

BRA APPROVAL: 3/28/02  
ZC APPROVAL: 4/24/02  
EFFECTIVE: 4/25/02

**DEVELOPMENT PLAN**  
**for**  
**PLANNED DEVELOPMENT AREA NO. 56**  
**THE FENWAY MIXED USE PROJECT**

**Dated: March 28, 2002**

**Development Plan:** Pursuant to Sections 3-1A and Article 80 C of the Zoning Code of the City of Boston (the "Zoning Code"), this plan constitutes a Planned Development Area Plan (the "Plan") for the development of an approximately 97,241 square foot site in the Fenway neighborhood of Boston described in Exhibit A attached hereto (the "Site"), comprising two contiguous parcels of land owned by Fenway Ventures LLC (the "Proponent" and also referred to herein as the "Developer"), for a mixed-use development, including residential, retail, restaurant and parking uses, all as more fully described below (the "Fenway Mixed Use Project" and also referred to herein as the "Project"). This Plan sets forth the proposed location and appearance of structures, open spaces and landscaping, including streetscapes, proposed uses of the area and densities, proposed traffic circulation, parking and loading facilities, access to public transportation and proposed dimensions of structures.

This Plan consists of 22 pages of text plus attachments designated Exhibits A through F-2. All references to this Plan contained herein shall pertain to such pages and exhibits. This Plan represents a stage in the planning process prior to 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 Zoning Code for final design review approval and certification as to consistency with this Plan. Therefore, Exhibits A through F-2 are subject to final design, environmental and other development review by the BRA and by other governmental agencies and authorities.

**Developer:** Fenway Ventures LLC (the “Developer”) is a Limited Liability Company formed under the laws of the Commonwealth of Massachusetts. The business address and telephone number for the Developer is: Fenway Ventures LLC c/o Samuels & Associates, Inc., 333 Newbury Street, 2<sup>nd</sup> Floor, Boston, Massachusetts, 02115 , Telephone: 617-247-3434. The managers of the Developer are Steven B. Samuels and William P. McQuillan. The designated contact for the Developer is Peter Sougarides, Vice President of Development of Samuels & Associates, Inc. The development team for the Project includes Architects: Elkus/Manfredi Architects, 530 Atlantic Avenue, Boston, MA 02210, (617) 426-1300, Designated Contact – David Manfredi; Civil Engineering and Transportation: Vanasse Hangen Brustlin, Inc., 101 Walnut Street, Watertown, MA 02471, (617) 924-1770, Designated Contact – Anne Zebrowski; Article 80 Environmental Consultant: Daylor Consulting Group, Inc., 10 Forbes Road, Braintree, MA 02184, (781) 849-7070, Designated Contact – Mitchell L. Fischman; and Attorneys: Goulston & Storrs, P.C., 400 Atlantic Avenue, Boston, MA 02110, (617) –482-1776, Designated Contact – Douglas M. Husid.

**Site Description:** The Site is comprised of two contiguous parcels of land consisting of a total of approximately 97,241 square feet (2.2± acres), all as more particularly described and shown as the Fenway Mixed Use Project Site on the plan of land entitled “Fenway Mixed Use Project Site Permit Plan of Land in Boston, Massachusetts,” prepared by Gunther Engineering, Inc., dated February 23, 2001, attached hereto as Exhibit B and made a part hereof (the “Permit Plan”). As shown on the Permit Plan, the two contiguous parcels comprising the Site are an approximately 34,525 square feet parcel in the northeastern portion of the Site and an approximately 62,716 square feet parcel comprising the remaining portion of the Site. The street addresses respectively of these two parcels are 140-156 Brookline Avenue and 1365-1375 Boylston Street/158-170 Brookline Avenue.

The Site is bounded by and has frontage on Boylston Street (to the south), Brookline Avenue (to the north) and Kilmarnock Street (to the east). The Site, as shown on the Permit Plan, presently contains an existing aging and underutilized two-story

building with parking lot on the 140-156 Brookline Avenue parcel and a surface parking lot on the 1365-1375 Boylston Street/ 158-170 Brookline Avenue parcel. The existing on-site Brookline Avenue building will be razed prior to the construction of the Project.

The neighborhood immediately surrounding the Site is one primarily of commercial and office uses occupying low-rise commercial and industrial buildings that do not form consistent street edges. The Site is located on the opposite side of Boylston Street from the Star Market located at 33 Kilmarnock Street. Residential neighborhoods are located south of Boylston Street. Immediately east of the Site across Kilmarnock Street are a parking garage, an automotive tire retail and service business and other service and retail establishments.

The Site also is located across Brookline Avenue from Landmark Center, the former Sears Roebuck & Company Mail Order Store (also referred to as the Sears Building). Landmark Center contains office space, retail space and a multi-screen movie theater. The buildings located along the opposite side of Brookline Avenue from the Site are predominantly office and commercial in character, and include a restaurant and the Harvard Vanguard health center. Other retail and service establishments in the immediate vicinity of the Site include a medical supply company, a restaurant, an auto service center, a graphic design company and a liquor store.

The Site is adjacent to, but does not include, land to the east proposed by the Boston Red Sox as the site for its relocated New Fenway Park (baseball stadium). The Red Sox have been discussing a possible expansion of Fenway Park for several years, and the Massachusetts General Court has passed legislation providing funding for several components of the proposed expansion. Although the Red Sox have not as yet initiated formal City and State environmental permitting, the Developer has designed and located the Project along a realigned Kilmarnock Street to accommodate a relocated New Fenway Park, as currently proposed.

Immediately to the west of the Site are two separate parcels, both occupied by one single-story building containing a fast-food restaurant, a liquor package store and a sign shop. The Olmsted Park System National Register Historic District, also known as the Emerald Necklace, is located further to the west and south of the Site beyond these properties and across Park Drive.

**Proposed Development:** The Project involves the demolition of the existing two-story building located at 140-156 Brookline Avenue and the construction on the Site of a building containing a total combined gross floor area of approximately 651,000 square feet, comprised of approximately 585,000 square feet of residential space (approximately 540 to 580± residential units), 53,000± square feet of active retail space on the ground level, and approximately 498 parking spaces in three levels of below-grade parking. The final residential unit count is dependent on the apartment mix within the development. The retail uses are expected to include restaurant space.

The Project involves the construction of one building on the Site (the "Building") which shall have a number of separate elements or components of varying height and massing. The height of the Building along Boylston Street will be ten stories (approximately 102 feet in height) along most of that street façade (for approximately 230 linear feet), with a single element of approximately 60 linear feet at the Boylston/Kilmarnock Streets corner rising to twelve stories (approximately 121 feet in height). The proposed building height on the northern edge of the Project along Brookline Avenue varies from ten stories (approximately 102 feet in height for approximately 150 linear feet) to fifteen stories (approximately 149 feet in height for approximately 70 linear feet). The tallest building element, a 17-story residential mid-rise structure located at the corner of Brookline Avenue and the Kilmarnock Street extension (explained below in the Section entitled "Traffic and Pedestrian Circulation"), rises to a height of approximately 168 feet (for approximately 70 linear feet). Pursuant to the Zoning Code, these building heights are measured from grade and do not include the penthouses which will be used for housing mechanical equipment.

The Project includes two vehicular access locations to the parking at the Site. One access point is along Brookline Avenue at the western end of the Site and has an internal drop-off court for use in connection with the residential components of the Project. The other access point is along Kilmarnock Street. This access point is designed with a physical separation between the vehicular garage ramp and the truck access/egress points for the adjacent loading dock located along Kilmarnock Street.

The ground-level pedestrian access points for the residences in the Building are through three lobbies respectively located along Boylston Street near the eastern end of the Site, along Brookline Avenue at the western end adjacent to the vehicular driveway entrance to the Site, and along Brookline Avenue near the eastern end of the Site. The ground-level pedestrian access points to the retail portions of the Project are located as needed along the entire perimeter of the Building.

**Location and Appearance of Structures:** The block in which this Site is located is visually prominent in the Fenway. Its development will set a precedent for the entire revitalization of this neighborhood. The Site is currently characterized by asphalt parking lots and a small, aging, two-story office building. This Project represents a valuable urban design contribution to this neighborhood; its housing and retail components are intended to bring an “urban village” character to this location which has been identified by the community as a high priority for this part of the Fenway neighborhood. The Project will improve the visual transition from neighborhood apartment buildings to commercial scale office buildings. The Project will be visible from several view corridors in the Fenway and will create a pleasing, sculptural transition to the sky.

The Project is designed to provide continuity with the smaller scale of the residential buildings to the south of Boylston Street while also creating a transition between this smaller scale of residential buildings to the south and the larger scale of the commercial buildings located to the north of Boylston Street. The proposed height and massing are designed to reinforce positive qualities in the Project’s context and lend

architectural excitement to a thoroughfare currently dominated by auto-related uses in the Fenway. By its location and design, the Project will serve as a catalyst to further the redevelopment of Boylston Street as a "Main Street" for the Fenway neighborhood.

Along Boylston Street, the massing of the Project is delicately articulated to complement the fine scale of the residential neighborhood to the south. The proposed structure rises to a height of ten stories along the majority of Boylston Street, with a significant setback at the eighth story to produce a varied and more interesting profile against the sky. This setback at the eighth story gives the structure a profile similar to the classic pre-war urban apartment buildings that have so favorably characterized many urban landscapes. A portion of the structure at the corner of Boylston and Kilmarnock Streets rises to twelve stories to mark this corner as being a prominent anchor in the area's streetscape. The proposed building elements comprising the Project will provide strong streetwalls typical of the residential areas in the Fenway and Boston's South End neighborhoods. These walls will be highly articulated to relate to the residential character of the West Fens neighborhood to the south and provide a human scale for pedestrians. The numerous cantilevered bays on the proposed facades will provide the streetscape with both variety and depth.

Most of the massing and height are pushed toward the northern edge of the Project along Brookline Avenue. Here, the skyline and massing is further varied, with the largest massing located at the two ends of the Site along Brookline Avenue: at the western end of the Site is located a fifteen story (approximately 149 foot) element that serves to accentuate the primary residential entry and new auto drop-off court; and, at the eastern end, is located the residential mid-rise element at the corner of Brookline Avenue and Kilmarnock Street which rises to seventeen stories or approximately 168 feet. The massing along Brookline Avenue is articulated with a more uniform surface, again with a major setback at the eighth floor. The Project is set back from the westernmost property line (approximately 10± to 35± feet) to ensure that light and air always reach these facades.

The Project's architecturally appealing streetscape and active sidewalks are characteristic of Boston's historic neighborhoods. The proposed height and massing are designed to reinforce

positive qualities of the Project's context and lend architectural excitement to a Boylston Street thoroughfare currently dominated by auto-related uses in the Fenway. Pre-cast stone and modular brick are used throughout the structures to create a human scale and relate to the existing apartment buildings in the Fenway.

