The Planning Impact of Boston Nonprofits on Neighborhoods and the Democratic Process

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Abstract

This report examines public participation in the Institutional Master Plan (IMP) review process under Article 80 of the Boston Zoning Code. We evaluate whether or not public input is reflected in the final IMP plans of nonprofit hospitals and universities and whether or not community benefits as outlined in Cooperation Agreements with the Boston Redevelopment Authority (BRA) are reflective of the needs and desires of residents affected by the institutional expansion projects.

Through interviews with BRA staff, neighborhood residents and community activists, this report attempts to discern the quality of the level of public participation in the IMP process and community benefits negotiations. We compared the level of public participation in the IMP process with Sherry Arnstein's (1969) Ladder of Citizen Participation and found the level of public participation consistent with what Arnstein terms 'Placation'.

At the Placation level the ground rules allow the have-nots to advise, but retain for the power holders the continued right to decide. In the case of Boston institutional development and review, members of the community are allowed to advise, but the BRA and institutional developers, and ultimately the Mayor, retain the right to make the final decisions regarding the development.
The Greater Boston region contains the country’s greatest concentration of highly acclaimed colleges and hospitals and the role played by these nonprofits is woven into the life of the city. These hospitals and colleges have essentially become ‘city builders’ as they drive development in Boston. Boston’s neighborhoods are therefore at risk of becoming dormitory towns and parking lots, changing the original fabric of the neighborhoods.

Yet there are opportunities for communities to mitigate the negative impacts of this expansion, and to leverage the resources of these institutions through the creation of community, or public benefits. This report examines the planning impact of nonprofit institutions on Boston neighborhoods and the democratic process. It is part of greater research effort, “The Nonprofit City,” a project initiated by our client Community Labor United, which investigates ways in which these large nonprofit institutions affect Boston communities.

In this report we set out to establish the ways in which the public is able to participate in the Institutional Master Plan (IMP) review process under Article 80 of the Boston Zoning Code. We evaluate whether or not their input is reflected in the final IMP plans. We also examine whether or not community benefits as outlined in Cooperation Agreements with the Boston Redevelopment Authority (BRA) reflected the needs and desires of residents affected by the institutional expansion projects.

Our team limited the general scope of our research to three institutions: Harvard University, Northeastern University, and Brigham and Women's Hospital. Through interviews with BRA staff, neighborhood residents and community activists, we attempted to discern the quality of the level of public participation in the IMP process, as well as the level of input by residents in community benefit packages negotiated in Cooperation Agreements with the BRA. Our research also included community meeting minutes, websites of community organizations, a literature review and public BRA documents including Institutional Master Plans and Cooperation Agreements.

We utilized Judy Rosener’s User-Oriented Evaluation Approach (1981) to evaluate public participation, we compared the level of public participation in the IMP process with Sherry
Executive Summary


We found that the level of public participation within the IMP and Article 80 Development Review to be at the level that Arnstein labels ‘Placation’. At the Placation level the ground rules allow the have-nots to advise, but retain for the power holders the continued right to decide. In the case of Boston institutional development and review, members of the community are allowed to advise, but the BRA and institutional developers, and ultimately the Mayor, retain the right to make the final decisions regarding the development. The opportunity for the community’s comments are fixed within the review process. The changes that the neighborhoods can make in the final plan are limited minor adjustments, as major changes or alterations are often overridden in the final plan.

We examined the Cooperation Agreements of Harvard University Science Center, Northeastern University Residential Hall 1 (Parcel 18) and Brigham and Women’s Hospital Parking and Amory Building. These Cooperation Agreements are legal documents between the BRA and the institutions and stipulate the agreements for the building permit of the development projects. They outline community benefits promised by the institutions.

It is important to mention some limitations that we encountered in our research. Our research was conducted over a four month period yet the life span of the IMP planning is about eight to ten years. To examine the full effect of the IMP planning requires a longer time period for research the team had to work within. It is also difficult to measure the full impact of the process as it is still evolving, having only been established in 1996.

Additionally, it is difficult to generalize our findings as we focused more deeply on the above mentioned institutions, rather than making broad comparisons across institutions that would require greater data collection and analysis than we were capable of in the time period of our research. Therefore, what we offer is a review of the process that can provide a guide when reviewing future plans, and gives direction for long-term future research in this area. We offer recommendations to community based organizations in terms of where to direct future campaigns with their community partners when dealing with institutional nonprofit
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development.

Our findings regarding public participation and the IMP are as follows:

1. The IMP can be a useful planning tool that streamlines the zoning process for the BRA by providing blanket zoning for the entire scope of the institution’s campus
2. The framework of the IMP review process is inherently flawed
3. The IMP eliminates previous zoning
4. There are concerns about oversight of the IMP process
5. The task force model is an acceptable and productive practice in public participation within the IMP review process.
6. Subjecting the task force members to the Mayor's approval has raised concerns about the transparency, independency and accountability of the task force members.

Our findings regarding Community Benefits are as follows:

1. It is difficult to define Community
2. Flaws also exist in the Community Benefits framework
3. Community Benefit Agreement, an agreement for community benefits that is entered into between the developer and a community coalition directly, is looking attractive to community members

We recommend that organizations “Shine the Light” on the IMP process so that the community understands the formal points of contact within the process. The BRA should be urged to use Deliberative Democracy techniques in planning. These techniques allow for large scale participation in the planning process and utilize new technologies to facilitate town meeting style planning forums. A focus could also be placed on pushing for enforcement of existing community benefits in Cooperation Agreements. We suggest working with the City Council Committee on Institutional Relations as a resource. Finally, organizations could consider the use of Community Benefit Agreements as a new model for mitigation of the negative impacts of nonprofit institutional development. This would empower the community to establish a relationship directly with these institutions.
Chapter One – The Nonprofit Sector in Boston

INTRODUCTION

Boston’s nonprofit organizations range from big and world renowned institutions to small neighborhood-based clubs, those with big budgets and those with limited finances, employers of many workers to mainly volunteer groups.

The role played by these nonprofits is woven into the life of the city. Health and human services, sports, cultural, religion, education, training, housing, financial assistance, community engagement and environmental protection are examples of the services provided Boston nonprofits.

But of these myriad nonprofit institutions in the City, the hospitals and the academic institutions are the most significant nonprofits in Boston, in terms of the impact of their services, size and operations. These two groups of nonprofit institutions are the focus of this research and their contributions to the city of Boston have been extensively researched by different groups.

NONPROFIT SECTOR SNAPSHOT

The United States depends on three main sectors 1) government, 2) business and 3) the nonprofit sector. Each of the sectors plays an important role in the sustenance and growth of the country and each sector has its own strengths and limitations.

► Nonprofit Characteristics

There is a great deal diversity among nonprofits’ size, mission, and mode of operation. The term “nonprofit organization” means different things to different people. Some people may think of powerful multi-million dollar institutions such as large hospitals and universities, which happen to be the focus of this report, while others may associate nonprofits with smaller community organizations.

There are also some common characteristics that exist among nonprofits. Two key characteristics of nonprofits are that they contribute to the public good in some way and operate without distributing profits to shareholders (Salamon 2001). This is one
of the main justifications for nonprofits’ tax-exempt status under the Internal Revenue Code (NCCS, 2008).

Nonprofits are also formal organizations, typically registered as a corporation. They are “private,” meaning institutionally separate from government. Nonprofit organizations are also voluntary and self-governing, operating without clear lines of ownership or accountability (Salamon, p. 163-164, 2001).

There are 26 different sections under section 501(c) of the IRS code that reflect the diversity of nonprofit organizations operating in the United States. Varying types of 501(c) organizations include subsections such as (4) social welfare, (8) fraternal beneficiary associations, (11) teacher retirement associations, and (19) posts of past or present members of the armed forces (IRS, 2004).

► 501(c)(3) Public Charities

Over 60% of nonprofits are registered as ‘public charities’ or 501(c)(3) organizations in Massachusetts and the United States (NCCS, 2007). These are defined by the IRS as “religious, educational, charitable, scientific, or literary organizations and public safety organizations.” (IRS 2004).

The most significant financial distinction between 501(c)(3) public charities and all other types of nonprofits is that donations made to public charities are tax deductible (NCCS, 2008). Jeffrey Berry (2003) observes that when people talk about nonprofits they are likely referring to 501(c)(3) public charities such as educational and religious institutions. The heart of our research is nonprofit hospitals and universities and their impact on neighborhoods and the democratic process in Boston, Massachusetts.

WHY DO NONPROFITS EXIST?

Before we can assess the planning impact of nonprofits, it is appropriate to ask why nonprofits exist in the first place.

Lester Salamon (2001) suggests that theories of nonprofits can be organized into five categories: 1) historical, 2) market failure, 3) government failure, 4) pluralism and freedom, and 5) solidarity (see Table 1).

The failure of the government and the market are probably the most popular explanations for the existence of the nonprofits. The failure theories are central to this report, and would be the most likely justification for the existence of nonprofit hospitals and universities.

The failure justifications are based on the idea that both the government and market sectors are limited in providing collective or public goods thereby creating a void for nonprofits to fill.
Public goods are also referred to as collective goods. Salamon (2001, p.164) writes that the market works well for things we consume individually, like your brand name jeans, but does not handle things that we consume collectively such as clean air—or in the case of this study, educational and healthcare services.

The case of contract failure is a classic market failure theory (Hansmann, 1981, as cited in Salamon, 2001, p.165). A “contract” fails when consumers trust nonprofits more than for-profits for particular goods or services.

For example, they are more willing to choose a nonprofit hospital for their parent’s healthcare, rather than a for-profit that might be more concerned with cutting costs than the quality of care. In this report we will be exploring hospitals and universities which would fall under the failure explanations of nonprofits.

**THE GROWTH OF NONPROFITS**

There are nearly 1.5 million nonprofit organizations registered with the IRS,

**Table 1: Theories of Nonprofits**

<table>
<thead>
<tr>
<th>Why do Nonprofits Exist?</th>
<th>(adapted from Salamon 2001)</th>
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<tr>
<td><strong>Historical</strong></td>
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| • “Communities formed before governmental structures...to help deal with their (people’s) common concerns” (Salamon, 2001, p.164).
| • People had to come together voluntarily to create fire departments, schools, and orphanages.
| • Americans were still reluctant to hand control over to government in fear that a monarchy would reemerge (Salamon, 2001). |
| **Pluralism and Freedom**|                             |
| • Nonprofit organizations play an integral role in promoting pluralism and freedom. Salamon (2001, p.165) describes nonprofits role in this light as encouraging “individual initiative for the public good just as the business corporation encourages individual action for the private good.” |
| **Solidarity**           |                             |
| • Alexis de Tocqueville observed that “individualism...disposes each citizen to isolate himself from the mass of his fellows” and withdraw to his little society of family and friends; “... he gladly leaves the greater society to look after itself.” (de Toqueville, 1835, as cited in Mayer, Ed. 2000, p.506).
| • In this vein, excessive individualism, which certainly exists in the United States, and as described by de Tocqueville, can lead to weaker communities and democracies.
| • Salamon argues that nonprofits foster solidarity as a response to individualism. The ability for people to voluntarily help one another is critical to civil society and if this sense of community does not exist, “civilization itself would be endangered” (de Tocqueville, as cited in Salamon, 2001, p.166). |
| **Government Failure and Market Failure** |  |
| • The failure justifications are based on the idea that both the government and market sectors for various reasons are limited in providing collective or public goods thereby creating a void for nonprofits to fill. |
representing 5.2% of the gross domestic product (GDP) and 8.3% of wages and salaries in the United States (NCCS, 2006).

Between 1996 and 2006, the nonprofit sector grew by about 36% in the United States and Massachusetts respectively (NCCS, 2008). This is not a new trend as the sector overall has been increasingly growing since the 1960s (Berry 2003).

Nonprofits play a critical role in the economies of Massachusetts and Boston. From 2000 to 2003, while the overall employment decreased by 4.1% in Massachusetts, nonprofit employment increased by 8.6% helping to stabilize the economy (MassINC 2005).

There are over 37,000 nonprofit organizations and Massachusetts (NCCS, 2007) employing 420,000 workers representing 13% of the State’s total workforce – nearly twice the national rate of 6.9% (MassINC, 2005, p.5).

► Positive Impacts of Nonprofits

The Hospitals and Universities shape the region’s identity; the Greater Boston region contains the country’s greatest concentration of highly acclaimed colleges and hospitals, as reflected in U.S. News rankings.

Forty percent of the region’s residents hold a college degree, almost twice the national average. Local institutions have educated a number of the world’s current and former leaders. The hospitals are leaders in advance research in medicine and health. The benefits of these researches are enjoyed not only by the local residents, but by people all over the world. Many of the region’s colleges and hospitals are located in urban areas, and their students, faculty, and staff provide vitality to a new urbanity that is sweeping the region. The more than 2,000 buildings on local college and hospital campuses help to define Boston’s landscape and built environment (Carol R. Goldberg Seminar, 2005).

In past five years Boston’s medical institutions, colleges and universities have been the driving force of employment while employment in the financial and other industries has declined. The hospitals have become the largest employer in the city, while generating billions of dollars to support the city’s tax revenue.

The Greater Boston Chamber of Commerce reported in 2005 that Healthcare and Life Sciences is the largest employment sector in...
the region employing 252,000 employees. Higher Education institutions employ 85,900 workers. In other words, 8 out of 10 of Boston’s top employers are either hospitals or colleges employing every 6 out of 10 Boston residents. According Conference of Boston Teaching Hospitals, Greater Boston's teaching hospitals alone generated $1.2 billion dollars in city and state tax revenues.

A report by the Alliance of Boston's Colleges and Universities (2005) noted the following as the contributions made by Boston's academic institutions. The colleges provide the economic and civic leadership which stimulates social progress, as political and community leaders still look to higher education for such leadership in an effort to fill the void left by corporate mergers and acquisitions.

Secondly, the partnership between the colleges and communities advances the quality of life for all Boston residents. The city's 75 educational institutions continue to educate about 265,000 students annually, and the eight major research universities alone provide continuing education programs to 25,000 adults per semester. Local colleges and universities over the past 20 years have awarded more than $150 million in scholarships to Boston Public Schools.

Boston's colleges and universities continue to provide and facilitate volunteerism in support of local k-12 programs promoting college readiness, cultural enrichment, after-school activities, and literacy as well as school system support and teaching training. One out of every four volunteers in the

8 out of 10 of Boston's top employers are either hospitals or colleges

Boston Public Schools is a local student.

Greater Boston enjoys one of the leading health care systems in the world due to its affiliation with nearby higher education institutions. Boston Medical Center is the largest provider of charitable care in New England. These colleges host a range of programs that advance local health, public safety and the environment.

In providing cultural and recreational opportunities, the local colleges and universities offer multiple arts, cultural and sporting opportunities to Boston residents and nurture new talent that often becomes part of the local scene.

