

FIRST AMENDMENT
to
AMENDED AND RESTATED DEVELOPMENT PLAN
for
PLANNED DEVELOPMENT AREA NO. 77
at
6-26 NEW STREET
EAST BOSTON, MASSACHUSETTS

May 17, 2019

A. First Amendment to Amended and Restated Development Plan: Pursuant to Sections 3-1A, 53-44 through 53-49, and 80C of the Zoning Code (the “Code”) of the City of Boston (the “City”), and Section 23 of the *Amended and Restated Development Plan for Planned Development Area (“PDA”) No. 77*, effective October 17, 2014 (the “2014 Development Plan”), this *First Amendment to Amended and Restated Development Plan for PDA No. 77* hereby amends the 2014 Development Plan.

The 2014 Development Plan constitutes zoning for an area in the East Boston neighborhood of Boston comprising multiple, contiguous parcels, referred to in the 2019 Development Plan as 6 – 26 New Street, but also commonly known as 10 New Street, with a total area, including watershed, of approximately 170,873 square feet (3.92 acres) (the “Site”). GEGC 2 New Street, LLC (the “Proponent”) owns the Site.

Pursuant to the 2014 Development Plan, the Site has been redeveloped with an approximately 200 foot-high, 16-story building (the “16-Story Building”),¹ an approximately 26-foot high, three-level (two-story) parking garage (the “North Garage”), and an approximately 56-foot-high, four-story building (the “South Addition”) (together, the “Existing Project”). The total gross floor area (“GFA”) of the Existing Project is approximately 242,615 square feet (“sf”), including up to 259 dwelling units, including up to 4,900 sf of ground-level commercial space accessible to the public and 155 off-street parking spaces. The Site also includes approximately 42,667 sf of public open space, a water transportation dock, and other waterfront improvements.

The BPDA Director issued a *Combined Certifications of Compliance and Consistency* for the 2014 Project on April 26, 2015. Construction of the 2014 Project was completed during 2017. To date, the Proponent has not, however, sought a

¹ At the time of the 2014 Development Plan, the 16-Story Building was planned as the result of adding seven stories to an existing nine-story building. Subsequently, the Boston Landmarks Commission (the “BLC”) determined pursuant to Article 85 of the Code that there was no feasible alternative to demolishing the existing building. (BLC, *Notice of Determination*, March 27, 2015). The 16-Story Building was built as a new structure.

Certificate of Completion from the Boston Redevelopment Authority d/b/a the Boston Planning & Development Agency (the “BPDA”), pursuant to Section C.5 the *Cooperation Agreement* between the Proponent and the BPDA, dated April 17, 2015.

On May 17, 2019, the Proponent filed a Notice of Project Change (the “2019 NPC”) and this First Amendment to allow three changes to the Existing Project (together, the “2019 Modifications”), which are described in Section C, below. Also, please see **EXHIBIT 1** attached hereto for a revised Site Plan, a revised Landscape Plan, a revised Circulation Plan, and revised South Elevation, all showing the 2019 Modifications (the “Revised Project Drawings”). The Existing Project as modified by the 2019 Modifications together constitute the “Revised Project.”

This First Amendment is intended to amend the 2014 Development Plan. Except as expressly modified by this First Amendment, the 2014 Development Plan remains unmodified and in full force and effect. Upon its taking effect, this First Amendment together with the 2014 Development Plan (together, the “2019 Development Plan”) shall constitute permanent zoning for the Site in accordance with Sections 3-1A, 53-44 through 53-49, and 80C of the Code, as well as Section 23 of the 2014 Development Plan.

This First Amendment consists of six (6) pages of text, plus the Revised Projects Drawings attached as **EXHIBIT 1**. Unless otherwise set forth herein, all references to terms defined by the Code shall have meanings set forth as of the date of this First Amendment.

B. Revised Project: As referenced in Section A, above, the 2019 Modifications entails three changes to the Existing Project:

- (1) An approximately 1,893 sf, one-story canopy will be added to the existing commercial space accessible to the public and located within the South Addition. The canopy will have moveable glass walls on its three exterior sides.
- (2) A portion of the Designated Port Area (“DPA”) access route located at the Site, which currently runs between the rear of existing commercial space accessible to the public and the raised-deck area of the public open space facing the waterfront, will be relocated to the passageway between the 16-Story Building and the South Addition.
- (3) Approximately 1,550 sf of new floats will be added to the existing water transportation dock, to accommodate up to nine (9) additional vessels as a recreation marina use.

