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December 24, 2018

VIA IN-HAND DELIVERY & E-MAIL
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Aisling Kerr, Assistant Project Manager
Boston Planning and Development Agency
One City Hall Square, 9th Floor
Boston, MA 02201

**Re: Proponent's Response to Public Comment Period and City Agency Input
Article 80 Small Project Review for Mixed Use Residential/Retail Building
21-35 West 2nd Street, South Boston, Boston, MA (the "Premises")**

Dear Aisling:

As counsel to Zero Athens, LLC (the "Proponent"), the Proponent of the mixed-use residential and retail development at the above referenced Premises, which case is currently under review by the Agency pursuant to Article 80-B of the Boston Zoning Code (the "Proposed Project"), I am writing to provide you with the Proponent's detailed response to the comments received and recorded as part of the Article 80 review process for the Proposed Project.

We greatly appreciate the time and participation provided by members of the public and City agency staff as part of the Article 80 review process, whose involvement has helped to enhance and improve the Proposed Project. The Proponent also thanks the South Boston elected delegation and the neighborhood interest groups who offered their time and input during the community outreach process, which has also resulted in specific project modifications and program measures for the Proposed Project.

As you are aware, the Proponent spent several months prior to filing its Article 80 Small Project Review application with the Agency conducting extensive community outreach on the Proposed Project. This initial extensive outreach included multiple community meetings with both the West Broadway Neighborhood Association ("WBNA") and the Saint Vincent's Lower East End Neighborhood Association ("SVLENA"), followed by its filing and BPDA Public Meeting. As a result of these discussions and feedback, the Proposed Project includes certain responsive changes to its initial scope and scale, including a major reduction from its original concept of a thirteen story, 142-foot tall building with 115 residential units to the current proposal of six-stories and 55 residential units. Additionally, the public comment period was also extended several days past the typical thirty-day comment period to allow additional time for the public to provide input.

In particular, the Proponent has taken the opportunity to carefully review and consider the written comments received by the BPDA for the Proposed Project, and it is pleased to provide the Agency with the following responses:

A. Comments by Members of the Public:

1. Ariel Szabo, 11/30/18, 9 West Broadway

Comments: In support of the Proposed Project.

Response: We would like to thank Mr. Szabo for his supportive comments.

2. Cyrus Tehrani, 11/30/18, 237 Dorchester Street

Comments: In support of the Proposed Project and its TOD housing programming.

Response: We would like to thank Mr. Tehrani for his supportive comments.

3. David Leonard, 11/27/18, 150 Dorchester Avenue

Comments: In conditional support of the Proposed Project and its TOD housing programming. Mr. Leonard also commented regarding potential for underground parking and wants to be sure that there is enough sidewalk width adjacent to the proposed building.

Response: We would like to thank Mr. Leonard for his supportive comments and will make every effort to continue reviewing the applicable sidewalk design through the PIC process and ongoing post-approval design review and planning discussions with the BPDA. In planning the Proposed Project, great care has been given to designing a building that responds to the Project Site's triangular shape and its unique geometry, which make it extremely difficult and cost prohibitive to accommodate adequate vehicular access and any reasonable allotment of on-site parking. The Proponent also notes that the Project Site is located within a two-minute walk of the Broadway MBTA station, which provides residents with access to the 9, 11 and 47 Bus Routes as well as the Red Line rapid transit line, and is one stop from South Station and two stops from Downtown Crossing, making this site a true TOD opportunity. The Proponent also notes that its innovative on-site vehicle share program, which is exclusive to the residents of the Proposed Project, will also further address and mitigate traffic and parking issues, in addition to the potential creation of new on-street parking in the immediate area. Finally, the Proponent notes that currently the Premises contains no sidewalks along either West 2nd or Athens Streets, but that the Proposed Project will provide new sidewalks along both streets adjacent to the Premises, thereby significantly improving pedestrian safety in the neighborhood.

4. Edward Doherty, 11/29/18, 174 West Broadway

Comments: In support of the Proposed Project.

Response: We would like to thank Mr. Doherty for his supportive comments.

5. Gloria Neuscheler, 11/30/18, 9 West Broadway

Comments: In support of the Proposed Project.

Response: We would like to thank Ms. Neuscheler for her supportive comments.

6. Harry Wheeler, 11/30/18, 21 West Third Street

Comments: In support of the Proposed Project.

Response: We would like to thank Mr. Wheeler for his supportive comments.

7. Jason Kaplan, 10/29/18, 237 Dorchester Street

Comments: In support of the Proposed Project.

Response: We would like to thank Mr. Kaplan for his supportive comments.

