

Article 80 Modernization

PHASE 3 ENGAGEMENT SUMMARY DRAFT ZONING AMENDMENTS

June 2025



City of Boston
Planning Department

Background

Between May and June 2025, the Planning Department opened a 45-day comment period to gather feedback on a set of draft zoning amendments for improving Boston's development review process, as outlined in Articles 80 and 28 of the zoning code. During this time, staff held two public meetings, ten office hour sessions, two focus groups, four community events, and publicized information through the Planning Department website, social media, and emails. City staff have carefully analyzed the feedback received from community members and development stakeholders. While additional feedback was received, this engagement summary focuses on the feedback received in relation to the proposed zoning amendments.

Key takeaways

- These draft zoning amendments overall are headed in the right direction, and after making some minor tweaks, should be adopted into the zoning code.
- The Planning Department received a number of questions and comments regarding some of long-term actions identified in the Article 80 Modernization Action Plan, including Community Advisory Teams (CATs), standardized mitigation, and additional zoning changes to implement new filing structures. These recommendations require further study and engagement to make sure implementation leads to the intended outcomes, and are not part of these proposed zoning changes.

Feedback on Article 80 Amendments

- Many comments supported the changes to update notification requirements to encode virtual digital communication methods. However, comments emphasized that the Planning Department should be thoughtful about continuing to work with community organizations to ensure those without access to the internet also have the opportunity to learn about and share feedback on proposed projects.
- Comments also supported the overall direction of the proposed procedural changes. Feedback also identified specific clarifications to the triggers for a Notice of Project Change (NPC) and the calculations for a Development Impact Project (DIP) payment.
- A few comments supported the proposed clarifications to fair housing language, and also requested additional detail regarding how Affirmatively Furthering Fair Housing (AFFH) compliance factors into the Adequacy Determination.

Feedback on Article 28 Amendments

- Overall the Planning Department heard support for changes to increase the threshold for Boston Civic Design Commission (BCDC) review from 100,000 square

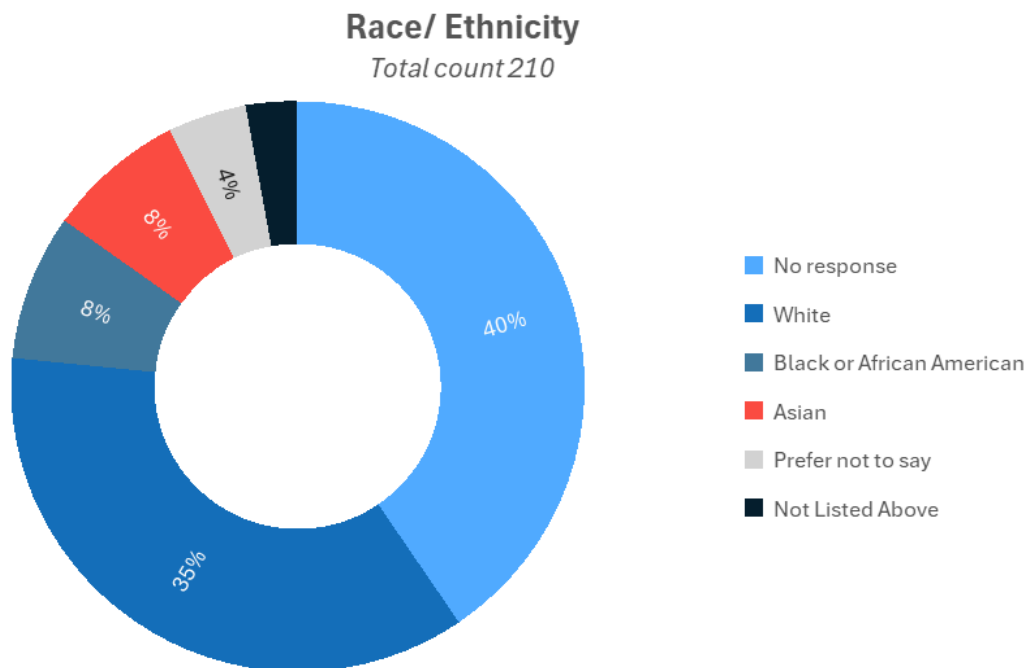


feet to 200,000 square feet, while retaining discretionary triggers for projects of special significance.

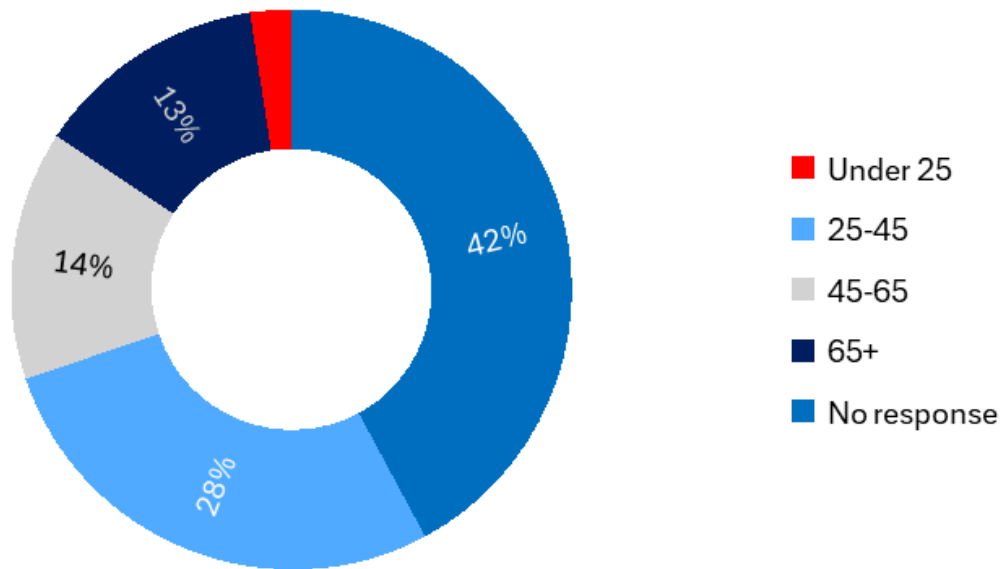
- Some community members expressed concern about reducing the number of projects reviewed by the commissioners given their expertise and independent perspective.
- Community members emphasized the importance of the BCDC commissioners and their important role of advising and providing thoughtful feedback that has helped improve projects across Boston.

Demographics Summary

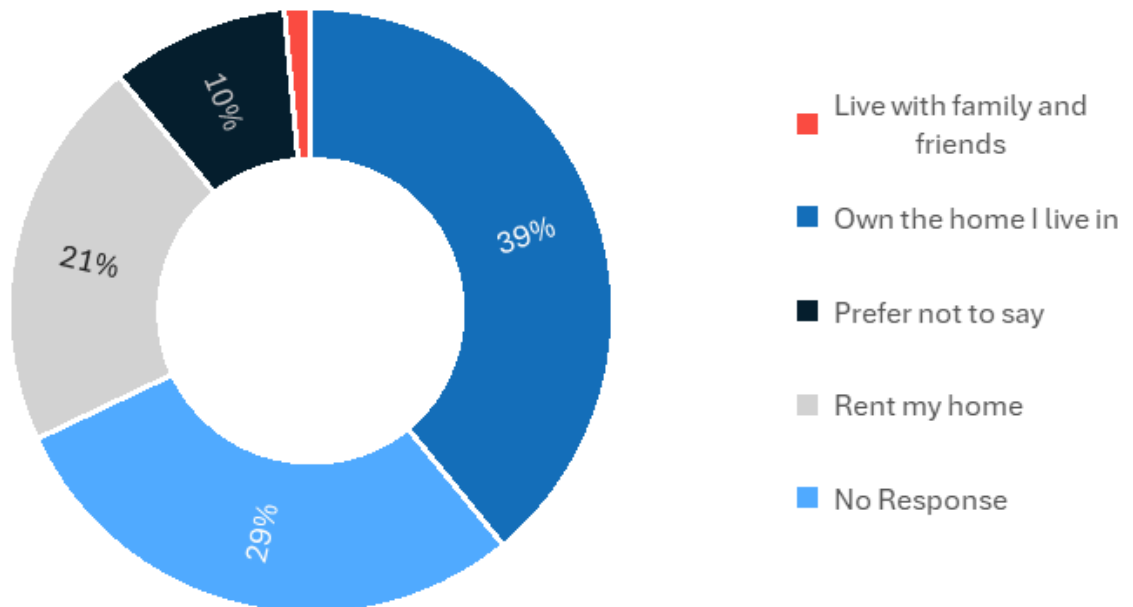
The demographics reported by those who submitted written feedback or registered for our public meetings



Age
Total count 210



Housing Situation
Total count 210



Appendix: Written Comments

1. Section 1: Comment Letters
2. Section 2: Email or Comment Box Submissions

Section 1: Comment Letters





To: Nupoor Monani, Deputy Director of Master Planning and Policy, City of Boston Planning Department
Kevin Crossley, Transformation Project Manager, City of Boston Planning Department

Cc: Kairos Shen, Chief of Planning and Director, City of Boston Planning Department

From: Tom Yardley, Vice President of Area Planning and Development, Longwood Collective
Abby Oliveira, Senior Land Use and Sustainability Planner, Longwood Collective

Re: Article 80 Updated Action Plan, Draft Zoning, and Early Actions

Date: June 13, 2025

On behalf of the Longwood Collective (LC) and our member institutions, thank you for the opportunity to comment on the Article 80 Updated Action Plan, Draft Zoning Amendment, and Early Actions Supplement.

