

**Building Voice: A Comparative Analysis of Neighborhood
Involvement in Affecting Large-Scale Development in Three
Boston Neighborhoods**

by

Martha Tai

Bachelor of Arts in History
Williams College (1995)

Submitted to the Department of Urban Studies and Planning
in Partial Fulfillment of the Requirements for the Degree of
Master in City Planning

at the

Massachusetts Institute of Technology

February 2004

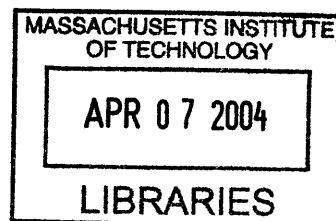
© 2004 Martha Tai. All rights reserved.

The author hereby grants to MIT permission to reproduce
and to distribute publicly paper and electronic
copies of this thesis document in whole or in part.

Signature of Author
Department of Urban Studies and Planning
November 3, 2003

Certified by
Karl Seidman, Senior Lecturer
Department of Urban Studies and Planning
sis Supervisor

Accepted by
Dennis Frenchman, Professor of City and Regional Planning
Chairman, Master in City Planning Committee
Department of Urban Studies and Planning



ROTC

Building Voice: A Comparative Analysis of Neighborhood Influence in Effectuating Changes to Large-Scale Developments in Three Boston Neighborhoods

by

Martha Tai

Submitted to the Department of Urban Studies and Planning
on November 3, 2003 in Partial Fulfillment of the
Requirements for the Degree of Master of City Planning in
Urban Studies and Planning

ABSTRACT

This thesis compares the outcome of three Boston neighborhood groups' efforts to effectuate project changes to three specific large-scale development proposals in their neighborhoods. Specifically, the experiences of Fight Liberty Place (FLP) in opposing Liberty Place in Chinatown, Old Dover Neighborhood Association (ODNA) in shaping Dover Residences in the South End, and the Battery Wharf Working Group (BWWG) in affecting Battery Wharf in the North End were examined. A neighborhood's ability to influence project changes was found to be a function of internal neighborhood unity in and institutional support for the neighborhood. Institutional support is used to mean support from city representatives who can exert influence in the development approval process and make a concerted effort to work with a neighborhood to either implement project changes or withhold approval of a project in response to neighborhood demands.

Based on the findings of the three cases, it has been surmised that changes in design and off-site mitigation can be more easily secured than changes in dimensions, use, and affordable housing. The experiences of the three neighborhood groups also highlight tactical considerations that neighborhoods should bear in mind when proceeding with a strategy against a development. In particular, neighborhood divisions not only prevent the collective interests of the neighborhood from being addressed but can also enable the city to put aside neighborhood interests in favor of maintaining the interests of the greater public. In addition, the thrust of a neighborhood's effort to effectuate project changes must be channeled through its advisory power to successfully convince and persuade the Boston Redevelopment Authority (BRA) and developer. Furthermore, the level of institutional support that a neighborhood group garners can fluctuate according to the degree of neighborhood unity conveyed. Lastly, recommendations are presented to inform Boston neighborhoods of ways in which they can strengthen their influence as they continue to tackle large projects proposed in their boundaries.

Thesis Supervisor: Karl Seidman
Title: Senior Lecturer

ACKNOWLEDGEMENTS

Special thanks to my thesis advisor, Karl Seidman, who has been patient and kept me on track when I was wandering to find my argument. Thank you for helping me develop a structure that makes sense and raising key questions that I had not thought to raise. It has strengthened this thesis and has helped me get to the finish line. Thanks to my reader, Terry Szold, for her insight, honesty, and affirming the issues that I did not think I had enough evidence to state.

I would also take this opportunity to thank all the residents, neighborhood representatives, BRA staff, and developers who took the time to meet with me about development in Chinatown, the South End, and North End. Without your generous time and willingness to share your experiences, this thesis could not have happened. Also thanks Catherine Sullivan who helped connect me to people at the BRA, Maria Faria for meeting with me more than once about South End development, and the staff at the Harry W Collings' Office, particularly Maura Hendricks who made sure I got the right documents for my research. To Mike Liu, Zenobia Lai, Doug Brugge, and Andrew Leong, thank you for your support and attention when I was trying to figure out how to approach this thesis.

To Zhan, your GIS expertise and the time you committed to helping me with the neighborhood maps were valuable additions to this thesis. To Jinhua, thank you for listening to my ideas and organizing them to create a logical argument. To Annie, thank you for taking on the job of copy editing my thesis at the last minute. To Zhanbin Jiang, thank you for being supportive throughout the process no matter how difficult it was at times. Finally, thanks to my family who have been encouraging and tried to understand what doing things at my pace meant.

TABLE OF CONTENTS

Chapter 1: Introduction.....	9
Research Questions.....	10
Research Design	11
Methodology.....	12
Thesis Organization.....	14
Chapter 2: Neighborhood Involvement in Large-Scale Project Approvals	15
The Process and Neighborhood Involvement.....	15
Underlying Issues with the Process and Neighborhood Involvement.....	24
Criteria for Evaluating Project Outcomes.....	28
Chapter 3: Liberty Place	31
The Chinatown Neighborhood.....	31
Project Description	32
Neighborhood Organization, Unity, and Approach to the Process	34
Tactics Used to Gain Institutional Support.....	36
Neighborhood Demands	40
Project Changes	42
Evaluating Project Outcome	43
Conclusion.....	47
Chapter 4: Dover Residences.....	49
The South End Neighborhood	49
Project Description	50
Neighborhood Organization, Unity, and Approach to the Process	52
Tactics Used to Gain Institutional Support.....	54
Neighborhood Demands	57
Project Changes	59
Evaluating Project Outcome	60
Conclusion.....	62
Chapter 5: Battery Wharf.....	65
The North End Neighborhood	65
Project Description	66
Neighborhood Organization, Unity, and Approach to the Process	68
Tactics Used to Gain Institutional Support.....	70
Neighborhood Demands	75
Project Changes	77
Evaluating Project Outcome	78
Conclusion.....	81
Chapter 6: A Comparative Analysis of Neighborhood Influence in Effecting Project Changes	83
A Comparison of Project Changes.....	83
Effective Means of Building Neighborhood Unity.....	89
Effective Means of Gaining Institutional Support.....	91
Lessons Learned	93
Chapter 7: Conclusion and Recommendations	95
Purpose	95
Summary.....	95
The Process.....	97
Suggestions for the BRA.....	98
Recommendations for Boston neighborhoods	99

LIST OF FIGURES, DIAGRAMS, AND TABLES

Figure 1: Map of the three neighborhoods in Boston

Figure 2: The Liberty Place project in relation to the Chinatown neighborhood

Figure 3: Boundaries of the South End neighborhood and location of Dover Residences

Figure 4: Boundaries of the North End neighborhood and location of Battery Wharf

Diagram 1: General overview of the large-scale development approval process in Boston

Diagram 2: A general outline of Boston's Article 80 process

Table 1: Proposed project details in Project Notification Forms (PNFs) and zoning restrictions

Table 2: Overview of FLP demands and project changes of Liberty Place

Table 3: Dimensional changes made to the Liberty Place project

Table 4: Overview of ODNA demands and project changes to Dover Residences

Table 5: Overview of BWWG demands and project changes for Battery Wharf

Table 6: Final project changes for Liberty Place, Dover Residences, and Battery Wharf

Chapter 1: Introduction

This thesis was prompted by my past experience working with Boston Chinatown residents on minimizing the effects of large-scale developments in their neighborhood. At the time of my involvement, the rate of large-scale development being proposed and built in and around the neighborhood's borders was rapidly rising while the supply of developable land in the downtown was quickly diminishing. My more recent communication with other downtown neighborhoods reveals that large-scale developments have been occurring across nearly all neighborhoods. This pattern of development has translated into an increased cost of living which threatens the ability of working-class residents to live in their neighborhoods throughout downtown Boston¹. Consequently, the City of Boston has witnessed a resurgence in neighborhood action in these areas as a result of the pattern of development.

Since the mid 1990s, the number of proposed large-scale developments relative to a neighborhood's geographical area seems to be greatest in Chinatown, of all the downtown neighborhoods. Since 1996 the neighborhood has been affected by seven projects in and around an area of 61.8 acres². This means that one large-scale development has been proposed for every 9 acres³ in Chinatown. Meanwhile, the North End has been host to two projects in an area of 133.1 acres⁴ and the South End has had 15 projects in an area of 658.5 acres⁵. The geographical area to proposed development ratio of the North End and South End, respectively, have been calculated to be approximately 67 and 44 acres per project⁶.

In addition to the disparity in the concentration of development, Chinatown residents seem to have had less influence in effectuating project changes compared to residents in

¹ The term "neighborhood" is used in this thesis to signify a place-based community of residents and organizations confined to a geographical area.

² The area was calculated using GIS and according to Boston Redevelopment Authority (BRA) boundaries and data. The area is bounded by Tremont Street, Marginal Road, the Southeast Expressway, and Essex Street.

³ Area to development ratio came out to 8.8.

⁴ The area was calculated using GIS and according to BRA boundaries and data. The area is bounded by N. Washington Street, the Southeast Expressway, the wharves extending from Atlantic Avenue and Commercial Street.

⁵ The area was calculated using GIS and according to BRA boundaries and data. The area is bounded by the Massachusetts Turnpike, the Southeast Expressway, Melnea Cass Boulevard, and the MBTA/Amtrak line.

⁶ The acreage to development ratio came out to 43.9 in the South End and 66.5 in the North End.

other neighborhoods. While residents in the abutting Leather District decreased the height of a project by 40% from its original 20-story proposed structure⁷, Chinatown residents struggle to get developers to build anywhere near the legal zoning envelope.

Research Questions

This thesis examines the role of neighborhood involvement in affecting private large-scale developments in Boston downtown neighborhoods. A literature search of MIT's planning library and databases reveal that no study of this type has been published. Yet personal communication with a number of representatives from various Boston neighborhoods reveal that many are struggling to effectuate changes so that proposed projects are sensitive to the needs of the neighborhood and abide by legal zoning. While neighborhood involvement in the development process can significantly change a proposed project, it is unclear which tactics are most effective in influencing project changes.

My proposal in this thesis is that the extent to which a neighborhood can effectuate project changes is dependent on the influence it wields in the process. I believe this influence, in turn, is a function of the level of unity in and institutional support extended to the neighborhood. I examined the following research questions according to my proposal above-described premise.

1. How have neighborhoods influenced large-scale development projects in downtown Boston?

I identified three Boston neighborhoods that have been affected by large-scale developments as case studies, and selected one project in each neighborhood as the focus of each study. I assessed the cases according to the neighborhood's participation in the development process, the demands made, and the project changes that subsequently occurred.

2. Which tactics have been most effective in creating positive outcomes for the neighborhood?

⁷ The project name is 2 Financial Place.

I carried out a comparative analysis of project changes and outcomes in each neighborhood to determine which neighborhoods were most successful in effectuating project changes. I then identified and examined the tactics that led to these changes to help inform other Boston neighborhoods who face similar development challenges.

Research Design

Based on Boston Redevelopment Authority (BRA) records of large-scale developments dating back to 1996⁸, I selected three projects in three neighborhoods as case studies. The developments are Liberty Place in Chinatown, Dover Residences in the South End, and Battery Wharf in the North End. The Chinatown development was the motivation for this

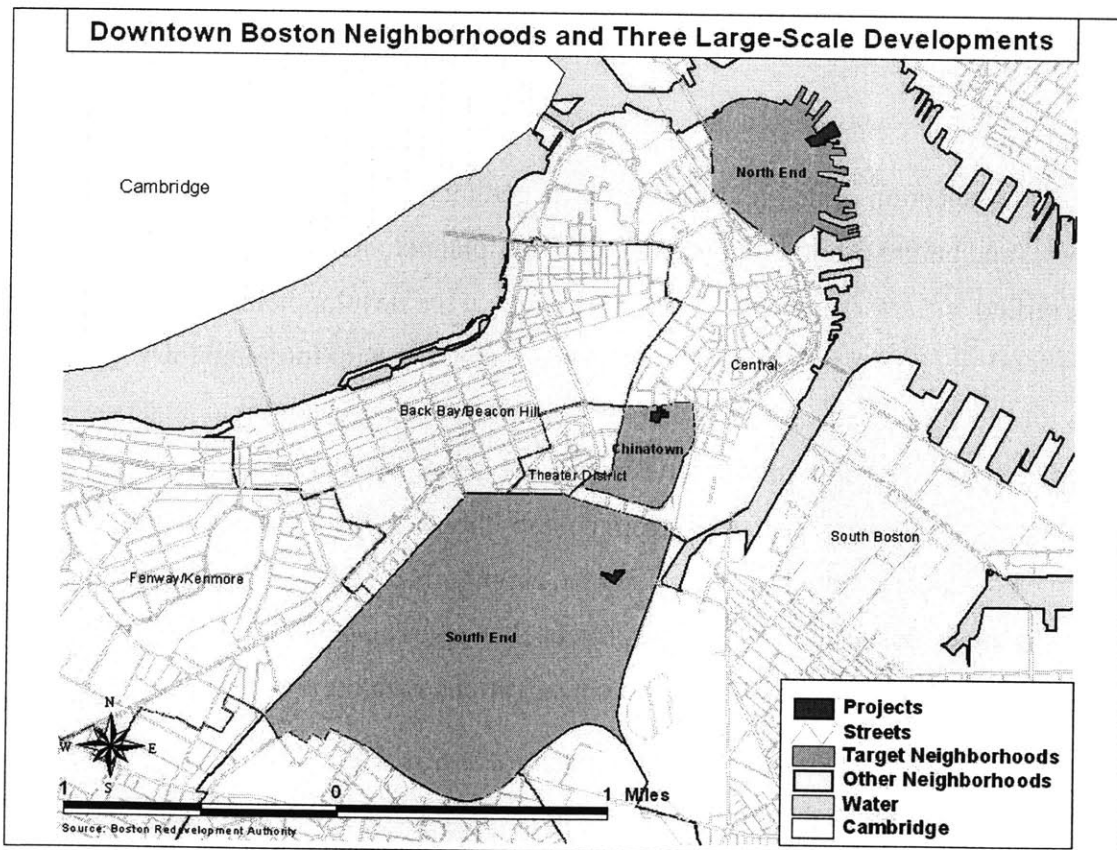


Figure 1. A map of the three neighborhoods in downtown Boston.

⁸ The public documents room at the BRA houses records only since 1996. Records prior to that have been archived and/or were destroyed in a flood at the Boston Public Library in 1998.

thesis and the South End and North End projects were selected for characteristics that they share with Chinatown. Figure 1 illustrates the location of the neighborhoods in downtown Boston.

The South End was chosen for its location and the number of developments that have been proposed in the neighborhood since 1996. The South End abuts Chinatown to the south and is located on the other side of the Massachusetts Turnpike (I-90). BRA records reveal that the South End has had the second highest number of development proposals⁹ since 1996. The North End was selected for its cultural character, size, and history. Like Chinatown, the North End is historically an immigrant and working-class neighborhood in a small and dense land area. Both Chinatown and the North End have few developable parcels of land remaining but have been inundated with capital large-scale projects such as the Big Dig.

Methodology

Following the selection of neighborhoods, I arranged interviews with the BRA staff, the developers, and neighborhood representatives. BRA planners for each neighborhood were identified and interviewed to gain an overview of the development scheme in each neighborhood. The BRA planners interviewed included Sue Kim for Chinatown, Randi Lathrop for the South End, and Dick Garver for the North End. After the planners, I interviewed neighborhood representatives, developers and BRA project managers simultaneously. Three representatives from neighborhood groups involved with the developments were contacted to understand the neighborhood's role in the development process and the tactics used to effectuate project changes. The neighborhood representatives were selected according to conversations with the BRA planners.

I also carried out interviews with specific project managers. However, the project managers for the North End developments were no longer at the BRA and could not be interviewed. To compensate for the absence of BRA input, consistent accounts given by neighborhood representatives and the developers of BRA actions were extrapolated and discussed.

⁹ The Fenway has had the highest number of large-scale projects proposed in its boundaries.

The three developments were selected based on conversations with the BRA planners and neighborhood representatives. It was apparent that certain developments had a greater impact on the residents than others. Projects consisting of private-nonprofit development teams were eliminated to maintain consistency between the three neighborhoods, as the North End did not have such a project.

Chinatown's Liberty Place was selected because it is located right in the commercial sector of the neighborhood and the neighborhood was quite active around the development. The South End's Dover Residences was selected based on an interview with Maria Faria of the BRA. Faria had managed several large-scale projects in the South End over the years and identified Dover Residences as a development which intensely involved the city, neighborhood, and developer. The North End's Battery Wharf was selected because it was one of two large projects proposed in the neighborhood and is located right in the North End rather than along its border. In addition, the North End neighborhood was distinctly more active around the Battery Wharf project than around the other proposed development. The developers for the chosen projects include Kevin Fitzgerald for Liberty Place, Demetrios Dasco for Dover Residences, and Jim English and Harold Theran for Battery Wharf.

In the interest of maintaining consistency, I determined the neighborhood demands denoted in each case study from letters drafted by each neighborhood group during the project comment periods. Consequently, not all demands may be represented in the cases and demands made in other arenas such as through newspaper articles, letters to the editor or at public meetings have not been captured in this thesis. Similarly, the project changes described in the case studies were drawn from a combination of two specific documents, the cooperation agreement and the BRA Board Memorandum seeking final project approval. When there were inconsistencies in the terms of project approval, the terms described in the cooperation agreement were selected because the cooperation agreement is legally binding and serves as the final mitigation plan for a project.

However, it is important to note that not all terms described in the cooperation agreement and BRA Board Memorandums are reflected in this thesis. Terms that fell outside the parameters of project use, dimensions, design, affordable housing, and off-site mitigation such as construction schedules and exaction payments were not included in this thesis. In

addition, I made a request for the cooperation agreement of Liberty Place at the BRA but the agency could not locate the document. This may yield some discrepancy in the final project changes described in the Liberty Place case.

Thesis Organization

Chapter Two provides an overview of the large-scale development approval process in the City of Boston and the regulations that govern a project site. In addition, it includes a discussion of the means of neighborhood involvement, underlying issues with neighborhood involvement and the development process, and criteria for evaluating project outcomes. Chapter Three introduces the first case study, Chinatown. The Liberty Place project is described in the context of the neighborhood. In addition, the chapter includes an assessment of the neighborhood's involvement in the process, tactics used, project changes and outcomes. Chapters Four and Five follow the same format as Chapter Three except they cover the South End and North End, respectively. Chapter Six involves a comparative analysis of the project changes and tactics used to effectuate the changes in projects. Chapter Seven concludes with a summary of how neighborhood participation has affected the development of large projects in Boston. Recommendations are also proposed to inform other Boston neighborhoods of ways they can be more effective in influencing project changes.

Chapter 2: Neighborhood Involvement in Large-Scale Project Approvals

Purpose

The purpose of this chapter is to provide the backdrop for how Boston neighborhoods are involved in the approval of large-scale developments. First the “process” and means in which a neighborhood can participate in the process are explained to point out ways in which a neighborhood can secure institutional support to make project changes. Second, the issues that underlie a neighborhood’s ability to effectuate project changes are discussed. Third, criteria for neighborhood success are identified. These criteria will be applied in Chapter 6 to evaluate the outcome of each case study and bring out lessons that can be gleaned from the cases.

The Process and Neighborhood Involvement

This thesis defines “process” to be government administration of large-scale development approval and “institutional support” as the support of city representatives who are both involved in Boston’s development approval process and make efforts to implement neighborhood demands for project changes. The terms are more clearly defined later in this chapter when means of neighborhood involvement in the process are discussed. The “process” is briefly illustrated in Diagram 1 and primarily encompasses the city’s large project public review process (Article 80), the state environmental review process, the city’s zoning system, and any additional applicable regulatory mechanisms, such as Chapter 91¹⁰ or Landmarks Commission¹¹ approval. The process is the formal institutional structure through which neighborhoods can affect a project.

¹⁰ Under the state’s “public trust doctrine” the project must provide public accommodation for anyone accessing the water if a project is in contact with or close proximity to Massachusetts waterways and tidelands.

¹¹ If a project is located in a historically protected Boston neighborhood, final project approval is contingent on approval by the Landmarks Commission.

OVERALL LARGE-SCALE DEVELOPMENT APPROVAL PROCESS

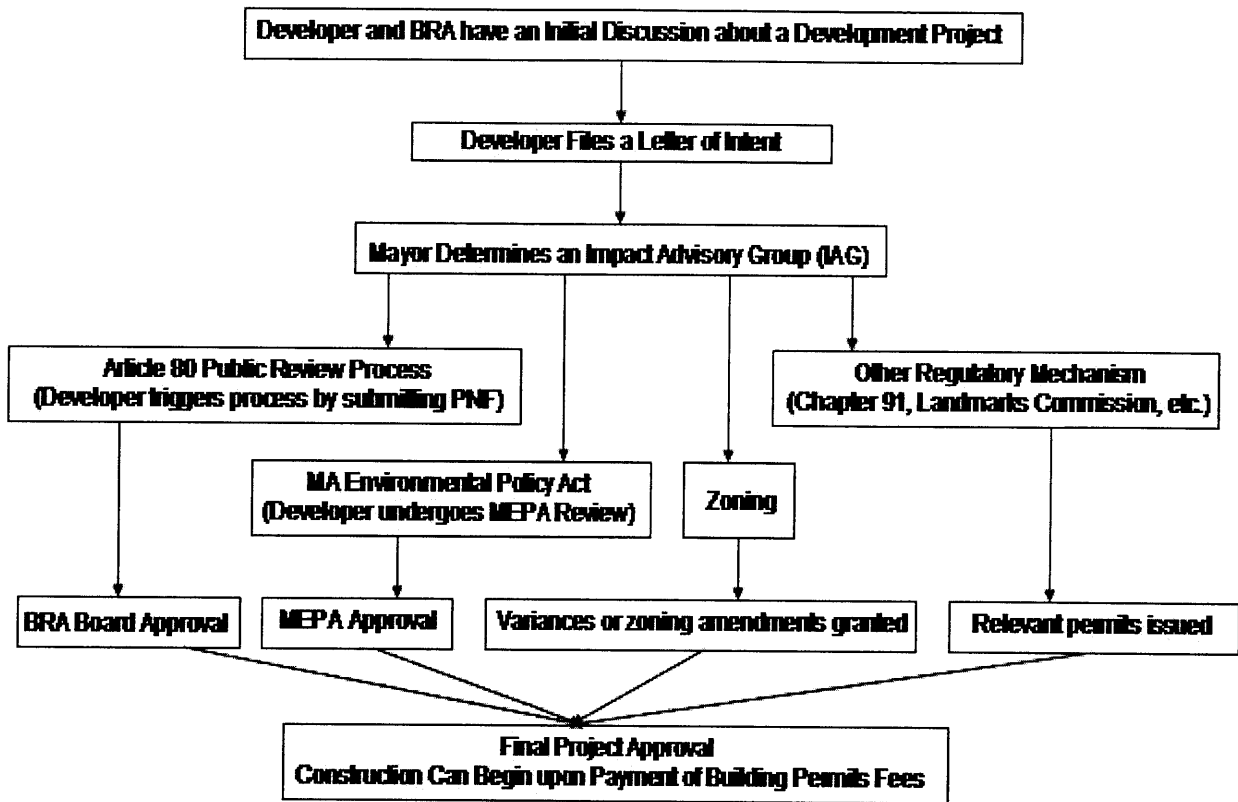


Diagram 1. General overview of the large-scale development approval process in Boston.

Boston Large Project Public Review Process

Article 80 is the city’s development review and approval process and the essential arena in which neighborhoods can participate in the large project approval process and push for project changes. The components of the review include transportation, environmental protection, urban design, historic resources, infrastructure systems, site plan, tidelands and development impact exactions. Given the project information provided, neighborhoods can use all opportunities in the process for public comment to build a case against a project or for changes to it. Diagram 2 outlines the general procedure for Article 80. To affect change, neighborhoods can participate in an Impact Advisory Group (IAGs),

submit comments and testify during public review, and prolong the review process by appealing to the developer and/or city.

