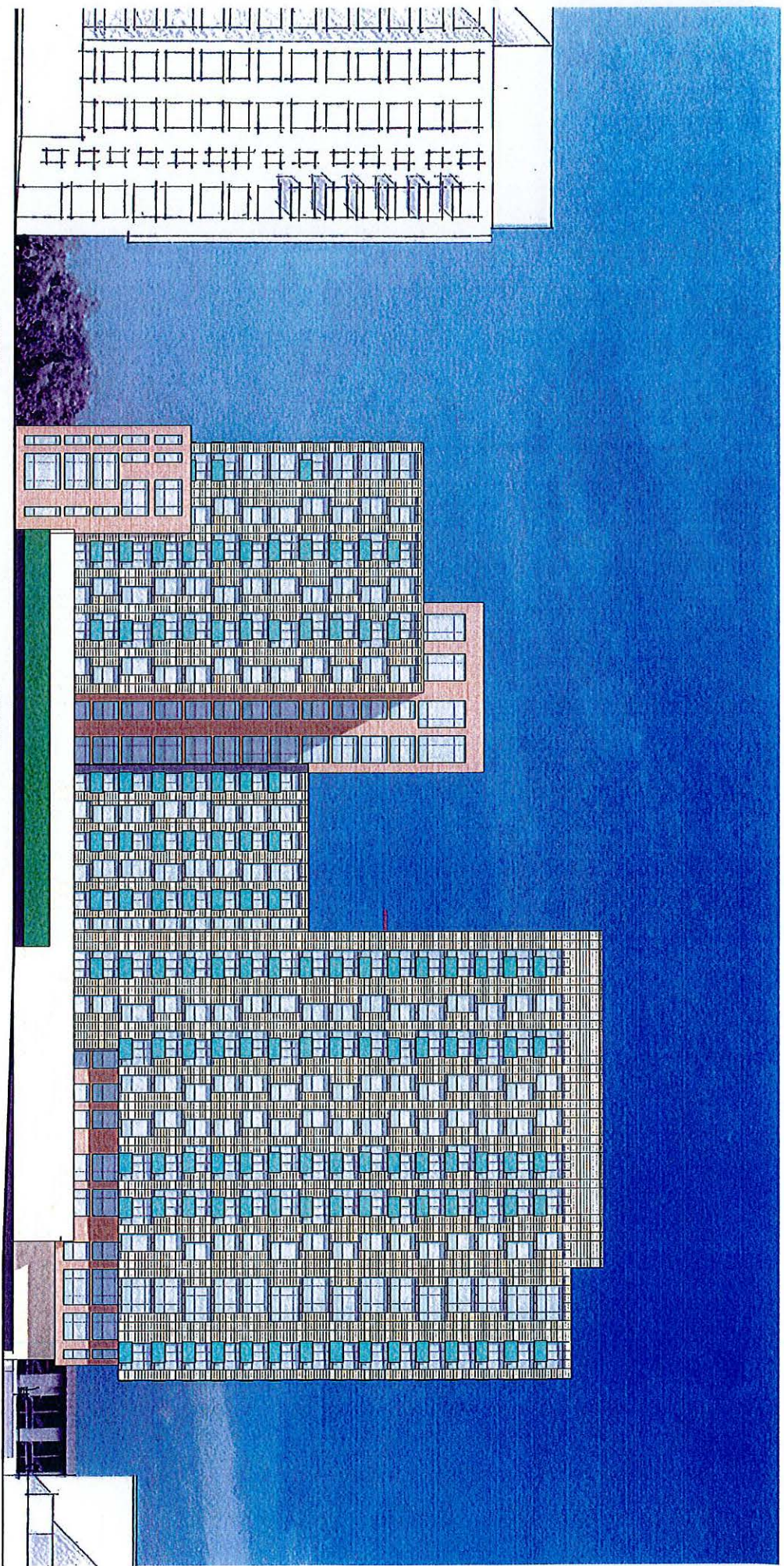


North Elevation

ROYLSTON
NEW STREET

JERSEY ST

NORTH ELEVATION
11 June 2012



South Elevation



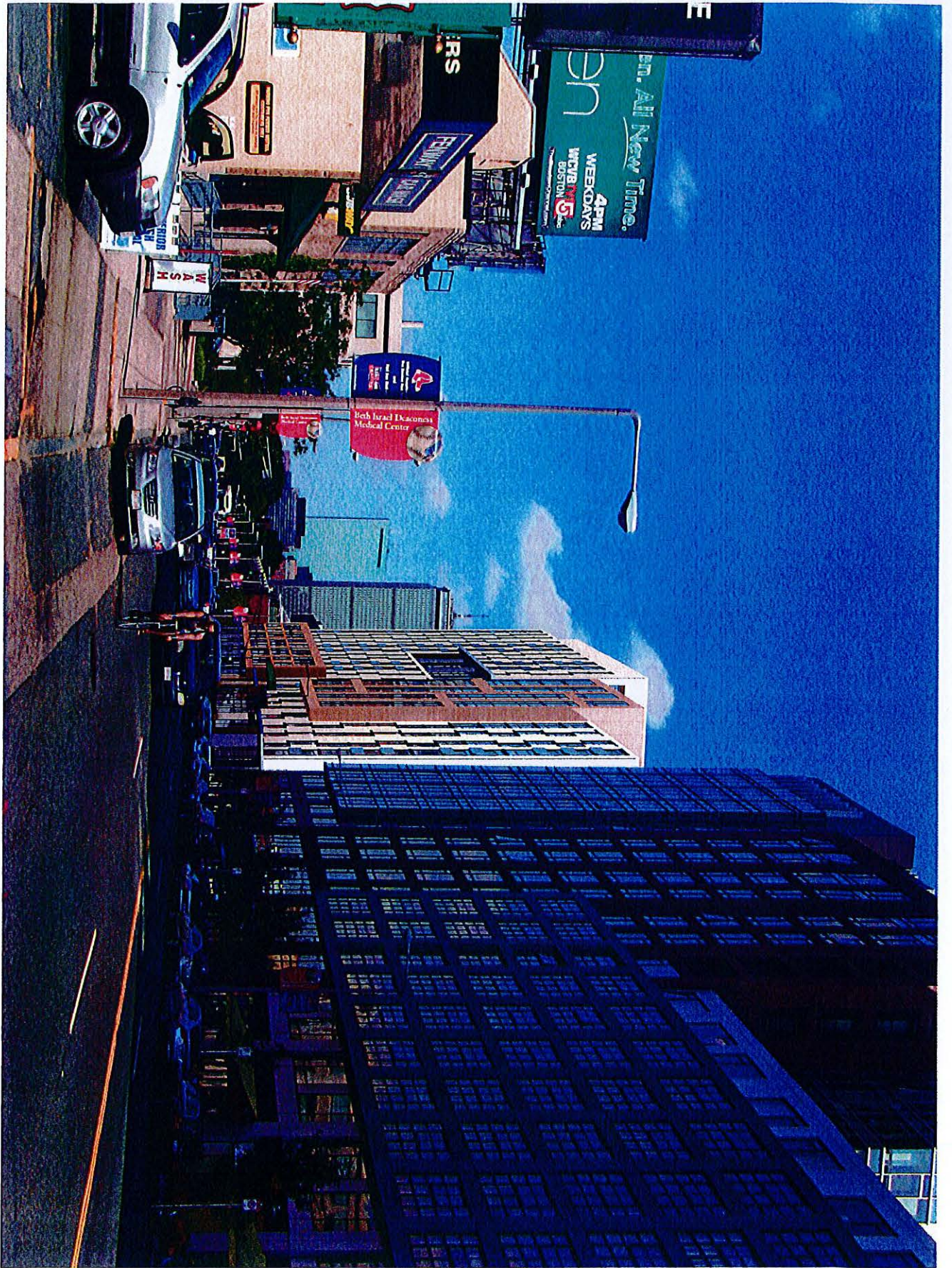
JERSEY STREET

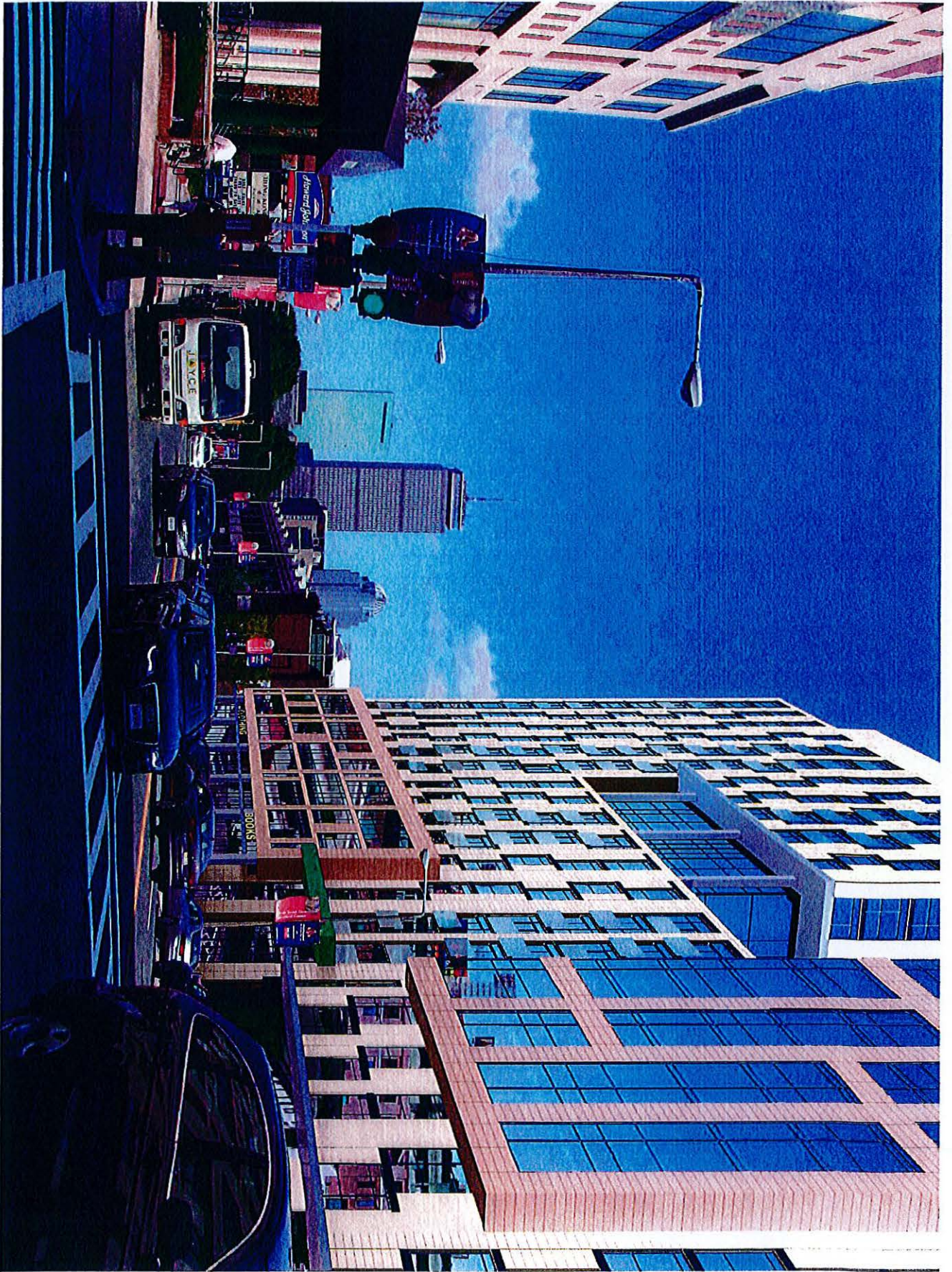
SCREEN WALL

NEW STREET









APPENDIX 2

1282 BOYLSTON STREET

ALLOWED USES

Automatic Teller Machine

Bank

Community Uses

Library

Day Care Center

Community Center

Art Gallery

Art Use

Museum

Public Art

Display Space

Studios, Art

Studios, Production

Ticket Sales

Educational (excluding college and/or university uses)

Professional School

Trade School

Amusement Game Machines In Commercial Establishment

Restaurant With Live Entertainment, Not Operating After 10:30 pm

Restaurant With Live Entertainment Operating After 10:30 pm

Clinic

Artist Mixed Use

Agency or Professional Office

Multi-Family Dwelling

Restaurant

Take-Out Restaurant – Small

Take-Out Restaurant – Large
Sidewalk Cafe
Bakery
General Retail Business
Liquor Store
Local Retail Business
Barber or Beauty Shop
Caterer's Establishment
Dry Cleaning Shop
Laundry, Retail Service
Laundry, Self-Service
Photocopying Establishment
Shoe Repair
Tailor Shop
Photographer's Studio
Radio/Television Repair
Upholsterer's Shop
Indoor Sale Without Installation Of Automotive Parts, Accessories And Supplies
Public Parking Garage (including, without limitation, parking for Fenway Park)
Rental Agency For Cars
All Accessory Uses To The Foregoing
Accessory Storage of flammable liquids and gases, small and large
Accessory Outdoor Cafe
Accessory Service Use
Accessory Services for Apartments
Accessory Services for Accessory Parking
Accessory Car Wash
Ancillary Parking

