



City of Cambridge

Agenda Item No. 40A & B

IN CITY COUNCIL

August 4, 1997

WHEREAS: University Park Phase II Limited Partnership is the owner of the land and improvements thereon known as 350 Massachusetts Avenue and 20 Sidney Street, Cambridge, Massachusetts and wishes to purchase air rights easements over the City's land adjacent thereto; and

WHEREAS: Thirty-Eight Sidney Street Limited Partnership is the owner of the land and improvements thereon known as 38 Sidney Street, Cambridge, Massachusetts and wishes to purchase air rights easements over the City's land adjacent thereto; and

WHEREAS: Forest City 64 Sidney Street, Inc. is the owner of the land and improvements thereon known as 64 Sidney Street, Cambridge, Massachusetts and wishes to purchase air rights easements over the City's land adjacent thereto; and

WHEREAS: The proposed easements involve air rights for certain canopies over approximately 680 square feet of land (in the aggregate) located over Green, Sidney and Franklin Street; and

WHEREAS: The Community Development Department has determined that the canopies are essential design features to the integration of the buildings; and

WHEREAS: The proposed locations of the air rights easements are located within the City's land all as shown on plans entitled "Easement Plan prepared for Forest City Development 20 Sidney Street and 350 Massachusetts Avenue, Cambridge, Massachusetts" dated July 3, 1997 prepared by Cullinan Engineering; and

WHEREAS: It will serve the public interest and convenience if the easements are granted so that all buildings can be constructed and maintained in accordance with the approved designs; and

WHEREAS: The disposition of the City property constituting the easement is of such little significance that the process described in Section 2.110.010(A) - (E) of the Cambridge Municipal Code would be unduly burdensome; now therefore be it

- ORDERED: That pursuant to Section 2.110.010(G) of the Cambridge Municipal Code, the City Council hereby approves the diminished process in connection with the granting of said easements; and be it further
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In City Council August 4, 1997
Adoption by a ye and nay vote:-
Yeas 9; Nays 0; Absent 0.
Attest:- D. Margaret Drury, City Clerk

A true copy; *D. Margaret Drury*

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First, the proposal must be considered by the Council pursuant to Chapter 2.110 of the Cambridge Municipal Code which governs the disposition of city-owned property. I believe this disposition may properly be subject to Section 2.110.010(G) of that ordinance. Section G provides for the disposition of city-owned property that is of such little significance that the full process of the ordinance would be unduly burdensome. Under this section, the City Manager may request of the City Council a diminution of the process in the ordinance; approval of this diminution request requires a two-thirds vote of the City Council. I recommend such approval at this time.

Secondly, Section 2.110.010 also requires a two-thirds vote of the City Council to authorize the City Manager to grant the easements. I also recommend that the City Council vote to grant the easements and to execute and deliver such easements in form and substance as I determine is necessary or advisable.

Description of the Easements

The proposed easements for the canopies are shown on a series of Plans entitled "Easement Plan prepared for Forest City Development 20 Sidney Street and 350 Mass. Ave., Cambridge, Massachusetts" dated July 3, 1997 prepared by Cullinan Engineering, copies of which are enclosed. Also enclosed are the specific descriptions of each of the easements.

These building elements do not add usable floor space to the buildings; they are, rather, design elements identified in the City's design review process as an important components of the design.

Financial Arrangements

In 1994, two appraisals were completed for the City for the purpose of estimating a fair market value for air rights sold in that year to the Whitehead Institute. The City Assessor reviewed these appraisals, along with commercially zoned land sales which have taken place more recently in East Cambridge and Cambridgeport, and assigned a value to similar air rights easements at \$35 per square foot of area on each floor.

University Park has agreed to pay a one-time fee of \$23,800 for these easements (\$35 x 680 square feet of total easement area).

Request for Diminution of Process Stipulated in Chapter 2.110

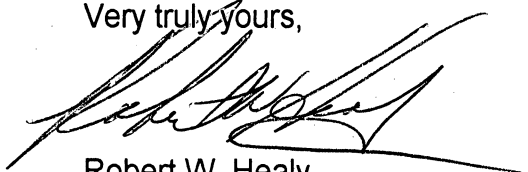
Chapter 2.110 of the Cambridge Municipal Code on the disposition of city property outlines an extensive process to be applied to the "sale, transfer, lease or rental, or exchange of any city-owned property rights or interests." Paragraph G of section 2.110.010 allows for the diminution of the procedural requirements, by 2/3 vote of the City Council, for property for which the described process would be unduly burdensome. I believe that Paragraph G is appropriate for review of the University Park's request for this easement, and request that a limited review process be approved.

The stated purpose of this Chapter of the Municipal Code is "to protect the citizens of Cambridge and to achieve land uses that best serve the City's public purpose." When that purpose is best served by a disposition of city-owned property for a private purpose, the City's primary objective is "to receive the fair market value for such property, to protect real estate values, and to dispose of each property without favoritism." The request for an easement is a request for the conveyance of an interest in land and consequently falls within the purview of this Chapter; however, the purposes of this Chapter and references to the property interests therein indicate that the detailed and comprehensive process set forth in the Section pertains to property that is of significant value or use to the City or the public, and not necessarily for an air-rights easement such as this.

Limiting the scope of review for the requested disposition would be consistent with the expressed objective of the procedure required by the Chapter: to render "a fair analysis of how the greatest public benefit can be obtained from the City property in question." I believe that the detailed information furnished in this letter, coupled with the detailed review undertaken by Cambridge Community Development and the Planning Board, is sufficient to enable the City Council to make a determination on this matter. Carrying out a more detailed review would require a significant amount of money and staff time. Since the procedure set forth in the Chapter would be costly and the fair market value of the property is minimal, I believe this to be the type of disposition anticipated by subsection (G) which allows for a simpler process.

I appreciate your consideration of this matter, and welcome any questions you may have.

Very truly yours,



Robert W. Healy
City Manager

Attachments: Legal Description of Easement Areas
 Maps of Easement Areas
 Elevation Drawings

Revised July 28, 1997
July 15, 1997

Legal Descriptions
University Park
Cambridge, Massachusetts

Five (5) above ground parcels situated in the City of Cambridge, Middlesex County, Commonwealth of Massachusetts, being more particularly bounded and described as follows:

Easement No. 1 - Entrance Canopy
350 Massachusetts Avenue

Beginning at a point on the southeasterly line of Sidney Street, said point being N 38°25'13" E and a distance of 41.90 feet from the intersection of said southeasterly line of Sidney Street and the northeasterly line of Green Street.

