

BRA APPROVAL: 5/18/10
BZC APPROVAL: 6/16/10
EFFECTIVE: 6/16/10

**BOSTON REDEVELOPMENT AUTHORITY
DEVELOPMENT PLAN
FOR
PLANNED DEVELOPMENT AREA NO. 77
AT
6 – 26 NEW STREET, EAST BOSTON**

May 18, 2010

Planned Development Area Development Plan

Pursuant to Article 3, Section 3-1A, Article 80, Section 80C, and Article 53 of the Boston Zoning Code (the “Code”), this document constitutes a Planned Development Area Development Plan (“PDA Plan”) for the development of an approximately 3.923 acre site at 6 - 26 New Street, East Boston, Suffolk County, Massachusetts (the “Site”). This PDA Plan includes the proposed location and description of property, location and appearance of structures, open spaces and landscaping, proposed uses of the area, densities, traffic circulation, parking, and loading facilities, and access to public transportation, proposed dimensions of structures, and public benefits (the “Project”). The Project and the Site shall be reviewed and be subject to Boston Redevelopment Authority (“BRA”) approval under the provisions of Article 80, Section 80C of the Code for PDA Development Plan review. This PDA Plan is also intended to satisfy the requirements of Article 53, East Boston Neighborhood District, of the Code regarding Regulations Applicable in PDAs.

Developer/Proponent

New Street Realty Trust, 45 Dunham Road, Billerica, MA is the owner and developer of the Site. Cresset Development, LLC is the development consultant for the Site.

Architect

Steffian Bradley Architects, Inc.

Location and Description of Site

The Site is located at 6 – 26 New Street, East Boston, Suffolk County, Massachusetts, as more particularly shown, bounded, and described in Exhibit A attached hereto. The waterfront site consists of one parcel containing approximately 170,873 square feet of land of which approximately 85,000 square feet are above the mean high water mark.

Proposed Location and Appearance of Structures

The project buildings will be located generally along New Street and extend towards the water and as shown on the plan entitled “Site Plan, DP-1” dated September 28, 2009, prepared by Steffian Bradley Architects, Inc. There will be three buildings: a 16-story building, a 6-story building, and a three level, 2-story parking garage (“the Proposed

Project). In addition to the Development Plan Area Plan attached hereto, there are also plans showing the site context, location of buildings, parcel and building areas, pedestrian and vehicular access areas, landscape improvements, and building elevations on a set of drawings entitled PDA Development Plan, 6 – 26 New Street, Site Plans DP-1, DP-2, DP-3, DP-4, and DP-5 dated April 30, 2010, prepared by Steffian Bradley Architects, Inc., copies of which are attached hereto as Exhibit B.

16-Story Building

The 16-story building will be located towards the north and east sides of the site along New Street. Seven stories will be added to the existing 9-story concrete building that currently occupies the site. It is approximately 100' wide (north-south), 123' long (east-west). This building will be a maximum of 199 feet in height. The additional seven stories on top of the existing building will be stepped back on the north and east sides.

The exterior finish materials over the existing building will be large windows and occasional patio doors to infill between the concrete and a combination of stone panels, brick, phenolic resin panels and/or metal panels over the existing concrete frame. The materials over the addition will be predominantly large windows with metal panels and/or phenolic resin panels used as trim and at bays.

6-Story Building

The new 6-story building is proposed to utilize the same materials and similar features as the proposed 16-story building, but they are composed to simultaneously create a relationship between the two buildings while allowing each to have its own character and identity. The new building is proposed to be approximately 64 feet wide (north-south), 192 feet long (east-west) and a maximum of 70 feet in height. The size and scale of this new building is in keeping with many traditional wharf type buildings including buildings along the East Boston and Boston waterfronts.

The first floor extends towards the water beyond the residential floors above. This allows facilities of public accommodation (the restaurant) to become a public destination in the open space area created at the end of the Sumner Street extension drive. The top of the building is created by stepping the third floor back from the perimeter of the lower floors and creating a massing that responds to the site and views for the fifth and sixth floors. The materials on this new building will be brick, precast panels, glazing, metal panels and/or phenolic resin panels. There will also be up to 80 vehicle parking spaces in a garage with one level at grade and one below grade.

2-Story Parking Garage

A 3-level parking structure with a lower level at and slightly below the existing grade and upper levels approximately 10 feet and 20 feet above the grade at New Street will occupy the northeast corner of the site. This parking structure has been designed to complement the new proposed project and surrounding neighborhood, and the front façade treatment will match the fabric of the street. It will utilize a panelized system of brick, pre-cast concrete, metal panels, and metal mesh proportioned to keep with the adjacent first floor

Proposed Traffic Circulation, Parking, and Loading Facilities

The site is located along New Street at the terminus of both New and Sumner streets. Vehicular access to and egress from the Site is from New Street. Three access drives will be located on the east side of the Site. A semicircular drive along New Street will be used to pick up/drop off residents. A Designated Port Area (DPA) vehicular access route to the DPA portion of the Site is provided on the northwest side of the property. An open area at grade within the 6-story building will serve as an access drive to both the DPA area and the at grade parking within the 6-story building. A small parking area and a turn around/drop off area are located on the south side of the Site. Access to the below grade parking will be via a ramp located to the north of the parking area on the south side of the 6-story building. There will be a three-level parking garage on the north side of the site. The lower level, which is a half story underground, will be accessible directly from New Street. The two upper levels will be accessed by a ramp from New Street that will pass through the north end of the 16-story building. A loading area will be located within the access drive of the 6-story building. The Project may utilize parking “stackers” within the parking garages if needed to meet demand.

Access to Public Transportation

The Site is located within a 7-minute walk along Sumner Street from Maverick Station, which is located at Maverick Square. Both the MBTA Blue Line subway and buses provide public transportation from this station.

Proposed Dimensions of Structures

The dimensions of the structures are shown in Table 1 below and on the project drawings attached hereto as Exhibit B.

TABLE 1

Building	Max. Bldg Footprint (sf)	Max. Gross Square Footage	Lot Area (sf)	Max. FAR	Max. Bldg. Height	Lot Coverage	Max. Garage Parking Spaces	Max. Parking On-Site
6-Story Building	16,700	72,000	N/A	N/A	70'	N/A	51 - 80	11
16-Story Building	12,650	182,000	N/A	N/A	199'	N/A	0	0
Parking Garage	11,930	24,000	N/A	N/A	26'	N/A	113	0
Total	41,280	278,000	85,000	3.3	N/A	49%	164 -193	11

Sequencing of Development

The project Site consists of two areas available for redevelopment. The northerly portion of the Site, the locus of the existing nine story building, will be redeveloped for housing through the reconstruction of the existing building, construction of a seven story vertical addition and the construction of the above grade two story parking structure. The southerly portion of the site will be redeveloped for a restaurant, a marina, parking and either housing or hotel uses as described above. The construction of the docking facility

to be located in the non-DPA portion of the site and the Harborwalk will occur in the first phase of construction.

Zoning

The Site is located within the New Street Waterfront Commercial Subdistrict of the East Boston Neighborhood District established under Article 53 of the Zoning Code. Article 53 allows the establishment of Planned Development Areas (PDAs) within the Waterfront Commercial Subdistricts. This PDA Plan will comply with the public benefit criteria of Section 53-49 of the Code in that it will create new housing opportunities, provide substantial new waterfront amenities, provide public access to the waterfront where none now exists, create new permanent and construction period jobs, provide significant open space and extend the existing Sumner Street view corridor. The Proposed Project will also comply with the requirements of Article 37, Green Buildings.

If the Proposed Project is constructed in accordance with this PDA Plan, no exceptions from the Zoning Code will be required under Article 6A. This PDA Development Plan shall constitute permanent zoning for the Site, within the meaning of the Municipal Harbor Plan, as approved. The Site may be divided into several parcels in the future to facilitate financial arrangements on individual buildings or for other development related reasons. In the case of any such division, a Certification of Consistency may be issued for any such parcel as a conclusive determination of its compliance with the terms and conditions of this PDA Plan.

Development Review Procedures

The Proposed Project Proponent has had numerous meetings with the community in East Boston to review the Proposed Project. This section describes the public review process for this Proposed Project.

A Letter of Intent was submitted to the BRA on September 14, 2006 in accordance with Mayor Thomas M. Menino's Executive Order of October 10, 2000, as amended, governing mitigation for development projects. A Project Notification Form ("PNF") was filed with the BRA in September of 2007. A community meeting to review the Proposed Project was held on October 1, 2007. The BRA appointed a nine-member Impact Advisory Group (IAG). The IAG was invited to a Scoping Session on October 2, 2007 for their review and comment on the Environmental Notification Form/PNF. The Director issued a Scoping Determination requiring the preparation of a Draft Project Impact Report (DPIR) and setting forth the issues to be addressed on March 21, 2008,

The DPIR was filed with the BRA on June 16, 2008. A community meeting to review the DPIR was held on June 26, 2008.

The Proposed Project has also been reviewed with several departments in the City of Boston including the Boston Transportation Department (BTD), the Boston Civic Design

Commission (BCDC), the Boston Environmental Department (BED), the Boston Parks and Recreation Department, and the Boston Landmarks Commission.

The 6 – 26 New Street Development Project will be utilizing the East Boston Municipal Harbor Plan (EBMHP), as amended, to accomplish compliance with Chapter 91. The Secretary of the Executive Office of Energy and Environmental Affairs approved the Municipal Harbor Plan amendment on December 17, 2008.

The final plans and specifications (i.e. contract documents) for any portion of the Proposed Project shall be subject to review and approval by the BRA in accordance with its Development Review Procedures. The final plans and specifications as approved by the Authority shall be deemed to be consistent with this Development Plan and to have addressed all design requirements set forth in Section 53 of the Zoning code, upon the issuance of a Certificate of Consistency.

