

**FIRST AMENDMENT**  
**to**  
**DEVELOPMENT PLAN**  
**for**  
**HARRISON COMMONS**  
**and**  
**HARRISON COURT**  
**within**  
**PLANNED DEVELOPMENT AREA NO. 59**  
**761 HARRISON CHURCH, LLC, Developer**

Dated:

Pursuant to Article 3-1A(a) and Article 80C-7 of the Zoning Code of the City of Boston ("Zoning Code"), this amendment constitutes the First Amendment to the Development Plan for Harrison Commons and Harrison Court in the South End, within Planned Development Area No. 59 ("First PDA Amendment").

The Original Development Plan

- A. On May 22, 2003, the Board of Directors of the Boston Redevelopment Authority approved the Development Plan for Planned Development Area No. 59 ("Original Development Plan") for the property located at 755 Harrison Avenue, 761 Harrison Avenue, and Fr. Francis Gilday Way. The Boston Zoning Commission approved the Development Plan on June 25, 2003 and the Plan became effective on June 25, 2003.
- B. The property described in the Original Development Plan consisted of four project components: (1) the New Project Component; (2) the Rehabilitation Project Component; (3) the Church Component; and (4) 761 Harrison Avenue Component. All of the components of the Original Development Plan have been constructed and completed in accordance with the Original Development Plan. The last remaining component to be built pursuant to the Original Development Plan is the Church Component, which is the subject of this First Amendment.

### First PDA Amendment

- C. The Church Component consists of the former Immaculate Conception Church, constructed as the first Jesuit church in the South End. When the Original Development Plan was adopted, the Church housed the Jesuit Urban Center, a social, cultural and educational center staffed by the Jesuits. This component also consists of the “Link Building”, which was the Jesuit’s residential building and is connected to the Church. The Jesuit Urban Center closed and the entire Church property has been vacant for many years. The Archdiocese of Boston, together with Boston College (which formerly occupied the building known as the Rehabilitation Component and is now the Penmark Condominium), is in the process of deconsecrating the Church and is working with the developer to remove most of the religious components of the former church including the altar and other items.
- D. The current developer has now proposed to convert the Church into a residential rental apartment building consisting of 63 residential dwelling units together with parking for 25 cars in the adjacent James Court garage. While the residential use for the Church Component is consistent with the Original Development Plan, this First Amendment is necessary to address the (1) residential unit count; (2) the Floor Area Ratio; and (3) the parking component. This First PDA Amendment amends, as set forth below, the Original Development Plan to update certain of its provisions of the Church Component project to allow for its development as a residential rental apartment building.

The Original Development Plan hereby is amended by this First PDA Amendment as follows:

### PDA Uses

1. The Original Development Plan set forth “Proposed PDA Uses” on page 8 for each of the four component parts of the overall project. At the time of the approval of the Original Development Plan, the Church Component uses were stated to be: (1) community uses related to the religious functions of the Church; (2) cultural uses; (3) office uses; (4) Residential uses, including but not limited to residences for clergy, ministers, retreat participants and guests; and (5) accessory and ancillary uses to the foregoing.

2. The Proposed PDA Uses set forth for the Church Component is deleted and replaced with the following: Church Component Uses: multifamily residential dwelling units to include 63 residential rental apartment units including 6 Affordable Units, accessory balconies, roof terraces, and outdoor patio spaces for the residential units and related common areas and facilities for the condominium. The multifamily residential use is consistent with the Original Development Plan which provides that “the proposed uses for the site may include all uses allowed pursuant to Article 64 of the Zoning Code, South End Neighborhood Zoning District, including one or more of the uses referenced in Table B, uses allowed in the Neighborhood Development Area [NDA] of Article 64.” Under Table B of Article 64, multifamily residential use is listed as an allowed [“A”] use, thereby complying with the underlying zoning. The underlying zoning does not differentiate between ownership or rental type of residential use.

#### Proposed Dimensions

3. The Original Development Plan set forth Proposed Dimensions on pages 9-10 for the overall project and for each of the four component parts. For the Church Component, the gross square footage without garage was 58,553 square feet and the Floor Area Ratio was 1.5.
4. The Proposed Dimensions set forth for the Church Component is deleted and replaced with the following: Church Component Dimensions: (1) Gross Floor Area without garage – 91,547; and (2) Floor Area Ratio – 1.8.

#### Parking

5. The Original Development Plan set forth Parking, Loading and Access to Transportation on page 11. The parking for the Church Component was “35 spaces for Jesuit users.”
6. The Parking allocated to the Church Component is deleted and replaced with the following: Church Component Parking: 25 parking spaces in the James Court garage adjacent to the Church and part of the Harrison Commons Condominium.

Except as amended by this First PDA Amendment, the Original Development Plan remains unmodified and in full force and effect.