
Councillor Kelley's Comments for Monday, 18 July's Ordinance Committee meeting on 5.28 and Table of Uses proposed changes

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Reply-To: Craig@craigkelley.org

To: "Drury, Margaret" <mdrury@cambridgema.gov>, dlopez@cambridgema.gov, Sam Seidel <SamSeidel@aol.com>

Hi Margaret:

Turns out I can't make today's 5:15 PM meeting on 5.28, but I'd like to submit these comments in my absence.

Thanks a lot.

Craig

I am submitting this written statement for the July 18 Ordinance Committee meeting called to discuss the proposed changes to Section 5.28 of the Cambridge Zoning Ordinance.

First, this proposal is so bloated (multiple times as long as the current zoning language) that it will surely lead to even more "unintended consequences." I have absolutely no confidence that either City staff or the City Council have a clear understanding of what this zoning proposal will allow should it pass.

Second, this is certainly a Citywide "up zoning." It would explicitly allow apartment buildings in one and two family districts, and it would allow certain commercial uses, like offices, in impacted buildings in nearly every part of the City, including districts that are currently exclusively residential. Any zoning change that expands allowed uses, even if only on discrete properties, must be construed as an up zoning.

Third, it is a great disappointment that the only true outreach (as opposed to the formal and minimal legal public notices) was by an Association of Cambridge Neighborhoods flyer. That some Councillors have claimed that the flyer was very misleading rather than accurate as to up zoning was even more disappointing.

Fourth, I am even further disappointed that the entire basis for claiming that this is not an up zoning is that our City staff decided that, where our zoning ordinance explicitly and unequivocally says NO to

multifamily uses, they can, on their own, turn the NO into a YES. This fundamental disregard for the rule of law- the thought that a clear NO can somehow become YES because of some vague references in our zoning code is troubling in many ways that extend far beyond zoning. When City officials and the City Council do not implement the law as clearly written, it erodes public trust in the willingness as well as the ability of the City to protect residents and business owners in all sorts of situations.

Several of my fellow Councillors claim that City staff has simply interpreted the law as it was "supposed" to be. This flies in the face of everything we expect in our country and runs counter to hundreds of years of jurisprudence. If we cannot trust the words of laws and ordinances as they were enacted, especially when they are as clear as our Table of Uses is in prohibiting multi-family uses in Residential A and B districts, how can we know what the rules really are?

Fifth, laws can be changed by due process. We are in that process. But I very concerned that this change is often justified by claiming that it is not an up zoning at all. Yet more absurd is the claim that this proposal actually tightens existing rules and even restricts development. If we believe, as some of us do, that certain neighborhoods are unfairly burdened by density and that there should be a more equitable distribution of, for example, affordable housing throughout the entire City, then we should discuss it openly. We need to stop our habit of adopting sweeping changes to the zoning ordinance without truly examining what the words say and being sure that's what we meant.

Sixth, when I look at the big picture for development in Cambridge, I cannot support expanding this zoning provision. It should instead be removed entirely and zoning language to convert existing buildings throughout the City developed from scratch. Conversions produce a tiny amount of residences at a tremendous cost to the immediate neighbors. This section was an incentive program for residential conversions based on the perception that there was a "housing crisis" in Cambridge. Given the thousands of housing units that have been built recently or will be built in the foreseeable future in Cambridge, that crisis has come and gone.

This, the true major issue, is hidden by the smokescreen of endless detail in this proposed change. This proposal pushes more density into existing residential neighborhoods, neighborhoods that residents expect our zoning ordinance to protect. In fact, the City, through zoning, has approved the development of thousands of apartments (5000 is a good estimate) in the zones reserved for high density development: Kendall Square, North Point and Alewife.

We have decided that these areas have the necessary infrastructure and ability to support denser development. It is wrong to subject any neighborhood to dramatically increased density beyond the existing and accepted limits without effective notice. People see the church next door as the church next door, not 30 potential condo units. This section is a hidden trap that springs all sorts of unexpected consequences on our neighborhoods.

Seventh, I have expressed my disappointment in the process that has produced this proposed change. As everyone now knows, it started with the redevelopment of the former North Cambridge Catholic High School on Norris Street. In this case, the City staff did not protect the existing neighbors but instead creatively and almost certainly incorrectly read the zoning ordinance to favor a developer. As a result, a number of Norris Street residents have spent countless hours trying to protect their neighborhood. However, Citywide, a much larger number of residents have no idea of the consequences of this provision and have not been invited to any of the repeated private meetings with City officials.

It is inappropriate for the real negotiations on a Citywide ordinance to be conducted solely in private meetings with a small number of members of one neighborhood. Informal meetings like these generally improve the final product in any discussion about development, but they are only appropriate if all affected parties have the same access to City officials and politicians. That has not been the case with these discussions. There has been plenty of time to have a series of meetings around the City, as was frequently suggested in public hearings on this proposal, but City officials have not done so.

Zoning matters because buildings last far beyond our terms as Councillors. Zoning rules can enhance or devastate a neighborhood and our ability to follow those rules appropriately and change them through a true public process determines just how well those rules will do the former.

We need to be honest about what we're doing and engage the entire City in the discussion. Only then should we vote.

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