

THE MASSACHUSETTS COLLEGE OF ART DISPOSITION CASE
EVALUATING STATE AND COMMUNITY ROLES

by

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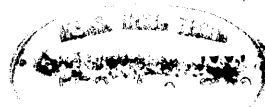
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Evaluating the Role of a State Bureaucracy

by

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ABSTRACT

This study is an analysis of an advisory committee disposition process consisting of four meetings that took place between August and December of 1987. The committee was created by the Division of Capital Planning and Operations (DCPO) for the Commonwealth of Massachusetts, the real property and planning office for the state. Its purpose was to determine how to redistribute a surplus parcel of state property.

The parcel of land described in this case is that of the Massachusetts College of Art (MCA), a state art college. Since the state polled local and other state agencies and determined the MCA site to be surplus in 1984, it will be available for development by public or private agencies or both within the next five years. DCPO assembled an advisory committee, to begin developing reuse restriction guidelines for the property. The old MCA parcel is located in the Longwood Medical Area, one of the most concentrated medical areas in the country. Consequently, there is interest on the part of the hospitals to develop the property which exacerbates an historical tension between the medical institutions and surrounding neighborhoods.

This thesis has been undertaken in order to document and analyze the state's policy toward the disposition of public property, which it is argued, represents a modus operandi that is pervasive throughout United States bureaucracies and dominates government policy. It is a position that reflects the traditional ambivalence between democracy and capitalism, decentralization and centralized executive power. This study demonstrates how contemporary bureaucracies reflect the existing tensions within the system, and how they form policy as a result of them. The author includes policy recommendations for future DCPO large disposition projects.

This study analyzes the perspective of DCPO Office of Real Property during the meetings that constitute the fact finding component of the advisory meeting process. It examines DCPO's

intervention as a planning agency for the public while evaluating community and institutional roles. The author has analyzed four advisory committee meetings, and has supplemented this analysis with information from interviews of various participants, reports, briefing documents, and information sheets. Finally, these facts are put into a framework and conclusions are presented.

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OVERVIEW

In this study we will examine the Massachusetts Division of Capital Planning and Operations (DCPO) disposition process for large parcels of land and in so doing will evaluate the state's public policy objectives and the role of its bureaucracies. DCPO's actions reveal how it views its responsibilities as the Commonwealth's real property office. It is the state bureaucracy that manages, leases, and disposes of all public property in the state of Massachusetts.

We will also examine the disposition process in order to determine whether or not there is a clear policy about the type or amount of benefits to which the community is entitled and how the process of community participation is defined. An examination of the state's planning role will reveal how well it mediates between community interests and private/nonprofit institutional interests. The parcel in the disposition case is the Massachusetts College of Art (MCA) parcel, a 70,000 sq. ft. building on a 2.2 acre site located in the Longwood Medical Area - a concentrated and prestigious medical area. The MCA is the only existing state art college in the country.

In the early 1980's, the MCA moved most of its departments from its building on the corner of Longwood and Brookline Avenues to

its new campus on Huntington Avenue, leaving some hard to relocate kilns and laboratories behind. When the state polled local and state agencies and determined the old MCA site to be surplus, it made the site available for development by private agencies when the college relocates its final departments within the next five years. For over thirty years the medical institutions of the LMA, in particular, Beth Israel Hospital (BI), one of the five leading medical institutions in the Longwood Medical Area, has let it be known that it is interested in purchasing the MCA property for its own expansion.

BI's interest exacerbates an historical tension between the medical institutions and the local community. Since the 1950s, when the hospitals started to expand and develop their physical sites, they encroached upon the surrounding neighborhoods, eliminating housing stock, and causing problems such as traffic congestion, parking scarcity, and noise and air pollution. Due to the fact that the MCA site is the last public parcel left in the LMA, the community has been determined to derive substantial benefits from it. This study examines the DCPO disposition process in order to understand the state policy toward protecting public land and its trend toward privatizing property.

The following questions will be addressed in this study. Will the DCPO disposition process favor BI given certain tendencies in land markets--which neither DCPO or BI can escape or prevent?

Will DCPO accept BI's proposal for development because it allows itself to be influenced by private institutions and has rigged its meeting process to achieve these ends? Will DCPO choose the best possible developer to purchase and plan the MCA site--which may be BI--through a democratic disposition process?

This study analyzes four meetings of an advisory committee process--which represent the fact finding component of the process--that took place between August and December of 1987. The meetings were assembled by DCPO for the purpose of developing reuse restriction guidelines for the MCA surplus parcel. In their presentations and comments, the various committee members from the three different sectors will reveal underlying assumptions about the mediating role of bureaucracies, private institutions--especially large and economically powerful nonprofit organizations--and the role of community participation. All of these perceptions affect the outcome of the disposition process.

We will explore DCPO's approach toward the disposition process, as well as notions of administrative efficiency, citizen participation, and the operation of land markets. In all of our reflections, it will be important to keep in mind that the DCPO large disposition process is still fairly new. Legislation which was created in reaction to corrupt practices in the Commonwealth, has gaps that are now beginning to reveal themselves as DCPO

continues to evolve as a bureaucracy. This thesis describes the challenges associated with the development of a public land disposition policy. It discusses past contradictions between democracy and capitalism, centralized and decentralized government--issues that continue to influence state government today.

Finally, this thesis presents a context for comprehending future state policy directives regarding effective community participation and the distribution of development benefits.

Chapter 1: Theoretical Framework

The Bureaucratic Dilemma

As a large state bureaucracy, The Massachusetts Division of Capital Planning and Operations (DCPO) acts within a broader framework that is shared by other bureaucracies. Its vision, like so many other contemporary agencies reflects the tension between contradictory political philosophies in the United States. This is only logical since bureaucracies are governmental organizations designed to create and administrate state policies. In the United States, the government has been historically trapped between the prevailing ideologies of democracy and capitalism. It follows therefore that U.S. bureaucracies are similarly caught between two opposite poles: protecting the common good and representing the interests of the most powerful groups in society.

Bureaucracies reflect the dilemma of a larger political system that embraces two ideologies in opposition. In their book, Democracy and Capitalism, Samuel Bowles and Herbert Gintis describe how the coexistence of these opposing ideologies within the American system of government results in an "indeterminacy concerning the range of application of particular rights" which allows conflicting interest groups to exploit the inherent

contradictions to achieve their own political ends. Bowles and Gintis describe the clash of pluralism and capitalism:

The first is the expansionary logic of personal rights, progressively bringing ever wider spheres of society --the management of the economy and the internal relationships of the family, for example--under at least the formal if not the substantive rubric of liberal democracy. The second tendency concerns the expansionary logic of capitalist production, according to which the capitalist firm's ongoing search for profits progressively encroaches upon all spheres of social activity, leaving few realms of life untouched by the imperatives of accumulation and the market. If we are correct, the present and future trajectories of liberal democratic capitalism will be etched in large measure by the collision of these two expansionary tendencies.¹

Historically bureaucracy has mirrored political development. Bureaucracy evolved in nineteenth century America as a result of U.S. industrialization. Political philosophers of the period were impressed by new rational modes of operation in businesses and factories which originated from scientific developments. Emerging technologies led to the mass production of goods and played a major role in changing the U.S. economy and labor force. Political philosophers of this era, looking for ways to improve government, turned to science and industry to provide a framework for the proper kind of American political system.

¹Samuel Bowles and Herbert Gintis, Democracy and Capitalism (New York: Basic Books, 1986) p. 29.

By the end of the nineteenth century the doctrine of administrative efficiency had gained strong following among many political thinkers of the period. Government, these philosophers believed, should operate as rationally and competently as a well oiled machine. In 1887, Woodrow Wilson, wrote in an influential essay entitled, "The Study of Administration," that administration involves the discovery "of what government can properly and successfully do, and secondly, how it can do these proper things with the utmost possible efficiency and at the best possible cost either of money or energy." Wilson relied upon business analogies in his analysis. He believed that efficient administration like the successful firm required similar institutional qualities: centralized authority, objective rationality, and professionalism.²

Administrative efficiency was viewed as the key to personal and public prosperity. By the nineteenth century, successful firms and factories in the U.S. were producing huge financial rewards for their owners and elevating them to a privileged class. Entrepreneurs who owned profitable businesses gained access to power through purchasing real estate, employing residents from the local population, and often participating in local government. They became a class of capitalists who believed that

²Woodrow Wilson, "The Study of Administration", Political Science Quarterly 2, no. 2, (June, 1887) p. 197.

they should pass on the lessons learned from business to society. Prosperous businesses led to a strong American economy.

It was in the interest of entrepreneurs to maintain capitalism as a system. As the most privileged class under capitalism, they had the most to gain from the continuation of the system.

