

BRA APPEAL: 12/21/94
ZC APPEAL: 1/25/95
EFFECTIVE: 1/27/95

BOSTON REDEVELOPMENT AUTHORITY

DEVELOPMENT PLAN
and
DEVELOPMENT IMPACT PROJECT PLAN
for
PLANNED DEVELOPMENT AREA NO. 44

22 Babbitt Street

Trustees of Boston University

December 21, 1994

Development Plan: In accordance with Section 3-1A of the Boston Zoning Code (the "Code"), this development plan and development impact project plan (the "Development Plan") sets forth information on the proposed development (the "Project") of 22 Babbitt Street, a site of approximately 1.06 acres (the "Site"), including the proposed location and appearance of structures, open spaces and landscaping, proposed uses of the Site, densities, proposed traffic circulation, parking and loading facilities, access to public transportation and proposed dimensions of structures. This Development Plan represents the first stage in the planning process for the improvement of the Site. In the next stages of the development process, design development plans and final plans and specifications for the Project will be submitted to the Boston Redevelopment Authority (the "BRA") pursuant to Section 3-1A of the Code for final design review approval and certification as to consistency with this Development Plan. This Development Plan consists of 6 pages of text plus attachments designated Exhibits A through G. All references to this Development Plan contained herein shall pertain only to such 6 pages and exhibits. Exhibits A through G are subject to final design, environmental and other development review by the BRA and by other governmental agencies and authorities. This Development Plan is also intended to satisfy the requirements of Article 26A and Article 26B of the Code regarding Development Impact Project Plans.

Developer: Trustees of Boston University, a Massachusetts nonprofit, educational corporation, its successors and assigns (the "University").

Location and Description of Site: The Site consists of a parcel of land containing approximately 46,205 square feet or approximately 1.06 acres, located at 22 Babbitt Street, Boston, Suffolk County, Massachusetts, as more particularly bounded and described in Exhibit A attached hereto and as shown on a plan entitled "Topographic Plan of Land Trustees of Boston University Boston, Mass", dated July 27, 1993, prepared by Harry R. Feldman, Inc. and attached hereto as Exhibit B.

Proposed Location and Appearance of Structures: As currently planned, the Project will include (a) the demolition of approximately 46,600 gross square feet of the existing buildings at 12 Babbitt Street, 18-22 Babbitt Street and 6-8 St. Mary's Street, (b) the construction of a photonics research building (the "Photonics Building") on the Site, consisting of approximately 224,469 gross square feet of research, classroom and supporting office space, of nine stories in height and (c) limited renovations of the building at 110-112 Cummington Street (the "Existing Building"), including corridor connections to the Photonics Building and modifications to the Existing Building's mechanical systems. It is currently anticipated that the Project will be located approximately as shown on Exhibit C attached hereto. The Project will have heights and a gross floor area not in excess of those set forth on Exhibit D attached hereto. All references herein to "gross floor area" refer to that term as defined in the Code.

The elevations and the building section attached hereto as Exhibit E illustrate the general appearance of the Project. The final location and appearance of the Project are subject to final design, environmental and other development review by the BRA and other governmental agencies and authorities.

Proposed Open Spaces and Landscaping: The Project will include major improvements to Babbitt Street which is currently a substandard and unsightly alley. The whole of Babbitt Street will be upgraded with regrading and drainage improvements, and the street will be repaved. A new sidewalk will be created along the south side of the street which segregates pedestrian from vehicular traffic. New lighting fixtures will be installed along the street and, to the extent practical, there will be new landscaping on the Site. The St. Mary's Street entrance will also be enhanced with new lighting and landscaping. The existing open space on the Site at the corner of Cummington Street and the trees

thereon will be maintained. The construction of benches, landscaping and bike racks in connection with the Project will enhance the open space on the Site.

Proposed Uses of the Area: The Project is planned to include educational and other institutional uses, eating places, office uses, laboratory and research uses and uses ancillary, accessory, incidental and/or auxiliary to any of the foregoing uses, including roadways and pedestrian areas for access through the Site. The proposed uses planned for the Project may include those uses listed in Exhibit F attached hereto.

Proposed Dimensions of Structures: The Project will have heights and a gross floor area not in excess of those set forth on Exhibit D attached hereto. Upon establishment of the PDA, the Site will be located in an M-2-D zoning district. In such districts, relief from the requirements of the Code may be sought as exceptions pursuant to Article 6A of the Code. Exhibit G attached hereto sets forth a list of anticipated zoning exceptions required for the Project. Because the design of the Project is subject to further design, environmental and other development review by the BRA and other governmental agencies and authorities, the zoning relief required for the Project may change correspondingly.

Proposed Densities: The Site is located in an M-2, Industrial Zoning District, in which the maximum floor area ratio ("FAR") under the Code is 2.0. This Development Plan provides for an overall FAR of 5.9 for the Site based upon the ratio of 272,080 square feet of gross floor area (calculated as described in the Code) to the existing land area of the Site of approximately 46,205 square feet.

Development Impact Project Contribution: As required under Section 26A-3 of the Code, the University will enter into a Development Impact Project Agreement (the "DIP Agreement") with the BRA and will be responsible for making a Development Impact Project Contribution (the "DIP Contribution") with regard to the Project, to the extent required by the DIP Agreement. As required under Section 26B-3 of the Code, the University will also be responsible for making a Jobs Contribution with regard to the Project, to the extent required by the DIP Agreement. No DIP contribution or Jobs Contribution will be due in connection with the renovations to be undertaken on the Existing Building, inasmuch as such renovations shall not constitute an enlargement, extension or substantial rehabilitation (as defined in the Code) of a structure. It is anticipated that the Photonics Building will contain approximately 224,469 square feet of gross floor area

devoted to certain uses enumerated in Table D of Article 26A of the Code and Table E of Article 26B of the Code, including, without limitation, use No. 16A under the Code and other institutional and educational uses.

Projected Number of Employees: It is estimated that the Project will generate approximately 250 construction jobs in the City of Boston and that approximately 94 people will be employed at the Site when the Project is completed with an additional 15 people employed in the resulting vacant space within the University's campus.

Proposed Traffic Circulation: Vehicular access to and egress from the Project is expected to be on Babbitt Street, St. Mary's Street and Cummington Street, with trucks and service vehicles primarily utilizing Babbitt Street as discussed below.

Proposed Parking and Loading Facilities: The Site is in a Restricted Parking District under the Code. Currently, the Site contains no parking facilities, nor will any be constructed as part of the Project. Parking needs for the Project will be managed as part of the University's supply for the campus. It is anticipated that existing personnel driving to the University's campus will continue their travel and parking pattern to campus even if they are relocated to the Project site. New parking demand related to the Project is anticipated to be approximately 73 spaces. Spaces to accommodate this demand are expected to be assigned or available at one or more of the nearby lots at 730, 740, 700, and/or 766 Commonwealth Avenue with a combined capacity of almost 900 parking spaces. With over 3,000 managed parking spaces on its Charles River Campus, the University can easily handle the projected additional demand of 73 spaces.

