

MEMORANDUM

JUNE 13, 2013

TO: BOSTON REDEVELOPMENT AUTHORITY AND
PETER MEADE, DIRECTOR

FROM: KAIROS SHEN, CHIEF PLANNER
HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW
LAUREN WILLIAMS, PROJECT MANAGER

SUBJECT: PUBLIC HEARING TO CONSIDER THE FIRST AMENDMENT TO THE
SECOND AMENDED AND RESTATED DEVELOPMENT PLAN FOR 49,
51 AND 63 MELCHER STREET, WITHIN PLANNED DEVELOPMENT
AREA NO. 69, SOUTH BOSTON/THE 100 ACRES AND FOR THE
SECOND AMENDMENT TO THE MASTER PLAN FOR PLANNED
DEVELOPMENT AREA NO. 69, SOUTH BOSTON/100 ACRES.

SUMMARY: This Memorandum requests, as part of a scheduled public hearing, that the Boston Redevelopment Authority (the "BRA"): (i) approve the First Amendment to the Second Amended and Restated Development Plan for 49, 51 and 63 Melcher Street (the "First Amendment to Development Plan") within Planned Development Area No. 69, South Boston/100 Acres pursuant to Section 80C of the Boston Zoning Code (the "Code"); and (ii) approve the Second Amendment to the Master Plan for Planned Development Area No. 69, South Boston/100 Acres (the "Second Master Plan Amendment") pursuant to Section 80C of the Code; (iii) authorize the Director to petition the Boston Zoning Commission for approval of the First Amendment to Development Plan and the Second Master Plan Amendment; (iv) authorize the Director to issue a Determination waiving further review pursuant to Section 80A-6.2 of the Code in connection with the 49/51/63 Melcher Street Project (the "Proposed Project"); (v) authorize the Director to issue one or more Certifications of Consistency, pursuant to section 80C of the Code in connection with the Proposed Project when all Article 80 review is successfully completed; and (vi) authorize the Director to execute and deliver any and all documents, or amendments thereto, deemed necessary by the Director in connection with the Proposed Project.

PROPONENT AND PROJECT SITE

The proponent of the Proposed Project is Melcher Street Holdings LLC, a Massachusetts limited liability company controlled by Synergy Development, LLC (the “Proponent”). 49, 51-61 and 63 Melcher Street are three contiguous parcels, each improved with its own existing building (the “Existing Buildings”) located within a single city block of approximately 0.68 acres (29,219 square feet) (the “Project Site”). The Proponent owns 51-61 Melcher Street (“51 Melcher Street”). 49 Melcher Street, LLC, a Massachusetts limited liability company (“49 Melcher Street, LLC”), owns 49 Melcher Street, and 63 Melcher, LLC an Oregon limited liability company controlled by Gerding Edlen Fund Management, LLC (“Gerding Edlen”) owns 63 Melcher Street. The Project Site is bordered by Melcher Street to the north, A Street to the east, Necco Court to the south, and Necco Street to the west. Necco Court and Necco Street are private ways open to public travel, and owned by W2005 BWH II Realty LLC, a Delaware limited liability company controlled by Archon Group, LP (“W2005 II”).

The Project Site is identified as Parcel A4 in the Master Plan for Planned Development Area (“PDA”) No. 69, South Boston/The 100 Acres, as amended by the First Amendment effective July 12, 2012 (the “PDA Master Plan”). According to Table 2 of the PDA Master Plan, the Existing Buildings have a combined total of 173,000 square feet of gross floor area: 35,000 square feet at 49 Melcher Street; 99,000 square feet at 51 Melcher Street; and 28,725 square feet at 63 Melcher Street.

ORIGINAL PROJECT

On February 11, 2008, W2005 II, which then owned the entire Project Site, submitted a Project Notification Form (“PNF”) for the project. As proposed in the PNF, the project involved the rehabilitation and expansion of the Existing Buildings into a single integrated office building with first level retail/service space and additional gross floor area (“GFA”) (the “Original Project”). On December 4, 2008, the Boston Redevelopment Authority (the “BRA”) approved a PDA Development Plan for the Original Project, entitled Development Plan for 49, 51 and 63 Melcher Street within Development Plan No. 69, The 100 Acres (the “Original Development Plan”). On December 19, 2008, the Director of the BRA issued a Scoping Determination Waiving Further Review of the Original Project pursuant to Section 80B-5.3(d) of the Boston Zoning Code (the “Code”) (the “First Determination”). On February 4, 2009, the Zoning Commission of the City of Boston (the “Zoning Commission”) approved the Original Development Plan, which became effective on February 5, 2009.

