

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
DEPARTMENT OF THE TRIAL COURT
CIVIL ACTION NO. 2484CV01121

<p>BRAMMER BIO MA, LLC,</p> <p>Plaintiff,</p> <p>v.</p> <p>BOSTON PROPERTIES LIMITED PARTNERSHIP, 290 BINNEY LLC, THE TRUSTEES OF FOURTEEN CAMBRIDGE CENTER TRUST, and TURNER CONSTRUCTION COMPANY,</p> <p>Defendants.</p>
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SUFFOLK SUPERIOR COURT
 CIVIL CLERK'S OFFICE
 2024 MAY -6 P 4: 06
 JOHN E. FRONZOSI III
 ACTING CLERK MAGISTRATE

AFFIDAVIT OF THOMAS EVANS

Thomas Evans hereby deposes and states as follows:

1. I am the Executive Director of the Cambridge Redevelopment Authority ("CRA"). I have held the position of Executive Director of the CRA since April 2013. Prior to joining the CRA, I worked as a Transportation Policy Planner at the Massachusetts Department of Transportation for approximately one year, and at the San Francisco Redevelopment Agency for more than eight years, where I was a Planning Division Manager for more than five years, and an Associate Planner/Assistant Project Manager for nearly three years. I received my bachelor's degree in Environmental Biology from Macalester College and a master's degree in City Planning from the University of California, Berkeley.

2. Among other things, the CRA is responsible for the administration of the Kendall Square Urban Redevelopment Plan (the "Plan") in Cambridge and the coordination of planning of projects being undertaken within the area covered by the Plan (the "Area") in conjunction with

other municipal boards and agencies in Cambridge and with certain agencies of the Commonwealth. The Plan was originally adopted by the CRA in 1965 to promote the development of the Area, a blighted and underutilized industrial collection of properties bounded by Main Street, Third Street, Binney Street and the railroad right of way then owned by the Penn Central Railroad. The majority of the Area was divided by the CRA into four separate development parcels, referred to therein as Parcels 1, 2, 3 and 4. Between 1979 and 1982, the CRA designated partnerships affiliated with Boston Properties as the developer for Parcels 2, 3 and 4 of the Area and entered into two separate development agreements to facilitate the Plan. Parcel 1 was formerly owned by the United States of America and is now primarily owned by an entity controlled by the Massachusetts Institute of Technology, which recently completed the reconstruction of the John A. Volpe National Transportation Systems Center on a portion of Parcel 1.

3. In my capacity as Executive Director of the CRA, I have been significantly involved in the redevelopment project that is currently being undertaken by Boston Properties on a portion of Parcel 2 in the Area (the "Redevelopment Project"), which involves the demolition of the former seven-story above ground parking structure known as the Blue Garage and the construction and redevelopment in its place of: (i) a new vault to accommodate a below-grade electrical transformer substation for the public utility company Eversource; (ii) a new 37-story residential apartment building at 121 Broadway that will contain up to 439 residential units, 25% of which will be dedicated for below market residents; (iii) a new commercial building at 290 Binney Street containing approximately 400,000 new "Utility Project" gross floor area; and (iv) a new public open space called "Center Plaza," which will be situated above the electrical transformer substation vault and replace the current open spaces situated north and south of the Blue Garage.

4. The CRA initially became involved with the Redevelopment Project in 2019, after the Cambridge City Manager asked the CRA staff and other city agencies and boards to explore with local developers whether the site that Eversource had initially identified for its new electrical substation, which was in a residential neighborhood and close to a school, could be relocated to a more suitable site (the "Utility Relocation"). In response, Boston Properties approached the CRA about potentially relocating the new substation at the site of the Blue Garage on Parcel 2. During the course of 2020, the CRA and representatives of Boston Properties and Eversource organized multiple virtual community meetings and discussions regarding this proposal, which would also involve the construction of approximately 800,000 square feet of new commercial space and the filing of an amendment sponsored by the CRA to modify Article 14 of the Cambridge Zoning Ordinance and an amendment to the Plan (the "Plan Amendment").

