Article 80 Modernization: Developer Stakeholder Survey Analysis

BOSTON, MASSACHUSETTS

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matrix consulting group

1.   Introduction

The Boston Planning and Development Agency (BPDA) contracted the Matrix Consulting Group to perform an assessment focused on the modernization of its Article 80 development review process. Part of this study involved external stakeholder outreach via in-person focus groups as well as an online survey. This document serves as a summary report of the feedback received from these efforts.

1.   Survey Background and Key Findings

The survey was developed and distributed using SurveyMonkey. The project team was provided with contact details of external customers who had engaged in the Article 80 process within the last three years. This data was used to send targeted survey invitations to a total of 437 contacts. Recipients were also encouraged to invite others to participate in the survey. In total, the survey received input from 97 respondents.

As a result of this analysis, this following key findings were identified:

- **Timeliness:** Survey questions related to the timeliness of the process received significantly high levels of disagreement. 85% of respondents did not find the timeline associated with their project to be predictable and 79% felt that the time it took to process their application did not meet their expectations. Many narrative comments also echoed this sentiment.

- **Predictability and Structure:** A notable theme found throughout responses to this survey was a need for a more predictable and structured process. For instance, 69% of respondents felt as though they received input from BPDA and other review entities at an inappropriate time during the process. This was further reflected by comments left by respondents that noted the lack structure throughout all aspects of the process was one of the most frequently cited opportunities for improvement.

- **Collaboration:** Another common theme found in the open-response sections of this survey was that the level of communication and collaboration between disparate review entities could be improved. Several comments noted that input from entities such as BTD or other City Departments was sometimes duplicative or counteractive to feedback they had received from BPDA.

- **Community Engagement:** Respondents were most likely to underline the importance of community engagement in the process as one of the processes'

greatest strengths, as reflected in chapter three of this report. However, many comments also noted that public comment periods are often extended for a significant amount of time, resulting in delays in receiving final application approval.

- **Mitigation:** Statements related to the mitigation process all received higher levels of disagreement compared to agreement. The two statements that received the highest levels of disagreement related to when the applicant received community benefit/mitigation requests and the consistency of mitigation efforts between projects. Narrative responses further expanded on this, noting the sentiment that mitigation measures are generally established on a subjective basis.

2.   Respondent Demographics

While the survey was anonymous, respondents were asked to provide some initial information to assist the project team in establishing defined respondent groups for use in subsequent analysis. The results of this survey section can be found below.

What best describes your role?	Number of Respondents	% of Total
Architect	11	11%
Attorney	11	11%
Consultant / Facilitator	15	15%
Contractor	5	5%
Developer	52	54%
Institution	5	5%
Investment Company	6	6%
Real Estate Professional	12	12%
Other (please specify)	1	1%
Total	**97**	

Developers were the single largest respondent group, accounting for 54% of survey participants. Consultants/Facilitators (16%) and Real Estate Professionals (12%) were the second- and third-largest respondent groups, respectively.

The next question asked respondents to identify their frequency of interaction with the Article 80 process.

How often do you work on projects going through the Article 80 process?	Number of Respondents	% of Total
On an ongoing basis	57	59%
One or two projects per year	27	28%
Less than once or twice a year	13	13%
Total	**97**	

59% of respondents indicated interacting with the Article 80 process on an ongoing basis.

The next question focused on interaction between the respondent and staff.

How often do you interact with BPDA staff during the Article 80 review on your most current project?	Number of Respondents	% of Total
Several times per week	18	19%
Several times per month	42	43%
Once or twice a month	22	23%
Less than once per month	15	16%
Total	**97**	

Overall, respondents were likely to have frequent interactions with BPDA staff during the Article 80 review process. 43% interacted with BPDA staff several times per month, while 19% had multiple interactions per week.

Respondents were asked about their most recent filing or project approval.

When was your most recent filing or project approval?	Number of Respondents	% of Total
Within the last 12 months.	81	84%
Greater than 12 months ago.	16	17%
Total	**97**	

84% of survey respondents had either filed or had a project approved within the last 12 months.

Finally, respondents were asked to identify their most recent Article 80 process they participated in.

For your most recent Article 80 process, which process did your application follow? Select all that apply.	**Number of Respondents**	**% of Total**
Large Project Review (80B)	67	69%
Small Project Review (80E)	41	42%
Planned Development Review (80C)	22	23%
Institutional Master Plan (80D)	7	7%
Total Respondents	**97**	
Total Responses	**137**	

Respondents were slightly more likely to have had their project go through a Large Project Review (69%), followed by Small Project Review (42%). As shown by the response table, roughly 40 respondents had their most recent project go through at least two different kinds of review.

2.   Multiple Choice Questions

The survey included several multiple-choice question banks that featured statements related to the respondent's most recent interaction with the Article 80 review process. Each question bank dealt with a specific topic, including the review process, mitigation, community input, and the post-approval process. Participants were asked to indicate their agreement with each statement by choosing strongly agree (SA), agree (A), neutral (N), disagree (D), or strongly disagree (SD).

1.   Overall Process

The first question bank featured statements related to the participant's most recent interaction with the Article 80 review process. This section received input from 69 respondents. Overall responses to this section are shown in the table below:

#	Statement	SA	A	N	D	SD
1	I understood what is required through the zoning process in bringing a project forward.	29%	43%	15%	9%	4%
2	I understood of the steps involved in the Article 80 approval process.	28%	38%	13%	12%	9%
3	I clearly understood what materials to submit for the pre-file process.	24%	38%	18%	13%	7%
4	The feedback I received from BPDA and the City of Boston during the pre-file process was helpful.	9%	35%	26%	20%	10%
5	I understood what materials / levels of drawings required to submit as part of the Letter of Intent and Project Notification Form.	28%	45%	14%	9%	4%
6	I understood what changes to make to my project based on the Scoping Determination from BPDA.	17%	26%	22%	26%	9%
7	The feedback I received from BPDA project managers during the Article 80 process was helpful and timely.	15%	22%	12%	27%	24%

#	Statement	SA	A	N	D	SD
8	I understood how to address the feedback I received from the Planning Department during the Article 80 process.	13%	33%	18%	19%	16%
9	I understood how to address the feedback I received from Urban Design Department during the Article 80 process.	7%	29%	18%	24%	22%
10	I understand the Boston Civic Design Commission (BCDC) process.	19%	25%	29%	16%	10%
11	I understood how to address the feedback I received from the Boston Civic Design Commission.	10%	32%	28%	19%	10%
12	I understood how to address the feedback I received from City of Boston departments during the Article 80 process.	7%	27%	16%	33%	16%
13	I understood the Article 37 requirements and when they are applicable.	15%	42%	27%	12%	4%
14	I understood how to address the feedback I received from agencies outside of the City during the Article 80 process.	4%	31%	19%	26%	19%
15	Where comments on my project conflicted, BPDA staff helped reconcile these so that I had a path forward for my project.	4%	13%	19%	26%	38%
16	The comments I received from BPDA and the city on my project are consistent with the City's strategic direction and mission.	4%	16%	41%	17%	22%
17	The input that I received from BPDA and other entities were provided at the appropriate time in the development process.	1%	13%	16%	24%	46%
18	The information and analysis required by BPDA staff was appropriate based on the type of review/approval.	4%	25%	19%	28%	24%

#	Statement	SA	A	N	D	SD
19	The quality of my project improved through the Article 80 process.	7%	23%	33%	22%	14%
20	The timeline to process my application was predictable.	0%	4%	10%	19%	66%
21	The timeline to process my application met my expectations.	1%	12%	7%	21%	59%

1.1   Analysis of Overall Responses

Responses towards this section were mixed between overall agreement (strongly agree and agree) and overall disagreement (strongly disagree and disagree). Average overall agreement was 39%, while average disagreement was 41%. The average rate of neutral responses was 20%.

