

BRA Approval: 6/13/13
BZC Approval: 7/10/13
Effective: 7/10/13

THIRD AMENDMENT TO DEVELOPMENT PLAN
FOR
PLANNED DEVELOPMENT AREA NO. 46
BRIGHTON LANDING
Dated: June 13, 2013

Pursuant to Section 3-1A and Article 80C of the Zoning Code of the City of Boston (“Zoning Code”), this plan constitutes the Third Amendment to the Development Plan for Planned Development Area No. 46, Brighton Landing (“Third PDA Plan Amendment”).

Reference is made to the Development Plan for Planned Development Area No. 46, Brighton Landing, dated February 25, 1999, approved by the Boston Redevelopment Authority (the “BRA”) on February 25, 1999 and by the Boston Zoning Commission (the “BZC”) on March 24, 1999, which became effective on March 26, 1999 (the “Original PDA Plan”), as amended by a First Amendment to Development Plan for Planned Development Area No. 46, Brighton Landing, dated September 29, 2004, approved by the BRA on December 21, 2004 and by the BZC on January 19, 2005, which became effective on January 19, 2005 (the “First PDA Plan Amendment”), as amended by a Second Amendment to Development Plan for Planned Development Area No. 46, Brighton Landing, dated October 18, 2012, approved by the BRA on October 18, 2012, and by the BZC on November 14, 2012, which became effective on November 16, 2012 (the “Second PDA Plan Amendment”, and together with the First PDA Plan Amendment and the Original PDA Plan, the “Current PDA Plan”). NB Guest Street Associates, LLC, the proponent (the “Proponent”) of this Third PDA Plan Amendment has succeeded to all of the rights and interests of B.V. Development, LLC, the Developer of the Original PDA Plan.

The First PDA Plan Amendment was approved to allow WGBH Educational Foundation (“WGBH”) to add additional adjacent land as a part of Planned Development Area No. 46, and to allow for the development of a new headquarters facility for WGBH (the “WGBH Headquarters”) to be located at One Guest Street in Brighton. The WGBH Headquarters has been developed and is currently occupied by WGBH. The Second PDA Plan Amendment expanded the permissible uses allowed in the South Building and East Building, and it also confirmed that a fitness center may be located on the ground floor of the South Building. A letter has been submitted to the BRA by WGBH in support of this Third PDA Plan Amendment.

The existing Brighton Landing Parking Garage (as defined in the First PDA Plan Amendment) is approximately 420,000 square feet, containing about 1262 accessory and ancillary off-street parking spaces in four stories above grade and on a fifth level on the roof. The Proponent intends to renovate and expand the Brighton Landing Parking Garage in two phases.

This Third PDA Plan Amendment amends the Current PDA Plan to provide zoning for only the first of the two phase expansion and renovation of the Brighton Landing Parking Garage.

Phase 1

This Phase 1, which is the only phase encompassed by this Third PDA Plan Amendment, will result in the existing fifth level on the roof being 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 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. The Master Plan for Planned Development Area No. 87 and the Development Plan for the Sports Facility Project within Planned Development Area No. 87, along with one or more of the other approved Development Plans within Planned Development Area No. 87, will be amended during Phase 2 to reflect such removal of 250 spaces.

Attached hereto as Exhibit A is a plan (the "Plan") prepared by Elkus Manfredi, Architects which depicts as Phase 1 what is described in the preceding paragraph regarding Planned Development Area No. 46. The Plan is dated April 3, 2013 and is made a part hereof.

