



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

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To: Planning Board and Ordinance Committee
From: Jeff Roberts, Senior Manager for Zoning and Development
Date: March 13, 2017
Re: **Harding, et al., Zoning Petition**

The petition by Richard Harding, et al., proposes modifications to Section 20.307 of the Zoning Ordinance, the provisions of the “Mass and Main Residential Mixed Income Subdistrict.” (The original petition contained an incorrect reference to Section 20.800.)

Zoning Background

Section 20.307 was adopted by the City Council in May, 2015, establishing a subdistrict of the Central Square Overlay District on the northeast side of Massachusetts Avenue between Columbia and Douglass Streets. Within specific parts of the subdistrict along Massachusetts Avenue, a “Residential Mixed Income Project” could be allowed to have greater height and density than otherwise allowed in the district, subject to additional requirements related to parking, carsharing, affordable and middle-income housing, three-bedroom housing units, local and independent ground-floor retail (with a restriction on banks), and sustainable design, along with additional design guidelines for project review. The adopted zoning was proposed by an owner of property within the subdistrict, and contains reference to a Letter of Commitment containing additional measures agreed to by the owner and City Council at the time of adoption.

The current adopted zoning for Section 20.307 (along with area map) and the aforementioned letter of commitment are attached to this memo.

Proposed Amendments

The Harding, et al. Petition proposes changes to the maximum height and required affordable housing for a Residential Mixed Income Project, as summarized in the table below.

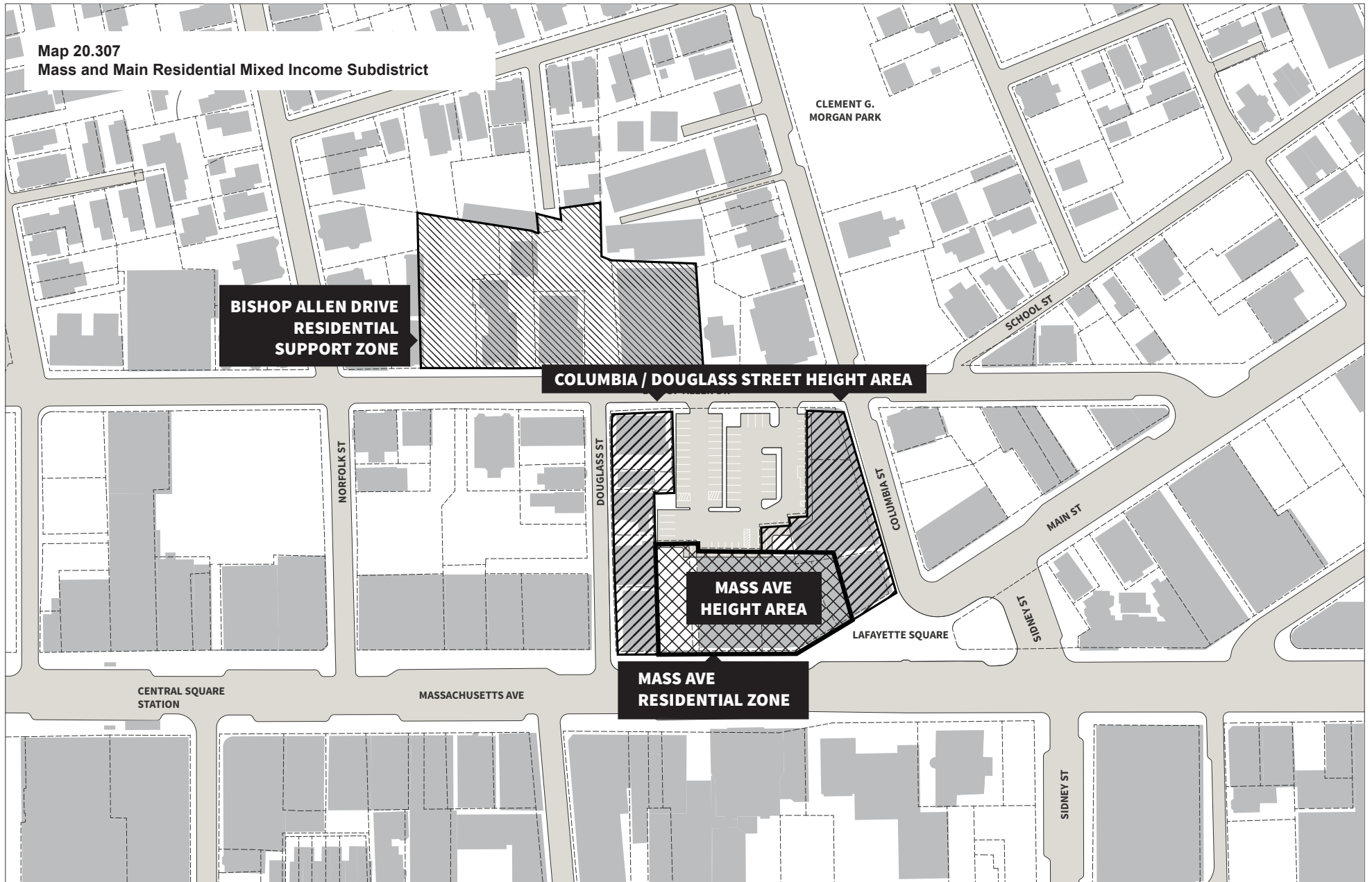
| 20.307 Provisions for a Residential Mixed Income Project | Current Zoning | Proposed Zoning | Refer to Section |
|---|-----------------------|------------------------|-------------------------|
| Maximum Building Height | 195 feet | 150 feet | 20.307.6.2 |
| Required Affordable Units (percentage of total dwelling units) | 17% | 20% | 20.307.8.1 |
| Required Middle-Income Units (percentage of total dwelling units) | 3% | 5% | 20.307.8.1 |

