CITY COUNCIL HEARING

ARTICLE 80 MODERNIZATION

July 15, 2024

Planning Department

CITY *of* BOSTON

WHAT IS ARTICLE 80?

"Article 80" is a section of the Boston Zoning Code. It governs procedures related to the regulatory review of development projects. Currently, these procedures apply to projects that include at least 15 units of housing, or are larger than 20,000 square feet.

Development Review brings together various stakeholders to collectively assess the impacts of development projects and to determine the appropriate mitigation and community benefits.

IMPROVING OUR DEVELOPMENT REVIEW PROCESS

Article 80 Modernization is an effort led by the Planning Department and supported by two consultant teams to review, analyze, and recommend improvements to the technical code, operations, and community engagement practices related to our development review process.

Why are we doing this now?

Community members, developers, and staff all agree that the Planning Department's Article 80 development review process is outdated, unpredictable, and lacks transparency.

Mayor Wu, in her 2023 State of the City speech and Executive Order, charged the former BPDA with creating and implementing a reformed development review process that improves how communities, developers, and the Planning Department work together to shape the city.

3

A80 MODERNIZATION PROJECT GOALS AND SCOPE

PROJECT GOALS

A successful development project and review process is one that...

1) **Advances citywide goals** of affordability, resilience, equity

2) **Aligns with the planning vision** for the area

3) Is **transparent, clear, and easy to engage with**

4) **Embraces growth** while creating a predictable process

PROJECT SCOPE

Community Engagement

- Conduct inclusive engagement, existing conditions analysis, and peer city research on engagement methods

- *Consultant Team*: Archipelago Strategies Group (ASG), Rivera Consulting, Lazu Group

Operations & Code

- Surveys, existing conditions analysis, and peer city research on operations, mitigation, zoning code, and data systems

- *Consultant Team*: Matrix Consulting Group, Stantec, ZoneCo, Cynthia Barr
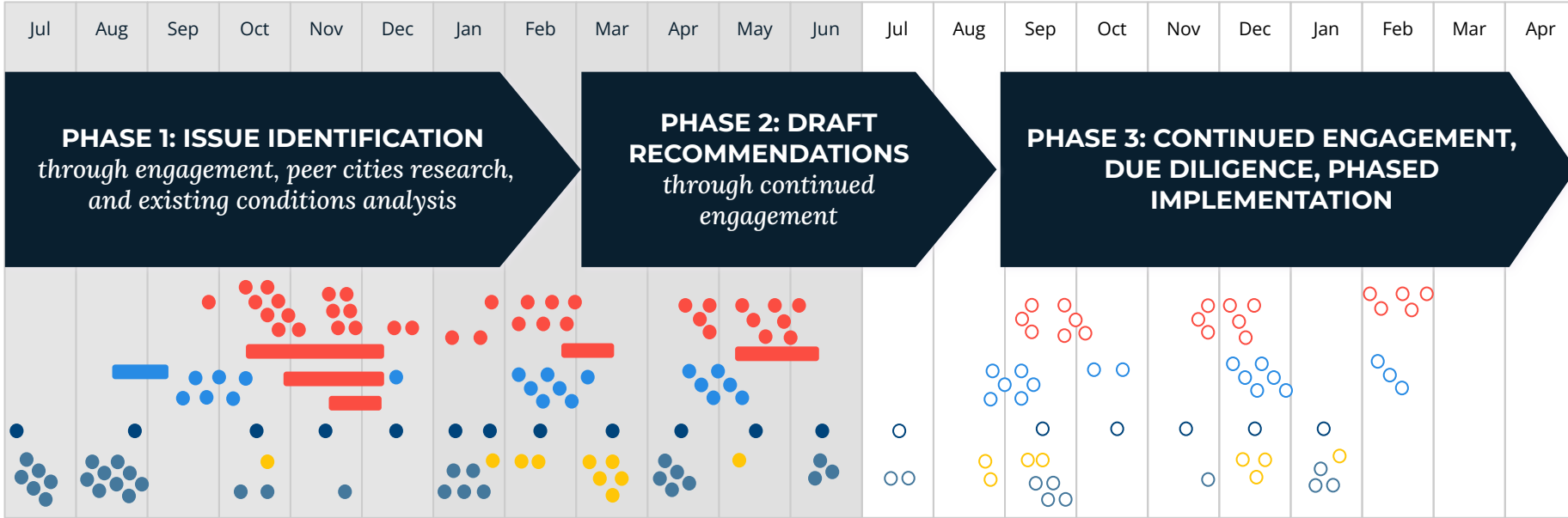
PROJECT TIMELINE

