



January 23, 2015

Phil Cohen
Project Manager
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201

Via E-mail

Re: The Point, Fenway NPC & PDA

Dear Phil:

Fenway Civic Association (FCA), the Fenway's oldest volunteer organization that accepts no public or developer funds, would like to make the following comments regarding Samuels & Associates' (Samuels, or the Proponent) Fenway Point project, as presented in the Notice of Project Change (NPC) and the Fourth Amendment to Development Plan for PDA No. 56.

Background

Fenway Civic Association is represented on the Impact Advisory Group (IAG) for the Point Project, and has been involved with the review of this project for the past few years. FCA reviewed the Expanded Project Notification Form filed with the BRA in February of 2015. FCA provided extensive comments to the BRA on this iteration of the project on July 15, 2013. Those comments addressed project design and program, transportation, and pedestrian access. A copy of those comments is attached to this letter.

In the fall of 2015, Samuels met with FCA to review its proposed updates to the project, which included the addition of home ownership units, a reduction in the amount of space devoted to retail, and the addition of five residential floors. FCA met with Samuels numerous times over the fall and winter months to review the changes. FCA's primary concerns are with the impact of the proposed additional stories on wind, shadow, views from nearby parkland, and the pedestrian experience in general. Upon further review of the proposed documents, including the proposed Fourth Amendment to the PDA, FCA also became concerned with the proposed reduction in the on-site affordability component.

Project Design and Programming

FCA continues to be satisfied with the overall development concept for the Point. FCA applauds the Proponent for providing additional housing without creating new accessory parking. We note that the Proponent has retained its commitment to considering bird safe building design concepts and we look forward to working with the Proponent on this aspect as design develops further.

The revised design adds 5 residential floors, 1 mechanical floor, and approximately 70 feet of height. Although the parcel was originally designated in the Fenway Zoning as a Gateway Parcel that was appropriate for extra height (at that time 250 feet), the revised design reaches well above that to 340 feet. FCA was concerned about the additional impact of the added height on wind, shadow, and views from adjacent parkland.

The NPC included revised analyses of wind and shadow impacts, and it appears that the changes are relatively minimal and will be mitigated to the extent possible. Samuels met with FCA to review the visual impact from many spots in adjacent parkland, including the Back Bay Fens. Although the impact remains of some concern, FCA is convinced that the Proponent has examined the issue and has looked at a variety of building design options that might mitigate the impact of the additional height.

On balance, FCA feels that the change in residential programming from all rental to a mix of rental and home ownership units offsets concerns about the impact of the additional height. The Fenway neighborhood suffers from the lowest level of home ownership of any Boston neighborhood. Unfortunately recent residential development has only increased the rental housing supply rather than creating meaningful home ownership opportunities for people wishing to call the Fenway their long term home. Each new home ownership unit helps to increase the sense of community and strengthen the fabric of our neighborhood. With the significant caveat regarding affordability discussed in the final section of this letter, FCA feels that the proposed changes to the project on the whole create greater public benefit in revised programming than public detriment in design-related concerns.

Transportation and Pedestrian Access

FCA remains pleased that the project will incorporate no new parking, and will instead make use of adequate existing supply in the adjacent Trilogy garage. This is appropriate for this site, which has excellent access to public transportation, bike share and car share facilities, and an abundance of nearby private parking for those residents who choose to have a vehicle.

As we noted in our original comment letter, the space between Trilogy and The Point is heavily used in its existing condition as a pedestrian connection between Boylston Street and Brookline Ave. The project proposes to enhance this pedestrian connection and incorporate wind mitigation in this area, while also adding vehicular access from The Point's loading dock to Boylston Street through this area. Vehicles exiting onto

Boylston will only be able to make a right turn. In our initial discussions with the Proponent in 2013, the impression was given that this vehicular exit would be used infrequently. Our comment letter emphasized that care should be taken as the design is developed to maintain safety for pedestrians both traveling along Boylston Street and traversing the cut through between Boylston and Brookline. We encouraged the Proponent to make this area as pedestrian friendly as possible during the final design and selection of materials.

After reviewing the NPC and listening to comments at the January 2015 public meeting, it has become clear that the vehicular traffic on the Boylston Street cut through will include not only the occasional loading dock vehicle exiting the Point, but also every vehicle currently using the Trilogy Garage that wishes to exit directly onto Boylston Street. Currently, such vehicles leaving the garage at this location have to take a forced right onto Brookline Ave, a right onto Kilmarnock Street, and then a right onto Boylston Street. Alternatively, such vehicles can exit via the Kilmarnock Street garage exit and then take a right on Boylston Street at the end of the block. One garage user at the public meeting exclaimed how excited she was about this new exit point.

