

DCA APPROVAL: 10/20/05
BRC APPROVAL: 11/9/05
EFFECTIVE: 11/9/05

DEVELOPMENT PLAN

for

PLANNED DEVELOPMENT AREA NO. 65

THE 1330 BOYLSTON STREET PROJECT

Dated: October 20, 2005

Development Plan: Pursuant to Sections 3-1A and Article 80C of the Zoning Code of the City of Boston (the "Zoning Code"), this plan constitutes the Planned Development Area Plan (the "Plan") for the development of an approximately 49,077 square foot site in the Fenway neighborhood of Boston described in Exhibit A attached hereto (the "Site"), comprising two contiguous parcels of land owned or controlled by 1312-1330 Boylston Street Development Trust (the "Developer") or its affiliates, for a mixed-use development, including residential, medical, office, retail, restaurant, service and parking uses, all as more fully described below (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 fifteen (15) pages of text plus attachments designated Exhibits A through G. 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 Boston Redevelopment Authority (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 G are subject to final design, environmental and other development review by the BRA and by other appropriate governmental agencies and authorities.

Developer: The Project will be developed by 1312-1330 Boylston Street Development Trust or an affiliate. 1312-1330 Boylston Street Development Trust is a

~~business trust formed under the laws of the Commonwealth of Massachusetts. Further~~
information regarding the Developer and the Project Team are included in Exhibit G
attached hereto.

Site Description: The Site consists of two contiguous parcels of land comprising a total of approximately 49,077 square feet (1.1± acres), all as more particularly described and shown on the plan of land entitled “Planned Development Area Permit Plan” prepared by Gunther Engineering, Inc., dated June 21, 2005, 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 23,342 square foot parcel on the eastern side of the Site and an approximately 25,735 square foot parcel on the western side of the Site. The respective street addresses of these two parcels are 1304-1312 Boylston Street and 1320-1330 Boylston Street.

The western portion of the Site was acquired by an affiliate of the Developer, 1330 Boylston Street LLC, by deed from Alvan W. Ramler, Nancy R. Heller and Susan R. Toochin, dated January 11, 2002 and recorded with the Suffolk Registry of Deeds at Book 27779, Page 306. The eastern portion of the Site is controlled by a separate affiliate of the Developer, 1312 Boylston Street LLC, which entered into a Purchase and Sale Agreement with Frank J. Russo, Jr., as Trustee of the Russo Family Trusts, dated August 5, 2003.

The Site is bounded by and has frontage on Boylston Street (to the north) and Jersey Street (to the east). The Site, as shown on the Permit Plan, presently contains a two-story concrete block building with rooftop billboards and a 99-car surface parking lot. The existing building will be razed prior to the construction of the Project.

The area along Boylston Street surrounding the Site consists primarily of fast-food outlets, gas stations and other commercial uses occupying low-rise commercial and industrial buildings that do not form consistent street walls. The Site is located between a McDonald’s restaurant on the east side of Jersey Street and a Burger King restaurant

~~immediately to the west. Across Boylston Street to the north are other retail and service~~
establishments, including two gas stations and a drug store. A seven-story residential building is located to the south of the Site and the William McKinley Preparatory High School is located to the southwest of the Site. The Trilogy mixed-use project, which is currently under construction, is located across the Boylston Street/Kilmarnock Street intersection from the Site. Fenway Park is located two blocks to the north of the Site across Jersey Street (Yawkey Way). 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 across Park Drive.

Proposed Development: The Project involves the demolition of the existing two-story building located at 1304-1312 Boylston Street and the construction on the Site of a mixed-use building that is anticipated to contain 25,000± square feet of retail/restaurant/service floor area on the ground level, a maximum of 215 residential units and 88,000± square feet of floor area for medical and/or office uses on the upper floors, and a maximum of 293 parking spaces in three levels of below-grade parking. The final residential unit count is dependent on the unit mix within the development. The Developer intends to provide home ownership opportunities within all or a portion of the residential component. Initially, the residential component of the Project may include both rental and home ownership units, which will transition to all home ownership units when and to the extent the Developer determines that market conditions permit.

The Project involves the construction of building(s) on the Site (the "Building") which will have a number of separate elements of varying height and massing. At the corner of Jersey Street and Boylston Street, the height of the Building will be fourteen stories (approximately 150 feet in height). The middle portion of the Building will be eight stories (approximately 88 feet in height) along Boylston Street and two stories (approximately 24 feet in height) along the passageway on the southern boundary of the Site. The western element of the Building will be ten stories (approximately 142 feet in height). Pursuant to the Zoning Code, building heights for the Project are measured from grade to the top of the structure of the highest occupied floor and do not include roof

~~structures and penthouses which will be used for mechanical equipment or other~~
structures not devoted to human occupancy, since as shown on the plans, drawings and elevations (the "Drawings"), the total area of such roof structures and penthouses (exclusive of any areas enclosed by unroofed screening walls) will not exceed 33-1/3 percent of the roof area.

The Project includes two vehicular access locations. The primary access point is along Jersey Street at the eastern end of the Site and provides ingress and egress to the below-grade parking in the Building. The other access point is on Boylston Street, where the two existing curb cuts will be consolidated to provide a single, limited access curb cut for the ground floor retail/restaurant/service facilities, if applicable. Dumpsters and loading docks will be located at the rear of the Building with access from the private passageway abutting the Site to the south.

The ground-level pedestrian access point for the residences in the Building is through a lobby located along Boylston Street near the eastern end of the Site. The ground-level pedestrian access points to the retail/restaurant/service and office portions of the Project will be located as needed along the Boylston Street facade of the Building.

Location and Appearance of Structures: The primary design objective of the Project is to nurture and enhance a strong sense of an urban residential community, consistent with the planning goals that have been identified by the community for this part of the Fenway neighborhood. The Project represents an important step in reaching this goal and the "reinvention" of the Boylston Street corridor as the Main Street of the Fenway neighborhood. The Project attempts to capitalize on and give impetus to recent positive developments toward this goal, including the nearby Trilogy mixed use development, by creating additional affordable and market rate housing for the neighborhood, while providing both new and rejuvenated retail development and facilitating office/medical uses in the community.

~~The Site is currently characterized by an asphalt parking lot and a small, aging,~~
two-story concrete block building, neither of which take advantage of the architectural and mixed-use opportunities afforded by the Site's location along the Boylston Street corridor. The proposed Project's 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. The result will be a vibrant, mixed-use project that will bring life and vitality to the street both during the day and in the evening.

The urban design concept for the Project is to provide a retail base that enlivens the commercial street with a significant amount of housing above. The Building aligns its street walls with the property lines on the east and the west, and along the 15' (minimum) setback line on Boylston Street, thus defining the corner, creating pedestrian-friendly sidewalks, and reinforcing the definition of the Boylston Street corridor as an appealing urban artery. It reduces the number of curb cuts existing at the Site, and relocates all loading and service functions to the private passageway along the southern boundary of the Site. By creating strong street walls, maximizing pedestrian activity with residential and commercial retail spaces, and minimizing automobile traffic, the Project furthers the community's design goals for the Fenway area.

The proposed location and appearance of the structure and all of its elements are shown on 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 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.”

Consistent with the plan for revitalization of Boylston Street initiated by the Trilogy development, the Project is intended to add sufficient residential units to generate pedestrian traffic and, with its generous sidewalks, will create an environment that allows pedestrians to enjoy shopping, strolling, dining, commuting, or meeting. Toward this end, the Project’s building elements are set back from the Boylston Street property line by a minimum of fifteen feet (15’) to create pedestrian-friendly sidewalks that enable the placement of generous street trees. The Building elements themselves will provide strong street walls typical of the residential areas in the Fenway.

The ground floor of the Building will be extremely active with retailers lining and activating Boylston Street. Landscaping will be typical of urban conditions and will include City-approved street furniture, hardscaping and some planted elements. The separate residential entry will also bring life to Boylston Street.

Underlying Zoning and PDA Designation: The Site is located in the South Boylston Neighborhood Shopping Subdistrict (NS-1) of the Fenway Neighborhood District, Article 66 of the Zoning Code. The NS-1 District is shown on Map 1Q of the City of Boston Zoning Maps, and is within the Restricted Parking Overlay District established by Section 3-1A(c) of the Zoning Code. The Site also is located within an area in which Planned Development Area (“PDA”) designations are allowed pursuant to Sections 3-1A(a) and 66-27 of the Zoning Code.

Proposed Uses of the Area: The Building will be used for multifamily residential, medical and/or office, retail, service, restaurant, accessory and public parking uses. The retail/service/restaurant uses will be located primarily on the ground floor and will occupy approximately 25,000± square feet of floor area. The multifamily

~~residential, medical and office uses will be located on the upper floors¹ and will comprise~~
not more than 215 residential units and approximately 88,000± square feet of floor area,
respectively. The parking spaces will be located in the three-level subsurface garage.
The Project may be used for a variety of purposes consistent with this Plan, which
approves the uses set forth on Exhibit E.

Dimensions and Densities: This Plan sets forth the applicable dimensional and
density requirements for the Project, as detailed in Exhibit D.

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 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.

Traffic and Pedestrian Circulation: The Project is designed to maximize
pedestrian access and public use while minimizing parking and traffic impacts. The
multiple existing curb cuts on Boylston Street will be eliminated and the Project will be
accessible to vehicles through an entrance to the subsurface garage from Jersey Street
and, to a limited extent, through a single entrance to the retail/restaurant/service facilities
on Boylston Street. The associated reduction in vehicular/pedestrian conflict on the
Boylston Street frontage, along with sidewalk improvements and possible curb
extensions, will significantly enhance the pedestrian environment.

¹ Notwithstanding the provisions of Exhibit E, if a community health care clinic or hotel occupies any
portion of the Project, such occupancy may extend to that portion of the ground floor not fronting on
Boylston Street.

The ground-level pedestrian access point to the residences in the Building will be through a lobby located along Boylston Street. The ground-level pedestrian access points to the retail and upper-floor commercial portions of the Project will be located as needed along the Boylston Street facade of the Building.

Dumpsters and loading docks will be located at the rear of the Building with access from the private passageway abutting the Site to the south. Service vehicles will access the passageway from Kilmarnock Street and exit to Jersey Street. In particular, the location and design of the loading facilities entirely on the Project Site will reduce interference with the free flow of vehicles along the passageway.

Surface parking will be eliminated, and will be replaced with a below-grade garage that will provide adequate parking for residents and tenants of the new Building, and will also continue to provide public parking.

A large portion of the residents and patrons at the Project are expected to use alternative modes of travel besides private automobile. No significant impacts to traffic operations, or levels-of-service grade at study intersections are expected as a result of the Project.

In addition, the Developer is committed to implementing Transportation Demand Management (“TDM”) strategies and assisting and encouraging major tenants at the Project 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:

- Providing bicycle storage facilities for twenty-five (25) bicycles;
- Posting public transportation information;
- Promoting alternative modes by requiring the property manager of the residential component to subsidize T-passes to its on-site employees and

~~strongly encouraging commercial tenants to subsidize T passes to their on-site employees;~~

- Charging market rates for public parking; and
- Providing two (2) parking spaces for a community car-sharing organization (e.g. ZipCar).

Parking and Loading Facilities: The Site will contain a maximum of 293 off-street parking spaces located in the three-level subsurface garage. Currently, the Site contains approximately 99 surface parking spaces. Therefore, the Project will add approximately 194 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 in accordance with the density and dimensional requirements set forth in Exhibit D.

This parking will occupy approximately 120,000 gross square feet, which will be operated, by the Developer or an independent entity, as a common parking facility to service all of the uses in the Building as well as public parking. The parking spaces will have direct access to the residential lobbies of the Project via elevators that will extend to the garage. Resident elevators will be contained in the building core and will be accessed from within the Building via the residential lobby. In order to promote more efficient use of the off-street parking facilities and to further ameliorate traffic impacts, some or 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 approves the number, location, dimensions, use 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 approves, notwithstanding the provisions of the Zoning Code applicable to the Restricted Parking Overlay District, the use of the proposed parking spaces for accessory and public parking as described in or approved by this Plan. This Plan also approves the proposed number of offstreet parking spaces per dwelling unit set forth in Exhibit D.

An off-street loading bay for the Project will be located along the private passageway on the southern boundary of the Site. 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.

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 approves 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 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 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 number of parking spaces in the Project exceed the number permitted herein.

~~**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 currently 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 a 10-minute walk of the Site. 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 Site. These buses travel along the streets in the vicinity of the Site including Brookline Avenue, Boylston Street and Park Drive. The Site is also located in an area serviced by the Masco Shuttle, which provides transportation to and from the Longwood Medical Area.

As discussed above, 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.

Proposed Building Elevations: The proposed building elevations and other design elements of the 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 in accordance with the density and dimensional requirements set forth in Exhibit D.

Drawings: The 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 in accordance with the density and dimensional requirements set forth in Exhibit D.

Signage: Signage for the Project shall consist of those signs approved by the BRA under its Development Review Procedures.

Phasing: The Project may be built in either one or two phases. If built in two phases, the first phase will consist of the residential component and all or a portion of the retail and garage components and the second phase will consist of the balance of the retail and garage components, if applicable, and the medical and/or office component. The Developer anticipates that the construction of the first phase will commence in the first half of 2006 and the Developer anticipates that, if applicable, the construction of the second phase will commence in the first half of 2007. Once construction of a phase is commenced, construction of that phase will proceed continuously to completion.

