

MEMORANDUM

AUGUST 15, 2013

TO: BOSTON REDEVELOPMENT AUTHORITY AND
PETER MEADE, DIRECTOR

FROM: HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW
DAVID CARLSON, SENIOR ARCHITECT/URBAN DESIGNER
CASEY HINES, PROJECT MANAGER

SUBJECT: PUBLIC HEARING ON THE DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT AREA NO. 92 BOSTON EAST AT 122-148 BORDER
STREET, EAST BOSTON

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority (the "BRA"): (i) authorize the Director to issue a Determination Waiving Further Review pursuant to Section 80A-6 of the Boston Zoning Code (the "Code") in connection with the Boston East project ("Proposed Project"); (ii) authorize the Director to issue Certifications of Compliance pursuant to Section 80B-6 of the Code in connection with the Proposed Project; (iii) approve the Development Plan (the "PDA Plan") for Planned Development Area No. 92, Boston East at 122-148 Border Street, East Boston (the "PDA Plan") pursuant to Section 80C of the Code and the accompanying map amendment; (iv) authorize the Director to petition the Boston Zoning Commission for approval of the PDA Plan pursuant to Sections 80C-5 and 80C-6 of the Code, and the accompanying map amendment; (v) authorize the Director to issue a Certification of Consistency for the residential portion of the Proposed Project pursuant to Section 80C-8 of the Code; and (vi) authorize the Director to execute and deliver a Cooperation Agreement, one or more Boston Residents Construction Employment Plan, and any and all other documents, as may be necessary and appropriate in connection with the Proposed Project and the PDA Plan.

PROPONENT AND PROJECT SITE

The proponent of the Boston East project is Trinity Border Street, LLC (the "Proponent") with community partner, East Boston CDC, (collectively, the "Development Team"). The Boston East project is proposed for a site currently owned by the Department of Neighborhood Development ("DND") consisting of approximately 14.2 acres located at

102-148 Border Street along the East Boston waterfront on Boston Inner Harbor (the "Project Site"). The Project Site is bounded by Border Street to the East, the Atlantic Works, Wigglesworth Machinery, and Boston Towing and Transportation properties to the south, Boston Inner Harbor to the west, and the property at 170 Border Street to the north. The Planned Development Area site (the "PDA Site") is located at 122-148 Border Street between Border Street and Boston Harbor. The PDA Site contains approximately 84,214 square feet of land and 227,214 square feet of water for a total parcel size of 311,428 square feet (approximately 7.15 acres).

Historically, the site was used for industrial activities including shipbuilding, ship and engine repair, dry docks, coal storage, and a carriage factory. It is currently inaccessible to both vehicles and pedestrians as it is surrounded on the landside by a fence. Although the landside portion is currently vacant of buildings, there remain several structures including footings of former buildings, entrance posts, a silted up outfall pipe, and bulkheads in disrepair. On the waterside, there are two dilapidated marine railways and approximately 25,000 square feet of dilapidated timber piling areas that extend over 250 feet beyond the high water mark.

PROPOSED PROJECT

The Boston East project (the "Proposed Project") is comprised of two proposed development areas. The first will be a residential building with up to 200 housing units, facilities of public accommodation, and open space areas on the west side of the site. The second area will be a marine facility, with a marine travel lift if needed, and a maritime interpretive area on the north side of the site.

The residential rental building will sit north of Decatur Street allowing a visual corridor from Decatur Street to the waterfront. The massing of the building is split into two wings, placed as long, wharf-like fingers toward the Harbor. Along Border Street, an archway will frame views and encourage access to the Harborwalk. The brick and cast stone stepped building will range from five to seven stories and will consist of up to 200 one and two-bedroom residential rental units and a 4,500 square foot space to be used for purposes eligible as Facilities of Public Accommodation under the Chapter 91 regulations. At the ground or upper floors, many units will have balconies and decks with waterfront views. The Proposed Project includes a total of 176 parking spaces on the Project Site. Below the residential building, 150 spaces will be designated for the residents, providing 0.7 spaces per residential unit. On the south side of the site in the maritime facility parking area, 26 spaces will be designated for visitors and employees of the marine building.

