

DRAFT Text Amendment Application No. XXX
Boston Redevelopment Authority
d/b/a Boston Planning and Development
Agency
Article 80: Development Impact Project
Exactions

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956, as amended, as follows:

By amending **Article 80, Development Review and Approval**, in the manner described below.

1. Section 80B-7.2 Definitions (a) (Development Impact Project)
 - a. In Sections 80B-7.2(a) subsections (ii), and (iii)(i), (ii) & (iii), DELETE “one hundred thousand (100,000)” and INSERT the following: “fifty thousand (50,000)”
 - b. After the section; “(i) The measurement of gross floor area excludes all accessory parking garage space...” Insert the following:

“...and shall include research lab-dependent mechanical equipment area.”
 - c. In the Table under (c) “Development Impact Use” in the row labeled “Educational” under Use Item Numbers column, DELETE the following:

“24”

And INSERT a new row at the bottom of the Table for the Use: “Research Laboratory”

Use Item: “24”
2. In Section 80B-7.4(a) (Housing Contribution Grant)

- a. In the first section (i) of said section 80B-7.4(a) (Amount of Grant):
 - (i) The paragraph shall be DELETED and INSERT the following:
"Payment of a Housing Contribution Grant shall be required in the amount specified in Table A in subsection 7 of this Section 80B-7."
 - b. The second section, (ii), of said section 80B-7.4(a) (Allocation of Grant):
 - (i) The paragraph shall be deleted in its entirety.
 - c. The third section, (iii), of said section 80B-7.4(a) (Payment Schedule):
 - (i) The paragraphs (1) and (2) shall be DELETED and INSERT the following: The Housing Contribution Grant shall be made to the Neighborhood Housing Trust in two (2) equal installments, the first installment is due on or before the issuance of a Building Permit for the Proposed Project, and the second installment is due on or before the issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy permit for the Proposed Project. A prepayment of the Housing Contribution may require an additional contribution at the issuance of a Certificate of Occupancy to reflect actual eligible square footage, but no refund shall be allowed for overpayment.
 - d. The fourth section (iv) of said section 80B-7.4(a) (Notice of First Payment):
 - (i) The two sentences beginning with "Notice" and ending with "Grant." shall be DELETED and INSERT the following: "Notice of Payment. Written notice shall be given by the applicant of the Proposed Project to the Secretary of the Boston Redevelopment Authority, of the due date of the payment of the Housing Contribution Grant."
 - (ii) The section (1), beginning "General Payment" and its subsections (a) and (b) shall be DELETED.
 - (iii) The section (2), beginning "Special Downtown District..." shall be DELETED.
3. In Section 80B-7.5(a) Jobs Contribution Exaction (a) Jobs Contribution Grant

a. In the first paragraph of said section 80B-7.5(a) (i) (Amount of Grant):

- (i) After the words "shall be required in the amount..." DELETE the rest of the sentence and INSERT the following: "...specified in Table A in subsection 7 of this Section 80B-7".
- (ii) DELETE section 80B-7.5(a) (ii) Allocation of Grant
- (iii) DELETE section 80B-7.5(a) (iii) and INSERT the following: "(iii) Payment Schedule. The Jobs Contribution Grant shall be made to the Neighborhood Jobs Trust in two (2) equal installments, the first installment is due on or before the issuance of a Building Permit for the Proposed Project, and the second installment is due on or before the issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy permit for the Proposed Project. A prepayment of the Jobs Contribution may require an additional contribution at the issuance of a Certificate of Occupancy to reflect actual eligible square footage, but no refund shall be allowed for overpayment."
- (iv) DELETE section 80B-7.5(a) (iv) and INSERT the following: "Notice of Payment. Written notice shall be given by the applicant of the Proposed Project to the Secretary of the Boston Redevelopment Authority, of the due date of the payment of the Housing Contribution Grant."

