

# BOARD APPROVED

MEMORANDUM

NOVEMBER 14, 2019

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

**FROM:** JONATHAN GREELEY, DIRECTOR OF DEVELOPMENT REVIEW  
MICHAEL CHRISTOPHER, DEPUTY DIRECTOR FOR DEVELOPMENT  
REVIEW/GOVERNMENT AFFAIRS  
MICHAEL CANNIZZO, SENIOR ARCHITECT/URBAN DESIGNER  
ALEXA PINARD, URBAN DESIGN  
KRISTINA RICCO, SENIOR PLANNER  
STEPHEN HARVEY, PROJECT MANAGER

**SUBJECT:** 270 BAKER STREET, WEST ROXBURY – NOTICE OF PROJECT CHANGE

**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority ("BRA") d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director to: (1) issue a Determination waiving further review pursuant to Section 80A-6 of the Boston Zoning Code (the "Code") in connection with the Notice of Project Change (the "NPC") for the 270 Baker Street filed by 270 Baker LLC (the "Proponent") on August 28, 2019; (2) issue one or more Certifications of Compliance under Section 80B-6 upon successful completion of the Article 80 review process as set forth in the NPC for 270 Baker Street; and (3) enter into an Amended and Restated Cooperation Agreement, an Amended and Restated Boston Residents Construction Employment Plan, and any and all other agreements and documents that the Director deems appropriate and necessary and containing terms and conditions determined by the Director to be in the best interest of the BPDA, in connection with the NPC.

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

## **PROJECT SITE**

The NPC concerns an approved Project (the "Original Project") for 270 Baker Street in the West Roxbury neighborhood of Boston, which is currently occupied by a three-story commercial office building of approximately 30,000 square feet on a parcel of 124,720 square feet. This parcel is bounded to the north by the MBTA Commuter Rail Corridor, to the east by Catholic Memorial High School's ("CM") Athletic Fields, to the south by the Gardner Street Neighborhood and to the west/southwest by retail and commercial office uses. The Proponent has owned the property for over 15 years.

Pursuant to the Project Notification Form ("PNF") approved by the Board Memorandum, the Proponent originally proposed to re-develop a portion of its land for a multifamily residential condominium use. The Proponent proposed to subdivide the existing property - one parcel to include the existing commercial office building with sufficient surface parking to meet the zoning requirements (approximately 70 spaces), and a second parcel (the "Project Site") to be developed with two new multifamily residential buildings. The Original Project was anticipated to total approximately 79,563 square feet of residential use with subsurface parking.

As explained below, the NPC proposes to combine the two previously-approved buildings at the Project Site into one building with the same unit count, a reduced square footage, and a 100% affordable rental occupancy (the "NPC Project").

## **DEVELOPMENT TEAM**

The development team consists of:

Proponent:	270 Baker LLC
Transferee:	B'nai B'rith Housing New England, Inc., or its nominee (collectively, "BBH")
Architects:	<u>Davis Square Architects</u> Iric Rex
Attorney:	<u>Dain Torpy</u> Donald Wiest

## **ARTICLE 80 REVIEW PROCESS**

The Original Project was subject to Large Project Review under Article 80 of the Code. On May 26, 2016, the Proponent filed a Letter of Intent in accordance with the BRA policy regarding Provision of Mitigation by Development Projects in Boston. An Impact Advisory Group ("IAG") was formed as part of the review process.

On August 26, 2016, the Proponent filed the PNF with the BPDA pursuant to Article 80B of the Code. An IAG meeting was held on October 3, 2016. The meeting was posted on the BPDA website and was distributed to the BPDA West Roxbury email list. A Scoping Session for City and State officials was also held on September 26, 2016.

On October 4, 2016, the BPDA convened a public meeting for the community's review and comment regarding the Original Project. The public meeting was advertised in the local paper, was posted on the BPDA website, and was distributed to the BPDA West Roxbury email list.

