



April 30, 2026

Kairos Shen, Chief of Planning
City of Boston
1 City Hall Square, 9th Floor
Boston MA, 02201

Re: NAIOP Comments on Sign Code Modernization, Draft Article 11 and Accompanying District Amendments

Dear Chief Shen:

NAIOP Massachusetts, The Commercial Real Estate Development Association, is grateful for the opportunity to comment on the **Sign Code Modernization updates** released on March 18, 2026.

NAIOP supports the goals of the Sign Code Modernization efforts undertaken by the Boston Planning Department (the Department) and respectfully offers the below comments to ensure clarity, predictability and consistency for project proponents and businesses who are affected by these proposed changes.

I. Institutional Master Plans

Institutional Master Plans (IMPs) establish a predictable, institution-specific framework for development, which can include a sign plan. The proposed updates are currently unclear on whether signs that comply with an approved IMP's sign plan would require additional review. As the signs are typically part of a greater placemaking and campus-like use, the Department's review is important during the IMP process to provide guidance regarding appropriate signage as they are aware of the greater context of the streetscape and buildings and the type of neighborhood character proposed within the IMP. **NAIOP strongly recommends that language be incorporated expressly stating that signs consistent with an approved IMP's sign plan may proceed without duplicative review or requiring a sign permit from the City's Inspectional Services Department (ISD).**

II. Planned Development Areas

Planned Development Areas (PDAs) establish site-specific zoning for development, which should include the ability to have an approved sign plan that provides related guidelines for the development. As the signs are typically part of a greater placemaking and campus-like use, the Department's review is important during the PDA rezoning process to provide guidance regarding appropriate signage as they are aware of the greater context of the streetscape and buildings and the type of neighborhood character proposed within the IMP. **NAIOP strongly recommends that language be incorporated expressly stating that PDAs can include sign plans and further that signs consistent with an approved PDA's sign plan may proceed without duplicative review or requiring a sign permit from ISD.**

III. Timeliness of Review

NAIOP strongly supports the goal of this modernization process to speed up sign review. However, as currently drafted, NAIOP is concerned that many applications will still become conditional or exceed dimensional requirements, forcing a project to seek relief from the Zoning Board of Appeal (ZBA).

Not addressing this concern will add substantial time, especially because the ZBA process includes a required community/abutters meeting before a hearing can be scheduled. **NAIOP recommends that the proposed language be revised to minimize avoidable ZBA referrals and preserve a genuinely faster approval path.**

IV. Section 11-3(15)(a)

The 90-day limit for temporary signs advertising property for lease may be too short in cases where other regulatory agencies expect a longer marketing period. In particular, some processes may require documentation that a property was actively marketed over an extended period before a tenant search is deemed unsuccessful. **NAIOP recommends that the Department revise Section 11-3(15)(a) to allow for longer display periods where appropriate.** Alternatively, the Department could adopt language allowing an administrative extension where needed to satisfy other agency requirements.

V. Section 11-5(6)(a)(iii)

The proposed language in this section limits conditional electronic signage to certain high-impact college and university sub-uses, such as athletic facilities, theaters, and similar public assembly spaces.

NAIOP believes that this approach is too narrow and may exclude other appropriate locations where electronic signs could serve legitimate needs. **NAIOP recommends that language be adopted broadening the use definition to allow electronic signs for a wider range of uses, subject to appropriate review for conformance with an approved IMP's signage plans or PDAs.**

VI. Section 11-7(2)(b)

The proposed dimensional standards within this section appear designed for smaller buildings with limited frontage or height and may not work well for larger-scale buildings. By-right standards such as very low wall-sign height limits, small projecting-sign areas, capped cumulative sign area, and low placement limits could produce signage that is out of scale with the building and surrounding area. **NAIOP urges the Department to adopt separate dimensional standards for larger buildings.**

VII. Section 11-10(1)

NAIOP applauds the inclusion of the maintenance and repair provisions which allow routine improvements without a sign permit. However, the proposed language does not clearly say whether ISD approval is required when obsolete hardware must be replaced to preserve an existing sign's illumination method, so long as there is no change to the sign's size, lighting, location, or supporting structure. **NAIOP hopes that the Department can include language confirming that this type of repair is permitted administratively.**