Given the scope of the Proposed Project and as a result of the various reviews of the Proposed Project necessary to secure all required permits and approvals, modifications may have to be made. Minor modifications that affect and are limited to site improvements, exterior facades, roofscape or public spaces will be subject to the approval of the Director of the Authority under this Development Plan without further Authority action, unless the Director determines that the changes are not consistent with this Development Plan.

Other Approvals

As described in this document, the Proposed Project has been designed to be consistent with the guidelines and recommendations of the East Boston Master Plan adopted by the BRA in 2000. Additionally, the Proposed Project conforms to the requirements of the East Boston Municipal Harbor Plan approved by the Secretary of Energy and Environmental Affairs on July 15, 2002 and the subsequent amendment to the plan, approved on December 17, 2008. The project was approved by the Boston Civic Design Commission on July 7, 2009. Under Article 85, the Boston Landmarks Commission voted to not invoke a demolition delay for the site demolition on April 22, 2008. A Chapter 91 License application was submitted to the Department of Environmental Protection for approval in April 2010.

Public Benefits

The Proposed Project will provide substantial public benefits to the City of Boston and the East Boston neighborhood. The New Street development will generate both direct and indirect economic benefits. In fulfillment of the objectives of Article 53, Section 53-49 of the Code and meeting the requirements of Section 80C-4 of the Code, the New Street Development PDA Plan provides for:

LIST OF EXHIBITS
to
BOSTON REDEVELOPMENT AUTHORITY
DEVELOPMENT PLAN
for
PLANNED DEVELOPMENT AREA NO. 77

6 - 26 NEW STREET

Exhibit A - Legal Description and Plan entitled “Development Area Plan, 6 – 26 New Street, East Boston, Massachusetts” prepared by Harry R. Feldman, Inc. dated October 17, 2008

Exhibit B - Concept Plans, entitled: “PDA Development Plan, Development Plan, 6 - 26 New Street, Boston, MA, New Street Realty Trust, DP-1, DP-2, DP-3, DP-4 and DP-5, dated April 30, 2010, prepared by Steffian Bradley Architects, Inc.

Exhibit C – List of Permitted Uses

EXHIBIT A

PLANNED DEVELOPMENT AREA NO. 77

6 - 26 NEW STREET

LEGAL DESCRIPTION

A certain parcel of land situated in the City of Boston, East Boston District, Suffolk County, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at the intersection of the southerly sideline of Sumner Street and the westerly sideline of New Street;

Thence running N 59°46'45" W by land now or formerly of the City of Boston, a distance of 147.23 feet;

Thence turning and running N 74°24'55" W by land now or formerly of the City of Boston, a distance of 335.85 to the Massachusetts Harbor Line, Chapter 48 of the Acts of 1882, said line is also the United States Pierhead Line approved by the Secretary of War on July 27, 1889;

Thence turning and running northeasterly along the said Harbor Line and Pierhead Line along a curve to the right having a radius of 512.30 feet, a distance of 213.01 feet (chord bearing N 14°07'20" E, chord distance 211.48 feet) to a point of tangency;

Thence running N 26°02'02" E along the said Harbor Line and Pierhead Line, a distance of 151.41 feet;

Thence turning and running S 59°45'35" E by land now or formerly of RTC New Street, LLC, a distance of 382.98 feet;

Thence turning and running N 30°14'25" E by land now or formerly of said RTC New Street, LLC, a distance of 49.76 feet;

Thence turning and running N 75°14'25" E by land now or formerly of said RTC New Street, LLC, a distance of 21.21 feet;

Thence turning and running S 59°45'35" E by land now or formerly of said RTC New Street, LLC, a distance of 184.00 feet to the westerly sideline of New Street;

Thence turning and running S 30°14'25" W along the said westerly sideline of New Street, a distance of 63.91 feet;

Thence turning and running N 59°45'35" W along the said westerly sideline of New Street, a distance of 40.00 feet;

Thence turning and running S 30°14'25" W along the said westerly sideline of New Street, a distance of 270.00 feet to the point of beginning;

Containing an area of 170,873 square feet or 3.923 acres as shown on a plan entitled "Planned Development Area Plan, 6 – 26 New Street, East Boston District, Boston, Massachusetts" prepared by Harry R. Feldman, Inc. dated October 17, 2008.

BOSTON INNER HARBOR

MASS. HARBOR LINE - CHAPTER 45 OF THE ACTS OF 1892
U.S. PIERHEAD LINE APPROVED BY SEC. OF WAR JULY 27, 1889

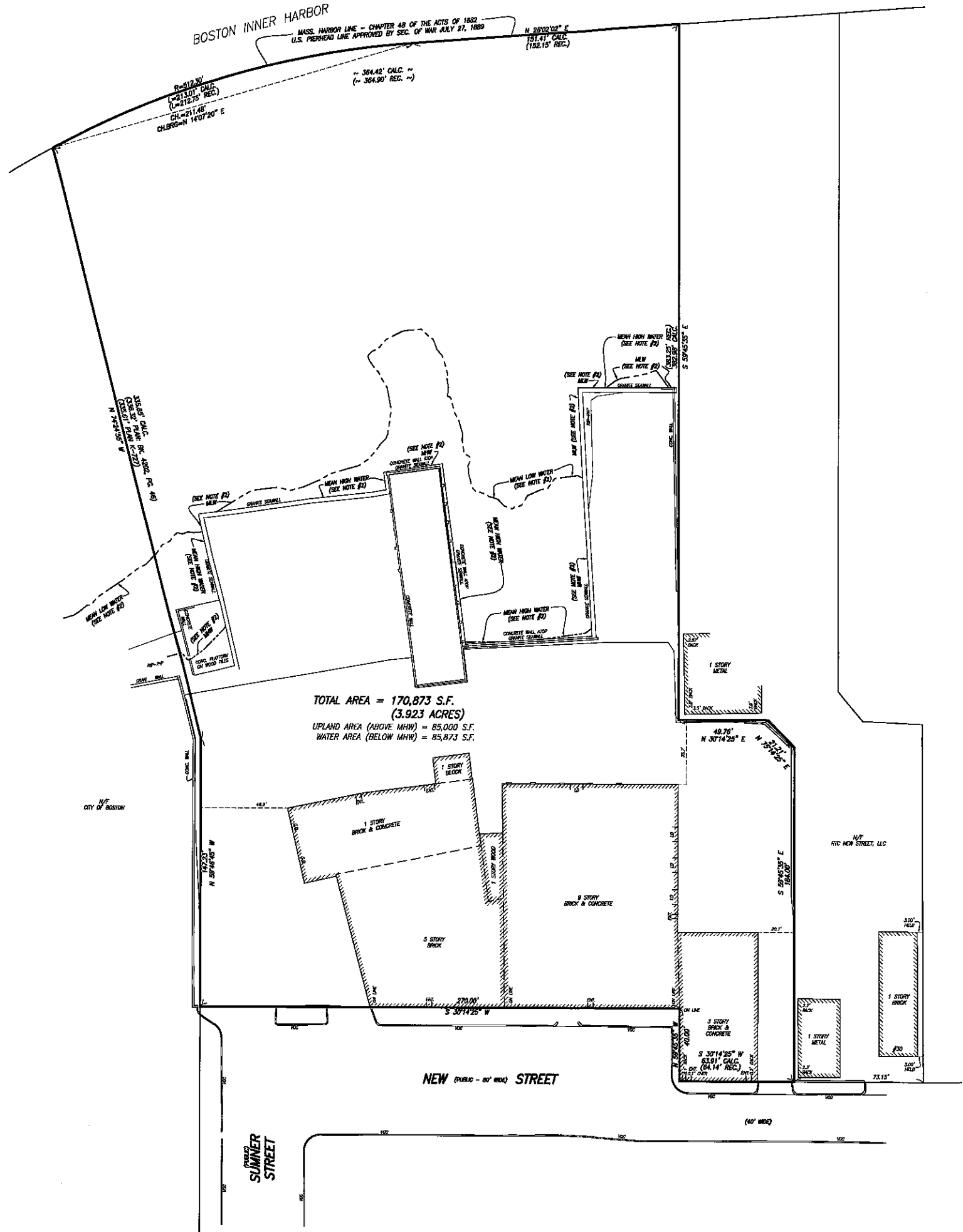
R=512.30'
L=213.07' CALC.
(L=212.10' REC.)
CH=211.48'
CHLBRG=N 140°20' E

~ 384.42' CALC. ~
(~ 364.90' REC. ~)

N 25°02'10" E
151.41' CALC.
(152.15' REC.)

- LEGEND:**
- V.C. VERTICAL GRANITE CURB
 - REC. RECORD
 - CALC. CALCULATED
 - ENT. ENTRANCE
 - G.D. GARAGE DOOR
 - L.D. LANDING DOOR
 - CH. CHISEL
 - CHLBRG. CHISEL BEARING
 - M.H.W. MEAN HIGH WATER
 - M.L.W. MEAN LOW WATER

- REFERENCES:**
- SUFFOLK COUNTY REGISTER OF DEEDS
- DEEDS
- | |
|-----------------------------|
| BOOK 6213, PAGE 589 (LOCUS) |
| 7894, 175 (LOCUS) |
| 8241, 181 (LOCUS) |
| 8791, 493 |
| 21252, 278 |
| 42976, 108 (LOCUS) |
- PLANS
- | |
|--------------------|
| BOOK 4204, PAGE 48 |
| 4501, 25 |
| 5013, 589 |
| 5754, 164 |
| 6136, 101 |
| 8127, 412 |
| 8751, 734 |
- CITY OF BOSTON ENGINEERING DEPARTMENT
PLAN No. R-727



TOTAL AREA = 170,873 S.F.
(3.923 ACRES)
UPLAND AREA (ABOVE M.H.W.) = 85,000 S.F.
WATER AREA (BELOW M.H.W.) = 85,873 S.F.