An IAG is a 9-member group representing neighborhood residents, businesses, and community organizations such as neighborhood council members. Instituted in October 2000, IAGs were added to the Article 80 process as a way to directly involve the neighborhood in working with the city and developer in determining an appropriate mitigation¹² and community benefits¹³ package from the developer. IAGs are selected on a project-by-project basis and appointed by the mayor and local elected officials representing the impacted neighborhood(s). An IAG enables neighborhood representatives to be influential in getting their demands met. However, by virtue of focusing the discussion on benefits and mitigation, it is assumed that IAG members want the project to happen and are willing to negotiate what terms would adequately offset the negative impacts from the project.

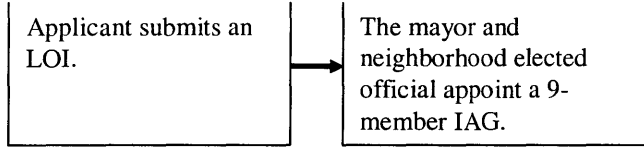
There are several points, illustrated in Diagram 2, at which neighborhoods can submit testimonies and written comments about a project. This provides opportunities for neighborhoods to make their demands known to the BRA and build support at the city level, with political allies, with groups outside the neighborhood and within the neighborhood. If the neighborhood feels that the process, BRA, and developer are not being responsive to their concerns, it can opt to prolong the process through a number of tactics, from increasing media attention about the lack of concern for neighborhood demands during the process to simply requesting extension of comment periods.

¹² Mitigation generally refers to improvements that a developer provides to offset the environmental damages that a project causes in the surrounding area. Mitigation could include outfitting an abutting building with thicker windows to minimize the noise and air pollution from the implementation of a large freeway or providing funds for an independent air pollution study to determine the cumulative impacts of traffic in the area.

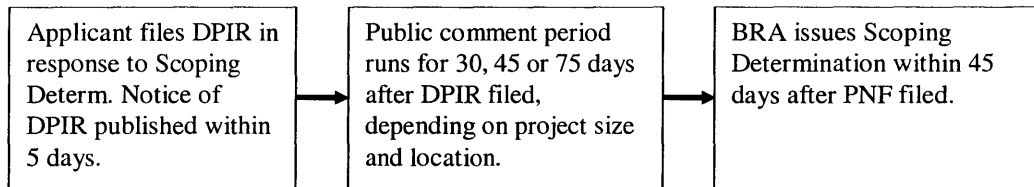
¹³ Community benefits refer to additional resources provided by the developer that do not directly respond to the environmental damages caused by a project. For example, a developer may provide monies for child care facilities or a community center in a neighborhood because its residents have identified a dire need for such facilities. For the purposes of this thesis, off-site mitigation may include both mitigation and community benefits.

Article 80 Large Project Review

Step 1: Letter of Intent (LOI) and IAG selection

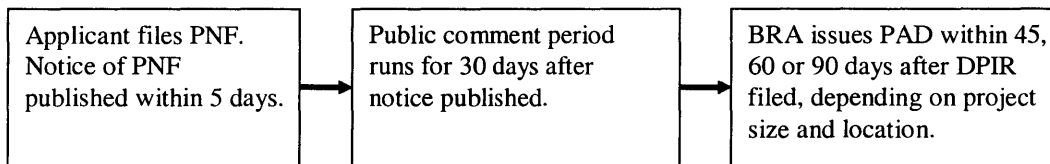


Step 2: Project Notification Form (PNF) and Scoping Determination



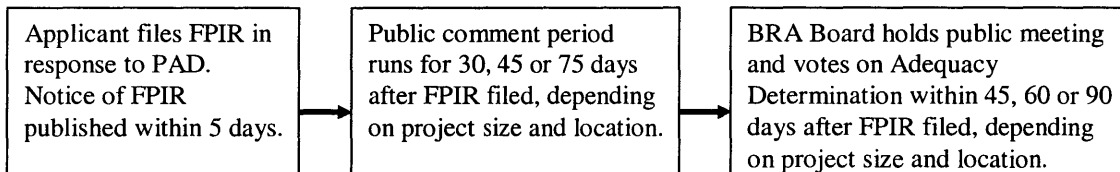
The Scoping Determination may waive further review, and require mitigation commitments, if the BRA Board finds that the PNF and public comments provide adequate information about the project's impacts.

Step 3: Draft Project Impact Report (DPIR) and Preliminary Adequacy Determination (PAD)



The PAD may waive further review, and require mitigation commitments, if the BRA Board finds that the DPIR and public comments provide adequate information about the project's impacts.

Step 4: Final Project Impact Report (FPIR) and Adequacy Determination



The PAD may waive further review, and require mitigation commitments, if the BRA Board finds that the DPIR and public comments provide adequate information about the project's impacts.

Note: "Applicant" refers to the Developer of the proposed project.
Source: Boston Redevelopment Authority with inclusion of IAG in Step 1.

Diagram 2. A general outline of Boston's Article 80 process.

State Environmental Approval Process

The Massachusetts Environmental Policy Act Review¹⁴ (MEPA Review) process can be a vehicle for project changes in that it can provide environmental justifications for neighborhood demands. Neighborhoods can leverage their position through public comments and testimonies like that in Article 80. MEPA occurs in parallel to Article 80 and is required of all large projects¹⁵. In practice, BRA staff have often worked with the developer to fulfill MEPA requirements. Even so, a neighborhood can use MEPA in combination with Article 80 to build a public campaign that brings to the surface neighborhood concerns and demands of a project. For the purposes of this thesis, less attention is paid to MEPA and more is focused on the city's Article 80 process.

Zoning¹⁶

Zoning can provide legal grounds for a neighborhood to challenge a project because it is a legal mechanism that the city must uphold and places restrictions on land use to protect the interests of the public¹⁷. Zoning can be a leverage point if a project is in gross violation of zoning and the neighborhood feels it is not being heard by the city or developer. In fact, the degree that project uses and dimensions deviate from the zoning can determine how aggressively a neighborhood participates in the process to push for project changes.

Generally, large-scale projects require zoning exceptions because of their scope and use. Table 1 outlines proposed height and floor area ratios (FAR) for large projects relative to the zoning limits for Chinatown¹⁸, the South End¹⁹, and the North End²⁰, to demonstrate

¹⁴ MEPA assists government agencies to use all feasible means to avoid environmental damage or to minimize and mitigate damage to the maximum extent possible of development proposals. For more information: <http://www.state.ma.us/envir/mepa/thirdlevelpages/meparegulations/301cmr1101.htm>.

¹⁵ MEPA approval involves either undergoing the MEPA review process or receiving a MEPA waiver from further review. The MEPA review allows the public to review potential environmental impacts of large-scale developments and voice concerns through public comments and at public meetings.

¹⁶ *Taxpayers Association of Weymouth Tp., Inc. v Weymouth Tp.* (NJ, 1976). The intent of zoning is to balance market forces with the public good. If the public good can be well served by a project that does not conform to zoning, exceptions may be granted. Zoning exceptions are intended to protect the value of a private property owner's land. Owners must demonstrate "hardship" as defined under state zoning law and show that s/he will lose significant value of land if a zoning exception is not granted.

¹⁷ *Euclid v Ambler* (US, 1926), *Bow and Arrow Manor v. West Orange* (NJ, 1973)

¹⁸ Article 43 and the Midtown Cultural District of the Boston Zoning Code.

¹⁹ Article 64 of the Boston Zoning Code.

²⁰ Article 54 of the Boston Zoning Code.

Proposed Project Details for Large-Scale Developments in Three Boston Neighborhoods

	Chinatown	South End	North End
Project Name	Liberty Place	Dover Residences	Battery Wharf
Area of Lot	46,363	47,780	199,800
Total Floor Area of Project	650,341	199,940	*341,300
Height (ft)	310	80	**54
Zoned height limit	100	70	55
Floor Area Ratio (FAR)	11	4	2
Zoned FAR limit	7	3	3

*Excludes parking

**Height does not include 16-foot pitched roof which increased total height to 70 ft.

Table 1. Proposed project details as described in the Project Notification Forms (PNF) and zoning restrictions under the Boston Zoning Code.

how projects can conform or deviate from the allowable zoning. For example, height was proposed at over three times the zoned limit in the case of Liberty Place , but just 14% and 10 feet above the height limit in the case of Dover Residences. With respect to FAR²¹, projects can be proposed below the zoning limit, as in the case of Battery Wharf, or close to 50% above the legal limit, as in the case of Chinatown. In addition, conditional use permits are sometimes sought for a project. In the South End’s Washington Street Neighborhood Development Area and the North End’s Neighborhood Shopping Subdistricts, residential housing with ground-floor commercial use were emphasized in the zoning. To build a different type of project, such as five-star hotel, a developer would need a zoning change in allowable uses on a site or in a neighborhood area.

In Boston, the Zoning Board of Appeals (ZBA) and Zoning Commission (ZC) grant changes to zoning. The ZBA grants variances²² and conditional use permits for private

²¹ Floor Area Ratio (FAR) is a ratio that limits floor area as a proportion of lot area.

²²In order to gain variances, the applicant must show hardship under the state enabling act. Variances can be dimensional and conditional use changes. According to the Massachusetts State Enabling Act (Article 7, Section 7.3), the Boston Zoning Board of Appeal shall grant a variance when all four of the following conditions are met. A) Special circumstances or conditions peculiar to the land but not the neighborhood

property while the Zoning Commission issues modifications to the zoning code²³. The BRA staffs both the ZBA and Zoning Commission and the mayor appoints all persons on the two zoning bodies as well as four out of the five members of the BRA board and the BRA director. When the BRA Board of Directors issues final approval for a project, it explicitly endorses any zoning changes needed to realize the project. Put another way, the ZBA and Zoning Commission do not hear a case until the BRA Board of Directors or BRA staff reviews the application for zoning changes and makes a recommendation. The ZBA and Zoning Commission hold public hearings and makes zoning decisions on a case-by-case basis. That is, both bodies are not legally bound to use past decisions to inform present cases.

The hearings provide a public forum for neighborhoods to testify and formally express their concerns. In this respect, the hearings serve as yet another pressure point which neighborhoods can push to demand project changes. Even so, zoning in Boston is a dilemma for neighborhoods. Under the state enabling act, the BRA is the authority that enforces zoning yet in practice the BRA appears to enforce zoning on a discretionary basis. Downtown neighborhoods have demanded with little success that the BRA use zoning as the basis for development and require proposed projects to adhere to the zoning. The BRA instead allows projects to be proposed beyond the allowable limits as illustrated in Table 1 and determines which and when a project can seek zoning changes. Under this structure, neighborhoods are almost forced to gather support from the BRA and, ideally, the mayor to ensure that project changes occur.

that would deprive the appellant of reasonable use of land or structure. B) Variance sought is necessary for the reasonable use of land or structure and the minimum variance necessary to accomplish this purpose. C) Granting of variance will be in harmony with general purpose and intent of Boston zoning code and not injurious to the neighborhood or detrimental to public welfare. D) If variance is for a Development Impact Project (Section 80B-7), the applicant has complied with such requirements.

²³ Zoning modifications occur as either zoning map or text amendments, though map amendments are more often made. The laws governing the Boston Zoning Commission does not set a limit for the number of times a developer can request zoning modification for a particular site. Though, in practice, the commission follows an informal 3-strikes rule in which a developer has up to three attempts to obtain the necessary amendment to his/her project. After the third attempt, the Zoning Commission may decide not to hear the case again. The development of BRA-owned urban renewal parcels are often reviewed before the Zoning Commission. These parcels qualify for an Urban Renewal District (U-District) designation which overrides existing zoning to allow larger scale projects to be built.

Other Regulatory Mechanisms

In Boston, Chapter 91²⁴ and the Landmarks Commission are other regulatory mechanisms that may apply to a site. “Chapter 91 authorization is required for structures in tidelands...piers, wharves, floats, retaining walls, revetments, pilings, bridges, dams and some waterfront buildings (if on filled lands or over water)²⁵”. The regulations determine setbacks from the water’s edge, building height, and minimum open space allocation. This provides a legal avenue for neighborhoods to challenge a project proposal if it does not meet the development regulations set by the law. In this respect Chapter 91 allows neighborhoods to hold a developer accountable to specific dimensional and use standards of a project through the state’s Executive Office of Environmental Affairs (EOEA) which neither Article 80 nor MEPA do.

The Boston Landmarks Commission²⁶ serves as yet another checkpoint that a developer must pass to gain final approval if the project is located in a historic neighborhood or designated as a historic property. The commission “...performs many functions. These include identifying and preserving historic properties, reviewing development and demolition activities proposed in the city....”²⁷ Founded to carry out historical preservation, the Landmarks Commission can be a potential ally for neighborhoods in that it works to maintain the architectural fabric of neighborhoods. Therefore, the commission is less inclined to approve a large project that upsets the physical scale of a neighborhood than the city would.

²⁴ Chapter 91 includes specific rules that ensure that development on the land at water’s edge is for a “proper public purpose.” The law allows local government to change the development rules by creating a Municipal Harbor Plan approved by the Executive Office of Environmental Affairs (EOEA). The City of Boston has a Municipal Harbor Plan which applies to its waterfront.

²⁵ <http://www.state.ma.us/dep/brp/waterway/faqs.htm>

²⁶ The Boston Landmarks Commission was created in 1975 under state legislation (Chapter 772, M.G.L. 1975 as amended) to be Boston’s city-wide historic preservation agency. It performs many functions which include determining and preserving historic properties, reviewing development and demolition activities in the city, distributing public information and assistance on preservation practices, and providing support to local historic district commissions. The BLC also administers Article 85 of the Zoning Code, the City’s Demolition Delay process.

²⁷ <http://www.cityofboston.gov/environment/landmarks.asp>

Means of Neighborhood Involvement in the Process

Involvement in the process is a direct method of getting the city's attention and potentially garnering support from the city which is fundamental to ensuring project changes. For the purposes of this thesis, institutional support is a core concept and generally used to mean support from city representatives who can exert influence on the development approval process and make a concerted effort to work with a neighborhood to either implement project changes or withhold approval of a project in response to neighborhood demands. A review of the "process" indicates that the mayor has a heavy hand in the process by appointing key figures involved in development approval. The figures range from the BRA director and BRA Board of Directors to the members of the ZBA and Zoning Commission to IAG members. This suggests that securing support from the mayor would be the ultimate form of institutional support in advancing neighborhood concerns.

However, support from the mayor is not the only form of institutional support. The BRA director can be instrumental in advancing neighborhood demands by appealing for changes to the mayor and/or developer. BRA staff can push for changes and compel the BRA director to look into a project more carefully. If a neighborhood can secure majority support from the ZBA or ZC, the majority can deny an application for zoning changes and recommend that the developer better address neighborhood concerns before returning with another request for zoning change. This concept of withholding project support also applies to the Boston Landmarks Commission and Boston Civic Design Commission²⁸ (BCDC) which are both housed in the City of Boston. While this thesis focuses on institutional support at the city level, it is important to note that withholding support at the state level with the EOEPA, which administers MEPA and Chapter 91, can be effective if a project site requires such approvals. Neighborhoods have in fact focused on state approvals over the city as a strategy to effect project changes.

There are three ways in which a neighborhood can participate in the process to get the city's attention. First, a neighborhood can use the process to challenge a project and hold both the developer and the city responsible for the impacts of the proposed project.

²⁸Final project approval is subject to BCDC final design approval and landmarks commission approval if the project is in the jurisdiction of the commission.

Second, a neighborhood can work collaboratively with a developer to create a project that the city will consider for approval. Third, a neighborhood can intervene in the process and attempt to stop a project. This last action compels both the city and developer to respond because the economic feasibility of a project is compromised by the intervention.

Underlying Issues with the Process and Neighborhood Involvement

The Process

In Boston, the influence that a neighborhood has in affecting a large-scale²⁹ project is strongly associated with the degree of institutional support a neighborhood has. Article 80 stipulates that the BRA is required to administer public reviews and “... reviews a project or plan in an advisory capacity only,” (Section 80-2. Scope of this Article).

However, the BRA is also the authority that recommends zoning changes to the ZBA and zoning commission, determines the appropriateness of a project proposal, influences when a developer should enter Article 80, facilitates the MEPA process, affects which public comments to incorporate in a project, if any, and issues final approval of a project. In this respect, the BRA is the force behind project changes and neighborhoods have little direct influence except as members of an IAG.

IAGs however speak only to the issue of mitigation and community benefits provided by the developer for a project. This implies that concerned members of the neighborhood can exercise greater leverage in getting neighborhood demands met if they are part of an IAG. However, it is assumed that people who serve on an IAG support the project.

Therefore, members of a neighborhood that wholly oppose a project would be hard-pressed to join an IAG if they were invited. The influence of an IAG also varies project-by-project and depends on a number of factors. In some neighborhoods, like the South End, neighborhood associations wield more influence in affecting a project than an IAG. In other neighborhoods, an IAG may not fairly represent a neighborhood because it omits

²⁹ This thesis is primarily concerned with large-scale defined under Section 80B-2 subsections C and E of the Boston Zoning Code. That is, the proposed project must “...establish or change the uses of a gross floor area of one hundred thousand (100,000) or more square feet” or “...substantially rehabilitate a building or structure having, or to have after rehabilitation, a gross floor area of more than one hundred thousand (100,000) square feet. When either of the two criteria holds, the projects are required to undergo the city’s Article 80 Large Project Review. The case studies selected for this thesis were drawn from city records of private developments that have undergone Article 80 Large Project Review and whose primary use is not affordable housing.

a sector of the neighborhood that would be heavily impacted by the project but may have strained relations with the BRA and mayor or because the composition of the IAG allows one sector to have a greater impact determining mitigation and benefits. These issues suggest that while IAGs attempt to give neighborhoods more influence in the development review process, they do not necessarily provide an adequate voice for neighborhoods because they are subject to political constraints between the mayor, BRA and different sectors of a neighborhood.

Given the above, it is interesting that the stated purpose of Article 80 is "... to provide clear, predictable, and unified requirements for the review of development projects throughout the City. These review requirements also provide important opportunities for community involvement in development review activities that affect the quality of life in the City," (Section 80-2. Purpose of this Article). Yet personal communication with numerous neighborhood groups and reviews of testimonies at public hearings reveal that Boston neighborhoods feel they must fight to get the attention of the BRA and/or mayor and compel them to incorporate neighborhood demands into a project. Otherwise, a neighborhood must appeal to delay the process until neighborhood demands are adequately addressed. This suggests that aggressive tactics in the Article 80 process are more effective than a cooperative approach.

The Neighborhood

Neighborhood organization and internal conflicts between neighborhood groups naturally shape the effectiveness with which a neighborhood makes project changes.

Neighborhood divisions prevent unity and provide opportunities for the city and developers to further divide a neighborhood. Developers can attempt to win over one sector of a neighborhood by offering select benefits specific to that sector. The city can justify unfavorable project decisions by pointing to the lack of neighborhood unity which put the city in a position of balancing the different interests. Also, the question of who represents the neighborhood arises with no clear resolution.

In conjunction with using the process, neighborhood councils are another vehicle for influencing project changes. Instituted during the Flynn administration (1983-1990), neighborhood councils mainly serve as advisory bodies to the city and were created to

give neighborhoods formal input in growth issues such as the delivery of city services, licensing, and regulations³⁰. Under the Boston zoning code, a neighborhood council³¹ is defined as “any neighborhood-based council established by the Mayor to render advice to neighborhood residents, the Mayor, city departments, and the Boston Redevelopment Authority regarding any municipal issues of neighborhood concern.” While the city is not obligated to abide by the councils’ decisions, a comparison of neighborhood council decisions on large developments and the city’s development decisions reveal a positive association between the two.

Neighborhood councils have been a point of contention in certain Boston neighborhoods. The original council members were appointed by Mayor Flynn and each council created bylaws unique to its neighborhood. Since Flynn’s appointments, neighborhoods have elected succeeding council members according to the bylaws of the neighborhood council. For example, the North End Neighborhood Council bylaws stipulate that all its council members must be North End residents, while in Chinatown, only 5 of its 21-member council are reserved for residents while the remaining seats are allocated for businesses, organizations, and others. In addition, the North End Neighborhood Council allows only residents to vote in their elections, while any person of Asian descent living in the state of Massachusetts as well as all Chinatown residents are allowed to vote in the Chinatown Neighborhood Council elections. In Chinatown, the council bylaws have essentially allowed business interests to dominate council decisions. Observations of the 1998 neighborhood council election reveal business leaders, such as out-of-town restaurant owners, transporting their employees to the election site and indicating to their employees for which candidates to vote. This practice illustrates how outside interests can dominate resident interests in a neighborhood and create deep divisions around development.

In Chinatown and the North End, resident associations have been created to counter neighborhood councils because there is enough of a consensus among residents that the councils do not adequately represent the neighborhood(s). Considered local institutions by the city, neighborhood councils have played a central role in the development

³⁰ Liu, Michael. 1999. *Chinatown’s Urban Mobilization and Urban Development in Boston*. PhD Dissertation, University of Massachusetts Boston, p. 98.

³¹ Article 33 Open Space Subdistricts (Article inserted on March 8, 1988)

approval process. They have reviewed projects that impact the neighborhood, worked with developers to determine appropriate mitigation and benefits for the neighborhood, and passed on their support or opposition to projects. Politics within the councils and neighborhoods have led to divisions in the neighborhoods. In the case of the North End, a former neighborhood council member became an elected city councilor. Ties such as those in the North End have caused residents to question the underlying development interests of the neighborhood council and whether it serves as a veiled pro-development body for the city. Since the creation of IAGs, the mayor has selected council members to serve on IAGs, which can further complicate the dynamics between the neighborhood council and those suspicious of the council because some council members can have greater input in the outcome of a project by asserting their voices in two formal mechanisms of the development approval process rather than just one.

Fundamentally, neighborhoods become divided according to two conflicting perspectives on how development should occur. Some neighborhood members prioritize project design over community benefits and mitigation, while other members may perceive community benefits for the neighborhood to be the priority. These two perspectives have prevented neighborhood unity in many cases and complicated development matters in determining appropriate compensation for a large development project.

The issues underlying the “process” and neighborhood organization present two levels of challenges for a neighborhood to effectively shape large development projects. First, neighborhood unity is a necessary component to facilitating core project changes. Otherwise, the BRA and/or developer can freely determine the outcome of a proposal and justify the final project as an attempt to address the conflicting interests of the neighborhood. Second, the “process” does not give neighborhoods consistent regulations. A review of developments that have undergone Article 80 and conversations with a number of BRA project managers and planners confirm that a project will likely gain BRA board approval once it has entered the public review but will undergo design change during the process. This statement reiterates that neighborhoods can influence project changes and a project’s outcome may be a function of how the neighborhood approaches and uses the process. Since there are no consistent standards for approval and zoning is selectively enforced, most approvals for project construction hinge on the BRA

and the mayor. As a result, neighborhoods are almost forced to secure institutional support in order for their demands to be adopted into a project.

Criteria for Evaluating Project Outcomes

In addressing the question of what tactics neighborhoods can use to effect changes to large projects, this thesis operates under the assumption that there is no single solution or approach. Instead, project-related changes, neighborhood unity and tactics in the case studies are comparatively analyzed to draw lessons on what neighborhoods can do and identify tactics that have contributed to large project changes. However, in order to fully identify effective tactics and approaches, it is necessary to evaluate the extent to which neighborhoods were able to secure desired project changes.

Public comments for large projects that have been submitted to the BRA reveal that neighborhood demands largely revolve around five factors. Listed below, these factors serve as the evaluation criteria in assessing a neighborhood's effectiveness in realizing project changes. Evaluation is based on how changes to a project from the initial proposal to the final design approved by the BRA and other regulatory bodies compare to the project changes demanded by the surrounding neighborhood. The actual project changes are then measured against the demands to assess the extent to which each neighborhood was able to influence the outcome of a project for the following five criteria:

1. Project Use – proposed uses of the project (e.g. residential, commercial, retail, etc.).
2. Project Dimensions – height, density, massing, and setbacks of the project.
3. Project Design – layout and building plan of the project, including building materials, wall angles, etc.
4. Affordable Housing Allocation – housing units for people who make at or below 120% of the Area Median Income (AMI).
5. Off-site Mitigation – improvements or contributions that occur off the project site such as traffic signals, street improvements, contributions towards child care, or contributions towards off-site affordable housing.

