



# OFFICE OF THE CITY CLERK

Rosaria Salerno  
City Clerk

Room 601, Boston City Hall, Boston, Massachusetts 02201, 617-635-4600, Fax: 617-635-4658

February 22, 2010

To the City Council

Dear Councilors:

In compliance with the order passed by your Honorable Body December 6, 1976, this is to inform you that the following was filed by the Boston Redevelopment Authority with the City Clerk on February 22, 2010.

“Fifth Amendment on the Franklin Park Apartments Chapter 121A Project.”

Respectfully,

Rosaria Salerno  
City Clerk

RS/pt

February 19, 2010

Ms. Rosaria Salerno, City Clerk, City of Boston  
One City Hall Square, Room 601  
Boston, MA 02201

RE: FIFTH AMENDMENT ON THE FRANKLIN PARK APARTMENTS CHAPTER  
121A PROJECT

Dear Ms. Salerno:

Pursuant to Section 13, Chapter 652 of the Acts of 1960, I hereby file with the Office of the City Clerk the following material attested by the undersigned as Secretary.

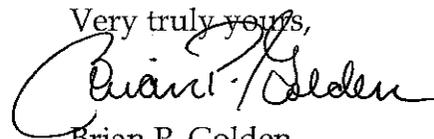
A Certificate of Vote of the Authority adopted on February 16, 2010, approving and adopting the "FIFTH REPORT AND DECISION AMENDMENT ON THE FRANKLIN PARK APARTMENTS CHAPTER 121A PROJECT FOR THE APPROVAL, PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 121A AND THE ACTS OF 1960, CHAPTER 652, BOTH AS AMENDED, OF CERTAIN DEVIATIONS FROM THE ZONING CODE OF THE CITY OF BOSTON FOR FRANKLIN PARK APARTMENTS CHAPTER 121A PROJECT", vote of the Authority approving said Application and an executed copy of the Approval by His Honor, Mayor Menino dated February 18, 2010, of the foregoing vote.

Attached to the above-mentioned Certificate of Vote and Approval thereof by His Honor, Mayor Menino, is a copy of the aforementioned "FIFTH REPORT AND DECISION AMENDMENT...".

Please acknowledge the filing of the foregoing on the copy of this letter and return the same to the undersigned.

Receipt of the aforementioned is hereby  
acknowledged:

Very truly yours,

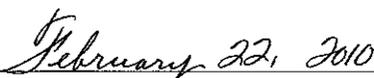


Brian P. Golden  
Secretary



---

City Clerk



---

Date

February 18, 2010

Honorable Thomas M. Menino  
Mayor of Boston  
One City Hall Square  
Boston, Massachusetts 02201

SUBJECT: FIFTH AMENDMENT ON THE FRANKLIN PARK APARTMENTS CHAPTER  
121A PROJECT

Dear Mayor Menino:

At the regular meeting of February 16, 2010, the Boston Redevelopment Authority (the "Authority") approved and adopted a document entitled "Copies of a memorandum dated February 16, 2010 were distributed entitled "FIFTH REPORT AND DECISION AMENDMENT ON THE FRANKLIN PARK APARTMENTS CHAPTER 121A PROJECT FOR THE APPROVAL, PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 121A AND THE ACTS OF 1960, CHAPTER 652, BOTH AS AMENDED, OF CERTAIN DEVIATIONS FROM THE ZONING CODE OF THE CITY OF BOSTON FOR FRANKLIN PARK APARTMENTS CHAPTER 121A PROJECT" be, and hereby is, adopted. The adoption of this document constitutes approval by the Authority.

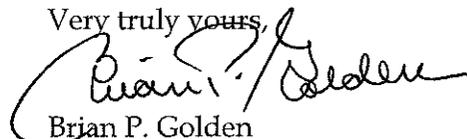
Enclosed herewith for your review are four copies of the "FIFTH REPORT AND DECISION AMENDMENT...". Attached to each copy of the Application is a Certificate of Vote executed by the Secretary.

Section 12 of Chapter 652 of the Acts of 1960 provides as follows: "...provided, however, that no vote of the Authority approving a project or any change therein, or making or amending any rule, regulation or standard therefor, shall be in force until approved by the Mayor of said City." Your approval pursuant to Section 12 is respectfully requested.

The Approval Form, which is attached to each set of the aforementioned documents, is in the form previously approved by the City of Boston Law Department.

If the vote of the Authority approving the "FIFTH REPORT AND DECISION AMENDMENT..." meets with your approval, please sign all four copies of the Approval Certificate, one copy of which I am required as Secretary to file with the City Clerk pursuant to Chapter 652 of the Acts of 1960.