BOSTON REDEVELOPMENT AUTHORITY
1282 Boylston Street, Boston
(Fenway Neighborhood District)

AMENDED AND RESTATED DEVELOPMENT PLAN FACT SHEET
July 25, 2012

- Project Proponent:** The Abbey Group on behalf of
Offsite Real Estate, LLC
575 Boylston Street
Boston, MA 02116
- Project Site:** 1282 Boylston Street, Boston, MA; containing approximately 1.1 acres.
The Project Site abuts Jersey Street to the west, a public alley to the south,
and existing buildings to the east.
- Proposed Project:** The Proposed Project consists of the construction of up to 348,235 gross
square foot mixed-use building containing 322 residential units and
approximately 15,000 square feet of ground floor retail space fronting on
Boylston Street. Underground parking will be provided for approximately
295 vehicles.
- Present Zoning
and Uses:** The Project Site is presently used as a surface parking lot for
approximately 170 vehicles and was formerly used for a McDonald's
restaurant. It is located in the South Boylston Neighborhood Shopping
District of the Fenway Neighborhood District (Article 66 of the Boston
Zoning Code).
- Proposed Zoning:** The Proposed Project is presently situated within the South Boylston
Neighborhood Shopping subdistrict governed by Article 66 of the Code
and will be developed as a Planned Development Area with uses and
dimensions as listed in the Amended and Restated Development Plan.
- Traffic:** The Project Site currently has 3 curb cuts on Boylston Street. The number
of curbcuts on Boylston Street will be reduced to one for the Proposed
Project.
- Public Benefits:**
- Provide dynamic, flexible, programmable neighborhood space
available to neighborhood individuals and groups on ground floor;
 - Add over 300 new housing units to the ever-increasing demand of
the Fenway Neighborhood, 36 (11.2%) of which will be affordable;

- Introduce new retail, residential and economic vitality along Boylston and Jersey Streets;
- Create new access to alley and to Proposed Project;
- Create approximately 600 construction jobs;
- Use varied multi-level and multi-material façade articulation to bring a warm pedestrian “urban village” feeling to the area.
- Incorporate state of the art “green” design elements including energy efficient mechanical and building control systems.
- Support Boylston Street Reconstruction Plan through sidewalk and streetscape design.
- Further City of Boston and Boston Redevelopment Authority goals of creating vibrant, pedestrian friendly, urban village along Boylston Street.

Amended and Restated Development Plan for
Planned Development Area No. 81,
1282 Boylston Street

Boston Redevelopment Authority on behalf of
the Abbey Group

AMENDED AND RESTATED DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT AREA NO. 81, 1282 BOYLSTON STREET, FENWAY

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 Amended and Restated Development Plan for Planned Development Area No. 81, 1282 Boylston Street, dated September 13, 2012, and approved by the Boston Redevelopment Authority on September 13, 2012.

Said Amended and Restated Development Plan amends "Development Plan for 1282 Boylston Street within Planned Development Area No. 81," approved by the Authority on November 17, 2011, and approved by the Zoning Commission on December 14, 2011, effective, December 15, 2011. Planned Development Area No. 81 was designated on "Map 1Q, Fenway Neighborhood District" of the series of maps entitled "Zoning Districts City of Boston" dated August 15, 1962, as amended, by Map Amendment No. 537, adopted by the Zoning Commission on December 14, 2011, effective December 15, 2011.