We continue to support the Wu Administration's efforts to modernize the Article 80 process and laud the goals to streamline development review, update the zoning code, and improve community engagement. We continue to be grateful to the City Planning Department for the willingness to meet with the Longwood institutional community, receive feedback and press for change.

We are pleased to see the changes made to the Updated Action Plan that reflect our prior comments. We note that the Updated Action Plan focuses on first making changes in those areas of Article 80 with broad support. We look forward to collaborating with the City on the Long-Term Actions during the next phase of reform.

Our comments below support key changes and, in areas most critical to our institutional members, reiterate the feedback offered in our December 2024 memo, attached.

Early Actions

The following provides commentary on **early actions** as described in the Updated Action Plan.

Streamlining prefiling is beneficial and if implemented effectively will expedite the review process. **Updating tables of content for each filing type** and **incorporating distinct milestones** for each review stage are also promising in helping to clarify expectations and keep the many reviewers at the City on the same schedule and providing project proponents greater predictability.

We look forward to seeing City Planning's new guidance regarding the differences between enabling infrastructure, mitigation and community benefits. As we have discussed previously, this is in need of clarification. For example, many projects currently labeled as mitigation are not connected to mitigating project impacts and would more accurately be described as standalone community benefits. In addition, we hope that the guidance will clarify requirements for the new "Mitigation Plan" requirement proposed for each new IMP in Section 80D-3 of the Code,

and that the guidance will recognize the challenges of identifying specific project mitigation (as opposed to identifying community benefits) at the IMP stage.

We are encouraged to see that there is a plan to track and assess the City's capacity to consistently meet deadlines. This recognizes that there is need for an ongoing process of reform and change in the way project review has historically been conducted. Similarly, the plan to **use standardized templates for clear consistent reviews** is encouraging.

The opportunity for "ensuring that the Planning Department speaks with one voice" is essential to avoid confusion and to provide clear guidance to a project proponent. For example, under the current review process there is sometimes inconsistency between City plans and policies and the mitigation requested from specific projects. This has occurred in recent City staff requests for multi-modal infrastructure as project mitigation in the Longwood area prior to the completion of comprehensive, ongoing City-sponsored transportation planning for the area.

An area of concern remains regarding the **early developer-led outreach** and its application to an Institutional Master Plan (IMP) and the projects within approved IMPs. To be beneficial, the Planning Department must set clear expectations as regards what can and cannot be addressed at the early, pre-file stages of a project as part of the early engagement proposal. Without this, there is the potential for a mismatch between community expectations and the twin realities that institutions undertake development to meet specific physical plant needs, while at the same time a certain level of finer details are not part of a pre-filing process. We are supportive of Planning Department plans to provide comprehensive engagement guidelines and templates and look forward to reviewing them in detail, but we emphasize that they must work alongside existing methods of institutional project planning and development.

We are generally supportive of the **new engagement methods** proposed, including surveys and workshops, although we are curious to understand how the City proposes to incent survey participation in an era where email inboxes are full of requests. Opportunities to improve community participation are welcomed especially if more technical topics can be better explained in a workshop setting and understood by stakeholders and the community.

We are supportive of **reforms to BCDC**, particularly opportunities to improve efficiency and effectiveness of BCDC meetings and aligning design review with Article 80 review procedures. **Initiating earlier review** at the concept development phase will reduce the possibility of substantial site plan and design revisions at the later stages of Article 80 review, which can create inefficiencies and undo substantial amounts of design effort. We are also supportive of **introducing a maximum number of BCDC meetings** and **increasing the review threshold** from 100,000 to 200,000 gross square feet.

We note that the initial, short-term zoning changes "clean up the code" and correct outdated language and introduce amendments with high stakeholder support. We are happy to see that this includes increasing the threshold for including interior alterations in an IMP from 50,000 to 100,000 square feet (excluding High Impact Subuses such as dormitories).

Long-Term Actions

We note the Long-Term Actions including Community Advisory Teams (CATs), Predictable Mitigation Framework and Other Long-Term Actions such as defining predictable timelines for project review and feedback.

We are encouraged by the Wu administration's reform of the BPDA and the creation of the City Planning Department. It sets a solid foundation for moving forward and we are excited to support reform to IMP review. We reiterate our prior comments that to achieve a streamlined, transparent and predictable IMP process it will be necessary to realize a substantial culture change at City Hall to reverse decades of entrenched process. This may include training for Planning Department Staff, increased collaboration across other City departments and commissions, and the sustained investment of new resources and personnel to support these efforts.

As stated in our December 2024 memo (attached), one recommendation is to prescribe specific time frames for reviews by internal city departments; if no comments are made by the specific reviewing party within the defined timeframe, the project automatically moves on to the next phase in the review process. The goal of this pilot would be to simplify the review process and establish a predictable timeline, and LC is happy to be a thought partner with the City on this.

Changes to BCDC Process – New Article 81

LC can be generally supportive of these changes, but we note that many of them will require changes to BCDC bylaws and procedures and will therefore require appropriate follow-through at the Commission level.

We would like to see more clarity in the criteria defining “special significance” as well as in the timing of any Director's determination. It would bring more certainty to project planning to clarify that the three criteria listed in proposed Sec. 81-3 are the only ones relevant to the Director's determination. It would also help to set a deadline in the filing process for the Director to make a determination about special significance.

Article 80 Amendments

In addition to the above, we offer a few comments regarding the Article 80 Amendments that will serve to clarify the factors that trigger review or create exemptions (suggested redline text edits are attached). Generally, the proposed text amendment should articulate a clear transition rule for these changes that clarify any applicability to projects already in the development review pipeline.

- In 80B-2.1(d) and 80B-2.3(e), an addition of 50,000 SF of DIP use should not by itself trigger large project review. It would separately trigger DIP exactions, which do not require that a project undergo large project review. Related, we suggest removing the condition “, provided that such Proposed Project does not include the addition or expansion of any High Impact Subuse of an Institutional Use or to any Development Impact Use” in Sec. 80B-2.3(d).
- In 80B-7.2, we suggest clarifying that any change in use to a DIP Use must be from a non-DIP Use in order to trigger the requirement of DIP exactions. A change from one DIP use to another should not trigger new DIP exactions, unless the change is to a non-institutional Research Lab use in which case the difference between the exaction rate for non-institutional Research Labs and the ordinary DIP exaction rate should apply.

- In 80B-7.2(b), it would be helpful to clarify that the exemptions apply to calculation of Development Impact Use square footage and not only to the calculation of exaction amounts. We suggest simply changing “For purposes of calculating Development Impact Project Exactions...” to “For purposes of calculating Development Impact Use square footage...”.

Thank you for your consideration of our comments. Longwood Collective and its members welcomes continued collaboration with the city as the Article 80 modernization plan moves forward.

In the attached version of our prior memo, we have highlighted comment areas that we understand to have been Addressed, Partially Addressed, and Yet to Be Addressed.

The Longwood Collective is a non-profit organization representing 22 members in the Longwood Medical and Academic Area (LMA), including several of the nation’s top medical institutions, Harvard Medical School, and the five Colleges of the Fenway. For more than 50 years, the Longwood Collective has served as the preeminent organization planning and advancing area improvements, all while providing transportation services in Longwood.

Recommended specific edits to Proposed Article 80 Amendments

Sec. 80B-2.1

(d) to establish or change to conditional or forbidden uses, or to any High Impact Subuse of an Institutional Use, ~~or to any Development Impact Use,~~ the uses of a gross floor area of fifty thousand (50,000) or more square feet; or

Sec. 80B-2.3

(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 to any Development Impact Use;~~ or

(e) to establish or change to conditional or forbidden uses, or to any High Impact Subuse of an Institutional Use, ~~or to any Development Impact Use,~~ the uses of a gross floor area of fifty thousand (50,000) or more square feet; or

Sec. 80B-7.2

(a)(i) proposes to establish any Development Impact Use, or proposes to change ~~the~~ any use from a use that is not a Development Impact Use to any Development Impact Use occupying an aggregate gross floor area of more than fifty thousand (50,000) square feet; and

(b) **Calculation of Gross Floor Area.** For the purposes of calculating Development Impact ~~Project Exactions~~ Use square footage, the measurement of gross floor area excludes all accessory parking garage space and shall include research lab-dependent mechanical equipment area.



To: Nupoor Monani, Deputy Director of Master Planning and Policy, City of Boston Planning Department
Kevin Crossley, Transformation Project Manager, City of Boston Planning Department

Cc: Kairos Shen, Chief of Planning and Director, City of Boston Planning Department

From: Tom Yardley, Vice President of Area Planning and Development, Longwood Collective

Re: Article 80 Reform, Commentary on Action Plan and “Core Changes”

Date: December 13, 2024

On behalf of the Longwood Collective (LC) and our member institutions, thank you for the opportunity to comment on the Article 80 Modernization Action Plan and the proposed changes to the Institutional Master Plan (IMP) process in Article 80D.

We support the Wu Administration’s efforts to modernize the Article 80 process and commend the laudable goals of the effort that align with the needs of the institutional community, including prioritizing predictability, timeliness, consistency, and transparency. We strongly believe that a coordinated approach provides the best opportunity to improve the Article 80 process for the benefit of the community and its institutions, while also furthering the City’s ambitious efforts to update the zoning code and review process for large projects. We are grateful to the City Planning Department for the collaboration to date in acknowledging the needs of the institutional community.

We support the goals motivating the three core changes articulated in the Action Plan and anticipate that the refinement and ultimate implementation of these core changes will determine their success. Based on the draft Action Plan, the successful implementation of these changes appears to be reliant on new training for Planning Department Staff, cross-collaboration across other City departments and commissions, and the investment of new resources to support these efforts.

