

↔ARTICLE 80

**DEVELOPMENT REVIEW AND APPROVAL**

(↔Article inserted on May 9, 1996\*)

TABLE OF CONTENTS

	<u>Page</u>
<b>I. STATEMENT OF PURPOSE AND GENERAL PROVISIONS</b>	
Section 80-1	Purpose of this Article.....8
80-2	Scope of this Article .....9
80-3	Applicability of Review Requirements.....9
80-4	Definitions.....9
80-5	Applicability of this Article .....9
	1. <i>General Applicability to Projects and Plans</i> .....9
	2. <i>Relationship to Other Provisions of Code: Conflicts; Provisions Superseded</i> .....10
	3. <i>Exemptions from Specific Provisions of this Article</i> .....12
80-6	Coordination of Review Procedures .....14
80-7	Appeals.....15
80-8	Regulations.....15
80-9	Severability .....15
<b>II. REVIEW OF LARGE PROJECTS, PLANNED DEVELOPMENT AREA PLANS, AND INSTITUTIONAL MASTER PLANS:</b>	
Approval Requiring Boston Redevelopment Authority Vote	
<b>A. GENERAL PROVISIONS</b>	
Section 80A-1	Payment of Fees.....16
80A-2	Public Notice and Comment .....16
	1. <i>Notice of Receipt of Required Document</i> .....16
	2. <i>Notice of Boston Redevelopment Authority Hearing</i> .....16

Last amended: January 10, 2007

\*Date of public notice: March 25, 1996 (see St. 1956, c. 665, s.5).

A. GENERAL PROVISIONS (continued)

3. *Publication of Notice*.....16  
4. *Public Comments* .....18

80A-3 Distribution of Required Documents .....18

80A-4 Calculation of Time for Determinations;  
Extensions of Time; Special Impact  
Projects .....18  
1. *Calculation of Time for Determinations* .....18  
2. *Extensions of Time*.....19  
3. *Special Impact Projects: Designation and  
Review Schedule*.....19

80A-5 Agreements .....20

80A-6 Project Changes and Lapse of Time.....20  
1. *Lapse of Time: Significance* .....21  
2. *Director's Determination*.....21

B. LARGE PROJECT REVIEW

Section 80B-1 Large Project Review: Title; Purpose .....23

80B-2 Applicability of Review .....23  
1. *Downtown* .....23  
2. *Neighborhoods*.....23  
3. *Harborpark* .....24  
4. *Waiver or Modification of Large Project  
Review Requirements for Certain Projects  
in Industrial Areas*.....25  
5. *Waiver of Large Project Review  
Requirements for Certain Projects to  
Preserve or Create Affordable Housing*.....26

80B-3 Scope of Review; Content of Reports .....27  
1. *Transportation Component*.....27  
2. *Environmental Protection Component*.....30  
3. *Urban Design Component*.....32  
4. *Historic Resources Component*.....32  
5. *Infrastructure Systems Component*.....32  
6. *Site Plan Component* .....33

B. LARGE PROJECT REVIEW (continued)

	7. <i>Tidelands Component</i> .....	34
	8. <i>Development Impact Project Component</i> .....	34
80B-4	Standards for Approval .....	34
	1. <i>Projects in Planned Development Areas</i> .....	34
	2. <i>Site Plan Component</i> .....	34
	3. <i>Development Impact Projects</i> .....	35
80B-5	Boston Redevelopment Authority Review	
	Procedures .....	36
	1. <i>Pre-Review Planning Meeting</i> .....	36
	2. <i>Initiating the Large Project Review Process; Filing of Urban Design Plans; Coordination of Urban Design Component with Boston Civic Design Commission Review</i> .....	36
	3. <i>Scoping Determination</i> .....	39
	4. <i>Draft Project Impact Report and Preliminary Adequacy Determination</i> .....	41
	5. <i>Final Project Impact Report and Adequacy Determination</i> .....	45
	6. <i>Revision of Final Project Impact Report</i> .....	46
80B-6	Enforcement: Certification of Compliance .....	46
	1. <i>Procedure</i> .....	47
	2. <i>Findings</i> .....	47
80B-7	Development Impact Project Exactions .....	47
	1. <i>Purposes of Development Impact Project Exactions</i> .....	47
	2. <i>Definitions</i> .....	48
	3. <i>Requirement of Development Impact Project Exaction</i> .....	50
	4. <i>Housing Exaction</i> .....	51
	5. <i>Jobs Contribution Exaction</i> .....	53
	6. <i>Other Requirements for Payment of Exactions</i> .....	54
80B-8	Disclosure of Beneficial Interests.....	55
	1. <i>Purposes of Requirements for Disclosure of Beneficial Interests</i> .....	55
	2. <i>Applicability</i> .....	56
	3. <i>Definitions</i> .....	56

B. LARGE PROJECT REVIEW (continued)

4. *Disclosure Statements of Persons Having Beneficial Interests in Proposed Projects* .....57  
5. *Public Records* .....58  
6. *Updating Disclosure Statements* .....58  
7. *Penalties* .....59

C. PLANNED DEVELOPMENT AREA REVIEW

Section 80C-1 Planned Development Area Review: Title; Purpose; Relationship to Section 3-1A.a .....62  
80C-2 Applicability of Review .....62  
80C-3 Scope of Review; Content of Plans .....62  
    1. *PDA Development Plans* .....62  
    2. *PDA Master Plans* .....62  
80C-4 Standards for Approval .....62  
80C-5 Boston Redevelopment Authority Review  
    Procedures .....63  
    1. *Pre-Review Planning Meeting* .....63  
    2. *Initiating the Review Process* .....63  
    3. *Public Notice and Comment* .....63  
    4. *Boston Redevelopment Authority Review and Approval* .....63  
80C-6 Zoning Commission Approval .....64  
80C-7 Amendments .....64  
80C-8 Enforcement: Certifications .....64  
    1. *Procedure* .....64  
    2. *Findings* .....65  
    3. *Adequacy of Description* .....65  
80C-9 Effect on Applicability of Other Zoning Requirements .....66

D. INSTITUTIONAL MASTER PLAN REVIEW

Section 80D-1	Institutional Master Plan Review: Title; Purpose .....	67
80D-2	Applicability of Review .....	67
	1. <i>Districts and Subdistricts in which Institutional Master Plan Review is Required</i> .....	67
	2. <i>Review Requirement; Exempt Projects</i> .....	70
	3. <i>Exemption for Small Institutions</i> .....	70
	4. <i>Regulations Applicable to Exempt Projects</i> .....	71
	5. <i>Election to Include Exempt Project in Institutional Master Plan</i> .....	71
80D-3	Scope of Review; Content of Institutional Master Plan .....	71
	1. <i>Mission and Objectives</i> .....	72
	2. <i>Existing Property and Uses</i> .....	72
	3. <i>Needs of the Institution</i> .....	72
	4. <i>Proposed Future Projects</i> .....	74
	5. <i>Institutional Transportation and Parking Management and Mitigation Plan</i> .....	74
	6. <i>Pedestrian Circulation Guidelines and Objectives</i> .....	75
	7. <i>Urban Design Guidelines and Objectives</i> .....	75
	8. <i>Job Training Analysis</i> .....	75
	9. <i>Community Benefits Plan</i> .....	75
	10. <i>Additional Elements</i> .....	75
80D-4	Standards for Approval .....	75
80D-5	Boston Redevelopment Authority Review Procedures .....	75
	1. <i>Pre-Review Planning Meeting</i> .....	75
	2. <i>Initiating the Review Process</i> .....	76
	3. <i>Scoping Determination</i> .....	77
	4. <i>Institutional Master Plan and Adequacy Determination</i> .....	78
	5. <i>Revision of Institutional Master Plan</i> .....	80
	6. <i>Coordinated Review of Joint Institutional Projects</i> .....	80

D. INSTITUTIONAL MASTER PLAN REVIEW (continued)

80D-6 Zoning Commission Approval .....80

80D-7 Update of Institutional Master Plan .....81

80D-8 Renewal of Institutional Master Plan.....81

    1. *Time for Renewing Institutional Master Plan* .....81

    2. *Review and Approval Requirements for Institutional Master Plan Renewal* .....82

80D-9 Amendment of Institutional Master Plan .....82

    1. *General Review and Approval Requirements for Institutional Master Plan Amendments*.....82

    2. *Expedited Review for Certain Small Projects* .....82

80D-10 Enforcement: Certification of Consistency; Notice of Exemption .....84

    1. *Certification of Consistency*.....84

    2. *Notice of Exemption* .....86

80D-11 Effect on Applicability of Other Zoning Requirements .....86

III. **SMALL PROJECT REVIEW:**

Approval by Boston Redevelopment Authority Staff

Section 80E-1 Small Project Review: Title; Purpose .....88

80E-2 Applicability of Review .....88

    1. *Design Component*.....88

    2. *Site Plan Component* .....90

    3. *Comprehensive Sign Design*.....90

    4. *Waiver or Modification of Small Project Review Requirements* .....90

80E-3 Scope of Review; Content of Application .....92

    1. *Design Component*.....92

    2. *Site Plan Component* .....93

    3. *Comprehensive Sign Design*.....93

**III. SMALL PROJECT REVIEW (continued)**

80E-4	Standards for Approval .....	93
	1. <i>Design Component</i> .....	93
	2. <i>Site Plan Component</i> .....	93
	3. <i>Comprehensive Sign Design</i> .....	94
80E-5	Procedures for Review .....	94
	1. <i>Application</i> .....	94
	2. <i>Review and Approval</i> .....	94
80E-6	Enforcement: Certification of Approval .....	95

**IV. APPENDICES**

Appendix A -	Large Project Review: Boundaries of Longwood Institutional Area for Purpose of Applying Section 80B-2.2(d) .....	97
Appendix B -	Development Impact Project Exactions: Area Subject to Seven-Year Payment Schedule .....	98
Appendix C -	Disclosure Statement Concerning Beneficial Interests as Required by Section 80B-8 .....	100

## I. STATEMENT OF PURPOSE AND GENERAL PROVISIONS

**SECTION 80-1. Purpose of this Article.** The purpose of this Article is to provide clear, predictable, and unified requirements for the review of development projects throughout the City. These review requirements also provide important opportunities for community involvement in development review activities that affect the quality of life in the City.

The development review requirements set forth in this Article are established to protect and enhance the public realm, to mitigate the impacts of development projects on their surroundings and on City resources, to ensure compliance with the intent and purpose of this Code and promote efficiency in its administration, and to promote the public health, safety, convenience, and welfare. To that end, the goals of these development review requirements include the following: to protect and enhance urban design quality; to encourage the most appropriate use of land; to improve the overall quality of development; to mitigate the impact of new development on the City's transportation network and on adjacent residential neighborhoods; to encourage the use of mass transit and alternate modes of transportation; to improve pedestrian and vehicular circulation and access; to encourage new buildings and public spaces that are designed to enhance and preserve Boston's system of parks, squares, walkways, and active shopping streets; to ensure that physically handicapped persons have full access to buildings open to the public, to afford such persons the educational, employment, and recreational opportunities necessary to all citizens, and to preserve and increase the supply of living space accessible to physically handicapped persons; to prevent overcrowding and deterioration of existing housing and to preserve and increase the City's housing amenities; to maintain a healthy and safe environment; to provide ample access to light and air; to protect and improve air and water quality; to assess the demand for infrastructure services; to encourage development that is in harmony with its surroundings; to ensure that new development is compatible with the existing traditional scale and character of Boston; and to maintain and improve a healthy economy by augmenting the City's attractiveness as a place to live, to conduct business and to visit.

This Article sets forth citywide regulations for development review by the Boston Redevelopment Authority and its staff. These development review requirements provide consistent procedures for development review while recognizing appropriate differences between the Downtown, the Harborpark, and the Neighborhoods, between large and small projects, and between individual projects and comprehensive development programs. To provide appropriate review procedures for a wide variety of projects and development plans, this Article establishes four types of development review procedure. The purposes specific to each of these review procedures are described further in the following sections:



1. Large Project Review: Section 80B-1;
2. Small Project Review: Section 80E-1;
3. Planned Development Area Review: Section 80C-1;
4. Institutional Master Plan Review: Section 80D-1.

SECTION 80-2. **Scope of this Article.** This Article contains regulations for the review of development projects and plans where approval by the Boston Redevelopment Authority or its staff is required.

This Article does not include procedures for Boston Redevelopment Authority review where the Authority reviews a project or plan in an advisory capacity only. It also does not include procedures for review by other public agencies that may advise the Boston Redevelopment Authority.

SECTION 80-3. **Applicability of Review Requirements.** This Article establishes four types of development review procedure. To determine which of these procedures apply to a particular project or development plan, see the following sections:

1. Large Project Review: Section 80B-2;
2. Small Project Review: Section 80E-2;
3. Planned Development Area Review: Section 80C-2;
4. Institutional Master Plan Review: Section 80D-2.

SECTION 80-4. **Definitions.** The words and phrases used in this Article, whether or not capitalized, shall have the meanings set forth in Article 2A, except where otherwise specified in this Article.

SECTION 80-5. **Applicability of this Article.**

1. General Applicability to Projects and Plans. Except as otherwise specifically provided in this Section 80-5, the provisions of this Article shall apply to:
  - (1) Any Proposed Project that meets the review thresholds set forth in Section 80B-2, for Large Project Review; Section 80E-2, for Small Project Review; Section 80C-2, for Planned Development Area Review; or Section 80D-2, for Institutional Master Plan Review; and
  - (2) The approval and amendment of any Planned Development Area (PDA) Development Plan or PDA Master Plan; and
  - (3) The approval, amendment, renewal, and update of any Institutional Master Plan.

Zoning Relief in the form of exceptions from the provisions of this Article pursuant to Article 6A is not available, except to the extent expressly provided in this Article or in Article 6A.

2. Relationship to Other Provisions of Code: Conflicts; Provisions Superseded. Except as otherwise specified in this Article, where conflicts exist between the provisions of this Article and the remainder of this Code the provisions of this Article shall govern, notwithstanding any contrary provision of this Code. Without limiting the foregoing, this Article shall apply as set forth in this Section 80-5.2.
  - (a) Articles 26, 26A, and 26B (Development Impact Projects). Except as otherwise specified in this Article, the provisions of Section 80B-7 (Development Impact Project Exactions) supersede Article 26 (Development Impact Projects), Article 26A (Development Impact Projects - Housing), and Article 26B (Development Impact Projects - Job Training).
  - (b) Article 31 (Development Review Requirements). Except as otherwise specified in this Article, the provisions of Large Project Review, as defined in Section 80B-1, supersede the following provisions of this Code:
    - (1) Article 31 (Development Review Requirements); and
    - (2) Any provision of this Code, other than Article 31, that specifies procedures, scope or standards for review of Proposed Projects pursuant to Article 31; and
    - (3) Any provision of this Code that makes the provisions of Article 31 applicable within the Harborpark or within any Neighborhood district.

Wherever this Code provides that the dimensions, uses, design, or other elements of a Proposed Project shall be determined through Article 31 review, such matters shall be determined through Large Project Review, as defined in Section 80B-1.

Wherever this Code provides that a particular dimensional, use, or other requirement of this Code shall apply only if a Proposed Project is subject to, or elects to comply with, the requirements of Article 31 review, such requirement also shall apply to any Proposed Project that is subject to, or elects to comply with, the requirements of Large Project Review.

- (c) Article 31A (Disclosure of Beneficial Interests). Except as otherwise specified in this Article, the provisions of Section 80B-8 (Disclosure of Beneficial Interests) supersede Article 31A (Disclosure of Beneficial Interests).
- (d) Boston Redevelopment Authority Design Review and Site Plan Review. Wherever this Code, or any decision of the Board of Appeal, requires design review or site plan review by the Boston Redevelopment Authority, the Boston Redevelopment Authority shall conduct such design review or site plan review according to the applicable requirements of Small Project Review or Large Project Review, as determined by Section 80E-2 and Section 80B-2, respectively.
- (e) Planned Development Areas: Review and Approval of Development Plans and Master Plans.
  - (i) Relationship of Planned Development Area Review to Section 3-1A.a. Except as otherwise specified in this Article, the provisions of Planned Development Area Review, as defined in Section 80C-1, supplement, and do not supersede, the provisions of Section 3-1A.a; provided, however, that in the event of any conflict between the provisions of Section 3-1A.a and Section 80C-9 (Effect of Approved Development Plan on Applicability of Other Zoning Requirements), the provisions of Section 80C-9 shall govern. Without limiting the foregoing:
    - (1) Where Section 3-1A.a requires that a PDA development plan or master plan receive Boston Redevelopment Authority approval, the Authority shall review such plan, and grant any such approval, pursuant to the requirements of Planned Development Area Review; and
    - (2) Where Section 3-1A.a requires Boston Redevelopment Authority design review and approval for work in a Planned Development Area, the Authority shall review such work, and grant any such approval, pursuant to the applicable requirements of Small Project Review or Large Project Review, as determined by Section 80E-2 and Section 80B-2, respectively.
  - (ii) Provisions of Code Other than Section 3-1A.a. Except as otherwise specified in this Article, the provisions of

Planned Development Area Review supersede any provision of this Code, other than Section 3-1A.a, that establishes requirements for Boston Redevelopment Authority or Zoning Commission review or approval of PDA development plans or master plans or Zoning Commission designation of Planned Development Areas, or that specifies the extent to which Planned Development Areas are subject to underlying zoning.

- (f) Institutional Master Plans: Review and Approval. Except as otherwise specified in this Article, the provisions of Institutional Master Plan Review, as defined in Section 80D-1, supersede any provision of this Code that establishes requirements for Boston Redevelopment Authority or Zoning Commission review or approval of Institutional Master Plans, or for Zoning Commission designation of Institutional Master Plan Areas, or that specifies the effect of such approval or designation on the applicability of underlying zoning.
3. Exemptions from Specific Provisions of this Article. Notwithstanding any contrary provision of subsection 1 (General Applicability to Projects and Plans) or subsection 2 (Relationship to Other Provisions of Code: Conflicts; Provisions Superseded) of this Section 80-5, Proposed Projects, PDA Development Plans, PDA Master Plans, and Institutional Master Plans shall be exempt from the provisions of this Article to the extent specified in this Section 80-5.3, and shall be subject to the remainder of this Article. Any project or plan that is exempt from Large Project Review, Small Project Review, Planned Development Area Review, or Institutional Master Plan Review, pursuant to this Section 80-5.3, shall be subject to any provision of this Code that otherwise would be superseded by such review, pursuant to Section 80-5.2, without regard to any conforming amendment adopted to achieve consistency with such review in connection with this Article.
- (a) Exemptions with Respect to Large Project Review. A Proposed Project shall be exempt from Large Project Review if:
    - (i) 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 the adoption of this Article, and no Zoning Relief is required, or any required Zoning Relief has been or thereafter is granted; or

- (ii) the Boston Redevelopment Authority has approved a Development Impact Project Plan, pursuant to Article 26 or 26A and Article 26B prior to the first notice of hearing before the Zoning Commission for the adoption of this Article; or
  - (iii) a Project Notification Form has been filed with the Boston Redevelopment Authority pursuant to Section 31-5 prior to the first notice of hearing before the Zoning Commission for the adoption of this Article; or
  - (iv) the Director of the Boston Redevelopment Authority has issued a certification indicating that the Proposed Project has complied satisfactorily with the requirements of Article 31 or that no further review pursuant to Article 31 is required; or
  - (v) the Director of the Boston Redevelopment Authority has issued a certification indicating that review of the Proposed Project by the Boston Redevelopment Authority or by any other public agency was commenced prior to the date of the first notice of hearing before the Zoning Commission for the adoption of this Article.
- (b) Exemptions with Respect to Planned Development Area Review. Any Proposed Project or site for which an application for approval or amendment of a development plan or master plan for a Planned Development Area, pursuant to Section 3-1A.a, has been submitted to the Boston Redevelopment Authority prior to the first notice of hearing before the Zoning Commission for the adoption of this Article shall be exempt from Planned Development Area Review; provided that such development plan, master plan, or amendment has been or hereafter is approved by the Boston Redevelopment Authority pursuant to such application; and provided further that any subsequent amendment of such plan shall be subject to Planned Development Area Review.
- (c) Exemptions with Respect to Institutional Master Plan Review. An Institutional Master Plan shall be exempt from Institutional Master Plan Review if, prior to the first notice of hearing before the Zoning Commission for the adoption of this Article:
- (i) an Institutional Master Plan Notification Form (IMPNF) or similar application has been filed with the Boston Redevelopment Authority for the approval, amendment, or

renewal of such Institutional Master Plan, provided that such Institutional Master Plan, or such amendment or renewal, has been or thereafter is approved by the Boston Redevelopment Authority pursuant to such IMPNF or application; or

- (ii) the Zoning Commission has approved such Institutional Master Plan;

provided, in either case, that any subsequent amendment, renewal, or update of such Institutional Master Plan shall be subject to Institutional Master Plan Review.

