

MEMORANDUM

BOARD APPROVED

AUGUST 15, 2019

TO: **BOSTON REDEVELOPMENT AUTHORITY
D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY (BPDA)
AND BRIAN P. GOLDEN, DIRECTOR**

FROM: JONATHAN GREELEY, DIRECTOR OF DEVELOPMENT REVIEW
MICHAEL CHRISTOPHER, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW/GOVERNMENT AFFAIRS
AISLING KERR, PROJECT MANAGER

SUBJECT: PUBLIC HEARING FOR THE APPROVAL OF THE DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT AREA NO. 125, PARCEL 12, BACK BAY,
BOSTON, MASSACHUSETTS, AND TO CONSIDER THE PARCEL 12
PROJECT AS A DEVELOPMENT IMPACT PROJECT

SUMMARY: This Memorandum requests, in connection with the public hearing on the proposed Parcel 12 Project, located in the Back Bay neighborhood of Boston (as further described below, the "Proposed Project"), that the Boston Redevelopment Authority ("BRA") d/b/a the Boston Planning & Development Agency ("BPDA")¹, acting by and through the vote of its Board of Directors (the "Board"): (1) approve the Development Plan for Planned Development Area No. 125, Parcel 12, Back Bay, Boston, Massachusetts (the "Development Plan") and accompanying map amendment pursuant to Sections 3-1A.a and 80C of the Boston Zoning Code (the "Code"); (2) authorize the Director of the BPDA (the "Director") to petition the Boston Zoning Commission for approval of the Development Plan and accompanying map amendment, pursuant to Sections 3-1A.a and 80C of the Code; (3) authorize the Director to issue a Preliminary Adequacy Determination waiving the requirement of further review pursuant to Section 80B-5.4(c)(iv) of the Code for the Proposed Project; (4) authorize the Director to issue one or more Certifications of Compliance or Partial Certifications of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code, upon successful completion of the Article 80 Large Project Review process; (5) authorize the Director to issue

¹ Effective October 20, 2016, the BRA commenced doing business as the BPDA.

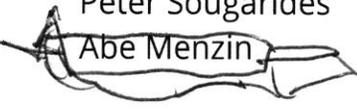
one or more Certifications of Consistency or Partial Certifications of Consistency for the Proposed Project pursuant to Section 80C-8 of the Code, upon successful completion of the Article 80C Planned Development Area review process; (6) approve the Proposed Project as a Development Impact Project ("DIP") within the meaning of Section 80B-7 of the Code; and (7) authorize the Director to take any and all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the foregoing, including, without limitation, executing and delivering one or more Development Impact Project Agreement(s), Cooperation Agreement(s) which will include a provision requiring compliance with the Boston Residents Construction Employment Plan, and Affordable Housing Agreement(s), along with any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project and the Development Plan.

PROJECT SITE

The Parcel 12 Project site (the "Project Site"), commonly known as Massachusetts Department of Transportation Air Rights Parcel 12, consists of land and air rights parcels located in the Back Bay neighborhood of Boston above and adjacent to the Massachusetts Turnpike ("Turnpike"). The approximately 1.81-acre Project Site is bounded on the north by Newbury Street Extension, on the east by Massachusetts Avenue, on the south by Boylston Street, and on the west by the Turnpike.

DEVELOPMENT TEAM

The development team for the Proposed Project consists of:

Proponent: S&A P-12 Property LLC,
 an affiliate of Samuels & Associates
 Steve Samuels
 Peter Sougarides
  Abe Menzin

Architect: Elkus Manfredi Architects
 David Manfredi
 Kevin Lennon

Permitting Consultant: Vanasse Hangen Brustlin
Mark Junghans
Kyle Greaves
David Bohn
Christina Hodge
Brian Fairbanks

Engineering Consultant: WSP
Nancy Gould
Thomas Burroughs

Legal Counsel: Goulston & Storrs PC
Doug Husid
William Dillon
Brian Judge

PLANNING CONTEXT

With the completion of *A Civic Vision for Turnpike Air Rights in Boston* (2000), a planning framework was in place to guide public realm improvements and private development on the Massachusetts Department of Transportation ("MassDOT") Turnpike Air Rights Parcels. The Proposed Parcel 12 Project is the second Back Bay Turnpike Air Rights proposal to advance to a review before the BPDA Board.

