



Boston City Council

LYDIA EDWARDS
Councilor – District 1

May 31, 2019

Mayor Martin J. Walsh
1 City Hall Square, Suite 500
Boston, MA 02201-2013

Brian Golden, Director
Boston Planning & Development Agency
One City Hall Square
Boston, MA 02201-2013

Dear Mayor Walsh, Director Golden and Mr. Czerwienski:

I am pleased to submit comments on the Suffolk Downs Planned Development Area.

I support the development of the Suffolk Downs site and I believe it offers a substantial opportunity to build the middle class through quality construction and permanent jobs.

I also appreciate that the project proponents and BPDA staff have spent substantial time on planning for Suffolk Downs. Nonetheless, I have heard repeatedly from community residents, organizations, and multiple members of the project's Implementation Advisory Group that:

- there is inadequate information regarding key issues in order to sufficient render a decision on the project and Planned Development Area filing; and
- the proponent, the BPDA and the City of Boston have provided inadequate information specifically on housing affordability; and
- while the project planning has been underway for some time, East Boston residents have not been meaningfully involved until calendar year 2019; and
- there is no plan to address development-induced displacement, which will substantially impact residents of East Boston adjacent to Suffolk Downs; and
- residents of Limited English Proficiency have been inadequately involved; and
- in a project the BPDA has identified as the largest ever development for Boston, the city and the BPDA have extraordinary responsibility to do due diligence; and
- given the unprecedented scale of this project, the Cooperation, Transportation and other Master Plan agreements should be subject to community review and approved concurrently with, and not after, the Planned Development Area for Suffolk Downs.

I concur with these points.

To that end, please note I am today requesting the Boston Planning and Development Agency extend the comment period for the Suffolk Downs Planned Development Area.



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It is critical to distinguish between the extensive time the proponent and project manager have spent on the project from the specific comment period on the Planned Development Area. With regards to the overall planning process, I believe that the proponent has done remarkable work in describing their proposal to formally established civic associations and to residents of Orient Heights abutting one side of the project.

However, there has been less success at reaching highly-impacted residents, including low-income residents, communities of color and non-English speakers. Additionally, it is critical that planning and conversations around Suffolk Downs meaningfully reflect input from all populations and are not simply informative as to the nature of these plans. Comment on the Planned Development Area itself has not been a two-year process but one that began in February 2019, during which time additional information has come to light and questions about information that is not yet available have been presented to my office and to the BPDA.

I am further requesting the Boston Planning and Development Agency issue a Request for Information specific to housing affordability and fair housing, and that the Agency invite comment from pertinent city offices and experts in the field. Because access to economic opportunity, and equity in municipal services and public benefit investments are themselves issues inextricably connected to fair housing, the Agency should also consider the relation of these factors to the full inclusion of minority and Limited English Proficiency populations. The BPDA should specifically require upfront mitigation to fund ESL/ESOL classes in East Boston.

Detailed comments from my office follow.

I look forward to dialogue with the East Boston community, City of Boston, the Boston Planning and Development Agency, state agencies and the project proponent and its workforce to shape a holistic and equitable vision for the site that is fully compliant with fair housing laws and regulations. I have many kind words to say about the project proponent and have full confidence a revised project can advance. However, because the current proposal, proposed mitigation and zoning guidance would engender substantial risk of violating basic principles of fair housing, I am unable to support it in its current form. Resolution of this matter is the city's interest and will require new consideration of public involvement and investment in the project.

Regards,

A handwritten signature in cursive script that reads "Lydia Edwards".

Lydia Edwards

Boston City Councilor, District One

Chair, City Council Committee on Housing and Community Development

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Context in East Boston

Housing Crisis

Housing affordability is at a crisis in Boston, and East Boston faces particularly severe housing challenges. The Department of Neighborhood Development identifies 34,000 low-income households renter households in Boston as severely rent-burdened in its 2018 Update of the Housing Boston 2030 plan.¹ In portions of East Boston, rent-burden may exceed 40-50% of renters.² The Boston Public Health Commission has identified rates of overcrowded housing as a serious issue in East Boston, more so than any other neighborhood, with >10% of rooms occupied by multiple dwellers.³ The displacement crisis in East Boston is broadly recognized⁴ and years of speculative activity⁵ and development pressures on existing housing stock⁶ are impacting residents and threatening the fabric of the community. Residents cannot afford the burden of rising rents, and they cannot afford new housing that is being developed.

According to [Boston in Context](#), a report published by the Boston Planning and Development Agency, the median household income in Boston is \$62,021.⁷ In East Boston, the median household income is lower at \$52,935. The BPDA's report also shows income per capita in Boston is \$39,686, and in East Boston, \$26,569. An analysis by the Boston Tenant Coalition notes that for Latino families (\$31,400), black families (\$35,800) and renters overall (\$38,200) household income is even lower, while homeowners (\$104,300) and white households (\$88,100) have higher incomes. Notably, 57.4% of residents in East Boston are Hispanic or Latino. Boston is primarily a city of renters, with 64% citywide and 71.4% in East Boston renting.

East Boston households are predominantly family households (59.1%) and Eastie families reside together at higher rates than in Boston (48.2%). The average household size in East Boston is 2.8 and is projected to be 2.6 by 2030, a notable difference from the 1.58 estimated by the project proponent for Suffolk Downs.

Transportation and Traffic Congestion

East Boston is an Environmental Justice community that is physically islanded from the City of Boston. The neighborhood is both a transportation hub and is utilized as a cut-through for multiple commuting pathways. East Boston receives substantial commuter traffic from north of Boston and also hosts Logan Airport and its corresponding environmental burdens. The neighborhood hosts multiple MBTA Blue Line

¹ <https://www.boston.gov/departments/neighborhood-development/housing-changing-city-boston-2030>

² <http://www.bostondisplacement.org/maps/rent-burdened/>

³ http://www.bphc.org/healthdata/health-of-boston-report/Documents/_HOB_16-17_FINAL_SINGLE%20PAGES.pdf

⁴ <https://www.wbur.org/news/2015/07/06/east-boston-rents-residents>

⁵ <https://www.bostonglobe.com/business/2017/08/24/building-clearouts-are-rise-housing-advocates-say/7f0egrovQqCoQqeMbc79cL/story.html>

⁶ <https://www.wbur.org/artery/2018/11/07/east-boston-gentrification-zumix-stories>

⁷ <http://www.bostonplans.org/getattachment/8349ada7-6cc4-4d0a-a5d8-d2fb966ea4fe>

stops as well as multiple bus lines. Advocates and business leaders are presently seeking to expand ferry service to the area to offer alternative modes of travel, decrease cars on the road and reduce air pollution.

Congestion and its consequences, including time lost at work, are increasing as East Boston suffers a growing traffic burden. The use of the Sumner Tunnel has skyrocketed past state projections.⁸ Transportation Network Company rides have also surged, with 12 million trips to Logan in 2018 of which 5 million had no passengers. Prior to a recent surge in car traffic, the neighborhood already experienced health burdens from transportation and rates of chronic obstructive pulmonary disease are higher in the area as a consequence of airport pollution.⁹ On a positive note, demand for public transit remains strong and ridership of the MBTA Blue Line continues to increase even as it falls on other lines.¹⁰

Open Space and Climate Resiliency

East Boston is extremely vulnerable to climate change, particularly sea level rise. Without critical actions, the neighborhood and its residents would remain and become increasingly susceptible to flooding and related damages. The City has adopted a neighborhood investment strategy of addressing climate resiliency, and Climate Ready East Boston identified a series of target actions and investments for East Boston, including temporary flood barriers, park improvements and other measures.¹¹ The City Council is currently considering adopting wetlands protections¹² to safeguard critical natural areas such as Belle Isle Marsh from development impacts.¹³ The BPDA is separately planning for flood overlay zoning, although no text of such zoning is presently available.

Youth leaders in the area have noted the lack of tree canopy in the area and pressed for additional greenspace investments to improve environmental quality, cool neighborhoods and improve stormwater management.¹⁴ Residents and community organizations have also sought additional recreational spaces and open spaces, including an expanded East Boston Greenway and additional soccer fields. Due to the complex relationship of property values,¹⁵ neighborhood improvement and climate resiliency, some residents and advocates are concerned about the gentrifying impacts of resiliency investments.¹⁶

Economic Activity and Population

Today, major industries in East Boston include air transportation + support services; hospitality; building services; the restaurant industry and other food and beverage services; car/automotive equipment, rental and leasing; local and state government (including schools); outpatient care centers; and other industries such as real estate, care workers, retail, and medical (IMPLAN, 2016). As noted previously, the median

⁸ <http://eastietimes.com/2019/03/01/sen-boncore-rep-madaro-file-legislation-to-address-easties-traffic-woes>

⁹ <https://www.mass.gov/info-details/logan-airport-health-study>

¹⁰ <https://www.bostonglobe.com/metro/2018/11/28/mbta-subway-ridership-dropping-except-blue-line/qXThqCoRCCeuAkhXI0E1L/story.html>

¹¹ <https://www.boston.gov/departments/environment/climate-ready-east-boston>

¹² <https://eastietimes.com/2019/02/08/councilors-wu-and-omalley-file-local-wetlands-protection-ordinance-2/>

¹³ <https://www.mass.gov/locations/belle-isle-marsh-reservation>

¹⁴ <https://www.wbur.org/news/2017/07/05/east-boston-tree-cover>

¹⁵ <https://www.bostonglobe.com/business/2019/01/22/study-rising-sea-has-cut-home-values/RTt7hGvt380KDu6M81WOO/story.html>

¹⁶ <https://www.wbur.org/earthwhile/2019/05/02/moakley-park-east-boston-climate-resiliency>

household income and per capita income are lower in East Boston (\$52,935/\$25,569) than citywide in Boston (\$62,021/\$39,686) and incomes for Latino households also are lower than the neighborhood or city median incomes (\$31,400). East Boston has a high number of non-citizens (38%). Of East Boston's foreign-born population, the majority (75%) is from Central or South America. Although language isolation in the City of Boston is primarily found in the Asian community, East Boston, comparable with Chelsea and Lawrence, has a substantial population of Spanish speaking residents who have Limited English Proficiency.

Housing and Suffolk Downs

Proponent's Filings and BPDA Supplemental Information Request Fail to Adequately Address Housing Affordability and Fair Housing

The Draft Project Impact Report, Planned Development Area filing and the May 1st Supplemental Information Document¹⁷ do not adequately address the need for housing affordability in East Boston or the City. Comments on housing affordability and the displacement crisis facing East Boston exist within the DPIR record (*see comments from Neighborhood of Affordable Housing, GreenRoots, IAG members Mr. DeAraujo and Mr. DiFronzo, as well as Ms. Leal-Nunez, Ms. Cowie-Haskell, and Mr. Patowski*). Numerous comments have also been made on the Planned Development Area filing and in public meetings on the topic of housing affordability.

Despite this, the BPDA's February 2019 request for supplemental information, although otherwise expansive, *does not inquire about, request additional information on, or indicate any intention of analyzing or addressing housing affordability*. The Planned Development Area and DPIR proceedings also appear to lack substantial engagement by the BPDA of critical city departments including the Department of Neighborhood Development, Office of Housing Stability, Office of Fair Housing and Equity and the Boston Public Health Commission.

It is additionally unclear based on the record whether the BPDA has meaningfully consulted information on housing stock, housing tenure, race and income published by its own research division, such as the annual Boston in Context report;¹⁸ research on housing and health published by city departments or other municipal agencies such as the Boston Public Health Commission's Health of Boston report;¹⁹ or available housing data published by other entities. Regardless, the BPDA and city departments are aware of, research and publish detailed information on neighborhood income, housing and are responsible for incorporation of this information in their analysis of the project, regulatory decisions and choices around mitigation.

Outside for the formal comment proceeding, IAG members have contacted my office indicating that neither the proponent nor the BPDA have adequately addressed housing affordability. Residents, community organizations, and representatives of organized labor have vocally indicated in public

¹⁷ <http://www.bostonplans.org/getattachment/8af639bc-decb-4123-8a90-7a1a1ec759a5>

¹⁸ <http://www.bostonplans.org/getattachment/8349ada7-6cc4-4d0a-a5d8-d2fb966ea4fe>

¹⁹ http://www.bphc.org/healthdata/health-of-boston-report/Documents/_HOB_16-17_FINAL_SINGLE%20PAGES- Revised%20Feb%202019.pdf

meetings organized by the BPDA or by my office, in direct conversation, in written comment and otherwise that housing affordability measures proposed for Suffolk Downs are inadequate.

My office has previously filed comments on an array of topics on the state DEIR, Planned Development Area filing and at the Boston Zoning Commission and would be pleased file comments on a Final Project Impact Report if the BPDA moves to require an FPIR, which may be appropriate given the unprecedented impacts of this project. Regardless, the DPIR comments & related submissions should be addressed by the BPDA prior to the issuance of a Preliminary Adequacy Determination or project advancement to the BPDA board for approval.

Project Filing Proposes Minimum Level of Inclusionary Housing; BPDA has Authority to Require Greater Concession

The proponent has proposed a 13% inclusionary development standard for the project. Inclusionary development is a policy in the City of Boston. The city's current standard for inclusionary development sets a base regulatory requirement for the city and the project proponent during development review. Due to the date of project filing, the base requirement is 13%. The BPDA's established policy on Planned Development Areas indicates the Agency and Zoning Commission have the ability to establish higher levels of affordability and that if the Agency does so, the higher level trumps the base requirement.²⁰

Planned Development Areas also require substantial public benefit mitigations. Article 53 of Boston's Zoning Code outlines minimum public benefit requirements for planned development areas in East Boston.²¹ I do not believe the existing base zoning is either sufficient or sufficiently clear and my office has filed zoning amendments to clarify this section of the code. However, even under the existing zoning, even the inclusionary housing would not qualify as a public benefit because it is unlikely to be "Affordable Housing available to East Boston and Boston residents." Similarly, without serious attention and targeted mitigation to enable the full participation of people of color and Limited English Proficiency residents, it is unclear whether economic diversification or job creation at Suffolk Downs will benefit East Boston residents.

In general, BPDA policy situates substantial authority for clarifying affordable housing requirements and public benefit requirements, and for requiring mitigation beyond that established in base zoning, at the staff level. Whether or not the agency chooses to assert a higher requirement is an active policy decision that should be held in the context of fair housing obligations.

The City of Boston's current inclusionary development policy targets renters earning up to 70% of Area Median Income (AMI) or homeowners earning 80-100% AMI. In inclusionary units at 70% AMI, rents for a household of four earning up to \$79,300 would be capped at \$1850, or, for an individual earning up to \$55,550, rents in inclusionary units would be capped between \$844 for SROs, \$1,125 for studios or \$1318 for one bedroom units. If units were restricted to 50% AMI, rents for a household of four earning up to \$56,650 would be capped at \$1,284 or, for an individual earning up to \$37,750, rents would be

²⁰ <http://www.bostonplans.org/getattachment/e6644505-ce9c-4e42-b591-40e6c6049d63>

²¹ https://library.municode.com/ma/boston/codes/redevelopment_authority?nodeId=ART53EABONEDI_REGULATIONS_APPLICABLE_PLANNED_DEVELOPMENT_AREAS_S53-49PLDEARPUBE

capped at \$589 for SROs, \$785 for studio apartments and \$922 for one bedroom units. The proposal for Suffolk Downs does not contain SROs, but does contain studio units. More information is available on the BPDA's website.²²

Based on previously cited demographic information, households earning around the median income in East Boston *may* qualify for and be able to afford rental units restricted for 50% AMI, but most would not be able to afford 70% AMI units. Many if not most Black and Latino residents in Boston, and single income earners and households of renters in East Boston, would struggle to afford either type of unit so without additional assistance. These populations tend towards closer to 30% of the AMI.

The project filing does not indicate whether any units will be produced below 70% of the area median income. The BPDA has not separately indicated whether or how it will require units affordable to East Boston residents, minority residents of the City of Boston or families with children. City housing agencies have separately indicated in FY20 budget hearings that they have not been significantly engaged in the review of Suffolk Downs. The vast majority of residential units proposed at Suffolk Downs, about 6000 in Boston and 3000 in Revere, would not be income restricted in any fashion under the current proposal. Suffolk Downs' transportation modeling relied on figures of 1.58 persons per household, and subsequent submissions by the project suggest a comparable figure.

