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TO THE HONORABLE THE CAMBRIDGE CITY COUNCIL:

Tonight the City Council decides whether to commit the future of the city to its Development Department.

A few things should be considered. The most important are the people who work for the development department and the record of that department. Also of importance is the record of the city council with regard to this department, which I will discuss in combination with development department performance.

1. Department employees.

The career path of the employees of the Development is quite clear if you look at the career progression of the most recent two heads of the department: David Vickery and Kathy Spiegelman.

David Vickery spent much of the last year he headed the department maneuvering a certain project through city and neighborhood reviews. This was the office/condo complex proposed for Harvard's property across from the Harvard Square Post Office. Promptly after receiving all approvals, Mr. Vickery resigned his employment with the City of Cambridge. He went to work managing the construction of that very office/condo complex. More recently he has participated as partner in the development of the Grace Site at Dewey and Almy. He wrote the zoning for this property.

Kathy Spiegelman spent much of the last six months she headed the department writing and obtaining developer approvals for the creation of the Harvard Square Overlay District. During the middle of this effort she resigned to take employment with the largest affected landowner in that district, Harvard University.

This upzoning was greatly to Harvard's advantage. For the first time, they can convert the first floors of many of their Harvard Square buildings near Mid-Cambridge and Riverside to retail. Harvard's building at 8-10 Mount Auburn Street would not have been legal without these changes. Harvard's project at the Gulf station, which Ms. Spiegelman seems to be involved in, was made clearly easier by this upzoning, and the strength of concerned neighbors decreased correspondingly.

Not a single word was said in public, to my knowledge, by any city councillor about either of these career moves.

It is clear that nine city councillors consider it normal for the development department to have a mutuality of interest with the city's developers and a conflict of interest with people who love Cambridge.

These are the type of people who would rewrite Cambridge's zoning regulations under the proposal.

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2. Past record of the department.

The department has a record, over the extended period of my knowledge, especially during the past eight years, of giving city developers as much as is politically possible and giving those who love the City of Cambridge press releases in exchange for it.

Performance falls into three basic periods: before January 1984, January 1984 to May 1986, and June 1986 on.

A. During the period before January 1984, most harm was done to the city by the department in city-wide zoning changes and in areas of the city of less obvious impact on voters.

The neighborhoods came to the city council well aware of zoning proposals for their neighborhoods and were relatively successful in matters restricted to their neighborhoods. The neighborhoods did not monitor city-wide changes. The city-wide changes frequently reversed or attempted to reverse the neighborhood changes; when they were not opening up new vistas to developers.

An excellent example of this period is the change in definition of floor area ratio as it impacts major developers, and how this was accomplished in spite of objections by an affected neighborhood without the neighborhood's knowledge.

In 1980, the Alewife area was rezoned. The one change which North Cambridge was able to obtain was to remove certain provisions which would have allowed developers to move development rights from lot to lot whether or not contiguous. The impact of this proposal would have been to multiply maximum development allowed on individual lots.

The development department, about a year later, proposed to do exactly the same thing in a number of different parts of the city, including that very same Alewife area. They called these changes "technical amendments". North Cambridge organizers were not interested in city wide zoning changes, so the change that was defeated in 1980 was passed in its full impact in 1981, both at Alewife and in a number of East Cambridge Areas.

The impact of these changes is reflected by comparing development in Harvard Square with that in Kendall Square. Both have "maximum" FAR's of 4.0. Harvard Square is defined as 4.0 per lot. It, however, is impossible to bleed the absolute maximum on each and every lot, so the actual development is much less. Kendall is an average over all the redevelopment area, with a maximum per lot of 7.0. The "technical amendments" wiped out maximums per lot. Similarly, there is no maximum per individual lot at Simplex after that upzoning.

Normal parts of development department proposals destroyed "variable yard" requirements as far as politically feasible, and expanded retail. Each was done under any and every excuse they could think of. The variable yard

requirements are the only protections existing in the denser districts for small buildings on small lots. Examples are given below in the Harvard Square upzoning analysis.

