

CERTIFICATION RE: ZONING COMPLIANCE

To: U.S. Department of Housing & Urban Development
Boston Regional Office
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street, 3rd Floor
Boston, Massachusetts 02222-1092

Date: July 19, 2014

Re: Waterford Place Apartments (the "Project")
Boston, Suffolk County, Massachusetts
FHA Project No. 023-11321

The undersigned Mortgagor hereby certifies, in accordance with Commitment Condition No. 6 of the FHA Commitment dated January 24, 2014, as amended, that it has been informed that neither the City of Boston nor the County of Suffolk will provide verification of zoning compliance. The undersigned Mortgagor hereby further certifies to the best of its knowledge, that the Project is free of any applicable zoning violations.


MORTGAGOR:

CCBA WATERFORD PLACE, LLC, a Massachusetts limited liability company

By: WATERFORD PLACE MANAGEMENT, LLC, a Massachusetts limited liability company, its manager

By: CHINESE CONSOLIDATED BENEVOLENT ASSOCIATION OF NEW ENGLAND, INC., a Massachusetts non-profit corporation, its sole member

By: _____


Hung Goon
President

WARNING: Any person who knowingly presents a false, fictitious or fraudulent statement or claim in a matter within the jurisdiction of the U.S. Department of Housing and Urban Development is subject to criminal penalties, civil liability, and administrative sanctions, including but not limited to: (i) fines and imprisonment under 18 U.S.C. 287, 1001, 1010 and 1012; (ii) civil penalties and damages under 31 U.S.C. 3729; and (iii) administrative sanctions, claims, and penalties under 24 C.F.R. parts 24, 28, and 30.



National Zoning Associates, LLC
4616 NW 159th Street • Edmond, OK 73013
Tel: (405) 285-9359 • Toll Free Fax: 1-888-777-0371
Email: maya@zoningassociates.com

ZONING ANALYSIS REPORT FOR
WATERFORD PLACE APARTMENTS
180 SHAWMUT AVENUE
BOSTON, MASSACHUSETTS

PREPARED FOR
OAK GROVE COMMERCIAL MORTGAGE, LLC
2177 YOUNGMAN AVENUE
ST. PAUL, MN 55116

DATE: 9/6/2013 (Final)

NZA REPORT NO. 3600

I. Conformance Summary

1. **Conformance Status of the Project**

Legal Nonconforming

According to Jeffrey Hampton, Senior Zoning Planner, due to the age of the property, the existing parking deficiency is considered legal nonconforming.

2. **Legal Nonconforming Characteristics**

Off street parking is deficient by 5 spaces.

3. **Rebuildability**

According to Section 9-1 Extension of Nonconforming Uses and Reconstruction and Extension of Nonconforming Buildings, "Whenever a building or structure is being lawfully used for a use not conforming to this code, such building or structure may be reconstructed, structurally changed or extended; provided that after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for such reconstruction, structural change or extension; provided also that the building or structure as reconstructed, structurally changed or extended shall not exceed by more than twenty-five percent either in volume or in area the building or structure existing on the effective date of this code or, in the case of a building or structure made nonconforming by an amendment of this code, on the effective date of such amendment; and provided further that the aggregate amount expended for reconstructing, structurally changing or extending a nonconforming building or structure after the effective date of this code, or, in the case of a building or structure made nonconforming by an amendment to this code, after the effective date of such amendment, shall not exceed fifty percent of the physical value of the building or structure on the effective date of this code or such amendment as determined by the Board of Appeal from its reproduction cost less physical deterioration. Said limit on the amount expended for reconstructing, structurally changing or extending a nonconforming building or structure shall not apply to any alteration of a structure, or of a structure in a district, which is listed in the National Register of Historic Places or which has been designated by the Boston Landmarks Commission in accordance with Chapter 772 of the Acts of 1973." Please see the attached section for complete text.

II. Site Information and Jurisdiction/Zoning

1. **Site Name**
Waterford Place Apartments
2. **Site Address**
180 Shawmut Avenue
Boston, Mass
3. **Site Area**
0.38 Acres or 16,628 Square Feet+/-
4. **Jurisdiction**
City of Boston, Massachusetts
5. **Zoning Designation**
"EDA North" Economic Redevelopment Area North District within
the Groundwater Conservation Overlay District and Restricted
Parking Overlay District
6. **Zoning Ordinance Date**
Current, as Provided on
<http://www.bostonredevelopmentauthority.org>
7. **Abutting Zoning (if applicable)**
Not Applicable

III. Use Information

1. Existing Use(s)	Multi-Family (40 Units)
Is the Existing Use Conforming?	Yes, as a Permitted Use

IV. Site Requirements

1. SETBACKS

a. Front/Street Side/Side/Rear	None
Are the Existing Setbacks Conforming?	Yes

2. SITE AREA

a. Site Area	Minimum Lot Size None
	Minimum Lot Width None
	Minimum Lot Frontage None
Is the Existing Area Conforming?	Yes

3. BUILDING HEIGHT

a. Maximum Height	100 Feet
b. Existing Height	6 Stories
Is the Existing Height Conforming?	Yes (Conformance to Building Height was based on estimated average 10-12 Feet per story.)

4. DENSITY

a. Density Requirements	Maximum Floor Area Ratio 4.0
	No Minimum Usable Open Space Required
b. Existing Gross Floor Area	52,088 Square Feet (Per client provided information)
Is the Existing Density Conforming?	Yes, the existing floor area ratio is 3.13.

5. OFF-STREET PARKING

a. Parking Formula(s)	0.7 Space per Dwelling Unit
b. Required Parking Spaces	40 Units X 0.7 = 28 Spaces
c. Existing Parking Spaces	23 Total Parking Spaces (18 Garage Spaces, 3 Regular Spaces and 2 Handicap Garage Spaces)
Is the Existing Parking Conforming?	No, off street parking is deficient by 5 spaces, See Section I.

V. Site Plan Approval and/or Special Permits or Conditions

a. Site Plan Approval	Yes (Copy is attached)
b. Planned Unit Development	Not Applicable
c. Other	Not Applicable

VI. Violation Information

<p>ARE THERE ANY OPEN BUILDING OR ZONING VIOLATIONS ON FILE? According to Susan Confer, Violation Clerk with Inspectional Services, there are no open building or zoning code violations on file for the property as of September 6, 2013.</p>

VII. Certificate of Occupancy Information

<p>ARE CERTIFICATES OF OCCUPANCY ON FILE OR AVAILABLE FOR THIS SITE? Attached is the Certificate of Occupancy for the property. A new Certificate of Occupancy would only be required for a change in occupancy or new construction.</p>

ADDITIONAL COMMENTS SECTION: None

National Zoning Associates has relied upon information provided by:

Jurisdiction Contacts: City of Boston Jeffrey Hampton Senior Zoning Planner One City Hall Square Boston, MA 02201 (617) 918-4308	Surveyor: Feldman Professional Land Surveyors Karl McCarthy 112 Shawmut Avenue Boston, MA 02118 (617) 357-9740 Date: August 21, 2013
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This Report (#3600) was prepared by National Zoning Associates. For questions please contact Maya Kravtsova by phone at (405) 285-9359 or by email at maya@zoningassociates.com



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Email: maya@zoningassociates.com

DOCUMENTS

Shannon Vogele

From: Hampton, Jeffrey <Jeffrey.Hampton.bra@cityofboston.gov>
Sent: Thursday, September 05, 2013 2:20 PM
To: 'Shannon Vogele'
Subject: RE: Waterford Place Apartments located at 180 Shawmut Avenue

What is the current zoning of this project including any special, restrictive or overlay districts? EDA North, within the Groundwater Conservation Overlay and Restricted Parking Overlay Districts

- What are the abutting Zoning Districts to this property to the North, South, East & West? (specifically any residential or other abutting zoning which could impact buffer, height or setback requirements for this project). West is residential, north south and east is mixed-use and industrial.

I have no further information on the remaining bullets.

From: Shannon Vogele [<mailto:vogele@tds.net>]
Sent: Thursday, September 05, 2013 3:17 PM
To: Hampton, Jeffrey
Subject: FW: Waterford Place Apartments located at 180 Shawmut Avenue

Good afternoon,

I wanted to follow up on my request below. Will you be able to assist me with these questions? Or is there another individual I should contact?

Sincerely,
Shannon

From: Shannon Vogele [<mailto:vogele@tds.net>]
Sent: Wednesday, August 07, 2013 2:59 PM
To: 'Jeffrey.Hampton.bra@CityofBoston.gov'
Subject: Waterford Place Apartments located at 180 Shawmut Avenue

Good afternoon,

I would appreciate your assistance with some questions I have about the above-mentioned property.

- What is the current zoning of this project including any special, restrictive or overlay districts?
- What are the abutting Zoning Districts to this property to the North, South, East & West? (specifically any residential or other abutting zoning which could impact buffer, height or setback requirements for this project).
- Are there any outstanding/open Zoning and Building Code Violations on the subject property?
- Was this property granted any Use Permits, Variances or Special Exceptions? If yes, please provide copies of such document(s).
- Was the subject site issued all required Certificates of Occupancy?

- Was the subject property required to go through Site Plan Approval process? Please provide a copy of the approved Site Plan, if available.

Please do not hesitate to contact me if you have any questions regarding my request or if there is another person I should contact for this information.

Sincerely,

Shannon

National Zoning Associates LLC

Shannon Vogele

608-565-3164

Fax 866-247-9165



EDA NORTH

CC OS-UP

MFR/LS

OS-UP

MFR

OS-UP

OS-UP

OS-G

OS-RC

MFR/LS

OS-RC

MFR

OS-P

OS-UP

CF

OS-UP

U

PARCEL #



INSPECTIONAL SERVICES DEPT
PERMIT DEPT

FEB 12 9 48 AM '91

SYNOPSIS

CITY OF BOSTON

Description of Present Building

Location, 1800188 Shawmut Ave. District, Ward 3
 Name of owner is ECBA, Limited Partnership Address, 90 Tyler St., Boston
 Name of architect or engineer is Larkin, Glassman & Prager, Inc. Lic. No.
 Material of building is concrete. Style of roof? metal, steel. Construction of roof? metal, steel.
 Size of building, feet front 52.0"; feet rear 52.0"; feet deep 148.0"; No. of stories?
 No. of feet in height from sidewalk to highest point of roof? Material of foundation? concrete.
 Thickness of external walls? Party walls? N/A

LEGAL OCCUPANCY OR USE (Applicant is not to fill in this box)

40 APARTMENTS, MERCHANTILE AND GARAGE 3598/1989

Front stairs? yes. Back stairs? yes. Fire escape? no. Con. balconies? no. Any other? no
 Is building equipped with automatic sprinkler system?
 Type of construction? concrete, steel and brick. Group occupancy?
 Building to be occupied for 40 apartments and accessory management office and garage after alteration

IF EXTENDED ON ANY SIDE OR VERTICALLY

Description of Proposed Extension

Size of extension, No. of feet long?; No. of feet wide?; No. of feet high above sidewalk?
 No. of stories high?; style of roof?; material of roofing?
 Of what material will the extension be built? Foundation?
 How will the extension be occupied? Type of Construction:

GENERAL DESCRIPTION OF THE PROPOSED WORK AND ITS LOCATION. (ALL STRUCTURAL, MECHANICAL, ELECTRICAL, ETC., SHALL BE INCLUDED)

This application is being filed for the sole purpose of changing the occupancy of this building from 40 apartments, merchantile and garage to 40 apartments and accessory management office and garage. Accessory management office is located in merchantile space depicted on plans filed with 3598/1989.

PERMIT MUST BE OBTAINED BEFORE BEGINNING WORK

\$50.00 CHANGE OF OCCUPANCY

Date 2/12 91
 Estimated Cost \$49,355
 Owner's Phone

The facts I have set forth above in this application and accompanying plans are a true statement to the best of my knowledge and belief.

Stephen M. Nolan
 (Signature of Owner)
 Type Name of Stephen M. Nolan, Esq.
 Person Signing Hog Hill and Barlow
 One International Place
 (Address)

No one
 (Signature of Licensed Builder)
 Type Name of
 Person Signing

(Address)
 Lic. No. Class. (Address)
 My license expires (Name of Contractor)
 Phone (Address)
 Phone

N9 007649

NO. **180-1988** CHARGES OF OCCUPANCY
FEB 12 1991
 LOCATION: **Boston**

180-1988 Shawmut Ave
Boston Ward **13**

Boston, **2/12 1991**
 To the Commissioners:

Sir—I have examined the premises and find same as herein described.

[Signature]
 Inspector.

FINAL REPORT

MR. 26 1981

Has the work been completed in accordance with this application and plans filed and approved?

Law Dept. No. **180-1988** of 19 **1991**

Violation removed **Yes**

[Signature]
 Inspector.

PERMIT GRANTED

Date issued **2/12/91**

DATES WHEN EXAMINED

Visits	Date	Hour	Remarks
1	2/12	10:00	See 3589/1981 for
2	2/12	10:00	Final
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			

INSPECTOR'S REPORT

This building is approved for satisfactory work.

[Signature]
 Signature of Inspector.

EXAMINATION OF PLANS

Arch./Struct./Safety

APPROVED as shown on plans

No **date**

PERMIT NUMBERS

Electrical

Plumbing

Electrical APPROVED as shown on plans

No **date**

Egress APPROVED as shown on plans

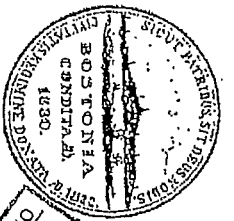
No **date**

Plumbing

H.V.A.C.

Mechanical APPROVED as shown on plans

No **date**



CITY OF BOSTON
INSPECTIONAL SERVICES DEPARTMENT

Fee \$

BUILDING AND STRUCTURES DIVISION

06131

No. 2670

HISTORIC DISTRICT

ABAWY...
OWNER
DATE
BY OWNER
DATE
NAME

Office of the Commissioner

772-19

PERMIT

THIS CERTIFIES THAT REPORT OF THE has permission to repair, move, demolish building or structure located at 180-188 Ward

All work under this permit shall, in every respect, conform to the terms of the application on file in this office and to the provisions of the State Building Code, Boston Zoning Code, and every other Statute, Ordinance, Bylaw or Regulation relating to the Construction, Alteration, Maintenance, Use and Occupancy of Buildings in the City of Boston. This permit shall be deemed abandoned and invalid unless work authorized by it shall have been commenced within six (6) months after issuance.

Any person who shall violate any of the provisions of the State Building Code shall be punished by a fine not exceeding \$1,000 or imprisonment for not more than one (1) year, or both, for each violation, every day during which any portion of a violation continues shall constitute a separate offense.

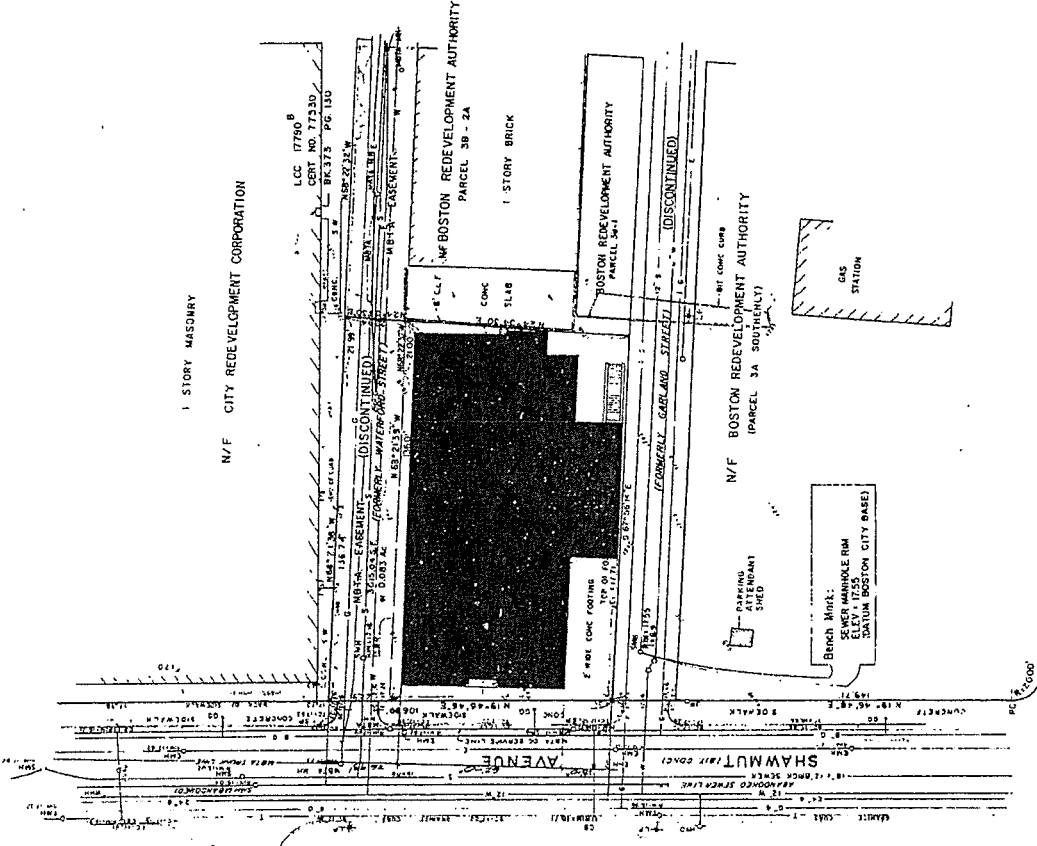
The granting of this permit does not authorize any work which would result in the violation of any Statute, Ordinance, Bylaw or Regulation.

WORK DESCRIPTION

Handwritten description of work, including 'REPAIR OF ROOF' and 'REPAIR OF EXTERIOR WALLS'.

THIS CARD MUST BE DISPLAYED IN A CONSPICUOUS PLACE ON THE PREMISES

BEARING BASE
MASSACHUSETTS CONDUIT-
SYSTEM (MAG. AND ZONE)



LEGEND

- DRINK LINE
- ELECTRIC LINE
- TELEPHONE LINE
- GAS LINE
- WATER LINE
- SEWER LINE
- ELECTRIC MANHOLE
- SEWER MANHOLE
- WATER HAND HOLE
- ELECTRIC HAND HOLE
- GAS GATE
- CATCH BASIN
- HYDRANT
- LIGHT POLE
- SIGN POST
- UTILITY POLE
- EXISTING CONTOUR
- CONCRETE WALL
- CONCRETE WELL
- SPRING POINT
- CHAIN LINK FENCE
- MASSACHUSETTS BAY
- TRANSPORTATION AUTHORITY

NOTES:
 1. BENCH MARK (M.B.) IS SHOWN ON THE PLAN LOCATED ON THE CORNER OF THE LOT AT NO. 112 SHAWMUT AVENUE, ELEV. 72.18.
 2. UTILITIES SHOWN ON THIS PLAN WERE COMPILED FROM THE RECORD PLANS AND FIELD LOCATIONS OF THE UTILITIES DEPARTMENT OF THE CITY OF BOSTON.
 3. THE LOCATION OF THE BENCH MARK IS APPROXIMATE. THE METHOD OF MEASUREMENT IS BY THE STAKE AND CHAIN METHOD.

Doc 180-192 SHAWMUT AVE
 PERMIT # 5578
 WARD 3

SET H-18C REVISED YH



BRIGGS ASSOCIATES, INC.
 400 HINGHAM STREET
 ROCHESTER, MASS 02820

PROJECT TITLE: PLAN OF LAND
 PROJECT NUMBER: 180 SHAWMUT AVENUE, BOSTON, MASS

DATE: MAY 18, 1987 SCALE: 1" = 20'

DESIGNED BY: S.S.E.H. (SHEET)

CHECKED BY: S.S.E.H. (SHEET)

DATE: MAY 18, 1987

EAST BERKELEY STREET

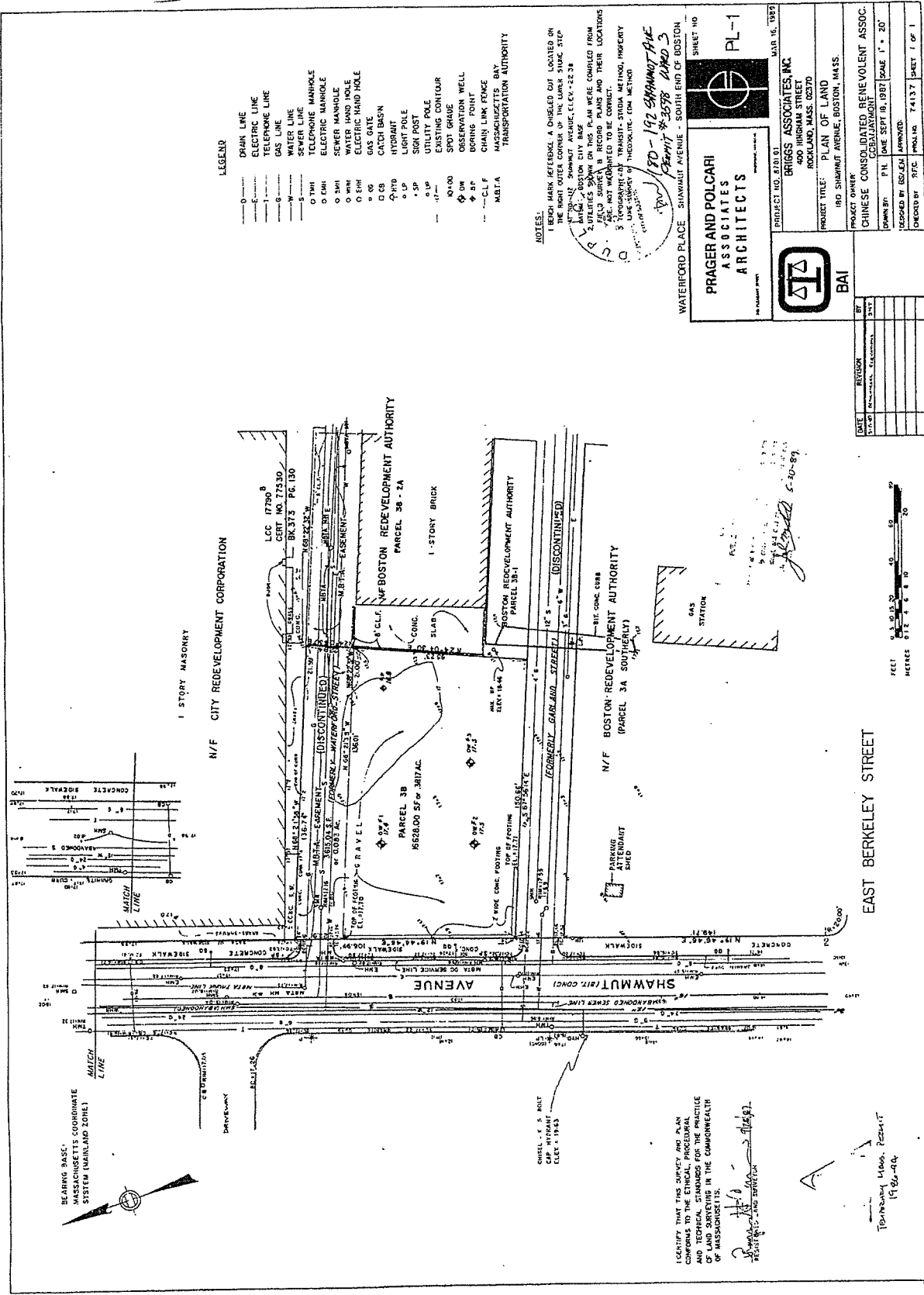


LEGEND, TITLE, SCALE, AND PLAN
 CONFORM TO THE ETHICAL, PROCEDURAL
 AND TECHNICAL STANDARDS FOR THE PRACTICE
 OF LAND SURVEYING IN THE COMMONWEALTH
 OF MASSACHUSETTS

DATE: 5/18/87

A

BRIGGS ASSOCIATES, INC.