Given this added traffic, which while not necessarily generated by the Point's users will nevertheless be enabled by the Point's new access plan, the Boylston-Brookline pedestrian cut-through actually has the potential to become *less* friendly to pedestrians than it currently is. Given that this is one of the "public realm community benefits" that the Proponent is using to meet its affordable housing requirement (see discussion below), the Proponent should reconsider whether there is a way to limit use of the shared pedestrian/vehicular pathway to only those vehicles exiting the loading dock at the Point. Perhaps something as simple as a Right Turn Only sign at the garage exit sign would help. FCA recommends that the Proponent seriously consider this or a similar approach.

Affordable Housing

In its original comment letter on the Expanded PNF and the Second Amendment to the PDA plan, FCA noted it was pleased to see that the program for the building would include a significant amount of affordable housing on site. The PNF described the residential component as consisting of 320 units.

The Second Amendment to the PDA committed the Proponent to

"(a) creating affordable units within the Point Building *equal to fifteen percent (15%) of the Point Building's market rate units*, and affordable up to 70% of area median income for the Boston Standard Metropolitan Statistical Area as promulgated by the United States Department of Housing and Urban Development guidelines; and (b) providing ... public realm community benefits [including...] a pedestrian connection between Boylston Street and Brookline Avenue between the Trilogy Building and the Point Building."

The PDA language obligated Samuels to creating approximately **41 on site affordable units**. Our comment letter encouraged the Proponent to include within the unit mix as many larger units as possible, so as to afford families the opportunity to take advantage of the affordable units.

When FCA reviewed the Notice of Project Change and the proposed Fourth Amendment to the PDA, noticeably absent was the commitment to creating a certain percentage of affordable units on site. The NPC describes the residential component as consisting of 350 units and the PDA describes it as consisting of up to 360 units.

The Fourth Amendment to the PDA commits the project Proponent to:

“creating affordable units within the Point Building, creating affordable units off-site, making a contribution to the Inclusionary Development Program fund, and providing public realm community benefits as conceptually shown on the Drawings.”

Article 66, which represents the consensus zoning of the Fenway, allows for the creation of Planned Development Areas “to provide public benefits to the Fenway community ... with a particular emphasis on affordable housing”. [See Section 66-27.] Projects within Planned Development Areas may meet their affordable housing requirements by providing either 20% affordable units (no less than 10% of which must be on site) [see Section 66.28(1)(b)(1)] or a mixture of a 10% on-site affordable units and an equivalent commitment towards an on-site community facility [See Section 66.28(1)(b)(2)].

Because there is no on-site affordability obligation under the revised PDA language, the Proponent is obligated under the proposed documents to provide only the zoning minimum of approximately **32 affordable units on site**. In its place the Proponent is given the option to create affordable units off site or make a contribution to the Inclusionary Development Program Fund.

When taken as a whole, the proposed change to the affordability commitment does not seem warranted. The development proposal has changed to include *five more* floors and between *30 and 40 more* units than were permitted under the applicable zoning and PDA approvals, yet the Proponent would be permitted to *reduce* its on-site affordability component by approximately 9 units and given the option to meet the remainder of its commitment via off-site contributions – which contributions would most likely end up *outside* of the Fenway neighborhood.

We raised our concerns with Samuels during the course of our meetings over the last few months. Our neighborhood’s concern about the reduced on-site affordability commitment were echoed by others, including the Audubon Circle Neighborhood Association, and a variety of other stakeholders at the BRA’s public meeting held on January 14, 2015. In our meetings with Samuels and at that public meeting, Samuels indicated a willingness to work with the BRA to establish an affordable housing agreement that includes a greater percentage of units on site, potentially including a mix

of units up to 110% of area median income, rather than only the 70% identified in the Second Amendment to the PDA.

The Fenway Civic Association *does not support the Fourth Amendment to the PDA* that would relieve the Proponent of its prior commitment to developing 41 on site affordable units, while permitting greater height, density, and an increase in the overall number of units in the project, without a commitment from the BRA that the original on site affordability commitment will be retained through the BRA's affordable housing agreement.

In summary, FCA remains pleased with the overall concept and design of the Project. We look forward to having more responsible, mixed use development from Samuels in the neighborhood, and we look forward to seeing more home ownership opportunities in the Fenway. We hope that the BRA takes seriously our concerns regarding the affordable housing commitment. The proposed changes to the project involve a substantial increase in units, density, height and overall project impact to the Fenway neighborhood; this cannot be permitted to go forward with a simultaneous decrease in the affordability commitment to that same neighborhood.

The Fenway Civic Association's board and its many resident members appreciate the opportunity to comment and value the BRA's role in helping protect the quality of our urban areas.

Sincerely,



Kathleen M. Brill
Fenway Civic Association

cc. Fenway Civic Association Board
Peter Sougarides, *Samuels & Associates*
Josh Zakim, *Boston City Council*
Sheila Dillon, *City of Boston, Department of Neighborhood Development*
Shaina Aubourg, *Mayor's Office of Neighborhood Services*