



RFP

Development Opportunity

For the creation of below market-rate housing

Issued:	November 20, 2023
Issued by:	Cambridge Redevelopment Authority 255 Main Street, 8th Floor Cambridge, MA 02142
Contact:	Kyle Vangel, Director of Projects and Planning, kvangel@cambridgeredevelopment.org
Proposals Due:	Proposals will be reviewed on a rolling basis as they are received. The deadline for proposals will be 4:00 PM on May 31, 2024. The process may be extended or repeated if the need is unmet.
No. of Copies:	1 electronic copy, submitted to kvangel@cambridgeredevelopment.org

The Cambridge Redevelopment Authority (CRA) is seeking proposals from property owners, developers and/or their representatives (Respondents) for opportunities for the development of below market-rate ownership housing. Responses will be reviewed on a rolling basis as they are received. This RFP will close on May 31, 2024. The deadline may be extended if the need is still unmet.

If needed, supplementary materials for this RFP will be posted at:

www.cambridgeredevelopment.org/jobs-contracting

Respondents interested in receiving notices about these updates should provide an email address to Kyle Vangel at kvangel@CambridgeRedevelopment.org.

1. CONTEXT

The Cambridge Redevelopment Authority was founded on November 12, 1956 pursuant to the authority granted by what is now M. G. L. ch. 121B, § 3. In the Commonwealth of Massachusetts, redevelopment authorities are provided with broad powers to plan and implement activities needed to redevelop underutilized, deteriorated or blighted areas, to encourage new development, and to promote sound growth. Over the years, the CRA has worked on projects throughout Cambridge including the

Riverview Project, the Rogers Block (Technology Square) Project, the Wellington-Harrington Neighborhood Renewal Project, the Walden Square Urban Renewal Project, the Alewife Feasibility Study, the Broad Canal Land Assembly Project, and most notably, the Kendall Square Urban Redevelopment Plan (“KSURP”). Since 1965, under the direction of the CRA, Kendall Square was transformed from a blighted area of underutilized and obsolete industrial space into a dynamic center of technology, commerce and academia. Over the past few years, the CRA has worked with the City of Cambridge to deliver the Foundry Building in East Cambridge, revitalizing and programming the historic manufacturing building as a community arts and education center, and purchased and renovated 99 Bishop Allen Drive to maintain below market rate-office space for non-profit organizations, among other neighborhood investment programs.

On February 3, 2021, as part of a larger development project in Kendall Square, the CRA committed to build at least 20,000 square feet of below market-rate for-sale housing within the City of Cambridge. This “Housing Obligation” is detailed in a “Letter of Commitment” referenced in Section 14.39 of Article 14 of the Zoning Ordinance (the MXD Zoning Amendment) and is attached to this RFP. Specifically the agreement states:

“CRA offers this commitment in which it agrees to build .. a minimum of twenty thousand (20,000) square feet of MXD Below Market Rate Home Ownership Units, subject to the limitations set by Sections 11.203.4(d) and 14.35.2 of the Zoning Ordinance”

“The full MXD Below Market Commitment will deliver as a minimal baseline the same below-market housing GFA distribution between Affordable, Middle-Income, and three-bedroom units as in the MXD Zoning requirements (16,000 SF of Affordable GFA and 4,000 SF Middle-Income GFA of which at least 4,000 SF will be provided toward three-bedroom units), however if more than one project site is utilized, the distribution may be uneven within individual sites.”

This RFP seeks to assist the CRA in procuring real estate or enter into development agreements to meet that obligation in conformance with Chapter 30B and/or Chapter 121B of M.G.L. The CRA has previously issued two RFPs seeking property for development for the same purpose, and this solicitation is exploring alternative partnership pathways beyond a simple land transaction to meet the Housing Obligation referenced above.

For more information about the CRA, please go to www.cambridgeredevelopment.org.

2. PROPOSAL SUBMISSION GUIDELINES

Responses will be reviewed as they are received on a rolling basis, but are due no later than May 31, 2024. The response deadline may be extended or repeated if the CRA’s property needs are still unmet. This RFP may be satisfied by multiple respondents.

To respond to this RFP, Respondents must provide one electronic response marked “[Organization’s Name] Real Estate for Purchase RFP Response, to Kyle Vangel at kvangel@CambridgeRedevelopment.org. The response may be attached to the e-mail or provided via a weblink through Dropbox, Google Drive, or similar site that CRA staff can access. The total electronic file size must not exceed 25MB. You will receive an email confirmation of receipt of your submission within three business days. Delivery to any other CRA staff person does not constitute compliance with this paragraph. It is the responsibility of the applicant to assure proper delivery.

The CRA is not liable for any cost incurred by Respondents in the preparation of their submission. The CRA may request additional information in support of responses after they are submitted. The CRA reserves the right to terminate this RFP process in its sole discretion.

