

THE USE OF ZONING MECHANISMS FOR GROWTH MANAGEMENT:
DOWNTOWN BOSTON IN THE 1980's

by

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ABSTRACT

This research is concerned with the interaction of zoning regulations and procedures deployed by the Boston Redevelopment Authority with the specifics of Boston's political and institutional context. The intention is to gain an insight into the reasons which have caused current growth management processes to occur and to suggest what form they could be given in the future. The inquiry is structured by examining recent growth management activity of the BRA which has resulted as a consequence of the use of the Interim Planning Overlay District (IPOD) zoning mechanism in the downtown area.

An analysis of events related to the use of the IPOD's mechanisms shows that these have not only been used for their initial purpose of providing transitional regulations per se; but have also been used for other purposes. First, to link downtown growth with the Mayor's municipal agenda of 'balanced growth' by facilitating the implementation of his social programs. Second, to manage boundaries to negotiate with developers and interest groups through the 'exclusion and inclusion' of their projects and territorial concerns. Third, to institutionalize the citizen participation process through consolidating actors into citizen review committees or briefing them on an independent basis.

While it is true that the above observed growth management trends are a product of current political and economic factors the point that this research seeks to make is that their characteristics are also a result of the continuing use of a underlying zoning and institutional framework which has its origins in the 1960s. The BRA's operational independence and close formal links with the Mayor, the continuing building up of zoning overlays, the divorce of the legal approval process with citizen participation processes and the absence of the need for city council approval to amend the Boston Zoning Code are some of the factors that combine to shape growth management in Boston today. The research identifies a need for the BRA to gradually aggregate existing overlays, introduce explicitly stated issue oriented zoning mechanisms and to decentralize the approval process.

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CHAPTER 1 : INTRODUCTION

PART 1 : A SUMMARY OF CONCERNS AND ISSUES

Since 1984, with the election of Mayor Flynn and his appointment of Steve Coyle as the director of the Boston Redevelopment Authority (BRA) a number of initiatives have been undertaken by the City, to significantly transform the manner in which the control of developmental growth is administered in downtown Boston. Central to these new policies, has been the implementation of a multi-faceted zoning strategy, referred to by the BRA as a 'Plan to Manage Growth'-- which is based on 'balanced growth' priorities and a commitment to an 'open community planning process'. The principle instrument used to activate this new outlook, and indeed which is amongst those which have become representative of it, is the Downtown Interim Planning Overlay District (Downtown IPOD).

It is in the nature of urban processes in the American context that comprehensive policies, as stated, seldom serve the purpose they are designed for, but instead are shaped and constrained in their implementation by the uncertainty and instability inherent in an urban environment, to produce unanticipated consequences.

This study, in keeping with the above premise, is primarily concerned with analyzing the interaction of the Downtown IPOD's zoning regulations and procedures with the specifics of Boston's political and institutional context. That is, it examines the characteristics of

recent zoning related growth management activity being undertaken by the BRA which has resulted as a consequence of the deployment of the Downtown IPOD, to compare and contrast intended policy objectives with observed outcomes. However, the research goes further to address the question of why this particular set of outcomes have occurred, as opposed to any other set of consequences , and attempts to identify some of the underlying reasons.

Therefore, rather than be concerned with only evaluating the relative success or failure of the Downtown IPOD per se, this research sets out to inquire how the BRA has used the instrument's growth control capacity towards other ends--as the means to respond to, adapt or incorporate the various political and institutional constraints that it faces in its activities.

As we shall see, a systematic analysis of the events observed in relation to the above activities of the BRA begins to indicate definitive trends in and purposes behind the means currently being employed by the BRA to manage growth in downtown Boston. To be sure, these will be seen to be at odds with stated policies and objectives. Further, in attempting to identify the underlying reasons which have produced this mismatch the research traces some of those to specific factors which are ingrained in and fundamental to Boston's unique urban processes.

Available research on the recent activities of the BRA has either concentrated purely on zoning per se or has been informed by an

economic development planning perspective./1 Here, as is apparent so far, the intention is to link the legal and technical aspects of zoning mechanisms with political processes associated with the physical transformation of downtown Boston. Correspondingly, I have adopted two working definitions which will be used consistently throughout the text. The first, **IPOD mechanisms**, refers to the legal regulations and formal procedures representing the IPOD as a zoning instrument. The second, **IPOD process**, represents the actual or observed events and actions that have occurred in relation to the deployment of the IPOD as an interventionary instrument by the BRA. In being derived from the concerns of this study these two phrases become useful tools to structure the themes and issues at hand. For example, seen in their simultaneity, they provide the potential to conceptually understand and speculate on the nature of the mismatch between policy, as represented by the zoning details, and the playing out of the implementation of the policy, as indicated by observations of the political process.

The remaining portion of this introductory chapter first comments on the wider context within which the Downtown IPOD is set--in the sense that it places the instrument in relation to other interventionary tools being used by the BRA to indicate how they together reflect Mayor Flynn's priorities and municipal agenda. Using such a background as a point of departure this section then comments on the possible impacts of 'balanced growth' priorities mixing with the need for negotiation based entrepreneurial activity by the BRA--on the manner in which growth control is administered in Boston.

Chapter 2, in introducing the details of the IPOD mechanisms will first outline the essentials of the Boston Zoning Code amendment from which they derive their enabling power to follow that with an elaboration of the Downtown IPOD as representative of a 'plan-based' policy which provides a vision for the distribution of new growth in the city, an element of certainty in development procedures and an open planning process. Next, in tracing out the origins of the IPOD mechanisms it will be seen that in the most part these derive from and build upon an existing framework of growth control traditions rather than provide a new order or a restructuring. In articulating this inherited framework the nature of the institutional relationship between the mayor and the BRA, the operational capacity of the BRA and the traditional and ingrained use of zoning overlays by the agency will be elaborated upon. In addition the link between formal approval procedures to the Boston Zoning Code and the citizen participation process will be brought out.

Chapter 3, as an elaboration of the IPOD process, will trace out and analyze zoning related events that have occurred as a result of the deployment of the IPOD mechanisms. The central purpose of this chapter would be to articulate trends of growth management activity undertaken by the BRA through observed events. A number of themes will be identified to represent these trends. It will be seen that rather than only serve the purpose that it was designed for the Downtown IPOD has infact been used to achieve other ends. The research here is facilitated by a method designed to study transformations in the use of the IPOD mechanisms in the various stages of its implementation--that

of an `initiative`, followed by public `agreement` on its proposed guidelines and finally its `operationalization`. Much of the analysis here would be informed by the otherwise unstated consideration of the simultaneous existence of plan-making and project-deciding by the BRA. Indeed the concurrence of plan implementation and specific project related BRA activity will serve as an underlying concept through out this study for it functions as the means to reveal the consequences of deploying the Downtown IPOD within the local context.

Finally Chapter 4, as the concluding section of this research, will comment on some of the underlying reasons that have produced the observed events and means of growth management administered by the BRA which occurred as a result of the deployment of the IPOD mechanisms. Simultaneously, a set of recommendations to facilitate growth control in the future would be articulated.

In addition it is useful to mention some of the primary sources and the methodology of this research. The technical and legal aspects of the details of zoning in Boston have been obtained through readings of the Boston Zoning Code and Enabling Acts, through an extensive survey of all text and map amendments to the Code instituted since 1984 supplemented by references to BRA documents and publications./2 Interviews, both with individuals within and outside the BRA have been another source of information but more critically have provided perceptions of how organizations view their own role and that of others towards the issue of growth control in the city. Finally, a systematic

sifting of local newspapers and journals has contributed immensely to identifying events related to the Downtown IPOD.

In the absence of any comprehensive studies of recent BRA activity, this research first constructed a consolidated 'time line' of events associated with zoning in downtown Boston to set up a factual background and which appears as Appendix 1 in the text. In this 'time line', through the exercise of juxtapositioning plan-based decisions in one column with project based ones in the other, many of the issues that this research examines in detail were revealed for the first time. the exercise proved to be useful in locating institutional events (dates of amendment approvals and public hearings) within the wider context of a political process--to establish links and to observe the nature of the transformations in growth control activity by the BRA since 1984.

PART 2 : BACKGROUND : 'A PLAN TO MANAGE GROWTH'

This section traces the essentials of Mayor Flynn's municipal agenda for downtown Boston to show how the BRA's growth control policies--as represented by their 'Plan to Manage Growth'--are intricately linked with it. It serves the necessary purpose of providing a background to examine the consequences of the use of the Downtown IPOD as an interventionary instrument in a larger system of growth management mechanisms currently initiated by the BRA.

Mayor Flynn's 'Balanced Growth' Agenda for downtown Boston.

American cities since the 1950's have experienced a diversity of phases in their rebuilding and development. To a large extent these phases have been the result of unique combinations of federal policy, municipal agendas, private sector participation and community activity. From the inception of the federal government backed urban renewal program in 1949, the distribution of roles and responsibilities in city building have seen a gradual change. Recent years have experienced the emergence of 'new public-private' relationships which have effectively transformed downtown areas of many cities through the building of retail and mixed use complexes./3 In addition the 1980's has experienced the 'conversion' of central city areas of older American cities like New York, Boston, San Francisco through their gentrification./4

New trends have been observed in the political and city administration arenas as well. In response to the cutback in federal aid and the Reagan administrations mandate that city governments cooperate with the private sector and compete with one another to provide a favorable climate for business; entrepreneurial strategies have become the heart of most municipal policy agendas./5 However, local leaders have realized that economic development programs must be sold to their political constituencies. Different Mayors have tackled the development task differently--depending upon the nature of the political constituencies that elected them into office. In 1983, both Chicago and Denver elected minority mayors into office. Both campaigned from a reform platform. Similarly, following this trend of 'populism', Mayor

Flynn came to power in Boston with a neighborhood oriented campaign; putting together a strong coalition of community groups, labor unions, tenant associations, minorities and other progressive groups. Given these political alliances, policies about how benefits of local economic growth should be allocated have also changed. In Boston Flynn has redefined growth objectives as the prioritization of job creation and neighborhood revitalization. Alexander Ganz points out that the key to success of this effort is the accessibility of minorities to new office jobs and the eagerness of developers to participate in the exacting of benefits from development prosperity for lagging neighborhoods./6

Clearly, there is a policy at city hall which is implementing an economic development program that justifies downtown growth by its potential benefits to neighborhood and minority communities. This fact, is central to and the driving force behind the Boston Redevelopment Authority's new mandate--as expressed in their publicity documents--"A Plan to Manage Growth"./7

This initiative is based on a policy of 'balanced growth' which essentially advocates new office and commercial development in downtown Boston, but makes it conditional to the provision of job opportunities and other public benefits; the mitigation of negative impacts on the environment, historical character of the city and on transportation; and the presence of an open community planning process, especially in the intown neighborhoods. In other words, as a Boston Globe article put it, "Flynn's specific policies are being drafted by Stephen Coyle, but the general theme--balanced growth--is the mayor's. Taken together they

form a rough development blue print...delivering the `economic justice` that the mayor promised to the neighborhoods that elected him"./8

At the very onset it is critical to point out that in order to implement the `balanced growth` mandate, the BRA has activated a package of new zoning ordinances which in their own ways represent various aspects of the new policy, and amongst which is the Downtown IPOD.

Between the time Coyle came in as director of the BRA in 1984 and February 1988, over 25 text amendments have been incorporated into the Code, out of which over half have been new articles. Many of them have been consolidated under one roof--referred to by BRA documents as the Downtown Plan--to represent a whole range of issues and purposes, and techniques of administering growth control. For example, they establish new institutions like the Boston Civic Design Commission (Article 28); stipulate rules for `Barrier Free-Access` in building design (Article 30); or set up financial mechanisms like impact fees in cases of large developments downtown where such monies are `linked` to specific low income housing projects in the neighborhoods (Article 26A)./9

Significantly the Downtown IPOD (Article 27D) is the only instrument which refers directly to zoning amongst this `plethora of guideline forms and functions`./10 Even while the new articles are unrelated in purpose, technically they are interlinked in complex ways, through text cross references and through a network of overlapping and nested districts. In addition, they have been phased into the Code at different times.

`Balanced Growth` and the Need for Entrepreneurial Activity by the BRA

Having given some sense of a background, however briefly, the following question is of immediate concern for the purposes of this study. What are the implications of a `balanced growth` policy coexisting with the need for entrepreneurial activity by the BRA--on the manner in which growth management is administered in central Boston ?

First, in connection with the `balanced growth` objectives, is the imperative need that the varied interests of the different constituencies concerned with development in Boston have to be accommodated as far as possible through the simultaneous prioritization of their key concerns by the BRA. As a senior staff member at the BRA pointed out at an interview, in order to "keep the criticism to the least" the agencies initiatives were in response to pressures from "the `open space people`, the `handicapped people`, preservationists, developers...." /11 This is apparent on observing the specific nature of each of the instruments that have been activated under the `Plan to Manage Growth` umbrella as they have been engineered to meet precisely these demands.

The appearance of a substantively diverse set of interventionary instruments in use by the BRA is evidence of the dispersion of power bases in Boston. That is, the transformation of the traditional government-business alliances to facilitate growth, to one of a "triumvirate of neighborhoods and city governments and businesses"--indeed to the current trend of a "diversity and distribution of interest and power in many cities"./12 Observe in Boston, the critical role of `The Vault`, an informal group of powerful local business

leaders, in supporting Mayor Collins in the 1960's to induce capital through new projects into the city as against the current power of neighborhood and community groups and the Boston Preservation Alliance in influencing development. /13

The point to make is, that in wanting to reduce potential opposition and conflict to obtain a measure of control over competing priorities about the nature of new growth in Boston; the BRA's policy has the makings of a disaggregated strategy; independently meeting the demands of different groups in a dispersed manner. In this move to be all inclusive, the BRA has addressed first, politically visible problems-- to respond to pressure without sacrificing the larger interests of the city.

The above is ever so articulated, when contrasted with the situation in San Francisco. There the roots of the existence of a 'growth cap' (a limit of 475,00 square feet of office space per year) can be traced to the anti-highrise movement which has given rise to a number of ballot initiatives in the city. Chester Hartman argues that these initiatives have provided the means to allow the overlapping environmentalists, preservationists and neighborhood resident constituencies to put aside their differences to come together and fight the onslaught of highrises. Typically, they have been opposed by a coalition of labor and downtown business interests./14 Such polarization has reached a point where, as it turned out, the growth cap was the only way to control new development. As Robert Campbell asserts in the Globe, " San Francisco has decided to stop growing, more or less..... but this decision is more a product of political gridlock than rational

planning./15

In Boston, the 'Plan to Manage Growth' with its balanced growth priorities shows, in contrast, that the City and the BRA have taken an alternative route. That of a policy of mediation and conciliation through the provision of measures meeting various needs simultaneously, rather than an explicit position in one direction or the other. In comparing the two cities, a BRA staff member involved with policy making at the top, talked about San Francisco using the "axe method" and that in Boston "we realize that there is no silver bullet, no perfect solution" and that growth restriction has to be prioritized "now...in two years...or later"./16

The paragraphs above suggest that zoning growth control mechanisms in order to deal with a diversity of interest group needs, under particular political conditions and also to adjust to changing priorities would need to achieve a great degree of flexibility and adaptability in order to implement more complex 'plans'.

Second, the BRA in keeping with trends observed in most major cities in the country, has become entrepreneurial; not only through the disposition of property (inherited from the urban renewal days), through the collection of lease revenues, through property management-- but also through negotiating private sector investment in the city. The result is a contradiction in operations, observed in other cities as well, "because [as] the City is increasingly both a financial partner and a regulator of development projects, administrators may come under great political pressure to compromise their regulatory standards for

the sake of financing returns to the city".^{/17} The BRA has to therefore resolve through its zoning tools, the special problem of maintaining enough control to satisfy important public purposes, while leaving its developer enough control to make the project a commercial success. This problem has become explicit in the case of Boston, where by mandate, a portion of downtown developer 'profits' have to be channelized towards job training and low-income housing programs amongst an increasing list of public goods. The International Place project illustrates this dilemma. With the help of zoning designations that provide it with exemptions from existing rules, it towers 600 feet to cast shadows on the historic Custom House area and faced a lawsuit from the Boston Preservation Alliance in September 1984. However, it promises tax benefits of \$ 10.39m, impact fees payments of \$ 7.79m and close to 5,000 permanent jobs.^{/18} The key to this is of course, a continuing economic boom in Boston and as mentioned earlier, the resulting eagerness of developers to pay the city to be allowed to build.

The above brings out the matter of the extent of discretionary powers with the BRA to provide the potential for negotiations as against adherence to strict pre-decided zoning regulations. The specifics of the mix of a balanced growth policy and entrepreneurial BRA activity magnifies the balancing act inherent in the above and, as we shall see later, becomes a critical issue for growth management in Boston.

The existence of negotiation based entrepreneurial activity balancing between pre-established rules and discretionary decisions mixing with a

disaggregated approach to consolidate interest groups has provided us with a theme to describe the background against which the Downtown IPOD has been operationalized. It promises to assist the endeavour of seeking the reasons which are behind some of the consequences on growth control of deploying the Downtown IPOD.

CHAPTER 2 : THE IPOD MECHANISMS : LEGAL AND FORMAL REGULATIONS AND PROCEDURES

Introduction

The last chapter had identified that this research examines how the Downtown IPOD has been used by the Boston Redevelopment Authority (BRA) to respond to and incorporate the various political and institutional constraints that it faces in its activities--to result in a set of outcomes which have begun to typify how growth management is administered in central Boston.

The nature of the consequences associated with the deployment of the IPOD process, however, are not only a result of the 'exigencies of economic and political variables', but also a function of the specific legal and formal regulations and procedures composing the IPOD as a zoning instrument , and used by the BRA to activate the process in the first place.

This chapter lays out the details of these mechanisms, traces their origins and analyzes the implications of their use. It goes without saying that it is the skill with which the BRA has created and used the mechanisms of the IPOD that has enabled it to negotiate the variables of Boston's political and institutional context.

