THE COSMOPOLITAN

771 Harrison Avenue Boston, Massachusetts

APPLICATION FOR SMALL PROJECT REVIEW Article 80E of the Boston Zoning Code

Submitted to the Boston Redevelopment Authority



VIEW ALONG HARRISON AVE

Submitted by the Developer 761 Harrison Church, LLC 220 N. Main Street, Suite 105 Natick, MA 01760

761 Harrison Church, LLC

220 N. Main Street, Suite 105 Natick, MA 01760 P: 508-651-0700 F: 508-651-2717

February 25, 2016

Brian P. Golden, Director Boston Redevelopment Authority Boston City Hall, 9th Floor Boston, MA 02011

Dear Director Golden:

Please accept this application for Small Project Review pursuant to Article 80E, Section of the Boston Zoning Code. A companion application to Amend the Development Plan for Planned Development Area [PDA] No. 59, is simultaneously being submitted pursuant to Article 80C-7.

The Development will result in the conversion of the existing Immaculate Conception Church, the attached 'Link Building' and an internal courtyard, into condominium residences. The project will consist of the creation of 63 new residential units with an affordable housing commitment in accordance with PDA No. 59 approved by the BRA Board on May 22,,2003 and by the Boston Zoning Commission on June 25, 2003. In addition, the Development will include 54 bicycle spaces and 48 on-site garage parking spaces, with 25 additional adjacent garage parking spaces in the adjacent James Court garage.

The Development location is 771 Harrison Avenue, and lies within a Neighborhood Development Area [NDA] zoning sub-district, in the South End Neighborhood District established by Article 64 of the Boston Zoning Code.

The entire Development Team looks forward to continuing to work with the BRA staff on this development.

Yours truly,

Ronald Simons

Ronald Simons

Manager

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IV. URBAN DESIGN SUBMISSION: PHOTOGRAPHS AND PLANS

Site photos, design drawings, and renderings depicting the Proposed Development are provided as follows:

Exhibit 1:

Aerial Photograph

Exhibit 2:

City of Boston Assessing Department map & information

Exhibits 3a - 3e:

Site Photos

3a: View of the corner elevation from the intersection of Harrison

Ave and E. Concord St.

3b: View of the front elevation from Harrison Ave

3c: View of the front elevation looking down Harrison Ave **3d:** View of the rear elevation from Father Gilday Way

3e: View of side elevation from courtyard

Exhibits 4a-b

Inspectional Services Department Documents

4a: Building Permit Letter from ISD **4b:** PDA No. 59 approved May 22, 2003

Exhibits 5a-5m: Certified Plot Plan, Floor Plans, Elevations and Renderings

5a: Certified Plot Plan
5b: Existing Elevations
5c: Existing Elevation
5d: Existing Section
5e: Parking Level Plan
5f: Entry Level Plan
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5i: View Down Harrison Ave with Proposed Building5j: View Down Washington Street with Proposed Building

5k: Front and Rear Elevations

51: Side Elevations5m: Longitudinal Section

I. Project Summary

1.1 Project Team

Developer, Contractor and Applicant:

761 Harrison Church, LLC Ronald Simons, Manager 220 North Main Street, Suite 105 Natick, MA 01760

Legal Counsel:

Marc LaCasse, Esq. LaCasse Law, LLC 75 Arlington Street Suite 500 Boston, MA 02116

Architect:

Nunes Trubucco Ed Nunes 315A Chestnut Street Needham, MA 02492

Civil Engineer:

HW Moore Associates Inc. James White 112 Shawmut Avenue Boston, MA 02118

Structural Engineer:

DM Berg Consultants P.C. 100 Crescent Road, Suite 1A Needham, MA 02494

Surveyor:

Feldman Land Surveyor Sean McDonough 112 Shawmut Avenue Boston, MA 02116

MEP Engineer:

Engineering Design Services, Inc. 141 Industrial Highway Slaterville, RI 02876

Geotechnical Engineer:

Summit Geotechnical Consultants 17 Waltham Street Lexington, MA 02421

Design Team:

TMD Design 223 Atlantic Avenue North Hampton, NH 03862

Marketing/Brokerage:

Coldwell Banker 137 Newbury Street Boston, MA 02116

Insurance:

USI Insurance 50 Cabot Street Needham, MA 02492

1.2 Project Summary

The proposed project consists of 2 existing buildings located at 771Harrison Avenue in the South End: the Church building and the attached Link Building, as it is referred to in the Development Plan. The entire Harrison Commons lot is approximately 74,715 square feet. The Church Unit, as the parcel which comprises this project is known, has an area of approximately 40,460 square feet.

The existing building is an 85' high Church with stone exterior walls and protected timber wood framing. Also attached is a 2-story 'Link Building' with brick exterior and steel/concrete construction.

Originally, the Church building was constructed for Boston College in 1859. It was designed by renowned architect Patrick C. Keely, whose work also included the Holy Cross Cathedral. The Link Building was built around 1960 and was part of the Jesuit Urban Center, the last occupant of the buildings.

The proposed renovation includes converting the existing space into 63 residential units and 48-car parking in the basement level of the Church. The development has been designed to include 6 Affordable units as required by PDA No. 59 Development Plan.

The site is located in a Neighborhood Development Area [NDA] sub-district and the South End Neighborhood Zoning District, governed by Article 64.

The area is a mix of loft buildings, hospital and medical facilities; and residential housing.

Much of the proposed renovation and design has been undertaken in response to careful study of neighborhood requests and the South End Landmark District Commission's initial concerns to move the proposed garage entrance from the corner of E. Concord Street and Harrison Avenue to the corner of E. Concord Street and Father Francis Gilday Street. The location of the building's main entrance will be located at the Link Building on Harrison Avenue.

The exterior will remain substantially intact with the exception of the following changes:

- 1. The addition of roof terraces and sky-lights.
- Removal of windows on sides of Church to create internal terraces with tempered glass rails.
- Lowering the side window a few feet to water table ledge.
- The addition of windows in rear.
- 5. The addition of a tempered glass canopy at the entrance of the Link Building with the same pitch as the church roof.
- 6. Curb cuts and driveway from E. Concord Street.

1.3 Community Benefits

The Proposed Development will offer many public benefits to the South End Neighborhood and the City of Boston, including:

- attractive renovated residential construction within a currently abandoned Church.
- the creation of 63 new residential units, including the affordable requirements of PDA No. 59 Development Plan.
- generation of substantial revenue annually to the City of Boston in the form of real property tax payments for a building which has long been tax exempt.
- creation of approximately 200-300 construction jobs over the length of the proposed project.
- Removing existing windows on the 2 sides of the church building will provide additional window space within the units, make up air and provide usable open space in the form of terraces to the new residences.
- The restoration and historic preservation of the Landmark Immaculate Conception Church.
- Donating all religious artifacts to the Catholic Archdiocese on Boston in accordance with the Archdiocese request for a complete deconsecration of the historic Church built in 1859.

II. DETAILED DEVELOPMENT INFORMATION

2.1 Development Description

The entire PDA site includes 112,894 square feet of land area comprising one parcel at 761 Harrison Avenue in the South End. The site is a condominium consisting of 4 separate components as described in the Development Plan; one of which is the Church component. The Church component is identified as the City of Boston Assessors Parcel No. 0801401100 – Property Type Apartment Building Classification Code – 113 (31-99 Units).

.2.2 Proposed Development Program, Data and Dimensions

Building Height/Stories.