Maurice Dobb, in his book, Studies in the Development of Capitalism, argues that the class that is socially and politically dominant at the time will use any power that it has to preserve the existing relationship between classes on which its income depends. Dobb characterizes capitalism as a "distinctive economic order" in which "either one class or a coalition of classes with some common interest, constitutes the dominant class, and stands in partial or or complete antagonism to another class or classes."³

One traditional way that capitalists have maintained a dominant position in society has been by influencing government policy. William Domhoff in his article, "State and Ruling Class in Corporate America," theorizes about the processes through which economically and politically active members of the the privileged

³Maurice Dobb, Studies in the Development of Capitalism, Chapter 1, (International Publishers, 1963) in Richard E. Edwards, Michael Reich, and Thomas Weisskopf, The Capitalist System, "The Essence of Capitalism" (New Jersey: Prentice Hall, 1978) p. 51.

class involve themselves in government at all levels. Some of these processes include:

...the development and implementation of general policies that are important to the interests of the ruling class as a whole...[and] the formation, dissemination, and enforcement of attitudes and assumptions which permit the continued existence of policies and politicians favorable to the wealth, income, status, and privileges of members of the ruling class.⁴

Governmental influence may be indirect, resulting in tax breaks, subsidies, or procedural rulings. For it is in the interest of government to appear "neutral" in the class struggle. It is supposed to be open to all interests and politics.⁵

It is paradoxical that Americans have simultaneously responded to notions of democratic pluralism as adamantly as they have embraced the free market system. When the United States was founded in the eighteenth century, Thomas Jefferson, James Madison, Alexis de Tocqueville, and many others advocated for a government that responded to many different and often conflicting constituencies--a decentralized government where there would be a pitting of "faction against faction to ensure liberty."⁶ The

⁴William Domhoff, "State and Ruling Class in Corporate America," Insurgent Sociologist (Spring, 1974), vol.4, no.3

⁵Richard E. Edwards, Michael Reich, and Thomas Weisskopf, The Capitalist System (New Jersey: Prentice Hall, 1978) p. 254.

⁶Douglas Yates, Bureaucratic Democracy (Cambridge, Mass.: Harvard University Press, 1982) p. 4.

creation of bureaucracy--multiple offices and agencies to administrate governmental tasks--was initially intended as a means toward avoiding the concentration of power.

Democratic pluralism was viewed as a system that would safeguard the interests of those without money or property. It is a philosophy that continues to be advocated by contemporary political thinkers and social scientists. Robert Dahl has written that pluralism is a system in which "there is a high probability that an active and legitimate group in the population can make itself heard effectively at some crucial stage in the process of decision." Dahl in his book A Preface to Democratic Theory, expands upon this when he writes that, in an effective pluralist system of government, "one or more offices are not only ready to listen to the noise but expect to suffer in some significant way if they do not placate the group, its leaders, or its most vociferous members."⁷ David Truman argues in his book, Governmental Process, that although the pluralist system may be awkward, it is a process in which interest groups seeking to influence policy are guaranteed a number of points of access.⁸ Thus, citizen's participation is essential to a pluralistic view of government.

⁷Robert A. Dahl, A Preface to Democratic Theory (Chicago: University of Chicago Press, 1956) p. 145_

⁸David Truman, The Governmental Process (New York: Alfred A. Knopf, 1955) p. 502

But the democratic pluralist vision has always presented problems to government. As individuals and groups struggle to protect their own interests, some of them will emerge dissatisfied. There is often a competition among groups for limited resources. If officials are committed to the representation of opposing groups then they must spend a great deal of their time mediating conflicts, or at least processing them. Decision making in general is more complicated and time consuming. Compromises intended to incorporate various conflicting groups and interests to arrive at a common policy will alienate portions of the population. Democratic pluralism which was intended by the architects of the U.S. government as an egalitarian form of government produces conflicts which creates a dilemma in its administration.

It was for these reasons that political reformers continued the eighteenth century debate over whether a democratic pluralist government should have a centralized or decentralized government. In 1887, Woodrow Wilson wrote "If [power] be divided, dealt out in shares to many, it is obscured; and if it is obscured, it is made irresponsible."⁹ Others supporting this argument stressed the ineffectiveness of a government attempting to incorporate many different interests. To their way of thinking, such a government would be unable to function. For these reasons, Wilson argued for strong government officials, selected on the

⁹Woodrow Wilson, "The Study of Administration," pp.209-210

basis of competence and merit, and protected from the complexities of politics.

Others advocated centralization because they felt it buttressed democratic pluralism. In bureaucracies, they viewed professionalism, as key to solving the inherent the conflict between interest groups. Trained and skilled, administrators would make judgements between groups based on what was most appropriate in a given situation. Although these proposals would leave some groups dissatisfied, the solutions would be acceptable because they were politically neutral. If decisions were occasionally incorrect, citizens would have to be protected against bureaucratic misjudgements since bureaucrats would be faithful to the administrative process values of accessibility, accountability, and responsibility.

The view that bureaucracies will provide checks and balances while somewhat plausible, is for the most part misleading. Opponents of the notion of centralized government argued that the decisions that bureaucrats make, whether substantive or administrative, are partisan decisions. An administrator's decision depends on his or her particular point of view or political orientation. Although many rules and regulations governing bureaucracies are legislatively defined, administrators acting on behalf of bureaucracies have varying amounts of leeway to support the interest groups of their choice.

In his article, "Functions of a Bureaucratic Ideology: 'Citizen Participation'," Elliott Krause claims that "bureaucracies are users of ideologies, aimed at target groups for the purpose of energizing these groups toward the interest of the bureaucracy and groups who are in a position to use it for their own ends."¹⁰ Douglas Yates, in his book, Bureaucratic Democracy, supports the argument for a decentralized government when he questions the bureaucrat's claim that he or she responds to all political factions equally. He writes:

The problem is that there is considerable variation in ordinary use of terms like accessibility, responsiveness, accountability, and participation. Does responsiveness mean being available to hear the complaints of a citizen or congressman, or does it mean recognizing those complaints and satisfying them? ¹¹

William Boyer argues in Bureaucracy on Trial, that "the laws which created bureaucracies and their goals can be widely and variously interpreted by the bureaucracies themselves, once they are in existence."¹²

In this thesis, the author argues for professional administrators who understand the intricacies, contradictions, and dangers of

¹⁰Elliott A. Krause, "Functions of a Bureaucratic Ideology: 'Citizen Participation'" Social Problems, 16(2) (Fall, 1968) p.129-143.

¹¹Yates, Bureaucratic Democracy, p. 172

¹²William B. Boyer, Bureaucracy on Trial (Indianapolis: Bobbs-Merrill, 1964)

the system. What is vital to adherents of either centralized or decentralized pluralistic democracy is that administrators recognize the power that they wield and act in roles that demonstrate their responsibility. Donald Schon, in his article "Some of What a Planner Knows," writes that bureaucrats or--as he calls them--planners, must assume different kinds of roles. Schon's new repertoire of functions for the bureaucrat/planner include the following:

...understanding the field of actors and interests with its potentials for satisfaction, frustration, mutual constraint, or mutual enhancement; formulating issue-specific targets for negotiation, mediation, or inquiry; creating conditions for effective control or evasion of control, for successful negotiation, or productive inquiry; designing intermediary interventions and assessing their effectiveness; maintaining the conditions of credibility and legitimacy on which the intermediary roles depend.¹³

The administrator, from Schon's point of view is more of a strategist or facilitator, an image quite different than Woodrow Wilson's autocratic executive.

Most contemporary bureaucracies have not yet defined their positions on these issues. Administrators who have been schooled in the doctrine of efficiency and professionalism make decisions based on values such as "highest and best use," which they deem

¹³Donald A. Schon, "Some of What a Planner Knows," Journal of the American Planning Association, (Summer, 1982) p. 354

as objective standards free from political influence. They include citizens on their policy making committees, thinking that this constitutes adequate representation. But participation is not a guarantee of democracy. Citizens must be given real decision making power if bureaucrats wish to insure fair outcomes. Bureaucracies must be clear about their goals. The inclusion of citizens will not insure the advancement of social justice, economic equality, or even majority rule. In Politics and Markets, C.E. Lindblom writes that the involvement of various interest groups in a process does not insure that all of them will be equal in their political resources. It will be the most powerful special interest that will dominate, Lindblom claims, suppressing the interest of others.¹⁴

In a free market system where capitalist institutions occupy privileged positions, nonbusiness groups must compete financially in order to wield a similar kind of influence and most of the time they cannot. To confuse matters more, bureaucratic interests in recent years have expanded to include power factions such as constituencies within the community that may potentially attract state or federal grants, large nonprofit revenue producers, and even community projects that might justify the bureaucracy's existence so that it will continue to be funded.

Bureaucracies are influential in forming public opinion and

¹⁴Charles E. Lindblom, Politics and Markets (New York: Basic Books, 1977).

promoting their own interests. Since there is a tendency in the U.S. for bureaucracies to be large, the decisions that they make carry more weight. In a state bureaucracy, heterogeneous officials and offices are turned into a coherent organization with shared orientations and assumptions--this stabilizes certain policy inclinations among the state managers. Evans, Rueschemeyer, and Skopol in Bringing the State Back In argue that:

The intricate meshing of expertise with a given personnel and organizational form gives these inclinations a powerful influence...Although by design bureaucracies may only implement policies, in actuality they shape them, too. It is the very same processes that constitute the institutional foundations and the operational capacity of bureaucratic organization that also set limits to the range of policy options for which the state apparatus is a willing and effective instrument." 15

There have been some periods in history, when the state has favored the disempowered in its policies. In the era following World War II, with the development of the welfare state, government policy reinforced the protection of rights, for such groups as the poor and ethnic minorities, and profit-making business activities were monitored. Capitalist corporations were given notice that while they would be permitted considerable expansion, they "would be subject to social scrutiny." This era,

¹⁵peter Evans, Dietrich Rueschemeyer, and Theda Skopol, Bringing the State Back In (Cambridge University Press, 1986) p. 52.

according to Bowles and Gintis, empowered citizens to challenge the basic operations of the capitalist economy and in so doing "sapped its dynamism."¹⁶

However Bowles and Gintis write that although this postwar policy gave community interest groups the power to compete with entrepreneurs, capitalism still maintained its stronghold. They argue:

...the welfare state and Keynesian economic policies had been carefully circumscribed; they did not give citizens the power to assume these critical economic functions, nor did they provide the public arena within which citizens could develop their capacities to render economic decision making democratically accountable. Equally important, the postwar system...gave capital a decisive upper hand in dictating the pattern of organizational innovation and structural change. The result has been an economic and political standoff in which business elites and the citizenry alike have veto power over economic change but share no viable common vision of the economic future.¹⁷

Is it possible to create bureaucracies that are run efficiently and that represent both powerful and powerless interest groups in the name of democratic pluralism? Given the contradictory political system, we have shown that there will be a tendency on the part of bureaucracies to reflect the capitalist system which favors the financially privileged class. This means that certain

¹⁶Bowles and Gintis, p. 5.