Permitted Development

Earlier this year, a special permit was issued by the Planning Board for a Residential Mixed Income Project, called the “Mass + Main” development (PB #321), which could proceed under current zoning requirements pending the outcome of an appeal filed by an adjacent property owner. That project contains a total of 285 dwelling units within two buildings, one with a tallest height of 195 feet and the other a tallest height of 70 feet.

The Planning Board also issued a special permit for a separate residential project by the same developer at 47 Bishop Allen Drive (PB #320), replacing the existing parking structure. That project contains 23 units within a four-story building, meeting the base zoning requirements for density and height, and received special permits to modify setback requirements and to provide parking off-site.

Map 20.307
Mass and Main Residential Mixed Income Subdistrict



ORDINANCE NUMBER 1368

Final Publication Number 3365. First Publication in the Chronicle on April 30, 2015.

City of Cambridge

In the Year Two Thousand and Fifteen

AN ORDINANCE

In amendment to the Ordinance entitled “Zoning Ordinances of the City of Cambridge”

Be it ordained by the City Council of the City of Cambridge that the Zoning Ordinances of the City of Cambridge be amended as follows:

20.307 Mass and Main Residential Mixed Income Subdistrict

20.307.1 Establishment and Scope.

There is hereby established within the Central Square Overlay District (and including the rear portions of certain split lots that are partially located with the Central Square Overlay District), the Mass and Main Residential Mixed Income Subdistrict which shall be governed by the regulations and procedures specified in this Section 20.307. These regulations are intended to provide incentives for residential development and provide a transition between the character, uses and scale of Kendall Square, as well as the adjacent Cambridgeport Revitalization Development District, and provide a transition to the abutting residential districts behind Bishop Allen Drive. The subdistrict is within the City’s Central Square (C2) Study area and adoption of this Section 20.307 follows extensive planning efforts to encourage residential and ground-floor retail uses and transit-oriented development. The Central Square Study expands on past zoning changes in industrial and commercial zones to encourage housing by offering greater density to incentivize the creation of buffer zones for existing residential neighborhoods adjacent to Central Square. The Mass and Main Residential Mixed Income Subdistrict will also enable the City to respond to the 2014 Central Square Customer Survey by supporting vibrant ground-floor retail and active retail uses at this key intersection in Central Square, adjacent to mass transit. It is the intent of this Section that these regulations will apply to a single area located at the intersection of Main Street and Massachusetts Avenue and bounded and described in Section 20.307.2 below. The Mass and Main Residential Mixed Income Subdistrict will further the objectives of the Central Square Study findings and other planning studies completed by the City for the Central Square area by encouraging housing and requiring both low- and moderate-income affordable housing in amounts above those required by the City’s inclusionary housing requirements in Section 11.200.

