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June 26, 2018

VIA HAND DELIVERY & ELECTRONIC MAIL (gary.j.webster@boston.gov)

Brian Golden, Director
Boston Planning and Development Agency
Boston City Hall, 9th Floor
Boston, MA 02201
Attn: Gary Webster

**RE: 69-71 A Street, Ward 6, South Boston, Boston, MA
Notice of Project Change (“NPC”)**

Dear Director Golden:

Our office represents CIEE, Inc., a/k/a the Council on International Educational Exchange (the “Proponent”), the new owner and developer of land located at 69-71 A Street in the South Boston neighborhood of Boston (the “Premises”), as it pertains to the above-referenced matter. Currently based in Portland, Maine, CIEE recently purchased the Premises to install a new flagship corporate office in the City of Boston, as part of its development rights for the mixed-use commercial conversion redevelopment at the Premises, and as approved by the City of Boston Zoning Board of Appeal (the “Board”) and the Boston Planning and Development Agency (the “BPDA”). The opening of the new Boston flagship office will bring new job creation and related employment opportunity to South Boston and the City. In this regard, CIEE anticipates creating or relocating approximately 100-200 new jobs at this new office over the next few years.

By way of background, CIEE is a domestic non-profit organization and the country’s oldest non-governmental organization in the field of international education and study abroad programming. Since 1947, CIEE has helped thousands of people gain the knowledge and skills necessary to live and work in a globally interdependent and culturally diverse world by offering the most comprehensive, relevant, and valuable exchange programs available.

Property Background

The Premises includes 17,749 square feet of land area, comprised of three (3) contiguous and adjacent parcels at 69-71 A Street and 95-103 Athens Street. The subject parcels are being combined and consolidated as part of the proposed project. Situated in South Boston's Lower End, the proposed project includes the rehabilitation of an existing brick and beam building formerly utilized as a rivet factory by the Standard Rivet Company.

Prior Approvals and Project Background

On February 11, 2016, the Boston Redevelopment Authority (“BRA”) authorized the issuance of a Certification of Approval for the development pursuant to Article 80E (Small Project Review) to 69 ASTMA Owner, LLC (the “Original Developer”). A copy of the BRA Board Memorandum and Vote is attached hereto as **Exhibit A** (the “Board Memorandum”). Pursuant to the Board Memorandum, the proposed project consists of the renovation, expansion and mixed-use commercial conversion of an existing three-story brick and beam factory building and related demolition of the two-story former office and catering/retail structure at the rear of the Premises, with a three-story addition on top of the existing three-story brick and beam building, for its conversion into a six-story mixed-use commercial office development with retail and gym/fitness components on the ground and lower levels and office uses on the upper floors, roof-decked open space, on-site parking for 18 vehicles and related site improvements (the “Approved Project”). The Approved Project was to create five (5) levels of approximately 51,700 net square feet of commercial office space and approximately 12,000 net square feet of ground level retail and fitness/ gym space on the lower levels, with an on-site garage containing 18 parking spaces for a total building gross square footage of 78,700 sf.

Additionally, the Approved Project was approved by the Zoning Board of Appeal for the City of Boston (the “Board”) on March 8, 2016. The written decision was executed by the Board on April 5, 2016, and entered with the City of Boston Inspectional Services Department (“ISD”) on April 8, 2016 (the “Zoning Decision”). In particular, the Approved Project was approved by the Board under BOA #550876 and Permit #ALT517158. A copy of the Zoning Decision is attached hereto as **Exhibit B**. As such, enforceable zoning relief was granted under the City of Boston Zoning Code’s (“Zoning Code”) then-applicable Article 57 for the Saint Vincent’s Neighborhood District. Subsequent to this approval, the Zoning Code was amended via Text Amendment No. 423 on November 18, 2016, which deleted Article 57 of the Zoning Code and amended Article 68 of the South Boston Neighborhood District to govern those properties previously zoned under the Saint Vincent’s Neighborhood District (“New Article 68”). Additionally, following adoption of the New Article 68, the Zoning Code was again amended, via Text Amendment No. 426 on July 12, 2017, which added Article 27S, the South Boston Interim Planning Overlay District (the “IPOD”). The IPOD regulates certain projects of over one thousand (1,000) square feet, by adjudication of an Interim Planning Permit from the Board.

Although both the New Article 68 and the IPOD are currently applicable to the *Premises*, each includes an applicability section which exempts the *Approved Project* from their review and applicability, as this revised project filing necessarily relates back to the Approved Project, its filings and approvals:

- (1) New Article 68: A Proposed Project shall be *exempt* from the provisions of this Article, and shall be governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief thereafter is granted by the Board of Appeal. See **Exhibit C** attached hereto.

- (2) **IPOD**: The following Proposed Projects shall, however, be *exempt* from the provisions of this article: Any Proposed Project for which appeal to the Board of Appeal for any Zoning Relief has been made, prior to the first notice of hearing before the Zoning Commission for adoption of this article, provided that such Zoning Relief is thereafter granted by the Board of Appeal pursuant to such appeal. See **Exhibit D** attached hereto.

In this regard, the Approved Project was zoned in advance of any notice of hearing before the Zoning Commission for both the New Article 68 and the IPOD. Thus, its current and enforceable zoning approvals are grandfathered.

Notice of Project Change – June 2018

As a result of the Proponent purchasing the Premises and rights for the Approved Project, the Proponent has developed certain proposed modifications and a related reduction in scope of the Approved Project as previously approved by the City and defined herein, which in turn necessitated the subject project revisions detailed below and the instant Notice of Project Change. The Proponent now proposes changes to the Project approved by the BRA and the Board in 2016. The changes which this NPC seeks approval of are as follows, however, the initial vision and many of the benefits of the Approved Project remain intact (the “Revised Project”):

- Bike storage moved to basement;
- New continuous building frontage on A Street;
- New entry courtyard enlivening the streetscape and entrance to building;
- Rear parking structure removed providing additional light/air/open space to property;
- 5’ planting buffers added to parking area;
- 5,900 square foot floor plate reduction;
- Relocation of building core;
- Removal of 1,300 square feet of deck space and relocation of 1,070 square feet of roof deck from rear of building to front of building, stepping back fifth floor; and
- Removal of sixth floor altogether corresponding with a total height decrease from 66’ 6” to 58’.

Changes to Building Size and Classification

	<u>Originally Approved</u>	<u>Proposed</u>
Land Area:	17,749 sf	17,749 sf
Commercial Space:		
Number	5	3.5
Square Feet	15,220 sf	7,870 sf
Total Commercial Square Footage	51,700 sf	33,700 sf
Retail Space		
Number of Levels	1	1.5
Square feet	12,000 sf	12,000 sf

	<u>Originally Approved</u>	<u>Proposed</u>
Parking Spaces	18	18
Total SF:	78,700 sf	45,700 sf
Building Height:	68'-4"	56'-4" 66'-6" (with head house)
Total number of Levels:	6	5
Floor Area Ratio:	4.43	2.57

The proposed changes are the result of the following:

Changes to building Layout

The overall configuration of the building has been modified to align with the scale of the adjacent buildings in the neighborhood. This reduces the overall square footage of the commercial space portion of the Revised Project yet maintains the original parking counts. The Revised Project maintains an addition to the existing building, however reducing it from 3 additional stories to 2 additional stories. The main entry has also been modified to include a small courtyard off the sidewalk which creates a more inviting entrance. The Revised Project described herein remains under 50,000 gross square feet and therefore within Article 80 Small Project Review. Please see Revised Project plans attached hereto as **Exhibit E**.

While the Revised Project has reduced certain aspects of the Original Project, it does not trigger any new Zoning Code violations and in fact further mitigates and/or potentially removes certain of the zoning relief previously approved by the Board in the Zoning Decision.

Thank you for your time and attention to this matter. Please do not hesitate to contact me with any questions or concerns.

Sincerely,



Joseph P. Hanley, Esq.

JPH/njz

Enclosures

cc: CIEE, Inc.

John Allison, Mayor's Office of Neighborhood Services (via electronic mail only)

District City Councilor Flynn (via electronic mail only)

City Councilor Michael Flaherty (via electronic mail only)

State Senator Collins (via electronic mail only)

EXHIBIT A

MEMORANDUM

BOARD APPROVED

FEBRUARY 11, 2016

TO: BOSTON REDEVELOPMENT AUTHORITY AND
BRIAN P. GOLDEN, DIRECTOR

FROM: JONATHAN GREELEY, DIRECTOR OF DEVELOPMENT REVIEW
MICHAEL CANNIZZO, SENIOR ARCHITECT/URBAN DESIGNER
EDWARD M MCGUIRE III, PROJECT ASSISTANT

SUBJECT: 69 A STREET, SOUTH BOSTON

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority ("BRA") authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 69 A Street, South Boston (the "Proposed Project"), in accordance with Article 80E, Small Project Review of the Boston Zoning Code (the "Code"); (2) execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project; and (3) recommend approval to the Zoning Board of Appeal for zoning relief necessary to construct the Proposed Project.

PROJECT SITE

Situated in the Neighborhood Shopping Sub-District of South Boston's St. Vincent Neighborhood Zoning District, the project site includes 17,749 square feet of land area, comprised of three (3) contiguous and adjacent parcels at 69-71 A Street and 99 Athens Street. There are two (2) existing structures at the project site, including an existing three-story brick and beam former rivet factory building, which fronts on A Street and runs along a shared dead-end section of Athens Street, and an existing two-story out-building at the rear of the project site (along the South Boston Bypass/Haul Road)

PROPOSED PROJECT

69 A St. consists of the renovation, expansion and mixed-use commercial conversion of an existing three-story brick and beam factory building and related demolition of a two-story former catering and office structure, on approximately 17,749 square feet of land comprised of three combined consolidated lots (the, "proposed project"). Situated in South Boston's Lower End, the rehabilitation of this existing brick and beam building formerly utilized as a rivet factory by the Standard Rivet Company, will feature a three-story addition, on top of the existing structure and a six story extension at the rear. The

structural additions will be sufficiently set back from the front elevation of the existing building with new rear extension to mitigate building height impacts on the neighborhood, consistent with that of a recently-approved and abutting development at this shared dead-end section of Athens Street, between A Street and the South Boston Bypass/Haul Road. The Proposed Project will also introduce a distinct new commercial office use, along with vibrant ground level retail, a fitness club/gym, on-site parking and certain site and infrastructure upgrades. The resulting development will create five (5) levels of approximately 51,700 net square feet of commercial office space and approximately 12,000 net square feet of ground level retail and fitness/gym space on the lower levels, with an on-site garage containing 18 parking spaces for a total building gross square footage of 78,700 sf.

DEVELOPMENT TEAM

Developer and Applicant:

69 ASTMA Owner, LLC
10 Avery Street
Boston, MA 02111
Tel: 212-849-8884
Reid Joseph

Legal Counsel:

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Architecture:

RODE Architects Inc.
535 Albany Street, #405
Boston, MA 02118
Tel: 617 269 5800; Fax: 617 657 5934
Eric Robinson
Email: eric@rodearchitects.com

Surveyor:

Precision Land Surveying, Inc
32 Turnpike Road
Southborough, MA 01772
Tel: 508 460 1789; Fax: 508 970 0096
George Collins
Email: mikep@pls-inc.net

PUBLIC PROCESS

On Monday, January 4th, 2016, the Developer filed an Application for Small Project Review with the BRA. The BRA sponsored a public meeting on Monday, January 25th, 2016 at 6:30 p.m., at the Condon School's Auditorium, located on 200 D St, South Boston, MA 02127. The public meeting was advertised in South Boston Online and South Boston Today on January 17, 2016. The public comment period concluded on Friday, February 5th, 2016.

Outside of the BRA sponsored public meeting, the development team has met with the abutters, and local elected officials on a number of occasions to discuss and review the Proposed Project.

PUBLIC BENEFITS

- The creation of approximately 51,700 net square feet of new office space for a vibrant live/work/play environment;
- Approximately 12,000 net square feet of groundfloor interior commercial/retail space and a fitness/gym use with additional outdoor seating, and associated streetscape improvements;
- Future generation of hundreds of thousands of dollars in new real estate property tax and sales tax revenue annually to the City of Boston;
- The expected creation of more than seventy (70) construction jobs over the length of the proposed project;
- Reuse of the existing building with the addition of much-needed office use; and
- Diversity of uses in this transit-oriented location.

ZONING

The site is situated within the St. Vincent Neighborhood District and a Neighborhood Shopping (NS) zoning subdistrict under Article 57 of the Boston Zoning Code. The site is also located within a Restricted Parking Overlay District. The applicable zoning requirements and anticipated as-built zoning characteristics of the Proposed Project are as follows:

Maximum Floor Area Ratio: 1.0
Maximum Building Height: 35 Ft
Minimum Lot Size: NONE

Minimum Lot Area/Additional Unit: NONE
Minimum Lot Width: NONE
Minimum Lot Frontage: NONE
Minimum Front Yard Setback: Existing Building
Alignment - See Sec. 57-23.1 (Street Wall Continuity)
Minimum Side Yard Setback: NONE
Minimum Rear Yard Setback: 20 Ft

Zoning Relief Required:

Article 3, Section 3-1: Restricted Parking District
Article 57, Section 11: Use Conditional: General Retail Use
Article 57, Section 11: Use Conditional: Gym Use
Article 57, Section 12: Floor Area Ratio Excessive
Article 57, Section 12: Height Excessive
Article 57, Section 12: Rear Yard Insufficient
Article 57, Section 22: Roof Structures Restricted District
Article 57, Section 26: Off-Street Loading Insufficient
Article 57, Section 26: Off-Street Parking Insufficient
Article 80, Section 80E-2: Small Project Review Applicability

RECOMMENDATIONS

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, Staff recommends that the Board authorize the Director to: (1) issue a Certification of Approval for the Proposed Project at 69 A Street in South Boston; (2) enter into and execute any agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project; and (3) recommend approval to the Zoning Board of Appeal for the zoning relief necessary to construct the Proposed Project.

Appropriate votes follow:

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Approval, approving the development at 69 A Street in South Boston (the "Proposed Project") by 69 ASTMA Owner, LLC (the "Developer") in accordance with the requirements of Small Project Review, Article 80E, of the Boston Zoning Code, subject to continuing design review by the Boston Redevelopment Authority; and

FURTHER

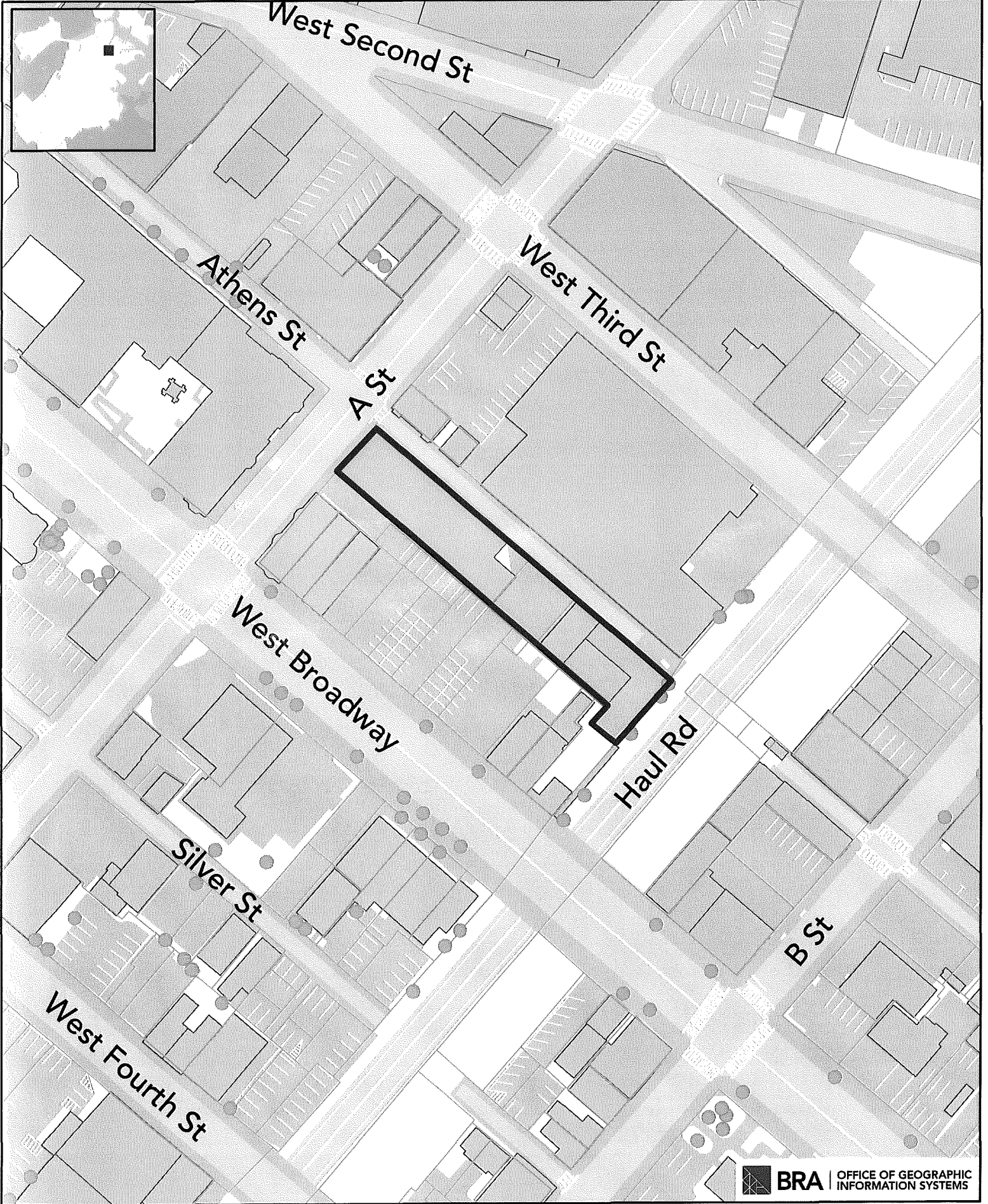
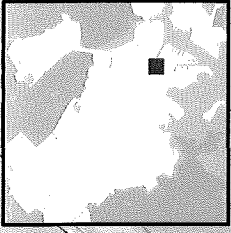
VOTED: That the Director be, and hereby is, authorized to execute agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue the following recommendation to the City of Boston Zoning Board of Appeal on zoning relief necessary in connection with the Proposed Project, BOA550876: **APPROVAL WITH PROVISIO:** that plans be submitted to the Boston Redevelopment Authority for design review approval.

