

MEMORANDUM

OCTOBER 17, 2013

TO: BOSTON REDEVELOPMENT AUTHORITY AND
PETER MEADE, DIRECTOR

FROM: KAIROS SHEN, CHIEF PLANNER
HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW
PRAATAP PATROSE, DEPUTY DIRECTOR OF URBAN DESIGN
DAVID CARLSON, SENIOR ARCHITECT/URBAN DESIGNER
ANDREW GRACE, SENIOR URBAN DESIGNER
CASEY HINES, PROJECT MANAGER

SUBJECT: PUBLIC HEARING FOR THE FOURTH AMENDMENT TO
DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT AREA NO. 46
FOR BRIGHTON LANDING LOCATED IN BRIGHTON,
MASSACHUSETTS

SUMMARY: This Memorandum requests the Boston Redevelopment Authority (the "BRA") (i) authorize the Director to issue pursuant to Section 80A-6 of the Boston Zoning Code (the "Code") a Determination waiving further review of the revised Brighton Landing project; (ii) authorize the Director to issue a Certification of Compliance pursuant to Section 80B-6 of the Code for the revised Brighton Landing project; (iii) approve the Fourth Amendment to the Development Plan for Planned Development Area No. 46 (the "Fourth Amendment") for Brighton Landing pursuant to Section 80C of the Code; (iv) authorize the Director to petition the Zoning Commission of the City of Boston (the "Zoning Commission") for approval of the Fourth Amendment, pursuant to Section 80C of the Code; (v) authorize the Director to issue a Certification of Consistency for the revised Brighton Landing project pursuant to Section 80C-8 of the Code; and (vi) authorize the Director to issue any and all documents, or amendments thereto, as may be necessary and appropriate in connection with the Fourth Amendment and the revised Brighton Landing project.

PROPONENT AND PROJECT SITE

The proponent of the Proposed Project is NB Guest Street Associates LLC (the "Proponent"). Brighton Landing, encompassed by Planned Development Area No. 46, contains approximately 8.05 acres of land located on both the northerly and southerly sides of Guest Street in Brighton (the "Project Site").

BRIGHTON LANDING

The Development Plan for Planned Development Area No. 46, Brighton Landing (the “Original PDA Plan”), approved by the BRA on February 25, 1999, approved by the Boston Zoning Commission on March 24, 1999 and which became effective on March 26, 1999, involved the construction of approximately 554,155 square feet of floor area on the northerly side of Guest Street for office, research and development, retail and parking, as well as accessory, ancillary and incidental uses related thereto, and also involved the construction of approximately 520,000 square feet of floor area on the southerly side of Guest Street, approximately 100,000 square feet of which was designated for manufacturing, retail and fitness center use, as well as accessory, ancillary and incidental uses related thereto on the ground floor and basement, and the balance of approximately 420,000 square feet was designated for approximately 1,200 accessory off-street parking spaces.

THE FIRST AMENDMENT (WGBH)

The First Amendment to Development Plan for Planned Development Area No. 46 dated September 29, 2004 (the “First PDA Plan Amendment”), approved by the BRA on December 24, 2004, approved by the Zoning Commission on January 19, 2005, and which became effective on January 19, 2005, involved the expansion of the area encompassed by Planned Development Area No. 46 and the construction of approximately 146,717 square feet of floor area on the northerly and southerly sides of Guest Street, and an above-ground connector connecting the building at One Guest Street with the building at 10 Guest Street, in order to allow the WGBH Educational Foundation to use the West Building (as defined in the Original PDA Plan) and the 146,717 square feet of new space for corporate offices, radio and television studios, and state-of-the art multi-media broadcasting, production and communication facilities (the “First PDA Plan Amendment”).