City and State Obligation to Further Fair Housing

The City of Boston is currently conducting a planning process related to an Assessment of Fair Housing. The Commonwealth of Massachusetts is currently updating its Analysis of Impediments to Fair Housing. The BPDA and other stakeholders should certainly take note of these processes as relates to the PDA filing. However, attention to fair housing is neither optional nor does it require completion of the updated assessment and analysis.

Until the city's fair housing planning reaches a new public milestone, existing state and federal law and regulation, the city's public draft assessment,²³ the published 2010 Boston Analysis of Impediments²⁴ and 2013 Commonwealth Analysis of Impediments to Fair Housing Choice²⁵ are notable documents the BPDA should acknowledge and review. Some of the relevant impediments in Boston include factors such as affordability and rent burden, displacement risk and language isolation or Limited English Proficiency.

Specifically, the 2010 Analysis of Impediments (AI) noted that “[p]atterns of racial segregation in the metropolitan area impede access by people of color to low poverty areas with high performing schools, jobs, good housing conditions, and healthy living environments”; that language barriers constrain (housing and economic) opportunities; and the AI also acknowledged that the Boston Median Income is substantially lower than the Area Median Income, the latter of which is currently used as a proxy for inclusionary development. The City and State have also identified racially and ethnically concentrated

²² <http://www.bostonplans.org/housing/income,-asset,-and-price-limits>

²³ <https://www.boston.gov/departments/neighborhood-development/assessment-fair-housing>

²⁴ https://www.boston.gov/sites/default/files/boston_ai_press_pdf_version_tcm3-16790.pdf

²⁵ <https://www.mass.gov/files/documents/2017/10/25/2013analysis.pdf>

areas of poverty “R/ECAP” in East Boston and have identified East Boston as an area with substantial percent of Hispanic/Latinx and Limited English Proficiency residents.

There is ample federal law, regulation and case law regarding fair housing. Massachusetts statute, regulation and guidance also highlight fair housing issues. Per a 2013 state guidance document, “Prohibition of discrimination and/or enforcement of antidiscrimination laws are not sufficient. Liability may arise when there is a failure to affirmatively further fair housing as required. Such a failure may include perpetuating racial segregation patterns and adopting policies and activities that have a disparate impact on a protected class.”²⁶

The federal government is extraordinarily clear with regard for proactively interventions on fair housing. The U.S. Department of Housing and Urban Development (HUD) definition of affirmatively further fair housing includes “taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.”²⁷

To their great credit, the project proponent has already agreed to include language, and has suggested a draft of language, relevant to non-discrimination within the PDA filing, including affirmative marketing measures. My office acknowledges and appreciates these efforts and will continue to work with the proponent and the BPDA on completion of this language to include all protected classes. Additionally, it is critical such language and BPDA’s oversight include procedural safeguards to bridge the gap between non-discrimination and furthering fair housing. Proposed language revisions for the Planned Development Area filing regarding fair housing have been submitted by my office, to the Boston Planning and Development Agency and are attached. My office separately filed a zoning amendment to codify fair housing requirements and a procedural review of large development within Boston’s Zoning Code.

With regards to agencies of the Commonwealth, it is worth noting that any actions taken by MassDOT, the MBTA, the MEPA Office, etc. would be subject to state and federal civil rights policies including fair housing regulations. As noted, the Commonwealth of Massachusetts and Department of Housing and Community Development are also updating Massachusetts’ Analysis of Impediments to Fair Housing. DHCD is not involved directly in Suffolk Downs, but requirements set by the Massachusetts Environmental Policy Act office and Environmental Impact Report and requirements set or mitigation proposed by the Massachusetts Department of Transportation could potentially increase or decrease impediments to fair housing.

As such, all state agencies should attend to fair housing issues which may be impacted by (1) expenditure of public benefit dollars and the choice of how investments are prioritized; (2) transportation investments specifically; and (3) overall impact on fair housing and neighborhood segregation or integration.

Risk of Disparate Impact and Neighborhood Segregation Without Strong Housing and Anti-Displacement Measures

²⁶ <https://www.mass.gov/files/documents/2017/10/25/2013analysis.pdf>

²⁷ <https://www.hudexchange.info/programs/affh/>

If the BPDA's data or other publicly available and known data demonstrates likelihood that the Suffolk Downs development will exclude one or more protected classes identified in the Fair Housing Act or Chapter 151B of the Massachusetts General Laws, or otherwise perpetuate segregation, the BPDA engenders substantial risk in prematurely approving zoning regulations, a Planned Development Area or a Draft Project Impact Report. Furthermore, state guidance on fair housing clearly indicates failure to act or omission of policy may create liability and federal regulation is clear about the obligation to *affirmatively* further fair housing.

Relevant data does exist via the American Community Survey, BPDA publications, the Boston Tenant Coalition, and other resources previously cited. As noted, the Boston in Context report published by the BPDA provides ample detail, sourced from the American Community Survey, on demographics of East Boston.²⁸ The BPDA and City of Boston regulate inclusionary development and are aware of income guidelines, and the agency and city regularly survey rent levels or purchase costs for market rate and luxury housing. The BPDA has noted and acknowledged that "proponent's modeling assumed approximately 1.58 persons per household.... average household size in East Boston is currently 2.8 persons per dwelling unit" (page 9).²⁹

Based on the known data presently available, it appears reasonably likely that approval of the current proposal as drafted would produce a demographically isolated and physical separate neighborhood, situated between census tracts in East Boston and Revere that are currently occupied by substantial quantities of low- and moderate-income people of color. Failure to ensure adequate affordable 2- and 3-bedroom units could potentially constitute a systematic exclusion of families with children. According to 2017 estimates and data available through Claritas, Inc., the census tract immediately adjacent to Suffolk Downs in East Boston contains approximately 1,616 households with children (of 2,493 households) and about one-half of residents have household incomes below \$50,000 (even discounting all potential public housing residents, this would still be upwards of one-third of the census tract).

Furthermore, an influx of higher-income residents, workers and consumers, and the creation of amenities for them, will undoubtedly produce economic impacts on adjoining areas through changes in consumer spending, property values and real estate market activity. The City of Boston and BPDA have not presented strategies for addressing economic challenges or responsibly harnessing economic development to protect those who reside in East Boston today, and such strategies do not separately exist in the Planned Development Area filing. There are no procedural checks in place to actually monitor the furthering of fair housing at Suffolk Downs or in East Boston, and no safeguards to adjust the Planned Development Area if necessary.

The city's development impact fees, or linkage programs, both indicate the need for resources to address the impacts of development and obligate the city to consider other resources. The statutory basis of these programs comes from the fact that these programs "mitigate the impact of large-scale real estate development," implying a clear acknowledgement that such impact exists and also that it is not solved by linkage alone. However, a good start toward financing anti-displacement measures would be dedication of

²⁸ <http://www.bostonplans.org/getattachment/8349ada7-6cc4-4d0a-a5d8-d2fb966ea4fe>

²⁹ <http://www.bostonplans.org/getattachment/0753c2f2-0d0a-478a-a102-b24876c86bbe>

linkage funds at Suffolk Downs toward affordable housing at Suffolk Downs and in East Boston. The proponent, BPDA, City of Boston, Boston Water and Sewer Commission and Commonwealth must also explore other strategies.

The neighborhood of East Boston is simultaneously undergoing a planning process entitled “Plan: East Boston” which will almost certainly result in substantial zoning changes, including levels of density that will remove certain triggers for deeper development review. Leveraged correctly, planning and zoning for both Suffolk Downs and the remaining areas of East Boston could enable substantial new affordable multi-family housing, reduced transportation congestion and increased economic prosperity and stability. However, without thoughtful attention to the economic needs of East Boston residents, planning and zoning could result in the accelerated displacement of many residents, including legally protected classes.

Stakeholders with Regulatory Authority Have Not Demonstrably Attempted to Resolve Risk of Neighborhood Segregation

The BPDA and Boston Zoning Commission have no demonstrated protocols in place to ensure racial equity or prevent racial segregation as a consequence of zoning and planning decisions. Because regulation outside of the base zoning requirements regarding affordable housing and public benefit are essential discretionary decisions by BPDA staff, the BPDA exercises substantial power and is accountable for the success or failure of the project to further fair housing.

Procedural safeguards, a multi-stakeholder commitment to fair housing, and an annual review (or a review coincident with each phase of development at Suffolk Downs) would substantially assist the Agency and Commission in furthering fair housing. These measures can and should be written into the Planned Development Area for Suffolk Downs, and safeguards should include the ability to adjust mitigation to guarantee attainment of fair housing.

The BPDA has certainly demonstrated the personal goodwill of individuals. Simultaneously, the agency has demonstrated a limited understanding of the structural impacts of planning and zoning on protected classes. For example, in FY19 budget the BPDA’s was asked about strategies to prevent racial and economic segregation demonstrated at and by the Seaport. The BPDA noted “the premise [behind questions about the Seaport] is that we have a tool we have not used,” indicated a limitation in authority over private development on private land and an inability to “dictate terms” for “desired social and economic justice outcomes.”³⁰ The BPDA Director also indicated considers he was “fine” with adopting racial equity as a policy but that formal policies did not presently exist.³¹ In the FY20 budget, the Director alluded to laudable trainings relative to implicit bias and staff retreats, but no agency staff identified procedures or data analysis that would further racial equity or fair housing in planning.

The BPDA and Boston Zoning Commission can, in fact, dictate the terms of zoning, of public benefits and mitigation packages, decide whether or not they are satisfactory and approve, conditionally approve or reject them. Additionally, racial integration is not a desired social or economic justice outcome—it is a civil right and legal obligation.

³⁰ <https://youtu.be/SvKmk4TM4r0?list=PLQao0hI2DAg0fygkNltAgCZJHXJjo8e2&t=5137>

³¹ <https://youtu.be/SvKmk4TM4r0?list=PLQao0hI2DAg0fygkNltAgCZJHXJjo8e2&t=11195>

On the Suffolk Downs project, the primary adjustment in planning of housing as a consequence of community feedback has been to reduce the height and alter building type in areas of Suffolk Downs adjacent to Orient Heights, due to concerns from homeowners in the area. While any response to community feedback is appreciated, the proponent and the BPDA should be cognizant of the relative social power and representation of area homeowners. The City should be thoughtful with regards to potential density requirements or limits so that they are consistent or tied to evolving neighborhood zoning regulations that may be established through Plan: East Boston.

Comments on Draft Non-Discrimination and Fair Housing Language of Proponents

The Planned Development Area filing contains language related to a non-discrimination covenant on pages 9-10. This content was authored by the proponent following discussions in December 2018 between the BPDA, proponent and district councilor. The proponent's willingness to collaborate and include such language is greatly appreciated. However, the language included in the PDA filing is presently deficient. Recommended revisions are appended to this comment letter and have been separately communicated to the project manager.

As previously noted, "fair housing" signifies more than the absence of discrimination. A complete and enforceable non-discrimination covenant would nonetheless be a valuable component of a fair housing strategy for Suffolk Downs. In its current form, the language appears to omit several categories of protected classes, notably several covered under Chapter 151B of Massachusetts law. Revised language should include all classes covered under city ordinance and state and federal statute. The mechanisms for enforcement of this covenant should also be clarified to ensure the intended purpose is achieved.

With regards to the broader intent of fair housing, the filing lacks language, procedural checks or other triggers to ensure equitable development or review progress over the course of twenty years. Approval of the PDA would essentially have the city trust in the market to deliver a fully accessible, integrated and representative new neighborhood for Boston. It is critical the city and BPDA establish procedural review for development in the area to ensure equitable growth, including safeguards that allow for adjustment of the PDA regulations or mitigation package if necessary to further fair housing and promote development accessible to all residents, including protected classes. More specifically, the BPDA should institute safeguards to prevent neighborhood segregation that would trigger both public action and amendment to the PDA filing.

Transportation Planning and Mitigation for Suffolk Downs

Transportation is a top concern for East Boston residents, and existing residents are rightfully concerned about how a development at Suffolk Downs and East Boston, as well as ongoing state project and activity at Logan Airport, will impact current traffic conditions. Elements of the pedestrian and cyclist experience at and through Suffolk Downs have evolved through productive dialogue, while other aspects, including an overreliance on Single Occupancy Vehicles and car-oriented planning, have not adequately adjusted despite comments from public agencies and community members.

City, Proponent and Community Should Continue to Collaborate on Route of Connective Paths and Trails, Shuttle Services

The proponent has thoughtfully engaged around pedestrian and bicycle infrastructure and continues to collaborate with East Boston groups, including Friends of the East Boston Greenway. Such collaboration should continue and be memorialized in the PDA as a dedicated working group with community representation, and the language for such collaboration should be shared with relevant groups prior to finalizing the PDA. The proponent has taken other positive steps within and outside of the PDA filing itself, including advocacy for the Red-Blue Connector, a critical priority for East Boston's elected delegation. Additionally, modest commitments toward electric vehicle charging stations and a new shuttle service are meritorious interventions in transportation planning.

Project Appears Geared Toward Single Occupancy Vehicles

When considering transportation options for Suffolk Downs, it is urgent to ensure growth enables transportation solutions without exacerbating burdens. The proponent is seeking to develop substantial new housing and commercial space in an area blighted with traffic congestion. The project is situated between two MBTA Blue Line stations, but appears to be heavily reliant on single occupancy vehicles. The project is currently estimated to generate between 65,276-76,8102 vehicle trips per day, depending on assumptions in modeling. At full-build, there will be an estimated 15,250 parking spaces. The bulk of transportation-related investment is intended to support cars in moving through key regional exchanges.

Prior to project approval by the BPDA, the city should require a reduction in proposed parking. Overbuilding parking at Suffolk Downs will increase vehicle trips and traffic congestion, reduce economic flexibility of proponent to meet the needs of East Boston. Approving a parking ratio nearly double the city's recommended guidelines would send a perverse signal to all other development in the City of Boston at a time when the City is seeking to shift more residents and workers to public transportation, cycling and walking. The city and proponent should also seek greater utilization of electric vehicles (EVs) and EV charging on site given the likely transition over the next twenty years to cleaner vehicles in the region.

It is notable that, in addition to local concern over traffic congestion, state agencies have expressed concerns with the current proposal (visible starting on page 297 of the state's [Certificate for Suffolk Downs Draft Environmental Impact Report](#)).³² MassDOT has noted that inbound Route 1A expansion "may result in additional cut-through traffic... in East Boston (south of Neptune road) during the AM peak." MassDOT has also noted that the proposal appears geared towards single-occupancy vehicles and, citing delays experienced today by commuter buses, requested the proponent look at rerouting North Shore buses to make a more transit-friendly proposal.

Approximately \$50m of the proposed public benefits for Suffolk Downs are off-site roadway investments (DEIR 13). Additionally, proposed parking exceeds even the proponent's estimate of peak parking by about 500 spaces (DEIR 14) and far exceeds the city's recommended parking ratio. Some commenters

³²<https://eeaonline.eea.state.ma.us/EEA/emepa/mepacerts/2019/sc/eir/15783%20DEIR%20Suffolk%20Downs%20Redevelopment.pdf>

(e.g. the Metropolitan Area Planning Council) have suggested transportation mitigation should go towards public transit, e.g. the MBTA Blue Line, or that the proponent look at alternatives to Route 1A expansion.

Comments by MassDOT, the Boston Transportation Department and other stakeholders call attention to congestion issues, impact on East Boston neighborhood streets, excessive parking proposed for Suffolk Downs and other matters. The project's emphasis on off-site road improvements may limit the ability to address transportation equity and fair housing issues affecting protected classes in the City of Boston while increasing vehicular traffic. Furthermore, the impact of inbound expansion of Route 1A could be significant for East Boston residents even with a modified plan.

Project Should Include a No-Build Analysis for Route 1A Expansions with Alternative Investments in Housing or Transportation

The Project should include a no-build analysis for Route 1A Expansions with alternative investments in housing or transportation. All public and quasi-public agencies should consider whether the overall balance of mitigation is appropriate or if public resources should be introduced or rededicated to shift private funds toward essential services. For example, MassDOT should consider, in conjunction with peer agencies, whether any state exactions from the project proponent for off-site roads may impede the ability of the proponent and city to jointly provide for the transportation or housing needs of East Boston residents and protected classes of residents that could otherwise be addressed through mitigation.

