

BRA APPROVAL: 6/13/13
ZC APPROVAL: 7/10/13
EFFECTIVE: 7/10/13

SECOND AMENDMENT TO MASTER PLAN

FOR

PLANNED DEVELOPMENT AREA NO. 69

SOUTH BOSTON/THE 100 ACRES

June 13, 2013

Pursuant to Section 3-1A and Section 80C-7 of the Zoning Code of the City of Boston, as amended (the "Zoning Code"), this amendment constitutes the Second Amendment to the Master Plan for Planned Development Area No. 69, South Boston/The 100 Acres dated January 10, 2007 ("Second Amendment").

1. **The PDA Master Plan.** On August 10, 2006, the Boston Redevelopment Authority ("BRA") approved an amendment to the Boston Zoning Maps to create Planned Development Area No. 69, and also approved a Master Plan for Planned Development Area No. 69, South Boston/The 100 Acres ("Original PDA Master Plan"). Such map amendment and the Original PDA Master Plan were approved by the Boston Zoning Commission (the "Zoning Commission") on January 10, 2007, and became effective on January 10, 2007. The BRA approved the First Amendment to the PDA Master Plan ("First Amendment") on June 12, 2012. Such First Amendment was approved by the Zoning Commission on July 11, 2012, and became effective on July 12, 2012. Together, the Original PDA Master Plan and the First Amendment constitute the "PDA Master Plan."

The PDA Master Plan provides for the redevelopment of an approximately 49-acre area of land located in South Boston, Massachusetts, and bounded generally by the Fort Point Channel and A Street to the west, Summer Street to the north, the South Boston Bypass Road to the east, and West First Street and Mt. Washington Avenue to the south, but excludes those properties identified as 249 A Street, 326 A Street, 21 Wormwood Street, 33 Wormwood Street and 285 Summer Street (the "Site"). In addition, the PDA Master Plan provides that the properties within Planned Development Area No. 53 are to continue to be governed by the Development Plan for Planned Development Area No. 53, as amended. The Site is more particularly described and depicted on Exhibits B and C to the PDA Master Plan, and comprises a portion of the BRA planning area known as the "100 Acres."

The PDA Master Plan was adopted in order to support the redevelopment of the 100 Acres area into a dense, varied and lively urban district that contains a broad range of uses such as residential, industrial, retail, service, research and development, office, and cultural uses.

2. **Amendment to Table 2.** 319 A Property Owner, LLC, a Delaware limited liability company (“319 A PO”), owns the property located at 319 A Street. 319 A PO has proposed that **Table 2** of the PDA Master Plan be updated to reflect the actual Gross Floor Area (as defined in the Zoning Code) of that property.

DWF III Synergy, LLC, a Delaware limited liability company (“DWF III”) owns the properties located at 327 Summer Street and 337 Summer Street. 319 A PO has proposed that **Table 2** of the PDA Master Plan be updated to reflect the actual Gross Floor Area (as defined in the Zoning Code) of those two properties.

Melcher Street Holdings LLC, a Massachusetts limited liability company (“Melcher Street Holdings”), owns and is rehabilitating the property located at 51-61 Melcher Street (“51 Melcher Street”). Melcher Street Holdings has proposed that **Table 2** of the PDA Master Plan be updated to reflect the actual Gross Floor Area (as defined in the Zoning Code) of that property.

Accordingly, the PDA Master Plan is hereby amended to delete the information set forth on **Table 2** with respect to 319 A Street, 327 Summer Street and 337 Summer Street, as well as 51 Melcher Street, in its entirety and replace such information with the following:

Parcel	Building	Height	Gross Floor Area (square feet)
A ₂	319 A Street	80 feet	47,000
A ₃	327 Summer Street	72 feet (from Summer Street)	46,900
A ₃	337 Summer Street	72 feet (from Summer Street)	58,700
A ₄	51 Melcher Street	130 feet	107,736

3. **PDA Master Plan, as Amended.** Except as amended by this Second Amendment, the PDA Master Plan remains unmodified and is in full force and effect.

