

## **BOSTON REDEVELOPMENT AUTHORITY**

### **INSTITUTIONAL MASTER PLAN POLICY**

This Institutional Master Plan ("IMP") policy addresses issues regarding the overall application and use of IMPs as a mechanism for institutional development in the City of Boston and shall provide guidance to institutions seeking to utilize IMPs.

#### **A. BACKGROUND**

IMP Review was established pursuant to Section 80D of the Boston Zoning Code (the "Code"). The purpose of IMP Review is to provide for the well-planned development of Institutional Uses in order to enhance their public service and economic development role in the surrounding neighborhoods. IMP Review recognizes that Institutional Uses need to expand and renovate their facilities more frequently than do other uses, 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, IMP Review examines the combined impacts of an institution's overall development program and affords the public the opportunity for review and comment.

#### **B. APPLICABILITY OF IMP REVIEW UNDER THE CODE (Section 80D-2)**

IMP Review applies to the following Proposed Institutional Projects:

1. any Proposed Institutional Project that is required, pursuant to underlying zoning, to be consistent with an approved IMP; or
2. if the combined gross floor area of a Proposed Institutional Project and all of the other Institutional Uses of the same Institution equal one hundred and fifty thousand (150,000) square feet or more, however if such combined gross floor area equals one hundred thousand (100,000) or more square feet, the Institution may elect to seek approval of an IMP, and as of the date of such approval, the Institutional Uses of the Institution shall be subject to IMP Review under Section 80D of the Code.

Section 80D of the Code (Institutional Master Plan Review) establishes the requirements for IMP review and compliance.

Zoning relief is granted through the Boston Zoning Commission's approval of the IMP under Section 80D of the Code. Hence, the approved IMP constitutes the zoning for the Institutional Uses of the Institution.

## C. IMP POLICY GUIDANCE FOR INSTITUTIONS

### 1. *Term of the IMP*

IMPs shall be for a ten (10) year term, unless another specific IMP term is required pursuant to the applicable underlying zoning.

### 2. *IMP Requirements in Underlying Zoning*

No provision of an IMP shall be allowed to deviate from the IMP requirements in the underlying zoning or from the requirements set forth in Section 80D of the Code.

### 3. *Leased Space*

The Boston Redevelopment Authority (the “BRA”) recognizes that an Institution may need to lease space during the term of its IMP, but that going through the IMP Amendment process may be too lengthy to make it worthwhile and could be a deterrent to an Institution making positive improvements and changes. This issue has been handled within the last number of years by having the Institution include in its IMP a section regarding the parameters surrounding future leased space and including the discussion of such leased space during the IMP review process with the community.

The future leased space section of an IMP should include all of the following:

- the total square footage of future leased space in the aggregate for the term of the IMP; and
- a time frame for such leased space; and
- the specific types of Institutional Uses that would occupy the leased space (with the caveat that no High Impact Subuses would be allowed in the leased space without an amendment to the IMP); and
- language that but for the institutional nature of the institutional occupancy, such use must be allowed in the underlying zoning or, if not, such use shall receive the appropriate zoning relief from the Board of Appeal in connection with such use or structure; and
- language that such new leased space will not require an amendment to the IMP as long as the BRA has received written notice of the new leased space and as long as when the Institution does amend its IMP, it will update the provisions that refer to leased space to add such new leased space as part of the IMP Amendment.

The issue of renovation of such leased space has not specifically been addressed other than to use an exemption in accordance with Section 80D-2 to allow for such renovation. However, if this is addressed as part of the community review process

through Section 80D and there is language added to the above future leased space section of an IMP allowing for such renovations and describing the parameters of such potential renovations, then it is a possibility that this could be handled through the issuance of a Certification of Consistency, again with the caveat that the Institution give written notice to the BRA and as long as when the Institution does amend its IMP, it will update the provisions that refer to leased space to add such newly renovated leased space as part of the IMP Amendment.

#### *4. Non-Institutional Uses*

An IMP may permit certain limited, commercial/retail/restaurant uses on the ground floor of a Proposed Institutional Project, as determined appropriate by BRA review, in order to activate the street level and serve the public. However, any such uses must be presented and discussed at community/ Task Force/Impact Advisory Group meetings during the IMP review process and must be clearly articulated in the Proposed Institutional Project section of an IMP or IMP Amendment.

