

Fenway Zoning 101

*Understanding the Neighborhood's
Planning Context and Development Pipeline*

Meeting recording

The BPDA will be recording this meeting and posting it on the BPDA's webpage for those who are unable to attend the Zoom meeting live. It is possible that participants may also be recording the meeting with their phone cameras or other devices. If you do not wish to be recorded during the meeting, please turn off your microphone and camera.

Virtual meeting etiquette

- We want to ensure that this conversation is a pleasant experience for all, and that all community members/stakeholders are comfortable sharing their comments, questions, and feedback.
- Please be respectful and mindful of each other's time when asking questions/providing comments, so that all attendees can participate in the meeting.
- Please wait until all CAC members have had the opportunity to ask a question/provide a comment before providing additional questions/comments.

Meeting information

- The presentation for this evening is available to view on the webpage on the BPDA's website:
<https://www.bostonplans.org/planning/planning-initiatives/fenway-kenmore-planning>
- Comments may be submitted through the project webpage or emailed directly to Michael Sinatra (michael.a.sinatra@boston.gov) or Cyrus Miceli (cyrus.miceli@boston.gov).
- Meeting recording will be uploaded to the project webpage within 48 hours.

Meeting format

- All CAC members and city staff are panelists.
- Attendee microphones will be muted during the presentation.
- Once the presentation is over, questions/comments will be accepted in two ways:
 - Through the Q+A tab at the bottom of your screen; or
 - Raise your "virtual hand" and we will take your questions orally in the order which hands were raised.

Zoom tips

Welcome! Here are some tips for first-time Zoom users. **Your controls are at the bottom of the screen.**

Clicking on these symbols activates different features. *(Phone users press *9 to raise hand and press *6 to unmute.)*



Mute/unmute (you will remain muted until a host gives you access)



Turn video on/off (your video will remain off until a host gives you access)



Ask clarifying questions (we will have discussion period at the end)



Raise hand to ask for audio/visual permission at the end of the presentation.

Fenway CAC members

Marty O' Riordan

Dolores

Boogdanian

Pam Beale

David Read

Julian Phillips

Mia Jean-Sicard

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Kelly Brilliant

Gabriella Mora

Tim Ney

Alex Sawczynec

Fredericka Veikley

Tim Horn

Kathy McBride

Rich Giordano

Tom Yardley

Mallory Rohrig

Welcome

Good evening!

This is the second CAC meeting in a two-part series focused on long-range planning efforts in the Fenway. We are here tonight to discuss the status of Fenway's zoning article, why we're planning, and some next steps.

Tonight's agenda

- Review the basics of zoning in the Fenway, including how it works and where it came from
- Discuss the relationship between zoning in West Fenway and the neighborhood's development pipeline
- Next steps



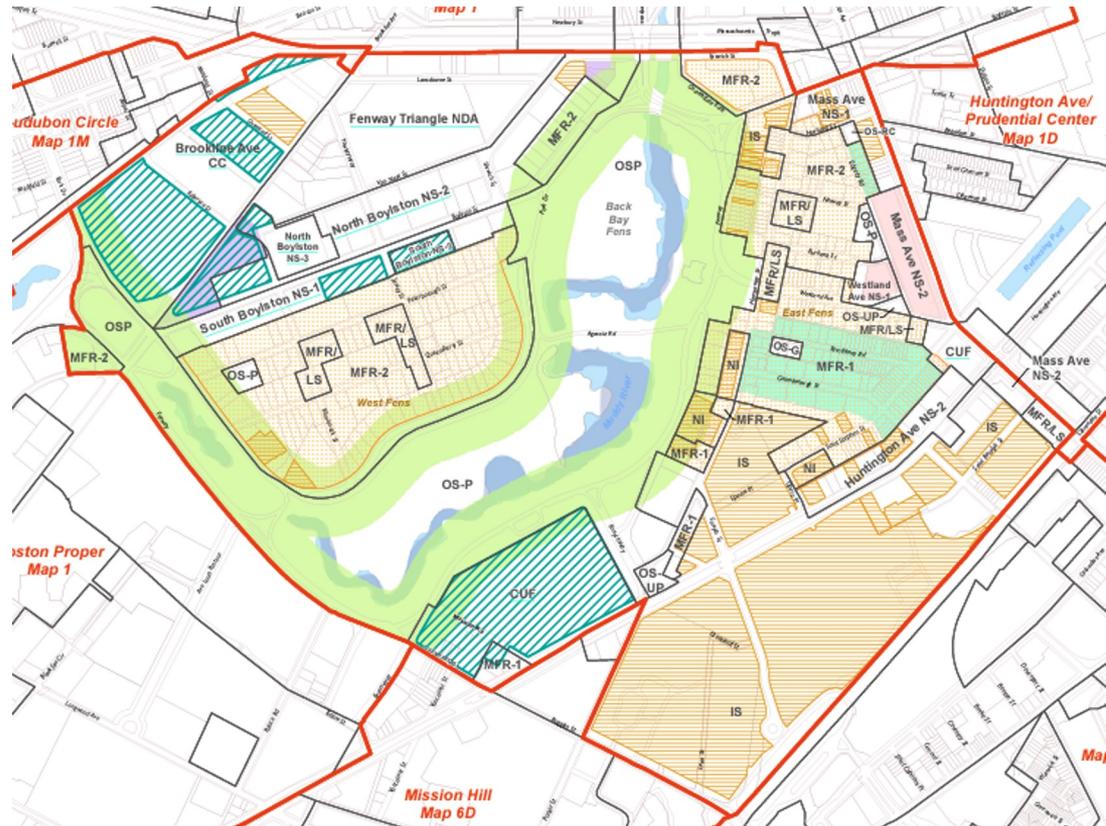
What is Fenway zoning?