- Harrison Avenue: Height 85 Feet
- 7 stories inside Church structure, 2 stories inside Link Building

Number of Residential Units: 63 units:

- 4 studios
- · 28 one-bedroom units
- 23 two-bedroom units
- · 8 three-bedroom units

Total of Building Gross Floor Area 91,547 square feet

Floor Area Ratio 1.8

Parking Spaces 48 in basement level garage and 25 in adjacent garage at James Court.

Bicycle rack capacity - 63

2.3 Urban Design Approach - Context, Massing, Material & Other Design Issues

The PDA site is located along the boundary of the BU Medical Sub-area of the Harrison/Albany Corridor Strategic Plan, a major BRA planning study recently completed for this part of the South End. Although the Strategic Plan post-dates the approval of this PDA Development Plan, it is instructive in that it represents the most recent planning done in this part of the South End. The proposed residential use is entirely consistent with the urban planning goals for this area.

Preservation and conversion of an abandoned church into residential units also has numerous precedents in the South End: Taino Tower at 640 Tremont Street; 2 Clarendon Street; New Hope Baptist Church at 728 Tremont Street; Holy Trinity Church at 136 Shawmut Avenue; and Concord Baptist Church on West Brookline Street.

The proposed development includes the renovation of the Immaculate Conception Church and the attached Link Building. The main building entrance will be in the Link Building, set back from the sidewalk along Harrison Avenue, partially covered by a new canopy. The Church will be deconsecrated at the request of the Catholic Archdiocese resulting in the removal of all religious icons, statues and identification of the building as a house of worship, both on the interior and exterior.

There will be a garage entrance added on the E. Concord St side near Father Gilday Way. No excavation is required for creation of the basement level parking.

The seven (7) floors above grade will contain 48-car parking, 63 residential units and common area space.

The existing roof will be replaced and terraces and sky-lights will be added to provide adequate light and fresh air for upper floor units. The final height of the roof excluding the elevator head house will not change at 85' above grade.

The windows will be removed from both sides of the building. This will provide opportunities to allow additional natural light, make up air and to provide terraces for most units. The current design of the façade material will remain as is. Terraces will have tempered glass 42" high rail enclosures.

The final façade elevation studies will be reviewed and require approval by the South End Landmark District Commission.

The remaining existing windows will be replaced with energy efficient and low energy components.

It is the goal of the design team to make the HVAC and lighting systems as energy efficient as possible. These systems will be regulated individually by each unit. Where possible, appliances and other electrical equipment will be "Energy Star" certified. The HVAC will be central units to substantially reduce building penetrations.

Water saving plumbing fixtures will be used throughout the building to aid in minimizing water consumption.

2.4 Traffic, Parking and Access

The proposed project will provide 48 on-site parking spaces at basement level and 25 existing adjacent parking spaces in the James Court garage. The garage will be accessed from a new ramp on the East Concord Street side of the building where a new curb cut is required. Also, a light pole and possibly a tree, will need to be relocated. Existing public on-street parking spaces (2-3) will be eliminated. Any loading or unloading activity will be directed to the garage and front entrance where direct elevator access to all floors will be available. The proposed parking exceeds the ratio otherwise required by Article 64 – although this Article 80E process and the previously approved PDA Development Plan govern the parking requirements.

The building's location is in close proximity to public transportation. There are several bus routes within walking distance, as well as the MBTA's Silver Line.

2.5 Anticipated Permits and Approvals

Anticipated Permits and Approvals

Boston Redevelopment Authority [BRA]

Article 80E Small Project Review
Affordable Housing Agreement pursuant to PDA No. 59
BRA Board Certification of Approval under Article 80E and Certificate of
Consistency pursuant to Article 80C
PDA Development Plan Amendment pursuant to Article 80C-7

Board of Appeal

No Relief Required in accordance with Article 80C-9

Boston Water & Sewer Commission

Local Sewer and Water tie-in and site plan approval Article 32 Groundwater recharge system: a waiver will be sought from BWSC due to the shallow depth between the building floor slab and the groundwater table. The civil engineer is of the opinion that it is likely that the introduction of large volumes of water into the underlying clay layer would impact the building foundation and the adjacent building foundation.

South End Landmarks District Commission [SELDC]

Certificate of Appropriateness

Public Safety Commission Committee on Licenses

Parking Garage permit for flammables [gasoline in automobiles]

Inspectional Services Department

Building Permits
Certificate of Occupancy

Department of Public Works

Curb cut for parking garage entrance

III. BOSTON ZONING CODE DATA

3.1 Boston Zoning Code Data

The proponent has filed a long form permit application, No. ALT552822, with the Inspectional Services Department for a change of occupancy and to construct 63 residential condominium units with 48-car parking. ISD has issued its preliminary review letter confirming that no zoning relief is required and that the project is subject to the requirements of Article 80E and Article 80C.

The property is located at 771 Harrison Avenue in the South End and is governed by the previously approved Development Plan, PDA No. 59, for the Harrison Commons and the Harrison Court.

3.2 Use

With respect to Uses allowed by the underlying zoning in Article 64, Table B, the proposed multi-family residential use is an "allowed" use. Similarly PDA No. 59 states that the Church component shall be used for "residential uses, including but not limited to, residences for clergy, ministers, retreat participants and guests." Portions of this church complex have long been used for residential purposes as the Jesuits had many members living in the buildings which formerly comprised the Jesuit Urban Center.. Accordingly, no zoning relief or PDA amendment is required as the proposed use is allowed as of right.

Parking is allowed as an accessory use by the Article 64 as well as provided for in the PDA Development Plan.

3.3 Dimensional

The Dimensional Regulations applicable to PDA No. 59 provides that the dimensional regulations applicable to residential uses shall be governed by the underlying zoning: Article 64-29. See, Table of Dimensional Regulations, p.10, PDA No. 59.

Height [the proposal does not exceed the height of the existing Church at 85']

Floor Area Ratio [FAR]: the proposal does not exceed the allowable FAR of 4.0 for the entire PDA site

No zoning relief is required for any dimensional requirements; all such requirements are governed by PDA No. 59.

3.4 Article 32 - Applicability of Groundwater Conservation Overlay District

The property lies within the Groundwater Conservation Overlay District and is therefore subject to the requirements of Article 32 and approval from the BWSC and the Groundwater Trust. However, a waiver will be sought due to the soil conditions and the potential adverse impact of groundwater infiltration on the existing foundation of the Church building and the adjacent building.

3.5 Tax Assessment

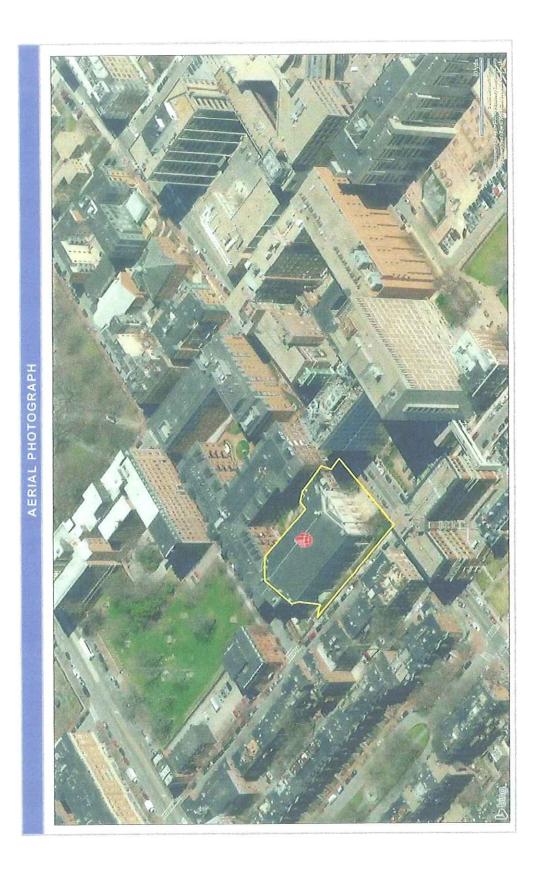
FY 2016 - \$2,550,000

3.6 Other Provisions

PDA No. 59 Design Review by the BRA is required under Article 80E, Small Project Review.