For instance, the Pro Arts Consortium that was founded by Berklee College of Music, the Boston Architectural Center, Massachusetts College of Art and other colleges, sponsors the Boston Arts Academy, the city's first pilot high school for visual and performing arts. This Academy acts as a laboratory for
developing “best practices” in urban arts education in the country.

Boston’s higher education sector has helped to anchor the city’s innovative economy by developing other leading sectors like health care and biotechnology. Leading local companies like Boston Scientific, EMC, and Analog Devices were founded by graduates of local colleges. Major companies such as Novartis and Merck have moved to Boston to be closer to its higher education clusters. The region’s concentration of knowledge networks rooted in higher education attracts numerous workers to the region. According the Boston Redevelopment Authority MIT alone executed 95 licenses and options to businesses, earning more than $18 million in fees.

► Negative Impacts of Nonprofits

The admiration of these nonprofit institutions has not been shared by all of Boston’s communities and residents. The existence and operations of Boston hospitals and colleges also had an adverse impact on the city. Boston loses millions of tax dollars in terms of property tax revenue which serve as subsides to the operation of these nonprofits.

According to a report by Community Labor United (2006), if all the properties of hospitals were to be taxed at commercial rates, the City would generate over $65 million dollars annually. However, the city only received $5.5 million through the Payment in Lieu of Taxes (PILOT) and ended up subsidizing the operation of these hospitals with approximately $59.5 million.

According to an article in the Chronicles of Philanthropy (November 2006), Boston ranks 3rd in total nonprofit property value among the Nation’s biggest cities. Boston nonprofits are exempt from paying over $247,000 million in property taxes in 2005, including PILOT adjustments. These unpaid taxes as a percentage of the City’s budget (2005) would be nearly 11.6%, about five times the national average.

The hospitals and colleges have also become ‘city builders’ as they drive development of the city. These institutions have been expanding their campuses into abutting neighborhoods and in recent times most of the major developments in these neighborhoods are initiated by these institutions.

The neighborhoods are at the risk of becoming dormitory towns and parking lots, changing the original fabric of the
neighborhoods. In most cases, the neighborhoods were kept in darkness about these development plans or the benefits promised to these neighborhoods were not fulfilled, creating hostility between the institutions and their neighborhoods. The Carol R. Goldberg Seminar on educational institutions recorded this tension in its report. It stated that the institutions repeatedly encountered longtime residents still chafing at the past transgressions of colleges and universities that didn’t appropriately account for neighborhood concerns in facilities planning. As one neighborhood activist put it: “We have a long way to go in educating universities and hospitals about the negative and destabilizing impacts of their growth on abutting residential communities and working collectively as a matter of course to determine significant positive economic fallout for the impacted neighborhoods” (Goldberg Seminar, 2005, p.9).

The planning process and impact of the development of these universities and hospitals on the abutting communities is the focus of the research in this report. This research focuses on the Institutional Master Plan Review (IMP) process as instituted by the Boston Redevelopment Authority to address this issue. This report examines the public participation component of the review process to ascertain how the concerns of the neighborhoods are addressed in the development and planning of these institutions.
Chapter Two – Institutional Master Plan

BOSTON ZONING AND THE BRA

The City of Boston has its own zoning regulations that are separate from the State of Massachusetts. These Zoning Regulations were established in 1956 through an act of the Massachusetts Legislature, referred to as the “Enabling Act” (Barr 2003). These regulations are established by The Boston Zoning Commission and make up the Boston Zoning Code which became effective in 1964.

In the early 1980’s the City embarked upon a rigorous rezoning effort to reflect changes and growth within the City and the Zoning Code that exists today largely reflects those changes. The Boston City Planning Board, originally established in 1957, was abolished by the Massachusetts Legislature and its powers and staff transferred to the Boston Redevelopment Authority (BRA) in 1960. (Barr 2003).

► The Role of the BRA

The BRA is the agency charged with the City’s planning, urban renewal and economic development functions. As the City’s planning agency, the BRA is responsible for comprehensive planning, special planning studies, transportation planning and zoning (Barr 2003, 16).

Additionally, the BRA is responsible for reviewing development proposals under Article 80 of the Zoning Code and coordinates the community review portion of this process.

<table>
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<th>ROLE OF THE BRA</th>
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<td>1. Comprehensive Planning</td>
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<td>2. Special Planning</td>
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<td>3. Transportation Planning</td>
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<tr>
<td>4. Zoning</td>
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<tr>
<td>5. Economic Development</td>
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<td>6. Article 80 (and IMP) Review</td>
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The BRA’s Economic Development Division guides the City's development review process. This includes facilitating the evaluation of design, density, use, and the physical and social impacts of a proposed project in conjunction with City agencies and the impacted community. Therefore, the formal point of contact for community residents within the planning process is with the offices of the BRA.

ARTICLE 80 AND IMP REVIEW

In order to better address the growth, expansion and planning needs of Boston’s
many large nonprofit institutions and their impact on neighborhoods, the City of Boston revised its Zoning Code and created the Institutional Master Plan (IMP). The IMP applies to nonprofit institutions (NPI) in Boston and includes colleges and universities, hospitals, and convalescent homes which are subject to special regulations for institutional uses.

The BRA recognizes that the cumulative effects of the incremental expansion of these institutions may be greater than, or different from, the effects of each project individually and therefore created the IMP as a comprehensive way to review these effects. Institutional Master Plan Review is the principal tool for guiding institutional expansion and mitigating its impact on the neighborhoods surrounding these institutions (Barr 2003, 83).

Article 80 of the Boston Zoning Code: “Development Design and Review” is the section of the Zoning Code that governs the IMP. Article 80 was established in 1996 and consolidated all of the previous Zoning Code requirements for the BRA’s review of real estate developments (Barr 2003, 92). It authorizes the BRA to review the design and impact of development proposals and to enter into Cooperation Agreements with developers (Barr 2003, 16). Article 80-Part D refers specifically to Institutional Master Plan Review. The purpose of the Master Plan is to provide an opportunity to project 10 years into the future and to let the community understand what large institutions plan to do in their neighborhood. IMP review is essentially the only place where abutters and other community residents can learn the intentions of the institution and provide input to the BRA regarding the proposed development. Once approved by the BRA and the Zoning Commission, these plans are updated every two years. An update describes the progress of ongoing projects, notes projects completed since the last update or those scheduled to begin before the next one.

Nonprofit institutions governed by the IMP must revise and submit a new IMP every four to eight years using the same procedure as initial adoption. If there are no significant changes to the Plan, the standing plan is re-approved and considered the new plan. In addition, each time that an institution embarks upon an individual building project, depending on the size and scope of the project it must undergo Large Project Review.
as spelled out in Article 80. (Barr 2003; Citizen’s Guide to Article 80).

The IMP is an overall vision statement that sets out the general design features of an institution’s projected expansion. It describes the institution’s existing property and uses, long-range planning goals and must be amended every time an institution adds or changes a project over the review threshold, usually a project that adds over 50,000 square feet. (Barr 2003 83,118). Large projects are in effect the implementation of the IMP and their cumulative effects are greater on the

**Step 1. Institutional Master Plan Notification Form (IMPNF) and scoping determination**

- Applicant files IMPNF with BRA. Notice of IMPNF published within 6 days.
- Public comment period runs for 30 days after notice published.
- BRA issues Scoping Determination within 45 days after IMPNF filed.

**Step 2. Institutional Master Plan Adequacy Determination**

- Applicant files Institutional Master Plan with BRA in response to Scoping Determination. Notice of plan published within 5 days.
- Public comment period runs for 60 days after notice published.
- BRA Board holds public hearing and votes on adequacy determination within 90 days after Institutional Master Plan filed.

*If the Adequacy Determination does not approve the Institutional Master Plan, the institution may submit a revised Master Plan for review. The revised Master Plan receives the same review as the original Master Plan.*

**Step 3. Zoning Commission Approval**

- BRA petitions Zoning Commission for approval of Institutional Master Plan.
- Zoning Commission publishes Notice of Hearing at least 20 days before hearing.
- Zoning Commission holds hearing and votes on Institutional Master Plan. If approved, Institutional Master Plan goes to Mayor for approval.

*Regulations for Zoning Commission hearings and notices are not part of BRA review under Article 80 but appear in the Boston zoning enabling act (Chapter 68C of the Acts of 1966, included in the front of Volume 1 of the Zoning Code), which establishes the Zoning Commission.*

*Figure 1: Institutional Master Plan Review (BRA, Citizen’s Guide..., p. 17)*

proposed projects over an extended period (Barr 2003). Development review is in place to provide an evaluation of design, density, use, and physical and social impacts of a proposed project in conjunction with City agencies and the impacted community. IMPs surrounding area than other types of development in Boston and therefore require this greater oversight. Prior to the adoption of Institutional Master Planning, institutions had to apply for approval for each single use project and obtain conditional use permits.
for each expansion or change. (Barr 2003). The IMP has simplified this process, establishing an overarching zoning regulation that applies to all projects within the IMP. When an institution embarks on a new project, essentially the zoning use is already established, and the project is then examined through Large Project Review to ensure that it matches the objectives laid out in the Master Plan. The IMP must be reviewed by the public and approved by the BRA and the Zoning Commission after public hearings. In one sense, the IMP is the macro level of institutional development while Large Project Review is the micro level. Individual projects must concur with the IMP, and the IMP must be amended to reflect each new project.

An important aspect of the IMP is that it serves to mitigate the impact of large nonprofit institutions through the provision

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### Table 2: IMP Review and Large Project Review Requirements

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<thead>
<tr>
<th>Institutional Master Plan Review</th>
<th>Large Project Review</th>
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<td>▶ Institutional Master Plan Review is required for:</td>
<td>▶ Large Project Review is required for:</td>
</tr>
<tr>
<td>• hospitals, colleges and universities</td>
<td>• Projects that add at least 50,000-sq. ft. of gross floor area (new construction or by an addition to an existing building)</td>
</tr>
<tr>
<td>• developments with 20,000 square feet of gross floor area</td>
<td></td>
</tr>
<tr>
<td>• interior alterations for more than 50,000-sq ft of gross floor area</td>
<td></td>
</tr>
<tr>
<td>▶ Describes an institution’s entire long-range development program including its existing facilities, long-range planning goals and proposed projects</td>
<td>▶ Addresses the project impacts in a variety of areas, including:</td>
</tr>
<tr>
<td>• traffic and parking</td>
<td>• traffic and parking</td>
</tr>
<tr>
<td>• environmental protection (wind, shadow, noise, etc.)</td>
<td>• environmental protection (wind, shadow, noise, etc.)</td>
</tr>
<tr>
<td>• the design character of the area</td>
<td>• the design character of the area</td>
</tr>
<tr>
<td>• historical buildings</td>
<td>• historical buildings</td>
</tr>
<tr>
<td>• infrastructure systems (water, sewer, electricity, etc.)</td>
<td>• infrastructure systems (water, sewer, electricity, etc.)</td>
</tr>
<tr>
<td>▶ Specific elements to be addressed are decided in the Scoping phase</td>
<td></td>
</tr>
<tr>
<td>▶ Task Force may be appointed to help steer the process</td>
<td>▶ Impact Advisory Group may be appointed to help assess necessary mitigation</td>
</tr>
</tbody>
</table>

**BOTH REVIEW PROCESSES REQUIRE PUBLIC COMMENT AND PUBLIC HEARING FOR APPROVAL**

| ▶ Once approved by the BRA and Zoning Commission, institution may build any project whose uses, dimensions and location are described in the plan | ▶ BRA may require the developer to change the project's design or to take other measures to reduce (or "mitigate") those impacts |
| ▶ The effects of these individual projects are assessed in large project review where [TEXT MISSING HERE] | ▶ Once approved and a Cooperation Agreement is signed, building permits are issued |
of community benefits (also referred to as public benefits) Community benefits are established through negotiations facilitated by the BRA with input from community residents and other stakeholders and will be discussed further in the chapter on Community Benefits. Table 2 provides an overview of the requirements for IMP and Large project Review.

► Mandated Public Input

It is crucial that community residents in neighborhoods facing institutional expansion understand the IMP process and its components, particularly the stages that allow for public review and comment. The process begins with the Institution (the “proponent”) filing an Institutional Master Plan Notification Form (IMPNF).

► IMP Timeline

The BRA publishes notice of the IMPNF in a newspaper of general circulation (generally in the Boston Herald) and the public has 30 days to comment before the BRA issues a Scoping Determination outlining the elements the IMP must include. (Barr 2003, 117). Comment may be verbal, at public meetings and testimony at hearings, or written. Written comments are reviewed by BRA staff and included in the appendix of the IMP. The proponent then submits an IMP addressing the issues specified in the scoping determination (Barr 2003, 117).

In general the scope calls for the following elements to be included in an IMP:

► The Mission and Objectives,
► Existing property uses,
► Needs of institution,
► Proposed future projects,
► Institutional transportation and parking management and mitigation plan,
► Pedestrian circulation guidelines and objectives,
► Urban design guidelines,
► Job training analysis,
► Community benefits plan and
► Additional elements requested by the BRA.

The institution then files an IMP in response to the scoping. This is the second point for public comment which runs for 60 days. The BRA Board then holds a public hearing, which is the third opportunity for public comment in the process. The BRA then votes on adequacy determination within 90 days of the IMP filing. Once the adequacy determination has been made, the BRA petitions the Zoning Commission for approval of the IMP.
The Zoning Commission publishes notice of the Approval Hearing 20 days prior to the hearing date, and the holds a hearing to vote on the IMP. This is the last opportunity for public comment. If approved by the Commission, the IMP is forwarded to the Mayor for final approval (Citizen’s Guide to Article 80).

**Large Project Review Timeline**

Large Project Review under Article 80 kicks in each time that an institution embarks upon a project that is over 50,000 square feet. Large Project Review also includes public comment periods and requires a public meeting and vote of the BRA to approve the project (Barr 2003, 93).

Large project review follows essentially the same review process as the IMP, only it looks at an individual project and in many cases, both IMP review and large project review occur simultaneously. Public review takes place at three stages: 1) scoping, 2) draft, and 3) final.

A Cooperation Agreement between the institution and the BRA enforces agreed upon mitigation measures. (Barr 2003, 93). A new component of development review includes the establishment of an Impact Advisory Group (IAG) for projects undergoing Large Project Review.

Members of IAGs should be active neighborhood residents, business representatives or members of social service organizations. Elected representatives also nominate members to the IAG. Members are asked to consider appropriate mitigation for the physical and social impacts caused by development projects.

IAGs do not replace the role of the greater community in the development review.
process. The Impact Advisory Group process is an overlay to the existing process and is designed to work cooperatively with public review procedures. (www.cityofboston.gov/bra).
Chapter Three – Research Approach

Given the expansion and growth of nonprofit institutions in Boston, we developed the following questions to guide our research on the subject:

► How is the Planning of Nonprofit Institutions’ development impacting Boston neighborhoods?

• To what extent does public participation during the Institutional Master Plan (IMP) Review process affect the final plan?