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Second Amendment to Master Plan for Planned
Development Area No. 69, South Boston/The 100
Acres

Boston Redevelopment Authority

SECOND AMENDMENT TO MASTER PLAN FOR
PLANNED DEVELOPMENT AREA NO. 69
SOUTH BOSTON/THE 100 ACRES

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and hearing, does hereby approve the Second Amendment to Master Plan for Planned Development Area No.69, South Boston/The 100 Acres, dated June 13, 2013, and approved by the Boston Redevelopment Authority on June 13, 2013.

Said Second Amendment amends "Master Plan for Planned Development Area No. 69, South Boston/The 100 Acres," approved by the Authority on August 10, 2006, and approved by the Zoning Commission on January 10, 2007, effective, January 10, 2007. Planned Development Area No. 69 was designated on "Map 4, South Boston" of the series of maps entitled "Zoning Districts City of Boston" dated August 15, 1962, as amended, by Map Amendment No. 468, adopted by the Zoning Commission on January 10, 2007, effective January 10, 2007.

Second Amendment to Master Plan for Planned Development Area No. 69, South
Boston/The 100 Acres

Robert Jordan

Chairman

James Clark

Vice Chairman

John McDonnell

Jane C. Brown

Ray Murray

W. S. Hatton

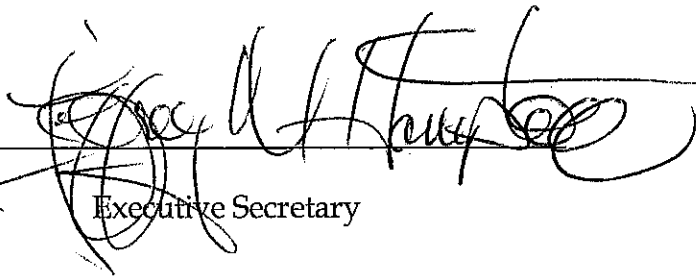
~~John~~

Kevin G. Warkick

In Zoning Commission

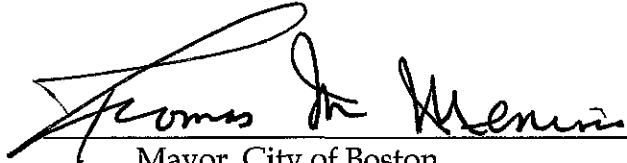
Adopted: July 10, 2013

Attest:



Executive Secretary

Second Amendment to Master Plan for Planned Development Area No. 69, South
Boston/The 100 Acres

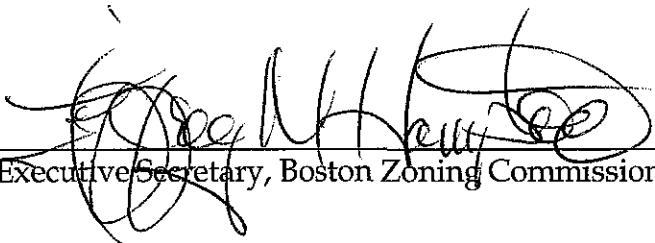


Mayor, City of Boston

Date: 12/10/17

The foregoing Second Amendment to Master Plan, was presented to the Mayor on July 10, 2013, and was signed by him on July 10, 2013, whereupon it became effective on July 10, 2013, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:



Executive Secretary, Boston Zoning Commission

BRA APPROVAL: 6/13/13
ZC APPROVAL: 7/10/13
EFFECTIVE: 7/14/13

FIRST AMENDMENT
to
SECOND AMENDED AND RESTATED DEVELOPMENT PLAN
for
49, 51 AND 63 MELCHER STREET
within
PLANNED DEVELOPMENT AREA NO. 69, SOUTH BOSTON/THE 100 ACRES

Boston, Massachusetts

June 13, 2013

1. **First Amendment to Second Amended and Restated Development Plan:** Pursuant to Section 3-1A and Article 80C of the Boston Zoning Code (the “Code”), and the Master Plan for Planned Development Area (“PDA”) No. 69, South Boston/The 100 Acres, as amended by the First Amendment to the PDA Master Plan effective July 12, 2012 (together, the “PDA Master Plan”), this development plan constitutes the First Amendment to the Second Amended and Restated Development Plan, defined below (this “Amendment”) for the redevelopment of a parcel in the Fort Point Channel district of Boston comprising three contiguous lots at 49, 51-61 and 63 Melcher Street, within a single city block of approximately 0.68 acres (29,219 square feet) (the “Site”).