8. Jennifer Ledet (West Broadway Neighborhood Association (“WBNA”)), 11/25/18, 9 West Broadway

Comments: In support of the Proposed Project with several contingencies, including no residential parking permit for building residents, additional TOD comments, landscape commitments, design suggestions and construction management and future schedule update requests.

Response: We would like to thank Ms. Ledet for her supportive comments and continued involvement in helping to shape and enhance the Proposed Project through her leadership with the WBNA. The Proponent will make every effort to continue reviewing the parking programming with the Boston Transportation Department (“BTD”) and BPDA Transportation, as well as curb, sidewalk and streetscape design through the PIC review process and in ongoing post-approval design review and planning discussions with the BPDA. In further response, the Proponent has agreed to adopt and implement a “no residential parking permit restriction” for its future tenants, by restriction with the BTD and lease language. The Proponent will also continue to work with the leadership of the WBNA on further design, landscape and general construction management as the Proposed Project commences. Finally, the Proponent has agreed that it will maintain at its own cost and expense the new public open space to be provided by the Proponent at the front corner of the Premises.

9. Marci Costa, 11/9/18, 16 Linley Terrace

Comments: In support of the Proposed Project.

Response: We would like to thank Ms. Costa for her supportive comments.

10. Mark Cummins and Paul Adamson, 11/29/18, 333 West Broadway

Comments: In opposition to the project. Mr. Cummins and Mr. Adamson commented that they were notified “late” of the Proposed Project and that they are opposed until all of their concerns are addressed, without further detailing any specific concerns or opposition to the Proposed Project.

Response: The Proponent appreciates the input and has since taken the opportunity to meet in person with Mr. Cummins and Mr. Adamson, to discuss the Proposed Project and how it interacts with their abutting rental apartment building. In this regard, the Proponent has now been in regular contact with Mr. Cummins and Mr. Adamson over the past month and will continue to communicate and work with these owners to address any and all concerns the best of its abilities.

11. Michael Gordon, 11/9/18, 225 West Third Street

Comments: In support of the Proposed Project.

Response: We would like to thank Mr. Gordon for his supportive comments.

12. Patrick Chatfield, 11/9/18, 911 East Broadway

Comments: In opposition to the project. Mr. Chatfield commented that the proposal is too dense for this congested area and requested further parking and TOD programming review by the City.

Response: The Proponent will continue reviewing the Proposed Project’s parking programming with the BTM and BPDA Transportation in ongoing post-approval design review and planning discussions with the BPDA. The Proponent notes that the residential rental unit breakdown includes 30 economically-sized studios (approximately 454 square feet on average) and 20 economically-sized one bedroom units (approximately 717 square feet on average). The Proponent has also agreed to a “no residential parking permit restriction” for its future tenants to be enforced in coordination with BTM and by tenant lease agreements. Finally, the Proposed Project’s innovative vehicle share service (for tenants only), in addition to the potential creation of new on-street parking in the immediate area (which, however, as stated above will not be made available to occupants of the Proposed Project), will help mitigate potential vehicular congestion and parking concerns.

13. Ryan Sillery, 11/30/18, 14 West Broadway

Comments: In opposition to the project, Mr. Sillery expressed concerns regarding its size and allotment of off-street parking for residential vehicles.

Response: As an abutting developer to the Proposed Project, we appreciate Mr. Sillery's input and participation. The Proponent believes that its Proposed Project will benefit and improve the immediate area by activating an underutilized vacant parking lot, which is situated at the rear and across Athens Street from Mr. Sillery's new 14-story hotel and companion high-rise residential building (both of which are significantly taller and larger than the Proposed Project).

With respect to on-site parking concerns, the Proponent again notes that its residential rental unit breakdown includes 30 economically-sized studios (approximately 454 square feet on average) and 20 economically-sized one-bedroom units (approximately 717 square feet on average). As a result of the community outreach process, the Proponent has also agreed to a "no parking permit" restriction for all tenants (enforced with BTM and by lease language). Coupled with its innovative vehicle share service for building tenants (only), and the potential to create new on-street parking in the immediate area, these specific measures will help to mitigate potential vehicular congestion and parking impacts.

As a further result of the extensive community outreach process, we also note that the Proposed Project includes certain responsive changes to its initial scope and scale, including a major reduction from its originally-proposed thirteen story, 142-foot tall building with 115 residential units; to its current proposal of six stories and 55 residential units. As a result, the Proposed Project is entirely appropriate with the size and scale of the immediate area or, in the case of Mr. Sillery's nearby development, significantly shorter and smaller in density.

