COLEY PLACE:
BARGAINING FOR LOW-INCOME
HOUSING IN URBAN
DEVELOPMENT
by
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ABSTRACT
This is a study of the roles of citizen participation and
subsidized housing in a major urban development, Copley
Place. Copley Place is a $250 million, 9.5 acre hotel, retail, office, residential and parking complex in the
Back Bay area of Boston. It represents the first case
in the New England region, and perhaps nationally, in
which citizens were permitted to play a meaningful role in
the planning of a development that would have significant
effects on their lives. The vehicle for participation
in decision making was a Citizens Review Committee (CRC)
whose membership was open to all interested individuals,
groups and businesses. The CRC responded to the developer's
drawings and developed a set of Guidelines containing
recommendations for action on the part of the developer,
the City and the State. The Massachusetts Office of State
Planning passed these Guidelines on to the developer in
their entirety and the developer eventually complied with
them. The creation of this Committee and the role granted
them by the Office of State Planning was completely un-
expected, in light of the traditional method of planning
for citizens, rather than with them. This paper examines
the reasons for the inclusion of such a comprehensive
citizen review component in the development planning process.
Copley Place is also an anomaly in that the residential component of the project is a 100-150 units mixed-income housing development. Not only have developers, particularly of prime downtown land, avoided building subsidized housing, but nearly everywhere it has been proposed in recent years, local residents have organized and protested against it. In the case of Copley Place, a majority of community residents organized in favor of the construction of mixed-income housing on the site. The paper presents a case history of the Citizen Review process in an attempt to analyze the reasons for the successful campaign for subsidized housing. The developer's reactions to demands for housing are discussed as well. Finally, the entire case is analyzed in order to determine if Copley Place represents a new style of urban development, responsive to community desires and replicable elsewhere, or if it is merely an anomaly, peculiar to a particular set of people and circumstances that merged together to produce this unique result. The conclusion reached is that the experience of Copley Place is indeed replicable in other development processes in other cities, provided certain conditions are met. Most crucial is the support of local or state elected and appointed officials for a meaningful citizen review component and a willingness to support the recommendations of participants. Second, the government officials in charge must have access to some form of leverage which allows them to require the developer to comply with the recommendations produced by the process. Third, an open process is necessary, in which all groups, regardless of their relative political power, have equal voices in decision making. Finally, the leadership of the process must be provided by a person or persons familiar to and respected by citizen participants. The leader must also be committed to an open and participatory process.

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INTRODUCTION

Throughout the thirty year history of federal urban renewal, the program provided housing and development subsidies, road construction, public works and numerous jobs. However, it was also responsible for the forcible displacement of "blighting" 19th century land uses (particularly housing for low-income people) in order to achieve what was thought to be the greater goal of "socially useful and economically sound" development. In the process, urban renewal also divided and damaged the inner-city neighborhoods which had grown and developed from earlier industrially based development.

As such, urban renewal provoked a noteworthy political mobilization. The mobilization of community organizations against urban renewal and community displacement thrust a new player into the urban political arena. This mobilization did not occur nor was it successful either immediately or consistently. Citizen participation was carefully guided and controlled in its early days. In the 1950's and early 1960's, a Robert Moses or an Edward Logue often had the political power to force through any plan or development they chose to. Logue, for example, favored citizen participation provided he could control it. His method was to invite participation on the part of residents who favored his proposals, largely middle-class and homeowner populations. Low-income people were not consulted or enabled to participate,
although theirs' were generally the areas facing demolition. As the program expanded, so did citizen organizations to oppose it. Numerous urban renewal programs were halted around the country because of citizen protests, however, in the majority of cases, development went ahead as planned with little meaningful citizen input.

Urban renewal was replaced by Model Cities and by Community Development Revenue Sharing. Both these programs paid more lip service to requirements for citizen involvement in setting spending priorities but, in reality, little decision making power accrued to citizens. While the role of citizen participation has not increased significantly in recent years, the nature of development has. There are no longer the massive amounts of public money available for development and rehabilitation that were so accessible under urban renewal.

Cities have resorted to attempting to attract substantial private investors to build up the economic base of the nation's urban areas rather than concentrating on clearing blighted areas. This has generally resulted in the development of large parcels of land (often acquired through eminent domain) with profitable land uses such as luxury housing, office space, hotels and retail stores. This, of course, serves to improve the neighborhood's physical environment but clashes directly with what has long been a goal of federal aid to urban areas which is to insure the availability of housing at rent levels affordable by lower-income residents. In fact, building mixed-income, partially subsidized
housing would appear to be the antithesis of the drive to shore up the economic base of the city.

Yet, this is exactly what is happening at Copley Place in the Back Bay area of Boston. Copley Place will be a $250 million, 9.5 acre hotel, retail, office, residential and parking complex amounting to one of the largest private investments ever made in Boston (See Appendix A for maps). It will be built on the air rights to the Massachusetts Turnpike which will be leased by the developer from the Turnpike Authority.

Copley Place represents the first case in the New England region, and perhaps nationally, where so many individuals and organizations have been accorded the opportunity to contribute so much to the planning of a development so vital to their community. As the first full-scale citizens review process initiated in advance of a major private construction project (built on State owned land), it has been surprisingly successful. In the past, it was largely through ad hoc protests that the voice of the neighborhood was brought to bear. This time the input was up front.

This input took the form of a Citizens Review Committee (CRC) which was run by a consultant hired by the Massachusetts Turnpike Authority and whose membership was open to all interested residents' groups, city and State officials and business people. The first question which must be examined is how this citizen review process came to be such an important and effective factor in what is largely a privately funded investment. This group of citizens and business people
were incredibly successful at achieving the input they desired into the development plans. The outcome of this process is particularly surprising when this experience is viewed relative to past citizen participation efforts. Always before, it was after the fact that citizens' complaints had been grudgingly heard and, then, often discarded. Urban renewal, Model Cities, and community development programs all involved public funds and mandated citizen involvement but were very different in practice than on paper. To fully appreciate the significance of the Copley Place experience, a review of previous citizen participation efforts is necessary. This will allow a clear comparison between what might have been expected and what actually happened.

Second, Copley Place is also an anomaly in that the residential part of the project is a 100-150 unit mixed-income, subsidized housing development. It was not originally a part of the developer's proposal for the site, but through the complex and lengthy bargaining process in the CRC, the mixed-income housing units became a part of the final State mandated guidelines for the developer. Subsidized housing is usually the least desirable component of a development from the developer's point of view due to its low potential for profit. In addition, plans to build housing for low and moderate income people in any neighborhood have nearly always met with tremendous opposition from current residents and hardly ever with such positive and nearly uniform support as was the case with the housing in Copley Place. It will
therefore be instructive to examine the case history of the Copley Place citizens review process to evaluate the factors which led to the inclusion of the housing in the development.

Following directly from this, the developer's point of view and response to the demand for housing will be examined. How did the developer attempt to avoid complying with the guidelines? What finally caused the developer to accede to these demands by citizens and the Office of State Planning?

Finally, I will attempt to draw some conclusions about the Copley Place experience with citizen involvement and subsidized housing. How much of the outcome was unique to Boston, the South End or the Dukakis Administration? How much is representative of a new style of urban development experiences and is thus generalizable to other cities and development processes?

Copley Place is an example of a dramatic shift in the process of urban development. To date, renewal and development has largely been a case of market trends shaping community development. Instead, Copley Place represents the success of community values in shaping and controlling market patterns in ways which will improve the quality of life for those who have traditionally lacked market power.
CHAPTER ONE

THE CHANGING ROLE OF CITIZEN PARTICIPATION IN URBAN DEVELOPMENT

The first task to be undertaken in examining the innovative Copley Place citizen review process and its outcome is that of explaining why citizens and community groups were involved at all in a development that is overwhelmingly private in funding. This occurrence, regardless of its outcome, is at the least surprising given the recent history and nature of citizen participation in the United States. It has been battle enough for citizens to gain a significant role in public development decisions, such as urban renewal. There are virtually no cases of involvement by citizens (let alone of such an extensive nature) in instances of private development or action. A high degree of citizen participation has emerged in recent years only when it was required by law and then, only when that requirement was carefully monitored and enforced by some governmental body, usually at the federal level. Even with federal monitoring, citizen participation has traditionally been controlled and directed at the local level so that the outcomes of the processes are rarely surprising or unacceptable to local officials. This has usually meant that those people who are permitted to participate are
those whose political support is most important to the officials administering the program. It has also tended to be the case that unless low and moderate income people and minorities are enabled to share a decision-making role in the planning and implementation of a public program, they rarely benefit from that program. Finally, citizen participation in the United States has rarely exceeded what a former government advisor on the subject calls "informing" and "consultation" and has more often been little more than "manipulation" and "therapy". At the most this has meant that citizens have been permitted to express their viewpoints during the planning process but have lacked the power to insure that their views will be heeded by the powerful. At the worst, this has meant non-participation; people have not been enabled to participate in the planning or implementation of programs but powerholders have simply provided them with information and public relations about what is happening.²

An examination of the historical background of citizen participation in the United States helps to illustrate these generalizations. The examination will focus on national trends in the concept, but specific examples from the Boston experience will be provided.

As recently as the early 1950's, federal development programs involved no citizen participation at all. Under the Redevelopment program, established by the Housing Act of 1949, local governments took whole neighborhoods by
eminent domain, cleared them and sold the land to private developers. People were given no opportunity to participate in the decision to clear the neighborhood and little choice or assistance in locating replacement housing. In other words, no meaningful citizen participation took place.

The focus of public development changed in 1954 to emphasize rehabilitation and conservation over demolition and clearance. In addition, under the Housing Act of 1954, each municipality receiving federal assistance was required to adopt a "workable program" for community improvement. The seventh and last item on the federal list was a requirement for citizen participation. This was the first time the federal government had ever adopted such a requirement.

Numerous evaluations have been conducted of the urban renewal program and many of the authors have discussed the role of citizen participation in various local efforts. It was apparent from the outset that citizen participation was to play a minimal and inconsequential role in urban renewal because the definition of the appropriate role was left so open and vague in the legislation. According to a March 1959 survey of citizen participation in urban renewal conducted by the Journal of Housing, it was a rare local agency that clearly defined the function of citizens in the program. Gerda Lewis surveyed 91 cities that had adopted a "workable program". The use of advisory committees
was found to be one of the most widespread devices to permit citizens to participate. Membership on these committees, however, concentrated heavily on representation from real estate, construction, and business groups, particularly chambers of commerce. Representation from the project area - the area where urban renewal had the most effect on citizens - was almost totally absent.  

Five years later, in 1964, Edmund M. Burke examined the role of citizen participation in urban renewal. He found evidence of carefully controlled local processes in which the degree of citizen participation depended in large part on the ability of citizens to assist or hamper the local authority in implementing their urban renewal goals. This translated predictably into processes in which citizens were frequently found to have some role in planning for rehabilitation but were never involved in clearance efforts. He states:

> It is clear that renewal agencies are selective when it comes to permitting citizen participation at the grassroots level. Rehabilitation, yes. Clearance, no. The reasoning is deceptively logical....it is commonly believed, feared really, that assisting citizens to organize may actually damage the LPA's program....They are then unable to present a unified and consequently threatening voice to any plans or programs.

Even for those cities that involved citizens in the planning for rehabilitation, the participation was largely a public relations, information exchange and interpretation of the rules effort. Burke found no instance in which
citizens' groups had any decision making or power sharing role.

James Q. Wilson is one of many authors who wrote about citizen participation in renewal: "...middle-class persons who are beneficiaries of rehabilitation will be planned with; lower-class persons who will be disadvantaged by rehabilitation are likely to be planned without". This suggests that class differences also have an effect on the degree of organization and participation. Middle- and upper-class people were those most likely to benefit from urban renewal and thus to be supportive of agency plans; therefore, they were most often consulted and sought out for participation over those lower-class people who the agency knew would oppose them. In practice, urban renewal failed to advance the cause of citizen participation in any lasting or meaningful way, while creating more controversy than any other federal program.

Urban renewal came to Boston as it did to many other cities with the abrupt clearance of the West End, total relocation of families and neighborhood businesses and the construction of new high-rise housing for middle- and upper-income people. The project was seen as a way to bring back the middle class, strengthen the tax base, and get rid of "blighted conditions". In the process, however, what had been a perfectly viable neighborhood was broken up.

Within several years, opposition mounted, both nationally and locally, to this "bulldozer renewal" with
its wholesale destruction of low-income homes and neighborhoods. Reaction to the West End was particularly severe and went beyond the bitterness of those evicted from their communities. The West End renewal program, the major project of the fifties, came to be nationally known as the archetype of what urban renewal should not be. Urban renewal as a whole was identified with the West End experience and was therefore feared and fiercely resisted by other ethnic neighborhoods in Boston. 8

Edward J. Logue was brought to Boston to direct the City's renewal efforts and to counter the negative image these efforts had acquired as a result of the West End. Logue was careful to establish a tight control over the Boston Redevelopment Authority (BRA) and the City's entire renewal effort. He was committed to the "art of the possible" 9 and would not take on a project unless he felt he had a fair chance of success. Logue did invite citizen participation in the formulation of urban renewal programs on a neighborhood rather than the usual city-wide level. His constant theme was "planning with people, not for them." Local community groups often were consulted on their wishes as plans were evolved, community meetings were held to explain them as well as to assess reactions of local groups. However, it is important to note which citizens were consulted.

Logue's strategy was to offer a mandate to a local group for organizing the neighborhood's citizen participation.
This group became the bargaining agent for the people of the area with the BRA and all community reactions had to be channelled through it. The consequences of this arrangement were that the groups designated were those whose views most closely coincided with those of Logue and the BRA and the resultant plan was little different than it would have been in the absence of citizen participation. Logue's method of operation was similar to that of other renewal officials around the country and had the same effect of excluding from the decision making process the subjects of those very decisions.

In 1964, the Community Action Program promoted the concept of "maximum feasible participation". What that phrase meant varied from maximum benefit from the community action programs to the right to participate and share in local decision making in planning and operating anti-poverty programs. Whatever the intended meaning, the program required that by 1966, at least one-third of the board members for the anti-poverty agencies had to consist of representatives of the poor. This goal was more than realized at Boston's agency, Action for Boston Community Development.

Although the Community Action Program was relatively shortlived, it was the first time that a new participatory decision making mechanism was created outside the existing institutional structure with substantive influence over limited resources. The Community Action Program was essentially a federally supported racial and ethnic power base.
It is significant that it was only once the onus for coordinating participation was removed from the local level and taken on by a federal agency that the poor and minorities made substantive gains in the degree of involvement, power and benefits they experienced.

In 1966, a new program came into being: Model Cities. The program was based on a proposal, by Robert Wood's Task Force on Urban Problems, to pour large sums of money into a few cities to demonstrate the impact of a massive, controlled approach. But a majority in Congress would not support giving a lot of money to only a few locales, and the program scope changed. The program which emerged from the Demonstration Cities and Metropolitan Development Act of 1966 would benefit many more cities. It would be controlled by city government, not by independent, private organizations like the community action agencies, but "widespread citizen participation" would be required.

The initial guidelines for Model Cities stressed "a mechanism for a flow of communication and meaningful dialogue between the citizens of the area and the demonstration agency" but said nothing about the board membership that had been the vehicle for leverage in the Community Action Program.

While HUD moved slowly to get out the guidelines and to process applications for planning funds, internal debate occurred about the appropriate role for citizens in the
Model Cities program. Some of the staff of the Model Cities Administration, particularly Sherry Arnstein, pushed for a further strengthening of the citizen involvement component of the program. A guideline revision emerged which stated that:  

There must be some form of organization structure, existing or newly established, which embodies neighborhood residents in the process of policy and program planning and program implementation and operation. The leadership of that structure must consist of persons who neighborhood residents accept as representing their interests.

It is questionable what effect these guidelines had on the local programs. A 1968 HUD survey of local programs discovered that most city officials were committed to participation only as a way of legitimizing their plans, as a ritual to gain the consent of citizens. This is reminiscent of most urban renewal participation efforts. For the most part, the emphasis of Model Cities was clearly on improved communication between citizens' groups and public officials - not on a sharing of power between them.

While very few of the Model Cities planning processes across the country were controlled by local residents, Frieden and Kaplan identify less tangible, but equally as important measures of citizen participation to show the benefits of Model Cities. They point to the increased political strength of low-income and minority communities. Although this strength may have varied depending on the degree of power (ranging from legitimation to parity to...
control) accorded them, "the end result of most Model Cities efforts was an increased awareness on the part of residents of how to 'play the game' and 'get in the action' "17. Residents were encouraged to run for political office and numerous job opportunities were opened to the poor and to minorities. These kinds of benefits were not achieved by earlier programs because this was the first time that federal requirements concentrated the money and effort in specific low-income neighborhoods. This took the political pressure off the mayors to "share the wealth" and actually resulted in increased benefits to poverty neighborhoods.