Each lot is owned by a different entity and improved with an existing building (the “Existing Buildings”): 49 Melcher Street, LLC, a Massachusetts limited liability company (“49 Melcher Street, LLC”), owns 49 Melcher Street; Melcher Street Holdings LLC, a Massachusetts limited liability company controlled by Synergy Development LLC (the “Proponent”), owns 51-61 Melcher Street (“51 Melcher Street”); and 63 Melcher, LLC, an Oregon limited liability company controlled by Gerding Edlen Fund Management, LLC (“Gerding Edlen”), owns 63 Melcher Street.

On December 4, 2008, the Boston Redevelopment Authority (the “BRA”) approved a PDA Development Plan for 49, 51 and 63 Melcher Street within Development Plan No. 69, The 100 Acres (the “Original Development Plan”). Under the Original Development Plan, W2005 BWH II Realty L.L.C., a Delaware limited liability company controlled by Archon Group, L.P. (“W2005 II”), which then owned the entire Site, proposed to rehabilitate and expand 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 February 4, 2009, the Boston Zoning Commission of the City of Boston (the “Commission”) approved the Original Development Plan, which became effective on February 5, 2009.

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 Commission approved on May 4, 2011, and became effective on May 6, 2011.

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 Street; “**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 Commission approved on March 14, 2012, and which became effective the same day.

On April 25, 2013, the Proponent filed a third Notice of Project Change (the “**Third NPC**”) and this Amendment to allow a single change to the Second Revised Project (the “**Third Revised Project**” or the “**Project**”). The sole change from the Second Revised Project is to acknowledge approximately 8,736 square feet (“**s.f.**”) of existing GFA in the basement of the existing building of 51 Melcher Street, which is owned and is being rehabilitated by the Proponent. This Amendment has no effect on 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.

Table 2 to the PDA Master Plan currently ascribes a GFA of 99,000 s.f. to 51 Melcher Street. In fact, the building at 51 Melcher Street has an existing GFA of approximately 107,736 s.f. when those portions of the basement not devoted exclusively to uses accessory to building operation, or otherwise excluded from the Code’s definition of “gross floor area,” are taken into account. This was true when the PDA Master Plan originally took effect on January 10, 2007, but it appears the basement was not counted at that time. In conjunction with this Amendment, the Proponent has applied to amend Table 2 to the PDA Master Plan to correct this discrepancy

Table 1, below, compares the Third Revised Project to the Second Revised Project, by use.

TABLE 1 – COMPARISON OF SECOND AND THIRD REVISED PROJECTS BY USE			
	Second Revised Project (previous)	Third Revised Project (current)	Change
Office	99,000 s.f.	107,736 s.f.	+ 8,736 s.f.
Enter., rest. or rec./ Retail/Svc.	11,510 s.f.	11,510 s.f.	No change
Residential	62,490 s.f.	62,490 s.f.	No change
All Uses	173,000 s.f.	181,736 s.f.	+ 8,736 s.f.
Parking spaces	0	0	No change

This Amendment modifies the Second Amended Development Plan to allow development of the Third Revised Project in place of the Second Revised Project. Upon approval, this Amendment will constitute permanent zoning for the Site in accordance with Section 3-1A and Article 80C of the Code. Except as modified by this Amendment, the Second Amended Development Plan remains unmodified and in full force and effect.

This Amendment consists of 4 pages of text plus a single basement floor plan, designated **EXHIBIT A**. Unless otherwise set forth herein, all references to terms defined by the PDA Master Plan and by the Code will have the meanings set forth in each as of the date of this Amendment.

2. Proponent: The Proponent, Melcher Street Holdings LLC, which owns 51 Melcher Street, is a Massachusetts limited liability company with its business address c/o Synergy Investment & Development, 100 Franklin Street, Suite 200, Boston, MA 02110. As the owners of 49 and 63 Melcher Street, respectively, both 49 Melcher Street, LLC, and Gerding Edlen, have given their written consent to this Amendment.

3. Project: As noted in Section 1 of this Amendment, above, the sole change from the Second Revised Project is to acknowledge approximately 8,736 s.f. of existing gross floor area in the basement of the existing building of 51 Melcher Street. The physical appearance of the Project as visible to the public is entirely unchanged.

Table 2, below, describes the overall land uses included in the Project, by phase. There are no changes in use to Phase I at 63 Melcher Street or Phase III at 49 Melcher Street.

