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BOSTON REDEVELOPMENT AUTHORITY

URBAN RENEWAL PLAN

CENTRAL BUSINESS DISTRICT - BOYLSTON-ESSEX

URBAN RENEWAL AREA

Project No. Mass. R-82B

MAY, 1968

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CHAPTER I: DESCRIPTION OF PROJECTSection 101: Project Boundary

Project boundaries are shown on Map I - Property Map

Section 102: Project Boundary Description

The Boylston-Essex Area of the Central Business District Urban Renewal Project is bounded and described as follows:

Beginning at the intersection of the southerly sideline of Essex Street and the easterly sideline of Washington Street;

Thence running southwesterly along the easterly sideline of Washington Street to a point of intersection of said sideline with the extended southerly sideline of Boylston Street;

Thence turning and running westerly along the said extended southerly sideline of Boylston Street to a point of intersection of said sideline with the extended westerly sideline of Bumstead Court;

Thence turning and running a northwesterly direction along the said extended westerly sideline of Bumstead Court to a point of intersection of said sideline with the extended southerly property line of 619-625 Washington Street;

Thence turning and running in an easterly direction along said extended southerly property line of 619-625 Washington Street to a point of intersection of said property line with the westerly property line of 627-631 Washington Street;

Thence turning and running in a southeasterly direction along the westerly property line of 627-631 Washington Street to a point of intersection of said property line with the southerly property line of 627-631 Washington Street;

Thence turning and running in an easterly direction along the southerly property line of 627-631 Washington Street extended to a point of intersection with the extended easterly sideline of Washington Street;

Thence turning and running in a southwesterly direction along the extended easterly sideline of Washington Street to a point of intersection of said extended sideline with the intersection of the southerly sideline of Essex Street and the easterly sideline of Washington Street, which is the point of beginning.

CHAPTER II: OBJECTIVES

5370 556 Section 201: Basic Objectives

The basic objectives of the CBD - Boylston-Essex Urban Renewal Plan are:

1. To aid in reversing the economic decline of the older commercial sector of the City;
2. To eliminate blighted conditions;
3. To improve traffic flow.
4. To facilitate the efficient use of land within the area for commercial and public purposes.

Section 202: Planning Objectives

Planning objectives of the project include the following:

1. To provide increased accessibility within the downtown area for vehicular and pedestrian traffic;
2. To eliminate, to the maximum extent feasible, conflict between free flowing traffic and pedestrian movement.
3. To remove deteriorated, substandard and dilapidated buildings and structures which blight the area and inhibit new investment;
4. To encourage increased acceptance of mass transit within the area by station modernization and appropriate location of entrances and exits.

CHAPTER III: PROPOSED RENEWAL ACTIONS

Section 301: Proposed Types of Renewal Actions

Proposed types of renewal actions within the Project Area will consist of a combination of clearance and redevelopment activity; provision of public improvements and public facilities; and rights-of-way and utilities changes.

Section 302: Clearance and Redevelopment Activities

Clearance and redevelopment activities include:

1. The acquisition of real property;
2. The relocation of the occupants thereof;
3. The clearance of land and buildings;
4. The installation, construction and reconstruction of improvements;
5. The disposition of land for uses in accordance with the land use and building requirements and other provisions of the Urban Renewal Plan; and
6. Design review and enforcement of provisions of Land Disposition Agreements.

Section 303: Rehabilitation Activities

There are no rehabilitation activities contemplated within the Project Area.

Section 304: Public Improvements

Public improvements will include, as necessary, the abandonment, provision, improvement, extension, construction, reconstruction and installation of landscaped open space, rights-of-way, streets, pedestrian ways, new tree plantings, and utilities, such as water, sewers, traffic and street lighting systems, police and fire communication systems and mass transit facilities, in order to carry out the objectives of the Urban Renewal Plan.

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CHAPTER IV: PROPERTY TO BE ACQUIRED

Section 401: Identification

Property acquired by the Boston Redevelopment Authority for clearance and redevelopment is shown on Map 1 - Property Map.