Respondents appeared to be most likely to agree (agreement of 50% or higher) with the following statements:

#	Statement	Agree	Neutral	Disagree
1	I understood what is required through the zoning process in bringing a project forward.	72%	15%	13%
2	I understood of the steps involved in the Article 80 approval process.	66%	13%	21%
3	I clearly understood what materials to submit for the pre-file process.	62%	18%	21%
5	I understood what materials / levels of drawings required to submit as part of the Letter of Intent and Project Notification Form.	73%	15%	13%
13	I understood the Article 37 requirements and when they are applicable.	57%	27%	16%

The results show that respondents were more likely to feel as though they understood the process ahead of their review, such as what steps to take to initiate a review as well as the materials required for an application.

Conversely, respondents were most likely to disagree (disagreement of 50% or higher) with the statements below:

#	Statement	Agree	Neutral	Disagree
7	The feedback I received from BPDA project managers during the Article 80 process was helpful and timely.	37%	12%	51%
15	Where comments on my project conflicted, BPDA staff helped reconcile these so that I had a path forward for my project.	17%	19%	64%
17	The input that I received from BPDA and other entities were provided at the appropriate time in the development process.	15%	16%	69%
18	The information and analysis required by BPDA staff was appropriate based on the type of review/approval.	29%	19%	52%
20	The timeline to process my application was predictable.	4%	10%	85%
21	The timeline to process my application met my expectations.	13%	7%	79%

These results show that respondents were more likely to indicate disagreement towards the type and/or level of communication they received during the review process as well as the timeline associated with their application.

The remaining ten statements received "mixed" responses from participants – meaning that agreement and disagreement were within 20% of each other. These are shown in the table below with the highest response type (agree/neutral/disagree) highlighted in gray:

| #	Statement	Agree	Neutral	Disagree
4	The feedback I received from BPDA and the City of Boston during the pre-file process was helpful.	44%	26%	30%
6	I understood what changes to make to my project based on the Scoping Determination from BPDA.	44%	22%	35%
8	I understood how to address the feedback I received from the Planning Department during the Article 80 process.	46%	18%	36%
9	I understood how to address the feedback I received from Urban Design Department during the Article 80 process.	37%	18%	46%

#	Statement	Agree	Neutral	Disagree
10	I understand the Boston Civic Design Commission (BCDC) process.	44%	29%	27%
11	I understood how to address the feedback I received from the Boston Civic Design Commission.	43%	28%	29%
12	I understood how to address the feedback I received from City of Boston departments during the Article 80 process.	34%	16%	49%
14	I understood how to address the feedback I received from agencies outside of the City during the Article 80 process.	35%	19%	46%
16	The comments I received from BPDA and the city on my project are consistent with the City's strategic direction and mission.	20%	41%	39%
19	The quality of my project improved through the Article 80 process.	30%	33%	36%

Respondents were more positive towards the feedback they received during the pre-file process (#4) and the scoping determination (#6). They were also more positive towards feedback received during the Article 80 process from the Planning Department (#8), and BCDC (#11). Participants were more negative, however, towards the feedback they received from the Urban Design Department (#9), the City of Boston (#12), and external agencies (#13).

Statement #16 received a high rate of neutral responses, though more disagreed than agreed that the comments they received on their project were consistent with the City's strategic mission. Similarly, statement #19 had a nearly even split across agreement, neutrality, and disagreement.

1.2   Analysis by Respondent Type

The following table shows average agreement, disagreement, and neutral responses for all statements in this section based on the respondent group the participant identified as belonging to. "All" shows the average for all groups.
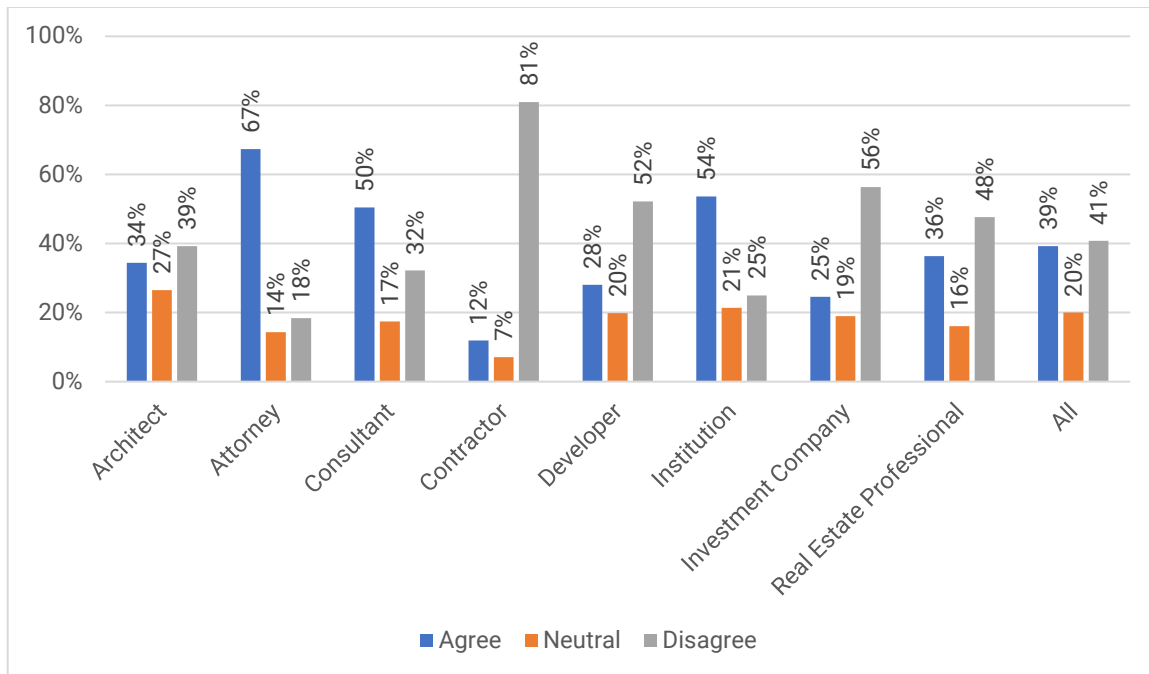
As shown by the table, Attorneys, Consultants/Facilitators, and Institutions had much higher levels of agreement compared to the overall response rate. Conversely, Contractors provided a much higher disagreement level – with 81% disagreeing with statements within this section on average. It is worth noting, however, that this respondent group was small – only two survey participants identified as belonging to this group.
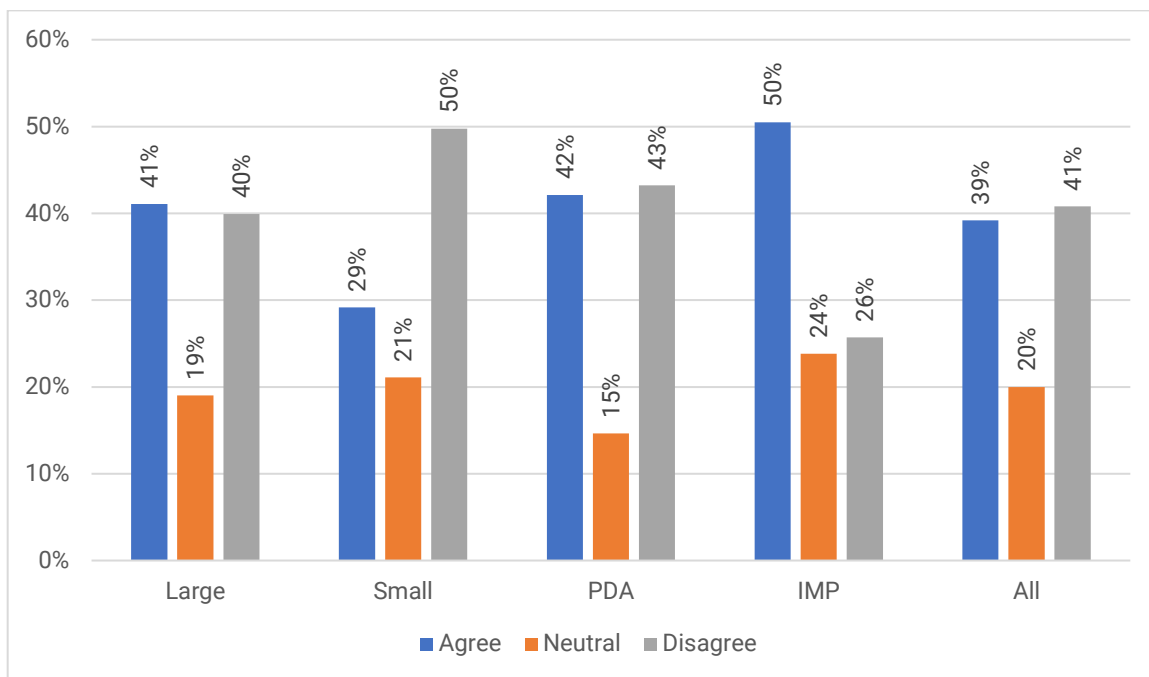
The following bullet points include statements that received notably higher agreement or disagreement based on the respondent group the participant belonged to:

• Attorneys and Consultants had very high levels of agreement towards statements in this section. Their agreement was particularly high towards statements that related to their understanding of the process, such as statements #1 through #5. 86% of Attorneys also indicated knowing how to address feedback resulting from the scoping determination (#6), which was at least 30% higher than any other respondent group.

• 66% of Developers and 67% of Investment Company representatives did not know how to address the feedback they received from Urban Design (#9). This statement received 46% disagreement overall. Disagreement was notably lower among Architects (11%), Attorneys (14%), and Consultants (18%).

• 71% of Attorneys and 75% of Real Estate Professionals understood the Article 37 requirements (#13). This statement received 57% agreement overall.

- 57% of Attorneys and 55% of Consultants indicated knowing how to address feedback from external agencies (#14) at a much higher rate than the average. This statement received 35% agreement overall. Conversely, 67% of Architects disagreed with this statement, as did 63% of Real Estate Professionals.

- 74% of Attorneys, 46% of Consultants, and 50% of Institution representatives found the information and analysis provided by BPDA to be appropriate to their review (#18). 29% of overall respondents agreed with this statement.

- Representatives from Institutions were the only group to have agreement towards statement #21 that exceeded 20%. 50% of this respondent group felt that the time it took to process their application met their expectations.

1.3   Analysis by Review Type

The following table shows average agreement, disagreement, and neutral responses for all statements in this section based on the which type of review the respondent last underwent. "All" shows the average for all respondent groups.

Results specific to large projects and PDA applications aligned closely with overall average agreement and disagreement. Agreement was higher among those who had received an IMP review and lower among those who had submitted for a review of a small project.

The following points include statements that received notably higher agreement or disagreement based on the type of review the respondent had received:

- 35% of those who had went through the small project review process did not understand what materials were required for submittal (#3). This statement received 21% disagreement overall.

- 54% of those who had filed for PDA review indicated that they did not understand the changes that needed to be made to their project following the scoping determination (#6). This statement received 35% disagreement overall.

- 41% of those who had a small project did not understand the BCDC process (#10). This statement received 27% disagreement overall.

- 80% of IMP applicants did not know how to address the feedback they received from other City departments (#12). This statement received 49% disagreement overall.

- 62% of small project applicants did not understand how to address the feedback they received from external agencies (#14). This statement received 46% disagreement overall.

- 60% of those who had an IMP review performed by the BPDA found the information provided by staff to be appropriate for the type of review/approval (#18). This statement received 29% agreement overall.

2.4   Narrative Responses (Comments)

This section received a total of 37 comments from respondents, summarized in the list below:

- A perception that staff may be too detailed oriented, resulting in hang-ups in the process.

- A desire for better coordination between external agencies, such as MOH and MBTA. Multiple comments noted receiving conflicting comments/information from different entities.

- Multiple respondents highlighted that the process would benefit from defined timelines that are strictly adhered to. There was also sentiment that the process takes too long and may languish as a result of not having said defined timelines.

- A similar number of respondents requested that the process be more predictable. One example that was provided was a feeling of subjectivity during the design review process, sometimes resulting in a significant number of comments and a prolonged review period.

- Similarly, some comments stated that they felt as though the process does not necessarily adhere to what is outlined in the City's code.

- A desire for stronger leadership at the BPDA, specifically to ensure that all staff and external entities are coordinated and working towards the same goal.

- Multiple respondents noted that they would like to see better and more responsive communication from BPDA staff.

- Some comments conveyed the feeling that community input can prolong and sometimes derail a project.

Example Comments:

- "Conflicting or dissenting opinions from staff, BCDC or other entities is often left open ended and/or not given a hierarchy of importance to help address and resolve."

- "Communication response is terrible, and I continually struggle to get any consistency of strategic direction. It seems there are many separate parts of the department that don't share the same directive vision."

- "The process is erratic, inconsistent, very subjective, and most article 80 processes are completely made up. If you review article 80, half of what the BPDA makes one do is made up. the bpda regularly ignores its own requirements, does not follow its statutory timelines for determinations and largely ignores most of its own parameters for review."

- "Design Review is too drawn out, comments keep coming."

- "There was no leadership. The project faced disparate opinions and direction from different agencies within the BPDA and the city including transportation, planning, and project management. No one was given the authority to say 'enough is enough'."

- "Process seems easily derailed - any particular comment or concern can completely upend the course of a meeting (that is supposed to have a specific purpose). Also there seems to be too much overlap in "jurisdiction" by staff that

results in indecision -- no one is sure who is the decision-maker so the project languishes."

2.   Mitigation

The second question bank featured statements related to the participant's most recent interaction with the community benefit and mitigation process. Overall responses to this section are shown in the table below:

#	Statement	SA	A	N	D	SD
1	I clearly understood the community benefit and mitigation process.	3%	27%	25%	24%	21%
2	For my application, I received all community benefit and mitigation requests at the appropriate time.	2%	15%	19%	36%	28%
3	Feedback from the project's Impact Advisory Group (IAG) or other applicable advisory groups was beneficial in determining appropriate mitigation for the project.	2%	24%	26%	20%	18%
4	Feedback from the public (either in public meetings or written comment) was beneficial in determining appropriate mitigation for my project	0%	16%	44%	24%	16%
5	The mitigation measures requested by BPDA and City departments were reasonable and consistent with the impacts of my project.	3%	22%	37%	22%	16%
6	The mitigation measures requested by City departments were reasonable and consistent with the impacts of my project.	3%	19%	35%	25%	18%
7	BPDA was helpful in developing a mitigation plan that balanced competing requests from different entities.	2%	16%	32%	27%	24%

#	Statement	SA	A	N	D	SD
8	I found the Impact Advisory Group (IAG) meetings to be productive.	2%	24%	25%	15%	24%
9	The city's approach to mitigation is consistent from project to project.	0%	11%	24%	19%	46%
10	Community benefits requests were consistent with citywide or neighborhood planning priorities.	2%	18%	34%	21%	25%
11	Mitigation requested was roughly proportionate to the impacts of the proposed project.	3%	16%	31%	22%	27%
12	The mitigation measures required provided an efficient way to offset the impacts of my project.	2%	11%	33%	31%	24%
13	The overall timeline from initiation to finalizing community benefit and mitigation was reasonable.	3%	15%	24%	15%	43%

2.1   Analysis of Overall Responses

Disagreement exceeded agreement for all statements in this section. Average overall agreement was 20%, while average disagreement was 49%. The average rate of neutral responses was 32%. Five statements received disagreement ratings exceeding 50%, shown in the table below:

#	Statement	Agree	Neutral	Disagree
2	For my application, I received all community benefit and mitigation requests at the appropriate time.	16%	19%	64%
7	BPDA was helpful in developing a mitigation plan that balanced competing requests from different entities.	18%	32%	50%

#	Statement	Agree	Neutral	Disagree
9	The city's approach to mitigation is consistent from project to project.	11%	24%	66%
12	The mitigation measures required provided an efficient way to offset the impacts of my project.	12%	33%	55%
13	The overall timeline from initiation to finalizing community benefit and mitigation was reasonable.	18%	24%	58%

Again, while all statements in this section received higher disagreement, the responses to the statements above show that respondents are most concerned with the timeliness, consistency, and the efficiency of the process.

