



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Chrystal Komegay, Undersecretary

August 3, 2016

Mr. Brian Golden
Director
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201-1007

RE: Request for Six Year Extension of Certain Boston Urban Renewal Plans

Dear Mr. Golden:

The Department of Housing and Community Development (DHCD) is in receipt of the Boston Redevelopment Authority's (BRA) April 15, 2016 request for approval of six-year extensions for the following 14 urban renewal plans:

Brunswick-King
Campus High School
CBD Boylston-Essex
CBD School-Franklin
CBD South Station
Charlestown
Fenway
Government Center
Kittredge Square
Park Plaza
South Cove
South End
Washington Park
Downtown Waterfront

Documentation provided by BRA shows that the Boston City Council voted, on March 23, 2016, to extend the above plans for 6 years, ending on April 22, 2022. The City Council ordered that the BRA commit to an Action Plan which includes many items, such as inventorying land disposition agreements, reviewing plan boundaries to determine where modifications are necessary, and providing updates on the progress of the completion of the urban renewal plans.

DHCD received the BRA's request while in undertaking an ongoing regulatory review process pursuant to Executive Order 562. As part of that process, DHCD reviewed both its existing regulations and positions previously taken regarding extensions of urban renewal plans. DHCD has concluded that a mere temporal extension, without any substantive change to the basic elements of the plan, does not constitute a major modification, and is in the process of revising its regulations to provide greater clarity on that point. However, in light of the extensive public interest in this particular request, DHCD asked the BRA to engage in a public outreach effort, hold a public hearing, and seek City Council approval, similar to the process usually required for a major plan change. DHCD acknowledges receipt of information from the BRA regarding its public outreach effort, and comments received from the public by the BRA prior to the City Council approval noted above. Similarly, when DHCD received the request for approval of the proposed six-year extension, DHCD scheduled its own public hearing on April 22, 2016, to provide interested members of the public an opportunity to comment on the request. DHCD also has received and considered extensive written comments on the proposed extension request.

After considering both the oral and written comments received, and the documentation submitted by the BRA, DHCD has determined that the proposed plan amendments extending the above 14 urban renewal plans will be approved, but only under the following conditions:

1. Within 2 years of the date of this approval, BRA will:

- a. Catalogue all Land Disposition Agreements (LDAs) within Urban Renewal areas, noting the type of restrictions imposed, if any, the term, and the number of affordable housing units covered by each agreement.
- b. Develop a plan by which BRA will manage the LDAs. In the instances when the LDA will end at the time the Urban Renewal Plan ends, include a proposal for addressing land use restrictions which resulted from the LDA. Land Use Restrictions include the preservation of affordable housing, open spaces, public realm and art.
- c. Catalogue all BRA owned land (vacant and occupied) within the Urban Renewal Plan areas.
- d. Develop a plan by which BRA will manage those properties, (i.e. identify the properties to be disposed of to a redeveloper and the properties to be retained by BRA, and set a timetable for redevelopment or other use).

2. Based on information cataloged and reviewed, BRA will provide DHCD all information provided to the Boston City Council, including updates, progress reports, and carrying out the Action Plan as set out in the City Council vote (attached).

3. Within 3 years of the date of this approval, BRA will submit to DHCD a proposal for what the BRA intends to do with its Urban Renewal Plans over the remaining years of the 6 year extension, describing, with respect to each Urban Renewal Plan:

- a. A timetable for sunseting the applicable Urban Renewal Plans;

