

## City Council Remarks RMD – 5/19/14

Good evening Mayor Maher and Members of the City Council.

My name is Rob Dickey and I am an Executive Vice President and Partner at Leggat McCall Properties. I would like to address Item #3, 4 and 5 on the Calendar which are the two opinions from the City Solicitor regarding the Sullivan Courthouse in East Cambridge that were placed On The Table at the May 5th Council Meeting.

We obviously are in agreement with Solicitor Glowa's opinion concerning the non-conforming status of the building. It is completely consistent with the legal analysis and conclusions reached by our own counsel nearly one year ago when we initiated this process. I also want to bring to your attention the recent letter from our counsel to the Planning Board that outlines the details of this legal question. It appears as Item 49 under Communications on tonight's agenda.

I recognize that this is not a courtroom and that legal opinions can differ on nearly any issue. However, what I find troubling in the discussion about this issue is the reckless assertion that because Ms. Glowa's opinion is consistent with the opinion of our counsel and not that of an attorney for a nearby condominium association, that opposes our project, that the Law Department is merely "parroting" what the developer's attorney has concluded. I think that most of you have had enough experience with the City's Law Department to recognize that such an accusation is an insult to the professionalism and capability of the City Solicitor.

The second opinion from Ms. Glowa addresses an issue that is more relevant for the City Council. For some time now I have attended public meetings where it has been asserted by some that the City is restricted in the number of parking spaces it can lawfully lease in the First Street Garage. Ms. Glowa's opinion clearly indicates that, after reviewing the matter with bond counsel for the City, there are no such lease restrictions on the garage facility.

I want to take this opportunity to publicly restate the request that we filed with the City Manager last fall and that was unanimously approved by the City Council on October 7, 2013. Leggat McCall still desires to lease 420 parking spaces and a portion of the ground floor at the First Street Garage. It is our understanding from recent conversations with the Traffic, Transportation and Parking Department that the City's position remains the same as set forth in Ms. Clippinger's memo of October 2, 2013; namely that the First Street Garage **"can accommodate the parking needs of the proposed redevelopment of the Courthouse."**

In the event that City Council were to decide not to approve our request, we have begun exploring possibilities at other commercial parking facilities within 1,000 feet of the Courthouse, as allowed in the City's Zoning Ordinance. Our very strong preference, however, remains to enter into a mutually beneficial agreement with the City that would allow for us to design, develop, and tenant a retail grocery store on the

ground level of that garage and locate our parking in that facility as well.

Finally, for more than six weeks now, we have actively participated in the Working Group formed by Councillor Toomey. 10 days ago, we shared our latest plans with that group that included removing two floors from the building, modifying the façade materials and design, and making certain improvements to the project based on valuable abutter and neighborhood input. The Group meets again this Thursday evening. We look forward to continuing to work with community members, the Council, the Planning Board and others to transform the former courthouse and soon to close jail facility into a vibrant and transformative mixed-use project for the City.

Thank you for the opportunity to address these very important issues.