During his first year in the White House, President Nixon enunciated his concept of the "New Federalism." He stated:18

> After a third of a century of power flowing from the people and the States to Washington, it is time for a New Federalism in which power, funds, and responsibility will flow from Washington to the States and to the people.

This sounded like an endorsement of community control, but as his programs unfolded it was clear that power to the people would go to established local government and elected public officials.

This became evident in the approach of the Nixon Administration to community development. A system was developed which consolidated all previous categorical grant programs into a series of block grants. This program, Community Development Revenue Sharing, is still in operation at this time. States and localities are required
to submit comprehensive plans which the Department of Housing and Urban Development reviews before releasing funds, but this review power has been infrequently used to insure that funds are spent and programs are implemented which reach those for whom the Housing and Community Development Act of 1974 was created: low and moderate income families. In spite of the declared intent of the Act to give "maximum priority to activities which will benefit low and moderate income families", poor people and minorities have experienced very little participation in prioritizing funds at the local level. They are, not surprisingly, also benefitting from the money little if at all.

Frieden and Kaplan speculate about some of the reasons why citizen participation and thus benefits for those who legally are supposed to be the recipients of the money are so limited. A major reason is that there is no federal requirement to assure that local expenditures go to poor neighborhoods. There is a statement of priority but no requirement and little enforcement. In addition, the citizen participation actually required by the Housing and Community Development Act is so minimal as to be a step backward from Model Cities and the Community Action Program. Localities are merely required to hold two public hearings which are largely informational in nature and rarely result in shared decision making. Finally, no matter how strong local citizens' groups are, the statutes make clear who has the final say after participatory activities have occurred
and afford citizens only limited opportunity to influence the content of the local program. This often results in a distribution of funding in accordance with political considerations. This virtually insures that low-income people will not be major beneficiaries as they are rarely politically powerful.

A 1978 Brookings Institution evaluation of the Community Development Block Grant program found more citizen participation than might have been expected. However, it concluded that processes dominated by local officials tended to appear most frequently. Interestingly, the Brookings Report found that "formal, structured citizen participation mechanisms based on neighborhood representation tended to produce a higher level of benefits to lower-income groups, compared with cases where citizen participation was less structured or based on community-wide representation."

Generally, the amount and type of citizen participation was dependent on the seriousness with which local officials viewed this participation which is a phenomenon reminiscent of urban renewal.

A pattern clearly exists in the experiences of these various federal programs. Citizen participation has most often been progressively co-optive in nature. Local officials have usually attempted to make citizen participation serve a legitimation and public relations function only. The few exceptions to this have occurred, under the Community Action Program and Model Cities, when a certain level of
participation was mandated and monitored by the federal government. It is also clear from these experiences that unless low income people and minorities are enabled to play an active role in planning and implementing programs, that they rarely benefit from them in a positive way. This points to the need for an institutionalization of citizen participation which specifically includes these traditionally excluded groups. Unless low-income people are formally structured into the decision making process, they are at an obvious disadvantage to higher income groups seeking the same benefits.

This examination of the role of citizen participation in public programs is instructive in that it presents a fairly stable picture of a process largely controlled by local government and one that more often than not, excludes the very people who will be affected by the money or program in question.

It also allows us to speculate about what role citizens might be expected to play in the case of a privately funded development like Copley Place. In light of the recent history of citizen participation in the United States, a decision by Governor Dukakis to minimize, or even exclude, the role of citizens in the planning for Copley Place would not have been in the least surprising. What was surprising was the decision Dukakis made to give local residents a substantial say in what would happen at Copley Place. There were several factors that were particularly important
in the formulation of this decision.

During the last ten years, two major Boston development projects, one private and one public, have undergone lengthy and complex planning processes. The experiences of Park Plaza and the Boston Transportation Planning Review were major influences on the people in the Dukakis Administration who made the decision to create the innovative citizen participation structure for Copley Place.

Park Plaza was the West End of private development. The planning for Park Plaza excluded local residents entirely until they finally protested so strongly that a participation structure was created. As a result of citizen protests and State reviews, the planning process took over seven years to complete and drastically changed the nature of the development. It served as a powerful example of how not to do large-scale private development.

The Boston Transportation Planning Review (BTPR) process, on the other hand, included from the beginning a comprehensive citizen participation component which resulted in substantial changes in State highway construction plans. The process and its outcome were generally respected by all interested parties and it served as an example of how a successful participation process might be run.

In making their decision about how to structure the planning process for Copley Place, Governor Dukakis and other State officials had the benefit of two recent experiences - one negative, one positive - with citizen participation.
Instead of deciding to minimize citizen involvement in the planning for Copley Place, they chose to deviate from what might have been expected and to create a meaningful participation structure for local residents. Park Plaza and the Boston Transportation Planning Review figured significantly in that choice. It is important, then, to understand what it was about them that so strongly influenced State officials.

Between 1971 and 1976 a remarkable process took place, in which the initial project for Park Plaza was rejected - not once, but three times - by the State government; a civic advisory committee of concerned residents, businesses and environmental groups was formed to participate in an advisory role in the replanning of the project; the environmental review process took on a much more decisive role than it had ever had in the past; and the function of the urban design process in the planning of a major downtown development assumed a new significance.24

In June 1972, the State Department of Community Affairs (DCA) was asked to approve the Park Plaza Urban Renewal Plan. State approval was required because the BRA's condemnation powers stem from State legislation. In order to approve the project, DCA was required to make positive findings on the following criteria:

1) The area would develop only by the exercise of governmental powers.

2) The proposal is consistent with the sound needs of the locality.

3) The financial plan is sound.
4) The area is substandard, or blighted.
5) The plan is sufficiently complete.

DCA made a positive finding only on item 4 and then only because the city's adult entertainment area was included in the plan. This state review power symbolized the public attitude that condemnation powers should be used against private property owners only in quite extreme circumstances. There are likely to be very few proposals that can ever meet these five criteria simultaneously.²⁵

Public controversy had been mounting steadily in many quarters, concurrent with DCA's lengthy processing of the submission. High density Park Plaza was thrust into the surrounding historic residential neighborhoods of Bay Village, Back Bay, and Beacon Hill. The middle and upper class constituency of downtown residents, anxious to conserve the environment of these neighborhoods in which they had chosen to live, began to organize. They formed ad hoc committees which registered their protests with City and State officials. As an observer of the scene said later, "Park Plaza's effect on the Public Garden offended every Bostonian."²⁶ In retrospect, it is difficult to understand why Mayor Kevin White and the BRA did not anticipate the reaction that occurred.

The same plan was submitted to DCA a second time in November 1972, amplified by a brief Environmental Impact Statement (EIS). The submission was again rejected. The Commissioner of Community Affairs who had been responsible
for the two rejections resigned. A third submission, with more back-up information, was made to the newly appointed Commissioner, in June 1973. He did, in fact, conditionally approve the third submission, but the conditions proved to be unacceptable to the BRA and to the developer. A fourth try was made; this submission included a work program for a Building Mass Study. Although this fourth submission was conditionally accepted, final approval (necessary for actual execution of the project) was subject to the satisfactory completion of the work programs included in the submission. To facilitate this process, DCA provided a major share of the funding necessary for the EIS and also made funding available to the Citizens Advisory Committee which hired their own professional consultant, to articulate community needs. An intense period of negotiations followed. The Citizens Advisory Committee (CAC) and the BRA worked out a contract in which the CAC would remain as an "advisory" body without formal approval power. Informal approval powers were exploited fully through State representatives and other contacts in the State hierarchy. By this point, consultants had been appointed, the citizens had organized and environmental issues had been identified. This was the first time the State had given money to a citizens' group to hire a consultant to assist them. It was impressive that they had gained this much power. The concerns raised by citizens had much weight in determining the issues to be examined in the Environmental Impact Review process.27
A second group to be reckoned with was the construction unions. They held sentiments about Park Plaza equally as strong as those of the citizens' groups but did not share the citizens' opposition to the project. Rather, they perceived Park Plaza in terms of the employment it would generate. In 1975, 35,000 construction workers and their supporters marched on the State House to protest the delays by State government in granting approval for Park Plaza. This put pressure on Governor Sargent who already had an image as a "no-build" governor, to move ahead with a restudy of the various available alternatives to a speedy decision. Mayor White of Boston was anxious to see Park Plaza underway for political reasons of his own and he began to pressure Sargent as well. 28

After the cost analyses of the alternatives and the EIS work were completed, a specific project was developed to fit the plan. Six days before the final approval (by the Boston City Council) was to take place, the developer, Mortimer Zuckerman, withdrew from the project, blaming the delays caused by the environmental regulations and citizen participation requirements. In reality, he had been unable to gain enough interest from prospective tenants, particularly the hotels. 29

The project had by this point taken on significant political importance to the BRA and to Mayor White and the search was on to find a new developer to take on the project. None
came forth, but meanwhile, long-standing but indefinite plans for an $80 million State office building that would consolidate the State's transportation related agencies were revived and suggested as the central building for the project. The idea was strongly supported by Secretary of Transportation, Frederick Salvucci, and by the labor unions, hungry for jobs. Of course, Mayor White jumped at the opportunity to finally have Park Plaza underway. Demolition has begun on the site and a public building will be the cornerstone for what had begun six years earlier as a largely private development. The other parcels will be developed one at a time, by individual developers. Mayor White has committed $10 million in public works as an incentive to private builders to build on a site that they would probably have developed anyway.

Park Plaza has probably permanently changed the nature of private development in Boston. Citizens became more knowledgable about how to affect (and halt if necessary) a development process. It is clear that presenting them with a plan for development as a fait accompli is no longer an assurance of success. Ten years earlier, environmental impact statements were unheard of by redevelopment authorities and local governments and an Ed Logue or a Robert Moses could have forced Park Plaza through with little or no effective opposition. In the case of Park Plaza, the fait accompli was unsuccessful because it was merely an attempt to develop the site to its "highest and best use" with few
legitimate policy reasons to support that plan. From the beginning, there was no attempt made to determine what type of development on Park Plaza would be in the public interest. However, this had been true to a large extent of urban renewal plans in the 1950's and 1960's. What caused citizens to raise the outcry they did against Park Plaza and not against other developments which took place under urban renewal?

Perhaps the major reason is a class difference between the people negatively affected by most urban renewal projects and those who campaigned against Park Plaza. The latter were the middle and upper class residents of Beacon Hill and the Back Bay, perhaps the most sophisticated residents of Boston, who saw their home values and their environment as being threatened by this massive high rise development looming over their protected enclave. Interestingly, the BRA project architect feels that the reaction of these groups began largely as a psychological one when they saw Zuckerman's first model of the site. It was all done in black and triggered strong negative reactions. It was shortly after this that they began to organize against Park Plaza. The former were generally poor people who were inexperienced at organizing and did not have the institutional ties that wealthier people in Boston maintained. The issue for them had nearly always been one of dislocation and neighborhood survival. They could scarcely afford the luxury of organizing against environmental issues. As further support for
this suggestion that class was the basis for the significant activism over Park Plaza, the Chinese community, largely one inhabited by poor and working-class people, remained generally indifferent to Park Plaza, sometimes even supporting it because of the business it would bring to their neighborhood. Although they would be subject to the same environmental impacts as their wealthier neighbors, they were more concerned with their economic survival.

Second, there were tools available such as the Environmental Impact Statement that previously were not in widespread use and could delay a project. In spite of all the talk about comprehensive planning in the 1960's, urban renewal projects were rarely conceived of with an overall city-wide vision in mind. However, the EIR process insured that Park Plaza would be a more integral part of the City and laid the foundation for what will be an on-going part of all future development in Boston. Granted, the process is required by law, but the importance of its role and the credence given it vary greatly and Park Plaza did succeed in giving credibility to the EIR process.

The citizens also had an informal ally in the Department of Community Affairs in the State government. DCA was concerned about Park Plaza for a variety of different reasons as was evident in their three rejections of the plans. It would be interesting, however, to know the outcome had the State fully supported the project from the beginning.

Finally, it was just not thought to be "fashionable"
in the late 1960's when the project was first conceived of, to invite citizens to participate in the planning of a development like Park Plaza. This is not surprising given the previously discussed history of citizen participation in urban planning. The BRA now claims that if citizens from the surrounding neighborhoods had asked to be included in the planning process, that they would have been welcomed. The violent objections which ensued were supposedly not anticipate by the City.

It is important to conclude this discussion of Park Plaza by evaluating the overall effect of the way in which the planning process took place. True, citizens eventually had their say and had a significant influence on the outcome. But it is sobering to note that the "outcome" was to kill the original project and all its recognizable relatives. What really remains is political face-saving for the Mayor. In addition, the citizens advisory process wasted a great deal of time and energy responding to plans that could have been modified early on had the citizens been included in the planning. These effects must have been instructive for the BRA and for developers contemplating future plans for any area of Boston. They were certainly key factors in the decision to include a comprehensive up-front citizen review process in the planning for Copley Place.

The Boston Transportation Planning Review (BTPR) citizen participation process represented a distinctly different attitude towards participation than that evidenced
in Park Plaza and other previous experiences. An "open participatory process" was the hallmark of its operations.32

In 1970, as a result of a growing public controversy about the construction of interstate highways in Boston and Cambridge, Governor Francis W. Sargent declared a moratorium on most of the expressway projects that had been in the process of construction for some years. In addition, he ordered a restudy of the basic transportation program that had been the official policy of State and public transportation authorities since the end of World War II. In making this move, the governor and his advisors began to look for advice on transportation matters not to the bureaucracies that had formulated the original plans and developed the policies and programs that were being implemented, but to ad hoc nongovernmental groups and their spokesmen within the metropolitan community who had been urging a basic change in policy. When this process began, few people expected that the results of the citizen participation would be a complete revision of the basic program, but this is exactly what happened.

Organized regional opposition to highway construction coalesced in the late 1960's around the issue of the Cambridge portion of the Inner Belt. The organizers of the anti-highway movement were several determined and intelligent professionals, among them Frederick Salvucci, then a transportation engineer for the BRA. He and the others challenged not only the impacts of the Inner Belt
on particular neighborhoods and groups, but for the first time, challenged the technical methods that were used to develop the plan. The arguments of the opposition leadership convinced Governor Volpe to authorize a new study of the Inner Belt which would examine a variety of alternatives including the option of permanently halting the Inner Belt. However, the antihighway leadership had serious reservations that the study was being conducted with a foregone conclusion that would justify the construction of the Inner Belt. Out of this concern grew the movement to organize a strong and effective protest to the highway program on a regional level. Allies were not difficult to find among Southwest Corridor and I-95 opponents, among others, and the Greater Boston Committee on the Transportation Crisis (GBC) was formed.

By 1969, when Francis Sargent became governor, GBC and some public officials were beginning to question not only the designs for specific expressway segments, but also the whole concept of the expressway program. Governor Sargent accepted the recommendation of the GBC leadership for setting up a task force to review all the transportation plans on the regional agenda, to examine the structure for planning and implementation of transportation programs, and to develop a more balanced approach to transportation, including more emphasis on mass transit. In August 1969, the Task Force was appointed under the leadership of Professor Alan Altschuler of M.I.T.
The Task Force concluded early in 1970 that a moratorium should be declared on the construction of the Southwest Expressway, the Inner Belt, the Route 2 extension and the proposed third crossing of Boston Harbor. In February 1970, the Governor declared the recommended moratorium and ordered a restudy of the alternatives.

How the restudy proceeded is a fascinating story too detailed to discuss here. Allan Sloan has written an excellent case study of the entire BTPR process in his book *Citizen Participation in Transportation Planning: the Boston Experience*. The community liaison and technical assistance aspect of the restudy is of particular interest to the purposes of this paper. This was a new feature of transportation planning in Massachusetts and was designed to provide various interests in the community with the information and resources they needed to participate actively in the restudy.

The entire study process was designed to be advisory to those responsible for making the basic decisions in transportation — agency heads, the secretary of transportation, legislators, and ultimately the governor. Thus, the steering committee (representatives of various agencies, key private organizations and local community people) for the process functioned as a forum where issues could be debated and then adapted by the governor or state agencies. The committee wanted the restudy process to be a credible one, both technically and participatorily. Thus as a safeguard against a process exclusively controlled by the
contracting agencies, they called for the community liason and technical assistance element.

This element was a unique experiment whose function was to provide substantive technical assistance to those participants who lacked sufficient resources to play an effective part in the study. In addition, it would initiate and maintain communication between the study team and participants for the duration of the planning process.

