

BPA APPROVAL: 12/20/07  
ZC APPROVAL: 1/30/08  
EFFECTIVE: 1/30/08

**DEVELOPMENT PLAN AMENDMENT  
TO PDA #54**

**Fan Pier**

**28-52 Northern Avenue, Boston, Massachusetts**

**Introduction**

In accordance with Article 80C-3 of the Code, this PDA Development Plan Amendment sets forth information on the Fan Pier Project located in the South Boston Seaport District (the "Project"). PDA #54 and the Development Plan for PDA #54 (the "Original Development Plan") were approved by the Boston Redevelopment Authority on November 14, 2001 and adopted by the Boston Zoning Commission on February 27, 2002. Upon approval of this Development Plan Amendment, the Original Development Plan, together with this Development Plan Amendment, shall constitute the Development Plan for PDA #54, and are collectively referred to herein as "PDA #54".

PDA #54 sets forth information on the Project, including project area, the proposed location and appearance of the structures, open spaces and landscaping, the proposed uses for each phase, the proposed density, the proposed traffic circulation, parking and loading facilities, access to public transportation, proposed dimensions, development impact exaction, zoning, development review procedures, proposed public benefits and other aspects of the Project.

This Development Plan Amendment updates the proposed uses of the various buildings described in PDA #54. Except as expressly amended hereby, the provisions of PDA #54 are ratified and affirmed, and shall not be affected by this Amendment. Capitalized terms that are not defined in this Amendment shall have the meanings set forth in the Original Development Plan.

**Developer**

The Developer is Fan Pier Development LLC, which acquired the Fan Pier parcel from Fan Pier Land Company in September, 2005. The business address, telephone number and designated contact person for the Developer is:

Fan Pier Development LLC  
c/o The Fallon Company  
Two Seaport Lane  
Boston, MA 02210  
Contact person: Richard Martini  
Phone: 617-737-4100

## **Proposed Uses of Structures**

The proposed Project is a mixed-use development described in detail in the Original Development Plan. This Amendment updates the proposed uses of the proposed buildings at the Project, by revising Exhibit C to the Original Development Plan (Permitted Uses) and Exhibit B, Figure 1 (Development Program Summary). Accordingly, the Original Development Plan is amended as follows:

1. Exhibit C to the Original Development Plan, setting out the Permitted Uses on the Fan Pier site, is deleted and Exhibit C attached to this Amendment shall be substituted in place thereof. The effect of this Amendment is to add "Research Center" use, which is a Permitted Use under the underlying zoning, to the list of uses permitted within PDA #54.

2. The Development Program Summary attached as Exhibit B, Figure 1 to the Original Development Plan is deleted and Figure 1 attached to this Amendment shall be substituted in place thereof. The primary use of each proposed building within PDA #54 will be one or more of the uses indicated for such building on the attached Figure 1, Development Program Summary, provided that (a) the primary use of Buildings C and D will be residential, and (b) at least one of the parcels on which hotel use is permitted shall be developed in whole or in part as a hotel. The effect of this Amendment is to update the Development Plan to reflect the Developer's current expectations for the various buildings to be constructed on the Fan Pier site, and to add Research Center use as a Permitted Use in certain of the proposed buildings.