Facilities for truck delivery and building servicing at the Project are anticipated to include one loading bay for deliveries, and one bay for a trash dumpster, located along Babbitt Street east of the main entrance. Materials and supplies used at existing University research facilities are generally received at a central location on the University campus, and then distributed within the University by small vans. This procedure will be followed for most of the supplies and materials used at the Photonics Building. Low truck and service vehicle volumes are expected. Deliveries and servicing of the Project will be managed as part of campus-wide servicing activities.

Access to Public Transportation: The Site is located one block south of the Commonwealth Avenue branch of the MBTA Green Line. The trolley stops are located one block from the Site, on

Commonwealth Avenue at Cummington Street and St. Mary's Street. MBTA buses running between Watertown and Kenmore Square travel along Commonwealth Avenue with stops on Commonwealth Avenue near St. Mary's Street and Granby Street, and MBTA buses running between Central Square in Cambridge and Boston City Hospital in the South End also travel along Commonwealth Avenue with a stop at the BU Bridge. In addition, Kenmore Square, to the east of the Site, is a major public transportation hub.

Development Review Procedures: All design plans for the Project are subject to ongoing development review and approval by the BRA. Such review is to be conducted in accordance with the BRA's "Development Review Procedures" dated 1985, revised 1986 in the form attached to, and as affected by, the Cooperation Agreement for the Site.

Public Benefits: The Project is expected to result in positive benefits to the City and to several neighborhoods which are adjacent to or near the University. These public benefits are expected to include (1) providing state of the art facilities for research and new product development using photonics technology, (2) providing incubator space for new companies, including small, minority and women owned businesses, thus expediting the creation of "spin-off" businesses and associated new jobs in the region, (3) assisting the region in capturing a large share of the rapidly growing \$75,000,000,000 photonics products market, (4) creating an innovative facility which integrates education with practical product development and (5) revitalizing the Site area with an attractive new building, landscaping, improved pedestrian circulation and a reconstructed Babbitt Street.

From a financial and economic perspective, the Project is expected to contribute significantly to Boston's economy by adding approximately 250 construction jobs in the City of Boston. It is also anticipated that approximately 94 people will be employed at the Site when the Project is completed with an additional 15 people employed in the vacant space within the University's campus resulting from relocations to the Project. With approximately 7,000 employees, the University is among the largest private employers in Boston.

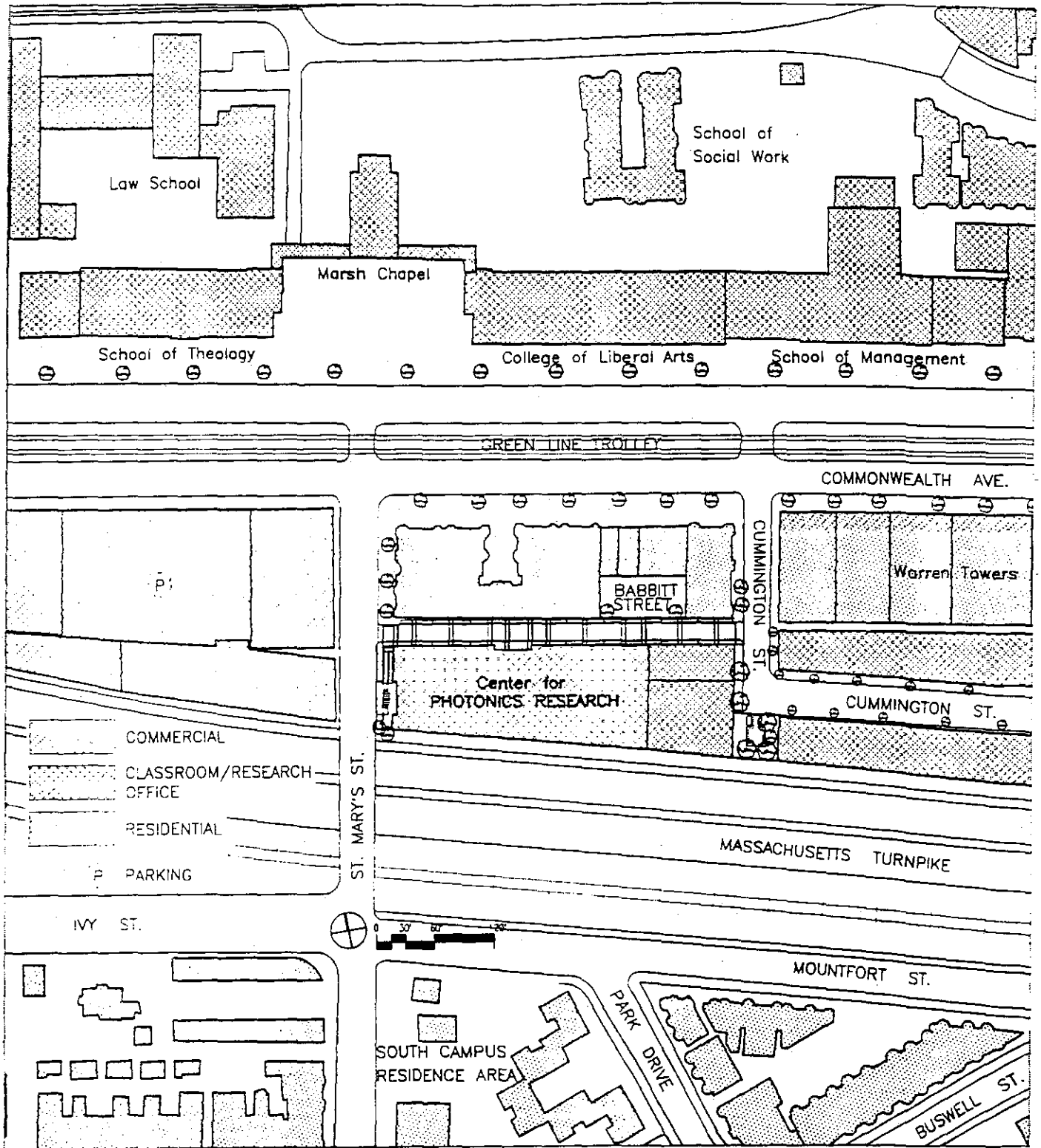
Attachments:

- Exhibit A: Legal Description
- Exhibit B: Plan entitled "Topographic Plan of Land Trustees of Boston University Boston, Mass"
- Exhibit C: Plan showing approximate location of the Project
- Exhibit D: Maximum Building Heights and Gross Floor Area
- Exhibit E: Elevations and Building Section
- Exhibit F: Table of Proposed Uses
- Exhibit G: Anticipated Zoning Exceptions

EXHIBIT A
to PDA Development Plan
(exhibit begins on next page)

EXHIBIT B
to PDA Development Plan
(exhibit begins on next page)

EXHIBIT C
to PDA Development Plan
(exhibit begins on next page)



