



Improving our Development Review Process Article 80 Modernization

DRAFT - For internal planning and policy purposes only



**boston planning &
development agency**

Meeting Overview

Presenters:

- **Nupoor Monani**
BPDA Deputy Director of Master Planning and Policy
- **Kevin Crossley**
BPDA Transformation Project Manager

Agenda

1. Context
2. What We've Done and Heard So Far
3. Emerging Themes and Ideas
4. Next Steps
5. Questions and Discussion

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What is Article 80?

“Article 80” is a section of the Boston Zoning Code. It governs procedures related to the regulatory review of development projects. Currently, these procedures apply to projects that include at least 15 units of housing, or are larger than 20,000 square feet.

Development Review brings together various stakeholders to collectively assess the impacts of development projects and to determine the appropriate mitigation and community benefits.



Who is involved?



City of Boston/BPDA

Manage the public process associated with development review, including design review



Community Members

Provide feedback on the proposed project; offer suggestions for how to mitigate project impacts



Project Proponents (Land owners, Developers, Institutions, etc.)

Propose a project and work with the City and community to shape it

How and Why are We Improving Our Development Review Process?

Article 80 Modernization is an effort led by the BPDA and supported by two consultant teams to review, analyze, and recommend improvements to the technical code, operations, and community engagement practices related to our development review process.

Where did this come from?

- **Community members, developers, and BPDA staff** all agree that the BPDA's Article 80 development review process is outdated, unpredictable, and lacks transparency.
- **Mayor Wu**, in her 2023 State of the City speech and Executive Order, charged the BPDA with creating and implementing a reformed development review process that improves how communities, developers, and the BPDA work together to shape the city.

Mayor Wu's Vision for the BPDA



- Update and modernize our zoning code to be more predictable, such as Childcare, ADUs
- **Modernize Article 80 code and process for staff, developers, and community members**



- Plan for growth and the future through neighborhood and citywide initiatives, such as Squares + Streets and Design Vision
- Establish new Planning Advisory Council



- Improve coordination and communication across agencies and with Boston residents
- **Create community process for Article 80 that is consistent, inclusive, and predictable**



- A new mission and charter for Resilience, Affordability and Equity
- Legally end Urban Renewal and replace it with modern tools
- Ensure public land serves public good

Project Goals: Improving our Development Review Process

A successful development project and review process is one that...



Advances citywide goals of **affordability, resilience, equity.**



Aligns with the **planning vision** for the area.



Is **transparent, clear, and easy to engage with.**



Embraces growth while creating a **predictable process.**

What We've Done and Heard So Far

July 2023 - Now

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Timeline and Summary of Engagement To Date



Past and Ongoing Outreach

Communications




Improving Our Development Review Process Article 80 Modernization Public Meetings

The BPDA's **Article 80 Modernization** project team will host a pair of public meetings (with identical presentations) to share the results of engagement, analysis, and peer cities research conducted during phase 1 of the project.

In-person: Article 80 Modernization Public Meeting
Wednesday, February 28, 2024 | 6:00 PM-8:00 PM
Bruce C. Bolling Municipal Building, 2nd Floor - School Committee Room, 2300 Washington Street, Roxbury, MA 02119

Email/Newsletter



Public Meeting

Article 80 Modernization

The BPDA team will host a pair of public meetings to share information about the Article 80 Modernization project. This is an initiative that the BPDA is leading to improve the way the City reviews new development projects. Results from the first phase of this project are now available on the project webpage.

Meeting 1 (In-Person):

FEBRUARY **WED 28**
6:00PM - 8:00 PM

Location:
Bruce C. Bolling Municipal Building, 2300 Washington St, Roxbury, MA 02119 (2nd floor - School Committee Room)

Meeting 2 (Virtual):

FEBRUARY **THURS 29**
6:00PM - 8:00 PM

Zoom Link: bit.ly/2acE7N
Toll Free: (833) 568-8864
Meeting ID: 161 641 9023

Interpretation will be provided in Spanish, Haitian Creole, Mandarin, Vietnamese, Cantonese, Portuguese, and Cabo Verdean Creole. Translation services are available upon request.



Survey to improve the BPDA's Development Review Process

Please answer these questions to help us understand how you want to be involved in shaping new development projects in Boston.

