

**OFFERED BY COUNCILORS SHARON DURKAN, FERNANDES ANDERSON,  
FITZGERALD, PEPEN, SANTANA, WORRELL AND LOUIJEUNE**



## **CITY OF BOSTON IN CITY COUNCIL**

### **AN ORDINANCE AMENDING THE CITY OF BOSTON CODE ORDINANCES CHAPTER VII SECTION 7 REGULATING RESTRICTIONS ON PARK FRONTAGES**

**WHEREAS,** Chapter VII of the Boston Municipal Code outlines regulations related to Environmental Protection in the City of Boston and Section IV of Chapter VII outlines regulations as they pertain to the City’s Parks and Recreation Department including guidelines pertaining to building restrictions on park frontages; *and*

**WHEREAS,** City of Boston Code, Ordinances, 7-4.10, “Restrictions on Park Frontages.”, colloquially known as the “Parks and Parkways Ordinance”, provides important protections for our City’s green spaces by requiring necessary setbacks and height restrictions for parcels of land abutting the parks; *and*

**WHEREAS,** The Parks and Parkways Ordinance protects our parks by preserving the aesthetics, user experience, and environmental viability of the park; *and*

**WHEREAS,** The historic Emerald Necklace is a publicly-owned, permanently-protected landscape that was enabled through a legislative act and a vote of the people of Boston in the 1870s, constructed by the Boston Parks Commission in the 1880s, and protected through deed restrictions when completed in the 1890s; *and*

**WHEREAS,** Transformed from marshland to a vibrant green space designed by Frederick Law Olmsted, the Back Bay Fens is a key component of Olmsted’s Emerald Necklace Park system, which includes a number of important landscape features including the Muddy River, the historic Fenway Victory gardens, recreation space, and reflective open space; *and*

**WHEREAS,** There are several notable gateways to the Fenway neighborhood, which abut or are situated in close proximity to the Back Bay Fens including the North Boylston Gateway Development Area, within the Fenway North Boylston Neighborhood Subdistrict; *and*

**WHEREAS,** The Project Proponent proposing a development of a residential building at 2 Charlesgate W/6 Charlesgate W/1161 Boylston Street within the North Boylston Gateway Development Area is subject to the Parks and Parkways Ordinance; *and*

**WHEREAS,** The 2023 Draft Project Impact Report (DPIR) for the proponent included a subdivision of the parcel to exempt it from the 70’ height restriction and the proponent worked with the BPDA and corporation counsel to comply with the Parks and Parkways Ordinance; *and*

**WHEREAS,** The Executive Secretary of the Boston Parks and Recreation Department (BPRD) submitted a letter to the 2 Charlesgate W project proponent on January 21, 2024 which concluded: “BPRD recommends that the proponent seek an amendment to the Municipal Code from the City Council so that its effort to exempt the project from the height restriction does not set a precedent that would have significant negative impact on the iconic design; historic landscape materials; and user experience of the parks and parkways of the Emerald Necklace”; *and*

**WHEREAS,** A text amendment to the Municipal Code’s “Restrictions on Park Frontages” would provide the opportunity to build needed housing, including affordable housing, while respecting protections for our historic parks; **NOW, THEREFORE**

***Be it ordained by the City Council of Boston as follows:***

Section 1.

The City of Boston Code, Ordinances, 7-4.10, “Restrictions on Park Frontages.” is hereby amended by adding the following to the end of the section:

“Provided further, as it relates to those certain lots located at the intersection of Boylston Street, Ipswich Street, and Private Alley 938, known and numbered as of the date of adoption of this section as 1161 Boylston Street, 2 Charlesgate West, and 6 Charlesgate West, the following provisions shall apply, anything contained in this chapter to the contrary notwithstanding:

- A. No building shall be erected or placed upon premises within fifteen (15) feet of the easterly boundary of said lots where such property line abuts the Fens;
- B. Any building located in that portion of the lots that is within sixty-seven and one-half (67.5) feet from the sideline of Ipswich Street may be built to a height not exceeding two hundred eighty (280) feet;
- C. Any buildings located in that portion of the lots that is greater than sixty-seven and one-half (67.5) feet from the sideline of Ipswich Street and greater than fifty (50) feet from the easterly boundary of said lots where such property line abuts the Fens may be built to a height not exceeding one hundred eighty (180) feet;
- D. Any buildings located in the remaining portion of said lots may be built to a height not exceeding seventy (70) feet;
- E. Steeples, towers, domes, railings/guardrails, balustrades, parapets, sculptured ornaments, chimneys, flues, roofs, aerials, antennae, elevator and mechanical penthouses, water tanks, screen walls, monitors or other structures normally built

above the roof and not devoted to human occupancy shall not be included in the computation of height of buildings for purposes of subparagraphs b. through d. above. The height of buildings as used in subparagraphs b. through d. above shall be measured from the mean grade of the edgestone or sidewalk on the easterly property line where such property line abuts the Fens;

- F. No building or structure shall hereafter be erected or altered on the lots described above without prior written approval by the Boston Redevelopment Authority of the exterior design of such building or structure. The Authority's review of such exterior design shall be concerned with such matters as the exterior facade, exterior materials, signs, the location of roof top structures described in subparagraph e. above, building mass and its placement on the site, the relation of the building to architectural characteristics of the Fenway, and adequacy of vehicular ingress and egress, if any. The purpose of this subparagraph f. is to ensure that new buildings shall, without limiting the dimensions and building volume permitted herein and under applicable zoning regulations, be of outstanding architectural character and harmonious with the Fenway area.”

#### Section 2.

The provisions of this ordinance are severable and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions, which remain in full force and effect.

#### Section 3.

The provisions of this ordinance shall be effective immediately upon passage.

Filed on: July 26, 2024