ARTICLE 80 MODERNIZATION
DRAFT **ACTION PLAN**

For Improving Boston's Development Review Process

CITY *of* **BOSTON**

City of Boston
Planning Department

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EXECUTIVE SUMMARY

The City of Boston Planning Department launched an initiative to improve how residents, developers, and City staff experience development review. We seek to create a modernized process rooted in predictability, consistency, transparency, and timeliness – one that is inclusive of a diversity of voices, makes it easier for people to invest in Boston, and supports new growth that serves our City and addresses long-standing needs. Article 80 of the Boston Zoning Code sets the rules for the review of proposed real estate development projects throughout the city. This initiative represents the first modernization of Article 80 since its creation in 1996.

Boston in 1990s • Boston Landmarks Commission

THE PROBLEM

Community members, developers, and City staff all agree that development review in Boston is broken. Today's process is lengthy, opaque, and unpredictable, which, when coupled with an outdated zoning code, makes it harder to grow our city.

The review requirements outlined in Article 80 were established almost 30 years ago. Since then, planning and development in Boston has changed significantly. The volume and complexity of development projects has increased. Policy initiatives and planning efforts related to the built environment have evolved faster than the zoning code itself and have been added as appendices to the process without being integrated into zoning. Development review procedures and operations have been constantly adapting to meet these challenges, which has resulted in a process that feels ad hoc, inaccessible, and unpredictable for all stakeholders.

THE SOLUTION

Predictable, timely, and transparent development review can improve and modernize how we grow Boston.

Our goal through this and other citywide rezoning initiatives is to establish a shared vision through planning. The recommendations in this Action Plan will help us ensure that future development delivers on that vision and help us create a new development culture rooted in predictability, consistency, transparency and timeliness.

A PREDICTABLE PROCESS IS ONE WHERE...

- Community members know in advance where, when, and how to provide feedback.
- Proponents can anticipate the costs, required steps, and timelines of their permitting process.
- City staff understand their role, responsibilities, and deadlines.

A CONSISTENT PROCESS IS ONE WHERE...

- Community members have clear guidelines for participation that don't change from project to project.
- Proponents know the standards of review up front, and see that similar projects receive similar reviews.
- City staff measure and communicate performance through detailed data and metrics.

A TIMELY PROCESS IS ONE WHERE...

- Community members can efficiently provide feedback in both low-touch and high-touch formats without repeating themselves.
- Proponents receive organized feedback quickly at each step of the process that allows them to incorporate changes in a timely fashion.
- City staff adhere to clear deadlines for each step of review. The time from initial project proposal to building permit approval decreases.

A TRANSPARENT PROCESS IS ONE WHERE...

- Community members are aware of project proposals and commitments from the initial concept to final occupancy.
- Proponents understand the reason for each recommendation or required project change.
- City staff demonstrate how specific planning principles and zoning standards guide project outcomes that advance the mission of the Planning Department.

RECOMMENDATIONS

Our plan to achieve a successful development review process is through three core changes.

1	2	3
EFFECTIVE ENGAGEMENT	**CONSISTENT STANDARDS**	**COORDINATED REVIEW**
Diversify input in development	*Create new standards for how projects provide mitigation and community benefits to support the City's needs*	*Establish a transparent, sequential, and coordinated approval process across the City*

1A. Create more opportunities to learn about projects and easier ways to provide feedback, such as online surveys

1B. Replace current advisory groups with Community Advisory Teams (CATs), a new structure that will represent Boston's diversity, while retaining existing expertise

2A. Write new definitions for mitigation and community benefits

2B. Establish clear dollar-per-square-foot policies for transportation & infrastructure and open space & public realm mitigation

2C. Create stronger connections between recent planning and community benefits

2D. Require proponents to file a new disclosure on displacement impacts

3A. Formalize the pre-file process and align filing sequence with industry practices

3B. Lock in key decisions through a "Concept Determination" that can provide a clear and early "no" to inadequate proposals

3C. Update and enforce response times

3D. Create interdepartmental portfolio review teams and enhance data-driven performance monitoring

PROCESS AND METHODOLOGY

Community and stakeholder engagement is at the core of this initiative.

The team conducted outreach and research to identify the problems, solutions, and vision for success, and also to capture broad input from different stakeholders and identify best practices from 20-cities across North America. Methods included a mix of both in-person and digital options including surveying in key community locations including bus stops, flyering, small focus groups, social media, and community leader outreach. We collected over 2600 survey responses, held over 60 focus groups, and hosted 12 public forums and workshops across the City to convene the public at important project milestones.
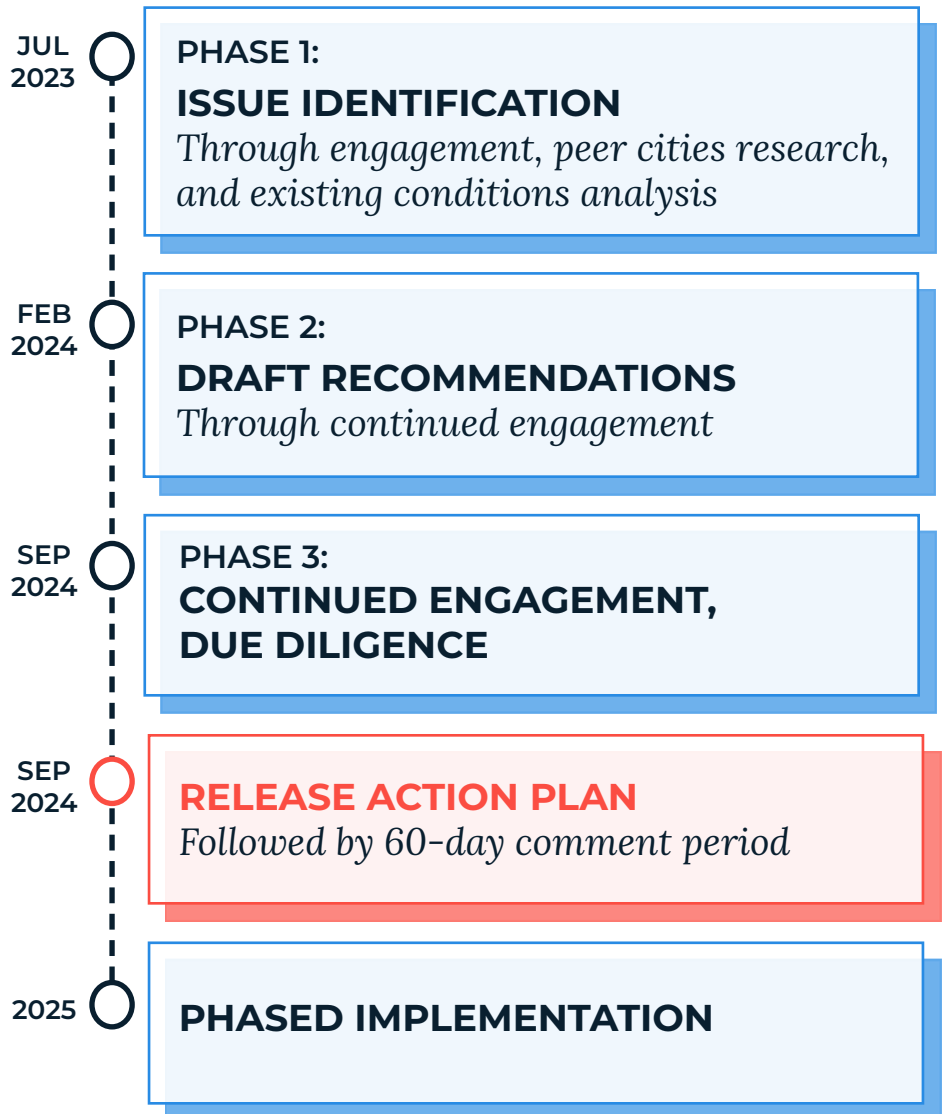
OVER **2600** SURVEY RESPONSES

OVER **60** FOCUS GROUPS

12 PUBLIC EVENTS

NEXT STEPS

With this document, we are setting a clear direction for the changes we want to make. It also highlights that much work remains to be done.

Over the coming months, the project team will continue to engage with community members, City of Boston staff and leadership, and other stakeholders to refine the recommendations to ensure they are both effective and achievable. Each of these ideas will be advanced through separate work streams and carefully move forward toward thoughtful, deliberate, and phased implementation over the next year.

JUL 2023
PHASE 1:
ISSUE IDENTIFICATION
Through engagement, peer cities research, and existing conditions analysis

FEB 2024
PHASE 2:
DRAFT RECOMMENDATIONS
Through continued engagement

SEP 2024
PHASE 3:
CONTINUED ENGAGEMENT, DUE DILIGENCE

SEP 2024
RELEASE ACTION PLAN
Followed by 60-day comment period

2025
PHASED IMPLEMENTATION

WHAT DOES THIS MEAN FOR ME?

Follow the stories of Hugh, Bonnie, and Wanda to learn how community members might participate in the new Article 80 process.

Disclaimer: Engagement activities in these stories are examples and may not be included in all projects.

Hugh has lived in Boston his entire life and owns the home he lives in.

He cares about preserving the historical features of his neighborhood to ensure that the city he loves continues to retain its character for future generations.

Bonnie is a busy mom who rents her home.

She participates in many community activities but has too many family responsibilities to attend weeknight meetings.

PROPOSED DEVELOPMENT SITE

Wanda is a local business owner and disability rights advocate.

She is a member of her local **Community Advisory Team (CAT).**

A Community Advisory Team (CAT) is a group of community members who meet to review and advise on development projects in a neighborhood. Read more about Community Advisory Teams on page 18.

STEP 1: PRE-CONCEPT DESIGN

INCLUDES:

- ENGAGEMENT PLAN
  Plan for early engagement activities, consisting of print, digital, and in-person methods.
- EXISTING CONDITIONS
  Review of neighborhood or area's current state

DECISIONS MADE ON:

- ENGAGEMENT STRATEGY AND SCHEDULE
- EARLY NO'S
  For projects not aligned with City goals

EXAMPLE OPPORTUNITIES TO LEARN ABOUT THE PROPOSED PROJECT:

FLYERS POSTED AT LOCAL LIBRARY

SIGNAGE NEAR DEVELOPMENT SITE

EMAIL SENT TO COMMUNITY ADVISORY TEAM MEMBERS

Bonnie scans the QR code and completes a survey to share which areas of concern are most important to her.

MY TOP THREE CONCERNS ARE...

- ✓ TRAFFIC AND SAFETY
- ✓ HOUSING QUALITY
- ✓ TREE COVER AND HEAT ISLAND

Wanda reads the project information to prepare for the next Community Advisory Team meeting where members will **review a group of projects** in the area. The training she received allows Wanda to feel confident about her understanding of the content.

Read more about portfolio review on page 19.

Hugh learns about the development project proposal and attends the **developer-led site walk**.

He listens to the developer's ideas for the project and appreciates the opportunity to share his knowledge of the area's existing conditions.

Read more about early engagement activities, such as developer-led site walks, on page 16.

"MANY PEOPLE CROSS THE STREET AT THIS CORNER, BUT THERE ISN'T A CROSSWALK"

STEP 2: CONCEPT DESIGN

INCLUDES:
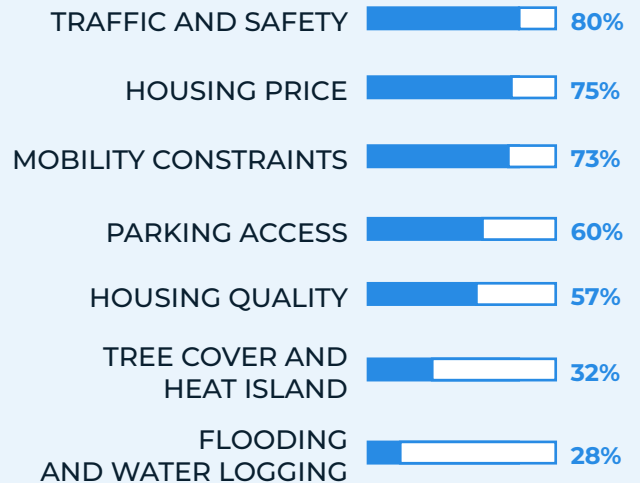- PROPOSALS FOR BUILDING (HEIGHT, DENSITY, SIZE, ETC.)

DECISIONS MADE ON:
- BIG PICTURE AND PRIORITIES
  To lock in the building outline
- HOW THE PROJECT WILL BE A GOOD NEIGHBOR

*Read more about **mitigation and community benefits** in Core Change 2 (pages 32-51).*

EXAMPLE SURVEY RESULTS FROM EARLY ENGAGEMENT

TOP COMMUNITY CONCERNS:

Concern	Percentage
TRAFFIC AND SAFETY	80%
HOUSING PRICE	75%
MOBILITY CONSTRAINTS	73%
PARKING ACCESS	60%
HOUSING QUALITY	57%
TREE COVER AND HEAT ISLAND	32%
FLOODING AND WATER LOGGING	28%

PUBLIC WORKSHOP

"I AM CONCERNED THAT THE BUILDING IS TOO TALL"

Hugh shares his concerns about the height of the building, as he knows this is a decision being made at this stage of the process.

SURVEY POSTED ON SOCIAL MEDIA

What kind of green infrastructure improvements are of importance to you?

- [x] **Trees on side walks**
- [ ] Drains to reduce flooding
- [ ] Water absorbent sidewalks
- [ ] Heat resilient bus shelters

Bonnie is pleased to see that other community members share her concerns about traffic and safety, and she feels reassured that the developer is prioritizing this issue. At this stage, she expresses her support for adding more trees on the sidewalks through a social media survey.

CAT MEETING

Dedicated staff support the team by facilitating the discussion.

Meetings provide childcare and translation.

Wanda attends a CAT meeting where this projects is discussed for the first time and she confirms the feedback that the developer receives based on her community expertise.

EXAMPLE MENU OF OPTIONS FOR COMMUNITY BENEFITS

☐ SUSTAINABILITY AND RESILIENCE

☑ TRANSPORTATION AND INFRASTRUCTURE (e.g., signalized intersections)

☑ HOUSING (e.g., additional affordable units)

☐ ARTS AND CULTURE

☐ EDUCATION

☑ OPEN SPACE AND PUBLIC REALM (e.g., street trees)

☐ SMALL BUSINESS / ECONOMIC DEVELOPMENT

☐ HISTORIC PRESERVATION (e.g., additional funding to protect historic resources)

☑ COMMUNITY AND CIVIC FACILITIES

STEP 3: SCHEMATIC DESIGN

INCLUDES:

- CONCEPT REFINEMENT
  Review project details through detailed designs and drawings

- EVALUATE POTENTIAL IMPACTS
  Such as increased demand for transportation

DECISIONS MADE ON:

- PROJECT DETAIL
  Such as building materials and landscape plan

- SPECIFIC MITIGATION AND COMMUNITY BENEFIT ITEMS

Menu of options for community benefits is determined through neighborhood plans, needs assessments, and City policies. Read more about planning informed benefits and the "menu of options" on pages 47–48.

PUBLIC WORKSHOP

Hugh attends a second public workshop where he learns how the project has progressed and shares feedback on how to prioritize community benefits.

SURVEY SENT VIA TEXT

Survey asks participants to rank their preferences for community benefits

Bonnie can express her preferences for community benefit options without feeling pressured to dedicate a significant amount of her time to the process.

MY PREFERENCES:

1. SIGNALIZED INTERSECTION

2. MORE AFFORDABLE UNITS

3. STREET TREES

CAT MEETING

Wanda works with the other CAT members to review community feedback and finalize community benefits (based on their knowledge of recent planning efforts and neighborhood knowledge.)

The Community Advisory Team works with the Planning Department to submit a document with suggested community benefit allocations, where she is proud to reflect her neighborhood's priorities.
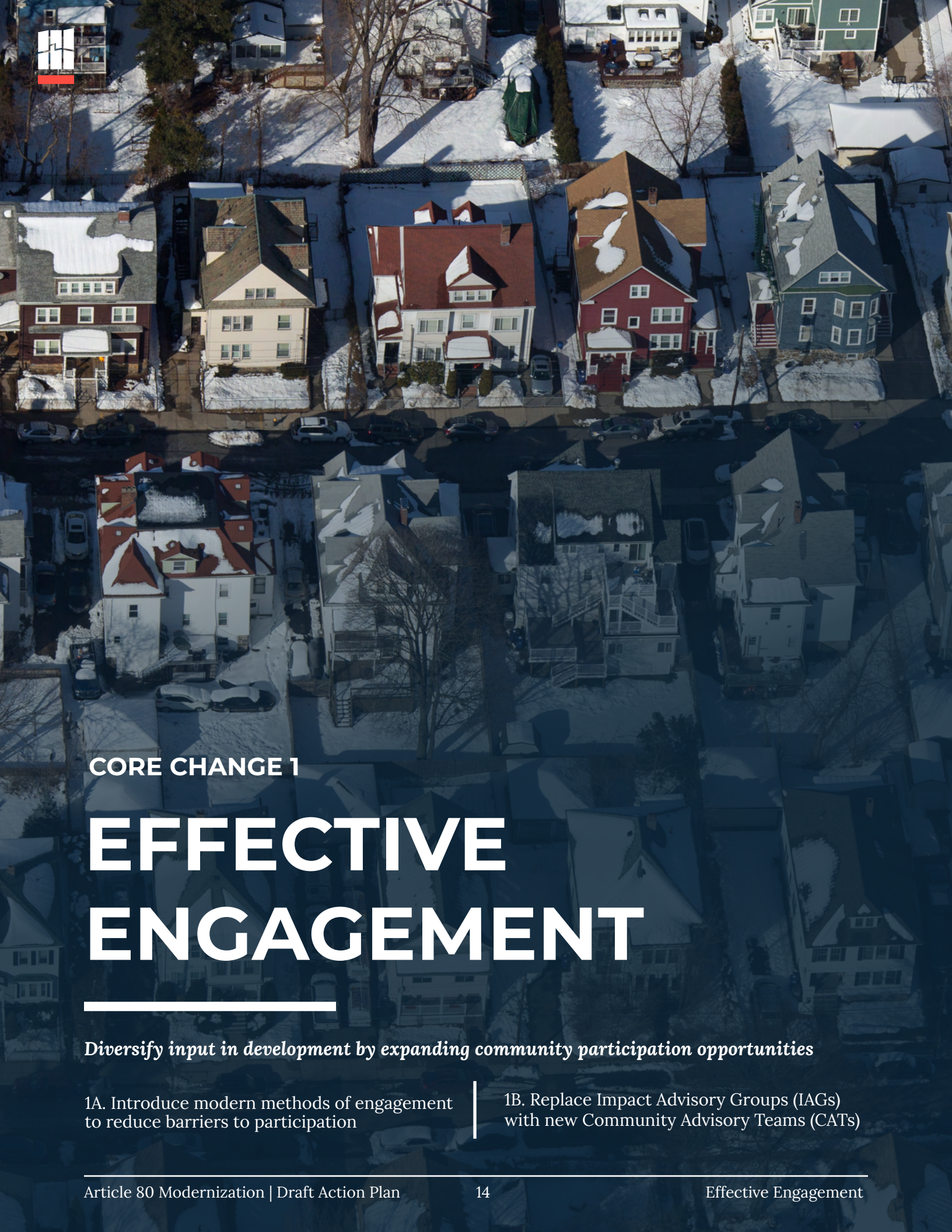
CORE CHANGE 1

EFFECTIVE ENGAGEMENT

Diversify input in development by expanding community participation opportunities

1A. Introduce modern methods of engagement to reduce barriers to participation

1B. Replace Impact Advisory Groups (IAGs) with new Community Advisory Teams (CATs)

WHY DO WE NEED EFFECTIVE ENGAGEMENT?