Very truly yours,



Brian P. Golden

Executive Director/Secretary

Attachment

FEBRUARY 16, 2010

**FIFTH REPORT AND DECISION AMENDMENT ON THE FRANKLIN PARK APARTMENTS CHAPTER 121A PROJECT FOR THE APPROVAL, PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 121A AND THE ACTS OF 1960, CHAPTER 652, BOTH AS AMENDED, OF CERTAIN DEVIATIONS FROM THE ZONING CODE OF THE CITY OF BOSTON FOR FRANKLIN PARK APARTMENTS CHAPTER 121A PROJECT**

A. **The Project.** The Franklin Park Apartments Chapter 121A Project as constructed consists of a fifteen (15) multifamily residential apartment buildings, containing 212,714 gross square feet and a total of two hundred twenty (220) multifamily residential rental dwelling units (one of which currently serves as a property management office) and four (4) units of commercial space, ancillary to the main residential use (the "Original Project"). The Original Project consists of ninety-seven (97) one-bedroom units, ninety-seven (97) two-bedroom units, ten (10) three-bedroom units, eight (8) four-bedroom units and seven (7) five bedroom units (one of the five-bedroom units is currently being used as a property management office). The property management office is located at 132 Seaver Street in Roxbury, while the four (4) commercial spaces are located on the ground floor of the triangular-shaped building located at 282-286-288-292 Talbot Avenue, 48-52 Aspinwall Street and 42-44-46 Whitfield Street in Dorchester. The Original Project's one community space is located at 136 Seaver Street in Roxbury.

The Original Project consists of eighteen (18) lots located on scattered sites in Roxbury, Dorchester and Greater Mattapan Neighborhood Zoning Districts of the City of Boston (the "Project Area"). The Original Project was operated pursuant to the requirements of a Section 8 Housing Assistance Payments Contract between the Initial Owner and the United States Department of Housing and Urban Development ("HUD") and the mortgage and regulatory requirements of the Massachusetts Housing Finance Agency ("MassHousing").

B. **Prior Proceedings and Actions.** Reference is made to the following:

1. On November 21, 1974, the Boston Redevelopment Authority (the "Authority") voted to adopt a Report and Decision (the "Report and Decision") on the Original Project. Such vote was approved by the Mayor of the City of Boston (the "Mayor") on November 27, 1974, and the vote as so approved was filed with the Clerk of the City of Boston (the "City Clerk") on December 5, 1974. Franklin Park Associates, a Massachusetts limited partnership, was approved in the Report and Decision as the Chapter 121A

entity to own, operate and manage the Original Project ("Original Owner"). The Original Project, as more particularly described in the Report and Decision, consisted of 220 rental housing units at various scattered locations in the Dorchester and Roxbury sections of the City of Boston and operated pursuant to the requirements of a Section 8 Housing Assistance Payments Contract between the Initial Owner and HUD and the mortgage and regulatory requirements of the Massachusetts Housing Finance Agency ("MassHousing").

2. On December 17, 1987, the Authority by vote adopted a First Report and Decision Amendment (the "First Amendment") to the Original Project, which was approved by the Mayor on December 30, 1987 and as so approved, filed with the City Clerk on January 6, 1988. The First Amendment authorized a transfer of the Project from the Original Owner to Franklin Park Associates II Limited Partnership as part of a resyndication using low income housing tax credits to create an infusion of capital for Project rehabilitation and repair needs. Neither the transfer nor the resyndication took place and the Original Owner retained ownership and control of the Project.

3. On December 20, 1990, the Authority by vote adopted a Second Report and Decision Amendment (the "Second Amendment") to the Original Project, which was approved by the Mayor on December 28, 1990 and as so approved, filed with the City Clerk on January 15, 1991. The Second Amendment authorized the following: (1) a rescission of the First Amendment in its entirety; (2) approval of a replacement General Partner of Franklin Park Associates; and (3) approval of a Rehabilitation Program. The actions approved by the Second Amendment also did not take place.

4. On December 19, 1991, the Authority by vote adopted a Third Report and Decision Amendment (the "Third Amendment"), which was approved by the Mayor on January 3, 1992 and as so approved, filed with the City Clerk on January 7, 1992. The Third Amendment authorized the following: (1) approval of the transfer of the Project from the Original Owner to TCB Franklin Park Limited Partnership (the "Current Owner"); and (2) recognition of a rehabilitation program for the Project.

5. On April 25, 1975, a certain Agreement under Chapter 121A, Section 6A, was executed by and between the Original Owner and the City of Boston (the "6A Contract"). Subsequently, on December 13, 1983, a First Amendment to the 6A Contract was executed. Collectively, the 6A Contract and the First Amendment thereto shall be hereinafter referred to as the "Amended 6A Contract."