• To what extent are the needs and concerns of the community incorporated in the community benefits and Cooperation Agreements?

SCOPING AND METHODOLOGY

The scope of this report expands over all the nonprofit hospitals, colleges and universities located in the Greater Boston region. However, considering the time and logistical constraints this team had to work within, three institutions were selected for the purposes of this report:

1. Harvard University,
2. Northeastern University, and
3. Brigham and Women's Hospital.

Harvard University was selected because there is an ongoing Institutional Master Plan review and the Allston-Brighton community in which Harvard University is located has a long history of engagement in the Institutional Master Plan (IMP) Review process, thus providing a rich source for analysis.

Northern University was selected to provide geographical balance in research as Northeastern University is located at Roxbury. Brigham and Women's Hospital was selected to present the development of Boston’s hospitals.

Our primary source of research were interviews and attending public and Task Force meetings and reviewing minutes of meetings. Our secondary source of information was through literature reviews.
Primary interviews were conducted with groups in two categories:

1. BRA officials, and
2. community residents and activists.

Two BRA officials were interviewed who were familiar with Institutional Master Plans. The mayor’s liaison to higher education was interviewed on behalf of BRA’s Assistant Director of Compliance.

In addition to the interviews, these officials provided additional documents on the review process for examination. Materials on the BRA website pertaining to the IMP process were reviewed. These activities provided us with the perspective of the BRA on the IMP review process. This perspective represents the state of the IMP review process, its justifications, achievements and limitations.

To balance the BRA perspective we interviewed neighborhood residents, community activists and Task Force members. This group of interviewees included heads of community organizations and advocacy groups, a union organizer, a Neighborhood Council Member and a City Councilor.

Additionally, we collected various documents obtained from interviewees and community-based organizations’ websites for review. Interviews and a literature review were conducted to reflect the perspective of

These Cooperation Agreements are legal documents between the BRA and nonprofit institutions and stipulate the agreements for the building permit of the development projects.

the neighborhoods’ demands, concerns and views of the IMP review process. Some information was also gathered during Task Force meetings that took place during the research period (Jan.—April 2008); past meetings minutes on Harvard University Science Center were also reviewed.

To determine which concerns of the community were incorporated in the final documents of the IMP process, we examined the following Cooperation Agreements:

1. Harvard University Science Center,
2. Northeastern University Residential Hall 1, and
3. Brigham and Women Hospital Parking and Armory Building.

These Cooperation Agreements are legal documents between the BRA and nonprofit institutions and stipulate the agreements for the building permit of the development projects.

The agreements include mitigation measures and community benefits which reflect the extent to which concerns of the
communities were incorporated the
community benefits of the Final IMP and
Cooperation Agreements.

OUR RESEARCH APPROACH

► Evaluation of the Public
Participation process

This research utilized extensively the User-
Oriented Evaluation Approach (1981) as
evaluation method developed by Judy
Rosener of University of California, Irvine (see
Appendix 1).

There are two major approaches to public
participation evaluation, the process
improvement approach and the User-Oriented
Evaluation Approach. The process
improvement approach focuses on the
identifying the inefficiencies in the process.
This research utilized the User-Oriented
Evaluation Approach developed by Judy
Rosener of University of California, Irvine in
1981. This evaluation approach focuses on
the goals and objectives of the participants
and specifies criteria for measuring the goal
achievement.

The major advantage of this approach is
that it forces specificity and it results in a
clear picture of whose goals and interest are
being pursued. It indicates whether or not
participation goals are being achieved and
the basis for such claim. However the
disadvantage of this approach is that it may
sacrifice the generalization that results from
using a common set of indicators; since case
to case vary.

This evaluation method focuses on the
goals and objectives of the participants or
users of the participation process, and the
specification of criteria for measuring the
goal achievement.

The major advantage of this approach is
that it forces specificity and it results in a
clearer picture of particular goals and
interests being pursued. It indicates whether
or not participation goals are being achieved
and the basis for such a claim.

However, the disadvantage of this
approach is that it is difficult to generalize
the results using a common set of indicators,
since the data is specific to individual cases.
Another disadvantage with the User-Oriented
Evaluation Approach is that there is no widely
accepted measure to determine effectiveness
in a situation where the goals of the
participating groups are conflicting. The use
of this approach for evaluation is complex as
it emphasizes in-depth research analysis
compared generalized research.

► Defining the Participation Setting

The first task is to learn about the setting
of the participation. The settings may affect
the participation goals and objectives as well
as the evaluator’s ability to obtain information.

Information gathered about the setting includes:
► mandated v. discretionary actions;
► government agencies involved;
► interest groups and individuals involved;
► what kinds of resources are available or committed to the activity and the participants;
► the type of issue being debated;
► the scope of the issue;
► the duration of the process; and
► the needed skills for participation.

Information defining the participation setting for our research was derived from the Article 80 which includes the IMP Review process. This information was obtained online from the BRA website and documents pertaining to the review process.

Identifying Citizen Participation Goals

The next task in the User-Oriented Evaluation Approach is to identify the general goals of the participants. We attempted to identify the goals of the participants through semi-formal and informal interviews with participants and BRA officials, and by attending Task Force meetings and through content analysis of meeting minutes and official documents like Cooperation Agreements.

Specifying Citizen Participation Objectives

To employ the User-Oriented Evaluation Approach we set out to define the participants’ objectives as a result of their participation. We strove to clearly define their objectives in order to determine whether or not they were achieved. This information was obtained through attendance of the meetings, review of meeting minutes and interviews with participants.

![Figure 3: Arnstein's (1969) Ladder of Citizen Participation](image-url)
Defining Measurement Criteria

Although there are no inherent limits on the types criteria which can be utilized with the User-Oriented Evaluation Approach. We limited our measurement criteria to these two measurements: 1) the extent to which the recommended plans satisfy participants’ needs and desires, and 2) the extent to which the outcomes of public participation are reflected in the final IMP and Cooperation Agreements, in this case community benefits in the Institutional Master Plans and the Cooperation Agreements.

Approach to Evaluation

To evaluate the public participation process this report utilized Judy Rosener’s “User-Oriented Evaluation Approach” (1981) which examined the extent to which the concerns of participants are reflected in the final IMPs and Cooperation Agreements. This evaluation process is suitable for individual cases, but limited in making general conclusions.

For the purpose of generalization, this report utilized Sherry Arnstein’s (1969) “Ladder of Citizen Participation” (Figure 3). Arnstein graded various types of citizen participation into eight typologies and assigned characteristics to each of the rungs of the eight rungs of the ladder of participation. The characteristics of each rung, or typology were reviewed to assess where the public participation in the IMP review process fits on the ladder.

RESEARCH LIMITATIONS

There were some significant limitations to the research. The first limitation was time constraint; the research was conducted in four-month period. However, the life-span of IMP planning is about eight to ten years. In order to examine the full effect of the IMP planning would require a longer time period than our research team had to work within. Moreover, the IMP process is a recently developed mechanism adopted by BRA in 1996. Therefore the information or data on the IMP process is scarce.

The second limitation is the scoping of the research. Our research was based of only three nonprofit institutions in Boston. Each of these institutions IMP review process occurred at different time and they are located in different neighborhoods. It is difficult to make accurate generalizations based on the examination of IMP review process of only three institutions.

Finally, the multiple dimensions of the term ‘community’ make it difficult define exactly who and what is meant when we refer to
community in this research. However, from the BRA’s procedural point of view, the term ‘community’ refers to the abutting neighborhoods and wider neighborhoods in City of Boston.

The perspective of the nonprofit institutions was not solicited; as our research focused on the perspectives of the BRA and the neighborhoods.
In order to assess the public participation within the IMIP process we conducted a literature review on theories of public participation in planning. The term public participation has different meanings with some people referring to it as public information programs, and other referring to it as public hearings or public comments.

Definitions of participation range from a narrow view such that participation in a group is defined in terms of nominal membership (Chopra et al., 1990; Molinas, 1998), to a broad view in terms of a dynamic interactive process in which disadvantaged populations have voice and influence the decision-making process (Narayan, 1995; White, 1996).

Inclusion of those most affected by the decision-making of the proposed intervention is central to the idea of public participation. The terms public participation, citizen participation, public input and community participation have been used interchangeably throughout much of the published literature.

The International Association for Public Participation has defined as the core values of the public participation process as:

- the promise that the public's contributions will influence the decision,
- the public should have a say in decisions about actions that affect their lives, and
- the process should communicate the interests and meet the needs of all participants.

The Public Participation process also involves participants in defining how they participate. The process provides participants with the information they need to participate in a meaningful way. The public participation process communicates to participants how their input affects the decision made.

Creighton (2005) also defined public participation as the process by which public concerns, needs, and values are incorporated into governmental and corporate decision-making. It is two way communication and interaction, with the overall goal of a better decision that is supported by the public.

Increasingly, public participation in governmental decision-making is now
considered part of our definition and experience of democracy.

Citizen participation in administrative decision-making has become widely institutionalized over the last three decades. It has increasingly become a requirement for federal grant-in-aid, diffusing through state, regional and local government statutes and ordinances. “Citizens now have far greater opportunity to participate in the decision-making processes of their state and local government than they have ever enjoyed”. (Rosenhaum 1984)

There are three necessary conditions to ensure accountable governance. These include:

► Letting citizens know what is going on,
► Allowing for participating in the process and
► building competition into the political system.

The downside of the American Republic is that significant participation is often based on the amount of funds special interest groups hold to advance their point of view. Some argue that this has led our country to be a special interest state (Cohen 1982). These special interests focus on short term agendas, without considering their impact on others.

No political system or democracy is perfect. James Madison’s forewarned in 1787, in his famous writing *The Federalist No. 10*, that

Increasingly, public participation in governmental decision-making is now considered part of our definition and experience of democracy.

faction would be a serious weakness in the new American democracy.

He described faction as instances when citizens, bound by a common interest, are “adverse to the rights of other citizens, or to the permanent and aggregate interests of the community” to protect their interests. In other words, powerful interest groups acting on their behalf, at the expense of citizens and communities to protect their interests are a threat to individual rights and minority group voices – this is otherwise referred to as theories of pluralism and freedom.

**EFFECTIVENESS OF PUBLIC PARTICIPATION**

Murtaza H. Baxamusa write that “within planning theory, there is unresolved debate regarding the significance of participatory processes in making public decisions (2008, p.261). Ruth Hinderfeld of League of Woman Voters of the United States views effective public participation as a process where citizens are able to state their case or present
their perspective on issues to decision makers. Decision makers in turn incorporate this citizen input into their decision-making.

In this process the participants are provided technical assistance and management support from professionals, not only in their researches but also on how to organize themselves to participate effectively.

Another issue of effectiveness is how the citizens are informed about the participation process. Effective participation to Peterson (1982) also means agencies take necessary steps to inform participants in advance of the opportunities for participation. Such efforts include publication of notice in general circulation publications rather than restricted circulation publications.

The other critical factor to effective public participation is the how the process is evaluated periodically to ensure the emerging elements of citizen concerns are captured in the process.

PUBLIC PARTICIPATION IN BOSTON

There is some recent literature that does examine public participation in the Boston area, but they do not refer to Institutions or IMPs. The most relevant research was conducted by Martha Tai in 2004 on large scale development in Boston.

*In Building Voice: A Comparative Analysis of Neighborhood Involvement in Affecting Large-Scale Development in Three Boston Neighborhoods*, Martha Tai (2004) examines the role of neighborhood involvement in affecting private, large scale developments in downtown Boston neighborhoods. Tai identified three neighborhoods in Boston and chose one project in each to assess the level of participation in the development process, demands made and project changes that subsequently occurred.

She performed a comparative analysis of project changes and outcomes in these neighborhoods to determine which neighborhoods were most successful in making changes in the projects. Tai found that the “extent to which a neighborhood can effectuate project changes is dependent on the influence it wields in the process.” (Tai 2004, 10). She writes that this influence is a function of the level of unity in and institutional support extended to the neighborhood.

PUBLIC PARTICIPATION AND THE INSTITUTIONAL MASTER PLAN

Having gained an understanding of the theories of public participation in general, we then examine the way public participation takes place in the IMP process. Each IMP is assigned a BRA staff person from the Economic Development Department as the
project manager. The managers coordinate the review process, review public comment and prepare determinations. They also attend meetings and facilitate communications between residents, developers and public agencies (BRA, Citizens Guide to Article 80..., 22).

► Task Forces and IAGs

In many instances, the City has organized standing citizen Task Forces to work with the BRA and the institutions on an on-going basis to plan and implement an IMP and to strengthen the relationship between community and institution. The Mayor assigns the Task Force made up of members representing the community to help oversee the review process and to negotiate appropriate community benefits.

Elected officials from the affected neighborhood recommend individuals or representatives from community organizations to sit on the Task Force, and these people are officially appointed by the Mayor.

The Task Force serves as an advisory group that helps steer the IMP process. Task Forces help in the planning and development of the IMP, while Impact Advisory Groups (IAGs) participate in Development Review of Large Projects within the approved IMP. These IAGs meet regularly and hold public meetings to work with Institutions to ensure that they are proposing plans that fit within the official neighborhood plans.

Each individual IMP has its own Task Force, organized as part of the planning process. Often they break down into subcommittees to work on particular facets of a large planning initiatives such as an IMP. The number and members of a Task Force are determined by the scope of the project.

► Community Meetings

Community meetings are another way that the BRA encourages public participation. Community meetings are open to the public. These meetings are publicized by the BRA project managers in newspapers and emails and postings on blogs.

The BRA in The Public Process in Economic Development and Planning (2000) that community meetings have three purposes:

1. to update and inform residents about ongoing development plans or projects in their community,
2. to provide an opportunity for residents to ask questions and share concerns directly with the BRA staff, and
3. to solicit input from neighborhood residents to improve the project.

One focus of these meetings is to determine community benefits.
INTRODUCTION

There is little published literature on the concept of community benefits in and of itself. Most of the current literature is about the Community Benefit Agreement, a contract between a developer and a community coalition, and how to use it as a tool to obtain benefits for residents from developers in exchange for approval of a project. The ‘community benefit movement’ that promotes the CBA as a tool will be explored later in this chapter.

In The Problem with Community in Planning, Talen (2000) writes of the ambiguity and vagueness surrounding the term ‘community’ and the concept of a ‘sense of community’ in planning. Talen researched how notions of community are manifested in neighborhood planning documents in planning departments across the country. She describes a dualistic notion of community: community as a process (where collective problem solving is strengthened), and community as an end state that can be created by design.

Talen selected 20 cities to assess for the use of the word “community” in planning and analyzed documents that were an integral part of neighborhood planning (2004, p.173). She concluded that the notion of community is composed of a number of different dimensions. Community in its various dimensions exists at a wide variety of levels, both territorial and non-territorial. Clearly, these multiple dimensions of “community” make it difficult to define exactly who and what is meant when we say “community benefits.” From the procedural point of view of the BRA, clearly we are speaking of the community in its broadest sense. IMPs are in place partly to ensure that institutions ‘give back’ to this community.

