

Donald A. Drisdell
City Solicitor

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CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

September 12, 2006

Shelley Neill
Executive Director
Cambridge Multicultural Arts Center
41 Second Street
Cambridge, MA 02141

Re: *536 Massachusetts Avenue*

Dear Ms. Neill:

I am writing at the request of the City Manager in response to the proposal you have made on behalf of the Cambridge Multicultural Arts Center ("CMAC") regarding resolution of the dispute between CMAC and the Dance Complex as relates to the property known as 536 Massachusetts Avenue. The proposal that you originally communicated to me was as follows:

1. The City will commit to \$200,000 in grant/contract monies each year for the next 10 years to be paid by the City in a single installment each year on or about July 1st;
2. The City will provide a one-time capital improvements grant to CMAC in the amount of \$203,500 to accomplish the work detailed on the attached Capital Improvements Budget;
3. The City will work with CMAC in its efforts to renew or extend its current lease arrangements with Gund Associates beyond the current expiration date in 2008;
4. CMAC will deed 536 Massachusetts Avenue to The Dance Complex for \$1.00.

After discussing your proposal with the City Manager, I communicated to you that the City could not agree to the proposal. I advised you that the City Manager would be willing to:

1. Renew his commitment in writing to recommend a grant/contract in the amount of \$200,000 a year to CMAC for the next 10 years and to change payments from quarterly to semi-annual installment on or about July 1st and January 1st each year;
2. The City Manager would be willing to meet with representatives of CMAC and Gund Associates at a meeting to be arranged by CMAC for the purpose of encouraging Gund Associates to renew or extend CMAC's lease.

I advised you that the City Manager could not identify any appropriate source of funding for your request for a one-time grant for capital improvements. You responded by asking if the City would agree to make a one-time up-front payment of the annual grant/contract for the entire ten years in the amount of \$2,000,000.00 and a one-time capital improvement grant relating to those items on the attached Capital Improvements Budget that you believe relate to historic preservation of the building—\$8,000 to replace theater railings; \$5,700 for other theater painting and resurfacing; \$12,000 to refinish marble floors; and \$32,000 for historic preservation of theater ceiling medallions and high relief plaster molding; for a subtotal of \$57,700, plus a 10% contingency: totaling \$63,470.

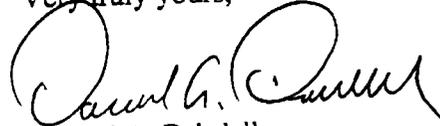
After further discussion with the City Manager, I am authorized to offer the following revised proposal to CMAC:

1. The City Manager will renew his commitment in writing to recommend a grant/contract in the amount of \$200,000 a year to CMAC for the next 10 years and to change payments from quarterly to semi-annual installment on or about July 1st and January 1st each year;
2. The City Manager will participate in a meeting with representatives of CMAC and Gund Associates at a meeting to be arranged by CMAC for the purpose of encouraging Gund Associates to renew or extend CMAC's lease.
3. CMAC will submit to the Cambridge Historical Commission an Application for Institutional Preservation Grant ("IPG") on the application form attached to this letter seeking a total grant of \$57,700.00 for the items described above, and the City Manager will support CMAC's application in proceedings before the Historical Commission.
4. CMAC will take all necessary actions to deed 536 Massachusetts Avenue to The Dance Complex for \$1.00.

Upon acceptance of these terms by CMAC, the City Manager is prepared to recommend to the City Council at the meeting scheduled for September 25, 2006 a transfer of funds to allow for payment to CMAC of the amount of \$100,000.00 as payment for the first semi-annual installment for fiscal year 2007.

Kindly let me, or in my absence, Deputy City Solicitor Nancy E. Glowa, know as soon as possible if these terms are acceptable to CMAC.

Very truly yours,

A handwritten signature in black ink, appearing to read "Donald A. Drisdell". The signature is written in a cursive style with a large initial "D" and "A".

Donald A. Drisdell
City Solicitor

cc. Robert W. Healy, City Manager
Nancy E. Glowa, Deputy City Solicitor

cambridge multicultural arts center

**CAPITAL IMPROVEMENTS
BUDGET**

Our mission is to present visual and performing arts programs to educate the community about diversity, and make our facility available to artists or groups that might not otherwise have access to a professionally equipped facility or the cultural mainstream .

