

MEMORANDUM

JULY 16, 2013

TO: BOSTON REDEVELOPMENT AUTHORITY AND
PETER MEADE, DIRECTOR

FROM: KAIROS SHEN, CHIEF PLANNER
HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW
LARA MERIDA, DEPUTY DIRECTOR FOR COMMUNITY PLANNING
DAVID CARLSON, EXECUTIVE DIRECTOR BLDC/SENIOR
ARCHITECT
JOHN FITZGERALD, SENIOR PROJECT MANAGER

SUBJECT: PUBLIC HEARING FOR THE SECOND AMENDMENT TO THE
DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT AREA NO.
56, THE FENWAY MIXED USE PROJECT, FENWAY

SUMMARY: This memorandum requests that the Boston Redevelopment Authority (the “Authority”): (1) approve Text and Map Amendments to Article 66 and Map 1Q of the Boston Zoning Code (the “Code”) (Fenway Neighborhood District), respectively; (2) approve the Second Amendment to the Development Plan for Planned Development Area No. 56, The Fenway Mixed Use Project (the “Second PDA Plan Amendment”) pursuant to Section 80C of the Code; (3) authorize the Director to issue a Scoping Determination waiving the requirement of further review pursuant to Section 80B-5.3(d) of the Code for the proposed Fenway Point project described in the Second PDA Plan Amendment (the “Proposed Project”); (4) authorize the Director to issue a Certification of Compliance for the Proposed Project pursuant to Section 80B-6 upon successful completion of the Article 80 review process; (5) authorize the Director to issue a Certification of Consistency for the Proposed Project pursuant to Section 80C-8 of the Code; (6) authorize the Director to petition the Boston Zoning Commission for the approval of the Second PDA Plan Amendment and the accompanying Text and Map Amendments to Article 66 and Map 1Q, of the Code, respectively; and (7) authorize the Director to execute and deliver a Cooperation Agreement, an Affordable Rental Housing Agreement and Restriction, and a Boston Residents Construction Employment Plan, and any and all other documents that the Director deems necessary for the Proposed Project and the Second PDA Plan Amendment.

BACKGROUND

On March 28, 2002 the Authority approved a Map Amendment Application that created Planned Development Area No. 56 (“PDA No. 56”), as well as a Development Plan for Planned Development Area No. 56 (“Initial Development Plan”). The Map Amendment and the Initial Development Plan (together, the Initial PDA Plan”) were approved by the Boston Zoning Commission (“Zoning Commission”) on April 24, 2002. A First Amendment to the Initial Development Plan was approved by the Authority on April 1, 2004 and approved by the Zoning Commission on May 5, 2004. The Initial PDA Plan, as amended by the First Amendment, is referred herein to as the “Original Development Plan.”

PDA No. 56 encompasses an area in the Fenway section of Boston known as the Trilogy Parcel, on which the Trilogy Building was constructed and completed in 2006, pursuant to the Original Development Plan.

On June 6, 2013, the Fenway Ventures Point Properties, LLC (the “Proponent”) filed a Second Amendment to the Development Plan for Planned Development Area No. 56, The Fenway Mixed Use Project (the “Second PDA Plan Amendment”). The proposed Second PDA Plan Amendment will expand the area of PDA No. 56 to include the Point Parcel as a second development area for PDA No. 56, resulting in a total square footage of 122,450 within PDA No. 56.

The Proponent submitted an Expanded Project Notification Form (“PNF”) to the Authority on February 15, 2013 for the development of the Proposed Project located on the Project Site (described below).

DEVELOPMENT TEAM

The development team consists of Fenway Ventures Point LLC, care of Samuels & Associates, Inc. as Developer; Arquitectonica Architects as project architects; Vanasse Hangen Brustlin, Inc as environmental/permitting/transportation consultants; and Doug Husid of Goulston & Storrs, P.C. serving as legal counsel.

PROJECT SITE

The Point Parcel is a triangular block of land totaling approximately 25,191 square feet, immediately abutting the Trilogy Parcel, and located at the corner of Brookline Avenue and Boylston Street (the “Point Parcel”). Boylston Street borders the Point Parcel to the south and connects the Sears Rotary to the west with Downtown Boston to the east. Brookline Avenue borders the Point Parcel to the north connecting Brookline Village to the west with Kenmore Square to the east (the “Project Site”).

The existing conditions of the Project Site include three connected one-story brick buildings totaling approximately 20,150 square feet (176-184 Brookline Avenue, 200 Brookline Avenue, and 1387 Boylston Street) and surface parking and loading/service areas.

PROPOSED PROJECT

The Proposed Project will consist of the construction of a new 22-story mixed-use building totaling up to 302,292 square feet, including up to 45,000 square feet of retail space on the first two floors and residential units on the remaining floors above. The residential space be up to 275,000 square feet and will include approximately 320 units of housing (no less than 280 units and no more than 320 units) offering a mix of studios, one-, two-, three-and/or four-bedroom layouts serviced from a dedicated ground floor lobby. Both residents and retail patrons will utilize existing parking capacity at the adjacent Trinity Garage accessible from existing driveways on Brookline Avenue and Kilmarnock Street (the "Proposed Project"). The Proposed Project has a maximum building height of two hundred and seventy (270) feet and a maximum Floor Area Ratio of 12.0.