Our comments below build upon the feedback offered in our September 2024 memo to the City Planning Department, through which we seek to further strengthen the final recommendations for Article 80.

Core Change 1: Effective Engagement

Core Change 1 (CC1) recommends replacing Impact Advisory Groups (IAGs) and Task Forces with Community Advisory Teams (CATs). Given the unique characteristics of the Longwood Medical and Academic Area (LMA) including a concentration of predominantly nonprofit medical, research, and academic institutions, we support the establishment of dedicated CAT(s) for the medical and educational institutions in the LMA and its surrounding neighborhoods, which was previewed in earlier presentations by the City Planning Department. The geographically compact, contiguous nature of properties and adjacencies in the LMA lends itself well to the CAT model, and there are many common stakeholders shared by Longwood institutions. Further, the proposed CATs will have enforced

guidelines and expectations – e.g. term limits, code of conduct requirements, conflict disclosures and training – that will help ensure they are productive and transparent entities.

The Longwood Collective supports the recommendations in CC1, and believes they can be further strengthened by:

1A. Introduce modern methods of engagement to reduce barriers to participation

- Clearly setting expectations as regards what can and cannot be addressed at the early, pre-file stages of a project as part of the early engagement proposal. Without this, there is the potential for a mismatch between community expectations and the reality that a certain level of finer details are not part of a pre-filing process.
- Empowering City staff to be involved in the early engagement activity and serve as a liaison to receive and categorize feedback from the public and guide it to ensure it is considered within the appropriate step and defined timeframe in the process.
- Clearly defining the expectations around the project proponents integrating feedback at the early engagement stage when specific details are light.

1B. Replace Impact Advisory Groups (IAGs) with new Community Advisory Teams (CATs)

- Clearly defining the purpose, role, and parameters of the work of the CAT, including setting expectations regarding their authority and ability to make recommendations, including clarifying and codifying that members of the CATs serve in an advisory capacity, but are not a voting body. We support the CATs maintaining functions and responsibilities that are consistent with existing IAGs/Task Forces.
- Identifying city staff tasked with overseeing the CATs that can work cross-departmentally and involving in the process City neighborhood experts in the City Planning Department's Community Engagement Managers and the City's Office of Neighborhood Services liaisons.
- We would welcome the opportunity to discuss the specific recommended composition of the CAT(s) for the medical and educational institutions in the LMA. Our preliminary feedback on the CAT model for an institutional community like Longwood suggests:
 - While we support the standardized, geographically based concept of CATs, we suggest considering a different name for 'Community Advisory Teams' in an institutional setting, which will involve a different set of expertise and longer-term lengths for participants to reflect the lifecycle of an IMP. While the mission of the CATs may be similar, a separate name could help differentiate CATs in Longwood which are focused purely on IMPs as compared to CATs in other parts of the city that review private commercial and residential development.
 - For an institutional CAT in Longwood, we feel strongly that the composition of the CAT should include, in part, the institutions themselves. Longwood institutions have the expertise across a multitude of disciplines that can support an informed dialogue during IMP review. We acknowledge there will need to be guardrails established to ensure compliance with conflict of interest to ensure that project proponents are appropriately recused from projects involving their own institution.

As noted in the application of CC1 for Institutional Master Plans, we support additional training specific to institutions, including the lock-in concept for key decisions, and longer-term lengths for those CATs to maintain context over the long-term development cycles of institutions, which for IMPs are on a 10-to-15-year life cycle.

This unique need for Longwood-focused CATs may require a different approach to recruitment. We look forward to collaborating with the City on an effective strategy for recruiting CAT members for institutional projects.

We believe it is essential to ensure that all CATs include individuals with experience in the real estate development industry, and that all institutional CATs also include individuals with experience working with or for large non-profit, academic and healthcare institutions and that conflict-of-interest disclosure requirements, which we support, will not frustrate this goal. For these groups to successfully play the key community engagement role proposed by the Action Plan, they must include individuals who can help translate community priorities into actionable benefits and successful projects. We look forward to commenting on the updated CAT guidelines and templates that are contemplated by the Action Plan.

Core Change 2: Consistent Standards

Core Change 2 (CC2) recommends standardizing mitigation and community benefits in the Article 80D process. LC supports greater predictability for determining mitigation and community benefits, as they can sometimes occur late in the review process, have no clear immediate connection with project impacts, or not fall within the purview of the mission-oriented work of the project proponent.

24. Create new definitions for community benefits, mitigation, update eligibility criteria

We are pleased that an analysis of historic data by the Planning Department confirmed what we know to be true, which is “that very large projects and institutional projects are exceptional, delivering mitigation and community benefits far higher than typical projects.”

Further, the Action Plan notes “projects, or parts of projects, that could be themselves considered a benefit could be exempt from providing community benefits. This recommendation recognizes that some projects are unique benefits to their community by their very nature.” As a district comprised predominantly of non-profit, mission driven institutions that provide world-class healthcare to local residents, employ 73,000 workers, and deliver community benefits that are cornerstones of building safer, healthier communities, we look forward to working with the Planning Department to understand how this provision may be applicable to non-profit, institutional projects when determining appropriate community benefit and mitigation packages.

We note that institutional projects are exempt from the Action Plan’s proposal of using a specific formula to set the amount of mitigation and community benefits and that these would instead be negotiated, and that all community benefits will need to connect to planning standards and community needs assessments. We agree with the need for a set of clear planning standards to guide mitigation and community benefits, which will assist in transparency and predictability, and we offer the following feedback:

- The Action Plan provides some details regarding “example” definitions of Mitigation, Community Benefits and Enabling Infrastructure. These are helpful in drawing clearer lines between 1) what is intended to offset a potential negative impact of a project, 2) what is intended to enhance the community by being a good neighbor, and 3) what is needed to enable the project itself beyond what exists on site. However, the Action Plan also refers to guardrails on mitigation and community benefits, which are to be defined by planning standards and community needs assessments. We propose an alternative approach below that reflects the considerable body of planning work and needs assessments already conducted in Longwood,

and that reflects the unique mission-driven work of the institutions. It will be necessary to empower staff to ensure that guardrails and standards are truly “locked in” and enforced.

- We note that the Action Plan maintains a negotiated approach for large-scale commercial projects and institutional projects, but that there is no cap on the community benefits for these projects (per the chart on page 39). We are concerned that while the approach maintains a desirable level of flexibility for institutions to continue to deliver unique community benefits, the proposal provides no predictable benefits “ceiling” and risks promoting unfair assumptions that institutional projects have similar impacts to large-scale commercial projects. These factors are problematic and could unfairly penalize institutions that are already delivering substantial community benefits, as the Action Plan notes. We look forward to working with the Planning Department to identify ways in which to introduce a cap on community benefits for institutional projects.

2B. Establish clear formula-based policies for transportation & infrastructure and open space & public realm impact mitigation

This section does not appear to apply to the institutional community since the Action Plan proposes that mitigation and community benefits are negotiated for IMPs.

LMA institutions are regional leaders in collaborating on transportation, infrastructure, public realm and open space initiatives through services operated by the Longwood Collective. This includes operating a fleet of 37 shuttles for employees and students, participation in the Longwood Collective Transportation Management Association which provides a suite of commuting programs aimed at reducing car travel and greenhouse gas emissions, and a districtwide pothole repair and street marking maintenance program.

Many of the LMA institutions maintain privately-owned, publicly accessible spaces and public parks, and also participate in a robust outdoor placemaking program with music, food trucks, games, and special events, ownership and maintenance of over 500 area assets, including wayfinding signage, solar-powered trash compactors, bicycle racks, streetlight banners, and park benches. Longwood Collective also works with the LMA institutions to enhance the public realm by planting flowers, hanging decorative baskets, maintaining trees, and coordinating snow removal.

2C. Create stronger connections between recent planning and community benefits

We note that the Action Plan proposes that mitigation and community benefits will be based on a “Community Needs Assessment” and “Planning Standards.” It will be very important to understand how these frameworks apply in an institutional setting and fit within the context of a unique and highly dense district comprised primarily of healthcare and academic facilities. In our role as stewards of Longwood, working with City and State agencies, Longwood Collective and our members develop districtwide planning efforts, such as the Transportation Framework, that would serve as an effective application to this approach. We also have a history of collaborating with the City of Boston on identifying project mitigation that will benefit the Longwood district and community at large.

We note the “Menu of Options” and reiterate that higher education institutions and medical institutions primarily offer community benefits that align with their non-profit, mission-oriented work of delivering high-quality education, research and healthcare. We therefore also request that these community benefits, namely Neighborhood Health be added to the “Menu of Options” creating a more comprehensive list of benefits and reflective of non-profit institutional missions.

For medical institutions specifically, oftentimes their community benefits are derived from their status as a public charity, coupled with the community benefits that are required by the Commonwealth's Determination of Need (DoN) program. If the latter, given the community benefits already required by the DoN program, it is recommended that the expected community benefits be less for hospitals than for other uses.

Overall, we appreciate the Action Plan's recognition of the need to take a more holistic approach to showcasing the wide range of benefits associated with development projects, particularly non-profit institutional projects, many of which are subject to multiple community benefit programs across city and state entities. For example, in addition to mitigation and community benefit requests made through the Article 80 process, many are also subject to:

- Commonwealth of MA's DoN program, which requires healthcare facilities to spend 5% of the total capital expenditure of a project on a Community Health Initiative.
- City of Boston linkage program, which requires large-scale development projects to pay a formula-based exaction fee to create new jobs and provide job training opportunities.
- Non-profit institutions also are subject to the City of Boston's voluntary Payment in Lieu of Taxes (PILOT program), which requests cash contributions and community benefits each year. Through this program, Longwood institutions partner in longstanding workforce and community benefit programs.