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 market-rate and affordable housing and additional tax revenues. As a 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 development that enhances the pedestrian, retail and residential vitality, as well as the urban design and architectural

character, of the Boylston Street corridor. The Project's specific public benefits include the following:

- The Project will introduce needed new retail and residential vitality along Boylston Street in the Fenway neighborhood.
- The Project will enhance pedestrian circulation around the Site by adding generous sidewalks, together with street tree plantings, improved lighting and other pedestrian amenities.
- The Project will provide a maximum of 215 new units of housing, consisting of both market-rate and affordable units.
- Ten percent (10%) of the Project's on-site residential units will be designated as affordable units. Half of the on-site affordable units will be affordable to households earning up to 80% of area median income for the Boston Standard Metropolitan Statistical Area as promulgated by the United States Department of Housing and Urban Development ("HUD") guidelines. Half of the on-site affordable units will be affordable to households earning up to 100% of area median income. The prices/rents of the on-site affordable units are to be adjusted in accordance with any changes in HUD area median incomes. In addition, the Developer will make a financial contribution to the BRA, in an amount equivalent to the Affordable Housing Cost Factor, as defined by the Executive Order of Mayor Thomas M. Menino, entitled "An Order Relative to the Affordable Housing Cost Factor," dated February 3, 2005, multiplied by a number equal to ten percent (10%) of the total number of units, to be used for a public purpose consistent with Section 66-28(1)(b).
- The Project will eliminate multiple existing curb cuts on Boylston Street enhancing vehicular and pedestrian circulation in and around the Site.
- The Project will create approximately 200 construction jobs and approximately 100 permanent jobs.
- The Project will result in a substantial increase in the annual real estate tax payments from the currently underutilized site, from approximately \$135,000 to approximately \$700,000.

Section 66-30 of the Zoning Code provides that the BRA has the authority to approve a Development Plan for a Proposed Project as meeting the requirements of Section 80C-4 of the Zoning Code (Standards for Planned Development Area Review Approval) for consistency with the applicable planning and development criteria of

~~Article 66 of the Development Plan provides for public benefits, including one or more of~~
the following: (a) diversification and expansion of the Fenway's economic and job opportunities through economic activity, such as private investment in commercial or research and development uses; (b) creation of new job opportunities and establishment of educational facilities, career counseling, or technical assistance providing instruction in fields related to such jobs; (c) improvements to the urban design characteristics and aesthetic character of the development site and its surroundings, and the enhancement of existing open space or the creation of new open space; and (d) improvements to transportation systems.

The public benefits generated by the Project satisfy the foregoing public benefit criteria of Section 80C-4 and Article 66-30 of the Zoning Code. The development of the Project, as summarized in this Plan, represents a substantial investment by the Developer that will expand the local and city economy, and provide substantial job opportunities within the Fenway area. 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 and the Trilogy project across 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. In addition, the proposed fifteen foot (15') sidewalk along Boylston Street will create an attractive and pedestrian-friendly environment. Finally, as described above, the Project includes infrastructure improvements and other measures to improve vehicular and pedestrian circulation in the area of the Project.

Other Approvals and Review Procedures: The Project is subject to Large Project Review under Article 80 of the Zoning Code. A Project Notification Form ("PNF") relating to the Project was filed on March 31, 2005, to formally commence the Large Project Review process, and the BRA authorized issuance of a Scoping Determination on October 20, 2005. In the Scoping Determination the BRA issued a

~~finding, pursuant to Section 80B-5.3(d) of the Zoning Code, that the PNF adequately~~
describes the Project's impacts resulting in a waiver of further review under Article 80 of
the Zoning Code.

The Project also requires Schematic Design Approval by the Boston Civic Design Commission ("BCDC") pursuant to Article 28 of the Zoning Code. At its meeting on June 7, 2005, BCDC voted to give Schematic Design Approval for the Project. The Developer also intends to seek a determination, pursuant to Article 85 ("Demolition Delay") of the Zoning Code, from the Boston Landmarks Commission ("BLC") that no further review by the BLC is required with respect to the proposed demolition of the existing building on the Site. The Developer filed a Project Notification Form for the Project with the Massachusetts Historical Commission, pursuant to M.G.L. Ch. 9, Sec. 26-27C and 950 CMR 71.00, and obtained a No Adverse Effect Determination Letter for the Project on August 11, 2005. 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 66, to the extent such requirements have been addressed in the Plan.

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 G	INFORMATION RE. DEVELOPER AND PROJECT TEAM

EXHIBIT A

Legal Description of Site

Parcel I:

1330 Boylston Street, Boston, MA:

All the certain lot, piece or parcel of land situate, lying and being in the City of Boston, Suffolk County, Commonwealth of Massachusetts, with the buildings thereon, if any, now known and numbered 1330 on Boylston Street, and being bounded and described as follows:

NORTHERLY by Boylston Street, seventy (70) feet;

WESTERLY by land now or late of Johnson, one hundred thirty-three (133) feet;

SOUTHERLY by the middle line of a passageway sixteen (16) feet wide, seventy (70) feet; and

EASTERLY by land now or late of Merchants Tire Co. (being Parcel II described below), one hundred thirty-three (133) feet.

Said premises are shown on a plan entitled "Plan of Land in Boston-Mass.," Scale 80 feet to an inch, Nov. 25, 1940, by William S. Crocker, Civil Engineer, recorded with the Suffolk Registry of Deeds at Book 5888, Page 222, and contains, according to said plan, 9310 square feet.

Together with rights of passage, in common with others lawfully entitled thereto, in and to said sixteen (16) foot wide passageway, to and from Jersey and Kilmarnock Streets.

Parcel II:

1320 Boylston Street, Boston, MA:

The land on said Boylston Street, in Boston, Suffolk County, Massachusetts, bounded and described as follows:

NORTHERLY by Boylston Street, one hundred and twenty-three and fifty-hundredths (123.50) feet;

EASTERLY by the center line of a 20 foot wide passageway, one hundred thirty-three feet (133);

SOUTHERLY by the center line of a sixteen (16) foot wide passageway one hundred twenty-three and fifty-hundredths (123.50) feet (now Public Alley 936); and

WESTERLY by land now or late of Waldron (now Parcel I above), one hundred and thirty-three (133) feet.

Containing 16425.5 square feet of land, more or less.

Together with, in common with others lawfully entitled thereto, rights in said 16 foot wide passageway, for passageway and driveway purposes, as commonly used in Boston, to and from Jersey and Kilmarnock Streets. Together with, in common with the owner of the parcel abutting the premises to the east (shown on the Survey as land n/f of Russo Family Trusts), rights in said 20 foot wide passageway, specifically re-establishing such mutual rights in said 20 foot passageway (as shown on plan dated June 12, 1946, recorded at Book 6238, Page 596) despite any prior merger of title with respect thereto.

The land, with the buildings thereon, located on Boylston Street, Boston, Suffolk County, Massachusetts, at the corner of Jersey Street, and bounded and described as follows:

NORTHERLY on Boylston Street, 175.34 feet;

EASTERLY on Jersey Street, 133 feet;

SOUTHERLY by the centerline of a passageway, 16' wide (now called Public Alley No. 936), 175.34 feet;

WESTERLY by the centerline of a passageway, 20' wide, 133 feet.

Together with and subject to the common rights in said 16' and 20' wide passageways, for passageway and driveway purposes, as commonly used in the City of Boston.

Being the same premises described in a deed of Frank J. Russo, dated September 18, 1976, recorded at Book 8903, Page 485.

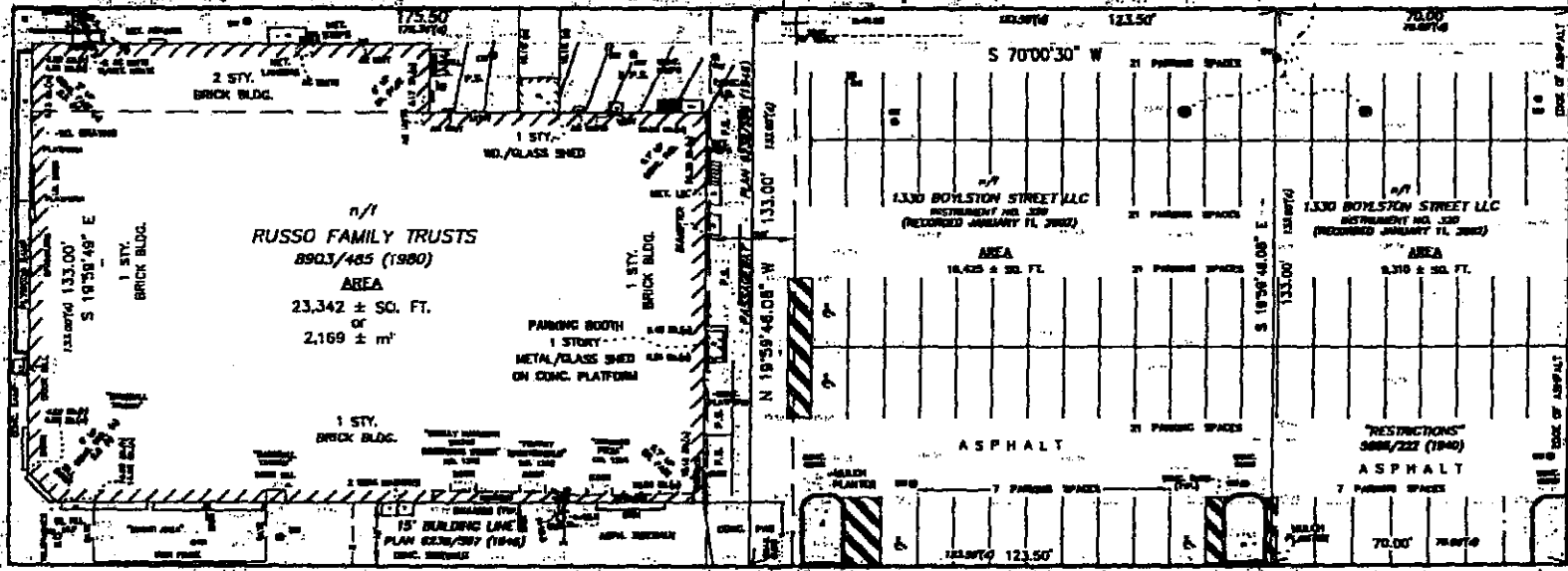
EXHIBIT B

Permit Plan for Project

ADRIY LANDMARK SQUARE LLC
23/44/01 (1981)

TOTAL AREA
25,735 ± SQ. FT.
OR
2,391 ± m²

CITY OF BOSTON



BOYLSTON STREET

2/21/2005 *Peter Greulich*
PETER GREULICH, P.L.S.



PLANNED DEVELOPMENT AREA PERMIT PLAN

PREPARED FOR:
SAMUELS & ASSOCIATES

GUNTHER ENGINEERING, INC.
803 SUMMER STREET, BOSTON, MA 02127
PHONE: (617) 484-3300, FAX: (617) 484-2442
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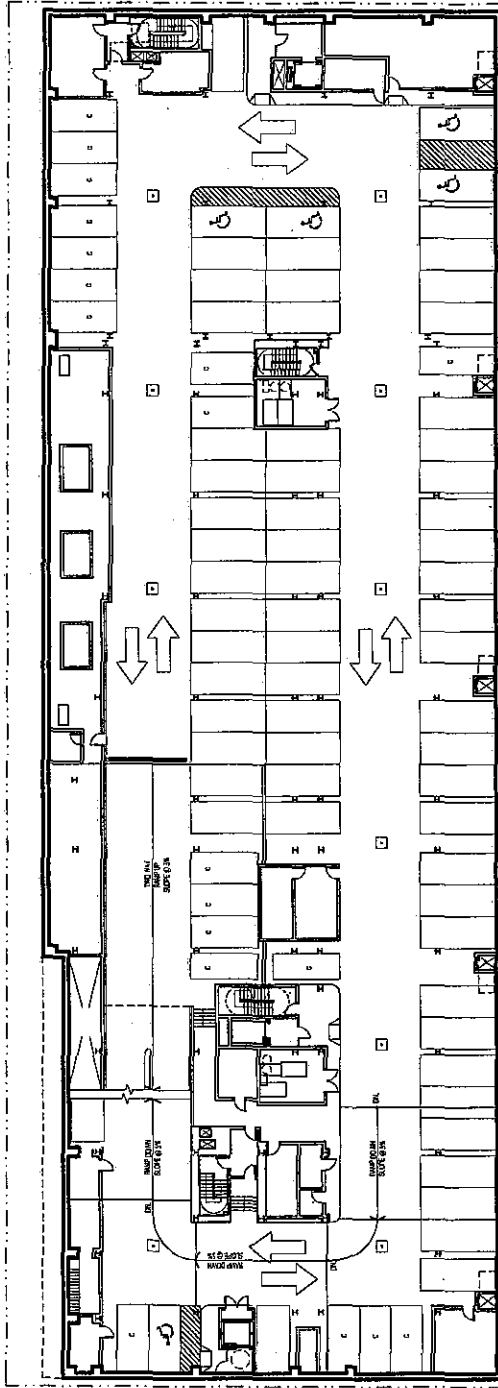
FENWAY DISTRICT
BOSTON, MASSACHUSETTS
SUFFOLK COUNTY