A Citizens Advisory Committee ("CAC") made up of residents, business owners, community organizations, and professionals has assisted the BPDA in its review of air rights proposals in this area since June 2011. The CAC served as the Impact Advisory Group ("IAG") for Parcel 12, as well as Parcel 15 (also known as 1000 Boylston Street), and will continue to serve as the IAG for Parcel 13 when that project commences the Article 80 review process. The CAC has worked closely with BPDA staff, and members of the public, to ensure the Proposed Parcel 12 Project is responsive of the development objectives identified in the *Civic Vision*. The BPDA and Proponent remain committed to continued engagement with the CAC as future project updates are available and the project advances.

Parcel 12 is bounded by Boylston Street, the western side of Massachusetts Avenue, and Newbury Street. The repair of this missing gap in Boston's urban fabric has long been a goal of Back Bay and Fenway stakeholders. While many other cities are undertaking efforts to repair wounds wrought by highway construction, such

interventions are often effectuated by major public investment. In contrast, Parcel 12 is an example of the BPDA and MassDOT, the property owner, leveraging private investment to create an exceptional public realm for the people of Boston.

PROJECT DESCRIPTION AND PROGRAM

The Proponent proposes to construct a new mixed-use project at the Project Site anticipated to comprise a total Gross Floor Area of up to 657,000 square feet (the "Proposed Project"). The Proposed Project consists of a primarily office component located at the intersection of Massachusetts Avenue and Boylston Street (the "Boylston Street Component") and a primarily hotel component located at the intersection of Massachusetts Avenue and Newbury Street (the "Newbury Street Component"), each joined at the ground level by a primarily retail/restaurant component (the "Retail Component") which wraps around a new, urban plaza and an elevated landscaped plaza open to the public, together with a two-level, below-grade, structured parking facility (the "Parking Component"). The Boylston Street Component is anticipated to contain a total Gross Floor Area of up to 450,000 square feet with a maximum building height of 298 feet. The Newbury Street Component is anticipated to contain a total Gross Floor Area of up to 144,000 square feet with a maximum building height of 158.4 feet. The Retail Component is anticipated to contain a total Gross Floor Area of up to 55,000 square feet. The Parking Component is anticipated to contain parking for up to 150 vehicles. The Proposed Project is also anticipated to create over half an acre of publicly accessible open space consisting of a civic plaza and an elevated landscaped plaza.

ARTICLE 80 REVIEW PROCESS

The Proponent filed a Letter of Intent ("LOI") for the Proposed Project with the BPDA on May 17, 2018. An Expanded Project Notification Form ("EPNF") was subsequently filed on November 9, 2018, initiating the Large Project Review process for the Proposed Project. On April 10, 2019, the BPDA issued a Scoping Determination, in response to which the Proponent filed a Draft Project Impact Report ("DPIR") on May 8, 2019. The public comment period in connection with the Proponent's submission of a DPIR concluded on July 22, 2019.

The BPDA sponsored both meetings of the Citizens Advisory Committee ("CAC") and public meetings in connection with the EPNF, DPIR, and Development Plan submissions. The public meetings were advertised in the local neighborhood newspapers (*Fenway News*, *Boston Guardian*, *Boston Bulletin*, and *Boston SUN*),

posted to the BPDA's calendar, and email notification was sent to all subscribers of the BPDA's Back Bay and Fenway neighborhoods updates. Local City and State elected officials and their staff members also received meeting notifications via email.

A Scoping Session for City and State departments/agencies was held on December 10, 2018, while the BPDA hosted CAC and public meetings as follows:

Pre-EPNF Submission

CAC Meeting: April 4, 2018 (St. Cecilia Parish)

Following EPNF Submission

CAC Meeting: January 9, 2019 (St. Cecilia Parish)

Public Meeting: January 14, 2019 (Hynes Convention Center)

CAC Meeting: February 5, 2019 (St. Cecilia Parish)

CAC Meeting: March 26, 2019 (St. Cecilia Parish)

Following DPIR Submission

CAC Meeting: June 10, 2019 (Hynes Convention Center)

Public Meeting: June 25, 2019 (Sheraton Boston Hotel)

CAC Meeting: August 5, 2019 (Hynes Convention Center)

The Development Plan was submitted to the BPDA for review on May 21, 2019. The Development Plan was posted to the BPDA's website and email notification was sent to CAC members and local City and State elected officials and their staff. A public meeting was held on June 25, 2019 at the Sheraton Boston Hotel to discuss the Development Plan. The Proponent filed the Development Plan with the BPDA on June 28, 2019, initiating a forty-five (45)-day public comment period pursuant to Section 80C-5(3) of the Code, which concluded on August 12, 2019.