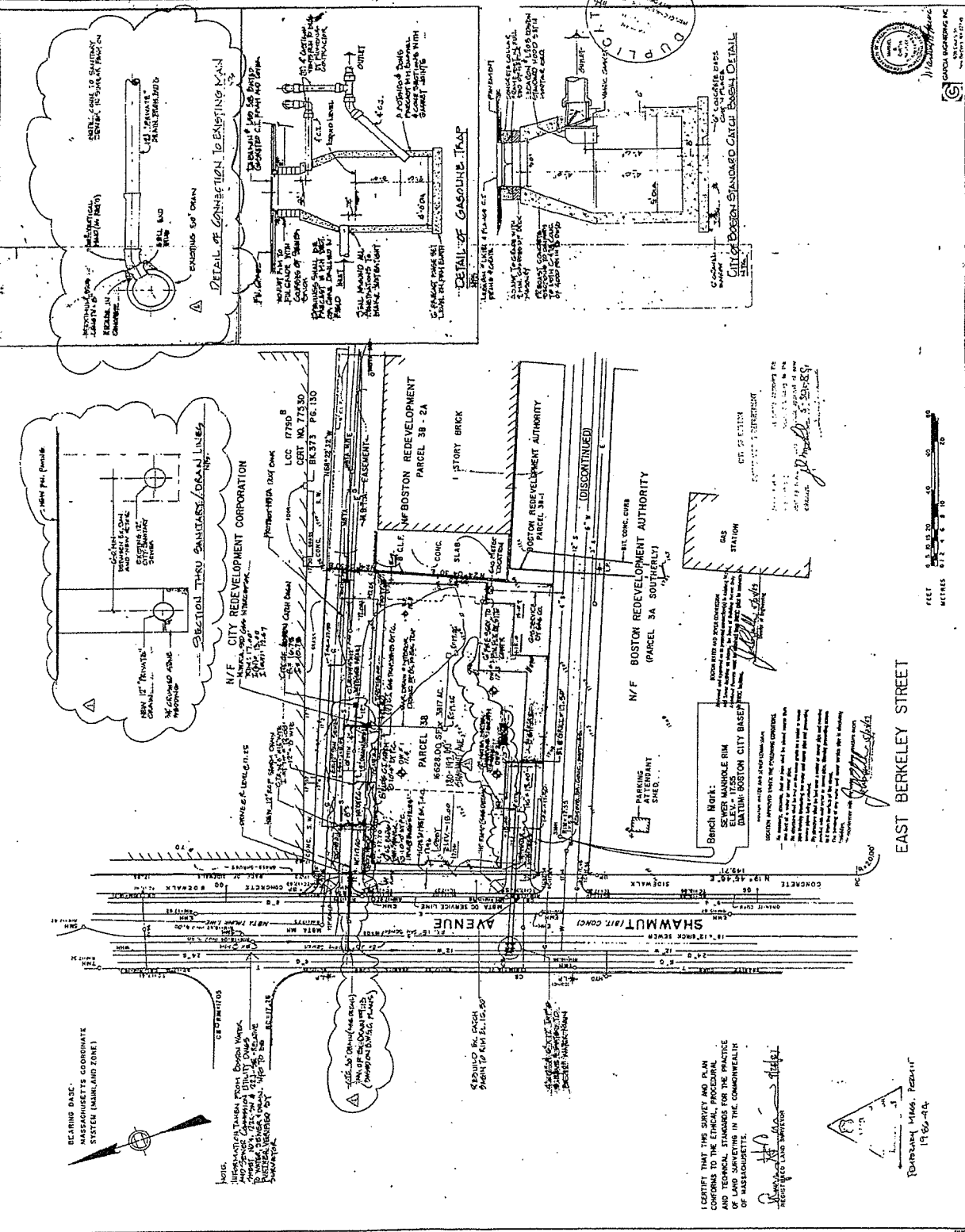


Tommy H. Hines, Registrar
1987-04

I CERTIFY THAT THIS SURVEY AND PLAN CONFORMS TO THE ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

[Signature]
REGISTERED LAND SURVEYOR





PROFESSIONAL SEAL
 REGISTERED PROFESSIONAL ENGINEER
 CIVIL ENGINEERING
 STATE OF MASSACHUSETTS
 No. 178-81
 DATE: 10/19/81

SCALE:
 1" = 10'-0"

DATE:
 10/19/81

PROJECT NUMBER:
 178-81

SHEET NUMBER:
 C-2

PROJECT:
 WATERFORD PLACE
 SHAWMUT AVE. SOUTH END OF BOSTON

ARCHITECTS:
 PRAGER AND POLCARI
 ASSOCIATES

UTILITY & GRADING PLAN

PROJECT NUMBER:
 178-81

SHEET NUMBER:
 C-2

DATE:
 10/19/81

PROJECT:
 WATERFORD PLACE
 SHAWMUT AVE. SOUTH END OF BOSTON

ARCHITECTS:
 PRAGER AND POLCARI
 ASSOCIATES

UTILITY & GRADING PLAN



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ZONING ORDINANCE DATE

CHAPTER 665 OF THE ACTS OF 1956

(As amended through November 30, 2001)

AN ACT AUTHORIZING THE CITY OF BOSTON
TO LIMIT BUILDINGS ACCORDING TO THEIR USE
OR CONSTRUCTION TO SPECIFIED DISTRICTS

SECTION 1 (as amended by St. 1958, c. 77, s. 1, St. 1989, c. 137, s. 2, and St. 1994, c. 461, s. 2). There shall be in the city planning department of the city of Boston, or in such other department of said city as the city council of said city with the approval of the mayor of said city shall from time to time determine, a board, known as the zoning commission, consisting of eleven zoning commissioners appointed by the mayor, subject to confirmation by the city council, as follows: one commissioner from two candidates nominated by the Greater Boston Labor Council AFL-CIO; one commissioner from two candidates nominated by the Greater Boston Real Estate Board; one commissioner from two candidates nominated one by the Boston Society of Architects and one by the Boston Society of Landscape Architects; one commissioner from two candidates nominated by the Greater Boston Chamber of Commerce; one commissioner from two candidates nominated by the Building Trades Employers' Association and two candidates nominated by The Contractor's Association of Boston, Inc.; three commissioners selected at large by the mayor, of whom one shall own alone or with one or more other persons, and shall occupy in whole or in part as her or his place of residence, a dwelling house having not more than three dwelling units, and one of whom has operational control of a retail store or manufacturing company with between five and fifty employees; and three commissioners selected by the mayor, each of whom has served for at least one year (1) as an officer or member of the board of directors or similar governing body of a residential neighborhood organization which (a) is a non-profit organization consisting primarily of residents of a specific neighborhood; (b) has at least twenty-five members; (c) allows any resident of the neighborhood to join as a member; (d) has as a principal purpose the preservation of the quality of residential life in the neighborhood; and (e) has been in existence for at least two years; or (2) as a member of a residential neighborhood organization which (a) has been established by the mayor; (b) consists primarily of residents of a specific neighborhood; and (c) has as a principal purpose the preservation of the quality of residential life in the neighborhood; provided, however, that any person appointed from a residential neighborhood organization under this section is a resident of the neighborhood represented by the residential neighborhood organization in which he or she has served. The three commissioners from residential neighborhood organizations shall reside at the time of their respective appointments in different city council districts. All zoning commissioners shall be residents of the city of Boston.



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PERMITTED USES AND BULK REQUIREMENTS

REGULATIONS APPLICABLE IN ECONOMIC DEVELOPMENT AREAS

SECTION 64-14. **Establishment of Economic Development Areas.** This Section 64-14 establishes an Economic Development Area ("EDA") within the South End Neighborhood District. The purposes of establishing the EDA are to encourage economic growth, including light manufacturing, research and development, and commercial activity, in a manner that is sensitive to the needs and interests of the community; to provide for economic development that is of a quality and scale appropriate to the surrounding neighborhood; and to encourage the diversification and expansion of Boston's and the South End's economy, with special emphasis on the creation and retention of job opportunities.

The following EDAs are established:

1. EDA North. The EDA North is established to emphasize its location as the vital physical and economic link between the City's downtown, Chinatown, and South End neighborhoods with convenient access to South Boston and the regional roadway system. Future development should provide for new 18-hour uses within a pedestrian-friendly public realm that includes a finer grain of city blocks that allow for enhanced transportation access and circulation.
2. EDA Central. The EDA Central is established to maintain the existing vibrant mixed-use neighborhood. Existing historic resources and industrial character should be preserved while fostering a diverse range of uses including housing, commercial, artist space and strategically-located retail. Streetscape improvements should be focused to improve the pedestrian experience and reinforce connections to public transit.
3. EDA South. The EDA South is established to preserve the light industrial uses while encouraging complementary commercial and research uses. Future architectural character should reinforce the existing scale, incorporate new green technologies and set examples for quality contemporary design in a historic context as well as welcome a new streetscape that improves aesthetics and safety for pedestrians and vehicles.
4. Bio Square EDA. The Bio Square EDA is established to facilitate the development of a medical/research campus in the South End to promote the development of research facilities, provide for sufficient office areas to service the medical institutional uses in the neighborhood, and provide support services such as hotel and parking uses. The establishment of research institutes and laboratories focusing on biomedical

research will create significant employment opportunities for South End and Boston residents.

(^As amended on January 18, 2012)

^SECTION 64-15. Use Regulations Applicable in Economic Development Areas. Within an EDA, no land or structure shall be erected, used, arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table C of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table C for the proposed location of such use is forbidden in such location. Any use not included in Table C is forbidden in an EDA.

(^As amended on January 18, 2012)

^SECTION 64-16. Dimensional Regulations Applicable in Economic Development Areas. The minimum, allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in an EDA, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table F of this Article.

(^As amended on January 18, 2012)

APPENDIX C TO ARTICLE 64

EDA NORTH

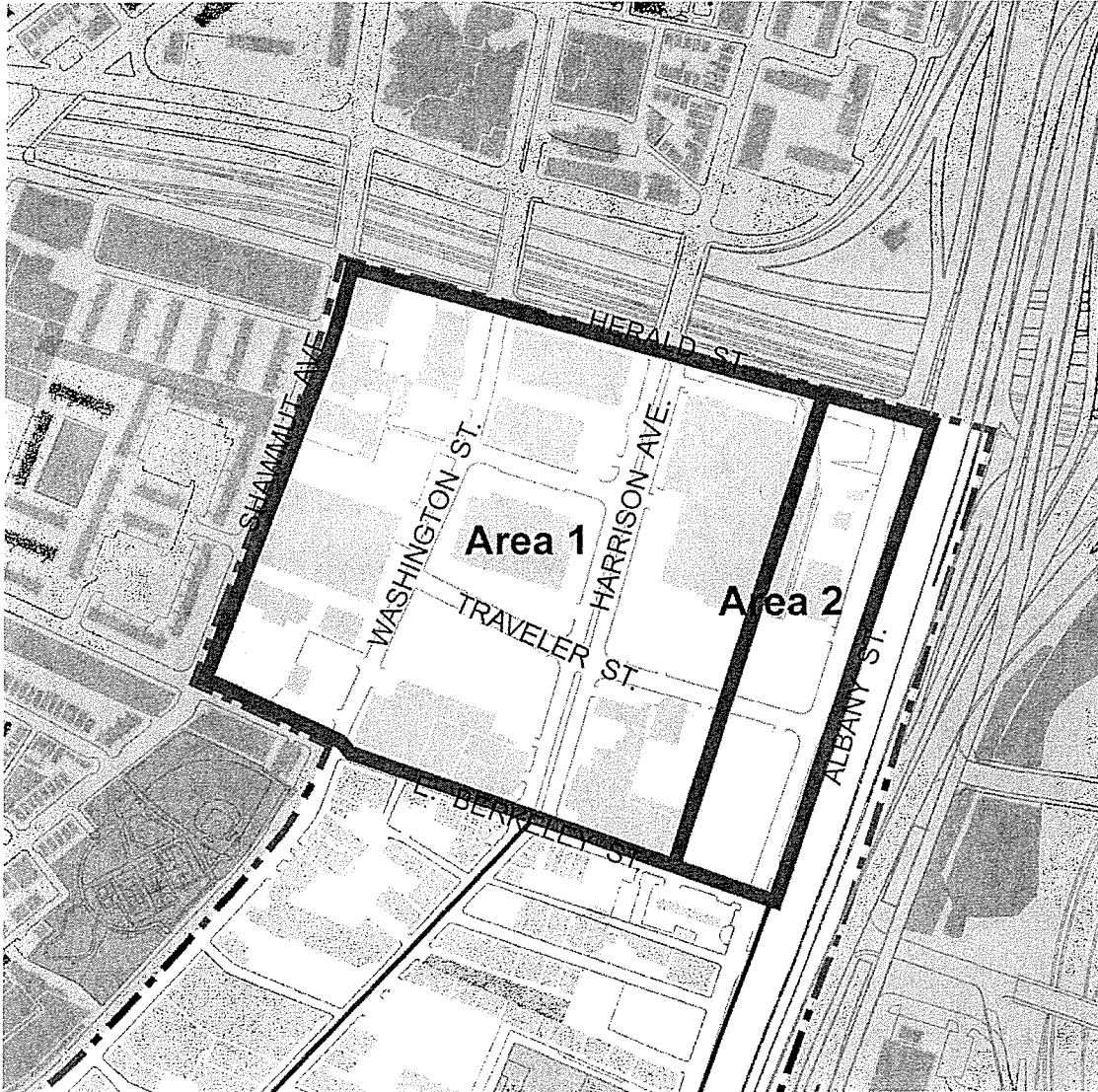


TABLE C

South End Neighborhood District

Use Regulations in
Economic Development Areas

Key: A = Allowed, C = Conditional, F = Forbidden
For definitions of use categories and certain specific uses, see Article 2A.
For summary of requirements applicable to Institutional Uses, see Note 1.

	EDA North <u>Subdistrict</u>	EDA Central <u>Subdistrict</u>	EDA South <u>Subdistrict</u>	EDA BioSquare <u>Subdistrict</u>
<u>Banking and Postal Uses</u>				
Automatic teller machine	A	A	A	A
Bank	A	A	A	A
Drive-in bank	F	F	F	F
Post office	A	A	A	A
<u>Community Uses</u>				
Adult education center	A	A	A	A
Community center	A	A	A	A
Day care center	A	A	A	A
Day care center, elderly	A	A	A	A
Library	A	A	A	A
Place of worship; monastery; convent; parish house	A	A	A	A

TABLE C – Continued

	<u>EDA North Subdistrict</u>	<u>EDA Central Subdistrict</u>	<u>EDA South Subdistrict</u>	<u>EDA BioSquare Subdistrict</u>
<u>Cultural Uses</u>				
Art gallery	A	A	A	C
Art use	A	A	A	C
Auditorium	C	C	C	C
Cinema	C	C	C	C
Concert hall	C	C	C	C
Museum	C	C	C	C
Public art, display space	A	A	A	A
Studios, arts	A	A	A	C
Studios, production	A	A	A	C
Theatre	C	C	C	C
Ticket sales	C	C	C	C
<u>Dormitory and Fraternity Uses</u>				
Dormitory not accessory to a use	F	F	F	F
Fraternity	F	F	F	F
<u>Educational Uses</u>				
College or university ¹	F	F	F	C
Elementary or secondary school ²	A	A	A	A
Kindergarten	A	A	A	A
Professional school	A	A	A	A
Trade school	A	A	A	A

TABLE C -- Continued

	EDA North Subdistrict	EDA Central Subdistrict	EDA South Subdistrict	EDA BioSquare Subdistrict
<u>Entertainment and Recreational Uses</u>				
Adult entertainment	F	F	F	F
Amusement game machines in commercial establishment	F	F	F	F
Amusement game machines in non-commercial establishment	F	F	F	F
Bar ³	C	C	C	F
Bar with live entertainment	C	C	C	F
Bowling alley	C	C	C	F
Billiard parlor	C	C	C	F
Dance hall	C	C	C	F
Drive-in theatre	F	F	F	F
Fitness center or gymnasium ¹⁵	C	C	C	C
Private club not serving alcohol	F	F	F	F
Private club serving alcohol	F	F	F	F
Restaurant with live entertainment, not operating after 10:30 p.m. ³	C	C	C	C
Restaurant with live entertainment, operating after 10:30 p.m. ³	C	C	C	C
<u>Funerary Uses</u>				
Cemetery	F	F	F	F
Columbarium	F	F	F	F
Crematory	F	F	F	F
Funeral home	C	C	C	C

TABLE C – Continued

	<u>EDA North Subdistrict</u>	<u>EDA Central Subdistrict</u>	<u>EDA South Subdistrict</u>	<u>EDA BioSquare Subdistrict</u>
<u>Funerary Uses cont.</u>				
Mortuary chapel	F	F	F	F
<u>Health Care Uses</u>				
Clinic	C	C	C	C
Clinical laboratory	C	C	C	C
Custodial care facility	C	C	F	C
Group care residence, general	F	F	F	F
Hospital ¹	F	F	F	F
Nursing or convalescent home ¹	C	C	C	C
<u>Hotel and Conference Center Uses</u>				
Bed and breakfast	A	A	C	A
Conference center	A	A	C	A
Executive suites	A	A	C	A
Hotel	A	A	A	A
Motel	F	F	F	F
<u>Industrial Uses</u>				
Artists' mixed-use	A	A	C	C
Cleaning plant	F	F	C	C
General manufacturing use	C	C	C	C
Light manufacturing use	A	A	A	A

TABLE C – Continued

	<u>EDA North Subdistrict</u>	<u>EDA Central Subdistrict</u>	<u>EDA South Subdistrict</u>	<u>EDA BioSquare Subdistrict</u>
<u>Industrial Uses cont.</u>				
Printing plant	C	C	A	C
Restricted industrial use ²⁰	F	F	F	F
<u>Office Uses</u>				
Agency or professional office	A	A	A	A
General office	A	A	A	A
Office of wholesale business	A	A	A	A
<u>Open Space Uses</u>				
Golf driving range	F	F	F	F
Grounds for sports, private	C	C	F	F
Open space	A	A	A	A
Open space recreational building	C	C	C	C
Outdoor place of recreation for profit	C	C	F	F
Stadium	F	F	F	F
<u>Public Service Uses²</u>				
Automatic telephone exchange or telecommunications data distribution center	C	C	C	C
Courthouse	A	A	A	A

TABLE C -- Continued

	<u>EDA North Subdistrict</u>	<u>EDA Central Subdistrict</u>	<u>EDA South Subdistrict</u>	<u>EDA BioSquare Subdistrict</u>
<u>Public Service Uses cont.</u> ²				
Fire station	A	A	A	A
Outdoor payphone	F	F	F	F
Penal institution	F	F	F	F
Police station	A	A	A	A
Pumping station	C	C	C	C
Recycling facility (excluding facilities handling toxic waste)	C	C	C	C
Solid waste transfer station	F	F	F	F
Sub-station	C	C	C	C
Telephone exchange	C	C	C	C
<u>Research and Development Uses</u> ⁴				
Research laboratory	A	A	A	A
Product development; prototype manufacturing	A	A	A	A
<u>Residential Uses</u> ⁵				
Congregate living complex	C	C	C	C
Elderly housing	A	A	C	C
Group residence, limited	A	A	C	C
Lodging house	C	C	C	F
Mobile home	F	F	F	F

TABLE C – Continued

	<u>EDA North Subdistrict</u>	<u>EDA Central Subdistrict</u>	<u>EDA South Subdistrict</u>	<u>EDA BioSquare Subdistrict</u>
<u>Residential Uses cont.⁵</u>				
Mobile home park	F	F	F	F
Multi-family dwelling	A	A	C	C
One family detached dwelling	F	F	F	F
One family semi-attached dwelling	F	F	F	F
Orphanage	C	C	C	C
Rowhouse	A	A	C	F
Temporary dwelling structure	C	C	C	C
Three family detached dwelling	F	F	F	F
Townhouse	A	A	C	C
Transitional housing or homeless shelter	C	C	F	C
Two family detached dwelling	F	F	F	F
Two family semi-attached dwelling	F	F	F	F
<u>Restaurant Uses</u>				
Drive-in restaurant	F	F	F	F
Restaurant	A	A	A	A
Take-out restaurant	A	A	A	A
Small ⁶	C	C	C	C
Large ⁷				

TABLE C – Continued

	<u>EDA North Subdistrict</u>	<u>EDA Central Subdistrict</u>	<u>EDA South Subdistrict</u>	<u>EDA BioSquare Subdistrict</u>
<u>Retail Uses</u> ⁸				
Adult bookstore	F	F	F	F
Bakery	A	A	A	A
General retail business ¹³	A	A	A	C
Liquor store	C	C	C	C
Local retail business	A	A	A	A
Outdoor sale of garden supplies	A	A	A	A
Pawnshop	C	C	C	C
<u>Service Uses</u> ⁸				
Animal hospital	C	C	C	C
Barber or beauty shop	A	A	A	A
Body art establishment	C	C	C	C
Caterer's establishment	A	A	A	A
Check cashing business	F	F	F	F
Container redemption center ⁹	C	C	C	C
Dry-cleaning shop	A	A	A	A
Kennel	F	F	C	F
Laundry, retail service	A	A	A	A
Laundry, self-service	A	A	A	A
Photocopying establishment	A	A	A	A
Shoe repair	A	A	A	A
Tailor shop	A	A	A	A

TABLE C -- Continued

<u>Storage Uses, Major</u>	<u>EDA North Subdistrict</u>	<u>EDA Central Subdistrict</u>	<u>EDA South Subdistrict</u>	<u>EDA BioSquare Subdistrict</u>
Enclosed storage of solid fuel or minerals	F	F	F	F
Outdoor storage of solid fuel or minerals	F	F	F	F
Outdoor storage of new materials	F	F	F	F
Outdoor storage of damaged or disabled vehicles	F	F	F	F
Outdoor storage of junk and scrap	F	F	F	F
Storage of certain materials	F	F	F	F
Storage of dumpsters not accessory or ancillary to a main use, nor used in conjunction with the ongoing operation of a permitted site with explicit legal use and occupancy as a dumpster repair facility, waste hauling contractor yard, or site assigned and licensed solid waste management facility	F	F	F	F
Storage of flammable liquids and gases				
Small ¹⁰	C	C	F	F
Large ¹⁰	F	F	F	F
Storage or transfer of toxic waste	F	F	F	F
Warehousing	C	C	A	C
Wrecking yard	F	F	F	F

TABLE C -- Continued

	<u>EDA North Subdistrict</u>	<u>EDA Central Subdistrict</u>	<u>EDA South Subdistrict</u>	<u>EDA BioSquare Subdistrict</u>
<u>Trade Uses</u> ⁸				
Carpenters shop	A	A	A	C
Electrician's shop	A	A	A	C
Machine shop	A	A	A	C
Photographer's studio	A	A	A	C
Plumber's shop	A	A	A	C
Radio/television repair	A	A	A	C
Upholsterer's shop	A	A	A	C
Welder's shop	A	A	C	C
<u>Transportation Uses</u>				
Airport	F	F	F	F
Bus terminal	F	F	F	F
Garage with dispatch	F	F	F	F
Helicopter landing facility	F	F	F	F
Motor freight terminal	F	F	F	F
Rail freight terminal	F	F	F	F
Railroad passenger station	F	F	F	F

TABLE C -- Continued

	<u>EDA North Subdistrict</u>	<u>EDA Central Subdistrict</u>	<u>EDA South Subdistrict</u>	<u>EDA BioSquare Subdistrict</u>
<u>Vehicular Uses</u>				
Airport-related remote parking facility	F	F	F	F
Bus servicing or storage	F	F	F	F
Carwash ¹¹	F	F	F	F
Gasoline station ¹¹	C	C	C	C
Indoor sale, with or without installation, of automotive parts, accessories and supplies	C	C	C	C
Indoor sale of motor vehicles	C	C	F	F
Outdoor sale of new and used motor vehicles	F	F	F	F
Parking garage ^{16, 17, 19}	C	C	C	C
Parking lot ^{17, 19}	C	C	C	C
Rental agency for cars	C	C	C	C
Rental agency for trucks	C	C	C	C
Repair garage ¹¹	C	C	C	C
Truck servicing or storage	F	F	F	F
<u>Wholesale Uses</u>				
Wholesale business	A	A	A	A

TABLE C – Continued

	EDA North <u>Subdistrict</u>	EDA Central <u>Subdistrict</u>	EDA South <u>Subdistrict</u>	EDA BioSquare <u>Subdistrict</u>
<u>Accessory and Ancillary Uses</u>				
In each subdistrict of the South End Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table B and (ii) not designated "A" or "C" for such subdistrict in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.				
Accessory amusement game machines not more than four) in commercial or non-commercial establishment	F	F	C	F
Accessory art use	A	A	A	A
Accessory automatic teller machine	A	A	A	A
Accessory bus servicing or storage	F	F	F	F
Accessory cafeteria	A	A	A	A
Accessory cultural uses	A	A	A	C
Accessory dormitory	C	F	F	C
Accessory drive-through restaurant	F	F	F	F
Accessory drive-through retail	F	F	F	F
Accessory family day care home	C	C	C	C
Accessory home occupation	A	A	A	A
Accessory indoor maintenance and operation of a payphone ¹⁶	A	A	A	A
Accessory industrial use	A	A	A	A
Accessory keeping of animals, other than laboratory animals	C	C	C	C
Accessory keeping of laboratory Animals ⁴	C	C	C	A

TABLE C -- Continued

	EDA North Subdistrict	EDA Central Subdistrict	EDA South Subdistrict	EDA BioSquare Subdistrict
<u>Accessory and Ancillary Uses cont.</u>				
Accessory machine shop	A	A	A	A
Accessory manufacture of products	A	A	A	A
Accessory offices	A	A	A	A
Accessory offices for university	C	C	C	C
Accessory outdoor cafe	A	A	A	A
Accessory parking ^{16, 17}	A	A	A	A
Accessory personnel quarters	A	A	A	A
Accessory printing	A	A,	A	A
Accessory professional office in a dwelling	A	A	A	A
Accessory railroad storage yard	F	F	F	F
Accessory recycling	C	C	C	C
Accessory repair garage	C	C	C	C
Accessory retail	A	A	A	A
Accessory service uses	C	C	C	C
Accessory services for apartment and hotel residents	A	A	C	C
Accessory services incidental to educational uses other than college or university use	A	A	A	A
Accessory storage of flammable liquids and gases				
small ¹⁰	C	C	C	C
Large ¹⁰	C	C	C	C
Accessory storage or transfer of toxic waste	C	C	C	C

TABLE C – Continued

	EDA North Subdistrict	EDA Central Subdistrict	EDA South Subdistrict	EDA BioSquare Subdistrict
<u>Accessory and Ancillary Uses cont.</u>				
Accessory swimming pool or tennis court ¹²	A	A	A	A
Accessory trade uses	A	A	A	A
Accessory truck servicing or storage	C	C	C	C
Accessory wholesale business	A	A	A	A
Ancillary use ¹⁴	C	C	C	C

1. Note regarding Institutional Use. The Institutional Use categories "College or University Use," "Hospital Use," and "Nursing or Convalescent Home Use," are defined in Article 2A to include subuses (office, parking, etc.) that also appear as main uses in this Table B. If part of an Institutional Use, pursuant to the provisions of this Article and Article 2A, any such subuse shall be regulated as the pertinent Institutional Use. To determine whether the substitution of one such subuse for another constitutes a Proposed Institutional Project, and to determine whether a subuse is a High Impact Subuse, see the definition of the pertinent Institutional Use in Article 2A. See Section 64-4 (Applicability), Section 8013-2.4 (Regulations Applicable to Exempt Projects), and Section 80D-11 (Institutional Master Plan Review: Effect on Applicability of Other Zoning Requirements) concerning the applicability of the use regulations of this Table B to Institutional Uses. See also Section 64-24 (Institutional Master Plan Review Requirement) and Section 80D-2 (Applicability of Institutional Master Plan Review) concerning the applicability of Institutional Master Plan Review to such uses.
2. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.

