

**Section 3.0**

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Zoning

## 3.0 ZONING

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### 3.1 IMP Uses

*Core Campus:* All uses permitted under the 2008 IMP for the Core Campus as shown on Figure 1-1 are allowed. The 2008 IMP approved the following uses in the Core Campus: (1) All Hospital Uses; (2) Any additional uses permitted in the Development Plan for PDA No. 29, as amended; (3) Any additional uses permitted in the Development Plan for PDA No. 61 (Phase 2), as amended; (4) All existing and likely future uses, including retail, restaurant, service, transient residences (such as for families of patients receiving treatment at the Hospital), educational and general and professional office use. In addition to the uses permitted under the 2008 IMP, any additional uses permitted in the Development Plan for PDA No. 16, as affected by Zoning Board of Appeal Decision No. BZC-6897 (1984) are allowed, including retail store, restaurant, retail catering, professional office, clinic, real estate, insurance or other agency office, office building, research laboratory, parking lot, parking garage, and accessory parking.

*One and 21-25 Autumn Street:* All uses permitted under the 2008 IMP for One and 21-25 Autumn Street are allowed. The 2008 IMP approved the following uses at One and 21-25 Autumn Street: Office Uses (as defined in Section 2A of the Boston Zoning Code) and research and clinic laboratory uses are allowed at One and 21-25 Autumn Street.

Uses for 819 Beacon Street will be established in a future IMP Amendment adding 819 Beacon Street to the IMP Area.

### 3.2 IMP Dimensional Requirements

*Core Campus:* The Core Campus includes the areas formerly included in PDA No. 29, as amended, PDA No. 61, Phase 2, and PDA No. 16. For the purposes of this IMP Amendment and for the purposes of determining FAR under this IMP Amendment, all FAR Lot Areas for all such PDAs are based on and incorporate the information contained in the Development Plans for such PDAs. To the extent the Development Plans for such PDAs may have included in the FAR Lot Area private ways open to public travel which should have been excluded from the definition of Lot Area under Article 2A, inclusion of such areas as part of the FAR Lot Area is hereby approved for purposes of determining and approving dimensional requirements under this IMP Amendment.

The 2008 IMP incorporated the dimensional approvals under the pre-existing Development Plans for PDA No. 29, as amended, and for PDA No. 61, Phase 2. Under the Development Plan for PDA No. 29, as amended, the PDA Area was 429,481 SF (which excludes Shattuck Street) and the FAR Lot Area within PDA No. 29 was 414,704 SF (which excludes Shattuck Street and the approximately 14,777 SF portion of Blackfan Circle north of Longwood Avenue but which appears to include Children's Way a/k/a Children's Road and Children's Place a/k/a the Blackfan Street Extension, both south of Longwood Avenue) and was subject

to a maximum of 1,698,276 SF<sup>1</sup> of GFA, a maximum building height of 185 feet (the Research Building to the top of the last occupiable floor) and a maximum FAR of 4.1. No front, side or rear yards or parapet setbacks were required, except for a 12 foot parapet setback for the Research Building on the Blackfan Circle side. Under the Development Plan for PDA No. 61, as amended, the PDA Area and the FAR Lot Area within PDA No. 61, Phase 2 was 46,677 SF (which may include portions of an unnamed alley) and was subject to a maximum of 440,000 SF of GFA, a maximum building height of 298 feet and an FAR of approximately 9.43. Other proposed dimensions were approved as referenced in the Development Plans for PDA No. 29, as amended, and PDA No. 61, as amended.

Under the Development Plan for PDA No. 16, as affected by Zoning Board of Appeal Decision No. BZC-6897 (1984), the PDA Area was 48,891 SF and the FAR Lot Area within PDA No. 16 was 47,970 SF (consisting of 48,891 SF approved as PDA No. 16 in the Development Plan of which 921 SF has been excluded since it became subject to a sidewalk easement), which was subject to a maximum of 243,504 SF of GFA, consisting of an office building of approximately 98,176 SF and an above grade garage of approximately 145,328 SF of GFA, and an FAR of 5. Other proposed dimensions were approved as referenced in Zoning Board of Appeal Decision No. BZC-6897 (1984). A front yard reduction to 8' was approved, and no side yard, rear yard or rear parapet setback were required. A reduction of the loading requirements to one loading bay also was approved.

