



BOSTON CITY COUNCIL

Committee on Planning, Development & Transportation
Frank Baker, Chair

One City Hall Square ♦ 5th Floor ♦ Boston, MA 02201 ♦ Phone: (617) 635-3040 ♦ Fax: (617) 635-4203

REPORT OF COMMITTEE CHAIR

March 29, 2022

Dear Councilors:

The Committee on Planning, Development and Transportation was referred the following docket for consideration:

Docket #0314—an order beginning the process of sunseting urban renewal in the City of Boston until December 31, 2022.

This matter was sponsored by Mayor Michelle Wu and referred to the Committee on March 2, 2022. The Committee held a hearing on Tuesday, March 22, 2022. Testimony was presented by Boston Redevelopment Authority (BRA d/b/a Planning and Development Agency (BPDA)) officials including the Director of Real Estate, Devin Quirk, Urban Renewal Manager, Chris Breen, Chief of Staff, Heather Campisano, and General Counsel, Eilene Brophy.

Summary

In 2016 the Boston Redevelopment Authority (BRA d/b/a the Boston Planning & Development Agency (BPDA)) requested an approval for a ten year extension for the fourteen active urban renewal plans that were set to expire April 30, 2016. The BPDA urged the City Council to pass this order that will protect the community development tools that will continue to cultivate vibrant neighborhoods around the City. After extensive deliberation around the use of eminent domain power, trust and equity issues, and the lack of accountability and access to the BPDA in the past and procedural changes moving forward, the City Council agreed to grant the approval of a six year extension of the fourteen urban renewal plan areas, which is set to expire April 22, 2022. This request was subsequently approved by the Department of Housing and Urban Development in 2016.

Devin Quirk gave a historical look back on the negative impact of urban renewal tools used in the past that caused irreparable harm to neighborhoods across the City, particularly in the West End and in other parts of the City. He explained that the BPDA is operating in a new era of transparency and accountability. He explained that the BPDA's position is that authorization of this order will allow them to continue important work and spur economic development in partnership with public and private investments, community stakeholders, and working with the Boston City Council that is focused on future development that addresses equity, displacement, and building affordable housing for the residents of Boston. He highlighted that the Administration is looking at development from the lens of equity and inclusive community development. Mr. Quirk highlighted that by using these urban renewal tools, the BPDA has effectuated great change in the City's central business district and neighborhoods, created new opportunities for affordable housing to solidify units for low and moderate income residents, and built new parks, public facilities, and more.

Mr. Quirk explained that since the 2016 extension, BPDA in the spirit of transparency and accountability has facilitated a community engagement process that has garnered input on the future of urban renewal and has made relevant urban renewal documents accessible to the public through Zoning Viewer. Administration officials testified that the BPDA reviewed the program and looked at the ongoing use of

the urban renewal tools within the existing plan area to determine the future of the BPDA's urban renewal powers in the City of Boston, and to begin the process of sunseting urban renewal, the BPDA is seeking approval for a short term extension of nine of the fourteen remaining plans in Boston that are set to expire December 31, 2022. BPDA officials noted that they plan to immediately sunset five of the fourteen urban renewal plans on April 22, 2022 as the original intent and purpose of these plans have been fulfilled. Mr. Quirk said that they intend to return to the Council with a plan moving forward that may require further extension of some of the plans in order to wrap up ongoing community-centered efforts.

BPDA officials further noted the importance of the use of urban renewal tools in recent decades which has resulted in the creation of and preservation of nearly ten thousand units of affordable housing, creation and protection of open space, provided new opportunities for many Boston's residents, enabled public-private partnerships, and increased planning activities. Mr. Breen presented a PowerPoint explaining BPDA's analysis and review process that helped to determine the reasons to allow the five urban renewal areas to sunset on April 22, 2022.

The five parcels include the following urban renewal areas:

1. Brunswick-King Urban Renewal Plan,
2. Central Business District Boylston-Essex Plan,
3. Central Business District School-Franklin Plan,
4. Kittredge Square Urban Renewal Plan, and
5. Park Plaza Urban Renewal Plan.

Extension of the nine urban renewal areas through December 31, 2022 include the following parcels:

1. Central Business District South Station Urban Renewal Plan,
2. Fenway Urban Renewal Plan,
3. Campus High School Urban Renewal Plan,
4. South Cove Urban Renewal Plan,
5. Charlestown Urban Renewal Plan,
6. Downtown Waterfront-Faneuil Hall Urban Renewal Plan,
7. Government Center Urban Renewal Plan,
8. South End Urban Renewal Plan, and
9. Washington Park Urban Renewal Plan.