69 A Street, South Boston

1 inch = 100 feet
0 25 50 75 100 Feet



69 A Street, South Boston

2013 Aerial
1 inch = 100 feet
0 25 50 75 100 Feet



EXHIBIT B



**City of Boston
Board of Appeal**

Inspectional Services Department
1010 Massachusetts Avenue, 4th Floor
Boston, MA 02118
617-635-4775

Members

Christine Araujo – *Secretary*
Bruce Bickerstaff
Mark Fortune
Peter Chin
Michael Monahan
Anthony Pisani, AIA
Robert Shortleeve - *Chairman*

**NOTICE OF DECISION
CASE NO. BOA550876
PERMIT #ALT517158
APPEAL SUSTAINED
WITH PROVISOS**

In reference to appeal of

69 ASTMA Owner, LLC

concerning premises

69-71 A Street, Ward 06

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

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was 4/8/2016.

FOR THE BOARD OF APPEAL

Matthew Fitzgerald, Esq
Assistant Corporation Counsel



CITY OF BOSTON BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

March 8, 2016

DATE

Decision of the Board of Appeal on the Appeal of 69 ASTMA Owner, LLC

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

69-71 A Street, Ward 06

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

Article(s): 3(3-1) 57(57-26) 57(57-11: General retail use & gym use conditional) 57(57-12: Floor area ratio, height excessive; rear yard insufficient) 57(57-22) 57(57-26)

Consolidate lots 69-71 A Street and 95-103 Athens Street. The proposed project includes the demolition of a small two story structure on the rear of the lot. Construct a 6 story addition to the rear of the existing building that is connected to a new 2 story addition on top of the existing three story building. Included is a change of use, from a manufacturing use to office, retail (general), & gym. There will be approximately 18 new at grade parking spaces. The existing building to remain is approximately 32,000 SF, the proposed addition is approximately 44,000 SF. The total SF is approximately 76,000 SF. This application is in conjunction of ALT549630.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA550876 and made a part of this record.

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

THE BOSTON HERALD on Tuesday, February 16, 2016

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

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

After hearing all the facts and evidence presented at the public hearing held on Tuesday, March 8, 2016 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ALT517158 September 8, 2015 plans submitted to the Board at its hearing and now on file in the Building Department.



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This appeal seeks permission to consolidate lots at 69-71 A and 95-103 Athens Streets, demolish an existing two-story structure at rear; renovate, expand and change use and occupancy of existing three-story manufacturing structure into improved and extended six-story Office building, with General Retail and Gym/Fitness Uses on the ground and lower level, extended Office Uses on the upper floors, roof decked open space, on-site parking for 18 vehicles and related improvements in pedestrian and vehicular access at the combined property site.

The reason for this appeal is to allow the Appellant property owner-developer, 69 ASTMA, LLC (“Appellant”), to revitalize an under-utilized property site by improving and expanding an existing manufacturing building into an appropriately-designed mixed-use office and retail development, with a much-needed office and retail program in a neighborhood that has experienced significant residential growth. The appeal is necessary, as the requested relief requires a series of Variances and Conditional Use Permits under the terms of the Boston Zoning Code (Zoning Code) as follows: Article 3, Section 3-1, Restricted Off-Street Parking District; Article 57, Section 26, Off-Street Parking Insufficient; Article 57, Section 11, Uses (Conditional)– General Retail and Gym Uses; Article 57, Section 12, Dimensional Regulations – Floor Area Ratio Excessive, Height Excessive and Rear Yard Insufficient; Article 57, Section 22, Restricted Roof Structure District Restrictions; Article 57, Section 26, Off-Street Loading Insufficient; and, Article 80, Section 80E-2, Small Project Review (applicability). In this regard, the Appellant specifically seeks, and by this decision is hereby granted, relief from the Zoning Code violations identified in the Building Commissioner’s written denial letter dated December 23, 2015, and appealed by the Appellant on December 28, 2015.



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I. Property Site, Existing Conditions and Context of Area

Situated in the Neighborhood Shopping Sub-District of South Boston's St. Vincent Neighborhood Zoning District, and within its Restricted Parking and Restricted Roof Structure Overlays, the Project site includes 17,749 square feet of land area, comprised of three (3) contiguous and adjacent parcels at 69-71 A Street and 95-103 Athens Street. The subject parcels are being combined and consolidated as part of the proposed Project (the "Combined Project Site"). There are two (2) existing structures at the Combined Project Site, including an existing three-story brick and beam building, which fronts on A Street and runs along a shared dead-end section of Athens Street, and an existing two-story out-building at the rear (along the South Boston Bypass/Haul Road). Unlike the existing three-story brick and beam building, which was owned and operated by the Standard Rivet Company for many years, the rear out-building lacks any historic, architectural or other significance and fails to conform or contribute to the Combined Project Site and the immediate area. The Combined Project Site also has direct vehicular access off this shared dead-end section of Athens Street, thereby allowing for the proper introduction of on-site parking and related infrastructure and pedestrian improvements.

As outlined in the Appellant's presentation, testimony and materials offered at the Board's public hearing, and further detailed herein, the Appellant specifically submits and the Board finds that the land and existing building conditions at the Combined Project Site are *unique* and appropriate for its proposed repurposing and expansion of the existing three-story brick and beam building, while at the same time attempting to maintain its existing floor planes. In particular, this existing building has a higher floor-to-floor height than typical new construction in the neighborhood, and it is also an existing non-conforming structure with regard to the



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Zoning Code's required Building Height, Floor Area Ratio ("FAR") and Rear Yard Set-Back at its original lot to be combined. Situated along a dead-end section of a shared street that terminates above a major bypass roadway at its rear, the Combined Project Site also features an irregularly-shaped and narrow area of land which is less than 50' wide, in addition to the topographical grade change from its front lot line on A Street to its rear lot line along the South Boston Bypass/Haul Road.

Finally, the Appellant notes that the immediate area at the Combined Project Site also includes certain abutting and nearby existing structures and recent growth to support and necessitate the project, while at the same time helping to mitigate potential impacts of the same. In this regard, the Combined Project Site and its existing three-story brick and beam building fronts on A Street, across from several recent and planned developments similar in scale and height to that proposed by the Appellant, and the City also recently approved a larger-scaled residential development at the adjacent property site opposite and along this shared dead-end section of Athens Street, between A Street and the South Boston Bypass/Haul Road (the "45 West Third Street Project"). The Combined Project Site also borders the surface parking lot of the long-existing Amrheins Restaurant and its four-story mixed-use apartment building (the "Amrheins Property"), with three (3) connected four-story mixed-use buildings situated further to the south-east of the Amrheins parking lot, at 116, 118 and 122 West Broadway (the "116-122 West Broadway Properties"). Similar to that proposed by the Appellant, the 116-122 West Broadway Properties also fail to conform with certain Building Height, FAR, Set-Back, Restricted Roof Structure, Off-Street Parking, Use and other requirements of the Zoning Code. Furthermore, the Appellant notes that its review of the City records also reveals that the Board previously granted zoning relief for the non-conforming structures at these properties in 1970



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and 2009-2010 (see BZC #1885 and BZC #29997 for 118-120 West Broadway and companion case BZC #29998 for 122 West Broadway).

II. Proposed Project Summary

The Appellant's proposed project consists of the renovation, expansion and mixed-use commercial conversion of the existing three-story brick and beam factory building and related demolition of the two-story former Office and Catering/Retail structure at the rear of the Combined Project Site. In particular, and as approved by this Decision, the relief requested will allow for a three-story addition on top of the existing three-story brick and beam building, for its conversion into a six-story mixed-use commercial Office development with General Retail and Gym/Fitness on the ground and lower levels and Office Uses on the upper floors, roof-decked open space, on-site parking for 18 vehicles and related site improvements (the "Proposed Project").

The Proposed Project will also introduce a distinct new commercial office use to an area which has experienced significant recent residential growth with little available work/office space, along with new vibrant ground level retail, a fitness club/gym, on-site parking and certain site and infrastructure upgrades to revitalize the rehabilitated building and Combined Project Site.

In planning and designing the Proposed Project, great care has been also given to respecting the as-built conditions of the existing three-story brick and beam factory building and immediate area, with a resulting scope and scale that compliments its existing characteristics, the A Street thoroughfare, ongoing development and future mixed-use growth in the area. In particular, the



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Proposed Project includes certain building set-back and responsive design measures at its front, rear and side sections to help mitigate height and massing impacts in the immediate neighborhood, consistent with that of its abutting and nearby structures and new developments (most notably the recently approved 45 West Third Street Project).

III. Compliance of the Required Variance Findings

Further to its presentation, testimony and materials provided at the Board's public hearing, the Appellant submits and the Board finds that the Proposed Project is consistent with the required Variance findings, for the following reasons:

- 1) **First, there are unique and special circumstances applicable to the Property Site, such that application of the Zoning Code's provisions would deprive the Appellant reasonable use of the land:**

The Proposed Project involves the renovation, extension and repurposing of an existing three-story brick and beam building, along with an attempt to maintain the existing building planes and improve a non-conforming structure at an irregularly shaped and narrow lot with certain unique conditions. In particular, the unusual floor-to-floor heights of the existing brick and beam building, combined with the Combined Project Site's transition in grade below the Proposed Project's existing first floor level, present significant design, engineering and marketability challenges to feasibly repurpose and expand the building into its main Office Use. These same dimensional challenges also necessitate a building set-back at the west elevation for glazing, constraining the existing and new floorplates and set-backs along the dead-end section of Athens Street. Absent the relief requested, and due to these unique and challenging property conditions, the Proposed Project would otherwise require impractical ramping, steps and building



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connections not feasible for the much-needed repurposing and expansion of this existing structure.

The Appellant also submits and the Board finds that the Proposed Project is severely impacted by the fact that the existing building is already non-conforming with regard to the Zoning Code's Building Height, FAR and Rear Yard Set-Back requirements at its original lot to be combined. As a result, the reasonable alteration and repurposing of this existing non-conforming structure necessarily violates the subject dimensional requirements of the Zoning Code. In responding to these conditions, the Appellant again notes that it has integrated certain mitigating building section set-backs, height, massing and design measures into the Proposed Project.

Finally, with its only means of vehicular access from a narrow dead-end shared street, the Combined Project Site also presents significant challenges in creating zoning-compliant off-street loading and parking facilities. Due to the narrowness of this dead-end shared street, there is limited land area for truck circulation and loading from this part of the Combined Project Site. Furthermore, the location of the existing non-conforming building at this irregularly-shaped and narrow portion of the land limits available area for the required allotment of off-street parking spaces.

As a result of the above-detailed unique land and structural limitations at the Combined Project Site, the Proposed Project necessitates and supports a taller building section, with a floor area expansion into the rear yard, in order to feasibly connect and add to the existing-non-conforming structure. Additionally, strict compliance with the Zoning Code's Off-Street Loading and Off-Street Parking Requirements is also



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unfeasible and severely impractical due to the location and constraints of the Combined Project Site. Thus, the unique and special conditions necessitate the required dimensional, rooftop, parking and loading Variances in order to allow for the reasonable use of the land and, absent the grant of the relief requested, the Appellant would essentially be prevented from repurposing, expanding and converting the existing non-conforming structure in order to introduce its expanded, improved and neighborhood-preferred Office Use.

2) **Second, there are reasons of practical difficulty and demonstrable and substantial hardship which necessitate the grant of the Variances for the reasonable use of the land, and such Variances are the minimum necessary to accomplish this purpose:**

As specifically detailed above, the Appellant submits and the Board finds that there are a number of unique circumstances and special conditions at the Combined Project Site which severely limit and significantly challenge the Appellant's reasonable use of the same. The result is to place a major hardship on the Appellant, as the specific and demonstrable limitations of the existing non-conforming structure and its unique land conditions would necessitate zoning relief for its reasonable repurposing and alteration. Consistent with this particular Variance finding, and as also detailed above, the Board finds that the Appellant has appropriately responded to these unique land and structural conditions by carefully integrating certain building section set-backs, height, density/massing and design measures into the Proposed Project, while also creating an alternatively acceptable off-street loading and on-site parking allotment under the circumstances. Thus, the Board concludes that the Appellant's zoning appeal requires the minimum Variances necessary for the productive and efficient use of the Combined



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Project Site.

- 3) **Third, granting of the Variances will be in harmony with the general purposes and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare:**

Consistent with the spirit and intent of the Zoning Code at this particular location, the Appellant submits and the Board finds that the Proposed Project will result in a building scale which is consistent with its abutting and surrounding structures and new developments in the Saint Vincent Neighborhood District. Specifically, the Appellant notes that, Article 57, Section 1 of the Zoning Code, provides for the following goals and objectives at this section of the South Boston neighborhood: “To promote land uses that provides jobs for the City's residents; to enhance the appearance of residential, commercial, and local industrial sub districts; to protect the environment and improve the quality of life; to promote the most appropriate use of land; and to promote the public safety, health and welfare of the people of Boston.” The relief requested will directly facilitate the achievement of these policy goals and objectives in the Saint Vincent Neighborhood District, by revitalizing and repurposing an under-utilized property site into a vibrant Mixed-Use Retail and Office program that compliments the needs and growth of the immediate area. Again, while the surrounding community has experienced significant recent residential growth, there is a lack of available work/office space to address the neighborhood’s changing demographics. In meeting this need, the Proposed Project will include appropriately-scaled Retail and Fitness/Gym Uses to support its main Office Use, while also serving residents and visitors of the Neighborhood Shopping Sub-District.

Furthermore, consistent with this particular Variance finding, the Appellant notes



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that the scope and scale of the Proposed Project comports with certain surrounding properties in the immediate area, many of which also include existing non-conforming structures with similar zoning deficiencies. In response to these existing conditions in the immediate area, the Appellant again notes that it has given special attention to the siting, scale, design and scope of the repurposed and expanded structure, including its open space, on-site loading and parking, vehicular, pedestrian access and neighborhood safety. As a result, the Board finds that the Proposed Project will not be injurious to the neighborhood or negatively impact the public welfare, but result in the appropriate repurposing and expansion of an existing non-conforming structure in a manner which is consistent with and complimentary to the scope and scale of the West Broadway and A Street thoroughfare and its future growth.

Lastly, the Appellant notes that the Proposed Project has also undergone extensive City agency, planning and public review as part of the Boston Redevelopment Authority's ("BRA") Article 80 Small Project Review Process ("Article 80 SPR"), as required by the Zoning Code. For the purpose of subjecting applicable development projects to an additional detailed level of project review, the BRA's Article 80 SPR process helps to determine the appropriate scope and scale, assess impacts and adopt mitigation measures for development projects under its jurisdiction. In this instance, and as presented by the Appellant at the Board's public hearing and detailed in this Decision, the Board finds that the Proposed Project is the positive result of the BRA's Article 80 SPR process, and its resulting determination and recommended approval of the relief requested specifically support this particular Variance finding.

4) *Fourth, as a result of the BRA's Article 80 SPR process, which included extensive City*



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agency and public review and resulted in project modifications and mitigation measures, the Proposed Project is also consistent with the Zoning Code's enumerated factors for the Board's review and determination of the Variance findings, including: (1) the number of people residing or working on the land, (2) the character of the adjoining and nearby lots, and (3) traffic considerations in the neighborhood.

First, in introducing a neighborhood-preferred Office Use with complimentary Retail and Fitness/Gym Uses, on-site parking and related site, vehicular and pedestrian access improvements, the Appellant again notes that the Proposed Project has been carefully designed and scoped through the BRA's Article 80 SPR process. The result is to provide a renovated and expanded building program that comports with the scale and urban fabric of the immediate area, while providing a much-needed and appropriately-sized Office Use to compliment recent residential growth. Specifically, as a boutique-sized work/office program, the Proposed Project will offer an attractive option for existing and new residents seeking to live and work in the South Boston neighborhood, while its smaller-scaled Retail and Gym/Fitness Uses will help to enhance and sustain the main Office Use and provide new neighborhood-serving options to the community.

Second, the Appellant again notes and the Board finds that the Proposed Project has been carefully planned and designed with certain project modification and mitigating measures in order to appropriately repurpose and expand the existing non-conforming structure in a manner which is consistent with and complimentary to abutting structures and new developments in the immediate area. In particular, the Appellant notes that the proposed building height of the expanded non-conforming structure will vary from five (5) levels and approximately 58 feet at A Street to four (4) stories and approximately 53 feet at the South Boston Bypass/Haul Road, with an approximately 68-foot high, six-



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story middle section significantly set back from the front and rear elevations. Specifically, this sixth-level section will be set back at least 80 feet from the property line at A Street and up to 40 feet off the rear lot line at the South Boston Bypass/Haul Road, in order to lessen visual impacts from properties along and across this section of A Street, which will also be mitigated by similar building heights of the larger-scaled 45 West Third Street Project, which is now approved by the City for the adjacent development site across this dead-end shared section of Athens Street and fronting on A Street.

In addition to the above detailed Building Height measures and resulting mitigations to abutting and surrounding properties, the Proposed Project also includes certain building set-back and massing accommodations which respond to and comport with existing conditions along the West Broadway side of the Combined Property Site. In particular, the fifth and sixth level sections of the Proposed Project will be set back up to 40 feet from the rear property line, which is closest to the 116-122 West Broadway Properties, with additional set back sections and massing measures at the side yard boundaries. Specifically, the proposed addition will be set back from the property line to allow for new windows. These setbacks will vary, ranging from 3 inches up to 10 feet as needed to meet the building code. As a result of these further building height, set-back and massing measures, the Board finds the Proposed Project is also consistent with and complimentary to the abutting properties at the West Broadway side of the Combined Property Site, including the existing non-conforming structures of the 116-122 West Broadway Properties which the Board previously granted similar zoning relief to recently.



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Third, with regard to potential traffic and loading impacts of the Proposed Project, and in direct response to certain neighborhood input, the Appellant again notes that the resulting development will feature an appropriate scale of much-needed and distinct Commercial Uses, including a boutique-sized Office program and neighborhood-serving Retail and Fitness/Gym Uses for workers, visitors and residents arriving by foot, bicycle or the MBTA's nearby Broadway Subway Station. Furthermore, in direct response to the unique and challenging land conditions which limit available circulation and land area for off-street loading and parking, the Appellant also notes that it has specifically designed the Proposed Project with an appropriate allotment of off-street parking and an alternatively-adequate on-site loading facility, both of which are consistent with the scope and scale of the Proposed Project at this unique property site. Specifically, as part of the BRA's Article 80 SPR process, the Proposed Project carefully responds to these particular land and structural limitations by siting an 18-vehicle parking garage and bicycle storage facility at the ground level of the connecting addition, with an off-street loading dock, interior trash and recycling facility accessible from A Street.