21 JUNE 2005	SCALE 1"=30'
DRAFTING: M. MIKUS CHECK: P. GREULICH	RATIO 1:360

PROJECT NO.
B-3769.02
DRAWING NO.
561.03F

EXHIBIT C-1

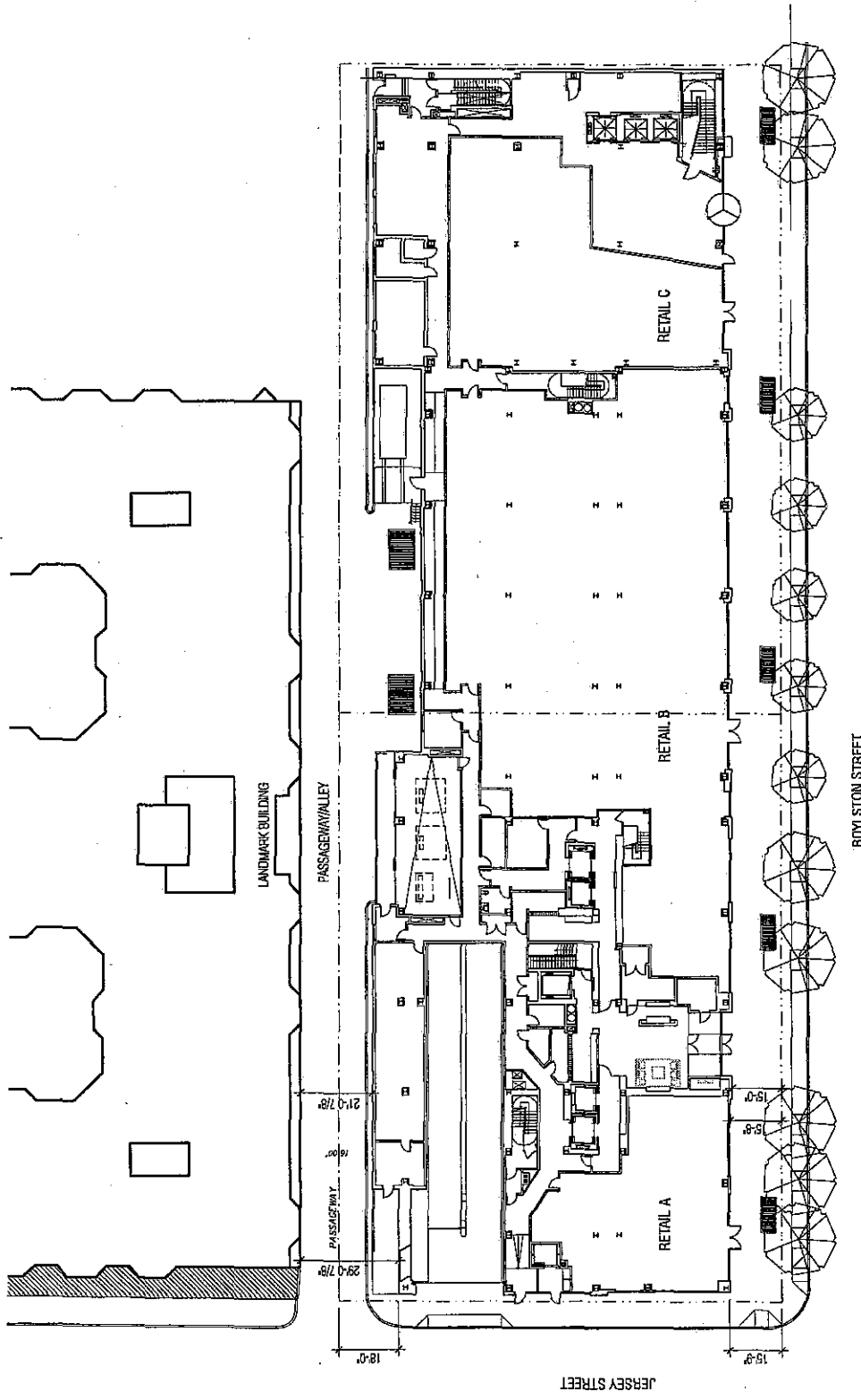
Plans and Drawings of the Project



1 Typical Parking Plan - P1 - P2, P3 Similar.
SCALE: 1/32" = 1'-0"

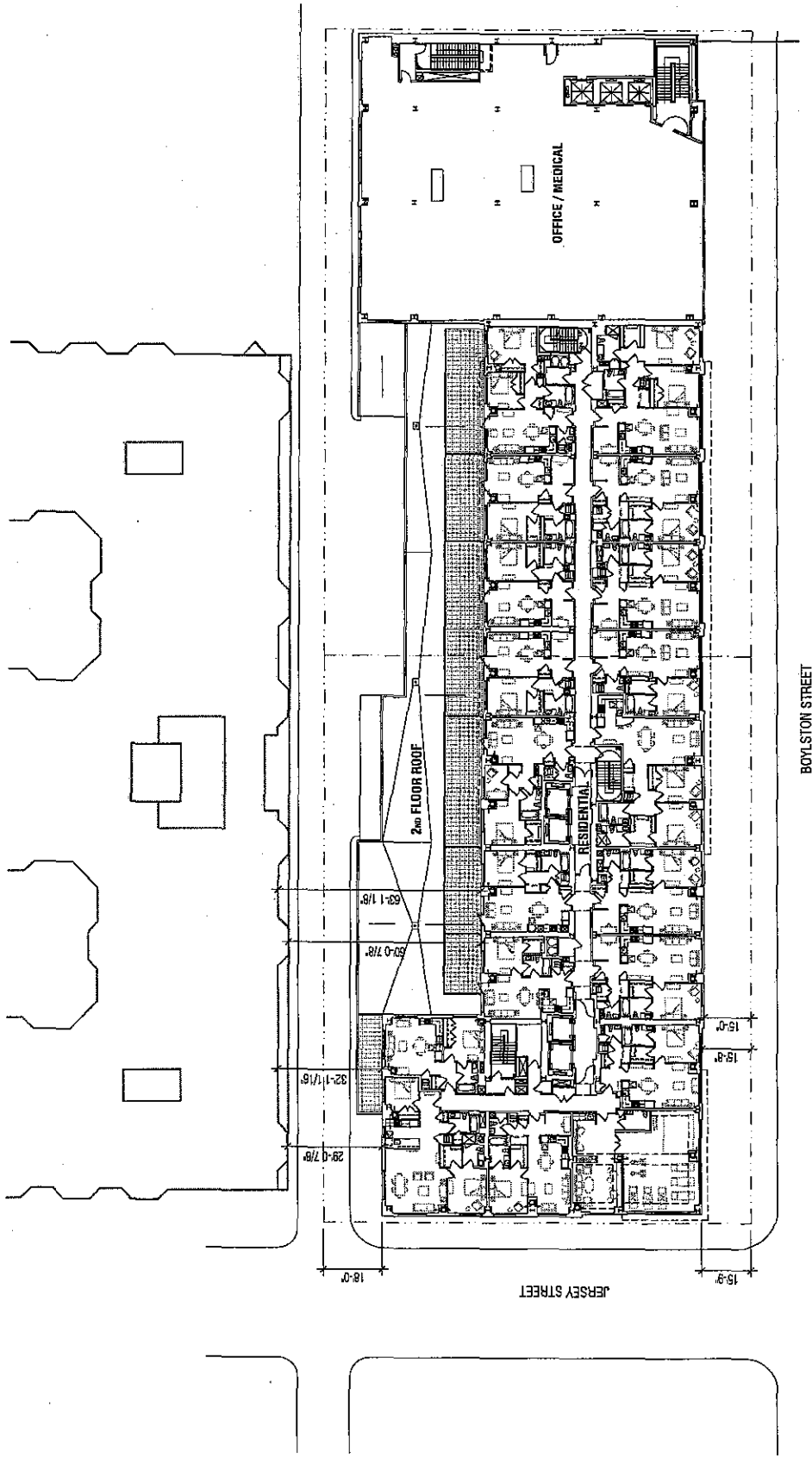
NOVEMBER 2005
TYPICAL PARKING PLAN
SCALE: 1/32" = 1'-0"
SAMUELS & ASSOCIATES | ELKUS / MANFREDI ARCHITECTS

