



Groundwater Conservation Overlay District (GCOD) Updates

BZC Hearing | October 22, 2025



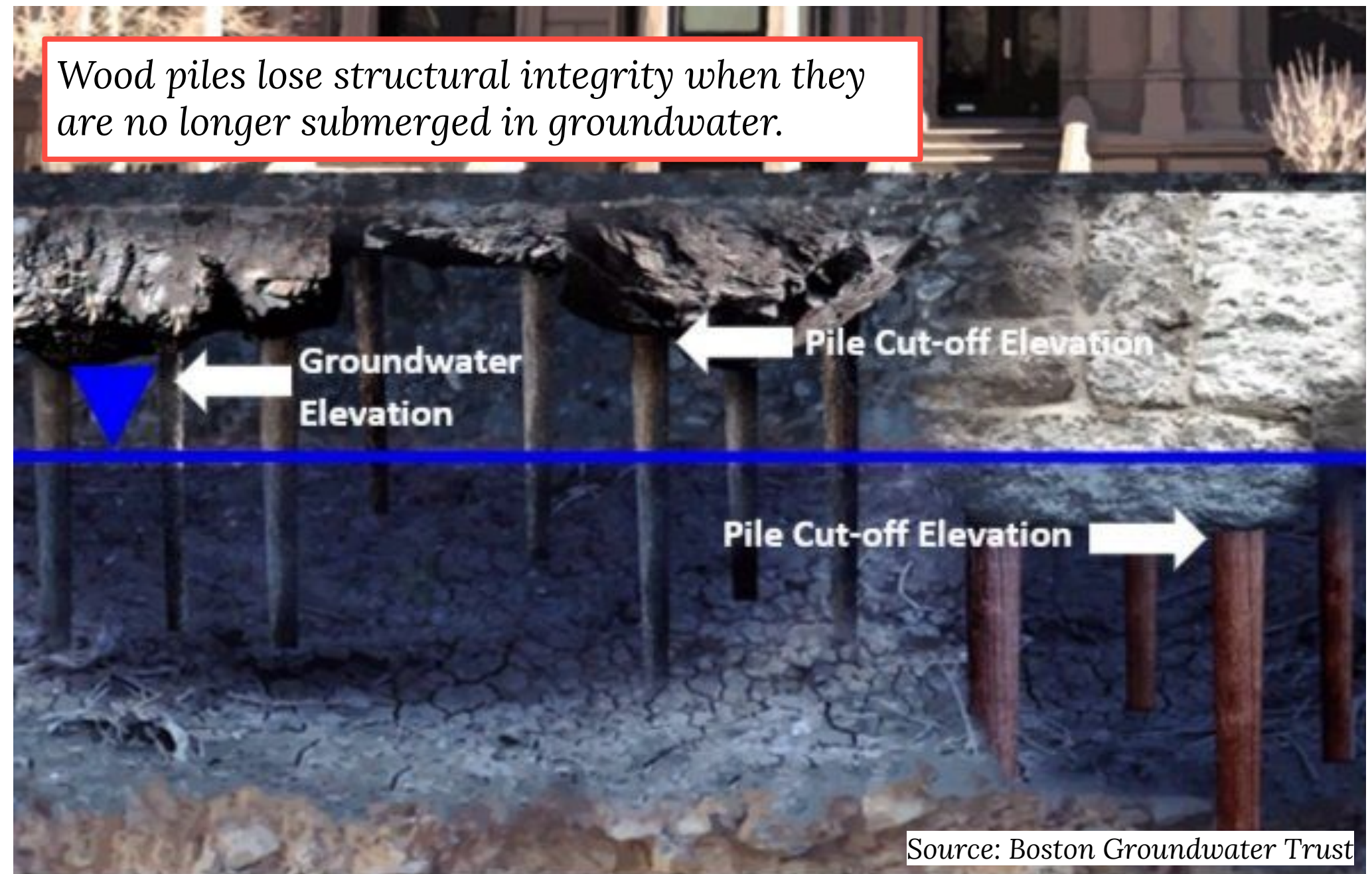
Planning Department

CITY of BOSTON

GROUNDWATER CONSERVATION OVERLAY DISTRICT (GCOD)

GCOD seeks to prevent deterioration of and promote the restoration of groundwater levels in the filled land areas of Boston.

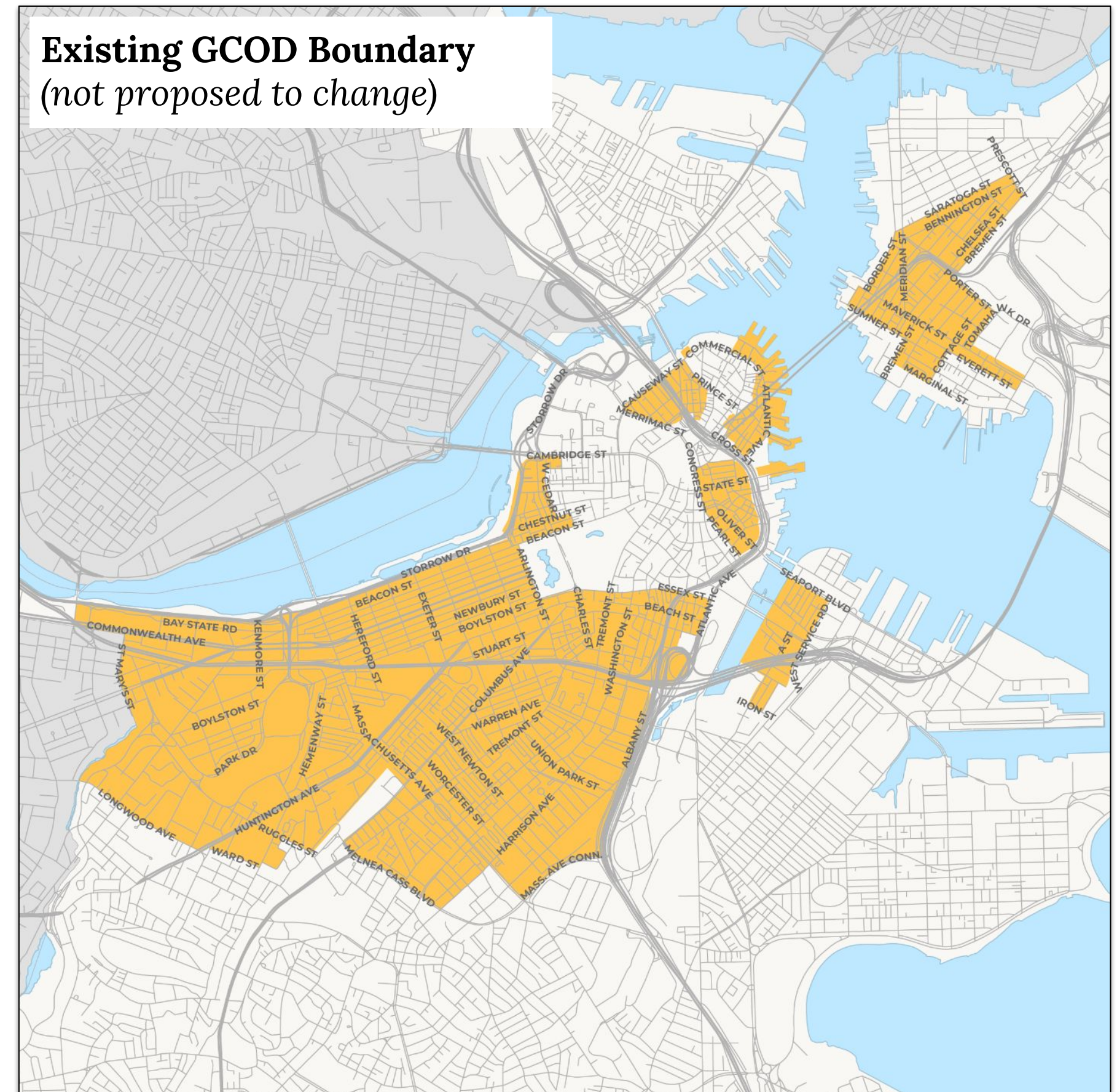
- Mapped in filled land areas where there could be wood pile foundations
- Reduces surface water runoff and water pollution
- Protects value and structural integrity of land and buildings
- Recharge systems are designed and installed to effectively facilitate water infiltration into the ground



ARTICLE 32 - GCOD

Article 32 in the Zoning Code governs regulations around GCOD.

