

BRA APPROVAL: 11/15/12
ZC APPROVAL: 12/12/12
EFFECTIVE: 12/30/12
2012 OCT - 2 P 2:18

FIRST AMENDMENT TO DEVELOPMENT PLAN
FOR
PLANNED DEVELOPMENT AREA NO. 82
THE FENWAY TRIANGLE MIXED USE PROJECT
Dated: November 15, 2012

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. 82 (the "First PDA Plan Amendment").

The original PDA Development Plan for PDA No. 82: On September 15, 2011, the Boston Redevelopment Authority (the "BRA") approved a Map Amendment application creating Planned Development Area No. 82 ("PDA No. 82") as well as a Development Plan for Planned Development Area No. 82. The Map Amendment and Development Plan (together, the "Original PDA Plan") were approved by the Boston Zoning Commission on October 20, 2011.

The Original PDA Plan encompasses approximately 2.2 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 "Fenway Triangle Mixed Use Project Permit Plan of Land," prepared by DGT Survey Group, dated June 20, 2011 and attached to the Original PDA Plan as Exhibit B. The two primary development areas comprising the Site under the Original PDA Plan are: (i) an approximately 82,586 square foot (1.9±-acre) area (the "Boylston Street Parcel"), bounded on three sides by Boylston Street, Kilmarnock Street and Van Ness Street; and (ii) an approximately 12,499 square foot square foot (0.3±-acre) area (the "Brookline Avenue Parcel"), bounded in part by Brookline Avenue, Van Ness Street and the Kilmarnock Street intersection. These two development areas are across Van Ness Street from each other.

Immediately abutting the Boylston Street Parcel, to the east along Boylston Street, is an approximately 15,295 square foot (0.35±-acre) area (the "1313 Boylston Parcel") owned by The Jara Realty Trust.

THE FIRST PDA PLAN AMENDMENT

This First PDA Plan Amendment, as set forth below, amends the Original PDA Plan to incorporate the 1313 Boylston Parcel into the PDA No. 82 Site as a third development area, with a new building anticipated to be located thereon.

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, as amended by this First PDA Plan Amendment, shall be the "Development Plan".

The Original PDA Plan is hereby amended as follows:

1. Site. The Site is hereby expanded to include the 1313 Boylston Parcel as a third development area, increasing the area of the Site to approximately 2.5 acres. Accordingly, Exhibit A of the Original PDA Plan, entitled "Legal Description of Site," is

hereby deleted and replaced with revised Exhibit A attached hereto, and Exhibit B of the Original PDA Plan is hereby deleted and replaced with revised Exhibit B, entitled "Fenway Triangle Mixed Use Project Permit Plan of Land", prepared by DGT Survey Group, dated June 20, 2011 and last revised September 25, 2012, attached hereto. The street addresses of the 1313 Boylston Parcel are 1309-1313 and 1315 Boylston Street.

The 1313 Boylston Parcel is located within the Fenway Neighborhood District and in the North Boylston Neighborhood Shopping Subdistrict (NS-2), as shown on Map 1Q of the City of Boston Zoning Maps. It is also within the Restricted Parking Overlay District established by Section 3-1(c) of the Zoning Code, the Groundwater Protection Overlay District established by Article 32 of the Zoning Code, and within an area in which PDA designations are allowed pursuant to Sections 3-1A(a) and 66-27 of the Zoning Code.

2. Proponents. 1313 Boylston (as defined below) is anticipated to be developed by The Jara Realty Trust or an affiliate ("Jara"). Jara, which owns the 1313 Boylston Parcel pursuant to a deed recorded in the Suffolk County Registry of Deeds at Book 9938, Page 186, shall be the Proponent with respect to 1313 Boylston only, and Fenway Enterprises LLC or its affiliates ("FE") shall remain the Proponent with respect to 1325 Boylston and 132 Brookline only. The following information is hereby added to Exhibit G of the Development Plan:

Business address and telephone number of Jara:

The Jara Realty Trust
c/o New England Development
One Wells Avenue
Newton, MA 02459
Telephone: (617) 965-8700

Designated Contact for Jara:

John Twohig, Esq.
Goulston & Storrs, P.C.
400 Atlantic Avenue
Boston, MA 02110
Telephone: 617-482-1776

3. Second Proposed Project. The Proposed Project, as described in the Original PDA Plan, comprises the 1325 Boylston and 132 Brookline development areas. This First PDA Plan Amendment incorporates a third mixed-use building ("1313 Boylston") as a second proposed project within the Site, to be located on the 1313 Boylston Parcel. Accordingly, references to the Proposed Project on page 1 of the Original PDA Plan shall be deemed to refer to both the proposed project under the Original PDA Plan and the second proposed project referenced in this First PDA Plan Amendment. In connection with the development of 1313 Boylston, a one-story sandwich shop will be demolished and a two-story commercial structure currently in use as a U.S. Postal Service facility will be

demolished or expanded. All or substantially all of the portion of the 1313 Boylston Parcel that is occupied by the sandwich shop is intended to be transferred to the City for the laying out of a new City street between Boylston Street and Van Ness Street (the "New Street").

1313 Boylston will be a slender, primarily residential building and is anticipated to consist of approximately 9,000 square feet of retail/restaurant/service space on the ground floor, with up to 132 residential units on the upper floors, accessed via a ground-floor lobby. 1313 Boylston will contain a maximum of 76,475 square feet of gross floor area, with a height of up to 95 feet; provided, however, that it may contain: (i) a maximum of 91,770 square feet, with a height of up to 125 feet, in the event it meets the Residential Development Incentive thresholds set forth in Section 66-35.1 of the Zoning Code; or (ii) a maximum of 99,417 square feet of gross floor area, with a height of up to 135 feet, in the event it meets the Residential Development Incentive thresholds set forth in both Section 66-35.1 and Section 66-35.2 of the Zoning Code.

To the extent applicable, vehicular, loading and service access are anticipated to be via the New Street. Primary pedestrian access to the residences is anticipated to be located on Boylston Street, and pedestrian access points to the retail uses will be located as needed along Boylston Street and the New Street. Transportation Demand Management ("TDM") strategies are also anticipated to be implemented at 1313 Boylston in order to facilitate access to the building and reduce demands on the surrounding roadway network. Due to physical proximity, access of 1313 Boylston to public transportation is consistent with the remainder of the Site.

The proposed location and massing of the 1313 Boylston structure are shown on the Drawings that are included in Exhibit C-3, attached hereto, as said Drawings may be further refined, revised, amended and approved pursuant to review by the BRA and other appropriate agencies and authorities, and, except as otherwise set forth herein or pursuant to relief duly granted under the Zoning Code, shall comply with the dimensional and other requirements set forth in Article 66 of the Zoning Code for 1313 Boylston, independent of dimensional and other requirements applicable to the remainder of the Site. Landscaping will be typical of urban conditions and is anticipated to include City-approved street furniture, hardscaping and some planted elements.

Parking and loading facilities for 1313 Boylston shall be provided in accordance with the underlying requirements of Article 66 of the Zoning Code for 1313 Boylston (except as relief may be duly granted therefrom), independent of the parking and loading facilities servicing the remainder of the Site.