2.2   Analysis by Respondent Type

The following table shows average agreement, disagreement, and neutral responses for all statements in this section based on the respondent group the participant identified as belonging to. "All" shows the average for all groups.
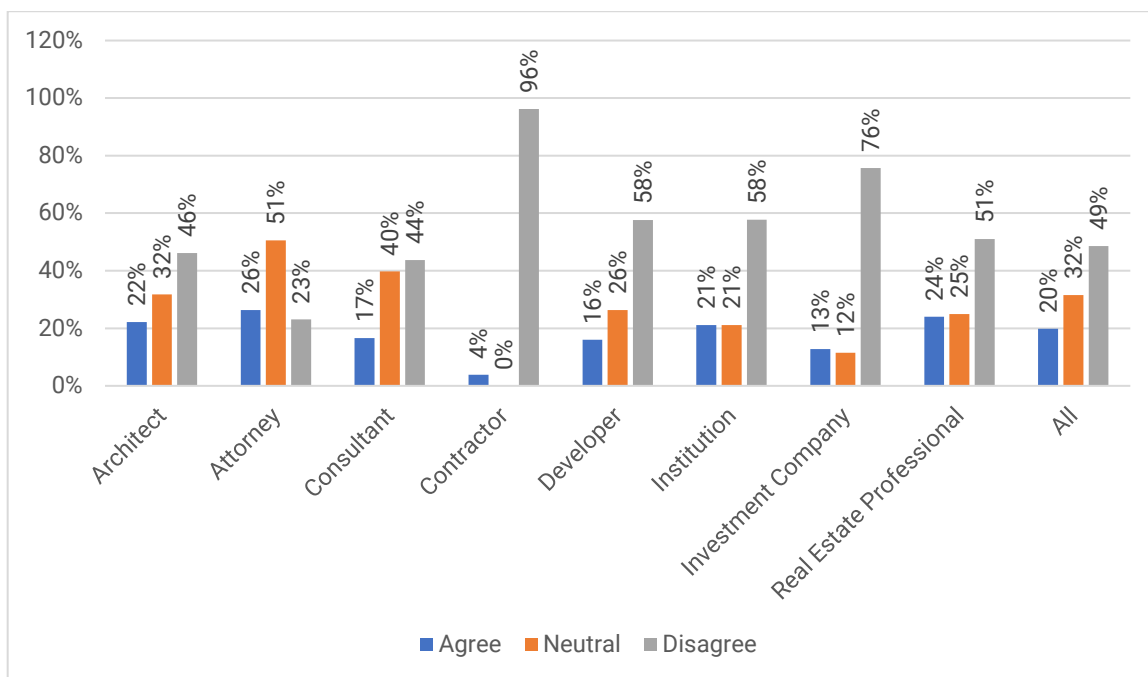

Average response rates were relatively consistent across all groups, excluding Contractors (which accounted for three responses). The following bullet points include statements that received notably higher agreement or disagreement based on the respondent group the participant belonged to:

- 50% of Contractors and 50% of Institution representatives understood the community benefit and mitigation process (#1). 30% of respondents agreed with this statement overall.

- Compared to others, Attorneys generally had higher levels of disagreement towards multiple statements in this section. 43% of Attorneys thought that feedback received from IAGs were beneficial in determining the appropriate level of mitigation for their project (#3). 57% also found the IAG meetings to be productive (#8). 57% found that community benefits requests were consistent with citywide or neighborhood planning priorities (#10) and 43% thought the timeline associated with the mitigation process was reasonable (#13).

2.3   Analysis by Review Type

The following table shows average agreement, disagreement, and neutral responses for all statements in this section based on the which type of review the respondent last underwent. "All" shows the average for all respondent groups.
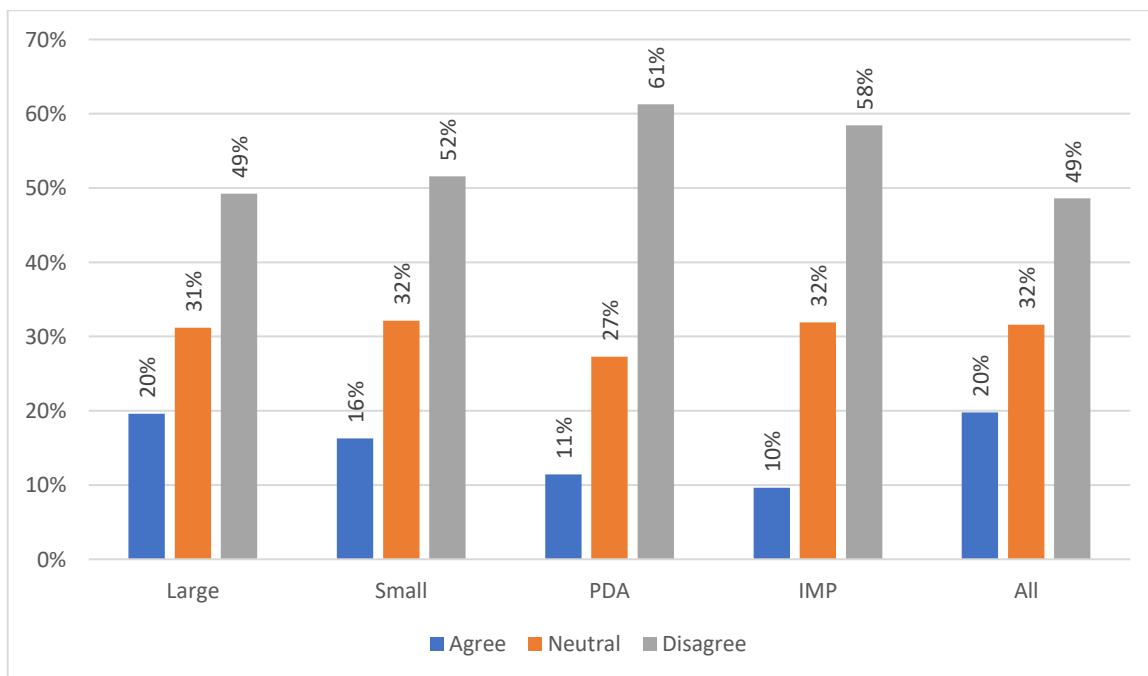
All respondent groups had higher levels of disagreement towards this section, with PDAs and IMPs accounting for slightly higher disagreement than the overall response rate.

The following points include statements that received notably higher agreement or disagreement based on the type of review the respondent had received:

- 100% of those who indicated receiving an IMP review noted that they did not receive community benefit and mitigation requests at the appropriate time (#2). This statement received 64% disagreement overall.

- The responses for all four application types were mixed on the overall benefit of public feedback towards the mitigation process (#4). 33% of those who had large projects disagreed as did 31% of PDA applicants. This statement received 58% disagreement from those with small projects and 60% from those with IMPs.