While the Longwood Collective supports a more holistic approach to showcasing the support that the LMA's non-profit institutions provide in the Boston communities they serve, it would neither be beneficial nor workable to negotiate or codify PILOT benefits in connection with any Article 80 or zoning process, as charitable organizations' statutory exemption from local property taxes is governed by MGL c. 59, s. 5, which dictates the timing and filing of the annual filing of Form 3ABC with the City's Assessing Department.

2D. Require proponents to file a new disclosure on displacement impacts

We look forward to receiving more details about how this requirement could be applied to institutional projects in the LMA.

Core Change 3: Coordinated Review

Core Change 3 (CC3) makes several recommendations to improve the timeline and coordination of IMP review, which are broadly supported by the institutional community. To achieve a streamlined, transparent and predictable process it will be necessary to provide a potentially new administrative structure and accompanying authority within the Planning Department designated to ensuring the success of the transformation's implementation on a project-by-project scale. This goes beyond new training for Planning Department Staff, cross-collaboration across other City departments and commissions, and the sustained investment of new resources to support these efforts. One suggestion is that the City pilot a coordinated review process, potentially modelled after the Uniform Land Use Review Procedure (ULURP) in New York City. This process prescribes specific time frames for reviews by internal city departments; if no comments are made by the specific reviewing party within the defined timeframe, the project automatically moves on to the next phase in the review process. The goal of this pilot would be to simplify the review process and establish a predictable timeline, and LC is happy to be a thought partner with the City on the strategy and development.

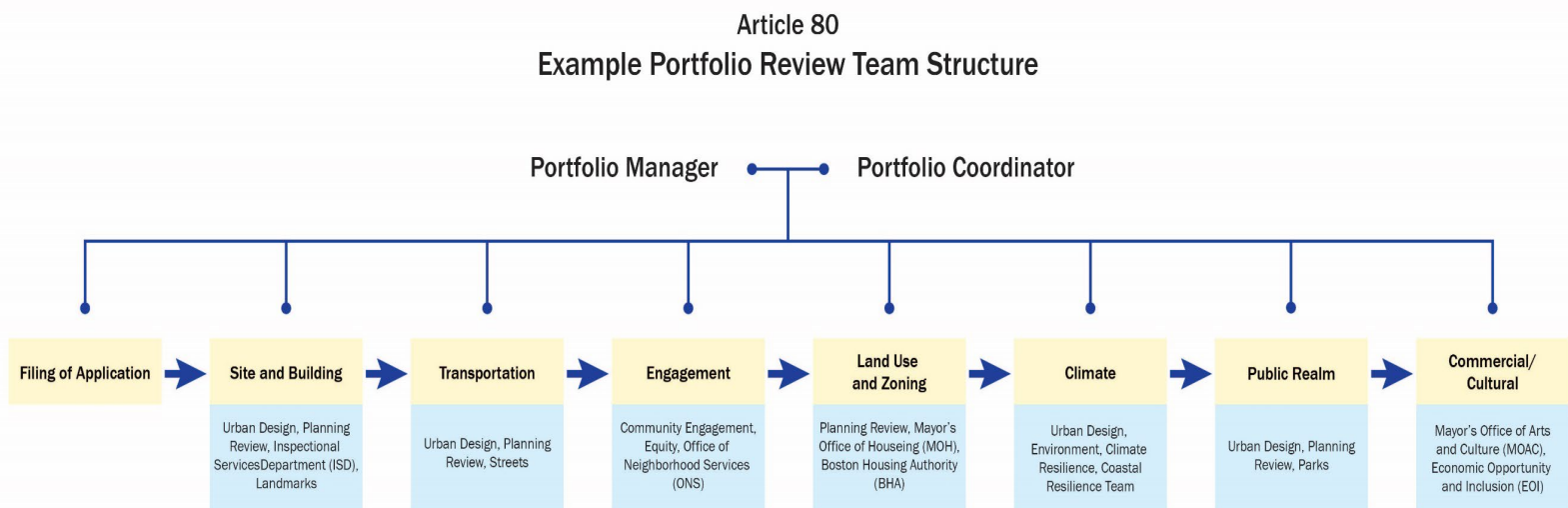


Figure 1 ULURP (top) and potential application to Article 80 (bottom)

We have collated our general comments below on all four subsections of CC3 (3A. Formalize the pre-file process and align filing sequence with industry practices; 3B. Lock in key decisions through a “Concept Determination” that can provide a clear and early “no” to inadequate proposals; 3C. Update and enforce response times; and 3D. Create interdepartmental portfolio review teams and enhance data-driven performance monitoring) given the overlap in their application to the institutional community.

- We are appreciative of efforts to provide a more coordinated review across internal city agencies and commissions, which is essential to the success of the Article 80 process transformation. However, we also understand that Article 80D cannot dictate the processes for the Boston Parks and Recreation Department or Boston Landmarks Commission which have separate statutory authorities and Boston Civic and Design Commission (BCDC) which is governed by Article 28 of the Zoning Code. As a general best practice during this time of reform, particularly as a new ‘lock in’ concept is considered, the City Planning Department will need to recalibrate each entity’s participation in development review. This recalibration

will be important to establishing predictable timelines, and we look forward to learning more about that plan.

- We are supportive of the proposed general framework for a new filing structure and look forward to working with the Planning Department as it applies to improving the IMP process in the next phase of reform. We also look forward to reviewing and aiding in the refinement of updated filing requirements and templates.
- When creating the interdepartmental portfolio review team across city agencies, we encourage the city to take an intentional approach to ensuring that individuals selected for this role represent a comprehensive and holistic approach to their area of expertise, rather than siloed areas of expertise, and that the unique context and neighborhood attributes of each project location is considered in the context of conversations across the review team.

Application of Core Changes: Institutional Master Plans

In addition to feedback provided throughout the letter on the application of Core Changes to Institutional Master Plans, we are encouraged to see feedback from institutions included in the Action Plan, including:

- More flexible filing timelines, so that each institution can select a 5-year, 10-year, or 15-year term depending on their needs. We also support the proposal for IMP renewals every 5 years and look forward to working with the city further to define a more efficient approach to renewals, particularly in circumstances where there are no proposed changes to the IMP.
- As a threshold for IMP and Large Project Review amendments, increasing the exemption for internal renovations in IMP thresholds, and increasing the exemption threshold for extension of institution use.
- Specifically, regarding the establishment of CATs for the institutional community, we appreciate the acknowledgement in the Action Plan of:
 - The need for CAT participants in an institutional setting “will likely require additional training specific to institutions.”
 - “The groups may have longer term lengths, to maintain context over the long-term development cycles of institutions.”
 - “The groups may also have unique composition requirements to ensure relevant expertise and experience are included.”

Materials that the City previously shared suggested that IMP projects shall follow Article 80D and Article 80B sequentially. This is not always the case. For example, it may be premature for an institution without a project or clearly defined project to determine zoning through Article 80D. Additional clarity on how these processes interact would be beneficial. Further, the idea of sequential as opposed to coinciding 80D and 80B reviews would not accomplish goals to streamline review, particularly if each sequential process involves entities with their own statutory authority and (in practice) their own timeline. The concern is that this will instead cause delays and extend the timeline for projects by months.

On the IMP process as it relates to mitigation, we are supportive of efforts to set mitigation commitments up front as part of the Article 80D approvals. This will help focus Article 80B on design review/site plan approval without the potential for a project to be required to add further mitigation at a later point. This was the approach for a recent

hospital project in Longwood where mitigation elements were defined and enumerated as part of the Article 80D process prior to the commencement of Article 80B.

Application of Core Changes: Boston Civic Design Commission

As noted in CC3, we support the Action Plan's goal of making the BCDC process more efficient and predictable for development projects. While the expertise and insight of BCDC members remain valuable, as the Action Plan implies this must be balanced against the design review role played by the Planning Department. As noted, this expertise did not exist within the Planning Department when BCDC's role was first established in the 1990s, so we are supportive of the opportunity to clarify and formalize the role of the BCDC in the modernized development review process.

Other Issue Areas Raised Previously but Not Addressed in Materials

- **Recognition of Challenge in Meeting Stringent Carbon Emissions Standards for High-Energy Use Sectors.** Institutions face the significant financial challenges of decarbonizing existing and proposed buildings to meet compliance standards under BERDO and Article 37, respectively. This is especially challenging for the non-profit sector where both the costs and energy use levels are driven by the provision of round-the-clock healthcare. In addition, many existing buildings are old, and our medical and research institutions are under a long-term contract with a power plant owned by a third party. For these reasons, we respectfully request that Article 80 Reform acknowledge these institutions' competing priorities of mitigating carbon emissions and providing life-saving care to the city and region.
- **We request that all renovations are exempt from IMP review.** The reasons for this are outlined above and are driven by the aggressive timeframe for meeting net zero regulations. In addition, subjecting renovations to both BERDO and Article 80 would require burdensome review processes that would need to be conducted simultaneously.
- **Concern regarding expiration limits for PDAs.** Institutions that do have PDAs are concerned that expiration limits would negatively impact the ability to build facilities sequentially and in order of highest need based on cost and funding availability. These priorities are strongly influenced by institutional planning and capital campaign cycles that are not aligned with expiration limits. For these reasons, we request that PDAs, or a subset that are connected to institutional projects, are not subject to expiration limits.
- **Requiring IMP amendments for leased properties and small acquisitions is onerous.** The request is to formally drop the requirement to file an entire IMP amendment purely on the basis of an institution initiating a new lease or acquisition for administrative or other use that requires no changes in land use. Leased space occurs in buildings that have already undergone permitting and approvals.
- **Transition away from paper filings, similar to other large cities like New York.** Our institutions share the City Planning Department's desire to move away from cumbersome, paper-based filings that consume significant resources. To that end, we support any efforts to move to digital based filings.