Today's engagement is inequitable and not representative of the residents of Boston.

Traditional methods used today reach mostly homeowners, long-term residents, and white residents. More inclusive methods piloted in this project include more diverse participants, who don't participate today because they experience barriers.

Community members also share that community input happens to late in the review process.

For many community members, project design decisions feel "already baked" by the time projects undergo public comment. Therefore they do not participate because they feel that their input isn't being sought early in the process.

Impact Advisory Group (IAG) reform is a top priority from all stakeholders.

Today, IAG participants and developers alike agree that existing structures are not transparent or reflective of the broader community.

SURVEY RESULTS

When asked about the barriers they experience, respondents said:

40% Do not have the time

22% Meetings are not welcoming or are not accessible

When asked about Impact Advisory Groups (IAGs), respondents said:

ONLY **15%** of community members agree that "the IAG process is transparent and trusted"

ONLY **21%** of community members agree that "IAG membership is reflective of the community"

ONLY **26%** of proponents "found the Impact Advisory Group (IAG) meetings to be productive"

When asked about their top priority for input in development review, respondents said:

51% Height and density

50% Building uses

44% Public realm

36% Mitigation and community benefits

The top community feedback priorities (Height, Density, and Use) are project design decisions that are set very early on, or oftentimes entirely before the development review process begins (during planning or design studies that lead to new zoning). The Planning Department needs to be clear on when and how input on different elements of proposed development is most effectively shared. Early developer-led engagement can allow community input to refine some of these decisions, responding to the community priorities defined in zoning.

1A. Introduce modern methods of engagement to reduce barriers to participation

Image: Hyde Park

This recommendation summarizes a series of new types of engagement to be integrated into the development review process. It pulls together ideas from across peer city research, engagement, and ideas shared in surveys.

Why do we need new methods?

Introducing new methods is one of the top priorities for community members. Over the course of the project so far, input has been consistently provided on the necessity of making this change. 77% of community members would like multiple options to get involved and share input.

(Existing Participant Survey, Fall 2023)

Changing the Planning Department's methods of outreach can expand the population that takes part and be more representative of the City. Engagement methods used during this project have demonstrated the need for modernization. Using traditional methods, including weeknight public meetings and existing email lists, we heard from respondents that don't match the demographics of Boston. By trying out new ways of conducting outreach, like intercept surveys and T stations and attending community events, we heard from a more representative sample of Bostonians.

> *"In order to reach a diverse group, there needs to be a diverse amount of outreach."*

Community member
Public workshop in Dorchester
May 15, 2024

EXISTING PARTICIPANTS SURVEY

Online survey sent to existing IAG members

80% WHITE — **20%** NON-WHITE

75% HOMEOWNER — **25%** RENTER

56% OVER 55 *years old* — **44%** UNDER 55 *years old*

70% LONG-TERM RESIDENT *(20+ years)* — **30%** NEWER RESIDENT

Existing Participant Survey, Fall 2023

COMMUNITY BARRIERS SURVEY

Intercept survey of Bostonians across neighborhoods

20% WHITE — **80%** NON-WHITE

12% HOMEOWNER — **88%** RENTER

22% OVER 55 *years old* — **78%** UNDER 55 *years old*

Community Barriers Survey, Fall 2023

CITY OF BOSTON OVERALL

45% WHITE — **55%** NON-WHITE

32% HOMEOWNER — **68%** RENTER

25% OVER 55 *years old* — **75%** UNDER 55 *years old*

16% LONG-TERM RESIDENT *(20+ years)* — **84%** NEWER RESIDENT

2020 US Census, 2018–2022 ACS

NEW ENGAGEMENT METHODS

Easier low-touch engagement

This category of engagement is designed to reduce the time commitment required to meaningfully participate in development review. Methods in this category also make it easier to capture and analyze the information shared by community members. Using methods like these, the Planning Department can collect and document specific feedback in a way that doesn't require community members attending a meeting.
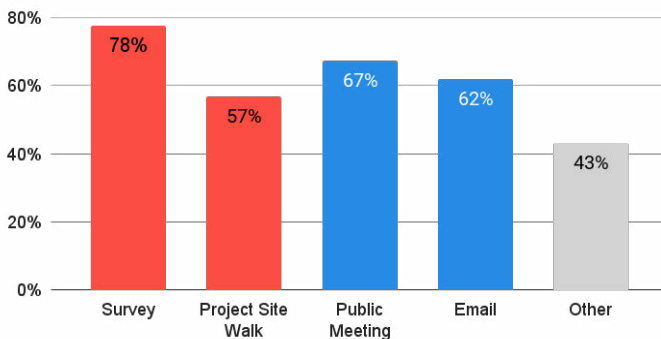
For example, surveys with structured multiple-choice questions can capture robust quantitative information. Questions can change over the course of the review to clearly show what feedback is most impactful at each step. These methods complement more qualitative methods like open-ended questions and comment letters.

Our survey results confirm that we need to supplement existing methods to enable the many different ways community members would like to provide feedback, especially those who have been less able to take part in the current process.

More detailed analysis shows that new methods are even more important to underrepresented groups like renters and young people. Renters were 15% more likely to prefer a survey, and 19% less likely to prefer to attend and comment at a public meeting. Younger survey respondents (between 18 and 35 years old) were 42% more likely to prefer a survey, and 43% less likely to prefer to attend and comment at a public meeting than older respondents (55 years old and over).

HOW WOULD YOU LIKE TO SHARE YOUR FEEDBACK ABOUT PROJECTS?

Survey	Project Site Walk	Public Meeting	Email	Other
78%	57%	67%	62%	43%

Draft Recommendations Feedback Survey, Summer 2024

Surveys (either detailed or brief) are the most popular preferred feedback method, with 78% of survey respondents selecting it.

● NEW METHOD

● EXISTING METHOD

Examples of low touch engagement

Public comments survey

A structured survey that collects quantitative information relevant to a particular stage of project review. It includes a summary of the project to provide context, three to five multiple-choice questions, specific open-ended questions, and collects optional contact and demographic information.

Text-based "quick polls"

A text-based poll to make it very easy for community members to provide quick feedback. It helps the Planning Department quickly assess broad community sentiment For example, a text poll could ask respondents one or two questions that will help identify priority categories of community benefits.

Early site signage

Low touch engagement starts with quick ways of finding out about projects early in the review process. Updating our signage requirements to include a link or QR code directly to the online surveys can make it very easy to find out about and share thoughts about proposed projects.

EXAMPLE PUBLIC COMMENTS SURVEY

PROJECT FACTS:

INFORMATION ON DEVELOPER

LOCATION, SIZE, TYPE

KEY BENEFITS OFFERED

THE PROJECT IS MAKING AN ATTEMPT TO ADDRESS KEY ISSUES IN THE NEIGHBORHOOD:

☐ STRONGLY DISAGREE   ☐ DISAGREE   ☐ SOMEWHAT AGREE   ☐ AGREE

OF THE DIFFERENT AREAS OF CONCERN, CHOOSE YOUR TOP THREE CONCERNS:

☐ TRAFFIC AND SAFETY   ☐ TREE COVER AND HEAT ISLAND   ☐ HOUSING QUALITY

☐ FLOODING AND WATER LOGGING   ☐ TRAFFIC AND CONGESTION   ☐ HOUSING PRICE

☐ PARKING ACCESS   ☐ MOBILITY CON-STRAINTS

I WILL BE IN SUPPORT OF THE PROJECT

IF _____

BECAUSE _____

I WOULD LIKE TO RECEIVE PROJECT UPDATES

FULL NAME _____

EMAIL _____

PHONE NUMBER _____

Efficient and productive high touch engagement

24% **of project proponents agree:**

"Feedback from the public (either in public meetings or written comment) was beneficial in determining the scope and design of the project."

Developer Stakeholder Survey, Fall 2023

This category of engagement is designed to efficiently gather important neighborhood context and more complex feedback that would be difficult to capture in a survey. By updating the methods the Planning Department uses to conduct public conversations, meetings can be more productive and avoid wasting participants' time.

Today, community feedback shows that current methods of conducting community meetings do not achieve these goals.

35% **of community survey respondents:**

Identified structural barriers to participation at public meetings that need to be addressed to bring in new participants

13% "Meetings provide limited opportunity to make an impact"

12% "Meetings are not welcoming"

10% "Negative prior experience"

Community Barriers Survey, Fall 2023

Public Workshop in Roxbury
June 1, 2024

Examples of high touch engagement

Structured in-person workshops

A workshop-style in-person event is different from a traditional public meeting. At a workshop, Planning Department staff conduct community conversations on specific topics about a project. Staff share the results of surveys or other feedback collected so far. Community attendees can provide additional context, identifying more detailed comments and added nuance. For example, community stakeholders attending a site walk could identify an issue with the location of proposed curb cuts. Then, a follow up survey could ask a wide group of people to help prioritize potential solutions. Workshops allow attendees to provide detailed, organized feedback. Staff facilitators can end a workshop with a summary of feedback to allow attendees to hear themes and examples from other participants.

Updated meeting norms for public meetings

In this type of engagement, City staff and the project proponent share a presentation about the proposed project, and then attendees respond one by one with questions and suggestions. Public meetings are an opportunity to share information about a project, and staff will continue to hold them. However, there is an opportunity to close feedback loops and design more transparent and welcoming conversations.

Staff should start each meeting with clear context that shares community and staff feedback already documented, responses from proponents, and decisions already made.

Staff can use a standardized "meeting minutes template" to quickly and consistently document themes and questions.

Each meeting should end with staff sharing a summary of the feedback heard.

There is also an opportunity to evaluate the appropriate balance and use of remote, in-person, and hybrid public meetings. Each kind of meeting has benefits for effective engagement, and needs clear standards for when and how they should be used during project review.

NEXT STEPS

The Planning Department will create draft templates and standards for each type of engagement. The department will also identify other areas of the City's work that may benefit from applying these new approaches to other community engagement processes.

EARLIER ENGAGEMENT:

Require developers to provide earlier opportunities for the public to learn about a project and to share feedback before decisions are made

Why do we need earlier engagement?

The Phase 1 Initial Themes survey showed that public engagement does not take place at the best time in the review process. Only 16% of community respondents agreed that "Public comment occurs at the right time during the Article 80 process." *(Existing Participant Survey, Fall 2023)*
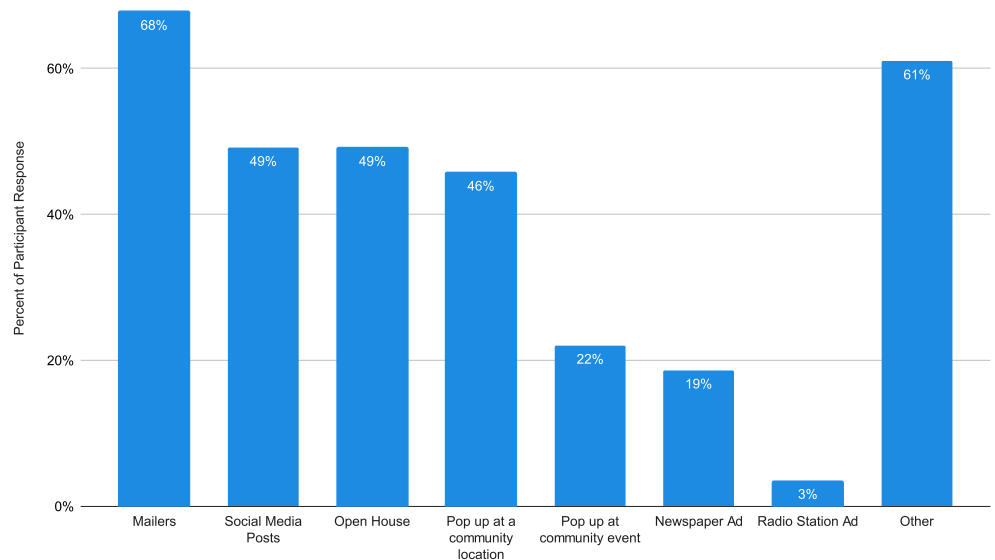
Our survey results also confirm that we need to improve the early notification and feedback process. Only 30% of community survey respondents agree that the Planning Department "does a good job publicizing applications and informing the public of public comment periods" *(Existing Participant Survey, Fall 2023)*

For example, only using newspaper advertisements (the only method required today), does not effectively

reach many members of the community. Only 19% of community respondents preferred newspaper ads –the least popular option.

Early engagement can allow developers and community stakeholders to collaborate better and align around "big-picture" decisions quickly. This in turn allows later steps of project review to go more smoothly. Some project developers have taken it upon themselves to design early engagement activities that achieve this early alignment. This recommendation proposes to standardize that practice across all developers.

HOW WOULD YOU LIKE TO HEAR ABOUT DEVELOPMENT PROJECTS PROPOSED IN YOUR NEIGHBORHOOD?

Category	Percent
Mailers	68%
Social Media Posts	49%
Open House	49%
Pop up at a community location	46%
Pop up at community event	22%
Newspaper Ad	19%
Radio Station Ad	3%
Other	61%

Draft Recommendations Feedback Survey, Summer 2024

The Planning Department will require project proponents to conduct early engagement as part of the first step of review based on a City-issued checklist that provides standards and guidelines. For example, a proposed large project may be required to select at least one engagement method from each strategy below (print, digital, and in-person).

Proponents will then submit an Engagement Plan that will be reviewed and approved by the City during the first step of the review process. Then, proponents conduct the engagement activities described in the Plan, using templates and guides provided by the City.

Once the early engagement is complete, proponents will submit an Engagement Report, based on a Planning Department template, that documents the results of the engagement and describes any changes to the project as a result. The Engagement Report will be published publicly.

The Planning Department will use the feedback collected in the report to shape scoping conversations with the proponent and design subsequent engagement activities and set agendas for public workshops.

This new approach will add predictability and transparency to the early stages of project review. It also provides a clear opportunity to partner with existing community organizations. For example, local community groups can: host a visioning workshop or other in-person engagement, and review the Engagement Report to ensure the summary matches their experience.

EXAMPLE ENGAGEMENT METHODS THAT MAY BE USED FOR EARLY ENGAGEMENT

PRINT
- Easy to understand flyer or infographic close to the project site
- Site signage as soon as the project begins the review process, with links to collect feedback

DIGITAL
- Online survey disseminated with help from CBOs and hosted on a project website
- Quick polls on requested community benefits
- Opening up project call-in hotline

IN-PERSON
- Guided tour or site walk
- Info counter at community centers
- Visioning Workshop at a civic organization
- Table at a community event or festival
- A staffed pop up event near site

Note that not all methods are required. Specific details for this recommendation will be developed in the next phase of this project.

NEXT STEPS

The specific options for early engagement will be developed further in upcoming community conversations.

Accountability is an important goal of this recommendation. How will the Planning Department make sure proponents complete the activities in the Engagement Plan? Survey respondents overwhelmingly preferred that Planning Department staff should have a role in developer-led engagement (93%), but were split on what kind of role would be best. 49% suggested the City should be a neutral facilitator while 40% suggested the City should advocate for plans and policies. *(Draft Recommendations Feedback Survey, Summer 2024)*

More engagement is needed to identify the best approach.

1B. Replace Impact Advisory Groups (IAGs) with new Community Advisory Teams (CATs)

Image: Dorchester

OUTCOMES

1. *Bring in new participants that reflect the diversity of the City*

2. *Build up a cohort of new community leaders who can effectively participate in detailed project review*

3. *Build trust and transparency*

4. *Create consistent practice where today there is inconsistency*

A Community Advisory Team is a new advisory body that would work directly with the Planning Department to provide community-based expertise. Community Advisory Teams are designed to address the most significant challenges community members, proponents, and staff experience with IAGs.

Diverse participation

Today, only 21% of community members agree that IAG membership is reflective of the community (Phase 1 Listening and Research Summary, Jan 2024). When community members don't feel represented in the process, they can feel that the outcomes of the process don't incorporate their needs or experience.

The Planning Department is not hearing important perspectives during the development review process.

CATs seek to address this problem by creating clear group composition criteria.