- NOTES:**
- THIS DOCUMENT IS AN INSTRUMENT OF SERVICE OF HARRY R. FELDMAN, INC. ISSUED TO OUR CLIENT FOR PURPOSES RELATED HERETO AND SOLELY TO HARRY R. FELDMAN, INC.'S SCOPE OF SERVICES UNDER CONTRACT TO OUR CLIENT FOR THIS PROJECT. ANY USE OR REUSE OF THIS DOCUMENT FOR ANY REASON BY ANY PARTY FOR PURPOSES UNRELATED HERETO AND SOLELY TO HARRY R. FELDMAN, INC. SHALL BE AT THE USER'S SOLE AND EXCLUSIVE RISK AND LIABILITY, INCLUDING LIABILITY FOR INDEMNIFICATION OF HARRY R. FELDMAN, INC.
 - MEAN HIGH WATER (ELEVATION 10.78 BOB) AND MEAN LOW WATER (ELEVATION 1.29 BOB), BASED ON THE 1983-2001 TIDAL EPOCH, WERE PLOTTED USING THE SURVEYING SURVEY DATA FROM A PLAN ENTITLED "NEW STREET, BOSTON, MA, HYDROGRAPHIC SURVEY, CONCRETE PLAN, SHEET RESOURCES NUMBER M-01, AND A PLAN ENTITLED "NEW STREET, BOSTON, MA, HYDROGRAPHIC SURVEY, POINT POINT ASSOCIATES, STAMENIST, SHEET RESOURCES NUMBER M-01, BOTH PREPARED BY CALS ENGINEERING CORPORATION AND DATED 07/20/07. THESE PLANS WERE PROVIDED ORIGINALLY BY CALS ENGINEERING CORPORATION AND OVERLAIN ONTO OUR PLAN USING COMMON PHYSICAL FEATURES.

I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY AND THE LATEST RECORD PLANS AND DEEDS.

PLANNED DEVELOPMENT AREA PLAN
6-26 NEW STREET
BOSTON (EAST BOSTON DISTRICT), MASS.
SCALE: 1"=20'
OCTOBER 17, 2008
HARRY R. FELDMAN, INC. LAND SURVEYORS
112 SHAWMUT AVENUE PHONE: (617)357-8740
BOSTON, MASS. 02118 WWW.HARRYR FELDMAN.COM

FELDMAN
Professional Land Surveyors

20 0 20 40 80
GRAPHIC SCALE

REMARKS	DATE	BY	CHECKED	APPROVED	FILE NAME
CHL. MAP	09/08/08	JM	JM	HRF	1001-704.dwg
CHL. MAP	09/08/08	JM	JM	HRF	1001-704.dwg

EXHIBIT B

PLANNED DEVELOPMENT AREA NO. 77

6 – 26 NEW STREET

PLANNED DEVELOPMENT PLANS

PDA Development Plan, 6 – 26 New Street, Site Plan DP-1, dated April 30, 2010

PDA Development Plan, 6 – 26 New Street, Landscape Plan DP-2, dated April 30, 2010

PDA Development Plan, 6 – 26 New Street, Circulation Plan DP-3, dated April 30, 2010.

PDA Development Plan, 6 – 26 New Street, South Elevation, DP-4, undated.

PDA Development Plan, 6 – 26 New Street, East Elevation, DP-5, undated.

EXHIBIT B

PLANNED DEVELOPMENT AREA NO. 77

6 – 26 NEW STREET

PLANNED DEVELOPMENT PLANS

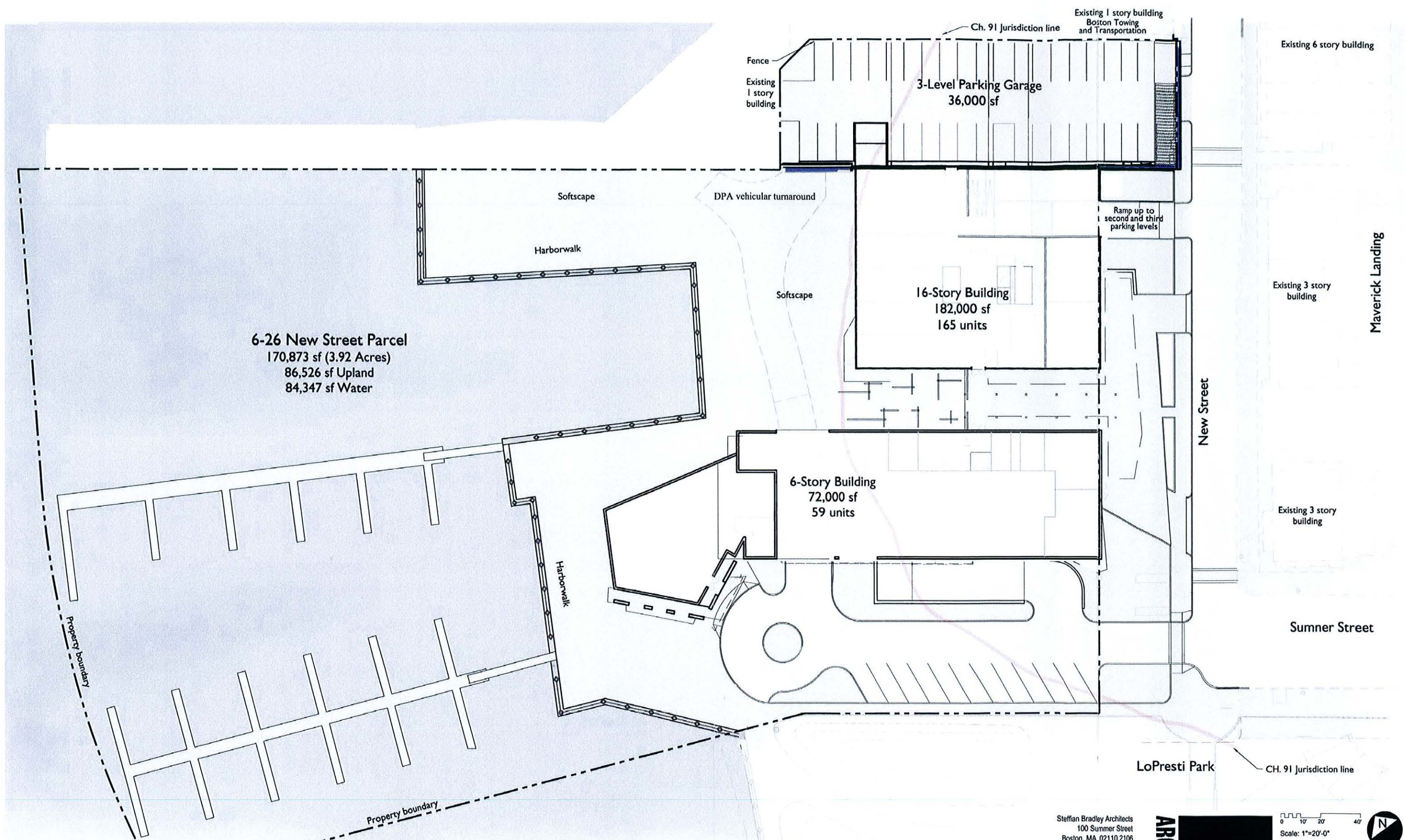
PDA Development Plan, 6 – 26 New Street, Site Plan DP-1, dated April 30, 2010

PDA Development Plan, 6 – 26 New Street, Landscape Plan DP-2, dated April 30, 2010

PDA Development Plan, 6 – 26 New Street, Circulation Plan DP-3, dated April 30, 2010.

PDA Development Plan, 6 – 26 New Street, South Elevation, DP-4, undated.

PDA Development Plan, 6 – 26 New Street, East Elevation, DP-5, undated.



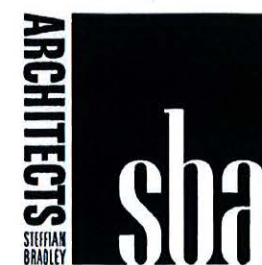
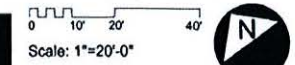
PDA Development Plan

