

Doc # 17836 26

MEMORANDUM

BOARD APPROVED

AUGUST 15, 2019

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

FROM: JONATHAN GREELEY, DIRECTOR OF DEVELOPMENT REVIEW
MICHAEL CHRISTOPHER, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW
MICHAEL CANNIZZO, INTERIM DEPUTY DIRECTOR OF URBAN DESIGN
ROSA HERRERO DE ANDRES, SENIOR PLANNER I
MICHAEL SINATRA, PROJECT MANAGER

SUBJECT: THE SIXTH AMENDMENT TO THE DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT AREA NO. 46 FOR BRIGHTON LANDING GUEST STREET
LOCATED IN BRIGHTON, MASSACHUSETTS

SUMMARY: This Memorandum requests the Boston Redevelopment Authority ("BRA") d/b/a Boston Planning & Development Agency ("BPDA") (i) approve the Sixth Amendment to the Development Plan for Planned Development Area No. 46 for Brighton Landing (the "Sixth PDA Plan Amendment"), Guest Street, pursuant to Section 80C of the Boston Zoning Code (the "Code"); (ii) authorize the Director to petition the Zoning Commission of the City of Boston ("Zoning Commission") for approval of the Sixth PDA Plan Amendment, pursuant to Sections 3-1A.a, 80C-4, 80C-5, 80C-6 and 80C-7 of the Code; (iii) authorize the Director to issue a Determination Waiving Further Review, pursuant to Section 80A-6 of the Code in connection with the Sixth PDA Plan Amendment; (iv) authorize the Director to issue a Certification of Consistency with the terms of the Sixth PDA Plan Amendment pursuant to Section 80C-8 of the Code; and (v) authorize the Director to issue any and all documents, as may be necessary and appropriate in connection with the Sixth PDA Plan Amendment, as required pursuant to Article 80 of the Code.

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

PROPONENT AND PROJECT SITE

The proponent of the Proposed Project is NB Guest Street Associates LLC, (the "Proponent"). Brighton Landing contains approximately 5.96 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 for Brighton Landing, approved by the BRA on February 25, 1999, approved by the 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 "Original PDA Plan").

THE FIRST AMENDMENT (WGBH)

The First Amendment to Development Plan for Planned Development Area No. 46 for Brighton Landing dated September 29, 2004, approved by the BRA on December 21, 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 the Original PDA Plan 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 for Brighton Landing dated October 18, 2012, approved by the BRA on October 18, 2012, and by the Zoning Commission on November 14, 2012, which became effective on November 16, 2012, proposed the modification of the First PDA Plan Amendment to authorize the East Building (as defined in the Original PDA Plan) to be used for restaurant, service and a clinic (non-institutional, non-hospital use), to also authorize the South Building (as defined in the Original PDA Plan) to be used for a clinic (non-institutional, non-hospital use), restaurant, service and research and/or development, and to confirm that a fitness facility use is allowed on the ground floor as well as the basement of the South Building (the "Second PDA Plan Amendment").

THE THIRD AMENDMENT (GARAGE ADDITION)

The Third Amendment to Development Plan for Planned Development Area No. 46 for Brighton Landing dated June 13, 2013, approved by the BRA on June 13, 2013, and by the Zoning Commission on July 10, 2013, which became effective on July 10, 2013, authorized the Brighton Landing parking structure to be enclosed and the addition of a new sixth level comprising about 90,700 square feet. The new sixth level accommodates approximately 250 parking spaces (the "Third PDA Plan Amendment").

THE FOURTH AMENDMENT (ELEVATOR CORE)

The Fourth Amendment to Development Plan for Planned Development Area No. 46 for Brighton Landing, approved by the BRA on October 17, 2013, approved by the Zoning Commission on November 20, 2013, and which became effective on November 21, 2013, authorized the construction of a new elevator core on the northeast corner of the garage at the intersection of Guest Street and Life Street as well as capital infrastructure improvements to the northwest corner of the garage. Existing stairwells were extended to access the newly constructed addition (the "Fourth PDA Plan Amendment").

THE FIFTH AMENDMENT (USE AND PARKING MODIFICATIONS)

The Fifth Amendment to Development Plan for Planned Development Area No. 46 for Brighton Landing, approved by the BRA on August 13, 2015 allowed a Studio

Production Use and an Office Use on the first level retail space and basement level of the South Building at 15 Guest Street / 40 Life Street (the "South Building") and modified (the "Fifth PDA Plan Amendment" and together with the Original PDA Plan, the First PDA Plan Amendment, the Second PDA Plan Amendment, Third PDA Plan Amendment, and the Fourth PDA Plan Amendment, the "Current PDA Plan").

THE SIXTH AMENDMENT (WAREHOUSING USE)

The Sixth Amendment to Development Plan for Planned Development Area No. 46 for Brighton Landing seeks to amend the Current PDA Plan to allow a Warehousing Use within a portion of the basement level and first level of the South Building. The Sixth Amendment seeks to harmonize the Current PDA Plan with warehousing and storage uses authorized in 2001 for the basement and first floor of the South Building (the "Sixth PDA Plan Amendment"). Approval of the Sixth PDA Plan Amendment is requested of the BPDA pursuant to Article 80C of the Zoning Code.