SITE PLAN

Center for Photonics Research
Boston University

October 1994
Proj. No. 988.00
SCHEMATICS

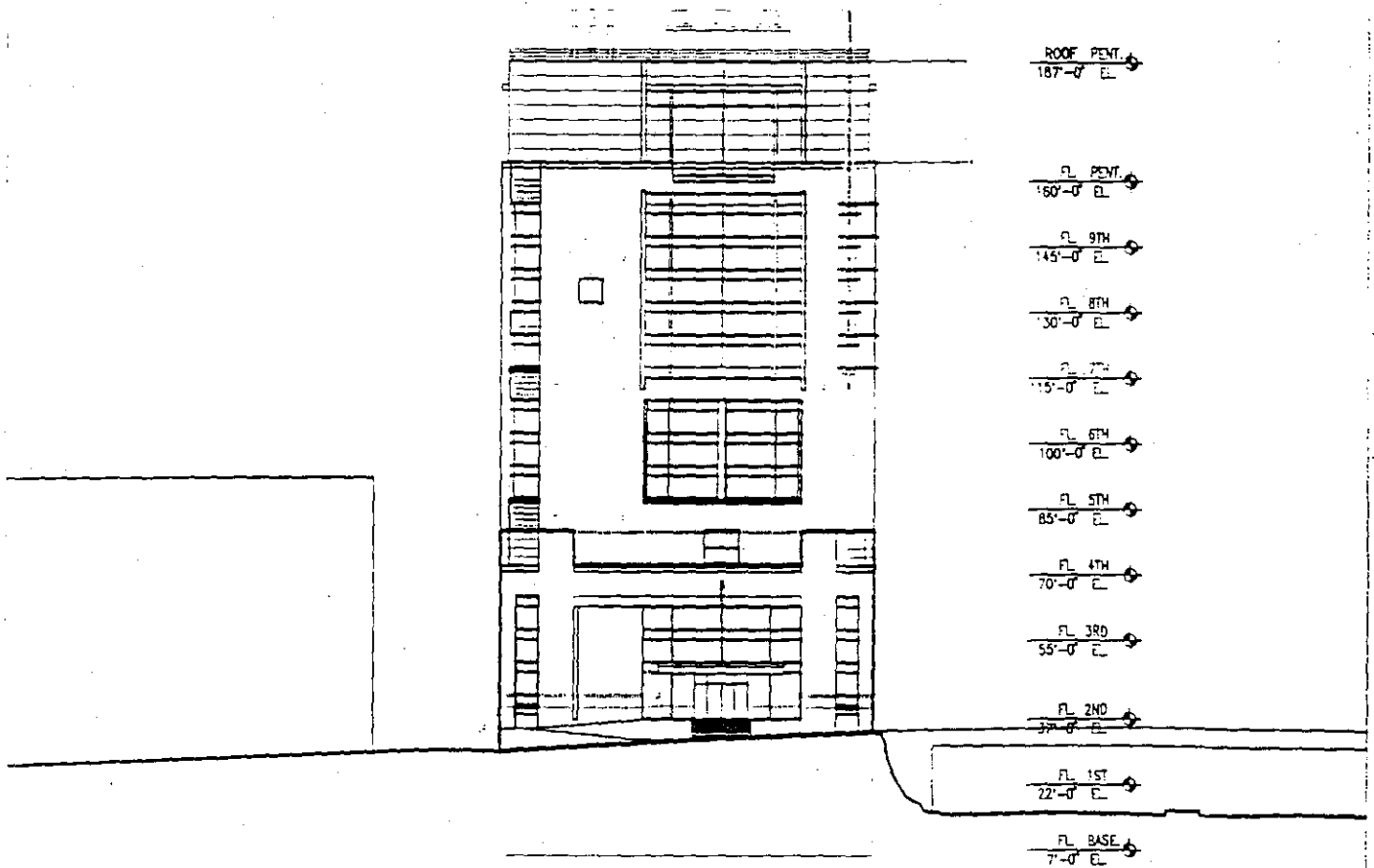
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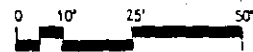
EXHIBIT D
to PDA Development Plan
(exhibit begins on next page)

MAXIMUM BUILDING HEIGHTS AND GROSS FLOOR AREA

	Gross Floor Area Not to Exceed <u>(square feet)</u>	Height Not to Exceed (stories/feet and inches above grade, <u>as defined in the Code)</u>
The Project	272,080	9 (plus mechanical penthouse)/162'6" (not including two ornamental light masts which will extend to a height of 175'6" above grade)

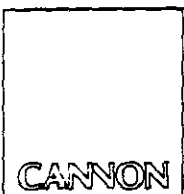


WEST ELEVATION



WEST BUILDING ELEVATION

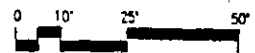
Center for Photonics Research
Boston University



October 1994
Proj. No. 988.00
SCHEMATICS
8.5



NORTH ELEVATION



NORTH BUILDING ELEVATION

Center for Photonics Research
Boston University



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SCHEMATICS
8.6

PENT. ROOF
EL. 187'-0"

PENT. FL.
EL. 160'-0"

9TH FL.
EL. 145'-0"

8TH FL.
EL. 130'-0"

7TH FL.
EL. 115'-0"

6TH FL.
EL. 100'-0"

5TH FL.
EL. 85'-0"

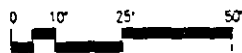
4TH FL.
EL. 70'-0"

3RD FL.
EL. 55'-0"

2ND FL.
EL. 37'-0"

1ST FL.
EL. 22'-0"

BASE FL.
EL. 7'-0"