Stakeholders should evaluate shifting proposed mitigation from investments in Route 1A and off-site road improvements to public transportation, including increased service capacity on the Blue Line, improved and accelerated bus service, and financial commitment to the Red Blue Connector. Alternatively, stakeholders could memorialize a commitment that, in exchange for less substantial transportation mitigation from the proponent, allows for greater investment in affordable housing.

Investing in housing is not simply a housing investment: displacement due to a lack of affordable housing will inevitably *increase* traffic congestion as many displaced residents of Boston will likely return to the state's capital for work, albeit with a longer commute. The Commonwealth's economy remains highly centralized. The Department of Housing and Community Developments's draft Analysis of Impediments to Fair Housing Choice notes 54% of the Commonwealth's jobs are housed in the Greater Boston region.³³

City and Proponent Should Advocate for State Transportation Commitments

Finally, the city and proponent should continue to work jointly to advocate for state action on transportation. State commitments to the Red-Blue Connector, the MBTA Blue Line or tolling changes at Sumner Tunnel would ease burden on residents of East Boston and other Environmental Justice communities in the area. With regards to the Sumner Tunnel, it's worth noting the current toll structure is less than the MBTA's base fare (even prior to recent increase). As the state continues to debate smarter

³³ <https://www.mass.gov/files/documents/2019/05/09/DraftAI4-10-19.pdf>

and variable tolling approaches, simply adjusting the tolls to match the MBTA's base fare would send a more logical and equitable policy signal and encourage mode shift.

Public / Private Realm

Open Space Should Be Counted, Protected in Perpetuity and Affirm Civil Liberties

The proponent is developing 109 acres of land in the City of Boston and building a new neighborhood. Clarity on public rights, access and ownership of public spaces must be established prior to project approval. Quantity of active open spaces and green spaces should specifically be outlined and memorialized. For open spaces, public ownership or, at minimum, a deed restriction, is necessary to ensure full and permanent enjoyment of public spaces. A restriction, if utilized, should not only protect the space itself, i.e. as a conservation restriction, but also certify and guarantee free speech and civil liberties equivalent that of public parks. Such rights should also be guaranteed for public roads and sidewalks if not across the site in its entirety.

Comments from Carrie Marsh, the Executive Secretary of the Boston Parks and Recreation Commission, highlight numerous issues that must be resolved prior to project approval.³⁴ Specifically, BPRC urges protection in perpetuity, development of all open space during Phase 1, a needs assessment based on projected users, clarification about regulatory compliance and numerous other issues. These comments thoughtfully address a range of crucial matters and should be factored heavily into project design and approval.

Outside of forward-phasing open space development, memorializing public benefit in a separate document outside of the PDA, with a community organization as co-signer to the benefit, would protect pertinent benefit from future amendment. Experiences with comparable Planned Development Areas in South Boston have shown an erosion of public benefit over time unless specifically protected through binding restriction, such as the conservation restriction held on the site formerly owned by General Electric.

BPRC also comments in their 2018 letter that, at the time, the proponent did not estimate the number of residents or users. BPRC projected 10,000 to 40,000 users based on 10,000 units of housing in East Boston and Revere. The proponent separately commissioned a Fiscal Impact Analysis from RKG Associates in June 2018. In this study, based on Program A (the "Amazon" scenario, i.e. with less housing) the proponent estimated 6,615 residents, including 214 school-aged children, based on 4,295 units of housing, or a household size of roughly 1.54. The proponent has retained an estimated household size of between 1.5 and 1.6 in the new program of roughly 7,223 units in Boston for a total of approximately 10,000 units of housing on site. This would suggest at least 16,000 residents, including at least 314 school-aged children, plus potential users who work on-site and other users who are residents of East Boston and Revere.

³⁴ <http://www.bostonplans.org/getattachment/0753c2f2-0d0a-478a-a102-b24876c86bbe>

The proponent's projection of residents are likely too low, underestimating impact and need. As noted, for the purposes of furthering fair housing and neighborhood integration, the proponent should ensure adequate affordable family housing and this would increase overall users regardless of the accuracy of the current estimate. Given the balance of residents and other users and need to increase target household size, open spaces at Suffolk Downs should be planned for upwards of 20,000 residents on site. East Boston residents today have also specifically identified a need for increased recreational space, with additional soccer field in particular being highly desired by the community.

In the PDA filing, the proponent should distinguish green spaces and a commitment to greenspace specifically from other open spaces. Recent moves to highlight passive as opposed to active open spaces are helpful, but the actual commitment to green space is relevant in a neighborhood that is vulnerable to climate change, burdened by air pollution and disproportionately lacking tree canopy. Tree planting is presently encapsulated in the PDA filing.

Action by the BPDA to secure public ownership and management of open space at Suffolk Downs would facilitate the resolution of comments filed by the Parks and Recreation Commission. The Agency has recently highlighted examples of privately managed open space, notably A Street Park. While relevant as a use case, this park is 1.6 acres in size and not comparable in scale, so additional consideration is warranted as to both ideal arrangement and logistical needs that may differ in a substantially larger site.

Open space in other Planned Development Areas, such as Seaport Square, has atrophied with PDA amendment revisions. Ultimately, authority to modify any open space commitment should be severely limited and divorced entirely from administrative economic development policy which may vary over time. The BPDA and City should evaluate whether public ownership could facilitate state or federal support and allow for private mitigation to be expended on other public benefits.

Civic Space Has Expanded, Should Be Codified in Separate Agreement

The proponent has increased civic space from 2,500 square feet to 40,000 square feet in the City of Boston. The change is notable and appreciated. Regardless, the BPDA, Office of Neighborhood Services and other stakeholders should continue to consider and take input from East Boston and other stakeholders as to whether this is adequate civic space to create, fully enrich and serve a neighborhood. Recently large-scale developments in the Seaport or in other areas such as Assembly Row lack requisite neighborhood amenities, and as noted, the evolution of some developments in Boston have failed to preserve civic and open space concessions fought for by community residents.

In concept, it is logical to allow for some level of flexibility in the functions of civic space as needs evolve and additional desired uses emerged. However, *any use deemed necessary* and *minimum overall civic space square footage* should be codified in a community agreement established separately from the Planned Development Area filing. The BPDA should be cognizant of a variety of necessary and requested uses, some of which include community meeting space, childcare, jobs training, health care and performance space. Childcare may be separately required through the zoning code, and as such it may be valuable to count this as a separate use.

Community residents in East Boston have asked whether the proponent could deliver land as mitigation, either to increase civic spaces, to provide for cooperative (community-owned) housing and or to provide for basic municipal services. The city may also want to request land as mitigation for the provision of municipal services, given recent dialogue and lessons in other areas, including South Boston, about the provision of police and fire services in the Seaport. Additionally, the city should continue to evaluate the need for public schools in East Boston and at Suffolk Downs. The proponent should specifically meet with Boston Public Schools in the near future and as adjustments are made to projected school-age children on site.

The East Boston Social Center, East Boston Health Center, Friends of Belle Isle Marsh and other community organizations have made valuable requests for early education and learning space, space for health care facilities and a nature center to enhance safe and ecologically responsible visitor experience of the marsh. Other community organizations have requested land be made available for cooperative housing or other creative community-owned housing or enterprise.

Ownership and Operation of Roads, Trails and Corridors Should Remain a Public Function

The city is obliged to provide equal public services to all residents. Creating a private neighborhood with either superior or inferior services would at best contravene city policy and contributes to a concerning erosion of the public sphere that may have lasting consequences. Regardless, as noted previously, civil liberties and free speech should be guaranteed in public spaces through a binding legal agreement regardless of ownership of roads or other transportation conduits.

Neither the BPDA nor the proponent have adequately justified widespread private ownership of key public functions. Public acquisition, maintenance and protection could be a condition of project approval, would open up capital and operational mitigation for other uses and may allow for a greater diversity of resources being invested in the project. Furthermore, allowing for private ownership of roads, open spaces, etc. may render the project ineligible for certain state grant funding for public works. The City and proponent should exercise extreme caution and evaluate whether ensuring public ownership would in fact better accommodate public and private goals for the project, including financial feasibility.

Environment and Climate Resiliency

Project Would Improve Connectivity of Neighborhood & Improve Access to Recreational Spaces

The project as proposed would improve the connectivity of Suffolk Downs to and through existing East Boston neighborhood and improve access to recreational spaces. The proponent has received comment and thoughtfully elaborated gradual changes to increase bicycling amenities, cycle tracks, design of the East Boston Greenway, connective measures from Constitution Beach to Revere Beach, and design for the link from Orient Heights Station to Winthrop via Belle Isle Bridge. The proponent should continue to engage as requested and as detailed below, but should be applauded for existing efforts and any further commitments (including soccer fields eagerly anticipated by the East Boston community). Notably, the Friends of Belle Isle Marsh have also suggested the proponent support local pathways and boardwalks

within the park, specifically highlighting the need for a functional Lawn Avenue boardwalk to the Main Reservation on Bennington Street.

Project Should Memorialize Commitment to Continued Resident Involvement

The Planned Development Area should memorialize a commitment to interactive stakeholder involvement in open space planning, including organizations such as Friends of the East Boston Greenway / Greenway Coalition, Friends of the Belle Isle Marsh, GreenRoots, Harborkeepers, Beachmont Improvement Committee, the Boston Parks and Recreation Department, City of Revere and other entities in East Boston and Revere expressing a desire to engage. The BPDA and proponent should share draft language codifying this commitment to an intercity and community working group with the relevant community organizations prior to project approval.

Changes in Plan Have Reduced Greenhouse Gas Emissions; Proponent Should Continue to Pursue Microgrid Development

Since the Draft Environmental Impact Report filing, the proponent have engaged with the Department of Energy Resources and the BPDA. In public presentations, the proponents have demonstrated an understanding of the need to reduce energy consumption and energy use intensity. Based on the initial project filing, the project could have emitted as much as 72,554 - 90,230 tons of carbon dioxide or equivalent pollutants annually. The proponent has indicated subsequent changes, including adoption of Passive House and Energy Positive (E+) standards in some buildings, coupled with the large shift to “Program B” (residential) have commendably reduced the range of emissions to between 45,159 - 77,061 tons annually. The project proponent has made a commitment to solar development, but should continue to seek greater siting of renewable energy on site. Additionally, any emissions estimates not reflective of parking may warrant, as noted, a reexamination of parking or transportation planning on-site.

The project proponents have alluded to, but do not describe, potential legal and financial constraints around local energy microgrids. Proponents should detail barriers, many of which may be resolvable. To the extent there are legal constraints, the District Councilor’s office would be pleased to work with the East Boston delegation and members of the General Court to address related issues. Notably, House Speaker Robert DeLeo and Telecommunications, Utilities and Energy Chair Thomas Golden have recently filed *An Act Relative to GreenWorks*.³⁵ This legislation would make funding available for microgrid projects “located on the property of at least two neighboring municipal buildings” or climate resiliency projects “located on public land or on public leasehold, right-of-way or easement,” perhaps bolstering the case for ensuring a public role in the ownership or management of portions of the Suffolk Downs site, or for microgrid development tied to municipal basic services on site.

Project Should Demonstrate Preparedness for Sea Level Rise and Extreme Precipitation

The project is currently leveraging two primary strategies for preparing for climate resiliency: constructing or designing and enhancing a network of open spaces and mitigation payments to Boston

³⁵ <https://malegislature.gov/Bills/191/HD4234/>

Public Works and Boston Water and Sewer. The proponent should ensure the project is fully prepared for both sea level rise and extreme preparation, and that adequate preparations are taken to protect residents from any climate-related damages to nearby industrial facilities, including the Global Oil terminal in Revere. The Friends of Belle Isle Marsh (FBIM) have also requested that an independent study be completed to help understand the effects of climate change on the salt marsh as a whole and guide climate adaptation strategies in order to further resiliency while preserving the local ecosystem. To that note, FBIM have also requested an assessment of wildlife onsite.

Economic Development and Job Creation

Suffolk Downs is seeking to attract a wide array of employers for uses ranging from residential, office, research and development, market, entertainment, food, service industry and hotel. The economic development program would certainly expand Boston's economy. In order to truly deliver "diversification and expansion" of Boston's economy (the requisite public benefit under Article 53 of Boston's zoning code), the project must provide economic opportunity to a wide range of residents. The city's role in this development should be to ensure jobs and economic benefit accrue to a range of Boston residents reflective of Boston's diversity.

Community members have testified as to their exclusion from the economy or economic boom due to language barriers, lack of upfront capital, immigration status and other factors. Residents have also expressed the need for financing and business partnership for cooperative enterprise and desired space for cooperative business development. Members of organized labor, including residents, former residents and non-residents, also testified as to both the desire for living wage jobs and the need for greater affordable housing in order to be able to live in the communities they are building or otherwise employed in.

The proponent and BPDA should ensure all relevant uses are included in the PDA, zoning and planning. Educational facilities, health centers and health services, currently major employers in East Boston and likely necessary on-site itself, should be included in the PDA.

Lease Terms for Local Entrepreneurs; Space for Recruitment/Training

The proponent has committed 10% of retail space to be reserved for local businesses with "flexible lease terms." Flexible lease terms are presently undefined and the proponent and the City's Economic Development staff should jointly develop these terms in conversation with East Boston entrepreneurs in order to ensure they serve the intended purpose of providing economic opportunity and affordable commercial spaces. The city and BPDA should ensure the 10% commitment is binding after any initial retail lease and all retail leases transition. Additionally, the proponent should ensure "flexibility" includes a commitment to long-term leases for local businesses that desire them, as local and small businesses lack long-term predictability or may operate on month-to-month arrangements.

More recently, the proponent has alluded in public presentations to use of spaces on-site at Suffolk Downs for jobs training and recruitment areas, including as touchpoints for entry into union pre-apprenticeship programs. These are positive developments and should be further clarified in the PDA

filing, in conversation with the Office of Economic Development, and in the strategic deployment of mitigation funds and payments to the Neighborhood Jobs Trust.

Equity and Inclusion Strategies; Limited English Proficiency Residents

Meaningful action to affirmatively further fair housing should examine economic opportunity in the labor market that can support economic stabilization of protected classes and address impediments to fair housing. Recent experience by Spanish-speaking East Boston residents with Encore Boston Harbor shows how language access has created barriers to employment for residents who are neighbors to the proposed Suffolk Downs development.

A commendable report published by the Office of Workforce Development and the BPDA in March 2019 entitled “Untapped: Redefining Hiring in the New Economy” further details the need to invest in ESOL programs as one of its.³⁶ An additional BPDA report, “Demographic Profile of Adult Limited English Speakers in Massachusetts,” highlights clear pay differentials between English Proficient workers and those with Limited English Proficiency, as well as concentration toward industries with lower-paying work.³⁷

The proponent should financially contribute toward ESOL programming that is tied to a concerted economic and workforce strategy. This kind of upfront mitigation and jobs training should be leveraged to ensure the Suffolk Downs project benefits East Boston residents. Additionally, the proponent and city should engage and demonstrate partnership with a variety of stakeholders, including Action for Regional Equity, the Center for Cooperative Development and Solidarity (CCDS), the Massachusetts Coalition for Occupational Safety and Health, the Immigrant Worker Center Collaborative, East Boston Chamber of Commerce, Latino Merchants Association and IAM local 1726 (located in East Boston), among others.

Economic Development Chief Barros commented during an April 26, 2019 hearing about the administration’s desire to expand Boston’s economic development center³⁸ to outer neighborhoods. This would be a boon to East Boston. Several of Boston’s economic development “outposts” and physical offices for union pre-apprenticeship programs are located in the Roxbury and Dorchester neighborhoods, relatively distant from the East Boston area. The ability to localize and tailor services and recruitment strategies in East Boston and for Suffolk Downs specifically would help achieve admirable citywide goals.

The Office of Economic Development’s Director of Equity and Inclusion, Celina Barrios-Millner, also commented on the Office’s experience engaging the construction industry and building trades.³⁹ The continued of the Office to worker preparation and training well in advance of construction start date, particularly with regard to advancing diversity in core construction crews, would be valuable and the proponent should engage fully in these efforts. To support equity in both temporary and permanent employment, the Office of Economic Development and Office of Workforce Development may want to

³⁶ <https://owd.boston.gov/wp-content/uploads/2019/03/Untapped-Redefining-Hiring-in-the-New-Economy.pdf>

³⁷ <http://www.bostonplans.org/getattachment/dfe1117a-af16-4257-b0f5-1d95dbd575fe>

³⁸ <https://youtu.be/IE2FuxvlsuA?t=2353>

³⁹ <https://youtu.be/IE2FuxvlsuA?t=2533>

consider paired strategies that involve language and skills-building that allow for expanded opportunities in the near-term and pathways to higher-paying careers down the line.