COMMUNITY AND STAKEHOLDER ENGAGEMENT

PHASE 1

- 2,600 survey responses (across 4 surveys)
- 50+ focus groups (IAG members, developers, institutions, labor, city staff, advocates, civic groups)
- 2 public meetings (in person and Zoom)
- 12 Steering Committee meetings

IAG Member outreach

- 220+ specific survey responses
- 4 dedicated focus groups

PHASE 2

- Focused on detailed feedback on draft recommendations
- 10 workshops. 8 in-person held across the City and 2 virtual
  - Brighton
  - Downtown
  - Dorchester
  - South Boston
  - Fenway
  - East Boston
  - Roslindale
  - Roxbury
- 230 survey responses
- 11 focus groups (IAG members, developers, institutions, labor, city staff, advocates, civic groups)
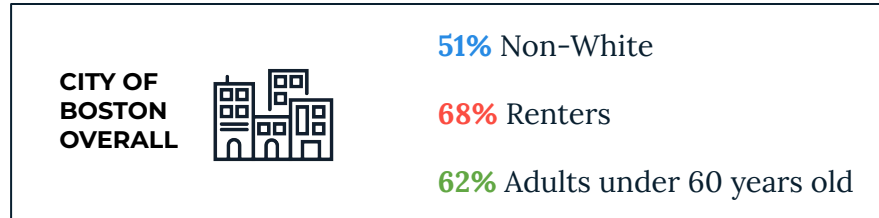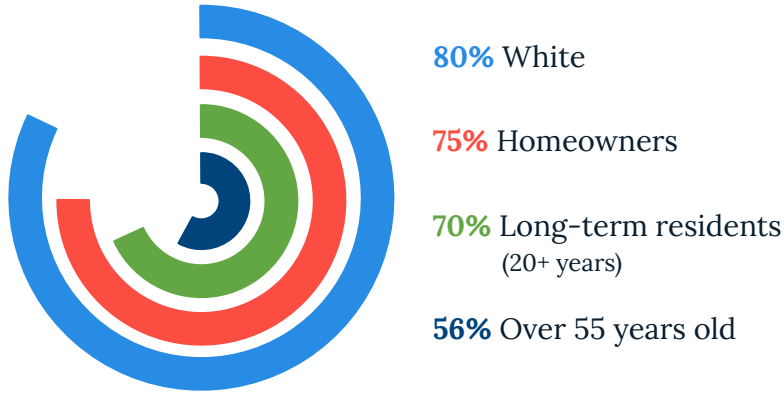
Broad Outreach

- Digital outreach campaign
- In-person flyering citywide
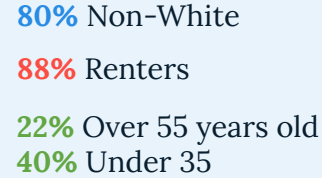
COMMUNITY SURVEY DEMOGRAPHICS

Participants in the existing development review process are not necessarily representative of Boston. Outreach methods used today reach mostly homeowners, long-term residents, and white residents.