Based on community feedback some changes were made to the development and on March 22, 2017, the BPDA convened another public meeting for the community's review and comment on those changes. The public meeting was advertised in the local paper, was posted on the BPDA website, and was distributed to the BPDA West Roxbury email list.

On September 6, 2017, another IAG meeting was held. The meeting was posted on the BPDA website and was distributed to the BPDA West Roxbury email list.

On September 14, 2017, the Board approved the Original Project.

On October 31, 2018 the Proponent entered into a Cooperation Agreement, Boston Residents Construction Employment Plan and Affordable Housing Agreement for the Project.

## **NOTICE OF PROJECT CHANGE & ARTICLE 80 PROCESS**

On August 28, 2019, the Proponent submitted the NPC, which notified the BPDA of proposed changes in ownership, tenure, affordability and design changes to the Original Project.

### 1. Proposed Transfer of Ownership.

Pursuant to an Option Agreement dated July 22, 2019, the Proponent granted an option to purchase the Residential Parcel to BBH. BBH is a leading nonprofit developer of affordable housing, and, as the proposed new developer, approved the submission of the NPC. The Proponent intends that the effect of the BPDA's Determination be conditioned on closing per the terms of its NPC submission.

### 2. Conversion of unit tenure from homeownership to rental, shift of fifteen (15) two-bedroom units to one-bedroom units, and deepening of affordability requirements.

BBH as transferee proposes to convert the tenure of unit occupancy from homeownership to rental at the NPC Project. The unit count will not change, and BBH will deepen the affordability of the Project. In connection with this effort, BBH presently intends to shift fifteen 2-bedroom units to 1-bedroom units and change the unit mix from four (4) one-bedroom, fifty (50) two-bedroom, and six (6) three-bedroom units to nineteen (19) one-bedroom, thirty-five (35) two-bedroom, and six (6) three-bedroom units. Contingent on financing, BBH proposes to increase the affordability levels to include fifteen (15) units for households with incomes at or below 30% of Area Median Income ("AMI"), as defined by the U.S. Department of Housing and Urban Development, three (3) units for households with incomes at or below 50% of AMI, twenty-seven (27) units for households with incomes at or below 60% of AMI, and fifteen (15) units for households with incomes at or below 90% of AMI. While the proposed affordability targeting is contingent on BBH obtaining the necessary subsidies and financing, BBH intends for 100% of the Project units to be income-subsidized.

### 3. Design Changes.

BBH as transferee proposes the following design changes to the building program in connection with the NPC Project:

- a. Combine the smaller building with the larger one, and change the configuration of the resulting single building so that is in the shape of a shallow "U".

- b. Reduce the total built area from approximately 79,563 GSF to approximately 62,861 GSF, an expected 21% reduction.
- c. Reduce the north setback to approximately 25' and increase the west setback to approximately 149' (but maintain the south setback close to the original approximately 23' and maintain the east setback close to the original approximately 27').
- d. Reduce the number of parking spaces from ninety (90) to sixty (60) spaces (resulting in a 1 to 1 unit to parking space ratio).
- e. Eliminate the subsurface parking (parking will be above ground).
- f. Add a secure storage room for approximately sixty (60) bicycles.
- g. Eliminate apartment balconies and "Juliet" balconies.
- h. Slightly lower the building height. The number of floors will remain at three (3) but the subsurface parking level will be eliminated.
- i. Add a second elevator.

The NPC was sent to the City's public agencies pursuant to Section 80A-2 of the Code.

On September 16, 2019 and November 6, 2019, the BPDA held public meetings at CM in West Roxbury to discuss the NPC Project. The comment period on the NPC ended on November 8, 2019.

## **ZONING**

The subject property has a street address of 270 Baker Street, and is comprised of a land area of approximately 124,720 square feet. The Proponent will subdivide the site to create an existing conforming condition for the existing commercial building and a new Project Site for the approved residential use of approximately 71,062 SF.