IV. Compliance with the Conditional Use Findings

Further to its presentation, testimony and materials provided at the Board's public hearing, the Appellant also submits and the Board finds that the Proposed Project complies with the required findings for the subject Conditional Use Permits, for the following reasons:

- 1) ***The specific site in the Restricted Parking District and Restricted Roof Structure District is an appropriate location for the Conditional Use Permits.***



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Consistent with the required findings for the issuance of Conditional Use Permits in the Restricted Parking and Restricted Roof Structure District, the Appellant again notes that the Proposed Project is the result of extensive City agency, planning and public review that resulted in a favorable determination of the Conditional Uses and related creation of Off-Street Parking and subject Rooftop Structures. Specifically, as part of the BRA's Article 80 SPR process, the proposed and extended Uses received strong support from certain abutting and nearby residents, property and business owners as well as both neighborhood interest groups at this particular location, along with the related need to add Off-Street Parking and appropriately-situate rooftop structures for the favorably-received repurposing and expansion of this existing non-conforming structure.

Furthermore, the Appellant again notes that the immediate area has experienced significant residential growth and development over the past decade, resulting in the increased demand for new Office Uses and the related neighborhood-serving Retail, Gym and Fitness Uses. The relief requested is also entirely appropriate for this particular location within a Neighborhood Shopping (NS) zoning sub-district, which is intended to promote and encourage convenience goods and services to the immediate area. In this regard, the Retail and Fitness/Gym Uses which require and necessitate Conditional Use Permits, will provide both neighborhood serving convenience and support the extension of the much-needed Combined Project Site's main Office Use, which is an Allowed Use at the Property Site. Finally, in order to feasibly support the introduction of its main Office Use with its Conditional Retail, Fitness and Gym Uses on the ground and lower levels, the Appellant notes that its Proposed Project also necessitates Conditional Use Permits within the Restricted Parking and Roof Structure Districts at this location. In particular, without any



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off-street parking accommodations, as prohibited in the Restricted Parking District for the Conditional Retail, Fitness and Gym Uses, the Proposed Project would unnecessarily impact the surrounding neighborhood, contrary to the spirit and intent of the Zoning Code. Additionally, the proposed rooftop structural elements are the minimum necessary to accomplish the favorably-received repurposing and expansion of this existing non-conforming structure, with certain design and set-back measures which help to lessen its scope and potential impact to the surrounding area.

2) **Granting the Conditional Use Permits will not adversely affect the neighborhood.**

As detailed above, the Appellant again notes that the required Conditional Use Permits are entirely appropriate for this particular location in the Neighborhood Shopping Sub-district, as the Proposed Project will provide a much-needed and favorably-received development which was extensively processed by the BRA's Article 80 SPR. With regard to its subject Uses, the Proposed Project will provide much-needed Office space with related Retail and Fitness/Gym Uses in a neighborhood which has experienced tremendous residential growth with little new office and work-related outlets. The Appellant's overall development program has also been specifically designed and planned through the BRA's Article 80 SPR process in order to minimize potential impacts on the neighborhood. In this regard, the Appellant notes that its proposed on-site parking program in the Restricted Parking District will help to improve and mitigate potential traffic and related impacts associated with the Conditional Uses. In addition, its subject rooftop structures are necessary and appropriate considering the strong community support for feasibly repurposing and expanding the existing non-conforming structure, as proposed.

3) **There will be no serious hazard to vehicles or pedestrians from the Uses.**



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The Appellant submits and the Board finds that the Proposed Project has been carefully planned and extensively processed with close attention to vehicular and pedestrian safety. Again, as part of the BRA's Article 80 SPR process and in direct response to an extensive community and public input process, the Appellant paid special attention to the scope of the Proposed Project, its uses, parking allotment, open space, vehicular and pedestrian access and overall neighborhood safety. The Proposed Project's 18 on-site parking spaces will be directly accessed by the dead-end shared section of Athens Street, with vehicles entering the garage near the middle and circulating through to the exit at the rear of the Combined Project Site. All loading activity will be directed to a separate dock on A Street. Direct elevator access will be provided to all floors in the building from the interior lobby. In order to further enhance pedestrian safety, the Proposed Project will also introduce certain site and infrastructure improvements to this section of the dead-end shared street. Ample secured space for bicycle racks will also be provided within the building's garage, and the overall development program will promote easy access to the MBTA's nearby Broadway Subway Station, Zip Car/vehicle sharing locations and Hubway outlets in the immediate area. Thus, the Board finds that the Proposed Project and the grant of the required Conditional Use Permits will not negatively impact vehicular and pedestrian safety.

4) *No nuisance will be created by the use.*

Again the Appellant notes that, consistent with the required findings for the requested Conditional Use Permits and as part of the BRA's Article 80 SPR process, the Proposed Project underwent extensive City agency review and related community outreach with abutting and nearby commercial property owners, businesses and residents, resulting in considerable public support for the proposed and extended uses as well as the adoption of



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certain site and building design measures and project modifications which help mitigate any potential nuisance to the surrounding community. In this regard, and as presented by the Appellant at the Board's public hearing and further detailed herein, these mitigation measures, coupled with the unique land and existing structural conditions at the Combined Project Site, result in the proper introduction of the subject Conditional Uses, with its related Off-Street Parking and Rooftop Structural elements in the Overlay Districts, in a manner which is consistent with and complimentary to the surrounding neighborhood. Thus, the Board finds that, as a result of the extensive Article 80 SPR process and the related project modifications, measures and unique property conditions, the Proposed Project will not create a nuisance to the surrounding community. Rather, the repurposing and expansion of the existing non-conforming structure, with appropriate uses, Rooftop Structural elements and a new Off-Street Parking facility for the same, will benefit and not negatively impact the surrounding community.

5) *Adequate and appropriate facilities will be provided for the proper operation of the Conditional Use Permits.*

Finally, the Appellant submits and the Board finds that the Proposed Project is appropriate in scope and includes specific project measures and accommodations to support the proper operation of the Conditional Uses and subject Rooftop and Off-Street Parking facilities in the Overlay District. Once more, the extension of the main Office Use at the upper levels of the expanded building is of a scale and nature which is likely to attract existing and new residents from the neighborhood and those commuting by the MBTA's nearby Broadway Subway Station, bicycle, Zip Car/vehicle share and Hubway, which the



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Appellant will actively promote for its tenants. The Proposed Project will also provide a garaged parking facility for 18 vehicles and an ample amount of covered and secured bicycle storage. Due to the challenging property conditions which limit available circulation and land area for a zoning-compliant off-street loading and on-site parking facilities at the Combined Property Site, the Proposed Project has been specifically designed to include an appropriate yet limited allotment of off-street parking and an alternative loading accommodation, both of which are consistent with the proposed Uses and overall development program. Specifically, as a direct result of the BRA's Article 80 SPR process, the Appellant will appropriately situate an 18-vehicle parking garage and bicycle storage facility at the ground level of the connecting addition of the expanded building, in addition to an off-street loading dock, interior trash and recycling facility accessible from A Street. Since the off-street parking garage is accessible directly from the dead-end shared section of Athens Street, far from the busy intersection at A Street, the Board finds that this facility is appropriately-situated and adequately-designed for the proper operation of the Uses. The subject Rooftop Structural elements at issue are mitigated by the fact that they are situated at the sixth level addition, which will be significantly set back from the front and rear elevations, and the subject loading dock is in the best possible location under the circumstances.

V. Article 80 Small Project Review Compliance: Extensive Community Outreach and Resulting Project Mitigation Measures, Modifications and Support

As also presented by the Appellant at the Board's public hearing and extensively detailed in this Decision, the Proposed Project underwent extensive City agency review, planning and community outreach as part of the BRA Article 80 SPR process, resulting in significant public



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support and related project modifications and certain mitigation measures which the BRA determined to be appropriate for its recommended approval of the relief requested. In this regard, prior to submitting its Article 80 SPR application, the Appellant conducted constructive preliminary outreach with its abutting property owners, nearby residents and local business owners to seek input and support. It also presented its early project plans at initial outreach and subsequent community meetings with the St. Vincent/Lower End Neighborhood Association and the West Broadway Neighborhood Association, both of which offered support for the Proposed Project. Based on the preliminary input received, the Appellant then carefully planned and designed its development program with certain responsive project modifications and mitigation measures included in the Proposed Project, as then filed with the BRA and ultimately included in the BRA's Board Vote Memorandum recommending the Board's approval of the requested relief herein (the, "BRA Board Memo"). A copy of the Proposed Project's BRA Board Vote Memo was provided by the Appellant as part of the Board's public hearing memorandum.

In particular, beginning in June of 2015, the Appellant notes that it positively completed numerous project review meetings, presentations, filings, community and elected/appointed official outreach for the Proposed Project, including the following activities, benchmarks and resulting project modifications as part of the BRA's Article 80 SPR approval process:

Public Review, Meetings and Community Outreach:

- | | |
|---|-------------------|
| • Initial Pre-File Meeting with the BRA | June, 2015 |
| • Individual abutter outreach and site walkthroughs with area residents, property owners and businesses | June-August, 2015 |
| • Community meeting with St Vincent's Lower End | September, 2015 |



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Neighborhood Association

- Initial meeting with Executive Committee of West Broadway Neighborhood Association October, 2015
- Community meeting with West Broadway Neighborhood Association October, 2015
- Second BRA Pre-File Meeting October, 2015
- Filed BRA Article SPR Application January, 2016
- BRA-Sponsored Public Meeting January, 2016
- BRA Design Meeting February, 2016
- Boston Landmarks Commission Notice of Determination of Non-Significance (Demolition) February, 2016
- BRA Public Comment Period: February, 2016 (*Ended*)
- BRA Board Hearing and Vote of Approval: February, 2016

Project Modifications:

Again, as part of the BRA's Article 80 SPR process, and in direct response to an extensive community and public input process, the Appellant notes that it made and/or adopted the following key project modifications, revisions and measures in order to help mitigate and alleviate impacts on the surrounding community, with the resulting repurposing and expansion of the existing non-conforming structure at the unique Combined Property Site:

- Introduced building set-back and responsive design measures at front, rear and side sections of expanded structure to help mitigate height and massing impacts.
- Provided further brick detailing, including pillar spaces onto the metal panel addition.
- Added two (2) windows per floor to metal panel stair core/elevator lobby on loading dock side, thereby reinforcing one-to-one relationship between new and old building.
- Diminished importance of entry near loading dock to encourage pedestrian circulation towards Athens Street.



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- Planned differentiation of coloring for the metal panel sections to diminish perceived scale of the building.
- Retained original windows on stair core of A Street elevation.
- Committed to explore art programming at Combined Project Site as part of improvements to shared dead-end street section.
- Provided enhanced building corner opening at ground level to create more vibrant and welcoming façade along A Street.
- Set back building and expanded sidewalk along A Street for enhanced pedestrian travel.
- Provided sufficient clearance at loading dock area to accommodate delivery trucks and not impede sidewalk.
- Developed neighborhood preferred Office Use with supporting Retail and Fitness Uses attractive to local residents, visitors and workers.
- Committed to promote site's convenient location near MBTA's Broadway Subway Station, Vehicle and Bicycle Share outlets in the immediate area and provided ample on-site bicycle storage inside secured garage.
- Located trash and recycling facilities off the street and outside of public view.

Public Review, Input and Resulting Support:

Finally, the Appellant again notes that, as a result of its extensive community outreach and responsive design, planning and mitigation measures, the Proposed Project was favorably-received by certain abutting and nearby residents, property and business owners in the area, as well as both neighborhood interest groups (as detailed above) and certain local elected officials. In this regard, at the public hearing before the Board, representatives from the Mayor's Office of Neighborhood Services, District City Councilor Linehan and At-Large City Councilor Flaherty were recorded in favor of the relief requested, as were the BRA, the New England Regional Council of Carpenters and Local 103 of the International Brotherhood of Electrical Workers. The Board also received testimony in support by a representative of the Saint Vincent's Lower End Neighborhood Association, in addition to certain supportive email correspondence by area business owners. While the owner of the 116-122 West Broadway Properties and his counsel



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appeared to raise concerns about a supposed lack of opportunity to review plans for the Proposed Project and potential impacts on air, light and access to the rear of its properties, the Board finds that the Appellant previously met with the subject property owner early on in the community outreach process for the Proposed Project and further adequately addressed this input by indicating a willingness to further discuss the Proposed Project. Thus, the Board finds that the BRA's Article 80 SPR determination, coupled with the Appellant's extensive community outreach, project modifications and mitigating measures which resulted in significant showing of public support, are evidence that the requested relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Zoning Code, and the granting of said relief is in the public interest.

The Board of Appeal finds that all of the following conditions are met:

- (a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness or shape of the lot, or exceptional topographical conditions thereof), which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this Code would deprive the appellant of the reasonable use of such land or structure; and
- (b) That for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- (c) That the granting of the variance will be in harmony with the general purposes and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



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

The Board of Appeal also makes the following findings:

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

The Board is of the opinion that all conditions required for the granting of a Variance under Article 7, Section 7-3 and a Conditional Use Permit under Article 6, Section 6-3 of the Zoning Code have been met, and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code.



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Therefore, acting under its discretionary power, the Board (the members and substitute member(s) sitting on this appeal) voted to grant the requested Variances and Conditional Use Permits as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit in accordance with this decision, with the following provisos, which, if not complied with, shall render this decision null and void.

APPROVED AS TO FORM:

ASSISTANT CORPORATION COUNSEL

PROVISOS:

- 1) Appellant to continue to meet with abutter at 116-122 West Broadway.
- 2) Subject to final BRA design review.

Signed, April 5, 2016

Christine Araujo - Chairperson

Mark Fortune - Secretary

Peter Chin

Bruce Bickerstaff

Mark Erlich

Anthony Pisani, AIA

Eugene Kelly - Alternate

EXHIBIT C

Section 68-3. - Applicability.

This Article, together with the rest of this Code, constitutes the zoning regulation for the South Boston Neighborhood District. This Article applies as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief, in the form of exceptions from the provisions of this Article pursuant to Article 6A, is not available except to the extent expressly provided in this Article or Article 6A. Application of the provisions of Article 27P to the South Boston Neighborhood District is rescinded and the South Boston Waterfront Interim Planning Overlay District shall remain in effect in those areas not governed by this Article. Where conflicts exist between the provisions of this Article and the remainder of the Code, the provisions of this Article shall govern. Except where specifically indicated in this Article, the provisions of this Article supersede Section 8-7 and Articles 13 through 24 of this Code for the South Boston Neighborhood District. A Proposed Project shall be exempt from the provisions of this Article, and shall be governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief thereafter is granted by the Board of Appeal; provided that construction work under such building permit, or occupancy under such occupancy permit, as the case may be, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously so far as is reasonably practicable under the circumstances.

EXHIBIT D

Text Amendment Application No. 472
Boston Redevelopment Authority
South Boston Interim Planning Overlay
District

TEXT AMENDMENT NO. 426

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 inserting the following article:

ARTICLE 27S

SOUTH BOSTON INTERIM PLANNING OVERLAY DISTRICT

SECTION 27S-1. Statement of Purpose. The purposes of this article are to implement interim planning and zoning standards to protect neighborhood character; manage future development for the use and benefit of the inhabitants of South Boston and the city at large; preserve and enhance economic viability of commercial centers; enhance neighborhood appearance; adjust certain density controls to protect established residential areas; and provide guidance as to appropriate relationships of scale and continuity in character between established districts and new development.

SECTION 27S-2. Declaration of Need for Interim Zoning. Interim zoning in the South Boston Interim Planning Overlay District ("IPOD") study area is necessary to provide the proper balance between competing land uses and economic and environmental factors and to insure appropriate review of development and existing zoning so as to maximize its potential to benefit the residents of the South Boston neighborhood and the City of Boston. Characteristics of existing zoning require that detailed analysis be done in order to (a) provide appropriate urban design guidelines to govern and facilitate proper development, including an effective transition between residential and other

types of areas; (b) protect one-, two-, and three-family neighborhoods from more intensive multifamily development; (c) promote new residential and commercial development that is sensitive in scale, form, and density to the established neighborhood character; and (d) provide appropriate off-street parking controls.

SECTION 27S-3. Definitions. For the purposes of this article only, the following words and phrases, when capitalized, shall have the meanings indicated:

1. "Applicant" shall mean any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this article, as set forth in Section 27S-5, or the authorized agent of any such person or entity.
2. "Proposed Project" shall mean the erection or extension of any structure or part thereof for which the Applicant is required to obtain a building permit.
3. "South Boston IPOD" shall mean the regulations imposed by this article.
4. "South Boston IPOD Study Area" shall mean the area defined in Section 27S-4.
5. "Underlying Zoning" shall mean all zoning regulations, with the exception of this article, that are contained in this code.
6. "Zoning Relief" shall mean any zoning variance, exception, conditional use permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

SECTION 27S-4. Physical Boundaries. The provisions of this article shall be applicable only within the South Boston IPOD Study Area, which consists of the area depicted on Appendix A to this article.

SECTION 27S-5. Applicability. Any Proposed Project within the South Boston IPOD Study Area seeking to, (a) erect a building or structure having a gross floor area greater than one thousand (1,000) square feet; (b) enlarge or extend a building or structure so as to increase the gross floor area by more than one thousand (1,000) square feet; or (c) Substantially Rehabilitate a building or structure, or after rehabilitation, to have a gross floor area of more than one thousand (1,000) square feet, shall be subject to the provisions of this article.

Such Proposed Projects, including those for which no Zoning Relief is required, shall be subject to all provisions of this article, and shall be subject to the requirement of obtaining an IPOD permit.

