

SECOND AMENDMENT

to

DEVELOPMENT PLAN

for

HARRISON COMMONS

and

HARRISON COURT

within

PLANNED DEVELOPMENT AREA NO. 59

761 HARRISON CHURCH, LLC, Developer

Dated:

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Pursuant to Article 3-1A(a) and Article 80C-7 of the Zoning Code of the City of Boston ("Zoning Code"), this amendment constitutes the Second Amendment to the Development Plan for Harrison Commons and Harrison Court in the South End, within Planned Development Area No. 59 ("First PDA Amendment").

The Original Development Plan

- A. On May 22, 2003, the Board of Directors of the Boston Redevelopment Authority approved the Development Plan for Planned Development Area No. 59 ("Original Development Plan") for the property located at 755 Harrison Avenue, 761 Harrison Avenue, and Fr. Francis Gilday Way. The Boston Zoning Commission approved the Development Plan on June 25, 2003 and the Plan became effective on June 25, 2003.
- B. The property described in the Original Development Plan consisted of four project components: (1) the New Project Component; (2) the Rehabilitation Project Component; (3) the Church Component; and (4) 761 Harrison Avenue Component. The Church Component, which is the subject of this Second Amendment, is the last remaining component to be built pursuant to the Original Development Plan, all other components have been constructed.

First PDA Amendment

On November 17, 2016, the First Amendment to the Development Plan for Harrison Commons and Harrison Court within Planned Development Area No. 59 was approved by the BPDA Board. Thereafter, it was approved by the Boston Zoning Commission and signed by the Mayor with an effective date of December 16, 2016.

The First PDA Amendment amended the Original Development Plan with respect to three items: (1) the allowed PDA Uses section was amended to permit the construction of 63 residential rental apartment units including 6 affordable units, accessory balconies, roof terraces and outdoor patio spaces for the residential units and related common areas; (2) the proposed Dimensions section was amended to permit a gross floor area without garage of 91,547 square feet and a floor area ratio of 1.8; and (3) the Parking section was amended to provide for 25 parking spaces

Second PDA Amendment

- C. The Church Component consists of the former Immaculate Conception Church, constructed as the first Jesuit church in the South End. When the Original Development Plan was adopted, the Church housed the Jesuit Urban Center, a social, cultural and educational center staffed by the Jesuits. This component also consists of the "Link Building", which was the Jesuit's residential building and is connected to the Church. The Jesuit Urban Center closed and the entire Church property has been vacant for many years. Construction has commenced on conversion of the Church to residential dwelling units.
- D. The project proponent and developer now proposes to convert the Church into a mixed residential rental and condominium building consisting of 51 residential rental units and 12 duplex condominium dwelling units on floors six and seven, with additional living area on floor five, together with parking for 45 cars in the adjacent James Court garage. While the residential use for the Church Component is consistent with the Original Development Plan, this Second Amendment is necessary to change: (1) a portion of the previously approved residential units from rental apartments to condominium ownership; and (2) convert the fifth floor from storage use to additional living area for the 12 condominium units located on the sixth and seventh floors. The Original Development Plan, as amended by the First PDA Amendment, is hereby further amended by this Second PDA Amendment, as set forth below, to update certain of its provisions of the Church Component project to allow for its development as a mixed rental and condominium residential building.

The Original Development Plan hereby is amended by this Second PDA Amendment as follows:

PDA Uses

1. The Original Development Plan set forth "Proposed PDA Uses" on page 8 for each of the four component parts of the overall project. At the time of the approval of the Original Development Plan, the Church Component uses were stated to be: (1) community uses related to the religious functions of the Church; (2) cultural uses; (3) office uses; (4) Residential uses, including but not limited to residences for clergy, ministers, retreat participants and guests; and (5) accessory and ancillary uses to the foregoing.
2. The Proposed PDA Uses set forth for the Church Component is deleted and replaced with the following: Church Component Uses: multifamily residential dwelling units to include 51 rental units and 12 condominium ownership units including 6 Affordable Rental Units, accessory balconies, roof terraces, and outdoor patio spaces for the residential units and related common areas and facilities for the condominium. The multifamily residential use is consistent with the Original Development Plan which provides that "the proposed uses for the site may include all uses allowed pursuant to Article 64 of the Zoning Code, South End Neighborhood Zoning District, including one or more of the uses referenced in Table B, uses allowed in the Neighborhood Development Area [NDA] of Article 64." Under Table B of Article 64, multifamily residential use is listed as an allowed ["A"] use, thereby complying with the underlying zoning. The underlying zoning does not differentiate between ownership or rental type of residential use.

Proposed Dimensions

The proposed dimensions of the Church component remain the same.

Parking

3. The Original Development Plan, as amended by the First PDA Amendment, set forth Parking, Loading and Access to Transportation on page 11. The parking for the Church Component was "25 parking spaces in the James Court Garage adjacent to the Church and part of the Harrison Commons Condominiums."
4. The Parking allocated to the Church Component is deleted and replaced with the following: Church Component Parking: 25 parking spaces in the James Court garage adjacent to the Church and part of the Harrison

Commons Condominium which shall be used by the rental units or, in part, owned by the Church Component condominium unit owners; and 20 parking spaces which shall be available to the rental unit tenants or the condominium unit owners under a long term lease with Granite James Court Garage, LLC, its successors and assigns.

Except as amended by this Second PDA Amendment, the Original Development Plan and the First PDA Amendment remain unmodified and in full force and effect.

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