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**CITY OF CAMBRIDGE**  
Community Development Department

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**BRIAN P. MURPHY**

*Assistant City Manager for  
Community Development*

**SUSAN GLAZER**

*Deputy Director for  
Community Development*

August 1, 2012

Sara Gallop, Co-Director  
Massachusetts Institute of Technology  
Office of Government and Community Relations  
77 Massachusetts Avenue  
Cambridge, MA 02139

Peter Calkins, Executive Vice President & Chief Operating Officer  
Forest City  
38 Sidney Street  
Cambridge, MA 02139-4169

Dear Sara and Peter:

I am writing to clarify the City's position on the affordability term for the low income units and moderate income units referenced in Section 15.32.2 of the Zoning Ordinance (collectively "the Affordable Units"). The Affordable Units were offered as part of Forest City's and MIT's "Commitment for Housing Development" letter submitted to the City Council on January 5, 1988 to incent the City Council to adopt the proposed zoning petition to establish the Cambridgeport Revitalization Development District (CRDD) as part of the Cambridge Zoning Ordinance, which enabled Forest City's and MIT's University Park development. The Affordable Units are an essential element of both the University Park development and the City's affordable housing stock. The Affordable Units have become a topic in the ongoing discussion related to Forest City's pending zoning petition to amend the CRDD, and have recently been characterized as "expiring use" units.

Forest City and MIT included a Housing Plan as part of the attached "Commitment for Housing Development" letter, which was signed by both Forest City and MIT and submitted to the City Council on January 5, 1988 as

part of the zoning petition before the Council. While the Zoning Ordinance indicates that the Affordable Units will be available for at least 30 years, the Housing Plan incorporated within the CRDD zoning amendment approved by the City Council describes in more detail Forest City's and MIT's obligations relative to the Affordable Units. Specifically, the Housing Plan, signed by both Forest City and MIT and incorporated within the CRDD, states:

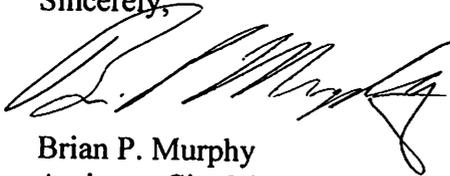
“Term of Subsidy for Rental Housing. We recognize that it is desirable for the low and moderate income units to remain available for such purposes as long as possible. Accordingly, before the expiration of the thirty (30) year period for which low and moderate income units are required under the zoning, we will in a timely manner seek governmental subsidies (including subsidized financing) to enable the low and moderate income units available for rental from us to remain low income units and moderate income units, as applicable, for the full term of our 75-year leasehold. We note that the SHARP financing we are seeking for the Fenton Shoe Building [Kennedy Biscuit Lofts] provides for such housing to be provided “in perpetuity.”

We expect that, at an appropriate time prior to the expiration of the initial thirty year term, Forest City and MIT will seek to obtain such subsidies or other assistance to ensure units remain affordable consistent with the commitment to the City Council. We would hope that Forest City and MIT will agree that such assistance will be sought in order to maintain the current total of 168 Affordable Units, while recognizing that the 1988 commitment set forth in the Housing Plan applies only to 150 units. At this time, we are not aware of any attempts to seek or any inability to obtain such assistance. The City would welcome the opportunity to support your seeking such assistance at the appropriate time.

We appreciate our recent discussions regarding the Affordable Units in the context of the pending Forest City zoning petition. I understand Forest City has also had separate discussions relating to new affordable units which might be offered as part of this petition. We would welcome confirmation by Forest City and MIT of the existing commitment to the Affordable Units required by the CRDD and an explicit commitment to an extension of the affordability term of the Affordable Units at this time, regardless of the obtaining of any governmental subsidies that may be sought. We do, however, want to reiterate our willingness to collaborate with you in seeking such subsidies as required by the Housing Plan.

We believe that Forest City and MIT will be successful in obtaining resources necessary to maintain the Affordable Units for the full term of the 75-year leasehold. We would be happy to work with you as you seek subsidies or other assistance to maintain the Affordable Units.

