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MEMORANDUM

AUGUST 15, 2019

TO: **BOSTON REDEVELOPMENT AUTHORITY**
D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY
AND BRIAN P. GOLDEN, DIRECTOR

FROM: JONATHAN GREELEY, DIRECTOR OF DEVELOPMENT REVIEW
MICHAEL CHRISTOPHER, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW/GOVERNMENT AFFAIRS
AISLING KERR, PROJECT MANAGER

SUBJECT: 212 STUART STREET DISCONTINUANCE AND ORDER OF TAKING; THE
SOUTH COVE URBAN RENEWAL AREA, PROJECT NO. MASS. R-92

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority ("BRA") d/b/a Boston Planning & Development Agency ("BPDA")* take the following actions in connection with the construction of the 212 Stuart Street Project (the "Project"): (1) grant authorization for the Director to co-petition the City of Boston Public Improvement Commission ("PIC") to discontinue a portion of Stuart Street in the South Cove Urban Renewal Area, Project No. Mass. R-92 (the "Taking Parcel"); (2) adopt an Order of Taking for the Taking Parcel in connection with the Project; and (3) authorize the Director to enter into and execute a deed to Transom Real Estate LLC, an indemnification agreement, and any and all other related instruments, agreements and documents in connection with the Taking Parcel and the PIC petition for the Project, which the Director in his sole discretion deems appropriate and necessary, and upon terms and conditions determined to be in the best interest of the BPDA.

VERTICAL DISCONTINUANCE OF A PORTION OF STUART STREET

Transom Real Estate LLC (the "Developer") is constructing a residential condominium project at 212 Stuart Street in the Bay Village neighborhood of downtown Boston. The construction of the Project requires the vertical

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

discontinuance of the Taking Parcel and that the Developer acquire title to the Taking Parcel, which is shown on the taking plan, attached hereto as Exhibit A. The Developer and the BPDA will file a petition with the PIC to obtain the vertical discontinuance of the Taking Parcel as a public way in the City of Boston.

BACKGROUND

The Project was approved by the BPDA Board on June 15, 2017. The Project includes the development of an approximately 146,000 square foot, 19 story (approximately 199 feet in height) building that will consist of approximately 126 residential units and approximately 3,000 square feet of ground floor retail space for potential local businesses, such as a restaurant. The residential units are anticipated to be rentals in a range of sizes and number of bedrooms, including studios and one to three bedrooms. The final types and sizes will be determined during the final design phases and will be dependent on market analyses. The Project will contain one basement level that will include retail, back of house functions, residential amenity spaces, bike storage and building operational needs. No on-site parking is proposed, but the Developer has finalized a long-term parking lease for up to 50 parking spaces in the adjacent 200 Stuart Street garage.

The Project is anticipated to be of flat slab concrete construction with a half-floor mechanical penthouse integrated into the design of the north elevation. Adjacent to the mechanical penthouse on the southern side of the roof will be an outdoor amenity deck for use by the residents of the building. The Project includes many important features that were also included in projects previously proposed at this site, including:

- Loading and service areas accessed from Stuart Street instead of Shawmut Street or Cocoanut Grove Lane;
- Public realm improvements around the perimeter of the building, including the adjacent Church Street plaza to the west of the site; and
- Ground floor retail to activate the immediate area.

TRANSFER OF TAKING PARCEL

In order for the Developer to acquire the Taking Parcel, an approximately 5,085 square foot portion of Stuart Street, for the construction of the Project, said Taking Parcel must be acquired by the BRA through eminent domain pursuant to M.G.L. c. 79, and discontinued as a public way by the City of Boston Public Improvement

Commission ("PIC"). In connection with said actions, it is necessary that the BRA petition the PIC for the vertical discontinuance of the Taking Parcel, the BRA and the Developer enter into an indemnification agreement, and the BRA shall take by eminent domain the Taking Parcel. Upon said vertical discontinuance the BRA shall transfer the Taking Parcel to the Developer.

RECOMMENDATION

Based on the foregoing, staff recommends that the BPDA Board: (1) grant authorization for the Director to co-petition the City of Boston Public Improvement Commission ("PIC") to discontinue a portion of 212-222 Stuart Street in the South Cove Urban Renewal Area, Project No. Mass. R-92 (the "Taking Parcel"); (2) adopt an Order of Taking for the Taking Parcel in connection with the Project; and (3) authorize the Director to enter into and execute a deed to Transom Real Estate LLC (or its affiliate), an indemnification agreement, and any and all other related instruments, agreements and documents in connection with the Taking Parcel and the PIC petition for the Project, which the Director in his sole discretion deems appropriate and necessary, and upon terms and conditions determined to be in the best interest of the BPDA .

Appropriate votes follow:

VOTED: That the Boston Redevelopment Authority (the "BRA") adopt a Resolution entitled, "BE IT RESOLVED by the Boston Redevelopment Authority that an ORDER OF TAKING dated August 15, 2019, relating to an air rights parcel comprising a portion of Stuart Street in the SOUTH COVE URBAN RENEWAL PLAN, PROJECT NO. MASS. R-92, be executed and made a permanent part of these proceedings, a copy of which the Secretary shall cause to be recorded in the Office of the Registry of Deeds for the County of Suffolk"; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to co-petition the City of Boston Public Improvement Commission ("PIC") for the vertical discontinuance of an approximately 5,085 square foot portion of Stuart Street (the "Taking Parcel") to be taken in connection with the prior vote; and

FURTHER

VOTED:

That the Director be, and hereby is, authorized to enter into and execute documents, which may include a deed, an indemnification agreement with Transom Real Estate LLC (or its affiliate), and any and all other related instruments, agreements and documents in connection with the Taking Parcel and PIC Petition, which the Director, in his sole discretion deems appropriate and necessary, and upon terms and conditions determined to be in the best interest of the BRA.

EXHIBIT A

Taking Plan