3. DESCRIPTION OF THE OPPORTUNITY

The CRA is searching for opportunities to delivery affordable home ownship units within the City of Cambridge. The proposals may include:

- *Property suitable for multi-family housing development in the City of Cambridge that is available for purchase, or is expected to become available in the near future. Generally, the CRA is interested in properties between 3,000 – 30,000 square feet in size, however these dimensional requirements are approximate. The CRA may look to acquire multiple parcels to meet its housing development obligations.*
- *Opportunities for partnership with development entities on mixed-income housing or mixed-use projects. The role of the CRA in such partnerships may be flexible but the CRA intends to fund an expanded below-market rate housing portion of a project beyond what is otherwise required by the City of Cambridge’s Inclusionary Housing Ordinance or other governing regulations, and proposals will be evaluated for suitability and efficiency of CRA funds. The CRA is particularly interested in facilitating projects that might not otherwise be feasible without the backing of additional patient capital.*

Please email questions relating to this RFP to Kyle Vangel at kvangel@CambridgeRedevelopment.org. Any RFP questions received will be posted as addendum on the CRA’s webpage, www.cambridgeredevelopment.org/jobs-contracting and will be emailed to all potential respondents that have previously contacted the CRA.

4. RFP SUBMISSION REQUIREMENTS

In order to qualify, respondents must submit a proposal which provides the information outlined in this section. The CRA reserves the right to consider multiple responses and may request additional information from proposals, including accepting revisions to incomplete responses. The CRA may ultimately pursue more than one opportunity to meet its housing obligation.

Part 1: Description of Property or Development Opportunity

Provide a listing sheet, project description or other document with a brief overview of the property including:

- Address
- Total site square footage
- Site description
- Description of any existing structures or uses on the property
- Current entitlement and state of development, if applicable
- Tax history
- List of any encumbrances on the land
- History of recent property ownership
- Recent improvements to the property
- Description of known environmental issues or site evaluations
- Survey and building plans, if available
- Date of availability
- Photos of the property
- Asking price or other proposed financial arrangement
- Desired partnership structure with the CRA if seeking a transactional arrangement other than a fee simple sale.

More information about a property or project will provide the CRA with an increased ability to evaluate the opportunity, and thus increase the likelihood of engaging with the proposal.

Part Two: Respondent Information

- Provide contact information of the owner, owner representatives, and development team if applicable
- Propose dates of availability for a site visit

Part Three: Forms

- Complete the Non-Collusion, Non-Discrimination, and Tax/Employment Statements forms provided in Appendix A.

5. RULE FOR AWARD

Offers from responsive proposers that are deemed advantageous to the CRA, taking into consideration all evaluation criteria and price, will be selected for follow up discussions. CRA staff may conduct one or more site visits at mutually agreeable times.

The evaluation criteria for the selection are based on:

- Site conditions
 - Building and improvement conditions
 - Environmental conditions
 - Location
 - Encumbrances on the land
 - Flooding concerns
 - Topography and parcel shape
- Feasibility of developing below market-rate housing on the site
 - Zoning
 - Existing reuse or need for new construction
- Price per buildable square foot or proposed development cost for affordable units, if part of a larger project proposal
- Feasibility of proposed partnership structure with the CRA for transactional arrangements other than fee simple sales

Before making an offer, CRA staff will need make a recommendation of a favorable proposal to the CRA Board, and the CRA Board would need to vote on any procurement of real property or property transaction. The CRA will consider responses to this RFP alongside past responses to its previous RFP seeking land to determine its preferred strategy to meet the Housing Obligation, potentially across multiple projects.

Conflict of Laws, Assignments, & Integration Clauses, and DCAMM Disclosure Statement

Unless otherwise specified, this Agreement shall be governed by the laws of the City of Cambridge and the Commonwealth of Massachusetts.

The Respondents, respectively, bind themselves, their partners, successors, assigns and legal representatives to the other party with respect to all covenants of the Agreement. Neither the Owner nor the Respondent shall assign, sublet, or transfer any interest in the Agreement without the written consent of the other.

The Agreement will represent the entire and integrated Agreement between the Owner and the Respondents and supersedes all prior negotiation, representations, or agreements; either written or oral. The Agreement may be amended only by written instrument signed by both the Owner and the Respondents.

All Respondents are required to include non-collusion, non-discrimination, and tax/employment statements (Appendix A) with their RFP submission. Before signing a final agreement for the sale of property with the CRA, property owners will be required to send the disclosure of beneficial interest statement (Appendix B) to the Division of Capital Assets Management and Maintenance (DCAMM) as required by MGL Chapter 7C, Section 38.

APPENDIX

- A. Non-Collusion, Non-Discrimination, Tax/Employment Statements
- B. Division of Capital Assets Management and Maintenance (DCAMM) Disclosure Statement for Transaction with a Public Agency Concerning Real Property
- C. CRA Letter of Commitment

APPENDIX A : NON-COLLUSION, NON-DISCRIMINATION, AND TAX/EMPLOYMENT STATEMENTS

NON-COLLUSION, NON-DISCRIMINATION, and TAX/EMPLOYMENT STATEMENTS

NON-COLLUSION STATEMENT

The undersigned Respondent, being duly sworn on oath, says that he/she has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him/her, entered into any combination, collusion or agreement with any person relative to the RFQ response, to prevent any person from responding nor to include anyone to refrain from responding, and that this response is made without reference to any other response and without any agreement, understanding or combination with any other person in reference to such response.

I HEREBY AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE FACTS AND INFORMATION CONTAINED IN THE FOREGOING RFQ FOR THE CRA ARE TRUE AND CORRECT.