The main objective of this chapter is to indicate that on the one hand, the Downtown IPOD represents a plan-based policy in form and character, a departure from existing practices. On the other, the instruments that are associated with it are in fact build on incremental changes to an

existing regulatory zoning framework which has been used in Boston since the 1960's. In addition this chapter shows that in the designing and implementation of the Downtown IPOD the BRA's activities are shaped by an ingrained institutional structure which is particular to Boston. The contradiction implicit in the above, that of a new policy essentially using existing instruments rather than a restructured framework as the means of its implementation, is the theme that this chapter explores.

The following pages trace the origins and the implications of the instruments used by the IPOD mechanism to articulate the point made above. Part 1 lays out the details of the regulations and procedures used by the IPOD to indicate that in policy intent it has a plan-based complexion. Part 2 shows how these mechanisms are a function of the use of existing instruments and an inherited institutional capacity which the BRA has effectively build upon to use for purposes which go beyond interim controls. Finally, Part 3 explains the importance and the dynamics of the formal approval process required to amend Boston's Zoning Code, indicating however, the necessity of the BRA having to establish a parallel process to communicate with citizen groups due to their current strong position with respect to downtown issues.

PART 1 : THE IPOD MECHANISM AS A PLAN BASED POLICY

The Downtown IPOD was adopted into the Zoning Code on September 25th, 1987 and came into effect from that date. However, the formal initiation of the Interim Planning Overlay District (IPOD) as a zoning mechanism predates the Downtown IPOD by almost three years and can be traced to an amendment to the Code in November 1984, a few months after Coyle came into office.

This amendment, Text Amendment #75, inserts paragraph (h) in Section 3-1A of the Code, as 'Interim Planning Overlay District', the regulations governing which it details out in the new--Article 27./1 Within this article there are two 'sections' which need to be mentioned at the very onset of this analysis.

The first of these is titled 'Basic Regulations' and explicitly states that once an IPOD is established through an amendment to the Code it "may operate to suspend all or a portion of the existing underlying zoning of an area for the period during which [the IPOD] shall be in effect". It also stipulates that an IPOD may not operate for a period of more than two years and that some projects in the concerned area would need an "Interim Planning Permit"./2

The second section of concern titled 'Petition for Planning Overlay District'; is critical as it enables the BRA to petition the Zoning Commission to designate areas specified by the redevelopment agency as IPOD districts or 'overlays', given that the BRA can indicate that "the existing underlying zoning may not be appropriate"./3 Both the Downtown IPOD and the Boylston Street IPOD, which this study analyses, are

zoning interventions established on the basis of the above enabling section of the Code and appear as Articles 27D and 27B respectively. The two sections mentioned above and the regulations linked with them, form the basic framework around which the details of the IPOD are constructed. The following paragraphs elaborate on notions of the IPOD mechanism as a plan-based policy. In most part, references are made with respect to the specifics of the Downtown IPOD.

By definition `interim controls` cannot take on the role of a `plan`, precisely because of their temporary status. However, the Downtown IPOD though not a `plan` in the conventional sense of a `comprehensive plan document`, does assume the function of being plan-oriented for a number of reasons. Not the least amongst them is the fact that it rezones central Boston for the first time in 20 years. On the other hand it is quite likely that the regulations of the Downtown IPOD could become permanent or `extended indefinitely` at the time of their expiration through an amendment to the Zoning Code--stringent interim controls, because they provide the promise that they will soon `expire`, make them more acceptable to communities where they would not yet be accepted on a permanent basis. `Interim` and `permanent` are clearly not categorically separable in this case./4

Meanwhile, in the current absence of a `comprehensive plan` for the City of Boston, the Downtown IPOD delineates elements of a vision for future growth in Boston, an attempt to provide the rules for certainty in the development process and the essentials of a open participatory process.

The Downtown IPOD 'overlays' upon the map of central Boston for an interim period of two years, a set of districts, identified by specific boundaries and differentiated by FAR and height standards./5 (Figure 1) However, the IPOD goes beyond stipulating these regulations, by linking them to prescriptive criteria. The last are expressed in terms of 'desired levels of growth' associated with each of the districts and described as ranging from 'Priority Preservation Sub-Districts' to 'Economic Development Sub-Districts'./6 The IPOD therefore sets up a framework which attempts to channelize new growth away from the center of the city towards the areas around the North and South Stations; and restricts such growth in the remaining parts of central Boston by downzoning those areas through severe height limitations. In doing this the BRA sets up a rationale for the purposes of controlling growth which can be seen as a vision for the physical future of the city. To the extent that the Downtown IPOD prescribes this vision and delineates zones or districts, it is clearly plan-oriented.

At another level, the IPOD is plan-based as it attempts to bring some element of certainty into the developmental process and in the direction of growth in the city. If it does that by regulating height limits where none existed before, it also does so by incorporating into its framework the application of Planned Development Area (PDA) overlays; a flexible zoning technique which allows a project to bypass existing zoning regulations. As compared to the earlier city wide applicability, the IPOD designates a specific area within the financial

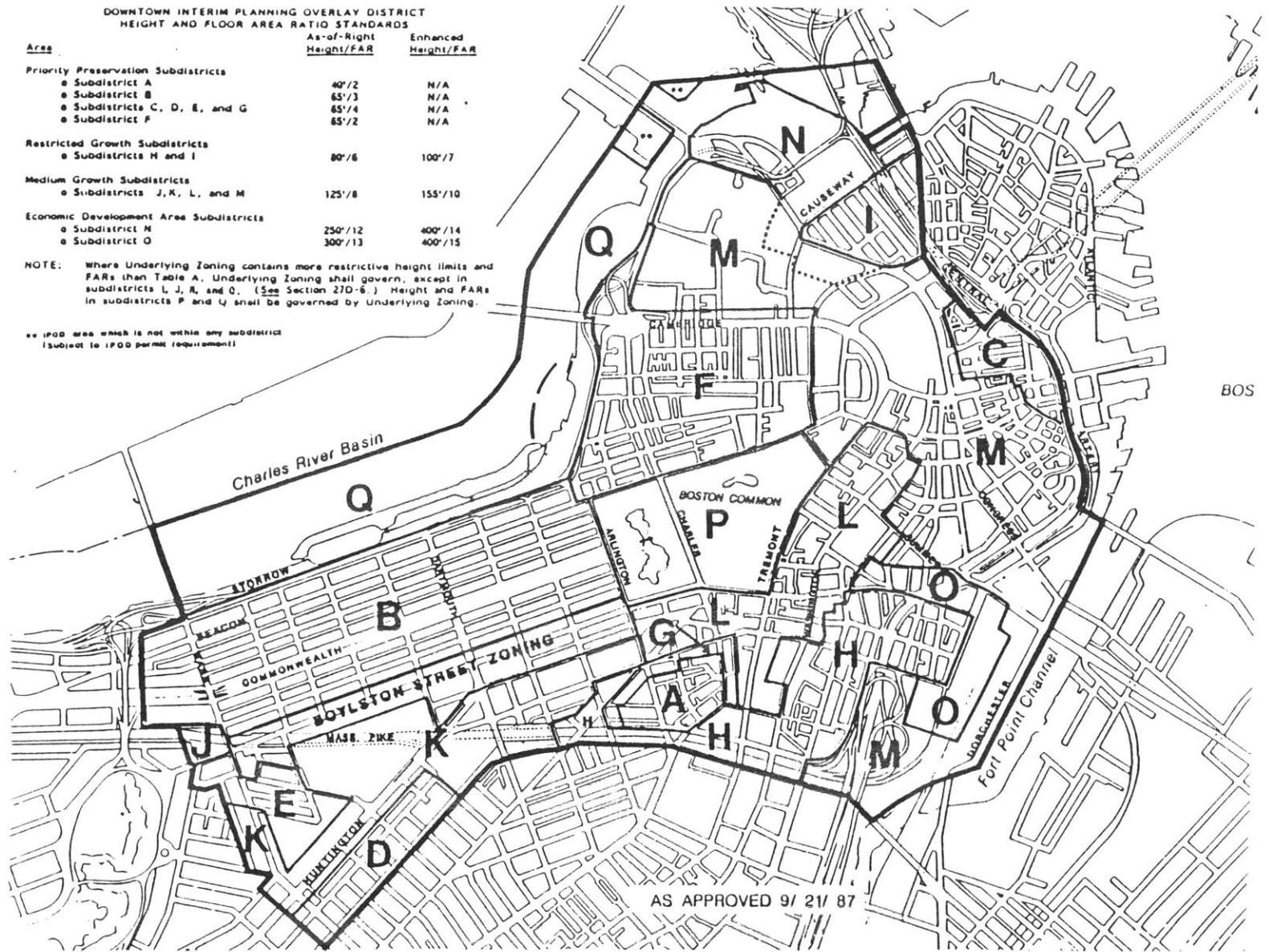
FIGURE 1 : Extract from Article 27D, Boston Zoning Code

DOWNTOWN INTERIM PLANNING OVERLAY DISTRICT
HEIGHT AND FLOOR AREA RATIO STANDARDS

Area	As-of-Right Height/FAR	Enhanced Height/FAR
Priority Preservation Subdistricts		
• Subdistrict A	40'/2	N/A
• Subdistrict B	65'/3	N/A
• Subdistricts C, D, E, and G	65'/4	N/A
• Subdistrict F	65'/2	N/A
Restricted Growth Subdistricts		
• Subdistricts H and I	80'/6	100'/7
Medium Growth Subdistricts		
• Subdistricts J, K, L, and M	125'/8	155'/10
Economic Development Area Subdistricts		
• Subdistrict N	250'/12	400'/14
• Subdistrict O	300'/13	400'/15

NOTE: Where Underlying Zoning contains more restrictive height limits and FARs than Table A, Underlying Zoning shall govern, except in subdistricts L, J, R, and O. (See Section 27D-6.) Height and FARs in subdistricts P and Q shall be governed by Underlying Zoning.

** IPOD area which is not within any subdistrict (subject to IPOD permit requirement)



BOS

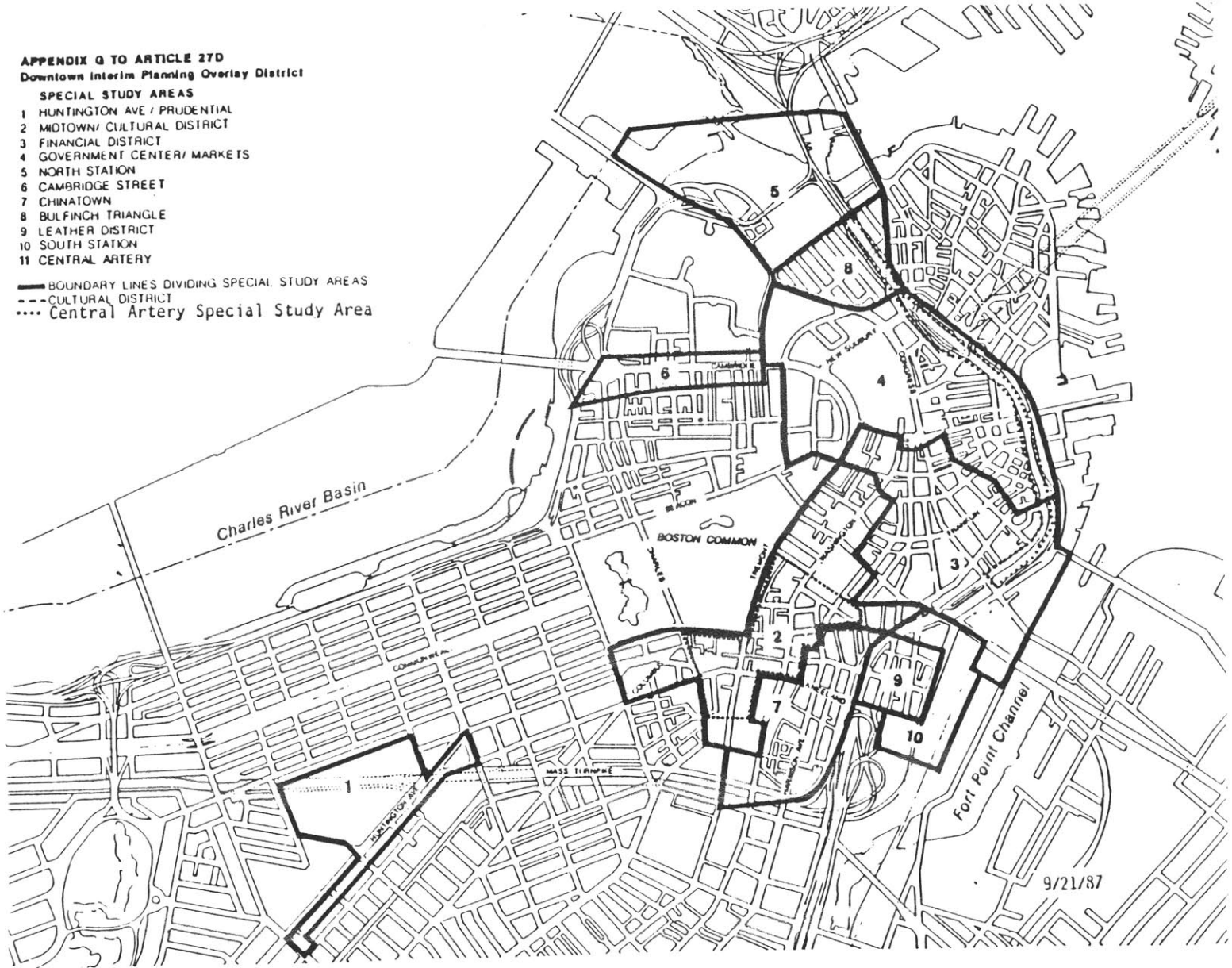
district as the only part of the city where sites are eligible for PDA status./7 Therefore, if it follows the rules, the capacity of the BRA to allow for major out-of-scale development in central Boston at their discretion is eliminated to a large extent--a departure from the project oriented activities of the BRA during Mayor White's days.

Furthermore, the Downtown IPOD brings an element of openness through the procedural mechanisms associated with it.

One of these is an envisaged 'planning process' which is structured to facilitate a rezoning for downtown Boston. During the time that the interim controls of the Downtown IPOD are in place, the specifics of the 'new zoning' are expected to be worked out through meetings between the BRA staff and concerned community and business groups. This conceptually 'bottom-up' approach is to be achieved by dividing the city into sub-areas which have, typically, definable physical and political boundaries to enable focussed and manageable discussions. The BRA has identified, within the umbrella of the Downtown IPOD, 11 different such 'special study areas'. (Figure 2) The agency hopes that "this process shall produce a set of comprehensive planning policies, development controls and design guidelines specifically tailored to the unique character of each Special Study Area" /8 and that by the time the interim controls are dissolved new permanent zoning would be in place for central Boston.

The narrative above, presented in a 'cut and dried' manner, is essential to begin to understand the 'whys and hows' of the events

FIGURE 2 : Extract from Article 27D, Boston Zoning Code



associated with the IPOD process. However the interaction of the IPOD mechanism as a zoning tool with the specifics of Boston's context can only really be comprehended by tracing out the operational implications of the above described components of the mechanisms. The following two sections of this chapter provide an insight into the origins of the IPOD mechanism to show that these are rooted to ingrained traditions of growth control and institutional structures and are therefore shaped and constrained by them.

PART 2 : THE IPOD MECHANISM AS A FUNCTION OF INHERITED ZONING AND INSTITUTIONAL CAPACITIES

In the most part the inherited zoning instruments and operational capacities that the BRA builds upon in the design and use of the IPOD mechanism can be traced to have their origins in the events and experiences of the BRA in the 1960's. Indeed, it is the form and character of the means that were used to administer growth control in those years that continue to exist today, albeit as variations, under different shapes and names, but essentially with the same underlying structure and logic.

Institutional Independence and Mayoral Dependence

The specifics of the Boston context indicate an autonomous location of the Boston Redevelopment Authority (BRA) within the larger institutional network of City government in Boston. This is largely

due to the fact that the BRA is, at once, both the planning and the redevelopment authority for the City.

In 1960, when Edward Logue was hired by Mayor Collins to plan out Boston's urban renewal program, his "initial step was to create a new and more powerful BRA [through] innovative legislation which would merge the functions of the city planning staff with that of the BRA and provide for a single agency"/9 The means to achieve this was the 'Prudential Bill' (now referred to as Chapter 121A), as it was infact a rider attached to the Bill that abolished the City Planning Board and granted both the planning and executive functions for the City of Boston to the BRA. On January 25th, 1961, when the BRA Board voted to hire Logue and carry out his desired reorganization they also mandated that the Development Administrator (the position now referred to as Director) be responsible only to the Mayor and the Board of the BRA. The result was that the BRA became an independent 'authority' with the powers to plan and execute physical growth, without the need for formal links with another agency. The intention at that time was to have an institutional capacity to carry out the massive urban renewal program that Mayor Collins had wanted for his 'New Boston' campaign. At the same time the arrangement that created the new BRA, also meant that critical to the functioning of the agency, or to the nature of its activity, is the relationship between the Mayor and the incumbent Director. Considering the two facts above, the BRA is in a unique situation of institutional independence on the one hand and Mayoral dependance on the other.

This has been illustrated in the past by the contrasting relationships between Mayor White and his line of BRA directors. White, on one occasion (the Waterfront Hotel project controversy) intervened in the planning and selection processes undertaken by the BRA, by selecting a project based on his own political priorities over the recommendations of the BRA staff, not stopping to remove the then director, Robert Walsh, in having to do so./10 Earlier he had been directly involved with the selection of the developer, Rouse, to make the vision for Quincy Market a reality./11 Consider also the fact that Ray Flynn, as a city councillor, and only a week before his election as Mayor, proposed abolishing the BRA, which by then had White appointees on its Board to serve for another four years./12

These cases reveal that ingrained into the institutional structure governing the city on development matters is the strong official position of the BRA, a position that can be defused only through drastic measures.

The flip side of the coin is however of greater interest--given a constructive relationship between the Mayor and the BRA, the operational power of the latter cannot be over emphasized. One of the factors influencing the successful execution of a number of programs and projects in the mid 1960s was the close working relationship established between Collins and Logue where the Mayor "consistently provided the kind of support that [the latter] needed to accomplish his objectives"./13

As we will see in Chapter 3, it is precisely such a relationship which backs the IPOD mechanism. Even though Mayor Flynn emphasizes on his

social programs, he publicly endorses the Downtown IPOD, thereby putting the BRA in a strong position to implement the instrument's regulations.