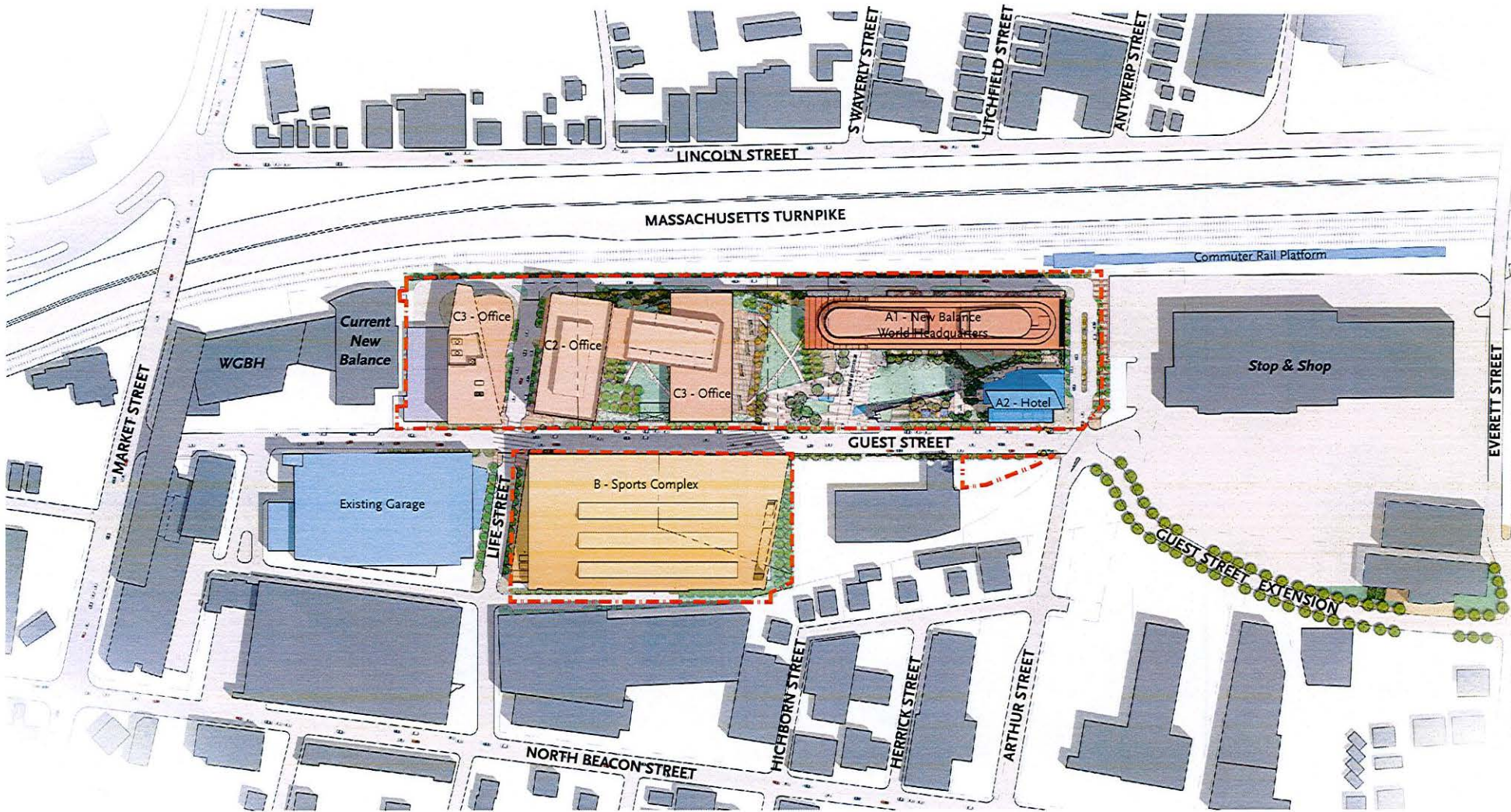
Phase 2

This Phase 2 is not part of this Third PDA Plan Amendment. The Proponent will seek zoning approval at a future time for Phase 2 through a Fourth Amendment to Development Plan for Planned Development Area No. 46 ("Fourth PDA Plan Amendment") but Phase 2 is described here for purposes of context. Phase 2 will entail the construction of a new entrance lobby, two new elevators and the extension of an existing stairwell, all to be located in the northeasterly portion of the Brighton Landing Parking Garage, as well as the extension of two existing stairwells and two existing garage elevator shafts to the new roof deck elevation, and replacing the existing garage elevators with new elevators to service the Brighton Landing Parking Garage. This Phase 2 cannot be initiated until the Public Improvement Commission approves a modification of the layout of Life Street, which will result in the addition of land to Planned Development Area No. 46 necessary to accommodate the improvements contemplated in this Phase 2. The relocated Life Street was conceptually shown as part of the development plans for Planned Development Area No. 87. In addition, the Current PDA Plan, as amended by this Third PDA Plan Amendment, will be amended at a future date, to authorize such land to be added and to allow for Phase 2 to be constructed. Since the relocation of Life Street will also result in a reduction of land in Planned Development Area No. 87, approval of that reduction will be sought through an amendment to the Master for Planned Development Area No. 87. During Phase 2, the Proponent will request that the Master Plan for Planned Development Area No. 87 be amended to reduce the total amount of approved parking by approximately 250 spaces to ensure that no new traffic impacts to the area will result from the addition of approximately 250 spaces to the Brighton Landing Parking Garage.

This Phase 2 will also entail a beautification of the façade of the Brighton Landing Parking Garage which is currently in the preliminary design stage, and will be included as part of a Fourth PDA Plan Amendment.