- 62% of those who received a PDA review felt that the mitigation measures requested by the City were unreasonable and inconsistent with the impacts of their project (#6). This statement received 43% disagreement overall.

1.4   Narrative Responses (Comments)

This section received a total of 27 comments from respondents, summarized in the list below:

- Almost all comments noted that the mitigation process is unpredictable and would benefit from establishing clear guidelines and requirements. Several respondents felt that the process was subjective, hard to understand, and often too lengthy.

- In keeping with the last point, multiple comments felt that IAGs were not effectively managed by BPDA project managers and often dictated what mitigation measures were implemented. Several of these comments referred to a feeling that the "loudest voices" generally won out during community engagement and mitigation proceedings.

Example Comments:

- "BPDA overreacts to a small group of loud individuals, seemingly on every project I am involved with. The BPDA is unwilling to control the IAG and public to have a productive and reasonable conversation in public meetings."

- "In some cases, IAGs are helpful and provide good/appropriate feedback on projects. In most cases, IAGs use the process as a soapbox to air grievances either on existing conditions, from past projects, or not relevant to the project or Article 80 process. The BPDA Project Managers do not appear empowered to rein IAGs in and rarely ever fully explain or reinforce their role to keep them focused."

- "There seems to be a lack of understanding about the difference between Mitigation - which should be proportionate to actual impacts - and Community

Benefits, which have no relation to a project's impacts, but which nonetheless seem to be expected regardless of a project's consistency with zoning."

- "Current zoning regarding mitigation is fair. There are concerns with the changes proposed to mitigation and how it dramatically proposed mitigation is increasing."

3.   Community Input

The next sections of questions related to public/community input throughout the BPDA process. Overall responses to this section are shown in the table below:

#	Statement	SA	A	N	D	SD
1	Feedback from the public (either in public meetings or written comment) was beneficial in determining the scope and design of the project.	0%	24%	36%	22%	18%
2	I clearly understood how to address comments from the public through the Article 80 process.	6%	40%	21%	21%	12%
3	BPDA project managers were helpful in advising how to incorporate public feedback into my project.	5%	31%	25%	21%	18%
4	The format and timing of public comment under the current Article 80 process is effective and productive.	2%	15%	31%	31%	21%

3.1   Analysis of Overall Responses

Average agreement for this section was 31%, while disagreement was 41%. The average rate of neutral response was 28%.

46% of respondents agreed that they understood how to address public comments throughout the process (#2), compared to the 33% that did not. This was the only statement that received agreement exceeding disagreement within this section.

Respondents had the highest level of disagreement towards the format and timing of the public comment process (#4) – 52% disagreed with this statement while 16.4% agreed. Similarly, 40% of respondents disagreed (versus the 24% who agreed) that the feedback received during public comments benefited their project (#1).

Participants were closely split on how well BPDA project managers assisted them with incorporating public feedback into their project (#3). Overall, 36% agreed with this statement while 39% disagreed.

3.2   Analysis by Respondent Type

The following table shows average agreement, disagreement, and neutral responses for all statements in this section based on the respondent group the participant identified as belonging to. "All" shows the average for all groups.
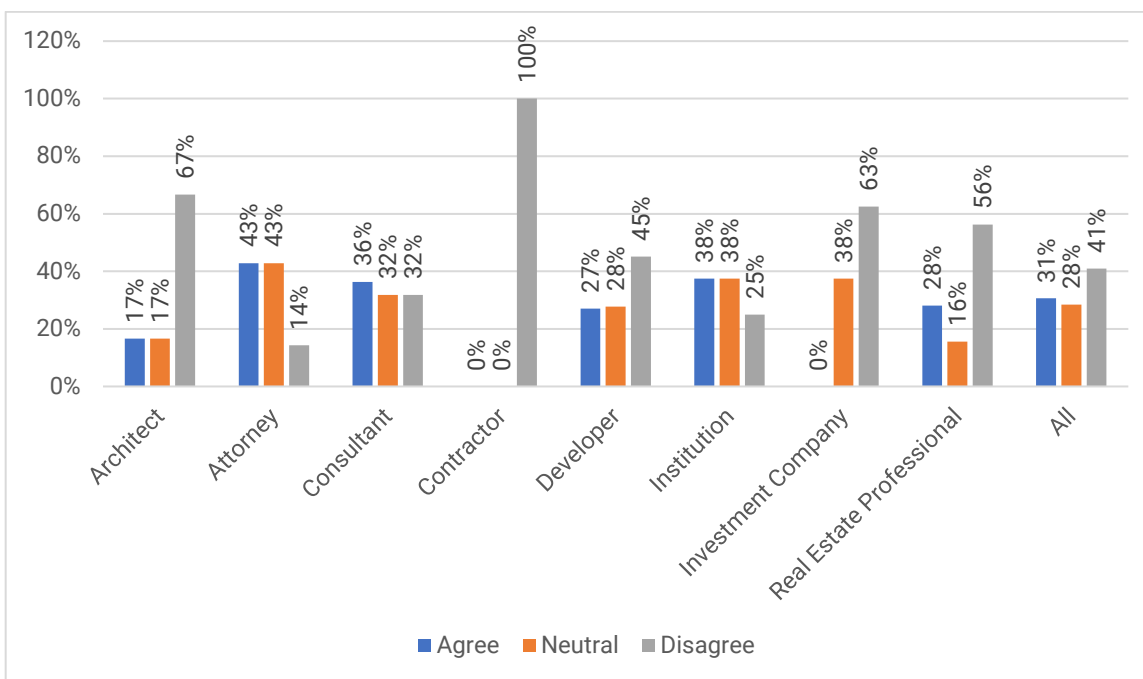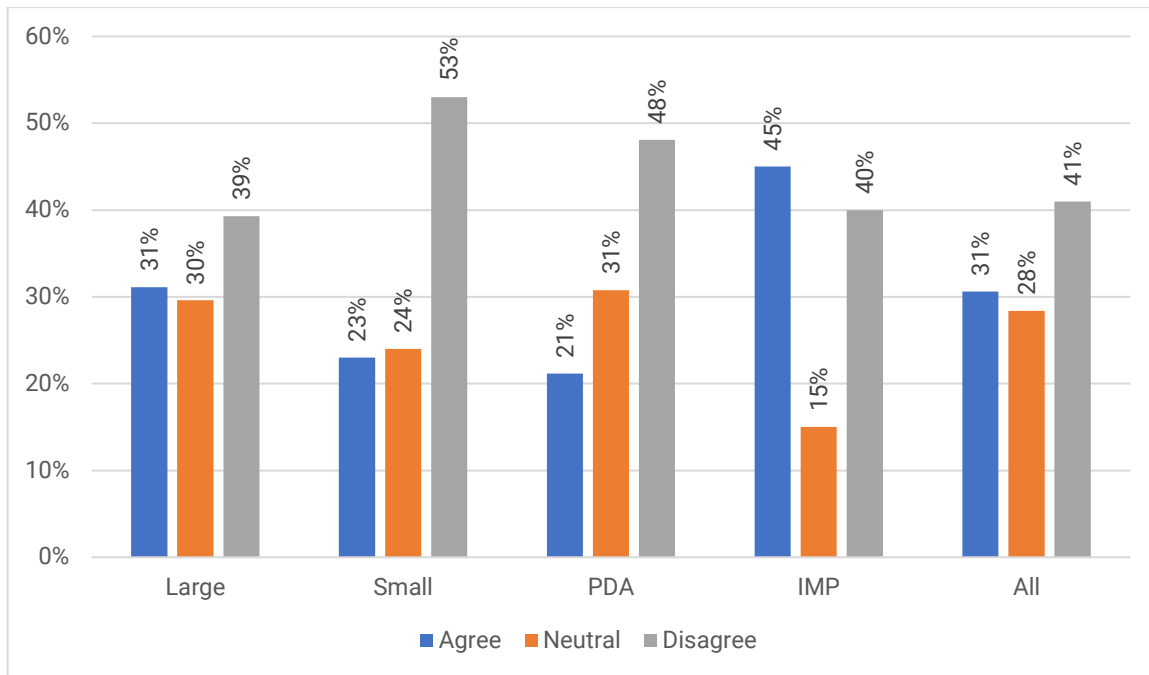

The following bullet points include statements that received notably higher agreement or disagreement based on the respondent group the participant belonged to:

•   While Attorneys had higher levels of agreement overall, this group was less likely to agree that public feedback was beneficial in determining the scope and design of their project (#1), with 14% agreeing with this statement. Consultants had the highest agreement rate at 36%.