THENCE running through Sidney Street on the following three courses:

N 45°24'26" W, a distance of 10.34 feet, to a point;

Northeasterly, on a curve to the right, having a radius of 21.00 feet, an arc distance of 15.12 feet, to a point,

and S 57°45'08" E, a distance of 10.34 feet, to a point on the aforesaid southeasterly line of Sidney Street;

THENCE running S 38°25'13" W, along said southeasterly line of Sidney Street, a distance of 17.02 feet, to the point of beginning.

The above described parcel containing 177 square feet, more or less and extending vertically from elevation 30.49 feet to elevation 41.49 feet, said elevations being referred to City of Cambridge datum.

Easement No. 2 - Entrance Canopy
20 Sidney Street

Beginning at a point on the southeasterly line of Sidney Street, said point being S 38°25'13" W and a distance of 46.04 feet from the intersection of said southeasterly line of Sidney Street and the southwesterly line of Green Street.

THENCE running S 38°25'13" W, along said southeasterly line of Sidney Street, a distance of 18.17 feet, to a point;

THENCE running through Sidney Street, on the following three (3) courses:

N 51°34'47" W, a distance of 4.22 feet, to a point;

N 38°25'13" E, a distance of 18.17 feet, to a point

and S 51°34'47" E, a distance of 4.22 feet, to the point of beginning.

The above described parcel containing 77 square feet, more or less and extending vertically from elevation 28.00 feet to elevation 36.19 feet, said elevations being referred to City of Cambridge datum.

**Easement No. 3 - Tenant Entry Canopy
20 Sidney Street**

Beginning at the intersection of the southwesterly line of Green Street and the southeasterly line of Sidney Street;

THENCE running along said southwesterly line of Green Street on the following three (3) courses:

S 51°36'22" E, a distance of 133.51 feet, to a point;

S 48°29'55" E, a distance of 30.08 feet, to a point,

and S 51°37'53" E, a distance of 3.08 feet, to the TRUE POINT OF BEGINNING;

THENCE running through Green Street on the following three (3) courses:

N 08°25'13", a distance of 0.75 feet, to a point;

Southeasterly, on a curve to the right, having a radius of 26.50 feet, an arc distance of 27.75 feet, to a point,

and S 56°25'13" W, a distance of 0.74 feet, to a point on the aforesaid southwesterly line of Green Street;

THENCE running N 51°37'53" W, along said southwesterly line of Green Street, a distance of 25.76 feet, to the TRUE POINT OF BEGINNING.

The above described parcel containing 80 square feet, more or less, and extending vertically from elevation 29.88 feet to elevation 34.88 feet, said elevations being referred to City of Cambridge datum.

**Easement No. 4 - Porte Cochere Entrance Canopy
20 Sidney Street**

Beginning at a point on the southwesterly line of Green Street, said point being S 51°36'22" E, and a distance of 63.25 feet from the intersection of said southwesterly line of Green Street and the southeasterly line of Sidney Street;

THENCE running through Green Street on the following seven (7) courses:

N 38°25'13" E, a distance of 1.41 feet, to a point;

S 51°34'47" E, a distance of 26.50 feet, to a point;

S 63°53'34" E, a distance of 10.36 feet, to a point;

S 51°34'47" E, a distance of 3.25 feet, to a point;

S 39°16'00" E, a distance of 10.36 feet, to a point;

S 51°34'47" E, a distance of 26.50 feet, to a point;

and S 38°25'13" W, a distance of 1.72 feet to a point on the aforesaid southwesterly line of Green Street;

THENCE running along said southwesterly line of Green Street on the following two (2) courses:

N 48°29'55" W, a distance of 6.25 feet, to a point,

and N 51°36'22"W, a distance of 70.26 feet, to the point of beginning.

The above described parcel containing 138 square feet, more or less, and extending from elevation 29.25 feet, to elevation 32.65 feet, said elevations being referred to City of Cambridge datum.

**Easement No. 5 - Garage Canopy
20 Sidney Street**

Beginning at a point on the northeasterly line of Franklin Street, said point being S 51°35'25" E and a distance of 218.84 feet from the intersection of said northeasterly line of Franklin Street and the southeasterly line of Sidney Street.

THENCE running S 51°35'25" E along said northeasterly line of Franklin Street, a distance of 13.33 feet, to a point;

THENCE running through Franklin Street on the following three (3) courses:

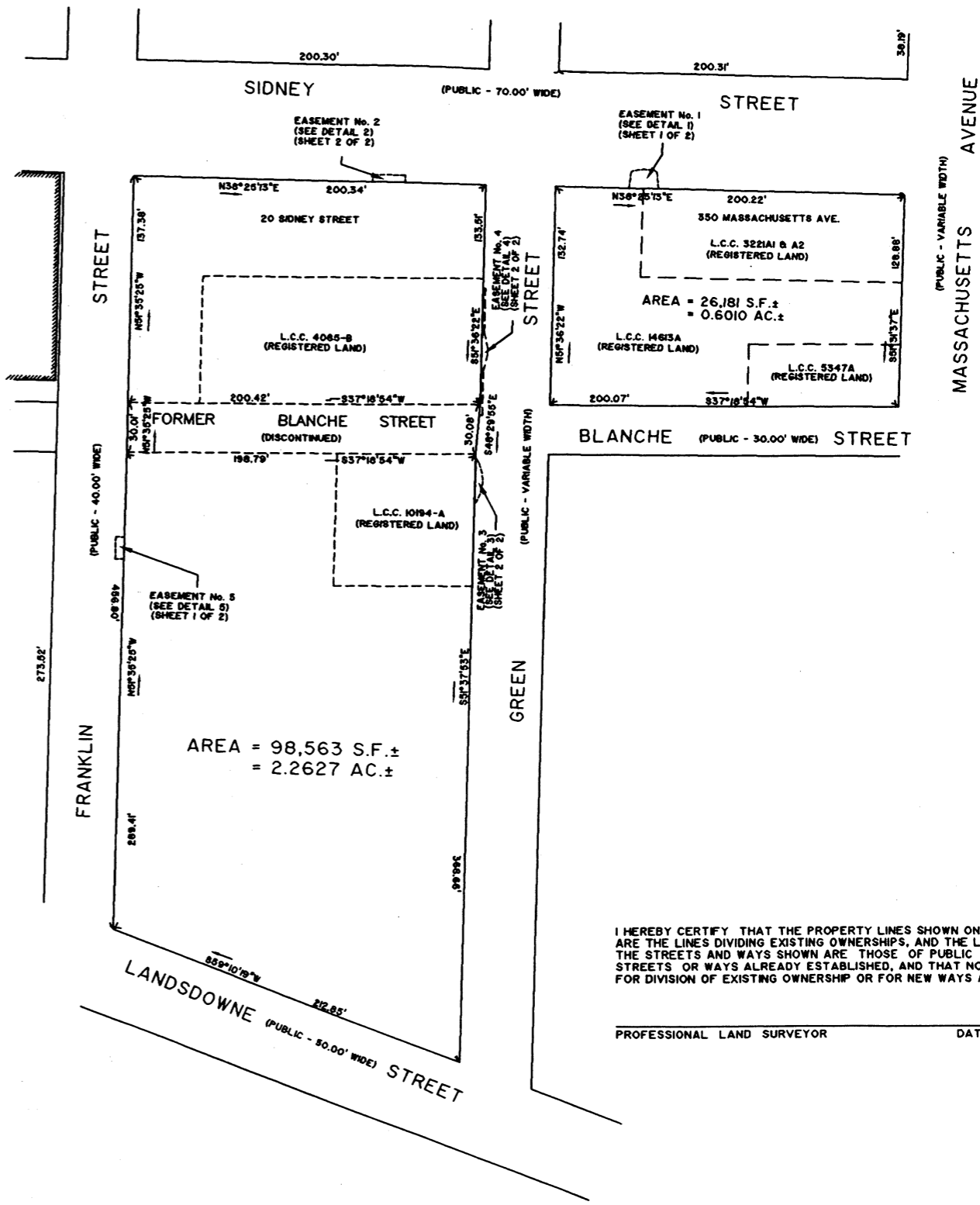
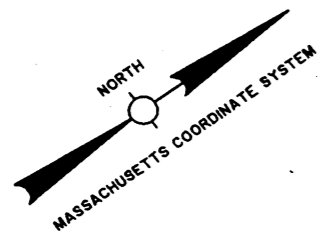
S 38°25'13" W, a distance of 4.87 feet, to a point;

N 51°34'47" W, a distance of 13.33 feet, to a point

and N 38°25'13" E, a distance of 4.87 feet to the point of beginning.

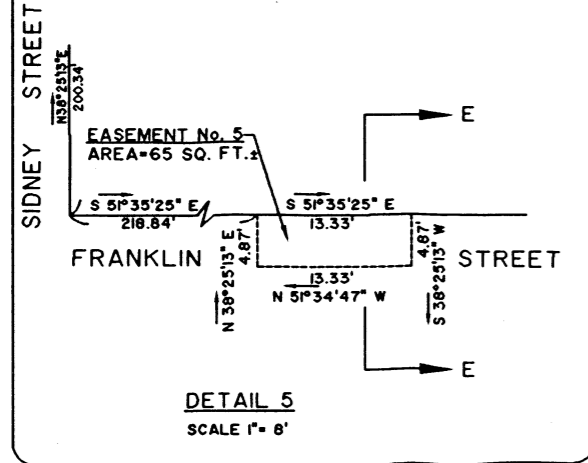
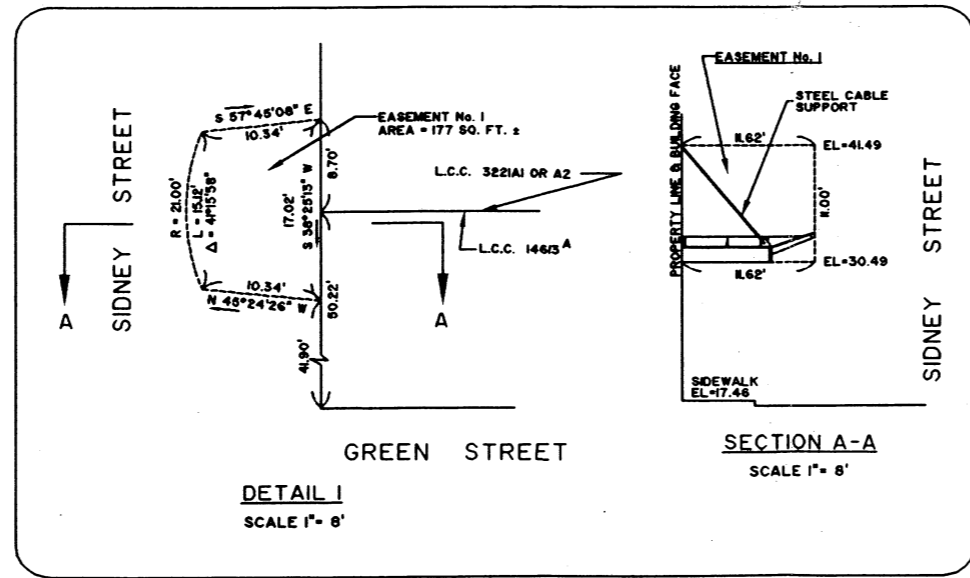
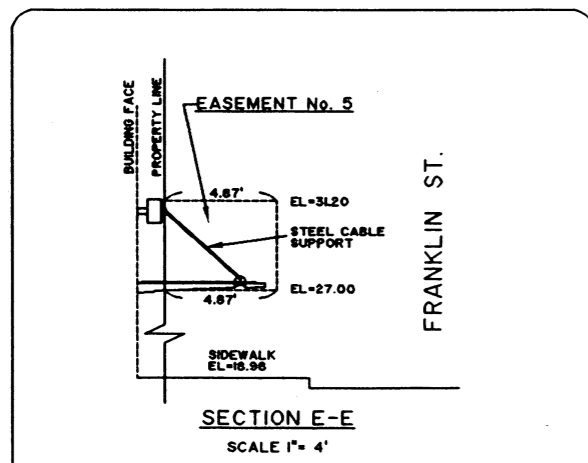
The above described parcel containing 65 square feet, more or less, and extending from elevation 27.00 feet to elevation 31.20 feet, said elevations being referred to City of Cambridge datum.