Sincerely,



Brian P. Murphy  
Assistant City Manager for Community Development

cc: Robert W. Healy, City Manager  
Richard Rossi, Deputy City Manager  
Nancy E. Glowa, Acting City Solicitor  
Henrietta Davis, Mayor  
E. Denise Simmons, Vice Mayor  
Leland Cheung, City Councilor  
Marjorie C. Decker, City Councilor  
Craig Kelley, City Councilor  
David P. Maher, City Councilor  
Kenneth E. Reeves, City Councilor  
Timothy J. Toomey, Jr, City Councilor  
Minka vanBeuzekom, City Councilor

COMMITMENT FOR HOUSING DEVELOPMENT

January 5, 1988

To the Honorable City Council:

We want to address the several questions about the housing program for University Park that have arisen in recent Council discussions of the Cambridgeport Revitalization Development District zoning petition.

First, we want to emphasize the very substantial housing development included as a requirement for the full development of University Park. For the first time ever, the Council has before it a zoning petition which requires a developer to build housing, specifically, in this case 400 units of housing as a required condition for building out his proposed project. This alone is a unique and precedent-setting feature.

When combined with the additional requirement for build-out of 150 low and moderate income units--37.50% of the housing program--it represents the most rigorous program ever imposed on a Cambridge developer. By voting in support of this petition the Council will have enacted a law which entails the largest single contribution to affordable housing by a private developer in well over a decade.

Second, we want to call your attention to the Housing Plan, a corollary document to the zoning petition which adds detail on the housing program for University Park in addition to what is required in the zoning. We have been working together with the Community Development Department, the Cambridge Housing Authority, and the Riverside Cambridgeport Community Corporation to develop the features of this plan, which sets out our individual and mutual commitments: 1) to accomplish the 400 units, a three stage housing plan; 2) to provide for home ownership as well as rental opportunities; 3) to extend the access to this housing to very low income households; 4) to provide units of substantial size for families; and 5) to locate the units in such a way as to assure a mixed income environment.

In short, the zoning petition with the accompanying plan requires and enables a very desirable and ambitious housing program including a very significant amount of low and moderate income housing. The following table compares the housing required for University Park with that built in other private developments in Cambridge.

CAMBRIDGE HOUSING COMPARISONS

	University Park	Church Corner	FAR Development	Steinberg	Schochet
Total Units	400	85	85	100	82
Low	100	23		13	14
Moderate	50	5	8	5	10
%/low/mod	37.5%	33%	9.5%	18%	30%
Tenure	Rent/Own	Rental	Own	Own	Rental

CAMBRIDGE MIXED USE DEVELOPMENT AREA COMPARISONS

	University Park	East Cambridge	Charles Square	Kendall	WR Grace
Total Housing	400 units	611 units	94 units	0 units	0 units
Low/ Moderate Housing	150 units	0 units	0 units	0 units	0 units
% Low/ Moderate	37.5%	0%	0%	0%	0%

The Design Guidelines incorporated by reference in the zoning impose important design criteria for the affordable housing units. They require that new residential units designed for family occupancy have separate entries and accessible private outdoor space; that the pathways in and around the housing connect easily to public open space in the area; and that service areas be minimized in certain areas and be suitably screened when located in proximity to residential areas.

In sum, we want you to know that we are ready and eager to get our housing program underway. Only a change in zoning now stands as the final requirement to allow us to get started.

With the passage of the petition before you, we feel quite sure that the Fenton project will be granted SHARP funding. If so, we will begin construction within the next few months.

We are also well along with our efforts to put the Brookline Street Housing in place. While we have yet some large tasks to complete--acquisition and a home ownership mechanism--we feel confident that these will be accomplished within a year. Based on this anticipated time table, the result will be the construction of about 278 housing units including a substantial number of affordable housing units (up to 120), as a major element of Phase I of the buildout of University Park.

We look forward to the realization of this plan for University Park after years of hard work on the part of many. If you need any further material or clarification of the housing program please don't hesitate to contact us.

We look forward to implementing our plans and making a significant addition to the City's housing stock and its supply of affordable units.

Sincerely,

MASSACHUSETTS INSTITUTE OF  
TECHNOLOGY

FOREST CITY RENTAL PROPERTIES  
CORPORATION

By: Walter L. Milne  
Walter L. Milne  
Assistant to the President

By: Melvin Roebuck  
Melvin Roebuck  
Senior Vice President

cc: Robert W. Healy  
Michael H. Rosenberg  
Joseph Connarton

## HOUSING PLAN

The housing planned for University Park contains three elements: rehabilitation of the Fenton Shoe Building, the construction of new housing along Brookline Street, and the construction of additional new housing elsewhere on the University Park development site.

