

## How do I read this document?

The color and formatting of the text indicate what is additional, what is removed, and what remains unchanged.

~~RED AND STRUCK TEXT~~ = removals proposed to the Zoning Code as part of this amendment

GREEN TEXT = additions proposed to the Zoning Code as part of this amendment

BLACK TEXT = current text within the Zoning Code that we have not changed

## Articles included:

1. Article 2 (Definitions)- new additions
2. Article 37 - new additions, majority of the new zoning proposal
3. Article 80 - with updates

# ARTICLE 37 – Green Buildings and Net Zero Carbon

### Section 37-1. Statement of Purpose.

The purposes of this article are to ensure that major building projects are ~~planned, designed, constructed, and managed to minimize adverse environmental impacts; to conserve natural resources; to promote sustainable development; and to enhance the quality of life in Boston-~~ designed, developed, and managed to minimize and mitigate adverse environmental impacts; to promote sustainable development; and to minimize and mitigate the impacts of greenhouse gas emissions.

### ~~Section 37-2. Definitions.~~

~~For the purposes of this article only, the following words and phrases when capitalized shall have the meanings indicated.~~

~~**Boston Green Building Credits** Credits identified in this article that may be included in the calculation toward achieving a LEED Certifiable project under the provisions of this article.~~

~~**Boston Interagency Green Building Committee** an interdisciplinary committee consisting of at least one (1), but not more than two (2) representatives of city agencies including but not limited to, the Boston Redevelopment Authority, the Boston Environment Department, the Boston Transportation Department, the Inspectional Services Department and the Mayor's Office. Such Committee will advise the Boston Redevelopment Authority on Proposed Project's compliance with the provisions of this article.~~

~~**LEED Certifiable** a structure that is planned, designed and constructed to achieve the level "certified" using the LEED building rating system most appropriate for the Proposed Project.~~

Commented [1]: Moved to Article 2 to streamline the zoning.

( Text Amd. No. 463 , § 13, 8-16-2023)

**Section 37-23. Applicability of Green Buildings.**

Any Proposed Project which is subject to or shall elect to comply with Section 80B of this Code, Large Project Review, shall be subject to the requirements of this article. ~~The following Proposed Projects, however, shall be exempt from the provisions of this article:~~

~~1. Any Proposed Project for which application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this article and for which no Zoning Relief is required.~~

~~2. Any Proposed Project for which appeal to the Board of Appeal for any Zoning Relief has been made prior to the first notice of hearing before the Commission for adoption of this article, provided that such Zoning Relief has been or is thereafter granted by the Board of Appeal pursuant to such appeal.~~

~~3. Any Proposed Project or site for which application for approval of a development impact project plan or planned development area development plan, has been submitted to the Boston Redevelopment Authority prior to the first notice of hearing before the Commission for adoption of this article, provided that such development impact project plan or planned development area development plan, has been or is thereafter approved by the Boston Redevelopment Authority pursuant to such application, whether or not such application or such development impact project plan or planned development area development plan is thereafter modified or amended.~~

**Commented [2]:** No longer any projects that this language pertains to, so not needed.

**Section 37-34. Green-Building Requirements of Green Buildings.**

Any Proposed Project subject to the provisions of this article shall be LEED Certifiable under the most appropriate LEED building rating system. ~~Up to four (4) of the required points may be obtained from the Boston Green-Building Credits identified in Appendix A.~~

**Section 37-45. Procedures of Green Buildings.**

Any Applicant subject to the provisions of this article shall provide to the Boston Redevelopment Authority a completed LEED scorecard, ~~including any Boston Green Credits that the Proposed Project will achieve.~~ The Applicant shall demonstrate that the Proposed Project will meet the requirements of this article with appropriate supporting documentation and by certification from an ~~LEED Accredited Professional and/or other~~ expert recognized by the Boston Redevelopment Authority. The submissions shall be in accordance with the provisions of Section 80B.