20.307.2 Boundaries of the District.

The Mass and Main Residential Mixed Income Subdistrict shall be bounded as shown on Map 20.307 and shall include two zones: the Mass Ave Residential Zone and the Bishop Allen Drive Residential Support Zone. The Mass and Main Residential Mixed Income Subdistrict includes lots located within the Business B and Business A base zoning districts, with portions of some lots located within the Residence C-1 district (and not included in the Central Square Overlay District) included in this subdistrict for purposes of clarity with respect to the treatment of these split lots.

The Mass Ave Residential Zone consists of the Mass Ave Height Area and the Columbia/Douglass Street Height Area and affects lots or portions of lots as shown on:

Mass Ave Height Area

Assessors Plat #4772 and Map 91, Lot 190,
Assessors Plat #4776 and Map 91, Lot 195 (the portion of such lot containing Coolidge Place),
Assessors Plat #4759 and Map 91, Lot 111,
Assessors Plat #4752 and Map 91, Lot 102 (portion),
Assessors Plat #4777 and Map 91, Lot 199 (portion), and
Assessors Plat #4715 and Map 91, Lot 53.

Columbia/Douglass Street Height Area

Assessors Plat #4773 and Map 91, Lot 191,
Assessors Plat #4714 and Map 91, Lot 52,
Assessors Plat #4777 and Map 91, Lot 199 (portion),
Assessors Plat #4758 and Map 91, Lot 108,
Assessors Plat #4767 and Map 91, Lot 180,
Assessors Plat #4768 and Map 91, Lot 181,
Assessors Plat #4775 and Map 91, Lot 194,
Assessors Plat #4752 and Map 91, Lot 102 (portion), and
Assessors Plat #4774 and Map 91, Lot 192.

The Bishop Allen Drive Residential Support Zone affects lots or portions of lots as shown on:

Assessors Plat #4750 and Map, 91, Lot 98,
Assessors Plat #4751 and Map 91, Lot 99,
Assessors Plat #4732 and Map 91, Lot 81,
Assessors Plat #4763 and Map 91, Lot 119, and
Assessors Plat #4710 and Map 91, Lot 23.

20.307.3 Applicability.

Except as otherwise noted herein, the provisions of this Section 20.307 shall apply to both zones within the subdistrict.

For developers electing to conform to the provisions of this Section 20.307, any such project shall be referred to herein as a “Residential Mixed Income Project” and, notwithstanding any other provisions of the Ordinance, the use, dimensional, open space, parking, loading and inclusionary housing requirements applicable to a Residential Mixed Income Project shall be as set forth in this Section 20.307. Divergence from the standards established in this Section may be allowed only by issuance of a Special Permit by the

Planning Board as specifically allowed pursuant to applicable special permit provisions set forth elsewhere in the Ordinance, including the provisions of Section 10.40. Further, the Planning Board may grant any applicable special permit for a Residential Mixed Income Project that would ordinarily be granted by the Board of Zoning Appeal. The Board may grant such a special permit upon its determination that the development proposed will better serve the objectives of this Section 20.307 and that the criteria specified in Section 10.43 specific and all other criteria applicable to the special permit will be satisfied. A Residential Mixed Income Project may contain more than one building constructed as part of a common scheme of development or phased development program.

20.307.4 Review Process.

Projects in the Mass and Main Residential Mixed Income Subdistrict shall be subject to the development review procedures set forth in Article 19.000 and Section 20.304.1.

20.307.5 Use Regulations.

Use regulations of the applicable base zoning designation shall apply to each lot within the Mass and Main Residential Mixed Income Subdistrict, except that Carsharing Spaces provided pursuant to Section 20.307.7 below shall be deemed to be a permitted use. Notwithstanding anything to the contrary contained in the Ordinance, in addition to the uses permitted in the applicable base district, lots within the Mass and Main Residential Mixed Income Subdistrict may be used as accessory parking for any other lot within the subdistrict, subject to the requirements set forth in Section 20.307.7 below.

