

MEMORANDUM

OCTOBER 17, 2013

**TO:** BOSTON REDEVELOPMENT AUTHORITY AND  
PETER MEADE, DIRECTOR

**FROM:** KAIROS SHEN, CHIEF PLANNER  
HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT  
REVIEW  
MICHAEL CANNIZZO, SENIOR ARCHITECT/URBAN DESIGNER  
DAVID CARLSON, EXECUTIVE DIRECTOR BCDC/SENIOR  
ARCHITECT  
CASEY HINES, PROJECT MANAGER

**SUBJECT:** PUBLIC HEARING TO CONSIDER THE DEVELOPMENT PLAN FOR  
PLANNED DEVELOPMENT AREA NO. 95, 80 EAST BERKELEY  
STREET, SOUTH END, BOSTON, AND TO CONSIDER THE 80 EAST  
BERKELEY STREET PROJECT AS A DEVELOPMENT IMPACT PROJECT

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority (the "BRA" or "Authority"): (1) approve the Development Plan for Planned Development Area No. 95, 80 East Berkeley Street, South End, Boston, Massachusetts (the "PDA Plan"), which is proposed by The Druker Company, Ltd (the "Proponent") pursuant to Section 80-C of the Boston Zoning Code (the "Code") and the associated Map Amendment; (2) authorize the Director of the Authority to petition the Boston Zoning Commission to approve the PDA Plan pursuant to Section 3-1A.a and 80C-6 of the Code and the associated Map Amendment to Map 1P, South End Neighborhood District; (3) approve the 80 East Berkeley Street Project (the "Proposed Project") as a Development Impact Project within the meaning of Section 80B-7 of the Code; (4) authorize the Director of the Authority to issue a Scoping Determination waiving further review pursuant to Section 80B-5.3(d) of the Code; (5) authorize the Director of the Authority to issue a Certification of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code, upon successful completion of Article 80 Large Project Review; (6) authorize the Director of the Authority to issue a Certification of Consistency for the Proposed Project pursuant to Section 80C-8 of the Code, upon successful completion of Article 80 Planned Development Area Review; (7) approve and adopt certain Minor Modifications to the South End Urban Renewal Plan Project No. R-56 with respect to Parcel 3 of the South End Urban Renewal Project Area ("Parcel 3"); (8) authorize the Director to enter into an Amended and Restated Land Disposition Agreement with respect to a portion of Parcel 3; and (9) authorize the Director of the Authority to take any and all

actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the foregoing, including, without limitation, executing and delivering Development Impact Project Agreements, Boston Residents Construction Employment Plans, Cooperation Agreements, and any and all other documents as may be deemed necessary and appropriate by the Director.

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## **PROJECT SITE**

The 80 East Berkeley Street project will be located on an approximately 47,360 square foot (1.09 acre) site in the South End Neighborhood of Boston (the “Project Site”). The Project Site, at 80 East Berkeley Street, is bounded by Shawmut Avenue on the west, East Berkeley Street on the south, and Washington Street on the east; two buildings- a seven-story residential building (Waterford Place) and a one-story Massachusetts Bay Transportation Authority (“MBTA”) substation building- are located just north of the northern edge of the Project Site.

Presently, the eastern portion of the Project Site fronting on Washington Street and East Berkeley Street contains an auto repair facility, and the western portion of the Project Site fronting on Shawmut Avenue and East Berkeley Street is used as a surface parking lot. The auto repair facility is paved and has a small, one-story building with approximately 31 accessory parking spaces. The public parking lot contains 89 parking spaces and an attendant’s booth and is otherwise undeveloped.

## **DESCRIPTION AND PROGRAM**

The Druker Company Ltd. (the “Proponent”) proposes to demolish the existing improvements on the Project Site and to construct up to 308,000 square foot mixed-use building which will include approximately 18,000 square feet of ground floor, retail, local service and/or restaurant uses, expanding upon the South End retail streetscape, ten floors containing a total of approximately 290,000 square feet of office and related uses, and two levels of below-grade parking for approximately 200 vehicles, approximately 80 net new spaces. The new building will be up to 150 feet in height. Along the northern edge of the Project Site will be a landscaped, pedestrian-friendly accessway connecting Shawmut Avenue and Washington Street (collectively, the “Proposed Project”).