Dated this ____ day of _____, _____

Name of Organization,

Title of Person Signing

Signature

NONDISCRIMINATION STATEMENT The Respondent agrees:

1. The Respondent shall not, in connection with the services under this Contract, discriminate by segregation or otherwise against any employee or applicant for employment on the basis of race, color, national or ethnic origin, age, religion, disability, sex, sexual orientation, gender identity and expression, veteran status or any other characteristic protected under applicable federal or state law.
2. The Respondent shall provide information and reports requested by the Cambridge Redevelopment Authority pertaining to its obligations hereunder, and will permit access to its facilities and any books, records, accounts or other sources of information which may be determined by the Cambridge Redevelopment Authority to affect the Respondent's obligations.
3. The Respondent shall comply with all federal and state laws pertaining to civil rights and equal opportunity including executive orders and rules and regulations of appropriate federal and state agencies unless otherwise exempt therein.
4. The Respondent's non-compliance with the provisions hereof shall constitute a material breach of this Contract, for which the Cambridge Redevelopment Authority may, in its discretion, upon failure to cure said breach within thirty (30) days of written notice thereof, terminate this Contract.
5. The Respondent shall indemnify and save harmless the Cambridge Redevelopment Authority from any claims and demands of third persons resulting from the Respondent's non-compliance with any provisions hereof, and shall provide the Cambridge Redevelopment Authority with proof of applicable insurance.

Signed (type name): _____

Title: _____

Date: _____

CERTIFICATE OF TAX, EMPLOYMENT SECURITY, AND CHILD CARE COMPLIANCE

Pursuant to Massachusetts General Laws Chapter 62C, §49A and Chapter 151A, §19A(b) and Chapter 521 of the Massachusetts Acts of 1990, as amended by Chapter 329 of the Massachusetts Acts of 1991,

I _____ (Name) whose principal place of business is located at _____ (Address), do hereby certify that:

- A. The above-named Respondent has made all required filings of state taxes, has paid all state taxes required under law, and has no outstanding obligation to the Commonwealth's Department of Revenue.
- B. The above-named Respondent/Employer has complied with all laws of the Commonwealth relating to unemployment compensation contributions and payments in lieu of contributions.
- C. The undersigned hereby certifies that the Respondent/Employer (please check applicable item):
 - 1. _____ employs fewer than fifty (50) full-time employees; or
 - 2. _____ offers either a dependent care assistance program or a cafeteria plan whose benefits include a dependent care assistance program; or
 - 3. _____ offers child care tuition assistance, or on-site or near-site subsidized child care placements.

Signed under the penalties of perjury this _____ day of _____, 202__.

Federal Identification Number: _____

Signed (type name): _____

Title: _____

Date: _____

**APPENDIX B - DISCLOSURE STATEMENT FOR
TRANSACTION WITH A PUBLIC AGENCY CONCERNING REAL PROPERTY
M.G.L. c. 7C, s. 38 (formerly M.G.L. c. 7, s. 40J)**

INSTRUCTION SHEET

NOTE: The Division of Capital Asset Management and Maintenance (DCAMM) shall have no responsibility for insuring that the Disclosure Statement has been properly completed as required by law. Acceptance by DCAMM of a Disclosure Statement for filing does not constitute DCAMM's approval of this Disclosure Statement or the information contained therein. Please carefully read M.G.L. c. 7C, s. 38 which is reprinted in Section 8 of this Disclosure Statement.

Section (1): Identify the real property, including its street address, and city or town. If there is no street address then identify the property in some other manner such as the nearest cross street and its tax assessors' parcel number.

Section (2): Identify the type of transaction to which this Disclosure Statement pertains --such as a sale, purchase, lease, etc.

Section (3): Insert the exact legal name of the Public Agency participating in this Transaction with the Disclosing Party. The Public Agency may be a Department of the Commonwealth of Massachusetts, or some other public entity. Please do not abbreviate.

Section (4): Insert the exact legal name of the Disclosing Party. Indicate whether the Disclosing Party is an individual, tenants in common, tenants by the entirety, corporation, general partnership, limited partnership, LLC, or other entity. If the Disclosing Party is the trustees of a trust then identify the trustees by name, indicate that they are trustees, and add the name of the trust.

Section (5): Indicate the role of the Disclosing Party in the transaction by checking one of the blanks. If the Disclosing Party's role in the transaction is not covered by one of the listed roles then describe the role in words.

Section (6): List the names and addresses of every legal entity and every natural person that has or will have a direct or indirect beneficial interest in the real property. The only exceptions are those stated in the first paragraph of the statute that is reprinted in Section 8 of this Disclosure Statement. If the Disclosing Party is another public entity such as a city or town, insert "inhabitants of the (name of public entity)." If the Disclosing Party is a non-profit with no individual persons having any beneficial interest then indicate the purpose or type of the non-profit entity. If additional space is needed, please attach a separate sheet and incorporate it by reference into Section 6.

Section (7): Check "NONE" in the box if none of the persons mentioned in Section 6 is employed by DCAMM or an official elected to public office in the Commonwealth of Massachusetts. Otherwise list any parties disclosed in Section 6 that are employees of DCAMM or an official elected to public office.

Section (8): The individual signing this statement on behalf of the Disclosing Party acknowledges that he/she has read the included provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts.

Section (9): Make sure that this Disclosure Statement is signed by all required parties. If the Disclosing Party is a corporation, please make sure that this Disclosure Statement is signed by a duly authorized officer of the corporation as required by the statute reprinted in Section 8 of this Disclosure Statement.

