

BRA APPROVAL: 1/31/03  
ZC APPROVAL: 3/27/03  
EFFECTIVE: 3/28/03

BOSTON REDEVELOPMENT AUTHORITY  
AMENDED AND RESTATED  
DEVELOPMENT PLAN FOR EASTERLY DEVELOPMENT AREA  
and  
WESTERLY DEVELOPMENT AREA  
of  
PLANNED DEVELOPMENT AREA NO. 38

899 - 925 Commonwealth Avenue

Trustees of Boston University

January 31, 2002

Development Plan: On January 25, 1990 the Boston Redevelopment Authority (the "BRA"), acting pursuant to Section 3-1A of the Boston Zoning Code (the "Code"), approved (i) a Master Plan and Development Impact Project Plan for Planned Development Area No. 38, as amended by First Amendment to Master Plan and Development Impact Project Plan for Planned Development Area No. 38 approved by the BRA concurrently herewith (as so amended and approved, the "PDA Master Plan") regarding the development of 899-925 Commonwealth Avenue, a site of approximately 10.19 acres located in Boston, Massachusetts (the "Site"), (ii) a Development Plan for Easterly Development Area of Planned Development No. 38 (the "Easterly Development Plan"), and (iii) a Development Plan for Westerly Development Area of Planned Development Area No. 38 (the "Westerly Development Plan"). On April 30, 1998, the BRA, pursuant to Section 3-1A and Article 80C of the Code, approved a Development Plan for Northeasterly Development Area of Planned Development Area No. 38 (the "Northeasterly Development Plan") pursuant to which an eighteen (18) story student residence building (the "Existing Residence Building") was constructed on the "Northeasterly Development Area" (as defined in the Northeasterly Development Plan). The Northeasterly Development Plan, *inter alia*, (i) superseded the Easterly Development Plan concerning the development of the Northeasterly Development Area which was originally a part of the area governed by the Easterly Development Plan, and (ii) provides that the "Easterly Development Area" (as defined in the Northeasterly Development Plan) shall continue to be governed by the Easterly Development Area.

In accordance with Section 3-1A and Article 80C of the Code, this Amended and Restated Development Plan for Easterly Development Area and Westerly Development Area of Planned Development Area No. 38 (the "Easterly and Westerly Development Plan") sets forth information on the proposed development (the "Project") of that portion of the Site known as 899 Commonwealth Avenue and 925 Commonwealth Avenue (together, the "Easterly and Westerly Development Area," further described below under the heading "Location and Description of Easterly and Westerly Development Area"), including the proposed location and appearance of structures, open spaces and landscaping, proposed uses of the Easterly and

Westerly Development Area, densities, proposed traffic circulation, parking and loading facilities, access to public transportation and proposed dimensions of structures. The Project is contemplated in the Boston University Charles River Campus Master Plan dated October 1, 1997 previously approved by the BRA (the “**University Master Plan**”) and is consistent with the University Master Plan. This Easterly and Westerly Development Plan shall amend, restate and supercede the Easterly Development Plan and Westerly Development Plan in their entirety. The Easterly and Westerly Development Area shall be governed by this Easterly and Westerly Development Plan.

This Easterly and Westerly Development Plan represents a stage in the planning process for the improvement of the Easterly and Westerly Development Area between the PDA Master Plan stage and the stage at which final plans and specifications for the Project are submitted to the BRA pursuant to Section 3-1A and Article 80C of the Code for final design review approval and certification as to consistency with this Easterly and Westerly Development Plan. This Easterly and Westerly Development Plan consists of 7 pages of text plus attachments designated **Exhibits A** through **F** as listed on page 7 hereof. All references to this Easterly and Westerly Development Plan contained herein shall pertain only to such 7 pages and such exhibits. **Exhibits A** through **F** are subject to final design, environmental and other development review by the BRA and by other governmental agencies and authorities, and the Project as described herein may evolve in the course of such review. Unless otherwise set forth herein or in the PDA Master Plan, all references herein to terms set forth in the Code shall have the meanings set forth in the Code, as amended to the effective date hereof, and not as the same may be amended hereafter.

In accordance with Section 80C-9 of the Code, consistency of the Project with the Easterly and Westerly Development Plan constitutes compliance with the dimensional, use and other requirements of the Code to the extent such requirements have been addressed in this Easterly and Westerly Development Plan. To the extent that any proposed uses and structures complying with **Exhibit E** and **Exhibit F**, as applicable, are in conflict with any requirement of the Code not specifically addressed in this Easterly and Westerly Development Plan, such requirements shall be deemed inapplicable to the Project and shall be deemed to be waived upon approval of this Easterly and Westerly Development Plan.

**Developer:** Trustees of Boston University, a Massachusetts nonprofit, educational corporation, its successors and assigns (the “**University**”).

**Location and Description of Easterly and Westerly Development Area:** The Easterly and Westerly Development Area consists of (i) a parcel of land containing approximately 117,391 square feet, or approximately 2.695 acres, located at 899-925 Commonwealth Avenue, Boston, Suffolk County, Massachusetts (the “Easterly Development Area”), as more particularly described as Parcel 1 in **Exhibit A** attached hereto and designated as the “Easterly Development Area” on a plan entitled “Northeasterly, Easterly and Westerly Development Areas Plan of Land 899-925 Commonwealth Avenue, Boston, Massachusetts” dated November 16, 2001, prepared by Harry R. Feldman, Inc. (the “**Development Area Plan**”), a copy of which is attached hereto as **Exhibit B**, and (ii) a parcel of land containing approximately 269,110 square feet, or approximately 6.178 acres, located at 925 Commonwealth Avenue, Boston, Suffolk County,

Massachusetts (the "Westerly Development Area"), as more particularly described as Parcel 2 in Exhibit A and designated as the "Westerly Development Area" on the Development Area Plan.

Proposed Location; Appearance of Structures: The Site is located in the Boston University Institutional Subdistrict of the Allston-Brighton Neighborhood District (the "**BU Subdistrict**"). It is currently anticipated that (i) construction of the Arena/Recreation Center will be located approximately as shown on Exhibit C attached hereto, and (ii) construction of the New Residence Buildings will be located on the remainder of the Easterly and Westerly Development Area.

As currently planned, the Project will include two phases. "**Phase I**" will consist of construction of (i) a new University Arena/Recreation Center (the "**Arena/Recreation Center**") fronting on Commonwealth Avenue comprised of (a) an arena facility (the "**Arena**"), (b) a promenade (the "**Promenade**") (which will serve as the main pedestrian circulation path to and from the Arena, Recreation Center, and the "New Residence Buildings" (defined in this paragraph below)), (c) a recreation center (the "**Recreation Center**"), and (d) an underground, two (2) level, approximately 630 car parking facility (the "**Garage**"); (iii) structured courtyards; and (iv) two (2) temporary surface parking lots comprised of approximately up to 250 parking spaces (together, the "**Temporary Surface Lots**"). As an integral and intricate part thereto, the Project will include a signage program (which signage program may include, without limitation, signs attached to the Arena/Recreation Center and/or free-standing signs) (the "**Signage Program**"). ~~"Phase II" of the Project will consist of construction of (i) new University residence buildings (collectively, the "New Residence Buildings") comprised of approximately 1,483 beds, (ii) structured courtyards, and (iii) expansion of the Garage to accommodate up to a total of approximately 1,000 parking spaces. Phase II may be constructed in subphases, each of which would include the construction of one or more of the New Residence Buildings.~~

The elevations attached hereto as Exhibit D illustrate the general appearance of the Arena/Recreation Center as currently envisioned. The final location, appearance, height and gross floor area of the Arena/Recreation Center are subject to final design, environmental and other development review by the BRA and other governmental agencies and authorities. The Signage Program shall also be subject to design, environmental and other development review by the BRA, but any "Sign" (as defined in the Code) approved as part of such review shall be deemed to be in compliance with the PDA Master Plan and this Easterly and Westerly Development Plan. The location, appearance, height and gross floor area of the New Residence Buildings will be determined during design, environmental and other development review by the BRA and other governmental agencies and authorities, subject to the overall limitations contained herein and in the PDA Master Plan. As long as the Director certifies that the actual location, appearance, height and gross floor area of the Project are consistent with this Easterly and Westerly Development Plan, then such location, appearance, height and gross floor area of the Project shall be deemed to be in compliance with the PDA Master Plan and this Easterly and Westerly Development Plan.