1330 BOYLSTON STREET



SITE PLAN AND GROUND FLOOR PLAN
 SCALE: 1/32" = 1'-0"
 NOVEMBER 2005
 SAMUELS & ASSOCIATES | ELKUS / MANFREDI ARCHITECTS

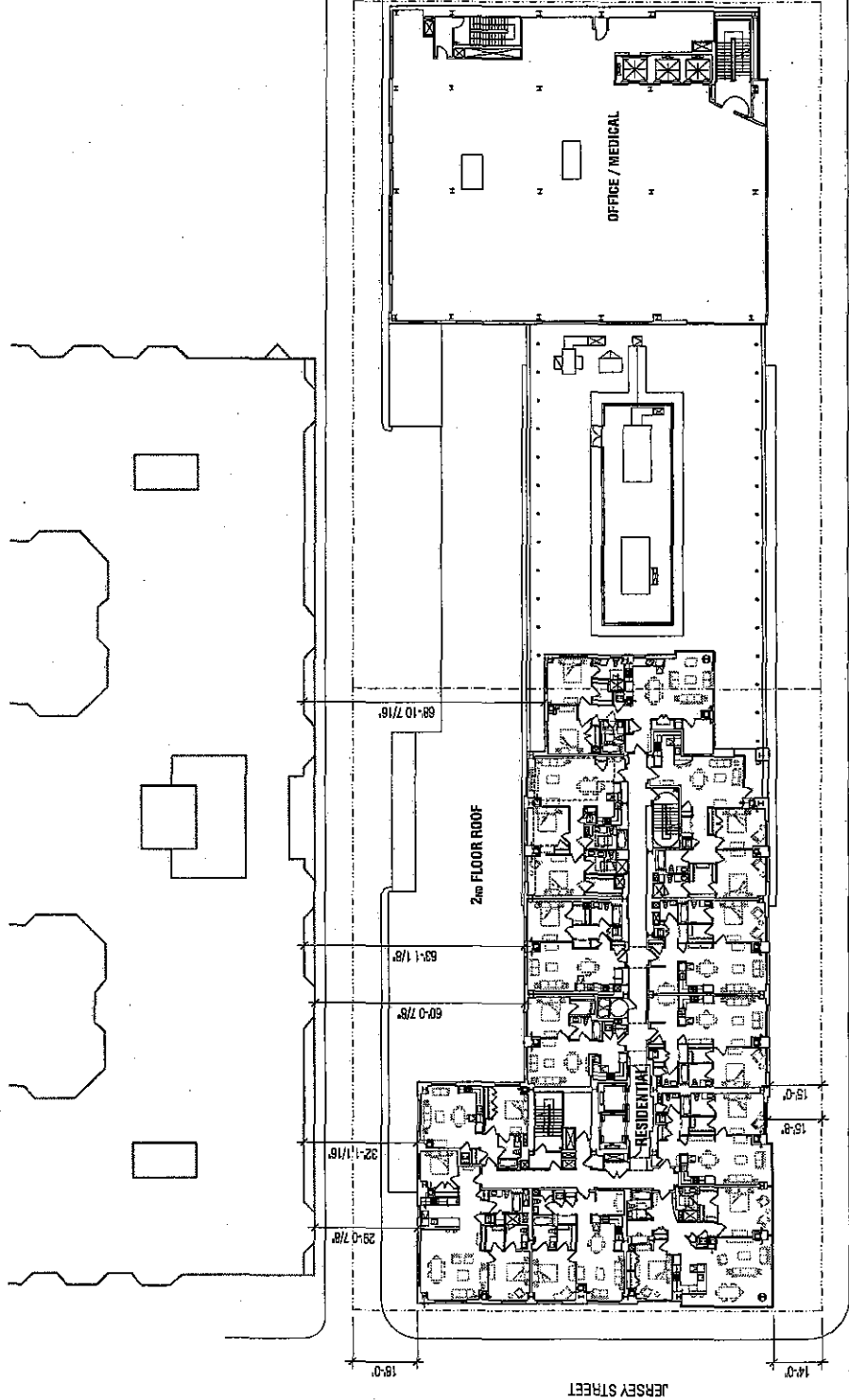
1330 BOYLSTON STREET



FLOOR PLAN LEVEL 2, LEVELS 3 - 8 SIMILAR
 SCALE: 1/32" = 1'-0"
 SAMUELS & ASSOCIATES | ELKUS / MANFREDI ARCHITECTS

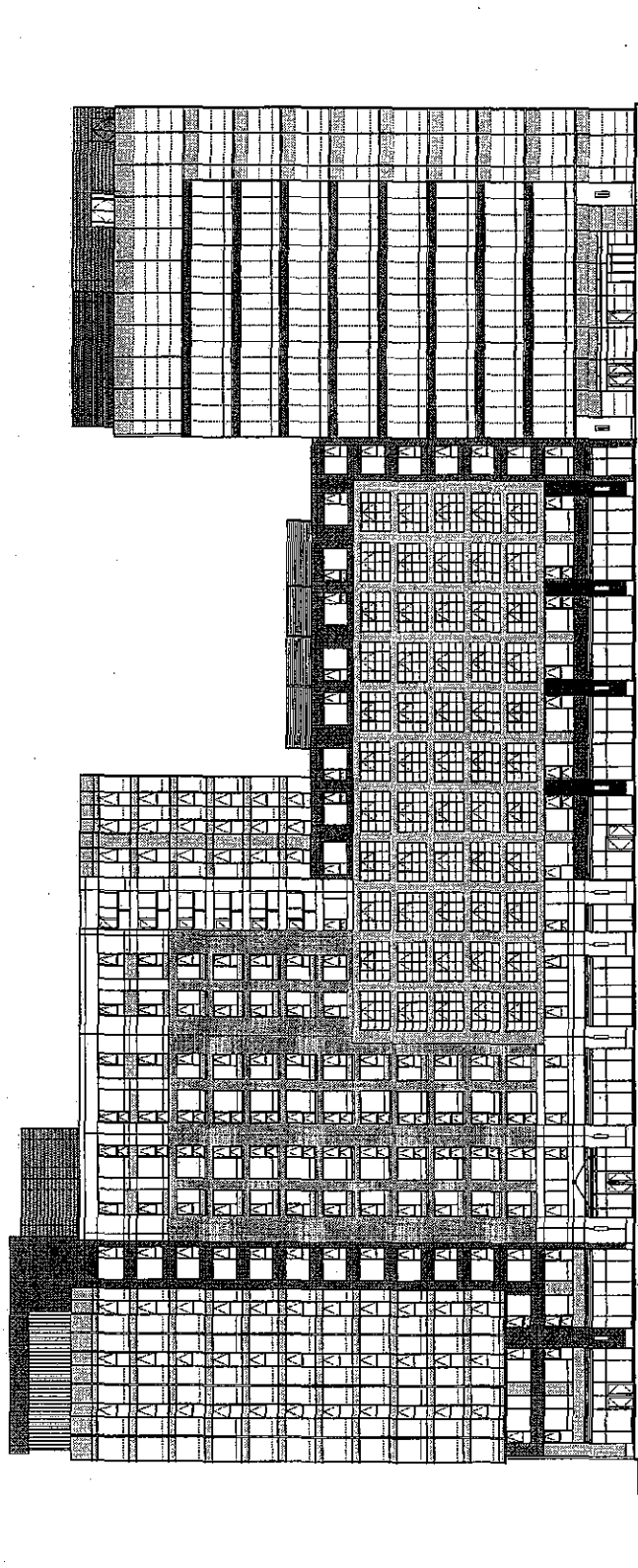
1330 BOYLSTON STREET

NOVEMBER 2005



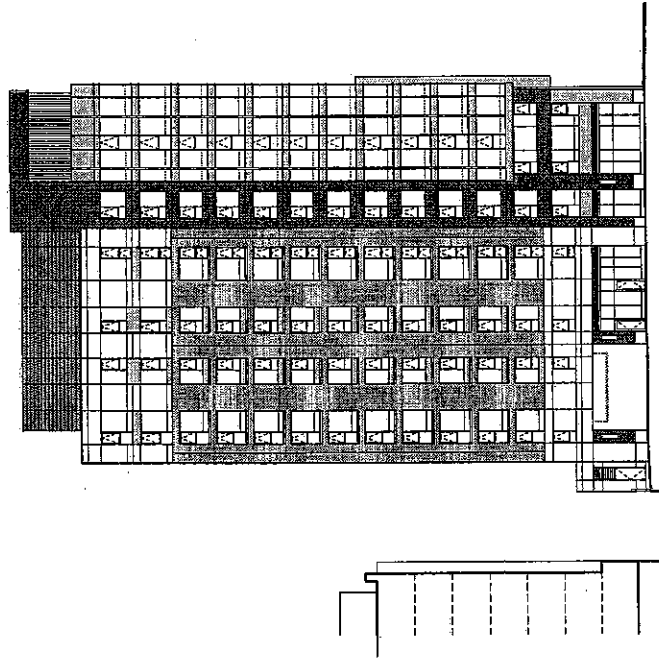
TYPICAL UPPER FLOOR PLAN LEVELS 9-14
 SCALE: 1/32" = 1'-0"
 SAMUELS & ASSOCIATES | ELKUS / MANFREDI ARCHITECTS

1330 BOYLSTON STREET



PROPOSED NORTH ELEVATION
NOVEMBER 2005
SAMUELS & ASSOCIATES | ELKUS / MANIPEDI ARCHITECTS

1330 BOYLSTON STREET

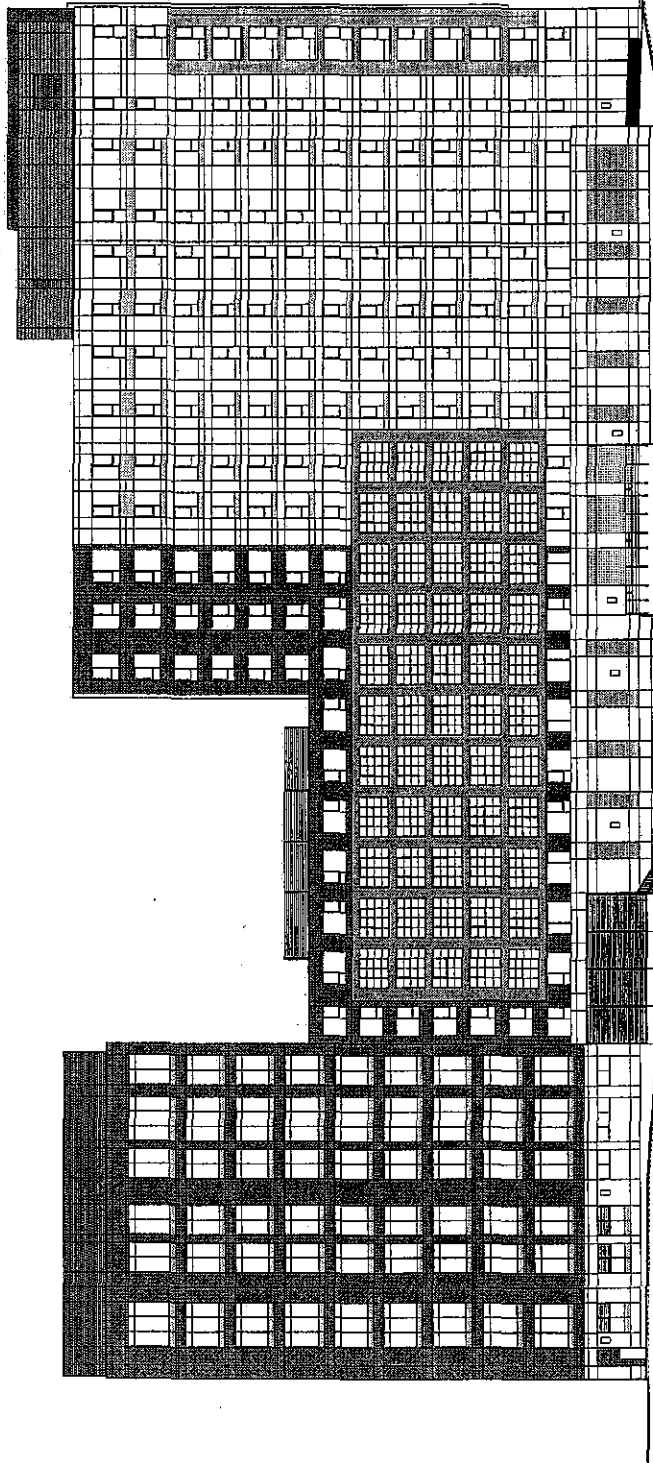


PROPOSED EAST ELEVATION

NOVEMBER 2005

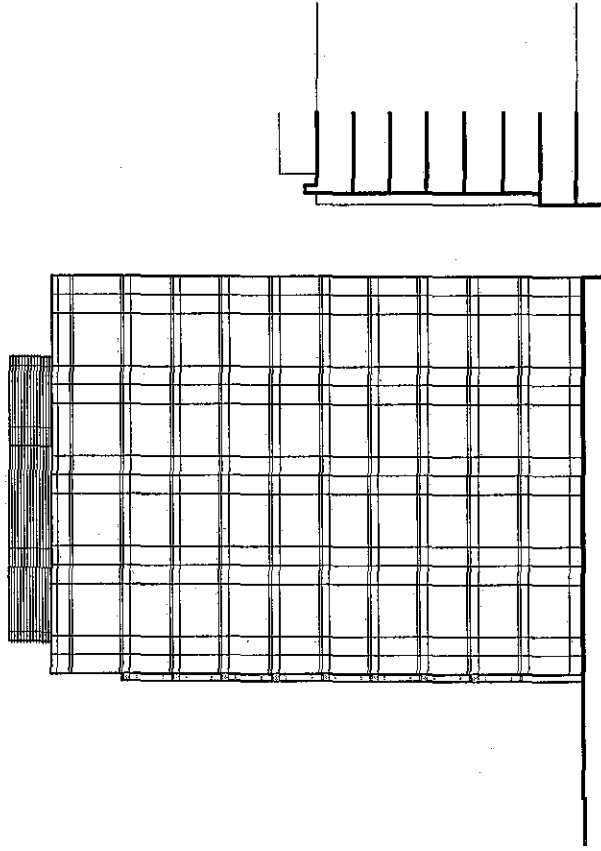
SAMUELS & ASSOCIATES | ELKUS / MANFREDI ARCHITECTS

1330 BOYLSTON STREET



NOVEMBER 2005
PROPOSED SOUTH ELEVATION
SAMUELS & ASSOCIATES | ELKUS / MANFREDI ARCHITECTS

1330 BOYLSTON STREET



PROPOSED WEST ELEVATION

NOVEMBER 2005

SAMUELS & ASSOCIATES | ELKUS / MANFRED ARCHITECTS

1330 BOYLSTON STREET

EXHIBIT C-2

List of Plans and Drawings for the Project

SHEET	TITLE	SCALE
A0.0-0	COVER	
A0.0-1	DRAWING LIST	
A0.0-1	DRAWING LIST CONTINUED, GRAPHIC SYMBOLS, AND ABBREVIATIONS	
CIVIL DRAWINGS		
C-1	LEGEND AND GENERAL NOTES	
C-2	LAYOUT AND MATERIALS PLAN	
C-3	GRADING AND DRAINAGE PLAN	
C-4	UTILITY PLAN	
C-5	SITE DETAILS	
Sy-1	EXISTING CONDITIONS PLAN	
GEOTECHNICAL DRAWINGS		
GT-1	MINIMUM DESIGN CRITERIA FOR TEMPORARY EXCAVATION SUPPORT SYSTEMS	
LANDSCAPE DRAWINGS		
L1.1	LAYOUT AND MATERIALS PLAN	
L2.1	GRADING AND PLANTING PLAN	
L3.1	DETAILS	
L3.2	DETAILS	
ARCHITECTURAL DRAWINGS		
A0.01	SITE PLAN	1/32" = 1'-0"
A0.02	CODE NARRATIVE	NONE
A0.03	CODE ANALYSIS PLANS	AS NOTED
A1.0-1	P-1 PARKING PLAN	1/16"=1'-0"
A1.0-2	P-2 PARKING PLAN	1/16"=1'-0"
A1.0-3	P-3 PARKING PLAN	1/16"=1'-0"

SHEET	TITLE	SCALE
A1.01	PLAN +1	1/16"=1'-0"
A1.01-A	PLAN +1	1/8"=1'-0"
A1.01-B	PLAN +1	1/8"=1'-0"
A1.02-A	PLAN +2	1/8"=1'-0"
A1.02-B	PLAN +2	1/8"=1'-0"
A1.03-A	PLAN +3	1/8"=1'-0"
A1.03-B	PLAN +3	1/8"=1'-0"
A1.04-A	PLAN +4 - +7	1/8"=1'-0"
A1.04-B	PLAN +4 - +7	1/8"=1'-0"
A1.08-A	PLAN +8	1/8"=1'-0"
A1.08-B	PLAN +8	1/8"=1'-0"
A1.09-A	PLAN +9	1/8"=1'-0"
A1.09-B	PLAN +9	1/8"=1'-0"
A1.10-A	PLAN +10 - +14	1/8"=1'-0"
A1.10-B	PLAN +10 - +14	1/8"=1'-0"
A1.15-A	PLAN +15	1/8"=1'-0"
A1.15-B	PLAN +15	1/8"=1'-0"
A1.16	ROOF	1/16"=1'-0"
A2.01	BUILDING SECTION EAST-WEST	1/16"=1'-0"
A2.02	BUILDING SECTION EAST-WEST	1/16"=1'-0"
A2.03	BUILDING SECTION NORTH-SOUTH	1/16"=1'-0"
A2.04	BUILDING SECTION EAST-WEST	1/16"=1'-0"
A3.01	NORTH ELEVATION	1/16"=1'-0"
A3.02	EAST ELEVATION	1/16"=1'-0"
A3.03	SOUTH ELEVATION	1/16"=1'-0"
A3.04	WEST ELEVATION	1/16"=1'-0"
A4.01	ENLARGED ELEVATION, WALL SECTION & PLANS	1/4"=1'-0"
A4.02	ENLARGED ELEVATION, WALL SECTION & PLANS	1/4"=1'-0"
A4.03	ENLARGED ELEVATION, WALL SECTION & PLANS	1/4"=1'-0"
A4.04	ENLARGED ELEVATION, WALL SECTION & PLANS	1/4"=1'-0"
A4.05	ENLARGED ELEVATION, WALL SECTION & PLANS	1/4"=1'-0"