- (d) Exemptions with Respect to Small Project Review. A Proposed Project shall be exempt from Small Project Review, as defined in Section 80E-1, if 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 the adoption of this Article, and:

- (i) no Zoning Relief is required; or
- (ii) any required Zoning Relief has been or thereafter is granted;

provided that construction work under such building permit, or occupancy under such occupancy permit, is commenced within six (6) months after the date of such permit and proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances.

**SECTION 80-6. Coordination of Review Procedures.** Where a Proposed Project that is subject to a review pursuant to this Article also is subject to other review by the Boston Redevelopment Authority or by other public agencies, the Boston Redevelopment Authority shall work to coordinate each type of review under this Article with other review to which the Proposed Project is subject.

To the extent feasible, the Boston Redevelopment Authority shall allow the Applicant to submit a single set of documents to satisfy the requirements of the applicable review procedures, provided that such documents satisfy the applicable substantive requirements of this Article.

To coordinate review schedules, the Boston Redevelopment Authority, upon the Applicant's written request, may alter the time periods for review set forth in this Article; provided, however, that if a review period is shortened, and a

public comment period is required by this Article in connection with such review period, the number of days by which the public comment period is shortened shall not exceed the number of days by which the review period is shortened.

SECTION 80-7. **Appeals.** Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Article may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

SECTION 80-8. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 80-9. **Severability.** The provisions and requirements of this Article are severable, and if any such requirements 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 or requirement of this Article.

II. REVIEW OF LARGE PROJECTS, PLANNED DEVELOPMENT AREA PLANS, AND INSTITUTIONAL MASTER PLANS:  
Approval Requiring Boston Redevelopment Authority Vote

A. GENERAL PROVISIONS

SECTION 80A-1. **Payment of Fees.** The Boston Redevelopment Authority, by regulations promulgated pursuant to Section 80-8, may establish appropriate fees for the development review required by this Article. Such regulations may establish all terms applicable to such fees, including but not limited to: amounts, schedules and methods of payment, and the return of all or part of any fee if the Boston Redevelopment Authority fails to issue a timely determination, pursuant to this Article, in connection with the review for which the fee is required.

SECTION 80A-2. **Public Notice and Comment.**

1. Notice of Receipt of Required Document. Within five (5) days after the Boston Redevelopment Authority has received any document required of the Applicant pursuant to Section 80B-5, Section 80C-5, or Section 80D-5, the Boston Redevelopment Authority shall publish notice of the receipt of such document in the manner required by subsection 3 (Publication of Notice) of this Section 80A-2. In addition, the Boston Redevelopment Authority shall send a copy of such notice to the Neighborhood Council (if any) for the neighborhood in which the area described in the document is located or, if there is no such Neighborhood Council, to a similar community or civic organization that ordinarily reviews planning and development issues for the area described in such document. The Boston Redevelopment Authority shall make one or more copies of such document available for public inspection at the offices of the Authority. The Applicant and the Boston Redevelopment Authority shall distribute copies of such document as required by Section 80A-3.
2. Notice of Boston Redevelopment Authority Hearing. At least ten (10) days prior to any hearing before the Boston Redevelopment Authority that is required pursuant to Section 80B-5, Section 80C-5, or Section 80D-5, the Boston Redevelopment Authority shall publish notice of such hearing in the manner required by subsection 3 (Publication of Notice) of this Section 80A-2.
3. Publication of Notice.
  - (a) Manner of Publication. Whenever the Boston Redevelopment Authority is required by this Article to publish notice pursuant to this Section 80A-2, the Authority shall publish such notice in a



newspaper of general circulation in the City and shall give such notice in writing to all public agencies of the City. With the exception of notice to the Commissioner of Inspectional Services, notice to the City's public agencies shall be deemed adequately given if such notice is published in any print or electronic publication that is issued on the City's behalf and is distributed in general circulation to the City's public agencies within the time periods required by this Section 80A-2.

- (b) Content of Notice. Any notice required by this Section 80A-2 shall contain the following information:
- (i) Applicant. The Applicant's name;
  - (ii) Location. The location of the Proposed Project and, if the required notice concerns a PDA Development Plan, PDA Master Plan, or Institutional Master Plan, the area to which such plan relates;
  - (iii) Documents Filed; Opportunity for Comment. If such notice is required by subsection 1 (Notice of Receipt of Required Document) of this Section 80A-2, such notice shall specify the type of document filed and review required (for example, a Project Notification Form for Large Project Review), a brief summary of the project proposed and approval requested by such document, the date on which the Boston Redevelopment Authority received such document, the date on which written comments must be received by the Boston Redevelopment Authority, and the time and place at which copies of the document may be reviewed or obtained;
  - (iv) Possible Waiver of Further Review. If such notice concerns the receipt of a Project Notification Form or Draft Project Impact Report for Large Project Review, such notice shall contain a statement indicating that the Boston Redevelopment Authority, in the Scoping Determination or Preliminary Adequacy Determination for such PNF or DPIR, may waive further review, pursuant to Section 80B-5.3(d) or Section 80B-5.4(iv), if, after reviewing public comments, the Authority finds that such PNF or DPIR adequately describes the Proposed Project's impacts; and
  - (v) Hearing. If such notice is required by subsection 2 (Notice of Boston Redevelopment Authority Hearing), such notice shall specify the time and place of the hearing and the

time and place at which copies of the document to be considered at the hearing may be reviewed or obtained.

4. Public Comments. Public comments, including the comments of public agencies, shall be submitted in writing to the Boston Redevelopment Authority within the time periods specified in this Article.

**SECTION 80A-3. Distribution of Required Documents.** Except where otherwise specified in this Article, the Applicant shall be responsible for the distribution of any document that the Applicant must file with the Boston Redevelopment Authority pursuant to Section 80B-5, Section 80C-5, or Section 80D-5. The Applicant shall, upon request by the Boston Redevelopment Authority, distribute each such document to public agencies, civic and community groups, and members of the public who have requested a copy from the Boston Redevelopment Authority. Copies of PNFs for Large Project Review, fact sheets and area maps for Planned Development Area Review and IMPNFs for Institutional Master Plan Review shall be distributed without charge. Copies of Draft and Final Project Impact Reports for Large Project Review, and copies of PDA Development Plans, PDA Master Plans and Institutional Master Plans shall be distributed to public agencies without charge; for other copies of such reports and plans, the Applicant may, with the consent of the Director of the Boston Redevelopment Authority, charge the reproduction cost of such copies.

The Boston Redevelopment Authority shall make copies of the following documents available at the Authority's offices for distribution to the public on request: (1) PNFs for Large Project Review; (2) fact sheets and area maps for Planned Development Areas; and (3) IMPNFs for Institutional Master Plan Review.

**SECTION 80A-4. Calculation of Time for Determinations; Extensions of Time; Special Impact Projects.**

1. Calculation of Time for Determinations. Any time period specified in this Article for the issuance of a determination by the Boston Redevelopment Authority shall be calculated from the date by which the Authority has received the complete document submission required for such determination pursuant to the applicable provisions of Section 80B-5 for Large Project Review, Section 80C-5 for Planned Development Area Review, or Section 80D-5 for Institutional Master Plan Review. A document submission is not complete until the Authority has received all of the information required pursuant to such provisions.

If any required document submission does not contain adequate information for the Authority to make the determination required by

this Article, the Authority, within thirty (30) days after receiving such document submission, shall request that the Applicant submit the necessary information, and the time period for the issuance of the Authority's determination shall be calculated from the date on which the Authority receives such information.

2. Extensions of Time. The Boston Redevelopment Authority may, by notifying the Applicant in writing, extend by up to sixty (60) days the time periods set forth in this Article for:
  - (a) the issuance of a Preliminary Adequacy Determination or Adequacy Determination for Large Project Review, pursuant to Section 80B-5, provided that the total of all such extensions for a Proposed Project shall not exceed sixty (60) days;
  - (b) Boston Redevelopment Authority approval of a PDA Development Plan or PDA Master Plan, pursuant to Section 80C-5; or
  - (c) the issuance of an Adequacy Determination for Institutional Master Plan Review, pursuant to Section 80D-5

if the Authority finds that additional time is necessary to render a determination because of the complexity of the Proposed Project or plan, or because of the need to coordinate the Authority's review with other review to which the Proposed Project is subject.

3. Special Impact Projects: Designation and Review Schedule. With the Applicant's agreement, the Boston Redevelopment Authority may designate a Proposed Project as a Special Impact Project and establish a project-specific review schedule for such project where the Authority determines that greater flexibility in the review schedule would assist the Authority, the Applicant, and the public in identifying and analyzing the impacts of the Proposed Project.

Projects for which a Special Impact Project designation may be appropriate include, but are not necessarily limited to, Proposed Projects that deviate substantially from the underlying zoning and are not included in an approved PDA Development Plan, PDA Master Plan, or Institutional Master Plan, or that are likely to have impacts that are unusual and significant because of their sensitive location or incompatibility with existing uses. In addition, an Applicant may wish to request a Special Impact Project designation where the Applicant expects the Proposed Project to change substantially during the review process, where a Proposed Project involves more than one

phase, or where multiple Applicants or review agencies have significant involvement in the Proposed Project.

In general, the decision to designate a Proposed Project as a Special Impact Project should be made as early as possible in the review process. Such designation should be made prior to or during the scoping process, and any review schedule established should be set forth in the Scoping Determination issued pursuant to Section 80B-5 or Section 80D-5.

The Boston Redevelopment Authority shall publish notice of the review schedule established for a Special Impact Project. Such notice shall be published in the manner required by subsection 3 (Publication of Notice) of Section 80A-2.

**SECTION 80A-5. Agreements.** To ensure continued compliance with an approved Final Project Impact Report, PDA Development Plan, PDA Master Plan, or Institutional Master Plan, the Applicant shall enter into one or more agreements with the Boston Redevelopment Authority. Such agreements shall include a cooperation agreement, together with any other agreements necessary to enforce the applicable requirements of this Article, including but not limited to the requirements of Section 80B-3.1 concerning Transportation Access Plans and the requirements of Section 80B-7 (Development Impact Project Exactions). The cooperation agreement may incorporate the terms of any other agreements that the Applicant may be required to enter into pursuant to this Article or Code concerning the same Proposed Project, PDA Development Plan, PDA Master Plan, or Institutional Master Plan.

The cooperation agreement shall include the Transportation Department as a party, or shall require the Applicant to execute a separate agreement with the Transportation Department, where continued compliance with transportation provisions is specified by the approved Final Project Impact Report, PDA Development Plan, PDA Master Plan, or Institutional Master Plan. The cooperation agreement also may include other public agencies of the City as parties where necessary or convenient to achieve coordination of review pursuant to Section 80-6.

The Boston Redevelopment Authority shall maintain on file a copy of each agreement executed pursuant to this Section 80A-5 and, upon the request of the Applicant or any other party in interest, shall certify as to the status of compliance under any such agreement.

**SECTION 80A-6. Project Changes and Lapse of Time.** The Applicant shall, and others may, notify the Boston Redevelopment Authority of any material change in a Proposed Project or project phase, and any lapse of time, that is subject to review under this Article pursuant to Section 80B-2, Section 80C-2, or

Section 80D-2. For purposes of this Section 80A-6, "project phase" shall mean any portion of a Proposed Project that is recognized as a discrete phase of such Proposed Project in the Scoping Determination, Preliminary Adequacy Determination, or Adequacy Determination issued pursuant to Section 80B-5.

In the event of a material change in a Proposed Project or project phase, or in the event of a significant lapse of time, as specified in this Section 80A-6, in the review and approval of a Proposed Project, PDA development plan or master plan, or Institutional Master Plan, the Director of the Boston Redevelopment Authority shall determine whether the project change or lapse of time significantly increases those impacts of the Proposed Project, project phase, or plan that are within the scope of the required review, and whether such increased impacts warrant resubmission of the PNF, PDA development plan or master plan, or IMPNF; rescoping; supplementary documentation; or a further DPIR, FPIR, PDA development plan or master plan, or Institutional Master Plan.

1. Lapse of Time: Significance. For purposes of this Section 80A-6, a lapse of time shall be considered significant under the following circumstances:
  - (a) Large Project Review. A lapse of more than three (3) years between the filing of a PNF for a Proposed Project or project phase and the filing of an FPIR for such Proposed Project or project phase, or between the issuance of an Adequacy Determination for a Proposed Project or project phase and the filing of a building permit application for such Proposed Project or project phase, unless such lapse of time is approved in the Adequacy Determination;
  - (b) Planned Development Area Review. A lapse of more than three (3) years between the filing of a PDA Development Plan or PDA Master Plan and the approval of such plan pursuant to such application;
  - (c) Institutional Master Plan Review. A lapse of more than three (3) years between the filing of an IMPNF and the approval of any required Institutional Master Plan pursuant to such IMPNF.
2. Director's Determination. Before determining what additional review, if any, is required, the Director shall consult with the Applicant and, as appropriate, with any public agencies and persons who previously submitted comments to the Boston Redevelopment Authority pursuant to this Article concerning the review of the Proposed Project, project phase, or plan.

In determining whether a project change or a lapse of time may significantly increase the impacts of a Proposed Project or plan, the Director shall consider the following factors, as they pertain to the applicable review:

- (a) increase in the Proposed Project's size or intensity of use;
- (b) generation of additional or greater impacts of the type that may be examined by the applicable review;
- (c) increase in traffic impacts or increase in the number of proposed parking spaces;
- (d) change in the expected commencement or completion date, or change in the schedule of work on the project;
- (e) change of project site;
- (f) the need for additional Zoning Relief;
- (g) changes in the surrounding area, when a lapse of time is the reason for the Director's review under this Section 80A-6.

No further review is required under this Section 80A-6 for any project change or alternative that has been adequately considered in an approved FPIR, PDA Development Plan, or Institutional Master Plan.

If the Director determines that an Applicant has omitted a material fact or submitted inaccurate information in the course of the review of a Proposed Project, PDA Development Plan, PDA Master Plan, or Institutional Master Plan, the Director may treat such determination as a project change for purposes of this Section 80A-6.

## B. LARGE PROJECT REVIEW AND RELATED APPROVALS

**SECTION 80B-1. Large Project Review: Title; Purpose.** Large Project Review, as established by this Article, comprises the provisions of Sections 80B-1 through 80B-6, including any requirements set forth therein for compliance with other provisions of this Article and Code.

Large Project Review provides a procedure for the comprehensive review of large development projects before and during the schematic design stage and affords the public the opportunity for review and comment. The purpose of this review is to assess a project's impacts on its surroundings and on City resources and to identify necessary mitigation measures.

Related approval requirements, and their purposes, are set forth in Section 80B-7 (Development Impact Project Exactions) and Section 80B-8 (Disclosure of Beneficial Interests).

**SECTION 80B-2. Applicability of Large Project Review and Related Approvals.** Large Project Review shall apply as set forth in this Section 80B-2. Related approval requirements also may apply, as set forth in Section 80B-7 (Development Impact Project Exactions) and Section 80B-8 (Disclosure of Beneficial Interests).

1. **Downtown.** Within the Downtown, Large Project Review shall apply to any Proposed Project:
  - (a) to erect a building or structure having a gross floor area of fifty thousand (50,000) or more square feet; or
  - (b) to enlarge or extend floor area by fifty thousand (50,000) or more square feet; or
  - (c) to establish or change the uses of a gross floor area of one hundred thousand (100,000) or more square feet; or
  - (d) to establish or change to conditional or forbidden uses, or to any High Impact Subuse of an Institutional Use, the uses of a gross floor area of fifty thousand (50,000) or more square feet; or
  - (e) to substantially rehabilitate a building or structure having, or to have after rehabilitation, a gross floor area of more than one hundred thousand (100,000) square feet.
2. **Neighborhoods.** Within the Neighborhoods, Large Project Review shall apply to any Proposed Project:

- (a) to erect a building or structure having a gross floor area of fifty thousand (50,000) or more square feet; or
  - (b) to enlarge or extend a building or structure so as to increase its gross floor area by fifty thousand (50,000) or more square feet; or
  - (c) to establish or change the uses of a gross floor area of fifty thousand (50,000) or more square feet, except as otherwise provided in paragraph (d) of this Section 80B-2.2; or
  - (d) within an Institutional District or Institutional Subdistrict, or within the area depicted in Appendix A to this Article (Longwood Institutional Area), to establish or change to Institutional Uses the uses of a gross floor area of one hundred thousand (100,000) square feet not already occupied by Institutional Uses, provided that such Proposed Project does not include the addition or expansion of any High Impact Subuse of an Institutional Use; or
  - (e) to establish or change to conditional or forbidden uses, or to any High Impact Subuse of an Institutional Use, the uses of a gross floor area of fifty thousand (50,000) or more square feet; or
  - (f) to substantially rehabilitate a building or structure having, or to have after rehabilitation, a gross floor area of more than one hundred thousand (100,000) square feet.
3. Harborpark. Within the Harborpark, Large Project Review shall apply to any Proposed Project:
- (a) to erect a building or structure having a gross floor area of ten thousand (10,000) or more square feet; or
  - (b) to enlarge or extend a building or a structure so as to increase its gross floor area by ten thousand (10,000) or more square feet; or
  - (c) to establish or change the uses of fifty thousand (50,000) or more square feet of gross floor area; or
  - (d) to construct, demolish, or alter any Pier, or to alter any shoreline, which construction, demolition, or alteration affects one thousand (1,000) or more square feet of Lot Area; or



- (e) to substantially rehabilitate a building or structure having, or to have after rehabilitation, a gross floor area of more than one hundred thousand (100,000) square feet;

provided that only Proposed Projects with a gross floor area of fifty thousand (50,000) or more square feet shall be subject to the Transportation Component requirements of Section 80B-3.1; and provided further that a Proposed Project for an allowed maritime-dependent industrial use located within a Maritime Economy Reserve (MER) Subdistrict and subject to review by the Secretary of the Executive Office of Environmental Affairs of the Commonwealth of Massachusetts under the Massachusetts Environmental Protection Act and its implementing regulations (MEPA) shall not be subject to Large Project Review.

- 4. Waiver or Modification of Large Project Review Requirements for Certain Projects in Industrial Areas. The purpose of this subsection 80B-2.4 is to allow the Boston Redevelopment Authority to waive or modify the requirements of Large Project Review for certain industrial projects in designated industrial areas if the Authority has determined that such waiver or modification will promote the city planning and economic development purposes set forth in this Code for such area and that such Proposed Project will not generate significant adverse impacts outside the Lot. The Boston Redevelopment Authority may waive or modify all or part of the requirements of Section 80B-3 through Section 80B-6 with respect to a Proposed Project that meets all the criteria of this Section 80B-2.4; provided, however, that where this Article requires a public comment period or public hearing, such public comment period shall not be waived without the waiver of the review period to which it relates, and such public hearing shall not be waived without the waiver of the required approval that is the subject of such hearing. The criteria for waiver or modification of review requirements pursuant to this Section 80B-2.4 are as follows:

- (a) such Proposed Project is located in one of the following districts or subdistricts:

- EDA - Economic Development Area
  - I - General Industrial
- IDA - Industrial Development Area
- LI - Local Industrial
- LIA - Logan International Airport
- M - Restricted Manufacturing
- WM - Waterfront Manufacturing

or in an industrial park, as defined in Article 2A; and

- (b) such Proposed Project is allowed as of right in such location, as indicated by the designation "Allowed" or "A" in the underlying zoning; and
- (c) the Authority determines that, with respect to those impacts that may be addressed pursuant to Section 80B-3 (Scope of Large Project Review), the Proposed Project will not have significant adverse impacts outside the Lot; and
- (d) the Authority determines that the Proposed Project will promote the city planning and economic development purposes of the industrial area where the Proposed Project is located, as such purposes are identified in the underlying zoning or, in the case of an industrial park, as specified in the applicable Economic Development Plan and in any applicable approval for a Marine Industrial Park issued pursuant to 310 CMR 9.00, as amended.