Proposed Dimensions. As currently planned, the Arena will be three (3) stories and the Recreation Center will be three (3) stories. As provided in the PDA Master Plan, all height measurements set forth herein (i) with respect to the Easterly Development Area, are measured above 45 feet Boston City Base, and (ii) with respect to the Westerly Development Area, are

measured above 55 feet Boston City Base. The Arena/Recreation Center will have the approximate gross floor areas and heights as set forth on Exhibit E attached hereto. All references herein to "gross floor area" refer to that term as defined in the Code.

The actual dimensions of the Arena/Recreation Center, as such dimensions may be further refined, revised, amended and approved pursuant to BRA review and review by other appropriate agencies and authorities may differ slightly from the permitted dimensions set forth herein and in the exhibits attached hereto. The dimensions of the New Residence Buildings shall be determined and approved pursuant to BRA review and review by other appropriate agencies and authorities, subject to the overall limitations contained herein and in the PDA Master Plan. As long as the Director certifies that the actual dimensions of the Project are consistent with this Easterly and Westerly Development Plan, then such dimensions shall be deemed to be in compliance with the PDA Master Plan and this Easterly and Westerly Development Plan.

Proposed Densities: The Easterly and Westerly Development Area is located in the BU Subdistrict in which the maximum FAR under the Code is 3.0. However, under the PDA Master Plan, the square feet of gross floor area approved for the Site, including the Existing Residence Building comprised of approximately 340,300 square feet of gross floor area, is 1,468,000 square feet of gross floor area, and provides for an overall FAR of 3.3 for the Site based upon the ratio of 1,468,000 square feet of gross floor area (calculated as described in the Code) to the existing land area of the Site of approximately 443,875 square feet. This Easterly and Westerly Development Plan provides for an FAR which will not exceed 2.92 for the Easterly and Westerly Development Area based upon the ratio of up to 1,127,700 square feet of gross floor area of proposed development (calculated as described in the Code) to the existing land area in the Easterly and Westerly Development Area of approximately 386,501 square feet. Upon completion of the Project, the total gross floor area located on the Site will not exceed 1,468,000 square feet and the FAR will not exceed 3.3.

The actual densities, floor areas and FARs of the Project, as such densities, floor areas and FARs may be further refined, revised, amended and approved pursuant to BRA review and other appropriate agencies and authorities, may differ slightly from the permitted densities, floor areas and FARs set forth herein and in the exhibits attached hereto. As long as the Director certifies that the actual densities, floor areas and FARs of the Project are consistent with this Easterly and Westerly Development Plan, then such densities, floor areas and FARs shall be deemed to be in compliance with the PDA Master Plan and this Easterly and Westerly Development Plan.

Proposed Open Spaces and Landscaping: Up to three (3) courtyard areas at the center of the Site, with an overlook terrace connecting the Existing Residence Building, the New Residence Buildings, and the Arena/Recreation Center, other structured terraces, and pedestrian walkways are presently planned in connection with the Project. These courtyards, terraces and pedestrian walkways will be landscaped with a variety of paving materials, lighting, decorative seating, fences, trees, shrubs and ground cover. It is also expected that additional landscaping will surround the Arena/Recreation Center, including along Commonwealth Avenue, Harry Agganis Way and Buick Street.

Proposed Uses of the Area: Phase I of the Project is planned to include indoor and outdoor University and non-University athletic, recreational, cultural, community, retail business, service establishment, retail catering, eating, entertainment, educational and other institutional uses, and uses ancillary, accessory, incidental and/or auxiliary thereto, including use of the Arena/Recreation Center for intra-mural and intercollegiate athletic uses such as, but not limited to, hockey, racquet sports, swimming, dance and aerobic workouts, basketball, track, convocations, commencements, special meetings, lectures and concerts. In addition, use of the Arena/Recreation Center will be made available to community and public organizations free of charge for various activities, and tickets to athletic and cultural events will be donated to the public. Subject to availability, rooms in the Project will also be made available to community groups and the facility will be made available for various summer and vacation programs and clinics.

Phase II of the Project is intended to include University student residences, and uses ancillary, accessory, incidental and/or auxiliary thereto, possibly including several classrooms or seminar rooms.

The proposed uses planned for the Project may include those uses listed in Exhibit F attached hereto.

Proposed Traffic Circulation: Vehicular access to and egress from the Arena/Recreation Center and the New Residence Buildings is expected to be on Buick Street and Harry Agganis Way. Current plans provide for (i) the entrance to the Arena/Recreation Center to be located at the rear of the Arena from a service road to be constructed parallel to the Massachusetts Turnpike Extension, and (ii) the entrance to the New Residence Buildings to be from such service road. Such access and egress (as currently planned) is shown in the Development Area Plan.

Proposed Parking and Loading Facilities: After completion of Phase I of the Project, parking for the Project will be located (i) in the Garage which is currently planned to be comprised of approximately 630 parking spaces, and (ii) until the New Residence Buildings are constructed, on the Temporary Surface Lots which are currently planned to be comprised of approximately 250 parking spaces as shown on Exhibit C. Upon completion of the New Residence Buildings, expansion of the Garage, and demolition of Temporary Surface Lots (Phase II of the Project), parking for the Project will be located in the Garage which is currently planned to comprise up to a total of approximately 1,000 parking spaces, as expanded. As provided under the PDA Master Plan, these parking spaces will be available for both University and general public use. The Arena/Recreation Center will include approximately three (3) loading docks which are currently planned to be located at the rear of the Arena. Each Residence Building will include at least one loading dock which is currently planned to be located at the rear of each of the New Residence Buildings.

Access to Public Transportation: The Easterly and Westerly Development Area is located on the Commonwealth Avenue branch of the MBTA Green Line. Trolley stops are located on Commonwealth Avenue at Buick Street and Harry Agganis Way at the easterly and westerly ends of the Site, and at Amory Street and Babcock Street directly to the east and west of

the Site. MBTA buses to Watertown and Kenmore Square also travel along Commonwealth Avenue with stops at Buick Street and Harry Agganis Way.

Development Review Procedures: All design plans for the Project are subject to ongoing development review and approval by the BRA. Such review is to be conducted in accordance with Article 80 of the Code.

Urban and Public Benefits: The Project will improve the aesthetic character of the Easterly and Westerly Development Area and its surroundings. As described above, new open spaces will be provided to enhance the urban environment. The quality of the design and its construction on an underutilized site, currently used for classroom, recreational, athletic, office, administration and surface parking purposes, will improve the urban design characteristics of the Easterly and Westerly Development Area and its surroundings consistent with certain urban and design goals and objectives set forth in the University Master Plan, including, but not limited to, (i) creating a unified campus with delineated areas for housing, academic and administrative uses, (ii) reducing student presence in adjacent residential neighborhoods, (iii) improving the quality and quantity of open space throughout the campus, (iv) enhancing the image of Commonwealth Avenue for drivers and pedestrians, and (v) locating taller buildings at the edge of the campus along the Massachusetts Turnpike and away from residential neighborhoods. As noted above, (a) the Arena/Recreation Center will be available for use by community and public groups and schools for non-University events and purposes, tickets to athletic and cultural events will be donated to the public and, subject to availability, rooms will be made available to community groups and the facility will be made available for summer and vacation programs and clinics, and (b) the Garage and other structured parking on the Site will be available for general public use. Also, business and retail uses located on the Site, including in the Promenade, will be available to the general public. As required by the Code, the University will enter into a Development Impact Project Agreement (the "DIP Agreement") with the BRA and will be responsible for payment of a Housing Contribution Grant and a Jobs Contribution Grant with regard to the Project in accordance with the Code. The University will also comply with the City's Boston Residents Construction Employment Plan program by ensuring that its general contractor, and those engaged by its general contractor for construction of the Project on a craft by craft basis, use good faith efforts to employ in each trade (1) Boston residents for at least 50% of total employee worker hours; (2) minorities for at least 25% of total employee worker hours and (3) women for at least 10% of total employee worker hours.