The proponent should meet with Economic Development and the district councilor prior to construction to discuss (1) opportunities for economic development and training spaces in East Boston or at Suffolk Downs, (2) contracting opportunities that will be available during and after construction, in order to develop an appropriate training pipeline and (3) opportunities for proponent to support training initiatives to support diversity in employment and hiring and any other issues identified by Economic Development.

Project Commitments and Mitigation

Binding Agreements Must Be Subject to Community Review, Presented Concurrently with Planned Development Area

Community residents and organizations have requested and are requesting the Boston Planning and Development Agency allow for concurrent review of the Cooperation Agreement, Transportation Access Master Plan, DIP agreement and other binding legal documents with the Planned Development Area prior to a vote on the PDA's approval. There is no substantive reason why the BPDA cannot facilitate this process. In fact, doing so is critical to ensuring Boston residents can actually know what binding conditions development at the largest project in Boston's history are subject to.

Furthermore, Boston's zoning code specifically allows for conditional approvals. Should the BPDA's director and its board find it useful and necessary to allow the project to advance, they are legally and logistically capable of signalling the overall goodwill toward the project while requiring additional actions. For example, a conditional approval could affirm the general direction of the cooperation agreement and require a second board vote of approval, with public hearing, to approve the document itself.

Such agreements will be devised well in advance of proposed construction dates, and transparency and full consultation of the East Boston community and the East Boston legislative delegation need not delay building permits, construction schedules or other critical milestones.

Mitigation Must Prioritize Full Inclusion of Protected Classes

In doing due diligence on areas such as transportation infrastructure and climate resiliency, the City of Boston appears to, based on comments and supplemental information requests, have sought substantial investment from the project proponent into public works and climate resiliency. The city's work on climate and transportation are commendable and the private sector should play a role in advancing the public good during development projects. However, requests for infrastructure expenditures or mitigation that benefits the city by reducing local capital or operating expenditures must be secondary to such mitigation as is necessary in order to prevent housing segregation or a disparate impact against one or more protected classes.

To put it plainly: if there is a limited pool of private dollars that can be expended as mitigation, the city is obliged to dedicate these funds toward ensuring adequate housing for its residents, or otherwise accounting for these needs with a targeted plan for public investment that addresses the apparent need.

Choices around how mitigation dollars are spent or endorsement of private management of public spaces to facilitate cost savings are discretionary policy decisions. For example, *the city could opt to require public ownership or maintenance of roads and parks as a condition of zoning approval if it felt that private funds were best expended on housing.* Indeed, doing so would free up millions of dollars that could be leveraged to finance additional affordable housing on site and in East Boston. Maintenance of open spaces alone is estimated by the proponent to cost roughly \$500,000 annually, which could otherwise be used to fund an additional affordable unit on-site each year.

Securing Fair and Affordable Housing through Dedicated Revenue, Cost Saving

<u>Source</u>	<u>Stakeholders</u>	<u>Detail</u>	<u>Amount</u>
Dedicate 100% Linkage to East Boston & Suffolk site	City and Neighborhood Housing Trust	Creation of East Boston housing fund	\$4.45m (Phase 1B) to \$81m at full build out
Dedicate Net Revenue	City	City	\$5.15m (phase 1B) - \$33.8m annually
Existing Local Option Taxes	City	City allocates local option sales fees	~\$1.9m / year, included above
New 1% Fee on Retail Transactions	Proponent includes commitment in retail leases	Leases include commitment from retailers to housing	TBD
City Maintains Open Space	City / Proponent	Relieve proponent of open space expenses	\$500,000/year
City Waives Rental Registration Fees	City / Proponent	Relieve proponent or lessee of expense	TBD / year
Alternative Water and Sewer Finance Mechanism	BWSC / Boston Public Works / Proponent	Support water and sewer infrastructure expansion through systems-benefit charge on Phase 1B water/sewer bills. Municipality could also issue bonds.	TBD
MassWorks: Funding for Public Roads, water & sewer	City and HYM engage EOHED	Grant application for roads, water/ sewer	TBD, total cost ~\$47m
Proposed GreenWorks program	City and HYM engage General Court / MA House regarding bond funding	Proposed state bonding program for clean energy / resiliency funding	TBD, cost estimated at \$6.6m just for Tide Gates, Pump Stations
Shift Resources from Off-Site Transportation Benefit / 1A investments	MassDOT / MEPA / Proponent / BTD	Reinvest planned road changes to housing or public transit, or fund thru MassDOT's CIP	TBD, estimated costs > \$25m (1A) - \$50m (offsite roads)

Project Requires Amendment to Meet Standard for PDAs and Fair Housing

The Planned Development Area process is governed by [Section 80-C](#) of Boston's zoning code and by a [2014 Boston Revelopment Authority policy](#). Suffolk Downs is subject to additional guidelines pursuant to Article 53 of the Zoning Code. Section 53-49 specifically offers modest public benefit guidelines.

There are five basic criteria for approval of PDAs under 80-C, which can be summarized as:

- The PDA matches the **base or underlying requirements**, for example, density of development, PDAs are **allowed in the area** and **geographically conform** with their district or neighborhood
- The PDA meets the **public benefits & other criteria** required by the underlying zoning
- Finally, the PDA as a whole must **“not be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens.”**

After the comment period on a Planned Development Area, and if the BPDA Director is supportive, the PDA proceeds to a vote at the BPDA board and the Zoning Commission. The BPDA board has [three options](#): approve the plan, conditionally approve the plan, or disapprove the plan. If substantial PDA amendments are proposed later, they go back to the BPDA board and zoning commission, or, for minor amendments, just the BPDA board.

In December 2018, the proponent petitioned the Boston Zoning Commission to amend the base zoning code, specifically increasing the maximum Floor Area Ratio. At that time, the proponent, BPDA and district councilor agreed, during public testimony, to jointly support the FAR/density increase provided that the Planned Development Area establish fair housing protections and include pertinent language. To their credit, the proponent provided a draft of fair housing language in the PDA submissions. *Completion of this non-discrimination language and relevant mitigation planning and procedural oversight in conjunction with the BPDA and city agencies is necessary to ensure the attainment of fair housing at Suffolk Downs.*

PDAs require public benefits as a condition of approval. The published BPDA guidance on Planned Development Areas indicate that PDAS must offer “significant mitigation and public benefits for the immediate area and surrounding neighborhood.”⁴⁰ Under the current public benefit guidelines for Article 53--which are themselves inadequate--the project would only clearly qualify through enhancements to open space and aesthetic character and would not clearly provide significant benefits to the surrounding neighborhood.

As noted, due to a variety of factors including the income levels of East Bostonians, at this time it is unclear whether the project will provide “Affordable Housing available to East Boston and Boston residents” pursuant to Article 53-49. The project will create jobs, but it is unclear without further guidelines or clear mitigation plans whether the proposal will “diversify” or expand “job opportunities” given Boston's booming economy, the established presence of relevant sectors in the city, and lack of clarity about Boston residents' access to jobs at Suffolk Downs given the current mitigation package, particularly as relates to minority and Limited English Proficiency residents.

⁴⁰ <http://www.bostonplans.org/getattachment/e6644505-ce9c-4e42-b591-40e6c6049d63>

Finally, the PDA as a whole must “not be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens.” Suffolk Downs has the *potential* to provide incredible benefits to the neighborhood, and this is achievable through a reconfiguration of the housing and mitigation planning. However, at present, the reasonable risk of neighborhood segregation and the unmitigated displacement impact to East Boston would be, on balance, injurious. Even if the BPDA ruled that the current proposal met all PDA standards, the BPDA board would be knowingly in violation of fair housing and potentially exposed to legal liability.

As such, the PDA should not advance without clear commitments from all stakeholders and dedicated resources and planning to further fair housing at Suffolk Downs and in East Boston. Such planning should fully engage and involve the incredible talent and intellect present at the City of Boston’s housing and economic development agencies. Such plans should also be informed by the demographic data and economic limitations facing legally protected classes in Boston and East Boston today, and economic opportunities that can be made available to them.

The project proponent includes a high-road team of excellent reputation, clearly committed to transform the site at Suffolk Downs. Continued partnership with the city, state and the East Boston community will no doubt result in a remarkable and visionary project.

Proposed Revision to Non-Discrimination and Fair Housing Covenant (PDA 9-10)

As a requirement for the issuance of the first building permit for the construction of any building within the Master Project, the following covenant (the “Non-Discrimination and Affirmatively Furthering Fair Housing Covenant”) shall be recorded in a form approved by the General Counsel of the BPDA:

A. Specific obligations. The Proponent assumes the following duties with respect to the Master Project and each Phase:

1. Obligation not to discriminate. The Proponent, and its successors-in-interest as to the PDA Area or any part thereof, shall be subject to all federal, state and local fair housing laws and shall not discriminate in the rental, sale, advertising, marketing, and/or discriminate in the terms and conditions of housing, provision of facilities or services, or withhold or otherwise deny or make housing unavailable, on the basis of a person’s membership in a protected class, based upon the person’s race, creed, religion, color, national origin, ancestry, age, sex, sexual orientation, gender identity, disability or handicap, familial status, children, marital status, source of income, receipt of public assistance, rental assistance or housing subsidy, veteran status, genetic information and any other protected class that is currently recognized under state, federal or local law, or may become recognized under such laws as amended. Without limiting the foregoing, the Proponent and its successors-in-interest are expressly prohibited from discriminating against, refusing to lease to, or terminating the tenancy of, a voucher holder or recipient of rental assistance under Section 8 of the United States Housing Act of 1937, the Massachusetts Rental Voucher Program, or other federal, state, or local rental assistance program, because of the status of the tenant or prospective tenant as such a holder or recipient of public benefits, rental assistance, or housing subsidy program or because of the requirement of such public assistance, rental assistance or housing subsidy program.
2. Obligation to Affirmatively Further Fair Housing. Pursuant to the Fair Housing Act, 42 U.S.C. 3608 (e) (5), all transactions affecting or respecting the installation, construction, reconstruction, maintenance, rehabilitation, use, development, sale, conveyance, leasing, management, occupancy or administration of all property within the PDA Area, or any portion thereof, shall be conducted in a manner that affirmatively furthers the policies of fair housing as set forth in the Fair Housing Act, by, *inter alia*, promoting access to integrated, non-discriminatory housing and employment opportunities in East Boston and the City of Boston as a whole. The Proponent and its successors in interest shall comply with City of Boston Linkage and Inclusionary Development requirements. Further, no policy or practice of the housing provider shall discriminate in any manner prohibited by local, state or federal law. Any violation of local, state, or federal anti-discrimination law committed in the installation, construction, reconstruction, maintenance, rehabilitation, use, development, sale, conveyance, leasing, management, or occupancy of any real property within the PDA Area

shall also be deemed a violation of this Non-Discrimination and Affirmatively Furthering Fair Housing Covenant.

3. Affirmative marketing requirements. All housing developed at this site shall be affirmatively marketed to members of all classes protected by the Federal Fair Housing Act (42 U.S.C. § 3601 et seq.), the Massachusetts Anti-Discrimination Law (M.G.L.c151B), and/or the Boston Fair Housing Ordinance (Boston Code of Ordinances, Chapter 10-3) The Proponent agrees for itself, and its successors and assigns, that during construction of the Master Project and thereafter, when the Proponent, or its successors and assigns, develop and carry out a program of advertising for the sale and/or rental of the residential portion of the Master Project, the Proponent, and its successors and assigns, shall include in advertising therefor (including signs), the legend “An Open Occupancy Building,” in type or lettering of easily legible size and design. The word “Project” or “Development” may be substituted for the word “Building” where circumstances require such substitution. It shall be unlawful to make, print or publish, or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of housing that indicates any preference, limitation or discrimination based on protected class status. All units shall be subject to the City of Boston Affirmative Marketing requirements.
 4. Requirements for project advertising. The Proponent further agrees for itself, its successors and assigns, that during construction of the Master Project and thereafter, the Proponent, and its successors and assigns, shall include in advertising for the sale or rental of any residential portion of the Master Project or any portion thereof, a statement to the effect that (a) the Master Project is open to all persons without discrimination on the basis of race, creed, religion, color, national origin, ancestry, age, sex, sexual orientation, gender identity, disability or handicap, familial status, children, marital status, source of income, receipt of public assistance, rental assistance or housing subsidy, veteran status, genetic information and any other protected class that is currently recognized under state, federal or local law, or may become recognized under such laws as amended; and (b) there shall be no discrimination in public access and use of the Master Project to the extent that it is open to the public.
- B. Applicability of this Covenant. In addition to the Proponent and its successors in interest as to the PDA or any part thereof, this Non-Discrimination and Affirmatively Furthering Fair Housing Covenant shall apply without limitation to owners, lessors or sublessors, real estate brokers, assignees or managing agents of publicly assisted or multiple dwelling or contiguously located housing accommodations or other covered housing accommodations, or other persons having the right of ownership or possession or the right to rent or lease or sell such accommodations, or any agent or employee of such person or organization of unit owners in a condominium or housing cooperative.

- C. Procedures in case of sale or transfer of property within PDA Area. The foregoing Non-Discrimination and Affirmatively Furthering Fair Housing Covenant shall be included in a recorded declaration or other recorded document that is binding with respect to the PDA Area and Master Project. Each and every contract, deed or other instrument hereafter executed conveying the Master Project or PDA Area, or any portion thereof, shall expressly provide that such conveyance is subject to this Non-Discrimination and Affirmatively Furthering Fair Housing Covenant, provided, however, that the covenants contained in this Non-Discrimination and Affirmatively Furthering Fair Housing Covenant shall survive and be effective regardless of whether such contract, deed or other instrument hereafter executed conveying the PDA Area or Master Project or any portion thereof provides that such conveyance is subject to this Non-Discrimination and Affirmatively Furthering Fair Housing Covenant. The Proponent and/or any of its successors in interest shall notify the BPDA and City of Boston in writing of any transfer, sale or exchange of the PDA Area or Master Project, or any portion thereof, and notify in writing and obtain the agreement of any buyer or successor or other person acquiring the PDA Area or Master Project, or portion thereof, that such acquisition is subject to the terms of this Non-Discrimination and Affirmatively Furthering Fair Housing Covenant. At the time of the closing, the Proponent and/or any of its successors in interest shall provide a copy of such writing and agreement to the BPDA and City of Boston. The BPDA or the City of Boston may void any sale, transfer or exchange of the PDA Area or Master Project, or portion thereof, if the buyer, successor or other person fails to assume in writing the requirements of this Non-Discrimination and Affirmatively Furthering Fair Housing Covenant. The Proponent and/or any of its successors in interest shall not execute any other agreement with provisions contradictory to, or in opposition to, the provisions hereof, and in any event, the requirements of this Non-Discrimination and Affirmatively Furthering Fair Housing Covenant are paramount and controlling, and supersede any other requirements in conflict herewith.
- D. Enforcement of this Covenant. It is intended and agreed that the covenant in this Non-Discrimination and Affirmatively Furthering Fair Housing Covenant shall be covenants running with the land, binding to the fullest extent permitted by law and equity for the benefit and in favor of, and enforceable by, the BPDA, its successors and assigns, and the City of Boston, both for and in its or their own right and also to protect the interest of the community and other parties, public and private, in whose favor or for whose benefit the covenants have been provided, against the Proponent, its successors-in-interest as to the PDA Area or Master Project, or any part thereof, and any party in possession or occupancy of the PDA Area or Master Project, or any part thereof, provided that for purposes of any breach of the non-discrimination covenants and any enforcement thereof, each parcel or unit within the PDA Area (including without limitation any individual residential units that may be created and sold), and each owner and any party in possession or occupancy, shall be treated as separate from any others, with each such owner or party to be responsible for its own compliance and actions with respect to its own portion of the PDA Area; provided further that under no circumstances may the Proponent, its successors in interest, or any other party herein referred to, delegate, assign or otherwise transfer to any other

person or entity its own responsibility to comply with this Non-Discrimination and Affirmatively Furthering Fair Housing Covenant. It is further intended and agreed that the Non-Discrimination and Affirmatively Furthering Fair Housing Covenant shall remain in effect with respect to the Proponent, and its successors in interest with respect to the PDA Area or Master Project, or any part thereof, without limitation as to time. The restrictions contained in this Non-Discrimination and Affirmatively Furthering Fair Housing Covenant are intended to be construed as an affordable housing restriction as that term is defined in Section 31 of Chapter 84 of the Massachusetts General Laws, and which has the benefit of Section 32 of said Chapter 184 of the Massachusetts General Laws, such that restrictions contained herein shall not be limited in duration by any rule or operation of law but rather shall run in perpetuity.

