



City of Cambridge

Agenda #6

IN CITY COUNCIL

May 20, 1996

ORDERED: That pursuant to Sec. 2.110.01(g) of the Municipal Code, the City Council hereby approves diminution of the process for disposition of city property with respect to the lease of 1,100 square feet of City of Cambridge property located at 51 First Street (see attached map); and be it further

ORDERED: That the City Council hereby authorizes the City Manager to authorize a lease of said premises to J.F.B., Inc., d.b.a. Mr. Bibbleton's, executed and delivered in such form and substance as the City Manager shall determine necessary or advisable.

In City Council May 20, 1996

Adopted by the affirmative vote of nine members.

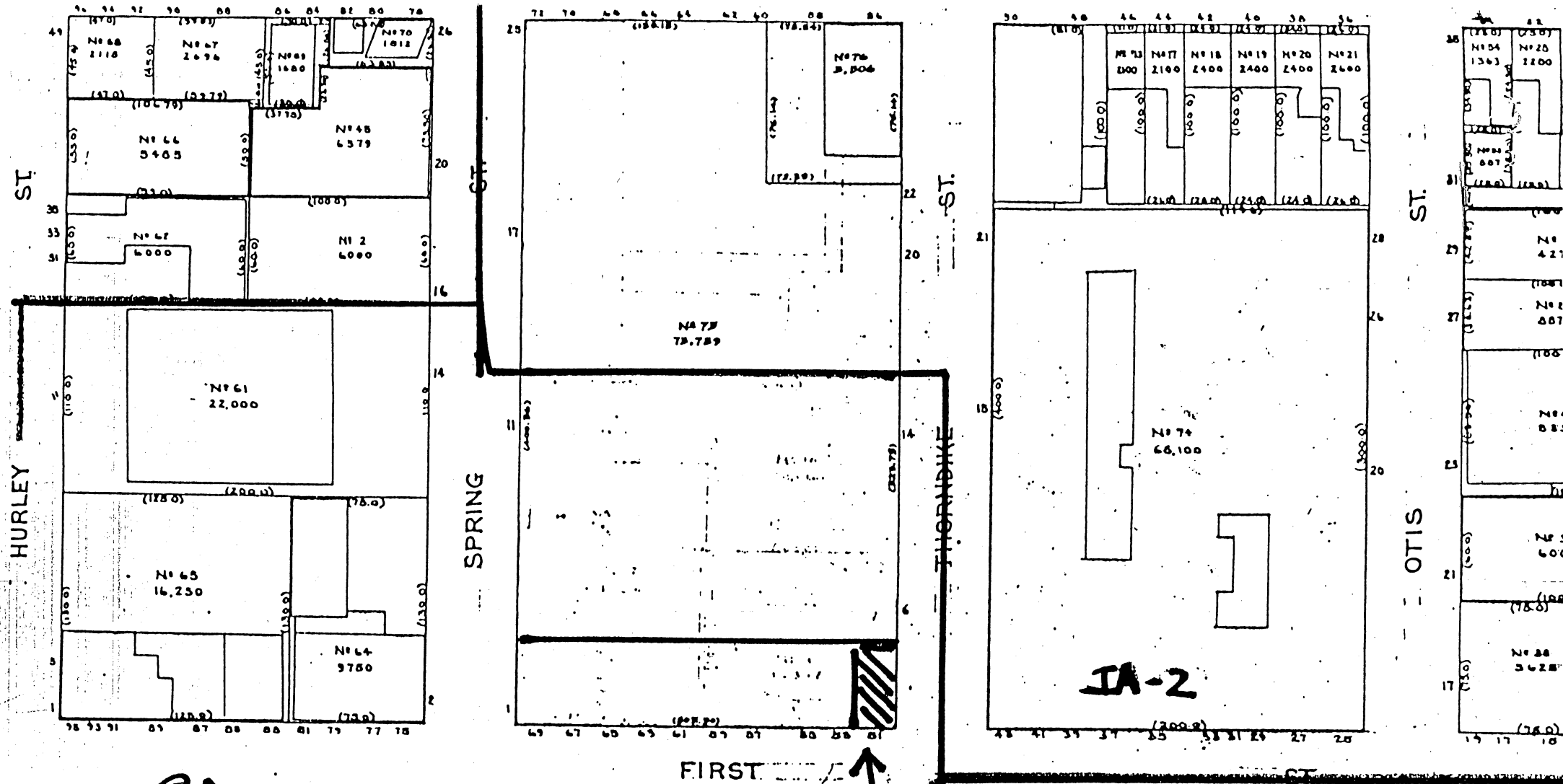
Attest:- D. Margaret Drury, City Clerk.