Independence from the City Council to Amend the Zoning Code.

Adding to the above, and just as important, is the lesser known relative independence of the BRA in initiating and passing amendments to Boston's Zoning Code. The roots of this are primarily legal, but bear examination.

Paul Garrity, former justice to the Massachusetts Superior Court, has given some hints about the nature of this independence./14 An examination of the Enabling Acts of 1956 and references from interviews provide some more details./15 The available information has been consolidated to read as follows.

The Boston Zoning Code was originally adopted by the Zoning Commission pursuant to special legislation (Chapter 665) enacted by the General Court in 1956. Until the 'Home Rule' amendment to the Massachusetts Constitution after a popular referendum in 1966, for Boston to change its Zoning Code required advance legislative authorization in the form of a request to the General Court. However, given the current continuing existence of Chapter 665 in the 'letter and spirit' of the 'Home Rule' amendment, the Zoning Code can be amended without referral to either the State or the City Council legislatures. Simply, this means that a proposed zoning amendment can become law with only the Zoning Commission's approval and Mayor's signature, after delivery from the BRA. It may be noted that the 11 members of the Commission are

nominated (by the Mayor) rather than elected./16

This fact, of the absence of the need for legislative pre-approval by elected officials, gives an independence of action to the BRA in conjunction with the Mayor which has greatly facilitated the implementation of policies purely through amendments to Boston's Zoning Code. The current Mayor has used this operational leverage to push through a number of his programs, many of them only remotely connected with zoning, but associated with the Downtown IPOD as a comprehensive policy./17 The impotency of the City Council in being directly involved with zoning matters, has therefore kept the rigors of an official political scrutiny out of the system.

To be sure, the design of the IPOD mechanism takes full advantage of the inherited operational capacity mentioned above. The priorities and decisions that inform the distribution of future growth in the city, as reflected by the districts imposed by the Downtown IPOD, may well have been different with City Council participation, in the sense that the location of boundaries would have been political decisions with open debates on the 'exclusion or inclusion' of particular streets and parcels.

The significance of this independence of action stands out all the more if compared to the situation in San Francisco and New York. The former, with a wider distribution of decision making power, follows a more conventional system./18 There, a Planning Commission gives a decision on a proposed zoning ordinance change, but on their disapproval, is subject to ratification by the Board of Supervisors. The last is a elected body, thereby placing the planning department of the city

within a formal political structure and distancing the direct involvement of the Mayor./19 The situation is somewhat technically similar in New York where it is the elected "Board of Estimate [which] gives final approval to zoning amendments and changes in the City Map."/20

There exists a vast literature on the polemics concerning the merits or the disadvantages of political involvement in the passing of amendments, but the issue here has been to point out the unique situation of the BRA and therefore its impact on the design and use of the IPOD mechanism.

Ingrained Tradition of Using Zoning Overlays

Having described the strong position of the BRA with respect to the City's Zoning Code, it is not surprising to find that the legal rationale behind the IPOD mechanism stems from the 'manipulation' of the Sections within the Code. A close examination of the Code reveals that the principle factor enabling the IPOD mechanism, even though it appears as Article 27, is in fact Section 3-1A of Article 3 or 'Special Purpose Overlay Districts'./21

Article 3 itself, established zoning districts on the map of the city, differentiated by 'use', FAR and in some cases height limits, when the Code came into effect on December 31st, 1964. Section 3-1A of the article, using the concept of an 'overlay', injects flexibility into the system, as by establishing such districts, some or all of the regulations of the existing zoning can be ignored by the proposed project./22

The ingrained use of `overlays` in Boston, can again be traced to the 1960's, when the technique of Planned Development Area (PDA) was introduced into the set of zoning based interventionary instruments./23 It is essential, for the purposes of this study, to understand the technical and political use of a PDA, for in terms of the BRA's current activity not only are PDAs still in use; but one of the factors behind the dynamics of project-deciding and plan-making in Boston is the interplay of the awarding of PDAs to projects--and the planning of growth control through the IPOD mechanisms.

The Boston Zoning Code, when it was adopted in 1964, was in a sense already outdated, for close to 11 years had passed since the recommendations informing its original stipulations had been laid out by the then Planning Board./24 PDAs, as a 1968 amendment, were structured to accommodate the influx of major projects into the city--a likelihood that was not anticipated by the Code in its original form. Essentially, a building site is eligible for a PDA designation if it is "not less than one acre" in size and if a developer submits to the requirements of the BRA. With a PDA designation the developer has the right to apply for "exceptions" to the Code, which are much easier to obtain than the conventional "variances"./25 However, a PDA may be approved by the BRA only after a public hearing and only if the authority finds that the proposed development plan is not "injurious to the neighborhood or otherwise detrimental to the public welfare". The BRA retains continuous design review authority over all construction undertaken pursuant to a PDA plan approved by it./26

The granting of PDA status has thus become a powerful tool in the hands

of the BRA, to set the stage for negotiations with developers of large projects, in stipulating at its discretion, requirements of bulk and design--introducing an element of uncertainty into the project deciding game. In 1977 the White administration formalized the 'floating zone' concept of the PDA by consolidating it into the provisions of the earlier mentioned section 3-1A amendment into the Code to be called 'Special Purpose Overlay Districts'./27 Various categories of 'overlays' have been used, amongst them, the Adult Entertainment District which effectively restricted the expansion of the 'combat zone' in downtown Boston; and Urban Renewal Areas which though still existing in the Code have not been used much since the termination of the renewal program./28

The 'Basic Regulations' mentioned earlier, as being central to the IPOD mechanism derive their power from Section 3-1A, as they are precisely the insertion of yet another category of 'overlays districts'. Therefore, the BRA, built only upon the available flexibility in the Zoning Code to activate the plan-based IPOD through an incremental change of the Code. These origins of the IPOD mechanism continue to have an influence on the means of growth control in the city. The point to note here is that the regulations providing the BRA the discretion to take decisions on projects, co-exist with the IPOD. This dichotomy in the BRA's policy necessitated due to the inheritance of approved projects from Mayor White's days, was compromised by consolidating PDA designations into the Downtown IPOD. Therefore, the existence of a PDA zone within the framework of the IPOD is again a response to inherited capacities and regulations.

In sum, even though stated policies show radical departures from the norm; in terms of zoning instruments, underlying mechanisms have been more or less maintained. This fact was to have a large impact on the nature of the IPOD process.

It is worthwhile to spend a couple of paragraphs to stress that the creation or introduction of zoning instruments in the past have been in response to specific circumstances rather than a product of some preconceived `plan`. Chapter 121A, which apart from providing tax incentives, also dissolves the need to adhere to existing zoning was specifically linked to the Prudential Center Project. Meeting in an "atmosphere of crisis because of fears that Prudential would leave the city" the General Court provided legislation which resulted in the resumption of the project--the formation of the new BRA and the revitalization of downtown Boston./29 Though initially created for the Prudential property, the legislation sought to include the entire city./30 The `innovation` of PDAs has been traced to be a response to accommodate large developments outside of urban renewal areas and without the benefits of Chapter 121A, a need first demonstrated in 1967 by difficulties encountered in arranging for the development of the new Hancock building./31

Dominantly, most zoning innovations in the past drafted by the planning staff of the BRA have been a function of its `coping with crisis` activity--indicating a bias towards project deciding. We will see in the Chapter 3 that the BRA's current activity is much of the same nature.

To summarize, the institutional capacity of the BRA to use the IPOD mechanism as a zoning interventionary instrument is largely a function of--institutional independence of operation; a close relationship between the Mayor and the director; absence of the need for City Council pre-approval of zoning amendments and the use of overlays in providing discretionary powers and flexibility in the control of growth.

There remains as yet, an elaboration of the formal zoning approval procedure that has to be followed to activate the IPOD mechanism. This needs to be examined in some detail, in order to understand a critical phase of the IPOD process--of how the BRA communicated and negotiated with interest groups.

PART 3 : THE IPOD MECHANISM AS A FUNCTION OF CITIZEN PARTICIPATION

In identifying the principle factors which have been responsible in shaping the BRA's operational capacity, the lack of City Council legislative pre-approval had been stressed as providing the BRA a degree of freedom in amending the Boston Zoning Code. Therefore in Boston, due to the absence of constituency representation; central to the legal process of making new zoning laws in terms of the involvement of the larger public, are 'public hearings' mandated in the formal approval process. Indeed, officially, public hearings are the only instances in Boston, when citizens of the city or their elected representatives can voice their concerns or protests against a proposed

amendment to change the zoning laws. Alternatively, citizens can go to the courts to contest a zoning decision after an amendment has been adopted.

Given the above, and the now established capacity of vocal and no less powerful preservation, citizen and community groups to organize around development issues in Boston--it is not by coincidence that public hearings have assumed a great deal of importance on the one hand and that there has been a need for formal negotiations outside the legal process for the BRA to bring concerned actors to an agreement on the agency's proposal on the other.

The last has been manifested, significantly, in two ways. First by communication to different interest groups through a series of presentations by the BRA elaborating on their proposed zoning changes and second, through the establishment or recognition of institutions in the form of consolidated citizen committees which provide an arena for the direct expression of competing interests. Again, it is not by coincidence that the second is related to those downtown areas with neighborhood constituencies and the first to situations where the recognition of issues and interest groups has been ambiguous. In any case both have been structured to facilitate what is the principle mode of policy implementation for the BRA, the legal approval of amendments to the Boston Zoning Code.

Approval Process to Amend the Boston Zoning Code.

The legal process of adopting an amendment to the Zoning Code comes from the mandate of the Enabling Act of 1956 which gave the City of

Boston the power to impose the Code./32 Simply described, if the BRA staff intends to amend the text of the Code, or change the boundaries of the Code's map; it has to first present the proposal to the BRA Board--needing a majority vote of the Board's five members before it goes on to the Zoning Commission. The Board votes on the proposal usually after one or a series of public hearings where it may approve or vote to take the proposal under advisement for further consideration. The public hearings usually coincide with the Board meetings which are held every two weeks. Four of the five Board members are appointed by the Mayor, subject to approval by the City Council, while the fifth is appointed by the Governor of the State./33

The Zoning Commission, on receiving the proposed amendment as a petition, after `due public notice`, hold a public hearing to vote on the proposal. The eleven member Commission is appointed by the Mayor, also subject to City Council agreement, and is drawn from nominations made by a cross section of the city's various professional and institutional `Associations`, `Societies` and `Boards`./34 With the Zoning Commission's minimum of seven votes on the petition the amendment needs only the Mayor's signature for it to become law. In fact, if the Mayor does not respond within two weeks it is adopted as such without his signature. However, a nine vote mandate is required from the Commission if the Mayor does respond but vetoes./35

On examining the above, it becomes clear that the Mayor is the only elected official involved in the process and that even those groups of officials who must vote, are his nominees. It is of interest to note that the current BRA Board members are mostly surviving White

appointees. The Zoning Commission has nominated members from the architectural community, the Chamber, labor unions, builders associations; but with no formal means by which elected members representing citizens can be included. Many observers see the Commission as having a `rubber stamp` function. However, in recent years, the BRA has persuaded the Commission to meet at least once a month as compared to their earlier two-three times a year and has infact shown signs of greater authority./36

If the above is the available legal process, than the reality of its playing out in practice is rather different.

Weaver and Babcock warn us that "the existence.....of a legislative body, a plan commission, a zoning board and a professional or technical staff projects a false picture of uniformity. In fact, the impact of personality, politics.....normally overwhelms the apparent uniformity dictated by the wide spread adoption of the state enabling acts..."/37

They go further to identify different approaches that administrative officials normally employ in adopting a procedure to push a zoning amendment. The first of these is not to have a defined process. This is based on the rationale that to the extent that the standards governing the process are kept nebulous, the power of those who control the process is enhanced. The second is to `keep the politics out of it` by attempting to leave the process in the hands of the professionals and technocrats--who can administer it `objectively`. Weaver and Babcock then refer to elements of an `open process` in their third delineation of administrative processes, that of creating a "system that is

understandable both to those who administer it and those who must be administered by it : a system where the rules are, to the maximum extent possible stated up front, and where the checks and balances operate to ensure fairness to the public interest and the private applicant."/38

To be sure, the BRA in having steered the Boylston Street IPOD and the Downtown IPOD through this formal approval process used elements of the first two of these approaches. The `standards governing the legal approval process` are straight forward in themselves; but are rendered `nebulous` due to the complex nature of the proposed amendments. For instance, the Downtown IPOD is far reaching in scope in terms of the issues addressed and becomes difficult to comprehend due to the interrelated and diverse nature of the issues. The absence of City Council direct participation apparently keeps the `politics out of it` but the objectivity` of the BRA staff, Board and Zoning Commission members is influenced by the political priorities of the Mayor. In addition, the Commission is often incapacitated as some of the proposed amendments that it receives from the BRA are technical and specialized--outside the skills of the expertise of the members to take an informed decision on. However, it is the third approach, the `need for an open process` that is critical to understanding the underlying forces to the procedures associated with the IPOD mechanisms--and which inform the nature of the negotiations held by the BRA outside the legal process.

Formal Negotiations and Citizen Participation

The latent potential of the impact of organized citizen groups in relation to development projects was perhaps first manifested in the 1960's when the BRA was designating Charlestown as an urban renewal area. George Lukas has vividly described the proceedings of a public hearing to pass the plan as one filled with violent protests, but more importantly indicated the emergence of a distrust amongst citizens as to the real motives of development being pushed through on a public purpose platform./39 Since those years, while Boston's neighborhoods have developed their own political grass-roots organization of participatory processes; in the downtown area it has been the events connected first with Park Plaza and later with the Copley Place projects that have firmly established the political necessity of community involvement--and indeed the need for BRA to adopt an 'open process' in taking decisions about the future of the city. The Copley Square project is of importance to this study, for the form and structure of citizen participation for that development can be seen to exist for the procedural mechanisms of the IPOD as well, at least in concept if not in some of the details. The former therefore serves as a useful tool to analyze the merits and dismerits of the latter.

A perspective examination of the Copley Place citizen participation process elsewhere, has referred to it as "front ending"./40 Simply, it means the active involvement of concerned interest groups before the specifics of a development are worked out--an 'informal review' prior to 'formal review' in terms of early consultations between citizens,

concerned agencies and the developer. The idea was to make community concerns as explicit as possible and as soon as possible to avoid delays in the finalization of design details, the signing of leases the obtaining of certificates etc.

The BRA in wanting to avoid controversies during the all important public hearings for the passage of the Downtown IPOD through the legal process detailed earlier adopted much the same strategy of 'front ending' by going out to all the potential interest groups beforehand and incorporating their opinions and differences.

In the planning of Copley Place, a Citizens Review Committee was formed with representation from over 25 organizations and which was involved with the drafting of a set of recommendations for the developer to follow for his project and which were backed by the public agencies involved if differences arose. While the BRA did not form such a committee for the Downtown IPOD (they choose to communicate only through presentations), they officially gave recognition to the Citizens Advisory Committee for the Boylston Street IPOD. The appointment of such a committee served the purpose of formalizing ongoing negotiations early in the process. Events have shown that this is politically necessary for consensus building and results in, what the observers of the Copley Place project called, 'progressive cooptation'--severely limiting the disruptive powers of groups 'who appear late in the game to express objections'. On examining events related to the Boylston Street IPOD we will see that last minute efforts to delay the passing of permanent zoning during the BRA Board meeting and public hearing were diluted due to the support of the

Citizens Advisory Committee.

Nowhere is this institutional process more dramatic than in New York City. There, by Charter, the city is divided into communities, each with a local board. All requests for amendments to the zoning map and all requests for variances must be referred to by the local board. If a community board holds a public hearing on a map amendment, no hearing is required to be held by the New York Planning Commission./41

In Boston the situation is not so decentralized, but the BRA has intertwined the legal approval process with a negotiation based process, formalizing the latter through creating new institutions or recognizing existing ones.

The point to make here is that such a move by the BRA has been in response to existing notions in the city about what form an open process should take on, with front ending at Copley Place being a model. Events connected with the Kennedy Department Store on Summer and Arch Streets, with International Place and New England Life projects have shown that in the absence of such an open process controversies, protests and litigations become the order of the day. The institutionalized approach towards citizen participation has problems as well--one is the issue of speaks for the neighborhood, there are bound to be conflicts within neighborhoods of residents and commercial interests. Dan Ahern was the executive director of the Back Bay Federation as well as the executive director of the Back Bay Association. The former is a umbrella group that includes business people in the area; the association is composed by the residents.

On the other hand, project and neighborhood related participatory processes, like Copley Place and Boylston Street respectively have distinct area specific interest groups who negotiate on clearly identifiable issues. The application of such a process in some downtown areas would have an inherent problem, due to the lack of easily identifiable political constituencies and the presence of broad based interest groups with city-wide interests.

The earlier mentioned creation of 11 sub-areas as requiring rezoning efforts which the Downtown IPOD is in place is an attempt by the BRA to respond to precisely such a problem. While this might make political and administrative sense, such a disaggregation begs the question of a co-ordinated city wide plan. Later we will see how the BRA has tackled this problems in the case of the Midtown/Cultural District.

In the end, the most serious problem surrounding the emergence of the neighborhood as a critical factor in the making of land use policy is the difficulty of balancing a consolidation of a community's interest with an equitable and fair governance of the entire city.

CHAPTER 3 : THE IPOD PROCESS : THE INTERACTION OF THE IPOD MECHANISMS
WITH POLITICAL AND INSTITUTIONAL FACTORS IN DOWNTOWN BOSTON

Introduction

Having examined the zoning mechanisms associated with the Downtown IPOD in some depth in Chapter 2; this chapter is an analysis of the consequences which are a product of the deployment of those mechanisms--which have resulted in various means of growth control activity by the BRA. In the most part the nature of this activity is a product of the interaction of the IPOD related zoning regulations with the specifics of Boston's context.