An amendment to the Development Plan, PDA No. 59, is required to amend the number of units within the church and other minor modifications, pursuant to Article 80C-7. The PDA amendment shall proceed simultaneously with this Article 80E approval process.

EXHIBIT 1





Property Photographs

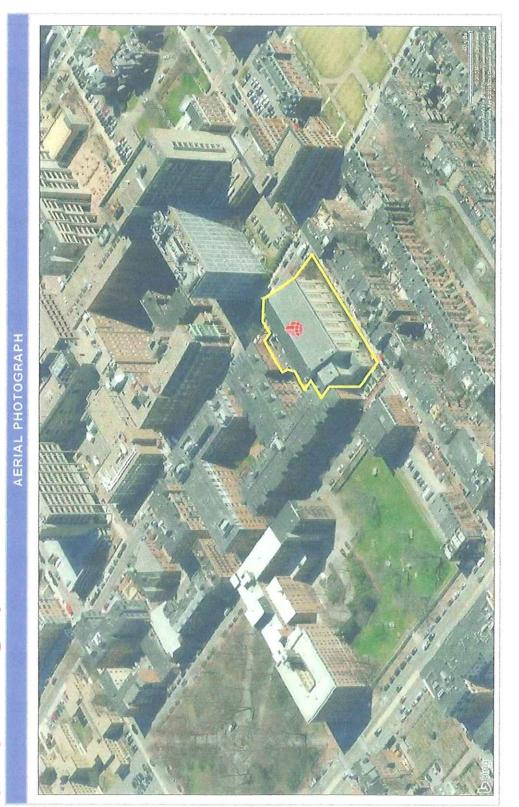
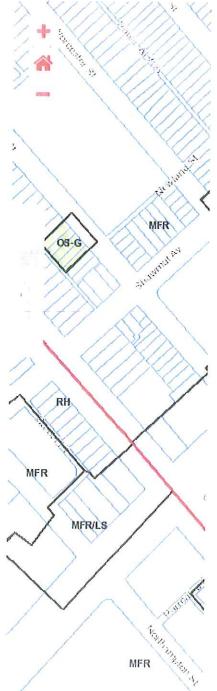




EXHIBIT 2



Assessing

Parcel ID: 0801401010

Address: 761 HARRISON AV

Owner: HARRISON COURT

CONDO TRUST

Land Use: Condominium

More Info: Assessor's Report

See Also: Property Viewer

Zoning

Zoning District: South End

Neighborhood

Zoning Subdistrict: NDA

Subdistrict Type: Neighborhood

Development Area

Overlays: pdas, groundwater

conservation,

restricted parking

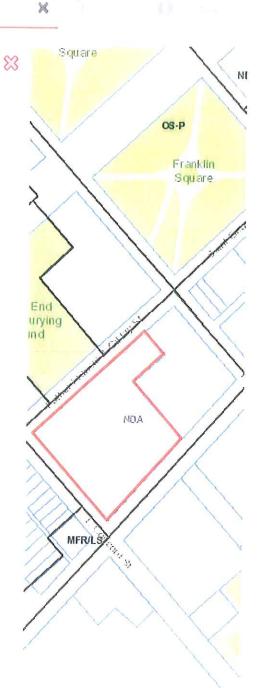
Map No.: 1P

Article: 64

Other Layers

Historic District: South End Landmark

District



Assessing On-Line

« New search

Map

Parcel ID:
Address:
Property Type:
Classification Code:
Lot Size:
Living Area:
Owner on Thursday, January 1, 2015:
Owner's Mailing Address:
Residential Exemption:
Personal Exemption:

0801401010
761 HARRISON AV BOSTON MA 02118
Condo Main Building
995 (Exempt Property Type / CONDO MAIN)
74,715 sq ft
0 sq ft
HARRISON COURT CONDO TRUST
P O BOX 240 NEWTONVILLE MA 02460
No

Value/Tax

Assessment as of Wednesday, January	1,	2014,
statutory lien date.		

FY2015 Building value:	\$0.00
FY2015 Land Value:	\$0.00
FY2015 Total Assessed Value:	\$0.00

FY2015 Tax Rates (per thousand):

- Residential:	\$12.11
- Commercial:	\$29.52

FY2016 Preliminary (Estimated) Total Tax Due:*

* First Half (Q1 + Q2):

Abatements/Exemptions

Applications for Abatements for FY2016 are not yet available online. Applications will become available for download on Friday, January 1, 2016

This type of parcel is not eligible for a residential or personal exemption.

Current Owners

- 1 HARRISON COURT CONDO TRUST
- 2 MAGLIOZZI JAMES A TS
- 3 WHITE PETER T TS
- 4 BARRY WILLIAM TS
- 5 CONDO #3395

Owner information may not reflect any changes submitted to City of Boston Assessing after Nov 11, 2015.

Value History

Fiscal Year	Property Type	Assessed Value *
2015	Condo Main Building	\$0.00
2014	Condo Main Building	\$0.00
2013	Condo Main Building	\$0.00
2012	Condo Main Building	\$0.00
2011	Condo Main Building	\$0.00
2010	Condo Main Building	\$0.00
2009	Condo Main Building	\$0.00
2008	Condo Main Building	\$0.00
2007	Condo Main Building	\$0.00
2006	Condo Main Building	\$0.00
2005	Condo Main Building	\$0.00
2004	Condo Main Building	\$0.00
2003	Condo Main Building	\$0.00
2002	Condo Main Building	\$0.00
2001	Condo Main Building	\$0.00
2000	Condo Main Building	\$0.00
1999	Condo Main Building	\$0.00
1998	Condo Main Building	\$0.00
1997	Condo Main Building	\$0.00
1996	Condo Main Building	\$0.00
1995	Condo Main Building	\$0.00
1994	Condo Main Building	\$0.00

^{*} Actual Billed Assessments

View Quarterly Tax Bill and Payment Information for this parcel for FY2015 and FY2016.

\$0.00

Visit My Neighborhood for information on city services related to this parcel.

Questions? For CURRENT fiscal year tax bill Questions, contact the Taxpayer Referral & Assistance Center. For PRIOR fiscal year tax payments, interest charges, fees, etc. contact the Collector's office at 617-635-4131.

« New search

Map

Parcel ID:
Address:
Property Type:
Classification Code:
Lot Size:
Gross Area:
Owner on Thursday, January 1, 2015:
Owner's Mailing Address:
Residential Exemption:
Personal Exemption:

0801401100
761 HARRISON AV BOSTON MA 02118
Apartment Building
113 (Apartment Property / APT 31-99 UNITS)
49,867 sq ft
49,867 sq ft
CHURCH UNIT LLC
530 HARRISON AV BOSTON MA 02118
No

Value/Tax

Assessment as of Wednesday, January 1, 2014, statutory lien date.

 FY2015 Building value:
 \$2,225,000.00

 FY2015 Land Value:
 \$0.00

 FY2015 Total Assessed Value:
 \$2,225,000.00

FY2015 Tax Rates (per thousand):

- Residential:	\$12.11
- Commercial:	\$29.52

FY2016 Preliminary (Estimated) Total Tax Due:*

* First Half (Q1 + Q2):

Abatements/Exemptions

Applications for Abatements, Residential Exemptions, and Personal Exemptions for FY2016 are not yet available online.