The Project Site is located within the boundaries of the Harrison-Albany Corridor Strategic Plan (the “Strategic Plan”), which was published by the Boston Redevelopment Authority (“BRA” or the “Authority”) in June of 2012. The Proposed Project will be located in the New York Streets sub-area and will be consistent with the goals stated in the Strategic Plan by achieving the following:

- Transforming an underutilized parcel into a vibrant mixed use development, including “18 hour” office and retail and/or restaurant uses;
- Creating a landscaped, pedestrian-friendly accessway connecting Shawmut Avenue and Washington Street;
- Enhancing and promoting the growing South End streetscape with activated storefronts and office entrances;
- Introducing high-quality architecture and diverse architecture styles to provide a transformative effect for the neighborhood; and
- Promoting the use of alternative modes of transportation and minimizing parking on site, while providing bicycle racks and amenities.

## **ZONING**

The Proposed Project has been designed to be consistent with the applicable requirements for Planned Development Areas (“PDAs”) under recent amendments to Article 64 of the Code. Under Section 64-29, approved PDA Development Plans must (1) provide not less than 5% of the Gross Floor Area above what is allowed as-of-right for use by an existing or start-up business or as non-profit Affordable Cultural Space (or provide a combination of such dedicated space and a contribution to the Harrison/Albany Corridor Business and Cultural Loan Fund); and (2) limit the development footprint of projects to 80% of the project’s lot and require that the remaining 20% be designed and built to ensure public access or to enhance the public realm. The Proponent intends to adhere to these requirements.

Article 64 of the Code provides that projects located within Area 1 of the EDA North, such as this Proposed Project, developed pursuant to an approved PDA Development Plan may have a building height of up to 150 feet and a maximum Floor Area Ratio of up to 6.5. The Proposed Project has been designed to be consistent with these PDA requirements. The Proposed Project will require an amendment to “Map 1P, South End Neighborhood District,” of the series of maps entitled, “Zoning District City of Boston,” dated August 15, 1962, as amended, by adding the designation “D”, indicating a Planned Development Area overlay district of approximately 47,360 square feet (1.09 acres) of land corresponding to the Project Site.

## **ARTICLE 80 REVIEW**

The Proposed Project is subject to Large Project Review under Article 80 of the Code. Formal Article 80 Review began when the Expanded Project Notification Form (“PNF”) was submitted to the Authority on August 8, 2013. The public comment period, which was extended by the Proponent, ended on September 30, 2013. Two meetings were held with the Impact Advisory Group (“IAG”) on August 21, 2013 and September 25,

2013. A BRA sponsored public meeting was held on August 21, 2013 at the Calderwood Pavilion at The Boston Center for the Arts.

In addition, the Proposed Project was presented at the Washington Gateway Main Streets Design Committee Meeting, the Castle Square Tenants Organization Board Meeting, the Waterford Place Residents Meeting, and the Old Dover Neighborhood Association Meeting. The Proponent submitted the PDA Plan for the Proposed Project on August 23, 2013 and the comment period for the PDA Plan ended on October 7, 2013.

### **BOSTON CIVIC DESIGN COMMISSION REVIEW**

The Proposed Project comes under the jurisdiction of the Boston Civic Design Commission ("BCDC") pursuant to Article 28 of the Code. The Proposed Project was approved by BCDC after being presented on September 3, 2013, September 10, 2013 (subcommittee), and October 1, 2013.

### **PUBLIC BENEFITS**

The Proposed Project will provide a number of public benefits to the City of Boston, such as improving retail vitality, enhancing the public realm, and providing contemporary office space in a highly visible and easily accessible location, with multiple transportation choices. The surrounding area will be enhanced by the urban design features and the architectural character provided by the Proposed Project- a new signature building which is sensitive to its neighbors and replaces an auto repair building and surface parking lot.

