

MEMORANDUM

OCTOBER 17, 2013

TO: BOSTON REDEVELOPMENT AUTHORITY AND
PETER MEADE, DIRECTOR

FROM: HEATHER CAMPISANO, DEPUTY DIRECTOR OF ECONOMIC
DEVELOPMENT
JOHN FITZGERALD, SENIOR PROJECT MANAGER

SUBJECT: SCHEDULING OF A PUBLIC HEARING FOR THE DEVELOPMENT
PLAN FOR PLANNED DEVELOPMENT AREA NO. 96, GOVERNMENT
CENTER GARAGE REDEVELOPMENT PROJECT AND TO CONSIDER
THE GOVERNMENT CENTER GARAGE REDEVELOPMENT PROJECT
AS A DEVELOPMENT IMPACT PROJECT

SUMMARY: This Memorandum requests authorization for the Secretary to schedule and advertise a public hearing at a date and time to be determined by the Director, pursuant to Sections 80B-7 and 80C of the Boston Zoning Code (the "Zoning Code"), regarding (i) the Development Plan for Planned Development Area No. 96, Government Center Garage Redevelopment Project (the "PDA Plan"), and (ii) consideration of the Government Center Garage Redevelopment Project as a Development Impact Project.

BACKGROUND

The Project Proponent is Bulfinch Congress Holdings, LLC ("BCH"), a Delaware limited liability company (the "Proponent"). The members of BCH are: UKI Boston LLC, c/o Britannia Pacific Properties, Inc., 621 Capitol Mall, Suite 1900, Sacramento, CA 95814; and National Electrical Benefit Fund, 900 Seventh Street, N.W., 9th Floor, Washington, D.C. 20001. The HYM Investment Group, LLC is the designated representative of BCH.

The existing garage, known as the Government Center Garage, was originally constructed as a nine (9) level off-street parking garage pursuant to an urban renewal Land Disposition Agreement dated August 9, 1966 between the BRA and the City of Boston ("City"), recorded in Suffolk Registry of Deeds ("Deeds") at Book 8119, Page 490, and a Deed dated May 16, 1967 from the BRA to the City, recorded in Deeds at Book 8119, Page 507. The existing garage was constructed by the City pursuant to a building permit issued on June 14, 1967, and, according to the records of the Inspectional Services Department, the construction was certified to have been completed on February 14, 1972. In 1983, the City conveyed the garage property to a

private developer pursuant to a Sale and Construction Agreement dated December 21, 1983, recorded in Deeds at Book 10700, Page 87, and pursuant to a Deed dated December 21, 1983 from the City to the Trustees of Government Center Garage Realty Trust, recorded in Deeds at Book 10700, Page 78. The garage was then improved with the addition of two (2) floors of office space, ground floor retail space and additional parking spaces. The existing garage presently contains approximately 2,310 parking spaces, 256,532 square feet of office space and approximately 37,602 square feet of retail space at a present height of eleven (11) stories and 143 feet.

PROPOSED PROJECT

The site consists of approximately 209,949 square feet, or 4.82 acres (exclusive of Merrimac Street/Congress Street), bounded generally by New Sudbury Street, Bowker Street, New Chardon Street and North Washington Street (aka: John F. Fitzgerald Surface Road)(“the Project Site”). The proposed project provides for the subdivision of the Project Site into two main parcels: the “West Parcel”, which is to be bounded by Congress Street, New Chardon Street, Bowker Street and New Sudbury Street; and the “East Parcel”, which is to be bounded by Congress Street, New Sudbury Street, North Washington Street (aka: John F Fitzgerald Surface Road) and New Chardon Street. The parcels may each be held in separate ownership in the future and each parcel may be further subdivided into buildings or groups of buildings, being developed in sequence or phases, and hereinafter referred to as “Components” or “Project Components”.

The proposed project consists of the development of the Project Site with approximately 2.9 million square feet of gross floor area, of which 2.3 million gross square feet consists of new transit-oriented, mixed use development and the remaining area consists of approximately 1,159 garage parking spaces (the “Proposed Project”). The Proposed Project will introduce 812 new housing units, 196 new hotel rooms, approximately 1.15 million square feet of office space, 82,500 square feet of retail space and 1,159 parking spaces. The Proposed Project includes the construction of six new components, three on the portion of the site west of Congress Street referred to as the West Parcel and three on the portion of the site east of Congress Street referred to as the East Parcel. The Proposed Project will include a reconfigured MBTA Haymarket bus facility.