Thank you for your consideration of our comments. Longwood Collective and its members welcomes continued collaboration with the city as the Article 80 modernization plan moves forward.



The Longwood Collective is a non-profit organization representing 22 members in the Longwood Medical and Academic Area (LMA), including several of the nation's top medical institutions, Harvard Medical School, and the five Colleges of the Fenway. For more than 50 years, the Longwood Collective has served as the preeminent organization planning and advancing area improvements, all while providing transportation services in Longwood.

Comments Prepared by A Better City on Proposed Article 80 Early Actions

6/15/25

General Comments

- The split between Early and Long-Term Action is appropriate based on the comments to date from a range of stakeholders. The Early Actions have the potential for introducing near-term improvements to the Development Review process.
- It will be important to evaluate the effectiveness of each Early Action and identify the presence of potential unintended consequences as part of the process of testing during the one year long operational pilot.

Clear Expectations and Standards

- The expectations and standards need to provide consistency across different projects to communicate fairness for both project proponents and community stakeholders.

Deliver Effective Feedback

- With encouragement for proponents to begin early outreach, how will the engagement and feedback process ensure continuity and continued involvement of early participants so that later comments and feedback can build upon the foundation of early work? In other words, how will the process encourage forward movement rather than repeatedly covering the same ground?
- Effective feedback delivery will be the key to moving forward with comments as a project moves through the steps of the review process. Standard templates will help if the rationale for responses is made clear and transparent.

Make Decisions Transparently

- It is important to establish clear priorities among potentially conflicting feedback for projects, both from the Planning Department and in coordinating comments from other City agencies. How will interdepartmental conflicts be resolved?

Reform BCDC Procedures

- Maintaining consistency with the same members reviewing each project is the corollary of the concept that later stakeholder comments build upon earlier decisions to ensure

that project reviews continue to move forward. Assigning the same reviewers throughout the process will help.

- Increasing the review threshold to 200,000 square feet will help to reduce the BCDC workload and makes sense as long as other discretionary triggers for “Projects of Special Significance” are maintained.

Article 80 Modernization Comments 6.10.25

8170/1 ludli5615



For a thriving New England

CLF Massachusetts 62 Summer Street
Boston, MA 02110
P: 617.350.0990
F: 617.350.4030
www.clf.org

June 15, 2025

Via electronic mail: article80modernization@boston.gov

Kristiana Lachiusa
City of Boston Planning Department
One City Hall, Ninth Floor
Boston, Massachusetts 02201

Re: Written Comments on Article 80 Preliminary Draft Zoning Amendments

Dear Kristiana Lachiusa:

Conservation Law Foundation (“CLF”) appreciates the opportunity to comment on the Boston Planning Department’s (“the Department”) Article 80 Draft Zoning Amendments. CLF protects New England’s environment for the benefit of all people and uses the law, science, and the market to create solutions that preserve our natural resources, build healthy communities, and sustain a vibrant economy. Our advocacy includes participation in development proceedings that impact equitable access to and climate resilience of the Commonwealth’s tidelands, and our mission is to ensure the robust public access and benefits the law requires.

CLF’s comments on these Article 80 Zoning Amendments highlight concerns with changes to public notification requirements, softened language promoting early-stage coordination between Applicants and the Department, and lack of clarity.

Changes to Notification Requirements 80A-2, 80E-5.1

The Department proposes eliminating its obligation to notify Neighborhood Councils and equivalent community or civic organizations of Proposed Projects in their neighborhood. Currently, when the Boston Redevelopment Authority (hereinafter considered a subset of “the Department”) receives a document from an Applicant, they must send a copy of the notice to the Neighborhood Council or equivalent organization for the neighborhood in which the Proposed Project is located. This expands the scope of public notice by ensuring that neighborhood organizations are kept apprised of development happening in their backyard, allowing them to disseminate that information to residents through local communication channels. **The Department should work with neighborhood councils, community-based organizations, and housing justice organizations to propose an alternative method or process of notification to fill this gap, ensuring notification reaches residents through local, as well as agency, channels.**

Furthermore, the new zoning language removes the obligation to provide physical methods of notification by only requiring notice to be published online via the Planning Department website, via an electronic distribution list, and through City-level electronic publications. The Department states that this change reflects “current methods for public noticing and document distribution.” This ignores the fact that 1 in 5 Boston residents indicated that they like to be notified of projects via newspaper ads. Dropping this requirement cuts a fifth of the city’s residents off from a preferred method of notification without replacing it with another method of physical notification, such as mailers.¹ **These early changes to the Zoning Code notification requirements must reflect the demonstrated preferences of Boston residents and provide new methods for physical notification.**

Lowered Expectations for a Pre-Review Meeting with the Planning Department.

The Department proposes to revise language saying that “The Applicant is **strongly encouraged** to request a pre-review planning meeting” to instead state that “The Applicant **may** request a pre-review planning meeting.”² This lowers the expectation for Applicants to meet with the Planning Department “to discuss issues that may be raised by a Proposed Project and identify any need for coordination with or review by other public review bodies.” Pre-review meetings help improve the quality of a Proposed Project before it is open for public comment and can help a Proposed Project move more quickly through the review process by getting ahead of clear-cut deficiencies. **The Department should reconsider changing this language to instead require a pre-review planning meeting.**

Clarity of New Language

A. “CPS/GPOD”

The proposed zoning amendments exchange the term “Site Plan Review” with “CPS and/or GPOD Review.” This language appears for the first time in Section 80-5.2.a but is not defined until Section 80E-2.2, which outlines the CPS and/or GPOD Component for Small Project Review. A definition of CPS and GPOD exists earlier, in Section 80B-3.6,³ but will be struck under these amendments.

¹ Article 80 Modernization Action Plan. *Draft Recommendations Feedback Survey, Summer 2024*, p. 21 (April 2025). (The survey results find that 68% of residents prefer to hear about development projects in their neighborhood through mailers, 49% through social media posts, 49% via an open house, 46% through a pop up at a community location, 22% through a pop up at a community event, 19% via a newspaper ad, and 3% via a radio station ad).

² See 80B-5; 80C-5; 80D-5. Emphasis added.

³ This section is currently the “Site Plan Component” for Large Project Review, and will become the “CPS and/or GPOD Component.” The former text defined CPS as a “Conservation Protection Subdistrict” and GPOD as a “Greenbelt Protection Overlay District.” The new text eliminates these descriptors to say only

For clarity, the Department should describe Conservation Protection Subdistricts (CPS) and Greenbelt Protection Overlay Districts (GPOD) when the acronyms first appear, in 80-5.2.a. These terms should also remain spelled out in full in both the Large Project Review (80B-3.6) and Small Project Review (80E-2.2) sections.

B. “To Assess”

The proposed amendment to Section 80-1, paragraph 2, states that the development review process is, in part, intended “to assess new development for the purposes of Affirmatively Furthering Fair Housing. . . .”⁴ The relocation of “Affirmatively Furthering Fair Housing” (“AFFH”) from before the colon to after it broadens the scope of Article 80’s goals to not only include fair housing considerations, but also to encourage better development practices as a whole. While this change is not unwelcome, we cannot ignore that it decentralizes AFFH when determining a Proposed Project’s compliance with the intent and purpose of the Zoning Code. Additionally, it is not currently clear how that assessment will impact a Proposed Project’s Adequacy Determination.⁵ **CLF asks the Planning Department to clarify how an Applicant’s compliance with the goals of Article 80—including its AFFH efforts—will factor into the Adequacy Determination.**

C. “Revised”

In Article 80B-5, the Department proposes replacing the “Draft” and “Final” Project Impact Report filings for Large Project Review with a “Project Impact Report” (“PIR”) and “Revised Project Impact Report.” Should the Department find the Applicant’s initial PIR adequate, there is no further submission requirement. However, if the Department disapproves of the PIR, the Applicant will prepare a revised PIR with the required modifications or specifications set forth by the Adequacy Determination.

This change impliedly opens the door for multiple rounds of review on a Project Impact Report—a possibility that does not readily exist today. The current two-stage approach to PIR review discourages Applicants from making meaningful changes to project plans in response to public comment. Allowing multiple rounds of review on a PIR would give Applicants greater opportunity to respond to public comments and refine a Proposed Project early on, likely reducing

that “The Boston Redevelopment Authority shall require the Applicant to submit a CPS/GPOD Site Plan as specified in Section 28-3.”

⁴ Article 80-1, “Purpose of this Article.”

⁵ The definition for “AFFH Assessment Component” requires the Boston Interagency Fair Housing Development Committee to review the developer’s fair housing compliance “to advise the Boston Redevelopment Authority on the Proposed Project’s compliance with the provisions of this article.” This suggests, but does not require, that a project cannot be determined adequate if it does not fully comply with AFFH standards.

public pushback in later permitting processes. If CLF’s interpretation of this language is incorrect, it would be prudent for the Department to clarify this in the zoning text.

Moving Forward

CLF appreciates the strides taken by the Planning Department to improve the Article 80 process through these preliminary zoning amendments, pending more substantial changes in the near future. CLF especially appreciates the Department’s distinction between mitigation commitments and community benefits in Section 80A-5.⁶

We acknowledge that the Department is committed to improving the relationship between developers and communities and making the community benefits process more consistent and transparent. In future zoning code amendments, CLF encourages the Department to incorporate needs assessments, public education, and minimum community benefit requirements to support this commitment. CLF also looks forward to explicit anti-displacement language in future iterations of the zoning code, following recommendations from affordable housing and tenants’ rights experts. Finally, we hope to see climate adaptation plans included in the Article 80 review process.