Please help us achieve our goal by filling out a 'Sponsor Me' pledge form.

THEATER

Theater curtains	\$5,800
Theater entry curtain	\$500
Window treatments (six windows)	\$1,500
Resurface acoustic panels	\$12,000
Theater railings repainted	\$8,000
Other theater painting and resurfacing	\$5,700
Painting of Green Room	\$1,200
225 stacking chairs for theater	\$10,000
Replacement of lighting instruments for theater lighting system	\$10,000
Replacement of dance and performance staging	\$16,400
Refinish of marble floors	\$12,000
Historic Preservation of Theater Ceiling Medallion and High Relief Plaster Wall Moulding	\$32,000

Total THEATER Estimated Budget

\$115,100

GALLERIES

Upgrade gallery track lighting upper and lower galleries	\$9,000
Resurfacing upper gallery floor: materials and installation	\$1,850
Two flat screen monitors with DVD players	\$1,400

Total GALLERIES Estimated Budget

\$12,250

cambridge multicultural arts center

**CAPITAL IMPROVEMENTS
BUDGET (CONT'D)**

KITCHEN

Appliances	\$12,500
Kitchen cabinets and countertops	\$13,500
Flooring	\$850
Ceiling	\$850
Painting	\$750
Add closet for storage	\$12,000
Total KITCHEN Estimated Budget	\$40,450

OFFICE

Refinish interior stairwell	\$700
Interior Signage	\$1,500
Computers, printers and upgrade of networking system	\$15,000
Total for OFFICE Estimated Budget	\$17,200

Total for Phase 1 and Phase 2	\$185,000
10% contingency fee	\$18,500
GRAND TOTAL	\$203,500



Cambridge Historical Commission, City of Cambridge

831 Massachusetts Avenue, Cambridge, Massachusetts 02139 Telephone: 617-349-4683

Fax: 617-349-3116, TTY: 617-349-6111, E-mail: histcomm@cambridgema.gov

URL: <http://www.cambridgema.gov/Historic>

February 27, 2006

To: Non-Profit Organizations Owning Property in Cambridge

From: Charles Sullivan, Executive Director
Cambridge Historical Commission

Re: Funding Opportunity for Building Rehabilitation

The Cambridge Historical Commission is requesting proposals for Institutional Preservation Grants, which provide funds to qualified non-profit organizations for rehabilitation or restoration of significant Cambridge buildings or structures.

In 2001, Cambridge voters accepted the terms of the Massachusetts Community Preservation Act (CPA) and agreed to establish a Community Preservation Fund to support the "acquisition, creation and preservation" of affordable housing, open space, and historic structures. Since then, 10% of the funds generated through this program have been set aside for historic preservation purposes, which includes the "acquisition, preservation, rehabilitation, and restoration of historic resources."

Cambridge's CPA-funded historic preservation activities have involved restoration of historic public buildings and landscapes and support for the Historical Commission's Preservation Grant program for affordable housing rehabilitation, which is now in its 30th year. This program helps preserve affordable housing by making grants to low- and moderate-income homeowners and to local housing rehabilitation agencies for exterior restoration projects, such as removing artificial siding and restoring original architectural details.

The Commission's Institutional Preservation Grant (IPG) program, now in its second year, extends the Commission's Preservation Grant program, but with some significant differences.

- Applicants to the IPG program must be non-profit organizations.
- The building or structure for which assistance is being sought must be significant on the local, state, or national level for its architecture or associations with important persons, organizations, or events.
- The work must constitute rehabilitation or restoration rather than ordinary maintenance.
- Applicants must demonstrate that they have the financial and managerial resources to enable projects to proceed expeditiously to completion.

The maximum Institutional Preservation Grant per project will consist of an outright grant of up to \$25,000, and a further grant of up to 50% of additional documented costs for a maximum disbursement of \$50,000. Amounts over the initial \$25,000 grant must be matched by the applicant.