- Are you interested in shaping and learning about current or new development projects coming to your neighborhood?
 - Yes
 - No
- Are you able to get involved and when you do, do you feel heard in shaping new development projects that come to your neighborhood?
 - Yes
 - No
- What prevents your participation in learning about and sharing your thoughts about development projects? Select all that apply
 - Not interested
 - Do not have the time
 - Meetings are not accessible
 - Timing of meetings
 - Location of meetings
 - Lack of childcare
 - Do not know where the meetings are
 - No or limited access to the internet
 - No or limited access to a computer or smart phone
 - Personal barriers (transportation, work, family)
 - Meetings are not welcoming
 - Lack of diversity in meetings
 - Language or cultural barriers
 - Inconsistent content/conflicting
 - Meetings do not feel worth attending
 - Failed to connect to me
 - I don't know where to go
 - I don't know when to go
 - Meetings are not organized
 - Inconsistent barriers

Surveys

BPDA survey shows strong support for broader development review procedures

By Chris Lovell, Reporter Correspondent
January 30, 2024



BPDA chief Arthur Jentson and Mayor Huo seated at a State House hearing last week. Photo by Jeremiah Robinson/Mayor's Office

Too many left out of process, agency says

The city's review process for new developments has long been a tug-of-war among stakeholders, often pitting the surrounding community against petitioners for zoning exemptions. But a new survey by the Boston Planning and Development Agency (BPDA) shows both camps united in dissatisfaction with the current process, as well as a mismatch between the residents most typically engaged and the city's overall population.

The authors of the survey, the BPDA asked community participants and developers about experience with the current process, and what projects subject to scrutiny for review, another portion, aimed at people not currently engaged in the process, and community barriers to participation.

Press

Help us improve the Article 80 Development Review Process

We want to hear from you! Share your thoughts, feedback, and experience with us about the current Article 80 process.

Scan code for survey



Follow link for survey

<https://bit.ly/A80survey>

Our Goal: Create a predictable and transparent process for our City's growth that builds trust with communities.

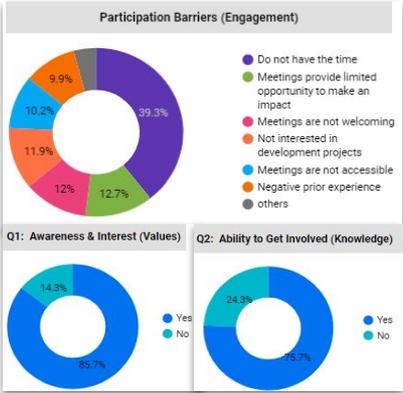
Scan the barcode or follow the link to participate in a brief survey.

Learn more here:
<https://bit.ly/improvingA80>



During Public Meetings

Engagement



Discussion Question 1: Initial Reactions to the Ideas

Ideas I'm excited about

- #1**
- #3 & 4 & 5**
- #4**
- #5 - much needed!**
- #6**
- #9**
- #4 is crucial**
- I'm excited about 1, 6, 7, 10, 11!**

Each idea is a response to the question: "What ideas are you most excited about?"

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Intercept Surveys

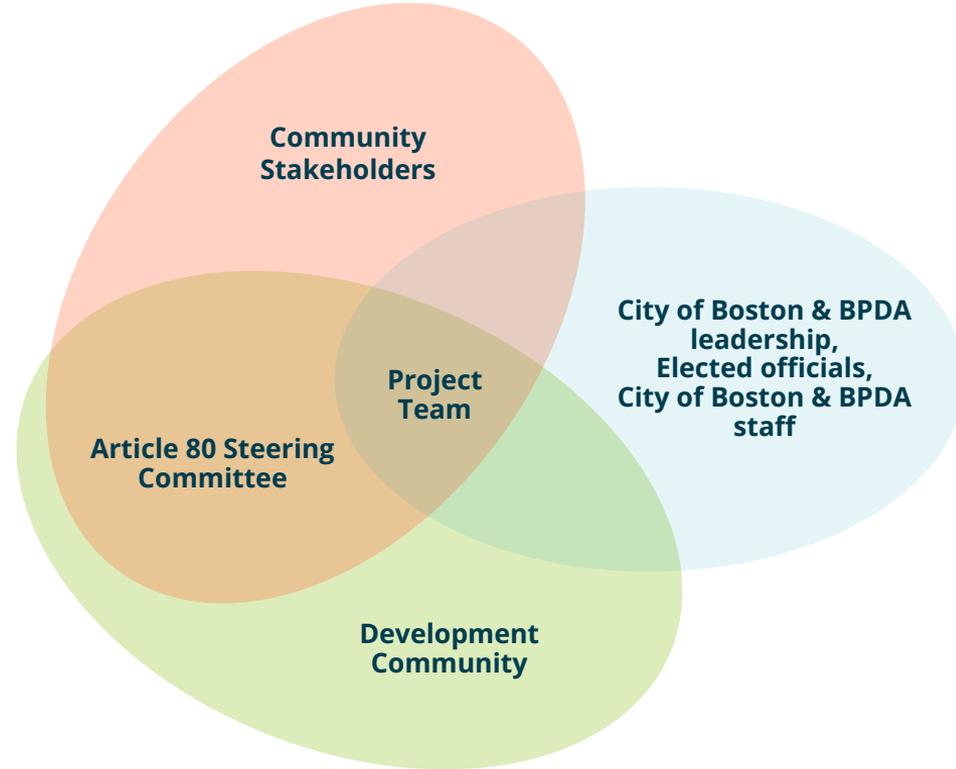
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Focus Groups