- Only some kinds of proposed projects are subject to the regulations
- Applicable projects need to:
 - Incorporate groundwater recharge system that captures water on the site
 - Certify no negative impact on groundwater levels
- Applicable projects require approvals from:
 - Boston Water & Sewer Commission (BWSC)
 - Boston Groundwater Trust (BGwT)
 - Zoning Board of Appeals (ZBA)



APPLICABLE PROJECTS



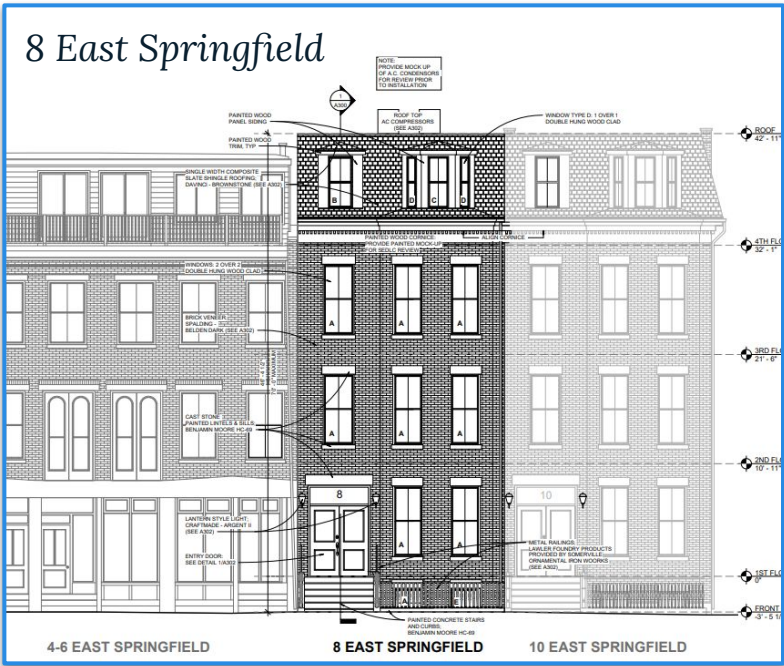
1 Dig Down

Erection or extension of any structure that requires excavation below 8 feet Boston City Base.



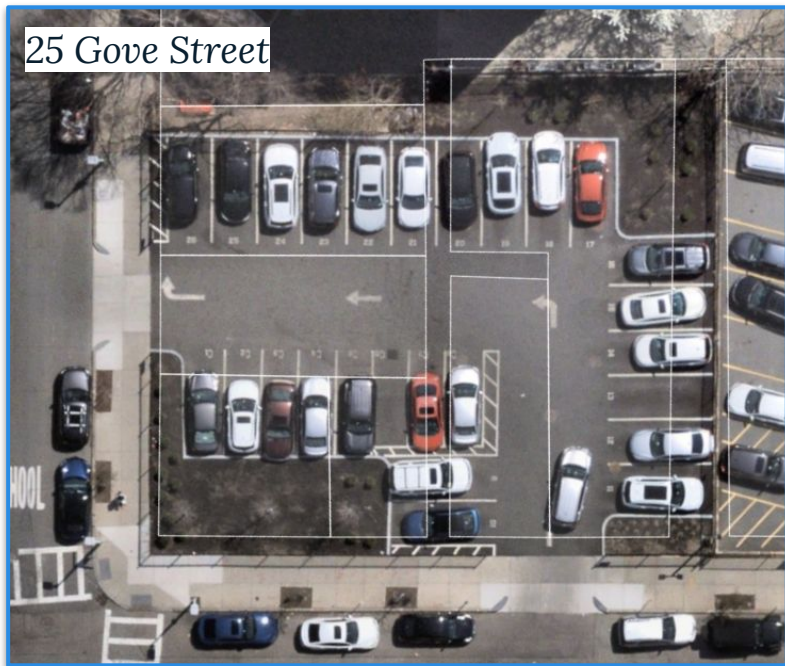
2 Lot Coverage

Erection or extension of any structure where the lot coverage increases by more than 50 square feet.



3 Paving

Any new paving or replacement paving of an existing paved surface.



4 Substantial Rehabilitation

Rehabilitation of a structure that costs more than 50% of the physical value of the structure.

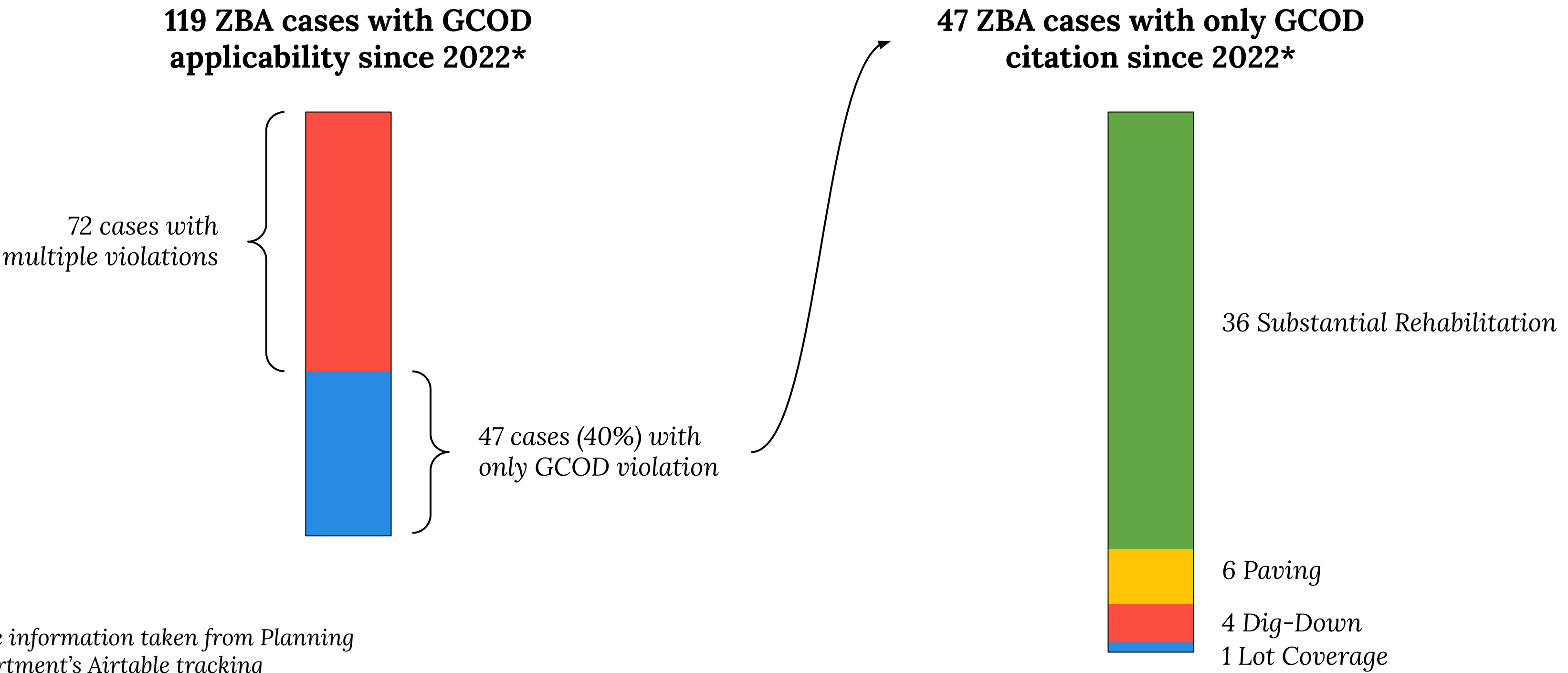


**All project examples have GCOD as the only zoning violation*

GCOD APPLICABILITY AT THE ZBA



GCOD compliance is ultimately confirmed by BWSC and BGwT staff rather than ISD plans examiners, often meaning the Zoning Board of Appeal is an unneeded venue for evaluating all GCOD projects.