The proposed location and appearance of the structure and all of its elements are shown on the plans, drawings and elevations (the "Drawings") that are included, in part, in Exhibit C-1 attached hereto and made a part hereof and are more completely listed in Exhibit C-2 attached hereto and made a part hereof, as said Drawings may be further refined, revised, amended and approved pursuant to review by the Boston Redevelopment Authority (the "BRA") and other appropriate agencies and authorities, and shall comply with the density and dimensional requirements set forth in Exhibit D attached hereto and made a part hereof, in accordance with the provisions hereof.

**Location and Appearance of Open Spaces and Landscaping:** The landscape design for the Site's open spaces and street-edges is shown on the Drawings listed on Exhibit C-2 as said Drawings may be further refined, revised, amended and approved pursuant to review by the BRA and other appropriate agencies and authorities. The landscaping for the Project has been designed to foster an "urban village" environment with Boylston Street as a "Main Street."

If Boylston Street is to become a "Main Street" for the Fenway neighborhood, it must be dense enough to generate pedestrian traffic, with generous sidewalks to create an environment that allows one to enjoy shopping, strolling, dining, commuting, or meeting. Toward this end, the Project's building elements are set back from the Brookline Avenue and Boylston Street property lines to create pedestrian-friendly sidewalks that enable the placement of generous street trees and the width necessary to accommodate sidewalk cafes with outdoor dining. Landscaping will be typical of urban conditions and will include city-approved street furniture, hardscaping and some planted elements. The building elements themselves will provide strong street walls typical of the residential

areas in the Fenway. These walls will be highly articulated to relate to the residential character of the neighborhood to the south and to provide a human scale for pedestrians.

The numerous bays on the proposed facades will give the streetscape both variety and depth. The ground floor will be extremely active with smaller retailers lining and activating Boylston Street and larger retailers providing activity and excitement for Brookline Avenue. The three residential entries will also bring life to Brookline Avenue and Boylston Street. All of this activity will make the street both safer and more appealing to neighborhood residents.

The Project also includes an interior landscaped courtyard accessible from the second floor for the building residents. This courtyard will provide an amenity for residents of the Building and will combine planted and landscaped elements.

**Underlying Zoning and PDA Designation:** The Site is located in a B-2 (Business) zoning district pursuant to Map 1 of the City of Boston Zoning Maps, and is within the Fenway Interim Planning Overlay District (the “Fenway IPOD”) established under Article 27Q of the Zoning Code. The Site also is located within the Restricted Parking Overlay District established by Section 3-1A.c of the Zoning Code.

Designation of the Site as a Planned Development Area is allowed under Section 27Q-12 and Section 3-1A.a of the Zoning Code.

**Proposed Uses of the Area:** The Building will be used for multifamily residential, retail and restaurant uses and accessory parking thereto. The retail and restaurant uses will be located on the ground floor and will occupy approximately 53,000 square feet of floor area. The multifamily residential uses will occupy all floors above ground level and will comprise approximately 585,000 square feet of space (approximately 540 to 580± residential units). The parking spaces will be located in the three-level subsurface garage. In order for this Project to continue to be used for a variety of purposes consistent with underlying zoning, this Plan seeks approval for all of



the proposed uses described in this Plan and for all uses now or hereinafter allowed by any applicable underlying provisions of the Zoning Code, as well as for all uses set forth on Exhibit E, notwithstanding any contrary provision of the Zoning Code.

**Dimensions and Densities:** The proposed permitted dimensions and densities for the Project are set forth in the Density and Dimensional Zoning Requirements table attached hereto as Exhibit D and made a part hereof. This Plan seeks approval of these proposed permitted dimensions and densities for the Project, as set forth in Exhibit D. To the extent that any aspect of the proposed structure described in Exhibit C-1 and Exhibit C-2 of this Plan is in conflict with any requirement of the Zoning Code not specifically addressed in this Plan, such requirements shall be deemed inapplicable to the Project and shall be deemed waived upon approval of this Plan.

Under Section 27Q-12 (“Planned Development Areas”) of the Zoning Code, the BRA has the authority to approve proposed dimensions set forth in a PDA Development Plan that differ from the dimensions set forth in Section 27Q-12(1), provided that the BRA, in reviewing such PDA Development Plan and after receiving the advice of the Fenway Planning Task Force, finds that such proposed dimensions would not be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens. The approval of this Plan shall constitute such findings and approval of the proposed permitted dimensions and densities for the Project set forth in Exhibit D as satisfying the requirements of Section 27Q-12 of the Zoning Code.

The actual dimensions and densities of the Project, as such dimensions may be further refined, revised, amended and approved pursuant to review by the BRA and other appropriate agencies and authorities, may differ slightly from the permitted dimensions and densities set forth in Exhibit D. However, in no event shall the actual dimensions and densities of the Project, in the opinion of the Director of the BRA, substantially exceed the permitted dimensions and densities set forth in Exhibit D.

In accordance with Section 80C-9 of the Zoning Code, consistency of the Project with this Plan constitutes compliance with the dimensional, use and other requirements of the Zoning Code to the extent such requirements have been addressed in the Plan. To the extent that any aspect of the proposed uses and structure that is described in this Plan and that complies with Exhibit D and Exhibit E of this Plan, is in conflict with any requirements of the Zoning Code not specifically addressed in this Plan, such requirements shall be deemed inapplicable to the Project and shall be deemed to be waived upon approval of this Plan.

**Traffic and Pedestrian Circulation:** The Project is designed to maximize pedestrian access and public use while minimizing parking and traffic impacts. The Project will be accessible to vehicles by entrances to the subsurface garage from Brookline Avenue, at the western end of the Site, and from Kilmarnock Street. A drop-off/pick-up area for residents and visitors will be located inside the Brookline Avenue access along the entrance/exit ramp leading to the parking garage.

The ground-level pedestrian access points to the residences in the Building are through three lobbies respectively located along Boylston Street near the eastern end of the Site, along Brookline Avenue at the western end adjacent to the vehicular driveway entrance to the Site, and along Brookline Avenue near the eastern end of the Site. The ground-level pedestrian access points to the retail portions of the Project are located as needed along the entire perimeter of the Building.

The loading dock for the Project is located off of Kilmarnock Street and contains two (2) loading bays. This loading area is designed to allow for internal truck maneuvering, thereby eliminating the need for delivery trucks to back into the Site from Kilmarnock Street.

The Project also involves extending Kilmarnock Street as a two-way roadway from Boylston Street to Brookline Avenue to form a four-legged intersection at Brookline Avenue and Fullerton Street. To provide for this extension, the Developer shall install

the paving, curbing, sidewalks and related drainage and shall provide an easement to the City over the area of the Site extending from the existing Kilmarnock Street to Brookline Avenue, as more particularly shown on the Drawings. The extended Kilmarnock Street will contain a minimum 26-foot wide travel width running in a southerly direction from Brookline Avenue meeting existing Kilmarnock Street just north of the proposed loading dock/garage access from Kilmarnock Street.

Overall, the Project is expected to generate approximately 2,020 daily vehicle-trips, with approximately 130 vehicle-trips occurring during the morning peak hour and 215 vehicle-trips occurring during the evening peak hour. Only 85 of the morning peak hour and 145 of the evening peak hour vehicle-trips will be new to the roadway system as the Site is currently generating traffic from its off-street, surface parking uses.

A large portion of residents and retail/restaurant patrons at the Project are expected to use alternative modes of travel besides private automobile. Overall, for the whole Project, approximately 24 percent of the residents and Project patrons are estimated to drive (either alone or in a carpool), 27 percent are estimated to use public transportation, and the remaining 49 percent are estimated to walk/bike.

In addition to the Kilmarnock Street extension, the Developer is working with the BRA through the Large Project Review process to develop a program of improvements for area roadways designed to mitigate the Project's impacts. As a result, the Project is expected to have minimal, if any, impact on the transportation operations of the surrounding area.

In addition, the Project's Developer is committed to implementing Transportation Demand Management ("TDM") strategies and assisting and encouraging major tenants at the Project Site to design and implement appropriate tenant-specific TDM programs to minimize the number of single-occupant vehicle commuters to the Site, thereby reducing peak hour traffic demands on the surrounding area roadway network. The TDM program will include:

- Managing parking supply and pricing;
- Ridesharing;
- Provision of bicycle amenities;
- Posting of public transportation information; and
- Promotion of alternative modes by strongly encouraging commercial tenants and the property manager of the residential component to subsidize T-passes to their on-site employees.

**Parking and Loading Facilities:** The Site will contain a total of approximately 498 off-street parking spaces located in the three-level subsurface garage that are available to residents and the public. Currently, the Site contains an approximately 79 - space parking lot that occupies the smaller, northeastern parcel within the Site and a surface parking lot that has previously been used for between approximately 99 and 179 parking spaces that occupies the larger, remaining parcel. Therefore, the Project includes the construction of approximately 240 to 320 net new parking spaces.

The parking facilities are shown in greater detail on the Drawings shown in Exhibit C-1 and listed in Exhibit C-2, and will conform with, the Drawings shown in Exhibit C-1 and listed in Exhibit C-2, as they may be further refined, revised, amended and approved pursuant to review by the BRA and other appropriate agencies and authorities, and with the density and dimensional requirements set forth in Exhibit D in accordance with the provisions hereof.

The demand for parking at the Project was calculated based on national parking demand rates, the requirements for parking in a B-2 District under Article 23 of the Zoning Code, the requirements for parking in Planned Development Areas under Article 27Q of the Zoning Code, and certain programs expected to be implemented to reduce traffic to the Site, as discussed immediately above in the "Traffic and Pedestrian Circulation" section and below in the "Proposed Access to Public Transportation" section of this Plan. According to these calculations, it is presently anticipated that the proposed number of approximately 498 off-street parking spaces will be sufficient to satisfy the parking demands for the Project.

This parking will occupy approximately 243,300 square feet. The parking spaces will have direct access to the residential portions of the Project via the building elevators that will extend to the garage. Resident elevators will be contained in three cores at each level of the garage and will be accessed from within the Building via residential lobbies. In order to promote more efficient use of the off-street parking facilities, all of the parking may be professionally operated by an entity independent of the owner of the Project, and may be operated as valet or attendant parking with tandem parking spaces.

This Plan seeks approval of the number, location, dimensions and design of the proposed parking spaces as described herein and as depicted on the Drawings shown in Exhibit C-1 and listed in Exhibit C-2, as they may be further refined, revised, amended and approved pursuant to review by the BRA and other appropriate agencies and authorities. This Plan further seeks approval, notwithstanding the provisions of the Zoning Code applicable to the Restricted Parking Overlay District, for the use of the proposed parking spaces for parking accessory to any use described in or approved by this Plan.