A true copy;

D. Margaret Drury

ATTEST:-

D. Margaret Drury
City Clerk



BA
PUD4

8
51 FIRST ST

CITY OF C
SCALE 1" = 40'
DIMENSIONS FROM
OR LAYOUT PLANS
LAND COURT MAP
DIMENSIONS AR

In October, 1995 a Request-For Proposals (RFP) for the leasing of this City-owned property was issued and publicly advertised. A pre-bid conference was held at the site in November, 1995. Proposals were received on November 22, 1996 by the Purchasing Department and were publicly opened. This was all in compliance with M.G.L. Chapter 30B, the State's Uniform Procurement Act. Three proposals were received and reviewed by an Evaluation Committee, based on criteria outlined in the original RFP. Criteria used to evaluate each proposal included conformity with the recommendations of the East Cambridge Riverfront Plan and provision of a social benefit, in addition to capability and experience of the business entity and an assessment of the financial feasibility of the project.

One proposal was selected: J.F.B. Inc., d.b.a. Mr. Bibbleton's. A lease has been drafted by the Law Department, the City's Leasing Agent, and the proposed tenant's attorney.

Zoning and Development Plans:

The site is located in Business District A/PUD 4 district. The First Street Parking Facility was constructed under the authorization of the Planning Board Special permit #29.

There have not been any attempts to rezone, change laws or regulations, or uses in regard to the property in the last five years. There is no additional development possible on the site without the demolition of the parking facility or changing the use of the facility, neither of which are contemplated. There is a full description of the development plans as executed in Planning Board Special permit #29; this can be provided to the City Council, if desired.

Description of the Lease to J.F.B. Inc. doing business as Mr. Bibbleton's

The lease is for a portion of the building located on the ground floor at 51 First Street (shown in attached plan) consisting of approximately 1,100 square feet. The tenant will use the premises only for a coffee and sandwich shop. The lease requires that the tenant keep the premises open for business at least six days per week and conduct its business Monday through Friday from 6:00 a.m. to 10:00 p.m., Saturdays 6:00 a.m. to 11:00 p.m., Sundays and holidays from 6:00 a.m. until 10:00 p.m. or during those hours of the day other retail businesses are open.

The term of the lease is five years; there is also one five-year option to renew. The fixed annual rent is \$13,211.00. In addition to this fixed annual rent amount, if the building's operating costs which are attributable to retail use and occupancy for any given year exceed \$26,600 (the base operating cost amount), the Tenant will pay the City 9% of the excess amount. If the term of the lease is extended (the second five-year option), the rent will be an amount to be established by the City equal to fair market annual rent for five-year leases in comparable retail buildings in comparable areas of the City of Cambridge; in no event will the second term's annual rent be less than \$13,211.00.

Request for Diminution of Process Stipulated in Chapter 2.110

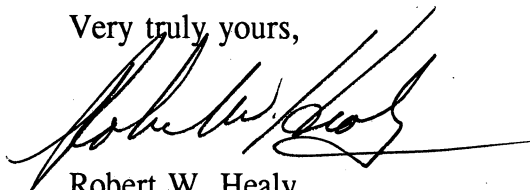
Chapter 2.110 of the Cambridge Municipal Code on the disposition of city property outlines an extensive process to be applied to the "sale, transfer, lease or rental, or exchange of any city-owned property or property rights or interests such as a public easement on private property." Paragraph G of 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 this lease, 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." Based on the process undertaken, as required under M.G.L. Chapter 30B, I do believe we are receiving fair market value for this property and are disposing of the property without favoritism.

Limiting the scope of review, at this time, for the requested lease 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 information furnished in this letter is sufficient to enable the City Council to make a determination on this matter. In addition, the detailed review outlined in this Chapter requires information on zoning status and recent attempts to rezone, traffic and parking analyses, a report of the development potential of the property, and two independently prepared appraisals of the property's value; this extensive analysis is inappropriate in this situation. Carrying out this 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 granting of this lease fulfills the urban design objectives articulated by the Planning Board and the City Council at the time of the development of the East Cambridge Riverfront Plan, 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,

A handwritten signature in black ink, appearing to read "Robert W. Healy", written over a horizontal line.

