

BZA APPEAL : 4/29/08  
ZC APPEAL : 5/28/08  
EFFECTIVE : 5/29/08

BOSTON REDEVELOPMENT AUTHORITY

FIRST AMENDMENT TO MASTER PLAN

for

PLANNED DEVELOPMENT AREA NO. 51

HOOD BUSINESS PARK

May 28, 2008

This First Amendment to the Master Plan for Planned Development Area No 51, Hood Business Park hereby amends the Master Plan for Planned Development Area No 51, Hood Business Park, October 12, 2000, approved by the Boston Redevelopment Authority on October 12, 2000, adopted by the Zoning Commission on October 20, 2000, and approved by the Mayor of the City of Boston on October 20, 2000 ("Master Plan"). Capitalized terms used herein without definition and which are defined in the Mater Plan shall have the meanings ascribed to them therein.

The Master Plan is hereby amended as follows:

1. The paragraph entitled: "**PROPOSED USES OF THE SITE**" is amended by adding the following use:

Restaurant uses with take out.

2. The paragraph entitled: "**PROPOSED PHASING OF CONSTRUCTION**" is amended by deleting under the sub-paragraph heading: "**Reuse/Rehabilitation Components**", the sub-section entitled: **480 Rutherford Avenue, the "Rosev Building" (Phase One, Year Complete 2001)**.

and said paragraph is further amended by substituting the following new completion year for the Proposed Project as follows:

***500 Rutherford Avenue, (Phase Three, Year Complete 2015<sup>5</sup>)***

3. The paragraph entitled: “**PROPOSED PHASING OF CONSTRUCTION**” is amended by adding at the end of the sub-paragraph heading: “**New Construction Components**”, the following new subsection:

*480 Rutherford Avenue, the “Rosev Building” (Phase One, Year Complete 2009).* The Development proposes a new project consisting of the development of a new building in place of the existing 26,550 square feet of structure at 480 Rutherford Avenue, which was used as a distribution building for milk and milk products and which will be demolished. The Project, as now proposed, will be in lieu of the initially proposed project, which consisted of rehabilitation and new construction totaling approximately 106,400 square feet. The new Project will be a four (4) story building up to 60 feet in height and will contain approximately 143,225 gross square feet of mixed use commercial/retail and office space. The new Project is consistent with the criteria specified in Article 62, Section 62-23 of the Code for the approval of planned development areas in the Zoning District, which include the “diversification and expansion of Charlestown’s economy and job opportunities through economic activity, such as private investment in...commercial uses, or research and development,” as well as “improvements to the urban design characteristics and aesthetic character of the development site and its surroundings and the...creation of new open space.”

and said paragraph is further amended by substituting the following new completion year for the Proposed Projects as follows:

*520 Rutherford Avenue; Garage P1, (Phase Two, Year Complete 2013<sup>5</sup>)*

*550 Rutherford Avenue; Garage P2 (Phase Two, Year Complete 2013<sup>5</sup>)*

*570 Rutherford Avenue; Garage P3 (Phase Four, Year Complete 2016<sup>5</sup>)*

4. The paragraph entitled: “**General Provisions Concerning Phasing:**” is amended by deleting in the second sub-paragraph the fourth (4<sup>th</sup>) subparagraph thereof, which begins with the phrase: “For each Proposed Project which will exceed a height of 55’ ...”, and inserting in its place thereof the following:

For each Proposed Project which will exceed a height of 60', (i) a Daylight Analysis using the Authority BRADA program, analyzing points of view along the west (rear) road and internal circulation areas, which analysis will contrast the Proposed Project with existing context and with a building in the same location as the proposed Project at a height of 60'; and (ii) a shadow analysis for existing and build conditions for the hours 9:00 a.m., 12:00 noon, and 3:00 p.m. for the vernal equinox, summer solstice, autumnal equinox, and winter solstice, and for 6:00 p.m. for summer solstice and autumnal equinox. The shadow analysis shall show net new shadow, contrasting existing shadows from existing buildings on the Site and in the vicinity of the Site with those added by the Proposed Project, and with those added by a building in the same location as the proposed Project at a height of 60'.

Except to the extent amended by Sections 1, 2, 3 and 4 of this First Amendment, the Master Plan is hereby ratified and confirmed.

First Amendment to the Master Plan for  
Planned Development Area No. 51,  
Hood Business Park, Charlestown

Amended and Restated Development Plan for  
Rosev Building - 480 Rutherford Avenue -  
within Planned Development Area No. 51

Boston Redevelopment Authority on behalf of  
Hood Business Park LLC

FIRST AMENDMENT TO THE MASTER PLAN FOR  
PLANNED DEVELOPMENT AREA NO. 51  
HOOD BUSINESS PARK

AMENDED AND RESTATED DEVELOPMENT PLAN  
FOR THE ROSEV BUILDING  
480 RUTHERFORD AVENUE, CHARLESTOWN

The Zoning Commission of the City of Boston acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and hearing, does hereby approve the First Amendment to the Master Plan for Planned Development Area No. 51, Hood Business Park, and the Amended and Restated Development Plan for Rosev Building - 480 Rutherford Avenue with Planned Development Area No. 51, approved by the Boston Redevelopment Authority on April 29, 2008.

Said First Amendment amends "Master Plan for Planned Development Area No. 51, Hood Business Park," approved by the Authority on October 12, 2000, and approved by the Zoning Commission on October 20, 2000, effective, October 20, 2000. Planned Development Area No. 51 was designated on "Map 2E, Charlestown Neighborhood District" of the series of maps entitled "Zoning Districts City of Boston" dated August 15, 1962, as amended, by Map Amendment No. 382, adopted by the Zoning Commission on October 20, 2000, effective October 20, 2000.

Said Amended and Restated Development Plan amends "Development Plan for Rosev Building - 480 Rutherford Avenue - within Planned Development Area No. 51, Hood Business Park," approved by the Authority on July 17, 2001, and approved by the Zoning Commission on December 19, 2001, effective, December 27, 2001.

First Amendment to the Master Plan for Planned Development Area No. 51, Hood Business Park

*Robert Toudan*

Chairman

*James C. Clark*

Vice Chairman

*William Tenbro*

*Janice Bray*

*Jay Shirley*

*Mr. Tom*

*Mary P. Tierney*

In Zoning Commission

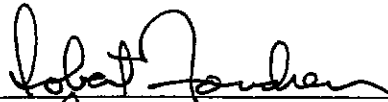
Adopted: May 28, 2008

Attest:

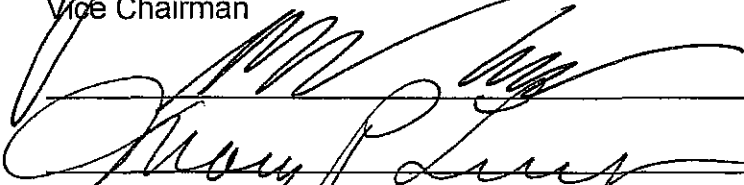
*James M. Houston*

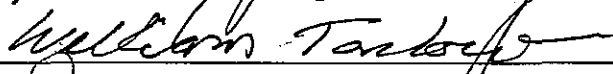
Secretary

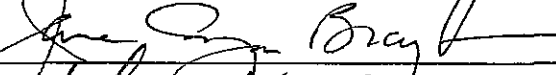
Amended and Restated Development Plan for the Rosev Building – 480 Rutherford Avenue, Charlestown

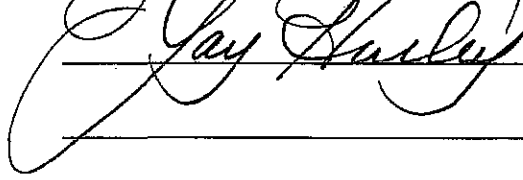
  
Chairman

  
Vice Chairman





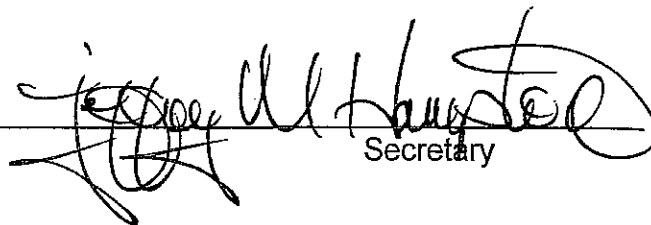




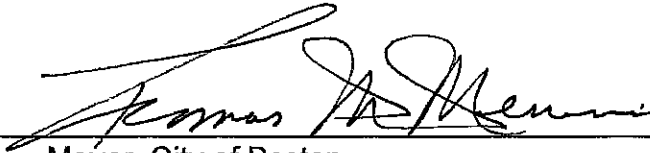
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In Zoning Commission

Adopted: May 28, 2008

Attest:   
Secretary

First Amendment to the Master Plan for Planned Development Area No. 51, Hood Business Park

  
\_\_\_\_\_  
Mayor, City of Boston

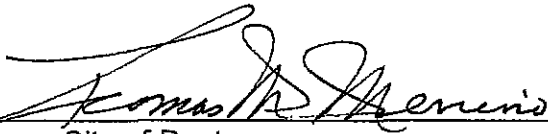
Date: 5/29/08

\_\_\_\_\_  
The foregoing First Amendment to the Master Plan for Planned Development Area No. 51, Hood Business Park, was presented to the Mayor on May 29, 2008, and was signed by him on May 29, 2008, whereupon it became effective on May 29, 2008, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:

  
\_\_\_\_\_  
Secretary to the Zoning Commission

Amended and Restated Development Plan for the Rosev Building – 480 Rutherford Avenue, Charlestown

  
\_\_\_\_\_  
Mayor, City of Boston

Date: 5/29/08

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The foregoing Amended and Restated Development Plan for the Rosev Building – 480 Rutherford Avenue, Charlestown, was presented to the Mayor on May 29, 2008, and was signed by him on May 29, 2008, whereupon it became effective on May 29, 2008, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:

  
\_\_\_\_\_  
Secretary to the Zoning Commission



BDA APPEAL: 4/29/08  
ZC APPEAL: 5/28/08  
EFFECTIVE: 5/29/08

BOSTON REDEVELOPMENT AUTHORITY

AMENDED AND RESTATED

DEVELOPMENT PLAN

for

ROSEV BUILDING - 480 RUTHERFORD AVENUE

within

PLANNED DEVELOPMENT AREA NO. 51

HOOD BUSINESS PARK

May 28, 2008

**PLANNED DEVELOPMENT AREA DEVELOPMENT PLAN:** On

October 12, 2000, the Boston Redevelopment Authority ("the Authority") approved a Planned Development Area Master Plan for Planned Development Area No. 51 (the "PDA Master Plan") pursuant to Article 3, Section 3-1A and Article 80, Section 80C of the Boston Zoning Code (the "Code") for the Hood Business Park (the "Development"). Capitalized terms used herein without definition which are defined in the PDA Master Plan shall have the meanings ascribed to them therein.

On October 20, 2000 the Boston Zoning Commission (the "Commission"), by the adoption of Map Amendment No. 382, approved the PDA Master Plan and amended the series of maps entitled "Zoning Districts City of Boston," dated August 15, 1962, as amended, by adding a "D" designation, indicated Planned Development Area overlay district, to the Site.

The PDA Master Plan contemplates that one or more PDA Development Plans for phases of the Development may be submitted either simultaneously with or subsequent to the submission of the PDA Master Plan. Contemporaneously with the approval of the PDA Master Plan, the Authority and the Commission have approved a development plan for The Power House (the "Power House Development Plan").

In accordance with Article 3, Section 3-1A of the Code and Article 80, Section 80C, this development plan sets forth information on the redevelopment, enlargement, and reuse of the distribution building, referred to as the "Rosev Building" (the "Project"), on a portion of an approximately twenty-acre site which is the former Hood Dairy Plant located on the west side of Rutherford Avenue in the Charlestown section of Boston, Suffolk County, Massachusetts (the "Site") within a Special Purpose Overlay District Planned Development Area ("PDA"), including

the proposed location and appearance of structures, open spaces and landscaping, the proposed uses of the Project, the proposed dimensions of the structure, the proposed density, the proposed traffic circulation, parking and loading facilities, access to public transportation and other major elements of the Project (the "Amended and Restated Development Plan"). This Amended and Restated Development Plan amends and restates the Development Plan for the Rosev Building-480 Rutherford Avenue, approved by the Boston Redevelopment Authority ("BRA") on July 17, 2001, approved and adopted by the Zoning Commission of the City of Boston on December 19, 2001, and approved by the Mayor on December 29, 2001 ("2001 Development Plan").

**DEVELOPER:** The owner and developer of the portion of the Site on which the Project will be undertaken (the "Project Site") is Hood Business Park, LLC, a Massachusetts limited liability company (the "Owner").

**LOCATION AND DESCRIPTION OF THE PROJECT SITE:** The Project Site is the approximately 72,500 square-foot portion of the Site allocated to the Project in the landscape plans included in the Project Plans, as hereinafter defined. As of the date of this Amended and Restated Development Plan, the Project Site has not been subdivided into a separate lot for zoning purposes. The Developer shall have the right to so subdivide the Project Site at any time, which subdivision shall not require amendment of this Amended and Restated Development Plan.

The Project Site lies in the Charlestown Neighborhood District established by Article 62 of the Code, and more particularly within a Local Industrial Subdistrict-D in which Planned Development Areas are allowed (the "Zoning District").

**PROPOSED LOCATION AND APPEARANCE OF STRUCTURE:** The Project consists of the development of a new building in place of the existing 26,550 square feet of structure at 480 Rutherford Avenue, which was used as a distribution building for milk and milk products. The Project, as now proposed, will be in lieu of the initially proposed project, which consisted of rehabilitation and new construction totaling approximately 106,510 square feet. The new Project will be four (4) stories and up to 60 feet in height and contain approximately 143,225 gross square feet.

The Project is consistent with the criteria specified in Article 62, Section 62-23 of the Code for the approval of planned development areas in the Zoning District. These include the "diversification and expansion of Charlestown's economy and job opportunities through economic activity, such as private investment in...commercial uses, or research and development," as well as "improvements to the urban design characteristics and aesthetic character of the development site and its surroundings and the...creation of new open space."

Plans in 21 sheets showing the architectural elements of the Project entitled "480 Rutherford Avenue, Hood Business Park, Charlestown, Massachusetts" prepared by Symmes, Maini & McKee Associates (the "Project Plans") are attached hereto as Appendix A and incorporated herein by this reference.

**OPEN SPACES AND LANDSCAPING:** The Project also includes a Landscape Phase, being Phase 1C as depicted on Appendix B annexed hereto. Phase 1C as depicted in said Appendix B reflects a reallocation from The Power House project to the Project of a portion of Landscape Phase 1B as shown in Appendix C to the PDA Master Plan and in the Power House Development Plan. Approval of this Amended and Restated Development Plan shall amend, without need for further documentation, both the PDA Master Plan and the Power House Development Plan in order to allocate to the Project and The Power House, respectively, the Landscape Phases depicted on Appendix B.

**PROPOSED USES OF THE SITE AND STRUCTURE:** In accordance with Article 80, Section 80C of the Code, the uses of the Site may include the allowed and conditional uses set forth in Article 62 of the Code, including without limitation the following uses, described by reference to the definitions set forth in Article 2A of the Code as in effect on the date of approval of the PDA Master Plan, except as otherwise noted, all of which uses, notwithstanding any classification to the contrary in Article 62 of the Code, are expressly allowed within the Project Site. A description of the major use components is set forth below:

Automatic Telephone Exchange

Bank and Postal Uses

Light Industrial Uses, subject to the Performance Standards

Local Retail Business

Motor Freight Terminal

Office Uses

Research and Development Uses

Restaurant Uses, including take-out service

Scientific Laboratory

Service Uses

Vehicular Uses, limited to parking garage, parking lot, accessory car wash/cleaning within a parking garage, rental agency for cars

Warehousing

Accessory and Ancillary Uses, which shall not be subject to Article 10 of the Code including, without limitation, the following:

Accessory Keeping of Laboratory Animals  
 Accessory Parking  
 Accessory Cafeteria  
 Accessory Outdoor Cafe  
 Accessory Storage of flammable liquids and gases, both small and large

In addition to the foregoing, the following uses and activities, defined in Article 86 of the Code, shall be permitted in accordance with the provisions of Article 86:

Wireless Communication Equipment, including without limitation Equipment Mounting Structures, may be installed on the Project.

**PROPOSED DIMENSIONS OF STRUCTURE:** The Project will have a maximum building height of 60 feet on 4 levels plus an additional approximately 15 foot, one level penthouse, which will contain mechanical equipment for the operation of the Project. The gross floor area of the Project will be approximately 143,225 square feet. For purposes of determining gross floor area in accordance with the Code, storage areas, and mechanical and electrical spaces, both within the Project and on the penthouse, shall not be included.

**PROPOSED DENSITY AND ZONING:** This Amended and Restated Development Plan provides for an overall FAR for the Project Site of 2.0 based upon the ratio of approximately 143,225 square feet of gross floor area of the Project to the total Project Site area of approximately 72,500 square feet, which may be subject to change depending upon the final calculations of “gross floor area,” “floor area ratio” and “lot area.” The Project is located within the PDA Master Plan, which provides that the density of the entire Development will not exceed a total proposed density of a 2.0 FAR. As required by the PDA Master Plan, an analysis of the gross floor area on the Site, including all previously completed and then proposed Projects, indicating the resulting FAR is attached hereto as Appendix C and incorporated herein by this reference.