- E. Remedies in case of default. For any violation of this Non-Discrimination and Affirmatively Furthering Fair Housing Covenant, the BPDA or the City of Boston may declare a default effective on the date of such declaration of default, and may apply to any court, state or federal, for specific performance of this Non-Discrimination and Affirmatively Furthering Fair Housing Covenant, or any other remedies at law or in equity, or take any other action as may be necessary or desirable to correct noncompliance with this Covenant, including seeking an order to void or require sale or other transfer of property in the PDA Area or Master Project by the person or persons in breach or default. Persons who reside in and/or are employed in, and applicants for housing or employment in, the PDA Area and Master Project, or part hereof, are intended third-party beneficiaries of this Non-Discrimination and Affirmatively Furthering Fair Housing Covenant and shall be entitled, for any breach of this Covenant, and in addition to all other remedies provided by law or equity, to enforce specific performance of obligations under the Covenant. In the event of a default or breach of the Non-Disclosure and Affirmatively Furthering Fair Housing Covenant, the person or persons in breach or default shall reimburse the BPDA, City of Boston, or other third-party beneficiary plaintiffs for all costs and attorneys' fees incurred associated with such breach or default.

Proposed PDA addition re: “Development Equity and Fair Housing Monitoring”

xx. Ongoing Monitoring Obligations. At the conclusion of Phase 1, and each subsequent Phase, the Proponent shall, in partnership with the Boston Redevelopment Authority and Office of Fair Housing and Equity, prepare a report (hereinafter referred to as a "Development Equity Report") describing its ongoing compliance with the requirements of this Master Plan and any subsequent agreed-upon community benefits agreements pertaining to the Master Project and/or PDA Area. The Proponent shall provide copies of each Development Equity Report to the BPDA, the Boston City Council, the Office of Housing Stability, the Office of Fair Housing and Equity, and the Mayor's Office of Workforce Development. The BPDA and the Proponent shall hold a public hearing to discuss each Development Equity Report and consider whether to modify the requirements of this Master Plan and/or the next Phase in order to better promote the Housing, Public Benefits, and Transportation goals of the Master Project. Compliance with the review process outlined in this Paragraph (as well as making any modifications to the Master Plan and/or Phase documents recommended by the BPDA and/or City of Boston in the course of its review) shall be a precondition for the commencement of Phase 2 and each subsequent Phase of the Master Project--that is, no building permit shall issue with respect to any construction located within the area of any subsequent Phase until the public review of the Development Equity Report for prior Phase is complete. The requirements of this Paragraph shall also apply to any of the Proponent's successors-in-interest, should the Proponent sell or transfer all or part of the PDA Area during the pendency of construction.

Proposed Fair Housing Zoning Amendment
Offered by COUNCILOR LYDIA EDWARDS



**CITY OF BOSTON
IN CITY COUNCIL**

**ORDER REGARDING A TEXT AMENDMENT FOR
BOSTON ZONING CODE RELATIVE TO FAIR HOUSING AND
INTEGRATED COMMUNITIES**

- WHEREAS,** On April 11, 1968, President Lyndon Johnson signed the Civil Rights Act of 1968, including Title VIII of said legislation, the Fair Housing Act; and,
- WHEREAS,** The Fair Housing Act outlawed discrimination in sale, rental, and financing of housing; and,
- WHEREAS,** Beginning in 1968, federal, state and municipal jurisdictions have recognized the obligation to proactively address, or, as defined in 24 CFR 5.152, affirmatively further, fair housing through meaningful actions that overcome patterns of segregation and foster inclusive communities; and,
- WHEREAS,** The City of Boston has committed to the elimination of discrimination, within Chapters 10-3 and 12-9 of the Boston Municipal Code and elsewhere through policy and executive action, and has conducted listening sessions relative to fair housing; and,
- WHEREAS,** The city's zoning code and development review procedures lack affirmative measures to further fair housing; *NOW, THEREFORE BE IT*
- ORDERED,** That the Boston City Council by and through Councilor Lydia Edwards submits a petition to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956, as amended, to establish fair housing regulations in Boston's zoning code and procedures to secure integrated communities.

Filed in Boston City Council: April 10, 2019

Text Amendment Application No. _____

Boston City Council

Article 2 and Article 2A inserting terminology related to fair housing and displacement; Article 80, Sections 1, A-5, B-7, C-4, C-5 and C-7, modifying development review to require consistency with fair housing plans; and Article 53, Section 49, amending the public benefit obligations for Planned Development Areas in East Boston.

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

Boston City Council through and by *Boston City Councilor Lydia Edwards* petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956, as amended, as follows:

1. By amending **Articles 2 (Definitions) and 2A (Definitions applicable in neighborhood districts and in Article 80, Development Review and Approval)** by adding the following term and definition:

Affirmatively Furthering Fair Housing. As defined in 24 CFR 5.152: Taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. “Civil rights and fair housing laws” shall include but not be limited to Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3608, Chapter 151B of the Massachusetts General Laws, and Chapters 10-3 and 12-9 of the Boston Municipal Code.

Analysis of Impediments. A review of potential actions, omissions, conditions or decisions that have the effect of restricting housing choices or the availability of housing choices on the basis of age, color, creed, disability, gender identity, marital status, familial status, national origin, race, religion, sex, sexual orientation, presence or absence of dependents, or public assistance source of income, or other protected classes listed under Chapter 151B of the Massachusetts General Laws; policies, practices, or procedures that appear neutral on their face, but which operate to deny or adversely affect the availability of housing to protected classes; and accompanying corrective actions designed to overcome such impediments.

Exclusionary displacement. Unwilling departure, removal or economic dislocation, in a district or in an adjacent and impacted district, occurring when neighborhood choices become limited due to increasing rent burden or a lack of housing that is affordable to area residents, area renters, low-income residents, or residents belonging to protected class or a set of protected classes, thereby restricting housing choice for the impacted population.

Meaningful Actions. A fair housing standard defined in 24 CFR 5.152 and case law indicating significant actions that are designed and can be reasonably expected to achieve a material positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity.

2. By amending **Article 80 (Development Review and Approval)**, as follows:
 - a. In Section 80-1, Statement of Purpose and General Provisions:
 - i. Insert in the second paragraph, following the text “To that end, the goals of these development review requirements include the following:”, the phrase:

to take meaningful actions that promote racially, ethnically and economically integrated communities and secure the city's obligations towards affirmatively furthering fair housing;

b. In Section 80-A-5, Agreements:

i. Insert after the second paragraph, the new paragraph:

The cooperation agreement shall also include, or shall require the Applicant and the Boston Redevelopment Authority to execute a separate agreement, with the Department of Neighborhood Development and the Office of Fair Housing and Equity, or such Department or Offices assuming their responsibilities, regarding compliance with fair housing laws and affirmatively furthering fair housing provisions, which shall address affirmative marketing, the participation of protected classes, the prevention of exclusionary displacement, and strategies for promoting racially, ethnically and economically integrated communities and, including but not limited to strategies to address affordability, prevention of displacement, and integrations of communities facing language isolation or access barriers. In the case of a PDA Development Plan or PDA Master Plan the agreement shall also include measures for assessing compliance and amending strategies, interventions or public benefit requirements should the initial implementation of such a Plan fail to further fair housing, including, for a multi-phase development, a mandatory review not less than once per phase.

c. In Section 80-B-3, Scope of Large Project Review; Content of Reports:

i. Delete the text:

(7) tidelands; and

(8) Development Impact Project, as set forth in this Section 80B-3.

ii. and insert in its place:

(7) tidelands;

(8) Development Impact Project, as set forth in this Section 80B-3; and

(9) Fair Housing, as set forth in this Section 80B-3.

d. And in Section 80-B-3, Scope of Large Project Review; Content of Reports:

i. Insert, at the end of the section and after the enumerated item entitled "8. Development Impact Project Component" the following text:

9. Fair Housing. In its Scoping Determination, the Boston Redevelopment Authority shall, in conjunction with city agencies, assess the positive and negative impacts of a Project, including proposed public benefit, on (1) the city's efforts toward Affirmatively Furthering Fair Housing, with particular regard to concerns identified in an Analysis of Impediments and (2) addressing impediments to fair housing, including both those identified citywide and in the neighborhood or district in which the project is proposed.

e. In Section 80-C-4, Standards for Planned Development Area Review Approval:

i. Delete the text:

and (e)

ii. and insert in its place the following:

(e) such plan complies with, facilitates, and advances the City of Boston's obligations, responsibilities, goals and programs regarding affirmatively furthering fair housing, specifically ensuring integrated communities and averting racial, ethnic or economic segregation or the displacement of protected classes, with particular regard to concerns identified in an Analysis of Impediments, and with regard for impacts that may trigger exclusionary displacement; and (f)

f. In Section 80-C-5, Boston Redevelopment Authority Procedures for Planned Development Area Review:

i. Delete the following text:

4. Boston Redevelopment Authority Review and Approval. No later than sixty (60) days after the Boston Redevelopment Authority has received the PDA Development Plan or PDA Master Plan filed pursuant to subsection 2 of this Section 80C-5, the Boston Redevelopment Authority shall approve the plan submitted for review and authorize its Director to petition the Zoning Commission to approve the plan and designate the area of the Proposed Project or Master Plan development concept as a Planned Development Area, or shall conditionally approve the plan, or shall disapprove the plan. Before it issues its decision, the Boston Redevelopment Authority shall hold a public hearing, for which it shall publish notice pursuant to Section 80A-2, and shall consider the public comments received.

ii. and insert in its place the following text:

4. Boston Redevelopment Authority Review and Approval. No sooner than sixty (60) days after the Boston Redevelopment Authority has received the PDA Development Plan or PDA Master Plan filed pursuant to subsection 2 of this Section 80C-5, the Boston Redevelopment Authority shall consider approval of the plan submitted for review and authorize its Director to petition the Zoning Commission to approve the plan and designate the area of the Proposed Project or Master Plan development concept as a Planned Development Area, or shall conditionally approve the plan, or shall disapprove the plan. Before it issues its decision, the Boston Redevelopment Authority shall (1) hold a public hearing, for which it shall publish notice pursuant to Section 80A-2, (2) allow for written and electronic comment and issue written responses, individually or in the

aggregate, to comments received no later than three business days before the date of a public hearing and (3) consider all public comments received. Prior to approval of a plan, the Boston Redevelopment Authority shall also produce a Certification of Fair Housing from the City of Boston's Department of Neighborhood Development and the Office of Fair Housing and Equity, or their successor agencies, indicating that the PDA Development Plan or PDA Master Plan complies with, facilitates, and advances the City of Boston's obligations, responsibilities, goals and programs regarding affirmatively furthering fair housing.

- g. In Section 80-C-7, Amendment of Planned Development Area Plans:
 - i. Insert, after the text "approval of such plan", the following text:

, provided that the Boston Redevelopment Authority shall, upon receipt of a proposed amendment of a Planned Development Area, assess compliance with the city's obligations regarding Affirmatively Furthering Fair Housing and offer further amendment as necessary to further fair housing, and provided further that the public benefits associated with the Planned Development Area and such amendment shall be subject to public benefits required within a pertinent Neighborhood District or overlay district.

3. In Article 53, East Boston Neighborhood District,

- a. In Section 53-49, Planned Development Areas: Public Benefits:

- i. Delete the text:

The Boston Redevelopment Authority may approve a Development Plan for a Proposed Project as meeting the requirement of Section 80C-4 (Standards for Planned Development Area Review) for compliance with the applicable planning and development criteria of this Article if the Development Plan proposes a plan for public benefits, including one or more of the following: (a) diversification and expansion of Boston's economy and job opportunities through economic activity, such as private investment in manufacturing, commercial uses, or research and development; or (b) creation of new job opportunities and establishment of educational facilities, career counseling, or technical assistance providing instruction or technical assistance in fields related to such jobs; or (c) provision of Affordable Housing available to East Boston and Boston residents; or (d) improvements to the aesthetic character of the development site and its surroundings, which may include the provision of open space connections to the waterfront, the provision of street trees and other improvements that enhance open space, the improvement of the urban design characteristics of the site and its surroundings, or the enhancement of existing open space or the creation of new open space.

- ii. and insert in its place the following text:

The Boston Redevelopment Authority may approve a Development Plan for a

Proposed Project as meeting the requirement of Section 80C-4 (Standards for Planned Development Area Review) for compliance with the applicable planning and development criteria of this Article if the Development Plan proposes a plan for public benefits, including two or more of the following: (a) creation of new job opportunities and jobs training pipelines for low- and moderate-income residents and establishment of educational facilities, English as a Second Language programming, career counseling, or technical assistance providing instruction or technical assistance in fields related to such jobs; or (b) provision of Affordable Housing available to East Boston and Boston residents, including protected classes, based on an analysis of the median incomes of renters and homeowners in East Boston and Boston; or (c) the provision, financing or facilitation of affordable childcare services for Boston residents, provided that such benefit should maximize opportunities for local employment; or (d) improvements to the aesthetic character of the development site and its surroundings, which may include the provision of open space connections to the waterfront, the provision of street trees and other improvements that enhance open space, the improvement of the urban design characteristics of the site and its surroundings, or the enhancement of existing open space or the creation of new open space.

Petitioner _____

Address: One City Hall Square -- Fifth Floor _____

Telephone: 617-635-3200

Date: _____

Suffolk Downs - Initial Set of Questions

Housing

1. Please clarify the estimated *units* of housing produced in each phase, beginning with Phase One.

The Boston portion of the Suffolk Downs site is expected to be developed in five phases over the course of approximately 15-20 years. Because of the site's size and because its development will not require the displacement of any existing residents (i.e. the site currently includes no residential uses), the Suffolk Downs redevelopment presents a unique opportunity to create a substantial number of new housing units and expand Boston's housing supply. The currently anticipated number of new units in each of the phases, which is subject to change based on market and other factors, is set forth below.

Boston – Anticipated New Units of Housing by Phase	
Phase 1B	700
Phase 2B	1,300
Phase 3B	2,000
Phase 4B	2,000
Phase 5B	1,200
Total	7,200

2. Please clarify the estimated units of housing, per building type (e.g. townhomes, apartment building, mixed-use, single family home) – list bldg. #'s that are retail.

The new housing to be developed at Suffolk Downs will include a variety of unit types, including single family homes, town homes, multi-family residential uses and senior housing, with a mix of unit types, including micro units, studios, one, two and three-bedroom units. The currently-anticipated unit mix, which is subject to change based on market and other factors, is set forth below.

Boston – Anticipated Number of Units by Housing Type/Category	
Multi-family	
Senior Housing	691
Apartments	4,667
Condominiums	1,842
Multi-family Total	7,200
Townhomes	11
Single Family	12

Boston - Anticipated Unit Mix	
Unit Type	# of Units
Senior Housing	
Studio	56
One Bedroom	318
Two Bedroom	258
Three Bedroom	47
Total Senior Housing	691
Apartments	
Micro Units	206
Studio	1,006
One Bedroom	2,348
Two Bedroom	857
Three Bedroom	228
Total Apartments	4,667
Condominiums	
Studio	119
One Bedroom	904
Two Bedroom	663
Three Bedroom	144
Total Condos	1,842
Total Townhomes	11
Total Single Family	12
Total Boston	7,223

It is expected that the residential buildings designated as B-16, B-18, B-20, B-30, B-37, B-38, B-40, B-41 will include ground floor retail uses. It is not anticipated that residential and office uses will be located in the same buildings on the site at this time.

Housing / Inclusionary Development:

3. Please identify the number of inclusionary development units estimated per phase.

Currently, the anticipated approximate number of inclusionary development units in each of the phases is set forth below.

Boston – Anticipated Number of Housing Units by Phase		Anticipated IDP Units (13%)
Phase - 1B	700	91
Phase - 2B	1,300	170
Phase - 3B	2,000	260
Phase - 4B	2,000	260
Phase - 5B	1,200	156
Total	7,200	937

4: Beginning with Phase I, please clarify if the project proponent intends to meet inclusionary development policy (IDP) goals with on-site, off-site or payout, a combination of all three, or if this has not been determined.