Infact, the analysis of the observed events associated with the IPOD process show that the IPOD mechanisms as a zoning intervention have not been used not only as an interim standard per se, or merely as the mandated 'plan' to channelize growth to identified areas within the city;

Rather its regulations and procedures have been used to :

- (1) Link downtown growth with the Mayor's municipal agenda,
- (2) Manage boundaries to 'exclude and include, projects and interest groups, and
- (3) Formalize and facilitate the citizen participation process.

Correspondingly, to articulate these trends, this chapter has been divided into three sections. Within each, descriptions and analyses are

followed by a brief look at the underlying reasons which have produced these particular growth control measures, linking up some of the issues elaborated in Chapter 2.

In addition it is necessary first to provide a sequential background to the timing of the events that were examined. After Article 27 was inserted into the Boston Zoning Code, its enabling power was first used by the BRA in the downtown area as the Boylston Street IPOD, which after having imposed interim controls for a year, has already resulted in the adoption of new permanent zoning for the Boylston Street area. Even while the Boylston Street IPOD process was active; the next logical step for the BRA was to begin to obtain a consensus in the city on the proposed regulations for the Downtown IPOD. Once that was achieved, the interim controls of this IPOD came into place, and the BRA set about working out the detailed new zoning for the 11 special study areas. Prioritized in that effort was the Midtown/Cultural District. The last really represents the implementation phase of the Downtown IPOD, as it illustrates the planning process in the interim period.

Further more, this research has conceptualized the above by dividing the sequence of events into three, though overlapping phases. An 'initiative'--when the ideas which lead to the zoning mechanisms under examination began to emerge; 'agreement'--the time during which concerned public and private organizations and groups came to agree on proposed guidelines; and finally, 'operation'--the actual legal use of the mechanisms to control growth.

In using the above sequence of events as a background the point is to

provide an analytic structure which facilitates cross comparisons and has the potential to study transformations in the nature of BRA activity. Therefore it is not by coincidence that within each of the three Parts of this chapter, identified means of growth control have been organized under two or three themes which refer to events which broadly follow the temporal structure outlined above. In addition, at the end of each Part the constituent themes are compared and contrasted to articulate some of the underlying issues.

PART 1 : USING THE IPOD MECHANISMS TO LINK DOWNTOWN GROWTH WITH THE MAYORS MUNICIPAL AGENDA

The zoning regulations of the IPOD mechanisms, while designed for the purpose of plan-oriented activities by the BRA, have been intricately linked up with facilitating the Mayor's municipal priorities of providing greater economic benefits to the neighborhoods on the one hand and allowing major new development in the downtown area on the other. This dichotomy in their unpremeditated use, while in itself supporting the Mayor's 'balanced growth' policy of the justification of downtown growth to achieve economic redistribution, has given a unique complexion to the manner in which growth control has been actualized by the deployment of the Downtown IPOD. To be sure it transcends the otherwise plan oriented objectives of the use the IPOD mechanisms to provide a physical vision for Boston and to insert 'certainty' and 'openness' in the development process.

To illustrate the above, two themes have been analyzed in the following

pages--which show contrasting perceptions towards the deployment of the Downtown IPOD. The first is its use as the means to provide an indirect legal passage for the adoption of new ordinances which are more 'social programs' and only remotely connected with zoning. The second is the use of a 'arts' revitalization campaign towards the objective of rationalizing the interim regulations of the IPOD to allow the "conversion" of midtown Boston through 'bricks and mortar' investment. This analysis is concluded with a comparison of these two themes.

Indirect Facilitation of 'Social Programs' Amendments to the Boston Zoning Code

In order to trace how this came about we need to examine first the initiative which lead to the Downtown IPOD. Paradoxly, the origins of the Downtown IPOD are rooted in a private sector initiative--namely the strong call for a 'plan' by interest groups within the private sector, at the time of transition between the pro-growth White to the neighborhood backed Flynn administrations. The business and real estate communities were clearly nervous about Flynn's political leanings and his lack of experience in dealing with developers. In addition they felt the need to make a strong statement about what their priorities for growth in the city were to the new administration. These concerns manifested themselves in two forms. The Boston Conference in March-April 1984 and a report produced jointly by the Chamber of Commerce and the Boston Society of Architects (BSA) titled 'Change and Growth in Central Boston' released in May 1984./1 While a diversity of views were presented at the Conference the consensus was that Boston needed a

new master plan and a tougher zoning code and some degree of flexibility in the regulation of new growth./2 Chris Grace, a BRA staff member, observes that the Conference served the role of providing "political indications" for the newly formed BRA./3 The Chamber/BSA report however was explicit--in the sense that it laid out the details of what the new `plan` should look like. The document "endorsed the growth principle" and presented a map to indicate how it could be prioritized over the city by establishing districts./4 Significantly, the first document released by the BRA (July 1985) for a `plan` for downtown Boston and called `Downtown By Design` was striking in its similarity to the private sector stipulations to the extent that the prioritized growth subdistricts with their boundaries were broadly categorized in the same manner. This was a response by the BRA to appease any rumblings within the development community and was widely supported by the media who had earlier applied editorial pressure for a new plan.

But the BRA document was also different.

Couched within the planning and design details and under the heading `Social Justice` were a set of jobs, housing and `linkage` Code amendments--a rough outline of the Mayor's electoral mandate. While these would appear in more detail later, under the `Plan to Manage Growth` document, conceptually the proposal gave growth control in Boston a new structure, the mixing of economic redistribution mechanisms with normative height and bulk zoning regulations. Paul Garrity points out that at that time the press did not isolate this fact to put it under the rigors of a public debate, but more

importantly stresses the fact that by proposing such programs as amendments to the Boston Zoning Code the Mayor had made a conscious decision of avoiding official scrutiny at the State or City Council level to make them as law. Recall that in Boston zoning amendments do not require a vote approval by elected officials./5 In sum, building on an initiative provided by the private sector the BRA was using proposed downtown zoning proposals to act as a vehicle to change the Code for other purposes.

It should be realized that at this stage the BRA had only a rough draft for a 'plan' in place, with the stated aspiration of refining it through a public participatory process in the next two years. Meanwhile, the agency had pushed the adoption of Article 27 into the Code to give it the power of establishing interim overlays. In any case, it took a lapse of one year before the next plan document appeared, now as the first formal version of the Downtown IPOD. This was in August 1986. During this time the problems of having to run the new proposals as one package began to emerge. Coyle stated that the approach now was to release one group of policies at a time--"We do not want to put out an omnibus package for fear we would lose it, its to complicated to promote an active debate on so many issues". In addition he conceded that there had been some divisions within City Hall over the plan between the BRA and the Mayor's office./6 The result was that housing issues were prioritized over downtown zoning guidelines per se. The energies of the agency's staff were used towards having 'linkage' ordinances adopted into the Code with Zoning Commission and Mayoral approval and with 'Inclusionary Zoning' being passed by the BRA Board--

all before the August publication.

Therefore rather than concentrate on the early provision of growth control through the promised certainty, openness and a physical vision for Boston, the Downtown IPOD helped put housing and jobs related amendments into the Zoning Code. On the other hand the consequence of this delay in the provision of a set of new rules for downtown zoning was the firm entrenchment of the discretionary review process as the means for growth control.

It was not until May 1987, that Flynn endorsed the Downtown IPOD. In a public speech he supported all of the BRA's proposals, however explicitly mentioning the benefits that would be passed down to the neighborhoods. In 1987 the Mayor was facing a reelection bid against Councilor Joseph Tierney, and the councilor who had links with the development community charged that the Mayor's speech was a populist campaign stunt and that the Downtown IPOD had been timed to be used toward electoral ends to garner the progressive segment of the vote./7 The use of Zoning mechanisms to further a Mayor's political priorities are not new. During the urban renewal days it was used widely--for example Mayor Lee in New Haven exploited the shifting of urban renewal boundaries to embark on a clearance and successful rebuilding program to his political advantage./8 However in most cases these were concerned with encouraging economic growth through physical development to suggest that Flynn and Coyle's actions indicate a clear departure from that trend by initiating social programs through zoning.

Rationalizing Physical Growth--the Use of a 'Arts' Revitalization Campaign

With the interim regulations of the Downtown IPOD in operation from September 1987, much of downtown Boston was zoned to a height limit of 155 feet. The area of the junction around Boylston and Tremont Streets, that is the 'hinge block' and the traditional theatre district, came under this height cap and in addition was legally delineated as the Midtown/Cultural District by the BRA.

However the presence of theatres in this areas is seen merely as a potential for planning activities of the BRA. Of greater import is the fact that the area is the last remaining portion of central Boston which still has a substantial capacity to accommodate new development and has, as a result become the battleground for a diversity of groups with competing interests. Planning efforts by the BRA are therefore centered around managing new growth envisaged for the area, rather than let speculative activity take the reins from their hands.

In contrast to the previous case, zoning related IPOD mechanisms have been used here to facilitate economic growth, but rationalized through the noncontroversial and public oriented revitalization of theatre and cultural activity in Boston. Apparently, the inclusion of arts facilities in projects often help to soften whatever resistance there may be to downtown redevelopment./9

The roots of the initiative to set up the Midtown/Cultural District are also external to the BRA--propelled by the arts community in this instance. Partly in response to a 1984 needs assessment survey which indicated an acute shortage of performing arts facilities in the city,

a coalition composed of the City's Office of the Arts and Humanities and two non-profit organizations (ARTS/Boston and the Massachusetts Cultural Alliance) presented a proposal for the district to the BRA in August 1986./10 A year later, in October, the BRA revealed a conceptual plan which while elaborating on 'cultural' details also identified key sites for future development. With the enactment of the Downtown IPOD into the Zoning Code a month earlier; the zoning mechanisms to begin to organize the district also came into place through the legal definition of boundaries and the imposition of the 155' height limit. While conventional mechanisms in themselves, the BRA skillfully used them to induce and control growth in the area. The intention was to forge a marriage between the provision of cultural facilities and new commercial development. To quote Coyle soon after the inception of this plan for the district : "Our new zoning regulations have definitive height limits. In the cultural district the top is generally 155'...but we have provisions built in for developers who want to exceed the height limit and maximize profits...they will have to contribute to housing, or to a cultural district fund, or include an on-site theatre or some other arts facilities"./11 Clearly the BRA had no intentions of keeping to their height caps, which being based on an historic building line, were economically unfeasible for developers and could inhibit the potential of any substantial investments from the private sector. In addition the City hoped that with the advent of new development; the half block of 'adult entertainment' uses, a major cause for the existing blight in the area, would be forced to close shop with rising land prices.

Having established the rules through the deployment of the Downtown IPOD and then communicated a penchant for flexibility, the BRA then set about working out detailed zoning on a block by block basis through a community participation process--as stated in the objectives of the procedural IPOD mechanisms. While the dynamics of the participatory process will be discussed later in this chapter; it is sufficient here to point out that the BRA found itself in a complex situation trying to incorporate the interests of groups as varied as the numerous art associations, the Downtown Crossing Association (local merchants), the Chamber of Commerce and the neighboring Chinatown and Tufts University and represent their concerns in terms of zoning on a parcel by parcel basis. The result has been, again, delay. The conceptual plan, essentially an urban design statement without any specific zoning proposals has remained in that form to date. The BRA has communicated to the interested parties that specific guidelines would be revealed, and in fact announced March 23rd, 1988 for a public announcement on that count by Mayor Flynn, but cancelled on the last minute./12

Meanwhile, the BRA and the arts community remain convinced that the plan is headed for success./13 That opinion is not shared by everyone. The Chamber feels that any delay at this critical stage could be costly. Differentiating between the actual establishment of the district in 10 years from now and the reality of the transformation of that area until such time, they have emphasized the need for "short term" change. The fear is that the economic boom in the city would subside and that "developers may no longer wait for ever" to get the required permits from the City, or be ready to support cultural

facilities/14

However, even with out the establishment of detailed zoning, progress has been achieved in the form of design review of the first and perhaps the largest development for the district--the Commonwealth Center. The impact of controlling growth by attempting to advocate commercial development behind a cultural veneer can be seen on the physical form of the building. As the current (March 1988) proposal stands, two of the projects towers are more than twice the height cap of 155', one of them over 400', through the addition of a pointed needle top./15 A BRA staff member explicitly rationalized this as the need for a 'beacon' to symbolize the new district and likened it to the historic Customs House./16 Available information shows the BRA staff is currently working on raising the height limits for specific parcels in future zoning scenarios--but these are after having received proposals from the developers. In other words, detailed zoning is occurring 'after the fact' and is not pre-established on notions of a clear physical vision.

Comparisons

The two themes have shown how the Downtown IPOD mechanisms, in successive stages have been used for two different purposes. The proposed plan oriented regulations of the IPOD were first availed of to merge housing and job related ordinances with them in an attempt to facilitate the latter's adoption as law, bypassing the City Council's formal approval. On the other hand, after the interim regulations of the Downtown IPOD themselves became law, the specifics of the mechanisms were used, in whatever manner, to allow for economic

development in a blighted area of the city.

The following paragraphs indicate that the actions taken by the BRA, were more a function of contextual parameters rather than any conscious attempt by them to force events.

The central all influencing role of Mayor Flynn on BRA activity is obvious in the first case. In propagating his municipal agenda of a 'balanced growth' policy he prioritized the demands of the constituencies that supported him to election and had the BRA adopt that policy into their planning and implementation framework. In part, this was made possible precisely because of the traditional institutional link between the Mayor's office and the BRA; and the inherent potential of that link if the two worked in tandem.

Simultaneously, the control of private sector physical investment, being structurally required to provide the capital for the Mayor's programs (in the presence of Proposition 2 1/2 and in the absence of federal funds)/17; had to be allowed with delicate compromises between established rules and developer freedom. The BRA's logical response was the use of the flexibility inherent in overlays as interim controls as tools for entrepreneurial activity--no better illustrated then by the events associated with the Midtown/Cultural District. This mix of the use of the Downtown IPOD mechanisms for balancing the specifics of the local prevailing political and economic variables has been at a cost to the city of Boston ; the dissolution of design initiatives to guide its physical transformation.

The contrasting response of the BRA to the Chamber and BSA 'plan' initiative and to the arts community's efforts is also illustrative.

The former, a consequence of the BRA responding to the diverse needs of various interest groups in a desegregated manner to keep the 'balanced growth' policy alive, died out for precisely that reason, when the mayors actual priorities had to be adhered to first. On the other hand, the implicit economic advantages to the city in keeping the arts initiative alive has resulted in the BRA's continuing support for the latter. However the current dispersion of power with different groups to impinge on development in the city is likely to cause problems in the implementation of the Cultural District plan. The BRA's institutional capacity while weakened due to the absence of city owned land in the area has also been diluted by interest group pressures.

PART 2 : USING THE IPOD MECHANISMS TO MANAGE BOUNDARIES TO 'EXCLUDE AND INCLUDE' PROJECTS AND INTEREST GROUPS

A notion of the complex nature of overlapping and nested zoning boundaries currently delineated in Boston can be appreciated in the consideration of the following.

When Steve Coyle became director of the BRA the city was divided into zones as per the existing 1964 Zoning Code Map--with some special purpose overlays like the Adult Entertainment District and Planned Development Areas (PDA). With the adoption of the Downtown IPOD three further sets of overlays have been introduced--the 'sub-districts' of the Downtown IPOD itself; a designated area within which PDAs can be

awarded; and finally the boundaries of the 11 special study areas. In addition there are the boundaries of other IPODs like the Boylston Street IPOD. While many of these boundaries do not coincide, each overlay has been introduced for its own specific purpose. The result is the simultaneous existence of a diverse range of zoning stipulations. Given this situation, there is clearly a potential for the BRA to, inadvertently or otherwise, use and adjust these boundaries to achieve ends other than those which were initially intended.

This section analyses situations where boundaries outlined through the IPOD mechanisms have resulted in growth management through 'excluding and including' specific projects or areas or as the means to negotiate with developers and interest groups. The intention is to examine the transformations in the nature of events from the ad-hoc use of anticipated boundaries to a situation after they have been legally adopted through the Downtown IPOD. Therefore, the use of anticipated boundaries in the 'agreement' phase of the IPOD process and that of legal boundaries in the 'operation' phase are the two themes of this section. To set the stage for that analysis we need to first look at the boundary issues which preceded the acceptance of the Downtown IPOD as the primary growth control instrument in central Boston.

Initial Experiences of Inherited Boundary Contradictions

Four months after he took office in 1984, Mayor Flynn signed on Article 27 into the Boston Zoning Code, thereby giving the BRA the power to establish interim overlay districts in the city. Exactly a week later, in a highly publicized press conference, the Mayor along with Coyle,

announced his support of 9 of 11 downtown projects that they had inherited from Mayor White./18 Within two months the BRA also released a zoning study for Boylston Street to begin working on establishing an IPOD in that area. The following paragraphs examine the issue of 'inclusion and exclusion' with respect to these two moves.

Mayor White when he left office had no formal criteria in place to manage new development except the use of the outdated 1964 Code and relied completely on case-by-case regulation of downtown growth. Through a series of actions, mainly the disposition of five city owned garage sites and the awarding of PDA designations, he put 11 projects into the pipeline which became his development legacy./19 Not only did White want credit for these projects, but he was also under pressure from the developers who were uncertain about the incoming Mayor's intentions--given his neighborhood oriented policies. The key issue became how Flynn would resolve the conflicts between taking a clearly pro-growth stand if the projects were accepted; or mounting a attack on business interests if they were rejected or progress halted. It came as a surprise to the developers when the final choice favored the former. However the inclusion of these projects into the BRA's agenda was more symbolic than anything else as the BRA rationalized the approvals by making a great deal of the design changes and financial and job benefits for the city that would be 'extracted' from the developers./20 The consequence of this decision was that the BRA had to award PDA boundaries to the One Franklin Street, 125 High Street, 75 Federal Street and 99 State Street projects./21 These boundaries would come in

direct conflict with IPOD stipulations later, but the use of their flexibility was necessary to make the Mayor's political message. Ironically the two projects that were excluded from the list were amongst the smallest of the stream. Therefore the use of designating PDA boundaries was carried on as a practice by the new administration even though it contradicted plan-based policy statements being made at that time.