6. On August 3, 1992, the Current Owner and the Authority entered into a Regulatory Agreement pursuant to Chapter 121A, Section 18C (the "Regulatory Agreement").

7. On November 17, 2009, the Authority by vote adopted a Fourth Report and Decision Amendment (the "Fourth Amendment"), which Fourth Amendment was approved by the Mayor on November 24, 2009, and the Fourth Amendment as so approved was filed with the Clerk on November 25, 2009. The Fourth Amendment approved the transfer of the Project and the formation of a new urban redevelopment limited partnership for the purpose of acquiring, rehabilitation and continuing the use of the Project as housing for low-income families (a copy of the Fourth Amendment is attached hereto as Exhibit A and made a part hereof). The Initial Report and Decision as amended by the, First Amendment, Second Amendment, Third Amendment and Fourth Amendment shall hereinafter be referred to as the "Amended Report and Decision."

C. **Application for Certain Zoning Deviations.** On February 9, 2010, the Current Owner along with New Franklin Park Limited Partnership, a Massachusetts Limited Partnership (collectively, the Current Owner and the Partnership shall be referred to as the "Applicants") filed with the Authority an "Application for approval pursuant to M.G.L. c. 121A §18C for the Franklin Park Apartments Chapter 121A Project for Consent to Certain Deviations from the Zoning Code of the City of Boston Applicable to Franklin Park Apartments" (the "Application") so that the Original Project (hereinafter referred to as the "Project") will be in compliance will all applicable zoning regulations.

D. **Authority Action.** The Authority is acting hereunder pursuant to General Laws Chapter 121A, as amended and applicable ("Chapter 121A"), specifically Sections 11 and 18C thereof, the Acts of 1960, Chapter 652 ("Chapter 652") as amended and applicable, specifically Section 13A thereof, and all other applicable sections or provisions of Chapters 121A and 652 and the Authority's "Rules and Regulations Governing Chapter 121A Projects in the City of Boston," as amended and applicable ("Rules and Regulations"). Further, the Authority in acting hereunder has considered the Application and all documents or exhibits filed therewith or attached thereto, and all documents or other materials, sufficient in its judgment to enable it to act as hereinafter set forth.

E. **Decision.** The Authority hereby acts as follows:

1. **Approval.** The Application is hereby approved, subject to certain conditions contained below, and the Amended Report and Decision is amended further only to the extent hereinafter set forth. If there is any conflict or

inconsistency between the terms and conditions of the Application and those of this document (the "Fifth Report and Decision Amendment"), those of this Fifth Report and Decision Amendment shall apply and govern.

2. Government Approvals. The Partnership shall file with the Authority contemporaneously with their issuance or execution, copies of any approvals of any other governmental entity, city, state or federal, that may be required.

3. Request for Deviations. The Authority hereby approves the following four (4) additional deviations from the Zoning Code of the City of Boston which were inadvertently left out of the Fourth Amendment:

(a) 128-130-132-134-136 Adams Street, Dorchester, MA: 128-130-132-134-136 Adams Street is located in the Dorchester Neighborhood District. The use and dimensional requirements applicable to the Dorchester Neighborhood District are determined by Article 65 ("Article 65") of the Zoning Code of the City of Boston (the "Code"). Article 65 forbids Dwelling Units in the Basements. To the extent that 128-130-132-134-136 Adams Street contains up to four Dwelling Units in the Basements, the Applicants seek relief for 128-130-132-134-136 Adams Street from the requirement of the Code that prohibits Dwelling Units in the Basements in the Dorchester Neighborhood District.

(b) 30-32 Bicknell Street, Dorchester, MA: 30-32 Bicknell Street is located in a SF-500 Subdistrict of the Greater Mattapan Neighborhood District. The use and dimensional requirements applicable to a SF-500 Subdistrict of the Greater Mattapan Neighborhood District are determined by Article 60 ("Article 60") of the Code. The Minimum Lot Area requirement under Article 60 for a multifamily dwelling in a SF-500 Subdistrict of the Greater Mattapan Neighborhood District applicable to 30-32 Bicknell Street is 2,500 square feet per unit or 15,000 square feet. The actual lot size of 30-32 Bicknell Street as shown on that certain "ALTA / ACSM Land Title Survey, 30-32 Bicknell Street, Boston (Dorchester District), Mass." prepared by Harry R. Feldman, Inc., dated March 27, 2009 (as updated on August 26, 2009), is 7,388 square feet. As a result, the Applicants seek relief for 30-32 Bicknell Street from the requirement in the Code for a SF-500 Subdistrict of the Greater Mattapan Neighborhood District that the Minimum Lot Area for 30-32 Bicknell Street be 15,000 square feet.