ZONING

The Project Site is located within three different underlying zoning districts: (1) the northwest and southeast portions of the Project Site are located within the B-2 Business District; (2) the northeast portion of the Project Site is located within the B-8-120b Business District; and, (3) the southwest portion of the Project Site is located within the H-3 Residential District. The entire Project Site is also located within the Groundwater Conservation Overlay District ("GCOD") established by Article 32 of the Code and the Restricted Parking Overlay District established by

Section 3-1A.c of the Code. The Project Site is located within an area of the City in which Planned Development Area designations are allowed pursuant to Section 3-1A.a. of the Code.

The proposed zoning for the Project Site will be as set forth in the Development Plan as adopted in accordance with the provisions of Article 80C and Section 3-1A of the Code. The Development Plan will set forth the proposed location and appearance of structures, open spaces and landscaping, uses, densities and dimensions of structures, traffic circulation, parking and loading facilities, access to transportation and other zoning requirements applicable to the Project Site, including without limitation compliance with any applicable overlay districts.

MITIGATION & COMMUNITY BENEFITS

Urban Design and Public Realm Benefits

- New Publicly Accessible Open Space: The Project will provide over half an acre of publicly accessible open space consisting of a civic plaza and an elevated landscaped plaza.
- Reconnect Neighborhoods: The Project will span over the highway and railroad, creating over 500' of new streetscape activated by engaging storefronts and high-quality architecture, knitting together the Back Bay and Fenway neighborhoods and eliminating an undeveloped, unpleasant and vacant parcel amidst one of Boston's most lively and walkable districts
- Architecture:
 - The Project has undergone several major design changes in response to community and city feedback. Buildings have been designed to minimize wind, shadow and solar glare impacts on surrounding neighborhood and to provide architecture that is responsive to the surrounding context, while creating signature buildings that contribute to the City's progressive architecture.
 - The Project will create a gateway to downtown Boston from points west, both entering the City via the Turnpike and on the MBTA's commuter rail system.
 - The Project will complete the retail loop between Newbury Street and Boylston Street, which begins at the Boston Public Garden.

Streetscape and Transportation Improvements

The Proponent has worked with the Community, BTDC, and MassDOT and proposes to reconfigure existing infrastructure to provide safe, comfortable, accessible and

engaging streetscapes along Massachusetts Avenue and Boylston Street that include:

- Pedestrians & Bicyclists
 - Widened sidewalks
 - Rebuilding the Massachusetts Avenue intersection with Newbury Street will reduce the width of the curbcut from approximately 70' to approximately 30'.
 - Paying for and completing the design and construction of the MasDOT project to reconfigure the I-90 Westbound on Ramp at Mass Ave. which will alleviate dangerous conditions for cyclists, pedestrians and drivers and will provide better site lines and a longer acceleration lane on the ramp itself.
 - Dedicated and separated zones for pedestrians, bicycles and bus operations along Massachusetts Avenue and Boylston Street.
- Public Transit
 - The Project is working with the MBTA to provide a new accessible elevator and stairs and to renovate the currently closed Hynes Station pedestrian tunnel under Massachusetts Avenue to provide a direct connection to the Hynes Station on the West side of Massachusetts Avenue.
 - New bus accommodations including a new bus stop and dedicated bus drop off zones.

Article 37 – Sustainability and Greenhouse Gas Emissions

- The City of Boston Interagency Green Building Committee (IGBC) has determined that the Proposed Project demonstrates the ability to comply with the requirements of Article 37 of the Code: Green Buildings.
- Stormwater Management: The Project will improve the quality and quantity of site stormwater runoff compared to existing conditions, including groundwater recharge in accordance with provisions applicable to the Groundwater Conversation Overlay District (“GOOD”).
- LEED Certification: The Proposed Project will endeavor to certify each building at a minimum of the Gold level under the USGBC’s LEED New Construction and Core & Shell ® rating systems.
- Energy Efficiency & Greenhouse Gas Emissions: The Proposed Project includes energy efficiency measures that are anticipated to result in a total Project energy savings of approximately 25% when compared to the Massachusetts Building Energy Code.
- All Electric Heating in Hotel Building: The Proponent intends to use Variable Refrigerant Flow (VRF) and Air Source Heat Pumps (ASHP) in the Hotel

component for heating and cooling. This system will result in an approximately 19% reduction in greenhouse gas emissions in the Hotel Building compared to Massachusetts Building Energy Code, and is expected to be one of the first installations in a new high rise mixed-use building in the City of Boston.