On the southern side of the Project Site and within the Designated Port Area ("DPA") will be a marine facility that will support a marine related business or activity. The proponent is currently evaluating potential economically viable and programmatically

appropriate tenants that would fit within the eligible uses of the PDA and the zoning. As conceptually proposed, the facility will include a two-story building, clad primarily in cementitious clapboard with a masonry brick façade on Border Street. Perpendicular to Border Street will be a long “boatshed” structure. Windows will allow pedestrians on the Harborwalk a view into the facility if the chosen use is spectator worthy. Final building and site program is subject to the needs of the DPA tenant.

A public maritime interpretive area will be created within the DPA. This area will be along the view corridor extending from Decator Street and will provide public access to the waterfront. It is designed as an interpretive landscape with exhibits that extend into the Harbor including remnants of the historic marine railway.

The total project cost for this development is approximately \$80 million dollars.

ARTICLE 80 REVIEW

On October 19, 2007 a Project Notification Form (“PNF”) was filed with the BRA for the Boston East project. A Scoping Session was held on October 26, 2007. A community meeting was held on October 29, 2007. On March 10, 2008 the BRA issued a Scoping Determination outlining further information required. On June 2, 2008 the Proponent submitted a Draft Project Impact Report (“DPIR”) in response to the Scoping Determination. The BRA conducted a community meeting on June 19, 2008 at the Maverick Landing Community Center in East Boston. The Boston East project was approved by the Boston Civic Design Commission (“BCDC”) on January 8, 2008. On May 31, 2013 a PDA Plan was filed by the Proponent requesting a PDA designation for the PDA site. The BRA conducted a community meeting on the PDA Plan on June 26, 2013 again at the Maverick Landing Community Center. The comment period for PDA Plan ended on July 15, 2013. On July 16, 2013 the BRA authorized the issuance of a Preliminary Adequacy Determination waiving further review pursuant to Section 80B-5.4(c)(iv) of the Code for the Boston East project (“Initial Project”). On August 7, 2013 the Proponent submitted to the BRA a Notice of Project Change pursuant to Section 80A-6 of the Code.

DEVELOPMENT TEAM

The development team consists of:

Proponent: Trinity Border Street, LLC

Community Partner: East Boston CDC

Planning Consultant:	Fort Point Associates, Inc.
Development: Counsel	WilmerHale
Architect:	ICON architecture, Inc.
Transportation Consultant:	Woodland Design Group
Civil/Survey:	Nitsch Engineering
Marine:	Childs Engineering Corporation
Geotechnical:	McPhail Associates, Inc.
Wind Consultant:	Frank Durgin PE
Landscape Architect:	Copley Wolff Design Group
Historical Consultant:	Public Archaeology Laboratory, Inc.

AFFORDABLE HOUSING

The Proposed Project will comply with the Mayor’s Executive Order on Inclusionary Development with respect to Affordable Housing through the provision of on-site affordable units. The Affordable Units will be dispersed throughout the residential building, will be identical in finishes and attributes to the market rate units in the building, and will be set at seventy (70%) of AMI.

The Affordable Housing Agreement must be executed along with, or prior to, the issuance of the Certification of Compliance and Consistency for the Proposed Project. The Proponent, must also submit an Affirmative Marketing Plan (the “Plan”) for the Affordable Housing Agreement to the Boston Fair Housing Commission and the BRA, which shall be approved prior to the execution of the Affordable Housing Agreement. 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 (1) person per bedroom); and
- (3) First time homebuyer (if applicable).

The Affordable Units will not be marketed prior to the submission and approval of the Plan. A deed restriction will be placed on the Affordable Units to maintain affordability for a total of fifty (50) years, this includes thirty (30) years with a BRA option to extend for an additional period of twenty (20) years.