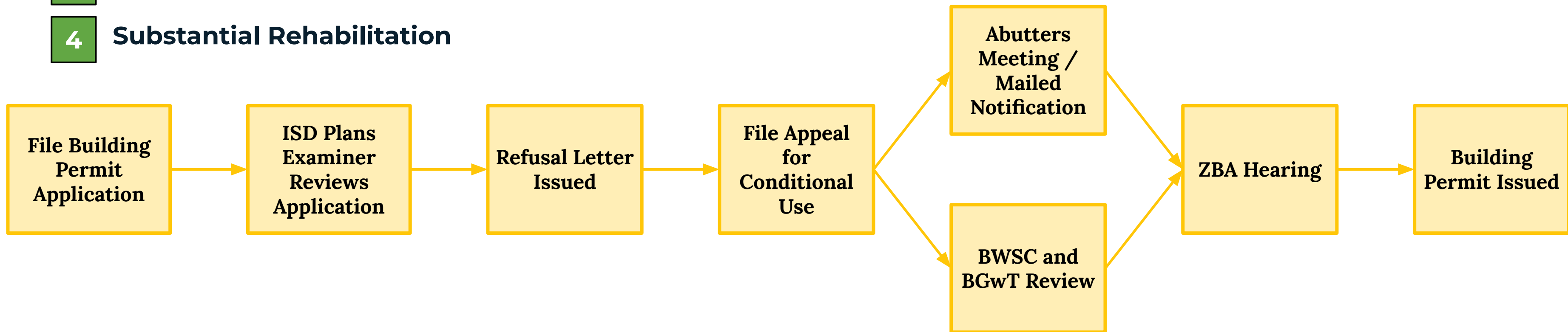


*Case information taken from Planning Department's Airtable tracking

EXISTING PROCESS - All Projects Conditional Use

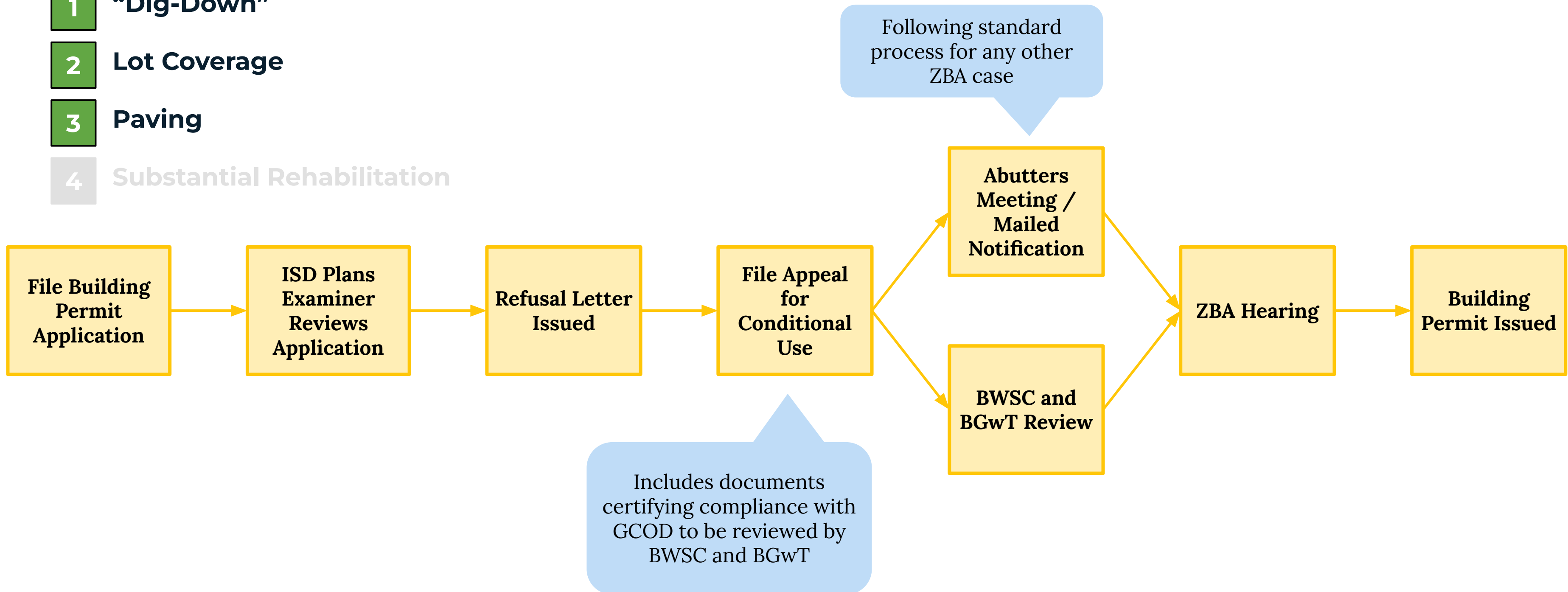


- 1 "Dig-Down"
- 2 Lot Coverage
- 3 Paving
- 4 Substantial Rehabilitation



EXISTING PROCESS - Conditional Use

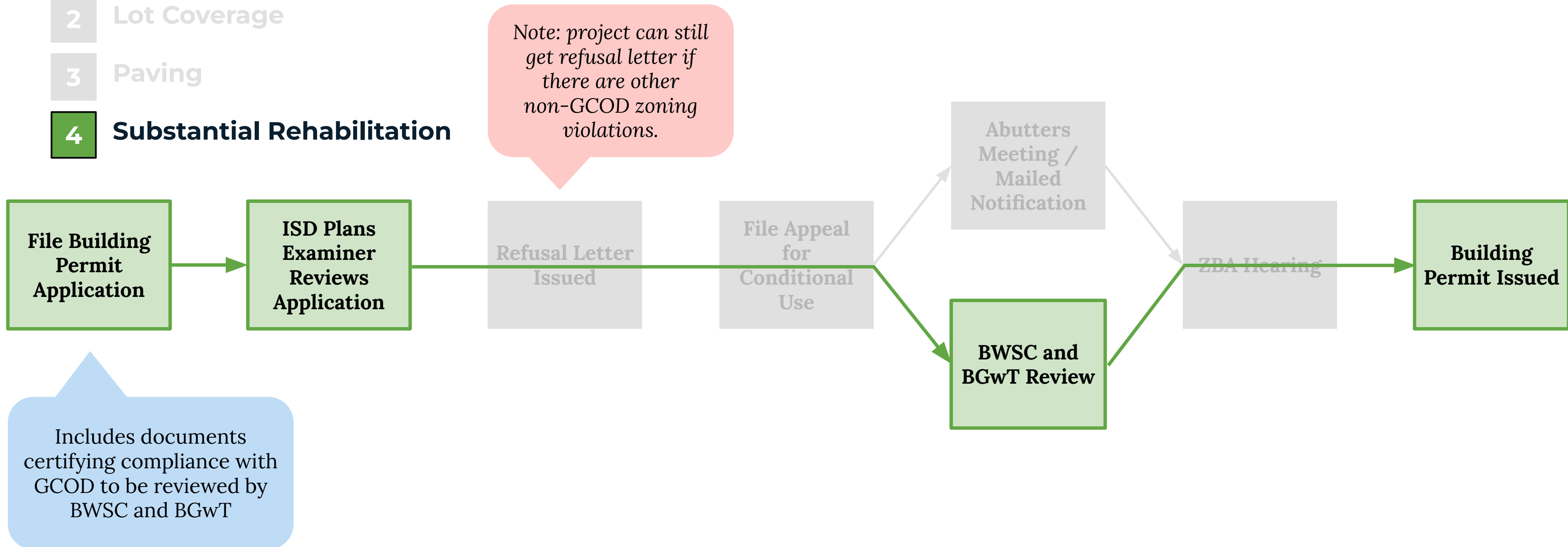
- 1 "Dig-Down"
- 2 Lot Coverage
- 3 Paving
- 4 Substantial Rehabilitation



PROPOSED PROCESS - Building Permit



- 1 "Dig-Down"
- 2 Lot Coverage
- 3 Paving
- 4 Substantial Rehabilitation**



OTHER CHANGES



Besides removing Substantial Rehabilitation projects from needing a conditional use permit, other small administrative changes are also proposed:

- Removing unnecessary sections of Article 32 that are duplicative of other parts in the Code
- Moving the definition for Substantial Rehabilitation from Article 32 to Article 2 - Definitions
- Simplifying the purpose statement language
- Adding the GCOD map to the Article 32 text rather than in an appendix

ENGAGEMENT



- Worked closely with BGwT, BWSC, and ISD on draft zoning
- Virtual Public Meeting on Tuesday, August 19th
- Attended neighborhood association meetings:
 - Jeffries Point Neighborhood Association | Monday, August 11
 - Neighborhood Association of the Back Bay | Wednesday, August 20



DOWNTOWN ZONING TEXT AND MAP AMENDMENTS

BZC | October 22, 2025



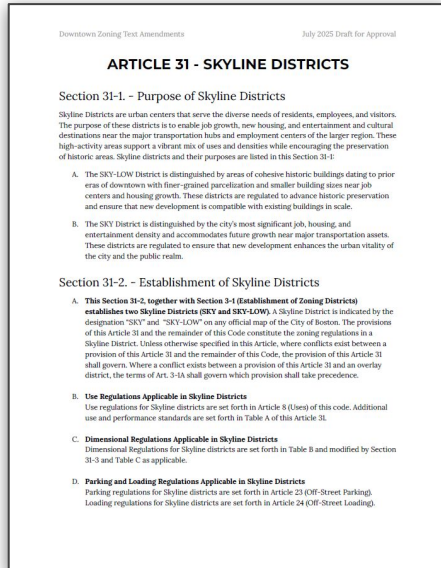
Planning Department



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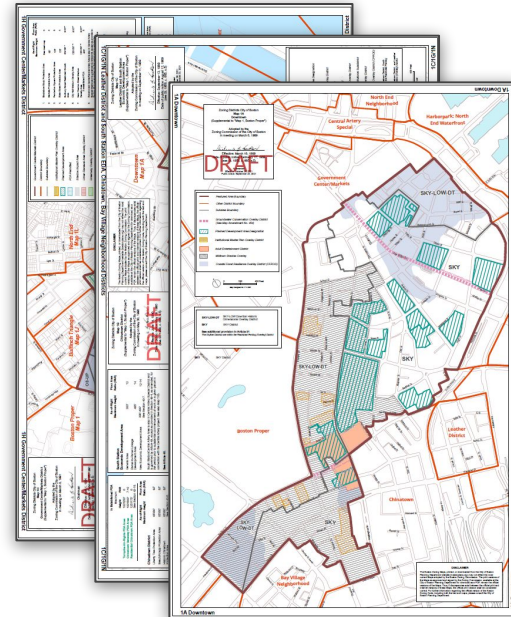
Zoning Text Amendment

Introduces new Skyline Districts and applies modernized use table to Downtown, to strengthen historic preservation, enable the growth of new and existing businesses, and encourage housing growth and new mixed-use density.



Zoning Map Amendment

Aligns Downtown zoning maps with PLAN: Downtown and applies new Skyline Districts.