DCAMM's acceptance of a statement for filing does not signify any opinion by DCAMM that the statement complies with applicable law.

This completed and signed Disclosure Statement should be mailed or otherwise delivered to:

Deputy Commissioner for Real Estate
Division of Capital Asset Management and Maintenance
One Ashburton Place, 15th Floor, Boston, MA 02108

The undersigned party to a real property transaction with a public agency hereby discloses and certifies, under pains and penalties of perjury, the following information as required by law:

(1) REAL PROPERTY:

(2) TYPE OF TRANSACTION, AGREEMENT, or DOCUMENT:

(3) PUBLIC AGENCY PARTICIPATING in TRANSACTION:

(4) DISCLOSING PARTY'S NAME AND TYPE OF ENTITY:

(5) ROLE OF DISCLOSING PARTY (Check appropriate role):

____ Lessor/Landlord

____ Lessee/Tenant

____ Seller/Grantor

____ Buyer/Grantee

____ Other (Please describe): _____

(6) The names and addresses of all persons and individuals who have or will have a direct or indirect beneficial interest in the real property excluding only 1) a stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation or 2) an owner of a time share that has an interest in a leasehold condominium meeting all of the conditions specified in M.G.L. c. 7C, s. 38, are hereby disclosed as follows (attach additional pages if necessary):

NAME

RESIDENCE

(7) None of the above- named persons is an employee of the Division of Capital Asset Management and Maintenance or an official elected to public office in the Commonwealth of Massachusetts, except as listed below (Check "NONE" if NONE):

NONE

NAME:

POSITION:

- (8) The individual signing this statement on behalf of the above-named party acknowledges that he/she has read the following provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts:

No agreement to rent or to sell real property to or to rent or purchase real property from a public agency, and no renewal or extension of such agreement, shall be valid and no payment shall be made to the lessor or seller of such property unless a statement, signed, under the penalties of perjury, has been filed by the lessor, lessee, seller or purchaser, and in the case of a corporation by a duly authorized officer thereof giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property with the commissioner of capital asset management and maintenance. The provisions of this section shall not apply to any stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation. In the case of an agreement to rent property from a public agency where the lessee's interest is held by the organization of unit owners of a leasehold condominium created under chapter one hundred and eighty-three A, and time-shares are created in the leasehold condominium under chapter one hundred and eighty-three B, the provisions of this section shall not apply to an owner of a time-share in the leasehold condominium who (i) acquires the time-share on or after a bona fide arms length transfer of such time-share made after the rental agreement with the public agency is executed and (ii) who holds less than three percent of the votes entitled to vote at the annual meeting of such organization of unit owners. A disclosure statement shall also be made in writing, under penalty of perjury, during the term of a rental agreement in case of any change of interest in such property, as provided for above, within thirty days of such change. Any official elected to public office in the commonwealth, or any employee of the division of capital asset management and maintenance disclosing beneficial interest in real property pursuant to this section, shall identify his position as part of the disclosure statement. The commissioner shall notify the state ethics commission of such names, and shall make copies of any and all disclosure statements received available to the state ethics commission upon request. The commissioner shall keep a copy of each disclosure statement received available for public inspection during regular business hours.

- (9) This Disclosure Statement is hereby signed under penalties of perjury.

PRINT NAME OF DISCLOSING PARTY (from Section 4, above)

AUTHORIZED SIGNATURE of DISCLOSING PARTY DATE (MM / DD / YYYY)

PRINT NAME & TITLE of AUTHORIZED SIGNER

Appendix C

January 28, 2021

Mayor Sumbul Siddiqui
Vice Mayor Alanna Mallon
Ordinance Committee Co-Chair Dennis Carlone
Ordinance Committee Co-Chair Marc McGovern
City Councilor Patricia Nolan
City Councilor Denise Simmons
City Councilor Jivan Sobrinho-Wheeler
City Councilor Timothy Toomey
City Councilor Quinton Zondervan

Cambridge City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Re: CRA Commitment to Affordable Homeownership Housing accompanying the MXD Zoning Petition

Dear Mayor Siddiqui, Vice Mayor Mallon and Councilors Carlone, McGovern, Nolan, Simmons, Sobrinho-Wheeler, Toomey, and Zondervan:

This letter is the "Letter of Commitment" referenced in Section 14.39 of the proposed amendment to Article 14 of the Zoning Ordinance (the "MXD Zoning Amendment"). The purpose of this letter is to confirm that the Cambridge Redevelopment Authority (CRA) will commit to cause the construction of at least twenty thousand (20,000) gross square feet of below market for-sale housing units (the "MXD Below Market Rate Home Ownership Units") as detailed below.

Current Zoning Requirements

Article 14 of the Zoning Ordinance requires that twenty percent (20%) of any Infill GFA (as defined in Section 14.32.2 of the Zoning Ordinance) devoted to multi-family residential units be developed as Affordable units and that an additional five percent (5%) is developed as Middle-Income housing. Current zoning and special permits for the MXD District authorize four hundred and twenty thousand (420,000) square feet of new residential development.

Note that Boston Properties committed in the December 21, 2015 letter of commitment referenced in existing Section 14.39 of the Zoning Ordinance (the "2015 Letter of Commitment") to providing a minimum of twenty percent (20%) of future residential GFA as for-sale housing units. The for-sale units would be subject to the same requirements as rental units in terms of providing twenty percent (20%) affordable and five percent (5%) middle-income housing.