NPC | ARTICLE 80 REVIEW

On June 7, 2019, the Proponent submitted a Notice of Project Change in connection with the Sixth Amendment (the "NPC"), hand delivered and sent electronically to the BPDA. On July 9, 2019, the Proponent conducted an Impact Advisory Group ("IAG") Meeting and a Community Meeting on the first-floor conference room at 20 Guest Street in Brighton. The comment period for the NPC concluded on Tuesday, July 23, 2019.

DEVELOPMENT TEAM

The development team consists of:

Developer:

NB Guest Street Associates LLC

Keith Craig

Legal Consultants:

Goodwin Procter LLP

Robert Fitzgerald

Lawrence Kaplan

RECOMMENDATION

Based on the foregoing, BRA staff recommends that the Board: (i) approve the Sixth PDA Plan Amendment, pursuant to Section 80C of the Code; (ii) authorize the Director to petition the Zoning Commission for approval of the Sixth PDA Plan Amendment, pursuant to Sections 3-1A.a, 80C-4, 80C-5, 80C-6 and 80C-7 of the Code; (iii) authorize the Director to issue a Determination Waiving Further Review, pursuant to Section 80A-6 of the Code in connection with the Sixth PDA Plan Amendment; (iv) authorize the Director to issue a Certification of Consistency with the terms of the Sixth PDA Plan Amendment pursuant to Section 80C-8 of the Code; and (v) authorize the Director to issue any and all documents, as may be necessary and appropriate in connection with the Sixth PDA Plan Amendment, as required pursuant to Article 80 of the Code.

Appropriate votes follow:

VOTED: That the Boston Redevelopment Authority ("BRA") hereby approves the Sixth Amendment to the Development Plan for Planned Development Area No. 46 for Brighton Landing (the "Sixth Amendment"), Guest Street, pursuant to Section 80C of the Boston Zoning Code (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 Sixth Amendment pursuant to Sections 3-1A.a, 80C-4, 80C-5 and 80C-6 of the Code, in substantial accord with presentation to the BRA on August 15, 2019; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue a Determination Waiving Further Review in connection with the Notice of Project Change for the Proposed Project submitted to the BRA on June 7, 2019 in connection with the Sixth Amendment, waiving the requirement of further review, subject to further BRA design review; 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 Proposed Projects as described in the Sixth Amendment when the Director finds that (a) the Proposed Projects are described adequately in the Sixth Amendment, (b) the Proposed Projects are consistent with the Sixth Amendment, and (c) the Sixth Amendment 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

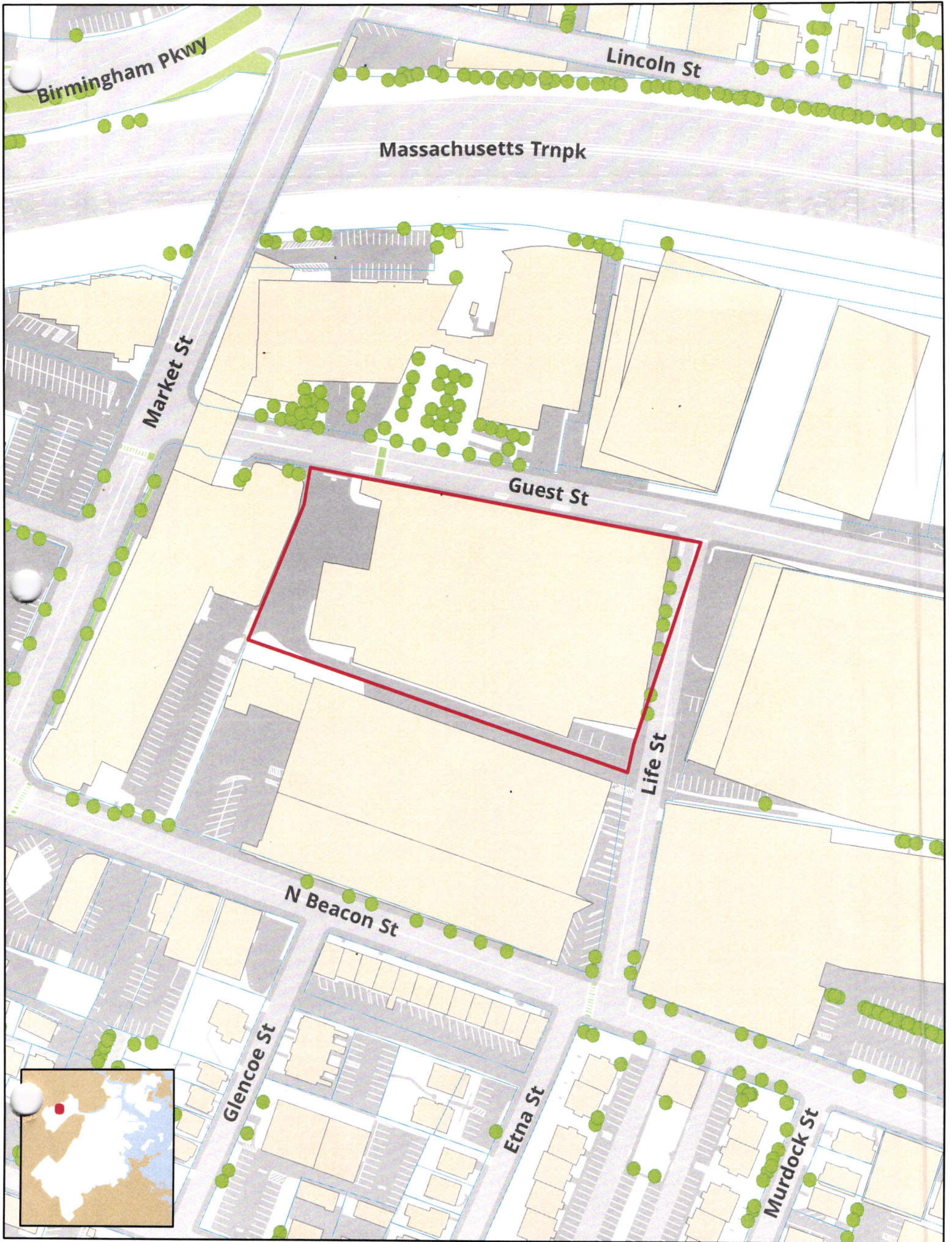
VOTED:

