

OFFERED BY COUNCILOR GABRIELA COLETTA ZAPATA



CITY OF BOSTON IN CITY COUNCIL

AN ORDINANCE EXPEDITING THE REVIEW OF COASTAL RESILIENT PROJECTS BY AMENDING ARTICLE 25A, RESILIENCE REVIEW, IN THE ZONING CODE OF THE CITY OF BOSTON

WHEREAS, Coastal flooding due to storm surge has increased on a more frequent basis and affects property owners and tenants alike. Severe flooding will result in the displacement of thousands, predominantly those who are low-income and people of color, renters in basement or first-floor level units within the flood zone; *and*

WHEREAS, Many property owners, especially those most vulnerable to the impacts of climate change, have begun making strides to retrofit their properties so that they are protected in instances of coastal storm surge; *and*

WHEREAS, However, there have been instances where permitting delays have occurred due to gaps in the resilience review process, particularly for properties under Land Dispositions Agreements (LDAs); *and*

WHEREAS, District 1 has many LDA properties in Charlestown, the North End and the Wharf District and anticipate more approval delays may arise for climate resilient projects without an expediting mechanism or tool in place; *and*

WHEREAS, During a Resilience Review, the legal department reviews LDA agreement compliance after the Planning Department and the Inspectional Services Department has reviewed and approved a design. However, this creates unnecessary delays because the legal department can find an issue after a design has already been approved and permitted, which restarts the process; *and*

WHEREAS, It is crucial for the City of Boston to have an efficient review process in place for climate resilient projects. Delays can significantly hinder the city's ability to adapt to increasingly severe climate threats, such as flooding, sea level rise, and extreme heat. Rapid review ensures that critical infrastructure and developments are designed and implemented in time; *and*

WHEREAS, Efficient review procedures for climate-resilient designs ensure the protection of public safety and property by reducing the risk of damage from storms, floods, and other climate events. Delays in resilient infrastructure can increase costs over time and affect business continuity; *and*

WHEREAS, Boston has specific climate targets that require timely project approval and implementation. A predictable, efficient review process attracts developers willing to invest in green, resilient projects. Additionally, vulnerable communities often face the greatest risks from climate change, so delays in resilient planning can worsen social and environmental inequities; *and*

WHEREAS Those who are moving quickly to retrofit their properties and make them resilient to coastal flooding, which will also provide protections for our Boston neighborhoods at large, should not endure administrative barriers to completion;
NOW, THEREFORE BE IT

Be it ordained by the City Council of Boston as follows:

The City of Boston Zoning Code, Article 25A, Section 25A-7, Resilience Review and Section 25A-8 Regulations is hereby amended by adding the following provisions:

Section 1. Procedure

Resilience review shall consist of coordination between the Planning Department and legal counsel prior to resiliency projects being submitted to the Inspectional Services Department (ISD) for permitting. These stakeholders will serve as the Resilience Review Council.

Section 2. Resilience Review Council

The resilience review process should be carried out by a unified entity with stakeholders from each of the following departments:

1. Urban Design;
2. Article 25A Resilience Design Review;
3. City of Boston Legal Counsel; and
4. Additional relevant agencies as required by individual resilience projects

The council will assess proposed projects together in a single review session to ensure compliance with zoning, design strategy, and legal requirements such as Land Disposition Agreements (LDAs) prior to submitting for permitting approval to ISD.

Section 3. Regulations

The Planning Department is responsible for issuing regulations and procedures for the Resilience Review Council. This will include submission requirements, cooperation with zoning code, coordinated legal review, and protocol for projects on LDA properties.

Section 4. Effective Date

The provisions of this ordinance shall be effective immediately upon passage.

Filed on: May 14, 2025