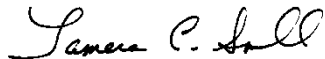
VIII. Section 11-10(2)(c)(ii)

Historic Signs are signs with an official landmark designation or on buildings with an official landmark designation from the Boston Landmarks Commission (BLC). **NAIOP recommends that the Department clarify that properties with *pending* BLC status will not be subject to additional requirements or treated the same as those with confirmed BLC status.**

NAIOP Massachusetts represents the interests of companies involved with the development, ownership, management, and financing of commercial properties. NAIOP has over 1,800 members who are involved with office, research & development, lab, industrial, mixed use, multifamily, retail and institutional space.

Please feel free to reach out to myself or NAIOP's Vice President of Policy of Public Affairs [Anastasia Daou](#) if you would like to further discuss our comments here or our position on City priorities.

Sincerely,



Tamara C. Small
Chief Executive Officer
NAIOP Massachusetts, The Commercial Real Estate Development Association



Cyrus Miceli <cyrus.miceli@boston.gov>

Proposed Article 11 of the Zoning Code- Comments regarding Electronic Signage

1 message



Kathleen, Cyrus, Alexa, and Lizzie-

Thank you for meeting with us last week and this week to discuss proposed revised Article 11 of the Zoning Code. I write to offer comments on proposed Article 11 on behalf of Orange Barrel Media (OBM). Given your close involvement with the proposed Article 11, we wanted to send these comments to you, but please let me know if these comments should also be submitted to signcode@boston.gov.

As discussed, Orange Barrel Media (OBM) has operated in the city for over 15 years and has appreciated the BPDA's/Planning Department's careful consideration of electronic signs. The city's guidance on electronic signs has allowed OBM, after robust and collaborative community outreach efforts and community support, to obtain zoning relief to install and operate electronic signs in the city. These signs allow for innovative and beneficial community and non-profit content, together with other benefits, such as governmental content (e.g., Covid related health notices), revenue share payments, and license fees.

Following our meetings, we wanted to share some reactions and suggested revisions to proposed Article 11.

- **Definition of Entertainment/Events Uses.** Electronic signs will now be associated with three potential primary uses, one of which are Entertainment/Event Uses. Entertainment/Event Uses are not defined in proposed Article 11 or Article 2 (although Entertainment Uses are defined in Article 2 as adult entertainment, amusement game machines, bars with live entertainment, etc.) Entertainment/Event Uses are only referenced in Table A to Section 8-3 of the Zoning Code.
 - ***We respectfully suggest that the definition of Entertainment/Event Uses should be included in proposed Article 11 for purposes of electronic signs, including the size parameters for different Entertainment/Event Uses, so as to clarify how Article 11 interacts with this use type.***
- **Size of Electronic Signs.** Associating electronic signs with Entertainment/Events Uses, Hospital Uses, and certain College or University High Impact Subuses could dramatically increase the potential number of electronic signs throughout the City. Based on our initial review, there are potentially 120-160 Entertainment/Events Uses, 20-25 hospitals and 35-40 colleges or universities throughout the City. Of course, some of these are institutions that have multiple buildings, so the number of potential locations for electronic signs could be dramatically above the broad characterization of uses.

OBM has worked carefully to propose electronic signs in certain limited areas of the City and has worked to thoughtfully design and incorporate these signs into the urban realm. Each sign has obtained significant community support and, as operated, OBM has grown strong relationships with community partners and non-profits that benefit from their content being shared on OBM's signs. As a leading, innovative electronic sign company operating in Boston and nationwide, OBM realizes that electronic signs are not the right signage in all

locations. OBM is concerned that a proliferation of electronic signs may cause a negative reaction against a signage type that, when properly located and dimensioned, can offer unique and significant benefits.

While we recognize that the conditional use permit process serves a gatekeeping function, it does not keep applicants from attempting to seek conditional use approval for signs and the current draft, which does not contain any size limitations, encourages applicants to seek approval of these uses. In order to control for the proliferation of electronic signs and protect the city from being inundated by sign applications, we think size limits should be introduced for signs associated with Entertainment/Events Uses. Signs associated with Entertainment/Events Uses should allow larger electronic signs for larger Entertainment/Events Uses to allow for innovative programming and proportionality of sign size to venue size. Fewer, well-designed larger signs allow for community and non-profit support that is subsidized by the sponsored content. Electronic signs allowed for smaller Entertainment/Events Uses should have smaller maximum allowed sizes which will help control proliferation and/or negative reaction.

