

TO: BOSTON REDEVELOPMENT AUTHORITY AND
PETER MEADE, DIRECTOR

FROM: KAIROS SHEN, CHIEF PLANNER
HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW
DAVID CARLSON, EXECUTIVE DIRECTOR BCDC/SENIOR
ARCHITECT
JOHN FITZGERALD, SENIOR PROJECT MANAGER

SUBJECT: PUBLIC HEARING TO CONSIDER THE 40 TRINITY PLACE PROJECT
AS A DEVELOPMENT IMPACT PROJECT

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority (the "BRA" or "Authority"): (1) approve the 40 Trinity Place Project (the "Proposed Project") as a Development Impact Project within the meaning of Section 80B-7 of the Boston Zoning Code (the "Code"); (2) authorize the Director of the Authority to issue a Preliminary Adequacy Determination waiving further review pursuant to Section 80B-5.4(c) of the Code, based on a finding that the Draft Project Impact Report ("DPIR") adequately addresses the impacts of the Proposed Project; (3) authorize the Director of the Authority to issue a Certification of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code, upon successful completion of Article 80 Large Project Review; and (4) authorize the Director of the Authority 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 a Development Impact Project Agreement, Boston Residents Construction Employment Plan, Cooperation Agreement, Affordable Housing Agreement and any and all other documents as may be deemed necessary and appropriate by the Director.

PROJECT SITE

The Proposed Project comprises land at 40 Trinity Place in the Back Bay Neighborhood of Boston and a portion of air rights appurtenant to the adjacent University Club at 426 Stuart Street (the "Project Site"). The Project Site is bounded by Trinity Place to the

west, Stuart Street to the north, property owned by the University Club to the East, and property owned by an affiliate of Boston Properties to the south.

The existing conditions of the Project Site include the approximately 8-story Boston Common Hotel and Conference Center, operated as a 64-room hotel and conference facility with commercial office space and ground floor retail use.

DESCRIPTION AND PROGRAM

Trinity Stuart LLC (the “Proponent”) proposes to demolish the existing improvements on the Project Site and to construct a new approximately 33-story, approximately 400-foot tall, building totaling approximately 380,450 square feet, as described in the DPIR, with approximately 115 residential units, an approximately 227-room hotel with accessory conference center space, as well as approximately three restaurants (the “Proposed Project”). The Proposed Project also includes a shared health-fitness center for the use of residents and hotel guests and approximately 5,550 square feet to be occupied and used by the adjacent University Club through an internal connection between the buildings. Residential parking for approximately 100 vehicles will be provided above grade within the Proposed Project and will be accessed via vehicle elevators. The Proponent anticipates widening the southern sidewalk along Stuart Street from Trinity Place to Clarendon Street, as well as rebuilding the eastern sidewalk on Trinity Place south of Stuart Street to enhance the pedestrian realm. The pedestrian realm is anticipated to be further enhanced by the addition of street trees along the modified sidewalks, as well as stone pavement at each of the entrances for the Proposed Project’s restaurant, hotel and residential spaces.

The Proponent plans to begin the construction of the Proposed Project in early 2014, with an estimated completion date in mid-2016.

DEVELOPMENT TEAM

The development team consists of Trinity Stuart LLC, comprised of Gary Saunders, Jeffrey Saunders, and Jordan Warshaw, as Proponent; The Architectural Team as project and exterior architect; Stonehill & Taylor Architects, P.C. as hotel architect; Howard-Stein-Hudson Associates, Inc. as civil and traffic engineers; Epsilon Associates, Inc. as permitting consultant and Goulston & Storrs, P.C. serving as legal counsel.

ARTICLE 80 REVIEW

The Proposed Project is subject to Large Project Review under Article 80 of the Code.

On August 21, 2012, the Proponent filed a Letter of Intent, in accordance with the BRA's policy on the provision of mitigation by development projects in Boston, as outlined in Mayor Thomas M. Menino's Executive Order of October 10, 2000, as amended.

Letters soliciting nominations for Impact Advisory Group members ("IAG") were delivered to the local City Councilors, State Senator, and State Representatives. Additional letters seeking recommendations were delivered to the Office of Neighborhood Services and the City Councilors at Large.

Ten individuals were appointed to the IAG and were invited to participate in several meetings, the scoping session convened by the BRA, and an ongoing review of the Proposed Project.

Formal Article 80 Review began when the Project Notification Form ("PNF") was submitted to the Authority on October 29, 2012. The public comment period, which was extended by the Proponent, ended on January 4, 2013. Three meetings were held with the IAG on November 8, 2012, December 12, 2012 and August 19, 2013. A BRA sponsored public meeting was held on December 18, 2012 at the Lenox Hotel.

On March 1, 2013, a Scoping Determination was issued requesting further information in the form of a Draft Project Impact Report ("DPIR"). On July 17, 2013, the Proponent filed a DPIR. Two BRA sponsored public meetings were held on July 30, 2013 and September 3, 2013 at the Lenox Hotel. The public comment period, which was extended by the Proponent, ended on September 16, 2013.