The Proposed Project also includes approximately 15,000 square feet of pedestrian level open space, green roof and rooftop open space.

PROJECT REVIEW

On May 3, 2012, the Proponent filed a Letter of Intent, in accordance with the Authority's policy on the provision of mitigation by development projects in Boston, as outlined in Mayor Thomas M. Menino's Executive Order of October 10, 2000, as amended, for a mixed-use development containing residential and retail uses at 1387 Boylston Street, 176-184 Brookline Avenue and 200 Brookline Avenue in Fenway.

On May 3, 2012, letters were delivered to City Councilor Michael Ross, State Senator Steve Tolman, and State Representative Byron Rushing requesting nominations for the Impact Advisory Group ("IAG") for the Proposed Project with a deadline of May 10, 2013. In addition, letters were sent to the Mayor's Office of Neighborhood Services and the City Councilors-at-large, providing an opportunity for their input.

Ten individuals were appointed to the IAG and were invited to participate in the scoping session convened by the Authority. The Proponent filed a Project Notification Form ("PNF") on February 28, 2013. Notice of the receipt by the Authority of the PNF (the "Notice") was published in the Boston Herald, which initiated a 30-day public comment period, which was agreed to be extended by the developer, and had a closing date of May 6, 2013.

Pursuant to Section 80B-5.3 of the Code, a scoping session was held on March 27, 2013, with the City's public agencies and the IAG at which the Proposed Project was reviewed and discussed. The Notice and the PNF were sent to the City's public agencies pursuant to Section 80A-2 of the Code. The Proponent conducted a public meeting on April 3, 2013, at the Landmark Center for the community's review and comments, to which members of the IAG were invited.

The Proponent seeks to achieve zoning compliance for the Proposed Project by submitting a Second PDA Plan Amendment pursuant to the Planned Development Area Review procedures set forth in Article 80 C of the Code. The Proponent submitted its proposed Second PDA Plan Amendment to the Authority on June 6, 2013, and notice of the receipt by the Authority of the Second PDA Plan Amendment was published in the Boston Herald, which initiated a 45-day public comment period that had a closing date of July 15, 2013. The Proponent conducted a public meeting on June 25, 2013, at the Landmark Center for the community's review and comments, to which members of the IAG were invited. The Second PDA Plan Amendment sets forth the Proposed Project, the proposed location, appearance and dimensions of structures, open spaces and landscaping, proposed uses, densities, traffic circulation, parking and loading facilities, and access to public transportation and outlines the zoning requirements applicable to the Proposed Project. Attached to this Board Memorandum as Exhibit A is the proposed Second PDA Plan Amendment, as well as the associated text and map amendments.

On June 7, 2011, the Boston Civic Design Commission voted to approve the revised design for the Proposed Project.

AFFORDABLE HOUSING

The Proposed Project will comply with affordable housing requirements as described in the Mayor's Executive Order for Affordable Housing by making 15% of the market rate units affordable at 70% of Area Median Income ("AMI"). There will be 42 affordable rental units located throughout the Proposed Project. The Proposed Project shall also comply with the affordable housing requirements set forth in Section 66-28.1 of the Code.

OTHER ZONING REQUIREMENTS

The Proposed Project is within the Groundwater Conservation Overlay District and shall comply with the standards and requirements of Article 32 of the Code, as described in the Second PDA Plan Amendment.

The Proposed Project will also comply with the requirements of Article 37, Green Buildings, of the Code.

PUBLIC BENEFITS

Expected public benefits from the Proposed Project include improvements to the economy, pedestrian experience, and neighborhood design. Some, but not all, of each of these are listed below.

Economic Benefits:

- Creation of 350-400 construction jobs;
- Creation of up to 200 permanent, transit accessible jobs on-site;
- Increased annual real estate taxes payment to the City;
- Provision of approximately 320 new units of housing, consisting of both market-rate and affordable units;

Pedestrian Improvements:

- Enhancement of pedestrian safety and circulation by improving sidewalk widths and adding pedestrian amenities around the Project Site;
- Substantial investment in the reconstruction of sidewalks and streetscape along the project frontage, including high-quality paving materials, street furnishings, landscaping, and lighting;
- Provide an outdoor seating area for potential restaurant occupancy at south-east corner of the site

Neighborhood Design Benefits:

- Redevelopment of an underutilized, car-dependent area into a vibrant transit and pedestrian orientated mixed-use project;
- Support of the City's Boylston Street Reconstruction Plan by accommodating elements of the plan into the streetscape and sidewalk design;
- Creation of additional open space and landscaping