**Attachments:**

**Exhibit A:** Legal Description

**Exhibit B:** Development Area Plan

**Exhibit C:** Plan showing approximate location of 899 - 925 Commonwealth Avenue – Phase I

**Exhibit D:** Elevations – Phase I

**Exhibit E:** Gross Floor Areas And Maximum Building Heights - Phase I

**Exhibit F:** Table of Proposed Uses

## EXHIBIT A

### LEGAL DESCRIPTION

#### Easterly and Westerly Development Area

##### Parcel 1 – Easterly Development Area

A certain parcel of land situated in the City of Boston, Suffolk County, Commonwealth of Massachusetts, being more particularly described as follows:

Beginning at the intersection of the northerly sideline of Commonwealth Avenue and the westerly sideline of land now or formerly of Trustees of Boston University (formerly Buick Street) thence running N 80°44'13" W, along the said northerly sideline of Commonwealth Avenue, a distance of 401.30 feet to a point at the southeasterly corner of the Westerly Development Area;

Thence turning and running N 09°15'47" E, by the Westerly Development Area, a distance of 348.06 to a point;

Thence turning and running S 80°44'13" E, by the Westerly Development Area, a distance of 198.47 feet to a point in the westerly sideline of the Northeasterly Development Area;

Thence turning and running S 09°15'47" W, by the Northeasterly Development Area, a distance of 109.88 feet to a point;

Thence turning and running S 80°44'13" E, by the Northeasterly Development Area, a distance of 202.83 feet to a point in the easterly sideline of land now or formerly of Trustees of Boston University (formerly Buick Street);

Thence turning and running S 09°15'47" W, along the said easterly sideline of land now or formerly of Trustees of Boston University (formerly Buick Street), a distance of 238.18 feet to the point of beginning.

Containing an area of 117,391 square feet or 2.695 acres as shown on a plan entitled "Northeasterly, Easterly and Westerly Development Areas Plan of Land, 899-925 Commonwealth Avenue, Boston, Massachusetts", dated November 16, 2001, prepared by Harry R. Feldman, Inc.

##### Parcel 2 – Westerly Development Area

A certain parcel of land situated in the City of Boston, Suffolk County, Commonwealth of Massachusetts, being more particularly described as follows:

Beginning at the intersection of the northerly sideline of Commonwealth Avenue and the easterly sideline of Harry Agganis Way;



Thence running N 09°15'47" E, along the said easterly sideline of Harry Agganis Way and land now or formerly of Trustees of Boston University (formerly Gaffney Street), a distance of 783.95 feet to a point in the southerly sideline of Massachusetts Turnpike Authority;

Thence turning and running southeasterly along the said southerly sideline of Massachusetts Turnpike Authority along a curve to the right having a radius of 2811.00 feet, and a length of 380.11 feet to a point of tangency;

Thence running S 54°39'03" E, along the said southerly sideline of Massachusetts Turnpike Authority, a distance of 158.41 feet to a point at the northwesterly corner of the Northeasterly Development Area;

Thence turning and running S 09°15'47" W, by the Northeasterly Development Area, a distance of 226.64 feet to a point in the northerly line of the Easterly Development Area;

Thence turning and running N 80°44'13" W, by the Easterly Development Area, a distance of 198.47 feet to a point;

Thence turning and running S 09°15'47" W, by the Easterly Development Area, a distance of 348.06 feet to a point in the northerly sideline of Commonwealth Avenue;

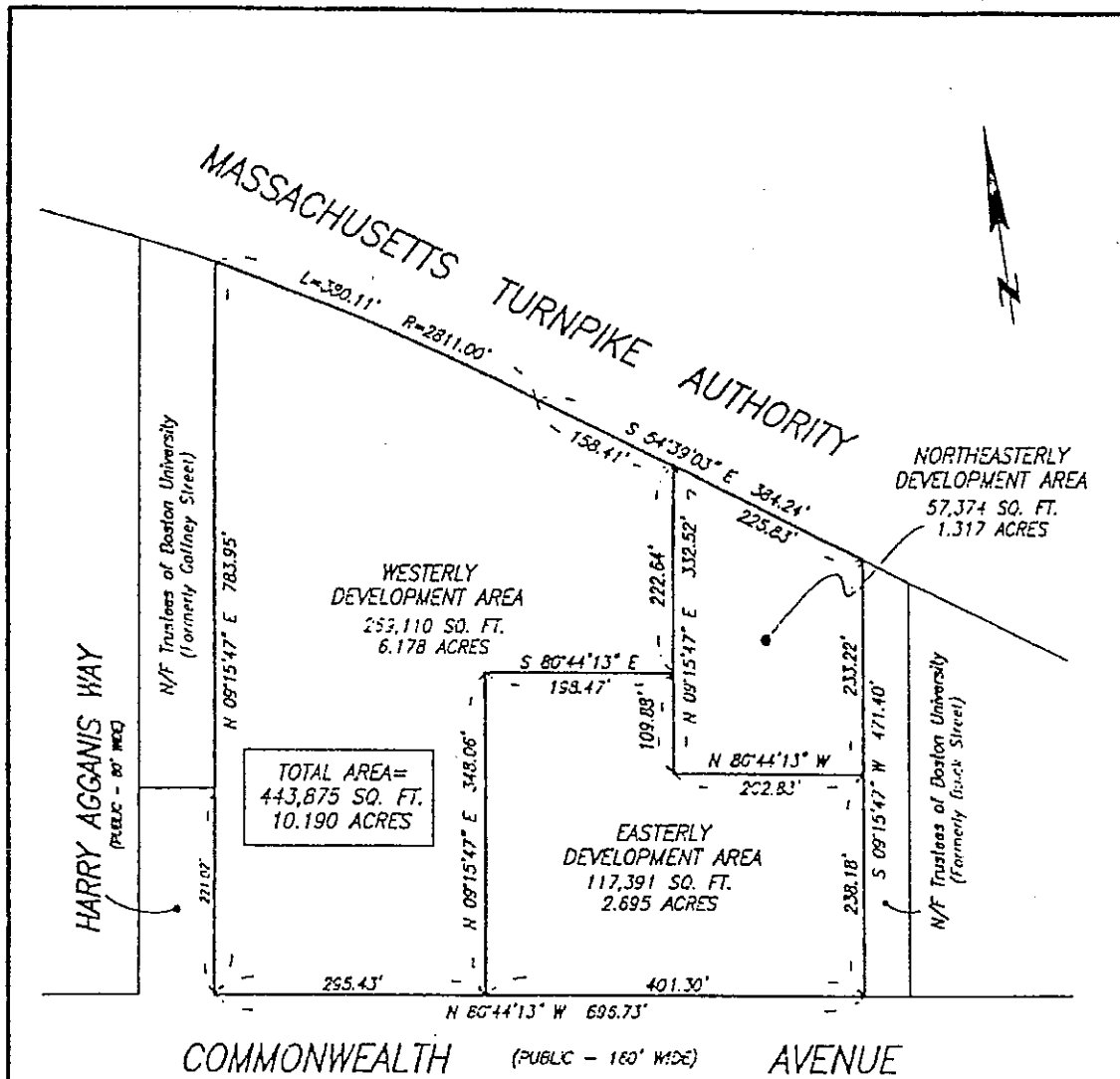
Thence turning and running N 80°44'13" W, along the said northerly sideline of Commonwealth Avenue, a distance of 295.43 feet to the point of beginning.

Containing an area of 269,110 square feet or 6.178 acres as shown on a plan entitled "Northeasterly, Easterly and Westerly Development Areas Plan of Land, 899-925 Commonwealth Avenue, Boston, Massachusetts", dated November 16, 2001, prepared by Harry R. Feldman, Inc.

