

SAVING THE NEIGHBORHOOD: A CRISIS INTERVENTION HANDBOOK



Murphy's Bar and Grill at Queen and Nu'uanu Streets in Honolulu.

Author:

Phil Mendelson

Editors:

Patricia D. Wilson

Stephen L. Callcott

This handbook was originally prepared for the D.C. Preservation League's 1991 Neighborhood Crisis Intervention Workshop. It is meant to be a basic primer, a handy reference to guide you through a development threat. This handbook is written for almost any type of neighborhood preservation or development crisis. As you will quickly find, the preservation battle is often really a land-use fight, and conversely, the land-use controversy often involves preservation issues.

Generous funding for this brochure has been provided by the Dorothea de Schweinitz Preservation Services Fund of the National Trust for Historic Preservation and the Tenley and Cleveland Park Emergency Committee (TACPEC).

The D.C. Preservation League, formerly Don't Tear It Down, was founded in 1971 to save the Old Post Office from demolition. The League has since secured protection for fifteen historic districts and over 150 individual landmarks in the city, and is recognized as Washington's premier city-wide, non-profit preservation organization. Today, in addition to safeguarding our historic Downtown, the League is increasingly involved in city-wide



DC PRESERVATION LEAGUE

www.dcpreservation.org

zoning and planning issues, and regularly provides technical assistance and guidance to District community groups. For more information, please call 202-783-5144. ©

D.C. Preservation League

Reprinted with Permission by Historic Hawai'i Foundation, 2010

This edition, reprinted by Historic Hawai'i Foundation, is made possible through the Historic Preserves of Hawai'i Fund at the Hawai'i Community Foundation. The fund was established to support projects to protect, preserve and interpret historic sites in the Hawaiian Islands.

**HISTORIC
HAWAII
FOUNDATION**

Historic Hawai'i Foundation was established in 1974 to encourage the preservation of historic buildings, sites, objects and districts on all the islands of Hawai'i. As the statewide leader for historic preservation, HHF works to preserve Hawai'i's unique architectural and cultural heritage and believes that historic preservation is an important element in the present and future quality of life, environmental sustainability and economic viability of the state. Contact HHF at 680 Iwilei Road, Suite 690, Honolulu, HI 96817 • Tel: 808-523-2900 • FAX: 808-523-0800 • www.historichawaii.org

INTRODUCTION

If we had only a minute's advice to give a fledgling group facing a development project, we would suggest four fundamental principles:

- 1. Don't underestimate your strength.** Too often we think that "not enough people are helping." But, there has rarely been a local development fight with more than 3-5 hard working, core activists. If there were more, they'd trip over each other. Where you want broad participation is in filling meeting rooms, writing letters, and giving money.
- 2. Know that everything is political.** Development fights rarely win on the facts alone. This is why community support is critical; community outrage even better. Politicians look for political solutions. Even the black-robed jurist is acutely aware of public opinion in controversy.
- 3. Recognize the power of saying "no."** Sooner or later, you'll probably be asked to compromise. Too often community groups underestimate themselves and the process and give in too soon. However, it is easy to preach this, harder to know it, because nobody knowingly gives up too soon.
- 4. Be prepared for an adversarial process.** You have to be a fighter, and you have to be creative about it, willing to try every different strategy to find the winning combination.

THE BASIC STEPS

A developer begins to assemble land in your neighborhood. You learn that several neighborhood stores and a row of handsome, affordable houses are about to give way to a mega-complex of offices and a regional shopping center. But you and your neighbors have to live with the consequences. Shouldn't you have some say in what takes place?

So what do you do?

The answer may be common sense: *organize* to fight back, *identify* your Winning Strategy, and *publicize* the issue to gain support and build pressure against the development. But the trick of success is in the nuances.

Fighting inappropriate neighborhood development is a dynamic process. It requires creativity and a continual ability to change and adopt new strategies. The group that forgets this — that gets static in its ways and its membership — is a group that can be outmaneuvered and beaten.

ORGANIZE

Call a meeting; Get a group; Reach out for help

The very first step (as if there can be a “first” when several steps must be taken virtually simultaneously) is to *call a meeting*.

You need to organize. Someone has to do the work, and you can't do it alone. More importantly, it is critical in any neighborhood controversy to build the broadest possible community support. That comes from organizing.

Organizing should not be a goal in itself, but rather a means to other goals. For the one-time fight it probably doesn't matter if you have a precise membership, formally adopted bylaws, and a carefully defined governing committee (most decisions are by consensus anyway). What does matter IS that you *get a group*, an organization which volunteers may join; that you have some semblance of a framework in which strategies may be discussed; and that this group enables the broader community to participate and offer support.