RECOMMENDATIONS

Authority staff believes that the PNF, Second PDA Plan Amendment, project design changes, and accompanying mitigation commitments meet the criteria for the issuance of a Scoping Determination Waiving Further Review. It is therefore recommended that the Authority: (1) approve Text and Map Amendments to Article 66 and Map 1Q of the Code, respectively; (2) approve the Second PDA Plan Amendment f pursuant to Section 80C of the Code; (3) authorize the Director to issue a Scoping Determination waiving the requirement of further review pursuant to Section 80B-5.3(d) of the Code for the proposed Fenway Point project described in the Second PDA Plan Amendment (the "Proposed Project"); (4) authorize the Director to issue a Certification of

Compliance for the Proposed Project pursuant to Section 80B-6 upon successful completion of the Article 80 review process; (5) authorize the Director to issue a Certification of Consistency for the Proposed Project pursuant to Section 80C-8 of the Code; (6) authorize the Director to petition the Boston Zoning Commission for the approval of the Second PDA Plan Amendment and the accompanying Text and Map Amendments to Article 66 and Map 1Q, of the Code, respectively; and (7) authorize the Director to execute and deliver a Cooperation Agreement, an Affordable Rental Housing Agreement and Restriction, and a Boston Residents Construction Employment Plan, and any and all other documents that the Director deems necessary for the Proposed Project and the Second PDA Plan Amendment.

Appropriate votes follow:

VOTED: That the Boston Redevelopment Authority ("Authority") hereby approves a text amendment ("Text Amendment") to Article 66 and a map amendment to Map 1Q ("Map 1Q Amendment") of the Boston Zoning Code ("Code") in substantial accord with the Text Amendment and Map 1Q Amendment presented to the Authority on July 16, 2013; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to petition the Zoning Commission of the City of Boston ("Zoning Commission") for approval of the Text Amendment and Map 1Q Amendment in substantial accord with the Text Amendment and Map 1Q Amendment presented to the Authority on July 16, 2013; and

FURTHER

VOTED: That, in connection with the Second Amendment to the Development Plan for Planned Development Area No. 56, The Fenway Mixed Use Project, (the "Second PDA Plan Amendment") presented at a public hearing, duly held at the offices of the Authority on July 16, 2013, and after consideration of evidence presented at and in connection with the hearing and in connection with the Point Project described in the Second PDA Plan Amendment (the "Proposed Project"), the Authority finds with respect to the Second PDA Plan Amendment that: (a) the Second PDA Plan Amendment is not for a location or Proposed Project for which Planned Development Areas are forbidden by the underlying zoning, as amended; (b) the Proposed Project in the Second PDA Plan Amendment complies with any provisions of the underlying zoning, as amended that establish use, dimensional, design or other requirements for Proposed Projects in Planned Development Areas; (c) the Second PDA Plan Amendment complies with any provisions of the underlying zoning that establish planning and development criteria, including public benefits, for

Planned Development Areas; (d) the Second PDA Plan Amendment conforms to the plan for the district, subdistrict, or similar geographic area in which the Planned Development Area is located, and to the general plan for the City as a whole; and (e) on balance nothing in the Second PDA Plan Amendment will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all benefits and burdens; and

FURTHER

VOTED:

That the Authority hereby approves, pursuant to Section 80C of the Code, the Second PDA Amendment, in substantial accord with the Second PDA Plan Amendment presented to the Authority on July 16, 2013; and

FURTHER

VOTED:

That the Director be, and hereby is, authorized to petition the Zoning Commission for approval of the Second PDA Plan Amendment and the Map Overlay Amendment, both in substantial accord as presented to the BRA on July 16, 2013; and

FURTHER

VOTED:

That the Director be, and hereby is, authorized to issue a Scoping Determination under Section 80B-5.3(d) of the Code, which (i) finds that the Project Notification Form adequately describes the potential impacts arising from the Proposed Project, and provides sufficient mitigation measures to minimize these impacts, and (ii) waives further review under subsections 4 and 5 of Section 80B-5 of the Code, subject to continuing design review by the Authority; and

FURTHER

VOTED:

That the Director be, and hereby is, authorized to issue a Certification of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code upon the successful completion of all Article 80 processes; and

FURTHER

VOTED:

That the Director be, and hereby is, authorized to issue a Certification of Consistency for the Proposed Project pursuant to Section 80C-8 of the Code when the Director finds that: (a) the Proposed Project is adequately described in the Second PDA Plan Amendment; (b) the Proposed Project is consistent with the Second PDA Plan Amendment; and (c) the Second PDA Plan Amendment has been approved by the Authority and the Zoning Commission in accordance with the applicable provisions of Section 3-1A and Article 80C of the Code; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute a Cooperation Agreement, an Affordable Rental Housing Agreement and Restriction, a Boston Residents Construction Employment Plan, and any and all other agreements and documents which the Director deems appropriate and necessary in connection with the Proposed Project and the Second PDA Plan Amendment, all upon terms and conditions determined to be in the best interests of the Authority.