The Project shall be subject to only the following dimensional requirements, which shall supercede any other provisions of the Code which are at variance with such dimensional requirements.

| Dimensional Category     | Applicable Limit or Requirement |
|--------------------------|---------------------------------|
| Maximum Floor Area Ratio | 2.0 <sup>1</sup>                |

<sup>1</sup> Notwithstanding the FAR calculation for a project within a Development Plan, the overall FAR limitation of 2.0 shall be calculated for the entire Site, without regard to any parcelization or the division of the Site into separate Lots (whether by subdivision, conveyance, or ground lease) for the purpose of the separate ownership and/or financing of one or more phases of the Development.

FAR shall be calculated by excluding the gross floor area of all garages.

|                                      |         |
|--------------------------------------|---------|
| Maximum Building Height <sup>2</sup> | 60 feet |
| Minimum Lot Size                     | None    |
| Minimum Lot Width                    | None    |
| Minimum Lot Frontage                 | None    |
| Minimum Front Yard                   | None    |
| Minimum Side Yard                    | None    |
| Minimum Rear Yard                    | None    |

**PROPOSED VEHICULAR AND PEDESTRIAN TRAFFIC CIRCULATION:**

**Traffic Circulation:**

Currently, the Site has three driveways. Two are located on Rutherford Avenue. The third is located on the northwestern corner of the Site adjacent to the railroad serving the Mystic River Seaport at Charlestown. This driveway primarily serves traffic coming from or heading toward Spice Street. All driveways serving the Site provide access to the Project Site.

The Site is located on the west side of Rutherford Avenue (Route 99) and just east of Interstate Route 93 (I-93), which runs parallel to Route 99. The Route 99 underpass is adjacent to the Site, with two travel lanes in each direction. The I-93 overpass adjacent to the Site connects Charlestown with I-93 North, with two travel lanes in each direction. Rutherford Avenue itself near the Site is divided into a one-way pair by the Route 99 underpass and I-93 overpass.

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<sup>2</sup> Building Height shall be as defined in Article 2A of the Code as in effect on the date of approval of the PDA Master Plan. Notwithstanding the height limit of 75 feet, the last habitable floor shall not exceed a Building Height of 60 feet.

The maximum height for the last habitable floor specified herein automatically amends the maximum height permitted on the Project Site in the PDA Master Plan, which stated that such maximum height would be 55 feet. such automatic amendment occurs by reason of the following language found in the PDA Master Plan:

Understanding that changes in the size, location and configuration of Proposed Projects are likely as further planning and design of the Development occurs, which changes will be reflected in PDA Development Plans submitted and approved for Proposed Projects, this PDA Master Plan shall be deemed amended, without need for further documentation, to conform to the more refined planning and design, and to the actually phasing, reflected in PDA Development Plans for portions of the Site approved from time to time by the Authority and the Boston Zoning Commission in accordance with Article 80.

The Site can be directly accessed by entering traffic from the I-93 overpass and Rutherford Avenue. Traffic from the Route 99 underpass, however, cannot access the Site directly. Traffic leaving the Site toward the north has to use Rutherford Avenue southbound and then turn back at the Gilmore Bridge/Austin Street to access either the I-93 overpass or the Route 99 underpass.

A portion of the traffic to the Site can also use Spice Street via Cambridge Street which has two travel lanes in each direction. Spice Street has one travel lane in each direction with parking on both sides of the street.

### **Pedestrian Circulation:**

The major pedestrian route to the Site is the sidewalk on the westerly side of Rutherford Avenue. As shown in the Project Plans, a sidewalk is included in front of the Project. This sidewalk will connect the Project Site to Rutherford Avenue.

### **PARKING AND LOADING FACILITIES:**

#### **Parking Facilities:**

Pursuant to Article 62, Section 62-29 of the Code, because the Project, as part of the Development, is subject to and has been reviewed under Article 80, Section 80B, Large Project Review, of the Code, the provisions of Table E of Article 62 are not applicable to the Development. In lieu of conformity with the off-street parking requirements of said Table E, parking will be provided for the Project at a ratio of 1.5 spaces per 1,000 square of gross floor area. Applying this ratio to the approximately 143,130 square feet of gross floor area in the Project, a total of approximately 215 parking spaces are required. Such required parking spaces need not comply with any parking stall or maneuvering aisle dimensional requirements of the Code. Such ratio of 1.5 spaces per 1,000 square of gross floor area is subject to reduction as provided in the PDA Master Plan.

Prior to the completion of the Development, but subject to completion of the landscaping included in the Project Plans, the required parking spaces may provided be in any combination of surface parking areas and parking garages. Based upon the existing gross floor area of the 500 Rutherford Avenue Building (309,000 gross square feet) and the gross floor area of the Cooler Building (55,000 gross square feet) and the gross floor area of the Power House (34,812 gross square feet), 598 parking spaces are required prior to the undertaking of the Project. Adding the required approximately 215 parking spaces for the Project to those 595 spaces, 810 parking spaces are required. This number of parking spaces may be temporarily reduced from time to time to facilitate the construction of structured parking facilities, which construction will require the reduction in surface parking. The Site currently contains approximately 569 marked surface parking spaces for cars and 206 spaces/bays for trucks. A plan showing the location and layout of surface parking areas sufficient to meet the calculated parking requirement for the Project is annexed hereto as Appendix D and incorporated herein by this reference. The Project shall include

the striping (together with prior striping already undertaken) of no fewer than 810 of the parking spaces (inclusive of existing parking spaces) shown on said Appendix D.

**Loading Facilities:**

Pursuant to Article 62, Section 62-29 of the Code, because the Project, as part of the Development, is subject to and has been reviewed under Article 80, Section 80B, Large Project Review, of the Code, the provisions of Table F of Article 62 are not applicable to the Project. The Project will contain a single loading area on the westerly side of the building, access to which is through the main entrance to the Site off of Rutherford Avenue, and then a circulation drive perpendicular to the main access drive to the Project.

**ACCESS TO PUBLIC TRANSPORTATION:** The Project Site is located within convenient distance of the MBTA public transportation system. The Orange Line Sullivan Station is located to the north, at a 5-10 minutes walking distance from the Site. Sullivan Station is also a major MBTA bus hub. Eleven bus routes go through the station, including bus routes #86, # 89, #90, #91, #92, #93, #95, #101, # 104, #105 and # 109. However, these buses do not stop on Rutherford Avenue in front of the Site. The following table illustrates both MBTA subway and bus service in the area:

| Subway/ Bus Route | Origin-Destination                          | Rush Hour Headway (Min.) |
|-------------------|---|--------------------------|
| Orange Line       | Oak Grove-Forest Hills                      | 5                        |
| #86               | Sullivan-Cleveland Circle                   | 20                       |
| #89               | Sullivan-Clarendon Hill                     | 10                       |
| #90               | Davis Square-Wellington                     | 35                       |
| #91               | Sullivan-Central Square, Cambridge          | 25                       |
| #92               | Assembly Square Mall-Downtown               | 13                       |
| #93               | Sullivan-Downtown                           | 7                        |
| #95               | Sullivan-West Bedford                       | 15                       |
| #101              | Sullivan-Malden Station via Salem Street    | 12                       |
| #104              | Sullivan-Malden Station via Ferry Street    | 15                       |
| #105              | Sullivan-Malden Station via Faulkner Street | 30                       |
|                   |   |                          |

**ARTICLE 80B, LARGE PROJECT REVIEW:** The undertaking of the Development (including without limitation the Project) has been subject to Large Project Review by the Authority. In accordance with the requirements set forth in Section 80B, the Developer caused to be filed a Project Notification Form dated April 18, 2000 (the “PNF”) and a supplementary Response to Comments document dated June 27, 2000 (the “Response”). On June 11, 2001, the Authority issued its Scoping Determination waiving further review of the Development under Article 80, Section 80B (the “Determination,” and together with the PNF and the Response, the “Article 80B Documents”).

**PUBLIC BENEFITS:** The Project, as a part of the Development, will provide substantial public benefits to the City of Boston and the surrounding neighborhood. These benefits will include:

***Constructive Reuse of an Industrial Site.*** The Project continues the transformation of the former Hood Dairy plant from an obsolete industrial plant to a state-of-the-art office/research park. The Project consists of the construction of a new first-class office building to accommodate the growing space demands for local office and life sciences space. The Project, as a part of the Development, will not only provide urban design elements that will animate the Rutherford Avenue streetscape, but will also result in the following improvements to the neighborhood:

Through the new construction and selective rehabilitation of existing buildings along Rutherford Avenue, and the construction of three new buildings on the Site, the Development will further animate this stretch of Rutherford Avenue, which is currently dominated by large gaps between buildings and unscreened parking areas.

The significant landscaping program will provide the neighborhood a new landscaped open space, a buffer around the Site, and a natural screen for the parking areas.

The landscaping program will improve the water quality and runoff in and around the Site by replacing the current expanses of asphalt on the Site with new pervious areas.

The proposed uses of the Development will result in a reduction in traffic impacts (i.e. noise, road infrastructure damages, air quality) by the elimination of uses relying upon trucks and other heavy vehicles that currently service the Site.

The taller buildings to the rear of the Site will provide a visual screen of the heavy industrial activities to the west and of portions of the elevated deck of Interstate Route 93.

The Development will be a catalyst for greater public investment in the maintenance and upgrading of the local infrastructure (street cleaning, sidewalk and road re-pavement, among other improvements).



**Linkage Payments.** In accordance with Section 80B-7 of Article 80 of the Code, the Rosev Building Project, as a part of the Development, was a Development Impact Project and was obligated to make a housing contribution grant to the Neighborhood Housing Trust and a jobs contribution grant to the Neighborhood Jobs Trust. These contributions were set forth in the Development Impact Project Agreement for Hood Business Park Planned Development Area Master Plan dated as of October 19, 2000 between the Authority and the predecessor to the Developer (the "DIP Agreement"), which provides that linkage will be payable for each Proposed Project upon issuance of the building permits for each such Proposed Project. As stated in the DIP Agreement, the 100,000 square-foot credit allowed by Section 80B-7 of the Code will be applied proportionally, based upon the proportion which the gross floor area of each Project (excluding the Cooler Building which is not subject to the requirements of said Section 80B-7) bears to the total gross floor area of all Projects described in the PDA Master Plan (excluding the Cooler Building) (799,633 square feet gross floor area). Accordingly, 16,660 square feet of the of the 100,000 square-foot credit was applied to the Rosev Building Project . Based upon the Rosev Building Project size of 106,400 SF and the allocable credit of 12,370 SF, the Rosev Building Project was obligated to make a Housing Exaction Payment in an amount equal to \$432,910.00 in twelve (12) equal annual installments of \$36,075.83. The Owner filed a building permit application on June 23,2001, and although a permit was issued on March 8, 2004, construction of the Rosev Building Project never commenced. The owner made a first payment to the NHT on June 19, 2003 in the amount of \$37,075.83, and as of June , 19, 2007 has paid to the NHT a total of \$180,379.17. The Owner has also paid a Jobs Exaction in the amount of \$86,582.00.

Accordingly, in addition to the remaining seven (7) equal annual Housing Exaction installments of \$36,075.83 to be made by the Owner, the Owner shall pay as an additional DIP amount the following payments: (i) a Housing Exaction payment based only the additional DIP square floor area of 29,957 square feet, factored by the current Housing Exaction rate of \$7.87, over the remaining seven (7) years of the twelve (12) year period; and (ii) a Jobs Exaction payment based only the additional DIP square floor area of 29,957 square feet, factored by the current Jobs Exaction rate of \$1.57, over a two (2) year period, both payments commencing on the effective date of the approval of this Amended and Restated Development Plan.

**Construction Employment.** Construction of the Project will create approximately 200 construction jobs. Pursuant to a Boston Residents Construction Employment Plan, the Developer will agree to make good-faith efforts to have at least 50% of the total employee work hours be by Boston residents, at least 25% of total employee work hours be by minorities and at least 10% of the total employee work hours be by women.

**Permanent Employment.** The Project will result in approximately 550 permanent jobs.

**Redirected Growth.** The Development will enhance a commercial sub-center of Boston, helping to disperse and decongest the commercial density of the downtown area, while still adding needed office and research and development space to the City's building stock.

**DEVELOPMENT REVIEW PROCEDURES:** All design plans for the Project are subject to the on-going development review and approval of the Authority. Such review is to be conducted in accordance with Article 80 of the Code and the Authority's Development Review Procedures, dated 1985, revised 1986, in the form attached to the Cooperation Agreement for the Development, as defined and modified by such Cooperation Agreement.

**CONSISTENCY WITH THE PDA MASTER PLAN:** This Amended and Restated Development Plan provides for the construction of a new first-class office building on the site of the existing vacant and blighted structure located at 480 Rutherford Avenue.. The Project is consistent with the overall planning objectives and character of the Development described in the PDA Master Plan. The dimensional provisions, allowed uses, landscape phasing, parking and loading provisions described in this Amended and Restated Development Plan shall be controlling for the Project and shall be deemed to be consistent with and in compliance with the provisions in PDA Master Plan No. 51. Without limiting the generality of the foregoing, as previously provided herein, the PDA Master Plan shall be deemed amended, without need for further documentation, to conform to this Development, including without limitation the maximum height for the Project, and landscape phase allocated to the Project, set forth in this Amended and Restated Development Plan.

**LIMITED UNDERTAKING:** Nothing in this Amended and Restated Development Plan shall be construed as an undertaking by the Developer to construct or complete the Project. Notwithstanding the fact that (i) the Project is described in the PDA Master Plan and in the Article 80B Documents (as hereinafter defined), each of which describe the construction and use of the Development and all of the Proposed Projects, and the mitigation of the impacts from such construction and use; and (ii) the construction and operation of the Project is authorized under the Code pursuant to the PDA Master Plan and the Article 80B Documents, the sole obligation of the Developer under any this Amended and Restated Development Plan, is to adhere to the provisions of this Amended and Restated Development Plan and the Article 80B Documents applicable to the Project. Without limiting the generality of the foregoing, upon approval of a this Amended and Restated Development Plan for the Project, the Developer hereunder shall not be chargeable with any omission, commission, default or delay by any other person, including without limitation the developers of any other Proposed Project, in the implementation of the PDA Master Plan, or any other approved Development Plan, or the undertakings of the Article 80B Documents with respect to any other Proposed Project or any other portion of the Development. This provision to make the undertakings with respect to each Proposed Project severable is included in order to facilitate the separate ownership and/or financing of portions of the Project without concern for any so-called cross-default or zoning non-compliance attributable to the acts of others.

LIST OF APPENDICES  
AMENDED AND RESTATED DEVELOPMENT PLAN  
for  
ROSEV BUILDING – 480 RUTHERFORD AVENUE  
within  
PLANNED DEVELOPMENT AREA NO. 51  
HOOD BUSINESS PARK

- Appendix A Project Plans
- Appendix B Landscape Phasing Plan
- Appendix C Interim FAR Calculation
- Appendix D Parking Plan

Appendix A

PROJECT PLANS



**HOOD BUSINESS PARK**  
Charlestown, Massachusetts

PREPARED BY

*Meredith & Grew*

**SMMA**  
SPRING MAINTENANCE & REPAIR ASSOCIATES  
1000 Massachusetts Avenue  
Cambridge, Massachusetts 02138

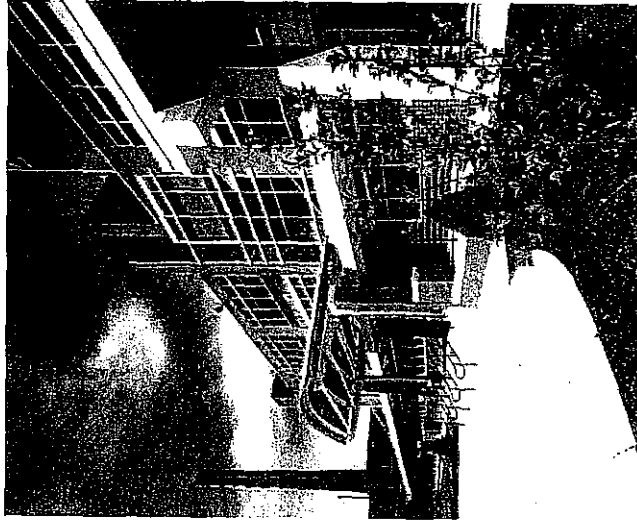
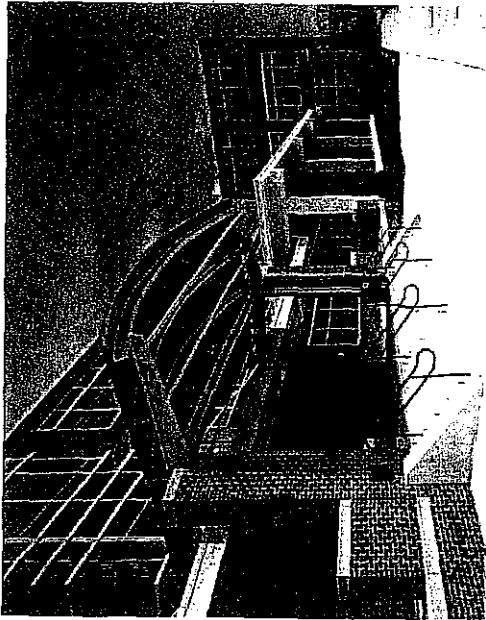
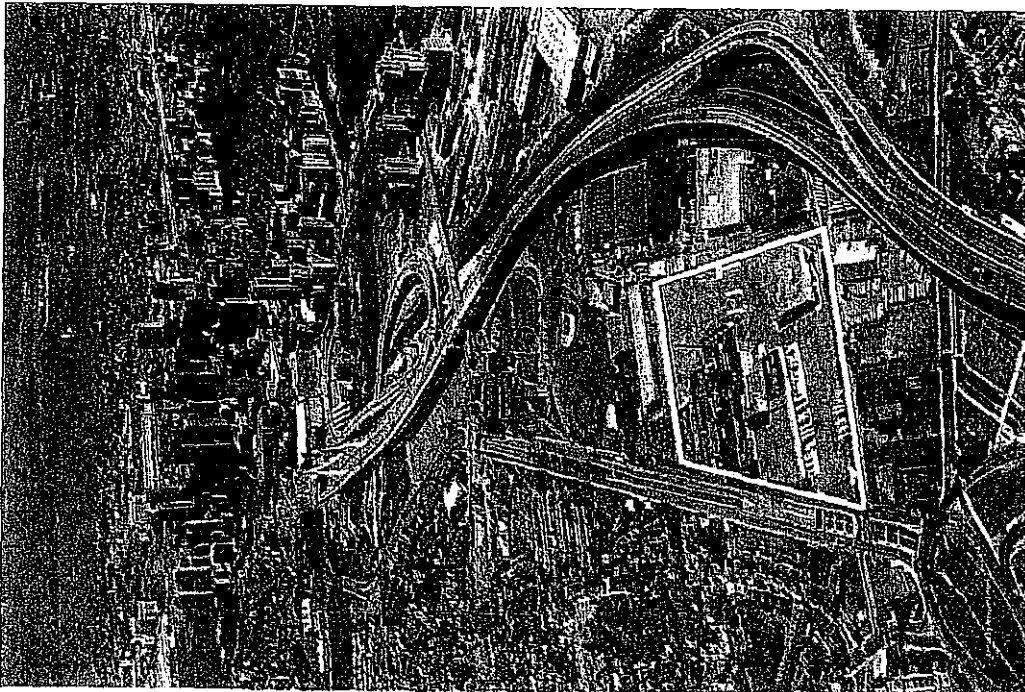
**APPENDIX A**