MXD Zoning Amendment

The MXD Zoning Amendment would continue to require that twenty percent (20%) of any Infill GFA devoted to multi-family residential units be developed as affordable units and another five percent (5%) be developed as middle-income housing. However, the MXD Zoning Amendment would nullify the 2015 Letter of Commitment and the planned residential project is expected to be rental housing. Instead of the two separate phases of housing development currently planned in the Infill Development Concept Plan, the Eversource substation project proposes the delivery of a single residential building consisting of four hundred and twenty thousand (420,000) gross square feet of housing. If the amendment is adopted, the City would therefore realize a total of one hundred thousand (100,000) gross square feet of new affordable and middle-income rental housing units within the MXD District.

In addition to those units, in order to preserve the affordability components of that document, the CRA offers this commitment in which it agrees to build, at another location, a minimum of twenty thousand (20,000) square feet of MXD Below Market Rate Home Ownership Units, subject to the limitations set by Sections 11.203.4(d) and 14.35.2 of the Zoning Ordinance (the "MXD Below Market Rate Home Ownership Commitment").

CRA Implementation Plan

The CRA expects to secure development rights for at least one, if not multiple housing sites, in the years preceding the development of the Eversource substation (referenced in the MXD Zoning Amendment as the "Substation Project"). The full MXD Below Market Commitment will deliver as a minimal baseline the same below-market housing GFA distribution between Affordable, Middle-Income, and three-bedroom units as in the MXD Zoning requirements (16,000 SF of Affordable GFA and 4,000 SF Middle-Income GFA of which at least 4,000 SF will be provided toward three-bedroom units), however if more than one project site is utilized, the distribution may be uneven within individual sites.

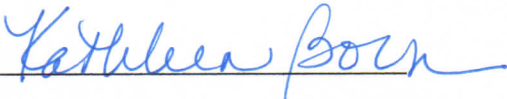
The CRA may seek to facilitate projects delivering above and beyond the MXD Below Market Rate Home Ownership Commitment, and will work to implement the development of the MXD Below Market Rate Home Ownership Units as soon as site(s) and funding are secured. The CRA expects to identify a site for the development of at least fifty percent (50%) of the MXD Below Market Rate Home Ownership Commitment within three (3) years of the approval of a revised Infill Development Concept Plan (IDCP) and Special Permit including Utility Project GFA ("Revised IDCP") and will provide the City Council an update on the development within this timeframe. The CRA commits that it will secure the entitlements for the full MXD Below Market Rate Home Ownership Commitment within seven (7) years of the approval of a Revised IDCP. If substantial progress was being made toward the implementation of project development(s), the CRA and City Council could reach a mutually agreed upon time extension of the above timeframe. If, however, for whatever reason, the CRA is unable to facilitate the development of the full MXD Below Market Rate Home Ownership Commitment, the CRA shall make a monetary contribution to the Affordable Housing Trust equal to the amount of subsidy necessary to create an equivalent amount of

Affordable Dwelling Unit Net Floor Area in a project assisted by the Affordable Housing Trust, to be calculated as described in Paragraph (i) of Section 11.203.3 of the Zoning Ordinance.

The CRA is pleased to make this commitment to support the creation of a diverse portfolio of below market rate housing units within the City of Cambridge, while also assisting the development project to facilitate the relocation of the Eversource substation out of the residential neighborhood and into the heart of Kendall Square. This commitment is offered by the CRA on the condition that the MXD Zoning Amendment, as attached, is duly adopted and that no challenges to the validity of the same shall have been made, or any challenges have been resolved in favor of such validity.

Sincerely,

THE CAMBRIDGE REDEVELOPMENT AUTHORITY

By: 

Name: Kathleen Born
Title: Board Chair

Attachment: Revised MXD Zoning Petition

Cc: Louie DePasquale, Cambridge City Manager
Michael Tilford, VP Development, BXP



Petition Language: To amend Article 14 of the Cambridge Zoning Ordinance

MIXED USE DEVELOPMENT DISTRICT: KENDALL CENTER

KEY

Language additions are underlined.

Language deletions are shown with ~~strikethrough~~ text.

Amended language is shown with **bold and double underlined** text.

Introduction:

When Eversource announced its plans for a new electrical substation on Fulkerson Street, the City Manager asked City and CRA staff, as well as representatives from the local development community, to explore an alternative site for the facility. After the numerous hearings held by City Council regarding the substation proposal, Boston Properties (BXP) approached the City and CRA about the idea of placing the substation on the site of the existing “Blue Garage” within the MXD District of the Kendall Square Urban Renewal Project Area. Although this alternate site is highly preferred to the Fulkerson Street location, there are nonetheless many complex technical challenges associated with relocating the substation to this parcel. It involves not only the design of the substation and high voltage access routes to the location, but also completing plans for the housing program currently outlined in the Infill Development Concept Plan, fulfilling interim and future parking requirements, and designing locations for additional development to provide financial support for this alternative location.