4. Dimensions, Densities and Other Requirements. Except as expressly provided below, Dimensions and Densities with respect to 1313 Boylston, as such dimensions may be further refined, revised, amended and approved pursuant to review by the BRA and other appropriate agencies and authorities, shall be calculated independently of the remainder of the Site (and vice versa) and shall comply with the underlying zoning for the 1313 Boylston Parcel, except where relief may be duly granted therefrom. Accordingly,

Exhibit D of the Development Plan shall be inapplicable to 1313 Boylston. Notwithstanding the foregoing, compliance with the maximum FAR requirement of 7.0 shall be determined for the Site as a whole, calculated based on an aggregate Site size of 110,380 square feet, regardless of any transfer of a portion of the Boylston Street Parcel and/or the 1313 Boylston Parcel to the City for the layout of the New Street. As such, the "Site size" upon which collective FAR is calculated pursuant to Footnote 3 of Exhibit D is hereby amended to delete "95,085 ± square feet" and substitute "110,380 ± square feet" therefor. Maximum off-street parking spaces, minimum off-street loading bays, and other requirements that are to be calculated on the basis of the Site as a whole under the Original PDA Plan shall be calculated excluding the 1313 Boylston Parcel.

The uses set forth on Exhibit E-1, attached hereto, shall be allowed uses at 1313 Boylston under the Development Plan.

Signage for 1313 Boylston shall consist of those signs permitted by Section 66-41 and/or Article 11 of the Zoning Code, and any additional signage approved by the BRA under its Development Review Procedures.

The redevelopment of 1313 Boylston will satisfy the Public Benefits and Affordable Housing requirements for proposed projects within PDA's under Article 66 of the Zoning Code through: (a) diversification and expansion of the Fenway's economy and job opportunities through economic activity; (b) creation of new job opportunities; and (c) improvements to the urban design characteristics and aesthetic character of the 1313 Boylston Site and its surroundings. Prior to the issuance of a Certification of Consistency under Section 80C-8, 1313 Boylston shall be required to provide additional documentation of the foregoing benefits, or other appropriate benefits, to the satisfaction of the Authority.

Notwithstanding anything in the Development Plan to the contrary, 1313 Boylston shall not be subject to any public benefits requirements in the Original PDA Plan (including, without limitation, the affordable housing commitments outlined on pages 19-20 of the Original PDA Plan), which requirements shall be applicable only to 1325 Boylston and 132 Brookline, and the public benefits requirements applicable to 1325 Boylston and 132 Brookline shall not be affected by the addition of 1313 Boylston.

5. Other Approvals and Review Procedures. 1313 Boylston is anticipated to constitute a third development area within the Site. Prior to construction of 1313 Boylston, 1313 Boylston shall be subject to review and approval by the BRA in accordance with Large Project Review or Small Project Review, as applicable. The plans and specifications for 1313 Boylston, as approved by the BRA pursuant to such review, shall be deemed to be consistent with this Development Plan.

Various other permits and approvals for 1313 Boylston may be required and will be obtained at the appropriate time, independent from those of 1325 Boylston and 132 Brookline.

EXHIBIT A

Legal Description of Site

Three aggregate parcels of land, known as "132 Brookline Avenue Parcel", "1325 Boylston Street Parcel" and "1313 Boylston Street Parcel" in the Fenway District of Boston, Suffolk County, Massachusetts, with a combined total area of 110,380 square feet more or less, as shown on a plan entitled, "Fenway Triangle Mixed Use Project, Permit Plan of Land in Boston, Massachusetts", Scale 1"=30', dated 20 June 2011, last revised 25 September 2012, Drawing Number 627.06M_R2, prepared by DGT Survey Group, prepared for Samuels & Associates and more particularly described as follows:

"132 Brookline Avenue Parcel" is described as follows:

Beginning at the northwesterly corner of said parcel, on the southerly sideline of Brookline Avenue, said corner being a point N 38-03-17 E with a distance of 50.03 feet from the intersection of Brookline Avenue and Kilmarnock Street Extension as shown on said plan and being the point of beginning, thence running:

N 38-03-17 E	114.65 feet	along the southerly sideline of Brookline Avenue to a point by land now or formerly of 126 Brookline Avenue LLC; thence
S 51-55-10 E	110.34 feet	to a point; thence
S 19-45-56 E	30.94 feet	to a point on the northerly sideline of Van Ness Street, the last 2 courses being by land now or formerly of 126 Brookline Avenue LLC; thence
S 69-59-43 W	124.94 feet	along the northerly sideline of Van Ness Street to a point by land now or formerly of Fenway Ventures LLC; thence
N 19-59-46 W	15.11 feet	to a point; thence
N 52-02-35 W	57.61 feet	to the point of beginning. The last 2 courses being by land now or formerly of Fenway Ventures LLC.

Said parcel is an aggregate of two contiguous parcels of land under separate title and contains 12,499 square feet more or less.

"1325 Boylston Street Parcel" is described as follows:

Beginning at the northwesterly corner of said parcel, at the intersection of the easterly sideline of Kilmarnock Street with the southerly sideline of Van Ness Street as shown on said plan and being the point of beginning, thence running:

N 69-59-43 E 307.67 feet along the southerly sideline of Van Ness Street to a point by land now or formerly of Abbey Landmark Square LLC; thence

S 19-59-46 E 128.00 feet to a point; thence

N 69-59-43 E 17.33 feet to a point by land now or formerly of The Jara Realty Trust, the last two courses being by land now or formerly of Abbey Landmark Square LLC; thence

S 19-59-46 E 132.97 feet by land of The Jara Realty Trust to a point on the northerly sideline of Boylston Street; thence

S 70-00-30 W 325.00 feet along the northerly sideline of Boylston Street to a point on the easterly sideline of Kilmarnock Street; thence

N 19-59-46 W 260.90 feet along the easterly sideline of Kilmarnock Street to the point of beginning.

Said parcel is an aggregate of three contiguous parcels of land under separate title and contains 82,586 square feet more or less.

“1313 Boylston Street Parcel” is described as follows:

Beginning at the southwesterly corner of said parcel, on the northerly sideline of Boylston Street, said corner being a point N 70-00-30 E with a distance of 325.00 feet from the intersection of Kilmarnock Street and Boylston Street as shown on said plan and being the point of beginning, thence running:

N 19-59-46 W 132.97 feet by land now or formerly of Fenway Enterprises 1325 Boylston Street LLC to land now or formerly of Abbey Landmark Square LLC; thence

N 69-59-43 E 115.00 feet by land now or formerly of Abbey Landmark Square LLC to land now or formerly of Fenway Enterprises 1301 Boylston Street LLC; thence

S 19-59-46 E 133.00 feet by land now or formerly of Fenway Enterprises 1301 Boylston Street LLC to the northerly sideline of Boylston Street; thence