(c) 132-136-140 Seaver Street, Roxbury, MA: 132-136-140 Seaver Street contains a property management office that services the Franklin Park Apartments as a whole. Office Uses (as defined in the Code) is a forbidden use in the Multifamily Residential Subdistrict of the Roxbury Neighborhood District. The Partnership, therefore, seeks relief for 132-136-140 Seaver Street from the

requirements of the Code to permit a property management office at 132-136-140 Seaver Street.

(d) 282-292 Talbot Street, Dorchester, MA: Section 65-9 of the Zoning Code requires that the main entrance of a Dwelling within a Residential Subdistrict of the Dorchester Neighborhood Zoning District face the Front Lot Line (as defined in the Code). The property located at 282-292 Talbot Avenue contains frontage on Talbot Avenue, Whitfield Street and Spinwall Road, with entrances located on each. Since the Partnership is unable to determine the main entrance to the property, it seeks relief for 282-292 Talbot Street from the requirements of the Code to permit a main entrance other than on a Front Lot Line.

4. General Findings and Determinations. The Authority hereby finds and determines that: (a) the zoning deviations granted for the Project, as approved in this Fifth Report and Decision Amendment, do not constitute a "fundamental change" in accordance with Chapter 652, Section 13 or 13A; (b) the Partnership, based upon the Application, has the requisite ability to perform the obligation and carry out the duties imposed under Chapter 121A and 652; (c) except to the extent inconsistent with or contrary to the provisions of this Fifth Report and Decision Amendment, all of the findings, determinations, approvals and consents contained in the Amended Report and Decision, including those zoning deviations granted therein, are hereby ratified and confirmed in all respects; and (d) any procedural or other requirements of applicable statutes and rules and regulations, which may not have been complied with regarding the Application or the Authority's proceedings in connection therewith, are hereby waived.

5. Rules and Regulations. Notwithstanding the minimum standards for financing, construction, maintenance and management of the original Project or any other rules and regulations set forth or referenced in this Fifth Report and Decision Amendment to the contrary, the Authority hereby additionally imposes as rules and regulations on the Project and requires, in connection with the closing on the refinance of the Project approved by the Fourth Amendment, the Partnership shall: (a) enter into with the Authority a new Regulatory Agreement under Chapter 121A, Section 18C, which shall describe the refinancing and approvals granted by the Fourth Amendment, with such modifications thereto as are acceptable to the Authority's Director, that shall replace the original Regulatory Agreement and (b) enter into an amendment to the 6A Contract under Chapter 121A, Section 6A, the terms and conditions of which must be acceptable to the Commissioner of Assessing of the City of Boston.

6. Report and Decision. All provisions of the Report and Decision not specifically amended, revised by or inconsistent with this Fifth Report and Decision Amendment shall remain in full force and effect.

**F. Further Aspects of Fifth Report and Decision Amendment.**

Notwithstanding the approval of this Fifth Report and Decision Amendment by the Mayor and the filing of the same with the City Clerk, this Fifth Report and Decision Amendment shall not be effective to any extent or in any respect until the last date of the following occurs: the new Regulatory Agreement or the amendment to the 6A Contract required by paragraph E.6 hereof are fully executed.

**G. Authorization to Execute Documents.** The Authority's Director is hereby authorized to execute, in the name and on behalf of the Authority, any and all agreements, instruments or documents required or authorized by this Fifth Report and Decision Amendment and any estoppel certificate or like instruments to and for governmental bodies, lenders or other interested parties, at this discretion, that confirm matters covered by this Fifth Report and Decision Amendment.

**H. Severability.** In the event any provisions of this Fifth Report and Decision Amendment shall be held to be invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions thereof, or of the Amended Report and Decision.

## FRANKLIN PARK APARTMENTS

### APPLICATION FOR APPROVAL PURSUANT TO M.G.L. CHAPTER 121A, §18C FOR THE FRANKLIN PARK APARTMENTS CHAPTER 121A PROJECT FOR CONSENT TO CERTAIN DEVIATIONS FROM THE ZONING CODE OF THE CITY OF BOSTON FOR FRANKLIN PARK APARTMENTS

TCB Franklin Park Limited Partnership (the "Current Owner"), a Massachusetts limited partnership and the current owner of that certain 15-building, 220-unit affordable housing development located on various scattered-sites in the Dorchester and Roxbury neighborhoods of Boston, Massachusetts and known as "Franklin Park Apartments," and New Franklin Park Limited Partnership (the "Partnership"), a Massachusetts limited partnership and proposed new owner of Franklin Park Apartments, hereby submits this application (this "Application") to the Boston Redevelopment Authority (the "Authority") pursuant to M.G.L. chapter 121A and the provisions of Chapter 652 of the Acts of 1960 ("Chapter 121A"). The Application seeks the Authority's approval for certain additional deviations from the Zoning Code of the City of Boston (the "Code") for Franklin Park Apartments in Boston, Massachusetts. The Current Owner and the Partnership shall be collectively referred to herein as the "Applicants."