Article 66 establishes zoning, or land use and density regulations for the Fenway Neighborhood District. Zoning is used to guide private development.

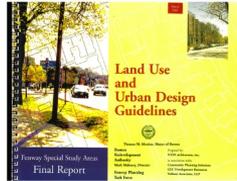
Why plan now?

Fenway's zoning was adopted in 2004 following a community planning process initiated in 1999. Changes to zoning enabled significant investment which has transformed the neighborhood.

- Land Uses in the area have evolved
- The urban design context has changed
- The TAP will identify needed public realm improvements in the area



Fenway Planning Timeline

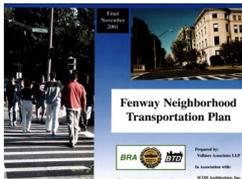


2004: Fenway Zoning Article 66 Adopted

2002: Land Use and Urban Design Guidelines

1999

2001: Fenway Neighborhood Transportation Plan



2003: East Fenway Neighborhood Strategic Plan

2012: Zoning Amendment - South Boylston PDA sunset, Business District Modifications

2009: Fenway - Kenmore - Longwood Transportation Plan



2022: Fenway - Kenmore Transportation Action Plan Launch

2015: Zoning Amendment - Cultural and Institutional Subdistrict Use Changes



2022/23

What is zoning?

Zoning is a legal mechanism that regulates what property owners can and cannot do with their property. Historically, the primary purpose of zoning was to segregate uses that were thought to be incompatible. Zoning abstracts features of buildings and groups them by shared characteristics. There are three main parts to zoning.

Geography

Zoning controls how growth and development occur by identifying different areas, or zoning subdistricts, with different use and/or dimensional standards.

Use

Zoning regulates what type of activities, or uses, are allowed in each subdistrict. Some common uses defined by zoning include residential, commercial/retail, civic, and industrial.

Dimensional Standards

Zoning guides the size and shape of buildings. It doesn't say what a building should look like, but it does set up rules about how big a building can be and where it should be located within a given parcel.

How does zoning work?

Different City agencies, departments, and boards and commissions play important, but separate, roles in zoning.

- The Boston Planning & Development Agency (BPDA) writes zoning
- The Boston Zoning Commission (BZC) adopts zoning.
- The Inspectional Services Department (ISD) interprets and applies zoning.
- The Zoning Board of Appeal (ZBA) determines eligibility for exceptions from zoning



**boston planning &
development agency**

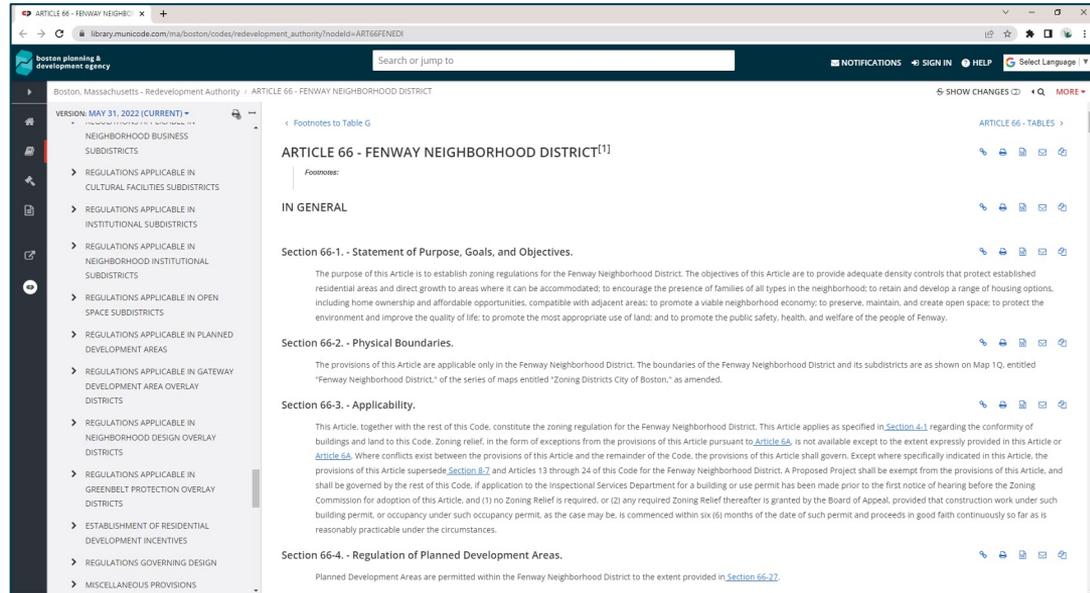
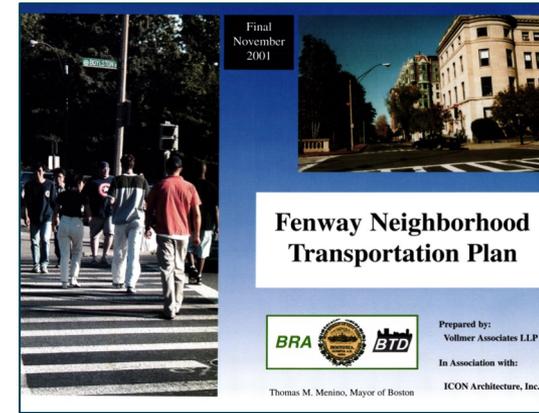
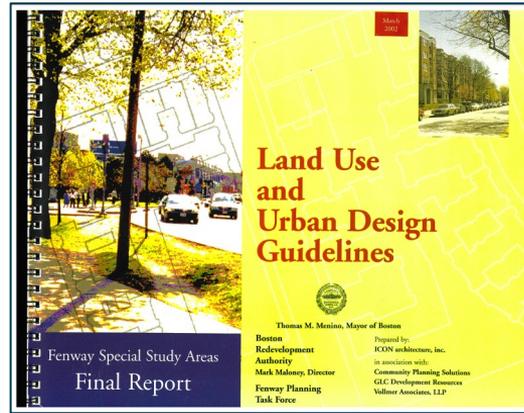


