

decisions can't be based on likability (29)

The Bethlehem Gadfly 2 W. Market St., Gadfly's posts, Serious Issues November 22, 2018

(29th in a series of posts on 2 W. Market St.)

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Gadfly, with all due respect, I disagree with part of what you are saying about the complexity of this issue. Specifically, you keep stating that "There are good people and good supporters on both sides." Why would this be a criterion for evaluating whether or not we should change our zoning ordinance? This is a matter of law and planning. The minute it becomes about the quality of the people involved (i.e. how good they are), then we are opening a whole can of worms. What counts in determining if someone is a good person? Is someone good because they have complied with existing laws and been good community members? How do we know if that person is better than another good community member, say someone who is a fine upstanding citizen, but does make large donations to the city? If the person who makes donations to the city is "better," then does one have to be rich enough to make donations to fall into this category of being deemed worthy of characterization as a good person? When government starts making decisions about planning based on the likability of people who want it to be done in a way that serves their own narrow interests, we have a real problem.

I watched the whole hearing last night too, and while I was indeed convinced by the petitioners that the guy who will benefit from this zoning ordinance change is beloved by many people who have benefitted from his business, I just don't understand why the fact that people think he's a great guy, or a good upstanding citizen who complies with all the laws everyone else complies with, or who is going to lose money if he doesn't get the zoning change he wants, is remotely relevant. And do you really think he's that good of a person if he's so willing to put a drug rehab facility in the middle of the historic district if he can't get what he wants? C'mon!

What I find unacceptable about efforts to circumvent past decisions is that it disregards all the effort made by people who spent their time and energy to create a vision for the city. Why bother participating in these efforts to create historic districts, and comprehensive plans, or zoning codes, if they are just going to be circumvented at a later date? Why would a citizen want to

participate if it all will be ignored later when many of the original creators are no longer around? But this is what we do in this city: we get a bunch of earnest citizens to work with planners and consultants and government officials to create rules that will promise to protect the city from the things we fear, and then we ignore these plans/guidelines/codes when someone with a lot of money comes in and wants a special deal. It does not matter if the guy who wants the deal is an angel or the devil. What does matter is that preferential treatment of that person blatantly disregards the community of people who were being good citizens before we arrived and who put a great deal of their life energy into trying to protect the community they were invested in. Does that mean anything? Do we just break the rules they created after a single public hearing, in order to make a change that solely benefits one person or business, because all the proclaimed supporters testify to that one person's likability. I would like to live in a city that makes everyone abide by the same rules. Equal treatment under the law.

If people want to change the rules, they should provide reasons why the changed rules are good for everyone. No such reasons were offered last night. All we heard was why the rule change for the super great beneficiaries wouldn't have a big impact on everyone else except for — most obviously — all those neighbors who spoke last night. They also invested in the same neighborhood based on what they understood to be in the current zoning code. I could not believe some advocates of this zoning change had the nerve to tell residents that if they did not like the changes that would commercialize what was intended to be a residential district, then they should just move to a real residential district. The opposing residents are probably also good people, but at least they behaved like that was not relevant. The zoning code isn't there to benefit people who are popular, or rich, or who have a successful business. It's there to protect all citizens from deviating from a plan for city development that was well-reasoned, proofed, and publicly adopted.

Dr Pooley's testimony was important in explaining why the requested change is not a small change. It's a significant change to the zoning ordinance, and, as such, it requires more than a single public hearing among a small number of people who have a stake in the immediate decision that is motivating the change. Of course, it would be par-for-the-course for city council to approve this and avoid the likely backlash for not showing favoritism to the one person and his friends who are requesting this change. I'm really sorry that the petitioners could not find another way to get around the rules, but I'm more sorry for the public officials who are being asked to make a decision that the mayor should have flatly rejected as reasonable from the beginning. How

much time, energy, and money are we going to waste satisfying the interests of one person while all the things that this council should be working on are pushed to the side? If this is really in the interest of the city, it is my hope we will spend a lot more time publicly discussing the implications. In all the sympathetic and emotive appeals put forward by the friends of the zoning change last night, there was only one bit of testimony by the man from Easton who spoke near the end, who made me think we should spend further time on this issue. He had some suggestions for dealing with investments in historical structures that I'd be interested in hearing again. The other testimony on behalf of the zoning change seemed almost entirely beside the point.

Breena

Gadfly has always said he's waiting for the whack upside the head. And here 'tis!