The staff of the community liason group was divided into two groups: a liason staff responsible for identifying the community interests to be involved in the study process, following the technical work of the consultant and devising methods for keeping the community groups informed and involved; and a technical assistance staff responsible for handling requests for technical assistance. The staff's concerns were oriented toward the neighborhoods and communities, almost all of which were anxious to have the restudy search for alternatives to the planned large-scale expressways.

In addition to its liason and assistance functions, the staff also became the champion of two important causes. The first was the no-expressway option. Many of the community groups felt that the technical staff of the restudy was not taking seriously the commitment to study the no-expressway alternatives. The second cause was public transportation. They became advocates for a wider range and more thorough analysis of the transit options in each corridor. Rather than doing advocacy planning, however,
the staff remained officially neutral but assisted the community spokesmen in articulating and presenting their case. On the occasions when the staff viewed the work of the contractor's staff as leaning too far in the direction of favoring a particular alternative or neglecting to study another, they were ready to express another point of view and to advocate a different position.

The hard-core opposition to the expressway program was led by GBC, which had become basically an umbrella organization for community groups opposed to the expressway in various corridors in addition to attracting citizens and other groups who were opposed to the expressway construction on moral, philosophical or other grounds. As a result, it had quite a large and varied membership. GBC was hardly the only participant in the antihighway camp. There were three other important groupings: the environmentalists, the public transportation advocates, and the municipalities. The cities of Boston and Cambridge were particularly active in the transportation controversy. Boston's spokesman, Fred Salvucci, was an early organizer of GBC who had worked as a transportation planner for the BRA and as head of the Little City Hall in East Boston. During the restudy he became the Mayor's transportation coordinator, handling virtually all aspects of the city's involvement in regional transportation policy. The city administration was a strong supporter of GBC and became the single strongest critic of building the Southwest Expressway, the Inner Belt and the third harbor crossing.
The city administrators in Cambridge had been consistently opposed to building the Inner Belt through their city. Their policymakers and technicians had been leaders in the antihighway movement. During the restudy, the city hired Professor Tunney Lee of M.I.T., who had been involved for several years with the community groups opposing the Inner Belt, to serve as their spokesman on the restudy.

On the other side of the controversy was a formidable group of interests representing more traditional economic and political power than the antihighway forces. These interests included the transportation agencies that first developed the program, those groups and people whose livelihoods were closely allied with the construction of expressways - highway construction contractors and engineers and the construction unions - and the general business interests inclined to support a program which would advance the economic development of the region.

At the end of December 1971, after numerous open meetings had been held and much input on both sides of the issue had been available to him, Governor Sargent announced his first set of decisions. The Inner Belt through Cambridge and Somerville and the extension of Route 2 were dropped from further consideration. Phase II of the restudy would examine extensions of public transit facilities and reduced scale options for Route I-95, the third harbor crossing and the Southwest Expressway.

Much of the participatory effort in Phase II of the restudy focused on making the public hearings that would
be held a meaningful exercise in participatory democracy rather than routine ceremonies held only because the law required them, as most public hearings in the past had been. The community liason staff was particularly concerned that these hearings provide a forum where the public could state their views on the alternatives and the basic policy for future regional transportation that each implied. The staff prepared for the hearings through three separate mechanisms: 1) a series of open meetings in each of the corridors to give all those interested in tesifying at the hearings a chance to see the latest information and ask questions; 2) preparation and distribution of summary reports and other material; and 3) an offer to hold briefings requested by various groups on special topics of interest to them. It was hoped that the restudy material would supply the basic information various groups and individuals needed to present informed and articulate statements of their views, and thus to provide the governor with a sound, well-rounded sense of the range and depth of public opinion as a basis for his decisions.

On November 30, 1972 the governor announced his decisions not to construct the Southwest Expressway and I-95 North and to include in the program a two-lane bus tunnel from downtown Boston to the airport as the only major highway facility within Route 128. He also announced his intention to make large-scale improvements in the public transportation system.

Some time after the process was over, Governor Sargent
was questioned about the factors influential in his decision not to complete the expressways. He stated that a sense of what was coming out of the restudy process was the key. After listening carefully over 18 months to the reports of the technical findings and to the opinions of the participants, the governor concluded that the costs, both in money and disruption to the communities and natural areas, even of the smaller scale expressways, were not commensurate with whatever benefits would be produced. The governor also noted that the views of both the opponents and proponents of the expressways played a very important role in his decision. He added that the formalized nature of citizen involvement over a long period of time gave him a more solid basis for weighing the alternatives and sensing the attitudes of different interests.

Even so comprehensive a process as that surrounding the BTPR is subject to comments similar to those made earlier about past citizen participation efforts. No sharing of decision-making power took place in the BTPR. There was never any question as to where the ultimate responsibility for making the decisions lay - the governor was the ultimate decisionmaker. This is not necessarily a criticism of the process or the decisions made. Ground rules were developed so that all interested parties had equal access to the technical information and advice-giving processes and the governor was committed to hold off on making any decisions until the participatory process had run its course. The process would probably have collapsed
early on if the citizen participants had viewed their role as basically a symbolic one or if the governor had already been committed to a particular course of action and was only using the participatory process for public relations purposes. While many previous participation efforts were in fact used in that very way, they were generally tightly controlled and the people who opposed a particular plan or program were unorganized and often alienated from group processes. The organization of the antihighway movement was led by professionals and had a large and varied membership, not of any one class or association. In addition, a majority of the population of the region affected by the restudy did not participate. Those that did participate represented a small fraction of those potentially affected by the decisions. While in theory, everyone had access to the participatory process, in practice, it was only the dedicated few who took advantage of it.

Finally, the BTPR achieved largely negative results in that its outcome blocked a program rather than initiated one. The BTPR did provide the impetus for an extensive public transportation program which might have been much longer in coming were it not for this process. The significant question is whether a participatory process can produce largely positive results. Copley Place is one of the first cases in which the participation element of the development process made recommendations and decisions to do something, rather than to block something.
In the late 1960's, the Massachusetts Turnpike Authority (MTA) began to explore the possibility of encouraging air rights development by leasing the air rights over Authority owned land. A 9.5 acre tract near the Copley Square area roughly bounded by Huntington Avenue, Dartmouth Street, Harcourt Street, and the Conrail Railroad tracks was the most desirable site controlled by the Authority. (see map). An air rights development over this site would be highly profitable both for the MTA and the developer. Anticipating the interest of the development community, the MTA proceeded to acquire the approvals that would be needed before planning could begin. Early in 1968, the Turnpike Authority signed an agreement with the Conrail Railroad Company granting the Authority the air rights over the railroad tracks which adjoined the site.\(^{33}\) One year later, the Authority reached an agreement with the City of Boston regarding construction of a building on the triangular shaped portion of the site bounded by Huntington Avenue, Dartmouth Street and Stuart Street and adjacent to Copley Square. This agreement provided that prior to construction, all plans for exterior and architectural features on buildings on that lot would be submitted to the Mayor for review. This was to assure the blending of the buildings with historic Copley Square.\(^{34}\)

Over the next few years, several developers examined the site. Among these developers was Western International Hotels who expressed an interest in building a hotel on the non-air rights portion of the site. At this time there was a strong demand for additional hotel space in downtown
Boston. The MTA rejected Western's offer for several reasons. First, Western did not offer enough money for an option. Second, and more important, they were only interested in building on the non-air rights lot. To allow the separate development of that lot would probably eliminate the possibility of attracting development for the air rights portion of the site. The Board of the MTA saw the triangular lot as leverage to attract development on the entire site; the remaining land would be too expensive on its own due to the costs of constructing decks and moving the Turnpike ramps. Finally, Western did not have the financial strength that the MTA saw as essential if development of the entire site were to be completed and within a reasonable amount of time. 35

In late 1976, K. Dun Gifford approached John Driscoll, Chairman of the MTA, with plans for a mixed-use development on the Copley Square air rights. Gifford was a development consultant, a Bostonian familiar with local politics and real estate. He was a former legislative aide to Senator Edward M. Kennedy, past president of Massachusetts Common Cause, and a fundraiser in the successful 1974 gubernatorial campaign of Michael S. Dukakis. He was also a former vice-president of Cabot, Cabot and Forbes, the largest development firm in Boston. Gifford had formed a partnership with Ben Thompson, an architect, in a development company known as Great Bay Company, Inc. Thompson had his own architectural firm, Ben Thompson
Associates, which did the design for the renovation of Quincy Market. Gifford was a friend of Ken Himmel, who was also active in local development and real estate. Himmel had contacts at Urban Investment Development Corporation (UIDC), a recognized developer, headquartered in Chicago. UIDC is a wholly-owned subsidiary of Aetna Life and Casualty and is best known for their development of Water Tower Place, a 74 story complex in Chicago which houses shopping and entertainment facilities, office, a hotel and condominiums. Himmel interested UIDC in Copley Place and was placed on their payroll fairly early on.

At the outset, UIDC was apprehensive about getting involved in Copley Place. Its management knew that in Chicago, a developer could expect a tight political chain of command and could deal directly with only a few parties, anticipating their opposition in advance. In Boston, however, they feared that one could never be certain of having approached all the necessary people and that the opposition was more volatile and uncontrollable. UIDC's interest increased once they were assured of the participation of Himmel and Gifford who were well acquainted with Boston. Gifford and Thompson formed a joint venture with UIDC in the spring of 1977, assuring them a substantial financial backing. They then lined up Western International Hotels to build an 800 room luxury hotel. This commitment and Aetna's backing made their package more attractive than previous proposals to the MTA. Gifford and Himmel soon won
Driscoll's support for UIDC's proposal.

It was several months before Gifford and UIDC approached the State for the first time. Gifford and Thompson met with Frank Keefe, Director of the Office of State Planning, to inform him of their proposal. Keefe was thrilled at the prospect of the largest single private investment in Boston's history, but at the same time, was aware of the monumental planning effort that would be required. The Copley Place development proposal was a perfect opportunity to implement the state urban policy of the Dukakis Administration. Dukakis was attempting to halt the inefficient dispersal of private development out of cities and to revitalize older, industrial cities through a redirection of public spending to attract private investment: 37

...it is clear that if Massachusetts is to retain and revive community and regional character and if the negative fiscal, environmental, and social impacts of sprawl are to be avoided, a major emphasis must be placed at all levels of government on the encouragement of new growth and development in our city and town centers.

To attract a developer the caliber of UIDC to develop a site as large as Copley Place would be a major achievement for the Dukakis Administration. Keefe approached Governor Dukakis who insisted he take the matter to Secretary of Transportation Frederick Salvucci who was the Cabinet member who worked most closely with the MTA.

When Keefe brought the proposal to Salvucci, it was the first that Salvucci had heard of the plans. He was furious that Driscoll and the MTA had been dealing with
private developers without his knowledge. Because Driscoll was a holdover (he had not yet been reappointed by Governor Dukakis) in his position as Chairman of the MTA, Salvucci had sufficient leverage to allow him to insist that the matter be brought before the Development Cabinet.38

The Development Cabinet was a unique organizational achievement for Dukakis. It was composed of all the department secretariats whose program responsibilities impinged directly on development. They met weekly to discuss development related issues. It was Dukakis' policy to insist that an attempt be made to reach a consensus on particular issues in the Cabinet before he was brought into it.39

The debate which ensued in the Development Cabinet between Keefe and Salvucci is philosophically and practically an interesting one.40 The discussion centered around whether or not UIDC should be granted an option as sole source developer of the site prior to the development of a Request for Proposals which would identify a set of conditions and requirements that must be met by interested developers.

Salvucci argued internally that the State should not be responding to developers. He felt, instead, that a public participation and impact assessment process should be conducted, a developer's kit prepared and proposals solicited from developers committed to meeting the standards produced. He was concerned that the designation of a developer prior to the definition of constraints on the development would result in the loss of public control over the nature and extent of the project. A more publicly responsible
development would result if his strategy was followed. He also felt that by conducting the participation and EIR process on the front end, that the State would be able to present the developer with a business-like deal—meet this set of conditions and the site is yours to develop. This approach could save the developer both time and money, by substantially decreasing the risk and uncertainty involved. Keefe proposed an alternative strategy which would have the Turnpike Authority grant a six month option to UIDC, as sole source developer, to enable them to work with the Development Cabinet and a citizens advisory committee to shape a sensible, acceptable development proposal. As he saw it, impact assessment and citizen review processes would be conducted simultaneously with the developer's feasibility studies. Keefe felt this was the most direct and efficient way to encourage what was, at that stage, a possible development opportunity through to the commitment stage. Keefe pointed out the limited and non-binding nature of the option and the leverage accorded the Governor by his authority to sign the final lease between the State and the developer. This leverage could be used, Keefe suggested, to assuage Salvucci's concerns about a loss of public control over development on the site. In fact, a citizens' committee established at the beginning of the process would help to keep the developer at bay and lend credibility and legitimacy to the State's concerns and requirements.

The Development Cabinet was unable to reach a consensus and the matter was brought to Governor Dukakis who proposed
a compromise. He chose to follow the basic approach suggested by Keefe but reinforced the importance of a strong citizens' review process. This process was to take the form of a Citizen Review Committee (CRC) that would act as an advisory body to the Office of State Planning.

On April 15, 1977 the MTA, UIDC and Great Bay Co., Inc. entered into a Memorandum of Understanding (MOU) granting a six month development option to UIDC in return for $30,000. The Development Cabinet, with the Office of State Planning (OSP) in the lead, was directed by Governor Dukakis to guide the six-month process of evaluating environmental constraints and community desires.

Shortly after the signing of the MOU, Frank Keefe asked Professor Tunney Lee of MIT to organize and direct the Citizens Review Committee which was to identify design, environmental, economic, and community considerations to serve as guidelines for the Copley Place development. Lee's background in participatory efforts including the antihighway movement as well as the respect accorded him by the key local actors involved made him a logical choice for the position. On May 19, 1977 Driscoll and the MTA authorized Lee's contract as a consultant to conduct the CRC process. Lee's goal for the process was to "bring everyone in the Citizens Review Committee up to the same level of understanding of the issues involved".

The decision to include a strong citizen review component in the planning for Copley Place was a critical one and the reasons for it are important. Its inclusion was certainly
unexpected in light of the recent history of citizen participation in public and private development. Certainly, the State had the necessary leverage to require such a process since the Governor had to sign the lease with the developer. However, what lead to the decision to exercise that leverage over a private developer when past experience showed that even in public programs, government had been loathe to extend the right of involvement to those very citizens affected by the program in question?

Certainly, Salvucci's feeling that it was essential, in lieu of an open solicitation of developers based on a predetermined set of conditions was important. He saw the CRC as a way to constrain the developer to the public interest with regards to environmental, aesthetic and social questions. He felt this was particularly necessary in light of the current climate in Massachusetts of "building the State's economy". He thought citizen involvement would moderate the interests of the economic development proponents. It was also probably in the interests of the economic development proponents to support a citizen participation element because even those interests can lose out in the end. If left out or unsatisfied, citizens can stalemate a development process and no interests, especially those of economic development will be furthered. Salvucci conveyed all of these thoughts to Dukakis.

Probably foremost in the minds of State officials was the strong negative precedent of Park Plaza. The
effects of having excluded from the planning process a large number of people who would be significantly affected by the results of that process were strongly felt in the tortuously slow six year opposition and approval process. The fact that Park Plaza was only barely underway when the planning for Copley Place began and the reasons why this was so were crucial in Dukakis' decision to support a strong citizen review component.

The anticipation of strong, volatile neighborhood interests led Keefe and Dukakis to consider the most appropriate way to make the expression of these positions more manageable and to assure that whatever the outcome, they would have been included in its formulation. This would reduce the possibility of the development being stalled at the last minute.

The BTPR had also set a precedent which contributed to the decision to include a citizen review process, and it was positive one. It proved that a complex undertaking like this could be well organized and representative, leading to an outcome based on consensus building. His experience with the BTPR was instrumental in convincing Salvucci of the worth of and need for an influential citizen review process for any major development plan which could significantly affect the quality of life of a large group of people. Salvucci's strong insistence on such a process weighed heavily in Dukakis' decision to create a participatory structure which would serve as a control on the front-end
approach he also chose to use to proceed with the Copley Place development process.

Finally, and not to be discounted, were the commitments of Keefe, Salvucci and Dukakis to participatory planning and citizen involvement. Keefe's and Dukakis' efforts to assure substantial local involvement in formulating growth plans and economic development policy statements were indications of their attitude. Salvucci had a long-standing commitment to citizen participation, dating back to his involvement in the anti-highway movement. The judgment of these public officials was crucial as they were in the decision making positions and could have attempted an entirely different route. Their judgment became particularly important as the process progressed and a decision had to be made as to how much weight should be given to the guidelines produced by the CRC.