The property is located within a West Roxbury Neighborhood Business Subdistrict, specifically a Community Commercial (CC) Subdistrict, per Article 56, the West Roxbury Neighborhood District Article, as shown on Boston Zoning Map 11C. The

CC subdistricts are established to “provide a diversified commercial environment serving larger markets.” Allowed uses include restaurants, general and local retail business, office, and many professional and other service uses. Multi-family residential and two-family semi-attached residential uses are conditional in the CC subdistricts.

A conditional use permit from the ZBA therefore was required for the Original Project’s Multi-Family Residential use. Relief was also granted for the front-yard setback, and for two dwellings on one lot. The NPC Project does not require any zoning relief in addition to the relief previously granted to the Original Project.

### **MITIGATION AND PUBLIC BENEFITS**

The Proposed Project will provide the following substantial economic and community benefits to the City of Boston and its residents:

#### **MITIGATION**

- Installation of new lighting along the building perimeters to improve visibility and pedestrian safety.
- BBH will work with the Boston Traffic Department on modifications at the Gardner Street/Simbroco Street intersection to discourage illegal left turns.
- Improvements will be made to Simbroco Street in regards to paving, sidewalks, and landscaping.
- Landscape improvements to the Baker Street public realm.
- Parking ratio of 1 space per unit.
- An appropriate fencing/landscaped buffer will be provided alongside the Project adjacent to Gardner Street and Baker Street.

#### **COMMUNITY BENEFITS**

- The Project will contribute \$10,000 upon issuance of building permit to the West Roxbury Little League.
- It is anticipated that the Project will generate approximately \$75,000 in annual property taxes.
- The Project is expected to create approximately 60 construction jobs, and it will comply with the City of Boston standards for Boston resident and minority hiring.
- The Project will make significant landscape improvements to the Baker Street public realm.
- The Proponent will work with Catholic Memorial High School (“CM”) to remove two houses on an adjacent site owned by CM.

### **Inclusionary Development Policy**

The Proposed Project is financed as one entity and contains sixty (60) income restricted units (as described above), or 100% of the total units, surpassing 40% of the total units. As such, the Proposed Project is exempt from the Inclusionary Development Policy, dated December 10, 2015.

It is anticipated that the Proposed Project will receive funding from City of Boston and other public sources, and the ongoing affordability of the project will be monitored under a MassDocs agreement.

### **RECOMMENDATIONS**

Based on the foregoing, staff recommends that the BPDA approve the proposed changes and authorize the Director to: (1) issue a Determination waiving further review pursuant to Section 80A-6 of the Code in connection with the NPC filed by Proponent on August 28, 2019, finding that the NPC does not significantly increase the impact of the Proposed Project, and that resubmission of the PNF therefore is not warranted; (2) issue one or more Certifications of Compliance under Section 80B-6 of the Code upon successful completion of the Article 80B Large Project Review Process; and (3) enter into an Amended and Restated Cooperation Agreement, an Amended and Restated Boston Residents Construction Employment Plan, a Termination of Affordable Housing Agreement and enter into any and all other agreements and documents that the Director deems appropriate and necessary and containing terms and conditions determined by the Director to be in the best interest of the BPDA, in connection with the NPC.

Appropriate votes follow:

**VOTED:** That the Director be, and hereby is, authorized to issue a Determination (the "Determination") waiving further review under Section 80A-6 of the Boston Zoning Code (the "Code"), which finds that the Notice of Project Change (the "NPC") submitted to the Boston Redevelopment Authority (the "BRA") by 270 Baker LLC (the "Proponent") on August 28, 2019, does not significantly increase the impacts of the 270 Baker Street (the "Proposed Project"), and that resubmission of the PNF therefore is not warranted, and waives further review of the Proposed Project, subject to on-going design review by the BRA; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to issue one or more Certifications of Compliance under Section 80B-6 of the Code for the Proposed Project upon the successful completion of all Article 80 Review processes; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to enter into an Amended and Restated Cooperation Agreement, an Amended and Restated Boston Residents Construction Employment Plan a Termination of Affordable Housing Agreement, 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.