The following Proposed Projects shall, however, be exempt from the provisions of this article:

1. Any Proposed Project for which a building permit has been issued prior to the first notice of hearing before the Zoning Commission for adoption of this article, provided that construction work under such permit is commenced within six months after its issue, and the work proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances;
2. Any Proposed Project for which appeal to the Board of Appeal for any Zoning Relief has been made, prior to the first notice of hearing before the Zoning Commission for adoption of this article, provided that such Zoning Relief is thereafter granted by the Board of Appeal pursuant to such appeal; and
3. Any Proposed Project or site for which application for approval of a planned development area development plan, or planned development area master plan has been submitted to the Boston Redevelopment Authority prior to the first notice of hearing before the Zoning Commission for adoption of this article, provided that such planned development area development plan, or planned development area master plan has been or is hereafter approved by the Boston Redevelopment Authority pursuant to such application, whether or not such application for such planned development area development plan, or planned development area master plan is thereafter modified or amended.

SECTION 27S-6. Zoning Regulations in Effect; Conflict Provisions. The South Boston IPOD and Underlying Zoning shall together constitute the zoning regulations for the South Boston IPOD Study Area. Where conflicts between the South Boston IPOD and the Underlying Zoning exist, the provisions of the South Boston IPOD shall govern. Upon expiration of this article, the Underlying Zoning shall be the sole set of zoning regulations for the South Boston IPOD Study Area.

In all subdistricts, any duly enacted amendment to Underlying Zoning as to which notice of a public hearing before the Zoning Commission is published after the effective date of this article shall govern, notwithstanding any other provision of this article; any such amendment may occur prior to the expiration of this article and may relate to any subdistrict or to any area for which a planning and rezoning study has been completed by the Boston Redevelopment Authority.

SECTION 27S-7. General Land Use Goals and Objectives for the South Boston Interim Planning Overlay District. Proposed Projects within the South Boston IPOD Study Area should be consistent with the following elements that contribute to the special character of the area: (a) block and street patterns; (b) existing densities; (c) existing building types; (d) predominant setbacks and heights; and (e) open space and off-street parking patterns.

SECTION 27S-8. Standards for Issuance of Interim Planning Permit. The Board of Appeal shall not grant an interim planning permit as defined in Section 27-3 for a Proposed Project subject to the provisions of Section 27S-5 unless it finds that (a) the Proposed Project's benefits outweigh any burdens imposed; and (b) the Proposed Project is in substantial accord with the applicable provisions of this article. If the Boston Redevelopment Authority has made a recommendation to the Board of Appeal on the issuance of an interim planning permit, the Board of Appeal shall follow such recommendation unless specific, written reasons for not doing so are incorporated in the Board of Appeal's decision.

SECTION 27S-9. Enforcement. The Commissioner of Inspectional Services shall not issue any building permit or use permit for a Proposed Project subject to the provisions of Section 27S-5 unless the Board of Appeal has approved an interim planning permit for the Proposed Project in accordance with Section 27-3.

SECTION 27S-10. Sunset Provision; Subsequent Amendments. This article shall be in effect for twelve (12) months. While in effect, this article or portions thereof may be repealed or superseded by subsequent amendments to this article, or by amendments to the Underlying Zoning as to which notice of a public hearing before the Zoning Commission is published after the effective date of this article.

SECTION 27S-11. Timetable for Rezoning. Submission of proposed zoning changes by the Boston Redevelopment Authority to the Zoning Commission shall be completed within nine (9) months of the enactment of the South Boston IPOD, and the Zoning Commission hearing on any petition to adopt proposed zoning changes shall be completed within fifteen (15) months of the enactment of the South Boston IPOD; provided that failure of the Boston Redevelopment Authority to submit proposed zoning to the Zoning Commission within twelve (12) months, or failure of the Zoning Commission to conduct a hearing on such zoning within fifteen (15) months, shall not invalidate any provision of the South Boston IPOD or Underlying Zoning.

SECTION 27S-12. Regulations. The Boston Redevelopment Authority may adopt regulations to administer this article; provided, such regulations shall become effective only upon adoption by the Zoning Commission.

SECTION 27S-13. **Severability.** The provisions of this article are severable, and if any such provision or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decisions shall not impair or otherwise affect any other provisions of this article.

Text Amendment Application No. 472

Text Amendment No. 434

Jay Newbery
Chairman

Jane Coya Bray
Vice Chairman

[Signature]

Joanne Felt

Jay S. Hatten

[Signature]

Michelle [Signature]

Catherine McDonnell

Gene B. [Signature]

In Zoning Commission

Adopted: July 12, 2017

Attest: [Signature]

Executive Secretary
DEP. DIRECTOR FOR ZONING

Text Amendment Application No. 472

Text Amendment No. 426

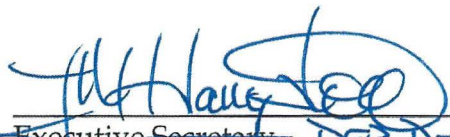


Mayor, City of Boston

Date: 7-12-17

The foregoing amendment was presented to the Mayor on July 12, 2017, and was signed by him on July 12, 2017, whereupon it became effective on July 12, 2017, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:



~~Executive Secretary~~ DEP. DIRECTOR PER ZONING
Boston Zoning Commission

Map Amendment Application No. 699
Boston Redevelopment Authority
South Boston Interim Planning Overlay
District (IPOD)

MAP AMENDMENT NO. 631

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

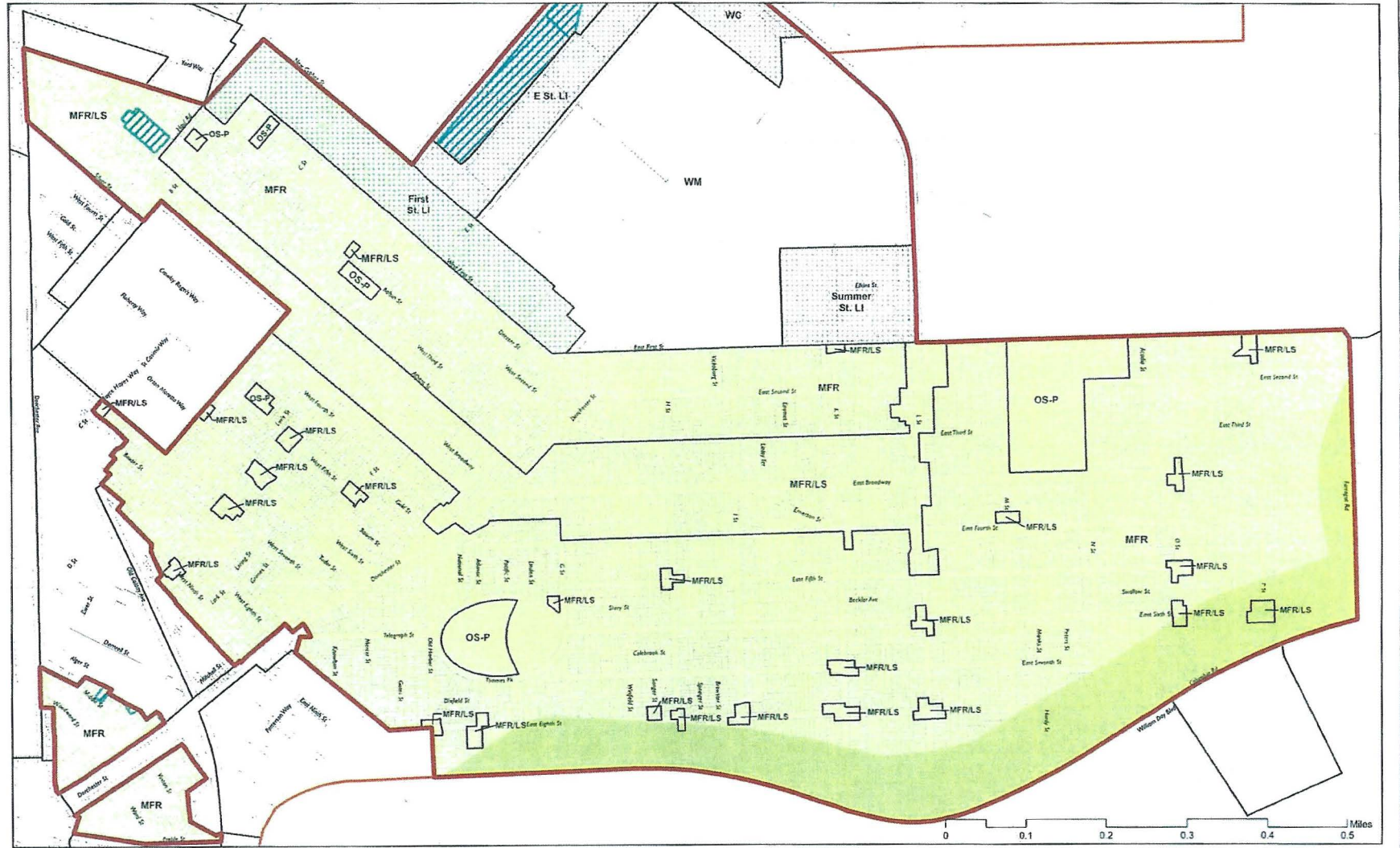
IN ZONING COMMISSION

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, for the same period that Article 27S of the Boston Zoning Code is in effect, "Map 4E, South Boston Neighborhood District," of the series of maps entitled "Zoning Districts City of Boston," dated August 15, 1962, as amended, as follows:

By designating on said map as the South Boston Interim Planning Overlay District the land shown on the attached map.

The South Boston Interim Planning Overlay District is governed by Article 27S of the Zoning Code.

Map 4F, South Boston Neighborhood with IPOD



Jay Hurley
Chairman

Jane Lynn Bray
Vice Chairman

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

Catherine McDonnell

C. E. B. [Signature]

In Zoning Commission

Adopted: July 12, 2017

Attest:

[Signature]

Executive Secretary
DEP. DIRECTOR FOR ZONING

Map Amendment Application No. 699

Map Amendment No. 631



Mayor, City of Boston

Date: 7-12-17

The foregoing amendment was presented to the Mayor on JULY 12, 2017, and was signed by him on JULY 12, 2017, whereupon it became effective on JULY 12, 2017, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:



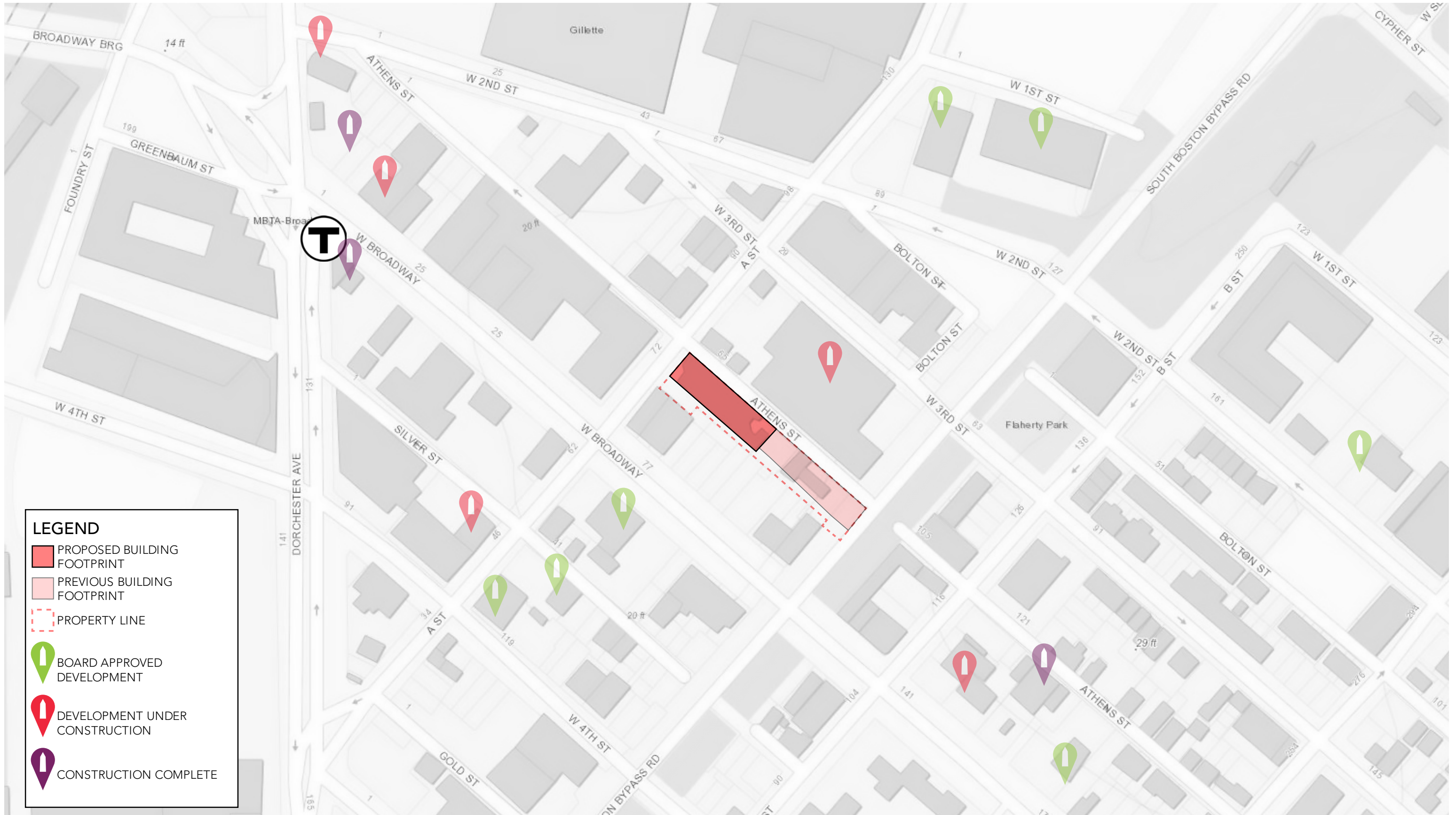
Executive Secretary DEP. DIRECTOR FOR ZONING
Boston Zoning Commission

EXHIBIT E

69 A STREET

SMALL PROJECT REVIEW SUBMISSION UPDATE





LEGEND

- PROPOSED BUILDING FOOTPRINT
- PREVIOUS BUILDING FOOTPRINT
- PROPERTY LINE
- BOARD APPROVED DEVELOPMENT
- DEVELOPMENT UNDER CONSTRUCTION
- CONSTRUCTION COMPLETE



A STREET



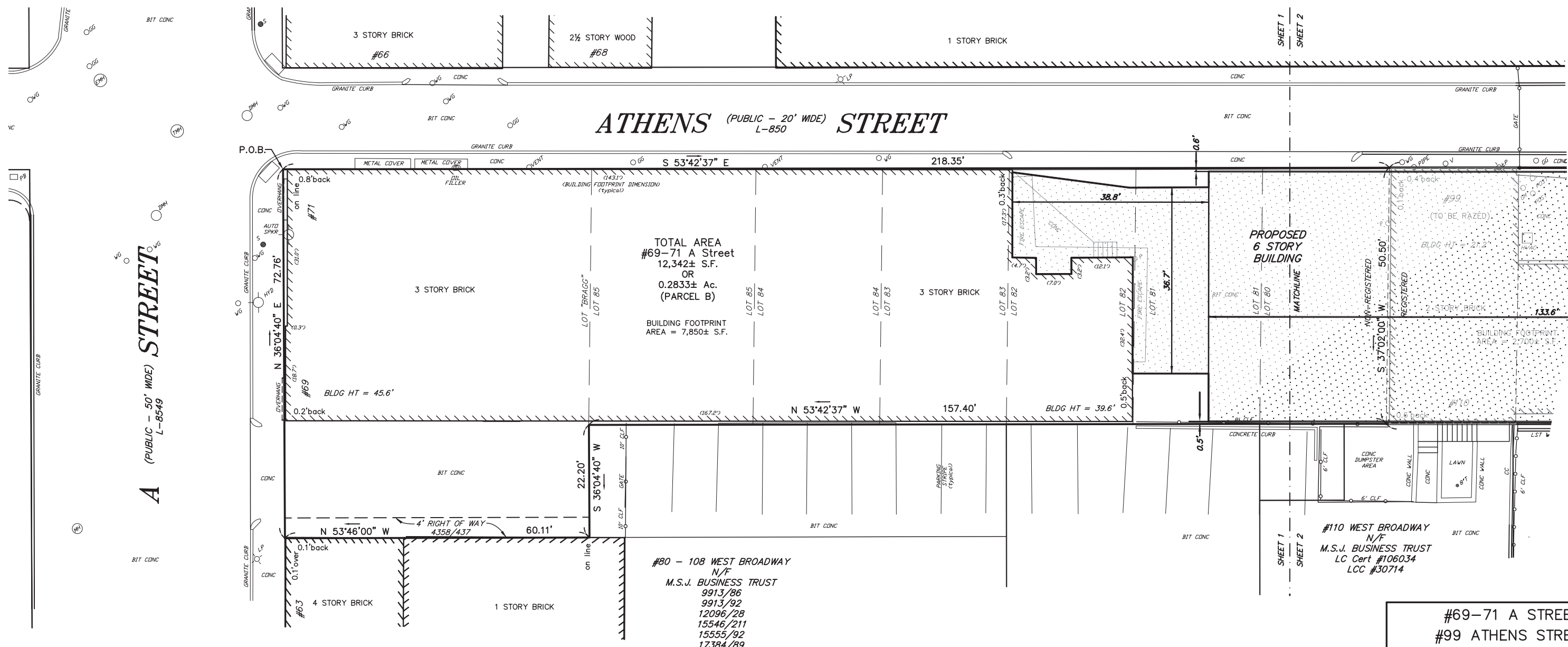
A STREET



A STREET + W. 3RD STREET



W. BROADWAY



ATHENS (PUBLIC - 20' WIDE) STREET

A (PUBLIC - 50' WIDE) STREET

TOTAL AREA
#69-71 A Street
12,342± S.F.
OR
0.2833± Ac.
(PARCEL B)

BUILDING FOOTPRINT
AREA = 7,850± S.F.