•   63% of Real Estate Professionals were unsure of how to address public comments via the Article 80 process (#2). Overall, 33% of respondents disagreed with this statement.

•   Attorneys, Consultants, and Institution representatives had higher levels of agreement towards statement #3 – that BPDA PMs provided helpful advice on how to incorporate public feedback into their project.

3.3   Analysis by Review Type

The following table shows average agreement, disagreement, and neutral responses for all statements in this section based on the which type of review the respondent last underwent. "All" shows the average for all respondent groups.

Those who had received an IMP review were more positive than others towards the community input process associated with Article 80. Conversely, those who had a small project review had higher levels of disagreement.

The following points include statements that received notably higher agreement or disagreement based on the type of review the respondent had received:

•   40% of IMP review recipients found public feedback to be beneficial in determining the scope of design of their project (#1). This statement received 24% agreement overall. 60% of small project applicants disagreed with this statement.

•   60% of those who had an IMP also clearly understood how to address public comments through the process (#2). 36% of those with small projects and 39% of those with PDAs agreed with this statement.

•   41% of those with large projects and 40% of IMPs indicated that BPDA staff helped them incorporate feedback into their project (#3). 20% of respondents who received a small project review agreed with this statement.

- 77% of participants who received a PDA review did not find the format and timing of public comments to be efficient and productive (#4). 52% of respondents disagreed with this statement overall.

3.4   Narrative Responses (Comments)

This section received a total of 19 comments from respondents, summarized in the list below:

- One positive comment noted that the online community meetings have resulted in far greater public engagement. Another comment stated that they liked the format and timing of public meetings as outlined in Article 80 itself.

- Multiple comments indicated that they felt as though the public comment period should have a hard stop. Almost all respondents noted that their comment periods were continuously extended, resulting in delays in the process.

- One comment was more mitigation related. The respondent noted feeling that mitigation measures are not consistently applied and do not always adequately account for the positive elements of a development.

- Some comments also highlighted a need for a more predictable process associated with community input – both in receiving input and addressing comments towards their projects.

Example Comments:

- "Online community meetings produced a greater level of participation by community members."

- "Community input is often not useful, though occasionally you will get useful feedback, but that seems to be the exception. Public comment is often just an ongoing process and not always clear when to respond or what is worth responding to."

- "Public comment periods need to be respected - continual extension of these dates is a clear recurring example that Article 80 timelines are meaningless and the process is extremely discretionary."

- "Confusion on when and where the public could provide comment. Not a lot of clear direction from the BPDA on how to address or incorporate comments."

4. Post-BPDA Approval

The final question bank provided respondents with a series of questions that related to the post-approval process for the most recent project. Overall responses to this section are shown in the table below:

#	Statement	SA	A	N	D	SD
1	After I received my Article 80 board approval, I understood the next steps required to move the project forward.	21%	35%	23%	14%	8%
2	The Article 80 approval process appropriately set up the project for the required subsequent approvals.	15%	31%	24%	15%	15%
3	The feedback I received during the design review process was appropriate and consistent with my Article 80 approval	6%	38%	24%	18%	14%
4	The Article 37 approval came at the right time in the review process.	6%	26%	47%	11%	11%
5	BTD input and negotiation of the TAPA was provided at the appropriate time in the project and consistent with the project as approved by the BPDA board.	5%	29%	34%	15%	17%
6	The Public Improvement Commission (PIC) input was provided at the appropriate time in the project and consistent with the project as approved by the BPDA board.	6%	24%	33%	23%	14%
7	If applicable, the Landmarks Commission input was provided at the appropriate time in the project and consistent with the project as approved by the BPDA board.	7%	15%	53%	7%	20%

| #	Statement	SA	A	N	D	SD
8	The zoning relief process (through ZBA or Zoning Commission) was at the appropriate time in the project approval process.	11%	36%	31%	11%	11%
9	The other approvals required to obtain building permits and commence construction were clear to me.	14%	25%	26%	17%	19%

4.1   Analysis of Overall Responses

Responses to this section were slightly mixed, though the majority had higher levels of agreement compared to disagreement. Average agreement was 39%, average disagreement was 29%, and the average rate of neutral responses was 33%.

Only one statement received agreement (or disagreement) exceeding 50%. 56% of respondents indicated that they understood what steps were required following Article 80 board approval (#1). #8 was another more positively received statement, with 47% finding the zoning relief process to be well timed (versus 22% who did not).

4.2   Analysis by Respondent Type

The following table shows average agreement, disagreement, and neutral responses for all statements in this section based on the respondent group the participant identified as belonging to. "All" shows the average for all groups.
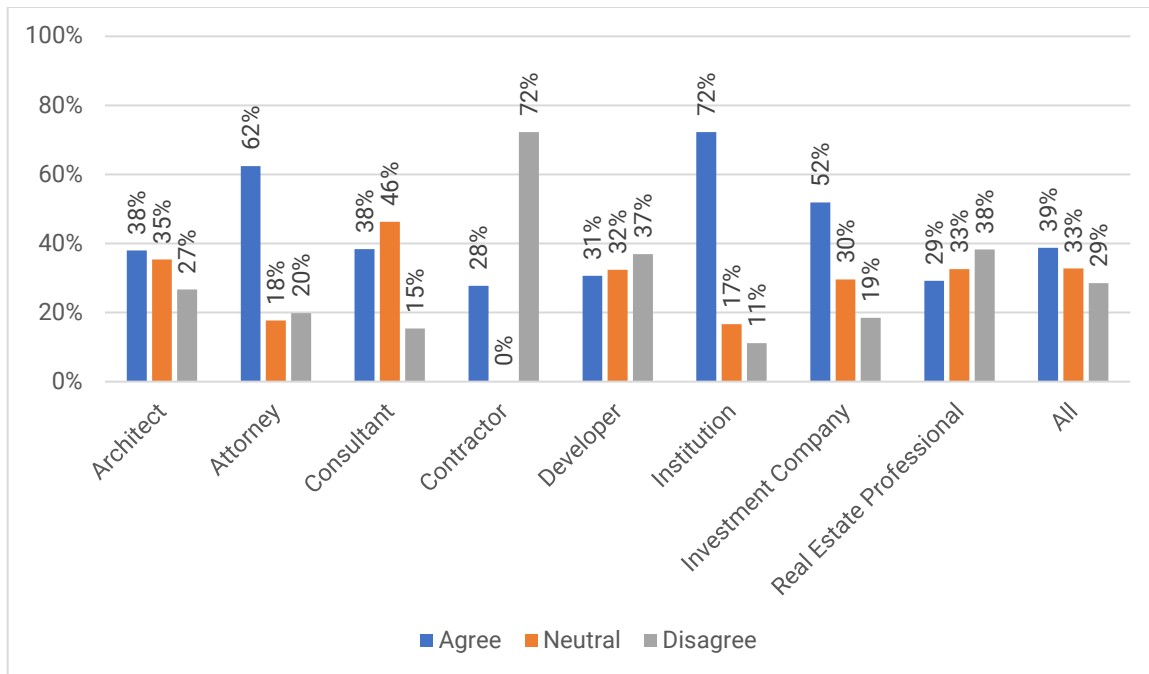
Average agreement was higher among Attorneys and Institution representatives, as well as those who worked for investment companies. The following bullet points include statements that received notably higher agreement or disagreement based on the respondent group the participant belonged to:

- Real Estate Professionals had low levels agreement to multiple statements in this section. Statements with low agreement included understanding how to move their project forward following approval (#1, #2), the timing of the Article 37 approval (#4), the timing of PIC input (#6), and the timing (and consistency) of feedback from the Landmarks Commission (#7).

