

TEXT AMENDMENT NO. 331

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and hearing, does hereby amend the Boston Zoning Code as follows:

1. By amending **Article 2 (Definitions) and 2A (Definitions Applicable in Neighborhood Districts and in Article 80, Development Review and Approval)** as follows:
 - a. **In Section 2-1, Meanings of Certain Words and Phrases**, insert the following definition in appropriate alphabetical order:
 - i. “Green Building”, structures and their surrounding landscapes designed, constructed, and maintained to decrease energy and water usage and costs, to improve the efficiency and longevity of building systems, and to decrease the burdens imposed on the environment and public health.
 - ii. “LEED”, Leadership in Energy and Environmental Design Green Building Rating System are nationally accepted standards for green buildings developed by the USGBC. LEED standards include the following: LEED NC for new construction and major renovation projects; LEED CI for commercial interior projects; LEED H for homes; LEED ND for neighborhood development. The Green Guide for Health Care, developed by Healthcare without Harm, in conjunction with the USGBC is the appropriate standards for hospitals.
 - iii. “USGBC”, United States Green Building Council, a nonprofit organization comprised of leaders from the building industry formed to encourage sustainability by promoting buildings

that are environmentally responsible, profitable, and healthy places to live and work.

- b. **In Section 2A-1, Meanings of Certain Words and Phrases**, insert the following definition in appropriate alphabetical order:
 - i. “Green Building”, structures and their surrounding landscapes designed, constructed, and maintained to decrease energy and water usage and costs, to improve the efficiency and longevity of building systems, and to decrease the burdens imposed on the environment and public health.
 - ii. “LEED”, Leadership in Energy and Environmental Design Green Building Rating System are nationally accepted standards for green buildings developed by the USGBC. LEED standards include the following: LEED NC for new construction and major renovation projects; LEED CI for commercial interior projects; LEED H for homes; LEED ND for neighborhood development. The Green Guide for Health Care, developed by Healthcare without Harm, in conjunction with the USGBC is the appropriate standards for hospitals.
 - iii. “USGBC”, United States Green Building Council, a nonprofit organization comprised of leaders from the building industry formed to encourage sustainability by promoting buildings that are environmentally responsible, profitable, and healthy places to live and work.
2. By amending **Article 80 (Development Review and Approval)** as follows:
- a. In Section 80B-3.2 (Environmental Protection Component), insert the following subsection:
 - (o) Green Building. An analysis to determine how well the proposed project complies with LEED and to assess the level of environmental performance that will be achieved by the Proposed Project under the most appropriate LEED building rating system.
 - b. In Section 80B-5.2 (b) (Content of PNF), insert the following subsection:

- (ix) Preliminary green building information. A completed LEED checklist indicating the level of performance/point outcome of the Proposed Project based on the most appropriate LEED building rating system with an explanation of how each credit will be achieved, a list of members of the development team including a LEED certified professional, and a statement as to whether the developer will register the project with USGBC and seek certification.
- c. In Section 80B-6.2 (Findings), insert the following subsection:
- (vii) Article 37: Green Buildings.

ARTICLE 37

GREEN BUILDINGS

(Article inserted on January 10, 2007)

SECTION 37-1. **Statement of Purpose.** The purposes of this article are to ensure that major building projects are planned, designed, constructed, and managed to minimize adverse environmental impacts; to conserve natural resources; to promote sustainable development; and to enhance the quality of life in Boston.

SECTION 37-2. **Definitions.** For the purposes of this article only, the following words and phrases when capitalized shall have the meanings indicated.

1. "Applicant", any person or entity having a legal or equitable interest in a Proposed Project subject to the requirements of this article, or the authorized agent of any such person or entity.
2. "Boston Green Building Credits", Credits identified in this article that may be included in the calculation toward achieving a LEED Certifiable project under the provisions of this article.
3. "Boston Interagency Green Building Committee", an interdisciplinary committee consisting of at least one (1), but not more than two (2) representatives of city agencies including but not limited to, the Boston Redevelopment Authority, the Boston Environment Department, the Boston Transportation Department, the Inspectional Services Department and the Mayor's Office. Such Committee will advise the Boston Redevelopment Authority on Proposed Project's compliance with the provisions of this article.
4. "LEED Certifiable", a structure that is planned, designed and constructed to achieve the level "certified" using the LEED building rating system most appropriate for the Proposed Project.
5. "Proposed Project", the erection, extension, rehabilitation, alteration, or substantial demolition of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit.