Amended and Restated Development Plan for Planned Development Area No. 81, 1282
Boylston Street, Fenway

Robert Jordan
Chairman

Vice Chairman
Paul Brown

[Signature]

Talal Leath

[Signature]

Glenn G. Washburn

Jay Hurdley


Jill Statton

In Zoning Commission

Adopted: October 10, 2012

Attest: [Signature]
Executive Secretary

Amended and Restated Development Plan for Planned Development Area No. 81, 1282
Boylston Street, Fenway

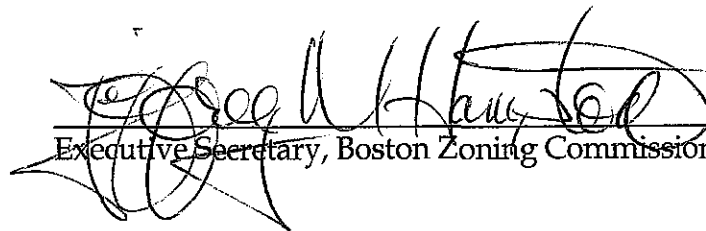


Mayor, City of Boston

Date: 10-14-12

The foregoing Amended and Restated Development Plan, was presented to the Mayor on ~~OCTOBER 11, 2013~~, and was signed by him on ~~OCTOBER 14, 2013~~, whereupon it became effective on ~~OCTOBER 14, 2013~~ in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:



Executive Secretary, Boston Zoning Commission

MEMORANDUM

SEPTEMBER 13, 2012

TO: BOSTON REDEVELOPMENT AUTHORITY AND
PETER MEADE, DIRECTOR

FROM: BRENDA McKENZIE, DIRECTOR OF ECONOMIC DEVELOPMENT
KAIROS SHEN, CHIEF PLANNER
HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW
RANDI LATHROP, DEPUTY DIRECTOR FOR COMMUNITY
PLANNING
DAVID CARLSON, SENIOR ARCHITECT
JONATHAN GREELEY, FENWAY PLANNER
JOHN FITZGERALD, PROJECT MANAGER

SUBJECT: PUBLIC HEARING FOR AMENDED AND RESTATED DEVELOPMENT
PLAN FOR 1282 BOYLSTON STREET, BOSTON WITHIN PLANNED
DEVELOPMENT AREA NO. 81, AND A NOTICE OF PROJECT
CHANGE REGARDING THE 1282 BOYLSTON STREET PROJECT,
LOCATED ON BOYLSTON STREET, FENWAY

SUMMARY: This Memorandum requests authorization for the Director to: (1) approve a Text Amendment to Article 66 (Fenway Neighborhood District) of the Boston Zoning Code (the "Code"); (2) approve the Amended and Restated Development Plan for 1282 Boylston Street, Boston (the "Proposed Project") within Planned Development Area No. 81 (the "Amended Development Plan"); (3) authorize the Director to petition the Boston Zoning Commission ("Zoning Commission") for approval of the Text Amendment to Article 66 of the Code; (4) authorize the Director to petition the Zoning Commission for approval of the Amended Development Plan; (5) authorize the Director to issue a Determination Waiving the requirement of further review pursuant to Section 80A-6.2 of the Code in connection with the Notice of Project Change for the Proposed Project; (6) authorize the Director to issue a Certification of Compliance pursuant to Section 80B-6 of the Code upon successful completion of the Article 80 review process; (7) authorize the Director to issue a Certification of Consistency pursuant to Section 80C-8 of the Code; and (8) authorize the Director to execute and deliver a Cooperation Agreement, an Affordable Rental Housing Agreement and Restriction, and a Boston Residents Construction Employment Plan, and any and all other documents deemed necessary by the Director.

INTRODUCTION

The Abbey Group (the "Proponent") submitted a Project Notification Form ("PNF") to the Boston Redevelopment Authority ("BRA") on July 5, 2011 for the development of the 1282 Boylston Street project located at 1282 Boylston Street in the Fenway neighborhood. On July 2, 2011, the Proponent submitted a Development Plan for 1282 Boylston Street, Boston within Planned Development Area No. 81 (the "Original PDA Plan") to the BRA in connection with the project.

On November 17, 2011, the project received approval from the BRA Board for both the Original PDA Plan as well as the Article 80 Large Project Review. The original proposed project was to contain up to 337,000 gross square foot of mixed uses that included approximately 210 residential units, approximately 88,000 square feet of office space, approximately 15,000 square feet of ground floor retail space, and underground parking for approximately 295 vehicles.