The CRA hereby submits this zoning petition to amend the Article 14 of the Cambridge Zoning Ordinance: MXD Development District: Kendall Center in order to accommodate the relocation of the Eversource substation to the BXP site. Corresponding changes will also be required to the Kendall Square Urban Renewal Plan. These changes would affirm the regional utility infrastructure land use in the district, as well as provide for additional development rights and make adjustments to some dimensional restrictions to facilitate the alternative site.

1. Replace the current **Subsection 14.21.7(6) with the following text:**

14.21.7(6) Transformer station, substation, gas regulator station, or pumping station and related utility uses ~~designed primarily to serve development within the District.~~

2. Replace first three paragraphs of current **Subsection 14.32.1 with the text below:**

14.32.1 The Aggregate gross floor area (GFA) of development in the District shall not exceed the sum of (i) ~~three million, six hundred seventy three thousand (3,673,000)~~ four million, four hundred seventy three thousand (4,473,000) square feet, plus (ii) six hundred thousand (600,000) square feet that shall be limited to multi-family residential uses as permitted in Section 14.21.4(1), for a total Aggregate GFA not to exceed ~~four million, two hundred seventy three thousand (4,273,000)~~ five million, seventy three thousand (5,073,000) square feet. Up to sixty thousand (60,000) square feet of such Aggregate GFA of ~~three million, six hundred seventy three thousand (3,673,000)~~ four million, four hundred seventy three thousand (4,473,000) in clause (i) of the preceding sentence, shall be allowable only by special permit pursuant to Section 14.72.

At least two hundred thousand (200,000) square feet of the GFA restricted to housing uses shall occur only within the area designated on the Zoning Map as the “Ames Street District” and has been

approved by special permit dated March 27, 2015 (the "Ames Street Residential Project").—The commencement of construction for the Ames Street Residential Project, approved by special permit in 2015, shall precede the occupancy of any commercial GFA in excess of three million and seventy-three thousand (3,073,000) square feet, other than the 60,000 square feet of commercial space that may be permitted by special permit pursuant to Section 14.72.3.

Additionally, the commencement of construction of a second residential project of at least 200,000 square feet shall precede the occupancy of any commercial GFA utilizing Infill GFA (as defined in Section 14.32.2 below) in excess of three hundred and seventy-five thousand (375,000) square feet.

Additionally, a building permit for construction of a residential project of at least four hundred thousand (400,000) square feet shall be issued prior to or concurrently with the issuance of a building permit for any project utilizing **Substation Commercial Utility Project** GFA (as defined in Section 14.32.2 below). The design review process for a residential project of at least four hundred thousand (400,000) square feet shall also precede, or proceed concurrently with, the design review process for any project utilizing **Substation Commercial Utility Project** GFA, in accordance with a special permit approving a Concept Plan as set forth in Section 14.32.2 below.

3. Add the following paragraph to the end of Subsection 14.32.2:

Any additional Infill GFA for commercial uses that is not the subject of the existing Concept Plan approved by Special Permit PB #315 on March 20, 2017 (as amended by Amendment #1 (Major) dated January 31, 2019) (collectively, the "Existing Concept Plan") may only be utilized in conjunction with the development by NSTAR Electric Company d/b/a Eversource (or its successors and assigns) of a substation within the District ("the Substation Project") and only on property within the District owned by the entity (or an affiliate thereof) that provided the land on which the Substation Project is to be developed. For the purposes of this Article, the eight hundred thousand (800,000) square feet of Infill GFA for commercial uses that is not the subject of the Existing Concept Plan may sometimes be referred to as "**Substation Commercial Utility Project** GFA". The issuance of a building permit for the Substation Project shall precede or be issued concurrently with the issuance of a building permit for any project utilizing **Substation Commercial Utility Project** GFA.

The MXD District is expected to achieve high standards for urban design, architectural design, environmental sustainability and open space design, and to transform the area into a recognizable center of activity and civic life for Kendall Square and the surrounding neighborhoods. The District should create open space to serve residents in the area, as well as workers, students from nearby institutions, and visitors. It should promote permeability at the edges of the District, and create public spaces that will feel welcoming and comfortable for all users.

4. Replace current Subsection 14.32.2.1(8) and 14.32.2.1(9) with the following text:

14.32.2.1 Infill Development Concept Plan Requirements:

8) A plan describing street, public infrastructure, and utility improvements to be undertaken in coordination with the development program, including all proposed water, stormwater and sewage facilities, and (in conjunction with the Substation Project) the general location of the proposed substation, which shall also be submitted to the Department of Public Works for review.

9) A plan illustrating proposed building scale, height and massing, including a model and a study demonstrating the anticipated shadow and wind impacts of all proposed buildings taller than 100 feet, and a general description of proposed mitigation measures that will be employed. Additionally a set of urban design guidelines to be utilized in the design review process shall be included the plan will include a narrative describing the plan's compatibility, coordination and consistency with the urban

design guidelines set forth in the Kendall Square Final Report of the K2C2 Planning Study ("K2 Guidelines") and the Volpe Working Group's Planning & Design Principles dated July 20, 2017 (the "Volpe Guidelines") and the planning principles referenced in Section 14.32.2.