On November 14, 2009, the Applicants filed with the Authority an "Application for Approval Pursuant to Massachusetts General Laws Chapter 121A, Section 18C, for the Transfer of the Previously Approved and Developed Franklin Park Apartments Chapter 121A Project and for Consent to Form a New Urban Redevelopment Limited Partnership for the Purpose of Acquiring, Rehabilitating and Continuing the Use of Franklin Park Apartments as Housing for Low-Income Families", as amended by supplemental letters dated November 13, 2009 and November 16, 2009 (the "Transfer Application"). The Authority voted on November 17, 2009, to approve the Transfer Application and the document entitled "Fourth Report and Decision Amendment on the Franklin Park Apartments Chapter 121A Project for the Approval Pursuant to Massachusetts General Laws Chapter 121A and the Acts of 1960, Chapter 652, Both as Amended, of the Transfer of the Previously Approved and Developed Franklin Park Apartments Chapter 121A Project and For Consent to Form a New Urban Redevelopment Limited Partnership for the Purpose of Acquiring, Rehabilitating and Continuing the Use of Franklin Park Apartments as Housing for Low-Income Families" (the "Fourth Amendment").

As part of the Fourth Amendment, the Authority approved certain deviations from the Code for Franklin Park Apartments as set forth in Exhibit C-10 attached to the Transfer Application. The Applicants inadvertently neglected to request that the Authority grant four (4) additional deviations from the Code as part of the Transfer Application and now request, as part of this Application, that the Authority grant the following four (4) additional deviations from the Code for Franklin Park Apartments:

#### **128- 130- 132- 134- 136 Adams Street, Dorchester, MA:**

128-130-132-134-136 Adams Street is located in the Dorchester Neighborhood District. The use and dimensional requirements applicable to the Dorchester Neighborhood District are determined by Article 65 ("Article 65") of the Zoning Code of the City of Boston (the "Code"). Article 65 forbids Dwelling Units in the Basements. To the extent that 128-130-132-134-136 Adams Street contains up to four Dwelling Units in the Basements, the Applicants seek relief

---

for 128-130-132-134-136 Adams Street from the requirement of the Code that prohibits Dwelling Units in the Basements in the Dorchester Neighborhood District.

**30-32 Bicknell Street, Dorchester, MA:**

30-32 Bicknell Street is located in a SF-500 Subdistrict of the Greater Mattapan Neighborhood District. The use and dimensional requirements applicable to a SF-500 Subdistrict of the Greater Mattapan Neighborhood District are determined by Article 60 ("Article 60") of the Code. The Minimum Lot Area requirement under Article 60 for a multifamily dwelling in a SF-500 Subdistrict of the Greater Mattapan Neighborhood District applicable to 30-32 Bicknell Street is 2,500 square feet per unit or 15,000 square feet. The actual lot size of 30-32 Bicknell Street as shown on that certain "ALTA / ACSM Land Title Survey, 30-32 Bicknell Street, Boston (Dorchester District), Mass." prepared by Harry R. Feldman, Inc., dated March 27, 2009 (as updated on August 26, 2009), is 7,388 square feet. As a result, the Applicants seek relief for 30-32 Bicknell Street from the requirement in the Code for a SF-500 Subdistrict of the Greater Mattapan Neighborhood District that the Minimum Lot Area for 30-32 Bicknell Street be 15,000 square feet.

**132-136-140 Seaver Street, Roxbury, MA:**

132-136-140 Seaver Street contains a property management office that services the Franklin Park Apartments as a whole. Office Uses (as defined in the Code) is a forbidden use in the Multifamily Residential Subdistrict of the Roxbury Neighborhood District. The Partnership, therefore, seeks relief for 132-136-140 Seaver Street from the requirements of the Code to permit a property management office at 132-136-140 Seaver Street.

**282-292 Talbot Street, Dorchester, MA:**

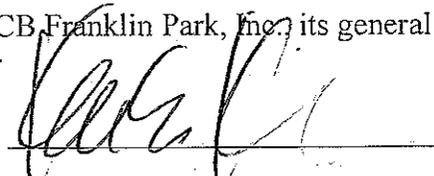
Section 65-9 of the Zoning Code requires that the main entrance of a Dwelling within a Residential Subdistrict of the Dorchester Neighborhood Zoning District face the Front Lot Line (as defined in the Code). The property located at 282-292 Talbot Avenue contains frontage on Talbot Avenue, Whitfield Street and Spinwall Road, with entrances located on each. Since the Partnership is unable to determine the main entrance to the property, it seeks relief for 282-292 Talbot Street from the requirements of the Code to permit a main entrance other than on a Front Lot Line.