CHAPTER V: INTERIM USE OF ACQUIRED PROPERTYSection 501: Interim Use of Acquired Property

The Boston Redevelopment Authority may devote property acquired under the provisions of this Plan to temporary use prior to the time such property is needed for redevelopment. Such uses may include, but are not limited to project office facilities, parking, relocation purposes, public transportation or recreational uses, all in accordance with such standards, controls and regulations as the Authority may deem appropriate.

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CHAPTER VI: LAND USE AND BUILDING REQUIREMENTSSection 601: Land Use Plan

The use of land in the Project Area shall be as shown on Map 2 - Proposed Land Use Plan - which indicates proposed land uses and rights-of-way.

Section 602: Land Use and Building RequirementsA. General

Use controls as set forth in this Chapter shall be interpreted to permit supporting and ancillary uses which are reasonably associated with the primary use.

B. Definitions

1. Height. The vertical distance of the highest point of the roof, excluding penthouses and roof structures, above the mean grade of the sidewalk at the line of the street or streets on which the building abuts, or, in the case of a building not abutting on a street, above a given grade adjoining the building line, as more fully defined in the Zoning Code of the City of Boston in effect at the time of approval of this Urban Renewal Plan by the City Council.
2. Floor Area Ratio (F.A.R.) The ratio of gross floor area of a structure or group of structures to total parcel area as more fully defined in said Zoning Code.

C. Building Requirements and Restrictions

1. Landscaping and Screening. All open areas must be suitably landscaped so as to provide a visually attractive environment.
2. Off-Street Loading. Developers and owners of buildings shall demonstrate to the satisfaction of the Authority that the off-street loading needs of the property will be met adequately, or that the lack of such loading facilities will not be detrimental to surrounding areas.

3. Other On-Site Improvements. All improvements on the land, including buildings and landscaped areas, shall be properly maintained in good repair, and in clean, sanitary and attractive condition. Sufficient and suitable refuse and garbage storage and disposal facilities, including structural enclosures where appropriate, shall be provided and properly maintained. Open storage of materials, equipment or merchandise shall not be permitted in any section of the Project Area.
4. Sign Control. Signs within the Project Area shall be restricted to an identification of the establishment and the nature of its products. All signs must be suitably integrated with the architectural design of the structure which they identify. No signs or advertising shall be placed on the exterior facade on or above the floor level of the third floor of any structure. No sign shall project above the roof of the structure on which it is mounted. The size, design location and number of signs, the placement or replacement of any sign or any exceptions to the above controls shall be subject to the approval of the Authority.
5. Subway Facilities. Provision shall be made for subway tunnels, stations, and access facilities in accordance with the proposed Land Use Plan.

Section 603: Specific Land Use and Building Requirements

The Project Area shall generally be devoted to office and commercial uses, and landscaped open areas. Specific uses for the parcel are set forth in Section 606. In each case, and unless specifically otherwise provided, designation of a particular use includes all accessory and ancillary uses, customarily or reasonably incident to the use specified or the use on an adjoining parcel. Within the purview of this Section, the Authority may permit on the parcel such uses as are consistent with the objectives of the Project.

Section 604: Controls on Contiguous Parcels

In the event that the Authority disposes of the reuse parcel to a developer who owns a contiguous parcel not part of the clearance or disposition area, the Authority reserves the right to impose such controls as are necessary to insure that the use and development of both parcels will be in conformity with the objectives of the Plan.

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Section 605: Interpretation

In the event of any question or questions regarding the meaning or construction of any land use and building requirements in this Chapter, the reasonable interpretation or construction thereof by the Authority shall be final and binding.

Section 606: Land Use and Building Requirements

Parcel B-1

Permitted Uses - Commercial, General Business, Institutional

F.A.R. - Minimum 2; maximum 10

Parking - Not permitted

CHAPTER VII: REDEVELOPER'S OBLIGATIONSSection 701: Applicability

The provisions of this chapter shall apply to each parcel acquired upon its disposition and shall be implemented by appropriate covenants and provisions in disposition documents.

Section 702: Compliance with Plan.