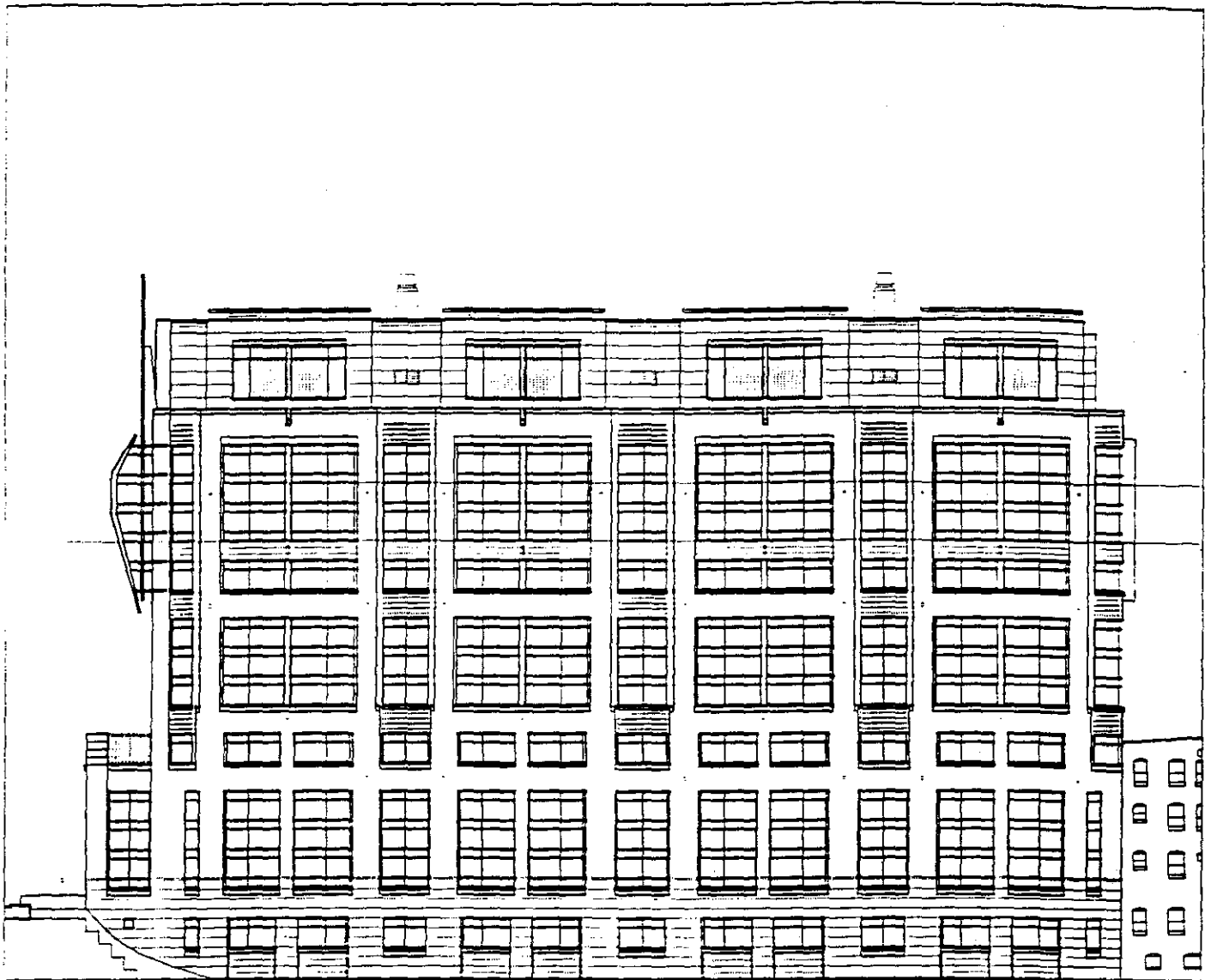
EAST ELEVATION

EAST BUILDING ELEVATION

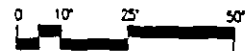
Center for Photonics Research
Boston University