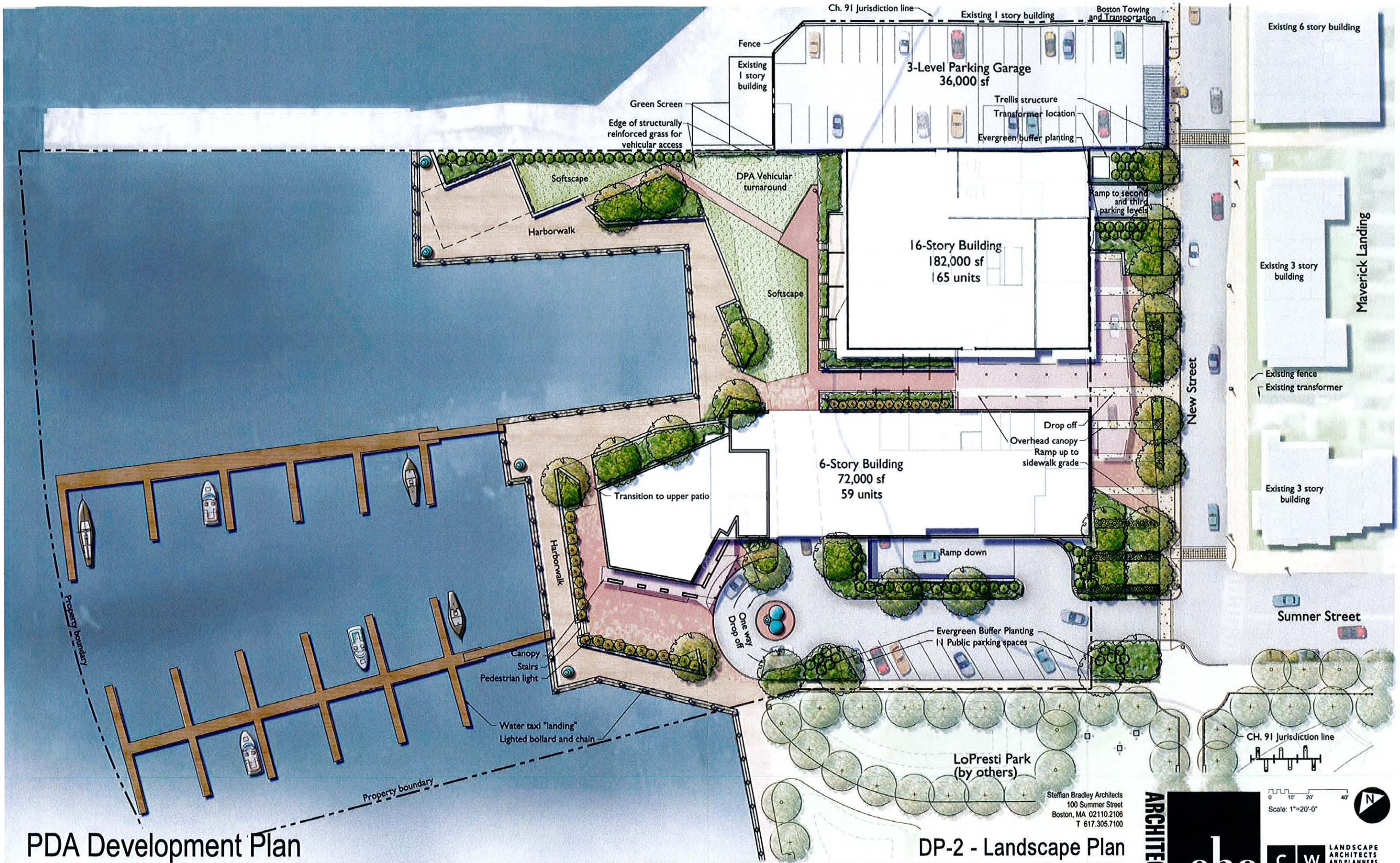
New Street Project

DP-1 - Site Plan

Steffan Bradley Architects
100 Summer Street
Boston, MA 02110.2106
T 617.305.7100

Project Number: 982.000
Scale: 1"=20'
April 30, 2010





PDA Development Plan

New Street Project

DP-2 - Landscape Plan

Steffian Bradley Architects
100 Summer Street
Boston, MA 02110.2106
T 617.305.7100

Project Number: 982.000
Scale: 1"=20'-0"
April 30, 2010

ARCHITECTS
STEFFIAN BRADLEY

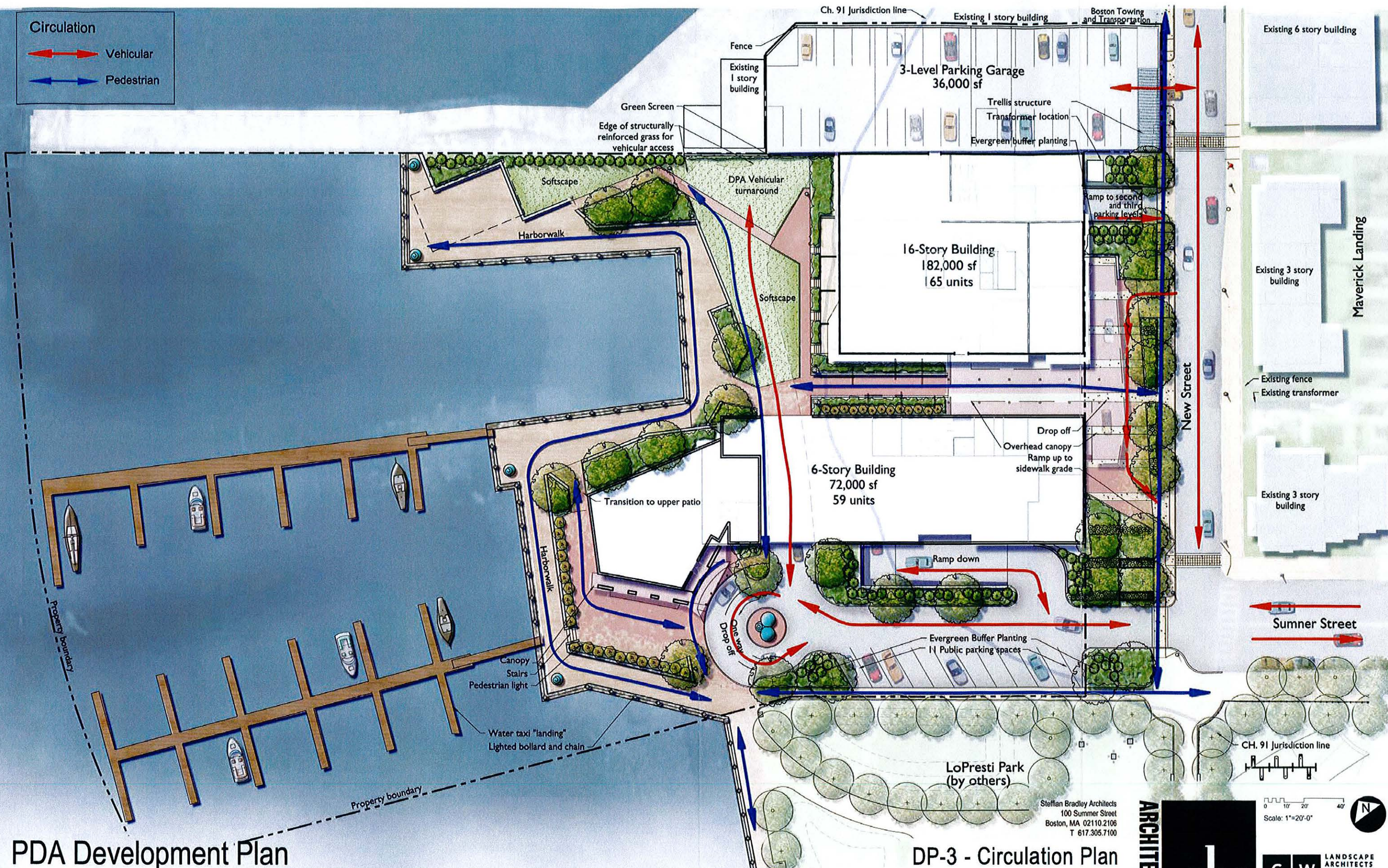
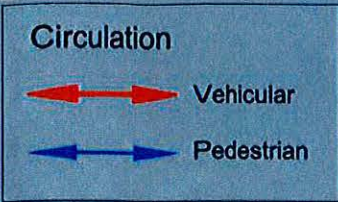
sha

CW
DG

LANDSCAPE ARCHITECTS AND PLANNERS
Copley Wolff Design Group
160 Boylston Street, 3rd floor
Boston, Massachusetts 02116
E 617.854.9000 F 617.854.9002
www.copley-wolff.com

Scale: 1"=20'-0"

CH. 91 Jurisdiction line



PDA Development Plan
New Street Project

DP-3 - Circulation Plan

Steffan Bradley Architects
100 Summer Street
Boston, MA 02110.2106
T 617.305.7100

Project Number: 982.000
Scale: 1"=20'
April 30, 2010

ARCHITECTS

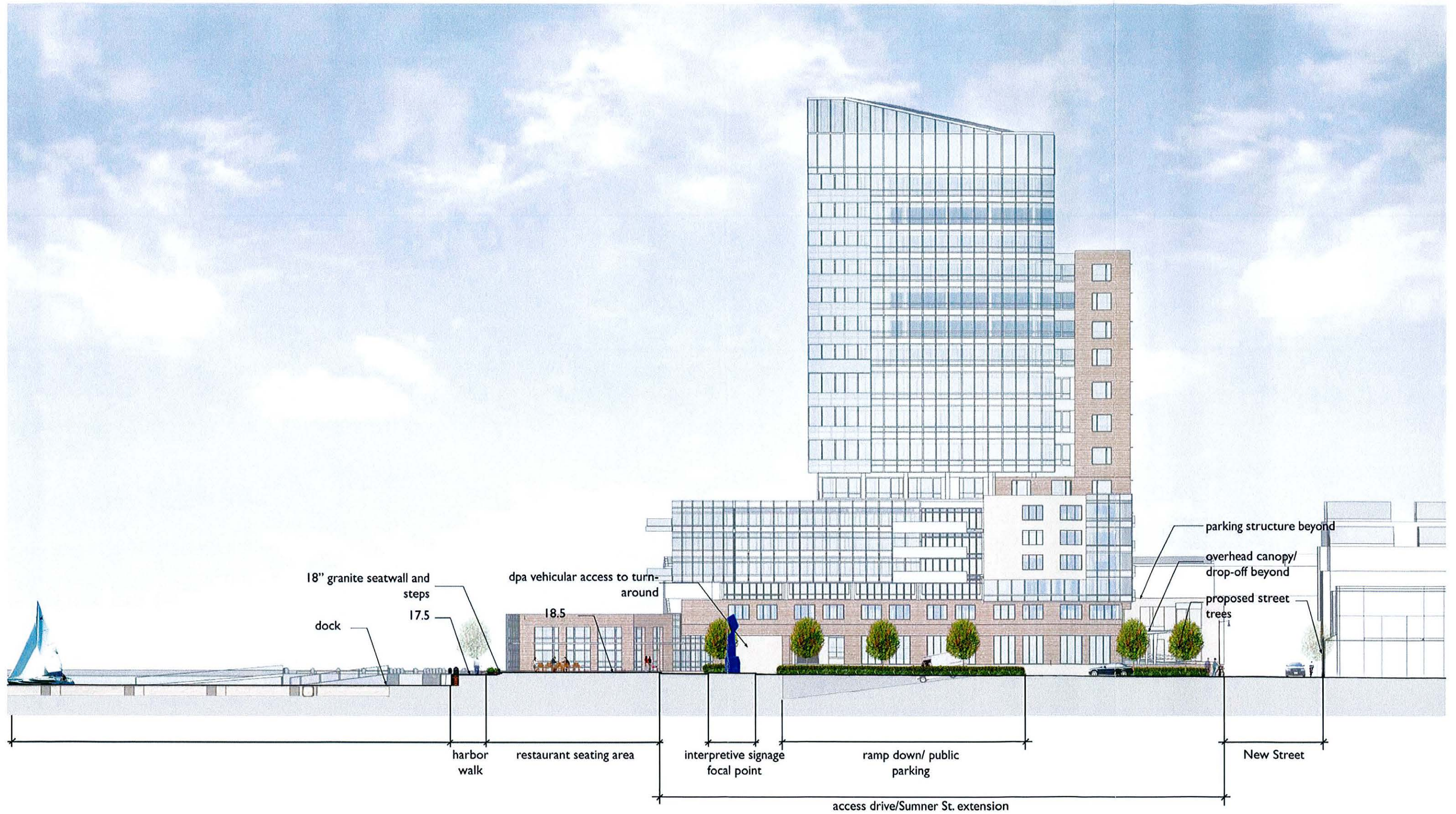
sha

C W
D G

LANDSCAPE ARCHITECTS AND PLANNERS

Copley Wolff Design Group
160 Boylston Street, 3rd floor
Boston, Massachusetts 02116
E 617.454.9000 F 617.454.9002
www.copley-wolff.com