It may seem purely pragmatic to have created a strong citizen participation component for the Copley Place planning process given the complexity of interests and actors. To Keefe, Salvucci, and Dukakis, it made sense to approach the development in this way. The following discussion of the planning process should be useful in evaluating the effectiveness of their choice.
CHAPTER TWO

BARGAINING FOR MIXED-INCOME HOUSING

There was little delay in getting the planning process for Copley Place underway. In the spring of 1977, Frederick Salvucci, Frank Keefe and Tunney Lee met with State Representatives Melvin King (South End) and Barney Frank (Back Bay) to draw up a list of participants for the CRC process. They felt the ideal membership would be a balanced cross section of interested and affected parties but that meetings should be open to anyone who cared to participate. The number and variety of people and organizations invited to join the CRC indicated the complexity of issues expected to arise. Invitations were extended to those on the list and publicity was widespread to insure a good turnout for the first meeting.

On May 19, the organizational meeting of the CRC was held. Copley Place was presented for the first time to those present as a mixed-use development containing a hotel, two department stores, some office space and parking. Tunney Lee requested that individuals and groups with special concerns which they would like to see addressed in the CRC summarize them and forward them to the Office of State Planning.

As these issue summaries began to arrive at OSP, the key actors and issues emerged clearly. This chapter and
the next will attempt to follow the course of one issue, housing, throughout the CRC process to its resolution a year and a half later. Disagreement about the appropriate type and role of housing in Copley Place occurred not only among various community groups themselves but also between the CRC, the State and the developer. Housing was not the only issue in Copley Place and indeed, represents only one aspect of the entire development as it appears in current designs. The role that housing played in Copley Place is significant because it conflicted with what might have been expected based on other attempts to develop subsidized housing. Nearly everywhere it has been proposed in recent years, subsidized housing has been vehemently opposed by citizens groups for a variety of reasons. As a result of these protests, city and town governments nearly always reject developer proposals for subsidized housing. Copley Place was a case in which sizable numbers of citizens campaigned in favor of the inclusion of mixed-income housing and in turn, won support from other community groups and the State. The controversy over its inclusion in the Office of State Planning (OSP) guidelines for the developer and eventually in the lease itself may be instructive for planners, community groups and developers in similar situations in the future. Therefore, the context in which housing became an issue is extremely important. Most participants represented concerns of either the South End or the Back Bay, as these were the two neighborhoods
Copley Place would impact most strongly. The two neighborhoods contrasted sharply in their composition and their interests.

The Back Bay was represented primarily by two organizations. The Neighborhood Association of the Back Bay (NABB) was the only resident association in the Back Bay and was a very strong and active group of professional and middle-class people. The Back Bay Federation was a coalition of neighborhood businesses, retail interests and institutions. The issues important to these two groups were primarily the impact Copley Place would have on Back Bay businesses, and environmental, noise and traffic considerations. They also had aesthetic concerns about what shape the design of the development would take.

Similar to the NABB in terms of its membership and interests was the South End's St. Botolph Street Citizens' Association. In addition to sharing the concerns of Back Bay residents about traffic and noise, the St. Botolph people were interested in seeing that through its design, the development would link the South End and the Back Bay. St. Botolph Street residents had an identity problem; while actually located in the South End, many of them saw themselves as part of the Back Bay, thus their interest in linking the two neighborhoods.

In contrast to the Back Bay, the South End had no one representative group nor did it have any clear cut set of issues on which a neighborhood consensus could be reached.
This was in large part due to the nature of the South End as a "neighborhood of neighborhoods". Close to twenty-five different neighborhood organizations had dealt with the BRA with regards to urban renewal.

The South End, located to the southwest of Boston's central business district, has always been noted for its racial, ethnic and economic diversity. This reflects its history as a port of entry for migrants offering low-cost shelter, often in rooming houses, and proximity to unskilled or semi-skilled jobs in restaurants, factories and hospitals. Nearly half the population lived in lodging houses as of 1963. Various ethnic groups, among them Syrians, Chinese and Greeks, had been settled there for many years. The most recent census in 1970 identified forty different nationalities residing within the community. Between 1920 and 1950, southern Blacks moved into the South End in large numbers and they remain a steady 40% of the current population. The Spanish-speaking population, most of it Puerto Rican, is now growing rapidly after being somewhat depleted by urban renewal in the 1960's. Aside from these relatively stable community groups, there has always been a transient skid row population.

The South End's potential and desirability lies in its outstanding architectural features, its support services and its easy access to institutions serving both rich and poor. It was only natural that developers should find it an attractive area for investment. Beginning in the early
1960's with Prudential's decision to undertake its development and continuing with the Christian Science Center and the Hancock Tower, middle and upper-income people began to be attracted to the South End where they purchased and renovated brick row houses, many of which had been converted from their original single family use into lodging houses or apartments. Though originally constituting only a small minority in the early 1960's, the numbers of young professionals grew at an astonishing rate over the next fifteen years. In spite of the large numbers of well off families moving into the South End, the area's median income was estimated to be 30% lower than the Boston City median.\(^3\) It was still a predominantly low-income area with over 30% of the families earning less than $4,000 as of 1972.\(^4\)

As might be expected of a neighborhood housing so many diverse groups of people, interests often clashed most common divergence of opinions existed about housing. Ever since the start of urban renewal in the South End in 1961, housing had been a volatile issue there. Urban renewal in the South End was characterized by the displacement and relocation of numerous low income and minority residents, generally renters. In 1970, the Census showed 10,150 fewer units in the South End than there were in the 1960 census. The BRA figured the actual loss to be about 6,000 units because of what it estimated to be an under-counting of lodging house units by 4,000.\(^5\) Nevertheless,
the loss of such a significant number of units angered the low-income residents of the South End and their advocates. These feelings were aimed not only at the BRA, but increasingly against middle-income people who moved into the area either buying houses to be renovated or to rent apartments newly renovated by private developers. These newcomers were seen by low-income tenants as competition for scarce and needed housing.

In addition, the influx of higher income residents had led property values and rents to rise sharply. This inflation in costs, commonly associated with private market housing rehabilitation, is the one mechanism which seems to spur dislocation of low and moderate income neighborhood residents. When rehabilitation work begins, renovators generally buy in at low market prices but interest in the neighborhood and the attendant reinvestment begin to drive the cost of housing higher. The result may be rapid inflation in the cost of both unrenovated and renovated properties. This inflation is in the interest of those who have invested in the neighborhood, but it is not in the interest of those residents on fixed or limited incomes. Because the price increases, soon reflected in rent increases, may be extremely rapid, residents with low to moderate incomes have a difficult time keeping pace. This, combined with the rapidly increasing rate of condominium conversion and the phasing out of rent control in Boston, served to limit housing in the South End to those
who could afford its rising costs.

Many of the middle-income homeowners liked the unique character of the South End and became advocates for more low-income housing in order to maintain and protect the diversity of the area. Still others, however, felt that the South End and the City had done their share for poor people and in fact called for a halt to future construction of subsidized units. In recent years, numerous ad hoc organizations had sprung up to advocate for various positions on the issue and several of these groups were particularly important in the planning for Copley Place.

One of the most vocal groups was the Tent City Task Force, organized to negotiate the development of a vacant lot in the South End. More than a decade ago, there were homes, shops and a hotel started by the founder of Goodwill Industries on this lot. The BRA leveled all the buildings in the mid-1960's, except for a row of houses along Columbus Avenue and three brownstones on Dartmouth Street, only one of them inhabited today. The rest of the site became a parking lot for Back Bay employees.

In April 1968, the parking lot was occupied by about 200 demonstrators, several of whom were arrested. The following day, people returned and camped out for the weekend in "Tent City". The demonstrators were protesting the BRA's failure to accommodate the thousands of displaced residents, and to build or rehabilitate enough housing for low-income people. Occupancy of the parking lot lasted
four days before the neighborhood groups were forced to leave. However, as a result of the Tent City protest, the BRA director pledged to implement urban renewal and phase dislocation in such a way that poor people could remain in the South End.  

In recent years, community residents, organized as the Tent City Task Force, have demanded that subsidized housing be provided on the Tent City site to meet the needs of low-income South End residents. In December 1974, the Tent City Resolution was offered which proposed a mixed-income development on the Tent City site. It called for the development of housing affordable to most South End people with 25% of the units to be for low-income people and 50% for typical South End working families and individuals with a ceiling of $190 per rent based on a median income of $9,000. This median income was later determined to be closer to $6,800 and the ceiling rents were adjusted accordingly. The remaining 25% of the units in the new development would be made available to people who could afford to pay the market rent. The resolution was later revised to say that at least 75% of the new units were to be covered by rent subsidies under the Section 8 housing assistance payments program. The Tent City Resolution was adopted by the South End Project Area Committee (SEPAC) in April 1975. SEPAC is the BRA designated urban renewal committee in the South End. The Task Force had repeatedly attempted to negotiate this demand with the BRA to no
avail. Therefore, as the CRC process began, the Tent City Task Force and other South End residents, who felt that the neighborhood needed more low-income housing, organized to present their issue through this new medium. The general position of advocacy for the needs of low-income South End inhabitants was supported by members of the Methunion and Cosmopolitan Neighborhood Associations - the former a housing project, the latter housing mostly working class blacks - and the South End Project Area Committee (SEPAC). Since 1969, SEPAC's elected membership has changed from being composed of 74% White, 20% Black and 6% Spanish to a membership more representative of the composition of the South End. State Representative Mel King (South End) had also been consistently active on behalf of this goal.

On the opposing side of this issue was the Committee for a Balanced South End. This was a group of middle-income residents who argued that the South End already had too heavy an infusion of subsidized housing projects and their accompanying social service agencies. They tended to see the South End as a dumping ground for social problems which other neighborhoods and communities had not shared equally. The Committee perceived the large concentrations of lower income families as jeopardizing the safety and well-being of others living in the surrounding area. These families placed an extra demand on already overburdened neighborhood services and damaged prospects for future private investment in the neighborhood. The Balanced
Committee had brought several major lawsuits challenging the construction and rehabilitation of subsidized housing developments in the South End. One dealt with the BRA's transfer of thirty-six bowfronts to the Tenants' Development Corporation (TDC) who planned to rehabilitate them for low-income families. Next, they attempted to halt the first phase of the Hispanic housing development Villa Victoria. In each case, the lawsuits represented an unusual use of the 1969 National Environmental Policy Act which requires government agencies to file an environmental impact statement before funding construction that would significantly affect the human environment. In the Villa Victoria case, for example, they charged that the housing development would be "isolated and alienated from its surroundings, and isolating and alienating for its inhabitants" and could "produce an environment of pressure and claustrophobia that is undesirable for the tenants and unhealthy for the neighborhood". The Balanced Committee was unsuccessful in both suits.

Clearly, the scene was set for controversy if subsidized housing was raised as a concern by any one of these groups through the CRC process. One of the major issues mentioned in the summaries provided to OSP after the initial CRC meeting was, in fact, that of the Tent City site. The Tent City Task Force (TCTF) submitted a list of preliminary concerns regarding the proposed Copley Place development. Their first concern was that the Tent City site should be
included in the development of Copley Place. They noted:

This would avoid parcelization, allowing not only for the most flexible and favorable development of each site but also for the most cohesive sensible overall plan. As area residents, we wish to be neither left out of a positive development nor adjacent to a negative one.

They also pointed out the importance of housing on the Copley site itself, with the caveat that it should be of a mixed-income nature. Housing would, as they saw it, serve several functions. It would be a step toward meeting the local need for subsidized housing. In addition, it would provide round the clock security and supervision by insuring a human element on the site and would help to integrate the development with the surrounding neighborhoods. The Task Force also expressed other architectural and aesthetic concerns and set a goal for the employment of 30% minority workers during construction of the development. However, it was clear that their main priority was that of linking the Tent City site to that already under consideration for Copley Place.

Tent City was also a concern of the Ellis Neighborhood Association. Ellis was a South End neighborhood of single family homes, near the Copley Place and Tent City sites, largely occupied by white professionals. Ellis residents were also advocating the annexation of the Tent City site into the overall development plan. Although not stated in their letter to OSP, the residents of this neighborhood favored a market rate/luxury development on Tent City. Ellis' other concerns related to aesthetic and traffic
matters but they were also desirous of creating an effective bridge between Copley Square and the South End. They felt development on Tent City would serve this purpose well.\textsuperscript{13}

Although not raised as initial concerns, three other issues were to become equally as important and as controversial as the disposition of the Tent City site. These were: the inclusion of housing (apart from Tent City) on the site; its location; and the timing of its construction.

Over the next several months, public discussions about the housing and other issues took place at CRC meetings. Participants responded to the developer's drawings and the developer made revisions and resubmitted them to the Committee for further discussion. Concurrently, groups like the Balanced Committee lobbied privately with the State and the developer for positions they were reluctant to state publicly. The end product of these discussions and machinations would be a set of Guidelines for action of the part of the developer, the State and the City, on which a CRC consensus had been reached. The Guidelines would be submitted to the Office of State Planning which would make a decision as to which of the recommendations the developer would be required to comply with.

The Tent City issue surfaced publicly for the first time at the June 9, 1977 meeting of the CRC. Dun Gifford was present and explained when questioned about it, that UIDC had not considered the Tent City site in any way, largely due to the cost of the land. The land at this time
was partially owned by the BRA, with the remaining parcels privately owned by the Fitzgerald Trust. Gifford also pointed out that the Tent City site was outside the current project area and thus the developer had no responsibility for it.14

At the next meeting, several weeks later, on-site housing was discussed for the first time. Representatives of the Back Bay and St. Botolph neighborhoods requested that housing be included in Copley Place in order to emphasize the interface of the development with the surrounding neighborhoods. They were interested in providing a transition from the high rise hotel, office and retail buildings to the low-rise residential buildings in the adjacent neighborhoods. They also saw housing as a humanizing element on the site. The TCTF was quick to add that any housing built on the site should be mixed-income in nature and should provide for a sizable percentage of low-income residents. The current problem of displacement of low-income residents due to "gentrification" in the South End was discussed. South End residents expressed their fear that a development the size and composition of Copley Place would only accelerate these trends.15

Gentrification had been a far from benign development in the South End, yet was not unique to this urban neighborhood. After decades of lamentation over the flight of the middle class from center cities, a combination of circumstances concern over energy, transportation, the rising costs of new housing in the suburbs and the emergence
of a new breed of relatively well-off "urban pioneers" and developers - had created an uneven but definite in-migration of middle class homeowners and renters who had taken up residence in city neighborhoods, among them the South End, that they and financial institutions once shunned. The Prudential Center and the Hancock Tower rapidly accelerated this process and Copley Place, therefore, presented a similar problem. The benefits of a strengthened tax base and of some gains in residential and commercial revitalization were clashing with the deprivation, frustration and anger of the longtime poor, elderly, working-class and minority owners and renters who were being pushed out.

The South End represented a classic example of a neighborhood in the process of being gentrified. The National Urban Coalition has recently completed a study on displacement and nearly all of their findings describe what was happening in the South End in 1977. Professionals and white collar workers were tending to displace blue-collar workers and the unemployed. The elderly were most often displaced. Homeownership was increasing substantially, while renters were being displaced. There appeared to be more minorities living in the South End before rehabilitation than after, indicating that displacement was taking place. Significant speculative rehabilitation was occurring. Monied forces appeared to manipulate the lives of those with little money who had lived in the neighborhood yet had no control over their future there.
At this meeting, South End residents accentuated their desire to preserve the current character of their neighborhood to prevent the changing of its people and residential nature, while improving the environmental quality of the area. This was the first of many similar pronouncements by South End residents who advocated the provision of more subsidized housing. Copley Place was seen as an opportunity from which to build a floor of subsidized housing in and around the South End.¹⁷

The BRA had published a study called *Subsidized Housing in the South End* in April 1974 which recommended that prospective developers provide up to 25% of their total rental units for low and moderate income families. The BRA basically supported the position of the Balanced Committee, to limit new construction of subsidized units, in an effort to stimulate the revitalization of the South End. Political motives were probably important in this suggestion as well. Mayor Kevin White and State Representative Mel King were long time political opponents and King was a vocal supporter of additional subsidized units.