The Boylston Street case--the 'triangular block' controversy--was the BRA's first experience of boundary issues in the delineation of interim zones. In January 1986, when the BRA Board approved the Boylston Street IPOD, which proposed severe height restrictions in the area, they included within its boundaries the 'triangular block' bounded by Huntington, Exeter and Blagden Streets; a site for a proposed hotel./22 However when the IPOD next came up to be approved by the Zoning Commission two months later, the Commission voted to change the boundaries and exclude the block thereby releasing it from the height restrictions of the overlay. According to the Commission's vice chairman, Robert Marr, it looked as if it had been annexed to satisfy some neighborhood groups. As expected, neighborhood leaders protested bitterly, asserting that a painstaking compromise reached by Back Bay commercial and resident interests had been 'torpedoed'. In addition, Flynn was accused of political deal-making, as two of the Mayor's close political allies represented triangular block property owners. Within 10 days of the Zoning Commission's vote, Flynn began to meet with downtown neighborhood leaders and promised to push for height

restrictions on the block. Exactly a month later the Zoning Commission convened to vote to re-include the area into the Boylston Street IPOD with the minimum required 7 votes. (Refer Map 1, Appendix 2) Marr came out in opposition, and during the public hearing preceding the vote raised the issue of the neighborhoods assuming that the Commission would merely rubber stamp the proposal. A year afterwards at the time when the Boylston Street permanent zoning was being approved; Flynn's development adviser attempted through private negotiations to raise the existing height cap to 200', but was unsuccessful.

While the first case illustrates the early adoption and therefore the continuing use from previous administrations of the flexibility afforded by PDA designations; the second points out the potential for contradictions that could occur with the imposition of new zoning plans in downtown with the politics of specific sites or projects. Seen together, they suggest the compelling notion that any attempt to redraw boundaries in Boston based on plan-oriented mechanisms are bound to conflict with the tradition of politicized projects as facilitated by PDA protection. The two cases are also of importance as they bring out the role of the mayor; with respect to which projects should be included and which excluded from the BRA's priority list; and the direct nature of his relationship with the Zoning Commission. The last suggesting that though the Commission is apolitical, mayoral pressure can have indirect influence on their vote./23

Ad-hoc use of Anticipated Downtown IPOD Boundary Regulations

Part 1 of this Chapter had alluded to the fact that the imposition of Downtown IPOD regulations had been held up--a delay which lasted for over two years before they became law. During this period, nevertheless, the agency for all practical purposes, activated their use anyhow. Coyle, explicitly stated that "when developers walk in the door, they are given the design guidelines and we say 'act as if they are the law'....people now understand there will be height limits"./24 This ad-hoc use of anticipated interim boundaries is articulated by contrasting three different consequences of projects falling within the boundaries of anticipated height zones.

Donald Chiofaro the developer for the International Place project, with the first phase behind him, notified the BRA through a letter in April 1987, that he intended to commence on a second phase, a proposal which had a 460' tower as its main feature--wanting immediate approval. Coyle in anticipation of Downtown IPOD regulations that limit PDA designated buildings to a height of 400'; by demanding that height, began to negotiate with Chiofaro. Two weeks later the director announced to the BRA Board that Chiofaro had agreed to resume deliberations with the BRA toward redesigning the project./25

In contrast, the 116 Huntington Street project proved to be a problem for the BRA in having to adhere to the proposed Downtown IPOD guidelines. The project fell within a sub-district with a height limit of 155', being near the historic St. Botolph Street area. The developer's proposal exceeded the limit by 60'. But the situation was a bit more complicated. In an agreement dating back to 1985, in return

for contributions to the Tent City project that the developer had made, he was allowed to construct a high rise on the Huntington Street site. If the BRA did not keep that agreement it would be required to pay all or a portion of 10 million dollars depending on how much the building was reduced in height. The other option was to exclude the building from the up coming zoning overlay by giving a permit and ignoring the proposed height limits. Responding to strong pressure from St. Botolph citizen groups the BRA chose to pay./26

The third case, 125 Summer Street, has been selected for examination only to mention that it represents a situation with a complete lack of controversy, where, through early negotiations proposed heights were reduced to conform to a anticipated 300' height cap. It was also the first project that emerged purely from 'Coyle's BRA' and as such its negotiation process became a model for other proposals to follow through the acceptance of ad-hoc rules./27

During this period it is observed that the BRA also shifted the boundaries of proposed zones a number of times before deciding on final locations. The most telling example of this has been has been changes in the boundary of the zone within which PDA designations can be awarded. Initially, when the first draft of the IPOD was released in mid 1986, the BRA proposed a complex system of four different categories of PDAs which would be allowed in specific districts of the Downtown IPOD. With strong pressure from the Boston Society of Architects (BSA), who said that this ineffect meant that large developments could occur anywhere in the city, the proposed system was

simplified to restrict PDAs to a single area within the financial district of the city. The boundaries had been carefully traced out to include the International Place and the proposed 125 High Street project. However in successive drafts of the IPOD the boundaries of this zone were changed three times. First, about a 12-15 blocks area was picked out; to be reduced in half and then finally enlarged again. (Refer Map 2, Appendix 2) This shifting in boundaries can be attributed to the continuing dialogue between the BSA and the BRA-- where it has been critical for the redevelopment agency to include the interests of the former./28

The Use of Legally Adopted Downtown IPOD Boundaries

It had been mentioned in the previous section that with the insertion of the Downtown IPOD into the Boston Zoning Code the boundaries of the Midtown/Cultural District were legalized and firmly established to add to existing districts and zones. However, these are different in nature from the latter as they do not stipulate height and bulk restrictions but merely identify a portion of the city for planning studies to be undertaken by the BRA. Nevertheless, issues of 'inclusion and exclusion' have also characterized their use.

First it should be realized that the cultural district per se has been outlined as nested within a larger 'midtown' area. The boundaries of the latter stretch out on either side of the cultural district to include portions of the downtown crossing area, the Park Plaza area and the Bedford-Essex Streets corridor. (Refer Map 3, Appendix 2). It

therefore includes parcels envisaged for new developments, like the Lafayette Place extension and a mixed use project at Park Plaza. In including the Bedford-Essex portion, these boundaries overlap with the South Station Economic Development Area--a Downtown IPOD sub-district singled out for allowed heights of upto 400'. While the Midtown/Cultural District is presented with an emphasis on it's cultural components, the use of overlapping and nested boundaries allow an economic development element to be introduced into the planning being currently done by the BRA for the area. It is expected that the larger of the two boundaries would be used in some manner to encompass a special tax assesment area to create monies to be channelized for specific public improvements in the cultural district./29

Second, the Midtown/Cultural District shares a significant portion of its eastern and southern edges with Boston's Chinatown. The local community in Chinatown is currently working on its own master plan for the area, the boundaries of which not only do not coincide but overlap with those of the Midtown/Cultural District. The fact that a major portion of the area where this overlap occurs is occupied by the Adult Entertainment District (which was established in the mid 1970s) does not make things simpler. The central issue is the future land use for the area. The existing 'adult' shops, bars and cinemas have gradually been reduced to a mere handful, and it is expected that with the advent of development in the cultural district, these too would be forced out. But, as Chinatown leaders point out, it is exactly the 'up-scale' nature of this development that would adversely affect Chinatown as

well; as market pressure would take land prices and rents to beyond the reach of local Chinatown residents. On their part they would like Chinatown to expand into the area to establish small businesses operated by the Asian community./30

Meanwhile the legal BRA boundary has begun to symbolize an attempt by the BRA to exclude Chinatown interests from the Midtown Cultural District. Faced with the possibility of a potential conflict emerging the BRA has made two moves. They have started presenting the Midtown/Cultural District with the Chinatown Master Plan simultaneously in their briefings to cultural district and Chinatown interest groups as well as accepted in principle that Chinatown boundaries extend to include the `adult zone`. In addition, the latest maps made by the BRA for the Midtown/Cultural District show a `fuzzy` dividing line rather than a bold one.

Finally is the issue of downtown pipeline projects which have come to be included in the boundaries of the Midtown/Cultural District. Of these the Commonwealth Center is already in the design review stage with the BRA. Technically, with the IPOD mechanisms in place at this stage, the BRA has now injected some amount of certainty in the development process as well as build up a stronger negotiation base. The project manager for the Center has pointed out that when the project was first conceived no notion of IPOD overlays existed and that a PDA designation was expected. Indeed at that time a vision for a 600' tower had been thought off. Now after being first included in a 155' Downtown IPOD sub-district and then placed within the Cultural District

the project has had a lot of constraints placed on it./31 At the same time the manager has also pointed to the fact that IPOD zones have been interperated by most people as a ``new code´ when actually they are only temporary. Indeed, as was mentioned in Part 1 of this Chapter, Coyle has now agreed to allow projects to exceed 155´ in return for cultural facilities.

Comparisons

In tracing out some of the events that relate to boundary issues originating due to the use of the Downtown IPOD, it is seen that the resulting characteristics of growth control activity of the BRA have been a result of the flexibility inherent in the use of overlays. With respect to projects the critical factor has been establishing a link between the specifics of a particular project on the one hand to the height limits of the particular overlay or district in which the project is included on the other. Similarly with respect to interest groups the BRA has consistently changed overlay boundaries outlined in the Downtown IPOD to accomodate the concerns of specific groups by excluding or including parcels or areas.

In contrasting the nature of the transformations from the ad-hoc use of anticipated boundaries to that of the use of legal boundaries the following factor is of significance. In the former growth management was administered on the assumption that projects should adhere to rules which are to be imposed in the near future such that when they are realized they do not contradict prevailing regulatory norms. This

provided the BRA with considerable negotiation leverage as illustrated in the International Place project. However when the mechanisms did fall into place, events associated with the Midtown/Cultural District indicate that the BRA found itself constrained by them . In the Chinatown boundary and Commonwealth Center cases the BRA in fact kept a control on future growth by negotiating around boundaries and height limits.

PART 3 : USING THE IPOD MECHANISMS TO FORMALIZE AND FACILITATE THE CITIZEN PARTICIPATION PROCESS.

Chapter 2 had elaborated in some detail on the fact that the principle mode of policy implementation for the BRA is the legal approval of amendments to the Boston Zoning Code and that the only occasion of formal review by the public of a proposed amendment were the mandated public hearings before the Zoning Commission and the BRA Board. It had been also pointed out that the current capacity of interest groups in the city to organize themselves around development issues and the dispersion of power amongst them had made it critical for the BRA to gain a measure of control over them if the agency wanted to push its policies through the legal approval process unhindered.

This section articulates that the BRA, in using the `open` community participation process mandated under the IPOD mechanism procedures has

infact attempted to facilitate interest group activities through various means of structuring the citizen input process. In doing that it has obtained a larger influence on the direction of new growth in the city. The following pages trace these methods out by contrasting events pertaining to the Boylston Street IPOD, the agreement phase of the Downtown IPOD and with the establishment of the Midtown/Cultural District--in that sequence. The intention is to compare two principle themes in organizational procedures followed by the BRA to manage the citizen participation process; that of 'consolidation'--through forming citizen committees with wide representation; and that of 'dispersion'--communication to interest groups through independent briefings.

The Boylston Street IPOD : Consolidation-- through Institutionalizing the Participation Process

The Boylston Street case is intricately linked up with the controversy surrounding the New England Life project in the Back Bay. Even though a PDA designation for the building has been approved by the BRA Board and a coalition of neighborhood groups have also passed it; a strong and vocal opposition has emerged, led by the Citizens for a Better New England Life (CBNEL) and backed by city councilor David Scondras--with threats of litigation in consideration./32 Given this volatile situation the BRA in wanting to gain a measure of control on any further potentially undesirable growth initiated an IPOD for the area; the first for the downtown area. As a follow up, in the earlier part of 1985, the BRA consolidated a Citizens Review Committee to participate

in designing a set of new zoning rules for Boylston Street which would be adopted as interim standards. The CRC with representation from 22 different interest groups served the purpose of bringing their diverse interests under one umbrella and providing the BRA greater control over development in the area and the possibility of stiff opposition being reduced in forthcoming public hearings. Even while the BRA with the CRC were working on the new zoning, the Zoning Commission after a seven hour public hearing voted in favor of a PDA designation for New England Life. It is instructive to note that city councilors came to speak in favor or against the designation before the Commission, a clear indication of their isolation from any formal control of development./33 Later events show that CBNEL, having lost their chance to influence the scale of the project in the last official public review stage of the approval process, resorted to litigation.

The BRA, having learnt from the New England Life case, in working closely with the CRC gained control over the new zoning process and successfully adopted the interim standards of the Boylston Street IPOD for a year beginning in March 1986. This strategy of gaining 'agreement' on proposed changes for new rules before the voting in a official hearing stood to their advantage in a hearing before the BRA Board to adopt permanent standards on the termination of the interim period. There, opposition from a private sector coalition of the Greater Boston Real Estate Board, the Chamber, the Back Bay and the Boylston Street Associations and the BSA, on the grounds that last minute changes had been inserted into the proposed zoning ordinance was

quashed. Coyle stated that these changes were minor and that the three year participation process with the CRC had fully backed the new zoning./34 The Board ruled in favor of the permanent zoning. The Boylston Street IPOD process was lauded as `successful` and `open` and indeed its mechanisms were adopted by the BRA as the model for future rezoning efforts in downtown. Having encountered the contradictions of the New England Life Project and the Boylston Street IPOD process, the BRA first experienced the distinct advantages of bringing the competing interests of different groups around one table early in the process and thereby gaining control over the vicissitudes of interactive processes.

The Downtown IPOD : Dispersion--through Independent Briefings to Interest Groups.

In contrast with the Boylston Street experience, the agreement phase for the adoption of the Downtown IPOD has been marked with events where the BRA gained consensus on proposed zoning regulations through approaching potential interest groups on an independent basis. Also, unrelated circumstances made the effort a long drawn affair which stood to the agency's advantage. Between July 1985, when the first draft `Downtown by Design` document was revealed, to September 1987 when the Downtown IPOD became law; the redevelopment agency produced four intermediate versions each successively incorporating or adapting to the demands of various constituencies concerned with this zoning proposal. Futhermore, each of these publications was coordinated with a public hearing before the BRA Board.

After an initial delay, with the agency having to concentrate on the Mayor's priorities as described in a previous section, the BRA had a six month public comment period on the first draft of the IPOD with one interspersed public hearing. The second hearing, in February 1986, found protests from representations of educational and cultural institutions against an amendment which required master plan submissions of their entire sites whenever they applied for a building permit for individual projects. At the same hearing came support from a number of groups including the traditionally antagonistic Boston Preservation Alliance./35

In the next two months the BRA staff embarked on an extensive presentation spree to communicate their intentions to as many groups as possible. The method followed was to meet groups independently and incorporate their feed back into the details of the proposed amendment and then make fresh presentations./36 By the time of the third public hearing before the BRA Board on April 9th 1987, the agency had garnered almost complete support and the Board all but gave the approval vote. Almost two years had passed since the first draft and observers pointed out that lack of opposition at this stage was precisely because the BRA was now doing officially what they had been proposing all along. "In point of fact, Coyle has had a plan for the last two years and has been quietly implementing it" commented Susan Park of the Boston Preservation Alliance referring to informal guidelines which had been adopted by the BRA during this time./37 Significantly, institutional master plans had been deleted from the comprehensive proposal now before the Board and Coyle explained that in response to pressure he

had extracted that amendment as he felt that the entire process would be unnecessarily stalled if he included it./38 Conspicuous by its absence was the Greater Boston Real Estate Board--a source of potential opposition to the severe height restrictions being imposed by the Downtown IPOD. While making no public announcement, they and the Chamber have otherwise supported the plan suggesting however that it lacked any sense of detail and "was too little, too late"./39 The positions above indicates the impact of the ground work done by the BRA staff before the public hearing to obtain an all encompassing agreement. In any case, a further `30 days` of public comment followed, during which the BRA received over a hundred letters of support, and after which the Downtown IPOD was approved by the BRA Board in May. Mayor Flynn personally appeared in support of the proposal. However it took till September before the Zoning Commission put its signatures on the petition. During that time the BRA introduced the 11 special study areas into the text of the ordinance and had their boundaries legalized along with the passage of the Downtown IPOD, an appendage which went unnoticed.

The events above indicate that the phasing of the Downtown IPOD into the Boston Zoning Code has been, at the very least, non controversial. Central to avoiding major opposition at public hearings has been a process of gradual dissemination of the ideas behind the instrument supported by consistent exposure to interest groups. The consequence has been the imposition of a zoning framework which serves as a blue print for future growth for Boston but also now gives the BRA control over downtown development on a rationalized basis. However, as the

heights and FAR stipulations are for an interim period for two years the BRA has in its hands a powerful negotiation tool, politically and legally accepted into the system. The agency has also established the special study areas legally, and thereby disaggregated the process of making the final plan for downtown Boston spatially and administratively, hoping to find it easier to keep a grip on further growth in the city.

The Midtown/Cultural District : Transformations from Consolidation to Dispersion

Handling to the citizen participatory process with respect to the Midtown/Cultural District, has been in sequence, first an institutional formalization of the process and then communication in a dispersed manner to different interest groups. Observed events here relate a different set of outcomes altogether, to present a distinctive mode of growth control through procedural means associated with the IPOD mechanisms.

It should be realized that the participatory process has been activated for the district exactly because it is one of 11 special study areas subsumed by the operationalization of the Downtown IPOD and has therefore a mandated objective of assuming a 'grassroots', block by block approach in the design of new zoning. To begin to understand how this process has been structured by the BRA is to trace the sequence of events back to the initiative rooted within the 'arts' community in Boston and referred to previously in this chapter.

