

BOSTON REDEVELOPMENT AUTHORITY
D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY
FIRST AMENDMENT TO DEVELOPMENT PLAN
FOR
PLANNED DEVELOPMENT AREA NO. 98
345 HARRISON AVENUE DEVELOPMENT
SOUTH END, BOSTON

Dated: January __, 2019

Pursuant to Section 3-1A and Article 80C of the City of Boston Zoning Code (the “**Code**”), this constitutes the First Amendment to the Development Plan for Planned Development Area No. 98, 345 Harrison Avenue Development, South End (the “**First Amendment**”). The then owner, F8345 Harrison Owner, LLC, filed the Development Plan for Planned Development Area No. 98, 345 Harrison Avenue Development, South End (the “**Development Plan**”) with the Boston Redevelopment Authority, now doing business as the Boston Planning & Development Agency (the “**BRA**”), in connection with the 345 Harrison Avenue Project (the “**Project**”) located on the property shown on Exhibit A to the Development Plan (the “**Project Site**”). By a vote taken on February 13, 2014, the BRA approved the Development Plan and Map Amendment (the “**Map Amendment**”) establishing Planned Development Area No. 98 on the Project Site. On April 9, 2014, the Zoning Commission of the City of Boston (the “**Commission**”) approved the Development Plan and the Map Amendment, which became effective on April 16, 2014. On October 12, 2014, 345 Harrison LLC (the “**Developer**”) acquired the Project Site and undertook development of the Project as described in the Development Plan.

This First Amendment, as set forth below, amends the Development Plan to clarify the uses allowed within the Project Site to enable the Developer to better activate the non-residential spaces within the Project. Capitalized terms used but not defined in this First Amendment, shall have the meanings set forth in the Development Plan.

The Development Plan is hereby amended as follows:

1. Under the heading “**Development Plan**,” the first two sentences of the third paragraph are deleted in their entirety and replaced with the following:

This Development Plan consists of five (5) pages of text and Exhibits A, B, C and D. All references to this Development Plan contained herein shall pertain only to such five (5) pages of text and Exhibits A, B, C and D.

2. Under the heading “**Proponent/Developer**,” F8345 Harrison Owner, LLC shall be changed to 345 Harrison LLC as identified above.

3. Under the heading "Location, Appearance and Proposed Dimensions of Structures and Proposed Density," the phrases "retail/restaurant" and "retail and restaurant" are hereby replaced with the phrase "Retail/Commercial Uses as defined herein".

4. Under the heading "Proposed Uses," the existing text is deleted in its entirety and replaced with the following:

Proposed Uses. It is anticipated that the Proposed Project will be used for residential use. In addition, the Proposed Project will include complementary Retail/Commercial uses, which may include Retail/Commercial Uses as set forth in Exhibit D hereto and made a part hereof and uses typically accessory thereto. The uses may also include additional amenities such as fitness facilities and a roof terrace.

5. Pursuant to Section 80C-9 of the Code, and in accordance with a vote taken by the BRA Board on February 13, 2014 upon the issuance of one of more Certifications of Consistency or Partial Certifications of Consistency for any portion of the Project, the same shall be deemed to be in compliance with the dimensional, density and use requirements of the Code to the extent that such requirements are addressed in the Development Plan, as amended by this First Amendment.

6. Except as amended by this First Amendment, the Development Plan remains unmodified and in full force and effect.

Exhibit D

Allowed Uses for the Proposed Project

For definitions of use categories and certain specific uses used in the below definitions, see Article 2A.

“Residential Uses” shall mean:

- Multifamily Residential;
- Accessory services for residential units;
- Accessory fitness facilities;
- Accessory roof terraces and/or roof decks;
- Accessory swimming pool; and
- Accessory guest suites.

“Retail/Commercial Uses” shall mean:

- Office Uses, including but not limited to, general office, agency or professional office, real estate, insurance or other agency office, or like uses;
- Retail Uses, including but not limited to, general retail business, local retail business, bakery, liquor store or like uses;
- Banking and Postal Uses;
- Fitness center (including but not limited to workout classes, spin studio, golf studio; o boxing, pilates studio, yoga studio, etc.), health club or gymnasium;
- Entertainment and Recreational Uses;
- Restaurant Uses, including but not limited to Restaurant Uses with any of the following: dancing, live entertainment, billiards and/or pool facilities, and/or video and/or other electronic or mechanical amusement game machines; Bar; Bar with any of the following: dancing, live entertainment, billiards and/or pool facilities, and/or video and/or other electronic or mechanical amusement game machines; Bakery; place for sale and consumption of food and beverages providing dancing or entertainment or both; take-out restaurant, large or small;
- Service Uses, including but not limited to the following: barber shop; beauty shop; shoe repair shop; self-service laundry; pick-up and delivery station of laundry or dry-cleaner; dry cleaning shop; printing and/or photocopying shop; tailor shop; caterer’s establishment; photographer’s studio; carpenter’s shop; electrician’s shop; plumber’s

shop; optometrist's shop; radio, television and other electronic appliances repair shop; or similar use;

- Animal hospital or clinic; pet spa; pet daycare; kennel;
- Day care center; nursery school; kindergarten;
- Art gallery; art use;
- Storage of flammable liquids and gases incidental to a main use;
- Telecommunications equipment and service facility; radio or television studio;
- Accessory automatic teller machine;
- Accessory Outdoor Café;
- Accessory Outdoor Retail Establishment.
- Not-for-profit Affordable Cultural Space as defined in Section 64-41 of the Code;
- Community Uses, including but not limited to Community Center or non-profit community space;
- Cultural Uses, including but not limited to art gallery, art use, auditorium, public art, display space, and like uses; and
- Artists mixed-use and Light Manufacturing Uses including but not limited to, product development and prototype manufacturing, and like uses;

“Parking Uses” shall mean:

- Parking Garage;
- Accessory Parking Garage; and
- Facilities associated with Parking and Accessory Loading.

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