

Second Amendment to Master Plan and
Development Impact Project Plan for Planned
Development Area No. 38 (899-925
Commonwealth Avenue)

Boston Redevelopment Authority on behalf of
Boston University

**SECOND AMENDMENT TO MASTER PLAN AND DEVELOPMENT IMPACT PROJECT
PLAN FOR PLANNED DEVELOPMENT AREA NO. 38 (899-925 COMMONWEALTH
AVENUE)**

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 Second Amendment to Master Plan and Development Impact Project Plan for Planned Development Area No. 38, 899-925 Commonwealth Avenue, dated July 20, 2006, and approved by the Boston Redevelopment Authority on July 20, 2006.

Said Second Amendment to Master Plan and Development Impact Project Plan amends "First Amendment to Master Plan and Development Impact Project Plan for Planned Development Area No. 38, 899-925 Commonwealth Avenue", approved by the Authority on January 31, 2002, and approved by the Zoning Commission on March 27, 2002, effective March 28, 2002.

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.

BRA AMENDMENT: 7/20/06
ZC AMENDMENT: 9/16/06
EFFECTIVE: 9/18/06

BOSTON REDEVELOPMENT AUTHORITY

SECOND AMENDMENT

to

MASTER PLAN

and

DEVELOPMENT IMPACT PROJECT PLAN

for

PLANNED DEVELOPMENT AREA NO. 38

899-925 Commonwealth Avenue

Trustees of Boston University

July 20, 2006

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 "**Original 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.

On January 31, 2002, 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) superseded 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) provided that the Easterly Development Area and Westerly Development Area shall be governed by the Amended and Restated Easterly and Westerly Development Plan.

Concurrently with approval of the Amended and Restated Easterly and Westerly Development Plan, the BRA approved the First Amendment to Master Plan and Development Impact Project Plan for Planned Development Area No. 38 (the “**First Amendment to Master Plan**”). Pursuant to Section 3-1A and Article 80C of the Code, the First Amendment to Master Plan amended the PDA Master Plan and set forth information on the completed and proposed development of the Site.

Pursuant to Section 3-1A and Article 80C of the Code, this Second Amendment to Master Plan and Development Impact Project Plan for Planned Development Area No. 38 further amends the PDA Master Plan. Except as otherwise expressly amended by this Amendment, all of the terms and provisions of the Original PDA Master Plan, as amended by the First Amendment (as amended, 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 3 pages of text. All references to this Amendment contained herein shall pertain only to such 3 pages. 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

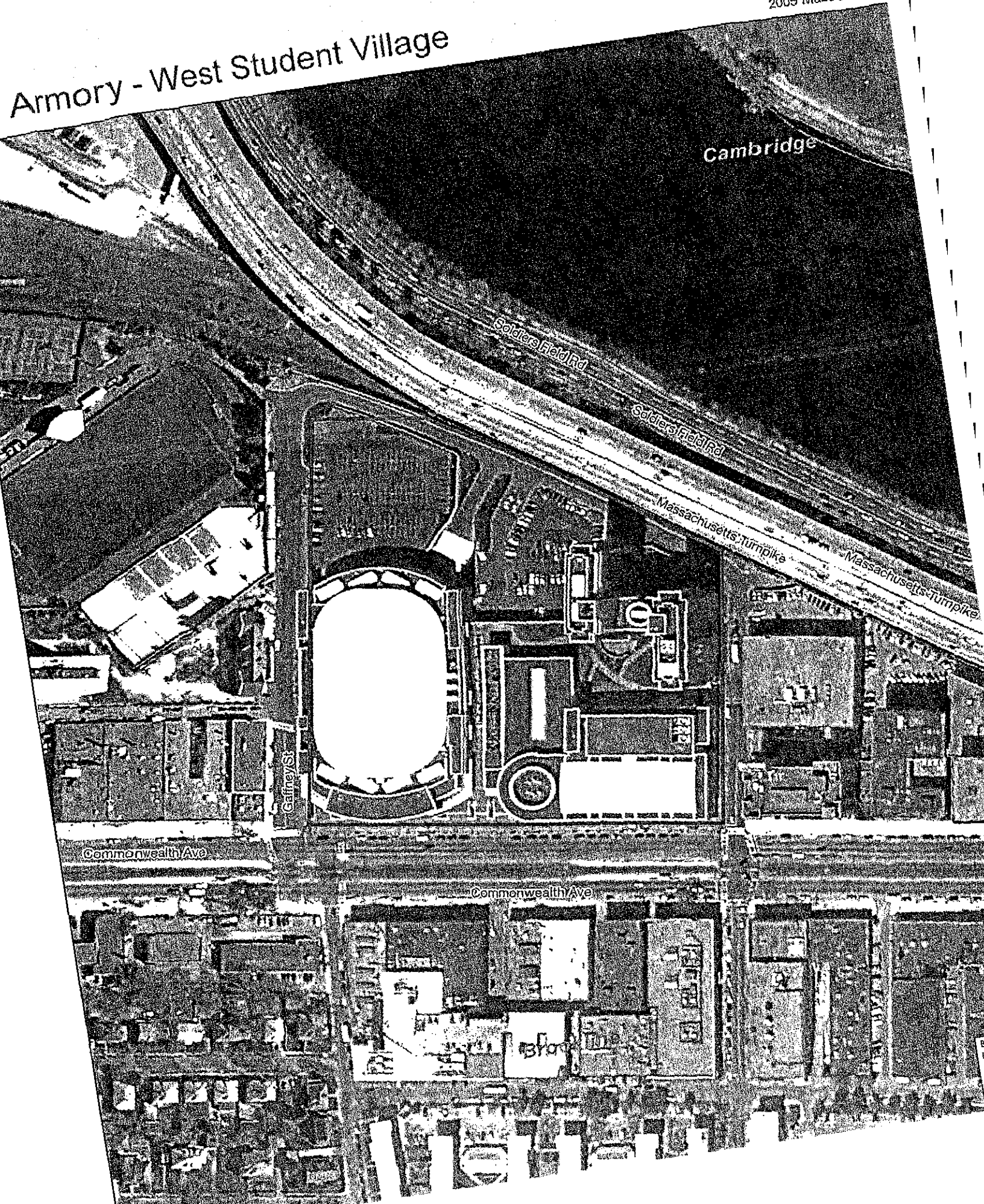
meanings set forth in the Code, as amended to the effective date hereof, and not as the same may be amended hereafter.