- Responses to statement #6 were also mixed depending on respondent group. Attorneys, Contractors, and representatives from Institutions and Investment Companies had agreement levels of around 50%, while agreement rates from others were lower than 30%.

- Developers were the only group to have agreement levels lower than 40% towards statement #8. 35% thought the zoning relief process was appropriately timed. By comparison, other respondent groups had agreement levels ranging from 50% to 75%.

4.3   Analysis by Review Type

The following table shows average agreement, disagreement, and neutral responses for all statements in this section based on the which type of review the respondent last underwent. "All" shows the average for all respondent groups.
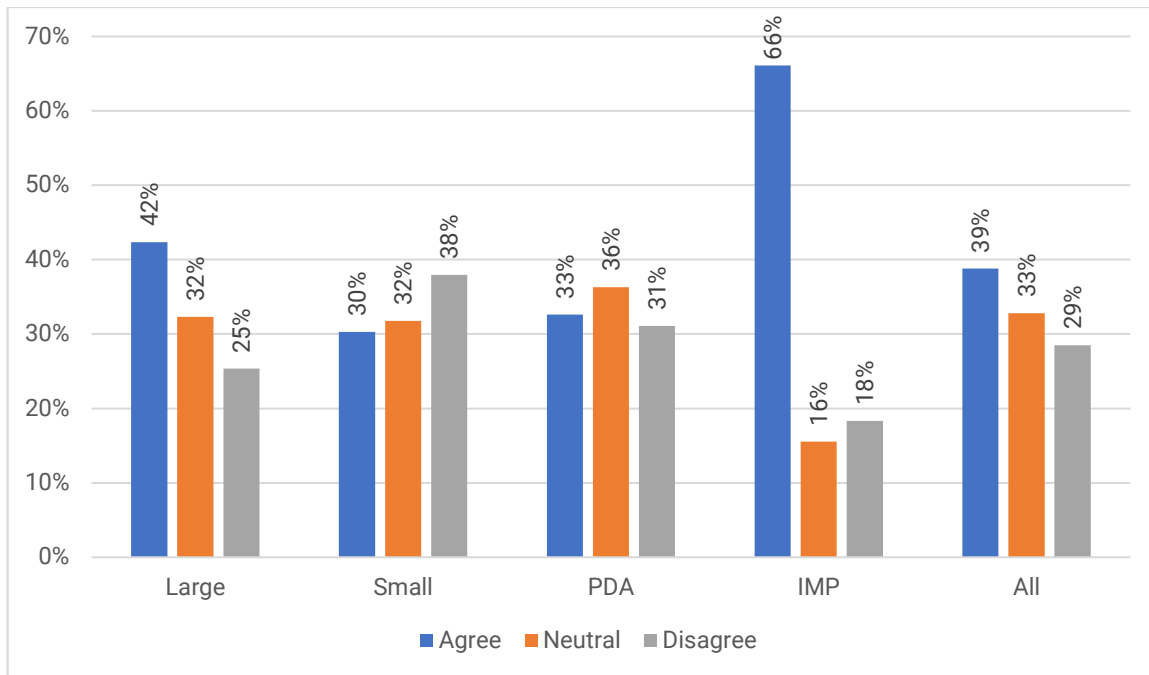
Agreement was notably higher among those who had received an IMP review, while disagreement was slightly higher for those who had recently applied for a small project review.

The following bullet points include statements that received notably higher agreement or disagreement based on the type of review the respondent had received:

- As shown by the table above, those who had received an IMP review had much higher levels of agreement across almost all statements. This included two statements that received 100% agreement. All respondents in this group felt that both BTD input (#5) and the zoning relief process (#8) were appropriately integrated into the process.

- 33% of those who received a small project review felt that they were unsure on what steps to take following BPDA board approval (#1). This statement received 21% disagreement overall.

- 45% of those with a small project indicated that they felt that the Article 80 process did not set up their project for subsequent approvals (#2). This statement received 30% disagreement overall.

- 62% of those with small project reviews were unsure on what approvals were required to obtain a permit and commence construction (#9). The next highest level of disagreement came from those with a PDA review at 31%.

4.4   Narrative Responses (Comments)

This section received a total of 20 comments from respondents, summarized in the list below:

- A theme consistent across multiple comments is that certain entities (such as Parks, BCDC, and BTD) should provide input much earlier in the process. These comments noted that comments received from these groups often have significant impacts on projects and should be delivered to the applicant at a much earlier date.

- Multiple comments referred to perceived problems with BTD following approval. These referred to a feeling that BTD was not properly familiarized with their project and that BTD sometimes requests additional mitigation measures late in the process.

- One comment remarked that while the post-approval process is good, they have experienced issues where the ZBA overrules BPDA approvals.

Example Comments:

- "BTD is super slow and seemingly unfamiliar with the project despite years of prior review. Article 37 is fine, but staff need to stop moving the goal post."

- "After BPDA approval I received Parks Dept. concerns about my project as was asked to address their concerns because they said they wouldn't support it otherwise. There is no communication between depts."

- "conflicting comments from design staff and BCDC are common. late comments from design staff post approval create problems."

- "Other city agencies, especially if Landmarks Commission and PIC is required, should be involved as early as a prefile meeting to help guide projects before they progress design to far."

3.   Narrative Questions

The survey concluded with four open-ended questions that required participants to respond in their own words. Respondents were asked to highlight the Article 80 processes' greatest strengths, any changes they would like to see made to the process, and to provide any examples of efficient processes they had experienced in comparable cities. A final question served to capture any additional comments or feedback that participants would like to share.

1.   Strengths

Respondents were asked to identify up to three of the Article 80 process' greatest strengths. This section received a total of 113 comments from 44 participants.

Respondents appreciate the level of community input afforded by the process.

29 comments referred to community engagement as a strength of the process. Some answers noted that there is a significant degree of consideration for the members of communities potentially impacted by development, and that BPDA's facilitation of community meetings is a good way of bolstering inclusivity as well as general community buy-in for a project.

In a similar vein, three additional comments lauded the transparency of the process, including the fact that the public has access to documents related to Article 80.

Example Comments:

• "As written in zoning, it can be a good community-led process."

• "Gives everyone a voice."

• "It is an inclusive process for the community."

Some participants found the process to be predictable.

16 comments referred to the predictability of the process – either the entire Article 80 process or various aspects of it throughout. These comments noted that the process is well documented in City code, that the regulations make sense, and that the clarity of their timeline and required documentation helped set expectations and improved the overall efficiency of their review.

Similarly, four additional comments specifically highlighted that they found the informational resources (on policies, regulations, documentation, etc.) to be useful.

Example Comments:

- "Clarity of Necessary Steps."

- "The procedure is fairly clear regarding steps, documents required, etc."

- "Clearly defined in the zoning code."

Design review is well-received by some respondents.

Eight comments indicated that the design review process had a positive impact on their project. These responses highlighted that receiving feedback on design early in the process prevents issues from arising later in review. Staff working on design review were also noted for being efficient and professional in nature.

Example Comments:

- "The design team is very fair and incredibly efficient with their time and our time."

