

MEMORANDUM

SEPTEMBER 8, 2005

TO: BOSTON REDEVELOPMENT AUTHORITY AND
MARK MALONEY, DIRECTOR

FROM: THOMAS MILLER, DIRECTOR OF ECONOMIC DEVELOPMENT
JAY RUSSO, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW
MICHAEL CANNIZZO, SENIOR ARCHITECT/ URBAN
DESIGNER
TAI Y. LIM, SENIOR PROJECT MANAGER

SUBJECT: EBLANA BREWERY PROJECT, LOCATED AT 117-127 HEATH
STREET, AND 76-80 WENSLEY STREET IN MISSION HILL

SUMMARY: This memorandum requests that the Boston Redevelopment Authority ("BRA") authorize the Director to: (1) issue a Scoping Determination waiving the requirement of further review pursuant to Article 80, Large Project Review of the Boston Zoning Code ("Code"); (2) issue a Certification of Compliance under Section 80B-6 of the Code upon successful completion of the Article 80 review process; (3) execute and deliver a Cooperation Agreement, an Affordable Housing Agreement, and a Boston Residents Construction Employment Plan, and any and all other agreements and documents that the Director deems appropriate and necessary; and (4) recommend approval to the Board of Appeal on Petitions BZC-26668, 26669, 26670, 26671, and 26672 for zoning relief necessary to construct the proposed Eblana Brewery Project consisting of 83 residential units, 97 parking spaces, and related site improvements ("Proposed Project") located at 117-127 Street and 76-80 Wensley Street in Mission Hill.

PROJECT SITE

The former Eblana Brewery is located at 117 - 127 Heath Street in Mission Hill, and is bounded by Wensley Street to the north, Heath Street to the south, and residential properties to the east and west ("the Project Site"). The Project Site also includes an adjacent vacant parcel (0 Heath Street) to the west. The Project Site abuts an open space area, which is currently owned by the Back of the Hill Community Development Corporation ("BOTHCDC").

The Project Site, totalling approximately 94,660 square feet ("SF"), consists of three adjacent parcels and contains two existing vacant structures (Exhibit A):

- Accessor's Parcel # 1001280000: located at 117 Heath Street, containing approximately 17,182 SF of land and a 2-story masonry structure of approximately 33,585 SF;
- Accessor's Parcel # 1001281000: located at 127 Heath Street, containing approximately 74,278 SF of land and a 4 1/2-story masonry structure of approximately 40,205 SF; and
- Accessor's Parcel # 1001282000: located between 127 and 163 Heath Street, containing 3,200 SF of vacant land.

The existing structure located at 127 Heath Street is the original Otto Wolf building built in 1885. The existing structure at 117 Heath Street was built in 1899 and served as the brewery's bottling shop.

DEVELOPMENT TEAM

The development team consists of The Mayo Group as the owner, developer and general contractor; Cirees, Inc. as the project architect; Jacques Whitford as the engineer; Kelly Engineering Services as the civil engineer and surveyor; BSC Group as the development consultant and transportation analyst; and Taren Grigsby of The Mayo Group as legal counsel.

ARTICLE 80 PROCESS

On November 22, 2004, in accordance with the BRA's policy on mitigation as outlined in Mayor Thomas M. Menino's Executive Order Relative to the Provision of Mitigation by Development Projects in Boston, the Proponent initiated the Article 80 Review by submitting a Letter of Intent to the BRA.

On March 28, 2005, the Mayo Group ("Proponent") filed a Project Notification Form ("PNF") in accordance with the BRA's policy on mitigation regarding the proposed Eblana Brewery Project. Notice of the receipt by the BRA of the PNF was published in the Boston Herald on March 30, 2005, which initiated the public comment period with a closing date of April 30, 2005. The Proponent voluntarily extended the public comment period to June 30, 2005.