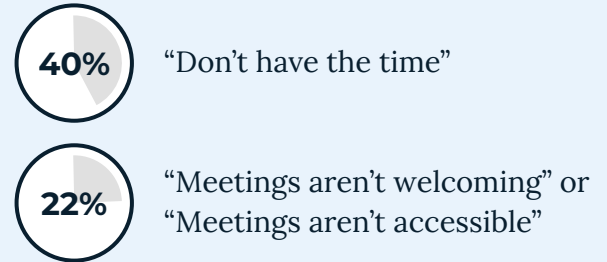*Respondent demographics to Existing Participant Survey:*

80% White

75% Homeowners

70% Long-term residents (20+ years)

56% Over 55 years old

CITY OF BOSTON OVERALL

51% Non-White

68% Renters

62% Adults under 60 years old

New engagement methods piloted through this project reach more diverse participants

Respondent demographics to New Participant Survey:
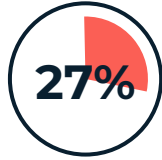
80% Non-White

88% Renters

22% Over 55 years old
40% Under 35

Top barriers to participation:

40% "Don't have the time"

22% "Meetings aren't welcoming" or "Meetings aren't accessible"

COMMUNITY SURVEY RESULTS
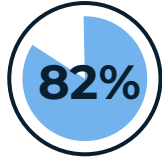
82% of community participants said that the BPDA should **adopt a more standardized mitigation approach**

27% of community participants **understand how their input is currently used**
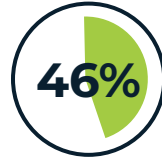
46% of community participants identified **"reforming advisory groups" as one of their top priorities**

77% of existing participants would like **more options for engagement**

40% of new participants said the main reason they don't participate is because they **don't have time for weeknight town-hall meetings**

DEVELOPMENT STAKEHOLDERS SURVEY RESULTS
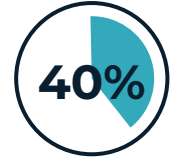
Key results: *97 responses (collected from a list of ~400 current and recent project proponents, including developers, institutions, attorneys, and consultants). Respondents emphasized the need for predictability in process, timelines, and mitigation.*

- Timing and predictability are the most important issues
- Project teams receive conflicting feedback from different review teams, feedback isn't always shared the right time and not clearly connected to the City's overall priorities
- Mitigation process is inconsistent
- Impact Advisory Groups don't always provide productive or beneficial feedback
- Good Project Managers are highly valued

> " *"When done right, [Article 80] can collect various agencies and departments to provide comments at the same time and during the same process."*
> -Developer survey response
> "

Survey Prompt	Agree	Neutral	Disagree
The timeline to process my application was predictable	4%	10%	**86%**
Where comments on my project conflicted, BPDA staff helped reconcile these so that I had a path forward for my project	17%	19%	**64%**
The City's approach to mitigation is consistent from project to project	11%	24%	**65%**
Feedback from the project's Impact Advisory Group (IAG) or other applicable advisory groups was beneficial in determining appropriate mitigation for the project	26%	36%	**38%**

PEER CITY RESEARCH

ENGAGEMENT

Cities Studied

Baltimore, Philadelphia, Seattle, Toronto, Vancouver

Takeaways for Boston

There isn't one consistent best practice for community engagement.

Some cities incorporate community feedback earlier in the development review process (Seattle, Pittsburgh). Some create advisory groups that have a broader focus than one project or one neighborhood. (Baltimore, Toronto).

MITIGATION

Atlanta, Cincinnati, Denver, Detroit, Miami, Philadelphia, Portland (OR), San Francisco, Seattle, Vancouver

Boston is a clear outlier when it comes to mitigation.

Boston gets unusually large and diverse outcomes. Different cities take different approaches based on their development contexts. Some use incentives (carrots) while others use mandates (sticks). The most predictable and transparent process is an impact fee system (like IDP).

OPERATIONS

Denver, Ft Worth, Minneapolis, NYC, Oakland, Pittsburgh, Portland (OR), San Diego, Seattle

All cities studied provide a "concurrent review" process to improve efficiency.

This means conducting all review steps and votes simultaneously which avoids duplication of steps and achieves more predictable timelines.