5. Replace current Subsection 14.32.2.2 with the following text:

14.32.2.2 Findings and Approval. The Planning Board shall grant a special permit approving a Concept Plan upon finding that the new development identified within the plan meets the criteria for approval of a Planned Unit Development set forth in Section 12.35.3(3) of the Zoning Ordinance and the criteria for approval of a Project Review Special Permit set forth in Section 19.25 of the Zoning Ordinance. In making its findings, the Board shall consider the objectives set forth in the ~~Kendall Square Final Report of the K2C2 Planning Study ("K2 Plan") K2 Guidelines and the Volpe Guidelines and the Kendall Square Design Guidelines.~~ The approval of a Concept Plan shall serve to meet any applicable project review requirements of Article 19.000, and no additional Project Review Special Permit shall be required for new development that is identified within an approved Concept Plan. In addition, while the location of the Substation Project is to be shown on a Concept Plan, the actual development of the Substation Project shall not be included within the scope of a special permit approving a Concept Plan (but shall remain subject to all applicable regulations governing the construction of such projects).

6. Add the following new Subsection 14.32.5(d) at the end of Subsection 14.32.5:

d) Inapplicability to ~~Substation Commercial Utility Project~~ GFA. Notwithstanding the foregoing provisions of this Section 14.32.5, there shall be no Innovation Space requirement for any project utilizing ~~Substation Commercial Utility Project~~ GFA (nor shall any such project utilizing ~~Substation Commercial Utility Project~~ GFA be entitled to utilize Innovation Space in order to obtain a GFA Exemption under Section 14.32.6(3) below).

7. Replace current Subsection 14.32.6(2) and 14.32.6(3) with the following text:

2) ~~Residential~~ Outdoor Area Exemptions: Private outdoor decks or balconies for multi-family residential or commercial development, up to eight percent (8%) of the building floor area.

3) Innovation Space: Innovation Space GFA up to the lesser of either twenty percent (20%) of the Infill GFA dedicated to Office and Biotechnology Manufacturing Uses or one hundred five thousand (105,000) square feet. In order for the Innovation Space GFA to be exempt from the Aggregate GFA limitations, at least twenty five percent (25%) of the Innovation Space utilization (measured by square footage or shared space membership) must be set aside as below market rate space to be offered by the CRA or the City to qualifying tenants for short-term leases consistent with Section 14.32.5(b).

8. Add the following new Subsections 14.32.6(7) and 14.32.6(8) at the end of Subsection 14.32.6:

- 7) Electrical Substation: The Substation Project shall be exempt from Aggregate GFA calculation as well as the requirements as to Floor Area Ratio. Further, substation construction shall not constitute Infill GFA (or ~~Substation Commercial Utility Project~~ GFA).
 - 8) Educational Lab, Classroom or Training Facility: Up to twenty thousand (20,000) square feet of educational, health or workforce training facilities operated to provide services to the general public (as opposed to private facilities that are solely accessible by tenants or occupants of commercial buildings within the District), which such services are either permitted as of right within the District in accordance with the provisions of this Article 14 or may otherwise be permitted by special permit.
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9. Add the following new paragraph at the end of Section 14.33:

Notwithstanding the provisions of the immediately preceding paragraph, there shall be no maximum floor area ratio for any project utilizing Infill GFA (including **Substation Commercial Utility Project** GFA). However, the District Development Limitations in Section 14.32 shall continue to apply.

10. Replace first paragraph of Section 14.34 with the following text:

14.34 *Building Height Limitation.*

~~The maximum building height in the District shall be two hundred and fifty (250) feet, except for the area of the District more than four hundred and fifty (450) feet north of the centerline of Broadway, where the maximum building height for any portion of a building in such area shall be two hundred (200) feet. Up to two (2) mixed-use buildings may reach three hundred and fifty (350) feet provided, however, that the occupied floors above two hundred and fifty (250) feet may only contain residential and associated amenity space. Additionally, the floorplate of any portion of a building above two hundred and fifty (250) feet shall not exceed twelve thousand (12,000) square feet.~~

The maximum building height in the District shall be two hundred and fifty (250) feet. Notwithstanding the foregoing, one building within the District may reach four hundred (400) feet provided, however, that the occupied floors above two hundred and fifty feet (250) feet may only contain residential and associated amenity space. Additionally, the floorplate of any portion of a building above two hundred fifty (250) feet shall not exceed twelve thousand five hundred (12,500) square feet.

11. Replace current Section 14.38 with the following text:

14.38 *Active Ground Floors.* The ground floor of newly constructed buildings utilizing fifty thousand (50,000) square feet or more of Infill GFA, where that ground floor fronts onto Main Street, Broadway or Ames Street, must be occupied by (i) Retail and Consumer Service uses, as listed in Section 14.21.3, or (ii) active public gathering space (whether enclosed or open), along a minimum length of seventy-five percent (75%) of the building façade along this frontage; provided, however, that the requirement shall be forty percent (40%) for any building with a façade length of one hundred (100) feet or less along such frontage onto Main Street, Broadway or Ames Street. Dimensional variations and alternate uses may be approved by the Planning Board upon determining that the specific uses and designs proposed are consistent with the purpose and intent of this Section 14.38. Alternatively, if a Concept Plan provides for the redevelopment of existing buildings to include new Retail and Consumer Service uses along the ground floor of any of the identified street frontages, then the Planning Board may permit a reduction in the required length of active street frontage for new buildings for up to fifty percent (50%) of the length of new active street frontage provided in existing buildings and only if the Board finds that it results in a better outcome for the District as a whole. Banks and financial institutions shall not be considered active ground floor uses for the purposes of meeting this requirement.