The Partnership for Working Families traces Through the Institutional Master Plan, institutions are required to thoughtfully plan their future development to insure not only that impacts on its host neighborhoods are mitigated, but also that public benefits are enhanced. Each plan must include a provision of community benefits in order to mitigate, or lessen the severity, of the impacts of proposed future projects. (Barr, 2003).
Community benefits are commitments by the developer to provide benefits to the community in the form of physical enhancements, social programs or financial contributions.

COMMUNITY BENEFITS AND MITIGATION

In 2000 Mayor Menino issued an Executive Order *Relative to the Provision of Mitigation by Development Projects in Boston*. This executive order was created out of concerns about what impacts it was appropriate for developers to mitigate. It calls for policies to be implemented across the necessary city agencies to ensure that the developer of any proposed project subject to Large Project Review under Article 80 determine “any and all impacts” of the proposed project and appropriate mitigation efforts (this includes hospitals and universities adding over 50,000 square feet).

The intent of Executive Order was to re-emphasize the role of the BRA and clarify the relationship between the developer and the community in the determination and mitigation of impacts of development. The City wanted to ensure that both developers and all neighborhoods understand community benefits. (BRA press statement, 2000).

Of key importance is the fact that although the determination of “appropriate community benefits” would include input from a citizen advisory committee, however, the sole governing body responsible for the negotiation, approval and distribution of community benefits is the BRA.

Community benefits are commitments by the developer to provide benefits to the community in the form of physical enhancements, social programs or financial contributions.

In the Executive Order, “Mitigation efforts” are described as: “mitigation of environmental impacts through physical enhancements to the proposed project or affected areas, or mitigation of social impacts through the provision of community and public benefits.” Mitigation efforts are to consider the local impacts and needs of the immediate area surrounding the Proposed Project as well as impacts on and needs of neighborhoods throughout Boston.

For the purposes of this report we are mostly concerned with mitigation of social impacts as defined by the BRA. According to the BRA’s web site, social impacts are the non-physical effects of a development project on the surrounding area, including increased land values, development pressures, higher
costs of living, and the opportunity cost of last places for public utilization.

We would add that in the case of large nonprofits this can also include the loss of taxable land and increased burden on neighborhood services and infrastructure.

Positive social impacts identified by the BRA include:

► the creation of jobs,
► provision of affordable or market-rate housing,
► contribution of public meeting space, and
► the generation of economic activity.

To mitigate the negative social impacts associated with large scale development the BRA requires the contribution of community and public benefits such as:

► provisions of open space,
► parks,
► daycare facilities,
► affordable housing,
► educational institutions,
► support for cultural and youth opportunities, and
► programs to promote the health and welfare of residents.

The mitigation should be in the form of specific, tangible enhancement projects or programs completed by the developer (Executive Order of Mayor Menino, 2000). The BRA may also receive a financial contribution from the developer that would be held by the BRA and used to support social programs and community initiatives.
Under Article 80 Large Project Review the Developer and the BRA enter into a Cooperation Agreement that spells out the agreed upon “mitigation and public commitments”. If an Impact Advisory Group (IAG) has been assigned, they have 15 days to review the draft Cooperation Agreement and provide comment. In the case of institutions, there is often a Task Force that has been assigned to help steer the IMP process, and this group also may weigh in on community benefits.

COOPERATION AGREEMENTS

Under Article 80 Large Project Review the developer and the BRA enter into a Cooperation Agreement that spells out the agreed upon “mitigation and public commitments.” If an Impact Advisory Group (IAG) has been assigned, they have 15 days to review the draft Cooperation Agreement and provide comment. In the case of institutions, there is often a Task Force that has been assigned to help steer the IMP process, and this group also may weigh in on community benefits.

Several standard separate agreements within the larger Cooperation Agreement are entered into on behalf of the institution in the areas of transportation (the TAPA), construction impacts (the CMP), construction employment (Boston Residents Employment Plan) and First Source (MOU), Jobs Contributions (Neighborhood Jobs Trust) and Housing Contributions (Neighborhood Housing Trust) (See Table 3).

The enforcement of these agreements lies with the individual agency with which the agreement has been made. Also included are ‘social’ community benefits that are agreed upon with input from the community as expressed in community and Task Force meetings, through written public comment, and at public hearings. In general, we found that when the institution is a hospital, the community benefits revolve around charity care and other health services provided to the community. In the case of colleges and universities, the benefits are educational in nature, including provisions of scholarships for community residents, supports provided to the local school system and other miscellaneous educational projects and programs. In other cases, community benefits involve programs that enhance the economic development of the neighborhood in which the institution sits. This can take the form of workforce development programs for residents to commitments about what kind of businesses and services will be included in institutionally owned property that would serve to enhance the community.
THE COMMUNITY BENEFITS MOVEMENT

A literature review of community benefits found several articles that reflect the heightened interest in the CBA as a tool for urban communities. The Community Benefits Movement highlights the use of Community Benefit Agreements (CBA) as a way to direct economic development, planning and land use in cities through the use of Community Benefit Agreements (CBA) (Gross et al. 2005).

The Partnership for Working Families traces the beginnings of the movement to California, where organizations in Los Angeles, San Diego, San Jose and the East Bay have worked individually and collectively to realize the tremendous social justice potential of economic development and land use planning. (Gross, 2005, p. 5). Their CBA handbook provides tools for community members to use in creating community benefits agreements that are generally applied to publicly subsidized development projects.

The Community Benefit Agreement results in a new power structure in which the developer of a project enters directly into a contract with a community coalition to establish a set of tangible benefits in exchange for the community’s approval of a development project. Used in this way, the CBA provides the community with leverage to obtain economic benefits in the areas of employment, affordable housing, and improved neighborhood service from the institutions and projects that are the economic engines driving land use decisions in communities. (Gross, 2005, p5).


Community Benefit Agreements are private agreements entered into between a community coalition and a developer outside of the planning process. (Baxamusa, 2008, p. 263). Negotiations within the agreement are made directly between the community and the developer without the assistance of professional planners.

Baxamusa describes some common features of CBA processes from across the country, including information from two case studies that he examined – the LAX expansion and the Ball Park Village Project in San Diego. He found that coordinated grassroots organizing leads to the formation of a coalition, and that these coalitions include groups of varying interests and so
The Community Benefits Agreement (CBA) is “an empowerment model that combines substantive deliberation, coalition building, and grassroots organizing.” - Baxamusa

Finally, an oversight committee is formed to oversee the implementation of the CBA. (Baxamusa, 2008, p.266). Baxamusa concludes that it is too early to judge whether the agreed upon benefits in these agreements will materialize as projects evolve over time. He does note that some of the commitments gained in the LAX and Ball Park Village case studies were unprecedented. (Baxamusa, 2008, p.271).

The Partnership for Working Families suggests that a CBA should be part of any developer agreement made between a developer and the city. However, in Boston, it is important to note that in the Executive Order Relative to the Provision of Mitigation, states that “only agreements made by the developer within the Article 80 review process and to which the BRA is a party will have bearing on the developer’s Mitigation Efforts” (Menino, 2000).

Currently, this eliminates the possibility for an agreement between the developer and the community that outlines benefits from being included in the Cooperation Agreement.
Chapter Six – Findings

INTRODUCTION

This report examines the impact of nonprofit institutions in Boston and the impact of their development and expansion on neighborhoods and the democratic process. Through our investigations, a story emerges of a city whose development is being driven by nonprofit institutions, the good and the bad side of this type of development and the role these institutions play in the community.

A story emerges of the complexities of community relations, divisions between race and class, factional political arguments, self interest versus community needs and the struggle to address the needs of businesses, residents and labor, all who must strike a balance in the neighborhood power dynamics and work with the City of Boston to find best solutions for planning, economic development and reinvestment in the city that raises the quality of life for all residents.

This balance is playing out in the IMP process, where the positive and negative impacts of growth and development of large nonprofit institutions is examined, and where the potential for leveraging the success, wealth and resources of the institutions is possible through community benefits, public realm improvements and pro-local hiring practices.

In our research we discovered that there are two sides to every story of the IMP process. Through our interviews, positive views emerged about the IMP review process from the BRA side and concerns about the process from the community side. There are also places where the community and the BRA are finding ways to work together to find planning solutions, and there is evidence of many citizen groups that are actively engaged in outlining their own visions and demands for responsible institutional development and neighborhood planning.

Among these groups are the Allston Brighton Community Development Corporation, the Roxbury Builder’s Guild, the Alliance for Boston Neighborhoods, Safety Net, the Lower Roxbury Residents Leadership Group and Fenway CDC.

In presenting our findings, we attempt to present views that are reflective of both the BRA and community perspectives on the process. We have divided our findings into three categories: Findings regarding the IMP, Findings regarding Public Participation and Findings regarding Community Benefits.
FINDINGS REGARDING THE INSTITUTIONAL MASTER PLAN

In looking at the IMP process we focused on the procedural aspects and found both positive aspects and some concerns.

1. The IMP is a useful planning tool that streamlines the zoning process for the BRA by providing blanket zoning for the entire scope of the institution’s campus

The IMP is a tool that allows the institutions to project future planning for their entire campus ten years into the future. Prior to Article 80 review, permits were granted by piecemeal on a project-by-project basis, while the institution’s plans were ambiguous.

The current IMP process allows the City and the community to get a comprehensive picture of an institutions plans and needs. The IMP review also allows the public to react and see how the projects that are being planned fit into the neighborhood. In essence, the IMP’s for Harvard, Northeastern and Brigham and Women’s Hospital do address the scope of questions asked by the BRA as they attempt to create an overall planning vision. In this sense the objective of the IMP as a planning tool for the BRA and institutions is working.

► BRA Perspective

“The IMP is a unique process; there are a small number of cities that have specific IMP process outside of regular zoning process. Institutional master planning is more difficult than single project planning in that institutions are here to stay, development will continue over time and the cumulative impacts on the community are greater. The Boston IMP process gives a formal procedure for thinking forward about development, and allows the neighborhoods to be part of that process of future development as well. Out of this process comes the zoning, rather than zoning building by building.”

-- BRA Staff Person

“From the institutions perspective, it is a more streamlined and rational process, even though it is more work up front. The strength of the IMP is that is can compel institutions to take a look at their needs and to inform the BRA and neighbors of how they will address them in future development.”

-- BRA Staff Person
Community Perspective

“Roxbury is under siege with unwanted development...there is a lot of development underway, and the community isn’t being told about it.”
--- Roxbury Resident

Procedurally, the Article 80 and IMP review process also allows for formal public comment and review. The public review portions offer communities the opportunity to provide input into the development in their neighborhood by making comments.

Residents can weigh in on how they feel the development will impact their neighborhood, and whether or not the development fits in with the established neighborhood planning framework.

BRA Perspective

“Having Article 80 is a strength, it mandates public comment periods with a timeline, a structure that runs pretty well”
---BRA staff person

The question of whether or not public input reflects any changes in plans will be addressed in our findings on public participation. However, strictly as a tool, the IMP does allow for some transparency in the process and the community can formulate a response to proposed development their neighborhoods.

For example, in Allston Brighton, the Allston Brighton Community Development (ABCDC) had formed a Community Planning Initiative to address development and planning issues specifically. This group has been working with BRA planners on the North Allston Strategic Planning Framework which outlines the planning direction for the neighborhood.

These residents have been able to use the Harvard IMP to do a comparison of their vision and Harvard’s and to provide input as to whether they feel Harvard’s development is appropriate according to their neighborhood plan. They then submitted written comments to the BRA which are included in the appendix of the IMP. They also created fact sheets that outline a direct point by point comparison of the NASPF and the Harvard IMP and made it available on their website.

However, we found that there are concerns about how much the entire public is actually aware of the opportunity to participate in this review. Several community activists that we spoke with questioned whether or not the public is really made aware of the IMP and the process.

Community Perspective

“...when a notice is ‘put in the newspaper’ it’s not necessarily a paper where people in the community will see it. This is a part of the process that breaks down”
---Roxbury resident
2. The framework of the IMP review process is flawed

Even though the IMP procedure can be seen as a useful planning tool, we found that there are some flaws with the process. One view that we heard is that IMP planning framework is flawed because the community can only respond to the IMP. There is an implicit assumption that the nonprofit’s master plans will drive the development of the neighborhoods, and the neighborhood plan must conform to the institution. It would be ideal if the community was brought in earlier in the planning stages.

The public is brought in too late, when the plan of the institution’s expansion has already been decided and the development is assumed to be appropriate. The public is brought in to review and comment on the development proposed, but not involved in outlining the overall comprehensive planning for the community. Because of the framework city planning is driven by the needs of the institutional expansion rather than integrating the nonprofit institutions’ expansions into the wider city or neighborhood plans. However, this situation has begun to change as neighborhood groups such as Allston Brighton CDC and others insist that the university and neighborhood plans coincide with each other.

3. The IMP Eliminates Zoning

Another point raised by activists in the community is that the IMP takes away the community’s only power, to uphold zoning through the law. The IMP review process provides blanket zoning by setting aside existing zoning. When an IMP is approval by the BRA, special zoning is created for the area under review and the site zoning is set aside. The new zoning code increases the density of the IMP area.

► Community Perspective

“The IMP process eliminates zoning…. within the IMP process the community has no leverage to seek recourse”

—Community Activist
4. Oversight of the IMP Process

There are also concerns about the general oversight of the IMP Process and how power is constituted in the whole process. As one activist puts it: “Oversight of the process is as important as procedure.”

Presently the BRA controls the process and dictates the procedures for planning to which the public can only respond. One place for oversight to occur is through the City Committee on Institutional Relations. This committee serves to develop a relationship between neighborhoods and the public and private institutions affecting them. Part of their mandate is to encourage stronger community participation in the master planning of public and private institutions. They serve mainly as an oversight committee with respect to the Institutional Expansion Board and the Boston Medical center. According to one member, the committee has held hearings as Councilors have filed orders relating to these issues around expansion, yet there is little interaction between the committee and neighborhood groups.

FINDINGS REGARDING THE PUBLIC REVIEW PROCESS

We looked at the IMP and the public participation component of the review process to ascertain how the concerns of the neighborhoods are addressed in the development and planning of nonprofit institutions.

1. The use Task Force model to engage the neighborhoods into negotiations with developers is an acceptable and productive practice in public participation within the IMP review process.

Task Force meetings have specific agendas and members are willing to work with BRA and the developer. This arrangement allows negotiations between the community and the developer to progress, avoiding unconstructive public meetings.

2. The communities commend the efforts of the project managers in their organization of the public and Task Force meetings.

Public notices about these meetings in some cases went beyond what is required, as the project managers maintain email lists and send out upcoming meeting dates and agendas, as well as posting to community blogs. Public notices are also published in the Boston Herald and
Task Force members are always notified of upcoming meetings.