In addition, the Proponent will contribute \$25,000 to each of the following groups:

1. Friends of Peters Park, Inc.;
2. Berkeley Community Garden, c/o Boston Natural Areas Network, Inc. as agent; and
3. Inquilinos Boricuas En Accion, Inc.

The Proponent will contribute such funds to the Authority concurrently with applying for a building permit and the Authority will grant the funds to the above organizations.

The Proposed Project will also contribute \$45,000 toward the re-design of Washington Street, between Herald and East Berkeley Streets, as a two-way street. The Proponent has already contributed \$5,000 of this amount in professional services toward such redesign. Such additional contribution of \$40,000 shall be made to the Authority concurrently with applying for a building permit for the Proposed Project and the Authority shall commit such funds toward such redesign.

## **DEVELOPMENT IMPACT PROJECT EXACTION**

The Proposed Project includes an estimated 308,000 square feet dedicated to Development Impact Uses. Therefore, the Proposed Project will provide estimated linkage funds of \$1,636,960 for the Housing Exaction and \$326,560 for the Jobs Exaction pursuant to the provisions of Article 80, Section 80B-7 of the Code. The estimated linkage payments are calculated as follows:

### Housing Linkage

DIP Uses	308,000 square feet
Exclusions	<u>(100,000)</u>
	208,000
	<u>x \$7.87/square feet</u>
	\$ 1,636,960

### Jobs Linkage

DIP Uses	308,000 square feet
Exclusions	<u>(100,000)</u>
	208,000
	<u>x \$1.57/square feet</u>
	\$ 326,560

## **SOUTH END URBAN RENEWAL AREA**

The Project Site is located on a portion of Parcel 3 within the South End Urban Renewal Area, Project No. R-56. In order to facilitate the development of the Proposed Project, the Authority will need to make a minor modification to Parcel 3 within the South End Urban Renewal Plan in order to allow for the Proposed Project. The minor modifications for Parcel 3 includes minor changes to the permitted uses, the height and building type, set-back, signs, off-site parking, off-street loading, development and design review as listed in the South End Urban Renewal Plan. City Council received notice of the proposed minor modification for Parcel 3 on September 16, 2013. Further, Parcel 3 is affected by a Land Disposition Agreement between the Authority and City Redevelopment Corporation, a Massachusetts corporation dated April 15, 1966, recorded with the Suffolk County Registry of Deeds (the "Registry") in Book 8066, Page 97 and filed with the Suffolk County Registry District of the Land Court (the "Land Court") as Document No. 278972 (the "Original LDA"). The Authority shall enter into an Amended and Restated Land Disposition Agreement (to be recorded with the Registry and filed with the Land Court) which shall allow for the Proposed Project and replace the Original LDA with respect to the Project Site, which is a portion of Parcel 3 in the South End Urban Renewal Area, Project No. R-56.

## **RECOMMENDATION**

Based on the foregoing, staff recommends that the Authority: (1) approve the PDA Plan in accordance with Article 80C of the Code and the associated Map Amendment to Map 1P, South End Neighborhood District; (2) authorize the Director of the Authority (the "Director") to petition the Boston Zoning Commission to approve the PDA Plan pursuant to Section 3-1A.a and 80C-6 of the Code and the associated Map Amendment to Map 1P, South End Neighborhood District; (3) approve the Proposed Project as a Development Impact Project within the meaning of Section 80B-7 of the Code; (4) authorize the Director to issue a Scoping Determination waiving further review pursuant to Section 80B-5.3(d) of the Code; (5) authorize the Director to issue a Certification of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code, upon successful completion of Article 80 Large Project Review; (6) authorize the Director to issue a Certification of Consistency for the Proposed Project pursuant to Section 80C-8 of the Code, upon successful completion of Article 80 Planned Development Area Review; (7) approve and adopt certain Minor Modifications to the South End Urban Renewal Plan Project No. R-56 with respect to Parcel 3; (8) authorize the Director to enter into an Amended and Restated Land Disposition Agreement with respect to a portion of Parcel 3; and (9) authorize the Director of the Authority to take any and all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the foregoing, including, without limitation, executing and delivering Development Impact Project Agreements, Boston Residents Construction Employment Plans, Cooperation Agreements, and any and all other documents as may be deemed necessary and appropriate by the Director.

