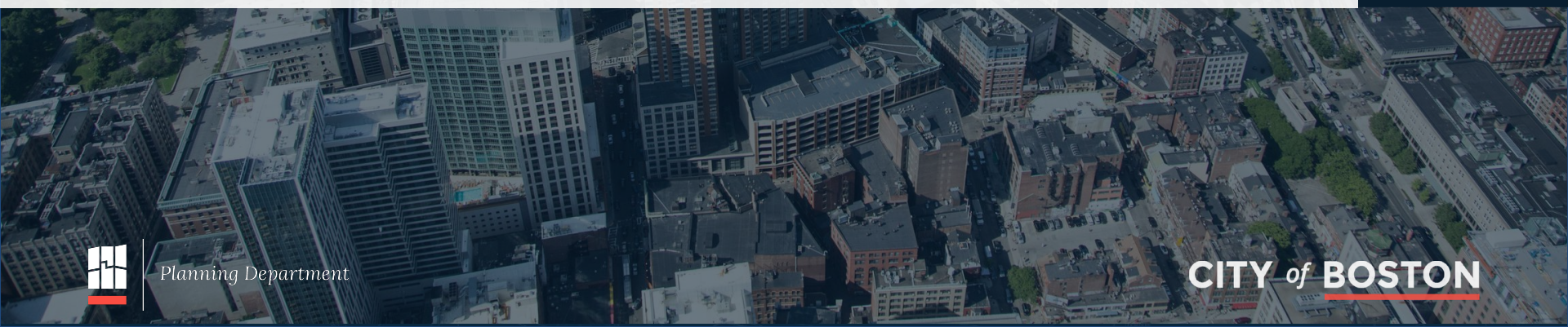




SKYLINE DISTRICT AND DOWNTOWN ZONING TEXT AMENDMENT

Zoning for housing, jobs, and business growth Downtown

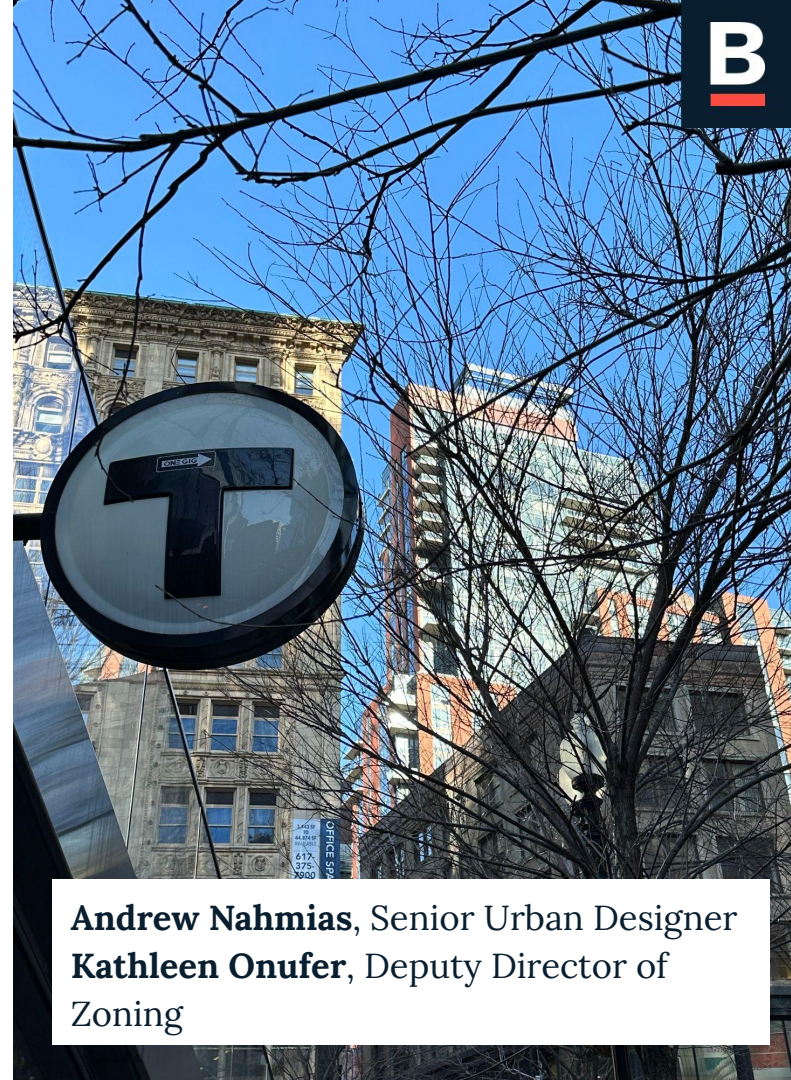


Planning Department

CITY of BOSTON

OVERVIEW

1. **PLAN: Downtown** and the process so far
2. Introduction of **new Skyline District (Article 31)**
 - a. Modernizing land uses and reducing barriers for new businesses and entertainment
 - b. Introducing new form based regulations and respecting existing built context
 - c. Encouraging adaptive reuse of existing buildings
 - d. Creating pathways to existing conditional uses
3. Updating Downtown's **zoning boundaries**
4. **Next steps**



PROCESS SO FAR

- **PLAN: Downtown (2018~Dec. 2023):** Planning initiative developing a framework for the growth, enhancement, and preservation of Downtown. as a place for all, balancing livability, daylight, walkability, climate change preparedness, access to open space, affordability, and a dynamic mix of uses.
- **Office to Residential Conversion Study** conducted alongside PLAN: Downtown, leading to the launch of the City's Office to Residential Conversion Program (July 2023).
- **Design guidelines and historic character study** developed alongside PLAN: Downtown and draft zoning to help guide projects in navigating and enhancing Downtown's historic fabric.
- **Draft zoning process (Dec. 2023~)** implementing the recommendations of PLAN: Downtown, with a **Draft zoning text amendment released on April 8.**
 - **Public review of draft zoning** included community meetings, surveys, and 8 week public comment period.



PLAN:
Downtown
(adopted
December
2023)

Goals

 <p>Promote dense, mixed-use development, and grow and diversify active ground-floor uses, especially legacy and small businesses.</p>	 <p>Strengthen connections to and throughout Downtown, with a focus on active transportation, transit, and other non-vehicular modes of transportation.</p>
 <p>Enhance access to housing and amenities Downtown for all levels of affordability, stages of life, and backgrounds.</p>	 <p>Improve existing public spaces and create new ones that invigorate Downtown year-round.</p>
 <p>Preserve cultural heritage, historic building fabric, and embrace distinctive histories to create a unique and cohesive Downtown.</p>	 <p>Ensure new and existing spaces and development projects are resilient and mitigate climate change impacts.</p>

ZONING IS JUST ONE TOOL TO SUPPORT GROWTH DOWNTOWN



PLAN: Downtown identified policies and opportunities for Downtown to build on its position as a major job and transportation hub.

Zoning supports initiatives and growth already underway, enabling new and vital housing opportunities, businesses, and job growth that the City and greater region need to thrive.

