

First Amendment to the Development Plan for
Planned Development Area No. 65,
1330 Boylston Street, Fenway

Boston Redevelopment Authority on behalf of
1330 Holdings LLC

**FIRST AMENDMENT TO THE DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT AREA NO. 65, THE 1330 BOYLSTON PROJECT**

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and hearing, does hereby approve the First Amendment to the Development Plan for Planned Development Area No. 65, The 1330 Boylston Project, dated October 19, 2006, and approved by the Boston Redevelopment Authority on October 19, 2006.

Said First Amendment amends "Development Plan for Planned Development Area No. 65, The 1330 Boylston Street Project," approved by the Authority on October 20, 2005, and approved by the Zoning Commission on November 9, 2005, effective, November 9, 2005.

Planned Development Area No. 65 was designated on "Map 1Q, Fenway Neighborhood District" of the series of maps entitled "Zoning Districts City of Boston" dated August 15, 1962, as amended, by Map Amendment No. 451, adopted by the Zoning Commission on November 9, 2005, effective November 9, 2005.

BRA APPROVAL: 10/19/0
ZC APPROVAL: 11/8/0
EFFECTIVE: 11/9/0

FIRST AMENDMENT TO DEVELOPMENT PLAN
FOR
PLANNED DEVELOPMENT AREA NO. 65
THE 1330 BOYLSTON PROJECT

Pursuant to Section 3-1A and Article 80, Section 80C of the Zoning Code of the City of Boston (the "Zoning Code") this amendment constitutes the First Amendment to Development Plan for Planned Development Area No. 65 (the "First PDA Plan Amendment").

The original PDA Development for PDA No. 65: On October 20, 2005, the Boston Redevelopment Authority (the "BRA") approved a Map Amendment application creating Planned Development Area No. 65 ("PDA No. 65") as well as a Development Plan for Planned Development Area No. 65. The Map Amendment and Development Plan (together, the "Original PDA Plan") were approved by the Boston Zoning Commission on November 9, 2005. The Original PDA Plan as amended by this First PDA Plan Amendment, is referred to herein as the "PDA Plan".

The PDA Plan encompasses approximately 1.1 acres in the Fenway section of Boston, Massachusetts as described in Exhibit A of the Original PDA Plan and as more particularly shown on a plan of land entitled "Planned Development Area Permit Plan, Fenway District, Boston, MA, Suffolk County dated 21 July, 2005, drawing No. 561.03F" prepared by Gunther Engineering attached to the Original PDA Plan as Exhibit B (the "Site") which consists of two parcels of land owned by 1330 Holdings LLC, an affiliate of 1312-1330 Boylston Street Development Trust. The Original PDA Plan provides for the construction of a mixed-use development that is anticipated to contain 25,000 ± residential units and 88,0000 ± square feet of floor area for medical and/or office uses on the upper floors and a maximum of 293 parking spaces in below grade parking.

THE FIRST PDA PLAN AMENDMENT

This First PDA Plan Amendment as set forth below, amends the Original PDA Plan to modify certain of the provisions to allocate on-site affordable housing requirements and financial contributions to the BRA to be used toward an on-site community facility or facilities, to be operated by non-profit organizations providing community healthcare, job skills training, or child or elderly care consistent with Section 66-28(1)(b)(2)(b).

Capitalized terms in this First PDA Plan Amendment unless otherwise defined herein, shall be defined as set forth in the Original PDA Plan.

The Original PDA Plan is hereby amended as follows:

1. By deleting the period after Exhibit E and replacing such period with a comma, then adding at the end of the paragraph entitled Proposed Uses of the Area on pages 6 and 7 of the Original PDA Plan the following:

“provided that notwithstanding the provisions of Sections 66-28 and 80C-4: (A) provided that the Developer, upon completion of the Project, delivers a deed or lease of a portion of the Project to Fenway Community Health Center: (i) five percent (5%) of the Project’s on-site residential units will be designated as affordable units; (ii) the on-site affordable units will be affordable to households earning up to 100% of area median income for the Boston Standard Metropolitan Statistical Area (“BSMSA”) as promulgated by the United States Department of Housing and Urban Development (“HUD”) guidelines and the sales prices of any for-sale on-site affordable units are to be adjusted in accordance with any changes in HUD area median incomes at the time of initial sales; (iii) the rents of any rental on-site affordable units are to be adjusted annually in accordance with any changes in HUD area median incomes; (iv) 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 fifteen percent (15%) of the total number of units, such funds to be used for a public purpose consistent with Section 66-28(1)(b)(2), but (B) if the Developer, upon completion of the Project, does not deliver a deed or lease of a portion of the Project to Fenway Community Health Center: (1) ten percent (10%) of the Project’s on-site residential units will be designated as affordable units; (2) half of the on-site affordable units will be affordable to households earning up to 80% of area median income for the BSMSA as promulgated by the HUD guidelines; (3) half of the on-site affordable units will be affordable to households earning up to 100% of area median income; (4) the prices/rents of the on-site affordable units are to be adjusted in accordance with any changes in HUD area median incomes; (5) 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).”.