*City of Boston
Inspectional Services*



Where did Fenway Zoning come from?

Section 66-6. - Recognition of the East and West Fenway Plans. The Zoning Commission hereby recognizes (a) the East Fenway Neighborhood Strategic Plan and (b) the Fenway Special Study Areas Final Report/Land Use and Urban Design Guidelines for the West Fenway as the planning bases for the design guidelines and regulations for the Fenway Neighborhood District. The Commission additionally recognizes the Fenway Neighborhood Transportation Plan as the basis for the transportation-related aspects of this Article.



ARTICLE 66 - FENWAY NEIGHBORHOOD DISTRICT

VERSION: MAY 31, 2022 (CURRENT)

- NEIGHBORHOOD BUSINESS SUBDISTRICTS
 - REGULATIONS APPLICABLE IN CULTURAL FACILITIES SUBDISTRICTS
 - REGULATIONS APPLICABLE IN INSTITUTIONAL SUBDISTRICTS
 - REGULATIONS APPLICABLE IN NEIGHBORHOOD INSTITUTIONAL SUBDISTRICTS
 - REGULATIONS APPLICABLE IN OPEN SPACE SUBDISTRICTS
 - REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS
 - REGULATIONS APPLICABLE IN GATEWAY DEVELOPMENT AREA OVERLAY DISTRICTS
 - REGULATIONS APPLICABLE IN NEIGHBORHOOD DESIGN OVERLAY DISTRICTS
 - REGULATIONS APPLICABLE IN GREENBELT PROTECTION OVERLAY DISTRICTS
 - ESTABLISHMENT OF RESIDENTIAL DEVELOPMENT INCENTIVES
 - REGULATIONS GOVERNING DESIGN
 - MISCELLANEOUS PROVISIONS

ARTICLE 66 - FENWAY NEIGHBORHOOD DISTRICT^[1]

Footnotes:

IN GENERAL

Section 66-1. - Statement of Purpose, Goals, and Objectives.

The purpose of this Article is to establish zoning regulations for the Fenway Neighborhood District. The objectives of this Article are to provide adequate density controls that protect established residential areas and direct growth to areas where it can be accommodated; to encourage the presence of families of all types in the neighborhood; to retain and develop a range of housing options, including home ownership and affordable opportunities, compatible with adjacent areas; to promote a viable neighborhood economy; to preserve, maintain, and create open space; 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 Fenway.

Section 66-2. - Physical Boundaries.

The provisions of this Article are applicable only in the Fenway Neighborhood District. The boundaries of the Fenway Neighborhood District and its subdistricts are as shown on Map 10, entitled "Fenway Neighborhood District," of the series of maps entitled "Zoning Districts City of Boston," as amended.

Section 66-3. - Applicability.

This Article, together with the rest of this Code, constitute the zoning regulation for the Fenway Neighborhood District. This Article applies as specified in [Section 66-1](#) 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 66-5](#), is not available except to the extent expressly provided in this Article or [Article 66-6](#). 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 8-2](#) and Articles 13 through 24 of this Code for the Fenway 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 Inspection 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.