Introducing size limits will also assist in design review by providing a presumption of the allowable sign size. This will be helpful to Planning Department urban design staff that will review such sign proposal, as well as applicants proposing such a sign, who will appreciate clear guidance. This can reduce the administrative burden on Planning Department staff that will be reviewing the proposals in the first instance to provide some sign size guidance.

- ***We respectfully suggest that proposed Article 11 be revised to allow Large and Extra Large Entertainment/Events Uses to have electronic signs based on the dimensions of existing Section 11-7.5(1) of the Zoning Code, namely, up to 550 square feet, unless the Planning Department determines a larger sign is appropriate to the building and location.***
- ***We also respectfully suggest that Proposed Article 11 be revised to specify that electronic signs associated with smaller Entertainment/Events Uses be limited in size as follows, unless the Planning Department determines a larger sign is appropriate to the building and location:***
 - ***Entertainment/Events Uses- Extra Small: 25 square feet***
 - ***Entertainment/Events Uses- Small: 50 square feet***
 - ***Entertainment/Events Uses- Medium: 100 square feet***

Introducing a presumption of a maximum size for electronic signs associated with Entertainment/Events Uses can allow a check on the proliferation of electronic signs while our suggested language would still allow for contextually and location appropriate larger signs if deemed appropriate through design review with the Planning Department.

- Sign Maintenance. We appreciate you confirming that existing electronic signs may utilize upgraded technology when maintenance is performed to allow for an “in-kind replacement of illuminated elements.” This is helpful to allow electronic signs to use the types of improved LED technology that is developed over time that is more energy efficient, but also of a better resolution.
- Nonconforming Signs. We appreciate the Planning Department’s confirmation that OBM’s existing electronic signs are intended to be treated as lawful, preexisting nonconforming signs pursuant to proposed Section 11-10.2.c, as OBM’s existing signs “lawfully exist” (by virtue of zoning relief) and they predate revised Article 11.

As discussed, we want to ensure that this understanding is shared with ISD to make sure plans examiners and others understand the implications of proposed Section 11-10.2.c, particularly as some of OBM’s Board of Appeal decisions granting conditional use permits for OBM’s existing electronic signs under existing Section 11-7 of the Zoning Code include language and/or provisos stating the zoning relief has a term of 8 years.

This language is in those zoning decisions because existing Section 11-7 states that conditional use permits for electronic signs have an 8-year term, after which the zoning relief must be renewed. However, we think it is administratively burdensome and not necessary to have to return to the Board of Appeal for the continued use

and operation of these signs, particularly where they were initially permitted after a robust and supportive community process and have since operated with community support and benefits.

Further, OBM followed the process contemplated by the current Zoning Code by seeking conditional use permits for its signs under Section 11-7 of the Code. It would be manifestly unfair to allow an electronic sign that is a forbidden use, but which has received a variance to become a lawful nonconforming sign that does not have to return to the Board of Appeal for reaffirmation of its zoning relief while requiring OBM, which has received conditional use permits in compliance with the Code, to return to the Board of Appeal for reaffirmation of its zoning relief. This would treat similar electronic signs dissimilarly. Zoning relief in the form of a variance is an extraordinary form of relief compared to a conditional use permit. This is a further reason that electronic signs allowed by conditional use permit should be treated as a lawful, nonconforming use without having to get zoning relief reaffirmed by the Board of Appeal.

As discussed, OBM's signs also have License Agreements with the Boston Planning & Development Agency. These License Agreements also have 8-year terms and are the vehicle through which the BPDA regulates hours of operation, content, revenue sharing, annual license payments, and other issues. As such, OBM's signs are subject to a regulatory mechanism providing oversight and control for OBM's signs.