Redevelopment of the land in the Project Area shall be made subject to the regulations and controls set forth in the Urban Renewal Plan. The purpose of such regulations and controls is to assure that the redevelopment of land within the Project Area will conform to the planning and design objectives of the Urban Renewal Plan. It is therefore the obligation of all redevelopers not only to comply with these regulations and controls, but also to familiarize themselves with the overall Urban Renewal Plan and to prepare redevelopment proposals which conform to the Plan.

Section 703: Design Review

All redevelopment and rehabilitation will be subject to design review, comment and approval by the Boston Redevelopment Authority prior to land disposition and/or prior to the commencement of construction.

In addition to assuring compliance with the specific controls set forth in this Plan and as more specifically set forth in disposition documents, the Authority will establish design review procedures and evaluate the quality and appropriateness of redevelopment proposals with reference to the design objectives and requirements set forth in this Plan and in the disposition documents.

Section 704: General Obligations

The Authority shall obligate redevelopers and purchasers of land in the Project Area, and their successors and assigns, by covenants and conditions running with the land or other appropriate means providing for reasonable action in the event of default or noncompliance by such redevelopers and purchasers:-

1. To devote, develop or otherwise use such land only for the purpose and in the manner stated in the Plan;
2. To comply with such terms and conditions relating to the use and maintenance of such land and improvements thereon as in the opinion of the Authority are necessary to carry out the purpose and objectives of the Plan and of the relevant provisions of the Massachusetts General Laws;
3. To commence, execute and complete construction and improvements in accordance with reasonable time schedules as determined, agreed on and established by the Authority;
4. To give preference in the selection of tenants for commercial space built in the Project Area to persons displaced from such area or from other areas on account of action taken pursuant to Urban Renewal Plans, who desire to rent such commercial space and who will be able to pay rents or prices equal to rents or prices charged other tenants for similar or comparable space built as a part of the same redevelopment;
5. To devote 1% of construction cost to works of art in accordance with the policies established by the Authority.

Section 705: Disposition by Redeveloper

The Redeveloper shall not dispose of all or part of his interest in a disposition parcel within the Project Area without the written consent of the Boston Redevelopment Authority until the full completion by the redeveloper of all improvements required by and in conformity with the terms and conditions of both the Urban Renewal Plan and the Land Disposition Agreement entered into between the Redeveloper and the Authority. The Boston Redevelopment Authority may in granting such consent impose conditions that will, among other things, prevent speculation, protect the interest of the Boston Redevelopment Authority and the City of Boston, and effect compliance with and achieve the objectives of Chapter 121 and, where applicable, Chapter 121A of the Massachusetts General Laws, and amendments thereto.

CHAPTER VIII: REHABILITATION

All structures within the Project Area are to be demolished for public improvements and redevelopment.

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CHAPTER IX: ZONING DISTRICT CHANGES

Section 901: Identification of Changes

The entire Project Area is presently within the B-10 zone district and will remain as such.

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CHAPTER X: RELATION OF PLAN TO LOCAL OBJECTIVES

Section 1001: Conformity to General Plan

The Urban Renewal Plan is in conformity with the 1965/1975 General Plan for the City of Boston and the Regional Core, as adopted by the Boston Redevelopment Authority in March, 1965, and its program for community improvements. In addition, the Urban Renewal Plan is in conformity with the General Neighborhood Renewal Plan for the downtown area of the City of Boston, as adopted by the Boston Redevelopment Authority in March, 1965.

Section 1002: Relationship to Definite Local Objectives

1. Land Use

The Project will help achieve the local objectives of providing new and improved commercial space in downtown Boston

2. Traffic Improvements

The Plan will enable improvements to be made to the street system of the Project Area in order to achieve a more efficient flow of traffic and thereby encourage economic growth. It will also meet the local objectives of reducing congestion and accidents, and improving traffic flow.

3. Improvement of Public Utilities

The Urban Renewal Plan proposes the relocation, abandonment, or replacement as necessary of all existing sub-standard, inadequate underground public utilities with new underground lines adequate in capacity and flow and in conformance with local standards.