Finally, please know that the Proponent made several attempts to speak with Mr. Sillery prior to filing the Small Project Review application and that I personally spoke with Mr. Sillery over the telephone prior to the Agency's public meeting on the matter, while also providing him with written notice of the public meeting. Mr. Sillery attended and spoke at the public meeting, and we specifically offered to meet with him individually to further discuss the Proposed Project together. The Proponent remains committed to working with Mr. Sillery in order to better understand and respond to his concerns as an abutting developer, and we are available should he wish to do so.

14. Stephen Mulrey, 11/14/18

Comments: In support of the Proposed Project.

Response: We would like to thank Mr. Mulrey for his supportive comments, and for his long-time commitment and involvement in the South Boston community (as both a resident and as the owner-operator of the nearby Amrhein's Restaurant).

B. Comments by City Agencies:

1. Boston Public Works Department (“PWD”), 11/28/18 (Zach Wassmouth, Chief Design Engineer)

Comments: PWD reviewed the Proposed Project and provided general standards and somewhat specific PWD requirements applicable to every project.

Response: The Proponent and its civil engineering team will follow the PWD comments and looks forward to addressing more detailed comments during the Public Improvement Commission (“PIC”) review process, if required.

2. Boston Water and Sewer Commission (“BWSC”), 11/26/18

Comments: The BWSC reviewed the Proposed Project and its infrastructure impacts, and specified required procedures to insure proper permitting by BWSC.

Response: The Proponent and its civil engineering team will follow the BWSC requirements in its site plan approval submission to BWSC in 2019.

3. Mayor’s Commission for Persons with Disabilities (the “Disability Commission”), 11/26/18 (Kristen McCosh, Commissioner)

Comments: The Disability Commission reviewed the Proposed Project and considered the following accessibility issues and questions: accessible residential units; accessible building amenities; accessible parking and vehicular transportation; accessible route and sidewalks; community benefits; wayfinding; variances from the Massachusetts Architectural Access Board; and construction.

Response: The Proponent and its architectural and civil engineering team will work with the Disability Commission through design review and other avenues in order to provide an ideal design for accessibility and inclusion, which meets and/or exceeds compliance with the applicable local, state, and federal accessibility codes and guidelines.

4. BPDA Transportation Planning (“Transportation”), 11/1/18 (Jim Fitzgerald)

Comments: Transportation reviewed the Proposed Project and provided initial comments regarding the location of the Project Site and the transit-oriented program opportunities (“TOD”), including the following: (1) suggested design improvements to existing sidewalk dimensions, accessibility and mid-block crosswalk along West Second Street; (2) question about the funding, management and operation of the Proponent’s on-site vehicle share program as described in its Article 80 application with the Agency; and, (3) requested “monthly-link” program for MBTA passes to tenants.

Response: We appreciate the early input provided by Mr. Fitzgerald and are pleased to respond with the following updates and clarification to his questions.

Subsequent to receiving Mr. Fitzgerald's comments (above), the Proponent and its team has since conducted extensive outreach with community leadership about the need to enhance and improve certain public sidewalk connectivity at the Project Site *and* potentially create new on-street parking in this immediate block -- in order to further mitigate potential impacts of the limited land area for on-site parking at this "flat-iron" shaped lot (and the community's preference for active ground level uses with robust open space as proposed). To assist it in this regard, the Proponent has since engaged a traffic/transportation engineer (Howard Stein Hudson), whose consultants are in the process of evaluating current conditions for potential improved connectivity and on-street parking opportunities under the circumstances.

We look forward to discussing the findings of this review and continuing to work with Mr. Fitzgerald, the Agency's transportation planning staff and the Boston Transportation Department ("BTD") to better understand the existing sidewalk, on-street parking and surrounding public infrastructure issues and how the Proposed Project may reasonably participate in any appropriate improvements.

In response to questions raised about the Proponent's on-site vehicle-share program as described in its Article 80 application, the Proponent is committed to funding and management of this innovative on-site program (as requested). As a further update, and as a result of the extensive community outreach process for the Proposed Project, the Proponent has also agreed to adopt and implement a "no residential parking permit restriction" for its future tenants, by restriction with BTD and lease language to forbid vehicle ownership. Coupled with the potential to create additional on-street parking in the immediate area, the Proponent suggests that its resulting TOD program will provide an innovative model of best practices under the unique circumstances at the Premises. Finally, while the Proponent is willing to consider potential MBTA T-pass programming for tenants, it would like to further review this limited amenity in the context of the entire TOD program and significant related investment for the Proposed Project.

Again, thank you and the City for your continued time and attention on the Proposed Project, and please do not hesitate to contact me with any questions. We look forward to continuing to work together on this positive and transformative development project in the South Boston neighborhood.

Sincerely,

A handwritten signature in black ink that reads "Joseph P. Hanley". The signature is written in a cursive style with a large, looping initial "J".

Joseph P. Hanley, Esq., Partner