

# BOARD APPROVED

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:** 50 LEO BIRMINGHAM PARKWAY, BRIGHTON

**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 Certification of Approval for the proposed development located at 50 Leo Birmingham Parkway in Brighton (the "Proposed Project"), in accordance with Article 80E, Small Project Review of the Boston Zoning Code (the "Code"); (2) execute and deliver an Affordable Housing Agreement ("AHA") in connection with the Proposed Project; (3) execute and deliver a Community Benefits Agreement and take any other action and execute and deliver any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project; and (4) recommend approval to the Zoning Board of Appeal on Petition BOA-968680 for the zoning relief necessary to construct the Proposed Project.

**PROJECT SITE**

The Proposed Project is situated on two (2) parcels of land comprising approximately 16,380 square feet of land located at 50 Leo Birmingham Parkway in the Brighton neighborhood of Boston (the "Project Site"). The Project Site is currently occupied by a two (2)-story mixed-use structure.

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

The Project Site is located within an approximately ten (10) minute walk (0.5 miles) of the MBTA Boston Landing Station and within close proximity to several MBTA bus lines which provides access throughout the City of Boston and greater Boston area.

### **DEVELOPMENT TEAM**

The development team includes:

Proponent: City Realty Group, LLC

Architect: Embarc Studio  
Dartagnan Brown  
Dan Artiges

Legal Counsel: Drago + Toscano LLP  
Jeffrey Drago, Esq.  
Matthew Eckel, Esq.

### **DESCRIPTION AND PROGRAM**

City Realty Group, LLC (the "Proponent") proposes the demolition of the existing structure that occupies the Project Site for the construction a six (6)-story, approximately 48,645 square foot residential building with forty-nine (49) residential condominium units, including six (6) income restricted units, fifty-two (52) off-street vehicle parking spaces, and at least fifty-four (54) on-site bicycle storage spaces (the "Proposed Project").

As currently proposed, the forty-nine (49) residential units are anticipated to consist of twelve (12) studios, twenty-one (21) one-bedroom units, thirteen (13) two-bedroom units, and three (3) three-bedroom unit.

The estimated total development cost for the Proposed Project is \$15,120,000.

### **ARTICLE 80 REVIEW PROCESS**

On March 21, 2019, the Proponent filed a Small Project Review Application ("SPRA") with the BPDA, pursuant to Article 80E of the Boston Zoning Code. The BPDA subsequently sponsored and held a public meeting on April 10, 2019, at the

Brighton Elks Lodge located at 326 Washington Street in Brighton, to solicit feedback from the public and review the Proposed Project. The public meeting was advertised in the *Allston/Brighton TAB* and the *Boston Bulletin*. Local elected officials and their staff received an invitation to the meeting, while email notification was sent to all subscribers of the BPDA's Brighton neighborhood updates. The public comment period in connection with the Proponent's submission of a SPRA concluded on May 31, 2019.

Outside of the BPDA-sponsored public meeting, the Proponent conducted additional outreach with the Brighton Allston Improvement Association, area residents, abutters, and local elected officials to solicit feedback and review the Proposed Project.

### **ZONING**

The Project Site is located in the Allston Brighton Neighborhood District, which is governed by Article 51 of the Code, and more specifically is located in the Community Commercial (CC-1) Subdistrict.

The Proposed Project will require zoning relief for the following: Greenbelt Protection Overlay District, Use, Floor Area Ratio, Building Height, Off-Street Parking and Off-Street Loading.

### **MITIGATION & COMMUNITY BENEFITS**

The Proposed Project will provide a number of benefits to the Allston/Brighton neighborhood and the City of Boston as a whole. Additionally, the Proponent has committed to the following:

The Proponent shall make a thirty-thousand dollar (\$30,000) contribution to the City of Boston Parks & Recreation Department Fund for Parks (the "Fund for Parks") for the Portsmouth Street Playground/Murray Field, as follows:

1. Amount: \$30,000
2. Recipient: The Fund for Parks
3. Use: For improvements and maintenance to the Portsmouth Street Playground and Murray Field
4. Timeline: The contribution is due at issuance of building permit from the City of Boston's Inspectional Services Department ("ISD")

The Proponent shall make a twenty-five thousand (\$25,000) contribution to the Allston-Brighton Mobility Study, as follows:

5. Amount: \$25,000
6. Recipient: Boston Planning & Development Agency
7. Use: For transportation improvements resulting from the Allston-Brighton Mobility Study, including but not limited to design work for street cross-sections; striping implementation for crosswalks, bus, and bike lanes; infrastructure improvements for traffic signals, pedestrian beacons, and bike signals; placemaking elements such as benches, parklets, or other publicly accessible urban spaces; and other recommendations resulting from the Study.
8. Timeline: The contribution is due at issuance of building permit from ISD

The Proponent shall make a ten-thousand (\$10,000) contribution to the Friends of BLS Crew, Inc., as follows:

1. Amount: \$10,000
2. Recipient: Friends of BLS (Boston Latin School) Crew, Inc.
3. Use: For improvements to the boathouse and surrounding landscape at 1345 Soldier's Field Road, which is used by Friends of BLS Crew with the permission of the Department of Recreation & Conservation, the property and site owner
4. Timeline: The contribution is due at issuance of building permit from ISD

### **INCLUSIONARY DEVELOPMENT COMMITMENT**

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 ("IDP"), and is located within Zone B, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. As the Proposed Project will provide forty-nine (49) new homeownership units, six (6) units within the Proposed Project will be created as IDP homeownership units (the "IDP Units"), of which three (3) will be made affordable to households earning not more than 80% of the Area Median Income ("AMI"), as published by the BPDA and based upon data from the United States Department of Housing and Urban Development ("HUD") and three (3) will be made affordable to households earning greater than 80% of AMI but not more than 100% of AMI.

