

**Planning Board**  
City of Cambridge  
City Hall Annex,  
344 Broadway  
Cambridge, MA

re: **Special Permit Applications (PB288) from Leggat McCall (LMP GP Holdings, LLC).**

Dear Public Servants,

I reside at 101 Third Street across from the Sullivan Courthouse, and I write to urge that the City deny the special permit application from LMP for the proposed 40 Thorndike St development.

Since I live next to a public nuisance, you might wonder: what's the point of complaining just because it goes from pigs to sheep? But a closer look at this privatization makes it clear that the new proposed use is exceedingly unwise, utterly inappropriate in a residential neighborhood, significantly more detrimental to the neighborhood than what came before, and should therefore not be permitted.

I am not an expert on Zoning law, but **MGL Ch.40A Sec.6** is pertinent:

*A zoning ordinance or by-law shall not apply to structures or uses lawfully in existence...but **shall apply** to any change or substantial extension of such use...to any reconstruction, extension or structural change of such structure...*

*Pre-existing nonconforming structures or uses may be extended or altered, **provided** that no such extension or alteration shall be permitted unless there is a finding ... that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming [structure or] use to the neighborhood."*

Now, I realize the letter of the law leaves lots of leeway in how you interpret this. But the spirit is clear in this case, and common sense should prevail. So, please, bear with me.

Nobody seems to know precisely why or how the 1974 Sullivan building was ever allowed. There are allegations of corruption, and reports that the community was outraged. It may have been claimed by the Commonwealth under "eminent domain" in order to muscle around sensible building limits. But whatever the nature of that allowance, it was for a singular and almost bizarre purpose: to build a 280-foot-high-rise courthouse with a high-security jail stacked on top, in a residential community.

It is routinely the case that nonconforming buildings are renovated, of course, and the nonconformity may be allowed to continue **so long as it is not more detrimental** to the neighborhood. For instance, everybody knows what a dazzling rebirth the old Charles Street Jail enjoyed when it became the Liberty Hotel.

Well, the case of the Sullivan Courthouse/Jail is nothing like that. The Charles Street Jail was a grand, soaring building, almost romantic: the Sullivan Courthouse is a depressing clunker. It can well be argued that no building of such height and bulk should ever have been, or should ever be, permitted in such a quiet, residential community with homes that barely top 60'. The Sullivan Building is truly an aberration, was **very detrimental** to begin with, and was tolerated perhaps only because of the

Commonwealth's force combined with the historic use of that land for a jail. In any case, the result was a fiasco. This isn't just any old nonconforming building: it is a humdinger, universally loathed, and an impressive failure. The only thing it really did well was disfigure the neighborhood.

So, the proposed development begins with a flawed, deeply detrimental building as a starting point. For that reason alone, you should be *highly* skeptical, and apply the laws conservatively. In particular:

- A. The proposed *change of use* — to a private office tower — contradicts the public-minded intent of the historic founding gift from Andrew Craigie that established East Cambridge. That gift created a charming and felicitous balance of human-scale public and residential space, and it was sparked into life by the finest architect of the day: Charles Bulfinch. The proposed development would do the opposite. It has none of these charms.
- B. The proposed development is indeed a *substantial reconstruction*, and thus can be ordered to conform to existing zoning allowances (e.g., 80'). But even forgetting about zoning, it can be well argued that the original nonconforming Sullivan structure was *exceedingly inappropriate* in its day just as it is now. That fact should weigh heavily on whether or not you feel it's a good idea to perpetuate this structure.
- C. The previous building was significantly detrimental to begin with. But the proposed development will be *significantly more detrimental* than what was there before. In particular:
  1. **Density:** Consider that the original Sullivan structure was designed for 160 prisoners (who seldom left their cell block, let alone the building, and obviously didn't have cars to park), a dozen judges, clerks, staff, occasional visitors. Most of the volume was low-density usage, including huge double-height courtrooms with infrequent duty cycles.

But the proposed change would pack in at least 1500 occupants, plus a great many more in daily visitors, shoppers, diners and deliveries to that tower. It aims for maximum leasable density. In rough numbers, that is *ten times* the previous population, and it turns the place into a beehive with workers buzzing in and out several times a day.

LMP can cite Section 8.22.2 until we all turn blue, but common sense shows that the *thousands* of people who would populate and frequent this new building every day will transform the neighborhood. In other words, by allowing this change you are effectively asserting that this will no longer be regarded as a residential neighborhood: it's an office park that happens to have a few dwellings and historic buildings sprinkled around it.

2. **Parking & Traffic:** It does not take a study to understand what is obvious here. The influx of commuters and business activity will stress the neighborhood's parking and traffic in ways that are not remotely comparable to what came before. While it may technically be possible to lease 400-500 spaces in the First Street Garage, such use will swamp it and saturate all available on-street parking as well. And, as is well known, the daily traffic patterns on Third Street are intolerable at rush hour, and growing worse as new buildings and thousands of new occupants arrive in the area. It matters not whether LMP or the city has numbers that seem to indicate that this can be absorbed within normative limits. The fact is, the proposed new use will increase the daily influx around that property not just a lot more: it will be *ten times* if not more. There's no question this will be far worse than what came before. Are such loads appropriate to invite in a residential zone?

