

**BOSTON REDEVELOPMENT AUTHORITY**

**DEVELOPMENT PLAN**

**FOR**

**PLANNED DEVELOPMENT AREA NO. 95**

**80 EAST BERKELEY STREET,**

**SOUTH END, BOSTON**

**THE DRUKER COMPANY, LTD.**

**October 17, 2013**

1. Development Plan: In accordance with Article 3, Section 3-1A, and Article 80, Section 80C, of the Boston Zoning Code (the “Code”), this Development Plan (this “Development Plan”) constitutes the Planned Development Area Development Plan for the proposed development (the “Proposed Project”) within a Planned Development Area Overlay District (the “PDA Overlay District”) containing approximately 47,360 square feet (approximately 1.09 acres) bordered by East Berkeley Street, Washington Street and Shawmut Avenue, in the South End (the “Project Site”). This Development Plan sets forth the proposed location and appearance of structures, open spaces and landscaping, proposed uses of the area, densities, proposed traffic circulation, parking and loading facilities, access to public transportation, proposed dimensions of structures and other major elements of the Proposed Project.

This Development Plan consists of six (6) pages of text plus attachments designated as Exhibits A through D. All references to this Development Plan contained herein shall pertain only to such pages and attachments.

2. Proponent: The proponent of the Proposed Project is The Druker Company, Ltd., a Massachusetts corporation, or its affiliates (the “Proponent”).

3. PDA Overlay District: The proposed PDA Overlay District comprises the Project Site and is located within (i) the Economic Development Area North (“EDA North”) of the South End Neighborhood District, governed by Article 64 of the Code, (ii) the Restricted Parking Overlay District (the “Restricted Parking Overlay”), governed by Section 3-1A(c) of the Code, and (iii) the Groundwater Conservation Overlay District (the “GCOD”), governed by Article 32 of the Code. A companion map amendment to the Code will establish the boundaries of the PDA Overlay District consistent with this Development Plan.

4. Project Site: The Project Site is a parcel of land with addresses of 80 East Berkeley Street, comprising approximately 47,360 square feet (approximately 1.09 acres), with frontage on East Berkeley Street, Washington Street and Shawmut Avenue. The Project Site is more particularly bounded and described as set forth in Exhibit A attached hereto and is shown on the plan attached hereto as Exhibit B (the “Site Plan”). The Project Site is currently used as a

surface parking lot containing 89 public parking spaces and an auto-repair garage with accessory parking.

5. Proposed Project: The Proponent intends to replace existing uses with a mixed-use building (the "Building") containing a maximum of 308,000 square feet of Gross Floor Area, with a two-level, underground parking garage (the "Parking Garage") containing approximately 200 public and accessory parking spaces and public realm improvements as described in this Development Plan.

The Proposed Project embodies the development principles and visions for the Project Site set forth in the Harrison Albany Corridor Strategic Plan as reflected in Article 64 of the Code. The proposed 11-story Building is expected to include a mix of innovation-oriented office uses and retail, service and/or restaurant uses, with the preponderance of office uses on the upper floors.

The Proposed Project will comply with the requirements of Section 64-29 applicable to Planned Development Areas within the EDA North as follows: (i) the Proposed Project will provide approximately 5,900 square feet of the Building's Gross Floor Area on a subsidized basis for use by an existing or start-up business or as Affordable Cultural Space, which may take the form of "co-work" office space, or otherwise comply with Section 64-29.1 of the Code, (ii) the dimensional requirements set forth in Paragraph 10 below comply with the maximum Building Height and Floor Area Ratio set forth in Section 64-29.2 of the Code, (iii) the Building footprint will not cover more than 80% of the Project Site, and the remaining 20% or more of the Project Site is expected to be occupied by a new accessway and view corridor on the northern side of the Project Site connecting Washington Street and Shawmut Avenue (the "Accessway") and/or other site furnishings, all as described in Paragraph 8 below and as shown on the Site Plan and Design Plans, in accordance with the requirements of Section 64-29.3 of the Code, and (iv) applicable design guidelines will be addressed in Boston Civic Design Commission ("BCDC") and Boston Redevelopment Authority ("BRA") design review as described in Paragraph 7 below.

6. Development Review: All aspects of the Proposed Project design are subject to ongoing development review and approval by the BRA. Such review has been conducted to date in accordance with Large Project Review pursuant to Section 80B of the Code as follows:

(a) An Expanded Project Notification Form for the Project initiating such Large Project Review was filed by the Proponent with the BRA on August 8, 2013.

7. Location and Appearance of Structures: The plans attached hereto as Exhibit C illustrate generally the location and appearance of the proposed structures within the Project Site (the "Design Plans"). Subject to the dimensional limitations set forth in Sections 9 and 10 of this Development Plan, the final design, massing and exterior appearance of the Proposed Project are expected to evolve during ongoing design review by the BRA, review by the South End Landmark District Commission, and advisory review by the BCDC. Any floor plan or use information is included in the Site Plan and/or the Design Plans for informational purposes only, and the final design and/or use of the areas shown may vary from time to time.

