

TO: BOSTON REDEVELOPMENT AUTHORITY AND
PETER MEADE, DIRECTOR

FROM: BRENDA MCKENZIE, DIRECTOR OF ECONOMIC DEVELOPMENT
HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW
MICHAEL CANNIZZO, SENIOR ARCHITECT
JOHN FITZGERALD, SENIOR PROJECT MANAGER

SUBJECT: 161 SOUTH HUNTINGTON AVENUE PROJECT, JAMAICA PLAIN

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority (“BRA”) authorize the Director to (1) issue a Preliminary Adequacy Determination waiving the requirement of further review pursuant to Section 80B-5.4(c) of the Boston Zoning Code (the “Code”) for the 161 South Huntington Avenue Project (the “Proposed Project”); (2) issue a Certificate 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; and (4) recommend approval on Petition BZC-32176 for variances and conditional uses necessary to construct the Proposed Project.

PROJECT SITE

The Project Site is approximately 3.49 acres and is located two miles west of downtown Boston in the Jamaica Plain neighborhood. The Project Site is bounded by South Huntington Avenue to the east; the Jamaica Way to the west; the Sherrill House at 135 South Huntington Avenue to the north; and the Goddard House to the south (the “Project Site”).

PROPOSED PROJECT

The 161 South Huntington Avenue Project will include the construction of a single new residential building totaling 193,000 square feet. The new building will be organized into two parts, one having four stories and the other five stories. The development will

feature a range of tenant amenities located on the ground floor consisting of a common room and lounge, private dining room and kitchen, fitness center and concierge. On floors two through five, the project will incorporate approximately 196 residential rental apartments consisting of studios, one, two, and three bedroom units. There will be a total number of 156 parking spaces, with 147 in a partially below grade garage and 9 spaces on grade for visitors including Zipcar parking (the "Proposed Project").

The approximate development cost for the Proposed Project is \$60 million.

ARTICLE 80 REVIEW

On January 19, 2012, Boston Residential Group LLC (the "Developer") filed a Letter of Intent in accordance with the Boston Redevelopment Authority ("BRA") policy regarding Provision of Mitigation by Development Projects in Boston and a 12 member Impact Advisory Group ("IAG") was formed with assistance from City Councilors Michael Ross and Matt O'Malley, Representative Sanchez, and the Mayor's Office of Neighborhood Services.

The Developer filed a Project Notification Form ("PNF") for the Proposed Project on March 27, 2012 and a Public Notice ran in the *Boston Herald* on the same day. This initiated a 30-day public comment period, which was then voluntarily extended by the Developer, with a closing date of May 16, 2012. 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 April 11, 2012 with the City's agencies at which the Proposed Project was reviewed and discussed. The IAG members were also invited to attend the Scoping Session. The BRA held a publicly advertised meeting on April 11, 2012 at the MSPCA building on South Huntington Avenue in Jamaica Plain.

A Scoping Determination was issued by the BRA to the Developer on June 21, 2012 for a formal request for additional information. On July 16, 2012 the Developer submitted a Draft Project Impact Report ("DPIR") in response to the Scoping Determination and initiated 45-day comment period with a closing date of August 31, 2012. The DPIR was sent to the City's Agencies.

A second Scoping Session was held on August 15, 2012 and IAG members were invited to attend. The BRA held a publicly advertised meeting on August 15, 2012 at 100 South Huntington Ave at the Back of the Hill Apartments in Mission Hill.

The DPIR reflects the changes that the BRA requested by changing the original massing of the building to break up its continuity along South Huntington Avenue, as well as express different materials on the exterior to further break it up. The Developer

decreased the parking to bring the front of the building as close to South Huntington as they could. They have increased their efforts and are now pursuing a LEED Silver Certification. The Developer added more three bedroom units, as well as increased the amount of affordable units.

DEVELOPER ASSURANCES REGARDING OCCUPANCY

The Developer has given assurance to comply with the following:

- a. The lessee may not be a full-time undergraduate student.
- b. A lessee/occupant must be employed full-time and provide financial information acceptable to the landlord to ensure the ability to pay the monthly rent, the first month's rent, security deposit, and last month's rent by the occupants himself/herself. A student who is doing a co-op program does not qualify as full-time employed.
- c. The lessee must be a person living in the unit and may not sublet or assign the apartment.
- d. The lessor will comply with applicable occupancy codes, and will not allow more than two unrelated individuals to occupy a studio or one bedroom apartment and not more than three unrelated individuals to occupy a two bedroom apartment.
- e. The building will have a professional, experienced management firm and an on-site resident manager.
- f. The rules and regulations of the apartment building will be part of the lease and will specify limitations or restrictions on behavior/activities in the building so as not to disturb other tenants of the building or neighborhood residents and which will be enforced by the resident manager and landlord. A violation of rules and regulations will be specified as grounds for termination of tenancy/eviction.
- g. Owner's representative will meet with each lessee before signing lease to go over provisions and expectations and verify who will be occupying the unit.
- h. Owner will make best efforts to minimize the number of leases that begin and end in the month of September.