The sooner these issues are incorporated into a Proposed Project’s plan, the more likely it is that an Applicant will hear and respond to community needs, in turn improving community trust. Including metrics for public engagement, establishing minimum community benefits requirements, requiring a clear and measurable anti-displacement plan, and requiring upfront climate adaptation measures help Proposed Projects to address community needs upfront, mitigating public pushback in future processes.

Conservation Law Foundation appreciates this opportunity to provide feedback on preliminary draft changes to Article 80 of the Boston Zoning Code. We look forward to remaining engaged as this process continues to evolve.

Sincerely,



Breanne Frank

⁶ “To ensure continued compliance . . . and to provide for the realization of mitigation commitments, public benefits commitments, and other measures, the Applicant shall enter into one or more agreements with the Boston Redevelopment Authority.”



Conservation
Law Foundation

Associate Attorney
Conservation Law Foundation



WWW.PINESTREETINN.ORG

444 Harrison Avenue
Boston, MA 02118
617.892.9100

June 12, 2025

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

Dear Chief Shen:

Please accept Pine Street Inn, Inc.'s comments on the City of Boston Planning Department's Article 80 Modernization Plan amendments. Pine Street Inn (PSI) appreciates the Planning Department's initiatives to expand engagement with a variety of community members, edit Articles 80 and 28 to clarify procedures and remove outdated language, and improve internal Planning Department processes for efficiency and transparency with stakeholders.

New opportunities for public feedback, as well as changes to existing opportunities, will allow more diverse groups of stakeholders to be heard at key stages of development procedures. New online surveys, workshops, site signage, and pop up project kiosks offered by the Planning Department will provide flexible options for individuals who wish to provide comments on development projects in their area. This flexibility is essential to the populations served by Pine Street Inn, who face psychosocial barriers to participation, such as homeless status, disabilities, and other factors. Additionally, the public posting of and clear response to feedback required by the Article 80 Plan updates will ensure that all community members are heard by the Planning Department.

The Plan's revisions to internal Planning Department processes will serve to streamline overall development procedures. The City's commitment to introducing standardized filing templates, review process milestones and worksheets, limits on Boston Civic Design Commission (BCDC) meetings, Planning Department staff time tracking, and guidance documents on City priorities, Community Advisory Teams, project thresholds, and timelines will benefit all developers. Additionally, Pine Street Inn welcomes the introduction of the Development Ombudsman role, the creation of thresholds for BCDC review, and the explanation that projects which provide community and societal benefits need not also provide mitigation. These changes are specifically helpful for nonprofit developers like Pine Street Inn; Since PSI conducts many other program activities, these revisions will allow Pine Street Inn to spend less time on administrative aspects of the development process and allocate more staff time to our public programs, such as emergency shelter and street outreach.



WWW.PINESTREETINN.ORG

444 Harrison Avenue
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617.892.9100

The amendments to Articles 80 and 28 also provide necessary clarifications regarding development procedures for both the Planning Department and developers. Additional information addressing benefits, infrastructure, linkage, mitigation, digital Planning Department documents, the “pre-file” process, Concept Determination, Scoping Determination, and the BCDC review process has simplified previously vague elements of Articles 28 and 80. Pine Street Inn appreciates these revisions; clear, efficient documentation of development procedures will benefit all stakeholders.

The City of Boston Planning Department’s updates to the Article 80 Action Plan will promote diverse community engagement at important stages of the development process, provide vital clarification and modernization for Articles 80 and 28, and streamline development activities for both internal Planning Department Staff and external organizations. Pine Street Inn wholeheartedly supports these changes as beneficial to all developers, and specifically acknowledges the positive impact that these updates will have on nonprofit developers, allowing them to devote more of their resources to essential services.

Sincerely,

Lyndia Downie
President and Executive Director



June 13, 2025

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

Re: NAIOP Comments on Proposed Amendments to Article 80

Dear Chief Shen:

NAIOP Massachusetts, The Commercial Real Estate Development Association, is grateful to the City of Boston and the Boston Planning Department (Planning Department) for their commitment to modernizing the Article 80 Large Project Review Process. Over the past two years, NAIOP members have participated in the Planning Department outreach process, serving on the Article 80 Steering Committee; participating in working sessions and focus groups; and answering surveys sent to the development community. The Planning Department staff guiding this process have made a concerted effort to reach out and engage with all stakeholders, and NAIOP looks forward to continuing our work together to advance practical reforms to the Article 80 process that ensure clarity, predictability, and timeliness.

Real estate development has numerous community benefits, from stabilizing and increasing tax revenue, creating construction jobs and permanent employment, and producing housing accessible to all income levels. NAIOP hopes that the changes to the development review process can keep Boston competitive and facilitate real estate development and economic growth, which are facing many headwinds. NAIOP continues to urge the Planning Department to remain flexible during the implementation stage and to continue engaging the real estate development community prior to implementation to ensure that the changes will have the intended effect.

While the majority of the comments below will be focused on the proposed zoning changes released in May, NAIOP is concerned that the final Action Plan and supplementary materials have not addressed issues such as timelines, city staff accountability, city department coordination and authority, and community benefits standardization. When Mayor Wu announced the release of the draft Action Plan in September 2024, she stated “These recommendations to reform Article 80 for the first time will ensure our processes are more effective, more consistent, and more coordinated.”

While NAIOP understands that many aspects of the final Plan require further discussion, NAIOP worries that not addressing these issues from the beginning of implementation will hinder the ability of the Planning Department to fully realize the publicly stated goals of the Article 80 Modernization process. Broadly, NAIOP urges the city to quickly advance the remaining priorities in order to create a comprehensive process that addresses the outstanding concerns of the development community and Boston residents.

I. Article 80-A

- a. **80A-2, Public Notice:** NAIOP applauds the proposed changes that would update outdated notice methods and is grateful to the Boston Planning Department for advancing this language. However, certain provisions of Article 80, such as Sect. 80B-5.4(b), still measure time periods from the “publication of notice.” NAIOP hopes that the Boston Planning Department will change this language throughout the zoning to start from receipt of filing.

NAIOP would also appreciate clarity on how the referenced "electronic distribution list" will be organized. NAIOP recommends a standardized list due to staffing considerations.

- b. **80A-6.2 (c) Decrease in Parking:** NAIOP is concerned that, as drafted, a decrease in parking is identified as a consideration that could “significantly increase the impacts of a Proposed Project or plan...” and could lead to a Notice of Project Change (NPC).

City zoning and transportation policy has in recent years moved dramatically toward reducing parking. The Boston Transportation Department has adopted Maximum Parking Ratio Guidelines, not minimum parking requirements. In 2021, the city eliminated parking minimums for affordable housing developments, and the mayor was quoted at that time saying “Eliminating parking minimums removes an outdated standard from our zoning code...” Mandatory parking requirements increase housing costs and limit the ability of developers to create new housing in the city. **NAIOP does not believe that decreasing parking should be considered a potential trigger for an NPC and urges the Boston Planning Department to remove this proposed amendment before advancing to a Board vote.**

- c. **80A-6.2(h) Change in Project Use:** NAIOP is unclear as to how a “change in the project use” is different from subparagraph (a) “intensity of use”. Because the purpose of requiring an NPC is to account for increased impacts, NAIOP does not believe a change in the project use, if not more “intense” should be a factor that requires an NPC. NAIOP urges the Boston Planning Department and BPDA so a change in the project use, if not more intense, should not be a factor. **NAIOP recommends that the Boston Planning Department remove this proposed amendment before advancing to a Board Vote.**

II. Article 80-B

- a. **80B-2.1 Applicability of Review (Downtown):** Subsection (d) added a trigger for Large Project Review for projects in the Downtown that establish or change to 50,000 SF of conditional or forbidden uses *or Development Impact Project (DIP) Uses*, compared to 100,000 SF threshold for allowed uses. While NAIOP understands that this change is related to the recent reduction in the DIP Exaction exemption from 100,000 SF to 50,000 SF, if advanced the proposed change would subject those projects to the full Article 80B review process, as well as the time, complexity, and expense that the study process entails.

NAIOP strongly urges the Boston Planning Department to revise this language in order to preserve DIP payments but not require full Article 80B review. NAIOP recommends that these changes also be made to 80-2.3 (d) and (e).

Additionally, regarding subsection (e), NAIOP does not believe that substantial rehabilitation should be considered a full Article 80B trigger. Advancing the current language without amendment will create a disincentive for owners to invest in their buildings to comply with current environmental standards or otherwise modernize or make them more attractive to tenants. Furthermore, Article 80B is largely an impact review process, and substantial renovations, without building additions or changes of use, do not create new impacts and thus NAIOP does not believe that they should warrant the expensive and time-consuming process required by Article 80B. **NAIOP recommends that the city strike 80B-2.1 (e) in its entirety. NAIOP also recommends that 80b-2.3 (f) be struck for the same reasons.**

- b. **80B-3 Scope of Large Project Review:** NAIOP recommends that the city consider whether Article 80B should prescribe, as a matter of zoning, the full contents of filings. Not all projects require all of the areas of study contained in Article 80B-3, and the appropriate scope will evolve over time. Contents of filings could be prescribed or recommended by the Planning Department in guidance documents that exist outside of zoning. NAIOP urges the Planning Department to adopt language allowing this flexibility for staff discretion to not unduly burden development and redevelopment projects.
- c. **80B-5.2 and 80B 5.3(a) Letter of Intent:** It is unclear from the proposed language how soon after filing a Letter of Intent (LOI) a Proponent can file a Project Notification Form (PNF). NAIOP urges the adoption of language clarifying this point before this proposal is advanced to a vote.
- d. **80B-7.2 (a)(i) Development Impact Exactions:** As drafted, the language could be read to trigger an exaction for a mere change of use of 50,000 SF from one Development Impact Use to another Development Impact Use. For example, converting an empty lab building to office space (or vice versa), even where Development Impact Project (DIP) payments have already been made as part of permitting of the lab space (or office space), could give rise to additional DIP payments. DIP exactions are to mitigate a project's impacts on housing and jobs. Those impacts do not change on account of moving from office to lab.