3. **Wind:** Don't be distracted by a wind tunnel test. Because of the existing tower, Thorndike Street is already a wind tunnel. Just look at the crackling flags: how long do they last before they are tattered and shredded? The new structure will be essentially the same as the old structure, except: all of the concrete bumps will be replaced by a single, smooth glass surface. Do you think this will minimize the wind, or make it worse?
4. **Light:** This was a non-issue before, since the old building had few windows, few occupants, and was basically a 9-5 operation. But the new building will be all-glass, with light pouring out the windows, and intensely heavy occupancy. That is a day and night difference, and a far worse situation than what came before. Because of the angle of the tower, reflected light is also likely to be a problem, possibly a severe one; it never was before.
5. **Crime:** It is well known that the circulation of shoppers at the mall and in the blocks around it is a "hot zone" for muggings, petty theft and vandalism. This proposal turns a high-security courthouse that was generally surrounded by police cars and frequented by uniformed officers — a repellent — into a honeypot of commuters and shoppers. That will only attract more street crime — a serious concern for all, especially families with young kids.
6. **Character:** This East Cambridge area is not Harvard Square or Kendall Square filled with university properties that dovetail with businesses and hotels, nor is it a bustling crossroads like Central Square. It is a long-established residential area with many single family homes for young and old families many of whom aim to stay in the area for most or all of their lives. In the 2001 Planning Study, as today, the major need people identify in this neighborhood is: more residential space, especially single-family homes. LMP will say they responded, with a few micro-condos, but think about that: would you want to live in a building that is basically an office tower? It is frankly more likely that most of those condos will be bought by corporate tenants as a "hot seat" for visiting employees and consultants. The idea of a bit of residential space in this tower is a gratuitous gesture.

The point is: this tower will permanently change the "color" of the neighborhood from "quiet residential" to "corporate commuter" and that is a deleterious transformation.

These reasons make clear what common sense already tells us: that such a building for such a use simply does not belong in a humble residential neighborhood. The high-rise jail didn't belong here before; and the idea of a high-rise office tower *really* doesn't belong here now. This quiet corner of East Cambridge is a residential neighborhood, but the proposed development effectively transforms it into a business zone. The massive circulation of people is nothing like what was there before and will have a significantly detrimental impact on the neighborhood.

There are many other reasons to be skeptical: financial, for instance. The Commonwealth's sale process was flawed, and in fact, the purchase and sale still has not closed because the Commonwealth failed to meet its deadlines. The financial plan may come with the requisite insurance, but part of the reason it's a *two hundred million dollar plus* proposal is the untold expense of buying the building at auction, and the need to build on the existing envelope. This is a *very* expensive proposition, so it's no wonder the developer has refused to slice even a few floors off the building: each floor they remove is roughly 5% of their potential revenue stream, so 4 floors is a deal-breaker, and ten floors (which would still leave the building inappropriately more than *twice* the zoned height) is unthinkable. And one can see that the amenities proposed so far (a bit of retail, a few cafes, a bit of greenery) are primarily for occupants and commuters in the building, who need something to nibble on after they ride up and down 20 floors. For all of the money being spent, it's not as if profits are going directly into better sidewalks or gardens

in East Cambridge. Even more vexing is the sense that this new entity riding on the backs of East Cambridge residents, effectively gives the developer a monopoly stake in a residential zone, and it can amortize an over-valued asset thanks to special permits from the City. And if it all fails, the financiers can write it off as a loss to counterbalance capital gains.

I'd like the City Planning Board and all of our public servants to consider: what, really, is the value of this proposed building? Why does it *need* to be here? It's a box. It's a high-rise office tower not unlike the multitude of other big buildings that have already filled up places where they belong, like Kendall Square, and Northpoint. The idea that there will be "entrepreneurial zones" in this tower is a joke. It doesn't need to be here for entrepreneurial zones, and entrepreneurs avoid places like this. Startups prefer lofts and horizontal spaces, not high rises. They like creative, funky, artistic areas, with lots of cross-pollination, not glass towers filled with suits. They like pleasant places to walk — through beautiful gardens and lively neighborhoods, not in an office tower or along a traffic jam on the main commuter artery. They like to be as close to bubbly universities as possible, around MIT, or Harvard, or BU. They like and need cheap-rent places with walls they can knock down, not overpriced high-rise space. This building is not for entrepreneurs.

We would not be having this conversation if, instead of running an auction, the Commonwealth had simply razed the damned building and put a park or community garden in its place. There would be cheers, relief, and a sense that families, and a community, in the surrounding neighborhood might have a healthy chance to blossom. The proposed development kills that chance.

For all these reasons, and many more I could list, this proposal just is not a permissible project. The old Sullivan Building was inappropriate, deeply detrimental, and definitely did not belong in a residential neighborhood but: we were condemned to live with it. After the building failed, the most appropriate remedy would obviously have been to remove it. But the plan proposed here is just as much if not more inappropriate, it is significantly more detrimental, it will swamp available infrastructure and it will permanently change the character of the neighborhood: but fortunately, we have a choice: we can choose to deny the permits for a multitude of reasons.

I urge that the City Planning Board review the property at 40 Thorndike Street again, but in a sensible master plan strategy that nurtures the whole neighborhood — not this piece-meal special permitting process — so that whatever this property becomes, it might be a future integral gem of East Cambridge development and a beautiful example of wise governance, accountability, and good stewardship.

Sincerely,



Nina You

CC: City Council  
East Cambridge Planning Team