SECTION 37-3. Applicability. Any Proposed Project which is subject to or shall elect to comply with Section 80B of this Code, Large Project Review, shall be subject to the requirements of this article. The following Proposed Projects, however, shall be exempt from the provisions of this article:

1. Any Proposed Project for which application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this article and for which no Zoning Relief is required.
2. Any Proposed Project for which appeal to the Board of Appeal for any Zoning Relief has been made prior to the first notice of hearing before the Commission for adoption of this article, provided that such Zoning Relief has been or is thereafter granted by the Board of Appeal pursuant to such appeal.
3. Any Proposed Project or site for which application for approval of a development impact project plan or planned development area development plan, has been submitted to the Boston Redevelopment Authority prior to the first notice of hearing before the Commission for adoption of this article, provided that such development impact project plan or planned development area development plan, has been or is thereafter approved by the Boston Redevelopment Authority pursuant to such application, whether or not such application or such development impact project plan or planned development area development plan is thereafter modified or amended.

SECTION 37-4. Green Building Requirements. Any Proposed Project subject to the provisions of this article shall be LEED Certifiable under the most appropriate LEED building rating system. Up to four (4) of the required points may be obtained from the Boston Green Building Credits identified in Appendix A.

SECTION 37-5. Procedures. Any Applicant subject to the provisions of this article shall provide to the Boston Redevelopment Authority a completed LEED scorecard, including any Boston Green Credits that the Proposed Project will achieve. The Applicant shall demonstrate that the Proposed Project will meet the requirements of this article with appropriate supporting documentation and by certification from a LEED Accredited Professional and/or other expert recognized by the Boston Redevelopment Authority. The submissions shall be in accordance with the provisions of Section 80B.

Within five (5) days of its receipt of a completed LEED submission, the Boston Redevelopment Authority shall transmit a copy of the submission to Boston Interagency Green Building Committee.

SECTION 37-6. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this article.

SECTION 37-7. **Enforcement.** The Commissioner of Inspectional Services shall not issue any building permit or use permit for a Proposed Project that is subject to the provisions of this article unless the Director of the Boston Redevelopment Authority has issued a Certification of Compliance pursuant to Section 80B-6.

SECTION 37-8. **Severability.** The provisions of this article are severable, and if any such provision or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this article.

APPENDIX A to ARTICLE 37

Boston Green Building Credits

Any Proposed Project subject to the provisions of this article may obtain a maximum of four (4) of the required points from the Boston Green Building Credits which will be included in the calculation toward achieving a LEED Certifiable project under this article. One point may be awarded for each of the following four categories: Modern Grid; Historic Preservation; Groundwater Recharge; and Modern Mobility. In order to be eligible for the Boston Green Building Credits, a plan must be submitted to the Boston Redevelopment Authority to meet the following Boston Public Health Commission prerequisites:

- a. Retrofit of all diesel construction vehicles, from the United States Environmental Protection Agency approved retrofit technologies, as applicable, or contribution of a comparable amount to the Air Pollution Control Commission Abatement Fund;
- b. An outdoor construction management plan including provisions for wheel washing, site vacuuming, truck covers and anti-idling signage; and,
- c. Integrated pest management plan.

1. Modern Grid

One point will be awarded if a Proposed Project qualifies as a Distributed Generation/Combined Heat and Power (DG/CHP) project that provides useful “congestion relief” in locations where the Boston Redevelopment Authority and Boston Environment and Energy Services determine that electricity distribution load constraints exist. In order to earn this point the Proposed Project must include an on-site combined electrical power and heat generation system that provides for ten percent (10%) or more of the total building energy use. Eligible systems include combustion engine driven generators, fuel cells and micro turbines that utilize clean fuels including natural gas and biodiesel.

This provides value in reducing both transmission and distribution-level costs.

2. Historic Preservation

This point will be awarded if a Proposed Project involves the historic renovation of an existing structure and recognizes the importance of preserving Boston’s historic assets. In order to earn this point the Proposed Project must include the historic renovation of an existing structure which complies with the applicable historic

preservation regulations and design guidelines including building and site materials and features. Structures must be located in a historic district or listed in the National Register of Historic Places, the State Register of Historic Places, or the Inventory of Historic and Archaeological Assets of the Commonwealth.

3. **Groundwater Recharge**

- a. In areas subject to Article 32, Groundwater Conservation Overlay District, one point will be awarded for Proposed Projects that provide fifty percent (50%) greater recharge than required under Article 32-6 (i.e., *capturing within a suitably-designed system a volume of rainfall on the lot equivalent to no less than 1.5 inches across that portion of the surface area of the lot to be occupied by the Proposed Project*); or
- b. For Proposed Projects in areas not governed by Article 32 and located in areas of filled land, one point will be awarded for Proposed Projects that capture a volume of rainwater on the lot equivalent to no less than one inch across that portion of the surface area of the lot to be occupied by the Proposed Project, or provide measures that otherwise result in on-site infiltration of rainwater including landscape irrigation. Applicants must demonstrate how combined building systems will meet this standard including area absorption/retention calculations.