TABLE 2 – PROJECT USES BY PHASE	
	Uses (approximate gross floor area)
Phase I (63 Melcher Street)	Residential: 32,560 s.f.
Phase II (51 Melcher Street)	Office: 107,736 s.f.
Phase III (49 Melcher Street)	Residential: 29,930 s.f. Enter., rest. or rec./Retail/Svc: 11,510 s.f.
All Phases	181,736 s.f.

As noted above, a revised basement plan for 51 Melcher Street is attached to this Amendment as **EXHIBIT A**. This plan shall replace the corresponding plan attached to the Second Amended Development Plan at Exhibit D-1 thereto.

4. Proposed Densities: The 100 Acres Master Plan and the PDA Master Plan anticipate that the 100 Acres area may ultimately accommodate approximately 5.9 million s.f. of net new development. The PDA Master Plan currently authorizes the build-out of approximately 70 percent of that amount (approximately 4.1 million s.f.).

The remaining 1.8 million s.f. of potential development may take place when it is demonstrated to the BRA that adequate transportation infrastructure exists in the area to support the resulting new gross floor area.

The PDA Master Plan sets the maximum floor area ratio (“FAR”) for new construction on an aggregate basis by groupings of parcels (“Parcel Groupings”) within the PDA Master Plan Area. These FAR limits are calculated excluding the gross floor area of any development that preexisted adoption of the PDA Master Plan on January 10, 2007. Because FAR limits apply to the specified Parcel Groupings in the aggregate, individual sites within them may have higher or lower FARs than one another.

As noted above, the PDA Master Plan designates the three parcels that make up the Site as part of Parcel A₄. Accordingly, the Site is part of Parcel Grouping A₁-A₇. The aggregate FAR limit for Parcel Grouping A₁-A₇ is 1.3 under the 70-percent build-out scenario, which is now authorized. Because the approximately 181,736 s.f. of GFA currently existing at the Site is excluded from this limit, there is no net addition of gross floor area to be counted against FAR for the Parcel Grouping from the Project.

5. **Additional Public Benefits:** This Amendment will result in additional public benefits from the Project in the form of linkage payments: The BRA’s Development Impact Project (“DIP”) exactions (linkage) program requires the payment of development exactions, or equivalent in-kind contributions, for the creation of affordable housing and job training programs. (Code Section 80B-7(1).) Phase I of the Project at 63 Melcher Street does not include any Development Impact Uses as defined in Section 80B-7 of the Code. Together, Phases II and III at 51 Melcher Street and 49 Melcher Street, respectively, have approximately 119,246 s.f. of Development Impact Uses, of which approximately 19,246 s.f. is subject to DIP exactions, as follows.

Phase II (51 Melcher Street): The Proponent will comply by paying DIP exactions for approximately 8,736 gross square feet of the Development Impact Uses to which they apply, in the amounts of \$7.87 for housing (approximately \$68,752), and \$1.57 for jobs (approximately \$13,716).

Phase III (49 Melcher Street): 49 Melcher, LLC will comply by paying DIP exactions for the remaining approximately 10,510 gross square feet of the Development Impact Uses to which they apply, in the amounts of \$7.87 for housing (approximately \$82,714), and \$1.57 for jobs (approximately \$16,501).

LIST OF EXHIBITS

EXHIBIT A

Phase II (51 Melcher Street) Basement Floor Plan

EXHIBIT A

PHASE II (51 MELCHER STREET) BASEMENT FLOOR PLAN

[inserted behind]

ARCHITECT
 Raymond Weisberg + Associates, Inc.
 202 A Street
 Suite 100
 217-261-4000
 www.rwa.com

PROJECT NAME
51 Melcher Street
 51 Melcher Street
 Boston, MA 02210

CLIENT
Melcher Street Holdings LLC
 400 Spring Street
 118 North Street
 Boston, MA 02111
 617-261-4000

PROJECT TEAM
 PROJECT ARCHITECT
 Raymond Weisberg + Associates, Inc.
 202 A Street, Suite 100
 Boston, MA 02210
 617-261-4000

