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**“Project Notification Form, Institutional Master Plan Notification Form,
Massachusetts Mental Health Center Redevelopment,
June 16, 2009”**

Sonal,

Thank you for the opportunity to review the Project Notification Form (PNF).

Fenway CDC builds and preserves affordable housing and champions local projects that engage the entire Fenway community in protecting the neighborhood’s economic and racial diversity as well as its long-term vibrancy.

Fenway CDC has **no objections** to moving to the next phase of review the proposal for a four-building, 633,960-sf complex, submitted by The Brigham and Women’s Hospital, Inc. (BWH), Partners HealthCare Systems, Inc., and Roxbury Tenants of Harvard Association, Inc. (RTH). In the next phase, after the BRA issues a scoping determination, the proponent will file a Draft Project Impact Report (DPIR) for further public review.

We are confident that the issues we raise here, though significant, will be thoughtfully addressed. Our most pressing concern is that insufficient assurance has been offered that the residential building will ever be built. This is the single most important community benefit from this proposal. Without this significant investment in the affordable housing stock of the neighborhood and the addition of community facilities, this would be an unattractive proposal.

Fenway CDC first reviewed the PNF against our **Urban Village Plan**. The Urban Village Plan is Fenway CDC’s vision for the Fenway’s growth into the 21st century. The core of that vision is a smart-growth residential neighborhood in the heart of Boston that is welcoming to the broadest spectrum of residents.

The plan sets goals in five key areas: 1) a sufficient and varied housing supply, 2) access to public transportation and reducing vehicular traffic, 3) community-building facilities such as a community center, 4) a healthy business community serving local residents and visitors while providing employment opportunities, and 5) open space and a responsible level of impact upon the environment. The first section of our comments on the proposal reflects our assessment of how the project would advance those goals.

1. **Housing:** The greatest threat to the future of the Fenway is maintaining economic diversity among its residents. This proposal will help meet that need:



- a. The residential building (to be developed, managed and controlled by RTH) will include approximately 66 affordable rental units and approximately 70 condominiums—a substantial number of which will also be affordable—for a total of 136 new housing units.
 - b. What will trigger the start of construction for this building?
 - c. How will this building be financed? There is at least one measure of the value of this building to the community: If this were off-site, inclusionary rental housing, the developer's expected contribution to the City's housing trust fund would be \$13.2 million. Can we assume that this same amount will be internally funded by this proposal?
 - d. Will new units—affordable and market-rate, on-site and off-site—be affirmatively marketed?
2. **Transportation:** This proposal suggests no particular benefit to the transportation goals of the Urban Village Plan:
- a. While this is an example of transit-oriented development, the proposal will generate additional vehicular traffic in an already congested area (217 net new PM peak-hour trips). Adjustments must be made to make sure that this project is incrementally beneficial to the overall vehicular traffic patterns in the neighborhood and not incrementally burdensome.
 - b. No new non-accessory vehicle parking spaces are proposed. The 406 proposed new parking spaces can all be considered accessory to the other uses being built.
 - c. BWH maintains a massive inventory of 5,027 vehicular parking spaces; 2,598 of these are on-campus, and many of the others are in our neighborhood. Even the addition of a modest number of accessory parking spaces needs to be balanced against the burden this existing inventory places on the neighborhood's transportation infrastructure.
 - d. We appreciate that the proponent will implement a TDM program.
 - e. No improvements to the area transportation infrastructure are being proposed.
3. **Community-Building Facilities:** This proposal makes positive steps to meet the community's needs for public facilities:
- a. The 10,000-sf community space holds great potential. We look forward to seeing more detail about this aspect of the proposal. Who will manage the space? What rates will be charged for its use? Since this could be a significant piece of the public benefit from this proposal, we would like to see much more detail on the space and solicitation of community feedback on its function and architectural program. The space's inclusion in the residential building brings us back to our earlier concern that the plan offers little assurance that it will eventually be built.



- b. The \$1.7-million set aside to build a gymnasium, recreation and large meeting space for the community on land owned by RTH represents another significant and appreciated benefit to the community. When will this investment be made—when the project is approved or at some future, uncertain date when capital is available?
4. **Businesses:** This project will have a healthy influence on the economic vitality of the city and the neighborhood. The proponents expect the project to create 600 full-time construction jobs and 513 new permanent jobs. We applaud BWH’s pledge to focus on recruiting walk-to-work employees from Mission Hill but encourage the hospital to broaden its focus to include the recruitment of Fenway residents, as well.
5. **Open Space and the Environment:** This project does little to meet the environmental goals of the Urban Village Plan:
 - a. We appreciate inclusion of the LEED checklists as part of the PNF document. Except for the residential building, however, this project aims for barely minimal compliance with the sustainable design requirements of current zoning. We urge the proponent to explore ways to achieve higher levels of sustainability.
 - b. We would seek several clarifications. How many LEED credit points will the designs actually achieve? Can higher ratings be achieved? Will the project actually be certified as an energy-efficient building or just certifiable?
 - c. Additional LEED credit point(s) can be earned by providing at least 2.5% of the energy for a building from renewable sources. Rooftop photovoltaic panels may provide enough energy to meet this benchmark. We would like to see the proponents actively explore this idea, noting with disappointment that only the residential building lists this as a possibility, and then only as a “maybe.” (Third-party certification assures that LEED-eligible features are correctly installed and operating and provides a reliable measurement of energy savings. Taking this extra step would add significant value to the project and the neighborhood.)

