# ARTICLE 80 MODERNIZATION ZONING AMENDMENTS

Text Amendments for Article 80, Article 81, Article 28, and Article 2





CITY of BOSTON

## **MODERNIZATION PROJECT SUMMARY**

**SPRING 2023 FALL 2024 SPRING 2025** 



begins

Listening & Research



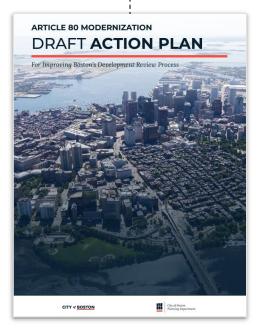




Updated Action Plan, Early Actions, and Draft Zoning

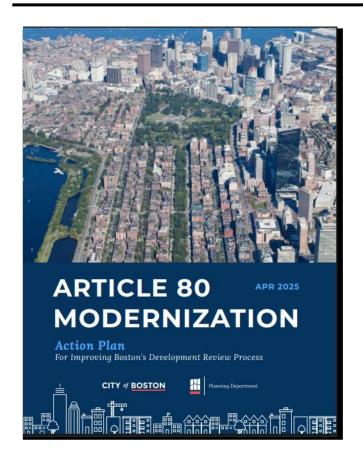






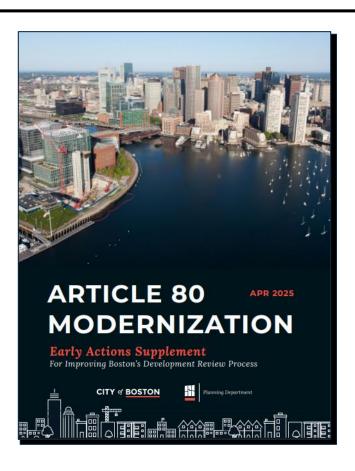


### ZONING UPDATES ARE PART OF IMPLEMENTATION



## **Action Plan**

Sets the direction for change based on over two years of engagement, research & analysis



## **Early Actions Supplement**

Describes implementation priorities and operational improvements

### DEVELOPMENT REVIEW MODERNIZATION DRAFT ZONING AMENDMENTS SUMMARY

April 2025

#### SUMMARY

After two years of research, engagement, and analysis, the Planning Department is preparing to implement a set of Early Actions to improve Boston's Article 80 Development Review process. The proposed zoning amendments support these Early Actions by correcting outdated language and introducing changes in areas with broad support.

### BACKGROUND

Over the last two years, the Planning Department has been engaged in the "Article 80 Modernization" project to study, evaluate, and recommend improvements to the development review process and Article 80 of the Boston Zoning Code. In September 2024, the Planning Department released the "Article 80 Modernization Draft Action Plan". The Draft Action Plan summarized engagement results, peer city analyses, and other research that helped generate a set of recommendations to achieve Effective Engagement, Consistent Standards, and Coordinated Review.

A 90-day public comment period followed the release of the Draft Action Plan. The Planning Department received many detailed comment letters from both stakeholder organizations and community members as well as several hundred responses to an online survey.

Several recommendations from the Action Plan generated broad support. These changes are the focus for short-term implementation. All stakeholder groups supported internal Planning Department procedural improvements to create more consistent and transparent feedback. They also supported improved collaboration with other City departments and Commissions (including BCDC). Many comments also emphasized the opportunity to better integrate Planning priorities and goals into decision-making.