The above described parcels are shown on a plan titled "Easement Plan prepared for Forest City Development, 20 Sidney Street, 350 Mass. Ave., University Park, Cambridge, Massachusetts" dated July 16, 1997 revised July 25, 1997 by Cullinan Engineering Co., Inc., Auburn-Boston, Massachusetts.



I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

PROFESSIONAL LAND SURVEYOR _____ DATE _____



NOTE:
ELEVATIONS REFER TO CAMBRIDGE CITY BASE.
EASEMENTS 1 - 5 ARE FOR PROPOSED CANOPIES.

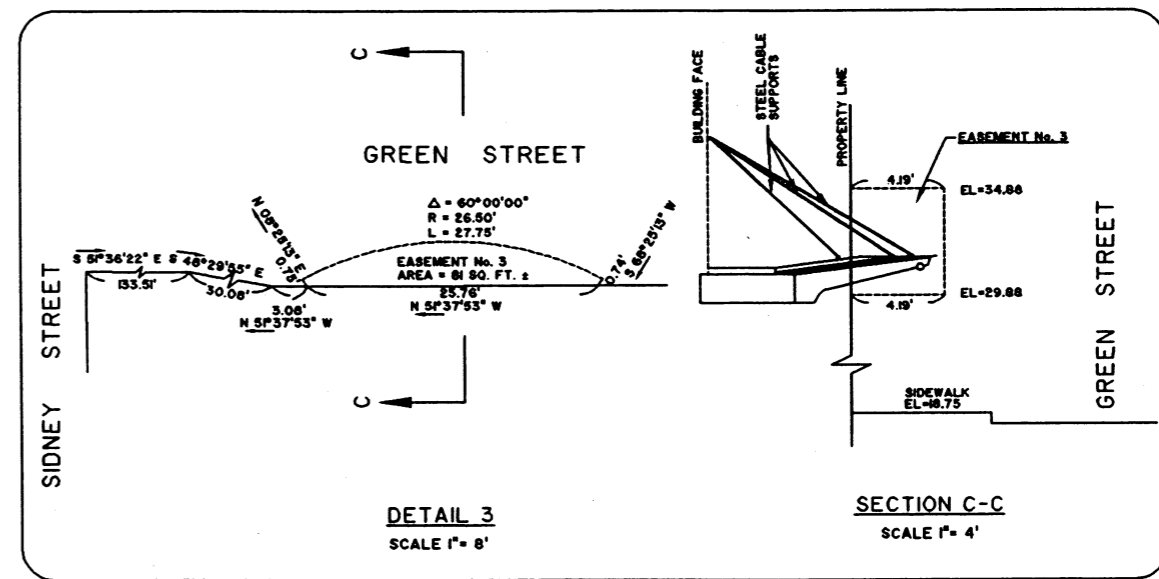
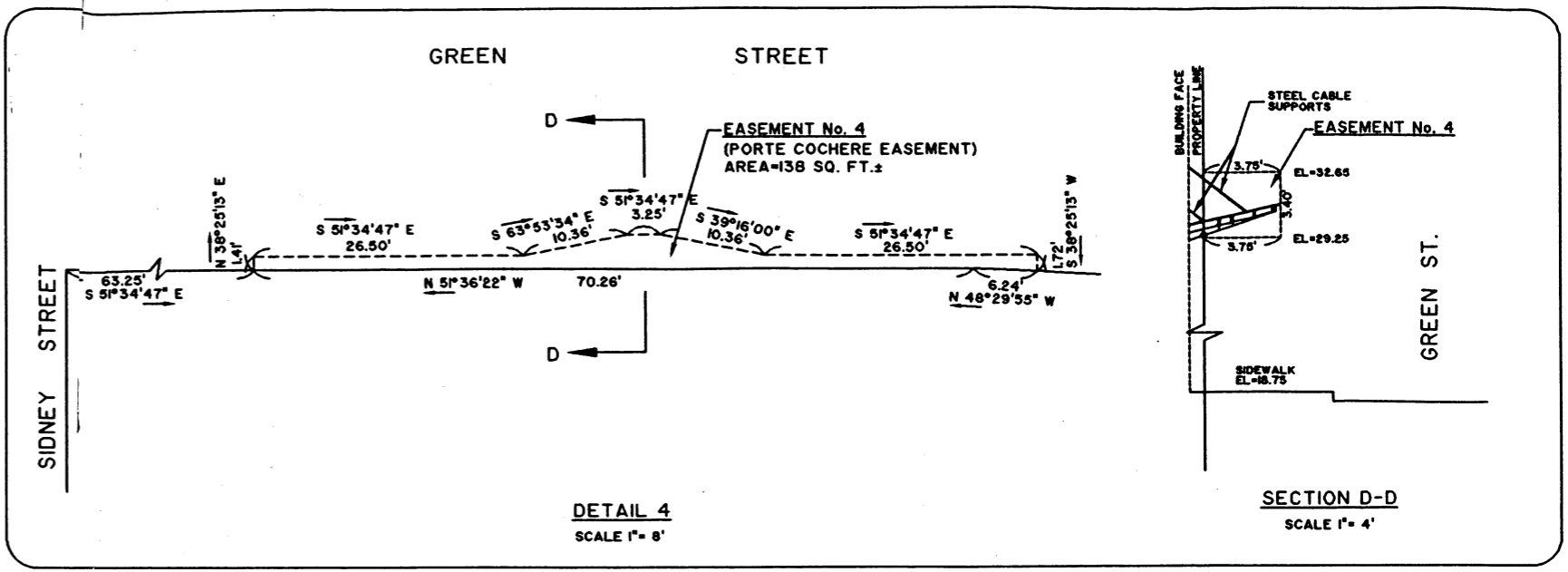
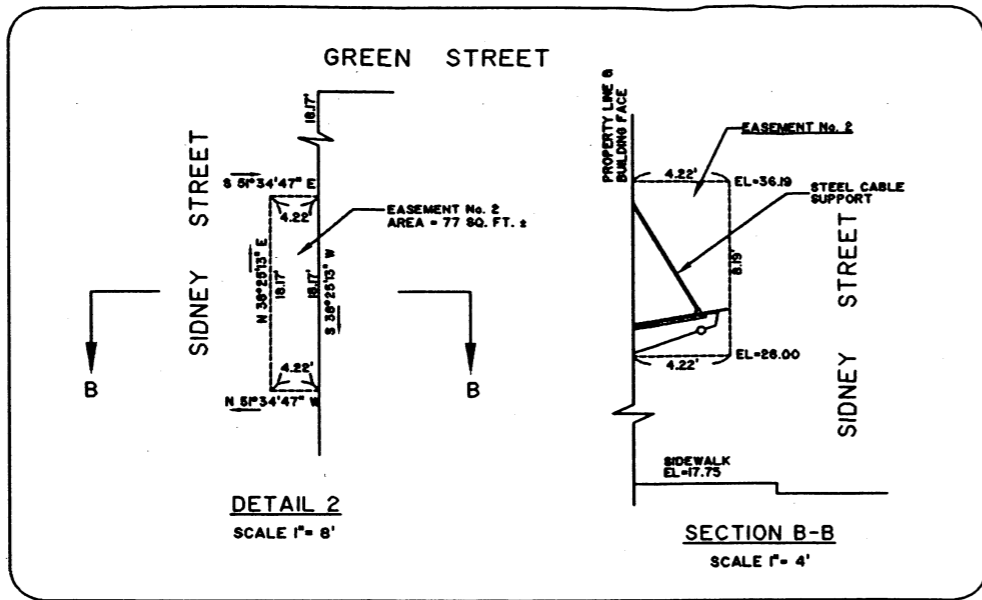
I HEREBY CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