12. Replace current Section 14.39 with the following text:

14.39 *Letter of Commitment.*

~~The Letter of Commitment dated December 21, 2015 by Boston Properties Limited Partnership is incorporated herein by reference and shall be binding upon Boston Properties Limited Partnership and its successor and assigns.—~~

It is acknowledged and agreed that the Letter of Commitment dated December 21, 2015 by Boston Properties Limited Partnership is hereby **replaced by the Letter of Commitment dated January xx,**

2021 by the Cambridge Redevelopment Authority. As such, the Letter of Commitment dated December 21, 2015 by Boston Properties is declared null and void and of no further force or effect, and shall no longer be binding upon Boston Properties Limited Partnership or its successors and assigns.

13. Replace the first paragraph of Subsection 14.52.2 with the following text:

14.52.2 With the exception of multi-family residential development, there are no minimum parking requirements for new development in the District. Residential development shall provide at a minimum ~~0.4~~ 0.25 automobile parking spaces per dwelling unit. All proposed development shall be restricted from constructing parking spaces, either on or off the lot within the District, beyond the maximum allowances of Table 1. If a development includes more than one category of use, then the number of spaces allowed for the development shall be the sum of the allowance for each category of use. Where the computation of required spaces results in a fractional number, only a fraction of one half or more shall be counted as one. The Planning Board may approve arrangements for shared parking of such residential parking spaces with commercial spaces or otherwise adjust the minimum parking requirements based on review and analysis of anticipated parking demand within the Transportation Impact Study.

14. Replace current Subsection 14.52.3 with the following text:

14.52.3 The parking allowances specified in Table 1 may be satisfied by a lease agreement between the developer and the City, other public entity, or private consortium for use of parking spaces in a public or pooled private parking facility located within the District (or, in the case of the spaces required for residential uses, located outside of the District but within ~~one thousand (1,000) two thousand (2,000)~~ feet of the residential building for which the parking is being provided, measured from property edge to property edge), **provided that on a temporary basis, spaces required for residential uses may be within two thousand (2,000) feet of the residential building while permanent residential parking is being constructed.** The total number of parking spaces leased and constructed within the district for development on a lot shall not exceed the maximum allowances provided for in Table 2.

15. Replace current Subsection 14.52.6 with the following text:

14.52.6 *Bicycle Parking:* Bike parking shall be provided as set forth in Section 6.100 of this Zoning Ordinance; provided that in issuing a special permit approving a Concept Plan, the Planning Board may determine that the bicycle parking requirements for individual buildings shown on the Concept Plan may be met utilizing a campus planning approach toward bicycle parking.

14.52.6.1 *Intent:* To allow flexibility within the high-density environment of the MXD District while providing high quality, equitable, and thoughtfully planned bicycle parking and sustainable transportation amenities for all users, consistent with Section 6.108.2. Given the complexity of infrastructure requirements of the Substation Project, the bicycle parking provisions set forth in Section 6.100 is infeasible, and a comprehensive bicycle parking plan will be needed to help to balance space constraints and competing uses on or near the ground level.

14.52.6.2 *Bike Parking Plan:* The bicycle parking plan may utilize a combination of the following strategies, or other design provisions that meet the principles of Section 6.108.3:

- a) Public Bicycle Sharing Facilities: Where a new, standard-size Public Bicycle Sharing Station or larger is provided (i) on the lot, or (ii) on a site within five hundred (500) feet of the lot, with written approval of the City if located on a public street or other City Property, or otherwise by legally enforceable mutual agreement with the owner of the land on which the station is to be located. If Public Bicycle Sharing Station(s) are provided, each bicycle dock within that station may count for up to two (2) required bicycle parking spaces.

Should it be deemed beneficial to the operation of a Public Bicycle Sharing system by the Community Development Department and the Public Bicycle Sharing system operator, a developer may meet additional bicycle parking requirements by providing a secure, accessible and geographically central location for the storage and/or maintenance of the publicly shared bicycles. If a Public Bicycle Sharing storage and/or maintenance facility is provided, each designated bicycle storage space shall count for up to one-half (0.5) of a required bicycle parking space

- b) Countercyclical Bicycle Parking Facility: As the District will contain residential and commercial uses having different peak parking demand times, multiple buildings may share parking facilities within three hundred (300) feet from each other. A shared bicycle parking space may count as a required bicycle parking space for both a residential use and a commercial use within separate buildings within a campus plan.
- c) Complementary Valet Bicycle Parking: Bicycle parking may be provided through a valet bicycle parking program that is offered free of charge to users. In order to utilize valet bicycle parking, a developer must submit for the Planning Board's approval a plan describing:
 - i. The design of the valet bicycle parking facilities (which shall not be required to conform with the dimensional regulations of Section 6.100).
 - ii. The proposed number of attendants, number of bicycle parking spaces provided, hours of valet service operations, and other pertinent information.

When an approved valet bicycle parking program that was utilized to meet the requirements of Section 6.100 is discontinued, the property owner must either bring the bicycle parking spaces into full conformance with the bicycle parking requirements of Section 6.100 or seek approval from the Planning Board for an alternative approach.

The combination of the strategies above, or other provisions accepted by the Planning Board, shall allow a project to adjust the minimum required number of bicycle parking spaces, as supported through analysis made available to the Planning Board.