DRAFT RECOMMENDATIONS | CORE CHANGES

EFFECTIVE ENGAGEMENT

01

Diversify Input in Development
By expanding community participation opportunities

CONSISTENT STANDARDS

02

Take the Fight Out of Approvals
By standardizing mitigation and community benefits

COORDINATED REVIEW

03

Prevent 3 Steps Forward, 2 Steps Back
Through a transparent, sequential and coordinated approval process

EXPAND COMMUNITY ENGAGEMENT METHODS

EFFECTIVE ENGAGEMENT

RECOMMENDATION

INTRODUCE NEW ENGAGEMENT METHODS TO REDUCE BARRIERS TO PARTICIPATION

FLYERS AND SIGNAGE AT DEVELOPMENT SITE

DIGITAL SURVEYS

GUIDED WALKS AND SITE TOURS AT DEVELOPMENT SITE

INFORMATION TABLE AT COMMUNITY CENTER OR NEIGHBORHOOD EVENT

## REQUIRE DEVELOPER-LED EARLY ENGAGEMENT

Create consistent practices by requiring all developers to submit an Engagement Plan as the first step in the review process, and an Engagement Report documenting the results

WE HEARD FROM OUR WORKSHOP PARTICIPANTS...

"*In order to reach a diverse group there needs to be a diverse amount of outreach*"
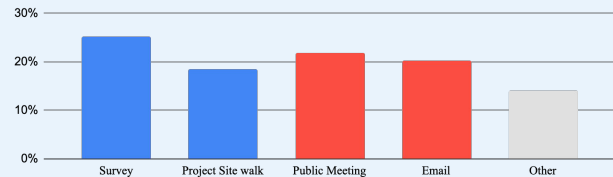-**Community member, Dorchester**

Survey Question:
How would you like to hear about development project proposed in your neighborhood?

- New Method
- Existing Method
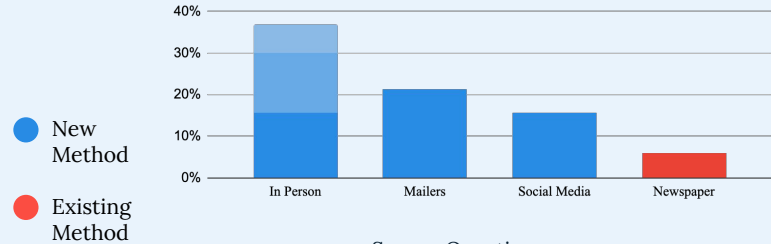
Survey Question:
How would you like to share your feedback about projects?

CREATE COMMUNITY ADVISORY TEAMS

EFFECTIVE ENGAGEMENT

RECOMMENDATION

REPLACE IAGs AND TASK FORCES WITH NEW COMMUNITY ADVISORY TEAMS (CATs)

A Community Advisory Team is an idea for a new advisory body that could work directly with the City to provide community-based expertise

WE HEARD FROM OUR WORKSHOP PARTICIPANTS...

Advisory groups need greater investment from the City
E.g. training for participants, along with childcare and stipends

"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
– Allston Brighton Community Member"

Important to capture the diversity of Boston across many different characteristics

Survey Question:
Which demographic categories should we keep in mind when developing CATs?
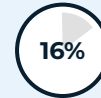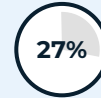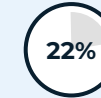
16% Age   **16%** Housing Status   **14%** Tenure

Additional engagement is needed to **create groups that bring together unique perspectives**

Survey Question:
What kinds of expertise would be most helpful to have in these groups?

27% Local expertise and representation is important   **22%** Existing community leaders and civic group members   **19%** Local business owners

CREATE COMMUNITY ADVISORY TEAMS

EFFECTIVE ENGAGEMENT

HOW IS THIS DIFFERENT FROM EXISTING 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 CBOs
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 provide 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 Set 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.

CREATE NEW ZONING DEFINITIONS

CONSISTENT STANDARDS

APPROACH

Draw a **clear and predictable line between mitigation and community benefits**

Align with established legal frameworks used in peer cities

Identify and mitigate displacement through new tools

PROPOSED DEFINITIONS:

MITIGATION

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.

COMMUNITY BENEFITS

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

ENABLING INFRASTRUCTURE

Infrastructural elements that are required to enable the project to happen, including upgrading infrastructure to City standards. For example, requirements on or adjacent to the site to be compliant with Americans with Disabilities Act (ADA) standards.