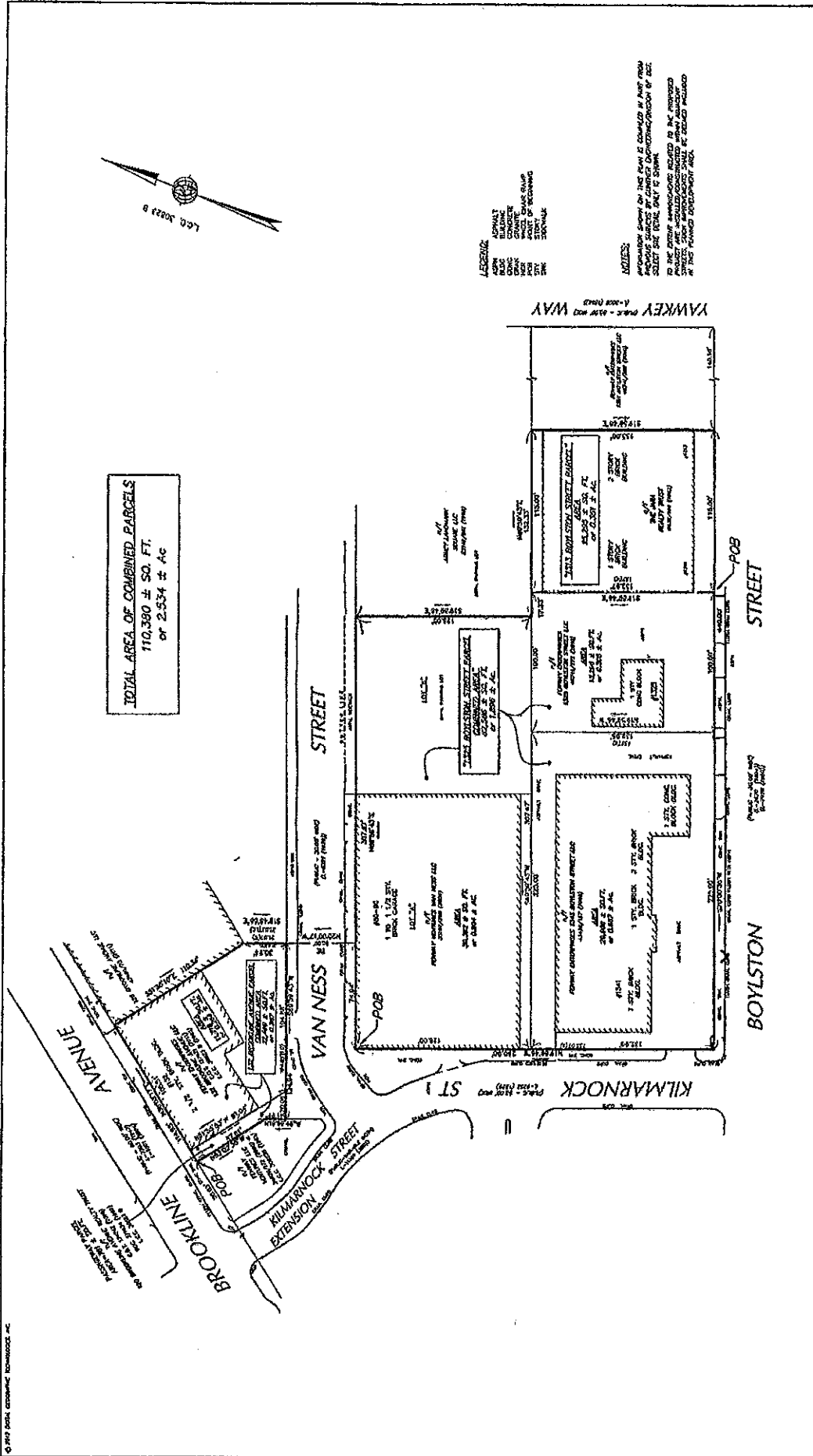
S 70-00-30 W 115.00 feet along the northerly sideline of Boylston Street to the point of beginning.

Said parcel contains 15,295 square feet more or less.

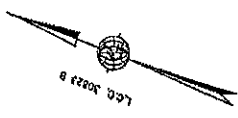
EXHIBIT B

PDA Overlay Plan

[Attached.]



TOTAL AREA OF COMBINED PARCELS
110,390 ± SQ. FT.
or 2.534 ± Ac



- LEGENDA**
- ADJACENT
 - BLANKET
 - CONTRACT
 - DATE
 - OWNER
 - PLANS
 - RECORD
 - STREET
 - TRAIL
 - UTILITY

NOTES:

1. THIS PLAN IS PREPARED BY SAMUELS & ASSOCIATES, INC. FOR THE PURPOSES OF THE CITY OF BOSTON. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF SAMUELS & ASSOCIATES, INC.

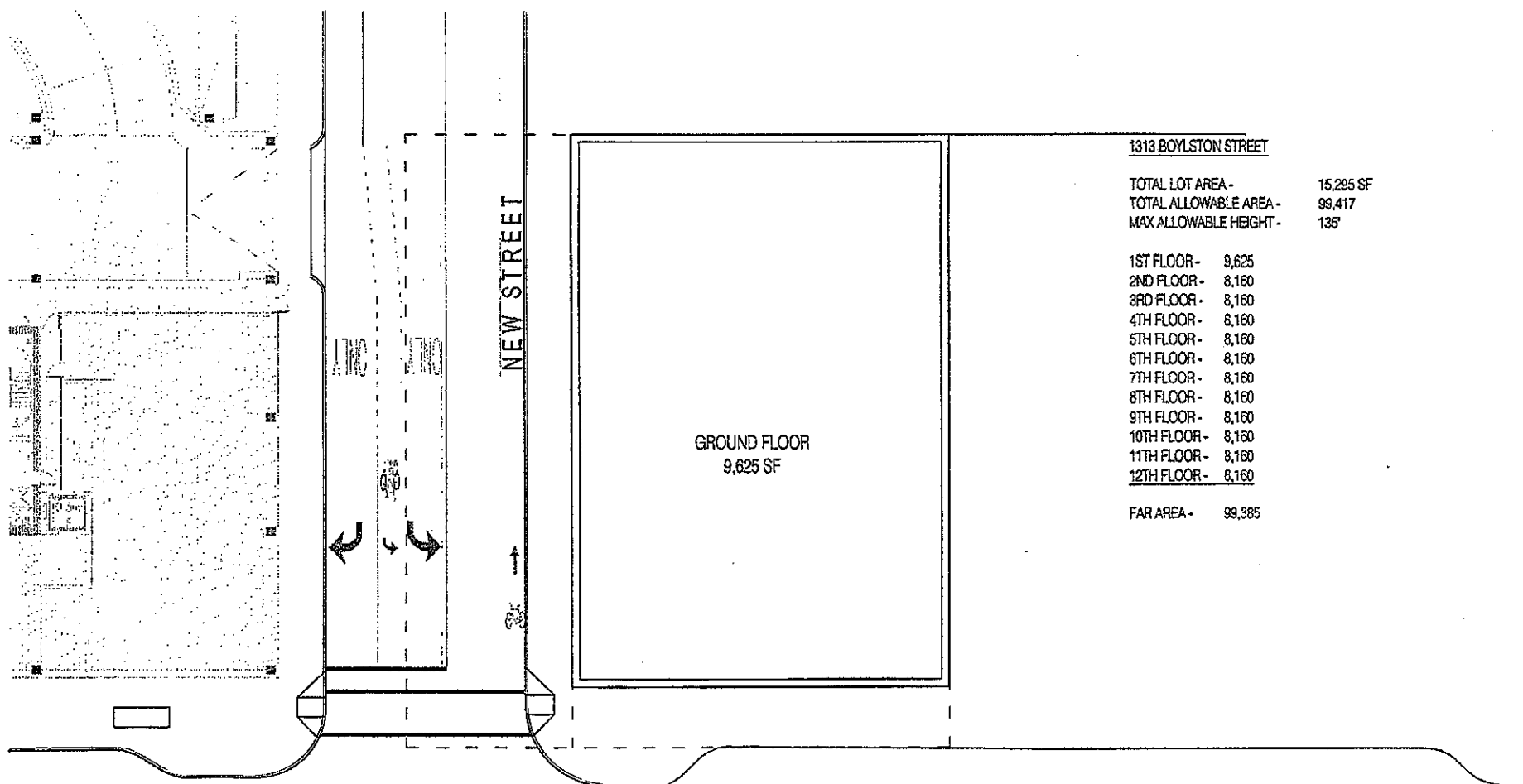
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DATE	1.08.2017	DATE	1.08.2017
PREPARED FOR	SAMUELS & ASSOCIATES	PROJECT NO.	0-2022.18
SCALE	1"=30'	SHEET NO.	1 OF 1
DRAWING BY	L. INTRE, V.K. CHENG	DRAWING NO.	027-184_12.DWG
FENWAY TRIANGLE MIXED USE PROJECT PERMIT PLAN OF LAND IN BOSTON, MASSACHUSETTS SUFFOLK COUNTY - FENWAY DISTRICT			
DIGITAL GROUNDWORK TECHNOLOGIES, INC. A DIVISION OF 100 BROAD STREET BOSTON, MA 02109		PREPARED BY SAMUELS & ASSOCIATES 100 BROAD STREET BOSTON, MA 02109	

