

MEMORANDUM

APRIL 11, 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/GOVERNMENT AFFAIRS
MICHAEL SINATRA PROJECT MANAGER

SUBJECT: LAFAYETTE CITY CENTER, CHAPTER 121A PROJECT, FOURTH
AMENDMENT TO REPORT AND DECISION

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority ("BRA") d/b/a Boston Planning & Development Agency ("BPDA"), adopt a Fourth Amendment to Report and Decision on the Lafayette City Center 121A Project, which grants a zoning deviation and approval for office use on the ground floor level along Washington Street.

PROJECT SITE

Lafayette City Center, formerly known as Lafayette Corporate Center, contains approximately 595,600 square feet in total, and is located on Washington Street, Avenue de Lafayette and Chauncy Street in downtown Boston (the "Project Site").

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

BACKGROUND

On September 11, 1997, after a public hearing pursuant to Massachusetts General Laws Chapter 121A and Chapter 652 of the Acts of 1960, both as amended, the BRA, by vote, adopted a Report and Decision (the "Report and Decision") which approved the reconstruction, rehabilitation and reuse of the original Lafayette Place Mall for an approximately 595,600 square-foot office building with retail uses at street level on Washington Street, then known as Lafayette Corporate Center, Two Avenue de Lafayette, in Boston (the "Project").

On March 28, 2002, by vote, the BRA approved the acquisition of the Project by Abbey Lafayette Owner LLP (the "Applicant"). The Project subsequently was completed and leased.

On July 12, 2005, by vote, the BRA approved a minor change to the Project, which authorized the lease of certain street level space for fast food restaurant uses, by adoption of the Second Amendment to Report and Decision. Those fast food restaurant uses have since gone out of business.

On March 29, 2007, by vote, the BRA approved a minor change to the Project, which authorized the lease of certain street level space on Chauncy Street for fast food restaurant use, by adoption of the Third Amendment to Report and Decision. This fast food restaurant use continues. After said vote, the Applicant changed the name of the Project from Lafayette Corporate Center to Lafayette City Center.

On March 27, 2019, the Applicant filed a request for a Fourth Amendment to Report and Decision to authorize the conversion of ground floor retail space along Washington Street to office use. A copy of the request letter from the Applicant is attached to this Board Memorandum.

Although retail use was originally contemplated at the ground floor along Washington Street, there is a significant grade change extending from the corner of the building at Avenue de Lafayette along Washington Street which makes retail use problematic. Much of this space was vacant when the Applicant acquired the Project in 2002 and has remained vacant during the Applicant's ownership. Other smaller space that was retail or fast food restaurant space is now vacant and the Applicant has had much difficulty attracting retail tenants. Interior space to the rear of the retail spaces was previously used for an office tenant.

The Applicant was approached by the Commonwealth of Massachusetts Division of Capital Asset Management and Maintenance ("DCAMM"), on behalf of the Department of Industrial Accidents, to lease approximately 40,000 square feet of space on the ground floor building, including the former retail space, with access

from the office lobby off Avenue de Lafayette. There will be no direct access to this space from Washington Street. There will be exterior changes to the existing windows and façade, and existing access doors on Washington Street will be replaced with fixed glass and attractive exterior treatments. DCAMM will be relocating from other space in Boston and would like to remain in Boston close to the MBTA and other public transportation. The DCAMM use will be open to members of the public, including hearing and other courtroom-type space, and will provide further public and pedestrian activity in this neighborhood.

In order to allow office use at ground level along Washington Street, an additional zoning deviation will be necessary for carrying out of the Project and may be granted without substantially derogating from the intent and purposes of the Boston Zoning Code. The Applicant has reviewed the proposed use with the Downtown Boston Business Improvement District staff and there were no objections to the conversion of retail space to office use.

The General Counsel has determined that the zoning deviation and approval of the conversion of retail space to office space does not constitute a fundamental change as such term is defined in Chapter 121A, as amended, and a public hearing is therefore not required.

Appropriate votes follow:

VOTED: That the BPDA hereby ratifies and confirms the findings and determinations made in its votes of September 11, 1997, March 28, 2002, July 12, 2005 and March 29, 2007 that the Lafayette City Center Project, including the use thereof for office use in place of retail use, conforms to the general plan for the City of Boston as a whole, and that nothing in such Project will be injurious to the neighborhood or otherwise detrimental to the public welfare; and

FURTHER VOTED: That the document presented at this meeting and attached hereto entitled "FOURTH AMENDMENT TO REPORT AND DECISION OF THE LAFYAETTE CORPORATE CENTER CHAPTER 121A PROJECT FOR APPROVAL UNDER MASSACHUSETTS GENERAL LAWS CHAPTER 121A AND THE ACTS OF 1960, CHAPTER 652, BOTH AS AMENDED, REGARDING A SPECIFIC ZONING DEVIATION" be and hereby is adopted; and

FURTHER VOTED: That the Director be and hereby is authorized to execute and deliver on behalf of the BPDA such documents and agreements with respect to the zoning deviation granted for the Lafayette Corporate Center (now known as Lafayette City Center) Chapter 121A Project as the Director in his sole discretion deems appropriate and necessary.