SPACE Grant Program

SPACE GRANT
giving dreams the space to grow

AfroBeats Dance Boston	Exodus Bagels Gourmet Kreyol (Im)possible Shows, LLC	Oasis Vegan Veggie Parlor
Ally's Boxing Bootcamp	In the Cut Barbershop	Pink Carrot Pyramid Lounge
A Salon	Jadu	Romper Room Family Childcare
The Biz Barbershop	Lisboa Cafe and Mini-Market	Russ & Mimi's
Boards by Mo	Little Crafters Child Care Center	Ruthie's Juice Cafe
Boston Casting, Inc.	Little Steps Family Care	Salvaged Ro
Boston Flower Co.		Selam B
Boxaroo		
Leaf		
ing		



Flourish & Foundry



Office to Residential Conversion Program

281 Franklin St. (approved 3/14/24)

85 Devonshire St (under review)



New retail, businesses, and housing

Completion of Winthrop Center



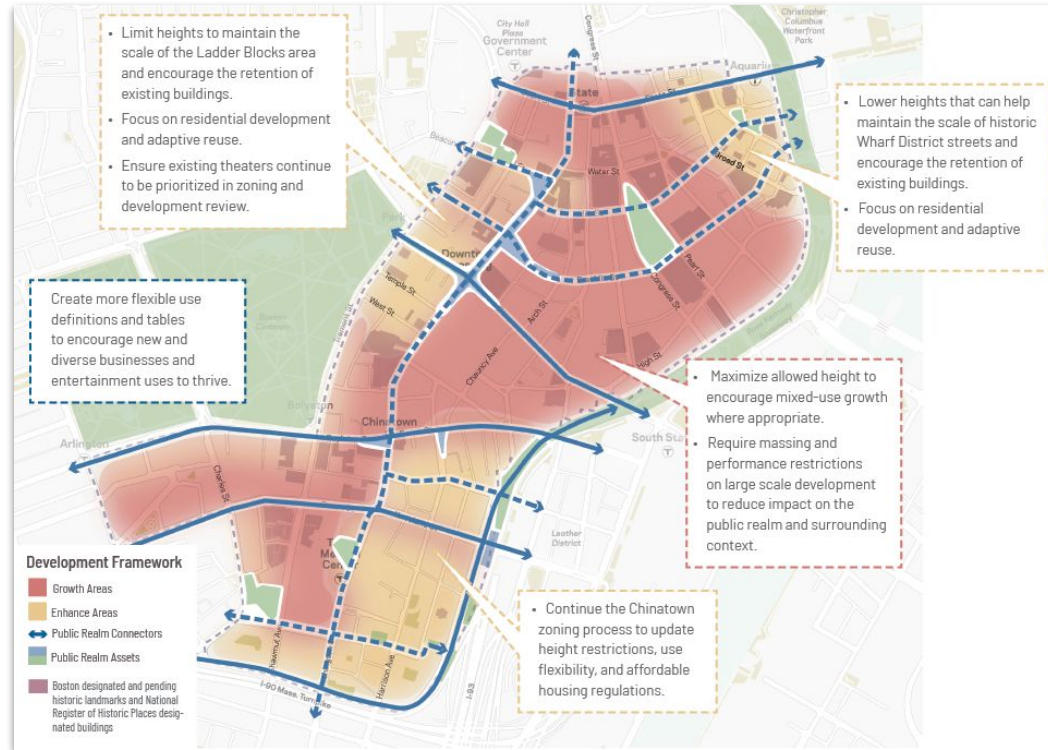
Temple Pl bars & restaurants

GOALS FOR UPDATING DOWNTOWN ZONING



Based on the recommendations of PLAN: Downtown, the **draft zoning text amendment** creates new zoning districts (*Skyline Districts*) that:

- **Modernize land use regulations and reduce barriers** to encourage new and diverse businesses and entertainment uses to thrive.
- **Unlock new opportunities for housing and mixed-use growth** by enabling more density in appropriate areas.
- Introduce use sizes and dimensional regulations that help **activate ground floors, maintain the scale of key historic areas, and enhance the public realm.**



PLAN: Downtown (adopted December 2023)
Zoning Recommendations

A NEW *SKYLINE DISTRICTS* FOR DOWNTOWN

SKYLINE DISTRICTS enable job growth, new housing, entertainment and cultural destinations, and a vibrant mix of uses while encouraging the preservation of historic areas.

The Skyline District contains 2 sub-districts:

- **Sky-District**
- **Sky-Low District**



SKY-DISTRICT is characterized by the city's most significant job, housing, and entertainment density and accommodates future growth near major transportation assets.



SKY-LOW DISTRICT are areas of cohesive historic buildings dating to prior eras of downtown. **Historic Overlays** within this district set smaller height and form regulations specific to the scale of the historic area.

Advancing through zoning reform:

- Modernization of uses through new Article 8 use table
- Form-based zoning approach, focusing on ground floor uses, responding to the existing context, and creating additional public realm
- Protections on theater structures (moving into Article 85)
- Preserving key mitigation policies (Development Impact Project Extractions/ Linkage) for large scale-projects
- Elimination of PDA eligible areas

Maintaining existing:

- Functions of Article 80 - Development Review and Approval
- Environmental impact analysis and performance standards for wind as evaluated through Article 80
- Green buildings regulations (Article 37)
- Demolition review (Article 85)
- Inclusionary zoning (Article 79)
- Groundwater Conservation Overlay District and Coastal Flood Resilience Overlay District

Skyline Districts

FOCUS ON MAXIMIZING RESIDENTIAL GROWTH

- **Residential allowed** across both districts subject to inclusionary zoning
- **Large office and hotel (over 50,000 sf) are conditional**, so they can be properly evaluated under Boston's Development Impact Project Exactions policy (linkage)
- **Restrictions for Research Laboratory uses:** forbidden in Sky-Low District and conditional in Sky District.
- **Elimination of PDA eligible areas** to provide one set of rules



LAND USE MODERNIZATION PROCESS

1. Established an **inventory** of all uses throughout the neighborhood articles: **remove obsolete** uses
2. Wrote **new definitions** for uses, grouping uses with **similar impacts** together
 - a. Including **size thresholds** and **form and performance standards** where applicable
 - b. Align use definitions to other salient **regulatory requirements** (building code, licensing)
 - c. Align use definitions to **policy goals**
 - d. Ensure ISD has **clear interpretation**



City departments vetted, informed, and revised draft language for uses:

- Disabilities Commission
- Age Strong Commission
- Office of Housing
- Office of Green Infrastructure
- Office of Arts and Culture
- Office of Economic Opportunity and Inclusion
- Boston Transportation Department
- Operations Cabinet
- Office of Food Justice
- Environment Department
- Parks and Recreation Department
- Boston Public Health Commission
- ISD Permit Leadership & Staff
- License Board

Skyline Districts

UPDATING DOWNTOWN'S LAND USE REGULATIONS

Zoning districts Downtown have different use definitions and regulations. Many of those uses, especially ground floor uses, are out of date and create an extra hurdle for new businesses.