EXHIBIT C-3

Plans and Drawings for 1313 Boylston

[Attached.]



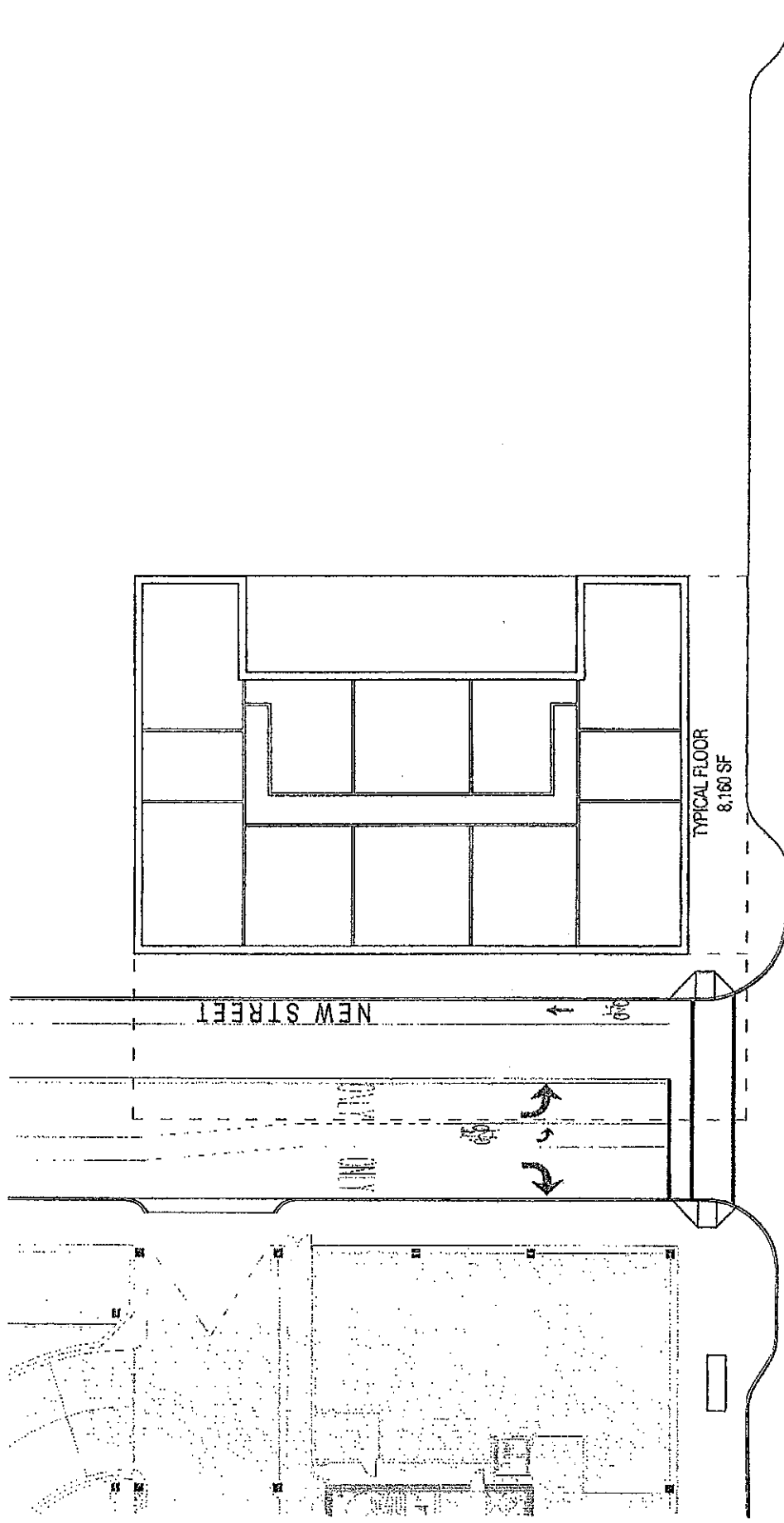
1313 BOYLSTON STREET

TOTAL LOT AREA - 15,295 SF
 TOTAL ALLOWABLE AREA - 99,417
 MAX ALLOWABLE HEIGHT - 135'

- 1ST FLOOR - 9,625
- 2ND FLOOR - 8,160
- 3RD FLOOR - 8,160
- 4TH FLOOR - 8,160
- 5TH FLOOR - 8,160
- 6TH FLOOR - 8,160
- 7TH FLOOR - 8,160
- 8TH FLOOR - 8,160
- 9TH FLOOR - 8,160
- 10TH FLOOR - 8,160
- 11TH FLOOR - 8,160
- 12TH FLOOR - 8,160

FAR AREA - 99,385





Second Floor Plan

1513 BOYLSTON STREET
Boston, MA

EXHIBIT E-1

Allowed Uses for 1313 Boylston

MAIN USES

Banking and Postal Uses

Automatic teller machine
Bank
Post office

Community Uses

Adult education center
Community center
Day care center
Day care center, elderly
Library
Place of worship; monastery; convent; parish house

Cultural Uses

Art gallery
Art use
Auditorium
Cinema
Concert hall
Museum
Public art, display space
Studios, art
Theater
Ticket sales

Educational Uses

Elementary or secondary school
Kindergarten
Professional school
Trade school

Entertainment and Recreational Uses

Bowling alley
Billiard parlor
Fitness center or gymnasium

Private club not serving alcohol
Private club serving alcohol
Restaurant with live entertainment not operating after 10:30 p.m.