Should you use an existing organization or create a new one? There is no simple answer, except perhaps to choose the course that is easiest and most effective. A new organization can be single-issue oriented. Such a narrow focus maximizes effect and is definitely advantageous when volunteers are few and you mustn't lose supporters over peripheral issues. But a new organization lacks reputation and credibility, and probably lacks resources, too. While benefits of an existing organization are obvious — e.g. resources and experience — an existing organization may be reluctant to take on a new issue, or its members may be resentful of newcomers. Choose the vehicle — new or old — that allows you to organize with the least start-up effort.

At this stage, you should also *reach out for help*. Try to find experienced activists who can offer advice. Begin immediately to obtain support from other groups. All of this is fundamental to organizing and building successful opposition.

IDENTIFY

Get the facts; Develop a strategy; Seek help

Identify the facts. What, exactly, does the developer propose? What, exactly, is so worthy about the building or place you wish to save? What is the actual threat (who, what, when and how)? Has the property been designated as an historic site? What does zoning currently allow?

Identify your objective. What do you want: to stop the proposal altogether? To modify the proposal or find some other compromise? How realistic is your objective in light of the circumstances?

Identify every possible project approval needed by the developer.

The more the better, as each approval is an opportunity to either defeat the proposal or exact concessions. And each approval presents an opportunity for your group to further organize and publicize — distribute flyers, recruit community participation, build opposition, and get press coverage.

Identify the value of time. Should you move quickly or seek delay? Usually, if a developer needs approval, delay will force him to compromise or give up. However, if all approvals have been given, you must move quickly to stop work and identify alternative strategies. The time factor is critical.

Identify your players and potential allies. Get as many people involved as you can — making contacts, distributing flyers and recruiting volunteers. Enlist help from other neighborhoods and similar causes.

Identify your strategy. This should be an ever-changing combination of the above. It cannot be said enough that fighting a development proposal is a dynamic process. It requires creativity and constant reevaluation. Every one of the above points may change — and should. Facts will emerge. Objectives shift. The time factor may vary. Volunteers, even key players, come and go. If there are too few required project approvals, then make some: demand a public hearing, apply for landmark status if the building is worthy or file an appeal.

PUBLICIZE

Alert the community; Develop symbols

Publicizing goes hand in hand with organizing. First and foremost is the need to alert the community. To call a meeting requires a notice, usually distributed door-to-door. As soon as possible thereafter, a more detailed fact sheet or flier should be prepared.

Neighborhood fliers are essential for any successful development fight. They educate the community; the community must learn the issues if it is to support your fight. Fliers should be distributed frequently enough to keep people up to date. They should always carry a fundraising appeal — to pay for themselves and bring much needed money.

A good flier is as much a matter of form as it is of substance. If no one reads it, what good is it? To maximize the number of readers, a flier must be relatively short, easy to read, and formatted to catch the eye. Remember that visuals are very effective. Not only is a drawing or photo interesting, but a good picture can convey the essence of your fight.

A rule of thumb: whatever must be said can and ought to be said on one page (with ample blank space). Anything longer should be edited down. Details can be put on the back of the page. There is something to be said for providing as much information as possible, yet there is no point in losing the larger audience by cluttering the basic message with details only a few people will care to read. The masses can read page one, everyone else can turn the page.

Finally, be factual. While you want to persuade the community to fall in line behind your cause, don't be so zealous that you are misleading about the nature and extent of the development threat.

Develop symbols. Symbols are a part of almost every controversy. Often, the symbol is nothing more than a phrase: "Housing For People, Not Profit" or "Save Our Neighborhood." One of the great controversies of our era, concerning abortion, has been reduced to "choice" versus "right to life." Symbols emerge. They usually are not decided at the first meeting, but they will be a useful rallying tool.

PUBLICIZE

Get press coverage; Frame the issues

While the neighborhood flier is essential to building community support, TV and newspaper coverage is significant because it has political import.

Getting press coverage requires patience and newsworthiness. There is a lot of competition for media attention, and the editors (who make reporting assignments) and reporters need to be educated about an issue before they can cover it. Keep in mind that while it's often difficult to attract the attention of the two big city papers, community papers are always looking for stories of local interest. Chances are that they are read by many people in your immediate neighborhood.

It helps to think of media events as opportunities that create a little excitement or drama. The creative group is always thinking of actions to stir media interest: a protest demonstration, picketing a visit of the Mayor to the neighborhood, packing a hearing room, or holding a candlelight vigil.