TABLE C – Continued

3. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.
4. Provided that, where applicable, such Research and Development Use shall comply with: 1) all the guidelines and standards promulgated by the National Institutes of Health ("NIH") concerning the care and use of laboratory animals; and 2) all applicable federal and state requirements and regulations for operating labs as classified by the Center for Disease Control and Prevention ("CDC") and Boston Public Health Commission ("BPHC"). If such Research and Development Use is subject to and does not satisfy the requirements of items 1 and 2 of Footnote 4, such Research and Development Use shall be forbidden.
5. Provided that Dwelling Units are forbidden in Basements.
6. Total gross floor area not more than 1,000 square feet per restaurant.
7. Total gross floor area exceeding 1,000 square feet per restaurant.
8. In an Economic Development Area, where a Retail, Service, or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after 12 midnight or before 6:00 a.m.
9. Provided that all storage of beverage containers shall be located entirely within a building, and provided further that such use shall be forbidden within fifty (50) feet of any Residential District or Subdistrict, Open Space District or Subdistrict, or Conservation Protection Subdistrict.
10. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.

TABLE C – Continued

11. Where such use is designated "A," or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no-outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.
12. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
13. Where designated "A," provided that any Proposed Project for a General Retail Business shall be conditional if it:
(a) establishes an occupancy for a General Retail Business having a gross floor area of sixty-five thousand (65,000) or more square feet; or (b) changes to a General Retail Business the use of a gross floor area of sixty-five thousand (65,000) or more square feet; or (c) enlarges a General Retail Business so as to result in a total gross floor area of sixty-five thousand (65,000) or more square feet.
14. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.
15. Provided Allowed if 2,000 square feet or less.
16. Provided that such parking is effectively screened, as determined by the Authority, from abutting streets, and is located: (1) underground, or (2) at or above the ground floor in a structure in which the ground floor along any Street Line is occupied by residential, hotel, retail, service or office uses; otherwise forbidden.
17. See Map 1P and Section 3-1A.c concerning regulations applicable in a Restricted Parking District.
- ^18. Provided that such use shall be forbidden unless located within a building at least ten (10) feet from an entrance.

TABLE C – Continued

19. Provided that the parking facility is not open to the general public and otherwise conforms to the City of Boston's "Downtown Park Freeze" administered by the Air Pollution Control Commission.
20. Except Conditional for "Energy Production Facilities" where energy generated is eligible for the Commonwealth of Massachusetts Renewable Portfolio Standard (Class I) or Alternative Portfolio Standard prior to occupancy as determined and documented by the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs (EOEEA).

TABLE G
South End Neighborhood District

Economic Development Areas
Dimensional Regulations (1)

	<u>EDA North</u>	<u>EDA Central</u>	<u>EDA South</u>	<u>EDA BioSquare</u>
Maximum Floor Area Ratio (2)	4.0	4.0	4.0	4.0
Maximum Building Height (2)	100	70 (4)	70(5)	110(6)
Maximum Street Wall Height	(3)	n/a	(7)	n/a
Residential Use	none	none	none	none
Other Use				
Minimum Usable Open Space Per Dwelling Unit (sq. ft.) (12)	50	50	50	50
Minimum Lot Size	none	none	none	none
Minimum Lot Width	none	none	none	none
Minimum Lot Frontage	none	none	none	none
Minimum Front Yard	none(8)	none(9)	none(10)	none
Minimum Side Yard	none	none	none	none
Minimum Rear Yard	20 (11)	20 (11)	20 (11)	20 (11)

TABLE G - Continued

1. For applicability of the dimensional regulations of this Table G to buildings and structures used for Institutional Uses, see Section 64-4 (Applicability), Section 64-24 (Institutional Master Plan Review Requirement), Section 80D-2.4 (Regulations Applicable to Exempt Projects), and Section 80D-11 (Institutional Master Plan Review: Effect on Applicability of Other Zoning Requirements). See also Section 64-24 (Institutional Master Plan Review Requirement) and Section 80D-2 (Applicability of Institutional Master Plan Review) concerning the applicability of Institutional Master Plan Review to such buildings and structures.
2. For maximum Building Heights and Floor Area Ratios for Planned Development Areas, see Section 64-29. See also Section 64-28 (Establishment of Areas in which Planned Development Areas May be Permitted).
3. The maximum street wall height shall be 70 feet on Shawmut Avenue. Any portion of a building taller than 70 feet must step back no less than 10 feet from the street wall.
4. Except that within 165 feet of the Albany Street public right-of-way running from the centerline of Paul Sullivan Way on the north and the southern parcel boundary for the existing MBTA operations site to the south, the maximum Building Height shall be one hundred (100) feet.
5. 70 feet within the area bounded by Plympton Street on the north, Albany Street to the east, East Canton Street to the south, and Harrison Avenue to the west. In the area bounded by Maiden Street to the north, Albany Street to the east, Plympton Street to the south and 100 feet to the east of Harrison Avenue to the west, the maximum Building Height shall be 100 feet. Within the eastern portion of the subdistrict that is to the east of, and within 100 feet of, the Albany Street right-of-way, the maximum Building Height shall be one hundred ten (110) feet and shall be one hundred fifty (150) feet after 100 feet east of the Albany Street right-of-way.
6. Except that after 100 feet to the east of the Albany Street right-of-way centerline, the maximum Building Height shall be one hundred fifty (150) feet.
7. The maximum street wall height on the north side of East Canton Street shall be 70 feet. Any portion of a building taller than 70 feet must step back no less than 10 feet from the street wall.
8. Ten (10) feet along the north side of Traveler Street.

9. Ten (10) feet along Albany Street.
10. Ten (10) feet along the north side of East Canton Street.
11. Except that any Rear Yard for any Proposed Project that is subject to or has elected to comply with the provisions of Large Project Review shall be determined through such review.
12. In an Economic Development Area, all or a portion of required usable open space may be met by suitably designed and accessible space on balconies of main buildings, or on the roofs of wings of main buildings, or on the roofs of accessory buildings.

^ARTICLE 32

GROUNDWATER CONSERVATION OVERLAY DISTRICT

(^Article inserted on February 15, 2006)

SECTION 32-1. **Statement of Purpose.** The purposes of this article are to (a) prevent the deterioration of and, where necessary, promote the restoration of, groundwater levels in the city of Boston; (b) protect and enhance the city's historic neighborhoods and structures, and otherwise conserve the value of its land and buildings; (c) reduce surface water runoff and water pollution; and (d) maintain public safety.

SECTION 32-2. **Definitions.** For the purposes of this article only, the following words and phrases, when capitalized, shall have the meanings indicated:

1. "Applicant" shall mean any person or entity having a legal or equitable interest in a Proposed Project subject to the requirements of this article, or the authorized agent of any such person or entity.
2. "Groundwater-Retaining Paving" shall mean paving that (a) the Applicant demonstrates, by certification from a Massachusetts registered engineer, or other expert or authoritative body recognized by the Inspectional Services Department, will promote infiltration of rainwater into the ground by capturing within a suitably-designed system a volume of rainfall on the lot equivalent to no less than 1.0 inches across that portion of the surface area of the lot to be paved, or (b) is designed and constructed pursuant to pertinent specifications approved by the Commissioner of Inspectional Services.
3. "Proposed Institutional Project" shall mean a Proposed Project occupied or to be occupied for institutional uses upon issuance of a building, use, or occupancy permit.
4. "Proposed Project" shall mean the erection, extension, rehabilitation, alteration, or substantial demolition of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit.

5. "Substantially Rehabilitate" shall mean to cause alterations or repairs to be made to a structure or structures within any period of twelve (12) months, if such alterations or repairs cost more than fifty percent (50%) of the physical value of the structure or structures. Physical value shall be based on the assessed value, as recorded on the assessment rolls of the City as of the January 1 preceding the date of the filing of an application for a building permit with the Inspectional Services Department.
6. "Zoning Relief" shall mean any zoning variance, exception, conditional use permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

SECTION 32-3. General Requirements and Procedures. A

Groundwater Conservation Overlay District (GCOD), a type of special purpose overlay district established pursuant to Section 3-1A, shall be potentially applicable in areas within certain downtown, harborpark, and neighborhood districts at risk for groundwater depletion. To designate an area as a GCOD, the following procedures shall be followed:

1. The Boston Redevelopment Authority shall make a recommendation to the Zoning Commission that a certain area within a district or neighborhood experiencing or subject to the potential of harmful groundwater depletion be designated as a GCOD in order to promote the purposes set forth in this article.
2. Upon a favorable recommendation by the Boston Redevelopment Authority, the Zoning Commission may designate an area as a GCOD.
3. In an area designated as a GCOD, an applicant for a building or use permit for any Proposed Project subject to the requirements of this article shall obtain a conditional use permit pursuant to the procedures set forth in Article 6 or carry out such Proposed Project in a manner consistent with the provisions of this article, as applicable.

SECTION 32-4. Applicability. Any Applicant seeking a building permit for a Proposed Project within a Groundwater Conservation Overlay District shall be subject to the requirements of this article where such Applicant seeks (a) the erection or extension of any structure, where such new structure or extension will occupy more than fifty (50) square feet of lot area; (b) the erection or extension of any structure designed or used for human occupancy or access, mechanical equipment, or laundry or storage facilities, including garage space, if such construction involves the excavation below grade to a depth equal to or below seven (7) feet above Boston City Base (other than where such excavation is necessary for, and to the extent limited to, compliance with the requirements of

this article); (c) to Substantially Rehabilitate any structure; or (d) any paving or other surfacing of lot area.

Notwithstanding the above provisions of this Section 32-4, in the GCOD mapped in the North End Waterfront Subdistrict, the North End Local Business Subdistrict and Fort Point Waterfront Subdistrict, all within the Harborpark District, and also in the North End Neighborhood District, Bulfinch Triangle District, Central Artery District, and South Boston, only subsections (a) and (b) of this Section 32-4 are applicable.

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

1. Any Proposed Project for which a building permit has been issued prior to the first notice of hearing before the Zoning Commission for adoption of this article, provided that construction work under such permit is commenced within six months after its issue, and the work proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances;
2. Any Proposed Project located within an area designated as a GCOD after January 1, 2007 for which application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of such GCOD map or text amendment;
3. Any Proposed Project for which the Board of Appeal has granted Zoning Relief prior to the first notice of hearing before the Zoning Commission for adoption of this article, provided that such Proposed Project is not thereafter modified or amended subject to further Zoning Relief; and
4. Any Proposed Project that the Boston Redevelopment Authority has approved pursuant to Article 80B (Large Project Review), any Proposed Project for which the Boston Redevelopment Authority has approved a planned development area development plan, or any Proposed Institutional Project for which the Boston Redevelopment Authority has approved an institutional master plan, prior to the first notice of hearing before the Zoning Commission for adoption of this article, provided that such Proposed Project, planned development area development plan, or institutional master plan is not thereafter modified or amended subject to further Boston Redevelopment Authority approval.

(^Amended on April 25, 2007)

SECTION 32-5. Specific Requirements. The specific requirements of this Section 32-5 shall apply to any Proposed Project subject to these Groundwater Conservation Overlay District regulations pursuant to Section 32-4.

1. Any of the improvements specified in Sections 32-4(a)-(c) shall require a conditional use permit.
2. Any paving or other surfacing of lot area subject to Section 32-4(d) must employ Groundwater-Retaining Paving, as defined in Section 32-2.

SECTION 32-6. Standards. To obtain a conditional use permit from the Board of Appeal, the Applicant shall show that the Proposed Project complies with the following requirements, in addition to the standards set forth in Article 6: (a) provision that any Proposed Project promote infiltration of rainwater into the ground by capturing within a suitably-designed system a volume of rainfall on the lot equivalent to no less than 1.0 inches across that portion of the surface area of the lot to be occupied by the Proposed Project (or, in the case of a Proposed Project for a Substantial Rehabilitation, the lot area occupied by the structure to be Substantially Rehabilitated), which requirement may be reduced by the Board of Appeal only if, and to the extent that, the Applicant demonstrates this ratio cannot feasibly be achieved using techniques and materials appropriate to the Proposed Project and the lot upon which it is located, and additionally provides appropriate alternate mitigation; and (b) provision that any Proposed Project result in no negative impact on groundwater levels within the lot in question or adjacent lots, subject to the terms of any (i) dewatering permit or (ii) cooperation agreement entered into by the Proponent and the Boston Redevelopment Authority, to the extent that such agreement provides standards for groundwater protection during construction.

The Applicant shall demonstrate that the Proposed Project meets the requirements of this section by certification from a Massachusetts registered engineer or other expert or authoritative body recognized by the Board of Appeal. With respect to a Proposed Project for a one, two, or three-family residence, the Applicant may demonstrate to the Board of Appeal presumptive compliance with the rainwater capture requirements of Subsection (a) of this Section 32-6 by designing and constructing such system pursuant to pertinent specifications approved by the Commissioner of Inspectional Services.

Notwithstanding the above provisions of this Section 32-6, in the GCOD mapped in the North End Waterfront Subdistrict, the North End Local Business Subdistrict and Fort Point Waterfront Subdistrict, all within the Harborpark District, and also in the North End Neighborhood District, Bulfinch Triangle District, Central Artery District, and South Boston, the Applicant shall demonstrate that the Proposed Project complies only with Subsection (b) of this Section 32-6.

(^Amended on April 25, 2007)

SECTION 32-7. **Designation of Groundwater Conservation Overlay Districts.** The geographic areas and zoning districts shown on Appendix A hereto are subject to the provisions of this article.

SECTION 32-8. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this article.

SECTION 32-9. **Enforcement.** The Commissioner of Inspectional Services shall not issue any building or use permit for a Proposed Project that is subject to but fails to comply with the provisions of this article.

SECTION 32-10. **Severability.** If any provision or section of this article shall be held invalid by any court of competent jurisdiction, such provision or section shall be deemed separate and apart from the remaining provisions of this article, and such remaining provisions and sections shall continue in full force and effect.



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OFF-STREET PARKING REQUIREMENTS

^TABLE H

**South End Neighborhood District
Off-Street Parking Requirements (1)**

Residential and Related Uses

	<u>Off Street Parking Requirement (space per dwelling unit) ^{2,3}</u>
<u>Dormitory/Fraternity Uses</u>	0.5
<u>Hotel and Conference Center Uses⁶</u>	0.7
<u>Residential Uses³</u>	
Elderly Housing	0.5
Group Residence, Limited	0.5
Lodging House	0.5
Transitional Housing or Homeless Shelter	0.25
Other Residential Uses ^{4,5,6}	0.7

1. The provisions of this Table H do not apply to Proposed Projects that are subject to Large Project Review. See Section 64-33 (Off-Street Parking and Loading Requirements).
2. Where a use is not divided into Dwelling Units:
 - (a) if sleeping rooms have accommodations for not more than two (2) persons, each group of two (2) sleeping rooms shall constitute a Dwelling Unit;
 - (b) if sleeping rooms have accommodations for more than two (2) persons, each group of four (4) beds shall constitute a Dwelling Unit.
3. Any dwelling converted for more families in separate dwelling units must meet not less than one-half the off-street parking requirements of this Table H.
4. Off-street parking facilities are not required unless more than two car spaces are required by this Table H.
5. For Dwelling Units qualifying as Affordable Housing, the off-street parking requirement shall be 0.7 parking spaces per Dwelling Unit.

6. Except in the Economic Development Areas, the minimum ratio for off street parking requirement for Hotel and Conference Center Uses shall be 0.3 and the maximum ratio for off street parking requirement for Hotel and Conference Center Uses shall be 0.5, and for Other Residential Uses the maximum ratio for off street parking shall be 1.0.

(^As amended on January 18, 2012)

ARTICLE 23

OFF-STREET PARKING

SECTION 23-1. **Residential Uses.** No structure or land shall be used for any use listed in Table A of Section 8-7 under Use Items Nos. 1, 1A, 2, 3, 4, 5, 6, 7, 7A, 7B, 8, 9, 10, 11, 12, 13, 13A, 14 or 15, unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ratio Specified in Table B of Section 13-1 for the Lot is:	For Each Dwelling Unit* There Shall Provided at Least:
0.3 or 0.5	1.0 space+
0.8 or 1.0	0.9 space+
2.0	0.7 space+
3.0	0.6 space+
4.0	0.5 space+
5.0	0.4 space+

* Where use is not divided into dwelling units:

- (a) If sleeping rooms have accommodations for not more than two persons, each two sleeping rooms shall constitute one dwelling unit; and
- (b) If sleeping rooms have accommodations for more than two persons, each four beds shall constitute one dwelling unit.

+ or, in the case of housing projects for elderly persons of low income, 0.2 space. Housing projects for elderly persons of low income, as used herein, shall be deemed to mean such housing constructed under the Housing Authority law of the Commonwealth of Massachusetts and/or the United States Housing Act of 1937 as amended.

(;As amended on November 26, 1965, April 14, 1967, November 9, 1978, April 11, 1979, August 10, 1979, and June 29, 1984)

;SECTION 23-2. **Public Assembly Uses.** Except in a restricted parking district, no structure or land shall be used for any use listed in Table A of Section 8-7 under Use Item Nos. 21, 27, 28, 29, 30, 36A, 37, 38, 38A, 52, 62, 63, or 66 unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ratio Specified in Table B of Section 13-1 for the Lot is:	One Space shall be Provided, If There Are Seats*, for Each:	If There Are No Seats, for Each:
0.3 or 0.5	5 seats	100 square
0.8 or 1.0	6 seats	120 feet of
2.0	8 seats	160 public
3.0	15 seats	300 floor
4.0	20 seats	400 area in
5.0	20 seats	400 structures

* Where benches are used for seating purposes, each two lineal feet of bench shall constitute one seat.

Except that places of worship need provide no more than one half of such number of spaces.

(;As amended on September 27, 1973 and March 5, 1975)

;SECTION 23-3. **Institutional Uses.** Except in a restricted parking district, no structure or land shall be used for any use listed in Table A of Section 8-7 under Use Item Nos. 16, 16A, 17, 18, 19, 20, 20A, 22, 22A, 23, 24, 25, 39A, 77 or 79, unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ratio Specified in Table B of Section 13-1 for the Lot is:	One Space Shall be Provided for Each:
0.3 or 0.5	600 square
0.8 or 1.0	700 feet
2.0	1,000 of
3.0	1,800 gross
4.0	2,400 floor
5.0	2,400 area

Provided that any use under Use Item Nos. 16, 17, 18 or 19 primarily for children under sixteen need provide no more than one half of such number of spaces; and provided further that where an institution maintains one or more dormitories, the number of parking spaces accessory to such dormitories shall be deducted

from the number of parking spaces otherwise required by this section for a lot with classrooms, libraries, lecture halls, laboratories and similar educational areas normally used by persons resident in such dormitories unless such lot is regularly used by persons not resident in such dormitories or the parking spaces accessory to such dormitories are more than twelve hundred feet from such lot.

(;As amended on July 9, 1973, September 27, 1973, October 19, 1978 and January 8, 1982)

;SECTION 23-4. **Retail and Office Uses.** Except in a restricted parking district, no structure or land shall be used for any use listed in Table A of Section 8-7 under Use Item Nos. 32, 33, 34, 34A, 35, 36, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49, 50, 51, 61, 73, 74 or 78 unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ratio Specified in Table B of Section 13-1 for the Lot is:	One Space Shall be Provided:			
	for Each:		and also for Each:	
0.3 or 0.5	300	square	600	square
0.8 or 1.0	350	feet of	700	feet of
2.0	500	gross floor	1,000	other
3.0	900	area on	1,800	gross
4.0	1,200	ground	2,400	floor
5.0	1,200	floor	2,400	area*

* Where main use on a lot is an open-air use not enclosed in a structure, the area of the part of the lot actually devoted to such use shall constitute floor area.

(;As amended on August 12, 1971, July 9, 1973, September 27, 1973, and March 5, 1975)

SECTION 23-5. **Factory and Warehouse Uses.** Except in a restricted parking district, no structure or land shall be used for any use listed in Table A of Section 8-7 under Use Item Nos. 31, 45, 54, 55, 56, 57, 60, 60A, 64, 65, 67, 68, 69, or 70 unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ratio Specified in Table B of of Section 13-1 for the Lot is:	One Space shall be provided for Each:
0.3 or 0.5	1,000 square
0.8 or 1.0	1,200 feet
2.0	1,600 of
3.0	2,000 gross
4.0	3,000 floor
5.0	3,000 area*

* Where main use on a lot is an open-air use not enclosed in a structure, the area of the part of the lot actually devoted to such use shall constitute floor area.

(;As amended July 9, 1973, and September 27, 1973)

SECTION 23-6. Off-Street Parking Not Required in Certain Cases.

- (a) When the maximum floor area ratio specified in Table B of Section 13-1 for a lot is 8.0 or 10.0, off-street parking facilities are not required for such lot.
- (b) When the maximum floor area ratio specified in Table B of Section 13-1 for a lot is 0.8, 1.0, 2.0, 3.0, 4.0, or 5.0, off-street parking facilities are not required for such lot if the lot is devoted to residential uses and no more than two car spaces are required by Section 23-1 or if the lot is devoted to non-residential uses and no more than four car spaces are required by other provisions of this Article.
- (c) When the maximum floor area ratio specified in Table B of Section 13-1 for a lot is 0.3 or 0.5, off-street parking facilities are not required for such lot if the lot is devoted to non-residential uses and no more than two car spaces are required by other provisions of this Article.

SECTION 23-7. Mixed Uses.

- (a) If a lot by reason of a diversity of occupancies is subject to more than one of the first five sections of this Article, the number of car spaces required by each section for the occupancies subject to it shall be determined, and then such numbers totalled; and off-street parking facilities with such total number of car spaces shall be provided.
- (b) If a single occupancy involves uses subject to more than one of the first five sections of this Article, off-street parking facilities shall be provided for such occupancy in accordance with the section to which the dominant use is subject, except that if a minor use subject to another of said sections occupies more than ten thousand square feet or more than twenty-five percent of the gross floor area of the structure, off-street parking facilities shall be provided as if the lot were by reason of a diversity of occupancies subject to more than one of said sections.

;SECTION 23-7A. **Pre-Code Structures.** If a structure existing on December 31, 1964, is altered or extended so as to increase its gross floor area or the number of dwelling units, only the additional gross floor area or the additional number of dwelling units shall be counted in computing the off-street parking facilities required.

(;As inserted April 14, 1967)

SECTION 23-8. Location.

- (a) Except in the case of a lot serviced by a common parking facility, the off-street parking facilities required by this Article shall be provided on the same lot as the main use to which they are accessory; provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular lot, said Board, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, may grant permission for such facilities to be on another lot in the same ownership in either of the following cases: -- (1) where the main use on the particular lot is for residential purposes and the other lot is within four hundred feet of the particular lot; and (2) where the main use on the particular lot is for non-residential purposes and the other lot is within twelve hundred feet of the particular lot.