Appropriate votes follow:

**VOTED:** That, in connection with the Development Plan for Planned Development Area No. 95, 80 East Berkeley Street Project (the "Proposed Project"), South End, Boston, Massachusetts presented at a public hearing, duly held at the offices of the Boston Redevelopment Authority (the "Authority") on October 17, 2013, and after consideration of evidence presented at and in connection with the hearing, the Authority finds that with respect to the PDA Plan that: (a) the PDA Plan is not for a location or project for which Planned Development Areas are forbidden by the underlying zoning; (b) the Proposed Project in the PDA 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 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 Plan conforms to the plan for the district, subdistrict, or similar geographic area in which the PDA Plan is to be located, and to the general plan for the City as a whole; and (e) on

balance nothing in the PDA Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all benefits and burdens; and

**FURTHER**

**VOTED:** That the Authority hereby approves, pursuant to Sections 3-1A.a and 80C of the Boston Zoning Code (the “Code”), the PDA Plan and the associated Map Amendment to Map 1P, South End Neighborhood District (the “Map Amendment”), all in substantial accord with the versions presented to the Authority at its public hearing on October 17, 2013; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to petition the Boston Zoning Commission pursuant to the provisions of Section 3-1A.a. and Article 80C of the Code to approve the PDA Plan and the associated Map Amendment, all in substantial accord with the versions presented to the Authority at its public hearing on October 17, 2013; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to execute a Development Impact Project Agreement for the Proposed Project in accordance with Article 80, Section 80B-7 of the Code; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to issue a Scoping Determination (the “Scoping Determination”) under Section 80B-5.3(d) of the Code which: (1) finds that the Expanded Project Notification Form submitted to the Authority by The Druker Company, Ltd. (the “Proponent”), on August 8, 2013 adequately describes the impacts of the Proposed Project consisting of an eleven-story building with a maximum of 308,000 square feet, including approximately 290,000 square feet of office and related uses on ten floors and approximately 18,000 square feet of ground-floor retail, local service and/or restaurant uses, as well as an underground parking garage containing a total of approximately 200 public and accessory parking spaces and provides sufficient mitigation measures to minimize these impacts; and (2) waives the requirement for the preparation and submission of a Draft Project Impact Report and Final Project Impact Report under subsections 4 and 5 of Section 80B-5 of the Code, subject to continuing design review by the Authority; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to issue a Certification of Compliance for the Proposed Project after the Director has determined

that the Proposed Project complies with (1) the terms of the Scoping Determination, and (2) to the extent applicable, the following provisions of the Code: (a) Section 80B-8, Disclosure of Beneficial Interests, (b) Section 80C-8, Planned Development Area Review, and (c) Article 28, Boston Civic Design Commission review; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to issue a Certification of Consistency for Planned Development Area Review for the Proposed Project pursuant to Section 80C-8 of the Code when the Director finds that the PDA Plan has been approved by the Authority and the Boston Zoning Commission in accordance with the applicable provisions of Section 3-1A.a. and Article 80C of the Code; and

**FURTHER**

**VOTED:** That the document presented at this meeting entitled "RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY REGARDING MINOR MODIFICATIONS TO THE SOUTH END URBAN RENEWAL PLAN, PROJECT NO. MASS. R-56, WITH RESPECT TO PARCEL 3", be and hereby is, approved and adopted in all respects; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to enter into an Amended and Restated Land Disposition Agreement with respect to a portion of Parcel 3 in the South End Urban Renewal Area, Project No. Mass R-56, to provide for construction of the Proposed Project; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to take any and all actions and execute any and all documents deemed necessary and appropriate in connection with the foregoing, including, without limitation, executing and delivering Development Impact Project Agreements, Boston Residents Construction Employment Plans, Cooperation Agreements, and any and all other documents as may be deemed necessary and appropriate by the Director upon terms and conditions determined to be in the best interest of the Authority, in connection with the Proposed Project and the PDA Plan.



Exhibit A

Site Plan