Project changes that occur in each of the five areas are identified in each case study. Based on the project changes, neighborhood victories and failures of the project are

determined and key tactics that contributed to the changes are identified. The tactics are then examined according to their role in the process and their influence in securing institutional support to meet neighborhood demands.

Based on the combined experiences of all three neighborhoods, lessons are gleaned regarding what tactics proved to be more effective in ensuring project changes. In addition, obstacles in the process and neighborhoods are discussed to acknowledge the constraints of neighborhood tactics and bring to the surface other key issues that affect the outcome of a large project. In the end, the effective tactics of each neighborhood are extracted from the analysis and serve to inform other neighborhoods faced with similar issues in Boston. Ultimately, the findings and conclusions of this thesis can fuel future research in shaping an effective development approval process that enables neighborhoods to influence large project proposals in a more cooperative setting with the city.

The following three chapters involve case studies of one large development in each of three neighborhoods, Chinatown, the South End, and the North End. In each case study, the framework of this chapter is applied to assess the effectiveness of neighborhood involvement in affecting project changes to a large development proposal.

Chapter 3: Liberty Place

The Chinatown Neighborhood

Chinatown is a historically immigrant and working-class neighborhood of approximately 6000 residents³². Nearly 81% of the population identify themselves as Asian³³ and a high percentage of the Chinatown population do not speak English well. According to the 1990 Census, 35.2 percent of respondents 5 years and older spoke English "not well" or "not at all" and a small minority of Chinatown's Asian adult population are college graduates³⁴. The neighborhood is dense with a ratio of over 9000 residents to one acre of open space³⁵.

Chinatown's development history reveals that the neighborhood is just one-third its original size³⁶. Chinatown has produced two master plans, the 1990 Chinatown Community Plan and Chinatown Masterplan 2000, to guide growth and development in the neighborhood. Development-related decisions have been influenced by the Chinatown Neighborhood Council (CNC) since the late 1980s. The CNC is the only body that holds a formal advisory role to the city³⁷. However, the barriers³⁸ that prevent resident leadership in the council led to the formation of the Chinatown Resident Association (CRA)³⁹ in 1999. Both the CNC and CRA are concerned with Chinatown development but hold opposing views on how it should be done.

³² Institute of Asian American Studies report based on Census 2000 Summary File 1 (SF1) 100-Percent Data.

³³ Ibid.

³⁴ Chinatown's 1990 Community Plan.

³⁵ Chinatown's 1990 and 2000 master plans.

³⁶ Construction of the Central Artery in the 1950s and Mass Pike in the 1960s reduced Chinatown's land mass to 1/3 of its original size. At the same time housing was razed and taken by eminent domain as part of Boston's urban renewal program. In the 1970s, the City rezoned a portion of the neighborhood for adult entertainment and the Combat Zone moved from Scollay Square (Government Center) to Chinatown. In the 1980s Tufts University and New England Medical Center purchased much of the "blighted" land from the City and expanded their facilities.

³⁷ This was true until the Liberty Place project was approved and a legal settlement was reached with the city.

³⁸ According to CNC bylaws, only 5 resident seats exist on the 21-member council. In addition, any Chinatown resident and person of Asian descent living in the state of Massachusetts is qualified to vote in the CNC elections. This structure, though democratically carried out, gives residents a minority voice in the development of their neighborhood.

³⁹ The CRA is the only wholly resident group that represents people from all neighborhood blocks. The majority of CRA are elderly and are committed to recruiting non-elderly Chinatown residents.

CNC decisions on development in the neighborhood confirm that the CNC approaches proposals with a special emphasis on mitigation and community benefits offered by the developer⁴⁰. In contrast, the CRA⁴¹ was organized around development and its members approach project proposals by assessing project impacts and reducing the negative effects. Other neighborhood organizations that have been involved in the development of Chinatown include but are not limited to the Chinese Progressive Association (CPA), the Campaign to Protect Chinatown (CPC)⁴², the Boston Chinatown Neighborhood Center (BCNC), Boston Chinese Evangelical Church (BCEC), and the Asian Community Development Corporation (ACDC). The Chinatown Coalition (TCC) has played a noteworthy role in securing the funding for the 2000 Chinatown Masterplan, an update of the 1990 Community Plan. In addition, TCC represents a broad coalition of organizations across Chinatown.

Project Description

Liberty Place was first proposed as a mixed office and hotel development of over 400,000 square feet⁴³ and approximately 30 stories which the developer, Kevin F. Fitzgerald of 1025 Hancock, Inc., submitted for public review on June 15, 1999. The next month, the project was introduced at a Chinatown Neighborhood Council meeting. The Fitzgerald family had owned the site for generations and acquired abutting parcels over the years to develop Liberty Place⁴⁴. Fitzgerald states that the main goal of Liberty Place

⁴⁰ Interview with Richard Chin of CNC on July 2, 2002. Chin has been on the CNC for 15 years.

⁴¹ With a growing prominence in Chinatown, the CRA has created difficult solutions by relaying unclear and conflicting demands of a project. Both the city and members of the neighborhood recognize that the CRA needs some time to iron out its internal organization.

⁴² The Campaign to Protect Chinatown was a collaborative project of the Chinese Progressive Association, the Harry H. Dow Legal Assistance Fund, and the Asian American Resource Workshop. In 2002, the Campaign to Protect Chinatown was subsumed into the Chinese Progressive Association.

⁴³ According to the PNF for Liberty Place, the project would be 428,200 SF and stand at a height of 310 feet and an FAR at 11.

⁴⁴ It is important to note that a main part of Fitzgerald's motivation to develop the site was to expand his business holdings with minimal risk. Fitzgerald is in the parking business and was looking for a development partner to incorporate a large parking garage into a project on the site. Arrangements were made in which Fitzgerald would sell the project site to his partner contingent upon securing the necessary approvals for the project. Once approved the development partner would be responsible for the entire project during construction. Upon project completion, Fitzgerald would buy out the parking garage from the partner and operate it independent from the rest of the project.

was to diminish adult entertainment in the area⁴⁵. Appendix A provides a timeline of major events that occurred during the approval process of Liberty Place.

The site is 46,363 square feet and bounded by Washington, Beach, Harrison and Essex



Figure 2. The Liberty Place project in relation to the Chinatown neighborhood.

Streets. Adult entertainment is permitted on the site and abutting uses include the Massachusetts Registry of Motor Vehicles, a multi-level parking garage, a local supermarket, a union-owned commercial building and an elderly housing project called Hong

Lok House. Figure 2 illustrates where Liberty Place is located in the Chinatown neighborhood⁴⁶.

The site is governed by Article 38 (Midtown Cultural District) and 43 (Chinatown District) of the Boston Zoning code. The majority of the site falls under the commercial subdistrict of Article 43⁴⁷ where the height limitation is 100 feet and maximum floor area ratio (FAR) is 7. Article 43 recognizes the 1990 Chinatown Community Plan as the general plan for development in the area and the article serves as one way to implement the plan⁴⁸. A small portion of the site falls under Article 38 which sets the maximum

⁴⁵ Interview with Kevin F. Fitzgerald in May 2003.

⁴⁶ The Chinatown Coalition and the Chinatown Community Plan define Chinatown's boundaries to be roughly Essex St. to the north by Lincoln and Interstate 93 to the east by Washington and Tremont Streets to the west, and Marginal Road to the south.

⁴⁷ A portion of the site is in the Liberty Tree Protection area under Article 43. The maximum height restriction in this area is 80 ft and the FAR is 7.

⁴⁸ Article 43 of Boston Zoning Code, Section 43-2.

height limit at 155 ft and FAR at 10. In addition to zoning, the site is in the Restricted Parking District of Boston which forbids off-street parking for non-residential uses unless a conditional use permit is issued.

In January 2001 the project design transformed into a residential structure of similar scale with a larger floor area of 650,341 square feet and the same height of 310 feet and FAR at 11. Height and FAR variances were necessary from the Boston Zoning Board of Appeals to realize the project. Of the proposed 430 rental units proposed, 20 were allocated as affordable elderly housing units. In addition, a community room of approximately 5100 square feet was to be constructed on-site for the residents of Hong Lok House, an abutting elderly housing development. Furthermore, the project proposal included 468 parking spaces⁴⁹ and 8000 square feet of retail space. In August 2002, Liberty Place received all the approvals needed to begin construction.

Neighborhood Organization, Unity, and Approach to the Process

There were two neighborhood groups that actively organized around Liberty Place. One group supported Liberty Place and the other group opposed the project. Public comment letters to the BRA reveal that those who supported the project included Hong Lok House residents, some area business owners, and Chinatown Neighborhood Council (CNC) members. Meanwhile, those who opposed the project primarily consisted of the Chinatown Resident Association (CRA) and non-profit organizations such as the Chinese Progressive Association (CPA), the Campaign to Protect Chinatown (CPC), the Asian American Resource Workshop (AARW), and to some degree the Asian Community Development Corporation⁵⁰ (ACDC).

Given that the intent of the case studies is to illustrate how downtown Boston neighborhoods have effectuated project changes, this chapter will focus on the neighborhood groups that opposed the projects and made demands for project changes

⁴⁹ 333 new and 135 existing spaces.

⁵⁰ ACDC is one of two community developers in Chinatown. Some ACDC staff took issue with the project but could not take an active stand because the organization was preparing for a project that shared construction ties with Liberty Place. In addition, ACDC attempted to partner with Fitzgerald to explore a public-private partnership to increase affordable housing on-site. However Fitzgerald had already partnered with Charles E. Smith who could not take on ACDC as a partner because of stipulations governing a publicly traded company.

rather than those who supported the project. Therefore the actions of the CRA and its allies in opposing Liberty Place have been more closely examined than Hong Lok House and supporters of the project.

From the beginning, the CRA, residents, and organizational representatives from Chinatown participated in the development process by submitting comment letters and attending public meetings to request a height reduction in line with the architectural fabric of the neighborhood. Financial justifications were consistently presented in the form of losses that Fitzgerald incurred from years of no development on the site, benefits to Hong Lok House, and the acquisition cost of surrounding parcels of land. Those who opposed the project were not convinced that the project's benefits offset its violation of zoning, noncompliance with the 1990 Community Plan, and implications in facilitating gentrification and worsening traffic conditions.

Frustrated by the lack of response from the BRA and developer, CRA and other project opponents formed Fight Liberty Place⁵¹ (FLP) in June 2001. The intent of establishing FLP was to introduce an organized voice of opposition and make a presence once the Draft Project Impact Report (DPIR) was submitted and the public comment period began. FLP's campaign sought to reduce the project's scale as much as possible and to secure the maximum amount of affordable housing. The group believed that Liberty Place would be constructed as long as there was support for the project.

FLP recognized that to effectuate project changes, the group needed to position itself strategically so that approval of Liberty Place depended on them. FLP came to the conclusion that the most effective strategy would be to stall the process by trying to stop the project. Operating under the premise that the economic climate would shift over time and could negatively impact financing for large real estate developments, FLP planned to prolong the process as long as possible in the hopes that in time it would be more cost-effective for the developer and city to address FLP's demands than risk Liberty Place from being built altogether.

⁵¹ FLP was mainly composed of the Chinatown Resident Association, the Campaign to Protect Chinatown, the Chinese Progressive Association, and the Harry H. Dow Legal Assistance Fund. FLP also secured pro bono legal representation from Greater Boston Legal Services and Alternatives for Community and environment.

A wide network was cast to advance FLP's position and assert a force of opposition throughout the process. In the neighborhood, FLP carried out an aggressive public education campaign to garner local support⁵². One-page facts sheets about Liberty Place were disseminated in and around the neighborhood. The fact sheets pointed out how the project did not comply with the development restrictions outlined in the 1990 Community Plan and 2000 Master Plan and its effect on the quality of life in Chinatown due to limited affordable housing opportunities and traffic impacts. Outside of the neighborhood, FLP gained legal support from Alternatives for Community and Environment (ACE) and Greater Boston Legal Services (GBLS). Additional support from organizations such as the Boston Tenant Coalition, Alliance for Boston Neighborhoods, the Park Plaza Citizen Advisory Committee, and concerned individuals were also extended to FLP. At the organizational level, FLP was united and had a wide network of support. However, at the neighborhood level, there was a clear division between those who supported and those who opposed Liberty Place.

Tactics Used to Gain Institutional Support

FLP executed a variety of tactics to get the attention of the city. However, gaining institutional support proved to be complicated because of the contingent of Liberty Place supporters in the neighborhood. FLP needed to carefully consider the effects of each tactic because there were parallel campaigns for and against Liberty Place. The group used the process to make their demands known and develop a presence with the city. When the city responded to FLP's demands, the group had to determine how to work with the city without compromising their core demands.

Initially, FLP communicated to the city the level of opposition against Liberty Place. The group carried out an aggressive door-to-door letter-writing campaign. Petitions were drafted and signatures collected. At the 2001 August Moon Festival, FLP set up a booth that informed festival goers of Liberty Place and had prepared the appropriate letter-writing implements needed to write letters against the project. FLP then flooded the city

⁵² One sector that FLP targeted was the neighborhood tenant organizations. However, while the tenant organizations were concerned about the project, many felt the project fell beyond their jurisdiction.

with the letters and petitions opposing the project during the DPIR public comment period⁵³.

In conjunction with gathering grassroots support, FLP engaged the media as a means to exert pressure on the mayor⁵⁴ and developer⁵⁵ to respond to the group's demands. Articles appeared in the Boston Globe as well as the local Sampan and Chinese newspapers. Internet publications such as aamovement.net and asianweek.com featured articles about Liberty Place and the Chinatown neighborhood. The internet publications were an effort to reach out to the larger Asian and progressive communities who sympathized with and supported FLP's work. Public demonstrations and a referendum were also carried out to publicize the opposition to Liberty Place.

The first public demonstration was Operation Car Jam which occurred from 12pm – 1pm on March 1, 2002. The purpose of the event was to illustrate the potential traffic impacts of the proposed Liberty project which would bring in an additional 350 vehicles and 1,700 car trips per day. Demonstrators drove motor vehicles around the block of the Liberty Place site repeatedly⁵⁶.

Within ten days after the event, BRA director Mark Maloney requested to meet with FLP to talk about Liberty Place. Maloney's decision to actively engage FLP in the process indicates that the group had gained influence in the project. FLP used the opportunity to reiterate three concerns that they expected the BRA to address⁵⁷. The demands involved: (1) a presentation of alternative developments that comply with the Chinatown Master Plan; (2) an increased residential voice in Chinatown's development review process; and (3) an increase in the creation of low-income and affordable housing. It appears that FLP's concerns were not adequately addressed because FLP did not slow its campaign against Liberty Place nor show any level of project acceptance. The lack of positive

⁵³ A parallel effort took place with those who supported the project. Hong Lok House residents and staff organized a similar letter writing and petition campaign in favor of Liberty Place. In the end, the number of letters supporting were comparable to those opposing the project.

⁵⁴ Mayor Menino had been a champion of affordable housing and it was hoped that the low proportion of affordable to market-rate units given the scale of the project would catch Menino's attention.

⁵⁵ It was understood that negative press coverage of the project could negatively influence a lender's decision to finance the project.

⁵⁶ The event caught page 1 of the City Region section of the Boston Globe on March 2, 2002.

⁵⁷ A letter cosigned by AARW, CPA, CPC, CRA, and Dow Fund to BRA director Mark Maloney on March 26, 2002.

response from FLP may have prompted the BRA to initiate a series of Liberty Place working sessions in April 2003. The sessions⁵⁸ were “... to facilitate a constructive and interactive dialogue about the specific issues surrounding the proposed project⁵⁹”.

However, despite FLP’s explicit request that the BRA provide proper English language support to ensure that residents could be directly involved in the process, communication between the BRA and residents continued to flow through FLP. Without a proper balance between addressing and including non-English speaking residents in the process, FLP declined the invitation to participate in the focus session and, instead, offered recommendations on how the content and structure of the working sessions could be more inclusive⁶⁰. This response reflects FLP’s openness to working with the city and developer under certain conditions⁶¹. Though individual FLP members participated in some sessions, attendance was inconsistent and the comments made in the discussions reiterated that the format was not conducive to addressing FLP’s concerns.

With limited project changes in place, FLP organized “Chinatown Act Out! Against Liberty Place” on June 7, 2002. Act Out was a street theatre demonstration in which a call-and-response dialogue was acted out through giant-sized puppets. Over one hundred residents and activists participated in the event and City Councilor Mickey Roach extended support for their efforts by making an appearance and speaking at the rally. In July, the BRA Board issued final approval of the project and waived further review under Article 80.

In a last effort to affect the process through the Zoning Board of Appeals, FLP carried out a referendum which was administered by the American Friends Service Committee and the League of Women Voters of Boston on August 2nd and 3rd. Approximately 20% of the adult population and a total of 923 votes were cast in the referendum. By a three-to-one

⁵⁸ Six two-hour sessions were held over 9 weeks. The sessions were organized by topics such as traffic, design, to real estate financing. Each session began with a presentation by the developer or a city representative followed by a question-and-answer discussion. The city and developer drew from the discussions to determine project changes. In June 2002, a progress report outlining the process and results was printed and distributed and a community meeting was held to present the findings.

⁵⁹ Letter from BRA director Mark Maloney to Andrew Leong of Campaign to Protect Chinatown.

⁶⁰ Letter from CPC to BRA Director Mark Maloney on April 15, 2002.

⁶¹ A letter by FLP to Maloney dated April 15, 2002 describes the recommendations to be (1) A walking tour of Chinatown (2) Broader discussion of Chinatown development (3) Liberty Place visioning to begin with master plan (4) Addressing the gentrification threat and (5) Increasing resident inclusion.

ratio Chinatown residents opposed Liberty Place⁶². A press conference was held to publicize the results⁶³. The Zoning Board of Appeals then by unanimous vote issued the variances needed for the project. With approvals from both the BRA Board and Boston Zoning Board of Appeals, construction of Liberty Place could begin.

Following the issuance of the variances, CPA⁶⁴ and an abutting resident of Liberty Place filed a lawsuit⁶⁵ against the city which resulted in a legal settlement⁶⁶. The lawsuit caused the city to secure financial contributions from the developers to specifically address the lawsuit. The terms of the settlement suggest that FLP finally gained institutional support by forcing the city to address FLP's demands in isolation from Liberty Place supporters. Until the lawsuit, the demands of FLP were disconnected from what the developer and city were willing to offer. The legal settlement, the terms of which are described later in this chapter, illustrates how a lawsuit can be an effective tactic in garnering institutional support after tactics in the process are exhausted. The lawsuit finally caused the city to commit and place weight on implementing development according to Chinatown's master plans.

From organizing the neighborhood to building allies to using the media to carrying out public demonstrations to implementing a referendum to filing a lawsuit, FLP executed a number of creative and aggressive tactics to gain institutional support. However, it was not until the lawsuit that the city directly addressed the demands of FLP and residents who opposed the project. In the end, the city and developer directly addressed issues with general development in Chinatown. However, the changes were not upheld in the Liberty Place project. As a result, Liberty Place will still be built beyond the legal zoning limit and the neighborhood will have to absorb traffic density, and wind impacts that the

⁶² In the same month, Smith of the Liberty Place development team organized a table at the 2002 August Moon Festival to build support. Attendees were invited to sign a petition supporting Liberty Place. Those that signed the petition were entered into a raffle with a chance to win a free meal at a local restaurant.

⁶³ By a 17 to 1 ratio the voters stated that the adult entertainment district be rezoned and by a 15 to 1 ratio the residents thought that the city should establish a stronger development review process for Chinatown residents.

⁶⁴ CPA was an active member of FLP and a tenant in a building abutting the site.

⁶⁵ CPA and the abutting resident received pro bono legal representation from Greater Boston Legal Services (GBLS).

⁶⁶ The plaintiffs did not have formal legal standing as tenant abutters to the site. Had the case gone to court the best decision the plaintiffs could have hoped for was a decision to remand the zoning decision back to the Zoning Board of Appeals. If this were to happen, the zoning board would have reviewed the case again and taken another vote which may have reaffirmed their original decision.

project produces. The amount of resources and number of tactics that FLP used during the process suggests that sometimes neighborhood groups need to exercise aggressive tactics and exert extreme pressure on the city before neighborhood demands are directly addressed.

Neighborhood Demands

FLP's comment letters to the DPIR were a combination of project demands and criticisms of the project's impacts. Both are described and evaluated below. All FLP correspondences were administered through the Campaign to Protect Chinatown. Therefore, the following demands were drawn from letters drafted by and on behalf of the Campaign to Protect Chinatown⁶⁷. It is important to note that additional demands may have been made in other forums such as at public meetings or in newspaper articles. However, in the interest of maintaining a consistent methodology between the three case studies, additional demands have not been included in Figure 2 nor in the following description of demands.

1. Reject the DPIR and require the developer to submit another project impact report.
 - a. The Liberty Place proposal violates the land use policies and principles of the 1990 Chinatown Community Plan⁶⁸.
 - b. The Liberty Place proposal violates zoning wherein the legal height limit is 100 feet and maximum FAR is at 7.
 - c. The environmental impacts described in the DPIR are flawed and do not adequately describe traffic, wind, and other impacts.
 - d. The project's impact on area historical resources is not adequately evaluated.
2. Submit a supplemental DPIR or new project impact report that addresses the above issues and include the following.

⁶⁷There were three letters submitted of which two were submitted by FLP's legal representatives. One letter was submitted by Greater Boston Legal Services (GBLS) on February 20, 2002 and the other was submitted by Alternatives for Community and Environment (ACE) on February 19, 2002. A letter by the Campaign to Protect Chinatown was submitted on February 15, 2002.

⁶⁸Liberty Place supported the goals of housing creation in Chinatown's master plans. In this respect the community plan supported both FLP and the developer.

- a. Evaluation of the cumulative adverse impacts caused by Liberty Place in conjunction with developments in construction, proposed, and planned in and around Chinatown.
 - b. More details regarding the level and permanency of affordable units and community retail space, particularly with the affordable housing units dispersed throughout the building. In the current proposal 50 out of 70 are located in the building⁶⁹. There should be a legally enforceable mechanism to keep the units affordable in perpetuity.
 - c. Address how the affordable units will accommodate families.
 - d. Provide a percentage of affordable housing proportional to the zoning relief requested.
 - e. Translation to allow non-English speaking residents to participate
 - f. Drastically reduce the amount of space to parking. It has been recommended that the project operate exclusively on a “zip car” system where residents do not own cars and agree not to register any auto in the city of Boston.
3. Increase resident input through a two-prong test. First the BRA should defer to the residents’ assessment of whether the mitigation and benefits provided adequately offset violation of the community plan. It is the residents who will be bearing the cost of the decision. Second, any mitigation and benefits should be of a scale commensurate with the zoning exception sought.
 4. An Impact Study was requested of the BRA. The study would involve a combined analysis of Kensington Place⁷⁰ and Liberty Place so that the public can have a more accurate representation of the projects’ future impact on the neighborhood.

⁶⁹ In the Notice of Project Change (NPC), 20 units were allocated affordable. In the DPIR, 70 units were allocated affordable of which 50 would be dispersed in the main building and 20 in the abutting Hong Lok House.

⁷⁰ Kensington Place is a project of similar scale to and proposed across the street from Liberty Place.