5. Waiver of Large Project Review Requirements for Certain Projects to Preserve or Create Affordable Housing. The purpose of this subsection 80B-2.5 is to allow the Boston Redevelopment Authority to waive the requirements of Large Project Review for certain Proposed Projects to rehabilitate or construct Affordable Housing units if the Authority has determined that such waiver will increase the availability or quality of Affordable Housing in the City and that such Proposed Project will not generate significant adverse impacts outside the Lot. The criteria for waiver of such review requirements pursuant to this Section 80B-2.5 are as follows:

- (a) such Proposed Project is for the rehabilitation, replacement, extension, or creation of Affordable Housing units that are or will be subject to review by the Authority pursuant to Section 3-1A.a (Planned Development Areas), Section 3-1A.b (Urban Renewal Areas), or M.G.L. Chapter 121A; and
- (b) the Authority determines that, with respect to those impacts that may be addressed pursuant to Section 80B-3 (Scope of Large Project Review), the Proposed Project will not have significant adverse impacts outside the Lot; and
- (c) the Authority determines that the Proposed Project will increase the availability or quality of Affordable Housing in the City.

(√As amended on December 13, 1996.)

**SECTION 80B-3. Scope of Large Project Review; Content of Reports.** All Proposed Projects that are subject to Large Project Review, pursuant to Section 80B-2, shall satisfy requirements relating to the Large Project Review components specified in this Section 80B-3, or such of these components as are required by the Boston Redevelopment Authority in its Scoping Determination issued pursuant to Section 80B-5. The components of Large Project Review are: (1) transportation; (2) environmental protection; (3) urban design; (4) historic resources; (5) infrastructure systems; (6) site plan; (7) tidelands; and (8) Development Impact Project, as set forth in this Section 80B-3.

In the case of a Proposed Institutional Project that is described in an approved Institutional Master Plan, the Boston Redevelopment Authority shall limit its Scoping Determination for Large Project Review to those issues not already examined satisfactorily in the context of the approved Institutional Master Plan.

1. Transportation Component. In its Scoping Determination, the Boston Redevelopment Authority shall require the Applicant to submit a Transportation Access Plan that analyzes the Proposed Project's impact on the Transportation Network, and that proposes measures intended to mitigate, limit, or minimize, to the extent economically feasible, any adverse impact on the Transportation Network reasonably attributable to the Proposed Project.

The Applicant shall prepare the Transportation Access Plan in consultation with the Transportation Department. The Boston Redevelopment Authority shall collaborate with the Transportation Department in evaluating the Transportation Component of Large Project Review. If, within the time periods allowed for public comment, the Boston Redevelopment Authority receives from the Transportation Department, in writing, a recommended Scoping Determination for the Transportation Component, or a recommendation as to whether a Draft or Final Project Impact Report complies with the requirements of the Transportation Component, the Boston Redevelopment Authority shall adopt such recommendations in the Authority's determinations.

The approved Transportation Access Plan may be the basis for an Access Plan Agreement between the City and the Applicant specifying the measures necessary to mitigate and monitor the transportation impacts of the Proposed Project.

The Transportation Access Plan may consist of one or more of the following elements, as required by the Scoping Determination: (a) Traffic Management Element; (b) Parking Management Element; (c) Construction Management Element; and (d) Monitoring Element.

- (a) Traffic Management Element. The Scoping Determination may require the Traffic Management Element to: (i) identify the Proposed Project's impact on the Transportation Network from expected travel volumes, vehicle trip generation, and directional distribution; the location of loading and unloading activities, including service and delivery; the Proposed Project's impact on the vehicular and circulation systems within the Impact Area, including the number and type of vehicles, pedestrians, and bicyclists; and the Proposed Project's impact on road corridors and intersection capacities, including Levels of Service and intersection delays from 6:00 a.m. to 8:00 p.m.; (ii) compare the impact of the Proposed Project to lesser-scale alternatives in an Impact Area and study year set out in the Scoping Determination; (iii) analyze the cumulative impact of all existing and planned development projects that can reasonably be expected to proceed, as set forth in the Scoping Determination; (iv) identify mitigation procedures that are intended to mitigate, limit, or minimize, to the extent economically feasible, the number of vehicle trips generated by the development, and the Proposed Project's interference with the safe and orderly operation of the Transportation Network; such measures may include an on-site traffic circulation plan, flexible employee work hours, dissemination of transit information, changes in traffic patterns, and full or partial subsidies for public mass transit; and (v) include other related information deemed necessary to the effective review of the Traffic Management Element. Notwithstanding the above, any Proposed Project of one hundred thousand (100,000) gross square feet or less may be deemed to be in compliance with the requirements of the Traffic Management Element if a comprehensive transportation plan is in effect for the area or district in which the Proposed Project is located, or if the Applicant participates in an areawide or districtwide transportation study or plan undertaken by, or in conjunction with, the Transportation Department. If an areawide or districtwide transportation study or plan has been undertaken in conjunction with the Transportation Department, such study or plan shall be made available to the Applicant and shall contribute to this component and may be accepted in fulfillment of it.
- (b) Parking Management Element. The Scoping Determination may require the Parking Management Element to: (i) identify the demand created by the Proposed Project for tenant, commuter, and short- and long-term visitor parking; nontenant and other parking needs within the Impact Area; and evening

and weekend parking needs; (ii) include operational policies and strategies for the Proposed Project that address the location, cost, and number of public, private, high-occupancy vehicle, and special-needs parking demand; short-term and long-term space availability; pricing structure of parking rates; location and type of off-site parking; and methods of transporting people to the site from off-site parking; and (iii) include other related information deemed necessary to the effective review of the Parking Management Element. Notwithstanding the above, any Proposed Project of one hundred thousand (100,000) gross square feet or less may be deemed in compliance with the requirements of the Parking Management Element if a comprehensive parking plan is in effect for the area or district in which the Proposed Project is located, or if the Applicant participates in an areawide or districtwide parking study or plan undertaken by, or in conjunction with, the Transportation Department. If an areawide or districtwide parking study or plan has been undertaken in conjunction with the Transportation Department, such study or plan shall be made available to the Applicant and shall contribute to this component and be accepted in fulfillment of it.

- (c) Construction Management Element. The Scoping Determination may require the Construction Management Element to: (i) identify the impact from the timing and routes of truck movement and construction deliveries for the Proposed Project; proposed street closings; and the need for employee parking; (ii) identify, and provide a plan for implementing, mitigation measures that are intended to mitigate, limit, or minimize, to the extent economically feasible, the construction impact of the Proposed Project by limiting the number of construction vehicle trips generated by the Proposed Project, the demand for construction-related parking (both on-site and off-site), and the interference of building construction with the safe and orderly operation of the Transportation Network, such measures to include the use of alternative modes of transport for employees and materials to and from the site; appropriate construction equipment, including use of a climbing crane; staggered hours for vehicular movement; traffic controllers to facilitate equipment and trucks entering and exiting the site; covered pedestrian walkways; alternative construction networks and construction planning; and restrictions of vehicular movement; (iii) designate a liaison between the Proposed Project, public agencies, and the surrounding residential and business communities; and (iv) include other related information deemed necessary to the effective review of the Construction

Element. The plan shall comply with regulations that the Boston Redevelopment Authority may promulgate in accordance with Section 80-8 and, in the case of a Transportation Access Plan, with any regulations the Transportation Department may promulgate for such plans.

- (d) Monitoring Element. The Scoping Determination may require the Monitoring Element to: (i) describe provisions for the periodic re-evaluation of the effectiveness of mitigation measures, for a period not to exceed ten (10) years from the issuance of a building permit for the Proposed Project and not more frequently than annually; and (ii) include provisions for monitoring during the construction phase.

- 2. Environmental Protection Component. In its Scoping Determination, the Boston Redevelopment Authority shall require the Applicant to conduct studies that are necessary to determine the direct or indirect damage to the environment reasonably attributable to the Proposed Project. In conjunction with such studies, the Boston Redevelopment Authority shall require the Applicant to propose mitigation and design measures that are intended to mitigate, limit, or minimize, to the extent economically feasible, any direct or indirect damage to the environment reasonably attributable to the Proposed Project. Elements for which environmental studies and mitigation measures may be required include the following:

- (a) Wind. Information may be required that indicates the pedestrian-level wind impact of the Proposed Project. Wind tunnel or other appropriate means of testing may be required for any Proposed Project over one hundred fifty feet (150') in height, or any Proposed Project at least twice as tall as any adjacent building.
- (b) Shadow. Information may be required that indicates the shadow impact of the Proposed Project, with particular emphasis on sidewalks, plazas, and other public open spaces. Shadow analyses may be required for build and no-build scenarios.
- (c) Daylight. Information may be required that indicates the percentage of skydome obstructed for build and no-build scenarios.
- (d) Solar Glare. An analysis of the solar glare impact and solar heat gain may be required.

- (e) Air Quality. An evaluation of the impact on local air quality from any significant stationary or mobile sources may be required. For residential projects, an evaluation of ambient air quality may be required to determine conformance with the National Ambient Air Quality Standards established by the United States Environmental Protection Agency.
- (f) Water Quality. An evaluation of the impact of the Proposed Project on the water quality of Boston Harbor or other affected water bodies may be required.
- (g) Flood Hazard Districts/Wetlands. A graphic or narrative description of the Proposed Project's location with respect to flood hazard districts or wetlands may be required.
- (h) Groundwater. An analysis of the impact of construction on groundwater levels and resulting effects on surrounding structures, wooden piles, and foundations may be required.
- (i) Geotechnical Impact. An analysis of sub-soil conditions, the potential for ground movement and settlement during construction, and the impact on adjacent buildings and utility lines may be required, as well as a description of foundation construction methodology.
- (j) Solid and Hazardous Wastes. A description of any known toxic or hazardous wastes on or buried in the Proposed Project's site may be required, pursuant to the requirements of M.G.L. Chapter 21E. A description of waste generation by the Proposed Project, including hazardous wastes, may be required.
- (k) Noise. A noise impact analysis to determine compliance with applicable city, state, and federal regulations may be required. For residential projects, an evaluation of ambient noise levels may be required to determine conformance with the Design Noise Levels established by the United States Department of Housing and Urban Development.
- (l) Construction Impact. A description of the Proposed Project's construction impact on public safety from noise, dust, pollutant emissions, waste generation and disposal, and staging areas, may be required.
- (m) Rodent Control. An analysis of the Proposed Project's construction impact on any city or state rodent control programs,

and a description of how construction activities comply with any city or state regulatory requirements controlling the rodent population, may be required.

- (n) Wildlife Habitat. A description of significant flora and fauna that are present on the site.
  - (o) Green Building. 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.
3. Urban Design Component. In its Scoping Determination, the Boston Redevelopment Authority shall require the Applicant to submit such plans, drawings, and specifications as are necessary for the Boston Redevelopment Authority to determine that the Proposed Project:
- (a) is architecturally compatible with surrounding structures;
  - (b) exhibits an architectural concept that enhances the urban design features of the subdistrict in which it is located;
  - (c) augments the quality of the pedestrian environment; and
  - (d) is consistent with any established design guidelines that exist for the area in which the Proposed Project is located, as set forth in the underlying zoning and, if the Proposed Project is located in a Planned Development Area, Urban Renewal Area, or Institutional Master Plan Area, as set forth in the PDA Development Plan, PDA Master Plan, land assembly and redevelopment plan, urban renewal plan, or Institutional Master Plan applicable to such area. Such design guidelines may relate to any planning area or district and may include, but need not be limited to, particular architectural requirements, including building massing, proportions, setbacks, materials, fenestration, ground level treatment, and other related architectural characteristics. At the request of the Applicant, the Urban Design Component may include the approval of a Comprehensive Sign Design, as provided for in Section 11-2.
4. Historic Resources Component. In its Scoping Determination, the Boston Redevelopment Authority shall require the Applicant to submit an analysis that sets forth measures intended to mitigate, limit, or minimize, to the extent economically feasible, any potential adverse effect that the Proposed Project may have on the historical, architectural, archaeological, or cultural resources of any district, site, building, structure, or object listed in the State Register of Historic Places. The Boston Redevelopment Authority may forward the Historic Resources Component to appropriate public agencies for their review, comment, and recommendations, including but not



limited to, a statement as to whether the Proposed Project satisfies any regulatory requirements of such public agencies.

5. Infrastructure Systems Component. In its Scoping Determination, the Boston Redevelopment Authority shall require the Applicant to submit a description of the Proposed Project's anticipated water and electricity consumption, sewage generation, and energy requirements. The Applicant's submission shall include an evaluation of the Proposed Project's impact on the capacity and adequacy of existing water, sewerage, energy, and electrical utility systems, and the need reasonably attributable to the Proposed Project for additional systems facilities.
  
6. Site Plan Component. If a Proposed Project is located in a Conservation Protection Subdistrict (CPS) or a Greenbelt Protection Overlay District (GPOD), the Boston Redevelopment Authority, in its Scoping Determination, shall require the Applicant to submit a Site Plan. The Site Plan shall include each of the following elements, except to the extent waived by the Boston Redevelopment Authority, as determined in the Scoping Determination.
  - (a) A survey map prepared by a registered surveyor showing topography at two foot intervals, the location, caliper and species of individual trees of 6-inch caliper or more, the location of other significant natural features on the site, including water courses, water bodies, wetlands, unusual gradients and geologic formations, plant communities and wildlife habitats. Such survey plan shall also show existing structures, parking areas, driveways and other paved surfaces, and utility lines.
  
  - (b) Photographs showing the location and condition of significant natural features.
  
  - (c) A proposed site plan showing the Proposed Project and the anticipated location of other planned projects of the Applicant within the Conservation Protection Subdistrict or Greenbelt Protection Overlay District, together with planned grading and landscaping, streets, sidewalks, utilities, and other planned features of the site. Such site plan shall also show the extent to which significant natural features of the site will be preserved and protected.
  
  - (d) A drainage plan and soil report prepared by a registered engineer, when necessary, to assess the drainage impacts of the proposed site plan on significant natural features.

- (e) A proposed maintenance program for the significant natural features of the site, including a statement of whose responsibility it will be for the performance of the maintenance program.
  - (f) Any other information relating to the site plan of the Proposed Project and the preservation and protection of its significant natural features as requested by the Boston Redevelopment Authority.
7. Tidelands Component. If a Proposed Project requires a license under M.G.L. Chapter 91, the Boston Redevelopment Authority, in its Scoping Determination, shall require the Applicant to submit an analysis of the Proposed Project together with such plans, drawings and specifications as are necessary for the Boston Redevelopment Authority to determine that the Proposed Project complies with the standards and requirements set forth in the underlying zoning with respect to compliance with M.G.L. Chapter 91 license requirements.
  8. Development Impact Project Component. If a Proposed Project is a Development Impact Project within the meaning of Section 80B-7 (Development Impact Project Exactions), the Scoping Determination shall require the Applicant to submit the measurement of gross floor area required by Section 80B-7 for the calculation of the amount of the Housing Exaction and Jobs Contribution Exaction.

(^As amended on January 10, 2007)

**SECTION 80B-4. Standards for Large Project Review Approval.** The Adequacy Determination issued pursuant to Section 80B-5 shall require compliance with each component of the Scoping Determination and, if applicable, with the additional standards set forth in this Section 80B-4.

1. Projects in Planned Development Areas. If a Proposed Project is located in a Planned Development Area, the Proposed Project shall comply with any provisions of the underlying zoning that specify design or impact standards for Proposed Projects in Planned Development Areas.
2. Site Plan Component. If a Proposed Project is subject to the Site Plan Component, pursuant to Section 80B-3.6, the following standards shall apply with respect to such component:
  - (a) The Proposed Project should result in the minimum practicable interference with significant natural features consistent with

development permitted by the applicable use and dimensional controls. To the extent thus consistent,

- (i) elements of the Proposed Project should be sited away from the most significant natural features of the site; and
  - (ii) where it is necessary to disturb or reduce in area a significant wildlife habitat or plant community, reasonable restorative measures, or the replacement of such features elsewhere on the site, should be evaluated and undertaken if economically practicable. The preservation of existing vegetation is encouraged.
- (b) Clustering of buildings and appropriate siting measures are encouraged to allow for the creation of larger contiguous open space areas, the preservation of significant natural features, and the arrangement of landscaping and structures on the site in a manner that is sensitive to the surrounding residential areas.
- (c) For a steep slope, special consideration should be given to the preservation of scenic quality and to the prevention of hillside erosion and excessive runoff. Particular care should be taken where the steep slope area is part of the watershed of a creek, stream, brook, lake, pond or wetland. Existing vegetation in steep areas should not be removed, destroyed or damaged except pursuant to approved development and grading plans. An objective of such plans shall be to preserve the natural terrain and vegetation to the extent practicable by fitting street layouts and building designs to the natural terrain, and minimizing alterations of the natural grade.
- (d) Adequate provision should be made for proper management and maintenance of significant natural features and their immediate surroundings.
- (e) In a Greenbelt Protection Overlay District, landscaping treatment should ensure that the natural and aesthetic quality of the Greenbelt Roadway area will be maintained. No vegetation shall be cleared within twenty-five (25) feet of the right-of-way of the Greenbelt Roadway except where necessary to provide utilities and access to the site, and all parking shall be screened by existing vegetation or installed landscaping so that the pavement and vehicles are screened from view from the Greenbelt Roadway and from adjacent properties.

- (f) Site plan review in a Conservation Protection Subdistrict or Greenbelt Protection Overlay District shall take full account of reasonably foreseeable future development within the CPS or GPOD. To discourage the improper segmentation of Proposed Projects, a criterion for the review of a site plan shall be its consistency with any previously approved site plan of the Applicant, or any predecessor in interest of the Applicant, within the same CPS or GPOD.
3. Development Impact Projects. If a Proposed Project is a Development Impact Project within the meaning of Section 80B-7 (Development Impact Project Exactions), the Boston Redevelopment Authority shall issue an Adequacy Determination only if the Authority finds that the Proposed Project conforms to the general plan for the City as a whole and that nothing in such Proposed Project will be injurious to the neighborhood or otherwise detrimental to the public welfare.

√SECTION 80B-5. **Boston Redevelopment Authority Procedures for Large Project Review.**

1. Pre-Review Planning Meeting. The Applicant is strongly encouraged to request a pre-review planning meeting with the Boston Redevelopment Authority. At the Applicant's request, the Boston Redevelopment Authority will schedule a pre-review planning meeting with the Applicant and staff to discuss issues that may be raised by a Proposed Project and identify any need for coordination with other Boston Redevelopment Authority review and with review by other public agencies.
2. Initiating the Large Project Review Process; Filing of Urban Design Plans; Coordination of Urban Design Component with Boston Civic Design Commission Review. The Applicant shall initiate the review required by this Article for Large Project Review by filing a Project Notification Form (PNF) in writing with the Boston Redevelopment Authority.
  - (a) Time for Filing PNF. The Applicant should file the PNF in the Proposed Project's pre-schematic design phase.
  - (b) Content of PNF. The PNF shall set forth in sufficient detail those aspects of the Proposed Project that are necessary to determine its potential or likely impacts. This information shall include, but is not necessarily limited to, the following, as appropriate:

- (i) Program. A table of proposed uses, and the building area devoted to each;
- (ii) Area photographs. Photographs of the site and its surroundings;
- (iii) Site diagram. A plan locating proposed buildings and other improvements on the site, and showing existing buildings and improvements surrounding the site;
- (iv) Massing diagram. Drawings, sketches, or photographs of a study-model illustrating the generalized three-dimensional form of the proposed project in the context of surrounding buildings;
- (v) Floor plan diagrams. Sketches showing the general size and shape of each floor, and the use or uses associated with it;
- (vi) Building section diagrams. Sketches showing the vertical arrangement of space in the building, the uses associated with each floor, and the height of the building elements, with existing nearby buildings also shown;
- (vii) Preliminary zoning calculations. The proposed FAR, zoning height, setbacks, yard sizes, parking ratio, number of loading docks, and other significant elements.
- (viii) Preliminary DIP information. If the Proposed Project is a Development Impact Project within the meaning of Section 80B-7 (Development Impact Project Exactions), based on any combination of uses and dimensions proposed in the PNF, the PNF shall include a preliminary measurement of the gross floor area required for calculating Development Impact Project Exactions under Section 80B-7.
- (ix) Preliminary green building 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.

- (c) Public Notice. After receiving the PNF, the Boston Redevelopment Authority shall publish notice of such receipt as required by Section 80A-2. Copies of the PNF shall be distributed as required by Section 80A-3.
  
- (d) Filing of Urban Design Plans and Coordination of Urban Design Component with Boston Civic Design Commission Review. The Applicant is encouraged to discuss with the Authority's staff the Proposed Project's urban design and architectural concepts, and the schedule for submitting urban design plans for all phases of review, during any pre-review planning meeting held pursuant to subsection 1 of this Section 80B-5.
  - (i) Submission of PNF to Boston Civic Design Commission. If a Proposed Project that is subject to Large Project Review, pursuant to Section 80B-2, comes within the design review jurisdiction of the Boston Civic Design Commission, pursuant to Section 28-5, the Boston Redevelopment Authority shall forward a copy of the PNF to the Design Commission within five (5) days after the Authority has received such PNF, so that the Design Commission may decide whether to review the Proposed Project.
  