MEP/ELECTRICAL ENGINEER
 210 South Street
 Boston, MA 02111
 617-261-4000

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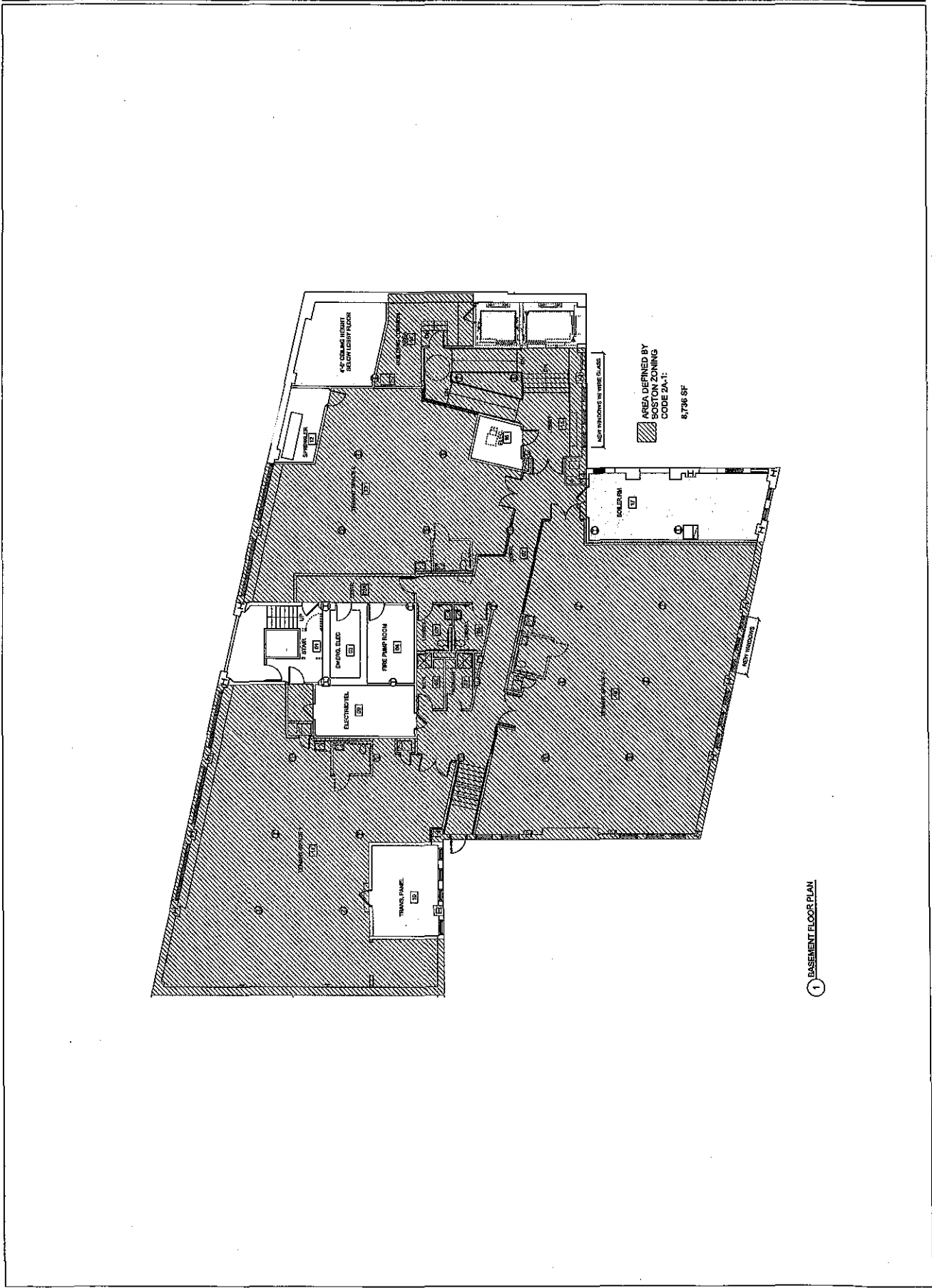
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 210 South Street
 Boston, MA 02111
 617-261-4000



AREA DENIED BY
 LOCAL ZONING
 CODE 2A-1
 8,738 SF

1 BASEMENT FLOOR PLAN

B-100

DATE: 11/11/11

First Amendment to Second Amended and
Restated Development Plan for 49/51/63
Melcher Street within Planned Development
Area No. 69, South Boston/The 100 Acres

Boston Redevelopment Authority on behalf of
Melcher Street Holdings LLC

FIRST AMENDMENT TO 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 Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and hearing, does hereby approve the First Amendment to Second Amended and Restated Development Plan for 49, 51, and 63 Melcher Street within Planned Development Area No. 69, South Boston/The 100 Acres, dated June 13, 2013, and approved by the Boston Redevelopment Authority on June 13, 2013.