SHEET	TITLE	SCALE
A4.06	ENLARGED ELEVATION, WALL SECTION & PLANS	1/4"=1'-0"
A4.07	ENLARGED ELEVATION, WALL SECTION & PLANS	1/4"=1'-0"
A4.08	ENLARGED ELEVATION, WALL SECTION & PLANS	1/4"=1'-0"
A4.09	ENLARGED ELEVATION, WALL SECTION & PLANS	1/4"=1'-0"
A4.10	ENLARGED ELEVATION, WALL SECTION & PLANS	1/4"=1'-0"
A4.11	ENLARGED ELEVATION, WALL SECTION & PLANS	1/4"=1'-0"
A4.12	ENLARGED ELEVATION, WALL SECTION & PLANS	1/4"=1'-0"
A4.13	ENLARGED ELEVATION, WALL SECTION & PLANS	1/4"=1'-0"
A4.14	ENLARGED ELEVATION, WALL SECTION & PLANS	1/4"=1'-0"
A4.15	ENLARGED ELEVATION, WALL SECTION & PLANS	1/4"=1'-0"
A4.16	ENLARGED ELEVATION, WALL SECTION & PLANS	1/4"=1'-0"
A4.17	ENLARGED ELEVATION, WALL SECTION & PLANS	1/4"=1'-0"
A4.18	ENLARGED ELEVATION, WALL SECTION & PLANS	1/4"=1'-0"
A4.19	ENLARGED ELEVATION, WALL SECTION & PLANS	1/4"=1'-0"
A4.20	ENLARGED ELEVATION, WALL SECTION & PLANS	1/4"=1'-0"
A4.30	PENTHOUSE SECTIONS	1/4"=1'-0"
A5.00	GENERAL UNIT INFORMATION	AS NOTED
A5.01	UNIT PLANS - PLAN TYPE 1A	1/4"=1'-0"
A5.02	UNIT PLANS - PLAN TYPE 1B	1/4"=1'-0"
A5.03	UNIT PLANS - PLAN TYPE 1C	1/4"=1'-0"
A5.04	UNIT PLANS - PLAN TYPE 1D	1/4"=1'-0"
A5.05	UNIT PLANS - PLAN TYPE 1E	1/4"=1'-0"
A5.06	UNIT PLANS - PLAN TYPE 1F	1/4"=1'-0"
A5.07	UNIT PLANS - PLAN TYPE 1G	1/4"=1'-0"
A5.08	UNIT PLANS - PLAN TYPE 1H	1/4"=1'-0"
A5.09	UNIT PLANS - PLAN TYPE 1J	1/4"=1'-0"
A5.10	UNIT PLANS - PLAN TYPE 1K	1/4"=1'-0"
A5.11	UNIT PLANS - PLAN TYPE 1L	1/4"=1'-0"
A5.12	UNIT PLANS - PLAN TYPE 1M	1/4"=1'-0"
A5.13	UNIT PLANS - PLAN TYPE 1N	1/4"=1'-0"
A5.14	UNIT PLANS - PLAN TYPE 1P	1/4"=1'-0"
A5.15	UNIT PLANS - PLAN TYPE 2A	1/4"=1'-0"

SHEET	TITLE	SCALE
A5.16	UNIT PLANS - PLAN TYPE 2B	1/4"=1'-0"
A5.17	UNIT PLANS - PLAN TYPE 2C	1/4"=1'-0"
A5.18	UNIT PLANS - PLAN TYPE 2D	1/4"=1'-0"
A5.19	UNIT PLANS - PLAN TYPE 2E	1/4"=1'-0"
A5.20	UNIT PLANS - PLAN TYPE 2F	1/4"=1'-0"
A5.21	UNIT PLANS - PLAN TYPE 2G	1/4"=1'-0"
A5.22	UNIT PLANS - PLAN TYPE 2H	1/4"=1'-0"
A5.31	ENLARGED CORE PLANS, PLAN P1/P2/P3	1/4"=1'-0"
A5.32	ENLARGED CORE PLANS, PLAN +1/P1/P2	1/4"=1'-0"
A5.33	ENLARGED CORE PLANS, LEVEL +1	1/4"=1'-0"
A5.34	ENLARGED CORE PLANS, LEVELS +1-+10 (OFFICE)	1/4"=1'-0"
A5.35	ENLARGED CORE PLANS, LEVELS +2-+14	1/4"=1'-0"
A5.41	ENLARGED CORE REFLECTED CEILING PLAN, LEVEL +1	1/4"=1'-0"
A5.42	CORRIDOR REFLECTED CEILING PLAN, LEVELS +2 - +8	1/8"=1'-0"
A5.43	CORRIDOR REFLECTED CEILING PLAN, LEVELS +9 - +14	1/8"=1'-0"
A5.46	LOBBY, ELEVATOR, AND MAILROOM ELEVATIONS	1/4"=1'-0"
A6.01	SECTION DETAILS	1 1/2"=1'-0"
A6.02	SECTION DETAILS	1 1/2"=1'-0"
A6.03	SECTION DETAILS	1 1/2"=1'-0"
A6.04	SECTION DETAILS	1 1/2"=1'-0"
A6.11	PLAN DETAILS, PLAN +1	1 1/2"=1'-0"
A6.12	PLAN DETAILS, PLAN +1	1 1/2"=1'-0"
A6.16	PLAN DETAILS	1 1/2"=1'-0"
A6.17	PLAN DETAILS	1 1/2"=1'-0"
A6.30	SLAB EDGE DETAILS	1 1/2"=1'-0"
A6.70	ENLARGED SECTION DETAILS	6"=1'-0"
A6.80	ENLARGED PLAN DETAILS	6"=1'-0"

SHEET	TITLE	SCALE
A6.90	ROOF DETAILS	1 1/2"=1'-0"
A7.11	STAIR PLANS & SECTIONS	AS NOTED
A8.01	WALL TYPES	1 1/2"=1'-0"
A8.02	WALL TYPES	1 1/2"=1'-0"

EXHIBIT D

Density and Dimensional Zoning Requirements for the Project¹

Maximum Building Height		150 feet
Maximum Stories		Not applicable
Maximum Floor Area Ratio ²		7.0
Minimum Lot Size		None
Minimum Lot Width		None
Minimum Lot Frontage		None
Minimum Open Space per Dwelling Unit ³		25 square feet
Maximum Number of Offstreet Parking Spaces Per Dwelling Unit		1.0
Minimum Front Yard - Along Boylston Street ⁴		
	-At and above grade	15 feet
	-Below grade	None
Minimum Side Yard		
	-Along Jersey Street	None
	-Along western lot line	None
Minimum Rear Yard		
	-At and above grade	8 feet
	-Below grade	None
Maximum Streetwall Height		In accordance with approved Drawings
Setback Above Streetwall Height		In accordance with approved Drawings

¹ In applying these requirements, actual dimensions and densities of the Project shall be rounded to the nearest whole number or nearest non-decimal percentage, as applicable.

² The maximum floor area ratio ("FAR") requirement applicable to the Project excludes the floor area of the underground parking garage.

³ Minimum Open Space Per Dwelling Unit includes, without limitation, balcony and terrace areas

⁴ Since the Site is a Corner Lot, the Boylston Street lot line has been designated as the sole front lot line for the Site.

Minimum Gross Floor Area Devoted to Residential Uses	60% ⁵
Maximum Number of Offstreet Parking Spaces Allocated To Residential Uses	215
Maximum Number of Offstreet Parking Spaces For Other Allowed Uses ⁶	78

⁵ If the Project does not include a community facility use as enumerated in Section 66-28.1(b), at least seventy percent (70%) of the Gross Floor Area of the Project shall be devoted to Residential Uses. As used herein, "Residential Uses" shall have the meaning set forth in Article 2A of the Zoning Code.

⁶ See Exhibit E for a list of Allowed Uses.

EXHIBIT E
Allowed Uses for the Project

MAIN USES

Retail/Restaurant/Services

Local Retail including, but not limited to, store retailing one or more of the following: food; baked goods; groceries; packaged alcoholic beverages; drugs; pharmacy; 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, with a total gross floor area of not more than thirty thousand (30,000) square feet

Restaurant

Lunch Room

Cafeteria

Retail Catering

Take-Out Restaurant with a total gross floor area of not more than two thousand five hundred (2,500) square feet per restaurant

Restaurant with live entertainment not operating after 10:30 p.m.

Private Club not serving alcohol

Fitness Center, health club or gymnasium

Rental agency for cars

Bank

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; or optometrist's shop

Trade Uses including but not limited to the following: tailor shop; caterer's establishment; photographer's studio; carpenter's shop; electrician's shop; plumber's

~~shop; welder's shop; upholsterer's shop; radio, television and other electronic appliances
repair shop; or machine shop
Automatic Teller Machine~~

Outdoor sale of garden supplies

Ticket Sales

Agency or Professional Office

Bakery

Liquor Store

Retail Service Laundry

Repair Garage

Truck Servicing or Storage

Indoor Sale, with or without installation, of automotive parts, accessories and supplies

Open Space

Post Office

Art Gallery

Public Art Display Space

Residential and Other Uses

Multifamily residential housing*

Elderly housing*

Congregate living complex*

Bed and Breakfast*

Executive Suites*

Hotel*

* Uses marked with an asterisk are, with the exception of space devoted to lobby or similar access areas, forbidden on the ground floor within the Project.

Day Care Center*

Day Care Center for Elderly*

Adult Education Center*

Art Use*

Artist Mixed Use (such use shall be considered, for purposes of calculating affordable housing obligations and residential unit totals, as a residential use) *

Art Studios*

General Office, limited to not more than forty percent (40%) of the Project's gross floor area*

Clinic*

Community Health Center*

Storage of flammable liquids and gases incidental to a main use

Parking Uses

Parking Garage (provided, however, that after the fifth (5th) anniversary of the final certificate of occupancy for any parking garage use, such garage shall not be used for publicly available Red Sox parking)

ACCESSORY USES

Accessory uses ordinarily incident to a lawful main use are allowed, subject to the provisions of Article 10, provided that any such accessory use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the main use to which it is accessory, including without limitation the following:

Research Laboratory Accessory to Clinic

Accessory telecommunications equipment and service facility

Accessory telecommunications data distribution center

Accessory services for apartment residents

~~Accessory automatic teller machine on any story~~

Accessory swimming pool or tennis court

Accessory parking garage

Accessory outdoor café

Accessory retail

Accessory cafeteria

Accessory personnel quarters

Accessory machine shop

Accessory storage of flammable liquids and gases (small or large)

Accessory Amusement Game Machines (not more than four machines) in
Commercial or Non-Commercial Establishment

Accessory Art Use

Accessory Cultural Use

Accessory Family Day Care Home

Accessory Home Occupation

Accessory Keeping of Laboratory Animals

Accessory Offices

Accessory Professional Office in a Dwelling

Accessory Recycling

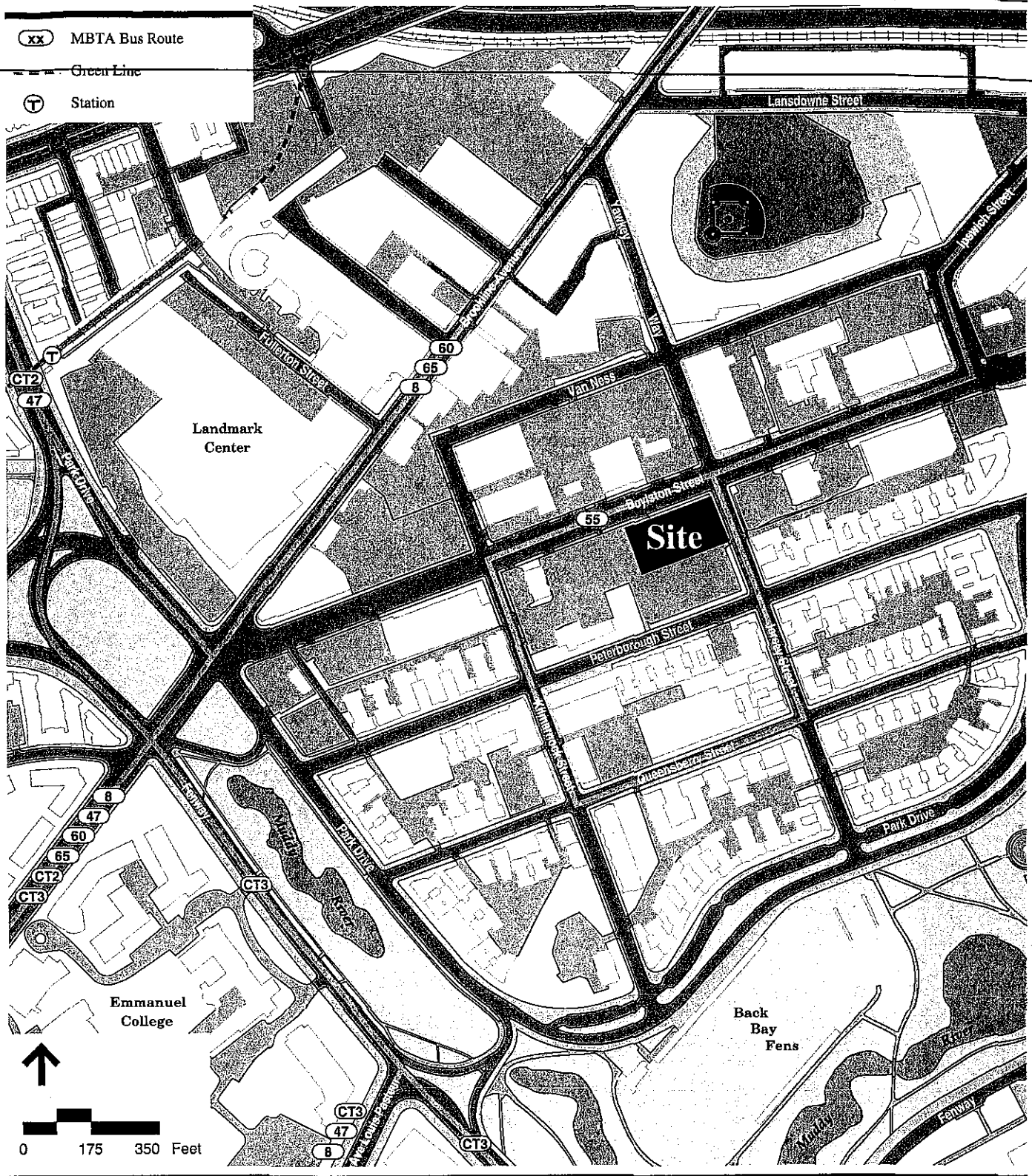
Accessory Services for Apartment and Hotel Residents

Accessory Services Incidental to Educational Uses other than College or University
Use

Accessory Trade Uses

EXHIBIT F-1

Map of Public Transportation Services



1330 Boylston Street

Public Transportation Systems

Figure 4-8

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.