**EXHIBIT B**

**DEVELOPMENT AREA PLAN**

(Attached)



NORTHEASTERLY, EASTERLY AND WESTERLY  
DEVELOPMENT AREAS  
PLAN OF LAND

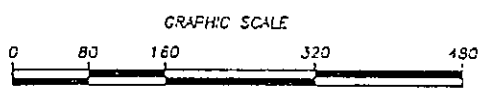
899-925 COMMONWEALTH AVENUE

**BOSTON, MASSACHUSETTS**

SCALE: 1"=160'  
HARRY R. FELDMAN, INC.  
112 SHAMNUT AVENUE

NOVEMBER 16, 2001  
LAND SURVEYORS  
BOSTON, MASS 02118

PHONE: (617)357-9740



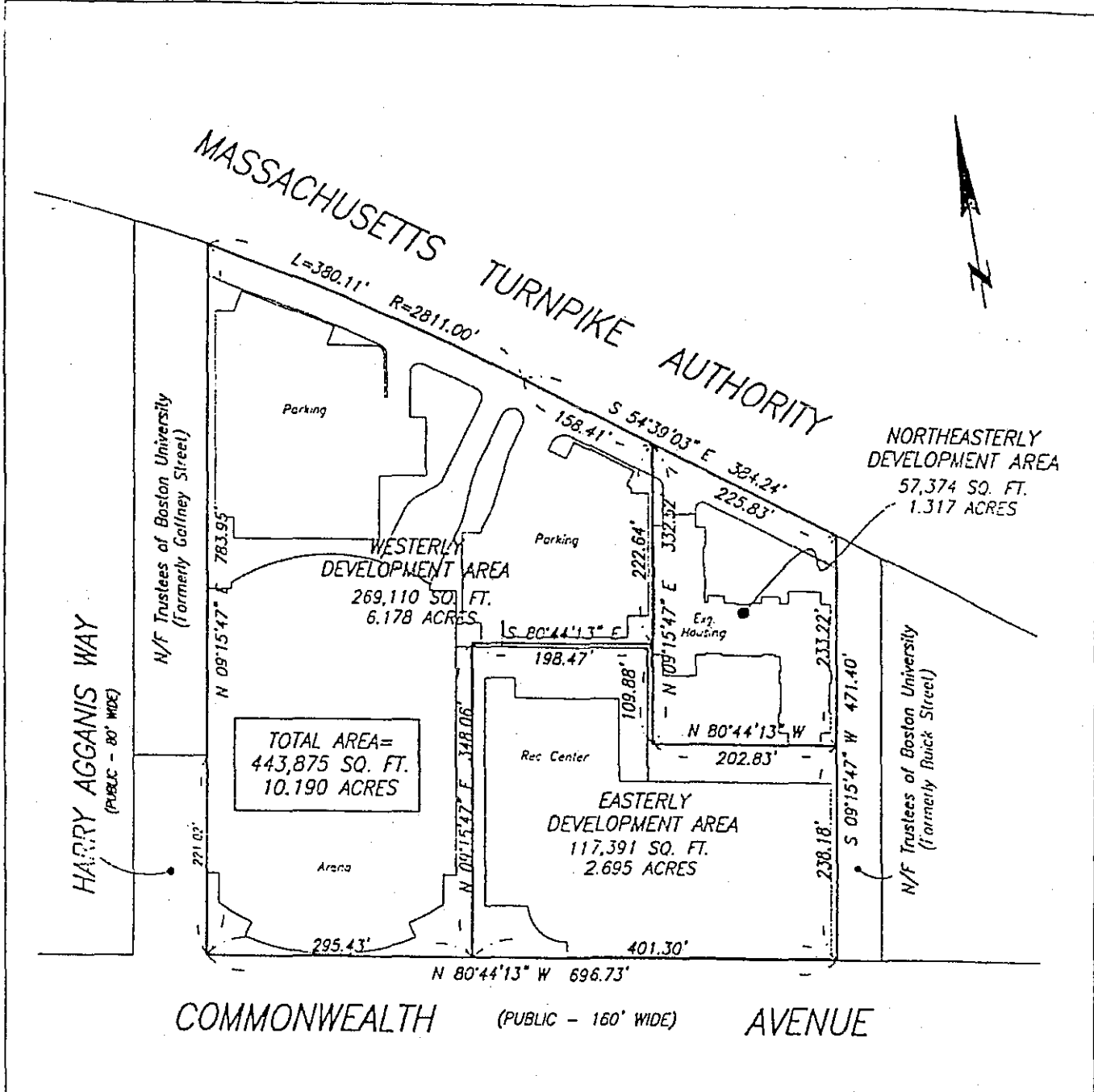
REVISIONS: 1. 11/16/01, 2. 11/16/01, 3. 11/16/01, 4. 11/16/01, 5. 11/16/01, 6. 11/16/01, 7. 11/16/01, 8. 11/16/01, 9. 11/16/01, 10. 11/16/01

**EXHIBIT C**

**PLAN SHOWING APPROXIMATE LOCATION OF  
899-925 COMMONWELATH AVENUE**

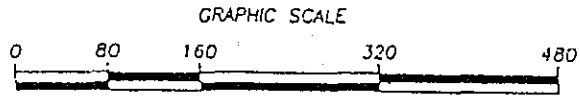
**Phase I**

(Attached)



PHASE ONE PLAN

REVISED: NOVEMBER 8, 2001  
 WESTERLY AND EASTERLY DEVELOPMENT AREAS REVISED  
 NORTHEASTERLY DEVELOPMENT AREA  
 28 BUICK STREET  
 BOSTON, MASSACHUSETTS