4. **Modern Mobility**

This point will be awarded for Proposed Projects that meet all of the Transportation Demand Management (“TDM”) Prerequisites and implement the required actions from the menu of TDM Options as set forth below:

- a. Prerequisites. The following prerequisites must be met for all Proposed Projects. The Applicant must specify commitment to these measures prior to the filing of the Project Notification Form:
 - (1) Designate an On-Site Transportation Coordinator in the management office;
 - (2) Post information about public transportation and car-sharing options;
 - (3) Provide transit, bike and pedestrian access information on building website;
 - (4) Provide on-site, external bicycle racks for visitors and covered secure bicycle storage for building occupants. The capacity is to be sized as follows: fifteen percent (15%) or

- more for residential buildings and five percent (5%) or more for all other building uses;
- (5) Comply with Boston Transportation Department district parking ratios; and
 - (6) join a Transportation Management Association (for commercial, hotel and mixed use projects).

b. TDM Options

(1) For residential projects (meet at least three):

- (a) Provide a fifty percent (50%) subsidy for monthly T pass purchases, one for each dwelling unit for the tenants first full year of occupancy.
- (b) Provide preferred parking spaces for a car-sharing service capable of serving 1% of the building occupants.
- (c) Provide shuttle service to public transit stations (applicable to projects located more than ¼ mile from a public bus or rail station).
- (d) Price and allow the purchase of deeded parking spaces separately from dwelling units. Parking spaces required by zoning may only be purchased and used by building tenants/unit owners.
- (e) On-site electric charging plug-in stations for plug-ins capable of serving one percent (1%) of the building occupants.
- (f) On site ATM, dry cleaning drop-off/pick-up & other amenities that reduce short car trips.

(2) For educational or medical institutions (meet at least eight):

- (a) Provide on-site sales of semester T passes for students.
- (b) Pre-tax payroll deduction and distribution for T passes for all on-site employees.
- (c) Fifty percent (50%) transit pass subsidy for all on-site employees.
- (d) Provide garage occupancy information by installing electronic monitors at entry/exits.
- (e) Provide parking cash out program for employees using public transit
- (f) Provide covered secure bicycle storage with convenient changing/shower facilities for five percent (5%) or more of building occupants.

- (g) Provide shuttle service to public transit stations (applicable to projects located more than ¼ mile from a public bus or rail station).
- (h) Provide preferential parking spaces for carpools and vanpools capable of serving five percent (5%) of the building occupants.
- (i) Provide preferential parking for alternative fuel or high efficiency vehicles capable of serving one percent (1%) if the building occupants.
- (j) On-site electric charging plug-in stations for plug-ins capable of serving one percent (1%) of the building occupants.
- (k) Provide an on-site ATM and direct deposit of paychecks

(3) For office or retail projects (meet at least one high-value and four basic):

(a) High-value (meet at least one):

1. Provide shuttle service to public transit stations (applicable to projects located more than ¼ mile from a public bus or rail station).
2. Parking cash out program for employees using public transit.
3. Fifty percent (50%) transit pass subsidy for all on-site employees.

(b) Basic (meet at least four):

1. Provide garage occupancy information by installing electronic monitors at entry/exits.
2. Pre-tax payroll deduction and distribution for T passes for all on-site employees.
3. Provide covered secure bicycle storage with convenient changing/shower facilities for five percent (5%) or more of building occupants.
4. Provide an on-site ATM and direct deposit of paychecks.
5. Provide preferential parking spaces for carpools and vanpools capable of serving five percent (5%) of the building occupants.

6. Provide preferential parking for alternative fuel or high efficiency vehicles capable of serving one percent (1%) of the building occupants.
7. On-site electric charging plug-in stations for plug-ins capable of serving one percent (1%) of the building occupants.

4. For hotels (meet at least three):

- (a) Fifty percent (50%) transit pass subsidy for all on-site employees.
- (b) Free weekend or multi-day pre-loaded T-passes for hotel guests.
- (c) Provision of transit and pedestrian information to guests before arrival.
- (d) Pre-tax payroll deduction and distribution for T passes for all on-site employees.
- (e) Provide garage occupancy information by installing electronic monitors at entry/exits.
- (f) Parking cash out program for employees using public transit.
- (g) Provide covered secure bicycle storage with convenient changing/shower facilities for five percent (5%) or more of building occupants.
- (h) On-site car rental service.
- (i) On-site electric charging plug-in stations for plug-ins capable of serving one percent (1%) of the building occupants.

(5) For mixed use projects (meet at least three from each of the appropriate use categories above)