Please refer to the revised Project Drawings attached hereto as **EXHIBIT 1**.²

² The East Elevation is unchanged from the 2014 Development Plan.

The Existing Project includes an approximately 4,900 sf commercial (restaurant) space accessible to the public, on the south side of the South Addition. The approximately 1,893 sf addition to this commercial space will be of a similar design, with the same commitment to creating high-quality waterfront spaces and amenities to attract and support public use of the Site. The canopy structure is intended to provide additional, weather-protected seating, and so enhance the public use of the Site. By accommodating more recreational vessels, the expanded water transportation dock will also enhance public use of the Site.

For a comparison of the Existing Project with the Revised Project, please refer to **Table A**, below.

Table A: Existing Project vs. Revised Project

	Existing Project (Completed in 2017)	Revised Project (Proposed in 2019)	Net Change
Total GFA (sf)	242,615	244,508	+ 1,893
Floor Area Ratio ("FAR")	2.9	2.9	0.0
Building Footprint (sf)	37,920	39,813	+ 1,893
Stories	16-Story Building: 16 South Addition: 4 North Garage: 2	16-Story Building: 16 South Addition: 4 North Garage: 2	None
Height (ft)	16-Story Building: 200 South Addition: 56 North Garage: 26	16-Story Building: 200 South Addition: 56 North Garage: 26	None
Dwelling Units	Up to 259	Up to 259	None
Parking Spaces	North Garage: 129-141 Surface spaces: 14 Total: up to 155	North Garage: 129-141 Surface spaces: 14 Total: up to 155	None
Public Open Space (sf)	42,667	40,774	- 1,893

The total gross floor area of the Revised Project is approximately 244,508 sf, with a total floor area ratio of approximately 2.9. The total building footprint is approximately 39,813 sf, and occupies approximately 47% of the Lot Area (85,000 sf). For a summary of the Revised Project, please refer to **Table B**, which appears on the following page.

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Table B: Building Program

Building	Lot Area (sf)	Bldg. Footprint (sf)	Lot Coverage	Max. GFA (sf)	Max. FAR	Max. Bldg. Height* (ft)	Garage Parking Spaces	Surface Parking Spaces
16-Story Building	n.a.	12,580	n.a.	204,575	n.a.	200	n.a.	n.a.
North Garage	n.a.	12,585	n.a.	12,585	n.a.	26	114	n.a.
South Addition	n.a.	14,648	n.a.	27,348	n.a.	56	15 to 27	n.a.
Total	85,000	39,813	47%	244,508	2.9	n.a.	129 to 141	14

*Building height is measured from the average elevation of the nearest sidewalk at the line of New Street. (Code Sec. 2A.-1)

C. Proposed Location, Dimensions, and Appearance of Structure:

The proposed, location, dimensions, and appearance of the structures at the Site after completion of the Revised Project are shown in the Revised Project Drawings, attached hereto as **EXHIBIT 1**. The final location, dimensions, and appearance of the structures may change during BPDA staff review of the Revised Project, or because of review by other agencies, and as agreed upon by the BPDA.

D. Proposed Uses:

Through the 2019 Modifications described in Section B above, after completion of the Revised Project, the Site will include approximately 244,508 sf of gross floor area, comprising: approximately 12,585 sf of accessory parking within the North Garage; approximately 6,793 sf of commercial space on the ground level of the South Addition that is accessible to the public; water transportation, and recreational marina uses for up to nine (9) vessels, at the expanded water transportation dock; and the remainder as residential use, for up to 259 multi-family dwelling units. (See **Table C**, below).

Table C: Uses Permitted by Right

Location	Uses Permitted by Right
North Garage	Accessory parking
16-Story Building	Multi-family dwelling; Accessory services for apartment residents
South Addition	Multi-family dwelling; Retail Uses; Service Uses; Restaurant Uses; Entertainment and Recreational Uses; Cultural Uses; Community Uses; Bank and Postal Uses; Accessory services for apartment residents; Accessory parking
Exterior	Open space; Accessory parking; Ancillary parking; Water transportation; Recreational marina

E. Proposed Densities:

Under Section 53-45.2 of the Code, the maximum FAR for any PDA development plan approved at the Site is 3.3. As noted in Section B, above, the total GFA of the Revised Project is approximately 244,508 sf.