  - (ii) Filing and Approval of Urban Design Plans. The Applicant shall file with the Boston Redevelopment Authority, pursuant to this Section 80B-5.1(d), all plans, drawings, and specifications required for compliance with the Scoping Determination issued pursuant to subsection 3 of this Section 80B-5.
    - (1) Schematic Design Plans. The Applicant should file schematic design plans with the Boston Redevelopment Authority as early as possible; provided that the Applicant shall file such plans no later than fifteen (15) days prior to filing the Draft Project Impact Report, pursuant to subsection 4 of this Section 80B-5.

If the Boston Civic Design Commission has decided to review the Proposed Project, pursuant to Section 28-14, the Authority shall forward copies of the schematic design plans to the Design Commission within five (5) days after the Authority has received such plans. The Boston Redevelopment Authority shall obtain the Applicant's

consent before granting any extension, pursuant to Section 28-14, for the Design Commission's review of the schematic design, and the total of such extensions shall not exceed thirty (30) days, notwithstanding any contrary provision of Section 28-14.

The Authority shall approve or conditionally approve the schematic design plans within the time set forth in subsection 5(c) (Adequacy Determination), or within any earlier period set forth in subsection 3(d) (Scoping Determination Waiving Further Review) or subsection 4(c)(iv) (PAD Waiving Further Review) of this Section 80B-5, if applicable.

- (2) Design Development Plans and Contract Documents. The Applicant may file design development plans at any time after the Boston Redevelopment Authority has approved, or conditionally approved, the schematic design plans and may file contract documents at any time after the Authority has approved, or conditionally approved, the design development plans.

The filing and approval of design development plans and contract documents may occur subsequent to the filing of any FPIR or issuance of any Adequacy Determination for Large Project Review; provided that the Applicant shall file the contract documents with the Authority no later than fifteen (15) days prior to the Authority's receipt of the complete building permit application required for a Certification of Compliance, pursuant to Section 80B-6.1.

- (e) Filing of Proposed Scoping Determination. At any time before the Boston Redevelopment Authority's issuance of a Scoping Determination, pursuant to subsection 3 of this Section 80B-5, the Applicant may file a proposed Scoping Determination for the Boston Redevelopment Authority to consider in developing its Scoping Determination.
3. Scoping Determination. The Boston Redevelopment Authority shall issue a written Scoping Determination setting forth in sufficient detail those elements of the Proposed Project described in the PNF that the Applicant must study, analyze, and mitigate. The issues that the Scoping Determination may require are set forth in Section 80B-3 (Scope of Review; Content of Reports). The Scoping Determination

also may set forth any modifications to the schedule and document requirements set forth in this Article 80 that the Boston Redevelopment Authority may allow pursuant to Section 80-6 (Coordination of Review Procedures) or Section 80A-4.3 (Special Impact Projects: Designation and Review Schedule).

- (a) Time for Issuance of Scoping Determination. The Boston Redevelopment Authority shall issue the Scoping Determination no later than forty-five (45) days after the Boston Redevelopment Authority has received the PNF.

If the Boston Redevelopment Authority has not issued the Scoping Determination within forty-five (45) days after its receipt of the PNF, the Boston Redevelopment Authority shall consider any proposed Scoping Determination filed by the Applicant pursuant to paragraph (e) of Section 80B-5.2. If the Boston Redevelopment Authority fails to accept or amend such proposed Scoping Determination within twenty-one (21) days after its receipt thereof, or within twenty-one (21) days after the date on which the Boston Redevelopment Authority's Scoping Determination was required to be issued, whichever is later, the Applicant's proposed Scoping Determination shall be deemed accepted.

- (b) Public Comments. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority within thirty (30) days after publication of notice of the PNF, pursuant to Section 80A-2.
- (c) Scoping Session. Prior to issuing the Scoping Determination, the Boston Redevelopment Authority shall invite the Applicant and the City's public agencies to attend a scoping session with Boston Redevelopment Authority staff. The Boston Redevelopment Authority shall give notice of the scoping session to the City's public agencies pursuant to Section 80A-2. In addition, to aid inter-agency coordination and encourage identification of issues early in the review process, the Applicant may invite to the scoping session any other public agencies the Applicant believes may have occasion to review the Proposed Project.
- (d) Scoping Determination Waiving Further Review. If the Scoping Determination indicates that the PNF, together with any additional materials and comments received by the Boston Redevelopment Authority prior to the issuance of the Scoping Determination, adequately describes the impacts of the



Proposed Project, the Scoping Determination may waive the requirements of both subsection 4 and subsection 5 of this Section 80B-5 for the filing and review of a Draft Project Impact Report (DPIR) and a Final Project Impact Report (FPIR). In such case, the Scoping Determination also shall include any conditions the Authority may require for the mitigation of such impacts.

If a Scoping Determination waives the requirements of further review, pursuant to this paragraph (d) of Section 80B-5.3, such Scoping Determination shall not become final until nineteen (19) days after the date on which the Boston Redevelopment Authority issues such Scoping Determination. Such Scoping Determination shall invite public comments concerning any conditions the Authority may require, pursuant to this paragraph (d), for the mitigation of the Proposed Project's impacts. To afford the public the opportunity to offer such comments, the Boston Redevelopment Authority shall publish notice of the issuance of such Scoping Determination in the manner provided in Section 80A-2.3 (Publication of Notice). Such notice shall indicate that any public comments submitted pursuant to this paragraph (d) shall be submitted in writing to the Boston Redevelopment Authority within fourteen (14) days after the date on which the Scoping Determination was issued and shall be based on significant new information not submitted during the public comment period or scoping session required by paragraphs (b) and (c) of this Section 80B-5.3.

The Boston Redevelopment Authority shall consider any comments received in accordance with this paragraph (d) and may modify the Scoping Determination to add, delete, or modify the conditions set forth therein, provided that any such changes shall be made no later than the date on which the Scoping Determination becomes final, pursuant to this paragraph (d).

If a Proposed Project is a Development Impact Project within the meaning of Section 80B-7 (Development Impact Project Exactions), the Boston Redevelopment Authority shall hold a public hearing, for which it shall publish notice pursuant to Section 80A-2, prior to issuing the Scoping Determination or executing any agreement required by Section 80B-7.3.

If a Proposed Project comes within the review jurisdiction of the Boston Civic Design Commission, pursuant to Section 28-5, a Scoping Determination that waives the requirements of this Section 80B-5 for the filing of a DPIR or FPIR, pursuant to this

paragraph (d), may nonetheless provide for further review and approval of the Proposed Project's schematic design plans; provided that the Boston Redevelopment Authority's decision regarding such schematic design plans shall occur no more than five (5) days following the earliest of: (a) the Authority's receipt of recommendations from the Design Commission, (b) the Authority's receipt of a decision by the Design Commission not to review the Proposed Project, or (c) the expiration of the time allowed for the Design Commission to submit recommendations to the Authority, pursuant to Section 28-14.

4. Draft Project Impact Report and Preliminary Adequacy Determination.

- (a) Draft Project Impact Report. After the issuance of the Scoping Determination, the Applicant shall prepare a Draft Project Impact Report (DPIR) that meets the requirements of the Scoping Determination by detailing the Proposed Project's impacts and proposed measures to mitigate, limit, or minimize such impacts. The Draft Project Impact Report shall contain the information necessary to meet the specifications of Section 80B-3 (Scope of Review; Content of Reports) and Section 80B-4 (Standards for Large Project Review Approval), as required by the Scoping Determination. The Applicant shall file the Draft Project Impact Report with the Boston Redevelopment Authority.
- (b) Public Notice and Comment. After receiving the DPIR, the Boston Redevelopment Authority shall publish notice of such receipt as required by Section 80A-2. The Applicant shall distribute copies of the DPIR as required by Section 80A-3. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority no later than fifteen (15) days prior to the date by which the Boston Redevelopment Authority must issue the Preliminary Adequacy Determination.
- (c) Preliminary Adequacy Determination. Based on its review of the DPIR and public comments, the Boston Redevelopment Authority shall issue a written Preliminary Adequacy Determination. The Preliminary Adequacy Determination shall indicate the additional steps necessary for the Applicant to satisfy the requirements of the Scoping Determination, including any modification of the Scoping Determination that the Boston Redevelopment Authority may require pursuant to this subsection (c) of Section 80B-5.4.

- (i) Time for Issuance of Preliminary Adequacy Determination. After its receipt of the DPIR, the Boston Redevelopment Authority shall issue its Preliminary Adequacy Determination within the following number of days:
- (1) For: (a) a Proposed Project with a gross floor area of 50,000 to 99,999 square feet located outside the Harborpark; and (b) a Proposed Project of any size in an Economic Development Area, provided that the proposed uses are allowed as of right in the proposed location: forty-five (45) days.
  - (2) For: (a) a Proposed Project with a gross floor area of 100,000 to 499,999 square feet located outside the Harborpark; and (b) a Proposed Project with a gross floor area of less than 100,000 square feet located within the Harborpark: sixty (60) days.
  - (3) For: (a) Proposed Project with a gross floor area of 500,000 or more square feet located outside the Harborpark; and (b) a Proposed Project with a gross floor area of 100,000 or more square feet located within the Harborpark: ninety (90) days.

If the Authority has not issued a Preliminary Adequacy Determination within the time period specified in this Section 80B-5.4(c)(i), including any extension of time allowed under Section 80A-4.2, the Applicant may submit a Final Project Impact Report, pursuant to Section 80B-5.5, which submission will begin the review period for the FPIR required by said Section 80B-5.5.

- (ii) Compliance with Scoping Determination. The Preliminary Adequacy Determination shall indicate which components of the Draft Project Impact Report are sufficient to meet the requirements of the Scoping Determination and which, if any, are not. If any components are inadequate, the Preliminary Adequacy Determination shall indicate the further steps necessary for the Applicant to satisfy the requirements of the Scoping Determination, as it may be modified by paragraph (iii) of this subsection (c).
- (iii) Amendment of Scoping Determination. If the Boston Redevelopment Authority's review of the Draft Project Impact Report and public comments (including the comments of public agencies) reveals negative impacts

that were not anticipated in the Scoping Determination and that are within the scope of Large Project Review, the Boston Redevelopment Authority may require that the Applicant study additional issues, consider further mitigation measures, or investigate new alternatives for the scale of the Proposed Project. If, upon such review, the Boston Redevelopment Authority finds that any requirement of the Scoping Determination is no longer necessary or germane to the review of the Proposed Project, the Boston Redevelopment Authority may eliminate any such requirement from further consideration.

- (iv) PAD Waiving Further Review. If the Preliminary Adequacy Determination indicates that all components of the Draft Project Impact Report are sufficient to meet the requirements of the Scoping Determination, the Boston Redevelopment Authority may waive the requirements of subsection 5 of this Section 80B-5 for the filing and review of a Final Project Impact Report. In such case, the Preliminary Adequacy Determination shall include any conditions the Authority may require for the mitigation of the impacts identified by the DPIR.

If a Preliminary Adequacy Determination waives the requirements of further review, pursuant to this paragraph (c)(iv) of Section 80B-5.4, such Preliminary Adequacy Determination shall not become final until nineteen (19) days after the date on which the Boston Redevelopment Authority issues such Preliminary Adequacy Determination. Such Preliminary Adequacy Determination shall invite public comments concerning any conditions the Authority may require in Preliminary Adequacy Determination, pursuant to this paragraph (c)(iv), for the mitigation of the Proposed Project's impacts. To afford the public the opportunity to offer such comments, the Boston Redevelopment Authority shall publish notice of the issuance of such Preliminary Adequacy Determination in the manner provided in Section 80A-2.3 (Publication of Notice). Such notice shall indicate that any public comments submitted pursuant to this paragraph (c)(iv) shall be submitted in writing to the Boston Redevelopment Authority within fourteen (14) days after the date on which the Preliminary Adequacy Determination was issued and shall be based on significant new information not submitted during the public comment period or scoping

session required by subsections (b) and (c) of this Section 80B-5.4.

The Boston Redevelopment Authority shall consider any comments received in accordance with this paragraph (c)(iv) and may modify the Preliminary Adequacy Determination to add, delete, or modify the conditions set forth therein, provided that any such changes shall be made no later than the date on which the Preliminary Adequacy Determination becomes final, pursuant to this paragraph (c)(iv).

If a Proposed Project is a Development Impact Project within the meaning of Section 80B-7 (Development Impact Project Exactions), the Boston Redevelopment Authority shall hold a public hearing, for which it shall publish notice pursuant to Section 80A-2, prior to issuing the Preliminary Adequacy Determination or executing any agreement required by Section 80B-7.3.

If a Proposed Project comes within the review jurisdiction of the Boston Civic Design Commission, pursuant to Section 28-5, a Preliminary Adequacy Determination that waives the requirements of this Section 80B-5 for the filing of an FPIR, pursuant to this paragraph (c)(iv), may nonetheless provide for further review and approval of the Proposed Project's schematic design plans; provided that the Boston Redevelopment Authority's decision regarding such schematic design plans shall occur no more than five (5) days following the earlier of: (a) the Authority's receipt of recommendations from the Design Commission, or (b) the expiration of the time allowed for the Design Commission to submit recommendations to the Authority, pursuant to Section 28-14.

5. Final Project Impact Report and Adequacy Determination.
  - (a) Final Project Impact Report. After the issuance of the Preliminary Adequacy Determination, the Applicant shall prepare a Final Project Impact Report (FPIR) that satisfies the requirements of the Scoping Determination, including any modifications or specifications set forth in the Preliminary Adequacy Determination. The Applicant shall file the Final Project Impact Report with the Boston Redevelopment Authority.

- (b) Public Notice and Comment. After receiving the FPIR, the Boston Redevelopment Authority shall publish notice of such receipt as required by Section 80A-2. The Applicant shall distribute copies of the FPIR as required by Section 80A-3. Public comments on the Final Project Impact Report, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority no later than fifteen (15) days prior to the date on which the Boston Redevelopment Authority must issue the Adequacy Determination.
  
- (c) Adequacy Determination. The Boston Redevelopment Authority shall issue a written Adequacy Determination within the same number of days, after the Authority's receipt of the FPIR, as required for issuance of a Preliminary Adequacy Determination, pursuant to subsection 4(c)(i) of this Section 80B-5. If a Proposed Project described in the FPIR is a Development Impact Project within the meaning of Section 80B-7, the Boston Redevelopment Authority shall hold a public hearing, for which it shall publish notice pursuant to Section 80A-2, prior to issuing its Adequacy Determination or executing any agreement required by Section 80B-7.3.

In issuing the Adequacy Determination, the Boston Redevelopment Authority shall approve, conditionally approve, or disapprove the Final Project Impact Report.

If a Proposed Project comes within the review jurisdiction of the Boston Civic Design Commission, pursuant to Section 28-5, and the Design Commission has decided to review such Proposed Project, the Adequacy Determination shall provide that, notwithstanding any contrary provision of this subsection 5(c), the Boston Redevelopment Authority's decision regarding the Proposed Project's schematic design plans shall occur no more than five (5) days after the earlier of: (a) the Authority's receipt of recommendations from the Design Commission, or (b) the expiration of the time allowed for the Design Commission to submit recommendations to the Authority, pursuant to Section 28-14.

If the Adequacy Determination disapproves the Final Project Impact Report, it shall provide specific reasons for the disapproval, setting forth the areas in which the Final Project Impact Report is at variance with the requirements of the Scoping Determination, as it may have been modified by the Preliminary Adequacy Determination. An Adequacy

Determination that conditionally approves a Proposed Project, or that disapproves a Proposed Project, may require additional information, studies, and mitigation measures, provided that such requirements are within the breadth of the Scoping Determination, as it may have been modified by the Preliminary Adequacy Determination.

6. Revision of Final Project Impact Report. If the Adequacy Determination disapproves the Final Project Impact Report, the Applicant shall revise the FPIR before resubmitting it to the Boston Redevelopment Authority. The revised and resubmitted FPIR shall be reviewed in the manner, and subject to the requirements, set forth in subsection 5 (Final Project Impact Report and Adequacy Determination) of this Section 80B-5.

(√As amended on December 6, 1997 and January 10, 2007.)

**SECTION 80B-6. Enforcement: Certification of Compliance for Large Project Review.** The Commissioner of Inspectional Services shall not issue any building permit for any Proposed Project that is subject to Large Project Review, pursuant to Section 80B-2 (Applicability of Review), unless the Director of the Boston Redevelopment Authority has issued a Certification of Compliance pursuant to this Section 80B-6. A Certification of Compliance shall meet the following requirements:

1. Procedure. The Applicant shall transmit to the Boston Redevelopment Authority a copy of the building permit application, including each plan, drawing, and specification to be filed in connection therewith.

Within thirty (30) days after the Boston Redevelopment Authority has received the complete building permit application, the Director of the Boston Redevelopment Authority shall issue a Certification of Compliance, pursuant to this Section 80B-6, or a finding of noncompliance. A finding of noncompliance shall specify the reasons for the finding.

2. Findings. The Director of the Boston Redevelopment Authority shall issue a Certification of Compliance pursuant to this Section 80B-6 if, and only if, the Director finds that the Proposed Project complies:  
(a) with the terms of the Adequacy Determination issued pursuant to Section 80B-5.5 and the agreements executed pursuant thereto, or with the conditions of any Scoping Determination or Preliminary Adequacy Determination waiving further review, pursuant to subsection 3(d) or subsection 4(c)(iv) of Section 80B-5; and (b) to the extent applicable, with the provisions of:

- (i) Section 80B-7: Development Impact Project Exactions;
- (ii) Section 80B-8: Disclosure of Beneficial Interests;
- (iii) Section 80C-8: Planned Development Area Review: Certifications;
- (iv) Section 80D-10: Institutional Master Plan Review: Certification of Consistency;
- (v) Article 27: Interim Planning Overlay District;
- (vi) Article 28: Boston Civic Design Commission; and
- (vii) Article 37: Green Buildings.

(^As amended on January 10, 2007)

√SECTION 80B-7. **Development Impact Project Exactions.**

1. Purposes of Development Impact Project Exactions.

- (a) Purposes of Housing Exaction. The purposes of the Housing Exaction requirement for Development Impact Projects, as set forth in Section 80B-7, are: to prevent overcrowding and deterioration of existing housing; to preserve and increase the City's housing amenities; to facilitate the adequate provision of low and moderate income housing; and to establish a balance between new large-scale real estate development projects and the low and moderate income housing needs of the City of Boston. The Housing Exaction requirement is designed to mitigate the impacts of large-scale real estate development on the available supply of low and moderate income housing and increase the availability of such housing by requiring developers of Development Impact Projects, as a condition of the grant of Zoning Relief, to make a development impact payment to the Neighborhood Housing Trust or to contribute to the creation of low and moderate income housing.
- (b) Purposes of Jobs Contribution Exaction. The purpose of the Jobs Contribution Exaction requirement for Development Impact Projects, as set forth in Section 80B-7, is to mitigate the adverse impacts of new large-scale real estate development projects by providing for related job training for low and moderate income people. The City has found that, because new commercial uses



are more capital intensive and less land intensive than industrial uses, land for such commercial uses commands a higher price per acre than industrial uses, contributing to the decline of the manufacturing sector and related employment. To mitigate this impact, job training programs are needed to enable workers to compete for new non-manufacturing jobs. The Jobs Contribution Exaction requirement is designed to increase the opportunities for job training for low and moderate income people by requiring developers, as a condition of the grant of Zoning Relief, to make a development impact payment to the Neighborhood Jobs Trust or to create or expand job training programs.

2. Definitions. For the purposes of this Section 80B-7 only, the following words and phrases shall have the meanings indicated:

(a) "Development Impact Project," means a Proposed Project that:

- (i) requires Zoning Relief; and
- (ii) proposes to include one or more Development Impact Uses occupying an aggregate gross floor area of more than one hundred thousand (100,000) square feet; and
- (iii) proposes to: (i) erect a structure or structures having a total gross floor area of more than one hundred thousand (100,000) square feet; (ii) enlarge or extend a structure or structures so as to increase its (or their) gross floor area by more than one hundred thousand (100,000) square feet; or (iii) substantially rehabilitate a structure or structures having, or to have after rehabilitation, a gross floor area of more than one hundred thousand (100,000) square feet.