Training and management

The Planning Dept. will provide learning and professional resources to these advisory groups by investing greater resources into the success of CATs. Dedicated staff will be hired to manage the teams. All participants will receive training from the Planning Dept. prior to the start of their term. And the Planning Dept. will also consider providing childcare, translation services, and a stipend for participants.

All stakeholders agreed that training is a critical step to help build the "next generation" of community leaders and participants.

Accountability

Today, only 15% of community

> *"We have not done a good enough job skilling–up folks... No one should feel like the weight of the neighborhood is on their shoulders. And that's how a lot of our civic leaders feel right now. It's important that we skill up the next generation."*

City Councilor Sharon Durkan
District 8 City Council Hearing on Article 80 Modernization
July 15, 2024

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members agree that "the IAG process is transparent and trusted." (Existing Participants Survey, Fall 2023) To address this concern, clear standards will be created for participation. Participants will acknowledge a code of conduct and disclose any conflicts of interest. Attendance requirements will ensure continuity in feedback. Term limits will help broaden participation. Meeting schedules will be set and published in advance of each term.

Portfolio review

The CAT will review multiple projects over time. These projects could be grouped by common factors, like geography or institutional ownership. A meeting will discuss multiple projects to better capture the planning context of development and help align community

benefits priorities.

Our engagement consultant identified portfolio review as a strategy for capturing important neighborhood context: "A portfolio approach can be used for collective scoping sessions of multiple projects... many pre-existing conditions and variables [common to the group of projects] are taken into account. Continual engagement within teams creates opportunities to bridge neighborhood-level planning and city-level planning initiatives."

(Recommendations Report, Rivera Consulting Group, April 2024)

PEER CITY RESEARCH
CITY OF TORONTO

Toronto's Planning Review Panel is a city wide community body that reviews projects. Members are selected by lottery for two-year terms. This example provides a unique model for discussing new forms of advisory groups. Several ideas from this case study have been adapted into the proposal for CATs.

(Peer City Research: Engagement, Dec 2023)

How do Community Advisory Teams compare to Impact Advisory Groups?

	IMPACT ADVISORY GROUP (IAG)	COMMUNITY ADVISORY TEAM (CAT)
SCOPE	Review individual projects	Review a group of projects in an area
PREPARATION	No training	Training to develop a broad base of citizen experts in partnership with community organizations
SUPPORT	Project Managers manage the IAG as one part of their role No standards for accessibility	Dedicated staff support the teams to convene and facilitate discussion Meetings may include childcare, translation, and stipends for participation
STANDARDS	Unclear role, inconsistent meeting expectations and rules No term limits	Clear and enforced role of review, code of conduct, and conflict of interest rules Multi-year term with term limits
PARTICIPATION	No standards for diverse representation	Diverse and broad participation through random selection based on housing situation, age, community expertise, etc.

There are many important details to resolve before Community Advisory Teams can be implemented. These details will be analyzed and developed in collaboration with community stakeholders. These details will be analyzed and developed in collaboration with community stakeholders in the coming months. The following section shows an example of potential Community Advisory Team outcomes that will serve as a starting point for additional community conversations.

"I am happy to see some of the changes, especially around removing barriers for folks to be able to participate with resources such as child care"

Community member
Public workshop in Brighton
May 11, 2024

NEXT STEPS

Further engagement and analysis needed:

- **Design a training approach**. Today, many community organizations run training programs that help people prepare to participate in advisory groups. The Planning Department will look to partner with these organizations to learn best practices.

- **Determine the appropriate number and grouping of CATs**. For example, their geographic size and specific topics or focus areas.

- Composition requirements and selection process will be refined through community conversations.

CAT Examples:
What could this look like?

In our latest round of engagement, we heard many specific ideas about CATs directly from community members. This section collects some of these ideas into an example structure.

Community members recognized the importance of many different kinds of expertise, especially local residents.

90% Identified that residents are important to represent on CATs

72% Civic group leaders and/ or civic group members

63% Business owners

58% Advocates (environmental, housing, transportation, etc.)

40% Real estate, design, and planning professionals

(*Draft Recommendations Feedback Survey, Summer* 2024)

Application and selection

The goal of CATs is to capture the diverse experience necessary to provide feedback that reflects the broader community. We have heard several different examples of potential selection processes. For example, community experts could be nominated by the Office of Neighborhood Services (ONS) or the Planning Department based on applications submitted from community members. Other neighborhood affiliates could be selected at random from an applicant pool of residents, business owners, and other groups. Elected Officials could continue their role in nominating some participants. Professional expertise could be gathered from applications selected by the Planning Department to fulfill specific categories (like planning or academic expertise, sustainability experts, real estate professionals, construction trades, etc.).

CATEGORIES FOR CAT COMPOSITION

*Note: This first-draft concept has not been vetted by stakeholders yet. These will be further developed based on additional analysis and engagement in the fall with a focus on retaining local expertise in the CATs.

11-15 total seats will be filled by people from the neighborhood.

COMMUNITY EXPERTS
Selected by ONS / Planning Dept from applicant pool

- Local civic organization
- Local main streets organization

NEIGHBORHOOD AFFILIATES
Selected at random from applicant pool (residents, business owners, etc.)

NOMINEES / APPOINTEES
Nominated by elected officials

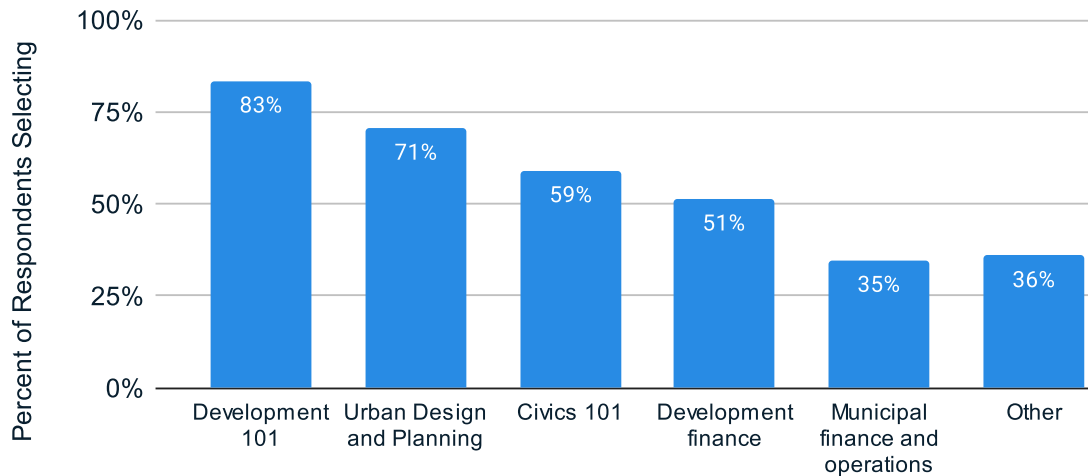- District councilor/s (varies per CAT)
- At-large councilors (x4)

PROFESSIONAL EXPERTS
Selected by Planning Dept staff from applicant pool

Examples:

- Planner / academic
- Sustainability expert
- Real estate professional
- Building trades representative

WHAT KINDS OF TRAINING WOULD BE USEFUL FOR COMMMUNITY MEMBERS PARTICIPATING IN THIS GROUP?

Percent of Respondents Selecting

Category	Percent
Development 101	83%
Urban Design and Planning	71%
Civics 101	59%
Development finance	51%
Municipal finance and operations	35%
Other	36%

(Draft Recommendations Feedback Survey, Summer 2024)

Training and orientation

Community Advisory Teams are designed to build up a cohort of new community leaders by providing training and allowing new participants to overlap with experienced participants over the course of a CAT term.

Community members strongly support new training for advisory group members. All CAT participants would receive mandatory training prior to the start of their cohort's term. The top three training types selected as most important to survey respondents were: Development 101 (83%), Urban Design and Planning (71%), and Civics 101 (59%).

An example training process could include a series of activities. The Planning Department hosts an introduction session to provide an overview of the structure, responsibilities, and expectations of the CAT. Participants receive training documents to review (e.g. Citizen's guide to Article 80, glossary of terms, conflict of interest guidelines, City policies, etc.). Then Planning Department staff host additional sessions on specific topic areas (mitigation,

urban design, planning principles, etc.).

Term length

Community stakeholders identified many potential structures for term lengths. For example, CAT participants join for a set term length, split into staggered "cohorts", with half the members rolling on or off each year. At the end of each term, members can complete a feedback survey to document their experience.

Community preferences were mixed when asked specifically about potential term lengths.

28% preferred 2 year terms

39% preferred 1 or 0.5 year terms with an optional extension

(Draft Recommendations Feedback Survey, Summer 2024)

Meeting structure

CATs are designed to bring more predictability to the community advisory groups. Meeting dates for the full term will be published in advance to allow participants to plan their schedules. Meeting agendas for each meeting will be set by Planning Department staff. During a CAT meeting, Development Review Project Managers introduce each project on the agenda by setting the context. Then the project proponent shares details on the project. Other Planning Department staff could also share relevant planning or design context.

For example, projects could come before the CAT twice during the review process. The first time, the CAT can review the Engagement Report and confirm the results of early developer-led engagement. The second time, later in the review process, the CAT can help synthesize community feedback to prioritize community benefits.

Member expectations

CATs are designed to be more transparent than IAGs. One important aspect of transparency is clear expectations for all participants and removing any conflicts of interest. During our most recent workshops, community stakeholders identified several possible ways to set clear rules and expectations:

- A majority of CAT members must be present to hold a session. For example, for a CAT of 15 members, there must be at least 8 people in attendance (> 50%).

- Participants commit to attending at least two-thirds of all meetings and will virtually "check in" and confirm attendance or non-attendance within 24hrs of the meeting. Three instances of non-attendance without checking in will result in removal from the group

- Members must sign and adhere to code of conduct and conflict of interest policies for the duration of their term. A code of conduct would help clarify the role of all participants, including City staff and project proponents. It would also set ground rules for participation (for example, set a norm that each CAT member be allowed to provide feedback before others speak multiple times). A conflict of interest disclosure helps identify when actual or potential conflicts of interest arise. It also creates procedures for how and when an individual with a conflict of interest may be excused from providing feedback during project review. Creating clear documentation and procedures around conduct and conflicts allows the CAT to be more transparent. Non-compliance with these procedures could result in member removal.

Role and deliverables

WHAT IS PART OF THE ROLE?

CAT members can use neighborhood and community plans to identify potential community benefits for proposed projects. They can review findings from developer-led early engagement and prioritize issues. They will advise the Planning Department staff on how community benefits should be allocated across categories.

WHAT IS NOT PART OF THE ROLE?

CATs cannot veto or delay a project, but rather help to shape it. CATs should not widen the designated role or scope of review during meetings, but rather provide focused advice to project teams. CATs are also not meant to be a spokesperson for the Planning Department, but rather be one community voice among many in the development review process.

EXAMPLE DELIVERABLES

For each project reviewed, the CAT and Planning Department staff work together to submit a memo that documents prioritization recommendations. Furthermore, CAT meeting minutes, records, and recommendations will be published publicly on the Planning Department website.

NEXT STEPS

Refine through community conversations:

- CAT composition requirements and selection process

- Specific term lengths and cohort structure

- Draft code of conduct and conflict of interest disclosure

Conduct additional research and analysis:

- Training curriculum and structures used in Boston and other cities. The team will also work with local community groups that already provide similar training to understand their best practices.

- Project pipeline analysis to make sure each CAT has a reasonable workload

CORE CHANGE 2

CONSISTENT STANDARDS

Take the fight out of approvals by standardizing mitigation and community benefits

2A. Take the fight out of approvals by standardizing mitigation and community benefits

2B. Establish clear dollar-per-square-foot policies for transportation & infrastructure and open space & public realm mitigation

2C. Create stronger connections between recent planning and community benefits

2D. Require proponents to file a new disclosure on displacement impacts

WHY DO WE NEED CONSISTENT STANDARDS?

Survey Results show broad stakeholder agreement

All stakeholder groups recognize the importance of standardizing the mitigation and community benefits process. It is the single most important issue from every survey conducted as part of this project:

QUOTE	AGREEMENT: DEVELOPERS	AGREEMENT: COMMUNITY MEMBERS
"Community benefit and mitigation requests are established at the appropriate time in the process"	17%	11%
"The City's approach to mitigation is consistent from project to project"	11%	4%
"Community benefits requests were consistent with citywide or neighborhood planning priorities"	20%	9%
"Mitigation requested was roughly proportionate to the impacts of the proposed project"	19%	10%
"Overall timelines from initiation to finalizing community benefit and mitigation were reasonable"	18%	11%
"The existing community benefit and mitigation process is easily understood"	N/A	8%

(Existing Participant Survey, Fall 2023 / Developer Stakeholder Survey, Fall 2023)

PEER CITY RESEARCH

Many cities use impact fees to create a transparent and predictable process.

For example, cities like Denver and Portland, OR, define specific categories of mitigation contributions (transportation, sewer, parks, etc.) using formulas based on project location, use, size, etc.

Seattle's incentive zoning directly connects requests for PDA-like zoning relief to specific mitigation amounts.

Miami's affordability incentives provides density bonuses based on enhanced affordability.

(Peer City Research Report: Mitigation, December 2023)

Boston is unique among peer cities

All stakeholder groups recognize the importance of standardizing the mitigation and community benefits process. It is the single most important issue from every survey conducted as part of this project.

Boston relies almost entirely on case-by-case negotiation. While some standardized systems exist (like the Inclusionary Development Policy and Development Impact Project Exactions), all other categories of mitigation and community benefit are negotiated.

Furthermore, there is no clear delineation between mitigation and community benefits. Board memos are formatted inconsistently, and staff across City departments have a different understandings of these terms.

Mitigation and community benefit conversations are rarely grounded in a clear list of priorities or needs assessments. Instead, ad-hoc negotiations focus on specific projects and maximizing the benefit.

Boston historically achieves unusually high value and diverse mitigation and community benefits outcomes. However, these outcomes are tied to the strong national and local economy, not our uniquely cumbersome approval process. Long periods of low interest rates and desirable market conditions have enabled high-value mitigation and community benefit contributions. However, Boston's development review process should be calibrated so that it can adapt to a changing market and produce positive outcomes regardless of these externalities.

Data analysis confirms the inconsistency

The project team analyzed 126 projects approved by the BPDA between 2014-2022, including 48 Large Projects, 47 Small Projects, 27 Large Projects with PDAs, and 4 IMPs. The analysis identified 1,900 distinct mitigation and community benefit items. Each item was assigned a category. Every project sampled provides mitigation in two categories: Transportation & Infrastructure, and Open Space & Public Realm.

On average, projects provide 15 distinct mitigation items. 79% of identified benefits are in-kind. The remaining 21% are monetary. Monetary contributions are easy to quantify, but don't tell the whole story, since they are only a small fraction of total benefits. Median monetary mitigation and community benefits contributions range between $50k - $400k. In-kind benefits have historically not included an estimate of their value, making a comprehensive analysis of the full value of historic mitigation essentially impossible.

Regardless, one clear result from this analysis is that a small subset of large projects are significant outliers. 90% of the total monetary mitigation identified in the analysis was derived from 5% of the projects studied (7 out of 126). These outliers provide higher-than-average monetary mitigation per square foot (up to 25x more in some cases).

(Existing Conditions Analysis: Mitigation, January 2024)

"Doing community benefits on a project by project basis can be problematic – we need a global view of community benefits that isn't only hyper local – finding a way to address hyper local needs that also bleed into the city-wide vision."

Community member
Public workshop in South Boston
May 18, 2024

2A. Create new definitions for community benefits, mitigation, update eligibility criteria

Image: East Boston

DRAFT DEFINITIONS

OUTCOMES

1. *Draw a clear and predictable line between mitigation and benefits*

2. *Align with established legal frameworks used in peer cities*

Mitigation

Mitigation is about offsetting potential negative impacts of a project. The goal of a new definition of mitigation is to clearly connect actions taken by developers to measurable impacts. This will "narrow" the range of items that qualify as mitigation compared to today.

EXAMPLE DEFINITION

"The replenishment of public goods and services consumed or adversely impacted by the direct externalities of a project to maintain the current quantity and quality of public goods and services"

EXAMPLES OF MITIGATION

Transportation

- Implement required, planning-based transportation demand management solutions (parking maximums, Bluebike stations, etc.)

Open Space / Public Realm

- Comply with Mass. Ch. 91 requirements to preserve pedestrian access along the water's edge and provide facilities to enhance public use and enjoyment of the water
- Offset impacts of additional residential population by providing new active recreation facilities

Housing

- Comply with Boston's Inclusionary Zoning requirements
- Comply with Linkage requirements (DIP)

Historic Preservation

- Preserve existing on-site designated landmarks as required by the Landmarks Commission

Community Benefits

In contrast with mitigation, community benefits are about enhancing the community by being a good neighbor. This framework creates the opportunity to build stronger connections between project-specific benefits and community needs and planning goals.

EXAMPLE DEFINITION

"Voluntary contributions by a developer for the enhancement of public goods and services."

EXAMPLES OF COMMUNITY BENEFITS

Transportation

- Install additional Bluebike stations above and beyond requirements

Open Space / Public Realm

- Plant new street trees that enhance the public realm (above and beyond replacing any trees lost during construction)

Housing

- Exceed IDP by providing additional on site affordable units, above and beyond IDP requirements
- Provide additional funding for affordable housing, above and beyond the requirements of Linkage (DIP)

Historic Preservation

- Exceed Landmarks Commission requirements by providing additional monetary contributions to the City to protect historic resources in the vicinity of the project

Enabling Infrastructure

Enabling Infrastructure is a new term that can provide clarity for where a viable project scope ends and mitigation begins (what is included to enable the project versus the restoration of existing systems impacted by the project). The goal is to allow the City to be clear with project proponents about what counts as mitigation and what is needed to enable the project itself, beyond what currently exists on site.

EXAMPLE DEFINITION

"Infrastructural elements that are required to enable the project to be built, including upgrading infrastructure to City standards."