Notices of the PNF were sent to the City's public agencies pursuant to Section 80A-2 of the Code. Pursuant to Section 80B-5.3 of the Code, a Scoping Session was held on April 26, 2005 with the City's public agencies and the members of the Impact Advisory Group ("IAG"), at which the Proposed Project was reviewed and discussed. The Proponent also attended a series of informational meetings, making presentations to the BOTHCDC, Community Alliance for Mission Hill, Mission Hill Neighborhood Housing Services, and several state and municipal elected officials representing the Mission Hill community. The BRA conducted a public meeting for community review and comment on May 17, 2005, at

the Back of the Hill Apartment Community Room. On May 16, 2005, the Proponent hosted an additional community meeting at the Back of the Hill Apartment Community Room to update and to present the changes that have been made to the Proposed Project. On July 5, 2005, the Boston Civic Design Commission recommended the Proposed Project for approval in accordance with Article 28 of the Code.

On July 18, 2005, the BRA issued a Request for Additional Materials in response to comments of City agencies and members of the public on the PNF. On August 8, 2005, the Proponent filed Additional Materials with the BRA in response to the Request for Additional Materials. The Proponent is currently working with the Boston Transportation Department to develop a Construction Management Plan and a Transportation Access Plan Agreement in connection with the Proposed Project.

PROJECT DESCRIPTION

The original program of the Proposed Project in the PNF called for a ninety (90)-unit residential condominium complex comprised of: the renovation, partial demolition, and partial addition of the existing two (2) brewery buildings into 62 loft-style residential condominium units; the new construction of two (2) buildings consisting of 28 two-bedroom condominium units; a four-story accessory parking structure; surface parking spaces; and related site improvements (“Original Plan”). The total of 99 parking spaces were proposed in the Original Plan.

During the public comment period, there were concerns and issues raised by members of the community and local elected officials regarding the density, design, and the traffic impacts of the Original Plan. The Proponent worked closely with the BRA, the community, the elected officials, and other public agencies to reduce the density and to improve the parking and traffic component of the Original Plan.

Modifications to the Original Plan are as follow:

	Original Plan	Modified Plan (Proposed Project)
Residential (New Construction)	Two (2) new buildings (Total of 28 units, 14 units each)	Three (3) new buildings (Total of 21 units, 7 units each)
Parking Ratio	1.10 (99 spaces/ 90 units)	1.17 (97 space/ 83 units)
Traffic (Project Site)	Heath Street side: Entrance only Wensley Street side: Entrance & Exit	Heath Street side: Entrance & Exit Wensley Street side: Emergency vehicles only

In the Additional Materials, dated August 8, 2005, the Proponent proposed the newly modified plan of an 83-unit residential condominium complex comprised of: the

renovation, partial demolition, and partial addition of the existing two (2) brewery buildings, 117 and 127 Heath Street into 62 loft-style residential condominium units; the construction of three (3) new buildings, 76, 78 and 80 Wensley Street, consisting of 21 two-bedroom condominium units; a four-story accessory parking structure; surface parking spaces; and, related site improvements. The Proposed Project includes 97 parking spaces for future occupants. The gross square footage of the Proposed Project is approximately 109,000 SF.

117 Heath Street

Renovation, partial demolition, and partial addition of existing 2-story industrial structure containing 22 loft-style residential units (“117 Heath Street”). Unit sizes range from 900 SF to 1,399 SF.

127 Heath Street

Renovation, partial demolition, and partial addition of existing 4 1/2-story industrial structure containing 40 loft-style residential units (“127 Heath Street”). Unit sizes range from 750 SF to 1,508 SF.

76, 78 and 80 Wensley Street

A new construction of three (3) residential buildings, each of which will contain seven (7) two-bedroom residential condominium units, totalling 21 units. Unit sizes range from 1,085 SF to 2,784 SF.

ZONING

The Project Site is located within two (2) zoning districts, the Local Industrial District (“LI”) and the 3F-2000 Residential Subdistrict (“3F-2000”) of the Code (Exhibit A). 76, 78 and 80 Wensley Street are located in the 3F-2000 and comply with the Code for the proposed use, but require zoning relief from the Board of Appeal for the proposed height and number of stories. 117 Heath Street and 127 Heath Street are located in the LI, where multi-family residential development is forbidden and therefore require zoning relief for the proposed use from the Board of Appeal. The Proposed Project also needs zoning relief in both the LI and the 3F-2000 districts for violation of two or more structures on one lot.