October 1994
Proj. No. 988.00
SCHEMATICS
8.7



SOUTH ELEVATION



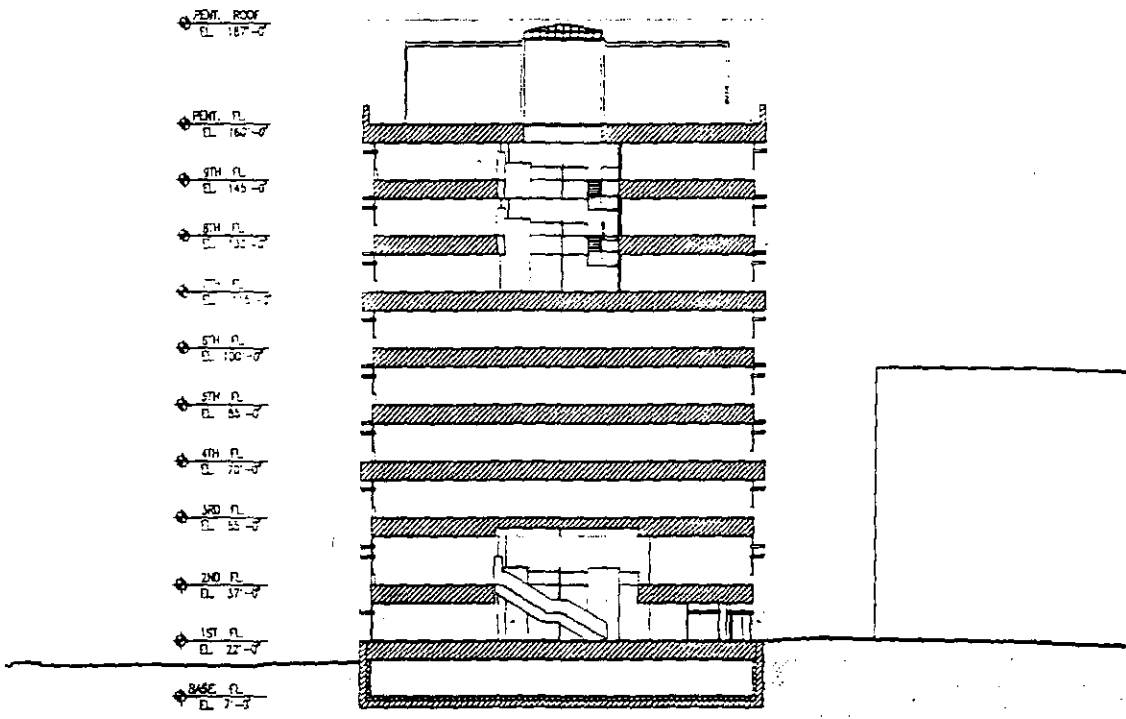
SOUTH BUILDING ELEVATION

Center for Photonics Research
Boston University

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SCHEMATICS

8.8

CANNON



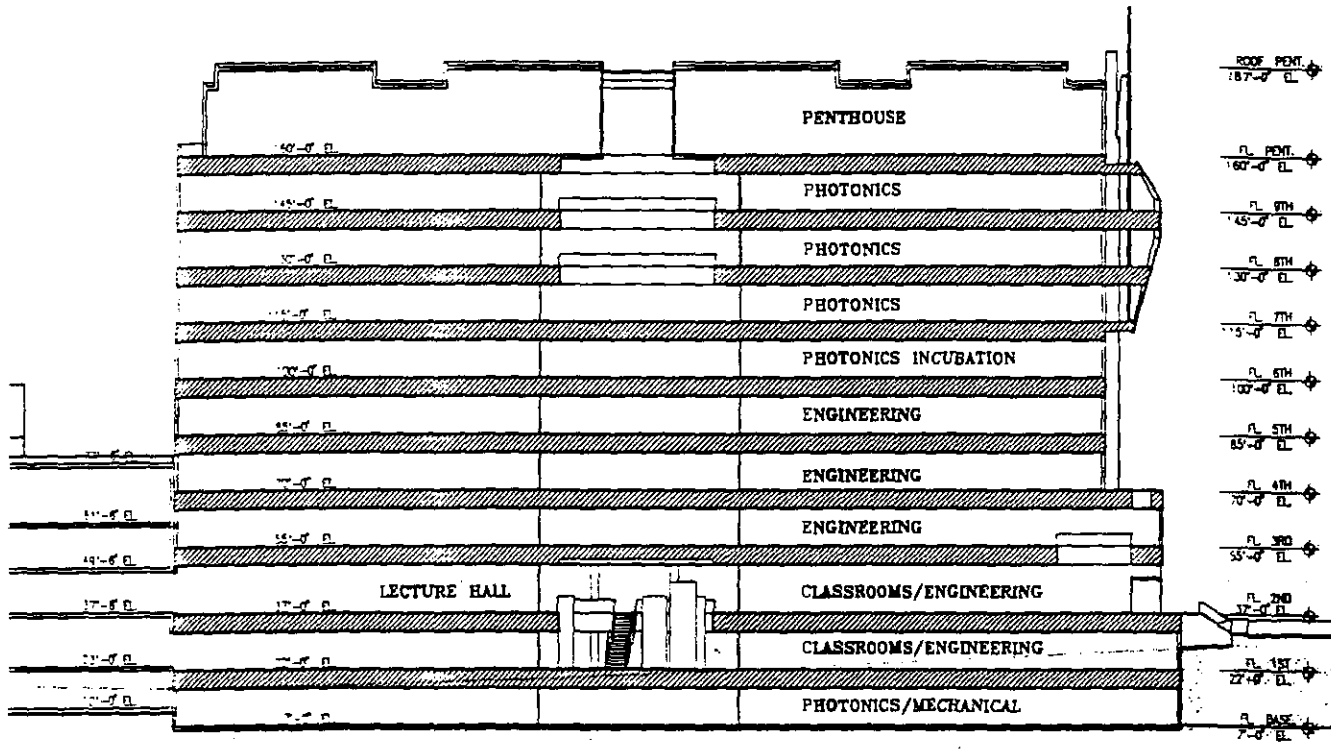
SECTION

NORTH/SOUTH SECTION

Center for Photonics Research
Boston University



October 1994
Proj. No. 988.00
SCHEMATICS
8.9



SECTION

EAST/WEST SECTION

Center for Photonics Research
Boston University



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Proj. No. 988.00
SCHEMATICS
8.10

EXHIBIT F
to PDA Development Plan
(exhibit begins on next page)

TABLE OF PROPOSED USES

<u>USE NO.</u>	<u>USE</u>
16A	College or university granting degrees by authority of the Commonwealth of Massachusetts
18	Trade, professional or other school
20A	Library or museum not conducted for profit, and accessory to, a use listed under Use Item No. 16A, 18, 22, 23, or 24, whether or not in the same lot
24	Scientific research and teaching laboratories not conducted for profit and accessory to a use listed under Use Item No. 16, 16A, 18, 22, or 23, whether or not on the same lot, provided that all resulting cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke and vapor are effectively confined to the lot or so disposed of as not to be a nuisance or hazard to health or safety; and provided also that no noise or vibration is perceptible without instruments more than fifty feet from the lot or any part of the lot.
29	Adult education center building
34	Store primarily serving the local retail business needs of the residents of the neighborhood, but not constituting a business as described in Use Item No. 34A, including, but not limited to, store retailing one or more of the following: food, baked goods, groceries, packaged alcoholic beverages, drugs, tobacco products, clothing, dry goods, books, flowers, paint, hardware and minor household appliances

- 36A Sale over the counter, not wholly incidental to a use listed under Use Item No. 34 or Use Item No. 37 or Use Item No. 50, of on-premises prepared food or drink for off-premises consumption or for on-premises consumption if, as so sold, such food or drink is ready for take-out
- 37 Lunch room, restaurant, cafeteria or other place for the service or sale of food or drink for on-premises consumption, provided that there is no dancing nor entertainment other than phonograph, radio and television, and that neither food nor drink is served to, or consumed by, persons while seated in motor vehicles
- 38 Place for sale and consumption of food and beverages (other than drive-in restaurant) providing dancing or entertainment or both; theatre (including motion picture theatre but not drive-in theatre); concert hall; dance hall; ... provided that such establishment is customarily open to the public at large and does not exclude any minor by reason of age as a prevailing practice
- 39 Office of accountant, architect, attorney, dentist, physician, or other professional person, not accessory to a main use
- 40 Real estate, insurance or other agency office
- 41 Office building, post office, bank (other than drive-in bank) or similar establishment
- 48 Research laboratory; radio or television studio
- 71 Any use on a lot adjacent to, or across the street from, but in the same district as, a lawful use to which it is ancillary and ordinarily incident and for which it would be a lawful accessory use if it were

ANTICIPATED ZONING EXCEPTIONS

Use Item Nos. 16A, 18, 20A, 24, 29, 71, 79 and 85

Article

- 11 Signs
- 19 Side Yard Encroachments
- 20 Rear Yard Encroachments
- 22 Yard Regulations
- 24 Off-Street Loading

<u>Article</u>		<u>Requirements</u>	<u>Proposed</u>
15	Floor Area Ratio	2.0	5.9
19	Side Yards	South - 20' North - 20'	0' 14.5' (from center line of Babbitt Street), with projections permitted to the center line of Babbitt Street
21	Setbacks of Parapet	North - 91.3' South - 52' West - 21'	North - 14.5' South - 0' West - 0'
24	Off-Street Loading	3	2, with one devoted to a trash compactor/dumpster

As required by the Code, the calculation of parapet setback requirements set forth above is based on the formula $(H + L')/6$ and the provisions of Article 21. Determining the applicable requirement for each face of a building wall, as anticipated by the Code, would require several calculations for each side of the building because of the numerous setbacks in building depth and height. Instead, the requirements set forth above are based upon the "worst case", viewing each side of the building as a whole, by

BOSTON UNIVERSITY
CENTER FOR PHOTONICS RESEARCH

Institutional Development Project
Fact Sheet

December 21, 1994

Project Address: 22 Babbitt Street

Developer: Boston University

Uses: Academic and Research

Development Program: 224,500 GSF New Construction
47,600 GSF Rehabilitation
272,100 GSF Total

Development Cost: \$75 million

Benefits:

Housing Linkage: \$622,345

Jobs Linkage: \$124,469

Construction Jobs: 250

Permanent Jobs: 109

Site Area: 46,205

Project Far: 5.9

Underlying Zoning: M-2

Building Height: Approximately 162'-6" above average grade to the top of the mechanical penthouse

Parking: 0

Necessary Zoning Relief: Conditional use, minimum rear yard, parapet setbacks; off-street loading and signage

Development Review Status:

DIPP Hearing Date:	December 21, 1994
PDA Hearing Date:	December 21, 1994
BCDC:	November 1, 1994
Board of Appeal Hearing:	Not scheduled
Zoning Commission:	Not scheduled

Construction Timetable:

Estimated Start of Construction:	Early 1995
Estimated Completion of Construction:	End of 1996

Article 31 Review Process:

PNF Submission:	May 18, 1994
Scoping Determination Issuance:	June 22, 1994
DPIR Submission:	October 7, 1994
PAD Issued:	December 6, 1994
FPIR Submission:	
AD Issuance:	

MEMORANDUM

21 DECEMBER 1994

TO: BOSTON REDEVELOPMENT AUTHORITY AND
MARISA LAGO, DIRECTOR

FROM: RICHARD GARVER, ACTING ASSISTANT DIRECTOR FOR
INSTITUTIONAL PLANNING AND DEVELOPMENT
E. OWEN DONNELLY, DEPUTY DIRECTOR

SUBJECT: PUBLIC HEARING CONCERNING A DEVELOPMENT IMPACT
PROJECT PLAN AND A PLANNED DEVELOPMENT AREA
DEVELOPMENT PLAN SUBMITTED BY BOSTON UNIVERSITY IN
CONNECTION WITH THE PROPOSED CENTER FOR PHOTONICS
RESEARCH PROJECT

SUMMARY: This memorandum requests that the Authority: (1) Approve the Development Plan and Development Impact Project Plan submitted by Boston University in connection with the proposed Center for Photonics Research Project ("the Development Plan"); (2) Authorize the Director to enter into a Development Impact Project Agreement and a Cooperation Agreement with Boston University; (3) Authorize the Director to petition the Zoning Commission for the designation of the Planned Development Area; (4) Authorize the Director to recommend approval, conditional upon design review, of the petition to the Board of Appeal for zoning relief in connection with the Proposed Project; (5) Authorize the Director to issue an Adequacy Determination upon completion of the Authority's Article 31 Development Review Process; (6) Approve the Schematic Design; and (7) Authorize the Director to take all actions and execute all documents deemed necessary and appropriate relative to the Development Plan.