20.307.6 Dimensional Standards.

20.307.6.1 Floor Area Ratio. The maximum floor area ratio permitted in the Mass and Main Residential Mixed Income Subdistrict shall be the same as permitted in the applicable base zoning district, except that the maximum floor area ratio applicable to Residential Mixed Income Projects within the Mass Ave Residential Zone shall be 6.5, provided that no increases in development otherwise permitted under this Zoning Ordinance shall cause the FAR on a lot to exceed 6.5, and further subject to compliance with the affordability and unit mix requirements set forth in Section 20.307.8 below. Additionally, notwithstanding anything to the contrary contained in this Zoning Ordinance, the floor area ratio applicable to residential uses shall apply to and include any retail space included within a Residential Mixed Income Project, subject to the exemption for retail spaces less than 1,500 square feet set forth in Section 20.307.9.6 below, such that the provisions of Section 5.30.12 shall not be applicable to Residential Mixed Income Projects within the Mass and Main Residential Mixed Income Subdistrict (i.e. the same floor area ratio will apply to both residential and retail space within a Residential Mixed Income Project).

20.307.6.2 Maximum Height. The maximum height permitted in the Mass and Main Residential Mixed Income Subdistrict shall be the same as permitted in the applicable base zoning district, except as follows:

- a. Within the area shown as the “Mass Ave Height Area” on Map 20.307, building heights up to 195 feet shall be permitted for a Residential Mixed Income Project, provided that only one building within such zone may exceed 80 feet and provided further that buildings in a Residential Mixed Income Project will be restricted to a floor plate size of 10,000 square feet above 80 feet in height.

- b. Within the area shown as the “Columbia/Douglass Street Height Area” on Map 20.307, building heights up to 70 feet shall be permitted for a Residential Mixed Income Project.

20.307.6.3 Minimum Yards. Minimum yard requirements in the Mass and Main Residential Mixed Income Subdistrict shall be the same as required in the applicable base zoning district; however, notwithstanding any other provisions in the Ordinance, including without limitation the provisions of Section 5.28.1(c) (which applies the dimensional standards of a Residence C-3 district to dwellings in a Business B district), the minimum yard requirements for non-residential uses in the Business B zoning district shall apply to all Residential Mixed Income Projects within the Business B district.

20.307.6.4 Private Open Space. Open space requirements in the Mass and Main Residential Mixed Income Subdistrict shall be the same as required in the applicable base zoning district, including without limitation the provisions of Section 5.28.1(c) (which applies the dimensional standards of a Residence C-3 district to dwellings in a Business B district), except that the applicable Private Open Space requirement under Article 5.000 may be satisfied with any combination of Private Open Space and pedestrian amenities open to the public such as a pedestrian plaza or arcade.

20.307.7 Required Parking.

Required parking and loading in the Mass and Main Residential Mixed Income Subdistrict shall be as required in the applicable base zoning district, except as follows:

- a. The minimum required parking for Residential Mixed Income Projects shall be 0.5 parking spaces per residential unit and shall be further subject to waiver/reduction in accordance with the provisions of Section 20.304.6 and Article 6.000. The maximum permitted parking for Residential Mixed Income Projects shall be 0.75 parking spaces per residential unit.
- b. No separate off-street parking shall be required for ground-floor retail uses in a Residential Mixed Income Project.
- c. Accessory off-street parking facilities for a Residential Mixed Income Project may be located on the same lot as the use being served or on another lot within the Central Square Overlay District, in accordance with the following conditions:
 - 1. said other lot is contiguous to the lot on which the use being served is located; or
 - 2. said other lot is within four hundred (400) feet of the lot on which the use being served is located.
- d. A Residential Mixed Income Project shall provide, at a minimum, one (1) parking space for every 100 residential units that shall be dedicated for use by a carsharing organization (such as ZipCar or other similar program) (each such parking space will be referred to herein as a “Carsharing Space”). Each Carsharing Space within a Residential Mixed Income Project shall allow the required number of residential parking spaces to be reduced by five (5) spaces, but in no event may there be a total reduction of more than 0.17 spaces per dwelling unit resulting from the application of this Paragraph (d).
- e. Loading bays, drives, and a maneuvering space for a Residential Mixed Income Project may be located entirely on the lot or adjacent easement areas with immediate and direct ingress to the building intended to be served.
- f. Any tandem parking spaces for two vehicles shall count as two parking spaces within the Mass and Main Residential Mixed Income Subdistrict if such spaces are accessory to a

Residential Mixed Income Project, provided that such tandem parking spaces may not account for more than twenty-five percent (25%) of the required parking.

- g. For purposes of Section 6.104.1, the applicable distance for Long-Term Bicycle Parking shall be measured from the lot line of the lot on which the Long-Term Bicycle Parking is located to the lot line of the lot on which the building or project intended to be served is located.

