

BOARD APPROVED

MEMORANDUM

JULY 11, 2019

TO: BOSTON REDEVELOPMENT AUTHORITY
D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY*
AND BRIAN P. GOLDEN, DIRECTOR

FROM: JONATHAN GREELEY, DIRECTOR OF DEVELOPMENT REVIEW
MICHAEL CHRISTOPHER, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW/GOVERNMENT AFFAIRS
RAUL DUVERGE, SENIOR PROJECT MANAGER
MEERA DEEAN, SENIOR ARCHITECT/URBAN DESIGNER II
KRISTINA RICCO, SENIOR PLANNER I

SUBJECT: PUBLIC HEARING TO CONSIDER THE FIRST AMENDMENT TO AMENDED
AND RESTATED DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT
AREA NO. 77 AT 6-26 NEW STREET EAST BOSTON, MASSACHUSETTS

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority ("BRA") d/b/a Boston Planning & Development Agency ("BPDA"): (1) issue a Determination waiving further review pursuant to Section 80A-6 of the Boston Zoning Code (the "Code") approving the Notice of Project Change ("NPC") for the 6-26 New Street Project; (2) approve the First Amendment to Amended and Restated Development Plan for Planned Development Area No.77 at 6-26 New Street East Boston, Massachusetts ("First Amendment to Amended and Restated Development Plan"), pursuant to Section 80C of the Code; (3) authorize the Director to petition the Boston Zoning Commission ("BZC") for approval of the First Amendment to Amended and Restated Development Plan pursuant to Sections 3-1A.a and 80C of the Code; (4) authorize the Director of the BPDA to issue one or more Certifications of Compliance or Partial Certifications of Compliance in connection with the proposed changes to the 6-26 New Street project (the "NPC Project" defined below) pursuant to Section 80B-6 of the Code, upon successful completion of the Article 80 Large Project Review process; (5) authorize the Director to issue one or more Certifications of Consistency or Partial Certifications of Consistency in connection with the NPC Project pursuant to Section 80C-8 of the

* Effective October 20, 2016, the BRA commenced doing business as BPDA.

Code, upon successful completion of the Article 80C Planned Development Area review process; and (6) authorize the Director to execute and deliver any and all other documents, as may be necessary and appropriate in connection with the NPC Project and the First Amendment to Amended and Restated Development Plan.

PROJECT SITE

The project at 6-26 New Street in East Boston, now known as “The Eddy” is located along the East Boston waterfront, on an approximately 170,873 square-foot site (3.92 acre), of which approximately 85,000 square feet is land and approximately 85,873 square feet is water-sheet (the “Project Site”). The Project Site is bounded by New Street to the east, LoPresti Park to the south, the Boston Inner Harbor to the west, and the Boston Towing and Transportation property to the north.

DEVELOPMENT TEAM

The development team consists of:

- Proponent: GEGC 2 New Street, LLC
Kelly Saito
- Legal Counsel: Reuben, Junius & Rose, LLP
Jared Eigerman
- Permitting Consultant: Fort Point Associates, Inc.
Richard Jabba, Jamie Fay
- Architect: Sousa Design Architects
Stephen Sousa

THE PREVIOUSLY APPROVED PROJECT

The 6-26 New Street project, as last approved by the BRA Board on April 16, 2015, consisted of an approximately 242,615 square foot, mixed-use development with two hundred fifty nine (259) residential units, one hundred fifty five (155) off-street vehicle parking spaces, approximately 42,667 square feet of public open space, and

approximately 4,900 square feet of commercial/retail space (the "Approved Project").

THE NOTICE OF PROJECT CHANGE

On May 17, 2019, Fort Point Associates, Inc., on behalf GEGC 2 New Street, LLC, filed a Notice of Project Change (the "NPC") in accordance with Section 80A-6 of the Boston Zoning Code (the "Code"). The NPC includes several changes to the Approved Project, specifically, the addition of a one (1) story, approximately 1,893 square foot canopy to expand the use of the Reel House restaurant that currently occupies the commercial/retail space in the Approved Project, relocation of the existing Designated Port Area ("DPA") access route, landscaping modifications to an existing green space, and the addition of approximately 1,550 square feet of docks to the existing water transportation docks to accommodate additional vessels that may access the Project Site (the "NPC Project").