B. During the period January 1984 to May 1986, the development department was singularly unsuccessful before the city council. Not a single unexplained dirty trick initiated by them succeeded, although one expansion of commercial uses in C and denser neighborhoods was passed.

There was a striking outpouring of popular opposition to the various dirty tricks attempted during this period. People showed how each proposal was extremely bad.

A good example of dirty tricks in this period was yet another set of "technical amendments". All but one was defeated and for good reason. One of the defeated ones was resubmitted. The department claimed that "all the problems" were resolved. The second was worse than the first.

This proposal was specifically aimed at destroying protections which were preventing easier certain developments at Frost St./Newport Rd. and Maple Ave./Highland Ave. Under the zoning ordinance certain parking requirements were established for new construction after the early 1960's. They only applied to the older buildings to the extent the older buildings had already provided parking or to which they added parking after the passage of the ordinance. The proposed development on Frost Street was on a parking lot used for Newport Road. A proposed development on Maple Ave. was on a parking lot for 36 Highland Ave.

The second version would have died a natural death because abutters to both projects had meaningfully communicated just how bad the changes were. On the last day before the automatic defeat, Walter Sullivan pulled the amendment off the table and put it to a vote. It died, 0 in favor, 9 opposed.

C. Beginning in June 1986, the neighborhoods have been attacked with great success.

Proposals have been advertised as doing one thing with remarkably different results because of unexplained fine print. Generally the neighborhoods have been kept unaware of reality.

Two major changes have been part of this new vigor.

First, the city is keeping the zoning ordinance secret from voters. This has been done by not republishing the ordinance since 1984 in spite of major changes, and by not even selling it for the past year. When it was published, the printing was so expensive that the price was out of the average person's reach.

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The impact of these changes is that the average person cannot know what the ordinance is. The average person can only know what the Development Department tells him/her the ordinance is. This prevents individual writing of zoning changes and it prevents meaningful analysis of the various dirty tricks in zoning changes.

Secondly, the city council and the development have created fake review committees containing lop sided numbers of people making their livings from development, and claimed that these were grass roots inputs.

Normally these committees consist half of obvious real estate interest types and half of people who live in the neighborhood. Normally half of the latter also depend on real estate money for their livelihood. These committees are at the mercy, of course, of development department advice on what is feasible under Cambridge zoning. A well meaning person appointed to one of these committees finds him/herself badly outnumbered by so reasonable sounding people who are fighting to destroy Cambridge to bleed it for the developers.

Thirdly, the old policy of not telling anybody anything has been carried through to a charm. Statement of description normally are exactly the opposite of reality, but they make nice press releases. Key in the proposals are fine print which wipe out ostensible protections so loudly trumpeted.

Achievements have been wide spread during this period.

(1) The Harvard Square Overlay District was created.

Individual members of the city council expressed confusion as to whether this was an amendment or a new change. Twenty minutes review at the city clerk (if any were interested in reality) would have told the truth. The original proposal needed seven votes. It got six. Five members then voted to falsify the zoning ordinance.

This 1986 upzoning wiped out variable yard requirements which meaningfully protected small lots from overdevelopment.

This change legalized the Harvard University project at 8-10 Mt. Auburn St., and made the Harvard projects at the Gulf station and the Harvard Motor Inn easier.

The change made the Gund project at 2-6 Mt. Auburn Street and 17 to 19 Mt. Auburn Street easier. Before it was impossible. Now development at THREE TIMES THE PREVIOUS DENSITY became possible if Gund could go through certain obviously disappearing "protections". Gund sought a variance. It was denied. So he went through making the "protections" disappear. The first historical building has now been destroyed. Thanks are due to the eight city councillors who voted to destroy those buildings in the name of "protection". Yes the press release claimed that these changes protected historical buildings.

The city council showed exactly how serious it was about historical protections in its unanimous vote to destroy the Catholic School two buildings down from the Gund project.

The CCA councillors are now making careers out of not correcting what they should not have created in the first place. They knew it would take six or seven votes to amend this terrible district. They created it and now they are shocked that they cannot amend it. Nice work if you can get it.