Applications will become available for download beginning Friday, January 1, 2016

Current Owners

- CHURCH UNIT LLC
- 2 DELAWARE LLC

Owner information may not reflect any changes submitted to City of Boston Assessing after Nov 11, 2015.

Value History

Fiscal Year	Property Type	Assessed Value
2015	Apartment Building	\$2,225,000.00
2014	Apartment Building	\$2,225,000.00
2013	Exempt	\$3,590,500.00
2012	Exempt	\$9,333,500.00
2011	Exempt	\$9,161,000.00
2010	Exempt	\$9,605,500.00
2009	Exempt	\$10,472,000.00
2008	Exempt	\$9,508,000.00
2007	Exempt	\$7,989,000.00
2006	Exempt	\$6,661,500.00
2005	Commercial Condo Unit	\$8,844,500.00
2004	Commercial Condo Unit	\$8,405,500.00
2003	Commercial Condo Unit	\$2,407,500.00
2002	Exempt	\$2,407,500.00
2001	Exempt	\$2,210,000.00
2000	Exempt	\$962,500.00
1999	Exempt	\$864,000.00
1998	Exempt	\$864,000.00
1997	Exempt	\$833,500.00
1996	Exempt	\$771,000.00
1995	Exempt	\$732,500.00
1994	Exempt	\$732,000.00

^{*} Actual Billed Assessments

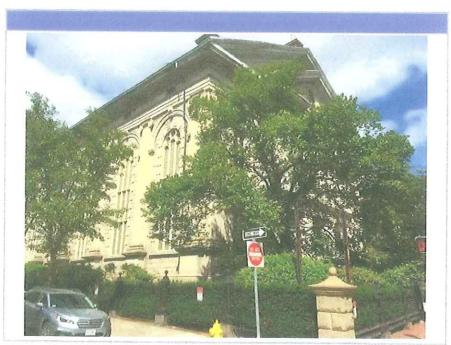
View Quarterly Tax Bill and Payment Information for this parcel for FY2015 and FY2016.

\$0.00

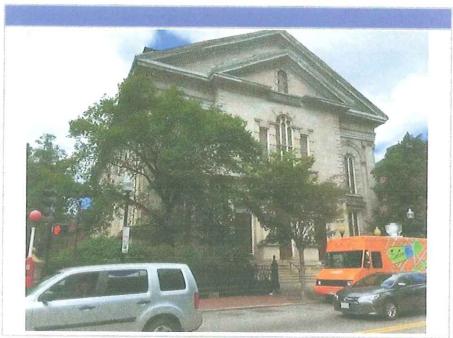
Visit My Neighborhood for information on city services related to this parcel.

Questions? For CURRENT fiscal year tax bill Questions, contact the Taxpayer Referral & Assistance Center. For PRIOR fiscal year tax payments, interest charges, fees, etc. contact the Collector's office at 617-635-4131.

EXHIBIT 3



Church Exterior



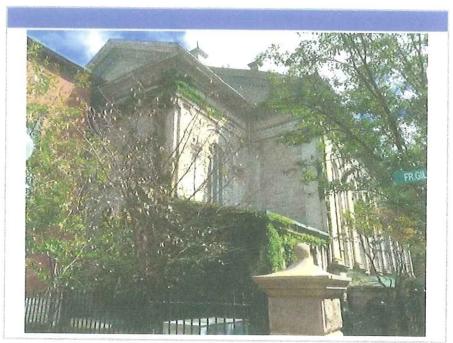
Church Exterior



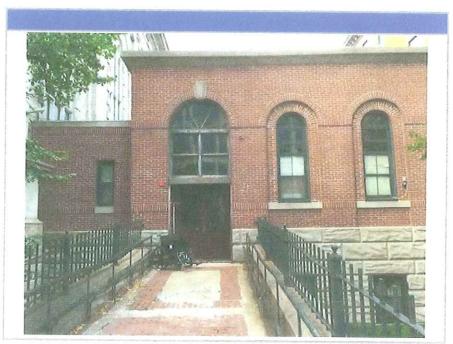
Harrison Avenue (East)



Harrison Avenue (West)



Church Exterior



Link Building





Garage in Adjacent Building



East Concord Street & Harrison Avenue (North)

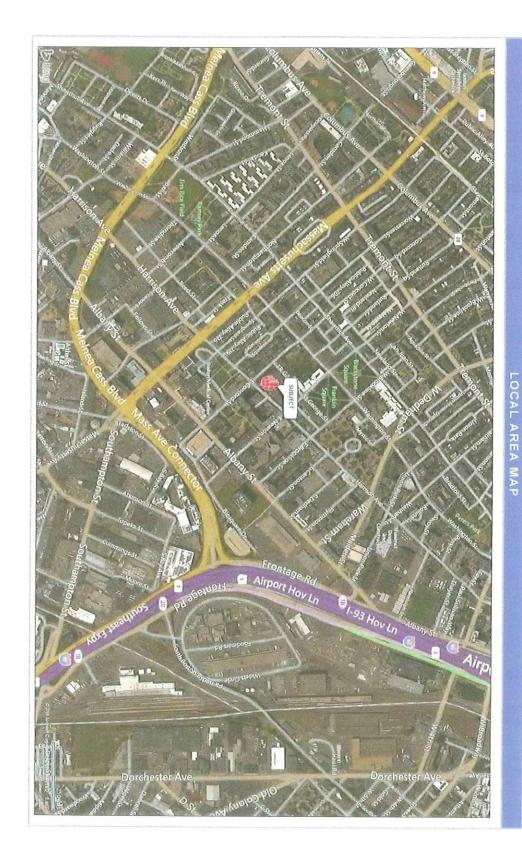




EXHIBIT 4



Boston Inspectional Services Department Planning and Zoning Division

1010 Massachusetts Avenue Boston, MA 02118 Telephone: (617) 635-5300

Martin J. Walsh Mayor

Gary P. Moccia Inspector of Buildings

January 13, 2016

RE: 771 Harrison Av

WARD: 08

REF. APPLICATION NO.: ALT552822

PLAN REVIEWER: Thomas White

PHONE: : (617)961-3275

RONALD SIMONS 220 N MAIN ST NATICK, MA 01760

The following information is needed to enable the review process to be completed on the above application for permit. Please mail or drop off all requested information to 1010 Massachusetts Ave., 5th Floor, Counter 2, between 8AM and 4PM. Providing all requested information will expidite the review process. Always refer to your application number when discussing this permit application.