SEPAC and the TCTF among others, saw this as a means for those who chose to, to limit drastically the number of low-income people in the South End. It became imperative to them to insist on every occasion possible that the needs of low-income people be met. Copley Place not only offered one more opportunity to do so, but also appeared as a direct threat in terms of the further gentrification and displacement
it might stimulate. The inclusion of on-site mixed-income housing and the annexation of the Tent City site came to hold great symbolic value for both their advocates and their critics. 18

The BRA had neither attended any meetings nor made any statements about Tent City up to this point. They finally sent a representative, Larry Koff, to the July 7 meeting. At this meeting, held at the Tubman House in the South End, Tent City was discussed once again. Koff reported that the BRA was now in a position to purchase the properties on the site owned by the Fitzgerald Trust. He made no mention of their plans for the site, particularly regarding the nature of the housing (subsidized or not) which would be built. Tunney Lee requested Koff to have the BRA indicate in writing if purchase of the remaining parcels was indeed a possibility and also to specify what type of development proposal they had in mind for the site. 19

Also at this meeting, the possibility of on-site housing was discussed again. Gifford stated that the developer, up to this time, had not considered housing on the site, but neither had he ruled out that possibility. This apparent indecision was only the beginning of numerous stalling techniques used by the developer. UIDC had good reason not to want to build any housing at all, let alone mixed income. Copley Place was a very expensive piece of land and any developer wanting to maximize the potential profit to be gained, would not look to housing as a means
to achieve that goal. Internally, UIDC was not considering housing at all but, of course, publicly was trying to provide some semblance that they were still open to the possibility.20 Gifford went so far as to say that if some sort of "reasonable economic package" was constructed which included Parcel "C" and Tent City and removed Ramp "C" (see attached map), that the developer would be willing to consider a mixed income housing component as part of the development program. What Gifford termed a "reasonable economic package", however, centered on the willingness and intention of the BRA to purchase the remaining Tent City parcels and write down the cost of the land for UIDC. Given the history of the BRA's involvement with Tent City, one of "intent to develop, not action", as one participant was to say later,21 this seemed highly unlikely to come about. In spite of this feasibility problem, Ben Thompson Associates was asked to do a study for housing on Parcel "C", assuming Ramp "C" could be moved.

Gifford's suggestion of Parcel "C" for housing was particularly surprising (and more of a stall) given the problem of removing Ramp "C" which in itself, was rather controversial. The MTA wanted no ramp changes to take place largely because of the tremendous cost and inconvenience. The developer, also for cost reasons, preferred to keep ramp changes to a minimum, however, they saw Ramp "C" in its present location as difficult and very expensive to build over. The South End community particularly
disliked Ramp "C" as it emerges onto Dartmouth Street in the middle of a residential neighborhood. It seems odd that the developer suggested Parcel "C" in retrospect, then, as it was probably the most expensive parcel on which to build the least financially profitable land use in their package. In addition to the study of Parcel "C" and Tent City, the developer agreed to examine a scheme including housing on Fenway Parcel 1 (see map) which was not even a part of the site. Gifford's willingness to examine an off-site parcel was inconsistent with his earlier apprehension about becoming involved with Tent City. He claimed that UIDC was uninterested in Tent City as it was not a part of the site.

OSP and the State had not yet stated their positions on the housing issue. At the July 14 CRC meeting, Frank Keefe made the State's position clear. Dun Gifford was asked why no housing had originally been included in the development program. He responded that the site as it was made it extremely difficult to include housing. The extra costs of special foundations and ramp changes ruled out an economically viable housing component. Keefe then indicated the State's strong support for the position of the surrounding neighborhoods, that housing should be included on the site in spite of these extra costs and difficulties. Early on in the CRC process, then, the State made it clear to Gifford and the developer that they supported the position of the CRC with regard to the housing issue and that they
were serious about this support.22

The affect of Copley Place on the availability of housing for low-income people became a recurring issue at all CRC meetings. One additional aspect of the CRC process involved Working Group meetings which were small groups of people representing concerns about specific issues, such as traffic, impacts on retail opportunity, jobs and business opportunities. It was at the July 15 meeting of this latter group that a further discussion took place on the combined effect of a large investment like Copley Place and the continued increase in gentrification on the South End.

Many South End residents felt powerless, as if Copley Place might be the final blow to their efforts to remain in their neighborhood. The difficult problem lay in that unlike publicly financed urban renewal projects of the 1960's, privately financed urban improvement is not easily controlled or regulated. Tunney Lee repeatedly attempted to point this out to those at this working group meeting. Alternative strategies were proposed to deal with gentrification. Frank Keefe of OSP suggested identifying city and state goals against which the impact of Copley Place could be measured. In other words, a firm commitment to preserving a mixed income neighborhood could be made. It would be difficult, however, to isolate the effects of Copley Place from those of continued private market investment. In addition, it would be a formidable task to attempt
to control or regulate the income mix of the neighborhood through traditional legal and regulatory channels.

The only viable alternative, insisted Mel King, the Tent City Task Force, IBA, SEPAC and others, was to build more subsidized housing in the South End. This would assure a home for those who they felt were sure to be displaced in the near future, whether by continued private market investment or that generated by Copley Place. No private developer would build new housing affordable by low-income people due to the high cost and negative return, so the only alternative was the construction of subsidized housing, which allowed some incentives for the developer.

The potential for a major conflict lay, however, in the pitting of this insistent advocacy for subsidized housing against a long tradition of resistance to it nearly everywhere it had been proposed throughout the United States. This resistance has generally come from suburbanites who have seen subsidized housing as a threat, the incarnation of everything in urban society that they have sought to insulate themselves from. Admittedly, many of the middle-income suburbanites who had moved back into the city, the South End in particular, were attracted to the racial and ethnic diversity which existed there. Still others such as the members of the Balanced Committee, had reacted to previous proposals for subsidized housing in the South End with hostility and emotional opposition incredibly similar to that expressed by residents of politically
autonomous suburban jurisdictions. Political scientist Michael Danielson characterizes those opposed to subsidized housing as identifying its advent with undesirable changes in community character, higher taxes, overcrowding in the schools, unwanted neighbors, increased crime and drug problems, falling property values, neighborhood instability, deteriorating housing conditions, and a loss of social status for existing residents.25

Many of these reasons resemble those advanced by Balanced Committee members to explain their opposition to construction of additional subsidized units in the South End. Another concern of suburbanites and of Committee members is a fear that large numbers of low-income families will be attracted to their community or neighborhood due to the willingness to build subsidized units to accommodate them. They view the provision of subsidized housing as self-proliferating. The viciousness of this circle is intensified in areas, like the South End, which already have substantial amounts of low-income housing and large minority populations.

Racial discrimination has been blamed as the real inspiration for suburban policies which limit housing opportunities, with considerations such as property values, community character, local taxes and services, and environmental protection providing a respectable rationale. Racial motivations are difficult to isolate, however, from other factors which prompt exclusionary politics. Certainly the
fact that many middle-class black suburbanites resist subsidized housing indicates that racial prejudice is not the only element in the exclusion of lower-income blacks in the suburbs. This holds true in the South End where the diverse racial and ethnic character of the neighborhood was well established when white professionals chose to move there. However, one is lead to wonder about the source of true opposition when a suit is filed to protest a plan to rehabilitate thirty-six bowfronts for occupancy by low-income families on the grounds that the effort would "perpetuate high density ghettos of low-income blacks rather than providing a social, racial and economic mix." 26

Whatever their motivation, local autonomy has provided suburbanites with the means to exclude subsidized housing. Housing production and site selection decisions and actions are taken almost exclusively by local organizations, public and private - builders, developers, local housing authorities and the like. With the exception of military housing, the federal government does not build or locate subsidized housing. The Department of Housing and Urban Development (HUD) reserves the right to approve or reject a site proposed by a local sponsor but the initiative in site selection and the decision to build is local. As a consequence of this federal policy, zoning ordinances, building codes, environmental protection laws, and other local regulations are sufficient to preclude the construction of subsidized housing in many suburban jurisdictions.
In the face of local inaction and these land use control barriers, not much subsidized housing gets built in the suburbs. Sociologist Anthony Downs estimated that no more than a quarter of the record 433,480 subsidized units produced in 1971 were located in the suburbs. Moreover, most that were housed moderate-income households, not low-income ones. Those that were for the latter, often went to elderly applicants rather than families. Also contributing to the paucity of low-income, subsidized housing in the suburbs has been the lack of systematic organization and advocacy on the part of low-income and minority people for specific case by case attempts to open the suburbs. There has always been strong support for the general idea of building subsidized housing in the suburbs on the part of civil rights, poverty and fair housing organizations but their efforts have been more general than specific. Their advocacy for low-income housing is roughly comparable to the consumers' movement; there is a large potential constituency, but no solid grassroots organization.

Those Southendens who opposed further construction of subsidized units in their neighborhood had few of the traditional weapons available to their suburban counterparts. They found themselves in different circumstances given that they were the outsiders, the newcomers to a racially and economically diverse neighborhood. White middle-class suburbanites, on the other hand, were the original residents
of homogeneous communities. This put the Southenders in a slightly more awkward position in light of the fact that the South End had always been one of the few neighborhoods in Boston where subsidized or low-rent private market housing was readily available. It was not as if poor people were suddenly attempting to invade their exclusive middle-class bastion. Therefore, zoning and land use controls were not easily employed. The Balanced Committee's attempted use of provisions of the National Environmental Protection Act was discussed earlier; both suits using this law as their justification failed. Most important, the proponents of subsidized housing in the South End were not simply a few civil rights activists, but a coalition of low, moderate and even some middle-income neighborhood residents who had fought this battle before and who were as close to being professionals at their effort as they could be.\textsuperscript{28}

Finally, the importance of State (OSP) support for this goal should not be underestimated. It was not easy or desirable for local suburban government officials to advocate the building of subsidized housing in their community in light of the strong negative feelings of their constituents. In the case of Copley Place, it was the State rather than local government, who had authority over what was constructed on the air rights site. Keefe made his position clear to the community and the developer early on in the planning process. The State did not experience the same constituency problems that a local official might.

All this was to have the effect of muting public
opposition to the subsidized housing. Its opponents claimed to be liberals and were unable to state their position in a way that did not appear to be racially discriminatory. Their suburban counterparts rarely pretended to be liberals, allowing them to be more blatant and visible in their opposition. Balanced Committee members did lobby intensely for their position with city and state officials and with the developer. 29

The developer's representatives were very open to the lobbying as they were strongly opposed to including subsidized housing in Copley Place. theirs were largely financial reasons; it was very costly to build and offered little return on the investment. In addition, they argued, mixed-income housing developments had not been shown to "work" elsewhere and there was no reason to think that Boston would be any different. 30

Housing was shown as a part of the site plan for the first time at the July 28 meeting of the CRC. The purpose of this meeting was to evaluate the design presented by the architect and the developer and to define a concrete set of physical recommendations in response to it. These recommendations were to be compiled by Tunney Lee, reviewed by the CRC and then presented to the Office of State Planning in final form. It would then be up to OSP to transmit a set of final guidelines to the developer, incorporating whichever of the CRC recommendations they chose to. There was every indication, however, that Keefe was
taking the CRC process very seriously and that the recommendations would play a key role in the determination of the final guidelines.

Prior to this meeting, a workshop had been held with the St. Botolph Street Citizens Association who had suggested Harcourt Street (see map) as a possible location for the on-site housing. Therefore, priority issues at this July 28 meeting were the discussion of housing (5 to 8 stories) on the Harcourt Street site and the options for Parcel "C".

Ben Thompson discussed a model of the development, reiterating the difficulties of the site. He showed two rough alternate schemes indicating housing over commercial use on Parcel C tied to development on Tent City (assuming Ramp "C" could be moved) and housing along Harcourt Street. The architects had been told privately by the developer not to include housing in their site plans, however, in response to repeated requests from CRC members, BTA had prepared these rough drawings. They had not planned to show them, however, until Frank Keefe began to pressure them several days prior to the July 28 meeting to show some housing on the site. At this time, the developer was completely uncommitted to building the housing and had not even costed out the alternative sites. They were aware that there was substantial community interest in its provision but had not yet decided what their response would be. From the architects' point of view, housing was an unworkable
option for Parcel "C", but they were careful to present a "friend of the community" image to the CRC by responding to their request. It was BTA's opinion given the site premium costs that Parcel "C" should be reserved for a more expensive use. This site was also needed for access to the department stores whereas Harcourt Street was a quiet street and housing there would provide a transition to the adjoining neighborhood. They tended to see the housing more as a way of treating problems of scale than as a positive use on the site in its own right. BTA had not prepared any drawings for housing on Fenway Parcel 1 and Gifford indicated that the developer had not yet decided whether to include this parcel in their proposal.

The fourth important housing issue emerged at this meeting. A CRC participant pointed out that while the MTA had asked the developer to treat the entire project as a whole, the architect and developer had designed it to be built in stages, each stage complete in itself. This was cause for concern as it had often been the case that when a mixed use development was built over a long period of time, the original design was actually never completed. This raised the fear of some housing advocates that this component would get delayed until Phase 2, which, given the developer's resistance to it, could mean it might never be built at all.

A workshop was held on August 4 to discuss, for the second time, the impact of Copley Place on the South End
and the possibilities of regulating change in that neighborhood. Those present included representatives of South End organizations like SEPAC and the TCTF and also people from the BRA. After a lengthy discussion of the issues, it became apparent that there was no easy solution to the problem and certainly none that everyone agreed on. Tunney Lee instructed the workshop participants that the CRC was not the appropriate organization to deal with the variety of stabilizing factors that needed to be considered in the South End. He pointed out that there were several areas on which it was appropriate for the CRC to make recommendations. These included: the removal of Ramp "C" and the creation of a possible housing site; pedestrian links from the South End to the site and to the Back Bay; and Tent City site commitments. Lee's role in facilitating and directing these meetings was crucial as he continually refined the focus of the discussions to deal with areas on which the CRC had some basis for making a recommendation. This meant areas which the State could reasonably require the developer to act upon. Lee admitted that citizens in the surrounding neighborhoods potentially had a lot to lose as a result of Copley Place. It was up to them, therefore, to say clearly what they wanted. It was not necessary to convince UIDC to believe what they did, simply to get them to agree to do it. Members recommended that mixed-income housing be built on both the Tent City site and Parcel "C". At the end of this meeting, the BRA was asked once again
to put in writing for the CRC its plans and commitments for the Tent City site. The BRA appeared to be stalling on the Tent City issues nearly as much as the developer was on the housing.

The August 18 meeting of the CRC was to be a discussion of the Draft Recommendations prepared by Tunney Lee to reflect the views and concerns of members of the Committee. The Recommendations consisted largely of guidelines for action on the part of the developer, the State, the City and community groups. In addition to a presentation and discussion of the recommendations, the architect was to offer a revised project design. It is important to distinguish between what the CRC was recommending for housing and what the developer and the architect were showing. The divergence was substantial.

The Draft Recommendations Goals and Guidelines on Land Use were presented as follows:

**Goals:**

1. To make activity as well as physical links between the adjoining communities and the site.
2. To increase the 24 hour use on the site.
3. To reinforce mixed-income residential character of the surrounding communities.

**Guidelines:**

1. Mixed income housing must be placed on Parcel C (opposite Back Bay station) but should not be higher than the surrounding residential structures. The development here must acknowledge the potential of Tent City and Back Bay Station and relate to the MBTA cover and Dartmouth Street.
pedestrian movement. Street level commercial uses should be included.

2. Housing, not more than 5 stories high, should also be considered along the MBTA track cover, and if built, should reflect the mixed-income nature of the housing in the South End.

3. As part of the development program, residential units of between 5 and 8 stories must be provided along Harcourt Street from Alley 401 to the MBTA tracks.

In a section called Process, a summary of the August 4 CRC meeting on neighborhood stabilization stated that "Specific recommendations were made for mixed income housing on the Tent City site and site C." 36

The first guideline concerning Parcel "C" was considered to be the most important of the South End recommendations. If met, it would be a symbolic victory for subsidized housing, leaving open the possibility of a similar development on Tent City. The housing on Harcourt Street was particularly important to the St. Botolph Street group in the CRC largely for its ability to "form a visual end to St. Botolph Street". In design treatment as well as height, they felt, "the housing should be appropriate to the scale of the adjoining residential blocks." 37

Dun Gifford introduced Paul Finfer, Director of Urban Design for UIDC and Ken Himmel, who by this time was the Copley Place Project Director for UIDC. Finfer declared that the revised plan, to be presented by Ben Thompson, reflected to a large degree the desires expressed by community groups through the CRC. While it was not possible to satisfy everyone, he felt that the revised plan responded to the
major needs and desires of the CRC. Finfer made this state-
ment after the guidelines calling for housing on Parcel "C", the MBTA track cover, and Harcourt Street had been presented.

Ben Thompson then presented the revised schematic design showing no housing on the site and 100 units on Fenway Parcel 1. No stipulation that the units should be mixed-income in nature was included. Gifford explained that while there was at present no regulatory agreement between the MTA and the developer concerning development of Parcel 1, UIDC was willing to negotiate with the MTA to add the parcel to the present site for development as housing.