For the purposes of the definition of Development Impact Project:

- (i) The measurement of gross floor area excludes all accessory parking garage space.
- (ii) "Substantially rehabilitate" has the meaning set forth in Article 2A.
- (iii) "Development Impact Project" does not include any building or structure that is, or will be, wholly-owned by one or more public agencies.

- (b) "Development Impact Project Exaction," means the Housing Exaction specified in subsection 4, and the Jobs Contribution Exaction specified in subsection 5, of this Section 80B-7.
- (c) "Development Impact Use," means any of the following uses, as defined in Article 2A for Proposed Projects in those zoning districts to which Article 2A applies, and as described in Table A of Section 8-7 and defined in Article 2 for Proposed Projects in all other zoning districts:

<u>Uses</u>	<u>Use Item Numbers</u>
(a) Office	39, 39A, 40, 41, 42
(b) Retail Business; Service; Public Service Uses	30, 31, 32, 34, 34A, 35, 36, 36A, 37, 37A, 38, 38A, 43, 44, 45, 46, 47, 48, 49, 60, 60A, 61
(c) Institutional; Educational	16, 16A, 18, 19, 20, 20A, 21, 22, 22A, 23, 24, 29
(d) Hotel; Motel	15 (excluding apartment hotel)
(e) Other use for purposes of Housing Exaction required by this Section 80D-7: Any use not specifically listed in the definition of Development Impact Use, if the Proposed Project for such use will result directly in a reduction in the supply of low and moderate income dwelling units, as determined by the Boston Redevelopment Authority.	

- (d) "Neighborhood Housing Trust," means a Massachusetts public charitable trust created under the authority of Chapter 371 of the Acts of 1987 and the laws of the Commonwealth of Massachusetts and administered pursuant to a Declaration of Trust dated November 19, 1985 and pursuant to an Ordinance Establishing the Neighborhood Housing Trust passed by the City Council on May 21, 1986 and approved by the Mayor of Boston on July 6, 1986, or another trust created or administered for such purpose, if passed by the City Council and approved by the Mayor.
- (e) "Neighborhood Jobs Trust," means a Massachusetts public charitable trust created under the authority of Chapter 371 of the Acts of 1987 and the laws of the Commonwealth of Massachusetts and administered pursuant to a Declaration of

Trust dated November 19, 1985 and pursuant to an Ordinance Establishing the Neighborhood Jobs Trust passed by the City Council on August 19, 1987 and approved by the Mayor of Boston on September 8, 1987, or another trust created or administered for such purpose, if passed by the City Council and approved by the Mayor.

3. Requirement of Development Impact Project Exaction. No Zoning Relief shall be granted, allowed, or adopted for a Development Impact Project unless the Applicant for such Zoning Relief has entered into an agreement with the Boston Redevelopment Authority to meet the Development Impact Project Exaction requirements of this Section 80B-7.
  - (a) Housing Exaction. For each Development Impact Use within the Proposed Project, a Housing Exaction shall be required. The Housing Exaction requirement may be met by: (i) payment of a Housing Contribution Grant according to the formula (including the amount and payment schedule), and in the manner, specified in this Section 80B-7; or (ii) the creation of housing units in compliance with the requirements for the Housing Creation Option, as specified in subsection 4(b) of this Section 80B-7; or (iii) a combination of payments and creation of housing units, where such combination meets the requirements of subsection 4 of this Section 80B-7. The Applicant may select the method for meeting the Housing Exaction requirement of this paragraph (a) of Section 80B-7.3; provided that any proposal for the creation of housing units shall be approved pursuant to the requirements for the Housing Creation Option.
  - (b) Jobs Contribution Exaction. For each Development Impact Use within the Proposed Project, a Jobs Contribution Exaction shall be required. The Jobs Contribution Exaction requirement may be met by: (i) payment of a Jobs Contribution Grant according to the formula (including the amount and payment schedule), and in the manner, specified in this Section 80B-7; or (ii) the creation of a job training program in compliance with the requirements for the Jobs Creation Option, as specified in subsection 5(b) of this Section 80B-7; or (iii) a combination of payments and creation of a job training program, where such combination meets the requirements of subsection 5 of this Section 80B-7. The Applicant may select the method for meeting the Jobs Contribution Exaction requirement of this paragraph (b) of Section 80B-7.3; provided that any proposal for the creation of a job training program shall be approved pursuant to the requirements for the Jobs Creation Option.

4. Housing Exaction.

(a) Housing Contribution Grant.

- (i) Amount of Grant. Payment of a Housing Contribution Grant shall be required in the amount of seven dollars and eighty-seven cents (\$8.34) for each square foot of gross floor area in excess of one hundred thousand (100,000) square feet that is occupied by a Development Impact Use, as defined in this Section 80B-7.
- (ii) Allocation of Grant. No less than ten percent (10%) of any Housing Contribution Grant made for Proposed Projects located in the area described in Appendix B to this Article, and twenty percent (20%) of any Housing Contribution Grant made for Proposed Projects located outside such area, shall be reserved for use in the area surrounding the Proposed Project that is directly affected by the housing impacts of the Proposed Project, as that area is set forth in the agreement required pursuant to Section 80B-7.3, provided that the Neighborhood Housing Trust finds that proposals for feasible housing projects can be developed in such area.
- (iii) Payment Schedule. The Housing Contribution Grant shall be made according to the following payment schedule:
  - (1) General Payment Schedule. The Housing Contribution Grant shall be made in seven (7) equal annual installments. The first installment shall be due and payable upon the issuance of a certificate of occupancy for the Proposed Project, or twenty-four (24) months after the issuance of a building permit for the Proposed Project, whichever comes first. The remaining six (6) installments shall be due and payable annually on the anniversary of the first payment.
  - (2) Special Downtown Payment Schedule. For each Proposed Project located within that area depicted and described in Appendix B to this Article, the Housing Contribution Grant shall be made in seven (7) equal annual installments. The first installment shall be due and payable upon the issuance of a building permit for the Proposed Project. The

remaining six (6) installments shall be due and payable annually on the anniversary of the first payment. Where a boundary set forth in Appendix B divides a Development Impact Project, the payment schedule set forth in this subparagraph (iii)(2) of Section 80B-7.4(a) shall apply.

(iv) Notice Of First 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 first payment of the Housing Contribution Grant according to the following schedule:

(1) General Payment Schedule. If the Housing contribution Grant is to be paid in accordance with the General Payment Schedule set forth in Section 80B-7.4(a)(iii)(1), the Applicant shall give such notice no less than thirty (30) days prior to (A) the anticipated issuance of the Certificate of Occupancy for the Proposed Project or (B) the expiration of the twenty-four month of time after a building permit has been issued for the Proposed Project, whichever is sooner.

(2) Special Downtown Payment Schedule. If the Housing Contribution Grant is to be paid in accordance with the Special Downtown Payment Schedule set forth in 80 B-7.4(a)(iii)(2), the Applicant shall give such notice no less than thirty (30) days prior to the anticipated issuance of a building permit for the Proposed Project.

(b) Housing Creation Option. The Housing Creation Option shall be met by creating, or causing to be created, housing units for occupancy exclusively by low and moderate income residents of the City, at a cost at least equivalent to the amount of the Housing Contribution Grant, and in conformity with written regulations adopted by the Boston Redevelopment Authority after public notice and hearing. The actual Housing Creation Contribution may be approved by the Authority only after public notice and hearing.

For purposes of the Housing Creation Option, "low and moderate income residents" shall mean those households, located in the City, whose total annual income is not more than eighty percent (80%) of the median income for the Boston area

as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974, as amended.

5. Jobs Contribution Exaction.

(a) Jobs Contribution Grant.

(i) Amount of Grant. Payment of a Jobs Contribution Grant shall be required in the amount of one dollar and fifty-seven cents (\$1.67) for each square foot of gross floor area in excess of one hundred thousand (100,000) square feet that is occupied by a Development Impact Use, as defined in this Section 80B-7.

(ii) Allocation of Grant. No less than twenty percent (20%) of any Jobs Contribution Grant shall be reserved for use in the area surrounding the Proposed Project, as that area is set forth in the agreement required pursuant to Section 80B-7.3.

(iii) Payment Schedule. The Jobs Contribution Grant shall be made to the Neighborhood Housing Trust in two (2) equal annual installments, the first installment due upon the issuance of a building permit for the Proposed Project. The remaining payment of the Jobs Contribution Grant shall be due and payable on the one year anniversary of the first installment.

(iv) Notice of First Payment. No less than thirty (30) days prior to the anticipated issuance of a building permit for the Proposed Project, written notice shall be given by the Applicant to the Secretary of the Boston Redevelopment Authority, of the due date of the first payment of the Jobs Contribution Grant.

(b) Jobs Creation Option. Upon approval by the Director of the Mayor's Office of Jobs and Community Services, or any successor office thereto, the Applicant may use the Jobs Contribution Grant to create a job training program for workers who will be employed, on a permanent basis, at the Proposed Project.

6. Other Requirements for Payment of Exactions.

- (a) Payments to Trust. All payments made pursuant to the Housing Exaction requirement and the Jobs Contribution Exaction requirement of this Section 80B-7 shall be made to the Collector-Treasurer, as the managing trustee of the Neighborhood Housing Trust, or as the managing trustee of the Neighborhood Jobs Trust, as the case may be, for the exclusive benefit of the Neighborhood Housing Trust and the Neighborhood Jobs Trust, respectively.
  
- (b) Measurement of Area of Development Impact Uses. In calculating the amount of the Housing Exaction and the Jobs Contribution Exaction required pursuant to this Section 80B-7, the measurement of gross floor area shall include the area of all uses that are accessory or ancillary to the Development Impact Uses of the Proposed Project, except that such area shall not include the area of accessory parking garage space. For Proposed Projects containing more than one Development Impact Use, the gross floor area for the calculation of the amount of the Housing Exaction and the Jobs Contribution Exaction shall be the aggregate gross floor area devoted to such uses, including their accessory and ancillary uses.
  
- (c) Recalculation of Payment Formula. The formulas (comprising the amounts and rates of payment) for the Housing Contribution Grant and the Jobs Contribution Grant shall be subject to recalculation three (3) years after the effective date of this Article, and every three (3) years thereafter. The Boston Redevelopment Authority, after public notice and hearing, shall make a recommendation to the Zoning Commission, when appropriate, to amend such formulas, based on a consideration of the following criteria:
  - (i) Economic trends, measured in terms including, but not limited to, development activity, commercial rents per square foot, employment growth, and inflation rates.
  
  - (ii) Housing trends, measured in terms including, but not limited to, vacancy rates for low and moderate income housing, and production statistics for new dwelling units.
  
  - (iii) Employment trends, measured in terms including, but not limited to, unemployment rates and statistics on job training programs. The purpose of this analysis is to determine the changes in the City's employment training needs and the continuing ability of new large-scale development to assist in meeting those needs.

No such amended formula shall apply to any Housing Contribution Grant or Jobs Contribution Grant for which a Development Impact Project agreement has been entered into with the Boston Redevelopment Authority prior to the effective date of such amendment.

(√ As amended on September 18, 2000, October 20, 2000, January 25, 2002, April 5, 2006, and November 18, 2013.)

**SECTION 80B-8. Disclosure of Beneficial Interests in Large Projects.**

1. Purposes of Requirements for Disclosure of Beneficial Interests. The purposes of the disclosure requirements of this Section 80B-8 include, without limitation, the following: (a) to inform public decision-makers and the public at large of the identity of, and extent of the interest held by, all persons having any beneficial interest in significant development projects that are subject to review and approval by the Boston Redevelopment Authority, the Zoning Commission, or the Board of Appeal, in order to improve municipal land use decisions and foster public understanding of, and trust in, such review and approval processes; and (b) to provide a process under which officials making land use decisions can identify and avoid conflicts of interest.
2. Applicability. This Section 80B-8 shall apply to any Proposed Project that requires Zoning Relief and that falls into any of the following categories:
  - (a) construction of a building or structure having a gross floor area of one hundred thousand (100,000) or more square feet;
  - (b) enlargement or extension of a building or structure so as to increase its gross floor area by one hundred thousand (100,000) or more square feet; or
  - (c) establishment or change of the uses of a gross floor area of one hundred thousand (100,000) or more square feet.
3. Definitions. For the purposes of this Section 80B-8 only, the following words and phrases shall have the meanings indicated:
  - (a) "Applicant" means any Person having a Beneficial Interest in a Proposed Project subject to the provisions of this article or the authorized agent of any such Person.



- (b) "Beneficial Interest" means any legal or equitable direct or indirect ownership interest, whether as an individual or through a partnership, corporation, trust, or other legal entity, or otherwise, or a contractual right to any such ownership interest, whether or not contingent, other than a mortgage in favor of or a commitment, standby or otherwise, for mortgage financing, from: (i) a corporation, partnership, or trust, the stock of which is listed for sale to the public with the Securities and Exchange Commission or with a comparable regulatory body in a foreign country; (ii) a mutual insurance company or other entity owned by its policy holders; or (iii) a pension fund or other employee benefit plan; or (iv) an insurance company, bank, or other entity subject to control, regulation, or examination by any state or federal regulatory agency or by a comparable regulatory body in a foreign country.
- (c) "Disclosure Statement" means the statement required by Section 80D-8.4.
- (d) "Person" means an individual, partnership, corporation, trust, or other legal entity.

4. Disclosure Statements of Persons Having Beneficial Interests in Proposed Projects.

- (a) Disclosure of Beneficial Interests in Proposed Projects. The Zoning Commission and Board of Appeal may grant Zoning Relief for a Proposed Project that is subject to this Section 80B-8 only if the Applicant for such Proposed Project has filed a statement (the "Disclosure Statement"), signed under penalties of perjury, with the City Clerk, with the Secretary of the Boston Redevelopment Authority, with the Secretary of the Zoning Commission in instances in which the Zoning Commission will act on an application for Zoning Relief, and with the Executive Secretary of the Board of Appeal in instances in which the Board of Appeal will act on an application for Zoning Relief, for the Proposed Project.

The Disclosure Statement shall disclose: (i) the true names and addresses of all Persons who have a Beneficial Interest in the Proposed Project, the amount of their Beneficial Interest accurate to within one-tenth of one percent if such interest exceeds one percent (1%); and (ii) for the initial Disclosure Statement only (unless such initial Disclosure Statement is subsequently modified), the names and addresses of all firms and professional corporations employed as

attorneys, real estate brokers, architects, engineers, planners, or surveyors, and all other agents who have acted on behalf of any of the foregoing with respect to the application for the Zoning Relief, provided that the disclosure of the names and addresses of such firms and professional corporations shall not be required if the compensation for acting on behalf of the application for the Zoning Relief is less than fifty thousand dollars (\$50,000).

The provisions of this paragraph (a) of Section 80D-8.4 shall not apply to:

- (i) owners of 10% or less of the ownership interest in: (1) a corporation, partnership, or trust, the stock of which is listed for sale to the public with the Securities and Exchange Commission or with a comparable regulatory body in a foreign country; (2) a mutual insurance company or other entity owned by its policy holders; (3) an insurance company, bank, or other entity subject to control, regulation, or examination by any state or federal regulatory agency or by a comparable regulatory body in a foreign country;
  - (ii) shareholders of a limited equity or nonprofit housing cooperative;
  - (iii) a pension fund or other employee benefit plan; and
  - (iv) any other entity that may be deemed to be exempt by regulations adopted by the Boston Redevelopment Authority from time to time, pursuant to Section 80-8.
- (b) Form of Disclosure Statement. The Disclosure Statement shall be substantially in the form shown in Appendix C to this Article. If the Applicant filing the Disclosure Statement is a corporation, the Disclosure Statement shall be signed by a duly authorized officer thereof.
- (c) Circulation of Disclosure Statement. Once filed by the Applicant, the Disclosure Statement shall be circulated to all members of the Zoning Commission, Board of Appeal, and Boston Redevelopment Authority who are eligible to vote upon the application for Zoning Relief. The Disclosure Statement shall be circulated by the secretary of each such public agency, provided that the failure of any such secretary to circulate the Disclosure Statement as provided herein shall not affect the

validity of any Zoning Relief nor subject the Applicant to the penalties set forth in subsection 7 of this Section 80B-8.

5. Public Records. The City Clerk shall make all Disclosure Statements required by this Section 80B-8 available to the public upon request.
6. Updating Disclosure Statements. If at any time during the period of seven (7) years from the date of the first filing of a Disclosure Statement pursuant to this Section 80B-8 there is a significant change in the identity of Persons having a Beneficial Interest in the Proposed Project, as disclosed in the previous Disclosure Statement filed, the Applicant shall file with the City Clerk and the Secretary of the Boston Redevelopment Authority an updated Disclosure Statement within thirty (30) days after such change has occurred. The updated Disclosure Statement shall contain all the information required by subsection 4 of this Section 80B-8 and shall specifically identify the differences in such information from that provided in the immediately preceding Disclosure Statement filed in connection with such Proposed Project.
7. Penalties.
  - (a) Failure to File Updated Disclosure Statement. If the Applicant of a Proposed Project that has received Zoning Relief fails subsequently to file an updated Disclosure Statement as required by subsection 6 of this Section 80B-8, the Commissioner of Inspectional Services may take any action provided in law or equity to enforce the provisions of this Section 80B-8.
  - (b) Falsification of Disclosure Statement. Any Person who willfully files a Disclosure Statement that is false in a material matter shall be subject to the penalties of perjury pursuant to M.G.L. Chapter 268, Section 1A, and any other applicable criminal and civil penalties. If the City Clerk, the Boston Redevelopment Authority, or any other agency or person notifies the Commissioner of Inspectional Services that a court of competent jurisdiction has found that such a false statement in a material matter has been willfully filed, the Commissioner of Inspectional Services may take any action provided in law or equity to enforce the provisions of this Section 80B-8.

Notwithstanding the foregoing, neither the Zoning Relief nor any building or occupancy permits issued shall be jeopardized by reason of any violation of the provisions of this paragraph (b) of Section 80B-8.7 after the Zoning Relief has

been granted if either: (a) (i) a corporation, partnership, or trust, the stock of which is listed for sale to the public with the Securities and Exchange Commission or with a comparable regulatory body in a foreign country; (ii) a mutual insurance company or other entity owned by its policy holders; (iii) a pension fund or other employee benefit plan; (iv) an insurance company, bank, or other entity subject to control, regulation, or examination by any state or federal regulatory agency or by a comparable regulatory body in a foreign country; or (v) a governmental or quasi-governmental agency or authority, has loaned funds for the substantial construction of the Proposed Project, and has filed a notice with the Commissioner of Inspectional Services verifying the disbursement of funds for such substantial construction; or (b) a building permit allowing commencement of construction has been issued by the Inspectional Services Department.

(c) Notice of Enforcement; Cure; Limitations.

- (i) Notice of Enforcement. Prior to seeking enforcement for failure to file an updated Disclosure Statement, as provided in paragraph (a), or for falsification of a Disclosure Statement, as provided in paragraph (b), of this Section 80B-8.7, the Commissioner of Inspectional Services shall send notice of such intended enforcement to the Applicant, and to any other Person who has a Beneficial Interest in the Proposed Project (and any other mortgagees of whom the Inspectional Services Department has notice) listed on the most recent Disclosure Statement filed by the Applicant, by certified mail to the addresses given on the most recent Disclosure Statement filed. Such notice shall advise said Applicant and each such Person that, if the updated, or true, Disclosure Statement, as the case may be, is not filed within forty-five (45) days of receipt of the notice, the Commissioner of Inspectional Services shall consider revoking the Proposed Project's building or occupancy permit as a result of such failure to file, or such falsification, as the case may be, unless such building permit or occupancy permit is protected by the provisions of paragraph (b) of this Section 80B-8.7, or shall consider seeking any other remedies available at law or in equity. The Commissioner shall send a copy of such notice of

intended enforcement to the Secretary of the Boston Redevelopment Authority, the Secretary of the Zoning Commission, and the Executive Secretary of the Board of Appeal.

- (ii) Cure. If, within such forty-five (45) day period, any Person to whom the notice of intended enforcement was sent provides evidence to the Commissioner of Inspectional Services of due diligence in seeking the filing of an updated, or true, Disclosure Statement, as the case may be, the Commissioner of Inspectional Services shall not take any other action to enforce the provisions of this Section 80B-8 and shall not revoke any building or occupancy permit for the Proposed Project, and no such enforcement action or revocation may take place so long as the due diligence to seek compliance is being undertaken. The failure of any Applicant to file any updated, or true, Disclosure Statement required by this Section 80B-8 may be fully and completely cured by the filing by such Applicant at any subsequent time of an updated, or true, Disclosure Statement, as the case may be, that sets forth the information required by subsection 4 of this Section 80B-8 as of the time when such filing was originally due, or by the filing by any other Applicant of an updated, or true, Disclosure Statement that sets forth, to the best knowledge of such Applicant, the information required by said subsection 4 as of the time when such filing was originally due.