1.	Ø	Two sets of plans to scale showing all architectural, structural, electrical, mechanical and fire protection work are required, stamped & signed by a Massachusetts Registered Architect ("A.I.A.") or Engineer ("P.E.").
 Two set of floor plans to scale are required. stamped & signed by a Mass. A.I.A. or P.E. Please label all rooms, indicate all doors and windows, provide ceiling height 		
		☐ <u>Two sets</u> of foundation and framing plans with sizes and dimensions, ☐ stamped and signed by a Mass. A.I.A. or P.E
3.	Ø	The following approvals are required from: ☐ Landmarks, ☐ Parks & Recreation, ☐ Public Works, ☐ Lodging House Removal Permit (Rental Housing Resource) ☐ Boston Water & Sewer, ☐ Health Department, ☐ Mayor's Office of Neighborhood Services, ☐ Community Sanitation, ☐ Demo List.
4,	Ø	Before your permit can be issued: A licensed Builder's information & signature are required (must be in person), A 1&2 family homeowner's affidavit is required (available at 1010 Mass. Ave.).
5.	☑	Two sets of plans showing all fire protection work are required, stamped & signed by a Massachusetts registered installer or engineer. Include: ☑ sprinkler plans including piping. ☑ hydraulic calculations, ☐ hydrant flow test less than 1 year old, ☑ sprinkler system narrative per 7890 CMR 901, ☑ fire alarm plans per 780 CMR 907 & 908.
6.		Provide building elevation showing street frontage, existing signage, proposed signage, sign dimensions and location of sign on building facade.
7.		Two copies of your plot plan/mortgage survey plan are required, certified by a Massachusetts Registered Land Surveyor. Please indicate: All existing structures, parking. All proposed additions/decks/dormers, All proposed/required off-street
8,	Ø	Design review is required by the Boston Redevelopment Authority due to: ☐ Board of Appeal provisio, ☐ Requirements of underlying zoning district, ☐ Small/Large Project Review (Article 80). ☐ Please pick up your plans at the Inspectional Services Department 1010 Mass. Ave. ☐ Please call the BRA at 617-722-4300 to schedule an appointment.
9.		Please call to set up an appointment to discuss your application.
10.		Your permit has been approved. Please provide your application number at Plans Examination, Counter 2 between 8am - 4pm when you arrive.
11.		Additional Comments: 1 - Plans submitted do not conform with 521CMR. Plans do not indicate Wheelchair Accessible Entrance to Building, Parking Spaces dedicated to Persons in Wheelchairs, Dwelling Units dedicated to Persons in Wheelchairs or "Common Areas" accessible for Residents with disabilities. 2 - BRA Article 80C Letter of Consistency is required. Has PDA # 59 been modified to reflect Plans submitted? 3 - Proposed Project is within the GCOD District. How will Project conform with Groundwater Conservation (Article 32) regulations? 4 - Design Affidavits are required from all Design Professionals associated with Proposed Project. 5 - Structural Peer Review is required. Is existing Building

being Seismically upgraded to accommodate new Floor infill Construction ? 6 - Application Cost is Low for scope of

Work involved - Request a Construction Cost breakdown. 7 - HERS Statement / ResCheck calculations are required from Mechanical Designer of Record

BEL APPEUML: 5/20/03 7C APPEOVAL: 6/25/03 EFF. DATE: 6/25/03

BOSTON REDEVELOPMENT AUTHORITY DEVELOPMENT PLAN

FOR

HARRISON COMMONS

AND

HARRISON COURT

SOUTH END DISTRCIT

WITHIN

PLANNED DEVELOPMENT AREA NO. 59

HARRISON COMMONS, LLC, Developer

May 22, 2003

Development Plan. In accordance with Article 3, Section 3-1A and Article 80, Section 80C of the Boston Zoning Code (the "Code"), this development plan sets forth information regarding the existing building components and the development of new project components on the parcel of land bounded by Harrison Avenue, East Newton Street, Father Francis J. Gilday Street and East Concord Street, South End ("Site"), including the location and appearance of structures, uses of structures, dimensions of structures, density of structures, parking and loading facilities, access to public transportation and other major elements of the existing building components and the new project components (the "Development Plan"). Furthermore, in accordance with the applicable provisions of the Code, including Section 80C, the Development Plan herein addresses the Underlying Zoning requirements by setting forth the applicable standards and controls in lieu of

557483_2

the Underlying Zoning requirements for the Site and the project components. As further described herein and as set forth on the appendices included herewith, the four project components of the Development Plan are the New Project Component and the Rehabilitation Project Component, the Church Component and the 761 Harrison Avenue Component.

Project Components

New Project Component. The New Project Component consists of the construction of a new multi-story residential building containing approximately 136 dwelling units and a three (3) level below grade garage for 200 vehicles, with a gross floor area of approximately 145,000 square feet, a landscaped courtyard area above the garage with access from Harrison Avenue and Father Gilday Street.

Rehabilitation Project Component. The Rehabilitation Project Component consists of the rehabilitation of the former Boston College High School Building fronting on Fr. Gilday Street, also known as Reserved Unit B of the Harrison Court Condominium. After rehabilitation, the building will contain approximately 54 dwelling units with a gross floor area of approximately 86,000 square feet.

Church Component. The Church Component consists of the Immaculate Conception Church, a significant church structure built in the nineteenth century and the first Jesuit church in the South End. In addition to the Immaculate Conception Church, the Church Component is also the location of the Jesuit Urban Center, a social, cultural and educational center staffed by the Jesuits, the Jesuit residential building, known as the "Link Building" and an adjacent interior courtyard bounded on all sides by buildings within the Harrison Court Condominium.

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761 Harrison Avenue Component. 761 Harrison Avenue Component consists of a five story with ground floor (six occupied levels) mixed use building containing with approximately 61 dwelling units, leased by Boston University and used as a residential facility for Boston University Medical Center ("BUMC") students, interns and residents, four office suites, 11 residential suites, kitchen/cafeteria area and chapel.

<u>Project Owners/Proponents.</u> Harrison Commons, LLC, a Massachusetts limited liability company, the managers of which are Robert F. Walsh and Robert T. Kenney, having an address at R. F. Walsh Company, 307 West Second Street, South Boston, MA 02127 ("Developer") is the proponent for the New Project Component and the Rehabilitation Project Component.

The Society of Jesus of New England, a charitable corporation organized under the laws of Massachusetts and having an address at 761 Harrison Avenue, Boston, MA 02118 ("Jesuits") is the owner of the Church Component, portions of the 761 Harrison Avenue Component, the building and site of the Rehabilitation Project Component and the New Project Component, all of which with the exception of the Church Unit are to be conveyed to the Developer.

Commonwealth Medical Investment Limited Partnership, a Massachusetts limited partnership, the general partner of which is Commonwealth Development Group LLC, having a principal address at One Gateway Center, Newton, MA 02458 ("CMILP") is the owner of a portion of the 761 Harrison Avenue Component. CMILP has optioned such portion to its current lessee, Trustees of Boston University ("BU").

Planned Development Area Site. The Site consists of the city block bounded by Harrison Avenue, East Newton Street, Father Francis J. Gilday Street and East Concord Street, South End, Suffolk County, Massachusetts, and containing approximately 112,894 SF (approximately 2.59 acres) as shown on that certain plan entitled "PDA Site Plan", Boston, MA" dated March 28, 2003 prepared by R.E. Cameron and Associates, Inc. ("PDA Site Plan") as more particularly bounded and described in Appendix A attached hereto and incorporated herein.

Proposed Location and Appearance of Structures. The Site presently includes the Immaculate Conception Church, the Jesuit Urban Center, the Jesuit residential building, known as the "Link Building", an adjacent interior courtyard bounded on all sides by buildings, the old Boston College High School building and a large surface parking lot with approximately 129 parking spaces. The old Boston College High School building currently contains two connected but functionally separate wings, the 761 Harrison Avenue Component, which serves as housing for BUMC and other uses described herein, and the Rehabilitation Project Component, which is currently vacant. Both wings were slated for renovation in 1991 but only the 761 Harrison Avenue Component was rehabilitated. The other wing of the school building, the Rehabilitation Project Component, has been vacant for over three decades and is in dire need of repair.

The Site and the surrounding area are characterized by large-scale religious and institutional buildings and multi-story residential buildings. The impressive Church of the Immaculate Conception and the old Boston College High School building are within the Site, while BUMC is located directly across Harrison Avenue from the Site. The former Joshua Bates School, currently used as the Bates Arts Resource Center, is located north of the Site across East

Newton Street. The area west and north of the Site includes a mixture of historic apartment blocks, brick row houses, and the South End Burial Ground. Northwest of the Site, across Father Francis J. Gilday Street, is the Franklin Square House, a large brick building originally constructed as a hotel and later renovated for senior housing. Franklin Square, a public open space, is diagonally adjacent to the Site across East Newton Street.