PROPOSED PROJECT CHANGE

The Proponent submitted a Notice of Project Change dated July 25, 2012 ("NPC"), as well as an Amended and restated Development Plan for 1282 Boylston Street, Boston within Planned Development Area No. 81 (THE "Amended PDA Plan"). The Proponent now intends to replace the originally used office space with residential units. This will result in a project that consist of up to 348,235 square feet of mixed-use development containing approximately 322 residential units and approximately 15,000 square feet of ground floor retail space fronting on Boylston Street. Underground parking will be provided for approximately 295 vehicles in a 3-story below-grade garage (the "Proposed Project").

AFFORDABLE HOUSING

The Proponent will now provide 15 affordable units (13% of the new residential component) in addition to the already approved 21 affordable housing units, for a total of 36 on-site affordable units at the Project.

The Proponent will meet the affordable housing requirements for the Project as set forth in the November 17, 2011 BRA Board approvals. In addition, the Project will now provide an additional 15 on-site affordable units. The affordable component will be comprised of the following types and area median incomes:

- 14 x one bedroom units (450 square feet average) with a maximum affordable rent for studios at 100% AMI
- 1 x two bedroom unit at 100% AMI

The Proponent will also provide an additional off-site affordable housing contribution for the 7% of the added residential units:

- 110 added units x 7% = 7 units
- 7 units x \$200,000 = \$1,400,000 added off-site contribution

TEXT AMENDMENT TO THE PDA

The Original PDA Plan and associated text and map amendments allowed for a maximum height of 180 feet, but due to the slimming of the building to pull back from abutting residential properties, and the switch from office to residential in programming, it is proposed that the Amended PDA Plan have a maximum allowance of 190 feet as set forth in the associated text amendment.

RECOMMENDATION

Based on the foregoing, BRA staff recommends: (1) approve a Text Amendment to Article 66 (Fenway Neighborhood District) of the Boston Zoning Code (the "Code"); (2) approve the Amended and Restated Development Plan for 1282 Boylston Street, Boston (the "Proposed Project") within Planned Development Area No. 81 (the "Amended Development Plan"); (3) authorize the Director to petition the Boston Zoning Commission ("Zoning Commission") for approval of the Text Amendment to Article 66 of the Code; (4) authorize the Director to petition the Zoning Commission for approval of the Amended Development Plan; (5) authorize the Director to issue a Determination Waiving the requirement of further review pursuant to Section 80A-6.2 of the Code in connection with the Notice of Project Change for the Proposed Project; (6) authorize the Director to issue a Certification of Compliance pursuant to Section 80B-6 of the Code upon successful completion of the Article 80 review process; (7) authorize the Director to issue a Certification of Consistency pursuant to Section 80C-8 of the Code; and (8) authorize the Director to execute and deliver a Cooperation Agreement, an Affordable Rental Housing Agreement and Restriction, and a Boston Residents Construction Employment Plan, and any and all other documents deemed necessary by the Director.

Appropriate votes follow:

VOTED: That the Boston Redevelopment Authority (the "BRA" approves the text amendment to Article 66 (Fenway Neighborhood District) of the Boston Zoning Code (the "Code") in substantial accord with that presented to the BRA Board on September 13, 2012; and

FURTHER

VOTED:

That the BRA hereby finds and determines that with respect to the Amended and Restated Development Plan for 1282 Boylston Street, Boston (the "Proposed Project") within Planned Development Area No. 81 (the "Amended PDA Plan"), that: (a) the Amended PDA Plan is not for a location or Proposed Project for which Planned Development Areas are forbidden by the underlying zoning; (b) the Proposed Project in the Amended PDA Plan 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 Amended PDA Plan complies with any provisions of the underlying zoning that establish planning and development criteria, including public benefits, for Planned Development Areas; (d) the Amended PDA Plan 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; and (e) on balance, nothing in such plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens; and

FURHTER

VOTED:

That the BRA hereby approves, pursuant to Section 80C of the Code, the Amended PDA Plan, in substantial accord with that presented to the BRA Board on September 13, 2012; and

FURTHER

VOTED:

That the Director be, and hereby is, authorized to petition the Boston Zoning Commission ("Zoning Commission") for approval of the Text Amendment to Article 66 of the Code in substantial accord with that presented to the BRA Board on September 13, 2012; and

FURTHER

VOTED:

That the Director be, and hereby is, authorized to issue a Determination pursuant to Section 80A-6.2 of the Code waiving further review of the Proposed Project and in connection with the Notice of Project Change dated July 25, 2012; and

FURTHER

VOTED:

That the Director be, and hereby is, authorized to petition the Zoning Commission for approval of the Amended PDA Plan, in substantial accord with that presented to the Authority at its hearing on September 13, 2012; and

FURTHER

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

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Consistency pursuant to Section 80C-8 of the Code for the Proposed Project as described in the Amended PDA Plan; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute a Cooperation Agreement, an Affordable Rental Housing Agreement and Restriction, a Boston Residents Construction Employment Plan, and any and all other agreements and documents which the Director deems appropriate and necessary in connection with the Proposed Project and the Amended PDA Plan, all upon terms and conditions determined to be in the best interests of the BRA.