THE SECOND AMENDMENT (MODIFIED USE)

The Second Amendment to Development Plan for Planned Development Area No. 46 approved by the BRA on October 18, 2012, approved by the Zoning Commission on November 14, 2012, and which became effective on November 16, 2012, authorized the East Building (as defined in the Original PDA Plan) to be used for lobby area, restaurant, retail, office, research and development use, service and a clinic (non-institutional, non-hospital use), also authorized the South Building (as defined in the Original PDA Plan) to be used for a clinic (non-institutional, non-hospital use), restaurant, service and office, and confirmed that a fitness facility use is allowed on the ground floor as well as the basement (the “Second PDA Plan Amendment”).

THE THIRD AMENDMENT (GARAGE ADDITION)

The Third Amendment to Development Plan for Planned Development Area No. 46 approved by the BRA on June 13, 2013, approved by the Zoning Commission on July 10, 2013, and which became effective on July 10, 2013, authorized the existing fifth level on the roof of the Brighton Landing parking structure to be enclosed and the addition of a new sixth level on the roof comprising up to 90,700 square feet. The new sixth level will accommodate approximately 250 parking spaces. These additional spaces will be used to offset the approximately 250 spaces which will be removed from certain areas of the development approved for the adjacent Planned Development Area No. 87. Therefore, these additional spaces will be utilized not only to service certain elements of Planned Development Area No. 87, but also uses allowed in Planned Development Area No. 46. Planned Development Area No. 87 will be amended in a forthcoming amendment to reflect such removal of 250 spaces, (the "Third PDA Plan Amendment", and together with the Original PDA Plan, the First PDA Plan Amendment, and the Second PDA Plan Amendment, the "Current PDA Plan").

THE FOURTH AMENDMENT (ELEVATOR CORE)

The Fourth Amendment to Development Plan for Planned Development Area No. 46 (the "Fourth PDA Plan Amendment") proposes to modify the Current PDA Plan to add additional adjacent land (the "Additional Land") as a part of Planned Development Area No. 46. This Additional Land resulted from the discontinuance, as a public way, of a portion of Life Street by the Public Improvement Commission. This Fourth PDA Plan Amendment also amends the Current PDA Plan to authorize the Proponent to construct a new garage lobby and two new elevators. The Fourth PDA Plan Amendment was referenced for the purpose of context as "Phase 2" in the Third PDA Plan Amendment. Now that the July 11, 2013 actions by the Public Improvement Commission are completed, the Proponent seeks the approval to construct a new entrance lobby, two new elevators and the extension and improvements of an existing stairwell, all to be located in the northeasterly portion of the Brighton Landing Parking Garage, at the corner of Guest Street and Life Street. The Proponent also seeks approval on the extension of two other existing stairwells and as well as capital improvements to the existing elevator core on the northwesterly portion of the Brighton Landing Parking Garage. Approval of the Fourth PDA Plan Amendment will complement the Third PDA Plan Amendment improvements by visually enhancing the façade of the garage and allowing greater access at both the eastern and western points of entry. This Fourth PDA Plan Amendment also amends the Current PDA Plan to authorize a studio production use and biotechnology and laboratory use (provided, however, that no laboratory classified as a Biosafety Level 3 or 4 shall be permitted). The studio production use and biotechnology and laboratory use would be limited to the area of Brighton Landing on the north side of Guest Street known as the East Building (the "East Building"), located at 20 Guest Street. With the approval of the New Balance

World Headquarters Project, one of the approved projects as part of PDA No. 87, New Balance Athletic Shoe Inc. ("New Balance"), the major tenant in the East Building, is scheduled to move into the new Headquarters Building, to be located at the eastern terminus of Guest Street, in the fall of 2015. Efforts are underway to back-fill the New Balance space in the East Building and current market conditions suggest a demand for studio production use and biotechnology and laboratory use. The ability to market the space to future tenants with a studio production use and a biotechnology and laboratory use as an allowed use, in addition to the already approved uses, will assist in the lease-up of the former New Balance space. Approval of the Fourth PDA Plan Amendment is requested of the BRA pursuant to Article 80C of the Code.