We would greatly appreciate if this Application can be put on the agenda for the meeting of the board of directors of the Authority scheduled for February 16, 2010, for approval at such meeting. If you have any questions regarding this Application, please feel free to contact James Rushford, Assistant General Counsel of The Community Builders, Inc. at 857-221-8635 or Jim Perrine, Senior Project Manager of The Community Builders, Inc. at 857-221-8651.

TCB Franklin Park Limited Partnership

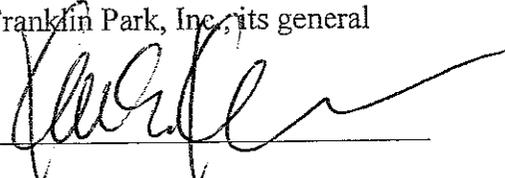
By: TCB Franklin Park, Inc. its general partner

By:

  
Karen E. Kelleher, Authorized Agent

New Franklin Park Limited Partnership

By: New Franklin Park, Inc., its general  
partner

By: 

Karen E. Kelleher, Authorized Agent

---

**APPROVED:**

Including, without limiting the generality of the foregoing, the "FIFTH AMENDMENT ON THE FRANKLIN PARK APRTMETNS CHAPTER 121A PROJECT" and the February 16, 2009 vote of the Authority approving said Report and Decision Application.

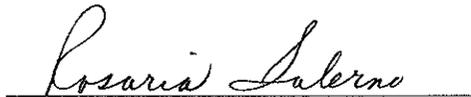


Mayor of the City of Boston

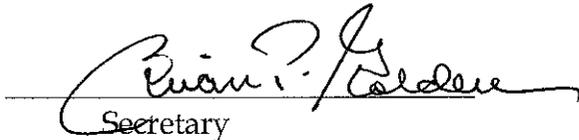
2/18/10

Date

**Attest:**



City Clerk  
City of Boston



Secretary  
Boston Redevelopment Authority

**BOARD APPROVED**

MEMORANDUM

FEBRUARY 16, 2010

**TO:** BOSTON REDEVELOPMENT AUTHORITY AND  
JOHN F. PALMIERI, DIRECTOR

**FROM:** BRENDA MCKENZIE, DIRECTOR OF ECONOMIC DEVELOPMENT  
HEATHER CAMPISANO, DEPUTY DIRECTOR OF DEVELOPMENT  
REVIEW  
LANCE CAMPBELL, PROJECT MANAGER

**SUBJECT:** FIFTH REPORT AND DECISION AMENDMENT ON THE FRANKLIN  
PARK APARTMENTS CHAPTER 121A PROJECT

**SUMMARY:** This Memorandum requests adoption of a Fifth Report and Decision Amendment to the Franklin Park Apartments Chapter 121A Project (the "Project"), which involves the approval of four (4) additional deviations from the Zoning Code of the City of Boston for the Project.

**PROJECT BACKGROUND**

The Franklin Park Apartments Chapter 121A Project consists of eighteen (18) lots located on scattered sites in Roxbury, Dorchester and Greater Mattapan Neighborhood Zoning Districts of the City of Boston. The lots are improved with fifteen (15) multifamily residential apartment buildings, containing 212,714 gross square feet and a total of two hundred twenty (220) multifamily residential rental dwelling units (one of which currently serves as a property management office) and four (4) units of commercial space, ancillary to the main residential use (the "Project"). The Project consists of ninety-seven (97) one-bedroom units, ninety-seven (97) two-bedroom units, ten (10) three-bedroom units, eight (8) four-bedroom units and seven (7) five bedroom units (one of the five-bedroom units is currently being used as a property management office). The property management office is located at 132 Seaver Street in Roxbury, while the four (4) commercial spaces are located on the ground floor of the triangular-shaped building located at 282-286-288-292 Talbot Avenue, 48-52 Aspinwall Street and 42-44-46 Whitfield Street in Dorchester. The Project's one community space located at 136 Seaver Street in Roxbury.

**PROJECT SITE**

The Project is located at the following addresses and contain the number of housing units listed below:

<u>Address</u>	<u>Housing Units</u>
128-130-132-134-136 Adams Street, Dorchester	15
30-32 Bicknell Street, Dorchester	6
20-24-28-32 Bowdoin Avenue, Dorchester	20
134-136-138-140 Crawford Street, Roxbury	16
41-43 Esmond Street, Dorchester	10
85 Esmond Street, Dorchester	22
38-40 McLellan Street, Dorchester	10
132-136-140 Seaver Street, Roxbury	39
280-286-294 Seaver Street, Roxbury	29
282, 284, 286, 290, 292 Talbot Avenue, 48-52 Aspinwall Street, and 42, 44, 46 Whitfield Street, Dorchester	20
11-11A Wales St, Dorchester	11
120 Wales Street, Dorchester	<u>22</u>
	220 Units

Collectively, the above addresses constitute the "Project Site."