## **Draft Zoning Amendments**

First zoning action to correct outdated language and introduce changes with broad stakeholder support



## **ZONING STRATEGY**



## Easy To Use

Proponents, attorneys, and community members can quickly find what they need



## **Consistent With Existing Practice**

The zoning rules reflect the way we actually work today



## **Set Up For Future Reforms**

Lay the groundwork for long-term impact



## PROPOSED ZONING CHANGES



Update BCDC Thresholds and Procedures



Harmonize the Code with Existing Processes



Support Conversions, Sustainability, and Reinvestment



Improve Citywide Coordination



Modernize Communication Methods



Remove Contradictions and Improve Usability



## **UPDATE BCDC THRESHOLDS & PROCEDURES**

### WHAT ARE WE CHANGING?

- **Increase the threshold** for the size of projects reviewed from 100,000 square feet to 200,000 square feet
- Change the recipient of BCDC recommendations from the Mayor to the Planning Department
- Migrate BCDC procedures to Article 81
- **New bylaws** that provide clarity about public participation in the BCDC process

### WHY ARE WE DOING THIS?

75% of housing projects reviewed by BCDC are under 200,000 SF. This changes refocus BCDC's expertise on projects that significantly impact the city's fabric, while speeding up housing approvals and enabling speedy delivery.

## BUT HOW WILL YOU ENSURE THAT SPECIAL PROJECTS ARE NOT MISSED?



We will retain an optional trigger for "Projects of Special Significance" in the zoning code that can be used to include projects below 200,000 square feet at the Planning Department's discretion.



## SUPPORT CONVERSIONS, SUSTAINABILITY & REINVESTMENT

### WHAT ARE WE CHANGING?

- **Update "substantial rehabilitation"** procedures and exempt interior renovation projects from undergoing full Article 80 review (subject to a new notification requirement).
- Similarly, increase the review threshold for institutional projects undergoing interior renovations.
- Tie Linkage payments to changes of use and avoid "double-dipping":
  - A Linkage-eligible project that changes their use within 15 years of the initial approval is exempt from paying Linkage again as long as the rates for both uses are the same.
  - For a change of use with a higher Linkage rate, the project only pays the difference in rates. After 15 years, the project must pay the full rate again.

### WHY ARE WE DOING THIS?

To make it easier for building owners to upgrade and rehabilitate their buildings; for example, to reinvest in downtown office buildings or make green upgrades to aging institutional facilities.



## MODERNIZE COMMUNICATION METHODS

### WHAT ARE WE CHANGING?

- Replace print noticing and physical copy distribution requirements with website updates and publicly accessible email notifications
- There is no change to Language
   Access requirements or public hearings

### WHY ARE WE DOING THIS?

These edits improve transparency by changing outdated language to reflect today's methods for public noticing and document distribution.

## **HOW WILL WE PRESERVE ACCESSIBILITY?**

We will continue to maintain a physical print copy of all project filings, available upon request.

Updated engagement methods will expand opportunities for in-person interaction, including site walks, workshops, and office hours.



## HARMONIZE THE CODE WITH EXISTING PROCESS

### WHAT ARE WE CHANGING?

- Incorporate the "Notice of Project Change" and "Letter of Intent" into Article 80.
- Transfer procedures for reviewing projects in CPS (Conservation Preservation Subdistricts) and GPOD (Greenbelt Protection Overlay Districts) to a separate zoning article (Article 28)
- **Simplify document names** and move definitions to Article 2

### WHY ARE WE DOING THIS?

To move toward a user-friendly zoning code by reorganizing certain sections, reflecting commonly-used terminology in the code, and consolidating definitions.



This is one part of the Planning Department's overall Zoning Reform efforts



## IMPROVE CITYWIDE COORDINATION

### WHAT ARE WE CHANGING?

- Assign primary responsibility for reviewing and approving Transportation Access Plan Agreements (TAPA) to the Planning Department from BTD.
- Combined with operational changes, this will be a first step in ensuring that post-Board design review is consistent and coordinated across City Departments.

### WHY ARE WE DOING THIS?

We're rethinking how we work with other City teams, starting with one of our key partners, the Streets Cabinet. Today, only 14% of development stakeholders clearly understand the post-Board process. This is an important step toward improving the end-to-end permitting process.



## **MODERNIZATION SUMMARY**

Introduce a new ZONING culture of development review **EARLY ACTIONS** Effective Engagement Consistent Standards Coordinated Review **Build momentum** for **OPERATIONAL CHANGES** future reform