Under Section 27Q-12 ("Planned Development Areas") of the Zoning Code, with respect to Planned Development Areas, the BRA has the authority to approve proposed numbers of off-street parking spaces set forth in a PDA Development Plan that differ from the maximum numbers set forth in Section 27Q-12(1), provided that the BRA, in reviewing such PDA Development Plan and after receiving the advice of the Fenway Planning Task Force, finds that such proposed number of off-street parking spaces would not be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens. The approval of this Plan shall constitute such findings and approval of the proposed permitted number of parking spaces for the Project set forth in this Plan as satisfying the requirements of Section 27Q-12 of the Zoning Code.

The off-street loading facilities for the Project will be located along Kilmarnock Street and will consists of two (2) loading bays. It is anticipated that the frequency of

project-generated truck traffic will be low. The loading facilities are designed so that all truck loading activities will occur off-street at these loading facilities. These loading facilities are designed to allow for internal truck maneuvering. Therefore, there will be no idling of trucks on the street and trucks will not need to back into the Project Site.

The loading facilities are shown in greater detail on the Drawings shown in Exhibit C-1 and listed in Exhibit C-2, and will conform with, the Drawings shown in Exhibit C-1 and listed in Exhibit C-2, as they may be further refined, revised, amended and approved pursuant to review by the BRA and other appropriate agencies and authorities, and with the density and dimensional requirements set forth in Exhibit D in accordance with the provisions hereof. This Plan seeks approval of the number, location, dimensions and design of the proposed loading facilities as described herein and as depicted on the Drawings shown in Exhibit C-1 and listed in Exhibit C-2, as they may be further refined, revised, amended and approved pursuant to review by the BRA and other appropriate agencies and authorities.

The actual number, location, dimensions and design of the proposed parking spaces and loading facilities of the Project, as such parking spaces and loading facilities may be further refined, revised, amended and approved pursuant to review by the BRA and other appropriate agencies and authorities, may differ slightly from the number, location, dimensions and design described herein and depicted on the Drawings shown in Exhibit C-1 and listed in Exhibit C-2. However, in no event shall the actual parking spaces and loading facilities of the Project, in the opinion of the Director of the BRA, substantially differ from the permitted number, location, dimensions and design set forth herein and in Exhibit C-1 and Exhibit C-2.

**Proposed Access to Public Transportation:** The Site is readily accessible to public transportation, including commuter rail, rapid transit, and bus service. There are also many private bus and shuttle services in the area that provide access to the variety of educational institutional users in the area. Exhibit F-1 and Exhibit F-2 present the public

transportation facilities servicing the area. The following section discusses the public transportation routes within close proximity to the Site.

#### Commuter Rail

The closest MBTA commuter rail station to the Site is Yawkey Way, which is located adjacent to the Massachusetts Turnpike, immediately northwest of Fenway Park.

#### Rapid Transit

The closest MBTA rapid transit stop is the Fenway on the "D" (Riverside) branch of the Green Line, which is located within ¼ mile north of the Site adjacent to the northwestern corner of Landmark Center. The D Line extends and provides service eastward to the Green Line's main branch at Kenmore Square where other branch lines intersect to travel to Downtown Boston and to links to rapid transit lines to other Boston neighborhoods and Cambridge. The D Line extends and provides service westbound through the communities of Brookline and Newton to the Riverside station.

#### Bus Services

The current MBTA bus routes 8, 47, 55, 60, 65, CT-2 and CT-3 provide service to the proposed Project Site. These buses travel along the streets adjacent to the Site including Brookline Avenue, Boylston Street and Park Drive.

A Transportation Demand Management program will be implemented at the Project to encourage the use of public transportation as a commuting option to the Site. The design of the TDM program will consider several strategies related to the use of public transportation, including without limitation providing bicycle amenities on the Site, posting public transportation information, including information on bus schedules and assisting and encouraging major tenants at the Project to design and implement appropriate TDM programs.

**Proposed Building Elevations:** The proposed building elevations will conform with the Drawings shown in Exhibit C-1 and listed in Exhibit C-2 as they may be further refined, revised, amended and approved pursuant to review by the BRA and other appropriate agencies and authorities, and with the density and dimensional requirements set forth in Exhibit D in accordance with the provisions hereof.

**Drawings:** The Fenway Mixed Use Project will conform with the Drawings shown in Exhibit C-1 and listed in Exhibit C-2, as they may be further refined, revised, amended and approved pursuant to review by the BRA and other appropriate agencies and authorities, and with the density and dimensional requirements set forth in Exhibit D in accordance with the provisions hereof.

**Exterior Building Materials and Structure:** Pre-cast stone and modular brick are used throughout the structures to create a human scale and relate to the many brick apartment buildings in the Fenway. Window openings will have cast stone trim characteristic of the architecture in Boston's historic neighborhoods in the Fenway, Back Bay and South End. The windows themselves will be recessed into the wall, creating richly textured shadows on the facade. French balconies, terraces and flower boxes will also contribute to this rich texture. The retail base at the first floor is clad in cast stone to reinforce the public character of this ground floor. The ground level is designed to be to be an active retail level, complete with large glass storefronts, tasteful signage, colorful awnings, and dramatic lighting.

The exterior building structure is shown in greater detail in, and will conform with, the Drawings shown in Exhibit C-1 and listed in Exhibit C-2, as they may be further refined, revised, amended and approved pursuant to review by the BRA and other appropriate agencies and authorities, and with the density and dimensional requirements set forth in Exhibit D in accordance with the provisions hereof.



**Signage:** Signage for the Project shall include (a) those permitted by Article 11 of the Zoning Code; and (b) any additional signs as may be approved by the Authority under its Development Review Procedures.

**Public Benefits:** Development of the Project represents a substantial investment by the Developer that will provide significant benefits to the Fenway community and the City of Boston, including new jobs creation, urban design improvements, new affordable housing, and additional tax revenues. As result of this investment, an existing surface parking lot and an aging two-story building will be replaced by a vibrant, attractive and highly visible mixed-use structure that enhances the pedestrian, retail and residential vitality, as well as the urban design and architectural character, of the Fenway area. The Project's specific public benefits include the following:

- The Project will introduce needed new retail and residential vitality into the Fenway neighborhood.
- The Project will enhance pedestrian circulation by adding pedestrian amenities around the Site.
- The Project will provide approximately 540 to 580± new units of housing, consisting of both market-rate and affordable units.
- The Project will provide for affordable housing in excess of that required under the Mayor's Executive Order Relative to Affordable Housing, dated February 29, 2000. More specifically, 10% of the Proposed Project's on-site housing units will be designed as affordable units. 50% of these affordable on-site units will be priced affordable to moderate-income households earning less than 80% of the metropolitan-area median income, and 50% of these affordable on-site units will be priced affordable to middle-income households earning between 80% and 120% of the metropolitan-area median income, such that on average these middle-income on-site units will be priced affordable to households earning 100% of median income. In addition to constructing this on-site affordable housing, the Developer will make a financial contribution of \$52,000 per unit to a City of Boston fund for the creation of off-site affordable housing in an amount equaling five percent (5%) of the total number of units.
- The Project will include the construction of, and granting of an easement to the City for, a realigned and extended Kilmarnock Street connecting through to Brookline Avenue to form a four-legged intersection at Brookline Avenue and Fullerton Street.
- The Project will include the installation of a new traffic signal at the intersection of Boylston Street and Kilmarnock Street.

- The Project will create approximately 325-350 construction jobs and approximately 125-150 permanent jobs.
- The Project will result in a substantial increase in the annual real estate tax payments from the mostly vacant site, from approximately \$150,000 to over \$1,000,000.

**Public Benefits Criteria:** Section 27Q-12(3) of the Zoning Code provides that the BRA may approve a PDA Development Plan as meeting the requirement of Section 80C-4 (“Standards for Planned Development Area Review Approval”) for compliance with the applicable planning and development criteria of Article 27Q if the Development Plan proposes a plan for public benefits consistent with the goals of Article 27Q and any master plan for the Fenway IPOD Study Area adopted pursuant to said Article 27Q, including the expansion of the economy and job opportunities within the Fenway in a manner that protects the residential community from incompatible non-residential uses and one or more of the following:

- (a) the creation of new community housing opportunities;
- (b) the improvement of public transportation facilities or the introduction of measures to improve vehicular and pedestrian circulation; or
- (c) improvements to the aesthetic character of the development site and its surroundings, which may include the provision of open space connections, the provision of street trees and other improvements that enhance open space, the improvement of the urban design characteristics of the site and its surroundings, or the enhancement of existing open space or the creation of new open space.

The public benefits generated by the Project satisfy the foregoing public benefit criteria of Section 27Q-13 of the Zoning Code. The development of the Project, as summarized in this Plan, represents a substantial investment by the Proponent that will expand the local and city economy, and provide substantial job opportunities within the Fenway in a manner that protects the Fenway from incompatible non-residential uses. The Project's approximately 540 to 580± residential units will bring an estimated 700 to 800 new residents into the Fenway, thereby increasing the residential vitality of the neighborhood, expanding the city and Fenway economy and providing a significant new source of consumers of neighborhood goods and services. The Project, as summarized above, will result in the creation of significant new community housing opportunities, including a substantial number of on-site affordable housing units and a substantial financial contribution for the construction of additional affordable housing off-site. The Project's non-residential uses, consisting of approximately 53,000 square feet of ground floor retail uses, also will strengthen the local economy while enhancing the residential character of the neighborhood by providing new, convenient stores and restaurants to serve current and future residents of the Fenway. Furthermore, as noted above, the Project will substantially increase real estate tax payments from the mostly vacant site.

The Project, as summarized above, will result in the creation of significant new community housing opportunities. In addition, as described in this Plan, the Project will enhance the aesthetics and urban design qualities of the Site by replacing an aging building and open-air parking lot now occupying the Site with an architecturally pleasing building designed to bring an "urban village" character to this Site and to provide

continuity with the smaller scale residential buildings to the south of Boylston Street while also creating a transition between this smaller scale of residential buildings to the south and the larger scale of commercial buildings located to the north of Boylston Street. Finally, as described above and elsewhere in this Plan, the Project includes infrastructure improvements and other measures to improve vehicular and pedestrian circulation. Therefore, as set forth above, this Plan satisfies the public benefits requirements of Section 27Q-12(3) of the Zoning Code.

