

Statement of Opposition to Normandy-Twining Proposal

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City Clerk Agenda

To:Lopez, Donna <dlopez@cambridgema.gov>; City Council <CityCouncil@CambridgeMA.GOV>;

Councilors,

For the record, here is my statement (given in brief for those present in Council tonight).

I oppose the Normandy-Twining up-zoning petition. And I hope you will, too.

Why? Three reasons.

First, the name. Why is it generally called the "Normandy-Twining Zoning Petition"?

Obviously, it is because two private developers, Normandy Real Estate and Twining Properties, need a zoning change to enable their big project. The name tells it like it is: it's not "Cambridge City Zoning." It's not a zoning change to implement Cambridge's visionary plan. No. It's a change to our zoning laws requested by a private developer to permit the developer's plan. It's "Normandy-Twining Zoning" — classic "spot zoning" to benefit a private developer.

Isn't that all we need to know? Everyone agrees that first, you make a **plan**; then, you **zone** according to the plan. Now, if a Developer can't build something in the given zoning framework — if they can't obtain ordinary permits — they can try for a special permit (which, as you know, is granted 100% of the time). If a special permit isn't sufficient to adapt what's on site, they can seek an exemption from zoning — a variance. And if none of those work? They could simply building something somewhere that zoning does allow. But for a Developer to ask for major zoning relief by requesting that you tweak the law to accommodate their plans is, clearly, **not best practice in planning**.

Second: **the color of money**. Many citizens — including Larry Lessig, Paul Stone, and others — are raising the question of conflict of interest, because 6 members of Council have chosen to accept moneys from Normandy, Twining, and other developers. Now, you may feel conflicted about this, or you may not. That's up to you. What matters is the simple fact that citizens have raised the issue. Even the **appearance** of a conflict of interest, once called out publicly, is sufficient reason to recuse yourself from voting on this petition.

Third: **the bad precedent**. Ansel Adams said that it's horrendous when you have to fight your own government to preserve the environment. He was right. I'm currently a plaintiff in Land Court, fighting the permits our City issued for the Sullivan Courthouse, as many of you know. I'm annoyed to have to do this, and you would be, too, if you were in our shoes. We are likely to prevail: there is simply no rational or legal basis to suppose that any government "leftover" can be claimed as "grandfathered." If there were — if the Sullivan Courthouse could be permitted as the City, the State and the Developer are insisting, it would mean that not only oversized buildings, but any leftover piece of government detritus — helipads, toxic waste dumps, power plants, you name it — anything the government leaves behind could be flipped to private developers for their own exploitation. It would mean that the government can continue to leave behind toxic mistakes that obliterate zoning, and cities would have no choice but to say: "So much for planning and zoning, guess we'll just have to suck it up and perpetuate the problem." Does anyone think that's the way to plan a glorious city that future inhabitants will cherish, and be proud to live in? No. Planning by letting government dump mistakes here and there is not good planning. It is idiotic.

So, with the Normandy-Twining Petition, I find myself wondering: after Land Court smacks down the permit for the Sullivan Courthouse, as surely they must, are we to expect that Leggat McCall will simply pivot, and ask for a similar zoning tweak? Is the "Leggat McCall Zoning Petition" next?

I actually approve of many of the desired aims of what Normandy and Twining aspire to build. But asking for zoning relief by changing zoning is inappropriate. Our City will get a better result by working with these developers and other stakeholders on a top-down plan. The alternative — allowing Developers to write their own zoning, or pretending that zoning doesn't matter because the government dumped a mistake on a site — is lousy planning.

For these three reasons — because letting developers rezone the city sets a bad precedent; because people are raising the appearance of impropriety and possible conflict of interest; and because, most obviously, this matter is essentially spot-zoning to permit a developer's plans, I trust you will oppose the Normandy-Twining Petition, or at least, recuse yourself to avoid the obvious appearance of a conflict of interest.

Above all, though, our City will get a better result by working longer with eager developers to iron out a great master plan, and developer solutions will only be improved as a result.

Please, take the high road here.

Michael Hawley