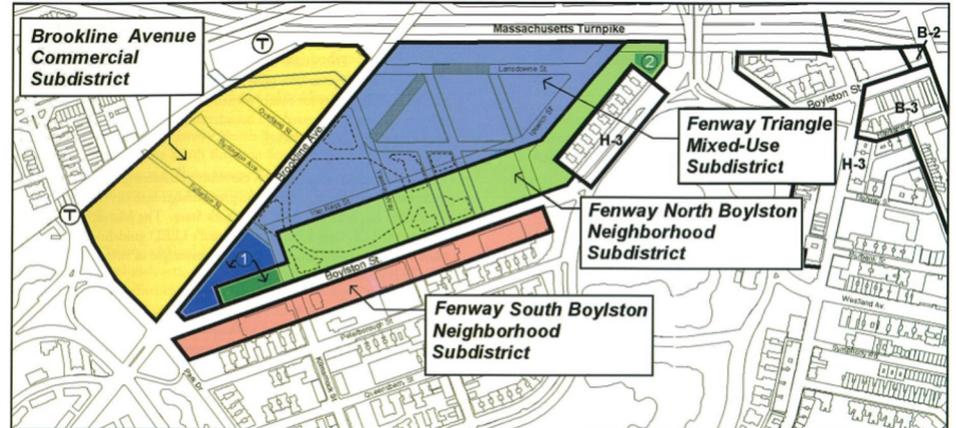
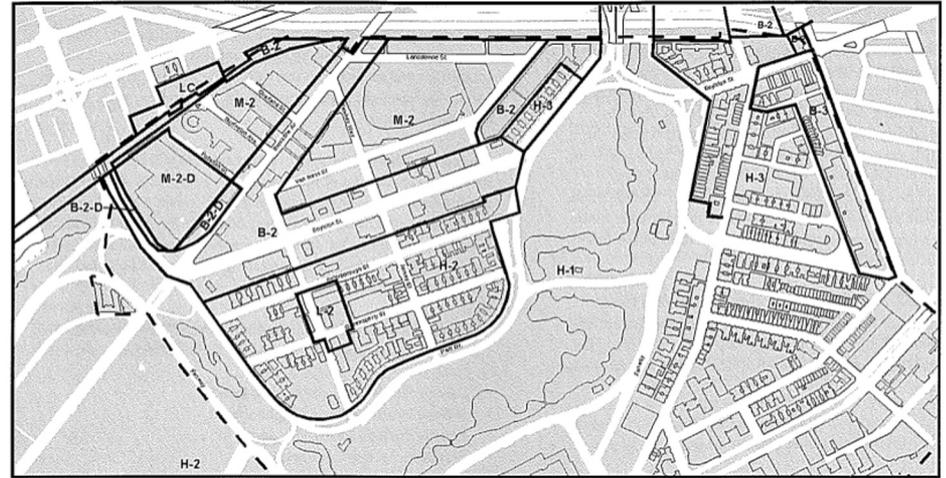
Section 66-4. - Regulation of Planned Development Areas.

Planned Development Areas are permitted within the Fenway Neighborhood District to the extent provided in [Section 66-27](#).

Where did Fenway Zoning come from?

Zoning and Design Guidelines outlined by *Land Use and Urban Design Guidelines (2002)* represented a significant shift from the underlying zoning of the late 1950's that was dominated by manufacturing and low-density business uses.

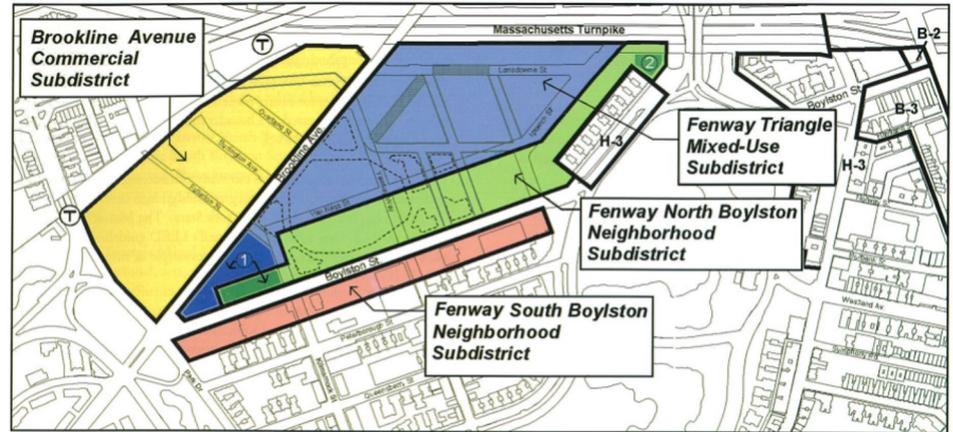
The plan identified four distinct subdistricts and outlined permissible uses and “design vocabulary” appropriate for each. New zoning was intended to “provide some certainty of overall scale of development and array of uses, while leaving enough flexibility for changing market dynamics and public preferences.”



① ② Gateway Parcels

The making of Fenway's “Regulatory Lasagna”

- Start with the use regulations, density and dimensional requirements applicable to the underlying district

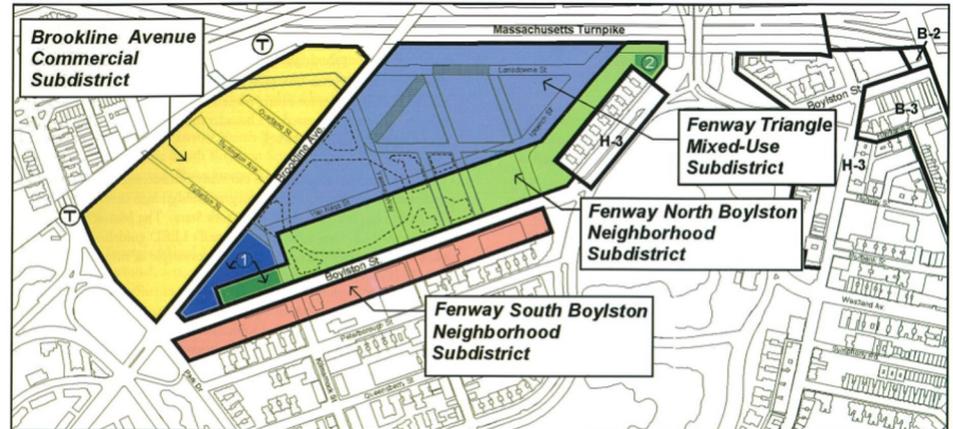


1 2 Gateway Parcels

The making of Fenway's “Regulatory Lasagna”

- Start with the use regulations, density and dimensional requirements applicable to the underlying district
- Add “Gateway Development Area Overlay Districts” - granting increased FAR and building height to unique projects that advance design and use objectives of the entire district.

