

MEMORANDUM

NOVEMBER 14, 2013

TO: BOSTON REDEVELOPMENT AUTHORITY AND
PETER MEADE, DIRECTOR

FROM: HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW
LAUREN WILLIAMS, PROJECT MANAGER

SUBJECT: SEAPORT SQUARE, BLOCK L-1; DEMONSTRATION PROJECT; ORDER
OF TAKING

SUMMARY: This Memorandum seeks authorization for the Boston Redevelopment Authority (the "Authority") to: (1) establish a "demonstration project" under General Laws Chapter 121B, Section 46(f) for the Block L-1 office building project in Seaport Square; (2) adopt a "Demonstration Project Plan" which grants the Authority the power to acquire by eminent domain, certain air rights and surface rights owned by the City of Boston and convey such air rights and surface rights; (3) authorize the Director to adopt an Order of Taking for the air rights and surface rights and execute a Deed conveying such rights to SCD L-1 Seaport Square LLC (the "Developer") or its designee; (4) petition the City of Boston Public Improvement Commission ("PIC") in connection with the discontinuance of the areas to be taken; and (5) authorize the Director to execute any and all documents necessary in connection with the Demonstration Project Plan.

BACKGROUND

SCD L-1 Seaport Square LLC (the "Developer"), an affiliate of Skanska Commercial Development USA Inc., will be constructing the Block L-1 (a/k/a 101 Seaport) project in the Innovation District of South Boston, comprised of an office building, ground floor retail, restaurant and/or other commercial space, and an underground parking garage (the "Project"). The Project is a discrete part of the Seaport Square Project, which received Boston Redevelopment Authority Article 80B approval and which is governed for zoning purposes, by the Development Plan for Planned Development Area No. 78 ("PDA Plan No. 78"). The Developer has commenced early construction-related activities at the site.

PwC, formerly known as PricewaterhouseCoopers, has committed to occupy over 75% of the building, which has enabled the Developer to accelerate the development of this signature office building in Seaport Square. The Developer has purchased fee title to the Project site. However, the design of the building, as it has evolved from design discussions with both BRA staff members and the Boston Civic Design Commission, includes an entrance canopy that will extend over the Seaport Boulevard sidewalk, while portions of the revolving door entrances will lie within the Seaport Boulevard right-of-way. These are essential elements of the building's design. Therefore, the Developer has submitted a Demonstration Project plan in order to request the assistance of the BRA in acquiring title to the air rights and sidewalk areas for the entrance canopy and revolving doors.

PROJECT SITE

The project site comprises an approximately 42,215 square foot parcel of land bounded by Boston Wharf Road to the west, Seaport Boulevard to the north, a new private way open to public travel called Autumn Lane to be created to the south, and a new pedestrian way called Harbor Way to be created to the east ("Project Site"). The building design includes two areas encroaching into a portion of the Seaport Boulevard right of way: (1) an approximately 379 square foot canopy (the "Air Rights Taking Area") approximately 20 feet above the Seaport Boulevard sidewalk, and (2) an approximately 48 square foot area within the Seaport Boulevard sidewalk (the "Sidewalk Taking Area"; together with the Air Rights Taking Area, the "Taking Areas"), which Sidewalk Taking Area will accommodate the revolving doors located at the building entrance.

PROJECT DESCRIPTION

The Project will encompass an 18 story, approximately 455,000 square foot, primarily office building with ground floor retail, restaurant, and/or other commercial space; an underground garage for up to 325 vehicles that will serve not only users of the Project but also those wishing to visit retail, restaurant, entertainment and/or cultural venues in the Seaport District; and public realm improvements that will include new public sidewalks around the building, a new pedestrian connection between Autumn Lane and Seaport Boulevard called Harbor Way, and a new private way open to public travel south of the building, called Autumn Lane. All of these public realm improvements, which include the creation of public parking opportunities at the Project's parking garage, are consistent with the requirements of PDA Plan No. 78.

DEMONSTRATION PROJECT

The Developer has requested that the Authority adopt a demonstration project plan for the Project pursuant to the provisions of M.G.L. Chapter 121B, Section 46(f) (“Demonstration Project Plan”). As part of the Demonstration Project Plan, the Authority would acquire the Taking Areas and convey them to Developer for consideration to be determined by the Authority.

SUMMARY

The Developer hereby has requested that the requisite findings for the Demonstration Project Plan be adopted by the BRA and that the Director of the BRA be authorized to enter into appropriate instruments and agreements in order to (1) acquire the Taking Areas in accordance with such plan, and (2) convey the Taking Areas to Developer in accordance with such plan and for consideration to be determined by the Authority. Approval of this Demonstration Project Plan is essential to achieving the design objectives of the Project as mutually agreed by the Authority, the BCDC and the Developer.

RECOMMENDATION

It is recommended that the Authority: (1) establish a “demonstration project” under General Laws Chapter 121B, Section 46(f) for the Block L-1 Project in Seaport Square; (2) adopt a “Demonstration Project Plan” which grants the Authority the power to acquire, by eminent domain, certain air rights and surface rights owned by the city of Boston and to convey the air rights and surface rights; (3) authorize the Director to adopt an Order of Taking for the Taking Areas and execute a Deed conveying the air rights and surface rights, as applicable, in the Taking Areas to SCD L-1 Seaport Square LLC (the “Developer”) or its designee; (4) petition the City of Boston Public Improvement Commission (“PIC”) in connection with the discontinuance of the areas to be taken; and (5) authorize the Director to execute any and all documents necessary in connection with the Demonstration Project Plan.

Appropriate votes follow:

VOTED: That the Boston Redevelopment Authority (the “Authority”) hereby finds and declares as follows:

- (a) In order to prevent urban blight by the undertaking of the Project, it is in the public interest that the Authority acquires title to the Taking Areas from the City of Boston;
- (b) That in accordance with the Massachusetts General Laws Chapter 30, Section 61, a finding and or determination is hereby made that the

Project will not result in significant damage to the environment and further, with the implementation of mitigation measures, that all practicable and feasible means and measures will have been taken to avoid or minimize potential damage to the environment;

- (c) The undertaking of the Project requires the assistance of the Authority; and
- (d) Based on (a), (b) and (c) above, the Project constitutes a “demonstration project” under Massachusetts General Laws Chapter 121B, section 46(f), as amended; and

FURTHER

VOTED: That the Authority hereby adopts the following “Demonstration Project Plan” in connection with the Project: the Authority shall acquire the Taking Areas from the City of Boston and convey the Taking Areas to the Developer. The Director is hereby authorized on behalf of the Authority to execute such instruments or agreements with the city of Boston and the Developer, to effectuate the foregoing Demonstration Project Plan pursuant to Massachusetts General Laws Chapter 121B, Section 46(f), as amended, and the Authority’s role in the Project. The terms and conditions of all instruments and agreements shall be at the sole discretion of the Director; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute any and all other documents deemed necessary and appropriate by the Director in connection with the Project; and

FURTHER

VOTED: That the Authority hereby adopts the resolution that states “BE IT RESOLVED by the Boston Redevelopment Authority that an ORDER OF TAKING dated November 14, 2013 relating to a certain air rights containing approximately 379 square feet and surface rights containing approximately 48 square feet owned by the City of Boston , in the Seaport Square area of Boston, Suffolk County, Commonwealth of Massachusetts” be executed and made a permanent part of these proceedings, a copy of which the Secretary shall cause to be recorded in the Office of the Registry of Deeds for the County of Suffolk”; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute any and all documents necessary in connection with the aforesaid Demonstration Project Plan.