¹⁷Bowles and Gintis, p. 6.

interest groups such as the poor and the elderly will continue to remain at a disadvantage. If there are no additional incentives, there will be a tendency on the part of executives to support, revenue producing ventures and to only include the community in a superficial way.

If bureaucracies such as the Massachusetts Division of Capital Planning and Operations are truly committed to a democratic pluralist form of government, they must deal responsibly with the issue of unequal income distribution among its citizens and the draw of capitalism. Evans, Rueschemeyer, and Skopol write that income distribution is the most challenging test for effective bureaucracies. When agencies attempt to directly redistribute resources they "almost by definition become involved in relations between dominant and subordinate groups." The concept of redistributing income, they say, works "against the grain of both the market and social norms." Agencies cannot rely on information generated by market mechanisms, neither can they legitimate their activities by market criteria. The policies of these agencies often stand in conflict with the policies of other government bureaucracies.¹⁸

This author argues that bureaucratic decisions must be made by administrators playing more intermediary roles, regulated by stringent legislation. Laws must be enacted to safeguard the

¹⁸Evans, Rueschemeyer, and Skocpol, p. 53.

disempowered class in order to balance market tendencies. If bureaucracies wish to claim that they are including the community in their policies, they must be absolutely sure that their laws prescribing such areas as executive power and the power of citizen's advisory committees, reflect this concern. Legislation insuring community rights will empower citizen participants in future DCPO disposition projects. It is a slow but effective process.

The Massachusetts College of Art land disposition case is an example of a bureaucracy that has started to institute such a democratic process. Through the creation of legislation which called for an advisory committee with citizen participants to determine reuse restriction guidelines, the door was opened for open interaction and negotiation between the neighborhoods and institutions of the Longwood Medical Area. Although the author predicts that one powerful medical institution will ultimately be awarded the development rights for the MCA property, the community will emerge with greater benefits which will serve as a precedent for future neighborhood groups.

Once DCPO and other bureaucracies institute such legal mechanisms such as guaranteed equal community representation and veto power in their policy making processes, they will begin to erode their inherent bias toward private sector interests. Over time they

will become more representative of diverse interest groups. In so doing, this author believes that the balance in power will slowly shift to a system that is more egalitarian in its vision.

Chapter 2: Background Information to the MCA Disposition Case

This chapter provides historical facts and other background information which put the Massachusetts College of Art case into a context for consideration.

History of the MCA

The Massachusetts College of Arts (MCA), was the first and is the only remaining state supported autonomous art college in the country. It was established in 1873 as a reaction to nineteenth century industrial trade fairs in Europe. American merchants of the era, who viewed manufactured goods from around the world, feared losing business due to more sophisticated European products, and therefore created legislation to advance the cause of industrial design in the U.S.

In Massachusetts this concern resulted in the creation of The Industrial Drawing Act of 1870, a law enacted to teach design techniques that would make Massachusetts commercial goods more appealing. It required every city in the commonwealth with a population of 10,000 or more to provide free drawing lessons to residents over age fifteen. The Massachusetts College of Art, first known as the Massachusetts Normal Art School, was started in order to train qualified educators who could teach courses in

the public schools that would eventually produce skilled draughtsmen.

At first the School focused exclusively on industrial drawing and geometry. Then in 1880 due to a growing national interest in arts and crafts, the curriculum was expanded to include manual training. By 1887, when the School moved from two rented rooms at Pemberton Square to the first building specifically designed for it at Exeter and Newbury streets, enrollment was projected at 350 students. The Commonwealth empowered the School to confer the Bachelors of Science in Education in 1922, reflecting a move toward commercial training. In 1929 the building on the corner of Brookline and Longwood Avenues was constructed, and in 1930 it was dedicated. The School was permitted to award the Bachelors of Fine Arts in 1950, and in 1960 the Massachusetts College of Art became the school's official name.¹⁹

During the 1950's and 60's, in response to a growing demand, the MCA's curriculum expanded to include a broad range of courses at the graduate and undergraduate levels. Today, there are about 1200 undergraduates studying for a Bachelor of Fine Arts in four major areas: art education, art history, design, and fine arts.

¹⁹ Boston Landmarks Commission and Boston Redevelopment Authority, Fenway Project Completion Report (Part I), 1983 Survey and Planning Grant (August, 1984).

In addition, the college now offers a Master of Fine Arts and a Master of Science in Art Education. About 100 students are working toward these graduate degrees. Other students at the school are pursuing the Certificate in Graphic Design or the Certification License in Art Education.²⁰

In the 1980's, in an effort to expand and modernize the school's operations, the MCA, Board of Regents and DCPO began planning for the relocation of the school onto a new larger site on Huntington Avenue. Originally constructed for Boston State College, this campus was to be vacated by its most recent tenant, Roxbury Community College. MCA has now begun to occupy buildings on this new campus. Complete consolidation of MCA on the Huntington Avenue campus will occur once renovation of the buildings for their new uses has been completed.

Architecture of MCA Building

The main facade of the MCA building is composed of buff-colored brick trimmed with cast-stone details. The central pavillion is ornamented by stained glass windows crafted by William Burnham, gargoyles, and medallions depicting the different artistic disciplines. Two arched doorways on either side of the main

²⁰ Kay Ransdell, editor, Massachusetts College of Art Catalogue (1987).

entrance bear inscriptions from Ralph Waldo Emerson and Horace Mann. Other features include brick parapets, skylights, and copper clad roofs.

The interior of the building consisting of a 300-seat auditorium, classrooms, offices, and a library, is largely unornamented. The classroom interiors are of utilitarian design with a mixture of concrete, wood and linoleum floor coverings, undecorated plaster walls, and acoustical tile and plaster ceilings.

The firm of Henry & Richmond--a firm that was the successor to the prominent Boston architectural firm of Guy Lowell--designed the building. The property was purchased by the commonwealth in 1927 and construction began in 1929. From the start, the relatively small size of the site eliminated the possibility of building a dormitory, and budget constraints necessitated the construction of a single classroom and studio rather than a campus of several buildings. The new building which cost \$600,000 was dedicated in 1930.

In designing the building, the architects consulted with faculty and students of the MCA. Subsequently they chose to combine several architectural styles, most prominently Tudor Gothic and Art Deco design. The building's structure of stepped massing with a central block was influenced by the Moderne Style. Specific ornamental details such as the stained glass windows at the

fourth storey and wrought-iron lanterns at the principal entries represent the outlook of the Arts and Crafts Movement of the early twentieth century, in which artists sought to apply their skills to the design of architectural and industrial objects.^{2 1}

Historical Preservation Status

In its 1983 survey of the Fenway, the MCA building has been identified by the Boston Landmarks Commission (BLC) as being eligible for listing in the National Register of Historic Places. The BLC is in the process of preparing the nomination. The Massachusetts Historical Commission, which performs as the local administrative arm for the National Register, concurred with BLC's preliminary evaluation, and will hold a public hearing at some future time to determine whether the MCA application will be submitted to the National Register for final review.

At the third MCA disposition advisory committee meeting, Judy McDonough, Executive Director of Boston Landmarks, explained in a presentation that a National Register listing alone does not insure preservation. She added that what a listing does is "ensure that the property will receive the preservation approach to community planning," through the accompanying environmental

^{2 1}Boston Landmarks Commission and Boston Redevelopment Authority Report (August 1984).

reviews. In response to a question about tax incentives for maintaining an historically significant building, McDonough responded that tax incentives have become increasingly more difficult to utilize and less frequently awarded.²² In terms of preservation, court orders and fines to prevent demolition are issued only when a piece of property has been listed with the local historical commission, which in this case is the BLC. So far the MCA has been ineligible for BLC listing.

Disposition History of the Parcel

Recognizing that the Longwood parcel would not be required for MCA use once the new campus was complete, on December 13, 1983, the Board of Regents declared the parcel surplus to its needs conditional on the relocation of the college. On February 2, 1984, DCPO informed the Regents that it intended to interpret the Board's vote as a present declaration that the property is surplus--thereby enabling DCPO to initiate disposition planning for this property--with the express understanding that the College's activities must be satisfactorily relocated before final disposition can occur.

