

ARTICLE 80 MODERNIZATION: COMMENT LETTER FAQs

The City of Boston Planning Department launched an initiative to improve how residents, developers, and City staff experience development review. We seek to create a modernized process rooted in predictability, consistency, transparency, and timeliness – one that is inclusive of a diversity of voices, makes it easier for people to invest in Boston, and supports new growth that serves our City and addresses long-standing needs.

After over a year and a half of outreach and research the Planning Department released the Article 80 Modernization Action Plan. This Action Plan document lays out direction for the changes we propose to make. The comment period lasted from September to December 2024. During this time, the Planning Department held a series of public engagement opportunities and collected feedback on the draft Action Plan. In total, we received 99 comment letters ([link](#)) and 307 survey responses.

This FAQ document provides answers to frequently asked questions from these letters and surveys.

CORE CHANGE 1: EFFECTIVE ENGAGEMENT

1. I am worried that Article 80 Modernization will eliminate public meetings. Will community feedback still be a part of the development review process?

Yes, community feedback is essential to a successful development review process and public meetings will continue to take place as part of this process. 77% of survey respondents in the first phase of engagement said that they would like multiple options to share their input and get involved ([Community Experience Survey](#)), so the Planning Department is proposing new ways for people to give feedback in addition to public meetings.

We think these new methods are important as meeting fatigue is a common concern of the current development review process. 78% of our survey respondents during the creation of the Action Plan said they would prefer detailed or short surveys to give feedback on development projects outside of traditional public meetings ([Draft Recommendations Feedback Report](#)). To address this, staff will design each engagement opportunity to achieve specific goals, minimizing repetitiveness and

reducing burnout. See page 21 of the Action Plan to learn more about new methods for effective engagement.

2. One flaw in the current process is that community members do not always see how their comments are incorporated into development project proposals. How are you fixing this in the Action Plan?

We propose to fix this by identifying moments throughout the process when the City will share how public comments have been incorporated. We think staff should be required to consistently document feedback, comments, and sentiments of the community, and make that information public. Project proponents will be required to document how comments have been incorporated into the proposed development project and provide explanations for why certain comments may not have been incorporated. This will create an ongoing public dialogue about the development project and enhance transparency in decision-making.

3. Clarify additional details of Community Advisory Teams (CATs) such as composition, timelines and term lengths.

We recognize there are several details that need to be worked out before CATs can be put into action, and we are committed to doing the additional research, analysis, and engagement that is required to thoughtfully advance this proposal. This work will continue during the next phase of the development review reform effort. Over the next year, we will develop detailed recommendations for CATs and answer the following set of questions that we've heard along the way:

- a. How will geographic or neighborhood boundaries be reflected in the composition of CATs?
- b. How will sub-neighborhoods and particular local expertise be incorporated?
- c. Will CATs have a seat for developers? What about representatives from the building trades?
- d. Who will lead CAT training and what will be covered?
- e. How long are CAT terms?
- f. How many people will be part of each CAT?
- g. How many development projects will CATs review? How do we ensure that this isn't too much work for members?
- h. Will CAT members be paid? What other support will be provided to lower the barrier to entry?

We will share more about our plan for studying CATs in our updated Action Plan.

4. Will Community Advisory Teams (CATs) be allowed to veto or delay a project?

We do not recommend that CATs be allowed to veto or delay proposed development projects. Both community members (77% - [Community Experience Survey](#)) and

developers (85% - [Developer Experience Survey](#)) agree that today's process is lengthy, inconsistent, and unpredictable. This makes it difficult to build in Boston which in turn negatively impacts housing production and affordability. Community Advisory Teams (CATs) are a way to gather and uplift community feedback without negatively impacting timelines or predictability. Their role is to enhance (but not replace) other broader public engagement efforts by fostering deeper discussions and ensuring that new development reflects community needs and priorities.

Their input and advice will help align a development project proposal with planning priorities and community feedback and support the Planning Department in making a recommendation to the [BPDA Board](#), which ultimately makes the final decision.

5. Why is the CAT focused on mitigation and community benefits conversations?

We envision the CATs to have a comprehensive advisory role, one that supports the implementation of planning and policy and reflects community expertise and feedback. Their input is not limited to community benefits and mitigation conversations. CAT members will bring valuable expertise and lived experiences to their input and can amplify, validate and supplement insights gathered from other engagement efforts (like community workshops, surveys, and early engagement efforts). Since CAT members will be trained on the planning and development context of Boston, they will be able to identify areas where the proposed project aligns or does not align with planning goals. Future engagement will refine the specific content and purpose of each CAT meeting.

