

MEMORANDUM **BOARD APPROVED**

JANUARY 17, 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
AISLING KERR, ASSISTANT PROJECT MANAGER

SUBJECT: NOTICE OF PROJECT CHANGE
33 - 61 (45) TEMPLE STREET, BEACON HILL

SUMMARY: This Memorandum requests authorization for the Boston Redevelopment Authority d/b/a Boston Planning & Development Agency ("BPDA") to: (i) authorize the Director to issue a Determination waiving the requirement of further review pursuant to Section 80A-6.2 of the Code in connection with the Notice of Project Change ("NPC") for the 33 - 61 (45) Temple Street development project (the "Proposed Project"); (ii) authorize the Director to issue one or more Certifications of Compliance or Partial Certifications of Compliance under Section 80B-6 of the Code upon successful completion of the Article 80 review process in connection with the Proposed Project; and (iii) authorize the Director to execute and deliver any and all other documents, as may be necessary and appropriate in connection with the Proposed Project.

PROJECT SITE

Located in the Beacon Hill neighborhood of Boston, the southern face of the 33 - 61 (45) Temple Street building fronts onto Derne Street and sits at the foot of the Massachusetts State House. The building runs approximately halfway down the block towards Cambridge Street (to the north) between Temple Street (to the east) and Ridgeway Lane (to the west). The approximately 29,606 square foot lot is the

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

former site of Suffolk University's Archer and Donahue buildings.

DEVELOPMENT TEAM

The development team includes:

Proponent: JDMD Owner, LLC
David Raftery
Matt Snyder

Legal Counsel: McDermott, Quilty, & Miller LLP
Dennis Quilty, Esq.

Architect: The Architectural Team, Inc.
Matt Duggan

PROJECT HISTORY

On July 14, 2016, the BPDA voted to approve the redevelopment of the existing connected Archer and Donahue buildings at 33 – 61 (45) Temple Street into a full service, seventy-one (71) unit residential condominium building, with a breakdown of units as follows: nineteen (19) one-bedroom units, thirty-four (34) two-bedroom units, fifteen (15) three-bedroom units, and three (3) four-bedroom units. In addition to the residential units, the originally approved project also included an approximately 5,745 square foot amenity space for use by the condominium unit owners, including a concierge desk, package storage, mailroom, and an onsite property manager's office. Parking for up to fifty-four (54) vehicles was proposed in a below-grade garage, and covered storage for up to seventy-five (75) bicycles was also included in the building (the "Originally Approved Project").

On November 22, 2017, the BPDA issued a Certificate of Compliance for the Originally Approved Project, reflecting adjustments to the below-grade parking and unit count. The below-grade parking garage would now accommodate parking for up to fifty (50) vehicles (down from fifty-four vehicles in the Originally Approved Project), and seventy (70) residential condominium units would be constructed as follows (down from seventy-one units in the Originally Approved Project): twenty-four (24) one-bedroom units, thirty-one (31) two-bedroom units, thirteen (13) three-bedroom units, and two (2) four-bedroom units (the "Revised Project").

NOTICE OF PROJECT CHANGE

On November 19, 2018 the Proponent filed a Notice of Project Change ("NPC") with the BPDA proposing two (2) slight changes to the Originally Approved Project and the Revised Project, as follows:

1. **Change to Number of Units/Unit Mixes**

The Proponent proposes the Proposed Project to now include sixty-two (62) residential units (reduced from seventy as per the Revised Project) as follows: fourteen (14) one-bedroom units, twenty-five (25) two-bedroom units, twenty (20) three-bedroom units, and three (3) four-bedroom units.

2. **Change to Bicycle Storage***

The Proponent initially included a proposed revision to the building's bicycle storage as part of the NPC (revised from the Originally Approved Project), but has since decided to keep the bicycle storage in the building as approved in the Originally Approved Project.

While the NPC filed with the BPDA reflects both of the above proposed changes, the NPC for a vote before the BPDA Board is only reflective of the change to the number of units/unit mixes.

PUBLIC BENEFITS

The Proponent remains committed to the Public Benefits included in the Originally Approved Project, as follows:

- Maintenance of plantings and trees along Temple Street
- Safety improvements to Ridgeway Lane
- Installation of fencing to shield vehicle headlights shining onto residences on Ridgeway Lane and Hancock Street
- Maintaining the pedestrian connection from Temple Street to Ridgeway Lane
- Enhanced streetscape and pedestrian experience

INCLUSIONARY DEVELOPMENT COMMITMENT

The Proposed Project is subject to the Inclusionary Development Policy, dated September 27, 2007 ("IDP"). The Proponent has committed to fulfilling its Inclusionary Development Policy commitment ("IDP Commitment") as per the

Originally Approved Project, which will be met through a combination of contribution to the IDP Fund and the creation of off-site units.