### ORIGINAL REPORT AND DECISION

On November 21, 1974, the Boston Redevelopment Authority (the "Authority") 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 (the "Mayor") on November 27, 1974, and the vote as so approved was filed with the Clerk of the City of Boston (the "City Clerk") on December 5, 1974. The Project, as more particularly described in the Report and Decision, consisted of 220 rental housing units at various scattered locations in the Dorchester and Roxbury sections of the City of Boston and operated pursuant to the requirements of a federal Department of Housing and Urban Development Section 8

Housing Assistance Payments Contract and the mortgage and regulatory requirements of the Massachusetts Housing Finance Agency ("MHFA"). Franklin Park Associates, a Massachusetts limited partnership, was approved in the Report and Decision as the Chapter 121A entity to own, operate and manage the Project ("Original Owner").

The total cost of construction of the Project was approximately \$6,655,000 to be principally financed with a mortgage from the MHFA. Additional funds of \$665,548 were financed by the sale of limited partnership interests. Additionally, the Project was assisted by an interest subsidy program for approximately 127 units and leased housing assistance under Section 8 of the U.S. Housing Act of 1937, as amended ("Section 8") for approximately 104 units.

### **FIRST REPORT AND DECISION AMENDMENT**

On December 17, 1987, the Authority by vote adopted a First Report and Decision Amendment (the "First Amendment") to the Project, which was approved by the Mayor on December 30, 1987 and as so approved, filed with the City Clerk on January 6, 1988. The First Amendment authorized a transfer of the Project from the Original Owner to Franklin Park Associates II Limited Partnership as part of a resyndication using low income housing tax credits to create an infusion of capital for Project rehabilitation and repair needs. Neither the transfer nor the resyndication took place and the Original Owner retained ownership and control of the Project.

### **SECOND REPORT AND DECISION AMENDMENT**

On December 20, 1990, the Authority by vote adopted a Second Report and Decision Amendment (the "Second Amendment") to the Project, which was approved by the Mayor on December 28, 1990 and as so approved, filed with the City Clerk on January 15, 1991. The Second Amendment authorized the following: (1) a rescission of the First Amendment in its entirety; (2) approval of a replacement General Partner of Franklin Park Associates; and (3) approval of a Rehabilitation Program. The actions approved by the Second Amendment also did not take place.

### **THIRD REPORT AND DECISION AMENDMENT**

On December 19, 1991, the Authority by vote adopted a Third Report and Decision Amendment (the "Third Amendment"), which was approved by the Mayor on January 3, 1992 and as so approved, filed with the City Clerk on January 7, 1992. The Third Amendment authorized the following: (1) approval of the transfer of the Project from the Original Owner to TCB Franklin Park Limited Partnership (the "Current Owner"); and (2) recognition of a rehabilitation program for the Project, approved by MHFA. The Report and Decision as amended by the First Amendment, Second Amendment and

Third Amendment shall be collectively referred to herein as the "Original Report and Decision."

#### **FOURTH REPORT AND DECISION AMENDMENT**

On November 4, 2009, the Current Owner along with New Franklin Park Limited Partnership, a Massachusetts Limited Partnership, (the "Partnership") filed with the Authority an "Application for Approval Pursuant to M.G.L. Chapter 121A, §18C for the Transfer of the Previously Approved and Developed Franklin Park Apartments Chapter 121A Project and for Consent to Form a New Urban Redevelopment Limited Partnership for the Purpose of Acquiring, Rehabilitating and Continuing the Use of Franklin Park Apartments as Rental Housing for Low-Income Households" (the "Fourth Amendment Application"). On November 17, 2009, the Authority approved the Fourth Amendment Application which: (1) established New Franklin Park Limited Partnership, a Massachusetts Limited Partnership as the new owner of the Project; (2) removed 122 Talbot Avenue Parcel from the Project Site; (3) approved a refinancing of the Project; (4) approved a renovation program for the Project; and (5) approved the continued and increased affordability restrictions on the Project; and (6) approved certain zoning deviations required for the Project (the "Fourth Amendment").

#### **PROJECT TEAM**

The development team consists of The Community Builders, Inc. as the developer, sponsor and management agent (the "Developer"). James Perrine of the Community Builders, Inc. is the project manager and James Rushford of The Community Builders, Inc. is the project attorney. Winslow Architects of Arlington, Massachusetts is the Project architect and CWC Builders, Inc. is the general contractor.