**Other Approvals and Review Procedures:** The Project is subject to Large Project Review under Article 80 of the Zoning Code, and to MEPA review by the Massachusetts Executive Office of Environmental Affairs (“EOEA”). A Project Notification Form (“PNF”) relating to the Project was filed on May 4, 2000, to formally commence the Large Project Review process, and the BRA issued its Scoping Determination on July 7, 2000. The Developer submitted its Draft Project Impact Report (“DPIR”) to the BRA on September 22, 2000 and a Notice of Project Change (“NPC”), reflecting certain design and building program revisions, on February 6, 2001. At the request of the BRA, in response to comments received on the NPC, the Developer submitted to the BRA on February 22, 2002 a Supplemental Documentation to the Notice of Project Change. The Developer anticipates that on or about March 28, 2002 the BRA will issue for the Project a Preliminary Adequacy Determination Waiving Further Review.

The Developer filed an Environmental Notification Form (“ENF”) with the EOEA on February 15, 2001. On March 26, 2001, the Secretary of the EOEA issued the Secretary’s Certificate on the ENF, determining that the Project does not require the preparation of an Environmental Impact Report.

The Project also requires Schematic Design Approval by the Boston Civic Design Commission (“BCDC”) pursuant to Article 28 of the Zoning Code. The BCDC, at its

meeting on March 7, 2001, voted to give Schematic Design Approval for the Project. Also, pursuant to Article 85 ("Demolition Delay") of the Zoning Code, the Boston Landmarks Commission ("BLC") issued on April 18, 2001 a Notice of Determination that no further review by the BLC is required with respect to the proposed demolition of the existing building on the Site.

In addition, pursuant to M.G.L. Ch. 9, Sec. 26-27C and 950 CMR 71.00, the Developer filed a Project Notification Form for the Project with the Massachusetts Historical Commission ("MHC"). On April 9, 2001, the MHC issued its No Adverse Effect Determination Letter for the Project. Various other permits and approvals may also be required for the Project and will be obtained at the appropriate time.

**Applicability:** In accordance with Section 80C-9 of the Zoning Code, consistency of the Project with the Plan constitutes compliance with the dimensional, use and other requirements of the Zoning Code, including without limitation the requirements of Article 27Q, to the extent such requirements have been addressed in the Plan. To the extent that any proposed uses and structures complying with Exhibit D and Exhibit E, as applicable, are in conflict with any requirement of the Zoning Code not specifically addressed in this Plan, such requirements shall be deemed inapplicable to the Project and shall be deemed to be waived upon approval of this Plan.

It should be noted that, pursuant to the underlying zoning provisions of Sections 27Q-15 and 27Q-16 of the Zoning Code, a proposed project within the Fenway IPOD requires the issuance of an Interim Planning Permit from the Zoning Board of Appeal (the "Board of Appeal"), which permit may only be granted by the Board of Appeal if it finds that (a) the benefits to the community outweigh the burdens imposed; and (b) the proposed project is in substantial accord with the standards set forth in Section 27Q-16.

As noted above, in accordance with Section 80C-9 of the Zoning Code, consistency of the Project with the Plan constitutes compliance with the dimensional, use and other requirements of the Zoning Code, including without limitation the requirements of Article 27Q, to the extent such requirements have been addressed in the Plan. Approval of this Plan shall constitute such findings and approval of the Project as fully satisfying the requirements of Sections 27Q-15 and 27Q-16, and shall supersede the requirement for an Interim Planning Permit from the Board of Appeal.

**Miscellaneous:** Unless otherwise set forth herein, all references herein to terms set forth in the Zoning Code shall have the meaning set forth in the Zoning Code, as amended to the effective date hereof, and not as the same may be amended hereafter.

SCHEDULE OF EXHIBITS

EXHIBIT A	LEGAL DESCRIPTION OF SITE
EXHIBIT B	PERMIT PLAN OF PROJECT
EXHIBIT C-1	PLANS AND DRAWINGS FOR THE PROJECT
EXHIBIT C-2	COMPLETE LIST OF PLANS AND DRAWINGS FOR THE PROJECT
EXHIBIT D	DENSITY AND DIMENSIONAL ZONING REQUIREMENTS
EXHIBIT E	ALLOWED USES
EXHIBIT F-1	MAP OF PUBLIC TRANSPORTATION FACILITIES
EXHIBIT F-2	SUMMARY TABLE OF PUBLIC TRANSPORTATION SERVICES

**EXHIBIT A**

**Legal Description of Site**



FENWAY MIXED USE PROJECT SITE  
LEGAL DESCRIPTION

Project B-3649.03

26 February 2001



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A parcel of land in the Fenway District of Boston, Suffolk County, Massachusetts, southeasterly of Brookline Avenue, westerly of Van Ness Street and Kilmarnock Street, northerly of Boylston Street, shown on a plan entitled, "Fenway Mixed Use Project Site, Permit Plan of Land in Boston, Massachusetts, Scale 1:600, 23 February, 2001," Drawing Number 478.10S, prepared by Gunther Engineering, Inc., more particularly described as follows:

Beginning at the southeasterly corner of said parcel, at the intersection of the northerly side of Boylston Street with the westerly side of Kilmarnock Street, thence running:

S 70-00-30 W 320.20 feet by the northerly side of Boylston Street to land now or formerly of Neil Gordon 176 Brookline Avenue Realty Trust; thence

N 20-00-35 W 58.64 feet thence

N 51-57-50 W 115.00 feet to the southeasterly side of Brookline Avenue, the last two courses being by said land of Neil Gordon 176 Brookline Avenue Realty Trust; thence

N 38-03-17 E 413.11 feet by the southeasterly side of Brookline Avenue to a Passageway Easement on land now or formerly of Infort Realty Trust Two; thence

S 52-02-35 E 57.61 feet by said Passageway Easement; thence

S 19-59-46 E 326.00 feet in part by said Passageway Easement and in part by the westerly side of Kilmarnock Street to the point of beginning.

Containing 97,241 square feet more or less, or 2.233 acres more or less, or 9034 square meters, more or less.

WP-333\c\TEXT\Legal Descriptions\B-3649.03 Fenway Mixed use project site 2-26-2001 ds.doc

**EXHIBIT B**

**Permit Plan for Project**

**EXHIBIT C-2**

**List of Plans and Drawings for the Project**

## EXHIBIT C-2

### List of Plans and Drawings for the project

A1.02	Drawing List, abbreviations
A1.03	Code Review
A2.1.01	Overall Site Plan
A2.1.02	Site Demolition Plan
A2.1.03	Proposed Site Plan
A3.1.B3	Basement Level 3 Plan
A3.1.B2	Basement Level 2 Plan
A3.1.B1	Basement Level 1 Plan
A3.1.01	Level 1 Floor Plan
A3.1.02	Level 2 Floor Plan
A3.1.03	Level 3 Floor Plan
A3.1.04	Level 4 Floor Plan
A3.1.05	Level 5 Floor Plan
A3.1.06	Level 6 Floor Plan
A3.1.07	Level 7 Floor Plan
A3.1.08	Level 8 Floor Plan
A3.1.09	Level 9 Floor Plan
A3.1.10	Level 10 Floor Plan
A3.1.11	Level 11 Floor Plan
A3.1.12	Level 12 Floor Plan
A3.1.13	Level 13 Floor Plan
A3.1.14	Level 14 Floor Plan
A3.1.15	Level 15 Floor Plan
A3.1.16	Level 16 Floor Plan
A3.1.17	Level 17 Floor Plan
A3.1.18	Penthouse Floor Plan
A3.1.19	Mechanical Penthouse Floor Plan
A3.1.20	Roof Plan
A4.1.01	North Elevation
A4.1.02	East Elevation
A4.1.03	South Elevation
A4.1.04	West Elevation
A4.1.05	Courtyard North Elevation
A4.1.06	Courtyard East Elevation
A4.1.07	Courtyard South Elevation
A4.1.08	Courtyard West Elevation
A4.2.01	Building Sections
A4.2.02	Building Sections
A4.2.03	Building Sections
A4.2.04	Building Sections
A4.3.01	Courtyard Sections

A4.4.01	Enlarged Elevation and Wall Sections
A4.4.02	Windows, Storefront, & Louver types
A5.1.01	Enlarged Lobby No. 1 Plans & Details
A5.1.02	Enlarged Lobby No. 2 Plans & Details
A5.1.03	Enlarged Lobby No. 3 Plans & Details
A5.1.04	Interior Sections & Details
A5.1.05	Typical Enlarged Core Plans
A5.2.01	Roof Details
A5.2.02	Partition Schedule
A5.2.03	Door Schedule
A6.1.01	Level 1 Reflected Ceiling Plan
A6.1.02	Level 2 Reflected Ceiling Plan
A6.1.03	Level 3 Reflected Ceiling Plan
A6.1.04	Level 4 Reflected Ceiling Plan
A6.1.05	Level 5 Reflected Ceiling Plan
A6.1.06	Level 6 Reflected Ceiling Plan
A6.1.07	Level 7 Reflected Ceiling Plan
A6.1.08	Level 8 Reflected Ceiling Plan
A6.1.09	Level 9 Reflected Ceiling Plan
A6.1.10	Level 10 Reflected Ceiling Plan
A6.1.11	Level 11 Reflected Ceiling Plan
A6.1.12	Level 12 Reflected Ceiling Plan
A6.1.13	Level 13 Reflected Ceiling Plan
A6.1.14	Level 14 Reflected Ceiling Plan
A6.1.15	Level 15 Reflected Ceiling Plan
A6.1.16	Level 16 Reflected Ceiling Plan
A6.1.17	Level 17 Reflected Ceiling Plan
A7.1.01	Stairs S1, S2, & S3 Enlarged Plans
A7.1.02	Stairs S1, S2, & S3 Sections
A7.1.03	Elevator Plans
A7.1.04	Elevator Details, & Sections

**EXHIBIT D**

**Density and Dimensional Zoning Requirements for the Project**

Maximum Building Height <sup>1</sup>	168 feet
Maximum Floor Area Ratio <sup>2</sup>	6.69
Minimum Lot Size	1.70 Acres
Minimum Lot Area for each Dwelling Unit	None
Minimum Lot Width	None
Minimum Lot Frontage	None
Minimum Usable Open Space per Dwelling Unit	None
Minimum Front Yard - Along Boylston Street	
-At and above grade	10
-Below grade	None
- Along Brookline Avenue	
-At and above grade	5
-Below grade	None
- Along Kilmarnock Street	None
Minimum Side Yard	None
Minimum Rear Yard	None
Maximum Streetwall Height/ Minimum Parapet Setback	None

<sup>1</sup> The maximum building height is the vertical distance from grade to the top of the structure of the highest occupied floor and does not include the penthouses of the Building, all of which are used for housing mechanical equipment.