INTRODUCTION

Boston University (the "University") proposes to construct a Center for Photonics Research Project (the "Proposed Project") on their Charles River campus at 22 Babbitt Street. The proponent requests approval of a Development Impact Project Plan and a Planned Development Area Development Plan. The University has voluntarily agreed to have the project undergo a review process pursuant to Article 31 of the Boston Zoning Code. The Proposed Project was programmed in the Boston University Master Plan 1986-1996 which was approved by the Boston Redevelopment Authority on March 26, 1987.

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PROJECT DESCRIPTION

The University proposes to construct a new \$75 million Center for Photonics Research on the Charles River campus at 22 Babbitt Street. Photonics research seeks to achieve the practical use of light for a broad range of applications including high speed computation, communications, environmental sensing and controls, biological and medical technologies, and information storage. The Proposed Project includes development of a new building, approximately 224,469 square feet of gross floor area, which will replace and upgrade science and engineering academic space and establish new photonics research facilities. The Proposed Project also includes modest renovations of existing engineering academic facilities on the site, located at 110-112 Cummington Street, which will have a gross floor area of approximately 47,611 square feet. The Proposed Project will have a total gross floor area of approximately 272,080 square feet and a FAR of 5.9.

The Proposed Project site (the "Site") is approximately 46,205 square feet in area. Three buildings currently on the site at 12 Babbitt Street, 18-22 Babbitt Street and 6-8 St. Mary's Street, which together contain 46,600 gross square feet of floor area, will be demolished. The Site is one block south of Commonwealth Avenue and is bounded on the north by Babbitt Street, to the east by Cummington Street, to the south by the Massachusetts Turnpike and to the west by St. Mary's Street. Most of the buildings in the immediate area of the Site are owned by the University and are used for academic, residential and commercial purposes. The site is zoned M-2.

BOSTON UNIVERSITY MASTER PLAN

In 1987, Boston University completed a Master Plan for its Charles River campus through 18 months of cooperative effort with community residents, area merchants, University officials and representatives of the City of Boston and the Boston Redevelopment Authority. In order to facilitate the participation of the community interests in the planning process, a University Task Force was organized to function as the mechanism for facilitating the review process. The Boston Redevelopment Authority approved the Master Plan on March 26, 1987. Among other provisions, the Plan identifies a number of major parcels on campus that the University envisions as potential development sites within a ten year timeframe. In the Plan each site was analyzed and appropriate uses were proposed. The Proposed Project is located on Parcel K and adjacent University properties. The Master Plan calls for the development of Parcel K for engineering academic uses as an extension of the adjacent engineering complex. The Proposed Project therefore is consistent with the Master Plan.

PROJECT REVIEW

Boston University has voluntarily agreed to comply with the Development Review Requirements set forth in Article 31 of the Boston Zoning Code. Accordingly, Boston

University submitted a Project Notification Form to the BRA on May 18, 1994 and a Draft Project Impact Report on October 7, 1994. The BRA issued a Preliminary Adequacy Determination on December 6, 1994. The University is currently preparing a Final Project Impact Report.

Community review of the Proposed Project has taken place within the context of the Article 31 process. Meetings have also been held with the Boston University Task Force which was established during the master planning process. The University Task Force voted to support the project on May 11, 1994.

On October 17, 1994, the Executive Office of Environmental Affairs (EOEA) issued a determination that the Proposed Project would require the preparation of an Environmental Impact Report ("EIR") by Boston University. A Draft EIR was submitted to EOEA by the University. On November 30, 1994 EOEA issued a "Certificate of the Secretary" stating that the Draft EIR for the Proposed Project adequately and properly complies with the Massachusetts Environmental Policy Act. The University is currently preparing a Final EIR.

URBAN DESIGN

Boston University revised the schematic design for the Proposed Project in response to suggestions by the Design Committee of Boston Civic Design Commission at its meeting on October 25, 1994. The revised design was favorably received by both the BCDC and the BRA design staff since the modifications improved the building, particularly the treatment of the building facades. The proposed changes, however, did not address the overriding concern regarding the building massing. The BCDC felt that the University should not be permitted to continue developing buildings that dramatically exceeded the density of the existing context without first looking at the long range implications.

To address this issue, the University has committed, in the Cooperation Agreement between Boston University and the BRA to be executed in conjunction with the Proposed Project, to undertake the development of a new master plan that includes height and massing guidelines for future growth. This action is particularly timely since the existing BU Master Plan expires in 1996. Based on this commitment and with the improvements to the building design, the BCDC voted to recommend approval at its November 1, 1994 Public Meeting.

TRANSPORTATION ACCESS PLAN AGREEMENT

The Proposed Project has been reviewed by the Boston Transportation Department. A Transportation Access Plan Agreement has been prepared and includes mitigation measures and provisions for the Proposed Project. A TAP Agreement satisfactory to the Commissioner of BTD will be executed prior to the issuance of a building permit for the construction of the Proposed Project.

THE GENERAL PLAN FOR THE CITY AS A WHOLE

In approving a development plan or a development impact project plan, the Authority must find that such plan conforms to the general plan for the City, as a whole.

By turning an underutilized site into the Center for Photonics Research, the Proposed Project will convert the site into a physical and financial asset and will improve land values and provide economic stimulus. By using materials and designs which are harmonious with the surrounding neighborhood, the Proposed Project will strengthen Babbitt Street and the neighborhood. The project is consistent with the official general plan of the City as a whole as well as the "Boston University Charles River Campus Master Plan - 1986-1996."

With respect to this project, it has also been determined that nothing in the Development Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare. Instead, the project will provide numerous positive impacts. Set forth below are some of the benefits which the public will receive as a result of the Proposed Project.

PUBLIC BENEFITS

The Proposed Project is a "Development Impact Project" (DIP) under Articles 26A and 26B of the Boston Zoning Code and therefore subject to housing and job linkage obligations. The DIP Agreement anticipates that approximately \$622,345 in housing linkage funds and approximately \$124,469 in job linkage funds will be generated by the Project.

The Proposed Project cost is estimated to be \$75 million. Approximately 250 construction jobs will be generated over a two year period and 109 permanent research related jobs will be created. The Cooperation Agreement obligates the University to comply with the Boston Residents Construction Jobs Policy and the Boston Minority and Women Business Enterprise Policy. The Proposed Project will include state of the art facilities for research and new product development. The building will also contain "incubator" space to assist in the creation of new companies. The spin-off of new businesses and new products will help the region capture a larger share of the rapidly growing \$75 billion photonics products market.