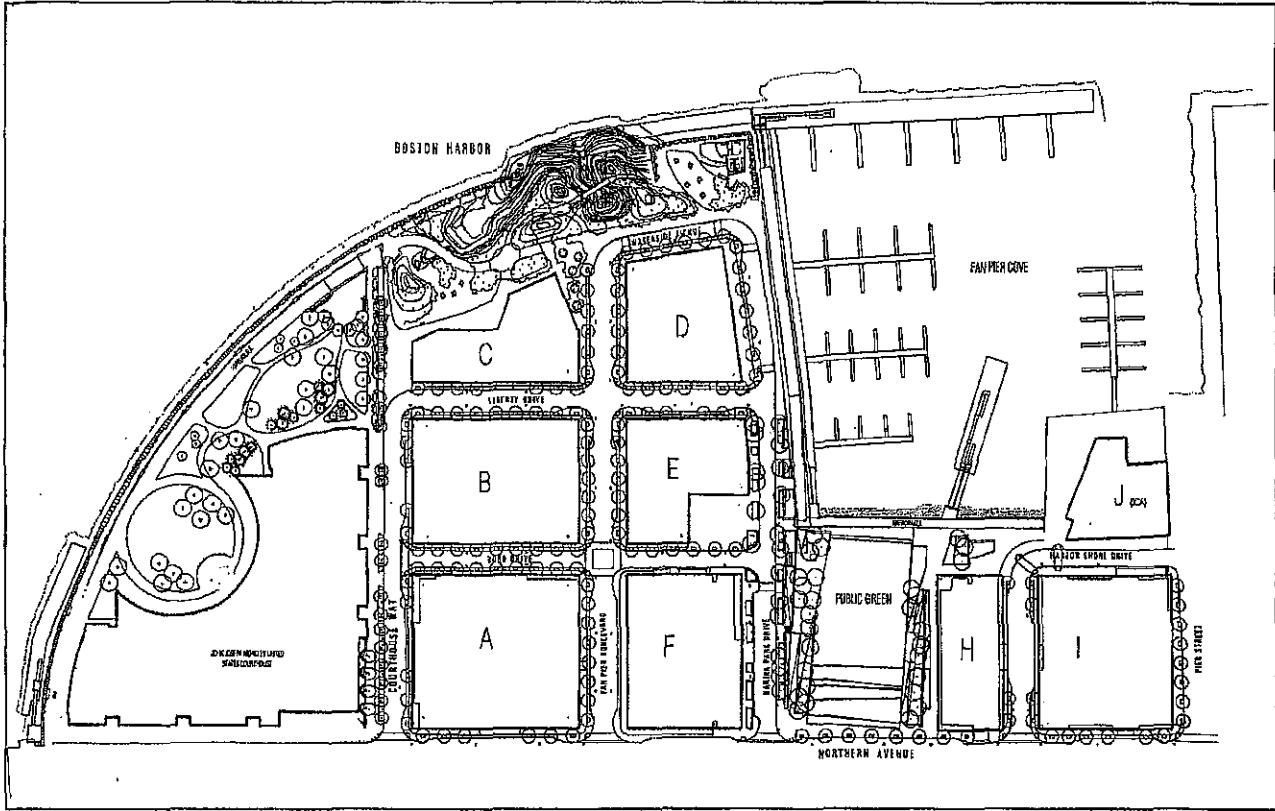
## **Public Benefits**

The Proposed Public Benefits described in the Original Development Plan are unchanged, except that "Daycare Facilities" will be amended to read as follows: "Daycare shall be provided in accordance with the requirements of Section 42E-21.1 of the Boston Zoning Code."

### **Attachments:**

Exhibit B, Figure 1: Development Program Summary  
Exhibit C: Permitted Uses

**EXHIBIT B, FIGURE 1**  
**DEVELOPMENT PROGRAM SUMMARY**



BLOCK	PROGRAM	HEIGHT	SQUARE FOOTAGE
BLOCK A	OFFICE, RESEARCH CENTER, FPA*	243.80'	
BLOCK B	OFFICE, RESEARCH CENTER, RESIDENTIAL, FPA	238.50'	
BLOCK C	RESIDENTIAL, FPA	175.00'	
BLOCK D	RESIDENTIAL, FPA	175.00'	
BLOCK E	OFFICE, RESEARCH CENTER, RESIDENTIAL, HOTEL, FPA	236.00'	
BLOCK F	OFFICE, RESEARCH CENTER, FPA	237.00'	
BLOCK H	RESIDENTIAL, HOTEL, FPA	175.00'	
BLOCK I	RESIDENTIAL, HOTEL, OFFICE, FPA	225.50'	
SUBTOTAL			2,927,000 SF
BLOCK D	CULTURAL / CIVIC		14,000 SF
BLOCK H	CULTURAL / CIVIC		27,000 SF
BLOCK J	CULTURAL / CIVIC		66,000 SF
SUBTOTAL			107,000 SF
<b>TOTAL</b>			<b>3,034,000 SF</b>