**AMENDED AND RESTATED DEVELOPMENT PLAN FOR:  
480 RUTHERFORD AVENUE, HOOD BUSINESS PARK,  
CHARLESTOWN, MASSACHUSETTS**

FEBRUARY 29, 2008

SMMA No. 07139.01

480 RUTHERFORD AVENUE DEVELOPMENT PLAN



Existing Conditions

480 Rutherford Avenue Development Plan

**Hood Business Park**  
Charlestown, Massachusetts



FEBRUARY 29, 2008



**DEVELOPMENT PHASES**

**Phase 1**

- 1A) 570 Rutherford Building #1 - "Cooler Building"  
*Initial Phase Complete*
- 1B) 510 Rutherford Building #3 - "Power Building"  
*Initial Phase of Urban Park Complete*
- 1C) 480 Rutherford Building #2 - "Rosev"  
*Proposed Development Plan*

any order

**Phase 2**

- 2A) 520 Rutherford - New Building #4  
P1 Parking Garage  
*Includes Completion of Urban Park*
- 2B) 550 Rutherford - New Building #6  
P2 Parking Garage  
*Includes Completion of Urban Park*

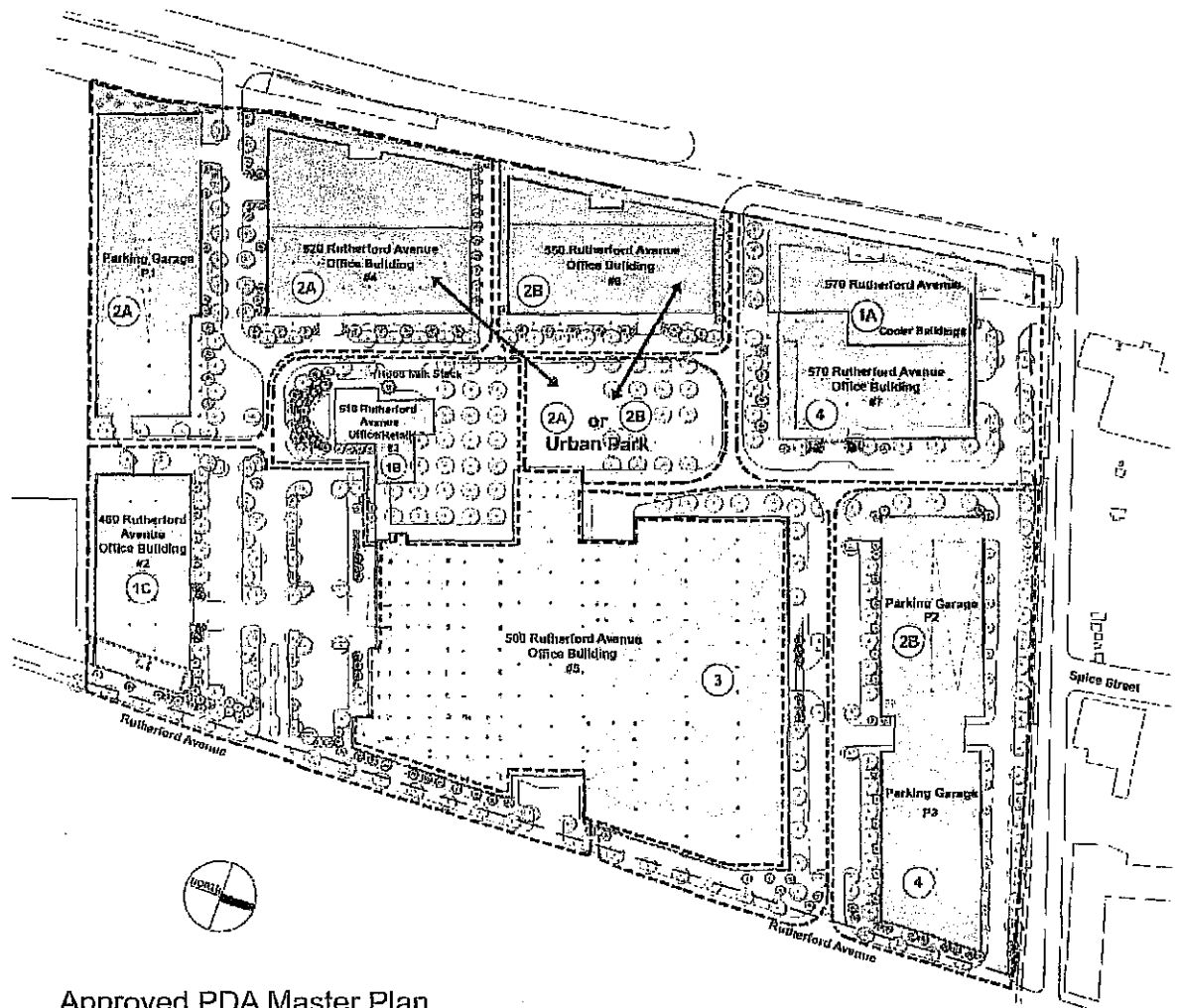
any order

**Phase 3**

- 3) 500 Rutherford Building #5 - "Additional Renovation"  
*Initial Phase Complete - Predated Master Plan Approval*

**Phase 4**

- 4) 570 Rutherford - New Building #7  
P3 Parking Garage  
*Requires Demolition of Building #1 "Cooler Building"*

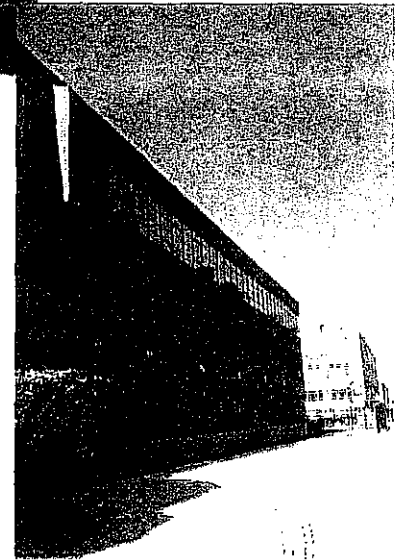
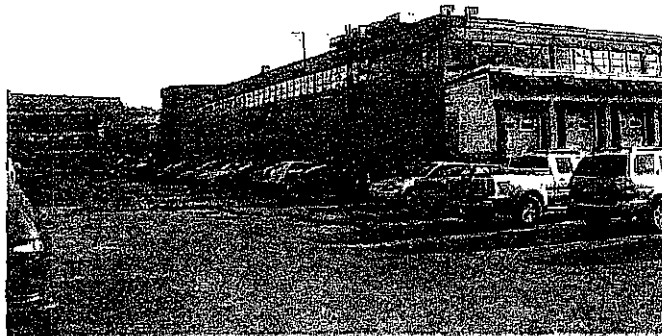
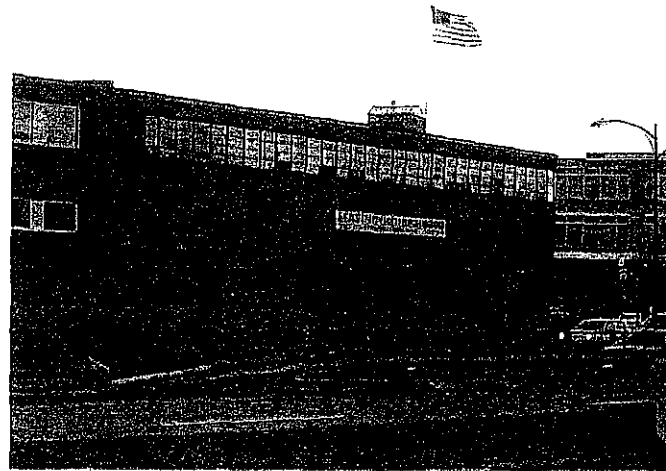
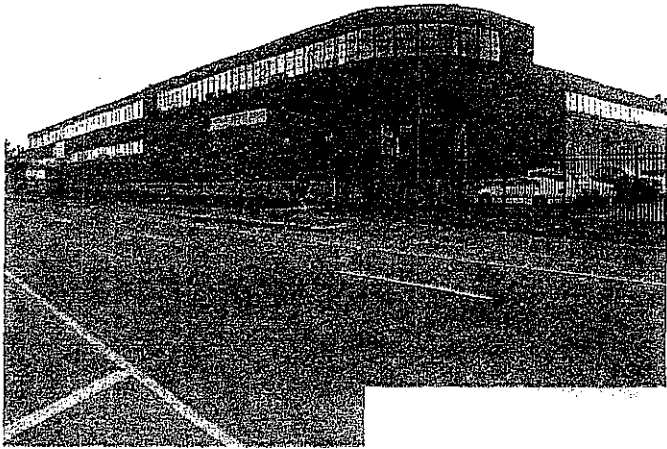


Approved PDA Master Plan

480 Rutherford Avenue Development Plan

**Hood Business Park**  
Charlestown, Massachusetts





Existing Conditions Photographs - 480 Rutherford Avenue



480 Rutherford Avenue Development Plan

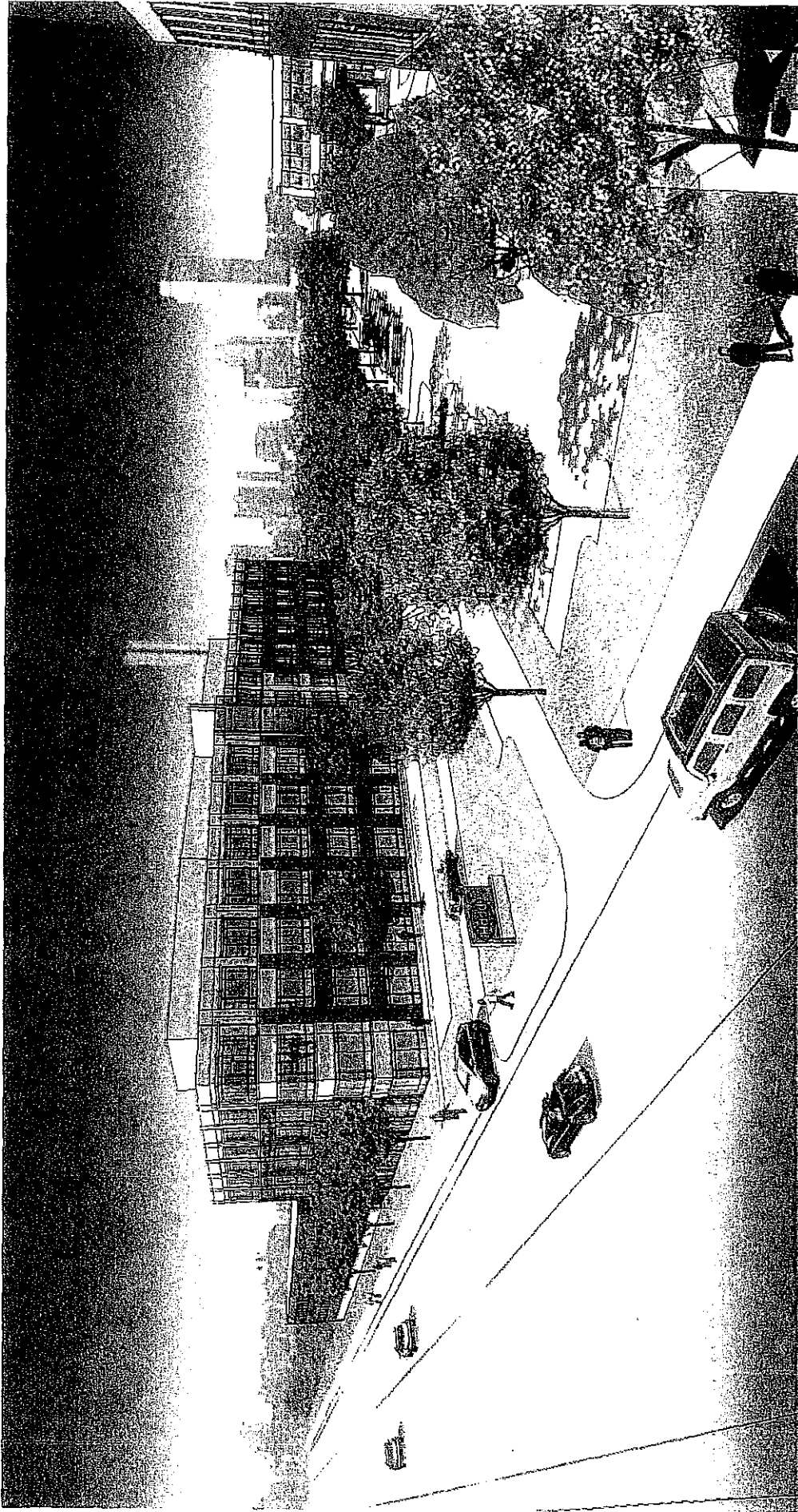
**Hood Business Park**  
Charlestown, Massachusetts



FEBRUARY 29, 2008







Rendering of Proposed Development Plan

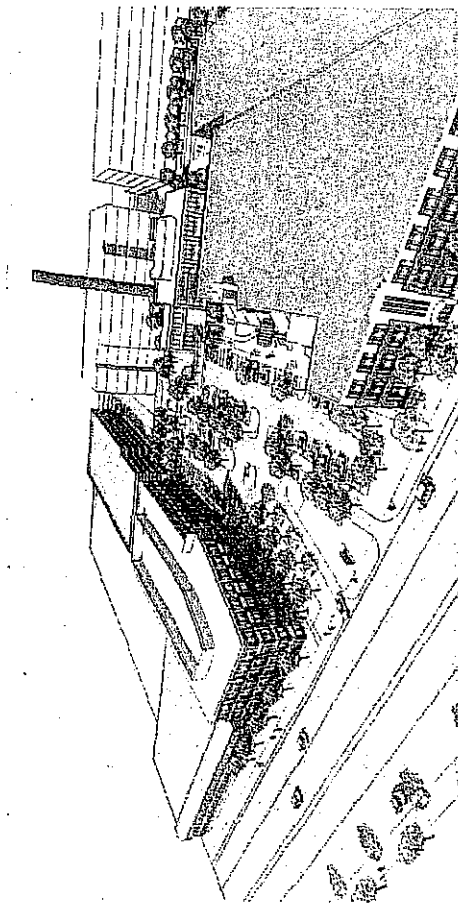
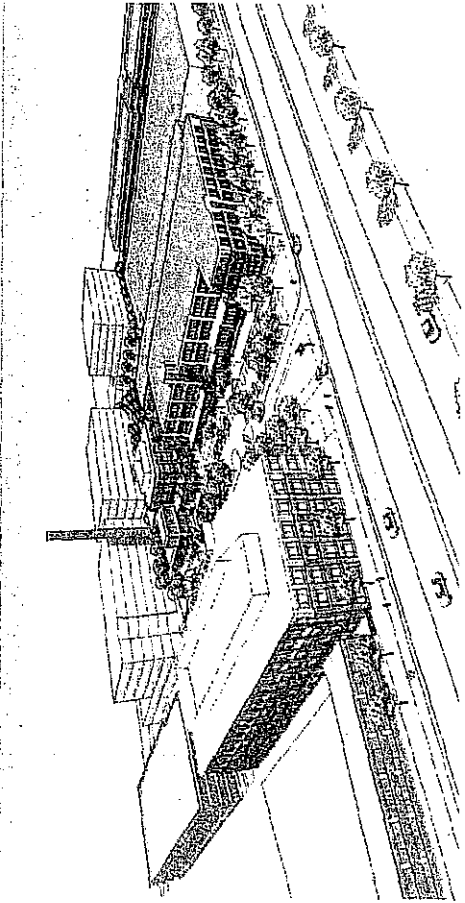
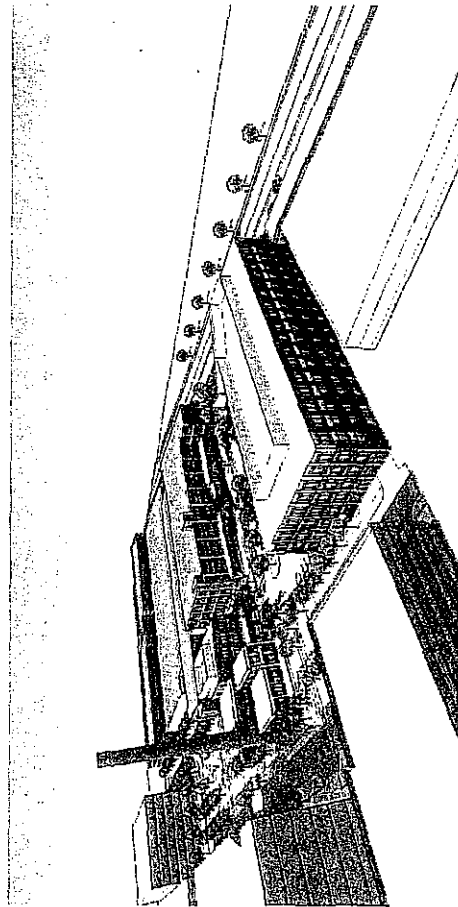
480 Rutherford Avenue Development Plan