EXAMPLES OF ENABLING INFRASTRUCTURE

Transportation

- Construct a new access road for an infill development that modifies the street network

Public Realm

- Ensure all site sidewalks and building entryways are ADA compliant

NEXT STEPS

The Planning Department will release a refined draft of the definitions for public feedback and comment.

ELIGIBILITY CRITERIA

OUTCOMES

1. *Predictably apply standards by replacing today's ad-hoc approach*

2. *Create clear policies for "typical" projects while retaining flexibility for large-scale "generational" projects and institutions*

3. *Incentivize affordable housing aligned with Boston's Housing Strategy[1]*

A full **standardized framework** applies to "typical" projects to establish predictability across the majority of the development review pipeline. This includes small projects (20,000 SF to 50,000 SF) and large projects (50,000 SF to 1M SF). The standardized framework includes a formula-based approach to mitigation (see Recommendation 2B below), as well as a cap and enforced guardrails for community benefits (see Recommendation 2C). Applying the full suite of proposed standards to the majority of projects achieves the goal of standardizing the mitigation and community benefits process.

A **negotiated approach** is retained for complex, large-scale projects, master plans, or institutional development. The negotiated approach recognizes that there will always be exceptions to any rule. Projects in this category are outliers, and typically combine significant enabling infrastructure with development phases that take place over many years. In fact, as summarized above, our historic data analysis confirmed that very large projects and institutional projects are exceptional, delivering mitigation and community benefits far higher than typical projects. In these cases, formula-based standards do not accurately capture the exceptional nature of these projects. A negotiated approach therefore proposes to use the formula-based mitigation as a starting point, and then adapt the specific mitigation and community benefits to the unique features of the proposed project. In cases where the scale of the project requires site-specific zoning, includes a long-term phased build-out, or has out-sized impacts, the Article 80 review will inform and modify the mitigation and community benefits expectations of projects. Important guardrails for community benefits will be maintained, since all projects benefit from a closer connection to planning goals and community needs.

Projects, or parts of projects, that could be themselves considered a benefit could be **exempt** from providing community benefits. This recommendation recognizes that some projects are unique benefits to their community by their very nature. In order to speed and incentivize the development of projects in this category, the projects are exempt from providing any community benefits. For example, affordable housing projects with 60% or more income restricted to no more than 100% Area Median Income could be included in this category. Over and above the direct benefits of affordable housing, many affordable housing projects receive funding subsidies from the State or City. In these cases, it is counterproductive to ask the project to pay some of that money back to the City in the form of monetary community benefits.

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[1] *https://www.boston.gov/finance/boston-housing-strategy-2025*

The eligibility table below shows what kinds of projects qualify for each type of proposed new standard.

This preliminary approach will be studied and discussed with development industry, community, and City of Boston stakeholders as it is advanced further.

	MITIGATION	**COMMUNITY BENEFITS**
Affordable Housing Projects with 60% or more income restricted to no more than 100% Area Median Income	**FORMULA BASED APPROACH** Directly standardizes two kinds of mitigation through a formula-based approach: • Transportation and infrastructure • Public realm and open space Maintains existing standards for IDP and DIP Continues to mitigate other project-specific impacts	**EXEMPT** In order to speed up and incentivize development, this category is exempt from providing community benefits
Small Projects 20,000 SF to 50,000 SF **Large Projects** 50,000 SF to 1M SF		**CAP + GUARDRAILS** Project-specific calculations suggest maximum amount of benefits that the project should deliver Guardrails establish the set of categories from where specific benefits are chosen Allocation of community benefits within this maximum amount is determined through Article 80 based on planning priorities, with input from community members and staff
Complex Large Scale Projects **Institutional Development Projects** **Long Term Projects** **Large Contiguous Site**	**NEGOTIATED APPROACH** Allows large scale generational projects to continue providing mitigation that is proportionate to the scale of their impact, and enables the Planning Department to maximize opportunities for city building	**NO CAP + GUARDRAILS** This category does not establish a cap on community benefits However, guardrails are still implemented to ensure all project benefits have a close connection to planning goals and community needs

NEXT STEPS

The Planning Department will work with community and development stakeholders to refine what kinds of projects fall into each category.

2B. Establish clear formula-based policies for transportation & infrastructure and open space & public realm impact mitigation

Image: Jamaica Plain

OUTCOMES

1. *Achieves true standardization for two important categories*

2. *Provides up-front transparency for all stakeholders*

   • *Developers can predictably plan for costs in pro-formas without last-minute surprises*

   • *Community can transparently understand fees and participate in dedicated processes to establish and update fees*

   • *City staff can predictably plan and prioritize capital needs*

3. *Maintains the ability to provide mitigation in-kind where appropriate*

4. *Flexibility remains for outlier projects to exceed standards due to their unique scale and impacts*

This recommendation proposes to directly standardize two kinds of mitigation through a formula-based approach.

• Transportation and infrastructure
• Public realm and open space

Why these two categories?

Creating new categories for Transportation /Infrastructure and Public Realm / Open Space would build upon the existing standards for housing and jobs. The Inclusionary Development Policy (IDP) and Development Impact Project Exactions (commonly called Linkage) regulate and standardize the mitigation requirements for affordable housing and local job training through clear formulas. The existing IDP and Linkage standards are not changing. They provide a good example of the benefits of a standardized, formula-based approach.

WHICH COMMUNITY BENEFIT CATEGORY IS MOST IMPORTANT TO YOU?
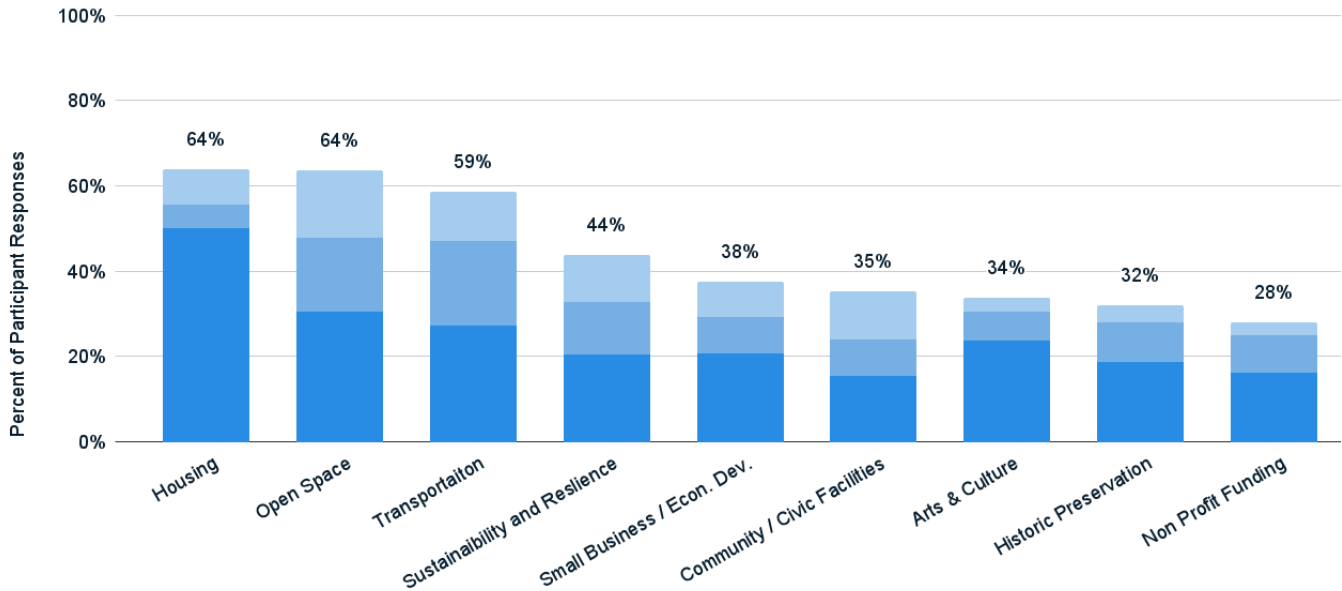
(Draft Recommendations Feedback Survey, Summer 2024)

Community feedback confirms this approach. In our most recent survey, 64% of respondents identified Housing as a top benefit priority, which is already standardized through IDP and Linkage. The next two most popular categories were Open Space (64%) and Transportation (59%).

These two categories are also the most commonly occurring categories of mitigation (outside of housing) over the past ten years, based on our historical data analysis. 41% of all identified mitigation items were transportation related, and 14% were open space or public realm related.

(Existing Conditions Analysis: Mitigation, Jan 2024)

Finally, there are clear frameworks from peer cities to build on. Many municipalities have created formula-based connections between the transportation and open space externalities of projects and appropriate mitigation.

PEER CITY RESEARCH
DENVER, COLORADO

Denver, CO established four categories of impact fees in its Gateway district. One of them, the Road Impact Fee, is based on the size and type of development and assesses a per-unit or per-square-foot fee for new developments.

(Peer City Research Report: Mitigation, Dec 2023)

How would it work?

The two categories will be standardized by creating a formula to set the dollar amount per square foot proposed projects would owe for each category. The formula would likely include factors like project size, location, and use. It would build in a periodic update cycle to re-calibrate the numbers based on market conditions and inflation.

Contributions toward the fee amount can be both monetary, directly paid to the City, or in-kind, where developers build or otherwise provide mitigation as part of the construction of their project. Other potential mitigation categories such as subsidized shuttle services or improvements to non-city transportation assets need to be included and defined. Importantly, delivery of in-kind mitigation is credited against the fee. In some cases or for some kinds of mitigation, in-kind delivery may be preferred to monetary contributions. For example, certain transportation mitigation, like a widened sidewalk to accommodate increased pedestrian traffic, can be constructed by the developer as they build the project. This is much more efficient than the City constructing the sidewalk later. In other cases, monetary contributions allow the City to pool resources from multiple projects to achieve a greater overall outcome. For example, if multiple development projects are built near a city park, the increased number of park users may require upgrades to the park's facilities. Those projects could provide a monetary contribution that can be combined by the

Parks Department to upgrade the park all at once.

There is a lot of additional analysis needed to create a formula. Our consultants identified this issue as part of their scenario testing:

"A simple formula based on project size and development cost can capture some, but not all, of the nuances of past outcomes. In-kind mitigation and benefits account for 80% of identified items, but the BPDA does not currently have estimates of their monetary value. This is a significant gap in historical data that needs to be addressed to fully understand patterns of mitigation and benefits prior to finalizing a formula."

(Existing Conditions: Mitigation Historic Testing, Jul 2024)

NEXT STEPS

The Planning Department will conduct additional in-kind analysis and operational evaluation to create a draft formula framework. Then the draft framework will be published in a Final Mitigation Recommendations Report, which will begin a dedicated comment and feedback period for all stakeholders. The Planning Department will also conduct due diligence to assess the legal requirements of new formulas, including nexus studies and any necessary enabling legislation.

2C. Create stronger connections between recent planning and community benefits

Image: Roslindale

This recommendation identifies two important steps to standardize the community benefits process:

- Guardrails to establish set categories and a clear menu of options
- A cap on the total amount of community benefits

Why do we need stronger connections to planning?

Our engagement and analysis shows that in today's process, community benefits provided by a particular proposed development project are not connected to the planning needs of the community in which it is built. A complex and ad-hoc community benefits negotiation means that only experienced participants can effectively advocate for specific ideas. The project-specific conversations can bias the conversation to "miss the forest for the trees."

Our consultant team's analysis emphasized this trend:

"Across stakeholder groups it is recognized that the [community review bodies] have several vested interests that create conflicts in community forums and delay the development review process... The same set of people join the [project review] committee and influence the Article 80 process. This dynamic creates more room for vested interests to play out and direct the public meetings."

(Existing Conditions Report: Engagement, Oct 2023)

WHAT INFORMATION CAN WE USE TO HELP INFORM WHICH COMMUNITY BENEFITS ARE MOST IMPORTANT?

Category	Percentage
Needs assessment	65%
Community requests	61%
Needs of City departments	58%
Recent Planning	33%
Other	11%
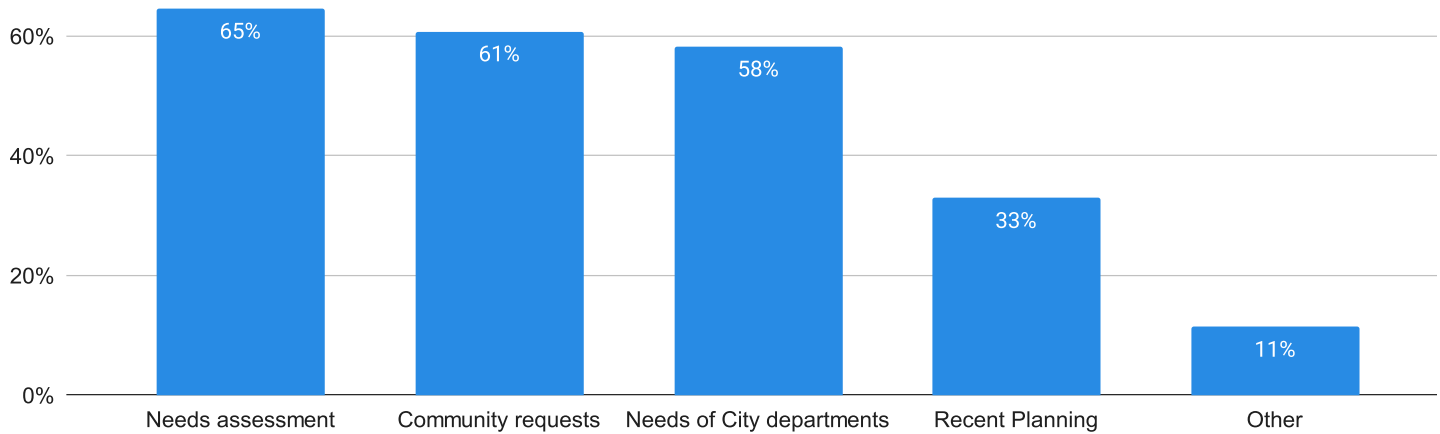
Draft Recommendations Feedback Survey, Summer 2024

Survey responses confirmed that additional context is important to the community. In our most recent survey, we asked community members to prioritize the types of information that should be part of a community benefits decision making process. Today, there is no formal role for community needs assessments, City department needs, or recent planning in community benefits conversations. However, community members identified that these planning tools are just as important as community requests.

The City has recently redoubled its efforts to update plans across the City by thoughtfully bringing in broad participants and creating a shared vision for growth This means there will be recent planning in many communities for the first time in many years. The Article 80 development review process needs to take advantage of the valuable community input provided during the planning process.

PLANNING INFORMED BENEFITS

1. *Requires all stakeholders (City staff, community members, developments) to ground their community benefits requests in documented planning needs and policy*

2. *Shifts the focus back to planning and prevents benefits from being captured by special interests or insiders*

The new structured approach to community benefits is designed to establish a set of categories and a clear menu of options. Collectively these standards are referred to as "guardrails", since they provide structure to the community benefits process.

Step 1
Conduct new planning

The Planning Department will identify and prioritize needed community enhancements through the delivery of plans at a variety of scales. In addition, Planning Department staff collaborate with other City teams to conduct topic-specific assessments, visioning exercises, and resource needs across domains (for example, an inventory of historic resources, an analysis of heat island priorities, etc.)

This planning can list out specific areas of need and identify opportunities for private sector support. For example, PLAN: Charlestown, approved by the BPDA Board in

2023, identified 103 recommendations across 11 themes, including Affordable Housing, Climate Resilience, and Community Vibrancy.

Specific opportunities for private sector community benefits included items like:

- "Add public art to Charlestown, with attention to the historic core, the Lost Village, Navy Yard, and areas west of Rutherford Avenue"

- "Provide high quality open space with a focus on currently underserved areas with less park access, higher vulnerability to extreme heat, and less tree canopy"

- "Advocate for developments to incorporate rooftop or ground level community garden plots in new residential development"

Step 2
Tie community benefits to planning efforts

Then, during the development review process, conversations about community benefits between City staff, community members, and the project proponent should reference the planning material relevant to the project site. These tools create a clear story that demonstrates how proposed development will benefit a community by fulfilling documented needs. Projects can select from the "menu of options" to identify a proposed list of community benefits. For example, PLAN: Charlestown's community benefit categories and specific recommendations created a "menu" for development projects to choose from. Recently approved projects in the Charlestown neighborhood have contributed toward these goals.

NEXT STEPS

The Planning Department will collaborate with the City's Planning Advisory Council to identify and collect existing plans and policies. These documents can then be used by staff reviewers to inform community benefits conversations. The Planning Department will continue planning at a variety of scales (for example, Squares + Streets plans). In the long term, it will also begin a Citywide Needs Assessment to "transition away from a reactive approach centered on responding to private development proposals, to instead planning proactively for the needs of Bostonians with coordinated citywide efforts."

(Request for Proposals: Citywide Land Use Impact and Needs Assessment, Issued July 2024)

EXAMPLE MENU OF OPTIONS

Determined through neighborhood plans, needs assessments, City policies

- ☐ SUSTAINABILITY AND RESILIENCE
- ☐ HOUSING
- ☐ TRANSPORTATION AND INFRASTRUCTURE
- ☐ ARTS AND CULTURE
- ☐ OPEN SPACE AND PUBLIC REALM
- ☐ EDUCATION
- ☐ SMALL BUSINESS / ECONOMIC DEVELOPMENT
- ☐ HISTORIC PRESERVATION
- ☐ COMMUNITY AND CIVIC FACILITIES

CAP ON COMMUNITY BENEFITS

This recommendation proposes to set a cap on community benefits through a formula.

How would it work?

A formula can be used to set a suggested maximum on community benefits. The formula could include factors like project size, type, and estimated development costs. It would build in a periodic update cycle to re-calibrate the numbers based on market conditions and inflation. Importantly, delivery of in-kind benefits are credited against the cap.

The project-specific cap would be calculated and confirmed during the first stage of review. Then, the second stage of review applies the community benefit guardrails and selects from the "menu of options" to identify specific benefit items to fill the cap.