Exhibit A

The Plans

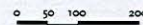


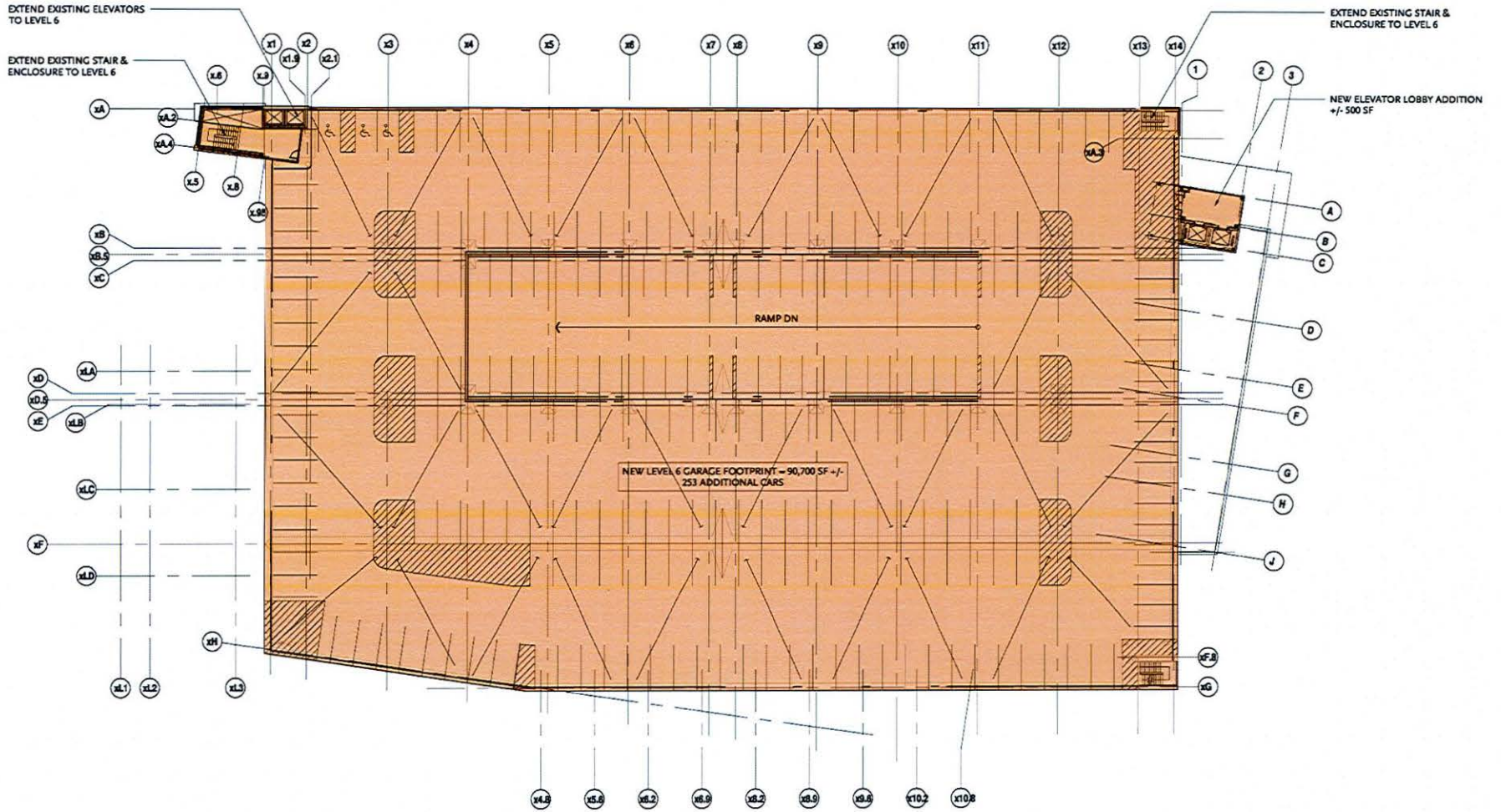
BOSTON LANDING

Boston, Massachusetts

JUNE 13, 2013

South Parking Garage Modifications
Proposed District Site Plan





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 Third PDA Plan Amendment, pursuant to Section 80C of the Code; (iv) authorize the Director to petition the Zoning Commission for approval of the Third 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 Third 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 the existing fifth level on the roof of the Brighton Landing parking structure is to be enclosed and the addition of a new sixth level on the roof comprising up to 90,700 square feet shall be constructed as set forth in the Notice of Project Change submitted on May 20, 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 Third Amendment to the Development Plan for Planned Development Area No. 46 (the "Third 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 Third Amendment pursuant to Section 80C-4 of the Code, in substantial accord with the Third Amendment presented to the BRA on June 13, 2013; and

FURTHER

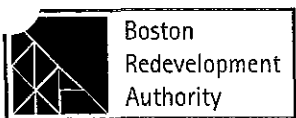
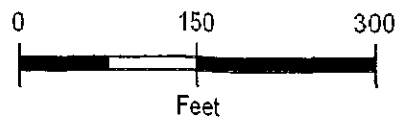
VOTED: That the Director be, and hereby is, authorized to issue a Certification of Consistency pursuant to Section 80C-8 of the Code for the Revised Brighton Landing Project as described in the Development Plan for Planned Development Area No. 46, as amended ("PDA No. 46 Plan"), when the Director finds 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 Third 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.



NB Garage- 15 Guest Street



Boston
Redevelopment
Authority