ARTICLE 80 MODERNIZATION

DRAFT **ACTION PLAN**

Executive Summary

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.

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 Today's process is lengthy, opaque, and unpredictable, which, when coupled with an outdated zoning code, makes it harder to grow our city.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.

Boston in 1990s • Boston Landmarks Commission

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
EFFECTIVE ENGAGEMENT
Diversify input in development

2
CONSISTENT STANDARDS
Create new standards for how projects provide mitigation and community benefits to support the City's needs

3
COORDINATED REVIEW
Establish a transparent, sequential, and coordinated approval process across the City

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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

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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

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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.
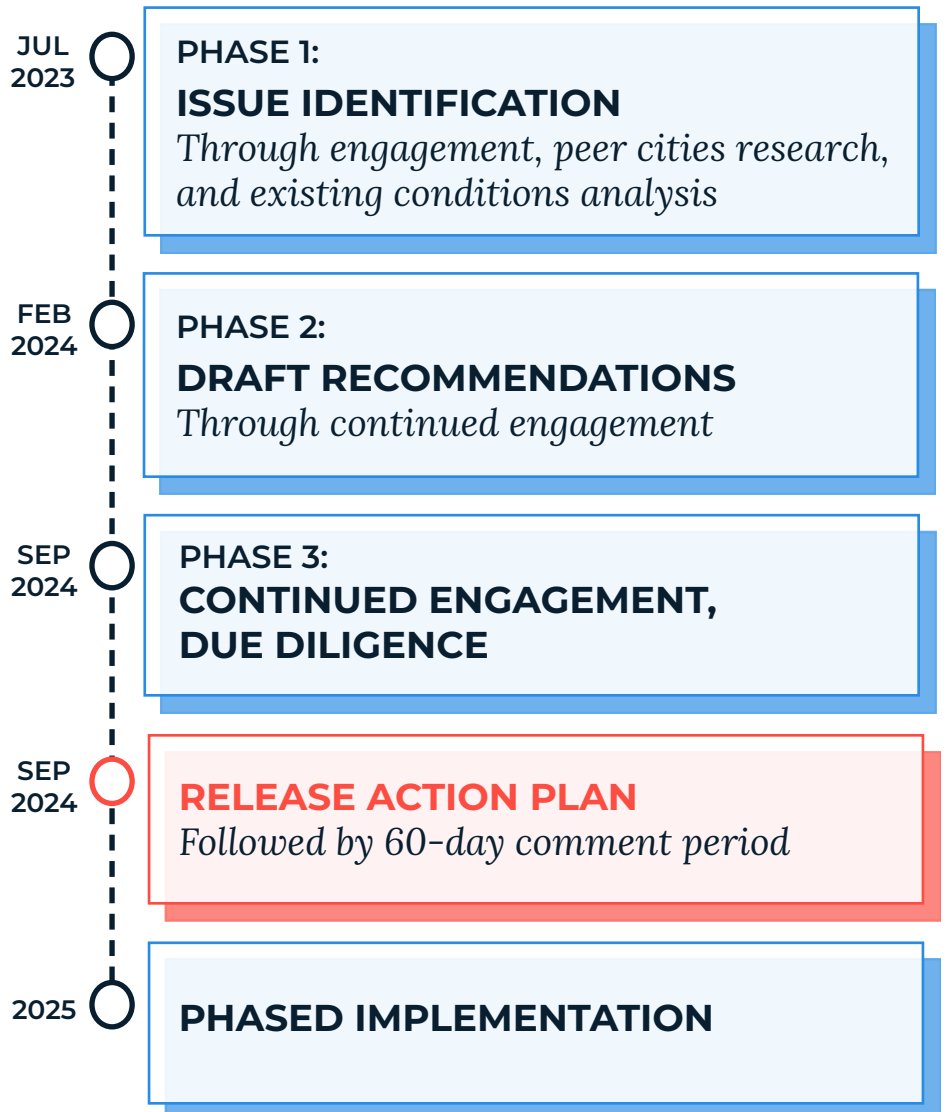
OVER **2600** SURVEY RESPONSES

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.

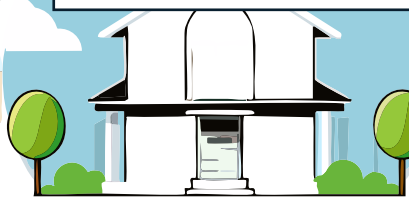*Read more about portfolio review on page 19.*

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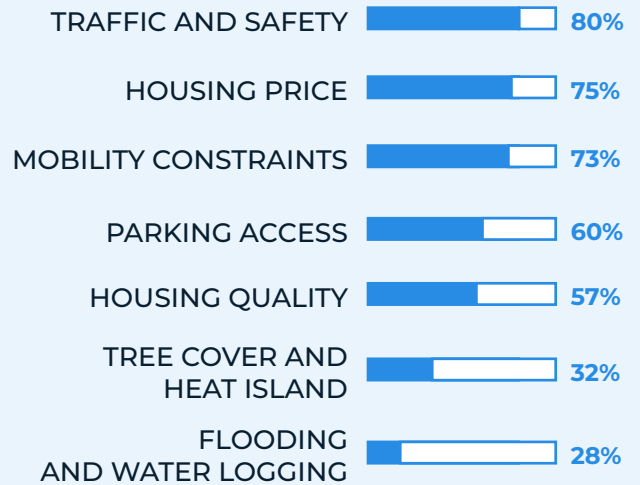- PROPOSALS FOR BUILDING (HEIGHT, DENSITY, SIZE, ETC.)

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?

- ☑ **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.