This movement was first given a concrete form with the formation of an arts advocacy group, the Performing Arts Development Task Force, a coalition lead by Bruce Rossley (Commissioner to the City's Office of the Arts and Humanities) and Larry Murray of ARTS/Boston along with the Massachusetts Cultural Alliance. With key support from the Chamber of Commerce at that early stage; and after meeting with more than 70 local arts groups--primarily dance, theatre and music companies--the Task Force presented a set of recommendations to the BRA which outlined a 'skeleton' for a cultural district in midtown Boston./40 This was in August 1986, soon after the first draft of the Downtown IPOD was released. The BRA having some notions of a framework for detailed zoning once the IPOD was to be in place merged the initiative into the agency's own planning process. In doing so they not only established the boundaries for the cultural district but also, along with Bruce Rossley and Larry Murray, formalized the participatory process by creating a new organization--the Cultural District Task Force. With the success of the Boylston Street CRC in mind, the Cultural District Task Force was expanded to include representation from the arts community at large, as opposed to the earlier limited coalition of performing arts groups. The BRA needed the means to open up a formal dialogue with groups with concerns in the area and the formalization of an arts based argument provided them the opportunity. The arts community on their part were dependant on the strong implementation powers of the redevelopment authority and a close working relationship developed between the BRA and the Office of the Arts and Humanities./41

At this point it is useful to note that BRA activity in this case

differed from that at Boylston Street on two counts. First, the participatory process was institutionalized much earlier--at Boylston Street the BRA came into the game after relationships between groups had already been formed. Second, the Cultural District Task Force has a 'fluid' membership with no formal structure as compared to official membership in the case of the CRC at Boylston Street. Both these differences have had particular consequences for growth control in the midtown area.

Events show that once the Cultural District Task Force was formed and the BRA began their planning studies; control over the process shifted to the agency from the arts community. The BRA being in a position to negotiate with developers, or talk directly with neighboring Chinatown residents; were institutionally situated to take charge of events. This has now happened to the extent that the Task Force meets only on the instigation of the BRA and that the former is not kept abreast of work being done by the BRA staff./42 In part this isolation has been due to the increasing sensitivity of development issues and to the 'open' nature of the Task Forces' membership. The only remaining link is through the Office of the Arts and Humanities, whose staff has been coordinating with the BRA.

With this isolation in place the BRA has now adopted a 'presentation' mode of communication, much in the fashion of that followed for the Downtown IPOD./43 The central issue has become the working out of the detailed zoning as per the IPOD procedural mechanisms. As and when the BRA makes progress it briefs different groups independently in meetings which are held at the agency's office at City Hall.

However there are indications that the BRA is not guiding new growth to their liking. One of these is the fact that the Chamber of Commerce has independently organized a planning study for the 'hinge block' portion of the district and is positing its own development scenarios for the area./44 There has been a complete lack of communication between the City's and this planning effort./45 In addition there have been no meetings between designated and prospective developers and the Facilities Committee of the Cultural District Task Force./46 The increasing inability of the BRA to control development through the use of IPOD mechanisms is also illustrated through the complexity of interest group networks in the area. The Chinatown Neighborhood Council has one member who attends meetings of the Chamber's Center City Task Force and another who goes for Cultural District Task Force meetings./47 Even though there are claims that differences have been put aside, there exists within the arts community a natural tension with the clashing of interests and priorities. With the realization that Larry Murray, one of the key members of the Task Force is also effective co-chair of the Chamber's Center City group it becomes clear that the situation is much too nebulous for clear cut positions by interest groups to resolve issues of contention in an efficient manner. The BRA, in hoping to get agreements on its new zoning proposals before it goes to the BRA Board in a formal public hearing like it did in the previous two cases has the beginnings of a ad-hoc process to control growth in having to negotiate the existing complicated interest group relationships.

Comparisons

In studying the events connected with citizen participation processes with respect to the Boylston Street and the Downtown IPOD; and then the Midtown/Cultural District; we have observed different methods by which the BRA has attempted to gain control over interest group interaction using the procedural mechanisms associated with the IPOD.

At Boylston Street, the recognition of the Citizens Review Committee formalized interest group interaction at a time when clear differences had emerged over the New England Life project. The move successfully implemented the Boylston Street IPOD through the isolation of those groups which differed with the BRA about the areas future--weakening their power to disrupt public hearing proceedings. It is critical to note that the Boylston Street area is typified by the presence of firmly established and distinct interest group structuring which has had a long tradition of taking clear cut stands on issues which have been well articulated. In part this has been due to the neighborhood character of the area with strong representation of residents as well as local businesses. Therefore it is not surprising that the CRC could achieve what it did for the BRA and that given the situation, the logical avenue to adopt to ease the Boylston Street IPOD through the approval process was the institutionalization of the participatory process.

The Downtown IPOD presents a different picture altogether. Due to a scale which encompasses most of central Boston and the imposition of guidelines which are more general than particular, there has been a lack of clearly discernable issues for interest groups to rally around.

The BRA on their part did not make any effort to have city wide meetings outside the public hearing arena preferring, as we have seen, to adopt a strategy of independent briefings. Even if there were issues of contention these did not emerge due to the lack of an opportunity for formal interest group interaction while 'agreements' were being sought by the BRA. The point to make is that the BRA's position of strength worked precisely because they remained in the drivers seat throughout the process, negotiating opposition as it came by. The timing of publications with the details of proposals and the scheduling of meetings were useful tools towards that end.

On the other hand with respect to the Midtown/Cultural District; the BRA first consolidated different interest groups into one organization, seized the initiative after such formalization, and then adopted the dispersed meeting methodology. However, as we observed above, the consequences have not been positive from the BRA's perspective. In part this has been due to the initial adoption of the process followed by the agency at Boylston Street--that is the transplanting of a citizen process which has its origins in neighborhood specific contexts to a downtown area where the intrinsic qualities of such a context are clearly absent. Except for the neighboring Chinatown, there are no local residents and interest group concerns have a city wide perspective rather than an area specific one. Here, even though the area is geographically confined, it is characterized by the co-existence of a diversity of land uses ranging from 'adult' cinemas to Lafayette Hotel, not to mention the theatres. In contrast to Boylston Street, interest group interaction is becoming increasingly

complicated. Therefore, while it is possible to identify clearcut interest group positions on wider concepts--as it was when the Cultural District Task Force was initially formed; now that it has come to specific issues and parcels; relationships have become inextractable. It is not unrealistic to attribute the observed shift in the BRA's approach to the control of the participation process in this area to the points made above. At the same time, independent presentation techniques are facing problems as in contrast to the Downtown IPOD, there are definite issues of contention that will emerge between different interest groups regardless of whether the BRA provides a joint forum or not.

CHAPTER 4 : CONCLUSIONS

This concluding chapter first summarizes the analysis of the zoning mechanisms explained in Chapter 2 and then briefly looks at the means of growth management used by the BRA as outlined in Chapter 3. This is followed by an articulation of some of the underlying reasons that have produced the observed events and means of growth control as a result of the deployment of the IPOD mechanisms. The last while linking the concerns of the previous two chapters, would also set the base to reflect on the thematic zoning related issues identified in the course of this research to go on and propose a set of recommendations for growth management in Boston in the future.

Chapter 2 had identified the principle features of the underlying framework of inherited zoning instruments and operational capacities that the BRA builds upon in the design and use of the IPOD mechanisms. Simply, these were the BRA's autonomous institutional capacity as a planning and development agency, a relationship of close links with the Mayor, the use of zoning overlays for flexibility in growth management and the absence of the need for legislative pre-approval by elected officials for zoning code amendments.

Chapter 3, in analyzing the interaction of IPOD related regulations and procedures with the specifics of Boston's context identified the following set of consequences represented by various means of growth management adopted by the BRA.

First it was observed that IPOD mechanisms in linking downtown growth with the Mayor's municipal agenda, were used as a vehicle to facilitate amendments to the Boston Zoning Code where the amendments were used to implement the Mayor's 'social programs'. Later, the interim height regulations of the Downtown IPOD were used to initiate 'up-scale' development of Boston's midtown through bricks and mortar investment. Second, the boundaries of the various sets of overlays outlined in the IPOD mechanisms were used to negotiate with developers and interest groups through the inclusion or exclusion of their projects and territorial concerns. The BRA in a ad-hoc manner first used anticipated zoning regulations to control growth and then, because of their interim nature undertook activity which while keeping to the rules, negotiated around legalized height standards to continue its control of development.

Third, with respect to the procedures of the IPOD mechanisms, the BRA used them to facilitate the citizen participation process. This was done by either 'consolidating' interest groups into citizen review committees or making presentations to them on proposed changes through independent briefings--'dispersing' their collective power.

While it is true that the above observed growth management trends are a product of prevailing political and economic factors the point that this research seeks to make is that their particular characteristics are also a result of the continuing use of a underlying zoning and institutional framework which has its origins in events and experiences of the BRA in the 1960's. In other words there is an inherent potential

for mismatch in that zoning mechanisms designed for a particular context are now being applied in a different one in time. A fact which has its own influence on growth control in Boston today.

The following, in attempting to comprehend the factors or reasons that have produced the observed growth management actions, refers to aspects of the influence of this inherited zoning and institutional framework with respect to Boston's contemporary context. The intention is to identify sources of conflicts as well as opportunities to inform and derive the proposed recommendations.

Some of the conflicts that have been observed with respect to the use of overlay boundaries to control growth by the BRA can be associated with the enabling power provided by the Boston Zoning Code to create 'special purpose overlay districts' through section 3-1A. Both the designation of PDA's and the use of IPOD overlays have used this power, but for different reasons and at different times. It was indicated in Chapter 3 that political circumstances necessitated the continuing use of PDA's at the time of transition between Mayors White's and Flynn's administrations, resulting conflicts with plan-oriented IPOD moves in later years. In addition the imposition of boundaries related to both the Boylston Street and Downtown IPODs proved to be problematic as and when local interest groups were affected by their delineation.

The thematic issue in the observed cases related to the above overlay boundary conflicts has been the need for the BRA to establish zoning rules which are at once, concrete to instill a certain amount of certainty in the development process as well as resilient and flexible

to adapt to unanticipated circumstances. While the former refers to plan-based zoning mechanisms which have long range objectives in mind the latter is concerned with responding to immediate problems and events where existing zoning mechanisms have to incorporate new variables.

We have seen that the presence of a diverse set of interest groups and a strong intown neighborhood character in Boston combined with the build up of overlay layers; produces too many uncontrollable variables and unpredictable factors to permit any hope that long range planning would provide a cure for land use problems. The solution, for Boston, seems to lie in the explicit recognition of the need for a dynamic use of regulations and procedures to manage growth rather than depend completely on a static set of permanent zoning rules. Therefore, in keeping with Babcock and Weaver, the question asked should be : what must we do today to focus on the development of specific programs to solve immediate problems in a way that contributes to the realization of long term broader goals ?/1

Part of the answer lies in the inherent potential of the currently activated Downtown IPOD mechanisms. In Chapter 2, in identifying the Downtown IPOD as a plan-based policy, we had seen that its zoning regulations provide a broad framework rather than detailed rules. The analysis of events indicated the use of this framework as a standard against which growth management could be administered, in whatever manner, but in different ways. The value of the IPOD's regulations is in their generality and the perception of their height and bulk stipulations as `standards' rather than as `limits'. That is, as

guiding principles rather than as legal requirements. It is conceivable to see their continuing existence in this form once their legal status expires to set standards for growth distribution in the long term and to provide a base to establish the broader goals of a 'plan' vision for the future in Boston.

On the other hand is the issue of the 11 special study areas. Spatial disaggregation of this kind has clear political and administrative logic to bring concerned interest groups together during the 'initiative' stage of a rezoning effort as the Boylston Street and Midtown cases indicated. However, this study recommends the gradual aggregation of sub-areas as the specifics of block-by-block rezoning begin to emerge; for example the merging of the Midtown/Cultural District and Chinatown. Therefore, by the time the interim standards of the Downtown IPOD expire, existing complex overlays could be simplified by a process of 'delayering'. This would mean the removal of PDA overlays at some stage and finally the extraction of Section 3-1A from the Boston Zoning Code. Such a process would gradually remove the source of conflicts in future growth management by the BRA which had been caused by overlapping boundaries, but be conditional to the completion of block-by-block rezoning.

However, rezoning and the removal of overlays also means the removal of flexibility in the system.

We have seen in Chapter 3 that flexibility in BRA's growth management activity is necessitated by the need for entrepreneurial activity. This was rendered explicit in the ad-hoc use of anticipated rules as well as in dealing with legal boundaries. Negotiations for enhanced heights in

return for public benefits--or the implementation of 'balanced growth' priorities--was the central issue. This suggests that the BRA should establish an explicit system of project oriented incentive-based mechanisms which provides a menu of options to developers. The specific nature of these mechanisms would derive from trade-offs between 'mandatory versus optional bonus features' and 'cash versus kind' contributions. It is critical that these mechanisms are issue based, rather than district or area based like PDAs. That is, they relate to specific programs geared towards solving current problems and therefore linked to political and economic circumstances. Linkage programs through Articles 26A and 26B are existing examples for others to be modelled upon. Many of these mechanisms would infact be formalizing current negotiations in design reviews carried out by the BRA. The observed need for issue oriented or programmatic zoning mechanisms suggests a gradual shift from the inherited zoning framework being currently used by the BRA which is rooted in the use of districts, height and bulk regulations.

While the use of incentive zoning based regulations have been administered in other cities, their form would become specific to Boston when seen in conjunction with legal and formal procedures associated with current zoning moves in Boston and the existing institutional network associated with it.

With respect to the use of regulations and procedures of the Downtown IPOD to facilitate the passage of 'social program' amendments to the

Boston Zoning Code, it goes without saying that influential in the Mayor Flynn's decision was the potential of building on to the existing institutional links between the Mayor and the Code on the one hand and the Mayor and the BRA on the other. In the former case, to expedite his social programs as law, the Code provided a safe conduit because city councilors would not be involved in the vote. The BRA being responsible only to the Mayor in its actions was ideally situated to plan and implement these programs. Therefore, the same set of relationships that had made urban renewal a possibility were serving a different purpose now.

It has become clear in the consideration of the observations made in this research that the potential of this particular institutional arrangement to efficiently and quickly implement city wide policies cannot be over emphasized. The unhindered continuation of these links could only be used constructively given the strong citizen awareness in restricting zoning abuse.

Notions of 'consolidation' and 'dispersion' with respect to the facilitation of the citizen participation process by the BRA can be traced to the importance of public hearings in the formal approval process for zoning amendments. Due to the emergence of the distribution of power in the city amongst different interest groups to impinge on developmental growth there has been a need for the BRA to formalize a interest group interactive process external to the legal process and geared to area specific constituencies. Observed events have indicated that there is a clear rift between these two processes in the sense

that decisions taken at public hearings do not reflect proceedings of community meetings. In most part, this is due to the continuing existence of centralized decision making power in the hands of the BRA Board and the Zoning Commission as has been inherited from the original enabling act. While these groups of individuals are well situated to rationalize their decisions with respect to city wide concerns it becomes increasingly difficult for them to appreciate the intricacies of neighborhood specific issues in the typically short time available. For example, part 3 of Chapter 3 indicated that in the complexity of downtown Boston areas there is a lack of clearly discernable issues around which interest groups take well defined positions.

The existence of largely unplanned patterns of urban development, the diversity of urban life-styles and interest groups and the unanticipated nature of urban problems invariably tend to complicate urban land use questions. It is therefore simply naive to assume that the Board and Commission can take decisions on the basis of an impartial weighing of factual information. The 'triangular block' controversy elaborated in Chapter 3 makes this point explicit. Indeed, many of the issues that are confronted in public hearings are political in nature. However, the exclusion of city councilors in the voting on proposed amendments further alienates the legal process from such political realities.

Several issues can be linked with the following recommendations. First is the recognition of the need to begin to make adjustments for the current divorce between legal and community participation processes. One method to achieve this would be to reduce the effective power of

the BRA Board by establishing legalized entities on a decentralized neighborhood or area specific basis which would be given some amount of 'approval' power. Invariably these would be formed from community review committees and neighborhood councils thereby bringing closer the legal and citizen participation processes. The Board and Commission could then concentrate their energies on amendments with city-wide implications and to merely ratify locally approved proposals. Such ratification is necessary for neighborhood priorities are often at odds with wider concerns at the city level.

In addition, the zoning approval process would be greatly facilitated by the direct or indirect involvement of city councilors in Zoning Commission decisions. The City of Boston would have to go to the State Legislature to amend the enabling act if such a move is proposed. The presence of councilors would open to scrutiny Mayoral backed amendments to the Code as well as bring greater media focus on the approval process.

Both recommendations above strive to make use of the potential of the existence of a diversity of interest groups in Boston, by increasing the representation of constituencies in the process and thereby making it increasingly democratic.

Finally, in providing an overview of growth management activity that has come about as a consequence of the IPOD mechanisms it is instructive to comment on the incremental and disaggregated observed implementation process followed by the BRA. It has been seen that

rather than being a conscious effort on part of the BRA, such a process has been necessitated by the particularities of Boston's political and economic context on the one hand and the constraints of having to amend the Boston Zoning Code in a piecemeal manner on the other.

APPENDIX 1

TIME LINE OF OBSERVED EVENTS

1983

Oct 14th

Boston City Council approves White's reappointment of four BRA Board members, ensuring their influence on Flynn's development initiatives.

White and Ryan establish 11 projects in the pipeline which would be inherited by Coyle--three area source of controversy : International Place, New England Life and Kennedy's 101/Arch street.

Dec 29th

The last Zoning amendment to be signed by White becomes effective, Article 26 as 'Development Impact Projects' initiates the Linkage Scheme.

1984

April-May 12th

Academics and professionals call for a 'plan', a design review panel and a tougher zoning ordinance in the meetings of the Boston Conference.

Jan-June :

A series of PDA designations are pushed through by Ryan to protect pipeline projects after he leaves office.

May :

The BSA and Chamber of Commerce release report--Change and Growth in Central Boston--the Downtown IPOD would have similar details, suggesting a private sector initiative.

July 14th

Ryan leaves as Director of the BRA to be replaced by Steve Coyle.

Nov 23rd

With Flynn's signature the Interim Planning Overlay District (IPOD) mechanism is adopted into Zoning Code as Article 27. Provides the legal power to implement the specific area IPODs.

Nov 30th

In a highly publicised press conference Flynn and Coyle give approval (support) to 9 of 11 inherited projects--reassuring developers and business interests.

1985

Feb 14th

The BRA's zoning study for Boylston Street released calling for drastic height limitations. Boylston St property owners and developers oppose recommendations.