- (b) After public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided, that there is a permanent allocation of the requisite number of spaces for each use and that the total number of spaces is not less than the aggregate of the numbers required for each use.
- (c) Parking spaces provided by the City on public right-of-way adjacent to housing units for families of low or moderate income or families displaced from urban renewal areas or as a result of governmental action, when such housing units will have mortgage insurance provided according to Title 12 U.S. Code (1964 edition) S. 1715 (L), as amended from time to time, and when such parking spaces are clearly intended by their location and design to be used primarily by residents of such housing units and their visitors, may be substituted space for space for the parking spaces required by this code. This section shall not apply to parking spaces along the curb of any street which is used primarily for the movement of vehicles belonging to others than residents of such housing or their visitors.

(;As amended April 14, 1967)

SECTION 23-9. **Design.** All off-street parking facilities provided to comply with this Article shall meet the following specifications:

- (a) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic; and all lighting shall be so arranged as to shine downward and away from streets and residences.
- (b) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained and maintained as to prevent water and dust therefrom going upon any street or another lot.
- (c) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling or servicing of any kind.
- (d) Each car space shall be located entirely on the lot and shall be no less than eight and one half feet in width and twenty feet in length, exclusive of maneuvering areas and access drives.

SECTION 23-10. **Maintenance.** All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.



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NONCONFORMING SECTION

ARTICLE 9

NONCONFORMING USES

;SECTION 9-1. **Extension of Nonconforming Uses and Reconstruction and Extension of Nonconforming Buildings.** Whenever land is being lawfully used for a use not conforming to this code, other than stone quarrying, such use may be extended on the same lot or on an adjoining lot; provided that after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for such extension; and provided further that the use as extended shall not exceed by more than twenty-five percent either in volume or in area the nonconforming use existing on the effective date of this code or, in the case of a use made nonconforming by an amendment of this code, on the effective date of such amendment.

Whenever a building or structure is being lawfully used for a use not conforming to this code, such building or structure may be reconstructed, structurally changed or extended; provided that after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for such reconstruction, structural change or extension; provided also that the building or structure as reconstructed, structurally changed or extended shall not exceed by more than twenty-five percent either in volume or in area the building or structure existing on the effective date of this code or, in the case of a building or structure made nonconforming by an amendment of this code, on the effective date of such amendment; and provided further that the aggregate amount expended for reconstructing, structurally changing or extending a nonconforming building or structure after the effective date of this code, or, in the case of a building or structure made nonconforming by an amendment to this code, after the effective date of such amendment, shall not exceed fifty percent of the physical value of the building or structure on the effective date of this code or such amendment as determined by the Board of Appeal from its reproduction cost less physical deterioration. Said limit on the amount expended for reconstructing, structurally changing or extending a nonconforming building or structure shall not apply to any alteration of a structure, or of a structure in a district, which is listed in the National Register of Historic Places or which has been designated by the Boston Landmarks Commission in accordance with Chapter 772 of the Acts of 1973.

(;As amended on March 26, 1982)

;SECTION 9-1A. **Hours of Operation of Nonconforming Use.** In any district where residential uses are allowed, an extension of the hours of operation of a nonconforming business or industrial use into the period between 12 midnight and 6 A.M. shall be deemed to constitute an extension of a nonconforming use and is subject to the provisions of Section 9-1. For purposes

of this section, "business" shall include uses listed under Use Item Nos. 34 through 36A, 39 through 52, 54 through 57, 60 and 60A; "industrial" shall include uses listed under Use Item Nos. 68 through 70.

(;As inserted on June 7, 1978)

SECTION 9-2. Change in Nonconforming Use. If on the effective date of this code or of any amendment thereof a structure or land is being lawfully used for a use not conforming to this code or such amendment, such structure or land may be used for another nonconforming use; provided that after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for such substitute nonconforming use; and provided further that upon the use of such structure or land for such substitute nonconforming use, the right to use such structure or land for the former nonconforming use shall terminate.

SECTION 9-3. Effect of Non-Use of Nonconforming Use. If on the effective date of this code, a structure or land is being lawfully used for a use not conforming to this code, in order not to unduly prolong the life of such nonconforming use, the subsequent non-use of such structure or land for such nonconforming use for a period of twenty-four consecutive calendar months shall terminate the right to use such structure or land for such nonconforming use. So also, if on the effective date of any amendment to this code a structure or land is being lawfully used for a use not conforming to such amendment, in order not to unduly prolong the life of such nonconforming use, the subsequent non-use of such structure or land for such nonconforming use for a period of twenty-four consecutive calendar months shall terminate the right to use such structure or land for such nonconforming use. For the purpose of this section, whenever a structure or land is not being actively used for a nonconforming use, there shall be deemed to be a non-use for such nonconforming use.



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DEFINITIONS SECTION

ARTICLE 2

DEFINITIONS*

*Note: For definitions applicable to Neighborhood Districts and to Article 80, see Article 2A.

SECTION 2-1. **Meaning of Certain Words and Phrases.** As used in this code, the following words and phrases shall have the meanings given in the following clauses, unless a contrary intention clearly appears:

(1) "Accessory building", a structure devoted exclusively to a use accessory to a main use of the lot.

(2) "Accessory use", a use customarily incident to, and on the same lot as, a main use.

^(2AA) "Airport-related remote parking facility," a parking lot or parking garage from which transportation service is offered to airport premises.

(^As inserted on November 21, 1996.)

^(2A) "Amusement game machine", a machine, apparatus, device, or mechanism, by which entertainment requiring or involving participation therein or the use of skill therein by a player or patron is furnished for profit, including, but not exclusively, video games and pinball machines, and excluding pool tables, sippio tables, billiard tables, and bowling alleys. An amusement game machine may be, but need not be, controlled by a coin, token, or slug.

(^As inserted on June 2, 1983)

(3) "Apartment hotel", a building primarily for persons who have their residence therein, containing four or more apartments which do not have kitchens.

^(3A) "Art use", the creation, manufacture, or assemblage of visual art, including two- or three-dimensional works of fine art or craft, or other fine art objects created, manufactured, or assembled for the purpose of sale, display, commission, consignment, or trade by artists or artisans; or classes held for art instruction.

(^As inserted on February 1, 1989)

^(3B) "Artists' mixed-use", the use of all or a portion of a Building for both habitation and either Art Use or Arts Studio use, or a combination thereof, provided that any portion of a Building devoted to such use shall be (a) occupied by persons certified as artists pursuant to the Boston Redevelopment Authority's Artist Certification Process, (b) design in accordance with Boston Redevelopment Authority standards and guidelines for artists' mixed-use space, and (c) subject to an agreement for artists' housing with the Boston Redevelopment Authority.

(^As inserted on February 1, 1989, and amended on September 9, 2004)

^(3C) "Bank, drive-in", a bank which provides, as all or part of its services, one or more teller's windows for the use of persons while seated in motor vehicles.

(^As inserted on November 30, 1973, and amended on April 11, 1979 and February 1, 1989)

^(3D) "Basement", that portion of a building which is more than thirty-five percent (35%) of the height of the story below grade.

(^As inserted on September 23, 1987, and amended on February 1 and March 30, 1989)

^(3E) "Bay window", a fenestrated projection from the face of a building entirely contained within the following dimensions: (a) depth not to exceed five feet, (b) width not to exceed eighteen feet or seventy percent of the width of the building, whichever is the lesser, and (c) each side to form an angle with the face of the building of not less than one hundred thirty-five degrees. (Illustrated in Appendix 2.)

(^As amended on February 17, 1971, November 30, 1973, September 23, 1987, and February 1, 1989)

(4) "Block", the lot or lots fronting on the same side of the same street between two streets intersecting such street on such side with no other such intersecting street intervening.

(5) "Board of Appeal", the Board of Appeal in the Building Department of the City.

^(6) "Boarding house", any dwelling (other than a hotel, motel, apartment hotel, dormitory, fraternity or sorority house) in which board is provided to five or more persons who are not living as a single, non-profit housekeeping unit. For the purposes of this definition, a family is one person.

(^As amended on February 3, 1966 and March 13, 2008)

(7) "Building", a structure forming a shelter for persons, animals or property and having a roof, exclusive, however, of such frameworks and tents as are customarily used exclusively for outdoor carnivals, lawn parties, or like activities. Where the context allows, the word "building" shall be construed as though followed by the words "or part thereof".

^(7A) "Building line", the line in conformity with the alignment of existing buildings in the same block, at a distance from the street line equal to the yard depth occurring most frequently on that block, as measured by lot widths along the street line. The distance from the street line to the building line shall be calculated in accordance with the method described in Section 18-2.

(^As inserted on April 12, 1987)

^(8) "Building Commissioner", the Building Commissioner, or successor, including but not limited to the Commissioner of Inspectional Services, of the City.

(^As amended on October 12, 1988)

^(8A) "Check cashing business," an establishment offering cash in exchange for checks, money orders, or the like, where the transaction involves a fee or an exchange at other than face value and is not principally in payment for the purchase of goods or services. "Check cashing business" does not include a bank or automatic teller machine.

(^As inserted on October 6, 1994)

(9) "City", the City of Boston.

(10) "Clinic", a place for the medical or similar examination and treatment of persons as outpatients.

(11) "Commission", the Zoning Commission of the City.

^(11A) "Container redemption center," a facility that is registered with the Massachusetts Department of Environmental Protection, Bureau of Waste Prevention, Division of Solid Waste Management, or any successor agency thereto, as a facility for the redemption of beverage containers subject to deposit.

(^As inserted on September 30, 1993)

^(11B) "Day care center", any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school,

progressive school, child development center, or preschool, or known under any other name, which receives children not of common parentage under seven years of age, or children under sixteen years of age if such children are children with special needs as defined in Massachusetts General Laws, Chapter 28A, Section 9, for nonresidential custody and care during part or all of the day separate from their parents. Day care center shall not include: any part of a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to kindergarten, nursery, or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor.

(^As inserted on October 12, 1988)

^(11C) "Dormitory", any dwelling (other than a fraternity or sorority house) occupied primarily as a place of temporary abode by persons attending education institutions.

(^As inserted on February 3, 1966, and amended on October 12, 1988)

^(11D) "Dumpster", any dumpster, container, drum or compactor greater than one cubic yard in volume used for the storage of waste, refuse, garbage, construction debris or similar material. For the purpose of this Code, a dumpster shall be treated as an Accessory or Ancillary use where the dumpster is serving as the primary means for disposal for a Main Use, including the storage of construction debris generated on the respective lot on which said Main use is located, and a dumpster or storage of dumpsters shall be treated as an Accessory or Ancillary use when used in conjunction with the ongoing operation of a permitted site with explicit legal use and occupancy as a dumpster repair facility, waste hauling contractor yard, or site assigned and licensed solid waste management facility.

(^As inserted on September 18, 2000)

(12) "Dwelling", a building or structure used in whole or in part for human habitation.

(13) "Dwelling, detached", a dwelling which is designed to be and is substantially separate from any other structure or structures except accessory buildings.

(14) "Dwelling, multi-family", a building containing three or more dwelling units, but not including a motel.

(15) "Dwelling, semi-detached", a dwelling having a party wall in common with another dwelling but which otherwise is designed to be and is substantially separate from any other structure or structures except accessory buildings.

^(16) "Dwelling unit", a room or group of rooms forming a habitable unit for one family, or one group residence limited as defined in clause (22B) of this Section 2-1, with facilities used or intended to be used for living, sleeping, cooking and eating; but not including any use contained in artists' mixed-use space as defined in clause (3B).

(^As amended on February 1, 1989 and February 22, 1991)

(17) "Erect", to construct or reconstruct or excavate, fill, drain, or conduct physical operations of any kind in preparation for or in pursuance of construction or reconstruction, or to move a building or structure upon a lot.

(18) "Extend", to increase in area or volume.

^(19) "Family", one person or two or more persons related by blood, marriage, adoption, or other analogous family union occupying a dwelling unit and living as a single non-profit housekeeping unit, provided that a group of five or more persons who are enrolled as full-time, undergraduate students at a post-secondary educational institution shall not be deemed to constitute a family. A group residence, limited, as defined in clause (22B) of this Section 2-1 shall be deemed a family.

(^As amended on February 22, 1991 and March 13, 2008)

^(19A) "Family day care home", any dwelling unit which on a regular basis receives, for temporary custody and care during part or all of the day, children under seven years of age, or children under sixteen years of age if such children are children with special needs as defined in Massachusetts General Laws, Chapter 28A, Section 9; provided, however, in either case, that (1) the unit is licensed by the Massachusetts Office of Child Care Services (or a successor agency responsible for the state licensing of home-based child care facilities) for the number of participating children, and (2) the total number of children under sixteen in a family day care home shall not exceed ten, including participating children living in the dwelling unit. Family day care home shall not mean a dwelling unit used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefor.

(^As inserted on October 12, 1988, and amended on May 30, 2000)

(20) "Floor area ratio", the ratio of gross floor area of a structure to the total area of the lot.

^(21) "Floor area, gross", the sum of areas of the several floors of the structure, as measured by the exterior faces of the walls, including fully enclosed porches and the like as measured by the exterior limits thereof, but excluding (a) garage space which is in the basement of a building or, in the case of garage space accessory to a dwelling, is at grade, (b) basement and cellar areas devoted exclusively to uses accessory to the operation of the structure, and (c) areas elsewhere in the structure devoted to housing mechanical equipment customarily located in the basement or cellar such as heating and air conditioning equipment, plumbing, electrical equipment, laundry facilities and storage facilities, provided, however, that in an H-2-45, H-2-65, H-3-65, L-2-65 or B-3-65 district no area in an existing structure previously included in gross floor area and no area in any addition to an existing structure, except areas not used or designed to be used for human occupancy, such as attics, basements, cellars or space under sloping eaves, shall be excludable from gross floor area as area for storage facilities or laundry facilities.

(^As amended on September 27, 1973, March 5, 1980, October 31, 1980, and June 16, 1982)

^(22) "Grade", the average elevation of the nearest sidewalk at the line of the street or streets on which the building abuts, except as otherwise provided in Section 16-8 as such section pertains to the restricted roof structure district in the North End, or in the case of a building not abutting on a street, the average elevation of the ground between the building and the lot line or a line twenty (20) feet from the building, whichever is nearer; but in no event shall the average elevation of such ground be taken to be more than five (5) feet above or below the average elevation of the ground immediately contiguous to the building.

(^As amended on September 23, 1987 and March 30, 1989)

^"Green Building", structures and their surrounding landscapes designed, constructed, and maintained to decrease energy and water usage and costs, to improve the efficiency and longevity of building systems, and to decrease the burdens imposed on the environment and public health.

(^As inserted on January 10, 2007)

^"Green roof project", the portion(s) of building or structure roof area with vegetation or plantings purposed to reduce Heat Island Effects and provide Storm Water Retention and Thermal Insulation benefits. Additional benefits may include agricultural, habitat, and or human well-being. Except for intensive and agricultural plantings, green roof systems should be drought resistant and not require irrigation once established. The Green Roof Project may consist of

extensive or intensive vegetation and or plantings, or a combination of both, and constructed of either in-place or modular systems.

(^As inserted on December 20, 2012)

^(22A) "Group care residence, general", premises for the residential care or supervision (but not including custodial care) of ex-alcoholics, ex-drug addicts, pre-release or post-release convicts or juveniles under seventeen years of age who are under the care of correctional agencies of the Commonwealth, but not including the residential care of mentally ill, mentally retarded, or physically handicapped persons if such care is licensed, regulated or operated by the Commonwealth of Massachusetts or operated by a vendor under contract with the Commonwealth.

(^As inserted on November 9, 1978)

^(22B) "Group residence, limited", premises licensed, regulated, or operated by the Commonwealth of Massachusetts or operated by a vendor under contract with the Commonwealth for the residential living, care, or supervision in any single dwelling unit of five or more mentally ill or mentally retarded persons or persons with disabilities.

(^As inserted on August 10, 1979, and amended on February 22, 1991)

^(23) "Height of Building", the vertical distance from grade to the top of the highest point of the roof beams of a flat roof, or the mean level of the highest gable or of the slope of a hip roof, excluding belfries, cupolas, domes, monuments, church spires, water, observation, radio and transmission towers, windmills, chimneys, smokestacks, silos, derricks, conveyors, masts, flagpoles, aerials, elevator penthouses, water tanks, monitors, signs, or other roof structures and penthouses normally built above the roof and not used or designed to be used for human occupancy, but such structures shall be erected only to such heights, and cover only such areas, as are necessary to accomplish the purpose they are intended to serve, provided that in any event, the total area of such roof structures and penthouses does not exceed 33 1/3 percent of the total of all roof areas, measured horizontally, of such building, except that, for any Proposed Project that (a) is subject to Article 80B (Large Project Review); and (b) is within a downtown district established under Section 3-1C, "height of building" means the vertical distance from grade to the top of the structure of the last occupied floor. A mansard roof shall be considered a flat roof.

(^As amended on July 9, 1973, September 23, 1987, June 23, 1989, and March 15, 2006)

^(24) "Hotel", a building (other than a dormitory) containing four or more apartments without kitchens, or containing sleeping accommodations for ten or

more persons, primarily the temporary abode of persons who have their residences elsewhere.

(^As amended on February 3, 1966)

^(24A) "Inspectional Services, or Inspectional Services Department, Commissioner of": See clause (8).

(^As inserted on October 12, 1988)

^(24AA) "Institutional Master Plan Review", the review described as Institutional Master Plan Review in Section 80D-1.

(^As inserted on May 9, 1996.)

^(24AAA) "Large Project Review", the review described as Large Project Review in Section 80B-1.

(^As inserted on May 9, 1996.)

^"LEED", Leadership in Energy and Environmental Design Green Building Rating System are nationally accepted standards for green buildings developed by the USGBC. LEED standards include the following: LEED NC for new construction and major renovation projects; LEED CI for commercial interior projects; LEED H for homes; LEED ND for neighborhood development. The Green Building Guide for Health Care, developed by Healthcare without Harm, in conjunction with the USGBC is the appropriate standards for hospitals.

(^As inserted on January 10, 2007)

^(25) "Lodging house", any dwelling (other than a boarding house, dormitory, fraternity, sorority house, hotel, motel or apartment hotel) in which living space, with or without common kitchen facilities, is let to five or more persons, who do not have equal rights to the entire dwelling and who are not living as a single, non-profit housekeeping unit. For the purposes of this definition, a family is one person.

(^As amended on February 3, 1966 and March 13, 2008)

^(26) "Lot", a parcel of land including land under water, whether or not platted, in single ownership, and not divided by a street.

(^As amended on April 14, 1967)

(27) "Lot area", the horizontal area of the lot exclusive (a) of any area in a street or private way open to public use, and (b) of any fresh-water area more

than ten feet from the shoreline, and (c) of any salt-water area below the mean high-tide line.

(28) "Lot, corner", a lot with boundaries abutting on, and meeting at the intersection of, two streets when the lines of such boundaries form within such lot at such intersection an angle of not more than 135 degrees. In the case of a curved boundary, the tangent to such curved boundary at its point of intersection with another boundary of the lot shall be deemed to be the line of such boundary for the purposes of this definition.

^(29) "Lot, depth", the horizontal distance between the front and rear lot lines measured by the length, within the lot, of a straight line connecting the midpoint of a straight line between the foremost points of the side lot lines with the midpoint of a straight line between the rearmost points of the side lot lines.

(^As amended on April 14, 1967)

(30) "Lot line, front", the line separating the lot from the street. The owner of a lot abutting on two or more streets may designate as the front lot line whichever of the two widest streets he chooses.

(31) "Lot line, rear", the line which most nearly qualifies as the line most distant and opposite from the front lot line; where the lot is irregularly shaped, a line perpendicular to the mean direction of the side lot lines, and at least ten feet in length within the lot.

^(32) "Lot width", the shortest horizontal distance between the side lot lines measured perpendicular to the mean direction of two straight lines, one between the foremost and rearmost points of one side lot line, and the other between the foremost and rearmost points of the other side lot line.

(^As amended on April 14, 1967)

^(32A) "Mansard roof", a sloping roof having a pitch of more than sixty (60) degrees to the horizontal. The floor under a mansard roof shall be considered a story as defined in clause (42).

(^As inserted on September 23, 1987)

^"Marijuana Medical Treatment Center", a not-for-profit entity registered under section nine of chapter three hundred and sixty-nine of the Acts of 2012 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells and/or dispenses marijuana and/or related supplies and educational materials to registered qualifying patients and their registered primary caregivers who have designated it as one of the patient's registered medical treatment center.

(^As inserted on January 26, 2013)

^(32B) "Maritime-dependent industrial uses", marine terminals and related structures for the transfer between ship and shore of goods and/or passengers transported in waterborne commerce; facilities associated with marine terminals for the storage of goods transported in waterborne commerce; manufacturing facilities relying on the bulk receipt of shipments of goods by waterborne commerce; wharves, piers, docks, and processing and storage facilities for the commercial fishing industry; dry docks and other facilities related to the construction, servicing, storage, maintenance, or repair of vessels and other marine structures; and other docks, piers, wharves, berths, dolphins, or mooring facilities for tow boats, barges, dredges, ferries, commuter boats, water buses, water taxis, or other vessels engaged in waterborne commerce, port operations, or marine construction. MER districts contain, or are adjacent to, (a) navigable channels of 12 feet or more in depth at mean low tide; or (b) tidelands and associated lands abutting such channels that by their topography, size, and relationship to residential neighborhoods are suited for maritime-dependent industrial use. Where an area is being used or, within the five (5) years prior to the establishment of the MER district in this code, has been used for a maritime-dependent industrial use, this requirement is deemed to have been met.

(^As inserted on August 30, 1988)

^(32C) "Mobile home", a dwelling, other than a recreational vehicle, that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation.

(^As inserted on March 26, 1982, and amended on September 23, 1987 and August 30, 1988)

^(32D) "Mobile home park", a parking space for two or more mobile homes used as dwellings.

(^As inserted on June 29, 1984, and amended on September 23, 1987 and August 30, 1988)

(33) "Motel", a hotel primarily for transients travelling by automobile, with a parking space on the lot for each lodging unit, and with access to each such unit directly from the outside.

^(33A) "Motor vehicle", a self-propelled, wheeled, non-rail conveyance with gas-, electric-, solar- or other non-muscle powered engine (such as cars, trucks, motorcycles, minibikes, pocket bikes, mopeds, power scooters, electric skateboards) with the exception of : (a) personal mobility devices designed for use on sidewalks and pedestrian areas (such as Electronic Personal Assistive Mobile Device or "EPAMD"s and segways) as well as those with impaired mobility (such as wheelchairs); and (b) motor vehicles with primarily an agricultural or industrial purpose (such as tractors and riding lawn mowers).

(^As inserted on March 15, 2006)

^(33AA) "Neighborhood Council", any neighborhood-based council established by the Mayor to render advice to neighborhood residents, the Mayor, city departments, and the Boston Redevelopment Authority regarding any municipal issues of neighborhood concern.

(^As inserted on February 1, 1989)

(34) "Nonconforming use", a use of a structure or lot that does not conform to a regulation prescribed by this code for the district in which is it located; provided that such use was lawfully in existence on the effective date of this code or, in the case of a use made nonconforming by an amendment of this code, on the effective date of such amendment.

(35) "Occupied", shall include the words "designed, arranged, or intended to be occupied".

(36) "Parapet line", a horizontal line at the mean height of the wall of the building nearest to, and substantially parallel with, the lot line from which a setback is being measured.

^(36AA) "Planned Development Area Review", the review described as Planned Development Area Review in Section 80C-1.

(^As inserted on May 9, 1996)

^(36A) "Planning and Zoning Advisory Committee", any neighborhood-based committee appointed by the Mayor to render advice to neighborhood residents, the Mayor, city departments, and the Boston Redevelopment Authority regarding land use planning and zoning issues.

(^As inserted on February 1, 1989)

(37) "Public open space", an open space in public ownership devoted or to be devoted to a public use with only minor accessory buildings, if any. No structure that exceeds twenty feet in height or two thousand square feet in gross floor area shall be considered to be a part of such public open space. "Public open space" shall be construed to include a street.

(38) "Restricted, more, and less", a use district is "more restricted" if it is listed earlier in Section 3-1 and "less restricted" if listed later in said section.

^(38A) "Rounding numbers, rule for", when a decimal must be rounded to the nearest whole number, as in the case of off-street parking requirements, or to the nearest foot, under Section 18-2 (as most recently amended on October 22, 1974), and when the only digit dropped is .5, then if the last digit retained is an even number, it shall be left unchanged; but if the last digit retained is an odd number, it shall be increased to the next higher digit. In the case of rounding to the nearest half foot under Section 18-2 (as most recently amended on October 22, 1974), if the only digits dropped are .25, the preceding digit shall be left unchanged; but if the only digits dropped are .75, the preceding digit shall be raised to the next higher number.