3. The members nominated to serve on the Task Force must be approved by the Mayor.

Subjecting the Task Force members to the Mayor’s approval has raised concerns about the transparency, independency and accountability of the Task Force members. The issue of the Mayor’s dominance of the assembly of the Task Force was carried on the front page of the Boston Globe December 26 edition, an article which portrayed the Task Force to be "Under the City's Sway."

► Community Perspective

Kerrick Johnson, a community activist in Roxbury refers to the Task Forces as "patronage cliques" where nominees are loyalists of the elected representatives who make the recommendations to the Mayor.

--- Kerrick Johnson, (interview, April 14, 2008)

Not only is the independence of the Task Force questioned, but also all other supporting services aimed to assist the Task Force members are also questionable. The hiring of the consultants to assist the Task Force members requires BRA approval and these services are paid for by the developer. It has led to some community members to conclude that the selection of the consultants and the Task Force members are carefully managed by BRA to achieve specific results.

"BRA hired the consultants and the NPIs pay for the services and this arrangement raises the question of neutrality of the consultants. The selection of the consultants are also managed to achieve a specific results"

--- Shirley Kressel (interview, April 14, 2008)

4. While the Institutional Master Plans last for 6 to 8 years and large projects last for 2 to 4 years, the opportunity for the community's comments is fixed within the review process.

The neighborhood has little opportunity to influence the course of the development of a project after the review period. At the Allston Brighton community deliberations there have been instances where the Task Force members’ request for an extension of the deliberation period was denied for expediency. The fixed and short period for the neighborhood to comment of the project raises doubts about whose interests these meetings are serving.
5. The changes that the neighborhoods can make in the final plan are limited to minor adjustments, as major changes or alterations are overridden in the final plan.

The emphasis on deliberation is focused on mitigation measures rather than major alterations. Changes in design and off-site mitigation can be more easily secured than alterations in density and use of project. Many neighborhood concerns remain unaddressed in the final cooperative agreement.

The Northeastern University Parcel 18 Task Force proposed 471 beds as opposed to the planned 1,200 beds; and in spite of Councilor Chunk Turner’s and many other elected officials (Appendix 2) efforts to stall the approval of the 1,200 student dorm, the final Cooperation Agreement reflected no change in the number of beds.

6. BRA has come to realize that there is no reference for the review of the impact of Institutional Master Plans in the communities and has started the process to generate Community-wide Plans.

These plans serve as the basis upon which institutional expansion will be evaluated. The first workshop for these community-wide plans took place at the North Allston/North Brighton community on April 9, 2008.

FINDINGS REGARDING COMMUNITY BENEFITS

We found wide and varying opinions on the subject of Community Benefits within the IMP and Article 80 Review. There are several schools of thought that emerged in our research. Some view community benefits as positive and necessary contributions that an NPI should make to the community of which they are a part, and see the community benefits negotiations as
leverage to ensure that NPI’s ‘give back’ and are responsible members of the neighborhood.

Others see the provision of community benefits as mitigation, a way for institutions to lessen their negative impacts on the community by making certain improvements. Still others see the provision of benefits as a pay-off to the community by the developer in exchange for something it would otherwise not get—the approval of the community for a project.

Then there are those who see infrastructure improvements promised through community benefits as a substitute for what the municipal government is supposed to provide, the maintenance of roads, the building of parks and open space, schools and libraries. These people believe that it is inappropriate for the institutions to serve this function, and that it is even an unfair burden on the institution. We also found that there are those who find flaws within the community benefits framework itself.

1. Difficult to Define Community

One fundamental problem in the negotiation of community benefits is the question of who represents ‘the community?’ There is a wide variety of perceived community stakeholders, and tension exists even within these groups.

► First there are the immediate, legal abutters who live in the closest proximity to the proposed project. Then there are the residents who, although they do not have legal standing, live in the neighborhood of the proposed project.

► There are formal community groups that are located within the greater community and represent their constituencies such as CDC’s neighborhood Councils, and churches.

► There is the labor community made up of workers who may or may not live in the neighborhood but are part of the community within the institution.

► Then there is the greater community in the City of Boston, the taxpayers who have an interest in nonprofit development and its impact on the Boston tax base.

Each community stakeholder has their own special interest and agenda for community benefits that they would like to see.
2. Flaws in the Community Benefits framework

The BRA points out that The Cooperation Agreement addresses large numbers of priorities in a way that is meaningful. Community Benefits are an on-going, long term process.

► BRA perspective

[Through community benefits] …"the relationship of the institution to the community is spelled out in one place and the community benefits and public benefits are documented…"

— BRA staff person

However, the framework for setting down community benefits is that the negotiations and agreements are between the BRA and the developer, without the residents as parties to the Cooperation Agreements. Residents are allowed only to provide input as to what they think should be included. The BRA is the only party that can negotiate community benefits and enter into mitigation agreements with the institution within the Cooperation Agreement.

► Community perspective

“Community benefits under the present city arrangements don’t have to reflect community needs and concerns, since the BRA controls the negotiations. In the Northeastern situation, while eventually community representatives sat with the BRA officials, we didn’t have the opportunity to see the final list presented to the BRA or engage in the negotiations.”

— Councilor Chuck Turner

One activist spoke to us about working on empowering the system framework. His goal:

“To ensure a planning framework for community benefits that is flexible and that can avoid fracture of community identity. To create a structure that provides the structure that community benefits should take, and not focused simply on individual community benefits (like a ‘laundry list’).
3. Community Benefit Agreements

Increasingly the Community Benefit Agreement, an agreement for community benefits that is entered into between the developer and a community coalition directly, outside of the planning process is looking attractive to community members. This has been used on the West Coast the country with some success.

There is some desire to work toward Community Benefits Agreements in the community. The Roxbury Builder's Guild is one example (Appendix 3). Roxbury Builders Guild is a coalition group made up of community residents, labor and construction workers.

They have established a standard community benefit agreement that they would like to see used for each large construction project in Roxbury. It includes sections on benefits for Linkage Funds, Temporary Jobs, Permanent Jobs, Environment, Training and Apprenticeship. It leaves room for additions to these standard benefits, but focuses on these areas as components necessary to the benefits package of any large project.

It calls for contractors to agree to a workforce recruitment, placement and reporting regime with the Roxbury community separate from its obligations to the City of Boston. This is the hallmark of the CBA concept, that the community is a party to the negotiations and that the agreements are between the community and the developer directly.

In their standard CBA agreement the RBG asks for the developer to pay for an independent, community appointed compliance officer. They also demand a regular public meeting of a compliance review board and access to all City BRA, BEC, and BJRP compliance meetings and reports.

“The largest community benefit you can have is that community is involved in deciding what the benefits are.”
In conducting our research in this area we set out to establish how the public is able to participate in the Institutional Master Plan review process and to evaluate whether or not their input is reflected in the final IMP plans.

We also sought to discover whether or not community benefits as outlined in Cooperation Agreements with the BRA reflected the needs and desires of residents affected by the institutional expansion projects.

We discovered that in the planning and review of the Institutional Master Plans in the City of Boston, the BRA indeed mandates public participation.

This public participation takes place in three main forms:

1. Task Force that helps steer the planning and development of an IMP,
2. Impact Advisory Groups reviewing large projects and through attendance at Community Meetings, and
3. Formal public comments during several stages within the IMP timeline, cumulating with a public hearing before the Zoning Commission.

Though these opportunities exist, in reality there are still many residents who are unaware of these opportunities.

All these provisions accord the community the opportunity to learn about projects in their neighborhood and to share their concerns with the BRA and institutional developers. As mentioned earlier, The public participation process should involve participants in defining how they participate.

At the placation level the ground rules allow the have-nots to advise, but retain for the power holders the continued right to decide.

Yet the present state of the public participation in the IMP review process confines the time for the communities to exact any influence on a project to the review period. The influence the communities can exert on developments in their neighborhood is limited. The selection of the Task Force members are subjected to the Mayor’s approval raising concerns about the equity of representation, transparency and accountability of the Task Force members.

Communities are not signatories to the Cooperation Agreement nor do they have the
legal standing to enforce compliance. In some cases, the concerns of the communities remain unaddressed as development plans are approved.

These characteristics correspond with the fifth rung of Arnstein's of Ladder of Citizen Participation: Placation. At the placation level the ground rules allow the have-nots to advise, but retain for the power holders the continued right to decide. In the case of Boston institutional development and review, member of the community are allowed to advise, but the BRA and institutional developers, and ultimately the Mayor, retain the right to decide.

Using the User-Oriented Evaluation Approach, the provisions for public participation appear to serve better the needs of the BRA and institutions than the communities. While allowing the communities to advise on plans, these public participation provisions allow institutional developers to avert community confrontations that have characterized the past relationship between them and their host communities.

The entire framework of the IMP process is created, managed and enforced by the BRA in order to serve the needs of institutions, with the public as third party advisors. Even so, Cooperation Agreements for Harvard, Northeastern and Brigham and Women's contain significant benefits to the community, though not necessarily at the scale and level desired by the community.

Continued collaboration between community groups, education for residents about the effects of development and what residents can do to influence the process, as well as continued pressure to ensure the enforcement of community benefits within the Cooperation Agreements is needed to ensure that the people of Boston truly have a say in the development of their neighborhoods.
Chapter Eight – Recommendations

After conducting our research we decided on several recommendations for action that community organizations can use when deciding where to direct the focus of future campaigns around nonprofit institutional development.

PUBLIC PARTICIPATION RECOMMENDATIONS

1. Shine the light on the IMP process so that the community understands the formal points of contact within the process

Information is power, and citizen oversight is key. It is important to know the process and how to work it. Citizens may not be able to control how much the BRA or a developer responds to their input, but residents can certainly give input and have it recorded, and be ‘part of the process’.

Another important way to influence decision-making is to be a part of the Task Force. Interested participants should contact their local elected representative to ask to be appointed to the Task Force. If certain parts of the community are not represented in the Task Force, insist to your representative that the Task Force be made more inclusive.

2. Urge the BRA to use Deliberative Democracy Techniques in Planning

Deliberative Democracy techniques strengthen the voices of residents in government by allowing critical deliberation amongst people of all races, classes, ages and geographies, and creating a partnership in the planning decision-making process.

According to www.deliberative-democracy.net, Deliberation is “an approach to decision-making in which citizens consider relevant facts from multiple points of view, converse with one another to think critically about options before them and enlarge their perspectives, opinions, and understandings.”

In many cases today’s neighborhood planning involves local resident review of proposals and plans, development of new plans as part of a city’s comprehensive development plan or
neighborhood clean up activities and beautification.

Additionally, neighborhood planning has evolved into an enterprise focused on commercial revitalization and provision of public infrastructure. (Talen, p.173). In *Large Scale Citizen Engagement and the Rebuilding of New Orleans*, Carolyn J. Lukensmeyer provides an alternative to this kind of neighborhood planning. She points to the success of the Unified New Orleans project that, by using the America*Speaks* 21st Century Town Meeting methodology, allowed thousands of people to engage in deliberations about rebuilding and planning priorities in post-Katrina New Orleans.

The America*Speaks* methodology employs technology to link small-group, face-to-face dialogue with large-group decision-making. As Lukensmeyer describes it, “…this process represents a “second generation” of public participation in governance [in contrast] to the usual decide- announce-defend model of one-way information flows, beyond the “line-up-behind-the-mike” approach to public comment meetings, beyond public opinion polling or focus groups, and beyond the usual-suspects approach of rounding up key stake-holders to figure things out behind closed doors” (Lukensmeyer, 2007, p.14).

Innovative techniques that residents could encourage Boston planners to consider incorporating into the public process portion of the IMP include one-on-one interviews, leadership workshops, community-based and online discussion forums, and regional town meetings. These techniques are already being implemented by America*Speaks* in programs in Ohio (Voices and Choices) and the Citizens Health Care Working Group, a national discussion on health care (Lukensmeyer, 2007, p.14).

**COMMUNITY BENEFITS RECOMMENDATIONS**

1. **Push for enforcement of existing community benefits in Cooperation Agreements.**

   One tactic could be to direct energy toward the enforcement of current community benefits promises. The compliance officer may need to be compelled to provide reports on compliance within current Cooperation Agreements. The BRA created the position of Deputy Director for Compliance in 2004 to formally monitor the commitments made in the Article 80 process. Yet it is difficult to discover how compliance is enforced nearly impossible to reach the compliance office.
Community Perspective

“\textit{In the IMP, money has to go into housing trust fund or jobs trust fund, but I tried to get reports tracking those dollars but with no success, there is nothing tracking \"what kind of outreach to you do for the program, who participated in the program, how many continued\"; there is nothing}”
--- Community activist

We suggest working the City Council Committee on Institutional Relations which is the committee charged with oversight of institutional development. Councilor Chuck Turner has had some success working with the Roxbury Master Plan Oversight Committee in developing the framework for Requests for Proposals for development requests in property in Dudley Square that would ensure some benefits for the community, and has experience in dealing with institutional planning.

As a result of our research, he has offered to submit file a hearing order asking for a report on the fulfillment of community benefits packages during the last fifteen years. This would be a good starting point in pushing for better compliance and more access to reports.

2. Consider the use of Community Benefit Agreements

The Community Benefit Movement (CBA) began in California. Community Benefits Agreements establish legal agreements entered into directly between a developer and a community coalition outside of the regular planning process.

CBA’s have potential to create social justice through economic development and land use planning. Roxbury Builder’s Guild already moving in this direction and has established a Standard Agreement for Community Benefits to apply to any large construction project in Roxbury (Appendix 3).

Community groups can work together to establish a strong community coalition to engage in negotiations with developers. These can be complex legally and there are other drawbacks so this idea should be reviewed carefully as an option.
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Cooperation Agreements for Construction of the Brigham and Women’s Hospital, Inc. 70 Francis Street, Brigham Green Enhancement and Parking and Amory Building Façade Improvements, April, 14, 2005
Appendices

Appendix 1: Public Participation Evaluation, User-Oriented Evaluation Approach
Appendix 2: (Comments from Elected Officials) Northeastern University IMP Scoping Determination
Appendix 3: Roxbury Standard Community Benefits Policy
Appendix 4: Executive Order of Mayor Thomas M. Menino: An Order Relative to the Provision of Mitigation by Development Projects in Boston
Appendix 5: Tufts University IRB exemption status approval
Appendix 6: BRA Institutional Master Plan Fact Sheet
Appendix 7: Group CLU Memorandum of Understanding with Community Labor United
Appendix 8: Team CLU Interview Instrument
To be aware of opportunities for public participation

**Objectives**

- To have the opportunity to make public comments or attend a public hearing
- To hold public hearing in a convenient location and comfortable setting
- To express concern about a proposed development
- To ask for a specific change in the plan
- To demand a community benefit

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<th>Goal</th>
<th>Objectives</th>
<th>Indicators that Criteria Met</th>
<th>Measurement Criteria/Indicator</th>
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July 27, 2006

Gerald Auler
Project Manager,
Boston Redevelopment Authority
One City Hall Plaza,
Boston, MA 02201

Dear Mr. Auler,

I would like to offer these written comments in place of testimony at tonight’s hearing as I will be in the State House taking up the Governor’s overrides in session until late this evening.