GATEWAY DEVELOPMENT OVERLAY DISTRICTS



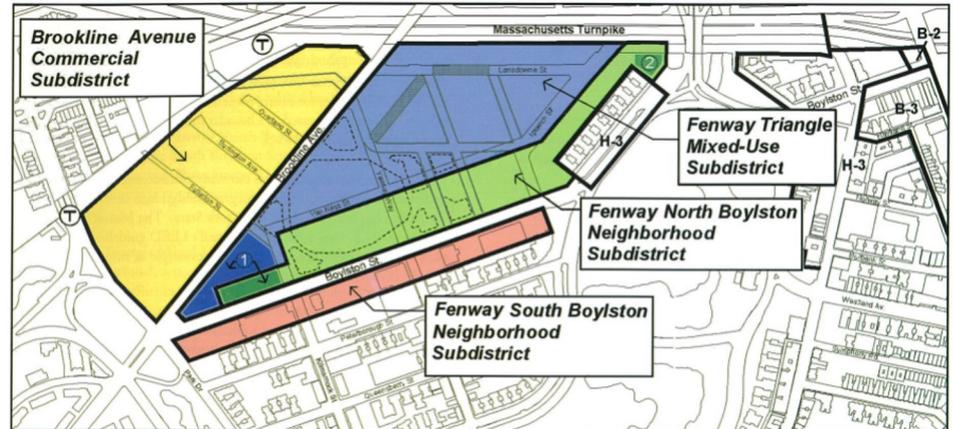
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- Start with the use regulations, density and dimensional requirements applicable to the underlying district”
- Add “Gateway Development Area Overlay Districts” - granting increased FAR and building height to unique projects that advance design and use objectives of the entire district.
- Add “Planned Development Area-eligibility” - granting similar dimensional incentives to “Gateway Districts” and a streamlined permitting process to encourage development in areas then dominated by auto-related uses and surface parking lots.

PLANNED DEVELOPMENT AREA ELIGIBILITY

GATEWAY DEVELOPMENT OVERLAY DISTRICTS



1 2 Gateway Parcels

A Brief Detour on Review and Project Entitlement

	Scale	Regulations	Review Process
	Projects below 15 Dwelling Units or 20,000 Square Feet	Subject to zoning	Required only if located in special Design Review District or if zoning relief is required
Article 80 Project	Projects above 15 Dwelling Units or 20,000 Square Feet	Subject to zoning	Subject to provisions of Article 80B Design Review
Planned Development Area (PDA)	Projects larger than 1 acre, located in a PDA-allowed designated geography, that cannot be accommodated by general zoning for an area	Specific to each PDA-eligible area (generally expanded from the scale of base zoning)	Subject to provisions of Article 80C Design Review
Institutional Master Plan (IMP)	All colleges, universities, and hospitals with over 150,000 SF of tax-exempt real estate.	IMPs are generally renewed every ten years and must be updated every two years with status reports of all projects included in the IMP.	Subject to provisions of Article 80D Design Review.
121A	Projects proposed in areas deemed to be blighted and in need of redevelopment.	121As have a lifespan of 15-40 years. Projects with such designation are tax exempt for the entirety of the 121A.	This designation forms a special partnership between the State, the BPDA and the developer that results in a streamlined regulatory process and a negotiated alternative tax payment in lieu of real and personal property taxes.

A brief detour on PDA restrictions in Fenway

Subdistrict	Underlying Zoning Height	Underlying Zoning FAR	PDA-Allowed Height	PDA-Allowed FAR
MFR-2	75'	4.0	-	-
MFR/LS	75'	4.0	-	-
South Boylston NS-1	75'	4.0	150'	7.0
North Boylston NS-2	95'	5.0	150'	7.0
Fenway Triangle NDA	95'	5.0	150'	7.0
Brookline Ave CC	95'	4.0	150'	7.0
South Boylston NS-3	95'	5.0	190'	7.0
North Boylston NS-3	95'	5.0	190'	7.0
North Boylston Gateway	*135'	9.0	-	-
Fenway Triangle Gateway (bounded by Boylston St, Brookline Ave, and Kilmarnock St)	*250'	12.0	-	-

Section 66-28. - Planned Development Areas: Use and Dimensional Regulations.

1. **Use Regulations.** A Proposed Project within a PDA shall comply with the use regulations applicable to the underlying subdistrict for the location of the Proposed Project, except as those regulations are expressly modified by an approved Development Plan. Notwithstanding any contrary provision of this Article or Code, such Proposed Projects shall also comply with the provisions of Table F of this Article, as well as the following specific requirements, to the extent applicable:
 - (a) **Specific Requirements for Proposed Projects Located within the North and South Boylston Street Neighborhood Shopping Subdistricts.** Proposed Projects within a PDA located within the North Boylston Street Neighborhood "NS-3" Shopping Subdistrict must devote at least forty percent (40%) of the Gross Floor Area included to Residential Uses, and the North Boylston Street "NS-2" and South Boylston Street Neighborhood Shopping Subdistricts must devote at least seventy percent (70%) of the Gross Floor Area included to Residential Uses, provided, however, that this required residential component may be reduced on a pro rata basis, to a minimum of sixty percent (60%), to the extent that a portion of such a Proposed Project is devoted to one of the specific community facility uses enumerated in Section 66-28.1(b), below.