FIRST REVISED PROJECT

On January 3, 2011, W2005 II filed a Notice of Project Change (the “First NPC”) as well as a First Amended and Restated Development Plan (the “First Amended Development

Plan”) to allow certain changes to the Original Project (the “First Revised Project”). On April 14, 2011, the BRA approved the First Amended Development Plan, which the Zoning Commission approved on May 5, 2011, and became effective on May 6, 2011. On May 11, 2011, the BRA Director issued a Determination Waiving Further Review of the First Revised Project, finding that the First NPC did not significantly increase the impacts of the Original Project, and waiving further review of the First Revised Project, subject to continuing design review by the BRA (the “Second Determination”).

SECOND REVISED PROJECT

On December 9, 2011, with the consent of the Proponent, which then owned 51 Melcher Street, and of Gerding Edlen, which then owned 63 Melcher Street, W2005 II filed a second Notice of Project Change (the “Second NPC”) as well as a Second Amended and Restated Development Plan (the “Second Amended Development Plan”) to allow certain changes to the First Revised Project, including separate operation of the Existing Buildings, and the elimination of all additional GFA (the “Second Revised Project”). The Second Revised Project had three phases: “Phase I” at 63 Melcher; “Phase II” at 51 Melcher Street; and “Phase III” at 49 Melcher Street. On February 16, 2012, the BRA approved the Second Amended Development Plan, which the Zoning Commission approved on March 14, 2012, and which became effective the same day. On March 27, 2012, the BRA Director issued a Determination Waiving Further Review of the Second Revised Project, finding that the Second NPC did not significantly increase the impacts of the Original Project, and waiving further review of the Second Revised Project, subject to continuing design review by the BRA (the “Third Determination”).

THIRD REVISED PROJECT

The Proponent submitted a Notice of Project Change on April 25, 2013 to acknowledge the sole change from the Second Revised Project made by this Third Revised Project to acknowledge approximately 8,736 square feet of existing GFA in the basement of the existing building of 51 Melcher Street, which is owned and is being rehabilitated by the Proponent. There are no changes to either Phase I at 63 Melcher Street which is still owned by Gerding Edlen, or Phase II at 49 Melcher Street, which is now owned by 49 Melcher Street, LLC. The physical appearance of the entire Project as visible to the public is entirely unchanged.

DEVELOPMENT TEAM

The development team consists of:

Proponent: Melcher Street Holdings LLC

Legal Consultants: Dalton & Finegold, LLP

RECOMMENDATION

Based on the foregoing, BRA staff recommends that the BRA Board: (i) approve the First Amendment to the Second Amended and Restated Development Plan for 49, 51 and 63 Melcher Street (the “First Amendment to Development Plan”) within Planned Development Area No. 69, South Boston/100 Acres pursuant to Section 80C of the Boston Zoning Code (the “Code”); and (ii) approve the Second Amendment to the Master Plan for Planned Development Area No. 69, South Boston/100 Acres (the “Second Master Plan Amendment”) pursuant to Section 80C of the Code; (iii) authorize the Director to petition the Boston Zoning Commission for approval of the First Amendment to Development Plan and the Second Master Plan Amendment; (iv) authorize the Director to issue a Determination waiving further review pursuant to Section 80A-6.2 of the Code in connection with the 49/51/63 Melcher Street Project (the “Proposed Project”); (v) authorize the Director to issue one or more Certifications of Consistency, pursuant to section 80C of the Code, respectively, in connection within the Proposed Project which all Article 80 review is successfully completed; and (vi) to authorize the Director to execute and deliver any and all documents, or amendments thereto, deemed necessary by the Director in connection with the Proposed Project

Appropriate votes follow:

VOTED: That the Boston Redevelopment Authority (“BRA”) hereby finds and determines that the First Amendment to the Second Amended and Restated Development Plan for 49, 51 and 63 Melcher Street within Planned Development Area No. 69 South Boston/The 100 Acres, (the “First Amendment to the Second Amended Plan”) and the Second Amendment to the Master Plan for Planned Development Area No. 69, South Boston/100 Acres (the “Second Amendment to the Master Plan”) comply with Sections 80C-4 and 80C-7, of the Boston Zoning Code (the “Code”); and

FURTHER

VOTED: That the BRA approves the First Amendment to the Second Amended Plan and the Second Amendment to the Master Plan, in substantial accord with the form presented at the public hearing on June 13, 2013, and in accordance with Section 80C of the Code; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue a Determination waiving further review under Section 80A-6.2 of the Code of the 49/51/63 Melcher Street Project (the “Proposed Project”) described in the First Amendment to the Second Amended Plan; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to petition the Boston Zoning Commission for approval of the First Amendment to the Second Amended Plan and the Second Amendment to the Master Plan, in substantial accord with the form presented at the public hearing on June 13, 2013; and

FURTHER

VOTED: That upon approval of the First Amendment to the Second Amended Plan and the Second Amendment to the Master Plan by the Boston Zoning Commission, that the Director be, and hereby is, authorized to issue one or more Certifications of Consistency for the Proposed Project in accordance with Section 80C of the Code upon the successful completion of all Article 80 review processes; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute and deliver any and all documents, or amendments thereto, in connection with the Proposed Project.