**Hood Business Park**  
Charlestown, Massachusetts



FEBRUARY 29, 2008





Aerial Views of Proposed Development Plan

480 Rutherford Avenue Development Plan

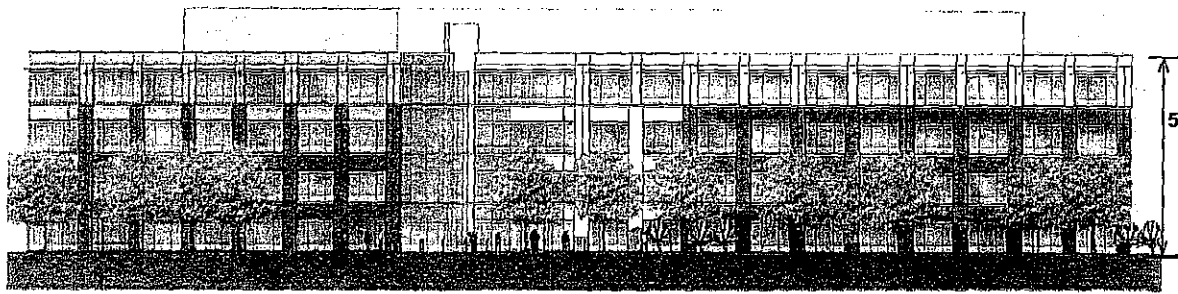
**Hood Business Park**

Charlestown, Massachusetts

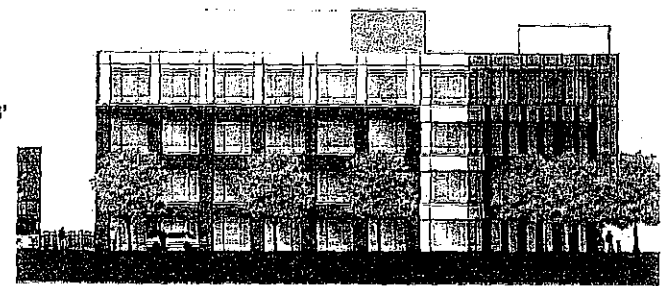


FEBRUARY 29, 2008





2008 Proposed Design — North Elevation

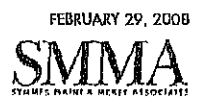


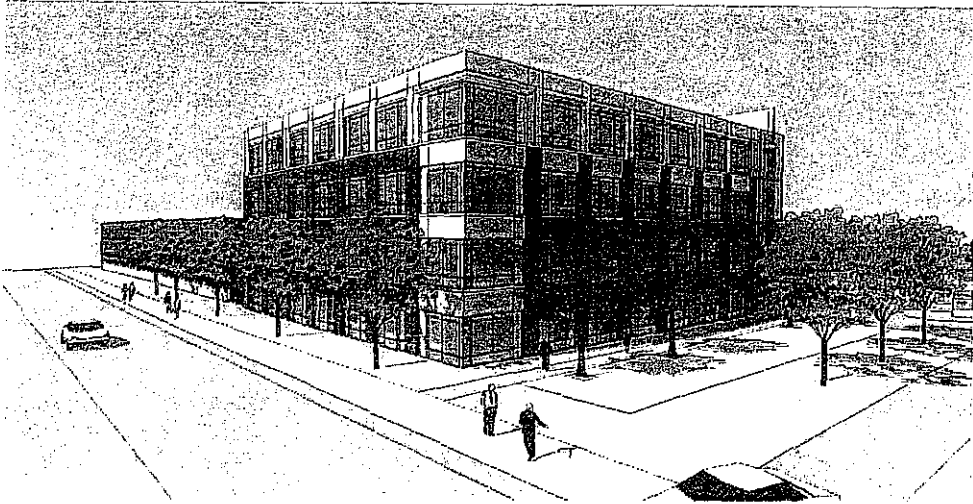
2008 Proposed Design — East Elevation

Building Elevations - Proposed Development Plan

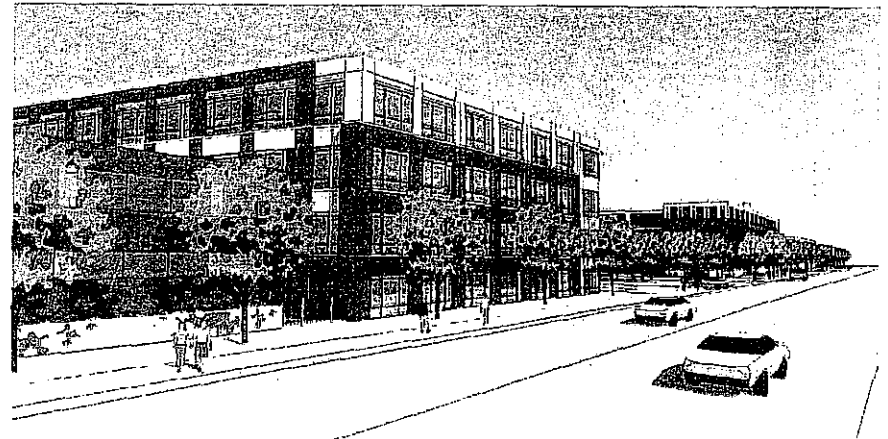
480 Rutherford Avenue Development Plan

**Hood Business-Park**  
Charlestown, Massachusetts





Looking South on Rutherford Avenue



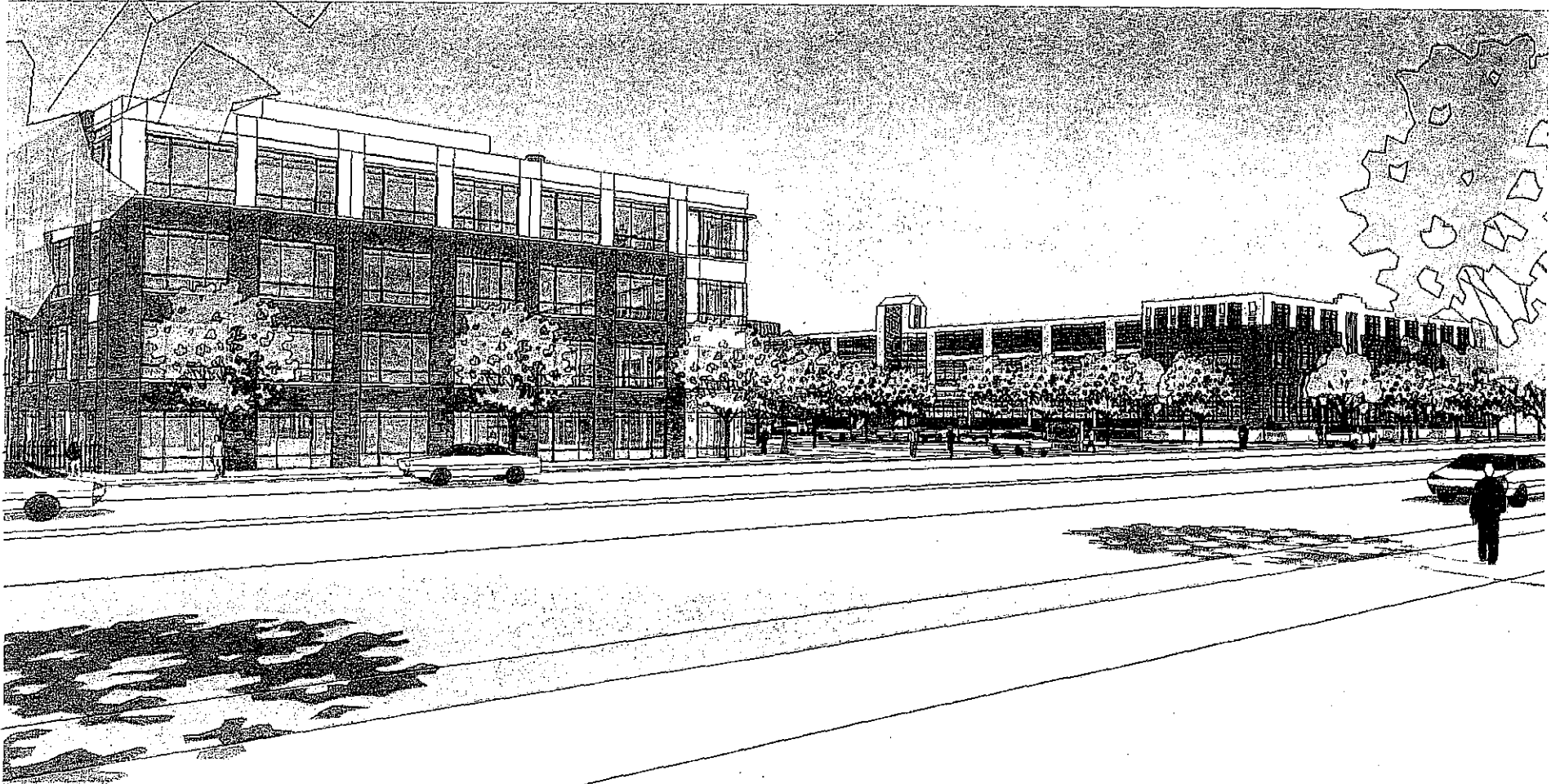
Looking North on Rutherford Avenue

Proposed Streetscape Views

480 Rutherford Avenue Development Plan

**Hood Business Park**  
Charlestown, Massachusetts





Proposed 480 Rutherford Avenue Streetscape

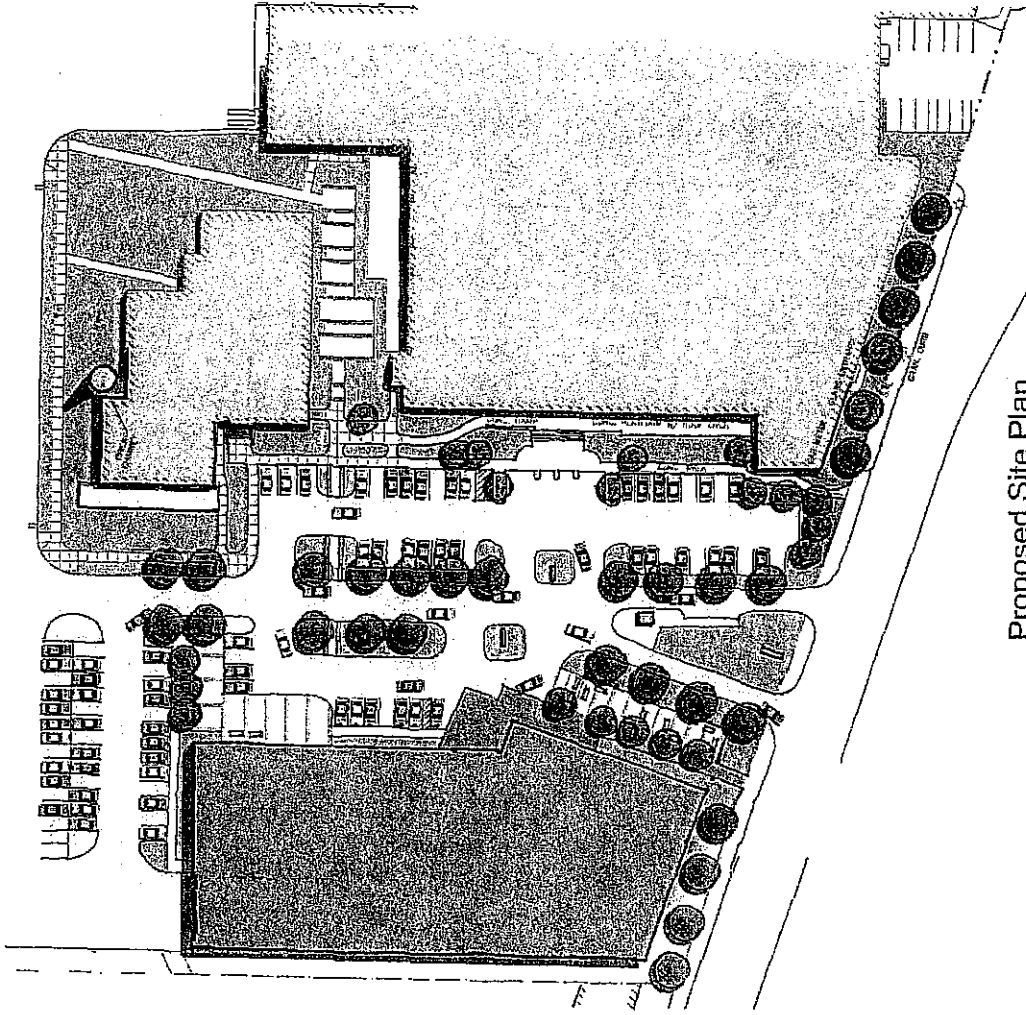
480 Rutherford Avenue Development Plan

**Hood Business Park**  
Charlestown, Massachusetts



FEBRUARY 29, 2008





Proposed Site Plan

480 Rutherford Avenue Development Plan

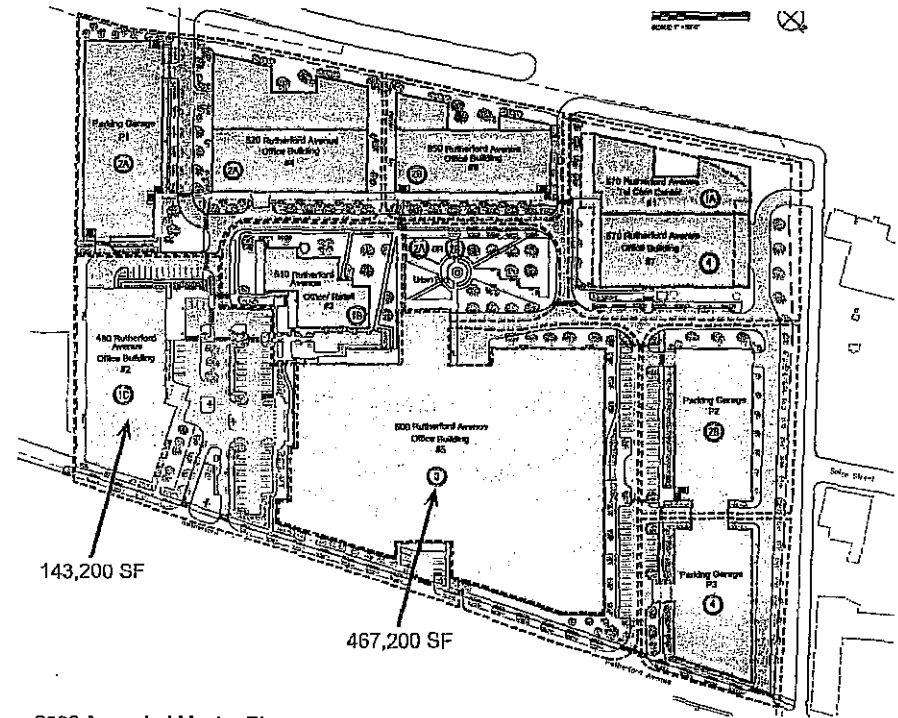
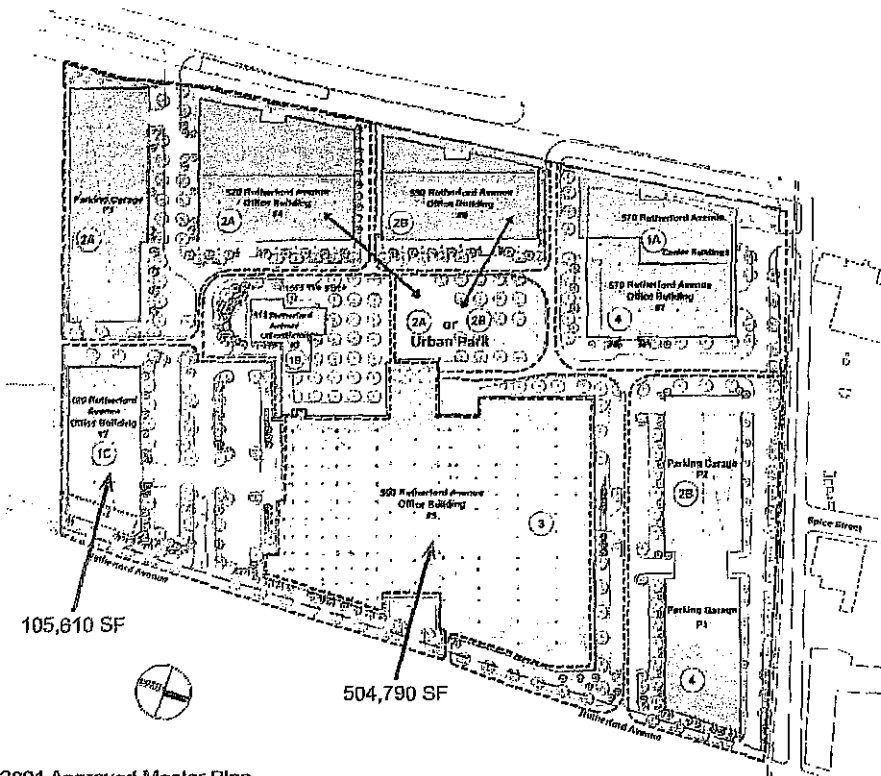
**Hood Business Park**  
Charlestown, Massachusetts