Said First Amendment amends "Second Amended and Restated Development Plan for 49, 51, and 63 Melcher Street with Planned Development Area No. 69, South Boston/The 100 Acres," approved by the Authority on February 16, 2012, and approved by the Zoning Commission on March 14, 2012, effective March 14, 2012. Planned Development Area No. 69 was designated on "Map 4, South Boston" of the series of maps entitled "Zoning Districts City of Boston" dated August 15, 1962, as amended, by Map Amendment No. 468, adopted by the Zoning Commission on January 10, 2007, effective January 10, 2007.

First Amendment to Second Amended and Restated Development Plan for 49/51/63
Melcher Street within Planned Development Area No. 69, South Boston/The 100 Acres

Robert London

Chairman

James C. Clark

Vice Chairman

John McDonnell

Jane Lynn Bray

Jay Sturtevant

Gill Stator

Shirley A. Wardell

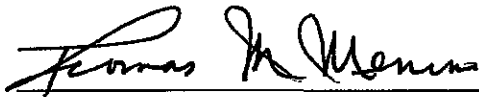
In Zoning Commission

Adopted: July 10, 2013

Attest:

[Signature]
Executive Secretary

First Amendment to Second Amended and Restated Development Plan for 49/51/63
Melcher Street within Planned Development Area No. 69, South Boston/The 100 Acres



Mayor, City of Boston

Date: 7/10/17

The foregoing First Amendment to the Second Amended and Restated Development Plan, was presented to the Mayor on July 10, 2013, and was signed by him on July 10, 2013, whereupon it became effective on July 10, 2013, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:



Executive Secretary, Boston Zoning Commission

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.

> -----Original Message-----

> From: Steve Hollinger [mailto:steve@moxie.com]

> Sent: Monday, April 29, 2013 10:50 PM

> To: McGonagle, Mark; Williams, Lauren; McGuinness, Richard

> Cc: Collins, Nick - Rep (HOU)

> Subject: Re: [fpacmembers] Fwd: 51 Melcher Street: (1) NPC (2) PDA
> Development Plan (3) PDA Master Plan Amendment [3 Attachments]

>

> To Whom it May Concern:

>

> Regarding the basement of 51 Melcher St, newly acknowledged in the
> latest NPC:

>

> The NPC states "This was true when the PDA Master Plan originally took
> effect on January 10, 2007, but it appears the basement was not
> counted at that time."

>

> For my entire residency in Fort Point from 1990 forward (20+ years),
> through Archon's purchase of 51 Melcher from Boston Wharf Co. in 2005,
> the basement of 51 Melcher Street was an ACTIVE RETAIL space occupied
> by Mallard Marine.

>

> This was not simply a basement easily overlooked in the approval
> process. The current owner of 51 Melcher represented Archon in 2005
> and it is beyond comprehension that the closing of an active retail
> space was simply overlooked when filing calculations in the PNF and
> subsequent NPCs.

>

> In fact, with the tacit support of the Boston Redevelopment Authority,
> Archon vacated its buildings of tenants from 2005-2007, mothballing
> many for years, and subsequently filing NPC's without acknowledging
> former retail, civic and cultural uses.

>

> Furthermore, with the support of the Boston Redevelopment Authority,
> these and other developers have been able to wall off an entire city
> block of ground floors at 51 Melcher St, 63 Melcher St and 288-300 A
> Street (Elkus Manfredi). All of these buildings had active uses before
> the BRA arrived in Fort Point. Today, this deadened block has had a
> detrimental impact on the pedestrian realm -- to call the systematic
> privatization of ground floors pathetic would be an understatement.

>

> What's more, BRA approvals for private uses on ground floors
> contradict the agency's stated objectives regarding ground floor
> activation in the

>

> 100 Acres Plan and the BRA's stated objectives filed in the Municipal
> Harbor Plan at DEP/EOEA.