Establishing a cap will provide community members with a reliable benchmark on what total costs a project should be expected to bear for community benefits. This will ensure that projects pay their fair share, while avoiding setting expectations beyond the project's financial ability to deliver them. Establishing appropriate caps is a difficult analytical task and will take substantial study and engagement to appropriately implement.

OUTCOMES

1. *A predetermined maximum contribution establishes predictability up front*

2. *Requires prioritization across City departments*

3. *Allows monetary contributions to be distributed across the city*

NEXT STEPS

The Planning Department will conduct additional in-kind analysis, development cost financial modeling, legal due diligence, and operational evaluation to create a draft formula framework. Then the draft framework will be published in a Final Community Benefits Recommendations Report, which will begin a dedicated comment and feedback period for all stakeholders.

2D. Require proponents to file a new disclosure on displacement impacts

Image: Fenway

OUTCOMES

1. *Assess potential residential, commercial and cultural displacement impacts, if any, of the proposed development*

2. *Document, value, and verify actions developers are taking to mitigate displacement*

3. *Identify opportunities for proactive support to people and enterprises at risk of displacement, via input from relevant city departments*

Community members have been elevating concerns about direct displacement of residents, businesses and cultural enterprises over multiple years and across many Planning Department efforts. The recommendation here, to create a new Anti-Displacement Disclosure, is one part of a comprehensive City approach to preventing and mitigating displacement.

Example disclosure contents

Developers will submit documentation of existing site conditions in a new Anti-Displacement Disclosure at the first step of the Article 80 review process. The Disclosure will identify existing uses and potential risks of direct displacement in three categories:

- **Residential:** What housing units (market rate, affordable, etc.) exist on the site?
- **Commercial:** What small or legacy businesses exist on the site?
- **Cultural:** What historic, cultural, or art assets and uses exist on the site?

It will also identify an anti-displacement plan to reduce and mitigate displacement impacts across all three categories. Both monetary and in-kind displacement mitigation measures are credited against the total mitigation package. For example: the project proponent might plan to provide relocation support, an option to return, or contribute to fit-out costs for small enterprises moving to new locations.

Example process steps

Once submitted by the project proponent, City staff will review the Disclosure for several factors.

They will:

- Determine any potential or anticipated displacement
- Evaluate the proposed displacement prevention and mitigation measures against City standards in each category
- Recommend developer action and mitigation steps to the Planning Dept. review team
- Identify any opportunities for additional City support for at-risk tenants

NEXT STEPS

The project team will continue to collaborate with ongoing City efforts to address and prevent displacement. As part of this effort, the City will ensure that this new disclosure is complementary with other existing reporting requirements.

COORDINATED REVIEW

Prevent three steps forward, two steps back through a transparent, sequential and coordinated approval process

3A. Formalize the pre-file process and align filing sequence with industry practices

3B. Lock in key decisions through a "Concept Determination" that can provide a clear and early "no" to inadequate proposals

3C. Update and enforce response times

3D. Create interdepartmental portfolio review teams and enhance data-driven performance monitoring

WHY DO WE NEED COORDINATED REVIEW?

Today's process is confusing and inconsistent for community members, developers, and staff.

Community members and development teams say today's process is confusing and not clearly connected to City goals. Survey results from both groups show that the timing of feedback, the content of feedback, and the documentation of the results of feedback are all areas that need improvement.

Internal focus groups and the Planning Department Ombudsman identify process challenges.

The Ombudsman is a new role in the Planning Department dedicated to improving the coordination across different City review staff. In this capacity, they have identified several areas of improvement. In some project review processes, misalignment between departments leads to incongruous feedback that isn't prioritized or reconciled for proponents. Furthermore, since there are few written operational standards, changes to commitments or additional requests are made late in the process. Finally, a staffing analysis identified a large number of decision makers across City departments, with unclear distinctions in roles and responsibilities.

(Phase 1 Listening and Research Summary, Jan 2024)

Peer Cities are more efficient.

All cities studied in our consultant's research employ a concurrent review process to include all necessary city departments to resolve "gating issues" early on. All cities also have clear and enforced timelines for City response to filings. Many have dedicated review staff with clear roles and responsibilities.

SURVEY RESULTS

ONLY 15% of proponents agree that feedback [about their project] is provided at the appropriate time

ONLY 20% agree that the comments received from the BPDA and the City are consistent with the City's strategic direction and mission

ONLY 34% understood how to address the feedback received from City departments during the Article 80 process

(Developer Stakeholder Survey, Fall 2023)

55% of community members don't understand how their input shapes development projects

(Existing Participant Survey, Fall 2023)

PEER CITY RESEARCH
DENVER, COLORADO

Denver empowers a project coordinator to prioritize feedback and resolve conflicting requests prior to sending responses to proponents.

(Peer Cities Report: Operations, Jan 2024)

3A. Formalize the pre-file process and align filing sequence with industry practices

Image: North End

OUTCOMES

1. *Update the zoning code to meet the needs of modern development review*

2. *Unify and centralize all filing requirements in one place*

3. *Align review steps with industry practice to review the right thing at the right time*

4. *Create a transparent "pre-file" process*

The Planning Department has not consistently updated the zoning code to keep up with the changing nature of development. Today's process consists of the original zoning code text, established in 1996, along with layers of additional policy and informal guidance.

This recommendation resets the foundation of Article 80 review. The goal of this change is to better align the review process with today's development environment. Later recommendations in this section provide additional detail on how this new foundation allows the Planning Department to create a more predictable process.

> *"We need predictable deadlines between filing and the next milestone."*

Boston Developer
Developer Stakeholder Survey
October, 2023

Example of today's confusing process:
Large Project Review

CURRENT STEPS

| PRE-FILE | → | LETTER OF INTENT | → | FILING 1 PNF | FILING 2 DPIR | FILING 3 FPIR | → | BPDA BOARD VOTE | → | DESIGN REVIEW AND COMPLIANCE |

"Pre-file"

- Informal discussions between proponent and the Planning Department
- The Article 80 zoning text indicates that a single pre-review planning meeting is "strongly encouraged", and provides little additional guidance
- No filing requirement

Letter of Intent

- Basic parcel and proponent information, approx. 2 pages long
- Not included in the Article 80 zoning text
- Established through an Executive Order from Mayor Menino in October 2000

PNF, DPIR, and FPIR Filings

- Large filing documents (500+ pgs) including project design renderings, transportation and environmental impact analyses, climate and affordability checklists, etc.

Post-Approval Design Review and Legal Documentation

- Planning Department and developers sign agreements and confirm design consistency

Current issues

Not all the review steps are identified in the zoning code, creating a confusing process. Today, the first step of review is called "Pre-file". It is called pre-file because it takes place before the first filing step that the zoning code requires. What began as an informal check-in prior to the official start of a review has over time become a months-long review stage in and of itself. Because there are no clear requirements for this step, the process is inconsistent, opaque, and creates inequitable barriers to participation for would-be developers and investors. From the very beginning of review, staff, developers and community members do not know what to expect.

The requirements in the code are outdated and don't reflect today's design process. As the review process has adapted to the increasing complexity of development in Boston, the filing documents submitted by proponents have become similarly complex. Conceptual information about a project (like the scale, use, and site plan) is combined with detailed proposals (like detailed environmental impact studies, specific landscaping designs, and building materials) into one large filing document, known as the Project Notification Form (PNF). The table below summarizes typical chapters included in a PNF, and their average length. It shows that PNFs cover many different topics, and are commonly hundreds of pages long.

CHAPTER TOPIC	# OF FILINGS WITH CHAPTER	AVERAGE # OF PAGES	MAXIMUM # OF PAGES
ENVIRONMENTAL PROTECTION	11 OF 11	66 PAGES	255 PAGES
TRANSPORTATION	11 OF 11	74 PAGES	159 PAGES
URBAN DESIGN	11 OF 11	21 PAGES	88 PAGES
SUSTAINABLE DESIGN / RESILIENCY	11 OF 11	20 PAGES	39 PAGES
INFRASTRUCTURE	9 OF 11	14 PAGES	20 PAGES
HISTORIC AND ARCHAEOLOGICAL RESOURCES	5 OF 11	14 PAGES	45 PAGES
GREENHOUSE GAS ANALYSIS	4 OF 11	22 PAGES	28 PAGES
LAND USE	1 OF 11	5 PAGES	5 PAGES
WETLANDS / TIDELANDS	1 OF 11	40 NOTES	11 PAGES

In this structure, when the review process identifies necessary conceptual changes to a proposed development, all the detailed design must change as well. This means the developer has to re-do work, and can leave the community confused. An updated review process needs to provide the right feedback at the right time.

Proposal for updated filing structure

The example below describes a general framework for project review. This framework is not yet tailored to different types or scales of development. Prior to final implementation, the Planning Department will continue to refine this framework to create detailed proposals for all review types.

1

PRE-CONCEPT DESIGN

Goal
This step replaces today's "Pre-file" with a formal zoning-code requirement to add predictability and transparency right at the beginning of review.

Filing requirements
Project proponents describe the existing condition on the proposed development site and the plan to collect early feedback.

Example contents
- Parcel /site context
- Applicable zoning, including overlays
- Existing conditions site survey
- Proposed permitting path
- Proposed primary uses (more than 20% of project sqft)
- Any required disclosures (e.g. Recommendation 2D)
- Engagement plan (See Recommendation 1A)

2

CONCEPT DESIGN
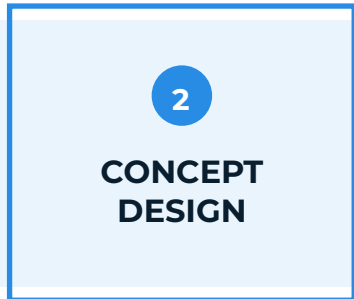
Goal
Review the proposed project with staff and the community to create an understanding of the "big picture" and make trade off decisions that lock in the project concept. This step gives all stakeholders confidence that important decisions will not change at the last minute, and provides clarity on the right time for public comment. It also allows further investment by project teams in more detailed design and reduces the risk of re-doing work. Zoning-compliant proposals will be checked for zoning consistency, any conflicts with other City priorities, and, if eligible, be allowed to expedite concept design review.

Filing requirements
Project proponents describe the conceptual proposal for the proposed project, including applicable zoning controls (like height, density, massing, use), submitted in a format that follows Planning Department templates.

Example contents
- Proposed dimensioned site plan, including draft circulation and landscaping plans.

- Building height and early architectural massing
- Lot coverage and/or FAR
- Building setbacks
- Use mix
- Auto and Bicycle parking ratio
- Curb cuts
- Trip generation
- Size of mitigation and benefits package (see Recommendation 2B)

3

SCHEMATIC DESIGN

Goal

Refine the concept design, conduct and review impact analyses. This stage ends with a vote by the BPDA Board.

Filing requirements

Project proponents describe the design and its potential impact in more detail through drawings, narratives and studies.

Example contents

- **Site and Building Design**: including plans, sections, elevations, renderings and 3D digital models of both site and building design.

- **Transportation analysis**: with auto and bicycle parking layout, transportation demand management plan, preliminary transportation access site plan

- **Sustainable Sites and Buildings**: Intended approach to Article 37, Net Zero Carbon, and Stretch Code Compliance.

- **Resilient Sites and Buildings**: Intended approach to Article 25A / Coastal Flood Resilience Overlay District and FEMA Compliance Pathways, and extreme weather events planning.

- **Environmental Impact Analysis:** Including wind, glare, daylighting, etc.

- **Mitigation and community benefits** allocation (see Recommendations 2B, 2C)

MILESTONE: BPDA BOARD VOTE

Projects that advance to this stage of review are reviewed by the BPDA Board. Projects approved by the Board advance to the next step of review.

Subsequent steps ensure that as the project advances to more detailed stages of design, it remains compliant with the requirements of Board approval. The Planning Department staff also coordinate additional reviews with other permitting and regulatory agencies. This internal work does not trigger additional community processes or new project changes inconsistent with earlier approvals.

4 DESIGN DEVELOPMENT

Goal
City staff confirm the development of the project design is consistent with Board approvals. City staff work with the proponent to create a permitting matrix of all additional approvals required prior to issuance of building permit. City staff coordinate across departments for consistency with all requirements and criteria.

Filing requirements
Updates to and/or creation of drawings and project details that are required to confirm consistency with Planning Department Board approval and for subsequent approval steps by other Boards and Commissions (for example, Public Improvement Commission, Disabilities Commission, Landmarks Commission, etc.). Preliminary analyses conducted in earlier stages are finalized in this stage to include full details.

5 CONSTRUCTION DOCUMENTS

Goal
City staff confirm the final proposed project is consistent with Board approvals prior to issuing Planning Department sign-off required for securing building permits. City staff will continue to coordinate across Departments for consistency of the design with multi-Departmental requirements and criteria.

Filing requirements
Comparison of entitled project to current project, construction documents and design package, Certification of Compliance and Consistency, Affordable Housing Contribution Agreement, and other agreements as applicable.

6 PROJECT CLOSE-OUT

Goal
Confirm all entitlement requirements have been met and prepare project for Completion Certificate and application to ISD for a Certificate of Occupancy

Filing requirements
Comparison of entitled project to project at Construction Documents to as built project, As-Built Construction Documents and updated design package, Completion Certificates.

1 PRE-CONCEPT DESIGN

Describe existing condition and file disclosures

1. Proponent submits pre-concept
2. Completeness verification and project team assignment
3. Pre-concept meeting
4. Staff review period
5. Staff delivers written comments

2 CONCEPT DESIGN

Big-picture trade off decisions (height, density, massing, use)

1. Proponent submits concept design
2. Completeness verification
3. Staff review period
4. Staff delivers written comments
5. Status vote

CONCEPT DETERMINATION

3 SCHEMATIC DESIGN

Refine concept design and review impact analysis

1. Proponent submits schematic design
2. Completeness verification
3. Staff review / plan markups
4. Revised schematic design submittal
5. Revised staff comments
6. Board meeting

BPDA BOARD VOTE

6 PROJECT CLOSE OUT

Confirm all entitlement requirements have been met

1. Project submits as–built documentation
2. City confirms all entitlement requirements have been met and issues Certificate of Completion
3. Project receives Certificate of Occupancy

5 CONSTRUCTION DOCUMENTS

Final design compliance and permits

1. Proponent prepares final construction documents
2. Planning department issues Certificate of Consistency
3. City issues building permits

4 DESIGN DEVELOPMENT

Notification of design consistency

1. Proponent submits design development filings
2. Staff review information to confirm consistency with Board approvals
3. Project undergoes review by other Boards and Commissions as required

NEXT STEPS

The Planning Department will draft updated zoning text that captures this recommended change as it applies to different types and scales of development. The draft zoning will be published for public comment.

3B. Lock in key decisions through a "Concept Determination" that can provide a clear and early "no" to inadequate proposals

Image: West Roxbury

OUTCOMES

1. *City "speaks with one voice" and provides clear direction to developers early in the review process*

2. *"Lock in" important project elements that allows development teams to advance the design to more detailed stages*

3. *Opportunity to provide early corrective feedback and issue an early "no" to inadequate proposals*

The problem

Today, filing documents are structured to lump big-picture and detailed project decisions together. This creates an opportunity for City feedback to change or make additional requests late in the review process.

Developers confirm this outcome: only 14% of proponents agree that feedback is provided at the appropriate time.

Important commitments can also be made without the awareness of all parties involved, leading to conflicting feedback.

"…[Other City departments] are unfamiliar with the project despite years of review"

"Other city agencies… should be involved as early as a profile meeting to help guide projects before the progress design too far"

(Developer Stakeholder Survey, Fall 2023)

Proposal

This recommendation proposes that the Planning Department issues a "Concept Determination" to the project proponent to confirm the consensus achieved for concept-level project design elements. The concept-level consensus includes feedback from all City departments and the community. Each monthly Board meeting will publicly share a summary of all Concept Determinations made that month.

How would it work?

1. A Concept Design filing is submitted to the Planning Department

2. Planning Department staff review the conceptual design and prepare feedback

3. The Planning Department issues the Concept Determination. The Determination recommends one of the following actions:

   - The project design is "confirmed" (with or without provisos) and can move on to the Schematic Design stage

   - The project is "rejected" and needs to resubmit a modified concept design

4. Determination results reported to the BPDA Board. Each Determination issued in a given month is released publicly as part of the monthly Board agenda. During the meeting, Planning Department staff summarize the memo, listing the projects that have received a Concept Determination that month.

5. Schematic Design Review. During this stage, as described in Recommendation 3A above, the developer submits the schematic design filing and staff review the filing and share feedback.

6. Final Board Vote. At the end of schematic design review, the project is brought before the BPDA Board to vote on the project. This step matches today's approval process.

NEXT STEPS

The Planning Department will draft updated zoning text that captures this recommended change. The draft zoning will be published for public comment.

**APPLICATIONS OF
CORE CHANGES:**

Institutional Master Plans

OUTCOMES

1. *Harmonize the community process for institutional development with the proposals in Core Change 1*

2. *Create a stronger relationship between community benefits provided through Institutional Master Plans and the City's program for PILOT*

3. *Modernize outdated renovation requirements*

4. *Clarify the purposes of plans and project review, update the renewal process*

Institutional Master Plans (IMPs) are described in Article 80, Section D. Institutions play a unique role in Boston, and IMP review allows the Planning Department and the community to assess cumulative impacts of institutional development. This section describes how the recommendations in each Core Change can be applied to Institutional Master Plan review to create a more predictable, transparent process.

Why do we need to update Institutional Master Plan review?

CORE CHANGE 1:
Effective Engagement

Institutional Master Plan review will benefit from many of the ideas summarized in Core Change 1. Today's institutional advisory groups are known as Task Forces. The section below provides an example of how a Task Force can be updated to achieve the goals of the Community Advisory Teams (Recommendation 1B). Outside of structured advisory groups, Institutional Master Plan review can also benefit from many of the new methods of engagement summarized in Recommendation 1A. Overall, there is an opportunity to create clarity and structure to community input in institutional planning and review.