**PROPOSED
6 STORY
BUILDING**

**#69-71 A STREET
#99 ATHENS STREET**

**PROPOSED PLOT PLAN
IN
BOSTON, MA
(SUFFOLK COUNTY)**

SCALE: 1" = 10' DATE: SEPTEMBER 3, 2015

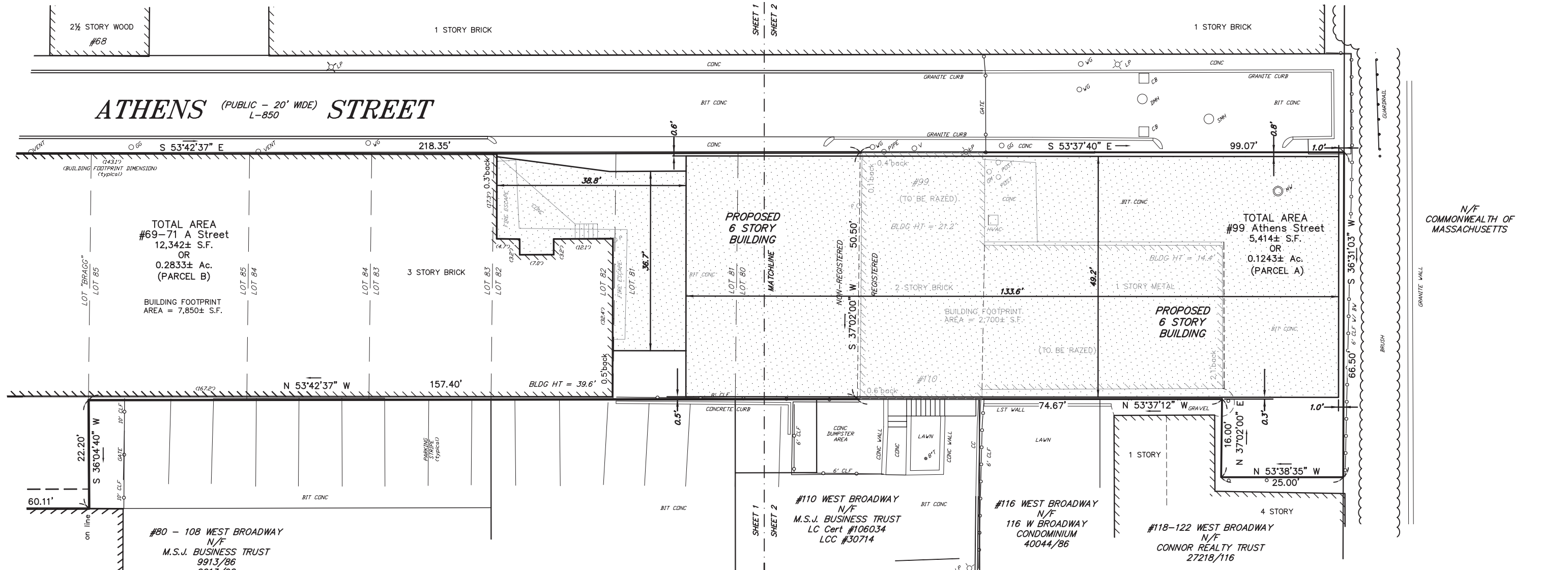
Precision Land Surveying, Inc.
32 Turnpike Road
Southborough, Massachusetts 01772
TELE NO.: (508) 460-1789 FAX NO.: (508) 970-0096
4196020P1.DWG SHEET 1 OF 2

I HEREBY CERTIFY THAT THE BUILDING IS LOCATED AS SHOWN.

[Signature]
Michael Pustizzi, PLS Date: 9/3/15

UNDERGROUND UTILITIES WERE NOT INVESTIGATED AS PART OF THIS WORK EFFORT. BEFORE DESIGN AND CONSTRUCTION CALL "DIG SAFE" 1-888-344-7233. SOME DATA IS CONFLICTING AND CAN ONLY BE VERIFIED BY EXCAVATION.





TOTAL AREA
#69-71 A Street
12,342± S.F.
OR
0.2833± Ac.
(PARCEL B)

BUILDING FOOTPRINT
AREA = 7,850± S.F.

TOTAL AREA
#99 Athens Street
5,414± S.F.
OR
0.1243± Ac.
(PARCEL A)

#80 - 108 WEST BROADWAY
N/F
M.S.J. BUSINESS TRUST
9913/86
9913/92
12096/28
15546/211
15555/92
17384/89

#110 WEST BROADWAY
N/F
M.S.J. BUSINESS TRUST
LC Cert #106034
LCC #30714

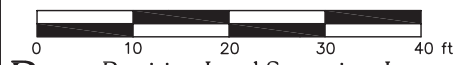
#116 WEST BROADWAY
N/F
116 W BROADWAY
CONDOMINIUM
40044/86

#118-122 WEST BROADWAY
N/F
CONNOR REALTY TRUST
27218/116

#69-71 A STREET
#99 ATHENS STREET

PROPOSED PLOT PLAN
IN
BOSTON, MA
(SUFFOLK COUNTY)

SCALE: 1"= 10' DATE: SEPTEMBER 3, 2015



Precision Land Surveying, Inc.
32 Turnpike Road
Southborough, Massachusetts 01772
TELE NO.: (508) 460-1789 FAX NO.: (508) 970-0096
419602CP1.DWG SHEET 1 OF 2

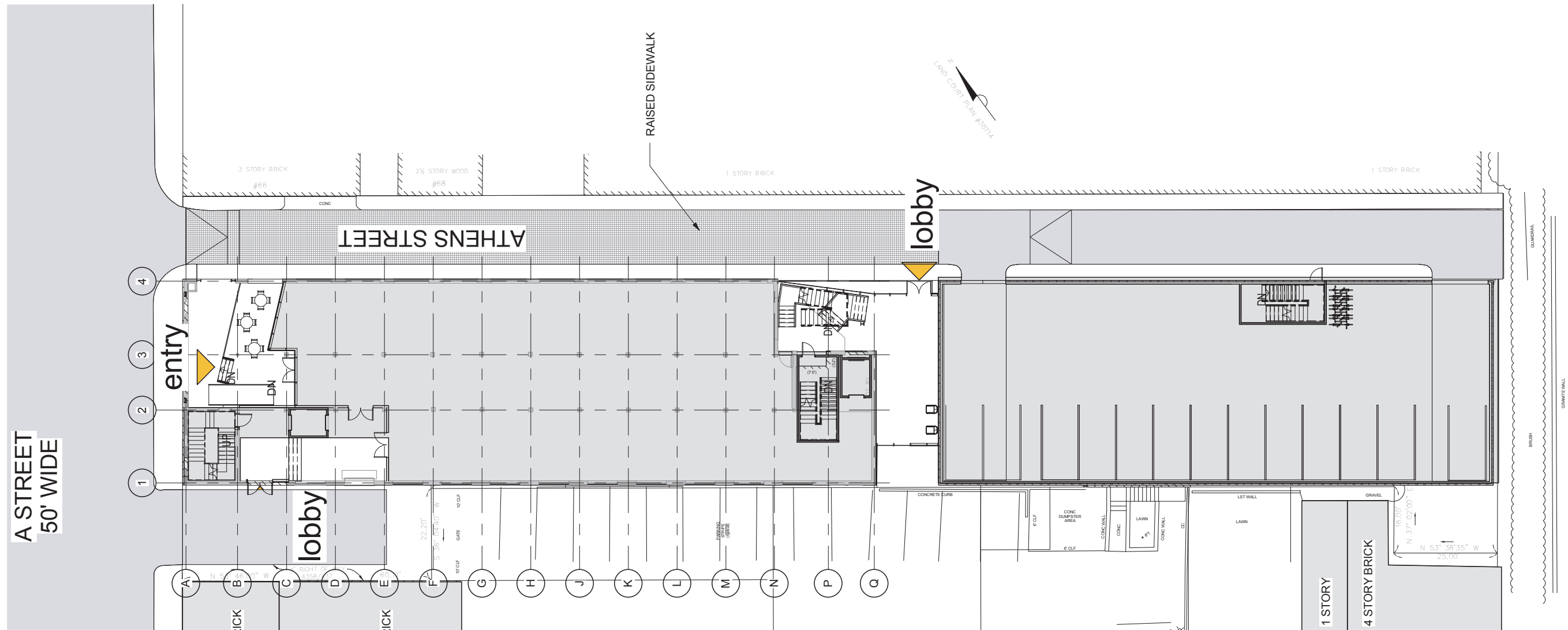
I HEREBY CERTIFY THAT THE BUILDING IS LOCATED AS SHOWN.

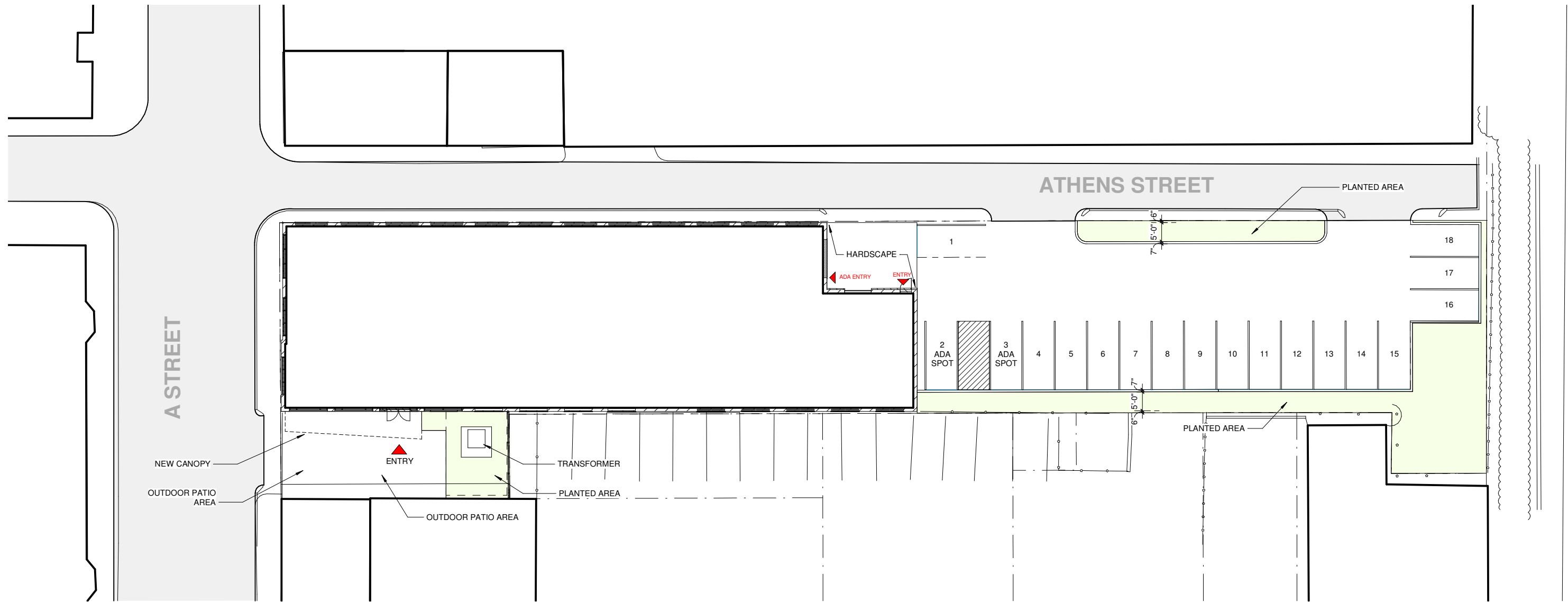

Michael Pustizzi, PLS Date 9/3/15



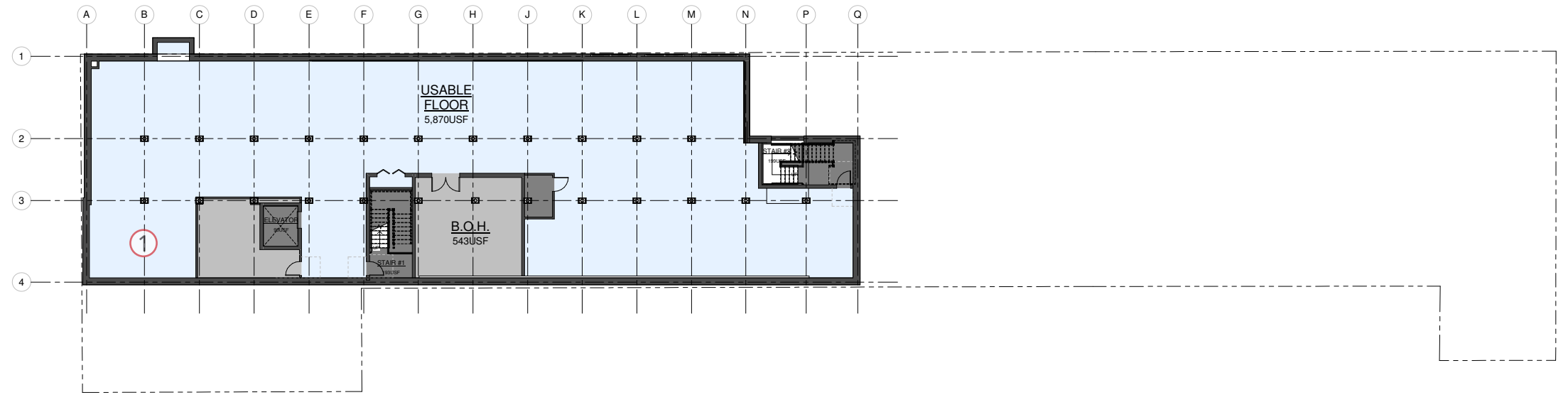
UNDERGROUND UTILITIES WERE NOT INVESTIGATED AS PART OF THIS WORK EFFORT. BEFORE DESIGN AND CONSTRUCTION CALL "DIG SAFE" 1-888-344-7233. SOME DATA IS CONFLICTING AND CAN ONLY BE VERIFIED BY EXCAVATION.



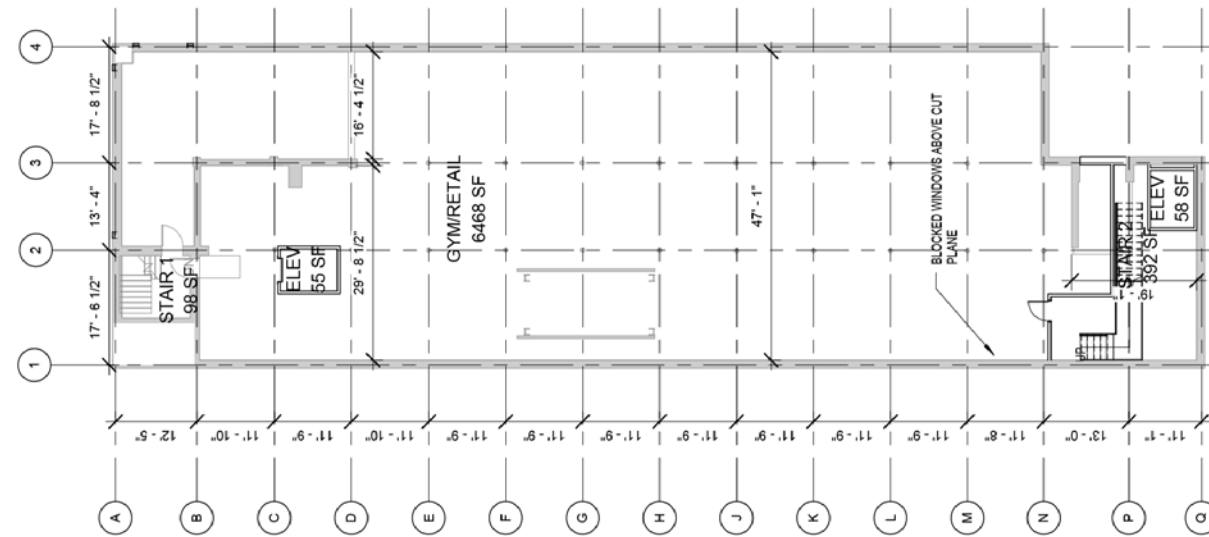




1 Bike storage moved to basement

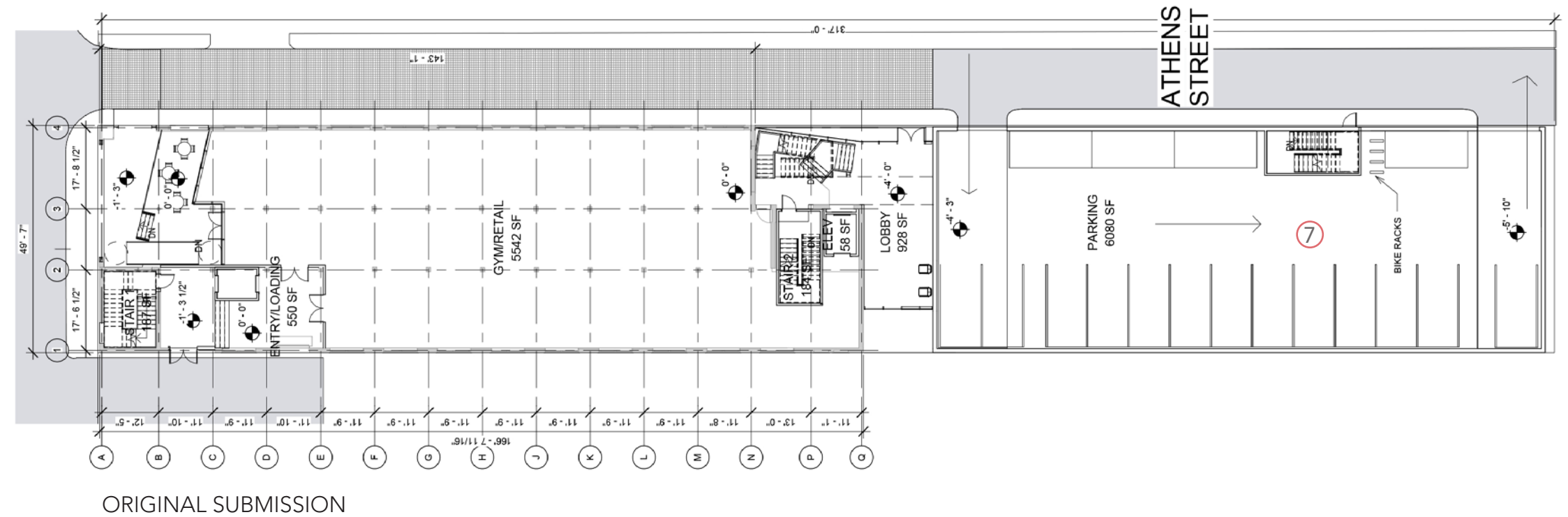
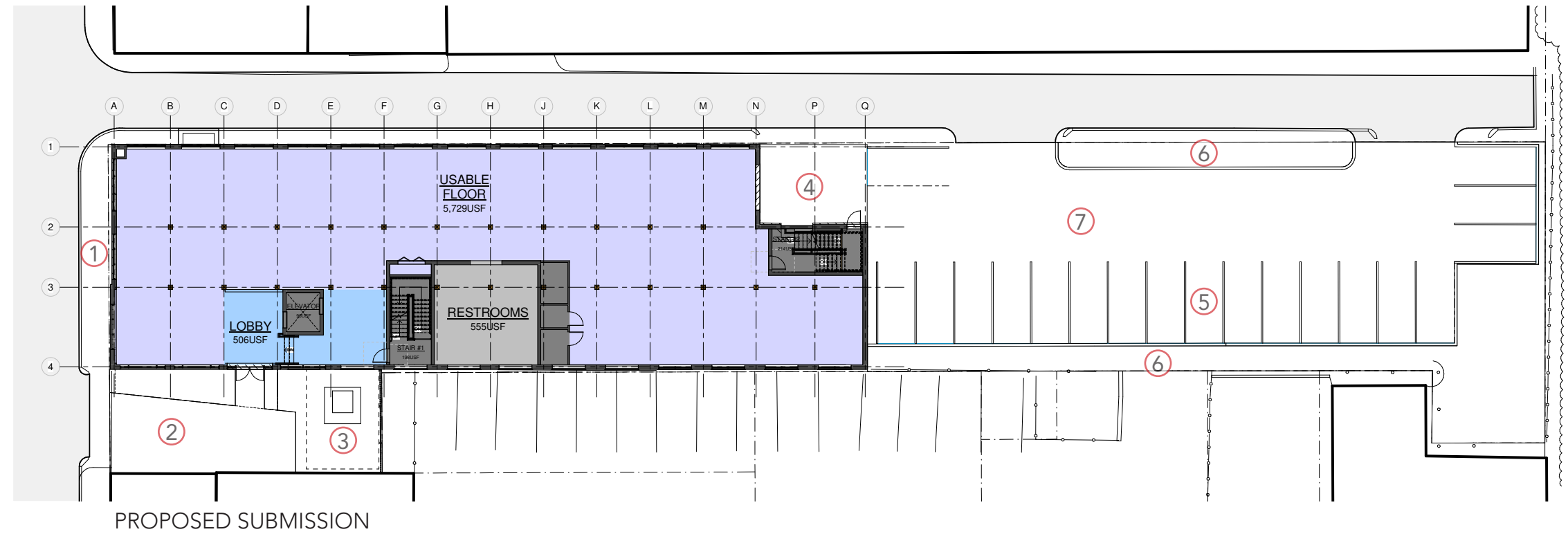