Feb 6th

'Citizens for a Better New England Life'(CBNEL) hold a public meeting to oppose the project; part of a two year long initiative.

May :

Edith Netter, nationally known land use attorney, joins BRA staff. Has been credited with the initial work on the Downtown IPOD.

Informal design review guidelines continue to be given to developers to "act as they are the law".

July :

BRA releases planning document called 'Downtown by Design' which includes the initial form of the Downtown IPOD. Part of a larger package called 'Growth Policies for Central Boston 1985-95', containing 39 policies in 13 parts.

Aug 26th

Zoning Commission approves New England Life site for PDA designation with a 7-2 vote after an eight-hour hearing. CBNEL charges 'spot zoning'.

Oct-Dec :

Dialogue between BRA and Flynn's office on details of proposed ordinance changes -many of Flynn's opinions are incorporated through emphasis on social issues.

1986

Jan :

BRA Board approves Boylston St. IPOD after three weeks of intense negotiations. The original, presented in 1985, is modified by the Boylston St. Citizen Review Commission.

The Boylston St. IPOD includes and puts a cap of 90' on the 'triangular block' bounded by Huntington, Exeter and Blagden, the site of a proposed hotel.

Feb 27th

Housing and job training Linkage programs are formalized through adoption of Articles 26A and 26B.

Mar 19th

Flynn appoints de Monchaux as chair person of Boston Civic Design Commission (BCDC). Says panel to confine itself to design issues.

Mar 21st

Zoning Commission approves Boylston St. IPOD.

Mar 21st

Zoning Commission also votes to exclude 'triangular block' from Boylston St. IPOD--removing cap.

Apr 3rd

Boylston St. IPOD to be effective as an interim control for a period of one year from this date.

Mar 27th

Fan Piers project awarded PDA designation.

Apr 4th

BRA staff's proposal for BCDC held up by BRA Board who take it under advisement.

April 8th

Flynn comes out against exclusion of 'triangular block' from Boylston St. IPOD--in response to charges that his supporters have development interests there.

June 2nd
Zoning Commission approve BCDC ,
infact over riding some BRA Board
recommendations. Signed by Mayor
on June 30th as Article 28.

June 12th
BRA board defers decision of Harbor-
park IPOD as presented by staff on
the basis that it excludes sensitive
areas around Fort Point Channel.

July 28th
Coyle has a press conference on up-
comming Downtown document.

Aug 14th
**After a gap of almost one year, BRA
releases document titled `Downtown
Zoning:Interim Planning Overlay Dis-
trict`. Is infact a comprehensive
report listing 7 new ordinances.**

Sept 25th
BRA Board again defers decision on
Harborpark IPOD.

Oct 6th
**First public hearing on the Down-
town IPOD.**

1987

Feb 5th
**In a BRA Board meettiing and public
hearing staff present the Downtown
IPOD for its second hearing review.
No real estate representatives
speak on proposed regulations.**
In addition the Board approves the
Harborpark IPOD with changes, now
including Charlestownand Fort Point
Channel as special study areas.

May 8th.
Zoning Commission votes to ammend
Zoning Code to include the `trian-
gular block` back into Boylston St
IPOD after public hearing.

July 10th
Hearing before BRA Board on inclu-
sionary zoning which they approve.
I-Zoning has been center of conf-
lict between Real Estate Board and
Flynn.

July 17th
Unanimous BRA Board approval of
125 Summer St. project--is the
first building to originate and
emerge from Coyle's BRA--with no
connections with the White legacy.
To be 23 stories and under a 300'
cap. Sets the model for the negot-
iation process with the BRA.

Aug :
Bruce Rossley, Commissioner of Arts
and Humanities for the city, pres-
ents Cultural Distirct Plan to BRA.
An effort of the Performing Arts
Development Task Force established
with Mass. Cultural Allaince and
Larry Murray of ARTS/Boston.

Dec 6th
Announcement of including the Ins-
titute of Contemporary Art (ICA)
center at Fan Piers rather than at
a location in the cultural district
is questioned by the arts community

Feb-Mar :
BRA staff make extensive presentat-
ions of the proposed Downtown IPOD
to various business and community
groups independantly to reduce pro-
tests at public hearings.

Feb 23rd

BRA releases to the public, the second version of the Downtown IPOD document. Major shuffling of ordinances and specification of area where PDA designations can be granted.

Mar 12th

BRA Board approve plan for permanent zoning in Boylston St. BSA, Chamber and GBREB protest, claiming to have received amendments hours before public hearing.

Mar 31st

Zoning Commission approves plan for permanent zoning in Boylston St., culminating the interim period.

Apr :

Edith Netter leaves BRA staff, work on IPOD continued by Chris Grace.

Apr 9th

BRA Board meeting and public hearing of third version of Downtown IPOD. Institutional Master Plan amendment excluded, PDA designations area reduced by half. No opposition voiced by business interests at hearing. BRA establishes a three week comment period.

Apr 10th

Symposium--'Boston Looks at San Francisco' organized by former BRA director Ed Logue. Panelists indicate that current BRA efforts do not amount to a 'plan' needed for Boston.

'Triangular block', though included still an issue. Last urban renewal Park Plaza site now under a 155' cap.

Mar 21st

BRA public hearing for 116 Huntington project postponed to May.

Mar 26th

Coyle writes to UIDC, developers of 116 Huntington project to conform to Downtown IPOD's proposed height caps. Due to a 1985 agreement between BRA and UIDC the former could lose up to \$10m in compensation if project does respect IPOD limits.

John Connolly (Flynn's adviser for development) attempts through private negotiations to raise 'triangular block's' height cap to 200'.

Apr 9th

Mayor formally announces 11 members for the BCDC, after almost a years delay since the commission was established.

Apr 10th

In a brief interview with the Globe de Monchaux suggests conflicts with Flynn over the selection process to appoint BCDC members.

Apr 30th

Last day for public comment on Downtown IPOD. A total of 110 letters are received with only 3 against. Lafayette Place developers feel Phase II would be effected by proposed 155' cap for the area.

May 11th

BCDC to hold first planning session

May 12th

Mayor Flynn in a speech attended by over a thousand people at the John Hancock Hall publicly endorses BRA's zoning efforts, mentioning the Downtown IPOD and stressing on benefits to neighborhoods. Upcoming election opponents charge speech as populist.

May 21st

BRA Board members approve Downtown IPOD. Flynn personally addresses them for their support at this meeting. The document now appears in its third version with changes including that of PDA designations boundary now enlarged to cover originally assigned blocks. However Zoning Commission approval to come only in September

May 26th

Public hearing scheduled for BCDC

Apr 23rd

BRA Board approves 125 High Street project (adjacent to International Place) Development Plan and Development Impact Project plan reviews.

Apr 30th

BRA receives letter from Chiofaro, developer of Intl. Place, proposing Phase II consisting of two towers, one 460' high, above the 400' cap suggested by the proposed Downtown IPOD. Coyle responds by cancelling meeting with him.

May 7th

BRA approves PDA designation of 125 High St. project--a 30 and 21 floor twin tower project adjacent to Intl Place.

Also give permission to Lafayette Place developer to build athletic club.

May 8th

Coyle's letter to Chiofaro says his proposal for Intl. Place is unacceptable. Ramp removal controversy involves the State--Salvucchi.

May 21st

BRA Board hearing on 116 Huntington again postponed, indefinitely. Also, Coyle announces Chiofaro is now ready to make design changes for Intl. Place.

June 8th

BRA Board approve Roxbury and Allston-Brighton IPODs.

Controversy over parts of South End being included in Roxbury IPOD.

June 9th

Landmark Supreme Court ruling indicates that public restrictions on land use would be seen as the equivalent of government 'taking' of property rights, therefore requiring just compensation. City agencies become cautious expecting suits, but BRA states that ruling would have no impact on current zoning efforts.

June 16th

Zoning Commission approves text amendment which allows 'triangular block' site to have cap raised to 200' ! Seemingly no outcry on this policy re-reversal.

June 27th

Another Supreme Court ruling may endanger the BRA's Inclusionary zoning moves as the City would have to show how building residential units results in the need to build additional low-cost housing.

July 10th

Commonwealth's Supreme Judicial and Appeals Court (SJC) upholds New England Life's designation as a PDA site by BRA and Zoning Commission.

July 14th

Zoning Commission adopts Allston-Brighton (Article 27F) and Roxbury (Article 27E) IPODs.

July 17th

BRA Board approves contracts for nationally known consultants to help BRA develop the Cultural District.

Sept 2nd

Community meeting to discuss 116 Huntington case.

Sept 21st

Zoning Commission approves Downtown IPOD (Article 27D). The document now takes on its final form. Also approves the boundaries of the Midtown/Cultural District.

Sept 14th

Neil Sullivan, Flynn's Adviser, officially states that Inclusionary Zoning is on hold because of Supreme Court ruling.

Oct 8th

The BRA reveals details of the Midtown Cultural District proposal in a document distributed at a meeting at the Boston Athenaeum on urban planning.

Oct 8th

BRA Board takes under advisement staff proposal to sell BRA owned 185 State St. office for \$2.2m to a minority team. However Board authorizes Coyle to purchase Custom House for \$11m from GSA.

Oct 15th

Flynn does not support location of the ICA cultural centre at Fan Piers and suggests Midtown Cultural district as possible alternative. Sparks off conflict between State and City.

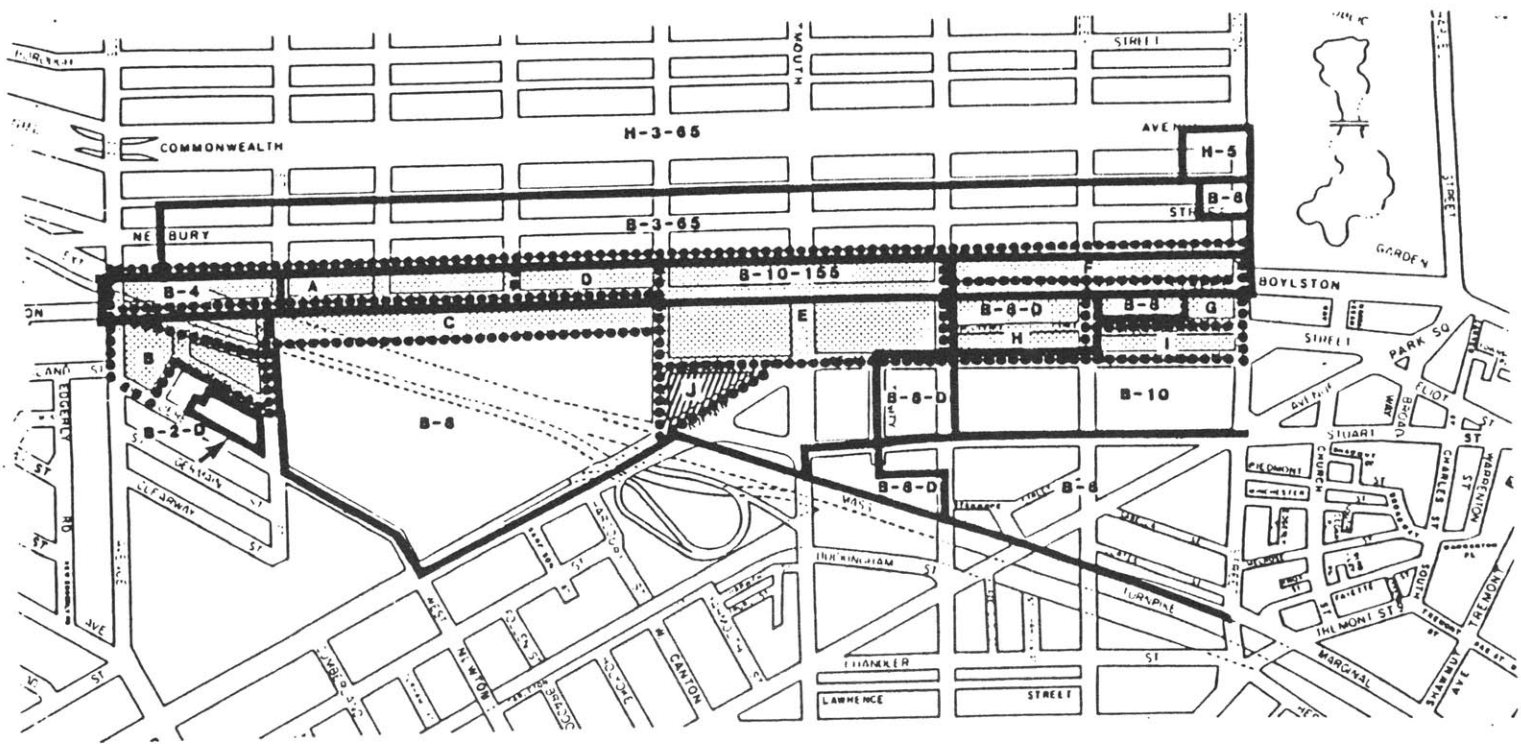
Nov 23d

BRA and the Office of the Arts and Humanities begin briefings on Cultural District to community and business groups. The Cultural District Task Force is the major mediator for the initiative

Coyle suggests availability of incentives to exceed IPOD cap of 155' in the area in return for cultural facilities.





APPENDIX 2

MAPS

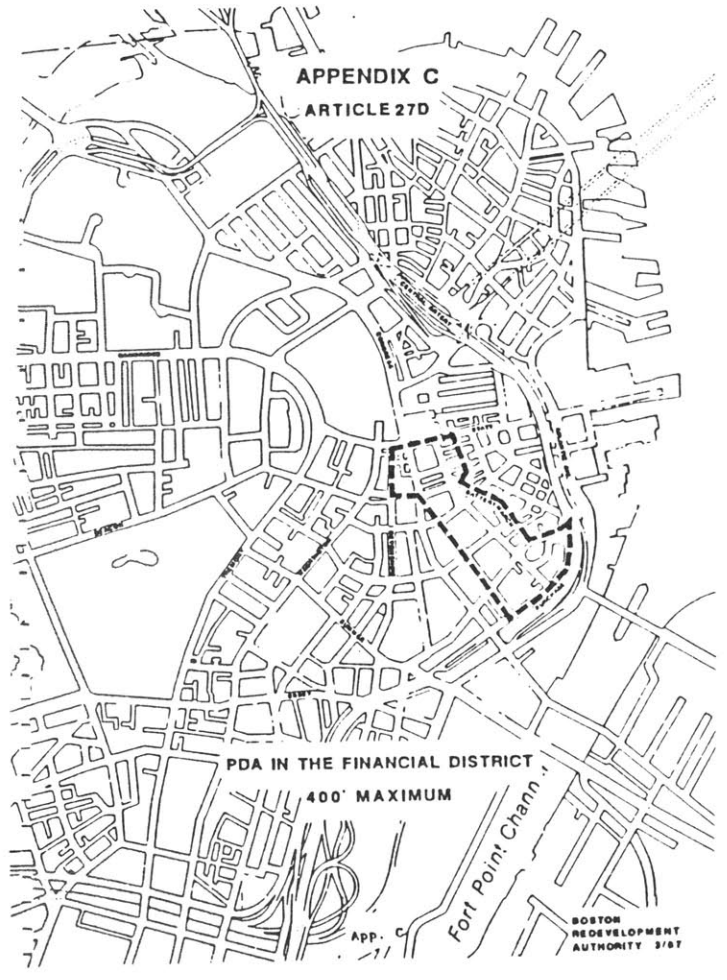
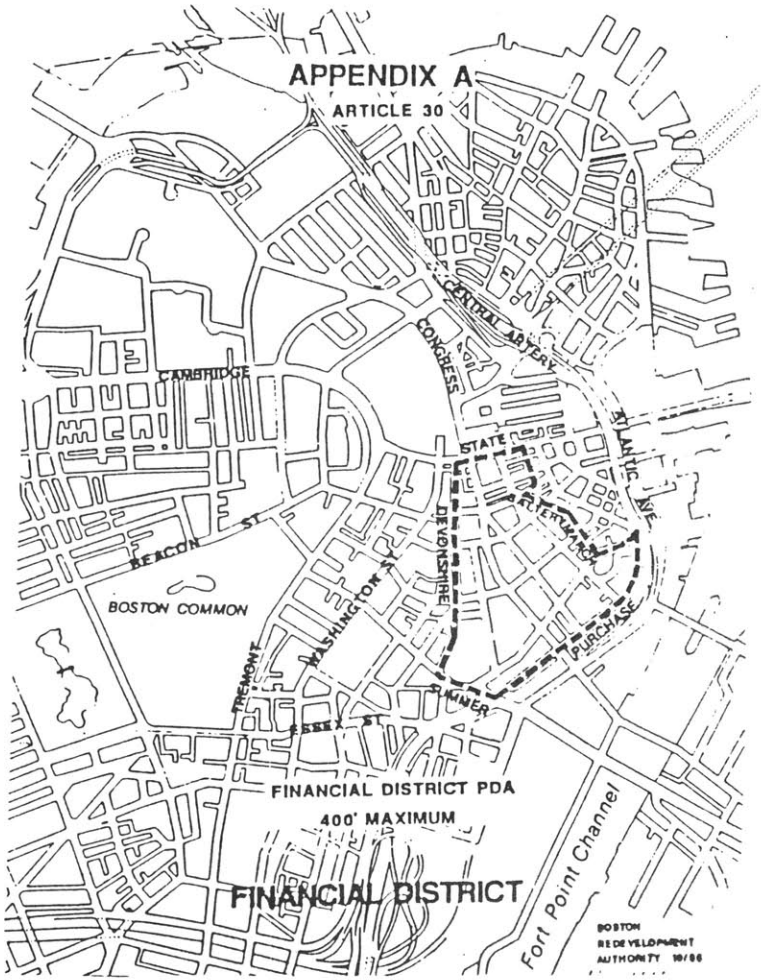