<sup>2</sup> The maximum floor area ratio ("FAR") requirement applicable to the Project excludes the floor area of the underground parking garage. The maximum FAR of 6.69 is based upon the ratio of 651,000 square feet of gross floor area of the Project (excluding the underground garage) to the total land area of the Site of approximately 97,241 square feet (or approximately 2.23 acres). However, the actual FAR calculated in accordance with the technical definitions of "gross floor area", "floor area ratio", "lot" and "lot area" in the Zoning Code may be larger than 6.69. For example, sidewalks, pathways and other paved areas, roadways such as the proposed extension of Kilmarnock Street to Brookline Avenue, and the small sub-parcel of land that would be separated from the rest of the Site by such extension, may be excluded from the definition of "lot area" under the Zoning Code. Accordingly, the "lot area" used to calculate FAR in accordance with the Zoning Code may not include the entire area of the Site. The total Project, however, will not exceed 894,300 square feet of gross floor area (including the underground garage).

## EXHIBIT E

### Allowed Uses for the Project

Multifamily residential housing

Local Retail including, but not limited to, store retailing one or more of the following: food; baked goods; groceries; packaged alcoholic beverages; drugs; tobacco products; clothing; dry goods; books; flowers; paint; computers; electronic appliances; movie videos; audio tapes and cds; eyeglasses; cameras and photographic equipment, telephones and wireless phones; hardware and minor household appliances

General Retail including but not limited to department store, furniture store and general merchandise mart

Restaurant

Lunch Room

Cafeteria

Retail Catering

Take-Out Restaurant

Restaurant 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

Fitness Center, health club or gymnasium

Rental agency for motor vehicles

Bank

Real Estate, Insurance or Other Agency Office

Service Establishment, 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

Parking Garage

Accessory services for apartment residents

Accessory automatic teller machine

Accessory swimming pool

Accessory parking garage (accessory to retail and/or residential uses)

Storage of flammable liquids and gases incidental to a main use

Telecommunications equipment and service facility

Accessory Parking Garage

Accessory Outdoor Café

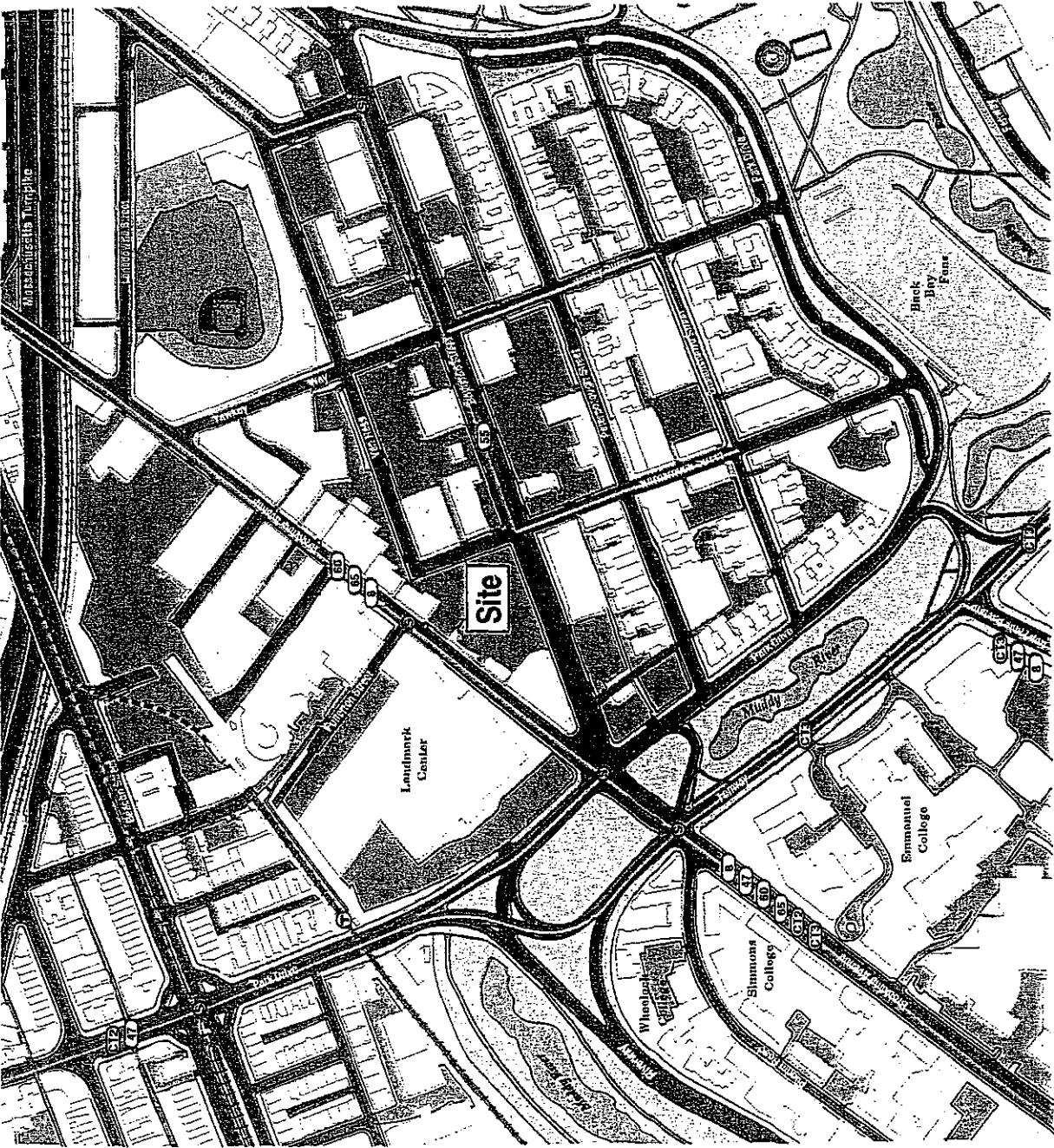
Accessory Outdoor Retail Establishment

Uses permitted in a B-2 (Business) District as of the date of the Plan set forth on page 1



**EXHIBIT F-1**

**Map of Public Transportation Services**



Transit Services



**EXHIBIT F-2**

**Summary Table of Public Transportation Services**

The following table summarizes the routes and headways for the MBTA "D" Green Line and MBTA bus services provided near the proposed Site.

<b>Table: Public Transportation Services Summary</b>				
<b>Transit Line</b>	<b>Origin</b>	<b>Destination</b>	<b>Peak Hour Headways</b>	<b>Nearest Stop to Project Site</b>
<b>MBTA Rapid Transit</b>				
"D" (Riverside) Branch of the Green Line	Lechmere/ Government Center	Riverside	5 minutes	Fenway (at the northwest corner of the Landmark Center site)
<b>MBTA Bus Service</b>				
Route # 8	Kenmore Station	Dudley Station	6-10 minutes	Brookline Avenue (adjacent to Site)
Route # 47	Central Square	Dudley Station	25 minutes	Fenway T-stop (Park Drive overpass)
Route # 55	Jersey Street/ Queensberry St.	Park Station	16-30 minutes	Kilmarnock Street (adjacent to Site)
Route # 60	Kenmore Station	Chestnut Hill	17-24 minutes	Brookline Avenue (adjacent to Site)
Route # 65	Kenmore Station	Brighton Center	20-28 minutes	Brookline Avenue (adjacent to Site)
Route # CT-2	Kendall Square	Ruggles Station	20 minutes	Fenway T-stop (Park Drive overpass)
Route # CT-3	Beth Israel Hospital	World Trade Center	20 minutes	Brookline Avenue at Fenway

Source: Official Massachusetts Bay Transportation Authority maps and schedules, 1999.

MEMORANDUM

MARCH 28, 2002

TO: BOSTON REDEVELOPMENT AUTHORITY AND  
MARK MALONEY, DIRECTOR

FROM: KATHERINE KOTTARIDIS, DIRECTOR, ECONOMIC  
DEVELOPMENT  
SUSAN HANNON, DEPUTY DIRECTOR, PROJECT  
MANAGEMENT  
RANDI LATHROP, ASSISTANT DIRECTOR FOR  
COMMUNITY PLANNING  
SONAL GANDHI, SENIOR PROJECT MANAGER  
ROBERT KROIN, SENIOR ARCHITECT

SUBJECT: PUBLIC HEARING: FENWAY MIXED USE PROJECT

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**EXECUTIVE  
SUMMARY:**

This memorandum requests that the Boston Redevelopment Authority (the "BRA" or "Authority") approve the Planned Development Area ("PDA") Development Plan for the Fenway Mixed Use Project (the "Proposed Project"), pursuant to Section 80C of the Boston Zoning Code (the "Code") and authorize the Director to: (1) issue a Preliminary Adequacy Determination Waiving Further Review pursuant to Section 80B-5.4(c)(iv) of the Code relating to the Draft Project Impact Report, as modified by the Notice of Project Change ("NPC") and the Supplemental Documentation ("DPIR"); (2) petition the Boston Zoning Commission (the "Zoning Commission") for approval of the PDA Development Plan for the Proposed Project pursuant to Section 80C-5 of the Code, and the accompanying map amendment to Boston Zoning Map 1; (3) issue a Certificate of Consistency pursuant to Section 80C-8 of the Code upon successful completion of the Article 80 review process; (4) issue a Certification of Compliance under Large Project Review pursuant to Section 80B-6 of the Code upon successful completion of the Article 80 review process; and (5) execute and deliver all documents deemed appropriate by the Director in connection with Fenway Mixed Use Project pursuant to Article 80, including, without limitation, Cooperation Agreements, Boston Residents Construction Employment Plans, First Source Agreements and Memoranda of Understanding, and Affordable Housing Agreements.

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PROJECT SITE:

The project site (the "Site") is comprised of two contiguous parcels of land consisting of a total of approximately 2.2 acres. The Site is bordered by Brookline Avenue to the north, Boylston Street to the south, Kilmarnock Street to the east, and an existing building occupying the triangular portion of land at the Brookline Avenue/Boylston Street intersection to the west. The Site is adjacent to, but does not include, land to the east proposed by the Boston Red Sox as the potential site for its relocated New Fenway Park (baseball stadium). The Proposed Project has been designed to accommodate this stadium relocation proposal.

The two parcels comprising the Site are an approximately 34,525 square foot parcel in the northeastern portion of the Site (140-156 Brookline Avenue) and an approximately 62,716 square foot parcel comprising the remaining portion of the Site (1365-1375 Boylston Street/158-170 Brookline Avenue). An aging and underutilized two-story building and accompanying approximately 79-space parking lot occupy the smaller, northeastern parcel and a surface parking lot that has previously been used for between approximately 99 and 179 parking spaces occupies the larger, remaining parcel.