CORE CHANGE 2:
Consistent Standards

The mitigation and community benefits process for institutions experiences many of the same challenges as non-institutional projects. Compounding those challenges, institutions are also participants in the City's PILOT program, which comes with its own distinct set of categories and requirements, many of which are out of sync with similar requirements of IMP review. This means that community members and city staff don't have a clear picture of the overall contributions institutions make to the City. As documented in Recommendation 2A, there is a need to design a thoughtful approach to standardizing institutional mitigation and community benefits that recognizes their unique relationship to the city and their surrounding communities.

CORE CHANGE 3:
Coordinated Review

The goals of Core Change 3 are to create a predictable, timely, and transparent process for conducting development review. These goals need to be applied to the unique process of IMP review. Today, institutions experience similar challenges to other types of proposed projects. Feedback is inconsistent and disconnected from larger planning goals. The review approach also sets outdated requirements for renovations and amendments, and can gloss over critical distinctions between educational and medical institutions.

Recommendations

Standardize the IMP community process

To create consistency across all review types, the Community Advisory Team model can be applied to institutional advisory groups. Existing Task Forces can be updated into institutional CATs. These groups will be created based on development pipeline and scale. For example, large institutions or those with significant planned development will be assigned a dedicated CAT. Other institutions would then be grouped based on discipline and geography. Institutions with very low volume of development could have their proposed projects, when they come up, reviewed by regular CATs.

All the benefits of CATs can then be applied and customized to an institutional context. Unlike today's Task Forces, institutional CATs will have enforced term limits, code of conduct requirements, conflict of interest disclosures and customized training methods.

The institutional standards can also be customized to meet the unique needs of institutional development review. For example, CAT participants will likely require additional training specific to institutions. The groups may have longer term lengths, to maintain context over the long term development cycles of institutions. The groups may also have

unique composition requirements to ensure relevant expertise and experience are included.

Institutional development review will also be held to the same standards of engagement that apply to all proposed development (described in Recommendation 1A). This includes submitting an Engagement Plan and Engagement Report. Institutions would also be able to take advantage of the new templates and resources the Planning Department will create to achieve greater consistency across all development review.

Standardize IMP mitigation and community benefits

As described in Recommendation 2A, institutional projects are included in the negotiated approach to mitigation. This means that institutional projects would be exempt from using a specific formula to set the amount of mitigation and community benefits. However, several new guardrails will still apply. All community benefits will need to connect to planning standards and community needs assessments.

In fact, there is a unique opportunity to clarify the role of mitigation and community benefits in an institutional context. An IMP is an institutional-specific planning process. During the IMP review process, City reviewers, community stakeholders, and institutions can work together to define a specific vision for development and identify specific

community needs. They can also determine the maximum amount of mitigation and community benefits that would be appropriate if all development in the IMP is eventually built. Then, when specific projects are reviewed inside an IMP area, the IMP is used as a guardrail to ensure projects "pick from the menu" of needs identified in the plan.

The City is also developing a shared framework for PILOTs and IMP community benefits. It includes updated categories, subcategories, and definitions for each that can be used across both processes. A consistent reporting framework, based on today's PILOT reports, will be applied to IMPs, and allow institutions to clearly demonstrate their overall community impact. This includes estimating the value of all in-kind contributions.

The City teams involved in PILOT and IMP review will also update the review and compliance process to be more collaborative. At the start of a new IMP process, PILOT and IMP staff assess the status of all benefits identified in previous IMP and current PILOT agreements.

Clean up amendment thresholds

Today's criteria for amending IMPs are outdated. To create a more predictable process, IMP amendment thresholds can be clarified and simplified, making it easier to renovate and redevelop projects that are IMP-compliant.

Specific changes being considered (to be studied further):

- Removing the cost of renovation as a threshold for IMP and Large Project Review amendments
- Increasing the exemption for internal renovations in IMP thresholds
- Increasing the exemption threshold for extension of institution use

Update filing templates and timelines

The framework defined in recommendation 3A can be applied to the IMP process. This will create a more predictable planning and project review process.

First, the Planning Department will create updated filing requirements and templates that spell out each submission requirement. This will mirror the existing two-step process (of Article 80D IMP, then Article 80B project review), but add greater clarity. The IMP process will focus on campus planning, zoning, and conceptual projects, while specific project review requirements will focus on schematic design and project-specific impact analysis. The IMP will set the campus zoning, as it does today. Project-specific reviews then confirm that development proposals are consistent with the IMP approved plan.

Different kinds of institutions also have very different development needs. For example, educational institutions generally have a higher

volume of development included in their IMPs. Development opportunities are also closely connected to unique funding opportunities like grants and donations. This results in many IMP amendments as accurately planning 10 years ahead can be challenging. Educational institutions need a more nimble IMP process. In contrast, medical institutions typically have lower volumes of development of their IMP term, and a higher volume of renovations. They also have longer-term capital planning processes. Zoning approvals are also necessary for the State of Massachusetts Determination of Need (DON) process, a unique regulatory requirement for medical institutions. Medical institutions need a long-term IMP process that reduces "busy work".

Feedback from institutions demonstrated that there is a need to create more flexible filing timelines. In this proposed approach, each institution could select a 5 year, 10 year, or 15 year term depending on their needs.

The IMP update and renewal process can also be updated to fit into this new approach. The Planning Department will require an IMP update every 5 years, regardless of which total IMP term the institution selects. The update will include the status of all IMP projects, and a summary of mitigation and community benefits delivered over that time. An IMP update at the end of an IMP term can also serve as an IMP extension, if there are no proposed changes to the IMP.

NEXT STEPS

The Planning Department will

- Conduct a project pipeline analysis to recommend draft institutional CATs. The current development pipeline can inform the number of IMP CATs and appropriate groupings.

- Continue to refine these ideas and make decisions on potentially unique composition, selection, training, and participation standards for institutional CATs.

- Create updated guidelines and templates for feedback from institutional stakeholders.

- Draft updated zoning text that captures this recommended change. The draft zoning will be published for public comment.

3C. Update and enforce response times

Image: Allston–Brighton

OUTCOMES

1. *Set new targets for the Planning Department response to each filing*

- *Each step of the process will have a faster Planning Department response*

2. *Reduced variability, increased predictability*

- *Similar projects are reviewed in similar amounts of time.*

3. *Updated staffing and operational changes to meet review times consistently*

This recommendation proposes to update the statutory timelines included in Article 80 and to match the scale of projects. It also includes necessary supporting changes to the way the Planning Department measures "time under review" by clarifying when the City vs. the proponent are "on the clock". Achieving updated timeline standards also requires new operational changes to make sure reviews are completed on time.

Why do we need updated timelines?

All stakeholders agree that current timelines are not reasonable or predictable.

COMMUNITY

ONLY 11% agreed that "the overall timeline was reasonable."

Existing Participant Survey, Fall 2023

DEVELOPERS

ONLY 13% agreed that "the timeline to process my application met my expectations."

ONLY 4% agreed that "the timeline to process my application was predictable."

Developer Stakeholder Survey, Fall 2023

Today's review times don't meet code requirements.

79% of small projects and 84% of large projects over the past 10 years did not meet timelines in the code.

TIMELINE ANALYSIS

Small projects require review within 60 days. Large project timelines vary (135 - 225 days) based on the size of the project and the number of filings required. 60 out of 280 (21%) small projects from 2014 - 2023 were reviewed within 60 days. 47 out of 298 (16%) large projects from 2014 - 2023 were reviewed within the maximum possible code timeline for their size. *(Planning Department Staff Analysis, 2024)*

WHY ARE STATUTORY TIMELINES NOT MET?

The Planning Department extends comment periods, upon mutual agreement with the project proponent, for a variety of reasons. Some projects with controversial reactions in the community need additional time for engagement. Sometimes, internal City mitigation negotiations are challenging to coordinate across departments. The timelines have not been updated to reflect the changing nature of development. Projects today are often more complex than thirty years ago and require more time for staff to complete their review. For example, "Extra Large" projects (over 1 million square feet) are more common and extremely complex.

Today's actual review times are inconsistent and unpredictable.

There is wide variation in review times across all project sizes. When a new project is first filed, no one knows how long it will take to complete the review process. Previous projects' review times do not reliably predict review times of new projects.

Our data analysis confirms this result. Only 33% of Small Projects are reviewed within one month of the median review time, and only 16% of Large Projects are reviewed within two months of the median review time.

KEY FOR GRAPHS BELOW

- 🔵 SPECIFIC PROJECT
- 🟡 MEDIAN
- 🔴 AVERAGE

SMALL PROJECTS

Months from SPRA to Approval (2014- October 2023)
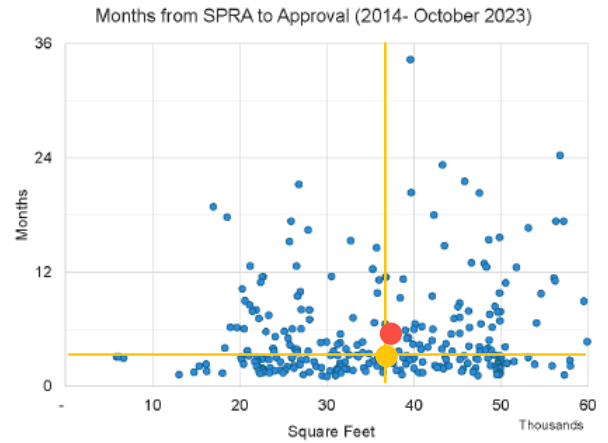
NUMBER OF SMALL PROJECTS 2014-2023	280
MEDIAN REVIEW TIME	3.5 MONTHS (100 DAYS)
REVIEWED WITHIN 30 DAYS OF MEDIAN	93 (33%)

LARGE PROJECTS

Months from Letter of Intent to Approval (2014-2023)
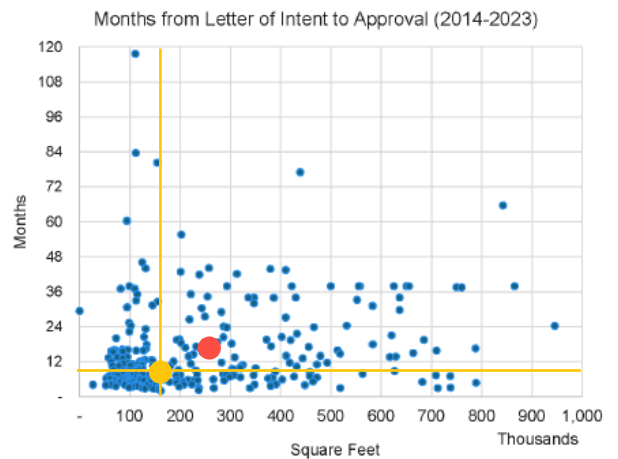
NUMBER OF LARGE PROJECTS 2014-2023	298
MEDIAN REVIEW TIME	10 MONTHS (300 DAYS)
REVIEWED WITHIN 60 DAYS OF MEDIAN	47 (16%)

Extra-large projects are skew the overall averages and require more complex review.

Extra Large projects (>1m SF or more) do not conform to any typical patterns, and their review timelines are highly variable depending on the unique political and technical complexities of each project.

*Time to approval is affected by many factors, including staff review time, proponent response time, macroeconomic conditions, etc.

LARGE PROJECTS

"EXTRA-LARGE" PROJECTS
LARGER THAN 1 MILLION SQUARE FEET

776 SUMMER STREET

EXCHANGE SOUTH END

MGH CLINICAL BUILDING

BACK BAY GATEWAY

244-284 A STREET

HARVARD ERC

Months

Square Feet
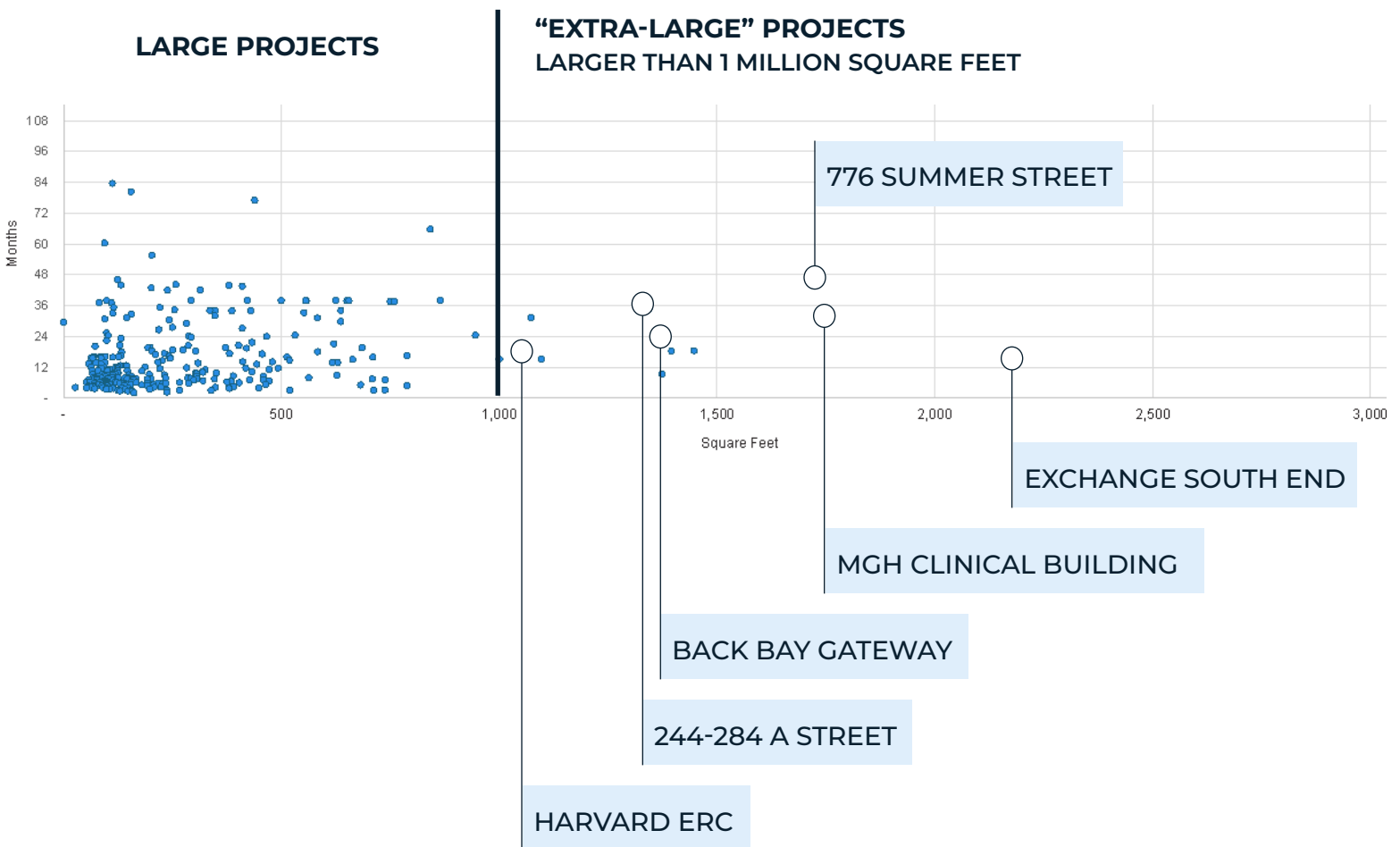
Proposed new approach to tracking timelines

The primary goal of new timeline standards is to focus on predictability by providing a more consistent experience across projects. This means narrowing the range of timeline outcomes so when a new project proposal is filed with the Planning Department, all stakeholders know what to expect.

Another important principle is to solve for the "typical" projects and outliers separately by creating distinct timelines for "Extra Large" projects. Our timeline analysis shows that "Extra Large" projects skew the average review times today. Projects of this scale (greater than 1,000,000 square feet) bring unpredictable complexity and require a customized timeline.

This recommendation also proposes to clarify the purpose of review times. Timelines set in Article 80 will only regulate and enforce Planning Department response times, as opposed to times outside of City control. Today, projects are often evaluated on the total length of their permitting process. This process includes time where the Planning Department review staff are doing work, but also times when the proponent needs to take action. The nature of the review process requires this emphasis. The Planning Department can only complete a review once a filing is received from a developer, and the City can't control the time it takes to update filing documents once feedback is shared.

New timeline tracking steps

These proposed steps are the building blocks of each review stage. This new framework will allow the Planning Department to allocate staff and plan effectively.

Once a filing is submitted to the Planning Department, three steps take place to complete a review. Each step will have specific timeline commitments for Planning Department action.

1. **Completeness Check:** In this step, staff reviewers ensure all required information is included in the filing document and submitted in the correct format. The filing only moves to the next step if it is complete.

2. **Comment Collection:** Development Review staff share filings with all review staff (including other City departments). Review staff prepare written comments related to their review scope. Once all required reviews are complete, the review process moves to the next step.

