

TO: BOSTON REDEVELOPMENT AUTHORITY AND
PETER MEADE, DIRECTOR

FROM: KAIROS SHEN, CHIEF PLANNER
HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW
DAVID CARLSON, SENIOR ARCHITECT
JONATHAN GREELEY, FENWAY PLANNER
JOHN FITZGERALD, SENIOR PROJECT MANAGER

SUBJECT: 1350 BOYLSTON STREET PROJECT, FENWAY

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority (“BRA”) authorize the Director to: (1) issue a Scoping Determination waiving the requirement of further review pursuant to Section 80B-5.3(d) of the Boston Zoning Code (the “Code”) for the proposed 1350 Boylston Street Project, as described below (the “Proposed Project”); (2) issue a Certification of Compliance for the Proposed Project under Section 80B-6 of the Code upon successful completion of the Article 80 review process; and (3) execute and deliver a Cooperation Agreement, an Affordable Rental Housing Agreement and Restriction, and a Boston Residents Construction Employment Plan, and any and all other agreements and documents that the Director deems appropriate and necessary.

PROJECT SITE

The project site, which is approximately 0.6 acres in area, is located at 1346-1356 Boylston Street (the “Site”). The Site is bounded by Boylston Street, Kilmarnock Street, a private alley to the rear, and the Fenway Community Health Center building located at 1340 Boylston Street. The Site currently contains a one-story Burger King, as well as a surface parking lot that covers a majority of the parcel.

PROPOSED PROJECT DESCRIPTION

The proposed project will include the construction of a new, mixed-use residential building featuring ground-floor retail and below-grade parking, totaling 183,000 square feet of gross floor area (the "Proposed Project"). The massing of the Proposed Project will be characterized by a four-story podium element along the eastern half of the Site,

and the building will rise to seventeen stories at the western half of the Site. The ground-floor retail component will occupy approximately 7,050 square feet of gross floor area. On floors two through seventeen, the Proposed Project will incorporate approximately 215 residential rental apartments consisting of studio, one, two, and three bedroom units. The below-grade garage will contain approximately 105 parking spaces.

DEVELOPMENT TEAM

The development team consists of SCD 1350 Boylston Street, LLC (the “Proponent”), an affiliate of Skanska USA Commercial Development Inc.; ADD Inc as project architects; and Dain Torpy serving as legal counsel.

PROJECT REVIEW

On March 13, 2013, the Proponent filed a Letter of Intent in accordance with the Boston Redevelopment Authority (“BRA”) policy regarding Provision of Mitigation by Development Projects in Boston and an 11-member Impact Advisory Group (“IAG”) was formed with assistance from Senator Brownsberger, the Mayor’s Office of Neighborhood Services, and BRA staff.

The Proponent filed an expanded Project Notification Form (“PNF”) on July 9, 2013. Notice of the receipt by the BRA of the PNF (the “Public Notice”) was published in the Boston Herald on July 9, 2013, which initiated a 30-day public comment period and had a closing date of August 12, 2013. The Public Notice and PNF were sent to the City’s agencies pursuant to Section 80A-2 of the Code.

Pursuant to Section 80B-5.3 of the Code, a scoping session was held on July 23, 2013, with the City’s public agencies and the IAG, at which the Proposed Project was reviewed and discussed. The BRA held a publicly advertised meeting for the community’s review and comments at the Fenway Community Health Center’s 1340 Boylston Street facility on July 27, 2013, to which members of the IAG were invited.

The Proponent made a presentation to the Boston Civic Design Commission (“BCDC”) on July 9, 2013. The Proposed Project appeared before the BCDC’s design subcommittee on October 8, 2013, at which various aspects of the Proposed Project were reviewed. On October 15, 2013, BCDC voted to approve the design for the Proposed Project.

ZONING

The Proposed Project is situated in the South Boylston Neighborhood Shopping subdistrict of the Fenway Neighborhood District and is governed by Article 66 of the Code. In addition, the Site is located within the Restricted Parking Overlay District and the Groundwater Conservation Overlay District. The Proponent will incorporate rainwater capture and groundwater recharge systems into the Proposed Project, which will comply fully with the groundwater conservation standards of Article 32 of the Code.

The Proposed Project's principal use as a multifamily residential apartment building is allowed as of right within the NS-1 subdistricts, as is the Project's expected mix of ground-floor restaurant/retail/service/trade uses. The Proposed Project is anticipated to be consistent with the objectives of Article 66's Residential Development Incentive provisions. While the height and massing of the Proposed Project will be in keeping with the scale of the new development that has taken place along Boylston Street pursuant to Article 66, the Proposed Project will require zoning relief for certain aspects of its design. These are anticipated to include building height, street wall height, floor area ratio, certain setbacks, usable open space, and the number and design of its off-street parking spaces.

Further, the Proponent has incorporated the LEED Building Rating System criteria in the design of the Proposed Project. As a result the Proposed Project has been designed to meet LEED standards and will comply with the requirements of Article 37, Green Buildings, of the Code.

While the Proposed Project does not involve the establishment of a Planned Development Area ("PDA") pursuant to Article 80C of the Code, the Proposed Project will provide a substantial and unique mix of public benefits that will be generally comparable in scope to those for PDA projects as outlined in Section 66-28 of the Code. The Proposed Project will both create on-site affordable housing and contribute tangible improvements to the neighborhood.

MITIGATION AND PUBLIC BENEFITS

Expected public benefits from the Proposed Project include improvements to the infrastructure, economy, pedestrian experience, and the urban design of the surrounding neighborhood. Some, but not all, of each of these are listed below.