FEBRUARY 27, 2008

**SMMA**  
SURVEYORS, MAPPERS & REALTY ASSOCIATES

*Hierarchich & Gray*  
ARCHITECTS





2001 Approved Master Plan  
Total GFA: 1,168,820

2008 Amended Master Plan  
Total GFA: 1,168,820

Comparative Master Plan Phasing Diagrams

480 Rutherford Avenue Development Plan

**Hood Business Park**  
Charlestown, Massachusetts



| Building No./<br>Building Name  | Height In<br>Feet<br>(# Stories) | 1st Floor<br>Area Site<br>Coverage | Total Area<br>Parking<br>(# Cars)                | Total Area<br>Office/R&D/Retail  | Total Area<br>Parking of<br>Office/R&D/<br>Retail |
|---|----------------------------------|------------------------------------|--|--|---|
| (1) 570 Rutherford Avenue Cooler Building Renovation R&D              | 30'<br>(1+Mezzanine)             | 52,500 SF                          | -0-  | 55,000 SF<br>(55,000 SF existing)  | 55,000 SF   |
| (2) 480 Rutherford Avenue Rosev Building Renovation Office/R&D/Retail | 25' & 60'<br>(2 & 4 Stories)     | 28,600 SF                          | -0-  | 105,610 SF<br>(26,550 SF existing)   | 105,610 SF  |
| (3) 510 Rutherford Avenue Power Building Renovation Office/R&D/Retail | 30'<br>(1, 2 & 3 Stories)        | 9,020 SF                           | -0-  | 20,000 SF<br>(9,450 SF existing)   | 20,000 SF   |
| (4) 520 Rutherford Avenue New Office/R&D/Retail                       | 85'<br>(6 Stories)               | 36,760 SF                          | -0-  | 218,130 SF   | 218,130 SF  |
| (5) 500 Rutherford Avenue Renovation Office/R&D/Retail                | 55'<br>(3 Stories)               | 200,000 SF                         | -0-  | 504,790 SF<br>(309,000 SF existing)  | 504,790 SF  |
| (6) 550 Rutherford Avenue New Office/R&D/Retail                       | 55'<br>(4 Stories)               | 25,540 SF                          | -0-  | 102,160 SF   | 102,160 SF  |
| (7) 570 Rutherford Avenue New Office/R&D/Retail                       | 85'<br>(6 Stories)               | 36,760 SF                          | -0-  | 218,130 SF   | 218,130 SF  |
| Demolition of Cooler Building 570 Rutherford Avenue                   |                                  | (-52,500 SF)                       | -0-  |  | (-55,000 SF)                                      |
| <b>Total First Floor Site Coverage Office/R&amp;D/Retail</b>          |                                  | <b>336,690 SF</b>                  |  | <b>Total Area Office/R&amp;D/Retail</b>  | <b>1,168,820 SF</b>                               |
| (P1) Garage   | 55'<br>(6 tiers)                 | 44,650 SF                          | 257,090 SF<br>(812 cars)                         | -0-  | 257,090 SF  |
| (P2) Garage   | 45'<br>(5 tiers)                 | 29,890 SF                          | 142,245 SF<br>(418 cars)                         | -0-  | 142,245 SF  |
| (P3) Garage   | 45'<br>(5 tiers)                 | 29,890 SF                          | 142,245 SF<br>(408 cars)                         | -0-  | 142,245 SF  |
| <b>Total First Floor Site Coverage Garage</b>                         |                                  | <b>104,430 SF</b>                  | <b>541,580 SF</b>                                | <b>Total 3 Garages</b>   | <b>541,580 SF<br/>(1,638 cars)</b>                |
| <b>Area Site Coverage All Buildings</b>                               | <b>441,120 SF</b>                | <b>Total Office/R&amp;D/Retail</b> | <b>1,168,820 SF + Total</b>                      | <b>1,754 car spaces required @ 1.5 per 1,000 SF (1,638 in garage + 127 on surface)</b> |   |
|   |                                  | <b>Parking Garages</b>             | <b>541,580 SF = 1,710,400 SF Total Buildings</b> |  |   |

| Building No./<br>Building Name  | Height In<br>Feet<br>(# Stories) | 1st Floor<br>Area Site<br>Coverage | Total Area<br>Parking<br>(# Cars)                | Total Total GFA<br>Office/R&D/Retail  | Total Area<br>Parking of<br>Office/R&D/<br>Retail |
|---|----------------------------------|------------------------------------|--|---|---|
| (1) 570 Rutherford Avenue Cooler Building Renovation R&D              | 30'<br>(1+Mezzanine)             | 52,500 SF                          | -0-  | 55,000 SF<br>(55,000 SF existing)   | 55,000 SF   |
| (2) 480 Rutherford Avenue Rosev Building Renovation Office/R&D/Retail | 58'<br>(4 Stories)               | 36,300 SF                          | -0-  | 143,200<br>(26,550 SF existing)   | 143,200 SF  |
| (3) 510 Rutherford Avenue Power Building Renovation Office/R&D/Retail | 30'<br>(1, 2 & 3 Stories)        | 15,250 SF                          | -0-  | 34,812 SF<br>(9,450 SF existing)  | 20,000 SF   |
| (4) 520 Rutherford Avenue New Office/R&D/Retail                       | 85'<br>(6 Stories)               | 36,760 SF                          | -0-  | 218,130 SF  | 218,130 SF  |
| (5) 500 Rutherford Avenue Renovation Office/R&D/Retail                | 55'<br>(3 Stories)               | 200,000 SF                         | -0-  | 467,200 SF<br>(309,000 SF existing)   | 467,200 SF  |
| (6) 550 Rutherford Avenue New Office/R&D/Retail                       | 55'<br>(4 Stories)               | 25,540 SF                          | -0-  | 102,160 SF  | 102,160 SF  |
| (7) 570 Rutherford Avenue New Office/R&D/Retail                       | 85'<br>(6 Stories)               | 36,760 SF                          | -0-  | 218,130 SF  | 218,130 SF  |
| Demolition of Cooler Building 570 Rutherford Avenue                   |                                  | (-52,500 SF)                       | -0-  |   | (-55,000 SF)                                      |
| <b>Total First Floor Site Coverage Office/R&amp;D/Retail</b>          |                                  | <b>350,610 SF</b>                  |  | <b>Total Area Office/R&amp;D/Retail</b>   | <b>1,168,820 SF</b>                               |
| (P1) Garage   | 55'<br>(6 tiers)                 | 44,650 SF                          | 257,090 SF<br>(812 cars)                         | -0-   | 257,090 SF  |
| (P2) Garage   | 45'<br>(5 tiers)                 | 29,890 SF                          | 142,245 SF<br>(418 cars)                         | -0-   | 142,245 SF  |
| (P3) Garage   | 45'<br>(5 tiers)                 | 29,890 SF                          | 142,245 SF<br>(408 cars)                         | -0-   | 142,245 SF  |
| <b>Total First Floor Site Coverage Garage</b>                         |                                  | <b>104,430 SF</b>                  | <b>541,580 SF</b>                                | <b>Total 3 Garages</b>  | <b>541,580 SF<br/>(1,638 cars)</b>                |
| <b>Area Site Coverage All Buildings</b>                               | <b>455,040 SF</b>                | <b>Total Office/R&amp;D/Retail</b> | <b>1,168,820 SF + Total</b>                      | <b>1,754 spaces required @ 1.5 per 1,000 SF (1,638 in garage + 127 surface = 1,765 car spaces provided)</b> |   |
|   |                                  | <b>Parking Garages</b>             | <b>541,580 SF = 1,710,400 SF Total Buildings</b> |   |   |

2001 Approved Master Plan Program

2008 Proposed Master Plan Program



480 Rutherford Avenue Development Plan

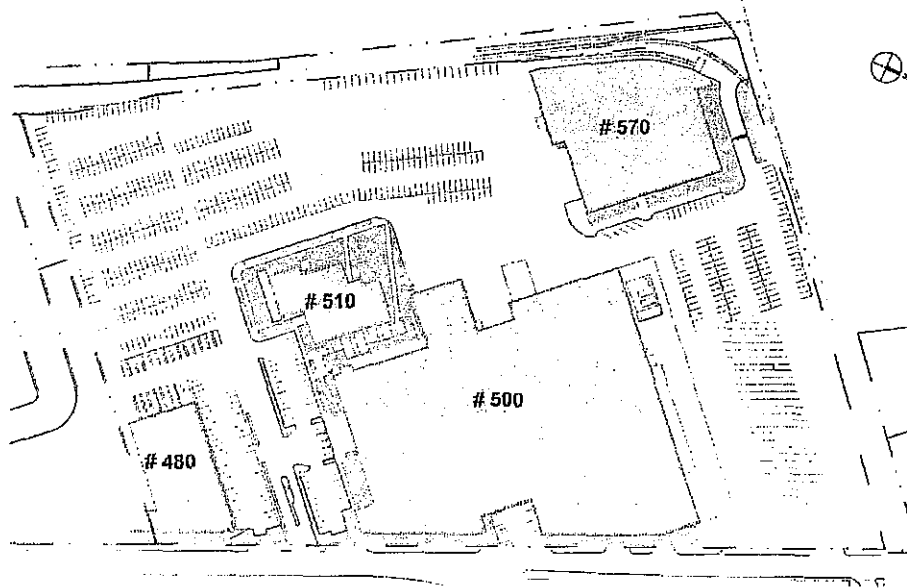
**Hood Business Park**  
Charlestown, Massachusetts



FEBRUARY 29, 2008



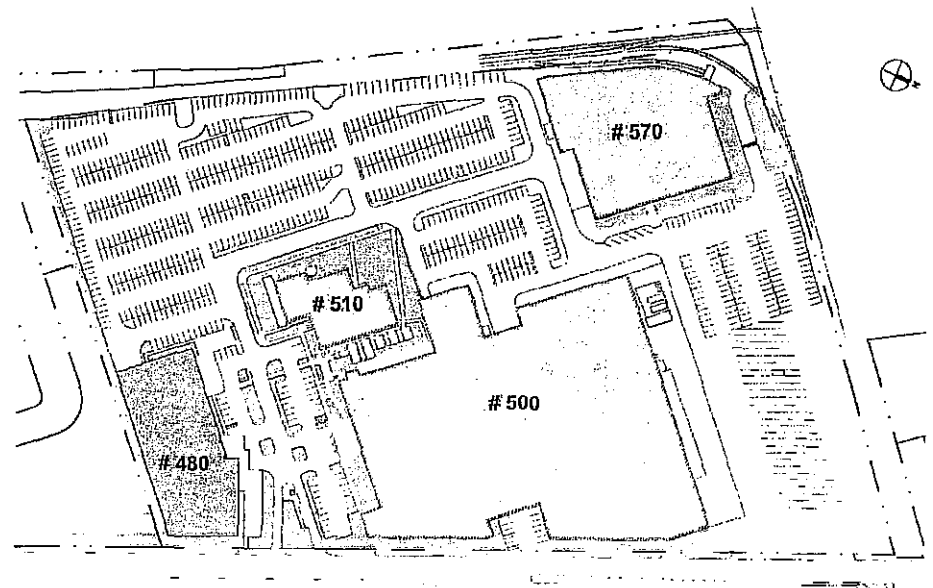




**EXISTING CONDITIONS**

|                            | AREA              | REQUIRED PARKING<br>(1.5 spaces/1000 sqft) |
|----------------------------|-------------------|--|
| 480 RUTHERFORD AVENUE      | 26,550 SF         | 40 SPACES                                  |
| 500 RUTHERFORD AVENUE      | 309,000 SF        | 464 SPACES                                 |
| 510 RUTHERFORD AVENUE      | 34,812 SF         | 52 SPACES                                  |
| 570 RUTHERFORD AVENUE      | 55,000 SF         | 83 SPACES                                  |
| <b>TOTAL</b>               | <b>425,362 SF</b> | <b>638 SPACES</b>                          |
| <b>AVAILABLE PARKING =</b> |                   | <b>760 SPACES ±</b>                        |

Existing Site Plan (2008)



**PROPOSED SITE PLAN (2008)**

|                           | AREA              | REQUIRED PARKING<br>(1.5 spaces/1000 sqft) |
|---------------------------|-------------------|--|
| 480 RUTHERFORD AVENUE     | 143,200 SF        | 215 SPACES                                 |
| 500 RUTHERFORD AVENUE     | 309,000 SF        | 464 SPACES                                 |
| 510 RUTHERFORD AVENUE     | 34,812 SF         | 52 SPACES                                  |
| 570 RUTHERFORD AVENUE     | 55,000 SF         | 83 SPACES                                  |
| <b>TOTAL</b>              | <b>542,012 SF</b> | <b>814 SPACES</b>                          |
| <b>PROPOSED PARKING =</b> |                   | <b>830 SPACES ±</b>                        |

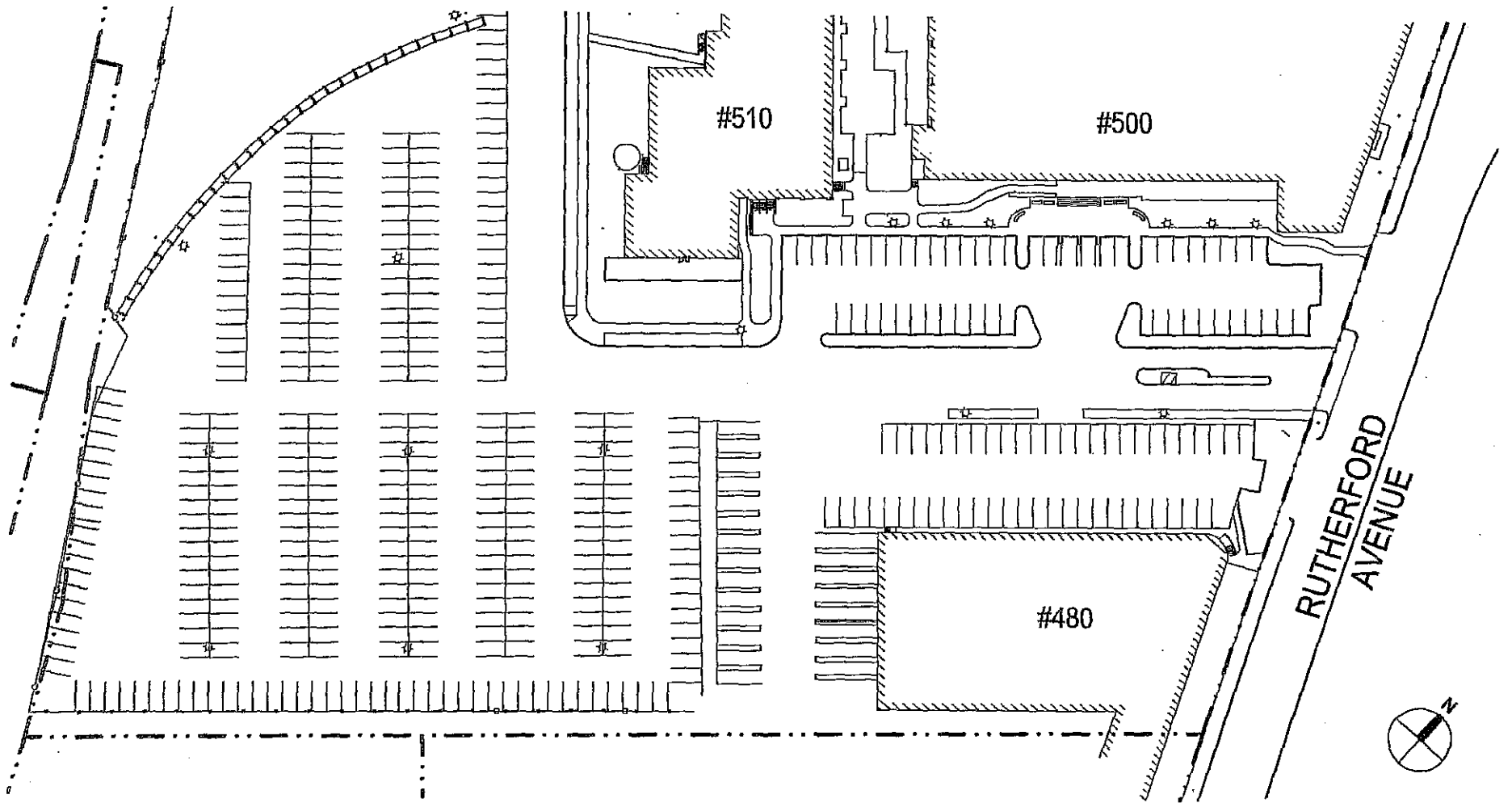
Proposed Site Plan (2008)