~~Within five (5) days of its receipt of a completed LEED submission, the Boston Redevelopment Authority shall transmit a copy of the submission to Boston Interagency Green-Building Committee.~~

**Section 37-6. Regulations.**

~~The Boston Redevelopment Authority may promulgate regulations to administer this article.~~

**Commented [3]:** Moved to the bottom of the article to make the zoning easier to read.

**Section 37-7. Enforcement.**

~~The Commissioner of Inspectional Services shall not issue any building permit or use permit for a Proposed Project that is subject to the provisions of this article unless the Director of the Boston Redevelopment Authority has issued a Certification of Compliance pursuant to Section 80B-6.~~

**Commented [4]:** Moved to the bottom of the article to make the zoning easier to read.

**Section 37-8. Severability.**

~~The provisions of this article are severable, and if any such provision or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this article.~~

**Commented [5]:** Moved to the bottom of the article to make the zoning easier to read.

**Section 37-5. Applicability of Net Zero Carbon.**

1. The provisions of this section shall apply to any Proposed Project, which is also subject to or elects to comply with the provisions of Large Project Review (Article 80B); Planned Development Area Review (Section 80C); Institutional Master Plan Review (Section 80D); or Small Project Review (Section 80E), to:
  - a. erect a building or structure having a gross floor area of twenty thousand (20,000) or more square feet; or
  - b. erect a building or structure containing fifteen (15) or more Dwelling Units; or
  - c. extend a building by a gross floor area of fifty thousand (50,000) or more square feet, except that Hospital use is exempt from this Section c;

**Commented [6]:** Identifies what kinds of buildings the new net zero carbon zoning applies to.

**Section 37-6. Requirements of Net Zero Carbon.**

1. A Proposed Project shall be reviewed for design compliance with the Greenhouse Gas Emissions standards from Table 1 in the Building Emissions and Reduction Disclosure Ordinance Section 7-2.2(i) as modified by the following:
  - a. Comply with a zero (0) kg of CO<sub>2</sub>e / sf-yr Greenhouse Gas Emissions standard upon effective date and every year thereafter.
2. The following uses may request Proposed Project compliance with alternative Greenhouse Gas Emissions standards as follows:
  - a. Hospitals as defined in Article 2, as Use Item No. 22 as defined in Article 8 (Table B), or Hospital Use as defined in Article 8 (Table A), shall comply with the Greenhouse Gas Emissions standards from Table 1 in BERDO Section 7-2.2(i) as follows:
    - (i) Comply with the applicable 2030-2034 Greenhouse Gas Emissions standard for each year between 2026-2029, inclusive;
    - (ii) Comply with the applicable 2035-2039 Greenhouse Gas Emissions standard for each year between 2030-2034, inclusive;
    - (iii) Comply with the applicable 2040-2044 Greenhouse Gas Emissions standard for each year between 2035-2039, inclusive;
    - (iv) Comply with the applicable 2045-2049 Greenhouse Gas Emissions standard for each year between 2040-2044, inclusive; and
    - (v) Comply with a zero (0) kg of CO<sub>2</sub>e / sf-yr in Greenhouse Gas Emissions standard in 2045 and every year thereafter.

**Commented [7]:** Establishes the Greenhouse Gas Emissions standard and the alternative Greenhouse Gas Emissions standards for hospitals, labs, and general manufacturing.

- b. General Manufacturing Use, as defined in Article 2, as Use Item No.69 as defined in Article 8 (Table B), or General Industrial Use as defined in Article 8 (Table A), shall comply with the Emissions standard from Table 1 in the Building Emissions and Reduction Disclosure Ordinance Section 7-2.2(i) as follows:
  - (i) Comply with the applicable 2030-2034 Greenhouse Gas Emissions standard for each year between 2026-2029, inclusive;
  - (ii) Comply with the applicable 2035-2039 Greenhouse Gas Emissions standard for each year between 2030-2034, inclusive;
  - (iii) Comply with the applicable 2040-2044 Greenhouse Gas Emissions standard for each year between 2035-2039, inclusive;
  - (iv) Comply with the applicable 2045-2049 Greenhouse Gas Emissions standard for each year between 2040-2044, inclusive; and
  - (v) Comply with a zero (0) kg of CO<sub>2</sub>e / sf-yr in Greenhouse Gas Emissions standard in 2045 and every year thereafter
  
- c. Research Laboratory Use, as defined in Article 2, as Use Item No.48 as defined in Article 8 (Table B), or Research Laboratory as defined in Article 8 (Table A), shall comply with the Emissions standard from Table 1 in the Building Emissions and Reduction Disclosure Ordinance Section 7-2.2(i) as follows:
  - (i) Comply with the applicable 2040-2044 Greenhouse Gas Emissions standard for each year between 2026-2029, inclusive;
  - (ii) Comply with the applicable 2045-2049 Greenhouse Gas Emissions standard for each year between 2030-2034, inclusive;
  - (iii) Comply with a zero (0) kg of CO<sub>2</sub>e / sf-yr in 2035 and every year thereafter.