Thompson discussed Parcel "C", reporting that the developers considered it too expensive for any development at that time. It was conceivable that housing with ground floor commercial space could be developed on the site in the future. The current plan was to designate Parcel "C" for development after a decision was made on Tent City. Byron Gilchrest, from Salvucci's office, questioned whether the parcel would be included if all the necessary public decisions (i.e. Tent City) were made prior to beginning construction on the rest of the site. Himmel (UIDC) equivocated, saying UIDC would "reevaluate the feasibility of Parcel 'C' under those conditions". He emphasized that the land would have to be free or of negative cost for them to build housing on Parcel "C".

The second possible site suggested in the Draft
Recommendations for housing was along the MBTA track cover. Instead, Thompson showed the development of community facilities on the cover. This included a community center near Harcourt Street, handball and basketball courts along the cover and a series of pedestrian access ramps and stairs connecting the cover with adjacent sites. It was difficult for many CRC members, particularly those from the South End, to see just exactly how the revised site plan incorporated the desires expressed by the CRC. There was no on-site commitment to housing. The only mention of it had been as a Phase II possibility for Parcel C. In addition, the development of Tent City had not been discussed at all.

Larry Koff of the BRA was present and was asked for the fourth time to state the BRA's official position on Tent City. He reported that money was presently available to purchase the non-BRA owned properties on Tent City and to write the land costs down for a potential housing developer. However, Koff added, the BRA did not want to tie Tent City and Copley Place to the same development schedule. They wanted to move forward with Tent City that year and were concerned that Copley Place might be delayed. The BRA, Koff claimed, did not want to be held back by linked planning. The BRA's position was immediately challenged by State Representative Mel King. He questioned the City's commitment to housing on the Tent City site, expressing his doubt that any action was forthcoming.
based on past experience. He added, sardonically that if the City was really moving all that quickly on Tent City, they had left the neighborhood residents out of the planning process entirely. He requested that the BRA involve them immediately. King's position was that approval for Copley Place should not be given until Tent City was underway. Lee supported him saying, "Mel's absolutely right. Parcel "C" and Tent City are anchors for moderate income people in the South End." 39

The Harcourt Street location for housing was also discussed that night. The St. Botolph Street Citizens Committee was pushing hardest for this location. One of their members pointed out that if Ramps B and D were re-aligned, then housing on this site would be possible. UIDC quickly responded that they would only support the removal of Ramp C as realignment of B and D would reduce the number of garage parking spaces. The developer was using every tactic possible to avoid making a commitment to build housing. They clearly saw housing as a nuisance, a financial mistake. Finfer angrily declared "if we can't satisfy the requirements of the hotel and department stores, then all this community stuff, all else is nonsense and there will be no project." 40

This meeting ended with Lee warning the developer that Copley Place would hurt the South End and that the State would have to balance many factors, including UIDC's willingness to deal with the housing issue and the potential
damage to the South End.

The next three weeks were to be used by community groups as a time to submit any comments or changes to the Draft Recommendations to Tunney Lee. State Representative Mel King addressed the housing issue in his comments, which were representative of those received from most Southenders:

The priority for housing in the current proposal is very low and has what amounts to tertiary concerns. It is extremely important that this issue is addressed at the priority level before any further consideration of this proposal. The impact of the development proposal is going to be extremely harsh on the housing circumstances of people who currently live there and have low incomes.

King added that the Tent City site must be incorporated into the project at this stage. He wrote:

I have listened to the responses of people connected with the Boston Redevelopment Authority and there is very little indication that they are committed to providing a cross-section of housing and income groups on the Tent City site. It is, therefore, my recommendation that the developers work out a strategy with members of SEPAC and the St. Botolph area, relative to a proposal that responds to the economic and social impact that the project will have on the South End and St. Botolph area residents and that no further discussion on this proposal will be entertained until those issues are clearly worked through.

On September 7, Ken Himmel of UIDC responded to the draft recommendations by submitting proposed changes in the wording of the guidelines. In his response, he dropped any reference in the guidelines to an on-site housing commitment, even on Harcourt Street. He stated that UIDC would build housing on Parcel 1 only "if feasible" and said nothing to
clarify the use of Parcel "C". In fact, Himmel even questioned the statement in the Process section that "specific recommendations were made for mixed-income housing on the Tent City site and on Parcel "C" at the August 4th meeting."\textsuperscript{42}

The most critical meeting of the CRC took place on September 16. Lee presented the guideline revisions which he had prepared based on the comments received from CRC members and the developer. Prior to this meeting, he had taken the precaution of talking with nearly all the key CRC participants to make them aware that the housing issues would have to be resolved at this final meeting. Anger and emotions ran high on these issues and while many members had argued their positions with the developer and State officials in private, there had been little public discussion of opposing viewpoints among themselves.\textsuperscript{43}

By this point, a CRC consensus had been reached that Copley Place should contain an on-site housing component. There was not the same consensus on the motivations for desiring the housing, however. The Back Bay and St. Botolph Street groups preferred housing as a scale transition from the high rise office and hotel buildings to the neighboring residential community and as a humanizing element on the site. Many South End residents saw the housing as a symbol of a commitment to preserve some housing in the South End for low-income people. The intensity of desire for on-site housing varied as well from virtual indifference on the part of the Back Bay to a compelling passion on the
part of most Southenders. The controversy over the housing centered, however, on its location and its mixed income nature. The St. Botolph Street people favored Harcourt Street while most Southenders wanted it built on Parcel "C" to tie into Tent City. Additionally, the question of the annexation of Tent City to Copley Place had never been resolved. Up to this point, the Back Bay residents had remained silent on these issues at meetings, preferring instead to concern themselves with questions of noise, traffic and retail impact. Because of the tremendous resistance of the developer to including housing on the site, it was essential that there be a CRC consensus on this point. If the developer could find a sizable group of community people opposed, or even indifferent, to the mixed-income housing, it would give them the much sought after excuse to exclude housing from the development.

Throughout the course of the CRC, Back Bay residents and Balanced Committee members had never publicly opposed the mixed income nature of the housing. They had instead lobbied against it with Keefe, Lee and UIDC. The Balanced Committee preferred the privacy of these discussions to the public nature of the CRC as they wanted to appear liberal. They were wary of being labelled as discriminatory as they had been charged with that attitude after several of their previous actions. If the housing component had been proposed as totally subsidized, the Committee would undoubtedly have been more vocal in their opposition.
Their platform was taken away when the housing was discussed as mixed-income (roughly 35% low-income), rather than totally subsidized. As the Committee claimed to support the concept of a "balanced" South End, this made it very difficult for them to oppose the housing publicly. The way in which the issue progressed through CRC discussions contributed to this difficulty. Housing was originally suggested as an amorphous, humanizing element and as a design transition. It was uniformly supported by all the key CRC participants. Only after a consensus had emerged on the inclusion of the housing did its occupancy in terms of income mix become a substantive issue. By that time, the Back Bay and the Balanced Committee could scarcely uphold a position that all luxury housing should be built on the site. A consensus-building process is replete with compromises and this was one they were going to have to make. To oppose it would have required them to publicly state that they did not want any low-income housing in their neighborhood, a position that would appear insensitive at best and racist at worst.

Lee felt it only fair that these groups should have to come forward publicly with their positions. It was his position that he would include in the guidelines as a recommendation whatever items there was a CRC consensus on and would also note any minority opinions for which there was some visible support. But if the Balanced Committee and the Back Bay were against building any
subsidized housing at all, they would have to say so to Mel King's face. When Lee talked with King prior to the meeting, King indicated that he would contact State Representative Barney Frank (Back Bay) to insure that he was present to lend support to the pro-mixed-income housing side. The Back Bay was not as rabidly opposed to mixed-income housing as the Balanced Committee. They did have a liberal "social-consciousness" to which Frank could appeal.

At the meeting, Lee brought the housing issue out into the open immediately. He addressed the Back Bay and Balanced Committee members, telling them he had heard their positions in private, but they would have to restate them for the CRC, so the issues could be discussed and resolved. No one from either group came forth. Barney Frank talked fast and furiously with Back Bay representatives and they were finally convinced to support the South End in their request for mixed-income housing. Balanced Committee members attacked the issue by suggesting that if mixed-income housing were built on Tent City that it would be unnecessary on Copley Place. Lee and CRC members were willing to include that opinion in the guidelines, although the BRA's consistent stalling and unwillingness to move forward with Tent City made it a distant possibility. 44

The Guidelines revisions that emerged from this meeting resulted in major changes in the Land Use Section of the Recommendations. In fact, this section changed more than any other between the Draft and Final stages. A comparison
of the Final Recommendations (Goals and Guidelines) with the Draft ones and with the alternative language proposed by the developer is provided on pages 86 - 88. One major change Lee made was to leave unspecified the location of the housing. He was wary of requiring a particular location because the developer might show technical reasons why the housing should not be built on that site, in an attempt to escape the requirement altogether. Simply requiring housing on the site made it more difficult for the developer to avoid building it. In any event, the CRC would be meeting during the design process and the location issue could be reopened, if necessary. The Final Recommendations were released on September 22, 1977.

Two weeks later, Frank Keefe transmitted the Final Guidelines of the CRC to UIDC having made only minor changes. He specifically emphasized in his transmittal letter that mixed-income housing should be included in the development and that it must be commenced at the time of the start of the development's construction. In addition, he further specified the housing guidelines by indicating that housing must be placed along the Harcourt Street section of the site. This, in turn, meant that retail space must be moved to the Dartmouth Street side of the site (Parcel C). This would result in development of the entire site.

The State's transmittal of the CRC guidelines to the developer in their entirety gave them a legitimacy that
# Comparison of Goals

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<tr>
<th>DRAFT</th>
<th>Developer's Language</th>
<th>Final</th>
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<td>1. To make activity as well as</td>
<td>1. To bring into active, income-producing use an area that is now a wasteland.</td>
<td>1. To make activity as well as physical links between the adjoining communities and the site.</td>
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<td>physical links between the</td>
<td>2. To increase the 24-hour use on the site.</td>
<td>2. To increase safety on the site and surrounding street during the evening as well during the day.</td>
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<td>adjoining communities and the</td>
<td>3. To reinforce the mixed-income residential character of the surrounding communities.</td>
<td>3. To reinforce mixed-income residential character of the surrounding communities and Back Bay by constructin a mixed use commercial/residential complex and a related system of pedestrian vehicular and transit improvements.</td>
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<td>site.</td>
<td>4. To link with and reinforce existing retail centers, public transportation, and Copley Square/Dartmouth Street pedestrian activities.</td>
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<td>2. To increase the 24-hour use</td>
<td>3. To link with and reinforce existing retail centers, public transportation, and Copley Square/Dartmouth Street pedestrian activities.</td>
<td>4. To reinforce the existing character of the South End and Back Bay by constructin a mixed use commercial/residential complex and a related system of pedestrian vehicular and transit improvements.</td>
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<td><strong>DRAFT</strong></td>
<td><strong>DEVELOPER'S LANGUAGE</strong></td>
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<td>1. Mixed-income housing must be placed on Parcel C but should not be higher than the surrounding residential structures. The development here must acknowledge the potential of Tent City and Back Bay Station and relate to the MBTA cover and Dartmouth Street pedestrian movement. Street level commercial uses should be included.</td>
<td>1. Eliminates reference to mixed income - says housing should be included in the development. Ramp C should be removed and Parcel C should be developed for retail, office, residential, and/or open space.</td>
<td>1. Parcel C must be developed to functionally integrate pedestrian movements from the South End and Back Bay station to Copley Square and to Prudential Center and the Back Bay and to provide visual and functional integration along Dartmouth St.</td>
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<td>2. Housing, not more than five stories high should also be considered along the MBTA track cover, and if built, should reflect the mixed-income nature of the housing in the South End.</td>
<td>2. The developer has committed to developing housing on Fenway Parcel 1, if feasible.</td>
<td>2. Housing must be built at the same time as the rest of the development on the site so that people and activity are on site at all times. a. Fenway Parcel 1 must be developed as housing of no more than 8 stories. b. Mixed-income housing other than Parcel 1 must be included in the development of the site.</td>
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<td>3. As part of the development program, residential units of between 5 and 8 stories must be provided along Harcourt Street from Alley 401 to the MBTA tracks.</td>
<td>3. Harcourt Street: sympathetic treatment of this frontage is critical to preserve and reinforce this neighborhood's character.</td>
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### DRAFT

**PROCESS SECTION:**

August 4: Neighborhood Stabilization

Material was presented on the present status of South End housing and commercial areas. Discussion revolved around the various measures that could be taken to stabilize the rate of change. Specific recommendations were made for mixed-income housing on the Tent City site and Site C.

### DEVELOPER'S LANGUAGE

**PROCESS SECTION:**

Question the statement:

"Specific recommendations were made for mixed-income housing on the Tent City site and on Site C."

### FINAL

**NOTE:**

The CRC has expressed strong feelings that the housing (density, income mix, height, access, etc.) on this site be planned and developed in conjunction with housing on the Tent City site, while recognizing that the BRA is responsible for the development of the Tent City site. Some opinion was also expressed that if Tent City is developed with mixed-income housing, perhaps it will not be necessary to develop mixed-income housing on the Copley site.
had only been implied before. Keefe had resolved three of the four key housing issues. He had dealt with its inclusion on the site as a mixed-income development, its location and the timing of its construction. The only issue not resolved was that of Tent City, although the guidelines fairly represented the interest of many CRC members in the joint development of Tent City and Copley Place. There was not a CRC consensus on this issue and the State was less willing to require the linkage of the development of Copley Place to that of land over which the State had no control. The linkage could delay Copley Place indefinitely and possibly jeopardize it permanently.

Keefe had made these decisions because of the early commitment he and the State had made to a meaningful citizen review process. He realized the potential negative impact that dissatisfied and angry neighborhood residents could have on the development and was quick to see that housing was an important critical issue to most CRC participants regardless of their motivations for desiring it.

In addition, Keefe had come to believe as a result of the CRC meetings and workshops that housing was, in fact, a necessary and positive component of the site. In terms of design, he saw the housing at the Harcourt Street location as linking the site with the South End. Once the MBTA deck cover was built, an active use like housing would make the necessary connection, opening up the neighborhood to the site and vice versa. He also came to realize,
with Salvucci's support, that the housing was an important symbol to South End residents. There was little question that Copley Place could damage the ability of low and moderate income people to afford to remain in the neighborhood. It was important to do something for them to counteract this negative symbol of a massive development like Copley Place. Keefe and Salvucci saw the housing not as a pacifier to the surrounding community, but as a positive use on the site in its own right and as a very important symbol. It was also to be a symbol to the developer of the State's serious intention to play a key role in shaping the development of Copley Place.\textsuperscript{47}

Before examining UIDC's response to these guidelines, it is important to understand why the CRC process had the outcome that it did. What was it about this process that led to the requirement that the developer must include mixed-income housing when nearly every time and place it had been proposed previous to this, subsidized housing had been organized and fought against? The answer to this question holds important lessons for future efforts to locate and build subsidized housing.

The key to the outcome was undoubtedly the role played by appointed and elected State officials. Without the support of Governor Dukakis for a citizen review process and without the willingness to listen and respond of Frank Keefe, the chances of ever seeing the mixed income housing constructed in Copley Place would have been extremely slim.
Their judgment in deciding to support a particular goal, subsidized housing, advanced by community residents was absolutely critical. Because the CRC Guidelines were not binding on the State, Keefe's decision to pass them on to the developer with only minor changes and, in fact, with a strengthened housing component, was the most crucial step in the entire process. Naturally, the State's ownership of the land gave Keefe's requirements added leverage.

Second, a process through which concerns and issues could be raised was extremely important. Without an open forum such as the CRC, it would have been much harder for South End residents to negotiate their position. While they might, in the end, have been able to halt the progress of the development through a lawsuit, it is unlikely that they would have been able to play as significant a role in planning the development as the CRC allowed them to.

Third, the circumstances in which Southenders bargained for low-income housing were substantially different than those which they might have operated under in a suburban town. For the first time, proponents of low-income housing had the upper hand. They constituted a majority in their own neighborhood; middle-income neighbors became allies. Traditional means of resistance to subsidized housing, such as zoning laws, were useless in this case and opponents found no allies in State government. This experience is most instructive, then, for attempts to develop mixed-income housing in urban areas. The rules of the
game are substantially different in suburban jurisdictions.