1. Rehabilitation of the Fenton Shoe Building. We plan to convert the Fenton Shoe Building, so called, located at 129 Franklin Street, to mixed-income rental housing, possibly with some commercial space at and/or below the first floor level. As required by the zoning, at least twenty-five percent (25%) of the total number of dwelling units at the Fenton Shoe Building will be low income units. We plan to build a total of approximately 113 dwelling units at the Fenton Shoe Building, including approximately 29 low income units and approximately 22 moderate income units. We are seeking funding support for the low and moderate component of this project from The Commonwealth of Massachusetts, under the Massachusetts Housing Finance Agency's "SHARP" program. We expect that the City will cooperate with, support, and assist us in our efforts to obtain the SHARP funding (or, if we cannot obtain the SHARP funding, other governmental funding that we seek). We do not expect that the City will provide any financial assistance out of its own funds. If we are successful in obtaining the SHARP funding in its current funding cycle, Forest City and its partner expect to begin construction as early as the summer of 1988. We understand that even if the SHARP funding is not obtained, we must still provide low and moderate income housing as required by the zoning.

2. Brookline Street Housing. We plan to build approximately 165 units on a 3.2 acre site along Brookline Street between Franklin and Pacific Streets. This site includes two parcels of land on Brookline Street not owned by MIT at the present time. MIT will seek to acquire and purchase these sites outright, using every diligent effort, in order to complete the site assembly.

Current plans for housing on this site include a minimum of twenty five percent (25%) low income units (as required by the zoning) as well as moderate income housing, both under some arrangement which allows for home ownership of the units, assuming that an appropriate legal arrangement can be made within the context of the seventy five (75) year leasehold.

We expect construction to begin as early as the summer of 1989.

We expect to seek funds for development of housing on the assembled site (hereinafter referred to as the "Brookline

Street Housing") from available governmental sources. We expect that the City will cooperate with, support, and assist us in our efforts to obtain such funding, but we do not expect the City to provide financial assistance out of its own funds.

If we are successful in assembling the entire 3.2 acre site, we plan to build a total of approximately 165 dwelling units in the Brookline Street Housing. At least 42 low income units and up to to 65 low income units, and as many as 33 moderate income units will be provided once we have the funding for housing in place.

If we cannot assemble the entire 3.2 acre site, we plan to build a total of approximately 135 dwelling units in the Brookline Street Housing, including at least 34 low income units and up to 54 low income units, and as many as 27 moderate income units. We understand that even if governmental funding is not obtained, we are obligated to provide low and moderate income housing required by the zoning.

3. Additional Housing. The remaining housing required under the zoning (approximately 122-152 units) will be located within the University Park development area and will contain the balance of the required low income units. This final element will bring the total housing in University Park to 400 dwelling units, of which at least 100 will be low income units, and at least 50 will be moderate income units.

4. Use of Non-Profit Organizations. We will seek to include non-profit organizations (including, but not limited to community organizations such as the Riverside Cambridgeport Community Corporation) on the development team for the Brookline Street Housing and to consult with the City's Community Development Department in this regard. In incorporating such non-profit organizations in the development process, we will give due consideration to the relevant areas of expertise which such non-profit organizations may possess. If a non-profit entity takes on a sub-developer role for the Brookline Street Housing, Forest City will limit the rental or acquisition costs for land it leases or otherwise transfers to such entity to a level based upon a written-down land value of \$2,000 per dwelling unit located thereon plus fifty percent (50%) of the profits achieved therefrom.

5. Cambridge Housing Authority. We plan to make ten to twenty percent (10-20%) of the low income units in the Brookline Street Housing available to very low income families--those having an income of fifty percent (50%) or less of the median family income for the Metropolitan Boston Statistical Area adjusted for family size--through the Cambridge Housing Authority.