Given the License Agreements, which can continue to regulate OBM's signs, OBM suggests that language be added as a new subsection (d) to Section 11-10.2 to clarify that OBM's signs are lawfully nonconforming with no additional Board of Appeal action necessary to continue the use as follows:

Section 11-10-2.d. Any electronic sign which has received zoning relief and predates this Article, that does not conform to the requirements of this Article, may be repaired, maintained, operated, or otherwise altered in accordance with Section 11-10.1 (Maintenance) without the requirement for zoning relief or extended zoning relief from the Board of Appeal.

Alternatively, if the Planning Department feels it is necessary to send existing electronic signs to the Board of Appeal for reissued zoning relief, then language needs to be added to proposed Section 11-10 to clarify the process for such reissued relief. OBM disfavors this approach, as it is administratively burdensome for the City, OBM has previously undergone a rigorous community outreach process when it initially permitted its signs, and it is a substantial effort to file for and obtain new zoning relief. It would also treat electronic signs that are allowed through a conditional use permit differently from electronic signs that were a forbidden use but which obtained a variance. ***However, if the Planning Department thinks requiring future Board of Appeal action is advisable, OBM suggests that a new subsection (d) be added to Section 11-10.2 as follows:***

Section 11-10-2.d. Any electronic sign which has received zoning relief prior to the adoption of this Article and the electronic sign predates this Article, that does not conform to the requirements of this Article, may be repaired, maintained, operated, or otherwise altered in accordance with Section 11-10.1 (Maintenance) provided that the zoning relief previously issued for such sign is reissued by the Board of Appeal prior to the expiration of the term set forth in the decision issuing such zoning relief upon timely and proper appeal for an additional period of eight (8) years. When determining whether to issue the zoning relief under this Section, the Board of Appeal shall only consider whether the sign was operated in compliance with the zoning decision issued pursuant to the provisions of Section 11-7.1 of the Zoning Code as existed prior to the adoption of this Article.

Please let me know if you have any questions or comments concerning the above. OBM and I would be happy to discuss further.

Thank you,

Chris

Christian Regnier

[Redacted]

[Redacted]

Bio

goulston&storrs

One [Post Office Square, Boston, MA 02109](#)

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[Redacted]

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May 1, 2026

By Electronic Mail

Cyrus Miceli, Zoning Reform Planner
Boston Planning Department
Boston City Hall
One City Hall Square, Ninth Floor
Boston, Massachusetts 02201

Re: Proposed Amendment to Article 11 of the Boston Zoning Code – Comments related to Projects Subject to Review Under Article 80 of the Zoning Code

Dear Mr. Miceli:

Thank you for the opportunity to comment on the Boston Planning Department's proposed amendments to Article 11 of the Boston Zoning Code.

We appreciate the Department's effort to modernize and consolidate the City's sign regulations into a more uniform and predictable framework. For smaller projects and more conventional signage, the proposed approach has the opportunity to simplify sign permitting by establishing clear dimensional and design parameters.

However, we write to share a concern that, for larger and more complex development projects already subject to Article 80 review, the amendments to Article 11 would introduce a new layer of zoning relief that is unnecessary and potentially counterproductive by always requiring a conditional use permit from the Zoning Board of Appeal for signs not conforming to the amended Article 11.

We respectfully request a targeted revision to the proposal that would retain the role of comprehensive sign design in the current version of Article 11: Where a project has been reviewed through Small Project Review or Large Project Review under Article 80B, or is governed by a Planned Development Area Development Plan under Article 80C or an Institutional Master Plan under Article 80D, signage that deviates from the dimensional or other requirements of Article 11 should not require a conditional use permit. Rather, appropriate sign dimensions and other parameters can be established through Planning Department design review, as is currently (and, we believe, successfully) done through the comprehensive sign design provisions of Section 11-2 of the Zoning Code.

Unlike smaller properties and projects, where signage often responds to specific tenant opportunities, signage programs in larger projects are often designed comprehensively after Small or Large Project Review or PDA or IMP review has concluded and project design parameters are established. Projects that proceed through Article 80 review are already subject to substantial Planning Department oversight, design review, and community outreach and

May 1, 2026

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involvement, so requiring a zoning approval process adds an unnecessary step. For projects within PDA Development Plans or IMPs, requiring zoning relief through the Board of Appeal adds a parallel zoning process that could confuse and burden stakeholders that have already participated in the prior approval processes. The new conditional use permit requirement would also increase the Board of Appeal's workload, without an appreciable benefit. Many other provisions in the Zoning Code may be established through Small Project Review or Large Project Review, without requiring Board of Appeal relief, including parking and loading requirements, screening and buffering, and other comparable design-related requirements. Signage is well-suited to similar treatment.