Community groups attempting to advocate for the development of subsidized housing would be wise to be most concerned about the attitudes and judgments of government officials under whose jurisdiction the site in question lies. Copley Place might well have had a vastly different outcome had the City of Boston or the current governor controlled the process. Without the support of the officials in power, the outcome would have been much less certain.
CHAPTER THREE

THE DEVELOPER'S RESPONSE

With the transmittal of the Final Recommendations to UIDC, the initial phase of planning for Copley Place came to a close. Several important issues regarding the housing had been highlighted in the CRC process and Recommendations and the developer's response to them was critical to the shape Copley Place would take in the months to come. Their response to three particular issues would be watched carefully by Frank Keefe, Fred Salvucci, Tunney Lee and the CRC. First, would the developer commit to construct at least one hundred units of mixed-income housing on the site? In the event that the developer would not, a possible alternative would be a commitment by the developer to finance a mixed-income project on the Tent City site. Second, there was a question of location. Keefe's letter of transmittal specified Harcourt Street as the location. Would UIDC meet this requirement or persist in suggesting off-site alternatives like Fenway Parcel 1? Finally, there had to be some assurance made to the public that the housing would be built at the same time as the rest of the project began construction, presumably with the hotel. It could not be put off to Phase 2 as this might mean "Phase Out". The story of UIDC's response to the Guidelines illustrates how they finally discovered that the various ways of
avoiding compliance with the Guidelines were blocked and how they were finally forced to include housing in the development.

Until the transmittal of the guidelines, UIDC's negotiations and planning for Copley Place had been primarily the responsibility of Dun Gifford and Ken Himmel. Himmel attended many of the CRC meetings but as Project Director, was more involved with a search for tenants and the design of the site, so Gifford was UIDC's representative at most meetings.

Gifford viewed the CRC, and represented it to UIDC, as little more than a charade. His attitude was that the CRC was more for show than anything else and that, while it was necessary to pacify community groups, no major concessions would have to be made to them. In spite of Keefe's and Salvucci's obvious commitment, Gifford did not take the process seriously. He based his reasoning on past development experiences, in which citizens had always played a negligible part, with the real decisions being made by the Mayor or the Governor. He imagined that Copley Place would be more or less the same. His failure to convey an accurate sense of the CRC process to UIDC did not bode well for Gifford's future with them.

Internal discussions at UIDC in October centered on objections to several aspects of the Guidelines, among them, the mixed-income nature of the housing. In addition, they objected to the requirement that housing be built at
the same time as the rest of the development, feeling that the construction schedule should be determined as a function of the needs of the market. They were also concerned about Parcel "C", claiming it was too expensive a site to build anything on at this point.¹ In spite of these concerns, UIDC filed a notice of their intent to proceed with negotiations with the State toward a renewal of their option on December 15 and subsequently to the signing of a lease.

As these negotiations began, it became clear that one of the major areas of disagreement was the housing. UIDC used various tactics over the next several months to avoid complying with the Guideline requirements. The tone for the negotiations was set in a letter written by Thomas Klutznick, a vice-president of UIDC in their Chicago office. Klutznick had become involved at the negotiation stage to insure Aetna's participation as the financial backer. In his letter to Keefe, he claimed that Keefe's letter of transmittal raised "entirely new requirements not a part of either the Guidelines themselves or the extensive meetings which led to the Guidelines development."² He was referring, he explained, to the requirement that mixed-income housing be included on the site. UIDC could not meet that requirement at present but would undertake a study of the marketing and economic feasibility of up to 100 dwelling units. Neither could they comply with the requirement that the entire development be built at once.
Klutznick suggested an alternative phrasing for that guideline which he claimed adhered to the intent of the CRC:

3 The entire site to be leased by the developer must be designed for development as a single, integrated project to be completed within normal timetables for such projects recognizing normal business and construction stages.

Finally, when Klutznick discussed the housing, he referred to it as elderly, rather than as family. While this issue had never been raised in the CRC, the State's intention was that the units be for families as these were the people with the greatest need. An elderly development, on the other hand, would have been preferred by the developer as they have fewer maintenance, rent delinquency, and security problems.

Either there was extraordinarily poor communication between Himmel, Gifford and Klutznick, or else Klutznick was deliberately distorting the truth in an attempt to avoid complying with the guidelines. Keefe suspected the latter to be true and he responded, "I disagree with your assertion that my letter of 14 October raises entirely new requirements, etc. . . . housing was the most hotly debated issue at the Task Force meetings which were attended by Mr. Himmel and Mr. Gifford." 4

On November 14, 1977 Klutznick, Himmel, Keefe, Salvucci and others met to discuss UIDC's proposed response to the CRC Guidelines. At this meeting, UIDC agreed to include 100 units of mixed income housing. No headway was made over the location, however, as UIDC proposed building the housing on the air rights over the Southwest Corridor MBTA
tracks. This was a move calculated to delay the housing indefinitely as the MBTA was moving rather slowly on the Southwest Corridor project and the housing obviously could not be built until the track work was complete. In addition, it was not a part of the site.

In a letter to Klutznick, two days, later, Keefe brought the issue to a climax by presenting UIDC with an ultimatum. He, in effect, told them that if they refused to include the housing as he had requested in his transmittal letter, that there would be no Copley Place. "This is not a new element nor is it one that can be negotiated away. Without housing, there is no project". He made it clear, as well, that the housing must be designed in such a way as to be appropriate for families as well as elderly households.

As the negotiations went on, Keefe repeatedly insisted that housing could not be built on the Southwest Corridor site as it was not within the project boundaries and therefore inconsistent within the CRC Guidelines. It was doubly inappropriate as it would prevent the simultaneous start of construction, also required by the Guidelines. Keefe repeatedly suggested Harcourt Street as the location for the housing. There really was no substantive reason as far as the State could see why UIDC persisted in their plan to locate one of the department stores on Harcourt Street. Parcel "C" seemed to be an ideal location for a store, directly across the street from the new Back Bay MBTA station.
Keefe took a calculated risk in delivering his ultimatum. However, he felt relatively certain that UIDC would not back out of a $250 million project because it had to include 100 units of mixed-income housing. He said later, "There was no point at which the citizen process damaged the development's chance of success or any point at which UIDC would have opted out of the process". 8

Several weeks passed, during which financial analyses of the housing component were completed and discussions took place within UIDC. UIDC also approached Governor Dukakis in an effort to convince him of their position. He made it clear that they were to negotiate directly with Keefe and that no behind-the-scenes deals would be made. It was now plainly evident that the State did not consider the housing, its location or timing, to be negotiable parts of the plan. Keefe's demands were tightly phrased leaving little room to maneuver. Himmel began trying to convince the Chicago office of UIDC that there was enough profit in the hotel/retail/office components of the site to cover the cost of including the housing. They finally came to realize that the costs of delay, which would be imposed if any citizens' groups took UIDC to court over their failure to include housing, would be far greater than the cost of its construction. As a UIDC representative described it later, "The political consensus was clear and the costs of delay too high". 9 He saw the State as the key to the strength of the housing component and expressed
his feeling that without their involvement in the planning process and their support of the CRC, that the community consensus might not have emerged as cohesively as it did. He was angered that UIDC was being "forced" to meet social demands normally met by the public sector or by the free choice of the private sector. He conceded that the costs of including the housing were relatively small and that UIDC never considered abandoning Copley Place solely on that basis.

All of the housing issues were resolved on December 13 by the signing of a letter of agreement between UIDC, OSP and the MTA. In this letter, the developer committed to build a minimum of 100 units of mixed-income housing on Harcourt Street. The department store would be moved to accommodate the housing at that location. The developer also agreed to build the housing as part of the first phase of construction. Two days later, the MTA and UIDC amended the original Memorandum of Understanding to extend it to December 15, 1978 to permit time for the negotiation of the terms of the lease agreement.

UIDC took one more step early in 1978 to put this issue behind them when they severed their relationship with Ben Thompson Associates and Great Bay Co., Inc. There were several problems which culminated in this step and in the selection of The Architects Collaborative (TAC) as the new project architect. Gifford's inability to accurately assess and represent the CRC process to
UIDC was important, although Ken Himmel was also present at many meetings and could have performed a similar function. Gifford had alienated many CRC members and various State actors as well. UIDC was aware that with several series of CRC meetings remaining, it could not risk returning someone who could not easily establish a working relationship with that body. This was perhaps a sign that they at last acknowledged the importance accorded the CRC by the State. More important, the project had reached the stage at which the City would have to become involved to negotiate a 121A tax agreement and award various permits. This meant bargaining with Mayor Kevin White. White had dealt with Gifford several years earlier when Gifford worked for Cabot, Cabot and Forbes (CCF). CCF had competed against Mortimer Zuckerman, a favorite of Mayor White's, for the right to develop Park Plaza and lost. Zuckerman, who had left CCF shortly before he submitted his plan for Park Plaza, was strongly disliked by his former associates. Concurrent with Zuckerman's struggle to move forward with Park Plaza, CCF was attempting to develop 60 State Street, an office building in the financial district. White opposed its development partly because of some genuine architectural concerns, but also partly because he was afraid it would absorb the City's demand for office space, thus hurting Park Plaza. This animosity between White and Zuckerman, and Gifford and CCF increased dramatically when Dun Gifford's wife, Pebble, took on a central role in the citizen opposition
to Park Plaza. Whether or not Gifford was behind his wife's actions, White interpreted it that way and the prospect of dealing with Gifford about Copley Place was at the least onerous to him. He gave UIDC an ultimatum; either they got rid of Gifford or they would not be able to negotiate a 121A tax agreement with the City. UIDC had little choice in the matter but their own problems with Gifford made White's demand less objectionable than it might otherwise have been.

At this point, it appeared as if most of the housing issues were settled and although not everyone was delighted with the outcome, they were all prepared to live with it.

During the summer of 1978, the CRC reconvened again. Participants reviewed design schemes prepared by TAC (see Appendix B) and found them to be acceptable and in compliance with the guidelines. Concurrent with this series of CRC meetings, Economic and Environmental Impact Assessments were carried out by consultants hired by the State. In addition, a Rent Impact/Residential Property Value Analysis was undertaken. These were all tools which would allow the State to more accurately anticipate the effects of Copley Place on the surrounding neighborhoods. They could then require the developer to account and control for them as much as possible through planning and site design. All of these studies were completed and outstanding issues were resolved to the satisfaction of the CRC, the State and the developer.

The lease signing for Copley Place took place on
December 22, 1978. Governor Dukakis hailed the project as a national model for successful citizen participation in the planning and design of large scale urban projects. We tried a fresh approach and it worked. We recognized the interest of a single developer in the site, and from the beginning, the plans were subjected to careful scrutiny by the neighborhoods, the city and the Commonwealth.

Frank Keefe pointed out that the inclusion of 100-150 units of mixed-income housing was one of several major alterations in the development plans adopted to meet the citizen guidelines. He also announced a State commitment of 50 units of State "707" rent subsidy money to existing housing in the South End. This had been included in hopes of reducing and controlling the impact of Copley Place on property values in the neighborhood.

With the signing of the lease for Copley Place, the second phase of the innovative citizen review process came to a close. The developer's acceptance of the CRC and State Guidelines was crucial if the CRC process was to have lasting implications. Without UIDC's compliance with the Guidelines, particularly those pertaining to the housing, the CRC process would have been undistinguished from nearly all of its predecessors. It would have been only an opportunity to comment on what Copley Place should be and do rather than a mandate to clearly shape and guide its development. The CRC did not simply halt Copley Place as many previous processes had done with similar projects, but it played a positive role in molding what the development
would be. However, without the concessions of the developer to adhere to the Guidelines, the efforts and impact of the CRC would not have been nearly so far reaching or meaningful. It is important to understand clearly why UIDC felt compelled to comply with the Guidelines and particularly, to include mixed-income housing on the site.

Probably the most decisive factor in UIDC's decision was the position taken on the issue by the State in the person of Frank Keefe. Had Keefe not emphasized the housing requirement in his transmittal letter and consistently asserted the State's position in lease negotiation sessions, it is doubtful whether UIDC would have included the housing. The final blow to their resistance came with Keefe's ultimatum in which they were informed that without the housing, there would be no Copley Place. This ultimatum was not only an indication to them that Keefe was serious about including the housing. It showed them that he was also serious about the location, the type and the timing and that he wanted an end to their stalling and a commitment to build it. UIDC was well aware of the community consensus for housing of one type or another, but until Keefe's ultimatum was delivered, they were still uncertain what their response would be. Keefe spelled out the terms of the response and showed the developer that not only did the State have the power to dictate what Copley Place would look like, but it had every intention of using that power to the fullest. This indicates the importance of Keefe's earlier decision
to accept, with only minor changes, the CRC Guidelines. That initial decision shaped the course of events from then on.

Certainly there must have been a point at which the developer would have refused to build the housing in spite of the State's insistence. This might have happened had there been little or no community consensus for the housing or other guidelines (i.e. if the State was demanding something not required by the CRC) or if the cost of compliance was so high as to make the overall project financially unfeasible for the developer.

A community consensus had initiated the demand for housing on Copley Place and had been strengthened gradually over the course of the CRC process so that the developer had little doubt that mixed-income housing was a matter of critical importance to the surrounding community. In addition, the cost of the housing on Copley Place was much lower than the costs of the delays that could be incurred if angry neighborhood residents attempted to halt construction of the project. The cost of including 100-150 units of housing was relatively small compared with the profits to be gained from a $250 million investment and the decision became a matter of tradeoffs. Both the developer and the State conceded that there was little question what the outcome would be once the ultimatum was delivered and the tradeoffs clearly delineated.
CHAPTER FOUR

CONCLUSIONS

Copley Place illustrates a process by which citizens groups advanced from protest and tokenism to negotiation and bargaining, resulting in major alterations in the plans that had been made for the development. Prior to Copley Place, there had been little significant redistribution of goods, services or political power that could be attributed to the citizen participation movement, either in Boston or anywhere else in the nation. The citizen participation in Copley Place represented a distinct shift toward direct political action and away from earlier roles as subjects of legitimation and public relations efforts. Given the exceptional nature of the Copley Place citizen review process, it is important to determine whether the process and its outcome were merely an anomaly, peculiar to a particular set of people and circumstances, or whether they are easily replicable in other urban development processes elsewhere in the country. Can Copley Place be viewed as encouragement that the role of citizen participation has changed remarkably and that this change is a relatively permanent one? There is no pat answer; there were many people and events which, acting in concert with one another, produced this particular outcome.
The specific individuals active in the Copley Place planning process are not necessary for success; rather the overall influence and attitude that they created must be identified and duplicated.

State ownership of the land put the State in possession of power that they could not otherwise have exercised and which was crucial to the outcome of the CRC. The governor's signature, required on the lease, had previously been used as a rubber stamp. The air rights development over the Turnpike in Newton Corners is an example of a similar type of development on State owned land for which Governor Volpe signed the lease without requiring anything of the developer. In the case of Copley Place, Governor Dukakis utilized his lease signing power to require UIDC to meet certain community demands. The leverage which Dukakis and Salvucci had over the Board of the MTA due to Chairman Driscoll's status as a holdover proved useful as well. It is difficult to imagine any other means by which the State could have exerted such an all-inclusive power over the developer as it did through the vehicle of the State owned land. Because the MTA and the State intended to merely lease the land, they were able to require certain provisions in the lease, such as the housing, that they could not have requested were they selling the land outright. Alternatives such as the Environmental Impact Review could conceivably be expanded to include social and economic impacts (such as displacement) so that
signoff on the EIR might serve a function similar to that of signing the lease on Copley Place.

Certainly State power to control the planning process was important, but without a willingness on the part of the State to support certain goals, among them a broad and meaningful role for citizen participation, it would have meant little. This willingness derived from the exceptional nature of the Dukakis Administration, particularly Dukakis himself, Frank Keefe and Fred Salvucci. It was not so much their personalities that were important, but rather their commitment to citizen participation. Salvucci was a firm advocate of an open process, actually preferring it to be held prior to the selection of a developer. Keefe was an activist who saw UIDC's interest in Copley Place as an opportunity which could not be postponed but which could be carefully shaped and controlled. Keefe considered it imperative that the citizen review process be a legitimate, meaningful one with more than merely advisory status. Dukakis and Keefe were well aware of the consequences of discounting citizen opinion and of presenting them with a fait accompli. The strong, negative precedent of Park Plaza was fresh in their minds and made them conscious of the need to include a meaningful citizen review component to Copley Place. The BTPR had shown them how such a component might be organized to work successfully with government officials. Salvucci even felt it was preferable to have no citizen participation
at all than to create a process which would be a sham. People would attack the process and structure of representation, attempting to get it disbanded or to gain more equal representation and some say in decision making. The project could be held up indefinitely. In addition, Keefe and Salvucci were well aware of the turbulent nature of the neighborhoods surrounding the project boundaries, particularly the South End. The residents of these neighborhoods were not new to participatory processes nor to the development game. They were skillful and resourceful and this undoubtedly affected the level of sophistication with which the State chose to deal with them.