SCALE: 1"=160'  
 HARRY R. FELDMAN, INC.  
 112 SHAWMUT AVENUE

FEBRUARY 4, 1998  
 LAND SURVEYORS  
 BOSTON, MASS 02118

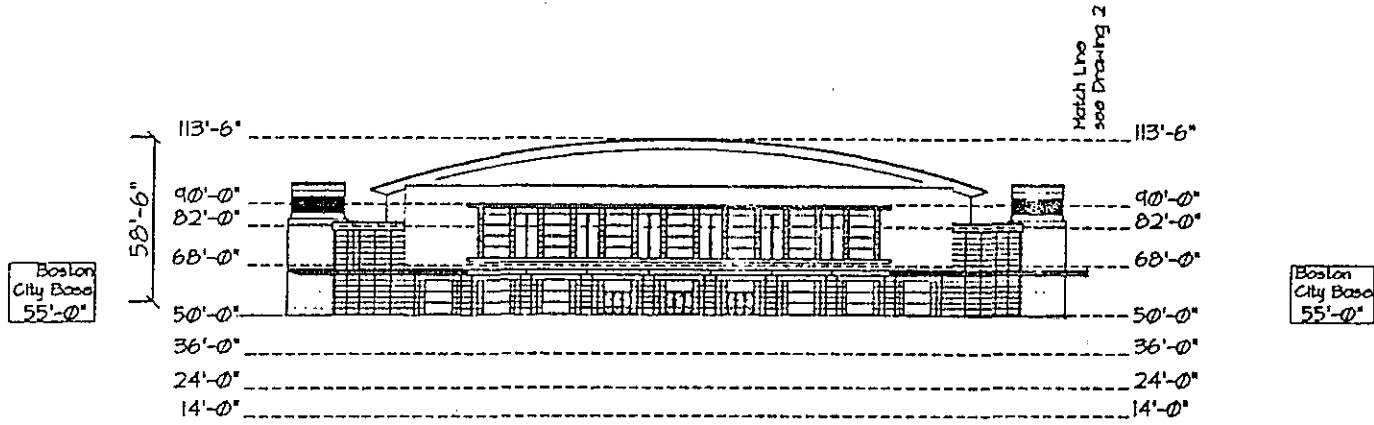
PHONE: (617)357-9740

**EXHIBIT D**

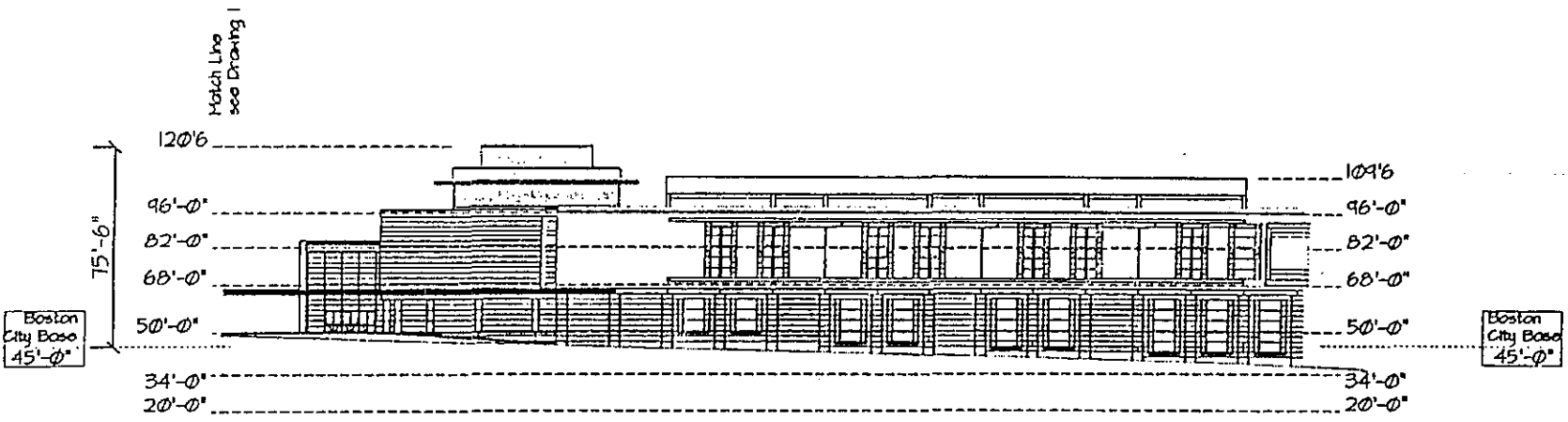
**ELEVATIONS**

**Phase I**

(Attached)



1 SOUTH ARENA ELEVATION  
1/64" = 1'-0"



2 SOUTH RECREATION CENTER ELEVATION  
1/64" = 1'-0"

ARENA AND REC CENTER  
BUILDING HEIGHTS

**EXHIBIT E**

**GROSS FLOOR AREAS AND MAXIMUM BUILDING STORIES AND HEIGHTS**

**Phase I**

Arena Gross Floor Area	225,000–285,000 square feet
Recreation Center Gross Floor Area	225,000–285,000 square feet
Arena and Recreation Center Gross Floor Area	450,000–570,000 square feet
Arena Stories Not to Exceed	3 stories
Arena Height Not to Exceed	70 feet above Boston City Base
Recreation Center Stories Not to Exceed	3 stories
Recreation Center Height Not to Exceed	90 feet above Boston City Base

All the figures set forth herein are approximate and subject to change as a result of changes to the Project made in accordance with design, environmental and other development review by the BRA in accordance with Article 80 of the Code and the BRA's Development Review Procedures. Gross floor areas and heights of the New Residence Buildings shall be determined and approved pursuant to BRA review and review by other appropriate agencies and authorities, but the total gross floor area contained in the Easterly and Westerly Development Area shall not exceed 1,127,700 square feet.



## EXHIBIT F

### TABLE OF PROPOSED USES

#### **Arena Uses**

Concession services  
Health club and sports medicine clinic  
Large-scale meetings  
Loading and servicing facilities  
Offices for building management and staff  
Public entertainment events  
Production and exhibition of professional and amateur sporting and athletic events  
Theatrical productions  
Ticket sales

#### **Banking and Postal Uses**

Automatic teller machine  
Bank  
Post office

#### **Community, Cultural, Entertainment and Recreational Uses**

Adult education center  
Amusement game machines in non-commercial establishment (including the maintenance and operation of any amusement game machine in a private club, dormitory, fraternal, sororal or similar non-commercial establishment)  
Art gallery  
Art use  
Auditorium  
Billiard parlor limited to use by students and guests  
Community center  
Concert hall; provided that any concerts held in the Arena will be family oriented  
Day care center  
Fitness center or gymnasium  
Museum  
Other Social, recreational, or sports and entertainment center conducted for profit  
Private club (including quarters for fraternal or sororal organizations) operated for members only  
Private grounds for games or sports  
Public Art; display space  
Studios, arts  
Theater, non-profit (including motion picture or video, but not drive-in)  
Ticket sales

### **Dormitory and Fraternity Uses**

Dormitory (both accessory and not accessory to a use)  
Fraternity or sorority

### **Educational Uses**

College or university

### **Health Care Uses**

Clinic

### **Open Space Uses**

Grounds for sports, private  
Open space  
Open space recreational building

### **Public Service Uses**

Automatic telephone exchange  
Recycling facility (excluding facilities handling toxic waste)  
Public service sub-station  
Solid waste transfer station  
Telecommunications data distribution center

### **Restaurant Uses**

Fast food uses  
Restaurant  
Service or sale of food or drink for on-premises consumption  
Take out restaurant

### **Retail Uses**

Convenience store  
General retail business  
Local retail business primarily serving needs of the neighborhood

### **Service Uses**

Caterer's establishment  
Laundry or dry-cleaner (limited to pick-up and delivery station)  
Laundry, self-service, hand laundry  
Photocopying establishment  
Radio or television studio

## **Vehicular Uses**

Parking Garage  
Parking Lot

## **Wireless Communications**

Wireless communications equipment  
Reception and transmission equipment

## **Accessory, Ancillary and Incidental Uses**

Accessory amusement game machines  
Accessory arena use  
Accessory art use  
Accessory auditoria  
Accessory automatic teller machine  
Accessory cafeteria  
Accessory classrooms  
Accessory community  
Accessory conference facilities  
Accessory cultural uses  
Accessory dormitory  
Accessory entertainment  
Accessory garage or parking space for occupants, employees, students, and visitors, provided that such use is accessory to a residential use  
Accessory machine shop or other noisy activity accessory to a college or university adequately sound-insulated to protect the neighborhood from unnecessary noise  
Accessory offices for university  
Accessory outdoor cafe  
Accessory parking  
Accessory recycling  
Accessory retail  
Accessory services incidental to educational uses other than college or university use  
Accessory service uses  
Accessory storage of flammable liquids and gases incidental to a lawful use  
Accessory swimming pool or tennis court

Ancillary use to, and ordinarily incident to, a lawful main use  
Ancillary use – any use on a lot adjacent to, or across the street from, but in the same district as, a lawful use to which it is ancillary and for which it could be a lawful accessory use if it were on the same lot

Incidental uses and services ordinarily found in connection with educational institutions primarily for the staff and students when conducted wholly within a building

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**BOSTON REDEVELOPMENT AUTHORITY**

**FIRST AMENDEMENT**

to

**MASTER PLAN**

and

**DEVELOPMENT IMPACT PROJECT PLAN**

for

**PLANNED DEVELOPMENT AREA NO. 38**

899 - 925 Commonwealth Avenue

Trustees of Boston University

January 31, 2002

Background: On January 25, 1990, the Boston Redevelopment Authority (the "BRA"), acting pursuant to (i) Section 3-1A of the Boston Zoning Code (the "Code"), (ii) an agreement entitled Agreement Between Boston University and the City of Boston Relative to the Transfer of Commonwealth Armory from the Commonwealth of Massachusetts to Boston University dated December 1, 1984 between Boston University (the "University") and the City of Boston, and (iii) the Land Disposition Agreement dated February 10, 1987 between the Commonwealth of Massachusetts, acting by and through the Deputy Commissioner of Capital Planning and Operations, and the University recorded with the Suffolk County Registry of Deeds in Book 133396, Page 13, approved a Master Plan and Development Impact Project Plan for Planned Development Area No. 38, (the "PDA Master Plan") regarding the development of 899-925 Commonwealth Avenue, a site of approximately 10.19 acres of land located in Boston, Massachusetts (the "Site"). The PDA Master Plan constitutes both a Planned Development Area Master Plan and a Development Impact Project Plan, and, as amended hereby, (i) sets forth a statement of the development concept for the development of the Site, including, *inter alia*, the proposed uses of the area and the proposed structures, densities, and range of dimensional requirements contemplated for each of the proposed uses, and the phasing of construction, and (ii) provides for two or more Planned Development Area Development Plans (each such plan, a "PDA Development Plan") to be submitted providing more specific information about various Projects and components thereof.