Project Changes

Liberty Place underwent two phases of project changes. The first phase of changes was documented in the Notice of Project Change (NPC) which fundamentally transformed the project from an office and hotel to a residential development. The next set of changes is documented in the DPIR. The following project changes compare the final project against the NPC. The final changes were based on a description of Liberty Place in the BRA Board Memorandum of August 1, 2002. This memorandum reiterates the conditions that the board considered before issuing final approval and waiving further review under Article 80. A request for the cooperation agreement for Liberty Place was made at the BRA. However, the staff could not locate the document. Therefore, the description below does not detail the final project terms outlined in the cooperation agreement. A review of the variances granted by the Zoning Board of Appeals on September 11, 2002 confirms dimensional components of the project⁷¹. The changes are compared to project details outlined in the Notice of Project Change and described below.

1. The height of the project was reduced by a total of 3 stories from 310 feet to 275 feet and stands at 28-stories.
2. Massing was reduced by 5%.
3. Affordable housing units increased from 20 to 64 units.
4. Total number of units increased from 430 to 439.
5. Setbacks were increased along Washington Street (from 10 to 16 feet) and Beach Street (from 35 to 55 feet) to improve pedestrian way.
6. Parking was increased from 468 to 471 spaces.
7. Garage entrances were redesigned to minimize traffic.
8. Commercial space would be leased to Chinatown businesses at a rate comparable to other neighborhood retail lease rates.

In addition, the terms of the lawsuit settlement include the following.

⁷¹ There is a discrepancy in the number of parking spaces and affordable housing units approved by the BRA board and the ZBA. Whereas the BRA approved a total of 64 units of housing, the ZBA decision stated that 66 affordable units would be created. In addition, the BRA approved a 471 parking spaces while the ZBA decision states a “455-vehicle parking garage” would be constructed.

1. The City of Boston will grant the Chinatown Resident Association, or a council democratically established by the body, to have the function and authority of a “neighborhood council.”
2. The developer and property owner of the Liberty Place site will contribute \$575,000 and the City of Boston will contribute \$75,000 to a specially designated fund for the purpose of developing 30 units of permanently affordable, low-income, single room occupancy housing in Chinatown.
3. The City of Boston will acquire or designate a site for the low-income housing, assist the future developer in securing public financing, and make best efforts in ensuring that the project be developed within a two-year time frame.
4. Terms of the project and its developer will be subject to the approval of the plaintiff (the nonprofit community organization⁷²) or its designee.
5. The City of Boston agrees to discuss future implementation of the Chinatown Master Plan with both the nonprofit community organization and the Chinatown Resident Association.
6. The owner and developer of the Liberty Place site will provide relocation assistance to the plaintiffs.

Evaluating Project Outcome

A comparison of changes to Liberty Place measured against FLP’s demands reveal that the process led to mixed success. An overview of the demands and changes according to five factors is illustrated in Table 2. FLP’s demands involved two levels of change. First FLP was concerned with the physical elements of Liberty Place and the direct impacts it would have on the neighborhood.

⁷² The nonprofit community organization worked with residents to create the Chinatown Resident Association (CRA) and advocated for resident representation in the physical development of the neighborhood.

	Demands	Changes
Use	<ul style="list-style-type: none"> • No demands. 	<ul style="list-style-type: none"> • No changes.
Dimensions	<ul style="list-style-type: none"> • Maximum height of 100 feet. • Units and massing be in accordance with zoning. • Significantly fewer parking spaces. 	<ul style="list-style-type: none"> • Height reduced from 310 to 271 feet. • Units increased from 430 to 439 units. • Massing reduced from 650,341 to 617,824 SF. • Parking spaces increased from 468 to 471.
Design	<ul style="list-style-type: none"> • No demands. 	<ul style="list-style-type: none"> • Garage entrance redesigned to minimize traffic. • Setbacks increased on Washington (from 10 to 16 feet from street edge) and (from 35 to 55 feet from street) Beach Streets.
Affordable Housing	<ul style="list-style-type: none"> • Affordable housing allocation should be proportional to zoning relief requested. 	<ul style="list-style-type: none"> • Affordable units set to 15% and increased from 20 to 64.
Mitigation	<ul style="list-style-type: none"> • Combined impact analysis study of Liberty Place and Kensington Place. • Reject DPIR and submit new or supplementary report to present a development that conforms to the 1990 Community Plan and zoning and addresses issues discussed in comment letters. • A city-recognized formal resident voice in development in the neighborhood. • Implement exclusive zip car system. • Chinese translation of DPIR should be available. • Implement a two-prong test to determine adequacy of mitigation and benefits. 	<ul style="list-style-type: none"> • City and developer contributions for permanently affordable SRO units. • City will acquire or build SRO units in two years. • CPA approval of new housing project. • Developer will help abutter relocate. • Implementation of master plan with CPA and CRA. • CRA authority equivalent to the CNC. • 10 Zip cars will be available in the parking structure. • Lease commercial space to Chinatown businesses at a rate comparable to other neighborhood retail lease rates.

* FLP demands were drawn from letters submitted to the DPIR by the Campaign to Protect Chinatown or on behalf of the organization. A total of three letters were identified. They included a letters by the Campaign to Protect Chinatown, Greater Boston Legal Services, and Alternatives for Community and Environment. The final changes are based on project details in the Notice of Project Change, DPIR, and BRA Board Memorandum of August 1, 2002. A cooperation agreement could not be found at the BRA.

Table 2. Overview of FLP demands and project changes of Liberty Place. Additional design and use demands may have been made at public meetings and through newspaper articles. However, they are not included in this table.

Second, FLP weaved Liberty Place into the larger systemic issue of general development in Chinatown. In this respect, Liberty Place embodied the negative direction of development in the neighborhood and adds to the cumulative effects that the residents would have to absorb from surrounding large-projects. In addition, FLP believed approval of Liberty Place at the size and scale proposed posed serious implications for future development in the area.

On a project level, changes that occurred relative to the resources that FLP used to fight the project led to minimal dimensional effects. A 5.7% overall change in the massing and 11.3% decrease in the height still put the project in noncompliance with zoning and the Chinatown master plans. Three noteworthy dimensional changes occurred from the NPC

Liberty Place Dimensional Changes

Changes From NPC to Final Approval

	Initial Proposal	Approved Changes	% Change
Total Residential Units	430	439	+2%
Affordable Units	20	64	+220%
Retail/Commercial (sf)	8000	6289	0%
Other (sf)	5100	none	0%
Total Floor Area of Project	650,341	613,072	-5.7%
Height (ft)	310	275	-11.3%
FAR	11	none	0%
Total parking spaces	468	471	+0.6%

Changes from DPIR to Final Approval

	DPIR	Approved Changes	% Change
Total Residential Units	468	439	-6.2%
Affordable Units	70	64	-9.3%
Retail/Commercial (sf)	8000	6289	-21.3%
Other (sf)	5100	none	0%
Total Floor Area of Project	650,341	613,072	-5.7%
Height (ft)	291	275	-5.5%
FAR	11	none	0%
Total parking spaces	491	471	-4.0%

Table 3. Dimensional changes made to the Liberty Place project. Final project changes were based on the BRA Board Memorandum of August 1, 2002.

to the DPIR and prior to the formal demands made by FLP⁷³. Illustrated in Table 3, affordable units increased from 20 to 70 units or 250%, parking spaces increased 4.9% from 468 to 491 spaces, and the total number of units increased 8.8% from 430 to 468.

This fluctuation in dimensions from the NPC to the DPIR detracts from the net changes that occurred. That is, what appeared to be a 6.2% decrease in the number of residential units was actually a 2% increase from the NPC. Also, a 230% increase in affordable units is misleading because the original 20 units proposed fell 50% short of the city's inclusionary housing policy. And a comparison of the units listed in the DPIR reveal that in fact a 5.7% reduction in floor area led to a 9.3% reduction in affordable housing. The proportion of affordable housing units to total housing units decreased by 0.4% from 14.9% in the DPIR to 14.5% at final project approval. Furthermore, the parking spaces appear to have decreased from the DPIR to final approval when in actuality, a net 0.2% increase or an addition of 3 spaces occurred. By these terms and according to Figure 3, the two most substantial and positive changes that occurred were in height and floor area, though the height still stands 175% higher than zoning and the floor area ratio remained unchanged at 57% greater than FLP's demands.

With respect to the greater issue of development in the neighborhood, FLP made significant gains in securing institutional support to address root issues of resident representation and the enforcement of the master plan. In fact, FLP's core organizations had been advocating for the two issues for years. The single room occupancy (SRO) units were unanticipated additions to their demands and would address specific housing needs in the neighborhood. However, given the limited number of developable parcels remaining in the neighborhood, Liberty Place is still being built at a considerable cost for the neighborhood. Traffic and associated environmental health issues will be substantial, particularly in light of the several other projects of similar scale built in close vicinity. The terms of the legal settlement and emphasis on resident involvement and the master plan suggest that Liberty Place was a valuable opportunity to illustrate both the short- and long-term impacts of such a large project while at the same time leverage core demands

⁷³ FLP had begun organizing, contacting media, and making project demands in summer 2001 and prior to the release of the DPIR. However, the demands were not formally received by the BRA until the DPIR comment period occurred.

that the plaintiffs believed would enable residents to be more influential in affecting development in Chinatown.

The combination of tactics that drew public attention and built support was effective in getting the attention of the BRA. Even so, using the process aggressively did not lead to significant project changes. The lawsuit was the key mechanism that forced the city and BRA to directly respond to FLP's demands. Without a resolution to the lawsuit, construction of Liberty Place would have been held up even longer. The lawsuit, in this respect proved to be an effective tactic once all pressure points had been exerted in the process.

Conclusion

The Chinatown neighborhood was divided into two coalitions on Liberty Place and ran parallel campaigns. The focus of the case study revolves around FLP which opposed Liberty Place and tied the project to the larger systemic issues that inhibited residents from having a real voice in the development of Chinatown. FLP committed its resources to tackling both the physical and environmental impacts of Liberty Place as well as its implications in the development of the neighborhood. A review of project changes reveals that the tactics that FLP exercised enabled the group to gain institutional support to establish mechanisms that can facilitate more resident influence in future Chinatown developments. However, on a project level, FLP made limited gains. It was not until the lawsuit that the city decided to address FLP's specific demands rather than provide justifications for the project. The impact of Liberty Place will be great for Chinatown and some residents saw its approval as a means for residents to play a more decisive role in the development of their neighborhood.

Chapter 4: Dover Residences

The South End Neighborhood

The South End occupies just over one square mile (659 acres) of the City of Boston. The neighborhood is bounded by the Massachusetts Turnpike, the Back Bay neighborhood and Chinatown to the north. Along its eastern border is the Southeast Expressway and to the southwest are Melnea Cass Boulevard and the Roxbury neighborhood. To the west, the South End is bounded by the Southwest Corridor. In the 1900s, the South End was predominantly a working-class neighborhood that was selected as an urban renewal area in the 1950s. In the 1970s, demolition of vacant buildings on Washington Street, a major thoroughfare in the neighborhood and city, caused the area to be dominated by bare and dilapidated city- and BRA-owned land. In 2003, 60% of the 1.5 mile length of Washington Street remains vacant⁷⁴.

The South End is primarily residential with a population⁷⁵ of 28,239 and 22 neighborhood associations. An influx of young professionals and homeowners into the neighborhood in the early 1990s led to a significant population shift whereby 45.3% of the population identify themselves as white and 22.7% identify themselves as Black or African Americans⁷⁶. This is a notable difference from the previous decade when 39.4% of residents were identified as white and 31.7% were identified as Black or African American⁷⁷. The influx of new residents has largely contributed to a restoration of the housing stock. Many units have been converted into larger apartments and condominiums. In addition, parts of the South End have been home to local artists for decades.

The South End/Lower Roxbury Development Policy Plan, which was published in January 1994, serves as the official neighborhood master plan. However, developments along Washington Street have been planned and approved according to a report called A New Washington Street which was created by the Lower Washington Street Task Force

⁷⁴, Interview with Randi Lathrop, Boston Redevelopment Authority planner for the South End and South End resident.

⁷⁵ BRA publication 554, April 2002

⁷⁶ BRA publication 547, July 2001.

⁷⁷ Ibid.

and spearheaded by the mayor⁷⁸. Already 600 million dollars have been invested in the area and 900 of the 1500 housing units created have been designated affordable⁷⁹. Most projects consist of mixed-use and ground floor retail developments that conform to the Washington Street plan.

A central figure in the task force and in the general development of the South End is Randi Lathrop. Lathrop⁸⁰ is a long-time South End resident who chaired the 26-member task force and currently serves as BRA project manager and planner for the South End. Following the task force's planning process, specific task force members established Washington Gateway Main Streets⁸¹, hereinafter referred as "Gateway", to monitor use, design, and dimensional elements of development on the street.

Project Description

Dover Residences is primarily a residential project that the developer, Demetrios Dasco of Atlas Investment Group, submitted to the City of Boston on April 9, 2002. Prior to submitting the project and entering the city's public review process, Atlas committed 18 months to working with the Old Dover Neighborhood Association, hereafter referred as ODNA, to fashion a project that adequately addressed ODNA's concerns. ODNA primarily involved residents from the Columbia/City Lights Building⁸² and Laconia Lofts⁸³, the two condominiums that flank the project. On September 24, 2002 and five months into Article 80, the BRA waived further review of Article 80 and issued final approval of the project⁸⁴.

⁷⁸ In response to numerous concerns voiced by South End residents about the piecemeal approach to development along Washington Street, Boston Mayor Thomas Menino appointed a task force called the Lower Washington Street Task Force to create a development plan for the street in 1995. Over the next two years the task force carried out a neighborhood visioning and planning process and rezoned Washington Street to comply with their plan. The plan involved building back large-scale mixed-use developments on the street.

⁷⁹ Affordable in this case refers to 80-120% of Area Median Income (AMI) in the City of Boston.

⁸⁰ Lathrop also presides over the Washington Gateway Main Streets Board of Trustees.

⁸¹ Gateway is mainly concerned with a project's height, lighting, main entrance design, parking, loading, and ventilation. In addition, the group works to ensure that ground-floor retail with a strong street and door presence occurs on Washington Street.

⁸² The City Lights/Columbia building consists of nonprofit space and approximately 9 condominium unit.

⁸³ Laconia Lofts was constructed just several years prior to the introduction of Dover Residences. The complex contains approximately 100 market and affordable condo units. A portion of the units have been allocated for artists.

⁸⁴ Construction of Dover Residences was scheduled for Fall 2003.

The site is 47,780 square feet and bounded by East Berkeley Street, Harrison Avenue, Fay Street and Washington Street in the South End. Figure 3 illustrates where the site is relative to the South End neighborhood. The site is made up of 4 urban renewal parcels which are privately owned but also under the purview of the BRA and subject to conditions set by the BRA. The site is also governed by Article 64 of the Boston Zoning Code which limits the height to 70 feet and FAR at 4. Situated in the city's Restricted Parking Overlay District, off-street parking for non-residential use is banned unless a conditional use permit is granted from the Zoning Board of Appeals. Lastly, the site is located in a historic district and subject to approval by the Boston Landmarks Commission.

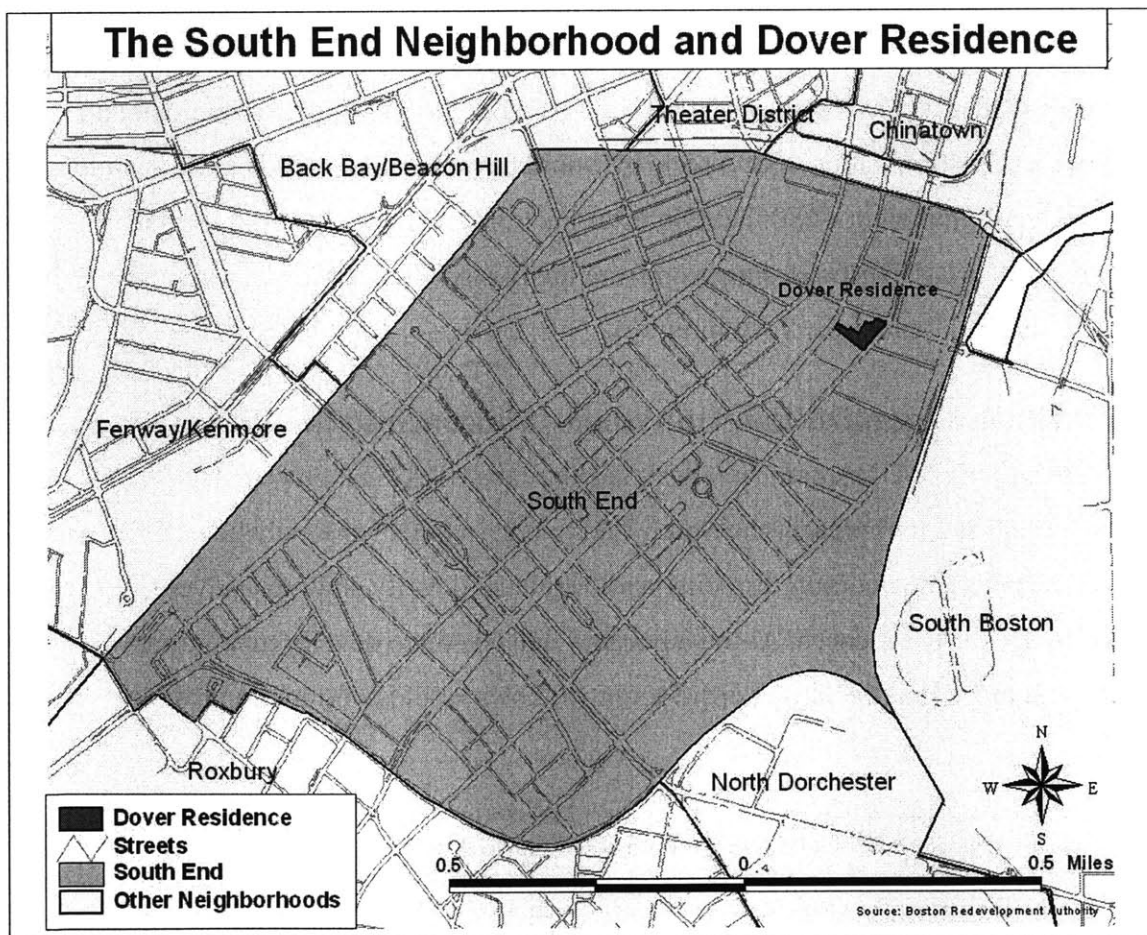


Figure 3. Boundaries of the South End neighborhood and location of Dover Residences

In the beginning of 2001, Atlas approached the BRA about developing a project on a portion of the current site. Prior to Atlas, two developers had presented development plans on the site and were rejected by the neighborhood. Like the previous developers, Atlas presented an 80-foot-high block building along the entire length of the site which the neighborhood rejected⁸⁵. Lathrop of the BRA conveyed that Dasco needed to receive formal support from ODNA before entering Article 80⁸⁶. Following the recommendation of ODNA, Atlas acquired abutting parcels of land to expand the site and propose a residential complex. Appendix A provides a timeline of key events in the development of Dover Residences.

The PNF for Dover Residences states that the project would be approximately 200,000 square feet of residential, retail, and parking space fronting Washington Street and across the street from a local park named Peters Park. The proposed development consisted of 188 parking spaces, approximately 15,000 square feet of ground floor commercial and retail space, and 140 rental units of which 14 would be affordable⁸⁷. The project would stand at a maximum height of 80 feet (7 stories tall) and be at an FAR of 4.18. An urban renewal district⁸⁸ (U-District) designation from the Boston Zoning Commission was sought and secured to address the zoning.

Neighborhood Organization, Unity, and Approach to the Process

From the beginning, ODNA had been designated by the BRA⁸⁹ as the primary neighborhood group to represent the South End in regard to Dover Residences. ODNA largely represented the abutting residents who would be directly and most severely impacted by Dover Residences. At the adjacent Laconia condo development, units were sold with assurance that the large north-facing windows would continue to provide

⁸⁵ Records of the original block building design were not available at the BRA because the design occurred prior to the Article 80 process.

⁸⁶ Interview with Demetrios Dasco of Atlas Investment Group, LLC on May 19, 2003.

⁸⁷ Affordable for this project means 80-120% Area Median Income (AMI).

⁸⁸ The use and dimensional conditions of a U-District override the existing zoning.

⁸⁹ Since there is no South End neighborhood council nor body that serves the role of a council, the South End development process looks to the neighborhood associations to provide approval on a project. According to interviews with Lathrop and neighborhood association members, the neighborhood associations most impacted by a project are identified and invited by the BRA to take part in the process, though other neighborhood members and organizations may also participate in the process,

extensive light and views after development occurred on adjacent parcels⁹⁰, which Dover Residences would violate. Meanwhile the City Lights/Columbia residents of the other abutting property were mainly concerned with the loss of light and environmental impacts since the project would sit several feet away from their units. The residents of Laconia and City Lights/Columbia agreed that it would be more effective to work as one body and one voice in affecting changes to the development than as separate bodies. Together they became the core force of ODNA and participated in the process with this united approach.

No neighborhood group challenged the designation nor requested to be fully involved in the planning process. Although Gateway would monitor specific elements of the project according to the criteria set by its board and charter, it defers to the neighborhood groups on all other issues of a project⁹¹. Neighborhood groups have interpreted some of Gateway's development decisions as favoring business over residents and affirming the mayor's position at the expense of the neighborhood.

In the case of Dover Residences, comment letters from Gateway and personal communication with the president of ODNA suggest that Gateway may have complicated the negotiation process. In a letter⁹² to the BRA dated July 29, 2002 Gateway stated that "(W)ith the majority of significant design and massing issues resolved to our satisfaction and in keeping with our vision of a revitalized Washington St. Gateway now defers to the Old Dover Neighborhood Association for resolution of issues with greater impact on their neighborhood." This sentiment confirms how Gateway saw its role relative to the neighborhood associations. However, weeks earlier, and prior to lending full support of the project, Gateway drafted a separate letter in which "Washington Gateway would like to request that our organization be considered as one of the beneficiaries of any community benefit funds to be offered as part of the Dover Residences development⁹³".

⁹⁰ Stated in letter by Robert A. Wells to Maria Faria of the BRA RE: Comments on Dover Residences PNF on May 23, 2002.

⁹¹ Interview with Sheila Grove of Washington Main Streets on March 14, 2003

⁹² Letter from Herb Fremin of Gateway to the BRA on July 29, 2002.

⁹³ Letter from Gateway to BRA director Mark Maloney on July 8, 2002⁹³.

Gateway's request could have compromised ODNA's influence over and demands of the project⁹⁴. Initial meetings between ODNA and Atlas revolved around design changes and appropriate mitigation for those directly impacted by the project. However, Gateway's request for mitigation could have forced Atlas to balance ODNA's demands against Gateway's request. Fortunately, Gateway's request did not explicitly affect ODNA's negotiations with Atlas and it is unclear which, if any, community benefits were specifically targeted for Gateway.

Tactics Used to Gain Institutional Support

The institutional support extended to ODNA and South End residents was established through the work of the Lower Washington Street Task Force a few years prior to Dover Residences. The work of the task force enabled the neighborhood to garner institutional support on two levels. First, Lathrop's leadership in the task force and activism in the neighborhood contributed to the BRA's decision to offer her a position in the city's planning department and implement the new Washington Street plan. Lathrop accepted the position which placed her in a strategic position in that she represented both the city and the neighborhood. She could lend institutional support at the BRA level and affect the development process in a way that the neighborhood could not.

Second, the neighborhood gained institutional support from the mayor. That is, Mayor Menino's popularity increased in the South End when he initiated the task force and appointed its members. The task force attributed its success to the mayor. The mayor, in turn, was more responsive and supportive of the residents' concerns as a way to maintain his base of support and popularity in the South End. This responsiveness represented another source of institutional support that ODNA could have tapped if negotiation with the BRA and developer proved unsuccessful. In the case of Dover Residences, the development and negotiation process did not require mayoral support because Lathrop responded sufficiently to the neighborhood's demands.