6. Home Ownership. The Brookline Street Housing development has been designated as the home ownership component of this housing plan. At the present time, we are exploring the appropriate legal mechanism to effect this arrangement consistent with the terms of our 75 year leasehold. We expect that the purchasers of such units will obtain subsidized mortgage financing from available governmental sources providing for limited equity programs or other programs which will assure that such units will continue to be available on an affordable basis for the full term of the 75-year leasehold. All units we sell under the terms of the home ownership program to persons meeting the income requirements set forth in the references to low income units and moderate income units in the zoning will be considered low income units or moderate income units, as applicable, under the zoning.

7. Term of Subsidy for Rental Housing. We recognize that it is desirable for the low and moderate income units to remain available for such purposes as long as possible. Accordingly, before the expiration of the thirty (30) year period for which low and moderate income units are required under the zoning, we will in a timely manner seek governmental subsidies (including subsidized financing) to enable the low and moderate income units available for rental from us to remain low income units and moderate income units, as applicable, for the full term of our 75-year leasehold. We note that the SHARP financing we are seeking for the Fenton Shoe Building provides for such housing to be provided "in perpetuity."

8. Distribution of Low and Moderate Income Units. We recognize that it is desirable to avoid economic stratification of the four hundred (400) dwelling units required under the zoning, and accordingly we intend that each component of the housing program contain a mix of both market rate units and the low and moderate income units required under the zoning.

9. Unit Size. We expect that the low income units in the Brookline Street Housing will contain two or three bedrooms, in order to provide occupancy for families of three or more individuals.

XVS:0244/f



# City of Cambridge

22.

IN CITY COUNCIL

January 11, 1988

COUNCILLOR DUEHAY

ORDERED: That the "Housing Plan" incorporated within the proposed rezoning petition entitled Cambridgeport Revitalization District and numbered #1063 provide the following language: "that in any event this document commits the developer to have under construction within three years from the enactment of this ordinance all housing units proposed for Brookline Street."

In City Council January 11, 1988.  
Adopted by the affirmative vote of 9 members.  
Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:- Joseph E. Connarton  
Joseph E. Connarton, City Clerk.

January 22, 1988

To the Honorable City Council:

At your January 11, 1988 City Council meeting, you adopted an order that the Housing Plan for the University Park development provide certain language requiring the Brookline Street Housing to be under construction within three years. We have made the requested change, and we enclose a copy of the revised Housing Plan, which replaces the prior version sent to you by letter dated January 5, 1988.

Sincerely,

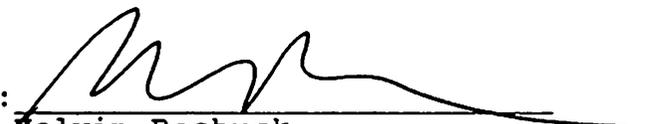
MASSACHUSETTS INSTITUTE OF  
TECHNOLOGY

FOREST CITY RENTAL PROPERTIES  
CORPORATION

By:

  
WILLIAM R. DICKSON  
SENIOR VICE PRESIDENT

By:

  
Melvin Roebuck  
Senior Vice President

Enclosure

cc: Robert W. Healy  
Michael H. Rosenberg  
Joseph Connarton

XVS:0324/f

January 22, 1988

## HOUSING PLAN

The housing planned for University Park contains three elements: rehabilitation of the Fenton Shoe Building, the construction of new housing along Brookline Street, and the construction of additional new housing elsewhere on the University Park development site.

1. Rehabilitation of the Fenton Shoe Building. We plan to convert the Fenton Shoe Building, so called, located at 129 Franklin Street, to mixed-income rental housing, possibly with some commercial space at and/or below the first floor level. As required by the zoning, at least twenty-five percent (25%) of the total number of dwelling units at the Fenton Shoe Building will be low income units. We plan to build a total of approximately 113 dwelling units at the Fenton Shoe Building, including approximately 29 low income units and approximately 22 moderate income units. We are seeking funding support for the low and moderate component of this project from The Commonwealth of Massachusetts, under the Massachusetts Housing Finance Agency's "SHARP" program. We expect that the City will cooperate with, support, and assist us in our efforts to obtain the SHARP funding (or, if we cannot obtain the SHARP funding, other governmental funding that we seek). We do not expect that the City will provide any financial assistance out of its own funds. If we are successful in obtaining the SHARP funding in its current funding cycle, Forest City and its partner expect to begin construction as early as the summer of 1988. We understand that even if the SHARP funding is not obtained, we must still provide low and moderate income housing as required by the zoning.