AFFORDABLE HOUSING

Eleven (11) of the 83 residential units within the Proposed Project will be created as affordable housing (the “Affordable Units”). There will be three (3) units in 117 Heath Street, five (5) units in 127 Heath Street, and one (1) unit in each of 76, 78 and 80 Wensley Street, for a total of three (3) units, created as Affordable Units. All of the Affordable Units will be affordable to households earning up to 80% of area median income (“AMI”) as promulgated by the United States Department of Housing and Urban Development (“HUD”) for the Boston Standard Metropolitan Statistical Area.

Preferences for the Affordable Units will be given to applicants who meet the following criteria: Boston residents, a household size of a minimum of one person per bedroom, and first time homebuyers. The location, size, and initial price of the Affordable Units is as follows:

117 Heath Street (Renovation)

Unit #	Location	Unit Type	Approximate SF	Affordability	Approximate Sale Price
#1-7	1 st Floor (North Side)	Loft	1,360	80% AMI	\$175,000
#1-9	1 st Floor (East Side)	Loft	970	80% AMI	\$155,200
#2-9	2 nd Floor (East Side)	Loft	964	80% AMI	\$155,200

127 Heath Street (Renovation)

Unit #	Location	Unit Type	Approximate SF	Affordability	Approximate Sale Price
#1-7	1 st Floor (East Side)	Loft	815	80% AMI	\$155,200
#1-8	1 st Floor (East Side)	Loft	838	80% AMI	\$155,200
#2-4	2 nd Floor (East Side)	Loft	840	80% AMI	\$155,200
#2-7	2 nd Floor (East Side)	Loft	838	80% AMI	\$155,200
#3-4	3 rd Floor (North Side)	Loft	977	80% AMI	\$155,200

76, 78 and 80 Wensley Street (New Construction)

Unit #	Location	Unit Type	Approximate SF	Affordability	Approximate Sale Price
#2	2 nd Floor (76 Wensley)	2BR	1,085	80% AMI	\$175,000
#2	2 nd Floor (78 Wensley)	2BR	1,094	80% AMI	\$175,000
#2	2 nd Floor (80 Wensley)	2BR	1,085	80% AMI	\$175,000

All apartments will be finished spaces, with kitchens, bathrooms, floor and wall coverings, lighting fixtures, etc.

The Proponent will enter into an Affordable Housing Agreement with the BRA for the Affordable Units. The Affordable Housing Agreement must be executed along with, or prior to, issuance of a Certification of Compliance. The Proponent has also agreed to submit a Marketing Plan (the "Plan") to the Boston Fair Housing Commission and the BRA for the Affordable Units, which shall be approved along with the execution of the Affordable Housing Agreement. The Affordable Units will not be marketed prior to the submission and approval of the Plan. A deed restriction will be placed on the Affordable

Units to maintain affordability for a period of fifty (50) years (thirty years plus a twenty-year extension option). Any subsequent purchaser of an Affordable Unit during this fifty (50)-year period must fall within the designated percent of AMI according to HUD guidelines in effect at the time of the resale.

PUBLIC BENEFITS

In addition to the Affordable Units, the Proposed Project will provide other public benefits:

- At its own expense (up to \$50,000), the Proponent will upgrade and improve the intersection of Heath Street and Schiller Street per Boston Transportation Department (“BTD”) specifications;
- The Proponent will install lighting on both the Heath Street and Wensley Street sides of the Project Site;
- The Proponent will provide financial support, in the amount of \$6,000, for at least two (2) first-time homebuyer classes to be sponsored by Mission Hill Neighborhood Housing Services for Mission Hill residents, including the cost of instructors, materials, outreach and counseling; this support will include outreach by Mission Hill Neighborhood Housing Services to the Mission Hill neighborhood, including outreach to the Hill, Mission Main, Alice Taylor, and Roxbury Tenants of Harvard, to ensure awareness of this affordable homeownership opportunity for Mission Hill neighbors.
- The Proponent will provide financial support, in the amount of \$5,000, for the planning and build out of the adjacent BOTHCDC-owned Butterfly Garden on Bucknam Street. The requirement of an additional annual contribution to the park will be included in the master deed for the condominium documents for the Proposed Project.
- The Proponent will provide financial support for the Mission Hill Link Bus, with an initial contribution of \$6,000 and an additional \$2,000 contribution annually for ten (10) years.
- The Proponent agrees to restore and retain the Heath Street gates of the existing brewery structures. The Proponent will also place an interactive plaque on the Project Site, attesting to the building’s industrial past;
- The Proponent will make every effort to adopt and utilize Leadership in Energy and Environmental Design (“LEED”) standards in sustainable technologies, practices and materials; and
- The Proposed Project will create employment opportunities for Boston residents during construction.

