

MEMORANDUM

**BOARD APPROVED**

MAY 16, 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  
TIM CZERWIENSKI., PROJECT MANAGER  
MICHAEL CANNIZZO, SENIOR ARCHITECT/URBAN DESIGNER  
PHILLIP HU, PLANNER

**SUBJECT:** 9-11 BURNEY STREET, MISSION HILL

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority ("BRA") d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 9-11 Burney Street in Mission Hill (the "Proposed Project"), in accordance with Article 80E, Small Project Review, of the Boston Zoning Code (the "Code"); (2) enter into an Affordable Rental Housing Agreement and Restriction in connection with the Proposed Project; (3) enter into a Community Benefit Contribution Agreement and take any other actions and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project; and (4) recommend approval to the City of Boston Zoning Board of Appeal on Petition BOA - 808136 for zoning relief necessary to construct the Proposed Project with the proviso that the plans be submitted to the BPDA for design review

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

## **PROJECT SITE**

The Proposed Project is located at 9-11 Burney Street in Mission Hill, an approximately 7,547 square foot site consisting of one 2,975 square-foot vacant parcel at 9 Burney Street, an additional 2,975 square-foot parcel at 11 Burney Street upon which sits a three-story wood frame structure, and an approximately 1,597 square-foot subdivision of 1508-1520 Tremont Street (the "Project Site"). The Project Site is located along Burney Street, set back behind a street wall of three-story commercial structures on Tremont Street. The Project Site is within walking distance of the MBTA's Orange Line Roxbury Crossing Station, Green Line Brigham Circle Station and is well served by multiple bus routes operating in Mission Hill.

## **DEVELOPMENT TEAM**

Proponent: New Urban Partners, LLC  
Mitch Wilson

Architect: Utile, Inc.  
Michael LeBlanc

Consultant: Principle Group  
Russell Preston

Attorney: Shadrawy & Shadrawy  
Bernard F. Shadrawy, Jr., Esq.

## **DESCRIPTION AND PROGRAM**

New Urban Partners, LLC (the "Proponent") proposes to construct a new four (4)-story, residential building totaling approximately 23,975 square feet of gross floor area on the Project Site which currently is occupied by a parking lot and a three-story, three-family structure at 11 Burney Street. The building, designed under the City's recently adopted Compact Living Policy Pilot, will include twenty-four (24) residential rental units, approximately 1,625 square feet of ground-floor shared amenity space and five (5) accessory off-street parking spaces located in the building's street level garage. An approximately 2,853 square foot laneway between the building and the rear of the existing buildings on Tremont Street will provide open space and potential seating for Tremont Street businesses. Three (3)

designated trash/recycling rooms will be located on the building's ground floor serving the new building's residential units, the 1508-1522 Tremont Street residential units, and one climate controlled trash room will be provided for commercial tenants at 1508-1522 Tremont Street.

As proposed, the twenty four (24) total residential units will consist of twenty one (21) market rate units and three (3) Inclusionary Development Policy units ("IDP units"). There will be a mix of unit types with nine (9) studios, twelve (12) one bedroom units and three (3) two bedroom units proposed.

Pursuant to the Compact Living Policy, the Proponent must provide for certain Transportation Demand Management ("TDM") measures, chosen from a points-based menu of options outlined in the Compact Living Guidelines. Because the Proposed Project is providing five (5) parking spaces, it must provide ten (10) points worth of TDM measures. The Proponent has proposed the following measures, totaling 11 points:

- Unbundled Parking, charged at market rate (6 points)
- Delivery Supportive Amenities (4 points)
- Bicycle Repair Station (1 point)

The Proponent will work with BPDA and Boston Transportation Department planning staff to further develop the Proposed Project's TDM strategy.

The proponent plans on commencing construction in the Fall of 2019. There are an estimated 190+/- construction jobs associated with the Proposed Project. The total development cost is approximately \$8,100,000.00.

### **ARTICLE 80 REVIEW PROCESS**

On January 2, 2018, the Proponent filed a Small Project Review Application with the BPDA for the Proposed Project, pursuant to Article 80E of the Code. The first BPDA sponsored public meeting was held on January 23, 2018 at the Tobin Community Center located at 1583 Tremont Street in Mission Hill, with the initial comment period set to conclude on February 9, 2018. The comment period was subsequently extended to February 16, 2018 and the BPDA hosted a second public meeting on February 12, 2018, also at the Tobin Community Center. Both public meetings were advertised in the *Bay State Banner*, with the second additionally advertised in the *Mission Hill Gazette*. After substantial design changes to the Proposed Project, a third public meeting was held on May 10, 2018, also at the Tobin Community

Center and duly advertised in the *Mission Hill Gazette* and *Bay State Banner*. A fourth public meeting was held on April 29, 2019, also at the Tobin Community Center, and advertised in the *Bay State Banner*. In addition, these meetings were posted on the BPDA website and sent out to the Mission Hill neighborhood distribution list.