CHAPTER XI: ANTI-DISCRIMINATION PROVISIONSSection 1101: Compliance with Anti-Discrimination Laws

All property and all transactions affecting or respecting the installation, construction, reconstruction, maintenance, rehabilitation, use, development, sale, conveyance, leasing, management, or occupancy of real property within the Project Area shall be subject to the applicable provisions of Chapter 151B of the Massachusetts General Laws, and amendments thereto, and to all other applicable federal, state, and local laws prohibiting discrimination or segregation by reason of race, color, sex, religion or national origin.

CHAPTER XII: MODIFICATION AND TERMINATION

Section 1201: Modification

This Plan may be amended at any time by the Authority, provided, however, that:-

1. Any amendment which in the reasonable opinion of the Authority substantially or materially alters or changes the Plan shall be subject to the Federal, State and local approvals then required by law;
2. No amendment to any provision of Chapter VI of the Plan shall be effective with respect to any land which the Authority has then disposed of or contracted to dispose of without the consent of the other party to such disposition or contract, or such other party's successors or assigns; and
3. If this Plan is recorded with the Suffolk Registry of Deeds, no such amendment shall be effective until the amendment is also so recorded.

Section 1202: Termination

The provisions and requirements established in this Urban Renewal Plan shall be maintained in effect for a period of forty (40) years from the date of the original approval of the Urban Renewal Plan by the City Council and Mayor of the City of Boston, except for Section 1101 which shall remain in effect for one hundred (100) years from said date.

15857 CERTIFICATE OF VOTE 303

The undersigned hereby certifies as follows:

(1) That he is the duly qualified and Acting Secretary of the Boston Redevelopment Authority, hereinafter called the Authority, and the keeper of the records, including the Journal of proceedings of the Authority.

(2) That the following is a true and correct copy of a vote as finally adopted at a meeting held on June 29, 1989, and duly recorded in this office:

Copies of a memorandum dated June 29, 1989, (taken under advisement at June 15, 1989 meeting) were distributed re: Public Hearing for Commonwealth Center, which contained a proposed vote, attached to said memorandum were copies of a Resolution.

Also distributed were copies of a binder entitled "Commonwealth Center, June 15, 1989", containing the following documents: Memorandum to BRA Board and Stephen Coyle; Site Plan; Fact Sheet; Resolutions of the BRA Board; Development Plan and DIP Plan; DIP Agreement; Cooperation Agreement; Land Disposition Agreement; Cultural Facilities Agreement; Memorandum of Understanding with Chinatown; Memorandum of Understanding with ABCD; 40J Disclosure Form; License for Early Access to BRA Parcel; and Community Letters.

Mr. T&D Chandler, Special Counsel, addressed the Board and gave a status report for the Commonwealth Center project and the Boston Crossing project.

At this time, Ms. Kristen McCormack, Director, Midtown Cultural District, addressed the Board, distributed a three page document entitled "Public Benefits Boston Crossing/Commonwealth Center/Parcel to Parcel Linkage I"; and a memorandum outlining the remaining outstanding issues and developers' response for the Commonwealth Center project and the Boston Crossing project.

Ms. McCormack made a presentation of the benefits package, summarized the outstanding issues with the developers' response and answered the Members' questions.

Mr. David Cortiella, Director of the Mayor's Policy Office, addressed the Board and submitted a letter of support for the Commonwealth Center project and the Boston Crossing project from the Honorable Raymond L. Flynn.

The following addressed the Board in support of the Commonwealth Center project and the Boston Crossing project:

Councillor Bruce Holling;
Mr. Larry Murray, Chairman, Midtown Cultural District Task Force; also submitted a letter of support for the Commonwealth Center Project and the Boston Crossing Project;
Commissioner Bruce Rossley, Office of Arts and Humanities;
William Moy, Chinatown Neighborhood Council;
Justine Liff on behalf of the Parks and Recreation Department; also submitted a letter of support from Commissioner Larry Dwyer.

Ted Chandler addressed the Board and submitted a letter from the Action for Boston Community Development, Inc., (ABCD) in support of the Commonwealth Center project but in opposition of the Boston Crossing project and outlining their concerns with the Boston Crossing project.