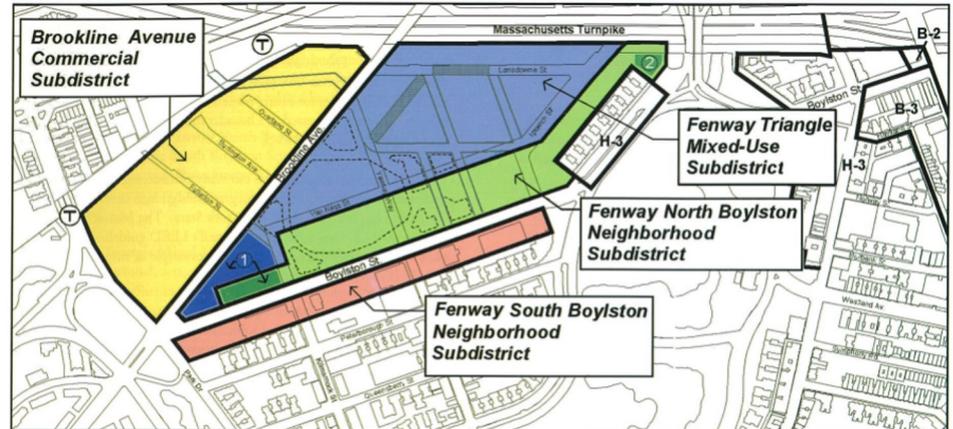
The making of Fenway's “Regulatory Lasagna”

- Start with the use regulations, density and dimensional requirements applicable to the underlying district”
- Add “Gateway Development Area Overlay Districts” - granting increased FAR and building height to unique projects that advance design and use objectives of the entire district.
- Add “Planned Development Area-eligibility” - granting similar dimensional incentives to “Gateway Districts” and a streamlined permitting process to encourage development in areas then dominated by auto-related uses and surface parking lots.
- Add City Ordinances - Supersede zoning.

CITY ORDINANCES

PLANNED DEVELOPMENT AREA ELIGIBILITY

GATEWAY DEVELOPMENT OVERLAY DISTRICTS



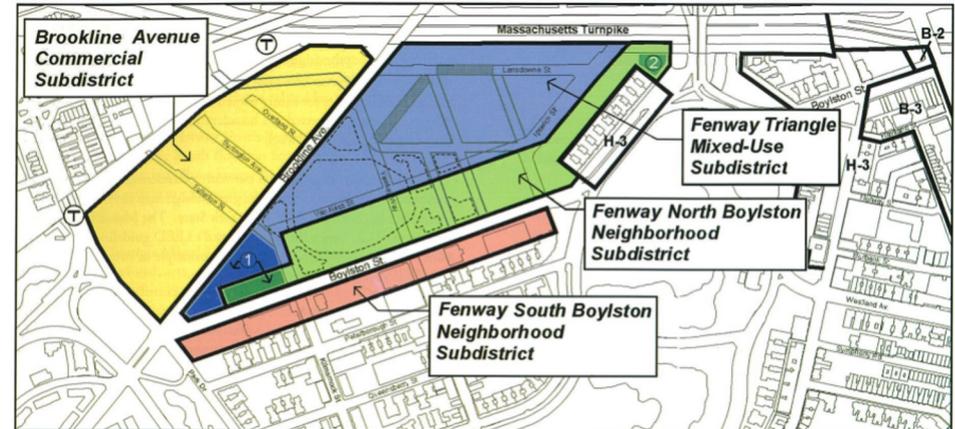
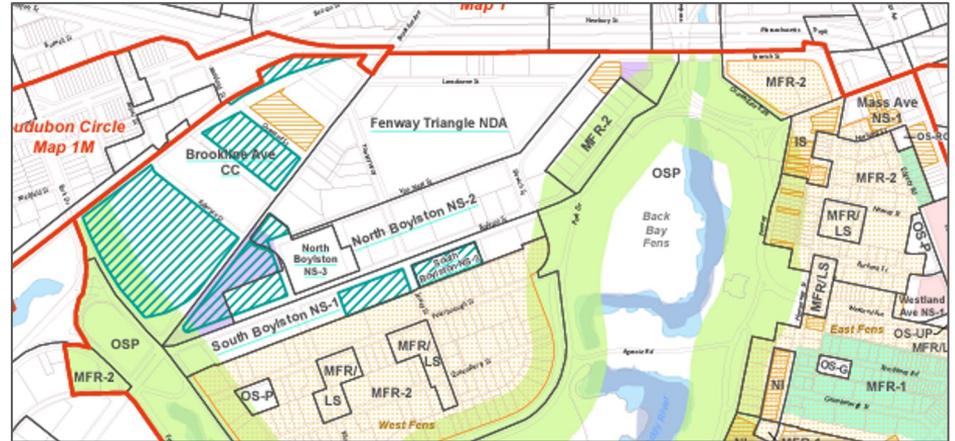
1 2 Gateway Parcels

City Ordinance 7.4-10 Restrictions on Park Frontages



The making of Fenway's "Regulatory Lasagna"

- Start with the use regulations, density and dimensional requirements applicable to the underlying district
- Add "Gateway Development Area Overlay Districts" - granting increased FAR and building height to unique projects that advance design and use objectives of the entire district.
- Add "Planned Development Area-eligibility" - granting similar dimensional incentives to "Gateway Districts" and a streamlined permitting process to encourage development in areas then dominated by auto-related uses and surface parking lots.
- Add City Ordinances - Supercede zoning.