20.307.8 Affordable Housing and Unit Mix Requirements for Residential Mixed Income Projects

20.307.8.1 Additional Inclusionary Housing Requirements. The provisions of Section 11.200 in effect as of the date of adoption of this Section 20.307 shall apply to a Residential Mixed Income Project. However, notwithstanding anything in Section 11.200, the FAR of a Residential Mixed Income Project shall not exceed 6.5. Additionally, a Residential Mixed Income Project shall be subject to the following requirements that may exceed the requirements of Section 11.200:

- a. A minimum of seventeen percent (17%) of the total number of units in a Residential Mixed Income Project shall be Affordable Units for low and moderate income households meeting the requirements of Section 11.200 for such Affordable Units.
- b. A minimum of three percent (3%) of the total number of units in a Residential Mixed Income Project shall be Middle Income Units as defined in Section 20.307.8.2 below.
- c. A minimum of ten percent (10%) of the total number of units in a Residential Mixed Income Project shall be 3-bedroom units.

20.307.8.2 Definitions. For purposes of this Section 20.307.8, the following definitions shall apply:

“Middle Income Unit” shall mean a unit for which the rent (including utilities) does not exceed thirty (30) percent of the income of the renting household or for which the mortgage payment (including insurance, utilities and real estate taxes) does not exceed thirty (30) percent of the income of the purchasing household or other standards as may be established pursuant to any city, state or federal housing program designed to assist middle income households, for which the applicable eligible household shall be an Eligible Middle Income Household.

“Eligible Middle Income Household” shall mean any household whose total income does not exceed one hundred twenty percent (120%) of the median income of households in the Boston Standard Metropolitan Statistical Area adjusted for family size, or such other equivalent income standard as may be determined by the Board of Trustees of the Affordable housing Trust as defined in Section 11.201.

In no event shall the combined total number of Affordable Units for low and moderate income households together with the Middle Income Units required in Section 20.307.8.1 above be fewer than twenty percent (20%) of the total number of units in a Residential Mixed Income Project.

20.307.9 Local Retail and Street Activation.

In order to effectuate the goals of promoting a vibrant retail environment and street-level activation, any proposed development within the Mass Ave Residential Zone with building frontage along Massachusetts Avenue or Main Street shall include a plan (the “Retail Plan”) for encouraging local, independent retail and active street-level uses meeting the requirements of this Section 20.307.9, which Retail Plan shall be submitted for review and approval by the Community Development Department prior to the issuance of a Certificate of Occupancy for a Residential Mixed Income Project. The owner shall use commercially reasonable efforts to ensure that the Retail Plan for any Residential Mixed Income Project meets the goals of this Section 20.307.9 and, taken in its entirety, is reflective of the economic and cultural diversity of the Central Square neighborhood.

20.307.9.1 No banks or financial institutions shall be permitted on the ground floor level within the Mass Ave Residential Zone.

20.307.9.2 The ground floor space in any such building frontage along Massachusetts Avenue or Main Street and extending 30 feet into such building (the “Building Frontage”) shall be devoted to retail uses, except for spaces required for accessory uses and other building functions serving the other floors of such building which are typically located at the ground level, including without limitation lobby space, building security, access/egress, mailrooms, mechanical spaces and bicycle parking, which spaces shall be limited to thirty percent (30%) of the total Building Frontage.

20.307.9.3 A minimum of 25% of the retail space required pursuant to Section 20.307.9.2 above shall consist of Independent and Local Retailers. “Independent and Local Retailers” shall include any retail operator which does not own or operate more than 10 retail locations in the Commonwealth of Massachusetts with the same name and retail concept, such determination to be made as of the date of execution of a lease or commencement of ownership of or other right to occupy such retail space.

20.307.9.4 The Retail Plan shall include a proposal for a seasonal public market concept/space (the “Public Market”).

20.307.9.5 Retail spaces of 1,500 square feet or less in a Residential Mixed Income Project shall be excluded from the calculation of floor area ratio.

20.307.10 Grandfathered Parking Structures Within the Bishop Allen Drive Residential Support Zone.

Notwithstanding the provisions of Article 8.000, any nonconforming parking structure located in whole or in part within the Bishop Allen Drive Residential Support Zone and which existed at the time of adoption of this Section 20.307 may be continued, provided that it primarily serves a use permitted in the Mass and Main Residential Mixed Income Subdistrict.

