

**MEMORANDUM**

**APRIL 11, 2013**

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

**FROM:** HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT  
REVIEW  
KEVIN MORRISON, GENERAL COUNSEL  
CASEY HINES, PROJECT MANAGER

**SUBJECT:** SCHEDULING A PUBLIC HEARING TO CONSIDER THE ADOPTION  
OF A FIRST AMENDMENT TO THE REPORT AND DECISION ON THE  
35 NORTHAMPTON STREET TOWER CHAPTER 121A PROJECT FOR  
THE APPROVAL, UNDER MASSACHUSETTS GENERAL LAWS,  
CHAPTER 121A AND THE ACTS OF 1960, CHAPTER 652, BOTH AS  
AMENDED, OF THE CHANGE IN OWNERSHIP/FINANCING  
STRUCTURE, EXPANSION OF THE PROJECT AREA AND RELATED  
ZONING DEVIATIONS

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**SUMMARY:** This Memorandum requests authorization for the Secretary to schedule a public hearing on May 16th at 5:30 p.m. and to publish and give notice thereof with regard to the proposed First Amendment to the Northampton Tower Project, pursuant to Massachusetts General Laws Chapter 121A and Chapter 652 of the Acts of 1960, both as amended.

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**PROJECT BACKGROUND**

The Project, as herein defined, is in the South End/Lower Roxbury neighborhood of Boston, located at 35 Northampton Street between Albany Street and Harrison Avenue, one block from the Boston Medical Center and Boston University Medical Campuses. The Project site is on the Northampton Street Campus, which comprises 3.3 acres and is bound by Massachusetts Avenue on the north side, Albany Street on the east side, Northampton Street on the south side, and Harrison Avenue on the west side (the "Project Area").

On September 13, 2012 the Boston Redevelopment Authority ("BRA") approved the Northampton Tower Project (the "Project") under Chapter 121A of the General Laws and Acts of 1960, Chapter 652, both as amended ("Chapter 121A"). The Project includes an approximately \$55.5 million renovation of the 35 Northampton Street Tower (the "Tower") that will include elevator system upgrades, new energy efficient windows,

exterior façade repairs, a new roof, renovated and code compliant trash chutes, new laundry rooms on every other floor, unit improvements, including all new and upgraded kitchens, a new storage closet, new low flow plumbing fixtures, new flooring blinds, and paint throughout. The Project will also include the conversion of two (2) existing office floors into eleven (11) new handicapped accessible residential units (there are currently no accessible units) which will increase the number of units in the Tower to 245, and the creation of a new lobby, management office, mailroom, 1,900 square foot corridor system between the Tower and the adjacent residential building at 860 Harrison Avenue (collectively the “BPHC Campus”), and elevator to access the parking garage. Seventy-five percent (75%) of these units will be affordable to households earning up to 60% of area median income, and the remaining 25% of the units will be affordable to households earning up to 70% of AMI. There will be a transition period in which existing tenants, a portion of whom do not meet the income guidelines, may be held over. As these non-qualifying tenants turn over, these units within the Project will be occupied with tenants qualifying with the income limits set forth herein. In addition, the development plan for the Project takes special care in the design of the open spaces and pedestrian paths and corridors required to support the redevelopment effort. The existing parking garage will also receive updates, including new elevators and handicapped parking spaces to serve residents. Moreover, the Project has been planned to integrate the development with the surrounding community.

The Project has been designed to minimize environmental effects both on the BPHC Campus itself and on the surrounding community. As documented in the Article 80 submission for the Project, transportation improvements will be utilized to achieve this result.

The BPHC Campus has suffered from much deferred maintenance over the years since there has not been sufficient resources to adequately maintain and invest in this aging property. As a result, this 40-year old property is at the end of its capital maintenance cycle, and simply put, its continued viability will require a major capital investment. The residential units do not comply with current city or state building codes and ADA requirements. The mechanical systems are outdated and extremely inefficient, leading to wasted water and energy, along with very high operating costs. The windows are single glazed in steel frames, causing resident discomfort and significant heat loss. The electric service is outdated and needs to be upgraded. All interior fixtures and finishes must be replaced or refurbished. Trash chutes in the Tower and 12-story residential building are inoperable. The current configuration of the Campus’s many entrances and exits make securing this property - and the many people who live, work and visit the Campus - a nearly impossible proposition. The approximately 40-year old property, which provides substantial benefits to the City, is physically dysfunctional and requires a major capital investment.

On September 13, 2012, the BRA voted to adopt a Report and Decision (the “Report and Decision”) on the Project. Such vote was approved by the Mayor of the City of Boston on September 17, 2012, and the vote as so approved, was filed with the Clerk of the City of Boston on September 25, 2012. Trinity Northampton Phase One Limited Partnership, a Massachusetts limited partnership (the “Developer”), was designated as the Chapter 121A entity to own, operate and manage the Project.

### **PROPOSED AMENDMENT**

The BPHC houses social service agencies which are being displaced by the installation of the handicapped accessible residential units in the lower floors of the Project. The BPHC is actively seeking alternative space for these agencies. However, the BPHC may need to relocate these agencies to the second floor of 860 Harrison Avenue, which would require an amendment to the Project Area and additional zoning deviations to allow for office use.

Additionally, the Developer is requesting an adjustment to the Project’s financial structure whereby the Developer would acquire a long term leasehold interest in the Project from BPHC Northampton Development Corp., Inc., an affiliate of the BPHC, rather than a fee interest with a purchase money mortgage, as previously contemplated, in order to maximize the low income housing tax credits available for rehabilitation.

In sum, the Developer seeks the Authority’s approval to amend the Project as follows: (a) approval of an Amendment to the Project Area; (b) approval of zoning deviations associated with the Project Area modification; (c) a modification to the Project’s financial structure, and (d) other associated and minor modifications requested therewith (the “Proposed Amendment”).

### **FUNDAMENTAL CHANGE DETERMINATION AND PUBLIC HEARING**

The General Counsel has determined that the changes requested by the Developer do not collectively constitute a “fundamental change” in accordance with the Acts of 1960, Chapter 652, Section(s) 13 and/or 13A, as amended and a public hearing is therefore not required. Authority Staff has requested that the Developer participate in a non-mandatory public hearing to address certain zoning deviations associated with the Proposed Amendment.

### **RECOMMENDATION**

Therefore, it is recommended that notice of a public hearing in connection with the proposed First Amendment to the Northampton Tower Chapter 121A Project be advertised and that such public hearing be held at the next regularly scheduled BRA meeting in accordance with the requirements of Massachusetts General Laws Chapter

121A and the Acts of 1960, Chapter 652, and the Boston Redevelopment Authority Rules and Regulations Governing Chapter 121A Projects in the City of Boston, all as amended.

Appropriate votes follow:

**VOTED:** That the Secretary be, and hereby is, authorized to provide a Notice regarding a public hearing, to be held on Thursday, May 16, 2013 at 5:30 p.m. or at a date and time deemed appropriate by the Director, in connection with the proposed First Amendment to the 35 Northampton Street Tower Chapter 121A Project, in accordance with the requirements of Massachusetts General Laws Chapter 121A and the Acts of 1960, Chapter 652, and the Boston Redevelopment Authority Rules and Regulations Governing Chapter 121A Projects in the City of Boston, all as amended; and

**FURTHER**

**VOTED:** That the Applicant be, and hereby is, required to send a Notice of Public Hearing to said abutters to the proposed First Amendment to the Northampton Tower Chapter 121A Project as authorized by the preceding vote.