ODNA's credibility as a neighborhood association was built upon the leadership and expertise that ODNA members displayed in affecting previous projects proposed on the

⁹⁴ Even though Lathrop served as president of the Gateway board, there were no indications that she had used her BRA position to encourage Gateway to seek benefits.

same site. This history with the site compounded by the absence of opposition between neighborhood groups led the BRA to look to ODNA for neighborhood approval. In fact the condition⁹⁵ that Atlas needed to secure ODNA support before entering Article 80 affirmed ODNA's standing and allowed the group to play a decisive role in shaping the project. In essence, the collaboration between Atlas and ODNA was brokered and monitored by Lathrop. ODNA did not need to employ specific tactics to gain institutional support. Instead, ODNA's main challenge was maintaining a positive working relationship with Lathrop and persuading Atlas to incorporate ODNA's suggestions into the project. To this end, ODNA needed to be persistent in its demands, closely monitor the process, and maintain constant communication with the city and developer to ensure that the group was fully involved. These tactics enabled ODNA to fundamentally change the scope and design of the project.

Throughout the process, ODNA explicitly and firmly conveyed what was acceptable and not acceptable for the site. The biweekly meetings⁹⁶ between Atlas and ODNA during the first six months brought to the surface the absence of a structure for resolving differences. It appeared that Atlas and ODNA were creating the process as they went along which led to mutual frustration. Then upon Lathrop's recommendation, Atlas hired a consultant to work with the neighborhood directly⁹⁷. This led to a more cooperative relationship between the developer and ODNA.

The biweekly meetings and ODNA's clear stance against the original project proposal likely influenced Atlas' decision to acquire surrounding parcels and expand the project site⁹⁸. ODNA suggested site expansion after assessing properties surrounding the site⁹⁹. A larger site would allow a larger project to be created and mitigate the obstruction of views

⁹⁵ There was no written agreement or contract outlining the terms in which Dover Residences should enter Article 80. It was Lathrop who verbally communicated this condition to Dasco of Atlas Investments.

⁹⁶ The meetings were also monitored by Lathrop.

⁹⁷ In an interview with Dasco of Atlas, Dasco stated that hiring a consultant eased the relationship between Atlas and ODNA substantially and was a turning point in the collaboration.

⁹⁸ The cost of acquiring the additional parcels was far greater than Atlas anticipated because of a city-imposed "flip tax" that the property owners of the sites passed onto Atlas. Atlas, however, was not aware of the additional costs until well into the process.

⁹⁹ The vast majority of residents was property owners and knew the real estate in the area. ODNA suggested that Atlas acquire surrounding parcels which were mainly urban renewal parcels subject to BRA conditions.

and light¹⁰⁰. In November 2001 and on the day that ODNA was to take an official vote on the original project design, Atlas requested that the group delay voting until a new design was presented. ODNA agreed to delay its vote and was under the impression that its members would be involved in the design of the new project.

However, ODNA's relationship with Atlas was less cooperative because the group was excluded from the process despite constant inquiries with the BRA and Atlas. It was not until February 2002 that Atlas and the BRA presented the new plans for the first time to ODNA. During the period from November 2001 to February 2002, the BRA also secured mitigation by requiring that Atlas finance street improvements on Fay Street¹⁰¹ at a cost of \$600,000. This led ODNA to question both the process and the level of institutional support they had. Not only did it appear that the neighborhood was competing with the city for benefits before there was mutual agreement on the project design, but ODNA was left out of the project's redesign even though the design would directly affect ODNA members.

ODNA's persistence and involvement in the process intensified in April 2002 when the group was excluded from additional project changes that occurred in the PNF. The PNF included a headhouse which ODNA had not been notified about and the addition violated the conditions under which ODNA issued its approval. It was understood that "at our March 2002 meeting, the Old Dover Neighborhood Association voted to conditionally support the proposed development as long as a series of design and massing conditions and mitigation agreements were met¹⁰²". As a result, ODNA members expressed reservations about the project and the headhouse was subsequently removed. The relatively immediate removal of the headhouse reflects the influence that ODNA maintained in the process even though BRA records reveal that the majority of comment letters supported the project¹⁰³.

¹⁰⁰ Experience with the first two development proposals made it clear to ODNA that development on the original site was infeasible as long as developers continued to present projects that obstructed light and views of abutters.

¹⁰¹ Fay Street is a small street that borders Dover Residences.

¹⁰² Letter from Liz Cahill to Maria Faria RE: the Dover Residences PNF application on May 22, 2002.

Cahill is an 18 year resident of South End and president of the Old Dover Neighborhood Association.

¹⁰³ BRA records indicate that comment letters from three neighborhood organizations (ODNA, Bradford Street Association, and Gateway) and 39 individuals were submitted.

ODNA continued to negotiate project materials and terms of mitigation with Atlas after the project received BRA board approval in August 2002 and the necessary zoning exception¹⁰⁴ in September 2002. During the process, some ODNA members felt that the Fay Street improvements limited the amount of money allocated for public improvements that the neighborhood would have liked to see. In February 2003, a cooperation agreement that outlined the terms and mitigation to be provided by Atlas was signed without ODNA's knowledge and after ODNA had explicitly requested to be a co-signor¹⁰⁵ of the document. For the BRA and Atlas to determine the terms of agreement without consulting ODNA and after the group's investment in the process intensified the distrust that members' harbored towards the BRA and Atlas.

Although ODNA was excluded from key points in the process, the persistence, diligence, and unity with which the group worked with the city and Atlas were particularly effective in influencing project changes. In addition, the process was contained in the neighborhood which allowed ODNA to focus its energy on the project itself and bypass potential complications that could have occurred had there been negative press coverage or competing interests with allies. The president of ODNA attended at least 75 meetings over the two year process to ensure that the residents were always involved. The close monitoring of the project and constant communication with Lathrop and Atlas enabled the group to maintain institutional support from Lathrop and the BRA. This also caused ODNA, the BRA, and Atlas to be immediately aware of any significant changes to the project.

Neighborhood Demands

ODNA's demands were conveyed in their comment letter to the PNF¹⁰⁶. Additional demands that were not documented in the comment letter may have been made. However, these demands are not included below or in Table 4. According to Robert Wells, an ODNA member and City Lights resident, ODNA's principal concerns were adequate compensation or replacement of lost light and air, particularly for the rear units of the

¹⁰⁴ Dover Residences received an U-District designation from the Boston Zoning Commission

¹⁰⁵ ODNA understood that the legal terms governing a cooperation agreement do not allow neighborhood groups like ODNA to be a co-signor.

¹⁰⁶ Letter from Liz Cahill to Maria Faria RE: the Dover Residences PNF application on May 22, 2002.

City Lights Building and access to affordable parking. The comment letter did not include access to affordable parking which suggests that the issue was resolved prior to the Article 80 process. ODNA's demands are briefly outlined below.

1. Height and Massing: Massing should not enlarge beyond 78 feet in one part of the project, 38 feet in another and 70 feet in yet other section of the project. Any mechanicals extending beyond 70 should be kept to minimum dimensions or placed in the interior of the building. On Fay St height should be limited to 60 feet, including mechanicals.
2. Light: Light wells should be a combined design of curved and stepped back configuration proposed by Robert Wells at a community meeting. The light well and windows facing Laconia should be unobtrusive.
3. Design integration with Laconia: The project and its windows should be set at an angle that is unobtrusive and better integrated with the Laconia North wall
4. Courtyard: Courtyard incursions should be removed and designed with a wide opening as promised and shown at a community meeting. Landscaping on terrace should be treated with the same seriousness as building materials. The trees, trellis and other mechanical structures should not obstruct light and air. Maintenance of plants should be clearly defined.
5. Garage and Traffic: Garage entrance roof need to be resolved with direct abutters. All traffic flow issues should be resolved to the satisfaction of the abutters, including egress into and out of garage. All traffic conditions and patterns should be successfully resolved.
6. Bridge: A bridge over Fay Street at the Harrison Avenue intersection should be created.
7. Townhouse: The townhouse structure on Fay should remain 32 feet away from the NE corner of the City Lights building and no balconies at the end of the structure facing west.

8. Housing and Retail: Small neighborhood businesses should be encouraged and no chain stores of any kind should be allowed. ODNA encourages the sale of residential units as condos.
9. Other: The first floor fire door located at the rear of City Lights needs to be addressed. The pocket park behind the New Boston development should be retained. Mitigation of all major impacts must be agreed upon prior to construction.

Project Changes

After the BRA board unanimously approved the project in August 2002, negotiations between the neighborhood and Dasco continued. A cooperation agreement¹⁰⁷ for Dover Residences was signed on February 13, 2003 and the following summarizes the changes described in the agreement.

1. Light: Light wells will be curved, expanded and stepped back to lessen negative impacts on City Lights residents. A second light well will be installed to improve the west wall of Washington Street facing Laconia.
2. Design integration with Laconia: The back of buildings have been redesigned and stepped back so that the structure looks less massive. Atlas will consult with ODNA and Laconia Trustees to formulate a final design configuration for the light well and roof designs adjacent to Laconia.
3. Courtyard: The courtyard landscape design will maximize natural light to City Lights and the lower floors of Laconia.
4. Housing and Retail: Total residential units will be reduced from 140 to 133 units. The vast majority will be condos and some will be rental units.
5. Other: Substantial improvement will be made to Fay Street, including a new Fay Street fence. New utilities, sidewalks and street lighting will occur. Atlas will contribute \$40,000 to Peters Park. Atlas will underwrite central air conditioning systems for the 5 units in the City Lights building that abut the project. A new

¹⁰⁷ A cooperation agreement is a legal document between the BRA and developer. The document outlines the terms and mitigation that the developer will provide.

skylight for the City Lights building will be installed. An emergency egress at the rear west door of the City Lights School and building will be established. Parking rights for Laconia and City Lights residents will be allocated. Six single parking spaces and four double spaces will be available for rental or sale.

Evaluating Project Outcome

A review of ODNA demands and changes to Dover Residences shows that the main emphases were on design and mitigation. Table 4 provides a table of the changes relative to demands and illustrates that the majority of demands were addressed. The most notable defeat that ODNA faced was the pedestrian bridge, which received strong support from the residents and Atlas but was denied by the Landmarks Commission and the Boston Civic Design Commission. The pedestrian bridge violated principles set in Boston's historic districts and therefore could not be approved by the two commissions. Another challenge was the 7-foot high mechanicals on the top floor of one building which ODNA would have liked to eliminate. However, ODNA members recognized that significant changes in the massing had already occurred and many of their issues had been addressed so the mechanicals were accepted in the interest of advancing the project. With the exception of the bridge and mechanicals, ODNA proved to be fairly successful in influencing the project from the shape of the site to the design of light wells.

What contributed to ODNA's success seemed to be a combination of the tactics used and Lathrop's role in the process. ODNA's persistence in maintaining communication with Atlas and Lathrop and consistent demands made it difficult for Atlas and the city to divert the issues. For example, had there been a clear division between members of ODNA, the issues could have been blurred by internal conflicts in the neighborhood. Also, ODNA's constant communication would have made it difficult for Atlas and the city to justify collaborations independent of the neighborhood. Therefore, the decision to design a new development on the expanded site at the exclusion of ODNA came with a consequence. ODNA's trust in the process was compromised and they were more vigilant and cautious in their communication with Atlas and the BRA. In a way, ODNA's lack of information pushed them to be even more persistent and demanding. For example, ODNA continued

to influence window design and building materials after all necessary approvals had been secured by making additional arrangements with Atlas outside of the process¹⁰⁸.

With respect to institutional support, the South End neighborhood had a unique advantage compared to other neighborhoods in that the South End had established relationships the BRA through Lathrop and the mayor through the task force. In this regard, the level of institutional support for the South End was substantial. However, ODNA's interaction with Atlas and the BRA brought to the surface the boundaries of institutional support. Specifically, ODNA members struggled with the role that Lathrop played and their expectations of Lathrop. While many recognized Lathrop's effort to support the neighborhood, it became apparent that Lathrop's BRA duties constrained her from fully meeting the neighborhood's needs. For example, Lathrop's efforts to move along the negotiation of project changes may have been interpreted by ODNA as advocating for the developer's interests over ODNA. In this instance, it seems that neighborhoods liken institutional support to neighborhood advocacy and ODNA members may have expected Lathrop to advocate for the neighborhood more than mediate disputes.

In addition, substantial institutional support still puts constraints on neighborhood participation in the process. That is, despite the level of institutional support for ODNA and the group's persistence, constant communication and monitoring of the process, ODNA was still excluded from key events such as the design process and finalizing the terms of mitigation. These instances reiterate that regardless of the level of institutional support available, the city's process does not allow neighborhoods to be fully involved and present in the process. Rather a neighborhood's level of influence is relegated to an advisory role and a neighborhood's effectiveness is a function of its ability to convince the BRA or developer to implement their demands.

¹⁰⁸ As of June 2003, ODNA was still meeting with Atlas to finalize building materials for the project.

	Demands	Changes
Use	<ul style="list-style-type: none"> • Sell residential units as condos. 	<ul style="list-style-type: none"> • Majority of residents are condos.
Dimensions	<ul style="list-style-type: none"> • Massing should not extend beyond 78, 38, 60, and 70 feet in different parts of project. 	<ul style="list-style-type: none"> • Height respects ODNA's demands with the exception of 7-foot mechanical on top of roof. • Housing reduced to 133 units.
Design	<ul style="list-style-type: none"> • Light wells should be curved and stepped back. • Windows and light wells facing Laconia should be unobtrusive and integrated with Laconia. • Courtyard designed with wide opening and landscaping is treated with seriousness, maintained and does not obstruct light. • Garage entrance roof, entrances, and traffic conditions should be resolved. • Townhouse structure on Fay St. is at least 32 ft from City Lights building. • No balconies at end of Fay Street structure facing west. 	<ul style="list-style-type: none"> • Light wells curved, expanded, and stepped back. • Back of building redesigned and stepped back to minimize massiveness. • Courtyard landscape design changed to accommodate ODNA's demands. • Laconia courtyard wall and driveway improvements. • Consultation with ODNA and Laconia Trustees on light well and roof design near Laconia. • Introduce second light well facing Laconia.
Affordable Housing	<ul style="list-style-type: none"> • No changes demanded. 	<ul style="list-style-type: none"> • No changes occurred.
Mitigation	<ul style="list-style-type: none"> • A pedestrian bridge created over Fay Street. • Encourage small neighborhood businesses for retail space. • First floor fire door of City Lights should be addressed. • Pocket park behind New Boston development should be retained. • Mitigation of all major impacts must be agreed by ODNA prior to construction. 	<ul style="list-style-type: none"> • Improvement to Fay St and fence. • New construction of utilities, sidewalks, and street lighting. • Contributions to Peters Park. • Improvements to Laconia Artists' Gallery. • Emergency egress at rear west door of City Lights. • Parking rights for abutters. • Underwrite central air condition units for City Lights. • New skylight for City Lights.

•Neighborhood demands were based on a comment letter submitted by ODNA on May 22, 2002 in response to the PNF. The project changes are based on project details in the Project Notification Form (PNF) and the Cooperation Agreement of February 13, 2002 for Dover Residences.

Table 4. Overview of ODNA demands and project changes to Dover Residences. Additional demands that were made in other forums such as at public meetings are not included in this table.

Conclusion

The Dover Residences project began as a cooperative process that operated according to a process recommended by Lathrop. However, with no clear structure to the collaboration

nor a collective understanding of each party's expectations, Dover Residences represents a project that met the needs of the developer, city and neighborhood but through a process that highlighted the limited role that neighborhoods have in influencing a project. That is, Dover Residences incorporated the vast majority of ODNA's demands on design, dimensions, and mitigation. However, the process reveals that despite the degree of neighborhood unity in and institutional support for a neighborhood, the neighborhood retains only advisory power in the process. Therefore, for private developments such as Dover Residences, the thrust of a neighborhood's effort to effectuate large project changes must be channeled through its advisory power to convince and persuade the BRA and developer. At the same time, the neighborhood still needs to monitor the process closely, and maintain constant communication with the developer and BRA. ODNA had realized this on some level when it persisted in having Atlas continue to consult with ODNA about project details after the development approval process ended.

Chapter 5: Battery Wharf

The North End Neighborhood

The North End is one of the oldest neighborhoods in the United States. Historically an immigrant and working-class community, the ethnic and socio-economic character of the neighborhood shifted in the 1990s as the number young professionals and empty-nesters moving into the neighborhood increased. As a result, a growing number of long-time residents left the neighborhood because they could no longer afford the cost of living in the neighborhood.

The North End is densely populated and bounded by Interstate 93 (I-93) which was constructed in the 1950s and contained the area of the North End to the waterfront. Construction impacts from the Central Artery Tunnel¹⁰⁹ have generated severe air, dust, and noise pollution since the mid 1990s. Few developable parcels of land remain in the neighborhood and most redevelopments projects have been on a small-scale.

Two neighborhood groups, the North End Neighborhood Council and the North End Waterfront Resident Association (NEWRA), have represented the North End around issues of development. Like the Chinatown Resident Association, NEWRA was formed in reaction to the organizational structure of the neighborhood council. NEWRA¹¹⁰ was established as an alternative resident group that operates according to an open process and ensures that all members maintain a vote and voice in the group. In contrast, the neighborhood council historically has held closed executive committee meetings prior to a regular neighborhood council meeting. Residents have questioned the necessity of having closed meetings and the nature of the discussions. In matters of development, the city makes separate presentations to each group.

¹⁰⁹ The Central Artery Tunnel project (CA/T) is a capital highway project funded by state and federal monies. The project involves depressing the Boston portion of Interstate 93 underground. The land above the newly-built tunnel has been designated as air rights parcels and a master planning process occurred to develop the parcels according to neighborhood and public needs.

¹¹⁰ NEWRA was founded by former Boston City Councilor and current Register Probate for Suffolk County Richard Iannella. NEWRA operates according to membership and membership dues are minimal so that any North End Resident can join and participate.

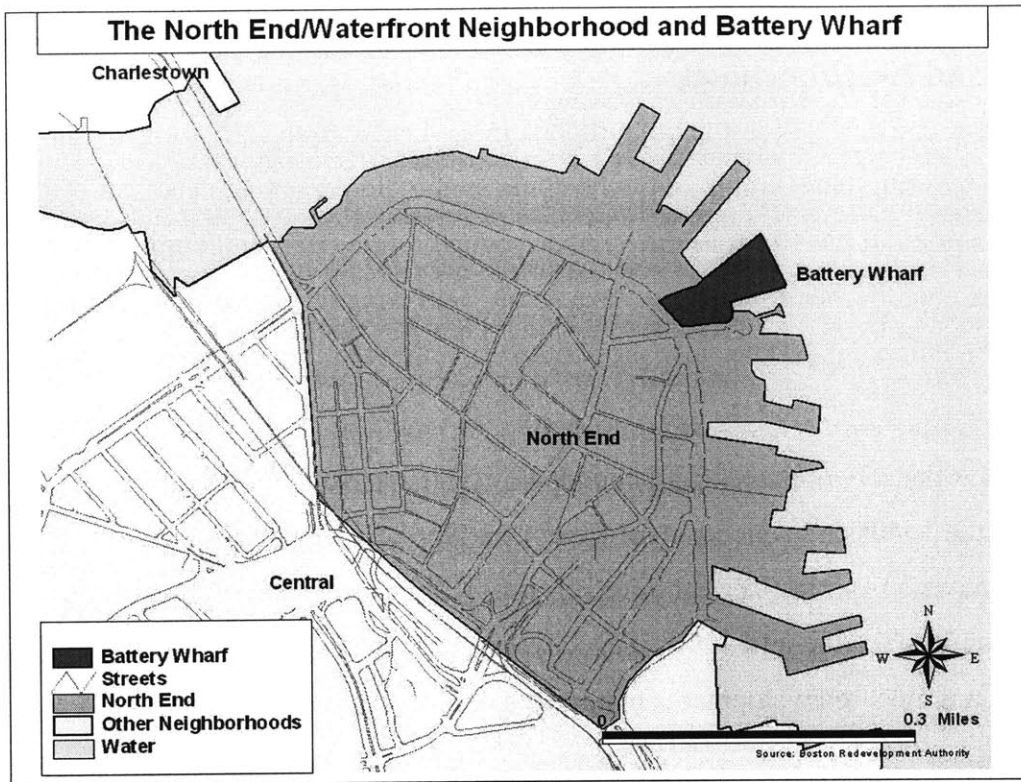


Figure 4. Boundaries of the North End neighborhood and location of Battery Wharf.

In addition, North End’s elected officials¹¹¹, City Councilor Paul Scapicchio, Representative Sal DiMasi, and State Senator Robert Travaglini have been highly responsive to resident concerns. In the past, they have played an influential and active role in advocating development according to resident demands.

Project Description

Battery Wharf is a mixed use development that Raymond Properties submitted to the BRA in April 1996. According to the PNF, the original proposal was a 341,300 square foot commercial and housing development standing at 54 feet¹¹² or 4 stories and a floor

¹¹¹ All three officials maintain deep ties to the neighborhood. Scapicchio and Travaglini grew up in the neighborhood and Scapicchio was on the neighborhood council prior to being elected to city council.

¹¹² The BRA defines project height to be the highest occupied space in a proposed project. Therefore parapets and mechanicals that can extend many feet higher would not be calculated into the general “height”. The mechanicals for Battery Wharf increased the gross height to be above the zoning allowance of 55 feet.

area ratio (FAR) at less than 2 on a site area of 199,800 square feet. The total floor area included 345 new parking spaces, 247,000 square feet of residential space, 74,300 square feet of commercial space, and 74,000 square feet of retail space to accommodate a two-story regional chain supermarket.

The site is located along Commercial Street, a popular arterial for commuters who want to bypass downtown traffic en route to Interstate 93. Commercial Street also supports local businesses, restaurants, and multi-unit residences. The site is flanked by Burroughs Wharf, a condominium structure, and the US Coast Guard Pier. Figure 4 illustrates the location of the project site relative to the neighborhood.

Surrounded by a public waterway, the site falls under Massachusetts General Law Chapter 91¹¹³ which stipulates that waterfront development must provide public access to the water and the Municipal Harbor Plan¹¹⁴ which sets guidelines for development on Boston's waterfront. In addition, the project must comply with Article 42A of the Boston Zoning Code whereby height is restricted to 55 feet and FAR at 3.0. Furthermore, Battery Wharf is in the North End Housing Priority Overlay Area which strongly encourages housing in the area and in the Restricted Parking District of Boston which forbids off-street parking for non-residential uses unless a conditional use permit is issued by the Zoning Board of Appeals. The Battery Wharf proposal also requires conditional variances for recreational open space, general retail, and parking uses. Lastly, the project is subject to the conditions set by the Boston Conservation Commission¹¹⁵ which protects the state's wetlands.

Jim English of Raymond Properties first introduced Battery Wharf to the North End neighborhood at a public meeting on November 19, 1997, over 18 months after the PNF was submitted. The project then underwent a DPIR review and in May 1998 the BRA Board by unanimous vote issued final approval and waived further review under Article 80. By early 2000 the Battery Wharf project received the necessary licenses and permits to begin construction. Raymond signed a cooperation agreement outlining the mitigation

¹¹³ Chapter 91 regulates activities on coastal and inland waterways in the State of Massachusetts.

¹¹⁴ The plan was created by the City of Boston and approved by the Executive Office of Environmental Affairs to guide waterfront development in the city.

¹¹⁵ The Boston Conservation Commission administers the Massachusetts Wetlands Protection Act (M.G.L.c131s.40) in the City of Boston.

plan and benefits for Battery Wharf on March 30, 2000. Later, in August 2000, Raymond Properties sold the entire project to Harold Theran of Development Management Corporation. Theran committed the following year to modifying the hotel and residential uses to luxury standards and in September 2001 the changes were submitted to a number of state and city agencies for approval. Shortly thereafter, September 11, 2001 occurred and prevented hotel operators from securing financing for construction. As of late 2003, the Battery Wharf project remains undeveloped. Appendix A includes a timeline of events regarding the Battery Wharf development process.