Health Care Uses

Clinical laboratory
Group care residence, general

Hotel and Conference Center Uses

Bed and breakfast
Executive suites
Hotel
Motel

Industrial Uses

Artists' mixed use

Office Uses

Agency or professional office
General office
Office of wholesale business

Open Space Uses

Open space
Open space recreational building

Public Service Uses

Automatic telephone exchange
Courthouse
Outdoor payphone
Telecommunication data distribution center
Telephone exchange

Residential Uses (Dwelling units forbidden in basements)

Elderly housing
Lodging house
Multi-family dwelling
One-family detached dwelling
One-family semi-attached dwelling

Orphanage
Rowhouse
Temporary dwelling structure (to be removed no later than 6 mos. from date structure placed on lot; otherwise forbidden)
Three-family detached dwelling
Townhouse
Two-family detached dwelling
Two-family semi-attached dwelling

Restaurant Uses

Restaurant
Take-out restaurant (Small or Large)

Retail Uses

Bakery
General retail business
Liquor store
Local retail business
Outdoor sale of garden supplies

Service Uses

Barber or beauty shop
Caterer's establishment
Check cashing business
Container redemption center
Dry-cleaning shop
Laundry, retail service
Laundry, self-service
Photocopying establishment
Shoe repair
Tailor shop

Vehicular Uses

Indoor sale, with or without installation, of automotive parts, accessories and supplies
(basement/first story only)
Rental agency for cars

ACCESSORY AND ANCILLARY USES

Accessory uses ordinarily incident to a lawful main use are allowed, subject to the provisions of Article 10 of the Zoning Code, unless such use is (i) specifically forbidden as a main use for the North Boylston NS-2 subdistrict in Table B of Article 66 of the Zoning Code, and (ii) not allowed per the list of allowed accessory uses below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

Accessory amusement game machines (not more than four) in commercial or non-commercial establishment

Accessory art use

Accessory automatic teller machine

Accessory cafeteria

Accessory cultural uses

Accessory family day care home

Accessory home occupation

Accessory indoor maintenance and operation of payphone (must be located within 10 feet of entrance; otherwise forbidden)

Accessory industrial use

Accessory keeping of animals other than laboratory animals

Accessory keeping of laboratory animals

Accessory machine shop

Accessory manufacture of products

Accessory offices

Accessory outdoor café

Accessory parking

Accessory personnel quarters

Accessory professional office in a dwelling

Accessory recycling

Accessory retail

Accessory service uses

Accessory services for apartment and hotel residents

Accessory services incidental to educational uses other than college or university use

Accessory storage of flammable liquids and gases (small and large; except no large storage above the first story)

Accessory swimming pool or tennis court

Accessory trade uses

Accessory wholesale business (basement/first story only)

Ancillary use

MEMORANDUM**NOVEMBER 15, 2012**

TO: BOSTON REDEVELOPMENT AUTHORITY AND
PETER MEADE, DIRECTOR

FROM: BRENDA MCKENZIE, DIRECTOR OF ECONOMIC DEVELOPMENT
KAIROS SHEN, CHIEF PLANNER
HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW
RANDI LATHROP, DEPUTY DIRECTOR FOR COMMUNITY
PLANNING
JONATHAN GREELEY, FENWAY PLANNER
JOHN FITZGERALD, SENIOR PROJECT MANAGER

SUBJECT: PUBLIC HEARING FOR THE FIRST AMENDMENT TO THE
DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT AREA NO.
82, THE FENWAY TRIANGLE MIXED-USE PROJECT REGARDING THE
FENWAY TRIANGLE PROJECT, LOCATED ON BOYLSTON STREET
AND BROOKLINE AVENUE, FENWAY

SUMMARY: This Memorandum requests authorization for the Director to: (1) approve the First Amendment to the Development Plan for Planned Development Area No. 82 (the "First Amendment") regarding the Fenway Triangle Mixed Use Project (the "Proposed Project") pursuant to Section 80C of the Boston Zoning Code (the "Code"); (2) authorize the Director to petition the Boston Zoning Commission for approval of the First Amendment and associated Map Amendment; and (3) take all actions and execute any and all documents deemed necessary and appropriate relative to the First Amendment and the Proposed Project.

INTRODUCTION

Fenway Enterprises, LLC (the "Proponent"), an affiliate of Samuels and Associates, submitted a Project Notification Form ("PNF") to the Boston Redevelopment Authority ("BRA" or "Authority") on December 21, 2010 for the development of the Fenway Triangle Mixed-Use project located at 1325 Boylston Street and 132 Brookline Avenue in the Fenway neighborhood.

The project site will occupy two primary parcels that are adjacent to each other across Van Ness Street. The parcels are occupied by various small buildings and parking uses.

The Brookline Avenue Parcel has an existing three story building with office and retail, and the Boylston Street Parcel includes a collection of one and two story building historically used for automotive uses, such as the former Goodyear auto repair facility, which have been re-purposed as small retail and service uses.

PROPOSED PROJECT

The Proposed Project consists of two buildings. The first is 132 Brookline Avenue which is proposed to be a 17-story residential building with approximately 5,000 square feet of retail on the first floor and will contain approximately 150 units. The second and larger building is 1325 Boylston and is proposed to be up to 168 feet in the eastern element and up to 178 feet in the western element. 1325 Boylston is also proposed to contain approximately 225,000 square feet of office uses, approximately 140,000 square feet of anchor retail use and approximately 36,000 square feet of related storage, approximately 150 residential units, ground floor uses including additional retail space of approximately 25,000 square feet, building service areas and lobby space supporting the office, residential and anchor retail uses above, and a maximum of 575 parking spaces on up to three below-grade levels.

PROPOSED AMENDMENT

The First Amendment to the Fenway Triangle Mixed-Use PDA would be to incorporate the 1313 Boylston parcel as a third development area, increasing the area of the Site to 2.5 acres. The 1313 parcel is an approximately 15,295 square foot area owned by the Jara Realty Trust. 1313 Boylston will be a slender, primarily residential building and is anticipated to consist of approximately 9,000 square feet of retail/restaurant/service space on the ground floor, with up to 132 residential units on the upper floors, accessed via a ground-floor lobby. 1313 Boylston will contain a maximum of 76,457 square feet of gross floor area, with a height of up to 95 feet; provided, however, that it may contain: (i) a maximum of 91,770 square feet, with a height of up to 125 feet, in the event it meets the Residential Development Incentive thresholds set forth in Section 6-35.1 of the Zoning Code; or (ii) a maximum of 99,417 square feet of gross floor area, with a height of up to 135 feet in the event it meets the Residential Development Incentive thresholds set forth in both Section 660-35.1 and Section 660-35.2 of the Zoning Code.