The Site is located at the eastern edge of the South End Landmark District ("SELD"), and the New Project Component is intended to reflect the Site's location between the SELD and the modern medical buildings of BUMC located east of Harrison Avenue. The design, massing, and proportions of the new construction are intended to create a visual transition from the larger scaled hospital complex to the more residential nature of the historic district. The new building with a height of less than 70 feet will mediate between the scale of the medical buildings of BUMC and the South End.

The New Project Component is located on the site of the present surface parking lot. The building will be a seven (7) story, 145,000 gsf residential structure including approximately 136 residential units (one and two bedroom units). Additionally, a three story underground parking garage with entrance and exit at Father Francis J. Gilday Street is included in the design providing 200 parking spaces for residential and church use. The height of the new residential building is 69.9 ft. in accordance with the Code. The new residential building is proposed to knit together the adjacent South End context by identifying and incorporating elements that distinguish the South End's rich architectural fabric. Street tree planting and South End style sidewalk lighting are also proposed for the sidewalks on Harrison, East Newton and Fr. Gilday Street. The building itself is composed in a tripartite façade arrangement. The use of a base,

middle and top is an architectural elevation composition that is commonly seen throughout the South End and in Boston. The proposed height of 69.9 ft. compares to the Site's immediate neighbors along Harrison Avenue and East Newton Street. The Franklin Square House is approximately 97 feet in height at the central mansard. Existing buildings along the Harrison Avenue corridor and immediately adjacent to the Site are taller than the new building. The new building is organized as an "L" shaped footprint with its interior facades forming a landscaped courtyard. The existing buildings on the Site further define this courtyard. The interior courtyard that is formed by the new and renovated existing buildings is a landscaped and paved space. Similar to the existing private interior cloister of the Church in concept, this courtyard differs in use in that it is accessible from both Harrison Avenue and Father Francis J. Gilday Street. The exterior facades form an urban street edge on Harrison Avenue and East Newton Street, rather The materials being considered are brick, than the existing paved surface parking lot. architectural precast, operable residentially scaled windows and metal comices. The location and appearance of structures for the New Project Component shall be consistent with the plans listed in Appendix F attached hereto and incorporated herein.

The Rehabilitation Project Component includes the rehabilitation and conversion of approximately 86,000 square feet of a vacant wing of the former Boston College High School building into approximately 54 residential units. The rehabilitation of this historic building will establish new housing opportunities in the South End. Fronting on Fr. Gilday Street, the wing extends for almost the full length of the block between East Concord Street and East Newton Street. The wing was constructed between 1874 and 1889 and is connected internally and externally to 761 Harrison Avenue. The existing building is a masonry and timber structure

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containing approximately 74,500 square feet of usable space on five levels plus approximately 11,500 square feet within an unoccupied attic level. The five levels include a ground floor approximately six feet below grade and a two-story auditorium at the third floor and fourth floors in the middle of the building. The building plan is currently configured for classroom and office uses with several larger gathering spaces throughout the facility. The building has three main pedestrian entrances on Fr. Gilday Street, which will be restored and maintained as part of the proposed residential conversion. A new pedestrian entry to the building will be created to allow access to a proposed elevated courtyard and below-grade parking garage within the new construction component. The project also includes upgrading the Fr. Gilday Street streetscape including the addition of street trees and historic replica gaslight fixtures typical of the neighborhood.

Currently, the exterior of this structure reflects a lack of maintenance, general deterioration, and periodic renovations undertaken without consideration of historic materials and architectural style. The proposed exterior rehabilitation work will consist chiefly of masonry repair and cleaning, window sash repair/replacement, dormer additions, limited sill cuts, and provision of handicap access. The location and appearance of structures for the Rehabilitation Project Component shall be consistent with the plans listed in Appendix F attached hereto and incorporated herein.

Harrison Commons, LLC has proposed to undertake life-safety improvements to the Church Component, necessary for its separation from the Rehabilitation Project Component. Additionally, portions of the 761 Harrison Avenue Component which now contain four office suites, 11 residential suites, kitchen/cafeteria area and chapel used by the Jesuits may be

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converted to residential use. The Development Plan does not include any enlargement of the exterior dimensions of the Church Component or the 761 Harrison Avenue Component; and any enlargement of the exterior dimensions of the Church Component or the 761 Harrison Avenue Component and any change in use to uses not allowed by the Development Plan shall require an amendment to the Development Plan in accordance with Section 80C-7 of the Code.

<u>Proposed PDA Uses.</u> The proposed uses for the Site may include all uses allowed pursuant to Article 64 of the Code, South End Neighborhood Zoning district, including one or more of the following uses referenced in Table B, Neighborhood Development Area, of said Article 64 and classified by major use groups as follows:

Church Component.

- Community Uses, including but not limited to: Library, Place of Worship, Monastery, Convent, Parish House, Religious Education, Community Center, Public lectures and educational programs, retail store for religious books and articles with accessory café/food service.
- Cultural Uses, including but not limited to: Art Gallery, Art Use, Auditorium, Concert
 Hall, and Theater.
- Office Uses, including but not limited to: Office for religious ministry and community programs.
- Residential Uses including but not limited to: Residences for clergy, ministers, retreat
 participants and guests.
- Accessory and Ancillary Uses to the foregoing.

761 Harrison Avenue Component. .1

- Residential Uses, including but not limited to: Residential units for Boston University Medical Center ("BUMC") students, interns and residents pursuant to the Institutional Master Plan for BUMC approved by the Authority on May 18, 2000, Multi-Family Dwellings, and existing residential suites.
- Office Uses, including but not limited to: Office for religious ministry and community programs.
- Community Uses, including but not limited to: Chapel and kitchen/cafeteria area.
- · Accessory and Ancillary Uses to the foregoing.

New Project Component and Rehabilitation Project Component:

- Residential Uses including but not limited to: Multi-Family Dwellings.
- Parking.
- o Open Space.
- Accessory and Ancillary Uses to the foregoing.

Proposed Dimensions. The project components consist of a mixed-use development in four main buildings comprising approximately 372,000 square feet of existing and new gross floor area with parking for 200 vehicles. In accordance with the applicable provisions of the Code, including Section 80C, the Development Plan herein addresses the Underlying Zoning requirements by setting forth below the applicable standards and controls in lieu of the Underlying Zoning requirements for the project components and the Site. The dimensional

Notwithstanding the provisions of Section 64-28 of the Code, the use of a portion of the 761 Harrison Avenue Component as residential units for BUMC students, interns and residents shall in all respects be subject to the provisions of the Institutional Master Plan for Boston University Medical Center approved by the Authority on

requirements for the Site and the project components within the Site shall be as set forth below, and the applicable FAR standard and the new building height standard shall not exceed the limits set forth below pursuant to and in accordance with Section 64-29 of the Code:

	PDA Permitted	Site	Church Component	761 Harrison Avenue Compone	New Construction Component	Rehabilitation Component
Dimensions					-	•
Site Area	43,560 SF	112,894 SF	N/A	N/A	N/A	N/A
Parcel Area	10,000 SF	112,894 SF	40,460 SF	15,240 SF	39,175 SF	18,019 SF
GSF w/o garage		372,000 SF	58,553 SF	82,386 SF	145,000 SF	85,814 SF
FAR 2	4.0	3.3	1.5	5.4	3.7	4.8
Max Height ³	70 ft.		85 ft	64 ft.	69.9 ft	64 ft
Parking	200	200	N/A	N/A	200	N/A
Open Space	10,000 SF	12,000 SF	N/A	N/A	12,000 SF	N/A

The building or structures shall be consistent with the plans in Appendices C, D and E attached hereto and incorporated herein and the plans listed in Appendix F attached hereto and incorporated herein.