(^As inserted on November 27, 1974)

^(38B) "Row house", one of a group of three or more houses sharing a common or party wall on one or both side lot lines.

(^As inserted on July 9, 1973, and November 27, 1974)

^(38C) "School", buildings, premises and parts thereof in which a regular course of public or private instruction is given.

(^As inserted on April 11, 1979)

(39) "Shall", shall be considered mandatory and not directory.

^(40) "Sign", any structure, device, light, letter, word, model, banner, pennant, insignia, trade flag, or representation which is designed to be seen from outside a building and which advertises or announces a use conducted or goods, products, services or facilities available, including electric signs in windows or doors, but excluding window displays of merchandise and signs incidental to the display of merchandise.

(^As amended on December 18, 1972)

(41) "Sign, area of":

- (a) For a sign, either free-standing or attached, the area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
- (b) For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background of a different color than the natural color of the building.
- ^(c) Where the sign consists of individual letters or symbols attached to or painted on a surface, building, canopy, awning, wall or window, the area shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all of the letters or symbols.

(^As amended on December 18, 1972)

^(d) Only one face of a two-faced sign shall be counted in computing the area of a sign, or the total area of signs on a sign frontage or on a lot.

(^As inserted on December 18, 1972, and amended on June 7, 1974)

^(41A) "Sign, awning", a sign on or attached to a temporary retractable shelter which is supported entirely from the exterior wall of a building.

^(41B) "Sign, canopy", a sign on or attached to a permanent overhanging shelter which projects from the face of a building and is supported only partially by said building.

^(41C) "Sign design, comprehensive", a plan submitted to the Urban Design Department of the Boston Redevelopment Authority for signs and related architectural features on a sign frontage, a building front or a group of buildings.

^(41CC) "Sign, electronic", an on-premise or off-premise sign that allows for periodic changes in copy, images and/or symbols by electronic means.

(^As inserted on April 25, 2007, amended on June 12, 2013)

^(41D) "Sign frontage", the length along a ground floor building front, facing a street or a private way accessible from a street, which is occupied by a separate and distinct use, as defined by Article 8; the length along a ground floor building side facing a street, which is occupied by a separate and distinct use or by the same use which occupies the front of said building.

(^As inserted on April 11, 1973)

^(41E) "Sign, marquee", a sign on or attached to a permanent overhanging shelter which projects from the face of a building and is entirely supported by said building.

(^As inserted on April 11, 1973)

^(41F) "Sign, off-premise", a sign which advertises or announces a use conducted or goods available elsewhere than on the lot on which the sign is located.

(^As inserted on April 11, 1973)

^(41G) "Sign, on-premise", a sign which advertises or announces a use conducted or goods available on the lot on which the sign is located.

(^As inserted on April 11, 1973)

^(41H) "Small Project Review", the review described in Section 80E-1.

(^As inserted on May 9, 1996)

^(42) "Story", that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above, except that a space used exclusively for the housing above the roof of mechanical equipment of the building shall not be considered to be a story if access to such space may be had only for maintenance of such equipment.

(^As amended on September 23, 1987 and March 30, 1989)

^(43) ("Story above grade", inserted on September 23, 1987, and deleted on March 30, 1989.)

^(43A) "Story, first", the lowest story of which sixty-five percent (65%) or more of the height is above grade.

(^As amended on September 23, 1987 and March 30, 1989)

^(43B) "Story, half", a story used or designed to be used for human occupancy that has a floor area measured four (4) feet vertically from the floor of not more than one-half (1/2) the area of the floor next below and in which the ceiling area or plane, measured at a height of seven and one-third (7-1/3) feet above the floor, is a minimum of one-third (1/3) the area of the floor.

(^As inserted on September 23, 1987)

(44) "Street", a public way, alley, lane, court, sidewalk and such parts of public squares and public places as form traveled parts of highways.

(45) "Street line", the line separating a street from a lot.

(46) "Structure", a combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole, or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part thereof".

(47) ("Trailer park", deleted June 29, 1984; see 32B "Mobile home park".)

^(48) "Usable open space", space suitable for recreation, swimming pool, tennis court, gardens, or household service activities, such as clothes drying. Such space must be at least seventy-five percent open to the sky, free of automotive traffic, parking, and undue hazard, and readily accessible by all those for whom it is required. Where a minimum usable open space per dwelling unit is specified in this Code, there shall be allotted and maintained for lawful outdoor uses other than off-street parking on every lot within the district, and devoted to the use specified, for each dwelling unit intended for family occupancy the minimum usable open space so specified. All or a part of this requirement may

be met by suitable designed and accessible space on balconies of main buildings or on the roofs of main buildings, wings of main buildings or on the roofs of accessory buildings provided that accessible space on roofs are part of a Green Roof Project with no more than 25% of the green roof area physically accessible to the intended occupant. So much of the front, side, and rear yards required by this Code for the lot as is not devoted to an accessory building or off-street parking or driveway purposes shall be included in computing usable open space for the purposes of this Article. Minimum usable open space per dwelling unit requirements shall not apply to hotels, motels, hospitals, dormitories, or other residential structures intended and design primarily for transient occupancy.

(^As amended on April 14, 1967, and December 20, 2012)

^"USGBC", United States Green Building Council, a nonprofit organization comprised of leaders from the building industry formed to encourage sustainability by promoting buildings that are environmentally responsible, profitable, and healthy places to live and work.

(^As inserted on January 10, 2007)

(49) "Use", as a verb, shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, rented or leased to be used".

(50) "Yard, front", an open space extending across the full width of the lot and lying between the front lot line and the nearest building.

(51) "Yard, rear", an open space immediately behind the rearmost main building on the lot and extending across the full width of the lot.

(52) "Yard, side", an open space along the side line of a lot, extending from the front yard line to the rear yard line; in the case of a side yard abutting on a street, extending to the rear lot line.

^SECTION 2-2. **Other Words and Phrases.** Words and phrases not defined in Section 2-1 but defined in the Commonwealth of Massachusetts State Building Code shall have the meanings given in the Commonwealth of Massachusetts State Building Code unless a contrary intention clearly appears.

(^As amended on April 11, 1979)

SECTION 2-3. **Rules of Construction.** Words importing the singular shall include the plural; and words importing the plural shall include the singular.

Rent Roll
Waterford Place (1117)
As of: 04/30/2014

Unit	Name	Unit Type	Unit Description	Move In	Lease Exp	Move Out	Security Deposit	Last Mo Rent	Unit Rent	Occupied Rent	Total Charges	Resident Rent	Subsidy Rent	Other Charge Code	Other Charges
1-00201	Beronica Robles	1117m310	3 Bedroom / 2 Bath	09/01/09	08/31/14		1,725.00	0.00	1,725.00	1,725.00	1,725.00	1,140.00	585.00		
1-00202	Salado Elmi	1117m410	4 Bedroom / 2 Bath	01/01/02	12/31/14		2,019.00	0.00	2,169.00	2,169.00	2,169.00	767.00	1,402.00		
1-00204	Ahmad Hassan	1117m410	4 Bedroom / 2 Bath	01/01/10	12/31/14		1,961.00	0.00	1,961.00	1,961.00	1,961.00	474.00	1,487.00		
1-00206	Tuen yee Au	1117m210	2 Bedroom / 1 Bath	12/19/90	11/30/14		407.00	0.00	1,415.00	1,415.00	1,415.00	170.00	1,245.00		
1-00207	Yeshu Nega	1117m310	3 Bedroom / 2 Bath	02/01/04	04/30/15		1,644.00	0.00	1,529.00	1,728.00	1,728.00	830.00	898.00		
1-00301	Stephen Lagana	1117m310	3 Bedroom / 2 Bath	11/26/13	10/31/14		3,200.00	0.00	3,200.00	3,200.00	3,375.00	3,200.00	0.00	parking	175.00
1-00302	Zsa Zsa Kinsey	1117m410	4 Bedroom / 2 Bath	02/01/03	01/31/15		2,169.00	0.00	1,936.00	1,936.00	1,936.00	1,410.00	526.00		
1-00303	Kailun Hersi	1117m110	1 Bedroom / 1 Bath	04/01/12	03/31/15		1,000.00	0.00	1,282.00	1,282.00	1,282.00	125.00	1,157.00		
1-00304	Abdigafar Salah	1117m410	4 Bedroom / 2 Bath	10/01/05	09/30/14		1,850.00	0.00	1,850.00	1,850.00	1,850.00	91.00	1,759.00		
1-00305	Swati Sharma	1117m210	2 Bedroom / 1 Bath	08/25/12	08/31/14		2,500.00	0.00	2,800.00	2,630.00	2,630.00	2,630.00	0.00		
1-00306	Angela Perez	1117m210	2 Bedroom / 1 Bath	01/01/10	12/31/14		1,479.00	0.00	1,479.00	1,479.00	1,479.00	723.00	756.00		
1-00307	Tracey German	1117m310	3 Bedroom / 2 Bath	06/01/10	05/31/14		2,430.00	0.00	3,200.00	2,812.00	2,967.00	2,812.00	0.00	parking	175.00
1-00401	Philip Choi	1117m310	3 Bedroom / 2 Bath	04/15/08	03/31/15		2,200.00	0.00	3,200.00	2,805.00	2,980.00	2,805.00	0.00	parking	175.00
1-00402	Mohamed Ahmed	1117m410	4 Bedroom / 2 Bath	02/01/06	01/31/15		1,797.00	0.00	1,852.00	1,852.00	1,852.00	177.00	1,675.00		
1-00403	Lance Toure	1117m110	1 Bedroom / 1 Bath	05/07/02	04/30/15		782.00	0.00	822.00	822.00	822.00	582.00	240.00		
1-00404	Yoonsurh Kim	1117m410	4 Bedroom / 2 Bath	06/03/11	05/31/14		3,800.00	0.00	4,200.00	4,100.00	4,275.00	4,100.00	0.00	parking	175.00
1-00405	Anab Mohamed Abdulkadir	1117m210	2 Bedroom / 1 Bath	09/01/02	08/31/14		1,375.00	0.00	1,415.00	1,415.00	1,415.00	669.00	746.00		
1-00406	Choi Tak Lui	1117m210	2 Bedroom / 1 Bath	12/19/90	11/30/14		273.00	0.00	1,415.00	1,415.00	1,415.00	811.00	604.00		
1-00407	Queen Smith	1117m310	3 Bedroom / 2 Bath	08/01/05	07/31/14		1,600.00	0.00	1,600.00	1,600.00	1,600.00	155.00	1,445.00		
1-00501	Juan Cordova	1117m310	3 Bedroom / 2 Bath	02/01/13	01/31/15		782.00	0.00	1,725.00	1,725.00	1,725.00	782.00	943.00		
1-00502	Mohamud Mohamud	1117m410	4 Bedroom / 2 Bath	04/01/06	03/31/15		1,843.00	0.00	1,843.00	1,843.00	1,843.00	336.00	1,507.00		
1-00503	Quan Hue Ha	1117m110	1 Bedroom / 1 Bath	08/01/96	07/31/14		775.00	0.00	2,100.00	1,623.00	1,623.00	1,623.00	0.00		
1-00504	Elizabeth Allocco	1117m410	4 Bedroom / 2 Bath	08/03/11	06/30/14		3,900.00	0.00	4,200.00	4,258.00	4,258.00	4,258.00	0.00		
1-00505	Maria Veras	1117m210	2 Bedroom / 1 Bath	11/01/03	10/31/14		1,400.00	0.00	1,415.00	1,415.00	1,415.00	100.00	1,315.00		
1-00506	Josefina Laram-Morela	1117m210	2 Bedroom / 1 Bath	11/01/05	10/31/14		1,400.00	0.00	1,345.00	1,345.00	1,345.00	171.00	1,174.00		
1-00507	Gladys Jimenez	1117m310	3 Bedroom / 2 Bath	08/01/92	07/31/14		1,086.00	0.00	1,535.00	1,535.00	1,710.00	1,323.00	212.00	parking	175.00
1-00601	Ann Mack	1117m310	3 Bedroom / 2 Bath	03/07/05	02/28/15		1,600.00	0.00	1,680.00	1,680.00	1,680.00	781.00	899.00		
1-00602	Matthew Petersile	1117m410	4 Bedroom / 2 Bath	06/01/13	05/31/14		4,100.00	0.00	4,100.00	4,100.00	4,100.00	4,100.00	0.00		
1-00603	Dulce Salcedo	1117m110	1 Bedroom / 1 Bath	06/01/01	05/31/14		860.00	0.00	1,158.00	1,158.00	1,158.00	323.00	835.00		
1-00604	Amina Liban	1117m410	4 Bedroom / 2 Bath	07/19/08	06/30/14		1,894.00	0.00	1,894.00	1,894.00	2,069.00	336.00	1,558.00	parking	175.00
1-00605	Shao Fang Fok	1117m210	2 Bedroom / 1 Bath	12/18/90	11/30/14		230.00	0.00	1,415.00	1,415.00	1,415.00	567.00	848.00		
1-00606	Samia Fahiyeh	1117m210	2 Bedroom / 1 Bath	06/01/05	05/31/14		1,384.00	0.00	1,415.00	1,415.00	1,415.00	158.00	1,257.00		
1-00607	Melissa Estremera	1117m310	3 Bedroom / 2 Bath	10/01/05	09/30/14		2,000.00	0.00	3,200.00	2,648.00	2,823.00	2,648.00	0.00	parking	175.00

Rent Roll
Waterford Place (1117)
As of: 04/30/2014

Unit	Name	Unit Type	Description	Unit	Move In	Lease Exp	Move Out	Security Deposit	Last Mo Rent	Unit Rent	Occupied Rent	Total Charges	Resident Rent	Subsidy Rent	Other Charge Code	Other Charges			
1-00701	Isabel Domitquez	1117m110	1 Bedroom / 1 Bath		08/01/04	09/30/14		1,550.00	0.00	2,100.00	1,948.00	1,948.00	1,948.00	0.00					
1-00702	Brendan Post	1117m210	2 Bedroom / 1 Bath		09/01/11	08/31/14		2,400.00	0.00	2,800.00	2,650.00	2,825.00	2,650.00	0.00	parking	175.00			
1-00703	Joann Huynh	1117m210	2 Bedroom / 1 Bath		11/01/10	06/30/14	06/30/14	600.00	0.00	2,800.00	2,513.00	2,513.00	2,513.00	0.00					
1-00703	Chirayu Trivedi	1117m210	2 Bedroom / 1 Bath		07/01/14	06/30/15		0.00	0.00	0.00	0.00	0.00	0.00	0.00					
1-00704	VACANT	1117m110	1 Bedroom / 1 Bath					0.00	0.00	2,200.00	0.00	0.00	0.00	0.00					
1-00705	Sheila Thomas	1117m110	1 Bedroom / 1 Bath		07/01/05	06/30/14		1,100.00	0.00	1,158.00	1,158.00	1,158.00	197.00	961.00	v				
1-00706	Christine Burgo	1117m110	1 Bedroom / 1 Bath		10/01/10	09/30/14		1,091.77	0.00	1,165.00	1,165.00	1,165.00	170.00	995.00	v				
1-00707	Michael Kang	1117m110	1 Bedroom / 1 Bath		06/01/13	05/31/14		1,900.00	0.00	2,100.00	1,900.00	1,900.00	1,900.00	0.00					
PARKING	Parking Unit	1117park	Non-Resident Parking		01/01/07	12/31/14		0.00	0.00	0.00	0.00	2,225.00	0.00	0.00	parking	2,225.00			
Grand Totals:										41	Units	66,106.77	0.00	82,498.00	77,584.00	81,209.00	50,555.00	27,029.00	

Charge Summary		
# Units	ChargeCode	Charge Description
26	lha	Local Housing Authority
39	resrent	Residential Rent
		<u>77,584.00</u>
9	parking	Parking
		<u>3,625.00</u>
		<u>3,625.00</u>
		<u>81,209.00</u>

Note: This is a report of the value of lease and or 50059 charges for the point in time that the report is run. This report will not tie to transactional reports.

Zoning Solutions, Inc.

836 Washington Street, P.O. Box 850270, Braintree, MA 02185
781-848-0040 ~ FAX 781-380-4136

ZONING CERTIFICATE

Date: March 26, 2014

This certificate was compiled from public records obtained and reviewed by Zoning Solutions, Inc. regarding the zoning requirements and limitations for this property.

Subject Property:

180 – 192 Shawmut Avenue, Boston, MA

Zoning District:

Economic Development Area (EDA North) Sub-district of the South End Neighborhood District and within the restricted parking overlay district and the groundwater conservation overlay district. A PDA is allowed at this location.

See attached zoning map 1P South End Neighborhood District and Article 64

Permitted Uses:

**Multi-family dwelling is a permitted use
Accessory parking is permitted**

City of Boston Inspectional Service Records indicates the legal use and occupancy of the building is a 40-unit apartment building with 26 accessory parking spaces and a management office. This is a permitted use.

See attached assessor records.

(See Table A of Article 64 for additional permitted uses)

Dimensional/ Open Space Requirements: See Table C, Article 64.

Other relevant records attached:

- 1. Use Table;**
- 2. Dimensional table;**
- 3. Zoning map and map index**
- 4. Parking Table.**
- 5. Assessor record**
- 6. Inspectional Service Records**

This Zoning Certificate is not a title insurance product or a legal zoning opinion, but a limited representation to the zoning district and permitted uses therein for the property according to the provisions of the City of Boston public records as amended through March 26, 2014. Zoning Solutions, Inc. has relied upon the authenticity and accuracy of the representations and documentation provided to Zoning Solutions, Inc. by representatives at Boston City Hall in making this certification.

If this certificate raises zoning issues not clearly explained by the enclosed documentation, please contact the undersigned immediately.

Zoning Solutions, Inc.

By:



David B. Lane, Attorney at Law

Enclosures

Parcel ID: 0306150000
Address: SHAWMUT AV BOSTON MA 02118
Property Type: Apartment Building
Classification Code: 126 (Other Residential / SUBSD HOUSING S-231D)
Lot Size: 16,587 sq ft
Gross Area: 61,211 sq ft
Owner on Tuesday, January 1, 2013: CCBA WATERFORD PLACE LLC
Owner's Mailing Address: 6 FANEUIL HALL BOSTON MA 02109
Residential Exemption: No
Personal Exemption: No

Value/Tax Assessment as of Tuesday, January 1, 2013, statutory lien date.

FY2014 Building value: \$2,660,100.00
FY2014 Land Value: \$2,707,400.00
FY2014 Total Assessed Value: \$5,367,500.00

FY2014 Tax Rates (per thousand):
 - Residential: \$12.58
 - Commercial: \$31.18
FY2014 Gross Tax: \$67,523.15
 - Residential Exemption: \$0.00
 - Personal Exemption: \$0.00
FY2014 Net Tax: \$67,523.15

Abatements/Exemptions

The deadline for filing an Abatement application for FY2014 was Monday, February 3, 2014. Applications for FY2015 will become available for download beginning Thursday, January 1, 2015.

To file a Residential Exemption Application for FY2014 click [here](#). The deadline for submission is Monday, March 31, 2014.

To file a Personal Exemption Application (Elderly, Blind, Surviving Spouse, Veteran) for FY2014 click [here](#). The deadline for submission is Monday, March 31, 2014.

Current Owners

- 1 CCBA WATERFORD PLACE LLC
- 2 MASS LLC
- 3 WONG MICHAEL (AG)

Owner information may not reflect any changes submitted to City of Boston Assessing after December 23, 2013.

Value History

Fiscal Year	Property Type	Assessed Value *
2014	Apartment Building	\$5,367,500.00
2013	Apartment Building	\$5,097,000.00
2012	Apartment Building	\$5,002,000.00
2011	Apartment Building	\$5,002,000.00
2010	Apartment Building	\$5,060,000.00
2009	Apartment Building	\$5,243,000.00
2008	Apartment Building	\$5,243,000.00
2007	Apartment Building	\$5,060,000.00
2006	Apartment Building	\$4,924,000.00
2005	Apartment Building	\$2,288,000.00
2004	Apartment Building	\$2,121,500.00
2003	Apartment Building	\$4,071,500.00
2002	Apartment Building	\$4,140,500.00
2001	Apartment Building	\$4,295,000.00
2000	Apartment Building	\$3,570,000.00
1999	Apartment Building	\$3,071,000.00
1998	Apartment Building	\$3,962,500.00
1997	Apartment Building	\$2,962,500.00
1996	Apartment Building	\$2,721,000.00
1995	Apartment Building	\$2,620,500.00
1994	Apartment Building	\$2,666,500.00
1993	Apartment Building	\$2,666,500.00
1992	Apartment Building	\$3,550,500.00
1991	Residential/Commercial	\$2,580,000.00
1990	Exempt	\$544,000.00
1989	Exempt	\$209,000.00
1988	Exempt	\$171,500.00
1987	Exempt	\$145,500.00
1986	Exempt	\$133,500.00
1985	Exempt	\$79,400.00

* Actual Billed Assessments

Shawmut Ave



Property Information

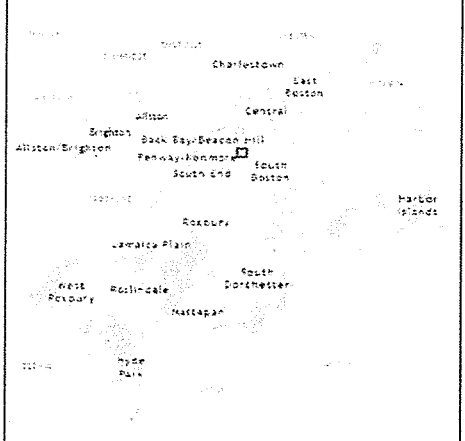
Parcel ID	0306150000
Owner	CCBA WATERFORD PLACE LLC
Address	SHAWMUT AV
Property Type	0126
Building Value	\$2,424,100.00
Land Value	\$2,672,900.00
Total Value	\$5,097,000.00
Lot Size	16587 sq ft
Land Use	Apartment Building



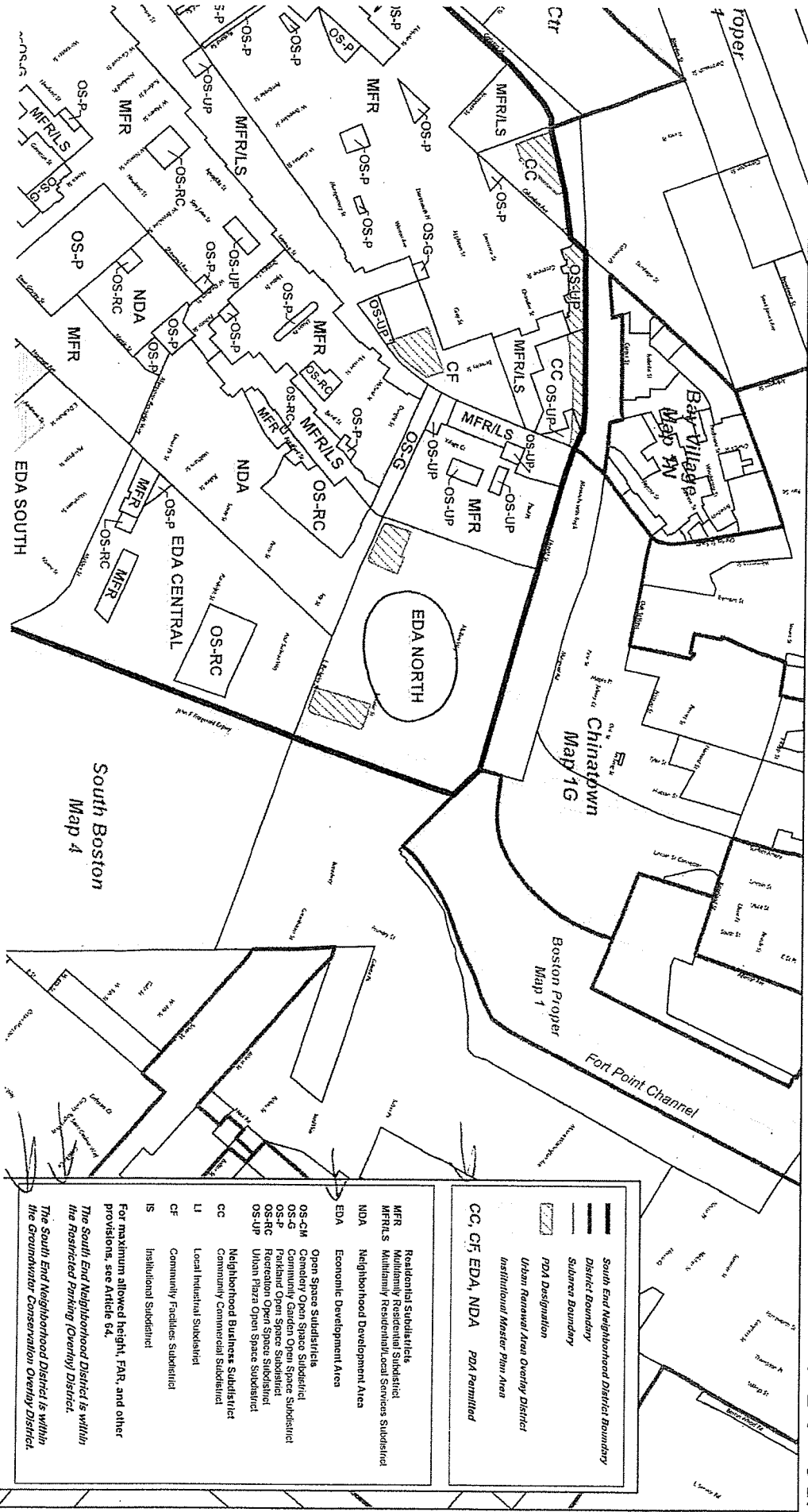
City of Boston
MAPS

**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

The City of Boston makes no claims, no representations, and no warranties, expressed or implied, concerning the validity (expressed or implied), the reliability, or the accuracy of the GIS data and GIS data products furnished by the City, including the implied validity of any uses of such data. The use of this data, in any such manner, shall not supercede any federal, state or local laws or regulations.