## **ZONING**

The Project Site is primarily located within a 3F-2000 subdistrict of the Mission Hill Neighborhood district, which is governed by Article 59 of the Code. The two parcels consisting of 9 Burney Street and 11 Burney Street are zoned as 3F-2000, while a third parcel consisting of 1508-1520 Tremont Street, is zoned as Neighborhood Shopping (NS). The Proponent seeks to subdivide this parcel and incorporate it into the Proposed Project.

The Proposed Project will require zoning relief for the following violations:

1. Use (multi-family dwelling, retail, and accessory parking)
2. Insufficient off-street parking and loading
3. Dimensional Regulations (Lot Area insufficient, Floor Area Ratio excessive, Height excessive, Front Yard insufficient, Side Yard insufficient, and Rear Yard insufficient)
4. Usable open space insufficient

## **MITIGATION & COMMUNITY BENEFITS**

The Proposed Project will provide many community benefits for the Mission Hill neighborhood and the City of Boston. The Proponent has committed to a total of fifteen thousand dollars (\$15,000) towards community benefits, which are described below.

1. Recipient: Tobin Community Center  
1481 Tremont Street  
Boston, MA 02120
2. Use: To support social, educational, recreational, and cultural youth programming.
3. Amount: \$10,000
4. Timeline: An initial \$2,500 contribution is due at issuance of building permit, with subsequent payments of \$2,500 paid annually over the next three years.

The Proponent shall make a five-thousand dollar (\$5,000) contribution to the Boston Parks Department, described below:

1. Recipient: The Fund for Parks
2. Use: Maintenance, programming, and other uses at McLaughlin Playground in Mission Hill.
3. Amount: \$5,000
4. Timeline: An initial \$2,500 contribution is due at issuance of building permit, with subsequent payment of \$2,500 the following year.

In connection with the community benefits described above, the Proponent will enter into a Community Benefit Contribution Agreement. The Community Benefits Contribution payments as defined above shall be made to the BPDA and will be distributed as outlined above.

**INCLUSIONARY DEVELOPMENT COMMITMENT**

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (“IDP”), and is located within Zone B, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. In this case, three (3) units within the Proposed Project will be created as IDP rental units (the “IDP Units”), all of which will be made affordable to households earning not more than 70% of the Area Median Income (“AMI”) as published by the BPDA and based upon data from the United States Department of Housing and Urban Development (“HUD”). The unit locations are as follows:

<b>Unit Number</b>	<b>Bedrooms</b>	<b>Square Footage</b>	<b>Income Limit (Percent of AMI)</b>	<b>Rent</b>
203	Studio	450	70%	\$1,094
304	One Bedroom Plus	764	70%	\$1,277
406	Studio	450	70%	\$1,094

The location of the IDP Units will be finalized in conjunction with BPDA staff and outlined in the Affordable Rental Housing Agreement and Restriction (“ARHAR”), and rental amounts and income limits will be adjusted according to BPDA published maximum rents and income limits, as based on HUD AMIs, available at the time of the initial rental of the IDP Units. IDP Units must be comparable in size, design and quality to the market rate units in the Proposed Project, cannot be

stacked or concentrated on the same floors and must be consistent in bedroom count with the entire Proposed Project.

The ARHAR must be executed along with, or prior to, the issuance of the Certification of Approval for the Proposed Project. The Proponent must also submit an Affirmative Marketing Plan (the "Plan") to the Boston Fair Housing Commission and the BPDA. Preference will be given to applicants who meet the following criteria, weighted in the order below:

- (1) Boston resident; and
- (2) Household size (a minimum of one (1) person per bedroom)

One (1) of the IDP Units will be built out as accessible under Americans with Disabilities Act (ADA) guidelines. As such, a preference will also be available to households with a person whose need matches the build out of the unit. The City of Boston Disabilities Commission may assist the BPDA in determining eligibility for such a preference.

The IDP Units will not be marketed prior to the submission and approval of the Plan. A restriction will be placed on the IDP Units to maintain affordability for a total period of fifty (50) years (this includes thirty (30) years with a BPDA option to extend for an additional period of twenty (20) years). The household income of the renter and rents of any subsequent lease of the IDP Units during this fifty (50) year period must fall within the applicable income and rent limits for each IDP Unit. The BPDA or its successors or assigns will monitor the ongoing affordability of the IDP Units.

In addition, the Proponent is required to make a partial unit IDP contribution of \$36,000 (based on a 0.12 partial unit) to the IDP Special Revenue Fund ("IDP Fund"), held by the City of Boston Treasury Department, and managed by the City of Boston Department or Neighborhood Development. This payment will be made at the time of the issuance of the building permit. Combined, this contribution together with the three (3) designated IDP Units satisfies fully the IDP requirements pursuant to the December 10, 2015 IDP.

## **RECOMMENDATIONS**

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, BPDA staff recommends that the Director be authorized to: (1) issue a Certification of Approval for the Proposed

Project pursuant to Section 80E-6; (2) enter into an ARHAR in connection with the Proposed Project; (3) enter into a Community Benefit Contribution Agreement, and take any other action and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project; and (4) recommend approval to the City of Boston Zoning Board of Appeal on Petition BOA - 808136 for zoning relief necessary to construct the Proposed Project with the proviso that the plans be submitted to the BPDA for design review.