The building height of the Proposed Project along Boylston Street is ten (10) stories (approximately 102 feet in height) on most of that street façade, with a single element at the Boylston/Kilmarnock Street corner rising to twelve (12) stories (approximately 121 feet). Most of the building massing and height is located on the northern edge of the Proposed Project along Brookline Avenue, and varies from ten (10) stories (approximately 102 feet) to fifteen (15) stories (approximately 149 feet), with the tallest building element, a seventeen- (17-) story residential mid-rise located at the corner of Brookline Avenue and the proposed Kilmarnock Street extension, rising to a height of approximately 168 feet. The construction of the Proposed Project will require the complete demolition of the existing building and surface parking lots on the Site.

#### **FENWAY MIXED USE PDA DEVELOPMENT PLAN DESCRIPTION:**

Fenway Ventures, LLC (the "Proponent") proposes to demolish the existing two-story building located at 140-156 Brookline Avenue and to build the Fenway Mixed Use Project, containing a total combined gross floor area of approximately 651,000 square feet, comprised of approximately 585,000 square feet of residential space (consisting of approximately 540 – 580 units), approximately 53,000 square feet of retail space, including restaurant space, and approximately 498 parking spaces in a three-level below-grade parking garage.

A copy of the Fenway Mixed Use PDA Development Plan submission is attached as "Exhibit B".

#### **ARTICLE 80 REVIEW**

The Fenway Mixed Use Project is subject to Large Project Review pursuant to Section 80B and Planned Development Area review subject to Section 80C of Article 80 of the Code. On May 4, 2000, the Proponent submitted a Project Notification Form ("PNF") for the Project pursuant to Article 80 of the Code. Notice of receipt by the Authority of the PNF was published in the Boston Herald on May 8, 2000 which initiated a 30-day public comment

period. Notice of the PNF submission was also published in The Back Bay Courant on May 15, 2000. Pursuant to Section 80B-5.3 of the Code a Scoping Session was held on May 31, 2000 with the Proponent and the City's public agencies at which the Fenway Mixed Use Project was reviewed and discussed. The public comment period on the PNF ran from May 8, 2000 to June 22, 2000. The Proponent also made copies of the PNF available to the Fenway Planning Task Force (the "Task Force") and made a public presentation on May 31, 2000.

The Authority issued a Scoping Determination in response to the PNF on July 7, 2000 requiring the Proponent to submit a Draft Project Impact Report that would meet the requirements of the Scoping Determination by detailing the Project's impacts and proposed measures to mitigate, limit or minimize such impacts.

On September 22, 2000, the Proponent submitted a Draft Project Impact Report, which initiated a 75-day public comment period. On February 6, 2001, the Proponent submitted a Notice of Project Change ("NPC") to the BRA, reflecting certain design and building program revisions. The 45-day public comment period for the NPC closed on March 23, 2001, and the BRA issued a Request for Supplemental Documentation on April 9, 2001 based on comments received on the NPC. Subsequently, the Proponent submitted Supplemental Documentation on the Notice of Project Change on February 21, 2002 initiating a 30-day public comment period ending on March 25, 2002. This was duly advertised in the Boston Herald on February 21, 2002.

The Proponent seeks to achieve zoning compliance by obtaining approval of a Planned Development Area ("PDA") Development Plan for the Proposed Project (the "PDA Development Plan"). The Site is located within the Fenway Interim Planning Overlay District (the "Fenway IPOD") established under Article 27Q of the Code, which establishes interim land use objectives, height controls, parking requirements and standards for Planned Development Areas within the Fenway IPOD. Designation of the Site as a Planned Development Area is allowed under Section 27Q-12 and Section 3-1A.a of the Code. Approval of the PDA Development Plan shall constitute approval of the Proposed Project as satisfying the underlying zoning requirements of the Code, including without limitation all of the requirements of Article 27Q.

To initiate Planned Development Area Review under Article 80, Section 80C-5 of the Code, the Proponent submitted its proposed PDA Development Plan to the BRA on March 9, 2001, initiating a 45-day public comment period ending on April 23, 2001. The PDA Development Plan describes the plans for the Proposed Project and generally provides the zoning necessary to construct the buildings and related improvements. The Fenway Mixed Use PDA Development Plan adequately describes the following project elements: bulk, dimensional, parking and loading requirements, uses, location and public benefits. A map amendment would establish a "D" designation on the zoning map establishing the Fenway PDA Development Plan requirements for the Site. In accordance with Article 80, Section 80C-5 of the Code, the Fenway PDA Development Plan and map amendment requires a public hearing before the BRA Board of Directors and the Zoning Commission.

Final plans and specifications (i.e. contract documents) for any portion of the Project shall be

subject to review and approval by the Authority in accordance with its Development Review Procedures (1985, rev.1986). The final plans and specifications, as approved by the Authority, shall be consistent with the PDA Development Plan.

Attached to this Board Memorandum as Exhibit B is the proposed form of the BRA's Map Amendment Application No. 460 for submission to the Zoning Commission, requesting approval of the Development Plan for the Proposed Project and the related map amendment designating the Site as PDA No. 56 on Boston Zoning Map 1.

Throughout the Article 80 review process for the Proposed Project, there has been extensive public involvement coordinated by the Proponent and BRA staff. BRA staff, in reviewing the Proposed Project and the Development Plan, have received and considered the comments and advice of city agencies and of numerous community groups, including without limitation the Fenway Planning Task Force.

The Proponent has coordinated project review with BRA staff to facilitate public review of the Proposed Project. The Proponent has also met with representatives from the Boston Transportation Department and the Boston Environmental Department. During the course of Article 80B Large Project Review of the Proposed Project, the Proponent and its representatives have participated in numerous public meetings with the 32-member Mayor appointed Fenway Planning Task Force, and formally met at the Fenway Planning Task Force meetings on May 31, 2000, October 18, 2000 and March 1, 2001. These three public meetings were advertised in the Back Bay Courant and public notices were sent out to community members. The Proponent also held meetings with representatives of the Audubon Circle Neighborhood Association, the Fenway Alliance, the Fenway Civic Association, the Fenway Community Development Corporation, the Fenway Studios, the Kenmore Business Association, the Medical Academic and Scientific Community Organization ("MASCO"), the Society for the Preservation of Audubon Circle, and the Boston Red Sox. As part of the Article 80 review process, all Article 80 project documents have been made available for public review at the BRA and sent to the Fenway Planning Task Force members. Copies were also available at the Fenway Community Development Corporation, the Boston Public Library and the Fenway Community Health Center.

#### **BOSTON CIVIC DESIGN COMMISSION REVIEW:**

The Fenway Mixed Use Project comes under the jurisdiction of the Boston Civic Design Commission ("BCDC") pursuant to Article 28 of the Code. At the meeting of March 13, 2001, the BCDC voted a recommendation of approval of the Fenway Mixed Use Project. Forthcoming design development plans and contract documents must be reviewed by the Authority.

#### **PUBLIC BENEFITS:**

##### *Affordable Housing:*

The Fenway Mixed Use Project will exceed the requirements of the Executive Order of Mayor Thomas M. Menino dated February 29, 2000, "An Order Relative to Affordable

Housing,” (the “Order”), by agreeing to (i) create on-site affordable housing units equaling ten percent (10%) of the total number of units in the Project (the “On-Site Affordable Units”) and, in addition, (ii) make a dollar contribution to the BRA’s Neighborhood Housing Fund for creation of off-site affordable housing units equaling five percent (5%) of the total number of units in the Project multiplied by \$52,000 per unit (the “Off-Site Affordable Housing Contribution”).

**Proponent’s On-Site Affordable Housing Commitment:** The On-Site Affordable Units shall be designated as such for a period of forty (40) years from the date of issuance of the first Certificate of Occupancy for the housing portion of the Project (the “Affordability Period”) and shall be operated in accordance with the following tenant income/affordability limitations of the Mayor’s Executive Order throughout said Affordability Period:

- No less than 50% of the On-Site Affordable Units shall be priced affordable to those moderate-income households earning less than 80% of the Boston metropolitan-area median income that is in effect on the effective dates of the leases and lease renewals for such units; and,
- No more than 50% of the On-Site Affordable Units shall be priced affordable to those middle-income households earning between 80% and 120% of the Boston metropolitan-area median income that is in effect on the effective date of the leases and lease renewals for such units, provided that on average these middle-income On-Site Affordable Units are affordable to households earning 100% of median income.

Original tenants of the On-Site Affordable Units shall have their income certified by the BRA or its designee. Upon turnover, any new tenant of such units must be income-certified in a similar manner. The final document(s) executed by the BRA and the Proponent to formalize and implement the Affordable Housing Commitments set forth above shall include a provision restricting occupancy of the On-Site Affordable Units to occupancy by a certified tenant with the intent of preventing subleasing of any On-Site Affordable Unit to any tenant who has not been income-certified by the BRA or its designee as satisfying the foregoing income eligibility requirements.

Assuming the Project, as constructed, contains 540 rental units, the composition of the On-Site Affordable Units shall be: 3 studio units; 27 one-bedroom units; and 24 two-bedroom units. At the BRA’s option, however, one (1) studio unit and one (1) two-bedroom unit may be combined to form one (1) three-bedroom unit, in which case the composition of the On-Site Affordable Units shall be: 2 studio units; 27 one-bedroom units; 23 two-bedroom units; and 1 three-bedroom unit. The precise number and composition of the On-Site Affordable Units shall be based on the aggregate number of actual rental units contained in the Project under the building permit(s) ultimately issued for the Project, which could range from 540 to 580. All On-Site Affordable Units shall be located on floors 2 through 7 of the Project, with no fewer than 7 On-Site Affordable Units and no more than 11 such units, located on any single floor.

**Proponent’s Off-Site Affordable Housing Commitment:** Assuming the Project, as constructed, contains 540 rental units, the Off-Site Affordable Housing Contribution shall be



One Million Four Hundred Four Thousand and xx/100 Dollars (\$1,404,000.00). The Off-Site Affordable Housing Contribution is calculated as follows:

Total units	540 units
5% of total units	27 units
	<u>x \$52,000/unit</u>
	\$1,404,000.00

The precise amount of the Off-Site Affordable Housing Contribution, however, shall be based on the aggregate number of actual rental units contained in the Project under the building permit(s) ultimately issued for the Project.

The Proponent's Off-Site Affordable Housing Contribution shall be due and payable in three (3) payments as follows:

- 25% shall be paid upon issuance of the first building permit for the Project;
- 50% shall be paid upon issuance of the first certificate of occupancy for the Project; and
- 25% shall be paid on the date of the final certificate of occupancy for the Project.

To memorialize the aforementioned Affordable Housing commitments and to fulfill the requirements of Article 80, the BRA and the Proponent will enter into a Cooperation Agreement and an Affordable Housing Agreement for the Project.