I would like to compliment this community process that has led us to this point. I continue to support and push for private institutions to bring neighborhood groups and organizations to the table as active participants when it comes to land use and development in the 7th Suffolk District. The BRA has done an excellent job in guiding the process on future residential development at Northeastern University. With that being said, this is just a first step, and much more work lies ahead of us.

The development of Parcel 18 east and Parcel 18 west is a major area of concern for me and for the people I represent. It has been previously designated by Northeastern University as an economic development area. Now, with the agreement to build residential units on Parcel 18 West by the Community Task force, Northeastern University and the BRA, I want to be clear that I only support this project as long as it does not interfere with economic development on both Parcels of land. This is clearly stated in the conditions or page 1-8 of the “3rd Amendment to the Institutional Master Plan” as submitted by Northeastern University on July 10, 2006.

Additionally, I do not support Northeastern University building more than the agreed upon 471 units unless Northeastern University gets support from the abutters of Parcel 18. I also do not support Northeastern University building 1,200 beds on that site. I feel that number is too high. Future development of Parcel 3 is to become the gateway to the Roxbury community. Placing two twenty-two story towers adjacent to Parcel 3 is too much, too high,
and will overshadow the future development at Parcel 3 and the rest of the corridor. It is my hope that some compromise can be reached, with a satisfactory community benefits package, that has the support, and will support the Roxbury community.

Thank you for your attention in these matters, and I look forward to the continued cooperation by BRA, Northeastern University and the neighborhood abutters.

Yours in Community Service,

Gloria L. Fox
State Representative,
7th Suffolk District
August 10, 2006

Mark Maloney
Director
Boston Redevelopment Agency
One City Hall Plaza
Boston, MA 02201

Attn: Gerald Aulter, Project Manager

Dear Mr. Maloney,

I would like to take this opportunity to comment on Northeastern University's Institutional Master Plan Notification Form (Third Amendment to IMP) and Project Notification Forms (PNFs) for Parcel 18 West Development and Residence Hall K submitted to the BRA on July 10, 2006. I am also sending a copy of this letter via fax.

I praise the community-university planning that has brought us to this point. Although there have been a few bumps along this road, I believe they were all caused by moments of distrust and opacity by one or more of the parties. We are now on the right road: I look forward to a process of trust and transparency.

The PNFs before me today were developed after the community and university representatives agreed to hold the new institutional planning process in abeyance in order to complete a process to respond to the immediate need for the construction of a minimum of 1,250 beds (see p. 1-10).
BYRON RUSHING

A key proposal that allows for the University’s proposed solution is the community’s agreement to use a part of Parcel 18 for dormitory development. The development of Parcel 18 east and Parcel 18 west is a major area of concern for me and for my constituents. It has been previously designated by Northeastern University as an economic development area. Now, with the agreement to build residential units on Parcel 18 west by the Community Task Force, I want to be clear that I can only support this project as long as it does not interfere with economic development on Parcel 18, both East and West (see p. 1-8).

I urge the Boston Redevelopment Authority (BRA) not to support Northeastern University building more than the agreed upon 471 dormitory beds on Parcel 18 and not to support Northeastern University building up to 1,200 beds on that site. I urge the BRA to support the construction of an additional 729 beds on and at the Culliane Hall building site and the Gainsborough Garage and Parking Lot sites.

Placing two twenty-two story towers on Parcel 18 is too much, too high, and will detrimentally overshadow the future development at nearby Parcel 3 and the rest of the corridor. The Parcel 18 site cannot accommodate such a large dormitory without a debilitating effect on a proposed hotel and conference center development and development oriented to the Lower Roxbury sited there. I urge the BRA to use its resources and influence to reach a compromise with a satisfactory community benefits package that will support the Roxbury community.

Let me add a comment on the new master plan for Northeastern: I have heard suggestions that this process be delayed because of the arrival of a new university president. I urge you in the strongest terms not to delay or postpone the master planning process.

Thank you for your attention to these matters. I look forward to the continued cooperation between the BRA, Northeastern University, neighborhood abutters, and the Greater Roxbury community.

Yours truly,

Byron Rushing
Second Assistant Majority Leader
9th Suffolk District
Appendix 2: (Comments from Elected Officials) Northeastern University IMP Scoping Determination

Mr. Mark Maloney, Director
Boston Redevelopment Authority
One City Hall Plaza
Boston, MA 02201

Dear Mr. Maloney:

I am writing in regards to Northeastern University’s proposed development of two new student resident halls on Parcel 18 West and the current site of Cullinane Hall.

Over the last 18 months, the Community Task Force which was charged with advising Northeastern as it examined potential sites for student housing met nearly two dozen times to outline a series of objectives for both the University as well as the surrounding communities. While I believe the end result, manifested in PNF now under consideration, is certainly a step in the right direction, there are still a number of outstanding issues which impact Boston’s communities, particularly abutting neighborhoods.

One of the most pressing matters facing my community today is that of an ever-increasing student presence at the expense of permanent residents. Over the last several years, the Mission Hill neighborhood has become more and more saturated with off-campus students, which in turn has led to a host of other related problems, including loud and disruptive parties, destructive behavior, a loss of affordable rental housing, and an exodus of families from the area.

The creation of approximately 1,800 beds as outlined in Northeastern’s current plan is an encouraging step in the right direction of housing more of the institution’s students on campus. However, with the phasing-out university housing under the Master Lease Property Program (MLPP), 750 off-campus beds will be lost over five years commencing with the issuance of construction permits for the proposal before us. As such, much of the new dormitory space will serve as a replacement for current University-controlled beds rather than as surplus new on-campus housing. Given the projected time frame for planning and construction, I do not believe that this new development, while positive, will have a tangible impact on the current situation in Mission Hill.
In light of this reality, I believe it is fundamentally imperative for the University to examine its enrollment policies and projections throughout the current Master Plan and well into the next. As more on-campus housing is added, it is vital that the University keep in check the addition of even more new students, lest we find ourselves approving the construction of new housing merely to accommodate new students, rather than shifting the existing population out of our residential neighborhoods. I would therefore ask that Northeastern, through its Master Plan process, formally outline their policy on student enrollment and over-enrollment in addition to the institution’s projected student population over the life of the current Master Plan and into the next.

Related to the issue of off-campus student housing is that of student behavior. The aforementioned influx of off-campus students into residential neighborhoods has resulted in numerous quality of life concerns for local residents. Loud parties, vandalism, and an assortment of other concerns continue to affect the neighborhood, and though efforts have been made in cooperation with Northeastern and other institutions to address these issues, it is likewise important that the University take full responsibility for the actions of its students and ensure that the disciplinary process is both swift and effective. While a minority of the students living in Mission Hill is responsible for the majority of the problems related to such behavior, the cumulative affect of this student migration into my district continues to be significant.

As new dorm space comes online and additional opportunities for on-campus housing are created, I would like to see Northeastern closely examine the feasibility of requiring first and second year students to live on-campus in the future. I understand that the University does in fact offer housing to all freshman, though it does not explicitly require that they live on-campus. While I recognize the difficulties in implementing such a policy, I believe that Northeastern should further explore this option in an effort to address some of the behavior issues outlined above. For freshmen living off-campus, the often first-time experience of being away from home and independent can frequently lead to such disruptive behavior. Requiring these students to spend their first and possibly second year on campus may help to diffuse some of this behavior. While exceptions could certainly be made, such as for students living at home, this prospective policy should be further explored.

Additionally, the University’s commitment to the Boston Public Schools is also of importance to both my constituents and to me. Two years ago, I wrote to you regarding the then Memorandum of Understanding between Northeastern and the City in which I expressed my interest in seeing stronger partnerships formed between the University and our City’s graduating high school students. There are an estimated 2,800 freshman enrolled at Northeastern and nearly 14,600 total undergraduates. Given that fewer than 100 BPS graduates were enrolled for each year from 2000-2004, I believe that the University can and must make a more concerted effort to reach out to local high school students and encourage their application to the university, in addition to likewise endeavoring to admit more BPS students. I am aware and have been reminded by Northeastern officials that the reason many Boston Public School graduates are not admitted are because of a lack of meeting the GPA and SAT requirements for admission.
I would recommend Northeastern look at building initiatives not only at Roxbury Community College but within their own programs that will allow BPS Graduates to have an opportunity to show Northeastern that their strength lies in a sum of multiple strengths, not just within the paradigm of money, SAT scores, and GPA. While I am aware that these are significant components which allow Northeastern to break through national rankings, I would recommend that the University then seek to utilize the School of Professional and Continuing Education which may provide Northeastern cover from ranking standards while at the same time find an avenue which may work for those students who may not test well or may have not had high GPA throughout high school. I am hopeful that Northeastern will utilize the powerful sum of its parts to engage and build a way to get Boston Public School graduates a chance of attending to such a fine leaning community such as Northeastern.

I have no doubt that there are still numerous challenges facing the City, Northeastern, and my district in relation to this process. However, I am confident that we can continue to collaborate and work toward a solution that is beneficial to everyone. We have come a long way since North Lot and Camden were first proposed, but I do believe that the end result, thus far, is a good one.

Thank you for your consideration and if you have any questions or if I can be of any assistance in the future, please do not hesitate to contact my office at (617) 722-2370.

With warmest regards,

Jeffrey Sánchez
State Representative

CC: Mayor Thomas M. Menino
Joseph Aoun, President, Northeastern University
Robert Gittens, Vice President of Public Relations, Northeastern University
Jeffrey Doggett, Director of Government Relations and Community Affairs, Northeastern University
Harry Collings, Executive Secretary, Boston Redevelopment Authority
Gerald Autler, Project Manager, Boston Redevelopment Authority
August 10, 2006

Gerald Autler  
Senior Project Manager  
Boston Redevelopment Authority  
One City Hall Plaza  
Boston, MA 02201

RE: Northeastern University  
IMPNF: Third Amendment to the IMP

Dear Mr. Autler:

I am writing to comment on the Institutional Master Plan Notification Form for Northeastern University Boston Campus. I would like to take this opportunity to share both my support as well as some concerns regarding this project since the Mission Hill and Fenway neighborhoods will be directly and heavily impacted.

I support Northeastern University’s overall plans for this project, which includes the construction of 1,200 beds in Parcel 18 West, provided Northeastern negotiates with the abutters on a fair agreement. I further support the construction of an on-campus dormitory, where Cullinane Hall is presently located, and the addition of the Gainsborough Garage Lot.

Given the challenges Mission Hill and Fenway neighborhoods have experienced regarding off-campus housing, I hereby request a change in Northeastern’s policy that would mandate freshmen and sophomore students to live on-campus. Such a policy would alleviate the negative impact of students living in abutting residential neighborhoods such as Mission Hill and Fenway.

The potential benefit from this dormitory project will be lost if Northeastern exceeds the stated goal of a 15,000 person student body. The Mission Hill and Fenway neighborhoods have suffered tremendous negative consequences from certain students who live in off-campus housing in the neighborhoods. Long term residents, including families, have departed Mission Hill due to student related disturbances and high rent prices which can be easily afforded by a group of students in a unit. Northeastern must

District 8
BOSTON CITY HALL, ONE CITY HALL PLAZA, BOSTON, MASSACHUSETTS 02201  
(617) 635-4225 Fax: (617) 635-4203 MICHAEL.ROSS@City.Boston.MA.US
continue to work with the community to reduce the negative impacts and increase the benefits this institution and its students have on the community.

I am concerned with this institution’s continued efforts to purchase property outside of their campus area, particularly St. Ann’s Church. This was a disappointing purchase as there were opportunities by other interested developers to purchase this property to be used as home ownership opportunity and by new residents in the community. Considering the amount of community interest and regard for St. Ann there should be more community review for the development and use of this property.

In closing, I support Northeastern University’s Institutional Master Plan proposal and praise this university for working with the community on these issues and for their construction of supervised on-campus dormitories. I hope that the concerns outlined in this letter are taken seriously and considered as the plans move into their final stages, as they are also the primary concerns of the Mission Hill and Fenway communities at-large.

Thank you for your attention to this letter and please do not hesitate to contact me at 617.635.4225 if you have any questions or concerns.

Best regards,

[Signature]

Michael P. Ross
Boston City Council
Testimony regarding Northeastern’s Proposal for 1200 beds on Parcel 18
Chuck Turner, Boston City Councilor, District 7

I am Chuck Turner, Boston City Councilor representing District 7. My testimony is focused on the amendments being proposed by Northeastern to amend their Master Plan.

Before presenting my views on their plan, I need to present the history of the development of Parcel 18 on which they propose to put a twenty one story tower and a sixteen story tower to house 1200 students. This history is necessary so that you understand the context in which their proposal is being made.

In 1968, the Boston Black United Front, a coalition of Black and Latin organizations in Roxbury formed Operation Stop as a Coalition to fight I-95, which was proposed as a superhighway that would come down Columbus Avenue from the suburbs. Since the Front members believed the proposed sixteen-lane highway would have a devastating effect on Lower Roxbury, Operation Stop was formed to mobilize the communities opposition and to join with others fighting the highway.

After a two year study process initiated by Governor Sargeant to explore the costs and benefits of building the highway, he decided to cancel plans for a highway and focus on developing a mass transit alternative. The leadership of the Front then reached out to groups in Jamaica Plain and the South End to develop a plan for how the land should be used from a community perspective. The plan developed by the Southwest Corridor Coalition became the blueprint for the state plan that followed a few years later.
The Coalition's plan included the idea that Parcel 18 should be designated as a site for local developers. While this concept was adopted by the state, nothing happened for a number of years because the community development corporations identified as the developers were not able to gain the capital necessary to move forward with the project.

However, in 1985, the director of the BRA worked with the Parcel 18 Task Force to develop a plan for developing the land through a competitive bid process focused on local development teams of color.

The winning partnership, Columbia Plaza Associates, then began a process of working with our State legislators to identify a state project that could be sited on the land. Initially, the proposal was that the Mass Water Resource Authority put part of its operation on the land. Due to political maneuvering the MWRA building were located at another site. However, a new Registry of Motor Vehicles building was then identified for the site, despite the opposition by the employees. Yet, before the building could be fully opened, there were complaints that the air quality of the building was not healthy and the Registry moved to a Chinatown site.

The Registry move to Chinatown left the developers without a prime tenant and they decided to sell the entire Parcel to Northeastern. While those of us who had fought to stop the highway and designate Parcel 18 for development by the community understood the difficulty faced by the developers, there was a sense of betrayal that our business people had failed to hold the parcel.

Parcel 18 has been dormant for a decade except for the building originally built for the Registry which then was occupied by Northeastern offices and the Whittier Street Health Center which rented space from Northeastern. Northeastern agreed when they bought the building to develop an economic development project on the Parcel beneficial to the community but have taken no action in over a decade.