UPDATE ELIGIBILITY CRITERIA

CONSISTENT STANDARDS

PROJECT TYPES	PROPOSED STANDARDIZED MITIGATION
Typical Small Projects	Formula-based
Typical Large Projects	Formula-based
"Extra Large" Projects	Flexible
Large Institutional Projects	Flexible
All-Affordable Projects	Exempt

1

The **standardized framework** applies to "typical" projects to establish predictability across the majority of the development review pipeline.

2

A **negotiated approach** is retained for complex, large-scale, high-value projects and master plans.

3

Projects that are themselves a benefit are **exempt** from providing mitigation and community benefits

STANDARDIZE MITIGATION AND COMMUNITY BENEFITS

CONSISTENT STANDARDS

MITIGATION
(IN-KIND AND MONETARY)
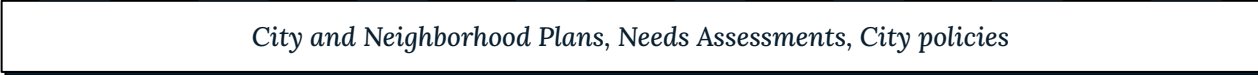
RECOMMENDATION

Add two new mitigation categories, in addition to IDP and Linkage

- Transportation and infrastructure
- Public realm and open space

COMMUNITY BENEFITS
(IN-KIND AND MONETARY)

RECOMMENDATION

Create a "menu of options" using standard categories based in recent planning and community needs

Sustainability & Resilience	Transportation & Infrastructure	Open Space & Public Realm	Housing	Arts & Culture	Small Business / Economic Development	Historic Preservation	Community & Civic Facilities

City and Neighborhood Plans, Needs Assessments, City policies

WE HEARD FROM OUR WORKSHOP PARTICIPANTS...

Only 11% agree:
The City's approach to mitigation is consistent from project to project

Housing, open space, and transportation are the three most important categories for mitigation and community benefits
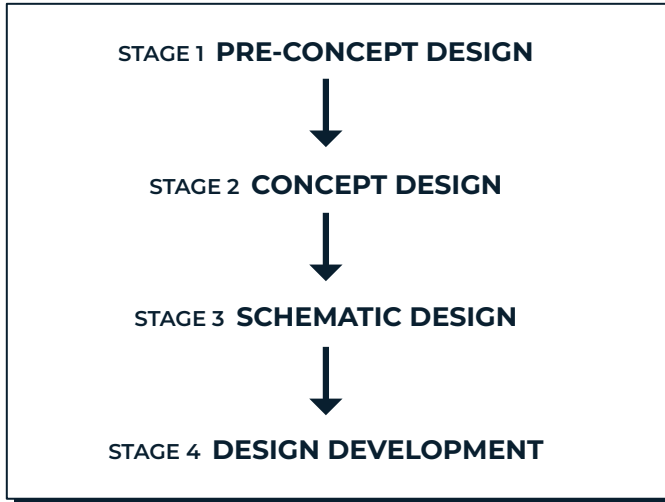
64%
Housing

59%
Transportation

64%
Open Space

17
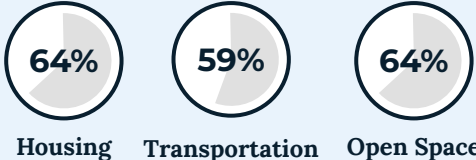
UPDATE FILING SEQUENCE AND TIMELINES

RECOMMENDATION

UPDATE FILING SEQUENCE

into four clear steps that align with industry standards and best practices from peer cities

STAGE 1 **PRE-CONCEPT DESIGN**

↓

STAGE 2 **CONCEPT DESIGN**

↓

STAGE 3 **SCHEMATIC DESIGN**

↓

STAGE 4 **DESIGN DEVELOPMENT**

EXISTING CONDITION

Over 75% of small projects and 80% of large projects did not meet code-required timelines since 2014
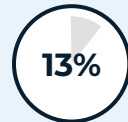
Why statutory timelines are not met
- Extended comment periods and extension requests
- Mitigation negotiations
- Projects are generally more larger and more complex today