8. Open Spaces and Landscaping: The Proposed Project is expected to include: (a) the Accessway, which will help to restore the historic street grid and block pattern of this area of the South End, improve traffic flow and enhance the pedestrian experience; (b) a secondary green path along the portion Shawmut Avenue adjacent to the Project Site; and (c) improvements to sidewalks along the Project Site, new street trees and other site furnishings, which may include open space, street and pedestrian lighting, landscaping, bicycle racks and/or litter receptacles.

9. Proposed Uses: The Proposed Project may be used for the office, retail, service, restaurant, off-street parking, accessory and ancillary uses and other uses listed Exhibit D attached hereto.

10. Proposed Densities and Dimensions of Structures: The dimensional requirements applicable to the Proposed Project, in lieu of all other dimensional requirements of underlying zoning which may otherwise be applicable to the Proposed Project, are as follows:

<b>Dimensional Requirement</b>	<b>Permitted by Development Plan</b>
Maximum Gross Floor Area <sup>1</sup>	308,000 square feet
Maximum Floor Area Ratio <sup>1</sup>	6.5
Maximum Building Height <sup>2</sup>	150 feet
Maximum Street Wall Height	150 feet
Minimum Building Height	None
Minimum Lot Size	None
Minimum Lot Width	None
Minimum Lot Frontage	None
Minimum Front Yard	None
Minimum Side Yard	None
Minimum Rear Yard	None

11. Proposed Traffic Circulation: The Proposed Project aims to create streets that become great public spaces and sustainable transportation networks. The Proposed Project will have limited traffic impacts due to its central location in the City of Boston, which provides convenient access to public transportation (as described below) and allows vehicles to make use of multiple existing access routes to and from the Project Site, and has been designed to include features to minimize any such traffic impacts. For example, construction of the Accessway, on the northern portion of the Project Site, will enhance traffic flow and help to restore the historic

<sup>1</sup> Gross Floor Area and Floor Area Ratio shall not include the Parking Garage (as defined in this Development Plan).

<sup>2</sup> The Proposed Project is located within Area 1 of the EDA North as set forth in Appendix C to Article 64 of the Code. Building Height shall not include temporary structures, rooftop mechanical equipment or mechanical penthouses, solar panels and/or equipment or other unoccupied rooftop structures and/or equipment.

street grid of this area of the South End. Access to the loading area will be provided from the Accessway, rather than adjacent public streets, and all loading and service operations will be accommodated internal to the Building site. Access to the Parking Garage is expected to be provided on the northern portion of the Project Site off of Washington Street and/or Shawmut Avenue. In addition, the Proposed Project is expected to include a dedicated drop-off area.

The Proposed Project will also incorporate Transportation Demand Management (TDM) measures, to be formalized in a Transportation Access Plan Agreement (“TAPA”) with the Boston Transportation Department, to encourage alternative modes of transportation, which may include covered bicycle-parking and other amenities for bicycle commuters, one or more dedicated car-sharing parking spaces within the Parking Garage and encouragement of the Proposed Project’s tenants to provide employer subsidies for public transportation and a guaranteed ride home program for employees.

Traffic impacts of the Proposed Project have been analyzed in depth in the course of the Proposed Project’s Large Project Review. Mitigation measures to address any such traffic impacts will be addressed in the TAPA.

12. Proposed Parking and Loading Facilities: The Proposed Project will include a two-level underground Parking Garage containing approximately 200 public and accessory parking spaces, subject to approval by the Air Pollution Control Commission, without need of any conditional use permit with respect to the Restricted Parking Overlay. The Proposed Project is also expected to include a loading dock, within the Building, located off of the Accessway, consisting of approximately three truck bays for deliveries and a trash compactor/dumpster. The dock is expected to be primarily used by delivery vans and single unit trucks, with larger vehicles able to pull into the Accessway and off of adjacent public streets.

13. Signage: Signs shall be permitted on the Project Site as approved from time to time through BRA Article 80 design review.

14. Access to Public Transportation: The Site is well-served by public transportation. It is located within walking distance of the Orange Line, Red Line, Silver Line and several bus routes.

15. Public Benefits: The public benefits of the Proposed Project include those described below:

(a) Public Realm and Urban Design Benefits: The Proposed Project will transform an underutilized parcel located near public transportation into a vibrant mixed-use development providing an appealing, pedestrian-friendly streetscape in an area of the city that is the focus of important redevelopment efforts. The Proposed Project is expected to include retail, service and/or restaurant uses that contribute to the vibrant, mixed-use character of the Washington Street Corridor, and has been designed to advance the urban design and development objectives of the Harrison Albany Corridor Strategic Plan. The Accessway, located in the approximate location of former Garland Street, will help to restore the historic street grid and block pattern of this area of the South End, improve traffic flow and enhance the pedestrian experience. The Proposed

Project will also include significant public realm improvements at and surrounding the Project Site, which are expected to include new street trees, a secondary green path along the portion Shawmut Avenue adjacent to the Project Site, the Accessway and improvements to sidewalks to improve roadway quality, traffic flow, handicapped access and pedestrian safety. The foregoing plan for public benefits includes improvements to the aesthetic character of the development site and its surroundings.

(b) Smart Growth/Transit-Oriented Development: The Proposed Project exemplifies smart-growth and transit-oriented development by concentrating new commercial uses on an underutilized parcel in close proximity to the Silver Line, Orange Line, Red Line and several bus routes, which provide convenient, non-automobile access to the Project Site from other neighborhoods of the city, the surrounding suburbs and Logan International Airport.