The project proponent has committed to providing all required IDP units on site, but is also open to discussion with the City of Boston about the possibility of IDP contributions in lieu of on-site compliance to facilitate the creation of housing opportunities in other portions of East Boston more quickly, noting that this type arrangement would be subject to agreement with the City of Boston. The proponent is also willing to support efforts by local residents to encourage the City of Boston to use linkage payments made toward the Development Impact Project Housing Contribution, generated by commercial development at Suffolk Downs, toward creating housing opportunities in East Boston, but again, this is also subject to the City of Boston’s discretion.

5. If meeting IDP goals with off-site compliance, does the proponent intend to direct off-site units to East Boston?

As noted above, the project proponent has committed to providing all IDP units on site but is open to discussing alternative approaches. If the City determines that the proponent shall meet IDP requirements other than through on-site compliance, the proponent is open to discussing details with various stakeholders to ensure an appropriate and effective distribution of resources. The proponent is also willing to support the use IDP monetary contributions and funds from Development Impact Project Housing Contributions in East Boston projects, but this is subject to the City of Boston’s discretion.

6. What is the estimated Residential Gross Floor Area per IDP unit? As necessary, please clarify distinctions per building model or type.

The on-site affordable units to be developed pursuant to the City’s IDP are expected to have gross floor areas equivalent to the gross floor areas for on-site market-rate units. Please note that all unit sizes (market and affordable) will be determined in light of market conditions and are subject to change. If unit sizes change, market and IDP units will generally change equally, such that market and IDP units will continue to have equivalent sizes. The current anticipated average unit sizes are shown in the matrix below:

Boston - Residential Unit Type	Anticipated Average Unit SF
Senior Housing	
Studio	500
One Bedroom	720
Two Bedroom	1,000
Three Bedroom	1,200
Apartments	
Micro Units	325
Studio	500
One Bedroom	715
Two Bedroom	980
Three Bedroom	1,175
Condominiums	
Studio	605
One Bedroom	800
Two Bedroom	1,200
Three Bedroom	1,500
Townhomes	1,600
Single Family Homes	2,100

7. What is the estimated cost per IDP unit? What is the anticipated incremental cost of adding an inclusionary development unit on site? What is the anticipated incremental cost of adding an inclusionary development unit off-site?

The proponent is currently at the Master Planning stage for the Suffolk Downs development, designing and preparing the Suffolk Downs site to include a wide range of building and unit types that are expected to be constructed during five phases over approximately 15-20 years. Based on the proposed residential program, which includes rental and home ownership units (of which 10% will be designated as senior housing), the proponent estimates that the average cost for all Suffolk Downs housing units is approximately \$500,000 per unit. Market rate and IDP units will be of similar sizes, distributed equally throughout the project (e.g., in various building types), include equivalent finishes, and be built over time along with the market rate units. It is expected that the average cost of off-site IDP units would be approximately 10% to 15% less than this figure, assuming similar building scale and construction methodology, as unlike the units at Suffolk Downs, these off-site units would likely not be burdened by the extensive infrastructure work that the proponent must complete at Suffolk Downs (construction of all publicly accessible roads, service drives, sidewalks, bike paths, open space, utility infrastructure, etc.) in order to appropriately develop the site. There may also be differences based upon construction type such as wood frame construction versus steel frame construction, but otherwise there likely would not be material differences in construction costs. The proponent notes that funds paid pursuant to the City of Boston's IDP policy could potentially create more affordable units than the use of the same funds to pay for construction of IDP units on-site if the funds are used to pay for the acquisition of existing housing stock in East Boston (versus new construction off-site) or to provide funds toward larger affordable housing projects.

8. Please estimate the share of IDP units by affordability level, e.g. one-half of units at 70% AMI, 50% AMI, etc.

Suffolk Downs is in Zone C per the City of Boston’s Inclusionary Development Policy (“IDP”). The IDP requires that rental units be income restricted to households earning less than 70% of AMI. The IDP requires no less than 50% of the on-site affordable home-ownership units be made available to households earning more than 80% of AMI, and no more than 50% of the total affordable units be made available to households earning between 80% of AMI and 100% of AMI. The proponent will comply with the Mayor’s IDP.

9. Please clarify breakdown of IDP rental vs. homeownership units.

The City of Boston’s 13% IDP requirement will be equally applied to various housing types, including senior housing, apartments, condominiums, townhomes and single-family houses. The current anticipated breakdown of IDP units by various types of residential units is set forth below.

Boston - Anticipated Types of Residential Units	Anticipated Total Number of Units	Anticipated IDP Units (13% IDP)
Multifamily		
Senior Housing	691	90
Apartments	4,667	607
Condominiums	1,842	239
Multifamily Total	7,200	936
Townhomes	11	1
Single Family	12	2

Housing / Senior Housing

10. Page 9 of the PDA submission indicates at least 10% of residential space, including accessory units, will be senior housing, and that 13% of senior housing units will be IDP/affordable units. Please clarify the number of units that will be senior housing units. Please clarify the proposed level of affordability for senior housing units built in compliance with the IDP.

The following is the currently anticipated breakdown of senior housing units:

Boston - Senior Housing – Anticipated Unit Breakdown		
Residential Unit Type	Anticipated Total Units	Anticipated Affordable Units
Studio	59	8
One Bedroom	321	42
Two Bedroom	261	34
Three Bedroom	50	6
Total Senior Housing	691	90

11. Please clarify the number of senior units proposed in each phase of construction, beginning with Phase One.

The PDA documents include a commitment to have no less than 10% of the housing be senior housing. The specific timing/phasing of senior units has not yet been determined. This will be determined based upon market conditions as the site is built out.

Public Benefit / Phase I

12. Please provide and submit into the record, a description of the mitigation that will be provided with respect to each building in in Phase I, in accordance with the mitigation schedule in Exhibit F.

Portions of the mitigation for the Phase 1 development project in Boston as outlined in the PDA documents ("Phase 1") specifically apply to each building in Phase 1, and other portions are not tied to a specific building but are tied to the overall phase itself. Please see below for additional detail on the Phase 1 mitigation elements.

Per Building Specific Mitigation:

- Compliance with Boston's IDP policy (13% of units in each residential building)
- Development Impact Project (Linkage) Housing and Jobs Exaction Payments
 - Applies to all "Development Impact Project Uses" (these are commercial and retail components)
 - Anticipated Development Impact Project (Linkage) Fees:
 - Housing Contributions: \$9.03 per SF
 - Jobs Contributions: \$1.78 per SF
 - Total: \$10.81 per SF after the first 100,000 SF
 - Total Phase 1B Commercial SF =
 - 523,179 (office/lab) + 70,202 (retail) – 100,000 credit = 493,381SF
 - Phase 1B Linkage Fees Calculation =
 - $\$10.81 * 493,381 \text{ SF} = \$5,333,449$ in Phase 1B Linkage Fees
- All Phase 1 Townhouses will be Passive House and/or Energy Positive equivalent
- The proponent has committed to delivering a LEED-CSv4 Gold level certifiable office building, and this building will be part of the Phase 1 development.
- The Site will comply with the LEED targets identified below. (Please note that each building's LEED checklist will be submitted during Design Review.)
 - Minimum of 5% LEED Platinum
 - Minimum of 75% LEED Gold
 - Maximum of 20% LEED Silver
- Phase I will comply with the following LEED targets. Each building's LEED checklist will be submitted during Design Review. Buildings will achieve ratings of:
 - Minimum of 50% LEED Gold
 - Remaining balance will achieve 25% LEED Silver or higher
- Implement Comprehensive Transportation Demand Management ("TDM") Program

Additional Phase 1 Mitigation Commitments

- Publicly accessible open space:
 - The publicly accessible open space developed as part of Phase 1 will consist of 25% of the total area of the Phase 1 site, or approximately 250,000 SF (approximately 5.75 acres).
 - Belle Isle Square, which will contain an approximately one-acre public plaza that can be used for community events (public performances, farmer's markets, etc.), will be built concurrently with the Phase 1 buildings surrounding it. These buildings are anticipated to be the first buildings constructed on the Boston portion of the site.
 - A portion of the Central Common publicly accessible open space, which is anticipated to be approximately 198,100 SF (or approximately 4.5 acres) and will include the horseshoe pond and the area surrounding the pond, will be developed concurrent with the other Phase 1 buildings.
 - The balance of the publicly accessible open space that is being developed as part of Phase 1 will be created as the phase is built out.
- Roadway Network:
 - Detailed construction phasing of the roadways has not yet been fully determined but it is expected that the majority of the roadway system within Phase 1 will be built prior to the completion of the first buildings included in the phase
 - Smaller roadway segments that serve specific buildings in the phase will be constructed concurrently with those buildings
 - A publicly accessible pedestrian connection between the Suffolk Downs MBTA station and the Suffolk Downs site will be developed as part of Phase 1
 - A new community path within the Phase 1 site will be developed as part of Phase 1
 - First segment of a landscaped wetland buffer along the eastern boundary of the Project Site will also be developed as part of Phase 1
- Bicycle & Pedestrian Network:
 - Similar to the roadway network the majority of the Phase 1 bicycle and pedestrian network will be built prior to the completion of the first buildings in this phase.
 - Inclusion of a public bike share station in close proximity to the planned plaza at Belle Isle Square
 - Completion of a feasibility study for an extension of the East Boston Greenway from Constitution Beach to Revere Beach
- Community Space:
 - A new 2,500 square foot community space will be provided within one of the first buildings to be constructed in Phase 1. It is anticipated that the community space within Phase 1 will be at an interim location until a permanent location is established in a later phase of the Suffolk Downs project.
- 10% Retail Allocation to Local Businesses:
 - Phase 1 is expected to include a total of approximately 70,200 SF of ground floor retail uses, of which 10%, or approximately 7,000 SF, will be leased to local businesses with flexible lease parameters.
 - Specific locations for the 10% local business uses will be determined during build-out of Phase 1; this space will be provided throughout Phase 1 so that approximately 10% of retail space that is constructed from time to time will be made available to local business (e.g. If 50,000 SF of retail is delivered with initial Phase 1 buildings constructed, approximately 5,000 SF will be allocated to local businesses).

Public Benefit / Tax Revenue

13. Please provide a rough estimate tax revenue to the City of Boston for Phase I buildings, as proposed. Please provide a rough estimate of tax revenue to the City of Boston for all buildings, assuming project completion as proposed.

The matrix below outlines an estimate of anticipated property taxes based on the RKG Report, which is based on the initially proposed development plan that accommodated Amazon HQ2. An updated property tax analysis based on the current development program is being prepared.

Boston – Gross Property Tax by Phase	
Phase – 1B	\$9,256,285
Phase – 2B	\$13,581,603
Phase – 3B	\$26,176,296
Phase – 4B	\$27,189,378
Phase – 5B	\$6,555,639
Total	\$81,759,201

Public Benefit / Infrastructure Expenditures

14. The proponent identifies \$170 million in public infrastructure and open space investments on Page 11 and elsewhere in the PDA filing, including Exhibit J.

Please clarify Exhibit J and other description of public investment by identifying, valuing and itemizing:

- **The infrastructure and open space investments at Suffolk Downs**
- **Other investments in East Boston, if any**
- **Proposed regular maintenance of infrastructure or open space which would otherwise be borne by City of Boston, and estimated annual cost**
- **Infrastructure investments elsewhere in Boston**
- **Investments not in the City of Boston**
- **Proposed investment to expand the inbound capacity of Route 1A**

The proponent now expects that the Suffolk Downs project will require investment of approximately \$270 million, of which approximately \$165 million will be invested in Boston, including public roadways, sidewalks, bicycle paths and pedestrian paths, water, sewer and storm drainage facilities, and open space areas. All of this work will be the responsibility of the proponent, at no cost to the City of Boston or City of Revere. In addition, the proponent will invest over \$50 million of off-site traffic mitigation to improve key intersections in close proximity to Suffolk Downs. In total, the proponent is committing more than \$320 million towards this work. Further details regarding these planned investments is set forth below.

On-Site Investments in Boston will include the following key costs*:

- Publicly Accessible Roadways and Utility Infrastructure: \$47,000,000
 - Includes: water/sewer infrastructure and drainage facilities
- Sidewalks, Curbing, Pedestrian Paths, Bike Paths: \$30,800,000

- Open space areas: \$48,000,000
- Resiliency measures in Boston (on and off-site): \$6,600,000
 - Includes: Tide Gates and Pump Station Upgrades
- Site Preparation and Demolition: \$23,000,000
- Miscellaneous: \$10,000,000

**All cost estimates are approximate*

Other Investments in East Boston (in addition to the \$270 million in on-site infrastructure investments) will include*:

- Development Impact Project (Linkage) Housing and Jobs Exaction Payments in Phase 1 totaling approximately \$5,333,448
- Inflow/Infiltration (“I/I”) Fees of \$9.64 per new gallon added from all buildings in Phase 1. These I/I Fees, which total approximately \$1,900,000 in Phase 1, will be contributed to the City to make improvements to the BWSC system that Suffolk Downs.
- Building Permit Fees in Phase 1: approximately \$3,400,000
- Inspection Fees in Phase 1: approximately \$450,000
- Surrounding Street and Roadway Improvements:
 - Route 1A at Tomasello Drive (Median Island Improvements): \$200,000 (*Prior to completion of Phase 1 Revere*)
 - Route 1A at Tomasello Drive (Temporary Southbound Left Turn Signal) \$130,000 (*at 2,000,000 sf*)
 - Route 1A from Boardman Street to Furlong Drive (Super Street): \$23,880,000 (*at 3,000,000 sf*)
 - Route 1A at Curtis Street: \$1,000,000 (*at 3,000,000 sf*)
 - Bennington at Saratoga: \$930,000 (*at 5,500,000 sf*)
 - Day Square (Five Intersections): \$1,000,000 (*at 5,500,000 sf*)
- Other Transit and Road Improvements (Cost TBD)

**All cost estimates are approximate*

Regular Maintenance of Open Space:

It is difficult to accurately estimate the cost of maintaining the new publicly accessible open space and new roadway network to be constructed at Suffolk Downs, which the Proponent will be maintaining, given that design plans are not yet far enough advanced to include the details needed to generate such estimates. However, upon completion of the Phase 1 roadway and open space improvements, the proponent will create a Building Owner’s Association comprised of each Phase 1 parcel owner. These parcel owners will be responsible for the ongoing annual maintenance costs on a proportionate basis. Over the coming months the Proponent will work to estimate the annual costs for both roadway maintenance and open space maintenance. (At completion of Phase 1, the proponent estimates that annual maintenance costs for Phase 1 open space areas will be approximately \$400,000 to \$600,000.)

Regional Off-Site Mitigation (in Boston and Revere)

- The total Estimated Cost for Route 1A Improvements is approximately \$29 million (spread across the Route 1A corridor in both Boston and Revere). The Proponent estimates that approximately 85% of these improvements are located in Boston (+/- \$25 million).
- The proponent has committed to completing a feasibility study of a potential introduction of barrier system or berm to protect the Suffolk Downs site and surrounding neighborhoods from flooding and sea level rise.

15. Please expand on any regarding the possible inclusion of a municipal building such as a school or fire station at the site (in addition to the 2,500 sf of ground floor community/civic space currently identified for temporary location in Belle Isle Square during Phase 1B).