The proposed locations, sizes, income restrictions, and sales prices for the IDP Units are as follows:

<i>Unit Number</i>	<i>Number of Bedrooms</i>	<i>Square Footage</i>	<i>Percent of Area Median Income</i>	<i>Sales Price</i>
Unit 203	1 Bedroom	630 sq. ft.	80%	\$186,400
Unit 206	2 Bedroom	856 sq. ft.	80%	\$221,900
Unit 210	3 Bedroom	1,345 sq. ft.	100%	\$327,900
Unit 305	Studio	465 sq. ft.	80%	\$150,700
Unit 308	2 Bedroom	860 sq. ft.	100%	\$288,700
Unit 404	1 Bedroom	725 sq. ft.	100%	\$248,600

The location of the IDP Units will be finalized in conjunction with BPDA staff and outlined in the Affordable Housing Agreement (“AHA”), and sales and income limits will be adjusted according to BPDA published maximum sales prices and income limits, as based on HUD AMIs, available at the time of the initial sale of the IDP Units. IDP Units must be comparable in size, design, and quality to the market rate units in the Proposed Project, cannot be stacked or concentrated on the same floors, and must be consistent in bedroom count with the entire Proposed Project.

The AHA must be executed along with, or prior to, the issuance of the Certification of Approval for the Proposed Project. The Proponent must also register the Proposed Project with the Boston Fair Housing Commission (“BFHC”) at the time of building permit issuance. Preference will be given to applicants who meet the following criteria, weighted in the order below:

- (1) Boston resident;
- (2) Household size (a minimum of one (1) person per bedroom); and
- (3) First time homebuyer.

Where a unit is built out for a specific disability (e.g., mobility or sensory), a preference will also be available to households with a person whose need matches the build out of the unit. The City of Boston Disabilities Commission may assist the BPDA in determining eligibility for such a preference.

The IDP Units will not be marketed prior to the submission and approval of an Affirmative Fair Housing Marketing Plan (the “Plan”) by the BFHC and the BPDA. An affordability covenant will be placed on the IDP Units to maintain affordability for a period of up to fifty (50) years (this includes thirty (30) years with a BPDA option to extend for an additional period of twenty (20) years). The household income of the buyer and sales price of any subsequent sale of the IDP Units during this fifty (50) year period must fall within the applicable income and sales price limits for each

IDP Unit. IDP Units may not be rented out by the developer prior to sale to an income eligible buyer, and the BPDA or its assigns or successors will monitor the ongoing affordability of the IDP Units.

In addition to the designated IDP units, the Proponent has agreed to make an IDP contribution of \$111,000 as a partial unit payment (based on 0.37 unit) to the IDP Special Revenue Fund ("IDP Fund") managed by the City of Boston Department of Neighborhood Development ("DND"). This payment is required to be made at the time of building permit issuance. The combination of this contribution and the six (6) designated IDP Units fully satisfies the IDP requirements pursuant to the December 10, 2015 IDP.

### **RECOMMENDATIONS**

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, staff recommends that the BPDA approve and authorize the Director to: (1) issue a Certification of Approval for the Proposed Project; (2) execute and deliver an Affordable Housing Agreement in connection with the Proposed Project; (3) execute and deliver a Community Benefits Agreement and take any other action and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project; and (4) recommend approval to the Zoning Board of Appeal on Petition BOA-968680 for the zoning relief necessary to construct the Proposed Project.

Appropriate votes follow:

**VOTED:** That the Director be, and hereby is, authorized to issue a Certification of Approval, approving the development at 50 Leo Birmingham Parkway in the Brighton neighborhood, proposed by City Realty Group, LLC (the "Proponent"), for the construction of forty-nine (49) residential condominium units, including six (6) Inclusionary Development Policy units ("IDP Units"), approximately fifty-two (52) off-street vehicle parking spaces, and at least fifty-four (54) on-site bicycle storage spaces (the "Proposed Project"), in accordance with the requirements of Small Project Review, Article 80E, of the Boston Zoning Code, subject to continuing design review by the Boston Redevelopment Authority ("BRA"); and

**FURTHER**

**VOTED:**

That the Director be, and hereby is, authorized to execute and deliver an Affordable Housing Agreement for the creation of six (6) on-site IDP Units in connection with the Proposed Project; and

**FURTHER**

**VOTED:**

That the Director be, and hereby is, authorized to execute and deliver a Community Benefits Agreement and execute and deliver any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project; and

**FURTHER**

**VOTED:**

That the Director be, and hereby is, authorized to issue the following recommendation to the City of Boston Zoning Board of Appeal on Petition BOA-968680 for the zoning relief necessary in connection with the Proposed Project: APPROVAL WITH PROVISIO: that plans be submitted to the BRA for design review approval.