That the Director be, and hereby is, authorized to execute all agreements and any and all other documents deemed necessary and appropriate by the Director in connection with the Sixth Amendment, 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.

Brighton Landing, 15 Guest Street, Brighton



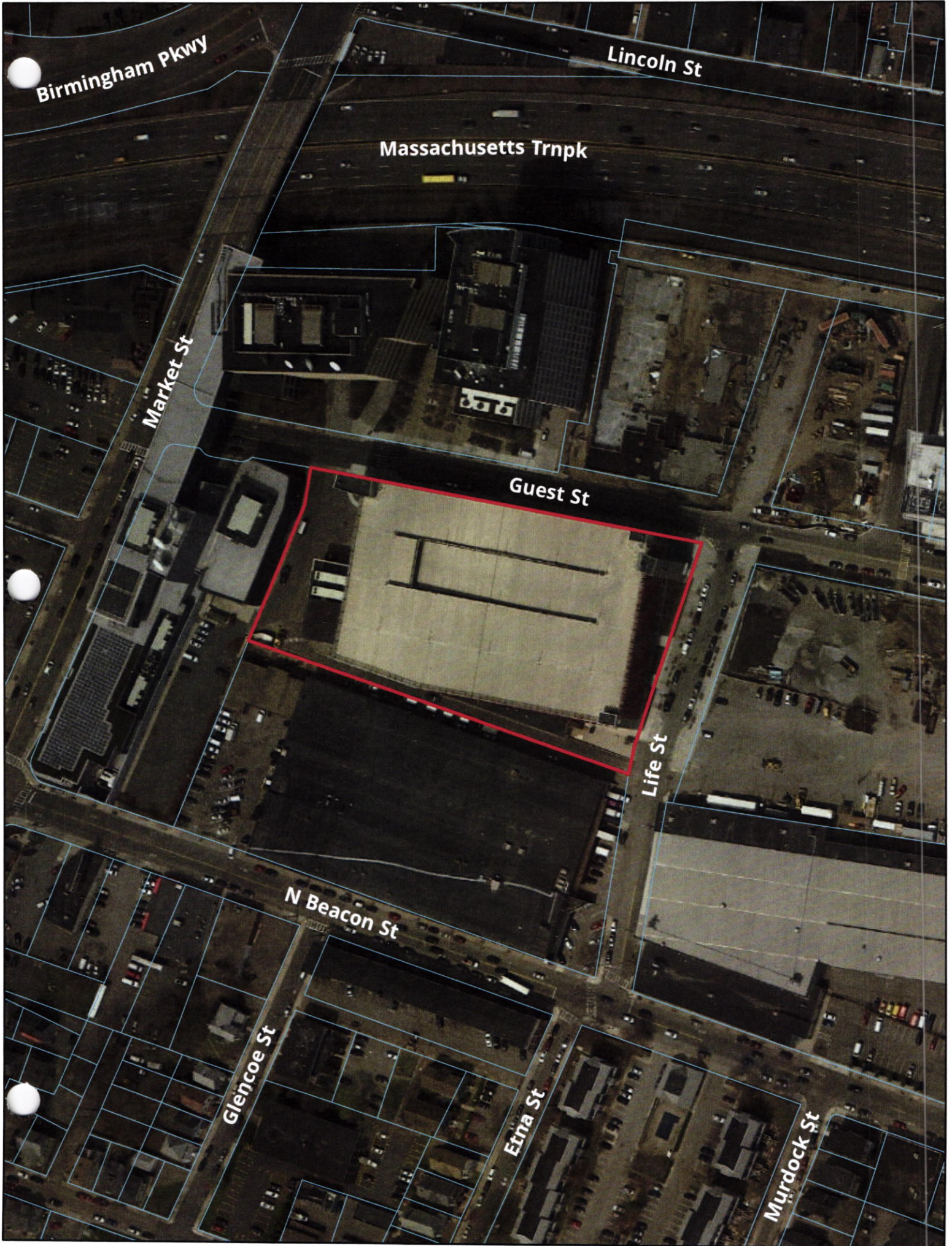
1 inch = 150 feet
0 50 100 150 Feet



Brighton Landing, 15 Guest Street, Brighton



2017 aerial imagery
0 50 100 150 Feet





Lawrence E. Kaplan
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lkaplan@goodwinlaw.com

Goodwin Procter LLP
100 Northern Avenue
Boston, MA 02210

goodwinlaw.com
+1 617 570 1000

June 7, 2019

VIA HAND DELIVERY

Brian P. Golden, Director
Boston Planning and Development Agency
Boston City Hall
One City Hall Square, 9th Floor
Boston, MA 02201

**Re: Planned Development Area No. 46 - Brighton Landing
Notice of Project Change**

Dear Director Golden:

This Notice of Project Change ("NPC") is being submitted on behalf of NB Guest Street Associates, LLC (the "Proponent") under Article 80B, Large Project Review, of the Boston Zoning Code (the "Code"), to inform you of certain proposed minor changes to the Current PDA Plan (defined below) for Planned Development Area No. 46, Brighton Landing ("PDA No. 46"). This notification is made in accordance with the provisions of Section 80A-6 of the Code which requires that an applicant notify the Boston Planning and Development Agency ("BPDA") of any "material change" in a proposed project or project phase and any lapse of time. The purpose of this letter is to (a) describe the proposed modification of the language contained in the Current PDA Plan to allow Warehousing Use, as defined in Article 2A of the Code, in certain areas of the basement and first floor of the South Building at 15 Guest Street, and (b) to request that the Director determine that this modification does not represent a material change, that this modification will not result in any significantly increased impacts from the Brighton Landing development located within PDA No. 46, and, accordingly, that no further review is required under Section 80A-6 on account of the proposed modification.

The Development Plan for PDA No. 46, Brighton Landing, dated February 25, 1999, was approved by the Boston Redevelopment Authority, now doing business as the Boston Planning & Development Agency (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"). The Original PDA Plan was amended by (a) 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"), (b) 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"), (c) a Third Amendment to Development Plan for Planned Development Area No. 46, Brighton Landing, dated June 13, 2013, approved by the BRA on June 13, 2013 and by BZC on July 10, 2013, which became effective on July 10, 2013 (the "Third PDA Plan