PROFESSIONAL LAND SURVEYOR DATE _____

CULLINAN ENGINEERING

400 COMMONWEALTH AVE.
BOSTON, MA 02215
TEL. (617) 536-8070

JULY 25, 1997	2	EASEMENT NOTATION REVISED.		RDR
DATE	ISSUE	REVISION	DESCRIPTION	APP.
EASEMENT PLAN PREPARED FOR FOREST CITY DEVELOPMENT 20 SIDNEY STREET, 350 MASS. AVE UNIVERSITY PARK CAMBRIDGE, MASSACHUSETTS				
0 1 2 3 INCHES	SCALE: 1" = 40'	RES. PLT. MWH	FLD. JCW	CMP. RDR
0 40 80 120 FEET	DATE: JULY 16, 1997	PLT. MWH	DWN. MWH	CHK. KTS
0 1 2 3 4 5 6 CENTIMETERS	PLAN NUMBER: 972103-10-P5-97	DATE: JULY 16, 1997	PLAN NUMBER: 972103-10-P5-97	SHEET: 1 OF 2



I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

PROFESSIONAL LAND SURVEYOR _____ DATE _____

NOTE:
ELEVATIONS REFER TO CAMBRIDGE CITY BASE.
EASEMENTS 1 - 5 ARE FOR PROPOSED CANOPIES.

I HEREBY CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

PROFESSIONAL LAND SURVEYOR _____ DATE _____

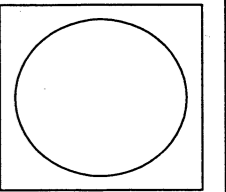
CULLINAN ENGINEERING
AUBURN - BOSTON - MASSACHUSETTS
400 COMMONWEALTH AVE.
BOSTON, MA 02215
TEL. (617) 536-8070

DATE	ISSUE	REVISION	DESCRIPTION	RDR	APP.
JULY 25, 1997	2		EASEMENT NOTATION REVISED.		

EASEMENT PLAN
PREPARED FOR
FOREST CITY DEVELOPMENT
20 SIDNEY STREET, 350 MASS. AVE
UNIVERSITY PARK
CAMBRIDGE, MASSACHUSETTS

0	1	2	3	INCHES	SCALE:	RES.	FLD. JCW	CMP. RDR
0	40	80	120	FEET	1" = 40'	PLT. MWH	DWN. MWH	CHK. KTS
0	1	2	3	4	5	6	CENTIMETERS	

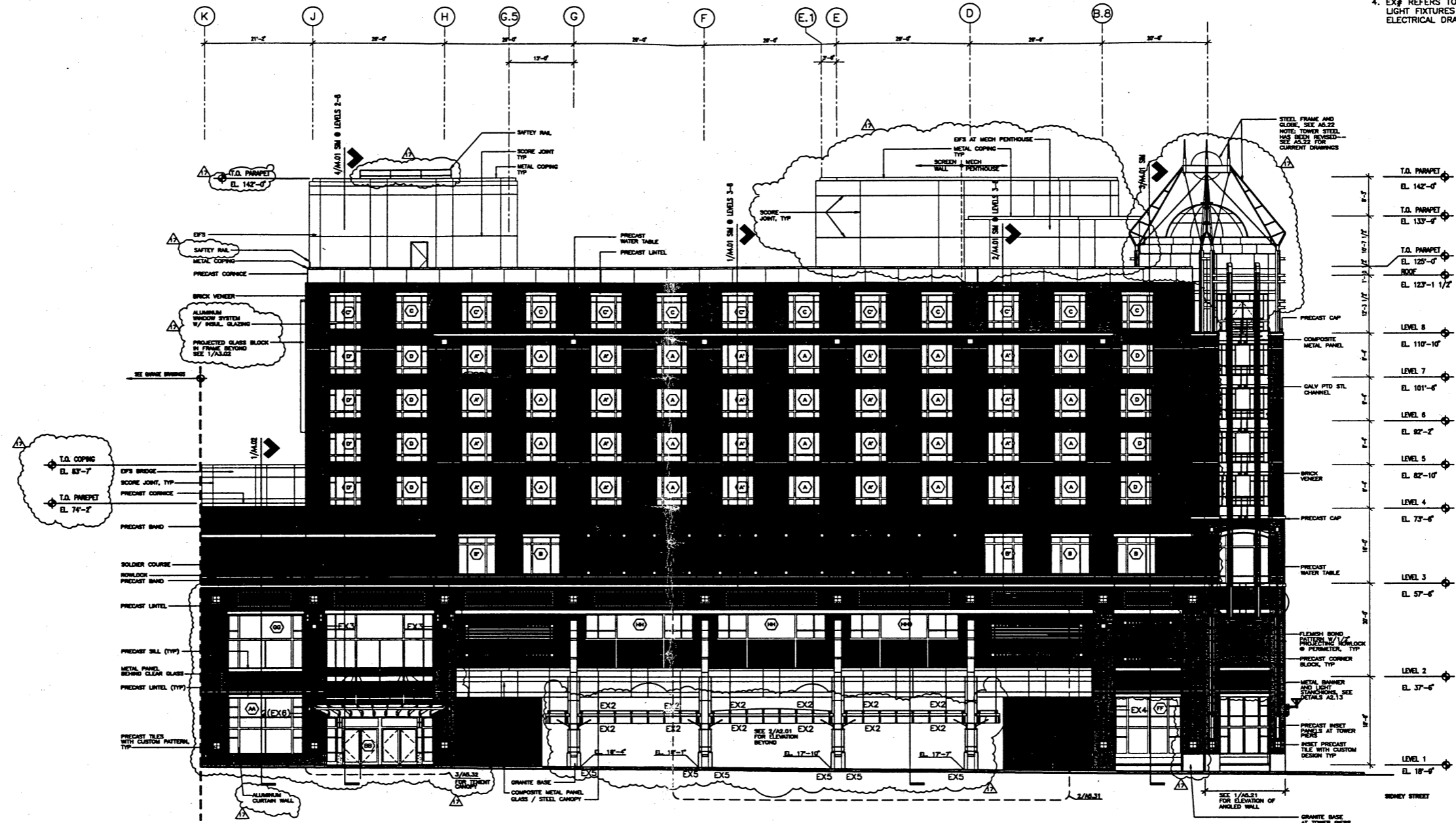
DATE: JULY 16, 1997
PLAN NUMBER: 972103-10-P5-97
SHEET: 2 OF 2