2. Brookline Street Housing. We plan to build approximately 165 units on a 3.2 acre site along Brookline Street between Franklin and Pacific Streets. This site includes two parcels of land on Brookline Street not owned by MIT at the present time. MIT will seek to acquire and purchase these sites outright, using every diligent effort, in order to complete the site assembly.

Current plans for housing on this site include a minimum of twenty five percent (25%) low income units (as required by the zoning) as well as moderate income housing, both under some arrangement which allows for home ownership of the units, assuming that an appropriate legal arrangement can be made within the context of the seventy five (75) year leasehold.

We expect construction to begin as early as the summer of 1989.

We expect to seek funds for development of housing on the assembled site (hereinafter referred to as the "Brookline

Street Housing") from available governmental sources. We expect that the City will cooperate with, support, and assist us in our efforts to obtain such funding, but we do not expect the City to provide financial assistance out of its own funds.

If we are successful in assembling the entire 3.2 acre site, we plan to build a total of approximately 165 dwelling units in the Brookline Street Housing. At least 42 low income units and up to to 65 low income units, and as many as 33 moderate income units will be provided once we have the funding for housing in place.

If we cannot assemble the entire 3.2 acre site, we plan to build a total of approximately 135 dwelling units in the Brookline Street Housing, including at least 34 low income units and up to 54 low income units, and as many as 27 moderate income units. We understand that even if governmental funding is not obtained, we are obligated to provide low and moderate income housing required by the zoning.

In any event this document commits us to begin construction of all of the Brookline Street Housing within 3 years of the enactment of the January 11, 1988 zoning amendment.

3. Additional Housing. The remaining housing required under the zoning (approximately 122-152 units) will be located within the University Park development area and will contain the balance of the required low income units. This final element will bring the total housing in University Park to 400 dwelling units, of which at least 100 will be low income units, and at least 50 will be moderate income units.

4. Use of Non-Profit Organizations. We will seek to include non-profit organizations (including, but not limited to community organizations such as the Riverside Cambridgeport Community Corporation) on the development team for the Brookline Street Housing and to consult with the City's Community Development Department in this regard. In incorporating such non-profit organizations in the development process, we will give due consideration to the relevant areas of expertise which such non-profit organizations may possess. If a non-profit entity takes on a sub-developer role for the Brookline Street Housing, Forest City will limit the rental or acquisition costs for land it leases or otherwise transfers to such entity to a level based upon a written-down land value of \$2,000 per dwelling unit located thereon plus fifty percent (50%) of the profits achieved therefrom.

5. Cambridge Housing Authority. We plan to make twenty percent (20%) of the units in the Brookline Street Housing available to very low income families--those having an income of either that which would qualify for the State 705 program or

fifty percent (50%) or less of the median family income for the Metropolitan Boston Statistical Area adjusted for family size—through the Cambridge Housing Authority.

6. Home Ownership. The Brookline Street Housing development has been designated as the home ownership component of this housing plan. At the present time, we are exploring the appropriate legal mechanism to effect this arrangement consistent with the terms of our 75 year leasehold. We expect that the purchasers of such units will obtain subsidized mortgage financing from available governmental sources providing for limited equity programs or other programs which will assure that such units will continue to be available on an affordable basis for the full term of the 75-year leasehold. All units we sell under the terms of the home ownership program to persons meeting the income requirements set forth in the references to low income units and moderate income units in the zoning will be considered low income units or moderate income units, as applicable, under the zoning.

7. Term of Subsidy for Rental Housing. We recognize that it is desirable for the low and moderate income units to remain available for such purposes as long as possible. Accordingly, before the expiration of the thirty (30) year period for which low and moderate income units are required under the zoning, we will in a timely manner seek governmental subsidies (including subsidized financing) to enable the low and moderate income units available for rental from us to remain low income units and moderate income units, as applicable, for the full term of our 75-year leasehold. We note that the SHARP financing we are seeking for the Fenton Shoe Building provides for such housing to be provided "in perpetuity."

8. Distribution of Low and Moderate Income Units. We recognize that it is desirable to avoid economic stratification of the four hundred (400) dwelling units required under the zoning, and accordingly we intend that each component of the housing program contain a mix of both market rate units and the low and moderate income units required under the zoning.