The Main Building Expansion will include the addition of 79,975 SF (7,000 SF of which is a replacement for the current 7,000 SF Binney Street building) and construction to a height of approximately 124'8" measured to the top of the last occupiable floor, measured from a base elevation of 37 feet as required under Article 2A of the Code. After approval of a Map Amendment adding PDA No. 16 (48,891 SF) and the area below the cantilever over the Binney Street sidewalk (1,052 SF) to the IMP Area, the IMP Area of the Core Campus will be 526,101 SF [viz. 429,481 SF + 46,677 SF + 48,891 SF + 1,052 SF], and the FAR Lot Area will 509,351 SF [viz. the IMP Area excluding the 14,777 SF portion of Blackfan Street north of Longwood Avenue, the 921 SF area of Longwood Avenue in front of 333 Longwood and the 1,052 SF area of Binney Street above which the cantilever will be constructed].

The FAR contemplated for the FAR Lot Area of the Core Campus after construction of the Main Building Expansion, in substitution for the Main Building Vertical Addition, and the Fegan elevator bank addition and taking into account the improvements constructed or to be constructed under PDA No. 29, as amended, PDA No. 61, as amended, Phase 2 (the Longwood Research Institute), and PDA No. 16 or otherwise existing (2,505,855 SF,

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<sup>1</sup> This number assumed the demolition of 57 Binney Street containing approximately 7,000 SF. This building will be demolished in connection with construction of the Proposed Project.

including the 1,300 SF Fegan elevator bank addition and including 42,800 SF of GFA in prior renovation and maintenance projects), within the 509,351 SF FAR Lot Area of the Core Campus IMP Area will be 5.

*One and 21-25 Autumn Street:* The 2008 IMP approved the existing structures located at One and 21-25 Autumn Street. No new project is proposed at this location at this time.

Dimensions for 819 Beacon Street will be established in a future IMP Amendment adding 819 Beacon Street to the IMP Area.

### **3.3 IMP Parking and Loading**

*Core Campus:* The 2008 IMP approved parking and loading for the Core Campus taking into account the improvements constructed or to be constructed under PDA No. 29, as amended, and PDA No. 61, Phase 2 (the Longwood Research Institute) or otherwise to be existing as 2,286 parking spaces, nine loading docks, and seven dumpster bays. Parking was subject to variation as leases expired and could not be renewed, not renewed or replaced. Of these, consistent with PDA No. 61, 18 spaces are to be used by the owner of Phase 1 of the PDA (which are replacement spaces for spaces lost in construction). The 2008 IMP also permits the 454 spaces in the 340 Brookline Avenue Garage (formerly known as the BIDMC East Campus Parking Garage), to be used on an interim basis until commencement of construction of the Longwood Research Institute; a portion of the 454 spaces will likely be leased to BIDMC (and BIDMC and Children's also may agree to swap the location of parking spaces, so that CHB will have use of some spaces in BIDMC facilities and BIDMC will have use of an equivalent number of spaces in CHB facilities).

This IMP approves use by the Hospital of 405 parking spaces in the garage at 333 Longwood Avenue, and one loading dock. The garage at 333 Longwood contains 490 parking spaces in total, of which 85 parking spaces are currently leased to third parties. As such leases expire, it is possible that some or all of those 85 spaces will become used by Children's.

Finally, since the 2008 IMP, there have been various changes to the parking spaces available to CHB through leases as shown on Table 2-3.

No change in parking and loading is contemplated for the Core Campus in connection with the Main Building Expansion.

### **3.4 Proposed Zoning Controls**

At the time of approval of the 2008 IMP, Boston Zoning Map 1 was amended to eliminate the PDA Overlay Districts for PDA No. 29, as amended, PDA No. 61, as amended, (Phase 2 only), and to create an overlay district known as the Children's Hospital Boston Institutional Master Plan Area. Accordingly, the 2008 IMP incorporated by reference the provisions of PDA No. 29, as amended, and PDA No. 61 pertaining to Phase 2, except to the extent

modified by the 2008 IMP. This area, which is depicted on Figure 1-1, encompasses (a) all of PDA No. 29, (b) Phase 2 of PDA No. 61, and (c) other property owned by Children's or its affiliates located within Boston Proper, except for 819 Beacon Street.

Consistent with this IMP Amendment, Boston Zoning Map 1 will be further amended to eliminate the PDA Overlay District for PDA No. 16, and to increase the area of the Children's Hospital Institutional Master Plan Area to include PDA No. 16 (333 Longwood Avenue) and the area of the Binney Street sidewalk beneath the cantilever (See Figure 1-1). Accordingly, the IMP Amendment will incorporate, by reference, the provisions of the Development Plan for PDA No. 16, as affected by Zoning Board of Appeal Decision No. BZC-6897 (1984).