RECOMMENDATION

Based on the foregoing, BRA staff recommends: (1) that the Director be authorized to approve the First Amendment pursuant to Section 80C of the Code and associated map amendment; and (2) authorize the Director to petition the Boston Zoning Commission for approval of the First Amendment and associated map amendment.

Appropriate votes follow:

VOTED: That the Boston Redevelopment Authority ("BRA") hereby finds and determines that the First Amendment to the Development Plan for Planned Development Area No. 82 (the "First Amendment") complies with Section 80C-4(a)-(e), Standards For Planned Development Area Review Approval, of the Boston Zoning Code (the "Code"); and

FURTHER

VOTED: That the Director be, and hereby is, authorized to approve the First Amendment pursuant to Section Code 80C of the Code to the First Amendment regarding the Fenway Triangle Mixed Use Project (the "Proposed Project") and associated map amendment, both in substantial accord with those presented at the BRA Board public hearing on November 15, 2012; and

FURTHER

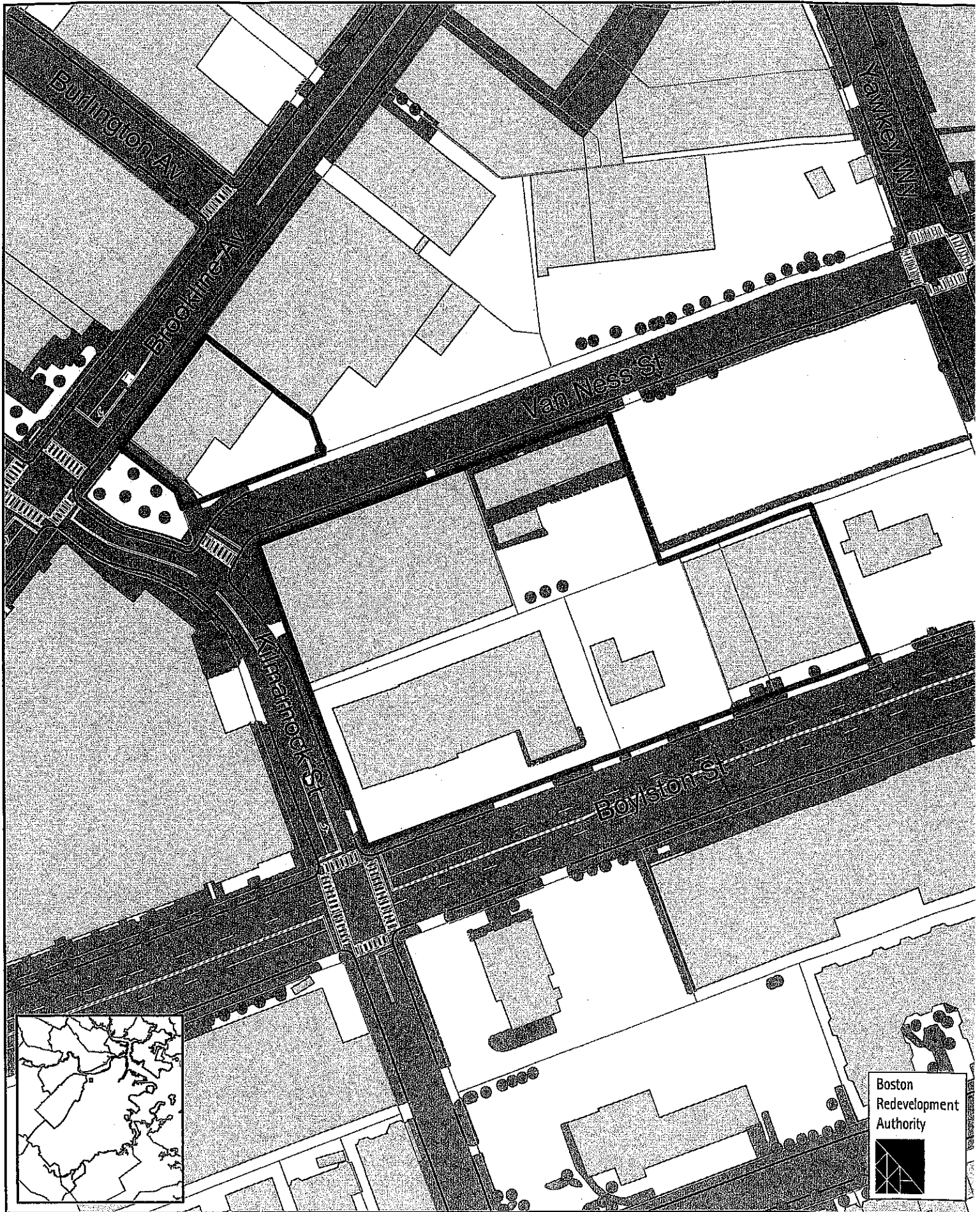
VOTED: That the Director be, and hereby is, authorized to petition the Boston Zoning Commission for approval of the First Amendment and associated map amendment, both in substantial accord with those presented to the BRA Board at a public hearing on November 15, 2012; and

FURTHER


VOTED: That the Director be, and hereby is, authorized to take all actions and execute any and all documents deemed necessary and appropriate relative to the First Amendment and the Proposed Project.