Scale: 1"=20'-0"



PDA Development Plan
New Street Project

DP-4 - South Elevation

Steffian Bradley Architects
100 Summer Street
Boston, MA 02110.2106
T 617.305.7100

Project Number: 982.000

ARCHITECTS

LANDSCAPE ARCHITECTS AND PLANNERS

COPY WOLFF DESIGN GROUP

150 Boylston Street, 3rd floor
Boston, Massachusetts 02116
L 617.454.9000 F 617.454.9002
www.copley-wolff.com



proposed street trees
city of boston lighthouse

overhead canopy

entry drive/
Summer St. extension

crosswalk

exit

raised planter

raised planter

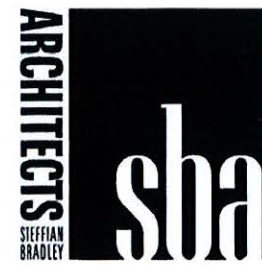
entry

ramp up to second and
third parking levels

entry

drop-off

Steffian Bradley Architects
100 Summer Street
Boston, MA 02110.2106
T 617.305.7100



PDA Development Plan
New Street Project

DP-5 - East Elevation

Project Number: 982.000



Copley Wolff Design Group
160 Boylston Street, 3rd Floor
Boston, Massachusetts 02116
L 617.654.9000 F 617.654.9902
www.copley-wolff.com

EXHIBIT C

PLANNED DEVELOPMENT AREA NO. 77

6 - 26 NEW STREET

LIST OF PERMITTED USES

The following permitted uses as described in Article 53, Table C will be allowed for the PDA Area No. 77 (see Table 1 Permitted Uses).

Table 1: Permitted Uses

Use Item
Automatic teller machine
Art gallery
Studios, art
Bar with live entertainment
Fitness center or gymnasium
Restaurant with live entertainment, operating after 10:30 p.m.
Bed and breakfast
Hotel
Agency or professional office
Multi-family dwelling
Restaurant, Take Out, Large (exceeding 1,000 GFA)
Local retail business
Water terminal - passenger
Dock, slip, pier, wharf anchorage, or moorage for commercial or recreational vessels awaiting servicing, provisioning, off-loading, or delivery.
Use, hire, or charter of any commercial Vessel
Boat and marine motor service and repair or sales and display
Recreational marina, or rack, dry stack, or landside facility for seasonal dry storage of private pleasure craft vessels, if the number of slips and spaces associated with such facility exceeds 20
Accessory parking
And any accessory uses hereto.

FACT SHEET

DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT AREA NO. 77 6 - 26 NEW STREET

Developer: New Street Realty Trust, 45 Dunham Road, Billerica, MA

Development Consultant: Cresset Development, LLC, 120 Water Street, Boston, MA

Architect: Steffian Bradley Architects, Inc., 100 Summer Street, Boston, MA

Planning Consultant: Fort Point Associates, Inc., 33 Union Street, Boston, MA

Legal Counsel: Steven Miller, McDermott Quilty & Miller, 21 Custom House Street, Boston, MA

Site: The Project is located at 6-26 New Street, East Boston between New Street and Boston Harbor and contains approximately 85,000 sf of land, 85,873 sf of water for a total parcel size of 170,873 sf.

Proposed Project: The New Street project (the "Project") includes three main structures: existing 9-story structure with a 7-story addition (total 16 stories) with 165 residential units, which incorporates an existing 9-story structure on the site; a 6-story structure with either 59 residential units or 106 hotel/extended stay rooms with a first floor including a restaurant, parking spaces and residential units and a below grade parking garage; marina, and a 3-level parking garage on the northerly portion of the site.

Proposed Uses: The Project contains multifamily residential, restaurant, parking at, above, and below grade, hotel, marina, public access, and accessory uses.

Proposed Densities: The Development Plan provides for an overall maximum Floor Area Ratio (FAR) of 3.3 (as calculated under the Code) based upon the proposed 278,000 sf of gross floor area and the 85,000 sf lot area.

Height: The proposed buildings include a 16-story residential building, a 3-level parking garage, and a 6-story residential building. The final height of the buildings will be subject to final design and development review by the Authority in accordance with Article 80 of the Code and the East Boston MHP Amendment (as approved by the EOEEA).

Construction Timetable: Construction period of 24 months following final permitting approvals and financing commitment

Development Cost: \$90 million

Benefits: The Project will be consistent with and implement the East Boston community's goals for the site as expressed in the East Boston Master Plan and the East Boston Municipal Harbor Plan (as amended). The project will comply with the Mayor's Executive Order on Inclusionary Development. Throughout the review process by the Boston Redevelopment Authority, community groups and elected officials the Developer has committed to work with all parties to provide affordable housing units. These affordable housing units may be provided on-site, off-site, or by means of a financial contribution or a combination thereof. The Developer will continue with the review process to finalize a project consistent with the East Boston Master Plan with quality affordable housing units. The project will make this long-time inaccessible portion of the waterfront open to the public and connect it to LoPresti Park and the expanding East Boston Harborwalk.

MEMORANDUM

MAY 18, 2010

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

FROM: BRENDA MCKENZIE, DIRECTOR OF ECONOMIC DEVELOPMENT
HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW
DAVID CARLSON, SENIOR ARCHITECT/URBAN DESIGNER
RICHARD MCGUINNESS, DEPUTY DIRECTOR FOR WATERFRONT
PLANNING
CARLOS MONTANEZ, SENIOR PLANNER I
VALERIE GINGRICH, PLANNER II
KRISTIN KARA, SENIOR PROJECT MANAGER

SUBJECT: NEW STREET DEVELOPMENT PROJECT
6-26 NEW STREET, EAST BOSTON WATERFRONT
PUBLIC HEARING TO CONSIDER DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT AREA NO. 77

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority (the "Authority"): (i) approve the Development Plan for Planned Development Area No. 77 in the form attached to this Memorandum; (ii) authorize the Director to petition the Boston Zoning Commission to approve the Development Plan for Planned Development Area No. 77 ("PDA Development Plan") and the accompanying map amendment, in substantial accord with the version presented to the Authority at its hearing on May 18, 2010; (iii) authorize the Director of the Authority to issue a Preliminary Adequacy Determination waiving the requirement of further review pursuant to Section 80B-5.4(iv) of the Boston Zoning Code (the "Code") in connection with the New Street Development project; (iv) authorize the Director of the Authority to issue one or more Certification(s) of Consistency pursuant to Section 80C of the Code; (v) authorize the Director of the Authority to issue one or more Certification(s) of Compliance pursuant to Section 80B-6 upon successful completion of the Article 80 Large Project review process; and (vi) authorize the Director of the Authority to execute and deliver a Cooperation Agreement, a Boston Residents Construction Employment Plan, an Affordable Housing Agreement, a First Source Agreement, a Memorandum of Understanding and any and all other documents, as may be necessary and appropriate.

PROJECT SITE

The New Street Development project is located at 6-26 New Street in East Boston, along the East Boston waterfront, on an approximately 170,873 square-foot site, of which approximately 85,000 square feet is land and approximately 85,873 square feet is watersheet (the "Project Site"), and is proposed by the New Street Realty Trust (the "Developer" or "Proponent"). The Project Site is bound by New Street and Maverick Landing to the east, LoPresti Park to the south, the Boston Inner Harbor to the west, and the Boston Towing and Transportation property to the north. The Project Site includes land under water, filled tidelands and upland that contains four existing concrete buildings, specifically, a one (1), three (3), five (5), and nine (9)-story building, and two (2) wharfs. There are also several piers on the waterside of the Project Site.

The Project Site has historically been used for multiple commercial and industrial purposes. From the early 1900s to the 1950s, the Project Site was primarily used for cold storage. Following the 1950s, until the 1980s, confectionary companies occupied the buildings. Today, the buildings are intermittently used for commercial purposes.