1 2 Gateway Parcels

That was a lot of information!

Development Pipeline and Zoning

Since the Article 66 adoption (2004), the Fenway neighborhood has seen:

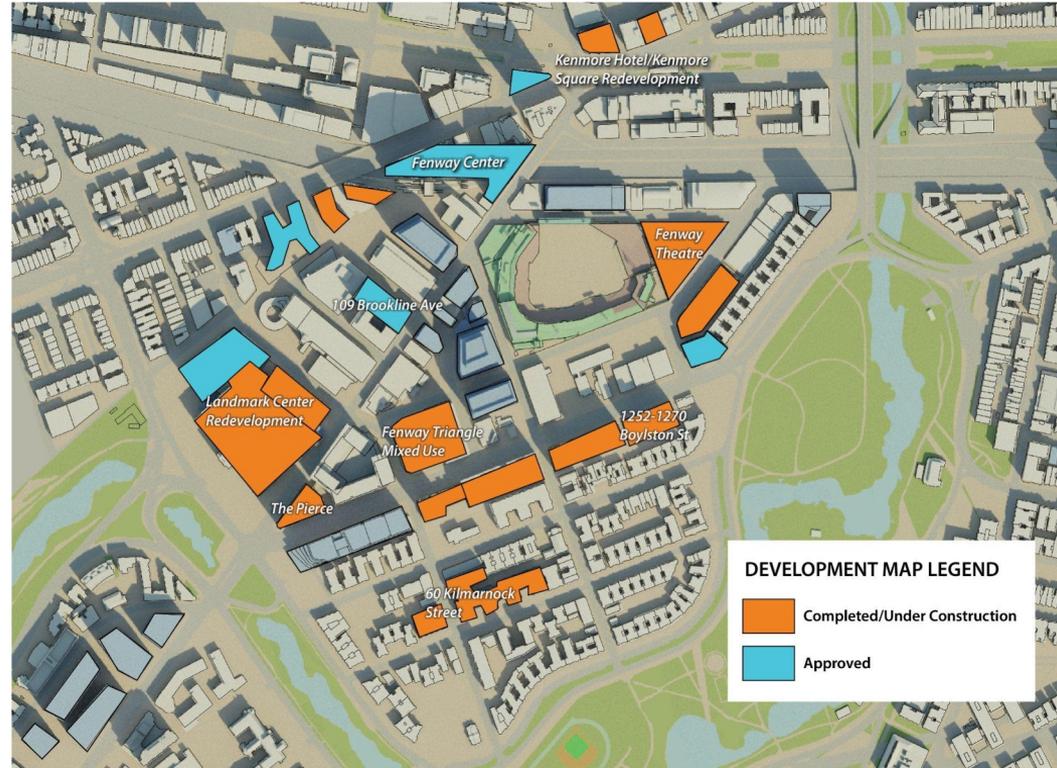
- The development of 13 Article 80 large projects, with another 6 currently approved for construction
- Totalling almost 7 million square feet of development
 - 2.5 million GFA of residential
 - 4.5 million GFA of commercial

Built/in-progress:

- Landmark Center (phases 1 & 2)
- Fenway Center (phase 1)
- The Pierce
- Fenway Triangle Mixed Use Project
- Fenway Theatre
- Boston Arts Academy
- 1252-1270 Boylston St
- 1282 Boylston St
- 1330 Boylston St
- 1350 Boylston St
- 60 Kilmarnock St
- Kenmore Square Redevelopment

Approved:

- Landmark Center (phase 3)
- Fenway Center (phase 2)
- 109 Brookline Ave
- 819 Beacon St
- 1241 Boylston St
- Kenmore Hotel