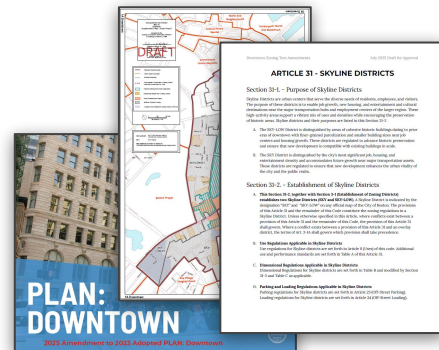
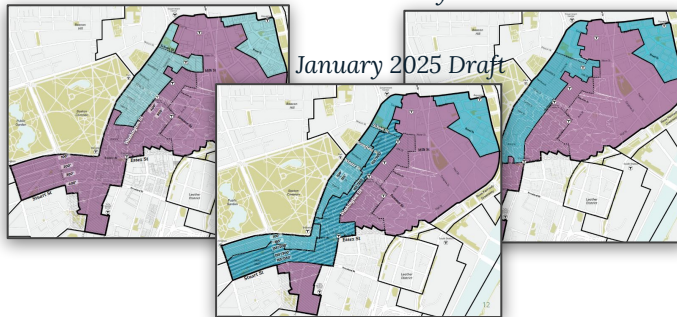
PROCESS SO FAR



April 2024 Draft

July 2025

January 2025 Draft



PLAN: DOWNTOWN

- 2018 - *Approved 2023*
- Mandated by the Massachusetts House Bill 3749 in 2017 to respond to intense development pressure Downtown and create a comprehensive plan to guide growth
- Includes: Development framework, zoning, open space, mobility, policy recommendations, and Downtown Design Guidelines

DOWNTOWN ZONING DRAFTING

- *January 2024 - September 2025*
- 5 public meetings
- 3 zoning drafts
- 8 months of public comment periods
- 23 office hours
- 14 stakeholder meetings with community groups, preservation advocates, residents, small businesses, and property owners.
- Downtown Historic Character Study

PLAN & ZONING AMENDMENT

- Zoning text amendment
- Zoning map
- Amendment to PLAN: Downtown and Historic Context Design Guidelines
[Approved by BPDA Board 9/19]

BACKGROUND | PLAN: DOWNTOWN



PLAN: Downtown (Approved Dec. 2023) established a framework for the growth, enhancement, and preservation of Downtown, by identifying two types of areas to guide future development that form the basis of new zoning districts:

ENHANCE AREAS

Find opportunities to improve and elevate the area while affirming its distinct historic and cultural identity.

GROWTH AREAS

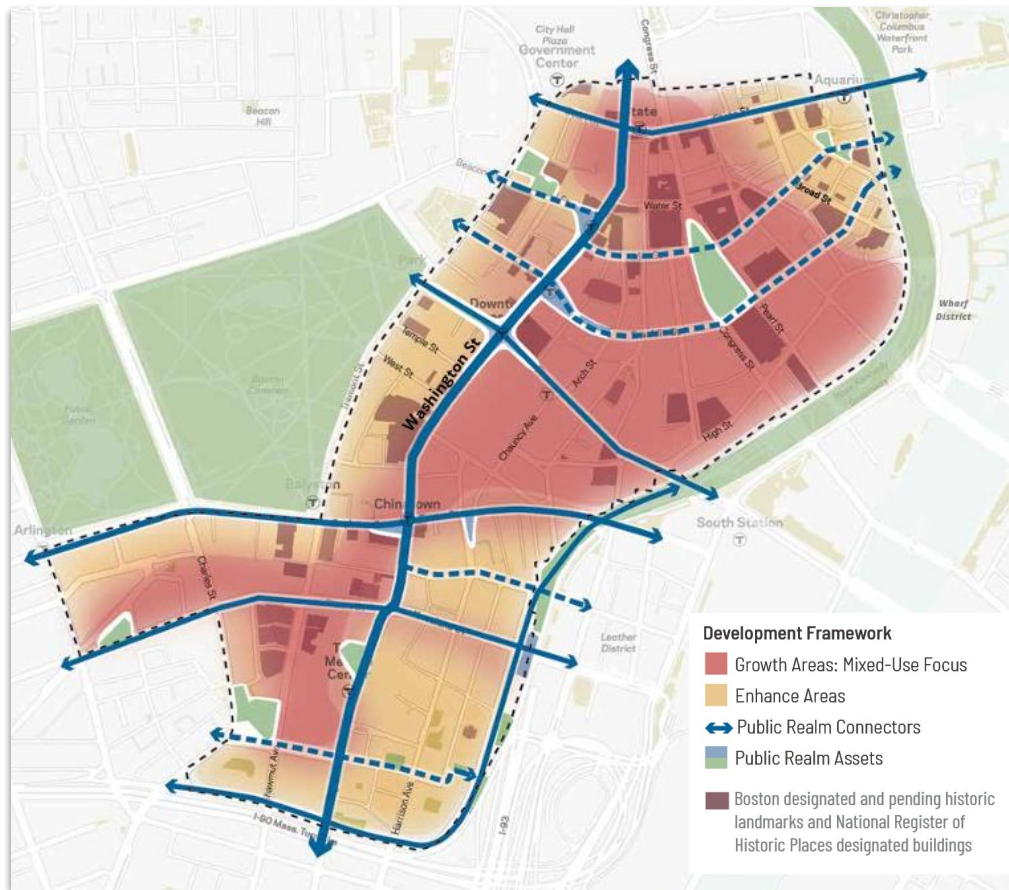
Encourage large-scale mixed-use development opportunities that provide benefits for all of Downtown.

Approved by BPDA Board 9/19:

New language that emphasizes the critical need to prioritize and incentivize housing growth

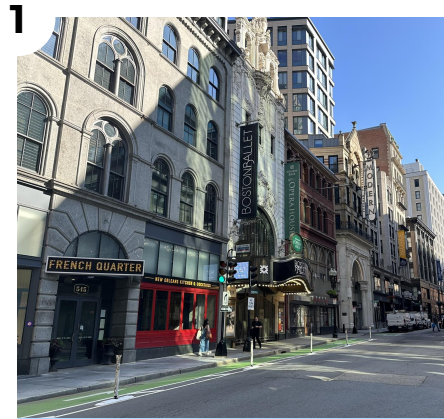
Downtown through new development, adaptive reuse, and the inclusion of residential uses in mixed-use projects.

PLAN: Downtown Development Framework



DOWNTOWN PLANNING & ZONING GOALS

The PLAN: Downtown and zoning amendments focus on the following key goals to create a more vibrant, inclusive, and thriving Downtown:



**Strengthening
Historic Preservation
& Adaptive-Reuse**



**Unlocking Affordable
Housing and
Reinvestment
Downtown**



**Enabling the Growth
of Local Businesses**



**Reinforcing the City's
Commitment to State
Shadow Regulations**

DOWNTOWN ZONING INITIATIVE BOUNDARY



ZONING AMENDMENT: INTRODUCING SKYLINE DISTRICTS

SKYLINE DISTRICTS enable job growth, new housing, entertainment and cultural destinations, and a vibrant mix of uses while encouraging the preservation of historic areas.

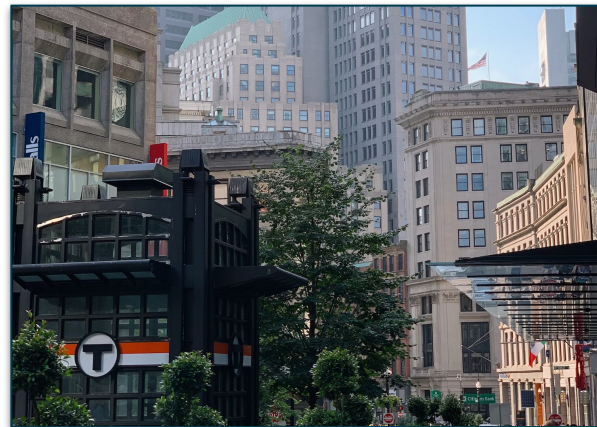
The Skyline District contains 2 districts:

- ➔ **SKY-District**
- ➔ **SKY-LOW District**



SKY-LOW DISTRICTS are areas of cohesive historic buildings dating to prior eras of downtown. **Historic Overlays** within this district, noted as **SKY-LOW-DT**, set smaller height and form regulations specific to the scale of the area.

155' or Shadow Law, whichever is lesser and limited eligibility for PDAs



SKY-DISTRICTS are characterized by the city's most significant job, housing, and entertainment density and accommodates future growth near major transportation assets.

Shadow Law Limit/Critical Airspace limit, whichever is lesser

SKYLINE DISTRICTS MAP



Based on PLAN: Downtown's framework, the zoning map enables the growth and housing Downtown needs, while preserving the scale and character of its most cohesive historic areas.