PROPOSED SUBMISSION

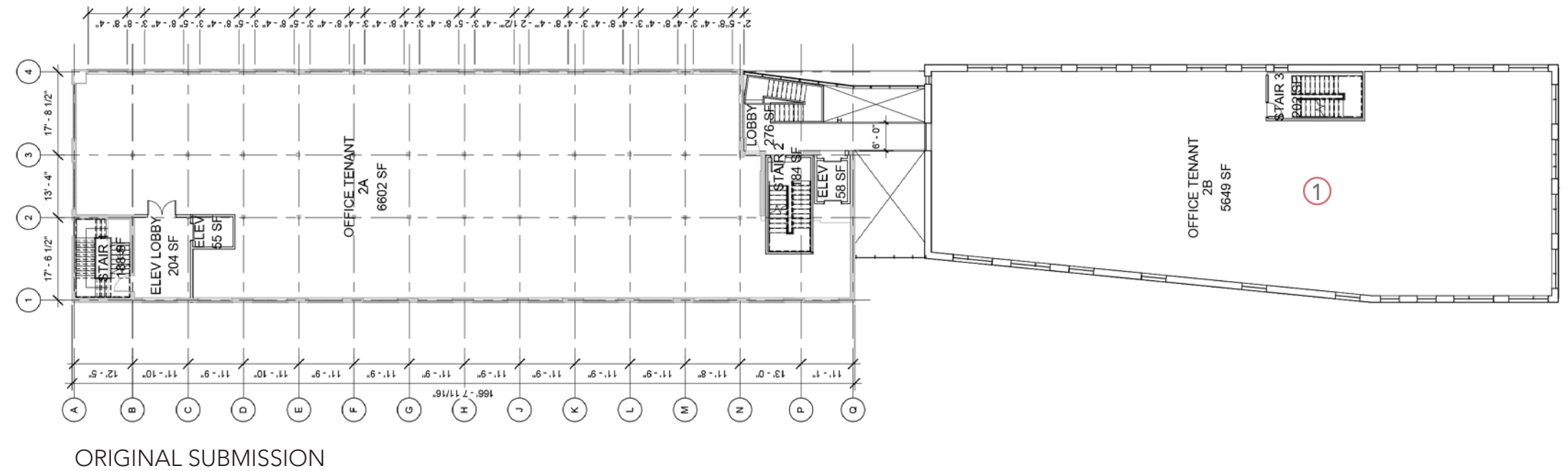
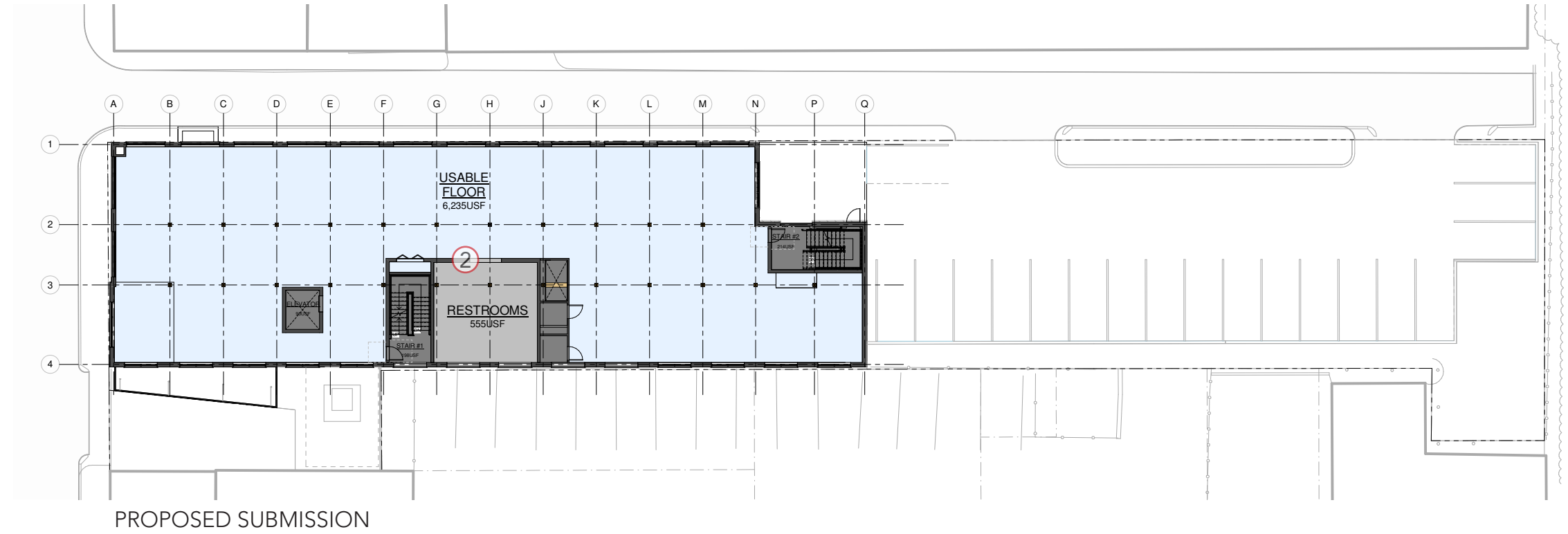


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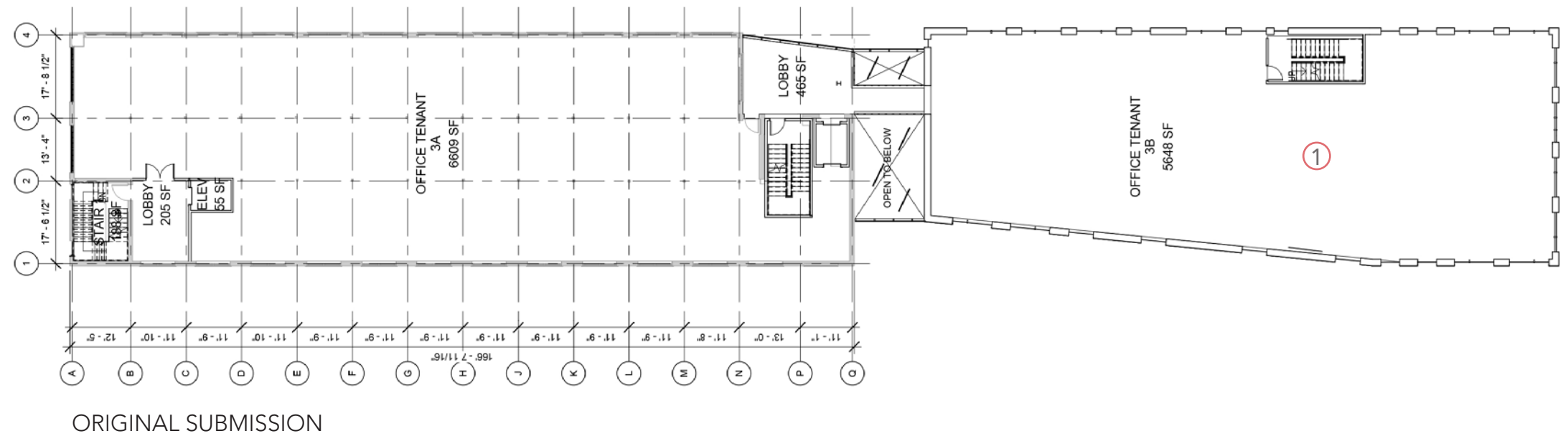
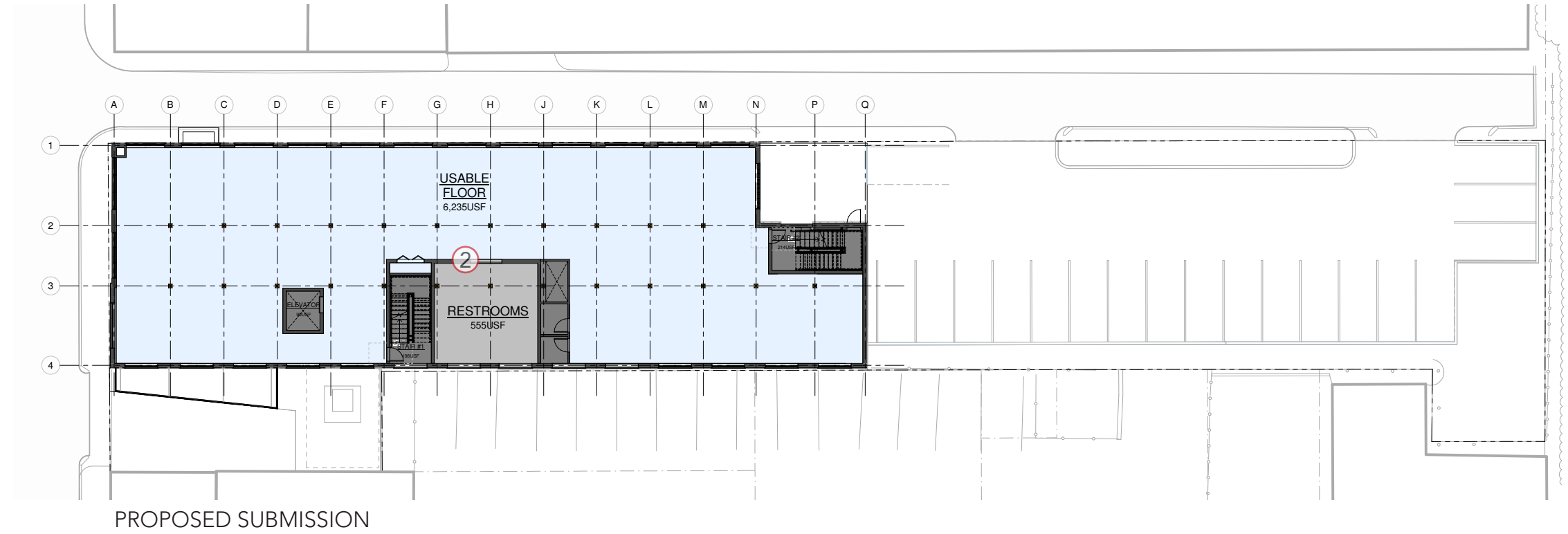
- 1 New continuous frontage on A Street
- 2 New entry courtyard
- 3 Transformer location
- 4 Parking entry
- 5 18 parking spots maintained
- 6 5' planting buffers added
- 7 Rear parking structure removed



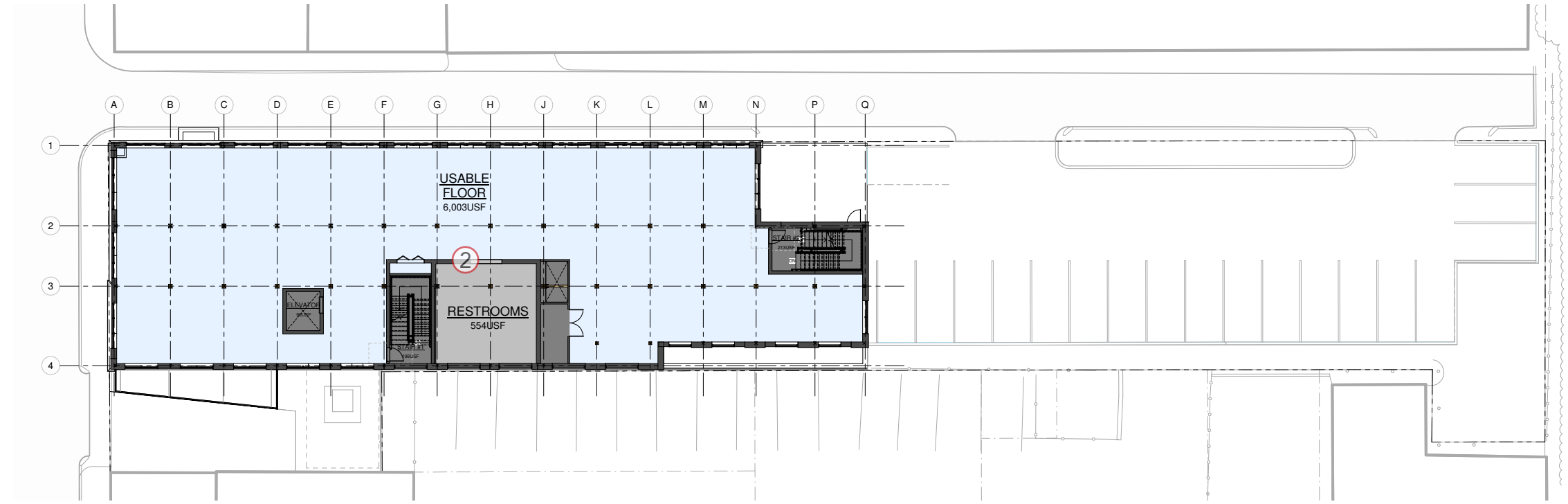
- 1 5,900 sf floor plate reduction
- 2 Relocated building core



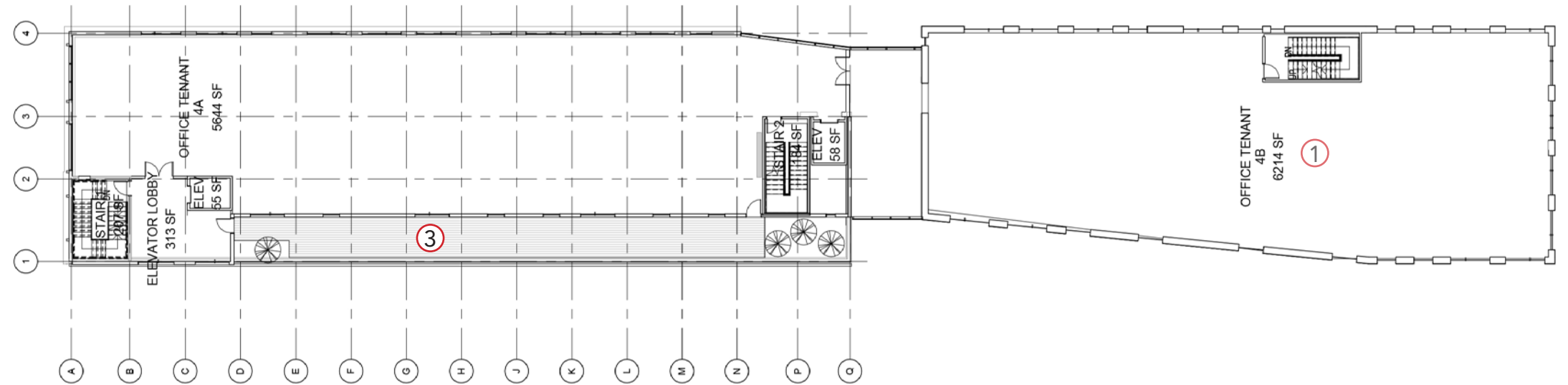
- 1 5,900 sf floor plate reduction
- 2 Relocated building core



- 1 5,900 sf floor plate reduction
- 2 Relocated building core
- 3 Removal of 1,300 sf of roof deck