We respectfully request that the proposed amendments to Article 11 be revised to allow signage parameters for projects undergoing Small Project Review, Large Project Review, PDA review, or IMP review to be established through Comprehensive Sign Review, without the need for a conditional use permit or other additional zoning relief. This would preserve the process that currently exists for these types of projects, and advance the "purpose" of proposed Section 11-9 regarding Comprehensive Sign Review as stated in the new Article 11: to ensure "appropriate design outcomes", "promote a harmonious synthesis of Signs and architectural features; and to allow for unique and creative signage not contemplated by this Article".

The requested change would retain the Planning Department's design oversight, avoid unnecessary duplication of processes, and align signage review with the way other project-specific design elements are addressed through Article 80. Small and Large Project Review and PDA and IMP review all have rigorous community outreach and participation processes, so community members would still be advised of such projects and associated elements such as signage. Slightly revising the proposed amendments to Article 11 to eliminate the need for a conditional use permit for these projects would also provide a more predictable and workable framework for developers, owners, and future tenants while still protecting public involvement and urban design objectives.

Thank you for considering these comments. We would be happy to discuss the above in more detail.

Sincerely,

Darren Baird, Director
Matthew Kiefer, Director
Peter Kochansky, Director
David Linhart, Director

cc: Kairos Shen
Nupoor Monani
Kathleen Onufer
Seth Riseman
Alexa Pinard
Lizzie Turac



May 1, 2026

Cyrus Miceli
Zoning Reform Planner
Boston Planning Department
One City Hall Plaza
Boston 02201

Subject: NABB comments on Draft 11 Article, part of Sign Code Modernization

Dear Mr. Miceli,

On behalf of the Neighborhood Association of the Back Bay (NABB) Architecture Committee, I write to provide our comments concerning the Draft Article 11 and the amendments proposed to the Zoning Code. We want to highlight the presence of the Back Bay Architectural District, created by the state legislature in 1966, that gives the Back Bay Architectural Commission (BBAC) jurisdiction over design review of external additions or alterations to the neighborhood. Signs located inside the Architectural District are part of the BBAC mandate.

To reemphasize the protections of historic neighborhoods, especially for the Back Bay, NABB would recommend the following amendments and additions to the proposed Article 11:

- Section 11-1, 2nd paragraph: add the following text: “In historic districts, as defined by the Boston Landmarks Commission or by state legislation, signs are subject to additional design review, as defined by the relevant historic commission.”
- Section 11-2, add following paragraph: “Signs located in historic districts, with the exception of Community Events Signs, Public Access Signs and Official Signs, are subject to design review by the appropriate historic or architectural commission.”
- Section 11-4: add the following text: “Signs located in historic districts, with the exception of Community Events Signs, Public Access Signs and Official Signs, may require additional applications and/or design reviews by the appropriate historic or architectural commission.”
- Section 11-7: add the following text: “In historic districts, historic or architectural commissions may impose further restrictions on allowed signage and signs may be subject to design review by the appropriate historic or architectural commission.”

Also, a section should be added to the Zoning Code for the Back Bay Architectural Commission, for Boston Proper, that uses the similar content as articles 65-33 or 67-27 (“Boston Landmarks Commission Review Requirement.”)

NABB would also recommend the following clarifications in the proposed article 11:

- Section 11-5, bullet 5: add to Portable Signs: "...including, but not limited to A-frame signs ("Sandwich Boards") and T-frame signs."
- Section 11-7, 1-f: replace "directly" by permanently" to align with the text of section 11-5, bullet 5.
- Section 11-3, bullet 3: add to Community Event Signs. "Signs attached to street structures or urban furniture should be easily removable. Use of adhesives is inappropriate"

We thank you for the opportunity to provide the neighborhood's insights and look forward to working with you to improve Article 11 and maintain the neighborhood character of the Back Bay that is cherished by residents and millions of visitors of Boston.

Sincerely yours,

A handwritten signature in cursive script that reads "S. Savard".