3. **Feedback Prioritization:** Development Review staff convene review staff to synthesize comments into a single prioritized feedback document to share with the proponent.
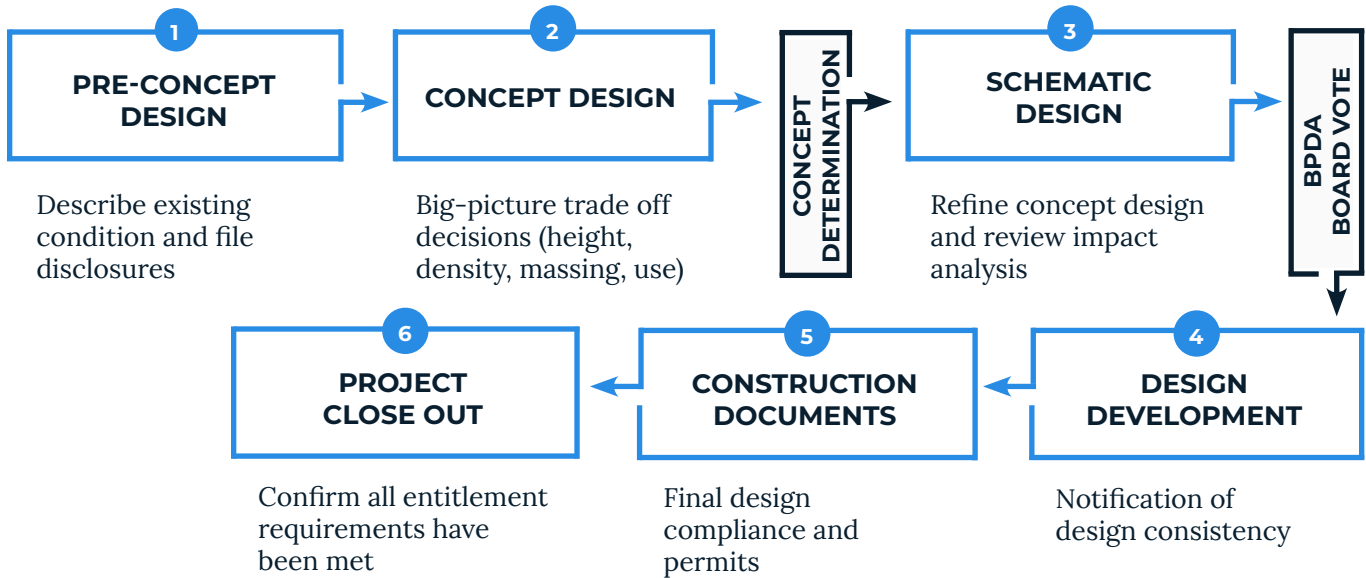
The diagrams on the right combine recommendations 3A through 3C to show how the new process could look:

NEXT STEPS

The Planning Department will draft updated zoning text that captures this recommended change. The draft zoning will be published for public comment.

DIAGRAM 1: PROPOSED FILING STRUCTURE

1 — PRE-CONCEPT DESIGN
Describe existing condition and file disclosures

2 — CONCEPT DESIGN
Big-picture trade off decisions (height, density, massing, use)

CONCEPT DETERMINATION

3 — SCHEMATIC DESIGN
Refine concept design and review impact analysis

BPDA BOARD VOTE

6 — PROJECT CLOSE OUT
Confirm all entitlement requirements have been met

5 — CONSTRUCTION DOCUMENTS
Final design compliance and permits

4 — DESIGN DEVELOPMENT
Notification of design consistency

DIAGRAM 2: PROPOSED STEPS WITHIN SCHEMATIC DESIGN STAGE

PRE-CONCEPT DESIGN → CONCEPT DESIGN → **SCHEMATIC DESIGN** → DESIGN DEVELOPMENT → CONSTRUCTION DOCUMENTS → PROJECT CLOSE OUT

CONCEPT DETERMINATION

VERIFICATION

1. Receive application from developer

   Distribute to review team

   Review team provides completeness check

2. Application complete notice sent to developer

STAFF REVIEW PERIOD

Zoning, Environment, Site Plan, Transportation, Etc.

Project manager sends complete filing to review team

3. Staff reviewers provide comments with an approval determination (approve, approve with conditions, revisions required)

   Reviewers resolve comments

   Project manager consolidates comments in a single document that reflects feedback from all entities and contains no internal conflicts

4. Planning Board Agenda goes live; Feedback document shared with developer

IF REVISIONS ARE REQUIRED

CLOCK 'PAUSED' UNTIL PROPONENT SUBMITS REVISED FILING

Project manager distributes revised filing where proponent addresses staff feedback

5. Revised comments only address issues where changes have been made or previous comments were not addressed

6. Project manager consolidates comments and delivers document to proponent that indicates whether the project can move to the next phase and what approvals must be obtained beforehand

BPDA BOARD VOTE

THIS DIAGRAM SHOWS PROCESS FOR A TYPICAL LARGE PROJECT (100,000 TO 1 MILLION SF). DETAIL FOR OTHER PROJECT TYPES WILL BE DEVELOPED IN THE FALL.

3D. Create interdepartmental portfolio review teams and enhance data-driven performance monitoring

Image: South Boston

This set of changes create more predictable city operations and enable coordinated review. They are separated into four main sections:

- Interdepartmental portfolio review teams
- Reconsider the sequence of permitting boards & commissions
- Updated review procedures
- Updated data and reporting systems

While these recommendations may appear to be related solely to process, they are also necessary to build accountability and achieve the outcomes outlined in earlier recommendations.

CREATE INTERAGENCY PORTFOLIO REVIEW TEAMS

What is a portfolio review team?

A review team is a group of staff assigned to work together to review proposed development projects. Each team has a dedicated focus area (some potential examples are described below). All staff who participate in the development review process will either be assigned to a team or designated an "internal consultant" who provides input to multiple teams. Each review team will be managed by an experienced

OUTCOMES

1. *Dedicated review staff and a shared management approach across Planning Dept and City cabinets*

2. *Clear roles and defined scope of review*

3. *Coordinated teams that can implement clear policy direction and consistently prioritize feedback across projects*

Development Review Division staff member, who is responsible for coordinating the review of all projects in their portfolio. The staff in each team work together on multiple project reviews over time.

Why do we need to update our structures?

Planning Department operations are not predictable or well-coordinated.

There is a disconnect between policy or planning goals and the project review process. Today, project reviews recommend trade-off decisions particular to specific projects that do not consistently connect to larger City policy goals. Only 20% of developers agree that the comments received from City staff are consistent with the City's strategic direction and mission (Developer Stakeholder Survey, Fall 2023). Like community benefits (See Recommendation 2C), City feedback to developers is inconsistent.

Project reviews are staffed by large review teams with overlapping scope of review. For a given project, there can be up to 15 individuals assigned to the project over the course of its Planning Department review. Large review teams make it more difficult to arrive at a single "City recommendation", and potentially duplicate the effort of individual staff reviewers with overlapping areas of expertise who may review the same components of a filing document.

Our consultants underscored this point:

"Undefined staff roles creates a lack of hierarchy, a misunderstanding of who really is in charge, and confusion regarding who is responsible for making the final decision or recommendation on a project. As a result, many staff do not feel empowered to make decisions, leading to inefficiencies, duplication, and delays in the Article 80 development review process."

(Existing Conditions Report, Operations, Feb 2024)

Peer Cities operate more efficiently with clear procedures and team structures.

All cities studied during the research phase of the project provide a "concurrent review" process to improve efficiency. In many jurisdictions, this means conducting all review steps and votes (for example, zoning, parks, and design approvals) simultaneously. A concurrent review consolidates public hearings, ensures transparency, avoids duplication of steps, and overall provides a more predictable development review process.

PEER CITY RESEARCH

Denver, CO, Fort Worth, TX, and Oakland, CA all organize staff into review committees that assign specific staff from across departments to a particular project review. This structure reduces the inconsistencies that come from individual staff preference by clarifying the role of staff and external agencies and ensuring that written feedback is provided to project proponents.

(Peer city research: Operations, Jan 2024)

While effective in some areas, the recommendations below describe a more sequential approach, emphasizing greater coordination across review bodies, but not combining all review steps into one. This allows the review to align with the distinct stages of design as described above in Recommendation 3A.

How would it work?

Projects under review would have dedicated review staff. Rather than being pulled in multiple competing directions, the priority of dedicated review team staff is to complete reviews on time. The review team is assigned to review a portfolio of projects and the portfolio manager can identify and resolve potential bottlenecks earlier than in today's process.

The team has clear roles and no overlapping scope of review. Each reviewer is responsible for a specific part of the review aligned with their specific discipline (for example, transportation impacts). Review team members from other City departments function as liaisons who are responsible for coordinating the feedback of their respective departments (for example, the assigned Planning Department transportation review may consult with a Transportation Department staff person to answer specific technical questions).

This structure maintains dedicated project management, one of the strengths of today's process. "The BPDA [now the Planning Department] project managers are unsung heroes and have a tough job and do it generally well with good spirit."
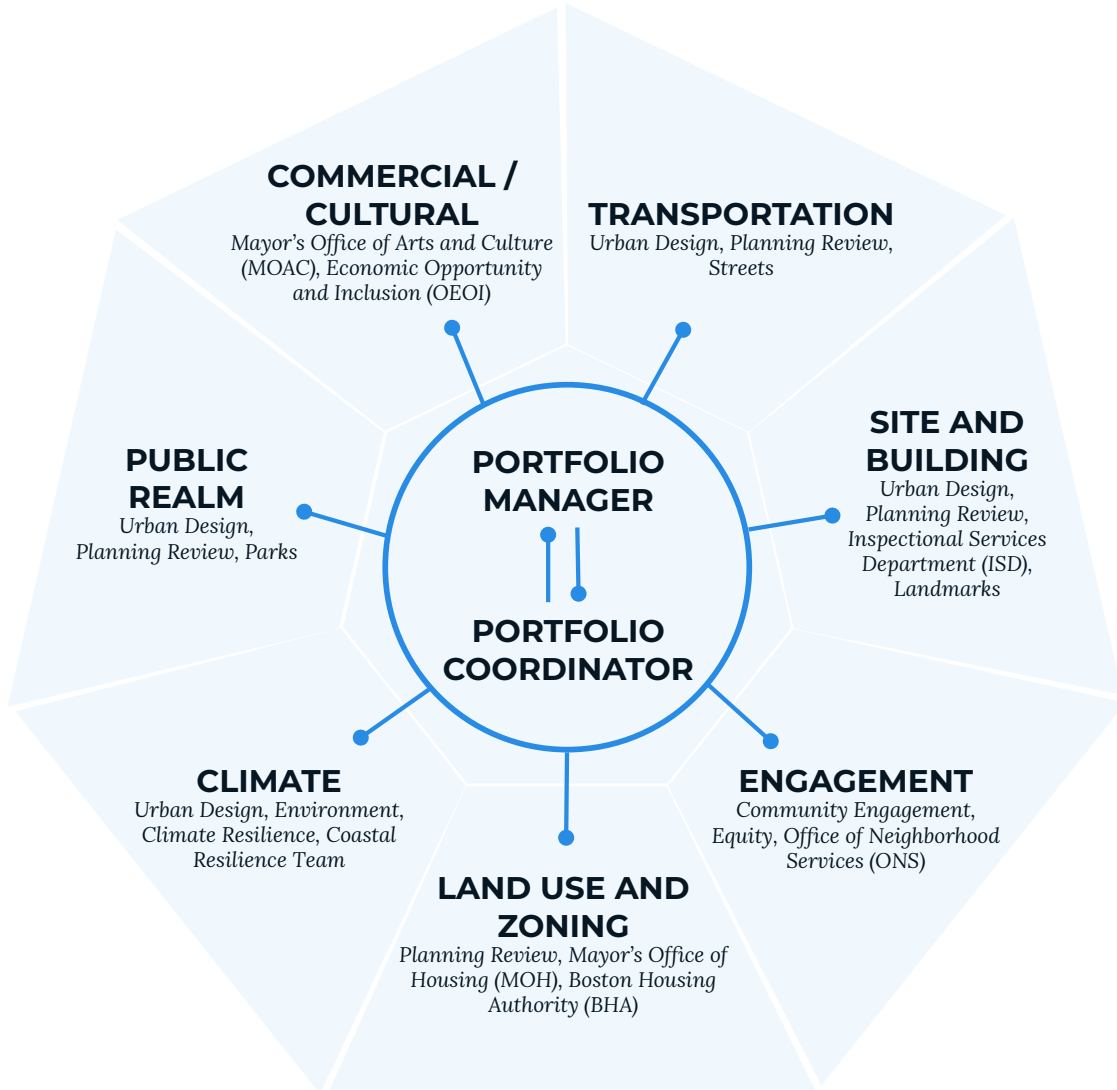
(*Developer Stakeholder Survey, Fall 2023*)

Projects will continue to be assigned a single point of contact for all stakeholders. Project managers will convene review staff to discuss internal trade-off decisions and manage these discussions in a way that centers the values of the City and policy priorities of the review portfolio. A neutral project manager can reinforce the portfolio's policy priorities without bias toward a particular discipline.

Every portfolio will have an assigned focus area that can guide feedback and help the team prioritize trade-offs. The Planning Department has already begun testing the review team structure in two important policy priorities: affordable housing projects and office-to-residential conversions. Staff who contribute to the review of these projects operate with a clear understanding of the goals of each type of project. As the Planning Department introduces new categories for portfolio teams, it will also periodically re-evaluate them to adapt to market trends or shifts in the types of proposed development in the City. Potential new portfolio categories could include things like waterfront development, institutional projects, or geographic specialization.

DIAGRAM OF EXAMPLE PORTFOLIO REVIEW TEAM STRUCTURE

This diagram is not a proposed reporting structure. Rather, it is an example of an operational structure for how review staff from across the City can work together to complete project reviews efficiently. Not every review discipline or City department is included.

COMMERCIAL / CULTURAL
Mayor's Office of Arts and Culture (MOAC), Economic Opportunity and Inclusion (OEOI)

TRANSPORTATION
Urban Design, Planning Review, Streets

PUBLIC REALM
Urban Design, Planning Review, Parks

PORTFOLIO MANAGER

PORTFOLIO COORDINATOR

SITE AND BUILDING
Urban Design, Planning Review, Inspectional Services Department (ISD), Landmarks

CLIMATE
Urban Design, Environment, Climate Resilience, Coastal Resilience Team

ENGAGEMENT
Community Engagement, Equity, Office of Neighborhood Services (ONS)

LAND USE AND ZONING
Planning Review, Mayor's Office of Housing (MOH), Boston Housing Authority (BHA)

NEXT STEPS

The Planning Department will continue to learn from ongoing review team structures and create a small number of new review teams to test this new structure. Additional resource analyses will identify any staffing gaps across review disciplines, allowing the City to add review staff where necessary to meet updated timelines.

RECONSIDER THE SEQUENCE OF OTHER PERMITTING DEPARTMENTS, BOARDS, AND COMMISSIONS

Why is this important?

The Article 80 process takes place in a wider context of other required permits. Many other approvals and agreements are needed from other City agencies, Boards, or Commissions prior to the construction and occupancy of a proposed development. As the list of required steps has changed over time, the Article 80 process has not been updated to keep pace. Information needed for these other reviews may or may not be embedded in project filings, and the sequence of review steps isn't optimized for predictability.

In an analysis of past projects, 36 separate entities were identified in project filings for which permits, agreements, and other actions are required. The complete list, including Federal and State agencies, is available in the Existing Conditions Report: Code & Timelines.

It includes the following City of Boston groups:

- Air Pollution Control Commission
- Conservation Commission
- Landmarks Commission
- Interagency Green Building Committee

- Parks and Recreation Commission
- Public Improvement Commission
- Public Safety Commission
- Transportation Department, for Transportation Access Plan Agreements (TAPAs)
- Water and Sewer Commission

(Existing Conditions Report: Code & Timelines, February 2024)

If particular reviews take place too early, staff may not be able to complete the review at the required level of detail, since some design information may not be known or fully developed. Conversely, reviewing a project too late in the process may mean that projects require significant modifications to the design, causing unnecessary delay and cost.

Proposed approach

Complex projects with detailed review steps need to be reviewed by each required Board and Commission at the right time. These reviews need to be well-coordinated, so that interconnected design elements are reviewed in their greater context. For example, changes in building design in response to

a Landmarks Commission decision may affect the configuration of the project and its relationship to a City of Boston park requiring review by the Parks Commission.

Preliminary analysis indicates a subset of the full set of commissions should be prioritized for further study:

1) *Transportation Access Plan Agreements (TAPAs)*

In today's process, TAPAs are typically signed after BPDA Board approval. However, in many cases, items included in TAPAs (like the location of curb cuts or loading docks) can have a significant impact on the project's design. We recommend requiring at least a draft TAPA to be completed prior to the BPDA board vote and will explore whether final TAPA execution could precede the BPDA board.

2) *Parks and Recreation Commission*

This commission reviews construction or alteration of all buildings and structures within 100 feet of a public park or parkway. The commission regulates the use, height, and design of these structures, among other elements. This scope of review covers design elements at both a conceptual and more detailed level. The timing of Parks Commission review and early involvement from Parks staff needs to be more fully integrated with the updated Article 80 filing structure (see Recommendation 3A).

3) *Landmarks Commission*

The Landmarks Commission administers design review for individual designated and pending Landmarks, and for each of Boston's nine local historic district commissions. Proposed development projects in a historic district, or proposals on sites that include a designated structure, often require detailed collaboration with the Landmarks Commission very early in the project design process. The timing of this review and coordination with other staff also needs to be more fully integrated with the updated Article 80 filing structure. Further discussion with the Office of Historic Preservation is necessary, but one potential solution is to amend the landmarks process to require two approval steps during the BPDA process - one specific to height, massing and shadow at concept design and a second limited to materials and visual design elements during the schematic design stage.

Initial steps

The Planning Department can partner with other City Boards, review staff, and Commissions to identify acceptable review timelines, and codify them in a memorandum of understanding or a performance agreement. This type of document will allow all review entities to commit to specific review timelines and procedures. In turn, the Planning Department will commit to uphold the new procedures and ensure all comments are incorporated into the consolidated feedback document.

(Recommendation Report: Operations, July 2024)

NEXT STEPS

The Planning Department will continue to collaborate with other Boards and Commissions to identify the appropriate review stage for each required review.

Survey results demonstrate confusing structure

Community members and development teams say today's process is confusing and not clearly connected to City goals. Survey results show that the timing of feedback is a specific area that needs improvement.

ONLY 34% agree that "BTD input and the negotiation of the TAPA was provided at the appropriate time in the project"

ONLY 30% agree that "PIC input was provided at the appropriate time"

ONLY 22% agree that "Landmarks Commission input was provided at the appropriate time in the project"

(Developer Stakeholder Survey, Fall 2023)

Boston Civic Design Commission

**CORE CHANGES:
SPECIFIC APPLICATIONS**

How would the principles laid out in the Core Changes affect different areas of Article 80?