For the purpose of this paragraph (c) (ii) of Section 80B-8.7, "due diligence" shall conclusively mean, but not be limited to, the diligent prosecution of a civil action to compel compliance with the requirement to file an updated, or true, Disclosure Statement. Regulations issued by the Boston Redevelopment Authority pursuant to Section 80-8 may provide other circumstances where due diligence shall be conclusively found, including, without limitation, providing for circumstances where the interests of bona-fide purchasers and lenders shall not be jeopardized by reason of such nondisclosure if they exercise reasonable efforts to cure the noncompliance involved.

- (iii) Limitations. Any action by the Commissioner of Inspectional Services or any other party in connection with any violation of this Section 80B-8 shall be commenced

only within three (3) years after the cause of action accrues. A cause of action shall be deemed to accrue with respect to any Disclosure Statement on the date when such Disclosure Statement is required to be filed pursuant to this Section 80B-8.

## C. PLANNED DEVELOPMENT AREA REVIEW

**SECTION 80C-1. Planned Development Area Review: Title; Purpose; Relationship to Section 3-1A.a.** Planned Development Area Review, as established by this Article, comprises the provisions of Sections 80C-1 through 80C-9, including any requirements set forth therein for compliance with other provisions of this Article and Code.

The purpose of Planned Development Area Review is to establish uniform procedures for the administration of the requirements of Section 3-1A.a, which provides for the establishment of Planned Development Area (PDA) special purpose overlay districts and requires the review and adoption of plans for the development of such districts.

**SECTION 80C-2. Applicability of Planned Development Area Review.** Planned Development Area Review shall apply to any application for the approval or amendment of any development plan or master plan for any Planned Development Area established pursuant to Section 3-1A.a.

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

1. PDA Development Plans. A PDA Development Plan shall set forth the proposed location and appearance of structures, open spaces and landscaping, proposed uses of the area, densities, proposed traffic circulation, parking and loading facilities, and access to public transportation, and proposed dimensions of structures. A PDA Development Plan also may include proposed building elevations, schematic layout drawings and exterior building materials, and such other matters as the Boston Redevelopment Authority deems appropriate to its consideration of the proposed development of the area.
2. PDA Master Plans. Where permitted pursuant to Section 3-1A.a, a PDA Master Plan may be submitted setting forth only a statement of the development concept, including the planning objectives and character of the development, the proposed uses of the area, the range of dimensional requirements contemplated for each of the proposed uses, the proposed phasing of construction of the development, and such other matters that may be included in a PDA Development Plan as the Boston Redevelopment Authority may request in order to make the findings required pursuant to Section 80C-4 (Standards for Approval).

**SECTION 80C-4. Standards for Planned Development Area Review Approval.** The Boston Redevelopment Authority shall not approve a

Development Plan or Master Plan for a Planned Development Area unless the Authority finds that: (a) such plan is not for a location or Proposed Project for which Planned Development Areas are forbidden by the underlying zoning; (b) each Proposed Project in such plan complies with any provisions of the underlying zoning that establish use, dimensional, design, or other requirements for Proposed Projects in Planned Development Areas; (c) such plan complies with any provisions of the underlying zoning that establish planning and development criteria, including public benefits, for Planned Development Areas; (d) such plan conforms to the plan for the district, subdistrict, or similar geographic area in which the Planned Development Area is located, and to the general plan for the City as a whole; and (e) on balance, nothing in such plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens.

**SECTION 80C-5. Boston Redevelopment Authority Procedures for Planned Development Area Review.**

1. Pre-Review Planning Meeting. The Applicant is strongly encouraged to request a pre-review planning meeting with the Boston Redevelopment Authority. At the Applicant's request, the Boston Redevelopment Authority will schedule a pre-review planning meeting with the Applicant and Boston Redevelopment Authority staff to discuss issues that may be raised by the PDA Development Plan or PDA Master Plan and identify any need for coordination with other Boston Redevelopment Authority review and with review by other public agencies.
2. Initiating the Review Process. The Applicant shall initiate the review of a PDA Development Plan or PDA Master Plan by filing such plan with the Boston Redevelopment Authority, together with a fact sheet describing each Proposed Project in the Development Plan, or the development concept for the Master Plan, and a map or description of the area involved.
3. Public Notice and Comment. After receiving the documents required by subsection 2 of this Section 80C-5, the Boston Redevelopment Authority shall publish notice of such receipt as required by Section 80A-2. Copies of the review documents shall be distributed as required by Section 80A-3. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority within forty-five (45) days after the Boston Redevelopment Authority has received the documents required by subsection 2 of this Section 80C-5.
4. Boston Redevelopment Authority Review and Approval. No later than sixty (60) days after the Boston Redevelopment Authority has



received the PDA Development Plan or PDA Master Plan filed pursuant to subsection 2 of this Section 80C-5, the Boston Redevelopment Authority shall approve the plan submitted for review and authorize its Director to petition the Zoning Commission to approve the plan and designate the area of the Proposed Project or Master Plan development concept as a Planned Development Area, or shall conditionally approve the plan, or shall disapprove the plan. Before it issues its decision, the Boston Redevelopment Authority shall hold a public hearing, for which it shall publish notice pursuant to Section 80A-2, and shall consider the public comments received.

**SECTION 80C-6. Planned Development Area Review: Zoning Commission Approval.** Upon its approval of the Development Plan or Master Plan for a Planned Development Area, the Boston Redevelopment Authority shall transmit such plan to the Zoning Commission for its consideration in accordance with Section 3-1A.a.

**SECTION 80C-7. Amendment of Planned Development Area Plans.** The review and approval requirements for amendment of a PDA Development Plan or PDA Master Plan are the same as those for the initial approval of such plan.

**SECTION 80C-8. Enforcement: Certification of Consistency for Planned Development Area Review.** The Commissioner of Inspectional Services shall not issue a building, use, or occupancy permit for any Proposed Project in a Planned Development Area unless the Director of the Boston Redevelopment Authority has issued:

- (a) a Certification of Consistency pursuant to this Section 80C-8; and
- (b) if applicable, a Certification of Compliance under Large Project Review, pursuant to Section 80B-6, or the certification required under Small Project Review, pursuant to Section 80E-6.

A Certification of Consistency shall meet the following requirements:

1. **Procedure.** The Applicant shall transmit to the Boston Redevelopment Authority a copy of the permit application, including each plan, drawing, and specification to be filed in connection therewith.

Within sixty (60) days after the Boston Redevelopment Authority has received the complete permit application, the Director of the Boston Redevelopment Authority shall issue a Certification of Consistency, pursuant to this Section 80C-8, or a finding of

inconsistency, or a finding of consistency with conditions. A finding of inconsistency or a finding of consistency with conditions shall specify the reasons for the finding.

2. Findings. The Director of the Boston Redevelopment Authority shall issue a Certification of Consistency pursuant to this Section 80C-8 if, and only if, the Director finds that:
  - (a) The Proposed Project is described adequately in a PDA Development Plan applicable to the Proposed Project's location; and
  - (b) The Proposed Project is consistent with such PDA Development Plan; and
  - (c) The applicable PDA Development Plan, or an amendment adding the Proposed Project to such Development Plan, has been approved by the Boston Redevelopment Authority and the Zoning Commission in accordance with the applicable provisions of Section 3-1A.a and Planned Development Area Review.

Prior to issuing a Certification of Consistency, the Director of the Boston Redevelopment Authority may require the Applicant to submit information and materials as necessary to evaluate whether the Proposed Project is consistent with the PDA Development Plan. Provided that such updated materials and information do not alter or require alteration of the development program proposed in such plan or of proposed public benefits, such updated materials and information shall not be deemed to be an amendment to such plan.

3. Adequacy of Description. For purposes of paragraph 2(a) of this Section 80C-8, the description of a Proposed Project in a PDA Development Plan is adequate if it describes the following project elements:
  - (a) size, including gross floor area, building height, and FAR;
  - (b) uses; and
  - (c) location, including the location of each proposed building and use.

**SECTION 80C-9. Planned Development Area Review: Effect on Applicability of Other Zoning Requirements.** Within a Planned Development Area:

- (1) any Proposed Project that has received a Certification of Consistency under Planned Development Area Review, pursuant to Section 80C-8, and
- (2) the parcels or lots (whether or not separated by a street or streets) and any improvements thereon, other than a Proposed Project, that are the subject of a PDA Development Plan approved pursuant to the applicable provisions of this Code, and that are consistent with such Plan,

shall be deemed to be in compliance with the requirements of the underlying zoning to the extent that such requirements have been addressed in the Development Plan.

So long as a Proposed Project as a whole is consistent with the applicable provisions of the underlying zoning, as required by this Section 80C-9, a Proposed Project within a Planned Development Area may be located on multiple contiguous parcels or lots, whether or not any portion of the Proposed Project or other improvements on a particular parcel or lot satisfies the provisions of the underlying zoning.

Nothing in this Article shall be construed to limit the power of the Board of Appeal to grant Zoning Relief for Proposed Projects in Planned Development Areas; provided, however, that exceptions are not permitted from any provisions of the underlying zoning that establish use, dimensional, design, or other requirements for Proposed Projects in Planned Development Areas.

The issuance of any permit for the development or construction of any portion of a Proposed Project proceeding in accordance with an approved PDA Development Plan, as amended from time to time, shall be deemed to be the issuance of a permit for the entire Proposed Project for the purpose of applying Section 5 of Chapter 665 of the Acts of 1956 as amended from time to time. Without limiting the foregoing sentence, the proviso of Section 5 that construction work under the permit proceed continuously to completion shall be deemed satisfied so long as construction on the Proposed Project proceeds generally in accordance with a development schedule set forth in the approved PDA Development Plan.

## D. INSTITUTIONAL MASTER PLAN REVIEW

**SECTION 80D-1. Institutional Master Plan Review: Title; Purpose.** Institutional Master Plan Review, as established by this Article, comprises the provisions of Sections 80D-1 through 80D-11, including any requirements set forth therein for compliance with other provisions of this Article and Code.

The purpose of Institutional Master Plan Review is to provide for the well-planned development of Institutional Uses in order to enhance their public service and economic development role in the surrounding neighborhoods. Institutional Master Plan Review recognizes that Institutional Uses need to expand and renovate their facilities more frequently than do other uses, and that the cumulative effects of incremental expansion may be greater than, or different from, the effects of each project individually. To assess these cumulative impacts and determine appropriate community benefits, Institutional Master Plan Review examines the combined impacts of an Institution's overall development program and affords the public the opportunity for review and comment.

### √SECTION 80D-2. **Applicability of Institutional Master Plan Review.**

1. Review Requirement. Except as otherwise specified in this Section 80D-2, Institutional Master Plan review shall apply to the following Proposed Institutional Projects:
  - (a) Projects in Areas Where Underlying Zoning Requires Institutional Master Plan Approval. Any Proposed Institutional Project that is required, pursuant to the underlying zoning, to be consistent with an approved Institutional Master Plan.
  - (b) Projects in Other Areas. Except as otherwise provided in this subsection 1(b), any Proposed Institutional Project located in a district in which the underlying zoning does not provide for projects to be consistent with Institutional Master Plans.
    - (i) Exempt Projects. A Proposed Institutional Project shall be exempt from the requirement of this subsection 1(b) to be consistent with an Institutional Master Plan if the project is:
      - (1) for interior alterations to an existing building, provided that such project does not establish or expand a High Impact Subuse that will affect an aggregate gross floor area of more than fifty thousand (50,000) square feet (which

area is not a phase of another Proposed Institutional Project); or

- (2) for the erection or extension of an Institutional Use, provided that such project does not affect an aggregate gross floor area of more than (20,000) square feet (which area is not a phase of another Proposed Institutional Project);or
- (3) located in the Downtown, provided that a Project Notification Form for Large Project Review has been filed for the project pursuant to Section 80B-5 (Procedures for Large Project Review), prior to [the first notice of hearing before the Zoning Commission for the adoption of this amendment]; or
- (4) subject to review by the Authority pursuant to section 3-1A.b (Urban Renewal Areas), provided that a project Notification Form for Large Project Review has been filed for the project pursuant to Section 80-B5(Procedures for Large Project Review), prior to [the first notice of hearing before the Zoning Commission for the adoption of this amendment]; or
- (5) subject to review by the Authority pursuant to Section 3.1A.a (Planned Development Areas), provided that the project is described adequately in a PDA Development Plan or amendment that was approved by the Zoning Commission prior to [the first notice of hearing before the Zoning Commission for the adoption of this amendment]. For purposes of this paragraph (4), a project description is adequate if it includes all of the elements set forth in Section80 C-8.3 (Adequacy of Description).

(ii) Relationship of Institutional Master Plan Review Requirement to Planned Development Area Review.

(1) Applicability of Planned Development Area Review.

The provisions of Sections 80C-1 through 80C-9(PDA Review) shall not apply to any Proposed Institutional Project that is required by this subsection 1(b) to be consistent with an Institutional Master Plan.

(2) Approval of PDA Master Plans Previously Filed. If, prior to [the first date of hearing before the Zoning Commission for the adoption of this amendment], a PDA Master Plan has been filed with the Authority, pursuant to Section 80C-5(Procedures for PDA Review), for an area where a PDA has not been established, and the plan describes one or more Proposed Institutional Projects that are required, pursuant to this subsection 1(b), to be consistent with an approved Institutional Master Plan, then:

(a) the filing of the PDA Master Plan shall be deemed to be the filing of an Institutional Master Plan Notification Form (IMPNF) under section 80D-5(Procedures for Institutional Master Plan Review); and

(b) any review of the PDA Master Plan conducted under Section 80C-5(Procedures for PDA Review) prior to [the first date of hearing before the Zoning Commission for the adoption of this amendment] shall be deemed to have been conducted under Section 80D-5(Procedures for Institutional Master Plan Review).

(iii) Approval of Institutional Master Plans Previously Filed. If, prior to [the first date of hearing before the Zoning Commission for the adoption of this amendment], an Institutional Master Plan Notification Form (IMPINF) has been filed with the Authority (or deemed filed, pursuant to paragraph(ii)(2)(Approval of PDA Master Plans Previously Filed) of this section 80B-2.1(b) for an area where Institutional Master Plan Review was not required at the time of filing, and the Authority has issued a Scoping Determination requesting the submission of an Institutional Master Plan, then:

- (1) the review of the Institutional Master Plan shall be conducted under Section 80D-5 (Procedures for Institutional Master Plan Review), and
- (2) any review of the IMPINF and Institutional Master Plan conducted prior to [the first date of hearing before the Zoning Commission for the adoption of this amendment], including the filing of the IMPINF and Institutional Master Plan, the issuance of the Scoping Determination, the publication of notices of public comment periods, and the filing of public comments, shall be deemed to have been conducted under Section 80D-5 (Procedures for Institutional Master Plan Review).

2. If a Proposed Institutional Project is exempt from a requirement to be consistent with an Institutional Master Plan, pursuant to the underlying zoning, or pursuant to subsection 3 of this Section 80D-2 (Exemption for Small Institutions), such Proposed Institutional Project shall be exempt from the requirements of Institutional Master Plan Review other than the requirements for exempt projects set forth in this Section 80D-2 and in Section 80D-10 (Enforcement...Notice of Exemption).

3. Exemption for Small Institutions. Notwithstanding any contrary provision of this Section 80D-2 or the underlying zoning, the provisions of this Article requiring Institutional Master Plan Review shall not apply to a Proposed Institutional Project if the combined gross floor area of the Proposed Institutional Project and all of the

other Institutional Uses of the same Institution is less than one hundred fifty thousand (150,000) square feet; provided, however, that if such combined gross floor area equals one hundred thousand (100,000) or more square feet, the Institution may elect to seek approval of an Institutional Master Plan, and as of the date of such approval, the Institutional Uses of the Institution shall be subject to the provisions of this Article requiring Institutional Master Plan Review.

4. Regulations Applicable to Exempt Projects. A Proposed Institutional Project that is exempt from Institutional Master Plan Review, pursuant to this Section 80D-2, and not electively described in an Institutional Master Plan, pursuant to subsection 5 of this Section 80B-2, shall be governed by the use, dimensional, and other regulations of the underlying zoning applicable to the use category that most closely describes such project.
5. Election to Include Exempt Project in Institutional Master Plan. An applicant for an Institutional Master Plan approval, renewal, or amendment may elect, in its submission materials, to make any exempt project subject to the provisions of its Institutional Master Plan, in which event such Proposed Institutional Project shall be governed by the provisions of this Article requiring Institutional Master Plan Review, notwithstanding any contrary provision of this Section 80D-2.

(√As amended May 30, 2000)

√SECTION 80D-3. **Scope of Institutional Master Plan Review; Content of Institutional Master Plan.** An Institutional Master Plan shall include the elements described in this Section 80D-3 to provide a basis for evaluating, for city planning purposes, the impact on the surrounding neighborhoods of the Institution's current and future projects, except those elements excluded from review as specified in the Scoping Determination issued pursuant to Section 80D-5.

The Institutional Master Plan shall project its proposed development plan far enough into the future to cover at least the period of years for which the Institutional Master Plan may remain in effect before it must be renewed, pursuant to Section 80D-8. Unless otherwise specified by the underlying zoning, the Institutional Master Plan shall specify the period of years for which the Institutional Master Plan may remain in effect. The Institutional Master Plan shall include all currently planned Proposed Institutional Projects that are not exempt under Section 80D-2 and any projects that are electively included in the plan. In addition, the plan shall set out and define the longer term goals of the Institution, a minimum of ten (10) years into the future. These goals should address the



broad direction to be taken by the Institution with regard to its growth and services.

An Institutional Master Plan prepared pursuant to this Article shall cover the current and proposed properties, uses, and activities of the Institution within a single neighborhood, unless the Boston Redevelopment Authority, in its Scoping Determination issued pursuant to 80D-5.3, specifies a different geographic scope for the Institutional Master Plan. For purposes of determining the scope of an Institutional Master Plan, each Downtown District, Neighborhood District, and the Longwood Institutional Area, as depicted on Appendix A to this article, shall be considered a single neighborhood. An Institutional Master Plan may include proposed use, dimensional, and parking and loading requirements for existing and proposed uses and structures within the area covered by the Institutional Master Plan. An Institutional Master Plan shall include each of the following elements, except to the extent waived by the Boston Redevelopment Authority, as determined in the Scoping Determination issued pursuant to Section 80D-5:

1. Mission and Objectives. A statement that defines the organizational mission and objectives of the Institution, and a description of how all development contemplated or defined by the Institutional Master Plan advances the goals and objectives of the Institution. The statement should describe the population to be served by the Institution, and any projected changes in the size or composition of that population. It should also specify any services to be provided to Boston residents in adjacent neighborhoods and in other areas of the City.
2. Existing Property and Uses. A description of land, buildings, and other structures occupied by Institutional Uses of the Institution as of the date of submission of the Institutional Master Plan, with such information including, for each property, the following: (i) illustrative site plans showing the footprints of each building and structure, together with roads, sidewalks, parking, and other significant improvements; (ii) land and building uses; (iii) building gross square footage; (iv) building height in stories and, approximately, in feet; (v) a description of off-street parking and loading areas and facilities, including a statement of the approximate number of parking spaces in each area or facility; and (vi) existing building linkage payments.
3. Needs of the Institution. A summary and a projection of the Institution's current and future needs for the following facilities: (i) academic; (ii) service; (iii) research; (iv) office; (v) housing; (vi) patient care; (vii) public assembly; (viii) parking; and other facilities related to the Institutional Use. Such needs shall be defined in relationship to the Institution's goals and objectives previously described. With respect to the Institution's current and future housing needs, the Institutional Master Plan shall include a Student Housing Plan, unless

the Authority's Scoping Determination determines that the IMPNF incorporates adequate information on the Institution's current and future housing needs and their impacts on the surrounding neighborhoods. The Student Housing Plan should specify:

- (a) the number of full-time undergraduate and graduate students currently attending the Institution, and the number of students projected to attend during the term of the Institutional Master Plan;
- (b) the number of full-time undergraduate and graduate students living in housing facilities owned or operated by the Institution, including a breakdown by type of degree of program (undergraduate or graduate) and type of housing facility (dormitory, apartment, or cooperative housing facility);
- (c) the number of housing units owned or operated by the Institution, by type of housing facility (dormitory, apartment or cooperative housing facility);
- (d) any housing requirements or restrictions the Institution places on its students(e.g. eligibility for on-campus housing, requirement to live on campus);
- (e) the process by which the Institution directs its students to housing facilities;
- (f) the Institution's short-term and long-term plans for housing its undergraduate and graduate students on-campus and off-campus;
- (g) impacts of the Institution's student housing demand on housing supply and rental market rates in the surrounding neighborhoods, including those neighborhoods adjacent to the Institution's campus and other neighborhoods where the Institution's students are concentrated;
- (h) a plan for mitigating the impacts of the Institution's student housing demand on surrounding neighborhoods; and
- (i) such other information on the Institution's student housing needs, current facilities, and plans as the Boston Redevelopment Authority shall determine are necessary for an adequate description and evaluation of the Institution's proposed development program.