### **3.5 Portion of the IMP Area within Groundwater Conservation Overlay District**

Portions of the IMP Area, consisting of the area north of Longwood Avenue (viz. the areas formerly part of PDA No. 16 and PDA No. 61, Phase 2 and the area added to PDA No. 29 by Map Amendment No. 366), but excluding the areas south of Longwood Avenue (viz. the area originally part of PDA No. 29 under Map Amendment No. 212 and One and 21-25 Autumn Street), are located within the Groundwater Conservation Overlay District (GCOD) governed by Article 32 of the Zoning Code. Any and all Proposed Projects in the portions of the IMP Area north of Longwood Avenue will incorporate systems into such Proposed Project that meet the groundwater conservation standards set forth in Article 32. Children's will obtain a written determination from the Boston Water and Sewer Commission as to whether said standards are met and will provide a copy of this letter to the BRA and the Boston Groundwater Trust prior to the issuance of a Certificate of Consistency for any Proposed Projects in the portions of the IMP Area north of Longwood Avenue. Accordingly, Children's will not be required to obtain a conditional use permit from the Board of Appeal for each such Proposed Project.

The Main Building Expansion Project site is located approximately one block south of Longwood Avenue and is not located within the Groundwater Conservation Overlay District (GCOD). Accordingly, the Project is not subject to the requirements of Article 32. However, the Proponent will coordinate with the Boston Groundwater Trust as necessary. General good groundwater management practices will be employed during construction and operation.

### **3.6 Effect of Approval of IMP**

Pursuant to Article 80D of the Code, upon approval of the IMP by the BRA and its adoption by the Boston Zoning Commission, uses or structures existing or described in the IMP as Proposed Project(s) will be deemed to be in compliance with the use, dimensional, parking and loading requirements of underlying zoning (including special purpose overlay districts) and may be reconstructed after casualty, notwithstanding any provision of underlying zoning to the contrary and without the requirement of further zoning relief. Such approvals

shall apply whether such uses or structures are conducted or occupied by Children's or any other entity, whether for-profit or non-profit, and notwithstanding any requirement that any such entity undertake such uses or occupy such structures pursuant to an Institutional Master Plan.

So long as the existing uses or structures and the Proposed Project(s) are consistent with the provisions of this Institutional Master Plan and the Proposed Project(s) is (are) subject to the Authority design approval process, the existing uses or structures and the Proposed Project(s) may be located on multiple contiguous parcels or lots, whether or not any portion of the existing uses or structures or the Proposed Project(s) on a particular parcel or lot satisfies the provisions of the underlying zoning. Consistent therewith, any yard and setback requirements shall be measured at the exterior property lines of the IMP Area, and shall not apply to any interior lots that may exist or be created within the IMP Area. Height shall be measured to the top of the last occupiable floor. FAR shall be measured with respect to the Core Campus of the IMP Area as a whole, and One and 21-25 Autumn Street as a whole.

#### ***Design Review of Proposed Project(s)***

Final plans and specifications for the Proposed Project(s) shall be subject to review and approval by the Authority in accordance with its Development Review Guidelines (2006). The final plans and specifications, as approved by the Authority, shall be deemed to be approved under this Institutional Master Plan.

#### ***Future Building Renovation and Maintenance Projects***

Throughout the term of the IMP, Children's anticipates conducting ongoing building alteration or renovation projects and other campus improvements which may consist of an erection or extension of an Institutional Use but which may be below the threshold for IMP Review or Large Project Review. So long as each such alteration, project or improvement is below 20,000 SF GFA, such work may be conducted without amendment of the IMP and the permitted FAR under the IMP shall be deemed adjusted accordingly.

#### ***Future Leased or Purchased Space***

From time to time during the term of the IMP, Children's may purchase or lease space and parking facilities located outside of the IMP area. Any such facilities, to the extent it exceeds IMP exemption thresholds, will not require an amendment to the IMP as long as the use category of the underlying zoning which most closely described the use of such facility is either allowed as of right by the underlying zoning or is allowed by zoning relief obtained by the property owner. This will give Children's the needed flexibility to meet its space and parking needs.

### ***Future Transfers of Space***

During the term of the IMP, it is also possible that Children's will transfer certain property described in the IMP. In such event, Children's may, by written notice to the BRA, elect to remove such property from the IMP and/or IMP Area, whereupon:

- a) such transferred properties, to the extent that they do not conform to the underlying zoning, shall be deemed to be lawful prior nonconforming uses and structures; and
- b) remaining uses and structures described in the IMP shall be deemed to be lawful prior nonconforming uses and structures to the extent they do not conform to underlying zoning, notwithstanding the creation of a new lot as a result of such transfer.

### ***Future Reallocation of Certain High Impact Subuses***

From time to time during the term of the IMP, Children's may reallocate Gross Floor Area among the various Hospital Subuses, including all High Impact Subuses. Any such reallocation will not require an amendment to the IMP. This will give Children's the needed flexibility to meet its operational needs.