9. Unit Size. We expect that the low income units in the Brookline Street Housing will contain two or three bedrooms, in order to provide occupancy for families of three or more individuals.

## **Cambridgeport Revitalization Development District (CRDD) Affordable Housing FAQ**

### **Q: Where in the Cambridgeport Revitalization Development District are the affordable units required by Section 15.32.2 of the Zoning Ordinance?**

Affordable units are located at the Kennedy Biscuit Loft (former Fenton Shoe building) and 100 Landsdowne buildings, and in both phases of Homeowners Rehab, Inc.'s Auburn Court development. See the attached chart which shows the zoning requirements and where low income and moderate income units required by the zoning are located.

### **Q: What are the affordability restrictions for these units?**

Section 15.32.2 of the Zoning Ordinance requires that 100 units be affordable to households earning less than 80% of area median income ("low income units") and that 50 units be affordable to households who are eligible for homeownership programs through MassHousing ("moderate income units").

The zoning requires these units to be affordable for a minimum of 30 years, with the commitment that they will be affordable for the full 75-year term of Forest City's lease of the land from MIT (through approximately 2064), as long as Forest City can obtain subsidies to continue affordability. The affordability requirements are outlined in more detail in the Forest City's and MIT's Commitment for Housing Development and Housing Plan, which are part of the 1988 zoning approved by the City Council. The extended term is subject to Forest City's and MIT's obtaining subsidies necessary for these units to remain affordable.

There are other affordability requirements associated with each of the four developments (KBL, 100 Landsdowne, Auburn Court 1, Auburn Court 2) in which there are affordable units.

- The 36 affordable low-income units at KBL are subject to a regulatory agreement now held by MassDevelopment, which runs through 10/2014. The initial 30-year term of the zoning required affordability at KBL runs through approximately 2021, subject to extensions based on Forest City's ability to obtain subsidies as described in its 1988 commitment.
- The 41 affordable low-income units at 100 Landsdowne are also subject to a MassDevelopment regulatory agreement which runs through approximately 2021. The initial 30-year term of the zoning required affordability at 100 Landsdowne runs through approximately 2036, subject to extensions based on Forest City's ability to obtain subsidies as described in its 1988 commitment. This commitment, however, may not include the 18 additional affordable units that are currently being provided.
- Units at both phases of HRI's Auburn Court development are subject to financing-based affordability requirements held by the City, the Affordable Housing Trust, and other public funders. Public funding requires at least a 40-year affordability term at Auburn Court 1. The City and Affordable Housing Trust require affordability at Auburn Court 2 through the end of the term of the 75-year land lease. Homeowner's Rehab, Inc., a Cambridge-based non-profit affordable housing provider, sponsored and currently controls both phases of Auburn Court.

**Q: Are all units at University Park required to be affordable by the current zoning?**

No, there are currently a total of 168 affordable units (146 low income units and 22 moderate income units) while the zoning requires only 150. The additional 18 units are currently required by financing used to develop Kennedy Biscuit Lofts and 100 Landsdowne.

**Q: Are there “expiring” affordable units at University Park?**

The zoning requires the 150 units included in the 1988 commitment be affordable for up to 75 years, subject to obtaining subsidies. The commitment references Forest City’s and MIT’s commitment to seek subsidies to enable them to keep units affordable, and the City believes this zoning commitment is achievable and is prepared to assist Forest City in seeking subsidies at the appropriate time. There remains, however, the possibility that Forest City is not able to obtain necessary subsidies.

Affordable units in excess of the required 150 units (18 units) are not included in the zoning requirement and are only subject to affordability requirements associated with financing.

**Q: How many of the affordable units are occupied by tenants with CHA vouchers?**

Approximately 59 of the 77 affordable units operated by Forest City at KBL and 100 Landsdowne are occupied by household with vouchers. Approximately 69 of the 137 units at Auburn Court are occupied by household with vouchers.

**Q: What happened to the homeownership units included in the Housing Plan?**

Affordable homeownership units were found to be too challenging to develop given the 75-year term of Forest City’s land lease. Over time it would have become more difficult for owners to obtain financing as the value of units declined as the end of the lease approached. These units were developed as rental housing. The “Brookline Street Housing” referenced in Forest City’s housing commitment which was envisioned as homeownership became HRI’s Auburn Court development.