At this time, Mr. Stephen Coyle, Authority Director, addressed the Board and stated that "The development teams are working in good faith. Even though some issues still remain to be addressed, I feel it is time for the Board to move both projects. I encourage the Board to adopt these votes today to begin the process of building the Midtown Cultural District Plan".

Letters of support for the Commonwealth Center project were received by the Board from the following: Fr. Louis Canino, P.M.O. President, St. Francis House; Susan Park, Chairman, Boston Preservation Alliance; Alex Krieger, Chan, Krieger, Levi Architects; Elizabeth S. Padjan, AIA, Chair, BSA Midtown Cultural District Focus Team; Robert A. Radloff, The Boston Company Real Estate Counsel, Inc.

A Resolution entitled "RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY REGARDING COMMONWEALTH CENTER DEVELOPMENT PLAN AND DEVELOPMENT IMPACT PROJECT PLAN" was introduced, read and considered.

On motion duly made and seconded, it was unanimously

VOIED: That the Authority hereby adopts the above-mentioned Resolution entitled "Resolution of the Boston Redevelopment Authority Regarding Commonwealth Center Development Plan and Development Impact Project Plan", and dated June 29, 1989, consisting of 29 pages, and the Authority specifically adopts the findings incorporated therein, and specifically adopts the Resolves that are outlined on the last 4 pages of said Resolution; as follows:

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RESOLVES

THEREFORE, be it resolved that:

In connection with the Development Plan and the Development Impact Project Plan for Commonwealth Center (the "FDA/DIP Plan") presented at a public hearing duly held at the offices of the Authority on June 15, 1989, and after consideration of (a) the evidence presented at, and in connection with, the hearing, (b) matters discussed in a memorandum dated June 15, 1989 from the Boston Redevelopment Authority (the "Authority") staff to the Authority, and (c) the findings of the Authority set forth above, which evidence, memorandum and findings are incorporated herein by reference, the Authority finds that the FDA/DIP Plan (1) conforms to the Midtown Cultural District Plan and the general plan of the City of Boston as a whole, (2) on balance, contains nothing that will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens, including without limitation those factors identified in Sections 38-14 and 38-16 of the Code, and (3) does adequately and sufficiently satisfy all other criteria and specifications and include such other agreements as are required for a development plan for a planned development area zoning designation within the Midtown Cultural District and a development impact project plan, as set forth in the Boston Zoning Code, as amended (the "Code"). The FDA/DIP Plan is embodied in a written document entitled "Development Plan and Development Impact Project Plan for Planned Development Area No. 33, Commonwealth Center", dated June 15, 1989 consisting of 23 pages of text plus attachments designated Exhibits A through F. Said document shall be on file in the office of the Assistant Director of Neighborhood Planning and Zoning of the Authority.

THEREFORE, be it resolved that:

The form and substance of the FDA/DIP Plan, and the procedures employed in reviewing and approving the FDA/DIP Plan, conform with the requirements of the Code as applied to a development plan for a planned development area under Sections 3-1A and 38-12 of the Code and a development impact project plan under Section 26A-3 of the Code.

THEREFORE, be it resolved that:

Pursuant to the provisions of Sections 3-1A, 26A-3, 26B-3 and 38-12 of the Code, the Authority hereby approves the FDA/DIP Plan.

THEREFORE, be it resolved that:

The Authority hereby authorizes the Director of the Authority to petition the Zoning Commission (the "Commission") for approval of the FDA/DIP Plan and for a Planned Development Area district designation for the parcel of land which is the subject of the FDA/DIP Plan except that which is located within the Boston Common and Public Garden Protection Area, and that it approve the FDA/DIP Plan pursuant to Sections 3-1A and 38-12 of the Code.

THEREFORE, be it resolved that:

The Authority hereby approves the proposed forms of Development Impact Project Agreement, Cooperation Agreement, Land Disposition Agreement, Relocation Plan, Cultural Facilities Agreement, Memorandum of Understanding with Action for Boston Community