Serge Savard, Chair
The Neighborhood Association of the Back Bay

CC: SignCode@boston.gov,

Councilor Sharon Durkan, District 8

Representative Jay D. Livingstone, MA House of Representatives

Samantha Courage, Back Bay Liaison, City of Boston Neighborhood Services



Cyrus Miceli <cyrus.miceli@boston.gov>

Proposed Article 11 Amendment Comments

[REDACTED]

Good afternoon:

Thank you very much for the opportunity to submit comments on the proposed amendment to Article 11 of the Boston Zoning Code.

We are writing as one of Boston's largest landlords to retail and restaurant businesses of all sizes. In our Seaport project alone, we have dozens of local small businesses in our buildings and are always very focused on making their experience doing business in Boston as positive and seamless as possible, and our comments below are largely offered through that lens.

Our comments on the proposed amendment are limited to three items:

1. A-frame signage is listed as Forbidden. We and our retailers often use temporary A-frames or other similar sign formats to highlight community events, provide tactical directional information to highlight new business openings and special events, menus, and the like. Section 11-3 should include language stating that such signage (which falls into at least one category of Exempt signage) is also exempt from the provisions of Section 11-5, which explicitly prohibits such signage. This internal contradiction seems confusing and should be clarified to avoid small businesses being cited for putting out – for example – a menu board or special event sign that happens to be mounted to an A-frame.
2. Sign Review in a Planned Development Area. The revised Article 11 should make clear that for projects that are located in PDA Plan areas, signage that does not conform exactly to the new Article 11 dimensions and other controls should be reviewed and approved by the BPDA as part of design review (as is currently the case), rather than requiring a Conditional Use Permit from the ZBA pursuant to a separate ZBA proceeding. At Seaport Square, for example, our team has painstakingly developed signage “modules”/guidelines for each of the project blocks, working closely with BPDA staff on each of these, and such signage modules have successfully guided the BPDA's review of retail signage throughout the project area since its inception. This process has worked well for our retailers and restaurants and has avoided the need for these businesses to go through the ZBA process and all its attendant costs and schedule impacts, while affording a degree of flexibility, diversity, quality, and visual interest among the block-by-block signage throughout this neighborhood. Requiring small businesses located within a PDA plan area that already has an extremely thorough and thoughtful series of sign guidelines (which may embrace signage dimensions and attributes that do not conform exactly to the proposed Article 11 parameters) to submit to ISD for rejection, followed by a Board of Appeal proceeding, for sign applications would be a step backwards away from the goal of making Boston a business-friendly environment for small mom-and-pop retailers and larger employers alike.
3. Electronic Signage. The new electronic signage regulations should retain the existing Electronic Signage Districts (e.g. Seaport, Lansdowne, Theater District), and add to these existing districts with the new use-based regulations. These electronic signage districts were thoughtfully developed in recent memory with solid public policy underpinnings and should remain in effect where such signs are Conditional, even as the regulations surrounding electronic signage may warrant modification outside these districts. Similarly, where such signs are explicitly Allowed pursuant to existing approved PDA Development Plans, such zoning approvals should remain in effect.

Thank you for your consideration of these comments and we would be very happy to discuss in person at any time.

Yanni



YANNI TSIPIS

EXECUTIVE VICE PRESIDENT – DEVELOPMENT

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Cyrus Miceli <cyrus.miceli@boston.gov>

Small addition to the code

1 message

[REDACTED]

Hi,

Signs is a tricky thing as art can fall into this realm!

Today with large high definition displays a sizable wall can be an electric art piece! As well as offer a screen to show performances from afar!

While still a vision, here in Charlestown we have an idea of placing on a building, visible mostly within a park space a screen so video art can be presented as an enjoyable element. Then on the weekend evenings in the late spring, summer or early fall different presentations like a live feed from Tanglewood or a local sports teams event taking place out side of the city like a playoff or a movie. So a gathering of people can enjoy the event! Breaking one on one screen world we are now so consumed within with our computers and phones.

To help give this context here's a video of what Seoul Korea has on its buildings for E-Art [Smart Project \(Summer Media Art\) | Seoul](#)

The idea is to offer an outlet for the young to express their art which is mostly in the digital world unlike we share in the art museums of more established artist. One can see this as a modern graffiti! Clearly a lot easier to clean up!

