

OFFERED BY COUNCILOR LYDIA EDWARDS, Breadon, Flynn, Bok, Essaibi-George, Wu,

Mejia, Arroyo, Flaherty and O'Malley



CITY OF BOSTON IN CITY COUNCIL

ORDER FOR A HEARING ON THE STATUS OF THE ZONING BOARD OF APPEALS EXECUTIVE ORDER AND HOME RULE PETITION

WHEREAS, The Zoning Board of Appeal provides a powerful and critical function in city government and in the development process, granting conditional use permits, variances and other exceptions to the zoning code; *and*

WHEREAS, In the fall of 2019 Councilor Edwards initially filed legislation to modernize and reform Boston's Zoning Board of Appeal ("ZBA"). The proposed legislation would have changed the membership, mandate, electronic notice and records policy, staffing and standards of review for the ZBA, include quarterly reports, electronic appeals, community counsel, improved financial disclosures; *and*

WHEREAS, In January of 2020 the firm of Sullivan & Worcester released a report reviewing the policies, practices and procedures of the ZBA, including intersecting areas within the Boston Planning and Development Agency ("BPDA") and the City's Inspectional Services Department("ISD") ; *and*

WHEREAS, In February of 2020 the Mayor Walsh signed an Executive Order incorporating many features and suggestions from Sullivan & Worcester report and Councilor Edwards ZBA reform order. The Executive Order established new standards and policies for greater transparency and accountability, including updating and modernizing online functionality ; *and*

WHEREAS, In July of 2020 the Boston City Council approved Councilor Edwards Home Rule Petition Order reforming the Zoning Board of Appeals and was subsequently signed by Mayor Walsh. The Home Rule Petition included adding environmental and urban planning experts to the board, setting term limits for board members, requiring board members to recuse themselves from projects they've been involved with in the past five years, and requiring quarterly reports on the variances and conditional use permits given out by the board in each neighborhood. The legislation would also require that at least one renter and homeowner sit on the board and create a new position to provide neutral advice to applicants and neighbors about the ZBA process. The home rule petition is still pending at the statehouse (HD.2338)

WHEREAS, The Executive Order directed ISD to petition the Boston Zoning Commission within 180 days to amend the zoning code to lower the threshold for disclosures from the 100,000 Sq Ft. threshold to all those projected to earn \$10,000 or more on a project.

WHEREAS, The Executive Order directed online and electronic submissions in order to streamline operations, including enabling online applications and payments for permits and petitions, electronic submission of plans, email notification of hearings, deferrals and new hearing dates, online subscription list for interested residents and parties, and a searchable database of all pending applications and decided petitions.

WHEREAS, The Executive Order directed designation of an ombudsperson to notify the public of their rights during and outside of ZBA meetings and guide residents or appellants through basic procedural steps of appeal. In addition, ISD and the Office of Language and Communications Access were directed to ensure translation services through assistive technology and/or staff to ensure effective conveyance of technical discussions. ; *and*

WHEREAS, The Executive Order directed the ZBA to consider the creation of written policies and protocols that would facilitate the efficient and predictable conduct of its proceedings and decision making. Such policies and protocols to be filed with the City Clerk. ; *and*

WHEREAS, The current status of these directives is currently unknown, deficient, or have not been met; ***NOW, THEREFORE BE IT***

ORDERED: That the appropriate committee of the Boston City Council hold a hearing to discuss the current status of the aforementioned Executive Order and pending Home Rule Petition, and that the appropriate representatives from the Zoning Boards of Appeals, Inspectional Services Department, Zoning Commission, Boston Planning Development Authority, and other interested parties be invited to testify.

Filed on: February 24, 2021