ARTICLE 80 REVIEW PROCESS

On May 17, 2019, the Proponent filed the NPC and First Amendment to Amended and Restated Development Plan for Planned Development Area No.77 at 6-26 New Street East Boston, Massachusetts ("First Amendment to Amended and Restated Development Plan"), which initiated a forty-five (45) day public comment period that, after an extension, ultimately concluded on July 9, 2019. On July 2, 2019, the Proponent supplemented the NPC with additional details about the NPC Project. Notice of the receipt of the First Amendment to Amended and Restated Development Plan was published in the Boston Herald on May 21, 2019. The notice and First Amendment to Amended and Restated Development Plan were sent to the City's public agencies/departments, elected officials, and members of the public.

The BPDA subsequently sponsored and held a public meeting on July 9, 2019 at the Maverick Landing Community Room located at 31 Liverpool Street in East Boston, near the Project Site, to review and discuss the NPC and First Amendment to Amended and Restated Development Plan. The public meeting was advertised in the *East Boston Times* and *El Mundo* newspapers.

ZONING

Zoning for the Project Site is currently governed by the Amended and Restated Development Plan for Planned Development Area No.77 at 6-26 New Street East Boston, Massachusetts ("PDA No.77"). PDA No. 77 is located in the Waterfront Commercial Subdistrict of the East Boston Neighborhood Zoning District established by Article 53 of the Code.

In order to undertake the NPC Project, and as noted above, the Proponent submitted the First Amendment to Amended and Restated Development Plan to the BPDA on May 17, 2019. The First Amendment to Amended and Restated Development Plan seeks to update PDA No.77 to allow for the proposed changes described in the NPC.

MITIGATION & COMMUNITY BENEFITS

The Approved Project provided a number of public benefits to the East Boston neighborhood and City of Boston as a whole, these include:

Public Access and Open Space

- Revitalization of a 3.92-acre parcel along East Boston's waterfront that has not been accessible to the public for decades.
- Creation of a minimum of 42,667 square feet (0.98 acres) of new public open space on East Boston's waterfront, including approximately five hundred (500) linear feet of Harborwalk along Boston Inner Harbor.
- Connection of the Harborwalk from the City's LoPresti Park to the south across the entire perimeter of the Site. The Harborwalk will ultimately extend over two miles, from the Harborside Hyatt Hotel to the northerly edge of the Project Site.
- Inclusion of an open-air, public walkway to connect New Street and the Harborwalk.
- An eighty thousand dollar (\$80,000) financial contribution to the Boston Parks Commission to support maintenance and improvements to LoPresti Park was made upon the issuance of a building permit for the Approved Project.

Protection of Maritime Uses

- Provision of a permanent vehicle access route from New Street and Sumner Street to the Designated Port Area and Water-Dependent Use Zone at the Project Site.
- Provision of language in lease forms or deeds for residents indicating the presence of nearby water-dependent industrial facilities and uses.
- Construction of new docking facility to serve water taxi service and other allowable uses.

- Inclusion of glazed windows and other noise dampening specifications to ensure noise levels within residential units do not exceed of 45 dBA.

Transportation

- Support of water transportation by construction of a water taxi landing and waiting area.
- Inclusion of surface parking spaces adjacent to LoPresti Park, available to the public, free of charge.
- Promoting transit-oriented development through the creation of two hundred fifty-nine (259) residential units within walking distance of MBTA's Maverick Station.
- Implementation of key Transportation Demand Measures, including installation of bicycle racks and participation in a TDM Association.

Financial

- Additional property tax revenue for the City of Boston.
- Increased property values for the surrounding neighborhood.
- Increased state and local sales tax revenues through additional commercial and residential uses.
- Creation of approximately three hundred forty (340) construction-phase employment opportunities and approximately twenty (20) new permanent jobs on the Project Site.