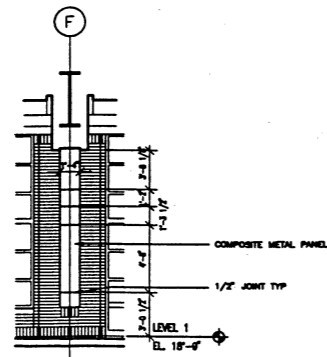
10/7/98	ADDENDUM #1
12/13/98	STEEL/FOUNDATION PACKAGE
1/17/97	EXTERIOR PACKAGE
8/27/97	REVISION 14

GENERAL NOTES

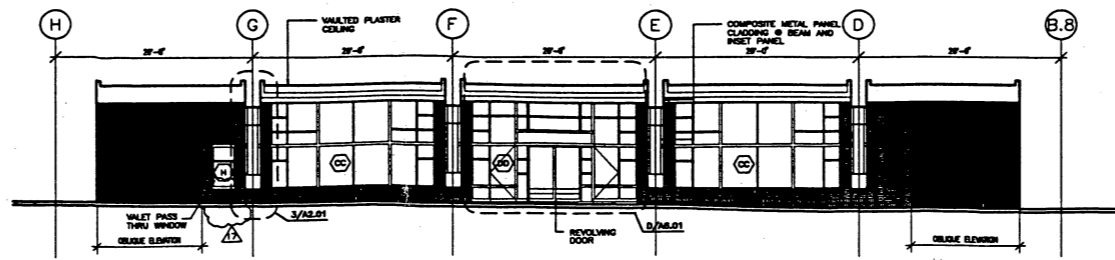
1. ALL BRICK IN RUNNING BOND EXCEPT AS OTHERWISE NOTED OF DRAWN
2. SEE A9.31 FOR WINDOW TYPES
3. SEE A2.12 & A2.13 FOR LIGHT STANCHION & METAL BANNER TYPES & DETAILS
4. EX# REFERS TO EXTERIOR LIGHT FIXTURES -- SEE ELECTRICAL DRAWINGS



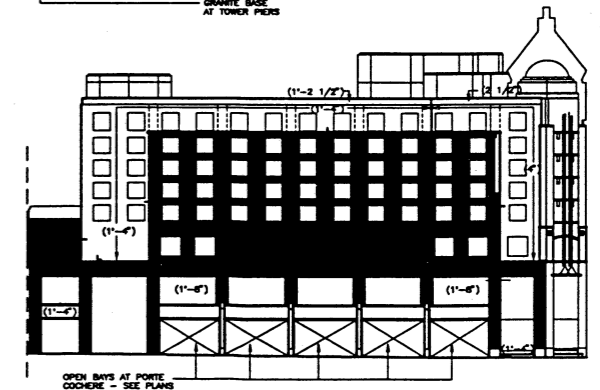
1 EXTERIOR ELEVATION - GREEN STREET
HOTEL 1/8"=1'-0"



3 ENLARGED ELEVATION AT PIER
1/8"=1'-0"



2 EXTERIOR ELEVATION - PORTE COCHERE
HOTEL 1/8"=1'-0"



BRICK COLOR KEY

■	BRICK COLOR A
□	BRICK COLOR B
■	BRICK COLOR C

NOTE:
ALL DIMS. INDICATE DISTANCE FROM CENTERLINE OF GRID LINE (1) TO FACE OF BUILDING

4 ELEVATION KEY

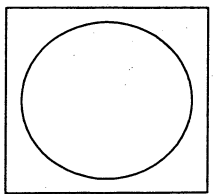
Copyright Invention Inc. P:\A2\1\A2.01-01 1-2-97 11:00 AM EST