WE HEARD FROM OUR EXTERNAL STAKEHOLDER SURVEY...
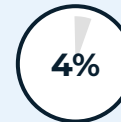
4%

Agree:

The timeline to process my application was predictable

13%

Agree:

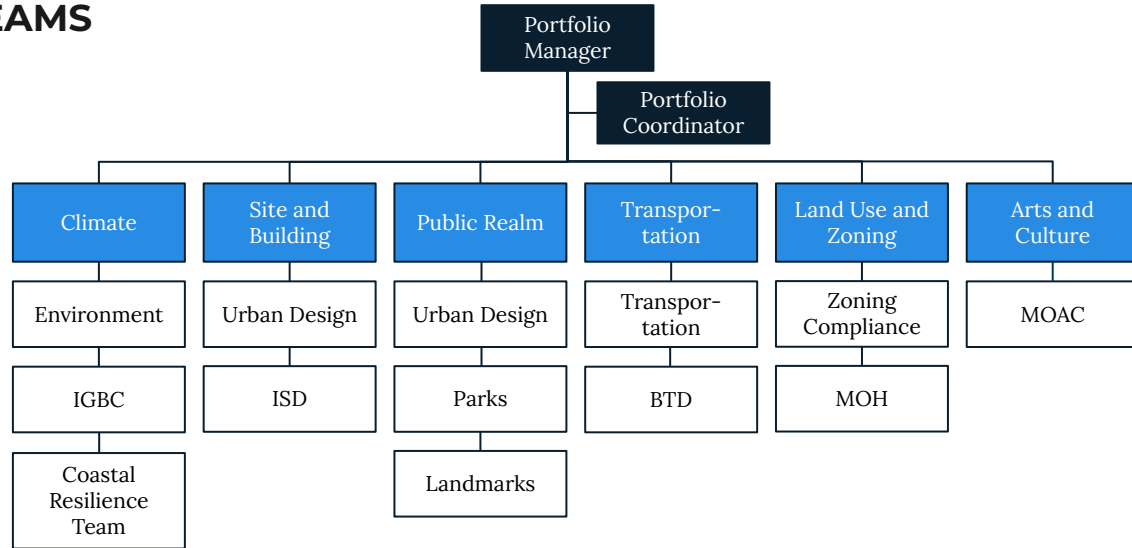**The timeline to process my application met my expectations**

18

ADAPT INTERNAL SYSTEMS AND MANAGEMENT PRACTICES

COORDINATED REVIEW

CREATE COORDINATED REVIEW TEAMS

- Organize teams across City departments
- Managed by experienced Development Review staff member
- Review a portfolio of similar projects
- Clarify the role of other City departments
- Implement data-driven management and performance reporting

Portfolio Manager

Portfolio Coordinator

Climate	Site and Building	Public Realm	Transpor-tation	Land Use and Zoning	Arts and Culture
Environment	Urban Design	Urban Design	Transpor-tation	Zoning Compliance	MOAC
IGBC	ISD	Parks	BTD	MOH	
Coastal Resilience Team		Landmarks			

NEXT STEPS | ACTION PLAN

EFFECTIVE ENGAGEMENT

01

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CONSISTENT STANDARDS

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COORDINATED REVIEW

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Prevent 3 Steps Forward 2 Steps Back
Through a transparent, sequential and coordinated approval process

ACTION PLAN

- Engagement results

- Peer cities analysis

- Existing conditions analysis

- Draft recommendations

REFERENCE MATERIALS

PROJECT INFORMATION

- [Project webpage](#)

Engagement:

- [Phase 1 Listening and Research Summary](#)
  - [Community Experience Survey Results](#)
  - [Community Barriers Survey Results](#)
  - [Developer Survey Results](#)
- [Phase 1 Emerging Ideas Survey Results](#)

Peer Cities research:

- [Peer City Research Report: Engagement](#)
- [Peer City Research Report: Mitigation](#)

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