Do you need a spokesman? It helps, because working the press means cultivating reporters. It is a process of frequent contact - giving information, developing trust, learning what story angles interest the different reporters. Who should be the spokesman? Someone who can summarize the issues, is patient and friendly, and who can always put a positive spin on events. The spokesman should not have a big ego or be personally ambitious — traits which reporters suspect and dislike.

Cultivating the press allows you to *frame the issues* to your advantage. Politicians call this "spin control." If you don't frame the issues, someone else will. The fight to save an historic building can be seen as a struggle for the preservation of a neighborhood's values — or it can be seen as obstructionism by a minority afraid of change. Which is the message *you* want conveyed?

TACTICAL MAXIMS

NEGOTIATION

An over-excited demonstrator once commented that "war is nothing more than negotiation without a table." What he really meant to say was that one should see every aspect of fighting development as a form of negotiation. Each side hopes to improve its strength, to better its position, so that the chance of success is increased.

Recognizing this subtlety makes a big difference. A strategy that seeks advantage rather than quick and outright victory is easier to achieve. Getting turned down before a review board becomes a minor setback rather than a defeat. Going for advantage means that if and when there is real negotiation, you will be in a better position to avoid unwanted compromise. The pressure to compromise is an ever-present aspect of fighting development. If the developer doesn't offer compromise it probably means you aren't much of a threat — you've lost.

This gives rise to several maxims:

- 1. Recognize the power of saying "no."** In development battles it is rare that an offer, once rejected, doesn't come back in an improved form. Unless your position is truly irrational, saying "no" is actually exercising strength. In fact, there is control in saying "no" because in negotiation, one can change from "no" to "yes," but not vice versa. A corollary is: don't get too caught up in negotiations — just because you agree to talk doesn't mean you have conceded anything, or that you *must* come to some agreement.
- 2. Never assume the alternatives will be worse.** A developer's favorite threat is that you must immediately accept his "modest" proposal or else either he'll change his mind and build something awful or another developer will come along with less sensitivity. Either instance is highly unlikely.
- 3. Don't underestimate your strength.** Every group does, and the reason is simple. Who, better than you, knows your weaknesses? Over and over, groups focus on their vulnerabilities while, of course, they have little idea of the developer's problems. A corollary is: don't overestimate your opponent; the other side has its

vulnerabilities, too. Developers are more experienced in negotiation, including the art of bluff. They pretend to have no flexibility, but they will find flexibility if you keep up the pressure.

EVERYTHING IS POLITICAL

When it comes to land use, it is often not enough to be reasonable, use experts, and to have the law on your side. You need to think politically.

Very often the loudness of the controversy and depth of community support correlate directly with the chances for success. The more you crank up the opposition, the more likely the political support.

For instance, pack the hearing room. This isn't a terrible thing to do. A board that looks out on a capacity-filled room will be impressed that you mean business. In fact, the board members will be more than impressed — they'll feel pressured.

It is a fact of government that politicians and bureaucrats dislike pressure. They'll seek delay. They'll look for willingness to compromise. They don't really care in the same way you or the developer does, and because of this most politicians and bureaucrats will do almost anything to avoid making a tough decision in the midst of controversy.

A public hearing is an *opportunity*, because you can make it a political event. It is an event around which you can organize community support. It is a chance to demonstrate your strength. And it provides a reason to put elected officials on the line: ask them to show support by testifying.

Even if a politician won't support you, your mere asking may lessen the likelihood that he or she will support the other side.

Too often community activists lose sight of these political truths and get caught up in the facts. In one sense it doesn't matter if the neighborhood stores are a designated landmark, because they can still be "façade-omized" or even totally replaced. One can lose even with the best experts. But the Mayor or City Council can find ways to stop a proposal, and they will intervene if the political heat gets great enough.

TAKE THE INITIATIVE

Like any sport, it helps to take the initiative and keep the other side off balance. This is part of the adversarial process. *You* frame the issue. *You* choose the forum. *You* set the objectives.

Take the landmarked neighborhood stores targeted for redevelopment as a megacomplex of offices and regional shopping center. It happens that access will be by a road, to be constructed through adjacent park land. This proposal offers numerous opportunities for initiative.

You frame the issue. It could be preservation of the landmark. It could be zoning: the neighborhood cannot take this level of redevelopment. It could be environmental, such as the loss of park land. Or the issue could be youth and crime: the need for adequate recreational space. Better yet, it should be all of the above.

You choose the forum; remember, the more the better. Oppose the demolition of the landmark before the Historic Preservation Review Board and the Mayor's Agent. Challenge the building permit. If city officials won't back down, file an appeal. Challenge the access road — perhaps an environmental impact statement is required.