UNIVERSITY PARK

20 SIDNEY STREET
CAMBRIDGE, MA

CONSTRUCTION DOCUMENTS

A PROJECT FOR
Forest City DEVELOPMENT



arrowstreet inc

Architects
Planners
Urban Designers

212 Elm Street
Somerville, MA 02144
617.623.6666

Project No: 0001

Drawn By: HR

Checked By: MP

Issue Date: 18 SEPTEMBER 1998

Revisions: GMP BID PACKAGE

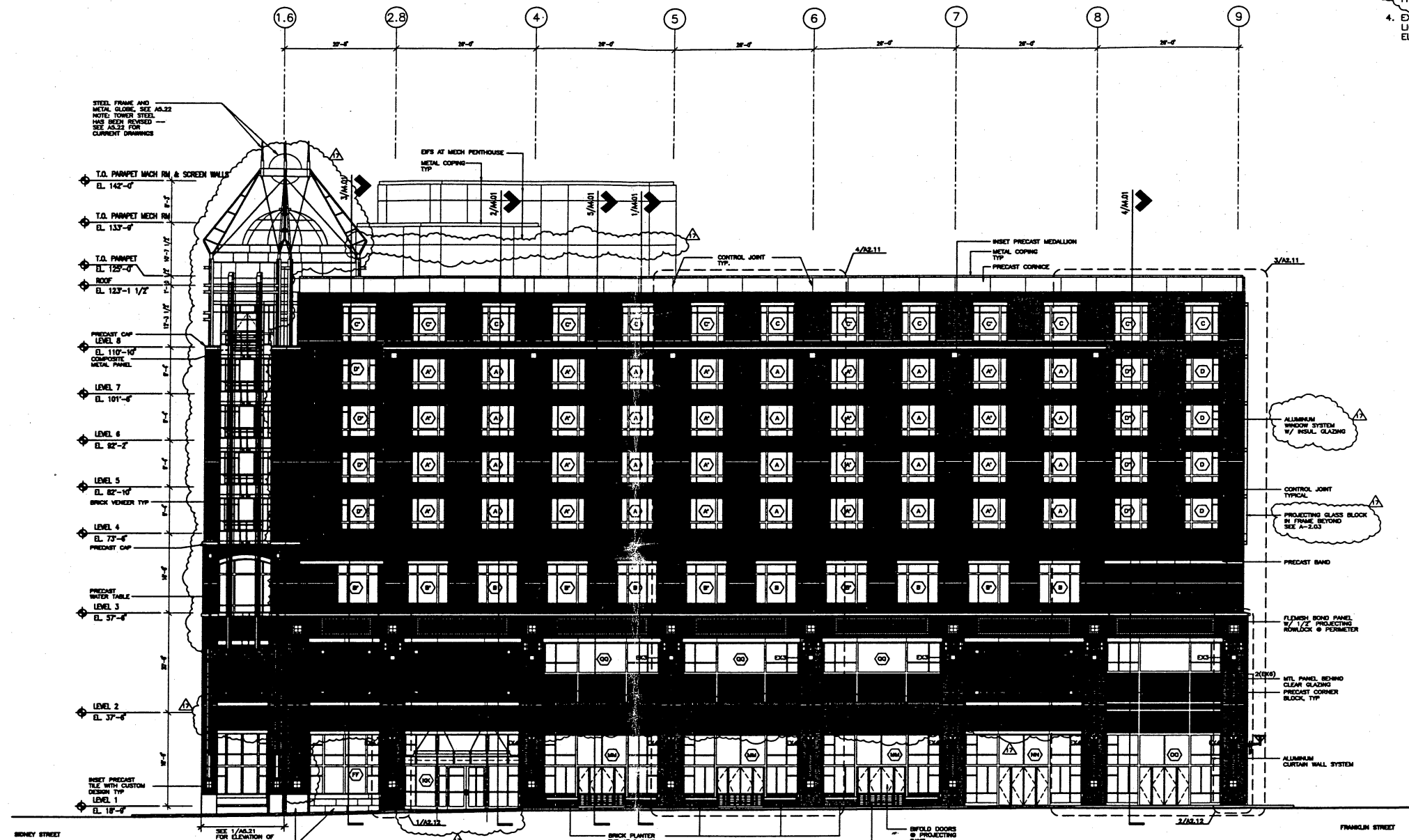
Revision	Date	Description
1	10/7/98	ADDENDUM #1
2	12/13/98	STEEL/FOUNDATION PACKAGE
3	1/17/99	EXTERIOR PACKAGE
4	6/27/99	REVISION 14

Drawing Title:
**EXTERIOR ELEVATION
SIDNEY STREET**

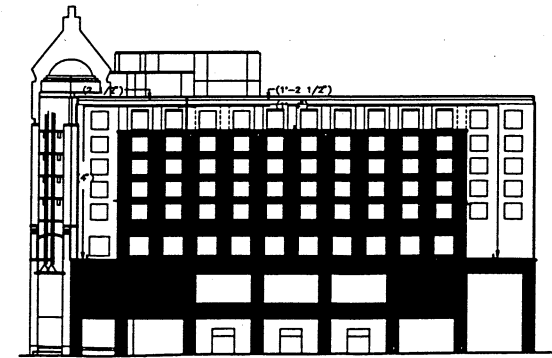
Drawing Number:
A2.02

GENERAL NOTES

1. ALL BRICK IN RUNNING BOND EXCEPT AS OTHERWISE NOTED OF DRAWN
2. SEE A9.31 FOR WINDOW TYPES
3. SEE A2.12 & A2.13 FOR LIGHT STANCHION & METAL BANNER TYPES & DETAILS
4. EX# REFERS TO EXTERIOR LIGHT FIXTURES -- SEE ELECTRICAL DRAWINGS



*↑
restaurant
entrance
canopy
#2*



NOTE:
ALL DIMS. INDICATE DISTANCE FROM CENTERLINE OF GRID LINE (A) TO FACE OF BUILDING

BRICK COLOR KEY:
 [White Box] BRICK COLOR A
 [Black Box] BRICK COLOR B
 [Grey Box] BRICK COLOR C

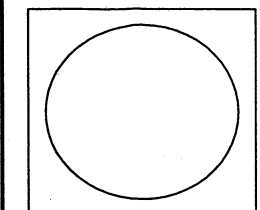
© Copyright Arrowstreet, Inc.
 P:\9551\CD\A2-02 7-1-97 4:11:26 pm EST

UNIVERSITY PARK

350 MASS. AVE.
CAMBRIDGE, MA

A PROJECT FOR
Forest City DEVELOPMENT

CONSTRUCTION DOCUMENTS



arrowstreet inc

Architects
Planners
Urban Designers

212 Elm Street
Somerville, MA 02144
617.823.5555

Project No: 9566

Drawn By: DWL

Checked By: AA

Issue Date: 15 SEPTEMBER 1996

Revisions: GMP BID PACKAGE

10/7/96	ADDENDUM #1
11/8/96	FOUNDATION PERMIT SET
12/20/96	100% CONST. DOCUMENTS
05/12/97	EXTERIOR REVISION

Drawing Title:

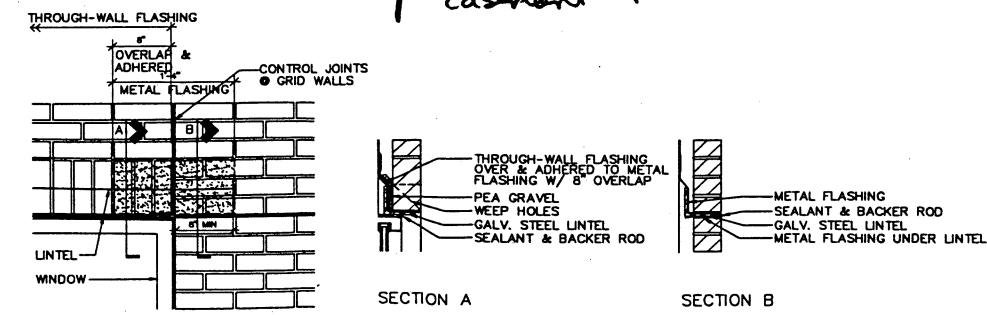
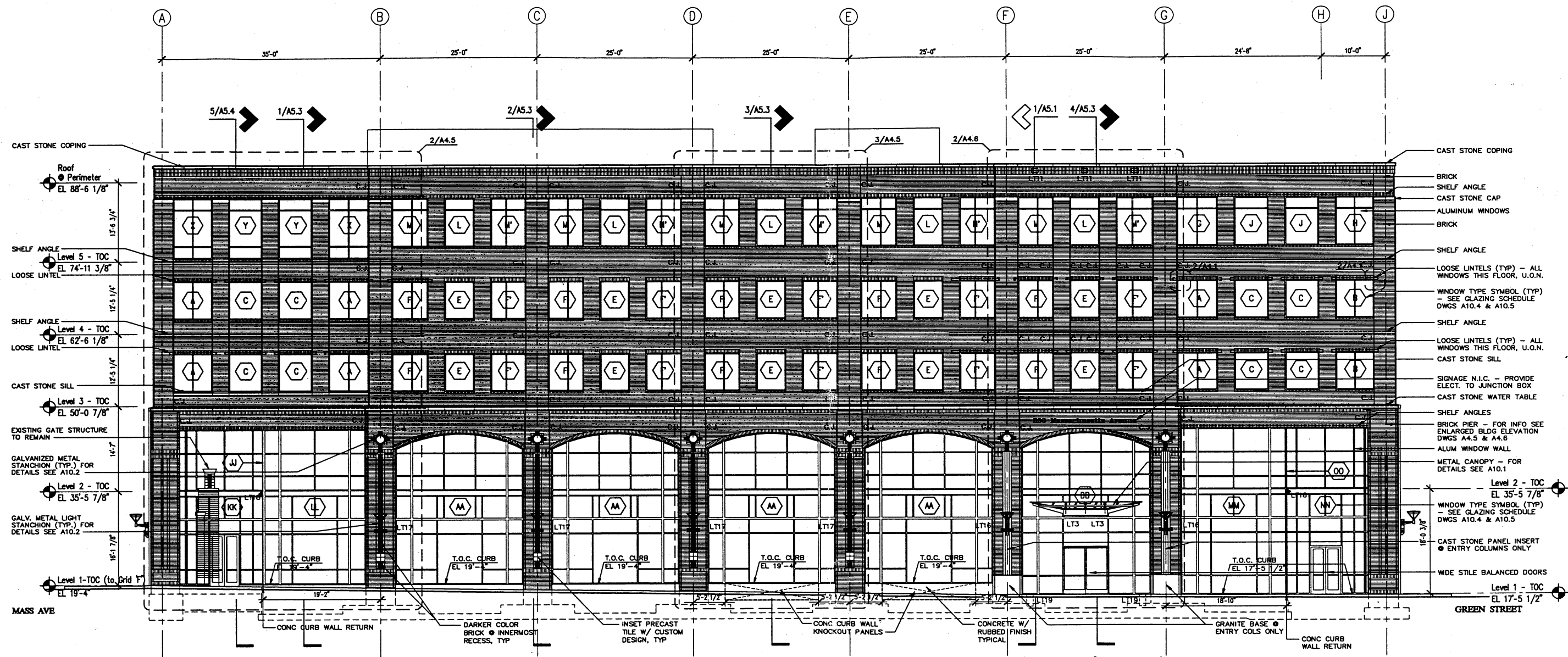
SIDNEY STREET ELEVATION

scale: 1/8" = 1'-0"

Drawing Number

A4.1

Copyright Arrowstreet Inc.



ELEVATION OF FLASHING DETAIL AT LOOSE LINTELS AT CONTROL JOINTS ONLY

2 LINTEL DETAIL

SCALE: 1" = 1'-0"

GENERAL REVISIONS

1 SIDNEY STREET ELEVATION

P:\9566\CD\A4-1 12-24-96 10:49:16 am EST



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300
FAX 349-4307



40.

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

August 4, 1997

To the Honorable, the City Council:

University Park Phase II Limited Partnership ("UPPLP") is requesting the grant of certain air rights easements from the City to allow for canopies to be integrated into design of the construction of the buildings located at 350 Massachusetts Avenue and 20 Sidney Street. Both buildings are part of the University Park project and as such are subject to design review pursuant to the applicable provisions of the Cambridgeport Revitalization Development District, Article 15.000 of the Cambridge Zoning Ordinance and the Agreement for Design Review Guidelines between the City and the developers dated January 11, 1998. In accordance with these requirements the Planning Board reviewed the design for both buildings and issued a Construction Compliance Certificate on December 13, 1996. Both buildings are now in the process of being constructed. The building at 350 Massachusetts Avenue will be the home of Tofias, Fleishman, Shapiro & Co. P.C. with retail space on the first and second floors being leased to CompUSA, Inc. The building at 20 Sidney Street will be occupied by Star Market and Doubletree Hotels.

In addition, Thirty-Eight Sidney Street Limited Partnership ("38SSLP") is requesting the grant of an air rights easement from the City to allow for an existing canopy over the entrance to the 38 Sidney Street building, and Forest City 64 Sidney Street, Inc. ("FC64SS") is requesting the grant of an air rights easement from the City to allow for an existing canopy over the entrance to the 64 Sidney Street building. Both buildings are part of the University Park project and as such have been subject to the same design review requirements under the Cambridge Zoning Ordinance and Agreement for Design Review Guidelines, and both buildings received final Compliance Certificates from the Planning Board. The primary tenant in 64 Sidney Street is Alkermes, Inc., and 38 Sidney Street is leased to a number of tenants including Oravax, Inc., Etex Corporation and Genzyme Corporation.

UPPLP, 38SSLP and FC64SS are hereinafter collectively referred to as "University Park."

The requested easements require air rights in the aggregate over 680 square feet of City-owned land. This proposal requires action by the City Council.

5-458

Consent Agenda #40

Relative to Forest City's request
for certain air rights easements.

In City Council August 4, 1997

Easement Granted
9-0-0

Diminution
Granted
9-0-0