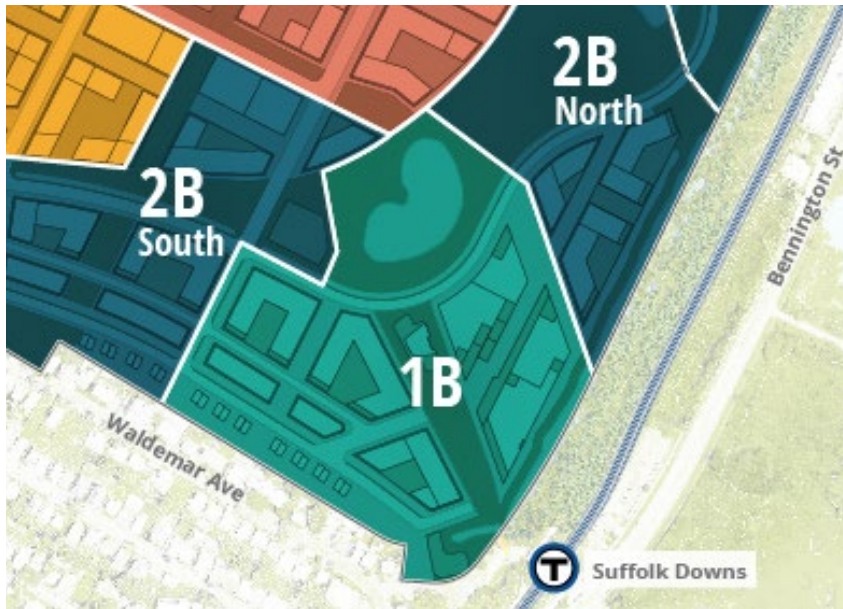
As discussed, the proponent expects that the Suffolk Downs project will include investment of more than \$270 million, across the entire Suffolk Downs site, in public roadways, sidewalks, bicycle paths and pedestrian paths, water, sewer and storm drainage facilities, and open space areas to create robust public infrastructure for the project at no cost to the City of Boston. With respect to on-site civic space, the proponent is committed to constructing and maintaining a new publicly accessible 40-acre open space network that will incorporate extensive active and passive recreation areas. This includes the provision of 27 acres (25% of the Boston portion of the site) of cohesive and interconnected publicly accessible outdoor civic/open space in Boston, together with an additional 13 acres of publicly accessible open space in Revere (25% of the Revere portion of the Suffolk Downs Site), all of which will be available to Boston residents.

The site's open space network is proposed to include outdoor performance venues and will have convenient access to retail areas along new, wide, walkable boulevards. The proponent has not proposed and is not planning for the inclusion of a school or fire station at the site. Such facilities are currently being provided in other locations in East Boston that are more centrally located, easier to access and better serve the larger East Boston community in their current locations.

Public Benefit / Open Space

16. Exhibit J shows the Central Common as being part of Phases 2B and 2R, while Exhibit H shows it as part of Phase 1B. Please clarify which phase of the project the Central Common will be a part of and what (if any) open space will be included in Phase 1B besides Belle Isle Square.

Due to the size of the 15-acre Central Common, 198,100 SF or approximately a 4.5 acre portion of this large new open space, including the portion containing Horseshoe Pond, will be built in Phase 1B. The remaining portions of the Central Common will be completed in Phase 2B and 2R (the second phase of development within Revere).



17. Please consider the addition a designated soccer area (fields with goals) to both Exhibit F and Page 3, Section 5, Subsection C.

At this time, the proponent's plans respecting the Central Common include development of a multi-purpose field that can be used as a regulation soccer field (approximately 195' x 330') but may also be used for other activities including a Little League Baseball Field (60'x200'). The same space can also fit an event lawn for 350 people (250'x100') and smaller activities like youth soccer or other lawn recreational activities (frisbee, spike ball, etc.). The Common will also have casual play spots and family parks. In winter, there can be ice skating on the horseshoe pond and snow sculpting in the open field.

The Central Common will be open to the public and the proponent will, working with local government officials and community and neighborhood groups, manage the programming and use of the Central Common to incorporate various types of uses throughout the year.

Sustainability / Building Emissions

18. Building emissions are the greatest source of pollution in the City of Boston. In the DEIR/DPIR filing, the project proponent identified building emissions of roughly 72,554 - 90,230 tons. The MA Department of Public Utilities has since approved an energy efficiency plan indicating some support for Passive House construction/design. The PDA filing also implies a greater commitment toward Passive House Development / Energy Positive buildings but does not detail building emissions. Please clarify if the overall proposed energy usage / building emissions have changed since the DEIR/DPIR filing. Please describe how passive house development does or does not account for any change.

Since the filing of the DEIR/DPR on October 1, 2018, as a result of ongoing discussions with MEPA, DOER, and BPDA, the Proponent refined the proposed stationary source GHG emissions mitigation approach to better support GHG emissions reductions goals. The specific changes to the energy savings targets presented below represent one element of the proposed suite of GHG mitigation measures developed in late-November 2018.

All buildings will improve energy savings over current code:

- 5% of buildings achieve over 50% energy savings
- 35% of buildings achieve 30% to 50% energy savings
- 55% of buildings achieve 18% to 30% energy savings
- 5% of buildings achieve 10% to 18% energy savings

As presented in Table 7-18 of the DEIR/DPIR, the Project (without parking) demonstrated a 19.4% energy use savings and 17.5% GHG emissions reduction compared to the Base Case.

Applying the energy savings targets above to the Program A (Pro-Office) development program studied in the DEIR/DPIR, low- and high-end emissions reductions scenarios were calculated (as requested by DOER).¹ This is summarized in the table below:

Program A - Pro-Commercial	Total Energy Consumption			CO2 Emissions		
	Electricity (MMBtu/yr)	Natural Gas (MMBtu/yr)	Total (MMBtu/yr)	Electricity (tons/yr)	Natural Gas (tons/yr)	Total (tons/yr)
DPIR/DEIR Base line Scenario	505,616	566,468	1,072,084	52,592	33,167	85,758
DPIR/DEIR Proposed Scenario	442,920	421,462	864,382	46,070	24,677	70,747
			207,702			15,011
			19.4%			17.5%
Low-end Scenario	356,661	419,551	776,212	37,107	24,586	61,693
End use savings	102,385	125,012	227,398	10,652	7,326	17,978
Percent savings			22.7%			22.6%
High-end Scenario	294,964	342,245	637,209	30,688	20,056	50,744
End use savings	164,082	202,318	366,401	17,071	11,856	28,927
Percent savings			36.5%			36.3%

The commitments made in November 2018 increase energy reduction by 3.3 to 22.7% and GHG emissions by 5.1 to 22.6%. The analysis also includes one (1) passive house mid-rise residential building in Phase 1B that is assumed to be all-electric and results in a 60% reduction in energy from the baseline. While this is a considerable reduction for one building, it has a small contribution to the overall masterplan performance.

Similar analysis has been conducted to reflect the Program B (Pro-Residential) development program. Under Program B, the commitments made in November 2018 result in energy reduction of 28.7%, an increase of 6% compared to Program A and GHG emissions reduction of 28.5%, an increase of 6% compared to Program A, lowering emissions from the 72,554 tons per year modelled in the DEIR/DPIR, to approximately 63,014 tons per year.

¹ The low-end scenario assumes building design that exceeds the current Stretch Energy Code requirements and align with the Design Case model assumptions as presented in Section 7.3.2 of Chapter 7, Greenhouse Gas Emissions Assessment, of the DEIR/DPIR for each building typology. The high-end scenario assumes a greater energy efficiency/GHG emissions reduction with the assumption of more stringent energy code requirements in the future as the project is build-out over 15 to 20 years.

PROGRAM B - Pro-Residential	Total Energy Consumption			CO2 Emissions		
	Electricity (MMBtu/yr)	Natural Gas (MMBtu/yr)	Total (MMBtu/yr)	Electricity (tons/yr)	Natural Gas (tons/yr)	Total (tons/yr)
Baseline Scenario	408,194	590,313	998,507	42,468	34,592	77,061
Proposed Scenario	353,230	448,199	801,429	36,750	26,264	63,014
End Use savings			197,078			14,046
Percent savings			24.6%			22.3%
Low-end Scenario	294,833	417,055	711,888	30,674	24,439	55,114
End use savings	113,360	173,258	286,619	11,794	10,153	21,947
Percent savings			28.7%			28.5%
High-end Scenario	242,585	339,946	582,531	25,238	19,921	45,159
End use savings	165,609	250,368	415,976	17,230	14,672	31,901
Percent savings			41.7%			41.4%

Similarly, the analysis also includes one (1) passive house mid-rise residential building in Phase 1B that is assumed to be all-electric and results in a 60% reduction in energy from the baseline. While this is a considerable reduction for one building, a 50,000 SF building would result in a reduction of only 103 tons per year in the overall master plan’s annual emissions.

As part of the November 2018 updated commitment, the proponent has also committed to installing at least 2MW of rooftop solar photovoltaic systems. These systems are estimated to produce 2,300 MWh of carbon-free electricity annually, further reducing GHG emissions by 813 tons per year (per today’s emissions factor) when fully operational.

20. Please clarify sustainability measures proposed for larger buildings or commercial spaces.

DEIR/DPIR Chapter 4, *Sustainability/Green Building*, describes the overall approach to sustainable design, construction, and operation for the Project. Given its scale, redevelopment of the Project Site presents a unique opportunity to incorporate sustainable design and climate change resiliency elements in a comprehensive manner from the early planning stages. Sustainability is a key theme for the Project as it proposes to redevelop an underutilized urban site, use land efficiently by increasing density in a mixed-use TOD and include facilities/systems internal to the Project Site that aim to discourage single-occupancy vehicles and promote low carbon modes of transportation. In summary, the sustainable design measures proposed in the DEIR/DPIR included:

- Exceed requirements necessary to comply with Article 37 of the Boston Code, including design of buildings to meet LEEDv4 under the applicable green building rating system for the given building typology. The future buildings in Revere will be designed to the same LEED Standards as buildings in Boston.
- Design 75% of the buildings to satisfy requirements for a minimum LEED Gold level, 5% of the buildings to satisfy requirements for a LEED Platinum level, and the remaining buildings will satisfy requirements for a minimum LEED Silver level.
- Design all buildings to be solar ready, including: (1) the roof structure will be capable of supporting such a system; (2) a pathway for conduit routing is identified; and (3) space in the main switchgear will be provided for a future PV breaker.
- Contribute to the goal for carbon neutrality by 2050 through a long-term sustainability plan is organized around the reduction of three (3) major sources of GHG emissions: buildings, transportation, and waste.

- Design the Project to be consistent with the intent of many of the credits and strategies defined in the LEEDv4 for Neighborhood Development Plan rating system and, thus, is expected to result in a better more sustainable and well-connected neighborhood district.

Additionally, based on discussions with MEPA and City of Boston during the public review and comment period for the DEIR/DPIR, the proponent further committed to the following CO₂ emissions reductions strategies;

- Install at least 2MW of rooftop solar PV estimated to produce 2,300 MWh of carbon-free electricity annually, further reducing GHG emissions by 813 tons per year (per today's emissions factor) when fully operational.
- All townhouses (22 total) along Waldemar Avenue will be Passive House- and/or E+ (Energy Positive) equivalent.
- All single-family homes (12 total) along Waldemar Avenue will be Passive House and/or E+ (Energy Positive) equivalent.
- Construct one (1) Passive House (or equivalent) Demonstration Project of a minimum 50,000 square foot multi-family residential building.

The proponent also refined the above-referenced DEIR/DPIR commitment to LEED certifiable buildings by committing to the following:

- Minimum of 5% of buildings to be LEED Platinum certifiable level;
- Minimum of 75% of buildings to be LEED Gold certifiable level; and
- Maximum of 20% of buildings to be LEED Silver certifiable level.

21. Please provide the LEED checklists for each building in Phase I.

Attached, please find LEED checklists submitted in the DEIR which will be refined as each building goes through design review.

The proponent is committed to constructing all buildings to LEED Certifiable standards. Buildings erected in Phase 1 will exceed the requirements of Article 37 of the Boston Zoning Code, with building design criteria meeting or surpassing the LEEDv4 Silver rating for all Phase 1 buildings and meeting the standards for LEEDv4 Gold for at least 50% of the Phase 1 buildings.

22. Provide generic LEED checklist

Please find available for download: <https://www.usgbc.org/resources/leed-v4-building-design-and-construction-checklist>



FAQ: Suffolk Downs & Planned Development Areas

What is Suffolk Downs and what is proposed for the site?

Suffolk Downs is a site located in East Boston and Revere. The City of Boston is reviewing a proposal to develop 109 acres, or roughly the size of 82 American Football fields, on the Boston portion of the site. A developer, HYM Investment Group, purchased the property in 2017 for about \$155 million and is proposing to build housing and commercial buildings, also including privately-owned, publicly accessible open spaces. The Boston portion could have 7000 units of housing as well as offices, a hotel, shops & 27 acres of open space.

Where can I read the proposal and get updates on the city's review?

You can read the proposal in several ways. First, the city's website for the project is at <http://www.bostonplans.org/projects/development-projects/suffolk-downs>. You can also view the project files at <http://bit.ly/suffolkdownspda>. Contact HYM, the Boston Planning and Development Agency (BPDA) or Councilor Edwards for a print copy.

Can I comment on Suffolk Downs' proposal? When is the deadline?

Yes, and you should! To file an official comment on Suffolk Downs, you can email the project manager, tim.czerwienski@boston.gov, send a letter to Tim Czerwienski, Boston Planning & Development Agency, One City Hall Square, Boston, MA 02201 or visit http://www.bostonplans.org/projects/development-projects/suffolk-downs#comment_Form.

I'm no expert. Is my opinion worth sharing? How can I make my comment most useful?

Yes, your opinion is essential! This project will shape decades of development, but the most critical public approvals are happening this year. You may want to focus on the topic you care most about and the associated "public benefit" or commitment from HYM. For example, in the Master Plan document, you can read about Housing (pages 9 and 10), Transportation (pages 8-9), Open Space (pages 3-4 and [Exhibit F](#)), Climate Resiliency (spread across sections) and Public Benefits (pages 10-12 and [Exhibit J](#)). Exhibit H shows the phases of development.

What if there is no information or not enough information about an issue I care about?

If you can't find what you need, that alone is enough for a comment, and you should comment as soon as possible and also notify the Office of Councilor Edwards.

What kind of public benefit will this project create, according to the proposal?

The proponent claims the project will generate >*\$170* million in public benefit through roadways, sidewalks, bicycle paths, and pedestrian paths, water, sewer and storm drainage facilities, and open space areas, as well as property tax revenue and a limited amount of deed-restricted (price controlled) and senior housing, and a small community room. The current public benefit package is the result of HYM's conversation with city and state agencies and city policy, but has not been fully vetted by community or residents groups. *It is not clear from the filing itself what benefits are in Boston or East Boston, but approximately \$50m are for off-site roadway changes.*

What is a [Planned Development Area \(PDA\)](#)? What does the PDA document do?

A planned development area is a special set of zoning rules for large areas of at least one acre, with a master plan required for projects over five acres. The PDA filing is a regulatory document that locks into place rules and requirements for development in a specific (large) area.

Specifically, the PDA addresses:

- (1) What can be built and how;
- (2) Information about the site itself and plan for the physical area;
- (3) Public and community benefits the developer commits to; and
- (4) The process going forward.

What is Zoning?

Zoning is a form of law and regulation that guides development and planning, protects public health, ensures community benefits and sets expectations for how our city should change and grow. In Boston, zoning is proposed by the Boston Redevelopment Authority and Boston Zoning Commission. Inspectional Services enforces the zoning code itself, but in some cases, the BPDA staff may be charged with enforcing the rules our city sets in place.

What should I know about the [Planned Development Area \(PDA\) process](#)?

Developers initiate the process by proposing their own regulations, consistent with city zoning. The BPDA and city staff review the proposal and take public input on it. Planned development areas trigger a mandatory comment deadline of at least 45 days (Suffolk Downs' is 90 days). To approve a PDA, the Director of the Boston Redevelopment Authority must issue a "Certification of Consistency."

After the comment period, the BPDA has [three options](#): approve the plan, conditionally approve the plan, or disapprove the plan. If the BPDA's Director is supportive, the PDA goes for a vote at the BPDA board and the Zoning Commission. Inspectional Services cannot issue building permits until all this, and the project's design review, is approved. If substantial changes are proposed later, they go back to the BPDA board and zoning commission. The whole Planned Development Area process is governed by [Section 80-C](#) of the zoning code and by a [2014 BPDA policy](#).

What are the city's [criteria for approval](#) of Planned Development Areas?

There are five basic criteria for approval of PDAs, which can be summarized as:

- The PDA matches the **base or underlying requirements**, for example, density of development, PDAs are **allowed in the area** and **geographically conform** with their district or neighborhood
- The PDA meets the **public benefits** & other criteria required by the underlying zoning
- Finally, the PDA as a whole must "**not be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens**".

Can changes to be made after the PDA is approved?

Yes. Substantial amendments to the PDA need to be approved by two quasi-public entities, the Boston Redevelopment Authority board and the Zoning Commission, and these changes do require public meetings and a public vote. In most cases, these changes are minor, such as allowing office space in an ground floor unit zoned for retail. However, changes could potentially be made to public benefits that are not secured in separate agreements. Additionally, some changes specific to individual buildings, such as adjustment of unit mix or affordability levels, can be made by the BPDA board *without* the zoning commission.