BOYLSTON STREET INTERIM PLANNING OVERLAY DISTRICT

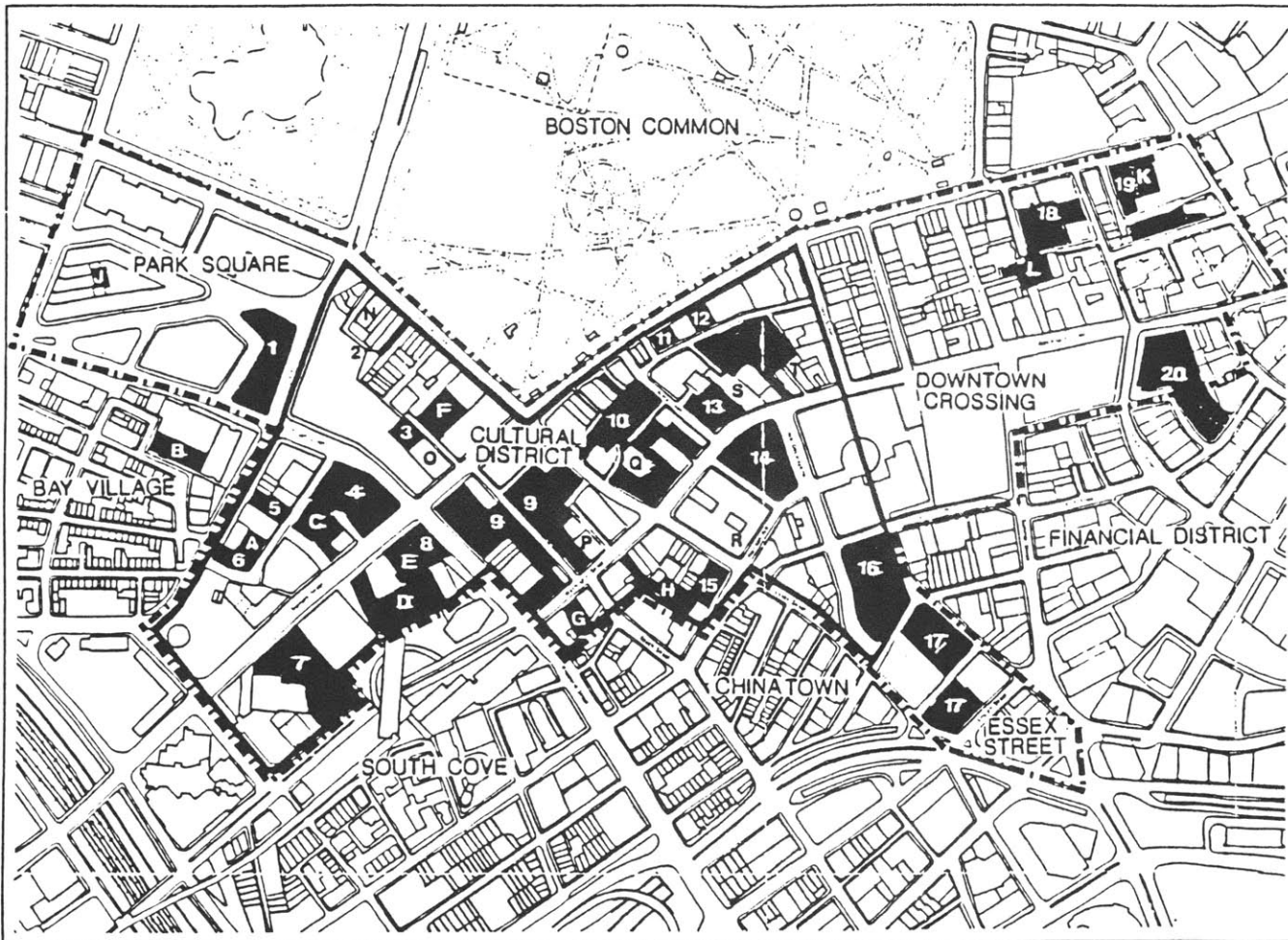
- A UPPER BOYLSTON STREET NORTHSIDE
- B UPPER BOYLSTON STREET SOUTHSIDE I
- C UPPER BOYLSTON STREET SOUTHSIDE II
- D BOYLSTON STREET NORTHSIDE I
- E COPLEY SQUARE
- F BOYLSTON STREET NORTHSIDE II
- G BOYLSTON STREET SOUTHSIDE I
- H BOYLSTON STREET SOUTHSIDE II
- I PARK SQUARE BUILDING BLOCK

	BOYLSTON STREET IPOD
	EXISTING UNDERLYING ZONING
	IPOD SUBDISTRICTS
	PROPOSED ADDITION J TRIANGLE BLOCK

MAP 2 : Extracts from the February 23rd and April 9th drafts
of the Downtown IPOD.



MIDTOWN IMPROVEMENT AREA



MIDTOWN/CULTURAL DISTRICT

- Active Theaters**
- A Charles Playhouse
 - B Cinema 57
 - C Shubert Theater
 - D Wang Center
 - E Wilbur Theater
 - F Colonial Theater
 - G Cinema (Chinese movies)
 - H Pilgrim Theater (adult movies)
 - I Opera House
 - J Park Plaza Hotel Cabaret
 - K Tremont Temple
 - L Orpheum Theater

- Vacant Theaters**
- N Steneri Hall
 - O Saxon (Maestri) Theater
 - P Public Theater
 - Q State Theater
 - R Essex Theater
 - S Paramount Theater
 - T Modern Theater

- Development Sites**
- 1 Park Square
 - 2 146 Boylston Street
 - 3 Gary Theater Lot
 - 4 South Cove - Parcel C 4
 - 5 Edison Parking Lot
 - 6 South Cove - Parcel C 2
 - 7 South Cove - Parcel P 12
 - 8 South Cove - Parcel P 7
 - 9 Hinge Block (multiple parcels)
 - 10 Commonwealth Center (4 parcels)
 - 11 Parkside West
 - 12 Parkside East
 - 13 Kern Block (4 parcels)
 - 14 Hayward Place
 - 15 35-45 Essex Street
 - 16 67 Kingston Street
 - 17 Kingston-Bedford Garage Lincoln Essex Lot
 - 18 110 Tremont Street
 - 19 Tremont Temple
 - 20 Woodworth's Redevelopment Proposal

1-20 Development Sites

A-L Active Theatres

N-T inactive Theatres

--- Midtown
 - - - Cultural District



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APPENDIX 3: SELECTION OF TEXT AMENDMENTS TO THE BOSTON ZONING CODE

Text Amendment #/ Article Title	Article #	Effective Date	Remarks
#101/Establishing New open space District		January 4, 1988	Establishes `open space` districts to protect existing open public areas from development.
#100/Development Requirements	31	January 4, 1988	Legalises BRA review of large scale development projects.
#98/Downtown IPOD	27D	Sept. 25, 1987	Rezones transitionally downtown: the most significant amendment in 20 years.
#97/Density Limitation Overlay District		Sept 23, 1987	Restricts number of dwelling units in a given building.
#93/Allston- Brighton IPOD	27F	July 27, 1987	Neighborhood IPOD established after intense community participation.
#93/Roxbury IPOD	27E	July 27, 1987	Controversy over including portions of South End Within boundary.
#88/Greenbelt Protection Overlay District	29	June 1, 1987	Protects open space in selected areas in the neighborhoods.
#86/Harbor Park IPOD	27C	March 16, 1987	Protects and establishes height standards along the Harbor edge.
#84/Boston Civic Design Commission	28	June 20, 1986	Establishes 11-member Design review committee.
#82/Boylston Street IPOD	27B	April 3, 1986	Boylston Street under interim control for one year.

APPENDIX 3 (cont.)

Text Amendment #/ Article Title	Article #	Effective Date	Remarks
#81/Development Impact Projects -Job Training	26B	April 3, 1986	Linkage Program formalized.
#80/Development Impact Projects -Housing	26A	April 3, 1986	Linkage Program formalized.
#79/Port Norfolk IPOD	27A	Sept. 3, 1985	First area-specific IPOD.
#75/Interim Planning Overlay District	27	Nov. 23, 1984	Enables all future Overlay Districts.

NOTES

For complete references see the Bibliography

CHAPTER 1

1. See Clark Broida, 'Updating the Outdated Zoning Code', MCP Thesis, MIT, May 1987 and Bruce Ehrlich, 'The Politics of Economic Development Planning: Boston in the 1980's', MCP Thesis, MIT, 1987
2. BRA documents and publications were collected over a period of an year and a half by the author from February 1987. See the Bibliography for a selected list of these documents.
3. Bernard Freiden and Lynne Sagalyn's paper 'Downtown Shopping Malls and the New Public Private Strategy', MIT, August 1984 outlines this trend.
4. 'Conversion' refers to up-scale revitalization of urban areas; for a analysis see Norman Fainstein and Susan Fainstein (1982)
5. Dennis Judd and Randy Ready (1986)
6. Alexander Ganz (1985)
7. See 'Briefing Material' package issued by the BRA on 18th November, 1987, titled 'A Plan to Manage Growth'.
8. Boston Globe, May 4th, 1986.
9. For a complete list of new articles inserted into the Boston Zoning Code since November 1984 with their effective dates, see Appendix 3.
10. Francine Rabinovitz, Jeffrey Pressman and Martin Rein (1976).
11. Interview with BRA staff member.
12. Clifford Weaver and Richard Babcock (1979).
13. For a description of the role of 'The Vault' in urban renewal in the 1960's see 'Who Rules Boston' by the Boston Urban Study Group, Boston, 1984.
14. Chester Hartman (1984). See Chapter 12 for an analysis of the 'anti-highrise' movement in San Francisco.
15. Robert Campbell in the Boston Globe, April 12th, 1987.
16. Personal interview with Christopher Grace, BRA staff member.
17. Bernard Freiden and Lynn Sagalyn (1984), p.35.

18. See 'Downtown Projects: Oppurtunities for Boston', a BRA publication, 1984, p.44.

CHAPTER 2

1. Text amendment # 75, to the Boston Zoning Code effective from November 23rd, 1984.
2. See Boston Zoning Code and Enabling Act: As amended through April 30th 1985, p.20. Also refer Article 27 of the Code.
3. Ibid.
4. Philip Herr (1987), p.2.
5. Text Amendment # 98, to the Boston Zoning Code effective from September 25th 1987 as Article 27D; Table A and Appendix A.
6. Ibid. Section 27D-4.
7. Ibid. Section 27D-8 and Appendix C.
8. Ibid. Section 27D-18 and Appendix G.
9. Robert Kennedy (1988), Chapter 7, p.170.
10. Barbara Ferman (1985), pp.178-184.
11. Refer Boston Globe, October 16th, 1983 and 'Case Study : Faneuil Hall Market Place' prepared by Jacques Gordan and directed by Bernard Freiden and Lynne Sagalyn, MIT, 1986.
12. Bruce Ehrlich (1987). p.42.
13. Robert Kennedy (1988) P.179.
14. Paul Garrity in the Boston Business Journal, October 27th, 1986.
15. Chapter 665 of the Acts of 1956 in the Boston Zoning Code and Enabling Act: As amended through May 15th, 1981; and in conversations with Prof. Philip Herr and Edward Logue at MIT.
16. Boston Zoning Code and Enabling Act: As amended through May 15th 1981; Section 1, p.i.
17. For example the Mayor's housing and job 'linkage' programs.
18. See Simon Eisner's 'Urban Patterns' for a description of the conventional system in the United States and Christine Boyer's book 'Dreaming the Rational City: The Myth of American City Planning (1983) p.164 for details of the mandate behind the 'standard enabling act' drafted in 1922 for a model to be followed in the US

19. Allan Jacobs (1987), Chapter Two.
20. Beverly Moss Spatt (1976), p.42.
21. Boston Zoning Code: As amended through April 30th, 1985. Section 3-1A, p.17.
22. For a description of the various techniques used to induce flexibility in the use of zoning refer Richard Babcock's 'The Zoning Game' (1966), pp.6-11.
23. A amendment to the Boston Zoning Code instituted in 1968.
24. References to the outdated nature of the Boston Zoning Code are explained in David Barrett's 'Incentive Zoning for Boston' (1973), p.51 and in Clarke Broida (1987), p.27.
25. For details of the technical differences see Barrett (1973), p.55-56.
26. Boston Zoning Code: As amended through April 30th, 1985, Section 3-1(a), pp.17-18 and also Paul Garrity in the Boston Business Journal, September 14th, 1987.
27. Ibid.
28. David Barrett (1973), pp.54-55.
29. Robert Kennedy (1988), p.171.
30. Conversation with Edward Logue former director (development administrator) of the BRA.
31. David Barrett (1973), p.54.
32. Chapter 665 of the Acts of 1956 in the Boston Zoning Code and Enabling Act: As amended through May 15th, 1981.
33. See Boston Globe feature 'The Livable City?' November 11th, 1984, p.47.
34. Chapter 665 of the Acts of 1956 in the Boston Zoning Code and Enabling Act, Section 1, p.i.
35. Ibid. Section 3, p.vii.
36. Personal interview with Christopher Grace, BRA staff member.
37. Clifford Weaver and Richard Babcock (1979). p.133.
38. Ibid. p.137.
39. George Lukas, 'Common Ground', (1985), p.153.

40. Robert Hollister and Tunney Lee (1979), pp.1-56.
41. Clifford Weaver and Richard Babcock (1979), p.190.

CHAPTER 3

1. Personal interview with David Dixon. Also refer Boston Globe May 13th, 1984 and 'Change and Growth in Central Boston', a publication of the Development Guidance Project of the Greater Boston Chamber of Commerce and the Boston Society of Architects, May 1984.
2. For a report on views expressed in the Conference see the Boston Globe, 'The Livable City?', November 11th, 1984.
3. Personal interview with Christopher Grace, BRA staff member.
4. 'Change and Growth in Central Boston', p.8. Compare the 'growth areas' articulated in the report with Sub-districts identified in Article 27D and shown in Figure 1 on page 21 of this thesis.
5. Paul Garrity articulates these views in a article titled 'You, the Courts, and the Law' in the East Boston Times, August 21st 1985. See also Boston Globe, July 16th, 1985 for a description of the Downtown by Design document.
6. These facts have been outlined in the Boston Business Journal, July 28th, 1985.
7. See Boston Globe, May 12th, 1987 and the Boston Ledger, May 16th, 1987.
8. See Raymond Wolfinger (1974), Chapter 10, for an analysis of Mayor Lee's Church Street Project.
9. Allan Whitt (1987).
10. The Tab, July 29th, 1986.
11. Boston Globe, November 27th, 1987.
12. Personal interview with Donna Summers of Stage Source, a non-profit 'arts' organization.
13. Personal interviews with Barbara Barros, BRA staff member; with Donna Summer of Stage Source; and with Katherine Royce of the City's Office of the Arts and Humanities.
14. Based on a personal interview with Bethany Kendall of the Downtown Crossing Association and on a transcript of a interview with Simone Auster, Greater Boston Chamber of Commerce, conducted by Robin Berry.

15. Boston Globe, March 17th, 1988.
16. Personal interview with Eric Schmidt, BRA staff member.
17. Proposition 2 1/2 has cut property tax rates statewide.
18. Boston Globe, October 16th, 1984 and Bruce Ehlrich (1987), p.45.
19. Ibid.
20. Ibid.
21. Refer for One Franklin Street--Map amendment #177 to the Boston Zoning Code; 125 High Street--Map amendment #178; 75 Federal Street--Map amendment #180; and 99 State Street--Map amendment #181.
22. The description of the 'triangular block' controversy is based on the following articles : Boston Globe, April 8th, 1986; Boston Ledger, February 2nd and May 11th, 1986; and The Tab, May 13th, 1986.
23. See Boston Ledger, May 11th, 1986 for city councilor David Scondras statement on the integrity of the Boston Zoning Commission.
24. As quoted in the Boston Business Journal, July 28th, 1986.
25. The International Place case is based on information from the Boston Globe, April 30th and May 8th, 1987.
26. The Huntington Street case is based on information from The Boston Herald, April 5th, 1987; The Boston Ledger, May 23rd, 1987; and The Tab, August 18th, 1987.
27. Refer Boston Business Journal, August 25th, 1986.
28. The shifting of boundaries was observed by comparing successive drafts of the Downtown IPOD released by the BRA on August 14th, 1986; February 23rd, 1987; April 9th, 1987; May 21st, 1987; and the text of Article 27D as adopted on September 25th, 1987 and the involvement of the BSA was learned of from a BRA staff member and through a personal interview with David Dixon of the BSA.
29. Refer Boston Globe . Also compare Figure 1 with Map 3 in Appendix 2 of this thesis.
30. Personal interview with Tarry Hume of the Chinatown Neighborhood Council.
31. Based on a transcript of an interview with Alex Twining, Project Manager, J.D. Rich Development Company conducted by Robin Berry.

32. See Boston Ledger, June 2nd, 1985 for details of the involvement of the CBNEL and the Boston Globe February 4th 1986 and February 3rd 1986. Also refer to the Tab, February 26th, 1985 for reaction in the Boylston Street area on the BRA zoning study.
33. For a description of the public hearing refer the Boston Globe, August 27th, 1985 and the Boston Ledger February 2nd 1986.
34. For details of the public hearing refer the Boston Globe, March 13th, 1987; the Boston Ledger, March 14th, 1987; and The Tab, March 24th, 1987; and the Boston Herald, March 13th, 1987.
35. Boston Globe, February 6th, 1987.
36. Personal interviews with Barbarra Barros, BRA staff member; and with David Dixon of the BSA.
37. Boston Herald, April 12th, 1987.
38. Boston Herald, April 10th, 1987.
39. Boston Globe, April 10th, 1987. See also for public reaction to the Downtown IPOD : Boston Globe, April 9th, May 17th and May 20th 1987; Boston Ledger, April 11th, 1987; The Tab, April 21st, 1987; and the Banker and Tradesman May 27th, 1987.
40. For details of the 'initiative' see The Tab, July 29th, 1986 and the Boston Globe, October 31st, 1986.
41. Personal interview with Katherine Royce of the City's Office of the Arts and Humanities.
42. Personal interview with Donna Summer of Stage Source.
43. Personal interview with Barbara Barros, BRA staff member.
44. Antonio Dimambro, Architect, presentation at MIT on his work for the Chamber of Commerce.
45. Interview with BRA staff member.
46. Personal interview with Donna Summer of Stage Source.
47. Personal interview with Tarry Hume of the Chinatown Neighborhood Council.

CHAPTER 4

1. Weaver and Babcock (1979) p.265.

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