Text Amendment Application No. 430
Boston Redevelopment Authority
Fenway Neighborhood District
Article 66

TEXT AMENDMENT NO. 383

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 amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956, as amended, as follows:

By amending **Article 66 (Fenway Neighborhood District)** in the following manner:

1. In **Section 66-28 (Planned Development Areas: Use and Dimensional Regulations)**, *delete* the following text:

TABLE 2

Fenway Neighborhood District
 Planned Development Areas
 Maximum Building Height, FAR, Street Wall
 Height, and Setback above Street Wall Height

<u>Area</u>	<u>Maximum Building Height⁽¹⁾</u>	<u>Max. FAR⁽¹⁾</u>	<u>Street Wall Height</u>	<u>Setback above St. Wall Ht.</u>
North Boylston St. NS-2, South Boylston St. NS-2, Fenway Triangle NDA, and Brookline Ave. CC Subdistricts	150'	7.0	(2)	(2)
Cultural Facilities Subdistricts	90'	5.0	(2)	(2)
North and South Boylston St. NS-3	180'	7.0	(2)	(2)

1. A PDA established within, or such portion extended into, a Gateway Development Area shall be subject to the height and FAR limitations applicable to such Gateway Development Area.
2. Consistent with adjacent Buildings, as determined through the Article 80 Small or Large Project Review process.

and *insert* the following text in its place:

TABLE 2

Fenway Neighborhood District
 Planned Development Areas
 Maximum Building Height, FAR, Street Wall
 Height, and Setback above Street Wall Height

<u>Area</u>	<u>Maximum Building Height⁽¹⁾</u>	<u>Max. FAR⁽¹⁾</u>	<u>Street Wall Height</u>	<u>Setback above St. Wall Ht.</u>
North Boylston St. NS-2, South Boylston St. NS-2, Fenway Triangle NDA, and Brookline Ave. CC Subdistricts	150'	7.0	(2)	(2)
Cultural Facilities Subdistricts	90'	5.0	(2)	(2)
North and South Boylston St. NS-3	190'	7.0	(2)	(2)

1. A PDA established within, or such portion extended into, a Gateway Development Area shall be subject to the height and FAR limitations applicable to such Gateway Development Area.
2. Consistent with adjacent Buildings, as determined through the Article 80 Small or Large Project Review process.

Robert Jordan

Chairman

Vice Chairman

Quinn A. Washick

Jay Hurler

Alvin Bluman

[Signature]

James Walker

James Bray

Jim Patton

In Zoning Commission

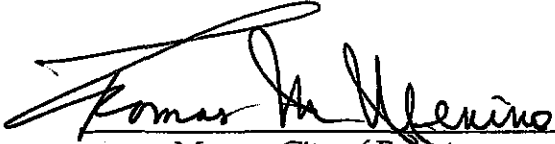
Adopted: October 10, 2012

Attest:

[Signature]
Executive Secretary

Text Amendment Application No. 430

Text Amendment No. 383

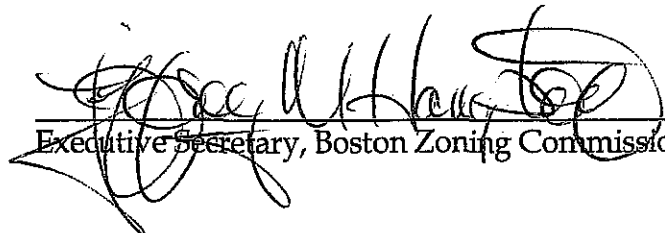


Mayor, City of Boston

Date: 10-14-12

The foregoing amendment was presented to the Mayor on October 11, 2012, and was signed by him on October 14, 2012, whereupon it became effective on October 14, 2012, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:



Executive Secretary, Boston Zoning Commission