

Offered by COUNCILOR LYDIA EDWARDS, Janey, Flaherty, Breadon, Essaibi-George, Flynn, Arroyo, Mejia, Wu, Campbell, O'Malley and Bok
CITY OF BOSTON
IN CITY COUNCIL



**ORDER REGARDING A TEXT AMENDMENT FOR
BOSTON ZONING CODE RELATIVE TO AFFORDABLE HOUSING
AND JOBS TRAINING EXACTIONS**

WHEREAS, Chapter 665 of the Acts of 1956, as amended, outlines Boston's statutory authority to require development impact fees (linkage) to mitigate the impacts of large real estate projects and to dedicate these funds for affordable housing and workforce development; and,

WHEREAS, The Mayor and Council each introduced home rule legislation to update Boston's linkage authorities in January 2019, enacting a revised version of such legislation in September 2019; and,

WHEREAS, House Bill 4115, signed by the Governor of the Commonwealth on January 14, 2021, modifies Boston's zoning powers by authorizing the city to update its linkage program and adopt inclusionary zoning; and,

WHEREAS, The newly enacted legislation requires the Boston Redevelopment Authority and Boston Zoning Commission to annually adjust linkage fees to match changes in the Consumer Price Index on July 1st of each year, but such changes must be adopted through zoning; and,

WHEREAS, The City has not previously defined inclusionary development in the zoning code; and,

WHEREAS, Until such time as inclusionary development is promulgated into Boston's zoning, the city should continue to require binding commitments through the inclusionary development policy; and,

WHEREAS, Certain changes to linkage and inclusionary development may require analysis of economic impacts, fair housing, and neighborhood planning prior to formal adoption, while other changes can be made immediately to implement the legislative intent of the amended statute; *NOW, THEREFORE BE IT*

ORDERED, That the Boston City Council by and through Councilor Lydia Edwards submits a petition to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956, as amended, to update certain aspects of the linkage program and adopt the definition of inclusionary development now enacted by statute.

Filed in Boston City Council: January 25, 2021

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

Boston City Council through and by *Boston City Councilor Lydia Edwards* petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956, as amended, as follows:

1. By amending **Articles 2 (Definitions)** and **2A (Definitions applicable in neighborhood districts)** as follows

- a. Inserting the term “inclusionary development” and appending as its definition the following text:

a set of programs, policies, ordinances and regulations designed to create or incentivize the creation of income restricted housing and further fair housing by requiring development projects meeting thresholds established by the city of Boston to include income restricted housing on-site, construct income restricted housing off-site or contribute financially to the construction of income restricted housing or a city fund designated for such purpose.

- b. Amending the definition of “substantially rehabilitated” to read as follows

to cause alterations or repairs to be made to a building or structure, constituting a new large-scale commercial real estate development, within any period of twelve months, costing in excess of fifty per cent of the assessed value of the building or structure as it appears on the assessment rolls of the city as of the first day of January preceding the date of application to the zoning commission for any zoning map or text amendment to authorize such alterations or repairs, the filing of a Project Notification Form pursuant to Article 80 of the Boston zoning code, or the date of application for the building permit for such alterations or repairs, whichever is earlier

2. Amending **Articles 4 (Application of Regulations)**, by inserting a new Section 4-4, **Interim Applicability of Inclusionary Development Policy**:

Until such time as standards for inclusionary development are adopted by the Boston Zoning Commission in the Boston Zoning Code, the BRA may require a development project to comply with any inclusionary development standard or policy issued by Executive Order or adopted by the Board of the BRA, including projects subject to an inclusionary development standard or policy which do not require zoning relief. This section shall sunset on December 31, 2021.

3. Amending **Article 80 (Development Review and Approval)**, as follows:

a. In Section 80-B-7, Development Impact Project Exactions:

- i. Striking 80B-7 (4)(a)(i) and replacing said section with the following text:

Amount of Grant. Payment of a Housing Contribution Grant shall be required in the amount of nine dollars and three cents (\$9.03) **as of July 1, 2020** for each square foot of gross floor area in excess of one hundred thousand (100,000) square feet that is occupied by a Development Impact Use, as defined in this Section 80B-7, **provided, that such amount shall be automatically adjusted by the BRA on July 1 of each year to reflect the combined index.**

- ii. Striking 80B-7 (5)(a)(i) and replacing said section with the following text:

Amount of Grant. Payment of a Jobs Contribution Grant shall be required in the amount of one dollar and seventy-eight cents (\$1.78) **as of July 1, 2020** for each square foot of gross floor area in excess of one hundred thousand (100,000) square feet that is occupied by a Development Impact Use, as defined in this Section 80B-7, **provided, that such amount shall be automatically adjusted by the BRA on July 1 of each year to reflect the combined index.**

- iii. Striking 80 B-7 (2)(a)(i) and replacing said section with the following text:

(i) files a Project Notification Form or Notice of Project Change, requires a conditional use permit, exception, variance, Zoning Map or Text Amendment or otherwise requires Zoning Relief; and

b. In Section 80-C: Planned Development Area Review

- i. Striking Section 80C-7 and replacing the section with the following text:

Amendment of Planned Development Area Plans. The review and approval requirements for amendment of a PDA Development Plan or PDA Master Plan are the same as those for the initial approval of such plan, provided that, the Boston Redevelopment Authority shall require a project seeking amendment of a Planned Development Area to contribute at the rate of affordable housing and jobs exactions currently effective in the year of the proposed amendments, or shall determine an equivalent public benefit in exchange for further zoning relief