**200+ Allowed Uses &
112 Ground Floor
Uses and YET...**

**Uses like yoga studios
are still forbidden**

Examples of Existing Use Regulations:

Allowed Ground Floor Uses:

- Carpet, rug, linoleum, or other floor covering stores
- Fishing tackle or equipment sales, or rental establishments
- Lamp shops
- Millinery shops

Conditional

- Take-out (like ice cream)

Forbidden Ground Floor Uses:

- Gym
- Escape room
- Yoga studio
- Brewery/Distillery
- ...

“A simple business, like a yoga studio, shouldn't have to climb mountains or navigate layers of bureaucracy to open a studio in downtown Boston. Current code makes it unnecessarily cumbersome and off-putting to do something so basic.”
—Downtown resident to Boston Globe

UPDATING DOWNTOWN'S LAND USE REGULATIONS

Allowed *Ground Floor* Uses:

- Carpet, rug, linoleum, or other floor covering stores
- Fishing tackle or equipment sales, or rental establishments
- Lamp shops
- Millinery shops

Uses under the new Article 8

Retail
(Allowed)

Conditional

- Take-out (like ice cream)

Restaurant
(Allowed)

Forbidden *Ground Floor* Uses:

- Escape room
- Gym
- Yoga studio
- Brewery/Distillery

Indoor Recreation
(Allowed)

Service Establishment
(Allowed)

Food & Beverage (Allowed)
Must include a minimum area of accessory or associated Restaurant or Retail use

Skyline Districts - Uses and Dimensional Requirements

ENSURING “ACTIVE” GROUND FLOOR USES

Skyline Districts set requirements for the location, width, and depth of Active Uses for buildings with wide primary frontages.

Civic Uses, Open Space Uses, Shelter Facilities, and affordable housing developments are not required to have active uses on the ground floor.



Active Uses

- Community Center
- Grocery Store
- Entertainment/Events
- Makerspace
- Museum
- Restaurant
- Retail Cannabis Establishment
- Retail Store
- Indoor Recreation
- Service Establishment
- Social Club

Skyline Districts - Uses

ENABLING MORE RETAIL & BUSINESSES DOWNTOWN

New zoning groups different retail uses under one definition for “Retail Store”, but **separates retail by size.**

RETAIL	SKY-LOW	SKY	
Retail Store - Small	A	A	(<2,500 sf)
Retail Store - Medium	A	A	(2,501-10,000 sf)
Retail Store - Large	A	A	(10,001 - 49,999 sf)
Retail Store - Extra Large	C	C	(≥50,000 sf)

Maintains Linkage

Small - Medium

Large



Flourish and Foundry



Snipes ~10,000 sf

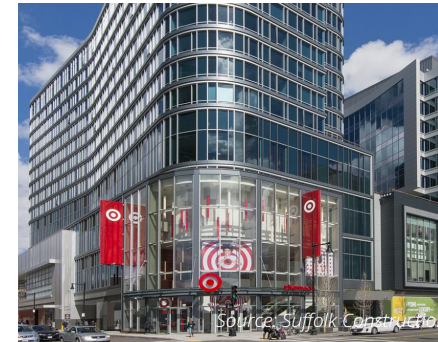


Old Navy - 30,000 sf

Extra Large



Primark - 77,000 sf



Target, Fenway - 150,000 sf

Skyline Districts - Uses

MAINTAINING THE SCALE OF ENTERTAINMENT AND EVENT VENUES

Capacity thresholds are used to ensure Entertainment/Events are an appropriate scale Downtown.

ENTERTAINMENT/EVENTS	SKY-LOW	SKY	Capacity:
Entertainment/Events - Extra Small	A	A	(<250)
Entertainment/Events - Small	A	A	(251-500)
Entertainment/Events - Medium	A	A	(501-2,000)
Entertainment/Events - Large	C	A	(2,001-9,999)
Entertainment/Events - Extra Large	F	C	(≥10,000)

Small



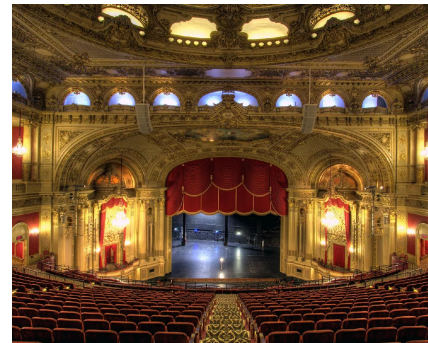
Brighton Music Hall - 476 people

Medium



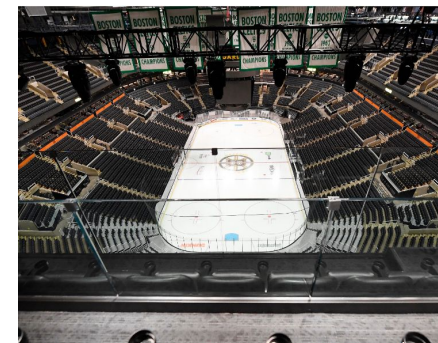
Emerson Colonial - 1,700 people

Large



Boston Opera House - 2,600 people

Extra Large



TD Garden - 19,580 people

Skyline Districts

ACTIVATING AND ENHANCING THE PUBLIC REALM

- Reduce large blocks, prevent assemblage of large parcels, and create more public realm space by limiting floorplate size and building lot coverage
- Require **Ground Floor Outdoor Amenity Space** for large lots to create more public space
- Create a more vibrant streetscape by **limiting the amount of “blank wall”** on the ground floor



Skyline Districts

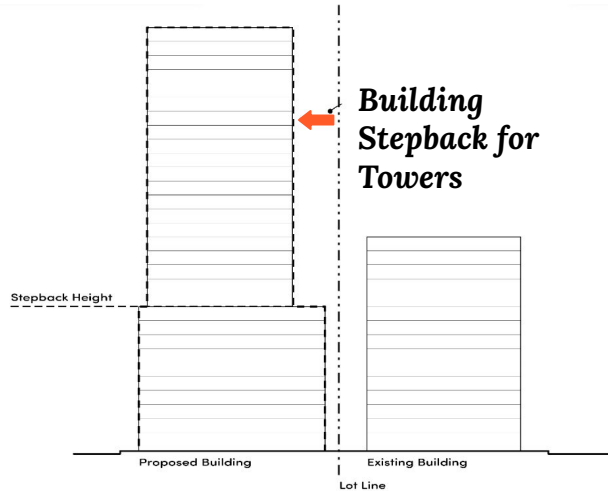
RESPECTING THE EXISTING BUILT CONTEXT

- Continue restrictions on the change of use and occupancy of existing **theatre structures**
- **Introducing a smaller threshold (20,000 sf) for design review**