480 Rutherford Avenue Development Plan

**Hood Business Park**  
Charlestown, Massachusetts



FEBRUARY 29, 2008  
**SMMA**  
SITES MANAGER & ARCHITECT ASSOCIATES



Existing Site Layout Plan

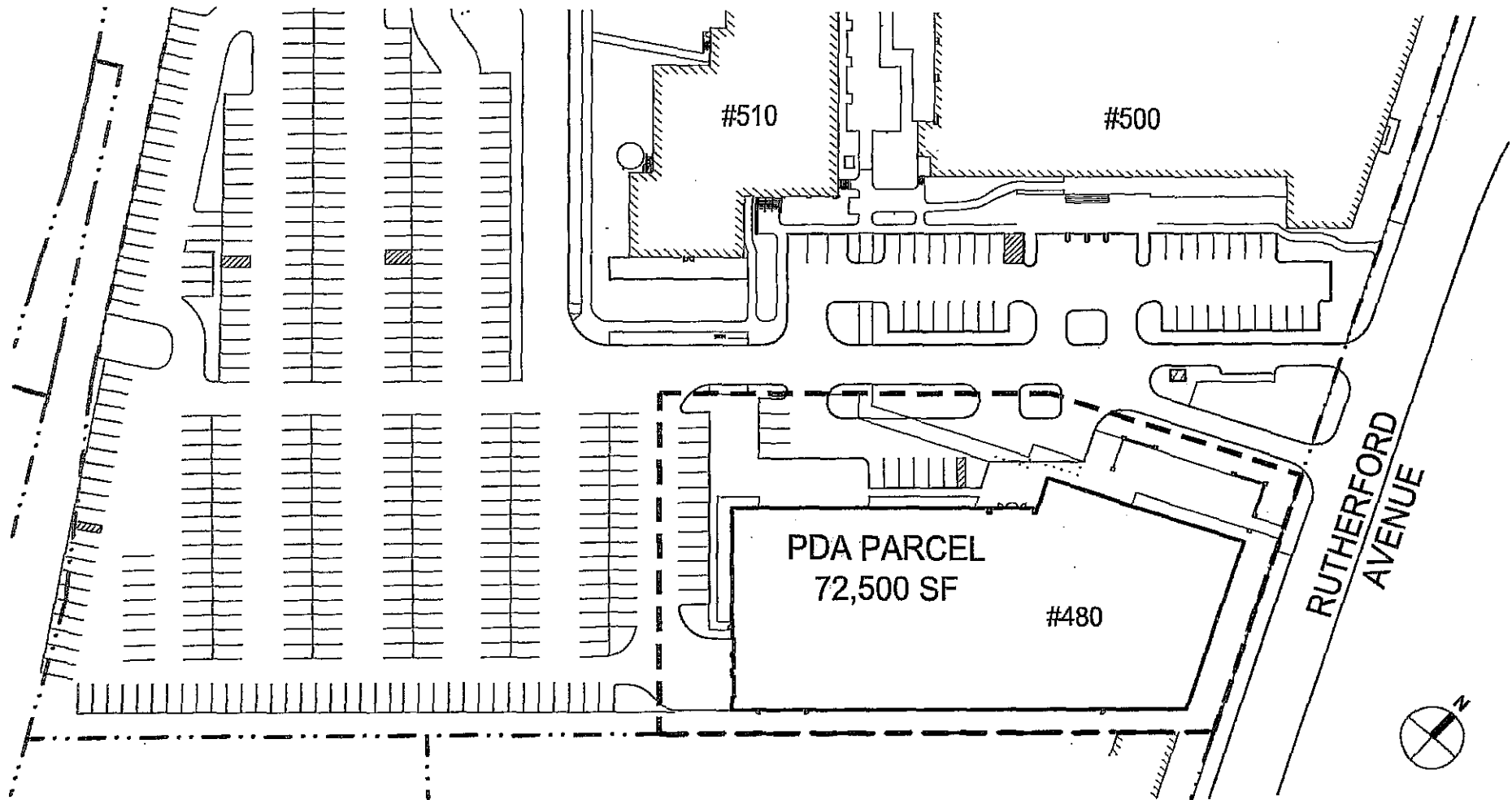
480 Rutherford Avenue Development Plan

**Hood Business Park**  
Charlestown, Massachusetts



FEBRUARY 29, 2008



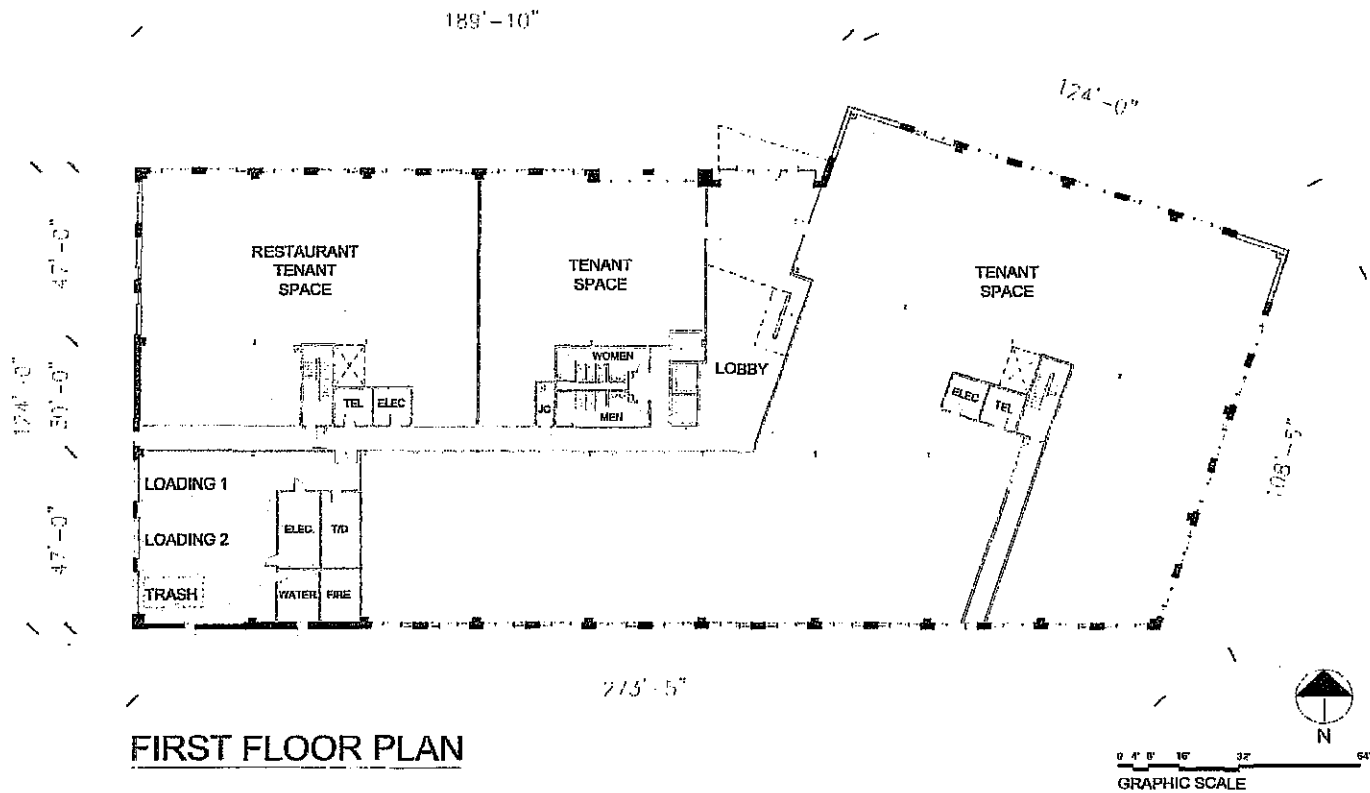


Proposed Site Layout Plan

480 Rutherford Avenue Development Plan

**Hood Business Park**  
Charlestown, Massachusetts





480 Rutherford Avenue Development Plan

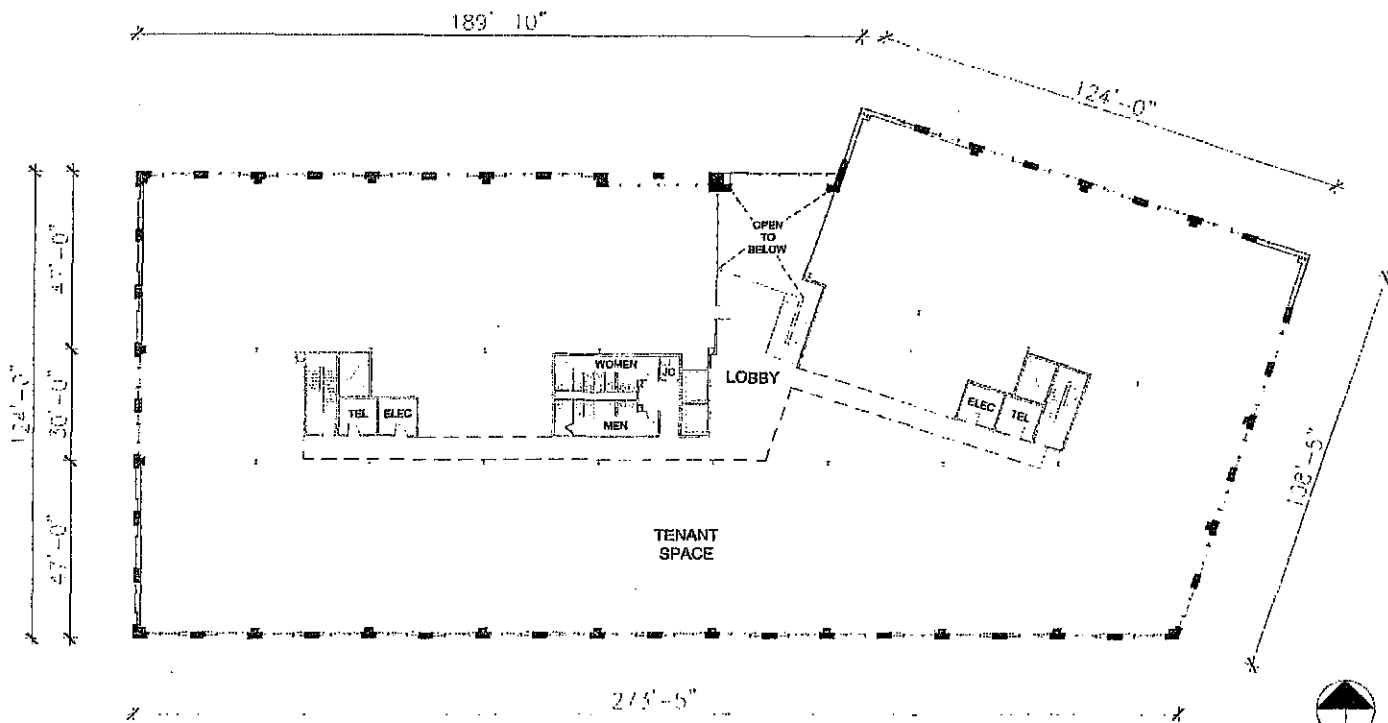
**Hood Business Park**  
Charlestown, Massachusetts

