



Boston City Council

LYDIA EDWARDS
Councilor - District 1

October 23rd, 2019

Director Brian Golden
Boston Planning & Development Agency
One City Hall Plaza
Boston, MA 02201

Tim Czerwienski, Project Manager
Boston Planning & Development Agency
One City Hall Square
Boston, MA 02201

Re: Suffolk Downs Project, Planned Development Area

Director Golden, Mr. Czerwienski:

Thank you for the opportunity to comment on the amended Suffolk Downs proposal. As the project continues to evolve, I appreciate the willingness of the Walsh administration, BPDA and HYM Investment Group, LLC to participate in continued and creative dialogue to address critical challenges related to housing affordability, transportation and climate change.

Before discussing the Suffolk Downs project and the amended PDA Master Plan, I am requesting all materials on the project be translated and made available in Spanish in a timely fashion. Multi-lingual availability of project documents should be normal and routine for Suffolk Downs and for other projects impacting the East Boston community. Where matters are extremely time-sensitive or pending before the BPDA board, an intelligible and complete Spanish-language accounting of changes, issued in a separate document, may be practicable in order to quickly and effectively communicate updates and allow for full participation of and response from the community. Regardless, as noted, translated materials should be made available swiftly enough so that they can be accessed by the public during the review process.

Fair Housing and Non-Discrimination:

As the City, BPDA and project proponent continue to define the housing plans on site, including income-restricted housing development and contributions, it is critical that certain measures, substantive and procedural, be memorialized in the PDA and in separately executed legal

documents. The proponent has made progress in this direction by amending the Non-Discrimination Covenant to include omitted classes of protected groups. This is an important and appreciated step.

In a May 31, 2019 comment letter from my office,¹ I cited fair housing concerns based on the unit count and size, affordability levels and the stark contrast with immediately proximate census tracts as well as the East Boston community at large. The revised project has come closer to addressing concerns by adjusting inclusionary development requirements to secure more income-restricted family or three-bedroom units (*PDA Master Plan Redline, page 14, item a.*) and increasing overall resources dedicated to housing on-site and off-site in East Boston through a Housing Stabilization Fund (*page 14, item c.*) and a tentative infrastructure 1:1 match agreement (*page 15, item e.*). Additional steps are nonetheless necessary on the part of the proponent and the BPDA itself.

This month, my office released a report, *Planning for Fair Housing*,² making broad recommendations for the BPDA with regard to fair housing and planning to mitigate displacement. Some of these recommendations and learnings from the report could be applied immediately and impactfully throughout the Suffolk Downs PDA. Notably, the City of Boston is presently currently working to finalize its Affirmatively Furthering Fair Housing (AFFH) plan. As the AFFH plan is issued for public comment and as it evolves, strategies for affordability in the largest development in Boston, and review over the span of development, are essential.

To that end, any approval for Suffolk Downs should contain an explicit acknowledgement and commitment by the City and BPDA that (1) the BPDA will participate in and work in furtherance of the city's plans regarding Affirmatively Furthering Fair Housing; (2) that such efforts will include ongoing work over the development of Suffolk Downs to eliminate barriers to housing opportunity for protected classes and groups vulnerable to displacement; and (3) that the developer, city and BPDA will review housing and fair housing issues over the course of development, during each phase and upon the filing of any PDA amendment. These items should be reflected in the PDA under sections regarding Housing (e.g. pages 13-16) and Amendment of the Master Plan (19) and carried through any comparable sections in each Phase.

Income-Restricted Housing:

Overall plans for income-restricted housing have been aligned, through a variety of means and including both on-site housing, off-site housing, land and housing fund contributions, and

¹ Letter available at bit.ly/suffolkdownsmay2019

² See report at bit.ly/planfairhousing

infrastructure match funds, to reach 20% of housing. The partnership of all parties in making this requirement feasible is commendable.

The Planned Development Area filing should, however, specify the 13% income-restricted housing on-site and 20% income-restricted housing overall as a floor, overall and for each phase. Additionally, the proponent and BPDA should establish revenue marks above which the proponent agrees to make additional and proportionate investment in affordable housing.

The proponent should amend the initial paragraph of the Housing section of the PDA Master Plan filing (*pages 13-14*) to read:

10. Housing. The Master Project includes the development of approximately 7,474,000 square feet of residential space (including accessory uses thereto), including both for sale and rental units. **The Master Project intends to create, fund or facilitate the development of income-restricted housing equivalent to at least 20% of units or residential square-footage on-site, through the combination of housing units on-site and contributions of land, financial support and other means determined in partnership with the BPDA.** At least 10% of the total amount of residential space shall be senior housing. The Master Project intends to set aside **at least 13%** of the total number of units (or, at the BPDA's election as set forth below, **at least 13%** of the square feet of residential space) as affordable units under the Mayor's Inclusionary Development Policy housing program under the Mayor's Order Relative of Inclusionary Development dated December 9, 2015 (the "IDP"). Included in the total number of affordable units, 13% of the senior housing units (or, at the BPDA's election as set forth below, 13% of the square feet of senior housing space) will be affordable units under the IDP. The Proponent shall enter into a Master Affordable Housing Agreement with the BPDA for the entire Master Project, which shall provide for a separate Affordable Housing Agreement to be executed by the owner of each residential building prior to issuance of a building permit for that building. Each building that includes residential uses shall provide the affordable housing units on site as required by the IDP, or subject to the approval of the BPDA, the Proponent may redistribute the affordable housing units to other buildings or provide the affordable housing at an off-site location. **The proponent agrees further to establish, in collaboration with the BPDA, a projected revenue target or investment rate of return which, if exceeded, will trigger additional and proportionate contributions to affordable housing.**

To expand on this point, the proponent has indicated it intends to retain holdings of the majority of the property during the development and steward the creation of a community at Suffolk Downs. This verbal and long-term commitment to neighborhood development is appreciated.

However, to protect the public interest throughout variable economic conditions or potential changes in ownership, the City and BPDA should seriously consider the establishment of value capture mechanisms triggered upon resale of property at Suffolk Downs or appreciation beyond a capped amount, particularly as public agencies look toward collaborative strategies for investment to support infrastructure development. Both regulatory approval and public investment will undoubtedly impact land value in the area.

The proponent identifies inclusionary units will achieve an average of 70% AMI, with units restricted at levels no higher than 80% AMI (*page 14, item b*). The project proponent should clarify, based on the most recent filing and any subsequent updates during the planning process, the anticipated number, distribution and income ranges of income-restricted housing units.

As noted in the May 10 comment letter, the median income of East Boston is closer to 50% AMI and renters and communities of color across the city tend toward 30-40% AMI. While the creation of a Housing Stabilization Fund is an important step for East Boston today, the City, BPDA and proponent should ensure housing on site is available to a diverse and representative body of residents at a range of incomes.

In order to achieve that end, the proponent should open up and clarify financial assumptions for development on-site and partner with the city in identifying strategies for the production of units at 30% and 50% AMI levels. This may include seeking housing trust or CPA funds, leveraging portions of the infrastructure 1:1 match to “buy down” affordability on-site, or other strategies. The city and BPDA, in reviewing the project, must balance off-site strategies — which may be cost-effective and assist in preventing displacement — with fair housing obligations in and around Suffolk Downs.

The proponent should amend the PDA filing (*page 14, item b*) to read:

“B. At the discretion of the BPDA, the Proponent has agreed to provide the on-site affordable rental units at an average of **no more than 70%** Area Median Income (“AMI”), instead of providing all such units at 70% of AMI. The maximum AMI of any individual affordable unit would be no more than 80% of AMI, **and the Proponent will, throughout the course of development, partner with the City on strategies, including pursuit of private, city, state and federal funding streams, to produce income-restricted units at lower median incomes (i.e. 30% / 50%) in furtherance of the city’s Affirmatively Furthering Fair Housing plan.** This change from what is typical practice under the IDP is allowed in this area of the City and will assure that residents with incomes below 70% of AMI can be served and can access housing at Suffolk Downs.”

For its part, the City of Boston, in partnership with the BPDA and the proponent, can continue to explore strategies to help make deeper affordability a reality. For example, the City could issue bonds or dedicate Phase 1B property tax revenues to help finance housing, transportation or water and sewer infrastructure in future phases, seeking legislative authorization to do so if necessary.

Jobs and Economic Development

Suffolk Downs will be an economic boon for the municipality of Boston—what is critical is that the economic benefits are shared among a diverse and representative range of Bostonians, particularly East Boston residents.

My office has met with multiple stakeholders and hosted a community meeting attended by hundreds of individuals to solicit additional feedback regarding jobs and economic development at Suffolk Downs. In the May 10 comment letter, I also recommended an upfront contribution toward ESOL education to support job readiness, matching city / BPDA research on barriers to entering or advancement in the workforce as well as public testimony on the experience of workers of Limited English Proficiency seeking employment at large employers like Encore Boston Harbor. I reiterate those comments. It is my understanding that the developer does intend to contribute toward ESOL education, and to make additional workforce preparedness contributions through business partners. These contributions should be memorialized in the PDA Master Plan (e.g. on pages 16-18 and in Exhibit J) and elsewhere as appropriate.

Pursuant to Development Impact Project (linkage) requirements, the proponent will make contributions to the Neighborhood Jobs Trust (NJT). The proponent has also committed to 10% of retail space leased to local businesses with “flexible lease parameters” on site (*J-2, public benefits*). I appreciate that the City and proponent have facilitated early discussions with minority-owned businesses and am hopeful that the proponent, BPDA and Office of Economic Development will clarify and develop strategies for inclusive economic participation, including defining at least a process for discerning standards for lease parameters or other facets of entrepreneurship on site.