AFFORDABLE HOUSING

Thirty (30) units within the Proposed Project will be created as on-site affordable housing (the “Affordable Units”). The Affordable Units will be in compliance with the Mayor’s Executive Order Relative to the Inclusionary Housing Development Policy dated September 27, 2007.

The Developer will enter into an Affordable Housing Agreement and Restriction with the BRA for the Affordable Units. The Affordable Rental Housing Agreement must be executed along with or prior to issuance of the Certification of Compliance. The Developer must also submit an Affirmative Fair Housing Marketing Plan (the “Plan”) to the Boston Fair Housing Commission and the BRA, which shall be approved along with the execution of the Affordable Housing Agreement. 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 placed on the Affordable Units to maintain affordability for a period of fifty (50) years. The household income of all subsequent tenants of the Affordable Units during this fifty-year (50-year) period must fall within the income eligibility requirements and occupancy standards set forth in the Affordable Rental Housing Agreement and Restriction.

ZONING

The Project Site is located in the Neighborhood Institutional (“NI”) Subdistrict of Boston and the Greenbelt Protection Overlay District (“GPOD”) of Jamaica Plain Neighborhood District. Code variances will be sought with regard to Minimum Lot Size for Dwelling Units, Floor Area Ratio, Building Height and a Conditional Use Permit for GPOD.

MITIGATION AND PUBLIC BENEFITS

- The provision of 30 units of affordable housing, over 15% of all units in perpetuity located on-site without the assistance of City or State dollars;
- Returning the property to the City’s tax rolls following 100 years of ownership by a tax exempt entity;
- Creating significant additional real estate tax revenues to the City’s General Fund commencing after Project completion, totaling \$9 million of net new tax revenue over the next 20 years;
- Creating approximately 225 construction jobs and 10 new permanent jobs on-site; and
- Providing additional customers for retail shops and markets in the neighborhood of the Project;

- Developer has committed to community members that residential units will not be leased to undergraduate students.

RECOMMENDATIONS

Approvals have been requested of the BRA pursuant to Article 80, Section 80B of the Code for the issuance of a Preliminary Adequacy 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 Certificate 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 Preliminary Adequacy Determination Waiving Further Review if the DPIR, together with any additional material and comments received by the BRA prior to the issuance of the Preliminary Adequacy Determination, adequately describe the impact of the Proposed Project and offer appropriate mitigation of such impacts.

BRA staff believes that the DPIR, project design changes, and accompanying mitigation commitments meet the criteria for the issuance of a Preliminary Adequacy Determination Waiving Further Review. It is therefore recommended that the BRA approve the Proposed Project and authorize the Director to (1) issue a Preliminary Adequacy Determination waiving the requirement of further review pursuant to Article 80, Section 80B-5.4(c) of the Code; (2) issue a Certificate of Compliance under Section 80B-6 upon successful completion of the Article 80 review process; (3) execute and deliver a Cooperation Agreement, an Affordable Housing Rental Agreement and Restriction, and a Boston Residents Construction Employment Plan; and (4) recommend approval on petition BZC-32176 for variances and necessary to construct the project.

Appropriate votes follow:

VOTED: That the Director be, and hereby is, authorized to issue a Preliminary Adequacy Determination under Section 80B-5.4(c) of the Boston Zoning Code (the “Code”), which (i) finds that the Draft Project Impact Report adequately describes the potential impacts arising from the development of a four and five story, one hundred and ninety –six (196) unit multi-family residential building with one hundred and fifty-six (156) parking spaces (the “Proposed Project”), and provides sufficient mitigation measures to minimize these impacts, and (ii) waives further review of the Proposed Project under subsection 5 of Section 80B-5 of the Code, subject to continuing design review by the Boston Redevelopment Authority (“BRA”); 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 which 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; and

FURTHER

VOTED: In reference to petitions BZC-32176 for three (3) variances of FAR, Height, and Minimum Lot Size for Dwelling, the BRA recommends APPROVAL WITH PROVISIO: that plans be submitted to the BRA for design review approval.