FEBRUARY 29, 2008

*Meredith & Grew*

**SMMA**  
SITES, MEASUREMENT & SURVEY ASSOCIATES





SECOND FLOOR PLAN

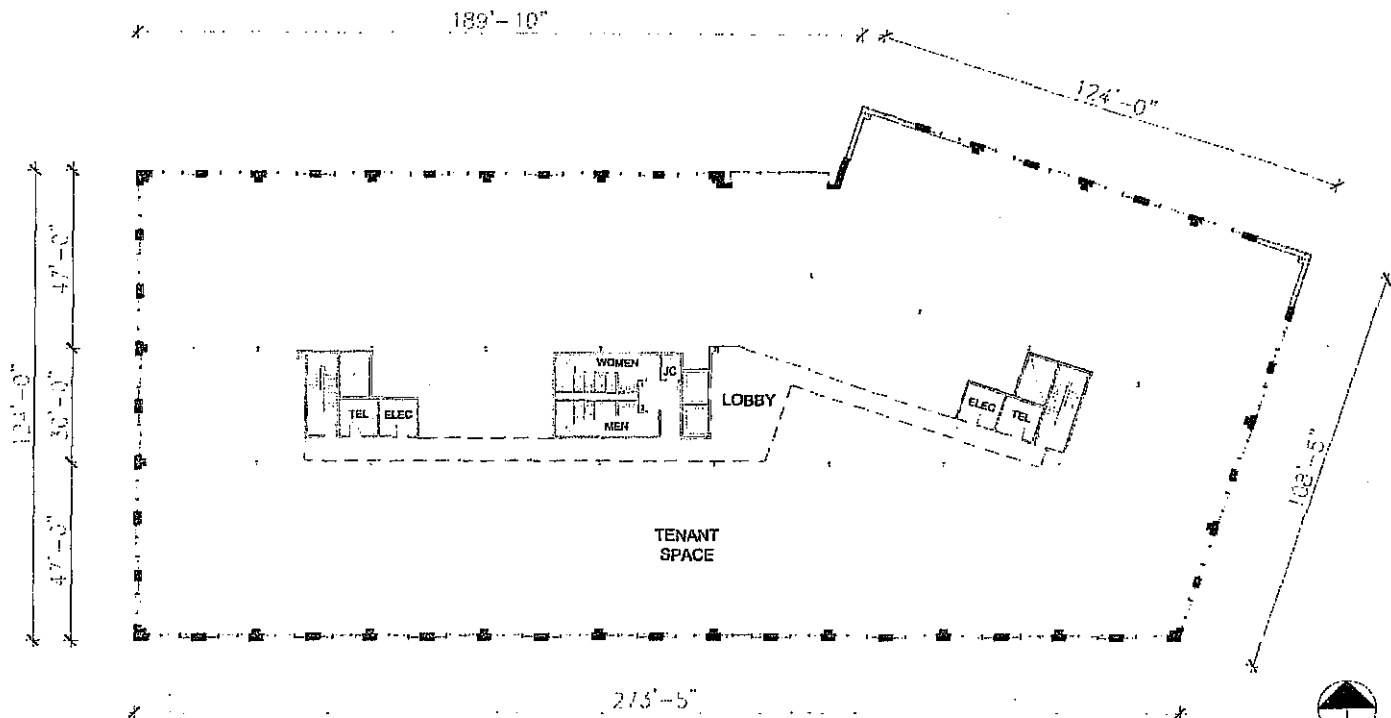
480 Rutherford Avenue Development Plan

**Hood Business Park**  
Charlestown, Massachusetts

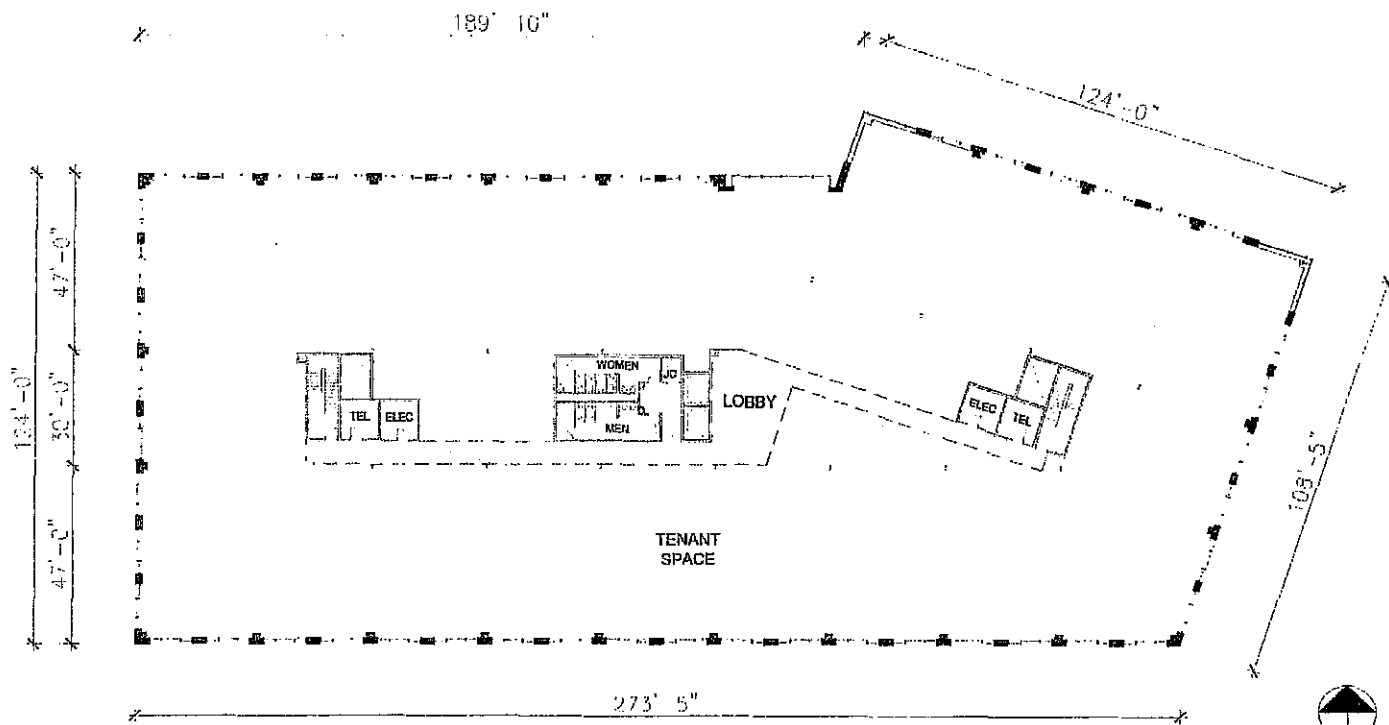
*Meredith & Grew*

FEBRUARY 29, 2008  
**SMMA**  
STRATEGIC MARKETING ASSOCIATES





THIRD FLOOR PLAN



**FOURTH FLOOR PLAN**

480 Rutherford Avenue Development Plan

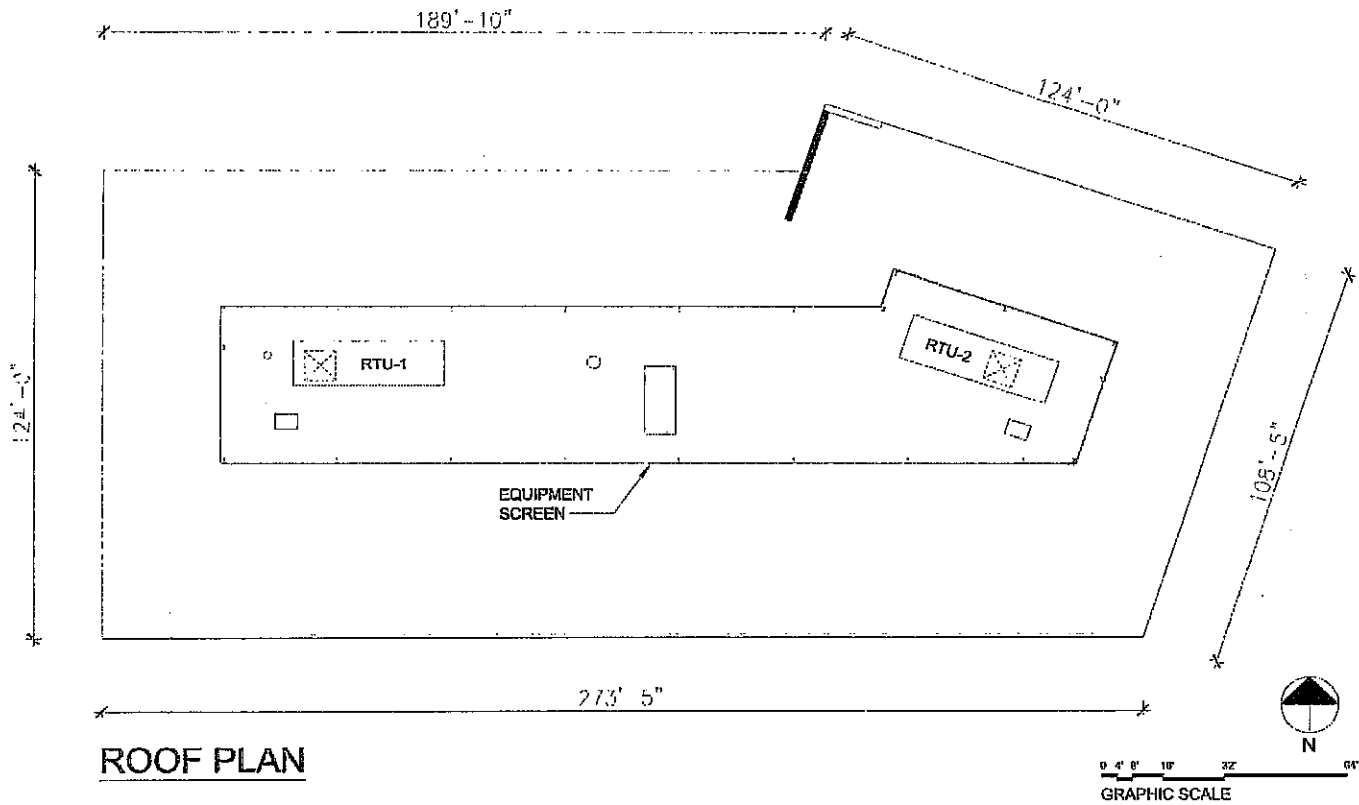
**Hood Business Park**  
Charlestown, Massachusetts

*Meredith & Grew*

FEBRUARY 29, 2008

**SMMA**  
SPINNEY MAHONEY & ASSOCIATES





**ROOF PLAN**

480 Rutherford Avenue Development Plan

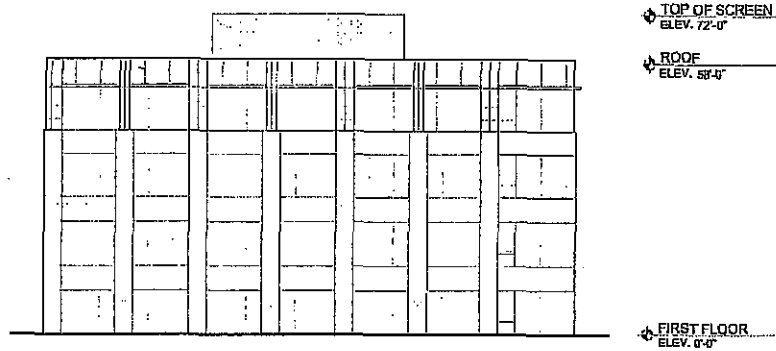
**Hood Business Park**  
 Charlestown, Massachusetts

*Meredith & Grew*

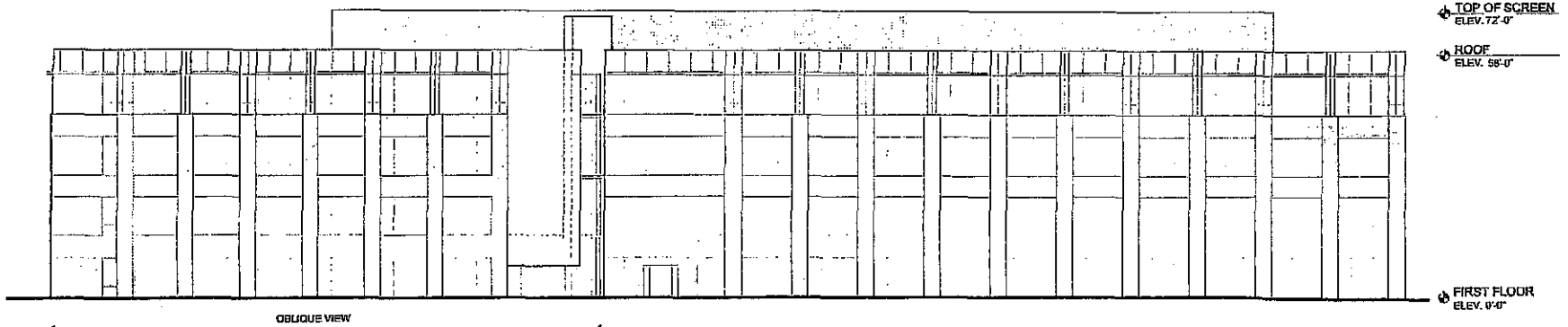
FEBRUARY 29, 2008

**SMMA**  
SPRINGS MAINI & HEWITT ASSOCIATES

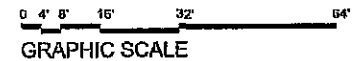




RUTHERFORD AVE ELEVATION



NORTH ELEVATION



Proposed Elevations

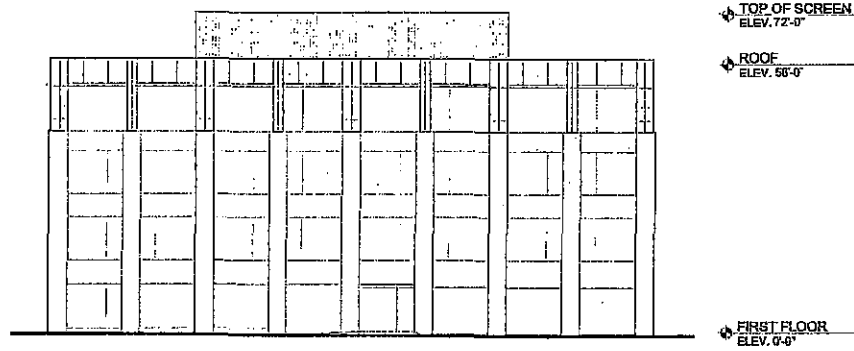
480 Rutherford Avenue Development Plan

**Hood Business Park**  
Charlestown, Massachusetts

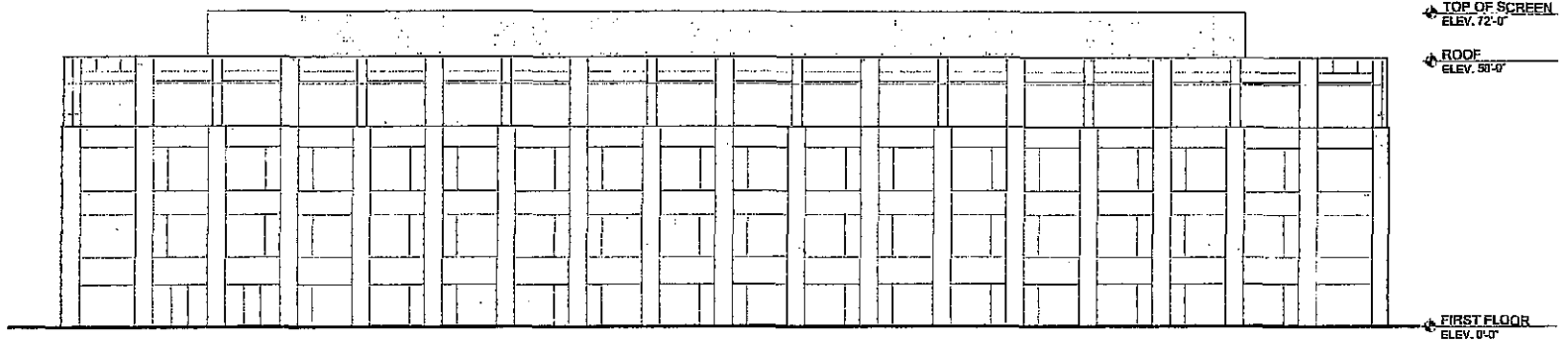
*Meredith & Grew*

FEBRUARY 29, 2008

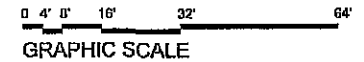
**SMMA**  
STEINER, HARRIS & MERRY ASSOCIATES



WEST ELEVATION



SOUTH ELEVATION



Proposed Elevations

480 Rutherford Avenue Development Plan

**Hood Business Park**  
Charlestown, Massachusetts

*Meredith & Grew*

FEBRUARY 29, 2008

**SMMA**  
STRUCTURAL MECHANICAL & ELECTRICAL ASSOCIATES

Appendix B

LANDSCAPE PHASING PLAN – INCLUDED IN APPENDIX A – SEE PAGE 3

Appendix C

INTERIM FAR CALCULATION

|  |                        |
|--|------------------------|
| Total Lot Area of Site:                                    | 867,715.20 square feet |
| Gross Floor Area of Existing Buildings:                    | 400,000 square feet    |
| Additional Gross Floor Area<br>Added by The Power Building | 25,362 square feet     |
| Additional Gross Floor Area<br>Project                     | 116,580 square feet    |
| Total Gross Floor Area                                     | 541,942 square feet    |
| FAR:   | 0.62                   |

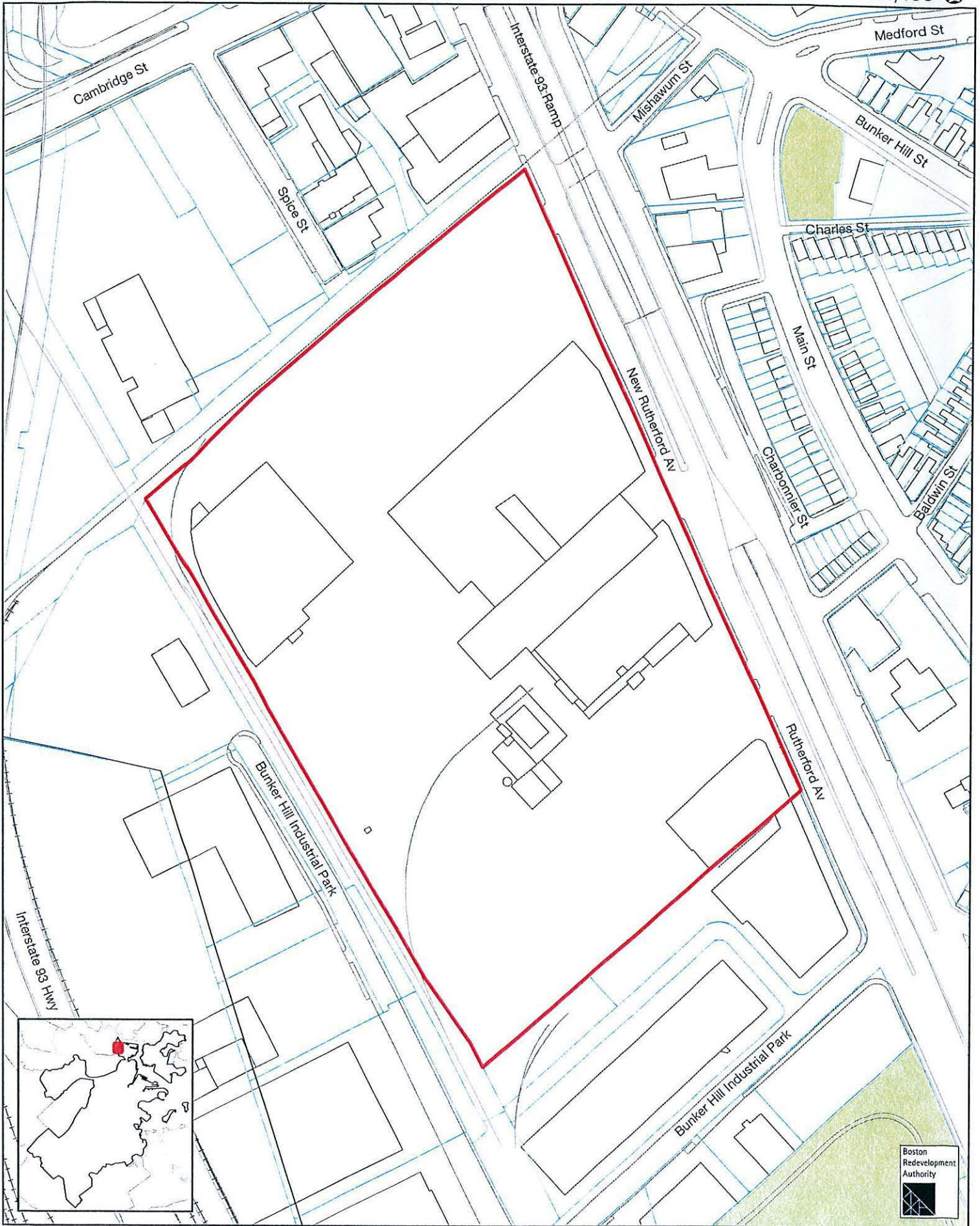
Note: All figures are approximate

Appendix D


PARKING PLAN – INCLUDED IN APPENDIX A – SEE PAGE 13

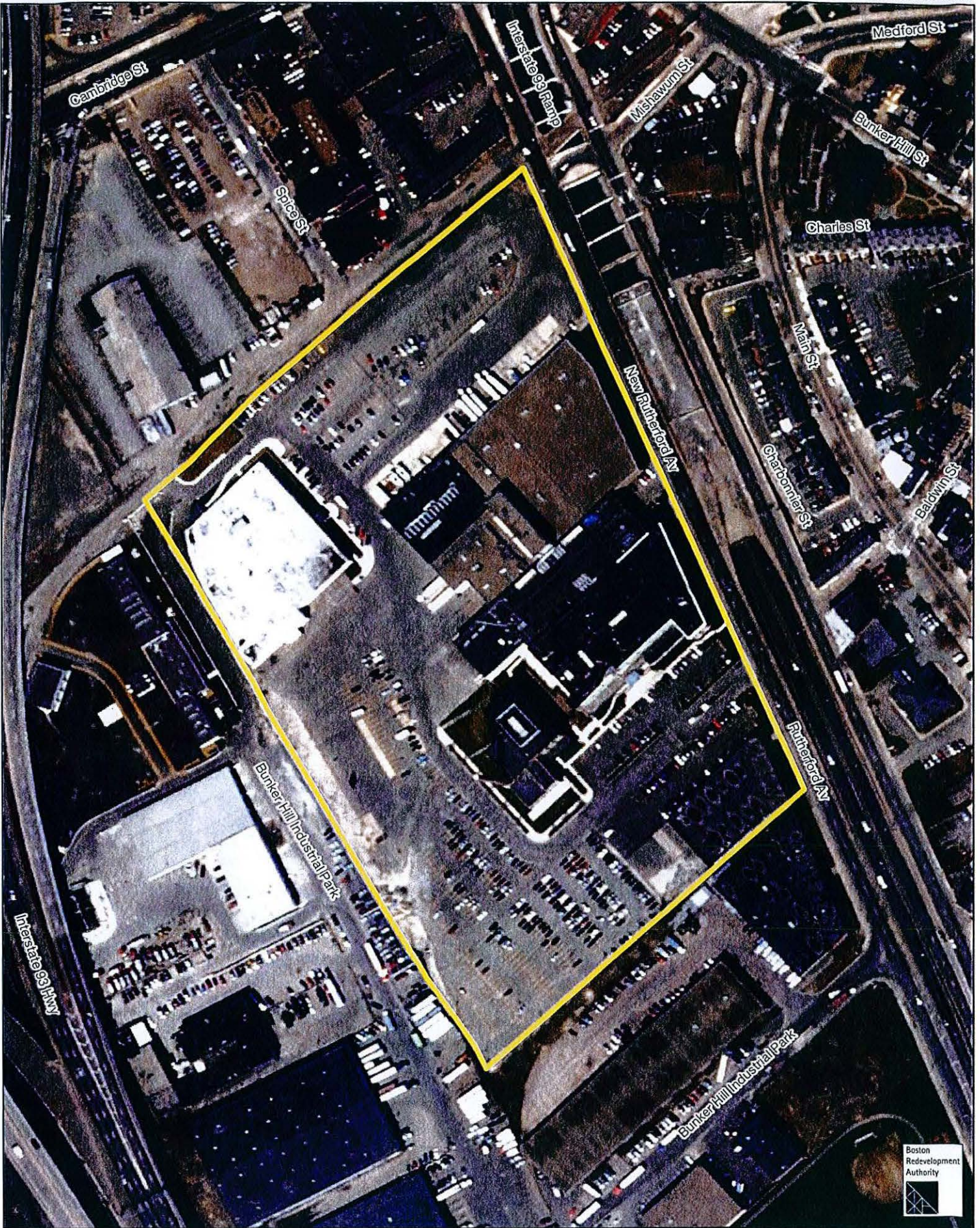
# Rosev Bldg - 480 Rutherford Ave - Hood Business Park

1:2,400



# Rosev Bldg - 480 Rutherford Ave - Hood Business Park

1:2,400   
2005 MassGIS Aerial



MEMORANDUM

APRIL 29, 2008

**TO:** BOSTON REDEVELOPMENT AUTHORITY AND  
JOHN F. PALMIERI, DIRECTOR

**FROM:** JAMES M. TIERNEY, INTERIM DIRECTOR OF ECONOMIC  
DEVELOPMENT  
HEATHER CAMPISANO, DEPUTY DIRECTOR OF  
DEVELOPMENT REVIEW  
DAVID CARLSON, SENIOR ARCHITECT  
GEOFFREY LEWIS, SENIOR PROJECT MANAGER

**SUBJECT:** HOOD BUSINESS PARK, PUBLIC HEARING ON THE FIRST  
AMENDMENT TO THE MASTER PLAN FOR PLANNED  
DEVELOPMENT AREA NO. 51, HOOD BUSINESS PARK IN  
CHARLESTOWN AND AMENDED AND RESTATED  
DEVELOPMENT PLAN FOR THE ROSEV BUILDING - 480  
RUTHERFORD AVENUE WITHIN PLANNED DEVELOPMENT  
AREA NO. 51.