Is there a precedent for PDAs of this scale? What about significant changes to PDAs?

Yes, although Suffolk Downs is larger. The Seaport Square development in South Boston is a relevant learning opportunity both due to size and because of changes over time. Unfortunately, public benefits such as large open space and civic space were later removed via amendment. A graphic from Fort Point resident Steve Hollinger encapsulates the shift.



Are there ways to ensure benefits I care about cannot be amended or removed?

Yes, there are several. First, the PDA filing itself establishes certain ground rules and indicates a process for amendment. Currently, these are specified on page 13 of the Master Plan. Beyond that, the development review process will involve several other binding agreements between the City of Boston and HYM. Additionally, certain restrictions may be put onto the deeds of some or all properties in Suffolk Downs. For example, deed restrictions could guarantee affordability or ensure open space is conserved. At 5-6 Necco Court, the site General Electric has put up for sale, a deed restriction is ensuring open space will remain for 95 years regardless of who owns the site. Public or private entities can “hold” the restriction.

What other processes will follow if the PDA is approved? Individual buildings on-site must go through Article 80 Review as they are proposed, and the Suffolk Downs site also goes through design review at the [Boston Civic Design Commission](#).

Can you clarify the Boston Planning and Development Agency's role¹ in this process?

The Boston Redevelopment Authority plays multiple functions: neighborhood planning, promoting development, negotiating benefits, writing zoning and ensuring compliance with areas like the Boston Residents Jobs Policy. Because the BPDA board must ultimately vote on the PDA, the agency holds a level of *regulatory authority* and is ultimately responsible for ensuring the project is good for Boston. A plan that goes forward should support other city goals, such as preventing displacement and reducing greenhouse gas emissions.

What kind of agreements will Boston make with Suffolk Downs' Developer?

There are several agreements that City agencies, the Boston Redevelopment Authority and Developer must make to comply with the current zoning code. The city *may* make other agreements, which could include anything from public benefits to a schedule of tax payments. Some items that go to the BPDA/BDPA board are presented with a detailed memo for a vote and are then included in separate legal commitments.

Agreements through the development process include:

Cooperation Agreement (with BPDA, may include other agencies) - The Cooperation Agreement is a legal agreement entered into by the BPDA and a developer after the completion of the Article 80 review process. The Cooperation Agreement details public benefits and mitigation to be provided by the project. If the usual process is held, the project's Impact Advisory Group is given a 15-day review period of the final draft.

Affordable Housing Agreement (with BPDA) - These agreements clarify how the project will comply with city affordability guidelines (1) across the site and (2) within each development.

Boston Residents Jobs Policy (with BPDA) - This agreement clarifies that the project agrees to city policy to employ certain percentages of residents, women and people of color in construction jobs.

Development Impact Project (DIP/linkage, with BPDA)² - Clarifies how the project will pay into city housing and jobs funds. In some cases, these agreements may seek to match jobs funds to actual employment created on-site.

Transportation Access Plan, Master Transportation Improvement Agreement³ (with Boston Transportation Department) - These agreements deal with traffic management; parking; construction management and monitoring and associated public benefit commitments. Typically, an agreement is made for the project and for individual buildings.

¹ Specific to housing, read more here: <http://www.bostonplans.org/housing/overview>

² [Section 80B-7](#) of the zoning code

³ Section 80B-3.1 of the zoning code, BTM policy

Key Issues for City and Community Review

Housing

According to public presentations, HYM has proposed roughly 7000 units for East Boston and 3000 for Revere. The size of the development is roughly equivalent to 1/6th of all housing the City of Boston plans for in its 2030 goals. The PDA filing is not specific on unit count, but identifies 10,520,000 square feet of gross floor area, of which 7,310,000 are residential. Phase one includes 745,000 square feet of residential gross floor area & a [separate BPDA document](#) identifies 800 residential units in the first phase.⁴ Additionally, 10% of residential space in the entire project will be senior housing, 13% of units will be “inclusionary” units and 13% of senior housing will be inclusionary. The exact count is unclear, but to reiterate, 13% of a unit count that comprises 10% of residential space will be senior housing.

According to [one recent study](#), the average apartment size in Boston was 817 square feet, with 526 for studios, 722 for one-bedrooms & 1037 for two-bedroom apartments. Residential gross floor area is a measure from building exterior and the floor area count also includes “accessory” space within residential areas, so the measurements are not perfectly comparable.

How much housing will be income-restricted? How affordable will the housing be?

If 7000 units are constructed in Boston and the project is built with the 13% inclusionary development requirement, approximately 910 units will be inclusionary units, 700 will be senior housing and 91 units will be inclusionary senior housing.

The City of Boston’s current inclusionary development policy targets renters earning up to 70% of Area Median Income (AMI) or homeowners earning 80-100% AMI. In inclusionary units at 70% AMI, rents for a household of four earning up to \$79,300 would be capped at \$1850, or, for an individual earning up to \$55,550, rents in inclusionary units would be capped between \$844 for SROs, \$1,125 for studios or \$1318 for one bedroom units. If units were restricted to 50% AMI, rents for a household of four earning up to \$56,650 would be capped at \$1,284 or, for an individual earning up to \$37,750, rents would be capped at \$589 for SROs, \$785 for studio apartments and \$922 for one bedroom units. The proposal for Suffolk Downs does not contain SROs, but does contain studio units. More information is available on the BPDA’s website.⁵

How do these affordability levels relate to what we know about Bostonians’ incomes?

According to [Boston in Context](#), a BPDA report, the median household income in Boston is \$62,021.⁶ In East Boston, median household income is lower at \$52,935. An analysis by the Boston Tenant Coalition notes that for Latino families (\$31,400), black families (\$35,800) and renters overall (\$38,200) household income is even lower, while homeowners (\$104,300) and white households (\$88,100) have higher incomes. The BPDA’s report also shows income per capita in Boston is \$39,686, and in East Boston, \$26,569. Boston is primarily a city of renters, with 64% citywide and 71.4% in East Boston renting.

⁴ <http://www.bostonplans.org/getattachment/0753c2f2-0d0a-478a-a102-b24876c86bbe>

⁵ <http://www.bostonplans.org/housing/income,-asset,-and-price-limits>

⁶ <http://www.bostonplans.org/getattachment/8349ada7-6cc4-4d0a-a5d8-d2fb966ea4fe>

Based on these statistics, households earning around the median income in East Boston *may* qualify for and be able to afford rental units restricted for 50% AMI, but most would not be able to afford 70% AMI units. Most Black and Latino residents in Boston, and single income earners and households of renters in East Boston would struggle to afford either type of unit so without additional assistance. These populations tend towards closer to 30% of the AMI. Additionally, the vast majority of residential units, about 6000, would not be restricted in any fashion under the current proposal. Suffolk Downs' transportation modeling relied on figures of 1.58 persons per household. The average household size in East Boston is 2.8.

What if the city adjusts its affordability guidelines after the development is approved?

The BPDA's 2014 policy guidance on PDAs is unclear as to how the IDP should apply to multi-phase projects if the IDP is updated. However, *as the PDA is currently written*, the 13% inclusionary units will apply to every phase: stronger policies or deeper affordability requirements would not apply even if the IDP were updated at any point in the next 10 years. Regardless of whether the 13% affordability levels proposed in the PDA are adequate today, whether or not they will scale to match city policy updates is entirely at the BPDA's discretion.

What are the city's responsibilities to ensure housing opportunities for all residents?

The federal government established a rule in 2015 on "affirmatively furthering fair housing" (AFFH), a provision of the Fair Housing Act of 1968 that had never been implemented. AFFH means "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics." The AFFH rule was delayed by the current president, but the rule remains in place and the City of Boston has committed to follow it regardless of federal action or inaction. The City is continuing to work on its AFFH plans.⁷

How does this relate to East Boston and planning at Suffolk Downs?

One major component of the AFFH process is an Analysis of Impediments to Fair Housing. In Boston's process to date, neighborhood segregation and displacement due to economic pressures have both been identified as issues impacting residents.⁸ East Boston has high numbers of Hispanic residents and Spanish language speakers as well as low-income renters vulnerable to displacement. The city is obligated to ensure neighborhood planning, such as that at Suffolk Downs, improves and does not exacerbate impediments to fair housing. Or, looking at the Planned Development Area guidelines, the plan must "not be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens." HYM has included "non-discrimination" language in its PDA filing, which is a positive step but by no means equivalent to fair housing.

⁷ <https://www.boston.gov/departments/neighborhood-development/assessment-fair-housing>

⁸ https://www.boston.gov/sites/default/files/document-file-08-2017/working_draft_2_-_part_ii.pdf

Transportation

HYM is proposing numerous transportation changes and investments with regards to Suffolk Downs, which are visible on page 38 or Exhibit J-3 of the PDA Master Plan. HYM is also conducting studies, at the request of city and state agencies, to identify transportation impact and volume of drivers on roads and passengers on the Blue Line. The project involves private transportation services, shuttles, and walking and cycling improvements, i.e. a network of trails. Currently, the project is heavily focused on highway improvements. On-site, the amount of parking proposed for Suffolk Downs is almost double city guidelines and recommendations.

What does the transportation modeling tell us about the project?

The BPDA has noted that “proponent’s modeling assumed approximately 1.58 persons per household.... average household size in East Boston is currently 2.8 persons per dwelling unit” (page 9).⁹ Additionally, the BPDA notes the persons per household in the Seaport is about 1.75 and that estimates suggest, by 2030, “the average household size citywide in Boston will be 2.1 and in East Boston specifically will be 2.6.” This *suggests* that, even without full clarity on proposed housing, the current proposal plans for small household/family size.

Will improvements to roads or infrastructure elsewhere be good for Boston residents?

Changes that reduce congestion, improve commute times or take cars off the road *could* help Boston residents. However, state agencies have expressed concerns with the current proposal (visible starting on page 297 of the state’s [Certificate for Suffolk Downs Draft Environmental Impact Report](#)).¹⁰ MassDOT has noted that inbound Route 1A expansion “*may result in additional cut-through traffic... in East Boston (south of Neptune road) during the AM peak.*”

Does the proposal encourage public transit ridership, bicycling or carpooling?

MassDOT notes that the proposal appears geared towards single-occupancy vehicles and, noting delays experienced today by commuter buses, requested the proponent look at rerouting North Shore buses to make a more transit-friendly proposal. \$50m of the proposed public benefits for Suffolk Downs are off-site roadway investments (DEIR 13). Additionally, proposed parking exceeds even the proponent’s estimate of peak parking by about 500 spaces (DEIR 14).

Where will a shuttle stop? Is it free? Can I ride it? Is it electric?

Details of the shuttle service (route, frequency, type of vehicle) are not entirely clear based on the proposal, but the proponent has expressed intent to provide a free, privately-managed, publicly accessible shuttle service that would operate between Suffolk Downs Station, serving North Station, South Station, Chelsea Station, and the Seaport. The Boston Transportation Department has requested the proponent also look at connecting with Orange Line stops such as Sullivan Square, Assembly, or Wellington. The BPDA has also suggested shuttles run every ten minutes and are coordinated with other BTM, MBTA and other private sector planning.

⁹ <http://www.bostonplans.org/getattachment/0753c2f2-0d0a-478a-a102-b24876c86bbe>

¹⁰ <https://eeaonline.eea.state.ma.us/EEA/emepa/mepacerts/2019/sc/eir/15783%20DEIR%20Suffolk%20owns%20Redevelopment.pdf>

Climate Change & Greenhouse Gas Emissions:

Suffolk Downs is “the single largest development project in Boston’s history.”¹¹ The Draft Environmental Impact Report indicated that buildings in the development could generate as much as 72,554 - 90,230 tons of carbon emissions or equivalent pollution annually, and that mobile sources could generate as much as 128,015 tons annually (in and outside of Boston). The PDA filing includes new sustainability efforts such as “passive house” and energy positive (E+) homes. HYM has committed to solar-ready buildings and at least two megawatts (2 MW) of solar. The proposal intends to use ample open space investment, including planting of 1200 trees, as climate resiliency buffers and is working with the Boston on “Smart Utilities.”¹²

How will the project impact our city’s climate goals?

Building electricity and heat are the primary source of emissions in Boston and the added emissions are substantial. The City of Boston and the state Department of Energy Resources have both weighed in with suggested improvements, including promoting passive house systems, tying solar development to each building or phase, using combined heat and power systems (23-24).¹³ Transportation pollution will be dependent on how the project addresses the numerous comments from transportation advocates and city and state agencies.

It is unclear how the addition of passive house or energy positive homes will reduce overall project emissions or if additional sustainability measures are planned for the larger buildings. Additionally, HYM has not explained barriers to deeper energy resiliency measures such as a district energy microgrids. (Microgrids are local energy systems that can help keep power online, reduce emissions and make the best use of excess heat from power systems).

How specifically is the project complying with city climate & energy requirements?

The proponent has submitted “LEED” checklists to the BPDA, a requirement of Article 37 of the zoning code. These checklists have not, to date, been made public.

What about flooding? Are there outstanding concerns with climate resiliency on-site?

The BPDA has noted that the site is vulnerable to flooding “from the Chelsea Creek to the west, and through Revere to the north” (26) and also noted the need to discuss stormwater infrastructure to pump water offsite. The Conservation Law Foundation has also noted concerns about preparing for extreme precipitation, limiting stormwater discharge into the Chelsea Creek, and ensuring the project does not increase risk of hazard at nearby fuel terminals in Revere. Additionally, the current proposal by HYM suggests a flood barrier between Bennington Street and Belle Isle Marsh, which some organizations have noted should be analyzed both for its efficacy in comparison to other interventions and with regard to its impact on the marsh.

¹¹ <http://www.bostonplans.org/getattachment/0753c2f2-0d0a-478a-a102-b24876c86bbe>

¹² <http://www.bostonplans.org/getattachment/7b87a301-95da-4723-b3a9-02bfebd1b109>

¹³ <http://www.bostonplans.org/getattachment/0753c2f2-0d0a-478a-a102-b24876c86bbe>

Jobs and Economic Development:

How many jobs will the project create?

The developer estimates up to 14,000 new construction jobs and up to 25,000 - 50,000 new permanent jobs.

What commitments has HYM made to date regarding economic development?

HYM has committed to “approximately 10% allocation of retail space in the Master Project to local businesses with flexible lease terms pursuant to a plan to be approved by the PDA prior to the commencement of the first building within the PDA area” (PDA - page 11 / Exhibit J), jobs linkage fund payments (\$1.78/square foot of development - Exhibit J), and the creation of up to 14,000 new construction jobs and 25,000 - 50,000 new permanent jobs (Exhibit J).

What are “flexible lease terms” for businesses? How much will commercial rent cost?

It is unclear at this time what is meant by flexible lease terms or how much space will cost.

What standards apply to the jobs on site?

For construction jobs, the Boston Residents Jobs Policy requires employment of 51% residents, 40% people of color, and 12% women, based on total work hours per week. There are not prevailing wage or labor standards for the proposed development, outside of required by state or federal law. The PDA also does not include commitments regarding partnership with minority or women owned businesses (MWBES).

What industries *currently* employ people in East Boston?

Top employing industries in East Boston including air transportation + support services; hospitality; building services; the restaurant industry and other food and drink businesses; car/automotive equipment, rental and leasing; local government through education + schools; state government; as well as care and healthcare industries, outpatient treatment and retail.

Are Bostonians or East Bostonians prepared for work at Suffolk Downs? What strategies does the City of Boston believe will help workers access good jobs?

A report entitled *Untapped: Redefining Hiring in the New Economy*¹⁴ identifies numerous strategies—and needs—for preparing Bostonians to access good jobs. Building up English language skills and training (ESL/ESOL), apprenticeship programs (such as BEST Hospitality for hotel workers or Building Pathways for construction trades), and community college + vocational school partnerships with employers are several key strategies. Advocates have also noted lack of affordable childcare with flexible hours is a barrier for many working families. East Boston has a high foreign born, Spanish-language speaking population and many families with children. Language training in advance of development at Suffolk Downs could expand East Boston residents’ opportunities to access good jobs.

¹⁴ <https://owd.boston.gov/wp-content/uploads/2019/03/Untapped-Redefining-Hiring-in-the-New-Economy.pdf>