1P South End Neighborhood District



- South End Neighborhood District Boundary
- District Boundary
- Subarea Boundary
- PDA Designation
- Urban Renewal Area Overlay District
- Institutional Master Plan Area
- CC, CF, EDA, NDA PDA Permitted

Residential Subdistricts
MFR Multifamily Residential Subdistrict
MFR/LS Multifamily Residential, Local Services Subdistrict
NDA Neighborhood Development Area
EDA Economic Development Area

Open Space Subdistricts
OS-CM Cemetery Open Space Subdistrict
OS-G Parkland Open Space Subdistrict
OS-RC Recreation Open Space Subdistrict
OS-UP Urban Plaza Open Space Subdistrict

Neighborhood Business Subdistrict
CC Community Commercial Subdistrict

Local Institutional Subdistrict
LI Local Institutional Subdistrict

Community Facilities Subdistrict
CF Community Facilities Subdistrict

Institutional Subdistrict
IS Institutional Subdistrict

For maximum allowed height, FAR, and other provisions, see Article 8A.
The South End Neighborhood District is within the Restricted Parking (Green) District.
The South End Neighborhood District is within the Groundwater Conservation Overlay District.



INSPECTIONAL SERVICES DEPT. PERMIT DESK
MAR 18 4 45 PM '88

INSPECTIONAL SERVICES DEPT. PERMIT DESK
THIS APPLICATION
CITY OF BOSTON

Certified Street Numbers
180-188
Shawmut St
W 3
Street Numbering Inspector.

003598

APPLICATION TO THE INSPECTIONAL SERVICES COMMISSIONER FOR PERMIT:—

To erect building or structure, under provisions of Chapter 802 of the Acts of 1972 as Amended.

Certified street and number... 188 180, Shawmut Avenue... Within... Fire Zone... Ward... 3

Name of Owner... CCBA Limited Partnership... Address... 90 Tyler Street, Boston

Name of Architect or Engineer... Martin, Glassman & Prager, Inc.

Classification of building or structure — Pre-Code... N/A... Post-Code... N/A... Type of Construction... 2R

Dimensions of building or structure — Front 62'-0" Right side 148'-0" Left side 148'-0" Rear 62'-0"

Height from sidewalk or mean grade to highest point of roof... 84'-0" 70'-2"

Dimensions Lot — Front 106.92' Right side 150.66' Left side 158.73' Rear 108.17'

Main stairs... Yes... Back stairs... Yes... Fire escapes... No... Con. balconies... No... Any other... No

Material of — Foundation... Concrete... Floors... Concrete/metal deck... Walls... Brick/metal studs... Thickness of... 12"

Roof construction... Metal deck... Soil... Will supplement with Party walls... N/A... Thickness of... N/A

Floors	1	2	3	4	Any Others
Occupancy	Mercantile/ Residential	Residential	Residential	Residential	5- Residential
Number of persons accommodated	53/40	45	45	45	114
Designed live load	110 lb./40 lb.	40 lb.	40 lb.	40 lb.	40 lb.

Number of employees in building... 2... Proposed occupancy... 374

Cubic Volume... 525,348... per cu. ft. Estimated cost... \$7,311,123

GENERAL DESCRIPTION OF THE PROPOSED WORK AND ITS LOCATION
TO CONSTRUCT 40 UNITS, RESIDENTIAL, MERCANTILE AND GARAGE
AS PER PLAN

Refusal Annulled BZC # 11743

Design Review Req'd Yes

Approved

Proviso:

Change In Occup. established NO

Nominal fee of \$300.00 pending decision of Board of Appeal.

Date 3/1/88

The facts set forth above in this application and accompanying plans are a true statement made under penalty of perjury.

(Signature of Owner or Authorized Agent) PRES

Telephone Number Henry Szeto 734-5678
(Address) 90 Tyler St Boston Ma

(Signature of Licensed Builder)

(Name of Contractor)

Address

Lic. No. Class

My license expires

008598

MAR 20 1988

BZC-11743

MAR 18 1988

Application for the Commissioner, Inspectional Services for Permit.

To erect type _____ building or structure at _____

No. 1870 - 1st St. - Shawmut

3/31

72

Word _____

2/24/88

Nominal amount of \$ 200.00 pending approval of Board of Appeal.

4/5

7/5

1/15

1/15

1/15

1/15

1/15

1/15

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1/15

1/15

AFFIDAVIT
PROFESSOR
DESIGN REVIEW

SENT TO B.F.D.

DATE

REC'D

REC'D AFFIDAVIT

Approved _____

Chief, Plan Division

INSPECTIONAL SERVICES DEPARTMENT

APPROVED

as shown on plan

BY _____

All applications for new buildings and all applications increasing the area of buildings, must be accompanied by a survey of the lot signed by a qualified surveyor, or a true survey in accordance with the filing of Registry of Deeds, giving Deed number, Reference Book number and Page number.

Pilot plan must show:--

Area of lot in square feet.

Area of building in square feet.

Percentage of area of lot covered.

Approved as in compliance with Acts of 1924, Chapter 489, as amended.

Zone _____

IN BOARD OF APPEAL

Refusal annulled. Permit ordered granted with provisions

Doc. BZC-11743

INSPECTIONAL SERVICES DEPT.

CITY OF BOSTON

ZONING DIVISION

NOT APPROVED

M-2

Proposed building would be in violation of

Chap. 685 Acts of 1966 amended.

Article 8-7, 10, 15, 18, 19, 24, 21, 25, 17

To W 8-7, 17, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

ZONING ARCHITECTURAL

CITY OF BOSTON



BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

November 15, 1988

Decision of the Board of Appeal on the Appeal of

CCBA Limited Partnership

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

180-188 Shawmut Avenue, Ward 3

in the following respect: Variance & Conditional Use

Articles: 8(8-7-7) 10(10-1) 15(15-1) 17(17-1) 18(18-1) 19(19-1) 20(20-1)
21(21-1) 23(23-1) 23(23-9)

7
Erect ~~3~~-story building for proposed occupancy as 40 Apartments &
Mercantile.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner as set forth in papers on file numbered BZC-11743 and made a part of this record.

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

THE BOSTON HERALD on November 1, 1988

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

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

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 15, 1988 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code - all as per Application for Permit # 3598 dated March 29, 1988 and plans submitted to the Board at its hearing and now on file in the Building Department.

M.C.

CITY OF BOSTON



BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

Decision of the Board of Appeal on the Appeal of Waterford Place BZC-11743
 November 15, 1988
 Page 2

This is an application brought by CCBA Limited Partnership (the "Applicant"), a Massachusetts limited partnership with a principal place of business at 90 Tyler Street, Boston, for variances and conditional use permits in connection with a proposed development called Waterford Place. The subject of the appeal is a lot known as Parcel 3B-2B, located at 180-188 Shawmut Avenue, Ward 3, Boston, Massachusetts (the "Property").

This appeal relates to a proposal to develop the Property by constructing an eight-story, 40-unit apartment building with grade level parking for 26 cars (the "Proposed Building" or the "Project"). Sixty-five percent (65%) of the units will be designated for low income tenants. Fifty-eight percent (58%) of the units will have three or more bedrooms.

In order to permit construction of the Proposed Building, the Partnership has requested that we grant the following relief under the Boston Zoning Code, Ch. 665, Acts of 1956 (the "Zoning Code"), upon the refusal of the Inspectional Services Commissioner to grant a permit for the Proposed Building:

1. A conditional use permit under §8-7, allowing the use of the Proposed Building as a building "for occupancy by three or more families in separate dwelling units."
2. A variance from §23-9, allowing 26 grade level parking spaces for the Project.
3. A variance from §23-9, allowing the parking spaces to be eighteen feet in length.
4. A variance from §17-1, allowing 67.5 square feet of usable open space per dwelling unit.
5. A variance from §15-1, allowing a floor area ratio of 3.3.

CITY OF BOSTON



BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

Decision of the Board of Appeal on the Appeal of Waterford Place BZC-11743
 November 15, 1988
 Page 3

6. A variance from §18-1, allowing a front yard of 2.0 feet.
7. A variance from §19-1, allowing a side yard of zero (0) feet on the southerly side of the Proposed Building.
8. A variance from §20-1, allowing a rear yard of 3.0 feet.
9. A variance from §21-1, allowing parapet setbacks of 18 feet on the southerly side of the Proposed Building and 3 feet on the rear of the Proposed Building.

I. Variances

Section 23-9 of the Zoning Code requires a minimum of 0.7 parking spaces per dwelling unit and requires each parking space to be 20 feet in length. The Project will include twenty-six grade level parking spaces, all eighteen feet in length. This total number of parking spaces is just short of the twenty-eight spaces needed to satisfy the Zoning Code requirement. The dimensions of the Proposed Building and the shape and size of the Property allow only eighteen foot parking spaces and permit only twenty-six (26) spaces to be built at grade both below the building and in the side yard, in order to allow for adequate circulation. Therefore, variances are requested from both the space per dwelling unit requirement and twenty-foot length requirement in Section 23-9.

In order to economically provide low and moderate income family housing on a lot of this size the applicant must build a minimum of forty dwelling units. This lot cannot accommodate 0.7 eighteen-foot long spaces per dwelling unit. If the number of units is reduced so that fewer parking spaces are needed, the Project will not be able to serve the low and moderate income group the Applicant hopes to serve.

CITY OF BOSTON



BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

Decision of the Board of Appeal on the Appeal of Waterford Place BZC-11743
 November 15, 1988
 Page 4

The total lot area of the Property is 16,628 square feet. The current estimated floor area of the Proposed Building is 53,433 square feet. Allowing for some fluctuations as the Project's plans are finalized, the gross floor area ratio will be a maximum of 3.3, and will therefore require a variance from the 2.0 maximum floor area ratio requirement in an M-2 zoning district. The design of the Proposed Building and the number of units planned will only accommodate 67.5 square feet of usable open space per dwelling unit, requiring a variance from the 100 square foot usable open space requirement in an M-2 Zoning district.

Similarly, the nonconformity of the Proposed Building with the yard and setback requirements is necessitated by the small size of the lot. The minimum front yard requirement for this type of building in this zoning district is fifteen (15) feet. The front yard of the Proposed Building will be two (2) feet. The minimum rear yard requirement is ten (10) feet plus one-twentieth of the length of the wall parallel to the yard. Since the length of the wall of the Proposed Building is sixty-two (62) feet, as applied to the Project the zoning ordinance requires a minimum rear yard of 13.1 feet. The rear yard of the Proposed Building will be only three (3) feet. Therefore, the Applicant is requesting a variance from this rear yard requirement. Finally, the minimum side yard requirement for this Project on this Property is also ten (10) feet plus one-twentieth of the length of the wall parallel to the yard. Both the northerly and southerly side walls of the Proposed Building will be one hundred and forty-eight (148) feet in length. Therefore, side yards of 17.4 feet are required on both the northern and southern sides of the Building. While the side yard requirement will be met by the Project on its northern side, the southerly side yard of the Project will be zero (0) feet. Therefore, the Applicant requests a variance from this side yard dimension.

CITY OF BOSTON



BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

Decision of the Board of Appeal on the Appeal of Waterford Place BZC-11743
 November 15, 1988
 Page 5.

The Project's setback dimensions in the southerly and rear sides of the Project also require variances from the Zoning Code specifications. The required setback distance is calculated from a formula that takes into consideration both the height and length of the parallel wall. For the southerly side wall, the required setback is 23.44 feet. The actual setback for the Proposed Building on its southerly side is eighteen (18) feet. The required rear setback is 13.67 feet. However, the actual rear setback for the Project is only three (3) feet. Therefore, variances are requested from the setback requirements for both the rear and side yards of the Project.

The applicant has analyzed the Property's configuration, the cost of multiple bedroom units and the available construction and rental assistance subsidies. In light of these constraints, 40 is the minimum number of dwelling units that must be created to make a project such as the Proposed Building economically possible. If the number of units or the number of bedrooms were reduced in order to reduce the floor area ratio or create more usable open space, the resulting increase in the cost per unit would defeat the Applicant's goal of providing affordable housing for families. Stringent application of the Zoning Code's yard and setback requirements to a lot this size would result in a buildable footprint too small to permit the economically feasible development of low and moderate income family units. In order to construct dwelling units primarily for lower income tenants with multiple bedrooms for family use, the Applicant proposes to construct a larger building than permitted by Sections 15-1, 17-1, 18-1, 19-1, 20-1 and 21-1. Denying the applicant's request would impose significant practical difficulties and demonstrable and substantial hardship thereby preventing the reasonable use of the Property. The granting of the variances by the Board will not conflict with or be disruptive to the surrounding neighborhood. Because this use of the Property will complement and serve the community, the granting of the requested variances will be in harmony with the general purpose and intent of the Zoning Code.

CITY OF BOSTON



BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

Decision of the Board of Appeal on the Appeal of Waterford Place BZC-11743
 November 15, 1988
 Page 6

The Board of Appeal finds that all of the following conditions are met as required by Section 7-3 of the Zoning Code:

- (a) That there are special circumstances or conditions, fully described in the findings, applying to the Property and Proposed Building for which these variances are sought, and that circumstances and conditions are such that the strict application of the provisions of this Code would deprive the Applicant of the reasonable use of such land; and
- (b) That for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of these variances is necessary for the reasonable use of the land and that the variances as granted by the Board are the minimum variances which will accomplish these purposes; and
- (c) That the granting of these variances will be in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

II. Conditional Use Permit

The Proposed Building is an apartment building in an M-2 or restricted manufacturing district. Use Item No. 7 of Section 8-7 states that multiple family dwellings are a conditional use in an M-2 District, thereby necessitating the applicant's request for a conditional use permit for the Project.

The development of a forty-unit low and moderate income apartment building is an appropriate use of this Property. Across Shawmut Avenue is an H-3 district which is zoned for residential apartment use. The Property is located in the South End Urban Renewal Area and is adjacent to Chinatown. These areas have a tremendous need for low-income and family housing, making the site

CITY OF BOSTON



BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

Decision of the Board of Appeal on the Appeal of Waterford Place BZC-11743
November 15, 1988
Page 7

entirely appropriate for multiple family dwellings. The South End Neighborhood Housing Initiative (SENHI) project has resulted in a number of other multiple family dwellings currently under development in the South End, including one being developed by a neighborhood group in the immediate vicinity of the Project. In addition, the Property is currently being used as a parking lot. The Proposed Building will be no more detrimental or objectionable than the current use of the Property for parking. Therefore, the granting of a conditional use permit will allow use of the Property which will make a contribution to and enhance the community, and therefore is in harmony with the general purpose and intent of the Zoning Code.

The Board of Appeal finds that all of the following conditions are met as required by Sections 6-3 of the Zoning Code:

- (a) That the Property is an appropriate location for the building of this Proposed Building for which this conditional use permit is sought;
- (b) That for reasons fully described in the findings, the Project and the granting of this conditional use permit to allow development of a multiple-family dwelling will not adversely affect the neighborhood;
- (c) That the granting of a conditional use permit to this Applicant for the Project will not create serious hazards to vehicles or pedestrians;
- (d) That no nuisance will be created by the Project; and
- (e) That adequate and appropriate facilities will be provided for the operation of a multiple family dwelling.

CITY OF BOSTON



BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

Decision of the Board of Appeal on the Appeal of Waterford Place BZC-11743
November 15, 1988
Page 8

III. Conclusion

In reaching its findings, the Board of Appeal has taken into account: (1) the number of persons intended to reside upon such Property in the Proposed Building; (2) the character and use of adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood. Therefore, the Board of Appeals is of the opinion that all conditions required for the granting of variances and conditional use permits under Articles 8, 15, 17, 18, 19, 20, 21, and 23 of the Boston Zoning Code have been met, and that our granting of the permit and variances as outlined above does not conflict with the intent and spirit of the Zoning Code nor will it be detrimental to the South End community. Therefore, acting under its discretionary power, the Board of Appeals unanimously votes to grant the requested conditional use permit and variances as described above, annuls the refusal of the Inspectional Services Commissioner and orders him to grant a Building Permit in accordance with this decision, with the following provisos which, if not complied with, shall render this decision null and void:

- 1) The plans for the proposed work shall be submitted to the Boston Redevelopment Authority for design review and approval.
- 2) The transportation access plan agreement for the proposed work, including off-street parking shall be submitted to the Boston Redevelopment Authority and the Transportation Department for approval.
- 3) The Project shall submit an affirmative marketing and employment plan and statement of non-discrimination to the Boston Redevelopment Authority and the Boston Fair Housing Commission for approval, subject to a final housing creation plan to be approved by the Boston Redevelopment Authority and the City Neighborhood Housing Trust.

CITY OF BOSTON

BOARD OF APPEAL



OFFICE OF THE BOARD OF APPEAL

Decision of the Board of Appeal on the Appeal of Waterford Place BZC-11743
November 15, 1988
Page 9

Compliance with these provisos shall be conclusively determined by the endorsement of the Authority of the proposed work plans, access plan agreement and the affirmative marketing and employment plan and statement of nondiscrimination submitted to the Commissioner.

Approved as to form:

Maria W. [Signature]
Assistant Corporation Counsel

SIGNED JAN 3 1989

Richard J. Dennis
RICHARD J. DENNIS CHAIRMAN

* *Jean Wood*
* JEAN WOOD SECRETARY Absent

* *Paul Parks*
* PAUL PARKS Absent

Chia-Ming Sze
CHIA-MING SZE

Alfred Gross
ALFRED GROSS

MAIT/MAIT/CJ4

A True Copy
Attest:
Carol A. Mc Donoug
CAROL A. MC DONOUG
Executive Secretary

PARCEL #



APPLICANT MUST USE TYPEWRITER IN FILLING IN

INSPECTION DEPT. CITY OF BOSTON

INSPECTIONAL SERVICES DEPARTMENT

Certified Street Numbers

180-188 Shawmut Ave
Street Numbering Inspector.

Application to the Commissioner for Permit for Alterations, Repairs or Change of Occupancy

Description of Present Building

Location: 180-188 Shawmut Ave District: Ward 3
Name of owner: CCBA Limited Partnership Address: 90 Tyler St Boston
Name of architect or engineer: Larkin, Glassman & Prager, Inc Lic. No.
Material of building: concrete Style of roof? Construction of roof? metal, steel
Size of building, feet front? 62'0"; feet rear? 62'0"; feet deep? 148'0"; No. of stories?
No. of feet in height from sidewalk to highest point of roof? Material of foundation? concrete
Thickness of external walls? Party walls? N/A

LEGAL OCCUPANCY OR USE (Applicant is not to fill in this box)
40 APARTMENTS, MERCHANTILE AND GARAGE 3598/1989

Front stairs? yes Back stairs? yes Fire escape? no Con. balconies? no Any other? no
Is building equipped with automatic sprinkler system?
Type of construction? concrete, steel and brick Group occupancy?
Building to be occupied for 40 apartments and accessory management office
and garage after alteration

Description of Proposed Extension

IF EXTENDED ON ANY SIDE OR VERTICALLY

Size of extension, No. of feet long?; No. of feet wide?; No. of feet high above sidewalk?
No. of stories high?; style of roof?; material of roofing?
Of what material will the extension be built? Foundation?
How will the extension be occupied? Type of Construction

GENERAL DESCRIPTION OF THE PROPOSED WORK AND ITS LOCATION.
(ALL STRUCTURAL, MECHANICAL, ELECTRICAL, ETC., SHALL BE INCLUDED)

This application is being filed for the sole purpose of changing the occupancy of this building from 40 apartments, merchantile and garage to 40 apartments and accessory management office and garage. Accessory management office is located in mercantile space depicted on plans filed with 3598/1989.

MASS DEBRIS DISPOSAL LAW
MGL c40, S54, c584, S9, all S150A
Will work result in any debris?
Yes No Initials _____

GROUND WATER SURVEY
Repairs to: Exterior Wall: yes no , Foundation: yes no , Basement Area: yes no

CH. 436 SEC. 6 1977 ACES. B.W.&S.C. REQUIRES A PERMIT FOR ANY USE OF A FIRE HYDRANT YES NO INITIALS

\$50.00 CHANGE OF OCCUPANCY
Estimated Cost, \$
Owner's Phone (617) 439-3555

Date 2/12 1991

The facts I have set forth above in this application and accompanying plans are a true statement to the best of my knowledge and belief.

(Signature of Owner)

Type Name of Person Signing: Stephen M. Nolan, Esq.
c/o Hill and Barlow
(Address) One International Place

(Signature of Licensed Builder)

Type Name of Person Signing
(Name of Contractor)
(Address)

(Address)
Lic. No. Class
My license expires

(Address)

Phone

Phone

No 002649

PERMIT MUST BE OBTAINED BEFORE BEGINNING WORK

FEB 12 1991

SEC. OF CHANGE OF OCCUPANCY

M-2 (4-3)

No. 000255

APPLICATION FOR

Permit for Alterations, Repairs or Change of Occupancy

Location

180-188 SHAMUTE AVE

No. 180-188

EXAMINATION OF PLANS

Approved Feb 12 1991

D. J. Libby Supervisor of Plans

EXAMINATION OF PLANS

PERMIT NUMBERS

Electrical Gas Plumbing Sprinklers

Electrical APPROVED as shown on plans

No work

Express APPROVED as shown on plans

Plumbing No work

H.V.A.C. Sprinklers

Mechanical APPROVED as shown on plans

No work

Ward

3

BY CONDITIONS

12/12 DW



FEB 12 1991

Permit granted

Date issued A.B.C.

ZONING

DATE 2/12/91

APPROVED M-1

Res. Accessory Management

DATE.....19.....

INSPECTOR'S REPORT

This building is approved for satisfactory Egress.

Signature of Inspector.

COPIES OF THIS CERTIFICATE MUST BE POSTED IN A CONSPICUOUS LOCATION IN EACH STORY OF THE BUILDING

CITY OF BOSTON
INSPECTIONAL SERVICES DEPARTMENT
FIFTH FLOOR
1010 MASSACHUSETTS AVE.
BOSTON, MA 02118



03 29 91

CERTIFICATE OF USE AND OCCUPANCY

IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 802, ACTS OF 1972, AS AMENDED, TO WIT, SECTION 119.0, A CERTIFICATE OF USE AND OCCUPANCY IS ISSUED FOR THE BUILDING LOCATED AT:

190-198 Shawmut Ave.

DISTRICT Boston WARD 3 OF SUFFOLK COUNTY, THE COMMONWEALTH OF MASSACHUSETTS. THIS CERTIFIES THAT THE USE GROUP, THE FIRE GRADING, THE MAXIMUM LOAD AND THE OCCUPANCY LOAD COMPLY WITH THE COMMONWEALTH OF MASSACHUSETTS STATE BUILDING CODE BY ISSUE OF PERMIT #2-3596, 02-215 ON 6/27/89, 2/12/91 BY THE INSPECTIONAL SERVICES COMMISSIONER OF THE CITY OF BOSTON, THE ALLOWED USE AND OCCUPANCY IS:

Forty Apartments and Accessory Management Office and
Garage.

CERTIFICATE NUMBER: 25193 ISSUED: 2/13/91
ALL PRIOR CERTIFICATES OF USE AND OCCUPANCY FOR THIS
STRUCTURE ARE NULL AND VOID.

J. J. Morone
FOR: COMMISSIONER, INSPECTIONAL SERVICES
2/13/91

(ISSUANCE OF THIS CERTIFICATE INDICATES THERE ARE NO OUTSTANDING VIOLATIONS AGAINST THIS PROPERTY.)

REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS

‡SECTION 64-28. **Establishment of Area Within Which Planned Development Areas May be Permitted.** Planned Development Areas ("PDAs"), as described in Section 3-1A.a, are permitted within Economic Development Areas (EDAs), Neighborhood Development Areas (NDAs), Community Facilities (CF) Subdistricts, and Community Commercial (CC) Subdistricts, except that no Planned Development Area shall be permitted for any Proposed Project to which the Institutional Master Plan Review requirement of Section 64-27 applies. PDAs are not permitted elsewhere in the South End Neighborhood District, provided that a PDA overlay district and PDA Development Plan may include contiguous area within an adjacent Open Space subdistrict, provided that the provisions of the PDA Development Plan setting forth the use and dimensional controls applicable to the area located within such adjacent Open Space subdistrict are consistent with those of the underlying zoning for that subdistrict, without giving effect to the transition zoning provisions of Article 12 of this Code. The purposes of permitting PDAs in the subdistricts specified above are 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.

(‡ As amended on November 21, 2003.)

^SECTION 64-29. **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.

(a) Specific Requirements for Proposed Projects Incorporating Only Residential Uses. The Proponent of any Proposed Project within a PDA devoting one hundred percent (100%) of the Gross Floor Area to Residential Uses must construct or cause the construction of either:

1. Affordable Housing, as defined in Section 64-41.1, in an amount equivalent to no less than twenty percent (20%) of the Dwelling Units included within the Proposed

Project, with all such Affordable Housing located on-site;
or

2. A combination of such Affordable Housing and another significant contribution, consisting of: (a) on-site Affordable Housing in an amount equivalent to no less than ten percent (10%) of the Dwelling Units included within the Proposed Project; and (b) an equivalent contribution to the Inclusionary Development Program Fund, administered by the Authority, and/or the creation of off-site Affordable Housing, the combination of which shall be the equivalent of 10 percent (10%) of the Dwelling Units included within the Proposed Project.

(b) Specific Requirements for Proposed Projects Incorporating Only Non-Residential Uses. The Proponent of any Proposed Project within a PDA devoting one hundred percent (100%) of the Gross Floor Area to Non-Residential Uses must:

1. Construct or cause the construction on-site of not less than five percent (5%) of the total Gross Floor Area of any and all Proposed Project(s) within an approved PDA, above that allowed as-of-right in the underlying zoning subdistrict, for use by an existing or start-up business, or not for profit Affordable Cultural Space, as defined in Section 64-41.2, to be determined and agreed upon by the Proponent, the Authority and/or the Boston Local Development Corporation; or
2. A combination of such existing or start-up business or not-for-profit Affordable Cultural Space, as defined in Section 64-21.2, and another significant contribution, consisting of: 1) up to five percent (5%) of the total Gross Floor Area of any and all Proposed Project(s) within an approved PDA, above that allowed as-of-right, for on-site use by an existing or start-up business or not-for-profit Affordable Cultural Space, to be determined and agreed upon by the Proponent, the Authority and/or the Boston Local Development Corporation; and/or 2) an additional contribution to the Harrison/Albany Corridor

Business and Cultural Loan Fund, administered by the Boston Local Development Corporation. Said combination shall be determined by the Authority and shall be the equivalent of five percent (5%) of the total Gross Floor Area of any and all Proposed Project(s) within an approved PDA, above that allowed as-of-right in the underlying zoning subdistrict.

(c) Specific Requirements for Proposed Projects Incorporating Residential Uses and Non-Residential Uses. The Proponent of any Proposed Project within a PDA must construct, cause the construction of, or make an equivalent contribution as set forth below:

1. The Proponent of any Proposed Project within a PDA devoting any amount of Gross Floor Area to Residential Uses must construct or cause the construction of either:
 - a. Affordable Housing, as defined in Section 64-41.1, in an amount equivalent to no less than twenty percent (20%) of the Dwelling Units included within the Proposed Project, with all such Affordable Housing located on-site; or
 - b. A combination of such Affordable Housing and another significant contribution, consisting of: (a) on-site Affordable Housing in an amount equivalent to no less than ten percent (10%) of the Dwelling Units included within the Proposed Project; and (b) an equivalent contribution to the Inclusionary Development Program Fund, administered by the Authority, and/or the creation of off-site Affordable Housing, the combination of which shall be the equivalent of 10 percent (10%) of the Dwelling Units included in the Proposed Project; and
2. The Proponent of any Proposed Project within a PDA devoting any amount of Gross Floor Area to Non-Residential Uses must construct or cause the construction of either:

- a. Five percent (5%) of the total Gross Floor Area allocated to non-residential uses of any and all Proposed Project(s) within an approved PDA, above that allowed as-of-right in the underlying zoning subdistrict, for on-site use by an existing or start-up business, or not-for-profit Affordable Cultural Space, as defined in Section 64-41.2, to be determined and agreed upon by the Proponent, the Authority and/or the Boston Local Development Corporation; or
- b. A combination of such existing or start-up business or not-for-profit Affordable Cultural Space, as defined in Section 64-21.2, consisting of: 1) up to two and a half percent (2 ½%) of the total Gross Floor Area of any and all Proposed Project(s) within an approved PDA for on-site use by an existing or start-up business or not for profit Affordable Cultural Space, to be determined and agreed upon, by the Proponent, the Authority and/or the Boston Local Development Corporation; and 2) an additional contribution to the Harrison/Albany Corridor Business and Cultural Loan Fund, administered by the Boston Local Development Corporation. Said combination shall be determined by the Authority and shall be the equivalent of five percent (5%) of the total Gross Floor Area allocated to non-residential uses of any and all Proposed Project(s) within an approved PDA, above that allowed as-of-right in the underlying zoning subdistrict.

2. Dimensional Regulations. The dimensional requirements for a Proposed Project within a PDA shall be as set forth in the applicable approved Development Plan,

provided that the Building Height and Floor Area Ratio (FAR) for such Proposed Project shall not exceed the limits set forth in Table 2, below:

↓TABLE 2

**South End Neighborhood District
Planned Development Areas
Maximum Building Heights and Floor Area Ratios**

<u>Area</u>	<u>Maximum Building Height</u>	<u>FAR</u>
EDA North ⁽¹⁾		
Area 1	150'	6.5
Area 2	200'	6.5
EDA Central ⁽²⁾		
Area 1	70'	4.0
Area 2	70'	6.5
Area 3	120'	6.5
Area 4	200'	6.5
EDA South ⁽³⁾		
Area 1	70'	6.5
Area 2	120'	6.5
Area 3	200'	6.5
Bio Square EDA ⁽⁴⁾		
Area 1	120'	6.5
Area 2	200'	6.5
Washington Street Neighborhood NDA	70'	4.0
Boston Center for the Arts/ Franklin Institute CF Subdistrict	110'	5.0
Dartmouth/Columbus CC Subdistrict	(5)	(5)
Massachusetts/Columbus CC Subdistrict	70'	4.0
Berkeley/Tremont Street CC Subdistrict	110'	N/A

- (1) See Appendices B and C to this Article.
- (2) See Appendices B and D to this Article.
- (3) See Appendices B and E to this Article.
- (4) See Appendices B and F to this Article.
- (5) Within the Dartmouth/Columbus Community Commercial Subdistrict, the Boston Redevelopment Authority may approve a

Development Plan having Building Heights and FARs in excess of those set forth in Table E of this Article; provided, however, that each Proposed Project in such Development Plan shall be consistent with the design guidelines set forth in Appendix A to this Article.

3. Lot Coverage. For all Proposed Projects in a PDA, the development footprint shall not cover more than eighty percent (80%) of the lot. The remaining twenty percent (20%) shall be designed and built to ensure public access or enhance the public realm. Development features that would be counted towards the overall development footprint of eighty percent (80%) include, but are not limited to, building footprints located on a lot, structured parking located on a lot, surface parking and service area(s). Public realm features to be built and maintained by the development or other private party that would be counted towards the overall public realm footprint of twenty percent (20%) includes, but not is not limited to: a) a street (private way) would be a through-block connection linking streets at both ends and be open to public vehicle and pedestrian access including cyclists, and would be owned and maintained by the development or other private party; b) a pedestrian way that would be open to the sky with a minimum number of minor projections over it and would be a through-block connection that is open to the public and limited to pedestrians and cyclists where feasible, with each end of a pedestrian way visible from the street, and which would be owned and maintained by the development or other private party; c) an alley that would be a through-block connection that would provide access to the development site for activities such as drop-off, parking, loading, or other service areas that would be open to public access and may be limited to vehicular traffic but may accommodate pedestrians and cyclists where feasible, and would be owned and maintained by the development or other private party; and d) a place-making space, such as a plaza, open space, or a park, that is located on the ground level and open to the public, and would be owned and maintained by the development or other private party.

A Proposed Project shall be exempt from this Section 64-29.3 if its approvals under Section 80B (Boston Redevelopment Authority Procedures for Large Project Review) of the Code have been granted prior to the first notice of hearing before the Zoning Commission for adoption of this Section 64-29.3.

(^As amended on January 18, 2012)

SECTION 64-30. Planned Development Area Review Requirement. See Article 80 concerning the applicability of Planned Development Area Review to the approval of PDA Development Plans, PDA Master Plans, and Proposed Projects in Planned Development Areas.

SECTION 64-31. Planned Development Areas: Public Benefits. The Boston Redevelopment Authority may approve a Development Plan for a Proposed Project as meeting the requirement of Section 80C-4 (Standards for Planned Development Area Review) for compliance with the applicable planning and development criteria of this Article if the Development Plan proposes a plan for public benefits, including one or more of the following: (a) diversification and expansion of Boston's economy and job opportunities through economic activity, such as private investment in manufacturing, commercial uses, or research and development; or (b) creation of new job opportunities and establishment of educational facilities, career counseling, or technical assistance providing instruction or technical assistance in fields related to such jobs; or (c) provision of Affordable Housing available to South End and Boston residents; or (d) improvements to the aesthetic character of the development site and its surroundings, which may include the provision of open space connections, the provision of street trees and other improvements that enhance open space, the improvement of the urban design characteristics of the site and its surroundings, or the enhancement of existing open space or the creation of new open space.

REGULATIONS GOVERNING DESIGN

SECTION 64-32. Design Review and Design Requirements. The South End Neighborhood District includes land designated by the Boston Landmarks Commission as the South End Landmark District, pursuant to Chapter 772 of the Acts of 1975, which is subject to standards and criteria administered by the Boston Landmarks Commission. In addition, within the South End Neighborhood District established by this Article, design review by the Boston Redevelopment Authority is required for certain Proposed Projects pursuant to this Code.

1. Applicability of Design Review. Design review by the Boston Redevelopment Authority is required for certain Proposed Projects pursuant to Article 80, which provides for Large Project Review and Small Project Review. To determine whether a Proposed Project is subject to Large Project Review, see Section 80B-2 (Applicability of Large Project Review). See also Section 80E-2.1 (Applicability of Small Project Review: Design Component).
2. Design Guidelines. The Standards and Criteria for the South End Landmark District, as issued by the Boston Landmarks Commission and amended from time to time, shall apply as design guidelines for the South End Neighborhood District.

SECTION 64-33. Screening and Buffering Requirements. In order to enhance the appearance of the South End's Economic Development Areas, and to ensure that these subdistricts are appropriately separated from adjacent areas, the screening and buffering requirements of this Section 64-33 shall apply to those Proposed Projects described in this Section 64-33, except where provisions for adequate screening and buffering have been established for a Proposed Project through Large Project Review or Small Project Review, pursuant to Article 80. The provisions of Article 6A shall apply to the provisions of this Section 64-33.

1. Screening and Buffering Along Property Lines Abutting Public Parks and Certain Subdistricts and Uses. Where any Lot line of a Proposed Project located in an Economic Development Area abuts (a) a public park, (b) a Residential Subdistrict or Residential Use, or (c) an Institutional Subdistrict, such Proposed Project shall provide and maintain, along each Lot line abutting such park, subdistrict, or use, a strip of shrubs and trees densely planted along the outside edge of a wall or heavy-duty fence. Trees may be planted without shrubs along the outside edge of a solid wall or of a stockade or board-type wooden fence that is constructed to be at least sixty percent (60%) opaque.

The width of the planting strip shall be appropriate for the species and quantities of plant materials necessary to provide adequate screening, but shall in no event be less than five (5) feet wide. Along a Lot line

abutting a public park, the height of the fence or wall shall be no less than three (3) feet and no more than four (4) feet above Grade. Along a Lot line abutting a Residential Subdistrict, Residential Use, or Institutional Subdistrict, the height of the fence or wall shall be no less than four (4) feet and no more than seven (7) feet above Grade. If the planting strip abuts a parking area, a curb six (6) inches in height shall separate the landscaped area from the parking area.

2. Screening and Buffering of Parking, Loading, and Storage Areas. Any off-street parking facility or lot, off-street loading area, or accessory storage area that abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict or Residential Use, or (d) an Institutional Subdistrict, shall be screened from view as provided in this Section 64-33.2. Such screening shall consist of trees and shrubs densely planted in a strip at least five (5) feet wide on the outside edge of a steel-picket or stockade or board-type wooden fence. Such fence shall not be more than fifty percent (50%) opaque and shall be no less than three (3) feet and no more than four (4) feet high. The planting strip shall be separated from any parking area by a curb six (6) inches in height.

Any material or equipment stored outdoors to a height greater than four (4) feet above Grade shall be surrounded by a wall or fence or vegetative screen of such height, not less than six (6) feet high, as may be necessary to screen such material or equipment from view from any public street or public open space.

3. Screening of Disposal Areas and Certain Equipment. Disposal areas, dumpsters, and ground-mounted mechanical equipment that abut (a) a public street, (b) a public park, (c) a Residential Subdistrict or Residential Use, or (d) an Institutional Subdistrict shall be screened from view as provided in this Section 64-33.3, except that no additional screening shall be required if the disposal area, dumpster, or ground-mounted mechanical equipment is located within a Lot where screening is required along Lot lines pursuant to Section 64-33.1. Disposal areas and dumpsters shall be screened with an opaque wall or fence at least six (6) feet high or by vegetation. Ground-mounted mechanical equipment shall be screened with an opaque wall or fence sufficiently high to provide effective screening.
4. Roof-Mounted Mechanical Equipment. Roof-mounted mechanical equipment shall be screened by wood, brick, or similar material compatible with the building. Roof-mounted mechanical equipment shall be set back at least five (5) feet from all roof edges.
5. Materials for Walls and Fences. Walls and fences may be made of one or more materials, such as masonry (piers or walls), iron pickets, decorative

metal, wrought iron, shadow box, or stockade or board-type wood, provided that shadow box, stockade, and board-type fencing shall not be used to provide screening abutting a public street. Two or more materials may be used in combination with each other, and piers and walls may be used in combination with fences.

6. Specifications for Plantings. Shrubs required by this Section 64-33 may be deciduous or evergreen, or a mixture of both types. Shrubs must be densely planted to provide a mature appearance within three (3) years. Trees required by this Section 64-33 may be evergreen or a combination of deciduous and evergreen. Deciduous trees shall be at least three (3)-inch caliper at the time of planting (measured six (6) to twelve (12) inches above Grade), and shall be at least twelve (12) feet tall and planted fifteen to twenty (15-20) feet on center, and evergreen trees shall be at least twelve (12) feet tall and planted twelve to fifteen (12-15) feet on center. Ground cover consisting of grass or other plantings or four to six (4-6) inches of pine-bark or similar mulch shall be placed within the planting strip at the time of planting and replenished as necessary. Existing mature trees and shrubs should be retained when possible. The use of bulbs, perennials, and annuals also is encouraged.
7. Maintenance of Landscaped Areas. Landscaping required by this Section 64-33 shall be maintained in a healthy growing -condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles in areas used for screening and buffering. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required by this Section 64-33.

SECTION 64-34. Restricted Roof Structure Regulations. In the South End Neighborhood District, no roofed structure designed or used for human occupancy, access (except as allowed in following paragraph), or storage, and no roof structure, headhouse, or mechanical equipment normally built above the roof and not designed or used for human occupancy, shall be erected or enlarged on the roof of an existing building if such construction relocates or alters the profile and/or configuration of the roof or mansard, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants a conditional use therefor.

An open roof deck may be erected on the main roof of a building with a flat roof or a roof with a slope of less than five degrees, excluding shed dormers, provided that: (a) such deck is less than one (1) foot above the highest point of such roof; (b) the total height of the building, including such deck, does not exceed the maximum building height allowed by this Article for the location of the building; (c) access is by roof hatch or bulkhead no more than thirty (30) inches in height above such deck unless, after public notice and hearing and subject to Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for a stairway headhouse; and (d) such deck and any appurtenant

APPENDIX B TO ARTICLE 64

Design Guidelines for Planned Development Area Development Plans in the Economic Development Area Sub-districts

The following design guidelines apply to any Planned Development Area Development Plan within the Economic Development Area North, Central and South Subdistricts.

A. Design Guidelines

1. Proposed Projects in the South End Landmark District must be reviewed and approved by the South End Landmark District Commission.
2. Building design should express a building's uses and function.
3. Newly constructed Street Walls should be built to match the existing Street Wall line found on the Block on which the Street Wall faces. If there is no determinable Street Wall line on the Block, then the Street Wall should match the Street Wall Line of the adjacent Blocks.
4. Ground floor facades, especially for commercial uses, should be open and transparent.
5. Open spaces, building entrances, shop fronts, shop windows, shop entrances, and similar elements should be designed to enhance pedestrian activity and encourage an active street life. Blank walls without windows facing onto pedestrian areas should be avoided..
6. A zone for signs on the Building facade should be established, defined by a change in facade color and/or materials, or by an articulation of the facade, and all permanent signs mounted on the Building facade should be located within such zone. In Buildings with multiple stores, the sign zone should be subdivided so that each section clearly relates to an individual store. Signs should be designed and located so as not to obscure architectural elements or ornamental details of the building facade. Internally-lit signs should be designed so as not to create a hazard or nuisance through excessive brightness, and such signs should be constructed so that bulbs, wires, and other lighting equipment located inside the sign are not visible through the face of the sign. (Refer to Section 64-35 of this Article.)

7. Temporary banners or signs need to be submitted to the BRA for review and approval prior to installation.
8. If a security grate is to be used on a Building, it should be a see-through grille with decorative elements rather than a roll-up steel door. Such security grate should be mounted inside of the storefront

B. Massing

1. In EDA Central and South, New or rehabilitated Buildings should reflect and complement the scale and architectural character of historically distinctive Buildings in the surrounding area.
2. In EDA Central, Building massing within Area 3 should be designed to transition from the higher scale of Area 4 and the lower scale of Areas 1 and 2.
3. For industrial Buildings in EDA South, design of new construction and rehabilitation of existing Buildings should be compatible with pedestrian activity, where practicable. Loading zones should be clearly marked both at the ground plane and through the use of architectural features, such as canopies and the like. Where the provision of windows in the Street Wall is impracticable, articulation of the Street Wall by other means is encouraged.
4. In EDA South, building massing along East Canton Street should acknowledge the height, massing and design scale of the residential buildings across the street.

C. Site Plan

1. Site planning, including location and orientation of Building footprint, open space, and vehicular access should be designed to provide new through-block connections to enhance circulation within the subdistrict and reinforce the historic East – West street pattern (See Section 64-29.3 on Lot Coverage Requirements for PDA Projects).
2. Vehicular access to and egress from a site should minimize traffic impacts on adjacent roadways and provide visual access for drivers

and pedestrians.

3. Parking, storage and disposal areas, and the entrance to accessory parking within a main Building should not be located in the front of Buildings. Such areas should be located within Buildings and on secondary elevations. If such areas are visible from a public way they should be appropriately screened and buffered.
4. Shawmut Avenue, Washington Street and Harrison Avenues should be avoided as points of access for loading and servicing.
5. Projects with frontage on Traveler Street will be required to provide an enhanced landscaped edge which may include the following: tree plantings, landscape furniture such as benches and like, planting beds, way-finding elements Appropriate hardscape surface elements for pedestrians.

APPENDIX C TO ARTICLE 64

EDA NORTH

Area 1: Within that portion of the subdistrict that is beyond 165 feet from Albany Street.

Area 2: Within that portion of the subdistrict that is within 165 feet from Albany Street.

APPENDIX C TO ARTICLE 64

EDA NORTH

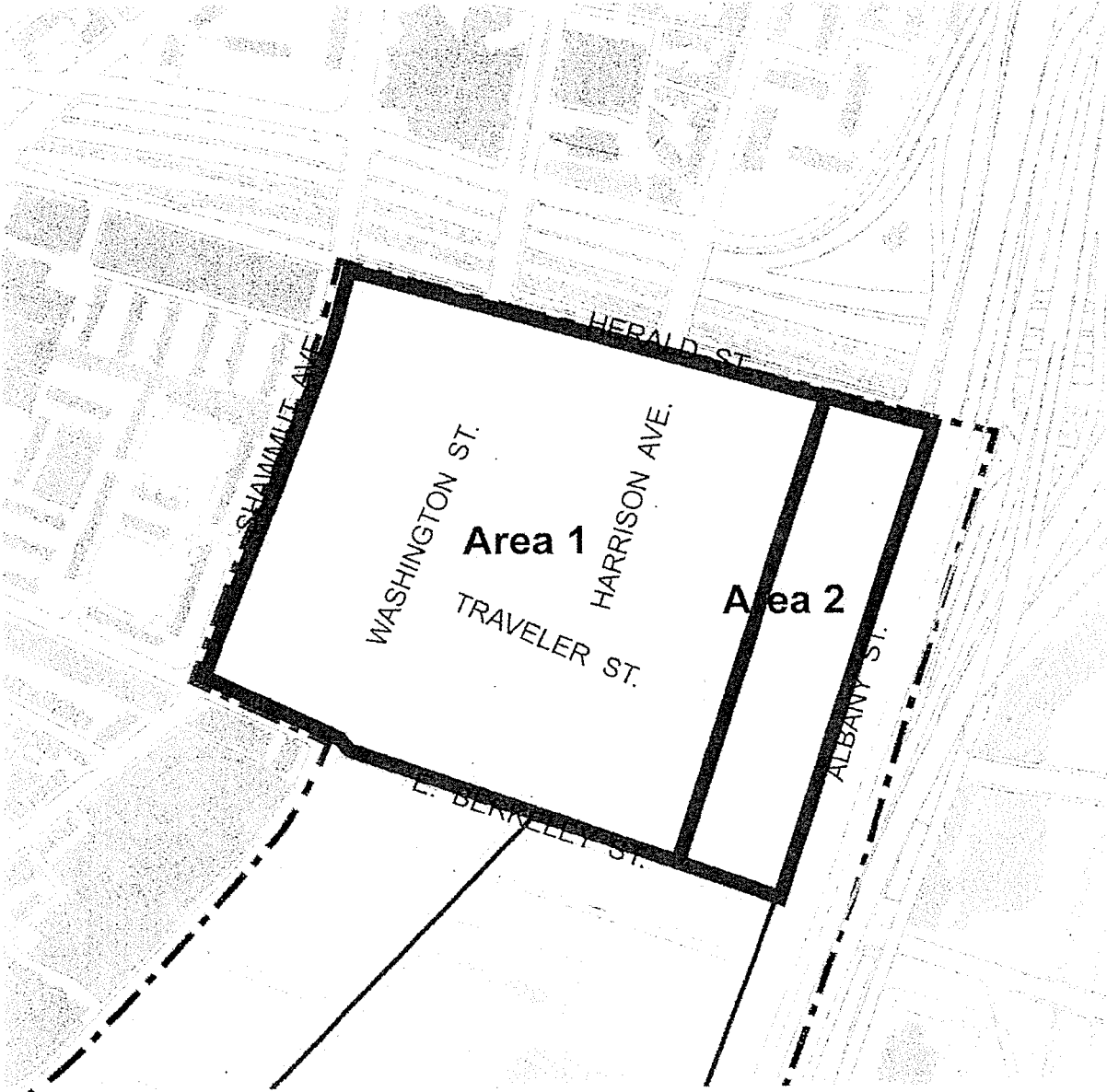


TABLE C

South End Neighborhood District
Use Regulations in
Economic Development Areas

Key: A = Allowed, C = Conditional, F = Forbidden
For definitions of use categories and certain specific uses, see Article 2A.
For summary of requirements applicable to Institutional Uses, see Note 1.