<u>Proposed Zoning District.</u> The Site is within the South End Neighborhood district, Article 64 of the Code and the Restricted Parking District. Upon approval by the Mayor and the Zoning Commission, the Site is also to be located within the Washington Street Neighborhood

^{(..}continued)

May 18, 2000 until the cessation of such use, and thereafter all substitute uses shall be subject to the Plan.

The total FAR for the site shall not exceed 4.0, but the Plan expressly allows for existing non-conforming FAR in excess of 4.0. Any increase in existing or proposed FAR for the project components exceeding the 4.0 FAR is subject to approval in accordance with Section 80C-7 of the Code.

The height for the site shall not exceed 70 ft., but the Plan expressly allows for existing non-conforming heights in excess of 70 ft. Any increase in existing or proposed height for the project components exceeding 70 ft. is subject to approval in accordance with Section 80C-7 of the Code.

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Development Area ("NDA").

The Washington Street NDA was established to promote the siting and design of new development in a manner that is sensitive to the adjacent residential areas in the South End Neighborhood District and to enhance the Washington Street Corridor. The incorporation of the Site within the Washington Street NDA and the approval of this Development Plan are in keeping with the enhancement of the Washington Street area. In accordance with Section 64-28 of the Code, Planned Development Areas may be approved within a NDA in order to provide for a more flexible zoning law; to provide public benefits to the South End community, including the creation of new job opportunities and housing for individuals and families of all economic groups; to allow for the diversification and expansion of Boston's economy through manufacturing, commercial, and scientific research and development uses; to encourage economic development while ensuring quality urban design by providing planning and design controls; and to provide connections for the South End to the Downtown economy. Projected Number of Employees. It is anticipated that the Project will generate approximately

750 construction jobs.

Parking, Loading and Access to Transportation. The proposed parking supply of 200 spaces in an underground, three-level garage, is to be allocated as follows:

- 35 spaces for Jesuit users; and
- 165 spaces for residential users.

This will result in at least 165 spaces for approximately 190 new residential units or a parking ratio of at least 0.7. This is consistent with the City of Boston's parking guidelines for transit-oriented residential development in the South End Medical Area.⁴ Parking spaces not purchased/leased by residents of Harrison Commons or not utilized by existing site users may be offered to South End residents for residential parking only. The spaces may not be used for commuter or commercial parking. The site circulation plan locates the below-grade garage entrance and exit and the service and loading entrance on Fr. Gilday Street.

Seven MBTA bus routes currently provide public transit service to the area and connect the area with Cambridge, Longwood Medical Area (LMA), South Boston, Back Bay/South End, Lower Roxbury, and Downtown, as well as with MBTA subway stations, including the Red Line (Broadway, Andrew, and JFK/UMass) and the Orange Line (Massachusetts Avenue and Ruggles). In July 2002, Boston's first Bus Rapid Transit service, the Silver Line, opened along Washington Street between Dudley Square and Downtown Crossing. The Silver Line stop closest to Harrison Commons is the East Newton Street stop, which is less than a block from the Site. The South End Medical Area's Transportation Management Association (TMA) has formed Transportation Solutions for Commuters, Inc. (TransComm). Its members include BUMC, BioSquare, and the Boston Public Health Commission. TransComm operates 15- to 30-passenger shuttles, which stop within a five-minute walk of Harrison Commons. TransComm allows South End residents to use its shuttle services at no cost.

⁶ Notwithstanding the requirement of 200 parking spaces, the New Project Component garage may include up to an additional 30-stacker spaces, subject to approval by the City of Boston Air Pollution Control Commission.

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<u>Public Benefits.</u> The Development Plan provides numerous public benefits to the City of Boston:

- Provide much needed housing in Boston;
- Provide affordable housing in the South End.
- Provide Jobs It is estimated that 750 construction jobs will be generated over the 24month-long construction period.
- Provide Property Tax Revenues;
- Rehabilitate and reuse a vacant historic (former site of Boston College and Boston College High School) building The plan will preserve and enhance the City's historic building stock through the sensitive rehabilitation and adaptive reuse of the old Boston College High School for housing.
- Improve the existing site and streetscape with lighting, trees and other architectural features.
- The plan will replace a surface parking lot with an attractive building which will complement the architecture of the South End as well as create a visual transition from the institutional uses at the Boston University Medical Center to the residential South End historic neighborhood.
- Provide below-grade parking to accommodate the new housing with any excess spaces

potentially available to surrounding area residents.

Phasing of New Project Component and Rehabilitation Project Component. Nothing in this Development Plan shall be construed as an undertaking by the Developer to construct or complete the New Project Component or the Rehabilitation Project Component. If and to the extent that New Project Component and/or the Rehabilitation Project Component are undertaken by Developer, the sole obligation of the Developer is to adhere to the provisions of the Development Plan and the Article 80B Documents applicable to such project(s), to the extent provided herein.

Affordable Housing. In accordance with the provisions of Article 80 of the Code, the Developer will enter into a Cooperation Agreement with the Authority, which agreement will include, inter alia, the implementation of the Mayor's Affordable Housing Goal within the South End neighborhood as outlined in the Executive Order entitled: "An Order Relative to Affordable Housing" issued by Mayor Thomas M. Menino on February 29, 2000 ("Executive Order") by means of a housing creation proposal, which will ensure that not less than ten per cent (10%) of the units within the New Project Component are dedicated as affordable units, and that additional efforts be agreed upon to increase such percentage of affordability up to the equivalency of fifteen percent (15%) through other housing assistance programs.

Condominium Status. The Site is also subject to a condominium established by the Jesuits in 1992. As referenced in the Master Deed for the Harrison Court Condominium, the condominium consists of Lot 1 and Lot 3, which are described in the Master Deed as Parcel One and Parcel Two respectively. The condominium consists of three Primary Units: the Church Unit, which is

the Immaculate Conception Church and the "Link Building" (which was added by the First Amendment dated July 31, 1992) (Church Component), Reserved Unit A, which is situated at 761 Harrison Avenue and leased to Boston University (761 Harrison Avenue Component), and Reserved Unit B, which is situated on Father Francis J. Gilday Street and is a vacant building Nothing contained in this Development Plan shall be (Rehabilitation Project Component). deemed to require the approval of the Authority for any change or modification in the condominium ownership structure, known as the Harrison Court Condominium. If and to the extent that the undertaking of components of the Development Plan require any change or modification to the Harrison Court Condominium ownership structure, such change or modification shall not require Authority review or approval. The terms and conditions set forth in the Development Plan shall affect planning and zoning controls only and not ownership interests or the extent thereof. This Development Plan and the establishment of a Planned Development Area within the Site has the support of the owners of the land within the Site, including the owners of the Harrison Court Condominium units, as evidenced by letters of authorization submitted to the Authority.