We hope the following additional comments will facilitate the Article 80 development review and approval process:

1. **Consistency with Zoning (PNF page 2-20, paragraph 2.5):** Considerable variances are being requested from the current zoning. The four-building site is approximately 127,000sf (3 acres), with an average allowable maximum floor area ratio of approximately 2.0. Therefore the maximum “as-of-right” build-out would be 254,000sf. The proponents propose 633,960sf—almost 380,000sf extra or 250% of the allowed zoning—for an overall FAR of nearly 5.0.

Aside from the environmental impacts (height, shadow, sky view, wind) and transportation burden this extra development places on the neighborhood, these extra development rights represent a windfall of value being requested by the proponent. Additional development rights can be considered a gift from the public realm. The value of such rights is at least equal to the price of a vacant parcel in the vicinity that could support this building program as-of-right. Estimating that developable land in the area sells for \$50 per developable as-of-right square foot, these additional rights are worth \$19 million to the proponents.



The proponent gains significant value from the award of these development rights. In return for this windfall, we believe that the community should receive a guarantee that the portions of the project that most greatly benefit the neighborhood will get built and become usable in a reasonable amount of time.

2. ***Transfer of development rights:*** Who owns development rights granted through a process like this IMP? Can they be sold, transferred, or banked?
 - *Selling:* Should these development rights be sold by the institution that receives the zoning relief?
 - *Moving:* Are these rights, once granted, transferable from one institutionally controlled parcel to another or are they associated with the parcels for which they are granted?
 - *Banking:* Are the rights retained in the event the institution decides not to build?
3. ***Energy Systems (PNF page 3-36, paragraph 3.5.4):*** Can the sustainable design and carbon footprint data be combined in a new “energy” section in PNF, DPIR and FPIR submissions? BWH may be familiar with American College and University Presidents Climate Commitment. Has BWH published a report along those lines? We request that such a report be inserted as an appendix to the PNF.
4. ***BWH-Owned Facilities (PNF pages 4-7 and 4-8, Table 4-1):*** The list of BWH-owned properties does not include important information that should be gathered from other sources and presented as a whole. Members of the Fenway CDC’s Urban Village Committee have been asking the BRA to require institutions to provide this type of information in a unified format since 2005.

We suggest presenting a spreadsheet listing all parcels owned by the institution. The Parcel ID should be the list sort field. This fields should include; 1) Parcel ID numbers and the City of Boston assessor’s listed address and description, 2) Parcel owner, 3) Lot size, 4) Parcel real estate tax-rate category and exception status, 5) City of Boston assessed land and building values, 6) Computed annual real estate tax that assessed values imply, 7) Underlying zoning and IMP status, 8) Gross square footage of the building, number of dwellings, dwelling units, dormitory beds and number of parking spaces for each buildings on each parcel, 9) Totals and subtotals for each field.

The total of 2,110,923 square feet of facility space reported on this table compares well with the 2,004,986-square feet of exempt property space reported by the City of Boston’s Assessors office.

5. ***Payment in Lieu of Taxes/PILOT (PNF page 4-24, paragraph 4.7.1.6):*** PILOT payments are generally tied to particular parcels for set lengths of time through agreements with the City of Boston assessing department. Can BWH provide details of these agreements? If not, BWH should at least list the PILOT obligations that it has already agreed to throughout the lifetime of this IMP—that is, for each of the next ten years and including anticipated adjustments from this PNF.

BWH has not listed its current PILOT payment in the PNF. The City of Boston Assessing Department has, however, recently compiled a report that includes this information. For FY09, BWH owns \$815,886,700 of assessed value in its tax-exempt properties. If not exempt, BWH would owe \$22,118,688 a year in property tax. The hospital currently pays just \$1,315,822 in PILOT, or just 6% of the property tax burden of a comparable for-profit entity.



6. **Project Benefits, "Linkage" (PNF page 1-13, paragraph 1.3) Linkage Payments (page 4-24, paragraph 4.7.1.8):** This project should generate housing and job linkage payments. BWH has neglected to calculate these payments in the PNF. Our understanding is that housing linkage payment would be \$3,432,973. Job linkage would be \$684,850. We ask that the proponent report in the next review phase whether or not housing linkage will be internally directed to the residential building or delivered to the City's housing fund.
7. **Financing:** How will BWH finance this project?

Sincerely,

Lisa Soli
Interim Executive Director,
Fenway CDC

Marc Laderman
Member, Fenway CDC
Urban Village Committee
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Copy:

Via e-mail

David Holtzman, Fenway CDC Development and Sustainability Planner

Manuel Delgado, Board Member, Fenway CDC, Chair of Urban Village Committee, Fenway CDC

Romin Koebel, Urban Village Committee Member, Fenway CDC

Senator Steven Tolman, Second Suffolk and Middlesex

Representative Byron Rushing, Ninth Suffolk

City Councilor Michael Ross, District 8

City Councilor Stephen Murphy, At-Large