

**MEMORANDUM**

**FEBRUARY 14, 2013**

**TO:** BOSTON REDEVELOPMENT AUTHORITY AND  
PETER MEADE, DIRECTOR

**FROM:** HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT  
REVIEW  
DANA WHITESIDE, DEPUTY DIRECTOR, COMMUNITY ECONOMIC  
DEVELOPMENT  
JOHN FITZGERALD, SENIOR PROJECT MANAGER

**SUBJECT:** AMENDMENT TO THE AFFORDABLE RENTAL HOUSING  
AGREEMENT AND RESTRICTION FOR THE FENWAY TRILOGY  
MIXED USE PROJECT LOCATED IN THE FENWAY NEIGHBORHOOD

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority (the "BRA") authorize the Director to enter into an amendment to the Affordable Rental Housing Agreement and Restriction for the Fenway Trilogy Mixed Use Project to have Unit #333 as an affordable unit based at 100% AMI and have Unit #533 as an affordable unit based at 80% AMI.

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**INTRODUCTION**

The development of the Fenway Mixed Use Development, also known as the Trilogy by Fenway Ventures LLC (the "Proponent") involved the construction of a 651,000 square foot building including 572 residential rental units, 53,000 square feet of retail space, and approximately 498 parking spaces (the "Project") located at 140-156 Brookline Avenue and 1365-1375 Boylston Street/158-170 Brookline Avenue. The site is bordered by Brookline Avenue to the north, Boylston Street to the south, Kilmarnock Street to the east, and an existing building occupying the triangular portion of land at the Brookline Avenue/Boylston Street intersection to the west (the "Project Site"). The Project and Project Site are within Planned Development Area No. 56 (the "PDA").

On March 28, 2002 the Boston Redevelopment Authority ("BRA") approved the Project. Design changes and amended uses to the Project required changes to the PDA and other approvals which were granted by the BRA on April 1, 2004.

An Affordable Rental Housing Agreement and Restriction for the Fenway Mixed Use Project (the "Agreement") was entered into on July 30, 2004. Exhibit B-1 to the

Agreement identifies the “Residences Unit Required Unit Allocation” as defined in the Agreement.

One of the affordable units, #333, has been designated as an 80% area median income (“AMI”) unit, and is closer to the street activity in the Project. Despite the Proponent’s best efforts, the Proponent has been unable to mitigate the transfer of sound from the street to the unit to the satisfaction of the current occupant. The Proponent has requested that the current occupant of Unit #333 be transferred to Unit #533 which is also an affordable unit with a 100% AMI. Essentially, the two units will switch their AMI percentage so that the current occupant of Unit #333 can move away from the noise and still maintain her affordability at 80% AMI while being moved to Unit #533, and the Proponent can begin to rent Unit #333 at 100% AMI. The Proponent is also requesting that Exhibit B-1 of the Agreement be amended to reflect this move.

Staff has previously inspected both units and because they have both been designated as affordable units, but with different AMI’s, the change requested is appropriate.

### **RECOMMENDATION**

Staff recommends that the Director be authorized to enter into an amendment to the Affordable Rental Housing Agreement and Restriction for the Fenway Trilogy Mixed Use Project, changing the affordability of Unit #333 from 80% AMI to 100% AMI and changing Unit #533 from 100% AMI to 80% AMI and to reflect such changes in Exhibit B-1.

An appropriate vote follows:

**VOTED:** That the Director be, and hereby is, authorized to enter into an amendment to the Affordable Rental Housing Agreement and Restriction for the Fenway Trilogy Mixed Use Project, changing the affordability percentage of Unit #333 from 80% area median income (“AMI”) to 100% AMI from Exhibit B-1 and changing Unit #533 from 100% AMI to 80% from Exhibit B-1, subject to the terms and conditions deemed necessary and appropriate by the Director and in the best interests of the Boston Redevelopment Authority.