Several stakeholders have approached my office with creative ideas for economic development or for use of jobs linkage funds. The proponent and BPDA should evaluate the merits of alternative compliance with linkage in the PDA, including strategies that fund ESOL, prepare residents for health or transportation careers, support worker cooperative development efforts (such as East Boston’s Center for Cooperative Development and Solidarity / Centro Cooperativo de Desarrollo y Solidaridad) or other initiatives. The proponent and BPDA could also explore

reserving a portion of jobs linkage compliance for targeted projects in East Boston relevant to the full and equal economic participation of a diverse constituency.

Sustainability Strategies

My office is in receipt of questions and concerns regarding attainment of the goals in Boston's Climate Action Plan, greenhouse gas emissions from buildings in Boston, net zero development standards and related issues. Acknowledging the earlier improvements the proponent has made in consultation with the BPDA and Department of Energy Resources, it is critical that all stakeholders focus clearly on city goals and a pathway toward net zero. To that end:

1. Project buildings, components or phases that are solar-ready, net zero-ready or otherwise prepared for future sustainability initiatives should have a periodic review mechanism or safeguard so that the city can both support and expect a transition to net zero. The proponent has noted incentives for certain renewable energy programs are both evolving and variable, and to accommodate this, the city and proponent should have a clear strategy for pursuing deeper sustainability measures and advocating for them.
2. Measures that would substantially increase gas infrastructure are not likely to be compatible with city and state climate change efforts, and the city should take several steps to ensure efforts towards district energy do not unintentionally thwart the plan for carbon neutrality.

Belle Isle Marsh

My office is also in receipt of questions and concerns regarding the future of Belle Isle Marsh and how the development at Suffolk Downs will impact its ecosystem and natural function as a flood barrier. Belle Isle Marsh is an irreplaceable environmental asset. Harmonious development may benefit from the marsh's natural buffer against climate-induced weather impacts, and may allow for increased public enjoyment of the marsh itself. However, the development should also have plans to handle extreme precipitation, including plans to prevent environmentally deleterious effects on the marsh and its ecosystem, and to responsibly guide residents and visitors to enjoy the natural environment without causing undue damage to it.

In partnership with the Executive Office of Energy and Environmental Affairs and Massachusetts Environmental Policy Act Office, the city and developer must clearly assess the impacts of development on the marsh and collaborate on protection for it. Additionally, the Friends of Belle Isle Marsh should be formally, regularly and meaningfully consulted on aspects of the development that impact, mitigate impacts on or allow for greater public enjoyment of the marsh.

Transportation

Based on the updated filings, the proponent has, in consultation with MassDOT, eliminated the proposed third southbound lane on Route 1A (*Suffolk Downs Additional Information Document, 11 - 12*). Additionally, cost savings from this change will be directed toward the public transit system.

I am firmly opposed to highway expansion and appreciate the shift in transportation mitigation. The proponent should, however, clarify the amount or value of mitigation redirected toward the public transportation system and identify which projects it is funding. For example, it will be important to understand whether the mitigation is primarily directed toward capital improvements of area stations, improving or increasing bus or subway service, or other measures.

The quantity of parking at Suffolk Downs, while reduced, and projected vehicle trips remain substantial and concerning for a site adjacent to public transit and in a metropolitan area stifled by congestion. Monitoring parking and pursuing additional and future efforts at parking reduction will be essential. Even assuming a high quantity of cars and vehicle trips, the proponent should also take strong steps to minimize vehicle pollution.

The current proposal has modest plans for electric vehicle charging stations, sustainable transit and alludes to future transportation demand management strategies. Increasing the base number of electric vehicle charging stations, facilitating procurement of electric vehicles for lessees or identifying partnerships to do so, and aggressively promoting bus, shuttle and subway services are critically important.

Finally, certain presentations and transportation modeling have suggested the MBTA Blue Line is already prepared to carry a much higher quantity of passengers. Respecting the proponent's views and the MBTA's own analysis of capacity, residents have reported crowded conditions at peak hours and overall transportation planning will likely require investments to increase capacity or service frequency on the Blue Line.

Clarity on Security Protocols, Implicit Bias Training

The proponent has indicated that public safety at Suffolk Downs will primarily rely on the Boston Police Department and will not operate a separate, private police force. Some abutters have also expressed concerns at community meetings about security prior to and during the development phase, particularly while the site is primarily vacant, and the proponent has responded with assurances that security will be on site.

Ensuring the public safety of residents, is, of course, important. In order to ensure fair and equal treatment of all community members, any security operation on-site should be clearly informed on the public's rights in public and private spaces, including public easements, aware of distinctions between their private role and that of police officers, and should also be trained in implicit bias. In the period between now and the establishment of a residential community, it would also be helpful for the proponent to establish clear channels of communication regarding security on site in order to expeditiously resolve resident concerns.

Thank you for the opportunity to comment on the Suffolk Downs development, and I look forward to continued progress on its design.

Regards,

A handwritten signature in cursive script, appearing to read "Lydia Edwards".

Lydia Edwards

Boston City Councilor, District One