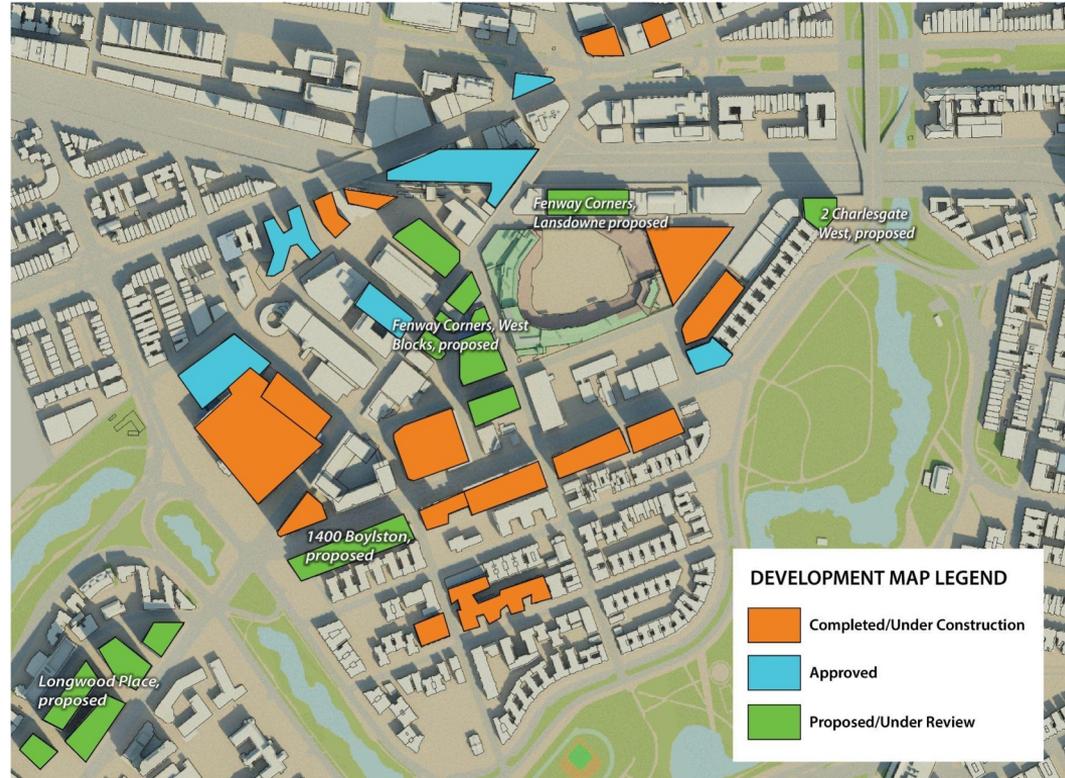


Development Pipeline and Zoning

Additionally, the development pipeline currently has 4 projects under review:

- 1400 Boylston Street
- Fenway Corners
- 2 Charlesgate West
- Longwood Place

These projects proposed an additional 4.5 million square feet of development throughout West Fenway



1400 Boylston Street (Star Market)

Project

- 553,000 sf project that will replace the existing Star Market with a lab/office building.
 - 498,000 square feet of office / R&D
 - Additional retail / restaurant and civic / cultural space

Dimensions

- 182' build height with 5.34 FAR

Zoning

- Subdistrict: South Boylston NS-1 – exceeds dimensional requirements (150' and 7.0 FAR allowed)
- PDA-eligibility sunset in 2012 and requires 60% residential uses. Zoning change would be required to make the site PDA eligible and compliant.



Fenway Corners

Project

- 5.32 acre site comprised of 4 blocks around Fenway Park. Total development of 2.1 million square feet including
 - 1.6 million square feet of office / R&D,
 - 213,000 square feet of residential (216 units),
 - 212,000 square feet of retail, and
 - 1,800 parking spaces.
- Reconstruction of 3.7 acres of roads, sidewalks, public realm

Dimensions

- Buildings from 40' to 270' build height and 9.55 aggregate FAR

Zoning

- Subdistrict: Fenway Triangle NDA, Brookline Ave CC, North Boylston NS-2 – exceeds dimensional requirements (150' and 7.0 FAR allowed)



2 Charlesgate West

Project

- 254,000 square feet of mixed use programming, mostly residential (400 units)
- 75 below grade parking spaces

Dimensions

- 229' build height with 13.7 FAR

Zoning

- Subdistrict: North Boylston NS-2, Charlesgate Gateway – exceeds dimensional requirements (135' allowed with 9.0 FAR)



Longwood Place (305 Brookline Avenue)

Project

- 5.8 acre site, 1.75 million square feet of GFA
 - 811,000 square feet of life science/lab/R&D,
 - 471,000 square feet of office space,
 - 359,000 square feet of residential,
 - 59,000 square feet of ground floor, and
 - 2.8 acres of open space development (45+%)
- 7-15 year build out

Dimensions

- 150-333' build height with 6.8 aggregate FAR

Zoning

- Boston Proper H-1, seeking PDA



Questions and Considerations

- What aspects of West Fenway's existing zoning work well / are still relevant? Are there features of West Fenway's zoning that could better serve development that is in line with neighborhood values?
- The 2002 plan specifically addressed the types of uses to be encouraged in a mixed-use development. Are these still the right uses?
- New zoning was designed to leave enough flexibility for changing market dynamics and public preferences. Are the limits in place still achieving that goal?

What are next steps?

Rather than ask the community to consider exceptions on a case by case basis, we propose revisiting aspects of West Fenway's zoning, including appropriate uses, building height and density collectively, in a community process led by the BPDA.

Evaluate Use and Urban Design Context

- **(OCT) Civic Advisory Committee Meeting**
(Co-hosted with Councilor Bok's Office)
Fenway-Kenmore Transportation Action Plan
- **(NOV) Civic Advisory Committee Meeting**
(Co-hosted with Councilor Bok's Office)
Zoning 101 and Development Pipeline
- **(DEC) Public Meeting**
Introduce zoning reform and the Transportation Action Plan
- **(JAN) Public Meeting**
Use & Height & PDA Eligibility Scenarios
- **(SPRING) BPDA Board and BZC**- Adopt relevant changes in zoning

Evaluate Density Context

- **(SPRING)** Initial Transportation Analysis
- **(SPRING) Public Meeting** - Density Scenarios
- **(SPRING) Public Meeting** - (As needed) Revised Density Scenarios
- **(TBD) BPDA Board and BZC** - Adopt relevant changes in zoning
- (TBD) Anticipated Project Filings