Upon receiving comments and feedback from the community and the BRA, the Proponent agreed to lower both the height and density overall of the Proposed Project on the East Parcel. Specifically, the Proponent has lowered the proposed 600-foot office building on the West Parcel (WP-B2) to 528 feet (representing a 12 percent reduction) and also lowered the proposed 275-foot proposed hotel/condominium building on the East Parcel (EP-B1) to 157 feet. In addition, the overall proposed square footage of new uses has been reduced by approximately 122,000 gross square feet. Combined, these changes will lessen the overall impacts of the Proposed Project.

The West Parcel components include: a 464-unit, 480-foot tall residential building (WP-B1); an approximately 1.0 million square foot, 528-foot tall office building (WP-B2); and a 291-unit, 299-foot tall residential building (WP-B3). All three West Parcel components include retail spaces, totaling approximately 20,000 square feet. The West Parcel components will be built around and above the portion of the existing garage that will remain and will include 1,159 parking spaces.

The East Parcel (EP) includes three components: a 157-foot tall building that includes 57 residential units, a 196-key hotel and 17,400-square foot of retail (EP-B1); a 152-foot tall building containing 143,500 square feet of office space and 20,300 square feet of retail space (EP-B2); and a 60-foot tall, 25,000-square foot retail building (EP-B3).

The existing public way known as Merrimac Street (Congress Street) located within the garage site is owned in fee by the Proponent. This area contains approximately 40,939 square feet and will be conveyed during the development of the Proposed Project to the City pursuant to an agreement among the City, the BRA and the Proponent upon the completion of Phase 2, Phase 3A or Phase 3B, as applicable, and the substantial removal of the garage structure over Merrimac Street (Congress Street) and the East Parcel. Furthermore, the Proposed Project contemplates the future acquisition and discontinuance of certain public easement rights and interests, which are to be acquired from the City with the assistance of the BRA, and which consist of approximately 8,013 square feet on the West Parcel and approximately 15,849 square feet on the East Parcel, all as shown on the PDA site plan. The Proponent shall be required to finalize any land transfers and/or discontinuances required to construct a Project Component prior to construction of such Project Component.

ZONING

The Proposed Project is located within the Government Center/Markets District (the "District"), as established by Article 45 of the Code ("Article 45"), and is located within the Sudbury Street Restricted Growth Area. The Project Site is also situated in a Restricted Parking Overlay District.

On September 12, 2013, the BRA Board recommended an amendment to Article 45 of the Code to allow the creation of additional Planned Development Areas within the Government Center/Markets District. This recommendation followed the BRA community meeting to review the Greenway Guidelines and the recommendation to create additional PDA areas. On October 9, 2013, the Zoning Commission, acting upon the recommendation of the BRA, approved Text Amendment Application No. 446 and Map Amendment Application No. 639, which amended Article 45 and Map 18, Government Center/Markets District, by expanding the areas in which PDAs may be permitted from one area to four areas and the Government Center/Markets District. The areas to be included are the existing Brook Courthouse, the Government Center

Garage Site, the Dock Square Garage Site, and the area around the eastern end of Faneuil Hall Market Place bounded by Clinton Street, John F. Fitzgerald Surface Road and State Street. The designation of such areas and the Text and Map Amendments allows for the review of the Development Plan by the BRA and its recommendation to the Zoning Commission for adoption of an approval of PDA Area No. 96.

RECOMMENDATION

BRA staff recommends that the Secretary be authorized to schedule and advertise a Public Hearing to consider the Development Plan for Planned Development Area No. 96, Government Center Garage Redevelopment Project, and to consider the Proposed Project as a Development Impact Project, to be held at a date and time to be determined by the Director.

An appropriate vote follows:

VOTED: That the Secretary be, and hereby is, authorized to schedule and advertise a public hearing at a date and time to be determined by the Director, (i) pursuant to Section 80C of the Boston Zoning Code, to consider the Development Plan for the Planned Development Area No. 96, Government Center Garage Redevelopment Project and, (ii) pursuant to Section 80B-7 of the Boston Zoning Code, to consider the Government Center Garage Redevelopment Project as a Development Impact Project.