Over the past two and one half years, both state and local

²² Massachusetts Division of Capital Planning and Operations, Minutes for Meeting 3 (October 15, 1987) pp. 3 & 4.

agencies have been polled to determine whether there was public sector interest in developing this property for direct public use. The deadlines have now passed with no expressions of interest from either a state or local entity.

A request for legislative authorization to dispose of the property was included in the Board of Regents legislation filed in March of 1987. Thus, pending legislative authorization, the development of reuse guidelines and the relocation of the Massachusetts College of Art, the property is available for development by a private entity.

Zoning of the MCA Parcel

The Massachusetts College of Arts building is located in an H-3 zone which allows for a variety of uses and public uses. A large number of conditional uses for such facilities as libraries, museums, medical facilities, laboratories, dormitories, and day care centers are permitted. Uses not currently allowed under this zoning include retail shops and restaurants. The permitted floor area ratio (FAR) for the parcel is 3.0. There is no height limit. At a FAR of 3.0, this allows a total development of 296,448 square feet.^{2 3}

^{2 3} Henderson Planning Group, Design and Development Guidelines, Massachusetts College of Art Site, prepared for Medical Area Service Corporation (January, 1985) p. 16.

History of the LMA

Over the past one hundred years the Longwood Medical Area (LMA) developed from an area of farms and marshland to the most highly concentrated center for medical and educational institutions in Boston today. Urban development began in the area just before 1890. The LMA was once part of the towns of Roxbury and Brookline. Some of the wealthiest families in the city resided in this area on huge estates whose boundaries determined the original street patterns in the LMA. Changes in the Muddy River's alignment by Frederick Law Olmsted in 1844 and 1890 established the boundary with Brookline.

Boston's westward expansion and consequent settlement of what is now the LMA was greatly influenced by the Back Bay Landfill project dating from 1858 to 1882. Substantial growth occurred soon thereafter due to street construction and the development of the electric train. Boston's population was rapidly growing and as it became congested it started to expand westward into vacant Riverway land. Due to the new accessibility this section now became an extension of the urban center. Between 1900 and 1910 over 900 units of row house and two family middle income housing were constructed by developers, predominantly in the area south of Francis Street.

Harvard Medical School first moved to its present site in 1905;

its medical quadrangle was erected in 1906. In order to ensure an affiliation with hospitals for its clinical teaching, Harvard purchased 26 acres of land, 11 acres for itself and 15 acres for other institutions. This land was subsequently sold to Peter Bent Brigham Hospital and Children's Hospital.

During the first part of the twentieth century, there was a blossoming of institutions in the LMA, which included the Isabella Gardner Museum (1903), New England Deaconess Hospital (1903), Simmons Female College (1904), Harvard Medical School (1906), Girl's Latin and Normal Schools (1906-1907), Harvard Dental School (1908-1909), Winsor School (1910), Emmanuel College (1914), Peter Bent Brigham Hospital (1913), Children's Hospital (1914), English High School (1915), and Massachusetts College of Pharmacy (1918). The flourishing continued in the twenties and thirties, with the emergence of Boston Public Latin High School (1922), Beth Israel Hospital (1928), the School of the Museum of Fine Arts (1929-1930), and the Massachusetts College of Art (1930).

By 1948, most Longwood and Brookline Avenue frontage had been developed. Longwood had become a "main street" for those institutions along it. In contrast, Brookline Avenue had a less dense and ordered development. From 1948-1968 the institutions entered a new growth phase. Most institutions began to fill in their sites, replacing older, smaller buildings and spreading

with growth to an identifiable boundary such as a street, park, or adjacent major user.

Specialized patient treatment facilities were built in the 1950's: Judge Baker, Joslin Clinic, the Jimmy Fund. By the mid-50's, most of the hospitals had expanded facilities on their existing sites. In the late 60's, the Dana Farber Center was created. Educational facilities such as the new English High School, Harvard Medical School, and Boston State College constructed highrises of ten stories or more.^{2 4}

LMA Street Patterns

The Longwood Medical Area is located west of downtown Boston, enclosed within the triangle of Huntington Avenue, the Riverway, and the Fenway. The two major streets in the area are Longwood Avenue, running from southeast to northwest, and Brookline Avenue, running from southwest to northeast.

Other streets within the subarea are generally parallel to these two, however there is no grid street pattern due to the presence of numerous one to two block long streets and large institutional complexes. The pattern and total number of streets was

^{2 4}Charles G. Hilgenhurst & Assoc., Design and Development Options for the Longwood Medical Area, for the Medical Area Service Corporation (November 1975).

established one hundred years ago and never expanded after about 1915. Consequently, the much increased pedestrian and vehicular densities that occurred over time have never been properly accomodated.

Chapter 3: DCPO's History and Continuing Role

The Massachusetts Division of Capital and Planning Operations (DCPO) is the state's real property office. Established by the Omnibus Construction Reform Act of 1980, it is the bureaucracy that oversees the design and construction of state buildings; handles purchase, sale, lease and maintenance of land, buildings, and facilities for the commonwealth; and assigns operating space for all state agencies. There are currently 3000 buildings under DCPO's jurisdiction.

DCPO was created after the completion of the Ward Commission hearings. The Commission, which conducted 43 days of investigations on a decade of corrupt state building practices, issued a 2,000 page report on its findings. The results told of payoffs and political favors, of contracts and design plans for millions of dollars worth of buildings that were never constructed, and of poorly constructed facilities that would cost the state millions of dollars more to repair.

The establishment of DCPO meant the development of new and more appropriate procedures and regulations to improve the quality of design and construction of public facilities, and to award contracts for projects in the commonwealth. Its mission, as mandated by Chapter seven of the general laws of Massachusetts, is stated as follows:

to improve the quality of design and construction of public facilities, and broaden and enhance equity in awarding contracts for its projects...to provide the people of the Commonwealth with buildings which are designed and constructed according to the highest professional and technical standards, at a fair cost, in a reasonable controlled period of time, and which serve the needs of their users.^{2 5}

Tunney Lee, the first Deputy Commissioner of DCPO envisioned the agency as a "new, efficient, and accountable system to meet the needs of state agencies."^{2 6}

DCPO as a relatively new bureaucracy, has demonstrated an eagerness to establish a track record of accomplishment. Within DCPO, the Office of Real Property which is the part of the agency responsible for disposition, has facilitated eight large disposition projects over the past seven years of its existence. It has done this through creating what it calls advisory committees to draw up guidelines which will advise the deputy commissioner of DCPO. Each of these projects has involved a piece of property larger than two acres, and each has been politically sensitive--involving divergent interest groups. Each of the seven parcels has had its own timetable and only one has completed all of the stages of the disposition process.

^{2 5} As described in The Massachusetts Division of Capital Planning and Operations Annual Report, 1985, p. 12

^{2 6} Ibid., p. 24

It is a process which involves a number of steps. The first step involves polling local and state agencies in order to see if there is some other public use for the property. If no such use is determined, DCPO selects members for an advisory committee that will create reuse disposition guidelines. A public hearing follows this. Next, the guidelines are sent to the state legislature for approval and authorization. Finally, there is a request for proposals from developers, DCPO chooses a developer, negotiates a master plan with them, and oversees the final development.

DCPO Starts the Process

The disposition process is codified in Chapter 7 of the Massachusetts general law, sections 40E-40J amended by 579 of the Omnibus Construction Act of 1980, and superceded by Chapter 484 of the Acts of 1984.²⁷. In Chapter 7, the deputy commissioner of DCPO is charged to dispose of any property that has been declared surplus to its own needs. If the property is larger than 2 acres and it has been determined by a polling process that no other state or local agencies desires it in "the current or foreseeable future. The parcel may be sold to "an individual, entity, or the federal government." (Chapter 7, 40F

²⁷ Both 579 and 484 were special acts that were incorporated into Chapter 7.

p.272) It is the deputy commissioner, advised by the governor and the Secretary of Administration and Finance, who oversees the process from beginning to end. She has overriding powers about what will happen to the parcel, to whom it will be sold and how it will be used, up until the time that the guidelines for reuse restrictions are brought to the state legislature for review.

In March of 1987, the Deputy Commissioner of DCPO began the disposition process for the MCA parcel when it filed legislation as part of the Massachusetts Board of Regents legislation. This was the first time that DCPO had ever tried to file legislation before assembling an advisory committee. Officials at DCPO explained that this was prompted by the fact that MCA is a state college and therefore is subject to budgetary and space considerations like other schools mentioned in the Regents Bill.

DCPO included the MCA disposition legislation in the Regents Bill as an experiment to see if it would pass with the total bill, and would therefore shorten the disposition process. The legislation filed was extremely general and simply requested the authorization for the deputy commissioner to proceed with the MCA disposition process without any specific information or suggestions about the reuse restriction guidelines. In so doing, DCPO was attempting to make the lengthy disposition process more efficient. However, it was also attempting to bypass a safeguard -cumbersome as it may be--that was originally intended to insure

a democratic process. Since the Regents Bill did not pass in the spring, it was filed again in January of 1988, and its status is pending.

Once the deputy commissioner declares a property surplus, she is required by law to identify reuse restrictions for the parcel's use which must "comply with established state and local plans and policies." (Chapter 7, 40F p. 271) According to Chapter 7 states requires that, "The deputy commissioner may convene an advisory committee to advise him on reuses and to recommend reuse restrictions for property declared surplus." (40E. p. 271) But this is optional. If the deputy commissioner chooses, she may write up personal recommendations for reuse restrictions, without consulting another soul within DCPO or from the community. The fact that this decision is made alone by DCPO's senior officer, demonstrates a bias toward strong executive control.