On January 25, 1990, the BRA, acting pursuant to Section 3-1A of the Code, approved the following PDA Development Plans: (i) Development Plan for Easterly Development Area of Planned Development Area No. 38 (the "Easterly Development Plan"); and (ii) Development Plan

for Westerly Development Area of Planned Development Area No. 38 (the "**Westerly Development Plan**").

On April 30, 1998, the BRA, pursuant to Section 3-1A and Article 80C of the Code, approved the following PDA Development Plan: Development Plan for Northeasterly Development Area of Planned Development Area No. 38 (the "**Northeasterly Development Plan**") pursuant to which an eighteen (18) story student residence building (the "**Existing Residence Building**") was constructed on the "**Northeasterly Development Area**" (as defined in the Northeasterly Development Plan). The Northeasterly Development Plan, *inter alia*, (i) superseded the Easterly Development Plan concerning the development of the Northeasterly Development Area which was originally a part of the area governed by the Easterly Development Plan, and (ii) provides that the "**Easterly Development Area**" (as defined in the Northeasterly Development Plan) shall continue to be governed by the Easterly Development Plan.

Concurrently with approval of this First Amendment to Master Plan and Development Impact Project Plan for Planned Development Area No. 38, the BRA, acting pursuant to Section 3-1A and Article 80C of the Code, approved the following PDA Development Plan: Amended and Restated Development Plan for Easterly Development Area and Westerly Development Area of Planned Development Area No. 38 (the "**Amended and Restated Easterly and Westerly Development Plan**"). The Amended and Restated Easterly and Westerly Development Plan, *inter alia*, (i) supersedes the Easterly Development Plan and the Westerly Development Plan concerning the development of the Easterly Development Area and "**Westerly Development Area**" (as defined in the Westerly Development Plan), and (ii) provides that the Easterly Development Area and Westerly Development Area shall be governed by the Amended and Restated Easterly and Westerly Development Plan.

Pursuant to Section 3-1A and Article 80C of the Code, this First Amendment to Master Plan and Development Impact Project Plan for Planned Development Area No. 38 amends the PDA Master Plan and sets forth information on the completed and proposed development of the Site. Except as otherwise expressly amended by this Amendment, all of the terms and provisions of the PDA Master Plan remain in full force and effect, and the terms and provisions of the PDA Master Plan are hereby ratified and confirmed as amended by this Amendment. In the event of any conflict between the provisions of the PDA Master Plan and this Amendment, the terms and provisions of this Amendment shall control.

This Amendment consists of 6 pages of text plus attachments designated **Exhibits B** and **D**. All references to this Amendment contained herein shall pertain only to such 6 pages and such exhibits. Capitalized terms not defined herein shall have the meanings ascribed to them in the PDA Master Plan. Unless otherwise set forth herein or in the PDA Master Plan, all references herein to terms set forth in the Code shall have the meanings set forth in the Code, as amended to the effective date hereof, and not as the same may be amended hereafter.

Amendment. The PDA Master Plan is hereby amended as follows:

1. Location and Description of Property/Exhibit A. The entire section headed "Location and Description of Property" is deleted in its entirety and the following new section is inserted in lieu thereof:

Location and Description of Property. The Property consists of three (3) contiguous parcels of land containing approximately 443,875 square feet or approximately 10.19 acres located at 899-925 Commonwealth Avenue, Boston, Suffolk County, Massachusetts, as more particularly bounded and described in Exhibit A attached hereto and as shown on the plan entitled "Northeasterly, Easterly and Westerly Development Areas Plan of Land 899-925 Commonwealth Avenue, Boston, Massachusetts" dated November 16, 2001, prepared by Harry R. Feldman, Inc. and attached hereto as Exhibit B (the "Site Plan").

2. University's Master Plan. The last sentence of the first paragraph under the heading "Planning Objectives and Character of Development" is deleted in its entirety and the following sentence is inserted in lieu thereof: "These objectives are consistent with the Boston University Charles River Campus Master Plan dated October 1 1997, as amended (the "University's Master Plan")."
3. Recreational/Athletic Uses: In the first sentence in the paragraph which follows the subheading "Recreational/Athletic Uses," (a) the number "6,100" is inserted in lieu of the number "8,500," and (b) the phrase "Easterly Development Area and" is inserted before the phrase "Westerly Development Area" in the last sentence of the paragraph under this subheading.
4. Phasing of Construction. The entire section headed "Proposed Phasing of Construction" is deleted in its entirety and the following new section is inserted in lieu thereof:

Proposed Phasing of Construction. Pursuant to and in accordance with the Northeasterly Development Plan, construction of, among other improvements, an 18 story University dormitory residence building containing approximately 340,300 gross square feet of floor area and 817 student beds on the "Northeasterly Development Area" (a 1.317 acre tract of land, as shown on the Site Plan) is complete. The remainder of the Site, containing approximately 8.873 acres, is comprised of (i) an approximately 2.695 acre tract of land (the "Easterly Development Area," as shown on the Site Plan) to be used for athletic, recreational, office, academic, retail, and parking uses, among others, and (ii) an approximately 6.178 acre tract of land (the "Westerly Development Area," as shown on the Site Plan) to be used for student housing in dormitory-style, apartment-style and/or suite-style units, and athletic, recreational, office, academic, retail, educational, institutional, and parking uses, among others.

As currently planned, construction on the Easterly Development Area and Westerly Development Area will include two phases. The initial phase ("Phase I") will consist of construction on the Easterly Development Area and a portion of the Westerly Development Area of, among other improvements, (a) a new University arena/recreation center, (b) an underground, two (2) level, approximately 630 car parking facility (the "Garage"), and (c) structured courtyards. Phase I also will include construction of two (2) temporary surface parking lots comprised of approximately up to 250 parking spaces, and additional landscaping located on the northerly portion of the Westerly Development Area.

The second phase ("Phase II") will consist of construction on the remainder of the Easterly Development Area and Westerly Development Area of, among other improvements, (i) new University residence buildings (collectively, the "Residence Buildings"), (ii) structured courtyards, and (iii) expansion of the Garage to accommodate up to a total of approximately 1,000 parking spaces. Construction of the new University residence buildings may be performed in subphases, each of which would include the construction of one or more of the new University residence buildings.

Construction of Phase I is expected to begin in 2002. Construction of Phase II is expected to begin in 2005 after completion of Phase I. The timing of construction and the University's ability to construct any given Project on the Site will depend upon the availability of funds and/or each Project's financial feasibility. Each Project on the Site may be funded or financed independently from other Projects, and the land on which each Project is located may need to be considered as a separate zoning lot capable of being mortgaged and conveyed as such.

