



Cover Memorandum/Staff Report

File #: 18-0737 CRA

Agenda Date: 1/26/2021

Item #: 8B.

TO: CRA Board of Commissioners
FROM: Kim N. Phan, Legal Advisor
THROUGH: Renée A. Jadusingh, Executive Director
DATE: January 26, 2021

PROJECT DESCRIPTION VARIATION - BH3 MANAGEMENT, LLC FOR THE DEVELOPMENT OF SW 600-800 BLOCKS OF WEST ATLANTIC AVENUE

Recommended Action:

Approve or disapprove of BH3's proposed design variation of the development on SW 600-800 blocks of West Atlantic Avenue now known as Fabrik Development as of January 26, 2021.

Background:

On April 22, 2019, BH3 and CRA entered into the Purchase & Sale Agreement ("Agreement") for the SW 600-800 blocks of West Atlantic Avenue properties for the proposed development known as AtlaWest.

On February 27, 2020, BH3 submitted its Class V Site Plan Application and Conditional Use Application ("Applications") for approval on the SW 600-800 blocks of West Atlantic Avenue properties for the proposed development known as Fabrik Development.

On November 25, 2020, the CRA received a letter ("Request Letter") from BH3 requesting consideration of a Fourth amendment to the Agreement; a supplemental clarification memo was received on December 3, 2020 ("Clarification Memo"). Based on the correspondence, BH3 is proposing a variance from and seeking amendments to the previously approved project phasing, project composition and timing. On January 7, 2021, CRA received a memorandum from BH3 with additional revisions to the project phasing, project composition and timing.

Section 1.14 of the Agreement states the following:

Project means the comprehensive redevelopment project dated October 26, 2018 submitted by BH3 (hereinafter the "RFP" submittal") in response to the Request for Proposal (hereinafter the "RFP") issued by the SELLER and its presentation to the CRA Board of Directors on January 29, 2019. Notwithstanding the components detailed and specifically set out in the RFP Submittal, the Project shall include the following components provided, however, that any variance in said components greater than ten percent (10%) shall require the approval of SELLER, which approval shall not be unreasonably withheld"

Exhibit A contains a comparison chart of BH3's project variations for the development on the SW 600-800 blocks of West Atlantic Avenue properties.

At this time, BH3's design variation of the development of SW 600-800 blocks of West Atlantic Avenue, now known as Fabrik Development as of January 26, 2021, is greater than ten percent (10%) of the components detailed and specifically set out in the RFP Submittal and the Agreement and is therefore, before the CRA

Board for approval or disapproval.

Attachments: Exhibit A - BH3 Project Variations Comparison Chart; Exhibit B - FABRIK Proposed Renderings and Site Plan; Exhibit B - Fabrik Development Proposed Renderings and Site Plan