Table: Public Transportation Services Summary

Transit Line	Origin	Destination	Peak Hour Headways	Nearest Stop to Project Site
MBTA Rapid Transit				
"D" (Riverside) Branch of the Green Line	Lechmere/ Government Center	Riverside	5 minutes	Fenway (at the northwest corner of the Landmark Center site)
MBTA Bus Service				
Route # 8	Kenmore Station	UMass Boston	6-10 minutes	Brookline Avenue (adjacent to Site)
Route # 19	Kenmore Station	Fields Corner		
Route # 47	Central Square	Broadway (via Ruggles)	25 minutes	Fenway T-stop (Park Drive overpass)
Route # 57	Kenmore Station	Watertown Yard (via Brighton Center and Newton Corner)		
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	Sullivan Station	Ruggles Station	20 minutes	Fenway T-stop (Park Drive overpass)
Route # CT-3	Andrew Station	Beth Israel Hospital	20 minutes	Brookline Avenue at Fenway

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

EXHIBIT C

Information Re. Developer and Project Team

Business address and telephone number of Developer:

1312-1330 Boylston Street Development Trust
c/o Samuels & Associates
333 Newbury Street, 2nd Floor
Boston, Massachusetts 02115
Telephone: 617-247-3434

Manager of Developer:

Samuels & Associates Development LLC

Manager of Samuels & Associates Development LLC:

Steven B. Samuels

Designated Contact for Developer:

Peter Sougarides
Vice President of Development
c/o Samuels & Associates
333 Newbury Street, 2nd Floor
Boston, Massachusetts 02115
Telephone: 617-247-3434

Development Team:

Architects: Elkus/Manfredi Architects
530 Atlantic Avenue
Boston, MA 02210
Telephone: 617-426-1300
Designated Contact – David Manfredi

Civil Engineering and Transportation: Vanasse Hangen Brustlin, Inc.
101 Walnut Street
Watertown, MA 02471
Telephone: 617-924-1770
Designated Contact – Anne Zebrowski

Attorneys: Goulston & Storrs, P.C.
400 Atlantic Avenue
Boston, MA 02110
Telephone: 617-482-1776
Designated Contact – Douglas M. Husid.

MEMORANDUM

OCTOBER 20, 2005

**TO: BOSTON REDEVELOPMENT AUTHORITY AND
MARK MALONEY, DIRECTOR**

**FROM: TOM MILLER, DIRECTOR OF ECONOMIC DEVELOPMENT
JAY RUSSO, DEPUTY DIRECTOR OF DEVELOPMENT REVIEW
ROBERT KROIN, SENIOR ARCHITECT, URBAN DESIGN
MARK MCGOWAN, PROJECT MANAGER**

SUBJECT: PUBLIC HEARING – 1330 BOYLSTON STREET, FENWAY

SUMMARY: This memorandum requests, as a part of the scheduled Public Hearing concerning the 1330 Boylston Street project, to be located in the Fenway, that the Boston Redevelopment Authority (“BRA” or “Authority”) [A] approve the Development Plan for Planned Development Area No. 65, The 1330 Boylston Street Project, Fenway, substantially in the form presented to the BRA Board on October 20, 2005; and [B] authorize the Director to (1) issue a Scoping Determination waiving the requirement of further review pursuant to Article 80, Section 80B-5.3(d) of the Boston Zoning Code (the “Code”) for the proposed 1330 Boylston Street project in Fenway; (2) issue a Certification of Compliance under Section 80B-6 upon successful completion of the Article 80 review process; (3) execute and deliver a Cooperation Agreement, an Affordable Housing Agreement, a Development Impact Project Agreement, and a Boston Residents Construction Employment Plan; (4) authorize the Director to petition the Zoning Commission for the approval of the Development Plan for Planned Development Area No. 65, The 1330 Boylston Street Project, Fenway, and accompanying map amendment, substantially in the form presented to the BRA Board on October 20, 2005, and (5) issue a Certification of Consistency under Section 80C of the Code.

Project Site

The 1330 Boylston Street project involves the revitalization of an approximately 49,077 square-foot site located at 1302-1330 Boylston Street in the Fenway neighborhood. The Site consists of two parcels of land, with approximately 100 feet of frontage on Jersey Street and approximately 380 feet on Boylston Street, and bounded by an alleyway to the south (the “Site”). Approximately one-half of the site is occupied by a one- to two-story building located at 1302-1318 Boylston Street containing approximately 13,000 square feet of commercial space and the other half is a 99-space, asphalt parking lot located at 1330 Boylston Street.

Proposed Project

1312-1330 Boylston Street Development Trust, care of Samuels & Associates, Inc., (the "Proponent") is proposing to redevelop the Site to include the replacement of an existing building and surface parking lot with a mixed use development to include approximately 25,000 square feet of ground floor commercial space, approximately 215 residential units, approximately 88,000 square feet of space for medical and/or office uses, and below-grade parking for approximately 293 vehicles (the "Proposed Project"). The Fenway Community Health Center ("FCHC") and the Proponent have been working together to design the project so that the FCHC could, subject to the completion of a successful capital campaign by FCHC, purchase the medical and/or office use portion of the Proposed Project.

Development Team

The development team consists of 1312-1330 Boylston Street Development Trust, care of Samuels & Associates, Inc. as Developer, Elkus/ Manfredi Architects as project architects, Vanasse Hangen Brustlin, Inc as environmental/permitting/transportation consultants, and Goulston & Storrs, P.C. serving as legal counsel.

Planning Process

The Proposed Project results from an extensive community planning process, beginning with the preparation and adoption of the Fenway Interim Planning Overlay District ("IPOD") on May 30, 2000. Subsequent planning for the Fenway neighborhood was accomplished in two phases – West and East Fenway – and generated three planning reports: "Land Use and Urban Design Guidelines" for the West Fenway; "East Fenway Neighborhood Strategic Plan;" and "The Fenway Neighborhood Transportation Plan." The proposal of the new Fenway zoning reflects the recommendations in the neighborhood plans for a mixed-use, medium-density community with neighborhood retail and residential development to accommodate a diverse population. On September 30, 2004, the BRA authorized the Director to petition the Zoning Commission to adopt zoning text and map amendments establishing the Fenway Neighborhood District. The Fenway Neighborhood District was adopted by the Boston Zoning Commission on October 20, 2004, and became effective on October 22, 2004. This zoning article is thus a result of a four-year, long-range planning effort.

Article 80 Review

On December 7, 2004, the Proponent filed a Letter of Intent, in accordance with the BRA's policy on the provision of mitigation by development projects in Boston, as outlined in Mayor Thomas M. Menino's Executive Order of October 10, 2000, as amended, for a 340,000 square foot development containing residential, office, retail and related uses, together with underground parking located at 1312-1330 Boylston Street in Fenway.

On January 4, 2005, letters were delivered to City Councilor Michael Ross, State Senator Steve Tolman, and State Representative Byron Rushing requesting nominations for the Impact Advisory Group ("IAG") for the Proposed Project with a deadline January 12, 2005. In addition, letters were

sent to the Mayor's Office of Neighborhood Services and the City Councilors-at-large, providing an opportunity for their input.

Fifteen individuals were appointed to the IAG and were invited to participate in the scoping session convened by the BRA. The Proponent filed a Project Notification Form ("PNF") on April 4, 2005. Notice of the receipt by the BRA of the PNF was published in the *Boston Herald* on April 4, 2005, which initiated a 30-day public comment period with a closing date of May 5, 2005. The comment period was later extended by agreement of the Proponent, with a closing date of May 18, 2005.

The Proponent has requested that the BRA issue a Scoping Determination waiving further review.

Pursuant to Section 80B-5.3 of the Code, a scoping session was held on April 22, 2005, with the City's public agencies and the IAG at which the Proposed Project was reviewed and discussed. The Notice and the PNF were sent to the City's public agencies pursuant to Section 80A-2 of the Code. The Proponent conducted a public meeting on May 4, 2005, at the Boston Arts Academy for the community's review and comments, to which members of the IAG were invited.

The BRA issued a Request for Additional Materials on June 10, 2005, in response to the PNF. The Proponent filed a Additional Materials/ Response to Comments for the Proposed Project on July 29, 2005, which initiated a comment period with a closing date of August 12, 2005.

The Developer seeks to achieve zoning compliance for the Proposed Project by submitting a Planned Development Area Development Plan pursuant to the Planned Development Area Review procedures set forth in Article 80 C of the Code. To initiate Planned Development Review under Article 80C of the Code, the Developer submitted its proposed Development Plan for Planned Development Area No. 65 (the "PDA Plan") to the BRA on September 1, 2005, and notice of the receipt by the BRA of the Plan was published in the *Boston Herald* on September 1, 2005. The public review and comment period for the PDA Plan ended on October 17, 2005. The PDA Plan sets forth, with respect to the Proposed Project, the proposed location, appearance and dimensions of structures, open spaces and landscaping, proposed uses, densities, traffic circulation, parking and loading facilities, and access to public transportation and outlines the zoning requirements applicable to the Proposed Project.

The Site is over one acre in size and in light of the scope and complexity of the Proposed Project the BRA staff is proposing the creation of a Planned Development Area. The Proposed Project and the Site are appropriate for a Planned Development Area because: (a) the Site is eligible for designation as a Planned Development Area under the underlying zoning; (b) the Proposed Project complies with all provisions of the underlying zoning relating to use, dimensional, design and other requirements for projects in Planned Development Areas; (c) the PDA Plan complies with the provisions of the underlying zoning relating to planning and development criteria, including public benefits, for Planned Development Areas; (d) the PDA Plan conforms to the planning goals for the Fenway Neighborhood District and to the general plan for the City as a whole; and (e) on balance, after weighing all the benefits and burdens, the Proposed Project will be beneficial to the neighborhood and will not be detrimental to the public welfare. Attached to this Board Memorandum as Attachment A is the proposed form of the 1330 Boylston Street PDA Development Plan.

The Proponent made a presentation to the Boston Civic Design Commission ("BCDC") on May 3, 2005. The project was sent to subcommittee and appeared before the subcommittee on May 31, 2005, at which various aspects of the Proposed Project were reviewed. On June 7, 2005, BCDC voted to approve the revised design for the Proposed Project.

The Proposed Project constitutes a Development Impact Project ("DIP") under Article 80B-7 of the Code requiring a public hearing before the Authority.

The Proponent is currently working with the Boston Transportation Department to develop a Construction Management Plan and a Transportation Access Plan Agreement.

Affordable Housing

In compliance with Section 66-28.1(b) of the Fenway Neighborhood District, the Proponent will (a) provide an on-site affordable housing contribution in an amount equivalent to no less than ten percent (10%) of the total number of units included within the Proposed Project, and (b) make a financial contribution to the BRA, in an amount equivalent to the Affordable Housing Cost Factor, as defined by the Executive Order of Mayor Thomas M. Menino, entitled "An Order Relative to the Affordable Housing Cost Factor," dated February 3, 2005, multiplied by a number equal to ten percent (10%) of the total number of units. The financial contribution is intended to benefit a community facility, to be operated by a non-profit organization providing community healthcare, job skills training, or child or elderly daycare. The Proponent is in discussion with FCHC, which contemplates consolidating their operation within the Proposed Project.

Ten percent (10%) of the actual number of units constructed (approximately 215) within the Proposed Project will be created as affordable housing. Half of the on-site affordable units will be affordable to households earning up to 80% of area median income for the Boston Standard Metropolitan Statistical Area as promulgated by the United States Department of Housing and Urban Development ("HUD") guidelines. Half of the units will be affordable to households earning up to 100% of area median income. The prices of the affordable units are to be adjusted in accordance with any increases in HUD area median incomes. All on-site affordable units shall be located on floors 2 through 7 of the Proposed Project, with no fewer than two (2) on-site affordable units and no more than six (6) such units located on any single floor. The ratio of on-site rental affordable units to on-site condominium affordable units within the Proposed Project shall be substantially equal to the ratio of market-rate rental units to market-rate condominium units within the Proposed Project.