The Project is located within the Groundwater Conservation Overlay District (“GCOD”) which is governed by Article 32 of the Code. The Project shall comply with the standards and requirements set forth in Article 32 of the Code. The Applicant shall obtain a written determination from the Boston Water and Sewer Commission (“BWSC”) as to whether the Project meets the standards and requirements of Article 32. In addition, the Applicant shall demonstrate that the Project meets the requirements of Section 32-6 of the Code by obtaining a stamped certification from a Massachusetts registered engineer showing that the requirements of Section 32-6 of the Code are met. The Applicant shall provide both a copy of the written determination from BWSC and a copy of the stamped certification from a Massachusetts registered engineer to the Authority and the Boston Groundwater Trust prior to the issuance of a Certification of Compliance. As such, the Project shall be deemed to be in compliance with Article 32 of the Code and shall not need a conditional use permit from the Board of Appeal for Article 32 purposes.

#### *5. IMP Updates*

An approved IMP shall be updated biannually, on or before the applicable anniversary of the approval date of the IMP.

To update its IMP, an Institution shall file with the BRA a description of all projects as set forth in Section 80D-7 of the Code. In addition, IMP updates must include a compliance report on all projects and community benefits, as such community benefits are set forth in the applicable Cooperation Agreement(s) and any relevant amendments thereto.

The biannual update of an IMP does not constitute an amendment or renewal of the IMP, and the description of a project in such biannual update shall not serve to add any such project to any applicable IMP without an amendment of such IMP pursuant to Section 80D-9 of the Code. Similarly, an IMP amendment does not constitute an update. The biannual update is separate and distinct from an IMP amendment.

#### *6. Renewal of IMPs*

An approved IMP may be renewed at any time in accordance with Section 80D-8 of the Code. An Institution may renew an approved IMP no more than two times and for a term of one (1) to three (3) years, unless the Institution can evidence a compelling rationale, such as no new Proposed Institutional Projects, and as determined appropriate by the BRA. During the renewal term, the Institution should be working to plan and formulate a new IMP for a new ten (10) year term, unless the Institution decides to let its IMP expire.

#### *7. Exempt IMP Projects – Interior Renovations*

A Proposed Institutional Project located in a district in which underlying zoning does not provide for projects to be consistent with IMPs may be exempt from the requirements of Section 80D-2.1(b) to be consistent with an IMP if the project is within the IMP overlay district and is for interior alterations to an existing building, and such project does not establish or expand a High Impact Subuse that will affect an aggregate gross floor area of more than fifty thousand (50,000) square feet (which is not a phase of another Proposed Institutional Project). In other words, as long as such project is limited to only interior renovations of not more than fifty thousand (50,000) square feet and is not a High Impact Subuse, and the use, dimensional, and other regulations of the underlying zoning applicable to the use category are allowed, such project may be exempt from IMP review and a Notice of Exemption may be issued in accordance with Section 80D-10 of the Code. This is not in the aggregate for the term of the IMP, but rather is in the aggregate per Proposed Institutional Project.

#### *8. Exempt IMP Projects – Erection or Extension of Institutional Uses*

A Proposed Institutional Project located in a district in which underlying zoning does not provide for projects to be consistent with IMPs may be exempt from the requirements of Section 80D-2.1(b) to be consistent with an IMP if the project is for the erection or extension of an Institutional Use, provided that such project does not affect an aggregate gross floor area of more than twenty thousand (20,000) square feet (which is not a phase of another Proposed Institutional Project) for the term of the IMP and the use, dimensional, and other regulations of the underlying zoning applicable to the use category are allowed, such project may be exempt from IMP review and a Notice of Exemption may be issued in accordance with Section 80D-10 of the Code.

### *9. Exemption for Development Impact Project Payments*

For IMPs, there is an exemption from the Development Impact Project (“DIP”) payments required pursuant to Section 80B-7 of the Code for the first one hundred thousand (100,000) square feet of development containing DIP uses (as defined in Section 80B-7.2(c) of the Code, as may be amended from time to time (“DIP Exemption”). Any and all development of DIP Uses over and above said DIP Exemption must make the required DIP payments in accordance with Section 80B-7 of the Code. Dormitories are not considered DIP Uses.

- a. **Only one 100,000 square foot exemption shall be allowed per the term of an IMP.**

### *10. Cooperation Agreements*

Cooperation Agreements shall be written and reviewed by the BRA and the Institution. Upon completion of writing and review by the BRA and the Institution, the Task Force or the Impact Advisory Group, whichever is applicable, may have fifteen (15) days to review.

### *11. American with Disabilities Act (“ADA”)*

Any new Proposed Institutional Project must be ADA compliant, as required by the applicable local, state, and federal laws and regulations.