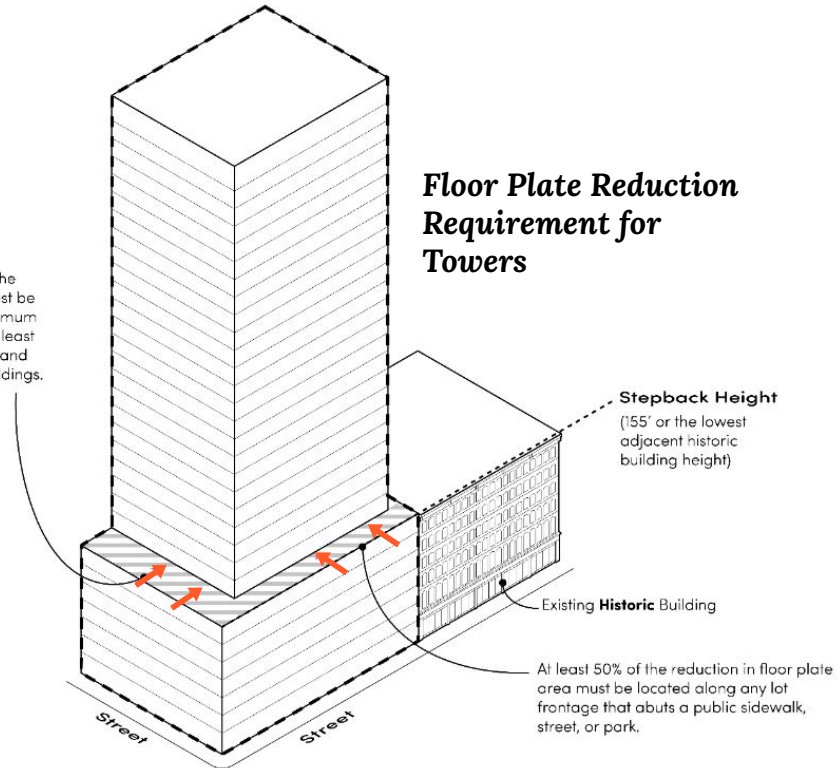


FORM-BASED REGULATIONS FOR TOWERS

Upper story **building setbacks and floorplate reduction** for towers require distance between tall buildings and ensure buildings respond to the height of neighboring historic buildings and reduce wind impacts.



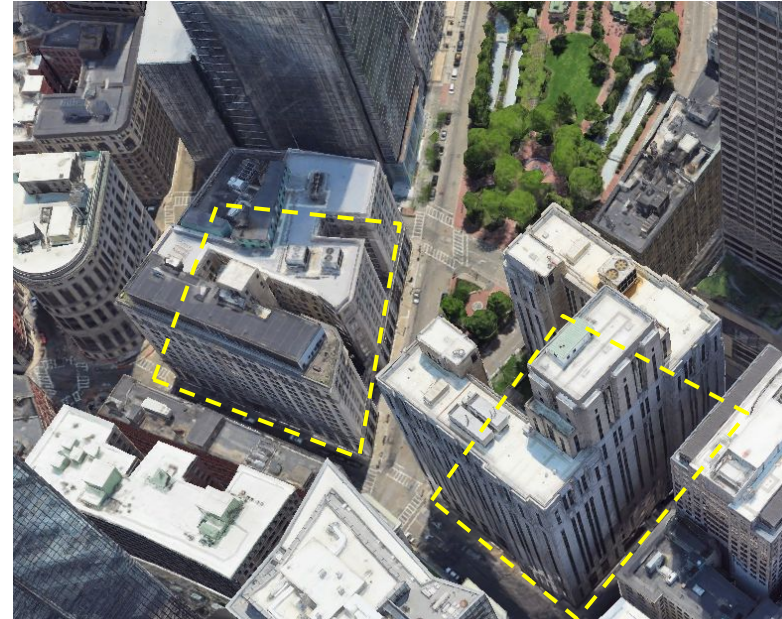
Floor plates above the Stepback Height must be reduced by 15% minimum for buildings with at least 50% residential use, and 20% for all other buildings.



ENCOURAGE ADAPTIVE REUSES AND ADDITIONS THAT RETAIN EXISTING BUILDINGS

Introduce provisions to the draft zoning amendment that ensure that **Existing structures that do not conform to the proposed dimensional requirements can be enlarged or altered as long as the dimensional non-conformity (such as building lot coverage) is not increased.**

Continued use/adaptive reuse of our existing buildings is the most impactful climate action we can take, and that upgrading an existing building is more affordable than new construction. - *Boston Preservation Alliance*



Some existing blocks are close to 100% lot coverage, but could be potential adaptive reuses sites. Proposed zoning limits lot coverage to 95% for large parcels; new additions would be limited to 95% lot coverage and have to comply with other zoning limits.

CREATE PATHWAYS TO EXTEND EXISTING CONDITIONAL USES THAT DO NOT TRIGGER ADDITIONAL DEVELOPMENT IMPACTS

1. New development impact uses (commercial/office, research lab, hotel, active uses like retail/services, health care, higher education) are conditional uses above 50,000 gsf.
2. Existing development impact uses can be extended or be converted between uses without triggering an extension of a Non-Conforming Use (Article 9) provided that it does not trigger a new development impact project (add or substantially rehabilitate more than 50,000 gsf net development impact use).

Help continue to support the retenancing and repositioning of existing buildings downtown, and ensure full analysis and mitigation of the impacts of new development impact uses.

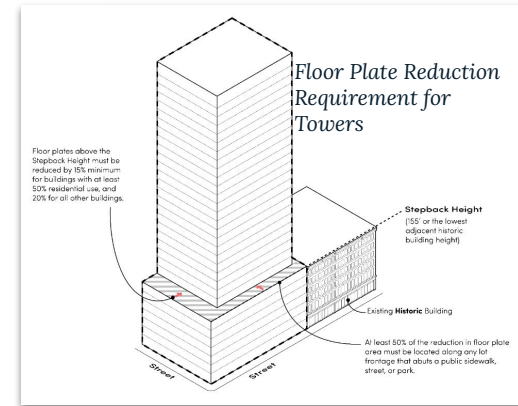
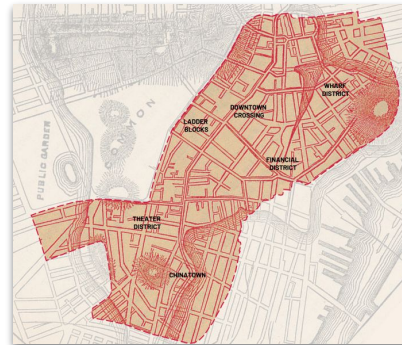
The proposed zoning “would require that life sciences “both new development and full or partial building conversions like One Winthrop Square – secure zoning relief from the Board of Appeal before seeking building permits. While the current research uses in One Winthrop Square would be allowed to continue under the transition rules for zoning amendments, any expansion of the research space within the building – to accommodate Scorpion or another tenant –would require zoning relief.

Securing variances or conditional use permits from the Board of Appeal generally takes a minimum of six months. The process is costly for developers and building owners, both in terms of internal resources and outside legal and consultant support. – Nan Fung Life Sciences Real Estate

USING THE DOWNTOWN HISTORIC CONTEXT GUIDELINES TO HELP SHAPE THE BOUNDARIES BETWEEN SKY AND SKY-LOW

The Draft Historic Context Design Guidelines set a framework for how new project designs will be evaluated, can showcase, enhance, and respect historic context, and use it as a springboard for new growth.