Brian P. Golden, Director
June 7, 2019
Page 2

Amendment”), (d) a Fourth Amendment to Development Plan for Planned Development Area No. 46, Brighton Landing, approved by the BRA on October 17, 2013 and by the BZC on November 20, 2013, which became effective on November 21, 2013 (the “Fourth PDA Plan Amendment”), and (e) a Fifth Amendment to Development Plan for Planned Development Area No. 46, Brighton Landing, dated August 13, 2015, approved by the BRA on August 13, 2015 and by the BZC on September 23, 2015, which became effective on October 6, 2015 (the “Fifth PDA Plan Amendment,” and together with the First PDA Plan Amendment, the Second PDA Plan Amendment, the Third PDA Plan Amendment, the Fourth PDA Plan Amendment and the Original PDA Plan, the “Current PDA Plan”).

The Original PDA Plan approved the construction of Brighton Landing, 10 Guest Street (now occupied by WGBH Educational Foundation (“WGBH”) and other third party tenants), 20 Guest Street (as of September 3, 2015, the former New Balance World Headquarters Building) and 15 Guest Street (the Brighton Landing Parking Garage (the “Garage”) and associated retail (collectively, the “South Building”). The First PDA Plan Amendment was approved to allow WGBH to add 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 the East Building, and it also confirmed that a fitness center may be located on the ground floor of the South Building. The Third PDA Plan Amendment was approved to allow the Proponent to enclose the existing fifth level on the Garage, to allow the Proponent to add a sixth level to the Garage, and to allow the Proponent to modify and enhance the façade of the Garage. The Fourth PDA Plan Amendment added adjacent land (the “Additional Land”) as 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. The Fourth PDA Plan Amendment also authorized the Proponent to construct a new Garage lobby, two new elevators and the extension and improvements of an existing stairwell, all to be located in the northeasterly portion of the Garage at the corner of Guest Street and Life Street. The Fourth PDA Plan Amendment also authorized the extension of two other existing stairwells, as well as capital improvements to the existing elevator core on the northwesterly portion of the Garage. The Fifth PDA Plan Amendment allowed certain uses on the first level and basement level of the South Building, and it amended language relating to the shared usage of the Garage.