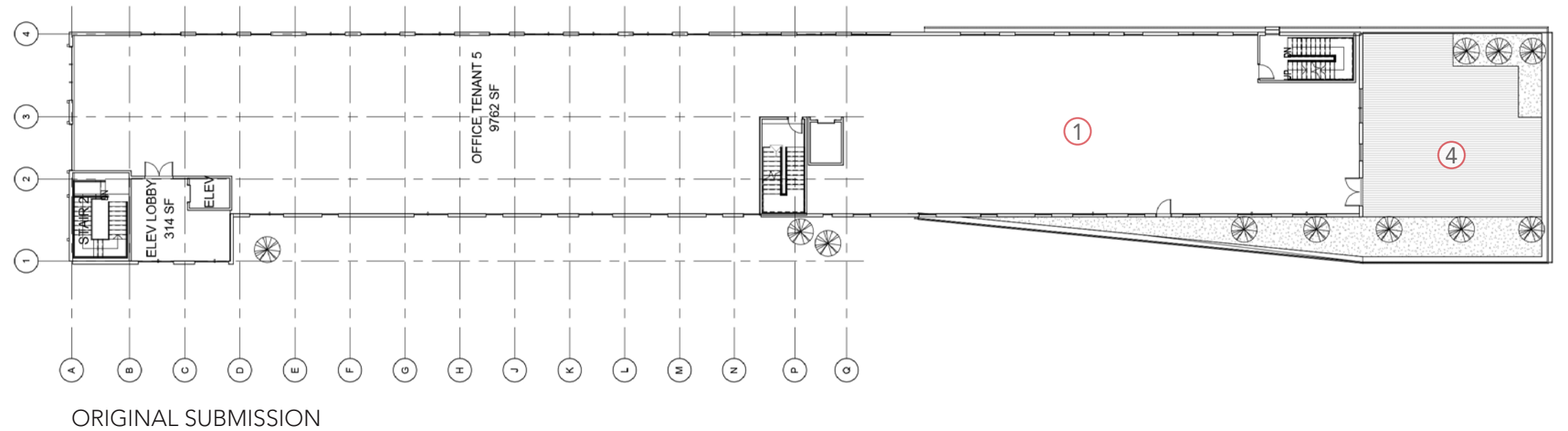
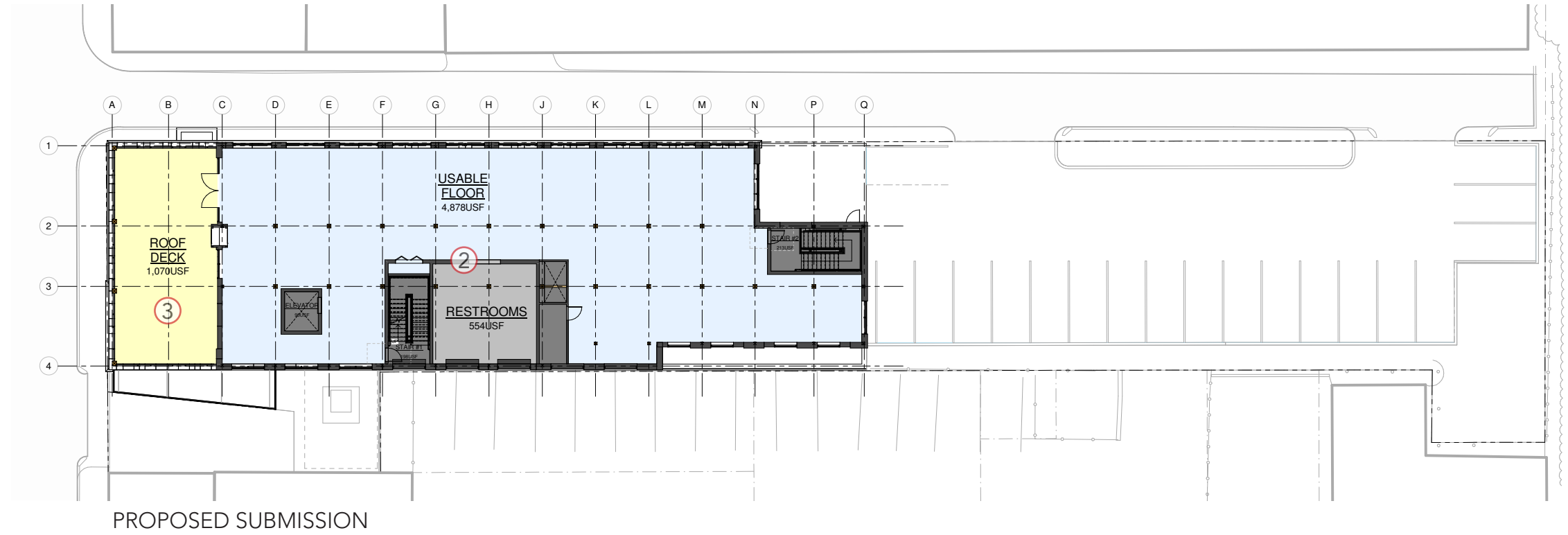


PROPOSED SUBMISSION

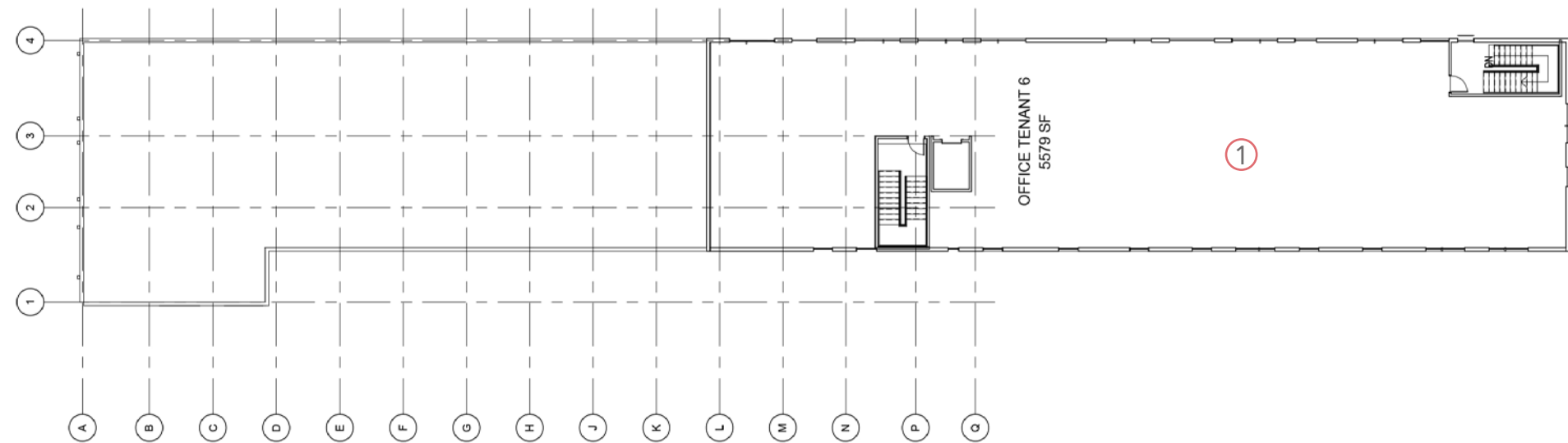


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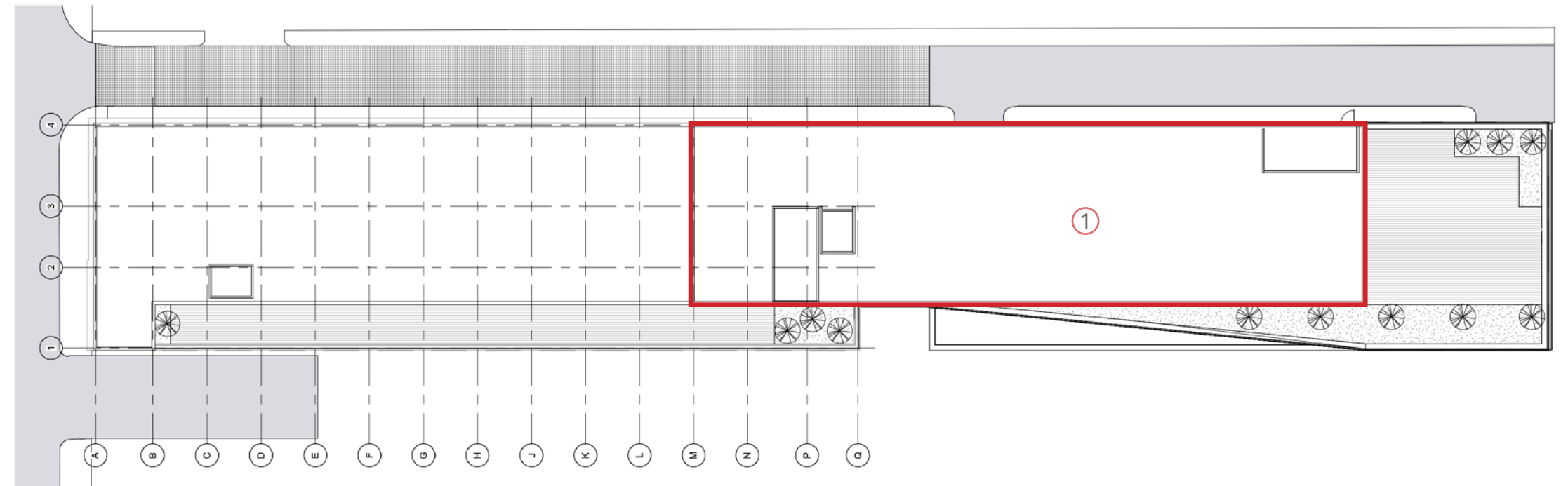
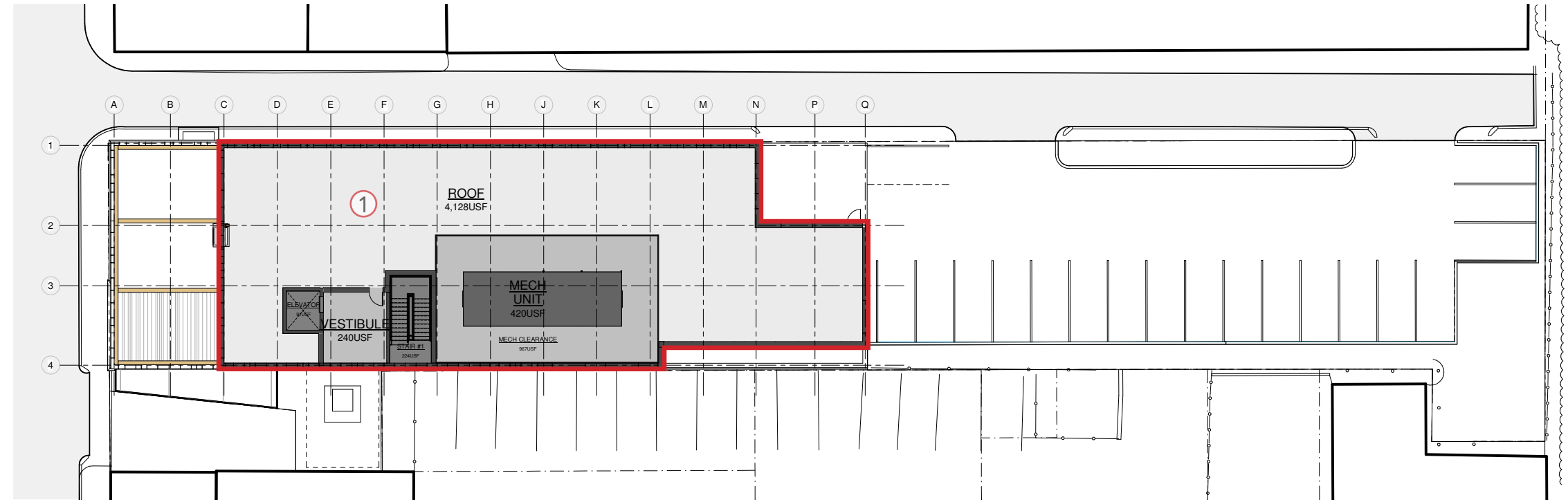
- 1 5,900 sf floor plate reduction
- 2 Relocated building core
- 3 Relocation of 1,070 sf of roof deck
(Out of 2,570 sf of roof deck)
- 4 Removal of 1,500 sf of roof deck
(Out of 2,570 sf of roof deck)