- Significant and widespread bicycle, transit and pedestrian infrastructure improvements: These measures will reduce mobile-source Greenhouse gas emissions by reducing vehicle trips.
- The Project includes a modest amount of parking (150 spaces) and Travel Demand Management (“TDM”) measures will be implemented.
- Pathway to All-Electric: The Proponent will design and construct the office building to use HVAC with centralized space and domestic hot water heating sources that are convertible to all-electric sources in the future.
- I/I Mitigation: The Project will comply with Inflow and Infiltration (I/I) mitigation.
- Renewable Energy: The Project will be designed to optimize solar PV system performance and output and is assessing a 47-kilowatt (“kW”) solar PV system that is estimated to produce 56,200 kWh of electricity per year.
- Water conservation: High efficiency water fixtures will reduce water consumption and associated energy use.
- Climate Resilience: The Project site is not vulnerable to sea level rise and will include a range of carbon reduction and related climate resiliency strategies.

Economic Development Benefits

- Enhanced Tax Revenues: The Project will generate more than five (5) million dollars annually in new real estate tax revenues for the City of Boston and significant State sales, hotel, and business tax revenue to the Commonwealth upon stabilization.
- *Innovative Office Space*: The Project will provide a variety of new transit-oriented employment opportunities, including:
 - The Project is anticipated to create approximately 2,750 permanent on-site jobs spread among the office, retail, restaurant, parking, and residential administration uses.
 - The Project is anticipated to create over 1,100 construction jobs in a variety of trades.
 - The Project will create a transit-accessible employment center, where office and retail employees will have multiple options to commute to work via public transportation.

Community Benefits

In addition to the aforementioned Urban Design and Public Realm Benefits, Streetscape and Transportation Improvements, Sustainability and Greenhouse Gas Emissions considerations, and Economic Development Benefits, the Proponent has also committed to approximately two-hundred and seventy thousand dollars (\$270,000) in additional Community Benefits, which are described below.

At the later to occur of issuance of a full building permit for the Project and commencement of construction of the Project, the Proponent shall provide up to fifty-thousand dollars (\$50,000) to the Boston Transportation Department ("BTD") for a planning study to be led by BTD which will examine possible transportation and public realm improvements to the south side of Boylston Street.

The Proponent shall make a seventy-five thousand dollar (\$75,000) contribution to Charlesgate Park, described as follows:

1. Recipient: Charlesgate Alliance
2. Amount: \$75,000
3. Use: For planning, design, permitting, construction or maintenance needs for improvements to Charlesgate Park.
4. Timeline: Contribution shall be payable at the later to occur of issuance of a full building permit for the Project and commencement of construction of the Project.

The Proponent shall make a seventy-five thousand dollar (\$75,000) contribution to the City of Boston Parks & Recreation Department's Symphony Park, described as follows:

1. Recipient: The Fund for Parks
2. Amount: \$75,000
3. Use: For programming and improvements to Symphony Park.
4. Timeline: Contribution shall be payable at the later to occur of issuance of a full building permit for the Project and commencement of construction of the Project.

The Proponent shall make a fifty-thousand dollar (\$50,000) contribution to the Boylston Street Improvement Fund, described as follows:

1. Recipient: Boylston Street Improvement Fund
2. Amount: \$50,000
3. Use: For maintenance, improvement, and beautification efforts to furnishings and plantings along Boylston Street.

4. Timeline: Contribution shall be payable at the later to occur of issuance of a full building permit for the Project and commencement of construction of the Project.

The Proponent shall make a twenty-thousand dollar (\$20,000) contribution to the Commonwealth Avenue Mall Committee, described as follows:

1. Recipient: Commonwealth Avenue Mall Committee
2. Amount: \$20,000
3. Use: For costs associated with lighting statutes located on the Commonwealth Avenue Mall
4. Timeline: Contribution shall be payable at the later to occur of issuance of a full building permit for the Project and commencement of construction of the Project.

DEVELOPMENT IMPACT PROJECT EXACTION

The Proposed Project constitutes a DIP under Article 80, Section 80B-7 of the Code. Based upon the current plans for the Proposed Project, which calls for the construction of buildings containing approximately 657,000 square feet of DIP Uses in the aggregate, the Proponent will provide a Neighborhood Housing Trust payment contribution of approximately \$4,645,480 and a Neighborhood Jobs Trust payment contribution of approximately \$930,190, or equivalent job and/or housing creation programs.

These estimated linkage amounts are calculated as follows:

Housing Linkage:

$$657,000 - 100,000 = 557,000 \times \$8.34 = \$4,645,380$$

Jobs Linkage:

$$657,000 - 100,000 = 557,000 \times \$1.67 = \$930,190$$

The DIP gross floor area for the Proposed Project is subject to final calculation based upon the final design plans and applicable provisions of the Development Impact Project Agreement to be entered into by the Proponent and the BPDA.