	EDA North <u>Subdistrict</u>	EDA Central <u>Subdistrict</u>	EDA South <u>Subdistrict</u>	EDA BioSquare <u>Subdistrict</u>
<u>Banking and Postal Uses</u>				
Automatic teller machine	A	A	A	A
Bank	A	A	A	A
Drive-in bank	F	F	F	F
Post office	A	A	A	A
<u>Community Uses</u>				
Adult education center	A	A	A	A
Community center	A	A	A	A
Day care center	A	A	A	A
Day care center, elderly	A	A	A	A
Library	A	A	A	A
Place of worship; monastery; convent; parish house	A	A	A	A

TABLE C – Continued

	<u>EDA North Subdistrict</u>	<u>EDA Central Subdistrict</u>	<u>EDA South Subdistrict</u>	<u>EDA BioSquare Subdistrict</u>
<u>Public Service Uses cont.²</u>				
Fire station	A	A	A	A
Outdoor payphone	F	F	F	F
Penal institution	F	F	F	F
Police station	A	A	A	A
Pumping station	C	C	C	C
Recycling facility (excluding facilities handling toxic waste)	C	C	C	C
Solid waste transfer station	F	F	F	F
Sub-station	C	C	C	C
Telephone exchange	C	C	C	C
<u>Research and Development Uses⁴</u>				
Research laboratory	A	A	A	A
Product development; prototype manufacturing	A	A	A	A
<u>Residential Uses⁵</u>				
Congregate living complex	C	C	C	C
Elderly housing	A	A	C	C
Group residence, limited	A	A	C	C
Lodging house	C	C	C	F
Mobile home	F	F	F	F

TABLE C – Continued

	<u>EDA North Subdistrict</u>	<u>EDA Central Subdistrict</u>	<u>EDA South Subdistrict</u>	<u>EDA BioSquare Subdistrict</u>
<u>Residential Uses cont.⁵</u>				
Mobile home park	F	F	F	F
Multi-family dwelling	A	A	C	C
One family detached dwelling	F	F	F	F
One family semi-attached dwelling	F	F	F	F
Orphanage	C	C	C	C
Rowhouse	A	A	C	F
Temporary dwelling structure	C	C	C	C
Three family detached dwelling	F	F	F	F
Townhouse	A	A	C	C
Transitional housing or homeless shelter	C	C	F	C
Two family detached dwelling	F	F	F	F
Two family semi-attached dwelling	F	F	F	F
<u>Restaurant Uses</u>				
Drive-in restaurant	F	F	F	F
Restaurant	A	A	A	A
Take-out restaurant				
Small ⁶	A	A	A	A
Large ⁷	C	C	C	C

TABLE C – Continued

	<u>EDA North Subdistrict</u>	<u>EDA Central Subdistrict</u>	<u>EDA South Subdistrict</u>	<u>EDA BioSquare Subdistrict</u>
<u>Accessory and Ancillary Uses</u>				
In each subdistrict of the South End Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table B and (ii) not designated "A" or "C" for such subdistrict in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.				
Accessory amusement game machines not more than four) in commercial or non-commercial establishment	F	F	C	F
Accessory art use	A	A	A	A
Accessory automatic teller machine	A	A	A	A
Accessory bus servicing or storage	F	F	F	F
Accessory cafeteria	A	A	A	A
Accessory cultural uses	A	A	A	A
Accessory dormitory	C	F	F	C
Accessory drive-through restaurant	F	F	F	F
Accessory drive-through retail	F	F	F	F
Accessory family day care home	C	C	C	C
Accessory home occupation	A	A	A	A
Accessory indoor maintenance and operation of a payphone ¹⁸	A	A	A	A
Accessory industrial use	A	A	A	A
Accessory keeping of animals, other than laboratory animals	C	C	C	C
Accessory keeping of laboratory Animals ⁴	C	C	C	A

TABLE C – Continued

	EDA North Subdistrict	EDA Central Subdistrict	EDA South Subdistrict	EDA BioSquare Subdistrict
<u>Accessory and Ancillary Uses cont.</u>				
Accessory machine shop	A	A	A	A
Accessory manufacture of products	A	A	A	A
Accessory offices	A	A	A	A
Accessory offices for university	C	C	C	C
Accessory outdoor cafe	A	A	A	A
Accessory parking ^{16, 17}	A	A	A	A
Accessory personnel quarters	A	A	A	A
Accessory printing	A	A,	A	A
Accessory professional office in a dwelling	A	A	A	A
Accessory railroad storage yard	F	F	F	F
Accessory recycling	C	C	C	C
Accessory repair garage	C	C	C	C
Accessory retail	A	A	A	A
Accessory service uses	C	C	C	C
Accessory services for apartment and hotel residents	A	A	C	C
Accessory services incidental to educational uses other than college or university use	A	A	A	A
Accessory storage of flammable liquids and gases				
small ¹⁰	C	C	C	C
Large ¹⁰	C	C	C	C
Accessory storage or transfer of toxic waste	C	C	C	C

TABLE C – Continued

	EDA North Subdistrict	EDA Central Subdistrict	EDA South Subdistrict	EDA BioSquare Subdistrict
<u>Accessory and Ancillary Uses cont.</u>				
Accessory swimming pool or tennis court ¹²	A	A	A	A
Accessory trade uses	A	A	A	A
Accessory truck servicing or storage	C	C	C	C
Accessory wholesale business	A	A	A	A
Ancillary use ¹⁴	C	C	C	C

1. Note regarding Institutional Use. The Institutional Use categories "College or University Use," "Hospital Use," and "Nursing or Convalescent Home Use," are defined in Article 2A to include subuses (office, parking, etc.) that also appear as main uses in this Table B. If part of an Institutional Use, pursuant to the provisions of this Article and Article 2A, any such subuse shall be regulated as the pertinent Institutional Use. To determine whether the substitution of one such subuse for another constitutes a Proposed Institutional Project, and to determine whether a subuse is a High Impact Subuse, see the definition of the pertinent Institutional Use in Article 2A. See Section 64-4 (Applicability), Section 8013-2.4 (Regulations Applicable to Exempt Projects), and Section 80D-11 (Institutional Master Plan Review: Effect on Applicability of Other Zoning Requirements) concerning the applicability of the use regulations of this Table B to Institutional Uses. See also Section 64-24 (Institutional Master Plan Review Requirement) and Section 80D-2 (Applicability of Institutional Master Plan Review) concerning the applicability of Institutional Master Plan Review to such uses.
2. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.

TABLE C – Continued

3. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.
4. Provided that, where applicable, such Research and Development Use shall comply with: 1) all the guidelines and standards promulgated by the National Institutes of Health ("NIH") concerning the care and use of laboratory animals; and 2) all applicable federal and state requirements and regulations for operating labs as classified by the Center for Disease Control and Prevention ("CDC") and Boston Public Health Commission ("BPHC"). If such Research and Development Use is subject to and does not satisfy the requirements of items 1 and 2 of Footnote 4, such Research and Development Use shall be forbidden.
5. Provided that Dwelling Units are forbidden in Basements.
6. Total gross floor area not more than 1,000 square feet per restaurant.
7. Total gross floor area exceeding 1,000 square feet per restaurant.
8. In an Economic Development Area, where a Retail, Service, or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after 12 midnight or before 6:00 a.m.
9. Provided that all storage of beverage containers shall be located entirely within a building, and provided further that such use shall be forbidden within ' fifty (50) feet of any Residential District or Subdistrict, Open Space District or Subdistrict, or Conservation Protection Subdistrict.
10. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.

TABLE C – Continued

11. Where such use is designated "A," or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no-outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.
12. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
13. Where designated "A," provided that any Proposed Project for a General Retail Business shall be conditional if it:
(a) establishes an occupancy for a General Retail Business having a gross floor area of sixty-five thousand (65,000) or more square feet; or (b) changes to a General Retail Business the use of a gross floor area of sixty-five thousand (65,000) or more square feet; or (c) enlarges a General Retail Business so as to result in a total gross floor area of sixty-five thousand (65,000) or more square feet.
14. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.
15. Provided Allowed if 2,000 square feet or less.
16. Provided that such parking is effectively screened, as determined by the Authority, from abutting streets, and is located: (1) underground, or (2) at or above the ground floor in a structure in which the ground floor along any Street Line is occupied by residential, hotel, retail, service or office uses; otherwise forbidden.
17. See Map 1P and Section 3-1A.c concerning regulations applicable in a Restricted Parking District.
18. Provided that such use shall be forbidden unless located within a building at least ten (10) feet from an entrance.

TABLE C – Continued

19. Provided that the parking facility is not open to the general public and otherwise conforms to the City of Boston's "Downtown Park Freeze" administered by the Air Pollution Control Commission.

20. Except Conditional for "Energy Production Facilities" where energy generated is eligible for the Commonwealth of Massachusetts Renewable Portfolio Standard (Class I) or Alternative Portfolio Standard prior to occupancy as determined and documented by the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs (EOEEA).

TABLE G
South End Neighborhood District
Economic Development Areas
Dimensional Regulations (1)

	<u>EDA North</u>	<u>EDA Central</u>	<u>EDA South</u>	<u>EDA BioSquare</u>
Maximum Floor Area Ratio (2)	4.0	4.0	4.0	4.0
Maximum Building Height (2)	100	70 (4)	70(5)	110(6)
Maximum Street Wall Height	(3)	n/a	(7)	n/a
Residential Use	none	none	none	none
Other Use				
Minimum Usable Open Space Per Dwelling Unit (sq. ft.) (12)	50	50	50	50
Minimum Lot Size	none	none	none	none
Minimum Lot Width	none	none	none	none
Minimum Lot Frontage	none	none	none	none
Minimum Front Yard	none(8)	none(9)	none(10)	none
Minimum Side Yard	none	none	none	none
Minimum Rear Yard	20 (11)	20 (11)	20 (11)	20 (11)

TABLE G - Continued

1. For applicability of the dimensional regulations of this Table G to buildings and structures used for Institutional Uses, see Section 64-4 (Applicability), Section 64-24 (Institutional Master Plan Review Requirement), Section 80D-2.4 (Regulations Applicable to Exempt Projects), and Section 80D-11 (Institutional Master Plan Review: Effect on Applicability of Other Zoning Requirements). See also Section 64-24 (Institutional Master Plan Review Requirement) and Section 80D-2 (Applicability of Institutional Master Plan Review) concerning the applicability of Institutional Master Plan Review to such buildings and structures.
2. For maximum Building Heights and Floor Area Ratios for Planned Development Areas, see Section 64-29. See also Section 64-28 (Establishment of Areas in which Planned Development Areas May be Permitted).
3. The maximum street wall height shall be 70 feet on Shawmut Avenue. Any portion of a building taller than 70 feet must step back no less than 10 feet from the street wall.
4. Except that within 165 feet of the Albany Street public right-of-way running from the centerline of Paul Sullivan Way on the north and the southern parcel boundary for the existing MBTA operations site to the south, the maximum Building Height shall be one hundred (100) feet.
5. 70 feet within the area bounded by Plympton Street on the north, Albany Street to the east, East Canton Street to the south, and Harrison Avenue to the west. In the area bounded by Malden Street to the north, Albany Street to the east, Plympton Street to the south and 100 feet to the east of Harrison Avenue to the west, the maximum Building Height shall be 100 feet. Within the eastern portion of the subdistrict that is to the east of, and within 100 feet of, the Albany Street right-of-way, the maximum Building Height shall be one hundred ten (110) feet and shall be one hundred fifty (150) feet after 100 feet east of the Albany Street right-of-way.
6. Except that after 100 feet to the east of the Albany Street right-of-way centerline, the maximum Building Height shall be one hundred fifty (150) feet.
7. The maximum street wall height on the north side of East Canton Street shall be 70 feet. Any portion of a building taller than 70 feet must step back no less than 10 feet from the street wall.
8. Ten (10) feet along the north side of Traveler Street.

9. Ten (10) feet along Albany Street.
10. Ten (10) feet along the north side of East Canton Street.
11. Except that any Rear Yard for any Proposed Project that is subject to or has elected to comply with the provisions of Large Project Review shall be determined through such review.
12. In an Economic Development Area, all or a portion of required usable open space may be met by suitably designed and accessible space on balconies of main buildings, or on the roofs of wings of main buildings, or on the roofs of accessory buildings.

^TABLE H

**South End Neighborhood District
Off-Street Parking Requirements (1)**

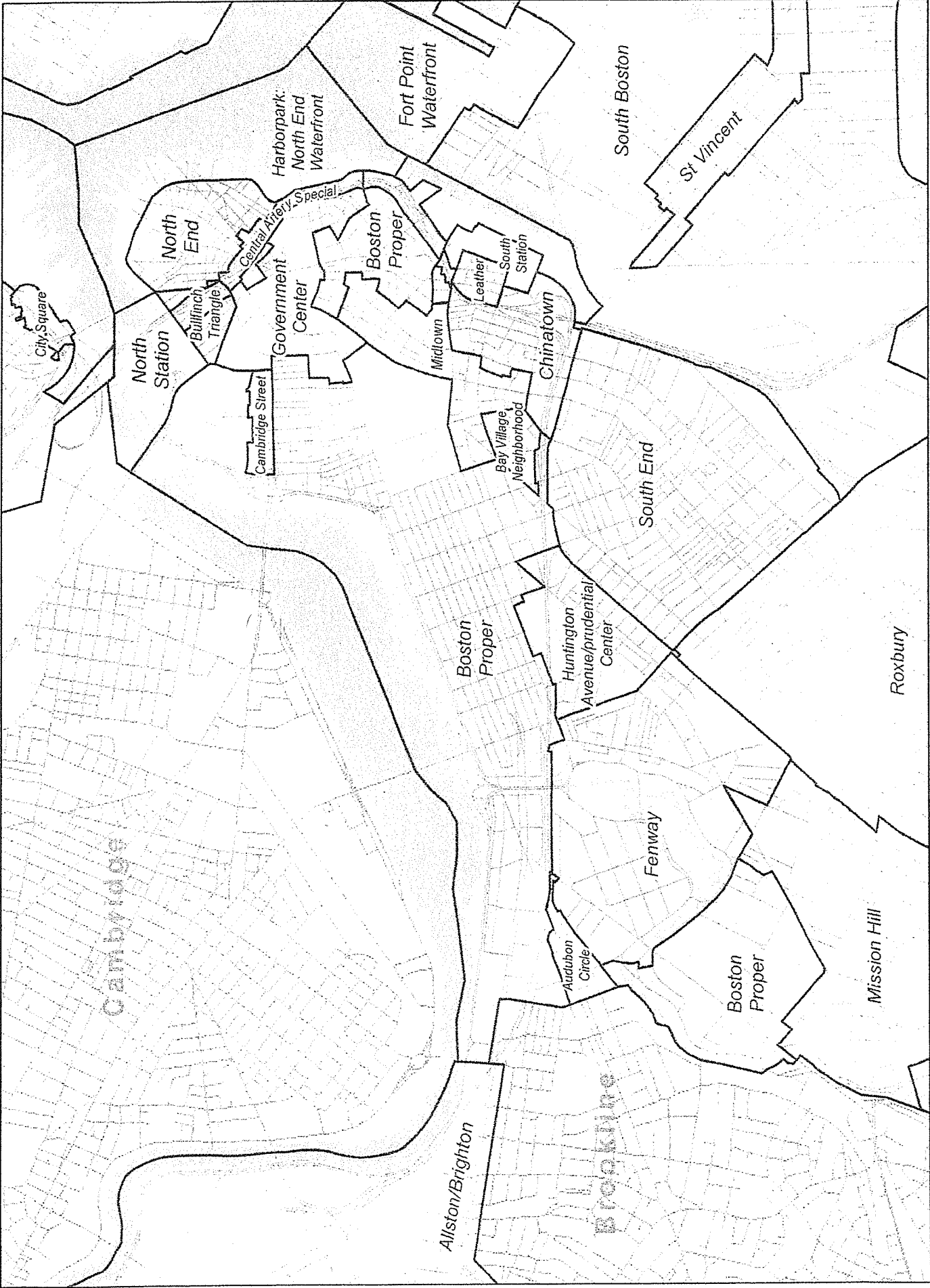
Residential and Related Uses



	<u>Off Street Parking Requirement (space per dwelling unit)^{2,3}</u>
<u>Dormitory/Fraternity Uses</u>	0.5
<u>Hotel and Conference Center Uses⁶</u>	0.7
<u>Residential Uses³</u>	
Elderly Housing	0.5
Group Residence, Limited	0.5
Lodging House	0.5
Transitional Housing or Homeless Shelter	0.25
Other Residential Uses ^{4,5,6}	0.7

1. The provisions of this Table H do not apply to Proposed Projects that are subject to Large Project Review. See Section 64-33 (Off-Street Parking and Loading Requirements).
2. Where a use is not divided into Dwelling Units:
 - (a) if sleeping rooms have accommodations for not more than two (2) persons, each group of two (2) sleeping rooms shall constitute a Dwelling Unit;
 - (b) if sleeping rooms have accommodations for more than two (2) persons, each group of four (4) beds shall constitute a Dwelling Unit.
3. Any dwelling converted for more families in separate dwelling units must meet not less than one-half the off-street parking requirements of this Table H.
4. Off-street parking facilities are not required unless more than two car spaces are required by this Table H.
5. For Dwelling Units qualifying as Affordable Housing, the off-street parking requirement shall be 0.7 parking spaces per Dwelling Unit.

6. Except in the Economic Development Areas, the minimum ratio for off street parking requirement for Hotel and Conference Center Uses shall be 0.3 and the maximum ratio for off street parking requirement for Hotel and Conference Center Uses shall be 0.5, and for Other Residential Uses the maximum ratio for off street parking shall be 1.0.

(^As amended on January 18, 2012)



 Overlay Area
 Zoning District Boundary



Groundwater Conservation Overlay District

March, 2007

^ARTICLE 32

GROUNDWATER CONSERVATION OVERLAY DISTRICT

(^Article inserted on February 15, 2006)

SECTION 32-1. Statement of Purpose. The purposes of this article are to (a) prevent the deterioration of and, where necessary, promote the restoration of, groundwater levels in the city of Boston; (b) protect and enhance the city's historic neighborhoods and structures, and otherwise conserve the value of its land and buildings; (c) reduce surface water runoff and water pollution; and (d) maintain public safety.

SECTION 32-2. Definitions. For the purposes of this article only, the following words and phrases, when capitalized, shall have the meanings indicated:

1. "Applicant" shall mean any person or entity having a legal or equitable interest in a Proposed Project subject to the requirements of this article, or the authorized agent of any such person or entity.
2. "Groundwater-Retaining Paving" shall mean paving that (a) the Applicant demonstrates, by certification from a Massachusetts registered engineer, or other expert or authoritative body recognized by the Inspectional Services Department, will promote infiltration of rainwater into the ground by capturing within a suitably-designed system a volume of rainfall on the lot equivalent to no less than 1.0 inches across that portion of the surface area of the lot to be paved, or (b) is designed and constructed pursuant to pertinent specifications approved by the Commissioner of Inspectional Services.
3. "Proposed Institutional Project" shall mean a Proposed Project occupied or to be occupied for institutional uses upon issuance of a building, use, or occupancy permit.
4. "Proposed Project" shall mean the erection, extension, rehabilitation, alteration, or substantial demolition of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit.

5. "Substantially Rehabilitate" shall mean to cause alterations or repairs to be made to a structure or structures within any period of twelve (12) months, if such alterations or repairs cost more than fifty percent (50%) of the physical value of the structure or structures. Physical value shall be based on the assessed value, as recorded on the assessment rolls of the City as of the January 1 preceding the date of the filing of an application for a building permit with the Inspectional Services Department.
6. "Zoning Relief" shall mean any zoning variance, exception, conditional use permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

SECTION 32-3. General Requirements and Procedures. A Groundwater Conservation Overlay District (GCOD), a type of special purpose overlay district established pursuant to Section 3-1A, shall be potentially applicable in areas within certain downtown, harborpark, and neighborhood districts at risk for groundwater depletion. To designate an area as a GCOD, the following procedures shall be followed:

1. The Boston Redevelopment Authority shall make a recommendation to the Zoning Commission that a certain area within a district or neighborhood experiencing or subject to the potential of harmful groundwater depletion be designated as a GCOD in order to promote the purposes set forth in this article.
2. Upon a favorable recommendation by the Boston Redevelopment Authority, the Zoning Commission may designate an area as a GCOD.
3. In an area designated as a GCOD, an applicant for a building or use permit for any Proposed Project subject to the requirements of this article shall obtain a conditional use permit pursuant to the procedures set forth in Article 6 or carry out such Proposed Project in a manner consistent with the provisions of this article, as applicable.

SECTION 32-4. Applicability. Any Applicant seeking a building permit for a Proposed Project within a Groundwater Conservation Overlay District shall be subject to the requirements of this article where such Applicant seeks (a) the erection or extension of any structure, where such new structure or extension will occupy more than fifty (50) square feet of lot area; (b) the erection or extension of any structure designed or used for human occupancy or access, mechanical equipment, or laundry or storage facilities, including garage space, if such construction involves the excavation below grade to a depth equal to or below seven (7) feet above Boston City Base (other than where such excavation is necessary for, and to the extent limited to, compliance with the requirements of

this article); (c) to Substantially Rehabilitate any structure; or (d) any paving or other surfacing of lot area.

Notwithstanding the above provisions of this Section 32-4, in the GCOD mapped in the North End Waterfront Subdistrict, the North End Local Business Subdistrict and Fort Point Waterfront Subdistrict, all within the Harborpark District, and also in the North End Neighborhood District, Bulfinch Triangle District, Central Artery District, and South Boston, only subsections (a) and (b) of this Section 32-4 are applicable.

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

1. Any Proposed Project for which a building permit has been issued prior to the first notice of hearing before the Zoning Commission for adoption of this article, provided that construction work under such permit is commenced within six months after its issue, and the work proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances;
2. Any Proposed Project located within an area designated as a GCOD after January 1, 2007 for which application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of such GCOD map or text amendment;
3. Any Proposed Project for which the Board of Appeal has granted Zoning Relief prior to the first notice of hearing before the Zoning Commission for adoption of this article, provided that such Proposed Project is not thereafter modified or amended subject to further Zoning Relief; and
4. Any Proposed Project that the Boston Redevelopment Authority has approved pursuant to Article 80B (Large Project Review), any Proposed Project for which the Boston Redevelopment Authority has approved a planned development area development plan, or any Proposed Institutional Project for which the Boston Redevelopment Authority has approved an institutional master plan, prior to the first notice of hearing before the Zoning Commission for adoption of this article, provided that such Proposed Project, planned development area development plan, or institutional master plan is not thereafter modified or amended subject to further Boston Redevelopment Authority approval.

(^Amended on April 25, 2007)

SECTION 32-5. Specific Requirements. The specific requirements of this Section 32-5 shall apply to any Proposed Project subject to these Groundwater Conservation Overlay District regulations pursuant to Section 32-4.

1. Any of the improvements specified in Sections 32-4(a)-(c) shall require a conditional use permit.
2. Any paving or other surfacing of lot area subject to Section 32-4(d) must employ Groundwater-Retaining Paving, as defined in Section 32-2.

SECTION 32-6. Standards. To obtain a conditional use permit from the Board of Appeal, the Applicant shall show that the Proposed Project complies with the following requirements, in addition to the standards set forth in Article 6: (a) provision that any Proposed Project promote infiltration of rainwater into the ground by capturing within a suitably-designed system a volume of rainfall on the lot equivalent to no less than 1.0 inches across that portion of the surface area of the lot to be occupied by the Proposed Project (or, in the case of a Proposed Project for a Substantial Rehabilitation, the lot area occupied by the structure to be Substantially Rehabilitated), which requirement may be reduced by the Board of Appeal only if, and to the extent that, the Applicant demonstrates this ratio cannot feasibly be achieved using techniques and materials appropriate to the Proposed Project and the lot upon which it is located, and additionally provides appropriate alternate mitigation; and (b) provision that any Proposed Project result in no negative impact on groundwater levels within the lot in question or adjacent lots, subject to the terms of any (i) dewatering permit or (ii) cooperation agreement entered into by the Proponent and the Boston Redevelopment Authority, to the extent that such agreement provides standards for groundwater protection during construction.

The Applicant shall demonstrate that the Proposed Project meets the requirements of this section by certification from a Massachusetts registered engineer or other expert or authoritative body recognized by the Board of Appeal. With respect to a Proposed Project for a one, two, or three-family residence, the Applicant may demonstrate to the Board of Appeal presumptive compliance with the rainwater capture requirements of Subsection (a) of this Section 32-6 by designing and constructing such system pursuant to pertinent specifications approved by the Commissioner of Inspectional Services.

Notwithstanding the above provisions of this Section 32-6, in the GCOD mapped in the North End Waterfront Subdistrict, the North End Local Business Subdistrict and Fort Point Waterfront Subdistrict, all within the Harborpark District, and also in the North End Neighborhood District, Bulfinch Triangle District, Central Artery District, and South Boston, the Applicant shall demonstrate that the Proposed Project complies only with Subsection (b) of this Section 32-6.

(^Amended on April 25, 2007)

SECTION 32-7. **Designation of Groundwater Conservation Overlay Districts.** The geographic areas and zoning districts shown on Appendix A hereto are subject to the provisions of this article.

SECTION 32-8. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this article.

SECTION 32-9. **Enforcement.** The Commissioner of Inspectional Services shall not issue any building or use permit for a Proposed Project that is subject to but fails to comply with the provisions of this article.

SECTION 32-10. **Severability.** If any provision or section of this article shall be held invalid by any court of competent jurisdiction, such provision or section shall be deemed separate and apart from the remaining provisions of this article, and such remaining provisions and sections shall continue in full force and effect.