Height is not the only factor shaping building design and ensuring projects respect the surrounding context.



UPDATING DOWNTOWN'S ZONING BOUNDARIES




*Aligning district boundaries with existing
and planned for growth*

Existing Zoning

Zoning Districts:

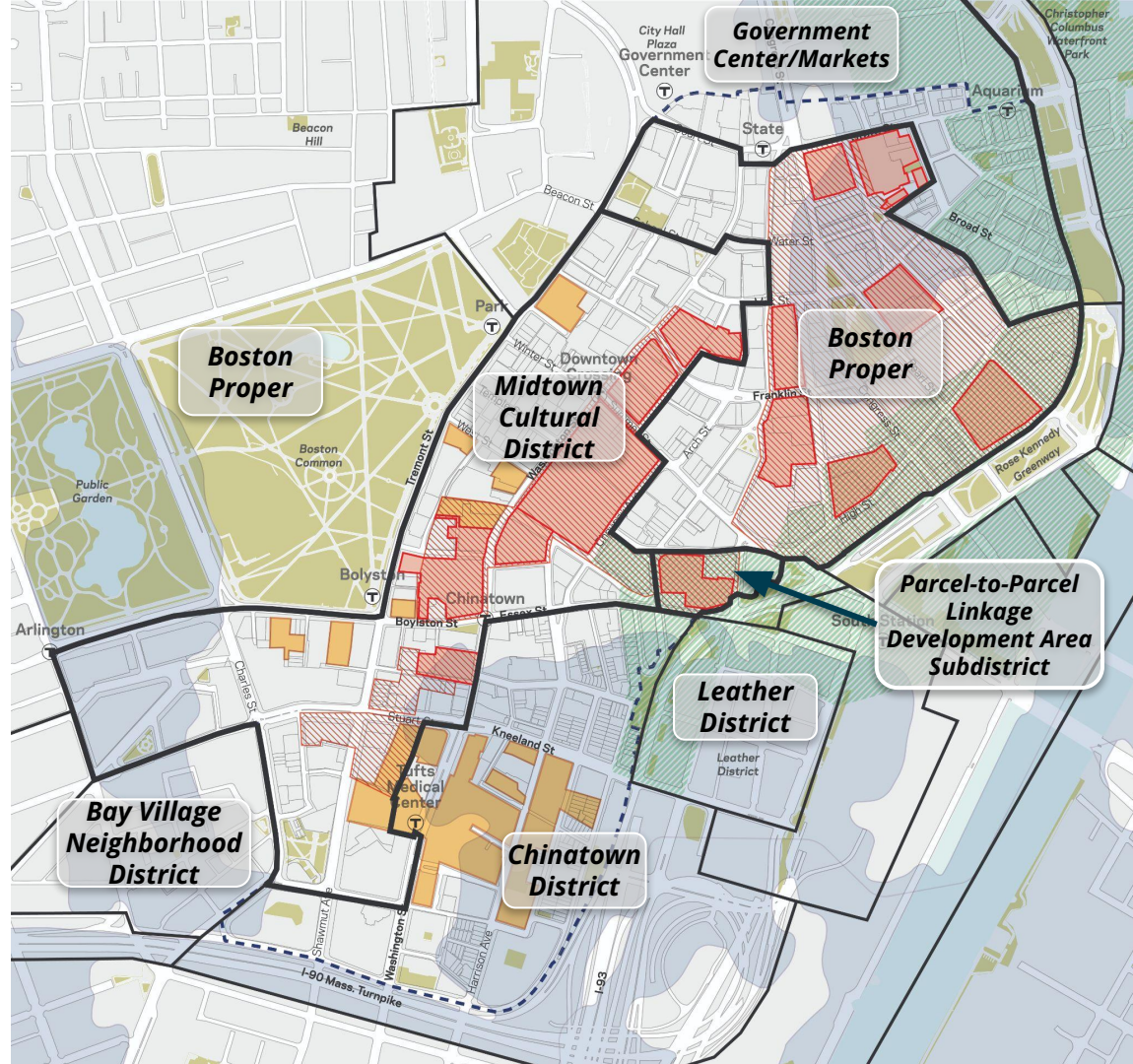
- Midtown Cultural District (Article 38)
- South Station Economic Development Area (Article 40) (*Parcel-to-Parcel Linkage Development Area Subdistrict*)
- Government Center/Markets (Article 45)
- Bay Village Neighborhood (Article 63)
- Chinatown (Article 43) (*boundary changes to be determined with ongoing Chinatown Rezoning Process*)

Overlays and existing plans staying in place:

-  14 existing PDAs
-  Institutional Master Plans
-  Coastal Flood Resilience Overlay District (CFROD)

Removing:

- Existing Planned Development Area (PDA) eligible areas



Updated Zoning Boundaries

Skyline Districts

Skyline sub-districts:

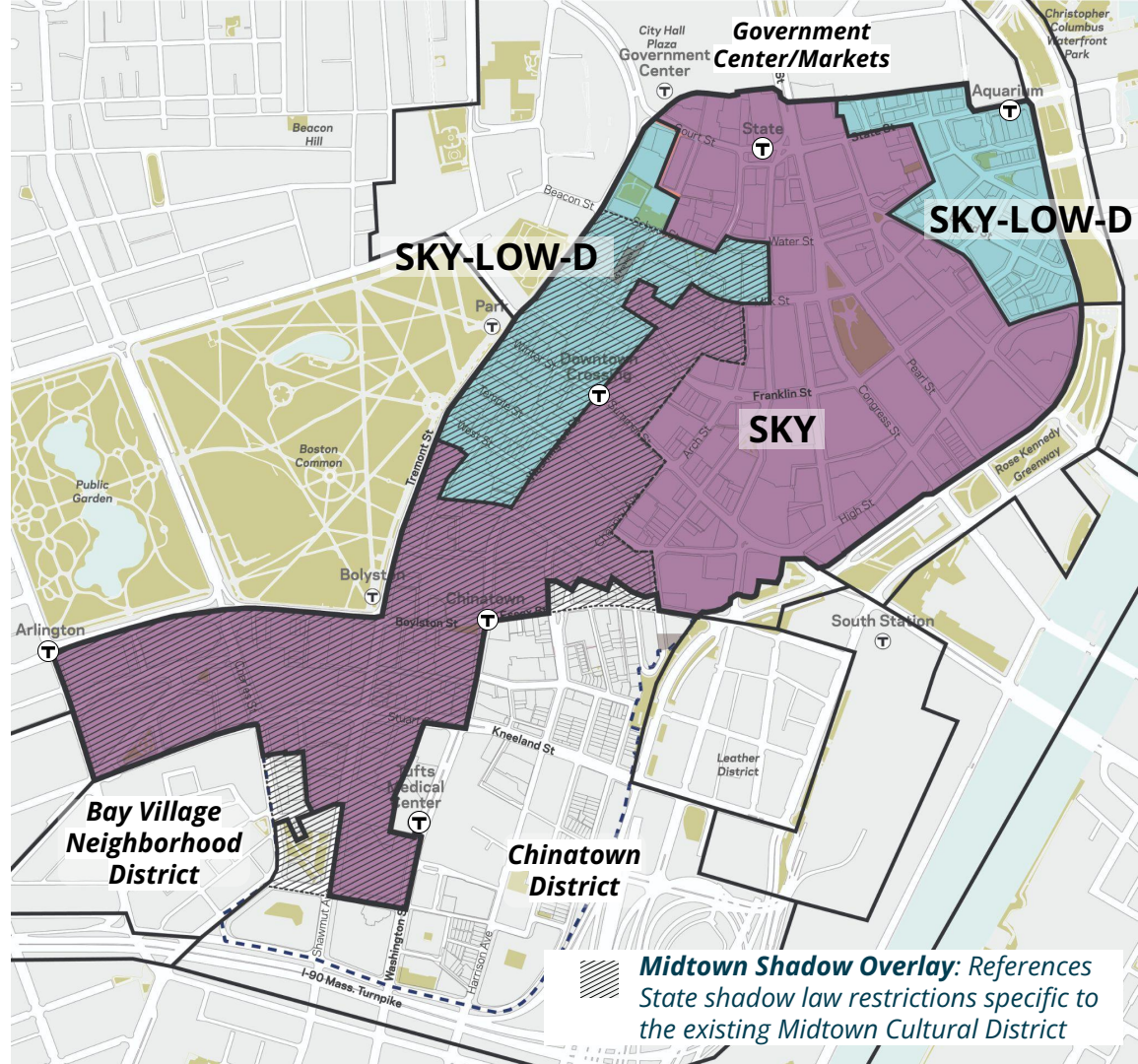
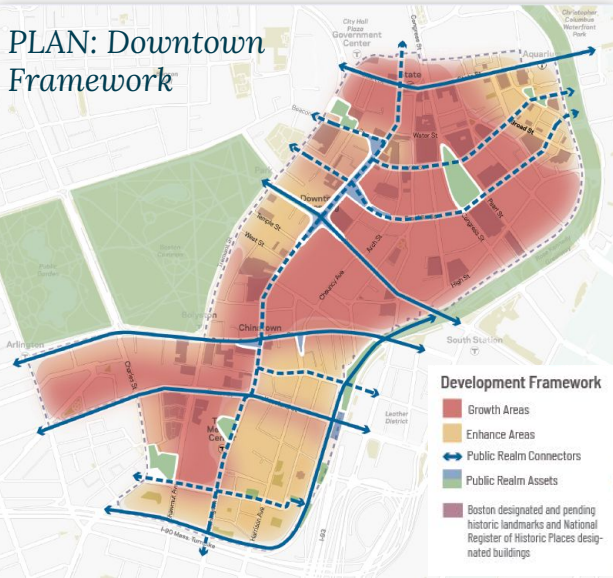


SKY



SKY-LOW-D (SKY-LOW with
Downtown Historic Overlay)

PLAN: Downtown Framework



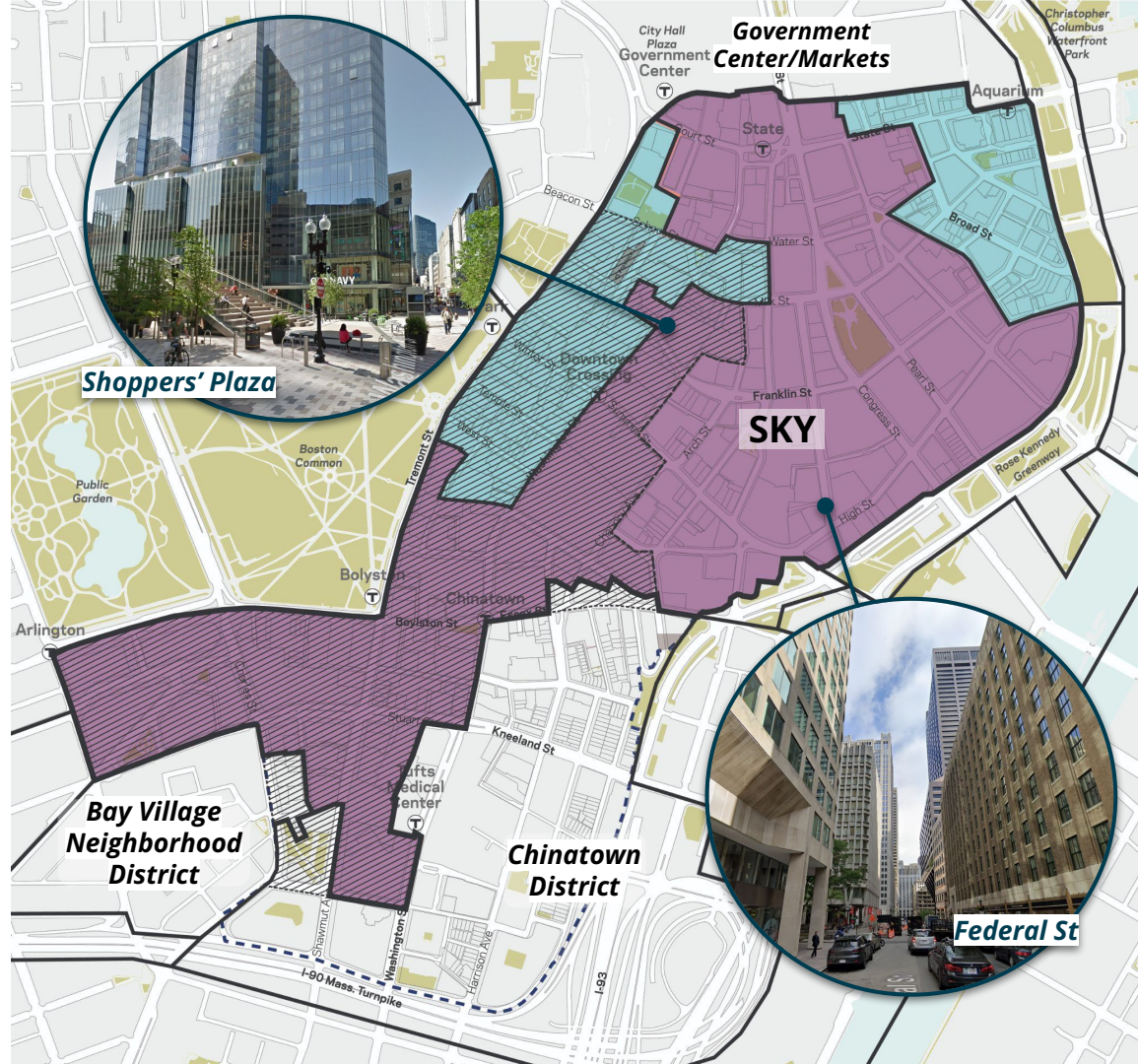
SKY District

Characterized by the city's most significant job, housing, and entertainment density and accommodates future growth near major transportation assets.