4. In Section 80B-7.5(b) (Jobs Contribution Exaction Grant) (a) Jobs Contribution Option

- (i) After the words "Mayor's Office of..." DELETE the words "Jobs and Community Services" and INSERT the words "Workforce Development"

5. In Section 80B-7.6(c) (Recalculation of Payment Formula):

- (i) Section (c), beginning with the words "Recalculation of Payment Formula" and ending with "...the following criteria:" shall be DELETED and INSERT the following:

"(c) Recalculation of Payment Formula. Annually on each July 1st, beginning in 2024, the affordable housing exaction and the employment exaction shall be automatically adjusted by the BRA to reflect the combined index. Provided further, that the zoning

commission may adopt additional adjustments based on BRA recommendations, based on a consideration of the following criteria:"

- (ii) Section (c) (iii), after the words at the end of the second paragraph, "...effective date of such amendment." INSERT the following paragraph:

"In addition, no such increase shall apply to any new large-scale commercial real estate development for which an application for a conditional use permit, exception, zoning map or text amendment or variance, Project Notification Form or other Article 80 application has been filed with the appropriate governmental authority prior to the effective date of such increase or for which an application for a planned development area has been filed with the BRA prior to the effective date of such increase, whichever occurs first; provided, however, that the zoning commission may require increased exactions for any development project which seeks additional relief through the filing of a Notice of Project Change, amendment of a planned development area, or other such zoning relief as specified by the zoning commission."

- (iii) After the end of the last sentence in 80B-7.6(c) (iii) (as amended), insert the following new section:

"7. Applicability and Schedule of Housing and Jobs Exaction Rates

a. For purposes of calculating Housing and Jobs exaction rates, the following schedule shall apply:

Table A

<u>Policy Area</u>	<u>Fee 2022-2023¹</u>	<u>Fee after 2023²</u>
<u>Jobs Linkage</u>	<u>Research Labs: \$3.59/sf</u> <u>All Other DIP Uses \$3.08/sf</u>	<u>Research Labs: \$4.78/sf</u> <u>All Other DIP Uses \$3.76/sf</u>
<u>Housing Linkage</u>	<u>Research Labs: \$19.50/sf</u>	<u>Research Labs: \$26.00/sf</u>

¹ Exaction fees shall take effect upon adoption of this amendment

² Exaction fees shall take effect one (1) calendar year from the date of adoption of this amendment

	<u>All Other DIP Uses \$16.17/sf</u>	<u>All Other DIP Uses \$19.33/sf</u>
<u>Total Linkage</u>	<u>Research Labs: \$23.09/sf</u> <u>All Other DIP Uses: \$19.25/sf</u>	<u>Research Labs: \$30.78/sf</u> <u>All Other DIP Uses: \$23.09/sf</u>
<u>Gross Floor Area Threshold³</u>	<u>50,000 SF</u>	<u>50,000 SF</u>
<u>Square Foot Exemption</u>	<u>50,000 SF</u>	<u>50,000 SF</u>
<u>Payment Schedule Jobs Trust:</u>	<u>First payment at Building Permit, second payment at COO</u>	<u>First payment at Building Permit, second payment at COO</u>
<u>Payment Schedule: Housing Trust</u>	<u>First payment at Building Permit, second payment at COO</u>	<u>First payment at Building Permit, second payment at COO</u>

b. Exactions Rates for Mixed-Use Projects

i. For mixed-use projects which include both Research Lab Uses and other Development Impact Uses, exactions shall be calculated on a *pro rata* basis whereby the Research Lab Use rate and the Development Impact Project Use rates are applied proportionally based on the ratio of the Use to the total gross floor area. Research Lab Uses square footage shall include space dedicated to research lab use mechanical equipment."

5. In Article 80- Appendices, APPENDIX B to ARTICLE 80 - Development Impact Project Exactions: Area Subject to Seven-Year Payment Schedule

a. DELETE Appendix B in its entirety.

Petitioner: Boston Redevelopment Authority

³ This square footage threshold shall include space dedicated to research lab use mechanical equipment, such space shall be subject to the Research Lab linkage rate.

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Date: _____
as authorized by the BPDA Board at its
meeting of January 19, 2022.