RECOMMENDATIONS

Approvals have been requested of the BRA pursuant to Article 80, Section 80B of the Code for the issuance of a Scoping Determination waiving the requirement of further review pursuant to Article 80, Section 80B-5.3(d) of the Code, and for the issuance of a Certification of Compliance under Section 80B-6 upon successful completion of the Article 80 review process. In accordance with Section 80B-5.3(d) of the Code, the BRA may issue a Scoping Determination Waiving Further Review if the PNF, together with any additional material and comments received by the BRA prior to the issuance of the Scoping Determination, adequately describe the impact of the Proposed Project and offer appropriate mitigation of such impacts.

It is the opinion of the staff that the PNF and the Additional Materials meet the criteria for the issuance of a Scoping Determination Waiving Further Review. It is therefore recommended that the BRA approve the Proposed Project and authorize the Director to: (1) issue a Scoping Determination waiving the requirement of further review pursuant to Article 80, Section 80B-5.3(d) of the Code; (2) issue a Certification of Compliance under Section 80B-6 upon successful completion of the Article 80 review process; (3) execute and deliver a Cooperation Agreement, an Affordable Housing Agreement, a Boston Residents Construction Employment Plan, and such other agreements and documents as the Director deems appropriate and necessary; and (4) recommend approval to the Board of Appeal on Petitions BZC-26668, 26669, 26670, 26671, and 26672 for zoning relief necessary to construct the Proposed Project.

Appropriate votes follow:

VOTED: That the Director be, and hereby is, authorized to issue a Scoping Determination under Section 80B-5.3(d) of the Boston Zoning Code (“Code”), which (i) finds that the Project Notification Form and Additional Materials received by the Boston Redevelopment Authority (“BRA”) on July 27, 2005, adequately describes the potential impacts arising from the Eblana Brewery Project, consisting of an 83-unit residential condominium complex comprised of: the renovation, partial demolition, and partial addition of the existing two (2) brewery buildings, 117 and 127 Heath Street, into 62 loft-style residential condominium units; the construction of three (3) new buildings, 76, 78 and 80 Wensley Street, consisting of 21 two-bedroom condominium units; a four-story accessory parking structure; surface parking spaces; and related site improvements (“Proposed Project”); and, (ii) waives further review of the Proposed Project under subsections 4 and 5 of Section 80B-5 of the Code, subject to continuing design review by the BRA; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Compliance for the Proposed Project upon the successful completion of the Article 80 process of the Code; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute a Cooperation Agreement; an Affordable Housing Agreement for the creation of seven (7) loft-style units with a maximum initial sales price of \$155,200, to be made available to households earning up to 80% of area median income (“AMI”), one (1) loft-style unit with a maximum initial sales price of \$175,000, to be made available to households earning up to 80% of AMI, and three (3) two-bedroom units with a maximum initial sales price of \$175,000, to be made available to households earning up to 80% of AMI; 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, all upon terms and conditions determined to be in the best interests of the BRA; and

FURTHER

VOTED: In reference to Petitions BZC-26668, 26669, 26670, 26671, and 26672, the Eblana Brewery Project, 117-127 Heath Street in Mission Hill, for zoning relief necessary in the Local Industrial District and the 3F-2000 Residential Subdistrict, the BRA recommends to the City of Boston Board of Appeal APPROVAL WITH PROVISIO: that plans be submitted to the BRA for design review approval.