The MCA parcel, however, was identified by senior DCPO officials as one of seven particularly sensitive projects. It was located in an area where there had been a long history of tensions between the institutions and the neighborhoods. Due to this, DCPO proceeded by contacting the state senator and representative from the Longwood Medical Area (LMA), to ask both of them to appoint community representatives.

This process is required by law if the deputy commissioner

convenes an advisory committee. The law states: "...the deputy commissioner shall invite the representatives to the general court from the city or town in which the property is located to serve on the committee." (40E, p. 271) The law requires representatives from the state legislature but does not specifically require any citizen representatives. In this case, the senator chose and representative appointed seasoned citizen activists from their districts to represent them.

In addition to doing this, DCPO asked the Boston City Councilor to make one appointment since he is charged with representing the Fenway neighborhood and is familiar with the dynamics in the community. The Mayor was also invited to appoint someone. Although this is not required by Chapter 7, it is something that DCPO has done in previous advisory meeting processes. In the MCA case, the Mayor appointed two representatives, bringing the number of community representatives up to five.

DCPO appointed five representatives from institutions in the Longwood Medical Area that had no direct interest in developing the MCA parcel. These members were from the following medical and educational institutions: Harvard Medical School, Winsor School for Girls (an abutter to the property), New England Deaconess Hospital, Children's Hospital; and Brigham and Women's Hospital. The chair chosen for the MCA advisory committee was a Massachusetts Institute of Technology Professor of Architecture

and Planning, who was selected for his technical expertise. Thus the MCA-Longwood Citizen's Advisory Committee, as it was named by DCPO, was composed of an equal number of representatives from the community and institutional sectors, and a chair with technical and academic background. This egalitarian representation of interest groups surpassed the letter of the law.

The advisory committee is one of the two places in the state disposition process where community members may participate and have some influence. The only other place is a single public hearing, which is mandatory for parcels exceeding two acres. The Deputy Commissioner is required by law to conduct a single public hearing on reuse restrictions before she sends her recommendations to the house and senate committees on ways and means, and the joint committee on state administration. According to the law, the hearing must be held sixty days prior to submission of a request to the general court for authority to dispose of the property. The law also states that:

A notice of the public hearing shall also be placed, at least once each week for the four consecutive weeks preceding the hearing, in newspapers with sufficient circulation to inform the people of the affected locality. The hearing shall be held in the locality in which the property is located no sooner than thirty days and no later than thirty-five days after the notice is published in the central register. (Chapter 7, 40F p. 272)

The provision by law for such a hearing is laudible. However, a further reading of the law shows that nothing much results from this one time meeting. It is a formality before the Deputy Commissioner can request authorization from the court to call for requests for proposals from private developers. The law provides no vehicle for public disapproval of the reuse restriction guidelines. No vote is taken, no report filed following the meeting.

The next usual step in the process, legislation is filed with the state legislature. The deputy commissioner may or may not include the reuse restriction guidelines arrived at by the advisory committee--she may substitute any part of the committee guidelines for her own, and may disregard all of the guidelines if she so desires. In the MCA case, since legislation was filed in the Board of Regents Bill, this step will be omitted if the bill passes. In the final phase of the disposition process, if the legislature approves the guidelines, the deputy commissioner draws up a request for proposal announcement to developers that incorporates any new restrictions or requirements that the legislature has added. DCPO then evaluates proposals that are consistent with reuse restrictions approved by the general court. The deputy commissioner and DCPO executives then choose the developer.

Chapter 4: Roles of the Two Other Players

Institutional Concerns

The LMA contains 11 hospitals, 6 colleges and institutes, and 9 other educational and cultural institutions contained within a 180 acre tract. Together these institutions constitute a major economic factor in the Commonwealth, employing over 20,000 staff members with a total payroll expenditure of over \$450 million annually. The institutions of the LMA specialize in health care, medical research and education, in 1986, more than 750,000 persons visited LMA hospitals and clinics, and nearly 100,000 others were admitted for care.

Between 1976 and 1984, medical and educational institutions of the Longwood Medical Area (LMA), invested \$597 million to develop over 2.3 million square feet of new expansion space. The gross square footage of building space occupied by institutions in the LMA now exceeds 8 million square feet. According to DCPO's first briefing document prepared for its MCA disposition advisory committee, "Within the medical area itself development has shown increasing density, with an upsurge in building verticality and increasing development pressure on the remaining open space in

the LMA." ²⁸

Three medical blocks form the hub of Boston's hospital establishment. Harvard Medical School uses Brigham and Women's, Massachusetts General, Beth Israel, Children's, Deaconess, the West Roxbury Veteran's Administration Hospital, and Cambridge Hospital as its teaching hospitals. Boston University Medical School is affiliated with University Hospital, the Boston Veteran's Administration Hospital, and Boston City Hospital. Tufts Medical School draws on the New England Medical Center, Faulkner, and St. Elizabeth for its teaching and research. Together these hospitals have formed a powerful lobby group called the Massachusetts Hospital Association, which influence state policy.

Over the past few years, due to cost increases, the LMA medical institutions have collaborated on complex diagnostic, therapeutic, and research procedures and projects. Examples of such collaborations include: The LMA Joint Center for Radiation, The Longwood Area Program in Neonatology, the Magnetic Resonance Imaging Program, the Center for Research in Gastroenterology, and the Center for Emerging Technologies.²⁹

²⁸ Janet Billane and Susan Sklar, Massachusetts college of Art: Longwood Building, Briefing Document One (August 1987) p.8.

²⁹ Ibid., p. 9.

But the service that the medical institutions of the LMA provide to the citizens of Massachusetts, often falls short. Boston has the highest in-patient hospital costs of any city in the nation. In 1980, the average hospital stay in a Massachusetts hospital cost \$2734, compared to a national average of \$1889. According to a study by the city's Department of Health and Hospitals in 1979-80, the infant mortality rate in Boston was 14.3 (per 1000 live births) compared to the statewide rate of 10.8. For non-whites, however, the rate (20.5) was twice as high as that for whites (10.2). In three low-income census tracts in Roxbury and Mission Hill, the rate was above 50.³⁰

Statewide, the health care industry is a \$7.5 billion a year business--12% of the gross state product--above the national average on a per capita basis. Each of these medical complexes and their affiliated hospitals compete with one another for prestige. Competition is for the latest equipment, for high salaried medical researchers, for business school-trained administrators. According to the authors of Who Rules Boston?, the power structure of the hospitals is fairly transparent:

Although hospitals are nonprofit, tax-exempt, and receive much of their funds from government programs, their boards are dominated by the business power structure, with almost no voice for employees, patients, or community residents. Hospitals are big business and they are run like big business... Trustees

³⁰ Boston Urban Study Group, Who Rules Boston? (Boston, MA: The Institute for Democratic Socialism, 1984) p.78.

hire administrators who think along the same lines. The trustees' chief concern is the prestige and status of their own hospitals...attracting researchers who gain national stature by inventing surgical techniques that make headlines, installing the latest high technology equipment, and expanding facilities with the names of prominent donors.^{3 1}

In the late 1960's and 70's, hospitals and medical schools used their influence with the BRA and the state Dept. of Health to get expansion plans approved with little regard for the community's interests. One instance of this occurred when Harvard Medical School and three of its affiliated hospitals began buying real estate in Mission Hill and making plans for major expansion. Tenants started getting rent increases and then eviction notices. A tenant group called Roxbury Tenants of Harvard joined with Harvard students to oppose the plans. After years of grassroots organizing, they forced Harvard to begin a program of housing rehabilitation, to roll back rents, and to build new, tenant controlled mixed-income housing.

Before the Ward Commission Report was issued, if the state wished to dispose of a piece of property, it would pass a law putting the parcel up for sale. According to Mitchell T. Rabkin, President of Beth Israel Hospital, in the sixties and seventies, BI submitted legislation annually which said that if the MCA parcel should come up for sale, that it BI should be the

^{3 1} Who Rules Boston, p.78 (find bibliography card)

purchaser.

Rabkin described in an interview how there was periodic support from the various institutions with letters from the Dean of the Harvard Medical School, for example, supporting the notion that BI should be the ones to develop the MCA site. Rabkin, "Each time we reviewed this in the great and general court, there would be a packet of letters that confirmed the fact that the neighbors all thought that it was a good idea."^{3 2}

In the last six years, with the creation of DCPO and a new disposition process, BI has lobbied various LMA hospitals to support its quest for the property. BI administrators discussed the issue of the MCA parcel informally with other hospital administrators when they would see each other at meetings about joint medical area activities. According to Rabkin:

We've gotten commitment from Harvard Medical School, Children's Hospital, Brigham and Women's, New England Deaconess, and Dana Farber that A) the site should be devoted to medical purposes in the LMA, and B) BI is the appropriate developer. And furthermore, we went ahead before this process even began to develop our document which was to be a stimulus for the thinking of all parties that might have an interest [in it]...