(c) Job Creation/Economic Development: The Proposed Project is anticipated to create approximately 300 construction jobs and the opportunity for approximately 880 permanent jobs. The permanent jobs will result from the proposed mix of uses as well as building operations, maintenance and security. The Proposed Project will contribute to the continued revitalization of the South End and support Boston's thriving innovation economy.

(d) Innovation/Co-Work Office Space: Approximately 5,900 square feet of the Proposed Project's Gross Floor Area is anticipated to be provided on a subsidized basis for use by an existing or start-up business or as affordable cultural space, which may take the form of "co-work" office space, in accordance with Section 64-29.1 of the Code.

(e) Sustainable Design: The Proposed Project will comply with the requirements of Article 37, Green Buildings, of the Code and will include a number of sustainable building technologies, practices and materials in its design and construction, including energy efficiency stormwater management and water conservation measures. The Proposed Project will be designed and constructed to attempt to meet or exceed the requirements to be certifiable at the rating level of "Silver" contained in the LEED 2009 Green Building Rating System for New Construction and Major Renovations published by the United States Green Building Council, as amended. The Proposed Project shall comply with the standards and requirements set forth in Article 32 of the Code. The Proponent shall obtain a written determination from the Boston Water and Sewer Commission ("BWSC") as to whether the Proposed Project meets the standards and requirements of said Article 32. In addition, the Proponent shall demonstrate that the Proposed Project meets the requirements of Section 32-6 of the Code by obtaining a stamped certification from a Massachusetts registered engineer that the requirements of Section 32-6 of the Code are met. The Proponent shall provide both a copy of the written determination from BWSC and a copy of the stamped certification from a Massachusetts registered engineer to the BRA and the Boston Groundwater Trust prior to the issuance of a Certification of Consistency. As such, the Proposed Project shall be deemed to be in compliance with Article 32 of the Code and shall not need a conditional use permit from the Board of Appeal for Article 32 purposes.

(f) Financial Benefits: The Proposed Project will result in significant financial benefits to the city, which are expected to include additional property tax revenues in excess of \$2 million per year, a Housing Contribution Grant of approximately \$1,636,960 and a Jobs Contribution Grant of approximately \$326,560.

(g) Non-Discrimination; Boston Residents Jobs Policy: The Proponent will comply with the City of Boston's Boston Residents Construction Jobs Policy with respect to hiring Boston residents, minorities, and women for construction jobs.

16. Minor Modifications to Plans: This Development Plan sets forth the dimensional, use and other zoning requirements for the Proposed Project and the Project Site, to the extent such requirements have been addressed in this Development Plan. Once this Development Plan is approved, final plans and specifications for the Proposed Project will be submitted to the BRA pursuant to Section 3-1A, Section 80B and Section 80C of the Code for final design review approval and certification as to consistency with this Development Plan, and to other governmental agencies and authorities for final approval. Subject to consistency with the dimensional and use regulations set forth in Sections 9 and 10 hereof, changes may occur to the Proposed Project described in this Development Plan without requiring an amendment to this Development Plan.

17. Development Schedule: The Proponent estimates that construction of the Proposed Project will commence in June 2014 and last for approximately 24 months (subject to customary delays, including without limitation as a result of force majeure).

18. No Duty to Develop the Proposed Project: Notwithstanding anything set forth in this Development Plan to the contrary, under no circumstances shall the Proponent or any designee thereof be obligated to proceed with the Proposed Project, or any portion thereof, or, once the Proponent or any designee thereof does proceed with the Proposed Project, or any portion thereof, to complete the Proposed Project or such portion.

19. Applicability: In accordance with Section 80C-9 of the Code, consistency of the Proposed Project with this Development Plan constitutes compliance with the dimensional, use and all other requirements of the Code to the extent such other requirements have been addressed in this Development Plan. To the extent that any aspect of proposed uses and proposed structures addressed in this Development Plan are in conflict with any requirement of the Code, this Development Plan shall govern.

20. Miscellaneous: Unless otherwise set forth herein, all references to terms set forth in the Code shall have the meaning set forth in the Code as amended to the effective date hereof, and not as the same may be amended hereafter.

**LIST OF EXHIBITS**  
**TO**  
**DEVELOPMENT PLAN**  
**FOR**  
**80 EAST BERKELEY STREET**

Exhibit A Legal Description

Exhibit B Site Plan

Exhibit C Location and Appearance of Structures

Exhibit D Permitted Uses

Exhibit A

Legal Description

Parcel I

These certain Parcels of Land together with any improvements thereon located in Boston, Suffolk County, Massachusetts, being shown as Parcels A & B on Plan entitled "Compiled Plan of Land in Boston, MA" dated March, 1970 prepared by Whitman & Howard, Inc. Engineers and recorded in Book 8502 Page 652.