6. Why should developers start community engagement on a proposed development project and not the Planning Department?

We propose that developers begin engagement early to build trust and develop an early understanding of the community's experience and needs at the beginning of the review process. Today, developers sometimes engage with communities early in the review process, but this is done inconsistently. Engagement conducted during the first phase of our modernization effort indicated that both community members and developers believe that early engagement leads to better outcomes (Action Plan, p. 22), but only 16% of respondents believe engagement takes place at the right time.

Our proposal will establish standards and provide templates for consistency and transparency. Read more about early developer-led engagement on page 22.

7. Will there be in-person engagement in the new Article 80 process?

Yes. We are introducing new in-person engagement opportunities, such as site walks, that we do not currently offer. Additionally, we are enhancing ways for the community to learn about proposed development projects, including implementing

new site signage. This signage will inform residents and community members—whether walking, biking, taking the bus, or driving—about upcoming development and opportunities to provide feedback.

8. Will you publish recordings / archives of public meetings?

Yes, we will continue to publish recordings of public meetings.

9. Will pre-file engagement be waived for development projects in an Institutional Master Plan (IMP)?

Pre-file engagement for proposed development within an IMP will require its own approach. It will be similar to the current process but updated to align with the goals outlined in Core Change 1. This ensures that engagement remains effective and consistent with broader objectives while accommodating the unique context of IMP projects. This work will be further studied and developed in the next phase of development review reform.

CORE CHANGE 2: CONSISTENT STANDARDS

1. We are concerned that new mitigation standards will add even more costs to development and make proposed development financially infeasible.

New mitigation standards are not intended to make development projects financially infeasible. Our goal is to reduce uncertainty by providing project teams estimates for these costs up front, and provide consistency across projects with similar impacts. Only 11% of developers and 4% of community members agree that the City's current approach to mitigation is consistent from one project review to another (Action Plan, p. 33) and all stakeholder groups recognize the importance of standardizing the mitigation process. By implementing new standards, the City can define a consistent approach to determining the appropriate mitigation for a specific proposed development.

2. How will a one-size-fits all formula for mitigation work across projects of different sizes and in different neighborhoods?

The Action Plan does not recommend a one-size-fits-all formula. As described on page 44, there are many important factors to determining the appropriate amount of mitigation, including project size and neighborhood. A standardized mitigation approach needs to be sensitive to these specific details to capture the nuance of proposed development. For example, estimated mitigation would be based on a project's location, primary use, and proposed size. If the proposal changes during the course of review, the expected mitigation would also change. Over the next year,

we will develop detailed recommendations for creating predictable mitigation and answer the following set of questions that we've heard along the way:

- a. What will the new definitions of enabling infrastructure, mitigation, and community benefits be?
- b. How will predictable standards apply to different types and scales of proposed development?
- c. Will any projects be exempt from community benefits?
- d. How will the predictable mitigation approach be determined for different projects? What factors will be considered (location, use, size, etc.)?
- e. How will community benefits be tied to planning and community needs?
- f. Will there be a cap for community benefits for certain kinds of projects?

3. Will there be a “fast lane” for affordable development projects?

The Planning Department and Mayor's Office of Housing (MOH) have already implemented an efficient and coordinated process for the review of affordable projects, guided by the Mayor's [Executive Order Relative to Speeding the Production of Affordable Housing \(October 2022\)](#). We are continuing to study opportunities for further accelerating the review of affordable projects, balancing timeliness with the need for adequate review from City staff and the community.

4. What is the reason the proposed affordable housing exemption standards are 60%+ affordable at 100% AMI?

These standards are based on the Mayor's [Executive Order Relative to Speeding the Production of Affordable Housing \(October 2022\)](#).

5. How does the proposed anti-displacement disclosure fit in with AFFH requirements and the BIFDC?

AFFH reporting requirements and the Boston Interagency Fair Housing Development Committee (BIFDC) help evaluate housing projects and their potential displacement impacts, particularly in areas with a history of discrimination. The new Anti-Displacement Disclosure is designed to complement existing AFFH requirements in three important ways. The disclosure: 1) assesses any direct displacement of residents, small businesses, or arts and culture programs, 2) applies to all large and small projects that go through the City's Article 80 development review process - both housing and commercial, and 3) considers how developers could support relocation efforts of impacted people or businesses. The citywide Anti-Displacement plan being released later this year will include additional ways the City can address displacement. Read more on the dedicated [Anti-Displacement webpage](#).

6. Will the displacement disclosure also address indirect displacement?

The new disclosure will focus on direct displacement of existing tenants. The City has other tools that focus on indirect displacement, including AFFH Zoning, Inclusionary Zoning and Linkage Fees. AFFH zoning requires residential projects or mixed-use projects with residential components reviewed by Article 80 to consider impacts on area residents historically discriminated against so that steps can be taken to reduce those impacts, provide new housing opportunities, and address past histories of exclusion. Inclusionary Zoning requires new housing developments to create income-restricted units and was recently updated to include smaller developments, including projects that don't go through Article 80 development review. Linkage fees are an assessment on larger commercial buildings and labs, which are then invested directly into affordable housing production and job training programs. This policy was also recently updated to increase the fees paid and apply to more modestly sized buildings. Together, these projects help support those facing displacement.