- Actual grant amounts will be determined by the Commission on the basis of the selection criteria and with regard to the availability of funds, and are likely to be less than the total cost of the work even if the total project cost is less than \$25,000; that is, some matching may be required even for projects costing less than \$25,000.
- Grants will be made on a reimbursement basis and will not be paid until the approved work is completed and documented to the satisfaction of the Commission.
- The Commission may require that the owner enter into a 30-year preservation restriction that will protect the property as though it were designated as a landmark.

If your organization is interested in applying for an Institutional Preservation Grant, please review the attached guidelines and complete the enclosed application, describing the nature of your organization, the building or structure for which the grant is requested, the proposed scope of work, and the estimated cost. Grant applications will be reviewed by the Commission staff, which may request additional information, and then presented to the Cambridge Historical Commission for a determination of significance and concurrence on the amount and terms of the proposed grant. (Applications from previous recipients will be considered, but may be assigned a lower priority than new applications.) Once a contract has been signed, recipients will have eighteen months from that date to complete projects and seek reimbursement.

enclosure

Guidelines for Institutional Preservation Grants (IPG) funded under the Historic Resources Community Preservation Fund in Cambridge

1. Eligible Applicants

Eligible applicants are private, non-profit organizations that are recognized under 501(c)3 of the Internal Revenue Code and that are the owners or long-term lessees of an eligible historic resource.

2. Eligible Historic Resources

Eligible historic resources can be buildings, structures, or other real property. To be considered for grants under the provisions of the Community Preservation Act, historic resources must be either listed on the State Register of Historic Places or be determined by the Cambridge Historical Commission to be significant in the history, archaeology, architecture or culture of the City of Cambridge.

To determine the eligibility of an historic resource and a proposed project for Institutional Preservation Grant assistance, interested applicants must submit an application form that:

- Describes the location and nature of the building for which assistance is requested. The Historical Commission will ascertain the State Register status of the property, or make a determination as to the historical, archaeological, architectural or cultural significance of the resource,
- Demonstrates that the project is eligible for CPA consideration as defined below, and
- Includes a description of the type and scope of work for the project proposed, with preliminary cost estimates and schematic plans where appropriate.

3. Eligible Projects

According to the CPA statute, CPA assistance may be used for the “acquisition, preservation, rehabilitation and restoration of historic resources,” which include the following:

- Obtaining a historic resource by “gift, purchase, devise, grant, rental, rental purchase, lease or otherwise,” but not including “a taking by eminent domain;”
- Preserving by protecting “personal or real property from injury, harm or destruction, but not including maintenance;” or
- Rehabilitating the historic resource, which is defined as “the remodeling, reconstruction and making of extraordinary repairs to historic resources ... for the purposes of making such historic resources . . . functional for their intended use.” Rehabilitation may include work done to comply with the Americans with Disabilities Act and other federal, state or local building or access codes. “With respect to historic resources, rehabilitation shall . . . comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior’s Standards for the Treatment of Historic Properties.”

Maintenance (defined as the “upkeep of real or personal property”) is not an eligible grant expense. For example, painting and routine repairs in preparation for painting are considered maintenance and are not an eligible expenditure. Cambridge’s Institutional Preservation Grants can only be used for exterior restoration, ADA compliance, or structural work

necessary to ensure the continued integrity of the building or structure. Interior restoration work will not be supported.

4. Historical Commission Review of Projects Proposed for CPA Consideration

The Cambridge Historical Commission will use the following criteria to review letters of intent for eligible projects proposed for Institutional Preservation Grant assistance:

- Level of historical, archaeological, architectural or cultural significance of the property;
- Appropriateness of the proposed acquisition, preservation, rehabilitation, or restoration for the property;
- Anticipated public benefit to users and community residents;
- Potential for loss or destruction of the property without a grant;
- Demonstrated financial need; and
- Administrative and financial management capabilities of the applicant.

Applicants with projects that are determined eligible for IPG assistance may be asked to submit more detailed proposals, including plans and specifications for the work. The Commission will review applications at a regular monthly public meeting. Grant awards will be based on an evaluation of the project in light of the criteria above and on the quality and completeness of the final submission. Applications from previous grant recipients will be considered, but may be assigned a lower priority than new applications.