Located within Parcel B is the following parcel of registered land:

That certain parcel of land and any improvements thereon, situated in said Boston, bounded and described as follows:

- |               |                                                                                                    |
|---------------|----------------------------------------------------------------------------------------------------|
| NORTHEASTERLY | by the southwesterly line of Garland Street, fifty nine and 90/100 (59.90) feet;                   |
| SOUTHEASTERLY | by Lot 2 as shown on plan hereinafter mentioned, twenty three and 25/100 (23.25) feet;             |
| SOUTHWESTERLY | by land now or formerly of Boston Redevelopment Authority, fifty nine and 01/100 (59.01) feet; and |
| NORTHWESTERLY | by the southeasterly line of Garland Place, twenty and 46/100 (20.46) feet.                        |

Said land is shown as Lot 1 on subdivision plan drawn by Whitman & Howard Inc., Surveyors, dated May 1965, as approved by the Land Court, filed in the Land Registration Office as Plan No. 8589-B, a copy of a portion of which is filed with Certificate of Title 75530.

Parcel II

That certain parcel of land in said Boston known as Parcel 3B-1 shown on a plan entitled "South End Urban Renewal Area Project, Mass. R-56, Boston, Suffolk County, Massachusetts," prepared by Charles A. Maguire & Associates dated May, 1969, which plan is recorded with the Suffolk County Registry of Deeds in Book 8375 Page 563. Said Parcel of land in bounded and described as follows:

Beginning at a point on the proposed Westerly side line of Washington Street, said point being located through two courses and distances from the point of intersection of the Easterly side line of Shawmut Avenue, extended, and the Northerly side line of East Berkeley Street, extended, S65° 13' 36" E by said Northerly side line of East Berkeley Street two hundred fifty three and ninety hundredths (253.90) feet and from the point of intersection of said Northerly side line of Berkeley Street, extended, and the proposed Westerly side line of Washington Street, extended N24° 04' 30" E by said proposed Westerly side line of Washington Street one hundred eighty



and two hundredths (180.02) feet;

Thence running S 67° 56' 14" W by land (Parcel 3A, Southerly) now or formerly of the Boston Redevelopment Authority one hundred nine and no hundredths (109.00) feet to a point;

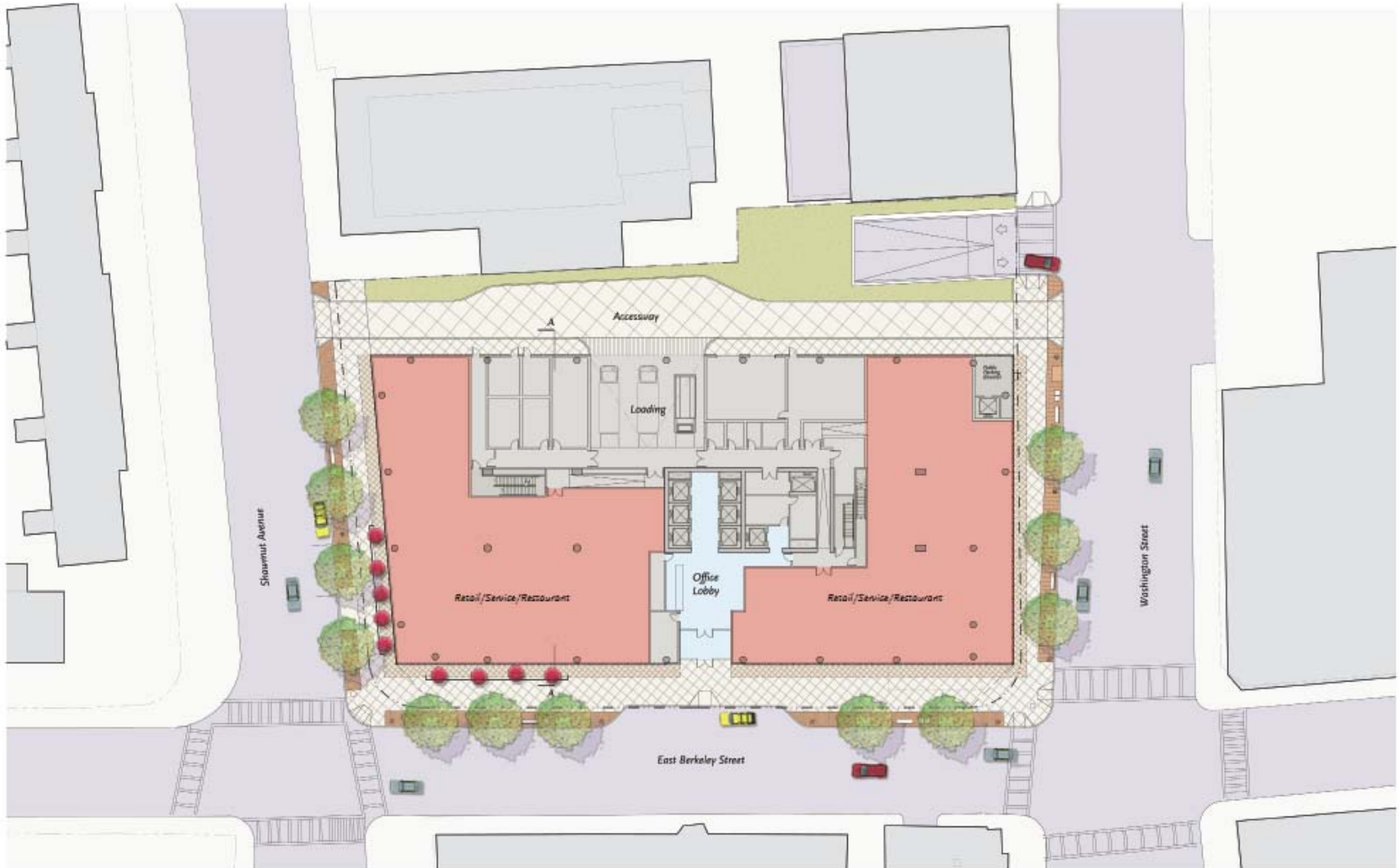
Thence turn and running N24° 04' 30" E by land (Parcel 3B-2) now or formerly of the Boston Redevelopment Authority twenty one and no hundredths (21.00) feet to a point;