Off-Site IDP Units

The Proponent has purchased 27 and 29 Hancock Street, a 40 unit existing residential property in Beacon Hill, and within 200 feet of the Proposed Project. These buildings contain 12,119 square feet of residential living space. The Developer must obtain the initial full building permit for Off-Site units prior to receipt of the Certificate of Occupancy on the original Proposed Project. If the initial full building permit is not obtained for the Off-Site units before the receipt of the Certificate of Occupancy, a contribution to the IDP Fund will be required, in an amount sufficient to satisfy the IDP requirements. All Off-Site units shall be completed within one-year after issuance of the Certificate of Occupancy for the originally Proposed Project. Upon request, the BPDA may grant a written one-year extension to allow for the completion of Off-Site units. All IDP Units must meet or exceed the City's Department of Neighborhood Development ("DND") construction guidelines for affordable housing. The location of the Off-Site IDP Units will be finalized in conjunction with BPDA staff and outlined in the Affordable Rental Housing Agreement and Restriction ("ARHAR"), and rents and income limits will be adjusted according to BPDA published maximum rents and income limits, as based on HUD AMIs, available at the time of the initial rental of the IDP Units.

In addition to the units at 27 and 29 Hancock Street, the Proponent is required to provide an additional 6,881 square feet in Off-Site Units (a minimum of 3.4 units) or make a contribution to the IDP Fund. In the original approval of the Proposed Project, additional Off-Site IDP Units could be located within the downtown core neighborhoods of Beacon Hill, the West End, Downtown, or Chinatown. If such an opportunity for Off-Site IDP Units is identified, a vote of the BPDA Board will be required to approve the off-site location and an Off-Site Housing Creation Agreement.

IDP Fund Contribution

If locations for Off-Site Units are not finalized, the Proponent is committing to a contribution to the IDP Fund for the remaining 6,881 square feet (3.4 units, based on the average square footage of units in the Proposed Project). The IDP requires that the payment per unit is the greater of either the minimum IDP payment (\$200,000 per unit), or half the differential between the affordable price determined

by the BPDA for each unit size (by number of bedrooms) and the full market value of those units.

Given the current proposal of 3.4 units, the minimum contribution is \$680,000. The IDP Contribution is to be made in three installments. The first installment, of \$195,000, was made at the issuance of initial Building Permit issued by ISD, the second payment being the remaining minimum IDP Contribution (\$485,000), is to be made to the Treasury within 30 days after the receipt of the final Certificate of Occupancy, and the final payment being the balance between the minimum possible IDP Contribution and the final total IDP Contribution, as determined by the BPDA based on actual sales price, made to the Treasury no later than one year after the receipt of the final Certificate of Occupancy, or no later than two years when the BPDA deems it financially necessary.

Although the NPC reduces the overall number of residential units at the Proposed Project, because the total residential square footage is unchanged there will be no material changes to the IDP Commitment associated with the NPC.

ARTICLE 80 REVIEW PROCESS

Following the Proponent's submission of the NPC on November 19, 2018, the BPDA hosted a public meeting to discuss the NPC on December 18, 2018 at the Wyndham Boston Beacon Hill. This public meeting was advertised in the relevant neighborhood newspapers (*Beacon Hill Times* and *The Boston Guardian*). Additionally, the public meeting was posted to the BPDA website and a calendar notification was sent to all subscribers of the BPDA'S Beacon Hill neighborhood updates, and local City and State elected officials and their staff members received notification via email.

The 30-day public comment in connection with the submission of the NPC concluded on December 27, 2018.

RECOMMENDATION

Based on the foregoing, BPDA staff recommends that the Board: (i) authorize the Director to issue a Determination waiving the requirement of further review pursuant to Section 80A-6.2 of the Code in connection with the Notice of Project Change ("NPC") for the 33 - 61 (45) Temple Street development project (the "Proposed Project"); (ii) authorize the Director to issue one or more Certifications of

Compliance or Partial Certifications of Compliance under Section 80B-6 of the Code upon successful completion of the Article 80 review process in connection with the Proposed Project; and (iii) authorize the Director to execute and deliver any and all other documents, as may be necessary and appropriate in connection with the Proposed Project.

Appropriate vote follows:

VOTED: That the Director be, and hereby is, authorized to issue a Determination waiving further review under Section 80A-6.2 of the Code, which finds that the Notice of Project Change submitted by JDMD Owner, LLC on November 19, 2018 ("NPC") does not significantly increase the impacts arising from the 33 - 61 (45) Temple Street Development Project ("Proposed Project") as described in the NPC, and waives further review of such Proposed Project, subject to continuing design review by the BRA; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue one or more Certifications of Compliance or Partial Certifications of Compliance pursuant to Section 80B-6 of the Code upon the successful completion of the Article 80 review process in connection with the Proposed Project; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute and deliver all agreements and any and all other documents deemed necessary and appropriate by the Director in connection with the Proposed Project.

33-61 Temple Street, Beacon Hill

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33-61 Temple Street, Beacon Hill