**Forest City Zoning Petition – Comparison of Existing Zoning with Petition as of 7/30/12**

**Q: What is allowed by existing zoning with a special permit at 300 Mass. Ave? Development size and use mix?**

Existing zoning allows a development of 138,848 square feet and building height of 80 feet (with some step-downs section of 65 feet). A development of this scale would require a Special Permit from the Planning Board. Existing zoning allows a mix of uses but does not require any particular use (such as ground floor retail).

**Q: What could be built if Forest City’s zoning petition is approved? Development size and use mix?**

If the current Forest City petition is approved, a development of 246,716 square feet and building height of 95 feet (with a height of 65 feet along Mass. Ave.) would be allowed. A development of this scale would require a Special Permit from the Planning Board. The petition would allow a mix of uses and would require ground floor retail space along Mass. Ave.

Please see the attached map of building heights in the CRDD area prepared by CDD.

**Q: What is the status of the housing Forest City proposed to be built on the open space adjacent to the Fire Station?**

This residential building has been removed from Forest City's petition and is no longer being considered.

**Q: What community benefits is Forest City offering associated with its current zoning petition?**

Forest City is offering to:

- contribute \$1,078,680 to the City for community benefits;
- keep the 150 affordable units required by their 1988 commitment affordable through the end of their land lease (approximately 2064), regardless of their ability to obtain subsidies;
- Keep the 18 additional units that are currently affordable through the end of their land lease;
- create an additional 20 affordable low-income units within 7 years or make a \$4,000,000 payment into the Affordable Housing Trust;
- contribute \$1,084,319 to the Affordable Housing Trust as required by the City's Incentive Zoning Ordinance which requires contributions for certain commercial developments.

**Q: Can Forest City's petition be re-filed if it is voted down, withdrawn, or expired?**

Please be advised that Article 1.000, s. 1.52 of the Zoning Ordinance provides:

No proposed amendment to this Zoning Ordinance which has been unfavorably acted upon by the City Council shall be considered on its merits within two years after the date of such unfavorable action unless such an amendment is recommended in the report which the Planning Board is required to make to the City Council. The granting of "leave to withdraw" after a proposed amendment has been advertized for a hearing before the City Council shall be considered as constituting unfavorable action. Failure of the City Council to take action on a petition for a zoning amendment within ninety days after the Planning Board hearing on said petition shall render the petition inactive. Such failure to act shall not be considered unfavorable action but shall require another Planning Board public hearing in accordance with the requirements of Section 5, Ch. 40A, G.L., prior to any subsequent City Council action on the petition.

Therefore, if the Forest City petition is unfavorably acted upon or is withdrawn by the petitioner, it may not be re-filed within two years after the unfavorable action. If the petition expires because the City Council does not act on it within ninety days of the public hearing, the petition may be re-filed. A new hearing would be required pursuant to the requirements of G.L. Chapter 40A, Section 5.

**CRDD Affordability Requirements**

<u>Current Status</u>	<u>Required by Zoning</u>	<u>CURRENT STATUS</u>		
		<u>Auburn Court (HRI)</u>	<u>Forest City</u>	<u>TOTAL</u>
Low-income units	100	69	77	146
Moderate-income units	50	22	0	22
<b>TOTAL UNITS</b>	<b>150</b>	<b>91</b>	<b>77</b>	<b>168</b>

<u>Forest City Housing</u>	<u>Low-income Units</u>	<u>Moderate- income Units</u>	<u>Market Units</u>	<u>Total Units</u>
Kennedy Biscuit Lofts	36	0	106	142
100 Landsdowne	41	0	162	203
23 Sidney Lofts	0	0	51	51
91 Sidney Street	0	0	135	135
<b>TOTAL</b>	<b>77</b>	<b>0</b>	<b>454</b>	<b>531</b>

<u>Auburn Court Housing (HRI)</u>	<u>Low-income Units</u>	<u>Moderate- income Units</u>	<u>Market Units</u>	<u>Total Units</u>
Auburn Court I	39	7	31	77
Auburn Court II	30	15	15	60
<b>TOTAL</b>	<b>69</b>	<b>22</b>	<b>46</b>	<b>137</b>