SKY-LOW-DT

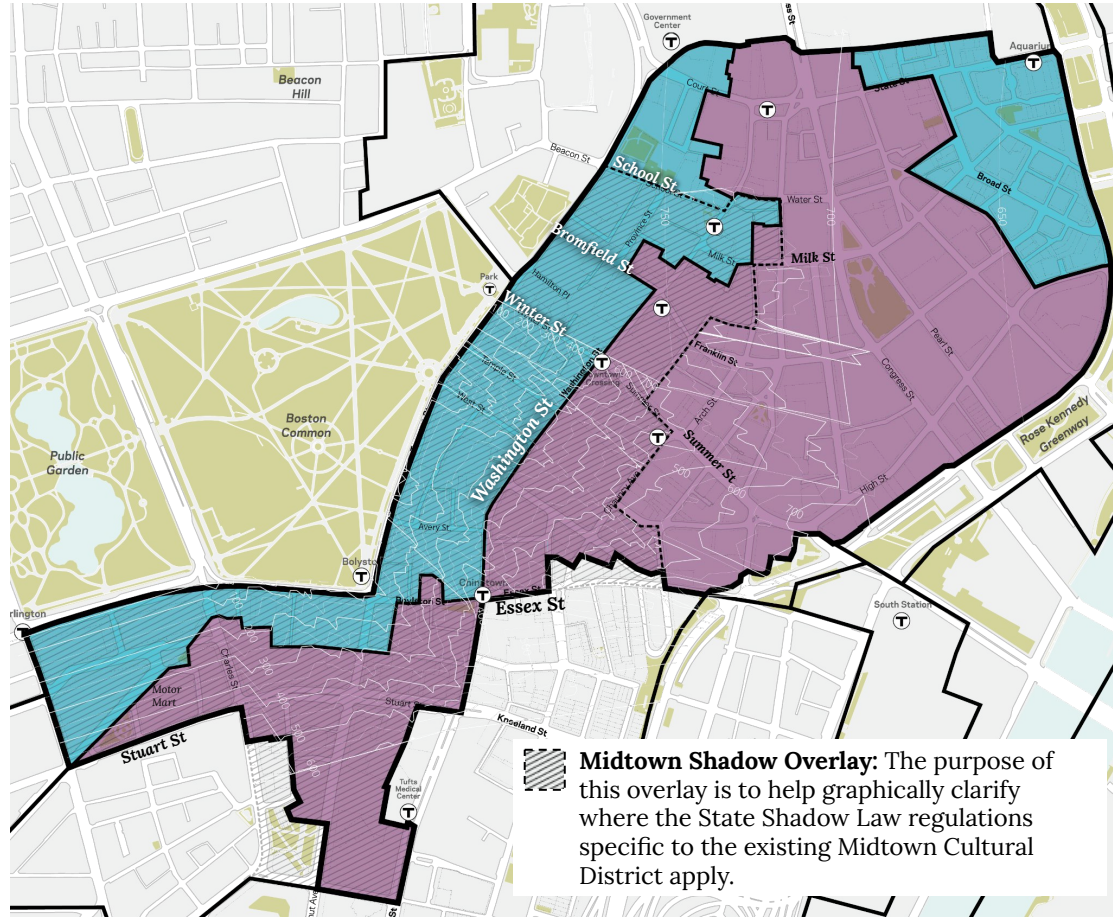
Prioritizes preservation of existing structures and scale with greater height and form regulations.

- 155' or Shadow Law, whichever is lesser
- Limited eligibility for Planned Development Area (PDAs)

SKY

Maximizes mixed-use development opportunities near major transportation assets.

- Shadow Law Limit/Critical Airspace limit, whichever is lesser





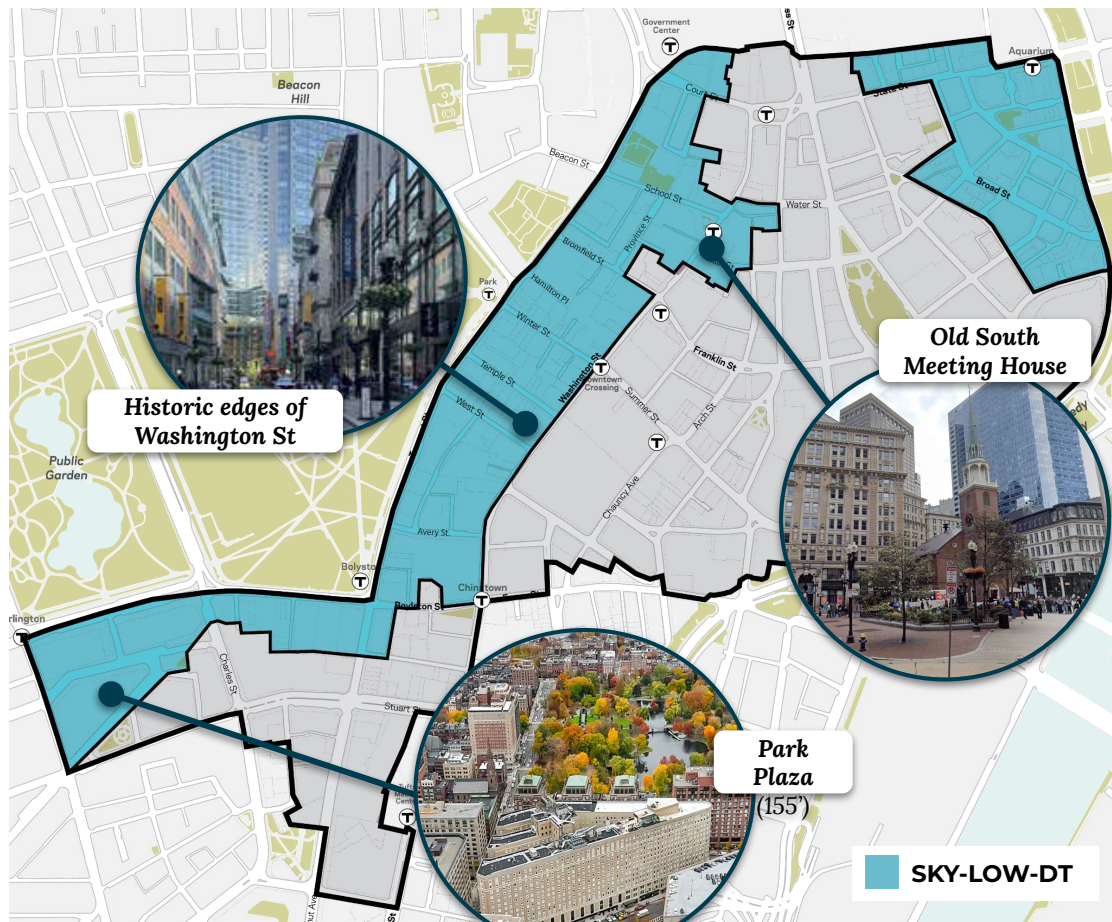
STRENGTHENING HISTORIC PRESERVATION & ADAPTIVE-REUSE



EXPANDING PROTECTIONS FOR HISTORIC AREAS

SKY-LOW-DT district (155' max. building height or lower State Shadow Regulations) includes key historic areas along Washington St, the Ladder Blocks, around the Old South Meeting House, and Park Plaza.

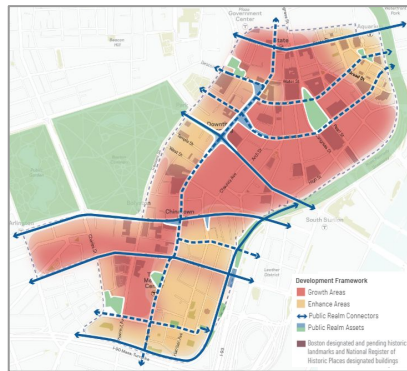
SKY-LOW-DT



CHANGES TO ZONING MAP OVER TIME

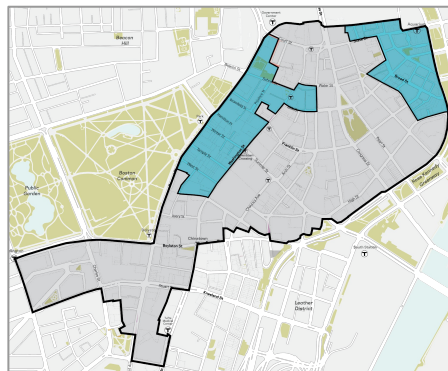
Refined through community feedback, the Downtown zoning map builds on the 2023 PLAN: Downtown map and expands SKY-LOW-DT to strengthen protections for historic areas.