5. Development Areas/Exhibit C. The reference to "Exhibit C: Plan Entitled 'Easterly and Westerly Development Areas 899-925 Commonwealth Avenue, Boston, Mass.'" on the Attachments page of, and Exhibit C attached to, the PDA Master Plan are deleted in their entirety.
6. Proposed Uses of Area and Structures. The second sentence under the heading "Proposed Uses of Area and Structures" is deleted in its entirety and the following sentence is inserted in lieu thereof:

The foregoing list of categories of planned uses for the Site is derived from the uses identified in Table C of Article 51 of the Code and described in greater detail in Article 2A of the Code.
7. Table 1 – Uses and Gross Floor Areas. Table 1 under the heading "Range of Dimensional Requirements" is deleted in its entirety (other than the Note to Table 1) and the following Table 1 is inserted in lieu thereof:

**Table 1**

<u>Use</u>	<u>Gross Floor Area Ranges</u> <u>(square feet)</u>
Dormitories (Students)	885,000 – 935,000
Educational/Institutional/ Educational and Institutional Offices	5,000 – 10,000
Recreational/Athletic (up to 6,100 fixed and 1,500 non-permanent seats)	450,000 – 570,000
Retail Business and Catering, Eating Places, Other Offices and Entertainment and Service Establishments	15,000 – 20,000

8. Range of Dimensional Requirements. The second to last paragraph under the heading “Range of Dimensional Requirements” is deleted in its entirety.
9. Conceptual Configuration of Site/Exhibit D. Exhibit D attached to the PDA Master Plan is deleted in its entirety and Exhibit D attached hereto is inserted in lieu thereof.
10. Height of Buildings.
  - a. The third sentence under the heading “Proposed Location, Appearance and Dimensions of Structures” is deleted in its entirety and the following sentence is inserted in lieu thereof: “The height and number of stories of each of the Residence Buildings will be determined during the design review process for the Residence Buildings.”
  - b. The fourth sentence in the second paragraph under the heading “Proposed Location, Appearance and Dimensions of Structures” is deleted in its entirety.
  - c. The last sentence in the second paragraph under the heading “Proposed Location, Appearance and Dimensions of Structures” is deleted in its entirety and the following sentence is inserted in lieu thereof: “All calculations of stories shall be measured from 45 feet above Boston City Base in the



Northeasterly Development Area and Easterly Development Area and 55 feet above Boston City Base in the Westerly Development Area.”

11. Open Spaces and Landscaping/View Corridors.

- a. The fourth sentence under the heading “Open Spaces and Landscaping” is deleted in its entirety and the following sentence is inserted in lieu thereof:  
“There will be at least one view corridor, a portion of which may be a glass enclosed walkway, a minimum of twenty-five feet wide through the Site from Commonwealth Avenue to the north. There will also be at least two additional view corridors from the public open space in the center of the Site to the north.”
- b. The fifth sentence under the heading “Open Spaces and Landscaping” is deleted in its entirety.

12. Development Review Procedures. The phrase “, as such agreements may be amended from time to time” is added to the end of the third sentence of the second paragraph under the heading “Public Benefits.”

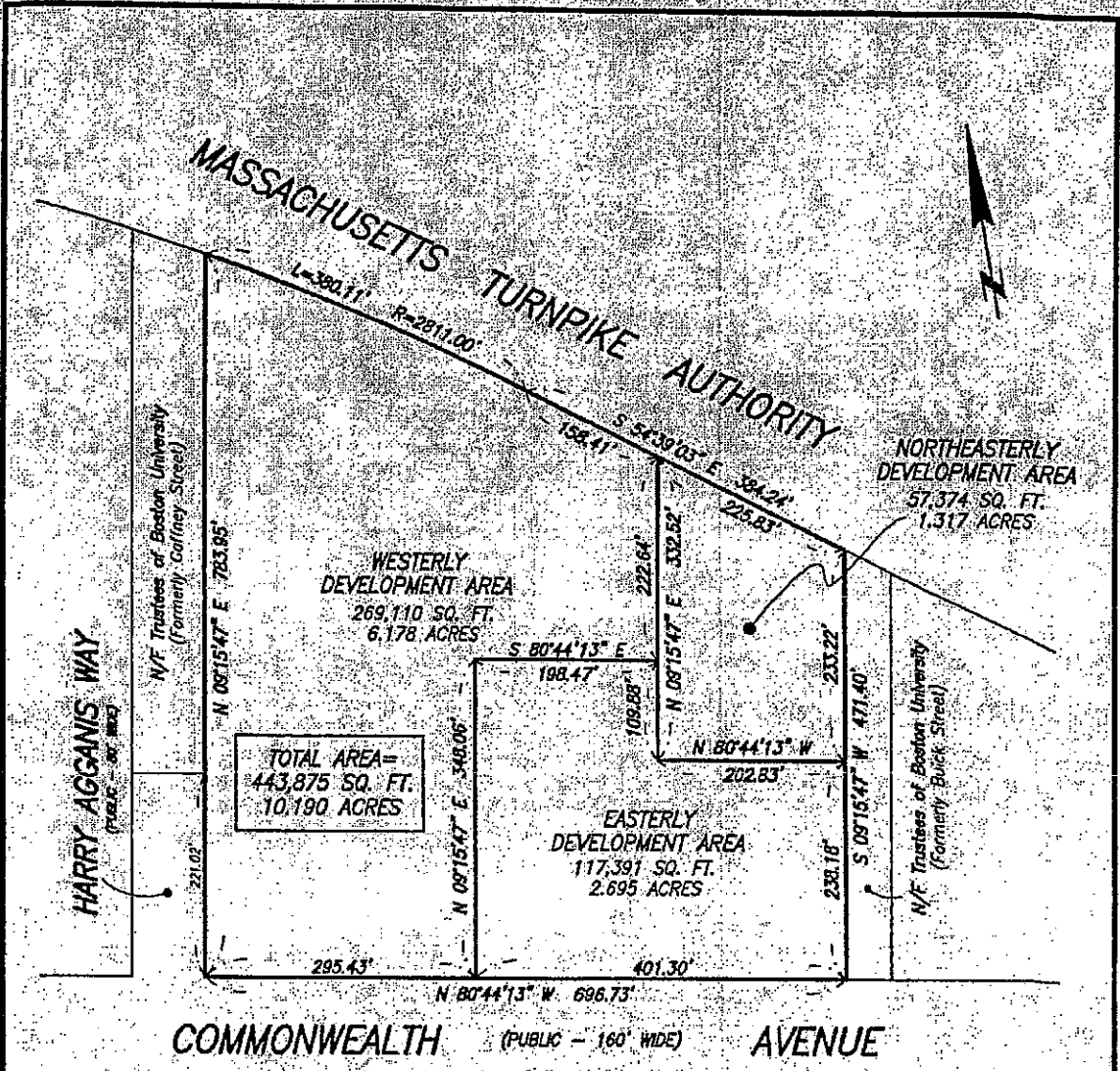
13. Development Impact Project Contribution. The first sentence under the heading “Development Impact Project Contribution” is deleted in its entirety and the following sentence is inserted in lieu thereof:

As required under Section 26A-3 of the Code, the Authority and the BRA entered into a certain Development Impact Project Agreement Including Provisions for the Jobs Contribution Grant for Planned Development Area No. 38, 899-925 Commonwealth Avenue, dated January 25, 1990 (the “DIP Agreement”) and the University will be responsible for making a Development Impact Project Contribution (the “DIP Contribution”) with regard to the Project, to the extent required by the DIP Agreement, as such agreement may be amended from time to time.

14. References to Gaffney Street. All references to “Gaffney Street” are deleted and “Harry Agganis Way” is inserted in lieu thereof.