Engagement is at the Core of the Project

Phase 1 activities so far (Aug-Jan)

- **2,500 survey responses across 3 efforts**
 - Impact Advisory Group member & existing participants: 978 responses
 - New participant survey: 1,420 responses
 - Developer experience survey: 97 responses
- **44 focus groups**
 - Impact Advisory Group members, Community Leaders, and Advocates
 - New participants & community members
 - City of Boston & BPDA staff
 - Other public agencies
 - Trade Unions
 - Developers, consultants, attorneys
 - Institutions
 - Steering Committee meetings



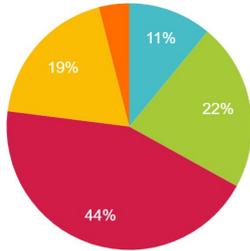
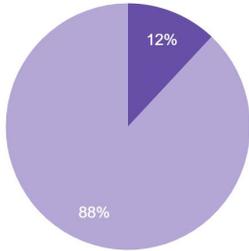
Community Survey Results

Link to [Community Survey Analysis](#)

Key results: Respondent demographics vary by method of outreach. Relying on traditional methods of outreach excludes many Bostonians. Changing the BPDA's outreach methods could expand the population that takes part in our processes to be more representative of the City. Respondents from all surveys recognized flaws in the current process: its lack of consistency and difficulty to engage with. Developers and IAG members agreed that advisory groups need to be updated. Existing and new participants agreed that new engagement methods should be incorporated.



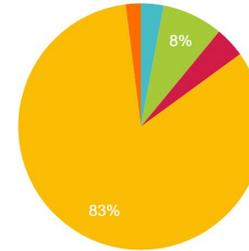
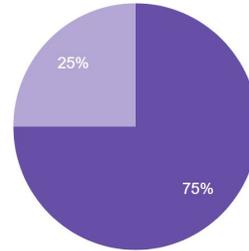
New Participants Survey (1,420 responses)



88% Renters
80% People of color
Younger residents -
 40% under 35, 22% over 55

- 86% of respondents are interested in participating.
- The biggest reason respondents cannot participate is because they **do not have the time** to attend.
- Meetings aren't accessible for many reasons, including timing, awareness, and digital access.

IAG Member & Existing Participant Survey (978 responses)



75% Homeowners
80% White residents
Older residents -
 56% over 55

- 77% would like **more options** for engagement
- Only 27% understand how their input is currently used
- 82% agree that the BPDA should adopt a more **standardized mitigation** approach
- Over 50% agree that **Impact Advisory Groups are not transparent** and do not reflect the community at large

Developer Experience Survey Results

Key results: 97 responses (collected from a list of ~400 current and recent project proponents, including developers, institutions, attorneys, and consultants). Respondents emphasized the need for predictability in process, timelines, and mitigation.

- Timing and predictability are the most important issues
- Feedback isn't always shared the right time
- Mitigation process is inconsistent
- Impact Advisory Groups don't always provide productive or beneficial feedback

Survey Prompt	Agree	Neutral	Disagree
The timeline to process my application was predictable	4%	10%	86%
Where comments on my project conflicted, BPDA staff helped reconcile these so that I had a path forward for my project	17%	19%	64%
The City's approach to mitigation is consistent from project to project	11%	24%	65%
Feedback from the project's Impact Advisory Group (IAG) or other applicable advisory groups was beneficial in determining appropriate mitigation for the project	26%	36%	38%

Focus Group Summary

"One of the ways we do not communicate well is on the impacts of the process: **what did change through your engagement? We don't report on the post-project...we just keep moving on to the next project.** And because we have so much work and are so busy, we don't stop to consider that feedback loop."