Given the Lot Area of approximately 85,000 sf, this generates a total FAR of approximately 2.9. Floor area that is required to meet off-street parking requirements of the Code is excluded from limitations on FAR. (Code sec. 2A-1.) For the Revised Project, as for the Existing Project, this means exempting the uppermost level (second story) of the North Garage, for an effective FAR of 2.7.

F. Public Access and Open Space: The Revised Project will continue to provide outstanding public access to and along Boston Inner Harbor. Although public open space will be reduced slightly, from 42,667 sf to 40,774 sf, the approximately 1,893 sf canopy built in its place will serve as additional, weather-protected seating for the commercial (restaurant) space open the public. Please refer to the revised Landscape Plan included in **EXHIBIT 1**, attached.

G. Traffic Circulation: Vehicles will be able to access the DPA and Water-Dependent Use Zone at the Site from New Street via the redirected route located between the 16-Story Building and the South Addition. Please refer to the revised Circulation Plan included in **EXHIBIT 1**, attached.

H. Flood Hazard Overlay District: Subsequent to the effective date of the 2014 Development Plan, the Site was designated as being located within a Special Hazard Area under the Suffolk County Flood Insurance Rate Map ("**FIRM**") issued by the Federal Emergency Management Agency ("**FEMA**"), effective March 16, 2016. Therefore, the Site is now located within the Flood Hazard Overlay District, regulated under Article 25 of the Code. The 2019 Modifications are designed to comply with Section 25-5.2(a) of the Code. Regardless, consistency of the Revised Project with the 2019 Development Plan constitutes compliance with the dimensional, use, and other requirements of Article 25 of the Code.

I. Public Benefits of the 2019 Modifications: The 2019 Modifications will increase the public's use, and access to and along the waterfront. The public benefits of the Revised Project will make the area more appealing to both residents and visitors, whether arriving by land or water. Specifically, the Project will provide the following substantial direct benefits for the City and the wider region:

Public Access

- Expansion of ground-level commercial space (restaurant) that will be accessible to the public.
- Increased public access to and from the Site via water transportation.

Protection of Maritime Uses

- Continuation of a vehicle access route from New Street to the Designated Port Area and Waterfront Dependent Use Zone at the Site.
- Increased berthing area for the boating public.

Financial

- Investment of more than \$150,000 in development costs.
- Increased property values for the surrounding neighborhood.

J. Other Necessary Government Approvals: The Revised Project remains consistent with the guidelines and recommendations of the *East Boston Master Plan* adopted by the BPDA in 2000, as amended. Additionally, the Revised Project conforms to the requirements of the *East Boston Municipal Harbor Plan* approved by the Secretary of Energy and Environmental Affairs ("EEA") on July 15, 2002, and the subsequent amendment to that plan approved on December 17, 2008.

The Massachusetts Department of Environmental Protection ("DEP") issued Chapter 91 (Waterways) License No. 14031 on December 21, 2015 (Suffolk Registry Bk 55517, Pg 115), which amended License No. 13033 issued on July 29, 2011 (Suffolk Registry Bk 48274, Pg 026). DEP issued License No. 14679 on June 8, 2018 (Suffolk Registry Bk 59724, Pg 114) for the dock expansion portion of the Revised Project. In October 2018, the Proponent applied to DEP to amend License No. 14031 to account for changes under the Revised Project.

On December 10, 2018, the Boston Conservation Commission issued a *Determination of Applicability* that the proposed canopy does not need further review.

The proposed canopy will be located within 100 feet of LoPresti Park. Accordingly, pursuant to Section 7-4.10 of the Boston Municipal Code, the Proponent will seek approval from the Parks and Recreation Department.

K. Development Schedule: The Proponent currently estimates that construction of the 2019 Modifications will take approximately two to three months, with initial work expected to begin in the second quarter of 2019.

LIST OF EXHIBITS

<u>EXHIBIT 1</u>	REVISED PROJECT DRAWINGS
	- SITE PLAN
	- LANDSCAPE PLAN
	- CIRCULATION PLAN
	- SOUTH ELEVATION

EXHIBIT 1

REVISED PROJECT DRAWINGS

- SITE PLAN
- LANDSCAPE PLAN
- CIRCULATION PLAN
- SOUTH ELEVATION

(Inserted behind)