PLAN: Downtown

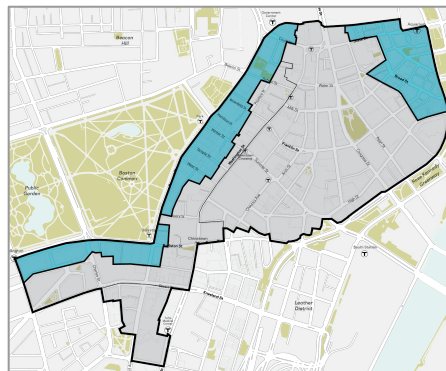


December 2023

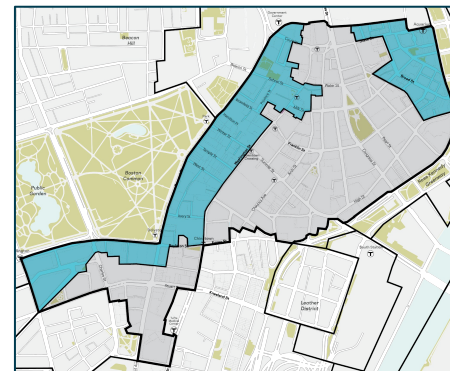
Zoning Process



April 2024 Draft



January 2025 Draft



September 18 Map Amendment

Enhance Areas
Growth Areas

SKY-LOW-DT

INCENTIVIZING HOUSING DEVELOPMENT & PRESERVATION: LIMITED PDA ELIGIBILITY

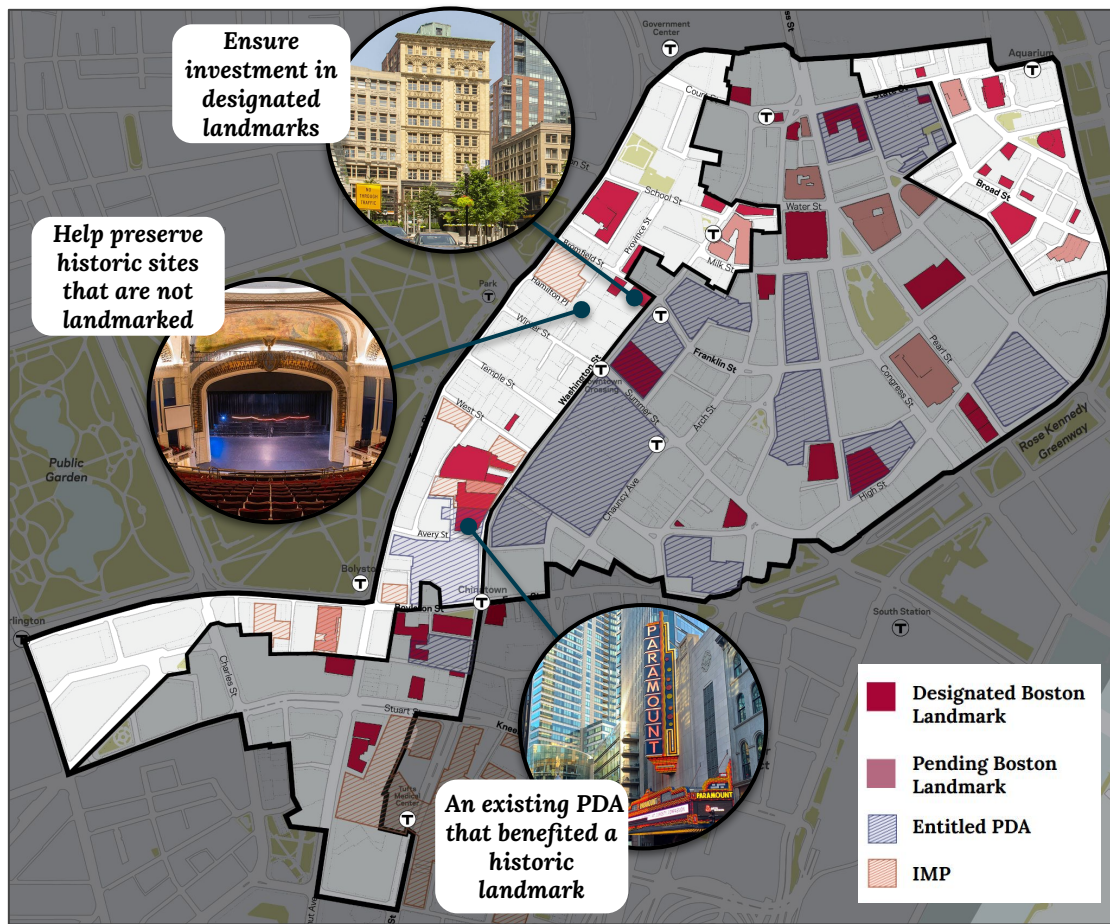


The zoning introduces a strictly limited option for Planned Development Areas (PDAs) that requires new housing and mixed-use development to support the preservation of historic buildings and Landmarks.

ELIGIBILITY CRITERIA FOR PDAS:

- Within SKY-LOW-DT
- Includes at least 1-acre site
- Includes a designated Landmark
- At least 60% GFA residential
- Must invest in and preserve Landmark(s) and historic buildings with any work on a Landmark subject to review and approval by BLC

SKY-LOW-DT



PRIORITIZING ADAPTIVE REUSE

The new zoning reduces barriers for building conversions and creates targeted incentives for adaptive reuse:

- **Removes outdated requirements**, such as for that force office-to-residential conversion projects—including four recent examples—to seek variances.

[Replaces B-10 areas of Downtown with Skyline Districts, eliminating the existing requirement that lot area, lot width, usable open space, and yard requirements match the nearest R district]

- **Introduces an adaptive reuse incentive** (Section 31-4), since new ground-up construction must meet new stricter dimensional standards.
- **Supports building retention and upgrades with flexibility**, allowing additions needed for upgrades like electrification.

RECENT OFFICE-TO-RESIDENTIAL PROGRAM PROJECTS



281 Franklin St (15 units)



85 Devonshire St (95 units)



10 Liberty/12 Post Office Sq (70 units)



31 Milk St (110)

ENHANCING THE PUBLIC REALM & EXISTING CONTEXT

New dimensional and change of use restrictions ensure new development respects existing context and activates the public realm:

- Reduce large blocks, prevent large parcel assemblages, and expand the public realm by **limiting floor plate sizes and building lot coverage**.
- Require **Ground Floor Outdoor Amenity Space** for large lots to expand the public realm
- Mandate **upper-story stepbacks** to align with historic neighbors and reduce wind impacts
- Foster a more vibrant streetscape by **limiting the ground-floor Blank Walls**
- **Preserve existing theaters** by continuing change-of-use restrictions
- Introduce a **smaller design review threshold** (20,000 sf) for projects



UNLOCKING AFFORDABLE HOUSING AND REINVESTMENT DOWNTOWN

2

ENABLING DEVELOPMENT IN CRITICAL AREAS DOWNTOWN



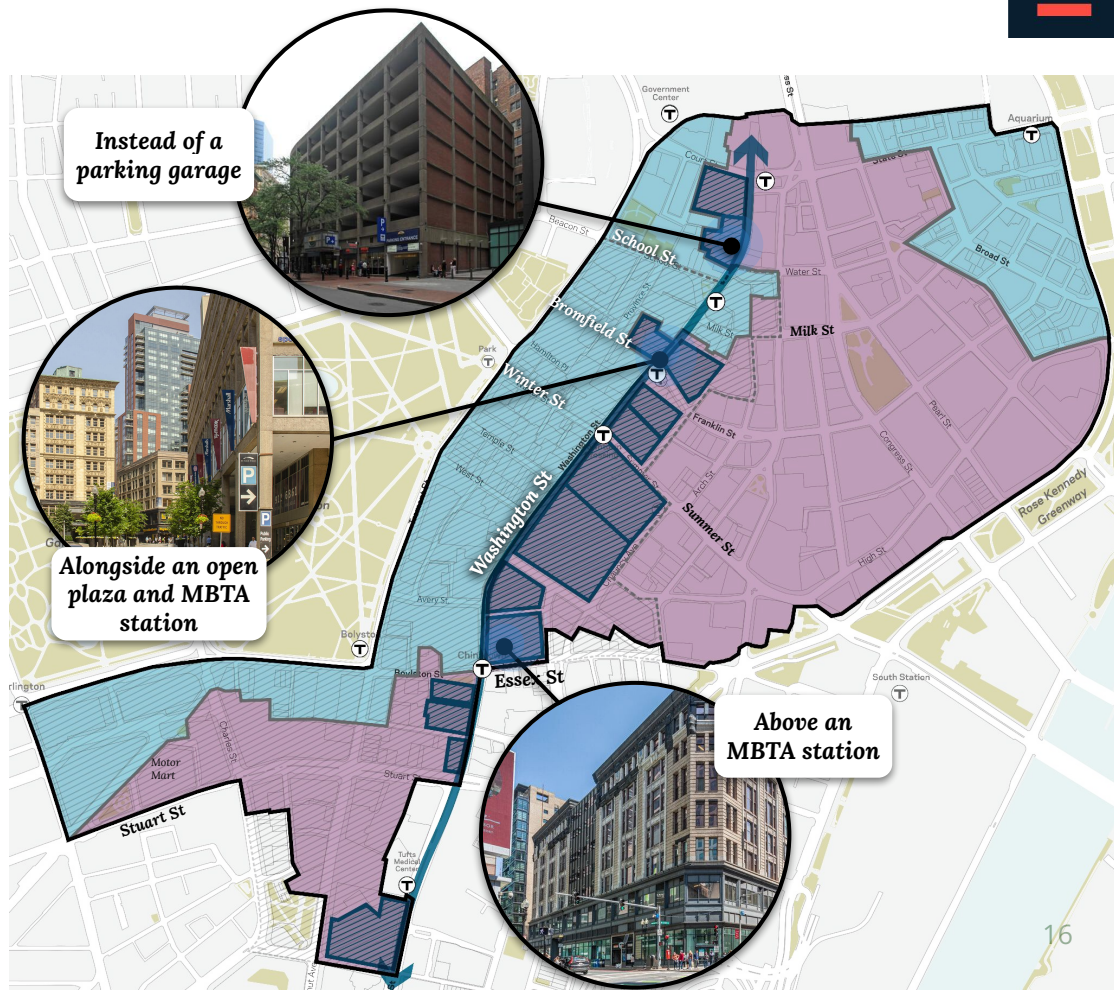
The zoning unlocks opportunities for critical new housing and mix of uses at the center of Boston's transit network.