\* FPA includes retail, restaurant, civic, cultural, or other Facilities of Public Accommodation

## EXHIBIT C

### PERMITTED USES

#### (a) Water-Dependent Uses

- Dock, slip, pier, wharf, anchorage, or moorage for Commercial Vessels and Recreational Vessels awaiting servicing, provisions, on- or off-loading of people or cargo at delivery;
- Water-Dependent recreational facility, Recreational Marina, facilities for the use, hire or charter of Commercial vessels, Boat Rental Establishment, recreational sailing or boating school, yacht club;
- Parks, esplanades, boardwalks, and other pedestrian facilities that promote public use and enjoyment of the water and are located at or near the water's edge;
- Aquarium, including uses reasonably appurtenant thereto such as gift shop, laboratory space, classrooms, restaurant, and food service uses, office space, conference facilities, meeting rooms;
- Other cultural, educational, research, or training facilities dedicated primarily to marine purposes, or water-oriented exhibits;
- Waterborne passenger transportation facilities, such as those serving ferries, cruise ships, commuter and excursion boats, and water shuttles and taxis;
- Navigation aids, marine police and fire stations, and other waterways public safety and law enforcement facilities;
- Shore protection structures, such as seawalls, bulkheads, revetments, dikes, breakwaters, rip rap, wave deflectors, and the like.

#### (b) Open Space/Recreational Uses

- Open space for active or passive recreational use or dedicated to the conservation of natural resources, including but not limited to the waterways areas, beaches, reservations, parks, public gardens, and playgrounds; nonprofit sailing center or other public recreational facility operated by a nonprofit organization; publicly accessible garden conservatory or botanical garden.
- Recreational building (other than a non-profit sailing center, other public recreational facility operated by a non-profit organization, or publicly-accessible garden conservatory or botanical garden) on an Open Space area that is necessary and/or appropriate to the enhanced enjoyment of the particular Open Space area and is open to the public.

(c) Community Uses and Cultural Facilities

- Library, museum, gallery, concert hall, legitimate theater, auditorium, performance space, aquarium, or historical exhibit open to public generally;
- Community center or community service facility;
- Day care center.

(d) Residential Uses

- Multi-family residential uses.

(e) Hotel Uses

- Hotel, conference and meeting facilities, restaurant, lounge, bar, store primarily serving the retail needs of hotel, conference, and meeting guests, health club, swimming pool, storage and office use accessory to hotel use.

(f) Office Uses

- Office of professional persons, not accessory to a main use;
- Real estate, insurance, financial service institution, or other agency or government office;
- Office building, post office, bank (other than drive-in bank), or similar establishment.

(g) Research Center Uses

- Laboratories and facilities for teaching and for theoretical, basic and applied research, product development and testing, prototype fabrication or production of experimental products; the keeping of marine life or laboratory animals incidental to a research or development use; storage and office use accessory to a research or development use;
- Design, development, manufacture, compounding, packaging, processing, fabrication, altering, assembly, repair, servicing, renting, testing, handling, or transfer of products as would be included in research and development uses, consistent with the provisions of Subsection 36-4.1 of the Boston Zoning Code;

Provided, however, that no laboratory classified by the U.S. Centers for Disease Control as a Biosafety Level 3 or 4 (“BSL-3” or “BSL-4”) shall be permitted.

