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December 6, 2016

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Marie Mercurio  
Boston Planning & Development Agency  
One City Hall Square  
Boston, MA 02201

Re: Supplemental Comments on Plan JP/Rox final plan  
Revision to reflect Board discussion and approval on November 22

Dear Ms. Mercurio,

With further delays in conclusion of the Plan JP/Rox process, the Board of Directors of Egleston Square Main Street (ESMS)<sup>1</sup> has taken the opportunity to continue its conversation about various elements of the plan. At our November meeting the board discussed the affordability goals and proposed zoning mechanisms of the plan and approved the following supplemental comments for consideration by the BPDA.

***Affordable Housing Goals***

ESMS appreciates the plan's attention to issues of housing affordability and displacement, putting these concerns front and center. To our knowledge, no neighborhood planning effort in Boston has directed so much attention to these issues, and the focus here is for good reason. Extreme housing cost burden, housing instability, and evictions are very real and immediate threats to many residents of our neighborhood. Demand for housing keeps increasing, but the supply has not, and lower-income residents are getting priced out. We believe this crisis requires a two-stage response: immediate actions to assist families facing housing instability today; and long term actions to expand the housing stock to accommodate a growing number of households in the coming years. In this letter we focus on the plan's long-term goals and strategies, while recognizing the critical importance of housing stability interventions that should begin immediately.

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<sup>1</sup> ESMS is a non-profit organization whose mission is to build the Egleston community, strengthen the business district and revitalize public spaces through partnership with local merchants, residents and community groups. We represent a business district comprising 117 establishments, with a primary trade area of 12,000 residents.

Housing production at a wide range of income levels is needed to meet growing demand in the coming decades. **ESMS supports the plan’s goal of making 30% of all new units deed restricted affordable housing** (page 8), **a goal that is both ambitious and achievable**. This is equivalent to 985 – 1,215 new affordable units (page 61)<sup>2</sup>, more than doubling the number of deed-restricted units currently existing in the study area. Achieving this goal requires both substantial investments in public subsidies (\$270 million—page 60) as well as increased inclusionary zoning requirements (16% - 17%).

While higher inclusionary zoning percentages (or more deeply affordable inclusionary requirements) may be desirable, they may also be infeasible or counterproductive, given the high development costs and relatively moderate rents in the study area. This interplay was examined in the density bonus feasibility analysis prepared for the plan, which concluded that higher inclusionary requirements would discourage privately financed housing development and delivery of affordable units.

**An inclusionary zoning feasibility analysis commissioned by a coalition of nonprofits including ESMS, JPND, and Urban Edge failed to produce results that disprove the city’s findings.** In fact, that analysis concluded that “Under the cap rate assumptions used in the model (5% rate) this analysis indicates that the affordable percentage for Jamaica Plain could be increased from 13% to 15% (of total units) without significantly slowing development.” The model used in that analysis found that higher affordability requirements were feasible only under conditions of substantially higher rents (which the plan is intentionally trying to avert) or significantly lower land prices (which may discourage current property owners from selling developable parcels.)

We conclude from both these technical analyses that **higher inclusionary requirements have a strong possibility of producing fewer privately-financed affordable units than the density bonus proposal in the current plan.**

In addition to being feasible, the 30% goal would largely maintain the current share of deed-restricted housing as a percentage of the current housing stock in the corridor, and it would provide more than enough units to accommodate the 380 low-income renter households at “elevated risk” for displacement (page 40). In combination with the Diversity Preservation Preference (page 52) which sets aside 50% of new affordable units for nearby households at risk of displacement, and anti-eviction efforts (page 55) we feel that **the plan sets forth a concrete framework for helping low-income households avoid displacement.**

While we respect community members advocating for even higher percentages of affordable housing, we remained concerned that such demands are both unrealistic and unwise. Achieving a goal of 70% affordable housing, as advocated by some community members, would require nearly a *billion dollars of public subsidies*, depleting the resources available to build affordable housing in other communities that currently provide few opportunities for low income households. Furthermore, **targets of 40% or more affordable**