Thence turning and running S67° 56' 14" E still by land (Parcel 3B-2) now or formerly of said Boston Redevelopment Authority one hundred nine and no hundredths (109.00) feet to a point on the proposed Westerly side line of Washington Street;

Thence turning and running 24° 04' 30" W by said proposed Westerly side line of Washington Street twenty one and no hundredths (21.00) feet to the point of beginning.

Containing a total of 2,288 square feet, more or less, according to said plan.

Said Parcel II is also shown as Parcel C on plan entitled "Compiled Plan of Land in Boston, Mass." dated March 1970, prepared by Whitman & Howard, Inc. and recorded in Book 8502 Page 652.



80 East Berkeley Street Boston, Massachusetts



ELKUS | MANFREDI  
ARCHITECTS

Exhibit B  
Site Plan

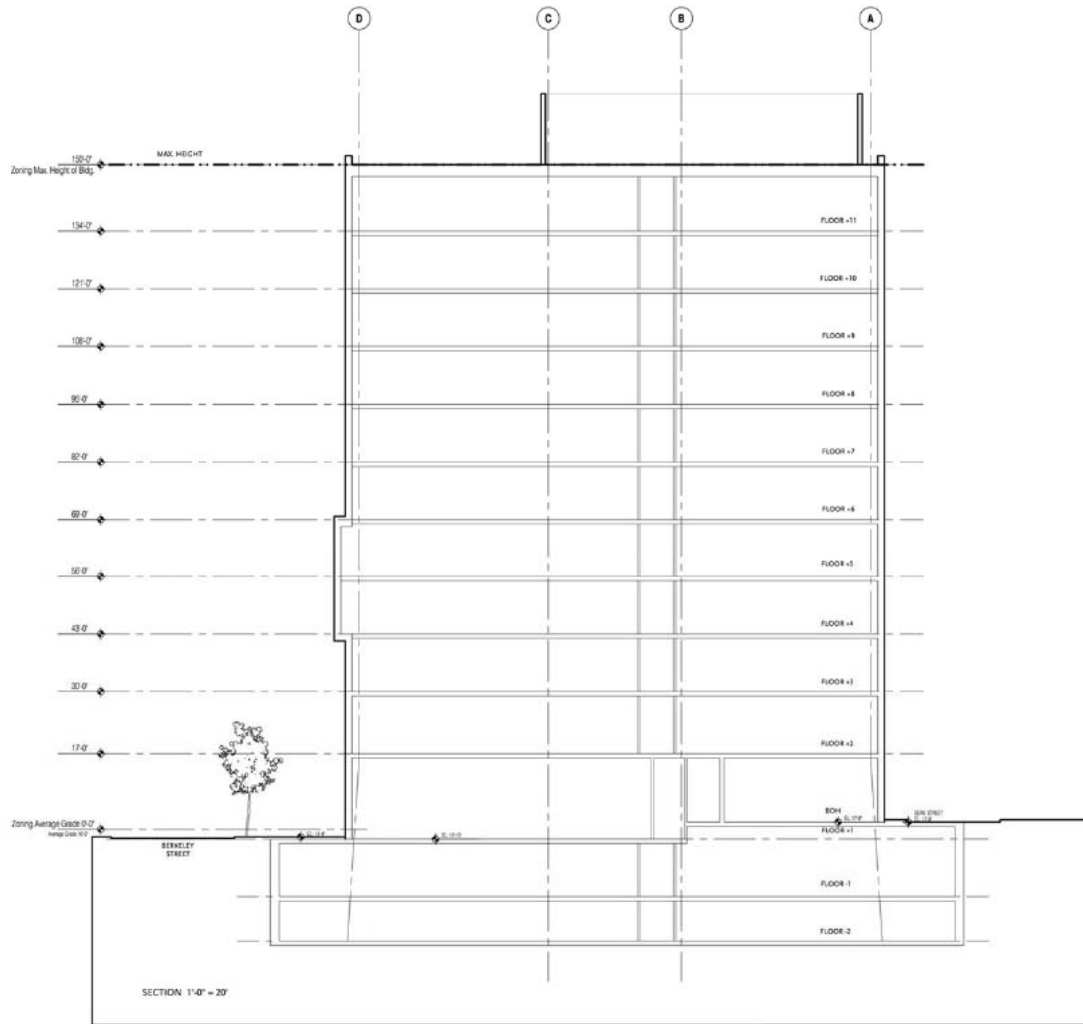


80 East Berkeley Street Boston, Massachusetts

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ARCHITECTS

Exhibit C-1

