

December 4, 2020

To: Cambridge Planning Board  
Cc: Cambridge City Council Ordinance Committee  
From: Cabot, Cabot & Forbes (“**CC&F**”)  
Re: Comments to CDD Memo re: AOD-1 Petition dated November 24, 2020

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Dear Members of the Planning Board:

We appreciate all the work that you, staff, and public have put into this Petition. We have had the opportunity to review the revised zoning text as drafted by the Cambridge Community Development Department (“**CDD**”) and we welcome the draft and the progress that has been made. We offer the following comments to CDD’s proposed text and we provide specific text revisions to CDD’s draft zoning language that incorporate the comments below (see **Exhibit A**).

1. Bridge Financial Backstop – Section 20.930.3(a)(3)

- Permitting and constructing the bridge will require an independent set of approvals and land rights (e.g., the MBTA). The bridge project will be a multi-year effort and will require significant upfront capital prior to construction commencement. CC&F is committed to leading and funding the bridge permitting, design and construction, but the zoning must provide a “backstop” financial contribution contingency should the bridge’s development be severely delayed or blocked during the process due to factors beyond CC&F’s control. Any project or phase of a project that is made absolutely contingent on achievement of the bridge will be unfinanceable. A financial contribution backstop will allow a Master Plan project involving the bridge commitment to be financeable.
- **Proposed Revisions:** add “commercially reasonable” language obligating the proponent to provide a financial commitment for the balance of the cost of constructing the bridge if the delivery of the bridge is denied or substantially delayed for reasons out of the proponent’s control.

2. Other Bridge Contributions – Section 20.930.4(1)

- The goal of CC&F’s original Petition was to encourage and incentivize all properties within AOD-1 to participate in the funding of a bridge now and in the future. CC&F owns several properties in AOD-1, which could each submit separate project proposals. All should participate in the initial construction funding of the bridge, as well as its long-term operational costs and other potential long-term improvements.
- The MBTA has indicated that a single private party should not be solely responsible for the for long-term ownership, maintenance, repair, and improvements over the MBTA land. Instead, the MBTA prefers that there is a diverse set of funding commitments.
- CDD’s text, as drafted, limits the 0.25 FAR bonus to only one project and does not contemplate multiple Master Plans or projects that would be each be contributing to bridge.
- **Proposed Revisions:** allow for multiple projects in AOD-1 receive the 0.25 FAR bridge bonus in exchange for bridge funding.

3. Garage Heights – Section 20.930.4 (2)

- Master Plan projects may include shared use parking garages with a mix of one or more other uses such as residential, and/or light industrial, etc. However, while the CDD text appears to allow garages up to 85 feet in height, the text appears to require that the entire leasable ground floor of such a garage be used for light industrial and consumer-facing businesses to qualify for that 85-foot height.
- **Proposed Revisions:** clarify that garages, whether standalone or part of a predominately residential building, would qualify for 85 feet in height without requiring specific uses on the ground floor.

4. Ground Floor Activation – Section 20.930.4 (2)

- Restaurants, coffee shops and other similar uses will be needed to activate the Master Plan and transform AOD-1 into a walkable neighborhood.
- To qualify for 85 feet max height, the CDD text requires that the entire leasable ground floor of any non-residential building be dedicated to light industrial and similar consumer facing businesses. “Consumer-facing” is defined by the Alewife District Plan, which limits that definition to uses which require the higher ceiling heights of light industrial uses.
- **Proposed Revisions:** with approval from the Planning Board, allow for a limited number ancillary restaurants, coffee shops, and other similar neighborhood type uses on the ground floor as part of a cohesive Master Plan (still subject to the 20-foot minimum ceiling height requirement), without disqualifying that building for the 85 feet max height.

## EXHIBIT A

### Proposed Changes to CDD Petition Text

Revise proposed Section 20.930.3(a)(3) as follows:

(3) The Master Plan will result in the completion, or continued operation, maintenance, repair, or improvement of a publicly accessible connection for bicyclists and pedestrians, at a minimum, across the railroad right of way between the Triangle District and the Quadrangle Northwest District, with conditions incorporated into the project phasing that will ensure its completion; provided that if the proponent demonstrates to the Planning Board that, despite commercially reasonable efforts, it cannot satisfy such a condition, the project shall be allowed to proceed upon the payment to the City of the estimated costs of completing construction.

Revise proposed Section 20.930.4(1) as follows:

(1) The Additional FAR Applicable to Public Improvements set forth in Section 20.95.11 of this Zoning Ordinance shall be applicable to a Quadrangle Northwest Development Parcel, and the provisions of Paragraph (1) of Section 20.95.11 may be applied to a publicly accessible pedestrian bridge connection across the railroad right of way between the Quadrangle Northwest District and the Triangle District. Additionally, a Quadrangle Northwest Development Parcel may qualify for the additional FAR set forth in Section 20.95.11 by contributing funds in the amount of \$10 per non-residential GFA towards the completion, or continued operation, maintenance, repair, or improvement of a publicly accessible connection for bicyclists and pedestrians, at a minimum, across the railroad right of way between the Triangle District and the Quadrangle Northwest District.

Revise proposed Section 20.930.4(2) as follows:

(2) The height of any building, regardless of use, may be increased to a maximum of eighty-five (85) feet, but shall remain subject to the limitations of Section 20.95.2, Paragraph 1(a) within 100 feet or 200 feet of a residential or Open Space district, provided the Planning Board finds that the entire leasable ground story of any non-residential building (excluding entrances/exits, lobbies, circulation, utilities, loading, and other functions necessary to serve upper-story uses or the building as a whole, as well as, if approved by the Planning Board, a limited amount of restaurants, coffee shops, or similar active uses all as described in the Ground Floor Tenanting and Activation Plan) is planned, designed, and constructed for the occupancy of light industrial uses and/or consumer-facing uses as described in the Economy Recommendations of the Alewife District Plan, with floor-to-ceiling heights that the Board finds to be suitable for such uses. Structured parking, whether freestanding or part of another predominately residential building, shall have a maximum height of eighty-five (85) feet and shall not be subject to the ground floor use provisions of this Section 20.930.4(2).