PROPOSED PROJECT

The Developer is proposing a mixed-use development that includes an addition to an existing nine (9)-story building, the construction of a new six (6)-story building, and the construction of a three (3)-level parking structure. In total, the project will include approximately 278,000 gross square feet. Specifically, the existing nine (9)-story structure will be renovated and will include a seven (7)-story addition, totaling sixteen (16) stories with a maximum height of one hundred ninety-nine (199) feet, which will contain approximately one hundred sixty-five (165) residential units. A six (6)-story building with a maximum height of seventy (70) feet will be constructed, replacing the existing one (1)-story, and five (5)-story buildings. The six (6)-story building will either contain approximately fifty-nine (59) residential units, or approximately one hundred and six (106) hotel/extended stay rooms. Depending on the use of the six (6)-story building, up to two hundred twenty-four (224) residential units will be created. The project includes approximately 8,000 square feet of facilities of public accommodation ("FPA") space. Approximately 5,000 square feet of FPA space will be programmed as a restaurant on the ground-level of the six (6)-story building and the balance of the FPA space will be dedicated to public parking. Either use option for the six (6)-story building will include both at grade and a one (1)-level, subsurface parking garage, which will accommodate up to eighty (80) vehicles (stackers would be used to achieve this number of parking spaces). The three (3)-level parking garage will be located on the northern portion of the Project Site and will contain approximately one hundred-thirteen (113) parking spaces, and will replace the existing three (3)-story building. The six (6)-story building will contain two (2) levels of parking, one (1) at-grade and one (1) subsurface level of parking with a total of fifty-one to eighty (51-80) parking spaces, depending on whether parking stackers are utilized. A turn around/drop off area will

be located on the southern portion of the Project Site and will include public parking for approximately eleven (11) vehicles. Depending on whether parking stackers are utilized, the total number of private parking spaces for the project will range from one hundred sixty-four to one hundred ninety-three (164-193) spaces. The maximum amount of parking including public and private parking is two hundred and four (204) spaces (the "Proposed Project").

The northwest portion of the Project Site's watershed is restricted by the Massachusetts Office of Coastal Zone Management ("CZM") as a Designated Port Area ("DPA"). CZM requires that a vehicle access route to the DPA area is provided within the Project Site. Additionally, the Proposed Project includes the creation of approximately five hundred (500) linear feet of new Harborwalk and publicly accessible open space along the water, which will improve public access to the waterfront and provide connections to LoPresti Park to the south. The DPA portion of the watershed will be cleared of existing pile fields. The non-DPA portion of the watershed will include a small, approximately thirty-six (36)-slip, recreational marina, and a docking facility that will serve water taxis and other marine uses.

It is anticipated that the Proposed Project will be phased, beginning with the redevelopment of the nine-story building and the construction of the parking garage. The existing five (5)-story building will be razed and an interim surface parking area will be provided in its place. The Harborwalk will be constructed during Phase I. The water taxi landing is also a component of Phase I.

Phase II involves the construction of the new six (6)-story building, which includes the restaurant. The approximately thirty (36)-slip recreational marina is also a component of Phase II. The final Harborwalk finishes will be part of Phase II.

The Proponent plans to begin the construction of Phase I in approximately the 1st quarter of 2012 with an estimated completion date in approximately the 3rd quarter of 2013. It is anticipated that construction of Phase II will begin once Phase I is complete. It is estimated that Phase II will be completed in approximately twelve to fourteen months. Total Proposed Project costs are projected at approximately \$90,000,000.

PROJECT TEAM

New Street Realty Trust is the Proponent or the Developer. The trustees of the New Street Realty Trust are M. Bruce Ohanian, Varney Hintlian, and LuAnn Ohanian. Ed Nardi and Stephen Peabody of Cresset Development, LLC, are the development consultants; Jamie Fay and Richard Jabba of Fort Point Associates serve as the planning consultants; Peter Steffian and Don Deng of Steffian Bradley Architects are the architects; Paul Lebaron and John Schmid of Nitsch Engineering are the infrastructure consultants; Guy Busa from Howard/Stein-Hudson Associates, Inc. is the

transportation consultant; and Steven Miller from McDermott, Quilty & Miller is the Proposed Project's legal counsel.

BACKGROUND INFORMATION REGARDING EAST BOSTON PLANNING AND ZONING

East Boston Master Plan

In 2000, the Authority completed the East Boston Master Plan ("Plan"). The Plan provides a framework for new growth and development in the community's commercial districts and waterfront area, while preserving and enhancing the quality of life in the community's residential neighborhoods. The intensive one-year planning process involved widespread community participation. In addition to resident involvement, the planning process included extensive coordination among City of Boston departments (Neighborhood Development, Parks and Recreation, Transportation and the Boston Housing Authority). The Plan is organized around four focus areas: Reviving the East Boston Waterfront, Enhancing the Neighborhood's Commercial Centers, Strengthening the Residential Neighborhoods, and Shoring up the Airport Edge. For each focus area, the Plan provides recommendations regarding land use, open space and public environment, historic resources and heritage and transportation and parking. The Plan also provides development guidance and addresses regulatory issues for each focus area.

Issued in conjunction with an Implementation Strategy, the Plan established a set of goals and objectives that reflect the community's desire to maintain East Boston's identity and culture, while allowing for its future development. The Proposed Project complies with the provisions of the Plan by providing much needed housing, critical open space connections, and public access and views through the Project Site.

East Boston Municipal Harbor Plan

To implement many of the provisions of the Plan, the Authority submitted the East Boston Municipal Harbor Plan ("EBMHP") for the East Boston waterfront to the Commonwealth's Executive Office of Environmental Affairs ("EOEA"), Office of Coastal Zone Management ("ZCM"), on March 12, 2002. The MHP is a land use plan prepared by the City under the Commonwealth's statewide licensing regulations for waterfront projects. The document details a harbor plan tailored to the characteristics of the East Boston waterfront and reflects the planning goals of the community. To assist in preparing the MHP, the Authority convened an Advisory Committee that included a broad range of individuals with interest in and knowledge about waterfront issues in East Boston and the City as a whole. The Authority also coordinated the planning process with state agencies, property owners, developers, and interested community residents. On July 15, 2002, the Secretary of EOEA issued a decision approving the MHP.

The EOEAs Secretary's 2002 decision anticipated that portions of the Project Site that are located within Chapter 91 jurisdiction would be included in the scope of a Municipal Harbor Plan amendment to the 2002 EBMHP, following the completion of a boundary review of the DPA along the East Boston waterfront. In the late 1970s, the Commonwealth of Massachusetts placed a DPA restriction on portions of the Project Site, including portions of both the land as well as the watershed. In April 2003, following the DPA boundary review for the Project Site, the Massachusetts Office of CZM removed the DPA designation from the land area of the Project Site, but retained the DPA designation on the northwest portion of the watershed.

Once the DPA boundary review was completed, a process was initiated to amend the EBMHP, which involved the input of the community and an advisory committee through a series of fifteen meetings over the course of eight months. On May 15, 2008, the Authority submitted an Amendment to the EBMP ("EBMHP Amendment") to the EOEAs, specifically to CZM, which addresses site-specific substitutions and offsets for three specific parcels, one of which is the Project Site. On December 17, 2008, the Secretary of EOEAs issued a decision regarding the EBMHP Amendment and approved the proposed substitutions and offsets, which pertain to height and a relocation of Facilities of Public Accommodation, for the Project Site.

Boston Inner Harbor Passenger Water Transportation Plan

In January of 2000, the Authority published the Boston Inner Harbor Passenger Water Transportation Plan ("WTP"), which was updated in April of 2002. The WTP identifies harbor-wide short- and long-term water transportation improvements to ensure that forecasted increases in water transportation usage and associated service needs can be accommodated.

The WTP emphasizes the importance of intermodal transportation. The Proposed Project will advance the goals of the WTP by providing a docking facility that will serve water taxis.

Zoning Amendments

The Secretary of EOEAs requires enforceable implementation commitments such as permanent zoning or Planned Development Areas ("PDAs") to ensure that all measures to offset the effect of any harbor plan requirement less restrictive than the corresponding requirement of the Waterways Regulations will be undertaken in a timely and coordinated manner. PDAs provide a zoning mechanism to (i) implement the Municipal Harbor Plan recommendations and (ii) coordinate the extensive planning and infrastructure improvements that are part of the East Boston Municipal Harbor Planning Area.

In connection with EOEEA's aforementioned requirement, on August 12, 2008, the Authority Board approved a text amendment to the East Boston Neighborhood District Article 53 of the Code allowing PDAs within the Waterfront Commercial ("WC") Subdistricts and approved a map amendment to Map 3A/3B, East Boston Neighborhood District that amends said map to indicate with a distinctive line under the WC Subdistricts designations to show that these subdistricts are a PDA permitted area and authorized the Authority Director to petition the Boston Zoning Commission to approve the text and map amendment. On November 5, 2008, the Boston Zoning Commission approved the text and map amendment, which became effective on November 6, 2008.

The text amendment to Article 53 of the Code allows PDAs within WC Subdistricts; the Proposed PDAs within the WC Subdistricts must be consistent with an approved Municipal Harbor Plan, as is the case with the Proposed Project. The public benefits identified in Municipal Harbor Plans, including Harborwalk, water transportation improvements, watershed activation, public open space, civic space, street and sidewalk improvements, housing and a mix of uses to create a vibrant waterfront district, can be implemented through the PDA process.

ZONING

The Project Site is located within the New Street WC Subdistrict of the East Boston Neighborhood District established under Article 53 of the Code. As described in the previous section, Article 53 of the Code allows the establishment of PDAs within WC Subdistricts. The PDA Development Plan complies with the public benefits criteria as set forth in Section 53-49 of the Code because the Proposed Project will create new housing opportunities and substantial new waterfront amenities, including approximately 500 feet of Harborwalk, public access to the waterfront, significant open space and will extend the existing Sumner Street view corridor. The proposed PDA Development Plan for the Project Site would constitute permanent zoning for the Project Site.

ARTICLE 80 REVIEW

On September 14, 2006, in accordance with the Authority's policy on mitigation as outlined in Mayor Thomas M. Menino's Executive Order Relative to the Provision of Mitigation by Development Projects in Boston, the Proponent submitted a Letter of Intent for the Proposed Project.

On September 15, 2006, letters soliciting Impact Advisory Group ("IAG") nominations for the Proposed Project were delivered to City Councilor Salvatore LaMattina, former State Senator Robert Travaglini, and the former State Representative Anthony Petrucci, who is now the State Senator for the District. Additional letters seeking

recommendations were delivered to the Office of Neighborhood Services and the City Councilors At-Large.