I don't see any provisions to allow this in the code. Please add it in.



1903 1912 1915 1916 1918 2004 2007 2013 2018

May 4, 2026

By E-mail delivery

Kairos Shen
Chief of Planning, City of Boston Planning Department
One City Hall Square
Boston, MA 02201

Re: Proposed modifications of Article 11 Sign regulations

Dear Director Shen:

On behalf of the Boston Red Sox and our affiliates (including Fenway Sports Group Real Estate), we are providing comments on the Department's proposed modifications to Article 11 of the Zoning Code. Our primary focus is on the proposed treatment of Electronic Signs.

The City's Zoning Code currently includes longstanding provisions that facilitate commercial digital/electronic signage in certain designated areas, including the Lansdowne Street Entertainment District ("LSED"), which includes Fenway Park, the MGM Music Hall, House of Blues, and certain other parcels owned by Fenway Sports Group Real Estate. On Lansdowne Street, the current rules and regulations have allowed for the display of electronic billboards with rotating commercial and other content as well as digital blade signs and a digital marquis on the MGM Music Hall. In our experience, this electronic signage has been valuable and beneficial in multiple respects. The vivid signs add energy and vitality to this unique entertainment district. They provide valuable public service announcements (including, for instance, information about and promotion of public transportation) and occasional charitable content. And they generate significant economic activity and revenue for property owners and the City.

As we understand the proposed changes to Article 11, the Zoning regulations would eliminate the current geographic areas that provide for conditional permitting of Electronic Signs. The proposed new language relating to Electronic Signs appears to be ambiguous and raises questions with regard to certain parcels within the LSED and what content would be permitted on such signs. We are concerned that updates to Article 11 not unduly restrict the use of Electronic Signs and the various benefits that they provide in appropriate settings.

We have several suggestions to address these concerns. First, we would suggest that the current designated geographic areas, including LSED, that facilitate Electronic Signs should be retained in Article 11 alongside the new provisions. Whether or not that is the case, however, we would encourage more precision regarding the proposed language that "Entertainment/Event Uses" constitute conditional uses. Given the nature of entertainment and event venues, we believe it would be appropriate to consider off-premise advertising to be in line with the type of use that

fits within this category. The revised Article 11 should also consider a framework to calibrate the presumptively-allowed size of Electronic Signs proportional to the size of the use (e.g., large Entertainment/Events uses should be permitted to have larger Electronic Signs than smaller Entertainment/Events uses).

We understand that Electronic Signs in the LSED and other designated areas subject to a conditional use permit in effect now constitute lawfully existing signs within the meaning contemplated by Article 11, and therefore conditional use permits for such signs should not require renewal on a recurring basis. We respectfully suggest that the City confirm in an appropriate manner that signs now lawfully in existence and those that have been otherwise approved through an appropriate process (such as having received PDA approval) are unaffected by these changes and are thus “grandfathered” into the new regulatory framework.

With respect to Electronic Signs, we would suggest two added modifications. The revised Article 11 should confirm that the City retains authority to enter into license agreements permitting off-premise advertising. The revised Article 11 should also include a cap on the timeline associated with Comprehensive Sign Review for Electronic Signs.

Finally, with respect to all signs, we agree with other stakeholders who have suggested that when a project is included in a PDA Development Plan or an IMP, signage should continue to be subject to Comprehensive Sign Review by Planning Department staff, similar to the present efficient and effective process, rather than requiring a Conditional Use Permit from the Zoning Board of Appeals. This approach would be procedurally and legally consistent with the process adopted for Groundwater Conservation Overlay District review, where projects in a PDA or IMP receive their GCOD certifications from the Planning Department rather than a Conditional Use Permit from the ZBA. We believe this approach would further the overarching objective of streamlining the signage review process in Boston.

We appreciate the opportunity to provide this feedback and to participate in the City’s process for modernizing its regulation of signs.

Very truly yours,

A handwritten signature in cursive script that reads "David Friedman".

David S. Friedman
Executive Vice President, Legal & Government Affairs

cc: Lisa Herrington, Esq.
Kathleen Onufer
Seth Riseman
Yanni Tsipis