#### **APPLICATION**

On February 9, 2010, the Current Owner along with New Franklin Park Limited Partnership, a Massachusetts Limited Partnership (collectively, the Current Owner and the Partnership shall be referred to as the "Applicants") filed with the Authority an "Application for approval pursuant to M.G.L. c. 121A §18C for the Franklin Park Apartments Chapter 121A Project for Consent to Certain Deviations from the Zoning Code of the City of Boston Applicable to Franklin Park Apartments" (the "Application").

#### **ZONING DEVIATIONS**

As part of the Fourth Amendment, the Authority approved certain deviations from the zoning regulations applicable to the Project as set forth in Exhibit C-10 attached to the Fourth Amendment Application. The Applicants inadvertently neglected, as part of the

Fourth Amendment Application, to request that the Authority grant the following four (4) additional zoning deviations from the Zoning Code of the City of Boston.

128- 130- 132- 134- 136 Adams Street, Dorchester, MA

128-130-132-134-136 Adams Street is located in the Dorchester Neighborhood District. The use and dimensional requirements applicable to the Dorchester Neighborhood District are determined by Article 65 ("Article 65") of the Zoning Code of the City of Boston (the "Code"). Article 65 forbids Dwelling Units in the Basements. To the extent that 128-130-132-134-136 Adams Street contains up to four Dwelling Units in the Basements, the Applicants seek relief for 128-130-132-134-136 Adams Street from the requirement of the Code that prohibits Dwelling Units in the Basements in the Dorchester Neighborhood District.

30-32 Bicknell Street, Dorchester, MA

30-32 Bicknell Street is located in a SF-500 Subdistrict of the Greater Mattapan Neighborhood District. The use and dimensional requirements applicable to a SF-500 Subdistrict of the Greater Mattapan Neighborhood District are determined by Article 60 ("Article 60") of the Code. The Minimum Lot Area requirement under Article 60 for a multifamily dwelling in a SF-500 Subdistrict of the Greater Mattapan Neighborhood District applicable to 30-32 Bicknell Street is 2,500 square feet per unit or 15,000 square feet. The actual lot size of 30-32 Bicknell Street as shown on that certain "ALTA/ACSM Land Title Survey, 30-32 Bicknell Street, Boston (Dorchester District), MA" prepared by Harry R. Feldman, Inc., dated March 27, 2009 (as updated on August 26, 2009), is 7,388 square feet. As a result, the Applicants seek relief for 30-32 Bicknell Street from the requirement in the Code for a SF-500 Subdistrict of the Greater Mattapan Neighborhood District that the Minimum Lot Area for 30-32 Bicknell Street be 15,000 square feet.

132-136-140 Seaver Street, Roxbury, MA

132-136-140 Seaver Street contains a property management office that services the Franklin Park Apartments as a whole. Office Uses (as defined in the Boston Zoning Code) is a forbidden use in the Multifamily Residential Subdistrict of the Roxbury Neighborhood District. The Partnership, therefore, seeks relief for 132-136-140 Seaver Street from the requirements of the Zoning Code to permit a property management office at 132-136-140 Seaver Street.

282-292 Talbot Street, Dorchester, MA

Section 65-9 of the Zoning Code requires that the main entrance of a Dwelling within a Residential Subdistrict of the Dorchester Neighborhood Zoning District face the Front Lot Line (as defined in the Zoning Code). The property located at 282-292 Talbot Avenue contains frontage on Talbot Avenue, Whitfield Street and Spinwall Road, with entrances located on each. Since the Partnership is unable to determine the main entrance to the property, it seeks relief for 282-292 Talbot Street from the requirements of the Zoning Code to permit a main entrance other than on a Front Lot Line.

## FUNDAMENTAL CHANGE DETERMINATION AND RECOMMENDATION

The General Counsel has determined that the changes set forth in the Application do not collectively constitute a "fundamental change" in accordance with the Acts of 1960, Chapter 652, Sections 13 or 13A, as amended, and a public hearing is therefore not required. Adoption of the Fifth Report and Decision Amendment is recommended.

Appropriate votes follow:

**VOTED:** That the document presented at this meeting entitled, "FIFTH REPORT AND DECISION ON THE FRANKLIN PARK APARTMENTS CHAPTER 121A PROJECT FOR THE APPROVAL, PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 121A AND THE ACTS OF 1960, CHAPTER 652, BOTH AS AMENDED, OF CERTAIN DEVIATIONS FROM THE ZONING CODE OF THE CITY OF BOSTON FOR FRANKLIN PARK APARTMENTS CHAPTER 121A PROJECT," be and hereby is, approved and adopted in all respects; and

### **FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to execute any and all agreements, instruments, documents or letters he deems necessary and appropriate, in his sole discretion, and in the best interest of the Boston Redevelopment Authority, regarding the Franklin Park Apartments Chapter 121A Project.