A senior official at DCPO, described DCPO position toward the medical institutions of the LMA and in particular BI in an

^{3 2} Interview with Mitchell Rabkin, October 15, 1987.

interview:

We're trying to do something solid. We're also trying to advance public policy; in this case that means doing those things that contribute to medical technology. That's an important job sector, and it's important to the Massachusetts economy...We're committed to enhancing the overall life of the LMA. It's a collective of hospitals. The reason we talked to BI, is because BI...has been nominated by all of the hospitals to act on their behalf. Our commitment is not to BI, but to the LMA, as a collection of very powerful, useful institutions.

Although, the DCPO official also states in the interview that "there have been no pledges or guarantees made to BI," we can see that DCPO is envisioned by its administrators as a collection of powerful medical institutions rather than as a collection of institutions and neighborhoods, and that this view is a reflection of a market system.

Community Concerns

Community participation in the LMA mirrors a long tradition of organized community participation in U.S. government. The greatest impetus for citizen participation among low income and minority neighborhoods came through the influence of the civil rights movement and resulting federal mandates. Citizens demanded to be part of the decisionmaking system in local, state, and national government, particularly in those areas which

directly affected their lives. Government officials such as those at DCPO found that they had to learn to work with citizens, and citizen advocates if they didn't want their projects to be held up. In Boston, many voluntary associations and city-sponsored community groups were created during the 1960-70 period as a requirement by federal law.^{3 3}

In the 1980's, citizen participation is more of an established form of leverage for social change. As a result of community efforts there is increased awareness of the neighborhood goals and the necessity to negotiate for the attainment of ones' own objectives. According to Robert Salisbury, "Expanded citizen participation has been on the agenda of many, perhaps most, polities in recent years, partly for reasons of legitimation, partly in an effort to secure more efficient provision of government services, but most importantly as an aspect of the effort to redistribute power."^{3 4}

The community representatives that have participated most actively in the MCA land disposition process have been citizens from the neighborhoods surrounding the LMA: Mission Hill to the south and the Fenway to the northeast. Mission Hill is a working

^{3 3} Rubin Morton, Boston Urban Observatory, Organized Citizen Participation in Boston (Boston: Boston University, Urban Institute) 1971, introduction, p. vi.

^{3 4} Robert Salisbury, Citizen Participation in the Public Schools (Lexington, MA: Lexington Books) 1980.

class, residential area with two and three family homes dominating the housing stock. The Fenway is also residential with a housing stock dominated by apartments. Starting in the 1950s when the medical institutions of the LMA expanded into these two residential communities, pushing out long-term residents, conflict between hospitals and community groups became an ongoing occurrence. Over the years, community activists from Mission Hill and the Fenway have become very experienced at engaging in political battles with the LMA medical institutions.

One of the Mission Hill community representatives to the MCA advisory committee, a lifelong resident of the neighborhood, describes Mission Hill in the following way, "We are church goers, working class, and law abiding. We are a racially integrated neighborhood. The only people we won't tolerate are drug dealers." The organizing core of her neighborhood, she says, is made up of 80% women, many of them Irish Catholic. She describes the atmosphere between the hospitals of the LMA and the surrounding neighborhoods as tense:

Over the years the hospitals have tried to buy people off with good will. They don't understand the concept of being a good neighbor...The problem between the institutions and the community is that there's a lack of trust.

In defining community benefits, what is key is how you define the term community. At a panel discussion of developer at the fourth

DCPO advisory meeting, community was defined in two very different ways. One speaker, a neighborhood activist, defined community as the surrounding neighborhoods, while another speaker representing Beth Israel Hospital, described community as "the larger community or the Commonwealth." The hospital representative justified his definition by explaining that the hospitals serve all of the citizens of the commonwealth. The hospital that he represented, he said, has never turned anyone away from its doors.

Chapter 5: Descriptions of Four Advisory Committee Meetings

The following are highlights of each of the four information gathering advisory committee meetings.^{3 5}

Meeting 1

The first Massachusetts College of Art (MCA) advisory meeting took place on August 6, 1987. DCPO described the future schedule for the committee and members introduced themselves. There was to be a total of six meetings, ending in December of 1987. The first four meetings would be devoted to information gathering, the final two to determining reuse restriction guidelines for the MCA parcel. Although it was a fairly uneventful meeting, certain dynamics were established that would continue throughout the meeting process.

After preliminaries by DCPO officials, a roundtable discussion ensued among committee members. The first person to begin was the representative from Children's Hospital, one of the five major hospitals in the Longwood Medical Area (LMA). He immediately framed the issue of future useage of the MCA property by describing the MCA parcel as a "prime opportunity for Beth Israel

^{3 5} Meetings 1, 3, and 4 were attended by the author. Personal notes and official DCPO minutes of the four meetings are referred to throughout this chapter.

Hospital, which has been landlocked for years." Although he added that he thought the committee must consider how development on the site adds to the overall area, he had succeeded in identifying Children's affinity with Beth Israel (BI).

The representative from Children's Hospital concluded his remarks by saying, "The institutions must look at the situation collectively," emphasizing what was already common knowledge among the assembled--that the Longwood Hospitals act as a bloc. They all support an institutional planning organization named the Medical Area Services Organization (MASCO), they are all part of a lobbying effort called The Massachusetts Hospital Association, and they meet together weekly or monthly to discuss common ventures in the LMA. Over the past twenty five years, the major hospitals of the LMA have written Beth Israel letters of support toward their acquisition of the MCA parcel.

When it was the community representatives turn to speak, they indicated a number of concerns about the MCA site. One representative from Mission Hill stated her suspicions that the community's needs would not be taken into account in this advisory committee process. She predicted that the MCA parcel would end up in the hands of the institution with the most clout. She also expressed concern that the institutions in the LMA were developing property without coordinating their needs. "There are so many parking garages in the area," she said, "that soon there

won't be a Mission Hill, just one enormous parking garage for the institutions."

All of the representatives mentioned problems produced by LMA institutions such as the intrusion of hospital developments into the neighborhoods, congested traffic, noise, pollution, and parking overflow. All of the community representatives stressed that some kind of public benefits must be included in the guidelines. The representative from the Fenway mentioned that since his neighborhood does not directly abut the parcel, traffic effects and other problems are indirect, and benefits to the community should likewise be offsite. The meeting chairman tried to channel future thinking about the parcel by mentioning that committee members would have to distinguish between area wide challenges and site specific challenges.

Meeting 2

The second meeting, DCPO featured speakers from three different sectors to discuss alternative program visions for the MCA parcel. The speakers were from a private nonprofit institution-- Beth Israel Hospital, the Harvard School of Public Health, and a staff member from the Mayor's Office of Neighborhood Services. The speaker from Beth Israel Hospital (BI), immediately established BI's longstanding interest in the property as an

area for possible expansion. In particular, he said, BI had a critical need for modernized medical office and related parking space. He also suggested that there might be collaborative medical research uses for the site, such as shared research laboratories and emerging medical technologies, which would reduce costs.

His suggestions for community benefits were: a health education or learning center serving LMA and area residents which might include "a mini-museum on health concerns, user-friendly teaching exhibits, support service of space for lectures and seminars." He also spoke of including commercial and retail uses such as shops and restaurants, which he said, might provide services and jobs to neighborhood residents. Other ideas for the site were fitness, day care, or-elderly care facilities.

The representative from the Harvard School of Public Health pointed out that while the MCA site is located within one of the most sophisticated medical centers in the nation, the neighborhoods that border it are characterized by high infant mortality and illness rates. "The appropriate place to begin a discussion of the site's potential," he said, " was with the community," with health concerns in particular.

The staff member from the Mayor's Office of Neighborhood Services stressed the need for "careful and comprehensive planning." The

community representatives, he said, should not be rushed through the meeting process. Instead, he suggested that they form a subcommittee "to inventory and prioritize community benefits for this project." The official stressed that a key challenge of the MCA committee process was to change the neighborhood's view of the LMA institutions from suspicion to trust.

In the discussion following the presentations, a community representative raised a new issue when she expressed her discomfort with wording in the DCPO briefing document that had been circulated previous to the meeting. There was an emphasis that she did not like, she said, of not "burdening" the project with too many community benefits. In her opinion, community benefits should come first, particularly since "the property was of such extraordinary value...(and) could support many benefits, both community and medical." She expressed the need for meaningful community participation without "a preordained development program by DCPO." These statements marked a point in the meeting process where it became clear that the community was going to constitute an active and confrontative presence on the advisory committee.

The Fenway community representative added that the community subcommittee agreed with the notion that the onsite development on the MCA parcel should be set aside for predominantly medical purposes. The community strategy here was that the community

would be cooperative as long as they got substantial offsite benefits. Community representatives, he stated, should prepare a "laundry list" of targeted offsite benefits. The chairperson endorsed this suggestion as well as the previous recommendation for a community subcommittee to coordinate community concerns. This idea was also endorsed by the representative from Children's Hospital.

Meeting 3

At this meeting, there were several presentations on various considerations of the MCA and LMA sites: design, historical preservation, and a traffic overview. The speakers were arranged for by DCPO in keeping with their goal of providing the advisory committee with the information necessary to arrive at reuse restriction guidelines.

Following the traffic report which was given by a consultant for the Medical Area Services Corporation (MASCO), the planning organization for institutions of the LMA, there were strong reactions from a community member. The representative felt that the information that was presented reflected what the LMA institutions wished to see. Since the neighborhoods were not included in the traffic study conducted for MASCO, she felt that the results weren't meaningful. To illustrate her point, she

described how over the years, residents of Mission Hill had lost 85% of their parking spaces to hospital employees, which was not taken into account by the hospitals.