5. Historical Commission Review and Monitoring of Final Construction Plans and Specifications

The Executive Director of the Cambridge Historical Commission or his designee must review and approve final construction plans and specifications before the applicant begins work or applies for a building permit. The Commission's review is intended to ensure that the project complies with the Guidelines for Rehabilitation stated in the Secretary of the Interior's Standards for the Treatment of Historic Properties (<http://www.cr.nps.gov/hps/tps/tax/rhb/guide.htm>).

6. Preservation Restriction

As a condition of receiving an Institutional Preservation Grant for a property not already protected by a preservation restriction, designated as a landmark, or located in an historic district or neighborhood conservation district, the owner may be required to enter into a preservation restriction that will protect it for a term of thirty years.

Section 12 of the Community Preservation Act requires that "a real property interest that is purchased with monies from the Community Preservation Fund shall be bound by a permanent deed restriction that meets the requirements of chapter 184, limiting the use of the interest to the purpose for which it was acquired."

Preservation restrictions acquired by the Cambridge Historical Commission will require the issuance of a Certificate of Appropriateness, Nonapplicability or Hardship for any alteration, construction or demolition of the publicly visible exterior architectural features of the restricted property, as if it is located in an historic district established under M.G.L. Ch. 40C.

7. Allowable Costs for Institutional Preservation Grant Projects

Customarily, Preservation Grant funds have been used to leverage the efforts of individuals and agencies by supporting the incremental cost of historic preservation activities, and have not funded the entire cost of the project. For example, the Commission has helped defray the cost differential between asphalt shingles and slate roofing, between installing plain posts and reproducing appropriate porch columns, or between vinyl siding and wood clapboards and trim. Institutional Preservation Grant projects will operate on the same principle, as follows:

Rehabilitation Projects: Requests may be submitted for construction activities including stabilization, protection, rehabilitation, and restoration. Grant funding can be used to cover the costs of material and labor necessary to ensure the preservation, safety, and accessibility of historic cultural resources. Development of universal access is allowable as part of a larger project.

- Allowable costs: Out-of-pocket expenses for building preservation or restoration, building code compliance, and barrier-free access where historic fabric is directly involved. Activities that secure or maintain a weatherproof shell will be given priority.
- Non-allowable costs: Projects consisting of routine maintenance (including painting), upgrading of mechanical systems (i.e., heating, ventilation, air conditioning, electrical, plumbing), renovation of non-historic spaces, or construction of additions will not be considered. Institutional Preservation Grant funds may not be used to support restoration or repair of interior spaces used for worship. Architectural/engineering fees are not eligible for funding. The Commission will not reimburse grantees for the value of donated labor.

Acquisition Projects: Requests may be submitted to acquire properties listed on the State Register of Historic Places that are imminently threatened with inappropriate alteration or destruction.

8. Grant Amounts

The maximum Institutional Preservation Grant for any single project will be an outright grant of up to \$25,000, with an allowance for a further grant of up to 50% of additional documented costs for a maximum disbursement of \$50,000. The Commission may reimburse grantees for 100% of pre-approved eligible costs up to the amount of the flat grant, and for 50% of eligible documented costs above the initial \$25,000, up to the maximum allowed disbursement.

Actual grant amounts will be determined by the Commission on the basis of the selection criteria and with regard to the availability of funds. The actual grant amount offered may be less than the total cost of the work, even for projects costing less than \$25,000.

All grants will be made on a reimbursement basis and will not be paid until the approved work is completed and documented to the satisfaction of the Commission.

February 28, 2006



CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, Cambridge, Massachusetts 02139

Telephone: 617 349 4683 Fax: 617 349 3116 TTY: 617 349 6112

E-mail: histcomm@cambridgema.gov URL: http://www.cambridgema.gov/~Historic

William B. King, *Chair*, Bruce A. Irving, *Vice Chair*, Charles M. Sullivan, *Executive Director*
M. Wyllis Bibbins, Robert G. Crocker, Suzanne R. Green, Frank Shirley, Jo M. Solet, *Members*
Jacob D. Albert, Shary Page Berg, *Alternates*

APPLICATION FOR INSTITUTIONAL PRESERVATION GRANT (IPG)

Applicant Information

1. Name of Applicant Organization _____
Mailing Address _____
Telephone Number _____
Fax number _____
E-mail _____
Name of organization's project coordinator _____
Coordinator's contact information, if
different _____