RECOMMENDATION

Based on the foregoing, BRA staff recommends that the Board: (1) authorize the Director to issue a Determination Waiving Further Review pursuant to Section 80A-6 of the Code; (2) authorize the Director to issue Certifications of Compliance for the Proposed Project pursuant to 80B-6 of the Code; (3) approve the PDA Plan and associated map amendment; (4) authorize the Director to petition the Boston Zoning Commission for approval of the PDA Plan and associated map amendment; (5) authorize the Director to issue a Certification of Consistency for the residential portion of the Proposed Project pursuant to Section 80C-8 of the Code; and (6) authorize the Director to execute and deliver a Cooperation Agreement, one or more Boston Residents Construction Employment Plan, and any and all other agreements and documents that the Director deems appropriate and necessary and in the best interest of the BRA in connection with the Proposed Project and the PDA Plan.

Appropriate votes follow:

VOTED: That the Director be, and hereby is, authorized to issue a Determination Waiving Further Review pursuant to Section 80A-6 of the Boston Zoning Code (the "Code"), waiving further review of the Boston East Project located at 102-148 Border Street in East Boston (the "Proposed Project"), which finds that the Notice of Project Change submitted to the Boston Redevelopment Authority ("BRA") on August 7, 2013 for the Proposed Project adequately describes the potential impacts arising from the Proposed Project, subject to design review by the BRA; said Determination shall be deemed to be the Preliminary Adequacy Determination waiving further review as set forth in Section 80B-5.4(c)(iv) of the Code and the requirements of said Section 80B-5.4(c)(iv) of the Code shall be followed in the issuance of said Determination; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue Certifications of Compliance pursuant to Section 80B-6 of the Code for the Proposed Project upon the successful completion of the Article 80B Large Project review process; and

FURTHER

VOTED: That, in connection with the Development Plan for Planned Development Area No. 92 ("PDA No. 92"), Boston East at 122-148 Border Street, East Boston (the "PDA Plan") presented at a public hearing, duly held at the offices of the Authority on August 15, 2013, and after consideration of evidence presented at and in connection with the hearing, the Authority finds that with respect to the PDA Plan that: (a) the PDA Plan is not for a location or project for which Planned Development Areas are forbidden by the underlying zoning, as amended; (b) the portion of the Proposed Project in the PDA Plan complies with any provisions of the underlying zoning, as amended, that establish use, dimensional, design or other requirements for Proposed Projects in Planned Development Areas; (c) the PDA Plan complies with any provisions of the underlying zoning that establish planning and development criteria, including public benefits, for Planned Development Areas; (d) the PDA Plan conforms to the plan for the district, subdistrict, or similar geographic area in which the Planned Development Area is located, and to the general plan for the City as a whole; and (e) on balance nothing in the PDA Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all benefits and burdens; and

FURTHER

VOTED: That the Authority hereby approves, pursuant to Section 80C of the Code, the PDA Plan, and the associated map amendment, in substantial accord with the PDA Plan and map amendment presented to the Authority on August 15, 2013, and

FURTHER

VOTED: That the Director be, and hereby is, authorized to petition the Boston Zoning Commission for approval of the PDA Plan and the associated map amendment, both in substantial accord as presented to the BRA on August 15, 2013; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Consistency for the portion of the Proposed Project located in PDA No. 92 pursuant to Section 80C-8 of the Code when the Director finds that (a) the Proposed Project is described adequately in PDA Plan, (b) the Proposed Project is consistent with the PDA Plan, and (c) the PDA Plan has been approved by the BRA and the Boston Zoning Commission in accordance with the applicable provisions of Section 3-1A and Section 80C of the Code; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute a Cooperation Agreement, one or more Boston Residents Construction Employment Plan, and any and all other agreements and documents which the Director deems necessary and appropriate in connection with the Proposed Project and the PDA Plan, all upon terms and conditions determined to be in the best interests of the Authority.

Exhibit A
Project Site Plan

Exhibit B
PDA Plan