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**Date:** 12/15/2005 11:14:56 AM  
**Subject:** 389 Cumberland Avenue, "Back Bay Tower" 389 Cumberland Avenue - Tax Map 36, Lot I 37

I represent the owners of the Back Bay Tower Building and wish to confirm the following:

1. The property is located in the B-3 and R-6 zones.
2. The existing uses, which I understand are multifamily residential, and the general, business and professional office uses, are currently conforming uses.
3. At the time the building was built, it did not meet the height, lot coverage and density requirements, as a result of which variances were required. Are there any other issues?

The lender wants to know if there are any other current nonconformities with respect to the improvements.

4. If the building were destroyed, as I read it the building could be rebuilt within a year.

Thanks.

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