You set the objectives, which may shift as the issues develop. The shifts should be nothing more than a matter of focus, and they help keep the other side off balance. At first you may focus on preserving the landmark. Then you may change emphasis to the park land — bringing in new issues and new allies. Suddenly you may petition for rezoning to stop the building permit — forcing the developer to adopt a whole new defense. Be creative, but remain consistent in your objectives.

INTEGRITY

- ***Be consistent in your objectives.*** It's a matter of *integrity* — without it, your group can't build credibility, trust, and community support. Developers will accuse you of being nothing more than a "small faction" of "unreasonable" NIMBYs (Not In My Back Yard) who "resent progress," "can never support anything," "oppose housing," etc. You have to counter this.
- ***Cast your issue on a moral high ground.*** It may be nothing more than a slogan such as "saving our neighborhood," "protect our shop owners," or "save our supermarket." A theme that implies a larger issue (rather than NIMBY) attracts support and neutralizes criticism.
- ***Be reasonable.*** Of course the test of this is not what the developer will say — in his eyes, you may never be reasonable. But you can't demand the impossible and maintain credibility.
- ***Be responsive.*** You can't afford to be labeled otherwise. If the developer wants to meet, do it. See this as an opportunity, not a threat — you can learn more facts about his project and you don't have to concede a thing.
- ***Never offend; avoid personalities.*** It is easy to get so caught up that the developer becomes equated with Darth Vader. The developer is not evil, he simply has different objectives. Taking land use issues to a personal level is a very quick way to lose community and political support.

MISCELLANY

Pros & cons of consensus

Citizen groups almost always operate by consensus, even if they take votes on all decisions. This tendency toward consensus decision making is probably due to an intuitive awareness that a community-based, volunteer group must be united and operate as a team. There is strength in this.

However, consensus-style decision making becomes a critical weakness when one of the major players dissents. This is not so uncommon; the pressure to compromise is always great, while the prospect of victory seems ever so tenuous. When one or two key players doubt the value of continuing, an internal crisis may arise. There may be value to the dissent, but the disagreement may also unintentionally represent a challenge to the consensus manner in which the group has reached decisions. Good leadership realizes this, permits fair discussion, and then turns to democratic, majority vote rule.

The value of lawyers

If your fight involves any kind of legal action, you will need an attorney. Often, though, a tendency develops to rely too much on the lawyer. Perhaps this is because attorneys are professionals at being adversarial, and because partisans usually think they can win on the facts alone.

However, land use fights are largely political and it would be unwise to rely solely on the lawyer. Government officials are more impressed by a massive outpouring of community sentiment than by a lawsuit. Even judges are acutely aware of public opinion and controversy; the judicial system frequently prefers political solutions in land use controversies.

Attorneys can also have a weakness for compromise. Their desire to win may be different than yours, and they may urge settlement on grounds not wholly consistent with the group's desires. Again, remember the value of saying "no." To the extent you rely on a volunteer, "in-group" attorney, be sure he or she has the time to devote to the case, and knows land use law. A good land use lawyer may know legal strategies that can obtain results even the political process can't deliver — easements, for example.

The value of architects

Depending upon the nature of the controversy, consider hiring an architect to assist in critiquing the developer's plans. This is highly unusual, and can be highly effective. This advice applies to other kinds of experts, too, such as traffic experts, landscape architects, etc. Expert witnesses give credibility to your side and can very effectively debunk a developer's claims before a review board.

Tailor your message to the audience.

Each forum has its own jargon. The arguments before the Historic Preservation Review Board must be different than the ones before the Board of Zoning Adjustment, because each board has different criteria for decision making. And those arguments will be different from what is said at a community meeting, where you should not sound legalistic. Sometimes activists get so caught up with emotion that they forget to talk in terms an agency must hear.

There are never enough volunteers.

There is rarely a local development fight with more than a handful of hard-working volunteers. Keep recruiting, but don't be discouraged. The paucity of volunteers is normal — and may even be efficient! Where you need broad participation is in filling meeting rooms, writing letters, and giving money.

You may lose before you win.

In almost every fight there are knockdowns before the last bell. There will be minor setbacks - even defeats. How you react to the first defeat — acceptance or anger — will define the movement. Get angry; persistence is the key to citizen success. The Zoning Commission may give the developer his up-zoning, but the City Council refuses to close the alley. The BZA grants a zoning variance request but the Mayor's Agent finds that the project is not one of "Special Merit." As they used to say in the Civil Rights movement: "Keep your eyes on the prize."