The Proponent is currently seeking approval to amend the Current PDA Plan to allow Warehousing Use, as defined in Article 2A of the Code, within that portion of the basement level and first level of the South Building as shown on plans attached hereto. Such modification is detailed in the Sixth Amendment to Development Plan for Planned Development Area No. 46, Brighton Landing, which the Proponent has filed with BPDA. The Sixth Amendment seeks to harmonize the Current PDA Plan with warehousing and storage uses authorized since 2001 in the basement and first floor of the South Building.

Based on the foregoing, the Proponent respectfully requests that the BPDA determine that the proposed amendment described above will not significantly increase the impacts of the Brighton Landing development within the scope of the required review, and that no further review is required




Brian P. Golden, Director
June 7, 2019
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under Article 80B of the Code. Enclosed is a letter from WGBH expressing its consent and support for the Sixth Amendment to Development Plan for Planned Development Area No. 46, Brighton Landing.

Thank you very much for your consideration. Please feel free to contact me with any questions or concerns.

Sincerely,

Lawrence E. Kaplan 

Lawrence E. Kaplan

Enclosures

cc: James M. Halliday, Managing Director
Keith Craig, NBDG

Exhibit A

6th Amendment w. Site Plan | NPC

WGBH
One Guest Street
Boston
Massachusetts
02135

617 300 2000
wgbh.org

June 5, 2019

Brian Golden, Director
Boston Planning & Development Agency
City Hall Plaza, 9th Floor
Boston, MA 02201

NB Guest Street Associates, LLC
100 Guest Street
Boston, MA 02135

**Re: Planned Development Area No. 46 – Brighton Landing
Sixth Amendment to the Development Plan**

To Whom This May Concern:

WGBH Educational Foundation, a Massachusetts nonprofit and charitable corporation (“WGBH”), is writing to express its consent and support for the Sixth Amendment to the Development Plan for Planned Development Area No. 46 (“PDA No. 46”) to allow Warehousing Use in certain areas of the basement and ground floor of the South Building Unit (15 Guest Street) contained within the Brighton Landing Condominium located in Brighton. The Sixth Amendment is being proposed by NB Guest Street Associates, LLC (“NB Guest”).

The Brighton Landing Condominium contains three buildings (the East Building, the West Building and the South Building) and three units (the East Unit, the West Unit and the South Unit). WGBH owns the West Unit and NB Guest owns the East Unit and the South Unit. The South Building contains the South Unit and the Garage, which is a common element of the Condominium.

WGBH agrees that the proposed Sixth Amendment is consistent with the overall goals of PDA No. 46 and supports its approval.

Sincerely,

WGBH Educational Foundation

By: 

Name: IRVIN A. ALEXANDER, III

Title: CFO



SIXTH AMENDMENT TO DEVELOPMENT PLAN

FOR

PLANNED DEVELOPMENT AREA NO. 46

BRIGHTON LANDING

Dated: _____

Pursuant to Section 3-1A and Article 80C of the Zoning Code of the City of Boston (“Zoning Code”), this constitutes the Sixth Amendment to the Development Plan for Planned Development Area No. 46, Brighton Landing (“Sixth 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, now doing business as the Boston Planning & Development Agency (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”), as amended by a Third Amendment to Development Plan for Planned Development Area No. 46, Brighton Landing, dated June 13, 2013, approved by the BRA on June 13, 2013 and by BZC on July 10, 2013, which became effective on July 10, 2013 (the “Third PDA Plan Amendment”), as amended by a Fourth Amendment to Development Plan for Planned Development Area No. 46, Brighton Landing, approved by the BRA on October 17, 2013 and by the BZC on November 20, 2013, which became effective on November 21, 2013 (the “Fourth PDA Plan Amendment”), as amended by the Fifth Amendment to Development Plan for Planned Development Area No. 46, Brighton Landing, dated August 13, 2015, approved by the BRA on August 13, 2015 and by the BZC on September 23, 2015, which became effective on October 6, 2015 (the “Fifth PDA Plan Amendment,” and together with the First PDA Plan Amendment, the Second PDA Plan Amendment, the Third PDA Plan Amendment, the Fourth PDA Plan Amendment and the Original PDA Plan, the “Current PDA Plan”). NB Guest Street Associates, LLC, is the proponent (the “Proponent”) of this Sixth PDA Plan Amendment, and it has succeeded to all of the rights and interests of B.V. Development, LLC, the Developer of the Original PDA Plan.