Development on Parcel 18 is now before us since Senator Wilkerson proposed last December during the Northeastern Master Planning process that Parcel 18 be used for a limited number of beds if Northeastern agreed to move forward with the development of the economic project. Other elected officials and Roxbury community representatives in the planning process agreed to support her proposal as long as Northeastern agreed to move the economic development project
forward at the same time and the number of beds were limited to 471,

Northeastern agreed to the idea of moving the economic development project forward in conjunction with the building of the dormitories but objected to the idea of limiting the beds to 471. They then proposed that the details would be worked out with the remnants of the Parcel 18 Task Force and abutters. However, I do not believe that anyone in the group representing Roxbury in the planning process ever imagined that Northeastern would propose to build two towers on the land with 1200 students.

My certainty is based on the fact that many of the Roxbury representatives had struggled for years to limit the number of Northeastern students in a development project a few blocks away to no more than six hundred beds in a development that was spread over a larger area than the portion of the Parcel 18 site proposed for the dormitories.

In addition, the focus on getting students out of the neighborhoods surrounding Northeastern was based on the experience that students in leased housing in the neighborhoods were disruptive to the quality of life. Therefore, it made no sense for the Roxbury representatives to support Northeastern placing 1200 students on a site that would be across the street from the P3 parcel that is being proposed for mixed use, including market rate and affordable housing.

Why would we want to create a problem for the residents who would be living in the housing developed on P3 by supporting 1200 students living in dormitories across the street? In addition, the Roxbury Master Plan indicates that the P3 site is viewed as the gateway to the Roxbury community and needs to have an architectural definition that will enhance the aesthetic experience as people enter the area. Obviously, two towers across the street filled with students will detract from the impact envisaged for the P3 development.

I know that some have said that community benefits for local organizations would be a reasonable trade off. However, Northeastern should be willing to give those benefits in return for building a dormitory that will house 471 students. Why should the community have to support a monstrous project in order to have community benefits?
Appendix 2: (Comments from Elected Officials) Northeastern University IMP Scoping Determination

In addition, given the experience of the Whittier Street Health Center, Northeastern community benefits can turn out to be a wolf in sheep’s clothing. When Northeastern bought the P3 parcel from Columbia Plaza Associates, they said they would allow the Whittier Street Health Center to move rent-free into the building they had acquired on Parcel 18.

In return for use of the space, Whittier Street agreed to pay 21.65% of the operating costs. While they felt that the total operating costs of $700,000 was high, they believe that they could afford their share of those costs. However, they never imagined that the operating costs of the building would almost double in five years, from an initial $700,000 to $1,200,000. Since Whittier Street pays for their own utilities, security, and janitorial services, they have asked Northeastern to see a copy of the operating costs so they can see what they are paying for. However, Northeastern has refused to give them the information. Even the BRA, which agreed to get the figures from Northeastern have been unsuccessful in obtaining the information.

When you look at the situation carefully, it is easy to see that Northeastern is benefiting from the Health Center being in the N.U. building not the Center.

- Center’s income has almost doubled in five years
- No cap on the escalation of income
- Center pays for its own utilities, security, and maintenance
- Center cannot find out what they are paying for
- Center had to invest $3,000,000 in outfitting the space that was rented to them.

In conclusion, I am vehemently opposed to Northeastern’s plan to put up two towers, which would house 1200 students. These two towers would overwhelm the surrounding community and our P3 development. In addition, having watched development for a number of years, I have seen low numbers proposed for height/density and then be raised after the process moves forward, particularly if they are able to get the site identified as a Planned Development Area.

While I initially agreed to the 471 units, as I think about the past behavior of Northeastern, their community benefits scam with the Whittier Street Health Center, and their proposal of 1200 beds, I am beginning to believe it was a major mistake to agree to any number of units. However, we agreed to that number and have to honor our agreement. However, we do not have to accept them almost tripling that number and I ask for your help in protecting the P3 Parcel and Lower Roxbury by limiting the beds to 471. Our community fought too long to stop the highway and for the appropriate development of Parcel 18 to have Northeastern make a mockery of our forty-year struggle.
Appendix 3: Roxbury Standard Community Benefits Policy

Roxbury Standard Community Benefits Policy

The following criteria are designed to be the standard community benefits policy for large construction projects throughout Roxbury. The final form of this agreement should be a signed contract between the developer and the Roxbury Builders Guild representing the entire community of Roxbury.

LINKAGE FUNDS:
Assessed as a percentage of total development cost (%). Held and distributed by a Roxbury base entity. These funds are separate from any regular ongoing payments to be made by Developer.

- Construction Bonding Pool
- CORI Insurance Fund for Subs
- Subcontract Insurance & Prompt Payment Agreement (2 week pay cycle)
- Business Development Fund
- Apprenticeship Trust Fund (Training Scholarships and Stipend)
- Affordable Housing Trust Fund
- Madison Park Vocational Technical High School Training Facility
- Fund other Existing Training Programs (Re: Hutcherson, Sutton School, YouthBuild, Women in the Building Trades, ROC, Wentworth)
- Public Open Space Maintenance Commitment
- Academic mentoring and scholarships
- Priority given to Resident Abutters
- Child Care Vouchers

TEMPORARY JOBS

Construction Policy:
- Open Shop (Right to Work)
- Community Oversight Board
- BRJP compliance reporting format
- Apprenticeship Utilization Requirement
- Hiring goals to include sub-contractors and development professionals
- University CORI policy
- Joint Venture program to encourage local MWBEs
- Minority Fabricator Program
- Minority Building Supply
PERMANENT JOBS
- Building Maintenance
- Landscaping
- Moving Company
- Building Supply
- Renovation Contracts
- Computer Technology
- Security

ENVIRONMENT
- Green Building Standard
- Renewable Energy Demonstration Sites

TRAINING and APPRENTICESHIP AREAS OF COMMITMENT
- Bio-Technology
- Renewable Energy
- Computer Technology
- Construction Trades
- Child Care Professionals
- Medical Professionals
- Bio Technology Careers
- General Education Mentoring, Scholarships, and Admissions commitments.
- Career Advancement and capacity building training for businesses and workers.

PROJECT LABOR AGREEMENT
NEU should agree to participate in community wide negotiations with the building trades union of a comprehensive Project Labor Agreement (PLA) governing the conditions of the union presence in Roxbury Dorchester and Mattapan. Two key aspects of this PLA include provisions allowing non-union sub-contractors onto job sites, and commitments to local training, apprenticeship, and hiring from the unions.
CONSTRUCTION JOBS AND CONTRACTS

PERFORMANCE REQUIREMENTS:

- 60% BOSTON RESIDENTS
- 51% MINORITY
- 15% WOMEN
- 51% WBE OR MBE SUB-CONTRACTORS AND SUB-SUBS (VERIFIABLE)
- DESIGNATE A PRIMARY AGENCY FOR WORKFORCE AND SUB-CONTRACTOR REFERRALS USING ROXBURY COMMUNITY JOBS BANK
- DEVELOPER IS RESPONSIBLE FOR CONTRACTOR’S AND SUB-CONTRACTORS’ COMPLIANCE
- CONTRACTORS WILL AGREE TO WORKFORCE RECRUITMENT, PLACEMENT AND REPORTING REGIME WITH THE ROXBURY COMMUNITY THAT IS SEPARATE FROM ITS OBLIGATIONS TO THE CITY OF BOSTON
- DEVELOPER WILL PAY FOR INDEPENDENT, COMMUNITY APPOINTED COMPLIANCE OFFICER
- SUSTAINABLE RECRUITMENT PLAN FOR NEW WORKERS
- APPRENTICE UTILIZATION REQUIREMENT
- TRADE-SPECIFIC REQUIREMENT (COMPLIANCE REQUIREMENTS SHALL BE MET FOR EACH TRADE)
- PRIORITY GIVEN TO IMMEDIATE ABUTTING RESIDENTS
- EACH WORKER CAN COUNT IN ONLY TWO CATEGORIES
- PREVAILING WAGE JOBS ONLY
- OPEN SHOP (RIGHT TO WORK)

OVERSIGHT/MONITORING:

- WORK WITH COMMUNITY COMPLIANCE OFFICER & COMPLIANCE BOARD
- REGULAR REPORTING PROTOCOL SCHEDULE WITH COMPLIANCE BOARD
- GUILD ACCESS TO ALL CITY, BRA, BEC AND BRUP COMPLIANCE MEETINGS AND REPORTS
- REGULAR PUBLIC MEETING OF COMPLIANCE REVIEW BOARD

PROCESS:

- PRE-CONSTRUCTION MEETINGS WITH COMMUNITY
- COMMUNITY INVOLVEMENT IN CONTRACTOR SELECTION (VETO POWER)
Appendix 3: Roxbury Standard Community Benefits Policy

ROXBURY BUILDERS GUILD

- Community access to construction schedule
- Access to subcontractors
- Compell contractor and subs to obey this agreement
- Full access to job site
- Community participation in all Article 50, Article 80, Boston Employment Commission, and pre-construction meetings to provide direct community authentication of workforce compliance process.
Appendix 3: Roxbury Standard Community Benefits Policy

3 STEPS
TOWARDS ETHICAL DEVELOPMENT PRACTICES FOR NORTHEASTERN UNIVERSITY.

1. Moratorium on all University expansion on the Roxbury side of Tremont Street for 30 years.

2. Negotiate a comprehensive Community Benefits Agreement following the framework described in the Roxbury Standard.

3. Development of Joint Institutions (Instead of self-serving scholarships and grant writing opportunities for Northeastern what about joint institutions that create collaborative entities. Example: instead of a hotel on parcel 18 east, what about a business incubator? What about a social action incubator? What about a community resource information clearing house? What about a community metrics think tank?)
Appendix 4: Executive Order of Mayor Thomas M. Menino: An Order Relative to the Provision of Mitigation by Development

CITY OF BOSTON • MASSACHUSETTS
OFFICE OF MAYOR
THOMAS M. MENINO

EXECUTIVE ORDER
OF
MAYOR THOMAS M. MENINO
An Order Relative to the Provision of Mitigation by Development Projects in Boston

I, Thomas M. Menino, Mayor of Boston, order that relevant City agencies and departments immediately create and implement policies to ensure that the developer of any proposed project subject to Large Project Review was defined in Article 80 of the Boston Zoning Code ('Proposed Project') follows the explicit process, hereinafter set forth, with the Boston Redevelopment Authority ('BRA') in the determination of any and all impacts of the Proposed Project and appropriate mitigation efforts. Mitigation efforts ('Mitigation Efforts') shall be generally defined as mitigation of environmental impacts through physical enhancements to the Proposed Project or affected areas, or mitigation of social impacts through the provision of community and public benefits. Proposed Mitigation Efforts shall consider both local impacts on and needs of the immediate area surrounding the Proposed Project as well as impacts on and needs of neighborhoods throughout Boston.

I further order that the following process be adopted by relevant City agencies and departments with respect to Proposed Projects:

1. A Letter of Intent ('Letter of Intent') detailing the location, use, size, general description, potential zoning relief, and other relevant information regarding a Proposed Project must be submitted to the BRA prior to the submission of a Project Notification Form ('PNF').

2. Following the Letter of Intent but prior to the submission of a PNF, and upon the recommendation of the BRA, I shall appoint an Impact Advisory Group ('IAG') composed of up to nine (9) members to advise the BRA with respect to appropriate Mitigation Efforts. The IAG will continue until completion of the IAG draft cooperation agreement review period as described below. A majority of IAG members shall be residents, business owners, or designees of community organizations in the geographic area determined by the BRA as impacted by the Proposed Project. Any neighborhood

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Appendix 4: Executive Order of Mayor Thomas M. Menino: An Order Relative to the Provision of Mitigation by Development

Counsels serving within the impacted area shall be represented on the IAG. In addition, the city council, the state representative, and the state senator in whose district the project is located will each be allowed seven (7) days to nominate one (1) representative, from whom the Mayor will select one (1). Residents may also nominate individuals for consideration as IAG members.

3. If an IAG is appointed, the members of the IAG shall be invited to attend the Scoping Session on the Proposed Project and the views of the IAG regarding impacts of the Proposed Project and Mitigation Efforts of the developer will be given significant weight by the ERA as it drafts the Scoping Determination.

4. Where the ERA deems it necessary and appropriate, prior to issuing a Certification of Compliance for a Proposed Project the ERA shall enter into a Cooperation Agreement with the developer that shall include the nature and extent of all Mitigation Efforts. The ERA shall not enter into such Cooperation Agreement until the IAG members have been given fifteen (15) days to review the draft Cooperation Agreement and provide comments.

5. Only agreements made by the developer within the Article 80 review process and to which the ERA is a party will have bearing on the developer’s Mitigation Efforts as determined by the ERA and will be included within the Cooperation Agreement.

6. Prior to the completion of a Proposed Project, the developer shall obtain from the ERA a Certification of Mitigation Compliance for the Proposed Project detailing the fulfillment to date of the terms of the Cooperation Agreement.

I further order that the provision of Mitigation Efforts by a developer should, whenever possible, be in the form of specific, tangible enhancement projects, or programs complete by the developer. At the discretion of the ERA, the developer may offer a financial contribution, to be held in escrow by the ERA, to support social programs and community initiatives.

I further order that the determination of Mitigation Efforts be fair and reasonable, that mitigation for environmental impacts of a Proposed Project be comprehensive, and that mitigation for social impacts be appropriate and not excessive. Mitigation Efforts should ensure that the positive benefits of a Proposed Project outweigh the negative impacts of said project. No amount of Mitigation Efforts shall allow for the approval of an otherwise unacceptable project.

I further order that relevant City agencies and departments create and implement policies to ensure that any residential project developed under or receiving funds from the Mitigation Efforts of a Proposed Project be subject to all fair housing regulations and affirmative marketing procedures.

I request the ERA to adopt the above Order as its policy in connection with Proposed Projects.

Thomas M. Menino
Mayor of Boston

Dated:

Official Signature
Appendix 5: Tufts University IRB exemption status approval

Tufts University
Office of the Vice Provost
Social, Behavioral, and Educational Research
Institutional Review Board

Re: IRB Study # 0803038
Title: The Planning Impact of Nonprofit Institutions on Neighborhoods, Communities and the Democratic Process
PI: Ina Anderson
Co-Investigator(s): Michael Messina
Study Coordinator:
IRB Review Date: 3/25/2008

March 26, 2008

Dear Ina,

I have reviewed your application for the new study listed above. This study qualifies as exempt from review under the following guideline: 4. Existing publicly available information.

Any changes to the protocol or study materials that might affect the exempt status must be referred to the Office of the IRB for guidance. Depending on the changes, you may be required to apply for either expedited or full review.

If you have any questions, please contact the Office of the IRB at (617) 627-3417.