20.307.11 Sustainable Design Requirements for Residential Mixed Income Projects.

Residential Mixed Income Projects in the Mass and Main Residential Mixed Income Subdistrict shall comply with the provisions of Section 22.20 of the Ordinance, provided, however, that any new construction that is part of a Residential Mixed Income Project shall be designed to a minimum standard of LEED Gold. In connection with the submission requirements of Section 22.24.2.a., the developer of such buildings shall submit a Statement of Energy Design Intent produced through the EnergyStar Target Finder tool, or comparable method.

20.307.12 Design Guidelines Applicable to Residential Mixed Income Projects.

In reviewing any Residential Mixed Income Project subject to a Project Review Special Permit under Article 19.000, the Planning Board shall look to the Central Square Design Guidelines dated February 2013 (updated May 2013) for guidance and direction in assessing the project's conformance with the applicable project review criteria set forth in this Ordinance, provided that in the event of any conflict between such Design Guidelines and this Ordinance, the provisions of this Ordinance shall govern. For a Residential Mixed Income Project proposing a building height exceeding those contemplated in the Central Square Design Guidelines, the Planning Board shall give consideration to the following supplemental guidelines:

- a. Consider the variety of vantage points from which tall buildings will be seen, especially from significant public spaces and nearby low-scale residential neighborhoods, as well as city skyline views.
- b. Tall buildings should be articulated to avoid a monolithic appearance, and should emphasize slender, vertically-oriented proportions.
- c. Avoid broad "slab" volumes that make the building appear bulky and visually dominant. Point towers expressing vertical volumes are preferred.
- d. Locate and shape tower elements to minimize shadows on existing or proposed public open space and streets.
- e. Configure towers to maximize sky views from public open space and enhance visual connections through sites.
- f. Consider variation in forms that present different profiles to different vantage points.
- g. If appropriate, step down tall buildings where they interface with adjoining historic buildings.
- h. Minimize impacts on the environmental performance and amenity of adjoining residential buildings.
- i. Consider the appearance of the building top both by day and night, while demonstrating responsible use of lighting and energy consistent with sustainability requirements.
- j. Design buildings to minimize negative wind impacts on streets and public spaces.

20.307.13 Letter of Commitment

The Letter of Commitment dated May 18, 2015, signed by Stephen J. Cusma on behalf of the proponent of the “Mass and Main” Zoning Petition referred to therein as “Normandy/Twining,” (“Letter”) shall be binding upon any developer and/or owner of a Residential Mixed Income Project as defined herein. The issuance of any building permit or certificate of occupancy for a Residential Mixed Income Project shall be conditioned upon certification by the Community Development Department and all other relevant City departments to the Superintendent of Buildings evidencing that such Residential Mixed Income Project is proceeding in accordance and in compliance with all provisions of the aforementioned Letter.

In City Council May 18, 2015.
Passed to be ordained as amended by substitution
by a yea and nay vote:-
Yeas 7; Nays 2; Absent 0.
Attest:- Donna P. Lopez, City Clerk.

A true copy;

ATTEST:-

Donna P. Lopez
City Clerk



May 18, 2015

Mayor David P. Maher
Vice Mayor Dennis A. Benzan
Ordinance Committee Co-Chair Dennis J. Carlone
Leland Cheung
Craig A. Kelley
Nadeem A. Mazen
Marc C. McGovern
E. Denise Simmons
Timothy J. Toomey, Jr.

Cambridge City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Re: Commitments and conditions accompanying the amended zoning petition for the Mass and Main Residential Mixed Income Subdistrict attached hereto as Attachment A (the "Petition")

Dear Mayor Maher, Vice Mayor Benzan, Ordinance Committee Co-Chair Carlone and Councilors Cheung, Kelley, Mazen, McGovern, Simmons and Toomey:

The purpose of this letter is to describe commitments and benefits which the proponent of the above referenced Petition ("Normandy/Twining") is prepared to offer the City of Cambridge, to facilitate and enable Normandy/Twining to redevelop a key intersection in Central Square through the construction of a new residential mixed income project, subject to the satisfaction of the "Conditions" set forth below. Capitalized terms used and not defined herein shall have the meanings given to such terms in the Petition.