Neighborhood Organization, Unity, and Approach to the Process

According to the PNF, Raymond had already met with and introduced the project to elected officials and the “North End Neighborhood Waterfront Council”¹¹⁶. This suggests that prior to the PNF, some people in the neighborhood were already aware of the project. At the November 1997 meeting more than 300 residents and business owners from the neighborhood attended to learn about the project for the first time. Many attendees were concerned with the supermarket use, scale, and height of the project. The design of the roof and mechanicals put the gross height at 20 feet over the height limit. Also, many residents felt that the supermarket was an inappropriate use of waterfront land. NEWRA president Richard Iannella publicly expressed his intention to change the project. Another resident, Dave Kubiak who had been living in the neighborhood for over 15 years, relayed grave concerns with the uses proposed.

The week following the Battery Wharf presentation, residents and business owners began to organize at a North End Waterfront Resident Association (NEWRA) meeting chaired by Iannella. Enough opposition to the project existed, particularly to the supermarket and lack of public access¹¹⁷, to create the Battery Wharf (Development) Working Group hereafter referred as BWWG. BWWG was predominantly made up of NEWRA members but saw itself as independent from NEWRA.

BWWG was a core of at least 25 people who had attended meetings consistently. The majority did not have school-aged children living at home which made it easier to carve

¹¹⁶ The PNF for Battery Wharf, Section 5.

¹¹⁷ The design of the project would obstruct the view with a big block supermarket along Commercial Street. Business owners saw the supermarket as a negative impact and threat to local businesses.

out time for BWWG. The group included North End residents, waterfront residents, business representatives, and abutters to the project. The waterfront residents consisted of residents who lived in nearby Burroughs and Lincoln wharves. North End residents included long-time North Enders who grew up in the neighborhood as well as newer residents. The group proved to be a fairly knowledgeable body and included lawyers, educators, institutional administrators, architects, people familiar with affordable housing, and an environmental engineer. Some business owners were also involved. Residents Joyce Curll who had a background in urban planning and Dave Kubiak who was an environmental engineer interpreted the technical language.

BWWG divided itself into subcommittees wherein some members sat on more than one committee. The subcommittees included but were not limited to Affordable Housing, Hotel and Supermarket, Pedestrian Visual Access, Zoning/Licensing/Construction, Traffic and Infrastructure, Government Public Relations, and Liaison to Raymond Properties. Each subcommittee determined a chairperson who updated other chairpersons of their findings. The chairpersons would strategize and discuss realistic outcomes for the site and demands from Raymond. The chairpersons then went back to their respective subcommittees to relay the discussion and address further issues raised by individuals in the subcommittee. Decisions were made according to consensus and issues were discussed before BWWG formulated its position on the project.

The determination and commitment of the BWWG was unrelenting. Most BWWG members had office jobs and the resources to communicate with others via phone, computer, email, and fax. Many shared information through memos, nightly phone communication, and by word-of-mouth. Some members attended more than 50 meetings related to the Battery Wharf project during the two year approval process. In addition, BWWG established relationships with groups outside of the neighborhood such as a Beacon Hill neighborhood group, the Alliance of Boston Neighborhoods (ABN), Save the Harbor Save the Bay, the Boston Harbor Association, and the Conservation Law Foundation (CLF). These groups added to the force of opposition.

There were two main divisions between residents in the neighborhood. First, the attitude of waterfront residents towards Battery Wharf differed from the other residents¹¹⁸.

Waterfront residents tended to be high-income homeowners and saw Battery Wharf as an opportunity to increase their property value. Therefore, luxury uses such as a five-star hotel were seen as a boon to the neighborhood and many did not get involved in or take issue with the use. In contrast, non-waterfront residents believed that Battery Wharf would increase the influx of wealthier outsiders at the expense of long-time residents who could not afford to live in the neighborhood because of the rising cost of living. Despite these fundamental differences, there were waterfront residents like Fran Clay¹¹⁹ who agreed with the majority of North End residents and became actively involved in BWWG. In addition, Clay was a trustee of Burroughs Wharf and was instrumental in involving the Board of Trustees of Burroughs Wharf in the public process. Abutters to a project, such as Burroughs Wharf to Battery Wharf, are given higher consideration in the development process than a neighborhood resident.

Second, the supermarket proposal received mixed reviews. Some residents supported the supermarket regardless of its location because the neighborhood was in dire need of one. However, those who supported the supermarket were less vocal and did not get involved with BWWG. With no organized dissent against BWWG's demands, BWWG became the voice that the BRA and developer needed to address.

Tactics Used to Gain Institutional Support

BWWG's process, knowledge base, and unity provided a basis for carrying out specific tactics to affect the project. BWWG's own process of project review allowed the group to point out discrepancies in project design and regulations. Meanwhile their knowledge base allowed them to scrutinize over the technical language and intent of public documents. BWWG's unity created a voice for the neighborhood which the developer and city were forced to address. The main tactics that BWWG employed included enlisting political support, using the process, building allies, and engaging the media.

¹¹⁸ Commercial Street was the geographical line that divided the two groups.

¹¹⁹ From personal communication with Fran Clay, interview June 23, 2003.

The North End's elected officials also exercised their influence in the development of the neighborhood. BWVG involved City Councilor Scapicchio, Representative Sal DiMasi, and Senator Travaglini from the beginning and the officials were given regular project updates. Councilor Scapicchio took on the issue of affordable housing and arranged to work closely with Raymond to determine an appropriate affordable housing package.

The impact of elected officials attending public meetings and speaking out against the project was greater than if the neighborhood were challenging the project alone. The officials worked in the city and state system and therefore were more familiar with the intricacies of the process. In this respect they could get information from the BRA and other regulatory agencies more readily than BWVG and relay the information back to the neighborhood. In addition, the elected officials helped attract media attention and increase public awareness of the project. The media attention along with elected officials' public announcements that the city needed to address the neighborhood's concerns exerted pressure on the BRA to resolve issues of the project. Furthermore, an elected official can arrange to work out details of a project directly with a developer and on behalf of the neighborhood, just as Scapicchio did with the affordable housing agreement.

BWVG used the process to challenge the process. The project was closely monitored and persistent communication with the developer, the BRA, the conservation commission and other government agencies was maintained to ensure that the agencies were aware of BWVG. Members of BWVG made themselves visible by attending Battery Wharf-related public events and testifying at hearings. One issue that BWVG raised publicly was the poor process by which the Battery Wharf development proposal was created and approved. For example, at the November 1997 meeting, Raymond agreed to establish a community working group to help formulate the Draft Environmental Impact Report (DEIR) before it was submitted to the Massachusetts Environmental Protection Agency (MEPA). Many residents signed up to be part of the working group but no one was contacted. Numerous comment letters to the DEIR and DEIR attest that the residents first learned about the submission of the DEIR on January 26, 1998, less than two weeks before the public comment deadline of February 9, 1998. Residents immediately contacted Representative DiMasi who had been in direct contact with the developer only

to learn that he too had been told the document had not been submitted¹²⁰. BWWG mobilized to get the comment deadline extended so that the neighborhood could adequately respond to the document. This incident caused BWWG to question the trustworthiness of the developer and solidified BWWG's opposition to the project.

At the public meeting of February 23, 1998 which included attendance of MEPA representative RJ Lyman and several legislators, BWWG members again publicly challenged the process and how it led to a project that many residents oppose. Hundreds of people from the neighborhood were in attendance and over 50 personal letters were submitted to MEPA regarding the process following the meeting. An overwhelming number of the people, including City Councilor Scapicchio, took issue with the general scope of Battery Wharf and many asked for an extension of the public comment deadline, which did occur.

In addition to the process, BWWG used Chapter 91, Environmental Impact Reports, the Boston Conservation Commission, and the Municipal Harbor Plan to challenge the environmental impacts of the project and its noncompliance with government regulations. NEWRA sent a letter to the Executive Office and Environmental Affairs asking that an amendment regarding community involvement in the review and public hearing¹²¹ be added to the Municipal Harbor Plan to ensure adequate public participation. Inquiries into different agencies brought to the surface conflicting state and city agency views in regards to the supermarket. The Executive Office of Environmental Affairs (EOEA) which issues Chapter 91 licenses supported the supermarket and determined that it effectively fulfilled Chapter 91's public accommodation stipulation. Meanwhile, the city supported BWWG's position that while a supermarket was needed, the waterfront was not an appropriate place to locate one¹²². The site was not easily accessible by public transportation and would increase traffic along an already congested Commercial Street.

In parallel with challenging the process, BWWG exercised a number of outreach methods to inform the neighborhood of Battery Wharf. Word-of-mouth, project updates at regular

¹²⁰ Various public comment letters to Trudy Coxe, Secretary, Executive Office of Environmental Affairs, were submitted in February 1998.

¹²¹ Letter by Phyllis Rugnetta to Jan Reitsma (Deputy Secretary of the EOEA) on December 3, 1998.

¹²² A supermarket is planned on Central Artery Tunnel Air Rights in the North End.

NEWRA meetings, and two to three BWWG-sponsored public meetings were held to inform residents when changes occurred with the project plan. At the BWWG public meetings, a combination of the developer, elected officials, and BRA representatives were invited. These representatives were asked to address neighborhood and working group concerns in a question and answer format. At one meeting, BWWG gave the developer a list of questions in advance so that their questions could be adequately answered in a public forum. Sometimes the press attended meetings and public attendance included members of the neighborhood who were not affiliated with NEWRA or BWWG. BWWG also submitted comment letters and mobilized residents to write individual letters expressing their concerns with the project. A one-page double-sided fact sheet called “Battery Wharf Project – A Neighborhood Call to Action: Guide to writing and calling elected officials” was also distributed in the neighborhood. In addition, a standard form letter was drafted and distributed to residents as a substitute to a personal letter if people wanted to help but did not have the time to write a letter. In the end, BWWG created its own public process for the neighborhood such that few North End residents did not know about the Battery Wharf project.

All the outside groups with which BWWG established relationships submitted comments opposing Battery Wharf. Some groups shared BWWG’s concerns regarding the negative impacts that the project would impose. For example, the director of the Boston Harbor Association actively participated in the public process to minimize Battery Wharf’s effects on the city’s harbor front.

Throughout the process BWWG engaged the press which magnified public awareness of the project. The conflicting positions of the state, city, BWWG and elected officials appealed to the press. Each time BWWG formed a position on the progress of Battery Wharf, the press was contacted. Articles were written in the neighborhood paper as well as the *Boston Globe*¹²³. Channel 5 aired a story on Battery Wharf and revealed a perspective of the site from Burroughs Wharf to illustrate the project’s impacts on the area.

¹²³ Hurley, Mary, Residents Object to \$100m Plan. *Boston Sunday Globe City Weekly*, 1 March 1998. Ebbert, Stephanie, North Enders Voice Worries about Battery Wharf Plan. *Boston Globe Section C*, 24 February 1998.

A combination of political and neighborhood pressure, opposition from BWVG's allies, and negative press coverage forced the BRA and city to pay attention to BWVG. During the development process, the BRA underwent staff changes whose support for the neighborhood varied¹²⁴. Then BRA director Tom O'Brien appeared most receptive to the residents' concerns. He attended a number of public meetings and had easy access to the comment letters regarding Battery Wharf. The overriding issue during the comment period which lasted six to eight months appeared to be the supermarket. Personal communication with English of Raymond Properties and BWVG members suggest that O'Brien played a central role in eliminating the supermarket¹²⁵.

After the elimination of the supermarket, opposition to Battery Wharf shifted. The political backing for BWVG diminished when Travaglini and Iannella wrote letters supporting the project¹²⁶. Scapicchio worked with English on finalizing an affordable housing agreement but did not inform BWVG of the arrangement. In addition, the Board of Trustees of Burrough's Wharf and abutter to Battery Wharf submitted a letter supporting Battery Wharf when motor vehicle access to the site was moved away from Burrough's Wharf¹²⁷. The BRA may have felt that the absence of abutter opposition and decreased political backing after the elimination of the supermarket was significant enough that the agency no longer needed to be as responsive to BWVG's concerns. Soon after a Chapter 91 license and conditional use variances for housing and hotel uses were issued. In addition, the project met the conditions set by the Boston Conservation Commission and gained unanimous approval from the BRA board. In March 1999, the BRA filed a document that waived Battery Wharf from further review under Article 80. These events occurred with minimal changes to the project after the supermarket issue was resolved.

¹²⁴ At the beginning Ed O'Donnell and Richard Mulligan managed the approval process. After Battery Wharf received BRA board approval, Susan Hannon replaced the BRA project team and worked primarily with Harold Theran. In 2002, David Hanifin replaced Hannon as project manager for Battery Wharf.

¹²⁵ An interview with Jim English reveals that the BRA made it clear that a component of the project mix had to be eliminated and the supermarket made the most sense. Interviews with Dave Kubiak and Fran Clay of BWVG confirm that O'Brien was supportive of the neighborhood more than any other BRA representative. In late 1999 O'Brien resigned from the BRA.

¹²⁶ Letter from Iannella to the BRA on April 23, 1998. Letter from Traviglini to BRA Director O'Brien on May 7, 1998.

¹²⁷ Letter from Barry Liner (Chairperson of Board of Trustees of Burrough's Wharf) to the BRA on April 22, 1998.

Neighborhood Demands

BWWG's demands were explicitly outlined in its 14-page comment letter on the Draft Environmental Impact Review (DEIR) and Draft Project Impact Report (DPIR) submitted in late February 1998. The letter stipulated that a revised plan for the site must be included in a Supplemental DEIR and was signed by the North End/Waterfront Neighborhood Council, NEWRA, and the North End Battery Wharf Work Group (BWWG). That the neighborhood council and residents association signed the letter affirms that the neighborhood was united in their opposition to the project. Additional demands and concerns may have been conveyed in other forms such as public testimonies and through the media. However they are not included in the summary of concerns described below.

1. Community Review: Public notification was insufficient and did not conform to the regulations. The neighborhood must be an integral part of the development and review process and concerns must be factored into the scope and configuration of the final plan.
2. Housing: The project is in a Housing Priority Overlay Area. However the density of the housing is too low and there are not enough housing units for the amount of land that the housing occupies. Only 140 expensive housing will be provided for approximately half the area of the entire project while affordable housing is what the neighborhood really needs.
3. Affordable Housing: A \$900,000 contribution to an affordable housing pot of money does not sufficiently compensate for the housing needs of the North End which need actual housing units to be built.
4. Hotel and Supermarket: Both the hotel and supermarket are not uses intended in Municipal Harbor Plan. Twenty-four hour hotel activity would be disruptive and not in line with community activity.
5. Open Space and Public Access: The U-shaped structure that fronts Commercial Street turns its back on the North End community. Standing seven stories high, the building obstructs public view to the waterfront and public access to the

waterfront is restrictive. One must go through hotel and parking before accessing the waterfront.

6. Building Height and Massing: A 16-foot high pitched roof means that the building height is above the 55-foot height limit. Dormers are added to the roof of each building which protrudes to nearly two-thirds of the building width at ground level. The massing makes buildings “appear enormous” from almost every visual angle. The building along Commercial Street is actually 7-stories and not the stated 6-stories. The supermarket is two-stories in height. The buildings along the pier create long continuous walls against water and do not follow the urban design guidelines in Article 42A-8.2f of the Boston Zoning Code. Air quality may worsen as a result of the height and design of the Commercial Street building.
7. Shadow: The height and configuration of buildings limit sunlight in open space areas and access corridors. The shadow impact would be 20% less if buildings adhered to height restriction.
8. Transportation/Traffic Impacts and Parking: The project will worsen traffic with a net increase in demand-to-supply ratio for parking spaces. More in-depth traffic studies need to be provided and public safety issues need to be addressed to adequately assess the effects of the project. Commercial Street in its current condition cannot support the proposed project. A supplemental DEIR should address these issues. Vehicle trips and parking needs are much greater than stated in DEIR. Commercial Street serves many purposes (e.g. local and pass-through traffic to avoid Central Artery construction). In sum, parking need, the Level of Service (LOS) and associated air quality need to be reevaluated to address neighborhood issues raised.
9. Construction Impacts: The report lacks description of the anticipated construction impacts or the cumulative construction impacts from Central Artery project and other major construction in the area. The hours of construction are misleading and need to be clarified. There is no mention of how traffic will be addressed when construction vehicles will obstruct the traffic on Commercial Street. There is no

estimate of the total number of parking spaces lost during construction and nor what compensation will be provided for the temporary loss.

Project Changes

Project changes were confirmed in a letter from Raymond to BRA Director Tom O'Brien on April 21, 1998 and incorporated in the cooperation agreement signed in May 1999.

The mitigation and benefits plan is briefly outlined below¹²⁸.

1. Building Height: Flat-roofed buildings at a total height of 55 feet would be incorporated and in accordance with the allowable zoning.
2. Pedestrian/Visual Access: The Commercial Street building would be split to create visual and physical access to water's edge as well as draw the public to water. Public accommodation facilities would be provided.
3. Traffic/Access: Private vehicle access would be shifted away from Battery Street and be located closer to the building abutting the Coast Guard station.
4. Supermarket/Retail: No supermarket or "chain" store use will occur on the site. The developer will communicate with local retailers and retailers interested in the site. Health fitness and a spa facility would be pursued.
5. Affordable Housing: A 1.5 million dollar contribution to create affordable dwelling units off-site would be provided.
6. Hotel: Taxi stands will be located inside property. No large meeting or function room will occur in the hotel. Community meeting room should be made available for community activities. First floor design should be inviting to the public and public amenities should be available. No car rental agencies will be on site. Hotel rooms will be limited under Chapter 91. No live entertainment or dance floor will be built in the restaurant or lounge.
7. Parking and other neighborhood concerns: Compensatory parking will be provided for all spaces lost. Sufficient on-site parking will be available to accommodate the project's parking demand. Implementation of a parking

¹²⁸ NEWRA letter to James English of Raymond Properties on May 18, 1998.

management plan for the garage will be made to maximize the availability of spaces to North End residents at a reasonable cost. Adequate trees and landscaping will occur in the general area outside the development site.

It is worth noting that after project ownership was transferred from Raymond to Harold Theran of Development Management Corporation in 2000, changes were made to the project¹²⁹. However, because of complicated circumstances behind the changes, the changes are not discussed in this chapter¹³⁰.

Evaluating Project Outcome

As illustrated in Table 5, the project changes that occurred compared to BWVG's demands indicates that significant changes occurred in use and design. BWVG's most notable success was the elimination of the supermarket. The supermarket was the core issue that motivated people from the North End to form BWVG. Immense pressure to eliminate the supermarket was exerted from both inside and outside the neighborhood, from elected officials to the BRA, that Raymond had little choice but to replace the use with another use.

Other than eliminating the supermarket, Raymond addressed BWVG's concerns about hotel and traffic impacts through design changes. Raymond agreed to limit activities such as no live entertainment or car rental agencies on hotel grounds to minimize adverse effects. Eventually after many efforts to replace the hotel with other uses, BWVG conceded that other uses were economically infeasible. A review of Table 5 indicates that Raymond also made a concerted effort to fulfill the parking needs expressed by BWVG and mitigate the traffic pattern onto the site. This may have contributed to Burrough's Wharf support of the project which occurred shortly after the supermarket was removed.

¹²⁹ According to a letter dated September 18, 2001 from Theran's legal representative to DEP waterways regulation program, the modifications included replacing 271 square feet of interior public space with landscaping and eliminating a second floor viewing area that was deemed non-functional. Although not mentioned in the letter, Theran's changes include an additional 7-foot parapet designed above the 55 feet height limit which would cause the building to stand at least 62 feet out towards the water's edge.

¹³⁰ While BWVG was aware of the changes and attempted to challenge the modifications, the group found it difficult to mobilize when there was no financing for the hotel and the project had already received final approval from the city and state.

	Demands	Changes
Use	<ul style="list-style-type: none"> • No supermarket. • No hotel 	<ul style="list-style-type: none"> • No supermarket or “chain” store will occur. • Contact local retailers and other retailers interested in site. • Health fitness and spa facility would be pursued.
Dimensions	<ul style="list-style-type: none"> • Build according to 55 feet height limit. • Increase the density of housing with more affordable housing. 	<ul style="list-style-type: none"> • Height reduced to 55 feet. • The number of hotel rooms will be limited.
Design	<ul style="list-style-type: none"> • Roof should be redesigned to conform to zoning. • Massing of building should not make buildings look enormous. • Commercial St. building should not obstruct public view of waterfront. • Create non-restrictive public access to waterfront. • Project should follow urban design guidelines in Boston Zoning Code. 	<ul style="list-style-type: none"> • A flat roof design will replace the pitched roof design to conform to zoning. • Commercial Street building will be split to create visual and physical access to water. • First floor design will be inviting to public and provide public amenities. <p>To minimize hotel activity:</p> <ul style="list-style-type: none"> -Taxi stands will be located inside property. -No large meeting or function room in hotel. -Community meeting room will be made available for community activities. -No car rental agencies will be on site. -No live entertainment or dance floor to be built in restaurant or lounge.
Affordable Housing	<ul style="list-style-type: none"> • Build affordable housing in the North End instead of a contribution. 	<ul style="list-style-type: none"> • 1.5 million dollar contribution for affordable housing.
Mitigation	<ul style="list-style-type: none"> • A revised plan for the site to be submitted in Supplemental DEIR. • Sunlight in open space areas and access corridors to be maximized. • More in-depth traffic studies and public safety information must be provided. • A re-evaluation of parking need, LOS, and associated air quality is needed to address neighborhood concerns. • More info on the construction impacts from the project and cumulative effects from the Central Artery Proj. 	<ul style="list-style-type: none"> • Adequate trees and landscaping to occur in general area outside development site. • Private vehicle access shifted away from Battery Street to near Coast Guard station. • Compensatory parking will be provided for all spaces lost. • On-site parking will be available to accommodate project’s parking demand. • Parking management plan to be implemented and maximize availability of spaces to North End.

• Neighborhood demands are drawn from a 14-page comment letter submitted by BWWG in response to the DPIR and DEIR in February 1998. Project changes are based on project details in the PNF, the BRA Board Memorandum of May 21, 1998 and the Cooperation Agreement of March 30, 2000.

Table 5. An overview of BWWG demands and project changes for Battery Wharf. Additional neighborhood demands that may have been made in other forums such as at public meetings are not included in this table. Project changes occurred after final approval of Battery Wharf and transfer of ownership. However, in order to maintain consistency between the three case studies, they are not included above.

The affordable housing arrangement was perhaps the least successful outcome of the project. Initial efforts were made to build affordable off-site¹³¹ units in the North End but they did not materialize. When Councilor Scapicchio offered to work with Raymond on the affordable housing plan, BWWG put their trust in the Councilor's ability to come up with a suitable plan. However, Scapicchio's role in negotiating the affordable housing agreement was ambiguous and was not formally relayed to BWWG. Therefore, members of BWWG and the North End neighborhood are unclear about the final arrangements, though they understand that the affordable housing will not be built in the North End which did not meet their demands¹³². The affordable housing situation continues to be a point of tension with BWWG.

The manner in which the changes occurred exemplifies how the level of neighborhood unity and institutional support contributed to realizing them. The elimination of the supermarket appeared to be the turning point in the process. From the outset, the supermarket was the central issue that drew together people in the neighborhood, outside organizations, elected officials, and the media. The BRA needed to address this force of opposition and BRA director Tom O'Brien assumed the role. Public reactions to and BWWG organizing around Battery Wharf shaped O'Brien's understanding that much of the opposition hinged on the supermarket and that the project could move forward if the use were replaced. Personal communication with English indicates that Raymond felt pressure from many sides, including the BRA, to remove the supermarket.

Neighborhood unity and institutional support from O'Brien diminished significantly when Iannella's position shift from complete opposition to support and Travaglini's support for the project occurred. BWWG intertwined other issues such as affordable housing with the supermarket, more substantial changes could have occurred. Even so, the creation and institution of a neighborhood process to review the project was an

¹³¹ One iteration of the Battery Wharf affordable housing plan was to build affordable units on a nearby site occupied by the Knights of Columbus and construct community space dedicated to the Knights. However, the Knights rejected the proposal.

¹³² BWWG members also saw a discrepancy in the city's treatment of affordable housing. Whereas 226 Causeway, another large-scale project impacting the North End, was required to incorporate affordable housing on-site, Battery Wharf which would have far greater impacts on the neighborhood was approved for off-site affordable housing despite resident opposition.

effective organizing tool for BWWG to build a voice and compel the BRA and developer to respond to, and on some level, support their demands.