7. Why don't Institutional Master Plan (IMP) community benefits include all the contributions universities make to their communities, including PILOT (Payment In Lieu of Tax) contributions?

IMP community benefits focus specifically on contributions tied to development projects under Article 80 of the Boston Zoning Code. While universities do provide a wide range of additional benefits, they are typically reported through the Assessing office, and thus managed separately from the development review process. The City is considering tracking all of the community benefits provided by institutions in one place, which would allow community members to better understand the full scope of programs, activities, and community benefits provided to the City and the community, and compare them across institutions.

8. There is a lot of cleanup and clarification needed in the mitigation recommendations, including Chapter 91 definitions and incentives for exceeding baseline criteria.

Many of the specific changes regarding mitigation will be addressed in the next phase of the development review reform effort. At that time, we will look at the interaction and overlap between Chapter 91, which is a state regulation, and Article 80, which is a City regulation. We acknowledge that managing these separate regulations, which have their own definitions and requirements, can be complicated. Our goal is to improve how the requirements in Article 80 and Chapter 90 align.

6. Should large projects maintain a negotiated approach for mitigation?

We believe that a standard mitigation approach is the right option for most large projects. However, the Planning Department will have the ability to consider

project-specific mitigation for projects that are unique due to their substantial size or impact.

7. What are the proposed categories for community benefits?

The proposed categories for community benefits are as follows:

- a. Sustainability and resilience
- b. Housing
- c. Transportation and Infrastructure
- d. Arts and Culture
- e. Open Space and Public Realm
- f. Education
- g. Small business / Economic Development
- h. Historic Preservation
- i. Community and Civic Facilities

The appropriate categories for a development project will be determined by reviewing neighborhood plans, needs assessments, and City priorities.

8. Do actions taken to address direct displacement count toward mitigation?

Yes, actions proponents take to address direct displacement do count toward mitigation. Mitigation includes costs to offset potential negative impacts from a development. The new proposed Anti-Displacement Disclosure would specifically identify strategies to prevent or mitigate this impact, such as relocation support for existing tenants, option to return or covering fit out costs for commercial tenants.

9. Will community benefits and Inclusionary Development Policy (IDP) be voluntary?

Community benefits and the Inclusionary Development Policy (IDP) have different requirements. IDP is not voluntary; it is now incorporated into the Zoning Code and called Inclusionary Zoning (IZ), this policy mandates that market-rate housing developments include a certain percentage of income-restricted housing.

Community benefits are initially voluntary, but once agreed upon, are formalized through the BPDA Board memo and other legally binding agreements. While not required in zoning, community benefits play a crucial role in ensuring that developers contribute positively to the surrounding neighborhood, helping to build a good relationship with residents and the community as a whole.

10. Will a cap be implemented for Institutional Master Plan (IMP) community benefits?

IMPs are complex, long-term plans that are adjusted to the specific needs of each institution, which is why they require a flexible approach. As a result, there will not be a fixed cap for community benefits associated with IMPs. Instead, community

benefits will be assessed and determined on a case-by-case basis for each IMP, ensuring that they align with the unique circumstances of each institution and its surrounding community. As described on page 66 of the Action Plan, the IMP review process can define a maximum amount of community benefits that would be appropriate if all development proposed in the IMP is eventually built. Then, when specific project proposals are reviewed, specific benefits delivered count toward the IMP-defined cap.

11. Is construction mitigation considered a part of mitigation?

Yes, construction mitigation refers to proactive measures taken during a construction project to minimize negative impacts on the environment and community. As part of today's development review process, the Boston Transportation Department (BTD) enforces a Construction Management Plan (CMP) with project proponents. Each Construction Management Plan must be approved by BTD prior to the issuance of a building permit. The CMP includes agreements on hours of construction, parking for construction workers, material staging and delivery routes, sidewalk and pedestrian access, and more. Construction mitigation will continue to be part of the development review process going forward.

12. Will mitigation standards be codified in zoning?

We have not yet determined whether mitigation standards will be codified in zoning or adopted as City policy. We are studying and analyzing these options in the next phase of the development review modernization effort. Through our peer cities research ([Peer City Review and Analysis](#)), we identified a variety of approaches that other cities take to ensure mitigation is predictable and consistent across projects of various scales. We have not yet identified a model that is best suited for Boston's development review process. We will continue to study this further in the next phase of the reform effort and will share more about our plan for studying mitigation in our updated Action Plan.