The Developer will enter into an Affordable Housing Agreement with the BRA for the affordable units. The Affordable Housing Agreement must be executed along with, or prior to, issuance of a Certification of Compliance. The Developer will submit an Affirmative Marketing Plan (the "Marketing Plan") to the Boston Fair Housing Commission and the BRA for the affordable units, which shall be approved along with the execution of the Affordable Housing Agreement.

Preference for the affordable units will be given to applicants who meet the following criteria, weighted in the order below:

- (1) Boston resident;
- (2) Household size (a minimum of one (1) person per bedroom); and
- (3) First-time homebuyers.

The affordable units may not be marketed prior to the submission and approval of the Marketing Plan. A deed restriction will be placed on the affordable units to maintain affordability for a total period of fifty (50) years (this includes thirty (30) years with an option to extend for an additional period of twenty (20) years).

Mitigation and Public Benefits

The extensive planning process and Article 80 review of the 1330 Boylston Street project has yielded not only a revitalization of Boylston Street, but also the provision of a number of public benefits and mitigations measures, including but not limited to:

- Contribution of \$93,340 in housing linkage and \$18,720 in jobs linkage;
- Introduction of needed new retail and residential vitality along Boylston Street in the Fenway neighborhood;
- Enhanced pedestrian circulation around the Site by adding generous sidewalks, together with street tree plantings, improved lighting and other pedestrian amenities;
- Provision of approximately 215 new units of housing, consisting of both market-rate and affordable units;
- The Developer will provide an on-site affordable housing contribution in an amount equivalent to no less than ten percent (10%) of the total number of units included within the Proposed Project;
- The Developer will make a financial contribution intended to benefit a community facility, to be operated by a non-profit organization providing community healthcare, job skills training, or child or elderly daycare;
- Elimination of multiple existing curb cuts on Boylston Street, enhancing vehicular and pedestrian circulation in and around the Site;
- Creation of approximately 200 construction jobs and approximately 100 permanent jobs;
- A substantial increase in the annual real estate tax payments from the currently underutilized site, from approximately \$135,000 to approximately \$700,000.

Development Impact Project ("DIP") Exaction

The Proposed Project constitutes a DIP under Article 80B-7 of the Code. Based on the present plans, 1312-1330 Boylston Street Development Trust will provide the Neighborhood Housing Trust

contribution of approximately \$93,340 and a Neighborhood Jobs Trust contribution of \$18,720. These estimated linkage payments are calculated as follows:

Housing Linkage:

DIP Uses	113,000 square feet
Exclusion:	<u>-100,000</u>
	13,000
	<u>x \$7.18/square foot</u>
	\$ 93,340

Jobs Linkage:

DIP Uses	113,000 square feet
Exclusion:	<u>-100,000</u>
	13,000
	<u>x \$1.44/square foot</u>
	\$ 18,720

Recommendations

Approvals have been requested of the Authority pursuant to Article 80, Section 80B of the Code for the issuance of a Scoping Determination waiving the requirement of further review pursuant to Article 80, Section 80B-5.3(d) of the Code, and for the issuance of a Certification of Compliance under Section 80B-6 upon successful completion of the Article 80 review process. In accordance with Section 80B-5.3 (d) of the Code, the Authority may issue a Scoping Determination Waiving Further Review if the PNF, together with any additional material and comments received by the BRA prior to the issuance of the Scoping Determination, adequately describes the impact of the Proposed Project and offers appropriate ways to mitigate such impacts.

Authority staff believes that the PNF, project design changes, and accompanying mitigation commitments meet the criteria for the issuance of a Scoping Determination Waiving Further Review. It is therefore recommended that the Authority approve the 1330 Boylston Street project and authorize the Director to (1) issue a Scoping Determination waiving the requirement of further review pursuant to Article 80, Section 80B-5.3 (d) of the Code; (2) issue a Certification of Compliance under Section 80B-6 upon successful completion of the Article 80 review process; (3) execute and deliver a Cooperation Agreement, a Development Impact Project Agreement, and a Boston Residents Construction Employment Plan; (4) approve Planned Development Area No. 65 and issue a Certification of Consistency; and (5) petition the Zoning Commission to adopt a map amendment and for approval of Planned Development Area No. 65.

Appropriate votes follow:

VOTED: That the Director be, and hereby is, authorized to issue a Scoping Determination under Section 80B-5.3(d) of the Boston Zoning Code, which (i) finds that the Project Notification Form, together with additional material, adequately describes the potential impacts arising from the 1330 Boylston Street project, and provides

sufficient mitigation measures to minimize these impacts, and (ii) waives further review of the 1330 Boylston Street project under subsections 4 and 5 of Section 80B-5 of the Boston Zoning Code, subject to continuing design review by the Boston Redevelopment Authority ("Authority"); and

**FURTHER
VOTED:**

That the Director be, and hereby is, authorized to issue a Certification of Compliance for the 1330 Boylston Street project upon the successful completion of all applicable Article 80 processes; and

**FURTHER
VOTED:**

That the Director be, and hereby is, authorized to execute a Cooperation Agreement, an Affordable Housing Agreement, a Boston Residents Construction Employment Plan, and any and all other agreements and documents which the Director deems appropriate and necessary in connection with the 1330 Boylston Street project, all upon terms and conditions determined to be in the best interests of the Boston Redevelopment Authority; and

**FURTHER
VOTED:**

That the Authority hereby finds and determines that the proposed 1330 Boylston Street Project complies with Section 80C-4(a)-(e), Standards for Planned Development Area Review Approval of the Boston Zoning Code; and

**FURTHER
VOTED:**

That the Director be, and hereby is, authorized to execute a Development Impact Project Agreement for the 1330 Boylston Street project in accordance with Article 80, Section 80B-7 of the Boston Zoning Code; and

**FURTHER
VOTED:**

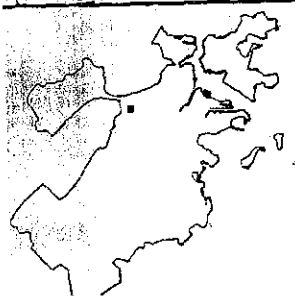
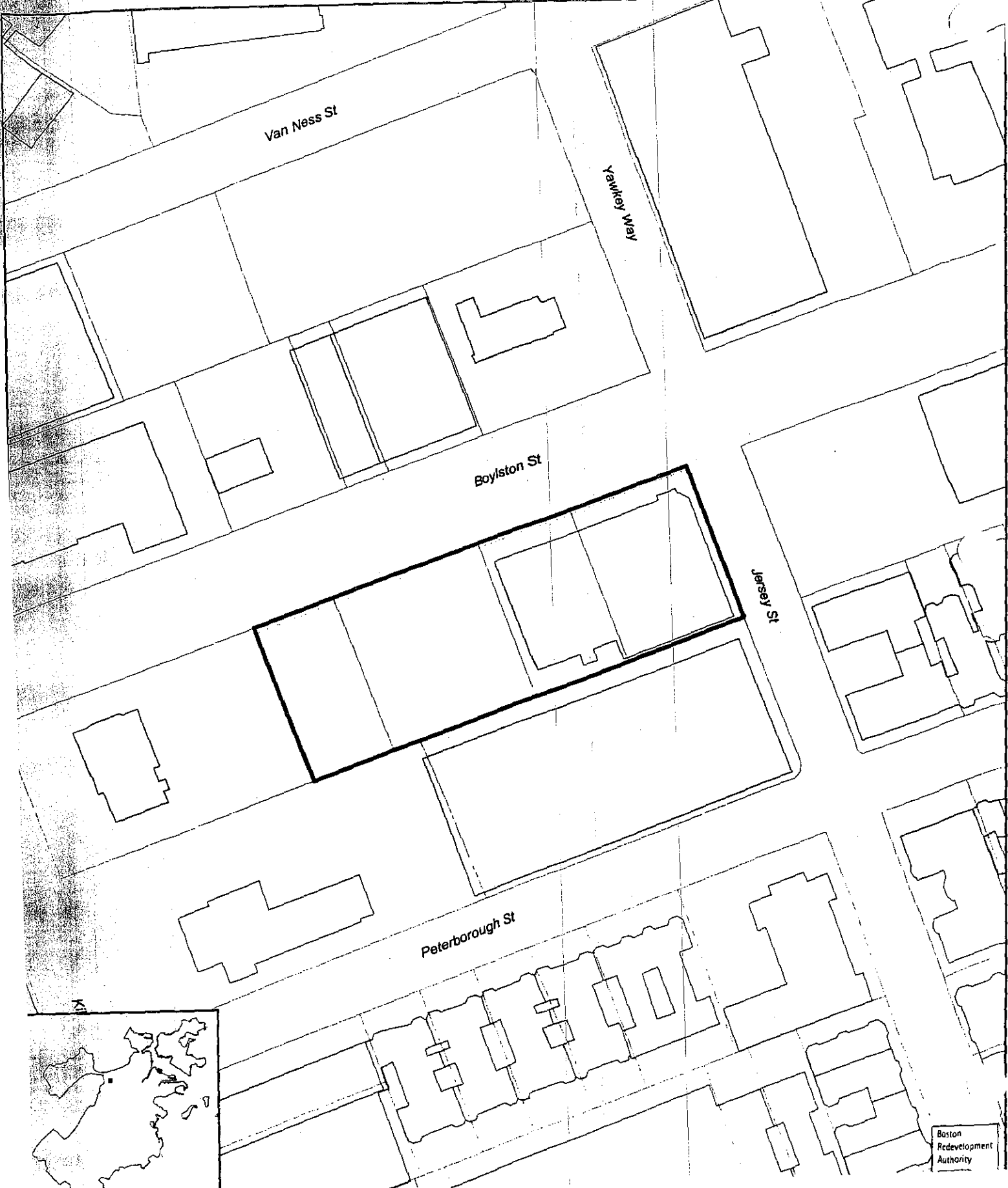
That pursuant to the provisions of Section 3-1A.a and Article 80C of the Boston Zoning Code, the Authority hereby approves the Development Plan for Planned Development Area No. 65, The 1330 Boylston Street Project, and authorizes the Director to petition the Zoning Commission for approval of the Development Plan for Planned Development Area No. 65, The 1330 Boylston Street Project, Fenway, and accompanying map amendment, both in substantial accord with the form of Development Plan and map amendment submitted to the Authority and attached hereto; and

**FURTHER
VOTED:**

That upon approval of the Development Plan for Planned Development Area No. 65 by the Zoning Commission, the Director be, and hereby is, authorized to issue one or more Certifications of Consistency for the 1330 Boylston Street project under Section 3-1A.a and Article 80C of the Code.

1330 Boylston Street

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1330 Boylston Street

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Attachment A



THE FENWAY
ALLIANCE

October 18, 2005

Clarence Jones, Chairman
Board of Directors
Boston Redevelopment Authority
One City Hall Plaza
Boston, Massachusetts 02201

Dear Mr. Jones,

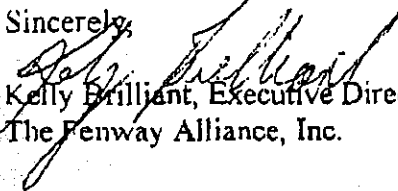
On behalf of the 22-members of The Fenway Alliance, I am delighted to submit this letter in support of the 1330 Boylston Street development project. This mixed-use project with approximately 200 residential units, ground level retail and medical/office space will go a long way toward an important revitalization of this area of the Fenway. As you and the rest of the BRA Board of Directors understand, this end of Boylston Street is in critical need of beautification. It is also able to support residential housing and retail, particularly the kind developed in this project that encompasses a beautifully designed building with pleasing land and streetscaping.

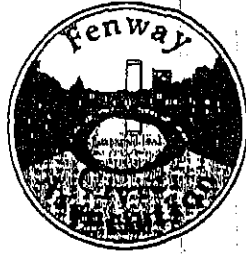
As you know, The Fenway Alliance has long been an advocate for improvements to both the west and east Fenway neighborhoods, and has worked with the BRA and many community partners to develop a beautiful and welcoming "Fenway Cultural District". We believe that the 1330 Boylston project along with the City of Boston and Boston Red Sox's plans for major infrastructure improvements will add beauty and value to the West Fenway area in much the same way that the Huntington Avenue/Avenue of the Arts Beautification & Reconstruction project has helped the East Fenway area. Home of Fenway Park, the MFA, BSO, Jordan Hall, Gardner Museum, Northeastern University, among numerous other cultural and academic attractions, the Fenway is a unique area of Boston. The addition of quality residential housing and retail shops will help make this area more of a "destination" neighborhood for visitors and residents, alike.

1330 Boylston Street is respectful of and consistent with zoning guidelines set forth in the BRA's guidelines as developed by Fenway residents through the West Fenway Zoning Task Force. It is also in keeping with the vision that community members have long held for a redeveloped, revitalized Boylston Street.

We would sincerely appreciate BRA Board support for this project.

Sincerely,


Kelly Brilliant, Executive Director
The Fenway Alliance, Inc.



Dear Director Maloney and Members of the BRA Board,

The Fenway Civic Association, the neighborhood's oldest and all-volunteer community organization supports the development known as 1330 Boylston Street. We share the developers vision of Boylston Street as an urban main street, dominated by residents and pedestrian-oriented streetlife.