Sincerely,

Yvonne Wakeford, Ph.D.
IRB Administrator
INVESTIGATOR RESPONSIBILITIES

Investigators who are conducting research using human participants have the following responsibilities:

- To comply with the Code of Federal Regulations regarding the protection of human subjects.
  - [http://www.hhs.gov/ohrp/humansubjects/guidance/45cfr46.htm](http://www.hhs.gov/ohrp/humansubjects/guidance/45cfr46.htm)
- To protect the rights and welfare of all human subjects.
- To ensure that each potential participant understands the nature of the research.
- To ensure that the correct procedures are followed to gain informed consent from each person prior to participation.
- To provide each participant with a copy of the IRB approved consent document unless waived by the IRB.
- To ensure that all researchers, research assistants and faculty advisors have completed the required CITI training and that the certification is current. Certification is valid for a period of 5 years.
- To conduct all research according the Institutional Review Board (IRB) approved protocol.
- To not initiate any changes to the protocol without IRB review and approval, unless it is necessary to eliminate an immediate hazard.
  - Submit the Request for Protocol Modification form.
- To submit to the IRB for continuing review at least 6 weeks prior to the expiration date of the protocol if the research is going to continue past the expiration date.
  - Submit the Request for Continuing Review form.
- To officially close the study once completed.
  - Submit the Request for Study Closure form.
- To promptly report any unanticipated problems to the IRB.
  - Submit the Unanticipated Problem Report form.
- To promptly report any adverse events to the IRB.
  - Submit the Adverse Event Report form.
- To retain all data and signed consent documents for at least 3 years beyond the completion of the research.

Please refer to the website for additional information:


Feel free to contact us if you need any assistance.

Revised 1/23/2008
INSTITUTIONAL MASTER PLANS

Introduction:
Boston is famous as a center of world-renowned universities and hospitals. Most of these facilities are located in the heart of the City's residential neighborhoods, where off-campus institutional development can significantly impact the surrounding communities. To ensure that the expansion of a hospital or university enhances the institution's public service and economic role in the surrounding community, as well as the City as a whole, the City instituted Institutional Master Plan Review.

What is an Institutional Master Plan?
An Institutional Master Plan (IMP) describes an institution's entire long-range development program, giving the community and the Boston Redevelopment Authority (BRA) a context within which to evaluate all of the institution's proposed projects and their overall effect on the neighborhood. The IMP is a comprehensive development plan that describes an institution's existing facilities, long-range planning goals, and proposed projects. The institution must update and renew its IMP periodically and must amend it whenever it adds or changes any project over a minimum threshold.

Institutional Master Plan Review:
Institutional Master Plan Review recognizes that large colleges, universities, and teaching hospitals tend to expand and renovate their facilities more frequently than other uses do, and that the cumulative effects of incremental expansion may be greater than, or different from, the effects of each project individually. To assess these cumulative impacts and determine appropriate community benefits, Institutional Master Plan Review requires a public review of a hospital or college project in the context of the institution's overall development program.

Institutional Master Plan Review is required by Article 80 of Boston's Zoning Code for most hospital, university, and college projects that add more than 20,000 square feet of gross floor area or that involve interior alterations for more than 60,000 square feet of gross floor area. Institutional Master Plan Review seeks to engage affected communities in an open-to-all review of Institutional Master Plans and the projects described in them. The adoption or amendment of an Institutional Master Plan requires public comment periods, a public hearing, and votes of both the Boston Zoning Commission and the BRA Board of Directors. In addition, the institution must sign a Cooperation Agreement with the BRA. This Cooperation Agreement empowers the BRA to enforce the institution's public commitments approved in the review process. Approval of an Institutional Master Plan creates new zoning regulations for the land and buildings described in the plan. It does not, however, examine the effects that particular project designs may have on specific areas. That question is left to Large and Small Project Review.
Large and Small Project Review:

An Institutional Master Plan may propose projects that are not allowed as-of-right by the general zoning for the area. If an IMP is approved, the institution may seek to build any project whose uses, dimensions, and location are described in the plan. If a proposed project is 50,000 square feet of gross floor area or more, examining the impacts and effects of these projects is left to Large Project Review. Large Project Review may require the applicant to submit detailed technical analyses, such as but not limited to, wind, shadow, groundwater, and traffic studies. The BRA may conduct Large Project Review at the same time as Institutional Master Plan Review if the information needed for these analyses is available when the Institutional Master Plan is ready for review.

If a proposed project is less than 50,000 square feet of gross floor area but more than 20,000 square feet of gross floor area, examining the impacts and effects of these projects is left to Small Project Review. The purpose of Small Project Review is to provide a concise procedure for reviewing the design of projects that do not require Large Project Review but that can be expected to impact the surrounding area and public realm because of their size or location. Small Project Review determines whether a project is consistent with the design guidelines and site plan standards established for the project location and for the City as a whole. The BRA may conduct Small Project Review at the same time as Institutional Master Plan Review if the information needed for these analyses is available when the Institutional Master Plan is ready for review.

9/22/03
MEMORANDUM OF UNDERSTANDING

BETWEEN
TUFTS UNIVERSITY FIELD PROJECTS TEAM NO. 2
AND
COMMUNITY LABOR UNITED (CLU)

I. Introduction

Project team number: 2
Project title: Neighborhood Impact of Institutional Master Plan (IMP)
Client: Community Labor United

This Memorandum of Understanding summarizes the scope of work, work products and deliverables, timeline, work processes and methods, and lines of authority, supervision and communication relating to the Field Project identified above as Neighborhood Impact of Institutional Master Plan (IMP) as agreed to between:

(i) the UEP graduate students enrolled in the Field Projects and Planning course UEP-255 course offered by the Tufts University Department of Urban and Environmental Policy and Planning (UEP) who are identified in Paragraph II(1) below;
(ii) Community Labor United (CLU), further identified in Paragraph IX(2) below;
(iii) and UEP, as represented by a Tufts faculty member directly involved in teaching the Course during the spring 2008 semester.

II. Specific Provisions

(1) The Field Projects Team working on the Project consists of the following individuals:

1. Emmanuel Owusu  email address:
2. Ina Anderson   email address:
3. Logan Wangsgard  email address:
4. Michael Messina  email address:
Appendix 7: Group CLU Memorandum of Understanding with Community Labor United

(2) The Client's contact information is as follows:

Client name: Community Labor United
Key contact/supervisor: Mary Jo Connelly
Email address: [redacted]
Telephone number: [redacted]
Address: 8 Beacon Street, 2nd Floor, Boston MA 02108
Web site: www.masschu.org

(3) The Project Goals:

The Tufts UEP Field Projects team will seek to test published claims that large nonprofits provide positive net economic value in the Boston area. Generally, the Field Projects team will do this by examining the IMP process as it has developed so far. It will then ask whether:

1. The process has led to more and more meaningful public input from residents and workers living in affected neighborhoods; and
2. The process has created more and more meaningful community benefits (and particularly benefits in affected communities)

(4) Project Methods and Process: The methods and processes through which the Field Projects Team intends to achieve these goals are:

- interviews
- secondary research
- GIS analysis
- Field observations

(i) Overview of Boston City Zoning and Institutional Master Plan

(ii) Evaluation of the public input processes of IMPs that have been approved by the boards of directors of selected hospitals and universities.

(iii) In addition, the UEP Field Projects team will put together a build-out model and apply it to IMPs now in the approval pipeline, or that have been approved but not yet implemented.

(iv) Analysis of the community or public benefits provided through IMPs approved by the boards of selected hospitals and universities.
Based on the IMPs that have been adopted, identification and mapping out of the expansion plans of selected Boston hospitals and universities, with attention to parcels that are currently generating property taxes but that may be taken off the tax rolls as a consequence of the planned expansion.

Project Products and Deliverables:

The final research will be in the form of:
- Printed copy.
- Electronic copy.
- Printed maps and
- GIS model.

The anticipated Project timeline:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feb 4</td>
<td>Signing of MOU</td>
</tr>
<tr>
<td>Feb 20</td>
<td>Draft Project Outline</td>
</tr>
<tr>
<td>March 3</td>
<td>Report on Research Progress</td>
</tr>
<tr>
<td>April 2</td>
<td>Presentation of Draft Report</td>
</tr>
<tr>
<td>April 30</td>
<td>Presentation of Final Report</td>
</tr>
</tbody>
</table>

The lines of authority, supervision and communication between the Client and the Field Projects Team are (or will be determined as follows):

The designated Field Project team contact person with the client is Logan Wangsgard, and the contact person for the client is Mary Jo. All formal communication between these two persons is binding and reflects the interests of the two groups in this contract. Whenever necessary communication between these two groups will be supervised and required approved by a faculty member, who serves as Project Supervisor for the student team.

Communication can occur through the following mediums, email, telephone, fax, meetings.
III. Additional Representations and Understandings

A. Compensation:
The Field Projects Team is undertaking the Course and the Project for academic credit and therefore compensation (other than reimbursement of Project-related expenses) may not be provided to team members, unless otherwise decided by the client voluntarily.

B. Public Distribution of Field Project:
Because the Course and the Project itself are part of an academic program, it is understood that the final work product and deliverables of the Project - either in whole or in part - may or most likely will be shared with others inside and beyond the Tufts community. This may include, without limitation, the distribution of the Work Product to other students, faculty and staff, release to community groups or public agencies, general publication, and posting on the Web. Tufts University and the Field Project Team may seek and secure grant funds or similar payment to defray the cost of any such distribution or publication. It is expected that any issues involving Client confidentiality or proprietary information that may arise in connection with a Project will be resolved as early in the semester as possible by discussion among the Client, the Field Project Team and a Tufts instructor directly responsible for the Course (or his or her designee).

C. Ownership and use of data and research materials:
The following provisions are made concerning Ownership and use of this research:
(i) Client will have opportunity to make inputs into this project at the design stage, first draft and final draft stages of the research
(ii) The field project teams seek to present a balance report of its findings; however the client can revise the report to suit their wider research perspective; with proper acknowledgement to the authors.
(iii) If necessary, general data and conclusions would be publicly available and specific advice to the client would be not publicly available.
(iv) Field project team members working on a client’s project will not speak to the media without first clearing this with the client

D. Institutional Board Review (IRB):
It is understood that this Project may require the approval (either through full review or by exemption) of the Tufts University Institutional Review Board (IRB). This process is not expected to interfere with timely completion of the project.
Appendix 8: Team CLU Interview Instrument

Background and Consent for Interview

Thank you for agreeing to interview for this important study. My name is __________ and I am a graduate student at Tufts University pursuing a Master's degree in Urban & Environmental Policy & Planning.

This interview is part of my "Field Project" class which is part of my requirement towards my Master's degree in Policy and Planning. The class integrates theory and practice. We work on small teams to address real-world challenges, while offering community organizations and agencies expert analysis and a much-needed service.

Our group's client is Community Labor United (CLU), a non-profit organization that develops partnerships between local unions and community groups. They have asked us to assess the Planning Impact of Nonprofit Institutions on Communities and the Democratic Process.

Our goal is to evaluate the level of public participation and community benefits within the Institutional Master Planning (IMP) Process in Boston. We will use information gathered from this interview to inform our evaluation. You are not required to participate in the interview. It is voluntary and will remain confidential. It is your right to refuse to answer any question or stop the interview at any time.

Your perspective and insight could inform CLU, their clients, and the general public about the Planning Impact of Nonprofit Institutions on Communities and the Democratic Process. All Tufts groups will post their reports on our department website. We will provide a copy to you before we post or publish the report in any way so you can verify that any perceived representation of yourself is accurate.

Would you be willing to participate? The interview will be about 20 to 30 minutes.

(Verbal consent)

_____ Yes – That's great. Are you ready to begin?

_____ No – Thank you for listening.

Time interview started: ____________________
Appendix 8: Team CLU Interview Instrument

The interview will have three sections: the first is about your role and your experience with the Institutional Master Plan Review process, the second section will be about public participation, and a third about community benefits.

Alright, are you ready to begin? Great, let's start with your experience with the IMP review process.

1. Can you describe your current role with ____________?
   a. How does your job relate to the Institutional Master Plan Review process?

2. Which Boston neighborhood do you represent or work with most?

3. Which nonprofit institutions have the most impact on the people in your area?

4. What does the IMP review process mean to you (personally and/or professionally)?

5. Please tell me about the most significant IMP review that you've been involved with?
   a. What was your role?
   b. Which Institutional Master Plan was under or project under review?
   c. Which neighborhoods were affected?
   d. How confident are you that the community affected was appropriately represented?
   e. What went well with the IMP review process? What were your challenges?
Appendix 8: Team CLU Interview Instrument

f. Was the level of public participation sufficient enough to result in discussion or deliberation?

g. Did the public's input result in a community benefits change in the final plan? If not, please explain why?

Thank you. Let's move on to some more general questions about public participation during the IMP review.

6. As you know, Article 30 requires public notices to be distributed through a newspaper of general circulation and in writing to all public agencies of the City...

   a. Are public notices typically made available outside of these requirements?

   b. If yes, please explain.

   c. Are there any future plans to distribute public notices electronically, say by email for example?

7. How are the locations of the hearings chosen?

   a. Is the location convenient to the communities affected by the IMP?

   b. Do you think the setting of the hearing is conducive for participation and collaboration?

   c. What is the general size of the community participants at hearings?

8. Is a particular format used during hearings that ensure maximum participation?

9. How are the concerns of the neighborhoods addressed during public hearings? And how are they generally addressed for public comments? Please explain.

10. How do task forces relate to the IMP review?
Appendix 8: Team CLU Interview Instrument

a. Is there a requirement for a task force to be assigned? How are the task force members chosen?

b. Are community leaders identified before the DMP review or during the process?

c. How are concerns and demands from the task force transferred to public comments or public hearings?

11. How are concerns and demands of the affected community documented?

   a. For public comments and public hearings?

   b. Is anything posted online?

12. How are the concerns and demands of the affected community assessed and weighted during the DMP review?

   a. What methods are employed to prioritize concerns and demands?

   b. What factors are considered during the approval process?

OK, we are on to the final section on community benefits.

13. As you know, one of the main purposes of the Institutional Master Plan is to ensure public involvement "to determine appropriate community benefits."1

   a. Who decides what is "appropriate"?

   b. How does the ERA mediate between the institution and the affected community?

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c. How often do the demands of the community integrate into the IIM community benefit report?

14. Article 80 talks states that the institution signs a cooperation agreement with the BRA that will enforce the community benefit commitments. 

a. How does the BRA enforce community benefit commitments?

b. Under what jurisdiction is the community benefit agreement enforceable?

c. What is the role of the promise keeper?

15. What is the role of the BRA when communities express that institutions are not fulfilling their community benefit commitments?

a. How does the BRA assess supposedly unfulfilled community commitments?

Thanks again for participating in this interview. I appreciate your time and again your insight is important. If you have any follow up questions or input that comes to mind in the future, please feel free to email me at ______________ or call me at ________

Time interview ended: ______________

Interview conducted: _____ in person, or on the phone _____.

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