



The Guru Is In

NIMBY-da-fé



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The *auto-da-fé* was a major aspect of the tribunals, and the final step in the Inquisition process.

In November, 1478, Pope Sixtus IV by fiat granted Ferdinand and Isabella of Spain authority to name inquisitors plenipotentiary to protect the one true faith from unbelievers. In October, 2000, multiply re-elected Boston mayor Thomas Menino by fiat created for the Boston Redevelopment Authority the Impact Advisory Group process to protect communities from 'large-scale' developers. The mayor's action, like those of many other big-city mayors across the country, reflected a pattern of increasing NIMBY empowerment now triumphant in far too many American cities: an elaborate public spectacle casting a veneer of altruistic morality over a power play culminating in an autocratic decision.

Preparations began a month in advance and only occurred when the inquisition authorities believed there were enough prisoners in a given community or city.

1. The developer is presumptively guilty and must do penance. For affordable housing developers in such cities, seeking approval is, like its Spanish predecessor, a penitential *auto-da-fé* (act of faith) called 'mitigation'.

If the accused were charged, they were presumed guilty.

As the City's website puts it with its guilt-presumptive preamble:

Large scale development projects can have both positive and negative impacts on the surrounding community...to balance out these impacts, the City works with developers to [provide] mitigation.

The need for 'mitigation' to 'balance out impacts' implies that whatever the developer presents must be a net negative. This rhetorical sleight-of-hand slides right by the benefits to poor people of expanding affordable housing, to say nothing of ancillary benefits like creating jobs or

adding to the city's tax base, setting up a process where the developer is given only two choices: emerge worse than it entered, or never emerge.

2. Numbers don't count; memes do. For an IAG, and by extension the city that convened and empowered it, benefit-to-cost is an irrelevant concept. Never mind how many apartments of desperately needed affordable housing will be added, how many families will move from squalor or worse into decent homes – save the old elm tree out back!
3. The goalposts move and mutate. With no stated criteria for approval, nor criteria for consideration, anything and everything becomes fodder for objection. Popular trump cards these days are 'shadows,' 'safety' and 'privacy.' Woe betide the developer whose property will cast a shadow in any direction, because once a shadow is acknowledged as a negative impact, its only alleviation is taking a floor off the building, and then another, until the property is so inoffensive as to be infeasible.
4. Evidence and logic are not prerequisites for accusation; evidence and logic in mitigation can be dismissed with a sniff. Let the developer bring all the parking studies it wishes – the neighbors will tell you they can't get out of their driveways for the traffic.
5. The process is unreliable. It proceeds at whatever pace, schedule, format and topics the inquisitors determine.

The ritual took place in public squares or esplanades and lasted several hours with ecclesiastical and civil authorities in attendance.

The most depressing words a proponent can hear are, "We're removing you from the upcoming board meeting," followed by, "We've scheduled several additional community reviews."

6. Anyone can be a critic. When it comes to public comment, theoretically the immediate neighbors have more, but anybody can comment about anything. All may come and bring their tomatoes.

The identity of witnesses was not known to the accused.

7. Developers invariably must pay extra penance. Objections being understood to be inherently valid from inception, developers are encouraged to address them one by one through monetary penance. Boston's phrasing is particularly bald-faced:

Mitigation can also take the form of monetary contributions to local organizations, such as "The Friends Of" a park or a playground.

8. Mitigation also offloads public infrastructure costs onto new affordable housing development.

Mitigation can include physical improvements that the developer will provide on-site or within the impacted area.

Upgrade the century-old municipal water pipes. Add off-street parking more than required by code or any study. Even widen the public streets:

For instance, mitigation could include a traffic study that results in a modified pattern of stoplights, signage and crosswalks.

9. The process ends with a morality play. To survive, the developer must make obeisance by accepting some number of 'recommendations' from the authority:

Prisoners who were acquitted or whose sentence was suspended would fall on their knees in thanksgiving.

The NIMBY-da-fé completed, witnesses and public bodies congratulate themselves on protecting the city from the potential scourge:

The *auto-da-fé* was also a form of penitence for the public viewers, because they too were engaging in a process of reconciliation, and by being involved were given the chance to confront their sins and be forgiven by the Church.

And people wonder why our cities have a shortage of affordable housing.

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