Environment

- Adoption of the City of Boston's Green Building standards and guidelines, including reduced emissions and demand for fossil fuel energy.
- Implementation of storm water controls to reduce pollution to Boston Harbor, and thereby improve the harbor as a natural habitat.
- Incorporation of resilient design strategies in order to account for sea-level rise and other aspects of climate change.

RECOMMENDATION

Based on the foregoing, BPDA staff recommends that the Board: (1) issue a Determination waiving further review pursuant to Section 80A-6 of the Boston Zoning Code (the "Code") approving the NPC for the 6-26 New Street project; (2) approve the First Amendment to Amended and Restated Development Plan pursuant to Section 80C of the Code; (3) authorize the Director to petition the BZC for approval of the First Amendment to Amended and Restated Development Plan pursuant to Sections 3-1A.a and 80C of the Code; (4) authorize the Director of the

BPDA to issue one or more Certifications of Compliance or Partial Certifications of Compliance in connection with the NPC Project pursuant to Section 80B-6 of the Code, upon successful completion of the Article 80 Large Project Review process; (5) authorize the Director to issue one or more Certifications of Consistency or Partial Certifications of Consistency in connection with the NPC Project pursuant to Section 80C-8 of the Code, upon successful completion of the Article 80C Planned Development Area review process; and (6) authorize the Director to execute and deliver any and all other documents, as may be necessary and appropriate in connection with the NPC Project and the First Amendment to Amended and Restated Development Plan.

An appropriate vote follows:

VOTED: That the Director be, and hereby is, authorized to issue a Determination waiving further review pursuant to Section 80A-6 of the Code which finds that the changes described in the Notice of Project Change dated May 17, 2019 (as supplemented by letter dated July 2, 2019) does not significantly increase the impacts of the 6-26 New Street Project; and

**FURTHER
VOTED:**

That, in connection with the First Amendment to Amended and Restated Development Plan for Planned Development Area No.77 at 6-26 New Street East Boston, Massachusetts ("First Amendment to Amended and Restated Development Plan") and presented at a public hearing, duly held at the offices of the Boston Redevelopment Authority (the "BRA") on July 11, 2019, and after consideration of the evidence presented at, and in connection with, the hearing on the First Amendment to Amended and Restated Development Plan, the BRA finds, in accordance with Section 80C of the Boston Zoning Code (the "Code"), that: (a) such First Amendment to Amended and Restated Development Plan is not for a location or Proposed Project for which Planned Development Areas are forbidden by the underlying zoning; (b) the 6-26 New Street ("NPC Project") in such First Amendment to Amended and Restated Development Plan complies with any provisions of the underlying zoning that establish use, dimensional, design, or other requirements for Proposed Projects in Planned Development Areas; (c) such First Amendment to Amended and Restated Development Plan complies with any provisions of

underlying zoning that establish planning and development criteria, including public benefits, for Planned Development Areas; (d) such First Amendment to Amended and Restated Development Plan conforms to the plan for the district, subdistrict or similar geographic area in which the Planned Development Area is located, and to the general plan for the City as a whole; and (e) on balance, nothing in such First Amendment to Amended and Restated Development Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens; and

FURTHER

VOTED: That the BRA hereby approves, pursuant to Section 3-1A.a and Section 80C of the Code, the First Amendment to Amended and Restated Development Plan, in substantial accord with the First Amendment to Amended and Restated Development Plan presented to the BRA Board at its public hearing on July 11, 2019; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to petition the Boston Zoning Commission ("BZC") for approval of the First Amendment to Amended and Restated Development Plan, pursuant to Section 3-1A.a and Section 80C of the Code, in substantial accord with the same as presented to the BRA Board at its public hearing July 11, 2019; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue one or more Certifications of Compliance or Partial Certifications of Compliance in connection with the NPC Project pursuant to Section 80B-6 of the Code upon successful completion of the Article 80B Large Project Review; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue one or more Certifications of Consistency or Partial Certifications of Consistency in connection with the NPC Project pursuant to Section 80C-8 of the Code, when appropriate; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute any and all

other documents deemed necessary and appropriate by the Director in connection with the foregoing, 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 votes.