All large scale development must undergo thorough review through the Article 80 process:

- Requires projects to assess and mitigate impacts on traffic, environment (wind and shadow), and historic and cultural resources
- Enforces Downtown's new design guidelines



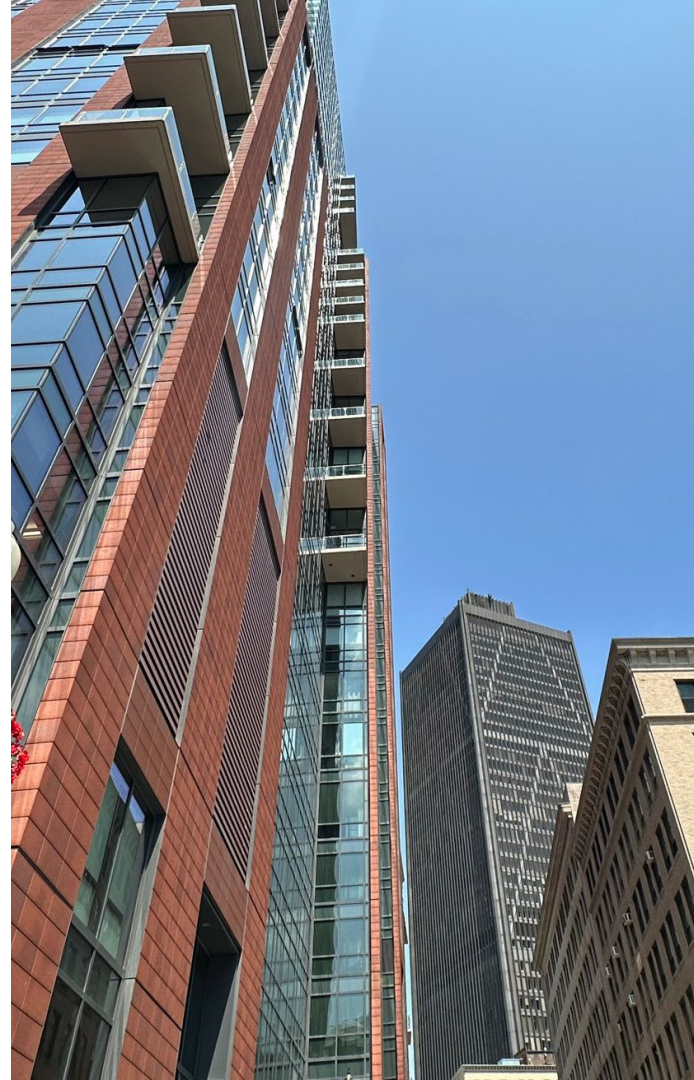
Along Washington St, increased building height is only allowed for development that is predominantly residential



FOCUSING ON RESIDENTIAL GROWTH

To prioritize residential development Downtown the new zoning:

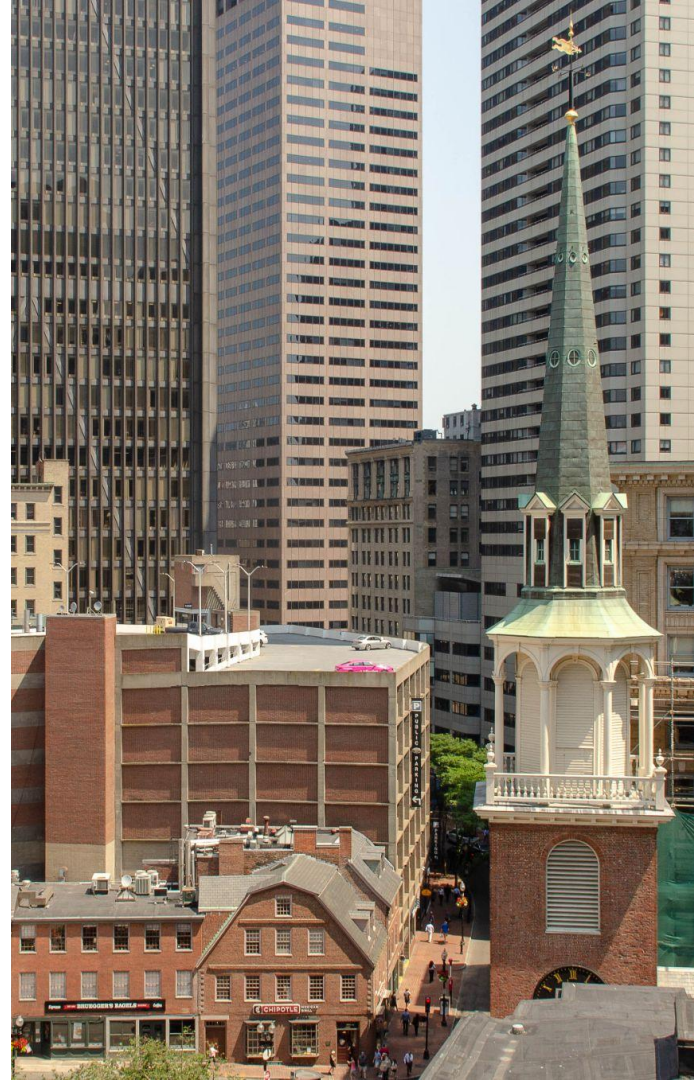
- **Allows residential uses in all Skyline districts**
- **Prioritizes residential development along Washington Street** by only allowing new height above 200' for predominantly residential projects
- **Makes research lab uses over 50,000 SF conditional** to allow site-by-site review of loading and ventilation impacts
- **Makes hotel uses over 50,000 SF or 50 rooms conditional** to evaluate pick-up/drop-off and site-specific needs
- **Makes new office uses over 250,000 SF conditional** to support investment in existing office while ensuring new office includes residential and every opportunity for a mix of uses. *This additional zoning review will sunset on January 1, 2030, unless renewed by the Zoning Commission after evaluating its impact on Downtown's vitality as both a housing and job center.*



UNLOCKING AFFORDABLE HOUSING DOWNTOWN

All residential projects must comply with Inclusionary Zoning, producing affordable housing at a scale not feasible in other parts of the City.

- 17 percent income-restricted at an average of 60% of AMI, with an additional 3% of units reserved for people with housing vouchers.
- Required to be onsite. Any offsite units must be located within a half-mile of the project, ensuring affordable units stay Downtown, requires special approval from the Mayor's Office of Housing, and a greater percentage of affordable units.
- Zoning allows and affirms needed (and present) types of affordable housing and services, including shelter facilities, supportive housing, and lodging houses that are valued and essential parts of downtown.



ENABLING THE GROWTH OF LOCAL BUSINESSES

3

ENABLING THE GROWTH OF LOCAL BUSINESSES

The new zoning reduces outdated land uses regulations that create extra hurdles of review for the existing and new businesses we want to see more of Downtown.

- New zoning would have prevented 8 ZBAs cases for small businesses within the past year.
- 200+ existing Allowed Uses and 112 Ground Floor Uses and YET... fitness uses and escape rooms are forbidden.
- Uses like coffee houses and ice-cream shops (all of which are considered a take-out use) are currently conditional.

“This sustainable approach to urban development will help Downtown Boston recover and thrive, supporting small businesses like mine while creating a more dynamic, 24/7 neighborhood.” - Small business owner Jan ‘25 draft



REINFORCING THE CITY'S COMMITMENT TO STATE SHADOW REGULATIONS

4

EXISTING STATE SHADOW LAWS

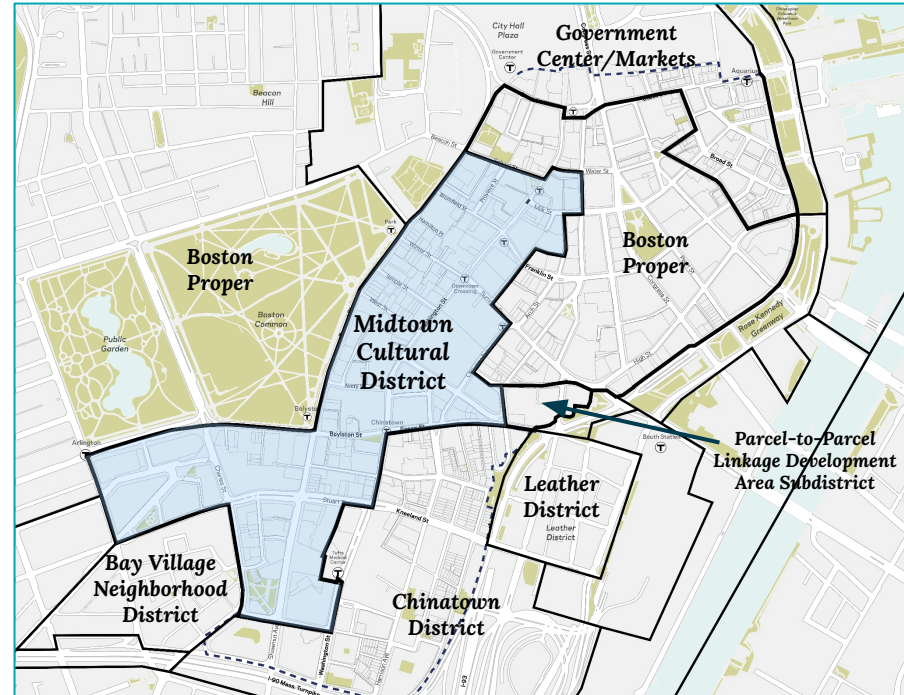
Boston Common Shadow Law (Ch. 362, Acts of 1990; Ch. 384, Acts of 1993; Ch. 57, Acts of 2017)

- **Projects inside the Midtown Cultural District:** May cast up to 2 hours of shadow between 8:00 am and 2:30 pm from March 21 through October 21
- **Projects outside the Midtown Cultural district:** No new shadow between the first hour after sunrise or 7:00 a.m. (whichever is later) and the last hour before sunset.

Public Garden Shadow Law (Ch. 384, Acts of 1993; CH. 57, Acts of 2017)

- **Projects inside the Midtown Cultural District:** May cast shadows after 10:00 am from March 21 through October 21.
- **Projects outside the Midtown Cultural district:** No new shadow between the first hour after sunrise or 7:00 a.m. (whichever is later) and the last hour before sunset.