Robert W. Healy
City Manager

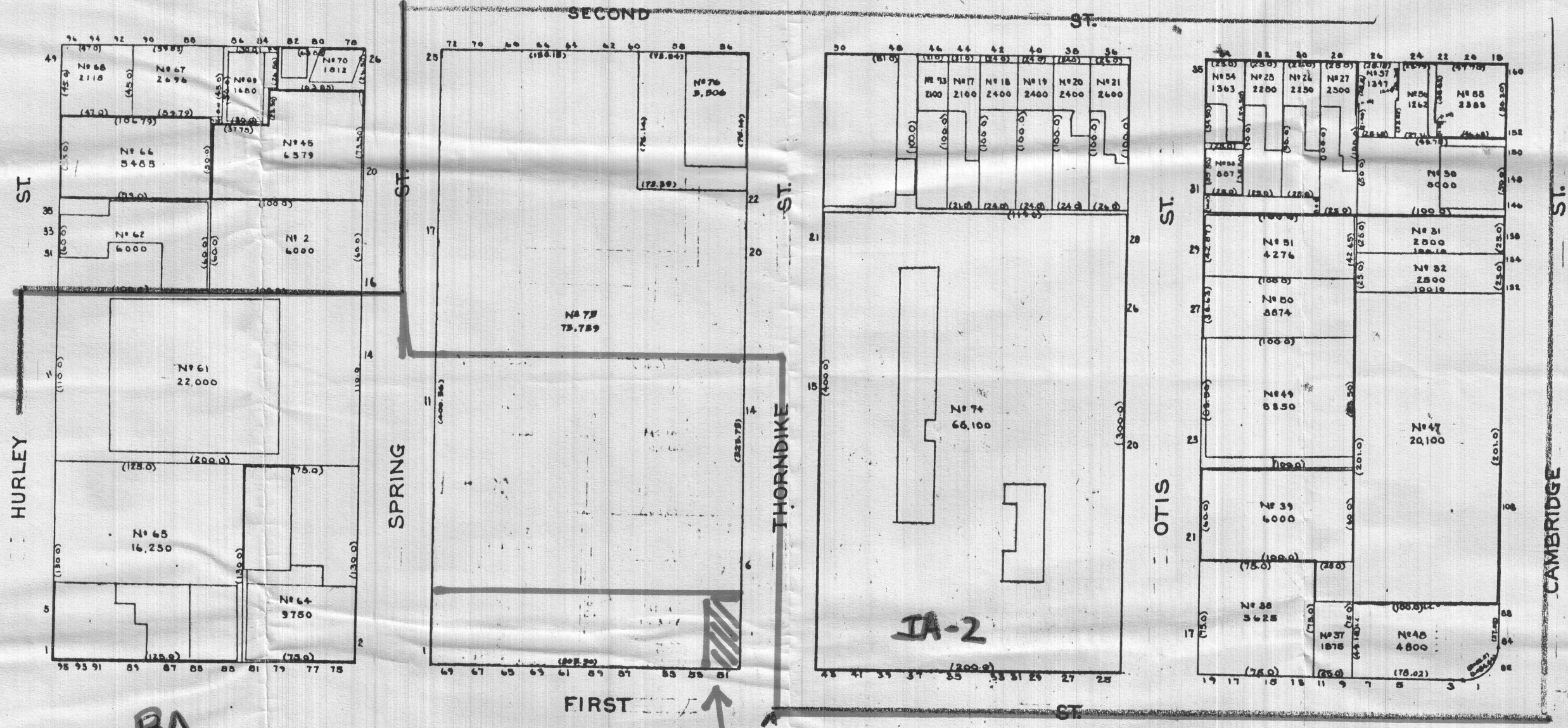
Attachment: Area Map

IA-1

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BA
PUD4

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51 FIRST ST

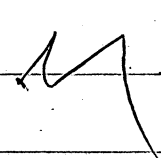
CITY OF CAMBRIDGE
SCALE: 1" = 40' AUGUST 1964
DIMENSIONS FROM DEED, LAND COURT
OR LAYOUT PLANS ARE IN BRACKETS (
LAND COURT MARKED L.C. ALL OTHER
DIMENSIONS ARE MEASURED.

Agenda #6

Ordered: ~~The City Manager~~

That Pursuant to Sec 2.110.01(G) of the Municipal Code, the City Council hereby approves denunciation of the process for disposition of City property with respect to the lease of 1,100 square feet of City of Cambridge property located at 51 First Street ~~and~~ (see attached map); and be it further

Ordered: That the City Council hereby authorizes the City Manager to authorize a lease of said premises to J. F. B., Inc., d.b.a. Mr. Bibbletm's, executed and delivered in such form and substance as the City Manager shall determine necessary or advisable.





CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

May 20, 1996

To the Honorable, the City Council:

I would like to request that the City Council authorize a lease to J.F.B, Inc. (doing business as Mr. Bibbleton's) for the use of approximately 1,100 square feet of City of Cambridge property located at 51 First Street for a coffee and sandwich shop. The use of the space for this purpose complies with the zoning ordinance, City plans and urban design objectives, including the East Cambridge Riverfront Plan, which encourage retail use on First Street. This proposal requires action by the City Council.

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 proposal may properly be subject to Section 2.110.010 (G) of that ordinance. Section G provides for the disposition of city-owned property where 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 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 authorize the lease to J.F.B. Inc., d.b.a. Mr. Bibbleton's. I also recommend that the City Council vote to grant the lease to J.F.B. Inc. executed and delivered in such form and substance as I determine is necessary or advisable.

Background:

The facility is located on First Street between Thorndike and Spring Streets adjacent to the CambridgeSide Galleria Mall. Retail space was originally constructed on the first floor level of the City of Cambridge First Street Parking Facility in order to comply with the zoning ordinance, City plans and urban design objectives, including the East Cambridge Riverfront Plan, which encourage local retail use on First Street. The use of this space has been retail since the construction of the this five-story parking facility in 1983.

Consent Agenda #6

H-82

Relative to a request for Council
authorization to lease to J.F.B.,
Inc. for the use of approximately
1,100 square feet of City of Cambridge
property located at 51 First Street for
a coffee and sandwich shop.

In City Council May 20, 1996

Order Adopted