It was reported that the BPDA has identified over 1,300 parcels with existing Land Disposition Agreements (LDA) that are tied to urban renewal powers, some which provide protection for affordable housing, open space, and other land use provisions. BPDA officials explained that this request, if approved, will provide the BPDA with additional time to set a plan for potential state legislation to transfer or protect appropriate provisions. Councilors expressed reservations around the extension timeline of December 31, 2022 as this will not allow the BPDA enough time to adequately review and analyze all the LDA parcels in their inventory. Councilors discussed the impact on the owners of these properties relative to potential tax increases and the possibility of giving developers an edge in acquiring these parcels for market rate development if these parcels were to expire without notice to the general public. Discussions included the goals and responsibility of the BPDA to use the urban renewal tools to shape and promote economic development throughout the City in a way that supports the public good, particularly for residents living in marginalized communities.

Councilors stated that their focus is to protect the residents who were impacted by the urban renewal strategy in the past and most importantly are looking to protect residents who will be impacted by the sunseting of these parcels moving forward and recommended that the BPDA institute a longer time frame of sunseting the nine parcels that would include a six month check-in with the City Council during that time period. Cognizant of the trepidations and for the necessity of the BPDA's role in future community development, the City Council felt vigorous meaningful discussions were necessary in a respectful public process that engages the residents impacted by the urban renewal projects.

Councilors Bok and Flynn requested that the Park Plaza Urban Renewal Plan be added to the nine parcels that were to be extended to December 31, 2022 in order to address the building height issue in the area. Councilor Worrell later requested that the Brunswick-King Urban Renewal Plan also be added to the nine parcels in order to allow more time to address residents' concerns. Councilor Fernandes Anderson requested to add Kitteridge Square Urban Renewal Plan to the nine parcels. Councilors discussed and weighed the ramifications of taking no action on the order and allowing the renewal areas to sunset on April 22, 2022. BPDA officials explained that allowing the urban renewal parcels to expire will also cause the expiration of the LDA's deed restriction provisions that include the protection of affordable housing, protection of open space, and other land provisions.

Councilors expressed concerns in connection with the eight month extension of the aforementioned urban renewal plans including the lack of information regarding BPDA's complete list of LDA inventory to date. They indicated that in order to mitigate the potential future harm posed to residents moving forward, it was determined that further analysis and review of the proposed nine current LDA zones and other BPDA LDAs is necessary. The Council discussed extending the requested time period from December 31, 2022 to March 31, 2023 for the urban renewal districts that wouldn't be immediately sunset. The City Council also requested that the BPDA do a six month check in with the body to provide updates on their progress.

Following the hearing and additional consideration, the Committee recommends the following:

- That the following urban renewal areas be allowed to expire:
 1. Central Business District Boylston-Essex Plan
 2. Central Business District School-Franklin Plan

- That the following urban renewal areas be extended until March 31, 2023:
 1. Central Business District South Station Urban Renewal Plan,
 2. Fenway Urban Renewal Plan,
 3. Campus High School Urban Renewal Plan,
 4. South Cove Urban Renewal Plan,
 5. Charlestown Urban Renewal Plan,
 6. Downtown Waterfront-Faneuil Hall Urban Renewal Plan,
 7. Government Center Urban Renewal Plan,
 8. South End Urban Renewal Plan,
 9. Washington Park Urban Renewal Plan,
 10. Park Plaza Urban Renewal Plan, and
 11. Brunswick-King Urban Renewal Plan.
 12. Kitteredge Square Urban Renewal

In recognition of the City Council authority in connection with the aforementioned urban renewal plan changes, the City Council and the BPDA Director agreed to implement a series of procedural changes with respect to the number of legitimate concerns discussed at the hearing. Following the City Council approval, the BPDA will seek approval from the Agency's Board of Directors, Mayor, and Department of Housing and Community Development for the extension of the plan.

Committee Chair Recommended Action

As Chair of the Committee on Planning, Development & Transportation, I recommend moving the listed docket from the Committee to the full Council for discussion and formal action. At that time, my recommendation to the full Council will be that this matter ought to pass in a new draft for the reasons stated above.



Frank Baker, Chair
Committee on Planning, Development & Transportation