13. Will community benefits be waived for zoning-compliant projects?

Community benefits will not be waived for zoning-compliant projects, however zoning compliance will be considered when determining community benefits for a project.

CORE CHANGE 3: COORDINATED REVIEW

1. How are you ensuring a coordinated review process across Boards and commissions?

We recognize that effective coordination is essential for an efficient and successful development review process. To address this, we have taken the initial step of hiring a Development Permitting Ombudsman within the Planning Department. This role is dedicated to coordinating projects after BPDA Board approval, ensuring a streamlined process by identifying bottlenecks and implementing solutions. Part of core change 3 will include our reviewing the sequence of Boards and approvals that projects go through. For more details, see page 78 of the Action Plan.

2. Have you considered combining “Pre-Concept” and “Concept” review phase?

Developing a new structure and timing for the review process is a key recommendation for improving Article 80 and is closely tied to other ongoing workstreams. We have heard this feedback consistently throughout our engagement and are considering this approach. The purpose and scope of each phase will be articulated as we implement the Action Plan.

3. How will community engagement be integrated into the new filing process?

We are incorporating community engagement in every phase of the new filing process and customizing engagement efforts to ensure community feedback is relevant and received when it can be most impactful. By starting community engagement earlier in the review process, we can gather input when it will most effectively shape the proposed development. During the concept design phase, community members will have the opportunity to provide feedback on key building elements like height, density and size before they are finalized. In the schematic phase, where the development team and staff will continue to refine the design of the project, the focus will shift to confirming mitigation strategies and community benefits. We will share specifics about how community engagement will be integrated into the filing structure in our updated Action Plan.

4. Why isn't Inspectional Services Department (ISD) staff involved in portfolio review teams?

We regularly collaborate with ISD staff throughout the Article 80 process where their specific expertise is needed. However, the expertise of ISD staff is most relevant when responding to construction-level plans, which are not a component of Article 80 review leading up to Board approval. By keeping ISD staff engaged where their input has the greatest impact, we can better align proposals with regulations and avoid delays later in the process.

5. Why aren't projects rejected for significant nonconformance with current zoning?

While we have launched a full citywide effort to modernize the City's zoning code, that effort will take years. Current zoning is outdated and does not always align

with evolving community needs, priorities and City goals. Even in areas where zoning was updated recently, zoning can't anticipate or address every possible scenario.

Rather than rejecting projects outright for violating current zoning, we aim to approach these situations with flexibility, allowing room for creative solutions that address community concerns while advancing thoughtful development.

6. Should the review of Article 80B (Large Project) and Article 80D (Institutional Master Plan) be allowed to occur simultaneously?

This is a complex issue that staff are considering; it will be studied in the next phase of the Article 80 modernization effort.

A sequential review of IMPs (Article 80D) followed by Large Projects (Article 80B) would place greater emphasis on the planning element of an IMP. However in many cases, institutions request updates to their IMPs based on specific development needs. The ability to conduct concurrent review can offer a more transparent discussion and nimble response to changing dynamics around institutional campuses.

7. Will the BPDA Board have a vote following the Concept Design stage?

No, the BPDA Board will continue to vote on proposed projects after they complete the review process as they do today.

The role of Concept Determination is to provide early clarity to project proponents during the first stage of review, where staff identify areas of alignment or misalignment with existing planning and policy. This document will collect feedback from all Planning Department staff involved in review, into a single summary. The proposed development will then continue to advance through the review process, and refine the design through the Schematic stage of review. Please refer to the diagram on page 60 in the Action Plan.

8. What will the new term lengths be for Institutional Master Plans (IMPs)?

The term lengths for IMPs will be 5, 10, or 15 years. Institutions will coordinate with Planning Department staff to determine the length that best fits the needs of their institution as their current IMP is nearing expiration. Institutions undergoing a period of change, whether that be major capital investment or leadership change, may opt for a shorter term IMP. Institutions that anticipate their needs will remain consistent over the longer-term could opt for the 15 year IMP.

9. There is a lot of cleanup and clarification needed in the changes for the Institutional Master Plan (IMP) process.

We are in the process of revising the IMP, and most of the recommendations will be incorporated in the next phase of the development review reform effort. Some key questions we aim to address include:

- a. How will renovations be aligned with BERDO and Article 37 requirements?
- b. Will amendment requirements be removed for leases or acquisitions that do not involve land use changes?
- c. How will CATs be similar to (or different from) Institutional Task Forces?

10. How will you ensure affordable housing will be delivered in this new process?

This process is a key focus of the Mayor's executive order. We plan to build upon the City's existing efforts to ensure that affordable housing is prioritized and successfully delivered.