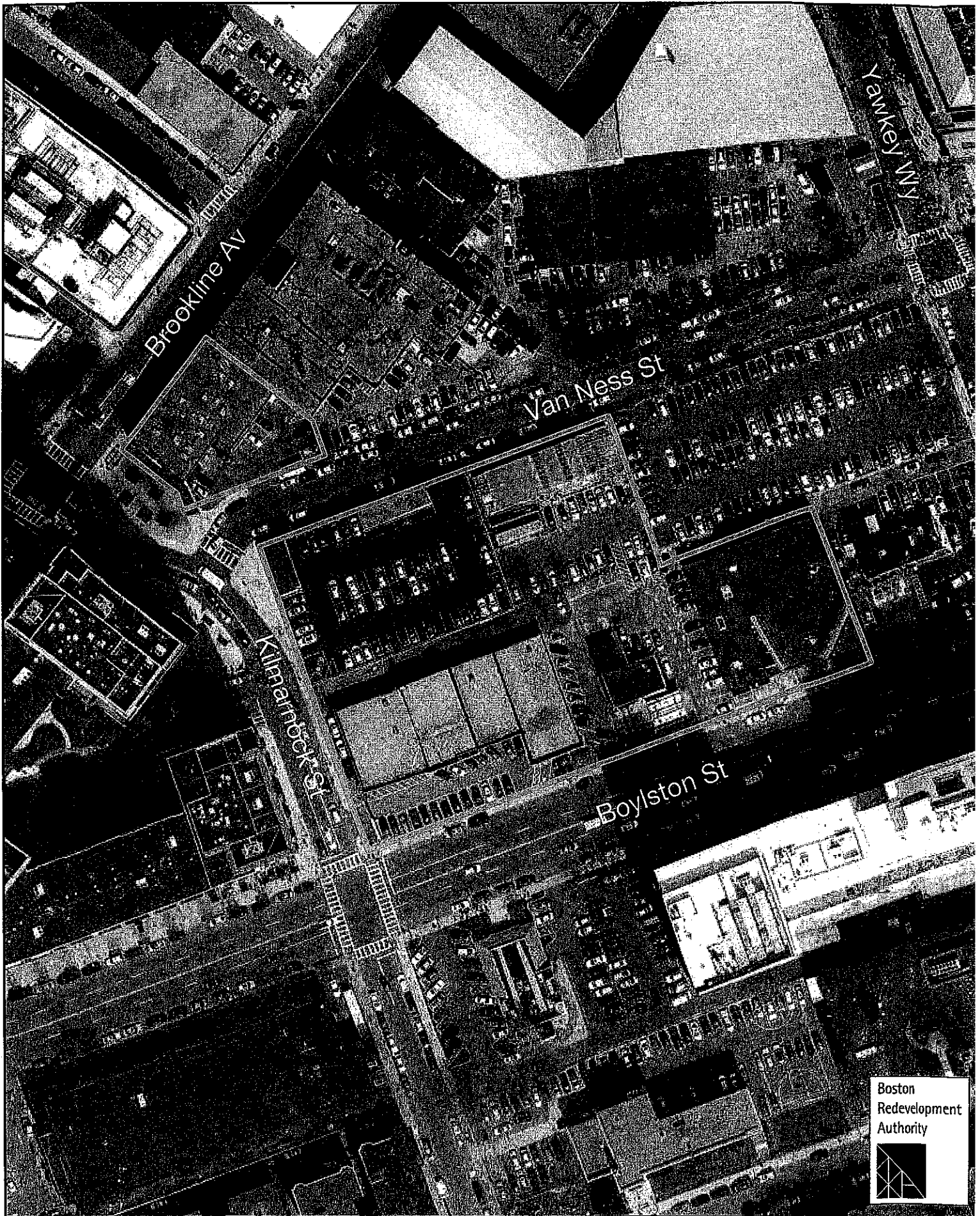
PDA 82, Zoning Map 1Q, Fenway

1:1,200



Boston
Redevelopment
Authority





Map Amendment Application No. 620
Planned Development Area No. 82
The Fenway Triangle Project
Map 1Q, Fenway Neighborhood District

MAP AMENDMENT NO. 554

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 First Amendment to Development Plan for Planned Development Area No. 82, The Fenway Triangle Mixed Use Project, 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 15,295 square feet located at 1313 Boylston Street, to the existing area of Planned Development Area No. 82, originally designated by Map Amendment No. 535, effective October 24, 2011.

Said area is further described in Exhibit A and shown on Exhibit B.

EXHIBIT A

Legal Description of Site

Three aggregate parcels of land, known as "132 Brookline Avenue Parcel", "1325 Boylston Street Parcel" and "1313 Boylston Street Parcel" in the Fenway District of Boston, Suffolk County, Massachusetts, with a combined total area of 110,380 square feet more or less, as shown on a plan entitled, "Fenway Triangle Mixed Use Project, Permit Plan of Land in Boston, Massachusetts", Scale 1"=30', dated 20 June 2011, last revised 25 September 2012, Drawing Number 627.06M_R2, prepared by DGT Survey Group, prepared for Samuels & Associates and more particularly described as follows:

"132 Brookline Avenue Parcel" is described as follows:

Beginning at the northwesterly corner of said parcel, on the southerly sideline of Brookline Avenue, said corner being a point N 38-03-17 E with a distance of 50.03 feet from the intersection of Brookline Avenue and Kilmarnock Street Extension as shown on said plan and being the point of beginning, thence running:

N 38-03-17 E 114.65 feet along the southerly sideline of Brookline Avenue to a point by land now or formerly of 126 Brookline Avenue LLC; thence
S 51-55-10 E 110.34 feet to a point; thence
S 19-45-56 E 30.94 feet to a point on the northerly sideline of Van Ness Street, the last 2 courses being by land now or formerly of 126 Brookline Avenue LLC; thence
S 69-59-43 W 124.94 feet along the northerly sideline of Van Ness Street to a point by land now or formerly of Fenway Ventures LLC; thence
N 19-59-46 W 15.11 feet to a point; thence
N 52-02-35 W 57.61 feet to the point of beginning. The last 2 courses being by land now or formerly of Fenway Ventures LLC.

Said parcel is an aggregate of two contiguous parcels of land under separate title and contains 12,499 square feet more or less.

"1325 Boylston Street Parcel" is described as follows:

Beginning at the northwesterly corner of said parcel, at the intersection of the easterly sideline of Kilmarnock Street with the southerly sideline of Van Ness Street as shown on said plan and being the point of beginning, thence running:

N 69-59-43 E 307.67 feet along the southerly sideline of Van Ness Street to a point by land now or formerly of Abbey Landmark Square LLC; thence

S 19-59-46 E 128.00 feet to a point; thence

N 69-59-43 E 17.33 feet to a point by land now or formerly of The Jara Realty Trust, the last two courses being by land now or formerly of Abbey Landmark Square LLC; thence

S 19-59-46 E 132.97 feet by land of The Jara Realty Trust to a point on the northerly sideline of Boylston Street; thence

S 70-00-30 W 325.00 feet along the northerly sideline of Boylston Street to a point on the easterly sideline of Kilmarnock Street; thence

N 19-59-46 W 260.90 feet along the easterly sideline of Kilmarnock Street to the point of beginning.

Said parcel is an aggregate of three contiguous parcels of land under separate title and contains 82,586 square feet more or less.

"1313 Boylston Street Parcel" is described as follows:

Beginning at the southwesterly corner of said parcel, on the northerly sideline of Boylston Street, said corner being a point N 70-00-30 E with a distance of 325.00 feet from the intersection of Kilmarnock Street and Boylston Street as shown on said plan and being the point of beginning, thence running:

N 19-59-46 W 132.97 feet by land now or formerly of Fenway Enterprises 1325 Boylston Street LLC to land now or formerly of Abbey Landmark Square LLC; thence

N 69-59-43 E 115.00 feet by land now or formerly of Abbey Landmark Square LLC to land now or formerly of Fenway Enterprises 1301 Boylston Street LLC; thence

S 19-59-46 E 133.00 feet by land now or formerly of Fenway Enterprises 1301 Boylston Street LLC to the northerly sideline of Boylston Street; thence

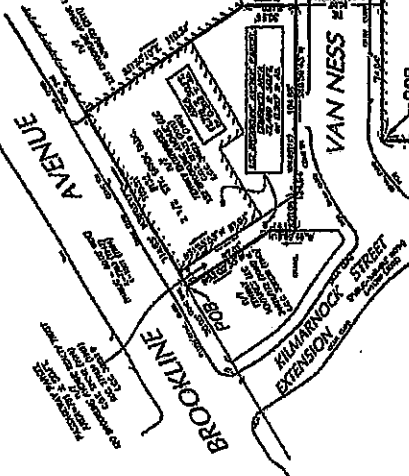
S 70-00-30 W 115.00 feet along the northerly sideline of Boylston Street to the point of beginning.

Said parcel contains 15,295 square feet more or less.

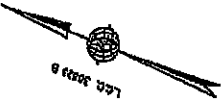
EXHIBIT B

PDA Overlay Plan

[Attached.]