5. After an extensive public engagement process, the CRA Board voted at its public meeting on September 16, 2020 to file a petition to amend Article 14 of the Cambridge Zoning Ordinance (the "Zoning Amendment"), along with the Plan Amendment, for consideration by the Cambridge City Council. A true copy of the letter from the CRA to the City Council dated September 17, 2020 describing this process is attached hereto as **Exhibit 1**. As the letter indicates, the additional 800,000 square feet of commercial space was necessary to make the entire Utility Relocation economically feasible.

6. Following the unanimous adoption of the Zoning Amendment and the Plan Amendment by the City Council on February 3, 2021, and the approval of the Plan Amendment by the Department of Housing and Community Development on March 29, 2021, Boston Properties filed an application with the Cambridge Planning Board in September 2021 to amend its existing special permit for an Infill Development Concept Plan (the "IDCP") within the MXD

District of the Area (the "IDCP Special Permit"). Boston Properties' application was considered at a joint public hearings conducted by the CRA and the Planning Board on September 28, 2021, and December 14, 2021. During this process, the CRA and the Planning Board recognized that the Redevelopment Project would take place in a dense urban environment surrounded by other operating business and required Boston Properties to adopt a construction mitigation plan and imposed other conditions to minimize those impacts. At the conclusion of the second public hearing of the Planning Board on December 14, 2021, the Planning Board voted to approve Boston Properties' application to amend the IDCP Special Permit. The following evening of December 15, 2021, the CRA voted to approve the second amendment of the IDCP, as required by the Plan, as well as an amendment to the appropriate development agreement with Boston Properties.

7. On March 22, 2022, the Planning Board issued its decision approving Boston Properties' application to amend the IDCP Special Permit for the Redevelopment Project.

8. The individual buildings contained within the Redevelopment Project underwent additional public design review as required by the IDCP, and received approvals from the Planning Board and CRA at their joint public meetings on April 12, 2022 and April 19, 2022.

9. In addition to the extensive public process in Cambridge, the Redevelopment Project was also required to proceed through the environmental impact review process under the Massachusetts Environmental Policy Act ("MEPA") administered by the Massachusetts Secretary of Energy and Environmental Affairs, which issued a Certificate in accordance with MEPA on November 8, 2021.

10. To the best of my knowledge, the plaintiff in this action, Brammer Bio MA LLC, did not participate in the extensive public process that preceded and led to the adoption of the Zoning Amendment and the approval of the amended IDCP Special Permit for the Redevelopment

Project.

11. The Redevelopment Project is the product of a comprehensive planning and public engagement process that the CRA has adopted and implements and supports as a part of its activities within the Area. The Redevelopment Project will bring several critically important public benefits to the Area and the City of Cambridge as a whole, including (i) the new Eversource electrical substation that its necessary to serve the growing needs of the City and the vital Kendall Square area for electrical power, as well as the City's sustainability goals as it transitions from fossil fuels to carbon neutral energy, (ii) over 110 new units of urgently needed affordable and middle-income housing, and (iii) the replacement of a seven-story parking garage with the new public open space that will further enhance pedestrian circulation and access, and provide additional park amenities for this dense urban district.

12. As indicated in a letter dated December 8, 2023 that the CRA recently sent to the Energy Facilities Siting Board, the timely completion of the Utility Relocation is of critical importance to the City and the economic development of the region, and any delay in the completion of that project would not be in the best interest of the CRA. A true copy of the CRA's December 8, 2023 letter is attached hereto as Exhibit 2.

Signed under the pains and penalties of perjury on this 6th day of May, 2024.



Thomas Evans

CERTIFICATE OF SERVICE

I hereby certify that, on May 6, 2024, a true copy of the above document, together with any exhibits thereto, was served by email upon:

Nicholas Rosenberg, Esq. (nick@gardnerrosenberg.com)
Joshua William Gardner, Esq. (josh@gardnerrosenberg.com)
Ashleigh A. Bell, Esq. (abell@gardnerrosenberg.com)
Counsel for Plaintiff Brammer Bio MA, LLC

/s/ Molly M. Quinn

Molly M. Quinn, Esq.