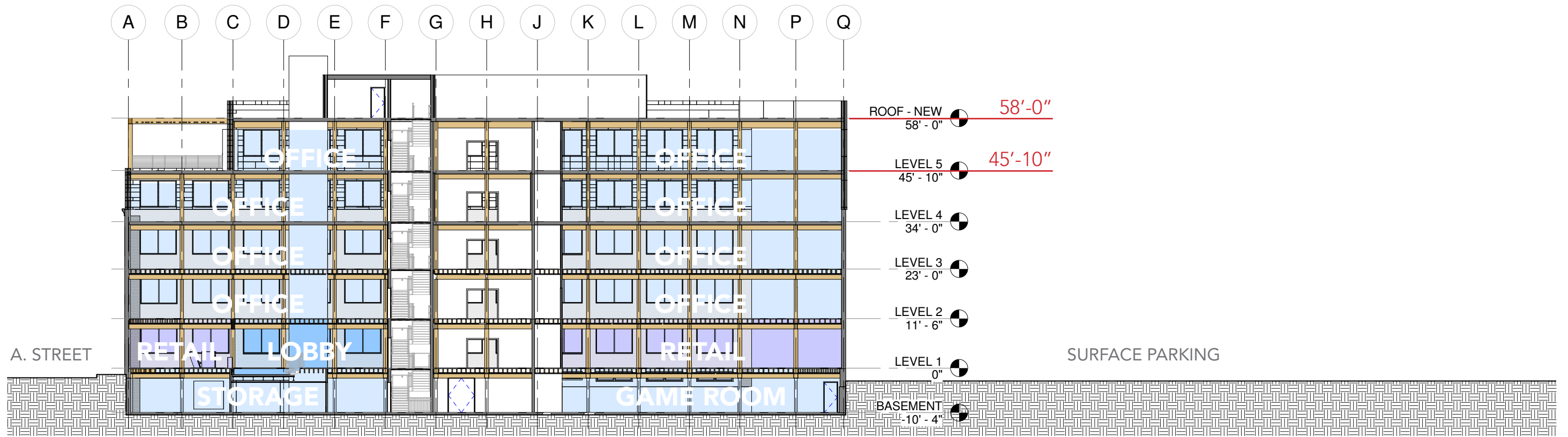


1 5,600 sf floor plate reduction

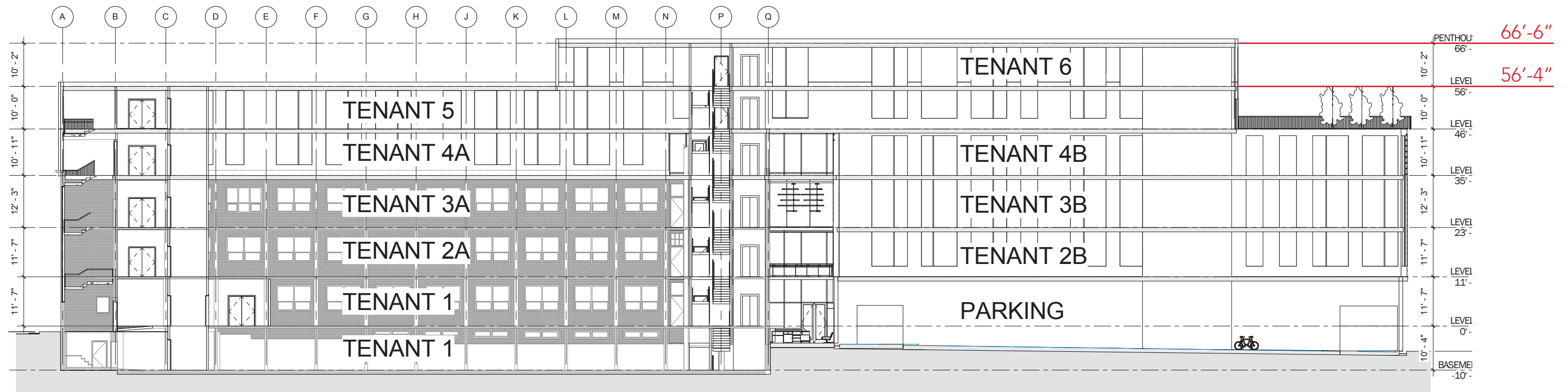


1 6,000 sf roof maintained

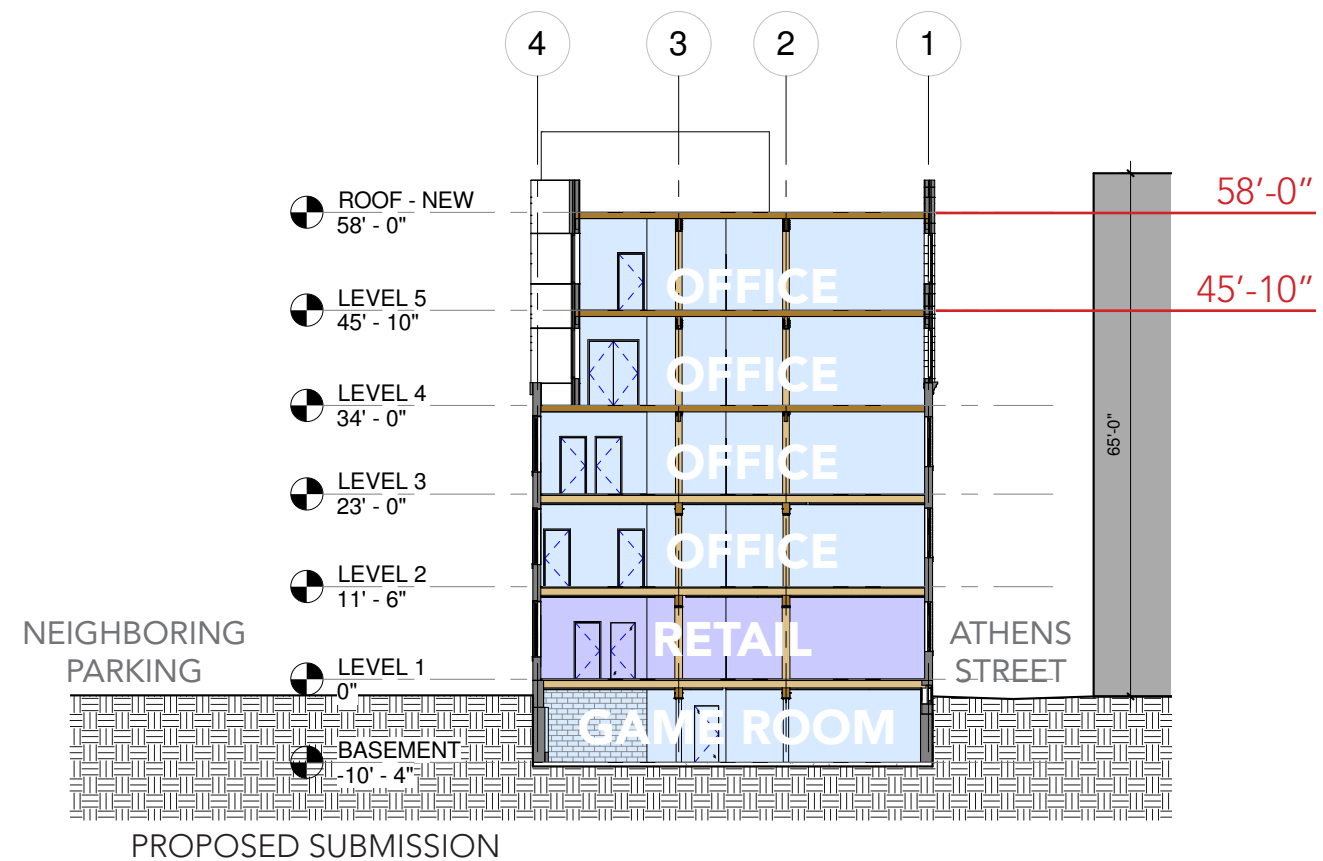




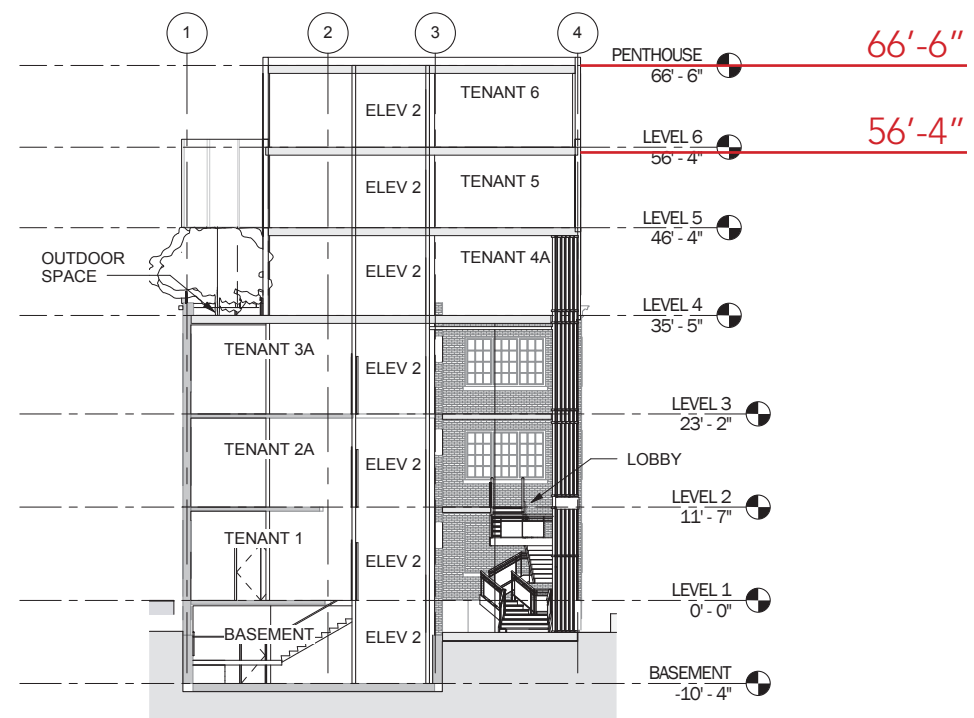
PROPOSED SUBMISSION



ORIGINAL SUBMISSION

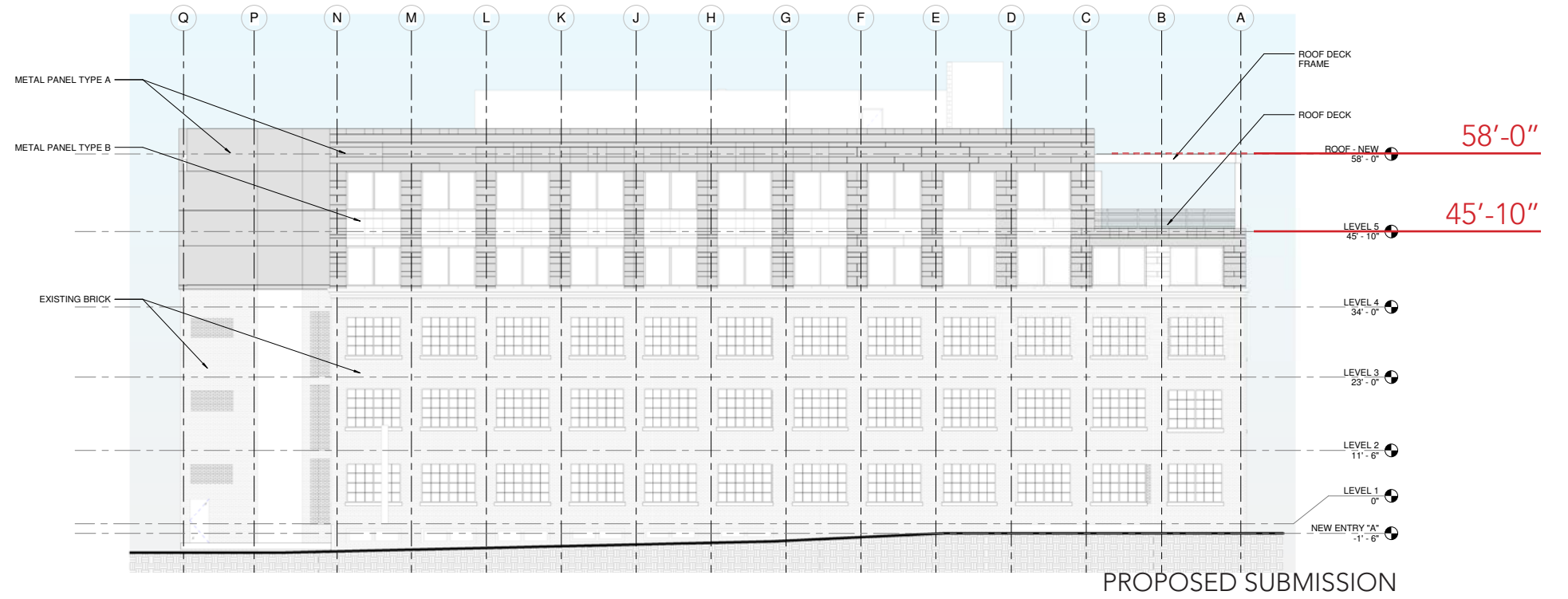


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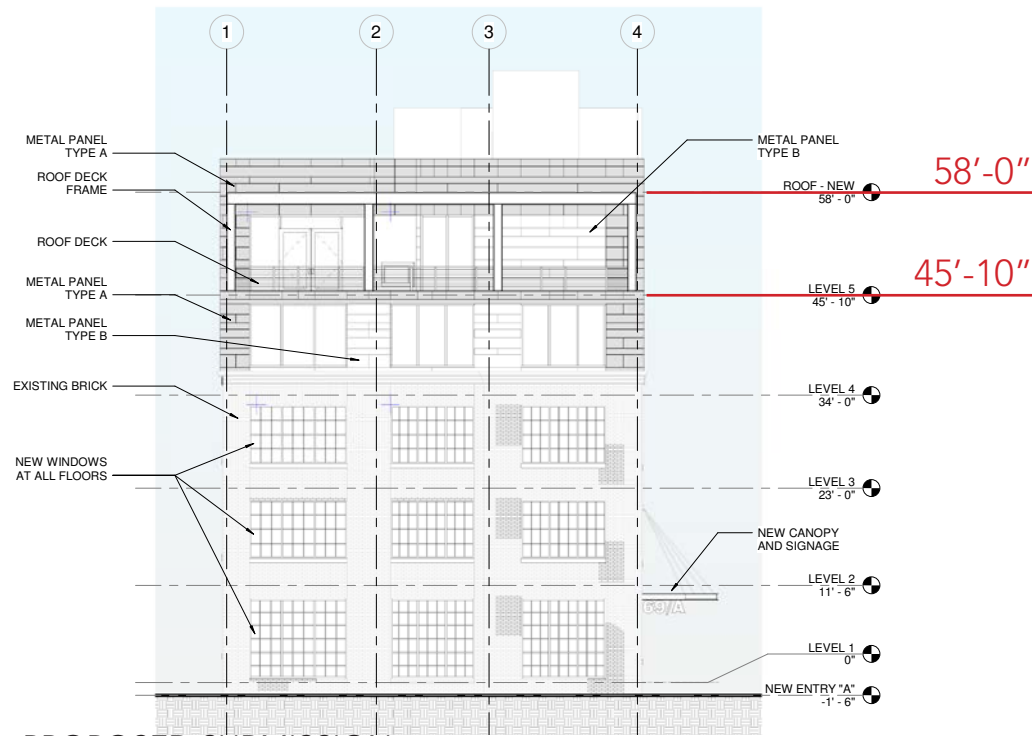


ORIGINAL SUBMISSION

NORTH ELEVATION

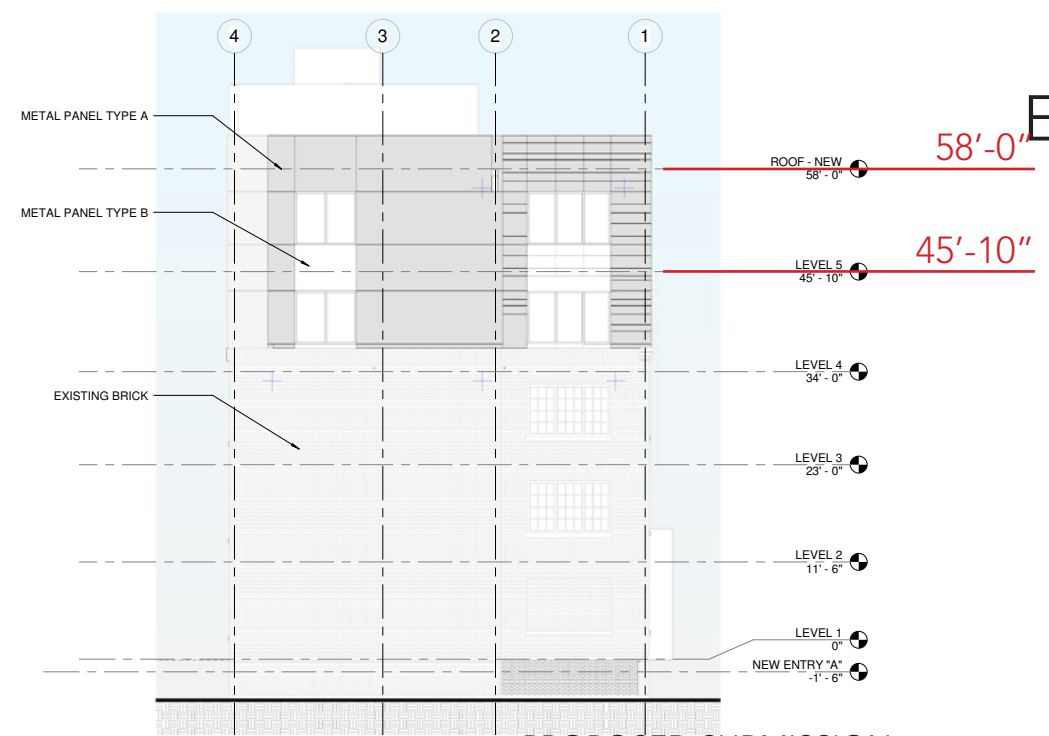


EAST ELEVATION

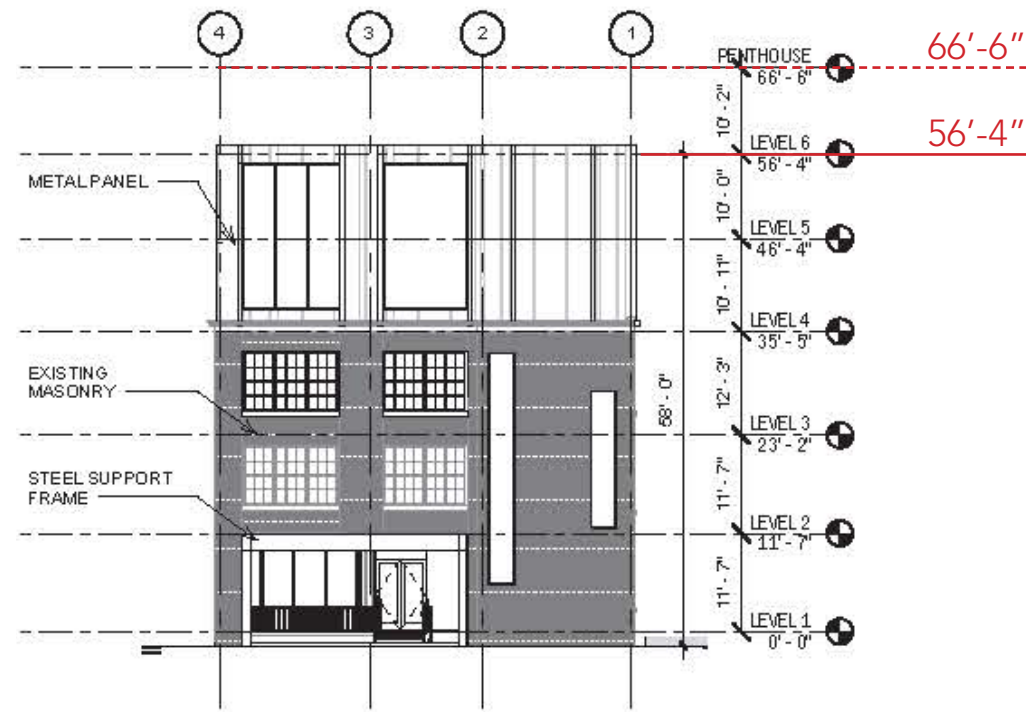


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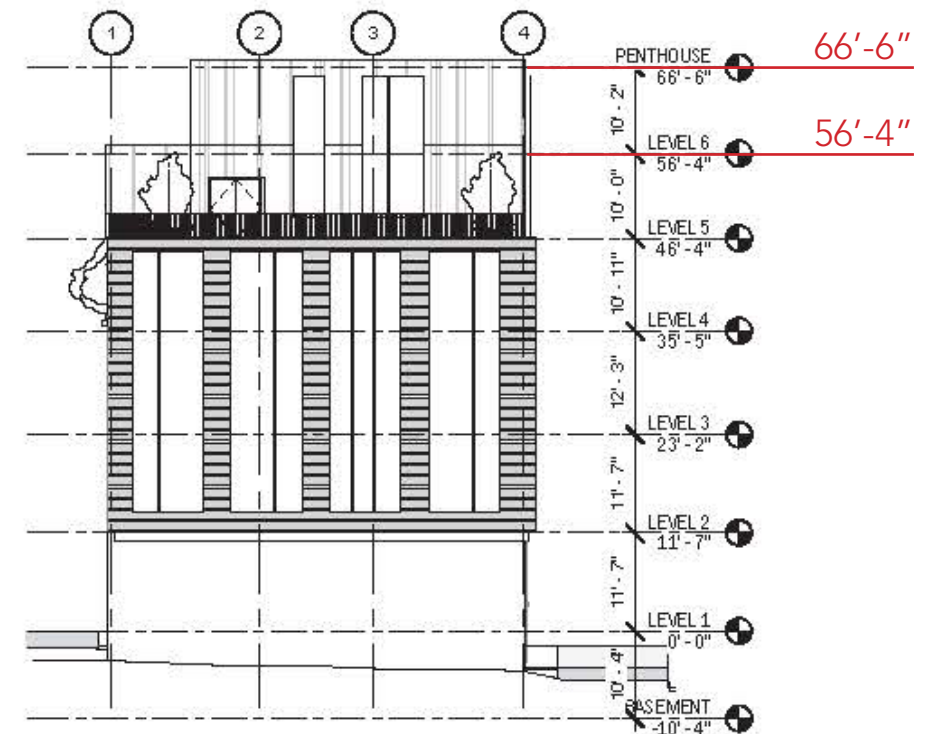
WEST ELEVATION



PROPOSED SUBMISSION



ORIGINAL SUBMISSION

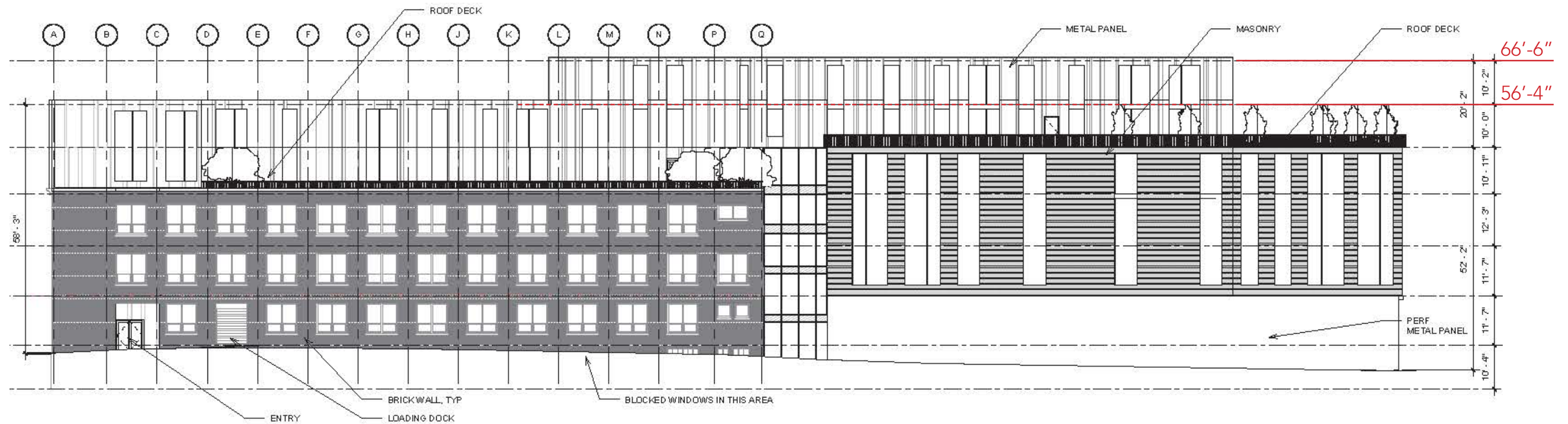


ORIGINAL SUBMISSION

SOUTH ELEVATION



PROPOSED SUBMISSION



ORIGINAL SUBMISSION



ORIGINAL SUBMISSION



PROPOSED SUBMISSION



ORIGINAL SUBMISSION



PROPOSED SUBMISSION