(2) The North Mass. Ave. district, 1986.

The neighborhoods were scared stiff about retail expansion. So they were given a "downzoning" which VASTLY INCREASED RETAIL. Residential districts where retail was previously prohibited were converted to retail districts. New buildings containing retail were increase in maximum size by as much as 75%. Conversion of first floor housing in older building where it was previously prohibited is not legal.

For the first time, a building too large for the new district may be rebuilt in its entirety after fire. Variances for providing parking will be automatic and increase building size about one-third. This provision is aimed at encouraging condo conversion.

As usual, variable yard requirements were destroyed as much as possible. They were replaced with set limits, insofar as they were not destroyed completely.

A recent change proposed in North Cambridge would institute nominal yards in the Trolley Yard area for certain uses which previously had the meaningful protection of variable yard requirements. This proposal is part of the CCA councillors' policy of making a career out of trying to correct provisions they should never have voted for in the first place.

(3) The dead-of-the-night amendments to Cambridgeport zoning.

The development department proposed ten days before the final vote on this zoning to wipe out FAR limits in Cambridgeport. This was defeated.

Instead the final vote encourages condo conversion with a modified version of the North Mass.Ave. provision, the second such in the city. The final vote encourages subdivision of existing family housing into singles condos, greatly increasing allowed number of units in such instances. The final vote encourages increased density in exchange for "affordable" housing under a definition which is a series of cross-references.

This latter definition was a response to my comment that the original definition allowed the bonuses in exchange for housing which cannot be afforded by 60% of the population. A definition was substituted which had no meaningful purpose except to keep the reader from realizing what the

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definition was: it was a series of cross references to whatever a particular bureaucrat, as of the latest week, called the meaning of a specific and totally different term. It turned out there was no such definition.

(4) Simplex. Cambridge's most irresponsible land speculator was rewarded with a multiplication of maximum allowed development on its holdings. This was the city council's way to encourage future speculation equally as destructive of jobs and housing.

(5) The CCA's rent control changes.

These were rammed through in one week, although the CCA councillors would have been very happy to do it in one night. They were not initiated by the Development Department, but show how the council's most pious councillors really stand and think.

The most controversial matter was whether the vote would be delayed until Councillor Graham (and W.Sullivan) bothered to show up for the vote. The CCA successfully opposed the delay. This ostensible exemption from rent control for the rich makes rent control unenforceable for new occupants in the hibreds, essentially vacancy decontrol.

The purpose of ramming it through was simple: to keep the constituents from knowing what was going on, as much as possible. Press releases and other lies do not work on rent control. Too many people understand it. So the CCA rammed it through.

(6) "Linkage". The city council voted to give a fund of money to a committee controlled by the city's real estate interests with no more meaningful regulation than the word "housing". The money will be used for all sorts of forceout and rent increasing techniques against tenants, and a corresponding decrease in the number of affordable housing units in the city.

The city council showed how it wanted this money used in a discussion of the city budget in which \$90,000.00 remained in the budget for development of 18 to 20 Ware Street in spite of admissions that it would be used for forced cooperative (condo) conversion. No member of the council agreed with the objections raised.

AFTER THIS VERY CONSISTENT RECORD, IT IS VERY CLEAR THAT ANY REWRITING OF THE ZONING ORDINANCE BY THE DEVELOPMENT DEPARTMENT WILL DO MORE OF THE SAME. IT IS CLEAR THAT THE REWRITING WILL BE BEYOND ANY MEANINGFUL CONTROL BY THOSE WHO LOVE CAMBRIDGE. IT IS CLEAR THAT DEVELOPERS WILL BE GIVEN THE CITY EITHER OBVIOUSLY OR IN UNEXPLAINED AND TOTALLY LOST FINE PRINT IN EXCHANGE FOR LOVELY PRESS RELEASES.

Sincerely,



Robert J. La Tremouille

0-57

Comm. from Robert J. LaTremouille, Esq.  
Re: rezoning & the Community Development  
Dept.

September 26, 1988

9-26-88

Referred to the  
Meeting at 6:00 PM.  
Placed on file.