

MEMORANDUM

DECEMBER 15, 2011

TO: BOSTON REDEVELOPMENT AUTHORITY AND
PETER MEADE, DIRECTOR

FROM: BRENDA MCKENZIE, DIRECTOR OF ECONOMIC DEVELOPMENT
HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW
MICHAEL CANNIZZO, URBAN DESIGN
JOHN FITZGERALD, PROJECT MANAGER

SUBJECT: PENNIMAN ON THE PARK, ALLSTON

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority (“BRA”) authorize the Director to: (1) issue a Certification of Approval for the development of thirty-six (36) residential condominium units with a total of twenty-seven (27) parking spaces located at 20 Penniman Square in Allston neighborhood of Boston (the “Proposed Project”) in accordance with Section 80E, Small Project Review of the Boston Zoning Code (the “Code”); (2) enter into an Affordable Housing Agreement and any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project; and (3) recommend approval to the City of Boston Zoning Board of Appeal (“Board of Appeal”) of Petition BZC-31500 for variances with respect to use, height, FAR, rear-yard set back, and parking necessary to construct the Proposed Project.

PROJECT SITE AND HISTORY

Located beneath Union Square and south of the Massachusetts Turnpike in Boston’s Allston neighborhood across from Penniman Park, the site consists of approximately 14,136 sf of land and is bounded by Penniman Street to the west, a two (2) story commercial building to the north, Rugg Road to the east, and a four (4) story Artist Live/Work building (the “Project Site”). The three (3) existing commercial and storage concrete buildings, which occupy most of the project site, are in poor and dilapidated condition and have no historic or architectural significance to the surrounding neighborhood.

PROPOSED PROJECT

Rugg Road Realty Trust (the "Proponent") is the developer of the Penniman on the Park project. The Proponent proposes to remove three (3) existing commercial and storage buildings at 20-28 Penniman Street and features the construction of a new five (5) story, 36 unit residential building with on-site parking for 27 spaces and related improvements in open space, landscaping, and vehicular and pedestrian access to the site (the "Proposed Project"). The Proposed Project will consist of 36 condominium units with 17 covered parking spaces and 10 surface parking spaces available on an adjacent lot (also owned by the developer). The Proposed Project will remove three (3) existing commercial and storage concrete buildings at the site, which are in a dilapidated condition and have no historic or architectural significance to the surrounding neighborhood. The removal process will also include a hazardous waste site cleanup in accordance with M.G.L. Chapter 21E.

The new structure will be approximately 41,053 square feet of building, with 36 residential condominium units for homeownership on five (5) levels of building above an in-ground parking garage of approximately 9,153 sf.

Originally, the BRA Board had approved a very similar project proposed by the Proponent on the Project Site, with only thirty-two (32) units. It was approved by the BRA Board on May 14, 2009. Upon further review by the Proponent, it was discovered that the soil on the Project Site was contaminated to a degree more than originally anticipated, and would require a more expensive excavation process. The cost of this process is being off-set by the four (4) additional units that would be set back on the roof of the originally approved building, and therefore adding the 5th floor and a total of thirty-six (36) units.

The development team consists of Marc Resnick as the Proponent; Dave O'Sullivan of O'Sullivan Architects; and Joe Hanley of McDermott, Quilty, & Miller.

ARTICLE 80 REVIEW

On October 31, 2011, the Proponent filed a Project Notification Form ("PNF") for small project review, with a comment period ending December 1, 2011. A public meeting was held November 16, 2011 at the Honan Public Library in Allston in coordination with the Allston Civic Association's monthly meeting. An ad was placed in the local paper.

AFFORDABLE HOUSING

Six (6) units within the Proposed Project will be created as on-site affordable housing (the "Affordable Units"). Mayor Menino's Executive Order regarding the Inclusionary Development Policy, dated September 27, 2007 and adopted by the BRA on October 3,

2007 is applicable to the Proposed Project and requires that fifty percent (50%) of the on-site affordable homeownership units be made affordable to households earning less than or equal to eighty percent (80%) of area median income ("AMI") as promulgated by the U.S. Department of Housing and Urban Development ("HUD") and adopted by the BRA, and that fifty percent (50%) of the affordable units be made affordable to households earning less than or equal to one hundred percent (100%), but greater than eighty percent (80%), of AMI. Three of the Affordable Units will be offered at 80% of the AMI or below and three of the Affordable Units will be offered to households earning up to 100% of AMI, but greater than 80%. The location and size of the Affordable Units will be proposed by the Proponent and approved by the BRA.

Sales prices will be adjusted according to HUD guidelines adopted by the BRA at the time of the sale. The Affordable Units will not include parking spaces.

The Proponent will enter into an Affordable Housing Agreement with the BRA for the Affordable Units for the Proposed Project. The Affordable Housing Agreement must be executed along with, or prior to, the issuance of the Certification of Approval for the Proposed Project. The Proponent must also submit an Affirmative Marketing Plan (the "Plan") for the Affordable Units to the Boston Fair Housing Commission and the BRA, which shall be approved prior to the execution of the Affordable Housing Agreement. 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 homebuyers.

The Affordable Units will not be marketed prior to the submission and approval of the Plan. A deed restriction will be placed on the Affordable Units to maintain affordability for a total period of fifty (50) years (this includes thirty (30) years with a BRA option to extend for an additional period of twenty (20) years). The household income of any subsequent purchaser of the Affordable Units during this fifty (50) year period must not exceed 80% or 100% of AMI as promulgated by HUD, as applicable.

ZONING

The Site is located within Braintree Street Local Industrial Subdistrict (LI) of Allston. Multi-Family dwelling is a forbidden use. The Proposed Project will seek variances for use, height, FAR, rear-yard setback, and parking requirements.

PUBLIC BENEFITS

The Proposed Project provides a number of public benefits to the City of Boston. The Proposed Project replaces three (3) dilapidated buildings with an appropriately designed residential building built as condominiums for homeownership. It will also result in the cleaning of the existing environmental hazards that are contained on the Site.

RECOMMENDATIONS

The Proposed Project complies with the requirements set forth in Section 80E-6 of the Code for Small Project Review. Therefore, staff recommends that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project Penniman on the Park in Allston; and (2) enter into an Affordable Housing Agreement; and (3) recommend approval, subject to design review approval by the BRA, to the Board of Appeal on Petition BZC-31500 for required relief.

Appropriate votes follow:

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6 of the Boston Zoning Code (the "Code"), confirming that the proposed development of thirty-six (36) residential condominium units at 20 Penniman Street in Allston (the "Proposed Project") by Rugg Road Realty Trust, has complied with the requirements of Small Project Review, under Section 80E, of the Boston Zoning Code; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to enter into an Affordable Housing Agreement to provide six (6) affordable units, three at 80% and three at 100% of Area Median Income ("AMI"), as well as any and all agreements and documents which 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 Boston Redevelopment Authority; and

FURTHER

VOTED: In reference to Petition BZC-31500, Penniman on the Park, Allston, for required relief, the Boston Redevelopment Authority recommends: Approval with Proviso: that plans be submitted to the Boston Redevelopment Authority for design review approval.