

## MEMORANDUM

MAY 16, 2013

TO: BOSTON REDEVELOPMENT AUTHORITY AND  
PETER MEADE, DIRECTOR

FROM: HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT  
REVIEW  
E. RENEE LEFEVRE, SENIOR COUNSEL

SUBJECT: GATEWAY TERRACE CONDOMINIUM PROJECT, (F/K/A DOVER  
RESIDENCES PROJECT) LOCATED AT 40 FAY STREET IN THE SOUTH  
END URBAN RENEWAL AREA

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**SUMMARY:** This Memorandum requests approval for a change of use for approximately 2,300 square feet of ground floor space for a fitness center at the Gateway Terrace Condominium Project, located at 40 Fay Street, which project is located within Parcels 31C and 31D of the South End Urban Renewal Area, Project No. Mass. R-56, and related matters.

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### **PROJECT DESCRIPTION AND BACKGROUND**

The Gateway Terrace Condominium Project, formerly known as the Dover Residences Project, consists of a residential development containing three structures with 133 residential units, approximately 15,000 square feet of commercial space, and a parking garage for approximately 180 spaces, all located on an approximately 47,791 square foot site comprising of two city blocks on East Berkeley Street, Harrison Avenue, Fay Street, and Washington Street (the "Project"). A portion of the Project site is made up of Parcels 31C and 31D of the South End Urban Renewal Area Project Mass. R56. The zoning for the Project is governed by a U\* district designation pursuant to Map Amendment No. 407, approved by the City of Boston Zoning Commission and effective as of September 23, 2002. The Project is governed by a certain Amended and Restated Land Disposition Agreement by and between the Boston Redevelopment Authority ("BRA") and Dover Residences, LLC, dated February 12, 2003, and recorded at the Suffolk County Registry of Deeds in Book 30594, Page 211 ("LDA").

### **REQUEST FOR CHANGE OF USE**

Unit H-112, an approximately 2,300 square foot commercial condominium unit within the Project has recently been made available for lease with a first right of refusal to purchase and a proposed lessee (possible buyer), Lesley Fenton and Silviya Mihaylova

(collectively, the “Applicants”), are seeking approvals to open a fitness center for physical training, fitness studio and classes open to the public. The use for Unit H-112 falls within the U\* designation and is defined by the LDA. The LDA allows commercial and retail uses at the Project. While current zoning for the Project area would consider a fitness center a forbidden use, such current zoning does not apply. The Applicants have met with the condominium unit owners at the Project and the Washington Gateway Neighborhood Group and both groups have given support for the proposed use change. In addition, the Applicants have met with the Old Dover Neighborhood Group and have received a letter of support from them. Letters of support from the Project condominium trust and Old Dover Neighborhood Group are attached to this Board memorandum.

### **RECOMMENDATION**

The fitness center use may be defined as commercial and, or retail use under the LDA. The space had previously been used for art gallery space. Due to community support for the fitness center, BRA staff recommends that the BRA approve the change of use for a fitness center for physical training, fitness studio and classes open to the public and authorize the Director to issue a certificate or letter, or any other document that Director deems appropriate and necessary certifying that under the LDA for the Project, the change of use for a fitness center is allowed.

An appropriate vote follows:

**VOTED:** That the Director be, and hereby is, authorized to issue a certificate or letter, or any other document that Director deems appropriate and necessary certifying that under that certain Amended and Restated Land Disposition Agreement by and between the Boston Redevelopment Authority (“BRA”) and Dover Residences, LLC, dated February 12, 2003, the allowed commercial use for the Gateway Terrace Condominium Project, formerly known as the Dover Residences Project, includes fitness center for physical training, fitness studio and classes open to the public.