Appropriate votes follow:

**VOTED:** That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6 of the Boston Zoning Code (the "Code"), approving the development consisting of a four (4)-story residential building containing twenty-four (24) residential rental units, 1,625 square feet of ground-floor shared amenity space and 2,853 square feet of open space creating a laneway at 9-11 Burney Street in Mission Hill (the "Proposed Project") in accordance with the requirements of Small Project Review, Article 80E, of the Code, subject to continuing design review by the Boston Planning and Development Agency ("BPDA"); and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to execute an Affordable Rental Housing Agreement and Restriction for the creation of three (3) on-site Inclusionary Development Policy Units; and

**FURTHER**

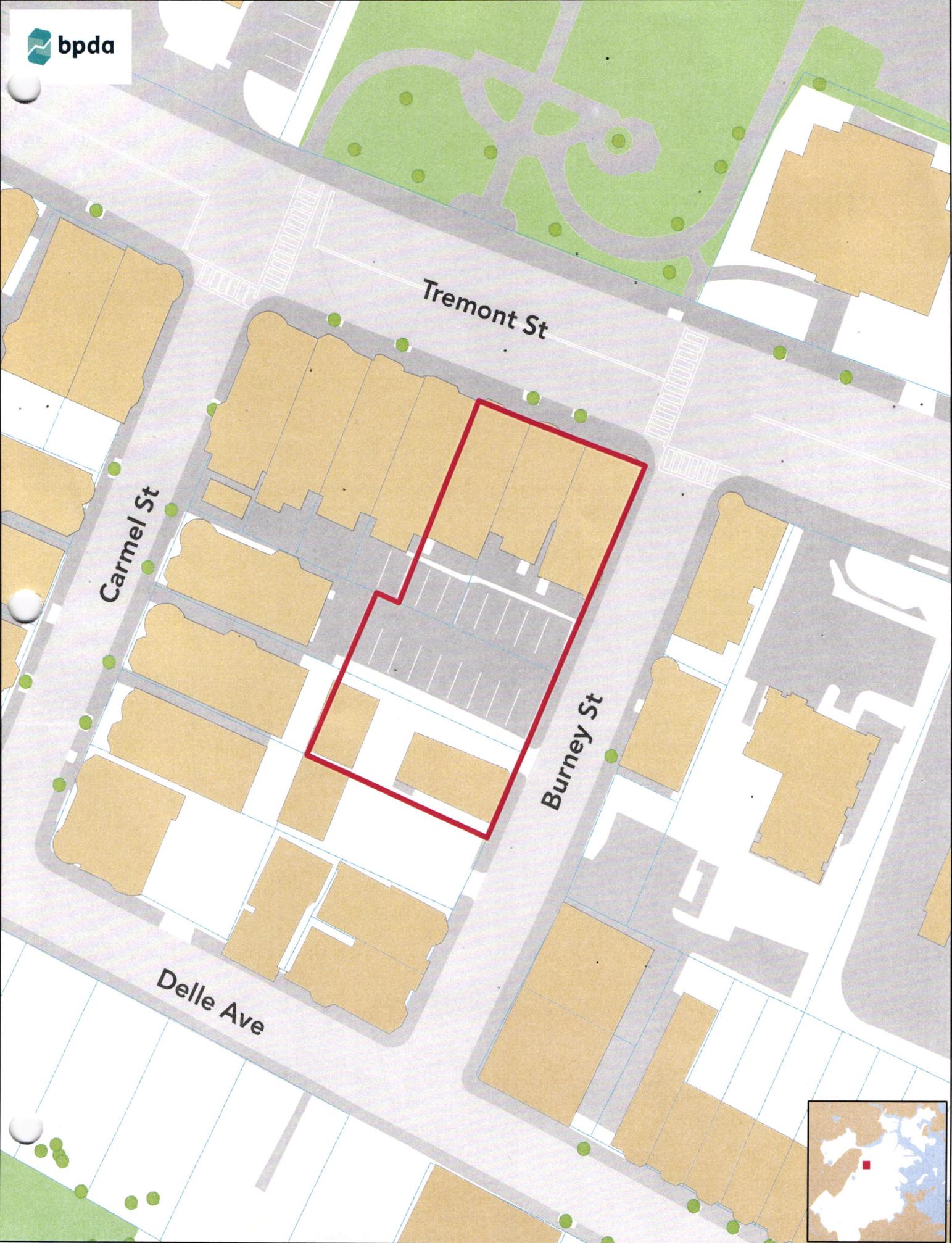
**VOTED:** That the Director be, and hereby is, authorized to execute a Community Benefit Contribution Agreement and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to recommend to the City of Boston Zoning Board of Appeals approval of the zoning relief necessary, to construct the Proposed Project with the proviso that the plans be submitted to the BPDA for design review.

# 9-11 Burney Street, Mission Hill

0 10 20 30 40 50 Feet



# 9-11 Burney Street, Mission Hill

2017 Aerial