In addition to the local elected officials, numerous civic groups, businesses and residents, the Proponent has communicated with and/or met with the following organizations regarding the Proposed Project: Neighborhood Association of the Back Bay, Ellis Neighborhood Association, YWCA, Back Bay Association, Friends of Copley Square, Boston Preservation Alliance, Clarendon Condominium Association 40 Trinity Project Sub-committee, University Club, and Boston Properties.

BOSTON CIVIC DESIGN COMMISSION REVIEW

The Proposed Project comes under the jurisdiction of the Boston Civic Design Commission ("BCDC") pursuant to Article 28 of the Code. The Proposed Project was approved by BCDC after being presented on January 8, 2013, January 22, 2013 (subcommittee), June 11, 2013 (subcommittee) and August 6, 2013.

ZONING

The Proposed Project is located in: (i) a Business 8 (B-8) District; (ii) Subdistrict K of the Downtown Interim Planning Overlay District; (iii) the Restricted Parking Overlay

District; and (iv) the Groundwater Conservation Overlay District. The Proposed Project is also located within the Stuart Street Planning Study area. The Proposed Development Review Guidelines dated November 2010 issued pursuant to the Stuart Street Planning Study identify the Project Site as an area within which development of greater density than underlying zoning should be encouraged, including building heights of 400' and a FAR of up to 17.5. The Proposed Project is anticipated to include hotel, health club, accessory hotel uses, multi-family residence and restaurant uses, and parking accessory to the residential use, all of which are allowed as-of-right in the B-8 District.

Due to the inter-connected nature of the Proposed Project and the University Club, the two lots have been combined to evaluate compliance with the Stuart Street Planning Study. The combined FAR of the Proposed Project and the existing and potential future University Club square footage is approximately 17.5, excluding parking since, under Article 2A of the Code, floor area required to meet off-street parking requirements is exempt from FAR calculation. The proposed FAR and building height are consistent with the Stuart Street Planning Study.

The Proposed Project is anticipated to require relief from the building height and FAR requirements of underlying zoning and the Downtown IPOD, which are lower than the more recent Stuart Street Planning Study guidelines. Zoning relief may also be required for such requirements as building or parapet setbacks. The Proposed Project will also require zoning relief because of being located in the Groundwater Conservation Overlay District and the Downtown IPOD.

AFFORDABLE HOUSING

The Proposed Project is anticipated to exceed the Mayor's Inclusionary Development Policy by including affordable housing units equal to 17.5% of market rate units on site. The Proponent will enter into an Affordable Housing Agreement with the BRA to confirm the specific size and location of such affordable units and to ensure the long-term affordability of all of the Proposed Project's affordable units.

MITIGATION AND PUBLIC BENEFITS

The Proposed Project will provide a number of public benefits to the City of Boston, and Back Bay area. The Proposed Project's principal benefits are listed below:

Public Realm: As part of the Proposed Project, subject to required City approvals, the Proposed Project will enhance the pedestrian realm by widening the southern sidewalk along an important stretch of Stuart Street from Trinity Place to Clarendon Street, as well as rebuilding the eastern sidewalk on Trinity Place south of Stuart Street. The pedestrian realm will also be improved by the addition of street trees and planters with

shrubs along the modified sidewalks as well as stone pavement at each of the new dedicated entrances for the Proposed Project's restaurant, hotel and residential spaces.

Urban Design: The Proposed Project will transform the streetscape of a relatively lifeless block along Stuart Street, in the heart of the otherwise lively Back Bay, into a destination with an activated ground floor and a vibrant mix of uses. The Proposed Project will activate the ground floor on both Stuart Street and Trinity Place.

Wind Mitigation: The Proposed Project has been carefully designed to address wind impacts and proposes mitigation to offset any such impacts. In many instances, the Proposed Project, with its proposed mitigation measures, will improve existing street level wind conditions in an area of Boston that has existing wind concerns that predate the Proposed Project.

Transportation Benefits: The Proposed Project is anticipated to allow for improvements to Stuart Street between Trinity Place and Clarendon Street in accordance with the City's Complete Streets initiative. The Complete Streets initiative is designed to facilitate the use and safety of city roadways by vehicles, bicycles and pedestrians.

Smart Growth/Transit-Oriented Development: The Proposed Project exemplifies smart-growth and transit-oriented development by concentrating new commercial and residential uses in close proximity to major regional rapid transit, commuter rail and bus lines that provide easy access to the Project Site from other neighborhoods of the city and surrounding suburbs.

