

MEMORANDUM

DECEMBER 5, 2013

TO: BOSTON REDEVELOPMENT AUTHORITY AND
PETER MEADE, DIRECTOR

FROM: HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW
DAVID CARLSON, SENIOR ARCHITECT
JOHN FITZGERALD, SENIOR PROJECT MANAGER

SUBJECT: 44 BURBANK STREET, FENWAY

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority ("BRA") authorize the Director to: (1) issue a Certification of Approval for the proposed development of thirty-four residential condominium units at 44 Burbank Street in the Fenway (the "Proposed Project"); and (2) execute and deliver an Affordable Housing Agreement for the Proposed Project and take any other action and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The Proposed Project is located on a vacant parcel comprising approximately 6,781 square feet of land located at 44 Burbank Street in the East Fenway neighborhood (the "Site"). The Site is currently unimproved, and has been used as a commercial parking facility. The Site is bounded to the east by the Symphony Court Condominium, which has a street address of 41-43 Westland Avenue; to the south by four, four-story residential apartment buildings with street addresses of 45-57 Westland Street; to the west by a four-story residential apartment building with a street address of 48 Westland Avenue; and to the north by Burbank Street, a public way.

PROJECT BACKGROUND

On October 1, 2008, Catamount Westland LLC filed an Application for Small Project Review with the Boston Redevelopment Authority ("BRA"). The BRA sponsored a public meeting, advertised in the *Boston Courant*, that took place on October 21, 2008, at the YMCA of Greater Boston, located at 316 Huntington Avenue.

On November 13, 2008, the BRA voted to: (1) issue a Certification of Approval for the Proposed Project in accordance with Article 80E of the Boston Zoning Code (the "Code"), Small Project Review; (2) enter into an Affordable Housing Agreement in connection with the Proposed Project, and take any other actions and execute any other agreements and documents that the Director deems appropriate and necessary; and (3) recommend approval to the City of Boston Zoning Board of Appeal of the petition for variances and conditional use permits necessary to construct the Proposed Project.

PROPOSED PROJECT CHANGES

It has been an important goal of the Proponent's to provide home ownership units for the Fenway neighborhood at the Proposed Project. Construction was delayed during the recent economic downturn while economic conditions rendered condominium financing difficult to obtain. Now that the availability of financing for residential condominium projects has improved, the Proponent is moving forward with plans to construct the Proposed Project.

To meet market demand, the Proponent has incorporated some larger residences into the program mix. This change has reduced the total number of dwelling units in the updated design from 45 to 34. The overall design of the building, including its massing and exterior appearance, is otherwise fully consistent with the plans for the Proposed Project that the BRA originally approved. The reduction in the overall number of residential units will also change the affordable housing contribution for the Proposed Project as described below.

AFFORDABLE HOUSING COMPONENT

The Proposed Project is subject to the Inclusionary Development Policy, dated September 27, 2007 ("IDP"), which requires an affordable housing commitment that is equivalent to fifteen percent (15%) of the overall residential units. The Proponent and the BRA have agreed that the two affordable condominium units will be constructed on-site, one to be made affordable to households earning less than or equal to eighty percent (80%) of AMI and one to be made affordable to households earning greater than eighty percent (80%) and less than or equal to one hundred percent (100%) of AMI (the "Affordable Units"). The size and location of the Affordable Units will be proposed by the Proponent and approved by the Authority.

Preference for the Affordable Units will be given to applicants who meet the following criteria, weighted in the order below:

- (1) Boston resident;
- (2) Household Size (a minimum of (1) person per bedroom); and
- (3) First-time homebuyers

The Developer will enter into an Affordable Housing Agreement with the Authority for the Affordable Units. The Developer has agreed to submit a Marketing Plan (the "Plan") to the Boston Fair Housing Commission and the Authority for the Affordable Units, which shall be approved prior to the execution of the Affordable Housing Agreement. The Affordable Units will not be marketed prior to the submission and approval of the plan. A deed restriction will be placed on the Affordable Units to maintain affordability for a period of fifty (50) years (thirty years plus a BRA twenty-year extension option). Any subsequent purchaser of an Affordable Unit during this fifty (50) year period must fall within the applicable income level.

The remaining three (3) required units of affordable housing will be fulfilled with a contribution at the Affordable Housing Cost Factor in accordance with the IDP. For each of the remaining three (3) required affordable units, the Proponent will make a financial contribution to the IDP Fund equal to an amount not less than ½ the difference between the price of the average market rate unit and the price of an on-sale affordable unit as determined by the BRA, or \$200,000 per unit, whichever is greater. Such contribution is due prior to the issuance of a building permit for the Proposed Project.

RECOMMENDATION

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, staff recommends that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project; and (2) execute and deliver an Affordable Housing Agreement between the BRA and the Proponent.

Appropriate votes follow:

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6 of the Boston Zoning Code (the "Code"), confirming that the proposed development of thirty-four residential condominium units at 44 Burbank Street in the Fenway neighborhood by Catamount Westland LLC has complied with the requirements of Small Project Review under Section 80E of the Code; and

FURTHER

VOTED: That the Director of the Boston Redevelopment Authority ("BRA") be, and hereby is, authorized to execute and deliver an Affordable Housing Agreement between the BRA and Catamount Westland LLC concerning the Proposed Project, and to take any other actions and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.