Image: Charlestown

OUTCOMES

1. *Clear and consistent procedures for recommendations and meetings*

2. *Predictable review scope and timelines*

The Boston Civic Design Commission (BCDC) was established in 1991. It predates the creation of the Article 80 review process itself (adopted in 1996). At the time, the Planning Department (then called the BRA) had a limited number of urban design professionals on staff.

As development in Boston has changed over the years, BCDC has been a consistent voice for design excellence. Today, BCDC plays an important role in the overall design review process for proposed development. Recent improvements have helped create a better experience for all stakeholders. There is opportunity to build on this success and apply the principles of Core Change 3 to BCDC to refocus the work of the commission and formalize its relationship to Article 80 review procedures.

"Review by a variety of professionals, like those on BCDC, helps to improve projects."

"There is a lack of transparency around the scope of each approving entity (i.e. BCDC)."

Community members
Existing Participants Survey, December 2023

Need for change

Inconsistent process outcomes

A pipeline analysis showed high variability in the timeline associated with BCDC review. The project team studied 115 projects over the past five years. The smallest number of BCDC meetings was one, while the maximum number in the study sample was 12. Furthermore, the experience of "typical" projects is also inconsistent. The 25th percentile project completed BCDC review in 91 days, while the 75th percentile project completed BCDC review in 385 days. This analysis showed no correlation between project size and length of review.

Capacity issues

Today, BCDC is structured to conduct two kinds of meetings: "full commission" meetings and "subcommittee" meetings. Each meeting type has a different purpose. "Full commission" meetings are designed to introduce new projects and issue final recommendations, while subcommittee meetings conduct detailed review. This structure means that projects that require subcommittee meetings also require a final full commission meeting to receive final recommendations, even if

the review is already complete. In these cases, projects require a minimum of three meetings, and the Commission's flexibility is limited. The subcommittee structure creates bottlenecks of projects waiting for a spot on the full commission agenda.
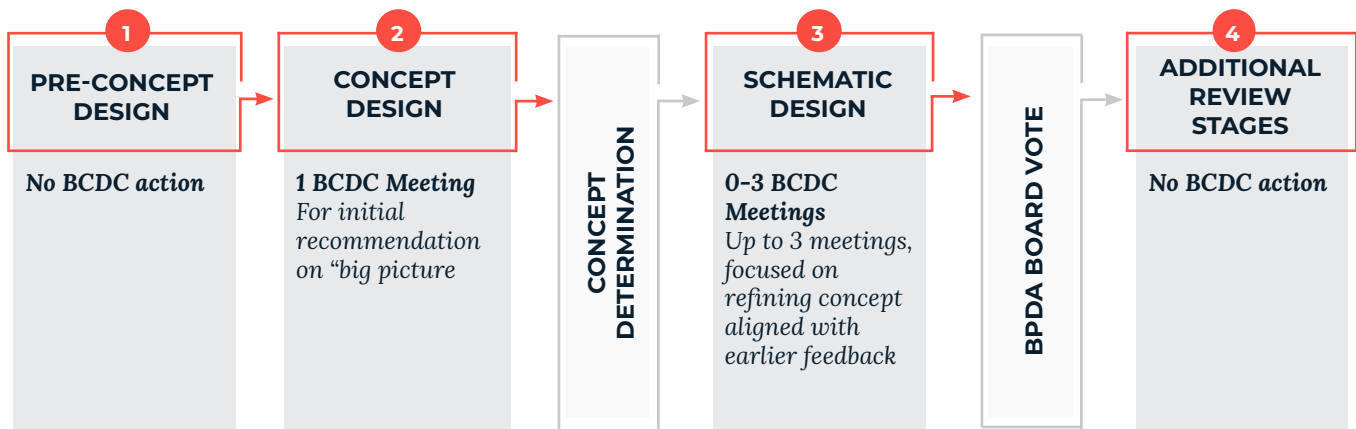
Aligning purpose

BCDC meets several important needs in the development review process. First, it convenes a body of independent and volunteer design professionals. It allows for professional evaluation of proposed design and also creates a forum for public comment. Unlike when BCDC was founded, today the Urban Design Division of the Planning Department also provides professional design review. The Article 80 process, created after BCDC, also added numerous forums for public feedback. There is a need to clarify and formalize the role of BCDC in the modernized development review process.

Proposed Updates

Reform meeting procedure

The subcommittee structure of BCDC creates bottlenecks in capacity and

1 PRE-CONCEPT DESIGN	**2** CONCEPT DESIGN	CONCEPT DETERMINATION	**3** SCHEMATIC DESIGN	BPDA BOARD VOTE	**4** ADDITIONAL REVIEW STAGES
No BCDC action	*1 BCDC Meeting* For initial recommendation on "big picture		*0-3 BCDC Meetings* Up to 3 meetings, focused on refining concept aligned with earlier feedback		*No BCDC action*

introduces an unnecessary extra step in the process. The subcommittee structure can be eliminated without impacting the effectiveness of the BCDC and the important dialogue that takes place at the current subcommittees. This way, every meeting is a chance to issue recommendations. The Commission can still meet biweekly, maintaining capacity while increasing the flexibility to relieve scheduling bottlenecks.

Removing the separation of meeting types while retaining their functions also allows the Commissioners to more easily provide consistent feedback. Using a portfolio review approach, specific commissioners can be assigned to each project, ensuring the same commissioners review a project over time.

Clarify the relationship between BCDC and Article 80

A new Article 80 filing structure and review process (described in Recommendation 3A) creates an opportunity to define the role of BCDC at each stage of project review and introduce BCDC earlier in the process.

First, BCDC can review a project during the concept design stage. This allows the Commissioners to provide recommendations and guidance regarding "big picture" elements of design, like overall massing and setbacks. BCDC can then optionally recommend that the project return during the schematic design stage for more detailed review.

Reform public testimony

As a public body, BCDC meetings are open to the public. However, BCDC is itself a voice of outside experts providing feedback to the development review process, a process that has many additional opportunities for community feedback. BCDC can implement updated public comment structures modeled on other public bodies. For example, community members could submit comment letters or online statements prior to a BCDC meeting. Then the Executive Director of the BCDC can summarize the comments at the start of each meeting.

NEXT STEPS

The Planning Department will continue to evaluate potential changes to BCDC through engagement with BCDC commissioners and community stakeholders.

UPDATE REVIEW PROCEDURES

This section describes the new procedures and standards to enable predictable reviews.

Why do we need updated procedures?

Staff confusion

Today, there are no documented procedures to describe how staff comments should be collected, organized, and prioritized throughout the Article 80 development review process. In some cases, departments contradict one another in meetings with development teams, making it unclear how to move forward.

Inconsistent filings

Today, there are public filing checklists available for some, but not all, required elements of filing submissions. Therefore filings submitted to the Planning Department are inconsistent in both format and content. This means staff are often unsure if or how prior feedback has been incorporated into the project proposal.

Inconsistent feedback

Today, there is no standard written format to share feedback with developers for all review disciplines. Many times, feedback is primarily shared verbally during meetings. This means there is no mechanism to ensure all City comments were addressed.

(*Existing Conditions Report: Operations, Feb 2024*)

New procedures and processes

There are many widely accepted, standard steps common across peer cities for the intake and review of development project proposals. The ideas below summarize a comprehensive change to the internal processes and communication standards of the Planning Department. Taken together, they represent a significant culture shift in the operations of the development review process.

Filing submission templates and formats

The Planning Department needs to be highly specific regarding the materials required from the proponent at each stage and ensure that the materials are consistent in approach and design – including what material is provided on what pages. If a submittal is not complete, it will be rejected with documentation indicating all of the missing or incomplete items. When the proponent returns to the Planning Department with a revised plan, they will be required to respond to all comments received, even if that response is to indicate that they are not going to incorporate feedback received from the reviewers.

Standardized, written feedback

Feedback from the Planning Department to the proponent will be in the form of a single, consistent document that incorporates feedback from all relevant stakeholders. Some Planning Department teams have already

begun this process. This recommendation proposes to build on the existing templates and incorporate all review disciplines. The portfolio manager will be responsible for collecting staff feedback and ensuring the review team creates a single document with clear comments that do not contradict each other.

The feedback will also identify whether comments are "must have" items or "nice to have" items. If meetings are used to deliver feedback, these will be followed by a written document that memorializes what was said. Within a specific project phase, re-reviews will focus only on the revisions made, and will not be seen as opportunities for staff to bring up new issues that could have been identified in the initial review. For this reason, new comments identified later in the review process will require strong justification to be added to the latest feedback response.

Enforced timelines for staff review

All potential reviewers will be given a clear window to comment at each stage, and also be held accountable for responding to this opportunity either with their feedback or with a clear statement that they do not have feedback. In order to limit the number of issues identified late in the process, all reviewers will be responsible for looking at the filing and providing comments within a set amount of time. They must indicate "no comment" if they have no comment.

(Recommendation Report: Operations, July 2024)

How would it work?

This new approach to operations can be applied across review disciplines. For example, the design review process is a key tool to incorporate physical and community context to create better project-specific design outcomes. But today's design review process is poorly defined. It is unclear how the review harmonizes with ongoing citywide zoning reform and design vision efforts.

The Planning Department can update the design review process by implementing the recommendations from the Design Vision effort. These recommendations will help to create a more transparent, streamlined, and consistent form of review that sets expectations for future project proposals and achieves better design outcomes. Two important updates are clear submission requirements and a design review worksheet used to consistently evaluate projects. Updating these tools would bring greater transparency and consistency to the design review process.

NEXT STEPS

The Planning Department will create clear standards for review across City departments and begin piloting the new approach.

UPDATE INTERNAL DATA AND REPORTING SYSTEMS

OUTCOMES

Create new internal and public facing reports that:

- *Enable managers to effectively understand and prioritize staff operations*
- *Enable leadership to easily assess overall performance over time, and identify potential staffing bottlenecks*
- *Enhance transparency and accountability to the public*

The foundation of transparency and accountability is built on robust data systems that capture the work of the review staff.

Why do we need updated data systems?

This new approach to operations can be applied across review disciplines. For example, the design review process is a key tool to incorporate physical and community context to create better project-specific design outcomes. But today's design review process is poorly defined. It is unclear how the review harmonizes with ongoing citywide zoning reform and design vision efforts.

The Planning Department can update the design review process by implementing the recommendations from the Design Vision effort. These recommendations will help to create a more transparent, streamlined, and consistent form of review that sets expectations for future project proposals and achieves better design outcomes. Two important updates are clear submission requirements and a design review worksheet used to consistently evaluate projects. Updating these tools would bring greater transparency and consistency to the design review process.

Recommendations

Several foundational updates to the Planning Department's data systems are necessary to better capture the new review process.

The system needs to be able to differentiate between projects awaiting action from the Planning Department and projects awaiting action from the proponent. Similarly, it needs to distinguish between active and inactive projects (which first requires

defining a clear threshold for "inactive").

Then, the system can be updated to add nuance to project milestones by distinguishing between review milestones, information sharing, and posting of documents. It will also need to track the timelines of individual reviews steps as well as the Planning Department as a whole (in line with Recommendation 3C).

Finally, to improve internal operations, the data systems will be updated to automatically highlight projects that are outside of expected timelines in operational reports. It can also be enhanced to better capture feedback (and feedback dates) from all review staff and departments.

(Recommendations Report: Data Metrics & Reporting, Jun 2024)

NEXT STEPS

The Planning Department will build on the existing technology foundation to implement the new filing process. This will enable new reports for use in internal operations and public performance reporting.
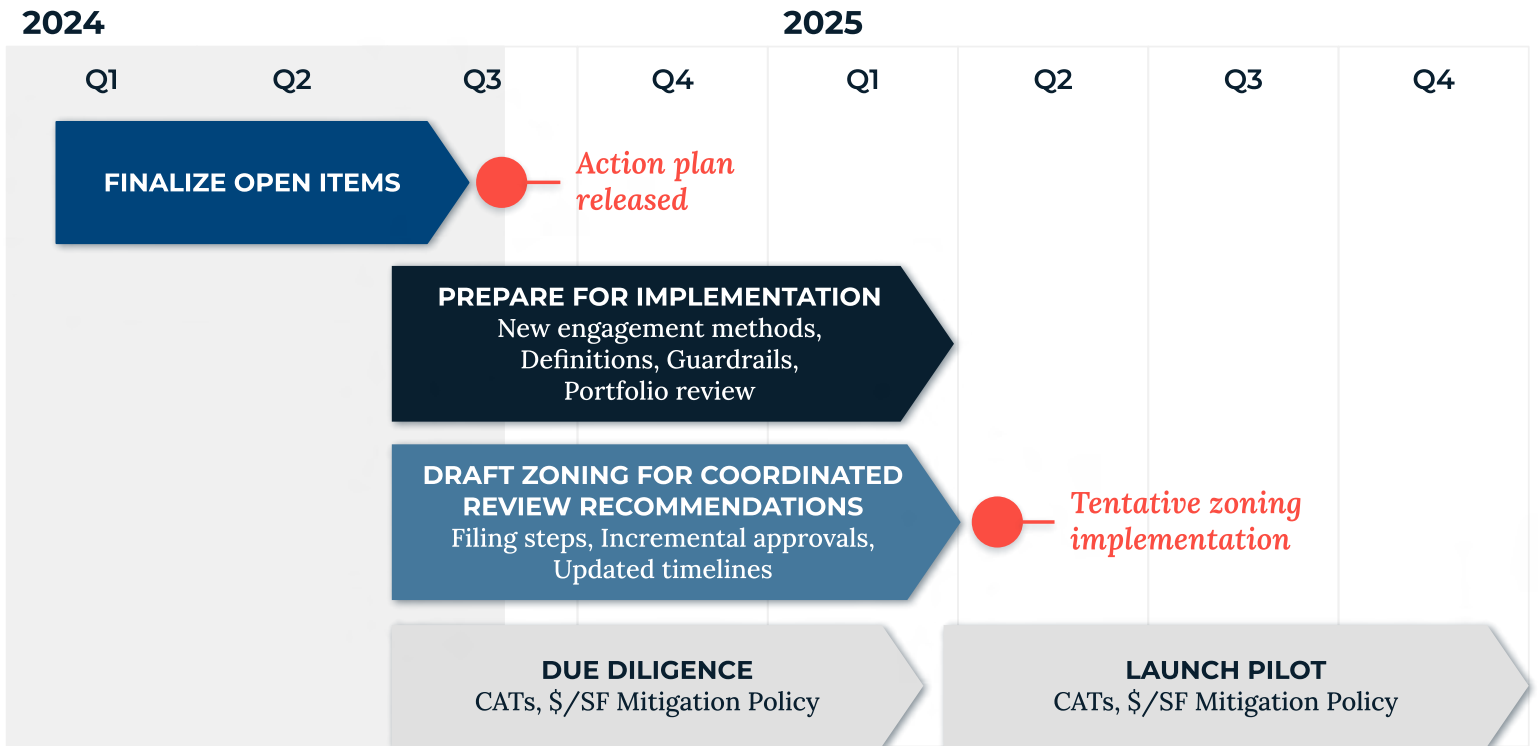
APPENDIX

PROJECT DOCUMENTS

Additional project information can be found on the project website:
www.bostonplans.org/projects/improving-development-review-process-article-80

This table summarizes the list of project deliverables. Every item on this list is available on the project website.

CATEGORY	NAME	DATE COMPLETED
Summary Document	Phase 2 Draft Recommendations Engagement Report	Sep 2024
Summary Document	Phase 1 Initial Themes Feedback Report	Apr 2024
Summary Document	Phase 1 Listening and Research Summary	Jan 2024
Survey	Survey Results: Community Barriers	Jan 2024
Survey	Survey Results: Existing Participant	Dec 2023
Survey	Developer Stakeholder Survey	Oct 2023
Peer City	Peer City Research Report: Engagement	Dec 2023
Peer City	Peer City Research Report: Operations	Jan 2024
Peer City	Peer City Research Report: Mitigation	Dec 2023

IMPLEMENTATION TIMELINE

2024			2025				
Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4

FINALIZE OPEN ITEMS

● *Action plan released*

PREPARE FOR IMPLEMENTATION
New engagement methods,
Definitions, Guardrails,
Portfolio review

**DRAFT ZONING FOR COORDINATED
REVIEW RECOMMENDATIONS**
Filing steps, Incremental approvals,
Updated timelines

● *Tentative zoning implementation*

DUE DILIGENCE
CATs, $/SF Mitigation Policy

LAUNCH PILOT
CATs, $/SF Mitigation Policy

ENGAGEMENT DETAIL

EACH DOT REPRESENTS A DIRECT ENGAGEMENT TOUCHPOINT.

ENGAGEMENT KEY

- 🔴 COMMUNITY STAKEHOLDERS
- 🔵 DEVELOPMENT COMMUNITY
- 🔵 A80 STEERING COMMITTEE
- 🟡 CITY LEADERSHIP AND ELECTEDS
- 🔵 CITY STAFF

— SURVEY

⚪ DIRECT ENGAGEMENT

Phase 1

Phase 1 of engagement and data collection efforts focused on identifying ideas for how to modernize Article 80 and the community engagement process. This included:

Survey Outreach

- Community Barriers Survey (targeting those not currently involved in our process)
- Community Experience and Mitigation Survey
- Developer Experience Survey

Working Sessions with:

- Article 80 Steering Committee
- Community leaders and organizations
- Institutions
- Project proponents and development teams
- City staff

2 Public Meetings

Phase 2

Phase 2 of our engagement efforts focused on sharing our draft recommendations for how to improve our development review process. This included:

Focus groups with:

- Article 80 Steering Committee
- Community leaders and organizations
- Institutions (Hospitals and Universities)
- Project proponents and development teams
- BPDA and City staff

Online survey + materials

10 public workshops

- 8 in-person workshops: Brighton, Downtown, Dorchester, South Boston, Fenway, East Boston, Roslindale, Roxbury
- 2 virtual workshops

City Council Hearing