This is problematic and goes beyond the enabling legislation and the intent behind the DIP payment regime, which provides for exactions where needed to address impacts on jobs and housing. To address this concern, NAIOP suggests that the language in this provision be clarified and narrowed as set forth in red below:

- (i) *proposes to establish any Development Impact Use, or **proposes to change any the use from a use that is not a Development Impact Use to any Development Impact Use, occupying an aggregate gross floor area of more than fifty thousand (50,000) square feet; and...***

- e. **80B-7.2(b) Calculation of Gross Floor Area:** NAIOP urges the Planning Department to amend this language so that parking garage space should be excluded not just in calculating DIP Exactions, but also in assessing DIP thresholds. Additionally, while NAIOP recognizes that the square footage of lab mechanicals was added to DIP square footage in an earlier amendment to Article 80, the life science landscape in Boston has changed radically since that amendment and NAIOP encourages the Planning Department to rethink whether lab mechanical space should count towards DIP exactions given the current difficulties being faced by this important segment of Boston's economy.
- f. **80B-7.2 Table:** In Footnote 1, NAIOP believes that the word "extraction" is meant to be the word "exaction" in the first line.
- g. **80B-7.3 Requirement of Development Impact Project Exaction:** NAIOP recommends that the city strike "No Adequacy Determination under Article 80 shall be granted, allowed, or adopted unless the Applicant for such Adequacy Determination has entered into an agreement" and replace it with the following language:

"No Certification of Compliance under Article 80 shall be issued unless the Proponent has entered into an agreement."

Requiring DIP agreements to be executed before Adequacy Determinations are granted, allowed, or approved would mean that DIP Agreements are executed before the authorizing BPDA Board vote, which is out of sequence. DIP Agreements should be entered into before the issuance of a Certification of Compliance.
- h. **80B-8 Disclosure of Beneficial Interests in Large Projects:** While no changes are proposed to this section in the current draft, NAIOP strongly urges the Planning Department to engage stakeholders regarding amendments to Article 80B-8, Disclosures of Beneficial Interests. The requirements in the current zoning are outdated in the modern real estate investment world, no longer serve the purposes they were intended to accomplish, and are onerous for project proponents. NAIOP hopes that the Planning Department will prioritize engagement with the development community to move forward critical amendments to this language.

III. **80D-2 Applicability of IMP Review**

NAIOP is grateful to the Planning Department for increasing the alterations threshold triggered by the establishment or expansion of a High Impact Sub-use in the existing structure from 50,000 SF to 100,000 SF. However, NAIOP does not understand why interior renovations would trigger Institutional Master Plan (IMP) review at all. NAIOP hopes that this language can be clarified.

IV. **80D-3 Scope of Institutional Master Plan Review; Content of Institutional Master Plan**

Broadly, the proposed changes to Section 80D-3 regarding Institutional Master Plans (IMPs) include revisions to differentiate “mitigation” from “benefits”, requiring that each be set forth in its own separate plan. NAIOP believes that it is confusing to make this change now, without any real guidance as to what is considered “mitigation” vs. “benefits,” and how to address items that are both mitigation and community benefits. NAIOP suggests that this change be postponed for consideration as part of the changes envisioned as part of the later proposed Article 80 modernization effort.

- a. **80D-3.9 Mitigation Plan:** NAIOP is concerned with the concept of an IMP being required to include an identification of items that mitigate impacts of proposed future projects. Identifying specific mitigation for future projects too early would require an institution to study and propose mitigation at the IMP stage for a future project that may still be conceptual and then again at the future Large Project Review stage. NAIOP strongly believes that mitigation should be established during Large Project Review when definitive plans for a project are known and its specific impacts have been studied.

V. **Transition Rule**

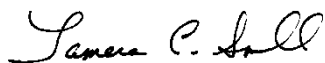
NAIOP believes that projects going through Article 80 review and approval benefit from clear transition rules for zoning amendments and suggests that the city and Planning Department develop a transition rule for the proposed zoning amendments. While city staff has assured the development community that there will be a transition rule, the proposed language does not include a transition period.

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.

NAIOP looks forward to continuing our work as a stakeholder in these important conversations.

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 other priorities.

Sincerely,



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

Section 2: Email or Comment Box Submissions

Date: Sat, May 31, 2025 at 11:41 AM

Comments*: I support all of the proposed changes, especially increasing the threshold for BCDC review from 100k to 200k sq ft to speed the approval of affordable housing.

Zip: 02130

What is your age?: 37

What is your Gender?: Woman

What is your Race/Ethnicity? Select all that apply: Hispanic or Latino/a

What is your housing situation?: Own the home I live in

Date: Sat, Jun 14, 2025 at 8:59 AM

Comments*: I am new to this process but commonsense dictates that easy and timely access to information in the early stages of planning is crucial to transparency and public confidence in the process. Having the BCDC be diverse and representative of the city is also a crucial piece. I appreciate the complexity of rewriting the zoning codes that will continue to encourage and expedite development BUT the number one concern should be understanding the impact of the projects on the communities. Too often a developer (and perhaps the people writing the codes) do not live in the community that will be impacted. Boston is a unique City. ONE CODE DOES NOT FIT ALL. In the end the actions that result from the "modernized" codes will tell whether you were listening and considering the impact. I/we citizens can only wait to see what "develops"!

Zip: 02113

What is your age?: 76

What is your Gender?: Woman

What is your Race/Ethnicity? Select all that apply: White

What is your housing situation?: Rent my home

Date: Sun, Jun 15, 2025 at 7:17 PM

Subject: Comments - Development Review Modernization zoning amendments and plan

To: BPDA <article80modernization@boston.gov>

Dear Article 80 Modernization Team,

Thank you for your work modernizing development review in Boston, and for the opportunity to comment on the process as it now stands. I have been involved as a Boston Brighton resident from the summer of 2023 on this process, and I believe it is moving in a very good direction. I

share the Planning Department's overall goal of making it easier to build housing and



City of Boston
Planning Department

other developments critically needed for the continued well-being of our city and its residents.

I strongly **support the proposed zoning amendments** that 1) clean up the zoning code to make it consistent with current practices; 2) modernize public notices; 3) raise the threshold for interior alterations in buildings subject to Institutional Master Plans (IMPs); and 4) alter the review process for the Boston Civic Design Commission. **I very strongly support raising the trigger for BCDC review to 200,000 square feet from 100,000 square feet.** I hope the exception of “Projects of Special Significance” will be used very sparingly if at all. I also support having the BCDC report to the Chief of Planning rather than the Mayor and the BPDA Board.

I have long supported the proposed widened scope of community engagement, both low-touch and high-touch, and the need to begin this earlier in the process. I hope these changes will be continuously developed over the coming months so that even as some of the longer-term changes are being developed, we will see wider engagement in the shorter term. The **creation of summary notes**, as Kristiana Lachiusa did with these Article 80 update meetings, is also very good and I really appreciate them. I hope this will address the *issue of how engagement moves projects forward*, rather than the current issue of public meetings addressing the same issues time after time.

Coordination of the City’s internal operations is critical, and I hope that is proceeding well.

The **creation of the City’s Anti-Displacement Action Plan is very helpful**, and a good example of city department coordination. Including displacement disclosures in development proposals should help both the city and the community understand the impact of new development. *I strongly believe that allowing housing to be built more easily to ease the housing shortage is a very important anti-displacement tool in itself.*

The **longer term actions outlined in the current Action Plan will be the most important**, including figuring out the composition and role of *Community Advisory Teams* and the development of predictable benefits and mitigations. I understand these will take time to flesh out. I saw in Kristiana’s notes that meeting attendees spoke about the need for **improving Impact Advisory Groups (IAGs) in the short term** as the new advisory structure is developed. I share this concern and recommend immediate improvements as follows:

- More transparency regarding how people are appointed to an Impact Advisory Group and reaching out to people who have not traditionally been involved
- Avoiding conflict of interests



- Basic orientation around IAG expectations as well as training around basic planning and zoning processes (possibly including IAGs across the city or at least a neighborhood)
- Having IAG members meet together in person at least once to get to know each other informally to share their experiences regarding their communities - in my experience, this creates a better, more congenial environment for discussions, and we are able to better understand our different perspectives and thus come up with more considered, constructive feedback. Plus it builds community which is always good!

Again, thank you for your work and this opportunity to comment.