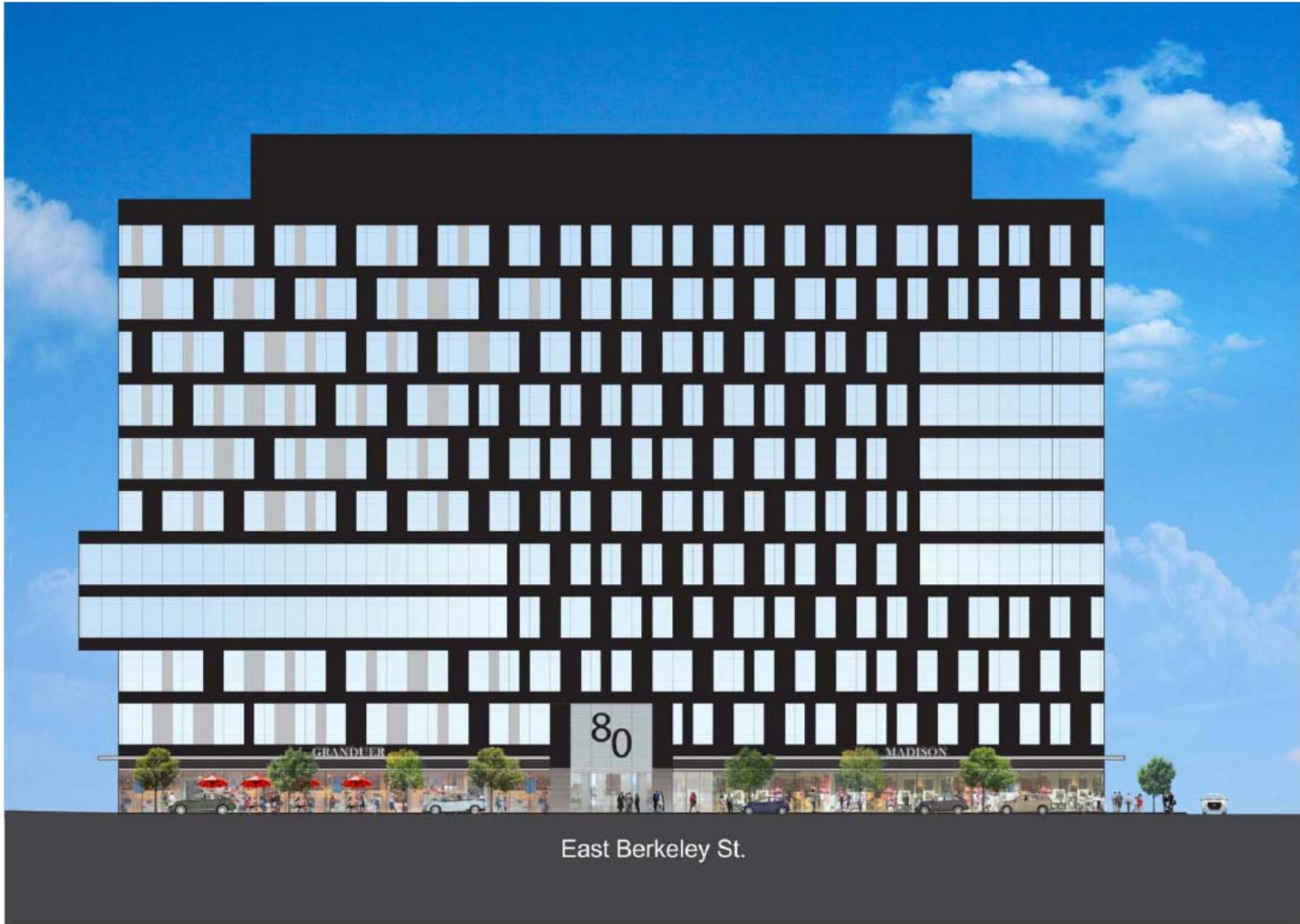
Exterior Perspective Looking West



80 East Berkeley Street Boston, Massachusetts

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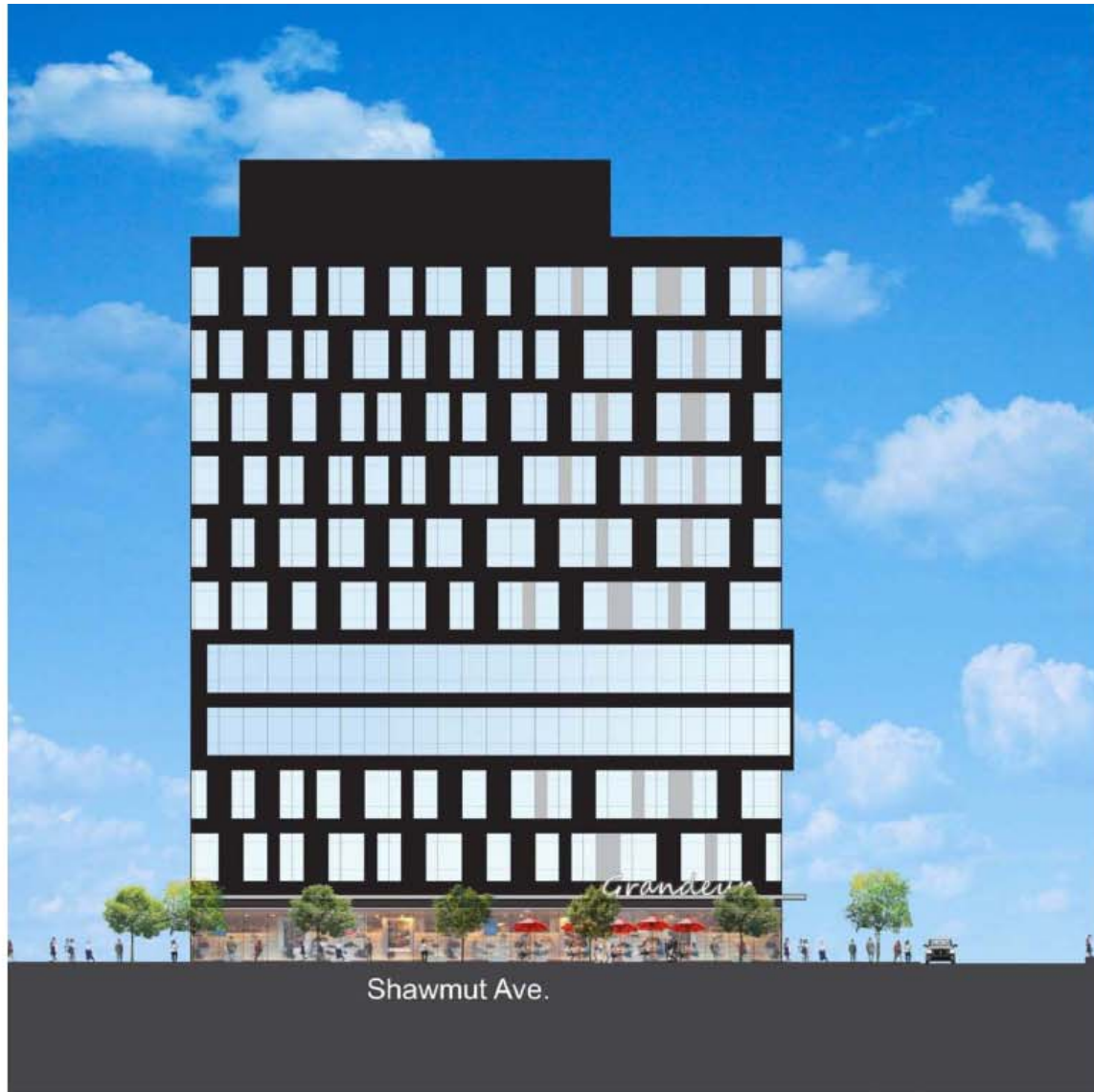
Exhibit C-2  
East Berkeley Street Section A-A'



80 East Berkeley Street Boston, Massachusetts

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ARCHITECTS

Exhibit C-3  
South Elevation



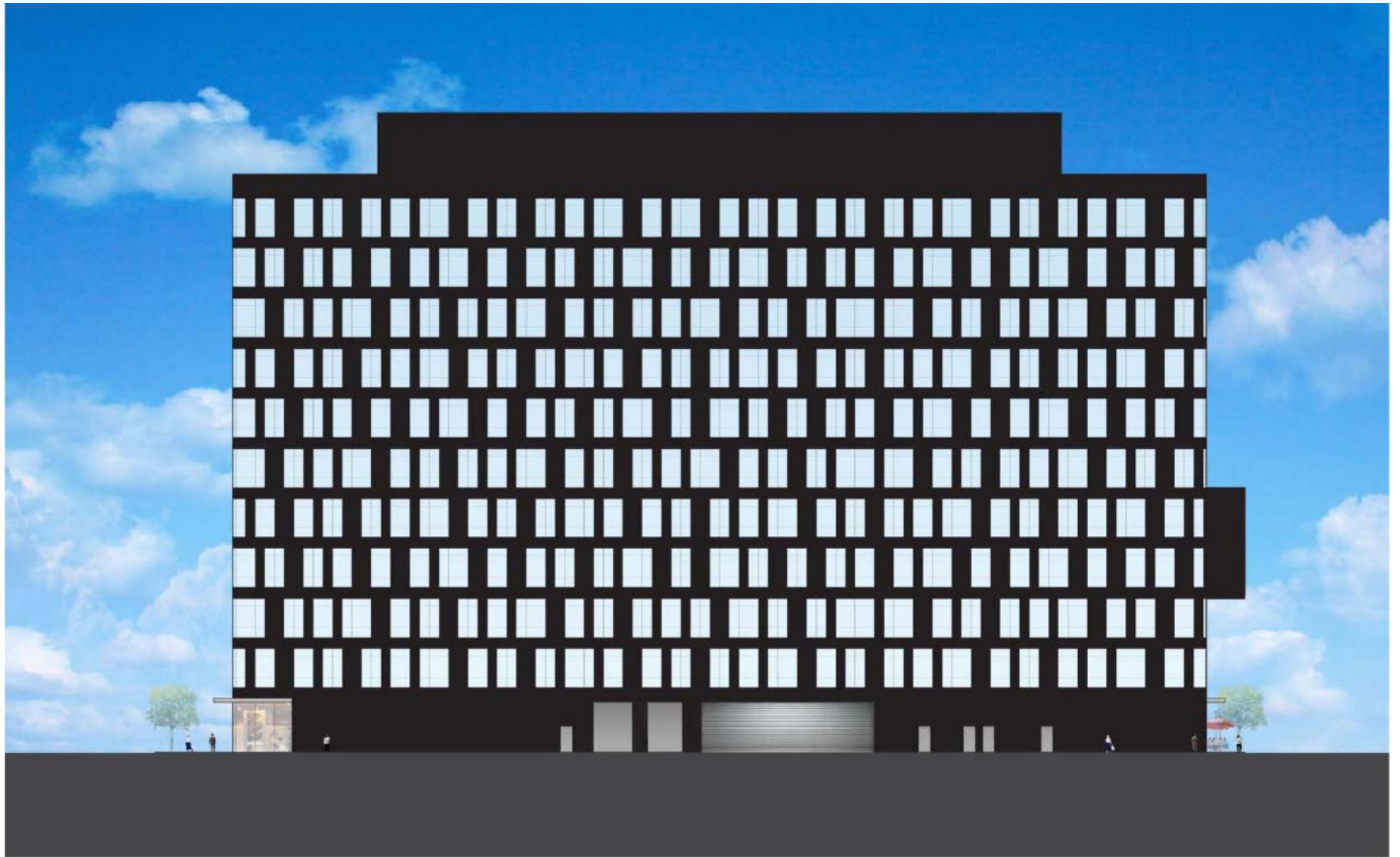
Shawmut Ave.