- **Allows larger retail or entertainment/event uses**
- **Larger active use and dimensional requirements** for large sites
- **Height** allowed to limits of State Shadow Law and Critical Airspace, whichever is lower
- **Research laboratories are a conditional use** with floor plate restrictions

PLAN: Downtown Public Comment:

"There are very few places in the Boston region that have the kind of transportation infrastructure to support very high density residential and commercial developments. We should be doing everything in our power to encourage maximum density here." —Boston resident



SKY-LOW

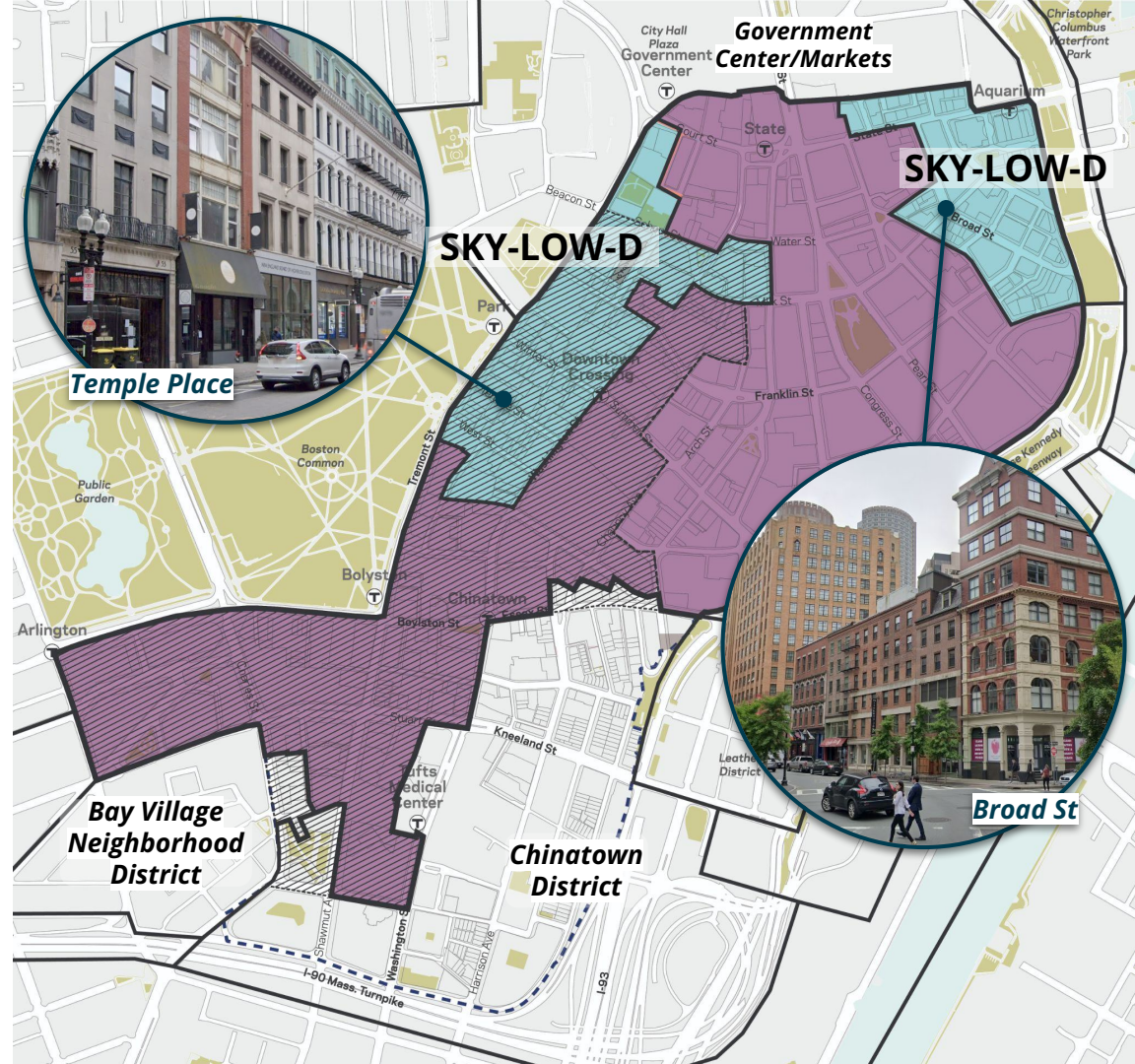
Areas of cohesive historic buildings dating to prior eras of downtown. Smaller use and form regulations help maintain the scale of the area.

- **Stricter limit on large entertainment/uses**
- **Smaller allowed building floor plate** set by Historic Overlay: 20,000 sf max
- Height Downtown Historic Overlay: 155'
- **Research laboratories are forbidden**

PLAN: Downtown Public Comment:

"Preserving the integrity of the Ladder Blocks character area is important to the city's historic fabric, its tourism economy, and protection of neighboring historic landmarks."

