



City of Boston, Massachusetts

Office of the Mayor

MICHELLE WU

5

EXECUTIVE ORDER OF MAYOR MICHELLE WU

An Order Relative to Provisions of Mitigation by Development Projects in the City of Boston

WHEREAS: On October 10, 2000, Mayor Thomas M. Menino issued an Executive Order entitled “An Order Relative to the Provision of Mitigation by Development Projects in Boston” to establish the process to obtain mitigation from development projects in Boston and further amended that process on April 3, 2001, by an Executive Order entitled “An Order Further Regulating the Provision of Mitigation by Development Projects in Boston” (collectively “Executive Orders on Mitigation”); and

WHEREAS: The City of Boston is facing a housing crisis and requires more supply of housing units in the City of Boston; and

WHEREAS: As a result of the Covid-19 pandemic and the proliferation of remote-work policies in Boston and across the country, office space has seen an unprecedented rise in vacancy rates; and

WHEREAS: Based on the rising vacancy rates in office space and the need for increased supply of housing units, on October 12, 2023, the City of Boston and the Boston Redevelopment Authority, d/b/a the Boston Planning and Development Agency (the “BPDA”) launched the “Downtown Office to Residential Conversion Incentive Program” (the “Program”) to offer tax incentives for building owners to convert their office space to housing units; and

WHEREAS: Based on the initial success of the Program and to provide additional time for more complex and larger conversion projects to enter the Program, on July 18, 2024, the BPDA formally extended the application deadline of the Program until December 31, 2025; and

WHEREAS: To convert office space to residential units is costly, the BPDA has sought to streamline internal processes wherever possible and allow these important conversions to move quickly through their permitting and approval process; and

WHEREAS: In recognition of the cost to convert these office buildings and that many conversions will be primarily or entirely interior construction, the BPDA will

look to simplify required mitigation by a Proposed Project and waive Impact Advisory Groups under the conditions set forth herein;

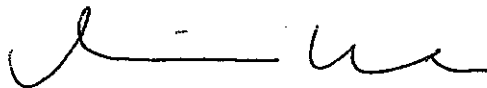
THEREFORE:

I, Michelle Wu, Mayor of Boston, order that Proposed Projects accepted to the Program that do not increase their existing Gross Floor Area (as defined in the Boston Zoning Code) by more than twenty-five percent (25%) of the building's existing Gross Floor Area, may, in the discretion of the Director of the BPDA, be exempt from "An Order Relative to the Provision of Mitigation by Development Projects in Boston" issued by Mayor Thomas M. Menino on October 10, 2000, and "An Order Further Regulating the Provision of Mitigation by Development Projects in Boston" issued by Mayor Thomas M. Menino on April 3, 2001 (the "Executive Orders on Mitigation").

I further order that the following process be adopted by the Planning Department to waive certain requirements under the Executive Orders on Mitigation:

1. A Letter of Intent ("LOI") detailing the location, use, size, general description, potential zoning relief, and other relevant information regarding a Proposed Project must be submitted to the BPDA prior to the submission of a Project Notification Form.
2. Following the submission of the LOI and consistent with current operating procedure of the Program, City Planning Department staff, on behalf of the BPDA, shall review the LOI to determine whether the Proposed Project increases the existing building by more than twenty-five percent of the building's Gross Floor Area at the time of submission.
3. Upon review of the LOI, the Director of the BPDA may issue a Letter of Waiver ("Waiver"), exempting the Proposed Project from the Impact Advisory Group components of the Executive Orders on Mitigation and allowing staff full discretion to recommend the appropriate mitigation to be required. This determination does not include required property or public improvements deemed necessary or otherwise required by the development review process and managed by other City of Boston review entities including but not limited to Public Improvement Commission, Inspectional Services, or the Boston Transportation Department.
4. The Waiver shall detail compliance with this Executive Order based on the location, size, impact, and nature of construction undertaken to construct the Proposed Project.
5. If, following issuance of the Waiver and at any point during review of the Proposed Project, the Director of the BPDA determines that the Proposed Project does not comply with the conditions for the Waiver, this Executive Order, or the Program, the Waiver may be revoked and an Impact Advisory Group established for the Proposed Project.

SIGNED THIS 24th DAY OF September, 2024



Michelle Wu
Mayor of Boston