- b. An analysis as to whether the Urban Renewal Plan Areas should remain as drawn or be modified, with an explanation as to why;
 - c. A framework and timetable for action in any Urban Renewal Plan Areas where the BRA is either proposing, or not proposing, to seek an additional extension after the 6 year extension.
4. BRA will provide to DHCD, written notice of all proposed minor modifications to the Urban Renewal plans. DHCD will review and comment within 30 days of the written notice.
 5. BRA will continue to request DHCD approval of major modifications to all Urban Renewal Plans. BRA acknowledges and agrees that any proposed changes to the boundaries of any Urban Renewal Plan Area is a major modification, and any such proposal shall require DHCD's prior approval under DHCD's standard procedure for approving major modifications to Urban Renewal Plans.
 6. BRA will provide DHCD the same information to be provided to Boston City Council as a result of the attached Action Plan (voted by City Council on March 23, 2016).
 7. Subject to Sections 9 and 10 below, BRA will submit to DHCD, for DHCD's prior approval, any proposal for acquisition by the BRA of any occupied parcels within an Urban Renewal Plan Area that may result in the displacement of persons or entities, identifying compliance with relocation requirements pursuant to M.G.L. c. 79A. The BRA shall include with its submission two (2) appraisals valuing the property to be acquired. DHCD will give written notice to the BRA of DHCD's decision within 30 days from the date of DHCD's receipt of the required submission. The BRA will not, without the approval of DHCD, unconditionally obligate itself to purchase or otherwise acquire any such occupied parcel.
 8. Subject to Section 9 below, from and after the date of this letter, BRA will submit to DHCD for DHCD's review and comment:
 - (a) any proposal for acquisition by the BRA of any unoccupied parcels within any Urban Renewal Plan Areas, with the documentation described in items 7 above, and
 - (b) any proposal for disposition by the BRA of any parcels within any Urban Renewal Plan Areas, with (in the case of a disposition) the Board Memorandum being submitted to the BRA Board, which will provide a summary of the affected project and project sponsor, together with an appraisal of the parcel(s), and a copy of the proposed Land Disposition Agreement (LDA) for the parcel(s).
- DHCD will provide any comments within 30 days from the date of DHCD's receipt of the required submission. The BRA will not unconditionally obligate itself to acquire or dispose of any such parcel, or proceed with such acquisition or disposition, prior to the earlier to occur of (i) receipt of DHCD's comments or (ii) the expiration of such 30 day period.
9. The following categories of acquisitions and dispositions will be exempt from the requirements of #7 and #8:

- a. Granting or receiving easements for utilities
- b. Confirmatory takings for the purpose of title clearing
- c. Tax foreclosures
- d. Conveying non-buildable lots of less than 5,000 square feet to owners of adjacent parcels
- e. Acquiring an interest in property made available through a full or partial discontinuance of a public way by the City of Boston Public Improvement Commission, including without limitation partial interests such as (i) limited air rights required to allow building elements such as cornices to extend into the air above a sidewalk or roadway, or (ii) subsurface easements
- f. Disposition of limited air rights above or subsurface easements acquired pursuant to subsection 9(e) above, provided that such limited rights do not affect passage on foot or by vehicle over the public way.
- g. Transfer of a property interest to or from another public entity.

10. The process outlined above in paragraphs 4-9 shall not apply to actions that were tentatively approved by the BRA Board prior to the date of this letter and that have been scheduled for further action at a BRA Board meeting to be held within thirty (30) days of the date hereof.

11. For DHCD approval or review and comment within specified time frames, BRA will provide DHCD information when such information is made available to the BRA Board.

With the above conditions, the Department approves the requested plan extensions. The new expiration date of each plan is April 22, 2022.

Please contact Laura L. Schaefer, Municipal and Revitalization Specialist, at Laura.Schafer@state.ma.us or at (617) 573-1450, if you have any questions or need assistance.

Sincerely,


Chrystal Kornegay
Undersecretary

cc: Michael Christopher, Intergovernmental Relations Liaison, BRA (by e-mail)
Kristin Kara, Deputy Director for Special Projects, BRA (by e-mail)
John Barros, Chief of Economic Development, BRA (by email)
Corey Zehngebot, Senior Architect/Urban Designer, BRA (by email)
Renee LeFavre, General Counsel, BRA (by email)
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