Consistency with the Code. The Development Plan complies with Section 64-1 of the Code, including the goals and objective therein. The Development Plan establishes a comprehensive plan for this portion of the South End neighborhood district, adheres to the goals and objectives of Article 64 of the Code and the South End/Lower Roxbury Development Policy Plan in the following manner:

• it preserves and enhances the South End neighborhood by the renovation of a vacant and underutilized building on Fr. Francis J. Gilday Street;

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- both the New Project Component and the Rehabilitation Project Component will provide approximately 190 units of housing, including at least 10% affordable units with an effort to increase such percentage of affordability up to the equivalency of fifteen percent (15%) through other housing assistance programs, which will provide housing for individuals and families of all economic levels, age groups and household types;
- the redevelopment and new construction on the Site will also promote neighborhood cultural facilities such as the Jesuit Urban Center, which will be part of the PDA and benefit from the establishment of dimensional and use controls for the Church Component;
- the provision of new housing units will sustain the economic and job expansion opportunities in Boston and the South End;
- the establishment of an open park area within the New Project Component in lieu of an existing surface parking lot will create open space and enhance and preserve the surrounding open space such as Franklin Square;
- the review by the BRA under Article 80 of the Code will ensure the protection of the environment;
- and a redevelopment creating approximately 190 units of housing will improve the quality of life within the South End and will promote the most desirable use of this land for housing.

Additionally, the approval of the Development Plan fulfills the goals and planning objectives of the South End/Lower Roxbury Development Policy Plan, which encouraged the

development of housing in the South End, including the development of affordable and community housing.

The project components of the Development Plan, upon approval by the Zoning Commission and the Mayor of the inclusion of the Site within the Neighborhood Development Area, will be situated within a location for which Planned Development Areas are allowed pursuant to Article 64, Section 64-28 of the Code. Each project component complies with the provisions of Section 64-29 of the Code with respect to use and dimensional regulations as such uses and dimensions are specified in the Development Plan, including review under Article 80 of the Code. The Development Plan is in compliance with Section 64-31 of the Code with the listing of the public benefits. The Development Plan provides: (i) affordable housing available with a preference to South End and Boston residents, (ii) an improvement to the aesthetic character of the Site and its surroundings by the provision of open space connections from the Site to Franklin Square, (iii) street trees and other improvements that enhance open space, (iv) an improvement of urban design characteristics of the Site and its surroundings, and (v) the enhancement of existing open space and the creation of new open space by the elimination of a surface parking lot at the corner of Harrison Avenue and East Newton Street. The Development Plan does conform to the plan for the South End District, the Neighborhood Development Area and the SELD guidelines as well as the general plan for the City as a whole; and on balance, nothing in the Development Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare after the weighing of all benefits and burdens.

Development Review Procedures. All design plans for the project components are subject to on-going development review and approval of the Authority. Such review is to be conducted in

accordance with Article 80 of the Code and the BRA Development Review Procedure, dated 1985, revised 1986.

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LIST OF APPENDICES

to

DEVELOPMENT PLAN

for

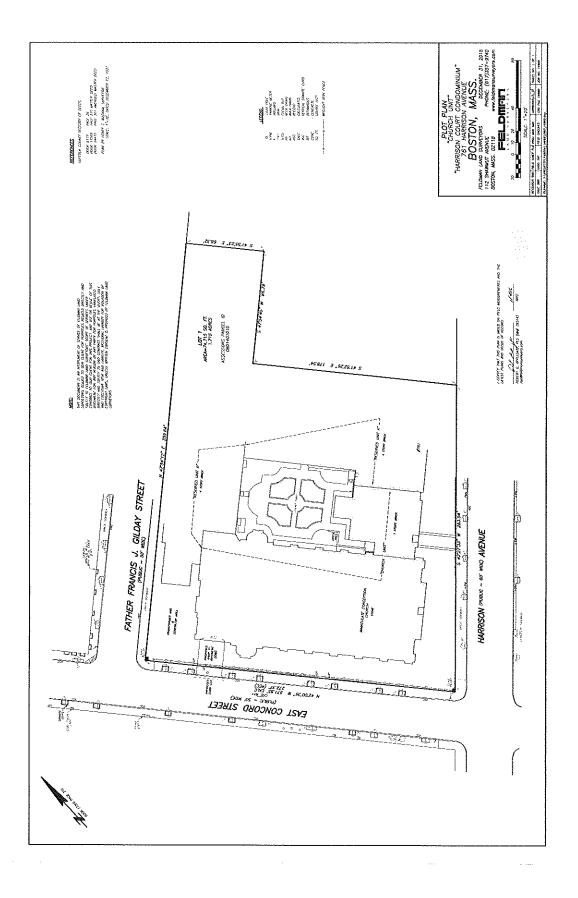
HARRISON COMMONS AND HARRISON COURT

APPENDIX	A	PDA Site Plan and Description
APPENDIX	В	PDA Parcel Plan
APPENDIX	С	Church Unit Floor Plans and Areas
APPENDIX	D	761 Harrison Floor Plans and Areas
APPENDIX	E	Rehabilitation Project Component Plans and Areas
		Floor Plans, Elevations, Perspectives and Renderings
APPENDIX	F	List of Plans for Rehabilitation Project Component and New
		Project Component

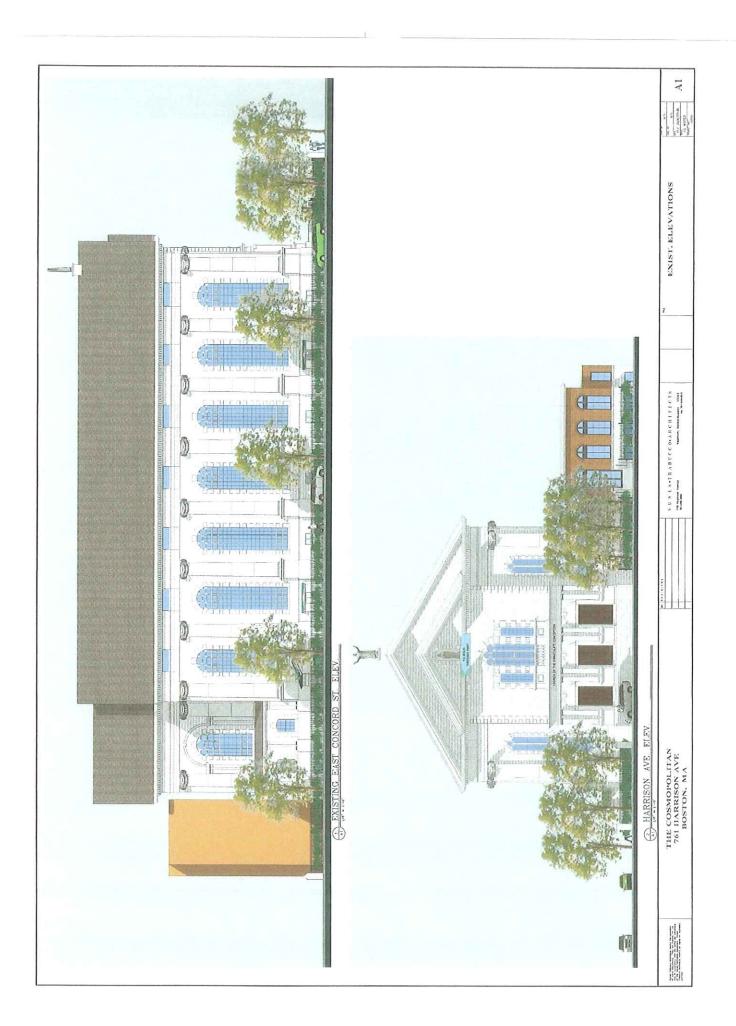
Amendments to the above together with additional drawings, perspectives and plans of the Project Components described in the Development Plan will be provided to the Authority for review in compliance with the Design Review Process.

EXHIBIT 5

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BOSTON, MA

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PERSPECTIVES

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