Existing Zoning Districts:




REINFORCING STATE SHADOW LAW AND CRITICAL AIRSPACE

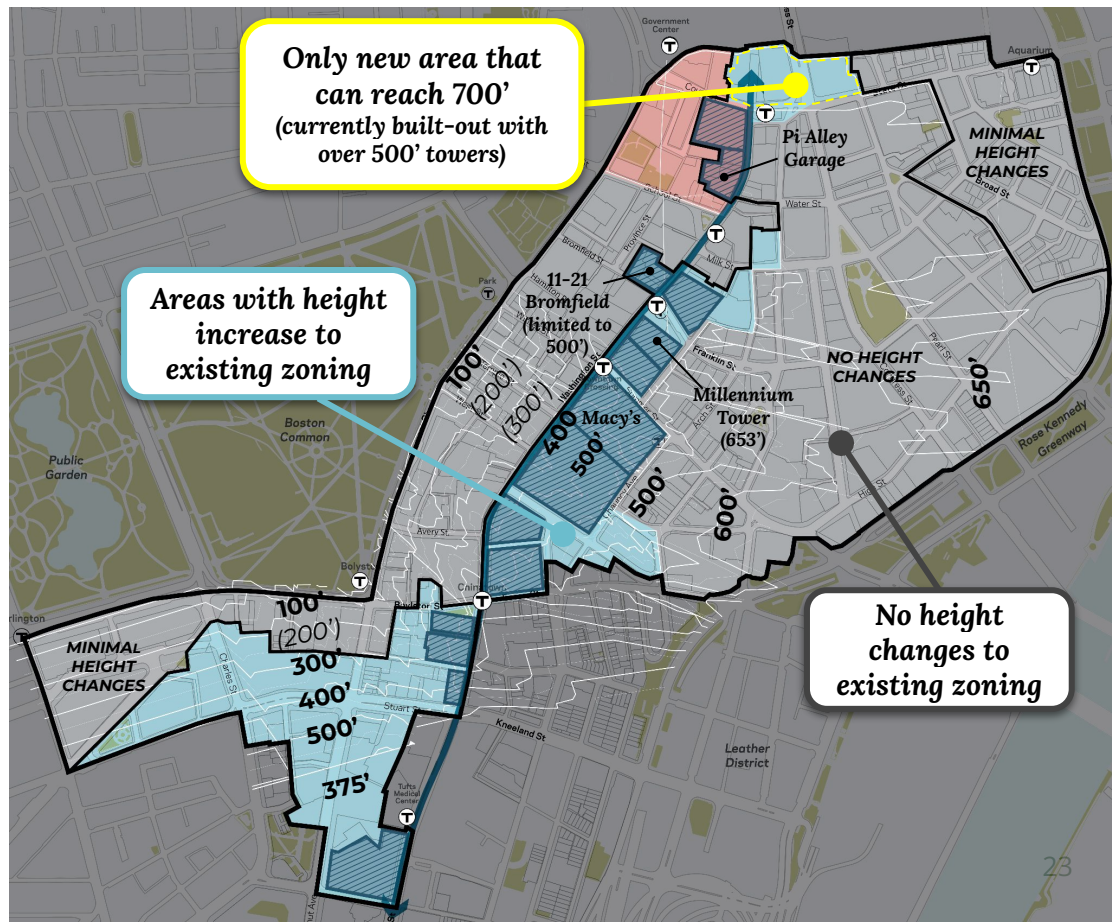
The new zoning incorporates references to **State Shadow Regulations and Critical Airspace** restrictions directly into the zoning code.

State Shadow Regulations can only be altered at the state level, making them stronger than and superseding local zoning.

COMPARED TO EXISTING ZONING:

-  No to minimal (<90') height changes
-  **Downzoned** areas where significant height is currently allowed
-  **Upzoned** areas are focused around areas near transit assets
-  **New height only for new residential development** (or State Shadow Regulations, whichever is lesser)

Approximate Limits of State Shadow Regulations & Critical Airspace (whichever is lesser):





SUMMARY OF MAP UPDATES & TEXT AMENDMENTS

SUMMARY OF TEXT AMENDMENTS

[New] Article 31: Creates new Skyline Districts, includes dimensional regulations and additional use and performance standards for uses listed in Article 8.

Article 8: Article 8 adds Skyline Districts to the recently modernized use table, Table A

Article 2: Adds definitions for Accessory Public Transit Use, Midtown Shadow Overlay, Office Extra-Large, Stepback Height, and State Shadow Regulations.

Miscellaneous updates to ensure Article 31, updates to Article 8, and changes to the Zoning Map are reflected throughout the Zoning Code:

- **Article 3:** Edits to formally create Skyline Districts in the Boston Zoning Code.
- **Article 11:** Retains existing sign regulations for the Midtown Cultural District for the same geography.
- **Article 23:** Parking regulations for Skyline Districts, removing any minimum parking requirements for small projects.
- **Article 85:** Adds restrictions on change of use or occupancy of Theater structures.
- **Removal of text referencing districts, subdistricts, or areas that are being incorporated into Skyline Districts:**
 - Midtown Cultural District (Article 38)
 - Parts of South Station Economic Development Area (Article 40): Parcel-to-Parcel Linkage Development Area
 - Parts of Government Center/Markets (Article 45): Congress/State Street Medium Density Area, State Street Protection Area

MAP CHANGES

Changes to zoning maps and overlays
(Maps 1A, 1H, 1C/1G/1N):



Applies Skyline Districts



Adds Midtown Shadow Overlay to graphically clarify where the State Shadow Law regulations specific to the existing Midtown Cultural District apply.



Moves areas into the Chinatown District



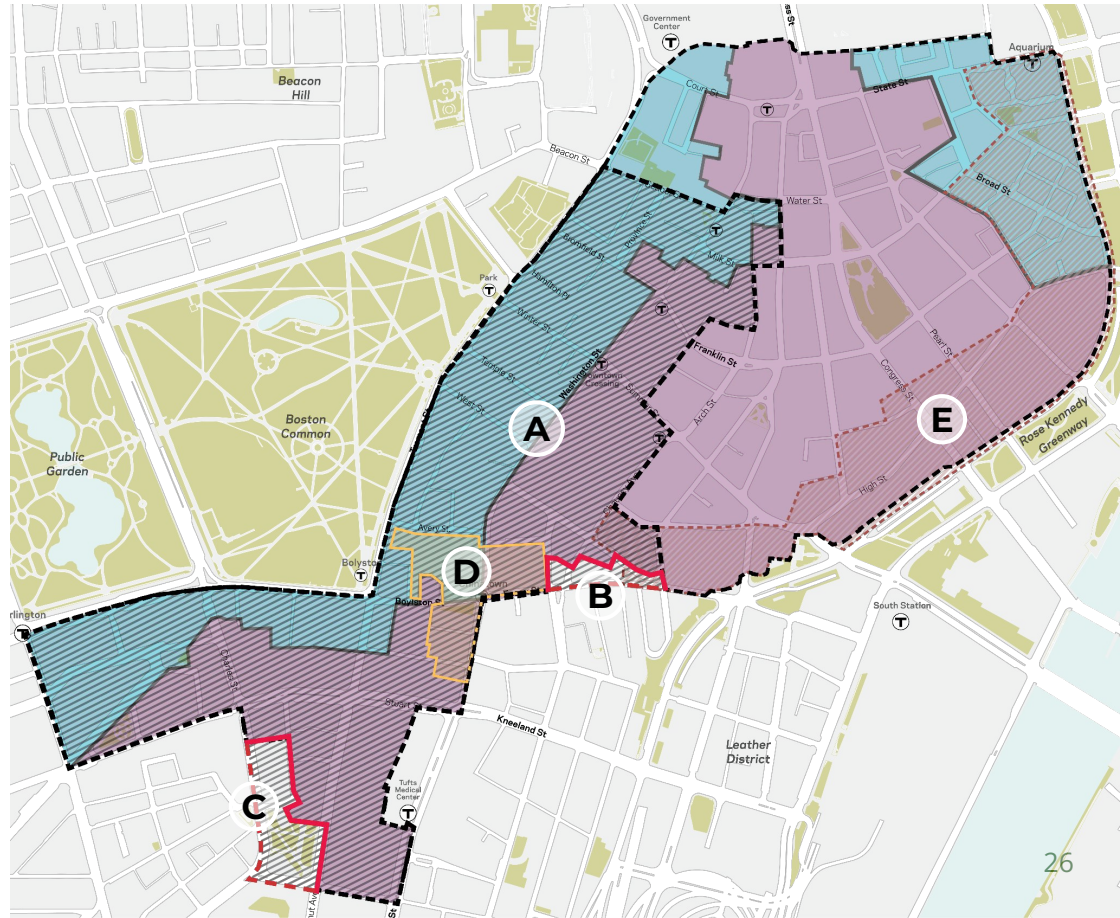
Moves areas into the Bay Village Neighborhood District



Adjusts Adult Entertainment District, eliminating it from Chinatown where adult entertainment uses do not exist.



Removes Greenway Overlay District from areas with new Skyline Districts to ensure districts have modernized and consistent land uses. Reference to the Greenway Overlay District's Design Guidelines added to PLAN: Downtown's Design Guidelines.



DOWNTOWN ZONING

The zoning changes maximize multiple approaches to support growth at every scale and build a stronger, more vibrant Downtown for generations to come.



Promote businesses like coffee houses and bakeries to drive foot traffic and activity.

New zoning would have prevented 8 ZBAs cases within the past year



Maximize the potential for adaptive reuse and preserve historic character.

4 office-to-residential zoning projects will need variances from preexisting open space zoning violations



Enable new development to bring more people Downtown and affordable housing at a scale not feasible in other parts of the City.



Use strategic zoning tools to encourage housing while investing in and preserving historic sites.