4. Proposed Future Projects. A description of any proposed future projects of the Institution within the areas of the City where preparation of the same Institutional Master Plan is required (other than projects that are exempt under Section 80D-2 and not electively included in the Institutional Master Plan) and their relationship to present and future needs. The required descriptions may include:
  - (a) site locations and approximate building footprints;
  - (b) uses (specifying the principal subuses of each land area, building, or structure, such as classroom, laboratory, parking facility);
  - (c) square feet of gross floor area;
  - (d) square feet of gross floor area eliminated from existing buildings through demolition of existing facilities;
  - (e) floor area ratios;
  - (f) building heights;
  - (g) parking areas or facilities to be provided in connection with proposed projects;
  - (h) any applicable urban renewal plans, land disposition agreements, or the like;
  - (i) current zoning of sites;
  - (j) total project cost estimates;
  - (k) estimated development impact payments;
  - (l) approximate timetable for development of Proposed Institutional Projects, with the estimated month and year of construction start and construction completion for each.
  
5. Institutional Transportation and Parking Management and Mitigation Plan. A description of the Institution's existing transportation and parking characteristics, a description of parking to be provided over the term of the Institutional Master Plan, a projection of impacts associated with the projects proposed in the Institutional Master Plan, and a set of transportation goals and mitigation measures to address these impacts.

6. Pedestrian Circulation Guidelines and Objectives. A statement of guidelines and objectives for pedestrian circulation system to be provided through the campus of the Institution, including guidelines and objectives regarding the accessibility to the general public of any pedestrian areas and open spaces.
7. Urban Design Guidelines and Objectives. A statement of urban design guidelines and objectives for new and renovated buildings to assure their compatibility with supporting neighborhoods and districts and to minimize potential adverse impacts on historic structures.
8. Job Training Analysis. A description of the Institution's current workforce and projected future employment needs in connection with future projects and a description of current and/or proposed programs with Boston schools and other programs to train and employ students from Boston, and particularly from neighborhoods in the vicinity of the Institution, at the requisite skill levels.
9. Community Benefits Plan. An identification of community benefits that mitigate impacts of proposed future projects or otherwise are appropriate to and enhance the surrounding communities.
10. Additional Elements. Such additional elements as the Boston Redevelopment Authority shall determine are necessary adequately to describe and to evaluate the Institution's proposed development program or to provide appropriate regulations for uses and structures within the area covered by the Institutional Master Plan.

(√As amended on May 30, 2000.)

#### SECTION 80D-4. **Standards for Institutional Master Plan Review**

**Approval.** The Adequacy Determination issued pursuant to Section 80D-5 shall require compliance with each element of the Scoping Determination. In addition, the Boston Redevelopment Authority shall approve an Institutional Master Plan only if the Authority finds that: (a) the Institutional Master Plan conforms to the provisions of this Article; (b) the Institutional Master Plan conforms to the general plan for the City as a whole; and (c) on balance, nothing in the Institutional Master Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens.

#### SECTION 80D-5. **Boston Redevelopment Authority Procedures for Institutional Master Plan Review.**

1. Pre-Review Planning Meeting. The Applicant is strongly encouraged to request a pre-review planning meeting with the Boston Redevelopment Authority. At the Applicant's request, the Boston

Redevelopment Authority will schedule a pre-review planning meeting with the Applicant and Boston Redevelopment Authority staff to discuss issues that may be raised by a Proposed Project and identify any need for coordination with other Boston Redevelopment Authority review and with review by other public agencies. If a Proposed Institutional Project involves the participation of more than one Institution, see subsection 6 (Coordinated Review of Joint Institutional Projects) of this Section 80D-5.

2. Initiating the Review Process. The Applicant shall initiate the Institutional Master Plan Review process by filing an Institutional Master Plan Notification Form (IMPNE) in writing with the Boston Redevelopment Authority.
  - (a) Time for Filing IMPNE. If the Institutional Master Plan will include one or more Proposed Institutional Projects, the Applicant should file the IMPNE prior to the commencement of Large Project Review for any such project.
  - (b) Content of IMPNE. The IMPNE shall include those elements of an Institutional Master Plan identified in paragraphs (a) (Mission and Objectives) and (d) (Proposed Future Projects) of Section 80D-3 and summary descriptions of any Proposed Institutional Projects that are to be included in the Institutional Master Plan, including height, square footage, location, and uses, including the location of any High Impact Subuse. If any Proposed Institutional Project exceeds the thresholds for Large Project Review, pursuant to Section 80B-2, the IMPNE also shall include summary statements of anticipated impacts of such projects in the impact areas identified in Section 80B-3 (Scope of Large Project Review).
  - (c) Public Notice. After receiving the IMPNE, the Boston Redevelopment Authority shall publish notice of such receipt as required by Section 80A-2. Copies of the IMPNE shall be distributed as required by Section 80A-3.
  - (d) Abbreviated IMPNE for Certain Amendments. If a proposed amendment to an approved Institutional Master Plan meets the requirements of Section 80D-9.2 (Expedited Review for Certain Small Projects), the requirements for the IMPNE shall be as set forth in Section 80D-9.2.
  - (e) Waiver of Further Review of Unchanged Plans. If, upon review of an IMPNE for the renewal or amendment of an approved Institutional Master Plan, the Boston Redevelopment Authority

determines that: (i) no new Proposed Institutional Projects are planned; (ii) no changes in the Institutional Master Plan are proposed that would constitute a change in the use, dimensional, parking, or loading elements of the Institutional Master Plan (other than de minimus dimensional changes); and (iii) no significantly greater impacts would result from continued implementation of the approved Institutional Master Plan than were originally projected, then the Boston Redevelopment Authority shall waive further review of the renewal or amendment application and approve the IMPNF and approved Institutional Master Plan together as the renewed or amended Institutional Master Plan.

(f) Filing of Proposed Scoping Determination. At any time before the Boston Redevelopment Authority's issuance of a Scoping Determination, pursuant to subsection 3 of this Section 80D-5, the Applicant may file a proposed Scoping Determination for the Boston Redevelopment Authority to consider in developing its Scoping Determination.

3. Scoping Determination. Based on its review of the IMPNF and any public comments received in a timely manner, pursuant to this Section 80D-5.3, the Boston Redevelopment Authority shall issue a written Scoping Determination setting forth in sufficient detail those elements set forth in Section 80D-3 (Scope of Review; Content of Institutional Master Plan) that the Applicant must include in the Institutional Master Plan. The Scoping Determination also may set forth any modifications to the schedule and document requirements set forth in this Section 80D-5 that the Boston Redevelopment Authority may allow pursuant to Section 80-6 (Coordination of Review Procedures).

(a) Time for Issuance of Scoping Determination. The Boston Redevelopment Authority shall issue the Scoping Determination no later than forty-five (45) days after the Boston Redevelopment Authority's receipt of the IMPNF.

If the Boston Redevelopment Authority has not issued the Scoping Determination within forty-five (45) days after its receipt of the PNF, the Boston Redevelopment Authority shall consider any proposed Scoping Determination filed by the Applicant pursuant to paragraph (f) of Section 80D-5.2. If the Boston Redevelopment Authority fails to accept or amend such proposed Scoping Determination within twenty-one (21) days after its receipt thereof, or within twenty-one (21) days after the date on which the Boston Redevelopment Authority's Scoping

Determination was required to be issued, whichever is later, the Applicant's proposed Scoping Determination shall be deemed accepted.

- (b) Public Comment. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority within thirty (30) days after the publication of notice of the IMPNF, pursuant to subsection 2 of this Section 80D-5, except as provided in subsection 2 of Section 80D-9 (Expedited Review for Certain Small Projects).
- (c) Scoping Session. Prior to issuing the Scoping Determination, the Boston Redevelopment Authority shall invite the Applicant and the City's public agencies to attend a scoping session with Boston Redevelopment Authority staff. The Boston Redevelopment Authority shall give notice of the scoping session to the City's public agencies pursuant to Section 80A-2. In addition, to aid inter-agency coordination and encourage identification of issues early in the review process, the Applicant may invite to the scoping session any other public agencies the Applicant believes may have occasion to review the Proposed Project.
- (d) Limited Scope of Review for Certain Institutional Master Plan Amendments. If a proposed amendment to an approved Institutional Master Plan is limited to the addition of one or more Proposed Institutional Projects to the Institutional Master Plan and does not involve renewal of the Institutional Master Plan, the Boston Redevelopment Authority shall limit the scope of review of such proposed amendment to an examination of the impacts of such Proposed Institutional Projects, taking into consideration the cumulative impacts of such projects when added to existing uses and to the other Proposed Institutional Projects already described in the approved Institutional Master Plan. This paragraph (d) of Section 80D-5.3 shall not apply to an amendment that is part of an application for renewal of an Institutional Master Plan, pursuant to Section 80D-8.
- (e) Waiver of Scoping Determination. If a proposed amendment to an approved Institutional Master Plan meets the requirements of subsection 2 of Section 80D-9 (Expedited Review for Certain Small Projects), the Boston Redevelopment Authority shall waive the requirement of a Scoping Determination, as provided by said subsection 2.

4. Institutional Master Plan and Adequacy Determination.

- (a) Institutional Master Plan. The Applicant shall satisfy the requirements of the Scoping Determination in the preparation of an Institutional Master Plan.
- (b) Public Notice and Comment. After receiving the Institutional Master Plan, the Boston Redevelopment Authority shall publish notice of such receipt as required by Section 80A-2. Copies of the Institutional Master Plan shall be distributed as required by Section 80A-3. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority no later than sixty (60) days after the publication of such notice, except as provided in subsection 2 of Section 80D-9 (Expedited Review for Certain Small Projects).
- (c) Adequacy Determination. Within the time specified by paragraph (i) of this Section 80D-5.4, the Boston Redevelopment Authority shall issue a written Adequacy Determination approving, conditionally approving, or disapproving the Institutional Master Plan. If the Adequacy Determination disapproves the Institutional Master Plan, it shall provide specific reasons for the disapproval, setting forth the areas in which the Institutional Master Plan is at variance with the requirements of the Scoping Determination. An Adequacy Determination that conditionally approves, or disapproves, the Institutional Master Plan, in whole or in part, may require additional information, studies, and mitigation measures, provided that such requirements are within the breadth of the Scoping Determination.
  - (i) Time for Issuance of Adequacy Determination. The Boston Redevelopment Authority shall issue the Adequacy Determination within ninety (90) days following the Boston Redevelopment Authority's receipt of the Institutional Master Plan pursuant to this subsection 4 of Section 80D-5, except as provided in subsection 2 of Section 80D-9 (Expedited Review for Certain Small Projects).
  - (ii) Public Hearing. Prior to issuing its Adequacy Determination, the Boston Redevelopment Authority shall hold a public hearing, and shall publish notice thereof pursuant to Section 80A-2, except that no public hearing shall be required for an Institutional Master Plan renewal or amendment that satisfies the requirements of paragraph (e) (Waiver of Further Review of Unchanged Plans) of Section 80D-5.2.



5. Revision of Institutional Master Plan. If the Adequacy Determination disapproves the Institutional Master Plan, the Applicant shall revise the Institutional Master Plan before resubmitting it to the Boston Redevelopment Authority. The revised and resubmitted Institutional Master Plan shall be reviewed in the manner, and subject to the requirements, set forth in subsection 4 (Institutional Master Plan and Adequacy Determination) of this Section 80D-5.
  
6. Coordinated Review of Joint Institutional Projects. A Proposed Institutional Project involving the participation of more than one Institution may be included in an Institutional Master Plan in the following ways: (i) the project may be included in its entirety in the Institutional Master Plan for one of the participating Institutions; or (ii) the relevant part of such project may be included in the Institutional Master Plan for each such Institution. If a Proposed Institutional Project is included in the Institutional Master Plans of two or more Institutions, the Boston Redevelopment Authority, at the request of the Institutions, shall: (1) allow the submission of a combined IMPNF for such project incorporating all the information required from all such Institutions; (2) limit the scope of review of such Proposed Institutional Project in each Institutional Master Plan to those portions of such project that involve the participation of that Institution; and (3) provide for the required Institutional Master Plan amendments to be reviewed together, to the extent feasible, at any public meetings and public hearings required pursuant to Section 80D-5 and Section 80D-6.

**SECTION 80D-6. Institutional Master Plan Review: Zoning Commission Approval.** Upon approval of the Institutional Master Plan by the Boston Redevelopment Authority, the Boston Redevelopment Authority shall transmit the Institutional Master Plan to the Zoning Commission for its consideration. The Zoning Commission may, after a public hearing in accordance with the procedures set forth in Section 3 of Chapter 665 of the Acts of 1956, as amended, approve the Institutional Master Plan and establish an Institutional Master Plan Area within which the Institutional Master Plan shall apply. The Institutional Master Plan Area shall apply on an overlay basis and may include non-contiguous elements located in one or more districts or subdistricts.

No Zoning Commission approval shall be required for a renewal or amendment of an approved Institutional Master Plan, if such renewal or amendment: (a) meets the requirements of Section 80D-5.2(e) (Waiver of Further Review of Unchanged Plans) or Section 80D-9.2 (Expedited Review for Certain Small Projects), and (b) does not add additional land to the approved Institutional Master Plan. In such case, the date of the Boston Redevelopment

Authority's approval of such renewal or amendment, pursuant to Section 80D-5, shall constitute the new approval date for such Institutional Master Plan.

**SECTION 80D-7. Update of Institutional Master Plan.** An approved Institutional Master Plan shall be updated biannually, on or before the applicable anniversary of the approval date of the Institutional Master Plan.

To update its Institutional Master Plan, an Institution shall file with the Boston Redevelopment Authority a description of all projects that: (a) have been completed since the most recent biannual update or Institutional Master Plan approval or renewal date, (b) are ongoing, including a description of the status and estimated timetables for completion of such projects, or (c) are scheduled to begin in the upcoming twenty-four (24) months, including estimated timetables for the commencement, progress, and completion of such projects. Such descriptions shall include any other information necessary to clarify the information required by items (a), (b), or (c) of this Section 80D-7.

The biannual update of an Institutional Master Plan shall not constitute an amendment or renewal of such Institutional Master Plan, and the description of a project in such biannual update shall not serve to add any such project to any applicable Institutional Master Plan without an amendment of such Institutional Master Plan pursuant to Section 80D-9.

Failure to update an Institutional Master Plan shall not affect the status under the Institutional Master Plan of then existing uses or structures, or of building, use, or occupancy permits already issued.

√**SECTION 80D-8. Renewal of Institutional Master Plan.**

1. Time for Renewing Institutional Master Plan. An approved Institutional Master Plan may be renewed at any time.

If an Institution fails to file an IMPNF seeking renewal of an Institutional Master Plan on or before the time for renewing an Institutional Master Plan as specified in the underlying zoning or in the Institutional Master Plan, as provided in Section 80D-3, or if, having made such filing, the Institution thereafter fails diligently to make the necessary filings and otherwise fulfill the requirements for renewal set forth in this Section 80D-8, as determined by the Director of the Boston Redevelopment Authority, then the Director shall not issue any Certification of Consistency, pursuant to Section 80D-10, with respect to a Proposed Institutional Project of such Institution until such failure is remedied. Failure to file an IMPNF seeking renewal of an Institutional Master Plan within the time required by the underlying zoning shall not affect the status under the Institutional Master Plan of

then existing uses or structures or of building, use, or occupancy permits already issued as of such expiration.

Except as otherwise specified in Section 80D-6 (Zoning Commission Approval), the new approval date for the Institutional Master Plan shall be the date of the Zoning Commission's approval of the Institutional Master Plan renewal.

2. Review and Approval Requirements for Institutional Master Plan Renewal. The review and approval requirements for renewing an Institutional Master Plan are the same as those for the initial approval of an Institutional Master Plan, except as set forth in Section 80D-5.2(e) (Waiver of Further Review of Unchanged Plans) and Section 80D-6 (Zoning Commission Approval).

(√As amended on May 30, 2000.)

**SECTION 80D-9. Amendment of Institutional Master Plan.** An approved Institutional Master Plan may be amended at any time.

1. General Review and Approval Requirements for Institutional Master Plan Amendments. The review and approval requirements for amending an Institutional Master Plan are the same as those for the initial approval of an Institutional Master Plan, except as set forth in Section 80D-5 and this Section 80D-9.
2. Expedited Review for Certain Small Projects. The expedited review procedure of paragraph (a) of this Section 80D-9.2 shall apply to a proposed amendment to an Institutional Master Plan if: (1) such amendment proposes no changes to the Institutional Master Plan other than the addition of one or more Proposed Projects; and (2) each of such Proposed Projects meets the requirements of paragraph (b) of this Section 80D-9.2.
  - (a) Expedited Amendment Procedure. If a proposed amendment meets all the requirements of this Section 80D-9, the following review procedures shall apply:
    - (i) Initiating the Review Process: Abbreviated IMPNF; Waiver of Scoping. The Applicant shall initiate the review process by filing with the Boston Redevelopment Authority the approved Institutional Master Plan, together with an IMPNF that includes summary descriptions of all Proposed Institutional Projects that are to be included in the amended Institutional Master Plan, as required by

paragraph (b) (Content of IMPNF) of Section 80D-5.2, and a statement that no other changes to the approved Institutional Master Plan are proposed. The Boston Redevelopment Authority shall waive the requirement of a Scoping Determination, pursuant to paragraph (e) of Section 80D-5.3.

(ii) Public Notice and Comment. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority no later than thirty (30) days after the publication of notice of the IMPNF, pursuant to Section 80D-5.2. Copies of the IMPNF shall be distributed as required by Section 80A-3.

(iii) Adequacy Determination. The Boston Redevelopment Authority shall issue its written Adequacy Determination, pursuant to Section 80D-5.4, within sixty (60) days after the Boston Redevelopment Authority's receipt of the IMPNF pursuant to paragraph (i) of this Section 80D-9.2(a). Nothing in this Section 80D-9.2 shall affect the requirements set forth in Section 80D-5 for full community participation in the Boston Redevelopment Authority's review of an amendment to an Institutional Master Plan, including but not limited to the requirement of a public hearing pursuant to paragraph (c) of Section 80D-5.4.

(b) Projects Qualifying for Expedited Amendment Procedure. A Proposed Institutional Project shall qualify for the expedited amendment procedure of this Section 80D-9.2 if such project does not meet the size thresholds for Large Project Review, as set forth in Section 80B-2 (Applicability of Large Project Review), and such project meets the requirements of paragraph (i) or paragraph (ii), below:

(i) the Proposed Institutional Project is an exempt project, as provided in subsection 2 of Section 80D-2, and the Institution elects to make such project subject to the provisions of its Institutional Master Plan pursuant to subsection 5 of Section 80D-2; or

(ii) the Proposed Institutional Project is not an exempt project, pursuant to Section 80D-2, and the project meets all of the following requirements:

(1) the project is located within an Institutional District or Subdistrict or, if it is located outside an Institutional

District or Subdistrict, the use category that most closely describes such project is designated in the underlying zoning as an allowed use; and

- (2) if the project is located outside an Institutional District or Subdistrict, its dimensions and parking and loading spaces meet all the requirements of the underlying zoning applicable to the use category that most closely describes the project; and
- (3) the project is not for one or more of the High Impact Subuses of an Institutional Use.

**√SECTION 80D-10. Institutional Master Plan Review Enforcement: Certification of Consistency; Notice of Exemption.**

The Director of the Boston Redevelopment Authority shall issue a Certification of Consistency, pursuant to subsection 1 of this Section 80D-10, for any Proposed Project that meets the requirements of that subsection, whether or not the project is a Proposed Institutional Project.

Requirement for Proposed Institutional Projects. If a Proposed Institutional Project is required, pursuant to Section 80B-2(Applicability of Institutional Master Plan Review), to be consistent with an Institutional Master Plan, the Commissioner of Inspectional Services shall not issue a building, use, or occupancy permit for the project unless the Director of the Boston Redevelopment Authority has issued a Certification of Consistency for the project, pursuant to subsection 1 of this Section 80D-10, or a notice of exemption for the project, pursuant to subsection 2.