2. Non-profit status
 501(c)3 Tax identification number _____
 If other, please explain _____

3. Organization's mission statement (attach separate sheet if desired)

4. Relation of applicant organization to the building to be renovated under the Institutional Preservation Grant program
 Owner
 Tenant a) attach terms, length, and expiration date of present lease, and
b) attach written permission from building owner to apply for a grant

Project Information

1. Description of building: _____
Street address _____

Date: _____ Architect: _____
Preservation status: _____
(office use only) _____

2. Describe the scope of the project proposed for IPG funding. Summarize the components of the project in priority order. Attach separate sheet if necessary, with photographs or other documentation if possible.

<u>Priority</u>	<u>Component</u>	<u>Anticipated Cost</u>	<u>IPG Grant requested</u>
1.	_____	\$ _____	\$ _____
2.	_____	\$ _____	\$ _____
3.	_____	\$ _____	\$ _____
4.	_____	\$ _____	\$ _____
5.	_____	\$ _____	\$ _____
	Total	\$ _____	\$ _____ (no more than \$50,000)

3. Is the work proposed for IPG funding part of a larger project? Attach separate sheet if necessary. _____

4. Provide the name(s) and contact information for the architect, engineer, contractor and/or preservation consultant who has advised your organization on this project.

Certification

The undersigned represents to the best of his/her knowledge that the information provided in this statement accurately describes the proposed project, and agrees to promptly inform the Cambridge Historical Commission of any changes which may occur.

Signature of Owner's Representative

Print Name

Title

Signature of Tenant's Authorized Representative

Print Name

Title

Date



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Procedures for Institutional Preservation Grant Applicants

Applicants must follow the numbered procedures in the order outlined below. *Cambridge Historical Commission (CHC) procedures are in italics and boldface.*

1. Applicant responds to Request for Proposals.
 - A. *CHC staff reviews applications and submits them for review by the Commission.*
2. Applicants notified that their proposal has been accepted in principle must contact the CHC staff to arrange a site visit and an initial project discussion.
3. Applicant files detailed project information with CHC staff including plans and specifications, if required.
4. Applicant calls or e-mails CHC staff to confirm receipt of the application and discuss project scope.
5. If necessary, applicant prepares revised application and submits it to CHC staff.
 - B. *CHC staff reviews final proposals and submits them to the Commission, which chooses awardees and determines grant amounts and conditions.*
 - C. *CHC staff sends a "Notice to Proceed with Soliciting Bids" to approved applicants.*
6. Applicant has sixty (60) days from the Notice to Proceed to solicit and submit three written bids from contractors for the improvements. Bids must be itemized so that a cost is associated with each task or material to be installed.
 - C. *CHC staff reviews the bids, and if they reflect the approved scope and quality of work, the applicant will be offered a contract with the City of Cambridge. Grants will be based on the lowest responsible bid for each proposed work, but may or may not reflect the entire cost of the work. Applicants may reject any bidder with CHC approval.*
7. Applicant schedules a pre-construction meeting between the applicant, the selected contractor, and CHC staff.
 - D. *CHC sends applicant a "Notice to Proceed with Improvements." Work completed prior to receiving the "Notice to Proceed with Improvements" may not be eligible for reimbursements.*

8. Applicant has ninety (90) days after the Notice to Proceed to begin implementation of approved improvements.
 9. Applicant's contractor executes the project as specified in the contract. Any changes previously agreed upon and contracted must have prior approval of CHC. It is up to the applicant to notify CHC of these changes.
 10. Applicant notifies CHC that the project is completed. Work must be completed within eighteen months from the date of the "Notice to Proceed with Improvements."
- E. CHC staff reviews the completed project, and determines whether the work has been completed in a manner consistent with the contract and with acceptable trade practices.*
11. The contractor(s) submit letters to CHC acknowledging full payment by the applicant and the applicant submits copies of all paid invoices to CHC. Requests for disbursement of the grant must be made within sixty (60) days after completion of the work.

F. The City of Cambridge issues a reimbursement check.

The Cambridge Historical Commission reserves the right to make adjustments regarding conditions and parameters outlined in these guidelines.

Cambridge Historical Commission
February 28, 2006