

1047 Commonwealth Avenue Properties, LLC
3 East Stow Road
Marlton, NJ 08053

March 8, 2016

Mr. Brian Golden
Director
Boston Redevelopment Authority
One City Hall Square, 9th Floor
Boston, MA 02201

Re: 1047 Commonwealth Avenue, Allston / Second Notice of Project Change

Dear Director Golden:

1047 Commonwealth Avenue Properties, LLC (the “Developer”) submits this Second Notice of Project Change (the “Second NPC”) to the Boston Redevelopment Authority (the “BRA” or the “Authority”) concerning the redevelopment project (as described below, the “Project”) approved for 1047 Commonwealth Avenue in Boston’s Allston neighborhood (the “Site”). Specifically, the Developer requests approval of (i) a delay in the implementation of the Affordable Rental Housing Agreement and Restriction pertaining to the Project (the “Agreement”), and (ii) a correction as to how the Project’s affordable units are described in the Agreement.

Because approval of the requests set forth in this Second NPC will not materially increase the Project’s impacts, the Developer respectfully requests a determination that no further review pursuant to the Article 80B Large Project Review process is required.

PROJECT DESCRIPTION:

The Project consists of a mixed-use, predominantly residential rental building containing one commercial space at street level and 180 residential units on floors 2-6.

PROJECT BACKGROUND:

A Project Notification Form (“PNF”) for the Site was filed on March 13, 2008. The BRA voted its authorization for the Director to issue a Scoping Determination Waiving Further Review with regard to the PNF on April 29, 2008. The initial Notice of Project Change (the “First NPC”) was subsequently filed on March 22, 2013, in accordance with Section 80A-6 of the Boston Zoning Code (the “Code”). On June 13, 2013, the BRA voted its authorization for the Director to issue a Determination Waiving Further Review with regards to the NPC (the “Determination”), and the Determination was issued on October 18, 2013.

On March 12, 2015, the Authority and the Developer entered into the Agreement concerning the Project. The Agreement designates certain of the Project’s residential units as deed-restricted

“Affordable Units,” as defined therein, which units are subject to certain rent limitations and other conditions per the Agreement’s terms (the “Restriction”).

PROPOSED PROJECT MODIFICATIONS:

As explained below, in order to accommodate a nearby institution’s critical need for temporary dormitory space, the Developer requests to delay the implementation of the Affordable Rental Housing Agreement and Restriction pertaining to the Project for a period of time not to exceed 46 months. The Developer additionally requests to change the description of the Project’s Affordable Units in the Agreement to match the standard terminology for such unit designations.

Delay of Implementation of Agreement

The proposed temporary change in use relates to the Project’s interim use as student housing while a nearby institutional rehabilitation project is underway. The Developer is currently negotiating with the Trustees of Boston University (“TBU”) to lease to TBU the Project’s residential units for a term of twenty-two (22) months in order to provide housing for up to 350 Boston University students while TBU’s Myles Standish Hall Renovation Project is underway. This lease term is subject to one, 24-month extension option. The maximum term of the proposed temporary institutional use is thus 46 months.

This proposed institutional use also requires approval in connection with Boston University’s Institutional Master Plan (“IMP”). On December 11, 2015, TBU submitted to the Authority an IMP Notification Form for the Third Amendment to the Boston University Charles River Campus 2013-2023 IMP (the “Third IMP Amendment”) in order to accommodate the 350 student beds temporarily displaced by the Myles Standish Hall Renovation Project. We note that the Myles Standish Hall Renovation Project was included in TBU’s 2013 – 2023 Institutional Master Plan as a Proposed Institutional Project, and is undergoing Large Project Review under Article 80 concurrently with the Third IMP Amendment Process.

Accordingly, the Developer proposes that the Agreement be amended to delay implementation of the Restriction until after the termination of the proposed lease with TBU (that is, for 22 months, subject to TBU’s single, 24-month extension option). This will enable the Project to achieve its primary objective – to take advantage of 1047 Commonwealth Avenue’s strategic location along a major young professional corridor that extends through dense urban neighborhoods with proximity to a preeminent University – while ensuring that the Project can be used temporarily as an undergraduate dormitory by TBU for the lease term described above.

Correction of Affordable Unit Descriptions

In addition, the Developer is proposing that the Agreement be amended to modify the description of its Affordable Units as “Micro,” rather than “Studio,” units. At the time the Agreement was executed, the BRA had not yet established the “Micro” residential unit category; accordingly, the existing “Studio” category was used as the next-best alternative. The Project’s average unit size of 352 square feet is, however, more in line with a Micro unit than a Studio unit. Now that the Micro category has now been established by the BRA, this proposed modification will more

closely conform the Agreement to the specific provisions of the BRA's revised Inclusionary Development Policy, or IDP.

CONCLUSION AND REQUEST FOR APPROVAL:


Code Section 80A-6, Project Changes and Lapse of Time, governs the Notice of Project Change process applicable to projects that have previously undergone review pursuant to Article 80 of the Code. Code Section 80A-6 provides that further development review is only required in situations where there has been a "material change in a Proposed Project or project phase, [or] any lapse of time, that is subject to review under this Article pursuant to Section 80B-2"

Neither of these potential bases for further review of the Project applies under the circumstances. No lapse of time has taken place. Nor has any material change been proposed in the Project's height, massing, parking, or total number or size of residential units. The overall impacts of the Project will therefore remain consistent with those approved in connection with the First NPC. Most significantly, the proposed delay of the Agreement in use is temporary, and will not exceed 46 months in duration. The proposed correction of the text of the Agreement will merely bring this document into greater consistency with the City's IDP.

Because the overall impacts of the Project will not increase materially due to the proposed changes described in this Second NPC, no factor "significantly increases those impacts of the Proposed Project . . . that are within the scope of the required review [so as to] warrant resubmission of the PNF." The Proponent therefore submits that, consistent with the finding required for approval of a project change pursuant to Article 80A-6, issuance of a revised Adequacy Determination for the Project as revised is appropriate.

Thank you for your attention to this matter.

Respectfully,


Paul M. Ognibene/SLM