The letters sought nominations or recommendations to the IAG by September 22, 2006. City Councilor Salvatore LaMattina responded with a total of two (2) nominations. The Office of Neighborhood Services responded with a total of two (2) nominations. The Authority nominated four (4) people. On October 26, 2006, former State Senator Robert Travaglini, former State Representative Anthony Petruccelli, who is now the State Senator, and the four City Councilors At-Large declined the opportunity to make nominations. Following the election for the 1st Suffolk District State Representative seat, IAG nominations were sought from State Representative Carlo Basile. State Representative Carlo Basile nominated two (2) people to serve on the IAG.

Nine (9) individuals were appointed to the IAG and have participated in advising Authority staff on the determination and consideration of impacts and appropriate mitigation regarding the Proposed Project. The following list includes the names of the IAG members:

Pram Ekaputra
Kristin Langone
Rose Marie Martorana
Robert Pyles
Stephanie Richardson
Fran Rowan
Ian Shields
Bob Strelitz
John Vitagliano

On September 17, 2007, the Proponent filed a Project Notification Form ("PNF"), which initiated a 30-day public comment period with a closing date of October 17, 2007. Notice of the receipt by the Authority of the PNF was published in the *Boston Herald* on September 17, 2007. The Notice and the PNF were sent to the City's public agencies, as well as to the IAG members, pursuant to Section 80A-2 of the Boston Zoning Code (the "Code").

On October 1, 2007, the Authority hosted a publically-advertised community meeting regarding the PNF at the Maverick Landing Community Center, located at 31 Liverpool Street in East Boston.

Pursuant to Section 80B-5.3 of the Code, a Scoping Session was held on October 2, 2007, with the City's public agencies where the Proposed Project was reviewed and discussed. Members of the IAG were also invited to attend the scoping session.

The Authority issued a Scoping Determination, pursuant to Section 80B-5 of the Code, on March 21, 2008.

On May 13, 2008, the Authority hosted an IAG meeting at the Maverick Landing Community Center at which time the Proponent described the changes and details of the Proposed Project since the submission of the PNF.

In response to the Scoping Determination, the Developer filed a Draft Project Impact Report ("DPIR") for the Proposed Project on June 16, 2008, which initiated a 60-day public comment period with a closing date of August 18, 2008. Notice of the receipt by the Authority of the DPIR was published in the Boston Herald on June 18, 2008. The DPIR was sent to the City's public agencies pursuant to Section 80A-2 of the Code. The IAG members also received a copy of the DPIR.

On June 26, 2008, the Authority hosted a publically-advertised community meeting regarding the DPIR at the Maverick Landing Community Center. An agency review meeting regarding the DPIR was held on July 10, 2008. The IAG members were also invited to attend the DPIR agency review meeting.

Pursuant to Section 3-1A and Article 80C of the Code, the Developer filed a PDA Development Plan on March 30, 2010, which initiated a 45-day comment period with a closing date of May 14, 2010. Notice of the receipt by the Authority of the PDA Plan was published in the Boston Herald on April 1, 2010. The Notice and the PDA Plan were sent to the City's public agencies, as well as to the IAG members, pursuant to Section 80A-2 of Code.

The Proposed Project was submitted to the Boston Civic Design Commission (the "BCDC") for determination of scope and initial review October 2, 2007. BCDC Review, as established by Article 28 of the Code, is part of the Article 80 Project and Plan review processes. At the October 7, 2007 meeting, the commissioners voted to send the Proposed Project to the BCDC Design Sub-committee for further review.

The Proposed Project was presented to the BCDC Design Sub-committee on November 13, 2007, August 12, 2008 and June 30, 2009. The Proposed Project was approved by the BCDC on July 7, 2009.

The Proponent submitted an Article 85 application to the Boston Landmarks Commission ("BLC") on March 25, 2008. On April 22, 2008, the BLC declined to invoke the 90-day demolition delay. The BLC did not find the existing one, three, or five-story building significant pursuant to the definition of significance. No further review is required under Article 85.

The Project Site is located within 100 feet of LoPresti Park. Per Section 7-4.10 of the City of Boston Municipal Code, a Proponent must receive permission from the Parks and

Recreation Commission to erect or alter a building within 100 feet from a park or parkway in the City of Boston. Therefore, the Proponent will appear before the Parks and Recreation Commission regarding the Proposed Project.

The Proponent is currently working with the Boston Transportation Department to develop a Construction Management Plan and a Transportation Access Plan Agreement.

AFFORDABLE HOUSING

In accordance with the Inclusionary Development Policy, as amended through September 27, 2007, effective October 3, 2007, (as so amended, the "IDP"), the development of the Project Proposed will require the creation of an amount of affordable housing units equal to fifteen percent (15%) of the market-rate housing units included in the Proposed Project. These affordable housing units may be provided on-site, off-site or by means of a financial contribution or a combination thereof.

Accordingly, in compliance with the IDP, the Proponent is proposing an off-site affordable housing option, which would locate the Proposed Project's affordable housing units off-site (the "Off-Site Affordable Units") in the East Boston neighborhood. The Off-Site Affordable Units will undergo Small Project Review, pursuant to Article 80E of the Code, and will be subject to BRA Board approval.

Phase I of the Proposed Project includes up to one hundred sixty-five (165) residential units, requiring twenty-five (25) affordable housing units. Phase II will include either up to fifty-nine (59) residential units or approximately one hundred and six (106) hotel/extended stay rooms. If Phase II includes the fifty-nine (59) residential units, nine (9) affordable housing units would be required to comply with the IDP. If both phases include residential use, a total of thirty-four (34) affordable housing units would be required.

The Proponent will enter into an Affordable Housing Agreement and Restriction with the Authority concerning the Off-Site Affordable Units. The Proponent has agreed to submit a Marketing Plan (the "Plan") to the Boston Fair Housing Commission and the Authority for the Off-Site Affordable Units, which shall be approved prior to the execution of the Affordable Housing Agreement. The Off-Site Affordable Units will not be marketed prior to the submission and approval of the Plan. A deed restriction will be placed on the Off-Site Affordable Units to maintain affordability for a period of fifty (50) years (thirty years plus an Authority twenty-year extension option). Any subsequent purchaser of an On-Site Affordable Unit during this fifty (50) year period must fall within the applicable income limit for each Affordable Unit.

The Certificate of Occupancy for the Off-Site Affordable Units must be issued prior to or commensurate with the issuance of the Certificate of Occupancy for the Proposed Project. All required documents, including the Affordable Housing Agreement, for the

Proposed Project must be executed prior to the issuance of the Certification of Compliance and the Consistency for the Proposed Project.

PUBLIC BENEFITS

The Proposed Project will bring a number of substantial benefits to the City of Boston and the East Boston neighborhood, which will contribute to the economic vitality of the City and the development of the East Boston waterfront. Specifically, the Proposed Project will provide the following public benefits:

- The investment of approximately \$90,000,000 in the redevelopment and revitalization of an underutilized 3.923 acre site along the East Boston waterfront, which has not been accessible to the public;
- The creation of new public access to and along the water, enhancing the East Boston waterfront's public realm with 32,345 square feet of public open space;
- The creation of approximately five hundred (500) linear feet of new Harborwalk, which will improve public access to the waterfront and provide connections to LoPresti Park to the south and Border Street to north;
- The extension of the Sumner Street view corridor from Sumner Street, along the southern boundary of the Project Site, to the water;
- Support water transportation with a docking facility to serve water taxis and other marine uses;
- A small, approximately thirty-six (36)-slip, recreational marina, in the non-DPA portion of the watersheet;
- The removal of existing pile fields from the watersheet;
- Provision of a permanent vehicle access route from Sumner Street to the DPA, which will be provided through a 14-foot high passageway through the six-story building;
- Improvements to the streetscape by substantially improving a portion of New Street at the intersection of Sumner Street along the Project Site by regularizing the street width to City standards;
- The installation of historic interpretive elements and exhibits, showcasing the Project Site's rich history;
- The creation of up to two hundred twenty-four (224) housing units, which will add to the City's housing stock;
- The creation of approximately two hundred (200) full- and part-time jobs during construction and approximately forty (40) permanent full- and part-time jobs after construction is complete, with a goal of employing at least fifty percent (50%) Boston residents, twenty-five percent (25%) minorities and ten percent (10%) women;
- The generation of approximately \$750,000 in new annual tax revenue to the City of Boston;
- A contribution of \$25,000 towards the redesign of LoPresti Park; and

- Sustainable development concepts will be incorporated into the design of each element of the Proposed Project.

RECOMMENDATION

It is the staff recommendation that the Authority (1) approve the Development Plan for Planned Development Area No. 77 in the form attached to this memorandum; (2) authorize the Director to petition the Boston Zoning Commission to approve the Development Plan for Planned Development Area No. 77 and the accompanying map amendment, in substantial accord with the version presented to the Authority at its hearing on May 18, 2010; (3) authorize the Director to issue a Preliminary Adequacy Determination waiving the requirement of further review for the Proposed Project; (4) authorize the Director to issue one or more Certification(s) of Consistency pursuant to Section 80C-8 of the Code; (5) authorize the Director to issue one or more Certification(s) of Compliance pursuant to 80B-6 of the Code; (6) authorize the Director to execute and deliver a Cooperation Agreement, a Boston Residents Construction Employment Plan, an Affordable Housing Agreement, a First Source Agreement, a Memorandum of Understanding and any and all other agreements deemed appropriate and necessary.

