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Barney S. Heath  
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## ZONING REVIEW MEMORANDUM

Date: September 22, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Katie Whewell, Chief Planner for Current Planning

Cc: Frank Stearns, Attorney  
Mall at Chestnut Hill LLC, Applicant  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

RE: **Request to amend Special Permit #180-18 to allow an increase in the number of shuttles for the accessory parking shuttle service**

Applicant: Mall at Chestnut Hill LLC	
Site: 199 Boylston Street	SBL: 65008 0100,
Zoning: BU1	Lot Area: 324,691 square feet
Current use: Shopping center	Proposed use: No change

### BACKGROUND:

The property at 199 Boylston Street consists of a 324,691 square foot lot used in conjunction with land at 175 Boylston Street (SBL 65008 0099), 225 Boylston Street (SBL 65008 0099B) and 175R Boylston Street (SBL 65008 0099A) for the Mall at Chestnut Hill (the Mall), an enclosed shopping mall. A portion of the property at SBL 65008 0004 is also used as surface parking through a long-term agreement with the Massachusetts Department of Conservation and Recreation (DCR). The property at 175 Boylston Street (including both end tenants of the Mall and substantial portions of the surface parking) is owned and operated by Bloomingdales, Inc. The property at 175R Boylston Street contains a parking structure and is owned and operated jointly by Bloomingdales and WMACH, LLC. The property lines between 175 and 199 Boylston Street run through the Mall building but the site functions as a single integrated shopping center and is considered as one for the purposes of zoning. The Mall was constructed as of right in 1972 and the above division of the land into three lots dates from 1971. There have been a number of special permits on the property relative to signage and parking. An 11-stall parking waiver was granted in 2010 for a proposed restaurant, and another was granted in 2012 to waive 111 parking stalls for the addition of three restaurants.

A 2018 special permit for non-accessory parking allowed for the leasing of 496 parking stalls to off-site third party users. A shuttle bus with accommodations for pick-up and drop-off at the existing on-site bus stop provides for the non-accessory parkers. The petitioner seeks an amendment to the special permit to allow for an increase in the number of shuttle runs.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Frank Stearns, attorney, dated 9/7/2022
- Special Permit #180-18

**ADMINISTRATIVE DETERMINATIONS:**

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1. The petitioner was granted a special permit in 2018 to allow for non-accessory parking for hospital employees who are subsequently shuttled to the Longwood Medical and Academic area. The information provided for the 2018 special permit indicated there would be 44 shuttle runs per day. The original shuttle was discontinued in 2021 but a Brigham and Women’s Hospital shuttle was licensed by the City Council through the Public Safety and Transportation Committee in its place through Order #369-21 allowing 49 shuttle runs per day and remains active. The petitioner proposes to introduce a second shuttle service to the Faulkner Hospital with 75 shuttle runs per day. Condition #5 of Special Permit #180-18 states that any increase in the number of shuttles requires an amendment to the special permit. The petitioner seeks an amendment to the Special Permit #180-18 to allow for an increase of 75 shuttles runs per day to accommodate the Faulkner Hospital shuttle service while continuing the Brigham and Women’s Hospital shuttle’s 49 daily runs.

Both the Brigham and Women’s Hospital and Faulkner Hospital shuttles will not exceed the number of shuttle runs regulated by the City Council through the Public Safety and Transportation Committee bus licensing requirements.

See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Request to amend Special Permit #180-18	