The community subcommittee that had convened as a result of recommendations made at the previous meeting, presented a very general description of a community benefits package. This prompted a discussion between DCPO officials and the community representative. The chair commented that it would be useful to have more specific recommendations from the community, to which the community representative replied that the subcommittee was having a problem determining "the bottom line" that is, the total amount of money that the community would receive to divide up for various projects.

The community representative asked if DCPO knew the appraised value of the MCA property. A DCPO official responded that DCPO was only responsible for determining the highest and best use for the property. This is not true. According to Chapter 7, a call for an financial appraisal of the surplus property is a step in the disposition, which may occur at the beginning or the end of the process. Although the timing is left ambiguous, DCPO officials decided to bypass this step perhaps in order to spare expense or even to withhold facts on the property's value.

It became clear at this meeting that the community was not going

to be content to get a handful of benefits and then find out later that it had gotten shortchanged. Although the community representatives were not necessarily in agreement about the amounts and types of benefits they wanted for their neighborhoods, there was general agreement among them that the benefits to the neighborhoods should be offsite. Later there was agreement that there should be some small percentage of space devoted to general community benefits on the site as well. There was also a strategy that the groups would act in a unified way and would not be divided by DCPO or members from the private sector. At this same meeting, DCPO expressed the wish to meet with the community representatives in between large CAC meetings in order to set up the the next meeting agenda.

Meeting 4

In this final information gathering meeting of the MCA disposition process, there was an initial presentation by a DCPO financial consultant on financial projections for the MCA parcel. A panel discussion by four developers from different sectors followed.

The financial consultant described his task as determining for the state whether or not there were adequate cash flows emerging from the MCA site using different financial scenarios. He also

examined the individual items that had an impact on cash flow. The consultant used many of the premises established by Beth Israel Hospital in the Skidmore, Owings and Merrill report. These were projections based on space allocations for offices, commercial space, subsidized public space, residential units (only in certain cases), and parking.

He presented financial outcomes for two different floor/area ratios (FAR), 3 and 5, and whether the building remained or was demolished for each of these. For all of these four alternatives presented, the consultant projected positive annual cash flows ranging from about \$1.4 million (FAR 3) to 3.1 million (FAR 5). He estimated the construction costs in his four scenarios as ranging from \$30 to \$65 million.

After his presentation the panel presentation began. The first developer to speak was a director of a nonprofit neighborhood development corporation. From his point of view, the parcel is a resource and belongs to the community. Although he didn't define the term "community," his implication was the neighborhoods. His approach to the property was to think about how to structure a development around a piece of property which would bring maximum benefits to the community. He said that he wished to see the community as a partner in the MCA parcel in perpetuity, without benefits evaporating or shrinking. Perhaps, he suggested, the community should continue to own the land

through a land trust.

The next two panelists were private developers. The first saw the opportunity for the MCA site to be of service. His vision was for medical and educational uses for the parcel, with the state playing a "role of responsibility" by creating a public/institutional partnership. The second developer described the property as a "jewel"--the last space left in the LMA. He envisioned the disposition process as an opportunity to review past LMA development, to apply lessons learned from that parcel, and to bring the community back into the medical area.

The final speaker, a representative from BI agreed that the MCA site represented a special opportunity for development and that the community was a critical component. The MCA property, he said, "has an enormous impact on Beth Israel," since it is in their front yard. He went on to define community as the larger community or the commonwealth which includes BI, since, he said, it serves the public. Then, if we use this broader definition, he said, the community is entitled to ask that a medical and educational center be built on the MCA parcel. The speaker concluded by saying that he didn't think a mixed use medical/education center would produce enough funds to support significant neighborhood benefits. Any cash flows that were generated, he said, would be used to pay property taxes to the city.

Chapter 6: Analysis and Conclusion

The process that The Massachusetts Division of Capital Planning and Operations (DCPO) set up for disposing of the Massachusetts College of Art (MCA) surplus land is fairly democratic. The MCA disposition process, in particular, demonstrates how elegant the process can be if it is used well. The MCA advisory committee in its determinations about reuse restriction guidelines was often pluralistic, efficient, and interactive in its functioning.

However, it is this author's prediction that one powerful medical institution in the Longwood Medical Area (LMA)--Beth Israel Hospital (BI)--will ultimately succeed in winning the development rights for the property. Since BI made it clear for twenty-five years that it was interested in the MCA property for its own expansion, we are forced to examine the DCPO disposition process in order to understand the mediating role of the state and how there is an institutional bias toward private interests versus community interests.

In all of our reflections, it is important to remember that the DCPO large disposition process is still fairly new. Legislation which was created in reaction to corrupt practices in the commonwealth, has wrinkles that are now beginning to reveal themselves as DCPO continues to evolve as a bureaucracy. The

legislation regulation the disposition of public property was created at the same time as the entire office of DCPO.

The laws for disposition are far too vague and undirected. Policy decisions are for the most part left to the discretion of the deputy commissioner and the DCPO officials that she hires to facilitate the process. The loopholes in the process are too large to allow for a consistent bureaucratic stand. At the present time DCPO does not have a clear directive toward capitalism, democratic pluralism, or both. The process needs to be formalized. The author argues that DCPO as a bureaucracy mirrors the capitalist system in its goals. DCPO as a state agency will tend to support the medical institutions of the Longwood Medical Area because they bring revenue in to the state and constitute a powerful lobby.

Since World War II and the creation of the welfare state, the state has also been charged with protecting the less powerful or disenfranchised groups in the U.S. Although it could be argued that DCPO brought citizens onto its disposition advisory committee as token representatives, the irony of the situation is that, the mere act of including them, created a window which allowed for their influence and therefore an interactive process. The raising of issues by diverse groups affects a more democratic process. Committee members are forced to listen to differing opinions and to negotiate if they want anything to get done.

Trust is lacking in the DCPO advisory committee process. As the community representative from Mission Hill put it at the beginning of the advisory meeting process:

First it is not a committee formed by the neighborhood. Second, DCPO plans the agenda. It isn't a process that we can trust. There are a lot of issues that still need to be addressed. When DCPO and the hospitals talk about public benefits, that means that they are planning to sell the [MCA] property for less than it's worth. They will see what the hospitals want in order to determine what the the benefits will be for the neighborhoods.

There is clear evidence that DCPO's disposition process was conceptualized from the start as a vehicle for BI.

DCPO as a relatively new bureaucracy, has demonstrated an eagerness to establish a track record of accomplishment. As a state agency, DCPO's role is facilitator and decision maker. This might have been the prime motivating factor when high level state officials decided to move forward on the MCA disposition process. Since the old MCA building on the corner of Brookline and Longwood Avenues still housed the 3-D laboratories: sculpture, ceramics, glass, and metals, it was not ready to be disposed by the state. These departments require expensive equipment and an approximate total area of 30,000 sq. ft. New space for them will demand extensive renovation of older buildings on the new MCA campus, and will involve special kilns, cooling pits, plumbing, venting, electrical fixtures, etc.

If temporary replacement space could be found for these departments by the future developer of the property during the interim period of time, the state wouldn't have to wait to begin disposition process. This decision demonstrates an impatience on the part of administrators to initiate process--in this case, perhaps prematurely. The cost of relocating all of these laboratories for several years and then once more after that, is exorbitant.

Further evidence that DCPO wished to accelerate the disposition process is the fact that it set a six month advisory committee schedule to determine reuse restriction guidelines. DCPO Office of Real Property staff scheduled one meeting a month for four months to gather background information. And two additional meetings after that to establish the guidelines themselves. The process was projected to be completed by January 1988, with a public meeting in February, and a request for proposals in spring of 1988.

Were there any other factors that motivated DCPO to push ahead? This author speculates that DCPO started the process knowing that it had a ready and willing potential developer in Beth Israel Hospital (BI), since BI had made public its interest in the property for over twenty five years. The 2.3 acre MCA parcel sits directly to the southwest of BI. It is the only available site

for BI's expansion in the immediate area.

The initial medical and educational uses fixed by DCPO before the advisory meeting process, indicate a bias toward the medical institutions of the LMA, specifically BI. Before DCPO even assembled its Citizen's Advisory Committee, senior officials at the agency decided that the primary uses for the property should be set. Although these uses make some sense given the nature of the LMA, it is odd that officials felt compelled to decide the uses in advance of what was billed as a democratic process.

When questioned about why the agency chose medical and education uses for the MCA parcel, a senior official at DCPO at first responded that it was done for good "planning" reasons. However, as he continued, it became clear that there were other reasons behind DCPO's decision:

It's a judgement made by the Deputy Commissioner, consistent with his power...based on the location of the site, the value of the LMA, the contribution being made to the LMA, and how valuable the LMA is to the city and to society...Planning practice suggests consistency within zones...Marketability is also important...the likelihood that something is going to succeed... Our commitment is not to BI, but to the LMA, as a collection of very powerful, useful institutions. Those collective institutions have spoken through BI, as we understand it, and they've said that they'd like to see that land disposed of for educational and medical uses.