The Original PDA Plan was approved to allow for the construction of the Brighton Landing, 10 Guest Street (now occupied by WGBH Educational Foundation (“WGBH”) and other third party tenants), 20 Guest Street (as of September 3, 2015, the former New Balance World Headquarters Building) and 15 Guest Street (the Brighton Landing Parking Garage (the “Garage”) and associated retail (collectively, the “South Building”). The First PDA Plan Amendment was approved to allow WGBH to add adjacent land as a part of Planned

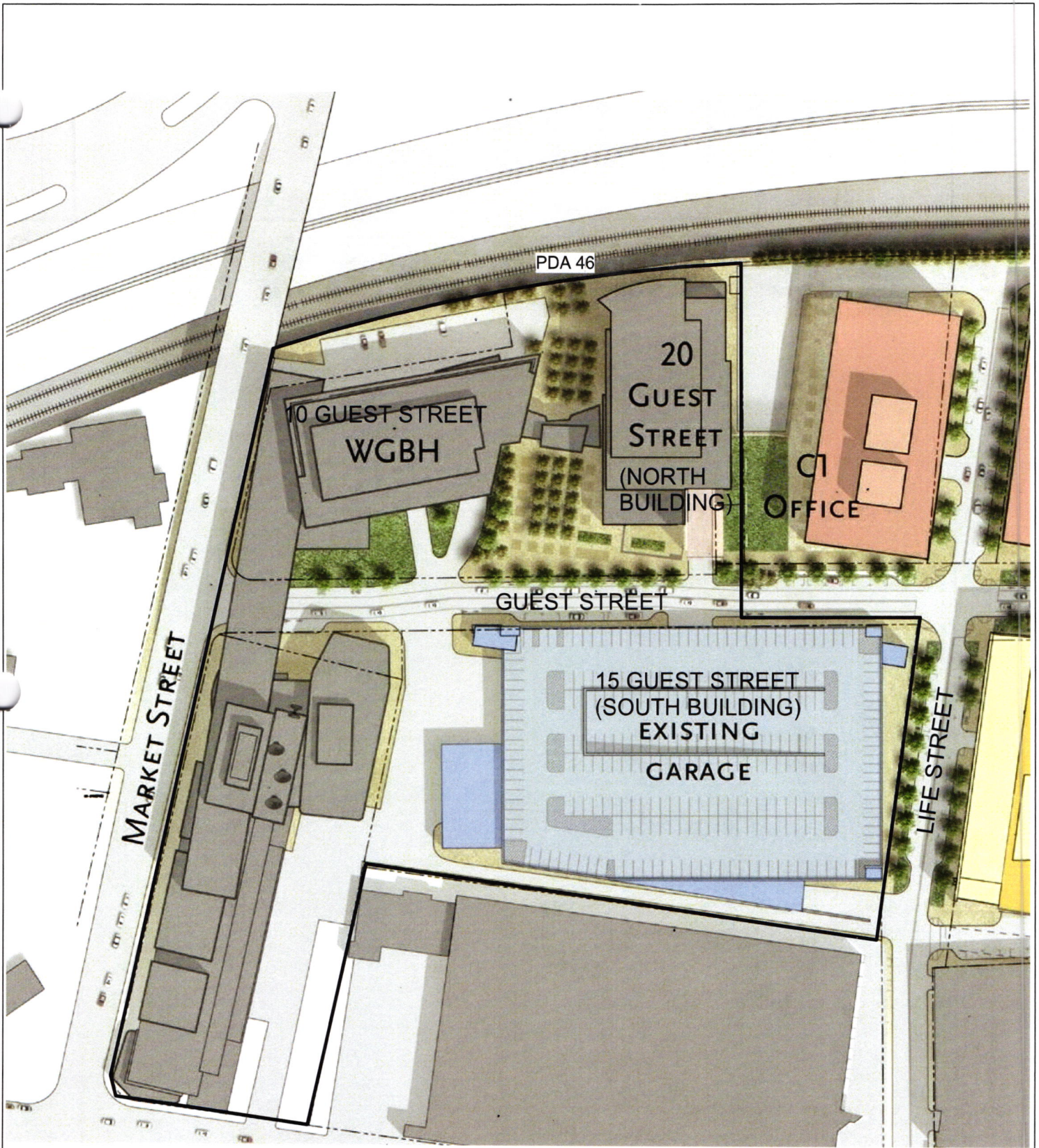
Development Area No. 46, and to allow for the development of a new headquarters facility for WGBH (the "WGBH Headquarters") to be located at One Guest Street in Brighton. The WGBH Headquarters has been developed and is currently occupied by WGBH. The Second PDA Plan Amendment expanded the permissible uses allowed in the South Building and the East Building, and it also confirmed that a fitness center may be located on the ground floor of the South Building. The Third PDA Plan Amendment was approved to allow the Proponent to enclose the existing fifth level on the Garage, to allow the Proponent to add a sixth level to the Garage, and to allow the Proponent to modify and enhance the façade of the Garage. The Fourth PDA Plan Amendment added adjacent land (the "Additional Land") as 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. The Fourth PDA Plan Amendment also authorized the Proponent to construct a new Garage lobby, two new elevators and the extension and improvements of an existing stairwell, all to be located in the northeasterly portion of the Garage at the corner of Guest Street and Life Street. The Fourth PDA Plan Amendment also authorized the extension of two other existing stairwells, as well as capital improvements to the existing elevator core on the northwesterly portion of the Garage. The Fifth PDA Plan Amendment allowed certain uses on the first level and basement level of the South Building, and it amended language relating to the shared usage of the Garage.