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority (the "BRA" or "Authority") approve a First Amendment to the Master Plan for Planned Development Area No. 51, Hood Business Park (the "PDA Master Plan Amendment"), pursuant to Section 80C of the Boston Zoning Code (the "Code"); approve an Amended and Restated Development Plan for the Rosev Building-480 Rutherford Avenue within Planned Development Area No. 51 (the "PDA Development Plan"); and authorize the Director to: (1) issue a Determination waiving further review on the Notice of Project Change for the Rosev Building-480 Rutherford Avenue project dated February 29, 2008 ("NPC"), pursuant to Article 80A-6.2 of the Code; (2) petition the Zoning Commission of the City of Boston ("Zoning Commission") for approval of the PDA Master Plan Amendment and the Amended and Restated Development Plan for the Rosev Building-480 Rutherford Avenue pursuant to Article 80, Section 80C-5.4 and Article 3-1(A)(a) of the Code; (3) issue a Certification of Compliance for the Rosev Building-480 Rutherford Avenue Project as described in the NPC; (4) issue a Certification of Consistency pursuant to Article 80C-8 for the Rosev Building-480 Rutherford Avenue; and (5) take all actions and execute any and all documents deemed necessary and appropriate



by the Director in connection with the foregoing, including without limitation the execution of a Cooperation Agreement, a First Amendment to the Development Impact Project Agreement, and a Boston Residents Construction Employment Plan with Hood Business Park LLC.

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## **PROJECT BACKGROUND**

The Rosev Building, located at 480 Rutherford Avenue within the Hood Business Park in Charlestown, is currently a vacant 26,550 square foot warehouse in the southeast corner of the Hood Business Park. It is included within Planned Development Area No. 51.

On October 12, 2000, the Boston Redevelopment Authority ("Authority") in compliance with Section 80C of the Code approved the Master Plan for Planned Development Area No. 51, Hood Business Park ("PDA Master Plan"). The PDA Master Plan included, among others, the Rosev Building.

The Hood Business Park is an approximately 20-acre site which is the former Hood Dairy Plant located on the west side of Rutherford Avenue in the Charlestown section of Boston, Suffolk County, Massachusetts (the "Site"). The PDA Master Plan calls for the rehabilitation and development of the existing facilities on the Site and the construction of up to three (3) new office buildings and three new parking structures, resulting in an approximately 1,168,820 square foot mixed-use development of which approximately two thirds (approximately 777,149 gross square feet) will be dedicated to office space, approximately one third (approximately 380,638 gross square feet) will be dedicated to research and development space and approximately 11,033 gross square feet will be dedicated to accessory retail and restaurant spaces. At full build out, a total of nine (9) structures will exist on the Site and parking capacity will be provided for up to 1,765 vehicles, of which approximately 1,638 will be located within parking garages and approximately 127 will be surface parking (collectively, the "Development"). The Development also includes the creation of a large landscaped plaza at the interior of the Site, at the center of the business park. This open space will be framed by the rehabilitated and newly constructed buildings within the Development.

On April 18, 2001 a PDA Development Plan for the Rosev Building (the "Rosev Building Project") was filed with the Authority. The Rosev Building Project consisted of an approximately 69,500 square-foot portion of the Site. The rehabilitated portion of the building was to retain its two-story height (32 feet from grade/28 feet measured from the first floor) at the Rutherford Avenue façade for a setback of approximately 34 feet, then step to a height of four stories (60 feet to the top of the last habitable floor/75 feet in total, including mechanical penthouse) in the rear, resulting in an increase in the building size by

approximately 79,060 gross square feet, from approximately 26,550 gross square feet to approximately 105,610 gross square feet.

The PDA Development Plan for the Rosev Building ("Original PDA Development Plan") was subject to a 45-day public comment period in accordance with Section 80C of the Code and a hearing was held by the Authority on June 21, 2001 to consider approval of the Original PDA Development Plan. On such date, the Authority issued the appropriate approvals for Rosev Building Project and petitioned the Zoning Commission for approval of the Original PDA Development Plan. The Zoning Commission held a public hearing on December 19, 2001 accepted the petition of the Authority for approval of the Original PDA Development Plan, which was subsequently approved by the Mayor of the City of Boston on December 29, 2001. In accordance with Section 80B and Section 80C of the Code, the Director of the Authority issued a Certification of Consistency and a Certification of Compliance for the Rosev Building Project on January 18, 2002. Such certifications were issued in connection with the filing of a Building Permit Application, dated June 23, 2001, Application No. 4993, for the Rosev Building. On March 8, 2002, the City of Boston Inspectional Services Department issued a Building Permit for the Rosev Building Project. No work commenced on the Rosev Building Project after the issuance of the Building Permit, due to the then prevailing commercial office market conditions.

#### **DEVELOPMENT TEAM**

Hood Business Park, LLC, Stephen J. Kaneb and Christopher P. Kaneb, acquired the Hood Business Park in 1995 and own the property. The project architect is Mark Spaulding of Symmes Maini & McKee Associates. Yanni Tsipis of Colliers Meredith + Grew is the development consultant and James Greene at Rubin & Rudman is the project attorney.

#### **PROPOSED PROJECT**

On February 29, 2008, Hood Business Park LLC (the "Proponent") filed a First Amendment to the Master Plan for PDA No. 51, Hood Business Park (the "PDA Master Plan Amendment"); an Amended and Restated Development Plan for Rosev Building-480 Rutherford Avenue within PDA No.51 ("Amended and Restated PDA Development Plan"), and a Notice of Project Change ("NPC") detailing the revised plans for the Rosev Building.

The NPC reflects a modification of the Rosev Building project which eliminates the portion of the building fronting on Rutherford Avenue that had originally been planned for retention. In lieu of retaining this 8,720 square foot section of the building, the redesigned project will have a setback from Rutherford Avenue of approximately 20 feet that will be landscaped and incorporated into the overall landscape plan. The building area will total approximately 143,225

square feet, which is an increase of approximately 37,615 square feet of gross floor area from the original plans (the "NPC Project").

The Proponent is requesting that the changes as described in the NPC also be reflected in the PDA Development Plan for the Rosev Building. In addition, the PDA Master Plan must be amended to insure that the overall total square footage of the PDA Master Plan does not exceed the approved 1,168,820 square feet of gross floor area as previously approved by the Authority.

#### **ARTICLE 80 REVIEW PROCESS**

Colliers Meredith + Grew filed the PDA Master Plan Amendment, PDA Development Plan, and NPC on behalf of the Proponent on February 29, 2008. Notice of the receipt of these documents was given in the Boston Herald on February 29, 2008. In accordance with the BRA's policy on the provision of mitigation by development projects in Boston, as outlined in Mayor Thomas M. Menino's Executive Order of October 10, 2000, as amended, the BRA determined that compliance with the Mayor's Executive Order would be achieved by requesting that the Charlestown Neighborhood Council ("CNC") review the NPC Project. The CNC process is well established and effective in Charlestown. The CNC is a locally elected body that conducts regular public meetings and provides comments to assist various City agencies on matters such as those outlined in the Mayor's Executive Order regarding mitigation on development projects in Boston. The 45-day public comment period ended on April 14, 2008.

The Proponent presented the NPC Project at the March 4, 2008 CNC meeting at the Knights of Columbus Hall in Charlestown. The BRA and the Development Review Committee of the CNC held a meeting at the Hood Business Park on March 19, 2008, where the Proponent presented the NPC Project to the CNC Development Review Committee and members of the community. At the conclusion of the meeting, the CNC Development Review Committee voted in favor of the NPC Project; this vote was ratified at the CNC meeting on April 1, 2008.

The Proponent made presentations to the full Boston Civic Design Commission ("BCDC") on March 4, 2008 and to the BCDC Design Subcommittee on March 18, 2008, at which various aspects of the NPC Project were reviewed. On April 1, 2008, the BCDC voted to approve the design for the NPC Project, with a proviso that the Proponent continue to work on the design with BRA staff.

On March 13, 2008, the Authority voted its authorization for the Secretary to publish notice of a public hearing in connection with the First Amendment to Master Plan for PDA No. 51, Hood Business Park and an Amended and Restated Development Plan for Rosev Building-480 Rutherford Avenue within PDA No. 51. Such notice was given in the Boston Herald on April 14, 2008.

During the public process, the Proponent met with several community groups and abutters in addition to the Charlestown Neighborhood Council, including the Bunker Hill Community College and Friends of Sullivan Square. Attached are letters of support received from Margaret Fulenwider, Sarah Weatherbee, Michael Oniskey, owner of the Storage Bunker at 420 Rutherford Avenue, and Mary Fifield, Ph.D., President of the Bunker Hill Community College. In addition, a positive editorial appeared in the Charlestown Patriot-Bridge on March 6, 2008 in support of the NPC Project.

### **PUBLIC BENEFITS**

- Adaptive reuse of an industrial site and diversification and expansion of Charlestown's and the City of Boston's economy;
- Improvements to the urban design characteristics and aesthetic character of the Site;
- Coordination with the Rutherford Avenue planning conducted by the BRA, Boston Transportation Department ("BTD") and the City of Boston's Department of Public Works ("DPW");
- Approximately 200 construction jobs;
- Approximately 600 permanent jobs;
- The Amended PDA Master Plan will provide approximately \$3.5 million in housing linkage and \$700,000 in jobs linkage to provide housing and job training opportunities for the people of the City of Boston.

### **RECOMMENDATION:**

The PDA Master Plan, as amended by the PDA Master Plan Amendment, and the Proposed Project represent a favorable reuse of the former Hood Dairy site, at a scale and density appropriate for its location. The physical improvements to the neighborhood and economic activity facilitated by the implementation of the PDA Master Plan as amended by the PDA Master Plan and the development of the Rosev Building-480 Rutherford Avenue will benefit the public and the community of Charlestown. Staff therefore recommends that the Authority (1) approve the PDA Master Plan Amendment and the PDA Development Plan, pursuant to Section 80C of the Code, both in substantial accord with the form presented to the Authority's Board on April 29, 2008; (2) authorize the Director to petition the Zoning Commission for the approval of the PDA Master Plan Amendment, in substantial accord with the form presented to the Authority's Board on April 29, 2008; (3) authorize the Director to petition the Zoning Commission to approve the PDA Development Plan, in substantial accord with the version presented to the Authority at its hearing on April 29, 2008; (4) authorize the Director to issue a Determination waiving further review, pursuant to Article 80A-6.2 of the Code; (5) authorize the Director to issue pursuant to

Section 80B-6 of the Code a Certification of Compliance for the Rosev Building-480 Rutherford Avenue Project as described in the NPC; (6) authorize the Director to issue pursuant to Section 80B-6 of the Code a Certification of Consistency for the Rosev Building-480 Rutherford Avenue; and (7) authorize the Director to take all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the foregoing, including without limitation the execution of a Cooperation Agreement, a First Amendment to the Development Impact Project Agreement, and a Boston Residents Construction Employment Plan with Hood Business Park LLC.

Appropriate votes follow:

**VOTED:** That pursuant to Article 80, Section 80C-5.4 and Article 3-1(A)(a) of the Boston Zoning Code ("Code"), in connection with First Amendment to the Master Plan for Planned Development Area No. 51, Hood Business Park, presented at a public hearing duly held at the offices of the Boston Redevelopment Authority ("Authority") on April 29, 2008 ("PDA Master Plan Amendment"), and after careful consideration of evidence presented at, and in connection with the hearing and the Proposed Project described in the PDA Master Plan, as amended by the PDA Master Plan Amendment, the Authority finds with respect to the PDA Master Plan, as amended by the PDA Master Plan Amendment, that (a) the PDA Master Plan, as amended by the PDA Master Plan Amendment, will not be in a location for which Planned Development Areas are forbidden by the underlying zoning; (b) the Proposed Project in the PDA Master Plan, as amended by the PDA Master Plan Amendment, complies with any provisions of the underlying zoning that establish use, dimensional, design, or other requirements for Proposed Projects in Planned Development Areas; (c) the PDA Master Plan, as amended by the PDA Master Plan Amendment, complies with any provisions of the underlying zoning that establish planning and development criteria, including public benefits, for Planned Development Areas; (d) the PDA Master Plan, as amended by the PDA Master Plan Amendment, 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 of Boston as a whole; and (e) on balance, nothing in the PDA Master Plan, as amended by the PDA Master Plan Amendment, will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens; and (f) the PDA Master Plan, as amended by the PDA Master Plan Amendment, adequately and sufficiently complies

with the Code Section 80C-4, Standards for Planned Development Area Review Approval, and otherwise complies with all applicable requirements for a Planned Development Area as set forth in the Code; and

**FURTHER**

**VOTED:** That pursuant to Article 80, Section 80C-5.4 and Article 3-1A.a of the Code, the Authority hereby approved the PDA Master Plan Amendment and authorizes the Director to petition the Boston Zoning Commission ("Zoning Commission") to approve the PDA Master Plan Amendment, in substantial accord with the First Amendment to Master Plan for Planned Development Area No. 51, Hood Business Park presented to the Authority at its hearing on April 29, 2008; and

**FURTHER**

**VOTED:** That the Authority hereby finds and determines that the Amended and Restated Development Plan for the Rosev Building-480 Rutherford Avenue located within PDA No. 51 (the "Amended and Restated PDA Development Plan") complies with Section 80C-4(a)-(e), Standards for Planned Development Area Review Approval of the Code; and

**FURTHER**

**VOTED:** That pursuant to the provisions of Section 3-1A.a and Article 80C of the Boston Zoning Code, the Authority hereby approves the Amended and Restated PDA Development Plan, and authorizes the Director to petition the Zoning Commission for approval of the Amended and Restated PDA Development Plan, in substantial accord with the Amended and Restated PDA Development Plan presented to the Authority at its hearing on April 29, 2008; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to issue a Determination under Section 80A-6.2 of the Code, which (i) finds that the Notice of Project Change ("NPC") filed with the Authority on February 29, 2008 in connection with the revised Plans for the Rosev Building adequately describes the potential impacts arising from the Rosev Building-480 Rutherford Avenue project (the "NPC Project") does not result in any increased impacts and provides sufficient mitigation measures to minimize the prior existing impacts, and (ii) waives further review of the NPC Project, subject to continuing design review by the Authority; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to issue a Certification of Consistency for NPC Project under Section 3-1A.a and Article 80C-8 of the Code when the Director finds that: (a) the NPC Project is described accurately in the Amended and Restated PDA Development Plan and the PDA Master Plan, as amended by the PDA Master Plan Amendment; (b) the NPC Project is consistent with the Amended and Restated PDA Development Plan, as amended by the PDA Master Plan Amendment; and (c) the Amended and Restated PDA Development Plan and the PDA Master Plan amendment have been approved by the Authority and the Zoning Commission; and

**FURTHER**

**VOTED:** That the Director be and hereby is, authorized to pursuant to Section 80B-6 of the Code issue a Certification of Compliance for the NPC Project, subject to continuing design review by the Authority; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to take all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the foregoing, including without limitation the execution of a Cooperation Agreement, a First Amendment to the Development Impact Project Agreement, and a Boston Residents Construction Employment Plan with Hood Business Park LLC.