The developers have consistently listened to community organizations in their planning objectives and have shown all indications of being a long-term investor in this neighborhood. The inclusion of condominiums in this development should go a long way in helping this neighborhood increase the opportunities for home-ownership rates which are currently under ten percent. The substantial housing component should be considered as helpful in the city's goal of more affordable housing opportunities. Also considering the continued over-development in the LMA it is beneficial to all parties that a large amount of suitable housing for these employees be developed nearby to allow people to live closer to work and be able to forego automobile trips. This additional new housing also will keep those who want to live near the LMA from driving up rents in existing housing stock preserving affordability for longtime residents.

The mixed-use 1330 development will replace an open-air parking lot and hide a repair-shop business that has long lent its character to Boylston Street as a suburban-style auto-dominated thruway. We believe the intended tenants of the commercial component will also be a benefit to the existing neighborhood. The goal of the Fenway Planning Task Force and the recently- adopted zoning was to see exactly this type of development on this section of Boylston. We hope the BRA as a planning organization will continue to insist that these initiatives be met by other city agencies as development occurs, most notably the sidewalk pedestrian enhancements that were agreed upon by all parties.

In conclusion, we feel the BRA Board should approve this development and give Boylston Street another building block in becoming one of the city's great avenues.

Sincerely,

William B. Richardson
President,
Fenway Civic Association
Former Chairman,
Fenway Planning Task Force



Fenway Community Development Corporation
73 Hemenway Street, Boston, MA 02115
617-267-4637

October 18, 2005

Mark McGowan
Project Manager
Boston Redevelopment Authority
City Hall, 9th floor
Boston, MA 02201-1007

RE: 1330 Boylston Street, West Fenway

Dear Mark:

Unfortunately, we will be unable to attend tomorrow's BRA Hearing on the proposed 1330 Boylston Street. Therefore, we are providing our position on the proposal here in writing.

Fenway CDC is a neighborhood-based organization with 400 dues-paying members. We are devoted to enhancing the stability, sustainability and diversity of the Fenway by providing opportunities for all Fenway residents, particularly those of limited means, to thrive in the community.

Toward this end, we have focused a good deal of our attention and resources in recent years on the redevelopment of Boylston Street near Fenway Park into an "urban village," featuring mixed-income housing, ground floor retail, increased pedestrian traffic and public amenities. The project proposed for 1330 Boylston Street embodies many of these elements and therefore advances Fenway CDC's and the community's vision for the area. Specifically, we support the development of new housing units for homeowners, including 10% for moderate-income buyers; the development of a new center for Fenway Community Health; and the inclusion of retail space. For these reasons we offer the project our qualified support.

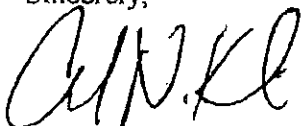
Our full-fledged support for the project depends on the final resolution of negotiations between the developer and Fenway Community Health on the development of a new home for Fenway Community Health within the project. Not only is this the most important aspect of the project from our point of view, it also is the vehicle for many of the required community benefits. Any approval granted of the project, including those on the agenda at this week's BRA board meeting, should be contingent on a development

arrangement that meets the needs of Fenway Community Health and meets or exceeds the financial community benefits requirements of the PDA guidelines.

Kristin Schneider, a board member of Fenway CDC and a member of the IAG on the project, in a separate letter dated 10/17/05 has also raised important questions regarding parking supply in the project, with which we concur.

We hope and expect that these remaining issues will be resolved to the satisfaction of Fenway Community Health, Fenway CDC and the community at large so that this important project can move forward.

Sincerely,



Carl Nagy-Koechlin
Executive Director

c.c. Peter Sougarides, Samuels & Assoc.
Steve Boswell, Fenway Community Health
Harry Collings, BRA



**Beth Israel Deaconess
Medical Center**



A teaching hospital of
Harvard Medical School

Paul F. Levy
President and
Chief Executive Officer

October 20, 2005

Mr. Mark Maloney, Director
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201

Re: 1330 Boylston Street Project

Dear Mr. Maloney:

On behalf of Beth Israel Deaconess Medical Center, I am pleased to submit this letter in support of the 1330 Boylston Street project. This mixed-use project will include medical/office space that will be available for an expanded Fenway Community Health Center, and 215 new residential housing units in the Fenway neighborhood.

Beth Israel Deaconess Medical Center is supportive of the new housing this project will provide near the Longwood Medical and Academic Area (LMA), which is a leading employment center in the City of Boston. The new housing units in this project will provide more opportunities for LMA employees to live nearby and walk to work, and will assist the ongoing efforts of BIDMC and other LMA employers to reduce auto use by employees traveling to the area.

Beth Israel Deaconess Medical Center is particularly enthusiastic about the opportunity that this project will create for an expanded Fenway Community Health Center. For the past 30 years Fenway Community Health has pioneered efforts to provide comprehensive, high-quality physical and mental health care to the community, especially those who are traditionally underserved like lesbian, gay, bisexual and transgender people, women, those living with HIV/AIDS, and communities of color. BIDMC is proud of its longstanding research, clinical and teaching affiliation with Fenway Community Health. The health center provides accessible primary care using BIDMC-affiliated physicians and is internationally known for its work on HIV prevention, treatment and research. The health center is also a leader in women's health, particularly understanding the unique needs of lesbians. BIDMC recognizes its responsibility to take an active role in collaborating with community based health organizations to ensure access to health services and improve health status, particularly for underserved communities. An

330 Brookline Avenue
Boston, MA 02215

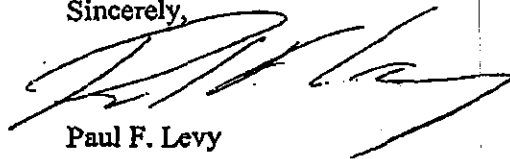
(617) 667-0270
fax (617) 667-3826
plevy@bidmc.harvard.edu

expanded Fenway Community Health Center facility would help improve the health and well being of the surrounding community, and so BIDMC has pledged significant financial support above its current spending on community health for Fenway Community Health's planned relocation and expansion to the 1330 Boylston Street project.

In sum, we strongly support the 1330 Boylston Street project, and its mix of medical, office, retail and housing uses.

Thank you for your consideration and opportunity to comment on these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul F. Levy", written over a horizontal line.

Paul F. Levy

cc: Mark McGowan, BRA Project Manager

Map Amendment Application No. 512
Planned Development Area No. 65
The 1330 Boylston Street Project
Boston Redevelopment Authority on
behalf of the 1312-1330 Boylston Street
Development Trust
Map 1Q, Fenway Neighborhood District

MAP AMENDMENT NO. 451

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

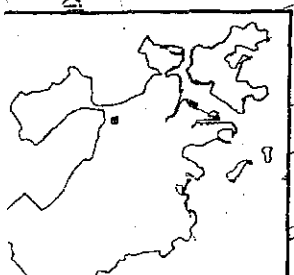
IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and hearing, does hereby approve the Development Plan for Planned Development Area No. 65 and amends "Map 1Q, Fenway Neighborhood District," of the series of maps entitled "Zoning Districts City of Boston," dated August 15, 1962, as amended, as follows:

1. By adding the designation "D", indicating a Planned Development Area overlay district, to an area in the Fenway section of Boston measuring approximately 49,077 square feet (1.1 acres) in area located at 1304-1330 Boylston Street, Boston. Said area is further shown on Appendix A attached hereto.

1330 Boylston Street

1:1,200



Parcel I:

30 Boylston Street, Boston, MA:

the certain lot, piece or parcel of land situate, lying and being in the City of Boston, Suffolk County, Commonwealth of Massachusetts, with the buildings thereon, if any, now known and numbered 1330 on Boylston Street, and being bounded and described as follows:

NORTHERLY by Boylston Street, seventy (70) feet;

EASTERLY by land now or late of Johnson, one hundred thirty-three (133) feet;

SOUTHERLY by the middle line of a passageway sixteen (16) feet wide, seventy (70) feet; and

WESTERLY by land now or late of Merchants Tire Co. (being Parcel II described below), one hundred thirty-three (133) feet.

Said premises are shown on a plan entitled "Plan of Land in Boston-Mass.," Scale 80 feet to an inch, Nov. 25, 1940, by William S. Crocker, Civil Engineer, recorded with the Suffolk Registry of Deeds at Book 5888, Page 222, and contains, according to said plan, 9310 square feet.

together with rights of passage, in common with others lawfully entitled thereto, in and to said sixteen (16) foot wide passageway, to and from Jersey and Kilmarnock Streets.

Parcel II:

120 Boylston Street, Boston, MA:

the land on said Boylston Street, in Boston, Suffolk County, Massachusetts, bounded and described as follows:

NORTHERLY by Boylston Street, one hundred and twenty-three and fifty-hundredths (123.50) feet;

EASTERLY by the center line of a 20 foot wide passageway, one hundred thirty-three feet (133);

SOUTHERLY by the center line of a sixteen (16) foot wide passageway one hundred twenty-three and fifty-hundredths (123.50) feet (now Public Alley 936); and

WESTERLY by land now or late of Waldron (now Parcel I above), one hundred and thirty-three (133) feet.

containing 16425.5 square feet of land, more or less.

together with, in common with others lawfully entitled thereto, rights in said 16 foot wide passageway, for passageway and driveway purposes, as commonly used in Boston, to and from Jersey and Kilmarnock Streets. Together with, in common with the owner of the parcel abutting the premises to the east (shown on the Survey as land n/f of Russo Family Trusts), rights in said 20 foot wide passageway, specifically re-establishing such mutual rights in said 20 foot passageway (as shown on plan dated June 12, 1946, recorded at Book 6238, Page 596) despite any prior merger of title with respect thereto.

d, with the buildings thereon, located on Boylston Street, Boston, Suffolk County, Massachusetts, corner of Jersey Street, and bounded and described as follows:

HERLY on Boylston Street, 175.34 feet;

ERLY on Jersey Street, 133 feet;

HERLY by the centerline of a passageway, 16' wide (now called Public Alley No. 936), 175.34 feet;

STERLY by the centerline of a passageway, 20' wide, 133 feet.

together with and subject to the common rights in said 16' and 20' wide passageways, for passageway and driveway purposes, as commonly used in the City of Boston.

being the same premises described in a deed of Frank J. Russo, dated September 18, 1976, recorded at Book 8903, Page 485.

R. L. Mann

Chairman

Robert Jordan

Vice Chairman

William E. Taylor

Jane Cogan Brayton

Jim Stutton

Mary P. Lewis

MS

Ray Cup

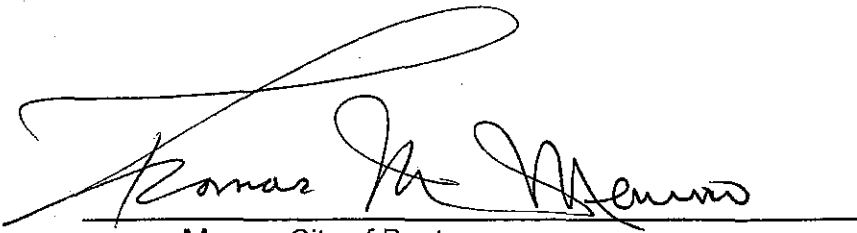
In Zoning Commission

Adopted: November 9, 2005

Attest:

Joseph H. Houghton

Secretary

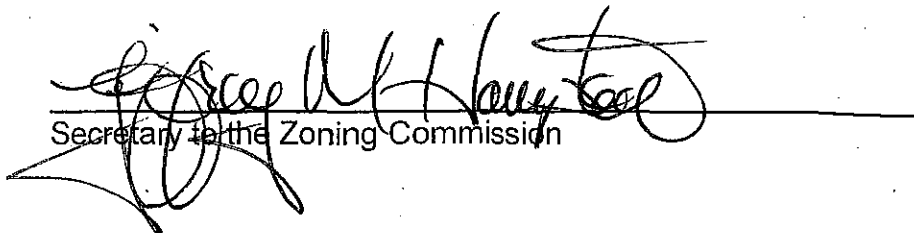


Mayor, City of Boston

Date: 11/9/05

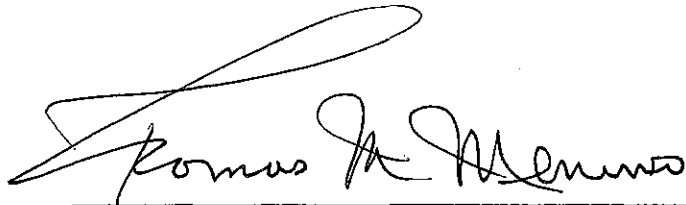
The foregoing amendment was presented to the Mayor on NOVEMBER 9, 2005, and was signed by him on NOVEMBER 9, 2005, whereupon it became effective on NOVEMBER 9, 2005, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:



Secretary for the Zoning Commission

Development Plan for Planned Development Area No. 65, The 1330 Boylston Street Project

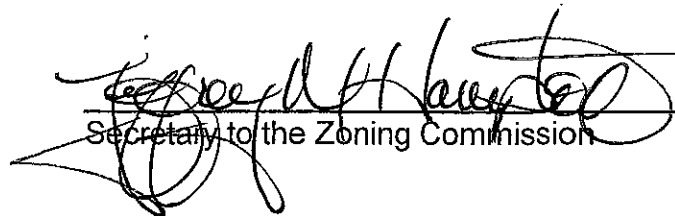


Mayor, City of Boston

Date: 11/9/05

The foregoing Development Plan was presented to the Mayor on NOVEMBER 9, 2005, and was signed by him on NOVEMBER 9, 2005, whereupon it became effective on NOVEMBER 9, 2005, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:



Secretary to the Zoning Commission