**Increased Housing Inventory:**

In addition to the benefits of the affordable housing, the Project will contribute to the Mayor's housing production goal of 7,500 new units in the City of Boston, increasing the supply of rental housing in the City by approximately 540 units. This is a significant contribution to the supply and demand challenges in the City as a whole, and in the Fenway neighborhood in particular.

**Activation of the Fenway Area:**

The Proposed Project will significantly improve the aesthetic character of the development site which currently consists of parking lots and an older, two-story building in aging condition while introducing new retail and residential vitality into the Fenway neighborhood.

**Taxes:**

There will be a substantial increase in annual real estate tax payments to the City from the mostly vacant site from approximately \$150,000 to over \$1,000,000.

**Permanent and Construction Jobs:**

During construction, the Proponent will participate in the Boston Jobs Program and provide its best efforts to meet the workforce goals for Boston residents, minorities and women. It is anticipated that the Project will provide approximately 350 construction jobs and approximately 150 permanent jobs. Further, the Proponent will submit: 1) a Boston Residents Construction Employment Plan in accordance with the Boston Jobs Policy, and 2) a First Source Agreement and Memorandum of Understanding related to permanent employment initiatives for City of Boston residents.

**Public Improvements:**

- The Proposed Project will enhance pedestrian circulation by adding pedestrian amenities around the site.
- The Proposed Project will include the granting of an easement to the City to allow for the extension of Kilmarnock Street from Boylston Street to Brookline Avenue to form a four-legged intersection at Brookline Avenue and Fullerton Street.
- The Proposed Project will also include the installation of a new traffic signal at the intersection of Boylston Street and Kilmarnock Street.

**Traffic and Other Community Mitigation:**

The following transportation infrastructure improvement mitigation measures will be undertaken by the Proponent and shall consist solely of:

- The Proponent will construct (or cause to be constructed) the Kilmarnock Street extension to align with Fullerton Street. The Proponent will grant to the City an easement for this roadway extension.
- The Proponent will provide (or cause to be provided) traffic signal improvements at the newly constructed Brookline Avenue/Kilmarnock Street/Fullerton Street intersection.
- The Proponent will install (or cause to be installed) a new traffic signal at the intersection of Boylston Street and Kilmarnock Street.
- The Proponent will extend (or cause to be extended) the left-turn lane on Brookline Avenue for left turns onto Fullerton Street.
- The Proponent will provide (or cause to be provided) curb bulb-outs at the Boylston Street/Kilmarnock Street intersection and along the east side of Brookline Avenue.
- The Proponent will provide (or cause to be provided) signal timing adjustments to existing signals and existing equipment along Boylston Street between Park Drive and Ipswich Street.

The BRA and the Proponent further agree that the aggregate dollar amount of the contribution that the Proponent shall be required to provide to the City of Boston and/or the BRA to be used for additional community mitigation purposes shall be set forth in the Cooperation Agreement to be executed by the BRA and the Proponent. This contribution shall be One Hundred Fifty Thousand and xx/100 Dollars (\$150,000).

**Public Benefits Criteria:**

Section 27Q-12(3) of the Code provides that the BRA may approve a PDA Development Plan within the Fenway IPOD as meeting the requirements of Section 80C-4 ("Standards for Planned Development Area Review Approval") for compliance with the applicable planning and development criteria of Article 27Q if the Development Plan proposes a plan for public benefits consistent with the goals of Article 27Q and any master plan for the Fenway IPOD Study Area adopted pursuant to said Article 27Q, including the expansion of the economy and job opportunities within the Fenway in a manner that protects the residential community from incompatible non-residential uses and one or more of the following:

- (a) the creation of new community housing opportunities;
- (b) the improvement of public transportation facilities or the introduction of measures to improve vehicular and pedestrian circulation; or

(c) improvements to the aesthetic character of the development site and its surroundings, which may include the provision of open space connections, the provision of street trees and other improvements that enhance open space, the improvement of the urban design characteristics of the site and its surroundings, or the enhancement of existing open space or the creation of new open space.

The public benefits generated by the Proposed Project satisfy the foregoing public benefit criteria of Section 27Q-13 of the Zoning Code. The development of the Proposed Project will expand the local and city economy, and provide substantial job opportunities within the Fenway in a manner that protects the Fenway from incompatible non-residential uses. The Proposed Project's approximately 540-580 residential units will bring an estimated 700 to 800 new residents into the Fenway, thereby increasing the residential vitality of the neighborhood, expanding the City and Fenway economy and providing a significant new source of consumers of neighborhood goods and services. The Proposed Project's non-residential uses, consisting of approximately 53,000 square feet of ground floor retail uses, also will strengthen the local economy while enhancing the residential character of the neighborhood by providing new, convenient stores and restaurants to serve current and future residents of the Fenway. Furthermore, as noted above, the Proposed Project will substantially increase real estate tax payments from the mostly vacant site.

The Proposed Project, as summarized above, will result in the creation of significant new community housing opportunities, including a substantial number of on-site affordable housing units and a substantial financial contribution for the construction of additional affordable housing off-site. In addition, the Proposed Project will enhance the aesthetics and urban design qualities of the Site by replacing an aging building and open-air parking lot now occupying the Site with an architecturally pleasing building designed to bring an "urban village" character to this Site and to provide continuity with the smaller scale residential buildings to the south of Boylston Street while also creating a transition between this smaller scale of residential buildings to the south and the larger scale of commercial buildings located to the north of Boylston Street. Finally, as noted above, the Proposed Project includes infrastructure improvements and other measures to improve vehicular and pedestrian circulation. Therefore, the Development Plan satisfies the public benefits requirements of Section 27Q-12(3) of the Zoning Code.

## **TRANSPORTATION ACCESS PLAN AGREEMENT**

The Proponent, the Boston Transportation Department ("BTD"), the BRA, and the community have extensively reviewed the transportation impacts of the Proposed Project. Through the Large Project Review process, the Proponent has carefully analyzed transportation impacts and has agreed to implement a range of mitigation measures, which will be set forth in a Transportation Access Plan Agreement ("TAPA") to be executed between BTD and the Proponent prior to the issuance of a building permit for the Proposed Project. These transportation mitigation measures include, but are not limited to, the following:

- Granting an easement to the City to allow for the extension of Kilmarnock Street as a two-way roadway from Boylston Street to Brookline Avenue to form a four-

legged signalized intersection at Brookline Avenue and Fullerton Street;

- Extending the existing exclusive left-turn lane on the northbound approach to the Site along Brookline Avenue and providing for a short, exclusive left-turn lane on the southbound approach to the Site along Brookline Avenue;
- Providing striped crosswalks along all of the approaches to the new Brookline Avenue/Kilmarnock Street/Fullerton Street intersection and an exclusive pedestrian-actuated phase within the traffic signal at this intersection;
- Providing traffic signal improvements at the newly-constructed Brookline Avenue/Kilmarnock Street/Fullerton Street intersection;
- Providing traffic signal coordination and timing adjustments along the Boylston Street corridor between Park Drive and Ipswich Street;
- Installing a new traffic signal at the intersection of Boylston Street and Kilmarnock Street;
- Providing other pedestrian amenities around the Site, including widened sidewalks and curb bulb-outs at the Boylston Street/Kilmarnock Street intersection and along the east side of Brookline Avenue;
- Providing bicycle amenities on the Site; and
- Implementing Transportation Demand Management (“TDM”) strategies and assisting and encouraging tenants to implement tenant-specific TDM strategies to minimize the number of single-occupant vehicle commuters to the Site.

## RECOMMENDATION

The Proposed Project will enhance the residential and retail vitality of the Fenway neighborhood and will create significant new economic and housing opportunities, including a substantial number of on-site affordable housing units and a substantial financial contribution for the construction of additional affordable housing off-site. The Proposed Project also will provide for improvements in pedestrian and vehicular circulation, and will enhance the aesthetics of the Site. Through the extensive public review process the Proposed Project has been shaped to insure that, on balance, it will be beneficial to the public welfare. In light of the substantial public benefits from the Proposed Project, it is recommended that the BRA approve the Development Plan for the Proposed Project, and authorize the Director to issue a Preliminary Adequacy Determination waiving further review pursuant to Section 80B-5.4(c)(iv) of the Code approving the DPIR.

Staff recommends that the BRA approve the PDA Development Plan for the Fenway Mixed Use Project, pursuant to Section 80C of the Boston Zoning Code (the “Code”) and authorize the Director to: (1) issue a Preliminary Adequacy Determination Waiving Further Review

pursuant to Section 80B-5.4(c)(iv) of the Code relating to the DPIR; (2) petition the Zoning Commission for approval of the PDA Development Plan for the Proposed Project pursuant to Section 80C-5 of the Code, and the accompanying map amendment to Boston Zoning Map 1; (3) issue a Certificate of Consistency pursuant to Section 80C-8 of the Code upon successful completion of the Article 80 review process; (4) issue a Certification of Compliance under Large Project Review pursuant to Section 80B-6 of the Code upon successful completion of the Article 80 review process; and (5) execute and deliver all documents deemed appropriate by the Director in connection with Fenway Mixed Use Project pursuant to Article 80, including, without limitation, Cooperation Agreements, Boston Residents Construction Employment Plans, First Source Agreements and Memoranda of Understanding, and Affordable Housing Agreements.