2. In the Section entitled Dimensions and Densities on page 7 of the Original PDA Plan, in the third paragraph, add in line 2 after the word “use,” the words, “affordable housing”.

3. In the Section entitled Public Benefits on pages 12, 13 and 14 of the Original PDA Plan:

a) in the first paragraph, adding in line 3 after the word “including”, the words “a potential new Fenway Community Health Center,”.

b) after the first bullet (·) inserting the following new bullet “· The Project will provide an opportunity for the construction of a new Fenway Community Health Center headquarters facility.”.

c) deleting the fifth bullet in its entirety and replacing it with the following:

Provided that the Developer, upon completion of the Project, delivers a deed or lease of a portion of the Project to Fenway Community Health Center: (i) five percent (5%) of the Project’s on-site residential units will be designated as affordable units; (ii) the on-site affordable units will be affordable to households earning up to 100% of area median income for the BSMSA as promulgated by the HUD guidelines and the sales prices of any for-sale on-site affordable units are to be adjusted in accordance with any changes in HUD area median incomes at the time of initial sales; (iii) the rents of any on-site rental affordable units are to be adjusted annually in accordance with any changes in HUD area median incomes; (iv) 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 fifteen percent (15%) of the total number of units, such funds to be used for a public purpose consistent with Section 66-28(1)(b)(2). If the Developer, upon completion of the Project, does not deliver a deed or lease of a portion of the Project to Fenway Community Health Center: (1) ten percent (10%) of the Project’s on-site residential

units will be designated as affordable units; (2) half of the on-site affordable units will be affordable to households earning up to 80% of area median income for the BSMSA as promulgated by the HUD guidelines; (3) half of the on-site affordable units will be affordable to households earning up to 100% of area median income; (4) the prices/rents of the on-site affordable units are to be adjusted in accordance with any changes in HUD area median incomes; (5) 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).

4. In the Section entitled Proposed Development on page 3 of the Original PDA Plan, delete the last sentence of the first paragraph and replace it with the following: "Initially, the residential component of the Project may include either or both rental or home ownership units."
5. Except as the Original PDA Plan is amended by Sections 1 through 4 above of this First PDA Plan Amendment, the Original PDA Plan remains unmodified and in full force and effect.

First Amendment to Planned Development Area No. 65, The 1330 Boylston Project ,
Fenway

Chairman

Robert Tonken

Vice Chairman

Jim Long

Mary Long

Paul Dunlap

Jim Long

Richard Tonken

In Zoning Commission

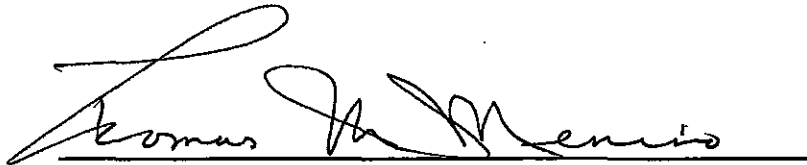
Adopted: November 8, 2006

Attest:

Joseph A. Hart

Secretary

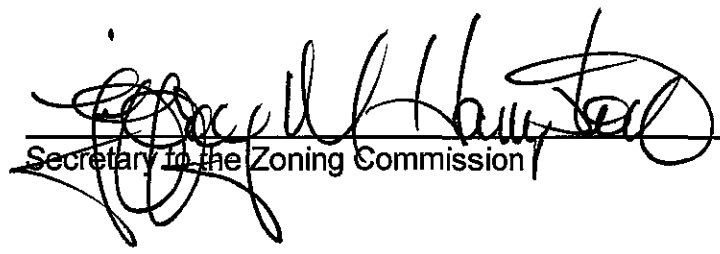
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Fenway



Mayor, City of Boston

Date: 11/9/06

The foregoing First Amendment was presented to the Mayor on NOVEMBER 8, 2006,
and was signed by him on NOVEMBER 9, 2006, whereupon it became effective on
NOVEMBER 9, 2006, in accordance with Section 3 of Chapter 665 of the Acts of 1956,
as amended.

Attest: 

Secretary to the Zoning Commission