Conclusion

BWWG's diverse knowledge base, process-oriented approach, participation in the process, and ability to build a wide support network from politicians to outside organizations led to the formation of one well organized and united voice against the Battery Wharf project. While BWWG secured key changes in the use and design of the project and were able to minimize construction, traffic and hotel impacts, more changes may have been secured had they maintained their unity and political support throughout the process. In this respect, the level of institutional support gained can be adversely affected when neighborhood unity diminishes. In addition, as was the case with affordable housing, the level of influence that an elected official exerts and his/her responsiveness to an issue can be limited. A neighborhood needs to consider the reliability of one's political support. The case of BWWG suggests that a neighborhood group may be more effective in securing changes if they are present throughout the negotiation process rather than relying on their supporters and advocates to be able to adequately represent and address the neighborhood's demands.

Chapter 6: A Comparative Analysis of Neighborhood Influence in Effecting Project Changes

Purpose

The purpose of this chapter is to compare project changes and the means in which neighborhoods¹³³ influenced the changes. The analysis begins with an evaluation of project changes and points out noteworthy changes in the neighborhoods. The project comparisons are then used to identify ways that the neighborhoods were able to build unity and support around their demands. Lastly, lessons are extracted from the analysis to inform neighborhoods of considerations that can increase their effectiveness in the development process.

A Comparison of Project Changes

The project changes for each large development proposal varied in response to demands made by neighborhood groups. FLP's demands and changes to Liberty Place centered on reducing dimensions and increasing affordable housing. ODNA's demands and changes to Dover Residences focused on design and mitigation measures to address abutters concerns. BWWG's demands and Battery Wharf changes largely involved project use and facilities of public accommodation. Table 6 summarizes the changes used to evaluate the outcomes of the case studies.

Beginning with project use, Battery Wharf demanded and secured the most notable use changes relative to Dover Residences and Liberty Place. For BWWG, elimination of the supermarket took highest priority and was realized. However, changing the hotel to a different use was a priority that did not occur. ODNA was the only other neighborhood group that sought use modifications when it requested a strong preference for condominiums over apartment rentals. However, relative to ODNA's other demands, the question of ownership versus rental took low priority. Considering the lack of use demands in Dover Residences and Liberty Place, and given that significant use changes in Battery Wharf occurred with mixed results, it may be argued that BWWG was in fact

¹³³ This thesis focuses on neighborhood groups that opposed or demanded significant changes to a project. The groups therefore do not necessarily represent the neighborhood. Neighborhood groups that supported the projects have been mentioned though not discussed in depth.

less successful in affecting project uses to conform to their demands than neighborhood groups that made minimal to no demands on use.

With respect to dimensional changes, Dover Residences experienced minimal changes while Liberty Place and Battery Wharf underwent more significant changes. Height was decreased in two cases. A reduction of 21.4% and 15 feet occurred for Battery Wharf and complied with zoning. Liberty Place experienced the greatest height reduction at 39 feet but was still approved over 2.5 times the zoning. This highlights a disparity in the size of projects proposed relative to zoning in the downtown. Liberty Place was introduced to the neighborhood with a height that exceeded 3 times the zoning while Dover Residences and Battery Wharf were introduced at less than 50% beyond the allowable zoning¹³⁴. In addition while general massing of Battery Wharf and Liberty Place was reduced in response to neighborhood concerns, a proportionately higher reduction of 20% occurred with Battery Wharf compared to Liberty Place at approximately 5%. Housing units increased in Liberty Place while they decreased by 48% in Battery Wharf, which was a significant loss for the North End. Interestingly, the North End and Chinatown both experience traffic congestion throughout the day but they had opposing approaches to the parking situation. While a decrease in parking was demanded but not fulfilled for Liberty Place, more parking was demanded and occurred for BWVG.

Design changes were employed to address neighborhood concerns on traffic and to create a more pedestrian-friendly presence in all three cases. In particular, motor vehicle access to the sites was modified to minimize traffic impacts cited by all the neighborhoods. In addition, the developers used design elements to enhance the projects' street presence and create the feel of a smaller project. Deeper setbacks were incorporated in Liberty Place and a major building was split into two smaller buildings to produce a public view corridor for Battery Wharf. In the case of Dover Residences, not only was general project massing influenced by the neighborhood but also fine details of the project such as the shape of light wells to the angle and materials of a wall. The range of changes from motor vehicles access the site to the selection of building materials suggests that design changes

¹³⁴ This thesis however cannot conclusively say that this disparity is indicative of the general pattern of development in the three neighborhoods. Further comparisons of additional developments in each neighborhood would be necessary to determine such a pattern.

can vary widely and is a function of who speaks for the impacted neighborhood(s). In the case of Dover Residences, the abutters wielded more influence in the project than any other neighborhood group in the South End. Subsequently many of the design changes responded to abutters' concerns.

Affordable housing changes occurred in Liberty Place and Battery Wharf but were not an issue with Dover Residences¹³⁵. While the affordable housing allocation increased in Liberty Place and Battery Wharf, the neighborhoods did not believe the compensation adequately offset project impacts. For Liberty Place, 66 out of 439 units accounts for 15% of the total project. However, the number of affordable units decreased from 70 units in the DPIR to 66 units at final approval due to the change in massing. In this regard, the 15% did not meet FLP's demand for an increase in affordable housing proportional to the zoning relief sought.

For Battery Wharf, a contribution of 1.5 million dollars towards the construction of off-site affordable housing was negotiated with the city despite BWWG's efforts to secure on-site affordable housing. Both Chinatown and the North End have few developable parcels of land and without a clear commitment from the city or developer that off-site affordable housing would be built in the neighborhood, the affordable housing contributions would likely go to another part of the city. For this reason, Battery Wharf was seen as a valuable opportunity to build much needed affordable housing in the neighborhood and the final agreement by the city and Raymond to provide off-site compensation was a major point of contention for BWWG.

In the area of off-site mitigation, the North End was provided with minimal mitigation while the South End received project-related improvements and Chinatown's mitigation package was awarded through a lawsuit that abutters filed against the city and its zoning process. BWWG's focus on shaping the actual project rather than seeking off-site compensation is evident in that temporary parking during construction was the main mitigation measure for the North End.

The terms of mitigation in Chinatown were unique in that they resulted from a lawsuit filed against the city after the "process" was completed and all approvals had been

¹³⁵ Dover Residences was proposed with the requisite 10% affordable housing on-site.

secured. The settlement exceeded neighborhood demands by providing additional housing targeting Chinatown residents and giving residents status equal to the neighborhood council which the residents had been demanding for years. In addition, institutional support was secured through the city's commitment to work with residents to determine the implementation of a development plan based on the Chinatown master plans. While these mitigation terms were the most significant victories for FLP and residents, they fell outside the physical boundaries of Liberty Place. With the exception of abutter relocation assistance, the mitigation did not address physical elements or negative impacts directly connected with the project itself. In this respect, the lawsuit and mitigation appear to be concessions offered by the city and developers' to ensure that Liberty Place is built.

In contrast, the terms of mitigation for Dover Residences directly addressed abutters' demands. Four out of the six terms benefit the abutting residents while the remaining two measures were enhancements to the general neighborhood with improvements on Fay Street and for a public park across the street from the project. The Fay Street improvements were city demands and some residents felt that the improvements created competition between the neighborhood and the city in determining appropriate mitigation for the project. Still off-site improvements were parceled out to both parties during the "process" and exceeded the terms of mitigation provided to Chinatown and the North End. For example, the terms of mitigation for Dover Residences included ODNA's approval on the final window and roof materials for the project. Meanwhile, Chinatown and the North End struggle to get basic needs such as decent affordable housing, and adequate air quality in the neighborhood.

An examination of changes that lessened negative impacts from the proposed projects and addressed demands of the neighborhood groups reveal that ODNA in the South End was most successful. Only one major demand, a pedestrian bridge, could not be incorporated into the project. The bridge was proposed more to enhance pedestrian access to the site rather than to alleviate the negative effects produced by the project. Design elements such as roof design and light wells required ODNA consultation.

Chinatown and the North End were less successful in influencing the projects according to their demands. In the case of Liberty, there was a wide gap between the changes made relative to FLP demands. In particular, FLP grounded their demands on compliance to zoning and maximum affordable housing to address the neighborhood's housing needs. While the city and developer made changes that included a 5% reduction in height and massing, design modifications, and a 15% affordable housing allocation, the project was still approved beyond the legal zoning and at less than the affordable housing demanded. The approved project adds 373 units of new market-rate housing in conjunction with 66 affordable units in Chinatown. Of the 66 affordable units Chinatown residents will be able to qualify for only 30 of the units¹³⁶. The remaining affordable units require tenants that make 80%-120% of the area median income which is largely unaffordable for Chinatown residents. The affordable housing picture illustrates the impacts that the Chinatown neighborhood needs to absorb to gain 30 units of housing and still there is a question of how many units will actually go to the neighborhood. With respect to mitigation, the terms spoke to the larger issue of large-scale development in the neighborhood and not just Liberty Place. In this sense the mitigation appears to be more a way for the city and developer to ensure that Liberty Place gets built in the short-term and address FLP's demands over time.

BWWG also struggled to get changes made and grounded their demands on Chapter 91 and zoning requirements. BWWG's main challenge was to effectuate an appropriate public use and design that was accessible to the public and provided new affordable housing in the neighborhood. While a hotel is an acceptable use of public accommodation and an improvement over the supermarket, BWWG felt it was not an optimal public use for the site. However, as a result of eliminating the supermarket, greater importance was placed on the hotel as the primary form of public accommodation for the site. Consequently, a significant number of housing units decreased to make way for the hotel. In addition, each housing unit covers a fairly large area such that the total units planned for the project were less than the average market-rate housing that could be built on-site.

¹³⁶ The 30 units are composed of 10 government-subsidized units for tenants that make 50% or less of the Area Median Income (AMI) and 20 units for elderly who make 60% of the AMI.

Project Changes in Liberty Place, Dover Residences, and Battery Wharf

	Liberty Place	Dover Residences	Battery Wharf
Use	<ul style="list-style-type: none"> No changes demanded. 	<ul style="list-style-type: none"> Condos requested. Changed to condos with some rental units. 	<ul style="list-style-type: none"> No supermarket or chain store demanded and secured. No hotel demanded. Changed hotel conditions to minimize activity on-site.
Dimensions	<ul style="list-style-type: none"> Demanded max height of 100 ft. Height reduced (310 to 271 ft). Demanded units be reduced according to capacity of zoning envelope Units increased (430 to 439). Demanded that massing comply with zoning. Massing reduced (650,341 to 617,824 SF) but not according to zoning. Demanded fewer parking spaces. Parking spaces increased (468 to 471 spaces). 	<ul style="list-style-type: none"> No changes demanded. Units decreased (140 to 133). 	<ul style="list-style-type: none"> Demanded and secured height reduction (70 to 55 ft). Demanded unit increase. Units decreased (232 to 120) Demanded and secured decreased massing (465,000 to 370,000 SF). No demand on retail space. Retail space decreased (148,300 to 42,500 SF) Demanded and secured increased parking spaces (345 to 376)
Design	<ul style="list-style-type: none"> No demands on design. Garage entrance redesigned to minimize traffic. No demand on setbacks. Setbacks increased on Washington and Beach Streets. 	<p>The following changes were demanded and secured.</p> <ul style="list-style-type: none"> Redesigned garage entrances. Improved light well design. Redesigned rear side of building. Maximize natural light for abutters. Courtyard wall improvements. Developer-maintained landscape and driveway. Final consultation with ODNA and Laconia for light wells and roof design. Incorporate second light well facing Laconia. 	<ul style="list-style-type: none"> Demanded and secured private vehicle access near US Coast Guard instead of Battery Street. Demanded design to encourage public use of site. Building on Commercial Street split to better accommodate public.
Affordable Housing	<ul style="list-style-type: none"> Demanded affordable housing proportionate to zoning relief sought. Housing units increased (20 to 66) to 15%. 	<ul style="list-style-type: none"> No changes demanded. 	<ul style="list-style-type: none"> Demanded on-site affordable housing. Instead a \$1.5 million contribution for off-site affordable housing occurred.
Mitigation	<p>Following changes were mutually agreed between FLP, the city, and developer.</p> <ul style="list-style-type: none"> City and developer contributions for permanently affordable units. City will acquire or build housing in two years. CPA approval of new housing project. Developer will help abutter relocate. Implement. of master plan with CPA and CRA. CRA authority equivalent to CNC. 	<ul style="list-style-type: none"> City demanded and secured improvements to Fay Street. <p>The following changes were demanded and secured.</p> <ul style="list-style-type: none"> Contributions to Peters Park. Improvements to Laconia Artists' Gallery. Underwrite central air conditioning for abutting residents. New skylight for City Lights. Parking Spaces available to Laconia Lofts and City Lights residents through a lottery. 	<ul style="list-style-type: none"> Demanded and secured compensatory parking during construction.

Demands were derived from comment letters submitted to the BRA during the Article 80 process and may not include additional demands made in other arenas such as at public meetings and newspaper articles. Changes were based on project details stated in the Notice of Project Change (NPC), minutes of BRA board approval for Liberty Place, and the variances for Liberty Place. For Dover Residences, changes were based on modifications that occurred prior to submission of the Project Notification Form (PNF) and the Cooperation Agreement. Battery Wharf changes were based on details listed in the PNF, a BRA Board Memorandum detailing the project and the Cooperation Agreement for the project.

Source: Boston Redevelopment Authority

Table 6. Final project changes for Liberty Place, Dover Residences, and Battery Wharf.

Effective Means of Building Neighborhood Unity

Neighborhood unity appears to be a core component of effectuating project changes. There appears to be a positive association between neighborhood unity and the extent to which each neighborhood influenced project changes. The South End was most successful in securing project changes and maintained a united front throughout the process and after final project approval. Meanwhile BWWG's opposition to Battery Wharf began strong but lost force when the supermarket was eliminated and Iannella and Travaglini publicly supported the project. Neither ODNA nor BWWG faced strong opposing interests. In contrast, the Chinatown neighborhood was clearly divided from the outset. Those who opposed and supported Liberty Place carried out parallel campaigns which reinforced the differences in the neighborhood and prevented the city and developer from formulating a resolution to the project. Clearly there are a number of issues that can be extracted from the case studies and account for neighborhood unity. However, for the purposes of this thesis, three elements of building unity are discussed in depth to point out what enabled neighborhoods to successfully work together.

BWWG's creation and institution of its own review process in assessing Battery Wharf is a mechanism that helped build and strengthen neighborhood unity. The group ensured that the process was open and that its members followed its own process. In addition, BWWG held the city and developer accountable to the process. This put the city, developer, and neighborhood on equal grounding which was a key element that the city's public review process lacked. The simple structure of BWWG's process allowed people to participate in one or more subcommittees and take on assignments which were determined collectively in the subcommittees. More importantly, the information collected was organized through the chairpersons of each subcommittee and circulated through various ways from phone conversations to faxes and emails. This caused everyone to be on the same page. BWWG's clear structure and open process caused people to feel invested because each person became one part of a whole team which was essential to realizing their goal. In essence BWWG was about organizing members of the neighborhood to research and develop a common agenda and set of demands which can be a key component in building and maintaining unity.

A neighborhood group's ability to separate individual benefits from the project's impact on the neighborhood is another way to facilitate neighborhood unity. For example the North End and South End did not compromise the goals of the neighborhood by accepting select benefits that advanced one particular interest. In the case of ODNA, the developer could have tried to divide residents in the two abutting buildings by providing more benefits to one building over another. Though, this was not the case because ODNA recognized from the outset that unity would lead to a better outcome than competing against each other. In contrast, Hong Lok House which abutted Liberty Place was offered substantial benefits that directly addressed Chinatown's elderly needs. In accepting the offer, the group not only put its interests above the general interests of the neighborhood but also enabled the developer to secure a committed source of neighborhood support. This added to the controversy around Liberty Place and further divided the neighborhood. The different actions taken by ODNA and Hong Lok House illustrate how unity can be a function of the extent to which individual groups accept "the neighborhood" rather than the occurrence of different interest groups serving as the main negotiating party for a project.

Neighborhood unity is also a function of leadership. Leadership involves the ability to bridge different interests into a common agenda and advance neighborhood concerns by communicating effectively with different audiences such as the neighborhood, developers and city representatives. The core issue with Liberty Place was its inability to bridge interests. Although there was strong leadership by those who supported and opposed Liberty Place, they carried out parallel campaigns that conflicted with each other. In this regard even though both groups had a shared goal to do what is best for the neighborhood, no one was able to bridge the issues into a common set of demands. Meanwhile both ODNA and BWWG maintained strong leadership through open discussions and determining demands collectively.

That BWWG reached out to a range of North Enders from long-time working class residents to upper-income waterfront residents is telling of the collective leadership of the group. Within BWWG, the leadership consisted of subcommittee chairpersons who were responsible for determining a collective agenda and drafting comment letters as well as informing the group and neighborhood of new findings and testifying at hearings. Several

subcommittee chairpersons often took the initiative in drafting letters and testifying at public meetings which not only established their leadership in the group but also with the city and developer. To encourage openness and differences, BWVG outreached and welcomed any neighborhood member to its meetings and was willing to discuss issues with those who had opposing views. However, no other interests or groups conflicted with BWVG's goals.

In the case of Dover Residences, Lathrop of the BRA determined who represented the neighborhood by selecting ODNA to be the primary group with whom the developer would work on the project. No neighborhood group challenged this arrangement which strengthened ODNA's role in Dover Residences. Within ODNA, the president and vice-president appeared to lead the group by monitoring the process and maintaining constant communication between the city, developer, and abutters. This enabled abutting residents to feel they were sufficiently updated on the situation and could stand firm on what was acceptable and not acceptable about the project.

Effective Means of Gaining Institutional Support

There also appears to be a positive association between institutional support and the extent to which a neighborhood influenced project changes. With respect to the South End, Lathrop who is the planner for the South End set the conditions for development approval whereby ODNA support was a condition of BRA approval. This essentially meant that the development hinged on ODNA and the group could exercise significant influence in shaping the project. ODNA's situation was unique in that Lathrop was both an active neighborhood resident and in a position at the BRA that allowed the ODNA to focus its efforts on the project itself. During the process, ODNA did not feel their unity challenged nor feel threatened by potential loss of institutional support.

Meanwhile BWVG acquired the support of then BRA director O'Brien who personally followed the process. O'Brien's role in the process was likely affected by BWVG's overt opposition to the project, negative media attention, and the political backing of North End's elected officials. The elected officials exerted pressure on the BRA and developer by personally inquiring about the progress of the project. This sent the message that the elected officials were invested in supporting BWVG's concerns. City Councilor

Scapicchio offered to work out an appropriate affordable housing arrangement with the developer to ensure that sufficient affordable housing occurred. Furthermore, the elected officials attracted media attention more easily than if the neighborhood were going at the project alone. In this regard enlisting political support is an efficient way to gain the city's attention and can be an effective way to facilitate support from the city.

Both FLP and BWWG utilized a number of tactics that got the attention of the city. The tactics included building a wide coalition of support from within and outside the neighborhood, organizing a letter-writing campaign during the public comment periods, testifying at public hearings, increasing public awareness and education about the project, and engaging the media. FLP's public demonstrations against Liberty Place and BWWG's constant correspondence with newspaper reporters got the attention of both the BRA and mayor.

However, Liberty Place highlights that getting the attention of the BRA does not necessarily lead to institutional support. FLP had little if any institutional support even though they received much attention. The BRA played the role of mediator and assumed the task of establishing a common ground between the developer and the conflicting interest groups in the neighborhood. While the BRA empathized with the issues that FLP raised, it did not directly support their demands and project changes were minimal relative to the demands of FLP. The neighborhood divisions over Liberty Place actually enabled the BRA to justify project approval by pointing to some level of neighborhood support and the greater effect of diminishing adult entertainment for the neighborhood and the general public. It was not until the lawsuit against the city that the BRA and the mayor's office began to address FLP's concerns with affordable housing, the role of residents' voice in development, and implementation of the Chinatown Master Plan. Even then, the city was essentially forced to support FLP as a means of ensuring that Liberty Place be built. In this regard, a lawsuit¹³⁷ can be a powerful way to gain institutional support if other measures fail.

¹³⁷ A lawsuit presumes that there are legal grounds to sue and the neighborhood is aware of the costs and risks involved.

Lessons Learned

The outcomes of the three cases reveal that there is no one solution or set of ways to ensure neighborhood influence in effectuating project changes in Boston. Instead, it is more helpful to consider neighborhood influence as a function of unity in and institutional support for a neighborhood. The experience of Liberty Place illustrates how neighborhood divisions can prevent the city and developer from determining a project that adequately addresses the collective interests of the neighborhood. In the end, the city put aside the interests of the neighborhood in favor of diminishing adult entertainment use in the area which the BRA felt would benefit the greater good of the city. Dover Residences exemplifies the extent to which a neighborhood can shape a development when both strong unity and institutional support exist.

Liberty Place and Dover Residences also highlight the influence that abutters have in the eyes of the city and U.S. court system. In Liberty Place, it is interesting that abutters with opposing views of the project were able to secure substantial mitigation from the developer. This confirms that abutters are provided higher consideration and more input power in shaping a project than other members of the public. In light of this, the inclusion of abutters in determining a set of demands could significantly help neighborhoods wield influence in a project.

In addition, it appears that neighborhoods will be more successful at getting their demands met if they involve design changes and mitigation than if they organized around dimensional changes and affordable housing. The degree of neighborhood resources invested in decreasing height and modifying affordable housing was much greater than the time and energy invested in ensuring design changes and mitigation. ODNA focused most of its demands on design and mitigation of which the large majority were realized. With Liberty Place, design changes were initiated by the developer to address FLP's concerns with the scale and height of the project. Meanwhile BWWG found that negotiating the elimination of the supermarket and sufficient affordable housing significantly more difficult than moving the vehicle access point and splitting the Commercial Street building.

From these observations, it may be gleaned that neighborhoods can be more successful in getting their demands met if they could translate negative dimensional impacts into terms of mitigation or design changes. However, this tactic should be executed carefully. The long-term impact of repeatedly allowing projects to violate dimensional requirements and/or any other regulations could be misinterpreted by developers as a nod that any project can be proposed in the neighborhood as long as sufficient mitigation and other modifications are offered.

Mitigation can also be a mechanism used by the developer and/or city to divide interests as was the case of Liberty Place. In this respect neighborhood groups would be better off in the long run if they avoid accepting immediate benefits or mitigation and gain collective agreement within the neighborhood body when negotiating a project. This approach would also cause the city and developer to treat the neighborhood as a united one which in turn influences the project changes that occur.

Chapter 7: Conclusion and Recommendations

Purpose

The purpose of this chapter is to answer the questions posed in Chapter One and highlight the lessons learned from the case studies. Then drawing from the analysis in Chapter 6 and the experiences of Chinatown, the South End, and the North End, recommendations are made to inform Boston neighborhoods of ways in which they can effectuate project changes in large-scale developments.

Summary

In determining how neighborhoods have influenced project changes, a comparison of project changes in use, dimensions, design, affordable housing, and off-site mitigation in Liberty Place, Dover Residences, and Battery Wharf reveal that a number of project changes can occur in the course of a large project public review process. Although the results from the three case studies may not be conclusive, it may be surmised that changes in design and off-site mitigation can be more easily secured than changes in dimensions, use, and affordable housing. Fewer changes were secured in the Liberty Place and Battery Wharf projects where dimensional, use, and affordable housing demands took priority than in Dover Residences where the neighborhood focused on design and mitigation.

The participation of FLP, ODNA, and BWWG in the public review process confirms that neighborhood groups can use a variety of tactics to realize changes to large projects in downtown Boston. In deeply divided neighborhoods such as Chinatown, a combination of a public campaign against the project and a lawsuit against the city effectively forced the city to respond to specific concerns before the project could be constructed. In a united neighborhood like the South End in the Dover Residences project, institutional support from the BRA was established from years past and put the neighborhood in a position to secure a wide range of project changes. In the North End's Battery Wharf, the neighborhood's main tactics of challenging the development process, building a broad force of opposition, and maximizing political influence led to key project changes even though many of the neighborhood's demands were not met.