Barbara Parmenter
Brighton

Date: Sun, Jun 15, 2025 at 9:25 PM

Subject: comments for Article 80 early action plan

To: Kristiana Lachiusa <kristiana.lachiusa@boston.gov>, Nupoor Monani <nupoor.monani@boston.gov>, Kevin Crossley <kevin.a.crossley@boston.gov>, article80modernization@boston.gov <article80modernization@boston.gov>

June 15, 2025

To: Nupoor Monani, Kevin Crossley and Kristiana Lachiusa

Re: Article 80 Modernization Early Actions

An ambitious goal -seeking clarity and predictability with the city's review process for real estate development, specifically Article 80 large projects -however the devil is in the details. Whether these reforms will allow for flexibility, innovation and creativity isn't obvious. Thoughtful reviews take time and contributions from different voices, including residents, add value and can improve proposed projects. There are multiple separate processes currently - different boards and commissions, not to mention the public process with an assigned project manager. Reforming all of this so that everything is coordinated means identifying timelines and schedules that are not aligned now. Whether a streamlined process is an improvement is a significant question, especially from the point of view of community advocates. My comments will focus on the role of the Boston Civic Design Commission, first on the changes contemplated for Article 28 and second on the BCDC bylaws/policies.

1.Zoning The zoning amendment would increase the threshold size for projects designated for BCDC reviews and the description of how special significance is determined. The proposed increase from 100,000 SF to 200,000 SF seems unnecessary, removing a third of their current load of assigned projects is dramatic and means the BCDC will miss opportunities to weigh in on those developments that are not meeting the size threshold or



the special significance triggers.(And the question of who determines that significance is important and should involve other departments.) As Boston 's skyline changes and density increases across all neighborhoods, the number of parcels available for development gets tighter and architects have more complex sites to deal with- impacts on the public realm are even more significant. And the outside perspectives of the BCDC commissioners are valuable and shouldn't be diluted. Current practice allows for reviews of affordable housing developments regardless of size to be expedited so this zoning amendment does not seem to be based on concerns about delays for those projects. Instead, the change means that many smaller projects will be excluded from the BCDC agenda. We need to know who this benefits - will some neighborhoods be impacted more than others? Given the pressure on land values, developments on smaller lots downtown and close to downtown that might not meet the 200,000 SF threshold will not get BCDC oversight but the impact on the public realm might be significant because of the project's location. Changing the designated recipient for the BCDC recommendations is the second proposed zoning amendment. It might just be nomenclature, but it allows the Planning Department's Urban Design staff to have the last go around with a project before it reaches the BPDA Board. However, this step isn't public so there could be surprises for those following the development review.

2. Bylaws- The contemplated changes to the bylaws for how the BCDC operates are concerning. Restricting Article 80B 1-2 building projects to only one subcommittee meeting seems rigid and inflexible. And as described in the presentation, reducing the number of meetings implies changing the BCDC culture of trying for consensus in their reviews. Most concerning is the question of limits on public feedback. Currently individuals can speak for two minutes in a design committee meeting after a round of commissioner comments- this allows the public to hear opinions from the BCDC members and react to their feedback as well as expressing their own thoughts (in just two minutes). To restrict public feedback to only the first presentation at a full commission hearing is not as useful. First it means that according to the earlier start for BCDC review only one public meeting will have taken place in the community - therefore highly unlikely that the assigned project manager already received written comments. Typically, with a 30-day comment period, written comments arrive at the end of that time period. Often neighborhood associations and other groups only meet monthly and so those 30-day deadlines are frequently extended. Also, the assigned project managers do not post those comments until they have also received responses from other city departments and public agencies, often weeks after the public deadline. Coordinating the two separate processes - the Article 80 meetings held for the neighborhood and the BCDC review not to mention all the boards under the umbrella of the Environment Department - Landmarks, Parks and the Conservation Commission is obviously messy. Priorities need to be clarified. City departments should internally coordinate with each other to determine whether a project is a no go. Of course, public comments should be shared with BCDC staff so they can share with the commissioners,



but timing is everything. And don't take away those two minute windows at the design committees!

Cordially, Alison Pultinas, Roxbury, Mass.02120

Date: Sun, Jun 15, 2025 at 11:52 PM

Subject: Comment Letter in Opposition to the Proposed Article 80 Modernization where it relates to the authority of the Boston Civic Design Commission, for the reason that the changes as proposed would reduce the effectiveness of the Commission by reducing the scope of its advice and the recipients to which its advice may be given.

To: Boston Planning & Development Agency <BCDC@boston.gov>, <article80modernization@boston.gov>, <mimi.love@boston.gov>, <linda.eastley@boston.gov>, <jonathan.evans@boston.gov>, <Shauna.gillies-smith@boston.gov>, <david.hacin@boston.gov>, <mikyoung.kim@boston.gov>, <kathy.kottardis@boston.gov>, <anne-marie.lubenau@boston.gov>, <laura.solano@boston.gov>, <catherine.morris@boston.gov>, <david.manfredi@boston.gov>, <william.rawn@boston.gov>, <kirk.sykes@boston.gov>, <diana.fernandez@boston.gov>, <ted.schwartzberg@boston.gov>
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Dear Boston Civic Design Commission and Article 80 Modernization Team:

I submit the following as my comments on the proposed zoning code amendments which relate specifically to the Boston Civic Design Commission (BCDC). I follow the order in which they are set forth in the document entitled *Modernization Zoning Amendments Article 28: Boston Civic Design Commission*:

1. Section 28-81-1.- Purpose.

This section proposes major changes in the purpose and effectiveness of the Boston Civic Design Commission (BCDC). Unfortunately, the brief explanatory comment to this section, "Clarify the purpose of the Commission," explains very little. A broader explanation should be given of the changes proposed and the intentions behind them.

For example, the proposal would limit the recipient of the BCDC's advice to the Boston Redevelopment Authority (BRA). This has the appearance of an empty gesture, since the planning and review department that was once located in the BRA has now been transferred to the City. Essentially, all that is left in the BRA is a Board that votes on recommendations made by the City Planning Department. Obviously, the BCDC's advice should be given to the City Planning Department and not just to the BRA Board.



Therefore, the words "and the City Planning Department" should be added wherever the words, "Boston Redevelopment Authority" or the letters, "BRA" appear.

Additionally, the proposed new description of the purpose of the BCDC does not appear to improve on the words of the present description.

Therefore, the reason or reasons for striking the present description of the purpose of the BCDC and inserting a new description of purpose should be clearly stated.

2. Section ~~28-4~~ 81-3. - Scope of Jurisdiction.

I have no objection to increasing the size threshold from 100,000 sq. ft. to 200,000 sq. ft. if, and only if, the BCDC is in agreement with the change. I do, however, have strong objection to the proposed removal of the following words relating to BCDC jurisdiction:

"Civic Projects. Any project in the City of Boston in which it is proposed to create, erect, alter, demolish, move, or enlarge any park or open space, civic or cultural center, or monument which is determined by a majority vote of the Design Commission to be of importance to the character or urban design of the City of Boston."

In fact, I strongly suggest not only that the jurisdiction of the BCDC not be reduced by the removal of those words, but that it in fact be enlarged by adding words that would permit the BCDC to make its own decisions as to the projects it wishes to review and the advice that it wishes to give.

Therefore, the paragraph beginning with the words "Civic Projects" should be retained and, as suggested, the words "and any other project in the City of Boston which the Design Commission by majority vote may decide to review" should be added at the end.

3. Section ~~28-4~~ 81-10. - Advisory recommendations.

The mention of the Boston Redevelopment Authority as the only entity to which the Design Commission (BCDC) may make recommendations is unacceptably narrow for the reasons noted in #1 above. As previously noted, the words **"and The City Planning Department"** should be added. In addition, the removal of the Mayor as a person to whom the BCDC may make advisory recommendations is unacceptable. The words **"the Mayor"** should be retained.

The reason that the BCDC should continue to be able to give advice directly to the Mayor is well illustrated by a controversy that occurred in 2019, when Marty Walsh was Mayor of Boston. The owner-developer of the Dock Square Garage, located closely adjacent to Quincy Market, submitted to the BRA a proposal to build a high-rise tower on top of the garage. The height as proposed was in excess of the Greenway Guidelines. The height and massing together would have blocked views of Quincy Market and the Custom House Tower. Attached to this email is a rendering submitted by the developer showing what the view from the Greenway would be if the tower above the garage were built. All that would remain visible of the Custom House Tower would be the clock face. The BRA's then Director of Planning supported the proposal, with the



comment that the Greenway Guidelines were "only guidelines." One of the BCDC Commissioners, Andrea Leers, made the unforgettable reply, "That means that it can also be lower than the Guidelines."

After significant deliberation, the BCDC voted unanimously to disapprove the proposal. One or more of the Commission members took the position that because the site was located so near to significant historic and cultural resources nothing should be built above the garage.

The BRA Planning Department, nevertheless, remained intransigent. The Commission then reported its opposition to the Mayor, as it was explicitly authorized to do. The Mayor stepped into the controversy, reviewed the disagreement, and urged the parties to reach a compromise. A tentative compromise was worked out, but at a Commission meeting on June 4, 2019, there were not enough member votes to support the compromise.

Today, nothing has been built above the Dock Square Garage, and the views of the Custom House Tower and Quincy Market remain unimpeded.

I hope the above description has sufficiently established the importance of retaining the right of the BCDC to report its recommendations to the Mayor. I acknowledge that planning is now done in a City department which is subject to the authority of the Mayor, but unless the Mayor is notified directly by the BCDC she will be unaware of a BCDC recommendation that conflicts with a Planning Department position.

4. General concerns.

As a result of the serious issues raised by the proposed changes noted above, I have the concern that the overall revisions being proposed to Zoning Article 28 if adopted will result in the marginalization of the Boston Design Commission and diminish its immensely important advisory role in guiding the built environment of our city. I am therefore hoping that these comments will be received by all the members of the Commission, so that they can together consider the issues raised.

In conclusion, I hope that what I see as a marginalization of the BCDC is inadvertent and not intended by the Article 80 Modernization Team. Whatever the cause, I request that these issues be acknowledged, addressed, and corrected.

Thank you for your attention to these concerns.

Victor Brogna
North End