RECOMMENDATION

Based on the foregoing, BPDA staff recommends that the Board, after due consideration of the filings, written and oral comments received and meetings held regarding the Proposed Project: (1) approve the Development Plan and accompanying map amendment pursuant to Sections 3-1A.a and 80C of the Code; (2) authorize the Director to petition the Boston Zoning Commission for approval of the Development Plan and accompanying map amendment, pursuant to Sections 3-1A.a and 80C of the Code; (3) authorize the Director to issue a Preliminary Adequacy Determination waiving the requirement of further review pursuant to Section 80B-5.4(c)(iv) of the Code for the Proposed Project; (4) authorize the Director to issue one or more Certifications of Compliance or Partial Certifications of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code, upon successful completion of the Article 80 Large Project Review process; (5) authorize the Director to issue one or more Certifications of Consistency or Partial Certifications of Consistency for the Proposed Project pursuant to Section 80C-8 of the Code, upon successful completion of the Article 80C Planned Development Area review process; (6) approve the Proposed Project as a DIP within the meaning of Section 80B-7 of the Code; and (7) authorize the Director to take any and all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the foregoing, including, without limitation, executing and delivering one or more Development Impact Project Agreement(s), Cooperation Agreement(s) which will include a provision requiring compliance with the Boston Residents Construction Employment Plan, and Affordable Housing Agreement(s) (if applicable), along with any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project and the Development Plan.

Appropriate votes follow:

VOTED: That, in connection with the Development Plan for Planned Development Area No. 125, Parcel 12, Back Bay, Boston, Massachusetts (the "Development Plan") and the Parcel 12 Project, located in the Back Bay neighborhood (the "Proposed Project"), presented at a public hearing, duly held at the offices of the Boston Planning and Development Agency (the "BPDA") on August 15, 2019, and after consideration of evidence presented at, and in connection with, the hearing on the Development Plan and the Proposed Project, the BPDA finds, in accordance with Section 80C of the Boston Zoning

Code (the "Code"), that: (a) such Development Plan is not for a location or Proposed Project for which Planned Development Areas are forbidden by the underlying zoning; (b) the Proposed Project in such Development Plan complies with the provisions of the underlying zoning that establish use, dimensional, design and other requirements for Proposed Projects in Planned Development Areas; (c) such Development Plan complies with any provisions of underlying zoning that establish planning and development criteria, including public benefits, for Planned Development Areas; (d) such Development Plan 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 of Boston as a whole; and (e) on balance, nothing in such Development Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens; and

**FURTHER
VOTED:**

That the BPDA hereby approves, pursuant to Section 3-1.A.a and Section 80C of the Code, the Development Plan and accompanying map amendment in substantial accord with the Development Plan presented to the BPDA at its public hearing Board on August 15, 2019; and

**FURTHER
VOTED:**

That the Director of the BPDA (the "Director") be, and hereby is, authorized to petition the Boston Zoning Commission for approval of the Development Plan and accompanying map amendment, pursuant to Section 3-1A.a and Section 80C of the Code, in substantial accord with the same as presented to the BPDA at its public hearing on August 15, 2019; and

**FURTHER
VOTED:**

That the BPDA hereby finds and determines that the Proposed Project as described in the Draft Project Impact Report ("DPIR") filed on May 8, 2019, conforms to the general plan for the City of Boston as a whole, and that nothing in such Proposed Project will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens; and

FURTHER

VOTED: That the BPDA approve the Proposed Project as a Development Impact Project within the meaning of Section 80B-7 of the Code: and

FURTHER

VOTED: That, pursuant to Section 80B-5.4(c)(iv) of the Code, the Director be, and hereby is, authorized to issue a Preliminary Adequacy Determination Waiving Further Review regarding the Proposed Project, which (i) finds that the DPIR adequately describes the potential impacts arising from the Proposed Project, and provides sufficient mitigation measures to minimize these impacts; and (ii) waives the requirement for the filing and review of a Final Project Impact Report, subject to BPDA design review; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue one or more Certifications of Compliance or Partial Certifications of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code upon successful completion of the Article 80 Large Project Review process; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue one or more Certifications of Consistency or Partial Certifications of Consistency for the Proposed Project pursuant to Section 80C-8 of the Code, when appropriate; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to take any and all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the foregoing, including, without limitation, executing and delivering one or more Development Impact Project Agreement(s), Cooperation Agreement(s) which will include a provision requiring compliance with the Boston Residents Construction Employment Plan , Affordable Housing Agreement(s), and any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project and the Development Plan, all upon terms and conditions determined to be in the best interests of the BPDA.

Parcel 12, Back Bay/Fenway

1:1,200



Parcel 12, Back Bay/Fenway

1:1,200