Indeed the tactics used in the case studies led to varying levels of success and reiterate that there is no one solution or set of ways to ensure neighborhood influence in effectuating large project changes. However, it is possible to identify tactics that are more likely to be successful according to an intended goal. In particular, tactics that aimed to both strengthen neighborhood unity and secure institutional support for the neighborhood were more effective in influencing project changes than tactics that focus on neighborhood unity alone or seek only to gain institutional support. For example, BWWG's creation and institution of its own review process was a unifying tactic that involved elected officials in building a public awareness campaign which led to BRA support. FLP, however, attempted to gain BRA support but could not bridge neighborhood divisions and, in the end, only minimal on-site project changes occurred.

In addition to utilizing tactics that unite and garner institutional support, incorporating project abutters into a neighborhood strategy can be an effective tactic in itself or complement other tactics by increasing the neighborhood's influence. For instance, abutters played a crucial role in setting the final terms of the Liberty Place project after a host of other tactics were used. Meanwhile, project abutters in the South End essentially represented the neighborhood and proved to be the most successful case study in this thesis. The abutters of Battery Wharf, Burroughs Wharf, played a notable role in influencing design changes to improve site access and alleviate traffic, and eliminate the supermarket.

In sum, the Liberty Place, Dover Residences, and Battery Wharf cases bring out tactical considerations that neighborhoods should bear in mind when proceeding with a strategy against a development. The high level of unity in and institutional support extended to ODNA in Dover Residences highlight that the thrust of a neighborhood's effort to effectuate large project changes must be channeled through its advisory power to convince and persuade the BRA and developer. The Battery Wharf case exemplifies the sensitivity with which neighborhood unity can affect institutional support. BRA director O'Brien actively worked to advance BWWG's demands at the beginning. However, when BWWG allies Iannella and Travaglini became supporters of the Battery Wharf project, BRA support for BWWG diminished significantly. Liberty Place, in contrast, illustrates how a divided neighborhood can prevent the city and developer from

addressing the collective interests of the neighborhood. That is, although FLP's tactics eventually led to gaining some level of institutional support in implementing systemic changes to increase resident influence in future Chinatown developments, the group experienced limited success in effectuating changes to the project itself.

The Process

The experiences of Chinatown, the South End, and the North End not only bring out the inconsistencies with which the BRA administers the "process", but also emphasize the influence that the BRA can exert in affecting project approval. In particular, the outcome and level of institutional support extended to Dover Residences compared to the other two cases indicate that different projects get different treatment by the city. Whereas negotiation of project changes occurred during the public review process in Liberty Place and Battery Wharf, ODNA secured core project changes prior to the process. While this observation does not suggest that the BRA intends to treat developers and neighborhood groups differently, only that it in fact occurs.

Given that not all neighborhoods enter the development process with either equal level of institutional support or equal resources, then subjecting all neighborhoods to a uniform public process such as Article 80 allows certain neighborhoods to have greater influence in affecting a project than others. For ODNA, Article 80 was a formal forum in which the group could fine-tune project changes to address their concerns. In great contrast, the process was primarily used to convince and persuade the BRA and developers to address FLP and BWWG concerns. In addition, divisions in the Chinatown neighborhood surfaced and intensified during the Liberty Place process. In this regard, it is unfair to expect every neighborhood to undergo one standard public process without factoring unique neighborhood conditions.

Furthermore, while the BRA attempted to mediate conflicts between the neighborhood and developer across the three neighborhoods, the mediation approach differed. While Lathrop pushed for immediate resolutions agreeable to both the developer and neighborhood when conflicts arose, BRA director O'Brien focused his efforts on encouraging the developer to make specific changes to ensure project approval. In the case with Liberty Place, the BRA created working sessions with the goal to educate the

neighborhood about the constraints of large-scale development in Chinatown and as a mechanism to resolve neighborhood differences. In all three cases, BRA intervention led to dissatisfied developers and neighborhoods alike. While the neighborhoods were frustrated by the BRA's inability to adequately address neighborhood concerns, the developers regarded the BRA as a neighborhood advocate that is unwilling to assert its pro-development tendencies.

Although the BRA instituted IAGs as one measure to provide equal access to sufficient mitigation and benefits to all neighborhoods, it does not go far enough in alleviating the mutual dissatisfaction of developers and neighborhoods or in equalizing the treatment of neighborhoods on development issues. Instead, the incorporation of IAGs in the "process" has led to mixed results. Of the three cases examined, only Dover Residences involved an IAG. Personal communication with the developer and members of ODNA reveals that the IAG played a minimal role in the process and approved the agreement with little discussion. The core negotiation and terms of mitigation were resolved by the developer and ODNA.

The case studies indicate that neighborhoods are generally concerned with minimizing the adverse impacts that a project can generate. However, it has been established that not all neighborhoods have equal resources or capacity to fully participate in the process. While it would be optimal if the BRA could institute the following suggestions to diminish the disparate treatment of projects and neighborhood groups, I recognize that it is highly unlikely. Therefore recommendations to strengthen neighborhood influence in a large project development process also have been formulated for Boston neighborhoods as they continue to tackle large projects being proposed in their boundaries.

Suggestions for the BRA

- Clarify the intent and limitations of the "process" so that neighborhoods understand which changes are more likely to occur and what outcomes to expect.
- Clarify that the neighborhoods possess only an advisory role in the process and their efforts should be channeled through their advisory power.
- Provide adequate translation resources to ensure equal participation in the process.

- Re-examine and centralize the BRA’s organization of and request for public documents to ensure equal public access, particularly for non-English speakers.
- Redefine who should represent the neighborhood in development and assess whether neighborhood councils adequately fulfill the new definition.
- Propose that neighborhoods resolve their differences rather than have the BRA attempt to mediate the conflicts.

Recommendations for Boston neighborhoods

1. **Build institutional allies.** Since it has been established that the BRA and mayor have critical roles in the process, it would be to a neighborhood’s advantage to build allies at the city level. This could range from getting the mayor personally involved in a particular development issue that pertains to the neighborhood to developing relationships with members of the Zoning Board of Appeals, Zoning Commission, or even inspectional services (which issue the necessary building permits for project construction). Other areas of potential ally-building include the Boston Civic Design Commission, the BRA board, and BRA staff.
2. **Support and encourage neighborhood members or allies who are appointed to or are seeking a position at the city.** This recommendation draws from the success of the Lower Washington Street Task Force in building strong ties with the mayor and BRA. Getting even one neighborhood ally to sit on a mayor-appointed commission such as the Boston Civic Design Commission puts the ally in a strategic position to try and build support from within the commission.
3. **Institute a neighborhood liaison position at the BRA.** Given that the BRA position presented to Lathrop was unique and does not occur with every neighborhood planning initiative, neighborhoods can collectively use the case to push the city to institute a similar position or policy. That is, the majority of Boston neighborhoods can organize themselves and demand that the BRA incorporate a neighborhood liaison position as part of the approval process for large projects. This position would be filled by someone who comes from the neighborhood and is familiar with its development history to be. This may level the playing field in bringing some

neighborhoods closer to building institutional support. The office of neighborhood services in conjunction with the mayor's office has already established official neighborhood liaisons who have been present at development-related events. However, these liaisons are neither necessarily familiar with the development process nor situated in the BRA and they are not required to be from the neighborhood they represent.

4. **Involve abutters.** As stated earlier, abutters can help strengthen the influence that a neighborhood exerts on project changes and can have legal standing in filing a lawsuit against a development. Liberty Place and Dover Residences attest to the varying impacts that abutters can have on a project. Naturally abutters have a vested interest in the development and it is better to have abutters standing on the same side than on opposite sides of a project.
5. **Bridge internal divisions instead of relying on the BRA to mediate the conflicts.** As discussed earlier, the mediation efforts of the BRA have generally resulted in frustration and discontent between neighborhood groups and developers. Therefore, it is to a neighborhood's advantage to resolve its own divisions or demand from the BRA or developer an outside mediator that works independent of the BRA to help the neighborhood work out its differences. In addition, Liberty Place illustrates how the developer and/or city can further divide neighborhood interests by offering mitigation to a specific neighborhood group. This reiterates that resolving neighborhood differences and negotiating the terms of a project as a collective body will likely lead to better outcomes than looking to the BRA.
6. **Formulate demands into design changes and mitigation, when possible.** The case studies indicate that design changes and mitigation can be more easily secured than use, dimensional or affordable housing modifications. However, this approach should be carefully executed. Allowing repeated violations of zoning and/or any other regulations could send a message to developers that approval of a large project is dependent on appropriate mitigation and design changes.
7. **Work with developers, when possible.** Depending on the deviation between a project proposal and the neighborhoods concerns, a neighborhood can initiate contact

with the developer to determine a more suitable project. In all three cases, the developers agreed that the final project design improved as a result of neighborhood input. However, this approach may be difficult if the terms of a project proposal deviate significantly from zoning and other regulations and the neighborhood seeks a project that complies with the regulations.

Appendix A – Project Timelines

Liberty Place Timeline

June 1999	Kevin Fitzgerald of 1025 Hancock Street, Inc. submits to the BRA a Project Notification Form for Liberty Place.
July 1999	A public meeting was held in Chinatown. Fitzgerald introduced the Liberty Plaza project, a mixed use office, retail, and hotel complex.
January 2001	Fitzgerald submits a Notice of Project Change (NPC) and renames the project Liberty Place. Fitzgerald has partnered with Charles E. Smith Residential. The project primarily consists of rental housing. The scale of the project is comparable to previous proposal.
July 2001	Fight Liberty Place (FLP) is created and a public education campaign is launched to increase awareness of the project both inside and outside the neighborhood.
December 2001	The Draft Project Impact Report (DPIR) for Liberty Place is submitted to the BRA.
January 2002	Presentations and updates of the project are made at two publicly advertised meetings, the monthly Chinatown Neighborhood Council (CNC) and the Park Plaza Citizens Advisory Council (PPCAC) meetings.
March 2002	Public comment period for DPIR ends. The developer and city received a high volume of comments from both those who oppose and support the project. FLP undertakes Operation CAR JAM.
April 2002	The BRA initiates Liberty Place Focus Group meetings over the next 9 weeks.
June 2002	A publicly advertised community meeting is held. The BRA presents the work of the Focus Group meetings. A total of six 2-hour working sessions occurred. FLP undertakes ACT OUT street theatre protest. The CNC unanimously vote to support Liberty Place.
July 2002	Members of BRA staff request that the Director issue a Preliminary Adequacy Determination waiving further review under Article 80.
August 2002	Referendum is held in Chinatown on the 2 nd and 3 rd . A total of 923 residents voted. By a 3 to 1 ratio, the residents opposed Liberty Place. The zoning board of appeals (ZBA) unanimously vote for variances to Liberty Place project on the 6 th .
September 2002	Zoning Board of Appeal written decision filed for Liberty Place. Abutters Simon So and the Chinese Progressive Association file a lawsuit against zoning decisions.

Dover Residences Timeline

January 2001	Atlas begins discussion with the city and neighborhood representatives of the Dover Residences site.
February 2001	Atlas discusses Dover Residences with Old Dover Neighborhood Association (ODNA) representatives on the 23 rd .
March 2001	<p>Follow up discussion with ODNA on the 21st.</p> <p>Atlas makes initial presentation of development project at ODNA meeting.</p> <p>Developer starts to meet regularly with ODNA, abutters, and concerned residents to improve project plan. The meetings continue for the rest of the year.</p>
November 2001	Atlas requests a no-vote from Old Dover Neighborhood Association on the 28 th . At the meeting the members were to take an official vote on the project.
February 2002	Atlas and BRA presents new project plan to ODNA representatives on the 6 th and 12 th .
April 2002	<p>Atlas submits Project Notification Form (PNF) to BRA on the 9th..</p> <p>PNF public meeting occurs on the 18th.</p> <p>Atlas corresponds with ODNA.</p>
June 2002	<p>Atlas submits Supplemental Info to PNF to BRA.</p> <p>Conversations with ODNA and abutters continue into late July.</p>
August 2002	BRA board unanimously voted to authorize issuance of a Scoping Determination Waiving Further Review in Article 80 process.
September 2002	BRA issues Scoping Determination Waiving Further Review. Boston Zoning Commission designates Project Site as a "U" District (urban renewal district).
October 2002	Article 80 review is completed.
November 2002	Additional parcels needed to realize project is finalized by the BRA through an Amended and Restated Land Disposition Agreement (LDA).
February 2003	A cooperation agreement was signed between Atlas and the BRA on the 13 th .

Battery Wharf Timeline

December 1996	Raymond submits Project Notification Form (PNF) for Battery Wharf.
November 1997	Battery Wharf introduced at North End Community meeting. Hundreds were in attendance. Raymond took names of people interested in joining working group. The Battery Wharf Development Working Group (BWWG) was created.
December 1997	BWWG continues to organize, collect information, and inform neighborhood.
January 1998	Raymond submits Draft Project Impact Report (DPIR) without notifying working group. Neighborhood learns of DPIR on the 23 rd at a community meeting and weeks after its submission.
February 1998	<p>Comment letters on DPIR were due on the 9th. MEPA decided that the Draft Environmental Impact Report (DEIR) had sufficient information and a Final Environmental Impact Report (FEIR) was unnecessary.</p> <p>A community meeting was held in which MEPA representative Lyman was present on the 23rd.</p> <p>Over 50 personal letters submitted to MEPA. BWWG submits 14-page comment letter late in the month.</p> <p>BWWG distributes fact sheets and a guide to writing and calling elected officials to further encourage residents to write letters and make phone-calls opposing the project.</p>
May 1998	A public meeting was held on the 18 th .
March 1999	Many people testified at the BRA board meeting in which the board unanimously voted for approval of the project on the 21 st .
March 30, 2000	<p>BRA issues Preliminary Adequacy Determination Waiving Further Review.</p> <p>Raymond and the City of Boston sign a cooperation agreement outlining mitigation and community benefits resulting from the project.</p>
August 2000	Raymond sells entire site and project to Harold Theran of Development Management Corporation.
September 2001	Theran submits Notice of Minor Modifications to Department of Environmental Protection (DEP).
August 2003	Awaiting financing to be in place to begin construction of site.

Appendix B - Persons Interviewed

BRA Staff

Maria Faria, Dick Garver, Sue Kim, Randi Lathrop, and David Hanifin.

Neighborhood Representatives

Chinatown

Richard Chin, Chinatown Neighborhood Council and Wang YMCA; Jeremy Liu, Asian Community Development Corporation; David Moy, Boston Chinatown Neighborhood Center and The Chinatown Coalition; Marie Moy, Chinatown Resident Association.

South End

Liz Cahill, Old Dover Neighborhood Association and Laconia Lofts Trustee; Sheila Grove, Washington Street Gateway Main Streets; Robert Wells, Old Dover Neighborhood Association and Columbia/City Lights resident.

North End

Fran Clay, Battery Wharf Working Group and Burroughs Wharf Trustee; Stephanie Gabbarelli, North End/Waterfront Neighborhood Council; Dave Kubiak, Battery Wharf Working Group.

Developers

John Connolly, Sawyer Enterprises, Loews Hotel; Demetrios Dasco, Atlas Investment Group, Dover Residences; Jim English, Raymond Properties, Battery Wharf; Kevin F. Fitzgerald, 1025 Hancock, Incorporated, Liberty Place; Harold Theran, Development Management Corporation, Battery Wharf; Nick Iselin, Intercontinental, 226 Causeway; Bob Walsh, RF Walsh, Biosquare.

Appendix C - Public Documents Reviewed

Article 80 Reports and Notification Forms

Thesis Case Studies

1. Project Notification Form (PNF) for Battery Wharf, April 1996.
2. Draft Project Impact Report (DPIR) for Battery Wharf, 7 January 1998.
3. Project Notification Form (PNF) for Dover Residences, 9 April 2002.
4. Project Notification Form (PNF) for Liberty Plaza, 15 June 1999.
5. Notice of Project Change (NPC) for Liberty Place, 25 January 2001.
6. Draft Project Impact Report (DPIR) for Liberty Place, 7 December 2001.

Other

1. Project Notification Form for 131 Dartmouth, 2 March 1998.
2. Project Notification Form for Biosquare, 24 August 1999.
3. Project Notification Form for Colonnade Residences, 16 February 1996.
4. Project Notification Form for Columbus Center, 9 March 2001.
5. Project Notification Form for Commonwealth Center, 2 September 1997.
6. Project Notification Form for Davenport Commons, 11 January 1999.
7. Project Notification Form for Harrison Commons, December 2002.
8. Project Notification Form for Kensington Place, 10 December 2001.
9. Project Notification Form for Laconia Lofts, 4 March 1997.
10. Project Notification Form for Loews Hotel, 13 December 1999.
11. Project Notification Form for Medical Services Center, March 1999.
12. Project Notification Form for Parcel 8/BCA, 6 May 1998.
13. Project Notification Form for Parcel C, 1 May 2001.
14. Project Notification Form for Rollins Square, 25 February 2000.
15. Project Notification Form for Wilkes Passage, 6 October 1999.

Various Letters between Neighborhood Representatives and Development-related Government Agencies*

1. Letter from BWWG to BRA and EOEA in late February 1998.
2. Various public comment letters regarding Battery Wharf to Trudy Coxe (Secretary, Executive Office of Environmental Affairs) in February 1998.
3. Letter from Raymond Properties to BRA Director O'Brien on April 21, 1998.
4. Letter from Barry Liner (Chairperson of Board of Trustees of Burroughs Wharf) to BRA on April 22, 1998.
5. Letter from Richard Iannella to BRA on April 23, 1998.
6. Letter from Senator Traviglino to BRA on May 7, 1998.
7. Letter from NEWRA to James English of Raymond Properties on May 18, 1998.
8. Letter from Phyllis Rugnetta of NEWRA to Jan Reitsma (Deputy Secretary of the EOEA) on December 3, 1998.
9. Letter from Theran's legal representation to DEP waterways regulation program on September 18, 2001.

10. Letter from CPC to BRA on February 15, 2002.
11. Letter from Alternatives for Community and Environment (ACE) to BRA on February 19, 2002.
12. Letter from Greater Boston Legal Services (GBLS) to BRA on February 20, 2002.
13. Various public comment letters regarding Liberty Place to the BRA in February 2002.
14. Letter cosigned by FLP organizers to BRA director Mark Maloney on March 26, 2002.
15. Letter from BRA director Mark Maloney to FLP organizers on April 5, 2002.
16. Letter from BRA director Mark Maloney to Andrew Leong of Campaign to Protect Chinatown on April 10, 2002.
17. Letter from CPC to BRA Director Mark Maloney on April 15, 2002.
18. Letter from Liz Cahill to Maria Faria on May 22, 2002.
19. Letter from Robert A. Wells to Maria Faria of the BRA on May 23, 2002.
20. Various public comment letters regarding Dover Residences to the BRA in Spring 2002.
21. Letter from Herb Fremin of Washington Street Gateway to the BRA on July 29, 2002.
22. Letter from Washington Street Gateway to BRA director Mark Maloney on July 8, 2002.

*Research not limited to the letters listed.

BRA Board Memorandums and Cooperation Agreements

1. BRA Board Memorandum of May 21, 1998 Battery Wharf
2. Cooperation Agreement of March 30, 2000 Battery Wharf
3. BRA Board Memorandum of August 1, 2002, Dover Residences
4. Cooperation Agreement of February 13, 2003, Dover Residences
5. BRA Board Memorandum of August 1, 2002, Liberty Place

Other

1. "Battery Wharf Project – A Neighborhood Call to Action: Guide to Writing and Calling Elected Officials" by the Battery Wharf Working Group, March 1998.
2. "Liberty Place Fact Sheet" by the Campaign to Protect Chinatown, Fall 2001.
3. Notice of Decision, City of Boston Board of Appeal, BZC-22321 Permit #3708/01, 11 September 2002.

Bibliography

- Boston Inspectional Services, "A Guide to the City of Boston's Zoning Board of Appeal Process," 2000.
- Boston Redevelopment Authority, "Article 33: Open Space Subdistricts," Boston Zoning Code, March 1998.
- _____, "Article 38: Midtown Cultural District," Boston Zoning Code, February 1989.
- _____, "Article 43: Chinatown District," Boston Zoning Code, May 1990.
- _____, "Article 54: North End Neighborhood District," Boston Zoning Code, March 1993.
- _____, "Article 64: South End Neighborhood District," Boston Zoning Code, November 1998.
- _____, "Article 80: Development Review and Approval," Boston Zoning Code, 1994.
- _____, "A Citizen's Guide to Development Review under Article 80 of the Boston Zoning Code," 2001.
- Chinatown/South Cove Neighborhood Council, *Chinatown Community Plan: A Plan to Manage Growth*. 1990.
- Ebbert, Stephanie, North Enders Voice Worries about Battery Wharf Plan. *Boston Globe Section C*, 24 February 1998.
- Hurley, Mary, Residents Object to \$100m Plan. *Boston Sunday Globe City Weekly*, 1 March 1998.
- Kennedy, Marie, "Transformative Community Planning: Empowerment Through Community Development." *New Solutions*, Summer 1996, pages 93-100.
- Kennedy, Marie, Chris Tilly and Mauricio Gaston, "Transformative Populism and the Development of a Community of Color," in Joseph M. Kling and Prudence S. Posner, *Dilemmas of Activism: Class, Community, and the Politics of Local Mobilization*. Philadelphia, PA: Temple University Press, 1990.
- Krumholz, Norman, "Equitable Approaches to Local Economic Development." *Policy Studies Journal*, 1999, 27(1): 83-95.
- Liu, Michael, *Chinatown's Urban Mobilization and Urban Development in Boston*. PhD Dissertation, University of Massachusetts Boston, 1999.
- North End Task Force, "The North End – Principles for Planning, Design and Development." Boston Redevelopment Authority for Central Artery Air-Rights, March 2000.
- Perkins, Gregory, Rolf Goetze and Liming Liu, "Boston's Population – 2000 5. Major Findings of Census 2000 in Boston: City-wide Results of Summary File 1 (SF1) Census Data Released June 2001 with Comparisons to 1990." Boston Redevelopment Authority: Publication 547, July 2001.
- Selvarajah, Eswaran, Gregory Perkins, and Rolf Goetze, "Boston's Population – 2000 8 Boston's Population, Neighborhood Profiles: Neighborhood Profiles of Boston's 16 Neighborhoods using 2000 SF-1 Data." Boston Redevelopment Authority: Publication 554, April 2002.
- Smith, Adam, Liberty Place Lawsuit Settled. *Sampan*, 20 December 2002.
- South End/Lower Roxbury Working Group, *South End/Lower Roxbury Development*

- Policy Plan: A Plan to Encourage and Guide Growth*. Boston Redevelopment Authority, January 1994.
- The Chinatown Coalition, *Chinatown Masterplan 2000: Agenda for a Sustainable Neighborhood*. December 2000.
- Van Sack, Jessica, 400 in Chinatown Rally Against Building Plan. *Boston Globe*, 2 March 2002.
- Washington Street Task Force, *A New Washington Street: Boston's Main Street for the New Century*. May 1997.
- Wu, David, "Chinatown Resident Referendum 2002," Campaign to Protect Chinatown Bulletin, October 2002.

Websites

- <http://www.ci.boston.ma.us/environment/conservation.asp>
- <http://www.cityofboston.gov/environment/landmarks.asp>
- <http://www.cityofboston.gov/bra/PlanningInitsIndividual.asp?action=ViewInit&InitID=4>
- http://www.iaas.umb.edu/research/census/community_profiles
- <http://www.state.ma.us/envir/mepa/thirdlevelpages/meparegulations/301cmr1101.htm>
- <http://www.state.ma.us/dep/brp/waterway/about.htm>
- <http://www.state.ma.us/dep/brp/waterway/faqs.htm>