- BPDA Staff

"There is typically no agenda issued in advance, nor discussion of what needs to be decided and how decisions will be made... The result is that **each meeting regurgitates the same issues every time, rather than advancing a set of clear issues and goals** which people can work towards, eventually moving to next steps. This discourages participation."

- Community member

"**What IAG members are supposed to do and how an IAG should function is very unclear** and rarely if ever addressed. There appears to be **no public expectations** set by the BPDA for IAG member participation."

- Community member



Peer City Research Results: Summary

Cities Studied

Engagement Best Practices - Baltimore, Philadelphia, Seattle, Toronto, Vancouver

Mitigation - Atlanta, Cincinnati, Denver, Detroit, Miami, Philadelphia, Portland (OR), San Francisco, Seattle, Vancouver

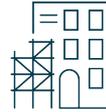
Operations & Code - Denver, Ft Worth, Minneapolis, NYC, Oakland, Pittsburgh, Portland (OR), San Diego, Seattle

Examples of innovative practices



Planning Review Panel (Toronto)

- Citywide community body that reviews projects
- Selected by lottery for two-year terms



Incentive zoning (Seattle, Miami)

- Directly connects PDA-like zoning relief to specific mitigation amounts and affordability requirements



Concurrent Review (All cities)

- Conducts all review processes and votes (e.g. zoning, parks, design) simultaneously
- Consolidates public hearings, avoids duplication of steps, emphasizes collaboration
- Typically applies to a subset of projects



Staff Review Committees (Denver, Oakland)

- Assigns cross-departmental staff to a project review team
- Reduces the inconsistencies that come from individual staff preference
- Clarifies the role of staff and departments in review process

Summary of Key Takeaways

Surveys + Focus Groups

- Methods matter
- Issues are the same on all sides, but solutions vary
- Advisory groups need to be updated
- Process should have clear feedback loops

Peer City Research

- There isn't one consistent best practice for community engagement
- Boston is a clear outlier when it comes to mitigation
- All cities studied provide a "concurrent review" track

Emerging Themes + Ideas

These early ideas are based on recurring themes and issues and are not ordered by priority. Many of them are mutually exclusive, meaning not all will advance to the recommendation or implementation stage. Any ideas that advance will receive additional study and community engagement.

<p>1. Prioritize projects that align with City policies</p>	<p>2. Recalibrate Article 80 thresholds in response to ongoing zoning reform</p>	<p>3. Communicate the City's intention about development projects early and often</p>	<p>4. Introduce new inclusive methods and formats of engagement different from traditional public meetings</p>	<p>5. Reform advisory groups to build trust and generate more impactful and targeted input</p>	<p>PROJECT GOALS</p> <ul style="list-style-type: none"> Advances Resilience, Equity, Affordability Aligns with Planning and Zoning Transparent and Easy to Engage Predictable and Consistent
<p>6. Establish a predictable approach for determining mitigation and community benefits</p>	<p>7. Create clear standards and thresholds for Planned Development Area eligibility and approval</p>	<p>8. Revise Institutional Master Plan procedures to better serve the needs of institutions and communities</p>	<p>9. Minimize uncertainty by aligning approvals with design development process</p>	<p>10. Ensure consistency and coordination between A80-related permitting departments</p>	<p>11. Establish clear, transparent performance tracking and approval (and rejection) standards</p>

We Want to Hear From You!

Please share your questions, reactions, and ideas

We want to know:

- Did we miss anything?
- Which of these ideas do you like most and why?
- Which ideas do you have questions about?
- Any other comments or feedback!

What's Next

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Next Steps

Where can I find more information?

- **Visit the project webpage:** <https://bit.ly/improvingA80>
- **Email Questions:** article80modernization@boston.gov



How can I provide feedback?

- **Share your feedback by Friday, March 29th:**
<https://bit.ly/BigIdeasFeedback>
- **Add comments on the form via our project webpage**
<https://bit.ly/improvingA80>



Thank you!