This Sixth PDA Plan Amendment amends the Current PDA Plan to:

allow a Warehousing Use within that portion of the basement level and first level of the South Building as shown on the plans attached hereto as Exhibit A.

Exhibit A

Plans



15 Guest Street (PDA No. 46 South Building)

15 GUEST STREET
BOSTON, MA 02135

MULROONEY

architecture + design

51 Melcher Street Boston, MA 02210
M 617.792.6162 O 617.520.4950

SITE PLAN

NB GUEST STREET ASSOCIATES

Project number 19024



Date 05.17.2019

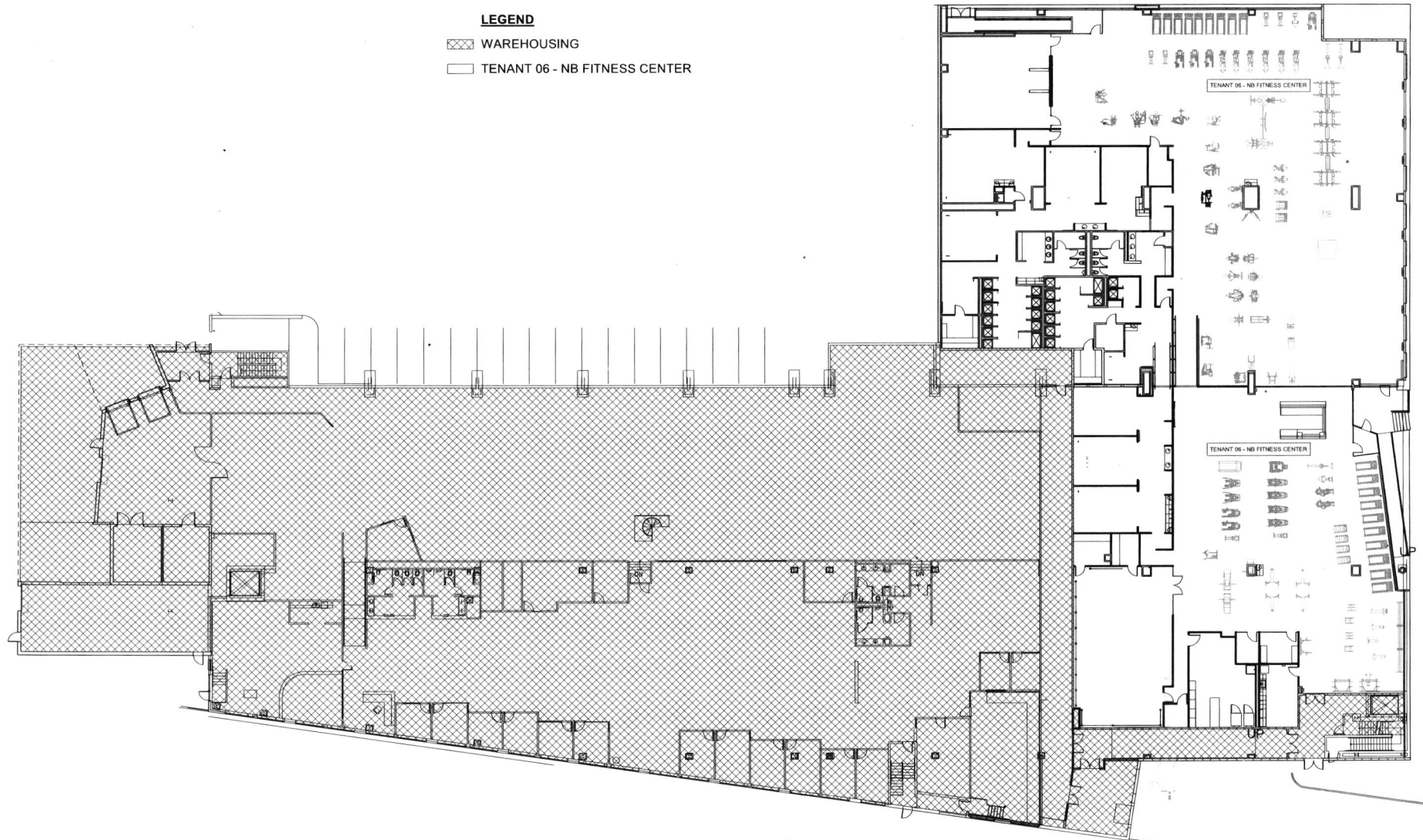
Drawn by STM

SITE

Scale

LEGEND

-  WAREHOUSING
-  TENANT 06 - NB FITNESS CENTER



MULROONEY

architecture + design

51 Melcher Street Boston, MA 02210
 O 617.520.4950 M 617.792.6162

15 Guest Street (PDA No. 46 South Building)

15 GUEST STREET
 BOSTON, MA 02135

1ST FLOOR PLAN

NB GUEST STREET ASSOCIATES

Project number 19024

Date 05.20.2019

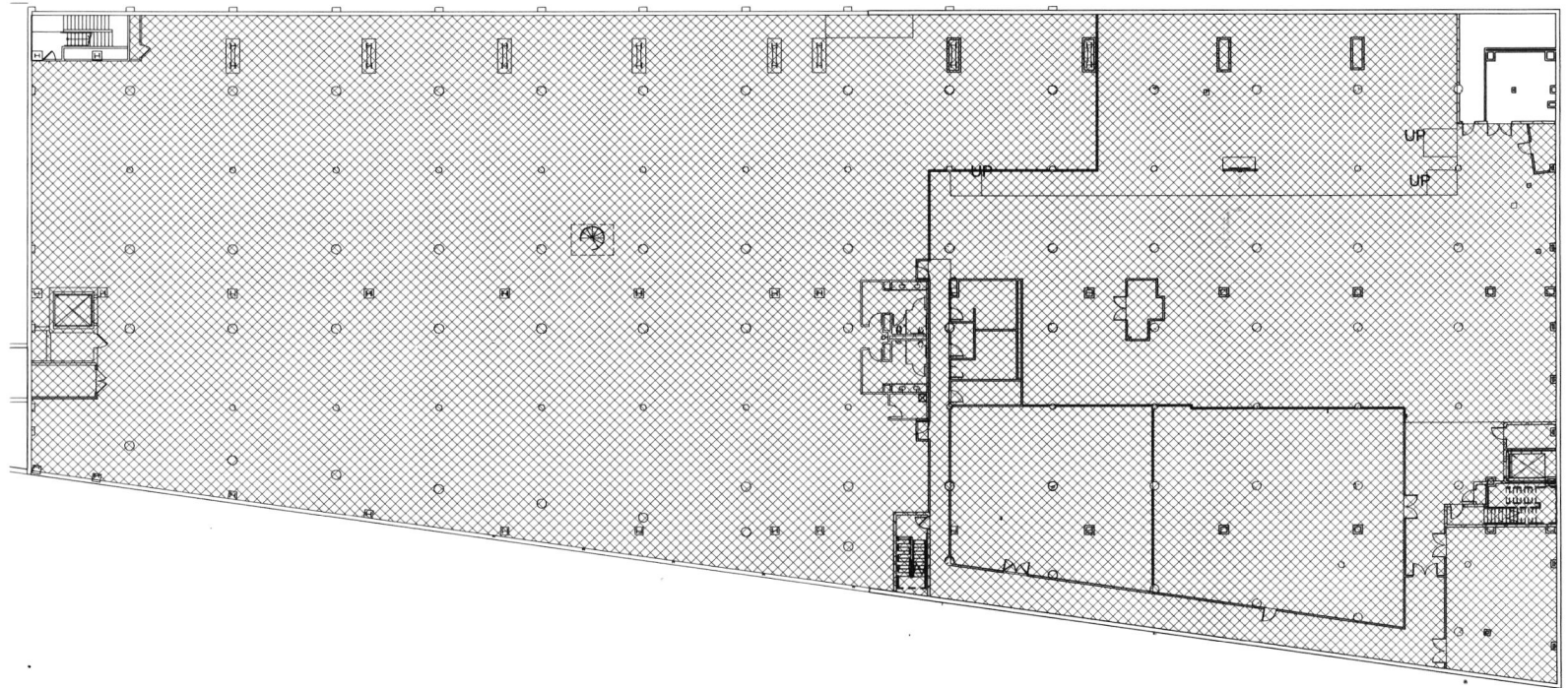
Drawn by STM

1st FLOOR

Scale 1" = 30'-0"

LEGEND

▨ WAREHOUSING



MULROONEY

architecture + design

51 Melcher Street Boston, MA 02210
O 617.520.4950 M 617.792.6162

15 Guest Street (PDA No. 46 South Building)

15 GUEST STREET
BOSTON, MA 02135

BASEMENT PLAN

NB GUEST STREET ASSOCIATES

Project number 19024

Date 05.20.2019

Drawn by STM

BASEMENT

Scale 1" = 30'-0"



Michael Sinatra <michael.a.sinatra@boston.gov>

Brighton Landing Meeting on July 9 Confirmed

Peter Leis

Sat, Jun 22, 2019 at 2:56 PM

To: Michael Sinatra <michael.a.sinatra@boston.gov>

Hi Michael,

Sorry, I'll be out of town. I don't object to warehouse uses as long as there are not notable add'l truck/delivery or any hazardous materials planned to be stored.

Also, I'd prefer that for IAG emails, we see the other folks on the email-- in this case I would have shared the above with all.

Thanks,

-Peter

[Quoted text hidden]

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Peter G. Leis