**Section 37-7. Procedures of Net Zero Carbon.**

- 1. The Applicant shall demonstrate that the Proposed Project is designed to comply with the Net Zero Carbon Requirements in this article by:
  - a. Completing a checklist provided by the Boston Redevelopment Authority which outlines how the Proposed Project will be designed to meet the Greenhouse Gas Emissions requirements. This checklist must be filed with the Boston Redevelopment Authority as part of the Project Notification form in the pre-schematic design phase of Large Project Review or the Small Project Review application of Small Project Review; and
  - b. Submitting a structural life cycle analysis that assesses the embodied CO<sub>2</sub>e emissions from the extraction, harvesting, fabrication, transportation, installation, maintenance, and disposal of structural building products and materials, and other construction-related activities, for any Proposed Project subject to the provisions of this section and having a gross floor area of fifty thousand (50,000) or more square feet, prior to issuance of Certification of Compliance in accordance with Large Project Review procedures of Article 80B, or Certification of Approval in accordance with Small Project Review Procedures of Article 80E, by the Boston

**Commented [8]:** Outlines how projects will demonstrate they comply with the Greenhouse Gas Emissions requirements and embodied carbon reporting.

- Redevelopment Authority; and
- c. Signing a Net Zero Greenhouse Gas Emissions Ready commitment letter provided by the Boston Redevelopment Authority acknowledging that the Proposed Project will be required to meet the Greenhouse Gas Emissions standards outlined in Section 37-6. This letter must be filed with the Boston Redevelopment Authority prior to issuance of Certification of Compliance in accordance with Large Project Review procedures of Article 80B, or Certification of Approval in accordance with Small Project Review Procedures of Article 80E, by the Boston Redevelopment Authority.

The documentation, checklist, and Net Zero Greenhouse Gas Emissions Ready commitment letter shall be completed by an individual who holds an active professional license, accreditation, or other qualification in the design and engineering of buildings and systems, sufficient to satisfy at least one of the credentials approved from time to time by the Boston Redevelopment Authority. The submissions shall be in accordance with Article 80B, Article 80C, Article 80D, or Article 80E.

**Section 37-8. Effective Date of Net Zero Carbon.**

The provisions of Section 37-5. through Section 37-8. shall become effective on January 1, 2026. The following Proposed Projects, however, shall be exempt from the provisions of Section 37-5. through Section 37-8:

- A. Any Proposed Project for which appeal to the Board of Appeal for any Zoning Relief has been granted prior to the effective date, provided that such Zoning Relief has been or is thereafter granted by the Board of Appeal pursuant to such appeal.
- B. Any Proposed Project or site for which application for Article 80 has been approved by Boston Redevelopment Authority prior to the effective date.
- C. Any Proposed Project for which application to the Inspectional Services Department for a building or use permit has been made prior to the effective date and for which no Zoning Relief is required.

**Section 37-9. Enforcement.**

The Commissioner of Inspectional Services shall not issue any building permit or use permit for a Proposed Project that is subject to the provisions of this article unless the Director of the Boston Redevelopment Authority has issued a Certification of Compliance pursuant to Section 80B-6.

**Section 37-10. Regulations.**

The Boston Redevelopment Authority may promulgate regulations to administer this article.

**Section 37-11. Severability.**

The provisions of this article are severable, and if any such provision or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or

**Commented [9]:** Outlines when the net zero carbon zoning will apply to projects.

otherwise affect any other provision of this article.