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<sup>2</sup> Page numbers refer to the October 20 Draft

**housing would have the effect of further concentrating low-income households and people of color into this neighborhood**, which already has a higher share subsidized housing than any of Boston's 15 official neighborhoods or any other municipality in Massachusetts.<sup>3</sup> There is abundant evidence that children's health, education, and economic outcomes are better when they grow up in economically diverse neighborhoods, which is why the Obama Administration's recently adopted Affirmatively Furthering Fair Housing rule discourages cities from concentrating new low-income housing in disadvantaged neighborhoods.

#### *Tracking progress and updating the plan*

We also recognize that the conditions affecting the need for and feasibility of inclusionary zoning may change over time. Important variables such as cap rates and rents may change, making higher or lower inclusionary rates more feasible, or less so. In such a dynamic context a "set it and forget it" approach to inclusionary zoning requirements is not appropriate. Therefore, **we suggest that the BPDA set a schedule for monitoring relevant neighborhood conditions and adjusting the plan over time.** At a minimum, BPDA should report key indicators on a biennial basis (every two years); these indicators should include number of units permitted and delivered, and the affordability of those units; current estimates of asking rent distribution in the neighborhood; number of businesses and employees; demographic composition of deed restricted housing occupants; metrics related to the Diversity Preservation Preference pilot; and current statistics relevant to the inclusionary zoning feasibility analysis, including land prices, construction costs, cap rates, and market rents. We suggest that the plan and its key requirement be evaluated for adjustment and revision following the second of those biennial reports, which would be due in early 2021.

#### *Development review process and as-of-right zoning*

ESMS strongly advocated for a planning process to set forth a framework for growth in the corridor and create a predictable and efficient process for review and approval of development proposals. We had hoped that the the Plan JP/Rox process would result in rezoning that could set an example for how the city could wean itself away from its decades-long addiction to zoning variances as a routine part of development review—a habit that adds to the cost of development, fuels contention in the community, and produces lowest common denominator development projects. A stated goal of the plan is to provide "predictable baseline as-of-right development conditions" (page 7), yet the implementation mechanisms fall far short of this goal. **The proposed Residential Development Area mechanism entails a discretionary approval that will add time, money, and uncertainty to the development process.** We understand that Boston's ability to adopt inclusionary zoning is currently limited, and that the city plans to file enabling legislation to change this in the next legislative session. However, the plan does not clearly articulate what happens after such legislation is adopted. The plan should more clearly articulate a) that the discretionary RDA process is a stopgap measure; and b) what as-of-right zoning will be brought forward for approval by the zoning commission should inclusionary zoning enabling legislation be adopted.

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<sup>3</sup> [https://www.boston.gov/sites/default/files/boston2030\\_chapter\\_2\\_preserving\\_affordable\\_housing.pdf](https://www.boston.gov/sites/default/files/boston2030_chapter_2_preserving_affordable_housing.pdf) (Table 8); and [www.mass.gov/hed/docs/dhcd/hd/shi/shiinventory.pdf](http://www.mass.gov/hed/docs/dhcd/hd/shi/shiinventory.pdf)

It is our position that following such a robust planning process and implementation through as-of-right zoning, appropriate avenues for community involvement in development review are the Article 80 process and the design review process. While the Article 80 process is well-established, the process for soliciting community feedback during design review is not well articulated in the plan. The plan should describe how the community will be engaged during the design review process, and how the BPDA will incorporate their feedback. It is our position that design review should not be a venue for soliciting community “approval” of a project, but rather a forum for soliciting community concerns and ideas that should be considered by the developers and the BPDA.

Thank you for your consideration of these comments on the plan.

Sincerely,

Solomon Lemma

Logan Keck

Co-Presidents, Board of Directors