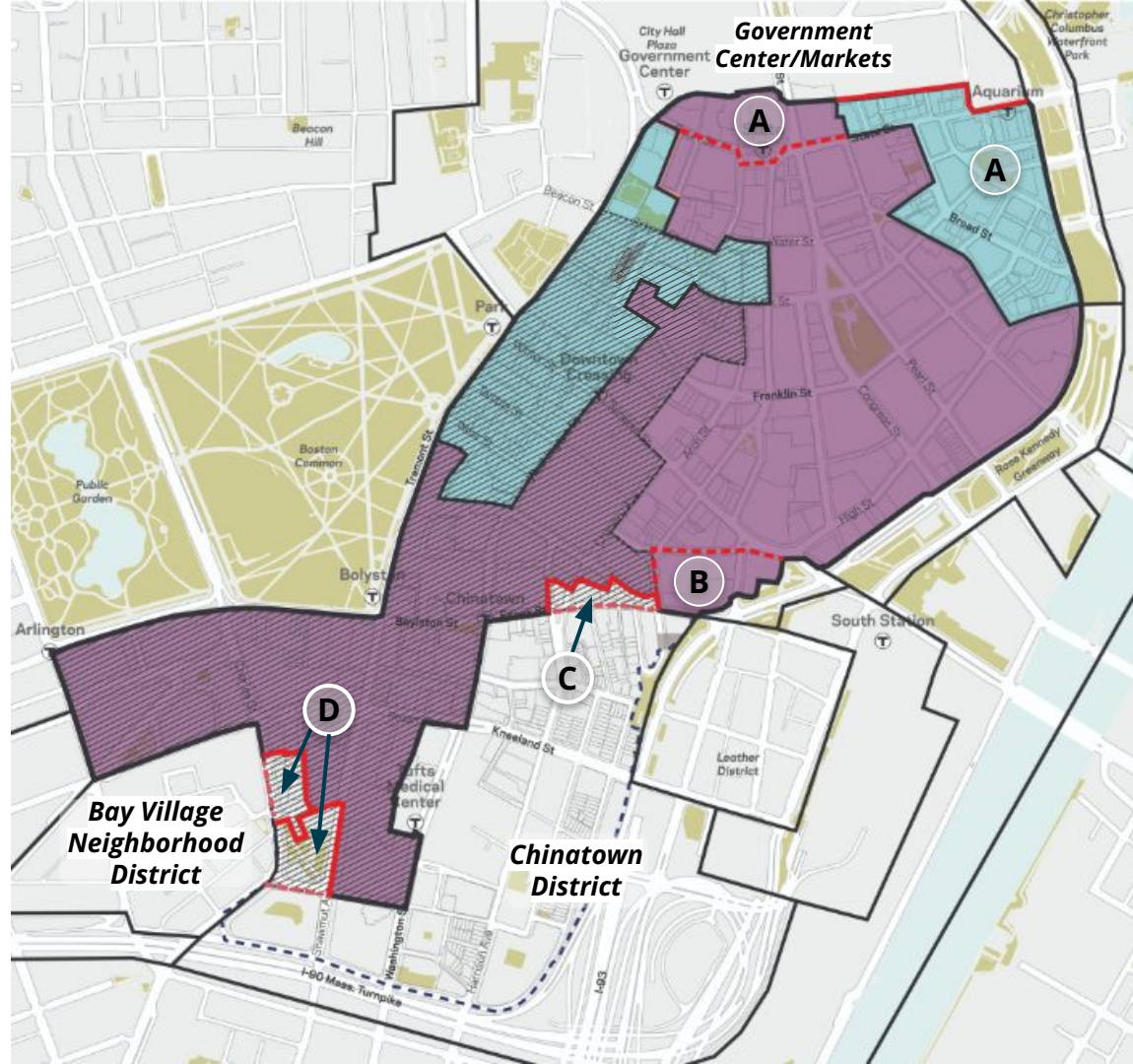
—Downtown resident



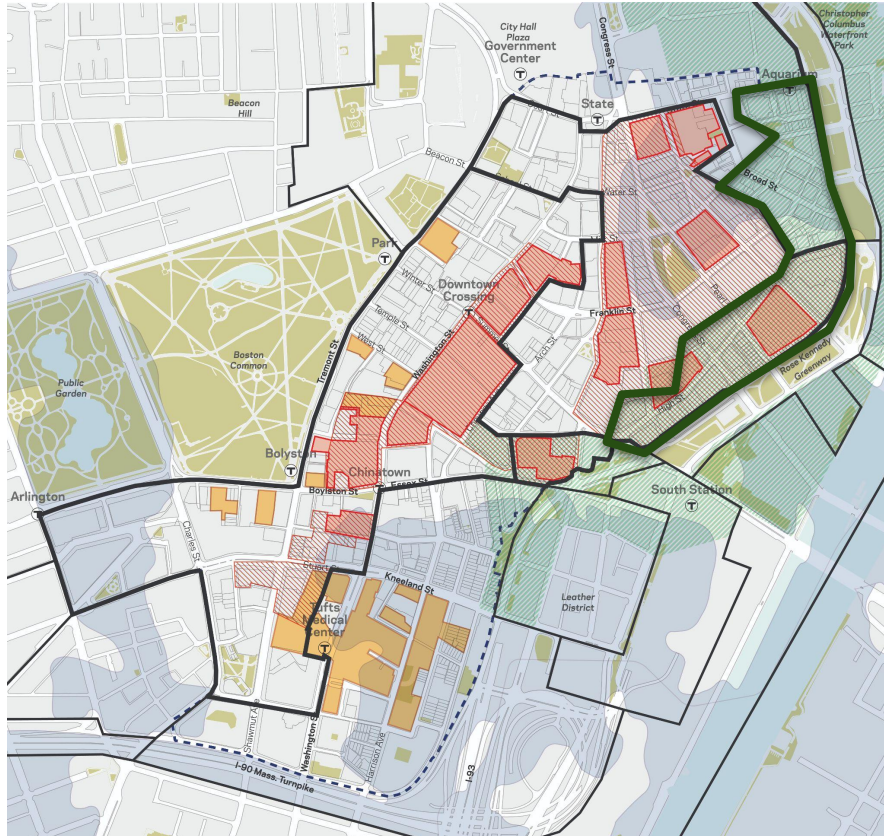
Changes to Other Districts

Removes Midtown Cultural District and changed to Skyline District

- A** Moves portions of Government Center/Markets into Sky and Sky-Low Districts
- B** Moves portions of South Station Economic Development Area into SKYLINE
- C** Boundary with Chinatown to be determined with Chinatown Zoning Process
- D** Moves Bay Village Protection Area into Bay Village Neighborhood District



MODERNIZING USES AND MAINTAINING DESIGN GUIDELINES IN THE GREENWAY DISTRICT



Article 49A Greenway Overlay District has ground floor use requirements that are overly restrictive and do not align with the modernized use table of the Skyline District that allow for uses like take-out restaurants.

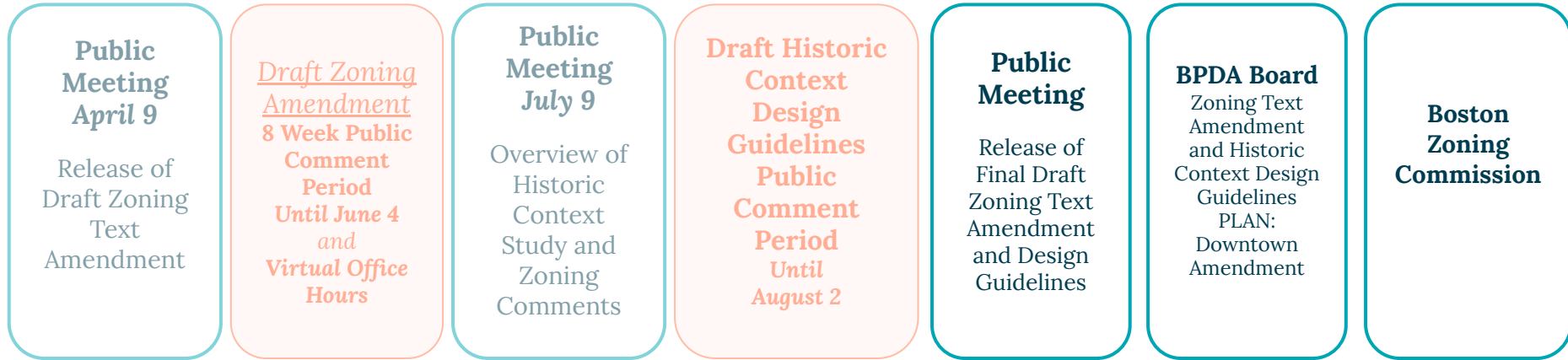
- Removing the Overlay from the Skyline District would ensure the area has consistent and updated uses.
- The PLAN: Downtown amendment adds the Greenway Overlay District design guidelines to the PLAN: Downtown design guidelines

 Greenway Overlay District in the Study Area

NEXT STEPS



WE ARE HERE



Downtown Historic Character Study