END of Article 37 – continue to Related Zoning Amendments

## Related Zoning Amendments

### Article 2

**Commented [10]:** New definitions that clarify the zoning language in Article 37.

**The Building Emissions Reduction and Disclosure Ordinance (BERDO).** City of Boston Code Chapter VII, Sections 7-2.1 and 7-2.2, and its implementing regulations and policies, all as may be amended from time to time.

**Carbon Dioxide Equivalent (CO2e).** Greenhouse gas Emissions, including carbon dioxide, methane and nitrous oxide. CO2e shall be calculated using a methodology as set forth in the Building Emissions Reduction and Disclosure Ordinance (BERDO) and related regulations, policies, and guidance.

**Greenhouse Gas Emissions.** The emission of greenhouse gasses, measured in units of Carbon Dioxide Equivalent, associated with the generation and transmission of energy used by a building or structure within a Proposed Project.

**LEED Certifiable.** A structure that is planned, designed, and constructed to achieve the level "Certified" using the LEED building rating system most appropriate for the Proposed Project.

### Section 80B-3. Scope of Large Project Review; Content of Reports.

**Commented [11]:** Indicates what materials are required and when they must be submitted to comply with zoning regulations.

Add:

(o)Green Building and *Net Zero Carbon*. An analysis to determine how well the proposed project complies with LEED and to assess the level of environmental performance that will be achieved by the Proposed Project under the most appropriate LEED building rating system; An analysis to determine how well the Proposed Project complies with the requirements detailed in Section 37-6.

### Section 80B-5. - Boston Redevelopment Authority Procedures for Large Project Review.

*Add:*

*(ix) Preliminary Green Building and Net Zero Carbon information. A completed LEED checklist indicating the level of performance/point outcome of the Proposed Project based on the most appropriate LEED building rating system with an explanation of how each credit will be achieved, a list of members of the development team including a LEED-certified professional, and a statement as to whether the developer will register the project with USGBC and seek certification; A completed checklist as detailed in Section 37-7.*

### **Section 80B-6. - Enforcement: Certification of Compliance for Large Project Review.**

*Add:*

(vii) Article 37: Green Buildings and Net Zero Carbon;

### **Section 80C-3. Scope of Planned Development Area Review; Content of Plans.**

3. **PDA Master Plans and Development Plans.** Projects seeking PDA Master Plan or Development Plan approval pursuant to this Section must satisfy, as part of Article 80B Large Project Review, the (2) Environmental Protection – (o) Green Building and Net Zero Carbon; the (9) AFFH Assessment Component, (10) Accessibility Component, and (11) Smart Utilities Component as required in "Article 80B-3, Scope of Large Project Review, Content of Reports.

### **Section 80E-2. – Applicability of Small Project Review.**

Small Project Review shall apply as set forth in this Section 80E-2; provided, however, that Small Project Review shall not apply to any Proposed Project that meets the size thresholds for Large Project Review, as set forth in Section 80B-2. The components of Small Project Review consist of the following:

*Add:*

Net Zero Carbon (Section 80E-2.6)

*Add:*

**6. Net Zero Carbon Component:** The Net Zero Carbon Component of Small Project Review shall apply to any Proposed Project which will:

- (a) to erect a building or structure having a gross floor area of twenty thousand (20,000) or more square feet; or
- (b) to erect a building or structure containing fifteen (15) or more Dwelling Units; or
- (c) to extend a building by a gross floor area of fifty thousand (50,000) or more square feet, except that Hospital use is exempt from this Section c.

**Section 80E-3. - Scope of Small Project Review; Content of Application.**

Small Project Review shall consist of one or more of the following components: (1) design; (2) site plan; and (3) comprehensive sign design. The components of Small Project Review are applicable as set forth in Section 80E-2.

*Add:*

**6. Net Zero Carbon Component.** If a Proposed Project is subject to the Net Zero Carbon of Small Project Review, the application submitted pursuant to Section 80E-5 shall include such descriptions, analysis, performance modeling, plans, drawings, and specifications as are necessary for the Boston Redevelopment Authority to determine that the Proposed Project is consistent with the standards set forth in Section 37-6.

**Section 80E-4. - Standards for Small Project Review Approval.**

*Add:*

**5. Net Zero Carbon.** Any Proposed Project that is subject to the Net Zero Carbon of Small Project Review shall be consistent with the applicable standards set forth in Section 37-6.