Boston University makes direct payments to the City of Boston in the form of taxes, in-lieu-of-tax payments, fees, and permits. In 1992, the University paid the City of Boston a total of over \$2.8 million. This reflects \$1.9 million in real estate taxes, \$331,000 in-lieu-of-tax payments, and \$577,000 in fees and permits. Under a 1980 agreement with the City of Boston, Boston University pays real estate taxes on taxable properties acquired after 1980. Boston University will continue to pay property taxes on a portion of the Proposed Project site which was acquired in 1992. Further, the

University will consult with the City Assessor whether in-lieu-of-tax payments may be appropriate for the Proposed Project consistent with City policy and the 1980 City/University Cooperation Agreement.

CONCLUSION

The extensive review process has produced improvements in the project. In light of these improvements and the public benefits from the Proposed Project, BRA staff recommends that the Authority: (1) approve the attached Development Plan and Development Impact Project Plan and authorize the Director to execute the attached Development Impact Project Agreement and the Cooperation Agreement for the Proposed Project; (2) authorize the Director to petition the Zoning Commission for the designation of the Planned Development Area; (3) authorize the Director to recommend approval, conditional upon design review, of the petition to the Zoning Board of Appeal for conditional use permits, variances, or exceptions required in connection with the Proposed Project; (4) authorize the Director to issue an Adequacy Determination with respect to the Final Project Impact Report upon completion of the Article 31 review process; (5) approve the Schematic Design; and (6) authorize the Director to take all actions and execute all documents deemed necessary and appropriate relative to the Development Plan.

Appropriate votes follow:

VOTED: That with respect to the Proposed Project at 22 Babbitt Street, presented to the Boston Redevelopment Authority at a public hearing on December 21, 1994 by Boston University, the Boston Redevelopment Authority hereby issues the following findings, approvals, and authorizations:

VOTED: That in connection with the Development Plan and Development Impact Project Plan for Planned Development Area No. 44 (the "Development Plan"), presented at a public hearing duly held at the offices of the Boston Redevelopment Authority (the "Authority") on December 21, 1994 and after consideration of evidence presented at, and in connection with, the hearing and in connection with the proposed development described in the Development Plan, including a report entitled "Boston University Center for Photonics Research Draft Project Impact Report," submitted by the University to the Authority and dated October 7, 1994, the Authority finds with respect to the Development Plan that (1) the Development Plan conforms to the general plan for the City as a whole; (2) nothing in the Development Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare; and (3) the Development Plan does adequately and sufficiently satisfy all other development plan criteria and specifications for a Planned Development Area and for a

Development Impact Project Plan, as set forth in the Boston Zoning Code, as amended (the "Code"); and further

VOTED: That the form and substance of the Development Plan and Development Impact Project Plan, and the procedures employed in reviewing and approving the Development Plan and Development Impact Project Plan, conform with the requirements of the Code as applied to a Development Plan for a Planned Development Area under Section 3-1A of the Code and a Development Impact Project Plan under Articles 26A and 26B of the Code; and further

VOTED: That the Authority hereby waives any procedural requirements of the Authority's "Zoning Procedures for the Master Plan/PDA" dated March 14, 1986 with which the request submitted by the Applicant for a Planned Development Area designation for the parcel of land which is the subject of the Development Plan and for approval of the Development Plan is not in conformity; and further

VOTED: That pursuant to the provisions of Section 3-1A and Articles 26A and 26B of the Code, the Authority hereby approves the Development Plan and the Development Impact Project Plan. The Development Plan and the Development Impact Project Plan is embodied in a written document entitled "Development Plan and Development Impact Project Plan for Planned Development Area No. 44," dated December 21, 1994, consisting of 6 pages of text plus attachments designated Exhibits A through G, and is attached hereto as Exhibit A. The Development Plan shall be on file at the office of the Authority; and further

VOTED: That with respect to the Development Impact Project Agreement and the Cooperation Agreement presented to the Authority at its public hearing on December 21, 1994, the BRA hereby authorizes the Director in the name and on behalf of the Authority (1) to execute (a) a Development Impact Project Agreement for the Proposed Project, in the form attached hereto as Exhibit B with such changes as deemed necessary and appropriate by the Director, and (b) to execute all other necessary agreements and documents incidental to the Development Plan with such changes as the Director determines to be necessary or desirable; (2) to execute a Cooperation Agreement in the form attached hereto as Exhibit C with such changes as deemed necessary and appropriate by the Director; and (3) to certify in the name of the Authority that plans submitted to the Inspectional Services Commissioner in connection with said project are in conformity with said Development Plan, the Director's

certification to be conclusive evidence of said determination; said agreements to be on file in the Office of the Authority; and further

VOTED: That the BRA hereby authorizes the Director to petition the Zoning Commission of the City of Boston (the "Commission") for a Planned Development Area designation for the parcel of land which is the subject of the Development Plan for Planned Development Area No. 44 and to recommend to the Commission that it approve such petition and the Development Plan pursuant to Section 3-1A of the Code; and further

- VOTED:** (a) That whereas in order for the Board of Appeal of the City of Boston (the "Board of Appeal") to grant certain exceptions from the provisions of the Boston Zoning Code, including exceptions with respect to the floor area ratio, setbacks, yard requirements, certain other dimensional features of the Development, loading, uses, and procedural requirements in accordance with Section 6A-3 of the Code, it must find (1) that each requested exception is "in harmony with the general purpose and intent" of the Code; (2) that each requested exception is in conformity with the applicable Development Plan, and that the Authority has so certified; and (3) that the Development complies with the Development Impact Project requirements of the Code, the Authority finds that, for reasons set forth above, and based upon a review of the Applicant's Development Plan, the above-stated criteria are satisfied as to each of the exceptions listed in the schedule entitled "Anticipated Zoning Exceptions" attached as Exhibit G to the Development Plan (the "Zoning Requests"); and further
- (b) That pursuant to Section 6A-2 of the Code, the Authority hereby authorizes the Director of the Authority to recommend to the Board of Appeal approval of the Zoning Requests, with such changes as the Director of the Authority, in her discretion, shall determine to be necessary or desirable, her taking of any such action to be conclusive evidence of her determination and of the authority granted to her hereunder; which approvals are recommended by the Authority provided that the Commission will have adopted a Map Amendment designating the land involved as a M-2-D Zoning District. The Authority hereby authorizes the Director of the Authority to certify to the Commission and the Board of Appeal that said exceptions requested on appeal are in conformity with the Development Plan; and further

VOTED: That with respect to Development Review of the Proposed Project under Article 31 of the Boston Zoning Code, as amended, the BRA hereby authorizes the Director to execute, in the name and on behalf of the BRA, an Adequacy Determination upon completion of the Authority's Article 31 process with respect to the Final Project Impact Report for the Boston University Center for Photonics Research, 22 Babbitt Street; and further

VOTED: That the Authority hereby approves the Schematic Design for the Proposed Project which is the subject of the Development Plan (as set forth on the documents listed on Exhibit D to the Cooperation Agreement attached hereto as Exhibit C); and, in accordance with Section 28-15 of the Code to the extent applicable, hereby approves the design for the Proposed Project; and further

VOTED: That the Authority hereby authorizes the Director to certify to the Inspectional Services Commission that the Development complies with the Development Review Requirements of the Code, her certification of such to be conclusive evidence of her determination and of the authority granted to her hereunder; and further

VOTED: That the Authority hereby authorizes the Director to take all actions and execute all documents deemed necessary and appropriate by the Director in connection with the Development Plan and the Development Impact Project Plan.