(h) Local Retail/Services Uses

- Store primarily serving the local retail business or service needs of the neighborhood and harbor/waterfront users, including but not limited to chandlery, barber shop, beauty shop, shoe repair shop, self-service laundry, pick-up and delivery station of laundry or dry cleaner, tailor shop, hand laundry;
- Store retailing one or more of the following, but not limited to: food, baked goods, groceries, drugs, tobacco products, clothing, dry goods, books, film, video, art, flowers, paint, hardware, and small household appliances.

(i) General Retail Uses

- Department store, furniture store, general merchandise mart, or other store serving the general retail business needs of a major part of the city, including accessory storage.

(j) Restaurant Uses

- Lunchroom, restaurant, cafeteria, or other place for the service or sale of food or drink for on-premises consumption, including outdoor cafes;
- Place for sale and consumption of food and beverages (other than drive-in restaurants) providing dancing or entertainment or both;
- In a structure, sale over the counter, not wholly incidental to a local retail business or restaurant use, of food or drink prepared on premises for off-premises consumption or for on-premises consumption if, as so sold, such food or drink is ready for take-out (other than drive-in restaurants).
- Pushcart food vendors.

(k) Educational Uses

- Marine research and/or training institute for educational institution provided that water access is required for the facility or its operation.

(l) Public Services Uses (subject to St. 1956, Chapter 665, Section 2)

- Public service pumping station, public, service substation, automatic telephone exchange, fire station, police station;
- Flood, water level, or tidal control facility;
- Cable conduit, pipeline crossing, stormwater outlet, or other similar utility structure.

(m) Transportation Uses

- Public transportation facility, bus station, trolley station.
- (n) Place of Worship
- Place of Worship; monastery; convent; parish house.
- (o) Exhibition and Conference Use
- Exhibition hall, conference center, meeting facilities, auditorium.
- (p) Art Uses/Artists' Mixed Use
- (q) Intentionally Omitted.
- (r) Accessory and Ancillary Uses
- Any of the following uses accessory or ancillary to an allowed use, subject to the limitations and restrictions of Article 10:
    - (i) any use accessory or ancillary to, and ordinarily incident to, a lawful main use; provided that such use is not specifically forbidden in the district; and provided further that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory;
    - (ii) an office, within a main building, of an accountant, architect, attorney, dentist, physician, or other professional person who resides in such building;
    - (iii) an occupation for profit customarily carried on in a dwelling unit by a person residing therein provided that such occupation is carried on in a main building and requires only equipment ordinarily incident to a dwelling unit and that no nonresident help is employed and that there is no trading in merchandise;
    - (iv) the keeping of marine life or laboratory animals incidental to a lawful educational, research center, aquarium, or institutional use;
    - (v) as accessory uses to hotel uses, restaurants, conference facilities, retail and service establishments serving guests and visitors and other uses incidental to the operation of a hotel;
    - (vi) Intentionally Omitted;
    - (vii) the storage of flammable liquids and gases incidental to a lawful use;
    - (viii) permanent dwellings for personnel required to be resident on a Lot for the safe and proper operation of a lawful main use;



(ix) day care center;

(x) health club facility, tennis court, swimming pool.

(s) Accessory Parking Uses

- Parking garage or on-street parking.

First Amendment to the Development Plan for  
Planned Development Area No. 54,  
Fan Pier Development, South Boston

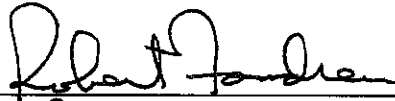
Boston Redevelopment Authority on behalf of  
Fan Pier Development LLC

FIRST AMENDMENT  
TO THE  
DEVELOPMENT PLAN FOR  
PLANNED DEVELOPMENT AREA NO. 54  
FAN PIER

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 the Development Plan for Planned Development Area No. 54, Fan Pier Development, approved by the Boston Redevelopment Authority on December 20, 2007.