>

> Ground floor privatization through the district, continuing at State
> Street tower and 319 A Street Rear continues to degrade the pedestrian
> realm.

>

> Please have the proponent of 51 Melcher Street file an NPC with
> accurate reporting regarding the loss of ACTIVE civic/retail space at
> lower Melcher Street. Using vacated buildings to cite the former use
> is a questionable practice.

>
> Regards,
>
> Steve Hollinger
>
> 21 Wormwood St. #215
>
> Boston, MA 02210
>

On 5/22/13 12:28 PM, Williams, Lauren wrote:

> Good morning Mr. Hollinger,
>
> For your convenience, below and attached you will find clarifying
> information in response to your inquiry. The information was provided
> by the legal counsel, Dalton & Finegold, LLP, for the proponent of 51 Melcher.
>
> 1.The applicant is NOT Archon Group, L.P. or any of its affiliates.
> Instead, it is Melcher Street Holdings, LLC, which is an affiliate of
> Synergy Development, LLC. In fact, neither Archon Group, L.P. nor any
> of its affiliates own any of the buildings at 49,51 and 63 Melcher
> Street anymore.
>
> 2.According to ISD's records (attached), the LAWFUL use of 51 Melcher
> Street until _February 5, 2009_, was "Warehouse." There is no mention
> of retail use in the long-form building permits on file for 51 Melcher Street.
>
> 3.On _February 5, 2009_, the PDA Development Plan for 49, 51 and 63
> Melcher Street (attached) allowed CONVERSION of the three buildings to
> a combination of office and retail uses, including vertical and
> horizontal additions to the existing buildings.
>
> 4.The applicant has no knowledge of the ACTUAL uses at 51 Melcher
> Street prior to its buying that property from an Archon affiliate on
> or about _October 28, 2011_.
>
> 5.The CURRENT zoning for 51 Melcher Street is established by the
> Second Amended and Restated PDA Development Plan effective *_March 14,
> 2012_* (attached), which calls for office use at the entire building.
>
> 6.Under the current application dated _April 25, 2013_ (attached), 51
> Melcher Street would CONTINUE to be used entirely as office. The
> amendment merely substitutes a corrected basement plan to show the
> gross floor area of 8,736 sf at that level that is not shown under the
> currently effective Second Amended and Restated PDA Development Plan.
>

> *Lauren Williams*
>
> Project Manager
>
> Boston Redevelopment Authority
>
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>
> Lauren.Williams.BRA@cityofboston.gov

-----Original Message-----

From: Steve Hollinger [mailto:steve@moxie.com]
Sent: Wednesday, May 22, 2013 1:00 PM
To: Williams, Lauren
Subject: Re: Response to 51 Melcher Street Inquiry

Thanks for the response, Lauren.

To clarify, my letter did not state that Archon was the current owner, it stated that the current owner represented Archon during its ownership of the property and that it is beyond comprehension to believe that Archon's representative was unaware of an active retail use in the basement.

Perhaps it is more accurate to state that Synergy Director of Capital Projects John Barszewski represented Archon at that time. At that time 51 Melcher was the main entrance to one of Boston's most recognized marine supply stores, Mallard Discount Marine. I'll take Synergy's legal counsel at his word that there was no knowledge by "the applicant" that Mallard Discount Marine was not running a popular retail business at the same time Archon was master planning and mothballing.

Regardless of PDA's, restated PDA's, NPC's and PNF's, the Boston Redevelopment Authority continues to misrepresent its objectives for Fort Point, publicly stating in master plans and public meetings that a key objective has been to activate ground floors throughout Fort Point.

The BRA's oft-stated objective to activate of ground floors was made to MassDEP upon completion of the 100 Acres Plan, with reference to the Municipal Harbor Plan.

Prior to BRA intervention, Melcher Street thrived with retail spaces (Berman Leather, Mallard Marine, Studio Soto Gallery among them, each now private uses).

In contradiction to the 100 Acre Plan, the BRA approved private uses for

51 Melcher, 63 Melcher -- only 49 Melcher is left with an active restaurant use. The BRA has approved private uses for ground floors in every major project within 100 Acres bounds including State Street tower (which includes only a small cafe at one corner) and 319 A Street Rear.

Again, I do appreciate the consideration the applicant gave to my letter, and the response.

Regards,
Steve