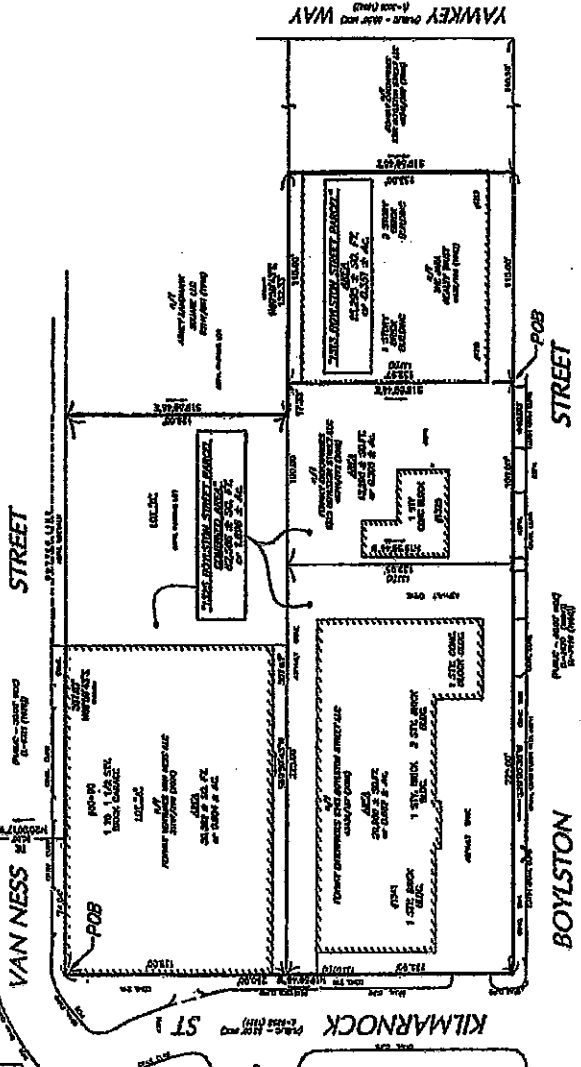


TOTAL AREA OF COMBINED PARCELS
110,390 ± SQ. FT.
or 2.534 ± Ac



LEGEND:
BOUNDARY
EXISTING
PROPOSED
EASEMENT
PROPERTY OF
ELECTRIC
UTILITY

NOTES:
APPROXIMATE BOUNDARY OF THIS PLAN IS BASED ON BEST AVAILABLE RECORDS AND FIELD SURVEY. THIS PLAN IS NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE DATA. THE BOUNDARY OF THIS PLAN IS BASED ON THE BEST AVAILABLE RECORDS AND FIELD SURVEY. THIS PLAN IS NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE DATA. THE BOUNDARY OF THIS PLAN IS BASED ON THE BEST AVAILABLE RECORDS AND FIELD SURVEY. THIS PLAN IS NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE DATA.



DATE: 10/02/12		PROJECT NO.:	SCALE: 1"=50'
DRAWN BY: D.M.C.		PROJECT NO.:	SCALE: 1"=50'
CHECKED BY: D.M.C.		PROJECT NO.:	SCALE: 1"=50'
DATE: 10/02/12		PROJECT NO.:	SCALE: 1"=50'
DATE: 10/02/12		PROJECT NO.:	SCALE: 1"=50'
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DATE: 10/02/12		PROJECT NO.:	SCALE: 1"=50'
DATE: 10/02/12		PROJECT NO.:	SCALE: 1"=50'

PREPARED FOR: SAMUELS & ASSOCIATES
201-896-2001

FENWAY TRIANGLE MIXED USE PROJECT
PERMIT PLAN OF LAND
IN
BOSTON, MASSACHUSETTS
SUFFOLK COUNTY - FENWAY DISTRICT

PROJECT NO. C-305211
DRAWING NO. 002-001-01
SHEET NO. 1 OF 1
DATE: 10/02/12

PROFESSORIAL LAND SURVEYOR
10/02/12

DPT SURVEY GROUP
A DIVISION OF DIGITAL GEOSPATIAL TECHNOLOGIES, INC.
300 BROADWAY, SUITE 2000
BOSTON, MA 02109
TEL: 617-552-5500
WWW.DPTGROUP.COM

Robert F. ...

Chairman

James Clark

Vice Chairman

John J. McDonnell

Paul ...

Gay ...

Jim Hutton

L. Res ...

Chris ...

[Signature]

Kevin A. ...

In Zoning Commission

Adopted: December 12, 2012

Attest:

[Signature]

Executive Secretary

First Amendment to Development Plan for Planned Development Area No. 82, The Fenway Triangle Mixed-Use Project

Robert Jordan
Chairman

Jane Clark
Vice Chairman

John J. McDonnell

Dave Lynn Boyer Jr.

Jay Newley

Julie Hatton

JAMES WALKER

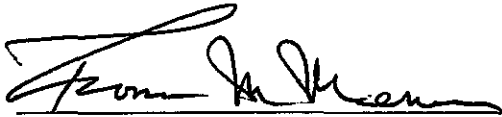
Robert Brown

Theresa A. Wash

In Zoning Commission

Adopted: December 12, 2012

Attest: [Signature]
Executive Secretary

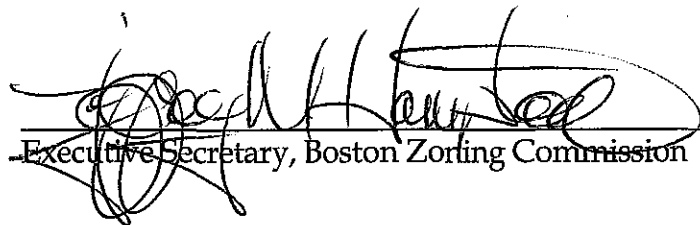


Mayor, City of Boston

Date: 12/20/12


The foregoing amendment was presented to the Mayor on ~~DECEMBER 18, 2012~~ and was signed by him on ~~DECEMBER 20, 2012~~ whereupon it became effective on ~~DECEMBER 20, 2012~~, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:



Executive Secretary, Boston Zoning Commission

First Amendment to the Development Plan for Planned Development Area No. 82, The Fenway Triangle Mixed-Use Project

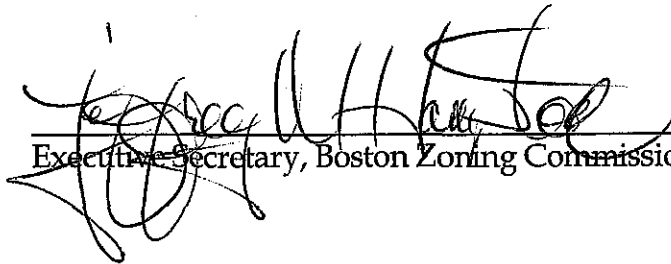


Mayor, City of Boston

Date: 12-20-12

The foregoing First Amendment to the Development Plan, was presented to the Mayor on ~~DECEMBER 18, 2012~~, and was signed by him on ~~DECEMBER 20, 2012~~ whereupon it became effective on ~~DECEMBER 20, 2012~~ in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:



Executive Secretary, Boston Zoning Commission