It required a certain breed of professional to be as responsive to the desires of the community as Frank Keefe was. Planning professionals often find it difficult to give up power and the frustration of sharing power is rarely welcomed. In fact, changes which provide greater power to clients at the expense of the professional are usually forced on the latter. Copley Place challenges, to some extent, conventional planning ideology which dictates that professionals maintain an insulated power and autonomy. Keefe did accept and forward to UIDC, in their entirety, the CRC Guidelines. It is possible to argue that he carefully controlled the process so that he would have had the option to reject the Guidelines had he found them unacceptable. The CRC was clearly designated to be an advisory body, but Keefe consistently implied that they
were more than that. His handling of the Copley Place planning process suggests a challenge to professional elitism and an interest in initiating processes by which those who are affected by planners' work are able to participate in deciding the priorities and values of proposed activities. Attempts to initiate participatory planning similar to that which occurred around Copley Place will definitely be more successful if they are made by people who not only hold some political power but who adhere to Keefe's style of professionalism.

A third factor which contributed to the success of the CRC, and which is essential to any attempt at replication, is the nature of the leadership provided by Tunney Lee. Lee was selected to run the CRC process because of his commitment to and experience with citizen participation, his familiarity with Boston people and politics and the respect accorded him by those who would be central actors in the CRC. In order to be respected by all the participants, it was necessary for Lee to be viewed as relatively objective and neutral. It may be difficult to identify many people with these unique characteristics to serve as leaders for future CRC processes. It does, however, suggest an interesting role for academics and mediators.

Lee felt that the CRC should be a process through which participants worked towards achieving equal levels of understanding and then formed educated opinions on issues of concern. His role was one of a facilitator who
enabled and encouraged people to participate and contribute by identifying the critical issues, focusing discussions on them and deriving from this a consensus for CRC Recommendations. Probably the most important choice Lee made was that of restricting decision making to the open forum of the CRC. While Lee met with small groups of local residents who advocated particular positions, he was careful to see that they stated those positions publicly in the CRC. If these diverse positions were not made explicit in full view of all factions, it would have been impossible to arrive at a compromise or choice among them through community consensus. In addition, Lee's decision as to which positions to include in the Guidelines might have appeared capricious or arbitrary. Lee's insistence on the open forum meant a great deal to groups who were often left out of back-room decision making or who, as one observer said, lacked "the institutional wiring" that other more powerful organizations were plugged into. This brought the process a credibility which was important in developing the respect with which the State, and ultimately the developer, came to view the Guidelines produced by the CRC. The credibility of the process also made it nearly impossible for community groups to challenge the development of Copley Place as it progressed. While they might not have been completely satisfied with the outcome, there had been every opportunity to influence it otherwise.

There have been few instances in which relatively
powerless groups, such as low-income residents of the South End, have been able to raise issues and demand responses from government out of proportion to their numbers. Copley Place represents such a case because the relatively powerless were offered a forum through which they could work to appeal for the support of those whose political power must be taken seriously. Normally, their ability to influence decisions has depended on the responsiveness of other groups and of political leaders. Having access to a process and a leader which insured their participation on a level equal to that accorded other more powerful groups was an important ingredient in the ability of South End residents to influence the Guideline formation. Specifically, it greatly enhanced the chance of the mixed-income housing being included in the Guidelines. In efforts to see subsidized housing built in the suburbs, advocates had rarely had equal access to and influence on decision makers. Through the CRC, advocates of subsidized housing were placed on equal footing with its critics. Appeals could be made to those who were undecided and a consensus welded out of the discussions.

An important caveat is required here. The story of the process was above all about bargaining and this implies tradeoffs and compromises. Community groups bargained for mixed-income housing in Copley Place and were successful. They were singularly unsuccessful in their attempts to negotiate the annexation and development of the Tent City
site. What is important is the bargaining that went on for both issues. There was never an explicit tradeoff made between the two issues; Tent City involved different circumstances and problems which proved to be unresolvable. An examination of the reasons why Tent City failed to be resolved in a manner satisfactory to the TCTF helps to confirm the conclusions reached about Copley Place.

As the lease negotiations were progressing, UIDC became more interested in the Tent City site. Their prospective tenants had expressed interest in what would be constructed on the site, as a poorly designed or managed development on Tent City could adversely affect their businesses. UIDC recommended to the BRA that Tent City be developed but made no suggestions as to how.

At this point the BRA's public posture was one of movement towards acquisition and development of the site. Privately, however, uncertainty prevailed. There was ambivalence concerning the desirability of acquiring the remaining Tent City parcels at all, due to the expense that would have to be incurred. Even among those who favored development, most felt that the site should not be strictly residential (i.e. should have some commercial uses on the site) and that absolutely no more than 25% of the units should be subsidized. ²

In October 1978, Mel King approached Ken Himmel at UIDC to request that UIDC join in a partnership with the TCTF and SEPAC to develop Tent City. He suggested that
UIDC approach the BRA to request designation as the sole source developer of the site. For the next month, UIDC and the TCTF discussed this possibility and attempted to negotiate a partnership agreement with little success. It appears that UIDC was using these negotiations to pacify those interests in the South End which were still attempting to tie Tent City to Copley Place. By sidetracking the TCTF's efforts to deal with the negotiations, UIDC felt that TCTF might have less of an opportunity to stall Copley Place. This became increasingly important as December 15, the date for the signing of the lease approached. UIDC's efforts were cut short when they were informed by the BRA and the Mayor that if UIDC persisted in its attempts to develop Tent City, the negotiations of the 121A tax agreement might prove to be impossible.  

UIDC's interest in Tent City declined rapidly. In a letter to SEPAC, Ken Himmel stated: "We noticed an apparent lack of community-wide consensus on a specific housing mix for the site. The development guidelines drawn up by the Tent City Task Force, for example, seem at variance with comments we have received from other South End community groups and the guidelines stated in the BRA's 1978 report 'Subsidized Housing in the South End'". UIDC did, however, continue negotiations with the TCTF. They requested that the Task Force draft the language for the proposed agreement between UIDC and the TCTF regarding their future working relationship. At
this point, UIDC was stalling. They knew they could not make a commitment to the TCTF because negotiation of the 121A tax agreement was paramount to the future of Copley Place. However, it seemed important to maintain the relationship with the Task Force as long as possible to prevent any last minute problems with the lease agreement for Copley Place.

Finally, negotiations between UIDC and the TCTF did break down. Several days before the signing of the lease, the TCTF and SEPAC terminated their relationship with UIDC and rescinded their request that UIDC enter into a joint planning and ownership effort with them. Several issues had appeared to be unresolvable and thus led to the breakdown. UIDC would not agree to any predetermined ratio of subsidized housing while the TCTF endorsed a distribution of 25% low-income/50% moderate-income/25% market rate housing units. Second, UIDC wanted to assign someone from its staff to act as project manager for the planning stages. Instead, the TCTF lobbied for an outside person to be hired by UIDC and to be put on their staff, in the interest of objectivity. Finally, the issue of an equity position for the community groups in the ownership of the housing was never resolved.5

The key to the success of the efforts to include mixed-income housing in Copley Place was the role of the public officials in power. The role played by other public officials also proved to be the downfall of efforts to annex Tent
City. Mayor Kevin White was opposed to the development of Tent City as subsidized housing, whether for political reasons or because he honestly felt the South End had enough subsidized units. Without his assistance and commitment, the TCTF was powerless to negotiate with UIDC or any other developer and that commitment was never close to forthcoming.

The TCTF had other problems, too, which contributed to its failure; its leadership and membership had been eroded in recent years. There was really no one on the Task Force who could do the "slick developer oriented negotiating" which was essential in order for the Task Force to hold its own. Although the Task Force had access to a process (CRC) through which they could attempt to win support for their cause, a community-wide consensus had never emerged to pressure the City or the developer into action. There was substantial disagreement in the South End over the disposition of Tent City. This lack of consensus can be attributed to the size of the site, its history of controversy, and the tremendous political and symbolic value that any decision about it would have.

Finally, the cost of developing Tent City was substantially higher than that required to build 100-150 units of mixed-income housing on Copley Place as part of a much larger development. Part of that difference was due to the high cost of the land on the Tent City site which remained to be purchased. The land and air rights
on which Copley Place would be developed were being leased rather than bought. All of these obstacles proved insurmountable without the assistance of City officials.

The experience of Copley Place counters the attitude which has prevailed in recent decades that efforts to bring the community into a process to create understanding would do more to arm the opposition than to win support. Most participation that has occurred has come after the basic decisions on the nature of a program or project have been made in a prior planning process. When the CRC began its discussions of Copley Place it reacted to preliminary drawings provided by the developer. No plans had been finalized or were unchangeable. Neither the City, the State nor the MTA had reviewed or approved these drawings in advance and they studied them concurrently with the CRC. No other planning for the development had taken place. The front-end approach to development attempted with Copley Place utilized citizen participation at a different stage in the process and in a different way than ever before. Rather than reacting to a final plan, community groups were offered the opportunity to help develop that plan from its outset. The success of this approach in winning allies for the final plan and in developing what is considered to be a better plan by all concerned points to the advantages of the front-end approach. The bargaining which must ensue after a developer has been chosen is, admittedly, a risky venture for all
concerned. It is particularly risky for the developer if the outcome of the bargaining process is binding. However risky, it seems only pragmatic for a developer to avail himself of a participatory process given the ability of community groups to delay and even halt entirely, a project they deem unsatisfactory. This ability has heightened in recent years and can only be expected to continue to grow.

Copley Place has initiated a new, bottom-up, open form of policy making. Its success in this instance in no way insures its continued use, however. It places new and different responsibilities on the State or City (depending under whose jurisdiction the project falls) to coordinate the bargaining and participatory process. The characteristics necessary to facilitate a brokering process are quite different from those needed to defend and push through a predetermined plan. The professionals in the Dukakis Administration were willing and able to fill the former role. Experience to date indicates that the current administration is an adherent of the latter role. Dukakis Administration officials were so concerned about the attitude that a pro-development governor like Edward King would take towards Copley Place, that they rushed the signing of the lease so it would occur before Dukakis left office. The development process has lost some momentum under King, particularly since the role of the Office of State Planning has been deemphasized and
there is no one individual, like Frank Keefe, to coordinate it. The role of government professionals cannot be emphasized enough; without their willingness to support certain goals, the leverage provided by the State owned land and the leadership of the CRC would have made little difference.

The expected course of events should have been that financial feasibility and the drive for economic development would alter the nature of the communities adjacent to the project. Instead, Copley Place represents a dramatic shift away from past experiences to one in which the surrounding community shaped the nature of one the largest private investments ever made in Boston.


10. Ibid. p. 33.


21. Ibid. p. 4-4.

22. Ibid. p. 4-23.


26. Interview with Frederick Salvucci (March 8, 1979).

27. Blackett; p. 6.

28. Interview with Frederick Salvucci (March 8, 1979) and Tony Blackett (Urban Design Staff, Boston Redevelopment Authority, March 14, 1979).
29. Interview with Tony Blackett (March 14, 1979).

30. Ibid.

31. Ibid.


33. Agreement between the Massachusetts Turnpike Authority and the CONRAIL Railroad Company (January 28, 1968).

34. Agreement between the Massachusetts Turnpike Authority and the City of Boston (January 29, 1970).

35. Interview with Frederick Salvucci (March 8, 1979).


38. Interview with Frederick Salvucci (March 8, 1979).

39. Interview with Frank Keefe (March 8, 1979).


41. Interview with Frederick Salvucci (March 8, 1979).

42. Interview with Frank Keefe (March 8, 1979); Frank Keefe, Memo to Governor Michael S. Dukakis (March 25, 1977).

43. Memorandum of Understanding signed by the Massachusetts Turnpike Authority, Urban Investment Development Corporation, and Great Bay Co., Inc. (April 15, 1977); Frank Keefe, Memorandum to the Development Cabinet, (April 14, 1977.).

44. Interview with Tunney Lee, Consultant to Copley Place Citizens Review Committee (December 22, 1977).

45. Interview with Frederick Salvucci (March 8, 1979).
FOOTNOTES

CHAPTER TWO


2. South End Project Area Committee, Special Housing Committee Report (Boston: June 1975): 27.


4. South End Project Area Committee; p. 49

5. Ibid. p. 40.


8. South End Project Area Committee; p. 43.

9. Ibid. p. 43.


12. Ibid.


15. Office of State Planning, Minutes of Copley Place Citizens Review Committee Meeting (June 23, 1977).

16. The National Urban Coalition; p. 6-9.

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17. Interview with State Representative Melvin King, South End (December 20, 1978).

18. Interview with Melvin King, and with Tunney Lee (January 16, 1979).


20. Interviews with Martha Stokes, Architect, Benjamin Thompson Associates (March 15, 1979) and with Rick Bohn, Urban Investment Development Corporation (February 13, 1979).

21. Interview with Melvin King.

22. Office of State Planning, Minutes of Copley Place Citizens Review Committee Meeting (July 14, 1977).

23. IBA is Inquilinos Boricuas en Accion, formerly the Emergency Tenants Council, a subsidized housing developer in the South End.

24. Interviews with Melvin King and Tunney Lee; South End Project Area Committee, Special Housing Committee Report (Boston: June 1975); South End Project Area Committee, SEPAC Newsletter 20 (December 1978).


28. Interview with Tom Piper, Consultant, Office of State Planning (February 9, 1979).

29. Interview with Frank Keefe, former Director, Office of State Planning (March 8, 1979).

30. Interview with Rick Bohn.


32. Interview with Martha Stokes.

33. Interview with Melvin King.

36. Ibid. p. 7.
37. Ibid. p. 7.
38. Office of State Planning, Minutes of Copley Place Citizen Review Committee Meeting (August 18, 1977).
40. Ibid.
41. Melvin King, Memorandum to Tunney Lee (September 7, 1977).
43. Interview with Tunney Lee (January 16, 1979).
44. Interviews with Tunney Lee and Thomas Piper.
47. Interviews with Frank Keefe (March 8, 1979), Frederick Salvucci (March 8, 1979) and Tunney Lee (January 16, 1979).


3. Ibid.


9. Interview with Rick Bohn, Urban Investment Development Corporation (February 13, 1979).

10. A tax agreement involves a payment of a percentage of profits by the developer to the City in lieu of property taxes. The percentage is negotiable.

11. Interview with Frederick Salvucci, former Secretary of Transportation (March 8, 1979).

FOOTNOTES

CHAPTER FOUR

1. Interview with Theodore Landsmark, South End resident (February 29, 1979).

2. Linda Whitlock, Office of State Planning, Memorandum to File (October 10, 1978); Interviews with Richie Hall and Don Shea, Boston Redevelopment Authority (January 10, 1979).

3. Interviews with Frederick Salvucci (March 8, 1979) and Linda Whitlock, Office of State Planning (January 16, 1979).


5. Linda Whitlock, Memorandum to Frank Keefe (December 13, 1978); Interviews with Linda Whitlock, Office of State Planning (January 16, 1979); Libby Seifel, Member Tent City Task Force (February 16, 1979); Mel King, State Representative, South End (December 20, 1978); and Richie Hall, Boston Redevelopment Authority, (January 10, 1979).
APPENDIX A

COPLEY PLACE: SITE MAPS
APPENDIX B

COPLEY PLACE: SITE LAYOUT
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Rick Bohn, Urban Investment Development Corporation.

Chris Carlaw, Research Department, Boston Redevelopment Authority.

Richard Hall, Director, South End Urban Renewal Closeout, Boston Redevelopment Authority; former Little City Hall Manager, South End.
Frank Keefe, former Director, Massachusetts Office of State Planning.

Melvin King, State Representative, South End.

Theodore Landsmark, Resident, South End.

Tunney Lee, Consultant, Massachusetts Turnpike Authority; Chairperson, Citizens Review Committee for Copley Place.

Thomas Piper, Consultant, Office of State Planning; Producer, Videotape, Copley Place Citizen Review Committee.

Frederick Salvucci, former Massachusetts Secretary of Transportation.

Elizabeth Seifel, South End Resident, Member, Tent City Task Force.

Don Shea, Staff, South End Urban Renewal Closeout, Boston Redevelopment Authority.

Martha Stokes, Project Architect, Benjamin Thompson Associates.

Linda Whitlock, former Planner assigned to Copley Place, Office of State Planning.

Other


Files of the Office of State Planning relating to Copley Place. Included Meeting Minutes, Letters and Memoranda pertaining to Copley Place.