Appropriate votes follow:

VOTED: That, in connection with the Development Plan for Planned Development Area No. 77 (the "PDA Development Plan") presented at a public hearing duly held at the offices of the Boston Redevelopment Authority (the "Authority") on May 18, 2010, and after consideration of evidence presented at the hearing and in connection with the Proposed Project described in the PDA Development Plan, the Authority finds with respect to the PDA Development Plan that (a) the PDA Development Plan will not be in a location for which Planned Development Areas are forbidden by the underlying zoning; (b) the Proposed Project in the PDA Development Plan 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 Development Plan complies with any provisions of the underlying zoning that establish planning and development criteria, including public benefits, for Planned Development Areas; (d) the PDA Development Plan 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 Development Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens; and (f) the PDA Development Plan adequately and sufficiently complies with Boston Zoning Code (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 the Authority hereby approves the PDA Development Plan in the form presented to the Authority at its hearing on May 18, 2010, and authorizes the Director to petition the Boston Zoning Commission to approve the Development Plan for Planned Development Area No. 77, New Street Development, in substantial accord with the Development Plan presented to the Authority at its hearing on May 18, 2010 and in substantial accord with the accompanying map amendment submitted at said hearing; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue a Preliminary Adequacy Determination pursuant to Section 80B-5.4(c)(iv) of the Code waiving the requirement to file and review a Final Project Impact Report for the New Street Development project located at 6-26 New Street (the "Proposed Project"), and proposed by the New Street Realty Trust which Preliminary Adequacy Determination shall provide that the Project Notification From and Draft Project Impact Report: (i) adequately describe the impacts from the Proposed Project, subject to further Authority design review, and (ii) include any conditions necessary for the mitigation of such impacts; and

FURTHER

VOTED: That the Director be, and hereby is, authorized, upon completion of continuing Authority design review, and following Boston Zoning Commission approval of the Development Plan for Planned Development Area No. 77, New Street Development, to issue one or more Certification(s) of Consistency pursuant to Section 80C-8 of the Code, upon finding that the standards set forth in the Code section have been met; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue one or more Certification(s) of Compliance pursuant to Section 80B-6 of the Code for the Proposed Project upon the successful completion of the Article 80B Large Project review process; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute all agreements and any and all other documents deemed necessary and appropriate by the Director in connection with the foregoing, including, without limitation, a Cooperation Agreement, an Affordable Housing Agreement, a Boston Residents Construction Employment Plan, a First Source Agreement and a Memorandum of Understanding, amendments to any existing agreements relating to the Proposed Project, subject to such terms and conditions as the Director deems to be in the best interest of the Authority, and to take such other actions deemed necessary and appropriate by the Director in connection with the foregoing.

Map Amendment Application No. 583
Boston Redevelopment Authority
Planned Development Area No. 77
Map 3A/3B, East Boston Neighborhood
District

MAP AMENDMENT NO. 518

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

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 Development Plan for Planned Development Area No. 77, New Street Development, and amends "Map 3A/3B, East Boston Neighborhood District", of the series of maps entitled "Zoning Districts City of Boston," dated August 15, 1962, as amended, as follows:

1. By adding the suffix "D", indicating a Planned Development Area overlay district, to approximately 170,873 square feet (approximately 3.923 acres) of area, in East Boston, as described in Exhibit A hereto and shown on Exhibit B hereto.

EXHIBIT A

PLANNED DEVELOPMENT AREA NO. 77

6 - 26 NEW STREET

LEGAL DESCRIPTION

A certain parcel of land situated in the City of Boston, East Boston District, Suffolk County, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at the intersection of the southerly sideline of Sumner Street and the westerly sideline of New Street;

Thence running N 59°46'45" W by land now or formerly of the City of Boston, a distance of 147.23 feet;

Thence turning and running N 74°24'55" W by land now or formerly of the City of Boston, a distance of 335.85 to the Massachusetts Harbor Line, Chapter 48 of the Acts of 1882, said line is also the United States Pierhead Line approved by the Secretary of War on July 27, 1889;

Thence turning and running northeasterly along the said Harbor Line and Pierhead Line along a curve to the right having a radius of 512.30 feet, a distance of 213.01 feet (chord bearing N 14°07'20" E, chord distance 211.48 feet) to a point of tangency;

Thence running N 26°02'02" E along the said Harbor Line and Pierhead Line, a distance of 151.41 feet;

Thence turning and running S 59°45'35" E by land now or formerly of RTC New Street, LLC, a distance of 382.98 feet;

Thence turning and running N 30°14'25" E by land now or formerly of said RTC New Street, LLC, a distance of 49.76 feet;

Thence turning and running N 75°14'25" E by land now or formerly of said RTC New Street, LLC, a distance of 21.21 feet;

Thence turning and running S 59°45'35" E by land now or formerly of said RTC New Street, LLC, a distance of 184.00 feet to the westerly sideline of New Street;

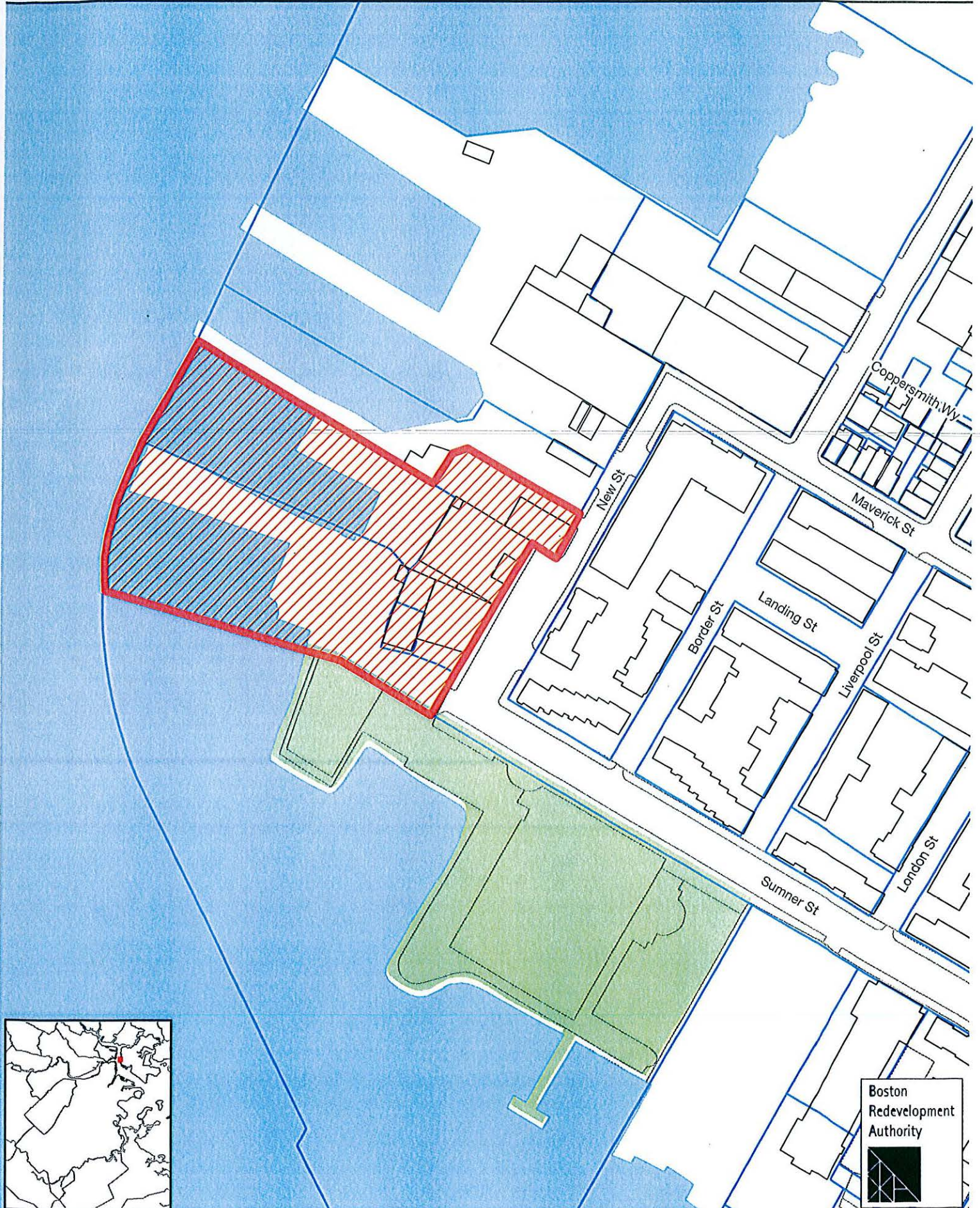
Thence turning and running S 30°14'25" W along the said westerly sideline of New Street, a distance of 63.91 feet;

Thence turning and running N 59°45'35" W along the said westerly sideline of New Street, a distance of 40.00 feet;

Thence turning and running S 30°14'25" W along the said westerly sideline of New Street, a distance of 270.00 feet to the point of beginning;

Containing an area of 170,873 square feet or 3.923 acres as shown on a plan entitled "Planned Development Area Plan, 6 – 26 New Street, East Boston District, Boston, Massachusetts" prepared by Harry R. Feldman, Inc. dated October 17, 2008.

New Street Development, PDA Development Plan Area No. 77 1:2,000



Chairman

James C Clark

Vice Chairman

W. B. Han
Mary P. Turney

Jim Stratton
Jay Huley
James Bray

In Zoning Commission

Adopted: June 16, 2010

Attest:

[Signature]

Secretary

Development Plan for Planned Development Area No. 77, 6-26 New Street, East Boston

Chairman

James C. Clark

Vice Chairman

Jane Egan Boerj

Gay Hurley

Will Hatton

Dee Bray

Mary F. Cherry

[Signature]

In Zoning Commission

Adopted: June 16, 2010

Attest:

[Signature]

Secretary

Development Plan for Planned Development Area No. 77, 6-26 New Street, East Boston



Mayor, City of Boston

Date: 6-16-10

The foregoing Development Plan, was presented to the Mayor on JUNE 16, 2010, and was signed by him on JUNE 16, 2010, whereupon it became effective on JUNE 16, 2010, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:



Secretary to the Zoning Commission