5 10 20

80 East Berkeley Street Boston, Massachusetts

ELKUS | MANFREDI  
ARCHITECTS

Exhibit C-4  
West Elevation



5 10 20

80 East Berkeley Street Boston, Massachusetts

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ARCHITECTS

Exhibit C-5  
*North Elevation*



80 East Berkeley Street Boston, Massachusetts

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Exhibit C-6  
East Elevation



## Exhibit D

### Permitted Uses

The following uses shall be allowed as-of-right within the Project Site:

#### Office Uses

- Office uses, including, but not limited to, agency or professional office, back office, shared office space, general office and office uses by insurance companies, cultural groups, community service organizations, banks and offices of architects, attorneys, dentists, physicians or other professional people.

#### Retail and Service Uses

- Any retail or service business, including, but not limited to, store primarily serving the local retail business or service needs of the neighborhood, including but not limited to, barber shop, beauty shop, shoe repair shop, self-service laundry, photocopying establishment, tailor, post office, pick-up and delivery station of laundry or dry cleaner, liquor store, tailor shop, hand laundry, store retailing items including, but not limited to, the following: food, alcohol, baked goods, groceries, drugs, tobacco products, clothing, dry goods, books, film, video, computer software, art, flowers, paint, hardware, and small household appliances, retail uses, including, but not limited to, department store, furniture store, general merchandise mart and accessory storage.

#### Restaurant Uses

- Lunchroom, restaurant with or without live entertainment, cafeteria, bar with or without live entertainment, private club serving or not serving alcohol and/or other place for the service or sale of food and/or drink for on-premises consumption and serving or not serving alcohol, including outdoor cafes.
- Place for sale and consumption of food and beverages and serving or not serving alcohol (other than drive-in restaurants) providing dancing or entertainment or both.
- In a structure, sale over the counter, not wholly incidental to a local retail business or restaurant use, of food or drink prepared on premises for off-premises consumption or for on-premises consumption if, as so sold, such food or drink is ready for take-out (other than drive-in restaurants).
- Bakery, café, coffee shop, delicatessen and/or diner.

#### Laboratory and Research and Development Uses

- Laboratory and research and development uses, including research laboratory, product development and prototype manufacturing.

#### Community and Cultural Facilities

- Art use and artists' mixed-use, including, but not limited to, workshop, arts studio, art gallery (commercial or nonprofit) and exhibit space, art needle workshop, costume rental establishment, historical exhibit, musical instrument repair, public art display space, studios (music, dancing, visual arts or theatrical) and ticket sales.

#### Childcare Uses

- Childcare uses, including, but not limited to, day care center and nursery school.

#### Parking Uses

- Parking garage; car-sharing and/or bicycle-sharing service.

#### Banking Use

- Bank (not including a drive-in window); automatic teller machine.

#### Renewable Energy Use

- Renewable energy facilities and equipment including, without limitation, solar panels for the generation of electricity and building integrated wind energy facilities.

#### Wireless Communications Equipment Use

- Wireless communications equipment, including, but not limited to, antennae, communications dishes and other reception and transmission equipment and equipment mounting structures in connection with the wireless transmission or reception of electro-magnetic communications signals.

#### Entertainment and Recreational Uses

- Fitness center and/or gymnasium.

#### Open Space

- Open space.

#### Signs

- Signs as described in Section 13 of this Development Plan.

#### Accessory Uses

- Any of the following uses accessory or ancillary to an allowed use:
  - (a) any use accessory or ancillary to, and ordinarily incident to, a lawful main use;
  - (b) the storage of flammable liquids and gases incidental to a lawful use;
  - (c) permanent dwellings for personnel required to be resident on a Lot for the safe and proper operation of a lawful main use;
  - (d) storage;
  - (e) accessory keeping of laboratory animals;
  - (f) day care center; and/or
  - (g) health club facility.
- Parking in a parking garage; car-sharing and/or bicycle-sharing service.

#### Ancillary Uses

- Parking garage; car-sharing and/or bicycle-sharing service, childcare uses, health club facility.