1. Certification of Consistency.

- (a) Procedure. The Applicant shall transmit to the Boston Redevelopment Authority a copy of the permit application, including each plan, drawing, and specification filed in connection therewith.

Within sixty (60) days after the Boston Redevelopment Authority has received the complete permit application, the Director of the Boston Redevelopment Authority shall issue a Certification of Consistency, pursuant to this Section 80D-10, or a finding of inconsistency, or a finding of consistency with conditions. A finding of inconsistency or a finding of consistency with conditions shall specify the reasons for the finding.

(b) Findings. The Director of the Boston Redevelopment Authority shall issue a Certification of Consistency pursuant to this Section 80D-10 if, and only if, the Director finds that:

(i) The Proposed Project:

- (1) is described adequately in an Institutional Master Plan; and
- (2) is consistent with such Institutional Master Plan, including the requirement of subsection (d) of this Section 80D-10.1 concerning the location of High Impact Subuses; and

(ii) The Institutional Master Plan:

- (1) has been approved by the Boston Redevelopment Authority and the Zoning Commission in accordance with the applicable provisions of Institutional Master Plan Review; and
- (2) is in compliance with the update requirements of Section 80D-7 and with the renewal requirements of Section 80D-8.

Prior to issuing a Certification of Consistency, the Director of the Boston Redevelopment Authority may require the Applicant to submit information and materials as necessary to evaluate whether the Proposed Project is consistent with the Institutional Master Plan. Provided that such updated materials and information do not alter or require alteration of the development program proposed in the Institutional Master Plan or of proposed mitigation measures, such updated materials and information shall not be deemed to be an amendment to the Institutional Master Plan.

(c) Adequacy of Description. For purposes of paragraph 1(b) of this Section 80D-10, the description of a Proposed Project in an Institutional Master Plan is adequate if it describes the following project elements:

- (i) size, including gross floor area, building height, and Floor Area Ratio;
- (ii) uses, including each High Impact Subuse of an Institutional Use; and

(iii) location, including the location of each High Impact Subuse of an Institutional Use.

(d) Consistency of Location of High Impact Subuses.

Notwithstanding any contrary provision of this Code concerning the subuses of Institutional Uses, the location of any Proposed Project involving a High Impact Subuse of an Institutional Use must be consistent with the location specified for such Proposed Institutional Project in the Institutional Master Plan.

2. Notice of Exemption. To request a notice of exemption, for a Proposed Institutional Project pursuant to this Section 80D-10, the Applicant shall transmit to the Boston Redevelopment Authority, in writing, the following information concerning the project:

- (a) size, including gross floor area, building height, and Floor Area Ratio;
- (b) uses, including any High Impact Subuses;
- (c) location, including the location of any High Impact Subuses; and
- (d) a statement that the Applicant does not elect to include the Proposed Institutional Project in its Institutional Master Plan.

Within ten (10) days after receiving such request, the Director of the Boston Redevelopment Authority shall issue a written notice to the Commissioner of Inspectional Services indicating that such project is exempt, pursuant to Section 80D-2, from the requirement to obtain a Certification of Consistency, or that such project is not so exempt, or that further information is needed to make a determination. A notice that a Proposed Institutional Project is not so exempt, or that further information is needed, shall state the reason therefor or specify what information is needed.

(√As amended on May 30, 2000.)

√SECTION 80D-11. **Institutional Master Plan Review: Effect on Applicability of Other Zoning Requirements.** Any use or structure that has received a Certification of Consistency, pursuant to Section 80D-10, and that has received, if applicable, a Certification of Compliance under Large Project Review, pursuant to Section 80B-6, or the certification required under Small Project Review, pursuant to Section 80E-6, shall be deemed to be in compliance with the use, dimensional, parking and loading requirements of the underlying zoning, (including special purpose overlay districts established pursuant to Section 3-1A)

notwithstanding any provision of the underlying zoning to the contrary and without the requirement of further Zoning Relief.

(√As amended on May 30, 2000.)



III. SMALL PROJECT REVIEW:  
Approval by Boston Redevelopment Authority Staff

SECTION 80E-1. **Small Project Review: Title; Purpose.** Small Project Review, as established by this Article, comprises the provisions of Sections 80E-1 through 80E-6, including any requirements set forth therein for compliance with other provisions of this Article and Code.

The purpose of Small Project Review is to provide a concise procedure for reviewing the design of projects that do not require Large Project Review but that can be expected to affect the surrounding area and public realm because of their size or location. Small Project Review determines whether a project is consistent with the design guidelines and site plan standards established for the project location and for the City as a whole.

√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.

1. Design Component. The Design Component of Small Project Review shall apply to the Proposed Projects specified in this Section 80E-2.1; provided, however, that the Design Component shall not apply to any Proposed Project that is subject to the jurisdiction of the Boston Landmarks Commission or any other architectural board or commission having design review authority and established pursuant to a general or special law of the Commonwealth of Massachusetts.
  - (a) Downtown and Harborpark.
    - (i) Design Review Required by Applicable Zoning. Any Proposed Project that is required, pursuant to the underlying zoning or other provisions of this Code, to be consistent with any design guidelines established for the location of such project or for particular uses and structures.
    - (ii) Design Review Required by Board of Appeal. Any Proposed Project for which a decision of the Board of Appeal requires design review by the Boston Redevelopment Authority as a condition for Zoning Relief.
  - (b) Neighborhoods.
    - (i) Projects Adding Gross Floor Area. Any Proposed Project for the erection or extension of one or more buildings that

results in the addition of an aggregate gross floor area of twenty thousand (20,000) or more square feet, and any Proposed Project that results in the addition of a smaller gross floor area for which the underlying zoning requires design review by the Boston Redevelopment Authority.

- (ii) Projects Adding Dwelling Units. Any Proposed Project for the construction of fifteen (15) or more Dwelling Units (but not including rehabilitation or alteration projects unless they result in a net increase of fifteen (15) or more Dwelling Units).
- (iii) Exterior Alterations in Neighborhood Design Overlay Districts. Within any Neighborhood Design Overlay District (NDOD), any of the following Proposed Projects and exterior alterations, provided that such Proposed Project or exterior alteration is visible from a public street or public open space:
  - (1) Any exterior alteration changing the roof shape, cornice line, Street Wall height, or building height of an existing building;
  - (2) Any Proposed Project for the erection or extension of a building with a gross floor area of three hundred (300) or more square feet; and
  - (3) Any exterior alteration to change the building massing or the size or location of door or window openings, where such alteration affects three hundred (300) or more square feet of exterior wall area, or a smaller exterior wall area if expressly provided in the underlying zoning.
- (iv) Design Review Required by Underlying Zoning. Any Proposed Project for which the underlying zoning requires design review by the Boston Redevelopment Authority.
- (v) Design Review Required by Board of Appeal. Any Proposed Project for which a decision of the Board of Appeal requires design review by the Boston Redevelopment Authority as a condition for Zoning Relief.

- (c) All Districts.

- (i) Design Review for Certain Wireless Communications Equipment. Any Proposed Installation for which design review by the Boston Redevelopment Authority is required pursuant to Article 86 (Wireless Communications Equipment).
  - (ii) Projects in Planned Development Areas. Any Proposed Project located in a Planned Development Area.
- 2. Site Plan Component: Projects in Conservation Protection Subdistricts and Greenbelt Protection Overlay Districts. The Site Plan Component of Small Project Review shall apply to any Proposed Project in a Conservation Protection Subdistrict (CPS) or a Greenbelt Protection Overlay District (GPOD) if such Proposed Project, together with Previous Projects: (a) adds twenty-five hundred (2,500) or more square feet of gross floor area; or (b) moves one hundred (100) or more cubic yards of earth; or (c) increases the impervious surface of the site by four hundred (400) or more square feet; or (d) is located on a Lot containing less than one (1) acre of land.

For purposes of this Section 80E-2.2, "Previous Project," in relation to a Proposed Project, means any other project by the same Applicant, or any predecessor in interest of the Applicant, within the same CPS or GPOD, if, within the three (3) years preceding the application date for a building permit for the Proposed Project, such other project was substantially completed, under construction, or the subject of a pending building permit application.

- 3. Comprehensive Sign Design. The Comprehensive Sign Design Component of Small Project Review shall apply to any application for approval of a comprehensive sign design, pursuant to Section 11-2.
- 4. Waiver or Modification of Small Project Review Requirements.
  - (a) Projects Reviewed by Other City Agencies. The Boston Redevelopment Authority may waive the requirements of Small Project Review if the Authority determines that such review will be unnecessary or duplicative, because the matters to be reviewed have been or will be addressed adequately through review by other public agencies of the City.
  - (b) Certain Projects in Industrial Areas. The purpose of this subsection 80E-2.4(b) is to allow the Boston Redevelopment Authority to waive or modify the requirements of Small Project Review for certain industrial projects located in designated

industrial areas if the Authority has determined that such waiver or modification will promote the city planning and economic development purposes set forth in this Code for such area and that such Proposed Project will not generate adverse impacts outside the Lot. The Boston Redevelopment Authority may waive or modify all or part of the requirements of Small Project Review with respect to a Proposed Project if:

- (i) such Proposed Project is located in one of the following districts or subdistricts:

- EDA - Economic Development Area
- I - General Industrial
- IDA - Industrial Development Area
- LI - Local Industrial
- LIA - Logan International Airport
- M - Restricted Manufacturing
- WM - Waterfront Manufacturing

or in an industrial park, as defined in Article 2A, and

- (ii) such Proposed Project is allowed as of right in such location, as indicated by the designation "Allowed" or "A" in the underlying zoning; and
- (iii) the Authority determines that, with respect to those matters that may be addressed in Small Project Review, pursuant to Section 80E-3, the Proposed Project will not have significant adverse impacts outside the Lot; and
- (iv) the Authority determines that the Proposed Project will promote the city planning and economic development purposes of the industrial area where the Proposed Project is located, as such purposes are identified in the underlying zoning or, in the case of an industrial park, as specified in the applicable Economic Development Plan and in any applicable approval for a Marine Industrial Park issued pursuant to 310 CMR 9.00, as amended.

- (c) Certain Projects to Preserve or Create Affordable Housing. The purpose of this subsection 80E-2.4(c) is to allow the Boston Redevelopment Authority to waive the requirements of Small Project Review for certain Proposed Projects to rehabilitate or construct Affordable Housing units if the Authority has determined that such waiver will increase the availability or quality of Affordable Housing in the City and that such Proposed

Project will not generate significant adverse impacts outside the Lot. The criteria for waiver of such review requirements pursuant to this subsection 80E-2.4(c) are as follows:

- (i) such Proposed Project is for the rehabilitation, replacement, extension, or creation of Affordable Housing units that are or will be subject to review by the Authority pursuant to Section 3-1A.a (Planned Development Areas), Section 3-1A.b (Urban Renewal Areas), or M.G.L. Chapter 121A; and
- (ii) the Authority determines that, with respect to those impacts that may be addressed pursuant to Section 80E-3 (Scope of Small Project Review), the Proposed Project will not have significant adverse impacts outside the Lot; and
- (iii) the Authority determines that the Proposed Project will increase the availability or quality of Affordable Housing in the City.

(√As amended on December 13, 1996, May 30, and March 3, 2000.)

**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.

1. Design Component. If a Proposed Project is subject to the Design Component of Small Project Review, the application submitted pursuant to Section 80E-5 shall include such 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 80E-4 (Standards for Small Project Review Approval). Such materials shall set forth, for the existing conditions and for the Proposed Project:
  - (a) vehicular and pedestrian access and egress to and from the site and traffic impacts in the vicinity of the site;
  - (b) location and dimensions of all buildings, structures, and parking and loading areas;
  - (c) relationships of primary buildings to secondary buildings;
  - (d) landscaping and screening;

- (e) roof shapes, cornice lines, and roof structures;
  - (f) exterior wall articulation, fenestration, and other architectural features; and
  - (g) proposed sign locations.
2. Site Plan Component. If a Proposed Project is subject to the Site Plan Component of Small Project Review, the application submitted pursuant to Section 80E-5 shall include a site plan containing those elements of the materials and information set forth in subsection 6 of Section 80B-3 (concerning the Site Plan Component of Large Project Review) that the Boston Redevelopment Authority finds are necessary to determine whether the Proposed Project is consistent with the standards for site plan approval set forth in Section 80E-4.
  3. Comprehensive Sign Design. If an Applicant seeks approval of a comprehensive sign design, pursuant to Section 11-2, the application submitted pursuant to Section 80E-5 shall consist of a plan showing all proposed signs and related architectural features on the sign frontage for which comprehensive sign design approval is sought.

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

1. Design Component. Any Proposed Project that is subject to the Design Component of Small Project Review shall be consistent with any design guidelines established for the location of the Proposed Project, as set forth in the underlying zoning and, if the Proposed Project is located in a Planned Development Area, Urban Renewal Area or Institutional Master Plan Area, as set forth in the PDA Development Plan, PDA Master Plan, land assembly and redevelopment plan, urban renewal plan, or Institutional Master Plan applicable to such area. Such design guidelines may relate to any planning area or district and may include, but need not be limited to, particular architectural requirements, including building massing, proportions, setbacks, materials, fenestration, ground level treatment, and other related architectural characteristics.
2. Site Plan Component. Any Proposed Project that is subject to the Site Plan Component of Small Project Review, shall be consistent with the standards set forth in subsection 2 of Section 80B-4 (concerning approval standards for the Site Plan Component of Large Project Review).

3. Comprehensive Sign Design. A proposed comprehensive sign design shall achieve a complementary and harmonious synthesis of signs and architectural features, as required by Section 11-2.

√SECTION 80E-5. **Procedures for Small Project Review.**

1. Application. The Applicant shall initiate the review required by this Article for Small Project Review by filing an application with the Boston Redevelopment Authority containing the information required by Section 80E-3. If an application does not contain adequate information for the Boston Redevelopment Authority to make the determination required by Section 80E-4 (Standards for Small Project Review Approval), the Authority, within ten (10) days after receiving the application, shall request that the Applicant submit the necessary information, and the time period for issuance of the Authority's determination shall be calculated from the date on which the Authority receives such information.

If the Site Plan Component is required, pursuant to Section 80E-2.2, the Boston Redevelopment Authority shall transmit a copy of the application to the Boston Environment Department.

If a Proposed Project is subject to the Design Component under Section 80E-2.1 for an increase in gross floor area, pursuant to subsection (b)(i), for addition of dwelling units, pursuant to subsection (b)(ii), or for exterior alterations in a Neighborhood Design Overlay District, pursuant to subsection (b)(iii), or to the Site Plan Component under Section 80E-2.2, the Boston Redevelopment Authority shall send a notice to the Neighborhood Council (if any) for the neighborhood in which the Proposed Project is located or, if there is no such Neighborhood Council, to a similar community or civic organization that ordinarily reviews planning and development issues for the geographic area in which the Proposed Project is located. Such notice shall indicate that the Authority has received an application for Small Project Review and shall include information on the Proposed Project and on how such Neighborhood Council or similar organization may obtain a copy of the full application and register its comments with the Authority.

2. Review and Approval. The Boston Redevelopment Authority, through its staff, may find that the Proposed Project is consistent with the standards set forth in Section 80E-4 or is not consistent with those standards. If a Proposed Project is subject to design or site plan review by another public agency, the Boston Redevelopment Authority may adopt the recommendations of such agency as the basis for its findings pursuant to this Section 80E-5.2.

The Director of the Boston Redevelopment Authority shall certify the Authority's findings to the Inspectional Services Department, pursuant to Section 80E-6, within the time periods set forth in this Section 80E-5.2.

- (a) Review Not Requiring Site Plan Component. If the Site Plan Component is not required, the Boston Redevelopment Authority shall transmit the Director's certification to the Inspectional Services Department within forty-five (45) days after the Boston Redevelopment Authority's receipt of a complete application pursuant to subsection 1 of this Section 80E-5.
- (b) Review Requiring Site Plan Component. If the Site Plan Component is required, the following provisions apply:
  - (i) Boston Environment Department Recommendation. The Boston Environment Department may, within forty-five (45) days after its receipt of the application, file with the Boston Redevelopment Authority a report with recommendations, together with maps, plans, and other materials to aid the Boston Redevelopment Authority in determining consistency with the approval standards for the Site Plan Component set forth in Section 80E-4.2. The Boston Redevelopment Authority shall not transmit its findings to the Inspectional Services Department until the Boston Redevelopment Authority has received and considered the Boston Environment Department's report with recommendations; provided that if the Boston Redevelopment Authority has not received such report within such forty-five (45) days, it may transmit the Director's certification to the Inspectional Services Department without such report.
  - (ii) Boston Redevelopment Authority Certification. The Boston Redevelopment Authority shall transmit the Director's certification to the Inspectional Services Department within sixty (60) days after the Boston Redevelopment Authority's receipt of a complete application pursuant to subsection 1 of this Section 80E-5.

(√As amended on August 22, 1996.)

**SECTION 80E-6. Enforcement: Certification of Approval.** The Commissioner of Inspectional Services shall not issue a building permit for any



Proposed Project that is subject to Small Project Review, pursuant to Section 80E-2, unless the Director of the Boston Redevelopment Authority has certified that such Proposed Project has been approved by the Boston Redevelopment Authority pursuant to Section 80E-5, or that the Boston Redevelopment Authority has waived the requirements of Small Project Review, pursuant to Section 80E-2.4 (Waiver or Modification of Small Project Review Requirements); provided that, if the Commissioner has not received the Director's certification required by Section 80E-5.2 within the applicable time period set forth in paragraph (a) or paragraph (b)(ii) of said Section 80E-5.2, the Commissioner may issue such building permit without such certification.





APPENDIX B

Development Impact Project Exactions:  
Area Subject to Seven-Year Payment Schedule

(page 2 of 2)

Beginning at the intersection of the southern bank of the Charles River and the centerline of Massachusetts Avenue and running southerly and southeasterly along the centerline of Massachusetts Avenue to the intersection with the centerline of Tremont Street;

Thence running northeasterly along the centerline of Tremont Street to the centerline of East Berkeley Street;

Thence running easterly along the centerline of East Berkeley Street and the West Fourth Street Bridge to the intersection with the centerline of Dorchester Avenue;

Thence running northerly along the centerline of old Dorchester Avenue to the intersection with the edge of land on the northwesterly side of Fort Point Channel;

Thence running northeasterly along the water's edge or the U.S. Pierhead Line, whichever shall be more inclusive, to the Metropolitan District Commission Dam at the mouth of the Charles River;

Thence running across the southerly side of the Metropolitan District Commission Dam and along the southerly bank of the Charles River to the beginning point at the intersection thereof with the centerline of Massachusetts Avenue.

APPENDIX C

Disclosure Statement Concerning Beneficial Interests as  
Required by Article 80, Section 80B-8, of the Boston Zoning Code

- (1) Name of Project: \_\_\_\_\_
- (2) Location: \_\_\_\_\_
- (3) Applicant: \_\_\_\_\_
- (4) I hereby state, under the penalties of perjury, that the true names and addresses of all Persons who have a Beneficial Interest (including the amount of their Beneficial Interest accurate to within one-tenth of one percent if such interest exceeds one percent) in the above-listed property are listed below in compliance with the provisions of Article 80, Section 80B-8, of the Boston Zoning Code.

NAME AND RESIDENCE OF EACH PERSON WITH SAID BENEFICIAL INTEREST (continue on separate sheet if necessary):

	<u>Percentage Interest</u>
NAME: _____	
ADDRESS: _____	
NAME: _____	
ADDRESS: _____	
NAME: _____	
ADDRESS: _____	
NAME: _____	
ADDRESS: _____	
NAME: _____	
ADDRESS: _____	

APPENDIX C (continued)

- (5) The undersigned also acknowledges and states that except as stated below, none of the above-listed individuals is an official elected to public office in the Commonwealth of Massachusetts, nor is an employee of the State Department of Capital Planning and Operations.
  
- (6) I hereby state, under the penalties of perjury, that the names and addresses of all firms and professional corporations employing attorneys, real estate brokers, architects, engineers, planners, or surveyors, and all other agents who have acted on behalf of any of the foregoing with respect to the application for Zoning Relief on the above-listed property are listed below in compliance with the provisions of Article 80, Section 80B-8, of the Boston Zoning Code.

NAMES AND ADDRESSES OF ALL FIRMS AND PROFESSIONAL CORPORATIONS, AND AGENTS WHO HAVE ACTED ON SAID APPLICATION (continue on separate sheet if necessary):

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SIGNED under the penalties of perjury.

Signature:

---

Name Printed:

---

Date:

---