Normandy/Twining's Commitments

A. City Purchase of Additional Affordability. Normandy/Twining has engaged in conversations with the City Manager and the Housing Director for the City of Cambridge Community Development Department concerning ways to facilitate additional affordable housing within the Subdistrict by utilizing the Affordable Housing Trust funds to acquire permanent affordability for additional units beyond what is required in the petition. Normandy/Twining commits to continue such conversations in good faith with respect to the housing units to be created by Normandy/Twining within the Subdistrict with the goal of adding

three (3) affordable units to the covenant providing for permanent affordability at a mutually acceptable value and unit size.

B. Bishop Allen Drive Lot. Normandy/Twining shall convey a portion of the parcel of real estate situated at 65 Bishop Allen Drive (Assessor's Lot # 4750-91-98) consisting of the front portion of such lot (excluding reasonable access to the parking spaces on the rear portion of the lot) through a fee transfer, ground lease or other appropriate mechanism to the City of Cambridge or a third party to be designated by the City of Cambridge to be used, in perpetuity, for uses that directly benefit residents of the Area IV (Port) Neighborhood and surrounding communities. The portion of the lot conveyed shall be in approximately the size and location shown on the sketch attached hereto as Attachment B and the transferee and use of the property shall be determined through a public process conducted by the City of Cambridge Community Development Department. Normandy/Twining shall convey the agreed upon portion of the lot immediately upon its receipt of notice from the City as to the identity of the transferee and the designation of the proposed use. The conveyance shall be made by Normandy/Twining upon such terms and conditions as the City and Normandy/Twining may reasonably agree. The commitments made by Normandy/Twining in this Paragraph B shall be conditioned upon (i) the ability of Normandy/Twining to retain ownership of the rear portion of the lot for surface parking or other purposes, together with reasonable access thereto and (ii) receipt of a Special Permit or other required zoning relief permitting the reduction of parking required for Normandy/Twining's Residential Mixed Income Project.

C. Retail Advisory Committee. In order to ensure that the adjacent neighborhoods are involved in evaluating the types of retailers for the retail space to be constructed by Normandy/Twining within the Subdistrict, Normandy/Twining will establish an advisory committee to provide input on the selection of these retailers as well as seek input on the programming of the seasonal public market as required by the Petition. The advisory committee shall meet once annually for a period of 10 years. The advisory committee shall include representatives from the Community Development Department, adjacent neighborhoods and representatives from Normandy/Twining. To effectuate a vibrant community-based Retail Plan that is reflective of the economic and cultural diversity of the Central Square neighborhood, Normandy/Twining shall submit any Retail Plan required by the Petition to the advisory committee three (3) months prior to the substantial completion of the Residential Mixed Income Project, provided that such plan may be updated by Normandy/Twining from time to time.

D. Micro-Housing and Limitations on Residential Parking Permits. Normandy/Twining agrees that it shall include a minimum of eight percent (8%) of the units included in the Residential Mixed Income Project as residential micro-housing units measuring between 350 and 550 square feet in size and that such units will include in leasehold agreements (or other equivalent occupancy agreements) a covenant by the tenant that such tenant shall not apply to the City of Cambridge Traffic, Parking & Transportation Department for a Residential Parking Permit.

Conditions to Normandy/Twining's Commitments

Normandy/Twining's commitments set forth above are offered if the following conditions (the "Conditions") are met:

1. The amendments to the Cambridge Zoning Ordinance set forth in Attachment A are duly adopted in the form attached hereto as Attachment A, and no challenge to the validity of the same shall have been made (or in the event of any challenge, such challenge shall have been finally resolved in favor of such validity).

2. With regard to any outstanding commitments, to the extent applied for by Normandy/Twining, Normandy/Twining shall have received such Special Permits and zoning relief, including without limitation Article 19 Special Permits, from the City of Cambridge Planning Board, and such other permits and approvals as may be necessary to allow for the build-out of a Residential Mixed Income Project as contemplated by the Petition.

In addition to meeting the requirements and conditions of any required permits for the construction of a Residential Mixed Income Project, Normandy/Twining is making these commitments and providing the other mitigation referenced above to the City in order to mitigate any impacts which might result from the construction of a Residential Mixed Income Project as a result of the rezoning, any special permit issued pursuant thereto and the issuance of a building permit.

Thank you.

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