ARTICLE 80 REVIEW

On August 30, 2013 the Proponent submitted the Fourth PDA Plan Amendment which was noticed in the Boston Herald on August 30, 2013. On October 2, 2013 the Proponent scheduled an Impact Advisory Group Meeting and a community meeting, advertised in the local newspaper and emailed to the local residents, that was held in the second floor cafeteria of Brighton Landing located at 20 Guest Street in Brighton, detailing the proposed amendment to the Current PDA Plan. The meeting was well attended and resulted in positive feedback. The comment period for the Fourth PDA Plan Amendment concluded on Tuesday, October 15, 2013.

On October 15, 2013 the Proponent submitted a Notice of Project Change for Article 80B of the Code, Large Project Review ("NPC"). The NPC contained changes to the Brighton Landing project consistent with those changes contained in the Fourth PDA Plan Amendment.

DEVELOPMENT TEAM

The development team consists of:

Proponent: NB Guest Street Associates LLC
Jim Halliday
Jay Rourke
Keith Craig

Legal Consultants: Goodwin Procter LLP
Lawrence Kaplan

RECOMMENDATION

Based on the foregoing, staff recommends that the BRA: (i) authorize the Director to issue pursuant to Section 80A-6 of the Code a Determination waiving further review of

the revised Brighton Landing project; (ii) authorize the Director to issue a Certification of Compliance pursuant to Section 80B-6 of the Code for the revised Brighton Landing project; (iii) approve the Fourth PDA Plan Amendment, pursuant to Section 80C of the Code; (iv) authorize the Director to petition the Zoning Commission for approval of the Fourth PDA Plan Amendment, pursuant to Sections 80C-4 of the Code; (v) authorize the Director to issue a Certification of Consistency for the revised Brighton Landing project pursuant to Section 80C-8 of the Code; and (vi) authorize the Director to issue any and all documents, or amendments thereto, as may be necessary and appropriate in connection with the Fourth PDA Plan Amendment and the revised Brighton Landing project.

Appropriate votes follow:

VOTED: That the Director be, and hereby is, authorized to issue pursuant to Section 80A-6 of the Boston Zoning Code (the “Code”) a determination waiving further review for the revised Brighton Landing project in which two new elevators and the extension and improvements of an existing stairwell, all to be located in the northeasterly portion of the Brighton Landing Parking Garage, at the corner of Guest Street and Life Street and the extension of two other existing stairwells and as well as capital improvements to the existing elevator core on the northwesterly portion of the Brighton Landing Parking Garage shall be constructed as set forth in the Notice of Project Change submitted on October 16, 2013 (“Revised Brighton Landing Project”), subject to Boston Redevelopment Authority (“BRA”) design review; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Compliance pursuant to Section 80B-6 of the Code in connection with the Revised Brighton Landing Project upon the completion of the Article 80 processes; and

FURTHER

VOTED: That BRA hereby approves the Fourth Amendment to the Development Plan for Planned Development Area No. 46 (the “Fourth Amendment”) Brighton Landing, pursuant to Section 80C of the Code; and

FURTHER

VOTED: That the Director be, and hereby is authorized to petition the Zoning Commission of the City of Boston (the “Zoning Commission”) for approval of the Fourth Amendment pursuant to Section 80C-4 of the Code, in substantial accord with the Fourth Amendment presented to the BRA on October 17, 2013; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Consistency pursuant to Section 80C-8 of the Code for the Revised Brighton Landing Project as described in the Development Plan for Planned Development Area No. 46, as amended ("PDA No. 46 Plan"), when the Director finds that (a) the Revised Brighton Landing Project is described adequately in PDA No. 46 Plan, (b) the Revised Brighton Landing Project is consistent with the PDA No. 46 Plan, and (c) PDA No. 46 Plan has been approved by the BRA and the Zoning Commission in accordance with the applicable provisions of Section 3-1A.a and Section 80C of the Code; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute all agreements and any and all other documents, or amendments thereto, deemed necessary and appropriate by the Director in connection with the Fourth Amendment and the Revised Brighton Landing Project, subject to such terms and conditions as the Director deems to be in the best interest of the BRA, and to take such other actions deemed necessary and appropriate by the Director in connection with the foregoing.

Exhibit A
Fourth Amendment

Exhibit B
Renderings