Financial Benefits: The Proposed Project will result in significant financial benefits to the City including generating an estimated approximately \$2,250,000 in annual property taxes; \$1,080,000 in hotel occupancy tax revenues; and \$130,000 in meals tax revenues to the City of Boston. The Proposed Project will also result in significant financial benefits to the Commonwealth of Massachusetts, including an estimated approximately \$1,026,000 in hotel occupancy tax revenues; \$495,000 in Convention Center Fund tax revenues; and \$570,000 in state meals tax revenues.

Housing and Affordable Housing Demand: The Proposed Project is anticipated to provide approximately 115 new units of housing, which will help further the City's goals to create new housing opportunities outlined in the recently issued and important Housing Boston 2020 plan. As noted above, the Proposed Project will also provide a significant number of affordable units.

Hotel Demand: The Proposed Project is anticipated to provide approximately 227 hotel rooms, which will help meet a demand for hotel rooms and amenities in the Back Bay and City generally.

Job Creation: The Proposed Project is anticipated to create approximately 700 construction jobs and approximately 338 permanent jobs. These jobs will be at a variety of wage and skill levels and in a range of job sectors, including the hotel and restaurant industries.

Non-Discrimination; Boston Residents Jobs Policy: The Proposed Proponent will comply with the City of Boston’s Boston Residents Construction Jobs Policy with respect to hiring Boston residents, minorities, and women for construction jobs.

Sustainable Design: The Proposed Project will comply with the requirements of Article 37 of the Code. In addition, the Proposed Project is anticipated to achieve the Gold level of Leadership in Energy and Environmental Design (LEED) rating system by incorporating significant design features into the Proposed Project to preserve and protect the local environment.

Stuart Street Planning Study Consistency: Proposed Development Review Guidelines dated November 2010 issued pursuant to the Stuart Street Planning Study identify the Project Site as an area within which development of greater density than underlying zoning should be encouraged. The Proposed Project has been designed in substantial compliance with goals and requirements of such Proposed Development Review Guidelines.

DEVELOPMENT IMPACT PROJECT EXACTION

The Proposed Project includes an estimated 196,150 square feet dedicated to Development Impact Uses. Therefore, the Proposed Project will provide estimated linkage funds of \$750,000 for the Housing Exaction and \$150,000 for the Jobs Exaction pursuant to the provisions of Article 80, Section 80B-7 of the Code. The estimated linkage payments are calculated as follows:

Housing Linkage

DIP Uses	196,150 square feet
Exclusions	<u>(100,000)</u>
	96,150
	<u>x \$7.87 /square feet</u>
	\$ 750,000

Jobs Linkage

DIP Uses	196,150 square feet
Exclusions	<u>(100,000)</u>
	96,150
	<u>x \$1.57 /square feet</u>
	\$ 150,000

If the Housing Contribution Grant and Jobs Contribution Grant requirements are increased by the Zoning Commission and approved by the Mayor, the combined Housing and Jobs Exactions could increase by a total amount of approximately \$54,800.

RECOMMENDATION

Based on the foregoing, staff recommends that the Authority: (1) approve the 40 Trinity Place Project (the "Proposed Project") as a Development Impact Project within the meaning of Section 80B-7 of the Boston Zoning Code (the "Code"); (2) authorize the Director of the Authority to issue a Preliminary Adequacy Determination waiving further review pursuant to Section 80B-5.4(c) of the Code, based on a finding that the Draft Project Impact Report ("DPIR") adequately addresses the impacts of the Proposed Project; (3) authorize the Director of the Authority to issue a Certification of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code, upon successful completion of Article 80 Large Project Review; and (4) authorize the Director of the Authority 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 a Development Impact Project Agreement, Boston Residents Construction Employment Plan, Cooperation Agreement, Affordable Housing Agreement and any and all other documents as may be deemed necessary and appropriate by the Director.

Appropriate votes follow:

VOTED: That the Director be, and hereby is, authorized to execute a Development Impact Project Agreement for the Proposed Project in accordance with Article 80, Section 80B-7 of the Code; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue a Preliminary Adequacy Determination under Section 80B-5.4(c)(iv) of the Boston Zoning Code, which finds that (1) the Draft Project Impact Report submitted on July 17, 2013 adequately describes the potential impacts arising from the 40 Trinity Place project and provides sufficient mitigation measures to minimize these impacts; and (2) waives further review of the 40 Trinity Place project, subject to continuing design review by the Boston Redevelopment Authority; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Compliance for the Proposed Project after the Director has determined that the Proposed Project complies with (1) the terms of the Preliminary Adequacy Determination, and (2) to the extent applicable, the following

provisions of the Code: (a) Section 80B-8, Disclosure of Beneficial Interests, and (b) Article 28, Boston Civic Design Commission review; 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 in connection with the foregoing, including, without limitation, executing and delivering a Development Impact Project Agreement, Boston Residents Construction Employment Plan, Cooperation Agreement, Affordable Housing Agreement and any and all other documents as may be deemed necessary and appropriate by the Director upon terms and conditions determined to be in the best interest of the Authority, in connection with the Proposed Project.

Exhibit A
Site Plan