Said First Amendment amends "Development Plan for Planned Development Area No. 54, Fan Pier Development," approved by the Authority on November 14, 2001, and approved by the Zoning Commission on February 27, 2002, effective, February 28, 2002. Planned Development Area No. 54 was designated on "Map 4A, Harborpark District: Fort Point Waterfront and Dorchester Bay/Neponset River Waterfront" of the series of maps entitled "Zoning Districts City of Boston" dated August 15, 1962, as amended, by Map Amendment No. 397, adopted by the Zoning Commission on February 27, 2002, effective February 28, 2002.

First Amendment to Planned Development Area No. 54, Fan Pier

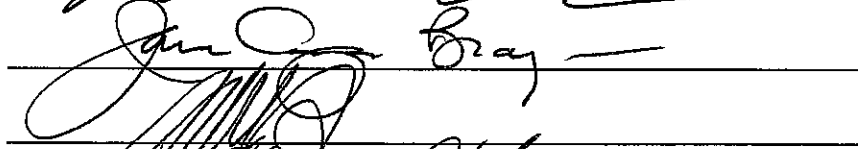


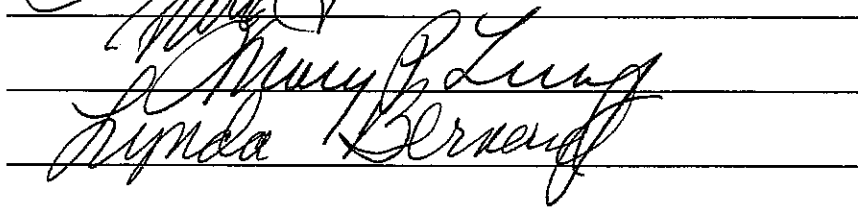
Chairman

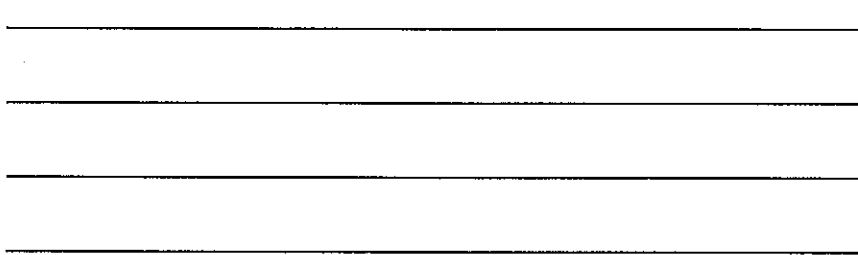


Vice Chairman





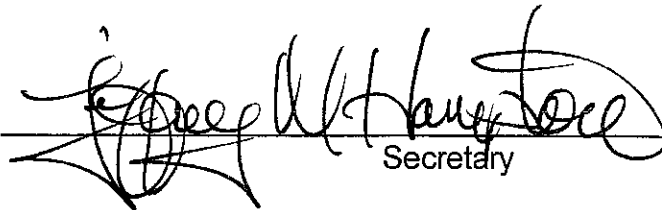




In Zoning Commission

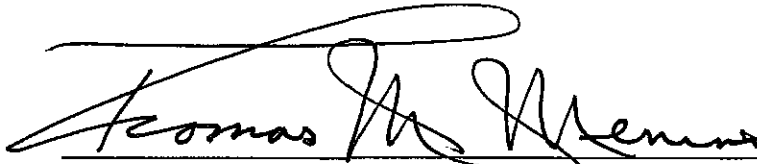
Adopted: January 30, 2008

Attest:



Secretary

First Amendment to Planned Development Area No. 54, Fan Pier

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

Date: 1/30/08

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The foregoing First Amendment to Planned Development Area No. 54 was presented to the Mayor on JANUARY 30, 2008, and was signed by him on JANUARY 30, 2008, whereupon it became effective on JANUARY 30, 2008, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:   
\_\_\_\_\_  
Secretary to the Zoning Commission