Although this same senior official described DCPO executives as decision makers "not power brokers," it is evident from his

statement that administrators are indeed making decisions, and that economic success has been an important consideration for determining uses. It is also clear that these officials are not rendering "objective" directives for the LMA. The senior official states in the same interview that "there have been no pledges or guarantees made to BI," we can see that DCPO is envisioned by its administrators as a collection of powerful medical institutions rather than as a collection of institutions and neighborhoods, and that this view reflects the market system. In the MCA case--given the historical tension between the institutions and the community, the decision about uses should have been made between those two parties, not by a facilitating bureaucracy that was supposed to running a politically neutral process.

In the disposition process for the MCA parcel, the deputy commissioner of DCPO convened an advisory committee to make recommendations about the reuse restrictions for the property, but there is some ambiguity about the committee structure itself. Tunney Lee, the first Deputy Commissioner of DCPO, an MIT Professor of Urban Studies and community planner, established a tradition of convening what he called Citizen's Advisory Committees (CAC's) to establish disposition guidelines. The name, borrowed from the community movement in the sixties and seventies, described committees made up of neighborhood delegates representing citizen interests in city or state government through direct participation.

The MCA advisory committee does in fact include community representatives, therefore providing an outlet for neighborhood concerns. Also, the reuse restriction guidelines coming from the committee have some protection by the state legislature. But DCPO's "CAC's" as they stand, leave too many details to the discretion of the deputy commissioner. Although in the case of the MCA, the advisory committee is composed of an equal number of community and institutional representatives, this equal representation is not guaranteed in future disposition processes.

In terms of the actual committee structure called for in Chapter 7, if an advisory committee is convened at all, some undesignated number of representatives from the community should be invited. The law does not call for a balance of participants from the different sectors. In addition, the Deputy Commissioner has veto power over the guidelines. She can propose her own reuse restriction guidelines, bypassing the community component of the process.

DCPO assumed from the start that the community would reap a relatively minor share of the benefits of the development. The community representatives have been challenging DCPO's insistence that they name their benefit requirements early in the process, but they have not been challenging DCPO's central assumption that they cannot be contenders to develop the MCA parcel, that the

parcel will go to the highest bidder who will agree to the committee's terms. The community does not have the financial clout to seriously challenge DCPO's plans.

Although the MCA disposition process is not yet over and policy cannot be set from any one disposition case, there are some obvious recommendations for fine tuning the DCPO advisory committee processes: uses for disposition properties should be determined by the appointed advisory committee in a democratic process and representatives from the various interest groups should be chosen thoughtfully with an eye toward balancing opposing parties. If officials are vigilant, a process like the DCPO land disposition advisory committee can serve as a model for other disposition projects as well as a range of democratic procedures in a politically paradoxical society.

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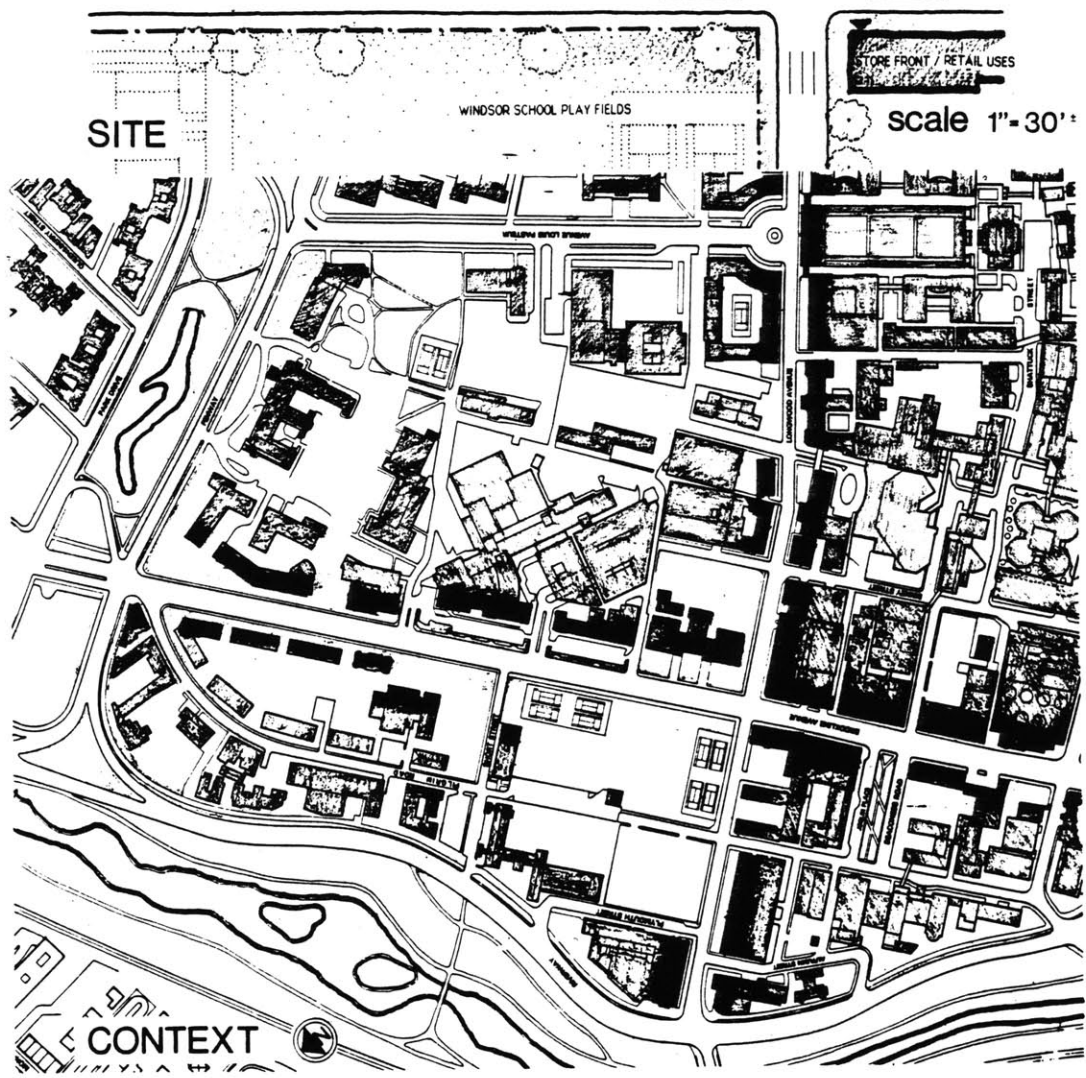
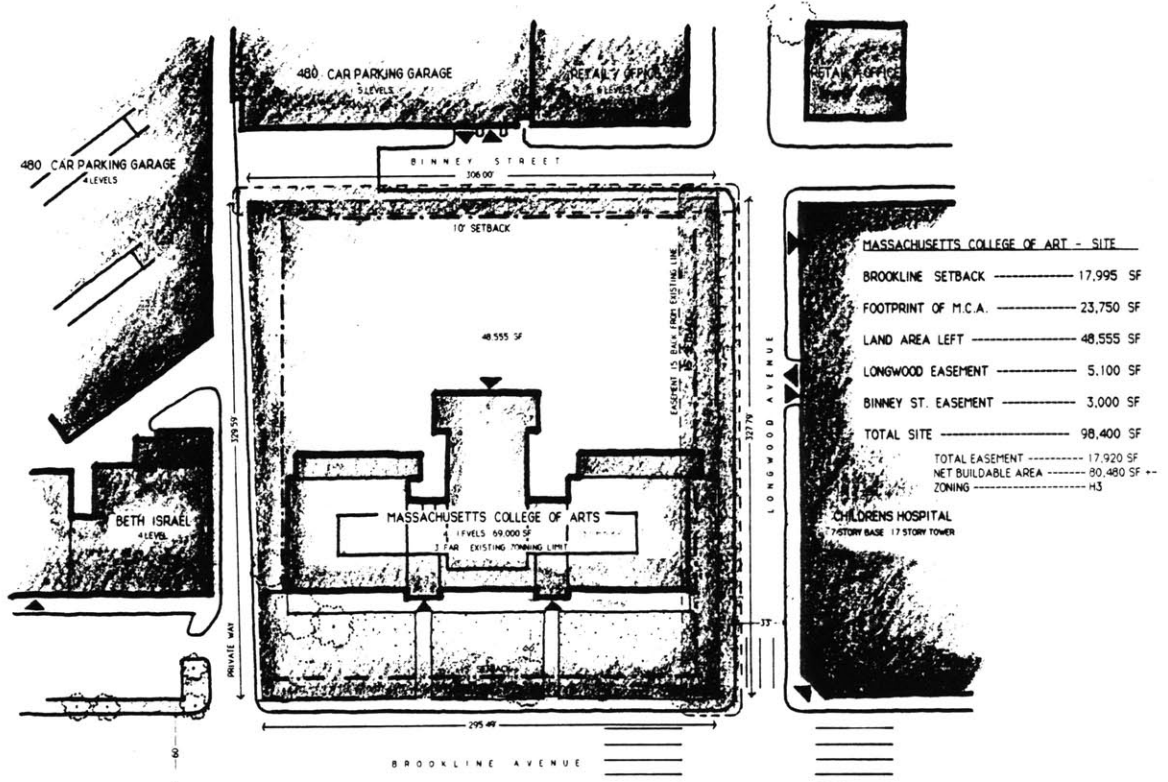
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APPENDIX

SITE ANALYSIS & EXISTING CONDITIONS



DDPO
 MASSACHUSETTS COLLEGE OF ART
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