Economic Benefits:

- Creation of approximately 400 construction jobs and 45 permanent full- and part-time jobs on-site;

- Provision of approximately 215 new units of housing to help provide additional supply in a tight and escalating rental market;
- Creation of 25 new, on-site affordable units;
- Providing additional customers for retail shops and markets in the neighborhood of the Project;
- Increased annual real estate taxes payment to the City;
- Introduction of needed retail and residential vitality along Boylston Street;
- Community Contribution Funds to include \$100,000 to support the Fenway neighborhood's Ramler Park and \$100,000 towards a design to enhance the appearance of the blank western wall of the building located at 1340 Boylston Street (both shall be included as part of the Contribution, as defined herein); and
- Additional provision of \$970,000 to be allocated to the Boylston Street Reconstruction.

Pedestrian Improvements:

- Enhancement of pedestrian safety and circulation by creating wide sidewalks and adding other pedestrian amenities around the Site; and
- Street trees, benches, lighting, and a permeable paving strip will be installed along Boylston Street in conformance with Boston's "Complete Streets" guidelines.

Neighborhood Design Benefits:

- Activation of Boylston and Kilmarnock Streets by removing the surface level parking lot and replacing it with active ground-floor retail uses and an elegant building lobby;
- Elimination of two curb cuts on Boylston Street;
- Inclusion of a 4-story base at the eastern edge of the Proposed Project to acknowledge the scale of the existing neighborhood south of the Site. This low-scale base will break up the massing of the larger new buildings along Boylston Street, and allow sun and air to the north side of the street; and
- Providing for a creative variety of unit designs for individuals, couples, and today's families.

AFFORDABLE HOUSING AND COMMUNITY CONTRIBUTION

Twenty five (25) units within the Proposed Project will be created as on-site affordable housing (the "Affordable Units"). The Affordable Units will be provided in compliance with the Mayor's Executive Order Relative to the Inclusionary Housing Development Policy dated September 27, 2007.

The Proponent will enter into an Affordable Housing Agreement and Restriction with the BRA for the Affordable Units. The Affordable Rental Housing Agreement and Restriction will be executed along with or prior to issuance of the Certification of

Compliance. The Proponent will also submit an Affirmative Fair Housing Marketing Plan (the "Plan") to the Boston Fair Housing Commission and the BRA, which will be approved along with the execution of the Affordable Rental Housing Agreement and Restriction. A preference will be given to: (1) Boston residents; and (2) household size (a minimum of one (1) person per bedroom). The Affordable Units will not be marketed prior to the submission and approval of the Plan. The Affordable Rental Housing Agreement and Restriction will be recorded to maintain affordability for a total period of fifty years (this includes thirty (30) years with a BRA option to extend for an additional period of twenty (20) years). The household income of any subsequent tenant of the Affordable Units during this fifty (50) year period must fall within the applicable income limit for each Affordable Unit.

In addition to the Affordable Units, the Proponent will provide a contribution for community infrastructure in an amount equivalent to 7% of the total number of market rate units multiplied by \$200,000 (the "Contribution"), which is intended to be provided for the Boylston Street Reconstruction. The Contribution shall be paid to the BRA as follows: (1) in 7 equal installments over a 7 year period; or (2) a one time, upfront payment of the equivalent contribution calculated based on the net present value of the Contribution at a discount rate calculated by adding 50% of the Proponent's costs of funds to 50% of the City's most recent (ten-year) municipal bond yield.

In addition to the Contribution, Proponent shall also contribute an additional \$970,000 towards the Boylston Street Reconstruction.

RECOMMENDATIONS

Approvals have been requested of the BRA pursuant to Article 80, Section 80B of the Code for the issuance of a Scoping Determination waiving the requirement of further review pursuant to Article 80, Section 80B-5.4(c) of the Code, and for the issuance of a Certification of Compliance under Section 80B-6 upon successful completion of the Article 80 review process. In accordance with Section 80B-5.4(c) of the Code, the Authority may issue a Scoping Determination Waiving Further Review if the PNF, together with any additional material and comments received by the BRA, adequately describe the impact of the Proposed Project and offer appropriate mitigation of such impacts.

BRA staff believes that the PNF, supplemental information, and accompanying mitigation commitments meet the criteria for the issuance of a Scoping Determination Waiving Further Review. It is therefore recommended that the BRA approve the Proposed Project and authorize the Director to: (1) issue a Scoping Determination waiving the requirement of further review pursuant to Article 80, Section 80B-5.4(c) of the Code; (2) issue a Certification of Compliance under Section 80B-6 upon successful completion of the Article 80 review process; and (3) execute and deliver a Cooperation

Agreement, an Affordable Rental Housing Agreement and Restriction, and a Boston Residents Construction Employment Plan.

Appropriate votes follow:

VOTED: That the Director of the Boston Redevelopment Authority (“BRA”) be, and hereby is, authorized to issue a Scoping Determination under Section 80B-5 of the Boston Zoning Code (the “Code”), which: (i) finds that the Project Notification Form and additional materials adequately describes the potential impacts arising from the development of an approximately seventeen story, two hundred and fifteen (215) unit multi-family residential and retail building including approximately one hundred five (105) parking spaces at 1346-1356 Boylston Street (the “Proposed Project”), and provides sufficient mitigation measures to minimize these impacts; and (ii) waives further review of the Proposed Project under Section 80B-5.3(d) of the Code, subject to continuing design review; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Compliance for the Proposed Project, or any component thereof, upon the successful completion of the Boston Zoning Code’s Article 80 process for the Proposed Project, or any component thereof subject to continuing design review by the BRA; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute a Cooperation Agreement, an Affordable Rental Housing Agreement and Restriction, a Boston Residents Construction Employment Plan, and any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project, all upon terms and conditions determined to be in the best interests of the BRA.