Exhibit B  
to PDA Master Plan

Site Plan entitled "Northeasterly, Easterly and Westerly Development Areas  
Plan of Land 899-925 Commonwealth Avenue, Boston, Massachusetts"  
(exhibit begins on next page)



**NORTHEASTERLY, EASTERLY AND WESTERLY DEVELOPMENT AREAS PLAN OF LAND**

899-925 COMMONWEALTH AVENUE

**BOSTON, MASSACHUSETTS**

SCALE: 1"=160'  
 HARRY R. FELDMAN, INC.  
 112 SHAWMUT AVENUE

NOVEMBER 16, 2001  
 LAND SURVEYORS  
 BOSTON, MASS 02118

PHONE: (617)357-9740

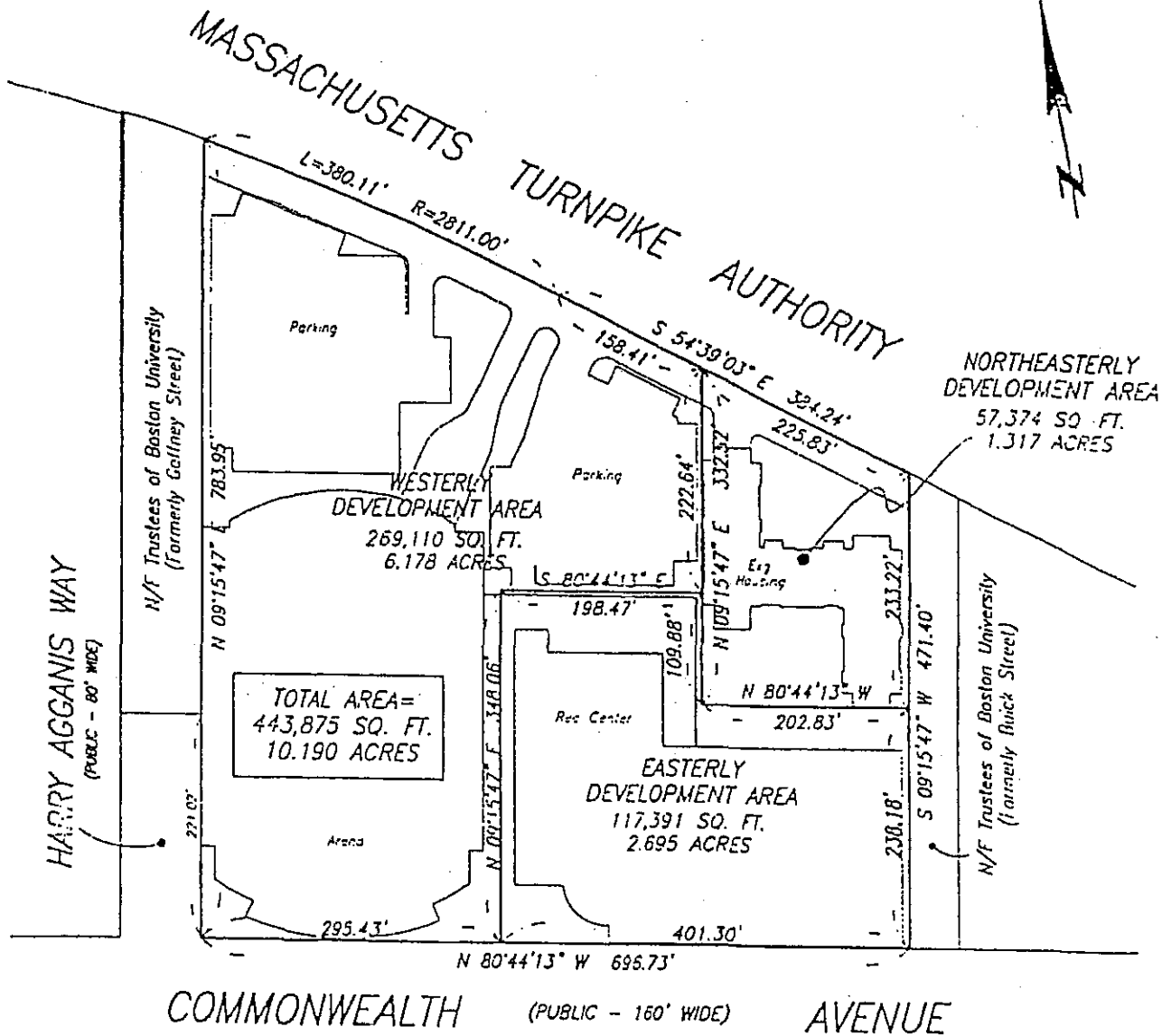


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Exhibit D  
to PDA Master Plan

Conceptual Plan

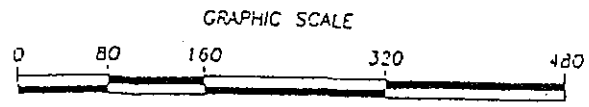
(exhibit begins on next page)



PHASE ONE PLAN

REVISED: NOVEMBER 8, 2001  
 WESTERLY AND EASTERLY DEVELOPMENT AREAS REVISED  
 NORTHEASTERLY DEVELOPMENT AREA  
 28 BUICK STREET

BOSTON, MASSACHUSETTS



SCALE: 1"=160'  
 HARRY R. FELDMAN, INC.  
 112 SHAMMUT AVENUE

FEBRUARY 4, 1998  
 LAND SURVEYORS  
 BOSTON, MASS 02118

PHONE: (617)357-9742

First Amendment to Master Plan and  
Development Impact Project Plan for Planned  
Development Area No. 38 (899-925  
Commonwealth Avenue) and Amended and  
Restated Development Plan for Easterly  
Development Area and Westerly Development  
Area of Planned Development Area No. 38.

Boston Redevelopment Authority on behalf of  
Boston University

**FIRST AMENDMENT TO MASTER PLAN AND DEVELOPMENT IMPACT PROJECT  
PLAN FOR PLANNED DEVELOPMENT AREA NO. 38 (899-925 COMMONWEALTH  
AVENUE) AND AMENDED AND RESTATED DEVELOPMENT PLAN FOR EASTERLY  
DEVELOPMENT AREA AND WESTERLY DEVELOPMENT AREA OF PLANNED  
DEVELOPMENT AREA NO. 38.**

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and hearing, does hereby approve the First Amendment to Master Plan and Development Impact Project Plan for Planned Development Area No. 38 and Amended and Restated Development Plan for Easterly Development Area and Westerly Development Area of Planned Development Area No. 38, Boston University, 899-925 Commonwealth Avenue, dated January 31, 2002, and approved by the Boston Redevelopment Authority on January 31, 2002.

Said First Amendment to Master Plan and Development Impact Project Plan amends "Master Plan and Development Impact Project Plan for Planned Development Area No. 38, 899-925 Commonwealth Avenue", approved by the Authority on January 25, 1990, and approved by the Zoning Commission on April 18, 1990, effective April 25, 1990. Said Amended and Restated Development Plans for Easterly Development Area and Westerly Development Area amend the Development Plans for Easterly Development Area and Westerly Development Area, dated January 25, 1990.

Planned Development Area No. 38 was originally designated on "Map 7, Brighton," (now Map 7D, Allston-Brighton Neighborhood District) of the series of maps entitled "Zoning Districts City of Boston" dated August 15, 1962, as amended, by Map Amendment No. 237, adopted by the Zoning Commission on April 18, 1990, effective April 25, 1990.

First Amendment to Master Plan and Development Impact Project Plan for Planned Development Area No. 38, and Amended and Restated Development Plan for Easterly Development Area and Westerly Development Area of Planned Development Area No. 38, 899-925 Commonwealth Avenue

Chairman

*Robert Jordan*

Vice Chairman

*Mary P. Lewis*

*Debra A. Depp*

*Stephanie Tomber*

*James Clark*

*James Gray Brown*

*Jay Hurdley*

*Jill Hattori*

In Zoning Commission

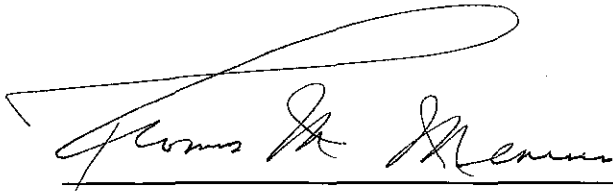
Adopted: March 27, 2002

Attest:

*[Signature]*

Secretary

First Amendment to Master Plan and Development Impact Project Plan for Planned Development Area No. 38 and Amended and Restated Development Plan for Easterly Development Area and Westerly Development Area of Planned Development Area No. 38, Boston University, 899-925 Commonwealth Avenue



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

Date: 3/28/02

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The foregoing First Amendment to Master Plan and Development Impact Project Plan for Planned Development Area No. 38 and Amended and Restated Development Plan for Easterly Development Area and Westerly Development Area of Planned Development Area No. 38, Boston University, 899-925 Commonwealth Avenue, was presented to the Mayor on MARCH 26, 2002, and was signed by him on MARCH 28, 2002, whereupon it became effective on MARCH 28, 2002, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:



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