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

1. University's Master Plan. The last sentence in the first (1st) 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 2003-2010 dated February 12, 2003, as amended"
2. Phasing of Construction.
 - a. The second paragraph of the section headed "Proposed Phasing of Construction" is deleted in its entirety and the following paragraph is inserted in lieu thereof:

"As currently planned, construction on the Easterly Development Area and the Westerly Development Area will include two or more phases. The initial phase ("Phase 1") has been completed. Phase 1 consisted 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 1 also included 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."
 - b. The third (3rd) paragraph of the section headed "Proposed Phasing of Construction" is amended by deleting the word "may" in the third (3rd) to last line thereof and the word "would" in the second (2nd) to last line thereof and replacing it in each case with the word "will".
 - c. The fourth (4th) paragraph of the section headed "Proposed Phasing of Construction" is amended by deleting the year "2005" in the second line thereof and replacing it with the year "2006".
3. Height of Buildings.
 - a. The third (3rd) sentence in the first paragraph under the heading "Proposed Location, Appearance and Dimensions of Structures" is amended by inserting "but will not exceed 26 stories" at the end thereof before the period.
 - b. The third (3rd) sentence in the second (2nd) paragraph under the heading "Proposed Location, Appearance and Dimensions of Structures" is deleted in its entirety.

Armory - West Student Village



Cambridge

Soldiers Field Rd

Soldiers Field Rd

Massachusetts Turnpike

Massachusetts Turnpike

Gaffney St

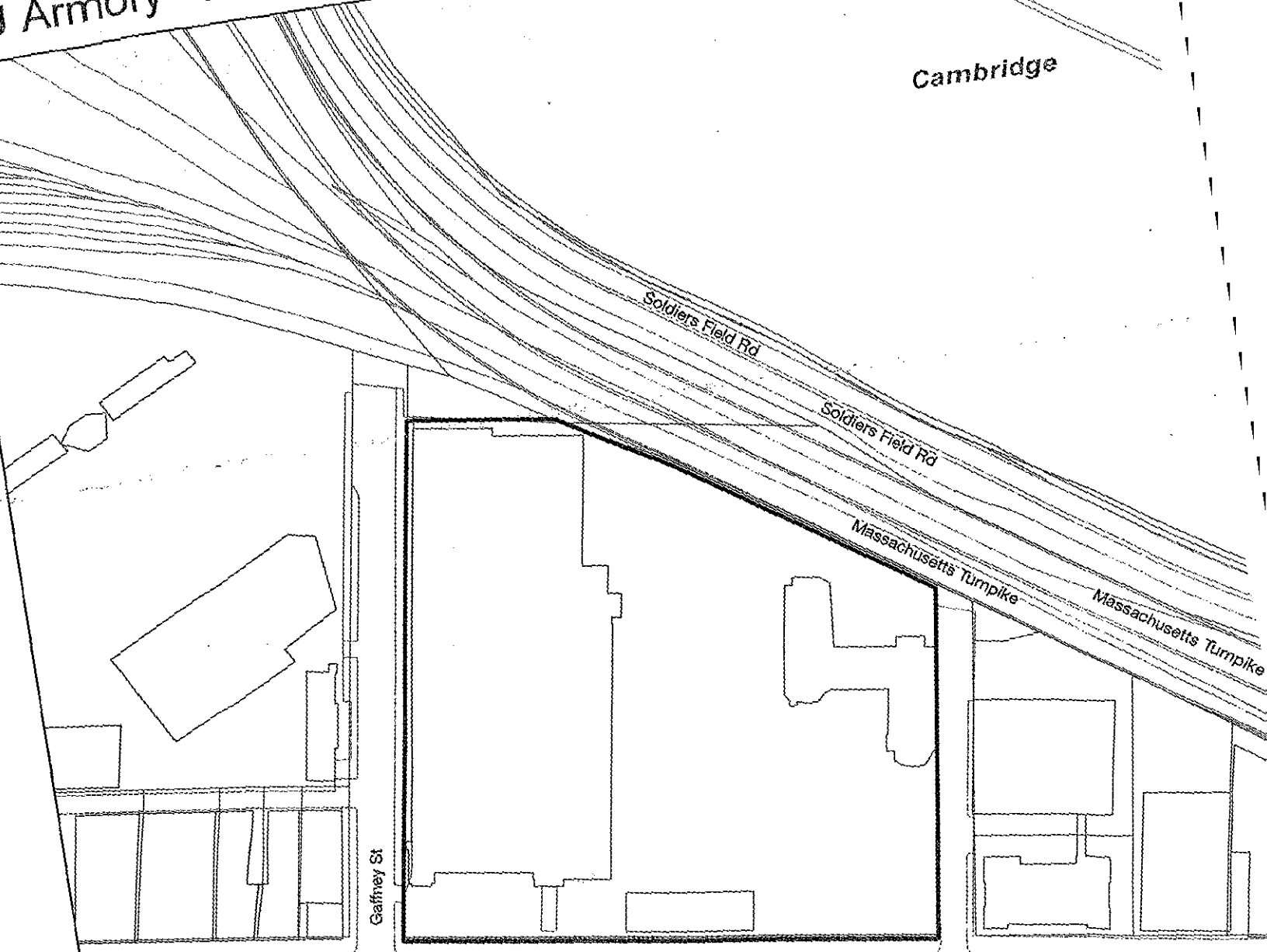
Commonwealth Ave

Commonwealth Ave

370

Armory - West Student Village

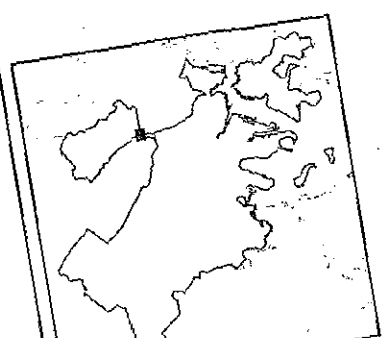
Cambridge



Commonwealth Ave

Commonwealth Ave

Brookline



Second Amendment to the Master Plan for Planned Development Area No. 38, 899-925
Commonwealth Avenue

R. H. Mann

Chairman

Robert Linden

Vice Chairman

Mary P. Lutz

Linda Bernhardt

Gill Hatton

Jan Kulec

Ann C. Brien

William J. Talbot

[Signature]

In Zoning Commission

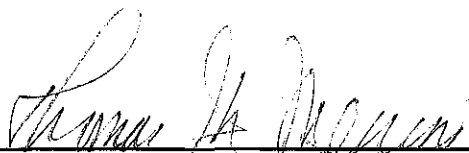
Adopted: September 6, 2006

Attest:

[Signature]

Secretary

Second Amendment to the Master Plan for Planned Development Area No. 38, 899-925
Commonwealth Avenue

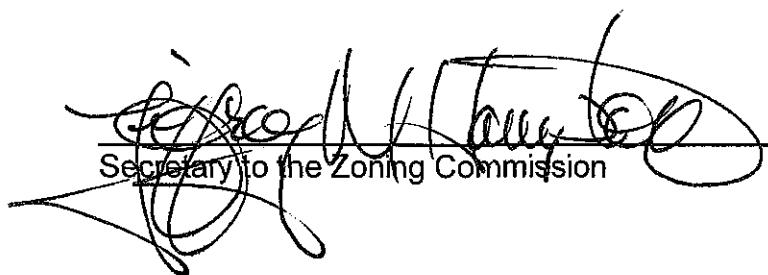


Mayor, City of Boston

Date: 9/8/06

The foregoing Second Amendment was presented to the Mayor on ~~SEPTEMBER 7, 2006~~, and was signed by him on ~~SEPTEMBER 8, 2006~~, whereupon it became effective on ~~SEPTEMBER 8, 2006~~ in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:



Secretary to the Zoning Commission