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**VOTED:**

That, in connection with the Development Plan for Planned Development Area No. 56 for The Fenway Mixed Use Project (the "Development Plan") presented at a public hearing duly held at the offices of the Boston Redevelopment Authority ("BRA" or "Authority") on March 28, 2002, and after consideration of the comments received from the Fenway Planning Task Force and the evidence presented at, and in connection with, the hearing and in connection with the Proposed Project described in the Development Plan, the BRA finds with respect to the Development Plan that (a) the Development Plan is not for a location or proposed project for which Planned Development Areas are forbidden by the underlying zoning; (b) the Proposed Project in the Development Plan complies with any provisions of the underlying zoning that establish use, dimensional, design, or other requirements for Proposed Projects in Planned Development Areas; (c) the Development Plan complies with any provisions of the underlying zoning that establish planning and development criteria, including public benefits, for Planned Development Areas, including without limitation the provisions of Sections 27Q-12 and 27Q-16 of the Boston Zoning Code ("Code"); (d) the Development Plan conforms to the plan for the district, subdistrict, or similar geographic area in which the Planned Development Area is located, and to the general plan for the City as a whole; (e) on balance, nothing in the Development Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens; and (f) the Development Plan does adequately and sufficiently satisfy all other development plan criteria and specifications for a Planned Development Area as set forth in the Boston Zoning Code; and

**FURTHER**

**VOTED:**

The BRA hereby approves the Fenway Mixed Use PDA Development Plan for the Project pursuant to Section 80C of the Code; and

**FURTHER  
VOTED:**

That pursuant to the provisions of Section 3-1A.a and Article 80C of the Code, the BRA hereby approves the Development Plan and authorizes the Director to petition the Zoning Commission of the City of Boston ("Zoning Commission") to approve the Development Plan for Planned Development Area No. 56; and

**FURTHER  
VOTED:**

That the Director be, and hereby is, authorized to petition the Zoning Commission to adopt a map amendment to Map 1, Boston Proper, for approval of Map Amendment Application No. 460 adding the designation "D", indicating a Planned Development Area overlay district to the parcel of land located in the Fenway District, containing approximately 2.2 acres of land in substantial accord with the map amendment submitted to the BRA at its meeting on March 28, 2002; and

**FURTHER  
VOTED:**

That the Director be, and hereby is, authorized to issue a Preliminary Adequacy Determination under Section 80B-5.4(c) of the Code, which (i) finds that the Draft Project Impact Report, as modified by the Notice of Project Change ("NPC") and the Supplemental Documentation ("DPIR") adequately describes the potential impacts arising from the Fenway Mixed Use Project, and provides sufficient mitigation measures to minimize these impacts, and (ii) waives further review of the Project under subsections 4 and 5 of Section 80B-5 of the Code, subject to continuing design review by the BRA; and

**FURTHER  
VOTED:**

That the Director is authorized to issue a Certification of Compliance for the Proposed Project after the Director has determined that the Proposed Project complies with (a) the conditions of the Preliminary Adequacy Determination, and (b) to the extent applicable, the following provisions of the Code: (i) Section 80B-8: Disclosure of Beneficial Interests; (ii) Section 80C-8: Planned Development Area Review: Certifications; and (iii) Article 28: Boston Civic Design Commission; and

**FURTHER  
VOTED:**

That the Director is authorized to issue a Certification of Consistency for Planned Development Area Review when the Director finds that (a) the Proposed Project is consistent with the

Development Plan, and (b) the Development Plan has been approved by the Authority and the Boston Zoning Commission in accordance with the applicable provisions of Section 3-1A.a and Article 80C, Planned Development Area Review; and

**FURTHER  
VOTED:**

That the BRA hereby finds and determines that the Proposed Project conforms to the general plan for the City of Boston as a whole, and that nothing in such Proposed Project will be injurious to the neighborhood or otherwise detrimental to the public welfare; and

**FURTHER  
VOTED:**

That the Director be, and hereby is, authorized to execute Cooperation Agreements, Affordable Housing Agreements, Boston Residents Construction Employment Plans, and any and all other agreements and documents which the Director deems appropriate and necessary in connection with the Project, all upon terms and conditions determined to be in the best interests of the BRA.

Map Amendment Application No. 460  
Planned Development Area  
Development Plan for Planned  
Development Area No. 56  
Boston Redevelopment Authority, on  
behalf of Fenway Ventures LLC  
Map 1, Boston Proper

MAP AMENDMENT NO. 401

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and decision, does hereby approve the Development Plan for Planned Development Area No. 56, The Fenway Mixed Use Project, and amends "Map 1, Boston Proper," of the series of maps entitled "Zoning Districts City of Boston," dated August 15, 1962, as amended, as follows:

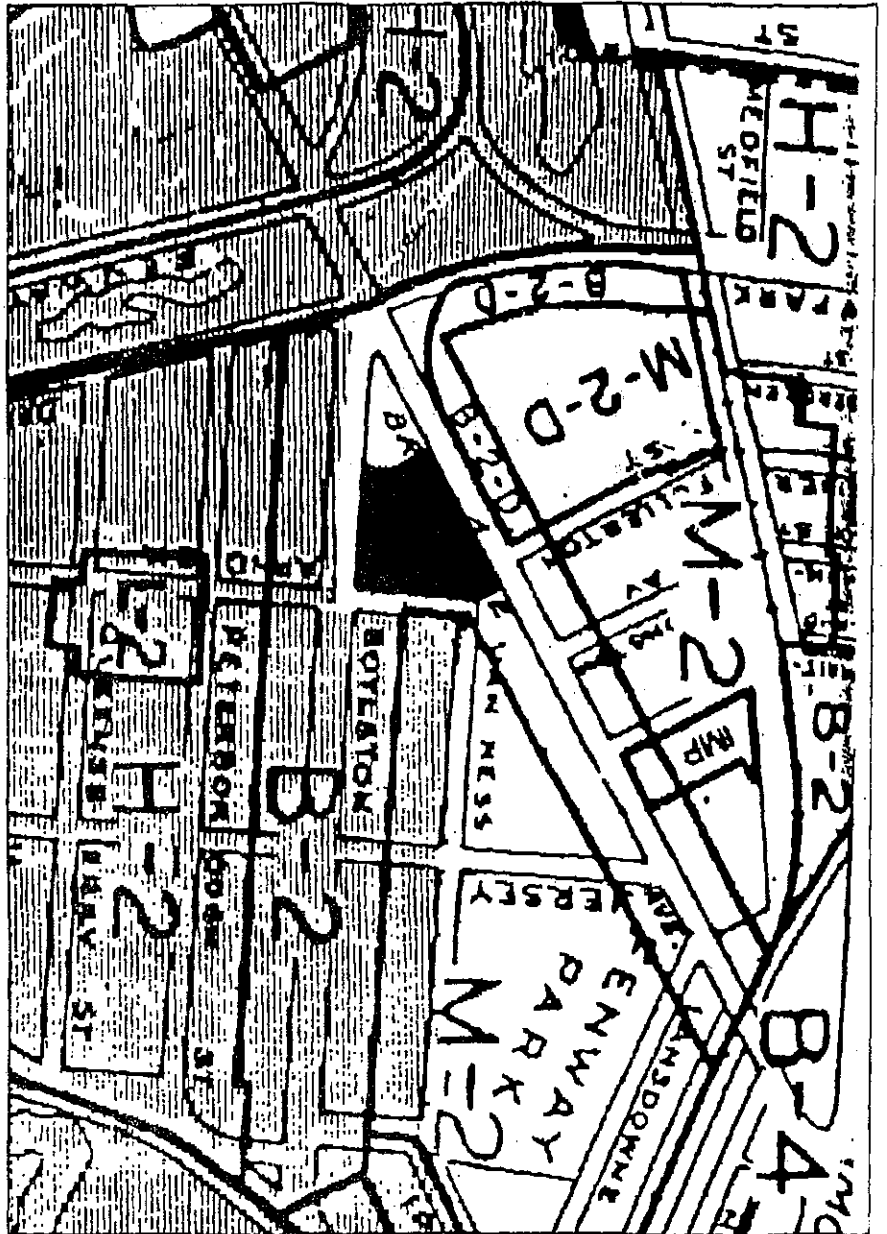
1. On Map 1:

By adding the suffix "D", indicating a Planned Development Area overlay district to the zoning designation of that parcel of land bordered by Boylston Street to the south, Brookline Avenue to the north and Kilmarnock Street to the east, totaling approximately 97,241 square feet (approximately 2.2 acres), as described in Exhibit A hereto and as shown on a plan of land entitled "Planned Development Area No. 56" prepared by Gunther Engineering, Inc. and attached hereto as Exhibit B.



EXHIBIT B

MAA #460, Planned Development Area No. 56



PLANNED DEVELOPMENT AREA NO.  
(TO BE DESIGNATED "D")

— ZONING DISTRICT BOUNDARY

— INSTITUTIONAL OVERLAY DISTRICT

— AREA INVOLVED

B-2 (RETAIL BUSINESS & OFFICES)

*Robert L. Mann*

Chairman

*Robert Jordan*

Vice Chairman

*William Tonboe*

*James C. Clark*

*Eric J. Bray*

*Jay Newley*

*Jim Hatton*

*Rob Long*

*Missi [unclear]*

In Zoning Commission

Adopted: April 24, 2002

Attest:

*[Signature]*

Secretary

Planned Development Area No. 56, The Fenway Mixed Use Project

R. L. Mann

Chairman

Robert Jordan

Vice Chairman

Malcolm Long

John A. ...

Alma ...

Jill Stutton

Jay Dunlop

Jan ...

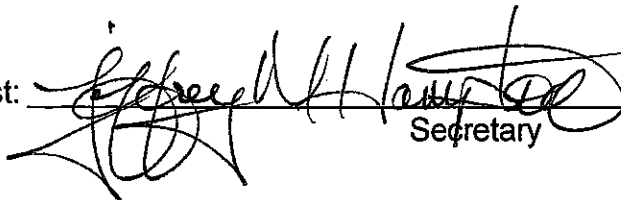
James C. Clark

William Tonlow

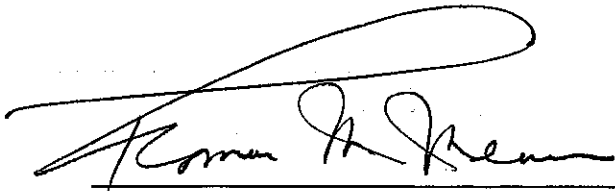
In Zoning Commission

Adopted: April 24, 2002

Attest:



Secretary



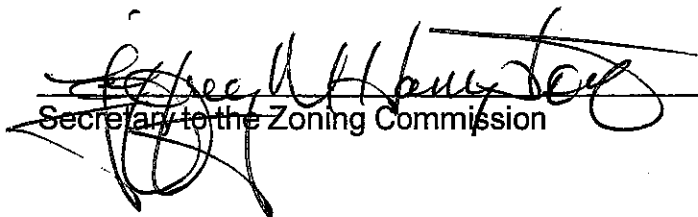
\_\_\_\_\_  
Mayor, City of Boston

Date: 4/25/02


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The foregoing amendment was presented to the Mayor on APRIL 25, 2002, and was signed by him on APRIL 25, 2002, whereupon it became effective on APRIL 25, 2002, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:

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

Planned Development Area No. 56, The Fenway Mixed Use Project

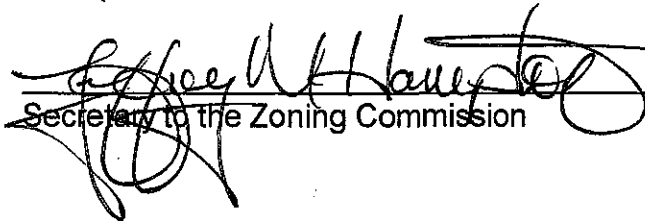


\_\_\_\_\_  
Mayor, City of Boston

Date: 4/25/02

\_\_\_\_\_  
The foregoing Development Plan was presented to the Mayor on APRIL 25, 2002 and was signed by him on APRIL 25, 2002, whereupon it became effective on APRIL 25, 2002, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:

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