Map Amendment Application No. 372
Planned Development Area No. 44
22 Babbitt Street
Boston Redevelopment Authority on
behalf of the Trustees of Boston
University Land generally bounded
by Babbitt Street, St. Mary's Street,
the Massachusetts Turnpike, and
Cummington Street

MAP AMENDMENT NO. 313

EFFECTIVE DATE
January 27, 1995

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 "Map 1, Boston Proper," of the series of maps entitled "Zoning Districts City of Boston," dated August 15, 1962, as follows:

By adding the suffix "D", indicating a Planned Development Area overlay district, to the existing M-2 zoning designation of the parcel of land bounded generally by Babbitt Street, St. Mary's Street, the Massachusetts Turnpike, and Cummington Street, which is more particularly described as follows:

A parcel of land, in Boston, Suffolk County, Massachusetts, shown on a plan entitled, "Topographic Plan of Land Trustees of Boston University Boston, Mass", dated July 27, 1993, prepared by Harry R. Feldman, Inc., bounded and described according to said plan as follows:

WESTERLY by St. Mary's Street, 99.04 feet;

NORTHERLY by the Center Line of Babbitt Street, 384.72 feet;

EASTERLY by Cummington Street, 82.38 feet;

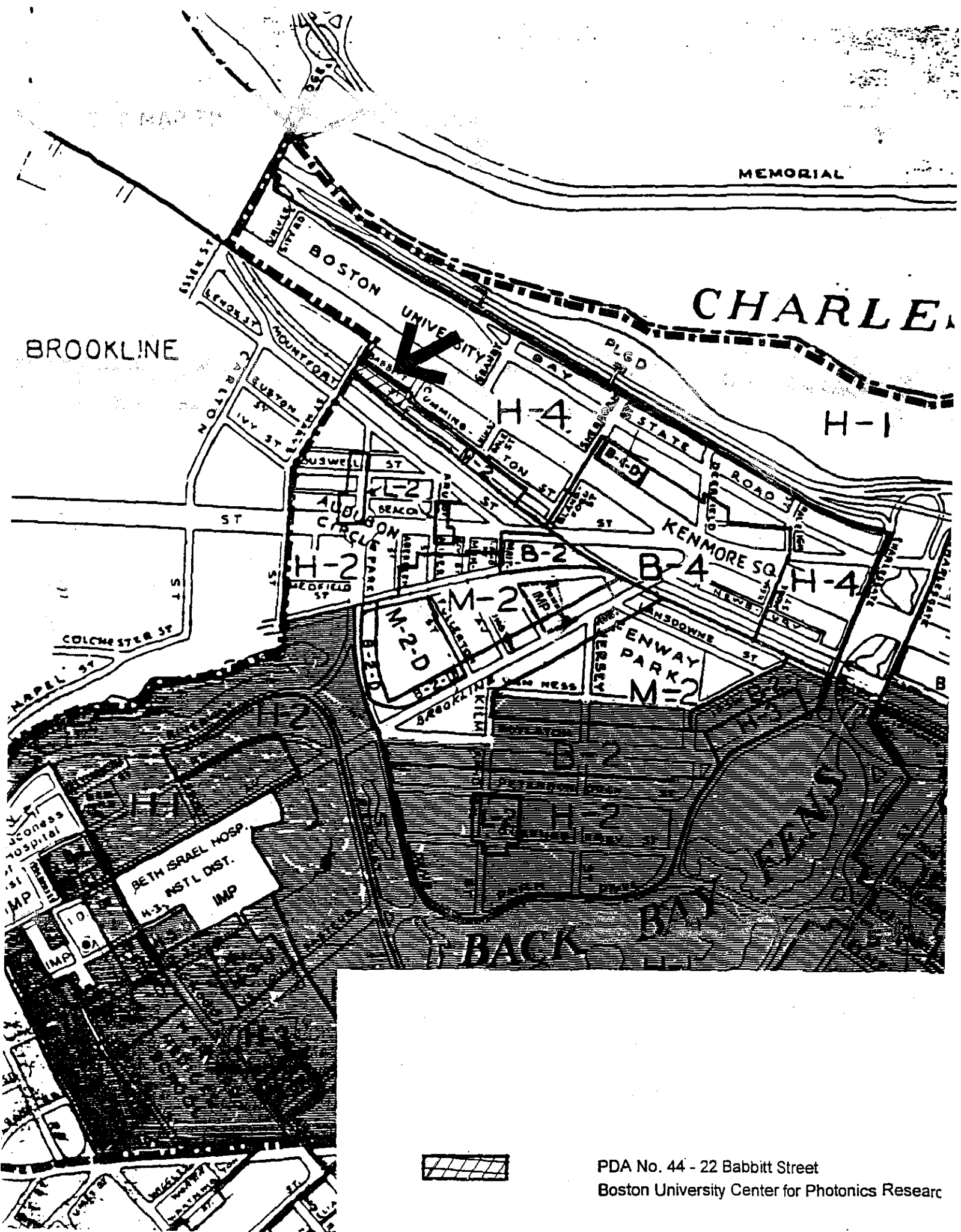
NORTHERLY by Cummington Street, 40.09 feet;

*Date of public notice: December 29, 1994 (see St. 1956, c. 665, s. 5).

EASTERLY by land now or formerly of Trustees of Boston University, 49.32 feet; and

SOUTHERLY by Massachusetts Turnpike, 426.90 feet.

Containing 46,205 square feet (1.061 acres) according to said plan.



MEMORIAL

CHARLES

BROOKLINE

BOSTON

UNIVERSITY

H-1

H-4

H-2

B-2

B-4

H-4

M-2-0

M-2

B-4

M-2

BETH ISRAEL HOSP.
INST'L DST.
IMP



PDA No. 44 - 22 Babbitt Street
Boston University Center for Photonics Research

Richard B. Fowler

Chairman

R. G. Mann

Vice Chairman

William E. Taylor

John Bean

Ralph Cooper

Mark

James C. Clark

Robert D. Dren

In Zoning Commission

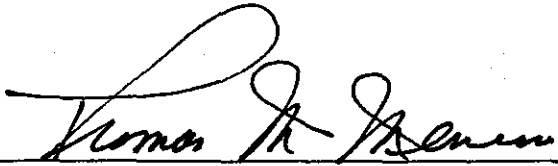
Adopted January 25, 1995

Attest:

Jeffrey M. Hampton
Secretary

Map Amendment Application No. 372

Map Amendment No. 313



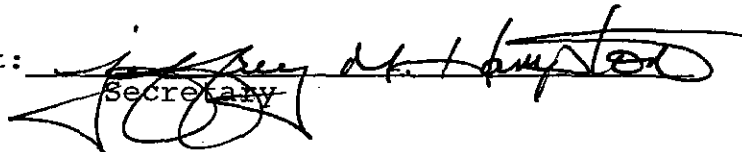
Mayor, City of Boston

Date:

1/27/95

The foregoing amendment was presented to the Mayor on January 25, 1995, and was signed by him on January 27, 1995, whereupon it became effective on January 27, 1995, in accordance with the provisions of Section 3 of Chapter 665 of the Acts of 1956.

Attest:



Secretary