- "Thorough design requirements so there is clarity on what the project is."

- "Vetting a project's design and program before approvals."

Several comments underscored various aspects of the process – including the comprehensive nature of reviews – as one of Article 80's greatest strengths.

A series of comments referred to various aspects of the Article 80 process in a positive light. Four respondents appreciated that having BPDA approval improved their experience in acquiring subsequent approvals (such as before the ZBA). Other one-off comments related to the general efficiency of Article 80, the flexibility of the process, the online portal, the pre-meeting/scoping session, the online portal, and the integration of transportation reviews.

Five comments positively remarked on how comprehensive BPDA's review of their project was, while four more noted that the evaluation of environmental impacts was particularly thorough.

Example Comments:

- "Creates initial approval for remaining permitting."

- "Having the benefit of BPDA Approval carries weight before the ZBA when requesting variances."

- "It is very comprehensive."

Multiple respondents found the centralized nature of Article 80 review, as well as BPDA's collaboration with both internal and external entities, to be a strong point of the process.

Two comments underscored the utility borne from the centralized authority possessed by BPDA. Similarly, six more comments highlighted that the agency does a good job of promoting collaboration between the BPDA, the applicant, and other internal/external stakeholders such as City departments.

Example Comments:

- "It's centrally administered by BPDA."

- "When done right, it can collect various agencies and departments to provide comments at the same time and during the same process."

- "Connection to other department staff."

BPDA staff, including project managers, were well received by some prior applicants.

Six commenters appreciated having a dedicated project manager (PM) assigned to their project and noted that their PM did a good job of professionally facilitating their review. Three more comments positively referred to the quality of BPDA staff and the interactions the respondent had with them.

Example Comments:

- "The BPDA project managers are unsung heroes and have a tough job and do it generally well with good spirit."

- "BPDA staff is generally accessible."

- "Provides staff support to get through the Article 80 process."

2.   Opportunities for Improvement

Respondents were asked to identify the three most important changes they would like to see made to the Article 80 process. This section received a total of 137 comments from

50 participants. It should be noted that some of the items referenced in this section may contradict some of the strengths mentioned in the previous section.

Reducing the time it takes to complete the process and increasing predictability were two of the most commonly cited opportunities for improvement.

30 comments referred to the length of time it took for the participant to complete the Article 80 process. These generally referred to "speeding up" the process, establishing more predictable timelines, or ensuring that BPDA (and other entities) adhere to stated timelines. Two comments specifically referred to the MEPA as an example of establishing and adhering to strict review timelines.

Similarly, 16 comments also requested a higher degree of predictability associated with the process, with many of these also referring to unpredictable timelines creating an added burden on the process.

Akin to increasing predictability, 12 additional comments highlighted their desire for additional clarity into the process – mostly through increasing the availability of informational materials available to applicants. This included having checklists for requirements, guidelines on filing a project, and providing education to communities on the process.

Example Comments:

•   "Clearer workflow indication, with estimated durations of review timelines."

•   "A pre-determined review and approval timeline."

•   "Predictability for timing, or a maximum amount of time from LOI/PNF to BPDA Board Hearing."

Several respondents highlighted a need for better collaboration between BPDA and both internal and external entities.

16 comments referenced a need for improved collaboration between the various review entities involved in the process. This included City departments, Urban Design, MBTA, and BTD. Three additional comments that noted that they felt as though too many entities were involved with their project at a given time, resulting in conflicting feedback.

Example Comments:

•   "Better coordination with City (non BPDA) departments."

•   "Better management of other City agencies."

- "Materially improved coordination between departments."

Various process improvements were suggested by participants.

A number of comments referred to some sort of process improvement they would like to see made to Article 80. These included:

- Removing small projects from large project reviews.

- Involving BCDC sooner in the process (with stricter approval guidelines).

- Creating an easier NPC process for projects with minimal design changes.

- Integrating the BLC and ACD as part of the Article 80 process.

- Creating a method that promotes flexibility in rezoning and does not require significant changes to a building's design.

- Reducing the number of prefiling meetings and "discretionary points".

- Evaluating the ZBA as part of Article 80.

Four additional comments referred to design review. Suggestions included being more open to unique building designs, limiting design comments to only address public impacts, refocusing design comments to be "less concerned with building aesthetics", and promoting design changes that require more "refinement of the building".

Example Comments:

- "Rework BCDC to be involved sooner and with stricter approval guidelines."

- "Integrate the BLC and ACD as part of the Article 80 process."

- "Create an easier NPC process with minimum or no design changes."

Some respondents underscored the need for evaluation of the community input and mitigation measures currently in place.

Ten responses dealt with how community input is currently handled during the process. Several of these noted a need for reduced (or more controlled) community meetings, including one that suggested having an arbitrator present at meetings. One suggested having anonymous voting on issues, while another requested a platform for neighborhood input/dialogue outside of regular meeting times. Two additional comments indicated their desire for the removal of IAGs, while another stated that IAG

membership should be more selective. One final comment noted a need for more clear parameters on timing and decision making at IAG meetings.

A further 11 comments specifically referred to the current mitigation process. These consistently noted a need for increased predictability in the process overall, including standardizing and simplifying how mitigation is handled in the City. Some comments noted that they felt that current mitigation requests are unreasonable and can be cumbersome during the post-approval stage.

Example Comments:

• "Create platform for neighborhood dialogue outside of normal meeting times."

• "More clear parameters on timing and decision making at IAG."

• "Limit the number of neighborhood meetings led by BPDA to three."

Some comments dealt with the responsiveness of staff as well as improving the level of interaction from leadership.

Six comments dealt with leadership and management. Specifically, these comments referred to their desire for additional support from BPDA leadership (such as for controversial projects), increasing the autonomy of managers and project managers to make decisions, and hiring additional project managers.

Four comments underscored a need for more responsiveness from BPDA staff, with two suggesting that a deadline to respond to applicants be established. One additional comment specifically stated a need for better communication.

Example Comments:

• "BPDA project managers be given decision-making flexibility."

• "Better leadership support for complex/controversial projects."

• "Require a response deadline by BPDA staff."

3.   Processes Used by Other Cities

Respondents who had worked in comparable cities were asked to provide examples of elements used in their development review processes that would be worth implementing into the Article 80 process. This section received a total of 65 comments from 30 participants. Suggestions have been consolidated into broader categories and listed

below. Note that several comments were duplicative in nature and have been combined into one point.

Community Input

•   Reduce the number of community meetings. One comment suggested limiting this to three.

•   Streamline the public input process: consolidating public input instead of collecting input from different groups, surveying the entire impacted community ahead of public comment.

•   Introduce the project to the community at an earlier stage.

•   Place less of an emphasis on public comments and more emphasis on planning/city goals.

Mitigation

•   All mitigation should be agreed to prior to board approval.

•   Being more specific and consistent with mitigation requirements.

•   Reduce mitigation demands to be better aligned with other large cities.

•   Implement a developers' conference where mitigation measures can be requested and discussed.

Process

•   Have clear directions (and defined timelines) on the steps within the process. Create a more consistent process.

•   Streamline the process.

•   Reduce the amount of time it takes to complete a review.

•   Increase the amount of flexibility within the process.

•   Decrease the "arbitrary" nature of the process.

•   Up zoning in exchange for affordable housing.

•   Have a clearer zoning code.

•   Implement code that allows for by-right development.

- Implement a "mediator" that handles collaboration between all entities involved in Article 80. Another comment suggested having an online portal that links between all entities.

- Additional communication and collaboration between all agencies involved in the process.

Staff

- Hire and maintain a professional and well-trained contingent of staff.

- Hire a permitting ombudsman.

- Increase the level of engagement from BPDA leadership. Have leadership that speaks on behalf of all civic agencies.